
Responsible Officer
Deputy Vice-Chancellor (Research)

Approved by
Vice-Chancellor

Approved and commenced
December, 2017

Review by
December, 2020

Relevant Legislation, Ordinance, Rule and/or Governance Level Principle

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<th>Principle</th>
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<tr>
<td>Autonomous Sanctions Act 2011</td>
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<td>Autonomous Sanctions Regulations 2011</td>
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<tr>
<td>Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cwlth)</td>
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<tr>
<td>Anti-Money Laundering and Counter-Terrorism Financing Regulations 2008</td>
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<td>(regulations 7 and 8)</td>
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<td>Charter of the United Nations Act 1945</td>
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<td>Charter of the United Nations (UN Sanction Enforcement Law) Declaration</td>
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<td>2008</td>
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<td>Ordinance 18 – Intellectual Property</td>
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Responsible Organisational Unit
Graduate Research Office, Office of Research Services

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1 Objective

The objective of this Policy is to:

- ensure the University takes reasonable precautions and exercises due diligence to avoid contravening the United Nations Security Council Sanctions and Australia's Autonomous Sanctions laws.

2 Scope

This Policy applies to all staff and students (including those based internationally or studying by distance) and covers:

1. exporting controlled goods (tangible and intangible), including defence and related goods and dual-use goods and technologies
2. dealing with 'designated persons or entities'
3. supplying export-sanctioned goods to sanctioned countries
4. providing technical advice, assistance or training that assists with the manufacture or use of 'export sanctioned goods' in a sanctioned country or on behalf of a person or entity in the sanctioned country, and
5. providing technical advice, assistance or training to persons who are financially supported by sanctioned persons or entities.

This Policy must be read in conjunction with the Defence Export Controls Policy and any other policy or procedures that support this Policy.

3 Policy Provisions

3.1 Sanctions

Sanctions are coercive or punitive measures not involving the use of armed force imposed by governments as a means of influencing regimes to alter their behavior.

Australia implements United Nations Security Council (UNSC) sanctions regimes and Australian autonomous sanctions regimes.

Australia is obliged as a matter of international law to implement UNSC sanctions regimes made under the Charter of the United Nations Act 1945. In addition, the Australian Government has decided to implement Australian autonomous sanctions regimes as a matter of Australian foreign policy. Australian autonomous sanctions regimes may supplement UNSC sanctions regimes, or be separate from them.

Sanctions measures of particular relevance to the University include general prohibitions on providing a 'sanctioned service' and dealing with a 'designated person or entity'. Under the sanctions laws, the University is prohibited from dealing with specific individuals and entities, or providing those individuals, entities and specified countries with access to specific types of training, services and resources. This is particularly relevant to research undertaken by citizens of countries to which sanctions apply, including that done by research students. Sanctions also apply to financial or asset transactions with particular sanctioned countries.

Different sanctions regimes impose different sanctions measures and these regimes are regularly updated.
Breaches of controls on trade in sanctioned goods and services, or dealings with sanctions-designated individuals and entities, are serious criminal offences under Australian legislation implementing UN sanctions.

3.2 Principles in complying with Sanctions laws

1. The University must take reasonable precautions and exercise due diligence to avoid breaching the sanctions.

2. The University will not deal with a person who is a 'designated person or entity' under Australian sanctions laws, unless authorised to do so by a sanctions permit.

3. The University will not supply export-sanctioned goods or provide sanctioned services, unless authorised to do so by a sanctions permit.

4. The University will match applications to names on a list of 'designated persons and entities', including all known aliases as provided by the Department of Foreign Affairs and Trade (DFAT).

5. The University will consult DFAT about any proposed high-risk action prior to taking the action. Where DFAT advice indicates the action may breach an Australian sanctions law, the University will seek a sanctions permit for the action or decline to proceed with the action.

