





## **AusCheck Legislation Amendment (Major National Events) Regulations 2019**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 31 October 2019

David Hurley  
Governor-General

By His Excellency's Command

Peter Dutton  
Minister for Home Affairs

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## 1 Name

This instrument is the *AusCheck Legislation Amendment (Major National Events) Regulations 2019*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	2 November 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following:

- (a) the *AusCheck Act 2007*;
- (b) the *Crimes Act 1914*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Major national events

#### *AusCheck Regulations 2017*

##### **1 Section 4 (after paragraph (c) of the note to the heading)**

Insert:

(ca) major national event;

##### **2 Section 4**

Insert:

*AusCheck* means that part of the Department that administers the AusCheck scheme.

##### **3 Section 4 (at the end of the definition of *Category A identification document*)**

Add:

; or (c) for an individual who is an applicant for, or a holder of, an MNE accreditation—means:

- (i) for an individual who was born in Australia and is an Australian citizen—either the individual’s Australian birth certificate or a notice given to the individual under section 37 of the *Australian Citizenship Act 2007*; or
- (ii) for any other individual—a valid document that provides evidence of the start of the individual’s identity in Australia.

##### **4 Section 4 (at the end of the definition of *Category B identification document*)**

Add:

; or (c) for an individual who is an applicant for, or a holder of, an MNE accreditation—means a current and valid document that:

- (i) is issued to the individual by a Commonwealth, State or Territory Department or agency, or by a government of a foreign country or an agency of a government of a foreign country; and
- (ii) provides photographic proof of the individual’s identity; and
- (iii) includes the individual’s signature.

Note: An example for the purposes of paragraph (c) is a current and valid Australian or foreign passport or a driver licence.

##### **5 Section 4 (at the end of the definition of *Category C identification document*)**

Add:

; or (c) for an individual who is an applicant for, or a holder of, an MNE accreditation—means a current and valid document that provides evidence of the individual’s use of identity while operating in the community (which may be a community outside Australia).

Note: An example for the purposes of paragraph (c) is a current and valid medicare card or a membership card issued by a private health insurer.

## 6 Section 4

Insert:

**Category D identification document**, for an individual who is an applicant for, or a holder of, an MNE accreditation, means a valid document that:

- (a) provides evidence of the individual's current residential address (which may be a residential address outside Australia); and
- (b) is less than 6 months old.

Note: An example is a current utilities notice.

**conviction**, of an individual who is an applicant for, or a holder of, an MNE accreditation, for an offence, has the same meaning as in Part VIIC of the *Crimes Act 1914*, but does not include:

- (a) a spent conviction (within the meaning of subsection 85ZM(2) of that Act) if Division 3 of Part VIIC of that Act applies to the individual in relation to the conviction; or
- (b) a conviction for an offence of which, under a law relating to pardons or quashed convictions, the individual is taken never to have been convicted.

Note 1: Under subsection 85ZM(1) of the *Crimes Act 1914*, a person is also taken to have been convicted of an offence if the person:

- (a) has been found guilty of the offence but discharged without conviction; or
- (b) has not been found guilty of the offence but a court has taken the offence into account in sentencing the person for another offence (see paragraphs 85ZM(1)(b) and (c) of that Act).

Note 2: Under Part VIIC of the *Crimes Act 1914*, if a person receives a free and absolute pardon for an offence against a law of the Commonwealth or a Territory because the person was wrongly convicted of the offence, the person is taken for all purposes never to have been convicted (see section 85ZR of that Act).

Note 3: In certain circumstances, Division 3 of Part VIIC of the *Crimes Act 1914* ceases to apply to a person in relation to a spent conviction if Division 4 of that Part (Convictions of further offences) applies.

Note 4: Under the *Crimes Act 1914*, a person need not disclose convictions that:

- (a) have been quashed (see section 85ZT of that Act); or
- (b) are spent (see section 85ZV of that Act).

Note 5: Convictions for MNE level 1 disqualifying offences do not become spent for the purposes of assessing whether to issue the convicted person with an MNE accreditation—see paragraph 85ZZH(k) of the *Crimes Act 1914* and section 21 of, and Schedule 2 to, the *Crimes Regulations 2019*.

