



AusCheck Regulations 2017

made under the

AusCheck Act 2007

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About this compilation

This compilation

This is a compilation of the *AusCheck Regulations 2017* that shows the text of the law as amended and in force on 14 October 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *AusCheck Regulations 2017*.

3 Authority

This instrument is made under the *AusCheck Act 2007*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) AusCheck database;
- (b) background check;
- (ba) critical infrastructure risk management program;
- (c) issuing body;
- (ca) major national event;
- (d) Secretary.

In this instrument:

Act means the *AusCheck Act 2007*.

adverse criminal intelligence assessment has the same meaning as in section 36A of the *Australian Crime Commission Act 2002*.

adverse criminal record:

- (a) for an individual who is an applicant for, or a holder of, an ASIC—has the meaning given by subregulation 6.01(2) of the ATS Regulations; or
- (b) for an individual who is an applicant for, or a holder of, an MSIC—has the meaning given by subregulation 6.07B(3) of the MTOFS Regulations; or
- (c) otherwise—has the meaning given by clause 1.3 of the SSBA Standards.

adverse security assessment has the same meaning as in Part IV of the *Australian Security Intelligence Organisation Act 1979*.

ASIC has the same meaning as in the ATS Regulations but does not include a temporary ASIC issued under those regulations.

ATS Regulations means the *Aviation Transport Security Regulations 2005*.

AusCheck means that part of the Department that administers the AusCheck scheme.

Category A identification document:

- (a) for an individual who is an applicant for, or a holder of, an ASIC—has the meaning given by subregulation 6.01(1) of the ATS Regulations; or

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- (b) for an individual who is an applicant for, or a holder of, an MSIC—has the meaning given by subregulation 6.07B(1) of the MTOFS Regulations; or
- (c) for an individual who is an applicant for, or a holder of, an MNE accreditation, or for an individual for whom a CIRMP permits a background check—means:
 - (i) for an individual who was born in Australia and is an Australian citizen—either the individual’s Australian birth certificate or a notice given to the individual under section 37 of the *Australian Citizenship Act 2007*; or
 - (ii) for any other individual—a valid document that provides evidence of the start of the individual’s identity in Australia.

Category B identification document:

- (a) for an individual who is an applicant for, or a holder of, an ASIC—has the meaning given by subregulation 6.01(1) of the ATS Regulations; or
- (b) for an individual who is an applicant for, or a holder of, an MSIC—has the meaning given by subregulation 6.07B(1) of the MTOFS Regulations; or
- (c) for an individual who is an applicant for, or a holder of, an MNE accreditation, or for an individual for whom a CIRMP permits a background check—means a current and valid document that:
 - (i) is issued to the individual by a Commonwealth, State or Territory Department or agency, or by a government of a foreign country or an agency of a government of a foreign country; and
 - (ii) provides photographic proof of the individual’s identity; and
 - (iii) includes the individual’s signature.

Note: An example for the purposes of paragraph (c) is a current and valid Australian or foreign passport or a driver licence.

Category C identification document:

- (a) for an individual who is an applicant for, or a holder of, an ASIC—has the meaning given by subregulation 6.01(1) of the ATS Regulations; or
- (b) for an individual who is an applicant for, or a holder of, an MSIC—has the meaning given by subregulation 6.07B(1) of the MTOFS Regulations; or
- (c) for an individual who is an applicant for, or a holder of, an MNE accreditation, or for an individual for whom a CIRMP permits a background check—means a current and valid document that provides evidence of the individual’s use of identity while operating in the community (which may be a community outside Australia).

Note: An example for the purposes of paragraph (c) is a current and valid medicare card or a membership card issued by a private health insurer.

Category D identification document, for an individual who is an applicant for, or a holder of, an MNE accreditation, or for an individual for whom a CIRMP permits a background check, means a valid document that:

- (a) provides evidence of the individual’s current residential address (which may be a residential address outside Australia); and
- (b) is less than 6 months old.

Note: An example is a current utilities notice.

CIRMP is short for critical infrastructure risk management program.

CIRMP criminal record: an individual has a **CIRMP criminal record** if the individual has been:

- (a) convicted of a CIRMP level 1 offence; or
- (b) convicted of a CIRMP level 2 offence and sentenced to any term of imprisonment for the offence.

CIRMP level 1 offence means a CIRMP-security-relevant offence mentioned in an item in the table in clause 1 of Schedule 2.

CIRMP level 2 offence means a CIRMP-security-relevant offence mentioned in an item in the table in clause 2 of Schedule 2.

CIRMP-security-relevant offence means an offence mentioned in an item in a table in Schedule 2 against a law of the Commonwealth, a State or a Territory.

conviction, of an individual who is an applicant for, or a holder of, an MNE accreditation, or of an individual for whom a CIRMP permits a background check, for an offence, has the same meaning as in Part VIIC of the *Crimes Act 1914*, but does not include:

- (a) a spent conviction (within the meaning of subsection 85ZM(2) of that Act) if Division 3 of Part VIIC of that Act applies to the individual in relation to the conviction; or
- (b) a conviction for an offence of which, under a law relating to pardons or quashed convictions, the individual is taken never to have been convicted.

Note 1: Under subsection 85ZM(1) of the *Crimes Act 1914*, a person is also taken to have been convicted of an offence if the person:

- (a) has been found guilty of the offence but discharged without conviction; or
- (b) has not been found guilty of the offence but a court has taken the offence into account in sentencing the person for another offence (see paragraphs 85ZM(1)(b) and (c) of that Act).

Note 2: Under Part VIIC of the *Crimes Act 1914*, if a person receives a free and absolute pardon for an offence against a law of the Commonwealth or a Territory because the person was wrongly convicted of the offence, the person is taken for all purposes never to have been convicted (see section 85ZR of that Act).

Note 3: In certain circumstances, Division 3 of Part VIIC of the *Crimes Act 1914* ceases to apply to a person in relation to a spent conviction if Division 4 of that Part (Convictions of further offences) applies.

Note 4: Under the *Crimes Act 1914*, a person need not disclose convictions that:

- (a) have been quashed (see section 85ZT of that Act); or
- (b) are spent (see section 85ZV of that Act).

Note 5: Convictions for MNE level 1 disqualifying offences do not become spent for the purposes of assessing whether to issue the convicted person with an MNE accreditation—see paragraph 85ZZH(k) of the *Crimes Act 1914* and section 21 of, and Schedule 2 to, the *Crimes Regulations 2019*.

critical infrastructure asset has the same meaning as in the *Security of Critical Infrastructure Act 2018*.

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entity has the same meaning as in the *National Health Security Act 2007*.

full name: to avoid doubt, the **full name** of an individual includes any middle names.

health security relevant offence has the meaning given by clause 1.3 of the SSBA Standards.

high risk criminal intelligence assessment, of an individual, means an adverse criminal intelligence assessment that indicates the person issuing the assessment reasonably believes:

- (a) if the individual is an applicant for, or a holder of, an ASIC—that preventing the individual from holding an ASIC is necessary or desirable to prevent the use of aviation in connection with serious crime; or
- (b) if the individual is an applicant for, or a holder of, an MSIC—that preventing the individual from holding an MSIC is necessary or desirable to prevent the use of maritime transport or an offshore facility in connection with serious crime.

identification document means:

- (a) a Category A identification document; or
- (b) a Category B identification document; or
- (c) a Category C identification document; or
- (d) for an individual who is an applicant for, or a holder of, an MNE accreditation, or for an individual for whom a CIRMP permits a background check—a Category D identification document.

Immigration Department means the Department administered by the Minister administering the *Migration Act 1958*.

imprisonment includes periodic detention, home-based detention and detention until the rising of a court, but does not include an obligation to perform community service.

MNE is short for major national event.

MNE accreditation means accreditation of an individual in relation to a major national event.

MNE criminal record: an individual has an **MNE criminal record** if the individual has been:

- (a) convicted of an MNE level 1 disqualifying offence; or
- (b) convicted of an MNE level 2 offence and sentenced to any term of imprisonment for the offence; or
- (c) convicted of an MNE level 3 offence and sentenced to a term of imprisonment of 12 months or more for the offence.

MNE level 1 disqualifying offence means an MNE-security-relevant offence mentioned in an item in the table in clause 1 of Schedule 1.

MNE level 2 offence means an MNE-security-relevant offence mentioned in an item in the table in clause 2 of Schedule 1.

MNE level 3 offence means an MNE-security-relevant offence mentioned in an item in the table in clause 3 of Schedule 1.

MNE-security-relevant offence means an offence mentioned in an item in a table in Schedule 1 against a law of the Commonwealth, a State or a Territory.

MSIC has the same meaning as in the MTOFS Regulations but does not include a temporary MSIC (within the meaning of those regulations).

MTOFS Regulations means the *Maritime Transport and Offshore Facilities Security Regulations 2003*.

NHS entity means an entity to which Division 5 of Part 3 of the *National Health Security Act 2007* applies.

notification period: see subsection 22(5).

offshore facility has the same meaning as in the *Maritime Transport and Offshore Facilities Security Act 2003*.

old regulations means the *AusCheck Regulations 2007*.

operational need:

- (a) for an ASIC—has the meaning given by subregulation 6.01(1) of the ATS Regulations; or
- (b) for an MSIC—has the meaning given by regulation 6.07F of the MTOFS Regulations.

organising body, for a major national event, means the person declared to be the organising body for the event by the Minister under section 21E.

qualified criminal record has the meaning given by clause 1.3 of the SSBA Standards.

qualified security assessment has the same meaning as in Part IV of the *Australian Security Intelligence Organisation Act 1979*.

required information: see section 5.

responsible entity has the same meaning as in the *Security of Critical Infrastructure Act 2018*.

SSBA Standards has the same meaning as in the *National Health Security Act 2007*.

transferred ASIC applications has the meaning given by paragraph 6.22(2)(b) of the ATS Regulations.

transferred ASICs has the meaning given by paragraph 6.22(2)(a) of the ATS Regulations.

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transferred MSIC applications has the meaning given by paragraph 6.07ZA(2)(b) of the MTOFS Regulations.

transferred MSICs has the meaning given by paragraph 6.07ZA(2)(a) of the MTOFS Regulations.

Transport Secretary means the Secretary of the Department administered by the Minister who administers the *Aviation Transport Security Act 2004*.

unfavourable criminal history: see section 6.

verifying person, for an identity verification check of an individual, means:

- (a) if the identity verification check is in connection with MNE accreditation in relation to a major national event:
 - (i) AusCheck; or
 - (ii) the organising body for the major national event; or
 - (iii) a person acting on behalf of AusCheck or the organising body; or
- (b) if the identity verification check is permitted under a CIRMP:
 - (i) AusCheck; or
 - (ii) the responsible entity in relation to whom the CIRMP applies; or
 - (iii) a person acting on behalf of AusCheck or the responsible entity.

