



Australian Government
Defence

DEFENCE EXPORT CONTROLS

AUSTRALIAN ENFORCEMENT
ACTION AND PENALTIES

Export Controls Conference 2025

Brisbane Convention Centre

Brisbane, 13 May 2025

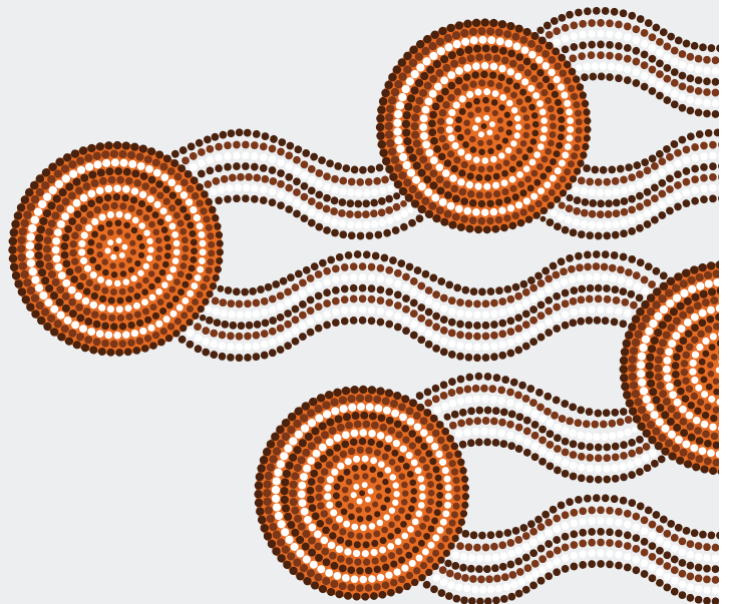


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Acknowledgement of Country

I would like to acknowledge the Traditional Custodians of the land on which we meet today, and pay my respects to their Elders both past and present.

I would also like to pay my respects to the Aboriginal and Torres Strait Islander men and women who have contributed to the defence of Australia in times of peace and war.



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We are Defence Export Controls

Defence Export Controls (DEC) is the **Commonwealth regulator** for the movement of defence-related goods and technology. This involves:

- **Assessing applications**
- **Issuing permits**
- **Monitoring reporting obligations**
- **Undertaking Compliance Monitoring**

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Regulatory Compliance - Principles-Based Approach

- Accountability
- Proportionality
- Evidence based
- Outcomes focussed
- Transparency
- Collaborative
- Timeliness
- Fairness
- Consistency
- Efficiency

Federal Legislation



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Export Control Compliance Program (ECCP)

An organisation's export control compliance area may be tasked with the responsibility to:

- Develop, implement, maintain and improve export control compliance policies and procedures
- Ensure employees or members are aware of their own export control compliance responsibilities
- Provide regular export control compliance training to employees or members and record training completion
- Remain informed and up-to-date with current export control laws, regulations, directions or guidance from Defence

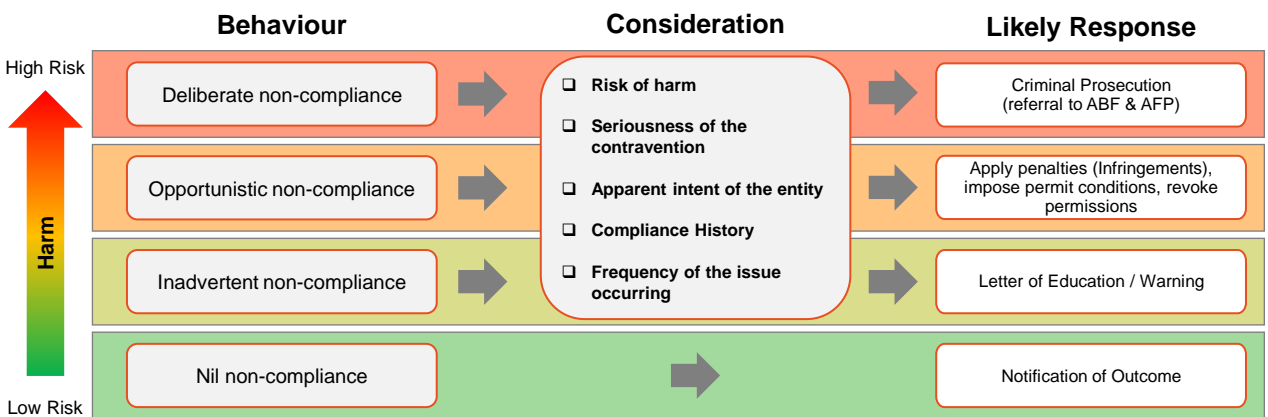
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Export Controls Compliance - Our Proportionate Response Model



