Autonomous Sanctions Act Questionnaire

Name of Student: ____________________________      Mac ID: _____________________

Question 1

i) Is the applicant /entity/ potential employee / student from Burma, North Korea, former Federal Republic of Yugoslavia, Iran, Libya, Russia, Syria, Ukraine or Zimbabwe?

For the most updated list of sanctioned countries, please check DFAT website:
http://dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions.aspx#types

Choose an item.

ii) Does the contract or arrangement relate to Burma, North Korea, former Federal Republic of Yugoslavia, Iran, Libya, Russia, Syria, Ukraine or Zimbabwe? or are they a counter-party?

For the most updated list of sanctioned countries, please check DFAT website:
http://dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions.aspx#types

Choose an item.

iii) Has the applicant/potential employee/student studied in Burma, North Korea, former Federal Republic of Yugoslavia, Iran, Libya, Russia, Syria, Ukraine or Zimbabwe? ?

For the most updated list of sanctioned countries, please check DFAT website:
http://dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions.aspx#types

Choose an item.

Note – the purpose of the legislation is not to discriminate against people from those countries, rather the University needs to ensure that it does not supply sanctioned goods to those countries or for the benefit of them or provide a sanctioned service in relation to those countries, so the obvious starting point is to look at the country of origin of the person/entity with the relationship with the University.

Question 2

What is the area/discipline/topic of the proposed research project?

Click here to enter text.

Note - For example, if a student from Iran is proposing to study early childhood education, they would not be high risk under the legislation. If they proposed to study engineering or computing, an assessment of the components of the course should be undertaken. This will be particularly relevant in the higher degree research area. If the University proposes to enter into a contract for services or goods with one of the listed countries, the nature of those goods and services to be exchanged needs to be reviewed.

Sanctioned Supply

Question 3

a) Will the Faculty/Department, as a result of or as part of the proposed research project, supply (or sell or transfer) “arms or related material” to the Person?

Choose an item.

b) For example, will the Person, through their role in the research project, have access to goods listed on the Defence and Strategic Goods List (DSGL)?

Choose an item.

Note – the legislation is purposefully broad. For example, providing access to higher degree students from a listed country to a science laboratory which has items listed on the DSGL would be considered “supplying.”
"Arms and related material" includes weapons, ammunition, military vehicles and equipment, any spare parts and accessories for those things listed, paramilitary equipment (which is any of the following: batons, clubs, riot sticks and similar devices of a kind used for law enforcement purposes, including bullet-resistant apparel, bullet-resistant pads and protective helmets, body armour and similar devices of a kind used for law enforcement purposes; hand-cuffs, leg-irons, and other devices used for restraining prisoners, riot protection shields, whips and parts and accessories designed or adapted for use in or with any of this equipment listed.

It includes any item listed on the Defence Strategic Goods List (DSGL) maintained by the Depart of Defence and any item listed on the Wassenaar Arrangement Lists of Dual Use Goods and Technologies and Munitions List. NB for Iran this also includes goods mentioned in the Australia Group Common Controls List available at www.australiagroup.net/en/controllists.html

If you answered ‘no’ to both questions a) and b) above go to question 5.

**Question 4**

a) As a direct or indirect result of the Faculty/Department supplying, selling, or transferring the goods to the Person, will they be transferred to sanctioned Countries? Choose an item.

b) Or for use in that country? Choose an item.

c) Or for the benefit of that country? Choose an item.

If you answered ‘yes’ to any of questions a), b) or c), this research project should not proceed unless and until a permit is obtained.

**Sanctioned Service**

**Question 5**

Is the Faculty/Department providing a service (technical advice, assistance or training, financial assistance or another service) as a result of or as part of the proposed research project which will assist with or is provided in relation to a military activity in sanctioned Countries? Choose an item.