5 Required information

- (1) The **required information** for an individual to whom an application for a background check relates is the following information:
 - (a) the individual's current full name;
 - (aa) all former full names of the individual (if any);
 - (ab) all other names, titles, pseudonyms and aliases by which the person is or was known, or which the person uses or has used to identify himself or herself, (if any) (see subsection (2));
 - (b) the individual's gender;
 - (ba) the individual's date of birth;
 - (bb) the individual's place of birth;
 - (c) the individual's current residential address;
 - (d) if the application is made under, or as mentioned in, Division 2, 3 or 3AAB of Part 2—all other residential addresses of the individual in the 10 years before the application is made;
 - (e) the individual's preferred mailing address;
 - (f) the individual's preferred telephone contact number;
 - (g) the individual's preferred email address;
 - (h) if the individual is employed and, at the time the application is made, the individual has an operational need for an ASIC or MSIC for the purposes of that employment—the name and business address of the individual's employer;

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- (i) if the individual is employed and the application is made under clause 3.6 of the SSBA Standards—the name and business address of the individual’s employer;
 - (ia) if the individual is, or is to be, employed for the purposes of a major national event and MNE accreditation is required for the purposes of that employment:
 - (i) the name and business address of the employer; and
 - (ii) details of the capacity in which the individual is, or is to be, employed;
 - (iab) if the individual is, or is to be, employed, and the application relates to a background check of the individual permitted under a CIRMP:
 - (i) the name and business address of the responsible entity in relation to whom the CIRMP applies; and
 - (ii) details of the capacity in which the individual is, or is to be, employed; and
 - (iii) if the individual is, or is to be, employed by an entity other than the responsible entity—the name and business address of that entity; and
 - (iv) the reason the individual is an individual for whom a background check is permitted under the CIRMP;
 - (ib) if the individual is, or is to be, a volunteer worker for an organisation for the purposes of a major national event and MNE accreditation is required for the purposes of that volunteer work:
 - (i) the name and business address of the organisation; and
 - (ii) details of the work that the individual is performing, or will perform, with the organisation;
 - (j) if the individual is a student and, at the time the application is made, the individual has an operational need for an ASIC or MSIC for the purposes of the individual’s studies—the name and business address of the institution at which the individual is studying;
 - (k) if the individual is a student and the application is made under clause 3.6 of the SSBA Standards—the name and business address of the institution at which the individual is studying;
 - (ka) if the individual is a student and as part of the individual’s course of study the individual is undertaking, or will undertake, work for the purposes of a major national event and MNE accreditation is required for the purposes of that work:
 - (i) the name and business address of the institution at which the individual is studying; and
 - (ii) details of the work that the individual is undertaking or will undertake, including details of the person for whom the individual is, or will be, working;
 - (kb) if the individual is a student and the application relates to a background check of the individual permitted under a CIRMP:
 - (i) the name and business address of the responsible entity in relation to whom the CIRMP applies; and
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- (ii) the name and business address of the institution at which the individual is studying; and
 - (iii) details of the work that the individual is undertaking, or will undertake, including details of the person for whom the individual is, or will be, working; and
 - (iv) the reason the individual is an individual for whom a background check is permitted under the CIRMP;
 - (l) if the background check includes an assessment of information relating to whether the individual is an unlawful non-citizen or holds a visa entitling the individual to work in Australia:
 - (i) the number and country of issue of any passport issued to the individual; and
 - (ia) if the individual does not have, or cannot use or obtain, a passport—the number of any document issued to the individual by the Immigration Department as a result of the individual not having, or not being able to use or obtain, a passport; and
 - (ii) in any case—the number and expiry date of any visa granted to the individual enabling the individual to travel to and enter, or remain in, Australia;
 - (m) if the individual's application is made under a provision referred to in paragraph 8(1)(a)—a record of the individual having given express consent to the identity of the individual being verified, and any one of the following:
 - (i) details of the Category A identification document for the individual (unless the Category A identification document is determined under section 5AA);
 - (ia) if the Category A identification document for the individual is determined under section 5AA—details of one or more Category B identification documents or Category C identification documents for the individual, being details AusCheck can use to verify electronically the individual's identity for the purposes of a background check;
 - (ii) details of any alternative identification requirements, and details of any other identification documents required by the alternative identification requirements, approved in relation to the individual under regulation 6.27AC of the ATS Regulations or regulation 6.08BC of the MTOFS Regulations;
 - (ma) if the application relates to a background check of the individual permitted under a CIRMP—a record of the express consent of the individual:
 - (i) for the background check of the individual to be conducted; and
 - (ii) if the CIRMP provides that the background check must include an identity verification check—for the identity of the individual to be verified;
 - (n) if the application relates to a background check of the individual in connection with MNE accreditation and the individual is under 16 years of age at the time the application is made—a record of the express consent of the parent or guardian of the individual:
 - (i) for a background check of the individual to be conducted; and
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- (ii) if, under paragraph 21F(b), the background check must include an identity verification check—for the identity of the individual to be verified;
- (o) if the application relates to a background check of the individual permitted under a CIRMP and the individual is under 16 years of age at the time the application is made—a record of the express consent of the parent or guardian of the individual:
 - (i) for the background check of the individual to be conducted; and
 - (ii) if the CIRMP provides that the background check must include an identity verification check—for the identity of the individual to be verified.
- (2) For the purposes of paragraph (1)(ab), variants (including variants in spelling) of a name, title, pseudonym or alias are taken to be different names, titles, pseudonyms or aliases.

Example 1: Mathew and Matthew are taken to be different names.

Example 2: John and Jack are taken to be different names.

5AA Classes of Category A identification documents that AusCheck cannot use

For the purposes of paragraph 5(1)(m), the Secretary may, by notifiable instrument, determine a class of Category A identification documents if AusCheck cannot use details of documents of that class to verify electronically individuals' identities for the purposes of background checks.

5A Exemption from requirement to provide details of identification document

- (1) This section applies if:
 - (a) an individual is required to provide details of an identification document; and
 - (b) AusCheck cannot use the details to verify electronically the individual's identity for the purposes of a background check; and
 - (c) the requirement does not relate to a background check of the individual in connection with MNE accreditation; and
 - (d) the requirement does not relate to a background check of the individual permitted under a CIRMP.
- (2) The issuing body may apply to the Secretary for an exemption from the requirement for the individual to provide details of the identification document.

Requirements for application

- (3) The application must:
 - (a) be made electronically; and
 - (b) state that the individual has an identification document whose details AusCheck cannot use to verify electronically the individual's identity; and
 - (c) if the individual has another identification document—include details of that document; and

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- (d) in any case—include any other information that may assist the Secretary in making a decision about whether to grant an exemption in relation to the individual.

Matters to be considered

- (4) In making a decision under this section in relation to the individual, the Secretary must consider the following matters:
 - (a) the extent to which the issuing body can show evidence of the identity of the individual;
 - (b) the reason why the details of the individual's identification document cannot be used to verify electronically the individual's identity;
 - (c) if the application included details of another identification document—whether AusCheck can use the details to verify electronically the individual's identity.

Requirement for further information

- (5) If the Secretary requires further information to consider the application, the Secretary may request the issuing body to give the further information within 30 days after receiving the request.

When decision must be made

- (6) The Secretary must, in writing and within 30 days after receiving the application or, if further information is requested, within 30 days after receiving the further information in accordance with subsection (5):
 - (a) do any one of the following:
 - (i) grant the exemption in relation to the individual;
 - (ii) for an exemption in relation to a Category A identification document—grant the exemption in relation to the individual, subject to one or more conditions;
 - (iii) in any case—refuse to grant the exemption in relation to the individual; and
 - (b) notify the issuing body of the decision; and
 - (c) if the decision is a refusal—notify the issuing body of the reasons for the refusal.
- (7) The Secretary is taken to have refused to grant the exemption if the Secretary has not made a decision on the application within the period mentioned in subsection (6).

5B Inability to verify identity of individual

- (1) AusCheck is not required to continue undertaking a background check of an individual if:
 - (a) the background check requires details of an identification document to electronically verify the identity of the individual; and

- (b) AusCheck is not provided with details of an identification document that AusCheck can use to so verify that identity.

Note: An identification document is not required if:

- (a) alternative identification requirements that do not require details of an identification document have been approved in relation to the individual under regulation 6.27AC of the ATS Regulations or regulation 6.08BC of the MTOFS Regulations; or
- (b) an exemption has been granted under section 5A of this instrument in relation to the individual without a condition requiring details of an identification document.

- (2) This section does not apply in relation to a background check of an individual in connection with MNE accreditation or permitted under a CIRMP.

Note: See sections 21L and 21Y for when AusCheck is not required to continue undertaking a background check in relation to major national events or under CIRMPs.

6 Unfavourable criminal history

An individual has an ***unfavourable criminal history*** if the criminal history of the individual discloses that the individual has any of the following:

- (a) an adverse criminal record;
- (b) for an individual for whom a background check is undertaken under section 11—a qualified criminal record;
- (d) if the individual is an applicant for, or a holder of, an MNE accreditation—an MNE criminal record;
- (e) for an individual for whom a background check is undertaken under section 11AD, 11AE or 21DC—a CIRMP criminal record.

Part 2 AusCheck scheme

Division 1 Establishment of AusCheck scheme

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Part 2—AusCheck scheme

Division 1—Establishment of AusCheck scheme

7 Establishment of the AusCheck scheme

For the purposes of Part 2 of the Act, this Part establishes the AusCheck scheme.

Division 2—Background checks for aviation and maritime security purposes

8 Background check of applicants for, or holders of, ASICs or MSICs—application made by issuing body or Transport Secretary

When AusCheck may undertake a background check of an individual

- (1) AusCheck may undertake a background check of an individual if an application for a background check of the individual is made under:
 - (a) any of the following provisions:
 - (i) paragraph 6.27AA(1)(a) of the ATS Regulations or paragraph 6.08BA(a) of the MTOFS Regulations (which deal with applications by an issuing body relating to applicants for ASICs or MSICs);
 - (ii) paragraph 6.27AA(1)(b) of the ATS Regulations or paragraph 6.08BA(b) of the MTOFS Regulations (which deal with applications by an issuing body relating to holders of ASICs or MSICs if applications for earlier background checks of the holders were incomplete etc.); or
 - (b) subregulation 6.27AA(3) of the ATS Regulations or subregulation 6.08LC(1) of the MTOFS Regulations (which deal with applications by the Transport Secretary relating to certain applicants for, or holders of, ASICs or MSICs).

When AusCheck must undertake a background check of an individual

- (2) AusCheck must undertake a background check of an individual if an application for a background check of the individual is made under paragraph 6.27AA(1)(c) of the ATS Regulations or paragraph 6.08BA(c) of the MTOFS Regulations (which deal with applications by an issuing body relating to holders of ASICs or MSICs convicted of certain offences).

Application requirements

- (3) An application for a background check of an individual that is made under a provision referred to in paragraph (1)(a) of this section must:
 - (a) be made electronically; and
 - (b) include all of the required information for the individual; and
 - (c) be made in the form (if any) approved for the purposes of this paragraph under subsection (6); and
 - (d) meet any other requirements specified by the Secretary for the purposes of this paragraph under subsection (7).
- (4) An application for a background check of an individual that is made under a provision referred to in paragraph (1)(b) of this section must:
 - (a) be made in writing; and

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- (b) be made in the form (if any) approved for the purposes of this paragraph under subsection (6); and
 - (c) meet any other requirements specified by the Secretary for the purposes of this paragraph under subsection (7).
- (5) An application for a background check of an individual that is made under a provision referred to subsection (2) of this section must:
- (a) be made electronically; and
 - (b) include the information notified by the individual under subregulation 6.41(1) of the ATS Regulations or subregulation 6.08LB(2) of the MTOFS Regulations (as the case may be); and
 - (c) include all of the required information for the individual mentioned in paragraphs 5(1)(a), (aa), (ab), (ba) and (c); and
 - (d) be made in the form (if any) approved for the purposes of this paragraph under subsection (6); and
 - (e) meet any other requirements specified by the Secretary for the purposes of this paragraph under subsection (7).
- (6) The Secretary may, in writing, approve a form for the purposes of paragraph (3)(c), (4)(b) or (5)(d).
- (7) The Secretary may, by notifiable instrument, specify requirements for the purposes of paragraph (3)(d), (4)(c) or (5)(e).

9 Background check of applicants for, or holders of, ASICs or MSICs—deemed application by individuals convicted of certain offences

- (1) This section applies if:
- (a) an individual notifies the Secretary under subregulation 6.41(1) of the ATS Regulations, or subregulation 6.08LB(2) of the MTOFS Regulations, of the matters mentioned in that subregulation; and
 - (b) the individual consents to a background check of the individual being conducted under the AusCheck scheme.
- (2) The individual is taken, for the purposes of the AusCheck scheme, to have applied to AusCheck for a background check of the individual.
- (3) AusCheck must undertake a background check of the individual.

10 Background check of holders of MSICs that are in force for 4 years etc.

- (1) This section applies if:
- (a) an individual:
 - (i) holds an MSIC that is in force for 4 years; or
 - (ii) held an MSIC that was to be in force for 4 years and the MSIC was cancelled under paragraph 6.08M(1)(f) or (g) or regulation 6.08N of the MTOFS Regulations; and
 - (b) a background check of the individual was undertaken prior to the issue of the MSIC; and

- (c) the Secretary gave advice about the background check under Division 5 of this Part; and
 - (d) the individual has not withdrawn his or her consent to an additional background check of the individual being conducted under the AusCheck scheme on the second anniversary of the day a record of that advice is made in the AusCheck database.
- (2) The issuing body for the MSIC is taken, for the purposes of the AusCheck scheme, to have applied for a background check of the individual on the second anniversary of that day.
- (3) AusCheck must undertake a background check of the individual.

