

**STAFF-IN-CONFIDENCE**  
(when completed)

**Commonwealth of Australia**

**CONSENT TO OBTAIN PERSONAL INFORMATION**  
(for categories where **PART EXCLUSION** has been granted from  
spent convictions legislation)

I.....hereby:  
(Full name - **BLOCK LETTERS** in pen or typed)

- (i) specify the entitlement applied for: **Maritime Security Identification Card (MSIC)**
- (ii) acknowledge that I have read the General Information document provided with this Form and understand that I do not have to disclose old conviction information, which is described under the heading Spent Convictions Scheme in the General Information document (See Attachment A).
- (iii) acknowledge that convictions which are not spent under Commonwealth, State or Territory legislation, and convictions for offences detailed within Regulation 6.07C of the Maritime Transport and Offshore Facilities Security Regulations 2005 (See Attachment B), will be provided to the Department of Transport and Regional Services (DOTARS).
- (iv) **consent to** the Australian Federal Police (AFP) forwarding the information contained in this form to the Police Services of the States or Territories of Australia and, the AFP or other relevant Australian police force(s) extracting from their records information relating to me of matters pending before a Court (excluding civil matters) and/or details of convictions or findings of guilt which have been recorded against me and which are not spent within the terms above.
- (v) **consent to** my personal details being forwarded to the Australian Security Intelligence Organisation (ASIO) for the purpose of conducting a security assessment.
- (vi) **consent to** all relevant information being forwarded to DOTARS for the purpose of assessing suitability to be issued an MSIC.
- (vii) acknowledge that the AFP may retain a record of MSIC applicants and that any information provided by me in this Form or by the police or ASIO as a result of this check may be taken into account by DOTARS in assessing my suitability to receive an MSIC.
- (viii) certify that the personal information I have provided on both the front and back of this form relates to me and is correct.

Signature..... Date / /

**CRIMINAL HISTORY CHECK APPLICATION FORM**

MSIC APPLICATION IDENTIFICATION NUMBER	_____/_____/_____	TYPE: <input type="checkbox"/> STANDARD (PMV REQUIRED) <input type="checkbox"/> RENEWAL (PMV <b>NOT</b> REQUIRED)
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CURRENT FAMILY NAME			
GIVEN NAMES			
DATE OF BIRTH			
GENDER	MALE	FEMALE	
OTHER NAMES:	FAMILY NAME: (including all name changes and Maiden Name)	GIVEN NAMES:	DATE OF BIRTH (where different)
PLACE OF BIRTH			
STATE OF BIRTH			
COUNTRY OF BIRTH			
CONTACT PHONE NUMBER			
DRIVERS LICENCE NUMBER:			
DRIVERS LICENCE STATE:			

**CURRENT ADDRESS**

UNIT/ NUMBER	STREET	SUBURB/CITY	POST CODE	STATE	COUNTRY	RESIDENCY FROM
						/ /

**PERMANENT RESIDENTIAL ADDRESSES OVER THE LAST TEN YEARS**

UNIT/ NUMBER	STREET	SUBURB/CITY	POST CODE	STATE	COUNTRY	RESIDENCY FROM	RESIDENCY TO
						/ /	/ /
						/ /	/ /
						/ /	/ /
						/ /	/ /

• If full details of previous addresses are unavailable details of town(s) and state(s) will suffice.  
*Attach list if insufficient room.*

• If actual dates are unavailable, Details of year of residence will suffice

<b>Client Code</b>
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Signature..... Date / /

<i><b>CRIMINAL HISTORY INFORMATION</b></i>	
Are you the subject of any criminal charges still pending before a court	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you ever been convicted of a maritime security related offence? (see Attachment B)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you been found guilty or convicted of an offence as an adult within the past ten years?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you been found guilty or convicted of an offence as a juvenile within the past five years?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you been found guilty or convicted of an offence for which you were sentenced to greater than 30 months imprisonment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>If you answered YES to any of the above questions, please provide details:</b>	
<u><b>RETURN ADDRESS</b></u>  Please forward to: <b>AFP Criminal Records Section</b> <b>Locked Bag I</b> <b>WESTON ACT 2611</b>	<u><b>Police Use Only</b></u> <b>Australian Federal Police</b>

# INFORMATION RELATING TO THE AFP CRIMINAL HISTORY CHECK AND CONSENT FORMS FOR MSIC ISSUE

## GENERAL INFORMATION

This form is used by Maritime Security identification Card (MSIC) applicants as part of the assessment process to determine whether a person is suitable for the issue of an MSIC.

Unless statutory obligations require otherwise, the information provided on this form will not be used without your prior consent for any purpose other than in relation to the assessment of your suitability to receive an MSIC.

## POLICE RECORDS CHECK

Police records checks are an integral part of the assessment of your suitability for an MSIC. On this form you are asked to disclose whether you are the subject of any charges or matters still pending before a Court, or whether you have been the subject of conviction(s) or finding(s) of guilt before a Court. You are not required to reveal any conviction(s), which may be protected by Part VIIC of the *Crimes Act 1914*, relating to pardoned, quashed or spent convictions, except where an exclusion applies in respect to maritime security related offences. (See Attachment B.)

