



Australian Government
Defence



DEFENCE EXPORT CONTROLS

DEEP DIVES

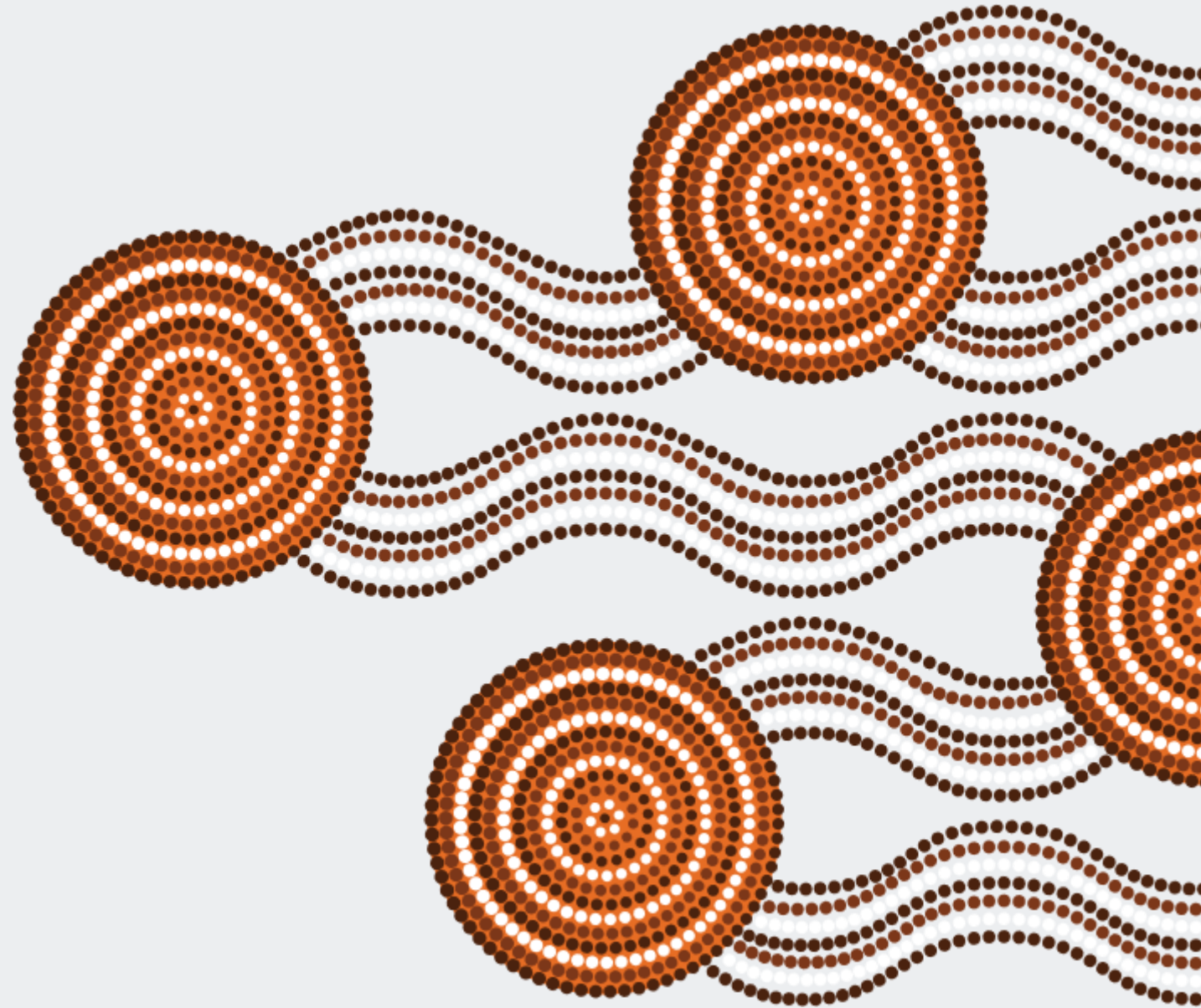
**Higher Education
and Research Sector**

Tuesday, 3 December 2024

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.



Welcome

**DEFENCE
EXPORT
CONTROLS**



SAMS
SAFEGUARDING AUSTRALIA'S MILITARY SECRETS

**Foreign
Arrangements
Scheme**



Attorney-General's Department
Foreign Influence and Transparency Scheme

**Australian
Sanctions
Office**

Agenda

Description	Speaker(s)	Time
Opening Remarks	MC	5 mins
<p><u>Session 1 – Defence</u></p> <p>Defence Export Controls</p> <ul style="list-style-type: none"> • Deep dive into the changes to Australia’s Defence export controls <p>Safeguarding Australia’s Military Secrets</p>	<p>Emily Brissenden / Saurabh Sapre (DEC)</p> <p>Mark Stevens / Amy Karja (SAMS)</p>	50 mins
<p><u>Session 2 – Government Partners</u></p> <ul style="list-style-type: none"> • Foreign Arrangements Branch Dept Foreign Affairs and Trade • Foreign Influence and Transparency Scheme Attorney General’s Department • Australian Sanctions Office Dept Foreign Affairs and Trade 	<p>Barbara Rooks (FAB)</p> <p>Lydia York (FITS)</p> <p>Michael McGillion (ASO)</p>	30 mins
Close	MC	5 mins



Introduction to Defence Export Controls



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** to transfer
- **Issuing permits** to legally operate
- **Monitoring reporting obligations** are met
- **Performing compliance audits** (incl. end-user verification)

Permits may be required when seeking to **export, supply, publish** or **broker** military and/or dual-use goods and technology on the Defence Strategic Goods List (DSGL), as well as to publish or provide services related to military goods and technology on the DSGL.

Current Export Controls Framework

DEC administers Australia's defence export controls framework through a combination of:

Federal Legislation

Covering 'Controlled' items listed on the DSGL



[Customs \(Prohibited Exports\) Regulations 1958](#)



[Defence Trade Controls Act 2012](#)



[Weapons of Mass Destruction \(Prevention of Proliferation\) Act 1995](#)



[Customs Act 1901 Military End-Use provisions \(section 112BA\)](#)

Covering 'Uncontrolled' items not listed on the DSGL

Legislative Instruments



[Defence and Strategic Goods List 2024](#)



[Australian Military Sales Program items 2024](#)



[Excluded DSGL Goods and Technologies List 2024](#)



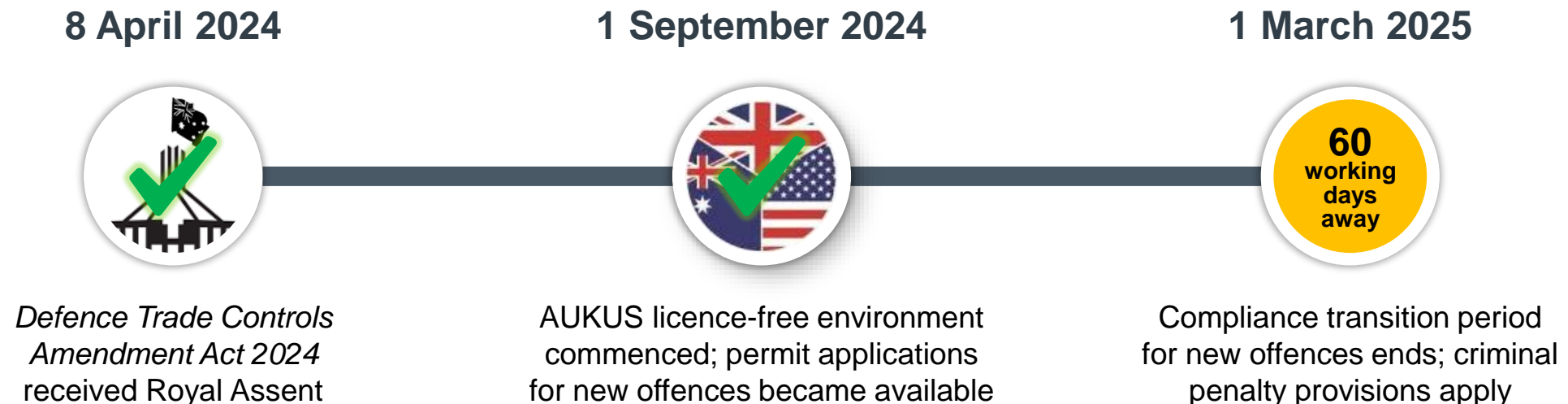
[Foreign Country List 2024](#)



