

Budavari, Rosemary

From:
Sent: Saturday, 29 January 2022 12:59 PM
To: HRCIntake
Cc:
Subject: SPA Australia Exemption Report - 31 January 2022

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

SPA Australia has nothing significant to report for the period from the effective date of our exemption (21 January 2022) until 31 January 2022. We will provide a comprehensive report for the upcoming 6 months when that report is due on 31 July 2022. Thank you!

Kind regards,



28 July 2022

ACT Human Rights Commission
Allara House
56 Allara Street
CANBERRA ACT 2601

By email: HRCIntake@act.gov.au/ Mariadefatima.Vieira@act.gov.au

Dear Commissioner

Report re: *Discrimination (Systems Planning and Analysis, Australia Pty Ltd) Exemption 2022 (No 1)*

I refer to the *Discrimination (Systems Planning and Analysis, Australia Pty Ltd) Exemption 2022 (No 1) (Exemption)*, pursuant to which Systems Planning and Analysis, Australia Pty Ltd (SPA) is to provide a written report to you by 31 July 2022 detailing:

- a) The steps it has taken to comply with the Conditions set out in the Exemption;
- b) The number of persons affected by the Exemption, the nature of the effects, and the steps taken to address any adverse affects;
- c) The anti-discrimination training of employees and contractors provided by SPA; and
- d) Implementation and compliance generally with the terms of the Exemption.

I set out below SPA's report on each of these matters. Unless otherwise defined in this report, capitalised terms have the meaning given to them in the Exemption.

A. The steps SPA has taken to comply with the Conditions set out in the Exemption

The steps that SPA has taken to comply with the Conditions set out in the Exemption are set out in the table below.

Condition 1	SPA confirms that it has not sought to rely on the Exemption except where necessary to enable it to obtain and manage ITAR and EAR export licensing or to perform contractual obligations which involve access to Controlled Material.
Condition 2	SPA confirms that it has only relied on the Exemption in so far as it has requested information about a candidate's nationality (as permitted by paragraph 4 of the Exemption) on one occasion.
Condition 3	SPA has ensured that all advertisements for positions which will or may involve access to Controlled Material include the information required by Condition 3. An example of a relevant job advertisement is attached as Annexure A .
Condition 4	To comply with this condition, within relevant job advertisements, SPA includes a link to the 'Compliance Statements and Privacy Policy' page on its website, which includes the document attached as Annexure B .
Condition 5	SPA confirms that no employees or contractors have been moved from projects or has had their employment terminated due to not having been authorised to access Controlled Materials.

Condition 6	SPA confirms it has not introduced a system of security passes that identifies nationality.
Condition 7	SPA confirms that all information relating to security passes, security clearance levels and access to Controlled Material is restricted as required in Condition 7.
Condition 8	SPA has implemented an Australian EEO and Anti-Discrimination Policy that incorporates the information required by Condition 8. A copy of that Policy is attached as Annexure C.
Condition 9	This report is prepared in satisfaction of Condition 9.

B. The number of persons affected by the Exemption, and the nature of the effects, and the steps taken to address any adverse affects

When recruiting for a position, SPA has determined that it will not request information about a candidate's nationality (as permitted under paragraph 4 of the Exemption) until it is satisfied that the candidate has the skills, qualifications and experience required to perform the position. This is to reduce the number of people from whom it needs to request nationality information

Since the commencement of the Exemption, in accordance with the process outlined above, SPA has requested nationality information from one prospective candidate. Another candidate offered their nationality and citizenship status to SPA as part of the recruitment process, without SPA having requested it.

Given the nationality/citizenships of the candidates from which this information was sought/provided, SPA was not required to restrict access to Controlled Material or otherwise seek to make an application for authorisation to access Controlled Material to the United States Government or otherwise.

Accordingly, SPA considers no persons have been adversely affected by the Exemption.

