



Version	Approved by	Approval date	Effective date
3.0	Deputy Vice-Chancellor Research & Enterprise	16 May 2025	16 May 2025
Procedure Statement			
Purpose	This procedure sets out the responsibilities and authorities governing research export controls in accordance with the requirements of the <i>Customs Act 1901</i> (Cth), the <i>Customs (Prohibited Exports) Regulations 1958</i> , the <i>Weapons of Mass Destruction (Prevention of Proliferation) Act 1995</i> (Cth), and the <i>Defence Trade Controls Act 2012</i> (Cth) (henceforth referred to as the <i>Act</i> ) and the <i>Defence Strategic Goods List</i> (the <i>DSGL</i> ) and other relevant codes and legislation.		
Scope	This procedure applies to all: <ul style="list-style-type: none"><li>employees and affiliates working with DSGL goods, technology and software in the course of performing duties or functions for the University, and</li><li>research trainees working with DSGL goods, technology and software in the course of completing requirements for their UNSW degree program.</li></ul>		
Are Local Documents on this subject permitted?	<input type="checkbox"/> Yes, however Local Documents must be consistent with this University-wide Document		<input type="checkbox"/> No
Procedure Processes and Actions			

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## 1. Preamble

Australia plays a significant part in the global effort aimed at stopping goods and technology that can be used in chemical, biological and nuclear weapons, or military goods and technologies, from being

transferred to individuals, entities, states or groups of proliferation concerns. For this purpose, Australia has in place export control laws to regulate the supply, export, brokering and publishing of Defence & Strategic Goods List (DSGL) goods, technology and software, including DSGL services. Australia's defence export control framework is designed to protect national security, while supporting international trade and collaboration.

## 2. Regulatory Environment

UNSW holds a Defence Client Registration Number (DCRN) with the Department of Defence and is an authorised user under the AUKUS licence-free environment. The Vice-Chancellor, as Head of the Establishment, has delegated the Deputy Vice-Chancellor Research & Enterprise and Pro Vice-Chancellor (Research) to oversee research export controls at UNSW and promote compliance and training and awareness of the potential penalties for contravening the laws.

Primary responsibility for compliance with export control laws rests with the individual researcher due to the obligations imposed on individuals by the laws and the premise that researchers in particular have the expertise in deciding whether their activities or intended transfers require a permit or approval. It is the responsibility of the Deans and Heads of School to promote an environment where compliance with export controls is encouraged. Penalties for breaching defence export control obligations can be significant and include fines and/or imprisonment.

Applications for DSGL assessment or permits to the Department of Defence must be submitted to Defence via the My Australian Defence Export (MADE) portal and using the UNSW DCRN. Research, Ethics and Compliance Support (RECS) maintain overview of approved permits and approvals via the MADE portal.

For those who have obtained an export permit, researchers must submit a '*Notification of Export Permit Activity*' form within the UNSW compliance online system iRECS for each activity performed under the permit to comply with legislative record keeping requirements.

Individuals intending to operate under the 'AUKUS licence-free environment' must inform RECS in the first instance to determine appropriateness to operate within this environment.

## 3. Goods Covered in the DSGL

The DSGL is a legislative instrument specifying goods, technology, software and services regulated under Australian export control laws. The DSGL is amended to reflect changes in the various multilateral non-proliferation and export control regimes of which Australia is a member. The DSGL is divided into two parts:

1. Part 1 – Munitions List – items specially designed or modified for military use.
2. Part 2 – Dual-use goods – items generally used for commercial purposes, but with potential military and weapons of mass destruction application.

In the first instance, researchers are to review the DSGL to determine whether their goods or technology intended for export, supply, publishing, brokering or services are listed in the DSGL. If the goods or technology are listed, researchers may need a permit from the Department of Defence for their activity if an exception does not apply.

Controls to technology transfer do not apply to information in the public domain, to fundamental research, clinical trials or to the minimum necessary information for patent applications. Export controls also rarely apply to information, knowledge and technology taught in undergraduate courses since the material taught is generally in the public domain and characterised as fundamental research.

Researchers are encouraged to submit a Defence Export Control '*Notification of DSGL Activity*' form within the compliance online system iRECS to assist in determining whether a permit may be required for a proposed activity and to document due diligence for operating under an exception such as fundamental research.

