# Export Controls and Sanctions Frameworks Procedure

## Section 1 - Purpose and Scope

(1) The University of Queensland (UQ or the University) is required to comply with Australian export controls and sanctions legislation. Non-compliance with export controls and sanctions legislation may incur significant penalties to the University and the individual, including prosecution for criminal offences.

(2) This Procedure should be read in conjunction with:

a. Australian Code for the Responsible Conduct of Research 2018 (the Code); and
b. Responsible Research Management Framework Policy.

(3) This Procedure applies to all University individuals who are staff, students and title holders who conduct, or assist with the conduct of research at, or on behalf of, the University.

## Section 2 - Key Controls

(4) Underpinning Australia's system of export controls and sanctions is a legislative framework (refer Section 7). While undertaking University responsibilities or activities, individuals must comply with the laws of the State and the Commonwealth and conduct activities in a manner consistent with national strategic and security objectives.

(5) Individuals must ensure appropriate approvals and permits are obtained before the commencement of research and that conditions of approvals are adhered to throughout the research.

(6) Staff and conjoint appointments where UQ is the lead employer must:

a. register their research activities in the University Sensitive Research Register. This includes a declaration of activities that involve items on the Defence and Strategic Goods List.
b. disclose any registrable activities in the University Foreign Influence Disclosure in accordance with the Foreign Influence Disclosure Procedure.
c. disclose any interests in the Conflict of Interest Online Disclosure Tool and Secondary Employment Register in accordance with the Conflict of Interest Policy and Secondary Employment and Internal Work Procedure.

(7) Travelling to sanctioned countries with controlled information may be considered a breach of export controls and/or sanctions. Overseas travel must be conducted in accordance with the Travel Policy.

(8) Complaints about the conduct of research, including potential breaches, will be dealt with in accordance with:

a. Managing Complaints about the Conduct of Research Procedure;
b. Managing Complaints about the Conduct of Research - Higher Degree by Research Candidates Procedure; or
c. Student Integrity and Misconduct Policy, as applicable.

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### Export Controls

(9) Individuals must determine whether the activity they are undertaking and the goods, software and technology they are using are subject to controls.

(10) Research Ethics and Integrity office will provide advice and mediate all licence and permit applications.

(11) Permit and approval holders must monitor research according to the permit and approval conditions and promptly report suspected non-compliance.

### Sanctions

(12) A sanctions compliance assessment must be completed for appointments of new staff, visiting researchers, visiting students and Higher Degree by Research candidates. Activities must be monitored for compliance over time.

(13) A sanctions compliance assessment must be completed for research collaborations and consultancies.

# Section 3 - Process and Key Requirements

## Part A - Export Controls

(14) Australian export controls legislation regulates the export, supply, publication and brokering from Australia to a place outside Australia of proliferation-sensitive items:

a. Export: refers to the tangible/physical transfer of items from Australia to a place outside Australia. Examples include transfer by ship, aircraft, post or courier, which may involve carriage in luggage or technology (blueprints, diagrams, notes) stored on a physical medium (e.g., computer hard drive).
b. Supply: refers to intangible/non-physical transfers. Examples include transfer via email, fax, telephone, video conferencing, or providing access to electronic files.

(15) Proliferation-sensitive items refer to those listed in the relevant Acts (refer Section 7, Legislative Framework) and include defence and strategic goods, software and technologies. The Defence and Strategic Goods List 2024 (DSGL) is a legislative instrument that defines controlled goods, software and technologies.

(16) The DSGL consists of two parts:

a. Part 1: includes military goods, software and technologies that are designed or adapted specifically for military purposes, or that are inherently lethal, incapacitating or destructive.
b. Part 2: includes goods, software and technologies that may be used or adapted for use in a military program, or that may contribute to the development or production of chemical, biological or nuclear weapons systems. These are commonly referred to as dual-use goods or technologies.

(17) The export, supply, or brokering of these items from Australia to a place outside Australia, or publication, may require a permit. Travelling to a country with controlled items may constitute a breach of export controls legislation.

(18) Other goods, technology or software that are not controlled by the DSGL may be subject to catch-all export controls legislation if they are for a military end-use or may be for use in a weapons of mass destruction program.

