

# Foreign Interactions Procedure

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## Table of Contents

Purpose .....	1
Scope .....	1
Legislative Context .....	1
Definitions .....	2
Procedure Statement .....	4
Foreign Influence Transparency Scheme .....	5
Foreign Arrangements .....	5
Sanctions .....	5
Autonomous Sanctions .....	5
UNSC Sanctions .....	6
Export Controls .....	6
Supporting Documents .....	6
Responsibility .....	6
Promulgation .....	6
Implementation .....	7
Records Management .....	7

## Purpose

The purpose of this Procedure is to establish the principles and to provide for procedures to ensure that Federation University Australia (**University**) complies with the various foreign interference laws in Australia, which are set out below under Legislative Context (**Foreign Interference Laws**).

## Scope

The Procedure applies to all the University staff and students who interact with or are considering interacting with international bodies or individuals.

## Legislative Context

- *Federation University Australia Act 2010* (Vic)

### Foreign Interference Laws:

- *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (Cth)

- *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020 (Cth)*
- *Foreign Influence Transparency Scheme Act 2018 (Cth)*
- *Foreign Influence Transparency Scheme Rules 2018 (Cth)*
- *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)*
- *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 (Cth)*
- *Defence Trade Controls Act 2012 (Cth)*
- Defence Strategic Goods List (DSGL)
- Guidelines to counter foreign interference in the Australian university sector

## Definitions

Term	Definition
Autonomous Sanctions	has the same meaning as prescribed under the <i>Autonomous Sanctions Act 2011 (Cth)</i>
Communications Activity	A person undertakes communications activity if:  (a) the person communicates or distributes information or material to the public or a section of the public; or  (b) the person produces information or material for the purpose of the information or material being communicated or distributed to the public or a section of the public.
Consolidated List	means the list of persons and entities subject to targeted financial sanctions under Australian Sanction Laws, accessible at <a href="https://www.dfat.gov.au/sanctions/consolidated-list.html">https://www.dfat.gov.au/sanctions/consolidated-list.html</a> .
Controlled Asset	has the meaning prescribed under the <i>Autonomous Sanctions Regulations 2011 (Cth)</i> .
Designated Entity	means an entity appearing on the Consolidated List as amended by DFAT from time to time and accessible at <a href="https://www.dfat.gov.au/sanctions/consolidated-list.html">https://www.dfat.gov.au/sanctions/consolidated-list.html</a> .
Designated Person	means a person appearing on the Consolidated List as amended by the DFAT from time to time and accessible at <a href="https://www.dfat.gov.au/sanctions/consolidated-list.html">https://www.dfat.gov.au/sanctions/consolidated-list.html</a> .
Disbursement Activity	a person undertakes disbursement activity if:  (a) the person disburses money or things of value; and  (b) neither the person nor a recipient of the disbursement is required to disclose it under Division 4, 5 or 5A of the <i>Commonwealth Electoral Act 1918 (Cth)</i> .

Export Sanctioned Goods	has the meaning prescribed under the <i>Autonomous Sanctions Regulations 2011</i> (Cth).
Foreign Country	means any country other than Australia or an external Territory (whether or not an independent sovereign State).
Foreign Government	means:  (a) the government of a foreign country or of part of a foreign country; or (b) an authority of the government of a foreign country; or (c) an authority of the government of part of a foreign country; or (d) a foreign local government body or foreign regional government body.
Foreign Government Related Entity	has the meaning prescribed under the <i>Foreign Influence Transparency Scheme Act 2018</i> (Cth).
Foreign Government Related Individual	means an individual:  (a) who is neither an Australian citizen nor a permanent Australian resident; and  (b) who is related to a foreign principal that is a foreign government, foreign government related entity or foreign political organisation in either or both of the following ways:  (i) the individual is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the foreign principal;  (ii) the foreign principal is in a position to exercise, in any other way, total or substantial control over the individual.
Foreign Principal	means:  (a) a foreign government;  (b) a foreign government related entity;  (c) a foreign political organisation;  (d) a foreign government related individual.
Foreign Political Organisation	includes:  (a) a foreign political party; and  (b) a foreign organisation that exists primarily to pursue political objectives.
General Political Lobbying	Means lobbying any one or more of the following:  (a) a Commonwealth public official;

	<p>(b) a Department, agency or authority of the Commonwealth;</p> <p>(c) a registered political party;</p> <p>(d) a candidate in a federal election;</p> <p>(e) a person or entity that is registered under the <i>Commonwealth Electoral Act 1918</i> (Cth) as a political campaigner;</p> <p>other than lobbying that is Parliamentary lobbying.</p>
Import Sanctioned Goods	has the meaning prescribed under the <i>Autonomous Sanctions Regulations 2011</i> (Cth).
Parliamentary Lobbying	<p>means lobbying any one or more of the following persons:</p> <p>(a) a member of the Parliament;</p> <p>(b) a person employed under section 13 or 20 of the <i>Members of Parliament Staff Act 1984</i> (Cth).</p>
Registrable Activity	has the meaning prescribed under the <i>Foreign Influence Transparency Scheme Act 2018</i> (Cth).
Registrable Arrangement	A registrable arrangement is an arrangement between a person and a Foreign Principal for the person to undertake, on behalf of the Foreign Principal, one or more activities that, if undertaken by the person on behalf of the Foreign Principal, would be registrable in relation to the Foreign Principal.
Sanction Laws	means all laws and corresponding regulations under the <i>Autonomous Sanctions Act 2011</i> (Cth) and the <i>Charter of the United Nation Act 1945</i> (Cth).
Sanctioned Commercial Activity	has the meaning prescribed under the <i>Autonomous Sanctions Regulations 2011</i> (Cth).
Sanctioned Country	means a country listed by DFAT at <a href="https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes">https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes</a> .
Sanctioned Service	is as defined within the respective sanctions regimes listed by DFAT at <a href="https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes">https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes</a> .
Sanctioned Supply	has the meaning prescribed under the <i>Autonomous Sanctions Regulations 2011</i> (Cth).

