

~~SECRET~~



Australian Government
Department of Foreign Affairs and Trade

22 September 2016

Ms Tina Mathewson
Defence Export Controls
Department of Defence
Russell Offices
CANBERRA ACT 2600

Dear Tina

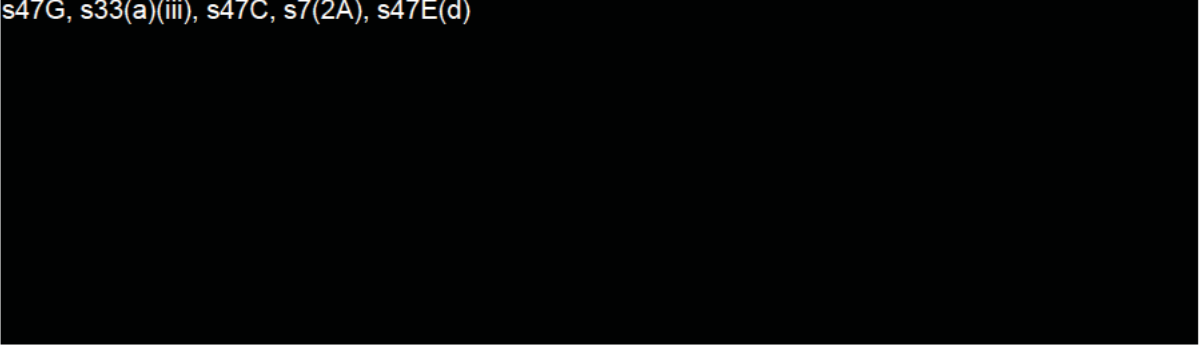
s47G, s33(a)(iii), s47C, s7(2A), s47E(d)

A large, solid black rectangular box covers the majority of the page content below the salutation, indicating that the information has been redacted for release under the Freedom of Information Act.

~~SECRET~~

~~SECRET~~

s47G, s33(a)(iii), s47C, s7(2A), s47E(d)



Yours sincerely

s22




Jane Hardy
Assistant Secretary
Arms Control and Counter-Proliferation Branch

~~SECRET~~

Capel, Sophie Ms

s47G, s33(a)(iii), s47E(d)



From: Andrews, David MR 2 [<mailto:david.andrews2@defence.gov.au>]

Sent: Wednesday, 13 September 2017 11:37 AM

s22

Subject: Update on DEC cases [SEC=SECRET]

Hi s22

As I flagged in my voicemail, I'm just following up about a couple of cases that have been referred to DFAT:

- s47G, s33(a)(iii)
 - Referred by Annette on 31 Aug, requesting a response by 7 Sep.
 - Per your request of 1 Sep, Faith sent s7(2A) to the nominated DFAT addressees on 5 Sep.
- s22

If there's anything you can tell me about how these requests are progressing, it'd be appreciated.

Thanks for all your help,

David Andrews

Risk Assessor

Defence Export Assessments & Australia Group | Defence Export Controls

Strategic Policy Division | Department of Defence


R1-1-A126 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3133 | M s22

For general enquiries and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

Capel, Sophie Ms

s47G, s33(a)(iii), s47E(d), s47C



From: Andrews, David MR 2 [mailto:david.andrews2@defence.gov.au]

Sent: Thursday, 12 October 2017 5:48 PM

To: s22

Cc: s22


Chifley, Damien [Defence] <damien.chifley@defence.gov.au>; Maclachlan, Michelle MRS 2 <michelle.maclachlan2@defence.gov.au>; Fenotti, Mark [Defence] <mark.fenotti@defence.gov.au>; Labudovic, Andelka [Defence] <andelka.labudovic@defence.gov.au>; Smith, Annette [Defence] <annette.smith1@defence.gov.au>

Subject: RE: referral s47G [SEC=SECRET] [SEC=SECRET, CAVEAT=RI-AUSTEO]

Hi s22

Thanks for your response.

s33(a)(iii)



s33(a)(iii), s47C, s47E(d)

Regards,

David Andrews

Risk Assessor

Defence Export Assessments & Australia Group | Defence Export Controls

Strategic Policy Division | Department of Defence

R1-1-A126 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3133 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

From: s22

Sent: Tuesday, 10 October 2017 5:34 PM

To: Smith, Annette MS 1

Cc: Maclachlan, Michelle MRS 2; Fenotti, Mark MR; Chifley, Damien MR; s22); Andrews, David MR 2

Subject: RE: referral s47G, s33(a)(iii) [SEC=SECRET] [SEC=SECRET, CAVEAT=RI:AUSTEO]

s47G, s33(a)(iii), s47E(d), s47C

s22 [redacted]

From: Smith, Annette MS 1 [<mailto:annette.smith1@defence.gov.au>]
Sent: Thursday, 31 August 2017 1:14 PM
To: s22 [redacted]
Cc: Maclachlan, Michelle MRS 2 <michelle.maclachlan2@defence.gov.au>; Fenotti, Mark [Defence] <mark.fenotti@defence.gov.au>; Chifley, Damien [Defence] <damien.chifley@defence.gov.au>
Subject: referral s47G, s33(a)(iii) [redacted] ~~[SEC=SECRET]~~

Good Afternoon

Defence Export Controls is assessing an application from s47G, s33(a)(iii) [redacted] We would value DFAT's consideration.

s33(a)(iii) [redacted]

[redacted]

- I [redacted]
- I [redacted]
- I [redacted]
- I [redacted]
 - I [redacted]
- I [redacted]
 - I [redacted]
- I [redacted]

Noting the above, s7(2A) [redacted] DEC would value DFAT's consideration of this export by COB 7 September 2017, s33(a)(iii), s47E(d) [redacted] s47G [redacted]

s33(a)(iii) [redacted]

Very happy to discuss.

Regards

Annette Smith

Risk Assessor
Defence Export Controls
1800 661066
02 62651135
R1-1-A026

Capel, Sophie Ms

From: Chifley, Damien MR
Sent: Tuesday, 7 November 2017 3:01 PM
To: Kiploks, Jimmy Mr
Cc: Maclachlan, Michelle Mrs 2; Andrews, David Mr 2
Subject: RE: Urgent Export Consideration ~~[SEC=SECRET, CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA]~~

Hi Jimmy,

s47E(d)

Thanks
 For the reply.

Damien

Damien Chifley
 A/Assistant Secretary Defence Export Controls
 Department of Defence

 R1-1-A108
 Russell Offices
 Russell ACT 2600
 Phone: 02 626 56422
 Mobile: s22

From: Kiploks, Jimmy MR
Sent: Tuesday, 7 November 2017 1:55 PM
To: Chifley, Damien MR
Cc: Maclachlan, Michelle MRS 2; Andrews, David MR 2
Subject: RE: Urgent Export Consideration ~~[SEC=SECRET, CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA]~~

Hi Damien

s47E(d)

Thanks
 Jimmy

From: Chifley, Damien MR
Sent: Thursday, 2 November 2017 3:50 PM
To: Kiploks, Jimmy MR
Cc: Maclachlan, Michelle MRS 2; Andrews, David MR 2
Subject: Urgent Export Consideration ~~[SEC=SECRET, CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA]~~

Hi Jimmy,

s47E(d)

s47G, s33(a)(iii)

Due to the complexities regarding this export, and some unforeseen delays during the consultation process, this case has taken longer than normal to assess.

s47G

In developing this assessment, DEC has considered open source and classified reporting, and consulted with other government agencies.

s7(2A), s33(a)(iii)

s7(2A), s33(a)(iii)

s33(a)(iii), s47E(d), s47C

s33(a)(iii)

s47G

s33(a)(iii)

The export does not raise concerns against the other policy criteria.

Pending noting, DEC intends on approving this temporary export of goods for demonstration purposes.

Happy to discuss.

Damien

Damien Chifley
A/Assistant Secretary Defence Export Controls
Department of Defence

R1-1-A108
Russell Offices
Russell ACT 2600
Phone: 02 626 56422
Mobile: s22

Capel, Sophie Ms

From: Kiploks, Jimmy Mr
Sent: Wednesday, 11 April 2018 9:35 AM
To: Mathewson, Tina Ms
Cc: Hosking, Steve Mr; Andrews, David Mr 2; Corby, Jayde Miss
Subject: RE: Urgent export considerations [~~SEC-SECRET, CAVEAT-RI:AUSTEO~~]

s47E(d)

Thanks
 Jimmy

From: Mathewson, Tina Ms
Sent: Tuesday, 10 April 2018 5:17 PM
To: Kiploks, Jimmy Mr
Cc: Hosking, Steve Mr; Andrews, David Mr 2; Corby, Jayde Miss
Subject: Urgent export considerations [~~SEC-SECRET, CAVEAT-RI:AUSTEO~~]

Hi Jimmy

As discussed yesterday, I am seeking your consideration of two urgent export applications.

1. The HQ Combined Arms Training Centre, on behalf of the UAE Armed Forces Shooting Team, is seeking a permit to export a range of small arms and personal protective equipment back to the UAE after use at the upcoming Australian Army Skill-at-Arms Meeting (AASAM), to be held 17 Apr-10 May 18.

s47E(d), s33(a)(iii)

The UAE Armed Forces Shooting Team were issued a permit for substantially similar goods in 2017 with relation to that iteration of the AASAM.

s47E(d)

As the goods are of a less-sensitive nature, and they are already owned by the UAE Armed Forces, DEC has not sought the input of other Defence or whole-of-government stakeholders.

Pending noting, DEC intends to approve this permit that will enable the return of the goods to the UAE.

2. s47G, s33(a)(iii)

s47G, s33(a)(iii)

[REDACTED]

s47E(d), s33(a)(iii)

[REDACTED]

s47E(d)

DEC has not sought further input from Defence or whole-of-government stakeholders.

s47E(d), s33(a)(iii)

[REDACTED]

Pending noting, DEC intends to approve this export of s47G

[REDACTED]

Happy to discuss further if required.

Cheers

Tina

Tina Mathewson
Assistant Secretary
Defence Export Controls

02 6265 6422

~~SECRET - AUSTEO~~**Australian Government****Department of Foreign Affairs and Trade**

21 May 2018

Ms Tina Mathewson
Assistant Secretary
Defence Export Controls
Department of Defence
CANBERRA ACT 2600

Tina
Dear Ms Mathewson

s47G, s33(a)(iii), s47C, s47E(d)

s22


R G Casey Building John McEwen Cres Barton 0221
Telephone:02 6261 1111 Facsimile:02 6261 3111

~~SECRET - AUSTEO~~


s22



s47G, s33(a)(iii), s47C, s47E(d)



s47G, s33(a)(iii), s47C, s47E(d)



Yours sincerely

s22



Rob McKinnon
Assistant Secretary
National Security Strategy, Cyber and Intelligence Branch
International Security Division



Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS18-900733

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: CDF, Associate Secretary, FASIP, s7(2), FASMECC

Proposed Export of s47G, s33(a)(iii)

Critical Date: 8 June 2018

Reason: s47G

Recommendations:

1. That you note that on 19 July 2017, Defence advised your office of the Department's intent to approve a permit for s47G, s33(a)(iii) [REDACTED] Noted / Please discuss
2. That you note that prior to the permit's expiry, s47G [REDACTED] Noted / Please discuss
3. s47G [REDACTED] Noted / Please discuss
4. That you note that due to the time lapse since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. Noted / Please discuss
5. s7(2A) [REDACTED] Noted / Please discuss
6. s47C, s33(a)(iii) [REDACTED] Noted / Please discuss
7. That you note that Defence will seek to mitigate risks s33(a)(iii) [REDACTED] Noted / Please discuss
8. That you note Defence intends to finalise this application. Noted / Please discuss

Minister for Defence..... Date / /

Proposed Export:

1. s47G, s33(a)(iii) [REDACTED]

2. s47G, s33(a)(iii) [REDACTED]
3. s47G, s33(a)(iii) [REDACTED]
4. s47G, s33(a)(iii) [REDACTED]
5. s47G, s33(a)(iii) [REDACTED]
6. s33(a)(iii) [REDACTED]
7. s47G, s33(a)(iii) [REDACTED]
8. Defence previously advised your office on 19 July 2017 that the risks surrounding this intended export were low (Attachment A). Noting the time lapse since Defence's original assessment in mid-2017, Defence undertook a re-assessment of the application as a due diligence measure including seeking advice from s7(2A) [REDACTED] (Attachment C), the Department of Foreign Affairs and Trade (DFAT) (Attachment D) and International Policy Division (Attachment E).

Key Considerations

9. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an "overriding risk" that the exported items could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law, as applicable.

| 10. s7(2A) [REDACTED]

| 11. s7(2A) [REDACTED], DFAT noted [when?] s33(a)(iii) [REDACTED] s7(2A) [REDACTED] (Attachment D).

| 12. International Policy Division confirmed [when?] that the proposed export would not have a detrimental impact on s33(a)(iii) [REDACTED] (Attachment E).

Comment [IW1]: Please could we see this?

Formatted: List Paragraph, No bul or numbering

12.13. s33(a)(iii) [REDACTED]

s33(a)(iii) [REDACTED]

| 14.15. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

| 15,16. s47E(d)

| 16,17. s47G, s33(a)(iii)

Next Steps:

| 17,18. s33(a)(iii)

| 18,19. s33(a)(iii)

. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
June 2018

Contact officer: Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

s33(a)(iii)

s33(a)(iii)

s33(a)(iii)

Comment [HSM2]: Not from a Defe
perspective. Perhaps clarify who leads t
s33(a)(iii)

s33(a)(iii)

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

- A – Email s47G
- B – MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018
- C – s7(2A)
- D – DFAT advice provided 18 May 2018
- E – International Policy Division advice provided 6 April 2018

Related Briefs:

MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A) [redacted], International Policy Division ([Stephen Moore](#), [Linda McCann](#), Acting First Assistant Secretary, [Global Interests](#), International Policy Division).

~~SECRET~~



Australian Government
Department of Foreign Affairs and Trade

14 July 2016

Ms Tina Mathewson
Defence Export Controls
Department of Defence
Russell Offices
CANBERRA ACT 2600

Dear Tina

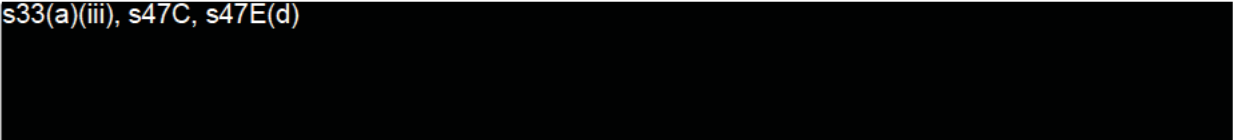
s47G, s33(a)(iii), s47C, s47E(d)

A large black rectangular redaction box covering the majority of the page content below the salutation.

~~SECRET~~

~~SECRET~~

s33(a)(iii), s47C, s47E(d)



Yours sincerely

s22



Jane Hardy
Assistant Secretary
Arms Control and Counter-Proliferation Branch

~~SECRET~~

s22

From:

s22

Sent:

Thursday, 14 July 2016 4:00 PM

To:

s22

Cc:

Subject:

RE: Export for demonstration purposes ~~[SEC-SECRET]~~

Dear s22

s47C, s47E(d)

Best regards,

s22

Assistant Director | International Law Section

~~SECRET~~



Australian Government
Department of Foreign Affairs and Trade

27 October 2016

Ms Tina Mathewson
Defence Export Controls
Department of Defence
Russell Offices
CANBERRA ACT 2600

Dear Ms Mathewson

s47G, s33(a)(iii), s47C, s47E(d)

A large, solid black rectangular box covers the majority of the page content below the salutation, indicating that the information has been redacted under specific FOI exemptions.

~~SECRET~~

~~SECRET~~


s7(2A)



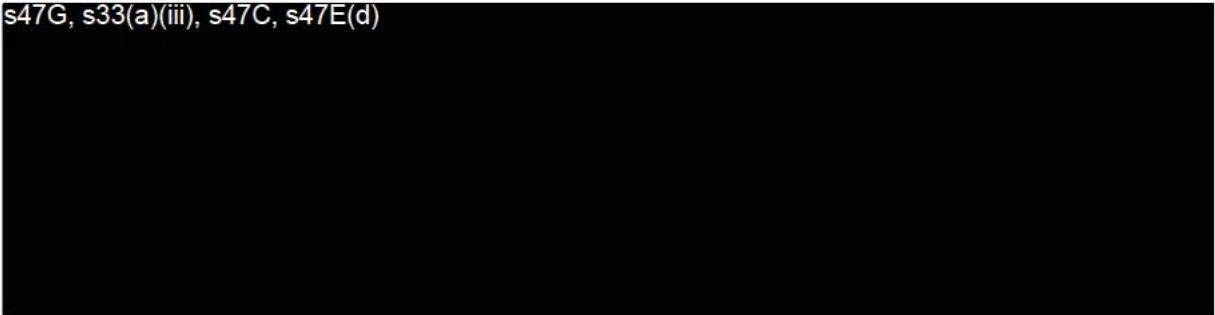
s47G, s33(a)(iii)



s7(2A)



s47G, s33(a)(iii), s47C, s47E(d)



Yours sincerely

s22



Dr Chris Chung
A/g Assistant Secretary
Strategic Issues and Intelligence Branch

~~SECRET~~

Capel, Sophie Ms

From: Chifley, Damien MR
Sent: Wednesday, 23 August 2017 2:09 PM
To: Perkins, Rebecca MS 2
Subject: FW: Urgent export case [~~SEC=SECRET~~]

Damien Chifley
 Director
 Defence Export Assessments and Regimes
 Department of Defence

R1-1-A037
 Russell Offices
 Russell ACT 2600
 Phone: 02 626 51122
 Mobile: s22

From: Kiploks, Jimmy MR
Sent: Wednesday, 23 August 2017 9:36 AM
To: Mathewson, Tina MS
Cc: Chifley, Damien MR; SP&I Group Coord; Higgins, Samantha MS
Subject: RE: Urgent export case [~~SEC=SECRET~~]

s47E(d)

Thanks
 Jimmy

From: Mathewson, Tina MS
Sent: Tuesday, 22 August 2017 12:55 PM
To: Kiploks, Jimmy MR
Cc: Chifley, Damien MR; SP&I Group Coord; Higgins, Samantha MS
Subject: Urgent export case [~~SEC=SECRET~~]

Hi Jimmy

s47E(d)

s47G

DEC supports the proposed export after assessing it against the five export policy criteria (international obligations, human rights, foreign policy, national security and regional security). The s33(a)(iii) and no concerns against the other criteria:

- s47G, s33(a)(iii)
- s47G

○ s47G, s33(a)(iii)

- We have consulted with other areas of Defence and DFAT as part of our assessment of the previous export of these same goods to s47G :

○ s7(2A)

○ International Policy Division were supportive of this export.

○ s47E(d), s47C

Please advise whether you have any objections to us proceeding to approve this export.

Happy to discuss.

Tina

Tina Mathewson
Assistant Secretary
Defence Export Controls

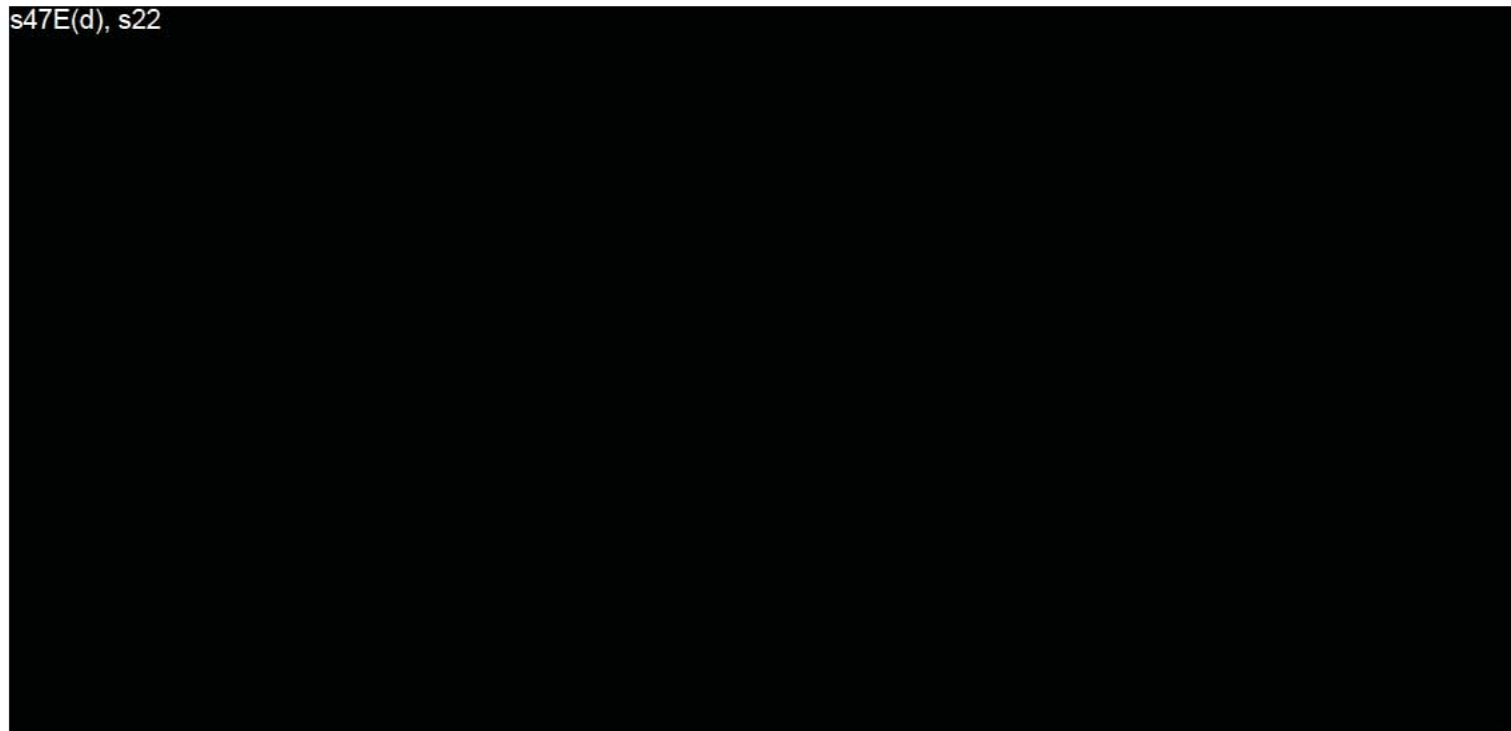
02 6265 6422

Spence, Stuart Mr

From: s22
 Sent: Monday, 4 June 2018 3:33 PM
 To: Capel, Sophie Ms
 Cc: s22
 Nixon, Lyndal J
 Subject: RE: s47E(d) - DFAT advice re: export of s47G, s33(a)(iii)
~~[SEC=SECRET]~~
 Attachments: MS18-900733.docx

~~SECRET~~

s47E(d), s22



From: Capel, Sophie Ms [<mailto:sophie.capel@defence.gov.au>]

Sent: Monday, 4 June 2018 3:08 PM

To: s22


Cc: s22

s22

Subject: RE: s47E(d) - DFAT advice re: export of s47G, s33(a)(iii) ~~[SEC=SECRET, CAVEAT-RI:AUSTEO]~~

Good afternoon s22,

As discussed with Lyndal Nixon, regarding s47G, s33(a)(iii)



DEC is seeking urgent clearance (Band 1 level or above) on the attached Ministerial Advice. Please confirm consultation details as highlighted in the advice.

Noting the urgent nature of this proposed export, greatly appreciate clearance by 1400 tomorrow 5th June.

Please do not hesitate to contact me for additional information.

Kind Regards,

Sophie Capel

Risk Assessor

Defence Export Assessments and Regimes | Defence Export Controls

Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

From: s22

Sent: Friday, 18 May 2018 10:09 AM

To: Capel, Sophie Ms


Cc: Mathewson, Tina Ms; s22 Hosking, Steve Mr; s22

Subject: s47E(d) - DFAT advice re: export of s47G, s33(a)(iii) [SEC=SECRET, CAVEAT=RI:AUSTEO]

~~SECRET RI:AUSTEO~~

Dear Sophie

s47E(d), s22



Spence, Stuart Mr

From: White, Elizabeth Ms 1
Sent: Monday, 29 January 2018 2:18 PM
To: Capel, Sophie Ms
Cc: DIP DEC DEAR; Creech, Daniel Mr; Hitchens, Stephanie Ms; Jackson, Sarah Miss 5
Subject: RE: DEC request for IP Div input - s47G, s33(a)(iii) [SEC=SECRET,
~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA]~~

Hi Sophie, my apologies for the delay in responding. Following my discussion with Damien s47E(d)

s33(a)(iii)

Regards

Liz

From: Capel, Sophie Ms
Sent: Monday, 29 January 2018 1:13 PM
To: White, Elizabeth Ms 1
Cc: DIP DEC DEAR
Subject: RE: DEC request for IP Div input - s47G, s33(a)(iii) [SEC=SECRET,
~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA]~~

Hi Liz,

I understand that you had a conversation with Damien regarding this application last week.

Are you able to provide me with IP's input via reply email?

I note that the applicant has advised that this case has become very urgent.

Regards,

Sophie Capel

Risk Assessor
 Defence Export Assessments and Regimes | Defence Export Controls
 Strategic Policy Division | Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610
 P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

From: Creech, Daniel Mr
Sent: Tuesday, 23 January 2018 10:08 AM
To: Capel, Sophie Ms
Cc: DIP DEC DEAR
Subject: RE: DEC request for IP Div input - s47G, s33(a)(iii) [SEC=SECRET,
~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA]~~

Hi Sophie,

Liz White has been working on this one and will call Damien to discuss.

Best regards,

Daniel Creech – Assistant Director Middle East, United Nations, Africa and Peacekeeping
Global Interests Branch

International Policy Division
Department of Defence
Phone: +61 2 6265 6442
Location: R1-5-C076, Russell Offices
Postal Address: PO Box 7902 Canberra BC ACT 2610
Email: daniel.creech@defence.gov.au

From: Capel, Sophie Ms
Sent: Monday, 22 January 2018 5:14 PM
To: Creech, Daniel Mr
Cc: DIP DEC DEAR
Subject: FW: DEC request for IP Div input - s47G, s33(a)(iii) [SEC=SECRET,
CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA]

Hi Daniel,

I have left you a voicemail today. I'd like to follow up the below request for IP Div Input from 12 January 2018.

Happy to discuss further if required.

Regards,

Sophie Capel

Risk Assessor
Defence Export Assessments and Regimes | Defence Export Controls
Strategic Policy Division | Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610
P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

From: Capel, Sophie MS
Sent: Friday, 12 January 2018 12:00 PM
To: IPDIV-GI MEOP
Cc: DIP DEC DEAR
Subject: DEC request for IP Div input - s47G, s33(a)(iii) [SEC=SECRET,
CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA]

Good morning,

s47G, s33(a)(iii)

s7(2A)

s7(2A)

1. **Identify the main components of the system.**
 2. **Define the scope and objectives of the study.**
 3. **Review the literature related to the topic.**
 4. **Develop a methodology for data collection and analysis.**
 5. **Collect and analyze the data.**
 6. **Draw conclusions and discuss the implications of the findings.**
 7. **Write the report and prepare for presentation.**

, or any other relevant countries that this export may have an impact on.

The applicant has advised that this cases is urgent, so we would be grateful for a response by 19 January 2018. Please let me know if you require more information.

Sophie Capel

Defence Export Assessments and Regimes | Defence Export Controls
Strategic Policy Division | Department of Defence

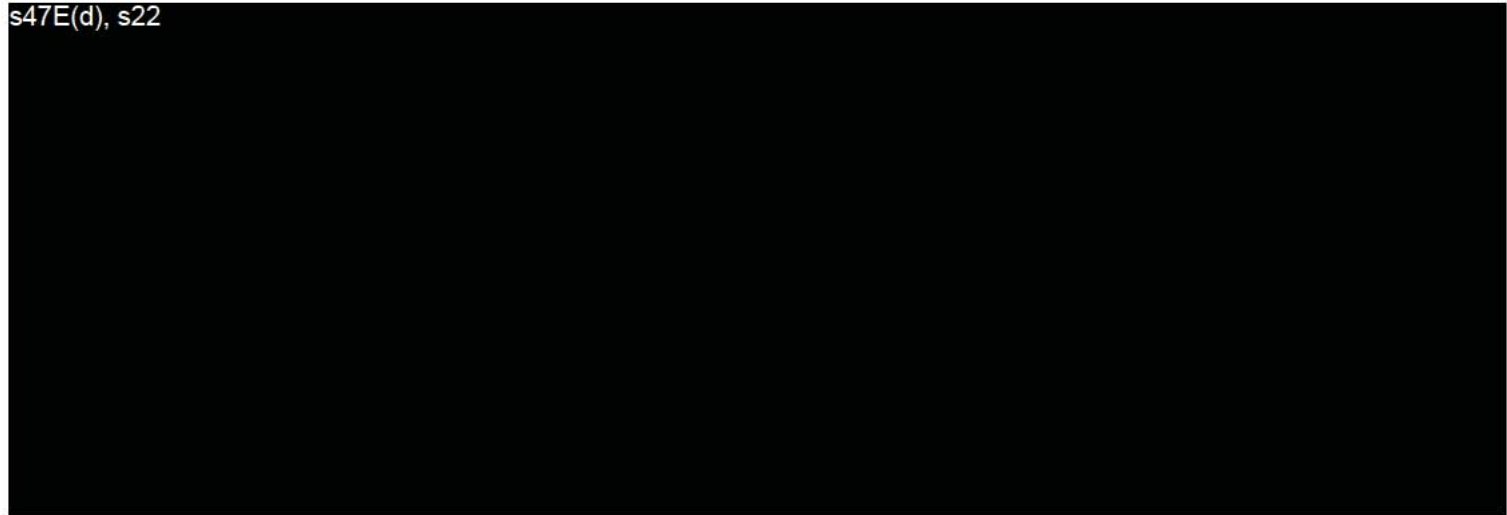
P: +61 2 6265 3536 | M: s22

Spence, Stuart Mr

From: s22
Sent: Friday, 16 June 2017 5:06 PM
To: Coates, Alex MS; s22
Cc: Chifley, Damien MR; Mathewson, Tina MS; Perkins, Rebecca MS 2
Subject: RE: DFAT advice to DEC assessments ~~[SEC=SECRET, CAVEAT=RI:AUSTEO]~~
~~[SEC=UNCLASSIFIED] [SEC=SECRET]~~

Hi Alex

s47E(d), s22



From: Coates, Alex MS [<mailto:alex.coates@defence.gov.au>]
Sent: Friday, 16 June 2017 1:25 PM
From: s22
Cc: s22; Chifley, Damien [Defence]; Mathewson, Tina [Defence]; Perkins, Rebecca MS 2
Subject: DFAT advice to DEC assessments ~~[SEC=SECRET, CAVEAT=RI:AUSTEO]~~ ~~[SEC=UNCLASSIFIED]~~

Good afternoon s22

Defence Export Controls (DEC) recently consulted with DFAT on a number of proposed exports. These exports are now part of a ministerial submission. This submission follows an earlier advice which provides information on the assessment of nine applications, for which you were consulted.

Each application has been summarised into a one-page summary, with your advice included. Please review each of the relevant cases for DFAT and confirm that DEC has suitably represented DFAT's position on this export. DEC requests that this advice is cleared at the Branch Head level.

Grateful if DFAT can respond by COB Monday 19 June. I acknowledge this is a very tight timeline, however we need to provide the minsub up to the Minister as soon as possible – the delays in approving these applications impacts the businesses of the exporters.

For your reference, please see attached:

1. MS17-900758 Attachment A – Current sensitive and complex export applications – please consult this document to cross-reference. Advice provided by DFAT has been highlighted in green.
2. Draft ministerial submission (MS17-900758) – to provide context.
3. Previous advice from DFAT.

Please contact me at any time if you have any questions or concerns about this. My contact number is 02 6265 5727 (unclassified).

Many thanks,

Alex

Alexandra Coates

Risk Assessor | Defence Export Assessments & Regimes
Defence Export Controls
Defence Industry Policy Division | Department of Defence

R1-01-A129 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 5727

For general enquires and assistance please contact DECO on 1800 66 10 66, email deco@defence.gov.au or find us on the web at www.defence.gov.au/deco

Capel, Sophie Ms

From: Maclachlan, Michelle MRS 2
Sent: Tuesday, 7 November 2017 5:45 PM
To: Fenotti, Mark MR; Perkins, Rebecca MS 2
Subject: FW: Urgent Export Consideration [~~SEC=SECRET~~,
~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA~~]

Mark, Bec,

s47G, s47E(d)

Regards,

Michelle Maclachlan
 Assistant Director
 Defence Export Assessments and Regimes
 Defence Export Controls
 Department of Defence

 R1-1-A036
 Russell Offices
 Russell ACT 2600
 Phone: 02 626 53241

From: Kiploks, Jimmy MR
Sent: Tuesday, 7 November 2017 1:55 PM
To: Chifley, Damien MR
Cc: Maclachlan, Michelle MRS 2; Andrews, David MR 2
Subject: RE: Urgent Export Consideration [~~SEC=SECRET~~, ~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA~~]

Hi Damien

s47E(d)

Thanks
 Jimmy

From: Chifley, Damien MR
Sent: Thursday, 2 November 2017 3:50 PM
To: Kiploks, Jimmy MR
Cc: Maclachlan, Michelle MRS 2; Andrews, David MR 2
Subject: Urgent Export Consideration [~~SEC=SECRET~~, ~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA~~]

Hi Jimmy,

s47E(d)

s47G

s47G

s47G, s33(a)(iii)

Due to the complexities regarding this export, and some unforeseen delays during the consultation process, this case has taken longer than normal to assess.

s47G

In developing this assessment, DEC has considered open source and classified reporting, and consulted with other government agencies.

s33(a)(iii)

As such, DEC referred this application to s7(2A) and the Department of Foreign Affairs and Trade (DFAT).

s7(2A)

s33(a)(iii), s47C, s47E(d)

s33(a)(iii)

s47G, s33(a)(iii), s47E(d)

[REDACTED]

s33(a)(iii)

[REDACTED]

. The export does not raise concerns against the other policy criteria.

Pending noting, DEC intends on approving this s47G [REDACTED].

Happy to discuss.

Damien

Damien Chifley
A/Assistant Secretary Defence Export Controls
Department of Defence

R1-1-A108
Russell Offices
Russell ACT 2600
Phone: 02 626 56422
Mobile: s22 [REDACTED]

Capel, Sophie Ms

From: Cooper, Wayne MR 5
Sent: Wednesday, 15 February 2017 7:59 AM
To: Perkins, Rebecca MS 2
Subject: FW: s47E(d), s33(a)(iii) [SEC-SECRET, CAVEAT-RI:AUSTEO]
~~[SEC-SECRET]~~
Attachments: 2016 -DEC Referral s47G, s33(a)(iii)

From: s22
Sent: Thursday, 22 September 2016 5:10 PM
To: Chifley, Damien MR
Cc: Mathewson, Tina MS; s22); Cooper, Wayne MR 5; s22 Bator, Elliott MR; s22
Subject: RE: s47E(d), s33(a)(iii) [SEC-SECRET, CAVEAT-RI:AUSTEO] [SEC-SECRET]

Hi Damien,
 s47E(d), s22

From: Chifley, Damien MR [<mailto:damien.chifley@defence.gov.au>]
Sent: Friday, 2 September 2016 4:46 PM
To: s22
Cc: Mathewson, Tina [Defence]; s22 ; Cooper, Wayne [Defence]; s22 ; Bator, Elliott [Defence]
Subject: s47E(d), s33(a)(iii) [SEC-SECRET, CAVEAT-RI:AUSTEO]

Good afternoon s22 ,


DEC has received an application from s47G, s33(a)(iii)

s7(2A)

s7(2A)

s33(a)(iii)

s33(a)(iii)




DEC requests DFAT consideration of the proposed export against Foreign Policy considerations. s7(2A)



DEC requests DFAT advice by Friday 16 September 2016 so that DEC can meet mandated timeframes for the completion of this application.

s33(a)(iii)



DEC is supportive of this proposed export pending DFAT advice.

Happy to Discuss.

Damien

Damien Chifley
Director
Military Assessments and Communication
Department of Defence

R1-1-A037
Russell Offices
Russell ACT 2600
Phone: 02 626 51122

From: [Hosking, Steve Mr](#)
To: [Malekin, Sarah Ms](#)
Subject: FW: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Date: Friday, 11 May 2018 4:36:11 PM
Attachments: [MS18-900633](#) - s47G, s33(a)(iii)
Importance: High

From: Creech, Daniel Mr
Sent: Friday, 11 May 2018 4:17 PM
To: Hosking, Steve Mr
Cc: Wood, Ian Mr 6; Hitchens, Stephanie Ms
Subject: FW: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High

Hi Steve,

A few typos in track changes, one semantic amendment and a query; otherwise cleared.

Best regards,

Daniel Creech – Assistant Director Middle East, United Nations, Africa & Peacekeeping
 Global Interests Branch

International Policy Division
 Department of Defence
 Phone: +61 2 6265 6442
 Location: R1-5-C076, Russell Offices
 Postal Address: PO Box 7902 Canberra BC ACT 2610
 Email: daniel.creech@defence.gov.au

From: Hosking, Steve Mr
Sent: Friday, 11 May 2018 4:06 PM
To: Creech, Daniel Mr
Subject: FW: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High

From: Hosking, Steve Mr
Sent: Friday, 11 May 2018 2:10 PM
To: Creech, Daniel (DFAT); Wood, Ian Mr 6
Subject: FW: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High

Dan, Ian,

As discussed, urgent IP clearance sought. Apologies for short timeframe, but this one has everyone's attention at the moment.

Cheers
 Steve

From: Malekin, Sarah Ms
Sent: Friday, 11 May 2018 12:27 PM
To: Hosking, Steve Mr
Subject: FW: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High

Sarah Malekin

Risk Assessor Defence Export Assessments & Regimes
Defence Export Controls

Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601
Phone: 6265 1080

From: Malekin, Sarah Ms
Sent: Friday, 11 May 2018 12:10 PM
To: Mckinnon, Robert Mr (DFAT)
Subject: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High

Good afternoon,

Further to your discussion with Tina, please find attached the draft Minsub for the export of [REDACTED] ^{s47G, s33}
[REDACTED] your review and clearance.

The previously approved Minsub will be forwarded in a separate email.

Please note, your urgent consideration is requested.

Kindest regards

Sarah

Sarah Malekin

Risk Assessor Defence Export Assessments & Regimes
Defence Export Controls

Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601
Phone: 6265 1080

From: s22
To: [Malekin, Sarah Ms](#)
Cc: [Huey, Sharon \(Customs\)](#)
Subject: FW: Draft Minsub for review and clearance by Sharon Huey [~~SEC-SECRET, CAVEAT-RI:AUSTEO~~]
Date: Friday, 11 May 2018 2:48:18 PM
Attachments: [MS18-900633](#) - s47G, s33(a)(iii)
Importance: High

Good Afternoon Sarah,

Thank you for giving us an opportunity to respond.

s33(a)(iii), s47C, s47E(d)



Should further correspondence occur in relation to this matter, please contact me on this email address and provide a courtesy email to my low side account s22 [redacted] e@abf.gov.au), however please note it is unlikely we can further progress this until Monday 14 May 2018.

Regards,

s22

Superintendent|

Enforcement Command National Operational Coordination|

Specialist Investigations & Coordination Branch | Enforcement Command|

Border Operations Group |Australian Border Force|



s22



s22

From: Malekin, Sarah Ms [<mailto:sarah.malekin@defence.gov.au>]

Sent: Friday, 11 May 2018 1:47 PM

To: s22

Subject: Draft Minsub for review and clearance by Sharon Huey [~~SEC=SECRET,~~
~~CAVEAT=RI:AUSTEO~~]

Importance: High

Hi s22

As per the discussion between s22 and Tina Mathewson, please find attached the MINSUB for review and clearance by Sharon Huey.

Please note, urgent consideration and response has been requested, with the response being sent back directly back to me.

Appreciate your assistance and please do not hesitate to contact me if you have any questions.

Kind regards

Sarah

Sarah Malekin

Risk Assessor Defence Export Assessments & Regimes

Defence Export Controls

Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601

Phone: 6265 1080

From: [Fenotti, Mark MR](#)
To: [Lugton, Samantha MISS](#)
Subject: FW: Export Application - s47G [SEC=SECRET, CAVEAT=RI:AUSTEO]
Date: Thursday, 20 July 2017 2:32:13 PM

Can you please file on DSN objective.

From: Varjavandi, Faz MR
Sent: Wednesday, 19 July 2017 2:29 PM
To: Chifley, Damien MR
Cc: Fenotti, Mark MR; Russell-Farnham, Sarah MS; Holmback-Piggott, Louanne MS; Hamilton, Tom MR
Subject: RE: Export Application - s47G [SEC=SECRET, CAVEAT=RI:AUSTEO]

Hi Damien,

apologies for the delay in responding.

s47E(d)

Regards, Faz

From: Chifley, Damien MR
Sent: Friday, 14 July 2017 11:39 AM
To: Varjavandi, Faz MR
Cc: Fenotti, Mark MR; Russell-Farnham, Sarah MS; Holmback-Piggott, Louanne MS; Hamilton, Tom MR
Subject: Export Application - s47G [SEC=SECRET, CAVEAT=RI:AUSTEO]

Hi Faz,

This is the third of the applications I mentioned.

s47G, s33(a)(iii)

This request has been assessed as low risk and DEC supports its approval.

s47G, s33(a)(iii)

s47G

A risk assessment has concluded that:

- s7(2A), s33(a)(iii)

-

-

- s7(2A) [REDACTED]
 - [REDACTED]
[REDACTED]
- s33(a)(iii) [REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- s33(a)(iii) [REDACTED].
- s47G, s33(a)(iii) [REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- This export is low risk in relation to the five policy criteria of international obligations, human rights, foreign policy, national security and regional security.

s22 [REDACTED]
[REDACTED]
[REDACTED]

Happy to discuss.

Damien

Damien Chifley
A/Assistant Secretary Defence Export Controls
Department of Defence

R1-1-A108
Russell Offices
Russell ACT 2600
Phone: 02 626 56422
Mobile: s22 [REDACTED]

From: [Williams, Kylie MS 5](#)
To: [Perkins, Rebecca MS 2](#)
Cc: [Fenotti, Mark MR](#); [Malekin, Sarah MS](#); [Coates, Alex MS](#); [Moore, Stephen MR 10](#); [Creech, Daniel MR](#); [Waters, Alyssa MS](#)
Subject: FW: IP DIV Consultation on DEC minsub - MS17-900758 [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Date: Friday, 21 July 2017 12:22:21 PM

Hi Rebecca

Noting that previous IPDiv comment has been considered and the additions are consistent with

s47E(d)

s33(a)(iii)

Content has been cleared by ASGI.

Regards

Kylie

Kylie Williams – A/g Director Middle East & Operational Policy
 Global Interests Branch
 International Policy Division
 Department of Defence
 Phone: +61 2 6265 2927
 Location: R1-5, Russell Offices
 Postal Address: PO Box 7902 Canberra BC 2610
 Email: kylie.williams5@defence.gov.au

From: White, Elizabeth MS 1
Sent: Thursday, 20 July 2017 9:26 AM
To: Williams, Kylie MS 5; Perkins, Rebecca MS 2
Subject: FW: IP DIV Consultation on DEC minsub - MS17-900758 [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]

Hi Rebecca, thanks for the email. I'm currently working on a separate project for IP, but Kylie Williams will be able to assist you.

Thanks

Liz

From: Perkins, Rebecca MS 2
Sent: Thursday, 20 July 2017 8:27 AM
To: White, Elizabeth MS 1
Cc: Fenotti, Mark MR; Malekin, Sarah MS; Coates, Alex MS
Subject: IP DIV Consultation on DEC minsub - MS17-900758 [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]

Hi Liz,

As you may already be aware, DEC is preparing a ministerial submission that covers a number of complex/sensitive applications. DEC recently requested that IP DIV clear relevant sections of this minsub that contained information provided by IP DIV for a number of applications.

Since IP DIV cleared the minsub it has been reviewed by FASSP and he has requested we consult separately with IP DIV on s33(a)(iii) [REDACTED], to confirm that these exports are s47E(d) [REDACTED] material. The relevant material is highlighted in track changes in the attached document.

DEC views these two applications as low risk, and routine.

The two applications are (and attached):

1. s47G, s33(a)(iii) [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
2. s47G, s33(a)(iii) [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

Grateful if IP DIV can please respond by COB today, Thursday 20 July. I acknowledge this is a very tight timeline, however we need to provide the minsub up to the Minister as soon as possible, and FASSP has requested the revised submission back on Friday this week. DEC requests that this information is cleared at the Branch Head level.

Please feel free contact me at any time if you have any questions or concerns about this. My contact number is 02 6265 6464 (unclassified).

Many thanks,

Rebecca

Rebecca Perkins

Risk Assessor – Defence Export Assessments and Regimes

Defence Export Controls

Strategic Policy Division | Department of Defence

P: +61 2 6265 6464 (unclassified) | E: rebecca.perkins2@defence.gov.au

From: [Wood, Ian Mr 6](#)
To: [Capel, Sophie Ms](#)
Cc: [McCann, Linda Ms](#); [Creech, Daniel Mr](#); [Hitchens, Stephanie Ms](#); [Martin, David Mr 38](#); [Streeter-Jones, Ashleigh Ms](#)
Subject: FW: MS18-900891 | Proposed Export of ~~s47G, s33(a)(iii)~~ |
 Clearance request ~~[SEC-SECRET, CAVEAT-RI:AUSTEO]~~
Date: Thursday, 5 July 2018 12:13:16 PM
Attachments: [IW- MS18-900891 - IP edits.docx](#)

Sophie

Thank you very much for consulting us.

With thanks also to colleagues, please find attached IPDIV comments, discussed with Linda McCann.

Best wishes

Ian

Ian Wood
 Director, Middle East, UN, Africa, Peacekeeping
 T: 02 6265 2927
 M: ~~s22~~

From: Capel, Sophie Ms
Sent: Wednesday, 4 July 2018 5:31 PM
To: Wood, Ian Mr 6
Cc: Creech, Daniel Mr; Hitchens, Stephanie Ms; MacLachlan, Michelle Mrs 2
Subject: MS18-900891 | Proposed Export of ~~s47G, s33(a)(iii)~~
~~[SEC-SECRET, CAVEAT-RI:AUSTEO]~~

Good afternoon,

Defence Export Controls (DEC) consulted with IP DIV on the in-principle export of ~~s47G, s33(a)(iii)~~ (see attached).

The export is now the subject of a ministerial submission (see attached MS18-900891). Please review the attached submission and confirm that DEC has suitably represented IP DIV's position on this in-principle export.

DEC is seeking clearance at the 1 star equivalent or above.

We would greatly appreciate clearance NLT 1200 Thursday 5 July. I acknowledge this is a tight timeline; however, we need to provide the submission up to the Minister urgently in order to notify the exporter as soon as possible of the outcome of our assessment.

Please do not hesitate to contact me if you have any questions or wish to discuss this matter further.

Kind regards,

Sophie Capel

Risk Assessor

Defence Export Assessments and Regimes | Defence Export Controls

Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

From: [Mathewson, Tina Ms](#)
To: [Creech, Daniel Mr](#)
Cc: [Moore, Stephen Mr 10](#); [Malekin, Sarah Ms](#); [Hosking, Steve Mr](#)
Subject: FW: Previous approved MINSUB for s47G, s33(a)(iii) ~~[SEC=SECRET]~~
Date: Friday, 11 May 2018 5:57:31 PM
Attachments: [DFAT comment - Draft Defence MinSub on](#) s47G, s33(a)(iii)

Hi Daniel

Here is DFAT's advice supporting the approach – please note they have advised on access to the s33(a)(iii)

Cheers

Tina

Tina Mathewson

Assistant Secretary

Defence Export Controls

02 6265 6422

From: s22
Sent: Friday, 11 May 2018 5:20 PM
To: Mathewson, Tina Ms; Malekin, Sarah Ms
Cc: Kearnan, Sheridan Dr; s22
Subject: RE: Previous approved MINSUB for export of s47G, s33(a)(iii) ~~[SEC=SECRET]~~

SECRET

Hello Tina and Sara

Thanks for the opportunity to review and comment on the draft submission.

s33(a)(iii)

s47E(d), s47C

s33(a)(iii)

Best regards

s47E(d)



From: Malekin, Sarah Ms [<mailto:sarah.malekin@defence.gov.au>]

Sent: Friday, 11 May 2018 12:16 PM

To 

Subject: Previous approved MINSUB for export of s47G, s33(a)(iii) ~~[SEC-SECRET, CAVEAT-RI:AUSTEO]~~

Good afternoon,

As promised, please find attached the previously approved Minsub (MS17-900592) for the s47G, s33(a)(iii) 

Please do not hesitate to contact me if you have any further queries.

Regards

Sarah

Sarah Malekin

Risk Assessor Defence Export Assessments & Regimes

Defence Export Controls

Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601

Phone: 6265 1080

Spence, Stuart Mr

From: Williams, Kylie MS 5
Sent: Friday, 21 July 2017 12:22 PM
To: Perkins, Rebecca MS 2
Cc: Fenotti, Mark MR; Malekin, Sarah MS; Coates, Alex MS; Moore, Stephen MR 10; Creech, Daniel MR; Waters, Alyssa MS
Subject: FW: IP DIV Consultation on DEC minsub - MS17-900758 [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]

Hi Rebecca

Noting that previous IPDiv comment has been considered and the additions are consistent with s47E(d) s33(a)(iii).

Content has been cleared by ASGI.

Regards
 Kylie

Kylie Williams – A/g Director Middle East & Operational Policy
 Global Interests Branch
 International Policy Division
 Department of Defence
 Phone: +61 2 6265 2927
 Location: R1-5, Russell Offices
 Postal Address: PO Box 7902 Canberra BC 2610
 Email: kylie.williams5@defence.gov.au

From: White, Elizabeth MS 1
Sent: Thursday, 20 July 2017 9:26 AM
To: Williams, Kylie MS 5; Perkins, Rebecca MS 2
Subject: FW: IP DIV Consultation on DEC minsub - MS17-900758 [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]

Hi Rebecca, thanks for the email. I'm currently working on a separate project for IP, but Kylie Williams will be able to assist you.

Thanks

Liz

From: Perkins, Rebecca MS 2
Sent: Thursday, 20 July 2017 8:27 AM
To: White, Elizabeth MS 1
Cc: Fenotti, Mark MR; Malekin, Sarah MS; Coates, Alex MS
Subject: IP DIV Consultation on DEC minsub - MS17-900758 [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]

Hi Liz,

As you may already be aware, DEC is preparing a ministerial submission that covers a number of complex/sensitive applications. DEC recently requested that IP DIV clear relevant sections of this minsub that contained information provided by IP DIV for a number of applications.

Since IP DIV cleared the minsub it has been reviewed by FASSP and he has requested we consult separately with IP DIV on two specific applications s33(a)(iii), to confirm that s47C, s47E(d)

s47C, [REDACTED], and agree to our interpretation of relevant s47E(d) material. The relevant material is highlighted in track changes in the attached document.

DEC views these two applications as low risk, and routine.

The two applications are (and attached):

1. s47G, s33(a)(iii) [REDACTED]

2. s47G, s33(a)(iii) [REDACTED]

Grateful if IP DIV can please respond by COB today, Thursday 20 July. I acknowledge this is a very tight timeline, however we need to provide the minsub up to the Minister as soon as possible, and FASSP has requested the revised submission back on Friday this week. DEC requests that this information is cleared at the Branch Head level.

Please feel free contact me at any time if you have any questions or concerns about this. My contact number is 02 6265 6464 (unclassified).

Many thanks,

Rebecca

Rebecca Perkins

Risk Assessor – Defence Export Assessments and Regimes

Defence Export Controls

Strategic Policy Division | Department of Defence

P: +61 2 6265 6464 (unclassified) | E: rebecca.perkins2@defence.gov.au

MINISTERIAL SUBMISSION

PDR: MS18-900891

Proposed Export of s47G, s33(a)(iii)

s47G

Noted / Please discuss

Minister for Defence..... Date / /

~~SECRET AUSTEO~~

Comment [WIM61]: See comments below

2. s47G, s33(a)(iii) [Redacted]
[Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
3. s7(2A) [Redacted]
[Redacted]
[Redacted]
[Redacted]
4. s47G [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Key Points:

6. This case requires careful consideration as in its final form, s33(a)(iii) [Redacted]
[Redacted]
7. s7(2A) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
8. s7(2A) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
9. s47E(d), s33(a)(iii) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Comment [HSM2]: Note this assessment is from **May 2017**. If still extant, suggest making it explicit that this assessment remains unchanged.

~~SECRET AUSTEO~~

9.10.

s33(a)(iii)

10.11.

As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms if we consider that despite any risk mitigation measures, there is an “overriding risk” that the exported items could be used to commit or facilitate a serious violation of IHL or international human rights law, as applicable.

11.12.

s33(a)(iii)

s47G, s33(a)(iii)

Comment [WIM63]:s47C, s47E(d)

Formatted: No bullets or numbering

~~SECRET AUSTEO~~

s47G, s33(a)(iii)

Formatted: Indent: Left: 0.63 cm,
No bullets or numbering

Comment [DLC4]: s33(a)(iii)

Comment [HSM5]: Also, we can't pre-empt the outcome of negotiations so explicitly.

Formatted: Default Paragraph Font,
Font: Times New Roman, 12 pt

~~SECRET AUSTEO~~

Next Steps:

Formatted: Normal

18.19

19.20.

s47G

. If you wish to discuss, I would be happy to provide more detail at your convenience.

Comment [WIM66]: Defence Industry may wish to review this conclusion in the light of the amendments above.

.....
Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
July 2018

Contact officer:
Ms Christina Mathewson
AS Defence Export Controls
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

~~SECRET AUSTEO~~

~~SECRET AUSTEO~~

s33(a)(iii)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Financial Impacts:

There are no financial impacts for the Department of Defence.

Summary of Attachments:

A – s7(2A)

B – s7(2A)

C – DFAT advice dated 21 May 2018

Background:

Nil.

Related Briefs:

MS18-900659 – Proposed Export of s47G, s33(a)(iii)

Consultation:

Yes. This advice has been s47E(d)

s7(2A)

[REDACTED], International Policy Division (Linda McCann, Acting Assistant Secretary, Global Interests, International Policy Division), Army (XXX)

~~SECRET AUSTEO~~



Australian Government
Department of Defence

MINISTERIAL SUBMISSION

PDR: MS17- ***

Ref: REF from FASDIP

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DepSec SP&I and the Secretary

Copies to: Secretary, CDF, DEPSECSP&I, FASIP, ~~s7(2A)~~ASDEC

~~s47G, s33(a)(iii)~~

Critical Date: ** May 2017

Reason: Response to Applicant

Recommendation:

1. That you ~~agree to approve, in-principle, approve~~ ~~s47G, s33(a)(iii)~~ under Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 (subject to s33(a)(iii))

Approved / Not
agreed

2. That you ~~agree to approve, in-principle, the supply of~~ technology related to ~~s47G, s33(a)(iii)~~

Agreed / Not
Approved

~~2.3~~ Note that, subject to your approval, Defence will finalise the assessment and approval of the permits for s47G, s33(a)(iii)

Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. Defence seeks your in-principle agreement to approve two applications for the export of s47G, s33(a)(iii)

2. ~~s47G, s33(a)(iii)~~

3. ~~s47G, s33(a)(iii)~~

~~SECRET AUSTEO~~

~~SECRET AUSTEO~~

s47G, s33(a)(iii)

4 s47G, s33(a)(iii)

5 s47G, s33(a)(iii)

6. s33(a)(iii)

Comment [WP1]: This detail may be unnecessary. May suffice to say that the system is of a slightly higher specification

s7(2A)

However, s47E(d)

The advice is at attachment B has assessed this occurrence as unlikely.

s33(a)(iii)

8-9 s47G, s33(a)(iii)

9-10. It is for the above reasons that DEC recommends approval of this export under Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 and the *Defence Trade Controls Act 2012*.

.....
Ms Kate Louis
First Assistant Secretary Defence Industry Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
May 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

Comment [DJC2]: s33(a)(iii)

Comment [DJC3]: Can we add in w from previous corro about s33(a)(iii)

~~SECRET AUSTEO~~

s33(a)(iii)

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

A – s7(2A) (provided to action addressees only).

B – Advice from the Department of Foreign Affairs and Trade, dated 27 October 2016.

Background:

11. Defence Export Controls Branch (DEC) administers export controls on defence and dual-use goods and technologies on your behalf. The administrative authority to approve exports has been delegated to Defence officials, but the decision to deny export permission remains solely with you. When Defence concludes that a proposed export should be refused, it provides you with a recommendation, including relevant information from inter-departmental consultation. In the case of sensitive exports Defence that are likely to be approved Defence may provide a recommendation to you for consideration.

~~10.~~12. Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 prohibits the export of goods listed in the Defence and Strategic Goods List (DSGL) without a licence or permit, unless an exception applies. The Defence Trade Control Act 2012 also prohibits the supply of technology without a licence or permit. Defence's policy is that licences or permits will not be issued if the goods would prejudice the security, defence or international relations of Australia. Only the Minister for Defence can refuse an application for a permit

~~11.~~13. The physical item in question is (thea RWS)remote weapon system. This s47G

s33(a)(iii) *Assessment of the export*

14. s7(2A)

s7(2A)

. Defence sought further advice from the Department of Foreign Affairs and Trade (DFAT) (see attachment B). s47C

Additionally, s47C, s33(a)(iii)

16. s47E(d)

s33(a)(iii)

12.17. s33(a)(iii)

s33(a)(iii)

15. The assessment is provided at attachment A.

16. s7(2A) [redacted], Defence sought further advice from the Department of Foreign Affairs and Trade (DFAT). s47C

s47C, s33(a)(iii)

17. The letter is provided at attachment B.

18. s47E(d)

19. Defence recommends this export be approved as the goods are unlikely to be use in contravention of Human Rights Law or International Humanitarian Law. Furthermore, s47E(d), s33(a)(iii)

20. If you agree to the in-principle approval of the applications, Defence will provide permits to s47G, s33(a)(iii)

Comment [WP4]: s7(2A) [redacted] do we need to repeat here?

Consultation:

s7(2A) [redacted], and the International Policy Division (position and name) and the Department of Foreign Affairs and Trade s47E(d) [redacted] were consulted in the development of this advice.



Australian Government
Department of Defence

~~—SECRET AUSTEO—~~

MINISTERIAL SUBMISSION

PDR: MS17- ***

Ref: REF from FASDIP

Minister for Defence – For action

Minister for Defence Industry – For information

Copies to: Secretary, CDF, DEPSECSP&I, FASIP, s7(2A), ASDEC

Approval of Export of s47G, s33(a)(iii)

Critical Date: ** May 2017

Reason: Response to Applicant

Recommendation:

1. That you agree to approve the export of s47G, under Regulation 13E of the Customs (Prohibited Exports) Regulations 1958. Agreed / Not agreed

Minister for Defence..... Date / /

Key Points:

1. Defence seeks your agreement to approve an application to export submitted by s47G, s33(a)(iii)

2. s47G

3. s47G, s33(a)(iii)

4. s47G, s33(a)(iii)

5. s33(a)(iii) s7(2A)

6. s7(2A)

Comment [WP1]: This detail may be unnecessary. May suffice to say that the system is of a slightly higher specification

~~—SECRET AUSTEO—~~

7. There are many companies that produce s47G s33(a)(iii)
8. It is for the above reasons that DEC recommends approval of this export under Regulation 13E of the Customs (Prohibited Exports) Regulations 1958.

.....
Ms Kate Louis
First Assistant Secretary Defence Industry Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
May 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

- A – s7(2A), dated 5 May 2017.
B – Advice from the Department of Foreign Affairs and Trade, dated 27 October 2016.

Background:

9. DEC is part of the Defence Industry Policy Division and administers export controls on defence and dual-use goods and technologies on your behalf. Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 prohibits the export of goods listed in the Defence and Strategic Goods List (DSGL) without a licence or permit, unless an exception applies. The administrative authority to approve exports has been delegated to Defence officials, but the decision to deny export permission remains solely with you.
10. Defence's policy is that licences or permits will not be issued if the goods would prejudice the security, defence or international relations of Australia. When Defence concludes that a proposed export should be refused, it provides you with a recommendation, including relevant information from inter-departmental consultation.
11. s33(a)(iii) Defence is seeking your approval of these applications to export, subject to the applicant providing all relevant documentation.
12. s47G

Comment [LSA2]: I've changed this around a bit in the hope that it flows a bit more.

s33(a)(iii)

13. s33(a)(iii) [REDACTED]

14. s33(a)(iii) [REDACTED]

18. s7(2A) [REDACTED]

19. The assessment is provided at attachment A.

20. s7(2A) [REDACTED], Defence sought further advice from the Department of Foreign Affairs and Trade (DFAT).

21. The letter is provided at attachment B.

22. s47E(d) [REDACTED]

23. Defence recommends this export be approved as...

24. If you agree to approve the applications, Defence will provide permits to s47G, s33(a)(iii) [REDACTED]

[REDACTED] when all required documentation has been received from the applicant.

Comment [WP3]:s7(2A) [REDACTED]
do we need to repeat here?

Consultation:

~~SECRET AUSTEO~~

s7(2A) [REDACTED] and the Department of Foreign Affairs and Trade were consulted in the development of this advice.

~~SECRET AUSTEO~~

~~SECRET AUSTEO~~

Australian Government

MINISTERIAL SUBMISSION

Department of Defence

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I

Copies to: A/Secretary, CDF, CDS, ~~s7(2A)~~, ~~s7(2A)~~, FASDIP, ASDEC, FASIP

Sensitive and complex defence export applications

Critical Date: 22 June 2017

Reason: These export applications are currently held by Defence pending your noting of this advice

Recommendations:

1. Note the export applications detailed in Attachment A. Noted / Please discuss
2. Note that once you have considered this advice, Defence will finalise the assessments and approve the permits. Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. On 3 May 2017, you met with the First Assistant Secretary Defence Industry Policy (Ms Kate Louis) and the Assistant Secretary Defence Export Controls (Ms Tina Mathewson) to discuss export controls ~~s33(a)(iii)~~.
In this discussion, ~~s47E(d)~~.
2. Separate advice is being prepared for your consideration in relation to ~~s47E(d)~~.
~~s33(a)(iii)~~
3. This submission provides information on the assessment of seven applications for the export of military or dual-use goods or technology to a range of countries ~~s33(a)(iii)~~.
4. Each of the applications has been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by consultation with a range of areas across government. Individual assessments are included in Attachment A.

~~SECRET AUSTEO~~

5. Once you have considered this advice, Defence will proceed to finalise the assessments and approve the permits for all cases. If you wish to discuss any of the cases, I would be happy to provide more detail at your convenience.

s22

Ms Kate Louis
First Assistant Secretary Defence Industry Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
20 June 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

These cases are either nearing, or have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts for the Department of Defence.

Summary of Attachments:

A – Current sensitive and complex export applications

Background:

6. Defence (through Defence Export Controls Branch [DEC]) administers controls on the export of military, other lethal and dual-use goods, services and technologies in support of Australia's arms control and counter-proliferation efforts.
7. The controlled items are consolidated in a legislative instrument, the Defence and Strategic Goods List (DSGL). The DSGL is primarily derived from the four main international export control regimes (the Wassenaar Arrangement, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group).
8. Defence administers defence export controls under four pieces of legislation:
 - a. Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 authorises the Minister for Defence, or a delegate, to permit the physical export of goods listed in the DSGL;
 - b. The *Defence Trade Control Act 2012* requires permits for the intangible supply and publication of technology relating to defence and strategic goods, and brokering the supply of DSGL goods and technology;
 - c. The *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* provides the power to prohibit the export of goods, technologies or services that, while not listed in the DSGL, could assist a chemical, biological, or nuclear

program and means of delivery (a Weapons of Mass Destruction (WMD) Program). This is referred to as 'catch-all' legislation as it addresses specific cases where the items would not normally be controlled for export, but where the Minister for Defence has reason to believe or suspect that the items are destined for a WMD program and therefore wishes to prevent to the export; and

- d. Section 112BA of the *Customs Act 1901* (military end-use provision), provides another 'catch-all' power to prohibit the export of goods that, while not listed in the DSGI and therefore not routinely controlled for export, could contribute to a particular military end use that would prejudice Australia's security, defence or international relations.
9. The administrative authority to approve exports has been delegated to Defence officials, but the decision to deny exports remains solely with you.

Assessment Process

10. Defence assesses all applications against five criteria, including consideration of Australia's obligations under the ATT. The assessment includes the consideration of the goods/technology, the end-user, the end-use, the destination country and other risks such as the possible diversion of the export. The five criteria are:
- a. International obligations – whether the export is destined for countries which are subject to United Nations Security Council or Australian Autonomous Sanctions; or is destined for countries where the export might be used in a manner contrary to Australia's international obligations or commitments;
 - b. Human Rights – whether the export poses a clearly identifiable risk that the goods would be used to commit or facilitate serious human rights abuses;
 - c. National Security – whether the export might compromise Australia's wider security interests, is destined for countries with policies or interests which are inimical to the strategic interests of Australia or its friends or allies, might adversely affect Australia's military capability or compromise operations capability;
 - d. Regional Security – whether the export might contribute to the instability in the region or aggravate the threat to international and regional peace and security; and
 - e. Foreign Policy – whether the export is destined for countries developing (or suspected of developing) weapons of mass destruction or the means for their delivery, or supporting terrorism.
11. The assessment is informed by consultation with a range of areas across government including s7(2A) [REDACTED] s47E(d) [REDACTED]
12. Advice on Defence export controls more broadly was provided previously to both your office and the Office of the Minister for Defence Industry on 25 October 2016 (MA16-002622 refers).

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d) [REDACTED]

Consultation:

The attached case notes at Attachment A have been consulted and agreed by s7(2A) [REDACTED]

[REDACTED] and the
Department of Foreign Affairs and Trade (Mr Robert McKinnon, Assistant Secretary,
Strategic Issues and Intelligence Branch).



Australian Government

Department of Defence

MINISTERIAL SUBMISSION

PDR: MS17-900563

Ref: FASDIP/OUT/2017/O1043532

~~SECRET AUSTEO~~

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I s22 29/6

Copies to: A/Secretary, CDF, CDS, s7(2A), s7(2A), ASDEC, FASIP

Sensitive and complex defence export applications

Critical Date: 6 July 2017	Reason: These export applications are currently held by Defence pending your noting of this advice
-----------------------------------	---

Recommendations:

- | | |
|---|------------------------|
| 1. Note the export applications detailed in <u>Attachment A</u> . | Noted / Please discuss |
| 2. Note that once you have considered this advice, Defence will finalise the assessments and approve the permits. | Noted / Please discuss |

Minister for Defence..... Date / /

Key Points:

- On 3 May 2017, you met with the First Assistant Secretary Defence Industry Policy (Ms Kate Louis) and the Assistant Secretary Defence Export Controls (Ms Tina Mathewson) to discuss export controls s33(a)(iii).
In this discussion, you requested s47E(d).
- Separate advice is being prepared for your consideration in relation to s47E(d).
- This submission provides information on the assessment of seven applications for the export of military or dual-use goods or technology to a range of countries s33(a)(iii).
- Each of the applications has been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by consultation with a range of areas across government. Individual assessments are included in Attachment A.

~~SECRET AUSTEO~~

5. Once you have considered this advice, Defence will proceed to finalise the assessments and approve the permits for all cases. If you wish to discuss any of the cases, I would be happy to provide more detail at your convenience.

s22

Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Strategic Policy and Intelligence Group
Telephone: 02 6265 6422
28 June 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

These cases are either nearing, or have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts for the Department of Defence.

Summary of Attachments:

A – Current sensitive and complex export applications

Background:

6. Defence (through Defence Export Controls Branch [DEC]) administers controls on the export of military, other lethal and dual-use goods, services and technologies in support of Australia's arms control and counter-proliferation efforts.
7. The controlled items are consolidated in a legislative instrument, the Defence and Strategic Goods List (DSGL). The DSGL is primarily derived from the four main international export control regimes (the Wassenaar Arrangement, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group).
8. Defence administers defence export controls under four pieces of legislation:
 - a. Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 authorises the Minister for Defence, or a delegate, to permit the physical export of goods listed in the DSGL;
 - b. The *Defence Trade Control Act 2012* requires permits for the intangible supply and publication of technology relating to defence and strategic goods, and brokering the supply of DSGL goods and technology;
 - c. The *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* provides the power to prohibit the export of goods, technologies or services that, while not listed in the DSGL, could assist a chemical, biological, or nuclear

program and means of delivery (a Weapons of Mass Destruction (WMD) Program). This is referred to as 'catch-all' legislation as it addresses specific cases where the items would not normally be controlled for export, but where the Minister for Defence has reason to believe or suspect that the items are destined for a WMD program and therefore wishes to prevent to the export; and

- d. Section 112BA of the *Customs Act 1901* (military end-use provision), provides another 'catch-all' power to prohibit the export of goods that, while not listed in the DSG and therefore not routinely controlled for export, could contribute to a particular military end use that would prejudice Australia's security, defence or international relations.
9. The administrative authority to approve exports has been delegated to Defence officials, but the decision to deny exports remains solely with you.

Assessment Process

10. Defence assesses all applications against five criteria, including consideration of Australia's obligations under the ATT. The assessment includes the consideration of the goods/technology, the end-user, the end-use, the destination country and other risks such as the possible diversion of the export. The five criteria are:
- a. International obligations – whether the export is destined for countries which are subject to United Nations Security Council or Australian Autonomous Sanctions; or is destined for countries where the export might be used in a manner contrary to Australia's international obligations or commitments;
 - b. Human Rights – whether the export poses a clearly identifiable risk that the goods would be used to commit or facilitate serious human rights abuses;
 - c. National Security – whether the export might compromise Australia's wider security interests, is destined for countries with policies or interests which are inimical to the strategic interests of Australia or its friends or allies, might adversely affect Australia's military capability or compromise operations capability;
 - d. Regional Security – whether the export might contribute to the instability in the region or aggravate the threat to international and regional peace and security; and
 - e. Foreign Policy – whether the export is destined for countries developing (or suspected of developing) weapons of mass destruction or the means for their delivery, or supporting terrorism.
11. The assessment is informed by consultation with a range of areas across government including s7(2A) [REDACTED] s47E(d) [REDACTED]
12. Advice on Defence export controls more broadly was provided previously to both your office and the Office of the Minister for Defence Industry on 25 October 2016 (MA16-002622 refers).

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d)

Consultation:

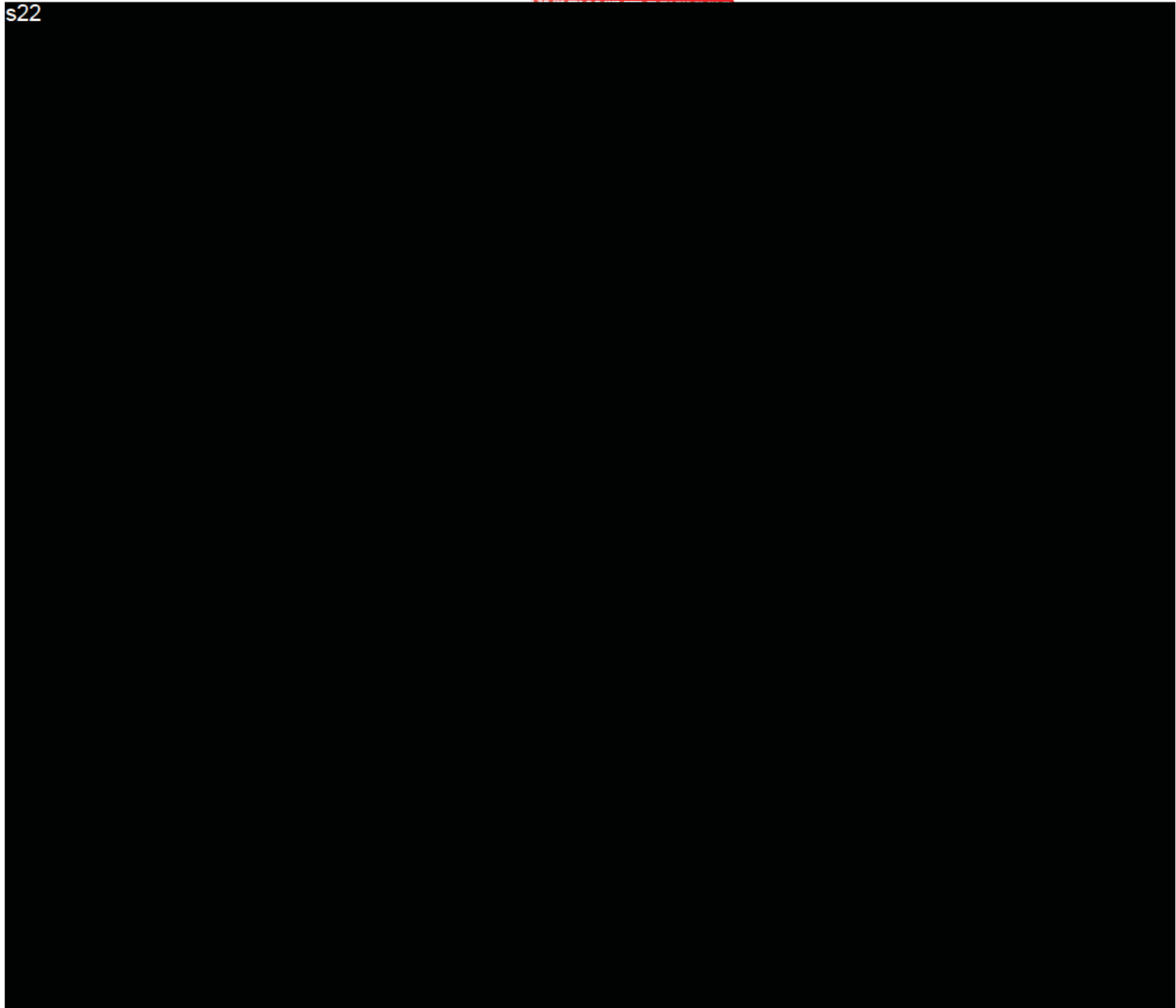
The attached case notes at Attachment A have been consulted and agreed by s7(2A)

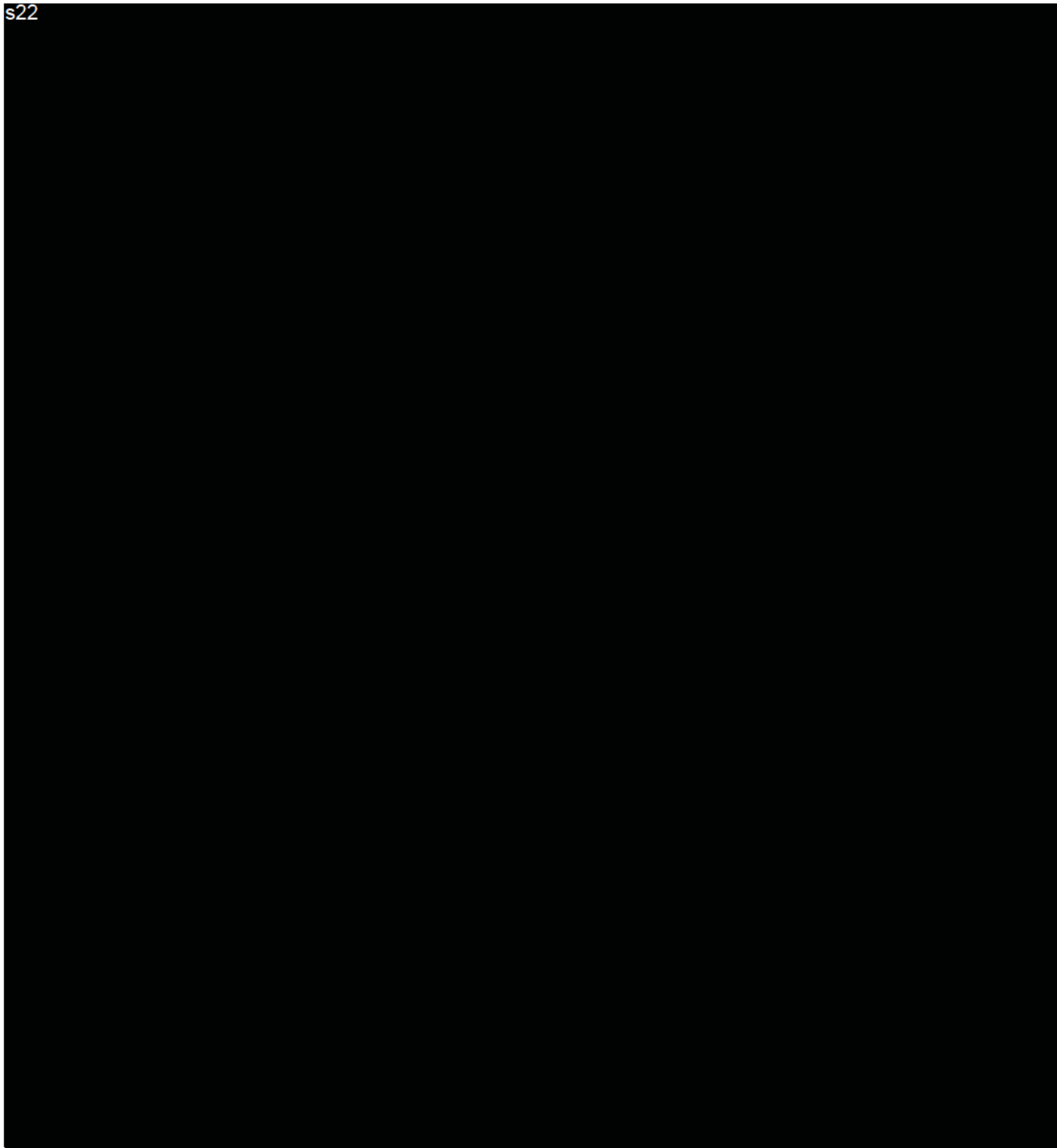
and the
Department of Foreign Affairs and Trade (Mr Robert McKinnon, Assistant Secretary,
Strategic Issues and Intelligence Branch).

Attachment A – Current sensitive and complex export applications

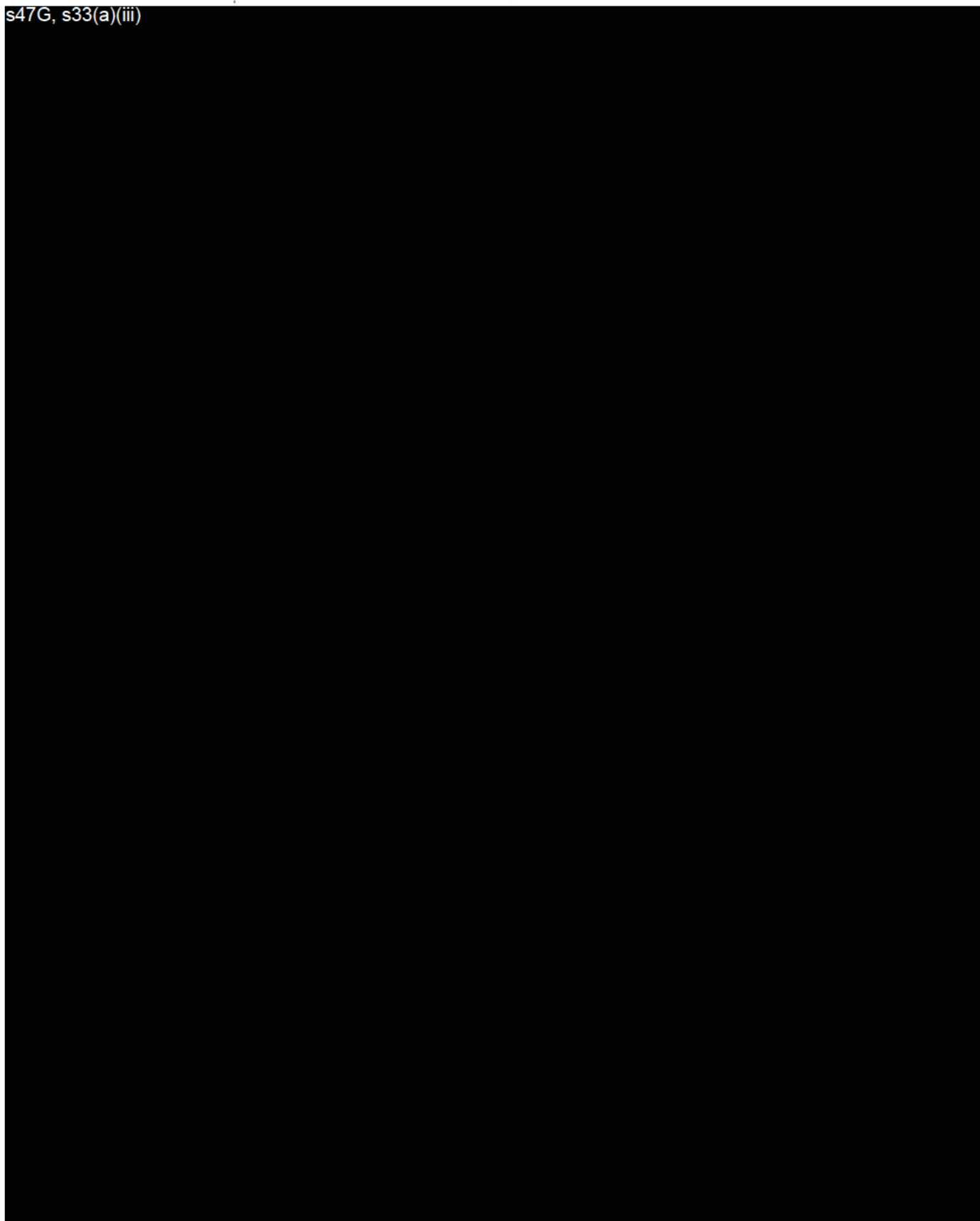
Contents

1.	s22	.....	2
2.	s22	.....	3
4.	s33(a)(iii)	.....	4
5.	s33(a)(iii)	.....	5
6.	s22	.....	6
8.	s22	.....	7
9.	s33(a)(iii)	.....	8

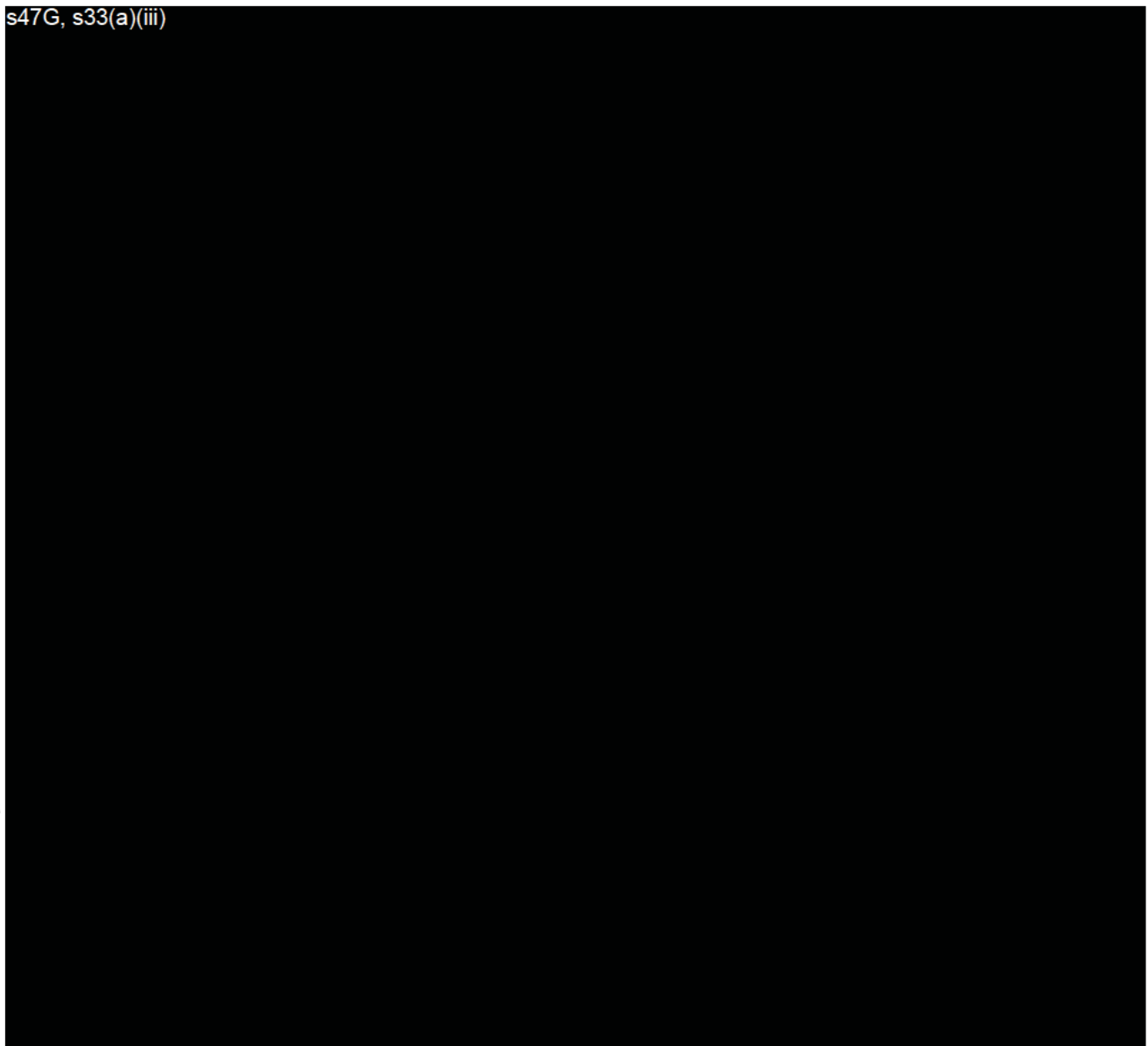




s47G, s33(a)(iii)



s47G, s33(a)(iii)



S22



s22



s47G, s33(a)(iii)





Australian Government
Department of Defence

~~SECRET AUSTEO~~

MINISTERIAL SUBMISSION

PDR: MS17-900563

Ref: FASDIP/OUT/2017/O1043532



Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I s22 29/6

Copies to: A/Secretary, CDF, CDS, s7(2), s7(2), ASDEC, FASIP

Sensitive and complex defence export applications

Critical Date: 6 July 2017

Reason: These export applications are currently held by Defence pending your noting of this advice

Recommendations:

1. Note the export applications detailed in Attachment A. Noted / Please discuss
2. Note that once you have considered this advice, Defence will finalise the assessments and approve the permits. Noted / Please discuss

Minister for Defence...

s22

Date 31/07/2017

Key Points:

1. On 3 May 2017, you met with the First Assistant Secretary Defence Industry Policy (Ms Kate Louis) and the Assistant Secretary Defence Export Controls (Ms Tina Mathewson) to discuss export controls s33(a)(iii). In this discussion, you requested s47E(d).
2. Separate advice is being prepared for your consideration in relation to s47E(d).
3. This submission provides information on the assessment of seven applications for the export of military or dual-use goods or technology to a range of countries s33(a)(iii).
4. Each of the applications has been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by consultation with a range of areas across government. Individual assessments are included in Attachment A.

5. Once you have considered this advice, Defence will proceed to finalise the assessments and approve the permits for all cases. If you wish to discuss any of the cases, I would be happy to provide more detail at your convenience.

s22

Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Strategic Policy and Intelligence Group
Telephone: 02 6265 6422
29 June 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

These cases are either nearing, or have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts for the Department of Defence.

Summary of Attachments:

A – Current sensitive and complex export applications

Background:

6. Defence (through Defence Export Controls Branch [DEC]) administers controls on the export of military, other lethal and dual-use goods, services and technologies in support of Australia's arms control and counter-proliferation efforts.
7. The controlled items are consolidated in a legislative instrument, the Defence and Strategic Goods List (DSGL). The DSGL is primarily derived from the four main international export control regimes (the Wassenaar Arrangement, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group).
8. Defence administers defence export controls under four pieces of legislation:
 - a. Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 authorises the Minister for Defence, or a delegate, to permit the physical export of goods listed in the DSGL;
 - b. The *Defence Trade Control Act 2012* requires permits for the intangible supply and publication of technology relating to defence and strategic goods, and brokering the supply of DSGL goods and technology;
 - c. The *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* provides the power to prohibit the export of goods, technologies or services that, while not listed in the DSGL, could assist a chemical, biological, or nuclear

- program and means of delivery (a Weapons of Mass Destruction (WMD) Program). This is referred to as 'catch-all' legislation as it addresses specific cases where the items would not normally be controlled for export, but where the Minister for Defence has reason to believe or suspect that the items are destined for a WMD program and therefore wishes to prevent to the export; and
- d. Section 112BA of the *Customs Act 1901* (military end-use provision), provides another 'catch-all' power to prohibit the export of goods that, while not listed in the DSGI and therefore not routinely controlled for export, could contribute to a particular military end use that would prejudice Australia's security, defence or international relations.
9. The administrative authority to approve exports has been delegated to Defence officials, but the decision to deny exports remains solely with you.

Assessment Process

10. Defence assesses all applications against five criteria, including consideration of Australia's obligations under the ATT. The assessment includes the consideration of the goods/technology, the end-user, the end-use, the destination country and other risks such as the possible diversion of the export. The five criteria are:
- a. International obligations – whether the export is destined for countries which are subject to United Nations Security Council or Australian Autonomous Sanctions; or is destined for countries where the export might be used in a manner contrary to Australia's international obligations or commitments;
 - b. Human Rights – whether the export poses a clearly identifiable risk that the goods would be used to commit or facilitate serious human rights abuses;
 - c. National Security – whether the export might compromise Australia's wider security interests, is destined for countries with policies or interests which are inimical to the strategic interests of Australia or its friends or allies, might adversely affect Australia's military capability or compromise operations capability;
 - d. Regional Security – whether the export might contribute to the instability in the region or aggravate the threat to international and regional peace and security; and
 - e. Foreign Policy – whether the export is destined for countries developing (or suspected of developing) weapons of mass destruction or the means for their delivery, or supporting terrorism.
11. The assessment is informed by consultation with a range of areas across government including s7(2A) [REDACTED] s47E(d) [REDACTED]
12. Advice on Defence export controls more broadly was provided previously to both your office and the Office of the Minister for Defence Industry on 25 October 2016 (MA16-002622 refers).

~~SECRET AUSTEO~~

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d)

Consultation:

The attached case notes at Attachment A have been consulted and agreed by s7(2A)

) and the
Department of Foreign Affairs and Trade (Mr Robert McKinnon, Assistant Secretary,
Strategic Issues and Intelligence Branch).

~~SECRET AUSTEO~~

Attachment A – Current sensitive and complex export applications

Contents

1.	s22 [REDACTED]	2
2.	s22 [REDACTED]	3
4.	s47G, s33(a)(iii) [REDACTED]	4
5.	s33(a)(iii) [REDACTED]	5
6.	s22 [REDACTED]	6
8.	s22 [REDACTED]	7
9.	s47G, s33(a)(iii) [REDACTED]	8


s22



~~s47C, s33(a)(iii)~~




s47G, s33(a)(iii)







s47G, s33(a)(iii)





Australian Government
Department of Defence

MINISTERIAL SUBMISSION

PDR: MS17-900580

FASSP(S)/OUT/2017/44



Minister for Defence – For action
Minister for Defence Industry – For information

Through: DEPSEC SP&I s22 17/8

Copies to: CDF, FASIP, s7(2A) HLC, ASDEC

s33(a)(iii)

Critical Date: N/A

Reason: Routine

Recommendations:

1. Note Defence has provided four in-principle approvals for proposed military exports since September 2016 s33(a)(iii) s47G, s33(a)(iii) Noted / Please discuss
2. Note an in-principle approval does not guarantee that an export permit would be approved. Noted / Please discuss
3. Note these four exports would support Australian defence industry with s47G Noted / Please discuss

s22

Minister for Defence

te 18/12/2017

Key Points:

1. The purpose of this submission is to make you aware of four in-principle exports previously approved by Defence.
2. Since September 2016, Defence has provided two in-principle approvals to s47G s47G, s33(a)(iii)
3. s47G, s33(a)(iii) s47G, s33(a)(iii)

DMPLS

CDR No: ✓ i-G

SERIAL: 2386

~~SECRET AUSTEO~~

4. Although in-principle approvals have no legislative basis, they are provided to assist exporters to plan for possible exports. These approvals are subject to the same assessment process as permits; including, consideration against the five policy criteria of international obligations, human rights, national security, regional security and foreign policy, and consultation across Defence and government.
5. While a company that has received an in-principle approval may have a reasonable expectation that the future exports are likely to be approved, the approval clearly states that factors affecting the assessment may change and as such, Defence can provide no assurance that a subsequent application for an export permit would be approved. The risk that this could occur is mitigated by the same assessment process as permits.
6. These four in-principle approvals were originally consulted with International Policy Division: s7(2A) [REDACTED] and the Department of Foreign Affairs and Trade. Noting recent developments in s33(a)(iii) [REDACTED] s33(a)(iii) [REDACTED] has been re-confirmed through a second consultation process.
7. Defence considers these four in-principle approvals to be consistent with our policy settings and, as they are supported by relevant agencies, there is no current reason to review them. The exports will be reviewed should a formal application to export be received.
8. [REDACTED]
9. I am happy to discuss these in-principle approvals further if you wish.

s22 [REDACTED]


Mr Tom Hamilton
First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883
9 August 2017

Contact officer: Mr Damien Chifley
Contact officer phone: 02 626 56422

Sensitivity:

s33(a)(iii) [REDACTED]


s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G, s33(a)(iii)



Summary of Attachments:

A – Proposed Export of s47G, s33(a)(iii)

B – Proposed Export of s22

C – Proposed Export of s47G, s33(a)(iii)

D – Proposed Export of

Background:

The four in-principle approvals are summarised below with details attached.

- s47G, s33(a)(iii)

Attachment A.

- s22

Attachment B.

• s47G, s33(a)(iii)

In-principle Approvals

10. An in-principle approval is preliminary advice which indicates the likely outcome of a future application to export to a specific destination or end user – they have been used since 1989. In-principle approvals are an avenue for applicants to seek information in relation to possible exports to enable them to make early, informed decisions prior to investing in the development or marketing of goods or technology.
11. In-principle approvals have no legislative basis and the approval does not involve exercising any delegations. Since 2013, Defence has issued 309 in-principle approvals for the export of various military and dual-use goods to various countries around the world. The assessment process for an in-principle is the same as that for an actual permit, and includes consultation with other areas of Defence and other government agencies such as Department of Foreign Affairs and Trade if required.
12. An in-principle approval is assessed against the five export control criteria. Applicants are clearly informed that the assessment and factors may change and that a positive in-principle approval is not a guarantee that a future application would be approved.

Related Briefs:

13. MS17-900592 – Approval of Export of s47G, s33(a)(iii)
- MS17-900593 – Approval of Export of s47G, s33(a)(iii)
- MS17-900563 – Approval of Sensitive Defence Export Applications

Consultation:

- s7(2A)
- Colonel Spencer Norris, A/g Director-General, Modernisation-Army, Army Headquarters
- Rear Admiral Jonathan Mead, Head of Navy Capability, Navy Strategic Command
- Mr John Stanyer, Director Business Operations , Land Systems Capability Acquisition and Sustainment Group
- Belinda McNamara, A/g Assistant Secretary, Global Interests, International Policy Division
- Vanessa Robertson, A/g Assistant Secretary, Strategic Issues and Intelligence, Department of Foreign Affairs and Trade



Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS17-900580
FASSP(S)/OUT/2017/44

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I s22 17/8
Copies to: CDF, FASIP, s7(2A), HLC, ASDEC

In-principle approvals for proposed exports of military goods to s33(a)(iii)

Critical Date: N/A

Reason: Routine

Recommendations:

- | | |
|---|------------------------|
| 1. Note Defence has provided four in-principle approvals for proposed military exports since September 2016 to s33(a)(iii) | Noted / Please discuss |
| 2. Note an in-principle approval does not guarantee that an export permit would be approved. | Noted / Please discuss |
| 3. Note these four exports would support Australian defence industry with s47G | Noted / Please discuss |

Minister for Defence..... Date / /

Key Points:

1. The purpose of this submission is to make you aware of four in-principle exports previously approved by Defence.
 2. Since September 2016, Defence has provided two in-principle approvals to s47G, s33(a)(iii).
 3. s47G, s33(a)(iii)
- This advice informs you of the details of the four in-principle approvals and the rationale for each approval.

~~SECRET AUSTEO~~

4. Although in-principle approvals have no legislative basis, they are provided to assist exporters to plan for possible exports. These approvals are subject to the same assessment process as permits; including, consideration against the five policy criteria of international obligations, human rights, national security, regional security and foreign policy, and consultation across Defence and government.
5. While a company that has received an in-principle approval may have a reasonable expectation that the future exports are likely to be approved, the approval clearly states that factors affecting the assessment may change and as such, Defence can provide no assurance that a subsequent application for an export permit would be approved. The risk that this could occur is mitigated by the same assessment process as permits.
6. These four in-principle approvals were originally consulted with International Policy Division, s7(2A) [REDACTED] and the Department of Foreign Affairs and Trade. Noting recent developments in the s33(a)(iii), s22 [REDACTED] has been re-confirmed through a second consultation process.
7. Defence considers these four in-principle approvals to be consistent with our policy settings and, as they are supported by relevant agencies, there is no current reason to review them. The exports will be reviewed should a formal application to export be received.
8. s47G [REDACTED]
9. I am happy to discuss these in-principle approvals further if you wish.

s22 [REDACTED]

Mr Tom Hamilton
First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883
9 August 2017

Contact officer: Mr Damien Chifley
Contact officer phone: 02 626 56422

Sensitivity:

s33(a)(iii) [REDACTED]

s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G, s33(a)(iii) [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Summary of Attachments:

- A – Proposed Export s47G, s33(a)(iii) [REDACTED]
- B – Proposed Export s22 [REDACTED]
- C – Proposed Export of s47G, s33(a)(iii) [REDACTED]
- D – Proposed Export of s47G, s33(a)(iii) [REDACTED]

Background:

The four in-principle approvals are summarised below with details attached.

- s47G, s33(a)(iii) [REDACTED]
[REDACTED]
Attachment A.
- s22 [REDACTED]
[REDACTED]
Attachment B.

- s4 n [REDACTED]
[REDACTED]
Attachment C.
- s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED] – Attachment D.

In-principle Approvals

10. An in-principle approval is preliminary advice which indicates the likely outcome of a future application to export to a specific destination or end user – they have been used since 1989. In-principle approvals are an avenue for applicants to seek information in relation to possible exports to enable them to make early, informed decisions prior to investing in the development or marketing of goods or technology.
11. In-principle approvals have no legislative basis and the approval does not involve exercising any delegations. Since 2013, Defence has issued 309 in-principle approvals for the export of various military and dual-use goods to various countries around the world. The assessment process for an in-principle is the same as that for an actual permit, and includes consultation with other areas of Defence and other government agencies such as Department of Foreign Affairs and Trade if required.
12. An in-principle approval is assessed against the five export control criteria. Applicants are clearly informed that the assessment and factors may change and that a positive in-principle approval is not a guarantee that a future application would be approved.

Related Briefs:

13. MS17-900592 – Approval of Export of s47G, s33(a)(iii) [REDACTED]
MS17-900593 – Approval of Export of s47G, s33(a)(iii) [REDACTED]
MS17-900563 – Approval of Sensitive Defence Export Applications

Consultation:

- s7(2A) [REDACTED]
- Colonel Spencer Norris, A/g Director-General, Modernisation-Army, Army Headquarters
- Rear Admiral Jonathan Mead, Head of Navy Capability, Navy Strategic Command
- Mr John Stanyer, Director Business Operations, Land Systems Capability Acquisition and Sustainment Group
- Belinda McNamara, A/g Assistant Secretary, Global Interests, International Policy Division
- Vanessa Robertson, A/g Assistant Secretary, Strategic Issues and Intelligence, Department of Foreign Affairs and Trade



Australian Government
Department of Defence

MINISTERIAL SUBMISSION

PDR: MS17-900580
FASSP(S)/OUT/2017/44



Minister for Defence – For action
Minister for Defence Industry – For information

Through: DEPSEC SP&I s22 17/8
Copies to: CDF, FASIP, s7(2A) HLC, ASDEC



Critical Date: N/A	Reason: Routine
--------------------	-----------------

Recommendations:

1. Note Defence has provided four in-principle approvals for proposed military exports since September 2016 s33(a)(iii) s22, s33(a)(iii) Noted / Please discuss
2. Note an in-principle approval does not guarantee that an export permit would be approved. Noted / Please discuss
3. Note these four exports would support Australian defence industry with Noted / Please discuss

s22

Minister for Defence

te 18/12/2017

Key Points:

1. The purpose of this submission is to make you aware of four in-principle exports previously approved by Defence.
2. Since September 2016, Defence has provided two in-principle approvals to s47G s47G, s33(a)(iii), s22
3. s47G, s33(a)(iii) s33(a)(iii)

DMPLS

CDR No: ✓ i-G

SERIAL: 2386

~~SECRET AUSTEO~~

4. Although in-principle approvals have no legislative basis, they are provided to assist exporters to plan for possible exports. These approvals are subject to the same assessment process as permits; including, consideration against the five policy criteria of international obligations, human rights, national security, regional security and foreign policy, and consultation across Defence and government.
5. While a company that has received an in-principle approval may have a reasonable expectation that the future exports are likely to be approved, the approval clearly states that factors affecting the assessment may change and as such, Defence can provide no assurance that a subsequent application for an export permit would be approved. The risk that this could occur is mitigated by the same assessment process as permits.
6. These four in-principle approvals were originally consulted with International Policy Division, s7(2A) and the Department of Foreign Affairs and Trade. Noting recent developments in s33(a)(iii) s22, s33(a)(iii) has been re-confirmed through a second consultation process.
7. Defence considers these four in-principle approvals to be consistent with our policy settings and, as they are supported by relevant agencies, there is no current reason to review them. The exports will be reviewed should a formal application to export be received.
8. s47G
9. I am happy to discuss these in-principle approvals further if you wish.

s22


Mr Tom Hamilton
First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883
9 August 2017

Contact officer: Mr Damien Chifley
Contact officer phone: 02 626 56422

Sensitivity:

s33(a)(iii)


s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G, s33(a)(iii)



Summary of Attachments:

A – Proposed Export of s47G, s33(a)(iii)

B – Proposed Export of s22

C – Proposed Export of s47G, s33(a)(iii)

D – Proposed Export of s47G, s33(a)(iii)

Background:

The four in-principle approvals are summarised below with details attached.

- s47G, s33(a)(iii)

Attachment A.

- s47G, s22

Attachment B.

- s47G, s33(a)(iii)

- s47G, s33(a)(iii)

- s33(a)(iii)

In-principle Approvals

10. An in-principle approval is preliminary advice which indicates the likely outcome of a future application to export to a specific destination or end user – they have been used since 1989. In-principle approvals are an avenue for applicants to seek information in relation to possible exports to enable them to make early, informed decisions prior to investing in the development or marketing of goods or technology.
11. In-principle approvals have no legislative basis and the approval does not involve exercising any delegations. Since 2013, Defence has issued 309 in-principle approvals for the export of various military and dual-use goods to various countries around the world. The assessment process for an in-principle is the same as that for an actual permit, and includes consultation with other areas of Defence and other government agencies such as Department of Foreign Affairs and Trade if required.
12. An in-principle approval is assessed against the five export control criteria. Applicants are clearly informed that the assessment and factors may change and that a positive in-principle approval is not a guarantee that a future application would be approved.


Related Briefs:

13. MS17-900592 – Approval of Export of s47G, s33(a)(iii)
MS17-900593 – Approval of Export of
MS17-900563 – Approval of Sensitive Defence Export Applications


Consultation:

- s7(2A)
- Colonel Spencer Norris, A/g Director-General, Modernisation-Army, Army Headquarters
- Rear Admiral Jonathan Mead, Head of Navy Capability, Navy Strategic Command
- Mr John Stanyer, Director Business Operations , Land Systems Capability Acquisition and Sustainment Group
- Belinda McNamara, A/g Assistant Secretary, Global Interests, International Policy Division
- Vanessa Robertson, A/g Assistant Secretary, Strategic Issues and Intelligence, Department of Foreign Affairs and Trade

s47G, s33(a)(iii)




s7(2A), s33(a)(iii)



s47G, s33(a)(iii)



~~s7(2A), s33(a)(iii)~~



s47G, s33(a)(iii)





Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS17-900592
Ref: O1045156

MINISTERIAL SUBMISSION

FASDIP/001/2017/00510



Minister for Defence – For action
Minister for Defence Industry – For information
Through: DEPSECSP&I and Secretary
Copies to: Secretary, CDF, CDS, DEPSECSP&I, FASIP, ^{s7(2A)}

Note the information in this ~~meeting~~ including advice from the Dept of F, A and Trad.

Approval of Export of ^{s47G, s33(a)(iii)}

Critical Date: 30 June 2017

Reason: Response to Applicant

Comment [LSA1]: To be updated as appropriate

Recommendation/s:

1. That you agree in-principle to the export of ^{s47G, s33(a)} ^{s47G, s33(a)(iii)} under Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 (subject to the provision of ^{s33(a)(iii)}) Agreed / Not agreed
2. That you agree in-principle to the supply of technology related to ^{s47G, s33(a)(iii)} under the Defence Trade Controls Act 2012 (subject to the provision of ^{s33(a)} ^{s33(a)(iii)}) Agreed / Not agreed
3. Note that, subject to your agreement, Defence will finalise the assessment and approval of the permits for the ^{s47G, s33(a)(iii)} ^{s47G, s33(a)(iii)} Noted / Please discuss

→ ADF OK with this? ie we need to cover

s7(2A)

Minister for Defence..... Date / /

Key Points:

1. Defence seeks your in-principle agreement to approve two applications for the export of ^{s47G, s33(a)(iii)}
2. ^{s47G, s33(a)(iii)}
3. ^{s47G, s33(a)(iii)}
4. ^{s47G, s33(a)(iii)}

Comment [LSA2]: To be confirmed with applicant

~~SECRET AUSTEO~~

→ Tina, this needs work please. It is not clear what the key factors are at play, nor the process from here. You have not mentioned we provided

^{s47G}

→ Not a clear logic flow against the criteria, who have consulted and when

~~SECRET AUSTEO~~

s47G, s33(a)(iii)

5. s33(a)(iii)

6. s7(2A)

s47C

7. The Department of Foreign Affairs and Trade (DFAT), including the Foreign Minister's Office, have been consulted and s47C s47E(d)

8. s33(a)(iii)

Comment [LSA3]: Drafted on current advice. Will be updated advice has been received on DFAT

9. Defence recommends the approval of this export under Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 and the *Defence Trade Controls Act 2012* as there is no clearly identifiable risk that the goods would be used to either commit or facilitate serious human rights abuses, the export will not breach our international obligations and it is unlikely that the export will negatively impact regional and national security.

10. If you agree in-principle to this export, Defence will provide permits, s47G provided the required additional documentation, s33(a)(iii) approvals.

→ Refer to the October advice + attach it pls.

→ This summary needs to be much clearer

.....
Ms Kate Louis
First Assistant Secretary Defence Industry
Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
June 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

→ Some received this needs to be much clearer.

~~SECRET AUSTEO~~

s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G



Summary of Attachments:

A – s47G

B – s7(2A) provided to
action addressees only).

C – Advice from the Department of Foreign Affairs and Trade, dated 27 October 2016.

D → new advice?

Background:

11. DEC administers export controls on the export of military, other lethal and dual-use goods, services and technologies in support of Australia's arms control and counter-proliferation efforts.
12. The controlled items are consolidated in a legislative instrument, the Defence and Strategic Goods List (DSGL). The DSGL is primarily derived from the four main international export control regimes (the Wassenaar Arrangement, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group).
13. Defence administers defence export controls under four pieces of legislation:
 - a. Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 authorises the Minister for Defence, or a delegate, to permit the physical export of goods listed in the DSGL;
 - b. The *Defence Trade Controls Act 2012* requires permits for the intangible supply and publication of technology relating to defence and strategic goods, and brokering the supply of DSGL goods and technology;
 - c. The *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* provides the power to prohibit the export of goods, technologies or services that,

~~SECRET AUSTEO~~

while not listed in the DSG, could assist a chemical, biological, or nuclear program and means of delivery (a Weapons of Mass Destruction (WMD) Program). This is referred to as 'catch-all' legislation as it addresses specific cases where the items would not normally be controlled for export, but where the Minister for Defence has reason to believe or suspect that the items are destined for a WMD program and therefore wishes to prevent to the export; and

- d. Section 112BA of the *Customs Act 1901* (military end use provision), provides another 'catch-all' power to prohibit the export of goods that, while not listed in the DSG and therefore not routinely controlled for export, could contribute to a particular military end use that would prejudice Australia's security, defence or international relations.

14. The administrative authority to approve exports has been delegated to Defence officials, but the decision to deny exports remains solely with you.

15. s47G

Assessment Process

16. DEC assesses all applications against five criteria, including consideration of Australia's obligations under the ATT. The assessment includes the consideration of the goods/technology, the end-user, the end-use, the destination country and other risks such as the possible diversion of the export. The five criteria are:

- a. International obligations – whether the export is destined for countries which are subject to United Nations Security Council or Australian Autonomous Sanctions; or is destined for countries where the export might be used in a manner contrary to Australia's international obligations or commitments;
- b. Human Rights – whether the export poses a clearly identifiable risk that the goods would be used to commit or facilitate serious human rights abuses;
- c. National Security – whether the export might compromise Australia's wider security interests, is destined for countries with policies or interests which are inimical to the strategic interests of Australia or its friends or allies, might adversely affect Australia's military capability or compromise operations capability;
- d. Regional Security – whether the export might contribute to the instability in the region or aggravate the threat to international and regional peace and security; and
- e. Foreign Policy – whether the export is destined for countries developing (or suspected of developing) weapons of mass destruction or the means for their delivery, or supporting terrorism.

17. The assessment is informed by consultation with a range of areas across government including s7(2A)

s7(2A) Capability Managers where the export relates to goods/technology used by the Australian Defence Force, international Policy Division in relation to Defence's international relationships and the DFAT in relation to ATT obligations, human rights and international relations.

18. Advice on Defence Export Controls more broadly was previously provided to both your office and the Office of the Minister for Defence Industry on 25 October 2016 (MA16-002622 refers).

Assessment of the export

~~SECRET AUSTEO~~

~~SECRET AUSTEO~~

19 s7(2A)

Very
Vague?

20 s7(2A)

Defence sought further advice from DFAT (see

Attachment C). s47C, s47E(d)
s47C, s33(a)(iii), s47E(d)

21. s47E(d)

s33(a)(iii)

Comment [LSA4]: To be updated when
advice regarding consultation has been
received from DFAT

Recommendation

23. Defence recommends this export be approved as:

a. s7(2A)

b. the goods will be unlikely to negatively impact Australia's national security
interests. s33(a)(iii)

s33(a)(iii)

c. s33(a)(iii)

s33(a)(iii) Therefore the export will not contravene Australian foreign
policy.

d. s47C, s33(a)(iii), s47E(d)

e.

f. the export will not be used in a WMD and will not support terrorism.