## 7 Section 4 (at the end of the definition of *identification document*)

Add:

- ; or (d) for an individual who is an applicant for, or a holder of, an MNE accreditation—a Category D identification document.

## 8 Section 4

Insert:

**imprisonment** includes periodic detention, home-based detention and detention until the rising of a court, but does not include an obligation to perform community service.

**MNE** is short for major national event.

**MNE accreditation** means accreditation of an individual in relation to a major national event.

**MNE criminal record:** an individual has an **MNE criminal record** if the individual has been:

- (a) convicted of an MNE level 1 disqualifying offence; or
- (b) convicted of an MNE level 2 offence and sentenced to any term of imprisonment for the offence; or
- (c) convicted of an MNE level 3 offence and sentenced to a term of imprisonment of 12 months or more for the offence.

**MNE level 1 disqualifying offence** means an MNE-security-relevant offence mentioned in an item in the table in clause 1 of Schedule 1.

**MNE level 2 offence** means an MNE-security-relevant offence mentioned in an item in the table in clause 2 of Schedule 1.

**MNE level 3 offence** means an MNE-security-relevant offence mentioned in an item in the table in clause 3 of Schedule 1.

**MNE-security-relevant offence** means an offence mentioned in an item in a table in Schedule 1 against a law of the Commonwealth, a State or a Territory.

**organising body**, for a major national event, means the person declared to be the organising body for the event by the Minister under section 21E.

**verifying person**, for an identity verification check of an individual in connection with MNE accreditation in relation to a major national event, means:

- (a) AusCheck; or
- (b) the organising body for the major national event; or
- (c) a person acting on behalf of AusCheck or the organising body.

## 9 Paragraph 5(1)(d)

Omit “all”, substitute “if the application is made under, or as mentioned in, Division 2 or 3 of Part 2—all”.

## 10 After paragraph 5(1)(i)

Insert:

- (ia) if the individual is, or is to be, employed for the purposes of a major national event and MNE accreditation is required for the purposes of that employment:
  - (i) the name and business address of the employer; and
  - (ii) details of the capacity in which the individual is, or is to be, employed;
- (ib) if the individual is, or is to be, a volunteer worker for an organisation for the purposes of a major national event and MNE accreditation is required for the purposes of that volunteer work:
  - (i) the name and business address of the organisation; and
  - (ii) details of the work that the individual is performing, or will perform, with the organisation;

## 11 After paragraph 5(1)(k)

Insert:

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- (ka) if the individual is a student and as part of the individual's course of study the individual is undertaking, or will undertake, work for the purposes of a major national event and MNE accreditation is required for the purposes of that work:
- (i) the name and business address of the institution at which the individual is studying; and
  - (ii) details of the work that the individual is undertaking or will undertake, including details of the person for whom the individual is, or will be, working;

## **12 Paragraph 5(1)(m)**

After “made under”, insert “a provision referred to in”.

## **13 At the end of subsection 5(1)**

Add:

- ; (n) if the application relates to a background check of the individual in connection with MNE accreditation and the individual is under 16 years of age at the time the application is made—a record of the express consent of the parent or guardian of the individual:
- (i) for a background check of the individual to be conducted; and
  - (ii) if, under paragraph 21F(b), the background check must include an identity verification check—for the identity of the individual to be verified.

## **14 At the end of subsection 5A(1)**

Add:

- ; and (c) the requirement does not relate to a background check of the individual in connection with MNE accreditation.

## **15 Section 5B**

Before “AusCheck is not required”, insert “(1)”.

## **16 At the end of section 5B**

Add:

- (2) This section does not apply in relation to a background check of an individual in connection with MNE accreditation.

Note: See section 21L for when AusCheck is not required to continue undertaking a background check in relation to major national events.

## **17 At the end of section 6**

Add:

- ; (d) if the individual is an applicant for, or a holder of, an MNE accreditation—an MNE criminal record.

