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Counter Proliferation



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Counter Proliferation

Facilitate the legitimate movement of goods and people; and to protect the integrity of Australia's border.

Our vision is to be a global leader in border law enforcement and a trusted partner that helps build a safe, secure and prosperous Australia.

Our mission: To lead an end-to-end enforcement capability that combats the illicit movement of military and dual-use goods and entities of proliferation concern across the border continuum.

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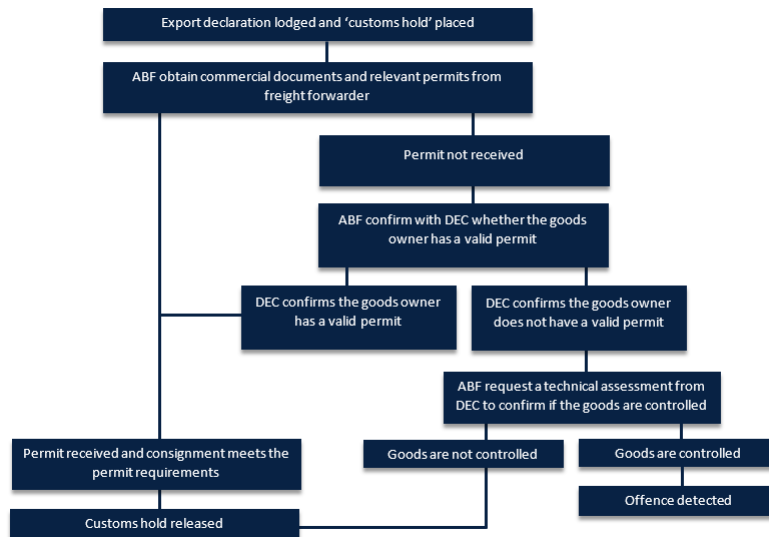
Investigation Approach

- Education and outreach
- Warning letters
- Infringement notice(s):
 - Individual – \$4,950
 - Company – \$14,850
- Prosecution(s):
 - Individual – 10 years imprisonment and/or \$825,000
 - Company – \$4,125,000



Additional penalties as a result of investigation outcomes could lead to the forfeiture of goods and cancellation of visas.

Border Processes & Engagement



Challenges



Development and expansion of new technologies

- With new and emerging technologies and areas of research, there will always be new technologies which have dual-use and military applicability.



Accurate reporting

- ABF faces the challenge of false or misleading reporting by the goods owner or freight forwarder.



Timeframes

- Where potential controlled goods are identified, ABF refer these consignments to the regulators for assessment.
- Often cargo is held at the border for long periods of time until the assessment can be completed, this can become costly to the goods owners who pay the freight forwarders for storage.

Key Takeaways

Obtain a permit prior to lodging an export declaration

Ensure the consignment meets the permit conditions and does not exceed the quantity

Do your own due-diligence

Provide accurate and timely information for a consignment

Provide all relevant documentation and information to your freight forwarder

Case Study

- On 26 October 2023, an export declaration was lodged by a freight forwarding company on behalf of an Australian company. The goods were destined for an Indian company operating in various fields including heavy industry, engineering and defence. The goods had various applications in building construction, sea and air vessel construction but also in ballistic protection and body armour.
- ABF suspected that the goods may be listed on the Defence and Strategic Goods List (DSGL).
- ABF automatically placed a customs hold.
- ABF requested commercial documents and relevant permits. A permit was not provided.
- ABF engaged with DEC to determine if a permit was obtained by the goods owner.
- DEC confirmed a permit was not obtained by the goods owner.
- ABF requested DEC complete a technical assessment of the goods.



Caption: A screenshot of the Indian company's website which lists industries they are involved with including aerospace & defence.

Case Study

- On 6 November 2023, DEC determined that the goods contained within the consignment were listed on the DSGL and required a permit, which had not been obtained at the time of the attempted export.
- DEC advised ABF that following the customs hold, the goods owner had submitted an export permit request for the shipment of these goods, as well as technical assessments on multiple other products.
- ABF conducted a historical audit of the Australian company's exports and identified another two instances of the Australian company exporting the same goods in 2023 without a permit.
- ABF detected 3 breaches of Section 233(1)(c) of the *Customs Act 1901* – the export of any prohibited export.

Smuggling and unlawful importation and exportation

(1) A [person](#) shall not:

(a) smuggle any [goods](#); or

(b) import any prohibited imports; or

(c) export any prohibited exports; or

(d) unlawfully convey or have in his or her possession any smuggled [goods](#) or prohibited imports or prohibited exports.

- ABF issued one infringement for one of the offences combined with a warning letter for the historical breaches



Australian
BORDER FORCE

Questions