24. If you agree to the in-principle approval of the applications, Defence will provide permits
to s47G, s33(a)(iii) when all required

~~SECRET AUSTEO~~

~~SECRET AUSTEO~~

documentation, s33(a)(iii) have been received from the applicant.

Related Briefs:

MS17-900593 – Approval of Export of s47G, s33(a)(iii)
MS17-900563 – Approval of Sensitive Defence Export Applications
MS17-900580 – Proposed Exports of Military Goods to s33(a)(iii)
and s22

Consultation:

Yes.

s7(2A)

s7(2A) International Policy Division (FAS International Policy Division, Scott Dewar?????) and the Department of Foreign Affairs and Trade (FAS International Security Division, Richard Sadleir?????), were consulted in the development of this advice.

s7(2A)

Pls make sure sufficiently senior to approve actual wording

Comment [LSA5]: To be updated after consultation.

pls.

~~SECRET AUSTEO~~







~~SECRET AUSTEO~~

PDR: MS17-900592

Ref: FASSP(S)/OUT/2017/38

Australian Government

Department of Defence

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I and A/Secretary

Copies to: CDF, FASIP, s7(2A) HLC (Army), HLS (CASG)



Export of s47G, s33(a)(iii)

Critical Date: 23 August 2017

Reason: Response to Applicant

Recommendations:

1. That you note the information in this brief, including advice from the Department of Foreign Affairs and Trade.
2. Note that, subject to your consideration, Defence will finalise the assessment and approval of the permits for s47G, s33(a)(iii) once the applicant has provided the required additional documentation, including the s33(a)(iii)

Noted / Please discuss

Noted / Please discuss

Minister for Defence..

s22

Date 13 / 09 / 2017

Key Points:

1. s47G, s33(a)(iii)

2.

3.

4.

5.

6.

SP61 GC CDR

CDR NO: 1

SERIAL: 179

~~SECRET AUSTEO~~

DMPLS

CDR No:

SERIAL: 2364 / 1495

7 s33(a)(iii)

8. This assessment of the export application is based on advice from s7(2A) s7(2A) the Department of Foreign Affairs and Trade (DFAT), International Policy Division (IPDIV), Army, and the Capability Acquisition and Sustainment Group (CASG).

9 s7(2A)

10 s47C, s33(a)(iii), s47E(d)

11. IPDIV, Army and CASG advised s33(a)(iii)

13. As there is no clearly identifiable risk that the goods would be used to either commit or facilitate serious human rights abuses domestically or externally; the export would not breach Australia's international obligations; it would be consistent with our foreign policy; and it is unlikely that the export would negatively impact regional and national security, Defence intends to approve the application.

14. s33(a)(iii) Defence will approve this export.

s22


Mr Tom Hamilton
First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883

Contact officer: Mr Damien Chifley
Contact officer phone: 02 6265 6422

4 August 2017

Sensitivity:

s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G



Summary of Attachments:

A – s47G



B – s7(2A)

dated 23 September 2016 (provided to action addressees only).

C – Advice from DFAT, dated 27 October 2016.

D – Talking points: Australian defence export controls.

Background:

Advice was given to

s7(2A)

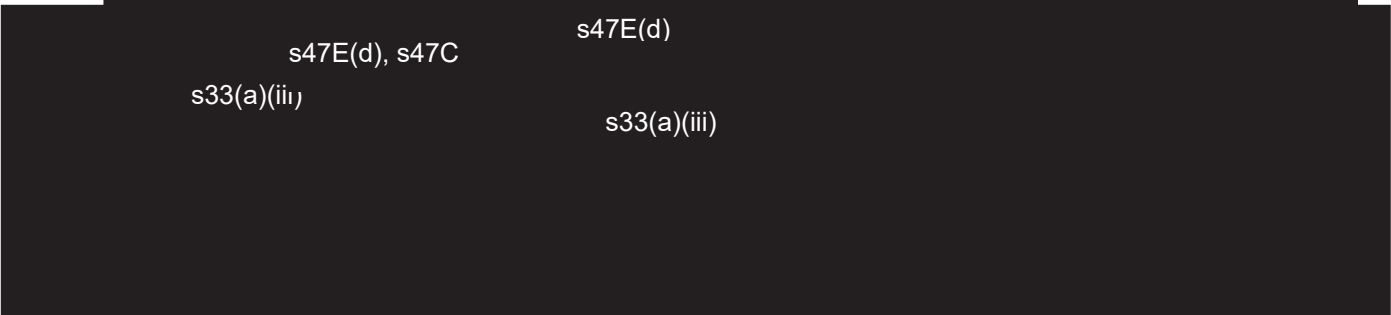


s47E(d), s47C

s47E(d)

s33(a)(iii)

s33(a)(iii)




17. IPDIV

18. Army and CASG were consulted, s7(2A)

s47G

to the use of a similar

s33(a)(iii)



s33(a)(iii)

Assessment of the export

21. Defence has assessed the export against the five criteria:

- a. International Obligations – The export will not breach Australia's commitments under arms control regimes and treaties. DEC has confirmed that this export
[redacted] s33(a)(iii) [redacted] s33(a)(iii)
s47C, s47E(d)
 - b. Human Rights – s7(2A)
s47E(d), s47C [redacted] s7(2A)
 - c. National Security – s47G, s7(2A)
s47G, s7(2A) [redacted]
[redacted] to Australia's national interest. s47E(d) [redacted] advised that
 - d. Regional Security –
s7(2A), s33(a)(iii) [redacted]
 - e. Foreign Policy – s7(2A) [redacted]
22. Noting the assessment in paragraph 21, Defence intends to approve the export, subject to
s33(a)(iii) [redacted]

Related Briefs:

MS17-900593 – Export of [redacted] s47G, s33(a)(iii)
MS17-900563 – Sensitive and complex defence export applications
MS17-900580 – Proposed Exports of Military Goods s47G, s33(a)(iii)
and s22 [redacted]

Consultation:

s7(2A) [redacted] IPDIV (A/FAS International Policy Division,
CDRE Stephen Woodall), CASG (Head Land Systems Division, MAJGEN David Coghlan),
Army (Head Land Capability, MAJGEN Kathryn Toohey) and DFAT (FAS International
Security Division, Richard Sadleir) were consulted in the development of this advice.





Talking Points – Australian defence export controls

Australian defence export controls

- The export of military goods and technology from Australia is subject to Australia's export control provisions.
 - These provisions reflect Australia's international obligations and commitment to global security and counter-proliferation efforts, and apply whether the export is undertaken by the government or the private sector.
- Defence does not release the details of export applications due to commercial-in-confidence considerations.
 - As a regulator, Defence relies on a frank and open exchange of information with applicants. This includes applicants sharing their sensitive commercial information.
 - Releasing this information would breach this confidence and lead to a lack of trust in Defence's ability to protect applicants' information.
 - This would be detrimental to Defence's ability to effectively regulate the export of military goods and technology.
- Australia's defence export control provisions reflect Australia's international obligations as a member of arms control regimes and signatory to the Arms Trade Treaty, and are consistent with like-minded countries.
 - All exports are assessed against five policy criteria: international obligations, human rights, regional security, national security, and foreign policy.
 - The assessment of applications considers the goods or technology, the way it will be used, and who it will be used by – the end-user. This includes looking at the risk of it being diverted to another end-user.
- The Arms Trade Treaty was ratified by Australia in June 2014 and imposes obligations on Australia in relation to exports.
 - The obligations include assessing any possible negative consequences in relation to human rights, terrorism, peace and security, and transnational organised crime.
 - Consideration of Arms Trade Treaty obligations are a key part of the assessment process for export applications.

Australian defence industry

- The Australian government signalled its intent to grow Australian defence industry through the release of the Defence Industry Policy Statement in 2016.
 - Growing Australia's defence industry includes increasing defence exports.
 - Defence exports build the resilience, international competitiveness, and sustainability of Australia's defence industry to meet our defence capability needs.
 - All exports will continue to be assessed under Australia's export control provisions.

s47G





Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS17-900593
Ref: O1046471

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSECSP&I and Secretary

Copies to: Secretary, CDF, CDS, DEPSECSP&I, FASIP, s7(2)

s33(a)(iii)

Approval of Export of s47G, s33(a)(iii)

→ Similarly needs work
as per the
Ministrals.

Critical Date: 30 June 2017

Reason: Response to Applicant

Comment [LSA1]: To be updated as appropriate

Recommendation/s:

1. That you agree in-principle to the export of s47G, s33(a)(iii) under Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 (subject to the provision of US re-export approvals).
2. Note that, subject to your agreement, Defence will finalise the assessment and approval of the permits for the s47G, s33(a)(iii) once the applicant has provided the required additional documentation, including the s33(a)(iii)

Agreed / Not agreed

Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. s47G, s33(a)(iii)

2. s47G, s33(a)(iii)

3. s47G, s33(a)(iii)

4. s47G, s33(a)(iii)

5. s33(a)(iii)

Comment [LSA2]: To be confirmed with applicant

~~SECRET AUSTEO~~

~~SECRET-AUSTEO~~

s33(a)(iii)

6. s7(2A)

7. s47E(d), s47C

Comment [LSA3]: To be updated when advice from DFAT is received

8. Defence recommends you agree in-principle to this export under Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 as there is no clearly identifiable risk that the goods would be used to either commit or facilitate serious human rights abuses, the export will not breach our international obligations and it is unlikely that the export will negatively impact regional and national security.
9. If you agree in-principle to this export, Defence will provide permits, s47G the required additional documentation, s33(a)(iii)

.....
Ms Kate Louis
First Assistant Secretary Defence Industry
Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
June 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

~~SECRET-AUSTEO~~

s33(a)(iii)

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

A - s47G

B - s7(2A) dated 5 May 2017 (provided to action addressees only).

C - Advice from the Department of Foreign Affairs and Trade, dated 27 October 2016.

Comment [LSA4]: To be updated when advice has been received from DFAT

Background:

10. DEC administers export controls on the export of military, other lethal and dual-use goods, services and technologies in support of Australia's arms control and counter-proliferation efforts.
11. The controlled items are consolidated in a legislative instrument, the Defence and Strategic Goods List (DSGL). The DSGL is primarily derived from the four main international export control regimes (the Wassenaar Arrangement, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group).
12. Defence administers defence export controls under four pieces of legislation:
 - a. Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 authorises the Minister for Defence, or a delegate, to permit the physical export of goods listed in the DSGL;
 - b. The *Defence Trade Controls Act 2012* requires permits for the intangible supply and publication of technology relating to defence and strategic goods, and brokering the supply of DSGL goods and technology;
 - c. The *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* provides the power to prohibit the export of goods, technologies or services that, while not listed in the DSGL, could assist a chemical, biological, or nuclear program and means of delivery (a Weapons of Mass Destruction (WMD) Program). This is referred to as 'catch-all' legislation as it addresses specific cases where the items would not normally be controlled for export, but where the Minister for Defence has reason to believe or suspect that the items are destined for a WMD program and therefore wishes to prevent to the export; and
 - d. Section 112BA of the *Customs Act 1901* (military end use provision), provides another 'catch-all' power to prohibit the export of goods that, while not listed in the DSGL and therefore not routinely controlled for export, could contribute to a particular military end use that would prejudice Australia's security, defence or international relations.
13. The administrative authority to approve exports has been delegated to Defence officials, but the decision to deny exports remains solely with you.

14. s47G

Assessment Process

15. DEC assesses all applications against five criteria, including consideration of Australia's obligations under the ATT. The assessment includes the consideration of the goods/technology, the end-user, the end-use, the destination country and other risks such as the possible diversion of the export. The five criteria are:
- a. International obligations – whether the export is destined for countries which are subject to United Nations Security Council or Australian Autonomous Sanctions; or is destined for countries where the export might be used in a manner contrary to Australia's international obligations or commitments;
 - b. Human Rights – whether the export poses a clearly identifiable risk that the goods would be used to commit or facilitate serious human rights abuses;
 - c. National Security – whether the export might compromise Australia's wider security interests, is destined for countries with policies or interests which are inimical to the strategic interests of Australia or its friends or allies, might adversely affect Australia's military capability or compromise operations capability;
 - d. Regional Security – whether the export might contribute to the instability in the region or aggravate the threat to international and regional peace and security; and
 - e. Foreign Policy – whether the export is destined for countries developing (or suspected of developing) weapons of mass destruction or the means for their delivery, or supporting terrorism.
16. The assessment is informed by consultation with a range of areas across government including s7(2A) s7(2A) Capability Managers where the export relates to goods/technology used by the Australian Defence Force, international Policy Division in relation to Defence's international relationships and the DFAT in relation to ATT obligations, human rights and international relations.
17. Advice on Defence Export Controls more broadly was previously provided to both your office and the Office of the Minister for Defence Industry on 25 October 2016 (MA16-002622 refers).

Assessment of the export

18. s7(2A)

19. s7(2A) Defence sought further advice from the Department of Foreign Affairs and Trade (DFAT) (see Attachment C). DFAT noted that ????.

20. s47E(d)

Comment [LSA5]: To be updated when advice has been received from DFAT.

~~SECRET AUSTEO~~

Previous Arms Control Regime denials

- a. There are no relevant by Wassenaar Regime members (the relevant export control regime s33(a)(iii) [REDACTED])

Recommendation

21. Defence recommends that you agree in-principle to this export as:

a. s47G, s33(a)(iii), s7(2A) [REDACTED]

b. [REDACTED]

c. [REDACTED]

d. [REDACTED]

- e. the goods will be unlikely to negatively impact Australia's national security interests. s33(a)(iii) [REDACTED] however, it will not be to a level that threatens Australia's relative capability;
- f. the export will not breach Australia's commitments under international export control regimes; and
- g. the export will not be used in a WMD program and will not support terrorism.

Comment [LSA6]: To be updated when advice has been received from DFAT.

22. If you agree in-principle to the export, Defence will provide permits s47G [REDACTED] the required additional documentation, such as s33(a)(iii) [REDACTED]

Related Briefs:

MS17-900592 – Approval of Export of s47G, s33(a)(iii) [REDACTED]

MS17-900563 – Defence Exports to the s33(a)(iii) [REDACTED]

MS17-900580 – Proposed Exports of Military Goods to s33(a)(iii) [REDACTED] and

s22 [REDACTED]

Consultation:

Yes.

s7(2A) [REDACTED]

s7(2A) [REDACTED] International Policy Division (FAS International Policy Division, Scott Dewar?????) and Department of Foreign Affairs and Trade (FAS International Security Division, Richard Sadleir?????), were consulted in the development of this advice.

Comment [LSA7]: To be updated after consultation.

~~SECRET AUSTEO~~

s33(a)(iii)

Recommendation

21. Defence recommends that you agree in-principle to this export as:

s47G, s33(a)(iii)

e. the goods will be unlikely to negatively impact Australia's national security interests.

s33(a)(iii)

however, it will not be to a level that threatens Australia's relative capability;

f. the export will not breach Australia's commitments under international export control regimes; and

g. the export will not be used in a WMD program and will not support terrorism.

22. If you agree in-principle to the export, Defence will provide permits s47G the required additional documentation, such as s33(a)(iii)

Comment [LSA6]: To be updated when advice has been received from DFAT.

Related Briefs:

MS17-900592 – Approval of Export of s47G, s33(a)(iii)

MS17-900563 – Defence Exports to the s33(a)(iii)

MS17-900580 – Proposed Exports of Military Goods to s33(a)(iii) and

s22

Consultation:

Yes.

s7(2A)

s7(2A) International Policy Division (FAS International Policy Division, Scott Dewar?????) and Department of Foreign Affairs and Trade (FAS International Security Division, Richard Sadleir?????), were consulted in the development of this advice.

Comment [LSA7]: To be updated after consultation.

~~SECRET AUSTEO~~

PDR: MS17-900593

Ref: FASSP(S)/OUT/2017/39

Australian Government

MINISTERIAL SUBMISSION

Department of Defence

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I and A/Secret

Copies to: CDF, FASIP, S7(2A) HLC (Army), HLS (CASG)



Export of s47G, s33(a)(iii)

Critical Date: 23 August 2017

Reason: Response to Applicant

Recommendations:

1. That you note the information in this brief, including advice from the Department of Foreign Affairs and Trade.
2. Note that, subject to your consideration, Defence will finalise the assessment and approval of the permits for the s47G, s47G, s33(a)(iii)

Noted / Please discuss

Noted / Please discuss

s33(a)(iii)

s33(a)(iii)

s22

Minister for Defence

Date 25/08/2017

Key Points:

s47G, s33(a)(iii)

SP&I GC CDR

CDR NO: 1


SERIAL: 164

~~SECRET AUSTEO~~

CDR NO: 1-6 3D

SERIAL 23651428

s33(a)(iii)



7. The assessment of the export application is based on advice from s7(2A) s7(2A) the Department of Foreign Affairs and Trade (DFAT), International Policy Division (IPDIV), Army, and the Capability Acquisition and Sustainment Group (CASG).

s7(2A)



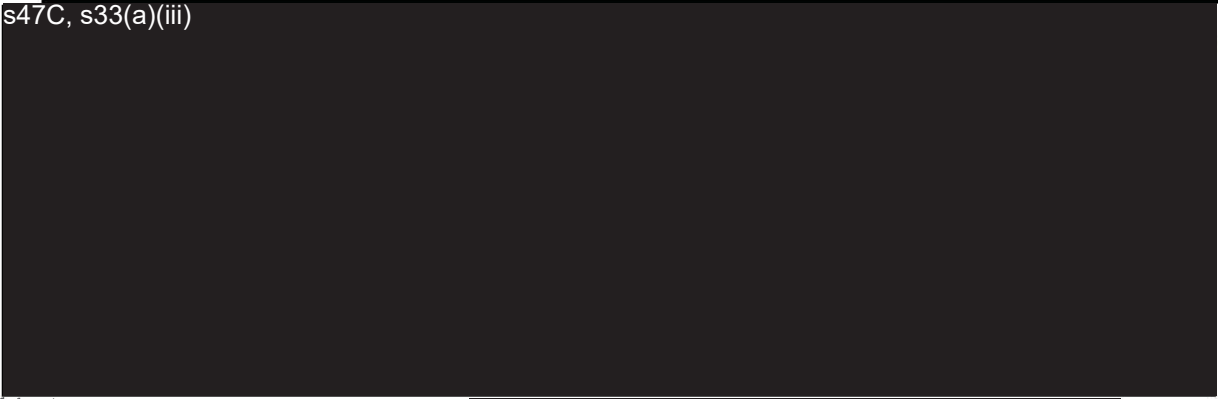
9.

s47C, s47E(d)

s4 / E(d), s4 / C

s47C, s33(a)(iii)

s47C, s33(a)(iii)



*Noted.
Agreed.*

11. Army and CASG were consulted s47C, s47E(d)
12. There is no clearly identifiable risk that the goods would be used to either commit or facilitate serious human rights abuses domestically or externally; the export will not breach Australia's international obligations and is consistent with our foreign policy; and it is unlikely that the export will negatively impact regional and national security.

13. [REDACTED] s33(a)(iii) Defence will approve this export.

s22

Mr Tom Hamilton
First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883
† August 2017

Contact officer: Mr Damien Chifley
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

- A – s47G [REDACTED]
- B – s7(2A) [REDACTED] dated 5 May 2017 (provided to action addressees only).
- C – Advice from DFAT, dated 15 June 2017.
- D – Advice from DFAT, dated 23 June 2017.
- E – Talking points: Australian defence export controls.

Background:

Background:

Advice regarding the export

s7(2A)



15. s47C, s47E(d)



s47E(d), s47C

s47C, s33(a)(iii)

16. International Policy Division was consulted

s47C, s33(a)(iii)

17. s7(2A)

Army and CASG were consulted. s47C, s47E(d)

Previous arms control regime denials

18. This proposed export is controlled under the provisions of the Wassenaar Arrangement, which controls select conventional weapons and dual-use technologies.

19. There are no relevant denials s33(a)(iii) Wassenaar Arrangement member countries.

Assessment of the export

20. Defence has assessed the export against the five criteria:

a. International Obligations – The export will not breach Australia's commitments under arms control regimes and treaties. There are no relevant regime denials and

b. Human Rights – There is no clearly identifiable risk that the goods will be used in human rights violations. s33(a)(iii)
s47G, s33(a)(iii)

c. National Security – s47G

s47G

s7(2A)

s7(2A)

s47C, s47E(d)

Army and CASG have advised that they

d. Regional Security – s33(a)(iii)

s33(a)(iii)

e. Foreign Policy – As there is a low risk of the goods being used in a manner that is inconsistent with Australian interests s33(a)(iii)

s33(a)(iii)

21. Noting the assessment in paragraph 20, Defence intends to approve this export, subject to s33(a)(iii)

Related Briefs:

MS17-900592 – Export of s47G, s33(a)(iii)

MS17-900563 – Sensitive and complex defence export applications

MS17-900580 – Proposed Exports of Military Goods to s33(a)(iii)
and s22

Consultation:

s7(2A)

IPDIV (A/FAS International Policy Division, CDRE Stephen Woodall), CASG (Head Land Systems Division, MAJGEN David Coghlan), Army (Head Land Capability, MAJGEN Kathryn Toohey) and DFAT (FAS International Security Division, Richard Sadleir) were consulted in the development of this advice.



~~SECRET AUSTEO~~



Australian Government

Department of Foreign Affairs and Trade

15 June 2017


Ms Tina Mathewson
Assistant Secretary
Defence Export Controls
Department of Defence
Russell Offices
CANBERRA ACT 2600

Dear Ms Mathewson

s47G, s33(a)(iii), s47C, s7(2A)

A large, solid black rectangular box covering the majority of the page content below the salutation, indicating that the information has been redacted.

s33(a)(iii), s47E(d)



Yours sincerely

s22



Robert McKinnon
Acting First Assistant Secretary
International Security Division

~~SECRET AUSTEO~~



Australian Government
Department of Foreign Affairs and Trade

23 June 2017


Ms Tina Mathewson
Assistant Secretary
Defence Export Controls
Department of Defence
Russell Offices
CANBERRA ACT 2600

Dear Ms Mathewson

s47G, s33(a)(iii), s47C, s7(2A)

A large, solid black rectangular box covering the majority of the page content, indicating that the information has been redacted.

s47G, s33(a)(iii), s47C, s7(2A)



Yours sincerely

s22



Robert McKinnon
Acting First Assistant Secretary
International Security Division

Talking Points – Australian defence export controls

Australian defence export controls

- The export of military goods and technology from Australia is subject to Australia's export control provisions.
 - These provisions reflect Australia's international obligations and commitment to global security and counter-proliferation efforts, and apply whether the export is undertaken by the government or the private sector.
- Defence does not release the details of export applications due to commercial-in-confidence considerations.
 - As a regulator, Defence relies on a frank and open exchange of information with applicants. This includes applicants sharing their sensitive commercial information.
 - Releasing this information would breach this confidence and lead to a lack of trust in Defence's ability to protect applicants' information.
 - This would be detrimental to Defence's ability to effectively regulate the export of military goods and technology.
- Australia's defence export control provisions reflect Australia's international obligations as a member of arms control regimes and signatory to the Arms Trade Treaty, and are consistent with like-minded countries.
 - All exports are assessed against five policy criteria: international obligations, human rights, regional security, national security, and foreign policy.
 - The assessment of applications considers the goods or technology, the way it will be used, and who it will be used by – the end-user. This includes looking at the risk of it being diverted to another end-user.
- The Arms Trade Treaty was ratified by Australia in June 2014 and imposes obligations on Australia in relation to exports.
 - The obligations include assessing any possible negative consequences in relation to human rights, terrorism, peace and security, and transnational organised crime.
 - Consideration of Arms Trade Treaty obligations are a key part of the assessment process for export applications.

Australian defence industry

- The Australian government signalled its intent to grow Australian defence industry through the release of the Defence Industry Policy Statement in 2016.
 - Growing Australia's defence industry includes increasing defence exports.
 - Defence exports build the resilience, international competitiveness, and sustainability of Australia's defence industry to meet our defence capability needs.
 - All exports will continue to be assessed under Australia's export control provisions.

s47G





Australian Government

Department of Defence

SECRET AUSTEO

PDR: MS17-900758

Ref: FASSP(S)/OUT/2017/

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I

Copies to: SEC, CDF, CDS **s7(2)**, **s7(2A)** ASDEC, FASIP

Sensitive and complex defence export applications

Critical Date: 11 August 2017	Reason: These export applications are currently held by Defence, pending your noting this advice.
--------------------------------------	--

Recommendations:

- | | |
|---|------------------------|
| 1. Note the export applications detailed in <u>Attachment A</u> . | Noted / Please discuss |
| 2. Note that once you have considered this advice, Defence will finalise the assessments and approve the permits. | Noted / Please discuss |

Minister for Defence..... Date / /

Key Points:

- The purpose of this submission is to provide greater visibility of four sensitive and complex cases being considered by Defence.
- s47E(d)** [REDACTED]
- This submission follows earlier advice (MS17-900563 refers) which provided information on the assessment of nine applications for the export of military or dual-use goods or technology to a range of countries **s33(a)(iii)** [REDACTED]. This submission provides information on the assessment of four additional applications, **s22, s33(a)(iii)** [REDACTED] that has been finalised following consultation with your office.
- Each of the applications has been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by consultation with a range of areas across government. Individual assessments are included in Attachment A.

SECRET AUSTEO

5. Defence recommends that you note the four cases. Once noted, Defence will proceed to finalise the assessments and approve the permits for all cases. If you wish to discuss any of the cases, I would be happy to provide more detail at your convenience.

.....
Mr Tom Hamilton
First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883
August 2017

Contact officer: Mr Damien Chifley
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

These cases are either nearing, or have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Summary of Attachments:

A – Current sensitive and complex export applications.

Related Briefs:

MS17-900558 – DEC – s47E(d)
MS17-900563 – Sensitive and complex defence export applications

Consultation:

The attached case notes at Attachment A have been consulted and agreed by the s7(2A)
s7(2A)

Department of Foreign Affairs and Trade (Mr Robert McKinnon, Assistant Secretary Strategic Issues and Intelligence Branch and s22, Director Conventional Weapons and Space Policy Section), International Policy Division (Ms Anita Lewan, s33(a)(iii), Five Power Defence Arrangements, South and South East Asia Branch and Mr Steven Moore, Assistant Secretary Global Interests), and Capability Acquisition and Sustainment Group (Mr Rex Rowe, A/Director General Integrated Soldier Systems Branch).



Australian Government

Department of Defence

~~SECRET AUSTEO~~

PDR: MS17-900758

Ref: FASSP(S)/OUT/2017/45

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I s22 9/8

Copies to: SEC, CDF, CDS, s7(2) s7(2A) FASIP, ASDEC

Sensitive or complex defence export applications

Critical Date: 25 August 2017	Reason: These export applications are currently held by Defence
--------------------------------------	--

Recommendations:

1. Note that Defence intends to finalise nine sensitive or complex export applications. Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. The purpose of this submission is to provide greater visibility of nine sensitive or complex cases being considered by Defence. These cases are summarised below.

a. s47G, s33(a)(iii)

[Redacted content for item a]

b. s22, s33(a)(iii)

[Redacted content for item b]

c. s47G, s33(a)(iii)

[Redacted content for item c]

s47C

~~SECRET AUSTEO~~

- d. s22, s33(a)(iii) [REDACTED]
- e. s47G, s33(a)(iii) [REDACTED]
- f. s22, s33(a)(iii), s7(2A) [REDACTED]
- g. s47G, s33(a)(iii), s7(2A) [REDACTED]
- h. s22, s33(a)(iii) [REDACTED]
- i. s22, s33(a)(iii), s7(2A) [REDACTED]

2. Each of the applications has been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by consultation with a range of areas across Defence and other government agencies, including IP Div. s7(2) [REDACTED] DFAT.

3. Defence intends to finalise the assessments and approve the permits for all cases. If you wish to discuss any of the cases, I would be happy to provide more detail at your convenience.

s22

Ms Samantha Higgins
A/First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883
18 August 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

These cases are either nearing, or have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – DEC – s47E(d)
MS17-900563 – Sensitive and complex defence export applications

Consultation:

The assessments of these cases included consultation with s7(2A)
s7(2A) DFAT (Mr Robert McKinnon, Assistant Secretary Strategic Issues and Intelligence Branch
and s22 Director Conventional Weapons and Space Policy Section), IP Div (Ms
Anita Lewan, Director s33(a)(iii) Five Power Defence
Arrangements, South and South East Asia Branch and Mr Steven Moore, Assistant Secretary
Global Interests), and Capability Acquisition and Sustainment Group (Mr Rex Rowe, A/Director
General Integrated Soldier Systems Branch).



Australian Government
Department of Defence

MINISTERIAL SUBMISSION

PDR: MS17-900758
Ref: FASSP(S)/OUT/2017/45



Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I

Copies to: SEC, CDF, CDS, s7(2), s7(2A), FASIP, ASDEC

Sensitive or complex defence export applications

Critical Date: 25 August 2017

Reason: These export applications are currently held by Defence

Recommendations:

1. Note that Defence intends to finalise nine sensitive or complex export applications.

Noted Please discuss

s22

Minister for Defence

te 29/08/2017

Key Points:

1. The purpose of this submission is to provide greater visibility of nine sensitive or complex cases being considered by Defence. These cases are summarised below.

- a. s47G, s33(a)(iii), s7(2A)

- b. s22, s33(a)(iii), s7(2A)

- c. s47G, s33(a)(iii), s7(2A)

~~SECRET AUSTEO~~

Page 1 of 3

DMPLS

CDR No:

SERIAL:

1-G
2381

- d. s22, s33(a)(iii) [REDACTED]
- e. s47G, s33(a)(iii), s7(2A) [REDACTED]
- f. s22, s33(a)(iii), s7(2A) [REDACTED]
- g. s47G, s33(a)(iii), s7(2A) [REDACTED]
- h. s22, s33(a)(iii), s7(2A) [REDACTED]
- i. s22, s33(a)(iii), s7(2A) [REDACTED]

2. Each of the applications has been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by consultation with a range of areas across Defence and other government agencies, including IP Div, s7(), and DFAT.

3. Defence intends to finalise the assessments and approve the permits for all cases. If you wish to discuss any of the cases, I would be happy to provide more detail at your convenience.

s22

Ms Samantha Higgins
A/First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883
18 August 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

These cases are either nearing, or have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – DEC – s47E(d)
MS17-900563 – Sensitive and complex defence export applications


Consultation:

The assessments of these cases included consultation with s7(2A)
s7(2), DFAT (Mr Robert McKinnon, Assistant Secretary Strategic Issues and Intelligence Branch and s22 Director Conventional Weapons and Space Policy Section), IP Div (Ms Anita Lewan, Director s33(a)(iii), Five Power Defence Arrangements, South and South East Asia Branch and Mr Steven Moore, Assistant Secretary Global Interests), and Capability Acquisition and Sustainment Group (Mr Rex Rowe, A/Director General Integrated Soldier Systems Branch).

s22, s47G, s7(2A), s33(a)(iii)



s47G, s7(2A), s33(a)(iii)




IPDIV .	IPDIV was not consulted as s47E(d), s33(a)(iii) [REDACTED] [REDACTED].
---------	---

DEC reference: 2017115464

s22, s47G, s7(2A), s33(a)(iii)




s47G, s7(2A), s33(a)(iii)



s22, s47G, s7(2A), s33(a)(iii)



s22, s47G, s7(2A), s33(a)(iii)



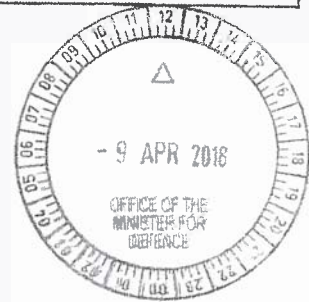


Australian Government

Department of Defence

~~SECRET AUSTEO~~

MINISTERIAL SUBMISSION

 PDR: MS18-900251
 FASDIP/OUT/2018/01413339


Minister for Defence – For action

Minister for Defence Industry – For information

Copies to: Secretary, CDF, DEPSEC SP&I, FASIP, ASDEC, s7(2A), s7(2A)

Complex or sensitive defence export applications 5 of 2018

Critical Date: 28 March 2018

Reason: These applications have exceeded the 35 day limit for processing.

Recommendation:

1. That you note that Defence intends to finalise three complex or sensitive export applications.

Noted / Please discuss

Minister for Defence

s22

date 13/04/2018

Key Points:

1. On 25 August 2017 you noted the s47E(d) [redacted] s47E(d) of complex or sensitive export applications (MS17-900558 refers).
2. Defence has assessed three cases that meet the [redacted] d)

a. s47G, s33(a)(iii)

b. s22, s47G, s33(a)(iii)

c. s22, s47G, s7(2A), s33(a)(iii)

3. These applications have been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by previous consultation with s7(2A) IP Division and DFAT.
4. Defence intends to finalise these assessments and approve the permits for these cases. If you wish to discuss, I would be happy to provide more detail at your convenience.

s22

Dr Sheridan Kearnan
First Assistant Secretary
Defence Industry Policy
Telephone: 02 6265 7195

Contact officer: Tina Mathewson
Contact officer phone: 02 6265 6422

/6 March 2018

Sensitivity:

Yes. These export applications have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d)
MS17-900758 – Sensitive or complex defence export applications
MS18-000008 – Sensitive or complex defence export applications – No. 1 of 2018
MS18-900010 – Sensitive or complex defence export applications – No. 2 of 2018
MS18-900136 – Sensitive or complex defence export applications – No. 3 of 2018
MS18-900251 – Sensitive or complex defence export applications – No. 4 of 2018

Consultation:

Yes. The assessment process has been informed by consultation with s7(2A) Branch), s7(2A) IP Division s33(a)(iii) Directorate, South and Southeast Asia Branch and Middle East, United Nations, Africa and Peacekeeping Directorate, Global Interests Branch) and DFAT (Strategic Issues and Intelligence Branch, International Security Division



Australian Government
Department of Defence

~~SECRET AUSTEO~~

MINISTERIAL SUBMISSION

PDR: MS18-900251
FASDIP/OUT/2018/01413339



Minister for Defence – For action

Minister for Defence Industry – For information **s22**

Copies to: Secretary, CDF, DEPSEC SP&I, FASIP, ASDEC **s7(2A)**, **s7(2A)**, FASMECC

COMPLEX OR SENSITIVE DEFENCE EXPORT APPLICATIONS 5 OF 2018

Critical Date: 17 April 2018

Reason: These applications have exceeded the 35 day limit for processing.

Recommendation:

1. That you note that Defence intends to finalise two complex or sensitive export applications.

Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. On 25 August 2017 you noted the proposed guidelines for Defence to **s47E(d)** of complex or sensitive export applications (MS17-900558 refers).
2. Defence has assessed two cases that meet the **s47E(d)**:
 - a. **s47G, s33(a)(iii)**
 - b. **s22, s47G, s33(a)(iii)**
3. These applications have been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by previous consultation with **s7(2A)** IP Division and DFAT.

4. Defence intends to finalise these assessments and approve the permits for these cases. If you wish to discuss, I would be happy to provide more detail at your convenience.

Tina Mathewson
Acting First Assistant Secretary
Defence Industry Policy
Telephone: 02 6265 7195
10 April 2018

Contact officer: Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

Yes. These export applications have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d)
MS17-900758 – Sensitive or complex defence export applications
MS18-000008 – Sensitive or complex defence export applications – No. 1 of 2018
MS18-900010 – Sensitive or complex defence export applications – No. 2 of 2018
MS18-900136 – Sensitive or complex defence export applications – No. 3 of 2018
MS18-900251 – Sensitive or complex defence export applications – No. 4 of 2018

Consultation:

Yes. The assessment process has been informed by consultation with s7(2A) Branch), s7(2A) IP Division s33(a)(iii) Directorate, South and Southeast Asia Branch and Middle East, United Nations, Africa and Peacekeeping Directorate, Global Interests Branch) and DFAT (Strategic Issues and Intelligence Branch, International Security Division.



Australian Government

Department of Defence

~~SECRET AUSTEO~~

PDR: MS18-900251

FASDIP/OUT/2018/01413339

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Copies to: Secretary, CDF, DEPSEC SP&I, FASIP, ASDEC, s7(2A)s7(2A)

Complex or sensitive defence export applications 5 of 2018

Critical Date: 28 March 2018

Reason: These applications have exceeded the 35 day limit for processing.