## **18 After Division 3 of Part 2**

Insert:

## **Division 3AA—Background checks for major national event purposes**

### **11AA Background check of applicants for, or holders of, MNE accreditation—application by organising body**

- (1) AusCheck may undertake a background check of an individual in connection with the accreditation of the individual in relation to a major national event if an application for a background check of the individual is made under section 21G.
- (2) The application must:
  - (a) be made electronically; and
  - (b) include all of the required information for the individual; and
  - (c) if, under paragraph 21F(b), the background check must include an electronic identity verification check—include:
    - (i) the details required under section 21H or a copy of an exemption (or a copy of an application for an exemption) under section 21K from the requirement to provide those details; and
    - (ii) the record (if any) required under section 21H; and
  - (d) be made in the form (if any) approved for the purposes of this paragraph under subsection (3); and
  - (e) meet any other requirements specified by the Secretary for the purposes of this paragraph under subsection (4).
- (3) The Secretary may, in writing, approve a form for the purposes of paragraph (2)(d).
- (4) The Secretary may, by notifiable instrument, specify requirements for the purposes of paragraph (2)(e).

### **11AB Background check of applicants for, or holders of, MNE accreditation—deemed application**

- (1) AusCheck may undertake a background check of an individual in connection with the accreditation of the individual in relation to a major national event if, after a background check (the *original background check*) of the individual has been undertaken in relation to the major national event, the Secretary considers on reasonable grounds that the individual:
  - (a) has an MNE criminal record; or
  - (b) constitutes a threat to the security of the major national event.
- (2) In considering a matter under subsection (1), the Secretary must take into account:
  - (a) any information given to the Secretary by the individual or the organising body for the event; and
  - (b) any information given to the Secretary by a law enforcement, or national security, agency (however described) about the individual; and
  - (c) anything else relevant that the Secretary knows about.
- (3) If AusCheck undertakes a background check of an individual under subsection (1):

- (a) the organising body is taken to have applied for the background check of the individual; and
- (b) the application for that background check is taken to be the same as the application for the original background check.

**11AC AusCheck not to conduct or continue a background check in relation to major national event after event has concluded**

To avoid doubt, AusCheck must not conduct, or continue to conduct, a background check of an individual in connection with the accreditation of the individual in relation to a major national event after the event has concluded.

**19 Paragraph 11A(2)(b)**

Omit “or NHS entity”, substitute “, NHS entity or organising body”.

**20 Paragraph 11A(2)(f)**

Omit “or 20B(3)”, substitute “, 20B(3) or 21C(3)”.

**21 Paragraph 12(3)(a)**

After “or subsection 11(1)”, insert “, or under section 21G”.

**22 At the end of Division 5 of Part 2**

Add:

**Subdivision C—Advice about background checks for major national event purposes**

**21A Advice about background check of an individual—application made by organising body etc.**

- (1) This section applies if, under section 11AA, 11AB or 21C, AusCheck undertakes a background check of an individual in connection with the accreditation of the individual in relation to a major national event.

*Advice relating to criminal history etc.*

- (2) The Secretary must advise the organising body for the major national event:
  - (a) if the background check included an assessment of the individual’s criminal history—whether or not the individual has an unfavourable criminal history; and
  - (b) if the background check included a security assessment of the individual—whether or not the security assessment of the individual is an adverse security assessment or qualified security assessment; and
  - (c) if the background check included an assessment of information relating to whether the individual is an unlawful non-citizen or holds a visa entitling the individual to work in Australia—the result of that assessment.
- (3) If the Secretary advises the organising body under paragraph (2)(a) that the individual has an unfavourable criminal history, the Secretary:
  - (a) must include in the advice whether the individual has been convicted of an MNE level 1 disqualifying offence, an MNE level 2 offence or an MNE level 3 offence; and

- (b) must not include in the advice details of the type of offence of which the individual has been convicted; and
- (c) must inform the individual of that advice and the reasons for that advice.

(4) If:

- (a) the Secretary has advised the organising body that the individual has been convicted of an MNE level 2 offence or an MNE level 3 offence (the *relevant MNE offence*); and
- (b) the organising body requests the Secretary, in writing, to provide to the organising body details of the relevant MNE offence; and
- (c) the individual provides express consent for the Secretary to provide details of the relevant MNE offence to the organising body;

the Secretary must provide to the organising body a document setting out the details of the relevant MNE offence and any sentence imposed for the offence.