Division 3—Background checks for national health security purposes

11 Background check of individuals for national health security purposes

When AusCheck may undertake a background check of an individual

- (1) AusCheck may undertake a background check of an individual if an application for a background check of the individual is made by an NHS entity under clause 3.6 of the SSBA Standards.

When AusCheck must undertake a background check of an individual

- (2) If an NHS entity informs AusCheck of information relating to an individual under clause 3.6.2 of the SSBA Standards, then:
 - (a) the NHS entity is taken, for the purposes of the AusCheck scheme, to have applied to AusCheck for a background check of the individual; and
 - (b) AusCheck must undertake a background check of the individual.

Application requirements

- (3) An application for a background check of an individual that is made under the provision referred to in subsection (1) must:
 - (a) be made electronically; and
 - (b) include all of the required information for the individual; and
 - (c) be made in the form (if any) approved for the purposes of this subsection under subsection (4); and
 - (d) meet any other requirements specified by the Secretary for the purposes of this subsection under subsection (5).
- (4) The Secretary may, in writing, approve a form for the purposes of paragraph (3)(c).
- (5) The Secretary may, by notifiable instrument, specify requirements for the purposes of paragraph (3)(d).

Division 3AA—Background checks for major national event purposes

11AA Background check of applicants for, or holders of, MNE accreditation—application by organising body

- (1) AusCheck may undertake a background check of an individual in connection with the accreditation of the individual in relation to a major national event if an application for a background check of the individual is made under section 21G.
- (2) The application must:
 - (a) be made electronically; and
 - (b) include all of the required information for the individual; and
 - (c) if, under paragraph 21F(b), the background check must include an electronic identity verification check—include:
 - (i) the details required under section 21H or a copy of an exemption (or a copy of an application for an exemption) under section 21K from the requirement to provide those details; and
 - (ii) the record (if any) required under section 21H; and
 - (d) be made in the form (if any) approved for the purposes of this paragraph under subsection (3); and
 - (e) meet any other requirements specified by the Secretary for the purposes of this paragraph under subsection (4).
- (3) The Secretary may, in writing, approve a form for the purposes of paragraph (2)(d).
- (4) The Secretary may, by notifiable instrument, specify requirements for the purposes of paragraph (2)(e).

11AB Background check of applicants for, or holders of, MNE accreditation—deemed application

- (1) AusCheck may undertake a background check of an individual in connection with the accreditation of the individual in relation to a major national event if, after a background check (the *original background check*) of the individual has been undertaken in relation to the major national event, the Secretary considers on reasonable grounds that the individual:
 - (a) has an MNE criminal record; or
 - (b) constitutes a threat to the security of the major national event.
- (2) In considering a matter under subsection (1), the Secretary must take into account:
 - (a) any information given to the Secretary by the individual or the organising body for the event; and
 - (b) any information given to the Secretary by a law enforcement, or national security, agency (however described) about the individual; and

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(c) anything else relevant that the Secretary knows about.

(3) If AusCheck undertakes a background check of an individual under subsection (1):

- (a) the organising body is taken to have applied for the background check of the individual; and
- (b) the application for that background check is taken to be the same as the application for the original background check.

11AC AusCheck not to conduct or continue a background check in relation to major national event after event has concluded

To avoid doubt, AusCheck must not conduct, or continue to conduct, a background check of an individual in connection with the accreditation of the individual in relation to a major national event after the event has concluded.

Division 3AAB—Background checks for critical infrastructure risk management program purposes

11AD Background check for critical infrastructure risk management program purposes—application by responsible entity or individual

- (1) AusCheck may undertake a background check of an individual if:
 - (a) a CIRMP permits a background check of the individual; and
 - (b) an application for a background check of the individual is made under section 21Q.
- (2) The application must:
 - (a) be made electronically; and
 - (b) include all of the required information for the individual; and
 - (c) include a statement, made by the responsible entity, as to:
 - (i) whether the CIRMP permits or requires an assessment of information relating to one or more of the matters mentioned in paragraph 5(a), (b), (c) or (d) of the Act; and
 - (ii) if the CIRMP permits or requires an assessment of information relating to the matters in paragraph 5(b) of the Act—how the responsible entity deals with an adverse security assessment or a qualified security assessment under the CIRMP; and
 - (d) if, under the CIRMP, the background check must include an electronic identity verification check—include:
 - (i) the details required under section 21V or a copy of an exemption (or a copy of an application for an exemption) under section 21X from the requirement to provide those details; and
 - (ii) the record (if any) required under section 21V; and
 - (e) be made in the form (if any) approved for the purposes of this paragraph under subsection (3); and
 - (f) meet any other requirement specified by the Secretary for the purposes of this paragraph under subsection (4).
- (3) The Secretary may, in writing, approve a form for the purposes of paragraph (2)(e).
- (4) The Secretary may, by notifiable instrument, specify requirements for the purposes of paragraph (2)(f).

11AE Background check for critical infrastructure risk management program purposes—deemed application

- (1) AusCheck may undertake a background check of an individual if:
 - (a) a background check (the *original background check*) of the individual has been undertaken under section 11AD; and

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- (b) after the original background check the Secretary considers, on reasonable grounds, that the individual:
 - (i) has a CIRMP criminal record; or
 - (ii) if the original background check was undertaken for the purpose of granting the individual access to a critical infrastructure asset declared by the Minister, by notifiable instrument, for the purposes of this subparagraph—constitutes a threat to the security of the asset.
- (2) In considering a matter under paragraph (1)(b), the Secretary must take into account:
 - (a) any information given to the Secretary by the individual or the responsible entity in relation to whom the CIRMP applies; and
 - (b) any information given to the Secretary by a law enforcement, or national security, agency (however described) about the individual; and
 - (c) anything else relevant that the Secretary knows about.
- (3) If AusCheck undertakes a background check of an individual under subsection (1):
 - (a) the applicant for the original background check is taken to have applied for the background check of the individual; and
 - (b) the application for that background check is taken to be the same as the application for the original background check.

Division 3A—Further information etc. for background checks

11A Secretary may request information etc. for background checks

- (1) This section applies if an application is made for a background check of an individual.

Secretary may request information etc.

- (2) The Secretary may, in writing, request:
- (a) the individual; or
 - (b) the issuing body, NHS entity, organising body or responsible entity that applied for the background check (if the individual did not apply for the background check); or
 - (c) if the individual holds an ASIC or MSIC—the issuing body that issued the card;
- to do a specified thing (including giving specified information) if the Secretary reasonably suspects that doing the thing is necessary for the purposes of:
- (d) meeting any requirements of this instrument for the application; or
Example: The requirements of subsection 8(3), (4), (5) or 11(3).
 - (e) ensuring that the Secretary has all of the required information for the individual; or
 - (f) if the application is made under subsection 9(2), 10(2), 11(2), 16A(3), 20B(3), 21C(3) or 21DC(5)—meeting any requirements specified for the purposes of this paragraph under subsection (3) of this section in relation to the application; or
 - (g) completing the background check.
- (3) The Secretary may, by notifiable instrument, specify requirements for the purposes of paragraph (2)(f).

Day by which request must be complied with

- (4) The request must specify the day on or before which the thing must be done. The day must be at least 30 days after the date of the notice.
- (5) The Secretary may, on application in writing, extend the time for doing the thing and specify a later day on or before which the thing must be done.

Information taken to be included in application

- (6) For the purposes of the AusCheck scheme, any information given to the Secretary in response to the request is taken to form part of the application for the background check.

Part 2 AusCheck scheme

Division 3A Further information etc. for background checks

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Consequences if request not complied with

- (7) The Secretary may cancel the background check if the thing is not done by the specified day.

Note: See also sections 15A and 20A (AusCheck may advise issuing body etc. of the cancellation).

Division 4—Preliminary assessment that individual has an unfavourable criminal history

12 Preliminary assessment by Secretary that an individual has an unfavourable criminal history

- (1) This section applies if:
 - (a) AusCheck is undertaking a background check of an individual; and
 - (b) the Secretary makes a preliminary assessment that the individual has an unfavourable criminal history.
- (2) The Secretary must give the individual a written notice that:
 - (a) set out the preliminary assessment and the reasons for the preliminary assessment; and
 - (b) informs the individual that the individual may, on or before a day (the *specified day*) specified in the notice, make representations to the Secretary about the preliminary assessment.
- (3) The specified day must be at least:
 - (a) if the application for the background check of the individual was made under a provision referred to in paragraph 8(1)(a) or subsection 11(1), or under section 21G—28 days after the notice is given; or
 - (b) otherwise—14 days after the notice is given.
- (4) The individual may, before the specified day, request the Secretary to specify a later day for the making of representations about the preliminary assessment.
- (5) If the individual makes a request under subsection (4), the Secretary may, by written notice given to the individual, specify a later day for the making of representations about the preliminary assessment.
- (6) The Secretary must not give advice about the background check of the individual under Division 5 of this Part before:
 - (a) if the individual makes representations about the preliminary assessment on or before the specified day (or any later day specified under subsection (5))—those representations are considered by the Secretary; or
 - (b) otherwise—the end of the specified day (or any later day specified under subsection (5)).

Division 5—Advice about background check of individuals

Subdivision A—Advice about background checks for aviation and maritime security purposes

13 Advice about background check of an individual—application made, or taken to have been made, by an issuing body

- (1) This section applies if:
 - (a) an application for a background check of an individual:
 - (i) is made by an issuing body under a provision referred to in paragraph 8(1)(a) or subsection 8(2); or
 - (ii) is taken to have been made by an issuing body under subsection 10(2) or 16A(3); and
 - (b) AusCheck undertakes a background check of the individual.

Advice relating to criminal history

- (2) The Secretary must advise the issuing body whether or not the individual has an unfavourable criminal history.
- (3) If:
 - (a) the individual holds an ASIC or MSIC; and
 - (b) the issuing body has been advised in relation to a previous background check of the individual; and
 - (c) the advice in relation to the previous background check was that the individual had an unfavourable criminal history;the Secretary must also advise the issuing body whether there has been a material change in the individual's criminal history.
- (4) If the Secretary advises the issuing body under subsection (2) that the individual has an unfavourable criminal history, the Secretary must inform the individual of that advice and the reasons for that advice.

Advice relating to high risk criminal intelligence assessment

- (4A) The Secretary must advise the issuing body whether or not the Department has been given a high risk criminal intelligence assessment of the individual.

Advice relating to security assessment

- (5) If the application is made under a provision referred to in paragraph 8(1)(a) or is taken to have been made under subsection 10(2) or 16A(3), the Secretary must advise the issuing body whether or not a security assessment of the individual is an adverse security assessment or qualified security assessment.

Advice relating to whether the individual is an unlawful non-citizen etc.

- (7) If:
- (a) the application is made under a provision referred to in paragraph 8(1)(a) or is taken to have been made under subsection 10(2) or 16A(3); and
 - (b) the background check includes an assessment of information relating to whether the individual is an unlawful non-citizen or holds a visa entitling the individual to work in Australia;
- the Secretary must advise the issuing body of the result of that assessment.

Advice relating to identity of individual

- (8) If:
- (a) the application is made under a provision referred to in paragraph 8(1)(a); and
 - (b) the background check includes an assessment of information relating to the identity of the individual;
- the Secretary must advise the following of the final result of that assessment:
- (c) the issuing body;
 - (d) if the final result of that assessment is that the identity of the individual has failed to be verified—the individual.

14 Advice about background check of an individual—application made by the Transport Secretary

- (1) This section applies if:
- (a) an application for a background check of an individual who has applied for, or who holds, an ASIC or MSIC is made by the Transport Secretary under a provision referred to in paragraph 8(1)(b); and
 - (b) AusCheck undertakes a background check of the individual.

Advice relating to criminal history

- (2) If the individual has an unfavourable criminal history, the Secretary must advise the issuing body for the ASIC or MSIC.
- (4A) If:
- (a) the issuing body for the ASIC or MSIC has been advised in relation to a previous background check of the individual; and
 - (b) the advice in relation to the previous background check was that the individual had an unfavourable criminal history;
- the Secretary must also advise the issuing body whether there has been a material change in the individual's criminal history.

