Defence Export Controls: MADE Portal – How to set yourself up for permit success - Webinar– Responses to Questions

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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: When will the direct login user changes occur?

Response: On 10th September 2026.

Question: How does DEC ensure that complex MADE applications are assessed as a complete package across the portal fields, application narrative and attachments, and that assessment teams coordinate internally before issuing RFIs or decisions? What formal escalation, case-owner and assessor–applicant discussion pathway exists for resolving matters before an application is closed or a decision is finalised?

Response: DEC assesses applications using information provided across all application fields, narrative responses and supporting documentation. Applicants are encouraged to provide as much relevant information as possible to support informed decision-making. Each application is assessed on its individual merits against the relevant legislative criteria.

Applications are triaged upon receipt, and the need for a RFI is determined based on the information submitted. Where additional information is required, the assessor will contact the applicant directly. Further RFIs may be issued as the application progresses through different stages of the assessment process.

All assessments are subject to peer review before being presented to the delegate for decision, to help ensure consistent and accurate outcomes.

Applicants may contact DEC through the export.controls mailbox to raise concerns or seek clarification. However, assessment requirements and final decisions are determined by DEC (or the Minister for Defence, where relevant), in accordance with the relevant legislation and based on the information available during the assessment process.

Question: For variations to legacy (pre-MADE Portal) licences that are not recorded in the MADE Portal, should applicants submit a new licence application incorporating the updated details (e.g. amended consignees), or is there a separate process for varying existing legacy licences?

Response: Yes, both options are available, if there is existing licences, not recorded on MADE Portal, they may be amended, provided the amendments meets the DEC amendment policy. If the amendment is outside the policy, new application for a licence would be required.

Question: Has DEC made any progress on updating applications to allow for special characters?

Response: Special characters are not permitted in the Dynamics 365 version used by Defence. The validation exists at the MADE Portal level to ensure your application is successfully submitted into our system for processing.

Question: Has DEC considered increasing the number of characters allowed in item description fields if this is one of the most common RFIs?

Response: There is no plan to increase the limit, as the line item description entered in the portal appears on the issued permit. If there is extra information you wish to supply this can be done in the further information field on the MADE portal.

Question: If my product is using US EAR License ENC and I export a product from Australia with that US license exception, is the product considered not controlled under Australian DSGL?

Response: A product that may be eligible for a US EAR License Exception ENC under US export controls law is not automatically considered uncontrolled under the Australian Defence and Strategic Goods List (DSGL) when exported from Australia. The DSGL is a legislative instrument made under Australian law that specifies goods, software, and technologies subject to the Australian export controls legislative framework, regardless of their status under US export controls.

Australian export controls requires a person to hold a permit in order to export DSGL-listed items, unless an exemption or exception applies under Australian law. The US EAR License Exception ENC under US law does not exempt an item from Australian export control legal requirements. Exporters must check the DSGL to ascertain if the product is controlled and comply with any applicable Australian permitting requirements - if no exemptions apply, such as those under the AUKUS licence-free environment or other legislative exemptions under Australian export controls law.

In summary, US export control exceptions do not override or interact with Australian export controls requirements. Compliance with Australian export control legislation, including the DSGL, Customs (Prohibited Exports) Regulations 1958, and the *Defence Trade Controls Act 2012* is necessary when exporting or supplying DSGL goods or technology from Australia.

Question: If I export a product that is controlled under the Australian DSGL to a few customers this month, and I will send again after a few months to different customers, do I need to apply for a permit every time I will export to a different customer?

Response: A permit is generally required to export items controlled under the Defence and Strategic Goods List (DSGL), unless an exemption or exception applies.

Permits are assessed based on the specific details of the proposed export, including the items, end users, consignees and destinations.

A single permit may, in some circumstances, cover multiple shipments and may also cover multiple customers, end users or destinations. Whether a particular export is covered will depend on the scope and conditions of the permit.

If you intend to export a controlled DSGL item to customers, end users or destinations that are not covered by an existing permit, you may need to apply for a new permit before the export occurs.

Permit applications should include sufficient detail about the items being exported and the intended end users and destinations to enable assessment. This approach helps ensure compliance with the Customs Act 1901 and the Customs (Prohibited Exports) Regulations 1958.

If you are unsure whether a planned export is covered by an existing permit, you should seek advice before exporting.

Question: Is Technology Transfer the correct application type when sending a technology to a foreign company to manufacture a new product?

Response: This depends on the whether if you are supplying DSGL technology within Australia to a foreign person or supplying it from Australia to a person located outside Australia.

Where supplying Defence and Strategic Goods List (DSGL) technology to a non-exempt foreign person within Australia for the purposes of manufacturing a new product, the correct application type is typically a **'Technology Transfer'** permit in relation to a section 10A supply under the Defence Trade Controls Act, This applies if the supply is made to a non-exempt foreign person located within Australia.

There are exceptions to permit requirements for s 10A supplies such as the 'build-to-print' exception, which allows supplying only the technology reasonably necessary for component production and without enabling the overall design or production method of the DSGL goods to be determined. Additionally, if the DSGL technology is being supplied to a foreign person (located in Australia) from a country on the Foreign Country List (FCL), and the technology is not on the Excluded Technology List (ETL) or an Australian Military Sales Program (AMSP) item, a permit may not be required.

Applications for this type of supply are submitted via the MADE Portal by selecting the 10A application type for supplying DSGL technology within Australia. This ensures compliance with export control laws when transferring technology to foreign persons domestically.

