



Transport Security Legislation Amendment (Serious Crime) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 19 August 2021

David Hurley
Governor-General

By His Excellency's Command

Karen Andrews
Minister for Home Affairs

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1 Name

This instrument is the *Transport Security Legislation Amendment (Serious Crime) Regulations 2021*.

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	23 August 2021.	23 August 2021

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments

AusCheck Regulations 2017

1 Section 4 (paragraph (b) of the definition of *adverse criminal record*)

Omit “regulation 6.08A”, substitute “subregulation 6.07B(3)”.

2 Section 4 (definition of *qualified criminal record*)

Repeal the definition, substitute:

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

3 Paragraph 6(b)

before “a qualified”, insert “for an individual for whom a background check is undertaken under section 11—“.

4 Paragraph 6(c)

Repeal the paragraph.

5 Subsection 13(3)

Repeal the subsection, substitute:

(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.

6 Subsection 14(3)

Repeal the subsection.

7 Subsection 14(4)

Omit all the words after “unfavourable criminal history,”, substitute “the Secretary must inform the issuing body for the ASIC or MSIC of that advice”.

8 After subsection 14(4)

Insert:

(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.

9 Subsection 15(4)

Omit all the words after “unfavourable criminal history,”, substitute “the Secretary must inform the issuing body for the ASIC or MSIC of that advice”.

10 At the end of section 15

Add:

(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.

11 After subsection 16A(1)

Insert:

(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 15A; and
- (b) the thing that the Secretary requested be done under subsection 11A(2) in relation to the original check is later done.

12 After subsection 20B(1)

Insert:

(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.

13 After subsection 21C(1)

Insert:

(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.

14 In the appropriate position in Part 5

Insert:

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.

Aviation Transport Security Regulations 2005

15 Subregulation 6.01(1) (definition of *aviation-security-relevant offence*)

Repeal the definition (including the table), substitute:

aviation-security-relevant offence means an offence, of a kind mentioned in an item in a table in Schedule 1, against a law of:

- (a) the Commonwealth, a State or Territory; or
- (b) a foreign country or part of a foreign country.

16 Subregulation 6.01(1) (definition of *qualified criminal record*)

Repeal the definition.

17 Subregulation 6.01(1)

Insert:

tier 1 offence means an aviation-security-relevant offence mentioned in the table in clause 1 of Schedule 1.

tier 2 offence means an aviation-security-relevant offence mentioned in the table in clause 2 of Schedule 1.

tier 3 offence means an aviation-security-relevant offence mentioned in the table in clause 3 of Schedule 1.

18 Subregulation 6.01(2)

Repeal the subregulation, substitute:

- (2) A person has an *adverse criminal record* if the person:
 - (a) has been convicted of a tier 1 offence or a tier 2 offence; or
 - (b) has been convicted of, and sentenced to imprisonment for, a tier 3 offence.

19 Subregulation 6.01(3)

Repeal the subregulation.

20 Subregulation 6.28(1)

Omit “, (4D) and (4H)”, substitute “and (4D)”.

21 Subparagraph 6.28(1)(d)(i)

Omit “or a qualified criminal record”.

22 Subregulation 6.28(4H)

Repeal the subregulation.

23 Subregulation 6.29(1)

Repeal the subregulation, substitute:

- (1) An issuing body or a person may apply to the Secretary, in writing, for permission for an ASIC to be issued to the person if:
 - (a) the person is not eligible to be issued an ASIC because he or she:
 - (i) has an adverse criminal record; or
 - (ii) is disqualified under regulation 6.48 from holding an ASIC; and
 - (b) the only other reason (if any) the person is not eligible is that the person does not have an operational need for an ASIC; and
 - (c) the person has not been convicted of a tier 1 offence.

Note: If the person does not have an operational need for an ASIC, an ASIC must not be issued until the person has an operational need (see subregulation (7)).

24 Subregulation 6.32(2)

Omit “subregulations (3) and (4)”, substitute “subregulation (3)”.

25 Subregulation 6.32(4)

Repeal the subregulation.

26 Before subregulation 6.41(1)

Insert:

- (1A) Subregulation (1) applies if a person who is an applicant for, or the holder of, an ASIC is:
 - (a) convicted of and sentenced for a tier 1 offence or a tier 2 offence; or
 - (b) convicted of, and sentenced to imprisonment for, a tier 3 offence.