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- (5) If the Secretary advises the issuing body for the ASIC or MSIC under subsection (2) that the individual has an unfavourable criminal history, the Secretary must inform the individual of that advice and the reasons for that advice.

Advice relating to high risk criminal intelligence assessment

- (6) The Secretary must advise the issuing body for the ASIC or MSIC whether or not the Department has been given a high risk criminal intelligence assessment of the individual.

15 Advice about background check of an individual—deemed application by an individual

- (1) This section applies if:
- (a) an application for a background check of an individual who has applied for, or who holds, an ASIC or MSIC is taken to have been made by the individual under subsection 9(2); and
 - (b) AusCheck undertakes a background check of the individual.

Advice relating to criminal history

- (2) The Secretary must advise the individual whether or not the individual has an unfavourable criminal history.
- (3) If the Secretary advises the individual under subsection (2) that the individual has an unfavourable criminal history, the Secretary must give the individual the reasons for that advice.
- (4) If the Secretary advises the individual under subsection (2) that the individual has an unfavourable criminal history, the Secretary must inform the issuing body for the ASIC or MSIC of that advice.
- (5) If:
- (a) the issuing body for the ASIC or MSIC has been advised in relation to a previous background check of the individual; and
 - (b) the advice in relation to the previous background check was that the individual had an unfavourable criminal history;
- the Secretary must also advise the issuing body whether there has been a material change in the individual's criminal history.

15A Advice about background check that is cancelled

If:

- (a) the Secretary cancels a background check of an individual under subsection 11A(7); and
- (b) had AusCheck completed the check, the Secretary would have been required or authorised under this Subdivision to give to the individual or an issuing body (the *advisee*):

- (i) advice; or
 - (ii) a document or a copy of a document;
- (or would have been so required or authorised depending on the results of the background check);

the Secretary must advise the advisee that the background check is cancelled.

16 Advice about background check etc. in certain circumstances

- (1) This section applies if:
 - (a) a background check of an individual was undertaken by AusCheck; and
 - (b) the Secretary gave advice under this Subdivision that the individual has an unfavourable criminal record because the individual has an adverse criminal record; and
 - (c) an application in relation to the individual has been made under:
 - (i) subregulation 6.29(1) or 6.43A(2) of the ATS Regulations; or
 - (ii) subregulation 6.08F(1) or 6.08MA(2) of the MTOFS Regulations.
- (2) AusCheck must give the Secretary the following:
 - (a) the advice referred to in paragraph (1)(b);
 - (b) a document setting out the individual's criminal history;
 - (c) any other information relevant to the background check of the individual.

16A AusCheck may undertake new background checks

- (1) This section applies if:
 - (a) the Secretary gives advice about a background check (the *original check*) of an individual under this Subdivision; and
 - (b) the Secretary later reasonably suspects that:
 - (i) any of the requirements of this instrument for the application for the original check were not satisfied; or
 - (ii) the Secretary did not have all of the required information for the individual when AusCheck undertook the original check; or
 - (iii) any of the requirements specified for the purposes of paragraph 11A(2)(f) under subsection 11A(3) in relation to the application for the original check were not satisfied; or
 - (iv) the advice is inaccurate or incomplete.
 - (1A) This section also applies if:
 - (a) the Secretary cancels a background check (the *original check*) of an individual under subsection 11A(7); and
 - (b) the thing that the Secretary requested be done under subsection 11A(2) in relation to the original check is later done.
 - (2) AusCheck may undertake a new background check of the individual.
 - (3) If AusCheck does so, for the purposes of the AusCheck scheme:
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- (a) the person who applied for the original check is taken to have applied for the new background check; and
- (b) the application for the new background check is taken to be the same as the application for the original check (as affected by subsection 11A(6)).

Note: Paragraph (b) may be relevant to whether the Secretary may make a request under subsection 11A(2) in relation to the application.

17 Secretary must give further advice if initial advice is inaccurate or incomplete

If the Secretary becomes aware that advice about a background check of an individual that has been given under this Subdivision is inaccurate or incomplete, the Secretary must give further advice in accordance with this Subdivision that is accurate and complete.

18 Secretary may give advice to new issuing body for transferred ASIC or MSIC applications etc.

If:

- (a) the Secretary decides that an issuing body (the *new issuing body*) is to be the issuing body for:
 - (i) transferred ASIC applications or transferred ASICs; or
 - (ii) transferred MSIC applications or transferred MSICs; and
- (b) the Secretary would have been required or authorised to give advice under this Subdivision to the issuing body that was the original issuing body in relation to such an application or such an ASIC or MSIC;

the Secretary may give that advice to the new issuing body.

Note: For decisions that an issuing body is to be an issuing body for transferred ASIC applications or transferred ASICs, see regulation 6.22 of the ATS Regulations. For decisions that an issuing body is to be an issuing body for transferred MSIC applications or transferred MSICs, see regulation 6.07ZA of the MTOFS Regulations.

Subdivision B—Advice about background checks for national health security purposes

19 Advice about background check of an individual—application made by an NHS entity

- (1) This section applies if:
 - (a) an application for a background check of an individual is made by an NHS entity under the provision referred to in subsection 11(1); and
 - (b) AusCheck undertakes a background check of the individual.

Advice relating to criminal history etc.

- (2) The Secretary must advise the NHS entity:
 - (a) whether or not the individual has an unfavourable criminal history; and
 - (b) whether or not a security assessment of the individual is an adverse security assessment or qualified security assessment; and

- (c) if the background check includes an assessment of information relating to whether the individual is an unlawful non-citizen or holds a visa entitling the individual to work in Australia—the result of that assessment.
- (3) If the Secretary advises the NHS entity under paragraph (2)(a) that the individual has a qualified criminal record, the advice must be accompanied by a document setting out the health security relevant offences to which the qualified criminal record relates.
- (4) If the Secretary advises the NHS entity under paragraph (2)(a) that the individual has an unfavourable criminal history, the Secretary must inform the individual of that advice and the reasons for that advice.

20 Advice about background check of an individual—application taken to have been made by an NHS entity

- (1) This section applies if:
 - (a) an application for a background check of an individual is taken to have been made by an NHS entity under paragraph 11(2)(a) or subsection 20B(3); and
 - (b) AusCheck undertakes a background check of the individual.

Advice relating to criminal history

- (2) The Secretary must advise the NHS entity whether or not the individual has an unfavourable criminal history.
- (3) If the Secretary advises the NHS entity under subsection (2) that the individual has a qualified criminal record, the advice must be accompanied by a document setting out the health security relevant offences to which the qualified criminal record relates.
- (4) If the Secretary advises the NHS entity under subsection (2) that the individual has an unfavourable criminal history, the Secretary must inform the individual of that advice and the reasons for that advice.

20A Advice about background check that is cancelled

- If:
- (a) an NHS entity applies for a background check of an individual; and
 - (b) the Secretary cancels the background check under subsection 11A(7);
- the Secretary must advise the NHS entity and the individual that the background check is cancelled.

20B AusCheck may undertake new background checks

- (1) This section applies if:
 - (a) the Secretary gives advice about a background check (the *original check*) of an individual under this Subdivision; and

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- (b) the Secretary later reasonably suspects that:
 - (i) any of the requirements of this instrument for the application for the original check were not satisfied; or
 - (ii) the Secretary did not have all of the required information for the individual when AusCheck undertook the original check; or
 - (iii) any of the requirements specified for the purposes of paragraph 11A(2)(f) under subsection 11A(3) in relation to the application for the original check were not satisfied; or
 - (iv) the advice is inaccurate or incomplete.
- (1A) This section also applies if:
 - (a) the Secretary cancels a background check (the *original check*) of an individual under subsection 11A(7) and gives advice of the cancellation under section 20A; and
 - (b) the thing that the Secretary requested be done under subsection 11A(2) in relation to the original check is later done.
- (2) AusCheck may undertake a new background check of the individual.
- (3) If AusCheck does so, for the purposes of the AusCheck scheme:
 - (a) the NHS entity that applied for the original check is taken to have applied for the new background check; and
 - (b) the application for the new background check is taken to be the same as the application for the original check (as affected by subsection 11A(6)).

Note: Paragraph (b) may be relevant to whether the Secretary may make a request under subsection 11A(2) in relation to the application.

21 Secretary must give further advice if initial advice is inaccurate or incomplete

If the Secretary becomes aware that advice about a background check of an individual that has been given under this Subdivision is inaccurate or incomplete, the Secretary must give further advice in accordance with this Subdivision that is accurate and complete.

Subdivision C—Advice about background checks for major national event purposes

21A Advice about background check of an individual—application made by organising body etc.

- (1) This section applies if, under section 11AA, 11AB or 21C, AusCheck undertakes a background check of an individual in connection with the accreditation of the individual in relation to a major national event.

Advice relating to criminal history etc.

- (2) The Secretary must advise the organising body for the major national event:

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- (a) if the background check included an assessment of the individual's criminal history—whether or not the individual has an unfavourable criminal history; and
 - (b) if the background check included a security assessment of the individual—whether or not the security assessment of the individual is an adverse security assessment or qualified security assessment; and
 - (c) if the background check included an assessment of information relating to whether the individual is an unlawful non-citizen or holds a visa entitling the individual to work in Australia—the result of that assessment.
- (3) If the Secretary advises the organising body under paragraph (2)(a) that the individual has an unfavourable criminal history, the Secretary:
- (a) must include in the advice whether the individual has been convicted of an MNE level 1 disqualifying offence, an MNE level 2 offence or an MNE level 3 offence; and
 - (b) must not include in the advice details of the type of offence of which the individual has been convicted; and
 - (c) must inform the individual of that advice and the reasons for that advice.
- (4) If:
- (a) the Secretary has advised the organising body that the individual has been convicted of an MNE level 2 offence or an MNE level 3 offence (the *relevant MNE offence*); and
 - (b) the organising body requests the Secretary, in writing, to provide to the organising body details of the relevant MNE offence; and
 - (c) the individual provides express consent for the Secretary to provide details of the relevant MNE offence to the organising body;
- the Secretary must provide to the organising body a document setting out the details of the relevant MNE offence and any sentence imposed for the offence.

21B Advice about background check that is cancelled

If:

- (a) a background check of an individual in connection with the accreditation of the individual in relation to a major national event is cancelled under subsection 11A(7); and
- (b) had AusCheck completed the check, the Secretary would have been required or authorised, or would have been so required or authorised depending on the results of the background check, to give to the individual or the organising body for the major national event:
 - (i) advice; or
 - (ii) a document;

the Secretary must advise the individual or organising body (as the case requires) that the background check is cancelled.

Section 21C

21C AusCheck may undertake new background checks

- (1) This section applies if:
- (a) the Secretary gives advice about a background check (the *original check*) of an individual under this Subdivision in connection with the accreditation of the individual in relation to a major national event; and
 - (b) the Secretary later reasonably suspects that:
 - (i) any of the requirements of this instrument for the application for the original check were not satisfied; or
 - (ii) the Secretary did not have all of the required information for the individual when AusCheck undertook the original check; or
 - (iii) any of the requirements specified under subsection 11A(3) for the purposes of paragraph 11A(2)(f) in relation to the application for the original check were not satisfied; or
 - (iv) the advice is inaccurate or incomplete.

(1A) This section also applies if:

- (a) the Secretary cancels a background check (the *original check*) of an individual under subsection 11A(7) and gives advice of the cancellation under section 21B; and
- (b) the thing that the Secretary requested be done under subsection 11A(2) in relation to the original check is later done.

(2) AusCheck may undertake a new background check of the individual.

(3) If AusCheck does so, for the purposes of the AusCheck scheme:

- (a) the organising body for the major national event is taken to have applied for the new background check; and
- (b) the application for the new background check is taken to be the same as the application (if any) for the original check (as affected by subsection 11A(6)).

Note: Paragraph (3)(b) may be relevant to whether the Secretary may make a request under subsection 11A(2) in relation to the application.

21D Secretary must give further advice if initial advice is inaccurate or incomplete

If the Secretary becomes aware that advice about a background check of an individual that has been given under this Subdivision is inaccurate or incomplete, the Secretary must give further advice in accordance with this Subdivision that is accurate and complete.