### Export Controls Requirements

(19) While University activities may not be specifically related to weapons or defence, they may involve proliferation-sensitive items that require a permit for export, supply or publication from Australia to a place outside Australia. The

following process applies:

a. Individuals must determine whether the activity they are undertaking and the goods, software or technology they are using are controlled by the DSGL. The Defence Export Controls website has information to assist with this process or you may contact International Safeguards for assistance (international.safeguards@uq.edu.au).
b. If the activity AND the good, software or technology are controlled, individuals need to contact International Safeguards for advice on obtaining the appropriate permit for the export. International Safeguards will mediate all licence and permit applications.
c. Permit and approval holders are required to monitor research according to the permit and approval conditions and report suspected non-compliance to International Safeguards as soon as practicable.
d. International Safeguards must be notified of each export or supply of items subject to a permit.
e. If individuals believe or suspect their goods, software, technology or services may be for a military end-use, or may be for use in a weapons of mass destruction program, they must seek guidance from International Safeguards.
f. Individuals must record their research activities related to areas included in the DSGL on an annual basis in the Sensitive Research Register. Relevant changes in circumstances must be registered promptly.
g. Individuals are responsible for familiarising themselves with the jurisdiction requirements relevant to the location of the activity and its collaborators, and if required, seek International Safeguards' advice prior to engaging in activities.

## Part B - Sanctions

(20) Sanctions are measures not involving the use of armed force that are imposed in situations of international concern. Sanctions impose restrictions on activities that relate to particular goods and services, persons, entities or countries. Collectively, the sanctions legislation related to a specific country or purpose is called a sanctions framework.

(21) The sanctions frameworks currently implemented under Australian sanctions laws are regulated by the Department of Foreign Affairs and Trade. Under Australian sanctions legislation (refer to Appendix, Legislative Framework), the University is prohibited from dealing with specified individuals and entities or providing individuals, entities or countries with access to specific types of training, services and resources.

(22) A sanctions framework may include targeted and country-wide sanctions:

a. Targeted sanctions that apply only to specific persons and entities are listed in the DFAT Consolidated List, which is updated regularly.
b. Country-wide sanctions can apply broadly to activities such as imports, exports, commercial activities and the provision of services (including technical advice, assistance or training). These activities may be restricted when they are related to import sanctioned goods or export sanctioned goods, which are specified by the sanctions frameworks. They often include military activities, arms or related materiel (e.g., items on the DSGL) and items related to transport, telecommunications, energy, oil/gas, minerals and luxury items.

(23) Sanctions frameworks may restrict how individuals can conduct research activities, including:

a. The assignment of staff or students with a connection to sanctioned countries to specific research topics.
b. The access of staff, students or visiting academics with a connection to sanctioned countries to research projects, equipment or restricted areas.
c. Research collaborations or consultancy activities with citizens/entities with a connection to sanctioned countries or in sanctioned countries.

### Sanctions Requirements

#### Appointment of Staff, Visiting Researchers and Visiting Students

(24) Individuals should be mindful of potential sanctions restrictions on research activities when recruiting new staff and visiting researchers and students. Sanctions assessments for staff, visiting researchers and visiting students are completed using the Sanctions compliance assessment form for staff and visiting appointments.

(25) Any conditions imposed on a research activity as a result of a sanctions assessment must be adhered to. Changes to the individual's research activities must be evaluated for compliance with the sanctions assessment and may necessitate completion of a new assessment.

#### Higher Degree by Research Candidates

(26) Supervisors should be mindful of potential sanctions restrictions on research activities when recruiting new students. Sanctions assessments for HDR candidates are completed using the Sanctions compliance assessment form for Higher Degree by Research Students.

(27) Any conditions imposed on a research activity as a result of a sanctions assessment must be adhered to. Changes to the individual's research activities must be evaluated for compliance with the sanctions assessment and may necessitate completion of a new assessment.