Changes Have Occurred

The ***Defence Trade Controls Amendment Act 2024*** (and supporting *Defence Trade Legislation Amendment Regulations 2024*) commenced on 1 September 2024, changing Australia's defence export control laws. Two key changes were:

- 1 **Licence-free environment** between Australia / US / UK, where permits may not be required.
- 2 **3 new offences** where permits may be required (subject to 6-month transition period).



Expanded Export Controls Provisions

Australian defence export control offences (effective as of 1 September 2024):

	Offence Provision	Description of Control	Part 1	Part 2 (Very Sensitive)	Part 2 (Sensitive)	Part 2 (Other)
'Controlled' provisions (covering items on the DSGL)			Applies to DSGL ...			
EXISTING	Customs Regs (13E)	Physical/tangible export of DSGL goods cross-border	✓	✓	✓	✓
EXISTING	DTC Act (s10)	Intangible supply of DSGL technology cross-border	✓	✓	✓	✓
NEW	DTC Act (s10A)	Intangible 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)			Applies to DSGL ...			
EXISTING	WMD Act	Export/supply of uncontrolled goods, and provision of services that may be used in/assist a weapons on mass destruction (WMD) program	N/A			
EXISTING	Customs Act (112BA)	Export of uncontrolled goods that may be for military end-use (MEU)	N/A			

* Brokering permits only required for DSGL Part 2 when goods or technology may be for WMD or MEU purposes





AUKUS Licence-free Environment

Overview of the Licence-free Environment

Under the licence-free environment many military and dual-use goods, technologies and services can be **transferred without permits** between AUKUS partners.

- **In July 2023**, Australian, US and UK leaders **committed to streamlining defence trade** among AUKUS partners through the creation of a trilateral export licence-free environment.
- **On 1 September 2024**, this **licence-free environment was enabled** by legislative changes implemented by Australia, the US and UK.
- **As a result**, a 'national exemption' for the US and UK is now available for the **Customs (PE) Regulations** (Section 13E) and **DTC Act** (Sections 10, 10A, 10B, 10C, 15).



Impact on defence trade for Australia

The licence-free environment is now available to use for:

~900

export permits

to the US and UK previously required under Australian law (valued at \$5b / year)



70%

defence exports

from the US to Australia subject to International Traffic in Arms Regulations (ITAR)



80%

defence trade

from the US to Australia subject to Export Administration Regulations (EAR)



~200

export permits

previously required for defence exports from the UK to Australia (valued at \$129m / year)



Using the Licence-free Environment

The following **criteria must all be met** to make use of the licence-free environment.

Registration and Certification	The exporter or supplier has a Defence Export Controls Registration Number (DCRN) and has enrolled via the My Australian Defence Exports (MADE) portal as an AUKUS Authorised User. <i>Note: if activity is subject to ITAR, the exporter or supplier must also be a US-certified 'Authorized User'.*</i>
End-user	The export, supply or provision is to an Australian / UK / US citizen, permanent resident, corporation, government, or government authority. <i>Note: if involving ITAR, the export, supply or provision must be to another US-certified 'Authorized User'.*</i>
Location	The export, supply is to, or the services are received at, a place in Australia / US / UK.
Excluded Lists	The DSGL goods or technology are not on an excluded list (for Australia this is the Excluded DSGL Goods & Technologies List or Australian Military Sales Program items).
Pre-notification	DEC has been notified prior to the export or supply occurring via the MADE portal . <i>Note: this is only required for exports or supplies out of Australia (e.g. Customs Regs 13E / DTC Act s10 activities).</i>

* further information on US-certified 'Authorized Users' and their ITAR exemption access is available on the DEC website ([Access Types factsheet](#))



Section 10A and Fundamental Research

New Offences in the DTC Act

Three new offences have been introduced to the *Defence Trade Controls Act 2012*.

<i>Defence Trade Controls Act 2012 – New Offences</i>	Applies to DSGL ...			
	Part 1	Part 2 (Very Sensitive)	Part 2 (Sensitive)	Part 2 (Other)
10A: Intangible supply of DSGL technology to a foreign person in Australia	✓	✓	✓	✓
10B: Re-export or re-supply of certain DSGL goods/technology outside Australia	✓	✓	✓	✗
10C: Provision of certain DSGL services outside Australia	✓	✗	✗	✗



Note: permits are not required when using the **AUKUS** licence-free environment, including for these new offences



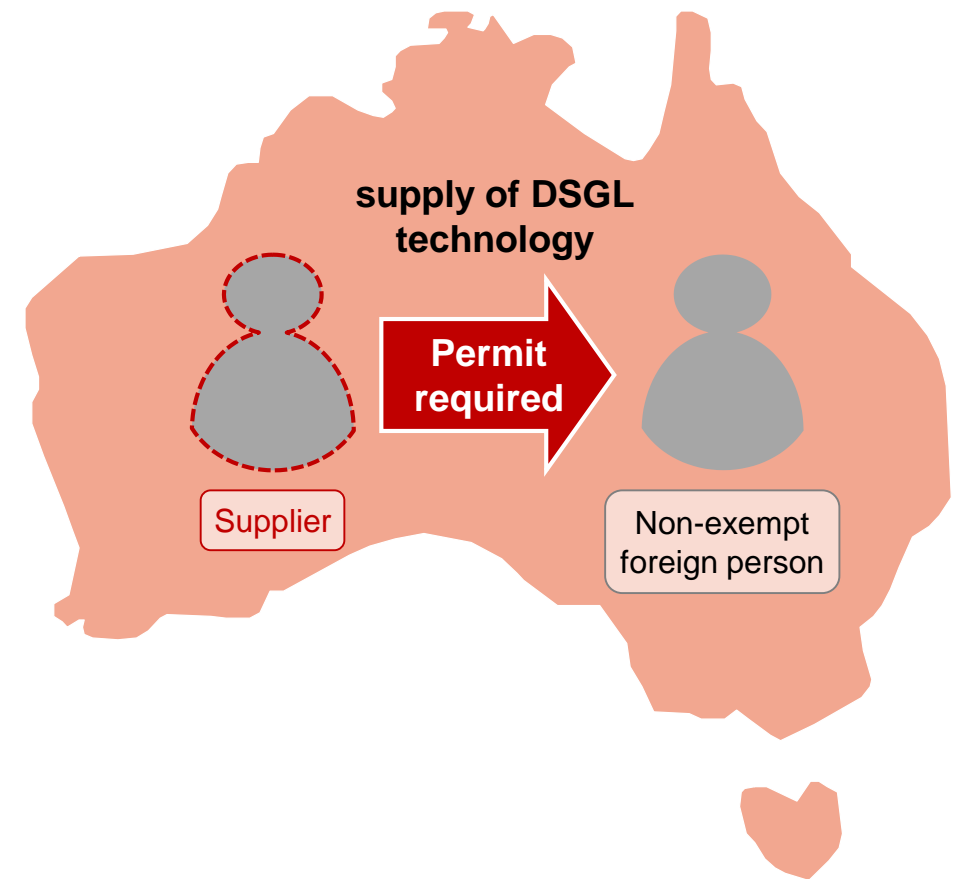
Section 10A Overview

Applies to DSGL ...	Part 1	Part 2 (Very Sensitive)	Part 2 (Sensitive)	Part 2 (Other)
	YES	YES	YES	YES

It is an **offence under Section 10A** of the *Defence Trade Controls Act 2012* if:

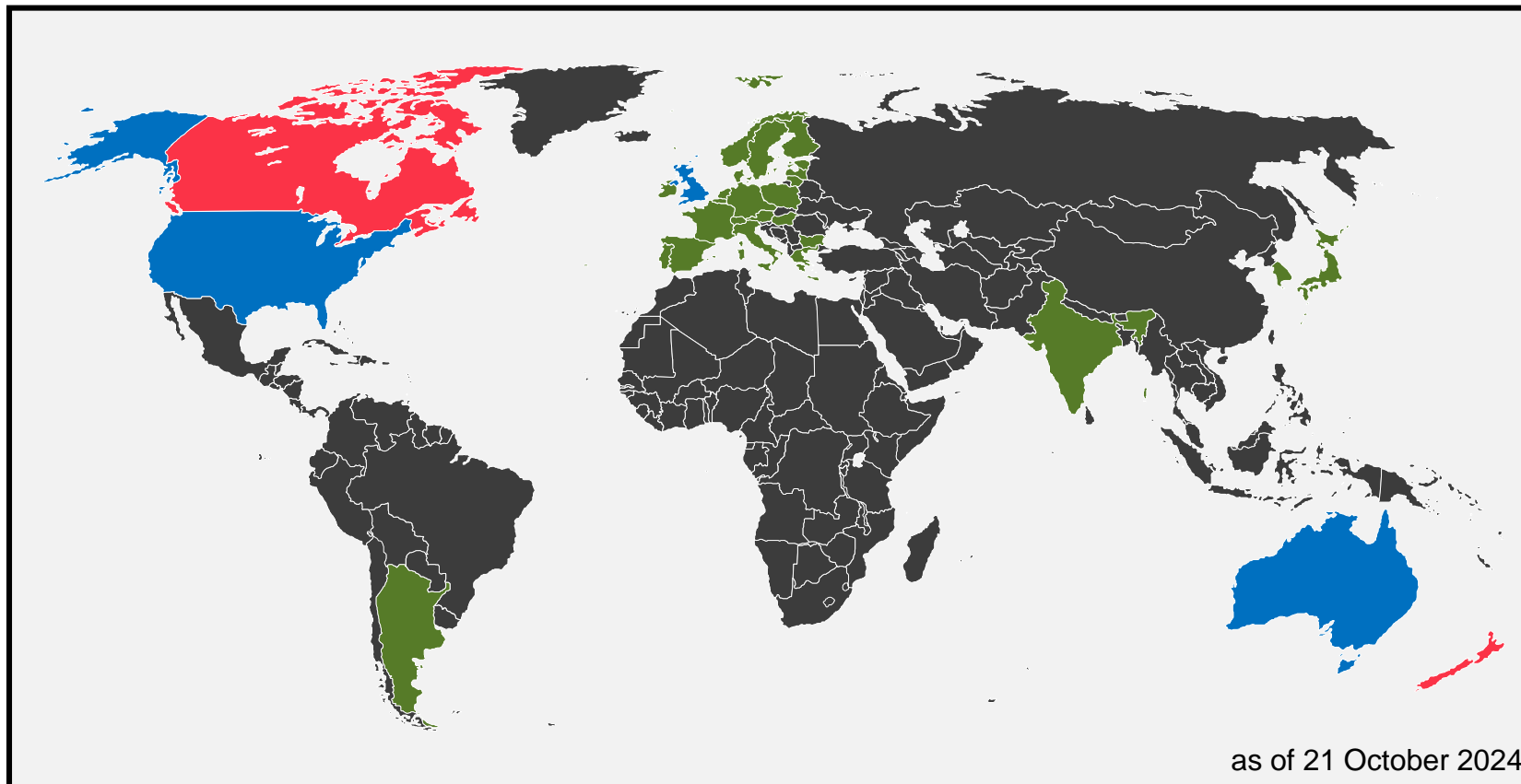
1. **A person supplies** (incl. provision of access)
2. **DSGL technology** (not goods)
3. **to a ‘non-exempt’ foreign person**
4. **within Australia**

Without a permit from DEC



Nations with Potential Exemptions

Various exemptions and exceptions are available based on the **AUKUS** and **Five Eyes** partnerships, and the **Foreign Country List**.



FIVE EYES	AUKUS	Australia
		United Kingdom
	United States	
FIVE EYES		Canada
		New Zealand
FOREIGN COUNTRY LIST (FCL)		Argentina
		Austria
		Belgium
		Bulgaria
		Czech Republic
		Denmark
		Estonia
		Finland
		France
		Germany
		Greece
		Hungary
		India
		Ireland
		Italy
		Japan
		Latvia
		Lithuania
		Luxembourg
		Netherlands
	Norway	
	Poland	
	Portugal	
	South Korea	
	Spain	
	Sweden	
	Switzerland	



Defining 'Nationality' of a Person

An **Australian person** and **foreign person** have specific definitions under the *Defence Trade Controls Act 2012*.

Australian person means:

- (a) the Commonwealth, a State or a Territory; or
- (b) an authority of the Commonwealth, a State or a Territory; or
- (c) an individual who is an Australian citizen; or
- (d) an individual who is a permanent resident* of Australia; or
- (e) a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory.

foreign person means any individual, corporate entity, government, or authority that is not an Australian person

What does this mean?

Any Australian citizen or permanent resident is considered an 'Australian person', regardless of other citizenships held or if they live in another country.

Any individual, entity or organisation that does not meet the definition of an 'Australian person' is considered a 'foreign person'.

Citizenship, permanent residency, or country of incorporation is also used to determine what country a foreign person is considered to be from (e.g. AUKUS, Five Eyes, FCL).

IMPORTANT

These definitions are specific to Australia's export control laws. Other restrictions / sanctions / definitions may be relevant depending on individual circumstances under other regulatory frameworks.

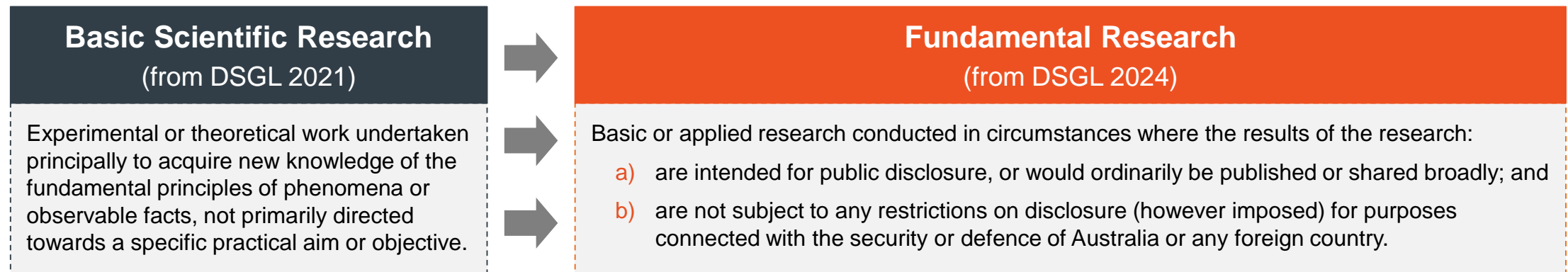
* Meaning provided within the *Australian Citizenship Act 2007*



Fundamental Research Carve-out

There is an exception for **Fundamental Research** within Australia's export controls.

- Legislative changes on 1 September 2024 **expanded this exception** from 'basic research' only to 'basic and applied research' – this has **widened the net** for research activities to be considered exempt from controls.
- This new definition was arrived at **in collaboration** with the higher education and research sector.



All Australian export control offences do not apply to technology produced in the course of, or for the purposes of, Fundamental Research



Breaking Down Fundamental Research

Consider three main questions to determine if Fundamental Research applies:



**Anything else does not qualify as Fundamental Research
 (i.e. might be DSGL technology, and therefore subject to controls)**



Case Studies – Fundamental Research

The **circumstances and context unique to any research** will ultimately determine if it satisfies the Fundamental Research definition.

Fundamental Research

Open-Access Research on Cybersecurity

A university research team studies general cybersecurity principles and techniques that could enhance both civilian and military systems. The research is published in open-access journals and presented at international conferences without any restrictions.

Qualifies

The research is intended to be published and shared broadly, and there are no restrictions on dissemination.

Not Fundamental Research

Proprietary Research on Military Technology

A university lab collaborates with a defence contractor on developing a new radar system for military aircraft. The contract includes clauses that restrict the publication of research results and require the contractor's approval before any dissemination.

Does Not Qualify

The research has publication restrictions imposed by the defence contractor sponsor, which disqualifies it.

Government-Funded Research w/ Access Controls

A university receives funding from Defence to study advanced propulsion systems for military vehicles. The funding agreement includes specific restrictions on who can access the research results and how they can be disseminated.

Does Not Qualify

This research is subject to access and dissemination controls imposed by Defence, which disqualifies it.



Case Studies – Section 10A

Section 10A can be relevant in various circumstances (including but not limited to):

Research Collaboration

An international research team based in Australia intends to collaborate on a commercial hypersonic vehicle project.

Part 2 DSGL technology will be shared within the team, while the geometric (but not internal) designs are intended to be published.



How may Section 10A apply?

- For FCL persons, collaboration unrestricted (if technology not on ETL or AMSP)
- For non-FCL persons, no permit needed if Fundamental Research (i.e. intended for public + not subject to other restrictions)
- Permits required for non-FCL team members where Fundamental Research (or other exceptions) do not apply
- Note: s14 publishing permit (Part 1 only)

Presenting at a Conference

An Australian citizen wants to present information containing DSGL technology at a conference in Australia.

The conference is restricted to invited attendees only (not open to the general public) – some of these attendees will be foreign persons.



How may Section 10A apply?

- Consider if the presented information falls under Fundamental Research
 - If yes, no restrictions
 - If no, can still present to FCL persons without a permit (if technology not on ETL / AMSP)
- Permit required for every non-FCL attendee (unless other exceptions apply)



Section 10B, 10C and Exceptions Overview

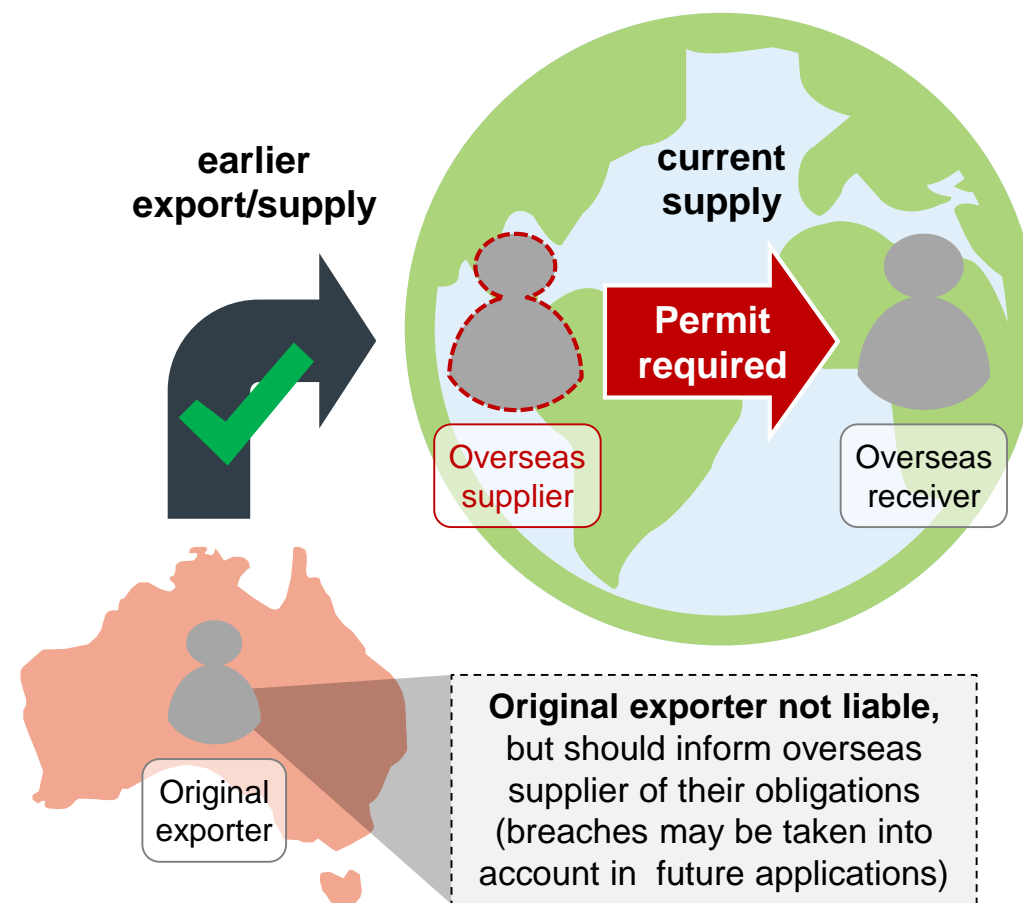
Section 10B Overview

Applies to DSGL ...	Part 1	Part 2 (Very Sensitive)	Part 2 (Sensitive)	Part 2 (Other)
	YES	YES	YES	NO

It is an **offence under Section 10B** of the *Defence Trade Controls Act 2012* if:

1. A person supplies to another person (current supply)
2. from one place outside Australia, to another place outside Australia
3. certain DSGL goods and technology (excl. firearms)
4. previously exported / supplied out of Australia in a manner requiring a DEC permit (earlier export/supply)

Without a permit from DEC



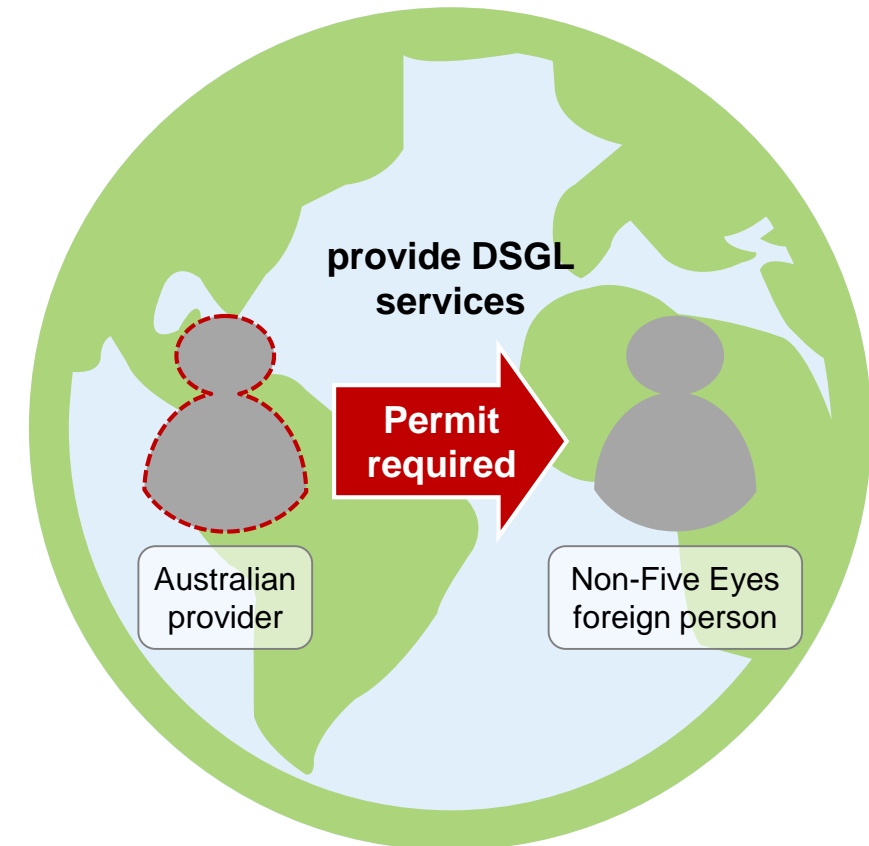
Section 10C Overview

Applies to DSGL ...	Part 1	Part 2 (Very Sensitive)	Part 2 (Sensitive)	Part 2 (Other)
	YES	NO	NO	NO

It is an **offence under Section 10C** of the *Defence Trade Controls Act 2012* if:

1. An Australian person located outside Australia
2. provides certain DSGL services
3. to a foreign person located outside Australia (excl. Five Eyes)

Without a permit from DEC



General Guidance on Exceptions

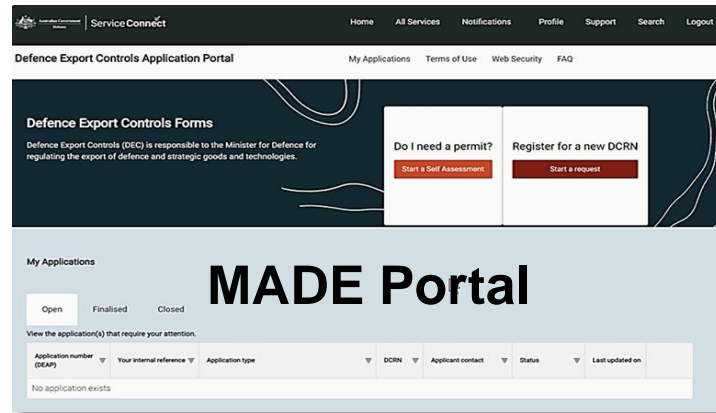
Each new offence has various exceptions that **remove the need for a permit**.

Description	Section 10A	Section 10B	Section 10C
Fundamental Research (DSGL Technology)	Exception Available	Exception Available	Exception Available
Defense Trade Cooperation Treaty	Exception Available	Exception Available	Exception Available
Australian Government Employees	Exception Available	Exception Available	Exception Available
Covered Security Clearances	Exception Available	Exception Available	Exception Available
Build-to-Print	Exception Available	--	--
FCL Involvement	Exception Available	Exception Available	--
Foreign Work Authorisation (SAMS)	Exception Available	--	Exception Available
Original Equipment Manufacturer (OEM)	--	Exception Available	--
Elapsed Time Period	--	Exception Available	--
Supplies from AUKUS Partners	--	Exception Available	--
Intracompany	--	Exception Available	Exception Available
Grandfathering (prior 1 September 2024)	--	Exception Available	Exception Available
Five Eyes Recipients	--	--	Exception Available
Maintenance Services	--	--	Exception Available



Close

In Summary



Depending on your circumstances, you may now require a permit when conducting an activity under Section 10A, 10B, or 10C of the DTC Act.

If you require a permit, apply via the [My Australian Defence Exports \(MADE\)](#) portal.



Things to remember

- New offences introduced, bringing Australia in-line with US and UK
- AUKUS licence-free environment available; many exceptions for FCL countries
- Expanded definition for Fundamental Research
- Consider full range of exceptions before applying for a permit
- Maintain records – even when relying on an exception



Penalties

Those prosecuted for offences under Australia's export control laws may face a **penalty of up to 10 years imprisonment, and/or a fine up to 2,500 penalty units**.*

Compliance Transition Period

Although the *DTC Amendment Act* commenced on 1 September 2024, a 6-month transition period applies to the Section 10A, 10B, and 10C offences.

From 1 March 2025, criminal penalties will apply to those offences.

* one penalty unit (as of 7 November 2024) = \$330, for a **total maximum fine of \$825,000**





Where to Get Help and Assistance?

- 1. Contact your organisation's export controls office**
- 2. Visit the Defence Export Controls website**
www.defence.gov.au/business-industry/export/controls
- 3. Use the MADE portal self-help tool and guidance materials**
- 4. Email exportcontrols@defence.gov.au**
- 5. Call 1800 333 362 (1800 DEFENCE) 'Option 4'**
between 8.30-16.30 EST

