

Safeguarding Australia's Military Secrets

Information briefing

14 June 2024

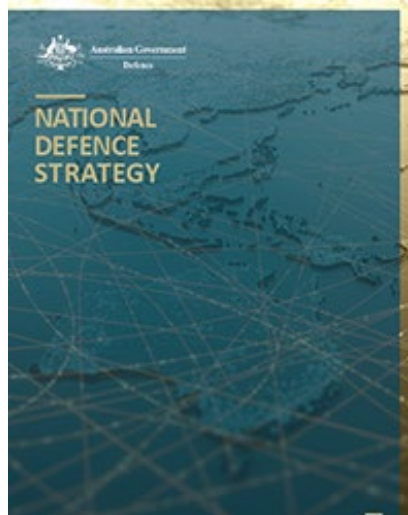
GovTeams Online Briefing



Acknowledgement of Country



SAMS Legislation- Overview



KEY DATES

Passage through Parliament : **March 2024**

Commencement : **06 May 2024**

Enforcement Date : **07 August 2024**



SAMS - Context



Adequacy of current Defence policies and procedures for preventing former Australian Defence Force personnel from undertaking employment in support of foreign powers



SAMS - Foreign Work Authorisation (FWA)



1

Class 1 : Work

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



2

Class 2 : Training

- Australian Citizens
- Permanent Residents

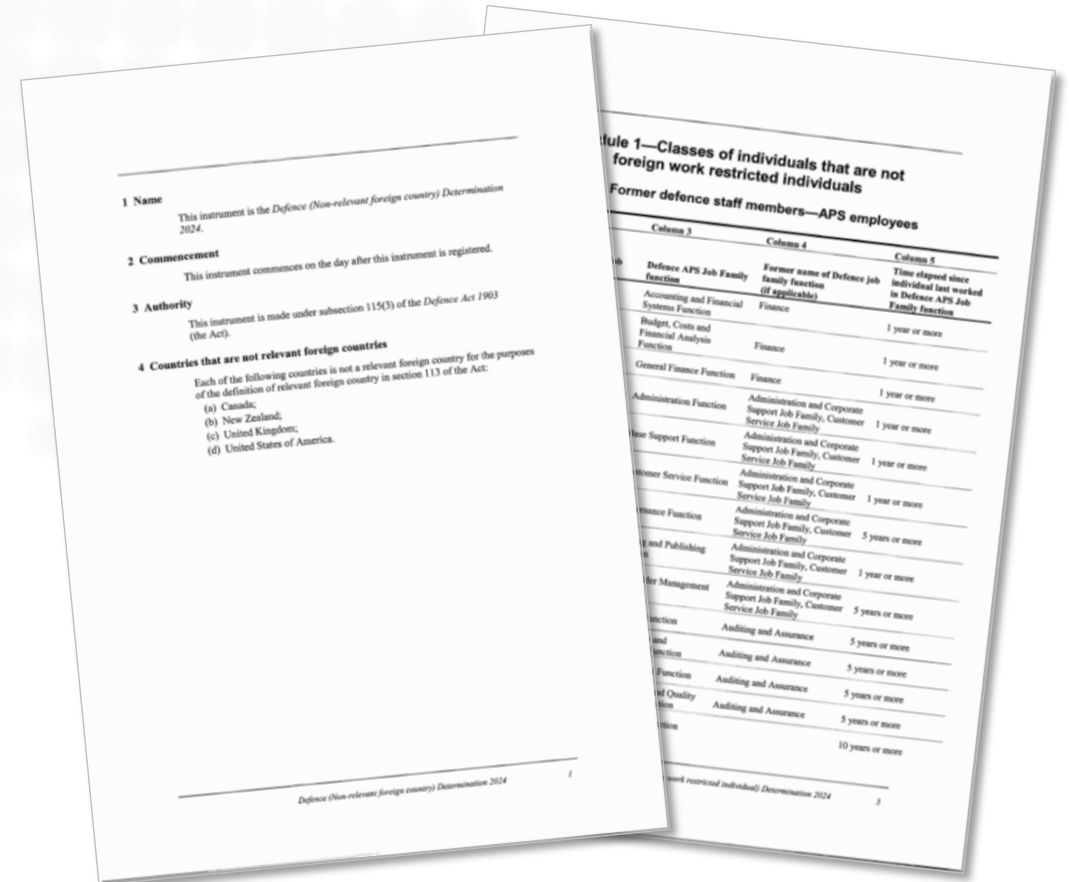
Personnel employed in ASD prior to July 2018 are considered former Defence

SAMS - Exceptions



Exceptions

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



1 Name
This instrument is the *Defence (Non-relevant foreign country) Determination 2024*.

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

3 Authority
This instrument is made under subsection 115(3) of the *Defence Act 1903* (the Act).

4 Countries that are not relevant foreign countries
Each of the following countries is not a relevant foreign country for the purposes of the definition of relevant foreign country in section 113 of the Act:
(a) Canada;
(b) New Zealand;
(c) United Kingdom;
(d) United States of America.