### **21B Advice about background check that is cancelled**

If:

- (a) a background check of an individual in connection with the accreditation of the individual in relation to a major national event is cancelled under subsection 11A(7); and
- (b) had AusCheck completed the check, the Secretary would have been required or authorised, or would have been so required or authorised depending on the results of the background check, to give to the individual or the organising body for the major national event:
  - (i) advice; or
  - (ii) a document;

the Secretary must advise the individual or organising body (as the case requires) that the background check is cancelled.

### **21C AusCheck may undertake new background checks**

(1) This section applies if:

- (a) the Secretary gives advice about a background check (the *original check*) of an individual under this Subdivision in connection with the accreditation of the individual in relation to a major national event; and
- (b) the Secretary later reasonably suspects that:
  - (i) any of the requirements of this instrument for the application for the original check were not satisfied; or
  - (ii) the Secretary did not have all of the required information for the individual when AusCheck undertook the original check; or
  - (iii) any of the requirements specified under subsection 11A(3) for the purposes of paragraph 11A(2)(f) in relation to the application for the original check were not satisfied; or
  - (iv) the advice is inaccurate or incomplete.

(2) AusCheck may undertake a new background check of the individual.

(3) If AusCheck does so, for the purposes of the AusCheck scheme:

- (a) the organising body for the major national event is taken to have applied for the new background check; and

- (b) the application for the new background check is taken to be the same as the application (if any) for the original check (as affected by subsection 11A(6)).

Note: Paragraph (3)(b) may be relevant to whether the Secretary may make a request under subsection 11A(2) in relation to the application.

### **21D Secretary must give further advice if initial advice is inaccurate or incomplete**

If the Secretary becomes aware that advice about a background check of an individual that has been given under this Subdivision is inaccurate or incomplete, the Secretary must give further advice in accordance with this Subdivision that is accurate and complete.

## **23 After Division 5 of Part 2**

Insert:

### **Division 5A—Matters relating to major national events**

#### **Subdivision A—Organising bodies and types of assessments and identity checks**

##### **21E Organising bodies for major national events**

The Minister may, by notifiable instrument, declare a person to be the organising body for a major national event.

##### **21F Minister may declare types of assessments and identity verification checks for background checks**

The Minister may, by notifiable instrument, declare:

- (a) that background checks of individuals in connection with MNE accreditation in relation to a major national event must include assessment of information relating to one or more of the matters mentioned in paragraphs 5(a), (b), (c) and (d) of the Act, as specified in the instrument; and
- (b) if the Minister declares that background checks must include assessment of information relating to the matter mentioned in paragraph 5(d) of the Act—that those assessments must consist of:
  - (i) electronic identity verification checks; or
  - (ii) in person identity verification checks; or
  - (iii) both electronic identity verification checks and in person identity verification checks.

#### **Subdivision B—Applying for background checks and requirements for identity verification checks**

##### **21G Arranging background check**

An organising body for a major national event may apply to AusCheck for a background check of an individual in connection with the accreditation of the individual in relation to the major national event.

## 21H Electronic identity verification checks

If, under paragraph 21F(b), a background check of an individual in connection with MNE accreditation in relation to a major national event must include an electronic identity verification check, AusCheck must not conduct the check unless, subject to section 21K, the following are provided to AusCheck:

- (a) details of a Category A identification document or a Category B identification document, being details AusCheck can use to verify electronically the individual's identity for the purposes of a background check;
- (b) if an individual is at least 16 years of age at the time of the check—a record of the individual having given express consent to the identity of the individual being verified.

## 21J In person identity verification checks

- (1) If, under paragraph 21F(b), a background check of an individual in connection with MNE accreditation in relation to a major national event must include an in person identity verification check, the check must be conducted in accordance with this section.