Question: Can applications for individuals from outside of the Foreign Country List (e.g. Mexico or China) be made for that individual work on projects containing DSGL items?

Response: Yes, applications can be submitted for the supply of DSGL technology to individuals (located in Australia) who are not from a country on the Foreign Country List. This is achieved with the

MADE portal, and choosing ‘Onshore supply’ from the drop-down menu. Note that a project that merely uses DSGL items may not necessarily be engaging in the “supply” of “DSGL technology” to a foreign person - it would depend on if technology about how to develop/produce/use that DSGL item was being supplied to a foreign person. ‘Use’ refers to activities like operation, repair, maintenance etc, and does not apply to information that is already in the public domain. If a proposed supply of DSGL technology to a foreign person (located in Australia) meets the criteria of a section 10A supply and no exemptions apply, a permit application must be lodged via the MADE portal. These applications will typically be made by the employer or company (as the supplier of the DSGL technology) engaged with the individuals.

Question: Will MADE be updated to enable Section 10A applications which are wider than 5EYES?

Response: The policy is under review, with a view to include in a future release.

Question: If a DSGL / Activity Assessment results in the 'non-binding' advice that an export permit is not required: can this be relied on by exporters that they can carry on their exporting activity without further interaction with DEC as long as the service/product does not change? If so, is there a time limit to this i.e. another assessment should be submitted each year?

Response: The outcome of a DSGL/Activity assessment, an Export Control Assessment (ECA), may be relied upon for a determination that the specific goods, software or technology is not controlled on the DSGL for up 12 months from the date of issue. It is recommended that if there is any change that may impact the DSGL classification of the goods, software or technology, a new DGSL/Activity assessment should be requested.

*It should be noted that ECAs are not formal decisions made under under section 112BA of the *Customs Act 1901* (Military-End Use provision) or the *Weapons of Mass Destructions (Prevention of Proliferation) Act 1995*.

If at any time, a person that has been provided an ECA has reason to believe their goods, software or technology, will or may be used for a military end-use (other than the end-use and end-user described in your application), they should advise DEC immediately. This includes concerns related to Weapons of Mass Destruction (WMD) programs, as export controls also address risks associated with proliferation of WMD.

Question: Does DEC conduct denied party screening?

Response: DEC assesses all parties involved in a proposed activity as part of its assessment process.

Question: Does DEC validate entity names on the applications as correct against entity registries?

Response: DEC uses the information provided by applicants at the time of submission and conducts assessments against relevant registries. Applicants are advised to provide information that is as accurate as possible at the time of submission.

Question: A customer wants to buy 5 systems this year, but has an option to buy 4 more the year after at the same price. Should the permit application be for 5 or 9 systems? And what if the contract varies and they want to buy 30 in year 3, is that a whole new application?

Response: DEC recommends that applicants provide the most accurate possible figures when providing the number of units being sent under a single permit. Increased numbers of units being exported will generally mean there is a greater risk that must be assessed before a permit decision is made, and this greater risk may require additional supporting evidence, including contracts, invoices or bills of sale.

Question: What is the process to validate the correct DCRN if the company that we're adding to an application no longer has that information (people leaving and not giving a handover etc)?

Response: It is recommended that if DCRN details are required to first contact the entity for the DCRN, and in the event that they are not able to assist, have that DCRN entity contact Defence Export Controls for assistance and recovery of their information.

Question: Will there be a move to allow multiple access to an application in the MADE portal?

Response: Super Users can see all submitted applications in the MADE portal, regardless of who has submitted the application. If the application is in Draft a new application will be required.

Question: Is the In-Principle Assessment (IPA) process much quicker than a permit application?

Response: No. The assessment process for an IPA is the same as that for a formal permit application. To accurately determine whether or not a permit is likely to be granted for a proposed activity at a certain point in time, a full robust assessment must be completed.

However, if an IPA has recently been completed, it may assist DEC in streamlining the assessment of a subsequent formal permit application, as much of the relevant information and assessment considerations may already have been reviewed. A recent IPA may help reduce assessment time where the permit application is substantially consistent with the activity considered in the IPA.

Question: Is there a minimum length or mass of carbon fibre that can be applied for which a permit is not required?

Response: The requirement for a permit depends on the control status and applicable DSGL code of the carbon fibre material. In general:

- Any length or mass of DSGL-controlled carbon fibre material may require a permit
- Mass is not used as a relevant control threshold or exemption for carbon fibre materials

However, certain DSGL codes do have applicable decontrols (presented as *Notes)* related to length, area or width of the material. For example, refer to 1A002 and 1C010.

Question: Does the 'value' of an export get shared with Customs and any 'commercial invoice' that gets attached? Physical research samples may not be considered as being terribly valuable.

Response: Application information collected by Defence Export Controls may be disclosed to other government agencies as required for official purposes. All disclosures occur in accordance with the *Privacy Act 1988* and other applicable legal requirements.

Question: Does an end-user need to be described with a physical location, or is a postal address OK? What if the postal address is different from the physical location (as is the case for a University location)?

Response: The end-user should be identified using the physical address where the controlled goods, technology or software will be received, used, stored or accessed. A PO Box is not acceptable, as it does not identify the actual end-user destination.

If the organisation's postal address differs from the physical location, such as in the case of a university, applicants should provide the physical address of the relevant campus, laboratory, department or facility where the export will be used. The postal address may be included as supplementary information if relevant, but it should not be provided in place of the end-user's physical location.

More information:

Subscribe to the DEC Bulletin by emailing dec.outreach@defence.gov.au

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* Certain questions have been edited for length and clarity.