C. The anti-discrimination training of employees and contractors provided by SPA

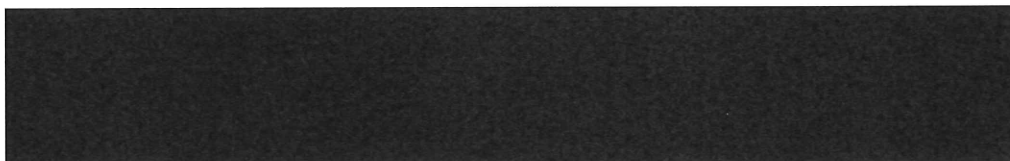
An anti-discrimination topic was incorporated into an all-staff, in-person Code of Conduct training session on 23 May 2022. In that training session, the purpose of and requirements under the Exemption were explained to SPA's employees.

D. Implementation and compliance generally with the terms of the Exemption.

Please see above.

If you have any questions regarding the above, please do not hesitate to contact me. My details appear below.

Yours sincerely,



Annexure A: Relevant job advertisement (Condition 3)

<https://international-spa.icims.com/jobs/5479/military-operations-analyst---maritime-warfare/job?hub=6&mobile=false&width=900&height=500&bga=true&needsRedirect=false&jan1offset=660&jun1offset=600>

Annexure B: Compliance statement (Condition 4)

https://spa.com/wp-content/uploads/2022/06/SPAustralia_Compliance-Statement-1.pdf

Annexure C: Australian EEO and Anti-Discrimination Policy (Condition 8)



Military Operations Analyst - Maritime Warfare

Systems Planning and Analysis, Inc. Canberra, Australian Capital Territory, Australia (On-site) 6 days ago 6 applicants

Full-time · Associate

501-1,000 employees · Defense and Space Manufacturing

See how you compare to 6 applicants. [Retry Premium Free](#)

Actively recruiting

Apply

Save

About the job

Overview

Systems Planning and Analysis Australia Pty Ltd (SPA Australia) provides senior decision makers within the Australian Defence Force and the Royal Australian Navy with timely and objective assessments affecting their maritime capability employment and investment strategies. Our team of experienced military professionals and operations research analysts integrate naval warfare expertise with advanced analytic methods - including force generation modeling, agent-based tactical simulations, and operational mission analyses - to deliver strategies that redress capacity and capability gaps.

SPA has an immediate need for an experienced Maritime Warfare officer to support a range of Maritime Domain programs and projects.

Responsibilities

Responsible for developing innovative concepts of operations and capability plans, and for translating them into detailed written and graphical descriptions used to develop and support tactical, operational and strategic surface and undersea warfare analysis. Responsible for conducting military effectiveness analysis of alternative capabilities to inform the development of formal requirements and program plans across the spectrum of science and technology (S&T), research and development (R&D), and program acquisition. Support and eventually take a leading role in the development and employment of modelling and simulation analysis tools and in briefing analysis results to top-level government decision makers.



- 5-10 years of operational maritime warfare experience
- Principal Warfare Officer qualification
- Bachelor's degree in science, technology, engineering or math (STEM). May substitute a non-technical degree with demonstrated technical acumen, e.g. successful completion of Capability Technology Management Program, or similar.
- A Negative Vetting 1 (NV1) Australian Defence security clearance or higher is required for this role, and applicants must be eligible to obtain and maintain an appropriate Australian security clearance. More information on eligibility for an Australian security clearance can be found at: <https://www.defence.gov.au/security/clearances/about/vetting-assessment#eligibility> .
- International Traffic in Arms Regulations (ITAR) and/or Export Administration Regulations (EAR) are applicable to this role and as such, the position will or is likely to require access to material controlled by ITAR and EAR (Controlled Material). Therefore, any person occupying the position must be able to satisfy ITAR and EAR controls, which may require specific authorisation to access Controlled Materials. Accordingly, your citizenship, previous citizenships, race or nationality, or substantive contacts where such contacts are affiliated with proscribed countries under ITAR may be a factor in determining your suitability for this role. Further information on this requirement can be found at: <https://spa.com/about/compliance-statements/> . If you are concerned about whether you will satisfy the requirements of the role insofar as they relate to ITAR and EAR, you should contact SPA Recruiting at recruiting@spa.com, who will be able to provide you with relevant information.