27 Subregulation 6.41(1)

Omit all the words before paragraph (a), substitute:

- (1) Within 7 days after being sentenced, the person must notify the issuing body or the Secretary, in writing, of the following matters:

28 Subregulations 6.41(2) to (4)

Omit “AGD” (wherever occurring).

29 Subregulation 6.42A(1)

Repeal the subregulation, substitute:

- (1) The Secretary may, in writing, direct an issuing body to suspend an ASIC if:
 - (a) the holder of the ASIC has been convicted of an aviation-security-relevant offence, but has not yet been sentenced for the offence; and
 - (b) the Secretary reasonably considers that either:
 - (i) the holder of the ASIC constitutes a threat to aviation security; or
 - (ii) there is a risk that the holder of the ASIC may use aviation in connection with serious crime.

30 Subregulation 6.42A(2)

Omit “deciding whether the holder constitutes a threat to aviation security”, substitute “considering whether subparagraph (1)(b)(i) or (ii) applies”.

31 Regulation 6.42C

Repeal the regulation, substitute:

6.42C Period of suspension of ASIC

- (1) Unless subregulation (2) applies, the suspension of an ASIC continues until the ASIC is cancelled or expires.
- (2) If:
 - (a) the Secretary notifies the issuing body that issued the ASIC of the outcome of a background check of the holder of the ASIC; and
 - (b) the issuing body is not required under regulation 6.43 to cancel the ASIC; the suspension of the ASIC ends on the day after the issuing body is notified.

Note: Provisions relating to the conduct of a background check when the holder of an ASIC has been convicted of an aviation-security-relevant offence include regulations 6.27AA and 6.41 of these Regulations, and section 8 of the *AusCheck Regulations 2017*.

32 Paragraph 6.43(2)(da)

Repeal the paragraph, substitute:

- (da) the Secretary advises the issuing body that a background check of the holder has been cancelled under section 11A of the *AusCheck Regulations 2017*; or

33 Subregulation 6.43(2A)

Omit all of the words after paragraph (b), substitute:

if:

- (c) the notice that the holder has an adverse criminal record relates to an application for a new ASIC; or
- (d) the Secretary advises the issuing body that there has been no material change in the holder’s criminal history.

34 After Subregulation 6.43A(2)

Insert:

- (2A) However, an application must not be made if the former holder of the ASIC has been convicted of a tier 1 offence.

35 At the end of subregulation 6.44(2)

Add “or the use of aviation in connection with serious crime”.

36 In the appropriate position in Part 10

Insert:

Division 20—Amendments made by the Transport Security Legislation (Serious Crime) Regulations 2021

10.44 Definitions

In this Division:

amended Regulations means these Regulations as amended by the amending Regulations.

amending Regulations means the *Transport Security Legislation (Serious Crime) Regulations 2021*.

convicted has the same meaning as in Part 6 of the amended Regulations.

old Regulations means these Regulations as in force immediately before the commencement of the amending Regulations.

10.45 Continued application of old Regulations

Despite the amendments made to these Regulations by the amending Regulations, the old Regulations continue to apply in relation to the following:

- (a) an application for a background check made before the commencement of the amending Regulations;
- (b) an application made to the Secretary under regulation 6.29 that:
 - (i) is made before the commencement of the amending Regulations; or
 - (ii) relates to the outcome of a background check to which the old Regulations apply;
- (c) an application made to the Secretary under regulation 6.43A before the commencement of the amending Regulations.

10.46 Obligation to report past conviction for aviation-security-relevant offence

- (1) This regulation applies in relation to a person who is the holder of, or an applicant for, an ASIC when the amending Regulations commence if:
 - (a) before that commencement, the person was:
 - (i) convicted of and sentenced for a tier 1 offence or a tier 2 offence (within the meaning of Part 6 of the amended Regulations); or
 - (ii) convicted of, and sentenced to imprisonment for, a tier 3 offence (within the meaning of Part 6 of the amended Regulations); and
 - (b) the offence was not an aviation-security-relevant offence within the meaning of Part 6 of the old Regulations.
- (2) The person must notify the issuing body for the ASIC or the Secretary, in writing, of the matters in paragraphs 6.41(1)(a) to (e) in relation to the offence within 30 days after the day the amending Regulations commence.
- (3) A person commits an offence if:
 - (a) the person is required to notify an issuing body or the Secretary under subregulation (2) in relation to an offence; and
 - (b) the person fails to comply with the requirement.

