

URGENT INFORMATION

CHANGES TO MSIC ELIGIBILITY CRITERIA

To All MUA Members

There are new eligibility criteria to hold an MSIC and the list of offences which could impact your ability to hold an MSIC has been extended under the Transport Security Amendment (Serious Crime) Act 2021.

The Union is continuing to seek advice on how this will affect members and we have established a dedicated resource in National Office to assist any members who believe that they may be effected by the changes.

If you believe you have been convicted of an offence that may be captured under the new criteria it is important that you do the following;

Step 1: Email the union at msic@mua.org.au for urgent assistance

Step 2: Contact the Department of Home affairs auscheck@homeaffairs.gov.au if you are unsure whether you have been convicted of an offence under the new criteria

Where can I find the full list of offences under the eligibility criteria cardholders?



What does this mean for existing with cardholders?

As of **23 August 2021**, all existing cardholders will have **30 days** to self-report against the new criteria to the Department of Home Affairs (auscheck@homeaffairs.gov.au). Under the new requirement, cardholders and applicants who do not self-report relevant offences within this 30 day period may be fined up to **\$4,440**.

What should you do if you are unsure if a new offence or conviction relates to the new eligibility requirements?

Follow step 1 and 2

What are the reporting obligations of existing cardholders?

Cardholders are already required to report a conviction within **7 days** to their issuing body or AusCheck, the 30 day period is a temporary measure to assist the implementation of the new criteria.

What can you do if you have a conviction for one of the new offences?

If you have a conviction for one of the new offences
THE UNION WILL ASSIST WITH THIS PROCESS.



MARITIME UNION OF AUSTRALIA



Australian Government

Department of Home Affairs

Aviation and Maritime Security Identification Card Schemes

Tiered and Harmonised Eligibility Criteria (aviation/maritime security-relevant offences)

Disqualified	Tier 1. Disqualifying Offences (Person convicted of offence)	
	1.1	An offence involving terrorism A M
	1.2	An offence involving treason, advocating terrorism or genocide, or urging violence M
	1.3	An offence involving espionage or selling national secrets M
	1.4	An offence relating to engagement in hostile activities in a foreign country or involvement with foreign armed forces A M
	1.5	An offence relating to weapons of mass destruction M
	1.6	An offence involving hijacking or destroying an aircraft, vessel or offshore facility that is used in commerce or owned by the government A M
	1.7	An offence involving endangerment of an aircraft, airport, vessel, port or offshore facility that is used in commerce or owned by the government A M
	1.8	An offence involving an act of piracy at sea M
	1.9	An offence relating to involvement with a criminal organisation or gang M
	1.10	An offence involving the smuggling or trafficking of people M
Adverse (Conviction)	Tier 2. Offences for which a conviction is adverse	
	2.1	An offence relating to assaulting or threatening a person on an aircraft, vessel or offshore facility, or in an airport or port A M
	2.2	An offence relating to theft of an aircraft or vessel that is used in commerce or owned by the government A M
	2.3	An offence relating to questioning conducted by a person or body investigating serious crime or corruption M
	2.4	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) M
	2.5	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) M
Adverse (Imprisonment)	Tier 3. Offences for which a sentence of imprisonment is adverse	
	3.1	Murder or manslaughter A M
	3.2	An offence relating to false imprisonment, deprivation of liberty or taking a hostage M
	3.3	An offence relating to assault (other than offences referred to in tiers 1 and 2), including indecent or sexual assault M
	3.4	An offence relating to the sexual abuse or sexual exploitation of a child M
	3.5	An offence relating to intimidation (other than offences referred to in tiers 1 and 2) A
	3.6	An offence relating to endangerment of others (other than offences referred to tiers 1 and 2), but not including traffic offences except where a vehicle is used as a weapon A
	3.7	An offence relating to affray or riot M
	3.8	An offence relating to assaulting or resisting a law enforcement officer or other public officer M
	3.9	An offence of impersonating a law enforcement officer or other public officer A M
	3.10	An offence of racial hatred or racial vilification M
	3.11	An offence relating to firearms, ammunition, weapons or the use of an item as a weapon A M
	3.12	An offence relating to explosives or explosive devices A M
	3.13	Arson or an offence of a kind equivalent to arson M
	3.14	An offence relating to production, possession, supply, import or export of an illegal drug or controlled substance A M
	3.15	An offence relating to illegal import or export of goods, fauna or flora M
	3.16	An offence relating to interference with goods under Customs control M
	3.17	An offence relating to extortion or blackmail M
	3.18	An offence relating to theft (other than offences referred to in tiers 1 and 2) A M
	3.19	An offence relating to forgery or fraud A M
	3.20	An offence relating to tax evasion M
	3.21	An offence relating to money laundering or currency violations M
	3.22	An offence relating to dealing with proceeds of crime M
	3.23	An offence relating to bribery or corruption A M
	3.24	An offence of perjury or otherwise relating to perversion of the course of justice M
	3.25	An offence relating to use of a false identity or false identity documents M
	3.26	An offence relating to the unauthorised use, access, modification or destruction of data or electronic communications M

Maritime – current

Maritime-security-relevant offences

Disqualified	1.1	terrorism
	1.2	treason, sedition, espionage or selling national secret
	1.3	weapon of mass destruction
	1.4	hijacking or destruction of an aircraft, vessel or offshore facility
Adverse (Imprisonment)	Other maritime-security-relevant offences	
	2.1	armed attack relating to aircraft, airport, vessel, port or offshore facility
	2.2	unlawful interference with maritime transport, offshore facility or aviation
	2.3	threat to endanger aircraft, airport, vessel or port
	2.4	theft of aircraft or vessel
	2.5	piracy
	2.6	assassination, murder, attempted murder or manslaughter
	2.7	threat to murder
	2.8	aggravated assault including the following, whether or not the assault results in injury, grievous bodily harm; actual bodily harm; torture, wounding, aggravated sexual assault; assault with use of weapon; and assault in company
	2.9	kidnap
	2.10	hostage-taking, deprivation of liberty or false imprisonment
	2.11	people smuggling or people trafficking
	2.12	racial hatred or racial vilification
	2.13	affray or riot
	2.14	arson or sabotage
	2.15	threat to cause fire or explosion
	2.16	unlawful activity relating to weapons, firearms or explosives (not including weapons of mass destruction)
	2.17	armed robbery
	2.18	destruction of or damage to property belonging to the Commonwealth
	2.19	threat to destroy or damage property belonging to the Commonwealth
	2.20	hinder or resist government officer concerned with national security
	2.21	bribery or corruption
	2.22	extortion, blackmail or racketeering
	2.23	money laundering
	2.24	false testimony, perjury or subverting the course of justice
	2.25	forgery or fraud, including identity fraud
	2.26	supply false documentation to get a weapons, explosives or vehicle licence
	2.27	unlawful activity relating to passports or visas
	2.28	impersonate, misrepresent or falsely advertise a profession or professional status
	2.29	deceptive business practice
	2.30	import, export, supply, manufacture or cultivate illegal drug or controlled substance
	2.31	permit premises to be used for taking, selling or distributing illegal drugs or controlled substances
	2.32	conspiracy to commit an offence related to a matter mentioned in items 1.1 to 1.4 and 2.1 to 2.31.