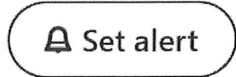
Desired Qualifications

- Experience in more than one of the following areas: Surface Warfare, Anti-Submarine Warfare, Strike Warfare, Mine Warfare, Amphibious Warfare, or Aviation Warfare
- Master's degree, especially Operations Research or Decision Analytics
- Demonstrated ability in applying innovative concepts, quantitative tools and creative data visualisation methods to address Naval issues and briefing the results to executive level leaders
- Experience in military operational planning and the Joint Military Appreciation Process or Defence capability development and management (including requirements definition, capability definition document generation, modelling and simulation, or operations research).

See less ^

Set alert for similar jobs

Operations Analyst, Canberra, Australian Capital Territory, Australia



Pay range unavailable

Salary information is not available at the moment.

Are you interested in salary information for this job? **Yes / No**

About the company



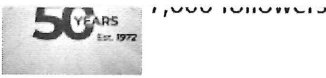
Home



My Network



Jobs



Defense & Space • 501-1,000 employees • 1,398 on LinkedIn

Systems Planning and Analysis Inc. (SPA) provides timely and objective analysis and integrated technical, operational, programmatic, policy, and business solutions in support of important national security objectives. We expand our capabilities to meet the evolving needs of our Nation and will ah ...show more

See more

Similar Jobs



Senior Engineering Manager

KBR, Inc.

Canberra, Australian Capital Territory, Australia

1 week ago



Maritime Engineer

QinetiQ Australia

Canberra, Australian Capital Territory, Australia

Be an early applicant

1 week ago



Human Resources Advisor

Northrop Grumman

Canberra, Australian Capital Territory, Australia

3 company alumni

1 week ago



Shared Services (PMO) Lead

QinetiQ Australia

Canberra, Australian Capital Territory, Australia

Be an early applicant

1 week ago



Systems Engineers – our door is open!

Saab Australia

Canberra, Australian Capital Territory, Australia

1 week ago



Deputy Chief Engineer

QinetiQ Australia

Canberra, Australian Capital Territory, Australia

Be an early applicant

2 days ago



Engineering Managers & Leads – our door is open!

Saab Australia

Canberra, Australian Capital Territory



HF Radio - Mission Operations Specialist

Boeing

Canberra, Australian Capital Territory



Advisory Business Analyst

KBR, Inc.

Canberra, Australian Capital Territory, Australia

SPA Australia – Citizenship and Nationality

SPA Australia provides knowledge-based solutions in support of important national security objectives for the Commonwealth of Australia. Our work on defence contracts requires us to comply with security requirements of the Australian government and the defence export control laws of Australia and the United States (Export Control Laws), including requirements of the US government's International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR).

In order to comply with these requirements and prevent unauthorised access to material controlled by Export Control Laws (Controlled Material), SPA Australia has been granted an Exemption from certain sections of the equal opportunity legislation in the Australian Capital Territory (ACT) to allow it to engage in conduct which may otherwise contravene certain provisions of that legislation.

This conduct may include taking into account an applicant or employee's citizenship, previous citizenships, race or nationality, or substantive contacts where such contacts are affiliated with proscribed countries, when determining if that applicant or employee will be offered a role or allocated work that involves access to Controlled Material.

If an applicant or employee is offered or is filling a role that requires access to Controlled Material, then they may be adversely affected by ITAR and/or EAR controls if they are not an Australian citizen, if they hold dual nationality and/or citizenship, or if they are not of Australian national origin. These adverse effects could mean that they are unable to join or remain on a project or, in extreme cases, receive an offer of employment or remain employed by SPA Australia. Any necessary applications for specific authorisations for a person to access Controlled Material would be made by SPA in specific, appropriate cases.

You can apply for Australian citizenship through the Australian Government's Department of Immigration and Citizenship. Details are available on their website at: http://www.citizenship.gov.au/applying/how_to_apply.