*Note* - There is no definition of military activity in the legislation. A service would include the provision of educational services. DFAT has stated that the words “will assist with” are intentionally broad and that sanctioned services is intended to cover any conduct that assists with, or is provide in relation to an activity mentioned but that is not covered by the definition of “sanctioned supply”. See the DFAT public consultation paper on the Autonomous Sanctions Regulations at http://www.dfat.gov.au/un/unsc_sanctions/public-consultation-on-autonomous-sanctions-regulations.html

**Question 6**

Is the Faculty/Department providing a service as a result of or as part of the proposed research project which assists with or is provided in relation to an activity involving the supply, sale, transfer, manufacture, maintenance or use of goods for sanctioned Countries, which are “arms or related material” or otherwise listed on the DSGL? Choose an item.

*Note* - for Iran this also includes goods mentioned in the Australia Group Common Controls List available at www.australiagroup.net/en/controllists.html

For instance, higher degree research which provides access for students from those countries to goods listed on the DSGL would fall within this clause. Doctors visiting from those countries listed or where they have a relationship with those countries and who are studying at ASAM where they are exposed or have access to sensitive material might also fall within this category.
If you answered ‘yes’ to question 4 or question 5 the research project **should not** proceed without a permit.

If you answered ‘no’ to both question 4 and question 5 the University will not be in breach of making a sanctioned service in undertaking this research project.

**Question 7**

Is the applicant / entity/ potential employee / student named as a "designated person or entity" on the list, available on the DFAT website?

*Choose an item.*

*Note – this is a list which will be published on the DFAT website similar to the “Consolidated List” at http://dfat.gov.au/international-relations/security/sanctions/pages/sanctions.aspx People and entities from countries other than in question 1 may be listed here.*

If you have answered Yes to this question, the University should not enter into arrangements with this person or entity unless it has a permit under the Act on the basis that it is likely that it will be directly or indirectly be making an asset available to them/it. See Regulation 14

**Question 8**

Is the Faculty/Department holding an asset (any intangible or tangible property the title of which is evidenced) that you are aware of which is owned or controlled by a “designated person or entity” listed on the DFAT website? *For example, loan of artworks, books from a person or entity on the designated list?*

*Choose an item.*

**Question 9**

Is the Faculty/Department using that asset or allowing it to be used or facilitating the use of the asset or dealing with it?

*If you have answered Yes to this question, The University must obtain a permit or else it will be in breach of Regulation 15*

**Question 10**

Does your Faculty/Department offer courses or are there collaboration agreements with overseas entities or persons which use goods or technology listed on the DSGL?

*Choose an item.*

*Note - If these courses/units are offered to foreign students, the University may need to apply for a permit in order for foreign students to have access to the equipment, technology. Academic staff are collaborating with overseas counterparts and sharing technology and communicating over the internet needs also to consider the application of this legislation.*

*Note this is covered under legislation called the Defence Trade Controls Bill which has not yet been assented to. The EM explains that they expect that Defence expects this to have an impact upon tertiary institutions and their faculties that focus on science, engineering and computing. The DSGL cover both military goods and dual use goods. The categories are as follows:*
Military goods
Non military lethal goods
Nuclear materials
Materials, Chemicals, Microorganisms and Toxins
Materials processing
Electronics
Computers
Telecommunications and information security
Sensors and Lasers
Navigation and Avionics
Marine
Aerospace and Propulsion.

**Question 11**

Does the Faculty/Department have a system in place which will allow you to monitor and manage existing contracts/student arrangements/higher degree research from those listed countries to ensure on going compliance?

*For example, if the student changes the nature of their research are they required to notify? Is their progress monitored?*

Describe:

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**To be completed by the supervisor:**

This questionnaire is completed by ______________________________ dated ________________

**Name of Supervisor**
To be completed by the Head of Department

I, ________________________, Head of Department, Department of __________________________

recommend that this project

☐ be permitted to proceed.
☐ be referred to the Office of Legal Counsel to seek a permit to conduct the project.
☐ not proceed.

________________________
Signature & date

To be completed by the AD HDR

I, ________________________, Associate Dean HDR, Faculty of __________________________

endorse the above recommendation.

________________________
Signature & date

Review by HDRO Director / DVCR

I recommend and approve this project

☐ be permitted to proceed.
☐ be referred to the Office of Legal Counsel to seek a permit to conduct the project.
☐ not proceed.

Reasons for approval/ non-approval (if any):

________________________
Name and Signature

________________________
Date