Note: chart is an indicative guide

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How we work with our partners

We do not directly prosecute offences under the legislation. Where we consider a matter is serious enough, we refer the matter to one of our law enforcement partners for further investigation and potential prosecution.



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Summary of Existing Penalties

	Offence Provision	Description of Control	PENALTY (INDIVIDUAL)	PENALTY (BODY CORPORATE)
'Controlled' provisions (covering items on the DSGL)			PENALTY (INDIVIDUAL)	PENALTY (BODY CORPORATE)
EXISTING	Customs Act REG (13E)	Physical/tangible export of DSGL goods cross-border	3 times the value of those goods; or 1,000 penalty units (\$330,000).	3 times the value of those goods; or 5,000 penalty units (\$1.65M).
EXISTING	DTC Act (s10)	Intangible supply of DSGL technology cross-border	Imprisonment for 10 years; or 2,500 penalty units (\$825,000), or Both.	12,500 penalty units (Up to \$4.125M)
NEW	DTC Act (s10A)	Supply of DSGL technology to a foreign person in Australia		
NEW	DTC Act (s10B)	Re-export or re-supply of certain DSGL goods/technology outside Australia		
NEW	DTC Act (s10C)	Provision of certain DSGL services outside Australia		
EXISTING	DTC Act (s14A)	Publication of certain DSGL technology		
EXISTING	DTC Act (15)	Brokering of certain DSGL goods and technology		
'Uncontrolled' provisions (covering items not on the DSGL)			PENALTY (INDIVIDUAL)	PENALTY (BODY CORPORATE)
EXISTING	WMD Act (s14)	Export/supply of uncontrolled goods, and provision of services that may be used in/assist a weapons on mass destruction (WMD) program	Imprisonment for 8 years	-
EXISTING	Customs Act (112BA)	Export of uncontrolled goods that may be for military end-use (MEU)	Imprisonment for 10 years; or 2,500 penalty units(\$825,000), or Both.	12,500 penalty units (Up to \$4.125M)
Obtaining information from a person (relevant to the operation of the Defence Trade Controls Act 2012)			PENALTY (INDIVIDUAL)	PENALTY (BODY CORPORATE)
EXISTING	DTC Act (s52)	(a) the person is given a notice under subsection (2); and	Imprisonment for 6 months	-
EXISTING	DTC Act (s59)	(b) the person fails to comply with the notice		

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Current Trends and Patterns - Non-Compliance

Industry, Government and Higher Education Research fail to comply due to:

- Lack of understanding of dual-use goods, technologies and services
- Inadequate screening of end-users and consignees
- Insufficient record keeping, especially in collaborative projects
- Failing to meet reporting obligations under permit conditions
- Misunderstanding that permits can be extended or granted retrospectively



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Reporting Breaches of Non-Compliance



- DEC understands that errors can be made when dealing with controlled goods, technology or services, or military and dual-use goods and encourages entities/individuals to report possible breaches of compliance as soon as they are identified.
- DEC will work with organisations to determine if a breach has occurred, why it has occurred and what, if any, corrective actions should be undertaken.

DEC.Compliance@defence.gov.au

If you suspect a potential breach – Submit a Voluntary Disclosure Report by using the [My Australian Defence Exports \(MADE\)](#) portal

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Questions?

