



National Office Bulletin

RTBU Members' Newsletter 4/2005

Maritime Security ID card to be required for RTBU members who enter Ports

In this edition of *your* RTBU National Office Bulletin:

- **Details about the Maritime Security Identification Card (MSIC)**
- **The MSIC potentially applies to all RTBU members who may be required to enter a Port during the course of their employment.**

A decision was made in July 2004 by the Howard government that security checks would be made on all personnel who worked in ports. A card will be issued to those who pass the security check and, when displayed, this card will allow the card holder to access port facilities.

A working group was established in mid-2004 to develop the principles for the maritime security identification card (MSIC). Not one representative from rail industry was invited to participate, and yet the outcomes will affect a significant proportion of our members.

Below is a summary of the information provided by the government about the Maritime Security Identification Card (MSIC) to date.

What does the security check entail?

The security check has three components:

1. **A criminal history check.** The criminal history check is undertaken by the Australian Federal Police. This check is limited to a specific list of 'applicable crimes' which is still being developed by the federal government.

When the information becomes available about which crimes are included on this list, it will be circulated to RTBU members.

2. **A 'politically motivated violence' check**
This is a check conducted by ASIO (the Australian Security Intelligence Organisation). It covers crimes against the government such as treason, and espionage.

3. **An immigration check**
This check is to ensure the worker is not an unlawful citizen of Australia. It is conducted by the Federal Department of Immigration and Multicultural and Indigenous Affairs.

Who issues the card and how is privacy ensured?

During this period (October 2005-June 2006), the *only* issuing body will be the government. This will ensure that results from the background checks (criminal history check, politically motivated violence check, and the immigration check) will not go to an employer.

However, after June 2006, the card can be issued by any organisation which has applied to, and been approved by, the government as an MSIC issuing body. In other words, an issuing body can be an employer or an employer association.

This means that after June 2006, the results of the three checks for any MSIC applications can go directly to an employer if the employer is a registered issuing body.

What if a worker has their application for a MSIC rejected?

If a worker has their application for an MSIC rejected, he/she will have an initial appeal right through a government department (Department of Transport and Regional Services – DOTARS).

If the appeal to DOTARS is not successful, then a further appeal can be made to the Administrative Appeals Tribunal.

Arrangements as to what happens while a worker contests a refusal to grant an MSIC have not yet been determined, and the RTBU holds significant concerns about the impact on the livelihood of a rail worker who has to appeal a decision.

When does the card need to be shown?

The card has to be displayed at all times in all maritime security zones if the worker wishes to have unescorted access.

If the worker does not have a card, they will need to be escorted or continually monitored by someone who does have this clearance.

What does the card cost?

Finally, the card will cost \$49. This is comprised of \$13 for the politically motivated violence check and \$36 for the police check.

Employers should pay this cost for employees, but subcontractors will probably have to pay for themselves.

At present, the legislation is in draft form and some of the details are still being finalised – further updates will be provided to members when information becomes available.