



DEFENCE TRADE CONTROLS GUIDELINE

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Supporting documents, procedures & forms:	Academic Integrity Policy Academic Misconduct (Coursework) Procedures Autonomous Sanctions Procedure Code of Practice – Responsible Conduct of Research DTCA Permit Information Form DTCA Permit Variation Form Research Misconduct and Complaints Management Policy Research Misconduct and Complaints Management Procedure Risk Management Policy Workplace Health and Safety Policy		
Relevant Legislation & External Documents:	Australia’s Foreign Relations (State and Territory Arrangements) Act 2020 Autonomous Sanctions Act (2011) Australian Autonomous Sanctions Regulations 2011 Biological Control Act 1984 Customs Act 1901 Defence and Strategic Goods List Defence Trade Control Act 2012 Defence Trade Controls Amendment Bill 2015 Export Control Act 1982 Guidelines to Counter Foreign Interference in the Australian University Sector Research Integrity and Research Misconduct Policy 2016 The Australian Code for Responsible Conduct of Research (2007) Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 Weapons of Mass Destruction Regulations 1995		
Audience:	Public		

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1 Introduction/Background

1. The University of Wollongong (the “University”) has an obligation to comply with all Commonwealth Controls on Research including the Customs Act 1901 and Defence Trade Controls Act 2012 (“DTCA”) and its 2015 Amendment.
2. The DTCA is designed to strengthen Australia’s export controls by regulating the supply, publication and brokering of goods, software and technology as listed on the Defence and Strategic Goods List (“DSGL”) and encourage the export of defence and dual-use goods in a manner that is consistent with Australia’s broad national interests, international obligations and commitments.
3. The purpose of this Guideline is to:
 - 3.1. Outline the principles and procedures that support the University’s commitment to comply with the requirements of the DTCA; and
 - 3.2. Detail the responsibilities of University Staff, Students and Researchers to comply with the provisions of the DTCA.

2 Scope

1. This Guideline applies to all University Researchers.
2. The penalty provisions in the DTCA apply to individuals and body corporates meaning Researchers, as individuals, could be prosecuted under the DTCA if they do not comply with the stipulated provisions.

3 Definitions

Word/Term	Definition (with examples if required)
Brokering	Acting as an agent or an intermediary in arranging the supply of DSGL-listed items between two places located outside of Australia.
DECO	Defence Export Control Office.
DSGL	Defence and Strategic Goods List that specifies the goods, software or technology that is subject to regulation when exported, supplied, brokered or published.
DTCA	Defence Trade Controls Act.
Export	The transfer of DSGL listed items overseas in physical form eg. ship, aircraft, courier, post or as checked-in or hand held luggage. This includes items such as diagrams, notes sent by CD, DVD, USB, computer hard drive or paper.
Foreign Arrangement	A foreign arrangement is a written agreement, contract, understanding or undertaking between an Australian State/Territory Entity (including the University) and a foreign entity (foreign governments and agencies, including certain universities), whether or not there are any other parties to the arrangement and whether it is legally binding or not.



Foreign Interference	As described in the Guidelines to Counter Foreign Interference in the Australian University Sector, foreign interference occurs when activities are carried out by, or on behalf of a foreign actor which are coercive, covert, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests.
Intangible Means	Means of transfer such as email, phone, video conferencing, electronic files or presentations.
Person	An individual or an organisation [Section 2C Acts Interpretation Act 1901 (Cwlth)].
Publication	The placement of DSGL Technology in the public domain, eg. a journal, website or webcast and there are no access restrictions.
Research	The creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies, inventions and understandings. This could include synthesis and analysis of previous research to the extent that it is new and creative.
Researcher	Staff members, occupational trainees, visiting student, visiting fellow, volunteer, industry fellow, honorary and adjunct title holders, Emeritus Professors, professional staff and all students registered for any course at the University who conduct research at or on behalf of the University.
RIO	Research Integrity Officer.
Staff Member	All persons appointed as an academic or professional staff member of the University, whether they hold full-time, part-time, casual, contract or conjoint appointments.
Student	A person registered for a Course at the University.
Supply	Sending of DSGL-listed items from a person within Australia to another person outside Australia by intangible means.
Technology	Specific information necessary for the development, production or use of controlled goods. Technology can take the form of: 'technical data', such as blue-prints, plans, diagrams, models, formulae, tables, designs and specifications, manuals and instructions written or recorded on other media or devices, or 'technical assistance', such as instructions, skills, training, working knowledge and consulting services that involve the transfer of technology (DTCA).
The University	University of Wollongong.
Visiting Fellow	Honorary and visiting fellows appointed by UOW to non-salaried, full-time or fractional positions titled "Associate Fellow", "Fellow", "Senior Fellow", "Principal Fellow", "Professorial Fellow", "Visiting Fellow", or "Research Fellow" who are not Visiting Students or Volunteers.



Visiting Student	A student who undertakes part of their research or training at UOW but who is not registered at UOW.
Volunteer	A person who is not a Fellow, Visiting Student, Staff Member or Student of UOW but is working on a UOW project in a voluntary capacity. An example of a volunteer is someone who is undertaking unpaid work experience at UOW or is doing an internship at UOW. A collaborating colleague from another University or research institution is not a Volunteer.

