Interim International Sanctions Compliance Policy

Section 1 - Introduction

(1) International sanctions are non-military measures imposed by Australia on other countries in situations of international concern. Sanctions aim to limit adverse consequences of the situation, influence behaviour and penalise those responsible.

(2) There are two sanctions regimes in Australia – the United Nations Security Council (UNSC) sanctions regime and the Autonomous Sanctions Regime. These are given effect through various laws that prohibit, amongst other things:

a. dealing with 'designated persons or entities';
b. supplying export-sanctioned goods to sanctioned countries; and
c. 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.

(3) This policy must be read in conjunction with any procedures which support this policy.

Section 2 - 1 Policy Scope

Legislation

(4) This policy covers University compliance with the following: –

a. Autonomous Sanctions Act 2011 (Cth) and subordinate legislative instruments;
b. Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) and Anti-Money Laundering and Counter-Terrorism Financing Regulations 2008, (regulations 7 and 8);
c. Charter of the United Nations Act 1945 (Cth) and subordinate legislative instruments;
d. Customs Act 1901 (Cth), Customs (Prohibited Exports) Regulations 1958 and the Defence and Strategic Goods List - November 1996.

(5) Other related legislative frameworks include:

a. Crimes (Biological Weapons) Act 1976 (Cth);
b. Chemical Weapons (Prohibition) Act 1994 (Cth);
c. Defence Trade Controls Act 2012 (Cth);
d. Weapons of Mass Destruction Act (Prevention of Proliferation Act) 1995 (Cth).

Section 3 - 2 Policy Intent

(6) This policy will ensure the University takes reasonable precautions, and exercises due diligence, to avoid contravening Australian Sanctions Laws.

Section 4 - Policy Provisions/Principles

General Principles

(7) University will take reasonable precautions and exercise due diligence to avoid contravening a sanctions measure or a condition of a sanctions permit.

(8) Risk Management – The University will apply a risk-based approach to compliance with Australian Sanctions Laws. Compliance actions in relation to an activity will be proportionate to the risk of the activity breaching the laws. The University will consult the Department of Foreign Affairs and Trade (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.

(9) University will not deal with ‘designated persons or entities' under Australian Sanctions Laws, unless authorised to do so by a sanctions permit.

(10) University will not supply export-sanctioned goods unless authorised to do so by a sanctions permit.

(11) University will not provide sanctioned services, unless authorised to do so by a sanctions permit.

Section 5 - Responsibilities

Vice-Chancellor

(12) The Vice-Chancellor will ensure that the University develops and implements procedures, consistent with the principles mentioned in clause 7-11, for each of the following areas of University activity:

a. enrolling students;
b. employing staff;
c. hosting visitors to the University;
d. entering agreements (including international partnerships);
e. academic collaboration (including knowledge-sharing);
f. applying for research funding;
g. any other area the Vice-Chancellor deems appropriate.

Responsibilities of all University Staff

(13) All University staff are responsible for complying with Australian Sanctions Laws, in accordance with procedures under this policy.

Transitional Provisions

(14) This policy has been implemented by the Executive Committee on an interim basis pending approval by the Council, and will be presented to the next Council meeting following interim approval. This policy is required to provide strategic direction University wide as to the need for compliance with the legislation referred to.

(15) The transitional guidelines give some direction to both compliance on an interim basis, and to collaboration for developing appropriate procedures.

(16) Following interim approval all staff responsible for any aspects of University business noted in clause 12 will be informed of the creation of this policy.

(17) Until such time as procedure and guidelines are developed to fully support this policy, all staff must exercise appropriate due diligence when considering any matter the subject to their authority that may fall within the scope of this Policy; and

(18) Where there is potential for an issue arising, or uncertainty as to status, the matter shall be referred to the International Compliance Coordinator who will determine what information needs to be collected and assist the decision maker to determine whether or not a notification should be made.

(19) This Policy must be reviewed and in final form within twelve months of the date of its endorsement by the Executive Committee.

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Status and Details

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Effective Date	13th October 2013
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Approval Authority	Vice-Chancellor
Approval Date	13th October 2013
Expiry Date	10th August 2022
Responsible Executive	Craig Simmons Deputy Vice-Chancellor (Research and Innovation)
Enquiries Contact	

Glossary Terms and Definitions

"Council" - The governing authority of the University established under section 8A of the University of Newcastle Act 1989.

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Risk management" - The co-ordinated activities of assessing, controlling, monitoring, and reviewing risk in the pursuit of the University's objectives.

"Law" - All applicable statutes, regulations, by-laws, ordinances or subordinate legislation in force from time to time anywhere in Australia, whether made by the Commonwealth, a State, a Territory or a local government and, where the context permits, includes the common law and equity.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

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