

United Nations Security Council and Australian Autonomous Sanctions Higher Degree Research Compliance Assessment Form

INTRODUCTION:

From 1 July 2011, the Autonomous Sanctions Act 2011 has provided a new framework designed to strengthen Australia's existing autonomous sanctions by consolidating them to a single piece of legislation. The framework includes regulations designed to drive a strict liability regime under which Australian organisations (including universities) could be liable for a breach if they are unable to demonstrate that they have taken 'reasonable precautions' and 'exercised due diligence' in the development and implementation of industry specific Autonomous Sanctions related policies, procedures, and educational/training programs.

Sanctions are coercive or punitive measures imposed by governments as a means of influencing regimes to alter their behaviour. Australia imposes two main types of sanctions measures:

- multilateral sanctions based on resolutions made by the United Nations Security Council; and
- Autonomous Australian sanctions.

Sanctions impose restrictions on activities related to designated individuals and entities, with designated products, or in designated locations. A number of university activities may give rise to risks under sanctions laws.

The purpose of this assessment form is to undertake a risk assessment of an application for admission and/or scholarship to a higher degree research program in order to ensure compliance with the Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008; the Australian Autonomous Sanctions Act (Cth) 2011; and the Autonomous Sanctions Regulations (Cth) 2011. More information about Autonomous Sanctions is available from the Department of Foreign Affairs and Trade (DFAT) at <http://www.dfat.gov.au/sanctions/>

All proposed or nominated supervisors must be involved in the special assessment of applications from citizens of sanctioned countries[†] that they wish to support for an offer of admission. Supervisors must also sign this assessment form and the form must be endorsed by the Delegated Authority, and the Dean, Graduate Studies.

ATTENTION MAC USERS:

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Lismore

PO Box 157, Lismore NSW 2480 Australia
T: +61 2 6620 3000 · F: +61 2 6620 3700

Coffs Harbour

Hogbin Drive, Coffs Harbour NSW 2450 Australia
T: +61 2 6659 3777 · F: +61 2 6659 3051

Gold Coast

Locked Mail Bag 4, Coolangatta QLD 4225 Australia
T: +61 7 5589 3000 · F: +61 7 5589 3700

SECTION A: APPLICANT DETAILS

Family Name:

Given names:

Nationality:

Citizenship:

Does the applicant have (Australian) dual citizenship?

YES

NO

If YES, please specify the countries of citizenship:

*If YES, please sign **section D** and submit this form*

Is the applicant a permanent resident of Australia?

YES

NO

*If YES, please sign **section D** and submit this form*

Does the applicant hold an Australian Humanitarian Visa?

YES

NO

*If YES, please sign **section D** and submit this form*

Does the applicant hold a scholarship OR receive financial support from an institution/government located in a sanctioned country?

YES

NO

If YES, please provide details:

† Countries on the Sanctions lists and country specific sanctions can be found at:

<http://www.dfat.gov.au/sanctions/sanctions-regimes/>

SECTION B: RECOMMENDATION OFFER OF ADMISSION

(i)

wishes to offer this applicant:

Admission only

Admission and scholarship (i.e. are supporting the applicant in consideration for scholarship of other financial support)

In the following degree program:

PhD

Masters by Research

Professional Doctorate

Program Code:

(ii) **Title of proposed project:**

(iii) **Project Description:** *Attach another sheet if necessary.*

(iv) **Does the proposed project involve or require any external organisations (i.e. in terms of funding, intellectual property, research collaboration, deliverables, etc.)?**

YES

NO

If YES, Provide details

SECTION C: ASSESSMENT OF THE PROJECT AND THE RESEARCH ENVIRONMENT

NOTE: Please contact your respective Head of School/SRC or School/SRC Director HDR Training if you require assistance in interpretation of the questions.

(i) **Does the project involve use of, development of or training/technical advice in the use, development or maintenance of any of the following "arms or related material"?**

Please tick any or all that apply:

Weapons, ammunition, military vehicles and equipment

Any spare parts or accessories for weapons, ammunition, military vehicles and equipment

Paramilitary or law enforcement equipment (e.g. body armour, anti-riot gear, restraints, etc.)

- (ii) Will the research project provide training in or lead to improvements to the use, manufacture or maintenance of any controlled goods listed in Appendix 1.

YES NO

If YES, please provide details, including an assessment of whether the project constitutes pure/basic research or applied research:

- (iii) If the applicant is a citizen of Syria, does the research project provide training in or lead to improvements in the use, extraction, manufacture or maintenance of any of the following:

- a. Gold, precious metals and/or diamonds.