## Procedure Statement

This Procedure outlines the University's approach and commitment to maintain compliance with all the Foreign Interference Laws.

The University is committed to full compliance with all Foreign Interference Laws that apply to its research, academic and business activities.

## Foreign Influence Transparency Scheme

The Foreign Influence Transparency Scheme (**FITS**) was established under the *Foreign Influence Transparency Scheme Act 2018* (Cth) and requires the registration of certain activities undertaken by University staff or students. Staff and students will be required to register an activity if:

- they undertake Registrable Activities or enter into a Registrable Arrangement, and
- the activity is, or will be undertaken in Australia on behalf of a Foreign Principal, and
- the activity is undertaken for the purpose of political or governmental influence, and
- no exemptions apply.

A Foreign Principal includes a Foreign Government, a Foreign Political Organisation, a Foreign Government Related Entity, or a Foreign Government Related Individual.

Registrable Activities include Parliamentary Lobbying, General Political Lobbying, Communications Activities, Disbursement Activity (payment of money or things of value).

## Foreign Arrangements

The Foreign Arrangements Scheme was established under the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (Cth). Under the Foreign Arrangements Scheme the University is required to notify the Minister of Foreign Affairs if it proposes to negotiate or enter into an arrangement with a foreign government or foreign university that does not have institutional autonomy.

Where a staff member or student intends on entering into an agreement with a foreign government or foreign university it should refer to the [Foreign Arrangements Notification Procedure](#) and Checklist.

## Sanctions

The University must comply with all relevant Sanctions, which include the United Nations Security Council (**UNSC**) sanctions and Australian Autonomous Sanctions. Sanctions are measures not involving the use of armed force that are imposed in situations of international concern and are designed to bring a situation of international concern to an end by influencing those responsible in a bid to limit the adverse impacts of a situation or to penalise those responsible.

Sanctions operate to place restrictions on trade in goods and services, place restrictions on engaging in commercial activities, place targeted financial sanctions on designated persons and entities and place travel bans on certain persons.

## Autonomous Sanctions

The University will take all reasonable measures to ensure that Australian Autonomous Sanctions and regulations are complied with. This includes ensuring that the University does not undertake activities under the Sanctions regimes listings as set out by DFAT. This includes ensuring that the follow activities do not occur:

- making a Sanctioned Supply of Export Sanctioned Goods;
- making a Sanctioned Import of Import Sanctioned Goods;
- providing a Sanctioned Service;
- engaging in a Sanctioned Commercial Activity;
- dealing with a Designated Person or a Designated Entity;

- using or dealing with a Controlled Asset; or
- allowing the entry into, or transit through, Australia of a Designated Person.

## UNSC Sanctions

The University will comply with any sanctions imposed by the United Nations Security Council as implemented through any regulations. This includes all UNSC sanctions listed on the DFAT [website](#).

## Export Controls

Export control laws regulate the export of defence and strategic goods, technology and software. This includes the transmission and publication of certain controlled information.

While research or teaching activities may not be specifically related to weapons or defence, they may involve defence and strategic goods, technology or software. Publication of, or export of these items from Australia to a place outside Australia requires a permit.

Australia's export controls legislation affects the tangible and intangible export of defence and related goods and dual use good and technologies. Where there is:

- A tangible or intangible export from Australia to a place outside Australia of items or technology on the Defence and Strategic Goods List (DSGL)
- Publication of military use technology on the DSGL
- Brokering overseas supply of military use items or technology on the DSGL.

Anyone involved in the conduct of research associated with Federation University must be aware of and comply with Australian export controls legislation.

The Defence and Strategic Goods List (DSGL) is a legislative instrument that is amended from time to time to reflect changes in the various multilateral non-proliferation and export control regimes of which Australia is a member. The DSGL can be accessed online [here](#).

## Supporting Documents

- [Foreign Arrangements Notification Procedure](#)

### Forms.

- [Foreign Arrangements Notification Checklist](#) (DOCX 360.5kb)

## Responsibility

- The Chief Operating Officer (as Approval Authority) is responsible for monitoring the implementation and scheduled review of this document.
- The Head of Legal (as Document Owner) is responsible for maintaining the content of this document as delegated by the Chief Operating Officer.

## Promulgation

This Procedure will be communicated throughout the University community in the form of:

- An Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the Policy Central Portal.
- Notification to Council

## Implementation

This Procedure will be implemented throughout the University via:

- An Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the Policy Central Portal.
- Policy Training Sessions
- Staff Induction Session

## Records Management

DOCUMENT TITLE	LOCATION	RESPONSIBLE OFFICER	MINIMUM RETENTION PERIOD
Foreign Interactions Policy	Governance, Legal and Risk	Head of Legal	7 years