ROBUST POLICY

Defence Amendment (Counter-UXS Measures) Regulations 2025[1]
A review of the legislation

Summary: This Amendment provides Defence with the authority to undertake counter-UXS measures that are reasonable and safe, where an authorised person reasonably believes a UXS poses a threat to defence assets, protected defence areas, or Australia's defence and security interests.

Definitions (slightly simplified from the official definitions)

UXS – An uncrewed device that is autonomous or remotely operated and moves on the ground, on water, underwater or in the air.

Counter-UXS measures – A broad range of actions including identification, detection and tracking; interference, manipulation, diversion or control; disabling or destruction; and seizure, detention and exploitation of the device.

Defence asset – A vessel, vehicle or aircraft owned by the Commonwealth for use by the ADF, Defence or by visiting forces. The Minister for Defence may also declare a thing to be a defence asset if it is in the interests of the defence of Australia or national security.

Protected defence area – Broadly defined to include defence areas, aviation areas and premises; land, buildings or facilities associated with ASA and ASD; defence prohibited and practice areas; certain declared maritime, explosives and restricted areas; and other areas identified under related legislation. The Minister may declare any area of land, sea or airspace in Australia to be a protected defence area if it is in the interests of the defence of Australia or national security.

Authorised person – A person empowered to take counter-UXS measures. An authorised person must possess the appropriate training, qualifications, skills or experience in counter-UXS measures. The definition includes ADF members, AFP appointees, and members of State or Territory police forces. It also includes APS employees or contractors who have been formally appointed in writing by the Defence Secretary, CDF, Head of ASA or Director-General of ASD.

What authorities are granted?

When can counter-UXS measures be taken?

- Where a UXS has entered, will enter, is reasonably likely to enter, or is in the vicinity of a protected defence area.
- Where an authorised person reasonably believes the UXS poses a safety or security threat to a protected defence area, to any person or thing in that area, or to a defence asset.
- Where an authorised person reasonably believes the UXS may compromise or adversely affect Australia's defence or security interests, or Australia's defence activities or operations.

What counter-UXS measures can be taken?

- Counter-UXS measures that are reasonable and safe in the circumstances to prevent, eliminate, minimise or otherwise deal with the threat or to protect Australia's defence or security interests, or Australia's defence activities or operations.
- Measures must be consistent with the Minister's guidelines and directions.
- Measures must be consistent with Australia's obligations under international agreements concerning the safety of air and maritime navigation.
- Measures may only be taken to the extent that they do not constitute an offence under the Criminal Code.

What can be done with captured UXS?

- Collect personal information (including sensitive information) for purposes related to counter-UXS measures.
- Disclose relevant information to specified agencies and bodies, including law enforcement, intelligence agencies, and other authorised entities.
- Retrieve information from the UXS and inspect, examine, dismantle, test or otherwise exploit the device.

The Minister may delegate the Minister's powers in this Amendment to the Secretary or CDF.

The Amendment provides for compensation for certain loss or damage resulting from lawful counter-UXS measures, subject to exceptions (including where the UXS was used in the commission of an offence).

Prepared by: Carl Rhodes, 11 March 2026

Disclaimer: This document provides a simplified overview of the Amendment and does not constitute legal advice around the employment of counter-UXS measures.

[1] Defence Amendment (Counter-UXS Measures) Regulations 2025, accessed February 11, 2026, https://www.legislation.gov.au/F2025L01553/asmade.