Subdivision D—Advice about background checks for critical infrastructure risk management programs

21DA Advice about background check of an individual

- (1) This section applies if AusCheck undertakes a background check of an individual under section 11AD, 11AE or 21DC.

Advice relating to criminal history etc.

- (2) The Secretary must advise the responsible entity in relation to whom the CIRMP applies:
- (a) if the background check included an assessment of the individual's criminal history—whether or not the individual has an unfavourable criminal history; and
 - (b) if the background check included a security assessment of the individual—whether or not the security assessment of the individual is an adverse security assessment or qualified security assessment; and
 - (c) if the background check included an assessment of information relating to whether the individual holds a visa entitling the individual to work in Australia—whether or not the individual has a right to work in Australia, and if so, the class of visa held.
- (3) If the Secretary advises the responsible entity under paragraph (2)(a) that the individual has an unfavourable criminal history, the Secretary:
- (a) must include in the advice details of the type of offence of which the individual has been convicted; and
 - (b) must inform the individual of that advice and the reasons for that advice.
- (4) If:
- (a) the Secretary has advised the responsible entity in relation to a previous background check of the individual; and
 - (b) the advice in relation to the previous background check was that the individual had an unfavourable criminal history;
- the Secretary must also advise the responsible entity whether there has been a material change in the individual's criminal history.
- (5) If:
- (a) the Secretary has advised the responsible entity that the individual has been convicted of a CIRMP-security-relevant offence (the **relevant CIRMP offence**); and
 - (b) the responsible entity requests the Secretary, in writing, to provide the responsible entity with details of the relevant CIRMP offence; and
 - (c) the individual provides express consent for the Secretary to provide details of the relevant CIRMP offence to the responsible entity;
- the Secretary must provide to the responsible entity a document setting out the details of the relevant CIRMP offence and any sentence imposed for the offence.

Section 21DB

21DB Advice about background check that is cancelled

If:

- (a) a background check of an individual is cancelled under subsection 11A(7); and
- (b) had AusCheck completed the check, the Secretary would have been required or authorised, or would have been so required or authorised depending on the results of the background check, to give to the individual or the responsible entity in relation to whom the CIRMP that permits the background check applies:
 - (i) advice; or
 - (ii) a document;

the Secretary must advise the individual or responsible entity (as the case requires) that the background check is cancelled.

21DC AusCheck may undertake new background checks

- (1) This section applies if:
 - (a) the Secretary gives advice about a background check (the *original check*) of an individual under this Subdivision; and
 - (b) the Secretary later reasonably suspects that:
 - (i) any of the requirements of this instrument for the application for the original check were not satisfied; or
 - (ii) the Secretary did not have all of the required information for the individual when AusCheck undertook the original check; or
 - (iii) any of the requirements specified under subsection 11A(3) for the purposes of paragraph 11A(2)(f) in relation to the application for the original check were not satisfied; or
 - (iv) the advice is inaccurate or incomplete.
- (2) This section also applies if:
 - (a) the Secretary cancels a background check (the *original check*) of an individual under subsection 11A(7) and gives advice of the cancellation under section 21DB; and
 - (b) the thing that the Secretary requested be done under subsection 11A(2) in relation to the original check is later done.
- (3) This section also applies if an individual informs the Secretary, as required under section 21ZB, that the individual has been convicted of a CIRMP level 1 offence or has been convicted of a CIRMP level 2 offence and sentenced to any term of imprisonment for the offence.
- (4) AusCheck may undertake a new background check of the individual.
- (5) If AusCheck does so, for the purposes of the AusCheck scheme:
 - (a) the applicant of the original check is taken to have applied for the new background check; and

- (b) the application for the new background check is taken to be the same as the application (if any) for the original check (as affected by subsection 11A(6)).

Note: Paragraph (5)(b) may be relevant to whether the Secretary may make a request under subsection 11A(2) in relation to the application.

21DD Secretary must give further advice if initial advice is inaccurate or incomplete

If the Secretary becomes aware that advice about a background check of an individual that has been given under this Subdivision is inaccurate or incomplete, the Secretary must give further advice in accordance with this Subdivision that is accurate and complete.

Division 5A—Matters relating to major national events

Subdivision A—Organising bodies and types of assessments and identity checks

21E Organising bodies for major national events

The Minister may, by notifiable instrument, declare a person to be the organising body for a major national event.

21F Minister may declare types of assessments and identity verification checks for background checks

The Minister may, by notifiable instrument, declare:

- (a) that background checks of individuals in connection with MNE accreditation in relation to a major national event must include assessment of information relating to one or more of the matters mentioned in paragraphs 5(a), (b), (c) and (d) of the Act, as specified in the instrument; and
- (b) if the Minister declares that background checks must include assessment of information relating to the matter mentioned in paragraph 5(d) of the Act—that those assessments must consist of:
 - (i) electronic identity verification checks; or
 - (ii) in person identity verification checks; or
 - (iii) both electronic identity verification checks and in person identity verification checks.

Subdivision B—Applying for background checks and requirements for identity verification checks

21G Arranging background check

An organising body for a major national event may apply to AusCheck for a background check of an individual in connection with the accreditation of the individual in relation to the major national event.

21H Electronic identity verification checks

If, under paragraph 21F(b), a background check of an individual in connection with MNE accreditation in relation to a major national event must include an electronic identity verification check, AusCheck must not conduct the check unless, subject to section 21K, the following are provided to AusCheck:

- (a) details of a Category A identification document or a Category B identification document, being details AusCheck can use to verify electronically the individual's identity for the purposes of a background check;

- (b) if an individual is at least 16 years of age at the time of the check—a record of the individual having given express consent to the identity of the individual being verified.

21J In person identity verification checks

- (1) If, under paragraph 21F(b), a background check of an individual in connection with MNE accreditation in relation to a major national event must include an in person identity verification check, the check must be conducted in accordance with this section.

Individuals who are 18 years of age or older

- (2) Subject to section 21K, if an individual is at least 18 years of age at the time of the in person identity verification check, the individual must attend the check in person and must give to the verifying person conducting the check:
 - (a) the following documents:
 - (i) a Category A identification document;
 - (ii) a Category B identification document that is different from the Category A identification document;
 - (iii) a Category C identification document that is different from the Category A identification document and the Category B identification document;
 - (iv) if evidence of the individual's current residential address is not set out in a document already given—a Category D identification document;
 - and
 - (b) if the individual's identity has been verified electronically before the in person identity verification check has been conducted—the identity documents the details of which were used to electronically verify the individual's identity.

Individuals under 18 years of age

- (3) Subject to section 21K, if an individual is under 18 years of age at the time of the in person identity verification check, the individual must attend the check in person and must give to the verifying person conducting the check:
 - (a) a Category A identification document; and
 - (b) if the individual's identity has been verified electronically before the in person identity verification check has been conducted—the identity documents the details of which were used to electronically verify the individual's identity.

Identity to be verified at time the individual attends the check

- (4) The verifying person conducting the in person identity verification check must verify the individual's identity at the time the individual attends the check, unless the individual is exempted under section 21K from the requirement to attend the identity verification check in person.

Section 21K

Identification documents must be provided for each identity verification

- (5) To avoid doubt, the individual must give the documents referred to in subsection (2) or (3) to the verifying person conducting the in person identity verification check even if the individual has previously given the same documents to the verifying person, or to a verifying person, in relation to another background check for MNE accreditation.

21K Exemptions

- (1) This section applies if, for the purposes of an identity verification check under section 21H or 21J in connection with MNE accreditation in relation to a major national event, an individual is unable:
- (a) for an electronic identity verification check—to provide details of a Category A identification document or a Category B identification document, being details AusCheck can use to verify electronically the individual's identity for the purposes of a background check; or
 - (b) for an in person identity verification check—either:
 - (i) to provide a Category A identification document; or
 - (ii) to attend the identity verification check in person.
- (2) The individual or the organising body for the major national event may apply to the Secretary for an exemption from whichever of the following requirements applies:
- (a) to provide details of a Category A identification document or details of a Category B identification document;
 - (b) to provide a Category A identification document;
 - (c) to attend the identity verification check in person.

Requirements for application

- (3) The application must:
- (a) be made electronically; and
 - (b) set out which of the requirements mentioned in subsection (2) the individual is unable to satisfy; and
 - (c) set out the reasons why the individual is unable to satisfy those requirements; and
 - (d) if the application is for an exemption from the requirement to attend an identity verification check in person—be accompanied by the following:
 - (i) a photograph of the individual (taken no more than one month before the date of the application) showing the individual's full face and the individual's head and shoulders;
 - (ii) copies of the identification documents required under subsection 21J(2) or (3) that are certified in accordance with subsection (4) of this section; and
 - (e) include any other information that may assist the Secretary in making a decision about whether to grant an exemption in relation to the individual.

Certification of documents

- (4) For the purposes of subparagraph (3)(d)(ii), a copy of an identification document must be certified, in writing, by a person prescribed by section 7 of the *Statutory Declarations Regulations 2018*, to be a true copy of the original identification document.

Matters to be considered

- (5) In making a decision under this section in relation to the individual, the Secretary must consider the following matters:
- (a) the reasons set out in the application under paragraph (3)(c);
 - (b) any other information provided under paragraph (3)(e).

Requirement for further information

- (6) If the Secretary requires further information to consider the application, the Secretary may request the applicant to give the further information within 30 days after receiving the request.

When decision must be made

- (7) The Secretary must, in writing and within 30 days after receiving the application or, if further information is requested, within 30 days after receiving the further information in accordance with subsection (6):
- (a) do either of the following:
 - (i) grant the exemption in relation to the individual;
 - (ii) refuse to grant the exemption in relation to the individual; and
 - (b) notify the applicant of the decision; and
 - (c) if the decision is a refusal—notify the applicant of the reasons for the refusal.
- (8) The Secretary is taken to have refused to grant the exemption if the Secretary has not made a decision on the application within the period mentioned in subsection (7).

21L AusCheck not required to continue background check if identity not verified

AusCheck is not required to continue undertaking a background check of an individual in connection with MNE accreditation if the identity of the individual is unable to be verified in accordance with section 21H or 21J (as affected by section 21K).

Subdivision C—Decisions in relation to MNE accreditation

21M Decisions in relation to MNE accreditation

- (1) This section applies if:
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Section 21N

- (a) AusCheck undertakes a background check of an individual in connection with the accreditation of the individual in relation to a major national event; and
 - (b) under section 21A or 21D, the Secretary advises the organising body for the major national event of the result of the background check.
- (2) If the Secretary advises the organising body that:
- (a) if the background check included a criminal record check of the individual—the individual has been convicted of an MNE level 1 disqualifying offence; or
 - (b) if the background check included a security assessment of the individual—the security assessment of the individual is an adverse security assessment or qualified security assessment;
- the organising body:
- (c) must decide not to issue an MNE accreditation to the individual in relation to the major national event; or
 - (d) if the organising body has issued an MNE accreditation to the individual in relation to the major national event—must decide to cancel the individual’s MNE accreditation within 48 hours after receiving the Secretary’s advice.
- (3) Except as provided under subsection (2), nothing in this section limits the decision an organising body may make in connection with MNE accreditation in relation to a major national event.
- (4) An organising body for a major national event commits an offence if:
- (a) the Secretary advises the organising body as mentioned in subsection (2) in relation to an individual; and
 - (b) the organising body:
 - (i) issues an MNE accreditation to the individual in relation to the major national event after receiving the Secretary’s advice; or
 - (ii) if, before receiving the Secretary’s advice, the organising body has issued an MNE accreditation to the individual in relation to the major national event—fails to cancel the MNE accreditation within 48 hours after receiving the Secretary’s advice.

Penalty for a contravention of subsection (4): 5 penalty units.

21N Organising body must advise Secretary of certain decisions

An organising body commits an offence if:

- (a) the Secretary advises the organising body about a background check of an individual under section 21A; and
- (b) after receiving the Secretary’s advice, the organising body makes a decision to issue, or not to issue, an MNE accreditation to the individual in relation to a major national event; and
- (c) the organising body does not inform the Secretary of the decision within 7 days after making the decision.

Penalty: 5 penalty units.

21P Organising body must inform Secretary of cancellation or suspension of an MNE accreditation

An organising body commits an offence if:

- (a) the Secretary advises the organising body about a background check of an individual under section 21A or 21D; and
- (b) after receiving the Secretary's advice, the organising body issues an MNE accreditation to the individual for a particular period; and
- (c) the organising body cancels or suspends the accreditation before the end of that period; and
- (d) the organising body does not inform the Secretary of the cancellation or suspension within 48 hours after that cancellation or suspension occurs.

Penalty: 5 penalty units.

Section 21Q

Division 5B—Matters relating to critical infrastructure risk management programs

Subdivision A—Applying for background checks and requirements for identity verification checks

21Q Arranging background check

The following persons may apply to AusCheck for a background check of an individual if a CIRMP permits a background check of the individual:

- (a) the individual;
- (b) the responsible entity in relation to whom the CIRMP applies.

21V Electronic identity verification checks

- (1) This section applies if a CIRMP permits a background check of an individual and provides that the background check must include an electronic identity verification check.
- (2) AusCheck must not conduct the check unless, subject to section 21X, the following are provided to AusCheck:
 - (a) details of a Category A identification document or a Category B identification document, being details AusCheck can use to verify electronically the individual's identity for the purposes of a background check;
 - (b) if the individual is at least 16 years of age at the time of the check—a record of the individual having given express consent to the identity of the individual being verified.

21W In person identity verification checks

- (1) If a CIRMP permits a background check of an individual and provides that the background check must include an in person identity verification check, the check must be conducted in accordance with this section.

Individuals who are 18 years of age or older

- (2) Subject to section 21X, if the individual is at least 18 years of age at the time of the in person identity verification check, the individual must attend the check in person and must give to the verifying person conducting the check:
 - (a) the following documents:
 - (i) a Category A identification document;
 - (ii) a Category B identification document that is different from the Category A identification document;
 - (iii) a Category C identification document that is different from the Category A identification document and the Category B identification document;

- (iv) if evidence of the individual's current residential address is not set out in a document already given—a Category D identification document; and
- (b) if the individual's identity has been verified electronically before the in person identity verification check has been conducted—the identity documents the details of which were used to electronically verify the individual's identity.

Individuals under 18 years of age

- (3) Subject to section 21X, if an individual is under 18 years of age at the time of the in person identity verification check, the individual must attend the check in person and must give to the verifying person conducting the check:
 - (a) a Category A identification document; and
 - (b) if the individual's identity has been verified electronically before the in person identity verification check has been conducted—the identity documents the details of which were used to electronically verify the individual's identity.

Identity to be verified at time the individual attends the check

- (4) The verifying person conducting the in person identity verification check must verify the individual's identity at the time the individual attends the check, unless the individual is exempted under section 21X from the requirement to attend the identity verification check in person.

Identification documents must be provided for each identity verification

- (5) To avoid doubt, the individual must give the documents referred to in subsection (2) or (3) to the verifying person conducting the in person identity verification check even if the individual has previously given the same documents to the verifying person, or to a verifying person, in relation to another background check permitted under the CIRMP or any other CIRMP.

21X Exemptions

- (1) This section applies if, for the purposes of an identity verification check under section 21V or 21W, an individual for whom a CIRMP permits a background check to be conducted is unable:
 - (a) for an electronic identity verification check—to provide details of a Category A identification document or a Category B identification document, being details AusCheck can use to verify electronically the individual's identity for the purposes of a background check; or
 - (b) for an in person identity verification check—either:
 - (i) to provide a Category A identification document; or
 - (ii) to attend the identity verification check in person.

Section 21X

- (2) The individual, or the responsible entity in relation to whom the CIRMP applies, may apply to the Secretary for an exemption from whichever of the following requirements applies:
- (a) to provide details of a Category A identification document or details of a Category B identification document;
 - (b) to provide a Category A identification document;
 - (c) to attend the identity verification check in person.

Requirements for application

- (3) The application must:
- (a) be made electronically; and
 - (b) set out which of the requirements mentioned in subsection (2) the individual is unable to satisfy; and
 - (c) set out the reasons why the individual is unable to satisfy those requirements; and
 - (d) if the application is for an exemption from the requirement to attend an identity verification check in person—be accompanied by the following:
 - (i) a photograph of the individual (taken no more than one month before the date of the application) showing the individual's full face and the individual's head and shoulders;
 - (ii) copies of the identification documents required under subsection 21W(2) or (3) that are certified in accordance with subsection (4) of this section; and
 - (e) include any other information that may assist the Secretary in making a decision about whether to grant an exemption in relation to the individual.

Certification of documents

- (4) For the purposes of subparagraph (3)(d)(ii), a copy of an identification document must be certified, in writing, by a person prescribed by section 7 of the *Statutory Declarations Regulations 2018*, to be a true copy of the original identification document.

Matters to be considered

- (5) In making a decision under this section in relation to the individual, the Secretary must consider the following matters:
- (a) the reasons set out in the application under paragraph (3)(c);
 - (b) any other information provided under paragraph (3)(e).

Requirement for further information

- (6) If the Secretary requires further information to consider the application, the Secretary may request the applicant to give the further information within 30 days after receiving the request.

When decision must be made

- (7) The Secretary must, in writing and within 30 days after receiving the application or, if further information is requested, within 30 days after receiving the further information in accordance with subsection (6):
 - (a) do either of the following:
 - (i) grant the exemption in relation to the individual;
 - (ii) refuse to grant the exemption in relation to the individual; and
 - (b) notify the applicant of the decision; and
 - (c) if the decision is a refusal—notify the applicant of the reasons for the refusal.
- (8) The Secretary is taken to have refused to grant the exemption if the Secretary has not made a decision on the application within the period mentioned in subsection (7).

21Y AusCheck not required to continue background check if identity not verified

AusCheck is not required to continue undertaking a background check of an individual for whom a CIRMP permits a background check to be conducted if the identity of the individual is unable to be verified in accordance with section 21V or 21W (as affected by section 21X).

Subdivision B—Provision of information relating to background checks for critical infrastructure risk management program purposes

21ZA Responsible entity must inform Secretary of certain decisions

Decision to grant access to certain assets

- (1) A responsible entity commits an offence if:
 - (a) the Secretary advises the responsible entity about a background check of an individual under section 21DA or 21DD; and
 - (b) in the advice, the Secretary advises that:
 - (i) the individual has an unfavourable criminal history; or
 - (ii) the security assessment of the individual is an adverse security assessment or qualified security assessment; and
 - (c) after receiving the advice, the responsible entity makes a decision to grant, or continue to grant, the individual access to a critical infrastructure asset declared by the Minister, by notifiable instrument, for the purposes of this paragraph; and
 - (d) the responsible entity does not inform the Secretary of the decision within 7 days after making the decision.

Penalty: 5 penalty units.

Section 21ZB

Decision to revoke access to certain assets

- (2) A responsible entity commits an offence if:
- (a) the responsible entity makes a decision to grant, or continue to grant, an individual access to a critical infrastructure asset declared by the Minister for the purposes of paragraph (1)(c); and
 - (b) the responsible entity later makes a decision to revoke the individual's access to the asset; and
 - (c) the responsible entity does not inform the Secretary of the decision within 48 hours after making the decision.

Penalty: 5 penalty units.

21ZB Individual must inform Secretary of certain CIRMP-security-relevant offences

CIRMP level 1 offence—conviction

- (1) An individual commits an offence if:
- (a) the Secretary advises a responsible entity about a background check of the individual under section 21DA or 21DD; and
 - (b) after receiving the advice, the responsible entity makes a decision to grant, or continue to grant, the individual access to a critical infrastructure asset declared by the Minister, by notifiable instrument, for the purposes of this paragraph; and
 - (c) during the period of 2 years beginning on the day the Secretary gives the advice, the individual is convicted of a CIRMP level 1 offence; and
 - (d) the individual does not inform the Secretary, in writing, of the following matters within 7 days after individual is convicted:
 - (i) the individual's name, date of birth and residential address;
 - (ii) the date the individual was convicted;
 - (iii) the court in which the individual was convicted.

Penalty: 5 penalty units.

CIRMP level 2 offence—conviction and imprisonment

- (2) An individual commits an offence if:
- (a) the Secretary advises a responsible entity about a background check of the individual under section 21DA or 21DD; and
 - (b) after receiving the advice, the responsible entity makes a decision to grant, or continue to grant, the individual access to a critical infrastructure asset declared by the Minister, by notifiable instrument, for the purposes of this paragraph; and
 - (c) during the period of 2 years beginning on the day the Secretary gives the advice, the individual is convicted of a CIRMP level 2 offence and sentenced to any term of imprisonment for the offence; and

- (d) the individual does not inform the Secretary, in writing, of the following matters within 7 days after individual is sentenced:
- (i) the individual's name, date of birth and residential address;
 - (ii) the date the individual was convicted and sentenced;
 - (iii) the court in which the individual was convicted and sentenced.

Penalty: 5 penalty units.

Section 22

Division 6—Online verification service

22 Issuing body must give Secretary certain information after background check of an individual

- (1) This section applies if the Secretary gives an issuing body advice (the **background check advice**) about a background check of an individual under section 13.

Information about individual with operational need for ASIC or MSIC

- (2) If:
- (a) the issuing body proposes to issue an ASIC or MSIC to the individual; and
 - (b) the application for the background check of the individual did not include the information referred to in paragraph 5(1)(h) or (j) (as the case may be);
- the issuing body must, before issuing the ASIC or MSIC to the individual, give the Secretary that information.

Information about holder, or proposed holder, of ASIC or MSIC

- (3) If the issuing body issues, or proposes to issue, an ASIC or MSIC to the individual, the issuing body must, within the notification period, give the Secretary:
- (a) the following information:
 - (i) if the issuing body issues, or proposes to issue, a replacement ASIC or MSIC to the individual because the individual's full name has changed—the individual's former and current full names;
 - (ii) if subparagraph (i) does not apply—the individual's full name;
 - (iii) the number and expiry date of the ASIC or MSIC;
 - (iv) for an ASIC—the locations for which it is, or will be, valid; and
 - (b) a photograph of the individual.
- (4) The Secretary may grant an issuing body an exemption from the requirement to give the Secretary a photograph of an individual under paragraph (3)(b).
- (5) The **notification period** is the period ending 7 days after the ASIC or MSIC is issued to the individual.

Information about cancellation or suspension of ASIC or MSIC

- (6) If:
- (a) the issuing body issues an ASIC or MSIC to the individual; and
 - (b) the ASIC or MSIC is cancelled or suspended before its expiry date;
- the issuing body must inform the Secretary of the cancellation or suspension within 48 hours after that cancellation or suspension occurs.

Information about lost, stolen or destroyed ASIC or MSIC

- (7) If:
- (a) the issuing body issues an ASIC or MSIC to the individual; and
 - (b) the ASIC or MSIC is lost, stolen or destroyed;
- the issuing body must inform the Secretary of that matter within 48 hours after becoming aware of the loss, theft or destruction.

23 Issuing body must inform Secretary of decision not to issue ASIC or MSIC to certain individuals

- If:
- (a) AusCheck undertakes a background check of an individual; and
 - (b) the Secretary advises an issuing body under section 13 that:
 - (i) the individual does not have an unfavourable criminal history; or
 - (ii) the security assessment of the individual is not an adverse security assessment or qualified security assessment; or
 - (iia) the Department has not been given a high risk criminal intelligence assessment of the individual; or
 - (iii) the individual is not an unlawful non-citizen; or
 - (iv) the individual holds a visa entitling the individual to work in Australia; and
 - (c) the issuing body decides not to issue an ASIC or MSIC to the individual;
- the issuing body must inform the Secretary of that decision as soon as practicable after the decision is made.

24 NHS entity must inform Secretary of cancellation or suspension of an authorisation under SSBA Standards

- If:
- (a) the Secretary gives an NHS entity advice about a background check of an individual under section 19 or 20; and
 - (b) the NHS entity authorises the individual under clause 3.3 of the SSBA Standards for a particular period; and
 - (c) the NHS entity cancels or suspends the authorisation before the end of that period;
- the NHS entity must inform the Secretary of the cancellation or suspension within 48 hours after that cancellation or suspension occurs.

