

DEFENCE EXPORT CONTROLS & SANCTIONS COMPLIANCE POLICY

SCOPE

This policy applies to all Monash University staff, students and associates.

For the purpose of this policy, references to 'the University' include activity at Monash University Australia, Monash University Malaysia, Monash University Indonesia, Monash Suzhou, the Monash Suzhou Research Institute, the IITB-Monash Research Academy, and the World Mosquito Program Ltd (and its subsidiaries), unless indicated otherwise.

This policy must be read in conjunction with the agreed processes for managing partnership arrangements, and the University's overarching framework for responsible conduct of research that is considered under the [Responsible Conduct of Research Policy](#) and the International Partnerships Policy suite (forthcoming).

POLICY STATEMENT

Australia has multiple legislations and regulations that form its defence export control laws, regulating the export, supply, publication and brokering from Australia to a place outside Australia of sensitive items without a prior permit or applicable exemption. Australia implements the United Nations Security Council (UNSC) sanctions regimes as a matter of international law, as well as Australian autonomous sanctions regimes as a matter of Australian foreign policy.

This policy articulates the key accountabilities to support the University's compliance with Australia's defence export controls, Australian autonomous sanctions, the UNSC sanctions regimes and other such in-country legislative requirements as required of each of the University's campuses.

1. General Principles

- 1.1. All University staff, students and associates must adhere to the requirements set out in this policy and its supporting procedures and exercise due diligence to prevent any conduct or engagement that may breach any export controls or sanctions legislation. Research activities must also be undertaken in accordance with the [Responsible Conduct of Research Policy](#) where applicable.
- 1.2. All activity at the University subject to the defence export controls and sanctions legislation must be conducted in a manner befitting the risk exposure of the University and in a manner that is mindful of the University's reputation, as well as its commitments to Australia's national security interests and/or that of a foreign jurisdiction where a University campus or delivery location resides.
 - 1.2.1. The depth of assessment and due diligence undertaken will be proportionate to the risk in accordance with the University's [Risk Appetite Statement](#), determined by factors considered in combination, including but not limited to:
 - the nature of the proposed activity and/or research;
 - the citizenship of the designated person or entity; and
 - country specific factors.
- 1.3. Activities will not be approved in cases where the University considers risks cannot be mitigated in line with its [Risk Appetite Statement](#). This includes matters where there is significant risk posed of non-compliance with the University's legal obligations in Australia and/or a foreign jurisdiction.

2. Defence Export Controls

- 2.1. The University must ensure goods, technologies and knowledge that could be used in chemical, biological and nuclear weapons, or for military purposes, are not transferred to international entities or countries of proliferation concern.

- 2.2. Defence export controls apply to:
- exporting physical (tangible) goods;
 - supplying controlled technology by electronic or other non-physical (intangible) means;
 - publishing controlled information in a public domain, such as on the internet; and/or
 - brokering, or facilitating access to, physical goods or technology.
- 2.3. The Defence and Strategic Goods List (DSGL) specifies the goods, software and technologies that are regulated when exported, supplied, published or brokered.
- 2.4. Goods on the DSGL may not be exported, supplied, published or brokered from Australia unless a permit has been granted, or a legislative exemption applies to the activity.
- 2.5. The University facilitates a process for the oversight of export controls compliance, including assessment of applicability, obtaining a permit, and adherence to approval conditions.

3. Sanctions

- 3.1. Sanctions are used as an alternative to armed force to address situations of international concern. Sanctions impose restrictions on identified:
- countries;
 - goods and services through targeted regimes;
 - thematic conduct; and/or
 - activities/dealings with designated individuals or entities who are named on the Department of Foreign Affairs and Trade [Consolidated List](#).

Sanctions measures

- 3.2. Sanctions prohibit the University from dealing with, or providing specific types of training, services and resources to, designated individuals, entities and countries, and aim to ensure the University does not equip these individuals, entities or countries with the resources or skills to utilise such resources.
- 3.3. Under the sanctions regime, staff, students and associates must not engage in activities, including but not limited to, the following:
- research collaborations or consulting activities involving sanctioned activities with a sanctioned country;
 - communications or arrangements with a designated person or entity as listed on the [Consolidated List](#), for example, providing any goods and services to a designated person;
 - accepting funding from a designated individual or entities named on the Consolidated List;
 - providing training to a person from a sanctioned country in relation to sanctioned goods or services; and/or
 - international partnership arrangements or transnational education partnerships that have not been assessed and approved pursuant to the International Partnerships Policy suite.