Australia, as well as each State and Territory of Australia, has laws regarding discrimination. For more information on your rights under the Federal anti-discrimination laws, please visit the Australian Human Rights Commission's website: <https://humanrights.gov.au/>. For more information on the ACT's anti-discrimination laws, please visit the ACT Human Rights Commission's website at: <https://hrc.act.gov.au/>.

Version First	Title EEO and Anti-Discrimination Policy (Australia)	Supersedes New
Approval Level COO	Effective Date 1 July 2022	Waiver Authority COO

Equal Employment Opportunity and Anti-Discrimination Policy (Australia)

Subject to the matters regarding the exemption outlined below, it is the policy of Systems Planning and Analysis, Australia Pty Ltd (SPA) not to discriminate against any current or prospective employee or contractor on the basis of an attribute protected by the anti-discrimination laws of Australia, including their race, religion, sex, sexual orientation, gender identity, national origin, age, marital status, or disability.

This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, termination, rates of pay or other forms of compensation and selection for training, at all levels of employment.

Additionally, retaliation, including intimidation, threats or coercion, because a current or prospective employee or contractor has objected to discrimination, engaged or may engage in filing a complaint, assisted in a review, investigation or hearing, or have otherwise sought to enforce their legal rights under any federal or state anti-discrimination law is prohibited.

We request the support of all employees and other workplace participants in accomplishing Equal Employment Opportunity.

Exemption under the *Discrimination Act 1991 (ACT)*

SPA provides knowledge-based solutions in support of important national security objectives for the Commonwealth of Australia. Our work on defence contracts requires us to comply with security requirements of the Australian government and the defence export control laws of Australia and the United States (**Export Control Laws**), including requirements of the US government’s International Traffic in Arms Regulations (**ITAR**) and Export Administration Regulations (**EAR**).

Solely for the purposes of compliance with these requirements and to prevent unauthorised access to material controlled by Export Control Laws (**Controlled Material**), SPA has been granted an Exemption from certain sections of the equal opportunity legislation in the Australian Capital Territory to allow it to engage in conduct which may otherwise contravene certain provisions of the *Discrimination Act 1991 (Cth)*. A copy of the *Discrimination (Systems Planning and Analysis, Australia Pty Ltd) Exemption 2022 (No 1)* can be found here: <https://www.legislation.act.gov.au/ni/2022-24/>

The Exemption allows SPA, subject to a number of conditions as set out in the Exemption, to request information about and take into account a current or prospective employee or contractor’s citizenship, previous citizenships, race or nationality, or substantive contacts where such contacts are affiliated with proscribed countries, when determining if that current or prospective employee or contractor will be offered a role or allocated work that involves access to Controlled Material.

If an applicant or employee or contractor is offered or is filling a role that requires access to Controlled Material, then they may be adversely affected by ITAR and/or EAR controls if they are not an Australian citizen, if they hold dual nationality and/or citizenship, or if they are not of Australian national origin. These adverse effects are permitted by the Exemption and could mean that the current or prospective employee or contractor is unable to join or remain on a project or, in extreme cases, receive an offer of employment or remain employed or engaged by SPA. Any necessary applications for specific authorisations for a person to access Controlled Material would be made by SPA in specific, appropriate cases.

30 January 2023

ACT Human Rights Commission
Allara House
56 Allara Street
CANBERRA ACT 2601

By email: HRCIntake@act.gov.au/ Mariadefatima.Vieira@act.gov.au

Dear Commissioner

Report re: *Discrimination (Systems Planning and Analysis, Australia Pty Ltd) Exemption 2022 (No 1)*

I refer to the *Discrimination (Systems Planning and Analysis, Australia Pty Ltd) Exemption 2022 (No 1) (Exemption)*, pursuant to which Systems Planning and Analysis, Australia Pty Ltd (SPA) is to provide a written report to you by 31 January 2023 detailing:

- a) The steps it has taken to comply with the Conditions set out in the Exemption;
- b) The number of persons affected by the Exemption, the nature of the effects, and the steps taken to address any adverse affects;
- c) The anti-discrimination training of employees and contractors provided by SPA; and
- d) Implementation and compliance generally with the terms of the Exemption.