Section 25

Division 7—Other matters

25 Assessment of information relating to an individual's criminal history from foreign countries

- (1) This section applies if a background check of an individual includes an assessment of information relating to the individual's criminal history.
- (2) The information relating to the individual's criminal history must not include information (the *foreign information*) from a country other than Australia unless the law that requires or authorises the background check of the individual to be conducted under the AusCheck scheme:
 - (a) specifies the circumstances in which the foreign information may be assessed; and
 - (b) sets out the criteria against which the foreign information must be assessed.

26 Review by the Administrative Review Tribunal

Applications may be made to the Administrative Review Tribunal for review of decisions of the Secretary to do any of the following:

- (a) to refuse to grant an exemption in relation to an individual under subsection 5A(6), 21K(7) or 21X(7);
- (b) to grant an exemption in relation to an individual under subsection 5A(6) subject to one or more conditions;
- (c) to advise under Division 5 that an individual has an unfavourable criminal history.

27 Website

The Secretary must keep a website about the AusCheck scheme.

Part 3—AusCheck database

28 Treatment of new issuing body for transferred ASIC or MSIC applications etc. for the purposes of the AusCheck database

If the Secretary decides that an issuing body (the *new issuing body*) is to be the issuing body for:

- (a) transferred ASIC applications or transferred ASICs; or
- (b) transferred MSIC applications or transferred MSICs;

then, for the purposes of the AusCheck database, the new issuing body is taken to be, and to have always been, the issuing body for such an application or such an ASIC or MSIC.

Note: For decisions that an issuing body is to be an issuing body for transferred ASIC applications or transferred ASICs, see regulation 6.22 of the ATS Regulations. For decisions that an issuing body is to be an issuing body for transferred MSIC applications or transferred MSICs, see regulation 6.07ZA of the MTOFS Regulations.

29 Guidelines about use and disclosure of information included in AusCheck database

- (1) The Secretary may issue written guidelines about the use and disclosure of information included in the AusCheck database.
- (2) If the Secretary issues guidelines under subsection (1), an AusCheck staff member must comply with the guidelines.

Part 4—Miscellaneous matters

30 Fees

Application fees

- (1) The Secretary may charge a fee under this subsection for an application for a background check of an individual.
- (2) The amount of the fee must be based on the nature and complexity of the background check of an individual.

Note 1: A higher fee may be required for an initial background check of an individual than for a subsequent background check of the individual.

Note 2: The fee for a background check of an individual may vary depending on the kinds of information mentioned in section 5 of the Act that are to be assessed as part of the background check.

Additional fees if further information etc. requested

- (2A) The Secretary may charge a fee under this subsection for an application for a background check of an individual if:
 - (a) the Secretary makes a request in relation to the application under subsection 11A(2); and
 - (b) the background check is not cancelled under subsection 11A(7).
- (2B) The amount of the fee must be based on:
 - (a) the nature and complexity of a background check of an individual; and
 - (b) the effect on a background check of an individual of a request needing to be made under subsection 11A(2).
- (2C) A fee under subsection (2A) of this section is in addition to any fee the Secretary charges for the application under subsection (1).

General matters

- (3) If a fee under subsection (1) or (2A) is payable:
 - (a) by an individual; or
 - (b) by an issuing body, NHS entity, organising body or responsible entity that is not the Commonwealth or an unincorporated Commonwealth authority; the fee is a debt due to the Commonwealth and is recoverable by the Secretary on behalf of the Commonwealth.
- (4) The Secretary may charge a fee under subsection (1) or (2A) in respect of a matter only if the Commonwealth incurs expenses in relation to the matter under the Act or this instrument.

Note: Under paragraph 18(2)(a) of the Act, a fee must not be such as to amount to taxation.

Part 5—Transitional, application and savings provisions

Division 1—AusCheck Regulations 2017

31 Transitional provision—applications for background checks

- (1) This section applies in relation to an application for a background check of an individual if:
 - (a) the application was made, or was taken to have been made, before the repeal of the old regulations; and
 - (b) immediately before that repeal, the application has not been finally dealt with in accordance with the old regulations.
- (2) On and after 1 August 2017, the application is taken to have been made, and may be dealt with, in accordance with this instrument.

32 Transitional provision—preliminary assessments

- (1) This section applies if a notice was given to an individual under regulation 8 of the old regulations before their repeal.

Saving of pre-repeal notices

- (2) If:
 - (a) the day mentioned in the notice, or nominated by the Secretary under subregulation 8(4) of the old regulations, is on or after the day on which the old regulations are repealed; and
 - (b) the individual has not made any representations to the Secretary immediately before the repeal of the old regulations;the notice continues to have effect, on and after 1 August 2017, as if it had been given under section 12 of this instrument.

Representations made but not considered before repeal

- (3) If:
 - (a) the individual made representations to the Secretary in accordance with the notice before the repeal of the old regulations; and
 - (b) immediately before that repeal, the Secretary has not considered the representations;subsection 12(6) of this instrument applies, on and after 1 August 2017, in relation to the representations.

34 Application provision—online verification service requirements

- (1) This section applies if:

Section 35

- (a) before the repeal of the old regulations, an issuing body or NHS entity was required to comply with regulation 14 or 14A of the old regulations in relation to a matter relating to an individual; and
 - (b) immediately before that repeal, the time for complying with regulation 14 or 14A of the old regulations (as the case may be) has not ended.
- (2) On and after 1 August 2017, the issuing body or NHS entity is required to comply with whichever of sections 22, 23 and 24 of this instrument are applicable in relation to the matter relating to the individual.

35 Savings provision—guidelines

If:

- (a) guidelines were issued under regulation 15 of the old regulations; and
- (b) the guidelines were in force immediately before the repeal of the old regulations;

the guidelines continue in force, and may be dealt with, on and after 1 August 2017 as if they had been issued under section 29 of this instrument.

**Division 2—AusCheck Amendment (System Functionality)
Regulations 2017**

36 Application provision—amendments made by *AusCheck Amendment (System Functionality) Regulations 2017*

The amendments made by the *AusCheck Amendment (System Functionality) Regulations 2017* apply in relation to applications for background checks made after that instrument commences.

Section 37

Division 3—AusCheck Legislation Amendment (Required Information) Regulations 2019

37 Application provision—amendments made by the *AusCheck Legislation Amendment (Required Information) Regulations 2019*

Required information

- (1) The amendments made by Division 2 of Part 1 of Schedule 1 to the *AusCheck Legislation Amendment (Required Information) Regulations 2019* apply in relation to applications for background checks made on or after 1 July 2019.
- (2) The amendments made by Division 3 of Part 1 of Schedule 1 to the *AusCheck Legislation Amendment (Required Information) Regulations 2019* apply in relation to issuing, or proposing to issue, an ASIC or MSIC if:
 - (a) the notification period ends on or after 1 July 2019; and
 - (b) the issuing body did not give the Secretary the matters required by subsection 22(3) of this instrument (as in force on 30 June 2019) in relation to the ASIC or MSIC on or before 30 June 2019.

Requests for information

- (3) Section 11A, as inserted by the *AusCheck Legislation Amendment (Required Information) Regulations 2019*, applies in relation to:
 - (a) an application for a background check made on or before 30 June 2019 if the background check was not completed on or before 30 June 2019; or
 - (b) an application for a background check made on or after 1 July 2019.

Additional background checks

- (4) For the purposes of sections 16A and 20B, as inserted by the *AusCheck Legislation Amendment (Required Information) Regulations 2019*, it does not matter whether the Secretary gave the advice about the original check before, on or after 1 July 2019.

Fees

- (5) The amendment of subsection 30(1) made by the *AusCheck Legislation Amendment (Required Information) Regulations 2019* does not apply in relation to a fee charged on or before 30 June 2019.
- (6) Subsections 30(2A), (2B) and (2C), as inserted by the *AusCheck Legislation Amendment (Required Information) Regulations 2019*, apply in relation to a request made under subsection 11A(2) on or after 1 July 2019, whether the application for the background check was made before, on or after 1 July 2019.

**Division 4—AusCheck Legislation Amendment (2019 Measures
No. 1) Regulations 2019**

**38 Application provision—amendments made by the *AusCheck Legislation
Amendment (2019 Measures No. 1) Regulations 2019***

The amendment of section 22 made by Part 2 of Schedule 1 to the *AusCheck Legislation Amendment (2019 Measures No. 1) Regulations 2019* applies in relation to issuing an ASIC or MSIC on or after the commencement of this section.

Section 39

Division 5—Transport Security Legislation Amendment (Serious Crime) Regulations 2021

39 Application provision—amendments made by the *Transport Security Legislation Amendment (Serious Crime) Regulations 2021*

The amendments made by the *Transport Security Legislation Amendment (Serious Crime) Regulations 2021* apply in relation to applications for background checks made after that instrument commences.

Division 6—Transport Security Legislation Amendment (Serious Crime) Regulations 2022

40 Application provision—amendments made by Schedule 1

- (1) The amendments of sections 13, 14, 15A and 16A made by Schedule 1 to the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022* apply in relation to any background check for which an application is made after the commencement of that Schedule.
- (2) The amendments of section 16 made by Schedule 1 to the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022* apply in relation to any application in relation to an individual made under subregulation 6.29(1) or 6.43A(2) of the ATS Regulations or subregulation 6.08F(1) or 6.08MA(2) of the MTOFS Regulations after commencement of that Schedule, whether the background check of the individual was undertaken before or after that commencement.
- (3) The amendments of sections 18 and 28 made by Schedule 1 to the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022* apply in relation to any decision that an issuing body is to be the issuing body for transferred ASIC applications or transferred ASICs, or transferred MSIC applications or transferred MSICs, made after the commencement of that Schedule.

41 Application provision—amendments made by Schedule 2

The amendments of sections 13 and 14 made by Schedule 2 to the *Transport Security Legislation Amendment (Serious Crime) Regulations 2022* apply in relation to any background check for which an application is made after the commencement of that Schedule.

Section 42

Division 7—Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023

42 Application provision—amendments made by the *Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023*

- (1) The amendments of sections 13, 14 and 23 made by Schedule 1 to the *Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023* apply in relation to any background check for which an application is made after the commencement of that Schedule (the **commencement time**).
- (2) The amendments of sections 13, 14 and 23 made by Schedule 1 to the *Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023* also apply in relation to any background check of an individual if:
 - (a) an application for the background check is made before the commencement time; and
 - (b) the Secretary does not, before the commencement time, advise the issuing body mentioned in that section whether or not an adverse criminal intelligence assessment of the individual has been given to the Secretary.

Schedule 1—MNE-security-relevant offences

Note: See the definition of *MNE-security-relevant offence* in section 4.

1 MNE level 1 disqualifying offences

Each item of the following table sets out a kind of MNE level 1 disqualifying offence.

Item	Kind of offence
1.1	An offence involving, or relating to, a weapon of mass destruction
1.2	An offence involving, or relating to, terrorism
1.3	An offence involving, or relating to, any of the following: <ul style="list-style-type: none"> (a) treason; (b) sedition; (c) espionage; (d) disclosure of national secrets
1.4	An offence involving or relating to: <ul style="list-style-type: none"> (a) engagement in hostile activities in a foreign country; or (b) involvement with foreign armed forces
1.5	An offence involving, or relating to, the hijacking or destruction of: <ul style="list-style-type: none"> (a) an aircraft; or (b) a vessel; or (c) an offshore facility
1.6	An offence involving, or relating to, the endangerment of an aircraft, airport, vessel, port or offshore facility that is: <ul style="list-style-type: none"> (a) used in commerce; or (b) owned by the Commonwealth or a State or Territory
1.7	An offence involving, or relating to, an act of piracy at sea
1.8	An offence involving or relating to: <ul style="list-style-type: none"> (a) slavery; or (b) smuggling or trafficking of people
1.9	An offence involving, or relating to, a crime against humanity

2 MNE level 2 offences

Each item of the following table sets out a kind of MNE level 2 offence.

