



AusCheck and Other Laws (Repeal and Consequential Amendments) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 July 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Michael Keenan
Minister for Justice

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1 Name

This instrument is the *AusCheck and Other Laws (Repeal and Consequential Amendments) Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|---------------------------------|----------------|---------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 August 2017. | 1 August 2017 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *AusCheck Act 2007*;
- (b) the *Aviation Transport Security Act 2004*;
- (c) the *Maritime Transport and Offshore Facilities Security Act 2003*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Repeals and amendments

Part 1—Repeals

AusCheck Regulations 2007

1 The whole of the Regulations

Repeal the Regulations.

Part 2—Amendments

Aviation Transport Security Regulations 2005

2 Subregulation 6.26A(1) (definition of *AusCheck facility*)

Repeal the definition, substitute:

AusCheck facility means a facility made available by the Secretary AGD for the purposes of the AusCheck scheme.

3 Paragraph 6.27AB(2)(b)

Omit “*AusCheck Regulations 2007*”, substitute “*AusCheck Regulations 2017*”.

4 Paragraph 6.29(1A)(a)

Omit “is advised of the outcome of the applicant’s background check under regulation 9 of the *AusCheck Regulations 2007*”, substitute “was given advice about the background check of the person under Subdivision A of Division 5 of Part 2 of the *AusCheck Regulations 2017*”.

5 Subparagraph 6.29(1A)(b)(i)

Repeal the subparagraph, substitute:

- (i) was advised or informed under Subdivision A of Division 5 of Part 2 of *AusCheck Regulations 2017* that the person has an unfavourable criminal history (within the meaning of those regulations); or

Maritime Transport and Offshore Facilities Security Regulations 2003

6 Subregulation 6.07B(1) (definition of *AusCheck facility*)

Repeal the definition, substitute:

AusCheck facility means a facility made available by the Secretary AGD for the purposes of the AusCheck scheme.

7 Paragraph 6.08BB(2)(b)

Omit “*AusCheck Regulations 2007*”, substitute “*AusCheck Regulations 2017*”.

8 Paragraph 6.08M(1)(eb)

Omit “subregulation 5(5) of the *AusCheck Regulations 2007*.”, substitute “subsection 10(2) of the *AusCheck Regulations 2017*; or”.