



SAFEGUARDING AUSTRALIA'S MILITARY SECRETS

A Guide for the University and Research Sector

Your Safeguarding Australia's Military Secrets (SAMS) legislation obligations



This product is designed to inform individuals working in the university, academic, research and innovation sectors about the Safeguarding Australia's Military Secrets legislation (Part IXAA of the *Defence Act 1903*) and its role in preserving Australia's domestic and international reputation for excellence, innovation and collaboration with trusted partners.



The critical risks of compromise by foreign actors

The threat of foreign interference isn't abstract; it's a real and present danger that can have profound impacts on research and academic institutions. The clandestine, deceptive and coercive nature of these activities means they are often hard to detect. The consequences can include:

- **Erosion of academic freedom:** Foreign influence can lead to self-censorship, where researchers avoid certain topics or are pressured to align their work with a foreign government's agenda. This can harm the open and critical discourse that is fundamental to a vibrant academic community.
- **Espionage and theft of intellectual property (IP):** Foreign actors may use various tactics to steal sensitive information, including coercing researchers, recruiting individuals to act as proxies, and compromising IT. The loss of research data and IP can waste years of work and give a strategic advantage to a foreign actor.
- **Undermining of research partnerships:** A history of compromised research can make it difficult for Australian institutions to secure partnerships with trusted international collaborators, especially those in allied nations. By demonstrating a strong commitment to security, we protect our ability to engage in productive global research.

What is the SAMS legislation?

The SAMS legislation (Part IXAA of the *Defence Act 1903*) establishes a framework to regulate the work and training that certain individuals can perform for, or on behalf of, a foreign military or government body. The primary purpose is to protect sensitive defence knowledge, including military techniques, tactics and procedures, from being exploited by foreign powers.





Why the SAMS legislation benefits the sector

In international research collaboration, the exchange of ideas and innovation is a hallmark of modern academia, built on fundamental principles of academic freedom, academic integrity and institutional autonomy. While these principles seek to foster an environment of intellectual inquiry, critical thinking and the creation and sharing of knowledge, growing geopolitical tensions are challenging these fundamental principles.

The SAMS regulatory framework seeks to identify where specified foreign work or training may harm Australia's national interests and security. It is not designed to conflict with fundamental principles of the sector, but rather to protect the integrity and impact of Australian research from being compromised by foreign actors.

This framework, which includes the requirement for a foreign work authorisation (FWA) for certain activities, is a proactive measure that empowers academics and researchers to uphold the ethical principles of their work while safeguarding national interests.

Know when to apply for an FWA

The requirement to obtain an FWA applies to:

- **former Defence members** (that is, former members of the Australian Defence Force and former Department of Defence and Australian Submarine Agency public servants) who wish to **work** for a foreign military or foreign government body; and
- **Australian citizens or permanent residents** who wish to provide a foreign military or foreign government body with **training** related to Part 1 of the **Defence and Strategic Goods List (DSGL)**; or **military tactics, techniques and procedures**.

Note: The obligation to obtain an FWA is a personal one. An individual is responsible for identifying if they are in scope of the legislation and for seeking the authorisation, even if the work or training is provided through an institution like a university or as a contractor.

Do I need an FWA?

Are you a former Defence member?

If you are a former Defence member, you may be in scope of Division 2 of the SAMS legislation if you want to **work** (including providing training) for a foreign military or government body, or if a foreign military or government is a beneficiary of your work. The SAMS website will help determine if you are in scope. If you are, you will need to request a foreign work authorisation (FWA).

Are you providing training to a foreign military or government body?

If you are an Australian citizen or permanent resident (including former Defence members who are no longer in scope of Division 2) and you are providing training of a particular nature to a foreign military or government, you may be in scope of Division 3 of the SAMS legislation.

The key triggers for Division 3 are the type of training provided, and the recipient of that training. To assess whether you need to request a foreign FWA, consider the following questions.

Your current or proposed work or training

- Are you directly delivering or supporting training?
- Are you indirectly supporting or contributing to training?

Who is the training for?

- Are you providing training for, or on behalf of, a military organisation of a foreign country?
- Are you providing training for, or on behalf of, a government body of a foreign country?
- Is the foreign country exempt from the legislation? The Defence (Non-relevant foreign country) Determination 2024 outlines the countries that are exempt.

What is the training about?

- Does the training relate to Part 1 of the Defence and Strategic Goods List (DSGL)? This is the 'Munitions List' and includes items, software, and technology designed or adapted for military use.
- Does the training relate to military tactics, techniques or procedures? This includes instruction on combat strategies, military-specific command and control systems and military operational methods.

If the answer to any of these questions is 'yes', you are likely to need an FWA before starting the activity.

See the FWA guide on page 4 or the SAMS website for further information.

Contacts

Email sams.info@defence.gov.au
Within Australia **1800 333 362**
Outside Australia **+61 2 6144 9190**





Examples for researchers

Here are some hypothetical examples to illustrate when the activities of an academic or researcher might be in scope.

Example 1: In scope (DSGL-related)

A robotics engineer at an Australian university receives an invitation to deliver a series of workshops on autonomous systems for a research institute affiliated with a foreign government's navy. The workshops involve the use of specialised software designed for military-grade autonomous underwater vehicles.

Analysis: The researcher is providing training to a foreign military organisation (Navy). The training relates to a specific technology (military-grade autonomous underwater vehicles) that is listed under Part 1 of the Defence and Strategic Goods List (DSGL). This activity would require a foreign work authorisation (FWA).

Example 2: Not in scope (not DSGL or TTP related)

A material scientist is collaborating with a foreign university on a project to develop new high-strength alloys for commercial applications, such as in the automotive and construction industries. The foreign university is a public institution and is funded by its government.

Analysis: While the researcher is collaborating with a foreign government-funded body, the research topic does not directly relate to Part 1 of the DSGL or military tactics, techniques or procedures (TTPs). The alloys are intended for commercial use and are not designed or adapted for military applications. This activity is likely to fall outside the scope of the SAMS legislation.

However, the researcher should still ensure the work complies with the Defence Trade Controls Act 2012 if any technology is to be exported or supplied. The researcher must also be alert to the potential military use of the technology, which could be exploited by the foreign government – this would require a discussion with Defence Export Controls (DEC) and/or the university's security office.

Example 3: In scope (TTP-related)

A retired Defence intelligence analyst, who is now a professor of international relations, is asked to provide advice as a consultant on military doctrine and strategy to a foreign government's defence think tank. The consultation involves sharing general insights on cyber warfare tactics gained from the professor's previous Defence service. The professor believes the tactics are available publicly.

Analysis: The professor, as a former Defence public servant with sensitive knowledge, is providing training (advice as a consultant) on military tactics and procedures to a foreign government body. This is a clear case where an FWA would be required. Note that the training is in scope even though the information is believed to be available publicly.

Example 4: Not in scope (legislative exception)

A researcher working for a company owned by a foreign government is providing training to a foreign military on military explosives. The company has a contract with the Australian Government to provide this training to the foreign military.

Analysis: The training is in relation to DSGL Part 1 and is being provided to a foreign military, on behalf of a foreign-owned company. This activity would require a foreign work authorisation (FWA) but is being performed under contract to the Australian Government. It comes under the legislative exception for work authorised by a written agreement from the Commonwealth, and an FWA is not required.

Note that the agreement must be directly between the company and the Commonwealth Government – the agreement does not extend to subcontractors.

An Australian Research Council grant is not an agreement with the Commonwealth for the purposes of the SAMS legislation and does not meet this legislative exception.

These examples highlight the importance of careful due diligence before commencing any international research or training activities.

Where to find more information

Refer to the FWA guide on page 4 and the SAMS website www.defence.gov.au/sams for information on scope and the FWA request process. Or email SAMS directly on sams.info@defence.gov.au.

How long will an FWA take?

You should allow a **minimum of 60 business days** for your FWA request to be processed. If you need an outcome sooner, you can submit a request for priority processing to sams.info@defence.gov.au. Priority requests are assessed on a case-by-case basis.

