

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.