Item	Kind of offence
2.1	An offence involving, or relating to, any of the following: <ul style="list-style-type: none"> (a) murder; (b) manslaughter (c) threat to kill

Schedule 1 MNE-security-relevant offences

Clause 3

Item	Kind of offence
2.2	An offence involving, or relating to, assault, including any of the following: (a) indecent assault; (b) sexual assault; (c) sexual abuse
2.3	An offence involving, or relating to, any of the following: (a) firearms; (b) ammunition; (c) weapons, including use of an item as a weapon; (d) explosives or explosive devices; (e) microbial or other biological agents or toxins
2.4	An offence involving or relating to: (a) destruction of, or damage to, property; (b) arson
2.5	An offence involving, or relating to, affray, riot or public violence
2.6	An offence involving, or relating to, any of the following: (a) false imprisonment; (b) deprivation of liberty; (c) kidnapping; (d) taking a hostage
2.7	An offence involving, or relating to, participation in, or association with, serious and organised crime or gangs
2.8	An offence involving, or relating to, exploitation of a child
2.9	An offence involving, or relating to, robbery

3 MNE level 3 offences

Each item of the following table sets out a kind of MNE level 3 offence.

Item	Kind of offence
3.1	An offence involving, or relating to, fraud, forgery, false identity or false identity documents
3.2	An offence involving, or relating to, any of the following: (a) perjury; (b) perverting the course of justice; (c) intimidation
3.3	An offence involving, or relating to, the production, possession, supply, importation or export of any of the following: (a) an illegal drug; (b) a controlled substance (within the meaning of subsection 3(1) of the <i>Crimes Act 1914</i>)
3.4	An offence involving, or relating to, racial hatred or racial vilification
3.5	An offence involving, or relating to, any of the following: (a) money laundering; (b) currency violations;

Item	Kind of offence
	(c) dealing with proceeds of crime
3.6	An offence involving, or relating to, bribery, corruption, extortion, racketeering or blackmail
3.7	An offence involving, or relating to, obstructing, hindering, resisting or impersonating: (a) a government official; or (b) a law-enforcement officer
3.8	An offence involving, or relating to, use, access, modification or destruction of: (a) data; or (b) electronic communications
3.9	An offence involving, or relating to, theft or burglary
3.10	An offence involving, or relating to, the intentional endangerment of persons (not including an offence that is an MNE level 1 disqualifying offence or an MNE level 2 offence)
3.11	An offence involving or relating to: (a) illegal importation or export of goods, fauna or flora; or (b) interference with goods under customs control

4 References to offences

A reference to an offence in an item in a table in this Schedule is a reference to an offence against a law of the Commonwealth, a State or a Territory.

Clause 1

Schedule 2—CIRMP-security-relevant offences

Note: See the definition of *CIRMP-security-relevant offence* in section 4.

1 CIRMP level 1 offences

Each item of the following table sets out a kind of CIRMP level 1 offence.

Item	Kind of offence
1.1	An offence involving, or relating to, a weapon of mass destruction
1.2	An offence involving, or relating to, terrorism
1.3	An offence involving, or relating to, any of the following: (a) treason; (b) espionage; (c) disclosure of national secrets
1.4	An offence involving or relating to: (a) engagement in hostile activities in a foreign country; or (b) involvement with foreign armed forces
1.5	An offence involving, or relating to, the hijacking or destruction of: (a) an aircraft; or (b) a vessel; or (c) an offshore facility
1.6	An offence involving, or relating to, the endangerment of an aircraft, airport, vessel, port or offshore facility that is: (a) used in commerce; or (b) owned by the Commonwealth or a State or Territory
1.7	An offence involving, or relating to, an act of piracy at sea
1.8	An offence involving or relating to: (a) slavery; or (b) smuggling or trafficking of people
1.9	An offence involving, or relating to, a crime against humanity
1.10	An offence involving, or relating to, any of the following: (a) murder; (b) manslaughter; (c) threat to kill
1.11	An offence involving, or relating to, assault, including any of the following: (a) indecent assault; (b) sexual assault; (c) sexual abuse
1.12	An offence involving, or relating to, any of the following: (a) firearms; (b) ammunition;

Item	Kind of offence
	(c) weapons, including use of an item as a weapon; (d) explosives or explosive devices; (e) microbial or other biological agents or toxins
1.13	An offence involving or relating to: (a) destruction of, or damage to, property; (b) arson
1.14	An offence involving, or relating to, affray, riot or public violence
1.15	An offence involving, or relating to, any of the following: (a) false imprisonment; (b) deprivation of liberty; (c) kidnapping; (d) taking a hostage
1.16	An offence involving, or relating to, participation in, or association with, serious and organised crime or gangs
1.17	An offence involving, or relating to, exploitation of a child
1.18	An offence involving, or relating to, robbery

2 CIRMP level 2 offences

Each item of the following table sets out a kind of CIRMP level 2 offence.

Item	Kind of offence
2.1	An offence involving, or relating to, fraud, forgery, false identity or false identity documents
2.2	An offence involving, or relating to, any of the following: (a) perjury; (b) perverting the course of justice; (c) intimidation
2.3	An offence involving, or relating to, the production, possession, supply, importation or export of any of the following: (a) an illegal drug; (b) a controlled substance (within the meaning of subsection 3(1) of the <i>Crimes Act 1914</i>)
2.4	An offence involving, or relating to, racial hatred or racial vilification
2.5	An offence involving, or relating to, any of the following: (a) money laundering; (b) currency violations; (c) dealing with proceeds of crime
2.6	An offence involving, or relating to, bribery, corruption, extortion, racketeering or blackmail
2.7	An offence involving, or relating to, obstructing, hindering, resisting or impersonating:

Schedule 2 CIRMP-security-relevant offences

Clause 2

Item	Kind of offence
	(a) a government official; or (b) a law-enforcement officer
2.8	An offence involving, or relating to, use, access, modification or destruction of: (a) data; or (b) electronic communications
2.9	An offence involving, or relating to, theft or burglary
2.10	An offence involving, or relating to, the intentional endangerment of persons (not including an offence that is an CIRMP level 1 offence)
2.11	An offence involving or relating to: (a) illegal importation or export of goods, fauna or flora; or (b) interference with goods under customs control

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
AusCheck Regulations 2017	31 July 2017 (F2017L00971)	1 Aug 2017 (s 2(1) item 1)	
AusCheck Amendment (System Functionality) Regulations 2017	19 Dec 2017 (F2017L01664)	1 Oct 2018 (s 2(1) item 1)	—
AusCheck Legislation Amendment (Required Information) Regulations 2019	22 Mar 2019 (F2019L00355)	Sch 1 (items 1–28, 31): 1 July 2019 (s 2(1) item 1)	—
AusCheck Legislation Amendment (2019 Measures No. 1) Regulations 2019	19 June 2019 (F2019L00840)	Sch 1 (items 1–3): 20 June 2019 (s 2(1) item 2) Sch 1 (items 4, 5): 19 July 2019 (s 2(1) item 3) Sch 1 (item 6) and Sch 2 (item 1): 1 July 2019 (s 2(1) items 4, 5)	—
AusCheck Legislation Amendment (Major National Events) Regulations 2019	1 Nov 2019 (F2019L01410)	Sch 1 (items 1–26): 2 Nov 2019 (s 2(1) item 1)	—
Transport Security Legislation Amendment (Serious Crime) Regulations 2021	20 Aug 2021 (F2021L01145)	Sch 1 (items 1–14): 23 Aug 2021 (s 2(1) item 1)	—
Transport Security Legislation Amendment (Serious Crime) Regulations 2022	4 Apr 2022 (F2022L00517)	Sch 1 (items 1–16): 5 Apr 2022 (s 2(1) item 2) Sch 2 (items 1–5): 22 June 2022 (s 2(1) item 3)	—
AusCheck Legislation Amendment (Critical Infrastructure Background Check) Regulations 2023	16 Feb 2023 (F2023L00111)	17 Feb 2023 (s 2(1) item 1)	—
Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023	3 Mar 2023 (F2023L00192)	Sch 1 (items 1–5): 4 Mar 2023 (s 2(1) item 1)	—
Administrative Review Tribunal Legislation Consequential Amendments (2024 Measures No. 1) Regulations 2024	11 Oct 2024 (F2024L01299)	Sch 8 (items 1, 2): 14 Oct 2024 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2.....	rep LA s 48D
s 4.....	am F2017L01664; F2019L00355; F2019L01410; F2021L01145; F2022L00517; F2023L00111 ed C9 am F2023L00192
s 5.....	am F2017L01664; F2019L00355; F2019L00840; F2019L01410; F2023L00111 ed C9
s 5AA.....	ad F2019L00840 am F2019L00840
s 5A.....	ad F2017L01664 ed C1 am F2019L00840; F2019L01410; F2023L00111
s 5B.....	ad F2017L01664 am F2019L01410; F2023L00111
s 6.....	am F2019L01410; F2021L01145; F2023L00111
Part 2	
Division 2	
s 8.....	am F2019L00355; F2019L00840
Division 3	
s 11.....	am F2019L00355
Division 3AA	
Division 3AA.....	ad F2019L01410
s 11AA.....	ad F2019L01410
s 11AB.....	ad F2019L01410
s 11AC.....	ad F2019L01410
Division 3AAB	
Division 3AAB.....	ad F2023L00111
s 11AD.....	ad F2023L00111
s 11AE.....	ad F2023L00111
Division 3A	
Division 3A.....	ad F2019L00355
s 11A.....	ad F2019L00355 am F2019L01410; F2023L00111
Division 4	
s 12.....	am F2019L01410

Endnote 4—Amendment history

Provision affected	How affected
Division 5	
Subdivision A	
s 13.....	am F2017L01664; F2019L00355; F2021L01145; F2022L00517; F2023L00192
s 14.....	am F2021L01145; F2022L00517; F2023L00192
s 15.....	am F2021L01145
s 15A.....	ad F2019L00355
	am F2022L00517
s 16.....	am F2022L00517
s 16A.....	ad F2019L00355
	ed C4
	am F2021L01145; F2022L00517
s 18.....	am F2022L00517
Subdivision B	
s 20.....	am F2019L00355
s 20A.....	ad F2019L00355
s 20B.....	ad F2019L00355
	ed C4
	am F2021L01145
Subdivision C	
s 21A.....	ad F2019L01410
s 21B.....	ad F2019L01410
s 21C.....	ad F2019L01410
	am F2021L01145
s 21D.....	ad F2019L01410
Subdivision D	
Subdivision D.....	ad F2023L00111
s 21DA.....	ad F2023L00111
s 21DB.....	ad F2023L00111
s 21DC.....	ad F2023L00111
s 21DD.....	ad F2023L00111
Division 5A	
Division 5A.....	ad F2019L01410
Subdivision A	
s 21E.....	ad F2019L01410
s 21F.....	ad F2019L01410
Subdivision B	
s 21G.....	ad F2019L01410
s 21H.....	ad F2019L01410
s 21J.....	ad F2019L01410
	ed C5

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 21K.....	ad F2019L01410
s 21L.....	ad F2019L01410
Subdivision C	
s 21M.....	ad F2019L01410
s 21N.....	ad F2019L01410
s 21P.....	ad F2019L01410
Division 5B	
Division 5B.....	ad F2023L00111
Subdivision A	
s 21Q.....	ad F2023L00111
s 21V.....	ad F2023L00111
s 21W.....	ad F2023L00111
s 21X.....	ad F2023L00111
s 21Y.....	ad F2023L00111
Subdivision B	
s 21ZA.....	ad F2023L00111
s 21ZB.....	ad F2023L00111
Division 6	
s 22.....	am F2019L00355; F2019L00840
s 23.....	am F2022L00517; F2023L00192
Division 7	
s 26.....	rs F2017L01664 am F2019L01410; F2023L00111; F2024L01299
Part 3	
s 28.....	am F2022L00517
Part 4	
s 30.....	am F2019L00355 ed C3 am F2019L01410; F2023L00111
Part 5	
Division 1	
Division 1 heading.....	ad F2017L01664
s 33.....	rep F2022L00517
Division 2	
Division 2.....	ad F2017L01664
s 36.....	ad F2017L01664 ed C1
Division 3	
Division 3.....	ad F2019L00355
s 37.....	ad F2019L00355

Endnote 4—Amendment history

Provision affected	How affected
Division 4	
Division 4	ad F2019L00840
s 38.....	ad F2019L00840
Division 5	
Division 5	ad F2021L01145
s 39.....	ad F2021L01145
Division 6	
Division 6	ad F2022L00517
s 40.....	ad F2022L00517
s 41.....	ad F2022L00517
Division 7	
Division 7	ad F2023L00192
s 42.....	ad F2023L00192
Schedule 1	
Schedule 1.....	ad F2019L01410
Schedule 2	
Schedule 2.....	ad F2023L00111