

Regulatory checklist for international collaborations

Project ID/title:	
Assessor:	
Date:	
<p>The following regulatory requirements are designed to ensure that Australia’s national interest is protected. The investigators, partners and research area of all projects should be assessed to ensure the project complies with all of these requirements.</p> <p>If a project appears to need a permit/registration, or additional assessment to determine that it does not, tick the relevant referral box/s and indicate what aspect of the project is the reason for the referral.</p>	
SANCTIONS	
<p>Sanctions apply to a range of activities in relation to specific regimes, entities and individuals. The sanctions are specific to the regime in question. The need for a sanctions permit should be assessed if any aspect of the project involves:</p> <ul style="list-style-type: none"> • Counter-Terrorism • ISIL (Da’esh) and Al-Qaida • The Taliban • DPRK • Iran • Libya • Syria • Lebanon • Mali • Somalia • South Sudan • Sudan • Yemen • The Former Federal Republic of Yugoslavia • Myanmar • Russia/Ukraine • Zimbabwe • Lebanon • Central African Republic • Democratic Republic of the Congo • Guinea-Bissau • Iraq 	
<p>Further information: UOW: https://www.uow.edu.au/research-and-innovation/researcher-support/ethics/sanctions/ DFAT: https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions#laws</p>	
<p><input type="checkbox"/> Does not apply</p> <p><input type="checkbox"/> Refer to Dean of Graduate Research (HDR) or Research Integrity for Sanctions review/permit application</p> <p style="color: red;">Reason for referral:</p>	



DEFENCE EXPORT CONTROLS (DTCA)

Export permits are required from the Department of Defence for the **export of military and dual-use goods, services and technology** to any place or person outside of Australia. Dual-use = potential to be used in military systems or for weapon of mass destruction (WMD) purposes. The assessment process considers:

- Is the partner country one where the export might be used contrary to Australia's international obligations?
- Is there a risk that the material will be used to commit or facilitate serious human rights abuses?
- Could the export contribute to regional instability or conflict?
- Could the export compromise wider security or strategic interests?
- Could the export adversely affect military capability or enhance power projection capabilities of potential adversaries?
- Is the export to a country suspected of developing WMDs?
- Could the export be used for terrorist or mercenary activities?

The controls cover physical items and emails, manuscripts, and data (electronically transferred or provided on a physical device).

General categories are:

- Nuclear Materials
- Materials, Chemical, Micro-organisms and Toxins
- Materials Processing
- Electronics
- Computers
- Telecommunications and Information Security
- Sensors and Lasers
- Navigation and Avionics
- Marine
- Aerospace and Propulsion

Highly sensitive categories are: communications and sensing, advanced material sciences, advanced navigation, AI, biotechnology, space capabilities, hypersonics and directed energy capabilities.

Examples of exports requiring permits include: weapons, projectors, ammunition, fuse setting devices, explosive devices, fire control, surveillance and warning equipment, chemical, biological and riot control agents, radioactive materials, energetic materials, surface or underwater vessels of war, aircraft (inc. unmanned), armoured or protective equipment, imaging or countermeasure equipment, cryogenic and "superconductive" equipment, software or technology in relation to items specified by the Munitions List.

Further information:

UOW: <https://www.uow.edu.au/research-and-innovation/researcher-support/ethics/dec/>

Defence: <https://www.defence.gov.au/business-industry/export/controls>

- Does not apply**
- Refer to Research Integrity for DTCA assessment**
Reason for referral:



FOREIGN INFLUENCE TRANSPARENCY SCHEME (FITS)

The Foreign Influence Transparency scheme requires that individuals or entities register certain activities (registrable activities) that are undertaken in Australia on behalf of a foreign principal, for the purpose of political or governmental influence. Arrangements entered into with foreign principals to carry out registrable activities on their behalf must also be registered.

Registrable Activities are defined as:

- parliamentary lobbying or general political lobbying
- a communications activity
- a disbursement activity
- activities performed by a staff member who is a former cabinet minister
- activities performed by a staff member who is a recent designated position holder where the person contributes previous experience, knowledge, skills or contacts.

Foreign Principals are defined as:

- foreign governments
- foreign political organisations (e.g. political parties)
- foreign companies and organisations 'controlled' by a foreign government/political party
- foreign individuals 'controlled' by a foreign government or political party

In circumstances where both a foreign principal is involved and the result of the engagement may influence decision-makers, your collaboration may be considered a registrable activity or registrable arrangement under the FITS Act.

Hypothetical registrable FITs examples include:

- Entering into a research collaboration agreement with a foreign university that lacks autonomy from the foreign government. The outcome of the research is to urge reform of Australian laws. The intended audience of the research outcomes are Australian government officials and members of parliament.
- UOW receives funding from a foreign company whose government is a majority shareholder for a large commercial research project. That company directs UOW to donate some of that money to an organisation to assist them with a campaign aimed at urging policy change in Australia, and UOW complies.

Note: the listing of examples above is intended as a guide and is in no way exhaustive.

Further information:

UOW: <https://www.uow.edu.au/about/governance/legislation/foreign-engagements/foreign-influence-transparency-scheme/>

Attorney General's Dept: <https://www.ag.gov.au/integrity/foreign-influence-transparency-scheme>

Pre-registration questionnaire <https://transparency.ag.gov.au/myregistration/preregister>

- Does not apply
- Refer to Global Strategy for assessment for FITS registration
Reason for referral:



FOREIGN ARRANGEMENTS SCHEME (FAs)

The Foreign Arrangements Scheme aims to ensure written arrangements entered into by UOW do not adversely affect Australia's foreign relations and are consistent with Australia's foreign policy.

Broadly, a foreign arrangement is notifiable to DFAT if it meets the following criteria:

- is in writing
- involves the university in an activity/ies
- is with a foreign government, or agency, or a foreign institution that lacks autonomy from a foreign government.

Examples of common UOW arrangements include:

- Collaborative research agreement
- Successful research grant agreement
- Materials transfer agreement
- Non-disclosure agreement
- Memorandum of agreement

Notification to DFAT will occur if any of the above written agreements are with a foreign entity (e.g. university) that lacks autonomy from a foreign government or are directly with a foreign government or an agency/department of a foreign government.

Note:

- The listing of written arrangements above is intended as a guide and is in no way exhaustive.
- Unsuccessful research grants do not require notification.
- Notification to DFAT is a two-step process – the first notification is made at the negotiation/proposal to enter/draft phase. The second notification is made once the arrangement has been finalised/executed and this notification must be made within 14 days of the execution date.

Further information:

UOW: <https://www.uow.edu.au/about/governance/legislation/foreign-engagements/foreign-arrangements-scheme/>

DFAT: <https://www.foreignarrangements.gov.au/>

- Does not apply
- Flag with Global Strategy for FA assessment on entry into negotiation (e.g. award of grant; notification required at this point and on signing of contract)
Reason for referral:

