

NOTICE

Leidos Australia Pty Ltd has applied to the Victorian Civil and Administrative Tribunal ('VCAT') for an exemption from the *Equal Opportunity Act 2010* (Vic) ('EO Act') so it can comply with its obligations under the *International Traffic in Arms Regulations* ('ITAR') and *Export Administration Regulations* ('EAR') and undertake the following activity:

1. Request information on citizenship, previous citizenships, race or nationality, and substantive contacts ('citizenship information') of all Leidos Australia current employees and contractors who are likely to require access to ITAR-controlled items.
2. Request citizenship information from prospective employees and contractors who perform work on Leidos Australia's premises and who are subject to Leidos Australia's control and direction in roles which are likely to require access to ITAR-controlled items.
3. Maintain records of the citizenship information of employees and contractors who are likely to require access to ITAR-controlled items.
4. Establish security measures and access protocols to prevent unauthorised access to ITAR-controlled items.
5. Limit or prohibit persons of certain nationalities/citizenships access to ITAR-controlled items.
6. Advise applicants for employment in roles which are likely to require access to ITAR-controlled items that they may be adversely affected if they are not an Australian citizen or if they hold dual citizenship from countries proscribed as applicable.
7. Impose a condition on offers of employment in roles which are likely to require access to ITAR-controlled items that the person must, pursuant to applicable controls, be authorised to access that material, whether pursuant to an individual approval obtained from the United States Department of State or Commonwealth of Australia or otherwise.
8. Reject applications for positions requiring access to the ITAR-controlled items based on the job applicant's citizenship information, and taking into account a person's citizenship information in determining who should be offered employment or contract work requiring access to ITAR-controlled items.
9. Transfer employees and contractors from positions with access to ITAR-controlled items to positions without access to ITAR-controlled items, based on their citizenship information.
10. Terminate the employment or engagement of employees or contractors on the basis that:
 - i. due to their citizenship information, Leidos Australia may not permit them to participate in the role; and
 - ii. it is not reasonable in all circumstances to redeploy or transfer them to another role within Leidos Australia.
11. Request current and future employees to notify Leidos Australia of changes to their citizenship information.



12. Restrict access to areas of Leidos Australia facilities with ITAR-controlled items to employees and contractors based on their citizenship information.
13. Disclose citizenship information, where required, to:
 - i. the United States Department of State;
 - ii. the United States Department of Commerce;
 - iii. the Australian Department of Defence; and
 - iv. other organisations for which, or on whose behalf, or at whose request Leidos Australia undertakes work in respect of which Leidos Australia has directly or indirectly an obligation not to transfer ITAR-controlled items to persons of certain nationalities.

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. Please quote reference H385/2024.

If you would like the Tribunal to hold a hearing and hear oral submissions, please contact the Tribunal in writing to humanrights@vcat.vic.gov.au or on 1300 018 228 asking for a hearing to be listed. Please quote reference H385/2024.

The closing date for submissions and requests for a hearing is 14 June 2024.