Recommendation:

1. That you note that Defence intends to finalise three complex or sensitive export applications.

Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. On 25 August 2017 you noted the proposed guidelines for Defence to provide you with s47E(d) of complex or sensitive export applications (MS17-900558 refers).
2. Defence has assessed three cases that meet the s47E(d)

- a. s47G, s33(a)(iii)

- b. s22, s47G, s33(a)(iii)

- c. s22, s47G, s7(2A), s33(a)(iii)

3. These applications have been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by previous consultation with s7(2A) IP Division and DFAT.
4. Defence intends to finalise these assessments and approve the permits for these cases. If you wish to discuss, I would be happy to provide more detail at your convenience.

s22

Dr Sheridan Kearnan
First Assistant Secretary
Defence Industry Policy
Telephone: 02 6265 7195

Contact officer: Tina Mathewson
Contact officer phone: 02 6265 6422

16 March 2018

Sensitivity:

Yes. These export applications have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d)
MS17-900758 – Sensitive or complex defence export applications
MS18-000008 – Sensitive or complex defence export applications – No. 1 of 2018
MS18-900010 – Sensitive or complex defence export applications – No. 2 of 2018
MS18-900136 – Sensitive or complex defence export applications – No. 3 of 2018
MS18-900251 – Sensitive or complex defence export applications – No. 4 of 2018

Consultation:

Yes. The assessment process has been informed by consultation with s7(2A) s7(2A) IP Division s33(a)(iii) s33(a)(iii) Directorate, South and Southeast Asia Branch and Middle East, United Nations, Africa and Peacekeeping Directorate, Global Interests Branch) and DFAT (Strategic Issues and Intelligence Branch, International Security Division

~~SECRET AUSTEO~~

Australian Government

Department of Defence

MINISTERIAL SUBMISSION

 PDR: MS18-900633
 FASDIP/OUT/2018/01504517

Minister for Defence – For action

Minister for Defence Industry – For information s22

Through: Secretary

Copies to: Associate Secretary, CDF, FASIP, s7(2A), FASMECC, HLC (Army), HLS (CASG)



PROPOSED EXPORT OF s47G, s33(a)(iii)

Critical Date: 17 May 2018

Reason: s47G, s33(a)(iii)

Recommendations:

- | | |
|---|------------------------|
| 1. That you note that on 13 July 2017, Defence advised you of the Department's intent to finalise the assessment and approval of the permits for s47G, s33(a)(iii) [redacted]
[redacted]
[redacted] | Noted / Please discuss |
| 2. That you note that the required additional documentation has been provided, s33(a)(iii) [redacted]
[redacted] | Noted / Please discuss |
| 3. That you note that due to the lapse of time since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. | Noted / Please discuss |
| 4. That you note that the re-assessment has raised some additional considerations s33(a)(iii) [redacted]
[redacted]
[redacted]
[redacted] | Noted / Please discuss |
| 5. s33(a)(iii) [redacted]
[redacted]
[redacted]
[redacted] | Noted / Please discuss |
| 6. That you note that through the whole-of-government consultation, s33(a)(iii) [redacted]
[redacted] | Noted / Please discuss |
| 7. That you note Defence intends to finalise this application. | Noted / Please discuss |

Minister for Defence.....

Date / /

DMPLS

CDF

SECRET

1-9

2785

30

1945

Proposed export:

1. s47G, s33(a)(iii) [REDACTED]
2. s47G, s33(a)(iii) [REDACTED]
3. Defence had previously advised you that the risks surrounding this intended export were acceptable. Noting the time lapse between when Defence's original assessment was undertaken (mid 2017) and s33(a)(iii) [REDACTED] it was assessed that it would be appropriate to undertake a re-assessment of the application as a due diligence measure. The re-assessment of the application has included updated inputs from s7(2A) [REDACTED] the Department of Foreign Affairs and Trade (DFAT).

Key Considerations

4. s7(2A), s33(a)(iii) [REDACTED]
5. s33(a)(iii) [REDACTED]
6. s33(a)(iii) [REDACTED]

7. s7(2A) s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] (Attachment C).

8. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an “overriding risk” that the exported items could be used to commit or facilitate a serious violation of international humanitarian law (IHL) or international human rights law, as applicable.

s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]

10. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13. s47E(d) [REDACTED]
[REDACTED]
[REDACTED]
14. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, s33(a)(iii) [REDACTED]
[REDACTED]
Defence would provide you with advice about using your powers to revoke the permit.

15. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]

Next Steps

16. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18. Defence intends s47G [REDACTED] and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

Cleared by
Dr Sheridan Kearnan
Acting Deputy Secretary
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
14 May 2018

Contact officer: Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Telephone: 02 6265 6422

Sensitivity:

s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]

s33(a)(iii)

S

7
 G

[illegible]

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

- A – MS17-900592 Export of s47G, s33(a)(iii)
B – s7(2A), provided 11 May 2018
C – DFAT updated advice (at Department of Defence request) dated 17 April 2018

~~SECRET-AUSTEO~~

Australian Government
Department of Defence

MINISTERIAL SUBMISSION

PDR: MS18-900633
FASDIP/OUT/2018/01504517

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: CDF, FASIP, FASDIP, ~~s7(2)~~, FASMECC, HLC (Army), HLS (CASG)

Proposed Export of ~~s47G, s33(a)(iii)~~

Critical Date: N/A

Reason: Routine

Recommendations:

1. That you note that on 13 July 2017, Defence advised you of the Department's intent to finalise the assessment and approval of the permits for ~~s47G, s33(a)(iii)~~ ~~s33(a)(iii)~~ nce the applicant had provided the required additional documentation.
2. That you note that the required additional documentation has been provided, ~~s33(a)(iii)~~ ~~s33(a)(iii)~~ dated 26 March. Noted / Please discuss
3. That you note that due to the lapse of time since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. Noted / Please discuss
4. That you note that the re-assessment has raised some additional considerations ~~s33(a)(iii)~~ ~~s33(a)(iii)~~ Noted / Please discuss
5. ~~s33(a)(iii)~~ ~~s33(a)(iii)~~ Noted / Please discuss
6. ~~s33(a)(iii)~~ ~~s33(a)(iii)~~ .
7. That you note Defence intends to finalise this application.

Minister for Defence..... Date / /

~~SECRET-AUSTEO~~

Proposed export:

1. s47G, s33(a)(iii)

[REDACTED]

[REDACTED]

3. Defence had previously advised you that the risks surrounding this intended export were acceptable. Noting the time lapse between when Defence's original assessment was undertaken (mid 2017) s47G, s33(a)(iii), it was assessed that it would be appropriate to undertake a re-assessment of the application as a due diligence measure. The re-assessment of the application has included updated inputs from s7(2A) the Department of Foreign Affairs and Trade (DFAT).

Key Considerations


4. s7(2A)

[REDACTED]

5. s33(a)(iii)

[REDACTED]

6. s7(2A), s33(a)(iii)




7. s7(2A) s33(a)(iii)



(Attachment C).

8. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an “overriding risk” that the exported items could be used to commit or facilitate a serious violation of international humanitarian law (IHL) or international human rights law, as applicable.

s33(a)(iii)



11. s33(a)(iii)



12. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13. s47E(d) [REDACTED]
[REDACTED]
[REDACTED]

14. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, s33(a)(iii) [REDACTED],
Defence would provide you with advice about using your powers to revoke the permit.

15. s47G, s33(a)(iii) [REDACTED]
[REDACTED]

Next Steps

16. s33(a)(iii) [REDACTED]
[REDACTED]

17. s33(a)(iii) [REDACTED]
[REDACTED]


18. Defence intends to finalise s47G, s33(a)(iii) [REDACTED] and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Dr Sheridan Kearnan
Acting Deputy Secretary
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
May 2018

Contact officer: Ms Tina Mathewson

Sensitivity:

s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

A – MS17-900592 Export of s47G, s33(a)(iii)

B – s7(2A) provided 11 May 2018

C – DFAT updated advice (at Department of Defence request) dated 17 April 2018

Background:

Advice regarding the export

19. s47G, s33(a)(iii)

Related Briefs:

MS17-900592 – Export of s47G, s33(a)(iii)

Consultation: s47E(d), s47C by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A), IP Div (Stephen Moore, Acting First Assistant Secretary International Policy Division), s47C.

SECRET-AUSTEO**Australian Government****Department of Defence****MINISTERIAL SUBMISSION**
PDR: MS18-900633
FASDIP/OUT/2018/01504517
Minister for Defence – For action**Minister for Defence Industry – For information****Through: Secretary****Copies to:** CDF, FASIP, s7(2A), FASMECC, HLC (Army), HLS (CASG)**Proposed Export of** s47G, s33(a)(iii)**Critical Date:** N/A**Reason:** Routine**Recommendations:**

1. That you note that Defence has assessed an application for the export of s47G, s33(a)(iii) [REDACTED] Noted / Please discuss
2. s33(a)(iii) [REDACTED] Noted / Please discuss
3. s33(a)(iii) [REDACTED] Noted / Please discuss
4. That you note Defence intends to finalise this application.

Minister for Defence..... Date / /

Proposed export:

1. s47G, s33(a)(iii) [REDACTED]
2. On 13 September 2017, you noted Defence's advice that the risks surrounding this intended export were acceptable and that Defence intended to approve this export conditional upon s47G, s33(a)(iii) [REDACTED]

SECRET-AUSTEO

3. s47G, s33(a)(iii) [REDACTED]
4. Noting the time lapse between Defence's original assessment, concluded in mid 2017, s47G, s33(a)(iii) [REDACTED], Defence has re-assessed the application to update inputs from s7(2A) [REDACTED] and the Department of Foreign Affairs and Trade (DFAT).

Key Issues

5. s33(a)(iii) [REDACTED]
6. s7(2A) [REDACTED]
7. s33(a)(iii) [REDACTED]

s33(a)(iii) [REDACTED]

10. s33(a)(iii) [REDACTED]

a. s33(a)(iii)

11. s47E(d)

12. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, s33(a)(iii), you could consider whether to use your powers to revoke the permit.

13. s47G, s33(a)(iii)

Next Steps

14. s33(a)(iii)

15. Defence intends to finalise s47G and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Dr Sheridan Kearnan
Acting Deputy Secretary
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
May 2018

Contact officer: Ms Tina Mathewson

Sensitivity:

s33(a)(iii)

s33(a)(iii)

[REDACTED]

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

A – s7(2A) [REDACTED], dated 23 September 2016 (provided to action addressees only).

B-s7(2A)

C – DFAT advice dated 27 October 2016.

D – DFAT amended advice dated 17 April 2018

Background:

Advice regarding the export

s7(2A)

1. **Introduction:** The document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements.

2. **Accounting Principles:** The document outlines the fundamental principles of accounting, including the accrual basis, the matching principle, and the cost principle.

3. **Financial Statements:** The document describes the various financial statements, including the balance sheet, income statement, and cash flow statement, and their respective components.

4. **Internal Controls:** The document emphasizes the importance of internal controls in preventing fraud and ensuring the accuracy of financial data.

5. **Conclusion:** The document concludes by stating that the accounting department plays a critical role in the overall financial health of the organization.

1. **Identify the main components of the system.** What are the key elements, modules, or subsystems that make up the system?

19. s47G, s33(a)(iii)

1. The first step is to identify the problem. This involves understanding the current situation and what needs to be changed.

Comment [DLC1]: It said 17 May in paragraph 1.

Related Briefs:

MS17-900592 – Export of s47G, s33(a)(iii)

Consultation: This advice has been agreed by DFAT (xxx), s7(2) (xxx), IP Div (xxx), ABF (xxx).

SECRET-AUSTEO



MINISTERIAL SUBMISSION

PDR: MS18-900633
FASDIP/OUT/2018/01504517

Minister for Defence – For action
Minister for Defence Industry – For information
Through: Secretary
Copies to: CDF, FASIP, s7(2A), FASMECC, HLC (Army), HLS (CASG)

Proposed Export of s47G, s33(a)(iii) [redacted]
[redacted]

Critical Date: N/A	Reason: Routine
--------------------	-----------------

Recommendations:

1. That you note that Defence has assessed an application for the export of s47G, s33(a)(iii) [redacted] Noted / Please discuss
2. s33(a)(iii) [redacted] Noted / Please discuss
3. s33(a)(iii) [redacted] Noted / Please discuss
4. That you note Defence intends to finalise this application.

Minister for Defence..... Date / /

Proposed export:

1. s47G, s33(a)(iii) [redacted]
2. s47G, s33(a)(iii) [redacted]

3. s47G, s33(a)(iii) [REDACTED]
4. Noting the time lapse between Defence's original assessment, concluded in mid 2017, and s33(a)(iii) [REDACTED], Defence has re-assessed the application to update inputs from s7(2A) [REDACTED] and the Department of Foreign Affairs and Trade (DFAT).

Key Issues

5. s33(a)(iii) [REDACTED]
6. s47G, s33(a)(iii), s7(2A) [REDACTED]
7. s33(a)(iii) [REDACTED]

s33(a)(iii) [REDACTED]

10. s33(a)(iii) [REDACTED]

a. s33(a)(iii)

11. s47E(d)

12. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, s33(a)(iii), you could consider whether to use your powers to revoke the permit.

13. s47G, s33(a)(iii)

Next Steps

14. s33(a)(iii)

15. Defence intends to finalise s47G and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Dr Sheridan Kearnan
Acting Deputy Secretary
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
May 2018

Contact officer: Ms Tina Mathewson

Sensitivity:

s33(a)(iii)

s33(a)(iii)

11

1

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

A – s7(2A) [REDACTED], dated 23 September 2016 (provided to action addressees only).

B – s7(2A)

C – DFAT advice dated 27 October 2016.

D – DFAT amended advice dated 17 April 2018

Background:

Advice regarding the export

s7(2A)

[REDACTED]

[REDACTED]

[REDACTED]

19. s47G, s33(a)(iii)

[REDACTED]

Comment [DLC1]: It said 17 May in paragraph 1.

Related Briefs:

MS17-900592 – Export of s47G, s33(a)(iii)

Consultation: This advice has been agreed by DFAT (xxx), s7((xxx), IP Div (xxx), ABF (xxx).

~~SECRET-AUSTEO~~

Australian Government
Department of Defence

MINISTERIAL SUBMISSION

PDR: MS18-900633
 FASDIP/OUT/2018/01504517

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: CDF, FASIP, s7(2A), FASMECC, HLC (Army), HLS (CASG)

Proposed Export of s47G, s33(a)(iii)

Critical Date: N/A

Reason: Routine

Recommendations:

1. That you note that Defence has assessed an application for the export of s47G, s33(a)(iii) [REDACTED] Noted / Please discuss
2. s33(a)(iii) [REDACTED] Noted / Please discuss
3. s33(a)(iii) [REDACTED] Noted / Please discuss
4. That you note Defence intends to finalise this application. Noted / Please discuss

Minister for Defence..... Date / /

Proposed export:

1. s47G, s33(a)(iii) [REDACTED]
2. s47G, s33(a)(iii) [REDACTED]

~~SECRET-AUSTEO~~

3. s47G, s33(a)(iii)



4. Noting the time lapse between Defence's original assessment, concluded in mid 2017, and s33(a)(iii), Defence has re-assessed the application to update inputs from s7(2A) and the Department of Foreign Affairs and Trade (DFAT).

Key Issues


5. s33(a)(iii)




6. s7(2A)



7. s33(a)(iii)



s33(a)(iii)



10. s33(a)(iii)



a. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED].

11. s47E(d) [REDACTED]
[REDACTED]

12. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, s33(a)(iii) [REDACTED], you could consider whether to use your powers to revoke the permit.

13. s47G, s33(a)(iii) [REDACTED]
[REDACTED].

Next Steps

14. s33(a)(iii) [REDACTED]
[REDACTED]

15. Defence intends to finalise s47G [REDACTED] and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Dr Sheridan Kearnan
Acting Deputy Secretary
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
May 2018

Contact officer: Ms Tina Mathewson

Sensitivity:

s33(a)(iii) [REDACTED]
[REDACTED]

s33(a)(iii)

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

Summary of Attachments:

A – s7(2A) [REDACTED], dated 23 September 2016 (provided to action addressees only).

B - s7(2A)

C – DFAT advice dated 27 October 2016.

D – DFAT amended advice dated 17 April 2018

Background:

Advice regarding the export

s7(2A)

[REDACTED]

[REDACTED]

[REDACTED]

19. s47G, s33(a)(iii)
- [REDACTED]

Related Briefs:

MS17-900592 – Export of s47G, s33(a)(iii)

Consultation: This advice has been agreed by DFAT (xxx), s7(2) (xxx), IP Div (xxx), ABF (xxx).

~~SECRET AUSTEO~~

Australian Government
Department of Defence

MINISTERIAL SUBMISSION

PDR: MS18-900633
FASDIP/OUT/2018/01504517



Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretariat **S22** 14/5.

Copies to: Associate Secretary, CDF, FASIP, **S7(2A)** FASMECC, HLC (Army), HLS (CASG)

Proposed Export of **s47G, s33(a)(iii)**

Critical Date: 17 May 2018

s47G

Recommendations:


1. That you note that on 13 July 2017, Defence advised you of the Department's intent to finalise the assessment and approval of **s47G, s33(a)(iii)** **s47G, s33(a)(iii)** once the applicant had provided the required additional documentation. **Noted / Please discuss**
2. That you note that the required additional documentation has been provided, **s33(a)(iii)** **s33(a)(iii)** approval dated 26 March. **Noted / Please discuss**
3. That you note that due to the lapse of time since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. **Noted / Please discuss**
4. That you note that the re-assessment has raised some additional considerations **s33(a)(iii)** **s33(a)(iii)** **Noted / Please discuss**
5. **s33(a)(iii)** **Noted / Please discuss**
6. **s33(a)(iii)** **Noted / Please discuss**
7. That you note Defence intends to finalise this application. **Noted / Please discuss**

Minister for Defence....

Date 15 / 05 / 2018


Proposed export:


s47G, s33(a)(iii)



3. Defence had previously advised you that the risks surrounding this intended export were acceptable. Noting the time lapse between when Defence's original assessment was undertaken (mid 2017) and s33(a)(iii) it was assessed that it would be appropriate to undertake a re-assessment of the application as a due diligence measure. The re-assessment of the application has included updated inputs from s7(2A) and the Department of Foreign Affairs and Trade (DFAT).


Key Considerations

4. s7(2A)
- 


5. s33(a)(iii)
- 

- 6.

s33(a)(iii)




7. s7(2A), s33(a)(iii)




8. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an "overriding risk" that the exported items could be used to commit or facilitate a serious violation of international humanitarian law (IHL) or international human rights law, as applicable.

s33(a)(iii)



11. s33(a)(iii)



12. s33(a)(iii)



b. s33(a)(iii)

13. s47E(d)

14. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, should any of s33(a)(iii)

Defence would provide you with advice about using your powers to revoke the permit.

15. s47G, s33(a)(iii)

Next Steps

16. s33(a)(iii)

17. s33(a)(iii)

18. Defence intends to finalise s47G and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

s22

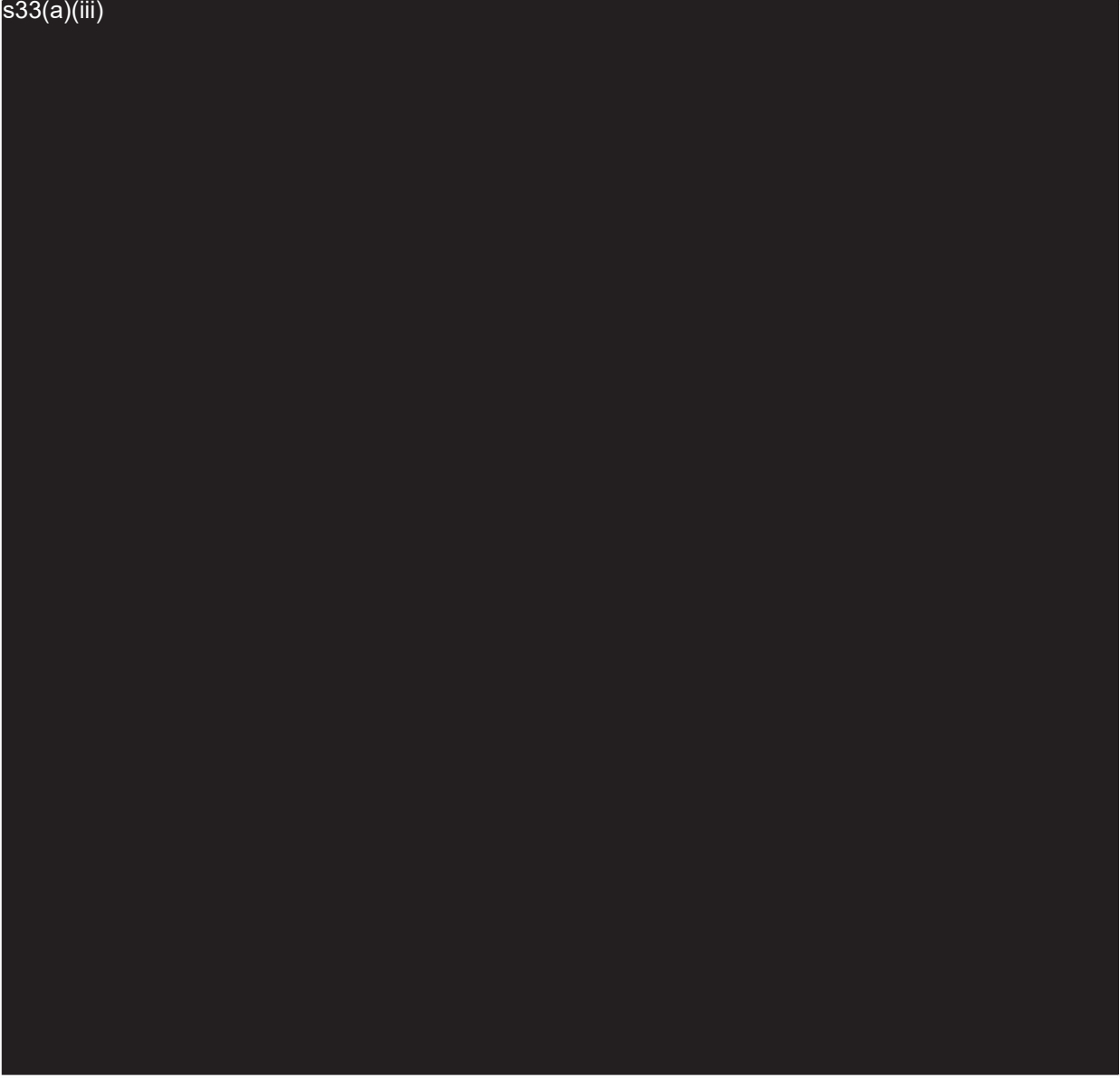
Dr Sheridan Kearnan
Acting Deputy Secretary
Strategic Policy and Intelligence Group
Telephone: 02 6265 7915
14 May 2018

Contact officer: Ms Tina Mathewson

Sensitivity:

s33(a)(iii)

s33(a)(iii)





Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G



Summary of Attachments:

- A – MS17-900592 Export of  s47G, s33(a)(iii)
- B – s7(2A)  provided 11 May 2018
- C – DFAT updated advice (at Department of Defence request) dated 17 April 2018

Background:

Advice regarding the export

s47G, s33(a)(iii)



Related Briefs:

MS17-900592 – Export of s47G, s33(a)(iii)

Consultation: This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy Cyber and Intelligence Branch International Security Division), s7(2A) International Policy Division (Stephen Moore, Acting First Assistant Secretary International Policy Division), ABF (Sharon Huey, Assistant Commissioner Enforcement Command).



Australian Government
Department of Defence

MINISTERIAL SUBMISSION

~~SECRET AUSTEO~~

PDR: MS17-900592

Ref: FASSP(S)/OUT/2017/38



Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I and A/Secretary

Copies to: CDF, FASIP, s7(2) HLC (Army), HLS (CASG)

Export of s47G, s33(a)(iii)

Critical Date: 23 August 2017

Reason: Response to Applicant

Recommendations:

1. That you note the information in this brief, including advice from the Department of Foreign Affairs and Trade.
2. Note that, subject to your consideration, Defence will finalise the assessment and approval of the permits for s47G, s33(a)(iii) s47G, s33(a)(iii) once the applicant has provided the required additional documentation, including the s33(a)(iii) s33(a)(iii)

Noted Please discuss

Noted Please discuss

Minister for Defence..

s22

Date 13 / 09 / 2017

Key Points:

1. s47G, s33(a)(iii) s47G, s33(a)(iii)
2. s47G, s33(a)(iii) s47G, s33(a)(iii)
3. s47G, s33(a)(iii) s47G, s33(a)(iii)
4. s47G, s33(a)(iii)
- 5.
6. s47G, s33(a)(iii)

SPeI GC CDR

CDR NO: 1

SERIAL: 179

~~SECRET AUSTEO~~

DMPLS

CDR No:

SERIAL:

1-G / 3D
2364 / 1495

7 s33(a)(iii)

8. This assessment of the export application is based on advice from s7(2A) s7(2A) the Department of Foreign Affairs and Trade (DFAT), International Policy Division (IPDIV), Army, and the Capability Acquisition and Sustainment Group (CASG).

9 s7(2A)

10. s47G, s33(a)(iii), s47C, s47E(d)

11. IPDIV, Army and CASG advised s47E(d), s47C

s33(a)(iii)

13. As there is no clearly identifiable risk that the goods would be used to either commit or facilitate serious human rights abuses domestically or externally; the export would not breach Australia's international obligations; it would be consistent with our foreign policy; and it is unlikely that the export would negatively impact regional and national security, Defence intends to approve the application.

14. s33(a)(iii) Defence will approve this export.

s22


Mr Tom Hamilton
First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883

Contact officer: Mr Damien Chifley
Contact officer phone: 02 6265 6422

4 August 2017

Sensitivity:

s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G



Summary of Attachments:

A – s47G, s33(a)(iii)

B – s7(2A)

dated 23 September 2016 (provided to action addressees only).

C – Advice from DFAT, dated 27 October 2016.


D – Talking points: Australian defence export controls.

Background:

s7(2A)



s47G, s33(a)(iii), s47C, s47E(d)



17. IPDIV s47E(d), s47C




18. Army and CASG were consulted, s7(2A)
s47G, s33(a)(iii) s47C



to the use of a similar

s33(a)(iii)



s33(a)(iii)

s33(a)(iii)

s47G, s33(a)(iii)

Assessment of the export

21. Defence has assessed the export against the five criteria:

- a. International Obligations – The export will not breach Australia's commitments under arms control regimes and treaties. DEC has confirmed that this export
s33(a)(iii) s33(a)(iii) s33(a)(iii)
s47E(d), s47C
- b. Human Rights – s7(2A) s7(2A)
s47E(d), s47C
- c. National Security – s47G, s33(a)(iii)
s47G, s33(a)(iii)
s47E(d), s47C advised that
- d. Regional Security – s7(2A)
s7(2A)
- e. Foreign Policy – s7(2A)
s7(2A) s33(a)(iii), s47C

22. Noting the assessment in paragraph 21, Defence intends to approve the export, subject to
s33(a)(iii)

Related Briefs:

MS17-900593 – Export of s47G, s33(a)(iii)
MS17-900563 – Sensitive and complex defence export applications
MS17-900580 – Proposed Exports of Military Goods s33(a)(iii)
and s22

Consultation:

s7(2A)
IPDIV (A/FAS International Policy Division, CDRE Stephen Woodall), CASG (Head Land Systems Division, MAJGEN David Coghlan), Army (Head Land Capability, MAJGEN Kathryn Toohey) and DFAT (FAS International Security Division, Richard Sadleir) were consulted in the development of this advice.







Australian Government
Department of Foreign Affairs and Trade

17 April 2018


Ms Tina Mathewson
Assistant Secretary
Defence Export Control
Department of Defence
CANBERRA ACT 2600

Dear Ms Mathewson

s47G, s33(a)(iii), s47C, s7(2A)

A large black rectangular redaction box covering the majority of the page content below the salutation.

s47G, s33(a)(iii), s47C



Yours sincerely

s22



Rob McKinnon
National Security Strategy, Cyber and Intelligence Branch
International Security Division



Australian Government
Department of Defence

SECRET-AUSTEO

PDR: MS18-900659

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: Secretary, CDF, FASMECC, s7(2A), HLC (Army), HLS (Army), FASIP

Proposed Export of s47G, s33(a)(iii)

Critical Date: 23 May 2018

s47G

Recommendations:

- | | |
|--|------------------------|
| 1. That you note that on 25 August 2017, Defence advised you of the Department's intent to approve a permit for export of s47G, s33(a)(iii) | Noted / Please discuss |
| 2. That you note that the additional documentation was provided on 5 April 2018, including s47G, s33(a)(iii) | Noted / Please discuss |
| 3. That you note that due to the lapse of time since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. | Noted / Please discuss |
| 4. That you note that while the s47E(d) confirms that considerations remain the same as previously advised, s33(a)(iii) | Noted / Please discuss |
| 5. s33(a)(iii) | Noted / Please discuss |
| 6. That you note Defence intends to finalise this application. | Noted / Please discuss |

Minister for Defence..... Date / /

Proposed export:

1. s47G, s33(a)(iii) [REDACTED]
2. s47G, s33(a)(iii) [REDACTED]
3. On 25 August 2017, you noted advice that Defence intended to approve a permit for the export of s47G, s33(a)(iii) [REDACTED]
4. s47G, s33(a)(iii) [REDACTED]
5. Defence had previously advised you that the risks surrounding this intended export were acceptable. Noting the time lapse between when Defence's original assessment was undertaken (mid 2017) and s47G, s33(a)(iii) [REDACTED], Defence determined it needed to undertake a re-assessment of the application as a due diligence measure. The re-assessment of the application has included updated inputs from International Policy Division (IPDIV), s7(2A) [REDACTED] and the Department of Foreign Affairs and Trade (DFAT).
6. s47G, s33(a)(iii) [REDACTED]

Key Considerations

7. s7(2A), s33(a)(iii) [REDACTED]
8. s7(2A) [REDACTED]

s7(2A)



9. s7(2A)



10. s33(a)(iii)



11. s7(2A), s33(a)(iii)



12. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an “overriding risk” that the exported items could be used to commit or facilitate a serious violation of international humanitarian law (IHL) or international human rights law, as applicable.

13. s33(a)(iii)



s33(a)(iii)



b. s33(a)(iii) [REDACTED]

16. s33(a)(iii) [REDACTED]

17. s33(a)(iii) [REDACTED]

18. s33(a)(iii) [REDACTED]

19. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, should any s33(a)(iii) [REDACTED], Defence would provide you with advice about using your powers to revoke the permit.

Next Steps

s47G, s33(a)(iii) [REDACTED]

21. s33(a)(iii) [REDACTED]

22. Defence intends to finalise s47G [REDACTED] and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....

Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
May 2018

Contact officer: Ms Christina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G



Summary of Attachments:

A – MS17-900593 Export of s47G, s33(a)(iii)

B – s7(2A) provided DD May 2018

C – DFAT updated advice (at Department of Defence request) dated 17 April 2018

Background:

Advice regarding the export

s47G, s33(a)(iii)



Related Briefs:

MS17-900593 – Export of s47G, s33(a)(iii)

MS18-900633 – Proposed Exports of s47G, s33(a)(iii)



Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2) s7(2A) [REDACTED], IPDIV (Linda McCann, Acting Assistant Secretary, Global Interests Branch).

~~SECRET-AUSTEO~~

PDR: MS18-900659

Australian Government
Department of Defence

MINISTERIAL SUBMISSION**Minister for Defence – For action****Minister for Defence Industry – For information****Through: Secretary****Copies to:** Secretary, CDF, FASMECC, FASDIP, s7(2A), HLC (Army), HLS (Army), FASIP**Proposed Export of** s47G, s33(a)(iii)

Critical Date: 23 May 2018	Reason: For your visibility, noting that the company has advised that its costs increase on 23 May.
-----------------------------------	--

Recommendations:	
1. That you note that on 25 August 2017, Defence advised you of the Department's intent to approve a permit for export s47G [REDACTED]	Noted / Please discuss
2. That you note that the additional documentation was provided on 5 April 2018, s47G, s33(a)(iii) [REDACTED]	Noted / Please discuss
3. That you note that due to the lapse of time since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure.	Noted / Please discuss
4. s7(2A) [REDACTED]	Noted / Please discuss
5. s33(a)(iii), s47C, s47E(d) [REDACTED]	Noted / Please discuss
6. s33(a)(iii) [REDACTED]	Noted / Please discuss
7. That you note Defence intends to finalise this application.	Noted / Please discuss
<p align="right">Minister for Defence..... Date / /</p>	

Proposed export:

1. s47G, s33(a)(iii) [REDACTED]
2. s47G, s33(a)(iii) [REDACTED]
3. s47G, s33(a)(iii) [REDACTED]
4. Defence's previous advice to you was that the risks surrounding this export were acceptable. Noting the time lapse between when Defence's original assessment was undertaken (mid 2017) s47G, s33(a)(iii) [REDACTED], Defence determined it was prudent to undertake a re-assessment of the application as a due diligence measure. The re-assessment of the application has included updated inputs from International Policy Division (IPDIV), s7(2A) [REDACTED] and the Department of Foreign Affairs and Trade (DFAT).
5. s47G, s33(a)(iii) [REDACTED]

Key Considerations

6. s7(2A) [REDACTED]

s7(2A) [REDACTED]

7. s7(2A) [REDACTED]

8. DFAT also reviewed its advice (Attachments C and D). s47E(d), s47C
[REDACTED] s7(2A)
[REDACTED] s47E(d), s47C
[REDACTED]

9. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an “overriding risk” that the exported items could be used to commit or facilitate a serious violation of international humanitarian law (IHL) or international human rights law, as applicable.

10. s47G, s33(a)(iii) [REDACTED]

s33(a)(iii) [REDACTED]

12. s33(a)(iii) [REDACTED]

c. s33(a)(iii)

13. s33(a)(iii)

14. s33(a)(iii)

15. s33(a)(iii)

16. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, should any s33(a)(iii), Defence would provide you with advice about using your powers to revoke the permit.

Next Steps

17. s33(a)(iii)

18. Defence intends to s47G and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
May 2018

Contact officer: Ms Christina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

[REDACTED]

[REDACTED]


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

Summary of Attachments:

- A – MS17-900593 Export of s47G, s33(a)(iii)
- B – s7(2A) 21 May 2018
- C – DFAT advice 15 June 2017
- D – DFAT updated advice (at Department of Defence request) dated 17 April 2018

Background:

s47G



19. s47G, s33(a)(iii)



Defence notes that this is a commercial matter. The company's financial situation is not a consideration in the export approval process. No undertaking has been made to the company that the approval will be issued by 23 May.

Related Briefs:

MS17-900593 – Export of [REDACTED] s47G, s33(a)(iii)
MS18-900633 – Proposed Exports of [REDACTED] s47G, s33(a)(iii)
[REDACTED] a

Consultation:

Yes. This advice has been agreed by DFAT (Mr Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A) [REDACTED] IPDIV (Mr Stephen Moore, Acting First Assistant Secretary International Policy Division).



Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS18-900659

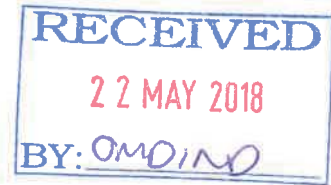
MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information **s22** *asb/lis*

Through: Secretary

Copies to: Secretary, CDF, ASSOC SEC, FASMECC, FASDIP **s7(2A)** HLC (Army), HLS (Army), FASIP



s47G, s33(a)(iii)

Critical Date: 23 May 2018

s47G

Recommendations:

- | | |
|--|------------------------|
| 1. That you note that on 25 August 2017, Defence advised you of the Department's intent to approve a permit for export of s47G, s33(a)(iii) | Noted / Please discuss |
| 2. s47G, s33(a)(iii) | Noted / Please discuss |
| 3. That you note that due to the lapse of time since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. | Noted / Please discuss |
| 4. s7(2A) | Noted / Please discuss |
| 5. s47E(d), s33(a)(iii), s47C, | Noted / Please discuss |
| 6. s33(a)(iii) | Noted / Please discuss |
| 7. That you note Defence intends to finalise this application. | Noted / Please discuss |

Minister for Defence..... Date / /

DIMPLS

CDR No: 1-6 /

SERIAL 2806

Proposed export:

1. s47G, s33(a)(iii)
[Redacted]
2. s47G, s33(a)(iii)
[Redacted]
3. s47G, s33(a)(iii)
[Redacted]
4. Defence's previous advice to you was that the risks surrounding this export were acceptable. Noting the time lapse between when Defence's original assessment was undertaken (mid 2017) and when s33(a)(iii) [Redacted] Defence determined it was prudent to undertake a re-assessment of the application as a due diligence measure. The re-assessment of the application has included updated inputs from International Policy Division (IPDIV), s7(2A) [Redacted] and the Department of Foreign Affairs and Trade (DFAT).
5. s47G, s33(a)(iii)
[Redacted]

Key Considerations

6. s7(2A)
[Redacted]

7. s7(2A) [REDACTED]

8. DFAT also reviewed its advice (Attachments C and D). s47E(d), s47C
s47E(d), s47C [REDACTED]
[REDACTED] s7(2A)
[REDACTED]
[REDACTED] s47E(d), s47C
[REDACTED]

9. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an “overriding risk” that the exported items could be used to commit or facilitate a serious violation of international humanitarian law (IHL) or international human rights law, as applicable.

10. s33(a)(iii) [REDACTED]

s33(a)(iii) [REDACTED]

12. s33(a)(iii) [REDACTED]

13. s33(a)(iii) [REDACTED]

14. s33(a)(iii) [REDACTED]

15. s33(a)(iii) [REDACTED]

16. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, should any s33(a)(iii) Defence would provide you with advice about using your powers to revoke the permit.

