

## **IMPORTANT NOTICE**

Raytheon Australia Pty Ltd has applied to the Victorian Civil and Administrative Tribunal (**VCAT**) for exemption from the *Equal Opportunity Act 2010* (Vic) (**EO Act**) to allow it to undertake the following activity:

- a) request Personal Information from existing and potential employees and contract workers and require employees to provide details of any changes to their Personal Information;
- b) take the Personal Information into account in determining who should be offered employment or contract work in areas requiring access to U.S. Export Controlled Material and when making decisions as to the participation of employees or contract workers in such work;
- c) maintain records of the Personal Information of all employees and contract workers who have or may have access to U.S. Export Controlled Material;
- d) ensure that U.S. Export Controlled Material is disclosed only to persons who are authorised by U.S. Export Regulations controls to receive it;
- e) impose limitations or prohibitions on persons of particular nationalities having access to U.S. Export Controlled Material;
- f) disclose to other defence contractors for whom the Applicant performs work and to the USA and Australian governments, the Personal Information of all employees and contract workers who will have access to U.S. Export Controlled Material in the performance of their work; and
- g) establish security systems which will prevent the unauthorised re-export or re-transfer of U.S. Export Controlled Material.

"Personal Information" means:

- a) full legal name of the individual;
  - b) nationality (or nationalities, if multiple);
  - c) significant ties to a restricted or prohibited countries;
  - d) substantive contacts with restricted or prohibited countries;
  - e) substantive contacts with individuals from restricted or prohibited countries;
  - f) date and place of birth;
  - g) current and past citizenship;
  - h) country of birth;
  - i) current and past passports held; and
  - j) current and past residential status held in any country other than the USA or Australia;
- as well as any changes to the above information

The Applicant has submitted the following conditions to be attached to any exemptions granted.

- A. The exemption will apply only to conduct by the Applicant where:
  - i. that conduct is necessary to enable it to enter into, perform and ensure compliance with contractual undertakings and the U.S. Export Regulations where access to U.S. Export Controlled Material is required for performance of contracts;
  - ii. it has taken all steps that are reasonably available (including steps which might be taken in negotiating and performing the terms of their agreements with contractors in the USA) to avoid the necessity for engaging in conduct which would otherwise be in breach of sections 16, 18, 21, 44, 107 and 182 of the EO Act.
- B. Where, in the exercise of this exemption, an employee or contract worker is moved from a project involving the use of U.S. Export Controlled Material to any other work controlled by the Applicant or any of its related entities, the Applicant must through a duly authorised officer explain to the person why he or she is being transferred and must otherwise take all reasonable steps to avoid or limit harm or loss to that person.
- C. Where the Applicant uses a system of security passes to reflect the fact of access to U.S. Export Controlled Material or levels of access to any security-sensitive material by employees and contract workers, the passes may be coded but not in such a way as to identify the nationality of the person or the reasons for that person's level of access.
- D. All information relating to security passes, security clearance levels and access to U.S. Export Controlled Material shall be restricted to designated authorised Company personnel with responsibility for export/import operations, Human Resources, legal, compliance and similar functions, or their properly appointed nominee, on a "need to know" basis.
- E. The Applicant must report to the Victorian Equal Opportunity and Human Rights Commissioner and the Tribunal annually for the duration of the exemption about its compliance with the exemption requirements and changes in its procedures to reflect amendments to the U.S. Export Regulations, and as to how its employees and contractors are affected.

**The Tribunal will hear the application at 10:00am on  
2 February 2023 by teleconference.**

**Interested persons can attend by dialling 03 9137 8300  
CODE 7002.**

**If you want to make a submission to the Tribunal either for or against the application,  
you must send it in writing to [humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au). Please quote reference  
H314/2022.**

**The closing date for submissions is 6 January 2023.**