## 4. Export, Supply, Services, Brokering and Publication

The following activities involving controlled goods and technology may require a permit from the

Department of Defence, unless an exception applies:

- **export:** any controlled goods that leave Australia in physical form, with an intention to be landed outside Australia. This includes goods sent for personal use, sale, demonstration, repair or return to the manufacturer, and controlled technology stored on a physical medium, such as a USB drive, computer hard drive or CD, outside of Australia.
- **intangible supply:** intangible supply is when a person in Australia provides controlled technology in a non-physical form (i.e. electronically) to another person, located either within Australia or outside of Australia. Some examples include supply via email, video conferencing, fax or providing a password access to electronic files or presentations containing DSGL technology.
- **services:** giving of assistance (including training or teaching) in relation to the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operating, demilitarisation, destruction, processing or use of DSGL goods or technology that are within Part 1 (munitions) of the DSGL.
- **brokering:** brokering occurs when a person, acting as an agent or intermediary, arranges the transfer of controlled items between two or more persons located outside Australia, and receives a benefit. Benefits include money or non-cash payments for the brokering activity, or if the brokering activity advances their political, religious or ideological cause.
- **publication of Part 1 (Munitions List) controlled goods and technology:** publication in the Defence Trade Controls Act includes publishing on the internet or academic journals, to the public or to a section of the public. Once controlled military technology is published in the public domain, it is no longer possible to regulate who has access to it. Publishing controlled military technology can put sensitive and potentially dangerous information into the wrong hands, with limited prospect of regulating that information.

## 5. Research Export Controls Officer

The UNSW Research Export Controls Officer is the primary point of contact for internal and external export control enquiries and maintains the University's Client Registration Number with the Department of Defence. The officer and RECS, provide advice and assistance to the University and its researchers on the requirements of Australian export control laws and permit and approval obligations. The officer and RECS assist in auditing activities of export controls compliance and maintains the University's export controls SharePoint as well as links to Department of Defence resources, including training.

## 6. Requirements of Other Countries

Many countries have their own, often stringent, controls in place for the import and export of controlled goods and technology. This means that in addition to checking export control obligations under Australia's export control framework, researchers also need to check whether there are permit requirements in the countries they intend to enter and depart. Where possible, researchers should contact their international collaborators or qualified courier service providers to seek the relevant information or contact the UNSW Research Export Controls Officer.

## 7. Monitoring of Research and Adverse Events

Research activities involving the export of controlled goods and technology and activities are monitored by the University and its delegated bodies through mechanisms including annual and final reports for each approved project, internal and external audits of compliance with permit and approval conditions, and site visits and interviews with researchers and technical staff. Safeguards to identify potential controlled exports are also in place at various stages of the grants and contracts process.

The University may seek to suspend or withdraw approval issued by the Department of Defence for the export of controlled goods and technology and activities where it is reasonable to believe that continuation of the export activities may compromise compliance with legislation.

Permit and approval holders are required to monitor research according to the permit and approval

conditions and report unexpected adverse events to the Research Export Controls Officer as soon as possible in accordance with the instructions on the UNSW RECS [SharePoint](#).

Issues identified during monitoring or adverse event reporting which may possibly involve breaches of the [UNSW Code of Conduct & Values](#) and are handled in accordance with the [UNSW Complaints Management and Investigations Policy and Procedure](#).

## 8. Complaints and Grievances

UNSW has established a complaints and grievances mechanism for UNSW staff, students and persons external to the University. Complaints about the conduct of research involving export controls by UNSW staff, students and visitors should be directed to the Director, Research Ethics and Compliance (REC) ([exportcontrols@unsw.edu.au](mailto:exportcontrols@unsw.edu.au)). Allegations involving possible breaches of the *Australian Code for the Responsible Conduct of Research* are referred to the Conduct & Integrity Office ([research.integrity@unsw.edu.au](mailto:research.integrity@unsw.edu.au)) to be reviewed in accordance with the [UNSW Code of Conduct & Values](#).

Grievances about export control processes by UNSW staff and students should be addressed to the Director of REC ([exportcontrols@unsw.edu.au](mailto:exportcontrols@unsw.edu.au)).

## 9. Instructions and Additional Operating Guidelines

Research Export Controls instructions and operating guidelines in support of this Procedure, such as rulings on recordkeeping, monitoring and auditing are approved by the Deputy Vice-Chancellor Research Enterprise (DVCRE) or Pro Vice Chancellor (Research) (PVC (R)) and displayed in their most current form on the Research Export Controls [SharePoint](#).

