

Research Export Controls Procedure

Policy code:	RS2050
Policy owner:	Director, Research and Innovation
Approval authority:	Pro Vice-Chancellor (Research and Innovation)
Approval date:	24 April 2026
Next review date:	22 July 2028

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Purpose

This document outlines the responsibilities of Federation University staff and students in relation to Research Export Controls.

Australia has in place export control laws to regulate dealings with Defence and strategic goods, technology and software.

Federation University recognises that non-compliance with these laws can attract significant criminal penalties for individuals breaching the laws and provides training and information to promote compliance for researchers who may be affected by these laws.

Scope

This policy applies to all Federation University Australia staff and students who work with, or have the potential to work with, Defence and strategic goods, technology and software. This includes affiliates of, and any other individual associated with, the University.

Legislative Context

- Customs Act 1901
- Customs (Prohibited Exports) Regulations 1958
- Weapons of Mass Destruction (Prevention of Proliferation) Act 1995
- Defence Trade Controls Act 2012
- Defence Strategic Goods List (DSGL)

Definitions

A list of definitions relevant to this procedure is included below:

Term	Definition
AUKUS	Refers to the trilateral security partnership between Australia, the United Kingdom, and the United States.
Australian General Export Licence (AUSGEL)	Licence issued by the Australian Government Department of Defence enabling the export of a range of controlled goods, software and technologies to certain countries for certain purposes. AUSGELs are valid for five years.
Basic scientific research	Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.
Brokering	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 for arranging the supply.
Defence and Strategic Goods List (DSGL)	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. A current version of the DSGL is available here .
DSGL Services	Providing DSGL Services means the giving of assistance (including training) in relation to the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarisation, destruction, processing or use of DSGL goods or DSGL technology that are within the scope of Part 1 of the DSGL.
Export Controls	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.
Intangible export	Any controlled goods that leave Australia electronically rather than in a 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.
In the public domain	Technology or software which has been made available without restrictions upon its dissemination. Copyright restrictions do not remove technology or software from being in the public domain.
Publication	Occurs when DSSL technology is made available to the public or to a section of the public via the internet or otherwise 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.
Regulator	The Australian Government Department of Defence and its Defence Export Controls Office.
Supply	Includes supplies by way of sale, exchange, gift, lease, hire or hire-purchase. In relation to DSSL technology supply includes providing access to DSSL technology. Examples of supply include supply via email or fax, or by providing someone outside of Australia with passwords to access controlled technology stored electronically in the cloud.
Tangible 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.
Technology	Specific information necessary for the development, production or use of a product. This information takes the form of technical data or technical assistance.

Responsibilities

Federation University is registered as a client with the Department of Defence. The Vice-Chancellor has delegated the Deputy Vice-Chancellor, Global Engagement and Quality through the Associate Deputy Vice-Chancellor (International Research Partnerships) and Adviser to the Vice-Chancellor, New Energy to oversee research export controls at Federation University.

Additional responsibilities are as follows:

	Activity	Responsibility	Steps
A	Overseeing research export controls at Federation University	Deputy Vice-Chancellor, Global, Engagement and Quality Associate Deputy Vice-Chancellor (International Research	<ul style="list-style-type: none"> Promote awareness of the regulations and potential penalties for breaking the laws. Provide relevant training.

		Partnerships) and Adviser to the Vice-Chancellor, New Energy Director, Research and Innovation	
B	Becoming familiar with export controls laws	All University Researchers All University associated researchers	<ul style="list-style-type: none"> • Be aware that primary responsibility for compliance rests with the individual researcher. • Access dedicated information and training resources on the export controls framework from the Department of Defence (link to - https://www.defence.gov.au/business-industry/exporting/outreach-training)
C	Promoting compliance	Research Centre Directors	<ul style="list-style-type: none"> • Promote an environment where compliance with export controls is encouraged. • Encourage researchers to complete the available training.
D	Lodging applications and maintaining a register	Director, Research and Innovation	<ul style="list-style-type: none"> • Receive and submit applications for assessment. • Maintain a central register detailing applications and approved permits. • Monitor compliance with conditions of approval.

Export Controls

Controls to technology transfer do not apply to information in the public domain, to basic scientific research 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 basic scientific research.