#### Collaborative Research and Consultancy Activities

(28) The highly specific nature of activities involving research collaborations and consultancy activities requires that responsibility for sanctions assessment reside with the UQ individual(s) engaging in the activity.

a. Individuals must check to ascertain whether the research activity engages with a person(s) or entity listed on the DFAT Consolidated List. If the research activity is found to engage directly with a designated person or entity, the engagement must be rejected.
b. Individuals must conduct due diligence to determine whether the activity will engage indirectly with a person(s) or entity on the DFAT Consolidated List. If the research activity is found to engage indirectly with a designated person or entity, International Safeguards must be contacted for assistance (international.safeguards@uq.edu.au).
c. Individuals must check if the research activity engages, directly or indirectly, with a person(s) or entity from a country with a currently implemented Sanctions Framework. If the research activity engages with a person(s) or entity with a connection to a sanctioned country, the applicable Sanctions Compliance and Assessment form for collaborations and contract research must be completed.

(29) Individuals are responsible for familiarising themselves with the jurisdiction requirements relevant to the location of the activity and its collaborators. Advice as to whether a proposed engagement may contravene sanctions requirements can be sought from the International Safeguards team (international.safeguards@uq.edu.au).

# Section 4 - Roles, Responsibilities and Accountabilities

### Research Ethics and Integrity

(30) The International Safeguards team, located within Research Ethics and Integrity, is responsible for:

a. Assisting individuals with export controls enquiries, permit applications and approvals.

b. Sanctions enquiries and (where relevant) permit applications.
c. Conducting sanctions assessments, including seeking review and endorsements from Faculty Associate Deans (Research) and Institute Deputy Directors (Research) where there is elevated risk, and providing a written recommendation and reasoning for that recommendation.
d. Provision of relevant training, advice and assistance to the University research community.
e. Oversight of the Sensitive Research Register for training and reporting requirements.
f. Maintaining records relating to export control permits and sanctions assessments and permits (where applicable).

## Graduate Research School

(31) The Graduate Research School's role is to identify Higher Degree by Research Candidates who require a sanctions assessment and refer the case to the International Safeguards team, who will conduct the sanctions assessment. The Principal Advisor, who is recognised as possessing the requisite knowledge and skill to understand the proposed area of research, may be asked to assist with the assessment. The International Safeguards team will provide the Graduate Research School with their assessment and a recommendation regarding any sanctions risks.

## Associate Dean (Research) and Institute Deputy Director (Research)

(32) Where deemed necessary by the International Safeguards team, faculty Associate Deans (Research) and Institute Deputy Directors (Research) review sanctions assessments provided by Supervisors/Principal Advisors and provide a written recommendation and reasoning for that recommendation. Applications that are incomplete or where sufficient information has not been provided by the Supervisor to support their recommendation will be returned for revision.

## Head of Operational Units

(33) Head of Operational Units promote and foster a research culture and environment that supports the responsible conduct of research, including compliance with relevant legislation, policies, procedures and guidelines. Head of Operational Units will review information from the Sensitive Research Register for completeness and accuracy and refer any areas requiring attention (e.g., for targeted education and training) to Research Ethics and Integrity.

## Individuals

(34) Individuals (staff, students and title holders) are responsible for:

a. Their compliance with export control and sanctions requirements, including identifying whether their activities or intended transfers may require a permit or approval.
b. Ensuring all conditions specified on permits/approvals are followed.
c. Notifying the International Safeguards team of all exports/supply associated with a permit.
d. Undertaking due diligence for any collaboration with an external entity.
e. For staff, recording their research activities related to areas included in the DSGL on an annual basis via the Sensitive Research Register. Relevant changes in circumstances must be registered promptly.

## Supervisors

(35) Supervisors of individuals (staff and students) subject to a sanctions assessment must maintain regular contact with the researcher and monitor the progress of the research project. Supervisors have a responsibility to monitor adherence to any conditions associated with the sanctions assessment and notify the International Safeguards team of any material changes to the project that may require a new sanctions assessment.

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# Section 5 - Monitoring, Review and Assurance

(36) The Deputy Vice-Chancellor (Research and Innovation) is responsible for the development, compliance monitoring and review of this Procedure.