**DEFENCE
EXPORT
CONTROLS**





Australian Government

Defence

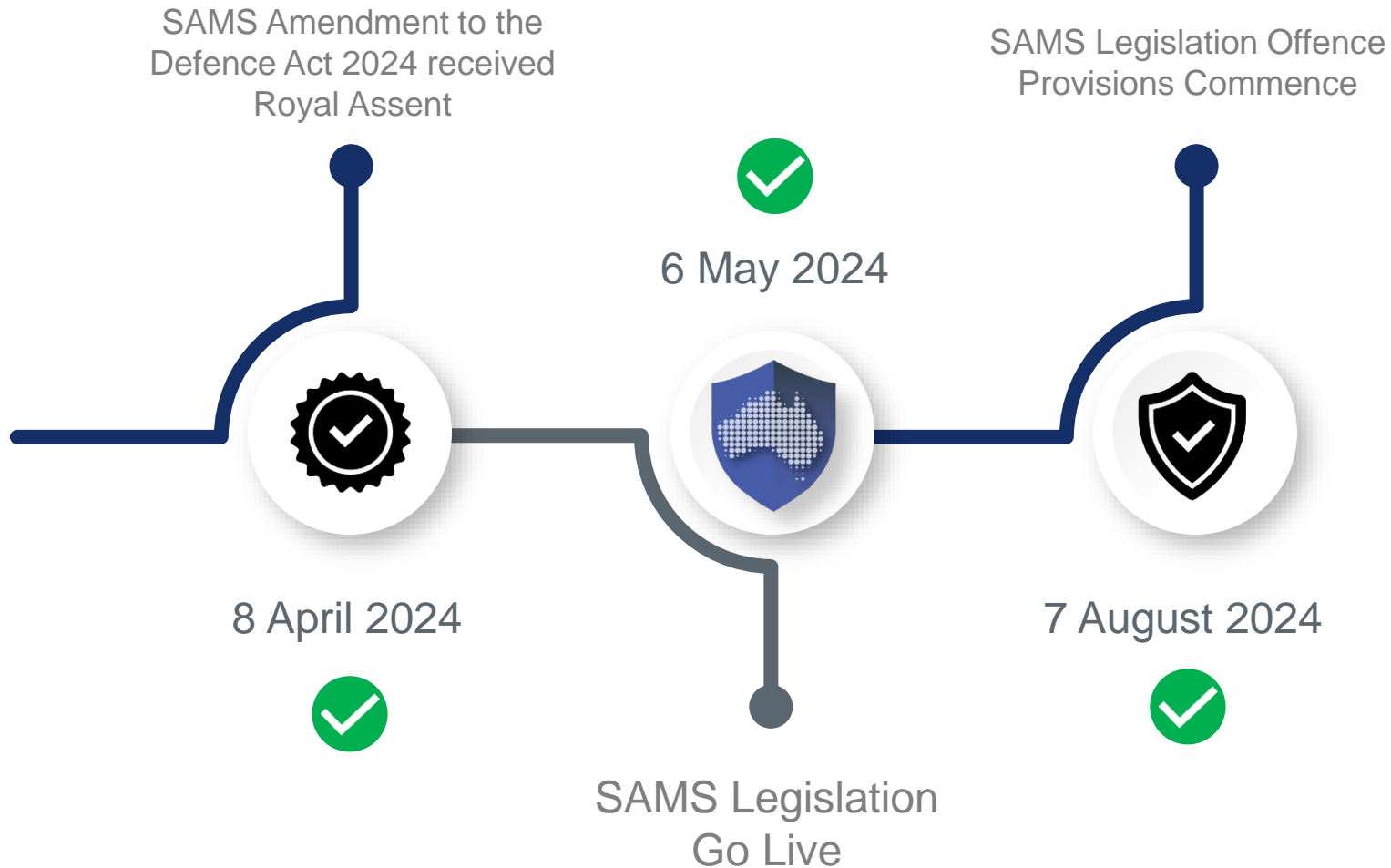


SAMS

SAFEGUARDING AUSTRALIA'S MILITARY SECRETS



Milestones and Statistics



Key Statistics	
+3000	FWA Requests
+2800	FWA Requests Completed
0	Refuse to Grant
16 days	Median Decision Time

SAMS – Applicability



The Defence Act Part IXAA (Security Australia's Military Secrets) Act 2024 commenced on 6 May 2024. Penalties for an offence under the Act started on 7 August 2024. Individuals covered by the SAMS legislation must seek authorisation before commencing work or training

Division 2 : Work (Includes Training)

- Former Australia Defence Force (ADF) members
- Former Department of Defence Australian Public Servants (APS)
- Former Australian Submarine Agency (ASA) APS

- (a) the kind of work, and the role, performed by the individual as a defence staff member;
- (b) any other kind of work, that the Minister is aware of, performed by the individual other than as a defence staff member;
- (c) the length of time that the individual was a defence staff member;
- (d) the kind of information accessed by the individual while a defence staff member;
- (e) the kind of work the individual would perform if the authorisation were granted;
- (f) the military organisation, or the government body, of the foreign country for which, or on behalf of which, the individual would perform that work if the authorisation were granted

SAMS – Applicability



The Defence Act Part IXAA (Security Australia's Military Secrets) Act 2024 commenced on 6 May 2024. Penalties for an offence under the Act started on 7 August 2024. Individuals covered by the SAMS legislation must seek authorisation before commencing work or training

Any Australian citizen or permanent resident providing training involving military related tactics, techniques and procedures or goods, software or technology within the scope of Part 1 of the Defence and Strategic Goods List

Division 3 : Training

- Australian Citizens
- Permanent Residents

- (a) the kind of training the individual would provide if the authorisation were granted;
- (b) the military organisation, or the government body, of the foreign country to which, or on behalf of which, the individual would provide that training if the authorisation were granted.

SAMS – Instruments and Exceptions



'Country List' - Legislative instrument

Defence (Non-relevant foreign country) Determination 2024

- Canada
- New Zealand
- United Kingdom
- United States of America

Job Families – Legislative Instrument

Defence (Non-foreign work restricted individual) Determination 2024

APS

Job families - 19

Job family functions - 87

Specific occupations - 1236

ADF

Strategic work force segments - 8

Job Roles - 290

- Army - 107
- Navy - 95
- RAAF - 88

Exceptions

- Employed by the Commonwealth
- Authorised by Commonwealth written agreement
- Service in a national Defence force
- UN / UN Agencies / ICRC



Scenario 1 - Former Defence



Australian citizen or permanent resident



Former ADF, Defence or ASA



Job family /category



In scope of Job Family time



Type of training –
- MTTPs
- Part 1 DSGL



Relevant foreign beneficiary/ies?



Covered by exception or legislative instrument



FWA required ?









 Left in April 2022
 Combat and Security - Artillery Gunner (ECN) 5 years
 April 2027 – Division 2

 France, Japan, **Canada**
 Only for Canada



 Left in April 2022
 Combat and Security - Artillery Gunner (ECN) 5 years
 April 2027 - Division 2

 France, Japan, **Canada**
 Commonwealth Agreement



 Left in April 2022
 Enterprise and Command Support - Education Officer 1 year
 April 2023
 Training on Army procedures - Division 3
 France, Japan, **Canada**
 Only for Canada


Scenario 2 – Non-Former Defence



Australian citizen or permanent resident



Former ADF, Defence or ASA



Job family /category



In scope of Job Family time



Type of training –
- MTTPs
- Part 1 DSGL



Relevant foreign beneficiary/ies?



Covered by exception or legislative instrument



FWA required ?



Never worked in Defence



Training on drones –
Division 3



France, Japan,
Canada



Only for Canada



Army Reserve Sercat 5



Training on drones –
Division 3



USA



Non-relevant country



Worked in ASD from Jan 2019 to September 2023



Role is for work, not training



SAMS – Key information



- Individual responsibility, not company
- Applies to onshore and offshore roles
- Role specific
- Can be updated after it has been granted (i.e. add new beneficiary)
- Valid for maximum of 3 years
- No cost
- Individuals can hold multiple authorisation if required



