



Consultation Paper

Safeguarding Australia's Military Secrets – Proposed Changes to Defence (Non-Foreign Work Restricted Individual) Determination 2024

Overview

Under [Part IXAA of the Defence Act 1903 \(the Act\)](#) certain 'former defence staff members', including Australian Public Service (APS) employees of the Department of Defence (the Department) and the Australian Submarine Agency, known as 'foreign work restricted individuals', commit an offence if they perform work for, or on behalf of, a government or military entity of a relevant foreign government (defined in section 113 of the Act) without first obtaining a foreign work authorisation.

However, former defence staff members will not be foreign work restricted individuals if they are included in a class of individuals determined by the Minister, by legislative instrument, under subsection 115(1) of the Act. Classes of individuals who are not foreign work restricted individuals are currently determined in the [Defence \(Non-foreign work restricted individual\) Determination 2024](#) (the Determination).

The Determination was last updated in August 2024.

Proposed Changes

Defence is proposing amendments to the Determination to reflect updated Job Family Function and Role Names resulting from an internal review undertaken in 2024, and provide further clarity regarding the application of time elapsed periods in the Determination to former Defence staff members.

Defence has assessed that changes to the current time elapsed periods for some Job Family Functions and Roles are necessary to prevent the potential transfer of sensitive defence knowledge, information or skills that could prejudice the security, defence or international relations of Australia.

Additionally, due to changes in the descriptions of Job Family Functions and Role Names, the Department proposes updating the Determination to ensure currency.

Proposed changes to time elapsed periods

Table	Item*	Defence APS Job Family/ADF Defence Strategic Workforce Segment	APS Job Family Function/ Role Name	Proposed Changes
Former defence staff members – APS employees	36	Information and Knowledge Management	Business Analysis Function	Time elapsed period to be increased from 5 years to 10 years to align with other similar Job Family functions.
Former defence staff members—Air Force	1A	Aviation	Air Traffic Controller	Time elapsed period increased from 1 year to 5 years to reflect sensitivity of information managed by Air Traffic Controllers.
Former defence staff members—Air Force	8	Combat and Security	Air Base Protection	Time elapsed period increased from 1 year to 5 years to align with other similar Job Family functions.
Former defence staff members—Air Force	9	Combat and Security	Air Force Police	Time elapsed period increased from 1 year to 5 years to align with other similar Job Family functions.

Proposed changes to role names

Table	Item*	Defence APS Job Family/ADF Defence Strategic Workforce Segment	Role Name	Proposed Changes
Former defence staff members—Navy	83	Intelligence	Intelligence Officer	Role name to be updated to “Navy Intelligence Officer”
Former defence staff members—Navy	86	Intelligence	Cryptologic Linguist	Role name to be updated to “Navy Intelligence Sailor Linguist” “Cryptologic Linguist” to be inserted in Column 4 - Former Role Name
Former defence staff members—Navy	87	Intelligence	Cryptologic Systems	Role name to be updated to “Navy Intelligence Sailor Systems” “Cryptologic Systems” and “Electronic Warfare Technical” to be inserted in Column 4 – Former Role Name
Former defence staff members—Air Force	11	Combat and Security	Airfield Defence Guard	Airfield Defence Guard is captured as a former role in another table item (Air Force Security – Item 10). Defence proposes repealing Airfield Defence Guard as a primary role. This will provide clarity that the time elapsed period for this role is 5 years per Item 10.
Former defence staff members—Air Force	75	Intelligence	Air Intelligence Analyst Geospatial Intelligence	Remove “Signals Operator” and “Signals Operator Linguist” as former role names and replace with “Geospatial Imagery-Intelligence Analyst” to reflect actual former role name.
Former defence staff members—Air Force	77	Intelligence	Air Intelligence Analyst Operational Intelligence	Remove “Signals Operator” and “Signals Operator Linguist” as former role names and replace with “Signals Operator – Signals” to reflect actual former role name.
Former defence staff members—Air Force	78	Intelligence	Air Intelligence Analyst – Signals Intelligence	Remove “Signals Operator” and “Signals Operator Linguist” as former role names and replace with “Signals Operator – Signals” to reflect actual former role name.

*All item numbers above reflect relevant items in Column 1 of the respective tables in the Defence (Non-foreign work restricted individual) Determination 2024.

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Consultation Questions

In light of the amendments to the Determination, Defence is seeking your response to the below questions.

1. What are your views on the proposed changes to time elapsed periods listed in the table above? Please specify which item for the time elapsed periods that you are referring to in your response.
2. What impact do you expect the changes to the time elapsed periods will have?

Privacy and Collection Notice

The Department of Defence is collecting your personal information in accordance with the [Privacy Act 1988](#).

Use

The Department may use your submission (including your personal information) to inform the development of the updated Job Family Determination.

Contacting You

The Department may use your information to make further contact with you about your submission and the consultation process (for example, to acknowledge receipt of your submission).

Disclosure

The Department may disclose your submission to the Office of the Minister for Defence to further assist in the development of this determination. The Department may publish your submission as explained below. Otherwise, your submission will not be disclosed to third parties unless authorised or required by law.

Under the [Freedom of Information Act 1982](#), the Department may be required by law to release a submission to a third party (including confidential submissions). We will contact the submission author using the details provided in the submission prior to its release if a request is made under the Act.

Confidentiality

All submissions will be treated as confidential and not be published, and will only be disclosed in the following circumstances:

- to develop the new Job Family Determination (see: 'Disclosure' section);
- in response to a request by a Commonwealth Minister;
- where required by a House or a Committee of the Parliament of the Commonwealth of Australia;
- where necessary in the public interest; or
- where authorised or required by law.

Access

The Department will securely store your personal information. The Department's privacy policy contains information regarding complaint handling processes and how to access and/or seek correction of personal information held by the Department.

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Consultation Response Template

Defence welcomes written submissions from interested and impacted parties, in line with the questions posed in this paper.

Submissions can be provided to Defence through the following method:

- **Submit via email:** Email your submission to sams.policy@defence.gov.au with the subject line: “Job Family Determination Consultation” by no later than 17 August 2026.

We will endeavour to acknowledge receipt of emailed submissions on conclusion of the consultation period.

Please use the below template to provide any feedback on the questions posed in the consultation paper.

Name of Organisation	
Contact Name	
Email	
Phone	
Date	

Question	Response
What are your views on the proposed changes to time elapsed periods? Please specify which item for the time elapsed periods that you are referring to in your response.	
What impact do you expect the changes to the time elapsed periods will have?	