

Sanctions Compliance Procedure

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Purpose

This Procedure outlines the responsibilities of Federation University staff and students in relation to Sanction Laws.

Australia has adopted international sanctions, through its Sanction Laws, as financial measures not involving the use of armed force imposed in situations of international concern on individuals and countries.

Federation University recognises that non-compliance with Sanction Laws can attract significant criminal penalties for individuals breaching the laws and provides training and information to promote compliance for staff and students who may be affected by these laws.

Scope

The Sanctions and Compliance Procedure apply to all Federation University Australia staff and students who work with or have potential to work with international bodies or individuals, or work, or have the potential to work, overseas.

When entering into an agreement with an overseas body or individual Federation University staff should also consider whether the agreement requires notification pursuant to the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (Cth). Federation University staff should review the Foreign Arrangements Notification Checklist and Procedure to determine if the agreement requires notification.

Legislative Context

- *Federation University Australia Act 2010* (Vic)
- *Autonomous Sanctions Act 2011* (Cth)
- *Autonomous Sanctions Regulations 2011* (Cth)
- *Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021* (Cth)
- *Charter of the United Nations Act 1945* (Cth)

Definitions

Term	Definition
Autonomous Sanctions	has the same meaning as prescribed under the <i>Autonomous Sanctions Act 2011</i> (Cth)
Consolidated List	means the list of persons and entities subject to targeted financial sanctions under Australian Sanction Laws, accessible at https://www.dfat.gov.au/sanctions/consolidated-list.html .
Controlled Asset	has the meaning prescribed under the <i>Autonomous Sanctions Regulations 2011</i> (Cth).
Designated Entity	means an entity appearing on the Consolidated List as amended by DFAT from time to time and accessible at https://www.dfat.gov.au/sanctions/consolidated-list.html .
Designated Person	means a person appearing on the Consolidated List as amended by the DFAT from time to time and accessible at https://www.dfat.gov.au/sanctions/consolidated-list.html .
Export Sanctioned Goods	has the meaning prescribed under the <i>Autonomous Sanctions Regulations 2011</i> (Cth).
Import Sanctioned Goods	has the meaning prescribed under the <i>Autonomous Sanctions Regulations 2011</i> (Cth).
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 https://www.dfat.gov.au/international-relations/security/sanctions .
Sanctioned Service	is as defined within the respective sanctions regimes listed by DFAT at https://www.dfat.gov.au/international-relations/security/sanctions .
Sanctioned Supply	has the meaning prescribed under the <i>Autonomous Sanctions Regulations 2011</i> (Cth).

Responsibilities

The Provost has delegated the Director, Research and Innovation to oversee research sanctions compliance at Federation University.

	ACTIVITY	RESPONSIBILITY	STEPS
A	Oversee Sanctions compliance at Federation University.	Director, Research and Innovation	<ul style="list-style-type: none"> Promote awareness of the Sanction Laws and regulations and potential penalties for breaking the laws. Provide relevant training.
B	Becoming familiar with Sanctions Laws.	Individual student or staff member	<ul style="list-style-type: none"> Complete the training provided.
C	Promoting compliance	Research Centre Directors	<ul style="list-style-type: none"> Promote an environment where compliance with Sanctions Laws is encouraged. Encourage students and staff to complete the available training.

Actions

Staff and students must follow the procedure below to ensure compliance with all Sanction Laws.

	ACTIVITY	RESPONSIBILITY	STEPS
A	Assessment of sanctions compliance prior to confirmation of enrolment for Higher Degrees by Research (HDR)	<p>Initial assessment undertaken by intended supervisor.</p> <p>Dean of Graduate Research School reviews all assessments.</p>	<p>Prior to confirmation of enrolment for HDR sanctions compliance will be assessed.</p> <p>On receipt of an application for a HDR the applicant must be screened using the Export Controls and Sanctions and Compliance Assessment to establish:</p> <ul style="list-style-type: none"> Temporary Visa status; Designated Persons and Entities status; and Country of origin status. <p>Any applicant who appears on the Consolidated List of Designated Persons cannot be offered enrolment with Federation University (unless a sanctions permit is sought and granted by the Department of Foreign Affairs and Trade (DFAT)).</p> <p>If an applicant's country of origin is a Sanctioned Country they must</p>

			have their application referred for closer inspection by the Director, Research Enterprise & Innovation.
B	Assessment of sanctions compliance prior to collaboration between Federation University and international researchers	Individual researcher Director, Research and Innovation	Sanctions compliance must be assessed by individual staff prior to academic collaboration between Federation University and international researchers. Federation University staff, prior to any person to person international collaboration, must: <ul style="list-style-type: none"> • determine the country of origin of all collaborating parties; • search the Consolidated List for all collaborating parties; and must not collaborate with any person or entity that appears on the Consolidated List.
C	Transfer of goods to international recipient	Staff member responsible for agreement to transfer goods	Sanctions compliance must be assessed by individual staff and assured before Federation University goods are transferred to an international recipient.

Sanctions

The Department of Foreign Affairs and Trade (**DFAT**) states that 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.

There are two types of relevant sanctions:

- UNSC sanctions
- Australian Autonomous Sanctions

Sanctions operate to:

- place restrictions on trade in goods and services
- place restrictions on engaging in commercial activities
- targeted financial sanctions on designated persons and entities
- place travel bans on certain persons

Sanctions apply to activities in Australia and to activities undertaken overseas by Australian citizens and Australian-registered bodies corporate, therefore Australian Sanction Laws apply to the University and its staff and students. The UNSC sanctions are adopted in Australia through the *Charter of the United Nations Act 1945* (Cth) and Autonomous Sanctions are implemented through the *Autonomous Sanctions Act 2011*, along with all corresponding regulations.

Federation University is committed to complying with Australian sanctions and ensuring that its staff, researchers, students and other relevant personnel comply with all relevant sanctions and regulations. This Policy and corresponding documentation set out how staff and students will ensure this compliance.

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 (**UNSC**) as implemented through any regulations. This includes all UNSC sanctions listed on the DFAT [website](#) .

Supporting Documents

- [Corporate Governance Policy](#)
- [Research and Research Training Policy](#)
- [Foreign Interactions Procedure](#)
- [Sanctions Compliance Procedure](#)
- Sanctions and Export Controls Compliance Assessment
- [Foreign Arrangements Notification Procedure](#)
- [Research Export Controls Procedure](#)

Forms.

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

Promulgation

The [Sanctions Compliance 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 to alert the University-wide community of the approved Procedure
- Notification to Council

Implementation

The [Sanctions Compliance 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 to alert the University-wide community of the approved Procedure
- Policy/Procedure Training Sessions
- Staff Induction Sessions

Records Management

DOCUMENT TITLE	LOCATION	RESPONSIBLE OFFICER	MINIMUM RETENTION PERIOD
Sanctions Compliance Procedure	Research Services	Director, Research Innovation & Enterprise	7 years