Next Steps

17. s33(a)(iii) [REDACTED]

18. Defence intends to finalise s47G [REDACTED] and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

Cleared by

Mr Scott Dewar

Acting Deputy Secretary Strategic Policy and Intelligence

Telephone: 02 6265 2636

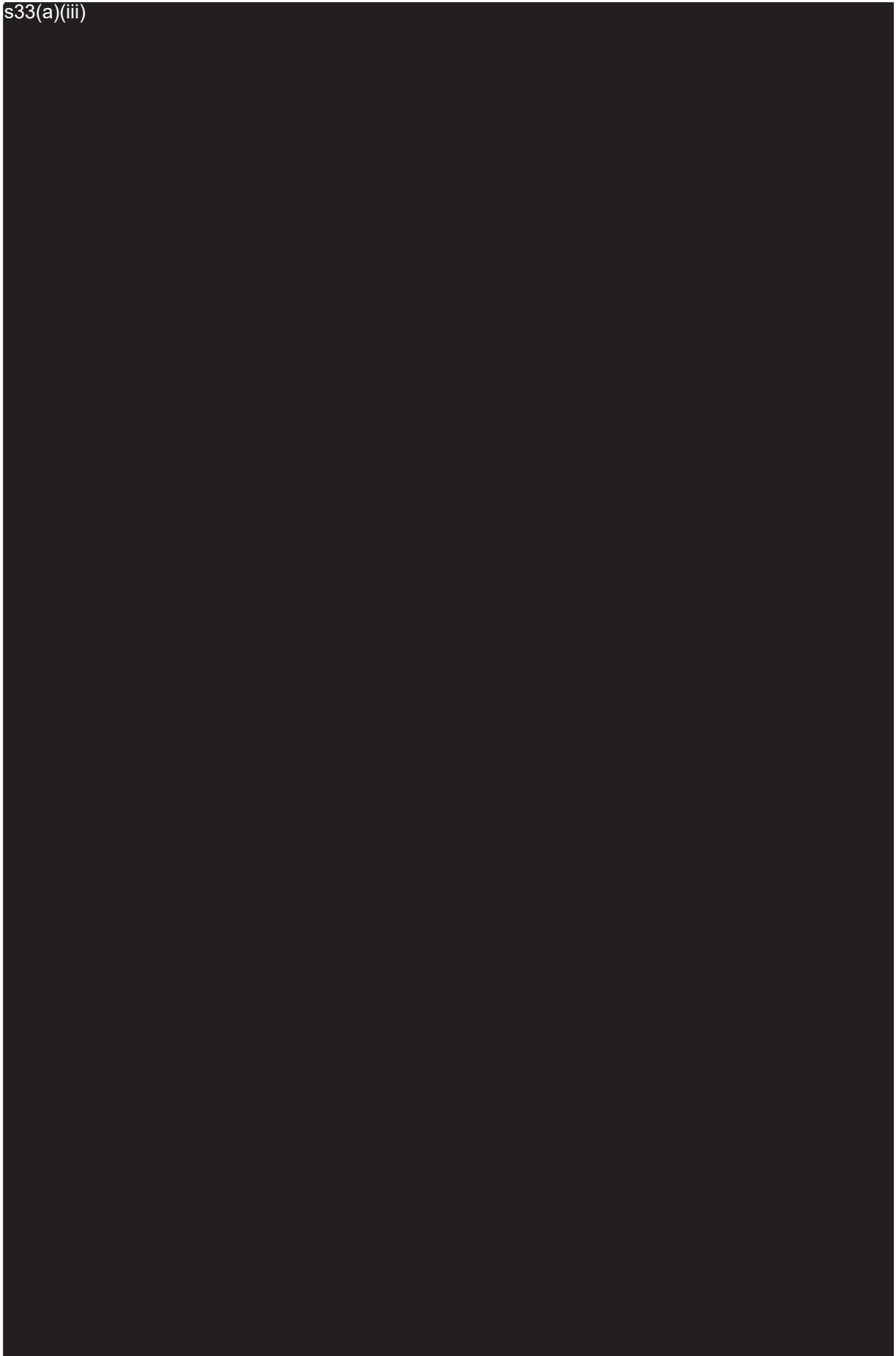
21 May 2018

Contact officer: Ms Christina Mathewson


Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)



s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

Summary of Attachments:

A – MS17-900593 Export of s47G, s33(a)(iii)

B – s7(2A) 21 May 2018

C – DFAT advice 15 June 2017


D – DFAT updated advice (at Department of Defence request) dated 17 April 2018

Background:

s47G



s47G, s33(a)(iii)



Defence notes that this is a commercial matter. The company's financial situation is not a consideration in the export approval process. No undertaking has been made to the company that the approval will be issued by 23 May.

Related Briefs:

MS17-900593 – Export of [REDACTED] s47G, s33(a)(iii)

MS18-900633 – Proposed Exports of [REDACTED] s47G, s33(a)(iii)
[REDACTED] s47G, s33(a)(iii)

Consultation:

Yes. This advice has been agreed by DFAT (Mr Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), [REDACTED] s7(2A) IPDIV

(Mr Stephen Moore, Acting First Assistant Secretary International Policy Division).



Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS18-900659

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: Secretary, CDF, ASSOC SEC, FASMECC, FASDIP, ~~s7(2A)~~ HLC (Army), HLS (Army), FASIR



PROPOSED EXPORT OF ~~s47G, s33(a)(iii)~~

~~s47G, s33(a)(iii)~~

Critical Date: 23 May 2018

Reason: For your visibility, noting that the company has advised that its costs increase on 23 May.

Recommendations:

1. That you note that on 25 August 2017, Defence advised you of the Department's intent to approve a permit for export of ~~s47G, s33(a)(iii)~~

Noted / Please discuss

2. ~~s47G, s33(a)(iii)~~

Noted / Please discuss

3. That you note that due to the lapse of time since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure.

Noted / Please discuss

4. ~~s7(2A)~~

Noted / Please discuss

5. ~~s47E(d), s33(a)(iii), s47C~~

Noted / Please discuss

6. ~~s33(a)(iii)~~

Noted / Please discuss

7. That you note Defence intends to finalise this application.

Noted / Please discuss

Note: Why is this brief only provided to me one day before the asserted 'critical date'?

Minister for Defence.....~~s22~~

Date

23 05 2018

MS18-900659

MINDEF comments (23 May 18):

Note: Why is this brief only provided to me one day before the asserted 'critical date'?

~~s47G~~

DMPLS

CDF No

1-G

SERIAL

2805

Proposed export:

1. s47G, s33(a)(iii)
[Redacted]
2. s47G, s33(a)(iii)
[Redacted]
3. s47G, s33(a)(iii)
[Redacted]
4. Defence's previous advice to you was that the risks surrounding this export were acceptable. Noting the time lapse between when Defence's original assessment was undertaken (mid 2017) and s47G, s33(a)(iii), Defence determined it was prudent to undertake a re-assessment of the application as a due diligence measure. The re-assessment of the application has included updated inputs from International Policy Division (IPDIV), s7(2A) and the Department of Foreign Affairs and Trade (DFAT).
5. s47G, s33(a)(iii)
[Redacted]


Key Considerations

6. s7(2A)
[Redacted]

7. s47G, s33(a)(iii)




8. DFAT also reviewed its advice (Attachments C and D). s47E(d), s47C,
export. In coming to this position, DFAT notes s7(2A)




s47E(d), s47C

9. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an “overriding risk” that the exported items could be used to commit or facilitate a serious violation of international humanitarian law (IHL) or international human rights law, as applicable.


10. s33(a)(iii)




s33(a)(iii)



12. s33(a)(iii)




13. s33(a)(iii)



14. s33(a)(iii)




15. s33(a)(iii)



16. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, should any s33(a)(iii) Defence would provide you with advice about using your powers to revoke the permit.

Next Steps

17. s33(a)(iii)



18. Defence intends to finalise s47G and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

Cleared by

Mr Scott Dewar

Acting Deputy Secretary Strategic Policy and Intelligence

Telephone: 02 6265 2636

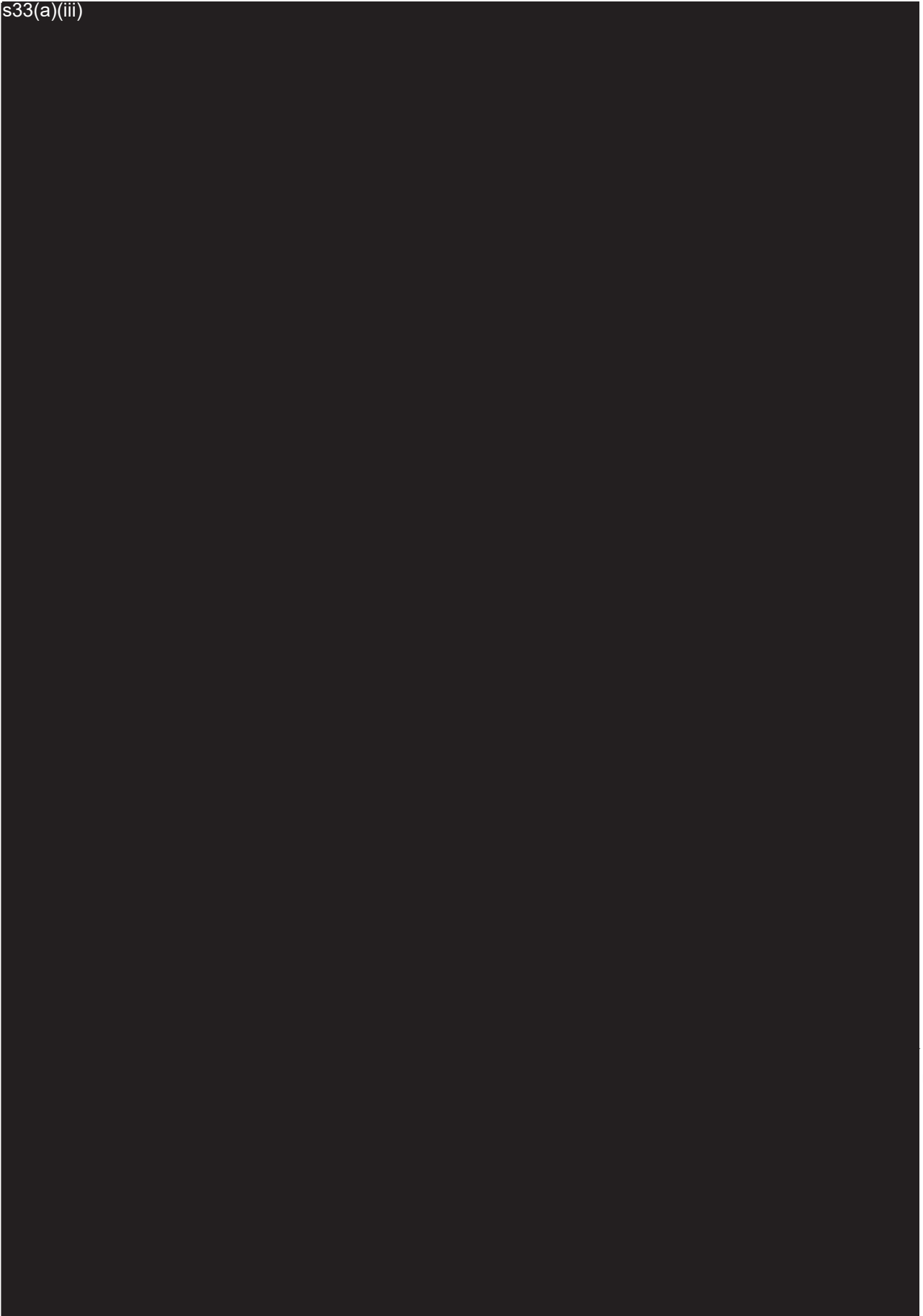
21 May 2018

Contact officer: Ms Christina Mathewson


Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)



s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

Summary of Attachments:

A – MS17-900593 Export of s47G, s33(a)(iii)

B – s7(2A) 21 May 2018

C – DFAT advice 15 June 2017

D – DFAT updated advice (at Department of Defence request) dated 17 April 2018

Background:

s47G



19. s47G



Defence notes that this is a commercial matter. The company's financial situation is not a consideration in the export approval process. No undertaking has been made to the company that the approval will be issued by 23 May.

Related Briefs:

MS17-900593 – Export of [REDACTED] s47G, s33(a)(iii)

MS18-900633 – Proposed Exports of [REDACTED] s47G, s33(a)(iii)

[REDACTED] s47G, s33(a)(iii)

Consultation:

Yes. This advice has been agreed by DFAT (Mr Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), [REDACTED] s7(2A) IPDIV

(Mr Stephen Moore, Acting First Assistant Secretary International Policy Division).



~~SECRET AUSTEO~~

PDR: MS17-900593

Ref: FASSP(S)/OUT/2017/39

Australian Government

MINISTERIAL SUBMISSION

Department of Defence

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I and A/Secret

Copies to: CDF, FASIP, s7(2A)HLC (Army), HLS (CASG)

Export of s47G, s33(a)(iii)



Critical Date: 23 August 2017

Reason: Response to Applicant

Recommendations:

1. That you note the information in this brief, including advice from the Department of Foreign Affairs and Trade.
2. Note that, subject to your consideration, Defence will finalise the assessment and approval of the permits for the s47G, s33(a)(iii)

Noted / Please discuss

Noted / Please discuss

Minister for Defence

s22

Date 25/08/2017

Key Points:

s47G, s33(a)(iii)

s47G, s33(a)(iii)

s47G, s33(a)(iii)

s47G, s33(a)(iii)

s47G, s33(a)(iii)

SP&I GC CDR

CDR NO: 1

SERIAL: 164

~~SECRET AUSTEO~~

CDR NO: 1-6 3D

SERIAL 23651428

s33(a)(iii)

7. The assessment of the export application is based on advice from s7(2A) [REDACTED] the Department of Foreign Affairs and Trade (DFAT), International Policy Division (IPDIV), Army, and the Capability Acquisition and Sustainment Group (CASG).

s7(2A)

9. s47E(d), s33(a)(iii), s47C

s33(a)(iii)

*Noted.
Agreed.*

11. Army and CASG were consulted [REDACTED] s47C [REDACTED]
12. There is no clearly identifiable risk that the goods would be used to either commit or facilitate serious human rights abuses domestically or externally; the export will not breach Australia's international obligations and is consistent with our foreign policy; and it is unlikely that the export will negatively impact regional and national security.

13. s33(a)(iii) [redacted] Defence will approve this export.

s22 [redacted]

Mr Tom Hamilton
First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883
† August 2017

Contact officer: Mr Damien Chifley
Contact officer phone: 02 6265 6422

Sensitivity:

s47G, s33(a)(iii) [redacted]

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G [redacted]

Summary of Attachments:

- A – s47G [redacted]
- B – s7(2A) [redacted] dated 5 May 2017 (provided to action addressees only).
- C – Advice from DFAT, dated 15 June 2017.
- D – Advice from DFAT, dated 23 June 2017.
- E – Talking points: Australian defence export controls.

Background:

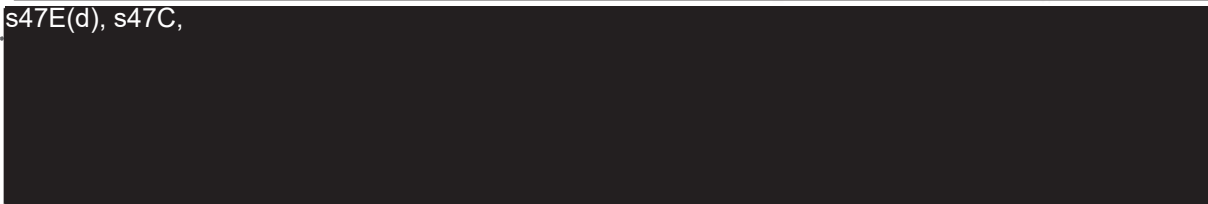
Background:

Advice regarding the export

s7(2A)



15. s47E(d), s47C,



s7(2A)

16. International Policy Division was consulted s47C s33(a)(iii)
s33(a)(iii)

17. s7(2A)
Army and CASG were consulted. s47C

Previous arms control regime denials

18. This proposed export is controlled under the provisions of the Wassenaar Arrangement, which controls select conventional weapons and dual-use technologies.

19. There are no relevant denials s33(a)(iii) Wassenaar Arrangement member countries.

Assessment of the export

20. Defence has assessed the export against the five criteria:

- a. International Obligations – The export will not breach Australia's commitments under arms control regimes and treaties. There are no relevant regime denials and s47E(d), s47C

- b. Human Rights – There is no clearly identifiable risk that the goods will be used in human rights violations. s33(a)(iii)
s33(a)(iii)

- c. National Security – s47G
s47G, s7(2A)

s47C Army and CASG have advised that they

- d. Regional Security – s33(a)(iii)
s33(a)(iii)

- e. Foreign Policy – As there is a low risk of the goods being used in a manner that is inconsistent with Australian interests s33(a)(iii)
s33(a)(iii)

21. Noting the assessment in paragraph 20, Defence intends to approve this export, subject to s33(a)(iii)

Related Briefs:

MS17-900592 – Export of s47G, s33(a)(iii)

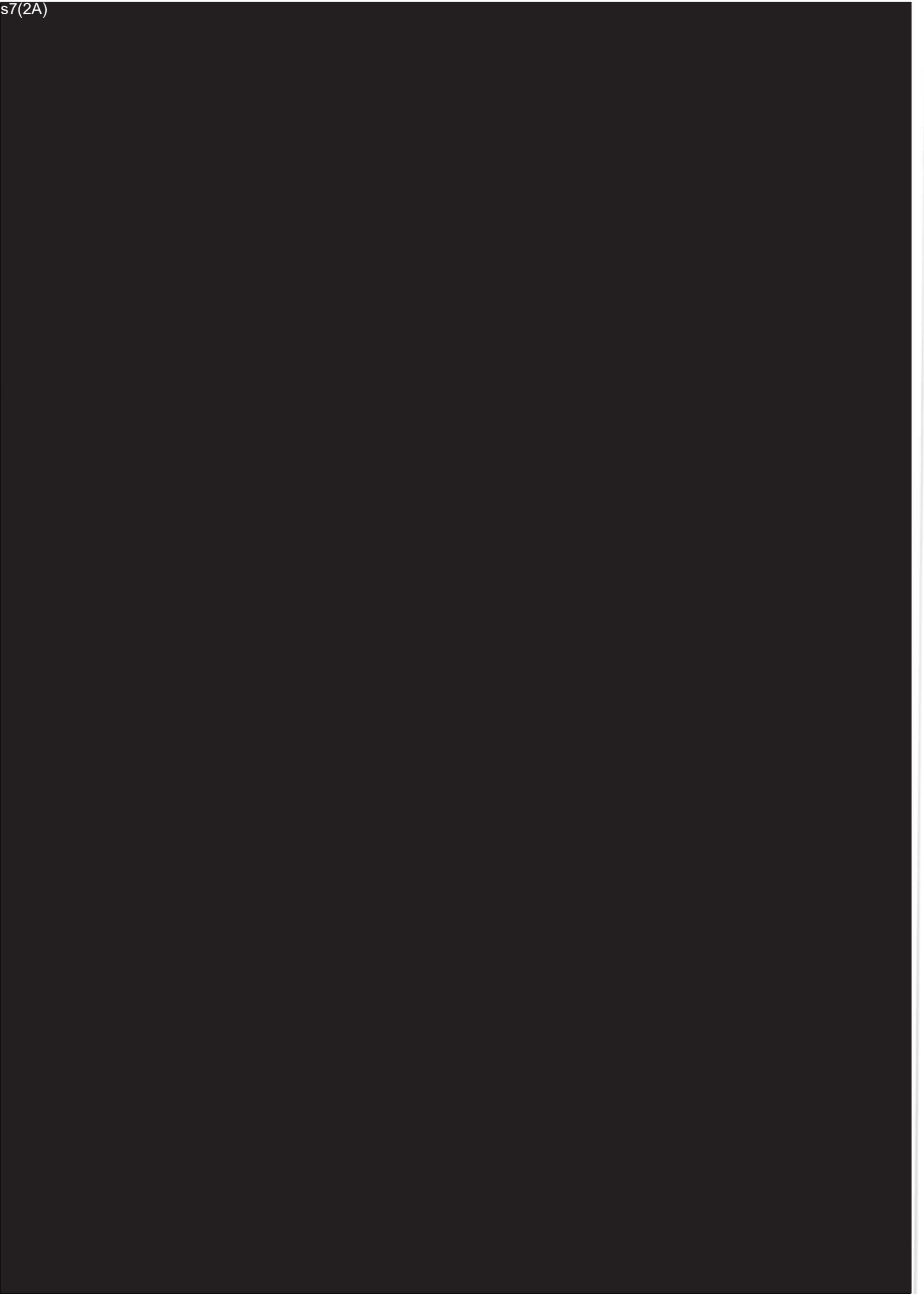
MS17-900563 – Sensitive and complex defence export applications

MS17-900580 – Proposed Exports of Military Goods to s33(a)(iii)
and s22

Consultation:

s7(2A)

IPDIV (A/FAS International Policy Division, CDRE Stephen Woodall), CASG (Head Land Systems Division, MAJGEN David Coghlan), Army (Head Land Capability, MAJGEN Kathryn Toohey) and DFAT (FAS International Security Division, Richard Sadleir) were consulted in the development of this advice.







~~SECRET AUSTEO~~



Australian Government

Department of Foreign Affairs and Trade

15 June 2017

Ms Tina Mathewson
Assistant Secretary
Defence Export Controls
Department of Defence
Russell Offices
CANBERRA ACT 2600

Dear Ms Mathewson

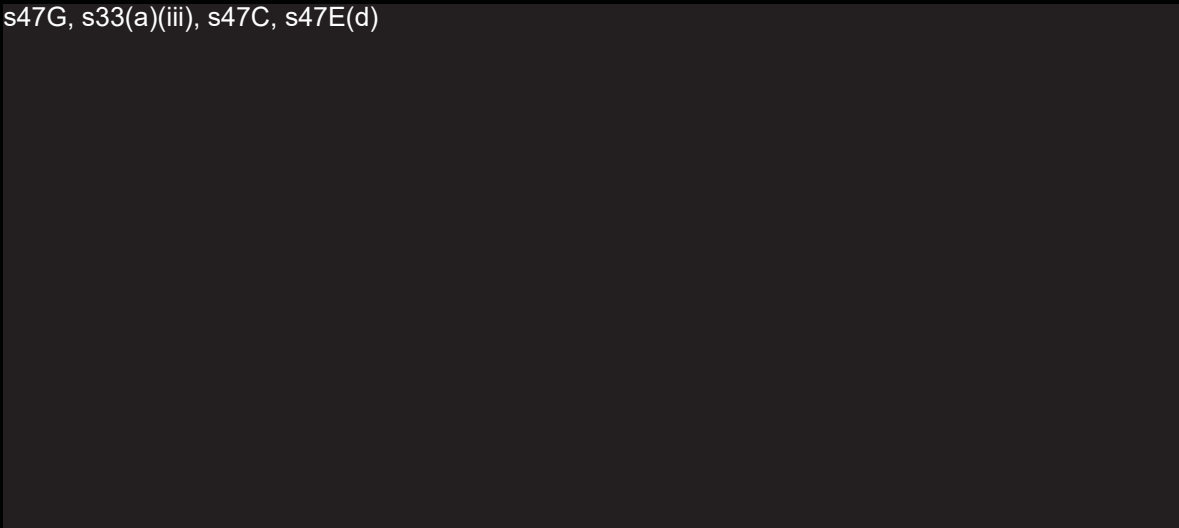
s47G, s33(a)(iii), s47C, s7(2A), s47E(d)

A large, solid black rectangular box covering the majority of the page content, indicating a full-page redaction of the letter's body.

s47G, s33(a)(iii), s47C, s7(2A), s47E(d)



s47G, s33(a)(iii), s47C, s47E(d)



Yours sincerely

s22



Robert McKinnon
Acting First Assistant Secretary
International Security Division



Australian Government
Department of Foreign Affairs and Trade

17 April 2018


Ms Tina Mathewson
Assistant Secretary
Defence Export Control
Department of Defence
CANBERRA ACT 2600

Dear Ms Mathewson

s47G, s33(a)(iii), s47C, s7(2A), s47E(d)

A large black rectangular redaction box covering the majority of the page content below the recipient's address.

s47G, s33(a)(iii), s47C, s47E(d)



Yours sincerely

s22



Rob McKinnon
National Security Strategy, Cyber and Intelligence Branch
International Security Division

~~SECRET AUSTEO~~

PDR: MS18-900733

Australian Government
Department of Defence

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: Associate Secretary, CDF, FASIP, s7(2A) FASMECC

s47G, s33(a)(iii)

Critical Date: 8 June 2018

s47G, s33(a)(iii)

Recommendations:

1. That you note that on 19 July 2017, Defence advised you of the Department's intent to approve a permit for office

s47G, s33(a)(iii)

s47G, s33(a)(iii)

Please discuss

2. That you note that prior to the permit's expiry, s47G, s33(a)(iii)

s47G, s33(a)(iii)

s

Noted / Please discuss

3. That you note that following the expiry of the permit

s47G

s47G

Noted / Please discuss

4. That you note that due to the time lapse since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure

Noted / Please discuss

s7(2A)

Noted / Please discuss

s47C, s47E(d)

Noted / Please discuss

s33(

Noted / Please discuss

8. That you note Defence intends to finalise this application.

Noted / Please discuss

Minister for Defence..... Date / /

Proposed Export:

s47G, s33(a)(iii)

s47G, s33(a)(iii)

s47G, s33(a)(iii)

s33(a)(iii)

s47G, s33(a)(iii)

8. Defence previously advised your office on 19 July 2017 that the risks surrounding this intended export were low (Attachment A). Noting the time lapse since Defence's original assessment in mid-2017, Defence undertook a re-assessment of the application. A diligence measure including seeking advice from the s7(2A) (Attachment C), the Department of Foreign Affairs and Trade (DFAT) (Attachment D) and International Policy Division (Attachment E).

Key Considerations

9. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an "overriding risk" that the exported items could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law, as applicable.

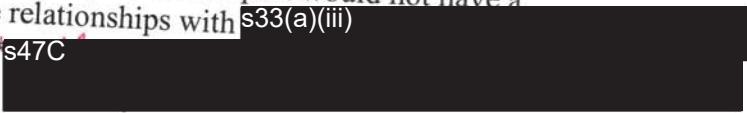
s7(2A)



s7(2A), s33(a)(iii)




12. International Policy Division confirmed that the proposed export would not have a detrimental impact on Australia's defence relationships with s33(a)(iii) other relevant country (Attachment E). ← s47C



Risk Mitigations

s33(a)(iii)



s47C




s47G, s33(a)(iii)

Next Steps:

Next

s33(a)(iii)



16. Defence will continue assess the application for the s33(a)(iii) separately; however, Defence intends to approve the s33(a)(iii)
If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
June 2018

Contact officer: Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Contact officer phone: 02 6265 6422

Sensitivity:

s47C

s33(a)(iii)

16. Defence will continue assess the application for the separately; however, Defence intends to approve the
If you wish to discuss, I would be happy to provide more detail at your convenience.

s33(a)(iii)

.....
Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
June 2018

Contact officer: Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Contact officer phone: 02 6265 6422

Sensitivity:

s47C

s47C

s33(a)(iii)

Financial Impacts:

There are no financial impacts for the Department of Defence.

Summary of Attachments:

A – Email 'FW: Export Permit Application – s47G

B – MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

s7(2A) provided 5 April 2018

D – DFAT advice provided 18 May 2018

E – International Policy Division advice provided 6 April 2018

Background:

s47G

Related Briefs:

MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A)

s7(2A) International Policy Division (Stephen Moore, Acting First Assistant Secretary International Policy Division).

Capel, Sophie Ms

From: Fenotti, Mark MR
Sent: Thursday, 20 July 2017 2:32 PM
To: Lugton, Samantha MISS
Subject: FW: Export Application - s47G [SEC=SECRET, CAVEAT=RI:AUSTEO]

Can you please file on DSN objective.

From: Varjavandi, Faz MR
Sent: Wednesday, 19 July 2017 2:29 PM
To: Chifley, Damien MR
Cc: Fenotti, Mark MR; Russell-Farnham, Sarah MS; Holmback-Piggott, Louanne MS; Hamilton, Tom MR
Subject: RE: Export Application - s47G [SEC=SECRET, CAVEAT=RI:AUSTEO]

Hi Damien,

apologies for the delay in responding.

s47E(d)

Regards, Faz

From: Chifley, Damien MR
Sent: Friday, 14 July 2017 11:39 AM
To: Varjavandi, Faz MR
Cc: Fenotti, Mark MR; Russell-Farnham, Sarah MS; Holmback-Piggott, Louanne MS; Hamilton, Tom MR
Subject: Export Application - s47G [SEC=SECRET, CAVEAT=RI:AUSTEO]

Hi Faz,

This is the third of the applications I mentioned.

DEC has received an urgent request from an applicant that we are seeking agreement to finalise outside of the Omnibus MINSUB process.

This request has been assessed as low risk and DEC supports its approval.

s47G, s33(a)(iii)

s47G, s33(a)(iii)



s47G, s33(a)(iii)

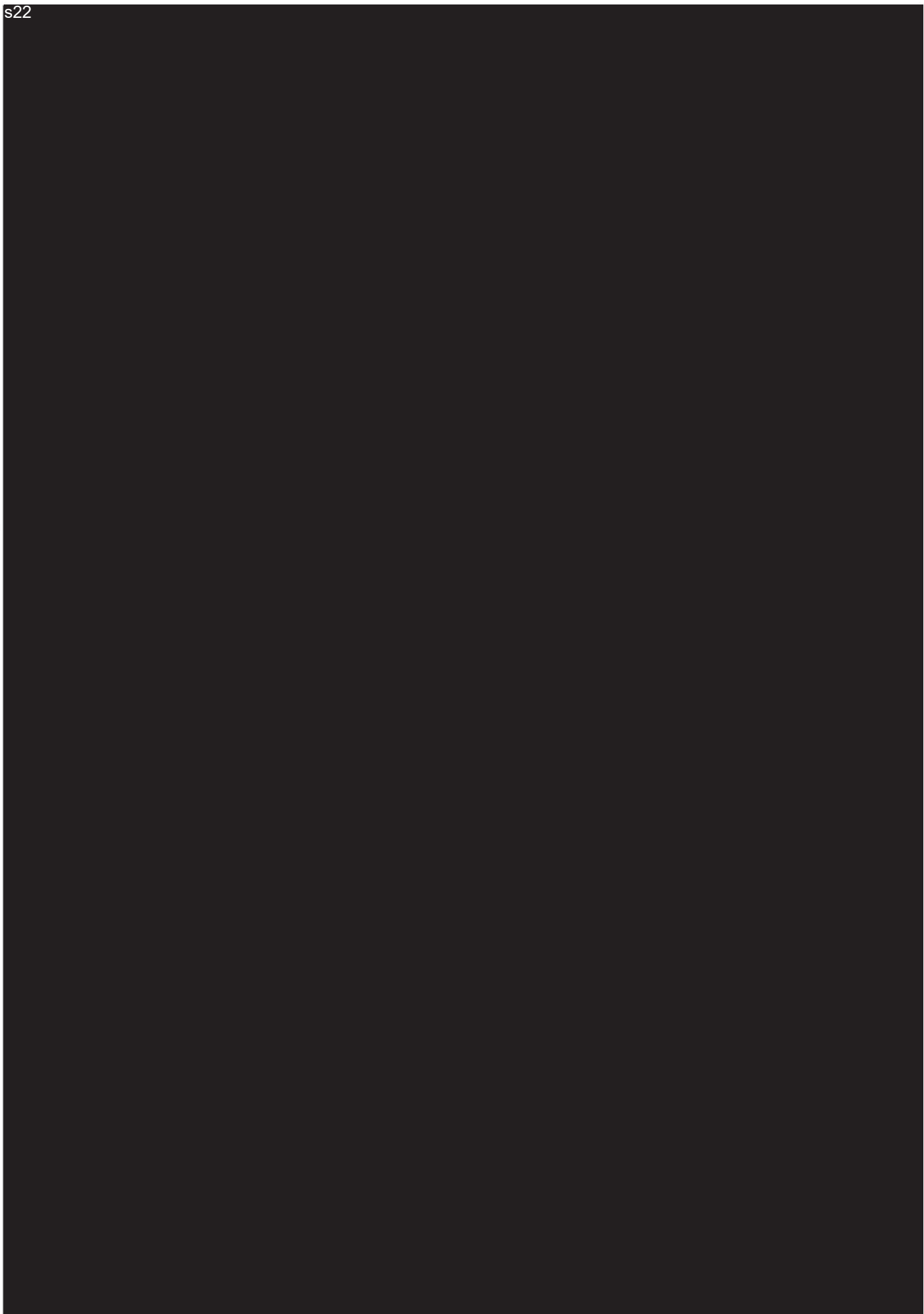


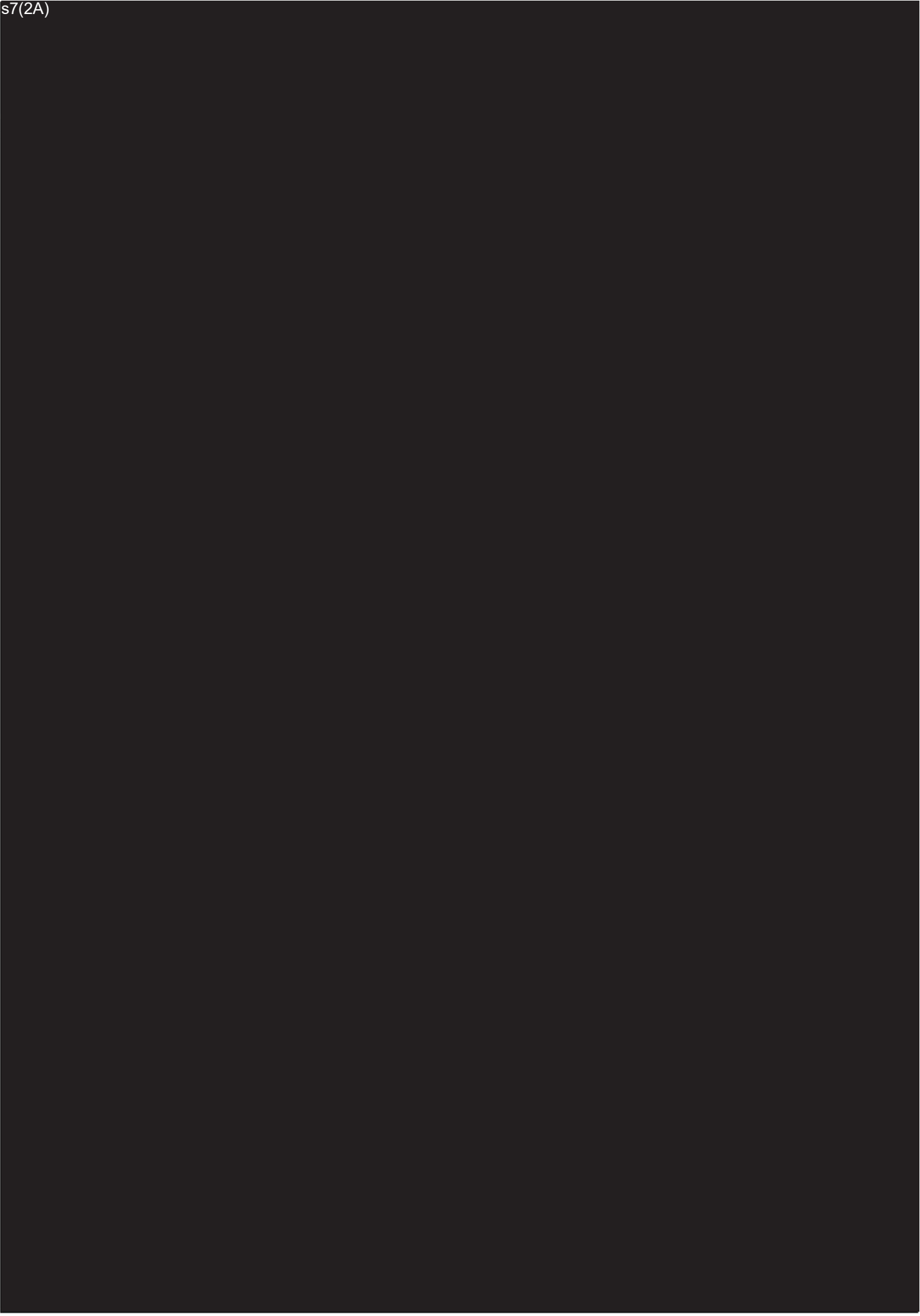
Happy to discuss.

Damien

Damien Chifley
A/Assistant Secretary Defence Export Controls
Department of Defence

R1-1-A108
Russell Offices
Russell ACT 2600
Phone: 02 626 56422
Mobile: s22





~~SECRET - AUSTEO~~



Australian Government

Department of Foreign Affairs and Trade

18 May 2018

Ms Tina Mathewson
Assistant Secretary
Defence Exports Control
Department of Defence
CANBERRA ACT 2600

Dear Ms Mathewson

s47G, s33(a)(iii), s47C, s7(2A), s47E(d)

A large, solid black rectangular box covers the majority of the page, indicating that the content has been redacted. The text 's47G, s33(a)(iii), s47C, s7(2A), s47E(d)' is visible at the top left corner of this redacted area.

