

AusCheck Background Checking for Critical Infrastructure – National Security Assessment Requirements

If a responsible entity uses the AusCheck background checking for their critical workers, the check will include a national security assessment conducted by ASIO. This guidance explains key requirements of the national security assessment that must be met by responsible entities.

Responsibilities of employers under the **Fair Work Act 2009**, Work Health and Safety legislation, or any relevant laws must still be followed in the event of an adverse security assessment (ASA) or a qualified security assessment (QSA) being issued by ASIO.



What is the National Security Assessment?

- A national security assessment is conducted by ASIO in accordance with Part IV of the Australian Security Intelligence Organisation Act 1979.
- ASIO national security assessments are not character checks and factors such as criminal history, dishonesty or deceit are only relevant to ASIO's advice if they are linked to national security threats including:
 - espionage;
 - sabotage;
 - politically motivated violence;
 - promotion of communal violence;
 - attacks on Australia's defence system; or
 - acts of foreign interference.
- If ASIO undertakes a national security assessment of a person, they can issue an ASA or a QSA.



What am I required to do to have a National Security Assessment carried out?

- The AusCheck Regulations require that, at the point that a person applies for a background check, the responsible entity provide a statement about how they will handle an ASA or a QSA result, if they receive one about the person.
- The statement must set out what process or action will be followed by the responsible entity. As an example, a responsible entity may take actions such as:
 - reassignment of the worker to another area of the business
 - restriction of access to key components of the asset, such as in full or on a limited/controlled basis (e.g. being escorted)
 - implementing dual authorisation requirements for the worker implementing restricted duties for the worker
 - termination of the worker's employment where that worker's employment agreement permits such an action.
- The strategy for how an ASA or QSA will be managed should be outlined as part of the responsible entity's Critical Infrastructure Risk Management Plan.

ASIO

What does AusCheck do in the event of an ASA or QSA being issued by ASIO?

- AusCheck will notify the responsible entity and the applicant that an ASA or QSA has been issued by ASIO.
- The applicant may appeal to the Administrative Review Tribunal (ART) for a review of the assessment made by ASIO.
- The onus is on the responsible entity to assess whether an employee is suitable to have access to the critical infrastructure asset based on:
 - AusCheck or other relevant information; and
 - consideration of whether any action can be taken to minimise, eliminate or mitigate material risks occurring.



What are the responsible entity's reporting requirements associated with an ASA or QSA being issued?

- Responsible entities will be required to submit an annual report in the approved form to the Critical Infrastructure Security Centre (CISC). Please refer to the CISC website for more information about annual reporting requirements for responsible entities.
- If a hazard has caused a significant relevant impact to one or more critical infrastructure assets, the annual report for the responsible entity must include a statement that identifies the hazard, evaluates the effectiveness of the program in mitigating the impact of the hazard, and any amendments made to the program following the hazard.
- There are additional reporting requirements for responsible entities operating under the ***Security of Critical Infrastructure (Naval shipbuilding precinct) Rules (LIN 23/007) 2023***.

Where can I find more information about AusCheck?

Further information can be found at www.auscheck.gov.au.