

Defence Trade Controls Publication and Supply Guidelines

Section 1 - Purpose

- (1) These guidelines support the [Research Policy](#) and the [Defence Trade Controls Procedure](#) by stating detailed requirements for meeting the compliance and administration obligations of the [Defence Trade Control Act 2012](#).
- (2) These guidelines are intended to help researchers determine whether they are making a publication or a supply of a controlled technology.

Section 2 - Glossary

- (3) Terms used in these guidelines are defined in the glossary sections of the [Research Policy](#) and [Defence Trade Controls Procedure](#).

Section 3 - Policy

- (4) These guidelines support the [Research Policy](#) and should be read alongside that policy.

Section 4 - Procedure

- (5) These guidelines support the [Defence Trade Controls Procedure](#) and should be read alongside that procedure.

Section 5 - Guidelines

Difference between intangible supply and publication

- (6) The definition of publication that the Australian Government uses is not the layperson's definition. Researchers should be aware that ways of disseminating information other than publication may be considered intangible supply.
- (7) Supply or intangible supply of [Defence Strategic Goods List](#) (DSGL) technology has more stringent controls than publication and is more likely to require a permit.
- (8) Researchers should determine whether they are publishing or supplying DSGL technology.

Publication

- (9) Publication of DSGL technology or information means making it available to the public, either on the internet or by other means, including any journal, password protected site, or site requiring subscriptions or payments.
- (10) Only the publication of DSGL Part 1 controlled technology is regulated. If a publication does not contain any DSGL Part 1 technology, then a permit is not required.

(11) Publication controls apply to anyone located in Australia, or an Australian citizen or resident located outside Australia.

(12) Individuals should seek advice when determining whether information within a publication is DSGL Part 1 controlled, as such an assessment is often complex. For example:

- a. an article about drone technology and its applications in mining and agriculture will not require a permit; but
- b. an article explaining how to modify a drone to achieve a range greater than 3000 km may require a permit, depending on the level of technical detail.

(13) Examples of controlled publication that require a permit:

- a. publication on an intranet site about how modifications were made to a DSGL Part 1 technology to increase performance;
- b. publication on a website about upgrades and methods used to enhance the performance of a DSGL Part 1 technology; and/or
- c. publication in a journal containing detailed technical developments that would meet or exceed the performance parameters of an existing technology controlled under the DSGL Part 1.

(14) Publications unlikely to require a permit include:

- a. a patent for a new DSGL Part 1 technology;
- b. a publication in a journal about the application of DSGL Part 1 technology in development where no technical information is disclosed in the article; and/or
- c. information published on the internet about existing research projects being conducted by the University related to DSGL Part 1 technology.

Intangible supply

(15) An intangible supply occurs when a person in Australia provides or gives access to DSGL technology from Parts 1 or 2 to a recipient outside of Australia. This includes:

- a. sending an email or fax containing DSGL technology;
- b. providing a password to access a database that includes DSGL technology; or
- c. providing access to electronic files, voice or video recordings, or presentation slides containing DSGL technology.

(16) For DSGL Part 1 technology, a verbal supply may require a permit, such as providing instructions over the telephone or by video conference to a person outside of Australia for the construction, development, maintenance, repair or upgrade of an item listed in Part 1.

(17) For DSGL Part 2 technology, a verbal supply will not require a permit from Defence Export Controls, but dissemination of recordings of such to a person outside of Australia will require a permit.

(18) The stringency of the regulations depends on whether the technology is listed in Part 1 or Part 2 of the [Defence Strategic Goods List](#).

Status and Details

Status	Current
Effective Date	1st July 2020
Review Date	21st December 2023
Approval Authority	Deputy Vice-Chancellor (Research and Engagement)
Approval Date	30th June 2020
Expiry Date	Not Applicable
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