

AusCheck Amendment (Global Entry Program) Act 2025

No. 23, 2025

An Act to amend the *AusCheck Act 2007*, and for related purposes

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No. 23, 2025

An Act to amend the *AusCheck Act 2007*, and for related purposes

[*Assented to 27 March 2025*]

The Parliament of Australia enacts:

1 Short title

This Act is the *AusCheck Amendment (Global Entry Program) Act 2025*.

2 Commencement

(1) Each provision of this Act 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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day after this Act receives the Royal Assent. | 28 March 2025 |
| 2. Schedule 1 | A single day to be fixed by Proclamation.  However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period. |  |

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

AusCheck Act 2007

1 Subsection 4(1) (at the end of the definition of *AusCheck scheme personal information*)

Add:

; or (c) that is obtained before the commencement of Schedule 1 to the *AusCheck Amendment (Global Entry Program) Act 2025* by an agency (within the meaning of the *Privacy Act 1988*) for the purposes of conducting (whether before or after that commencement) a background check in connection with an individual’s participation in the Global Entry program.

2 Subsection 4(1)

Insert:

***Defence Force magistrate*** has the same meaning as in the *Defence Force Discipline Act 1982*.

***Global Entry program*** means the trusted traveller program of the Government of the United States of America, known as the Global Entry program, that enables expedited immigration and customs clearance for individuals entering the United States of America and that is open to Australian citizens.

***Schedule 1A offence*** has the same meaning as in the *Defence Force Discipline Act 1982*.

***service offence*** has the same meaning as in the *Defence Force Discipline Act 1982*.

3 After paragraph 5(ba)

Insert:

(bb) if the background check is conducted for the purposes of paragraph 8(1)(e)—whether a court martial or a Defence Force magistrate:

(i) has convicted the individual of a service offence (other than a Schedule 1A offence); or

(ii) has convicted the individual of a Schedule 1A offence and imposed a punishment of imprisonment on the individual;

4 At the end of subsection 8(1)

Add:

; or (e) the check is of an individual in connection with the individual’s participation in the Global Entry program.

5 After section 10AA

Insert:

10AB Matters covered by AusCheck Scheme—background checks in connection with the Global Entry program

(1) The AusCheck scheme may, for the purposes of paragraph 8(1)(e), make provision for and in relation to any of the following:

(a) the making of applications for a background check by the individual to whom the background check relates;

(b) except for a background check in relation to an individual who has turned 18—either or both of the following:

(i) consent by a parent or guardian of the individual to whom the background check relates to an application for a background check;

(ii) the making of applications for a background check on behalf of the individual to whom the background check relates by a parent or guardian of the individual;

(c) the making of applications for a background check by a person other than the individual to whom the background check relates, with the consent of any one or more of the following:

(i) the individual;

(ii) a parent or guardian of the individual;

(d) the information that is to be contained in an application for a background check;

(e) the giving to the Secretary of information, relating to an individual in respect of whom a background check is conducted, that is directly necessary for the purpose of conducting the background check;

(f) the criteria against which a background check is to be assessed;

(g) the decision or decisions that may be made as a result of a background check;

(h) the form of advice to be given to an applicant for a background check;

(i) the form of advice to be given to an individual in respect of whom a background check is conducted;

(j) the form of advice to be given to other persons about the outcome of a background check.

(2) The matters referred to in subsection (1) may relate to:

(a) all background checks to be conducted for the purposes of paragraph 8(1)(e); or

(b) a specified class of background checks.

6 Application and transitional provisions

AusCheck scheme personal information

(1) The amendment of the definition of ***AusCheck scheme personal information*** in subsection 4(1) of the *AusCheck Act 2007* made by this Schedule applies in relation to use or disclosure of information by a person after the commencement of this item, whether the person obtains the information before or after that commencement.

(2) Subsection 15(1A) of the *AusCheck Act 2007* has effect in relation to personal information that:

(a) is mentioned in paragraph (c) of the definition of ***AusCheck scheme personal information*** in subsection 4(1) of that Act, as amended by this Schedule; and

(b) is obtained by a person before the commencement of this item;

as if the information were AusCheck scheme personal information at the time the person obtains it.

Service offence checks

(3) Paragraph 5(bb) of the *AusCheck Act 2007*, as inserted by this Schedule, applies in relation to a conviction that occurs before or after the commencement of this item.

[*Minister’s second reading speech made in—*

*House of Representatives on 10 February 2025*

*Senate on 25 March 2025*]

(16/25)