

## Exports to Israel

### Handling Note:

- Deputy Secretary Strategy, Policy, and Industry, Hugh Jeffrey, to lead.
- First Assistant Secretary Defence Industry Policy Division, David Nockels, to support.

### Key Messages

- Australia has not supplied weapons to Israel since the conflict began, and for at least the past five years.
  - Since 1 January 2019, Australia has issued 247 permits to Israel, 66 remain active.
  - 23 of the 66 active permits support ADF capabilities.
  - The remaining 43 permits cover a broad range of parts, components, and dual-use technology that have legitimate commercial use.
- Since 7 October 2023, Defence has approved two export permits to Israel, which have now expired.
- Australia has a stringent export control framework, which is designed to prevent the irresponsible or illicit trade of military and dual-use items.
- Defence continues to assess defence export applications to Israel. Each export application is assessed on a case-by-case basis to determine whether it would be prejudicial to Australia's national interests.
- A permit would be refused if there is an overriding risk that the export may be used contrary to Australia's national interest.

### Talking Points

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Budget Estimates June 2024

Last updated: 4 June 2024

Key witnesses: Hugh Jeffrey; David Nockels.

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*If pressed: What has Australia sent to Israel?*

- While I can't go into the details of individual permits, I can give you an overview of defence export permits issued to Israel over the past five years.
- Since 2019 Australia has issued 247 permits to Israel, only 66 remain active.
- Of the 66 active defence export permits to Israel, about 35 per cent (23) support Defence projects and capabilities.
  - These include the Air Warfare Destroyer, the Hunter Class Frigates, the Battlespace Communications System (LAND 2072), the Hawkei Protected Mobility Vehicles, the Boxer Combat vehicles, and the Joint Air Battle Management System (AIR6500), which is a foundational element of Defence's Integrated Air and Missile Defence capability.
- The remaining 65 per cent of current permits (43) cover a range of parts, components, and technology exports.
  - These include a range of dual-use ICT hardware and software upgrades with legitimate commercial use s47E(d) , and the return of equipment to original manufacturers in Israel for repair and return back to Israel permanently s47E(d) .
  - Other existing permits cover a variety of items including various electronic componentry, cooling equipment and radios.

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***If pressed: What about the two export permits approved to Israel since 7 October 2023?***

- Both of these permits have now expired.
- Defence does not comment on individual exports due to legal, privacy and commercial-in-confidence obligations.

***If pressed: how can the government say there are no weapons exports to Israel when the Department of Foreign Affairs and Trade's data reports that in February this year there was over a million dollars worth of 'arms and ammunition' exported to Israel?***

- The Department of Foreign Affairs and Trade data was collected by the Australian Border Force and compiled by the Australian Bureau of Statistics.
- This data is based on information provided by companies about the type and estimated value of goods as they leave Australia.
- In declaring the type of goods they are exporting, companies select from a list of broad categories – one of which is 'arms and ammunition'.

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- As this information is self-reported by companies, Defence is not in a position to comment on the reporting process.
- Defence has confirmed that all goods referred to in the reported data were exported with relevant permits. As such, I can confirm that Australia has not supplied weapons to Israel since the conflict began, and for at least the past five years.

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***If pressed: How can Defence previously advise that 322 export permits have been granted to Israel since 2017 while also claiming no weapons have been sent to Israel for the last five years?***

- Australia's export control framework applies to a wide range of goods and technology, including items used for civilian and commercial purposes.
- The Defence and Strategic Goods List is over 300 pages long and captures a variety of goods, software and technology. There are over 2,500 unique item codes listed on the Defence and Strategic Goods List and the overwhelming majority are dual-use items.
  - 2,184 item codes are categorised as dual-use and 392 as military items.
  - Items categorised as dual-use have legitimate civilian applications.
  - As a result, the existence of an export permit from Defence should not be conflated with the export of weapons.
- Permits are required for a range of goods such as radios, lasers, software, electronics, vehicle parts, repair and return of components, all listed on the Defence and Strategic Goods List.

***If pressed: can Defence confirm whether Australia is supplying F-35 parts or components to Israel?***

- I am not going to comment on individual permits.
- However, Australia has been a participant in the F-35 program since 2002.
  - Australia is one of 18 participants, including Norway, Denmark, Canada and the Netherlands, who operate the F-35 and contribute to its global supply chain.
- The F-35 is a critical part of Australia's national security architecture
  - The bulk of the Royal Australian Air Force's fast-jets are F-35s.
- Australian industry provides F-35 parts and components to Australia and other F-35 global supply chain customers.
  - The supply chain and the sale of F-35 parts and components is managed jointly by Lockheed Martin and the United States Government.

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*If pressed: about applying permit conditions to F-35 parts and components*

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- Activities under the Memorandum of Understanding, such as contributing to the supply pool help to reduce collective sustainment costs, including for Australia. s22

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*If pressed: potential risks to Australian F-35 capability*

- The F-35 is a key Defence capability giving effect to the Australian Government's strategy of denial, as outlined in the National Defence Strategy, by delivering enhanced long-range strike capability.
- Australian participation in the F-35 Global Support Solution is critical for our F-35 sustainment as well as F-35 aircraft operating in, or deployed to, the Indo-Pacific Region.
- More than 75 Australian companies have directly shared more than AU\$4.6 billion in global F-35 production and sustainment contracts, affording further opportunities to small and unique Australian businesses that benefit through supply chain work.
- Some Australian companies are sole source product suppliers while others supply critical components/assemblies to the F-35 Program.
- Disruption to the Australian supply chain could have significant impact on the F-35 production line and operations.

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*If pressed: has an export permit to Israel ever been revoked?*

- . No.

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*If pressed: Is the Minister for Defence actively considering revoking permits to Israel?*

- . Only the Minister for Defence has the authority to revoke a permit; it cannot be delegated.
- . The content of advice from the Department to the Minister is of a confidential nature and I am not in a position to go into details here.

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*If pressed: How is approving two exports to Israel in six months not a 'go slow'?*

- Every export of controlled goods or technology is considered on its own merits, in accordance with Australian export control legislation.
- This legislation addresses a range of issues including foreign policy, human rights, national security, regional security, Australia's international obligations, including under the Arms Trade Treaty.
- As the Deputy Prime Minister has said, Australia's export control framework is thorough and applications can take time depending on the complexity of the application and the changing international environment.

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**Senate: 19 April 2024**

- **QoN No. 3219, Department review of military export permits**, Senator David Shoebridge (Greens, New South Wales) asked about a statement made by Senator Fatima Payman (Labor, Western Australia) about exports permits to Israel. **PENDING**

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**Additional Estimates: 14 February 2024**

- **QoN No. 21, Current export permits to Israel**, Senator David Shoebridge (Greens, New South Wales) asked for information on the number of defence export permits to Israel that are current or extant. **TABLED**
- **QoN No. 158, Defence exports program**, Senator Simon Birmingham (Liberal, South Australia) asked for information on defence export permit applications to Israel and whether the Government has requested Defence stall or speed up the application process. **TABLED**
- **QoN No. 166, Defence/military exports to Israel**, Senator David Shoebridge (Greens, New South Wales) asked for information on the number of defence export permits approved to Israel since 7 October 2023. **TABLED**
- **QoN No. 167, Defence/military exports to Israel**, Senator David Shoebridge (Greens, New South Wales) asked for information on the Deputy Prime Minister's personal approval of defence export permits, including to Israel. **TABLED**

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- **QoN No. 170, Permits revoked**, Senator David Shoebridge (Greens, New South Wales) asked if the Minister had revoked any extant defence export permits to Israel. **TABLED**

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- **QoN No. 11, Permits to Israel**, Senator David Shoebridge (Greens, New South Wales), asked about approved permits and pending applications to Israel since 7 October 2023. **TABLED**

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## Freedom of Information (FOI) Requests

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- **FOI 826/23-24:** on 17 April 2024, a request was transferred from the Department of Home Affairs to Defence. An individual made a request seeking access to the total monetary value of regulated goods and technology on permits to Israel from 7 October 2023 to 26 March 2024. **Department is preparing a response to this request.**
- **FOI 787/23-24:** on 26 March 2024, an individual made a request seeking access to a copy of a list of all defence export permits issued to Israel from 7 October 2023 to 26 March 2024. **The documents were released to the applicant on 1 May 2024.**

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- **FOI 692/23-24:** on 19 February 2024, an individual made a request seeking access to a copy of any document confirming the number of defence export permits issued to the United States, the United Kingdom and Israel from 1 January 2023 to 6 October 2023 and 7 October 2023 to 19 February 2024. **The documents were released to the applicant on 18 April 2024.**

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### Relevant Media Reporting

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- On 10 April 2024, Declassified Australia published an article by Michelle Fahy titled [Secrets of the Weapons Trade](#), discussing export permit approvals data on Israel obtained via Freedom of Information, with claims the Australian Government is obscuring munitions exports to Israel.
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<b>Division:</b> Strategy, Policy, and Industry Group	
<b>PDR No:</b> EC24-002034	
<b>Prepared by:</b> Emily Hall Assistant Secretary Defence Export Controls Mob: s22 Ph: s47E(d) Date: 30 May 2024	<b>Cleared by Division Head:</b> David Nockels First Assistant Secretary Defence Industry Policy Division Mob: s22 Ph: s47E(d) Date: 8 May 2024
<b>Consultation:</b> Air Vice Marshal Graeme Edwards Head Aerospace Division Date: 10 May 2024	
<b>Consultation:</b> Air Commodore Patrick Keane Director General Military Legal Service Date: 24 May 2024	
<b>Consultation:</b> s47E(c) Director Defence Legal Date: 7 May 2024	
<b>Cleared by Deputy Secretary:</b> Hugh Jeffrey Deputy Secretary Strategy, Policy, and Industry Group Date: 29 May 2024	

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## Questions on Notice – Questions and Responses

### Senate Question Time – 19 April 2024

#### QoN 3219 (PENDING)

Senator SHOEBRIDGE asked the Minister representing the Minister for Defence:

Senator Payman in a 28 March 2024 statement on social media referenced a departmental review of military export permits conducted on behalf of the Government; please confirm if this review exists and provide a copy of the review as well as all associated documents.

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Additional Estimates: 14 February 2024

#### QoN 21 (TABLED)

Topic: Current Export Permits to Israel

Senator: David Shoebridge

Type of question: Verbal, 14 February 2024

#### Question:

Senator SHOEBRIDGE: I have one question to finish off on the weapons exports. Minister, do you know how many current weapons export permits are in place for the State of Israel? They can have a five-year term or a two-year term. How many are currently in place?

...

Mr Nockels: We would have to take that on notice. We have previously provided to the committee how many permits we have given. As you correctly point out, some of them lapse over time. As for how many are extant or current?

Senator SHOEBRIDGE: You're taking it on notice?

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**Mr Nockels:** I will have to come back to the committee on that.

**Answer:**

Defence has not issued weapons export permits to Israel since the conflict began and for at least the past five years.

### QoN 158 (TABLED)

**Topic:** Defence exports program

**Senator:** Simon Birmingham

**Type of question:** Written, 23 February 2024

**Question:**

1. Are there any applications to export military equipment to Israel?
2. Do any of the applications concern equipment that will be used by Israel, including the Israel Defence Force?
3. How many defence export applications have been made to Defence (including the export regulator) since 7 October 2023?
4. How many of those applications have been approved, with proposed exports proceeding or completed?
5. How many of those applications have been declined or refused?
6. How many of those applications remain neither approved nor declined?
7. Why have these applications stalled?
8. Is the delay, or any decision on any of the applications, a result of instructions from the Government, including the Defence Ministry?
9. Has Government instructed Defence to increase the speed of the application process?
10. Has Government instructed Defence to decrease the speed of the application process?
11. In the absence of any instructions from Government, is the current stalling of applications a standard or business-as usual approach to these kinds of applications?

**Answer:**

Defence continues to assess export applications to Israel. Two permits have been approved to Israel since 7 October 2023. Defence does not comment on individual export applications due to overarching legal, privacy and commercial-in-confidence obligations.

Australia maintains a robust export control regime, which requires each application to be assessed in accordance with Australian export control legislation. This legislation addresses a range of issues including foreign policy, human rights, national security, regional security and Australia's international obligations. This includes Australia's obligations under the Arms Trade Treaty.

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Export assessments use contemporary information and take into account factors such as the nature of, and risks associated with, the goods or technology, parties involved, and destination. If Australia identified that an export would be used contrary to the national interest, a permit would be refused.

Information on Australia's defence export framework, including permit statistics can be found at [www.defence.gov.au](http://www.defence.gov.au).

#### QoN 166 (TABLED)

**Topic:** Defence/Military Exports to Israel

**Senator:** David Shoebridge

**Type of question:** Written, 23 February 2024

**Question:**

The number of defence/military export permits granted to Israel since Oct. 7.

**Answer:**

Two.

#### QoN 167 (TABLED)

**Topic:** Defence/Military Exports Approved by the Minister

**Senator:** David Shoebridge

**Type of question:** Written, 23 February 2024

**Question:**

How many defence/military export permits have been personally approved by the Minister of Defence Richard Marles since 23 May 2022?

How many defence/military export permits have been personally approved by the Minister of Defence Richard Marles to Israel since 23 May 2022?

How many defence/military export permits have been personally approved by the Minister of Defence Richard Marles to Israel since 7 October 2023?

**Answer:**

None.

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### QoN 170 (TABLED)

**Topic:** Permits revoked

**Senator:** David Shoebridge

**Type of question:** Written, 23 February 2024

**Question:**

Has the Minister revoked any current/extant permits to Israel?

**Answer:**

No.

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#### QoN 11 (TABLED)

**Topic:** Defence export permits pending / granted to Israel

**Senator:** David Shoebridge

**Type of question:** Hansard Proof, 25 October 2023, Page 38-39

#### Question:

**Senator SHOEBRIDGE:** ... Mr Jeffrey, I think you said there were 322 defence export permits in relation to Israel between 2017 and 31 March 2023. Is that right?

**Mr Jeffrey:** Sorry, the question was?

**Senator SHOEBRIDGE:** Were there 322 defence export permits in that period?

...

**Mr Jeffrey:** The answer is what we provided. That is correct.

**Senator SHOEBRIDGE:** And there were 23 this calendar year up to the 31 March 2023. Is that right?

...

**Mr Nockels:** If I could just interject, when you asked that question, at the time it was 23. Subsequently, it is now 41. Obviously, when we responded—

...

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**Senator SHOEBRIDGE:** So, consistent with the pattern of numbers you have provided in answer to questions on notice to date, there were 23 defence export permits granted to Israel up to 31 March. If we take it up to date, it is actually 52?

**Mr Nockels:** That is correct.

**Senator SHOEBRIDGE:** Have any been granted since 7 October?

**Mr Nockels:** I would have to take that on notice and I would have to check.

**Senator SHOEBRIDGE:** Are there any pending applications?

**Mr Nockels:** Again, I would have to take that on notice and check.

**Answer:**

Two export permits have been granted to Israel since 7 October 2023.

Permit approvals should not be confused with weapons sales. Export permits are required for a wide range of goods and technology, many of which are used for legitimate civilian and commercial purposes. This includes where items must return to their original international manufacturer for return and repairs before returning to Australia.

Defence continues to assess export applications to Israel. Every export of controlled goods or technology is considered on its own merits in accordance with Australian export control law.

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*If pressed: How can Defence advise that 322 export permits have been granted to Israel since 2017 while also claiming no weapons have been sent to Israel for the last five years?*

- . Australia's export control framework applies to a wide range of goods and technology, including items used for civilian and commercial purposes.
- . Permit approvals should not be confused with weapons sales.

*If pressed: has an export permit to Israel ever been revoked?*

- . No.

*If pressed: What about the two export permits approved to Israel since 7 October 2023?*

- . Defence does not comment on individual exports due to legal, privacy and commercial-in-confidence obligations.

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## Supporting Information

### Questions on Notice

#### 2023-24 Additional Estimates: 14 February 2024

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- **QoN No. 170, Permits revoked**, Senator David Shoebridge (Greens, New South Wales) asked if the Minister had revoked any extant defence export permits to Israel. **TABLED**

### Freedom of Information (FOI) Requests

- On 26 March 2024, an individual made a request seeking access to a copy of a list of all defence export permits issued to Israel from 7 October 2023 to 26 March 2024. Defence is preparing a response to this request.

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<b>PDR No:</b> SB24-000365	
<b>Prepared by:</b> Emily Hall Assistant Secretary Defence Export Controls Mob: s22 Ph: s47E(d) Date: 20 May 2024	<b>Cleared by Division Head:</b> David Nockels First Assistant Secretary Defence Industry Policy Division Mob: s22 Ph: s47E(d) Date: 17 April 2024
<b>Consultation:</b> Major General Jason Blain, Head Land Systems, Capability Acquisition Sustainment Group	
<b>Consultation:</b> Air Vice-Marshal Gerry van Leeuwen, Head Guided Weapons and Explosives Ordnance Systems Division, Guided Weapons and Explosive Ordnance Group	
<b>Cleared by Deputy Secretary:</b> Hugh Jeffrey Deputy Secretary Strategy, Policy, and Industry Group Date: 22 April 2024	

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**From:** s47F @defence.gov.au>  
**Sent:** Tuesday, 4 June 2024 10:15 PM  
**To:** Hall, Emily MS s47E(d) @defence.gov.au>; Nockels, David MR s47E(d) @defence.gov.au>  
**Subject:** RE: Permit Update [SEC=~~OFFICIAL: Sensitive~~]

~~OFFICIAL: Sensitive~~

Hi Emily, David

Thanks for this. In accordance with our discussions over recent weeks on this matter, the Government is supportive of these particular export permit approvals to Israel on the basis that they are being issued for items for Australian defence and law enforcement purposes and will return to Australia.

As has been discussed with you (David) and Hugh, and noting the circumstances of the conflict have evolved since it commenced on 7 October, grateful if Defence can scrutinise pre-existing export permits to Israel and provide advice in due course.

We would ask to continue to be consulted on export permit applications to Israel prior to their finalisation.

Regards

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