Penalty: 20 penalty units.

- (4) The following provisions of the amended Regulations apply in relation to notification under subregulation (2) of this regulation as if it were notification under subregulation 6.41(1) of the amended Regulations:
- (a) paragraph 6.27AA(1)(c);
 - (b) subregulations 6.41(2) to (4);
 - (c) regulation 6.41A;
 - (d) paragraph 6.43(2)(db).

37 At the end of the Regulations

Add:

Schedule 1—Aviation-security-relevant offences

Note: See the definitions of *aviation-security-relevant offence*, *tier 1 offence*, *tier 2 offence* and *tier 3 offence* in subregulation 6.01(1).

1 Tier 1 offences

The following table lists offences that are tier 1 aviation-security-relevant offences.

Aviation-security-relevant offences—tier 1 offences	
Item	Offence
1	An offence involving terrorism
2	An offence involving treason, advocating terrorism or genocide, or urging violence
3	An offence involving espionage or selling national secrets
4	An offence relating to engagement in hostile activities in a foreign country or involvement with foreign armed forces
5	An offence relating to weapons of mass destruction
6	An offence involving hijacking or destroying an aircraft, vessel or offshore facility that is used in commerce or owned by the government
7	An offence involving endangerment of an aircraft, airport, vessel, port or offshore facility that is used in commerce or owned by the government
8	An offence involving an act of piracy at sea
9	An offence relating to involvement with a criminal organisation or gang
10	An offence involving the smuggling or trafficking of people

Note: A person convicted of an offence mentioned in the table will have an adverse criminal record (see the definition of *adverse criminal record* in subregulation 6.01(2)).

2 Tier 2 offences

The following table lists offences that are tier 2 aviation-security-relevant offences.

Aviation-security-relevant offences—tier 2 offences	
Item	Offence
1	An offence relating to assaulting or threatening a person on an aircraft, vessel or offshore facility, or in an airport or port
2	An offence relating to theft of an aircraft or vessel that is used in commerce or owned by

Aviation-security-relevant offences—tier 2 offences

Item	Offence
	the government
3	An offence relating to questioning conducted by a person or body investigating serious crime or corruption
4	An offence under the Act that is punishable by imprisonment (whether or not the person is in fact sentenced to imprisonment)
5	An offence under the <i>Maritime Transport and Offshore Facilities Security Act 2003</i> that is punishable by imprisonment (whether or not the person is in fact sentenced to imprisonment)

Note: A person convicted of an offence mentioned in the table will have an adverse criminal record (see the definition of *adverse criminal record* in subregulation 6.01(2)).

3 Tier 3 offences

The following table lists offences that are tier 3 aviation-security-relevant offences.

Aviation-security-relevant offences—tier 3 offences

Item	Offence
1	Murder or manslaughter
2	An offence relating to false imprisonment, deprivation of liberty or taking a hostage
3	An offence relating to assault (other than offences referred to in clauses 1 and 2 of this Schedule), including indecent or sexual assault
4	An offence relating to the sexual abuse or sexual exploitation of a child
5	An offence relating to intimidation (other than offences referred to in clauses 1 and 2 of this Schedule)
6	An offence relating to endangerment of others (other than offences referred to in clauses 1 and 2 of this Schedule), but not including traffic offences except where a vehicle is used as a weapon
7	An offence relating to affray or riot
8	An offence relating to assaulting or resisting a law enforcement officer or other public officer
9	An offence of impersonating a law enforcement officer or other public officer
10	An offence of racial hatred or racial vilification
11	An offence relating to firearms, ammunition, weapons or the use of an item as a weapon
12	An offence relating to explosives or explosive devices
13	Arson or an offence of a kind equivalent to arson
14	An offence relating to production, possession, supply, import or export of an illegal drug or controlled substance
15	An offence relating to illegal import or export of goods, fauna or flora
16	An offence relating to interference with goods under customs control
17	An offence relating to extortion or blackmail
18	An offence relating to theft (other than offences referred to in clauses 1 and 2 of this Schedule)
19	An offence relating to forgery or fraud
20	An offence relating to tax evasion

Aviation-security-relevant offences—tier 3 offences

Item	Offence
21	An offence relating to money laundering or currency violations
22	An offence relating to dealing with proceeds of crime
23	An offence relating to bribery or corruption
24	An offence of perjury or otherwise relating to perversion of the course of justice
25	An offence relating to use of a false identity or false identity documents
26	An offence relating to the unauthorised use, access, modification or destruction of data or electronic communications

Note: A person convicted of an offence mentioned in the table and sentenced to imprisonment will have an adverse criminal record (see the definition of *adverse criminal record* in subregulation 6.01(2)).

