



## Breached Export Controls?

### You should make a Voluntary Disclosure to Defence Export Controls

A Voluntary Disclosure Report is a notification used to report on actual or suspected breaches of Australia's export control laws to Defence Export Controls. Defence Export Controls actively encourages the submission of a Voluntary Disclosure Report from any one that suspects that Australia's export control requirements have not been met.

**Defence Export Controls aims to work with entities and individuals to identify the cause of the breach (if one occurs) and assist with the implementation of measures to prevent future occurrences.**

**Voluntary Disclosures** are viewed as a mitigating factor in determining DEC's regulatory response if the regulated entity initiates the notification of a possible breach.

### Benefits of a Voluntary Disclosure



**Support** – Voluntary disclosure may lead to administrative corrective actions focused on support.

**Commitment to legal requirements** – Disclosing a breach voluntarily shows a level of commitment and being well versed in assessing export control issues when they arise.

**Improved compliance processes and procedures** – Through the process of voluntary disclosures, entities can identify their own vulnerabilities in their compliance systems and can take the necessary corrective actions.

**Enhanced reputation and credibility** – Voluntary disclosures can enhance an organisation's reputation as a responsible and ethical entity, potentially leading to better business opportunities and relationships.

**Minimised legal and financial risks** – By addressing breaches promptly and voluntarily, organisations can advise more severe legal and financial repercussions that might arise from deliberate non-disclosure or further regulatory investigations.

**Support and guidance** – Entities that disclose breaches voluntarily will receive confidential guidance and support to enhance their own internal compliance systems.

### Things to Consider in a Voluntary Disclosure



- the nature of the breach including a description of the suspected breach and their underlying cause
- whether there has been any contact from a federal law enforcement agency
- description of when and how this breach was identified
- complete identities and address of all individuals and entities involved (eg. consignee and end-user details)
- details of the goods, services and/or technology involved and their destination
- details of the current compliance procedures in place
- description of mitigating factors and corrective actions taken such as an explanation of remedial compliance measures undertaken if any
- any disciplinary measures taken on employees involved in the breach
- additional documentation (eg. cargo manifest, broker details, invoices, proof of sale, proof of export, procedures implemented, training details)

### Contact us

- [defence.gov.au/business-industry/export-controls](https://defence.gov.au/business-industry/export-controls)
- [exportcontrols@defence.gov.au](mailto:exportcontrols@defence.gov.au)
- 1800 DEFENCE