4. Roles and responsibilities

Staff, students and associates

- 4.1. All staff, students and associates are required to comply with all applicable defence export controls and sanctions legislation set out in this policy and its supporting procedures, adhere to any permit or approval conditions, report any breaches, and ensure any pertinent training or module is completed.
- 4.2. All staff, students and associates have a responsibility to maintain an awareness and understanding of Australia's defence export controls and sanctions laws and assess how these laws might apply to any research or other University-related activity undertaken. Consideration should be given to restrictions that impact the movement of information and technology between Monash campuses and delivery locations located outside Australia.
- 4.3. All staff, students and associates have a responsibility to input all available research project information, as soon as practicable, into the University's research management software and ensure that the information provided is comprehensive and accurate.
- 4.4. Staff have primary responsibility for ensuring an assessment is undertaken prior to the commencement of any controlled activities and that a permit or approval is obtained prior to the commencement of the controlled activity. The Office of Research Ethics and Integrity (OREI) must be contacted when staff are uncertain of their responsibilities.

- 4.5. Staff have a responsibility to undertake adequate due diligence where applicable, including establishing permanent residency or citizenship details, and conducting general checks against the Consolidated List.

Supervisors, Deans and Associate Deans

- 4.6. Supervisors of individuals (staff, students and associates) subject to a defence export controls permit or sanctions requirement must maintain regular contact with the researcher and monitor the progress of the research project.
- 4.7. Supervisors have a responsibility to monitor adherence to any conditions associated with the defence export controls permit or sanctions compliance assessment and notify the Monash Graduate Research Office (for students) or Monash HR (for staff and associates) of any material changes to the project that may require a new assessment or permit.
- 4.8. Deans or Associate/Deputy Deans promote and foster a research culture and environment that supports the responsible conduct of research, including compliance with relevant legislation, policies, procedures and guidelines. Deans or Associate/Deputy Deans will review any relevant information received on defence export controls or sanctions for completeness and accuracy and refer any areas requiring attention to OREI.

Office of Research Ethics and Integrity

- 4.9. The OREI will ensure that the University has the necessary licences and registrations in place to apply for permits to enable the export of controlled goods and technology. The OREI will act as the intermediary between staff at Monash University and the Defence Export Controls department and liaise on the University's behalf.
- 4.10. The OREI will regularly monitor the University's research management software for any activities that may be subject to Australia's defence export controls laws and sanctions legislation.
- 4.11. The OREI facilitates best-practice compliance with Australian defence export controls and sanctions laws through:
 - prioritising compliance with Australian defence export control and sanctions legislation across all University activities, functions, roles and responsibilities;
 - providing accessible information and training to develop awareness and understanding of staff and students of their legal obligations;
 - actively engaging with staff and students to assess obligations across relevant University activities obtaining permits or approvals on behalf of staff and students; and
 - ensuring all conditions of defence export permits and approvals are adhered to.

Global Engagement

- 4.12. The Office of Global Engagement (GE) conducts partner negotiations and due diligence for University-wide partnerships where GE is the facilitating department, initiates partnership review and monitoring for multi-faculty partnerships, or as external conditions require, and as otherwise set out in the International Partnerships Procedure (forthcoming).
- 4.13. Where a proposed arrangement is escalated to GE by the Due Diligence Officer, GE will undertake enhanced due diligence measures and checks on the proposed entity, related parties and key individuals, including against the Consolidated List and trade restriction lists, as required.
- 4.14. If GE identifies a proposed arrangement as potentially in contravention of the sanctions regime or concerning critical and sensitive technologies, potential dual use, defence export and trade controls or the DSSL, it will refer the matter to OREI.

5. Recordkeeping and reporting

- 5.1. Staff must maintain records of exported goods and technologies for five years from the date of export or supply including the permit number, a description of the goods or technologies supplied, the dates of supply and any other pertinent information. These records are to be stored as part of the research record with access restricted to the research team.
- 5.2. Staff must maintain complete and accurate records which appropriately reflect any transactions and identification details of the individuals and entities involved. These transaction records must be maintained for five years from the date of exportation. These records are to be stored as part of the research record with access restricted to the research team.