(37) The University's export control and sanctions processes will be reviewed annually to verify that procedures and record-keeping requirements continue to be met. Suspected breaches of this Procedure will be investigated and any system issues reviewed. Immediate corrective action will be taken, including notification to the appropriate authorities where necessary.

# Section 6 - Recording and Reporting

(38) Individuals that hold a staff or conjoint appointment, where UQ is the lead employer, must register their research activities that involve items on the DSGL in the Sensitive Research Register. Registrations are made annually or more frequently where circumstances change.

(39) International Safeguards maintains a central register of assessments, permits, approvals and compliance with any conditions that may be required.

(40) Records of all relevant documents relating to the export or supply of proliferation-sensitive items must be kept for five years from the date of export. Reporting conditions are often applied to export permits covering multiple shipments requiring the submission of regular reports detailing the exports, including nil returns, made under the permit. Records must be kept in accordance with the Information Management Policy and its related procedures.

# Section 7 - Appendix

### Definitions

| Term | Definition |
|---|---|
| Brokering | Occurs when an Australian arranges, as an agent or intermediary, the supply of controlled goods, software or technology between two locations outside of Australia and benefits from the supply in some manner. |
| Defence and Strategic Goods List (DSGL) | The list that specifies the goods, software or technology that is controlled when exported, supplied, brokered or published. The DSGL includes munitions (or military) items and dual-use items. See legislation (Defence and Strategic Goods List 2024) and overview (Defence and Strategic Goods List). |
| Dual-use Items | Items that may be used for commercial purposes, but may be used in military systems or for weapon of mass destruction purposes. |
| Export | A tangible/physical transfer of DSGL goods, technology or software (controlled items) from Australia to a place outside Australia. For example, items exported by ship, aircraft, post or courier; carried in checked-in or hand-held luggage; or technology (blueprints, diagrams, notes) stored on a physical medium such as a CD, DVD, USB drive or computer hard drive. |
| Export Sanctioned Goods | Goods designated by a legislative instrument for a country or part of a country that are prohibited to be exported to that country or part of that country. |
| Goods | Movable property of any kind, including but not limited to, documents, vessels and aircraft. |
| Import Sanctioned Goods | Goods designated by a legislative instrument for a country or part of a country that are prohibited to be imported from that country or part of that country. |
| Individuals | Any University staff, student or title holder who conducts, or assists with the conduct of, research at, or on behalf of the University. |

| Term | Definition |
|---|---|
| Software | A collection of one or more programs or microprograms fixed in any tangible medium of expression. Programs are a sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer. Microprograms are a sequence of elementary instructions maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction register. |
| Staff | Continuing, fixed-term, research (contingent funded) and casual staff members. |
| Supply | An intangible/non-physical transfer of DSGL technology from Australia to a place outside Australia. For example, by email, fax, telephone, video conferencing, or providing access to electronic files. |
| Technology | Specific information necessary for the development, production or use of a product. This information takes the form of technical data or technical assistance. |
| Title Holders | Visiting academics, academic title holders, Industry Fellows, Emeritus Professors, adjunct and honorary title holders, and conjoint appointments. |
| Weapons of Mass Destruction (WMD) Program | Any plan for the development, production, acquisition or stockpiling of nuclear, biological or chemical weapons or missiles capable of delivering such weapons. |

## Legislative Framework

(41) Underpinning Australia's system of export controls and sanctions is a legislative framework that includes:

a. Autonomous Sanctions Act 2011,
b. Charter of the United Nations Act 1945,
c. Customs Act 1901,
d. Defence Trade Controls Act 2012,
e. Weapons of Mass Destruction (Prevention of Proliferation) Act 1995, and
f. Other legislation as applicable.

## Status and Details

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|---|---|
| **Status** | Current |
| **Effective Date** | 17th October 2025 |
| **Review Date** | 9th April 2027 |
| **Approval Authority** | Deputy Vice-Chancellor (Research and Innovation) |
| **Approval Date** | 10th October 2025 |
| **Expiry Date** | Not Applicable |
| **Policy Owner** | Sue Harrison<br>Deputy Vice-Chancellor (Research and Innovation) |
| **Enquiries Contact** | Research Strategy and Performance |

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