Maritime Transport and Offshore Facilities Security Regulations 2003

38 Subregulation 6.07B(1)

Insert:

adverse criminal record, in relation to a person, has the meaning given by subregulation (3).

39 Subregulation 6.07B(1) (definition of *disqualifying offence*)

Repeal the definition.

40 Subregulation 6.07B(1)

Insert:

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.

41 Subregulation 6.07B(1) (definition of *maritime-security-relevant offence*)

Omit “relating to a matter mentioned in an item”, substitute “mentioned in an item of a table”.

42 Subregulation 6.07B(1)

Insert:

tier 1 offence means a maritime-security-relevant offence mentioned in the table in clause 1 of Schedule 1.

tier 2 offence means a maritime-security-relevant offence mentioned in the table in clause 2 of Schedule 1.

tier 3 offence means a maritime-security-relevant offence mentioned in the table in clause 3 of Schedule 1.

43 At the end of regulation 6.07B

Add:

-
- (3) A person has an *adverse criminal record* if the person:
- (a) has been convicted of a tier 1 offence or a tier 2 offence; or
 - (b) has been convicted of, and sentenced to imprisonment for, a tier 3 offence.

44 Subregulation 6.07K(2)

Repeal the subregulation, substitute:

- (2) Subregulation (1) does not apply to a person who is a visitor to a zone for the purpose of boarding or leaving a vessel:
- (a) as part of a recreational activity; or
 - (b) as a passenger.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2): see subsection 13.3(3) of the *Criminal Code*.

45 Regulation 6.08A

Repeal the regulation.

46 Paragraph 6.08BA(c)

Repeal the paragraph, substitute:

- (c) the holder of an MSIC who has notified the issuing body under regulation 6.08LB that the holder has been convicted of and sentenced for a maritime-security-relevant offence.

47 Regulation 6.08D (heading)

Omit “offence”.

48 Paragraph 6.08D(1)(a)

Omit “disqualifying offence”, substitute “tier 1 offence”.

49 Subregulation 6.08D(3)

After “offshore facilities,”, insert “or to prevent the use of maritime transport or offshore facilities in connection with serious crime,”.

50 Paragraph 6.08F(1)(b)

Omit “disqualifying offence”, substitute “tier 1 offence”.

51 Subregulation 6.08F(8)

After “offshore facilities,”, insert “or to prevent the use of maritime transport or offshore facilities in connection with serious crime,”.

52 Subregulation 6.08H(1)

After “a person”, insert “who applied to an issuing body for the issue of an MSIC”.

53 Paragraphs 6.08LB(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) convicted of and sentenced for a tier 1 offence or tier 2 offence; or
- (b) convicted of, and sentenced to imprisonment for, a tier 3 offence.

54 Subregulations 6.08LB(2) to (5)

Omit “AGD” (wherever occurring).

55 Paragraph 6.08LC(1)(a)

Repeal the paragraph, substitute:

- (a) has been convicted of a maritime-security-relevant offence; or

56 Subregulation 6.08LE(1)

Repeal the subregulation, substitute:

- (1) The Secretary may, in writing, direct an issuing body to suspend an MSIC if:
 - (a) the holder of the MSIC has been convicted of a maritime-security-relevant offence, but has not yet been sentenced for the offence; and
 - (b) the Secretary reasonably considers that either:
 - (i) the holder of the MSIC constitutes a threat to the security of maritime transport or an offshore facility; or
 - (ii) there is a risk that the holder of the MSIC may use maritime transport or an offshore facility in connection with serious crime.

57 Subregulation 6.08LE(2)

Omit all the words before paragraph (a), substitute:

- (2) In considering whether subparagraph (1)(b)(i) or (ii) applies, the Secretary must consider:

58 Regulation 6.08LG

Repeal the regulation, substitute:

6.08LG Period of suspension of MSIC

- (1) Unless subregulation (2) applies, the suspension of an MSIC continues until the MSIC is cancelled or expires.
- (2) If:
 - (a) the Secretary notifies the issuing body that issued the MSIC of the outcome of a background check of the holder of the MSIC; and
 - (b) the issuing body is not required under regulation 6.08M to cancel the MSIC;the suspension of the MSIC ends on the day after the issuing body is notified.

