



# **Special National Office Bulletin**

## **Maritime Security ID Cards 9a/2005**

### **Cards will be required for RTBU Members who enter 'Port Security Zones'.**

#### **Background to Maritime Security Identification Cards (MSICs)**

In response to concerns about terrorist threats, the federal government has been negotiating with unions and port authorities over security measures for the maritime industry.

The negotiations have been framed around the government's stated intention that, like aviation, port workers will be required to carry identity cards when in 'maritime security zones'.

Relevant legislation has already been passed, and the legal requirement for workers to display their card when in a 'maritime security zone' will apply from 1 January 2007.

The government department overseeing the MSIC scheme is the Department of Transport and Regional Services (DOTARS).

#### **How does this affect RTBU members?**

RTBU members who are required to enter a 'maritime security zone' will either:

1. Be required to hold an MSIC or
2. If no card is held, they must be escorted by an MSIC holder while they are in the 'zone'.

It is unlikely that Port Authorities will supply an escort for every rail worker required to enter a 'maritime security zone'. Therefore it is probable that affected rail workers will need to hold their own MSIC.

#### **What is a 'maritime security zone'?**

These 'zones' have been determined on an individual basis for each Port Authority. DOTARS has to approve the plan submitted by each Authority.

In some places, the rail-line may be excluded from the 'zone' and in others it might be within it. Therefore each Port Authority has information on where the 'zone' lies for each particular port.

#### **Background checks that are undertaken as part of an application for an MSIC:**

The MSIC is underpinned by a detailed background checking process of applicants. There are three key checks undertaken:

1. An immigration check by the Department of Immigration (DIMIA).
2. A check of the applicant's criminal history. This is done by the Australian Federal Police (AFP).
3. A check whether the applicant has any adverse information recorded by the Australian Security Intelligence Organisation (ASIO).

#### **What is the immigration check?**

Simply this is a check to show that the applicant is an Australian citizen. This can be done:

1. By providing identification following the usual points system used for credit card applications. Applicable documentation includes birth certificates and passports.
2. By showing a current visa/work permit.

#### **What is included in the AFP and ASIO checks?**

There are two levels of checking by AFP and ASIO.

1. **If you have been convicted of one of the offences listed below, then you might be disqualified from holding an MSIC, subject to the review of the Secretary of DOTARS:**
  - i. Interference with maritime or aviation transport.
  - ii. Endangering security of airport or seaport.
  - iii. Identity Offences.

- iv. Trans-national Crime, money laundering etc.
- v. People smuggling and related offences.
- vi. Importing, exporting, supply or production of weapons, explosives or a trafficable quantity of drugs.

**2. If you have been of one of the three 'disqualifying' offences listed below, then you will be disqualified from holding an MSIC.**

Disqualifying offences include:

- i. Those in Chapter 5 of the Criminal Code (treason, espionage etc).
- ii. Weapons of Mass Destruction.
- iii. Hijack or Destruction of aircraft / ship.

With these three offences, there is no discretion by the DOTARS Secretary to review the applicant's case. To appeal, the applicant must go through the *Administrative Appeals Tribunal*.

**What is the application process?**

MSIC's will be available from 'issuing bodies'. Certain organisations (including employers and unions) can apply to the government to become issuing bodies. The RTBU does not intend on being an issuing body.

Applicants will need to approach an 'issuing body' to get the forms required to apply for an MSIC. These forms include a consent form for the AFP check. The AFP consent form must be signed and posted to the AFP.

Note that an applicant does not need to fill in a form for the ASIO check. This check can be done at any time, without an individual's consent.

The results from these checks are sent to the government department, DOTARS.

DOTARS will then provide the 'issuing body' with a notice which simply tells the issuing body whether or not to issue a card to the applicant. In other words, the issuing body will not know about any information revealed through the AFP and ASIO checking process.

**What if my application for an MSIC is rejected?**

If an applicant is refused an MSIC, then the appeal process outlined above applies. In most cases, the first step will be to the DOTARS Secretary and then to the Administrative Appeals Tribunal.

Until an MSIC is granted, the applicant will not be able to work in a 'maritime security zone'

**When do I need to apply for a card?**

The government department overseeing the implementation of the MSIC scheme (DOTARS) has developed a program for the 'roll-out' of the cards. Each port has been allocated a time-slot between 1 October 2005 and 31 December 2006. However this does not stop a Port Authority from participating in the scheme earlier than their time-slot.

To date, affected Rail Operators have not made information available about their participation in the scheme. But it is assumed that they will participate at the same time as the relevant port authority has been allocated. For more information, refer to the documentation on the RTBU National Office website at: [www.rtbu-nat.asn.au](http://www.rtbu-nat.asn.au)

**How much do MSIC's cost?**

The MSIC will cost approximately \$80 per person. This cost is made up of the AFP check, the ASIO check and a cost of the manufacture of the card itself.

The RTBU's position is that this cost will be borne by the employer.

**Do MSICs expire?**

MSICs expire after five years. On expiry, the holder must reapply and have the three checks (DIMIA, ASIO and AFP) done again.

MSICs can also be cancelled in certain circumstances.

**What if I don't have/display my MSIC?**

There is provision in the legislation for 'temporary' MSICs to be issued to a holder who has forgotten or lost their card.

There are monetary penalties in the legislation for those who fail to properly display their card.

**Who will enforce the cards?**

The legislation provides that maritime security guards can issue infringement notices if an MSIC holder does not properly display their card.

Proper display is

- Above waist height;
- At the front or side of the body; and,
- With the whole front of the card visible.

**For more information contact Kristin van Barneveld, RTBU National Office on (02) 9310 3966.**