4 Policy Principles

1. Any University research activity that contains DSGL technology may not be able to progress without obtaining a permit from the DECO.
2. Researchers are required to contact the University Research Integrity Officer (RIO) to identify if their work requires a permit and to complete the permit application procedure.
3. Researchers will be required to complete the University DTCA Permit Information Form and provide this to the RIO so they have the necessary details to lodge a permit application for assessment with the DECO.
4. Permits are issued from the DECO and will specify the names of the recipients of the goods or technology ('authorised recipients') and Researchers must ensure that they only supply to those named in the permit. In the event this needs to be amended they will need to submit a DTCA Permit Variation Form to the RIO for processing.
5. Permits may include conditions that impose additional requirements and record keeping. Researchers must read and comply with all permit conditions.
6. Researchers and any person undertaking research with or on behalf of the University must not supply, publish, export or broker DSGL technology unless they have the appropriate authorisation to do so.

5 Export Principles

1. When considering the export or supply of DSGL technology, the following criteria is to be taken into account in relation to the recipient and/or recipient destination:
 - a. International Obligations: is the country subject to United Nations Security Council Sanctions or a location which may use the export in a manner contrary to Australia's international commitments or obligations?
 - b. Human Rights: is the country likely to commit or facilitate serious human rights abuses?
 - c. Regional Security: is there a threat to international and regional peace and security or might aggravate the situation in a region or used in internal or external conflict or could further militarise the situation in the destination country?
 - d. National Security: does the country compromise Australia's wider security interests or may adversely affect or substantially compromise Australia's military capability?
 - e. Foreign Policy: is the country known for or suspected of developing weapons of mass destruction or might propose a risk to global or regional stability?



6 Research Misconduct

1. All Researchers are required to immediately report any suspected breaches of the DCTA to the RIO who will investigate the matter and notify the DECO. The RIO will liaise with the DECO to identify the requirements to rectify the breach and regain compliance.
2. Breaches of this policy by researchers constitute non-compliance with the University's Code of Practice – Research and will be dealt with in accordance with the University's Research Misconduct and Complaints Management Policy.

7 Record Keeping

1. Researchers must maintain records of any supplies under a permit for a period of five (5) years from the date of project completion, unless otherwise specified on the applicable permit.
2. Researchers must record the following information:
 - a. A description of the DSGL technology supplied under the permit;
 - b. The permit number under which the DSGL technology has been supplied;
 - c. The name of any person the DSGL technology was supplied to;
 - d. The date(s) of supply or period(s) of time during which the DSGL technology was supplied; and
 - e. Any additional record keeping requirements that may be detailed in a permit.
3. Records relate only to the actual supplies of DSGL technology and not the associated communication which may relate to the supply but does not actually constitute supply itself.

8 Other Foreign Engagement Obligations

1. Researchers should also consider whether the activity proposed involves a Foreign Arrangement which must be notified to the Minister of Foreign Affairs, in accordance with the Australia's Foreign Relations (State and Territory Arrangements) Act 2020. Such notifications are coordinated by the Global Strategy Division, and are required both at the stage of negotiating a Foreign Arrangement and when finalised.
2. Researchers should also give due consideration to the risk of Foreign Interference in relation to the proposed activity, and how any such risks can be managed, in accordance with the University's Risk Management Policy.
3. Further information is available on UOW's Foreign Engagements website (<https://www.uow.edu.au/about/governance/legislation/foreign-engagements/>).

9 Roles & Responsibilities

1. The University has a responsibility to:
 - a. Maintain and promote this policy;
 - b. Provide Researchers with training and awareness of the policy and their responsibilities; and
 - c. Undertake annual monitoring of compliance.
2. Researchers (Staff and Students) have a responsibility to:



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- a. Comply with this policy and all applicable laws and regulations;
 - b. Ensure they are compliant with the requirements of the DTCA including obtaining any necessary approvals; and
 - c. Understand that compliance is mandatory and an integral aspect of their role. It is not an optional process or the responsibility of any other area of position this is especially important if they are knowingly working with DSSL goods and/or technology.
3. The Research Integrity Officer is responsible for:
- a. Acting as the single point of contact for communications between the DECO and University Researchers;
 - b. The provision of informed advice to Researchers on all policy, legislation and procedural obligations pertaining to this policy;
 - c. The development and provision of training programs to create awareness of the policy, responsibilities and DECO requirements to Researchers;
 - d. Monitoring compliance to DECO permit and legal requirements; and
 - e. Undertaking reporting requirements as required by the University and the DECO.



10 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	20 September 2017	Deputy Vice-Chancellor (Research & Innovation)	New document developed as a requirement to the need to comply with the Defence Trade Controls Act as applicable to University Institutions from April 2016.
2	14 December 2021	Deputy Vice-Chancellor (Research & Innovation)	Updated to refer to the Australia's Foreign Relations (State and Territory Arrangements) Act 2020 and the Guidelines to Counter Foreign Interference in the Australian University Sector, which may also be applicable to research activities subject to the DTCA.