YES NO

- b. Any goods listed in Autonomous Sanctions (Export Sanctioned Goods-Syria).

Designation 2012[†] available at <http://www.dfat.gov.au/sanctions/sanctions-regimes/syria.html>

YES NO

- c. Newly printed or unissued Syrian denominated bank notes or newly minted or unissued Syrian denominated coinage.

YES NO

If yes to any of the above, please provide details:

[†] Please note: In October 2012 this list was principally devoted to goods, equipment, technology and software related to crude oil, natural gas, petrochemicals, power plants for electricity production, the monitoring or interception of internet or telephone communications, and certain luxury goods. The document is subject to change, however, and should be consulted when assessing all applications for admission to a higher degree research program.

[‡] Please note: In October 2012 this list was principally devoted to chemicals, micro-organisms, toxins and materials processing goods and equipment. The document is subject to change, however, and should be consulted when assessing all applications for admission to a higher degree research program.

(iv) If the applicant is a citizen of Iran, does the research project provide training in or lead to improvements in the use, extraction, manufacture or maintenance of any of the following:

a. Gold, precious metals and/or diamonds.

YES

NO

b. Any goods listed in [Autonomous Sanctions \(Export Sanctioned Goods - Iran\) Specification 2012.*](#)

YES

NO

c. Any goods on [The Australia Group Common Control Lists](#)

YES

NO

d. Newly printed or unissued Iranian denominated bank notes or newly minted or unissued Iranian denominated coinage.

YES

NO

If yes to any of the above, please provide details:

* Please note: In October 2012, this document was principally devoted to goods, equipment, technology and software related to crude oil, natural gas and petrochemicals. The document is subject to amendment, however, and should be consulted when assessing all applications for admission to a higher degree research program.

** Please note: These lists include chemical weapons precursors, dual use chemical manufacturing facilities and equipment and related technology and software, dual use biological equipment and related technology and software, biological agents, plant agents, and animal pathogens. While there may be some duplication with goods on the Defence and Strategic Goods List (DSGL) Quick Reference Guide in appendix 1, these lists should be consulted when assessing all applications for admission to a higher degree research program.

(v) If the applicant is a citizen of a country (other than Syria or Iran) on either the [UN or Autonomous Sanctions list](#), does the research project provide training in or lead to improvements in the use, extraction, manufacture or maintenance of any of the following:

a. Military or paramilitary items or items with a military or paramilitary application.

YES NO

b. Items with an application in nuclear, chemical or biological weapons programs or in the development of weapons delivery systems (such as missiles).

YES NO

c. Technical training, advice, services or assistance (including financing and financial assistance, investment, brokering or other services, and transfer of financial resources or services) related to:

- the supply, manufacture, maintenance or use of such items; YES NO
- military activities generally YES NO

d. Rough diamonds.

YES NO

e. Iraqi cultural property, other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed since August 1990.

YES NO

f. Any goods on the [Australia Group Common Control Lists](#).^{**}

YES NO

If yes to any of the above, please provide details:

^{**} Please note: These lists include chemical weapons precursors, dual use chemical manufacturing facilities and equipment and related technology and software, dual use biological equipment and related technology and software, biological agents, plant agents, and animal pathogens. While there may be some duplication with goods on the DSSL Quick Reference Guide in Appendix 1, both of these lists should be consulted when assessing all applications for admission to a higher degree research program.

SECTION D: SUPERVISOR DECLARATION

It is the responsibility of the Principal Supervisor to ensure all supervisors are aware of this risk assessment. By signing this form, the Principal Supervisor confirms that all supervisors have agreed to the content within the form.

I declare that:

- I am aware of the Australian Autonomous or United Nations Sanctions Regime and the HDR admissions and candidature management procedures and processes put in place by the University to ensure compliance with the regime;
- I am aware that applicants who are subject to sanctions will not be approved as external candidates;
- All information and assessments provided on or appended to this form are true and correct to the best of my knowledge, information and belief†;
- If the applicant is admitted, the project, project requirements and research environment will be monitored for compliance at progress reviews;
- Any proposed change in topic or supervision, or change to the status of this project, project requirements or research environment that may affect compliance with the Australian Autonomous or United Nations Sanctions Regime will be reported to the Delegated Authority and Dean, Graduate Studies.

