

## Received 17 March 2017 - Questions on Notice

"I am wondering how UNSW has coped with the introduction of the DTCA, the Defence Trade Controls Act and the security requirements around ITAR. Has that been an impediment to any of your contractual work, to the academic research you have done or to your ability to share or publish information?"

A: The Department of Defence has worked constructively with universities to implement compliance with the DTCA 2012 and, importantly, the Defence Trade Controls Amendment Bill 2015 to incorporate intangible goods and technology. This brought Australia on par with many other countries to enable controls of the export of goods and technology which can potentially be used for military purposes while at the same time ensuring that the process is efficient and does not hinder applied research and contractual work. There is no indication that UNSW has experienced impediments since the introduction of the Amendment Bill, in particular as the Bill does not regulate publications (with the exception of controlled military technology) and basic research.

"I will rephrase the question. Has it helped? One of the original objectives was that it would actually help Australian industry and academia work with the US. People were concerned that there might be some administrative impediment that went along with those open doors. So I guess it is a two-part question: has it been an impediment and has it opened doors?"

A: As part of the administrative system supporting the Act and Amendment Bill, the Department of Defence introduced Australian General Export Licences (AUSGELs). These licences allow universities who obtain these licences to export some items listed in the Defence and Strategic Goods list to specific countries such as the US without needing to apply for individual export permits. In cases where a permit is required the process also operates efficiently and does not pose an impediment from a UNSW point of view. In our experience, permits are obtained within one or two weeks after submission. In specific reference to the US, institutions with complex ITAR requirements for the purpose of collaborative defence projects with US partners can also apply to the Department of Defence to become a member of the Australia – US Defence Trade Cooperation Treaty Community, enabling exports of certain ITAR goods to the US without the need for export licences. Currently the Department of Defence website lists 59 such collaborative projects. It is unclear from a UNSW point of view whether the introduction of the Act has opened doors. Rather, the initial concerns that Australia would develop a complex controls system such as the US has not eventuated.

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