Note: Provisions relating to the conduct of a background check when the holder of an MSIC has been convicted of a maritime-security-relevant offence include regulations 6.08BA and 6.08LB of these Regulations, and section 8 of the *AusCheck Regulations 2017*.

59 Paragraphs 6.08M(1)(e) and (ea)

Repeal the paragraphs, substitute:

- (e) subject to subregulation (1A), the issuing body has received a notice from the Secretary that the holder has an adverse criminal record; or
- (ea) the Secretary advises the issuing body that a background check of the holder has been cancelled under section 11A of the *AusCheck Regulations 2017*; or

60 Subparagraph 6.08M(1)(h)(i)

Repeal the subparagraph, substitute:

- (i) notifies the Secretary or the issuing body under regulation 6.08LB that the holder has been convicted of and sentenced for a maritime-security-relevant offence; and

61 Subregulation 6.08M(1) (note)

Repeal the note.

62 Subregulations 6.08M(1A) and (1B)

Repeal the subregulations, substitute:

(1A) An issuing body must not cancel an MSIC that was:

- (a) issued with the approval of the Secretary under regulation 6.08F; or
- (b) reinstated under regulation 6.08MC;

if:

- (c) the notice that the holder has an adverse criminal record relates to an application for a new MSIC; or
- (d) the Secretary advises the issuing body that there has been no material change in the holder's criminal history.

63 Subregulation 6.08M(6)

Repeal the subregulation.

64 Subregulation 6.08MA(1)

Omit "(ea)", substitute "(e)".

65 Paragraph 6.08MC(1)(a)

Omit "(ea)", substitute "(e)".

66 At the end of subregulation 6.08O(3)

Add “, or the use of maritime transport or offshore facilities in connection with serious crime”.

67 Schedule 1

Repeal the Schedule, substitute:

Schedule 1—Maritime-security-relevant offences

Note: See the definitions of *maritime-security-relevant offence*, *tier 1 offence*, *tier 2 offence* and *tier 3 offence* in subregulation 6.07B(1).

1 Tier 1 offences

The following table lists offences that are tier 1 maritime-security-relevant offences.

Maritime-security-relevant offences—tier 1 offences	
Item	Offence
1	An offence involving terrorism

Maritime-security-relevant offences—tier 1 offences

Item	Offence
2	An offence involving treason, advocating terrorism or genocide, or urging violence
3	An offence involving espionage or selling national secrets
4	An offence relating to engagement in hostile activities in a foreign country or involvement with foreign armed forces
5	An offence relating to weapons of mass destruction
6	An offence involving hijacking or destroying an aircraft, vessel or offshore facility that is used in commerce or owned by the government
7	An offence involving endangerment of an aircraft, airport, vessel, port or offshore facility that is used in commerce or owned by the government
8	An offence involving an act of piracy at sea
9	An offence relating to involvement with a criminal organisation or gang
10	An offence involving the smuggling or trafficking of people

Note: A person convicted of an offence mentioned in the table will have an adverse criminal record (see the definition of *adverse criminal record* in subregulation 6.07B(3)).

2 Tier 2 offences

The following table lists offences that are tier 2 maritime-security-relevant offences.

Maritime-security-relevant offences—tier 2 offences

Item	Offence
1	An offence relating to assaulting or threatening a person on an aircraft, vessel or offshore facility, or in an airport or port
2	An offence relating to theft of an aircraft or vessel that is used in commerce or owned by the government
3	An offence relating to questioning conducted by a person or body investigating serious crime or corruption
4	An offence under the Act that is punishable by imprisonment (whether or not the person is in fact sentenced to imprisonment)
5	An offence under the <i>Aviation Transport Security Act 2004</i> that is punishable by imprisonment (whether or not the person is in fact sentenced to imprisonment)

Note: A person convicted of an offence mentioned in the table will have an adverse criminal record (see the definition of *adverse criminal record* in subregulation 6.07B(3)).

3 Tier 3 offences

The following table lists offences that are tier 3 maritime-security-relevant offences.

