



# Defence Trade Controls procedure

## Section 1 - Preamble

(1) Procedure is effective from 16 June 2021.

## Section 2 - Purpose

(2) The Procedure outlines the University's commitment to comply with Australia's Defence Export Control Legislation, to prevent the export of goods, software and technology that could assist the proliferation of conventional weapons and weapons of mass destruction.

## Section 3 - Scope

(3) This Procedure applies to all staff and students.

## