



Defence Export Controls: Hear from the regulator – Responses to Questions

28 October 2025

These responses are designed to assist you in understanding Defence Export Control's regulatory framework. It is not legal advice nor intended to be legal advice and it may therefore include some generalisations about the law. Some provisions of the law referred to have exceptions or prerequisites, not all of which may be described here. Defence does not guarantee the accuracy, currency or completeness of any information contained in this document. Your particular circumstances and activities must be taken into account when determining how the law applies to you. These responses are therefore not a substitute for obtaining your own legal advice and does not imply that other regulatory obligations would not be applicable to certain activities

Question: How is the new self-assessment different from the self-help tool in the MADE portal?

Response: The self-assessment that will be sent by the department is individualised and tailored to the permit holder and their specific permit. The self-assessment should not be relied on in lieu of seeking your own independent legal advice.

Question: Is the intention of DEC's compliance self-assessment to eventually create a certifiable standard for export compliance for Australian companies?

Response: No, each permit is unique and each Permit Holder is required to comply with the terms and conditions on their specific permit. DEC Compliance's approach is to promote best practice across the regulated community.

It would be inappropriate for DEC to provide a certified standard for export compliance across Australian companies as each sector (e.g. academia, industry, government and individuals) undertakes different regulated activities under Australia's export controls framework and therefore have varying obligations under Australia's legislation.

Question: Are SCEC approved freight forwarders obliged to ensure exports are compliant?

Response: All persons (both individuals and companies) involved in the export or supply of controlled goods and technology, regardless of their accreditation, are required to ensure their activities comply with all relevant Australian export control laws.

Question: What is the best process to share data with more than 200 companies across a number of countries, and is there a permit we can apply for to export to a country rather than companies?

Response: An application for a broad permit can be considered where appropriate based on risk. Discuss your specific requirements with DEC.

Question: Are the list of approved destinations covered by an AUSGEL being reviewed to include more countries?

Response: Not at this time.

Question: Is India AUSGEL eligible?

Response: Yes.

Question: I need an AUSGEL for other countries. Will the UK and USA continue to be added to AUSGELs?

Response: The United Kingdom and United States will continue to be added to AUSGELs. DEC encourages applicants to use their AUKUS membership for any activities which meet the eligibility for the licence-free environment.

Question: How can we seek an assessment against specific weapons of mass destruction?

Response: All applications are assessed on a case-by-case basis against the relevant legislative criteria. DEC will undertake a WMD assessment under the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* if required.

Question: Do you envisage a change or review of current permits?

Response: Permits are reviewed as required.

Question: I have been told to apply for an AUSGEL as an export permit. Is this temporary?

Response: AUSGELs are broad based permits and can be issued where appropriate based on risk. There may be circumstances where it is not appropriate to issue an AUSGEL. When this occurs, DEC will discuss with the applicant.

Question: What do you look at when examining dual-use technologies and assessing the chances of them being used for non-civilian applications, aside from the technology already being in the public domain?

Response: Each application is assessed on a case-by-case basis against the relevant legislative criteria. Relevant factors would include the specific technical capabilities of the item, possible end-uses and end-users it is being exported/supplied to.

Question: I was told AUSGELs were currently under review. Can you please provide an update?

Response: AUSGELs are broad based permits and can be issued where appropriate based on risk. There may be circumstances where it is not appropriate to issue an AUSGEL. When this occurs, DEC will discuss with the applicant. DEC's review of AUSGELs is ongoing.

Question: Do you envisage a change or review of current permits?

Response: Permits are reviewed as required.

Question: When will DEC make a decision on export applications to Israel?

Response: All permit applications involving Israel are assessed on a case-by-case basis in accordance with the relevant legislative criteria, and are subject to consideration and decision by the DPM as the Minister for Defence. DEC cannot comment on individual applications.

Question: Is it possible to request an item be removed from the ETL?

Response: Any decision to update the ETL can only be made by the Deputy Prime Minister as the Minister for Defence. The Australian ETL is updated to remain aligned with the US and UK ETLs, and to appropriately maintain regulatory oversight of the most sensitive military and dual-use technologies.

Question: We understand the US are making changes to the MTCR. Is it likely this will impact the items listed on Australia's ETL? In particular, the treatment of UAV's?

Response: Australia remains dedicated to our commitments under the MTCR. Australia aims to maintain the alignment between the Australian, US and UK ETLs in accordance with our domestic legislation.

Question: How can we assist our US counterparts with their US AUKUS applications if they are having issues with their US registration?

Response: DEC cannot provide advice on enrolment into the licence-free environment under the US legal system. Please advise your US counter parts to reach out to the relevant US Government agencies.

Question: Is all the information we send to DEC in relation to applications and permits kept confidential and secure?

Response: Yes. The information collection notice before every application states: *"The business and financial information you provide in your application will be treated as confidential. This information may be used to administer export controls, counter proliferation and control arms. We will not disclose this information to third parties for any other purpose, unless you have provided your consent or we are otherwise authorised to do so by law."*

Question: What do we do if we have read the relevant policies and reviewed the DSGL and are still unsure if we require a permit?

Response: If you are unsure whether you require a permit for your activity after reviewing the relevant legislation and existing DEC guidance, DEC recommends seeking formal advice. Most commonly, this is in the form of an application for a permit or an Export Controls Assessment. Once DEC has assessed your application, you will be advised whether or not your goods or technology are controlled, and if necessary, issued an outcome on whether or not the permit application is approved or required.

If you are unsure about how to interpret your obligations under the legislation, we recommend seeking independent legal advice.

Question: We have been approached by US suppliers in regards to their AUKUS application. Can DEC assist?

Response: DEC cannot provide advice on enrolment into the licence-free environment under the US legal system. Please advise your US counter parts to reach out to the relevant US Government agencies.

Question: How long will TPRs and TAAs take now that the US government is in shut down? Also - how long will the AUKUS Authorised User application take for the US government to approve/endorse please?

Response: DEC is the Commonwealth regulator for the responsible movement of Defence-related goods, technology and services both within and outside Australia. We cannot provide guidance on US export controls laws or US government processes (including processing timeframes).

AUKUS Authorised User enrolments are unaffected by the US shutdown as this membership type only relates to exemptions under Australian export control laws.

Australian Authorized User enrolments (which relate to the US ITAR exemption) are being impacted by the shutdown. Ordinarily, enrolment as an Australian Authorized User can take up to 60 business days. Applicants can expect their enrolment to be delayed by the amount of time it takes for the shutdown to be resolved.

Question: If there is organisational change in our company and the export permit contact details need to be changed, what is the process for this?

Response: Please contact Defence Export Controls directly to update contact details.

Question: If we have AUSGELs that have UK and USA why register for the licence free environment?

Response: Enrolment into the AUKUS licence-free environment is optional. Each entity may make a decision on whether or not to enrol based on their organisational or business needs.

Please note that AUSGELs are currently undergoing a policy review, which is leading to significantly extended application processing times.

Question: What classification level of information can be put into MADE AI?

Response: Up to official.

Question: Is the AI system isolated from MADE records?

Response: Yes.

Question: Are we able to rely on the information provided by the AI tool and will the questions and responses be stored if we need to reference these in future?

Response: No. The Department of Defence has taken due care in creating this generative AI resource, but does not guarantee the accuracy, currency or completeness of any answers and information it provides, and will not accept legal liability or responsibility for any loss caused by reliance on it. The information provided by this AI resource is not legal advice, nor intended to be legal advice. It is your responsibility to understand your legal obligations and comply with Australia's export control laws. Your particular circumstances must be taken into account when determining how the law applies to you. The information provided by this AI resource is therefore not a substitute for obtaining your own independent legal advice.

Additionally, no questions or responses are stored.

Question: Who is liable if we rely on this information and it hallucinates an incorrect answer?

Response: See previous response.

Question: Will MADE AI report my questions to DEC for review if I am asking questions about a possible or hypothetical violation?

Response: No questions or responses are stored by MADE AI and therefore no reports will be made to DEC.

Question: Are you able to enhance the ECA process with a simple tick box that covers cryptography?

Response: DEC undertakes this process via the steps taken during the assessments procedures. We will, of course, consider all avenues to seek improvement to our ICT system and processes in the future.

Question: Has the MADE Portal backend issues with data sharing restrictions, and the protection of the uploaded data via cryptography been referred for a solution to the portal IT team?

Response: There is not now, nor has there ever been, an issue with MADE regarding data protection or cryptography.

Question: Does the system run RAG (Retrieval-Augmented Generation)?

Response: Yes.

Question: Is there any indication of when the review of the amendment policy will be completed?

Response: There is currently no review of the amendment policy. We take a case by case approach to permit applications and amendment requests.