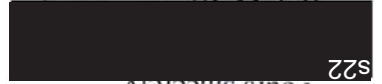
~~SECRET - AUSTEO~~

~~SECRET - AUSTEO~~

s47G, s33(a)(iii), s47C, s7(2A), s47E(d)



Yours sincerely
s22



Rob McKinnon

Assistant Secretary

National Security Strategy, Cyber and Intelligence Branch

~~SECRET - AUSTEO~~

Capel, Sophie Ms

From: Creech, Daniel Mr
Sent: Friday, 6 April 2018 8:03 PM
To: Capel, Sophie Ms; IPDIV-GI MEOP
Cc: DIP DEC DEAR; Robinson, Stephen Mr 10
Subject: RE:s47G [REDACTED] - Request for IP Advice - s47G, s33(a)(iii)
[REDACTED] [SEC=CONFIDENTIAL, CAVEAT=RI:AGAO]

Hi Sophie,

I can confirm that approval of the export will not have a detrimental impact on s47C, s47E(d) [REDACTED] with of the nominated destinations, or any other relevant countries.

Best regards,

Daniel Creech – Acting Director Middle East, United Nations, Africa & Peacekeeping
Global Interests Branch

International Policy Division
Department of Defence
Phone: +61 2 6265 6442
Location: R1-5-C076, Russell Offices
Postal Address: PO Box 7902 Canberra BC ACT 2610
Email: daniel.creech@defence.gov.au

From: Capel, Sophie Ms
Sent: Thursday, 29 March 2018 3:47 PM
To: IPDIV-GI MEOP
Cc: DIP DEC DEAR; Robinson, Stephen Mr 10
Subject: s47G [REDACTED] - Request for IP Advice - s47G, s33(a)(iii)
[SEC=CONFIDENTIAL, CAVEAT=RI:AGAO]

Good afternoon,

s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] S [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] E [REDACTED]

The complete list of goods to be exported is attached.

s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]

DEC would appreciate urgent IP Div advice on whether the approval of this export would cause a detrimental impact on s47E(d) [REDACTED] with any of these destinations, or any other relevant countries that this export may have an impact on.

DEC would be grateful for a response by 6 April 2018. If possible, we would appreciate a response in relation to s47G, s33(a)(iii)

Please note that I am on leave next week, returning 11 April. If you have any questions during that time, please contact Stephen Robinson (cc'd).

Regards,

Sophie Capel

Risk Assessor

Defence Export Assessments and Regimes | Defence Export Controls
Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports



Australian Government
Department of Defence

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: Associate Secretary, CDF, FASIP, s7(2A) FASMECC

Proposed Export of s47G, s33(a)(iii)

s47G, s33(a)(iii)

Critical Date: 8 June 2018

s47G

Recommendations:


1. That you note that on 19 July 2017, Defence advised you of the Department's intent to approve a permit for s47G, s33(a)(iii) [redacted].
[redacted] S. Noted / Please discuss
2. That you note that prior to the permit's expiry, s47G, s33(a)(iii) [redacted] approved under the permit. Noted / Please discuss
3. That you note that following the expiry of the permit s47G, s33(a)(iii) [redacted] previously approved for export. Noted / Please discuss
4. That you note that due to the time lapse since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. Noted / Please discuss
5. s7(2A) [redacted] Noted / Please discuss
- s47C, s47E(d) [redacted] Noted / Please discuss
7. s33(a)(iii) [redacted] Noted / Please discuss
8. That you note Defence intends to finalise this application. Noted / Please discuss

Minister for Defence..... Date / /

Proposed Export:

1. s47G, s33(a)(iii) [redacted]

2. s47G, s33(a)(iii)




3. s47G, s33(a)(iii)

4. s47G, s33(a)(iii)




5.



- 
6. Defence previously advised your office on 19 July 2017 that the risk surrounding this intended export were low (Attachment A). Noting the time lapse since Defence's original assessment in mid-2017, Defence undertook a re-assessment of the application as a due diligence measure including seeking advice from the s7(2A) (Attachment C), the Department of Foreign Affairs and Trade (DFAT) (Attachment D) and International Policy Division (Attachment E).

Key Considerations

- 
7. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an "overriding risk" that the exported items could be used to commit or facilitate a serious violation of international humanitarian law (~~ATT~~) or international human rights law, as applicable.
- SP.

s7(2A)




s7(2A), s33(a)(iii)




10. International Policy Division confirmed that the proposed export would not have a detrimental impact on Australia's Defence relationships with s33(a)(iii) any other relevant country (Attachment E).

s33(a)(iii)



s33(a)(iii)




4

13. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, should any s47G, s33(a)(iii) Defence would provide you with advice about using your powers to revoke the permit, s33(a)(iii)

Next Steps:

s47G, s33(a)(iii)



~~SECRET AUSTEO~~

s47G, s33(a)(iii)

.....
Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
June 2018


Contact officer: Mr Stuart Spence
Acting Assistant Secretary Defence Export
Controls
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

s33(a)(iii)

s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G



Summary of Attachments:

A – Email 'FW: Export Permit Application' dated 19 July 2017

B – MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

s7(2A) provided 5 April 2018

D – DFAT advice provided 18 May 2018

E – International Policy Division advice provided 6 April 2018

Background:

s47G



Related Briefs:

MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A) Division (Stephen Moore, Acting First Assistant Secretary International Policy Division).



Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS18-900733

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: Associate Secretary, CDF, FASIP, s7(2A), FASMECC

Proposed Export of s47G, s33(a)(iii)

Critical Date: 8 June 2018

s47G

Recommendations:

1. That you note that on 19 July 2017, Defence advised you of the Department's intent to approve a permit for s47G, s33(a)(iii) [redacted] Noted / Please discuss
2. s47G [redacted] prior to the permit's expiry. *did this expire?* Noted / Please discuss
3. That you note that s47G [redacted] previously approved for export. *(why?)*
4. That you note that due to the time lapse since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. Noted / Please discuss
5. s7(2A) [redacted] Noted / Please discuss
6. s33(a)(iii), s47C, s47E(d) [redacted] Noted / Please discuss
7. s33(a)(iii) [redacted] Noted / Please discuss
8. That you note Defence intends to finalise this application. Noted / Please discuss

Minister for Defence..... Date / /

Proposed Export:

1. s47G, s33(a)(iii) [redacted]

2. s47G, s33(a)(iii)

Due to the time lapse since the previous assessments were undertaken, Defence undertook a re-assessment of the application as a due diligence measure.

s47G, s33(a)(iii)

s47G, s33(a)(iii)

5. Defence had previously advised that the risk surrounding this intended export were low. Noting the time lapse since Defence's original assessment (mid-2017), Defence undertook a re-assessment of the application as a due diligence measure including seeking advice from the s7(2A) (Attachment C) and the Department of Foreign Affairs and Trade (DFAIT) (Attachment D).

Key Considerations

s7(2A)

[Redacted]

s7(2A)

[Redacted]

8. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an "overriding risk" that the exported items could be used to commit or facilitate a serious violation of international humanitarian law (IHL) or international human rights law, as applicable.

s33(a)(iii)

[Redacted]


11. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, should any s33(a)(iii), Defence would provide you with advice about using your powers to revoke the permit.

12. s33(a)(iii)

[Redacted]

Next Steps:

13. s33(a)(iii)




14. Defence intends to finalise s47G  and approve the export permit. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
June 2018

Contact officer: Mr Stuart Spence
Acting Assistant Secretary Defence Export
Controls
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)



s47G



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G



Summary of Attachments:

A – Email 'FW: Export Permit Application – s47G

B – MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018
s7(2A) 5 April 2018

D – DFAT advice provided 18 May 2018

Background:

s47G



Related Briefs:

MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A)

s7(2A)

International Policy Division (Stephen Moore, Acting First Assistant Secretary International Policy Division).



Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS18-900733

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information s22 19/6/18.

Through: Secretary

Copies to: CDF, ASSOC SEC, FASIP, s7(2A), FASDIP, ASDEC, FASMECC



PROPOSED EXPORT s47G, s33(a)(iii)

Critical Date: 22 June 2018

s47G

Recommendations:

1. That you note that on 19 July 2017, Defence advised your office of the Department's intent to s47G, s33(a)(iii) [redacted] Noted / Please discuss
2. That you note that prior to the permit's expiry, s47G, s33(a)(iii) [redacted] Noted / Please discuss
3. That you note that following the expiry of the permit, s47G, s33(a)(iii) [redacted] previously approved for export. Noted / Please discuss
4. That you note that due to the time elapsed since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. Noted / Please discuss
5. s7(2A) [redacted] Noted / Please discuss
6. s33(a)(iii), s47C, s47E(d) [redacted] Noted / Please discuss
7. s33(a)(iii) [redacted] Noted / Please discuss
8. That you note Defence intends to finalise this application. Noted / Please discuss

Minister for Defence..... Date / /

~~SECRET AUSTEO~~

DISPATCH

CDF No.

✓ 1-G | 3D
2863 | 2045

Proposed Export:

1. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
2. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
3. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Due to the time elapsed since the previous assessments were undertaken, Defence undertook a re-assessment of the application as a due diligence measure.
4. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
5. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
6. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
7. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
8. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
9. Defence's assessment has included consultation with s7(2A) [REDACTED]
[REDACTED] (Attachment C) and advice from the Department of Foreign Affairs and Trade (DFAT) (Attachment D) and International Policy Division (IP DIV).

Key Considerations

10. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an “overriding risk” that the exported items could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law, as applicable.

11. s7(2A)
[REDACTED]

12. s7(2A), s33(a)(iii)
[REDACTED]

13. s7(2A), s33(a)(iii)
[REDACTED]

14. s33(a)(iii)
[REDACTED]

15. IP DIV confirmed that the proposed export would not have a detrimental impact on s47C, s47E(d) [REDACTED] with s33(a)(iii) [REDACTED] or any other relevant country.

16. s33(a)(iii)

[REDACTED]

s33(a)(iii)

[REDACTED]

20. Under Regulation 13E of the Customs (Prohibited Exports) Regulation 1958, should any s33(a)(iii), Defence would provide you with advice about using your powers to revoke this permit and s47G, s33(a)(iii)

[REDACTED]

Next Steps:

21. s47G, s33(a)(iii)

[REDACTED]

22. Defence intends to approve the application. If you wish to discuss, I would be happy to provide more detail at your convenience.

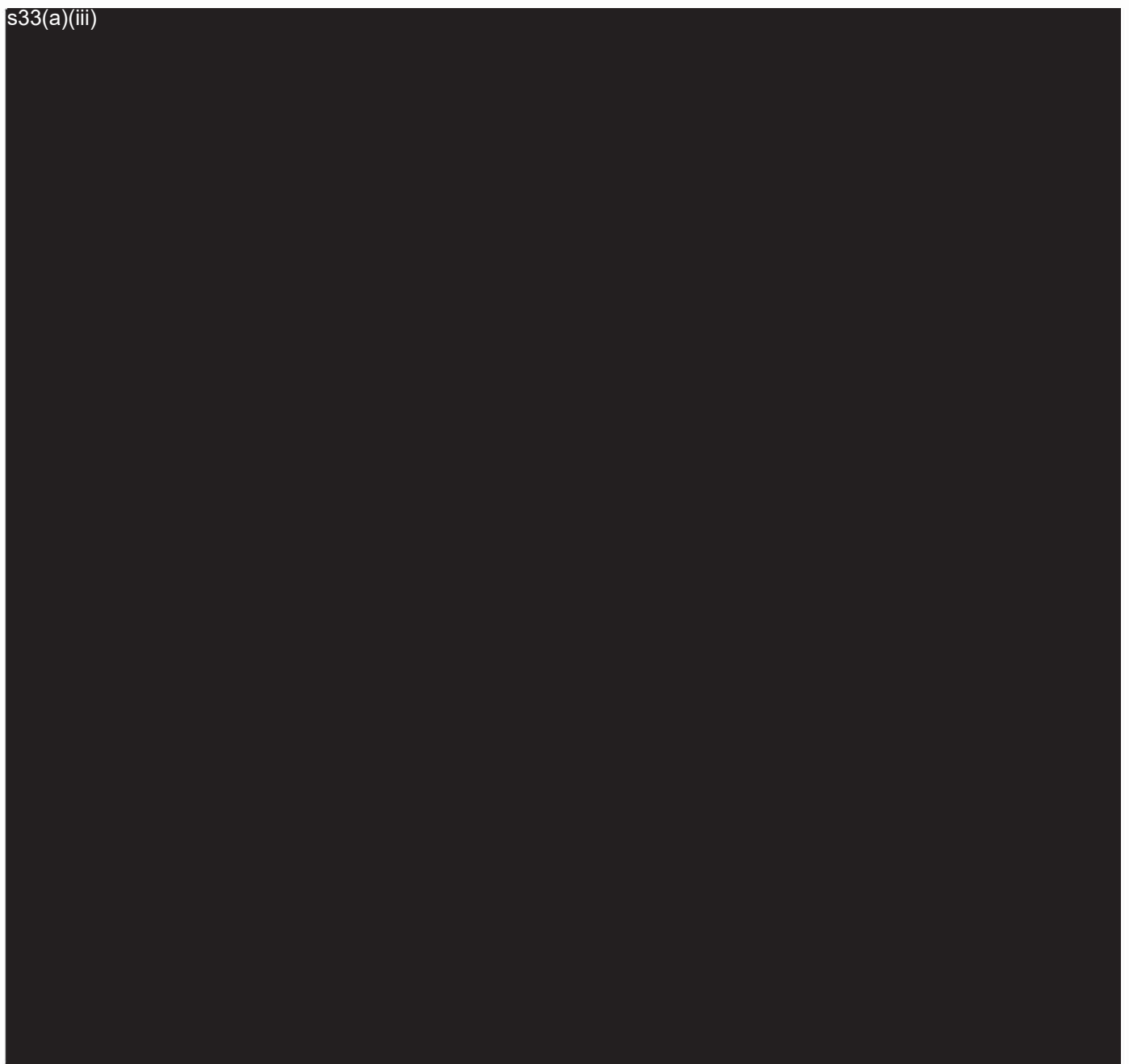
Cleared by

Mr Scott Dewar
Acting Deputy Secretary Strategic Policy
and Intelligence
Telephone: 02 6265 2636
13 June 2018


Contact officer: Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)



s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G



Summary of Attachments:

- A – Email 'FW: Export Permit Application – s47G' dated 19 July 2017
- B – MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018
- C – s7(2A) 5 April 2018
- D – DFAT advice provided 18 May 2018

Related Briefs:

MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018
MS18-900671 s22, s33(a)(iii)

Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A)
International Policy Division (Linda McCann, Acting Assistant Secretary, Global Interests, International Policy Division).



Australian Government
Department of Defence

MINISTERIAL SUBMISSION

PDR: MS18-900733

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: CDF, ASSOC SEC, FASIP, s7(2), FASDIP, ASDEC, FASMECC



PROPOSED EXPORT OF s47G, s33(a)(iii)

Critical Date: 22 June 2018

s47G

Recommendations:

1. That you note that on 19 July 2017, Defence advised your office of the Department's intent to s47G, s33(a)(iii) (Noted) / Please discuss
2. That you note that prior to the permit's expiry, s47G (Noted) / Please discuss
3. That you note that following the expiry of the permit, s47G (Noted) / Please discuss
4. That you note that due to the time elapsed since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. (Noted) / Please discuss
5. s7(2A) (Noted) / Please discuss
6. s33(a)(iii), s47C, s47E(d) (Noted) / Please discuss
7. s33(a)(iii) (Noted) / Please discuss
8. That you note Defence intends to finalise this application. (Noted) / Please discuss

s22

Minister for Defence...

.. Date 27/06/2018

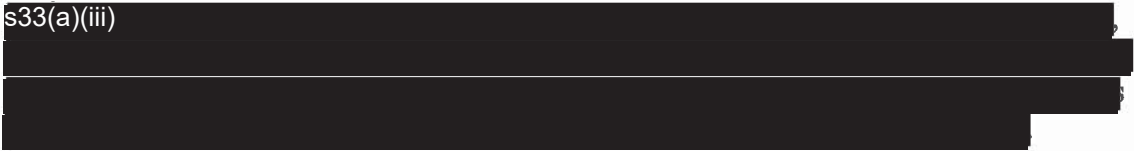
Proposed Export:

1. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
2. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
3. s47G [REDACTED]
[REDACTED]
[REDACTED] Due to the time elapsed since the previous assessments were undertaken, Defence undertook a re-assessment of the application as a due diligence measure.
4. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
5. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
6. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
7. s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
8. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
9. Defence's assessment has included consultation with s7(2A) [REDACTED]
[REDACTED] (Attachment C) and advice from the Department of Foreign Affairs and Trade (DFAT) (Attachment D) and International Policy Division (IP DIV).


Key Considerations

10. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an “overriding risk” that the exported items could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law, as applicable.
11. s7(2A) [REDACTED]
12. s7(2A), s33(a)(iii) [REDACTED]
13. s7(2A), s33(a)(iii) [REDACTED]
14. s33(a)(iii) [REDACTED]
15. IP DIV confirmed that the proposed export would not have a detrimental impact on s47C, s47E(d) [REDACTED] with s33(a)(iii) [REDACTED] or any other relevant country.


16. s33(a)(iii)



s33(a)(iii)



20. Under Regulation 13E of the Customs (Prohibited Exports) Regulation 1958, should any s33(a)(iii), Defence would provide you with advice about using your powers to revoke this permit s47G, s33(a)(iii)



Next Steps:

s47G, s33(a)(iii)



22. Defence intends to approve the application. If you wish to discuss, I would be happy to provide more detail at your convenience.

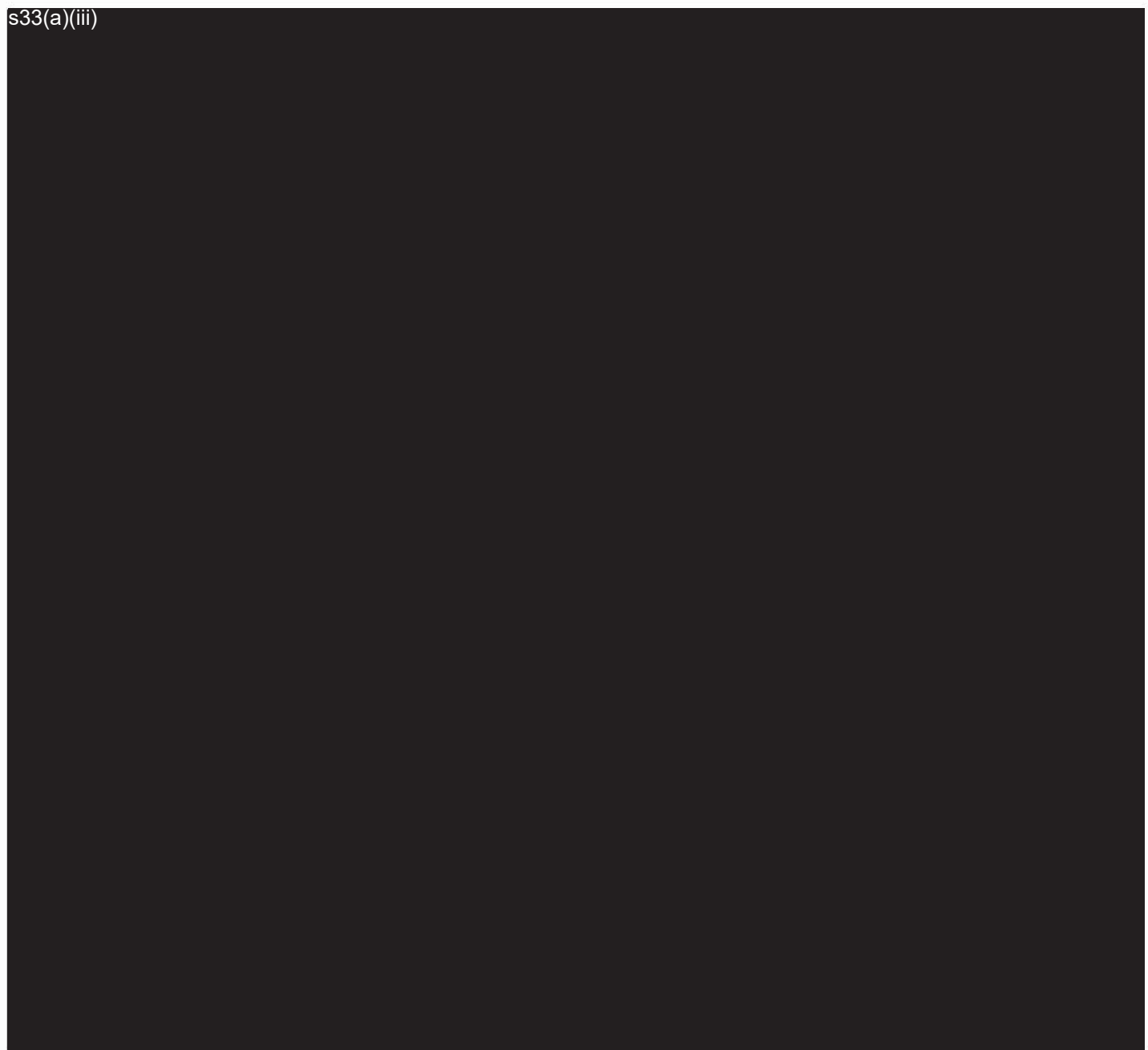
Cleared by

Mr Scott Dewar
Acting Deputy Secretary Strategic Policy
and Intelligence
Telephone: 02 6265 2636
13 June 2018


Contact officer: Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)



s47G, s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G




Summary of Attachments:

- A – Email ‘FW: Export Permit Application – s47G’ dated 19 July 2017
- B – MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018
- C – s7(2A) 5 April 2018
- D – DFAT advice provided 18 May 2018

Related Briefs:

MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

s33(a)(iii)



Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A) International Policy Division (Linda McCann, Acting Assistant Secretary, Global Interests, International Policy Division).

Capel, Sophie Ms

From: Fenotti, Mark MR
Sent: Thursday, 20 July 2017 2:32 PM
To: Lugton, Samantha MISS
Subject: FW: Export Application - s47G [SEC=SECRET, CAVEAT=RI:AUSTEO]

Can you please file on DSN objective.

From: Varjavandi, Faz MR
Sent: Wednesday, 19 July 2017 2:29 PM
To: Chifley, Damien MR
Cc: Fenotti, Mark MR; Russell-Farnham, Sarah MS; Holmback-Piggott, Louanne MS; Hamilton, Tom MR
Subject: RE: Export Application - s47G [SEC=SECRET, CAVEAT=RI:AUSTEO]

Hi Damien,

apologies for the delay in responding.

s47E(d)

Regards, Faz

From: Chifley, Damien MR
Sent: Friday, 14 July 2017 11:39 AM
To: Varjavandi, Faz MR
Cc: Fenotti, Mark MR; Russell-Farnham, Sarah MS; Holmback-Piggott, Louanne MS; Hamilton, Tom MR
Subject: Export Application - s47G [SEC=SECRET, CAVEAT=RI:AUSTEO]

Hi Faz,

This is the third of the applications I mentioned.

DEC has received an urgent request from an applicant that we are seeking agreement to finalise outside of the Omnibus MINSUB process.

This request has been assessed as low risk and DEC supports its approval.

s47G, s33(a)(iii)

s47G

s7(2A), s33(a)(iii)

o s33(a)(iii)

- This export is low risk in relation to the five policy criteria of international obligations, human rights, foreign policy, national security and regional security.

s47G

Happy to discuss.

Damien

Damien Chifley
A/Assistant Secretary Defence Export Controls
Department of Defence

R1-1-A108
Russell Offices
Russell ACT 2600
Phone: 02 626 56422
Mobile: s22



Australian Government

Department of Foreign Affairs and Trade

18 May 2018

Ms Tina Mathewson
Assistant Secretary
Defence Exports Control
Department of Defence
CANBERRA ACT 2600

Dear Ms Mathewson

s47G, s33(a)(iii), s47C, s7(2A), s47E(d)

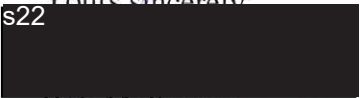
A large, solid black rectangular box covers the majority of the page content below the salutation, indicating that the information has been redacted.

s47G, s33(a)(iii), s47C, s7(2A), s47E(d)



Yours sincerely,

s22



Rob McKinnon
Assistant Secretary
National Security Strategy, Cyber and Intelligence Branch



Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS18-900733

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: CDF, Associate Secretary, FASIP, s7(2A), FASMECC

Proposed Export of s47G, s33(a)(iii)

Critical Date: 8 June 2018

s47G

Recommendations:

1. That you note that on 19 July 2017, Defence advised your office of the Department's intent to approve a permit for s47G, s33(a) [redacted] [redacted] [redacted] . Noted / Please discuss
2. That you note that prior to the permit's expiry, s47G [redacted] [redacted] approved under the permit. Noted / Please discuss
3. That you note that following the expiry of the permit, s47G [redacted] [redacted] previously approved for export. Noted / Please discuss
4. That you note that due to the time lapse since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. Noted / Please discuss
5. s7(2A) [redacted] [redacted] Noted / Please discuss
6. s33(a)(iii), s47C, s47E(d) [redacted] [redacted] Noted / Please discuss
7. s33(a)(iii) [redacted] [redacted] Noted / Please discuss
8. That you note Defence intends to finalise this application. Noted / Please discuss

Minister for Defence..... **Date** / /

Proposed Export:

1. s47G, s33(a)(iii) [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]

2. s47G [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Due to the time lapse since the previous assessments were undertaken, Defence undertook a re-assessment of the application as a due diligence measure.
3. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
4. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
5. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
6. s33(a)(iii) [REDACTED]
[REDACTED]
7. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
8. Defence previously advised your office on 19 July 2017 that the risks surrounding this intended export were low (Attachment A). Noting the time lapse since Defence's original assessment in mid-2017, Defence undertook a re-assessment of the application as a due diligence measure including seeking further advice from s7(2A) [REDACTED] (Attachment C), the Department of Foreign Affairs and Trade (DFAT) (Attachment D) and International Policy Division (Attachment E).

Key Considerations

9. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an "overriding risk" that the exported items could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law, as applicable.

10. s7(2A) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11. s7(2A), s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]


12. International Policy Division confirmed that the proposed export would not have a detrimental impact on s47C, s47E(d) [REDACTED] with s33(a)(iii) [REDACTED], or any other relevant country (Attachment E).

s47G, s33(a)(iii) [REDACTED]

16. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, should any s33(a)(iii) [REDACTED], Defence would provide you with advice about using your powers to revoke this permit s47G, s33(a)(iii) [REDACTED]
[REDACTED]

Next Steps:

s33(a)(iii)



18. s33(a)(iii)



. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Mr Scott Dewar

Acting Deputy Secretary Strategic Policy and
Intelligence

Telephone: 02 6265 2636

June 2018


Contact officer: Ms Tina Mathewson

Assistant Secretary Defence Export Controls


Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)



s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G




Summary of Attachments:

A – Email ‘FW: Export Permit Application – s47G’ dated 19 July 2017

B – MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

C – s7(2A) 5 April 2018


D – DFAT advice provided 18 May 2018

E – International Policy Division advice provided 6 April 2018

Related Briefs:

MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A)
 International Policy Division (Stephen Moore, Acting First Assistant Secretary International Policy Division).



Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS18-900733

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: CDF, Associate Secretary, FASIP, s7(2), FASMECC

Proposed Export of s47G, s33(a)(iii)

Critical Date: 8 June 2018

s47G

Recommendations:

1. That you note that on 19 July 2017, Defence advised your office of the Department's intent to approve a permit for s47G, s33(a)(iii) [redacted] Noted / Please discuss
2. That you note that prior to the permit's expiry, s47G, s33(a)(iii) [redacted] approved under the permit. Noted / Please discuss
3. That you note that following the expiry of the permit, s47G, s33(a)(iii) [redacted] previously approved for export. Noted / Please discuss
4. That you note that due to the time lapse since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure. Noted / Please discuss
5. s7(2A) [redacted] Noted / Please discuss
6. s33(a)(iii), s47C, s47E(d) [redacted] Noted / Please discuss
7. s33(a)(iii) [redacted] Noted / Please discuss
8. That you note Defence intends to finalise this application. Noted / Please discuss

Minister for Defence..... **Date** / /

Proposed Export:

1. s47G, s33(a)(iii) [redacted]

2. s47G, s33(a)(iii) [REDACTED]
[REDACTED] Due to the time lapse since the previous assessments were undertaken, Defence undertook a re-assessment of the application as a due diligence measure.
3. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
4. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
5. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
6. s33(a)(iii) [REDACTED]
[REDACTED]
7. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
8. Defence previously advised your office on 19 July 2017 that the risks surrounding this intended export were low (Attachment A). Noting the time lapse since Defence's original assessment in mid-2017, Defence undertook a re-assessment of the application as a due diligence measure including seeking further advice from the s7(2A) [REDACTED] (Attachment C), the Department of Foreign Affairs and Trade (DFAT) (Attachment D) and International Policy Division (Attachment E).

Key Considerations

9. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an "overriding risk" that the exported items could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law, as applicable.

10. s7(2A)

[REDACTED]

11. s7(2A), s33(a)(iii)

[REDACTED]

12. International Policy Division confirmed that the proposed export would not have a detrimental impact on s47C, s47E(d) with s33(a)(iii), or any other relevant country (Attachment E).

s33(a)(iii), s47E(d)

[REDACTED]

16. Under Regulation 13E of the Customs (Prohibited Exports) Regulation, should any s33(a)(iii) Defence would provide you with advice about using your powers to revoke this permit s47G, s33(a)(iii).

Next Steps:

17. s33(a)(iii) [REDACTED]

18. s33(a)(iii) [REDACTED] however, Defence intends to approve the application to export s33(a)(iii) [REDACTED].
If you wish to discuss, I would be happy to provide more detail at your convenience.

.....

Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
June 2018

Contact officer: Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- s47G, s33(a)(iii)
- [REDACTED]

Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G

[REDACTED]

Summary of Attachments:

- A – Email ‘FW: Export Permit Application – s47G’ dated 19 July 2017
- B – MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018
- C – s7(2A) 5 April 2018
- D – DFAT advice provided 18 May 2018
- E – International Policy Division advice provided 6 April 2018

Related Briefs:

s22, s33(a)(iii)

[REDACTED]

Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A) [REDACTED] International Policy Division (Stephen Moore, Acting First Assistant Secretary International Policy Division).



Australian Government

Department of Defence

~~SECRET AUSTEO~~

MINISTERIAL SUBMISSION

PDR: MS18-900740

FASDIPOUT/2018/O1532988

Minister for Defence – For action

Minister for Defence Industry – For information

s22

19/6/18



Through: DEPSEC SP&I

Copies to: Secretary, CDF, ASSOC SEC, FASIP, s7(2A), s7(2A), ASDEC, FASMECC

COMPLEX OR SENSITIVE DEFENCE EXPORT APPLICATIONS 11 OF 2018

Critical Date: 22 June 2018	Reason: These cases have exceeded the 35 day target for processing complex applications
------------------------------------	--

Recommendation:

1. That you note that Defence intends to finalise three complex or sensitive export applications.

Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. On 25 August 2017 you noted the s47E(d) [redacted] of complex or sensitive export applications (MS17-900558 refers).
2. Defence has assessed three cases that meet the s47E(d) [redacted]

- a. s22 [redacted]

- b. s47G, s33(a)(iii) [redacted]

c. s22



3. These applications have been assessed against the export legislative criteria of international obligations, human rights, national security, regional security and foreign policy.
4. Defence intends to finalise these assessments and approve these cases. If you wish to discuss, I would be happy to provide more detail at your convenience.

Cleared by
Dr Sheridan Kearnan
First Assistant Secretary
Defence Industry Policy
Telephone: 02 6265 7195
13 June 2018

Contact officer: Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

Yes. Three export applications have exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d)
MS18-000008 – Complex or sensitive defence export applications – No. 1 of 2018
MS18-900010 – Complex or sensitive defence export applications – No. 2 of 2018
MS18-900136 – Complex or sensitive defence export applications – No. 3 of 2018
MS18-900191 – Complex or sensitive defence export applications – No. 4 of 2018
MS18-900251 – Complex or sensitive defence export applications – No. 5 of 2018
MS18-900373 – Complex or sensitive defence export applications – No. 6 of 2018
MS18-900475 – Complex or sensitive defence export applications – No. 7 of 2018
MS18-900531 – Complex or sensitive defence export applications – No. 8 of 2018
MS18-900556 – Complex or sensitive defence export applications – No. 9 of 2018
MS18-900672 – Complex or sensitive defence export applications – No. 10 of 2018

Consultation:

Yes. The assessment process has been informed by consultation with s7(2A)

IP DIV (Major Powers Branch, Pacific and Timor-Leste Branch and Global Interests Branch)
DFAT (Strategic Issues and Intelligence Branch, International Security Division).

From: [Capel, Sophie Ms](#)
To: [DEPSEC SP&I Office](#)
Subject: MS18-900740 (Omnibus 11 of 2018) [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Date: Tuesday, 12 June 2018 12:55:00 PM
Attachments: [MS18-900740 Omnibus 11 of 2018.pdf](#)

Good afternoon,

Find **attached** a copy of MS18-900740 (Omnibus 11 of 2018). A hard copy was provided to the office this morning.

Regards,

Sophie Capel

Risk Assessor

Defence Export Assessments and Regimes | Defence Export Controls

Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports



Australian Government

Department of Defence

~~SECRET AUSTEO~~

MINISTERIAL SUBMISSION

PDR: MS18-900740
FASDIPOUT/2018/O1532988

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I

Copies to: Secretary, CDF, ASSOC SEC, FASIP, s7(2A), ASDEC, FASMECC

Complex or sensitive defence export applications 11 of 2018

Critical Date: 22 June 2018

Reason: *These cases have exceeded the 35 day target for processing complex applications*

Recommendation:

1. That you note that Defence intends to finalise three complex or sensitive export applications.

Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. On 25 August 2017 you noted the proposed guidelines for Defence to provide you with s47E(d) of complex or sensitive export applications (MS17-900558 refers).
2. Defence has assessed three cases that meet the s47E(d):

a. s22

[Redacted]

b. s47G, s33(a)(iii), s7(2A)

[Redacted]

~~SECRET AUSTEO~~

c. s22



3. These applications have been assessed against the export legislative criteria of international obligations, human rights, national security, regional security and foreign policy.
4. Defence intends to finalise these assessments and approve these cases. If you wish to discuss, I would be happy to provide more detail at your convenience.

.....
Dr Sheridan Kearnan
First Assistant Secretary
Defence Industry Policy
Telephone: 02 6265 7195
June 2018

.....
Contact officer: Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

Yes. Three export applications have exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d)
MS18-000008 – Complex or sensitive defence export applications – No. 1 of 2018
MS18-900010 – Complex or sensitive defence export applications – No. 2 of 2018
MS18-900136 – Complex or sensitive defence export applications – No. 3 of 2018
MS18-900191 – Complex or sensitive defence export applications – No. 4 of 2018
MS18-900251 – Complex or sensitive defence export applications – No. 5 of 2018
MS18-900373 – Complex or sensitive defence export applications – No. 6 of 2018
MS18-900475 – Complex or sensitive defence export applications – No. 7 of 2018
MS18-900531 – Complex or sensitive defence export applications – No. 8 of 2018
MS18-900556 – Complex or sensitive defence export applications – No. 9 of 2018
MS18-900672 – Complex or sensitive defence export applications – No. 10 of 2018

Consultation:

Yes. The assessment process has been informed by consultation with s7(2A)
, IP DIV (Major Powers Branch, Pacific and Timor-Leste Branch and Global Interests Branch) DFAT (Strategic Issues and Intelligence Branch, International Security Division).



Australian Government
Department of Defence

~~SECRET AUSTEO~~

MINISTERIAL SUBMISSION

PDR: MS18-900740
FASDIPOUT/2018/O1532988

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I ^{s22} 13/6

Copies to: Secretary, CDF, ASSOC SEC, FASIP, ^{s7(2A)}, ASDEC, FASMECC

Complex or sensitive defence export applications 11 of 2018

Critical Date: 22 June 2018

Reason: *These cases have exceeded the 35 day target for processing complex applications*

Recommendation:

1. That you note that Defence intends to finalise three complex or sensitive export applications.

Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. On 25 August 2017 you noted the proposed guidelines for Defence to provide you with ^{s47E(d)} complex or sensitive export applications (MS17-900558 refers).
2. Defence has assessed three cases that meet the ^{s47E(d)}

- a. ^{s22}
[Redacted text block]

- b. ^{s47G, s33(a)(iii), s7(2A)}
[Redacted text block]

~~SECRET AUSTEO~~

c. s22



3. These applications have been assessed against the export legislative criteria of international obligations, human rights, national security, regional security and foreign policy.
4. Defence intends to finalise these assessments and approve these cases. If you wish to discuss, I would be happy to provide more detail at your convenience.

s22



.....
Dr Sheridan Kearnan
First Assistant Secretary
Defence Industry Policy
Telephone: 02 6265 7195

June 2018

.....
Contact officer: Tina Mathewson
Contact officer phone: 02 6265 6422

13

Sensitivity:

Yes. Three export applications have exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d) [REDACTED]
MS18-000008 – Complex or sensitive defence export applications – No. 1 of 2018
MS18-900010 – Complex or sensitive defence export applications – No. 2 of 2018
MS18-900136 – Complex or sensitive defence export applications – No. 3 of 2018
MS18-900191 – Complex or sensitive defence export applications – No. 4 of 2018
MS18-900251 – Complex or sensitive defence export applications – No. 5 of 2018
MS18-900373 – Complex or sensitive defence export applications – No. 6 of 2018
MS18-900475 – Complex or sensitive defence export applications – No. 7 of 2018
MS18-900531 – Complex or sensitive defence export applications – No. 8 of 2018
MS18-900556 – Complex or sensitive defence export applications – No. 9 of 2018
MS18-900672 – Complex or sensitive defence export applications – No. 10 of 2018

Consultation:

Yes. The assessment process has been informed by consultation with s7(2A) [REDACTED]
[REDACTED], IP DIV (Major Powers Branch, Pacific and Timor-Leste Branch and Global Interests Branch) DFAT (Strategic Issues and Intelligence Branch, International Security Division).