Maritime-security-relevant offences—tier 3 offences

Item	Offence
1	Murder or manslaughter
2	An offence relating to false imprisonment, deprivation of liberty or taking a hostage
3	An offence relating to assault (other than offences referred to in clauses 1 and 2 of this Schedule), including indecent or sexual assault

Maritime-security-relevant offences—tier 3 offences	
Item	Offence
4	An offence relating to the sexual abuse or sexual exploitation of a child
5	An offence relating to intimidation (other than offences referred to in clauses 1 and 2 of this Schedule)
6	An offence relating to endangerment of others (other than offences referred to in clauses 1 and 2 of this Schedule), but not including traffic offences except where a vehicle is used as a weapon
7	An offence relating to affray or riot
8	An offence relating to assaulting or resisting a law enforcement officer or other public officer
9	An offence of impersonating a law enforcement officer or other public officer
10	An offence of racial hatred or racial vilification
11	An offence relating to firearms, ammunition, weapons or the use of an item as a weapon
12	An offence relating to explosives or explosive devices
13	Arson or an offence of a kind equivalent to arson
14	An offence relating to production, possession, supply, import or export of an illegal drug or controlled substance
15	An offence relating to illegal import or export of goods, fauna or flora
16	An offence relating to interference with goods under customs control
17	An offence relating to extortion or blackmail
18	An offence relating to theft (other than offences referred to in clauses 1 and 2 of this Schedule)
19	An offence relating to forgery or fraud
20	An offence relating to tax evasion
21	An offence relating to money laundering or currency violations
22	An offence relating to dealing with proceeds of crime
23	An offence relating to bribery or corruption
24	An offence of perjury or otherwise relating to perversion of the course of justice
25	An offence relating to use of a false identity or false identity documents
26	An offence relating to the unauthorised use, access, modification or destruction of data or electronic communications

Note: A person convicted of an offence mentioned in the table and sentenced to imprisonment will have an adverse criminal record (see the definition of *adverse criminal record* in subregulation 6.07B(3)).

68 In the appropriate position in Schedule 2

Insert:

Part 11—Amendments made by the Transport Security Legislation (Serious Crime) Regulations 2021

112 Definitions

In this Part:

amended Regulations means these Regulations as amended by the amending Regulations.

amending Regulations means the *Transport Security Legislation (Serious Crime) Regulations 2021*.

convicted has the same meaning as in Division 6.1A of the amended Regulations.

old Regulations means these Regulations as in force immediately before the commencement of the amending Regulations.

113 Continued application of old Regulations

Despite the amendments made to these Regulations by the amending Regulations, the old Regulations continue to apply in relation to the following:

- (a) an application for a background check made before the commencement of the amending Regulations;
- (b) an application made to the Secretary under regulation 6.08F that:
 - (i) is made before the commencement of the amending Regulations; or
 - (ii) relates to the outcome of a background check to which the old Regulations apply;
- (c) an application made to the Secretary under regulation 6.08MA before the commencement of the amending Regulations.

114 Obligation to report past conviction for maritime-security-relevant offence

- (1) This regulation applies in relation to a person who is the holder of, or an applicant for, an MSIC when the amending Regulations commence if:
 - (a) before that commencement, the person was:
 - (i) convicted of and sentenced for a tier 1 offence or a tier 2 offence (within the meaning of Division 6.1A of the amended Regulations); or
 - (ii) convicted of, and sentenced to imprisonment for, a tier 3 offence (within the meaning of Division 6.1A of the amended Regulations);and
 - (b) the offence was not a maritime-security-relevant offence within the meaning of Division 6.1A of the old Regulations.
- (2) The person must notify the issuing body for the MSIC or the Secretary, in writing, of the matters in paragraphs 6.08LB(2)(a) to (e) in relation to the offence within 30 days after the day the amending Regulations commence.
- (3) A person commits an offence if:
 - (a) the person is required to notify an issuing body or the Secretary under subregulation (2) in relation to an offence; and
 - (b) the person fails to comply with the requirement.

Penalty: 20 penalty units.

- (4) The following provisions of the amended Regulations apply in relation to notification under subregulation (2) of this regulation as if it were notification under subregulation 6.08LB(2) of the amended Regulations:
 - (a) paragraph 6.08BA(c);
 - (b) subregulations 6.08LB(3) to (5);

- (c) regulation 6.08LBA;
- (d) paragraph 6.08M(1)(h).