The following activities involving controlled goods and technology may require a Department of Defence permit or approval:

Tangible Export

Tangible supply is 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 Export

Intangible supply is when a person in Australia provides controlled technology in a non-physical form (i.e. electronically) to another person outside Australia. Some examples include supply via email, fax or providing a password access to electronic files.

Supply

A permit will likely be required where:

- a person in Australia supplies DSGL technology to another person outside of Australia. Examples of supply include supply via email or fax, or by providing someone outside of Australia with passwords to access controlled technology stored electronically. 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.
- a person in Australia supplies DSGL technology to a non-exempt foreign person within Australia. For example, a person presents information which constitutes DSGL technology to a business conference in Victoria when a non-exempt foreign person is in attendance.
- a person supplies DSGL goods or DSGL technology outside Australia, where those DSGL goods or DSGL technology were previously exported or supplied from within Australia to outside Australia. For example, an employee of an international company, based outside Australia with a permit to possess DSGL technology from Australia, provides that DSGL technology to a national of another country.

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

Publication in the Act includes publishing on the internet, 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.

DSGL Services

The provision of DSGL Services outside Australia by an Australian person to a foreign person. For example, an Australian scientist attending an international conference is asked by foreign company to assist them to reverse engineer a piece of equipment that contains DSGL technology.

Permit/Approval Exemptions

As part of Australia's implementation of AUKUS, a permit is not required for some supplies of DSGL goods and technology to the United Kingdom or the United States.

As part of Australia's participation in the Five Eyes Intelligence Community, a permit is not required for some provisions of DSGL Services to the United Kingdom, the United States, Canada or New Zealand.

A permit is also not required for some supplies of:

- DSGL goods and technology, or the provision of DSGL Services, made in accordance with an agreement or arrangement between the Australian Government and one or more foreign countries, including an agreement, arrangement or understanding between a Minister and an official or authority of one or more foreign countries; or
- DSGL technology to foreign persons from a country on the [Foreign Country List](#) within Australia.

Actions

Researchers must follow the procedure below to identify whether their activities are controlled, and submit an application for DSGL Assessment if required:

	Activity	Responsibility	Steps
A	Identifying whether research activities are controlled	Individual Researcher	<p>Researchers should in the first instance use the Online DSGL Tool to identify whether their goods or technology intended for export are listed in the DSGL.</p> <p>If the goods or technology are listed, researchers must follow Step B below.</p>
B	Completing an application	Individual Researcher Director, Research and Innovation	The researcher must complete a Department of Defence Application for DSGL Assessment. Any researcher wishing to do so must contact the Director, Research Innovation & Enterprise.
C	Submitting an application	Individual Researcher Director, Research and Innovation	<p>The researcher must submit the application to the Director, Research Innovation & Enterprise.</p> <p>The Director will submit the application on behalf of the researchers.</p> <p>Details of the application will be recorded by the Director.</p>
D	Receiving outcome of assessment	Director, Research and Innovation	The Director will advise the researcher of the outcome, and notify if further action is required.

Supporting Documents

- [Research and Research Training Policy](#)
- [Foreign Interactions Procedure](#)
- [Defence and Strategic Goods List](#) (DSGL)

Responsibility

- The Pro Vice-Chancellor (Research and Innovation) (as the Approval Authority) is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.
- The Director, Research and Innovation (as the Document Owner) is responsible for maintaining the content of this procedure as delegated by the Approval Authority.

Promulgation

This procedure will be communicated throughout the University community via:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website.
2. Distribution of e-mails to Deans.

Implementation

This procedure will be implemented throughout the University via:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website.
2. Online training.

Records Management

Document Title	Location	Responsible Officer	Minimum Retention Period
Department of Defence Application for DSGL Assessment	Research Services	Director, Research Innovation & Enterprise	7 years

Consultation

Consulted with	Consultation Status	Consultation Date
International Research Partnership Committee	Consulted	April 2025
Research Executive Committee	Consulted	27 March 2025
Professoriate	Consulted	30 April 2025
Research Committee	Consulted	6 May 2025
Policy Team (various departments such as ITS, Finance)	Consulted	2025

Academic Board	Consulted	20 May 2025
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