



Frequently Asked Questions Threshold for Criminal Intelligence Assessments

1. What changes are happening?

- The *Transport Security Legislation Amendment (Criminal Intelligence Threshold) Regulations 2023* were registered on 3 March 2023 and make the following changes to the aviation and maritime security identification card (ASIC and MSIC) background check schemes:
 - introduce a threshold for the Australian Criminal Intelligence Commission (ACIC) to issue a high risk criminal intelligence assessment if it reasonably believes that it is necessary or desirable to prevent the use of aviation/maritime transport or offshore facilities in connection with serious crime;
 - require an issuing body to only issue an ASIC or MSIC if notified by AusCheck that the applicant has not received a high risk criminal intelligence assessment that applies this threshold; and
 - require an issuing body to cancel an ASIC or MSIC if notified by AusCheck that the holder has received a high risk criminal intelligence assessment that applies this threshold.

2. When will the changes come into effect?

- Criminal intelligence assessments were introduced into the ASIC and MSIC background check from 22 June 2022.
- The new threshold will apply to:
 - applications for background checks after 4 March 2023; and
 - applications for background checks made after 22 June 2022 that are not yet complete or the issuing body has not yet been notified of the outcome.

3. What is the threshold?

- The Government has introduced a threshold of 'reasonable belief' for the conduct of criminal intelligence assessments as part of the ASIC and MSIC background checks.
 - A high risk criminal intelligence assessment, indicates the person issuing the assessment reasonably believes that preventing the individual from holding an MSIC/ASIC (as the case may be) is necessary or desirable to prevent the use of aviation/maritime transport or an offshore facility in connection with serious crime.



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4. What are criminal intelligence assessments? Can you be given a high risk criminal intelligence assessment simply because of who you are related to, or rumours?

- A criminal intelligence assessment is an assessment conducted by the ACIC to determine if intelligence or information held by the agency suggests the applicant may commit or assist another person to commit a serious and organised crime.
- Under the threshold, an ASIC or MSIC cannot be issued, or must be cancelled, if the CEO of the ACIC reasonably believes that such action is necessary or desirable to prevent the use of aviation, maritime transport, or offshore facilities, in connection with serious crime.
- Being the subject of a rumour or simply being a relative of a person who is involved in serious and organised crime will not, of itself, be sufficient to meet the threshold for the ACIC to issue a high risk criminal intelligence assessment.
- The CEO of the ACIC will review all the relevant intelligence available in determining if a person meets the threshold to receive a high risk criminal intelligence assessment.

5. How will the changes impact me?

- The threshold provides transparency to ASIC and MSIC card holders or applicants in regard to how the ACIC will assess their eligibility to hold an ASIC or MSIC when conducting a criminal intelligence assessment.
- The introduction of a threshold for criminal intelligence assessments is anticipated to impact a very small cohort of ASIC and MSIC holders and applicants who may receive a high risk criminal intelligence assessment.

6. How do I appeal a decision if found to have a high risk criminal intelligence assessment?

- If you are found to have a high risk criminal intelligence assessment, you are able to apply for merits review to the Security Division of the Administrative Appeals Tribunal (AAT).