Defence (Non-relevant foreign country) Determination 2024 1

Table 1—Classes of individuals that are not foreign work restricted individuals
Former defence staff members—APS employees

Column 3	Column 4	Column 5
Defence APS Job Family Function	Former name of Defence job family function (if applicable)	Time elapsed since individual last worked in Defence APS Job Family Function
Accounting and Financial Systems Function	Finance	1 year or more
Budget, Costs and Financial Analysis Function	Finance	1 year or more
General Finance Function	Finance	1 year or more
Administration Function	Administration and Corporate Support Job Family, Customer Service Job Family	1 year or more
Human Resources Support Function	Administration and Corporate Support Job Family, Customer Service Job Family	1 year or more
Customer Service Function	Administration and Corporate Support Job Family, Customer Service Job Family	1 year or more
Finance Function	Administration and Corporate Support Job Family, Customer Service Job Family	5 years or more
Information and Publishing Function	Administration and Corporate Support Job Family, Customer Service Job Family	1 year or more
Program Management Function	Administration and Corporate Support Job Family, Customer Service Job Family	5 years or more
Inspection Function	Auditing and Assurance	5 years or more
Legal Function	Auditing and Assurance	5 years or more
Quality Function	Auditing and Assurance	5 years or more
Information Quality Function	Auditing and Assurance	5 years or more
Information Quality Function	Auditing and Assurance	10 years or more

Former defence staff members—APS employees Determination 2024 3

SAMS – Legislative Instruments

Job Families - APS and ADF

Defence (Non-foreign work restricted individual) Determination 2024 (Job family legislative instrument)

APS

Job families - 19

Job family functions - 87

Specific occupations - 1236

ADF

Strategic work force segments - 8

Job Roles - 290

- Army - 107
- Navy - 95
- RAAF - 88



Non Relevant Countries

Defence (Non-relevant foreign country) Determination 2024 (Country list legislative instrument)

- Canada
- New Zealand
- United Kingdom
- United States of America



SAMS – Website

www.defence.gov.au/SAMS

SAMS.info@defence.gov.au



Safeguarding Australia's Military Secrets

The Safeguarding Australia's Military Secrets legislation is designed to protect Australia's military secrets and strengthen our national security.

Some Australian citizens and permanent residents may need to apply for a foreign work authorisation when working for, or on behalf of, a foreign military or government body.

A foreign work authorisation may also be required for individuals providing training to a foreign military organisation or government body.

[SAMS briefing sessions](#) are available to register.

The Safeguarding Australia's Military Secrets (SAMS) program supports Australia's commitment to protecting its military secrets and strengthening national security.

On 8 April 2024, an amendment Part IXAA to the *Defence Act 1903* was given Royal Assent. This amendment is intended to assist in addressing current and evolving foreign security threats through the introduction of a requirement for some individuals in specific circumstances to seek foreign work authorisation.

The requirement for a foreign work authorisation strengthens Australia's security by preventing individuals from disclosing or exploiting classified military or related information.

Date of commencement

From 6 May 2024, Part IXAA of the *Defence Act 1903* requires the individuals listed below to assess their requirement for a foreign work authorisation.

- Former members of the Australian Defence Force, Defence Australian Public Servants and Australian Submarine Agency, who will work for a foreign military or foreign government body.
- All Australian citizens or permanent residents providing training to a foreign military or government body that is related to:
 - Part 1 of the Defence and Strategic Goods List

Submit a request

FOREIGN WORK
AUTHORISATION REQUEST
FORM →

Safeguarding Australia's Military Secrets

Authorisation requirements

SAMS legislation

FWA request form

FWA decision review

Resources

Support requests

Contacts

sams.info@defence.gov.au

Within Australia - [1800 333 362](tel:1800333362)

Outside Australia - [+61 2 6144 9190](tel:+61261449190)

SAMS user journey

There are many variations to individual circumstances

Successful applications will last for a maximum of 3 years



Check legislation

Confirm if the legislation applies to your circumstances



Submit online form

Submit a request for a foreign work authorization using the online form



Assessment

Your request is received and assessed by the SAMS team



Result

You receive the result of your FWA submission in writing

SAMS Legislation- Key dates



KEY DATES

Commencement : 06 May 2024

Enforcement Date : 07 August 2024





Events Info

Upcoming online events

21 June 2024

To register

[defence.gov.au/
business-industry/training-events](https://defence.gov.au/business-industry/training-events)

Contact Info

Website

www.defence.gov.au/SAMS

Email

sams.info@defence.gov.au

Telephone

1800 DEFENCE (1800 333 362)

SAMS – Awareness and engagement



Resources & support

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

The collage displays various SAMS resources:

- Website Screenshot:** Shows the 'Safeguarding Australia's Military Secrets' page on the Australian Government Defence website. It includes a navigation menu, a main heading, a red callout box with key information, a table of links (Authorisation requirements, SAMS legislation, FWA request form, FWA decision review, Support requests), and a 'Contacts' section.
- Poster:** A vertical poster titled 'Safeguarding Australia's Military Secrets' with the SAMS logo at the top. It features a background image of a rocket launch and the text: 'Know your obligations, obtain authorisation, and safeguard Australia's future. Check if the new law applies to you www.defence.gov.au/sams'.
- Key Information Fact Sheet:** A document titled 'SAMS SAFEGUARDING AUSTRALIA'S MILITARY SECRETS Key Information'. It lists 'Key Points' such as: 'The Safeguarding Australia's Military Secrets legislation is designed to protect national security by safeguarding Australia's classified military information and assets.', 'The legislation requires that certain individuals can perform for a foreign military, government or overseas without authorisation.', 'Former ADF, Defence AFP, Australian Submarine Agency personnel, Australian citizens and permanent residents may have obligations under the legislation.', and 'Individuals committing an offence under the legislation face up to 20 years imprisonment.' It also includes sections for 'Why is the Safeguarding Australia's Military Secrets legislation needed?' and 'How will it work?'.
- Left Defence? Fact Sheet:** A document titled 'SAMS Safeguarding Australia's Military Secrets Left Defence? Know your SAMS obligations'. It features a checklist: 'Completed security debrief', 'Handed back Defence pass', 'Completed discharge form', and 'Checked SAMS obligations'. It concludes with 'Check if the new law applies to you www.defence.gov.au/sams'.