Accountabilities	
Responsible Officer	Director, Research Ethics & Compliance
Contact Officer	Research Export Controls Officer E: <a href="mailto:exportcontrols@unsw.edu.au">exportcontrols@unsw.edu.au</a> T: +61 2 9065 8520

Supporting Information	
Legislative Compliance	This Procedure supports the University's compliance with the following legislation: Customs Act 1901 (Cth) Customs (Prohibited Exports) Regulations 1958 Defence Trade Controls Act 2012 (Cth) Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 (Cth)
Parent Document (Policy)	<a href="#">Code of Conduct and Values</a>
Related Documents	Australia-US Defence Trade Cooperation Treaty <a href="#">Australian Code for the Responsible Conduct of Research 2018</a> Defence and Strategic Goods List <a href="#">UNSW Code of Conduct and Values</a> <a href="#">Complaints Management and Investigations Policy &amp; Procedure</a>
Superseded Documents	Research Exports Control Procedure, v2.0

Definitions and Acronyms	
<b>Affiliate</b>	As defined in the UNSW <i>Code of Conduct and Values</i> : Affiliates means conferred title holders; agency/labour hire staff; members of University committees; visitors from other universities, and any other person appointed or engaged by the University to perform duties or functions for the University (including volunteers).
<b>Australia-US Defence Trade Cooperation Treaty</b>	framework for the export or transfer of certain defence goods (Treaty Articles) between approved companies and government agencies in Australia and the United States, known as the Approved Community.
<b>Brokering</b>	occurs when a person or organisation acts as an agent or intermediary in arranging the supply of DSGL goods, software and technology between two places located outside of Australia. For the activity to be considered brokering, the person must receive money or a non-cash benefit or advance their political, religious or ideological cause for arranging the supply.
<b>Defence and Strategic Goods List (DSGL)</b>	Australia's export control list of regulated defence and strategic goods, technology and software. Part 1 lists military items and Part 2 lists dual-use items that may be used for commercial and research purposes but may also be used in military systems or for weapons of mass destruction.
<b>Export controls</b>	collective term for all legislation used by governments to manage the trade of sensitive goods and technology. In the Australian context it includes the Customs Act 1901, the Defence Trade Controls Act 2012, the Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 and Military End-Use provisions (section 112BA) and Sanctions.
<b>Fundamental research</b>	basic or applied research conducted in circumstances where the results of the research are: (a) intended for public disclosure, or would ordinarily be published or shared broadly; and (b) are not subject to any restrictions on disclosure (however imposed) for purposes connected with the security or defence of Australia or any foreign country.
<b>Intangible supply</b>	any controlled technology that is supplied electronically rather than in a physical form. Some examples include supply via email, video conferencing, fax or providing a password access to electronic files or presentations containing DSGL technology.
<b>In the public domain</b>	technology or software which has been made available without restrictions upon its further dissemination. Copyright restrictions do not remove technology or software from being in the public domain.
<b>Publication</b>	occurs when DSGL technology is made available to the public or to a section of the public via the internet or otherwise (such as academic journals) without access restrictions. Publication controls apply to anyone in Australia, or an Australian citizen or resident or Australian organisation located anywhere in the world. Having to pay to view the information is not an access restriction.
<b>Regulator</b>	the Australian Government Department of Defence and its Defence Export Controls Office.
<b>Services</b>	giving assistance (including training or teaching) in relation to the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operating, demilitarisation, destruction, processing or use of DSGL goods or technology that are within Part 1 (munitions) of the DSGL.
<b>Supply</b>	occurs when a person in Australia provides DSGL technology to another person, either within or outside of Australia. If access to the DSGL technology is controlled or restricted to particular users or groups, it has not been placed 'in the public domain' and is therefore a supply.
<b>Tangible export</b>	any controlled goods that leave Australia in physical form, with an intention to be landed outside Australia. This includes goods sent for personal use, sale, demonstration, repair or return to the manufacturer, and controlled technology stored on a physical medium, such as a USB drive, computer hard drive or CD, outside of Australia.
<b>Technology</b>	specific information necessary for the development, production or use of a product. This information takes the form of technical data or technical assistance.

Revision History				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	Vice-President and Deputy Vice-Chancellor (Research)	31 March 2016	2 April 2016	New document
2.0	Deputy Vice-Chancellor Research & Enterprise	23 February 2021	23 February 2021	Full review with minor amendments
3.0	Deputy Vice-Chancellor Research & Enterprise	16 May 2025	16 May 2025	Full review with amendments to ensure legislative compliance including the Defence Trade Controls Amendment Act 2024.