I set out below SPA's report on each of these matters. Unless otherwise defined in this report, capitalised terms have the meaning given to them in the Exemption.

A. The steps SPA has taken to comply with the Conditions set out in the Exemption

The steps that SPA has taken to comply with the Conditions set out in the Exemption are set out in the table below.

Condition 1	SPA confirms that it has not sought to rely on the Exemption except where necessary to enable it to obtain and manage ITAR and EAR export licensing or to perform contractual obligations which involve access to Controlled Material.
Condition 2	SPA confirms that it has only relied on the Exemption in so far as it has requested information about a candidate's nationality (as permitted by paragraph 4 of the Exemption) on ten occasions.
Condition 3	SPA has ensured that all advertisements for positions which will or may involve access to Controlled Material include the information required by Condition 3. An example of a relevant job advertisement is attached as Annexure A .
Condition 4	To comply with this condition, within relevant job advertisements, SPA includes a link to the 'Compliance Statements and Privacy Policy' page on its website, which includes the document attached as Annexure B .
Condition 5	SPA confirms that no employees or contractors have been moved from projects or has had their employment terminated due to not having been authorised to access Controlled Materials.

Condition 6	SPA confirms it has not introduced a system of security passes that identifies nationality.
Condition 7	SPA confirms that all information relating to security passes, security clearance levels and access to Controlled Material is restricted as required in Condition 7.
Condition 8	SPA has implemented an Australian EEO and Anti-Discrimination Policy that incorporates the information required by Condition 8. A copy of that Policy is attached as Annexure C.
Condition 9	This report is prepared in satisfaction of Condition 9.

B. The number of persons affected by the Exemption, and the nature of the effects, and the steps taken to address any adverse affects

When recruiting for a position, SPA has determined that it will not request information about a candidate's nationality (as permitted under paragraph 4 of the Exemption) until it is satisfied that the candidate has the skills, qualifications and experience required to perform the position. This is to reduce the number of people from whom it needs to request nationality information

Since the commencement of the Exemption, in accordance with the process outlined above, SPA has requested nationality information from ten prospective candidates. Another candidate offered their nationality and citizenship status to SPA as part of the recruitment process, without SPA having requested it.

Given the nationality/citizenships of the candidates from which this information was sought/provided, SPA was not required to restrict access to Controlled Material or otherwise seek to make an application for authorisation to access Controlled Material to the United States Government or otherwise.

Accordingly, SPA considers no persons have been adversely affected by the Exemption.

C. The anti-discrimination training of employees and contractors provided by SPA

An anti-discrimination topic was incorporated into an all-staff, in-person Code of Conduct training session on 23 May 2022. In that training session, the purpose of and requirements under the Exemption were explained to SPA's employees.

D. Implementation and compliance generally with the terms of the Exemption.

Please see above.

If you have any questions regarding the above, please do not hesitate to contact me. My details appear below.

Yours sincerely,

[Redacted signature block]

Annexure A: Relevant job advertisement (Condition 3)

<https://international-spa.icims.com/jobs/5479/military-operations-analyst---maritime-warfare/job?hub=6&mobile=false&width=900&height=500&bga=true&needsRedirect=false&jan1offset=660&jun1offset=600>

Annexure B: Compliance statement (Condition 4)

https://spa.com/wp-content/uploads/2022/06/SPAustralia_Compliance-Statement-1.pdf

Annexure C: Australian EEO and Anti-Discrimination Policy (Condition 8)

Annexure A

1/29/23, 9:54 AM

Military Operations Analyst - Maritime Warfare in Australian Capital Territory | Careers at Australia

Military Operations Analyst - Maritime Warfare

AU-ACT

9 months ago

ID 2021-5479 # of Openings 1 Category Operations Research

Overview

Systems Planning and Analysis Australia Pty Ltd (SPA Australia) provides senior decision makers within the Australian Defence Force and the Royal Australian Navy with timely and objective assessments affecting their maritime capability employment and investment strategies. Our team of experienced military professionals and operations research analysts integrate naval warfare expertise with advanced analytic methods - including force generation modeling, agent-based tactical simulations, and operational mission analyses - to deliver strategies that redress capacity and capability gaps.