Spence, Stuart Mr

From: Nixon, Lyndal J <Lyndal.Nixon@dfathigh.dfat.gov.au>
Sent: Thursday, 5 July 2018 2:53 PM
To: Capel, Sophie Ms
Cc: Maclachlan, Michelle Mrs 2; s22 [REDACTED] Hosking, Steve Mr; Mckinnon, Robert Mr (DFAT); s22 [REDACTED]
Subject: RE: MS18-900891 | Proposed Export of s47G, s33(a)(iii) [REDACTED]
 [REDACTED] Clearance request [~~SEC=SECRET~~]

~~SECRET~~

Hi Sophie

Please see the below comments from Mr Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division.

s33(a)(iii), s47C, s47E(d) [REDACTED]

Regards,

Lyndal

Lyndal Nixon

(Defence secondee) Assistant Director | Conventional Weapons and Defence
 National Security Strategy, Cyber and Intelligence Branch | International Security Division
 Department of Foreign Affairs and Trade
 T +61 2 6261 2357

From: s22 [REDACTED]
Sent: Thursday, 5 July 2018 9:32 AM
To: s22 [REDACTED]
Cc: Nixon, Lyndal J <Lyndal.Nixon@dfathigh.dfat.gov.au>; s22 [REDACTED]
Subject: FW: MS18-900891 | Proposed Export of s47G, s33(a)(iii) [REDACTED] |
 Clearance request [~~SEC=SECRET~~]

~~SECRET~~

From: Capel, Sophie Ms <sophie.capel@defence.gov.au>
Sent: Wednesday, 4 July 2018 5:19 PM
To: s22 [REDACTED]
Cc: Maclachlan, Michelle Mrs 2 <michelle.maclachlan2@defence.gov.au>; s22 [REDACTED]
Subject: MS18-900891 | s47G, s33(a)(iii) [REDACTED] | Clearance request [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]

Good afternoon,

Defence Export Controls (DEC) recently consulted with DFAT on the in-principle export of s47G, s33(a)(iii)

The export is now the subject of a ministerial submission (see attached MS18-900891), with DFAT's advice included (see Attachment C – DFAT advice dated 21 May 2018). Please review the attached submission and confirm that DEC has suitably represented DFAT's position on this export.

DEC is seeking clearance at the 1 star equivalent or above.

We would greatly appreciate clearance NLT 1200 Thursday 5 July. I acknowledge this is a tight timeline; however, we need to provide the submission up to the Minister urgently in order to notify the exporter as soon as possible of the outcome of our assessment.

Please do not hesitate to contact me if you have any questions or wish to discuss this matter further.

Kind regards,

Sophie Capel

Risk Assessor

Defence Export Assessments and Regimes | Defence Export Controls

Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3536 | Ms22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports



Australian Government
Department of Defence

~~SECRET AUSTEO~~

PDR: MS18-900733

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: Secretary

Copies to: CDF, Associate Secretary, FASIP s7(2A), FASMECC

Proposed Export of s47G, s33(a)(iii)

Critical Date: 8 June 2018

s47G

Recommendations:

1. That you note that on 19 July 2017, Defence advised your office of the Department's intent to approve a permit for s47G, s33(a)(iii) [REDACTED].
[REDACTED] Noted / Please discuss
2. That you note that prior to the permit's expiry, s47G [REDACTED] approved under the permit.
[REDACTED] Noted / Please discuss
3. That you note that following the expiry of the permit, s47G [REDACTED] previously approved for export.
[REDACTED] Noted / Please discuss
4. That you note that due to the time lapse since the original assessment was undertaken, Defence has undertaken a re-assessment of the application as a due diligence measure.
[REDACTED] Noted / Please discuss
5. s7(2A) [REDACTED] Noted / Please discuss
6. s33(a)(iii), s47C, s47E(d) [REDACTED] Noted / Please discuss
7. s33(a)(iii) [REDACTED] Noted / Please discuss
8. That you note Defence intends to finalise this application.
[REDACTED] Noted / Please discuss

Minister for Defence..... Date / /

Proposed Export:

1. s47G, s33(a)(iii) [REDACTED]

2. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
[REDACTED] Due to the time lapse since the previous assessments were undertaken, Defence undertook a re-assessment of the application as a due diligence measure.
3. s47G [REDACTED]
[REDACTED]
4. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
5. s22 [REDACTED]
[REDACTED]
6. s33(a)(iii) [REDACTED]
[REDACTED]
7. s47G, s33(a)(iii) [REDACTED]
[REDACTED]
8. Defence previously advised your office on 19 July 2017 that the risks surrounding this intended export were low (Attachment A). Noting the time lapse since Defence's original assessment in mid-2017, Defence undertook a re-assessment of the application as a due diligence measure including seeking advice from s7(2A) [REDACTED] (Attachment C), the Department of Foreign Affairs and Trade (DFAT) (Attachment D) and International Policy Division (Attachment E).

Key Considerations

9. As a State Party to the Arms Trade Treaty (ATT), Australia is obliged, among other things, not to approve the export of conventional arms, ammunition, parts or components if we consider that despite any risk mitigation measures, there is an "overriding risk" that the exported items could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law, as applicable.

| 10. s7(2A) [REDACTED]

| 11. s7(2A), s33(a)(iii) [REDACTED]

| 12. International Policy Division confirmed [\[when?\]](#) that the proposed export would not have a detrimental impact on s47C, s47E(d) [REDACTED] with s33(a)(iii) [REDACTED], or any other relevant country ([Attachment E](#)).

Comment [IW1]: Please could we see this?


Formatted: List Paragraph, No bullet or numbering

s33(a)(iii) [REDACTED]

s33(a)(iii) [REDACTED]

~~SECRET AUSTEO~~

s33(a)(iii)




.....
Mr Scott Dewar
Acting Deputy Secretary Strategic Policy and
Intelligence
Telephone: 02 6265 2636
June 2018

Contact officer: Ms Tina Mathewson
Assistant Secretary Defence Export Controls
Contact officer phone: 02 6265 6422


Sensitivity:

s33(a)(iii)



Comment [HSM2]: Not from a Defence
perspective. Perhaps clarify who leads t
s33(a)(iii) .

s33(a)(iii)



Financial Impacts:

There are no financial impacts for the Department of Defence.

s47G



Summary of Attachments:

- A – Email ‘FW: Export Permit Application – s47G’ dated 19 July 2017
- B – MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018
- C – s7(2A) 5 April 2018
- D – DFAT advice provided 18 May 2018
- E – International Policy Division advice provided 6 April 2018

Related Briefs:

MS18-900373 Complex or Sensitive Defence Export Applications – 6 of 2018

Consultation:

Yes. This advice has been agreed by DFAT (Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division), s7(2A) [redacted], International Policy Division ([Stephen Moore](#) [Linda McCann](#), Acting [First Assistant Secretary, Global Interests](#), International Policy Division).



Australian Government

Department of Defence

~~SECRET AUSTEO~~

MINISTERIAL SUBMISSION

PDR: MS18-900740

FASDIPOUT/2018/O1532988



Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I

Copies to: Secretary, CDF, ASSOC SEC, FASIP, ~~s7(2A)~~ ASDEC, FASMECC

COMPLEX OR SENSITIVE DEFENCE EXPORT APPLICATIONS 11 OF 2018

Critical Date: 22 June 2018**Reason:** These cases have exceeded the 35 day target for processing complex applications**Recommendation:**

1. That you note that Defence intends to finalise three complex or sensitive export applications.

Noted / Please discuss

~~s22~~

Minister for Defence...

Date 30 / 06 / 2018

Key Points:

1. On 25 August 2017 you noted the proposed guidelines for Defence to provide you with ~~s47E(d)~~ of complex or sensitive export applications (MS17-900558 refers).
2. Defence has assessed three cases that meet the visibility guidelines:

a.

~~s22~~b. ~~s47G, s33(a)(iii)~~

c. s22



3. These applications have been assessed against the export legislative criteria of international obligations, human rights, national security, regional security and foreign policy.
4. Defence intends to finalise these assessments and approve these cases. If you wish to discuss, I would be happy to provide more detail at your convenience.

Cleared by
Dr Sheridan Kearnan
First Assistant Secretary
Defence Industry Policy
Telephone: 02 6265 7195
13 June 2018

Contact officer: Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

Yes. Three export applications have exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – Defence Export Controls – s47E(d)
MS18-000008 – Complex or sensitive defence export applications – No. 1 of 2018
MS18-900010 – Complex or sensitive defence export applications – No. 2 of 2018
MS18-900136 – Complex or sensitive defence export applications – No. 3 of 2018
MS18-900191 – Complex or sensitive defence export applications – No. 4 of 2018
MS18-900251 – Complex or sensitive defence export applications – No. 5 of 2018
MS18-900373 – Complex or sensitive defence export applications – No. 6 of 2018
MS18-900475 – Complex or sensitive defence export applications – No. 7 of 2018
MS18-900531 – Complex or sensitive defence export applications – No. 8 of 2018
MS18-900556 – Complex or sensitive defence export applications – No. 9 of 2018
MS18-900672 – Complex or sensitive defence export applications – No. 10 of 2018

Consultation:

Yes. The assessment process has been informed by consultation s7(2A)

IP DIV (Major Powers Branch, Pacific and Timor-Leste Branch and Global Interests Branch)
DFAT (Strategic Issues and Intelligence Branch, International Security Division).

Spence, Stuart Mr

From: Mckinnon, Robert <Robert.Mckinnon@dfathigh.dfat.gov.au>
Sent: Friday, 11 May 2018 5:20 PM
To: Mathewson, Tina Ms; Malekin, Sarah Ms
Cc: Kearnan, Sheridan Dr; Sadleir, Richard Mr (DFAT) s22 [REDACTED]
Subject: RE: Previous approved MINSUB for export of s47G, s33(a)(iii) [SEC-SECRET]
Attachments: DFAT comment - Draft Defence MinSub on s47G, s33(a)(iii) [REDACTED]
 __.docx

SECRET

Hello Tina and Sara

Thanks for the opportunity to review and comment on the draft submission.

s47G, s33(a)(iii), s47C, s47E(d) [REDACTED]

Best regards

Rob

Robert McKinnon
 Assistant Secretary
 National Security Strategy, Cyber and Intelligence Branch
 International Security Division
 Tel: 6261 2043

From: Malekin, Sarah Ms [<mailto:sarah.malekin@defence.gov.au>]
Sent: Friday, 11 May 2018 12:16 PM
To: Mckinnon, Robert <Robert.Mckinnon@dfathigh.dfat.gov.au>
Subject: Previous approved MINSUB for export of s47G, s33(a)(iii) [SEC-SECRET, CAVEAT-RI-AUSTEO]

Good afternoon,

As promised, please find attached the previously approved Minsub (MS17-900592) for s47G, s33(a)(iii) [REDACTED]

Please do not hesitate to contact me if you have any further queries.

Regards

Sarah

Sarah Malekin

Risk Assessor Defence Export Assessments & Regimes

Defence Export Controls

Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601

Phone: 6265 1080

From: s22
To: [Capel, Sophie Ms](#)
Cc: [Mckinnon, Robert Mr \(DFAT\)](#); s22 [Nixon, Lyndal \(DFAT\)](#)
Subject: RE: s47E(d) - DFAT advice re: export of s47G, s33(a)(iii) [SEC=SECRET]
Date: Monday, 4 June 2018 3:33:41 PM
Attachments: [MS18-900733.docx](#)

~~SECRET~~

Dear Sophie

Thank you for your email and the opportunity to consult on the Ministerial Submission.

Please find attached proposed minor changes, cleared by Rob McKinnon, Assistant Secretary, National Security Strategy, Cyber and Intelligence Branch.

Many thanks

s22

s22

Policy Officer

Conventional Weapons and Defence
 National Security Strategy, Cyber and Intelligence Branch
 International Security Division
 Department of Foreign Affairs and Trade

s22

From: Capel, Sophie Ms [mailto:sophie.capel@defence.gov.au]

Sent: Monday, 4 June 2018 3:08 PM

To: s22

Subject: s47E(d) - DFAT advice re: export of s47G, s33(a)(iii)
 [SEC=SECRET, CAVEAT=RI:AUSTEO]

Good afternoon s22,

As discussed with Lyndal Nixon, regarding s47G, s33(a)(iii)

DEC is seeking urgent clearance (Band 1 level or above) on the attached Ministerial Advice.
 Please confirm consultation details as highlighted in the advice.

Noting the urgent nature of this proposed export, greatly appreciate clearance by 1400
 tomorrow 5th June.

Please do not hesitate to contact me for additional information.

Kind Regards,

Sophie Capel

Risk Assessor

Defence Export Assessments and Regimes | Defence Export Controls

Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

From: s22
Sent: Friday, 18 May 2018 10:09 AM
To: Capel, Sophie Ms
Cc: Mathewson, Tina Ms; Mckinnon, Robert Mr (DFAT); s22; Hosking, Steve
Subject: s47E(d) - DFAT advice re: export of s47G, s33(a)(iii)
~~[SEC=SECRET, CAVEAT=RI:AUSTEO]~~

~~SECRET RI:AUSTEO~~

Dear Sophie

Please find attached DFAT's response to the proposed export of s47G, s33(a)(iii)

Many thanks

s22

s22

Policy Officer

Conventional Weapons and Defence

National Security Strategy, Cyber and Intelligence Branch

International Security Division

Department of Foreign Affairs and Trade

s22

From: [White, Elizabeth Ms 1](#)
To: [Capel, Sophie Ms](#)
Cc: [DIP DEC DEAR](#); [Creech, Daniel Mr](#); [Hitchens, Stephanie Ms](#); [Jackson, Sarah Miss 5](#)
Subject: RE: DEC request for IP Div input - **s47G, s33(a)(iii)** [~~SEC=SECRET~~,
~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA~~]
Date: Monday, 29 January 2018 2:18:15 PM

Hi Sophie, my apologies for the delay in responding. Following my discussion with Damien, IP
s33(a)(iii), s47C, s47E(d)

s33(a)(iii)

Regards

Liz

From: Capel, Sophie Ms
Sent: Monday, 29 January 2018 1:13 PM
To: White, Elizabeth Ms 1
Cc: DIP DEC DEAR
Subject: RE: DEC request for IP Div input - **s47G, s33(a)(iii)** [~~SEC=SECRET~~,
~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA~~]

Hi Liz,

I understand that you had a conversation with Damien regarding this application last week.

Are you able to provide me with IP's input via reply email?

I note that the applicant has advised that this case has become very urgent.

Regards,

Sophie Capel

Risk Assessor

Defence Export Assessments and Regimes | Defence Export Controls

Strategic Policy Division | Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3536 | M: **s22**

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

From: Creech, Daniel Mr
Sent: Tuesday, 23 January 2018 10:08 AM
To: Capel, Sophie Ms
Cc: DIP DEC DEAR
Subject: RE: DEC request for IP Div input - **s47G, s33(a)(iii)** [~~SEC=SECRET~~,
~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA~~]

Hi Sophie,

Liz White has been working on this one and will call Damien to discuss.

Best regards,

Daniel Creech – Assistant Director Middle East, United Nations, Africa and Peacekeeping
Global Interests Branch

International Policy Division
Department of Defence
Phone: +61 2 6265 6442
Location: R1-5-C076, Russell Offices
Postal Address: PO Box 7902 Canberra BC ACT 2610
Email: daniel.creech@defence.gov.au

From: Capel, Sophie Ms
Sent: Monday, 22 January 2018 5:14 PM
To: Creech, Daniel Mr
Cc: DIP DEC DEAR
Subject: FW: DEC request for IP Div input - s47G, s33(a)(iii) [SEC=~~SECRET~~,
~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA~~]

Hi Daniel,

I have left you a voicemail today. I'd like to follow up the below request for IP Div Input from 12 January 2018.

Happy to discuss further if required.

Regards,

Sophie Capel

Risk Assessor
Defence Export Assessments and Regimes | Defence Export Controls
Strategic Policy Division | Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610
P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

From: Capel, Sophie MS
Sent: Friday, 12 January 2018 12:00 PM
To: IPDIV-GI MEOP
Cc: DIP DEC DEAR
Subject: DEC request for IP Div input - s47G, s33(a)(iii) [SEC=~~SECRET~~,
~~CAVEAT=RI:REL/AUS/CAN/NZL/UK/USA~~]

Good morning,

DEC is currently assessing the In-Principle export of s47G, s33(a)(iii)

[REDACTED]

[REDACTED]

s47G, s33(a)(iii)

s7(2A)

s7(2A)

Please confirm that should DEC approve this export there would be no detrimental impact on s47C, s47E(d) with s33(a)(iii), or any other relevant countries that this export may have an impact on.

DEC will also be consulting with DFAT.

The applicant has advised that this cases is urgent, so we would be grateful for a response by 19 January 2018. Please let me know if you require more information.

Regards,

Sophie Capel

Risk Assessor

Defence Export Assessments and Regimes | Defence Export Controls

Strategic Policy Division | Department of Defence

R1-1-A028 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

Capel, Sophie Ms

From: s22
Sent: Tuesday, 23 May 2017 1:45 PM
To: Perkins, Rebecca MS 2
Cc: s22; Chifley, Damien MR; Mckinnon, Robert Mr (DFAT)
Subject: RE: DFAT advice on s47G, s33(a)(iii) [SEC=SECRET, CAVEAT=RI:AUSTEO] [SEC=UNCLASSIFIED] [SEC=SECRET]

Hi Rebecca,

s33(a)(iii), s47C, s47E(d)

Cheers,

s22

s22

Policy Officer
 Conventional Weapons and Space Policy Section
 Strategic Issues and Intelligence Branch | International Security Division
 Department of Foreign Affairs and Trade
 s22

From: Perkins, Rebecca MS 2 [mailto:rebecca.perkins2@defence.gov.au]
Sent: Monday, 22 May 2017 3:26 PM
To: s22
Subject: RE: DFAT advice on s47G, s33(a)(iii) [SEC=SECRET, CAVEAT=RI:AUSTEO] [SEC=SECRET] [SEC=UNCLASSIFIED]

Thanks s22, it's greatly appreciated. As mentioned, please feel free to contact Damien or myself at any time.

Rebecca Perkins

Risk Assessor – Defence Export Controls

P: +61 2 6265 6464 (unclassified) | E: rebecca.perkins2@defence.gov.au

From: s22
Sent: Monday, 22 May 2017 2:12 PM
To: Perkins, Rebecca MS 2; s22
Subject: RE: DFAT advice on s47G, s33(a)(iii) [SEC=SECRET, CAVEAT=RI:AUSTEO] [SEC=UNCLASSIFIED] [SEC=SECRET]

Hi Rebecca

Thanks for the referral. We will do our best to review this within the requested time frame. s22 is liaising with our s33(a)(iii), s47E(d) imminently.

Regards

s22

Director
Conventional Weapons and Space Policy Section
Strategic Issues and Intelligence Branch | International Security Division
Department of Foreign Affairs and Trade
s22

From: Perkins, Rebecca MS 2 [<mailto:rebecca.perkins2@defence.gov.au>]
Sent: Monday, 22 May 2017 2:02 PM
To: s
Cc: DIP DEC DEAR
Subject: DFAT advice on s47G, s33(a)(iii) [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
[~~SEC=UNCLASSIFIED~~]

Good afternoon s22,

On 3 March 2017 DEC received an application from s47G, s33(a)(iii)
Details of the items are:

- s47G

DEC s7(2A) on this specific export as the goods do not present a capability issue. We have also confirmed that the ADF s47G, s47C, 47E(d).

The applicant has provided an end use certificate, signed by the end user and verified by DEC.

FYI - DECS has the following relevant recent cases:

- s47G, s33(a)(iii)

At this stage this case is being considered as part of a group of applications destined for countries s33(a)(iii), these exports will be subject to the consideration of the Minister for Defence and her approval/denial.

We would appreciate DFAT advice in regard to the foreign policy and human rights implications of the proposed export.

There is currently pressure on the applicant to ship by Wednesday (24 May) or incur financial penalty, and we would appreciate DFAT advice as soon as possible. Please don't hesitate to contact me at any time to discuss further.

Regards,

Rebecca Perkins

Risk Assessor – Defence Export Assessments and Regimes
Defence Export Controls
Defence Industry Policy Division | Department of Defence

P: +61 2 6265 6464 (unclassified) | E: rebecca.perkins2@defence.gov.au

From: s22
To: Coates, Alex Ms; s22
Cc: Chifley, Damien Mr; Mathewson, Tina Ms; Perkins, Rebecca Ms 2
Subject: RE: DFAT advice to DEC assessments ~~[SEC=SECRET, CAVEAT=RI:AUSTEO]~~ ~~[SEC=UNCLASSIFIED]~~
~~[SEC=SECRET]~~
Date: Friday, 16 June 2017 5:05:56 PM

Hi Alex

Thanks for your email. Rob McKinnon AS Strategic Issues and Intelligence Branch and I have discussed the below, and I confirm that Defence has suitably represented DFAT's positions on the relevant exports.

Regards

s22

Director
 Conventional Weapons and Space Policy Section
 Strategic Issues and Intelligence Branch | International Security Division
 Department of Foreign Affairs and Trade
 s22

From: Coates, Alex MS [mailto:alex.coates@defence.gov.au]
Sent: Friday, 16 June 2017 1:25 PM
To: s22; Chifley, Damien [Defence]; Mathewson, Tina [Defence]; Perkins, Rebecca MS 2
Subject: DFAT advice to DEC assessments ~~[SEC=SECRET, CAVEAT=RI:AUSTEO]~~
~~[SEC=UNCLASSIFIED]~~

Good afternoon s22,

Defence Export Controls (DEC) recently consulted with DFAT on a number of proposed exports. These exports are now part of a ministerial submission. This submission follows an earlier advice which provides information on the assessment of nine applications, for which you were consulted.

Each application has been summarised into a one-page summary, with your advice included. Please review each of the relevant cases for DFAT and confirm that DEC has suitably represented DFAT's position on this export. DEC requests that this advice is cleared at the Branch Head level.

Grateful if DFAT can respond by COB Monday 19 June. I acknowledge this is a very tight timeline, however we need to provide the minsub up to the Minister as soon as possible – the delays in approving these applications impacts the businesses of the exporters.

For your reference, please see attached:

1. MS17-900758 Attachment A – Current sensitive and complex export applications –

please consult this document to cross-reference. Advice provided by DFAT has been highlighted in green.

2. Draft ministerial submission (MS17-900758) – to provide context.
3. Previous advice from DFAT.

Please contact me at any time if you have any questions or concerns about this. My contact number is 02 6265 5727 (unclassified).

Many thanks,

Alex

Alexandra Coates

Risk Assessor | Defence Export Assessments & Regimes
Defence Export Controls
Defence Industry Policy Division | Department of Defence

R1-01-A129 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 5727


For general enquires and assistance please contact DECO on 1800 66 10 66, email deco@defence.gov.au or find us on the web at www.defence.gov.au/deco

From: [Creech, Daniel Mr](#)
To: [Malekin, Sarah Ms](#)
Subject: RE: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Date: Friday, 11 May 2018 5:44:44 PM

Hi Sarah,

Cleared by A/FASIP Stephen Moore in respect of the bits on which IP is entitled to have an opinion.

s33(a)(iii)



Best regards,

Daniel Creech – Assistant Director Middle East, United Nations, Africa & Peacekeeping
 Global Interests Branch

International Policy Division
 Department of Defence
 Phone: +61 2 6265 6442
 Location: R1-5-C076, Russell Offices
 Postal Address: PO Box 7902 Canberra BC ACT 2610
 Email: daniel.creech@defence.gov.au

From: Malekin, Sarah Ms
Sent: Friday, 11 May 2018 5:29 PM
To: Creech, Daniel Mr
Subject: RE: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]

Hi Daniel,

As advised, DFAT have given this the tick and copy attached with your changes incorporated for BAND 2 approval.

Regards

Sarah Malekin

Risk Assessor Defence Export Assessments & Regimes
 Defence Export Controls
Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601
 Phone: 6265 1080

From: Creech, Daniel Mr
Sent: Friday, 11 May 2018 4:17 PM
To: Hosking, Steve Mr
Cc: Wood, Ian Mr 6; Hitchens, Stephanie Ms
Subject: FW: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High

Hi Steve,

A few typos in track changes, one semantic amendment and a query; otherwise cleared.

Best regards,

Daniel Creech – Assistant Director Middle East, United Nations, Africa & Peacekeeping
Global Interests Branch

International Policy Division
Department of Defence
Phone: +61 2 6265 6442
Location: R1-5-C076, Russell Offices
Postal Address: PO Box 7902 Canberra BC ACT 2610
Email: daniel.creech@defence.gov.au

From: Hosking, Steve Mr
Sent: Friday, 11 May 2018 4:06 PM
To: Creech, Daniel Mr
Subject: FW: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High

From: Hosking, Steve Mr
Sent: Friday, 11 May 2018 2:10 PM
To: Creech, Daniel (DFAT); Wood, Ian Mr 6
Subject: FW: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High

Dan, Ian,

As discussed, urgent IP clearance sought. Apologies for short timeframe, but this one has everyone's attention at the moment.

Cheers
Steve

From: Malekin, Sarah Ms
Sent: Friday, 11 May 2018 12:27 PM
To: Hosking, Steve Mr
Subject: FW: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High


Sarah Malekin

Risk Assessor Defence Export Assessments & Regimes
Defence Export Controls
Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601
Phone: 6265 1080

From: Malekin, Sarah Ms
Sent: Friday, 11 May 2018 12:10 PM
To: Mckinnon, Robert Mr (DFAT)
Subject: Draft Minsub for clearance [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]
Importance: High

Good afternoon,

Further to your discussion with Tina, please find attached the draft Minsub for the export of  your review and clearance.

The previously approved Minsub will be forwarded in a separate email.

Please note, your urgent consideration is requested.

Kindest regards

Sarah

Sarah Malekin
Risk Assessor Defence Export Assessments & Regimes
Defence Export Controls
Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601
Phone: 6265 1080

From: [Kearnan, Sheridan Dr](#)
To: [Malekin, Sarah Ms](#)
Cc: [Mathewson, Tina Ms](#); [Hosking, Steve Mr](#)
Subject: RE: s47G, s33(a)(iii) [SEC=SECRET, CAVEAT=RI:AUSTEO]
Date: Sunday, 13 May 2018 2:31:56 PM
Attachments: [MS18-900633 - s47G, s33\(a\)\(iii\) draft.docx](#)

Sarah

Tina and I have work shopped it more on Sunday. More about telling a story about the re-assessment s33(a)(iii).

A couple of questions to chase in the morning. Then I'll have a final sanity check. Tina will need to discuss s33(a)(iii) with Min office. Then we should be good to go.

Sheridan

From: Malekin, Sarah Ms
Sent: Friday, 11 May 2018 6:38 PM
To: Kearnan, Sheridan Dr
Cc: Mathewson, Tina Ms
Subject: s47G, s33(a)(iii) [SEC=SECRET, CAVEAT=RI:AUSTEO]

Good evening Sheridan,

Attached is the draft MINSUB plus its attachments for your review. Please note IP's attached email s33(a)(iii).

Please call Tina's mobile if you would like to have a redrafting party on Sunday.

Yours sincerely,

Sarah

Sarah Malekin

Risk Assessor Defence Export Assessments & Regimes

Defence Export Controls

Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601

Phone: 6265 1080

From: [Nixon, Lyndal J](#)
To: [Capel, Sophie Ms](#)
Cc: [Maclachlan, Michelle Mrs 2](#); s22; [Hosking, Steve Mr](#); [Mckinnon, Robert Mr \(DFAT\)](#); s22
Subject: RE: MS18-900891 | s47G, s33(a)(iii) | Clearance request [~~SEC=SECRET~~]
Date: Thursday, 5 July 2018 2:53:48 PM
Attachments: [image001.jpg](#)

~~SECRET~~

Hi Sophie

Please see the below comments from Mr Robert McKinnon, Assistant Secretary National Security Strategy, Cyber and Intelligence Branch, International Security Division.

s33(a)(iii), s47C, s47E(d)

[REDACTED]

Regards,

Lyndal

Lyndal Nixon

(Defence secondee) Assistant Director | Conventional Weapons and Defence
 National Security Strategy, Cyber and Intelligence Branch | International Security Division
 Department of Foreign Affairs and Trade
 T +61 2 6261 2357

From: s22
Sent: Thursday, 5 July 2018 9:32 AM
To: s22
Cc: Nixon, Lyndal J <Lyndal.Nixon@dfathigh.dfat.gov.au>; s22
 [REDACTED]
 [REDACTED]
Subject: FW: MS18-900891 | s47G, s33(a)(iii)
 [REDACTED] Clearance request [~~SEC=SECRET~~]

~~SECRET~~

From: Capel, Sophie Ms <sophie.capel@defence.gov.au>
Sent: Wednesday, 4 July 2018 5:19 PM
To: s22
Cc: Maclachlan, Michelle Mrs 2 <michelle.maclachlan2@defence.gov.au>; s22
 [REDACTED]

Subject: MS18-900891 | s47G, s33(a)(iii)

| Clearance request [~~SEC=SECRET, CAVEAT=RI:AUSTEO~~]

Good afternoon,

Defence Export Controls (DEC) recently consulted with DFAT on the in-principle export of s47G, s33(a)(iii)

The export is now the subject of a ministerial submission (see attached MS18-900891), with DFAT's advice included (see Attachment C – DFAT advice dated 21 May 2018). Please review the attached submission and confirm that DEC has suitably represented DFAT's position on this export.

DEC is seeking clearance at the 1 star equivalent or above.

We would greatly appreciate clearance NLT 1200 Thursday 5 July. I acknowledge this is a tight timeline; however, we need to provide the submission up to the Minister urgently in order to notify the exporter as soon as possible of the outcome of our assessment.

Please do not hesitate to contact me if you have any questions or wish to discuss this matter further.

Kind regards,

Sophie Capel

Risk Assessor

Defence Export Assessments and Regimes | Defence Export Controls

Department of Defence

R1-3-A015 | Russell Offices | PO Box 7901 | Canberra BC | ACT 2610

P: +61 2 6265 3536 | M: s22

For general enquires and assistance please contact DEC on 1800 66 10 66, email exportcontrols@defence.gov.au or find us on the web at www.defence.gov.au/exportcontrols | Defence Export Controls – Enabling Responsible Exports

From: [Mckinnon, Robert](#)
To: [Mathewson, Tina Ms](#); [Malekin, Sarah Ms](#)
Cc: [Kearnan, Sheridan Dr](#); [Sadleir, Richard Mr \(DFAT\)](#) s22 [REDACTED]
Subject: RE: Previous approved MINSUB for export of s47G, s33(a) [SEC=SECRET]
Date: Friday, 11 May 2018 5:20:40 PM
Attachments: [DFAT comment - Draft Defence MinSub on](#) s47G, s33(a)(iii) [REDACTED]

SECRET

Hello Tina and Sara

Thanks for the opportunity to review and comment on the draft submission.

s33(a)(iii) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

s47E(d) [REDACTED]
 [REDACTED]
 [REDACTED]

s33(a)(iii) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Best regards

Rob

Robert McKinnon
 Assistant Secretary
 National Security Strategy, Cyber and Intelligence Branch
 International Security Division
 Tel: 6261 2043

From: Malekin, Sarah Ms [mailto:sarah.malekin@defence.gov.au]
Sent: Friday, 11 May 2018 12:16 PM
To: Mckinnon, Robert <Robert.Mckinnon@dfathigh.dfat.gov.au>
Subject: Previous approved MINSUB for export of s47G, s33(a)(iii) [SEC=SECRET, CAVEAT=RI:AUSTEO]

Good afternoon,

As promised, please find attached the previously approved Minsub (MS17-900592) for the s47G, s33(a)(iii) [REDACTED]

Please do not hesitate to contact me if you have any further queries.

Regards

Sarah

Sarah Malekin

Risk Assessor Defence Export Assessments & Regimes

Defence Export Controls

Defence Industry Policy Division Department of Defence

R1-01-A101 Russell Offices PO Box 7901 Canberra BC ACT 2601

Phone: 6265 1080

Capel, Sophie Ms

From: Chifley, Damien MR
Sent: Thursday, 14 July 2016 5:24 PM
To: Smith, Annette MRS 1
Cc: Cooper, Wayne MR 5
Subject: FW: Export for s47G [SEC=SECRET]
Attachments: s47G

Hi Annette,

For your records.

Thanks

Damien

Damien Chifley
 Director
 Military Assessments and Communication
 Department of Defence

 R1-1-A037
 Russell Offices
 Russell ACT 2600
 Phone: 02 626 51122

From: s22
Sent: Thursday, 14 July 2016 4:56 PM
To: Mathewson, Tina MS
Cc: s22); Chifley, Damien MR; Bator, Elliott MR; s22
 Sadleir, Richard Mr (DFAT)
Subject: RE: Export for s47G [SEC=SECRET]

Hi Tina,

Please find attached DFAT's response to the proposed export by s47G.

Kind Regards,

s22

Conventional Weapons Section
 Arms Control & Counter-Proliferation Branch | International Security Division
 Department of Foreign Affairs and Trade
 s22

From: Mathewson, Tina MS [<mailto:tina.mathewson@defence.gov.au>]
Sent: Wednesday, 13 July 2016 3:01 PM
To: s22; Chifley, Damien [Defence]; Bator, Elliott [Defence]
Subject: Export for s47G [SEC=SECRET]

Hi s22

s47G, s33(a)(iii)

s47G, s33(a)(iii)

From a proliferation and risk perspective this application for s47G is low risk as the units would be s47G

s47G

s47G

Defence is proposing to approve the application with a number of conditions:

- s47G
- The requirement for the equipment to remain in the custody and control of the company at all times; and
- Any future exports would be subject to separate consideration against all the normal criteria.

Can you please provide comment from a DFAT perspective. s47G, s33(a)(iii)

My sincere apologies but advice is sought as a matter of priority s47G

Happy to discuss.

Tina

Tina Mathewson
Assistant Secretary
Defence Export Controls

02 6265 6422



Australian Government

Department of Defence

~~SECRET AUSTEO~~

PDR: MS17-900758

Ref: FASSP(S)/OUT/2017/45

MINISTERIAL SUBMISSION

Minister for Defence – For action

Minister for Defence Industry – For information

Through: DEPSEC SP&I s22/9/8

Copies to: SEC, CDF, CDS, s7(2A) FASIP, ASDEC

Sensitive or complex defence export applications

Critical Date: 25 August 2017	Reason: These export applications are currently held by Defence
--------------------------------------	--

Recommendations:

1. Note that Defence intends to finalise nine sensitive or complex export applications. Noted / Please discuss

Minister for Defence..... Date / /

Key Points:

1. The purpose of this submission is to provide greater visibility of nine sensitive or complex cases being considered by Defence. These cases are summarised below.

- a. s47G, s33(a)(iii), s7(2A)

[REDACTED]

- b. s22

[REDACTED]

- c. s47G, s33(a)(iii)

[REDACTED]

~~SECRET AUSTEO~~

- d. s22 [REDACTED]
- e. s47G, s33(a)(iii), s7(2A) [REDACTED]
- f. s22 [REDACTED]
- g. s47G, s33(a)(iii), s7(2A) [REDACTED]
- h. s22 [REDACTED]
- i. s22 [REDACTED]

2. Each of the applications has been assessed against the five export control criteria of international obligations, human rights, national security, regional security and foreign policy. The assessment process has been informed by consultation with a range of areas across Defence and other government agencies, including IP Div. s7(2A) [REDACTED] DFAT.

3. Defence intends to finalise the assessments and approve the permits for all cases. If you wish to discuss any of the cases, I would be happy to provide more detail at your convenience.

s22

Ms Samantha Higgins
A/First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 02 6265 1883
18 August 2017

Contact officer: Ms Tina Mathewson
Contact officer phone: 02 6265 6422

Sensitivity:

s33(a)(iii)

These cases are either nearing, or have already exceeded the target assessment timeframe of 35 days.

Financial Impacts:

There are no financial impacts.

Related Briefs:

MS17-900558 – DEC – s47E(d)
MS17-900563 – Sensitive and complex defence export applications

Consultation:

The assessments of these cases included consultation with s7(2A)
DFAT (Mr Robert McKinnon, Assistant Secretary Strategic Issues and Intelligence Branch and s33(a)(iii) Director Conventional Weapons and Space Policy Section), IP Div (Ms Anita Lewan, Director s33(a)(iii) Five Power Defence Arrangements, South and South East Asia Branch and Mr Steven Moore, Assistant Secretary Global Interests), and Capability Acquisition and Sustainment Group (Mr Rex Rowe, A/Director General Integrated Soldier Systems Branch).