Do not assume the SAMS legislation does not apply to you. It is your responsibility to check whether you require a foreign work authorisation. If in doubt, submit an authorisation request and the SAMS team will assess your requirements. Visit www.defence.gov.au/sams.

Foreign Work Authorisation Guide

Note: This is for guidance purposes only and does not constitute legal advice.

as at 8 October 2025

Question	Response
Q1: Are you an Australian citizen or permanent resident?	Yes – go to Q2
	No – authorisation not required
	Unsure – go to Q2
Q2: Planning to work or deliver training for or on behalf of a foreign military organisation, government body or foreign government controlled body ? <i>Example questions to consider:</i> - Is the foreign university you are working with a public enterprise? (see Definitions) - Does the research think tank you are working with have links to a foreign military?	Yes – go to Q3
	No – Authorisation may not be required. Check with your security office or with SAMS.
	Unsure – go to Q3
Q3: Is the work or training directly or indirectly benefiting only Canada, New Zealand, the United Kingdom or the United States?	Yes – authorisation not required
	No – go to Q4
	Unsure – go to Q4
Q4: Is the work or training: a. Covered by an existing and current foreign work authorisation? (<i>That is, have you already requested and been granted a foreign work authorisation?</i>)	Yes – authorisation not required
	No – go to Q4 b
	Unsure – go to Q4 b
b. Authorised by a written agreement with the Commonwealth ? (<i>For example, your company is under direct contract to the Commonwealth to provide your training to a foreign government</i>)	Yes – authorisation not required
	No – go to Q4 c
	Unsure – go to Q4 c
c. Solely in the course of, and as part of, service in any capacity in or with any armed force and a declaration by the Attorney-General has been made under subsection 119.8(1) of the Criminal Code covering the circumstances of the service?	Yes – authorisation not required
	No – go to Q4 d
	Unsure – go to Q4 d
d. In the course of, and as part of, employment or engagement by the Commonwealth? (<i>For example, you are being employed by the Commonwealth Government to provide the training to a foreign government</i>)	Yes – authorisation not required
	No – go to Q4 e
	Unsure – go to Q4 e
e. Solely or primarily for: » providing aid of a humanitarian nature ; or » performing an official duty for the United Nations or UN agency, or the International Committee of the Red Cross?	Yes – authorisation not required
	No – go to Q5
	Unsure – go to Q5
Q5: In the past 10 years, were you employed as a member of the Australian Defence Force, or as a Department of Defence or Australian Submarine Agency Australian Public Servant?	Yes – go to Q6
	No – go to Q7
	Unsure – go to Q6
Q6: Has the relevant foreign work restriction period elapsed for all past roles performed? <i>See</i> Defence (Non-foreign work restricted individual) Determination 2024 (job family legislative instrument).	Yes – go to Q7
	No – authorisation required
	Unsure – FWA required
Q7: Is the role providing training relating to goods, software or technology within the scope of Part 1 of the Defence and Strategic Goods List ; or training relating to military tactics, military techniques or military procedures ?	Yes – authorisation required
	No – authorisation not required
	Unsure – authorisation required

Note: An individual bears an evidential burden in relation to these matters - see subsection 13.3(3) of the Criminal Code.

Definitions – for more detail, see section 113 of the *Defence Act 1903*.

- Defence and Strategic Goods List** (DSGL) specifies the goods, technology, and software regulated under Australian export control laws.
- Training** means any training, including paid and voluntary, regular or irregular, formal or informal, and provided in any capacity.
- Work** means any work (including the provision of training), provided in any capacity.
- The **government body** of a foreign country includes an authority of the government, a local government body or a public enterprise.
- A **public enterprise** of a foreign country includes a company, body or association:
 - where the foreign government holds more than 50% of the issued share capital or more than 50% of the voting power
 - where the foreign government is in a position to appoint more than 50% of the company's board of directors
 - whose directors are accustomed or under an obligation to act in accordance with the directions, instructions or wishes of a foreign government
 - where the foreign government is in a position to exercise control over the company
 - that enjoys special legal rights, benefits or privileges or a special legal status under a law of the foreign country or of part of the foreign country.
- Military tactics, techniques and procedures** refer to training on combat strategies, command and control systems, or other operational military knowledge.