



ADMIN 24/064

Australian Border Force (Immigration and Border Protection Worker) Determination 2024

I, Stephanie Foster PSM, Secretary of the Department of Home Affairs, make the following determination.

Dated *25 September* 2024

Stephanie Foster

Stephanie Foster PSM
Secretary
Department of Home Affairs

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Part 1—Preliminary

1 Name

This Determination is the *Australian Border Force (Immigration and Border Protection Worker) Determination 2024*.

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 the instrument is signed.	

Note: This table relates only to the provisions of this instrument as originally made.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 determination is made under subsections 5(1) and (2) of the *Australian Border Force Act 2015*.

4 Schedule

Each instrument that is specified in the Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule, and any other item in the Schedule to this instrument has effect according to its terms.

5 Definitions

In this Determination:

Act means the *Australian Border Force Act 2015*.

Department means the Department of Home Affairs and includes the Australian Border Force.

Departmental Assets means information and resources including, but not limited to, information and technology systems (ICT systems), information, plant and equipment, and premises which are owned, managed, controlled, leased, contracted by or operated by the Department.

Health Practitioner includes, but is not limited to, the following:

- (a) general practitioner;
- (b) nurse;
- (c) mental health nurse;
- (d) psychologist;
- (e) psychiatrist;
- (f) surgeon;
- (g) pharmacist;
- (h) dentist;
- (i) optometrist;
- (j) ophthalmologist;
- (k) paramedic;
- (l) counsellor;
- (m) podiatrist;
- (n) emergency physician;
- (o) radiographer;
- (p) obstetrician;
- (q) pathologist;
- (r) midwife;
- (s) nutritionist;
- (t) health advisor or consultant;
- (u) other medical specialist;
- (v) other specialist nurse.

Immigration and Border Protection worker has the meaning given by subsection 4(1) of the Act.

non-public access means ongoing or unrestricted access to **Departmental Assets** which are not available to members of the public.

premises includes vessels and aircraft.

Part 2—Determinations

6 Persons specified as Immigration and Border Protection workers

- (1) Subject to subsection (3), under subsection 5(1) of the Act:
 - (a) persons engaged as consultants or contractors to perform services for the Department and who are either:
 - (i) performing services ‘in-house’ in the Department, i.e. physically located in premises that are owned, managed, controlled, leased, contracted by or operated by the Department; or
 - (ii) otherwise performing services for the Department and require non-public access to Departmental Assets;

are specified for the purposes of subparagraph (e)(ii) of the definition of Immigration and Border Protection worker in subsection 4(1) of the Act.

- (2) Subject to subsection (3), under subsection 5(2) of the Act persons:
- (a) who are engaged or employed by either a person referred to in subsection (1) or by a person to whom this paragraph applies; and
 - (b) who are performing services for the Department in connection with that engagement or employment; and
 - (c) who are either:
 - (i) performing services 'in-house' in the Department, i.e. physically located in premises that are owned, managed, controlled, leased, contracted by or operated by the Department; or
 - (ii) otherwise performing services for the Department and require non-public access to Departmental Assets;

are specified for the purposes of subparagraph (f)(iii) of the definition of Immigration and Border Protection worker in subsection 4(1) of the Act.

- (3) Subsections (1) and (2) do not apply to persons referred to in those subsections if those persons:
- (a) are only granted short-term access to Departmental Assets through an escorted visitor pass arrangement; or
 - (b) only access or receive departmental information via an external third-party ICT system managed or controlled by a Commonwealth, State or Territory agency; or
 - (c) only operate ICT systems on behalf of the Department where all departmental information is encrypted; or
 - (d) are performing services for the Department as a Health Practitioner.

Schedule—Repeals

Determination of Immigration and Border Protection Workers 2015

1 The whole of the Determination

Repeal the instrument.