Australian Government
Australian Submarine Agency

ASA

EXPORT CONTROLS AND THE AUKUS LICENCE-FREE ENVIRONMENT

A GUIDE FOR AUSTRALIAN BUSINESSES



THE LICENCE-FREE ENVIRONMENT

From 1 September 2024, Australian businesses enrolled in the AUKUS licence-free environment can supply controlled defence goods and technology to our partners in the UK and the US, without the need for individual export permits.

The AUKUS licence-free environment removes the requirement for around 900 export permits each year (worth approximately $5 billion AUD annually). For Australian businesses, this results in reduced approval timeframes, lower compliance costs, and less paperwork.

ELIGIBILITY

To support Australia's nuclear-powered submarine program, businesses may need to access to controlled goods, technology and information originating from Australia, the United Kingdom and the United States. As a result, businesses will likely require registration in the AUKUS licence-free environment and should Australian Authorized User (AAU) status is required for their activities.

It is important to note that the licence-free environment is not appropriate in all circumstances, and that some goods and technologies are not eligible under the licence-free environment, including those on the Excluded Technologies List.

AUSTRALIAN AUTHORIZED USER

Australian Authorized User: Granted through the trilateral AUKUS framework, this authorisation enables approved businesses to transfer and receive eligible US ITAR-controlled goods and technology between authorised users in Australia, the United Kingdom and the United States without the need for a US export licence. Australian Authorized User status encompasses the permissions available under AUKUS Authorised User status and is required for businesses supporting Australia's nuclear-powered submarine program.

AUKUS AUTHORISED USER

Granted by the Australian Government, this authorisation enables eligible businesses to export Australian-controlled Defence and Strategic Goods List (DSGL) goods and technology to authorised users within the AUKUS licence-free environment without the need for individual export permits.

KEY TERMS

MADE (My Australian Defence Exports) portal: platform for all registration, export activity and compliance reporting

DCRN (Defence Client Reference Number): your business's unique identifier with Defence

DSGL (Defence and Strategic Goods List): list of military and dual-use goods, technologies and services subject to Australian export control

ITAR (International Traffic in Arms Regulations): the US regulatory framework controlling the export of defence-related goods and technology

Australian Authorized User: a business that has received additional certification from the US Government, allowing it to transfer and receive US ITAR-controlled technology within the licence-free environment

myID: the Australian Government's Digital ID system, used to access the MADE portal via ServiceConnect



WHY REGISTER?

Registering in the licence-free environment unlocks access to technical data sharing events hosted by the Australian Submarine Agency. At these events, your business will be eligible to view US Government technical data relevant to the nuclear-powered submarine program, giving you the information you need to make an informed decision about getting involved.

GETTING SET UP: STEP BY STEP

STEP 01

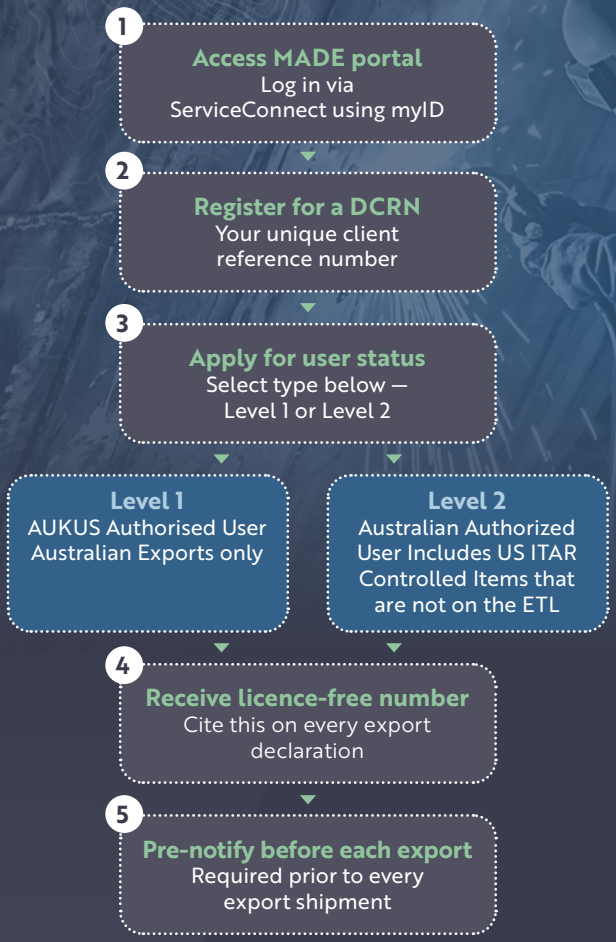
Access MADE via ServiceConnect using your myID. If you're not eligible for a myID, contact exportcontrols@defence.gov.au. Register in the name of the entity that will declare the export to the Australian Border Force, and ensure the entity has an ABN or a Cargo Client ID (CCID).

STEP 02

Register for a DCRN. This is your identifier with Defence and is required before any application or pre-notification can be submitted. If you already have one, proceed to step 3.

STEP 03

Apply for Authorised User status through MADE. There are two types of authorisation (see below). Select the one that applies to your business. Processing can take up to 90 business days, so plan ahead.



STEP 04

Receive your Licence-Free Number (LFN). Once approved, this unique number must be cited on every Export Declaration Notice submitted to the Australian Border Force.

STEP 05

Pre-notify before each export via MADE. Required every time, before the export takes place.

ONGOING OBLIGATIONS

Once operating in the licence-free environment you must:

pre-notify in MADE before every export; keep records of self-assessments, prenotifications, and end-user details (the onus of demonstrating compliance rests with you).

maintain a Technology Control Plan describing how your business safeguards controlled technology. Be aware that sharing controlled technology with a foreign national inside Australia, including employees, can itself constitute a controlled supply.

NEXT STEPS

As on-boarding activities commence for your participation in Australia's nuclear-powered submarine program, you may encounter additional export control requirements depending on the information, technology and stakeholders involved.

The AUKUS licence-free environment is a valuable enabler, but it is not a blanket authorisation to transfer AUKUS partner export-controlled information—requirements will differ based on the specific circumstances of each activity.

The ASA and our industry program delivery partners will support you to navigate these requirements as they arise, including any additional steps needed to enable lawful information sharing and to meet ongoing compliance obligations.

GETTING HELP

asa.exportcontrols@defence.gov.au
https://www.defence.gov.au/business-industry/exporting
https://www.asa.gov.au/industry-front-door