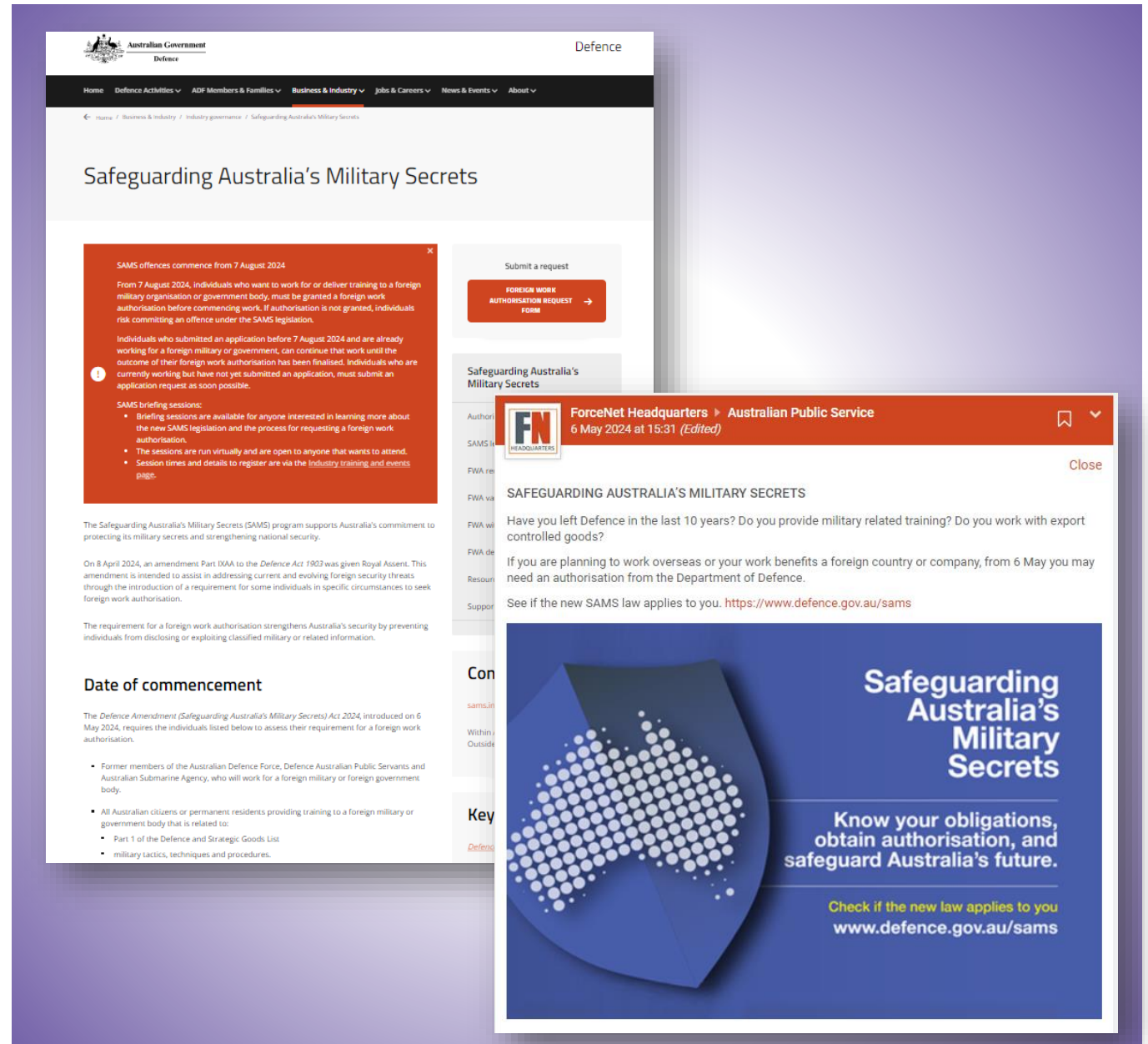
To request a Foreign Work Authorisation visit www.defence.gov.au/SAMS

For more information email SAMS.info@defence.gov.au

www.defence.gov.au/SAMS

www.forcenet.gov.au

SAMS.info@defence.gov.au

The screenshot shows the Defence website's 'Safeguarding Australia's Military Secrets' page. A prominent red notification box states: 'SAMS offences commence from 7 August 2024. From 7 August 2024, individuals who want to work for or deliver training to a foreign military organisation or government body, must be granted a foreign work authorisation before commencing work. If authorisation is not granted, individuals risk committing an offence under the SAMS legislation. Individuals who submitted an application before 7 August 2024 and are already working for a foreign military or government, can continue that work until the outcome of their foreign work authorisation has been finalised. Individuals who are currently working but have not yet submitted an application, must submit an application request as soon possible.' Below this, 'SAMS briefing sessions' are listed, including details on virtual sessions and registration. The page also features a 'Submit a request' button and a 'Foreign Work Authorisation Request Form' link.

Overlaid on the right is a ForceNet post from ForceNet Headquarters, dated 6 May 2024. The post title is 'SAFEGUARDING AUSTRALIA'S MILITARY SECRETS' and it asks: 'Have you left Defence in the last 10 years? Do you provide military related training? Do you work with export controlled goods? If you are planning to work overseas or your work benefits a foreign country or company, from 6 May you may need an authorisation from the Department of Defence. See if the new SAMS law applies to you. <https://www.defence.gov.au/sams>'

At the bottom right, a blue graphic features a stylized map of Australia and the text: 'Safeguarding Australia's Military Secrets. Know your obligations, obtain authorisation, and safeguard Australia's future. Check if the new law applies to you www.defence.gov.au/sams'



Session 2: Government Partners

Speakers



Foreign
Arrangement
Scheme

1. Ms Barbara Rooks

Foreign Arrangements Scheme

Dept. Foreign Affairs and Trade



Attorney-General's Department

Foreign Influence and Transparency Scheme

2. Ms Lydia York

Foreign Influence Transparency Scheme

Attorney General's Department



Australian
Sanctions
Office

3. Mr Michael McGillion

Australian Sanctions Office

Dept. Foreign Affairs and Trade





Australian Government

Department of Foreign Affairs and Trade

FOREIGN ARRANGEMENTS SCHEME

Defence Export Controls Forum – Higher Education and Research

WHY DO WE NEED A FOREIGN ARRANGEMENTS SCHEME?

- Australia's foreign policy is set at the national level by the Australian Government.
- The Scheme is a mechanism through which the Minister for Foreign Affairs can ensure that international engagement by states, territories, local governments and public universities is:
 - consistent with Australia's foreign policy, and
 - not adverse to Australia's foreign relations.



Minister for Foreign Affairs
Senator the Hon Penny Wong

ABOUT THE SCHEME

- Established by the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*.
- Requires Australian State/Territory governments, local governments and universities to notify 'foreign arrangements' with certain foreign entities.
- A foreign arrangement may be a 'core' or a 'non-core' arrangement, depending on the parties to the arrangement.



Australia's Foreign Relations (State and Territory Arrangements) Act 2020

No. 116, 2020

An Act to protect and manage Australia's foreign relations, and for related purposes

CORE FOREIGN ARRANGEMENTS

	State/Territory Entities	Foreign Entities
Core	<ul style="list-style-type: none">• States and Territories• State and Territory governments, departments, and agencies	<ul style="list-style-type: none">• A foreign country• The national government of a foreign country• A department or agency of a national government of a foreign country

Requirements of the Scheme

- Approval to negotiate
- Approval to enter
- Notification of entry

NON-CORE FOREIGN ARRANGEMENTS

	State/Territory Entities	Foreign Entities
Non-Core	<ul style="list-style-type: none">• Local governments• Australian public universities	<ul style="list-style-type: none">• A province, state, self-governing territory, region, local council, municipality, or other political subdivision of a foreign country• An authority of a foreign country established for a public purpose• A foreign university that does not have institutional autonomy

Requirements of the Scheme:

- Approval to enter
- Notification of entry

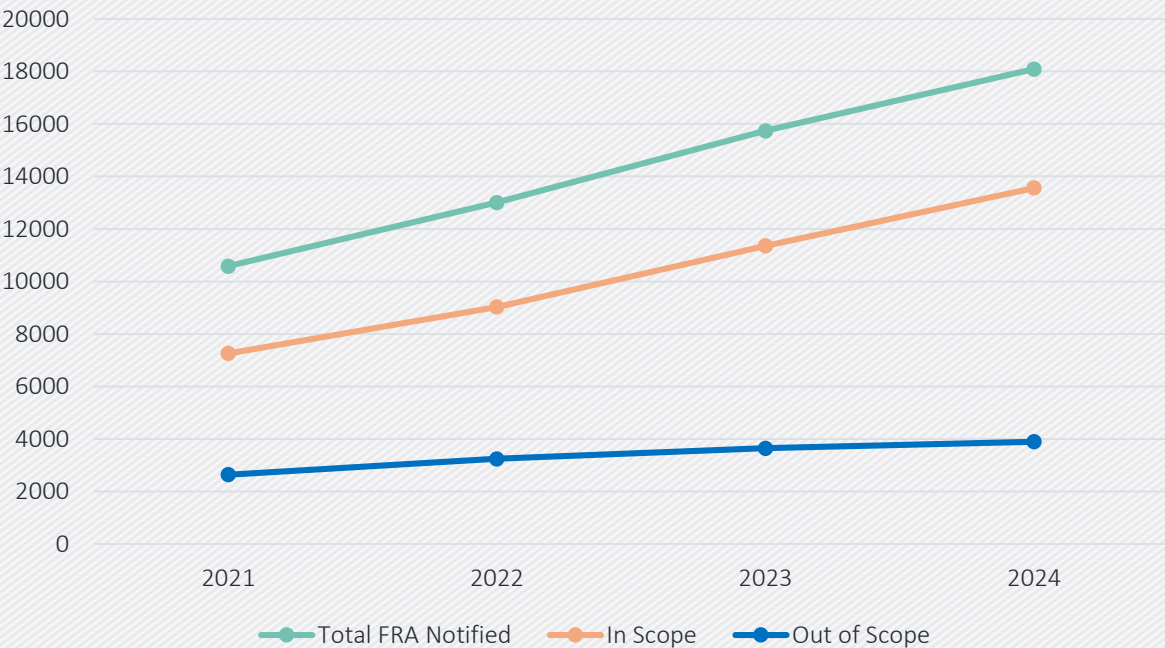
ARRANGEMENTS EXEMPT FROM NOTIFICATION

Certain low risk foreign arrangements are exempted from the notification requirements in the Act:

- Management of a declared emergency in Australia
- Child protection
- Minor variations
- Minor administrative or logistical matters

OVERVIEW OF THE FOREIGN ARRANGEMENTS SCHEME

Trend of Arrangements Over Time








- Over **18,000** arrangements notified by Australian state, territory and local governments and universities.
- Over **13,000** arrangements are in-scope.
- Roughly **300 – 400** arrangement notifications are received each month.

FURTHER INFORMATION

- Fact Sheets, Guidance Notes and FAQs: www.foreignarrangements.gov.au
- Talk to us: foreignarrangements@dfat.gov.au
- View the Public Register: www.foreignarrangements.gov.au/public-register
- Foreign Arrangements e-Learning Course www.foreignarrangements.gov.au/e-learning

RESOURCES

To view resources related to the Foreign Arrangements Scheme, please select one of the options.

 AUSTRALIA'S FOREIGN RELATIONS ACT 2020 	 EXPLANATORY MEMORANDUM	 FACT SHEETS	 FAQs
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Australian Government

**Department of
Foreign Affairs and Trade**





Foreign Influence Transparency Scheme

Transparency Frameworks Section
Attorney-General's Department

Topics

- 1) Overview of the Scheme
- 2) Interaction with other resilience mechanisms
- 3) Scheme statistics
- 4) Higher education & research sector

1. Overview of the Scheme

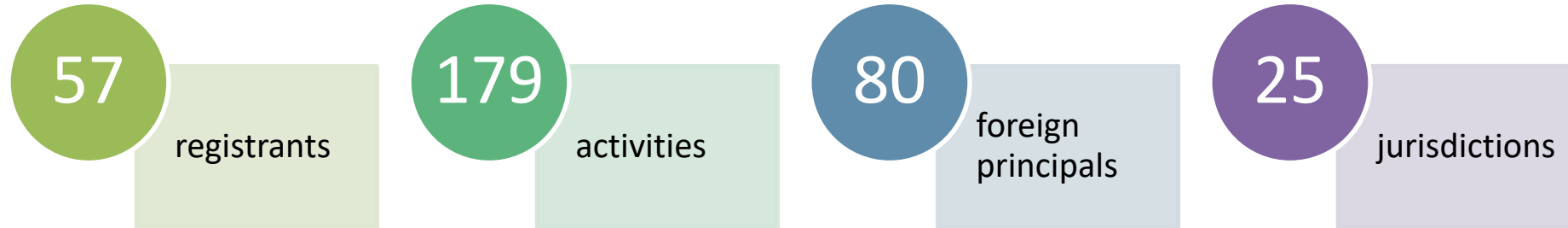
- *Foreign Influence Transparency Scheme Act 2018* (Cth)
- Provides visibility of the nature, level and extent of foreign influence on Australia's government and politics
 - Influence vs interference
- Generally, required to self-register where all the following conditions are met:
 - undertaking **registrable activities** in Australia
 - on behalf of a **foreign principal**
 - for the purpose of **political or governmental influence**, and
 - where **no exemptions** to registration apply
- Key mechanisms
 - Requirement to self-register
 - Transparency notices
 - Information gathering notices

2. Interaction with other resilience mechanisms

- The Scheme was established alongside new offences for foreign interference and espionage
- The Scheme supports other counter foreign interference efforts and related frameworks, including:
 - Foreign Arrangements Scheme
 - Counter Foreign Interference Coordination Centre
 - Electoral Integrity Assurance Taskforce Board
 - University Foreign Interference Taskforce

3. Scheme statistics

Active registrations:



All-time registrations:



4. Higher education & research sector

- General exemption for public universities (s 8 of the Act)
- Ordinary academic collaborations not for political or governmental influence
- The Scheme may still apply to:
 - joint ventures of universities
 - student associations
 - students and staff
 - individual academics
- Examples
 - United States Studies Centre
 - Perth USAsia Centre

5. Further information

- **Website:** <https://www.ag.gov.au/integrity/foreign-influence-transparency-scheme/fits-resources>
- **Email:** transparency@ag.gov.au
- **Call:** 02 6141 3222

Thank you



Australian Government

Department of Foreign Affairs and Trade

Australian Sanctions Office

Date: December 2024

DFAT.GOV.AU



Purpose of sanctions

Sanctions are measures not involving the use of armed force to:

- **Condemn** or **respond** to a situation of international concern
- **Prevent, limit or end the adverse impacts** of a situation of international concern
- **Deter** those who would contribute to a situation of international concern in the future



UNSC Sanctions

Central African Republic
Counter-Terrorism
Democratic Republic of the
Congo
Guinea-Bissau
Iraq
ISIL (Da'esh) and Al-Qaida
Lebanon
Al-Shabaab
South Sudan
Sudan
The Taliban
Yemen

Autonomous Sanctions

Country or former country

The Former Federal
Republic of Yugoslavia
Myanmar
Russia/Ukraine
Zimbabwe

Thematic

Proliferation of weapons
of mass destruction
Significant cyber incidents
Serious violations or serious
abuses of human rights
Serious corruption

Both

DPRK
Iran
Libya
Syria



When do Australian sanctions laws apply?

- Any activity in Australia
- Any activity involving an Australian person or body corporate
- Any activity involving an Australian vessel or aircraft

Note: bodies corporate are strictly liable, but reasonable precautions and due diligence are a defence



Types of sanctions

- Restrictions on dealings with particular persons and entities
- Restrictions on exporting or importing certain goods
- Restrictions on providing certain services
- Restrictions on commercial activities
- Travel bans on particular persons

Sanctions permits

- Can take three months or more
- What can be authorised depends on the relevant framework
- Not an insurance policy – only for matters that would be a contravention
- Might be unnecessary if adequate risk mitigation is in place to prevent a sanctions offence occurring

Calendar year	Total permits issued	Permits relating to Russia/Ukraine
2021	64	37
2022	113	85
2023	58	24
2024 (to 30 Oct 2024)	18	13



Outreach and monitoring

- In 2024-25 DFAT was allocated \$23.3 million over four years to improve sanctions compliance and enforcement
- We are finalising several industry-specific guidance notes and a sanctions toolkit to provide more tailored guidance to industry on sanctions risks
- Feel free to get in touch for general advice about each sanctions framework



Key risks for higher education

- Sanctioned service – includes technical advice, training and financial assistance in relation to sanctioned supplies, military activities, export sanctioned goods and specific countries.
- Risk exposure is a whole of institution question – academic expertise vs. financial transactions



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Thank you