Principal Supervisor:**SCU ID:****School or organisation:****Signature:****Date:**

† A person who makes a false declaration is liable to penalties of perjury. In addition, the Autonomous Sanctions Regime imposes serious penalties for breaching sanctions laws; for individuals there is a maximum of 10 years imprisonment or a maximum fine that is greater of 3 times the value of the transaction in breach of the sanction (if this can be calculated) or \$270,000. For corporations, the penalty is the higher of \$1.1 million or three times the transaction value.

SECTION E: DELEGATED AUTHORITY DECLARATION AND SIGNATURES

For joint enrolments or situations where the applicant will be physically based in more than one institution, signatures are required from each relevant Delegated Authority.

I declare that:

- I am aware of the Australian Autonomous or United Nations Sanctions Regime and the HDR admissions and candidature management procedures and processes put in place by the University to ensure compliance with the regime;
- The special assessment of the application has been completed in accordance with SCU procedures and processes by supervisors with the requisite methodological and theoretical expertise to provide a rigorous and meaningful risk assessment;
- If the applicant is admitted, appropriate procedures and processes are in place to monitor the project, project requirements and research environment for compliance at progress reviews;
- Processes are in place to monitor any change in the status of this project, project requirements or research environment that may affect compliance with the Australian Autonomous or United Nations Sanctions Regime and to report any change to the Dean, Graduate Studies.

Name:
Department:
Signature:
Date:
Name:
Department:
Signature:
Date:
SECTION F: DEAN, GRADUATE STUDIES DECLARATION AND SIGNATURE
I declare that:

- I am aware of the Australian Autonomous or United Nations Sanctions Regime and the University has mechanisms in place to ensure that the HDR admissions and candidature management procedures and processes put in place by the University to ensure compliance with the regimes are being followed.

Comments:
Name:
Signature:
Date:

APPENDIX 1:

DEFENCE AND STRATEGIC GOODS LIST QUICK REFERENCE GUIDE

On advice from DFAT, higher degree research projects involving nationals of countries on the United Nations (UN) and Australian Autonomous Sanctions (AS) lists should be assessed to determine whether they provide technical assistance or training that assists with the manufacture, maintenance or use of certain controlled goods.

There is no single list of controlled goods, however, which applies to all sanctioned countries. Rather, Australian law gives effect to a variety of export control regimes including those related to 'arms and related materiel' in the Charter of the United Nations Regulations and the Autonomous Sanctions Regulations. There are, in addition, country specific sanctions, regulations and controlled goods.

To assist with the special assessment of higher degree research applications, DFAT has indicated that the Defence and Strategic Goods List may be used as a proxy, in the first instance, for a comprehensive controlled goods list.

Below is a Quick Reference Guide, in two parts, which should be used to answer Section C, Question 2 of the Higher Degree Research Compliance Assessment Form. Please note that the "Part 1—Munitions List" is included here for comprehensiveness. The vast majority of controlled goods relevant to research projects carried out at the University will appear on the Part 2—Dual Use Goods List.

The full DSGL is available at <http://www.defence.gov.au/deco/DSGL.asp> and may be consulted if staff assessing an application would like more detailed information on any of the goods listed in the Quick Reference Guide.

PART ONE – MUNITIONS LIST

Military Goods

| | |
|-----|--|
| ML1 | Smooth bore weapons calibre <20mm Other weapons calibre ≤ 12.7mm (calibre 0.50 inches) Components and accessories |
| ML2 | Smooth bore weapons >20mm Other weapons calibre > 12.7mm (calibre 0.50 inches) Components and accessories |
| ML3 | Ammunition and components for ML1, ML2 & ML12, Fuze settings for ML3 |
| ML4 | Bombs, torpedoes, rockets, missiles,, other explosive devices and charges, components and accessories Equipment for launching, deploying, decoying, disruption, detection and jamming |
| ML5 | Fire control systems, components and accessories and their countermeasure equipment Radar, surveillance, tracking systems, and their countermeasure equipment |
| ML6 | Ground vehicles and components |
| ML7 | Chemical or biological toxic agents, 'riot control agents', radioactive materials, related equipment, components, and materials |
| ML8 | 'Energetic materials' (explosives & chemicals) and related substances |