3.3 Sanctions Compliance

In exercising due diligence, the University will:

1. incorporate a ‘Sanctions Compliance Risk Assessment’ into the admissions assessment processes and ensure that the training offered would not constitute a ‘sanctioned service’ before an offer of enrolment is provided

2. prior to making an offer of admission to a higher degree by research to an applicant from a sanctioned country or commencing any research or academic collaboration with a sanctioned country, consider:
   a. whether the service (technical assistance, training or advice) is related to the manufacture or use of export sanctioned goods (including dual use goods)
   b. whether the service would increase that country’s capacity to manufacture or use those export sanctioned goods
   c. whether the service would be provided to someone with a sufficient connection to the sanctioned country; and
   d. whether the service would be provided to someone who is financially supported by a sanctioned person or entity, and

3. review all aspects of sanctions compliance in the event of a change of research topic or project by a candidate or researcher from a sanctioned country.

The University must consider whether the collaboration may contravene a sanctions measure and check the Consolidated List of all persons and entities subject to all UNSC and Australian autonomous sanctions regimes on the DFAT website.
Where appropriate or if in doubt, the University should seek advice from DFAT and obtain independent legal advice.

4 Responsibilities

The **Vice-Chancellor** is responsible for:
- approving and implementing policy to ensure that the University complies with UNSC sanctions and Australian autonomous sanctions legislation.

The **Deputy Vice-Chancellor (Research)** is responsible for:
- developing and implementing policy and procedures to ensure that the University complies with UNSC sanctions and Australian autonomous sanctions legislation, and
- managing any risk exposure that may result from compliance failures.

The **Deputy Vice-Chancellor (Students & Education)** is responsible for:
- developing and implementing policy and procedures to ensure that the University complies with UNSC sanctions and Australian autonomous sanctions legislation, and
- managing any risk exposure that may result from compliance failures.

The **Dean of Graduate Research** is responsible for:
- reviewing Sanctions Compliance Risk Assessments and making a decision on whether there is a risk of breaching sanctions laws
- investigating and responding to alleged compliance failures
- implement any necessary measures to assist the University to meet its legal obligations under legislation and regulation directly relating to sanctions, and
- reviewing any changes in legislation and regulation directly relating to sanctions and ensuring these changes are implemented within University operations and communicated to staff more broadly.

The **Chief Operating Officer** is responsible for:
- implementing policy and procedures providing advice to ensure that the University complies with Australian export controls legislation, and
- implementing policy and procedures providing advice to ensure that the University complies with UNSC sanctions and Australian autonomous sanctions legislation.

All **University staff** are responsible for:
- for complying with Australian export controls and sanctions laws, in accordance with this policy and supporting procedures.

5 Definitions and Acronyms

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<th>Term/Acronym</th>
<th>Definition</th>
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<tr>
<td>DFAT</td>
<td>Department of Foreign Affairs and Trade</td>
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<td>Intangible</td>
<td>Not having physical presence</td>
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<td>Organisational unit</td>
<td>College, Faculty, School, Centre, University Institute, other University, Entity, Division, Section or University Business Enterprise</td>
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Sanctioned goods: goods listed on the DFAT Sanctions Regimes website which Australian law prohibits the direct or indirect supply, sale or transfer to sanctioned countries.

Sanctioned service: a sanctioned service, for a country listed on the DFAT Sanctions Regimes website, is the provision to a person of: (a) technical advice, assistance or training; (b) financial assistance; (c) a financial service; or (d) another service; if it assists with, or is provided in relation to, an activity mentioned in the item.

Tangible: Clear and definite

UNSC: United Nations Security Council

6 Supporting Documentation

- Higher Degree by Research Admissions and Enrolment Policy
- Higher Degree by Research Admissions and Enrolment Procedure
- Higher Degree by Research Candidature Management Policy
- Higher Degree by Research Candidature Management Procedure
- Collaborative Research Policy
- Defence Export Controls Policy
- Defence Export Controls Procedure
- Purchasing Policy

7 Versioning