*Individuals who are 18 year of age or older*

- (2) Subject to section 21K, if an individual is at least 18 years of age at the time of the in person identity verification check, the individual must attend the check in person and must give to the verifying person conducting the check:
  - (a) the following documents:
    - (i) a Category A identification document;
    - (ii) a Category B identification document that is different from the Category A identification document;
    - (iii) a Category C identification document that is different from the Category A identification document and the Category B identification document;
    - (iv) if evidence of the individual's current residential address is not set out in a document already given—a Category D identification document; and
  - (b) if the individual's identity has been verified electronically before the in person identity verification check has been conducted—the identity documents the details of which were used to electronically verify the individual's identity.

*Individuals who under 18 year of age*

- (3) Subject to section 21K, if an individual is under 18 years of age at the time of the in person identity verification check, the individual must attend the check in person and must give to the verifying person conducting the check:
  - (a) a Category A identification document; and
  - (b) if the individual's identity has been verified electronically before the in person identity verification check has been conducted—the identity documents the details of which were used to electronically verify the individual's identity.

*Identity to be verified at time the individual attends the check*

- (4) The verifying person conducting the in person identity verification check must verify the individual's identity at the time the individual attends the check, unless the individual is exempted under section 21K from the requirement to attend the identity verification check in person.

*Identification documents must be provided for each identity verification*

- (5) To avoid doubt, the individual must give the documents referred to in subsection (2) or (3) to the verifying person conducting the in person identity verification check even if the individual has previously given the same documents to the verifying person, or to a verifying person, in relation to another background check for MNE accreditation.

## **21K Exemptions**

- (1) This section applies if, for the purposes of an identity verification check under section 21H or 21J in connection with MNE accreditation in relation to a major national event, an individual is unable:
- (a) for an electronic identity verification check—to provide details of a Category A identification document or a Category B identification document, being details AusCheck can use to verify electronically the individual's identity for the purposes of a background check; or
  - (b) for an in person identity verification check—either:
    - (i) to provide a Category A identification document; or
    - (ii) to attend the identity verification check in person.
- (2) The individual or the organising body for the major national event may apply to the Secretary for an exemption from whichever of the following requirements applies:
- (a) to provide details of a Category A identification document or details of a Category B identification document;
  - (b) to provide a Category A identification document;
  - (c) to attend the identity verification check in person.

*Requirements for application*

- (3) The application must:
- (a) be made electronically; and
  - (b) set out which of the requirements mentioned in subsection (2) the individual is unable to satisfy; and
  - (c) set out the reasons why the individual is unable to satisfy those requirements; and
  - (d) if the application is for an exemption from the requirement to attend an identity verification check in person—be accompanied by the following:
    - (i) a photograph of the individual (taken no more than one month before the date of the application) showing the individual's full face and the individual's head and shoulders;
    - (ii) copies of the identification documents required under subsection 21J(2) or (3) that are certified in accordance with subsection (4) of this section; and

- (e) include any other information that may assist the Secretary in making a decision about whether to grant an exemption in relation to the individual.

*Certification of documents*

- (4) For the purposes of subparagraph (3)(d)(ii), a copy of an identification document must be certified, in writing, by a person prescribed by section 7 of the *Statutory Declarations Regulations 2018*, to be a true copy of the original identification document.

*Matters to be considered*

- (5) In making a decision under this section in relation to the individual, the Secretary must consider the following matters:
  - (a) the reasons set out in the application under paragraph (3)(c);
  - (b) any other information provided under paragraph (3)(e).

*Requirement for further information*

- (6) If the Secretary requires further information to consider the application, the Secretary may request the applicant to give the further information within 30 days after receiving the request.

*When decision must be made*

- (7) The Secretary must, in writing and within 30 days after receiving the application or, if further information is requested, within 30 days after receiving the further information in accordance with subsection (6):
  - (a) do either of the following:
    - (i) grant the exemption in relation to the individual;
    - (ii) refuse to grant the exemption in relation to the individual; and
  - (b) notify the applicant of the decision; and
  - (c) if the decision is a refusal—notify the applicant of the reasons for the refusal.
- (8) The Secretary is taken to have refused to grant the exemption if the Secretary has not made a decision on the application within the period mentioned in subsection (7).

