



SAMS

SAFEGUARDING AUSTRALIA'S MILITARY SECRETS

Safeguarding Australia's Military Secrets

Simon Buckley
Assistant Secretary
Security Policy and Services



MAY 2024





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SAFEGUARDING AUSTRALIA'S MILITARY SECRETS

SAMS Overview

Celia Perkins
Deputy Secretary
Security and Estate





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PARLIAMENT of AUSTRALIA

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Defence Amendment (Safeguarding Australia's Military Secrets) Bill 2024

Previous Citations Defence Amendment (Safeguarding Australia's Military Secrets) Bill 2023

Type Government

Portfolio Defence

Originating house House of Representatives

Status Passed Both Houses

Parliament no 47

[Track](#)

(What's this?)

Permalink

Summary

Amends the *Defence Act 1903* to establish a framework to regulate the work that certain former defence staff members (foreign work restricted individuals) can perform without a foreign work authorisation; and the training that Australian citizens and permanent residents, other than foreign restricted individuals, may provide without a foreign work authorisation.

House of Representatives	
Introduced and read a first time	14 Sep 2023
Second reading moved	14 Sep 2023
Second reading debate	19 Mar 2024
Referred to Federation Chamber	19 Mar 2024
Second reading debate	19 Mar 2024
Second reading agreed to	19 Mar 2024
Consideration in detail debate	19 Mar 2024
• Amendment details: 1 Government agreed to	19 Mar 2024
Reported from Federation Chamber	19 Mar 2024
Third reading agreed to	20 Mar 2024
	20 Mar 2024
Senate	
Introduced and read a first time	21 Mar 2024
Second reading moved	21 Mar 2024
Second reading debate	25 Mar 2024
Second reading agreed to	25 Mar 2024
Committee of the Whole debate	25 Mar 2024
Third reading moved	25 Mar 2024
Third reading agreed to	25 Mar 2024
Finally passed both Houses	27 Mar 2024

Safeguarding Australia's Military Secrets Act 2024





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- Late 2022 – concerns about former Five Eyes (*US, UK, NZ, Canada and Australia*) pilots training Chinese military.
- Deputy Prime Minister – directed Inquiry into:

The adequacy of current Defence policies and procedures for preventing and discouraging former Australian Defence Force personnel from undertaking employment in support of foreign powers with interests inconsistent with those of Australia.
- Inquiry recommendations included strengthening existing legislation.

Background



**Deputy Prime Minister
The Hon Richard Marles MP**





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“Australia’s Defence capabilities are a top intelligence collection priority for Australia’s adversaries – and even some countries we consider friends.

Foreign intelligence services are targeting Australia’s military capabilities with an insatiable appetite to steal a wide range of advanced technology, as well as gain insight into our operational readiness and our tactics, techniques and procedures.”



SAMS - Key Details

Simon Buckley
Assistant Secretary
Security Policy and Services



Foreign Work Authorisation (FWA)

Class 1 : Work

- Former Australia Defence Force (ADF) members
- Former Department of Defence Australian Public Servants (APS)
- Former Australian Submarine Agency (ASA) APS

