

Defence (Non-foreign work restricted individual) Amendment Determination 2024

I, Richard Marles, Minister for Defence, make the following determination.

Dated 21 August 2024

Richard Marles

Minister for Defence

1 Name

 This instrument is the *Defence (Non-foreign work restricted individual) Amendment Determination 2024*.

2 Commencement

 This instrument commences on the day after this instrument is registered.

3 Authority

 This instrument is made under subsection 115(1) of the *Defence Act 1903* (the Act).

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Defence (Non-foreign work restricted individual) Determination 2024

1 Section 5

Repeal the section, substitute:

5 Individuals that are not foreign work restricted individuals

 (1) The following class of individuals comprises individuals who are not foreign work restricted individuals for the purposes of subsection 114(2) of the Act:

 (a) an individual that:

 (i) previously worked in one or more roles, positions, functions, ranks or appointments mentioned in an item of a table in Schedule 1; and

 (ii) satisfies the relevant condition mentioned in column 5 of a table in Schedule 1 for each role, position, function, rank and appointment that the individual previously worked in.

2 Schedule 1, Part I, table item 41, column 5

Omit “5 years or more”, substitute “10 years or more”.

3 Schedule 1, Part I, table item 43, column 5

Omit “1 year or more”, substitute “5 years or more”.

4 Schedule 1, Part III, table item 60, column 5

Omit “10 years or more”, substitute “1 year or more”.

5 Schedule 1, Part III, table item 62, column 5

Omit “10 years or more”, substitute “5 years or more”.

6 Schedule 1, Part V, table item 1, column 4

Omit “Air Traffic Controller”

7 Schedule 1, Part V, table

After item 1, insert:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1A | Aviation | Air Traffic Controller |  | 1 year or more |

8 Schedule 1, Part V, table item 48, column 5

Omit “1 year or more”, substitute “5 years or more”.