



Determination of Immigration and Border Protection Workers

Australian Border Force Act 2015

I, MICHAEL PEZZULLO, Secretary of the Department of Immigration and Border Protection (the Department), subject to paragraphs C and D of this Determination:

- A. under subsection 5(1) of the *Australian Border Force Act 2015* (the Act), specify for the purposes of subparagraph (e)(ii) of the definition of 'Immigration and Border Protection worker' in subsection 4(1) of the Act, persons engaged as consultants or contractors to perform services for the Department and who are either:
 - a. 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
 - b. otherwise performing services for the Department and require Non-Public Access to Departmental Assets; and
- B. under subsection 5(2) of the Act, specify the following persons for the purposes of subparagraph (f)(iii) of the definition of 'Immigration and Border Protection worker' in subsection 4(1) of the Act:
 - a. persons engaged or employed by a person referred to in paragraph A above 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 who are either:
 - c. 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
 - d. otherwise performing services for the Department and require Non-Public Access to Departmental Assets.
- C. Paragraphs A and B do not apply to persons referred to in these paragraphs if these 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.
- D. Paragraphs A and B do not apply to persons performing services for the Department as a Health Practitioner.

In this Determination:

'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.

'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.

This Determination commences on 1 July 2015.

Dated: 29 June 2015

MICHAEL PEZZULLO

Secretary

Notes:

This is a compilation of the *Determination of Immigration and Border Protection Workers* that shows the text of the law as amended and in force on 1 October 2016.

This compilation takes into account amendments made to the *Determination of Immigration and Border Protection Workers* made on 29 June 2015 (the Original Determination) by the *Determination of Immigration and Border Protection Workers – Amendment No. 1* (the Amending Determination) made on 30 September 2016.

The Original Determination and the Amending Determination are both available on the website of the Department of Immigration and Border Protection at www.border.gov.au.