**21L AusCheck not required to continue background check if identity not verified**

AusCheck is not required to continue undertaking a background check of an individual in connection with MNE accreditation if the identity of the individual is unable to be verified in accordance with section 21H or 21J (as affected by section 21K).

**Subdivision C—Decisions in relation to MNE accreditation**

**21M Decisions in relation to MNE accreditation**

- (1) This section applies if:

- (a) AusCheck undertakes a background check of an individual in connection with the accreditation of the individual in relation to a major national event; and
  - (b) under section 21A or 21D, the Secretary advises the organising body for the major national event of the result of the background check.
- (2) If the Secretary advises the organising body that:
- (a) if the background check included a criminal record check of the individual—the individual has been convicted of an MNE level 1 disqualifying offence; or
  - (b) if the background check included a security assessment of the individual—the security assessment of the individual is an adverse security assessment or qualified security assessment;
- the organising body:
- (c) must decide not to issue an MNE accreditation to the individual in relation to the major national event; or
  - (d) if the organising body has issued an MNE accreditation to the individual in relation to the major national event—must decide to cancel the individual’s MNE accreditation within 48 hours after receiving the Secretary’s advice.
- (3) Except as provided under subsection (2), nothing in this section limits the decision an organising body may make in connection with MNE accreditation in relation to a major national event.
- (4) An organising body for a major national event commits an offence if:
- (a) the Secretary advises the organising body as mentioned in subsection (2) in relation to an individual; and
  - (b) the organising body:
    - (i) issues an MNE accreditation to the individual in relation to the major national event after receiving the Secretary’s advice; or
    - (ii) if, before receiving the Secretary’s advice, the organising body has issued an MNE accreditation to the individual in relation to the major national event—fails to cancel the MNE accreditation within 48 hours after receiving the Secretary’s advice.

Penalty for a contravention of subsection (4):            5 penalty units.

## **21N Organising body must advise Secretary of certain decisions**

An organising body commits an offence if:

- (a) the Secretary advises the organising body about a background check of an individual under section 21A; and
- (b) after receiving the Secretary’s advice, the organising body makes a decision to issue, or not to issue, an MNE accreditation to the individual in relation to a major national event; and
- (c) the organising body does not inform the Secretary of the decision within 7 days after making the decision.

Penalty: 5 penalty units.

## **21P Organising body must inform Secretary of cancellation or suspension of an MNE accreditation**

An organising body commits an offence if:

- (a) the Secretary advises the organising body about a background check of an individual under section 21A or 21D; and
- (b) after receiving the Secretary’s advice, the organising body issues an MNE accreditation to the individual for a particular period; and
- (c) the organising body cancels or suspends the accreditation before the end of that period; and
- (d) the organising body does not inform the Secretary of the cancellation or suspension within 48 hours after that cancellation or suspension occurs.

Penalty: 5 penalty units.

## **24 At the end of paragraph 26(a)**

Add “or 21K(7)”.

## **25 Paragraphs 30(3)(a) and (b)**

Omit “or NHS entity”, substitute “, NHS entity or organising body”.

## **26 At the end of the instrument**

Add:

# **Schedule 1—MNE-security-relevant offences**

Note: See the definition of *MNE-security-relevant offence* in section 4.

## **1 MNE level 1 disqualifying offences**

Each item of the following table sets out a kind of MNE level 1 disqualifying offence.

<b>Item</b>	<b>Kind of offence</b>
1.1	An offence involving, or relating to, a weapon of mass destruction
1.2	An offence involving, or relating to, terrorism
1.3	An offence involving, or relating to, any of the following: <ul style="list-style-type: none"><li>(a) treason;</li><li>(b) sedition;</li><li>(c) espionage;</li><li>(d) disclosure of national secrets</li></ul>
1.4	An offence involving or relating to: <ul style="list-style-type: none"><li>(a) engagement in hostile activities in a foreign country; or</li><li>(b) involvement with foreign armed forces</li></ul>
1.5	An offence involving, or relating to, the hijacking or destruction of: <ul style="list-style-type: none"><li>(a) an aircraft; or</li><li>(b) a vessel; or</li><li>(c) an offshore facility</li></ul>
1.6	An offence involving, or relating to, the endangerment of an aircraft, airport, vessel, port or

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	offshore facility that is:
	(a) used in commerce; or
	(b) owned by the Commonwealth or a State or Territory
1.7	An offence involving, or relating to, an act of piracy at sea
1.8	An offence involving or relating to:
	(a) slavery; or
	(b) smuggling or trafficking of people
1.9	An offence involving, or relating to, a crime against humanity

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## 2 MNE level 2 offences

Each item of the following table sets out a kind of MNE level 2 offence.