| | |
|----------------------------------|--|
| ML9 | Vessels of war, special naval equipment, accessories and components |
| ML10 | Aircraft, unmanned airborne vehicles, aero-engines and aircraft equipment, and related equipment and components |
| ML11 | Electronic equipment not controlled elsewhere in the Munitions List specially designed for military use |
| ML12 | High velocity kinetic energy weapon systems and related equipment |
| ML13 | Armour plate, body armour, and helmets and components |
| ML14 | Simulators and training equipment |
| ML15 | Imaging, infrared, thermal imaging and image intensifier equipment, and cameras |
| ML16 | Forgings, castings and other unfinished products specially designed for any products controlled by ML1 - ML4, ML6, ML9, ML10, ML12 or ML19. |
| ML17 | Miscellaneous goods, including diving equipment, robots, ferries, containers specially designed or modified for military use, goods treated for or providing signature suppression |
| ML18 | Production and test equipment |
| ML19 | Directed energy weapon systems, countermeasure and related equipment, (e.g. lasers and particle beam systems) |
| ML20 | Cryogenic and superconductive equipment, as follows, and specially designed components and accessories |
| ML21 | Software for listed goods |
| ML22 | Technology for listed goods |
| Non - Military Goods | |
| ML901 | Non-military firearms including rifles, carbines, muskets, pistols, revolvers, shotguns, and smooth bore weapons, not specified ML1 |
| ML902 | Ammunition, projectiles and specially designed for ML901 |
| ML904 | Accessories, including silencers, mountings, magazines, sights, flash suppressors, for ML901 |
| ML905 | Air guns, with specific characteristics |
| ML908 | Energetic materials other than those in ML8, excluding those specially formulated for toys, novelty goods and fireworks |
| ML909 | Detonators or other equipment for the initiation of non-military energetic materials specified in Item ML908 |
| ML910 | Charges and devices containing "energetic material" specified in ML908 |
| PART TWO – DUAL USE GOODS | |
| 0 | Nuclear Materials; Facilities and Equipment Nuclear reactors, gas centrifuges, and equipment and materials especially designed for nuclear use |
| 1 | Materials, Chemicals, Micro-organisms and Toxins Toxic chemicals, viruses, bacteria, protective and detection equipment, body armour, radiation shielding windows, and metal powder production equipment |
| 2 | Materials Processing Crucibles, valves, robots, vibration test systems, vacuum pumps, chemical processing, and handling equipment |

| | |
|---|--|
| 3 | Electronics Microwave components, acoustic wave devices, high energy devices, switching devices, and detonators |
| 4 | Computers Radiation hardened computers, neural and optical computers, and related equipment. |
| 5 | Telecommunications and Information Security Part 1 – Telecommunications. Telecommunications systems, optical fibre cables, radio equipment, jamming equipment, and telemetry and telecontrol equipment Part 2 – Information Security (Cryptography). Cryptographic equipment, and communications cables systems |
| 6 | Sensors and Lasers Marine acoustic systems, hydrophones, imaging cameras, optical mirrors, lasers, and magnetometers |
| 7 | Navigation and Avionics Gyros, accelerometers, inertial navigation systems, and flight control systems |
| 8 | Marine Submersible vehicles, remotely controlled manipulators, underwater vision systems, noise reduction systems, and air independent power systems |
| 9 | Aerospace and Propulsion Aero gas turbine engines, rocket propulsion systems, UAVs, rocket motors, ramjet engines, sounding rockets, and acoustic vibration test equipment |

Note 1 –

Each of the above Dual-Use Goods categories (0-9) has the following divisions:

- A – Systems, Equipment and Components
- B – Test, Inspection and Production Equipment
- C – Materials
- D – Software
- E – Technology

Note 2 –

Materials, software and technology related to controlled goods are also controlled.

Note 3 –

Terms with specific meaning are enclosed in double quotation marks where they appear throughout the DSGL document. An index of these terms appears in the front pages of the full DSGL document available at <http://www.defence.gov.au/deco/DSGL.asp>

Background Information –

The DSGL is identified in regulation 13E of the Customs (Prohibited Exports) Regulations 1958 as the document titled 'Defence and Strategic Goods List':

- (a) formulated and published for the purpose of paragraph 112 (2A) (aa) of the Customs Act 1901 by the Minister for Defence; and
- (b) dated November 1996;

- (c) as amended by the Minister for Defence and in force from time to time. The up to date DSGL is available at <http://www.defence.gov.au/deco/DSGL.asp>

Goods included in the list may not be exported from Australia unless a licence or permission has been granted by the Minister or an authorised person and that licence or permission is produced to a Collector of Customs before exportation.

In addition, the Australian Autonomous Sanctions regime prohibits the provision of training to nationals of sanctioned countries in how to use, manufacture or maintain certain controlled goods, or how to improve the goods' use, manufacture or maintenance. DFAT has determined that higher degree research training may pose a higher than normal risk of breaching Autonomous Sanctions regulations in these areas.