SPA has an immediate need for an experienced Maritime Warfare officer to support a range of Maritime Domain programs and projects.

Responsibilities

Responsible for developing innovative concepts of operations and capability plans, and for translating them into detailed written and graphical descriptions used to develop and support tactical, operational and strategic surface and under-sea warfare analysis. Responsible for conducting military effectiveness analysis of alternative capabilities to inform the development of formal requirements and program plans across the spectrum of science and technology (S&T), research and development (R&D), and program acquisition. Support and eventually take a leading role in the development and employment of modelling and simulation analysis tools and in briefing analysis results to top-level government decision makers.

Qualifications

Required Qualifications:

- 5-10 years of operational maritime warfare experience
- Principal Warfare Officer qualification
- Bachelor's degree in science, technology, engineering or math (STEM). May substitute a non-technical degree with demonstrated technical acumen, e.g. successful completion of Capability Technology Management Program, or similar.
- A Negative Vetting 1 (NV1) Australian Defence security clearance or higher is required for this role, and applicants must be eligible to obtain and maintain an appropriate Australian security clearance. More information on eligibility for an Australian security clearance can be found at: <https://www.defence.gov.au/security/clearances/about/vetting-assessment#eligibility>.
- International Traffic in Arms Regulations (ITAR) and/or Export Administration Regulations (EAR) are applicable to this role and as such, the position will or is likely to require access to material controlled by ITAR and EAR (Controlled Material). Therefore, any person occupying the position must be able to satisfy ITAR and EAR controls, which may require specific authorisation to access Controlled Materials. Accordingly, your citizenship, previous citizenships, race or nationality, or substantive contacts where such contacts are affiliated with proscribed countries under ITAR may be a factor in determining your suitability for this role. Further information on this requirement can be found at: <https://spa.com/about/compliance-statements/>. If you are concerned about whether you will satisfy the requirements of the role insofar as they relate to ITAR and EAR, you should contact SPA Recruiting at recruiting@spa.com, who will be able to provide you with relevant information.

Desired Qualifications:

- Experience in more than one of the following areas: Surface Warfare, Anti-Submarine Warfare, Strike Warfare, Mine Warfare, Amphibious Warfare, or Aviation Warfare
- Master's degree, especially Operations Research or Decision Analytics
- Demonstrated ability in applying innovative concepts, quantitative tools and creative data visualisation methods to address Naval issues and briefing the results to executive level leaders
- Experience in military operational planning and the Joint Military Appreciation Process or Defence capability development and management (including requirements definition, capability definition document generation, modelling and simulation, or operations research).

Options

Share on your newsfeed

[Application FAQs](#)

Software Powered by ICIMS
www.icims.com

[Home](#)

[About](#)

[Leadership](#)

[Board of Directors](#)

[Compliance Statements](#)

Expertise

- Advanced Analysis
- Systems Understanding & Software Tools
- Intelligence & Compliance
- Business & Operational Improvement

Software Tools

- Microsoft Excel & Power BI

Careers

- Career Portal
- Military Services
- Experiences in Medicine
- Education & Training

News & Insights

- Home
- Press Releases
- Company News
- Webinars
- Spotlight

Contact

114/100

Seaport • E Compliance Small Business Contracts

Systems Planning and Analysis, Inc.
 2001 N. Beauregard Street
 Alexandria VA 22311
 Phone: 703.991.3500



SPA Australia – Citizenship and Nationality

SPA Australia provides knowledge-based solutions in support of important national security objectives for the Commonwealth of Australia. Our work on defence contracts requires us to comply with security requirements of the Australian government and the defence export control laws of Australia and the United States (Export Control Laws), including requirements of the US government's International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR).

In order to comply with these requirements and prevent unauthorised access to material controlled by Export Control Laws (Controlled Material), SPA Australia has been granted an Exemption from certain sections of the equal opportunity legislation in the Australian Capital Territory (ACT) to allow it to engage in conduct which may otherwise contravene certain provisions of that legislation.

