



Defence Trade Controls Amendment (Decision Criteria) Regulation 2015

Select Legislative Instrument No. 67, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 14 May 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Kevin Andrews
Minister for Defence

OPC60701 - A

Contents

1	Name	1
2	Commencement	1
3	Authority	1
4	Schedules.....	1
Schedule 1—Amendments		2
	<i>Defence Trade Controls Regulation 2013</i>	2

No. 67, 2015

*Defence Trade Controls Amendment (Decision Criteria)
Regulation 2015*

i

OPC60701 - A

1 Name

This is the *Defence Trade Controls Amendment (Decision Criteria) Regulation 2015*.

2 Commencement

This instrument commences at the same time as item 48 of Schedule 1 to the *Defence Trade Controls Amendment Act 2015*.

3 Authority

This instrument is made under the *Defence Trade Controls Act 2012*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Defence Trade Controls Regulation 2013

1 Section 8

Repeal the section, substitute:

8 Criteria for deciding whether things prejudicial to security, defence or international relations of Australia

For section 25A of the Act, the following table sets out the criteria to which the Minister must have regard in deciding whether a thing (being the supply of DSGL technology, arranging for other persons to supply goods listed in the Defence and Strategic Goods List or DSGL technology, or the publication of certain DSGL technology) would, or would not, prejudice the security, defence or international relations of Australia.

Criteria for deciding whether things prejudicial to security, defence or international relations of Australia

Item	Criterion
1	The risk that the DSGL technology or the goods may go to or become available to a country upon which the Security Council of the United Nations or Australia has imposed a sanction
2	The risk that the DSGL technology or the goods may go to or become available to a country where it may be used in a way contrary to Australia's international obligations or commitments
3	The risk that the DSGL technology or the goods may be used to commit or facilitate serious abuses of human rights
4	Whether the supply of the DSGL technology or the goods, or the publication of the DSGL technology: <ul style="list-style-type: none"> (a) may aggravate: <ul style="list-style-type: none"> (i) an existing threat to international peace and security or to the peace and security of a region; or (ii) a particular event or conflict of concern to Australia; or (b) may otherwise contribute to political instability internationally or in a particular region
5	Whether the DSGL technology or the goods may:

2 *Defence Trade Controls Amendment (Decision Criteria) Regulation 2015* No. 67, 2015

OPC60701 - A

Criteria for deciding whether things prejudicial to security, defence or international relations of Australia

Item	Criterion
	(a) be used for conflict within a country or for international conflict by a country; or (b) further militarise conflict within a country
6	Whether the supply of the DSGL technology or the goods, or the publication of the DSGL technology, may compromise or adversely affect Australia's defence or security interests, its obligations to its allies or its international obligations and responsibilities
7	Whether the DSGL technology or the goods may go to or become available to a country that has policies or strategic interests that are inconsistent with the policies and strategic interests of Australia or its allies
8	The risk that the supply of the DSGL technology or the goods, or the publication of the DSGL technology, may: (a) adversely affect Australia's military capability; or (b) substantially compromise an Australian defence operation; or (c) increase the military capability of a country that is a potential adversary of Australia
9	The risk that the DSGL technology or the goods may go to or become available to a country: (a) that is developing, or is reasonably suspected of developing: (i) weapons that may be capable of causing mass destruction; or (ii) the means of delivering such weapons; or (b) that supports, or is reasonably suspected of supporting, terrorism; or (c) whose actions or foreign policies pose a risk of major disruption in global stability or the stability of a particular region
10	Whether the supply of the DSGL technology or the goods, or the publication of the DSGL technology, may lead to a reaction by another country that may damage Australia's interests or relations with the other country or with a particular region
11	Whether the DSGL technology or the goods may be used for mercenary activities or a terrorist or other criminal activity
12	Whether preventing the supply of the DSGL technology or the goods, or the publication of the DSGL technology, may have an adverse effect on Australian industry, trade and economic prosperity to the extent that it may adversely affect the security, defence or international relations of Australia

2 Section 24 (table item 4)

Repeal the item, substitute:

- 4 Either:
- (a) if the permit covers one or more supplies of DSGL technology—the date of each supply; or
 - (b) if the permit covers a supply of DSGL technology for a period of time or for a project—the period, or periods, of time during which the permit holder supplied the DSGL technology