

QUESTION ON NOTICE / Spoken

009 – Public Hearing – 13 May 2021

Topic: Dual-Use Goods

Mr Julian Hill MP

Question

Mr HILL: The final question from me on the Defence things—we've got other topics—is on the issue of dual-use goods. A couple of the submitters talked about the arms embargo per se but made the point that drones and certain other technology that had a dual civilian and military use may still be able to be purchased. Are you confident that we've actually addressed that issue?

Ms McCourt: I can answer that in relation to the sanctions office. On the definition of 'arms and related material', we work very closely with Defence and they have expertise in determining what fits into that category. There are two ways this would potentially come to our attention. One is if there is a company looking to export something to a country where there is an arms embargo. They would go through our website, which is called Pax and which is essentially a means by which a company could get advice or potentially seek a permit to export a certain good for certain reasons. We engage, as I said, with Defence in relation to whether that fits within the criteria. Defence, as you'd expect, have very much an in-depth knowledge of the definition and emerging technologies and things, so we'd work with them on it.

Mr HILL: Can you just take that on notice and perhaps review the Hansard from the previous hearings and give us any supplementary comment to tidy that issue up?

Ms McCourt: Yes. There are two means by which that would come to our attention. I mentioned one, which is where a company would reach out. The other would be if Border Force stopped goods at the border and queried whether they were subject to a sanctions permit. Then they would revert to us and we would go through that investigation.

Answer

One function of the Australian Sanctions Office (ASO) is to assess whether a particular good is subject to sanctions under Australian law on a case-by-case basis. When assessing whether dual use goods fall within the scope of Australia's autonomous sanctions regime in relation to Myanmar, the ASO considers the proposed or actual end use of a good, as well as the end user. If these factors suggest an intrinsic military end use, then the good will fall under the definition of "arms or related matériel" and be subject to export controls. Such assessments are usually undertaken as a result of an application from businesses or individuals in relation to a specific good, or by referral from Australian Border Force (ABF). The border checks conducted by ABF act as safeguard against sanctioned goods being exported without authorisation. As part of ASO's assessment we consider the nature of the good, including dual use goods. This may involve a referral to Defence Exports Control for a technical assessment.