- 5.3. Staff should keep local records of any due diligence conducted including details of the company structure, comparisons of individuals or entities associated with the company against the Consolidated List, and relevant sanctions regimes.
- 5.4. The Office of Global Engagement maintains electronic records of all international partnership arrangements with institutions of higher education, where Global Engagement is the facilitating department.
- 5.5. The Office of Research Grants and Development maintains electronic records of research funding arrangements within its research management software.
- 5.6. Staff must comply with the requirements to submit reports related to exports, as required.

6. Breach of policy

- 6.1. The University treats any breach of its policies, procedures and schedules seriously; it encourages reporting of concerns about non-compliance, and manages compliance:
 - 6.1.1. For staff and associates in accordance with the applicable Enterprise Agreement, relevant instrument of appointment and/or applicable contract terms to the extent that they are relevant and applicable; and
 - 6.1.2. For students in accordance with the [Student General Conduct Policy](#) and the [Responsible Conduct of Research Policy](#).
- 6.2. A failure to comply with this policy and its supporting procedures may result in action by the University. Such action may include disciplinary or other action up to and including termination of employment for staff, or for associates and other persons, the termination of engagement with the University.
- 6.3. Non-compliance with Australia’s defence export controls and sanctions regimes may result in significant penalties to individuals and the University, including imprisonment for criminal offences.

DEFINITIONS

Associates	For the purposes of this policy, ‘associates’ are defined as consultants, contractors, conjoint appointments, affiliates and adjunct appointees.
Brokering	When a person or organisation acts as an agent or intermediary to arrange the supply of certain controlled goods, software or technology between two locations outside Australia, and benefits from arranging the supply in some manner
Consolidated List	A list of all persons and entities who are subject to targeted financial sanctions or bans under Australian sanctions law.
Defence Export Controls	The framework that governs the export of defence and strategic goods and technology.
Defence and Strategic Goods List (DSGL)	The list that specifies the goods, software and technologies that are regulated when exported, supplied, brokered or published.
Designated person/entity	An individual, organisation, group or business who is subject to targeted financial sanctions under Australian sanctions law.
Export (intangible)	The supply of controlled goods (including intangible goods such as intellectual property or software) via electronic or non-physical means, such as email, to a person or entity outside Australia.
Export (tangible)	The export of controlled goods in a physical form, including controlled technology stored on a physical medium, to a person or entity outside Australia.
Facilitating Department	The Monash University officer or organisational unit that has administrative responsibility for maintaining the partnership arrangement.
Public Domain	When technology or software is made available without restrictions to further dissemination.
Proliferation	The spread of nuclear weapons and associated materials and technology, that may increase the possibility of nuclear warfare.
Publication	When DSGL technology is made available to the public or to a section of the public via the internet or otherwise. Publication controls apply to anyone in Australia, or an Australian citizen, resident or organisation located anywhere in the world.

Supply	When a person in Australia provides technology that is on the DSGL to another person outside Australia. This includes intangible supply, or providing someone outside Australia with passwords to access controlled technology.
Technology	Specific information necessary for the development, production or use of a product, such as technical data (eg. blueprints, plans, diagrams and formulae) or technical assistance (eg. skills, training, working knowledge and consulting services).

GOVERNANCE

Supporting procedures	Defence Export Controls Compliance Procedure Sanctions Compliance Procedure
Supporting schedules	Nil.
Associated policies	Responsible Conduct of Research Policy International Partnerships Policy (forthcoming)
Related legislation	<i>Australian legislation</i> Autonomous Sanctions Act 2011 (Cth) Autonomous Sanctions Regulations 2011 (Cth) Charter of the United Nations Act 1945 (Cth) Customs Act 1901 (Cth) Customs (Prohibited Exports) Regulations 1958 (Cth) Defence Trade Controls Act 2012 (Cth) Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 (Cth) <i>Malaysian legislation</i> Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 Customs Act 1967 Malaysian Code of Responsible Conduct in Research Strategic Trade Act 2010 and as amended by the Strategic Trade (Amendment) Act 2017 <i>Indonesian legislation</i> Law No. 10 of 1995 on Customs , as amended by Law No. 17 of 2006 Law No. 7 of 2014 on Trade , as amended by GR No. 2 of 2022 Regulation of the Minister of Trade No. 18 and No. 19 of 2021
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