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Item	Kind of offence
2.1	An offence involving, or relating to, any of the following:
	(a) murder;
	(b) manslaughter
	(c) threat to kill
2.2	An offence involving, or relating to, assault, including any of the following:
	(a) indecent assault;
	(b) sexual assault;
	(c) sexual abuse
2.3	An offence involving, or relating to, any of the following:
	(a) firearms;
	(b) ammunition;
	(c) weapons, including use of an item as a weapon;
	(d) explosives or explosive devices;
	(e) microbial or other biological agents or toxins
2.4	An offence involving or relating to:
	(a) destruction of, or damage to, property;
	(b) arson
2.5	An offence involving, or relating to, affray, riot or public violence
2.6	An offence involving, or relating to, any of the following:
	(a) false imprisonment;
	(b) deprivation of liberty;
	(c) kidnapping;
	(d) taking a hostage
2.7	An offence involving, or relating to, participation in, or association with, serious and organised crime or gangs
2.8	An offence involving, or relating to, exploitation of a child
2.9	An offence involving, or relating to, robbery

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## 3 MNE level 3 offences

Each item of the following table sets out a kind of MNE level 3 offence.

**Schedule 1** Amendments  
**Part 1** Major national events

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<b>Item</b>	<b>Kind of offence</b>
3.1	An offence involving, or relating to, fraud, forgery, false identity or false identity documents
3.2	An offence involving, or relating to, any of the following: (a) perjury; (b) perverting the course of justice; (c) intimidation
3.3	An offence involving, or relating to, the production, possession, supply, importation or export of any of the following: (a) an illegal drug; (b) a controlled substance (within the meaning of subsection 3(1) of the <i>Crimes Act 1914</i> )
3.4	An offence involving, or relating to, racial hatred or racial vilification
3.5	An offence involving, or relating to, any of the following: (a) money laundering; (b) currency violations; (c) dealing with proceeds of crime
3.6	An offence involving, or relating to, bribery, corruption, extortion, racketeering or blackmail
3.7	An offence involving, or relating to, obstructing, hindering, resisting or impersonating: (a) a government official; or (b) a law-enforcement officer
3.8	An offence involving, or relating to, use, access, modification or destruction of: (a) data; or (b) electronic communications
3.9	An offence involving, or relating to, theft or burglary
3.10	An offence involving, or relating to, the intentional endangerment of persons (not including an offence that is an MNE level 1 disqualifying offence or an MNE level 2 offence)
3.11	An offence involving or relating to: (a) illegal importation or export of goods, fauna or flora; or (b) interference with goods under customs control

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#### **4 References to offences**

A reference to an offence in an item in a table in this Schedule is a reference to an offence against a law of the Commonwealth, a State or a Territory.

## Part 2—Spent convictions

### *Crimes Regulations 2019*

#### **27 Clause 1 of Schedule 2 (at the end of the cell at table item 20, column 3)**

Add:

; or (d) for an applicant for, or holder of, an MNE accreditation (within the meaning of the *AusCheck Regulations 2017*)—MNE level 1 disqualifying offence (within the meaning of that instrument).

#### **28 Clause 1 of Schedule 2 (after table item 23)**

Insert:

23A	Organising body (within the meaning of the <i>AusCheck Regulations 2017</i> )	Assessing whether to issue an MNE accreditation (within the meaning of the <i>AusCheck Regulations 2017</i> ) to an individual in accordance with Part 2 of that instrument	MNE level 1 disqualifying offence (within the meaning of the <i>AusCheck Regulations 2017</i> )
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