

AUSTRALIAN CONTROLS
ON THE EXPORT
OF
DEFENCE AND
STRATEGIC GOODS

A GUIDE FOR EXPORTERS
AND IMPORTERS

NOVEMBER 1996

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Annex D - SENSITIVE INDUSTRIAL DUAL-USE GOODS

As mentioned in section 4.4.3 of the guidelines, the Wassenaar Arrangement treats some industrial dual-use goods more sensitively than others. The list of goods considered "Sensitive" is a sub-set of the full industrial dual-use goods list which comprises items in Part 3, Categories 1 to 9 with a number finishing in the range 001 to 099. The Sensitive List includes:

N.B. Where abbreviated entries are used, see the relevant entry in Part 3 for full details. Text that differs from that in Part 3 is printed here in bold type.

Category 1

1A002.	"Composite" structures or laminates....
1C001.	Materials specially designed for use as absorbers of electromagnetic waves...
1C007c. & 1C007d.	Ceramic-ceramic "composite" materials.....
1C010c. & 1C010d.	Fibrous or filamentary materials.....
1C012	Materials for nuclear heat sources...
1D002	"Software" for the "development" of organic "matrix", metal "matrix" or carbon "matrix" laminates or "composites" listed on the DSGL.
1E001	"Technology" according to the General Technology Note for the "development" or "production" of equipment and materials in 1A002 or any of 1C001 to 1C012 of the DSGL.
1E002e & 1E002f	Other "technology".....

Category 2

2B001d	Electrical discharge machines (EDM)....
2B001f	Deep-hole-drilling machines....
2B003	"Numerically controlled" or manual machine tools....
2D001	"Software" specially designed for the "development" or "production" of equipment in any of 2B001 to 2B009 of the DSGL.
2E001	"Technology" according to the General Technology Note for the "development" of equipment or "software" in any of 2B001 to 2B009 or 2D001 or 2D002 of the DSGL.
2E002	"Technology" according to the General Technology Note for the "production" of equipment in any of 2B001 to 2B009 of the DSGL.

Category 3

3A002g.2	Atomic frequency standards....
3B001a.2	Metal organic chemical vapour deposition reactors....
3D001	"Software" specially designed for the "development" or "production" of equipment in 3A002g.2, 3B001 or 3B002 of the DSGL.
3E001	"Technology" according to the General Technology Note for the "development" or "production" of equipment in 3A001, 3A002, 3B001 or 3B002 of the DSGL.

Category 4

4A001a.2	Electronic computers.....radiation hardened
4A001b	Electronic computers...("Information Security")
4A003b	"Digital computers" having a "composite theoretical performance" ("CTP") exceeding 2,000 Mtops

4A003c	"Electronic assemblies" specially designed or modified to be capable of enhancing performance by aggregation of "computing elements" ("CEs") so that the "CTP" of the aggregation exceeds the limit in 4A003b in the DSGL. Note 1 <i>4A003c applies only to "electronic assemblies" and programmable interconnections not exceeding the limit in 4A003b in the DSGL when shipped as unintegrated "electronic assemblies".</i> Note 2 <i>4A003c does not control "electronic assemblies" specially designed for a product or family of products whose maximum configuration does not exceed the limit of 4A003b in the DSGL.</i>
4D001	"Software" specially designed for the "development" or "production" of equipment or "software" in any of 4A001 to 4A004 or any of 4D001 to 4D003 of the DSGL.
4D003c	"Software"...(information security)...
4E001	"Technology" according to the General Technology Note for the "development" or "production" of equipment or "software" in any of 4A001 to 4A004 or any of 4D001 to 4D003 of the DSGL.

Category 5 - Part 1

5A001b.8	Radio equipment
5A001b.9	Digitally controlled radio receivers...
5B001a	Equipment and specially designed components or accessories therefor, specially designed for the "development", "production" or "use" of equipment, materials, functions or features in 5A001, 5B001, 5C001, 5D001 or 5E001 of the DSGL.
5D001a	"Software" specially designed for the "development" or "production" of equipment, functions or features in 5A001, 5B001 or 5C001 of the DSGL.
5D001b	"Software" specially designed or modified to support "technology" listed under 5E001 of the DSGL.
5E001a	"Technology" according to the General Technology Note for the "development" or "production" of equipment, functions, features or "software" in 5A001, 5B001, 5C001 or 5D001 of the DSGL.

Category 5 - Part 2

5A002	Equipment, assemblies and components....
5B002	Test, inspection and production equipment....
5D002	"Software"...
5E002	"Technology"...

Category 6

6A001a.1.b	Object detection or location systems having any of the following: <ol style="list-style-type: none"> 1. A transmitting frequency below 5 kHz; 2. Sound pressure level exceeding 224 dB (reference 1 mPa at 1 m) for equipment with an operating frequency in the band from 5 kHz to 24 kHz inclusive; 3. Sound pressure level...; 4. Forming beams of ...; 5. Designed to operate...; 6. Designed to withstand...;
6A001a.2.a.1	Hydrophones...Incorporating...
6A001a.2.a.2	Hydrophones...Having any...
6A001a.2.a.7	Hydrophones...Designed for...
6A001a.2.b	Towed acoustic hydrophone arrays...

- 6A001a.2.c Processing equipment, specially designed for real time application with towed acoustic hydrophone arrays, having "user accessible programmability" and time or frequency domain processing and correlation, including spectral analysis, digital filtering and beamforming using Fast Fourier or other transforms or processes;
- 6A001a.2.d Heading sensors....
- 6A001a.2.c Bottom or bay cable systems having any of the following:
1. Incorporating hydrophones...
 2. Incorporating multiplexed hydrophone group signals ...; or
 3. Processing equipment, specially designed for real time application with bottom or bay cable systems, having "user accessible programmability" and time or frequency domain processing and correlation, including spectral analysis, digital filtering and beamforming using Fast Fourier or other transforms or processes;
- 6A002a.1.a "Space-qualified" solid-state detectors.....
- 6A002a.1.b "Space-qualified" solid-state detectors.....
- 6A002a.1.c "Space-qualified" solid-state detectors...
- 6A002a.2.a Image intensifier tubes ...
1. A peak response...
 2. A microchannel plate...
 3. Photocathodes, as follows:
 - a. S-20, S-25 or multialkali photocathodes with a luminous sensitivity exceeding 550 mA/lm;
 - b. GaAs or GaInAs photocathodes;
 - c. Other III-V compound semiconductor photocathodes.
- 6A002a.3 Non-space qualified "focal plane arrays"....
- Note 3
In 6A002a.3 the following "focal plane arrays" are not included in the DSGL:
- a. Platinum Silicide (PtSi) "focal plane arrays" having less than 10,000 elements;
 - b. Iridium Silicide (IrSi) "focal plane arrays".
- 6A002a.3 Note 4
In 6A002a.3 the following "focal plane arrays" are not included in the DSGL:
- a. Indium Antimonide (InSb) or Lead Selenide (PbSe) "focal plane arrays" having less than 256 elements;
 - b. Indium Arsenide (InAs) "focal plane arrays";
 - c. Lead Sulphide (PbS) "focal plane arrays";
 - d. Indium Gallium Arsenide (InGaAs) "focal plane arrays".
- Note 5
In 6A002a.3 Mercury Cadmium Telluride (HgCdTe) "focal plane arrays" as follows are not included in the DSGL:
1. Scanning Arrays having any of the following:
 - a. 30 elements or less; or
 - b. incorporating time delay-and-integration within the element and having 2 elements or less;
 2. Staring Arrays having less than 256 elements.

Technical Notes

'Scanning Arrays' are defined as "focal plane arrays" designed for use with a scanning optical system that images a scene in a sequential manner to produce an image;

'Staring Arrays' are defined as "focal plane arrays" designed for use with a non-scanning optical system that images a scene.

Note 6

In 6A002a.3 the following "focal plane arrays" are not included in the DSGL:

- a. Gallium Arsenide (GaAs) or Gallium Aluminum Arsenide (GaAlAs) quantum well "focal plane arrays" having less than 256 elements;
- b. Pyroelectric or Ferroelectric (including barium-strontium titanate, lead zirconate titanate or lead scandium titanate) "focal plane arrays" having less than 8,000 elements;
- c. Vanadium Oxide-Silicon nitride microbolometer "focal plane arrays" having less than 8,000 elements.

6A002b 6A002c	"Monospectral imaging sensors" and "multispectral imaging sensors".... Direct view imaging equipment operating in the visible or infrared spectrum, incorporating any of the following: <ol style="list-style-type: none"> 1. Image intensifier tubes having the characteristics listed in 6A002a.2.a of the DSGL; <u>or</u> 2. "Focal plane arrays" having the characteristics listed in 6A002a.3 of the DSGL;
6A002c 6A003b.3	"Space-qualified" "focal plane arrays".... Imaging cameras incorporating image intensifiers having the characteristics listed in 6A002a.2.a of the DSGL;
6A003b.4	Imaging cameras incorporating "focal plane arrays" having the characteristics listed in 6A002a.3 of the DSGL;
6A004c	"Space-qualified" components for optical systems....
6A004d	Optical control equipment.....
6A006g	Magnetic compensation systems... <u>Note</u> In 6A006g those compensators which provide only absolute values of the earth's magnetic field as output, (i.e., the frequency bandwidth of the output extends from DC to at least 0.8 Hz) are not included in the DSGL.
6A006h	"Superconductive" electromagnetic sensors.....
6A008d	Radar systems.....Capable of...
6A008h	Radar systems...Employing processing
6A008k	Radar systems...Having "signal processing"...
6A008l.3	Radar systems...Having data processing... Processing for...
6B008	Pulse radar cross-section...
6D001	"Software" specially designed for the "development" or "production" of equipment in 6A004., 6A008 or 6B008 of the DSGL.
6D003a	Other "software"...
6E001	"Technology" according to...
6E002	"Technology" according to the General Technology Note for the "production" of equipment in any of 6A001 to 6A008 or 6B004, 6B007 or 6B008 of the DSGL.

Category 7

7D002	"Source code" for the "use"...
7D003a	"Software" specially designed or modified to...

7D003b	"Source code" for...
7D003c	"Source code" for...
7D003d.1 to 4 & 7	"Source code" for the "development" of...
7E001 & 7E002	"Technology" according to the General Technology Note...

Category 8

8A001b	Manned, untethered submersible vehicles...
8A001c	Unmanned, untethered submersible vehicles.....
8A001d	Unmanned, untethered submersible vehicles...
8A002b	Systems specially designed or modified for the automated control of the motion of equipment for submersible vehicles in 8A001 of the DSGL using navigation data and having closed loop servo-controls: 1. Enabling...; 2. Maintaining...; <u>or</u> 3. Maintaining...;
8A002h	"Robots" specially designed for underwater use.....
8A002j	Air independent power systems.....
8A002o.3	Noise reduction systems for use on vessels...
8A002p	Pumpjet propulsion systems...
8D001	"Software" specially designed for the "development" or "production" of equipment in 8A001 or 8A002 of the DSGL.
8D002	Specific "software" ...
8E001	"Technology" according to the General Technology Note for the "development" or "production" of equipment in 8A001 or 8A002 of the DSGL.
8E002a	Other "technology"

Category 9

9A011	Ramjet, scramjet or combined cycle engines...
9B001b	Ceramic cores or shells
9D001	"Software" specially designed for the "development" of equipment in any of 9A001 to 9A011, in any of 9B001 to 9B009 or in 9E003 of the DSGL.
9D002	"Software" specially designed for the "production" of equipment in any of 9A001 to 9A011 or any of 9B001 to 9B009 of the DSGL.
9D004a.	Other "software" ...2D or 3D...
9D004c.	Other "software"..."Software" specially...
9E001	"Technology" according to the General Technology Note.....
9E002	"Technology" according to the General Technology Note...
9E003a.1	Other "technology"..."Gas turbine blades..."
9E003a.2 to 5 &	Other "technology"...
9E003a.8,	
9E003a.9	

The Wassenaar Arrangement has also identified a sub-set of the Sensitive List which they have called the Very Sensitive List.

N.B. Where **abbreviated** entries are used, see the relevant item in Part 3 of the DSGL for full details. Text that differs from that in Part 3 is printed here in bold type.

Category 1

1A002a	"Composite" structures or laminates having an organic "matrix" and made from materials listed under 1C010c or 1C010d
1C001	Materials specially designed for use as absorbers of electromagnetic waves...

1C012 Materials for nuclear heat sources...
 1E001 "Technology" according to the General Technology Note for the
 "development" or "production" of equipment and materials in 1A002 or in
 any of 1C001 to 1C012 of the DSGL.

Category 2

None

Category 3

None

Category 4

4A003b "Digital computers" having a "composite theoretical performance" ("CTP")
 exceeding **10,000 Mtops**

4A003c "Electronic assemblies" specially designed or modified to be capable of
 enhancing performance by aggregation of "computing elements" ("CEs") so
 that the "CTP" of the aggregation exceeds the limit in 4A003b in the
 DSGL.

Note 1 *4A003c applies only to "electronic assemblies" and
 programmable interconnections not exceeding the limit in
 4A003b in the DSGL when shipped as unintegrated "electronic
 assemblies".*

Note 2 *4A003c does not control "electronic assemblies" specially
 designed for a product or family of products whose maximum
 configuration does not exceed the limit of 4A003b in the DSGL.*

4D001 "Software" specially designed for the "development" or "production"
 of equipment in any of 4A001 to 4A004 of the DSGL.

4E001 "Technology" according to the General Technology Note for the
 "development" or "production" of equipment or "software" in any of
 4A001 to 4A004 or in any of 4D001 to 4D003 of the DSGL.

Category 5 - Part 1

5A001b.9 Digitally controlled radio receivers...

5D001a "Software" specially designed for the "development" or "production"
 of equipment, functions or features in 5A001, 5B001 or 5C001 of the
 DSGL.

5E001a "Technology" according to the General Technology Note for the
 "development" or "production" of equipment, functions, features or
 "software" in 5A001, 5B001, 5C001 or 5D001 of the DSGL.

Category 5 - Part 2

None

Category 6

6A001a.2.a.1., 2 Hydrophones...Incorporating...
 & 7

6A001a.2.b Towed acoustic hydrophone arrays...

6A001a.2.c Processing equipment, specially designed for **real time application with**
 towed acoustic hydrophone arrays, having "user accessible
 programmability" and time or frequency domain processing and
 correlation, including spectral analysis, digital filtering and beamforming
 using Fast Fourier or other transforms or processes;

6A001a.2.e	Bottom or bay cable systems having any of the following: 1. Incorporating hydrophones... 2. Incorporating multiplexed hydrophone group signals ...; <u>or</u> 3. Processing equipment, specially designed for real time application with bottom or bay cable systems, having "user accessible programmability" and time or frequency domain processing and correlation, including spectral analysis, digital filtering and beamforming using Fast Fourier or other transforms or processes; "Space-qualified" solid-state detectors...
6A002a.1.c	Radar systems...Having data processing... Processing for...
6A0081.3	Pulse radar cross-section...
6B008	"Software" specially designed for the "development" or "production" of equipment in 6A008, or 6B008 of the DSGL.
6D001	Other "software"...
6D003a	"Technology" according to the General Technology Note for the "development" of equipment or "software" in any of 6A001 to 6A008, in 6B004, 6B007 or 6B008 or in any of 6D001 to 6D003 of the DSGL.
6E001	"Technology" according to the General Technology Note for the "production" of equipment in any of 6A001 to 6A008 or 6B004, 6B007 or 6B008 of the DSGL.
6E002	

Category 7

7D003a	"Software" specially designed or modified to...
7D003b	"Source code" for...

Category 8

8A001b	Manned, untethered submersible vehicles...
8A001d	Unmanned, untethered submersible vehicles...
8A002o.3.b	Active noise reduction or cancellation systems...
8D001	"Software" specially designed for the "development" or "production" of equipment in 8A001 or 8A002 of the DSGL.
8E001	"Technology" according to the General Technology Note for the "development" or "production" of equipment in 8A001 or 8A002 of the DSGL.

Category 9

9A011	Ramjet, scramjet or combined cycle engines...
9D001	"Software" specially designed for the "development" of equipment or "technology" in any of 9A001 to 9A011 or in 9E003 of the DSGL.
9D002	"Software" specially designed for the "production" of equipment in any of 9A001 to 9A011 of the DSGL.
9E001	"Technology" according to the General Technology Note for the "development" of equipment or "software" in 9A011 or in any of 9D001 to 9D004 of the DSGL.
9E002	"Technology" according to the General Technology Note for the "production" of equipment in 9A011 of the DSGL.
9E003a.1	Other "technology" ...Gas turbine blades...
9E003a.3	"Technology" "required" for ... Components manufactured from organic "composite" materials designed to operate above 588 K (315°C), or from metal "matrix" "composite", ceramic "matrix", intermetallic or intermetallic reinforced materials in 1A002a of the DSGL

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1. INTRODUCTION

Australia's system of export controls on defence and dual-use goods and technologies with military applications is designed to ensure that such exports are consistent with broader Australian foreign, strategic and security policy objectives. The system is an essential element of our non-proliferation policy, implementing our commitment to controlling the proliferation of weapons, and to our claims to be a responsible defence exporter. Australia is recognised as an important contributor to international efforts to control the proliferation of weapons of mass destruction and our export control system is a vital element in our efforts to advance regional and global security. While applications for the export of controlled items may occasionally be denied, the primary purpose of our export controls is not to prohibit exports but rather to facilitate scrutiny by the Government of all applications to ensure their export is consistent with Australia's broad interests. Our export controls have been designed to ensure that they do not unnecessarily hinder the export efforts of Australian industry.

The current consolidation and revision of Regulation 13E of the Customs (Prohibited Exports) Regulations represents a very important step for Australian industry in reducing the administrative burden for several reasons.

- The Department of Defence is now the 'one-stop shop' for exporters to obtain export permits or licences or to obtain information on the control status of their goods. A recent report on Defence Export Facilitation and Control by the Auditor-General advised that licence procedures could be simplified by making Defence the 'one-stop shop' for all export approval applications involving strategic goods. Instead of checking with three departments as to whether a permit was needed, now there is only one, apart from Primary Industries and Energy which continues to administer nuclear source and fissionable materials under a revised Schedule 9.
- Export controls on strategic goods now reside in one Customs (Prohibited Exports) Regulation and the controlled goods now are in one list consisting of three parts - defence and related, nuclear and dual-use goods. This list is called the Defence and Strategic Goods List (DSGL). In the past, industry had to negotiate through six regulations and eight different lists to find the goods now listed in the DSGL. Regulation 13E now covers goods previously in Regulations 11 (most of Schedule 9), 13B (Schedule 13), 13D (Schedule 15), 13E(old) and 13F (part Schedule 16). The revised Regulation 13E also includes a range of chemicals controlled due to our obligations under the Chemical Weapons Convention.
- Goods listed in the DSGL have numbering systems that are common to most of our major trading partners in strategic goods. The numbering system of the Munitions List (Part 1 of the DSGL) is derived from the Wassenaar Arrangement - the replacement regime for the former COCOM (Coordinating Committee for Multilateral Strategic Export Controls). Many member countries of the Wassenaar Arrangement also use this system. The numbering system for Parts 2 and 3 of the DSGL is derived from the European Union (EU) dual-use list, which has been adopted by all EU members as part of their export control administration and more recently by the United States of America.

This publication replaces the previous Defence documents; "Australian Controls on the Export of Technology with Civil and Military Applications, A Guide for Exporters and Importers", dated November 1994, and "Australian Controls on the Export of Defence and Related Goods Guidelines for Exporters", dated March 1994. The revised guidelines are intended to explain the background to the controls, as well as to assist exporters and importers in interpreting their administration. The guidelines are also intended to assist industry in determining whether their goods are controlled and, if so, how to go about complying with the controls. The staff at the Strategic Trade Policy and Operations section in the Department of Defence (see Annex C) are available to answer any queries and welcome suggestions on how to improve service to industry and information to be included in future issues of the guidelines.

2. INTERNATIONAL CONTROL REGIMES

Australia is a member of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, the Australia Group on chemical and biological weapons materials, the Nuclear Suppliers' Group and the Missile Technology Control Regime. These four multilateral regimes have a common objective in seeking to control the proliferation of weapons of mass destruction and their missile delivery systems as well as the transfer of conventional weapons and dual-use technologies with destabilising implications, through the coordination of national export control policies. This is achieved through the implementation by member governments of the export control lists developed by each of the regimes. Australia's export controls are implemented through the Customs Act 1901 and the Customs (Prohibited Exports) Regulations.

2.1 Wassenaar Arrangement (WA)

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies is a new, multilateral organisation of which Australia is a founding member. The Arrangement was established to promote transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies with military applications. Member governments seek to ensure that such transfers do not contribute to the development or enhancement of military capabilities which undermine international and regional security and stability, and are not diverted to support such capabilities.

The Wassenaar Arrangement is the successor regime to COCOM, the Coordinating Committee on Multilateral Strategic Export Controls, formed in 1949 by NATO to coordinate controls on Western technology that could assist the military ambitions of states whose interests may be inimical to those of the Western community as a whole. Australia was a member of COCOM from April 1989. With the end of the Cold War members agreed to wind up the organisation which ceased to exist after 31 March 1994.

Despite the end of the Cold War, there was still seen to be a need for an international organisation to coordinate national controls on transfers of conventional arms and on dual-use goods and technologies to regions of instability and to countries which do not observe international non-proliferation norms in relation to weapons of mass destruction or do not act responsibly in relation to transferring conventional arms. The COCOM membership therefore initiated negotiations, involving also the former Warsaw Pact countries, to form a new organisation, the Wassenaar Arrangement.

The Wassenaar Arrangement controls consist of two lists: a munitions list; and a dual-use goods and technology list. The Munitions List forms the bulk of Part 1 of the Defence and Strategic Goods List. The Wassenaar Arrangement dual-use goods and technology list is incorporated in Part 3 of the Defence and Strategic Goods List (replacing the former Industrial List under Regulation 13E). Dual-use items controlled by Wassenaar can be identified by the last three characters of the item numbers in Categories 1 to 9, as they are numbered 000 to 099.

The 33 founding members of the Wassenaar Arrangement are as follows:

Argentina	France	New Zealand	Sweden
Australia	Germany	Norway	Switzerland
Austria	Greece	Poland	Turkey
Belgium	Hungary	Portugal	Ukraine
Bulgaria	Ireland	Romania	United Kingdom
Canada	Italy	Russian Federation	USA
Czech Republic	Japan	Slovak Republic	
Denmark	Luxembourg	South Korea	
Finland	Netherlands	Spain	

2.2 Missile Technology Control Regime (MTCR)

The Missile Technology Control Regime (MTCR) was established in 1987 by the seven major Western suppliers of missile technology (United States, Japan, United Kingdom, West Germany, Italy, France and Canada). Its aim was to limit nuclear weapons proliferation by controlling the transfer of missile or unmanned air vehicle systems which could deliver a 500 kg warhead to a distance of 300 km, as well as equipment and technology able to contribute to the development or production of such missiles. This was intended to stop the transfer of missiles capable of delivering a nuclear warhead.

In 1992, following events in the Gulf War, the MTCR was broadened to cover missile systems capable of carrying smaller chemical and biological payloads. The parameters were then extended to cover the transfer of equipment capable of delivering a payload with zero mass to a range of at least 300 km.

In line with its strong non-proliferation stance, Australia became a member of the MTCR in July 1990. From 1st August 1990, exports of Australian missile-related goods and technology have been prohibited to those end-users having missile programs or aspirations contrary to agreed non-proliferation guidelines. The Australian MTCR export controls complement other non-proliferation controls regulating the exports of military, nuclear, chemical and biological goods.

Controls under MTCR are not intended to hinder cooperation in civil space projects.

MTCR members (as at 1 November 1996) are -

Argentina	Finland	Italy	Russian Federation
Australia	France	Japan	South Africa
Austria	Germany	Luxembourg	Spain
Belgium	Greece	Netherlands	Sweden
Brazil	Hungary	New Zealand	Switzerland
Canada	Iceland	Norway	United Kingdom
Denmark	Ireland	Portugal	USA

Equipment and technology relevant to the MTCR controlled under Regulation 13E are listed in full at Parts 1 and 3 of the Defence and Strategic Goods List.

2.3 Nuclear Suppliers Group (NSG)

The Nuclear Suppliers Group (NSG) was first established in 1975, and currently consists of 34 countries, including Australia, as members. The NSG covers two categories of goods: nuclear material, equipment and technology which are specific to the nuclear industry, and so-called nuclear dual-use items which have both nuclear and non-nuclear applications. Both categories of goods have the potential to make a contribution to a nuclear explosive activity or an unsafeguarded nuclear fuel-cycle activity. The NSG has formulated guidelines for managing exports of these items to ensure that this trade does not contribute to nuclear weapons proliferation.

The NSG periodically reviews its guidelines and control lists to ensure that they reflect technological advances. Both the NSG and its sister body the Zangger Committee (the NPT-based export control group), have virtually identical memberships. NSG members (as at November 1996) are -

Argentina	Finland	Netherlands	South Korea
Australia	France	New Zealand	Spain
Austria	Germany	Norway	Sweden
Belgium	Greece	Poland	Switzerland
Brazil	Hungary	Portugal	Ukraine
Bulgaria	Ireland	Romania	United Kingdom
Canada	Italy	Russian Federation	USA

Czech Republic
Denmark

Japan
Luxembourg

Slovak Republic
South Africa

The EU Commission has permanent observer status.

2.4 Australia Group (AG)

The Australia Group (AG) first met in 1985 with the aim of harmonising export control measures on chemical weapons (CW) precursor chemicals. Its scope was subsequently extended to include controls on chemical production equipment and technologies which might be misused for CW purposes. The scope of the AG activities was extended again in 1990 to include measures to prevent the proliferation of biological weapons. The lists of materials controlled by AG participating countries are reviewed regularly to ensure the risk is minimised of relevant dual-use materials being diverted to programs of chemical or biological weapons proliferation concern.

AG members (as at November 1996) are -

Argentina	France	Luxembourg	South Korea
Australia	Germany	Netherlands	Spain
Austria	Greece	New Zealand	Sweden
Belgium	Hungary	Norway	Switzerland
Canada	Iceland	Poland	United Kingdom
Czech Republic	Ireland	Portugal	USA
Denmark	Italy	Romania	
Finland	Japan	Slovak Republic	

Controlled precursor chemicals, biological agents and chemical and biological and related technologies are listed in full at Parts 1 and 3 of the Defence and Strategic Goods List.

3 OTHER TREATIES OR INTERNATIONAL AGREEMENTS TO WHICH AUSTRALIA IS A PARTY

3.1 The Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was concluded in 1968 and entered into force in 1970, establishing an international framework for preventing the spread of nuclear weapons. Its membership as at November 1996 is 185. Australia ratified the NPT in 1973, and the Treaty has become a key element of Australia's nuclear non-proliferation and nuclear cooperation policies. The broad objectives of the Treaty are to:

- prevent the proliferation of nuclear weapons to states other than the five recognised as nuclear weapon states in 1968 - namely the United States, the Soviet Union, (Russia has since succeeded to these obligations) the United Kingdom, France and China. All other states parties are required to conclude safeguards agreements with the International Atomic Energy Agency to verify the peaceful nature of their nuclear programs;
- facilitate peaceful nuclear cooperation between Treaty members; and
- work towards nuclear disarmament.

The NPT was extended indefinitely at an historic conference of parties in 1995.

3.2 Chemical Weapons Convention - (CWC)

The "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Distribution" (CWC) bans parties from making and holding chemical weapons and also requires them to destroy such weapons and production facilities. It also establishes a system of monitoring and verification for activities with certain toxic and precursor chemicals, many of which have legitimate uses.

The CWC was opened for signature in January 1993, following 20 years of negotiation. The Convention stipulates that it will come into effect 180 days after the so-called 'trigger point' of 65 ratifications is reached. Australia ratified the Convention in May 1994 and was the sixth country to do so. Hungary was the 65th country to ratify, on 31 October 1996. The Convention will therefore enter into force on 29 April 1997.

As part of its CWC preparations, Australia has implemented controls through Regulation 13E on the export of toxic chemicals and precursor materials covered under the CWC. These can be found in Parts 1 and 3 of the Defence and Strategic Goods List, although a table in Section 4.4.6 indicates where the various chemicals can be found in the DSGL.

3.3 Biological Weapons Convention (BWC)

Since 1975, 122 states have signed the "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction". The Convention requires states parties not to make or hold microbial or biological agents or toxins, except for peaceful purposes, eg medical research. There are currently no verification procedures under the BWC.

3.4 UN Conventional Arms Register

Established in 1991 by resolution of the UN General Assembly, the UN Arms Register serves as a universal and non discriminatory confidence building measure designed to prevent excessive and destabilising accumulation of arms. States make voluntary reports of imports and exports in 7 major weapons categories - battle tanks, armoured combat vehicles, large-calibre artillery, combat aircraft, attack helicopters, warships, and long range missiles. Australia reports once a year to the UN on the transfer of the above goods.

The UN Arms Register has no treaty status but involves a voluntary report by members of the UN on transfers of certain classes of military equipment on an annual basis. Australia supports the Register as part of our transparency in export controls.

3.5 Bilateral Security Instruments

The Australian Government has negotiated security instruments (in the form of agreements, arrangements and memorandums of understanding) with a number of countries, which serve as a basis for the mutual protection of defence-related information having a national security classification. These instruments establish the broad principles for protective security, third-party access and prerequisites for granting access to information which is exchanged between Australia and other countries.

4 ADMINISTRATION OF EXPORT CONTROLS

4.1 Background to Controls

The Government's policy is to encourage the export of defence and dual-use goods which are consistent with Australia's broad national interests. Our export control system is the means by which this consistency is ensured. Australia's export control policies and procedures are reviewed regularly in line with changing national interests and changes (including technological changes) affecting the global security environment.

Export controls have undergone close scrutiny by parliamentary committees. The most recent was in 1993 when the issue of export controls was referred to the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT).

In their report on the Implications of Australian Defence Exports, dated September 1994, the JSCFADT recommended to the Auditor-General that an early performance audit be carried out covering the operations of the guidelines and the export control processes.

Previously the administrative arrangements for controls on the export of strategic goods covered by the Customs (Prohibited Exports) Regulations have been shared by the Departments of Defence (DoD), Primary Industries and Energy (DPIE), and Foreign Affairs and Trade (DFAT).

- DoD administered export controls for goods under Regulations 13B (Schedule 13), defence and related goods and 13E, dual-use goods and technologies;
- DFAT administered export controls for chemical and biological weapons precursors under Regulations 13D, 13F and 13G (Schedules 15 and 16); and
- DPIE administered export controls for a large range of goods, specific to the nuclear industry, controlled under Regulation 11, Schedule 9.

The Australian National Audit Office (ANAO) review commenced in May 1995, and a report issued in June 1996 recommended *inter alia* that Defence should assume prime administrative responsibilities for all 'defence-relevant' goods with the exception of nuclear source and fissionable materials which would be retained by DPIE. This recommendation has now been effected.

The Customs (Prohibited Exports) Regulations were amended in December 1996 to combine all relevant Regulations covering defence and strategic goods and administrative functions have been streamlined. Through the consolidation of the regulations and transfer of administrative responsibilities to Defence, procedures have now been simplified for Australian industry, making Defence a 'one-stop-shop' for all strategic export applications, except those for nuclear source and special fissionable material.

Goods listed in the Defence and Strategic Goods List may only be exported from Australia with the permission of the Minister for Defence Industry, Science and Personnel or a person authorised by the Minister to issue permits and licences. Within Defence this delegation resides in the functional area with prime responsibility for processing requests for approvals to export strategic goods. The authorised persons are as follows;

Deputy Secretary Acquisition Program (DEPSEC A)

First Assistant Secretary Industry Involvement and Contracting Division (FASII&C)

Assistant Secretary International Materiel Branch (ASIMAT)

Director, Strategic Trade Policy and Operations Section (DSTPO)

Assistant Directors, Strategic Trade Policy and Operations Section (ADSTPO)

It should be noted that only the Minister for Defence Industry, Science and Personnel may deny an approval to export. The Minister is also the only person who may revoke a permit or licence if a condition of the permit or licence is breached.

4.2 What is Controlled?

Export controls cover a wide range of defence and related goods and technologies, nuclear related goods and goods and technologies with both civil and military applications. It should also be noted that the controls also cover goods being exported after or for repair, and the temporary export of items for demonstration or loan purposes. The list of goods controlled forms the Defence and Strategic Goods List (DSGL). The DSGL includes equipment, assemblies and components, associated test, inspection and production equipment, materials, software and technology and is divided into 3 Parts.

PART 1 covers defence and related goods - those goods and technologies designed or adapted for use by armed forces or goods that are inherently lethal. These goods include:

- Military Goods - those being designed or adapted for military purposes including parts and accessories, based on the Munitions List of the WA.
- Non Military Lethal Goods (NMLG) - equipment that is inherently lethal, incapacitating or destructive such as non military firearms, non military ammunition and commercial explosives.

PART 2 Category 0 - Nuclear Materials, Facilities and Equipment covers material, equipment and technologies that are specific to the nuclear industry but which could make a contribution to a nuclear explosive activity or an unsafeguarded nuclear fuel-cycle activity.

PART 3 - Dual use technology which comprises goods and technologies developed to meet commercial needs but which may be used either as military components or for the development or production of military systems or weapons of mass destruction. Dual use technology is divided into 9 categories incorporating goods and technologies from WA, MTCR, NSG and AG lists and the CWC:

- Category 1 - Materials, Chemicals, Microorganisms and Toxins;
- Category 2 - Materials Processing;
- Category 3 - Electronics;
- Category 4 - Computers;
- Category 5 - (pt 1) Telecommunications;
- Category 5 - (pt 2) Information Security;
- Category 6 - Sensors and Lasers;
- Category 7 - Navigation and Avionics;
- Category 8 - Marine;
- Category 9 - Propulsion.

Each of the 9 dual use categories and category 0 are subdivided into five sub-categories:

- A. Equipment, Assemblies and Components;
- B. Test, Inspection and Production Equipment;
- C. Materials;
- D. Software;
- E. Technology.

Items from the WA dual-use list, the Missile, Nuclear dual-use and Chemical/biological lists, as well as the chemical and biological weapons precursors are integrated into the categories 1 to 9. The

numbering system used for items identifies the regime the goods originate from, and thus the criteria which apply for assessment and denial.

This numbering system is common throughout the dual-use list, each item having a number such as aBxxx, where "a" is category (1 to 9), "B" is the subcategory (A to E) and "xxx" is a three character numeric field indicating the source (regime) of the item:

000 to 099	Wassenaar Arrangement
100 to 199	MTCR
200 to 299	NSG
300 to 399	AG

Part 2, Category 0, has a similar numbering system, with the exception of the last three characters (xxx) which range from 000 to 099 but do not signify a regime as in the case of Part 3 goods. In Part 2 they are sequential item identifiers only.

Part 1, Munitions List items retain the numbering system as issued by the Wassenaar Arrangement, i.e. ML (for Munitions List) followed by sequential numbers from 1 to 22. This system is used by most European Union members. Within Part 1 there are also non-military lethal goods which are unique to Australia's export control regime - these are numbered ML901 to ML999.

4.3 Permits and Licences

4.3.1 How to Apply for a Permit or Licence

Following is a table listing the types of permits and licences that may be issued to allow the export of controlled goods. Application forms are available from the STPO Section and Defence Regional Offices listed at Annex C. Sample copies of the application form and other forms referred to in the guidelines can be found in Annex A. You may copy these forms freely for your own use.

A permit is an approval to export specified quantities of items to a specified consignee at a particular destination.

A licence is similar to a permit but which allows for multiple shipments, consignees or destinations, but which may be granted to a reputable exporter where the nature and frequency of their exports would justify the issue of a licence. A licence may identify the consignee, goods and destinations subject to licence, and enables a company to respond quickly to export sales.

In completing the 'Application for Export Permit / Licence' Form, applicants may need to provide names and addresses of consignees and end-users, descriptions and values of goods to be exported, proposed end-use of goods, and country of final destination.

As you can see from the table, there are permits and licences to cover a wide range of transactions. If you require assistance in completing the application form you should refer to the contacts listed at Annex C.

**TABLE 1 - EXPORT PERMITS AND LICENCES
ISSUED FOR PARTS 1, 2 & 3 GOODS**

Part I Goods	Permit / Licence Type	Definition	Validity
MEA	Military Export Approval	The export of a specified quantity of defence and related goods to a single consignee.	12 months
MEL	Military Export Licence	The export of unspecified quantities of defence and related goods to single or multiple consignees.	12 months
MIP	Military In-Principle	Approval in-principle to market defence and related goods to potential customers. (This permit does not provide export approval.)	12 to 36 months
MTT	Military Temporary Export	Used for defence and related goods which will be returning to Australia ie. overseas demonstration or trials.	12 months
MRM	Military Return to Manufacturer	To return defence and related goods to overseas manufacturer (e.g. for warranty repairs	12 months
MRO	Military Return to Owner	To return defence and related goods to overseas owners.	12 months
Part 2 & 3 Goods	Permit / Licence Type	Definition	Validity
IEP	Individual Export Permit	The single transaction export of a specified quantity of dual-use good to a single consignee	6 months
EDL	Export Distribution Licence	The multiple shipment of an unspecified quantity of dual-use goods to single or multiple consignees.	24 months
GEL	General Export Licence	The export of a range of dual use goods to unspecified consignees in nominated countries.	12 to 24 months
MRR	Maintenance Return & Repair	To return or send dual-use goods for repair/after repairs overseas.	24 months
ESS	Service Supply Licence	Used for nominated goods in support of a maintenance program or service to specified companies.	24 months

Exporters are required to complete an Export Application Form (a copy of which is in Annex A) and forward it the STPO by either mail or facsimile for processing.

The former enhanced licence, the Intra-COCOM Licence is no longer available. Companies that have used this licence during 1996 will have been contacted regarding revised procedures which involve the use of a General Export Licence. For those who were not contacted, details can be found in Annex A.

Amendment and Renewal Procedures

Amendments or updates to permits or licences should usually be kept to additions or deletions of destination countries or to minor changes in the description of goods. Application for amendments should be made by letter or fax quoting the licence number. Major changes are best processed by requesting a new permit or licence.

Export licences are not automatically renewed. Renewal may be requested by either letter or fax requesting validity for a further 12 months and should include any changes.

Records

Companies administering an export licence are required to keep records of all transactions conducted under the licence and to have access to foreign distributor's records of ultimate consignees of the goods exported from Australia. The foreign distributor's records should include:

1. quantities and details of goods;
2. the ultimate consignee; and
3. dates of disposition.

The foreign distributor is required to keep records of ultimate consignees and to make these records available to the Australian Licence Holder.

Records are to be retained by the Australian exporter and the foreign consignee for a period of three (3) years beyond the expiry date of the licence and are to be made available on request for inspection by officers of the Commonwealth. Companies administering a licence may be required to ascertain details of end users of their product regularly from their consignee. Consignees should maintain the necessary records.

Using your export permit or licence

Following approval, you will be sent a stamped original permit or licence, or if requested, a facsimile copy. To obtain clearance through the Customs electronic export clearance system EXIT, and receive an Export Clearance Number, ECN, you should quote the valid permit number and pin number to Customs at the time of export

4.3.2 Supporting Documentation

In applying for approval to export controlled goods and technologies, exporters may require supporting documentation. These may take the form of end-use and non-transfer assurances, international import certificates or, in some cases, purchase orders or other evidence of transfer of ownership. These requirements vary depending on the types of goods involved, the destination and the proposed end user of the goods.

4.3.2.1 Munitions List Goods (Part 1)

Exporters will normally be required to supply an 'End-Use and Non-Transfer Certificate' Form AB518, for the export of defence and related goods, prior to approval being granted.

These certificates provide undertakings by the relevant end-users that they will use the goods for the purposes indicated and will not resell or transfer the goods without the written permission of the Australian Minister for Defence Industry, Science and Personnel or a person authorised by the Minister.

In certain circumstances an International Import Certificate (IIC) or other document may be accepted in lieu of an End-Use and Non-Transfer Certificate. The IIC is an undertaking by a foreign government authority that it will control the re-export of the particular goods.

If it is not feasible to provide end-user certification, exporters should advise the Department of Defence to see whether alternative documentation will be accepted. A decision to accept alternative documents will be made on a case-by-case basis. Factors that would be considered include:

- if the commercial benefits of the export are judged to outweigh any risk that the item may be on-sold to an unacceptable end-user; and
- if the importer's Government has export controls which are essentially consistent with those of Australia; or
- if the item's strategic significance is sufficiently minor that an end-user certificate or any other form of certification would be disproportionately onerous.

Appropriate end-use documentation must be provided before an export permit or licence can be issued and should preferably be supplied to the Department of Defence at the time of application for an export permit or licence.

End-use certification is not required for an Approval-in-Principle. Other permits and licences may require end user certification depending on the destination and level of technology involved. Applicants should check prior to lodging their application.

End-user certificates or International Import Certificates may not be required where satisfactory evidence is available that the circumstances of the export satisfy one of the following criteria:

- a Goods retained by the Australian Government in overseas locations; Embassies or High Commissions;
- b Goods to be returned to Australia for use by the Australian Defence Forces;
- c Goods sent as gifts under the Australian Defence Cooperation arrangements;
- d Goods returned to the original manufacturer for repairs, replacement or surplus to Australian requirements;- (purchase or repair orders would be acceptable)
- e Goods produced in Australia and sent to associated parent or subsidiary companies in countries which have similar stringent export controls as Australia;
- f Goods sent as samples for test and evaluation and not returned to Australia;
- g Goods sold for demolition and converted into scrap metal;
- h Vintage goods sold to museums and private collectors; and
- i Goods less than \$1000 in value on one export application (unless there is the possibility that one export application has been broken down into several applications to take advantage of this concession).

4.3.2.2 Nuclear Goods (Part 2)

Exporters are required to supply a statement providing assurances to the Australian Government that:

- a. exclude uses for the goods in question which would result in any explosive device;
- b. subject those goods, as well as controlled material produced through their use, to comprehensive International Atomic Energy Agency (IAEA) safeguards; and
- c. controlled items are not re-exported to a third party unless the third party meets (a) and (b) above.

4.3.2.3 Dual-Use Goods (Part 3)

For industrial dual use goods 'A Statement by the Ultimate Consignee or Purchaser' Form AA517, may be required. For the transfer of nuclear related dual-use goods, the End Use Certificate -

Nuclear Related Dual-Use Technology should be supplied together with the application to export form.

For CWC Chemicals, the following statements must be obtained:

- (a) that they will only be used for purposes not prohibited under the CWC; (research, medical, pharmaceutical or protective purposes)
- (b) that they will not be re-transferred;
- (c) their types and quantities;
- (d) their end-use(s); and
- (e) the names(s) and address(es) of the end-user(s).

For CBW controlled goods, the member government should obtain:

- (a) a statement from the end-user specifying the use and end-use location of the proposed transfers, if necessary accompanied by documents explaining its business activities and organisation (e.g. brochures);
- (b) an assurance explicitly stating that the proposed transfer will not be used in any activities related to the development or production of chemical or biological weapons;
- (c) where possible, if deemed necessary, an assurance that a post-shipment inspection be made by the exporter or the exporting government.

4.4 Consideration of Export Applications

Applications to export controlled goods are dealt with on a case by case basis. Some technologies are more sensitive from a strategic perspective than others, as are some export destinations. Australian controls differentiate between levels of technology and between export destinations in accordance with their respective strategic sensitivity.

When applications to export strategic goods are received, the Department first confirms that the goods fit within the range of goods described in the Schedule and are subject to control. If an application is considered to be sensitive, due to the type of goods or destination, it may be referred by Defence to other agencies for comment depending on the goods. In such cases, details included on the application form (including the name of the company or individual making the application) will be provided to the departments and agencies (and if appropriate, the relevant Ministers) for the purpose of assessing the applications.

Applications to export goods which involve the transfer of defence-related information or material having a national security classification, will need to satisfy the Department of Defence policy on the releasability of classified information to other countries.

If an application is referred to the Minister for possible denial, the applicant will be notified in writing. A decision to deny an approval to export will be based on the criteria listed below for each Category of goods. The Minister's decision is not appealable to the Administrative Appeals Tribunal.

4.4.1 Munitions List - Military Goods

In considering applications to export Munitions list goods, the Government takes into account the implications of approving such exports. It looks at possible impacts on Australia's security interests, effects on defence self-reliance, as well as the effects on global and regional stability.

As part of being a responsible member of the global community, Australia must take into consideration international obligations to our friends and allies, the UN, including arms control and human rights considerations.

We also consider the potential economic, industrial, employment and technological benefits to Australia and the potential contribution to Australia's relations with our friends and allies in joint cooperative ventures.

Applications for Part 1 goods and technologies will, if considered sensitive, be referred to the Standing Interdepartmental Committee on Defence Exports (SIDCDE). The SIDCDE was set up to advise the Minister for Defence on policy issues as well as to make recommendations on sensitive applications. It is chaired by the Department of Defence and includes representatives of the Departments of Foreign Affairs and Trade, Industry, Science and Tourism, Attorney-General's, Prime Minister and Cabinet, Australian Customs Service and AUSTRADE.

The SIDCDE handles most applications out of session but meets approximately 6 times per year to discuss export control policy or other matters. Applications for approvals involving non-sensitive destinations or goods are generally approved quickly within the Department of Defence

It is not practicable nor, for a variety of reasons, is it appropriate to publish lists of countries to which particularly close attention is given. The situation in many countries can change rapidly. However, applications for permission to export to all destinations are subject to careful consideration on a case-by-case basis in accordance with the criteria listed below.

4.4.1.1 Criteria for Denial

Applications to export military goods are considered in terms of Australia's broad interests and will be approved unless the Minister for Defence Industry, Science and Personnel refuses the application. Export of military goods will not be permitted:

- a. **to countries against which the United Nations Security Council or United Nations General Assembly has imposed a mandatory arms embargo;**
- b. **to countries with policies or interests which are inimical to the strategic interests of Australia or its friends and allies;**

Australia's broad national security interests remain a crucial consideration in assessing defence exports. Countries developing weapons of mass destruction, or ballistic missiles to support them, or supporting terrorism, or whose behaviour or foreign policies risk major disruption to global or regional stability, would be subject to a presumption that defence exports would not be approved if the proposed export was in any way related to the issue of concern. Defence exports to such countries could seriously prejudice Australia's security interests, its obligations to its allies and friends and its broader international responsibilities.

- c. **to governments that seriously violate their citizens' rights unless there is no reasonable risk that the goods might be used against those citizens;**

There are many countries where human rights considerations are relevant. However there could be equipment which would only be applicable to legitimate security functions and which could be approved for export. Each such application would be considered on a case-by-case basis.

- d. **where foreign and strategic policy interests outweigh export benefits;**

Consideration of Australia's foreign and strategic policy interests would include such issues as:

whether the recipient is employing armed forces in a manner contrary to a resolution of the United Nations Security Council or the United Nations General Assembly. In this case there is a strong presumption of denial of those exports which may be used by the armed forces in the situation that has been condemned by the United Nations Security Council or United Nations General Assembly, or which would be contrary to the intent of the resolution;

whether it is likely that the export may be used in activity contrary to the provisions of an international agreement to which Australia is a party. Again, there is a strong presumption of denial of those exports which may be used in a situation which would be contrary to the provisions of the international agreement;

whether the proposed export is likely to be used in conflict, either internal or external or could further militarise the situation. This does not preclude the supply of arms to a friend or ally of Australia which is in conflict;

whether the export is likely to cause adverse reactions by third countries important to Australia, which may affect Australia's interests; in particular if our regional relations may be damaged;

whether the export is likely to contribute to instability in the region or to aggravate a threat to international and regional peace and security or to aggravate the situation in a region which becomes a cause of serious concern

whether the recipient Government's controls on defence exports are ineffective.

- e. **if the export would be reasonably judged to adversely affect Australian military capability;**

Australia's national security and strategic concerns are of primary consideration. An export should not lead to strategic instability in Australia's region. Exports significantly increasing the vulnerability of the ADF or substantially compromising its operational capabilities or enhancing regional power projection capabilities would be considered very carefully. Exports of military goods (including goods containing related information and technology), classified or unclassified, may be denied if it is reasonably judged that the export would adversely affect Australian military capability. Where exports contribute to Australia's regional relations and assist interoperability with friends and allies, they will be considered favourably.

4.4.1.2 Private Trafficking in Military Goods

The Government is opposed to private sales of military goods, however, the export of military goods to private purchasers may be approved if the recipients can demonstrate that they are either:

acting as authorised agents on behalf of a government; or

purchasing the items for the sole purpose of reselling them to a government.

Such applications will be denied only where the foreign Government does not have an effective export control administration in place or the foreign and strategic policies of that Government are not consistent with those of Australia.

4.4.1.3 Museums and Private Collectors

The Government may allow the export of small quantities of military weapons for appropriate private or commercial purposes, for example, intended for display in a museum, or to be held by bona fide private collectors, being temporarily exported for movie props, or where the owner is moving overseas. Depending on the nature and scale of such exports and their military significance, approval may depend on the outcome of consultation undertaken with the government of the country of destination or with other bodies to confirm the circumstances relating to the export.

4.4.1.4 Export of Manufacturing Data for Australian-Designed Military Goods

A company considering entering into a licence agreement with a foreign company for the manufacture overseas of Australian designed military goods should ensure that the Australian Government is in agreement with the manufacturing licence being entered into with the foreign company. A company in Australia will require approval to export goods containing the manufacturing data and other information to the foreign company, and the licence/manufacturing agreement should only allow sales to those countries agreed to by the Australian Government. The licence agreement must also protect against the manufacturing data and other information being passed on without the approval of the Australian Government by the foreign company to a third party.

4.4.2 Munitions List - Non-Military Lethal Goods

It is illegal for Australian citizens or persons who have a connection with Australia to become involved in mercenary, terrorist or other hostile activities overseas. The Government has also decided that in certain circumstances it may be necessary to prevent the export of non-military lethal goods (NMLGs) to particular destinations on foreign policy, defence or other national interest grounds. The export of NMLGs to any country is prohibited unless an export licence or permit has been issued.

NMLGs include items ML901 to ML909 in Part 1 of the Defence and Strategic Goods List.

4.4.2.1 Criteria for Denial

Where any of the criteria in the following paragraph may apply, the application will be referred to the Standing Interdepartmental Committee on Defence Exports (SIDCDE).

Applications to export NMLGs will be approved unless the Minister for Defence refuses the application on one or more of the following grounds:

- a. there is reason to believe the NMLGs could be used in mercenary, terrorist or other criminal activities overseas;
- b. specific foreign policy or other national interests justify 'notification' of the intended destination in the Gazette
- c. the final destination is a country against which the United Nations Security Council or United Nations General Assembly has imposed a mandatory arms embargo; or the NMLGs are likely to be used in a manner either contrary to a decision of the Security Council or contrary to the provisions of international instruments to which Australia is a party;
- d. the NMLGs are likely to be used to further policies or interests which are inimical to the interests of Australia or its friends or allies;
- e. the government of the final destination seriously violates its citizens' rights, unless there is no reasonable risk that the goods might be used against those citizens;
- f. The export could be reasonably expected to impact adversely on Australia's interests in the region.

4.4.3 Industrial Dual-Use Goods

Applications to export industrial dual-use goods are considered on a case-by-case basis. There are no formal criteria for denial of industrial dual-use goods as in the case of the Munitions List but the

Australian government will seek to ensure that any transfers of these goods do not contribute to the development or enhancement of military capabilities which undermine international and regional security and stability, and are not diverted to support such capabilities.

Wassenaar Arrangement industrial dual-use goods can be identified from the other Part 3 goods as their items end in the range 000 to 099.

The Wassenaar Arrangement considers some dual-use industrial goods to be more sensitive than others and therefore more care must be exercised in the transfer of these goods. WA has identified a sub-set of the industrial dual-use goods which they have called the Sensitive List as well as a sub-set of the Sensitive List which they have called the Very Sensitive List. Both of these lists can be found in Annex D. General Export Licences are generally not available for the export of goods on these lists.

Cryptographic Goods

Recognising the increased legitimate use of information security products to protect company information when transmitted between employees, particularly when overseas on business, the Minister for Defence Industry, Science and Personnel now permits the temporary export by Australian citizens or lawful permanent residents of cryptographic hardware or software products, as listed in Category 5, Part 2 on condition that:

- a. no transfer of hardware, software or technology takes place as a result of the exportation of the cryptographic products;
- b. the cryptographic products remain under the control of and in the possession of the exporter;
- c. the cryptographic products are not to be reproduced or copied;
- d. the cryptographic products must be returned to Australia when the exporter returns to Australia; and
- e. the cryptographic products shall not be used for demonstration, marketing or sales of controlled cryptographic products.

The quantity of cryptographic hardware or software products which may be exported under the authority of this permit is limited to one each of any hardware product, and one copy of each software product per exporter, per trip outside of Australia. Records of temporary exports and re-imports under this permit should be maintained by the exporter for a period of 3 years from the date of each temporary export.

If the cryptographic products are lost or stolen while outside of Australia, the exporter shall advise the Strategic Trade Policy and Operation Section of the Department of Defence, in writing, of the incident within 14 calendar days of returning to Australia.

No formal approach to the Department of Defence or statement to the Australian Customs Service is required for the use of this permission.

4.4.4 Missile-Related Goods

Missile-related goods controlled by the MTCR are covered in the DSGL both in the Munitions List (Part 1, item ML4a) and the Dual-Use List (Part 3). MTCR items in the dual-use list can be identified by the last three characters of the item number - all in the range 101 to 199.

Particular restraint will be exercised in the consideration of export applications of any missile related items in the DSGL (or of any missile) if the Australian Government judges that they are intended to be used for the delivery of weapons of mass destruction and there will be a strong presumption to deny such exports.

The approval of any missile dual-use list item for export also authorises the export to the same end user of the minimum technology required for the installation, operation, maintenance, and repair of the item. Applications for export of Missile Dual-Use List items are assessed on a case-by-case basis. Permission for export will in most cases be in the form of an Individual Export Permit (see Annex A).

4.4.5 Nuclear-Related Goods

The NSG guidelines obligate all nuclear suppliers group members to satisfy themselves of the good non-proliferation credentials of a recipient country before allowing the transfer of nuclear related items, and to ensure that trade takes place under appropriate international safeguards. For most recipient countries, membership of the Nuclear Non-Proliferation Treaty or one of the nuclear weapon free zone treaties is sufficient evidence of non-proliferation credentials.

Applications to export nuclear related goods are assessed on a case-by-case basis. Permission for export will in most cases be in the form of an Individual Export Permit (see Annex A).

4.4.6 Export of Chemical Weapons and Precursor Chemicals

Controls on the export of industrial chemicals are in place due to their possible use as chemical weapons or as precursors in the manufacture of chemical weapons. Two regimes and an international convention relate to their control - the Wassenaar Arrangement, the Australia Group and the Chemical Weapons Convention. As such, the various chemicals within the Defence and Strategic Goods List appear in several disparate sections. Table 2 below lists all the chemicals contained in the DSGL that relate to chemical weapons or their precursors.

The first column, "CWC No.", gives the numbering system derived from the Chemical Weapons Convention. As an example, CWC Schedule 1 chemicals have the number "S1.x", where x can be any number between 1 to 12, Schedule 2 chemicals are numbered S2.x and Schedule 3 S3.x. The second column, "AG", gives the numbering system used by the Australia Group. Those listed as "AUS" in the AG column represent 5 extra chemicals controlled by Australia over those controlled by the Australia Group. The third column, "DSGL Item", gives the item number contained in the DSGL. The last column, "CAS", represents the identification number given to chemicals by the Chemical Abstracts Service. The Chemical Abstracts Service number in relation to a chemical compound, means the registry number assigned to that compound by the Chemical Abstracts Service, Columbus, Ohio, United States of America, and is published by that service in the journal "Chemical Abstracts".

TABLE 2 - CHEMICALS OR PRECURSOR CHEMICALS IN THE DSGL RELATED TO CHEMICAL WEAPONS.

CWC	AG	DSGL ITEM	CHEMICAL	CAS
S1.1		ML7a note 1,a1	O-alkyl (< C10, including cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates, including	
S1.1		ML7a note 1,a1	Sarin: O-isopropyl methylphosphonofluoridate	107-44-8
S1.1		ML7a note 1,a1	Soman: O-pinacolyl methylphosphonofluoridate	96-64-0
S1.2		ML7a note 1,a2	O-alkyl (< C10, including cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidocyanidates, including:	
S1.2		ML7a note 1,a2	Tabun: O-ethyl N,N-dimethyl phosphoramidocyanidate	77-81-6
S1.3		ML7a note 1,a3	O-alkyl (H or < C10, including cycloalkyl) S-2-dialkyl (Me,Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated and protonated salts, including:	
S1.3		ML7a note 1,a3	VX: O-ethyl S-2-diisopropylaminoethyl methylphosphonothiolate	50782-69-9

S1.4		ML7a note 1,b1	Sulphur mustards:	
S1.4		ML7a note 1,b1	2-chloroethylchloromethylsulphide	2625-76-5
S1.4		ML7a note 1,b1	Mustard Gas (H): bis(2-chloroethyl)sulphide	505-60-2
S1.4		ML7a note 1,b1	bis(2-chloroethylthio)methane	63869-13-6
S1.4		ML7a note 1,b1	Sesquimustard: 1,2-bis(2-chloroethylthio)ethane	3563-36-8
S1.4		ML7a note 1,b1	1,3-bis(2-chloroethylthio)-n-propane	63905-10-2
S1.4		ML7a note 1,b1	1,4-bis(2-chloroethylthio)-n-butane	142868-93-7
S1.4		ML7a note 1,b1	1,5-bis(2-chloroethylthio)-n-pentane	142868-94-8
S1.4		ML7a note 1,b1	bis(2-chloroethylthiomethyl)ether	63918-90-1
S1.4		ML7a note 1,b1	bis(2-chloroethylthioethyl)ether: O-Mustard (T)	63918-89-8
S1.5		ML7a note 1,b2	Lewisites:	
S1.5		ML7a note 1,b2	Lewisite 1: 2-chlorovinylchloroarsine	541-25-3
S1.5		ML7a note 1,b2	Lewisite 2: bis(2-chlorovinyl)chloroarsine	40334-69-8
S1.5		ML7a note 1,b2	Lewisite 3: tris(2-chlorovinyl)arsine	40334-70-1
S1.6		ML7a note 1,b3	Nitrogen mustards:	
S1.6		ML7a note 1,b3	HN1: bis(2-chloroethyl)ethylamine	538-07-8
S1.6		ML7a note 1,b3	HN2: bis(2-chloroethyl)methylamine	51-75-2
S1.6		ML7a note 1,b3	HN3: tris(2-chloroethyl)amine	555-77-1
S1.7		1C351.d.5	Saxitoxin	35523-89-8
S1.8		1C351.d.4	Ricin	9009-86-3
S1.9		ML7b.1	alkyl (Me, Et, n-Pr or i-Pr) phosphonyl difluorides, including:	
S1.9	4	ML7b.1	DF: methylphosphonyl difluoride	676-99-3
S1.9	23	1C350.23	ethyl phosphonyl difluoride	753-98-0
S1.10		ML7b.2	O-alkyl (H or < C10, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated and protonated salts, including:	
S1.10	29	ML7b.2	QL: O-ethyl O-2-diisopropylaminoethyl methylphosphonite	57856-11-8
S1.11		ML7b.3	chlorosarin: O-isopropyl methylphosphonochloridate	1445-76-7
S1.12		ML7b.4	chlorosoman: O-pinacolyl methylphosphonochloridate	7040-57-5
S2.1		1C450a.1	Amiton: O,O-diethyl S-[2-(diethylamino)ethyl] phosphorothiolate	78-53-5
S2.1		1C450a.1	alkylated or protonated salts of O,O-Diethyl S-[2-(diethylamino) ethyl] phosphorothiolate	
S2.2		1C450a.6	PFIB: 1,1,3,3,3-pentafluoro-2-(trifluoromethyl)-1-propene	382-21-8
S2.3		ML7a note 1,c	BZ: 3-Quinuclidinyl benzilate	6581-06-2
S2.4		1C450b.1	Chemicals, except for those listed in Schedule 15A, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, including:	
S2.4	5	1C350.5	methylphosphonyl dichloride	676-97-1
S2.4	21	1C350.21	ethyl phosphinyl dichloride	1498-40-4
S2.4	22	1C350.22	ethyl phosphonyl dichloride	1066-50-8
S2.4	33	1C350.33	diethyl methylphosphonite	15715-41-0
S2.4	34	1C350.34	dimethyl ethylphosphonate	6163-75-3
S2.4	AUS	1C350.55	diethyl methylphosphonate	683-08-9
S2.4	35	1C350.35	ethyl phosphinyl difluoride	430-78-4
S2.4	36	1C350.36	methyl phosphinyl difluoride	753-59-3
S2.4	17	1C350.17	diethyl ethylphosphonate	78-38-6
S2.4	AUS	1C350.56	methylphosphonic acid	993-13-5
S2.4	3	1C350.3	dimethyl methylphosphonate	756-79-6
S2.4		1C450b.1	diphenyl methylphosphonate	7526-26-3
S2.4		1C450b.1	phosphonic acid, methyl-, methyl 3-(trimethoxysilyl)- propyl ester	67812-17-3
S2.4		1C450b.1	phosphonic acid, methyl-, monoammonium salt	34255-87-3

S2.4		1C450b.1	phosphonic acid, methyl-, monomethyl ester, monosodium salt	73750-69-3
S2.4		1C450b.1	phosphonothioic dichloride, ethyl-	993-43-1
S2.4	26	1C350.26	methyl phosphinyl dichloride	676-83-5
S2.4		1C450b.1	phosphonic acid, methyl-, bis(3-(trimethoxysilyl)propyl) ester	67812-18-4
S2.4		1C450b.1	phosphonic acid, methyl-, compd. with (aminoiminomethyl)urea (1:1)	84402-58-4
S2.4		1C450b.1	phosphonic acid, methyl-, (5-ethyl-2-methyl-1,3,2-dioxaphosphorinan-5-yl) methyl methyl ester, P-oxide)	41203-81-0
S2.4		1C450b.1	phosphonic acid, methyl-, bis[(5-ethyl-2-methyl-1,3,2- dioxaphosphorinan-5-yl) methyl ester, P,P'-dioxide)	42595-45-9
		1C450b.1	but not including: Fonofos: O-ethyl S-phenyl ethylphosphono- thiolothionate	944-22-9
S2.5		1C450b.3	N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides, including:	
S2.5	AUS	1C350.57	N,N-dimethyl phosphoramidic dichloride	677-43-0
S2.6		1C450b.2	dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates, including:	
S2.6	18	1C350.18	diethyl N,N-Dimethylphosphoramidate	2404-03-7
S2.7	31	1C350.31	arsenic trichloride	7784-34-1
S2.8	32	1C350.32	2,2-diphenyl-2-hydroxyacetic acid (benzilic acid)	76-93-7
S2.9	13	1C350.13	quinuclidine-3-ol	1619-34-7
S2.10		1C450b.4	N,N-dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts, including:	
S2.10		1C450b.4	N,N-diethylaminoethyl-2-chloride, hydrochloride	869-24-9
S2.10		1C450b.4	N,N-diethylaminoethyl-2-chloride	96-70-7
S2.10	54	1C350.54	N,N-diisopropyl-2-aminoethyl chloride hydrochloride	4261-68-1
S2.10	11	1C350.11	N,N-diisopropyl-2-aminoethyl chloride	96-79-7
S2.11		1C450b.5	N,N-dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts, including:	
S2.11	27	1C350.27	N,N-diisopropylaminoethanol	96-80-0
		1C450b.5	not including N,N-dimethylaminoethanol	108-01-0
		1C450b.5	not including protonated salts of N,N-dimethylaminoethanol	
		1C350.49	not including N,N-diethylaminoethanol (but see AG chemical #49)	100-37-8
		1C450b.5	not including protonated salts of N,N-diethylaminoethanol	
S2.12		1C450b.6	N,N-dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts, including:	
S2.12		1C450b.6	N,N-dimethylaminoethane-2-thiol hydrochloride	13242-44-9
S2.12	12	1C350.12	N,N-diisopropylaminoethane-2-thiol hydrochloride	5842-07-9
S2.13	1	1C350.1	thiodiglycol: bis(2-hydroxyethyl)sulphide	111-48-8
S2.14	28	1C350.28	pinacolyl alcohol: 3,3-dimethylbutan-2-ol	464-07-3
S3.1		1C450a.7	phosgene: carbonyl dichloride	75-44-5
S3.2		1C450a.4	cyanogen chloride	506-77-4
S3.3		1C450a.5	hydrogen cyanide	74-90-8
	45	1C350.45	sodium cyanide	143-33-9
	40	1C350.40	potassium cyanide	151-50-8
S3.4		1C450a.3	chloropicrin: trichloronitromethane	76-06-02
S3.5	2	1C350.2	phosphorus oxychloride	10025-87-3
S3.6	7	1C350.7	phosphorus trichloride	7719-12-2
S3.7	38	1C350.38	phosphorus pentachloride	10026-13-8
	47	1C350.47	phosphorus pentasulphide	1314-80-3
S3.8	8	1C350.8	trimethyl phosphite	121-45-9
	3.9	30	triethyl phosphite	122-52-1
S3.10	6	1C350.6	dimethyl phosphite	868-85-9
S3.11	19	1C350.19	diethyl phosphite	762-04-9
S3.12	51	1C350.51	sulphur monochloride	10025-67-9
S3.13	52	1C350.52	sulphur dichloride	10545-99-0

S3.14	9	1C350.9	thionyl chloride	7719-09-7
	AUS	1C350.58	thiophosphoryl chloride	3982-91-0
S3.15		1C450b.7	ethyldiethanolamine	139-87-7
S3.16		1C450b.8	methyldiethanolamine	105-59-9
S3.17	46	1C350.46	triethanolamine	102-71-6
	53	1C350.53	triethanolamine hydrochloride	637-39-8
	16	1C350.16	dimethylamine	124-40-3
	20	1C350.20	dimethylamine hydrochloride	506-59-2
	48	1C350.48	di-isopropylamine	108-18-9
	15	1C350.15	2-chloroethanol	107-07-3
	49	1C350.49	N,N-diethylaminoethanol	100-37-8
	25	1C350.25	methyl benzilate	76-89-1
	10	1C350.10	3-hydroxy-1-methylpiperidine	3554-74-3
	37	1C350.37	3-quinuclidone	3731-38-2
	39	1C350.39	pinacolone: 3,3-dimethyl-2-butanone	75-97-8
	AUS	1C350.59	oxalyl chloride	79-37-8
	24	1C350.24	hydrogen fluoride	7664-39-3
	14	1C350.14	potassium fluoride	7789-23-3
	41	1C350.41	potassium bifluoride (also known as potassium hydrogen fluoride)	7789-29-9
	42	1C350.42	ammonium bifluoride (also known as ammonium hydrogen fluoride)	1341-49-7
	43	1C350.43	sodium bifluoride (also known as sodium hydrogen fluoride)	1333-83-1
	44	1C350.44	sodium fluoride	7681-49-4
	50	1C350.50	sodium sulphide	1313-82-2

Other industrial chemicals, not listed in the table above, including explosives, can also be found in ML7c, ML8, ML908 and 1C001 to 1C240.

4.4.6.1 Chemical Weapons Convention

As mentioned in section 3.3, the CWC requires controls on the export (and in some cases import) of a range of chemicals that can be used as chemical weapons or in the production of chemical weapons. Goods controlled through this regime can be found in Item ML7.a and ML7.b of Part 1 and Items 1C350, 1C351 and 1C450 of Part 3 of the Defence and Strategic Goods List, and indicated in Table 2.

Applications to export CWC Schedule 1 goods (included in Items ML7.a, ML7.b, 1C350 or 1C351d) will be referred to the Department of Foreign Affairs and Trade and the Chemical Weapons Convention Office for consideration. These applications must be received by the Department of Defence at least 37 days prior to the anticipated shipment date.

Note that applications to import CWC Schedule 1 goods must be made directly to the Chemical Weapons Convention Office (tel. 06 272 5777 or fax 06 272 4904). Applications to import must also be received at least 37 days prior to the shipment date. The import regulation will be in effect from 29 April 1997.

It should also be noted that for export of CWC Schedule 1 goods, export approval is required for any mixture containing the chemical of interest. Applications to export these goods will be considered on a case-by-case basis and licences to cover multiple shipments will not be available.

Applications to export chemicals listed in 1C350 or 1C450 (Part 3), with the exception of those that are CWC Schedule 1 chemicals, do not require the 37 day prior notification period and may or may not be referred to other agencies for further consideration. Licences to cover multiple shipments may be available for exports of these goods where the nature and frequency of shipments would justify this course of action.

A CWC Schedule 2 chemical is controlled if it constitutes more than 10% of a mixture on a "solvent free basis". For a chemical listed in Table 2, other than a CWC Schedule 1 and 2 chemical, export permission is required when it constitutes more than 25% of a mixture on a "solvent free basis".

For the purposes of Regulation 13E, the term "solvent free basis" is defined as follows:

- when calculating the percentage, by weight, of components in a chemical mixture, any component of that mixture that acts as a solvent is excluded from the calculation.
- for the purposes of this regulation, a solvent is a substance capable of dissolving another substance to form a uniformly dispersed mixture (solution).
 - solvents are liquids at standard temperature and pressure (STP);
 - in no instance is any CWC or AG listed chemical to be considered a solvent;
 - all ingredients of mixtures are expressed in terms of weight;
 - the solvent component of the mixture converts it into a solution.
- for the purposes of this regulation, a "mixture" is defined as a solid, liquid or gaseous product made up of two or more components that do not react together under normal storage conditions

It is not intended that the regulation should be used to control exports of listed chemicals when contained in consumer goods. The above definitions can, however, lead to such goods being subject to control. To ensure the regulation's effect is as intended, chemicals listed in the DSGL are exempt from control as follows:

- (a) triethanolamine, as a component of formulations in the following classes of goods, when packaged in containers with a volume not exceeding 6 litres:
 - personal cosmetic products;
 - photographic developer solutions, or components intended for preparing photographic developer solutions;
 - cleaning products;
- (b) sodium cyanide, as a component of electroplating formulations, when packaged in containers with a volume not exceeding 6 litres;
- (c) potassium cyanide, as a component of electroplating formulations, when packaged in containers with a volume not exceeding 6 litres;
- (d) sodium fluoride, as a component of zinc passivating formulations, when packaged in containers with a volume not exceeding 6 litres;
- (e) sodium bifluoride, as a component of zinc passivating formulations, when packaged in containers with a volume not exceeding 6 litres.

Applications to export non-CWC Schedule 1 chemicals, included in IC350 or IC450 will only be approved to States who are not Parties to the CWC if they are accompanied by written assurances and end-use information from responsible authorities in the receiving country, stating:

- (a) that the chemicals will only be used for purposes not prohibited by the CWC;
- (b) that they will not be re-transferred;
- (c) the types and quantities of chemicals involved;
- (d) their end-use(s); and
- (e) the names(s) and address(es) of the end-user(s).

CWC Schedule 1 chemicals may not be transferred to States who are not Parties to the CWC.

From 29 April 1997, when the CWC enters into force, Australia will be obliged to report information on imports and exports of goods in these items to the Organisation for the Prohibition of Chemical Weapons (OPCW), which will implement the CWC internationally. For CWC Schedule 1 goods listed in Items ML7.a, ML7.b, IC350.23 or IC351d information will be reported on individual shipments. For goods listed in Items IC350 or IC450 of Part 3, the information will be aggregated by the receiving or shipping country.

In Items ML7.a or ML7.b or IC450, whenever reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses are considered as included as long as they are not explicitly exempted.

In Items ML7.a or ML7.b or 1C450, the terms 'alkyl', 'cycloalkyl' or 'Me' (methyl), 'Et' (ethyl), 'n-Pr' (n-propyl) or 'i-Pr' (iso-propyl) are to be understood literally, i.e. as not including any substituted alkyl, methyl, ethyl etc.

Note that export applications will not be approved if there is an unacceptable risk the chemicals may be diverted to a chemical weapons program. Additionally, specific CWC requirements prohibit the retransfer of Schedule 1 chemicals. In practice, this means that Schedule 1 chemicals imported into Australia may not be retransferred to a third country

4.4.6.2 AG Chemicals and Manufacturing Equipment

Chemicals controlled by the Australia Group are listed in Item 1C350, Part 3 of the Defence and Strategic Goods List. Chemical manufacturing facilities and related equipment that may be used in the production of chemical weapons, are listed in 2B350 and 2B351.

Applications to export chemicals and related manufacturing equipment listed in 1C350, 2B350 or 2B351 will not be approved if there is a risk they may contribute to a chemical weapons program.

4.4.7 AG Biological Toxins and Manufacturing Equipment

Similarly to 4.4.6.2, the Australia Group controls biological toxins and dual-use equipment that may be used for the manufacture of biological weapons in Items 1C351 to 1C354 or 2B352, Part 3 of the Defence and Strategic Goods List.

Again, applications to export biological toxins and related manufacturing equipment listed in Items 1C351 to 1C354 or 2B352 will not be approved if there is a risk they may contribute to a biological weapons program.

4.5 Processing Times

The Department is conscious that exporters require quick, clear decisions to be commercially competitive. Applicants can assist the Department to provide a timely response to their application by ensuring that all the required information is supplied.

When applying for approval to export, applicants should ensure that all fields are completed on the application form and that CONTACT POINT details are provided.

STPO will endeavour to process non-sensitive applications within 10 working days. For applications that require referral to SIDCDE or other agencies, this processing time may be between 21 and 45 days.

Delays will be caused when:

- application forms are incomplete or unsigned;
- technical or product information is not supplied;
- street address for consignees are not provided;
- third party clearances have not been sought;
- export involves the release of classified information;
- end user certification has not been provided;
- the application has been referred to other agencies for consideration; or
- that the complexity of the application or sensitivity of the export might require longer consideration.

The applicant will be informed as to the status of the application on a regular basis. If the matter is not resolved by SIDCDE or other agencies within 45 days, applications will be referred to the Minister for Defence Industry, Science and Personnel for decision.

Applications may be forwarded to the address on the form or sent by facsimile. See Annex C for telephone and facsimile numbers.

4.6 Confidentiality

Exporters can be assured that all information given to the Department of Defence on proposed exports will be treated as Commercial-in-Confidence. The Department will not publicly release details of any shipment that may implicate any company either through naming the company directly or describing goods that can only be attributed to one company.

This applies also to our requirement to report shipments or aggregate statistics to international control arrangements referred to above.

5 IMPORT AND RE-EXPORT OF STRATEGIC GOODS

5.1 International Import Certificates and Delivery Verification Certificates

The International Import Certificate (IIC) is issued by the Australian Government to assist Australian importers in obtaining controlled goods from some foreign countries.

Some foreign governments will not release or grant export licences for the export of dual-use goods and some military goods until the Australian Government certifies, in the form of an IIC that the further disposition of those goods will be subject to export controls.

In addition to the IIC, some foreign governments may also require a Delivery Verification Certificate (DVC) which certifies that the goods have actually entered Australia and are subject to Australia's export controls.

If you require further information please contact officers from the STPO Section, see Annex C.

5.2 US Re-export Controls on Technology

Exporters should be aware that authorities of the United States of America claim control over many exports from other countries including Australia, where goods are of US origin, including components of US origin, or items produced using US origin technology. In such cases, under US export regulations, a US re-export licence may be required whether or not an Australian export licence is needed or has been granted.

Although such US regulations are not recognised in Australian law, the US authorities commonly penalise foreign companies which do not comply, by denying them access to US goods or technology in the future. Where a company has a presence in the US, legal action may lead to imposition of fines and other penalties.

Enquires regarding US re-export approval should be directed to the US Foreign Commercial Services Offices in the US Consulate in Sydney, Brisbane, Melbourne or Perth.

5.3 Third Country Clearances

Similarly, some goods sourced originally from other countries or manufactured in Australia under licence cannot be transferred, sold or exported to third countries without approval of the country of origin or compliance with other conditions that the original supplying country imposed on Australia at the time of acquisition.

The import of foreign technology is subject to the Australian government giving written assurances to the exporting foreign governments that their goods and technologies will be protected. These written assurances usually in the form of end-user certificates which state that the goods will not be disposed of without permission from the foreign government. Obtaining such approval is often a lengthy process and processing of export applications can be delayed. Therefore delivery schedules should be planned with this in mind.

5.4 Temporary Exports to or Transits Through the United States of America

All defence goods or services that temporarily enter, transit, or are exported from the United States, are controlled by regulations in the International Traffic in Arms Regulations (Title 22 Code of Federal Regulations Part 120, et al) and require a license (sic) issued by the United States

Department of State, Office of Defence Trade Controls (ODTC). These goods and services are classified into the following categories:

- I. Firearms
- II. Artillery Projectiles
- III. Ammunition
- IV. Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines
- V. Explosives, Propellants, Incendiary Agents, and their Constituents
- VI. Vessels of War and Special Naval Equipment
- VII. Tanks and Military Vehicles
- VIII. Aircraft, (Spacecraft) and Associated Equipment
- IX. Military Training Equipment
- X. Protective Personnel Equipment
- XI. Military (and Space) Equipment
- XII. Fire Control, Range Finder, Optical and Guidance and Control Equipment
- XIII. Auxiliary Military Equipment
- XIV. Toxicological Agents and Equipment and Radiological Equipment
- XV. Spacecraft Systems and Associated Equipment
- XVI. Nuclear Weapons Design and Test Equipment
- XVII. Classified Goods, Technical Data and Defense Services Not Otherwise Enumerated
- XVIII. Reserved
- XIX. Reserved
- XX. Submersible Vessels, Oceanographic and Associated Equipment
- XXI. Miscellaneous Goods

Defence goods and services that are permanently shipped to the United States are licensed by the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (BATF).

All radioactive goods or materials that enter, transit or are exported from the United States require a license. Special Nuclear Materials (Pu-239 and U-239) used in a weapon or weapon system are licensed by the United States Department of Energy. All other radioactive goods or materials are licensed by the Nuclear Regulatory Commission.

Many dual-use goods that transit, or are exported from the United States, including all Australia Group precursor chemicals, bio-toxins, and agents, and related processing, manufacturing and safety equipment, require a license from the Department of Commerce, Bureau of Export Administration.

Additionally, the United States has imposed economic sanctions against the following countries:

- Angola (UNITA) (limited to certain petroleum transactions)
- Cuba
- Iran
- Iraq
- Libya

All transactions with these countries by United States' "persons" or any activity involving movement of goods, services, or payments to, through, or from the United States are highly regulated and generally require a license from the Officer of Foreign Assets Control (OFAC).

Licensing questions and application procedures should be directed to the individual licensing agencies at the numbers in Annex C.

6 THE AUSTRALIAN CUSTOMS SERVICE

While the Department of Defence administers the controls on the export of strategic goods, it is the Australian Customs Service (ACS) who is responsible for enforcing these controls at the barrier.

6.1 EXIT System

Export Integration or EXIT, is an electronic clearance and reporting system for all exports and was developed to replace the paper-based Export Return Scheme. EXIT links ACS with exporters or their freight forwarders, depot operators, consolidators, airline and shipping companies, export permit issuing authorities and the Australian Bureau of Statistics.

Under the EXIT system exporters of goods listed in the DSGL are required to quote a valid Department of Defence export permit or licence number (as well as a PIN number verifying the permit number) to Customs to obtain the necessary export clearances

The Department of Defence will provide the exporter with a copy of the export permit or licence. The permit or licence will have a number beginning with "DED.", for defence and related Goods, or "DEC." for dual-use goods, and a 16 digit alpha numeric code. It will also have a "PIN" number or ENCRYPTION code of 10 numeric characters.

Both numbers should be entered into the appropriate fields of the EXIT system. Authenticity of the licence or permit is checked automatically and the export reported to the Department of Defence.

An entry must be made into EXIT regardless of the Customs law which allows low value consignments to be exported without an EXIT clearance. This also applies to goods, classed as personal effects of a traveller, where they have sought permission from Defence to take goods with them, ie sporting firearms, or samples of equipment for demonstration.

Similarly, exporters should be aware that goods cannot be exported on a CARNET. This certificate allows for re-importation without attracting payment of import duty when items are exported temporarily. It is NOT an authority to export and approval must be sought from Defence.

It is not necessary to produce the paper copy of the licence or permit to Customs. However, under the Customs Act, exporters are required to retain relevant papers, including licences/permits, for 5 years from the date of exportation.

You may wish to include a copy of the permit or licence with the shipping papers accompanying the export, to facilitate clearance in transit and at the final destination.

6.2 Exports of Non-Military Lethal Goods as Part of Personal Effects (Restricted Goods Permits)

Officers of the Australian Customs Service have been authorised by the Minister for Defence Industry, Science and Personnel the authority to issue a Restricted Goods Permit (RGP) for the export of up to 5 non-military (sporting) firearms, controlled under Item ML901, and reasonable quantities of ammunition, spare parts and components, when taken overseas as part of the personal effects (accompanied or unaccompanied) of a bona fide traveller.

The RGP will not be issued when:

- an export permit has already been issued by the Department of Defence;
- firearms are ex-military style weapons ie. Chinese SKS assault rifles;
- firearms are going to a destination that is subject to a United Nations (UN) arms embargo;
- firearms being sent by post;
- the consignment includes more than 5 firearms;
- firearms are sent as a gift;

- firearms are sent overseas for repairs;
- firearms are part of a commercial transaction;
- ammunition, telescopic sights, parts and components which are not accompanied by a firearm.

Travellers should be aware that they may require import approval from the authorities of their overseas destination. Advice should be sought from the relevant country embassy or mission prior to travelling.

On re-entry to Australia a traveller is required to produce to Customs evidence that the importer holds a licence or authorisation to possess the firearm. Travellers should seek advice from the Australian Customs Service prior to departure to ensure that they are complying with the Customs (Prohibited Imports) Regulations. If the necessary documentation is not completed the firearms may be seized by Customs upon re-importation.

Also, travellers should be aware of the types of firearms that are prohibited absolutely from importation into Australia if planning to purchase firearms overseas.

If you require further information on the issue of RGPs or the EXIT System relevant contacts are listed at Annex C.

7 DIVERSIONARY ACTIVITIES

When you are exporting controlled goods, you should exercise prudence in any transaction. Diversion of exports to third countries is always a possibility. Successful diversions of controlled goods to certain countries via intermediate destinations is harmful to Australia's reputation as a reliable recipient of high technology and could lead to Australian firms being denied access to such technology. If your suspicions are aroused by the unusual nature of a transaction or inquiry please contact one of the offices listed at Annex C; if you are overseas you should contact an Australian Embassy, High Commission or AUSTRADE Post.

You are assured of complete confidentiality. Failure to seek advice from the Australian Government could leave you open to illegal export or diversion which could result in seizure of the goods by a foreign customs agency, or by Australian authorities under the Customs (Prohibited Exports) Regulations.

The following are some indicators that possible illegal exports or diversions are being attempted:

- A customer's willingness to pay cash for high value orders or offers of unusual or extremely lucrative financial compensation for the product.
- Reluctance on the part of the purchaser to provide end use or end user information or where information provided is incompatible with the usual purpose for which the product is designed.
- Instructions to make direct shipments to trading companies, freight forwarders or export companies which have no apparent connection with the purchase.
- Packaging requirements inconsistent with the shipping mode and/or destination.
- Products or options ordered that appear to be incompatible with the customer's environment or line of business.
- Circuitous or commercially illogical routing.
- Customer's unfamiliarity with the product or its application support equipment or performance.
- The customer's order is for parts known to be inappropriate or for which the customer appears to have no legitimate need.

8 PENALTIES FOR NON COMPLIANCE

8.1 Customs Act/Crimes Act

As stated previously, Australia's export controls are implemented through the Customs Act 1901 and the Customs (Prohibited Exports) Regulations, and there are penalties if you choose to ignoring these controls.

The Customs Act 1901 provides penalties for persons and/or companies who unlawfully attempt to export controlled goods without a permit or licence.

- a. Where the Court can determine the value of the goods to which the offence relates, a penalty not exceeding:
 - i. 3 times the value of the goods; or
 - ii \$50,000which ever is the greater; or
- b. Where the Court cannot determine the value of those goods - a penalty not exceeding \$50,000.

In addition the goods as well as a conveyance used for the unlawful export of the goods may be seized and forfeited to the Commonwealth.

There are also penalties for giving false information when applying for a permit or licence. A person making a false representation in any manner whatsoever may be prosecuted for an offence against the Crimes Act and, if convicted, face a penalty of \$12,000 and/or imprisonment for two years. A corporation faces a penalty of \$60,000.

8.2 Withdrawal of a Permit or Licence

A permit or licence may be revoked by the Minister for Defence Industry, Science and Personnel if a condition of the permit or licence is breached. In addition failure to comply with a condition may attract a penalty of up to \$10,000 under section 112(2B) of the Customs Act.

The Minister for Defence Industry, Science and Personnel may withdraw a permit or licence to export goods to a particular country by notifying the permit or licence holder that authority to export has been withdrawn. The permit or licence holder will be advised in writing, and the notification will be published in the Commonwealth Gazette and in each State and internal Territory in a newspaper circulating through out that State or Territory.

The Minister's decision to withdraw an approval to export will be based on consideration of Australia's national interests.

9 THE WEAPONS OF MASS DESTRUCTION (PREVENTION OF PROLIFERATION) ACT (WMD ACT)

The existing Customs (Prohibited Exports) Regulations cannot cover goods or technologies not prescribed in the Defence and Strategic Goods List nor cover assistance given by an Australia citizen, resident or corporate entity by way of contract, employment or service to the development of a WMD capability. These deficiencies in Australia's export controls were brought into sharp focus in 1992, when the Government became aware that goods or services not covered by the controls were to be exported for use in projects suspected of contributing to development of a WMD capability. As it turned out, the companies involved voluntarily stopped their activities once the situation was explained to them. However, if the companies had not acted in such a responsible way, the Government would have had to acquire, at short notice, the legal authority to prevent the export of those goods or services. Consequently, to deal with similar situations, the Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 was passed by the Parliament in May 1995 and came into force on 29 November 1995.

9.1 Definition of a Weapons of Mass Destruction Program

The Act defines a "Weapons of Mass Destruction program" or "WMD program" to mean a plan or program for the development, production, acquisition or stockpiling of nuclear, biological or chemical weapons or missiles capable of delivering such weapons. The final decision as to whether an export or other dealing in goods, or the provision of a service would assist a WMD program rests with the Minister for Defence.

9.2 Who is Affected by the Act?

Australian citizens, persons normally resident in Australia, and bodies incorporated in Australia or an external territory whether doing business in Australia or overseas. Corporate bodies are deemed to have the state of mind of their directors, servants or agents if those directors, servants or agents are acting within the scope of their actual or apparent authority.

9.3 What is Affected by the Act?

The provision of goods or services in Australia, the provision of services external to Australia, and the export from Australia of goods which are not controlled under other legislation, where it is suspected that the provision of the goods or services will assist a WMD program.

9.4 Potential Infringement of the WMD Act?

The onus is placed on you to make reasonable enquires. If you know or suspect that what you are doing is in support of a WMD Program then you must apply for a permit. If you are unsure about whether your activities are related to a WMD Program, then the Act - Section 12 - enables you to request from the Minister information which may assist you in determining whether your activity will assist a WMD program.

9.5 The Issue of Permits

Section 13 of the Act provides for the Minister in appropriate cases to issue permits for dealing in goods or services, even though it has been assessed that the dealing could assist a WMD program. Such permits may be unconditional or subject to conditions. Applicants for permits are required to make a full disclosure of the reasons giving rise to their requirement for such a permit. There is no

special form required for a permit, the Regulations merely requiring that the request be in writing giving details of:

- the applicants name and address;
- a description of the goods or services to be supplied or exported;
- the name and address of the recipient of the goods or services; and
- the reasons why the person believes that the supply of the goods or services would not be contrary to Australia's international or treaty obligations or the national interest.

9.6 Issue of Notices by the Minister

The Minister is also given a discretion -Section 14- to notify a person that a dealing in goods or services may result in assistance to a WMD program. The notice may prohibit the person from supplying the goods or services, or permit their supply only on compliance with conditions contained in the notice.

9.7 Penalties

Criminal penalties can be imposed for breaching the prohibitions on supply imposed by Sections 9, 10 and 11. In addition any attempt to export goods can result in forfeiture of those goods - Section 17. Injunctions may also be obtained against someone who is engaging in or proposing to engage in conduct that is an offence against the Act.

Annex A - PERMITS, LICENCES and CERTIFICATES

1. Export Documentation

As explained in Section 4.3 the Strategic Trade Policy and Operations Section offers a range of export approvals that can be tailored to meet the specific needs of exporters. Exporters are required to complete the Export Application Form by identifying the exporter, consignee, end-user details, the destination, goods to be exported and are asked to select the type of permit or licence required.

When applications have been approved, exporters will receive one original copy of their permit or licence. Each permit or licence has a unique number and PIN number which should be entered into the Australian Customs EXIT System to gain export clearance. The permit and licence numbers are prefixed by letters which identify the permit issuing authority and permit or licence type eg. DED. for defence and related goods and DEC. for dual-use goods. Note that permit and licence validity periods can be varied if necessary.

Permits, licences and required supporting documentation details are as follows;

1.1. Munitions List Goods

DED.MIP - Military in Principle is a preliminary approval that indicates the likely outcome of a future application to export particular Munitions List goods to a specific destination. In applying for an MIP, end-user certification is not required, but exporters are asked to provide as much relevant information as possible to support their application, including the anticipated size of an order and its monetary value.

Note that an MIP does not allow the exporter to export goods. The exporter must apply for and receive an export permit or licence to actually export the goods. The granting of an MIP does, however, provide a precedent for the approval of a future application to export. The original decision will be reviewed only when significant changes have occurred in areas such as the Government's export policy, the nature of the product or the circumstances of the destination. MIPs are valid for a period of 36 months.

DED.MEA - Military Export Approval is a permit to export a specific quantity of Munitions List goods to a single consignee. An end-user certificate Form AB518 will be required as supporting documentation to accompany an export application for most Munitions List Goods. Section 4.3.2. contains the criteria under which supporting documentation will not be required.

An MEA is valid for 12 months from the date of processing and exporters should indicate if more than one shipment will be required to complete their order or transaction, in which case multiple shipments can be indicated on the permit.

DED.MTT - Military Temporary Export permit covers defence and related goods that are being exported temporarily overseas for demonstration purposes such as exhibitions trials, testing, competitions or goods on loan. The permit is valid for 12 months from the date of processing and end-user documentation is not normally required. The MTT is granted subject to the condition that the exporter advises the Department of Defence upon the return of the goods to Australia.

DED.MRM - Military Return to Manufacture permit covers defence and related goods that are being returned to manufacturers for repairs, warranty work or exchange. While this permit does not normally require an end-user certificate exporters may be required to provide other supporting documentation such as a repair order or work request. An MRM may be issued without defined quantities to companies who have an ongoing requirement to export goods in support of a maintenance program. The MRM is valid for 12 months from the date of processing and may be used for part shipments during that time.

DED.MRO - Military Return to Owner permit covers defence and related goods being returned to the owner after repairs or warranty work have been carried out in Australia. As with the MRM, end-user certification is not normally required but exporters may be required to provide other supporting documentation to verify ownership of the goods. The MRO is valid for 12 months from the date of processing and may also be used for part shipments.

DED.MEL - Military Export Licence may be issued to cover unspecified quantities of defence and related goods to one or more consignees and destinations. The MEL may be issued to exporters where the nature and frequency of their exports to certain consignees would justify the issue of a licence. Applications for licences will be considered in accordance with procedures for permits and take into account criteria applicable to the type of goods and destinations. A MEL will enable companies to respond quickly to requests for exports of goods to consignees listed on the licence and is valid for 12 months from the date of processing.

1.2 DSGL Parts 2 and 3 - Nuclear Materials, Facilities and Equipment; Dual-Use Goods and Technologies

DEC.IEP - Individual Export Permit may be issued to cover a single export of a specific quantity of Part 2 and Part 3 goods to an identified consignee and is valid for 6 months from the date of processing. Where industrial dual-use goods and destination for such goods are considered more sensitive, you may be required to obtain an International Import Certificate (IIC) issued by the Government of the importing country or to provide a Statement by Ultimate Consignee and Purchaser (Form AA517), to be completed by the Australian exporter and ultimate consignee and purchaser. This supporting documentation will accompany the export application form.

In the case of CWC or AG chemicals, a statement such as those in Section 4.3.2.3 must be supplied with the application form.

DEC.IEP - Temporary Individual Export Permit may be issued where goods are being exported temporarily for a specific reason, i.e., test equipment used for installation purposes and then returned to Australia or for equipment used for geological surveys. When this type of permit is issued, conditions stating the use of the equipment will be noted on the permit, and return of the goods to Australia must be notified to the Department of Defence. The temporary permit is also valid for 6 months from the date of processing.

***DEC.GEL - General Export Licence 1** is used to cover the export of a range of goods to unspecified consignees or end-users in listed countries and is normally valid for one (1) year from the month of issue. Exporters should specify countries which they reasonably expect to export to during the validity of the licence. The licence is available to cover industrial dual-use goods (Items that end in the range 001 to 099 in Categories 1 to 9 of the DSGL) up to the performance level of goods listed in the Sensitive List (see Annex D).

General Export Licence 2 has been introduced to replace the former Intra-COCOM Licence (DEC.ICL) and covers the export of a range of industrial dual-use goods to countries participating in the Wassenaar Arrangement. This licence is valid for a two year period and requires an application to the Strategic Trade Policy and Operations section. The licence entitles the holder to export all industrial dual-use goods (Items that end in the range 001 to 099 in Categories 1 to 9 of the DSGL) with the exception of goods listed in the Sensitive List (see Annex D). Additionally, under this GEL, the limit for digital computers listed in Item 4A003b is a CTP of 10,000 million theoretical operations per second.

***DEC.EDL - Export Distribution Licence** is available where an Australian Exporter wishes to export multiple shipments of goods which would normally require an Individual Export Permit. An EDL covers the export of an approved range of goods to nominated, qualified consignees and is valid for two (2) years. Applications should be accompanied by a completed Form AA517 Statement by Ultimate Consignee and Purchaser, for each consignee.

***DEC.MRR - Maintenance Repair and Return Licence** is available where an Australian firm is required, on a regular basis, to return goods for repair to an overseas supplier, or receives goods from overseas for repair in Australia, and subsequently needs to send goods out after the items have been repaired. This licence covers the export of an approved range of goods to specified companies on the licence and is valid for two (2) years

***DEC.SSL - Service Supply Licence** is available where an Australian firm is required to send goods, which would normally require an Individual Export Permit, out of Australia at short notice in support of a maintenance program where time is critical. A typical example is in support of an aircraft fleet or a mining or publishing operation.

An SSL is valid for two (2) years and covers the export of nominated goods to specified companies on the licence.

* These licences (GEL, EDL, MRR and SSL) are normally only available for industrial dual-use goods.

DEC.ICL - Intra-COCOM Licence the Australian Intra- COCOM Licence (ICL) was introduced in November 1990 removing the need for Australian exporters to apply for a formal licence covering the export of most goods controlled under the Industrial List of Regulation 13E of the Customs (Prohibited Exports) Regulations to COCOM member and COCOM cooperating countries.

With the demise of COCOM in March 1994 Australia agreed with all member countries to continue administering the COCOM controls as built into their national legislation, pending the implementation of a new replacement regime. The Wassenaar Arrangement has become that replacement regime and consequently a replacement licence for the ICL is also required. Records showed that only a few Australian companies used the ICL in 1996, and so it has been replaced by a new General Export Licence, valid for two years, which allows the export of a wide range of industrial dual-use goods to participating states of the Wassenaar Arrangement.

Companies should phase out using the ICL by 31 March 1997, replacing its use with the replacement GEL. Those companies that have not been issued with the GEL and require it should contact the Strategic Trade Policy and Operations section of the Department of Defence (see Annex C).

2. Import Documentation

Just as the Australian government requires supporting documentation accompanying export applications, so do many other foreign governments.

2.1. End-Use (and Non-Transfer) Certification

Such certificates are required by several foreign governments, normally when military-related goods are being transferred to Australia. These certificates state that the goods will be imported into Australia by the stated consignee for the use of the stated end user and that the goods will not be re-exported without the permission of the original exporting government. This certification is signed by a representative of the Australian Government. STPO section in the Department of Defence has been authorised to sign end-user certificates on behalf of the government.

2.2. International Import Certificates

The International Import Certificate (IIC) is issued by the Australian Government to assist Australian importers in obtaining controlled goods from some foreign countries.

Some governments will not release or grant export licences for dual use technology goods being exported to Australia until the Australian Government certifies to them, in the form of an International Import Certificate that the re-export of those goods will be subject to Australian export controls.

Form AA513 - Application for International Import Certificate - is used. In completing this form the following details must be addressed:

- Full names of individuals or legally registered company names;
- Street addresses of importer and exporter - PO Box addresses will NOT be accepted;
- Description of goods should be concise. Some countries are extremely particular as to the format of the description. If you have any doubts in this regard you should check with your overseas supplier as they are the ones who require the correct documentation;
- Quantity and price should be clear. If supply is to be over a period of time you may choose to estimate your requirements eg. 200 units over a 2 year period at an estimated cost of \$A20,000. The value should be stated in Australian dollars and include whether its is FOB or CIF etc. If you wish the foreign currency value or exchange rate can also be included on the certificate;
- Use for which goods are required should be stated in terms of their use ie. "for resale in Australia" not their technical use;
- All applications must be signed by the importing company or individual and contact telephone numbers should be provided.

The completed application form should be forwarded to the address on the form or may be transmitted by fax. You should allow one (1) working week for processing. Every attempt will be made to minimise the processing time of the application. Requests for URGENT certificates can be accommodated, but should be used in genuine circumstances only.

When you receive your IIC you should forward it to your overseas supplier as they are required to submit the certificate to their government authorities with their export applications. Import certificates do not have a validity period as such, but should be presented to the competent foreign authorities within 6 months of its date of signature.

2.3. Delivery Verification Certificates

Some foreign governments may also require a Delivery Verification Certificate (DVC) which certifies that the goods have actually entered Australia and are subject to Australia's export controls. The form required is AA516 - Application for Delivery Verification Certificate. In completing this form the following areas require careful attention:

- Full names of individuals or legally registered company names;
- Street addresses of importer and exporter - PO Box addresses will NOT be accepted;
- International Import Certificate number that goods were imported under;
- Port and date of arrival;
- Name of carrier and numbers on bills of lading, airway bills;
- Description of goods should be concise and quantities listed;
- Application must be signed.

The application should be accompanied by proof that the goods have entered Australia ie. Customs "Entry for Home Consumption" form, airway bills or shipping manifest. **Originals of these documents are required.** They will be sighted and then returned with the certificate.

When you receive your DVC you should forward it to your overseas supplier as they are required to submit the certificate to their government authorities.

A list of countries administering Import Certificate/Delivery Verification (IC/DV) systems and relevant contact addresses is listed in Annex B.



COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF DEFENCE

EXPORT APPLICATION FORM

Customs Act 1901, Customs (Prohibited Exports) Regulation 13E

WARNING A person making false representation, in any manner whatsoever, in an application for a permit or licence, may be prosecuted for an offence against the Crimes Act 1914 and if convicted face a maximum penalty of a fine of \$60000 for a corporation or a fine of \$12000 for an individual, and/or imprisonment for up to 2 years.

(OFFICE USE ONLY)	
1. DATE RECEIVED	2. COMPCODE
3. REGISTRATION NO	4. PERMIT / LICENCE TYPE

APPLICANT / EXPORTER DETAILS

5. Name of Company, Individual or Agent	6. Street Address (PO Box not acceptable)
7. Contact Point (If not exporter)	8. Mailing Address (if different to address above)
9. Telephone Number	
10. Facsimile Number	
11. Exporter's Reference (if applicable)	12. Expected Date of Export
	13. Single / multiple shipments (Cross out if not applicable)

14. PLEASE SELECT TYPE OF EXPORT APPROVAL REQUIRED

DEFENCE AND RELATED GOODS (PART 1)

<input type="checkbox"/> MIP Approval in Principle to Export Have marketing opportunities been assessed Y/N. See page 4 of form for further information	<input type="checkbox"/> MEA Approval to Export
<input type="checkbox"/> MRO Approval to Re-export to Owner	<input type="checkbox"/> MEL Export Licence
<input type="checkbox"/> MRM Approval to Re-export to Manufacturer	<input type="checkbox"/> MTT Temporary Export

NUCLEAR AND DUAL-USE GOODS (PARTS 2 & 3)

<input type="checkbox"/> IEP Individual Export Permit	<input type="checkbox"/> EDL Export Distribution Licence
<input type="checkbox"/> MRR Maintenance Repair & Return Lic.	<input type="checkbox"/> GEL General Export Licence
<input type="checkbox"/> ESS Export Service Supply Licence	For further information on permit/licence types and required supporting/ end user documentation see page 4

FOLLOWING ARE QUESTIONS WHICH WILL ASSIST US IN PROCESSING YOUR APPLICATION. PLEASE COMPLETE AS MANY AS ARE APPLICABLE TO YOUR EXPORT.

<p>28. Is the equipment to be exported as a complete system ?</p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES</p> <p>If NO is it an upgrade to an existing or previously exported system ?</p> <p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>	<p>29. Does your company have any way of verifying the end-user (eg. End-user Certificate, Statement by Ultimate Consignee or Purchaser, International Import Certificate, or Purchase Order).</p> <p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p>If YES please provide details and attach copies of supporting documents.</p> <p>See page 4 of form for further information.</p>
<p>30. Will the export involve release of any Third Country information or technology ?</p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> If YES have Third Country Clearances been requested. Please provide details.</p>	<p>31. Does your company have any way of verifying the application of the equipment ?</p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES Please provide details.</p>
<p>32. Will the export require release of any Australian Government classified information?</p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES</p> <p>If YES please indicate classification level of information, at what stages it will be released (eg. during marketing phase, prior to contract negotiations or after sale support) and by whom.</p> <p>See page 4 of form for further information.</p>	<p>33. Statement by Exporter The information provided in this application is true and correct.</p> <p>Signature</p> <p>Name (in block letters)</p> <p>Position or Title</p> <p>Date</p>
<p>Completed application and supporting documentation should be forwarded to:</p> <p>DIRECTOR, STRATEGIC TRADE POLICY & OPERATIONS INDUSTRY INVOLVEMENT & CONTRACTING DIVISION DEPARTMENT OF DEFENCE ANZAC PARK WEST 1-1-OA1 CONSTITUTION AVE CANBERRA ACT 2600</p>	<p>PLEASE NOTE:</p> <p>DELAYS IN PROCESSING WILL OCCUR IF ALL INFORMATION IS NOT PROVIDED.</p> <p>APPLICATIONS MAY BE SENT BY FAX TO NO. (06) 2666 412</p> <p>IF YOU REQUIRE ASSISTANCE IN COMPLETING THIS FORM PLEASE CONTACT (06) 2666 021</p>

The following information is provided to assist exporters. It does not need to be forwarded with completed application form.

Code	Permit / Licence Type	Definition	Standard Validity
MEA	Military Export Approval	Covers the export of a specified quantity of defence and related goods to a single consignee.	12 months
MEL	Military Export Licence	Covers the export of unspecified quantities of defence and related goods to single or multiple consignees.	12 months
MIP	Military In-Principle	Preliminary advice that approval may be granted. MIP allows exporters to market defence and related goods to potential customers. (Note: This permit does not give actual export approval.)	12 - 36 months
MTT	Military Temporary Export	Used for defence and related goods which will be returning to Australia eg. overseas demonstration or trials.	12 months
MRM	Military Return to Manufacturer	To return defence and related goods to overseas manufacturer, eg. for repair or modification	12 months
MRO	Military Return to Owner	To return defence and related goods to overseas owners, eg. after repair or modification.	12 months
IEP	Individual Export Permit	The single transaction export of a specified quantity of nuclear and dual-use goods to a single consignee	6 months
EDL	Export Distribution Licence	The multiple shipment of an unspecified quantity of nuclear and dual-use goods to single or multiple consignees.	24 months
GEL	General Export Licence	The export of a range of dual-use goods to unspecified consignees in nominated countries.	12 - 24 months
MRR	Maintenance Return & Repair	To return or send dual-use goods for repair/after repairs overseas.	24 months
ESS	Service Supply Licence	Used for nominated dual-use goods in support of a maintenance program or service to specified companies.	24 months

14. Prior to applying for an MIP - Approval in principle to export it is preferable for exporters to have carried out basic desk market research to filter out unfeasible opportunities.

18. Description of Goods:

By providing complete details of goods to be exported the task of assessing and classifying goods to be exported is made simpler. The goods value should be stated in Australian dollars and should reflect the sales 'value' of the goods in the case of a true export, or the 'value added' to items being returned to owners after work undertaken in Australia.

29. Supporting / End-User Documentation:

In certain cases the end-user will need to undertake not to re-export the equipment without approval from the Australian Government. In these cases, Form AA517 Statement by Ultimate Consignee or Purchaser for Dual use goods, or Form AB518 End-Use and Non-Transfer Certification for Defence and Related Goods, should be submitted with this application form.

32. Release of Australian Government classified information:

When an export application involves the release of Australian Government classified information by either the Department of Defence or the Company it is imperative that the application be submitted as early as possible, as it may take up to one month to consider the application and if approved, a further three to six months to arrange the necessary government to government security procedures. If after approval is granted there is a requirement to release information of a higher classification level than that which has been approved, the applicant must seek Department of Defence approval for this new release.

If further information is required, please contact
Strategic Trade Policy and Operations Section phone: (06) 2666 021 facsimile (06) 2666 412




COMMONWEALTH OF AUSTRALIA

Department of Defence

APPLICATION FOR DELIVERY VERIFICATION CERTIFICATE

- This application should be accompanied by copies of air waybill or bill of lading and Australian Customs Service Form B 616—Entry for Home Consumption.
- A person making a false representation, in any manner whatsoever, maybe prosecuted for an offence against the Crimes Act 1914 and, if convicted, face a maximum penalty of a fine of \$60,000 for a corporation or a fine of \$12,000 for an individual, and/or imprisonment for 2 years.
- If you require assistance in completing this form, please contact the Strategic Trade Policy and Operations Section on (06) 266 6021 Fax (06) 266 6412.

Return to 

Director, Strategic Trade Policy and Operations
 Industry Policy and Operations Division
 Department of Defence
 PO Box E33
 Queen Victoria Terrace
 CANBERRA ACT 2601
 AUSTRALIA


Registration Number (Office Use Only)

Certificate Number (Office Use Only)

Name and Address of Importer (PO Box not acceptable)

Name and Address of Exporter (PO Box not acceptable)

Contact Number

This certificate applies to the goods described below and shown on the Commonwealth of Australia International Import Certificate. 

Import Certificate Number

Arrival Details of Goods (Continue on back of form if necessary)

Arrival Date	Port	Airway Bill or Bill of Lading	Full Description of Goods	Quantity

I, the undersigned, affirm that the goods described in this form have been received.

(Signature)

(Printed Name)

(Appointment)

(Date)


Arrival Details of Goods (continued)

Arrival Date	Port	Airway Bill or Bill of Lading	Full Description of Goods	Quantity



APPLICATION FOR AN INTERNATIONAL IMPORT CERTIFICATE

- You should be aware that if the goods are to be re-exported, even after remanufacture or incorporation into another item, you may require an export permit or licence from the Australian Government.
- A person making a false representation, in any manner whatsoever, maybe prosecuted for an offence against the Crimes Act 1914 and, if convicted, face a maximum penalty of a fine of \$60,000 for a corporation or a fine of \$12,000 for an individual, and/or imprisonment for 2 years.
- If you require assistance in completing this form, please contact the Strategic Trade Policy and Operations Section on (06) 266 6021 Fax (06) 266 6412.

Return to 

Director, Strategic Trade Policy and Operations
Industry Policy and Operations Division
Department of Defence
PO Box E33
Queen Victoria Terrace
Canberra ACT 2600
AUSTRALIA

Registration Number (Office Use Only)

Certificate Number (Office Use Only)

Name and Address of Importer (PO Box not acceptable)

Name and Address of Exporter (PO Box not acceptable)

Contact Number

Full Description of Goods (Continue on back of form if necessary)

Quantity

Value (AUD)
(State fob, cif, etc)

Are goods designed or adapted for military purposes?

Yes No

Are goods to be re-exported?

Yes No

If 'Yes', to which countries and for what use are the goods required?
A separate export permit application maybe required.

Name and Address of Person Who is to Use Goods-If not Importer

Your Reference for this Transaction (Optional)

Authorising Officer

- I, the undersigned, affirm that I will import into Australia the goods described in the quantities stated and that the goods will not be diverted, transshipped, or re-exported to another destination without the explicit approval of the Minister for Defence (or his delegate). I also affirm that I will undertake to supply proof of delivery, if requested by the exporter, in the form of a Delivery Verification Certificate. I undertake to notify the Department of Defence immediately of any changes of fact or intention set forth herein.

(Signature)

(Printed Name)

(Appointment)

(Date)

Full Description of Goods <i>(Continued)</i>	Quantity	Value (AUD) <i>(State fob, cif, etc)</i>



STATEMENT BY ULTIMATE CONSIGNEE OR PURCHASER

General Instructions

- This form shall be completed by the Ultimate Consignee. Where the Ultimate Consignee is not known, the overseas purchaser must complete the form. (The Ultimate Consignee (end user) shall complete this form if known by the Australian Exporter.)
- It should then be handed to the Australian Exporter with whom the order for the goods described has been placed.
- All questions should be completed.
*If you do not know the answer to a question, write 'Not Known'.
If a question does not apply in your case, write 'Not Applicable'.*
- If you require assistance in completing this form, please contact the Strategic Trade Policy and Operations Section on (06) 266 6021 Fax National (06) 266 6412 .International +61 6 266 6412.

Ultimate Consignee or Purchaser

Name of Company or Individual

Address (PO Box not acceptable)

Order Reference (Optional)

What is the nature of your usual business? (eg distributor, manufacturer, wholesaler, etc)

What is your business relationship with the Australian Exporter? (eg distributor, wholesaler, regular customer, etc)

How long has this business relationship existed?

Request

We request that this statement be considered as part of the application for an export permit filed by

Australian Exporter

for export to us of the goods described overleaf.

Goods

We have placed or may place orders with the specified Australian Exporter for the goods indicated below.

Quantity	Description of Goods	Value (AUD)

Describe how the goods will be used

Certification by Ultimate Consignee or Purchaser

- I certify that all details provided in this statement are correct to the best of my knowledge and belief.
- I undertake to advise the Director, Strategic Trade Policy and Operations, Department of Defence, of any changes of fact or intention which may occur, after this statement has been made.
- I undertake to obtain clearance from the Australian Exporter if the goods are to be re-exported.

Signature

Date

Printed Name

Title

Certification by Australian Exporter

- I certify that no corrections, additions or alterations were made on this document after it was signed by the Ultimate Consignee or purchaser.
- I certify that I will obtain the clearance of the Australian Department of Defence before authorising the Ultimate Consignee or Purchaser listed herein to re-export the goods to another destination.

Signature

Date

Printed Name

Title

What to do next

When completed, the original document should be returned to:

Director, Strategic Trade Policy and Operations
Industry Policy and Operations Division
Department of Defence
PO Box E33
Queen Victoria Terrace
CANBERRA ACT 2600
AUSTRALIA

Australian Exporter's Reference Number
(Optional)

in support of Form AA 512 – Application for an Export Permit



COMMONWEALTH OF AUSTRALIA

Department of Defence

END USE AND NON-TRANSFER CERTIFICATION TO THE AUSTRALIAN GOVERNMENT FOR DEFENCE GOODS

• This certificate is to be completed with applications for permits to export from Australia goods in Schedule 13 of the Australian Customs (Prohibited Exports) Regulations as amended 25 July 1989.

Send To: Assistant Secretary Exports and International Programs Branch Anzac Park West Offices Department of Defence CANBERRA ACT 2600 AUSTRALIA Facsimile No: 062 666902	Name and Address of Exporter		
	Name and Address of End User		
	Name and Address of Consignee		
Full Description of Goods		Quantity	Value (\$Aust) <i>(state fob, cif, etc)</i>

Certification of Consignee

I certify that I am importing the goods listed above for delivery to the End User nominated above, and will not transfer the goods to any other party. I further certify that all the facts contained in this form are true and correct to the best of my knowledge. I will promptly send supplementary certification declaring any change of fact or intention.		
..... <i>(Signature)</i> <i>(Printed Name and Title)</i> <i>(Date)</i>
		Seal

Certification of End User

I certify that I am the End User of the goods listed above. I will not sell or otherwise dispose of the goods to another country, or another person for supply to another country, without the permission of the Australian Minister for Defence or his delegate.		
..... <i>(Signature)</i> <i>(Printed Name and Title)</i> <i>(Date)</i>
		Seal

Certification of Foreign Government

I certify that I will not authorise the transfer of the goods listed above to another country, unless for use by our own armed forces, without prior written approval of the Australian Minister for Defence or his delegate.		
..... <i>(Signature)</i> <i>(Printed Name and Title)</i> <i>(Date)</i>
		Seal

**END USE CERTIFICATE
NUCLEAR RELATED DUAL USE TECHNOLOGY**

PART 1 - PARTIES INVOLVED IN THE TRANSACTION

(Australian Exporter to Complete)

AUSTRALIAN EXPORTER

Name of Firm : _____

Address: _____

Company Contact Name: _____

Position: _____

Telephone: _____ Facsimile: _____

E-mail: _____

END USER

Name of Company: _____

Address: _____

Nature of Business: _____

Contact for this Transaction: Name: _____

Position: _____

Telephone: _____ Facsimile: _____

DISTRIBUTOR OR OTHER INTERMEDIARY

Name of Company: _____

Address: _____

Contact for this Transaction: Name: _____

Position: _____

Telephone: _____ Facsimile: _____

PART 2 - END USE INFORMATION AND CERTIFICATION

(End User to Complete)

2.1 Proposed application of the goods: _____

2.2 Proposed location of the goods: _____

2.3 Nuclear End Use Questionnaire

2.3.1 Will the goods be used for any of the following nuclear uses?

- a. Research into the separation of the isotopes of uranium or other fissionable material.
Yes/No
- b. Refinement of the isotopes of uranium or other fissionable material. . Yes/No
- c. Production of or inclusion in nuclear reactors or their component systems. . Yes/No
- d. Production of Deuterium. . Yes/No
- e. Inclusion in or testing of nuclear explosive devices or their component systems.
Yes/No
- f. Any other nuclear use. . Yes/No If yes, please describe.

IF THE ANSWER TO ANY OF THE QUESTIONS ABOVE IS YES, THE END USER SHOULD COMPLETE QUESTIONS 2.3.2 TO 2.3.5.

2.3.2 What is the end use for the isotopes of uranium or other fissionable material separated in the process in which the named goods will be used?

- a. Fuel for nuclear power
- b. Medical isotopes
- c. Research (please describe)
- d. Other (please describe)

2.3.3 Does the end user have access to other goods identical or equivalent to the goods listed in this statement?

If yes, state:

- a. End use or application
- b. Quantity
- c. Capability/specification if applicable.

2.3.4 What is the approximate maximum weight of uranium or other fissionable material which could be separated over a 5 year period with the laser listed.

2.3.5 Any other material facts which will be of value in considering applications for the export of the goods listed in this statement.

2.4 Additional Information

Additional material facts which will assist in consideration of the application to export the goods described in this statement.

CERTIFICATION BY END USER

I, the authorised signatory below, declare that:

- a. the information provided in this statement is true in every material particular;
- b. the goods listed in this certificate will be used only for the purpose stated herein such use and will not be modified nor the goods themselves modified or replicated without the prior consent of the Australian authorities;
- c. the goods listed in this statement are for civil use and will not be used or resold, re-exported or otherwise disposed of to any other party for use:
 - (i) in any nuclear application without the prior consent of the Australian authorities; and
 - (ii) except in accordance with the intentions described in this certificate;
 - (iii) that I shall promptly advise the Australian exporter of any change in the material particulars described in this statement;
- d. the goods listed in this certificate are for use in a civil, non-nuclear related activity;
OR
the goods listed in this certificate will be used in a nuclear related activity as described on this part of the End Use Certificate;
(DELETE WHICHEVER DOES NOT APPLY)
- e. the goods listed in this certificate will not be used in any 'nuclear explosive' or 'unsafeguarded fuel-cycle activity';
- f. neither the goods listed in this certificate nor replicas nor derivatives thereof will be re-transferred without the prior consent of the Australian authorities;
- g. I undertake to transfer these undertakings to any future recipient of the goods listed in this certificate.

NAME OF AUTHORISED SIGNATORY

TITLE

SIGNATURE

DATE

PART 3 - CERTIFICATE BY AUSTRALIAN EXPORTER

I, the authorised representative of the Australian exporter named above:

- a. declare that the material particulars described by me in this form are correct;
- b. undertake on behalf of the Australian exporter not to tranship, re-address, divert or change the material content of the goods listed above without permission from the Australian authorities; and
- c. undertake to inform the Australian authorities of any changes to information in this statement which will become known to the Australian exporter.

NAME OF AUTHORISED SIGNATORY

TITLE

SIGNATURE

DATE

**Annex B - AUTHORITIES ADMINISTERING IMPORT
CERTIFICATE / DELIVERY VERIFICATION (IC/DV)
AND END USE CERTIFICATE SYSTEMS IN FOREIGN
COUNTRIES**

Authorities	System Administered	Authorities	System Administered
Argentina		Denmark	
Secretaria Ejecutiva de la Comision Nacional de Control de Exportaciones Sensitivas y Material Belico Balcarce 362 - 1er. piso - Capital Federal - CP 1064 Buenos Aires Tel. 334-0738, Fax 331-1618	IC/DV	Handelsministeriets Licenskontor Kampmannsgade 1, DK 1604, Copenhagen V by Danmarks Nationalbank Holmens Kanal 17, Copenhagen K Custom-houses	IC/DV DV
Austria		Finland	
Bundesministerium fur Handel Gewerbe und Industrie Landstr. Hauptstr. 55-57, Vienna 1031	IC/DV	Helsingin Piiritullikamari, Kanavakatu 6 (or P.O. Box 168) 00161 Helsinki	IC/DV
Belgium		France	
Ministere Des Affaires Economiques Office Central des Contingents et Licences 24-26 Rue De Mot, Bruxelles-1040	IC/DV	Ministere de l'Economie et des Finances Direction Generale des Douanes et Droits Indirects Division des Affaires Juridiques et Contentieuses 8, Rue de la Tour des Dames, Bureau D/3, 75436, Paris Codex 09	IC/DV
Bulgaria		Germany	
Ministry of Trade 12 Al. Batenberg 1000 Sofia	IC/DV	Bundesamt fur gewerbliche Wirtschaft Frankfurter Strasse 29-31 65760 Eschborn	IC/DV
China People's Republic of		Greece	
Technology Import and Export Department, MOFERT No. 2 Dong Chang An Street Beijing, Telephone: 553031, Telex: 22478 MFERTCN	PRC End-User Certificate	Banque de Greece, Direction des Transactions Commerciales avec l'Etranger Athens	IC/DV
Czech Republic		Hong Kong	
Federal Ministry of Foreign Trade Head of Licensing Politickych Veznu 20 112 49 Praha 1	IC/DV	Trade Department, Ocean Centre, Canton Road, Tsimshatsui, Kowloon,	IC/DV

Authorities	System Administered	Authorities	System Administered
Hungary		Japan	
Ministry of International Economic Relations Export Control Office 1054 Budapest P.O. Box 728 H-1365, Hold Str. 17	IC/DV	Ministered of International Trade and Industry in: Fukuoka, Hiroshima, Kanmon (Kitakyushu-shi), Kobe, Nagoya, Osaka, Sapporo, Sendai, Shikoku (Takamatsu-shi), Shimizu, Tokyo, and Yokohama Japanese Customs Offices	IC/DV
India		Korea, Republic of	
Deputy Director General of Foreign Trade Udyog Bhawan, Maulana Azad Road New Delhi 11011: For small scale industries and entities, and those not elsewhere specified	Indian IC	Trade Administration Division Trade Bureau, Ministry of Trade and Industry Jungang-Dong, Kyonggi-Do, Building 3 Kwachon Republic of Korea Customs House	IC DV
Directorate General of Technical Development, Udyog Bhawan, Maulana Azad Road, New Delhi 11011: For the "organized" sector, except for computers and related equipment	Indian IC	Liechtenstein	
Defense Research and Development Organization Room No. 224, "B" Wing Sena Bhawan, New Delhi 110011: For Defense organizations	Indian IC	Swiss Federal Office for Foreign Economic Affairs, Import and Export Division Zieglerstrasse 30, CH-3003 Bern	IC/DV
Department of Electronics, Lok Nayak Bhawan, New Delhi 110003: For computers and related electronic items	Indian IC	Luxembourg	
Ireland		Office des Licences Avenue de la Liberte, 10	IC/DV
Department of Industry, Trade, Commerce and Tourism, Republic of Frederick House, South Frederick Street, Dublin 2	IC/DV	Netherlands	
Italy		Centrale Dienst voor In-en Uitvoer Engelse Kamp 2, Groningen	IC/DV
Ministero del Commercio con l'Estero Direzione Generale Delle Importazioni e delle Esportazioni, Div. III, Rome Dogana Italiana (of the town import where takes place)	IC/DV	New Zealand	
		Comptroller for Customs P.O. Box 2218, Wellington	IC/DV
		Norway	
		Handelsdepartementet Direktoratet for Eksport-og-Importregulering Fr. Nansens plass 5, Oslo	IC/DV
		Pakistan	
		Chief Controller of Imports and Exports 5, Civic Center Islamabad Joint Science Advisor, Ministry of Science and Technology, Secretariat Block 'S', Islamabad	IC DV

Authorities	System Administered	Authorities	System Administered
Poland		Switzerland	
Ministry of Foreign Economic Relations Department of Commodities and Services Plac Trzech Krzyzy 5, Room 358 00-507 Warsaw	IC/DV	Swiss Federal Office for Foreign Economic Affairs, Import and Export Division, Zieglerstrasse 30 CH-3003 Bern	IC/DV
Portugal		Taiwan	
Reparticao do Comercio Externo Direccao-Geral do Comercio Secretaria de Estado do Comercio Ministerio da Economia, Lisbon	IC/DV	Board of Foreign Trade Ministry of Economic Affairs 1 Hu-Kou Street, Taipei	IC/DV
Romania		Science-based Industrial Park Administration No. 2 Hsin Ann Road, Hsinchu	
National Agency for Control of Strategic Exports and Prohibition of Chemical Weapons, 13, Calca 13 Septembrie Casa (or P.O. Box 5-10) Republicii, Gate A 1, Bucharest, Sector 5, Phone: 401-311-2083, Fax: 401-311-1265	IC/DV	Export Processing Zone Administration 600 Chiachang Road Nantz, Kaohsiung	
Singapore		Turkey	
Controller of Imports and Exports, Trade Development Board World Trade Centre, 1 Maritime Square, Telok Blangah Road,	IC/DV	Ministry of Commerce, Department of Foreign Commerce, Ankara	IC
Slovakia		Head Customs Office at the point of entry	
Ministry of Foreign Affairs Licensing-Registration Department Spitalska 8, 813 15 Bratislava	IC	United Kingdom	
Spain		Department of Trade and Industry Export Licensing Branch Millbank Tower Millbank London, SW1P 4QU	
Secretary of State for Commerce Paseo la Cistellana 162, Madrid 28046	IC/DV	H.M. Customs and Excise, King's Beam House, Mark Lane London, E.C. 3	
Sweden		United States	
The Association of Swedish Chambers of Commerce & Industry P.O. Box 16050, S-103 22 Stockholm Office: Vastra Tradgardsgatan 9	IC/DV	Office of Export Licensing PO Box 273 Washington DC 20044	

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Annex C - POINTS OF CONTACT

If you would like any further information regarding export controls or the procedures for obtaining a permit or licence please write or telephone:

Director
Strategic Trade Policy and Operations Section
International Materiel Branch
Industry Involvement and Contracting Division
Department of Defence
Anzac Park West 1-1-OA1
Constitution Avenue
CANBERRA ACT 2600

For enquires and status of applications:
phone (06) 266 6224 or (06) 266 6021
facsimile (06) 266 6412

For technical advice and advisory service:
phone (06) 266 6207 or (06) 266 6591

EXPORT PROMOTION CONTACTS

Advice on assistance available to exporters of defence goods in relation to developing markets or promotional activities, please contact:

International Materiel Branch
Industry Involvement and Contracting Division
Department of Defence
Anzac Park West 1-1-09A
Constitution Avenue
CANBERRA ACT 2600

Phone: (06) 266 6040
Facsimile: (06) 266 6902

REGIONAL OFFICES

For all general enquires, advice on developing export markets and application forms you should contact:

The Regional Director
Industry Development Section
Defence Acquisition Regional Office
in your nearest capital city:

New South Wales
Level 19 Defence Plaza
Sydney NSW 2000
Phone (02) 9377 2358
Facsimile (02) 9377 2368

Victoria/Tasmania
4th floor, 661 Bourke Street
Melbourne VIC 3000
Phone (03) 9282 7489
Facsimile (03) 9282 7927

Northern Territory

6th Floor, TCG Centre
80 Mitchell Street
Darwin NT 0800
Phone (08) 8980 2137
Facsimile (08) 8980 2159

Western Australia

Leeuwin Barracks (13-2-21)
Riverside Road
East Fremantle WA 6158
Phone (09) 311 2461
Facsimile (09) 311 2460

Queensland

Building E3 Victoria Barracks
Petrie Terrace
Brisbane QLD 4000
Phone (07) 3233 4384
Facsimile (07) 3233 4478

South Australia

HQ3 DSTO
(PO Box 1500)
Salisbury SA 5108
Phone (08) 259 6349
Facsimile (08) 259 6527

OVERSEAS REPRESENTATIVES - USA, UK

Australian Embassy
1601 Massachusetts Avenue
WASHINGTON DC 20036

Counsellor Defence A&L (Washington)
Phone (0011-1-) 202 797 3182
Facsimile (0015-1-) 202 797 3094

Defence Industry Attache (Washington)
Phone (0011-1-) 202 797 3388
Facsimile (0015-1-) 202 797 3094

Australian High Commission
Australia House, The Strand
LONDON WC2B 4LA

Counsellor Defence A&L (London)
Phone (0011-44-) 171 887 5228
Facsimile (0015-44-) 171 379 5424

Counsellor Defence Industry (London)
Phone (0011-44-) 171 887 5505

AUSTRALIAN CUSTOMS SERVICE

Regional Director
Australian Customs Service

Note that the Phone numbers are the main switchboard number in each location.

SYDNEY NSW
Phone: (02) 213 2000
Facsimile: (02) 213 4000

MELBOURNE VIC
Phone: (03) 9244 8000
Facsimile: (03) 9244 8200

BRISBANE QLD
Phone: (07) 3835 3444
Facsimile: (07) 3835 3499

PORT ADELAIDE SA
Phone: (08) 47 9211
Facsimile: (08) 47 9206

FREMANTLE WA
Phone : (09) 430 1444
Facsimile: (09) 477 8851

CAIRNS QLD
Phone: (07)52 3552
Facsimile: (07) 35 9273

DARWIN NT
Phone: (089) 46 9999
Facsimile: (089) 46 9988

CANBERRA ACT
Phone: (06) 275 6666
Facsimile: (06) 280 7128

Customs' EXIT Administration

Australian Customs Service
5-11 Constitution Avenue
Canberra City ACT 2601

Phone (06) 275 6557 or (06) 275 6558
Facsimile (06) 275 5828

For information on policy relating to the import of firearms

COMMONWEALTH LAW ENFORCEMENT BOARD

Phone (06) 239 9273
Facsimile (06) 295 7640

AUSTRALIAN CUSTOMS SERVICE

Phone (06) 275 9273
Facsimile (06) 275 6997

For information on US policy on the import (to the USA) of munitions list items

Customs Attache (Singapore)
Dept of the Treasury
United States Customs Service

Phone: (0011-65-) 476 9473
Facsimile: (0015-65-) 476 9188

Note: Singapore time is Australian Eastern Standard Time (AEST) minus 2 hours, which is equal to Perth time.

Individual US licensing areas referred to in Section 5.4 of the guidelines:

Bureau of Alcohol, Tobacco and Firearms (BATF) (0011-1) (202) 927 8320
Dept of Commerce, BXA (0011-1) (202) 482 4811
Dept of Energy (0011-1) (202) 586 1091
Department of State (0011-1) (703) 875 6644
Office of Foreign Assets Control (OFAC) (0011-1) (202) 622 2500
Nuclear Regulatory Commission (0011-1) (301) 415 7256

these numbers are in the Washington, D.C. area, which is AEST minus 15 hours.

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