



# NAVIGATING THE DEFENCE EXPORT CONTROLS LEGISLATIVE FRAMEWORK

The **Defence Export Controls** legislative framework ensures the responsible export, supply, brokering and publication of military and dual-use goods, software and technology. It is designed to protect Australia's national security while supporting international trade and collaboration.

## KEY COMPONENTS

### [Defence Trade Controls Act 2012 \(DTC Act 2012\)](#)

- Regulates the intangible (electronic) supply and publication of controlled technology and the brokering of controlled goods and technology.
- **Defence Trade Controls Amendment Act 2024** introduces new criminal offences for the supply of goods, software or technology, and provision of certain services without a permit and establishes exemptions and exceptions for certain activities and entities.

### [Weapons of Mass Destruction \(Prevention of Proliferation\) Act \(WMD Act\)](#)

- Gives the Minister for Defence the power to prohibit the supply or export of goods and/or the provision of services that may assist or be used in a WMD program.
- A **WMD program** is any plan for the development, production, acquisition or stockpiling of nuclear, biological or chemical weapons or missiles capable of delivering such weapons.

### [Defence Trade Controls \(Australian Military Sales Program item\) Determination 2024 \(AMSP\)](#)

- **AMSP** items are subject to different regulatory controls due to the intent for AMSP items to include Australia's sovereign DSGL goods and technology
- Activities involving **AMSP** items are exempt from permit requirements when done under an agreement or arrangement between Australia and a foreign country.
- i** Note that various exceptions to offences do not apply to activities involving AMSP items

### [Defence Trade Controls \(Foreign Country\) Instrument 2024](#)

- The **DTC Act 2012** includes an exception to the brokering offence where the broker is doing the arranging from, or where the DSGL goods or technology are being supplied from, a **foreign country on the list**.
- The **DTC Amendment Act 2024** provides various exceptions from certain offences for persons and entities from foreign countries on this list.

### [Customs Act 1901 and Customs \(Prohibited Exports\) Regulations 1958](#)

- Regulates the physical export of controlled DSGL goods, software or technology.
- **Section 112BA of the Customs Act 1901** gives the Minister for Defence the power to prohibit the export of uncontrolled goods where they may be for a military end-use that would prejudice Australia's security, defence or international relations.

### [Defence and Strategic Goods List \(DSGL\)](#)

#### Categories:

- **Part 1 (Munitions List):** Items specially designed for military use.
- **Part 2 (Dual-Use List):** Items generally used for commercial purposes with potential military applications.

Permits generally needed for export, supply brokering, publication and provision of services unless exemption or exceptions apply.

### [Defence Trade Controls \(Excluded DSGL goods and DSGL technology\) Determination 2024](#)

- The Determination lists the goods, software, technology and services that are not eligible for certain exemptions and exceptions under the **DTC Act 2012**, including AUKUS exemptions.
- The excluded DSGL goods and technology that are on this list are items that relate to Australia, the UK and the US' international obligations or commitments, or are goods and technologies that are trilaterally agreed to be sensitive sovereign capabilities.

### [Defence Trade Controls Regulation 2013 \(DTC Regulation\)](#)

- The **DTC Regulation** gives effect to, carries out and regulates prescribed matters required or permitted by the **DTC Act 2012**.

## Contact Us

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