This conduct may include taking into account an applicant or employee's citizenship, previous citizenships, race or nationality, or substantive contacts where such contacts are affiliated with proscribed countries, when determining if that applicant or employee will be offered a role or allocated work that involves access to Controlled Material.

If an applicant or employee is offered or is filling a role that requires access to Controlled Material, then they may be adversely affected by ITAR and/or EAR controls if they are not an Australian citizen, if they hold dual nationality and/or citizenship, or if they are not of Australian national origin. These adverse effects could mean that they are unable to join or remain on a project or, in extreme cases, receive an offer of employment or remain employed by SPA Australia. Any necessary applications for specific authorisations for a person to access Controlled Material would be made by SPA in specific, appropriate cases.

You can apply for Australian citizenship through the Australian Government's Department of Immigration and Citizenship. Details are available on their website at: http://www.citizenship.gov.au/applying/how_to_apply.

Australia, as well as each State and Territory of Australia, has laws regarding discrimination. For more information on your rights under the Federal anti-discrimination laws, please visit the Australian Human Rights Commission's website: <https://humanrights.gov.au/>. For more information on the ACT's anti-discrimination laws, please visit the ACT Human Rights Commission's website at: <https://hrc.act.gov.au/>.

Version First	Title EEO and Anti-Discrimination Policy (Australia)	Supersedes New
Approval Level COO	Effective Date 1 July 2022	Waiver Authority COO

Equal Employment Opportunity and Anti-Discrimination Policy (Australia)

Subject to the matters regarding the exemption outlined below, it is the policy of Systems Planning and Analysis, Australia Pty Ltd (SPA) not to discriminate against any current or prospective employee or contractor on the basis of an attribute protected by the anti-discrimination laws of Australia, including their race, religion, sex, sexual orientation, gender identity, national origin, age, marital status, or disability.

This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, termination, rates of pay or other forms of compensation and selection for training, at all levels of employment.

Additionally, retaliation, including intimidation, threats or coercion, because a current or prospective employee or contractor has objected to discrimination, engaged or may engage in filing a complaint, assisted in a review, investigation or hearing, or have otherwise sought to enforce their legal rights under any federal or state anti-discrimination law is prohibited.

We request the support of all employees and other workplace participants in accomplishing Equal Employment Opportunity.

Exemption under the *Discrimination Act 1991* (ACT)

SPA provides knowledge-based solutions in support of important national security objectives for the Commonwealth of Australia. Our work on defence contracts requires us to comply with security requirements of the Australian government and the defence export control laws of Australia and the United States (**Export Control Laws**), including requirements of the US government’s International Traffic in Arms Regulations (**ITAR**) and Export Administration Regulations (**EAR**).

Solely for the purposes of compliance with these requirements and to prevent unauthorised access to material controlled by Export Control Laws (**Controlled Material**), SPA has been granted an Exemption from certain sections of the equal opportunity legislation in the Australian Capital Territory to allow it to engage in conduct which may otherwise contravene certain provisions of the *Discrimination Act 1991* (Cth). A copy of the *Discrimination (Systems Planning and Analysis, Australia Pty Ltd) Exemption 2022 (No 1)* can be found here: <https://www.legislation.act.gov.au/ni/2022-24/>

The Exemption allows SPA, subject to a number of conditions as set out in the Exemption, to request information about and take into account a current or prospective employee or contractor’s citizenship, previous citizenships, race or nationality, or substantive contacts where such contacts are affiliated with proscribed countries, when determining if that current or prospective employee or contractor will be offered a role or allocated work that involves access to Controlled Material.

If an applicant or employee or contractor is offered or is filling a role that requires access to Controlled Material, then they may be adversely affected by ITAR and/or EAR controls if they are not an Australian citizen, if they hold dual nationality and/or citizenship, or if they are not of Australian national origin. These adverse effects are permitted by the Exemption and could mean that the current or prospective employee or contractor is unable to join or remain on a project or, in extreme cases, receive an offer of employment or remain employed or engaged by SPA. Any necessary applications for specific authorisations for a person to access Controlled Material would be made by SPA in specific, appropriate cases.