## SPENT CONVICTIONS SCHEME

On 30 June 1990, Commonwealth legislation relating to the collection, use and disclosure of old conviction information came into effect. This law is commonly known as the Spent Conviction Scheme.

The aim of the Scheme is to prevent discrimination on the basis of certain old convictions, once a waiting period has passed and provided the **individual** has not re-offended. The Scheme also covers convictions where an individual's conviction has been set aside **or** pardoned.

An individual whose conviction is protected by Part VIIC of the *Crimes Act 1914* does not have to disclose that conviction to any person, including a Commonwealth authority, unless an exclusion applies. A Part Exclusion exists in respect to the issue of an MSIC which provides for disclosure of offences deemed maritime security related offences as described by the Maritime Transport and Offshore Facilities Security Amendment Regulations 2005 (Number 1)

A spent conviction is a conviction for a Commonwealth, Territory, State or foreign offence which satisfies all of the following conditions:

- it is 10 years since the date of the conviction (or 5 years for juvenile offenders);
- the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months;
- the individual has not re-offended during the 10 year (5 years for juvenile offenders) waiting period; and
- a statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner).

*The Attorney-General, on the recommendation of the Privacy Commissioner, has granted exclusions, both partial and full, from the operation of the Scheme for several categories of employment. There are also statutory exclusions contained within the Act. This means that applicants for those positions must declare all convictions where a full exclusion exists, or convictions for specific offences where a partial exclusion exists.*

Where a police record with another Australian police jurisdiction has been obtained, any relevant legislation (and/or release policy) governing that police jurisdiction will be applied before it is released. Under various sections of Commonwealth, State and Territory legislation a person has the right, in particular circumstances or for a particular purpose, to not disclose certain convictions (i.e. Spent Convictions). Such convictions will not be released, providing this is in accordance with relevant legislation (and/or release policy). If further information is required in relation to the legislation and release policies of any police jurisdiction, please contact that individual police jurisdiction directly.

An individual who believes the standards dealing with disclosure and use of old conviction information have been breached may apply to the Privacy Commissioner for an investigation of the matter. The address is GPO Box 5218, SYDNEY, NSW 2001.

For more information please phone (02) 6256 7777  
or email Criminal Records : [vetting@afp.gov.au](mailto:vetting@afp.gov.au)

### **CRIMINAL HISTORY CHECKING**

**The Australian Federal Police advises all applicants that for criminal history checks, they must meet the following requirements in the application.**

1. Applications to be filled out in **pen or typed**.
2. If there has been a change of name, then previous and current names **MUST** be included on the form (eg maiden, de facto, deed poll, etc).
3. Applicant's signature must not be more than three months old.
4. Please check the date of birth to ensure it is the correct year. Also ensure that all the necessary details have been completed and that the forms are signed.

## MARITIME SECURITY IDENTIFICATION CARD – EXCLUSIONS FROM SPENT CONVICTION LEGISLATION

The following is a relevant extract from the *Maritime Transport and Offshore Facilities Security Regulations 2005* detailing those convictions which will not become spent and are taken into account by the Department of Transport and Regional Services in assessing suitability for issue of an MSIC.

### Regulation 6.07C Meaning of *maritime-security-relevant offence*

In this division, a *maritime-security-relevant offence* means an offence of a kind mentioned in an item in Table 6.07C or a similar offence against a law of a State or Territory, or of any other country or part of a country.

### Table 6.07C Maritime-security-relevant offences

Item	Kind of offence
1	An offence mentioned in Chapter 5 of the <i>Criminal Code</i> . <i>Note</i> Offences for this item include treason, espionage and harming Australians.
2	An offence involving the supply of goods (such as weapons or missiles) for a Weapons of Mass Destruction program as mentioned in the <i>Weapons of Mass Destruction (Prevention of Proliferation) Act 1995</i>
3	An offence involving the hijacking or destruction of an aircraft or vessel
4	An offence involving treachery, sabotage, sedition, inciting mutiny, unlawful drilling, or destroying or damaging Commonwealth property, mentioned in Part II of the <i>Crimes Act 1914</i>
5	An offence involving interference with aviation, maritime transport infrastructure or an offshore facility, including carriage of dangerous goods on board an aircraft or ship, or endangering the security of an aerodrome, a port or an offshore facility
6	An identity offence involving counterfeiting or falsification of identity documents, or assuming another individual's identity
7	Transnational crime involving money laundering, or another crime associated with organised crime or racketeering
8	People smuggling and related offences mentioned in Chapter 4, Division 73 of the <i>Criminal Code</i>
9	An offence involving the importing, exporting, supply or production of weapons, explosives or a trafficable quantity of drugs.

*Note 1* A person convicted of an offence mentioned in item 1, 2 or 3 of Table 6.07C is disqualified from holding an MSIC, but, under regulation 6.08X, is entitled to seek reconsideration of the disqualification decision.

*Note 2* An issuing body must not issue an MSIC to a person who has been convicted of an offence mentioned in item 4, 5, 6, 7, 8 or 9 of Table 6.07C unless the Secretary, acting under regulation 6.08F, decides that the person is unlikely to constitute a security threat and approves the issue of an MSIC to the person.

*Note 3* Before 1 January 2007, a person who has been convicted of a disqualifying offence must not enter a maritime security zone: see regulations 6.07K and 6.08D.