

## Executive Director's Message

In late February AusCheck celebrated a significant milestone - we processed our 50,000th background check. It has been a long and difficult journey in getting started so it is very satisfying to get 50,000 services 'under our belt', all provided in accordance with our service standards and hopefully in a way that is sympathetic to your business requirements.

We have worked hard to create an efficient process for industry and to reduce the time taken to complete checks. We are all very proud that we get 71% of ASIC background checks and 49% of MSIC background checks completed within 5 days. We will continue to work on this and hope to further reduce processing times over the next 12 months.

I would like again to thank all our aviation and maritime clients for your patience and support in the establishment of AusCheck and look forward to providing even better services in future.

**Elizabeth Kelly**

## AusCheck Operations – 50,000 Checks



AusCheck Operations Team: Left to right  
Mark Walker, Sean Kelly - Team Leader, Ayris Brown, Ines Franco,  
Helen Schumack, Tamara Grocott - Team Leader, Treasye Keating,  
Caroline Blight, Emily Morris.

## AusCheck Consultative Committee

The sixth AusCheck Consultative Committee is being held on 1 April 2008.

The Committee meets monthly via teleconference and is composed of industry representatives and executives from each branch of AusCheck.

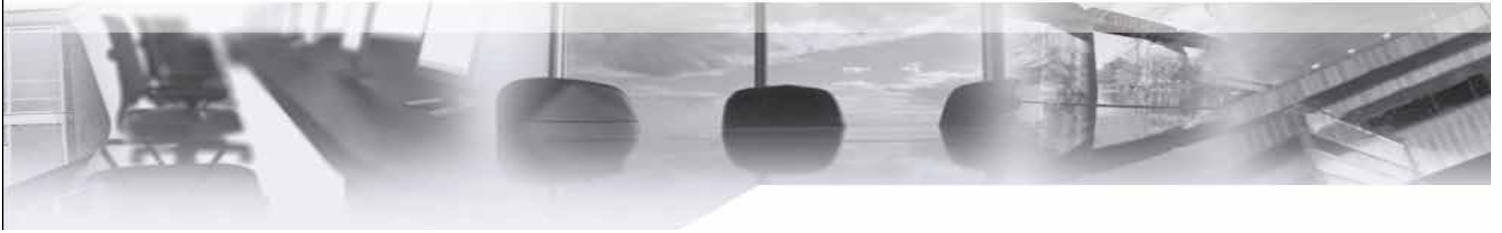
If you are not a Consultative Committee member but would like take part in the next meeting – Please forward your details to [AusCheck@ag.gov.au](mailto:AusCheck@ag.gov.au) and we will forward you meeting time and dial-in details.

## Canberra Day – 10 March 2008

Canberra Day is held on the second Monday in March each year. The Day commemorates and celebrates the official founding and naming of Canberra on 12 March 1913.

This year Canberra day is celebrated on 10 March and is a public holiday in the ACT. AusCheck will be closed for business on 10 March and will re-commence on Tuesday March 11.

In the event of an emergency please contact: Andrew Baer – 0417 447 031



### What happens when an individual is 'Not Eligible' for an ASIC/MSIC

When AusCheck makes an assessment that an individual is not eligible for an ASIC or MSIC, we will write to the individual letting them know this. In that letter, we will also let the person know what they can do under the regulations.

Firstly, an Issuing Body may issue an ASIC/MSIC to an individual who has an adverse criminal record with the approval of the Secretary of the Department of Infrastructure. In the case of MSICs, this approval may be sought by either the individual or the Issuing Body. In the case of ASICs, only the Issuing Body can seek this approval.

Secondly, if the individual disagrees with AusCheck's decision, they may make an application to the Administrative Appeals Tribunal (AAT) to review the decision.

The right to have a decision reviewed by the AAT is quite different to the Secretary of the Department of Infrastructure approval mechanism. These are two different and separate processes. Which process is appropriate will depend on whether the individual agrees or disagrees that they have an adverse criminal record.

- An approval by the Secretary of the Department of Infrastructure does not involve revisiting the original decision by AusCheck that an individual has an adverse criminal record. The decision that is made by the Secretary of the Department of Infrastructure is simply to approve the issue of an ASIC or MSIC. This does not change the fact that the individual still has an adverse criminal record, but the individual may nevertheless be issued with the ASIC/MSIC.
- A review of an AusCheck decision involves the AAT reconsidering the facts, law and policy aspects of the original decision and determining whether AusCheck correctly interpreted the regulations in deciding that the conviction was an ASRO or MSRO. The process can be described as 'stepping into the shoes' of AusCheck. The result of the review is the affirmation, variation or overturning of the original decision made by AusCheck.

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