Class 2 : Training

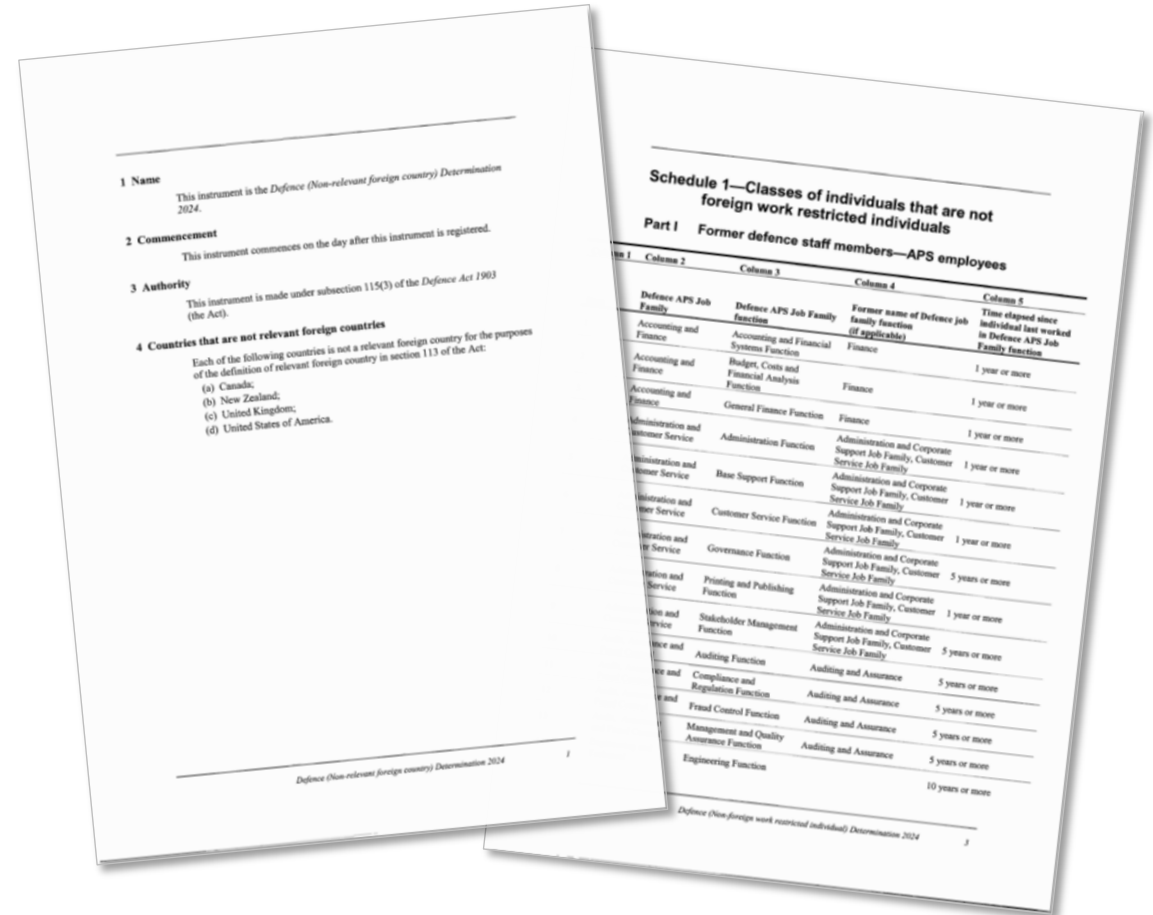
- Australian Citizens and Permanent Residents





- **Exceptions**
 - Employed by the Commonwealth
 - Authorised by Commonwealth written agreement
 - UN, UN Agencies, ICRC
 - Service in a national Defence force

- **Legislative Instruments S115**
 - Job Families List (Time Elapsed)
 - Foreign Country List





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Foreign Work Authorisation Principles

- ✓ Clear criterion for self assessment for Foreign Work Authorisation (early off-boarding)
- ✓ Simple, efficient and effective application process
- ✓ Timely and objective assessments and responses to applicants
- ✓ Appropriate governance and record keeping
- ✓ Compliance with relevant legislative requirements (eg: privacy)





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Passage through Parliament: March 2024

Royal Assent : 08 April 2024

Commencement: 06 May 2024

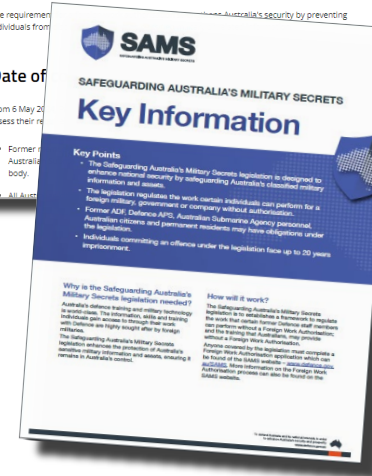
Enforcement date: 07 August 2024

Key Events and Dates





- Website: www.defence.gov.au/SAMS
- SAMS legislative instruments
- Foreign Work Authorisation (FWA)
 - Decision tool
 - Application form
- SAMS factsheets





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“Our adversaries are willing to commit to complex, multi-year efforts to acquire our cutting-edge technologies”





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INFORMATION AND SUPPORT

www.defence.gov.au/SAMS

1800 DEFENCE (1800 333 362)

sams.info@defence.gov.au

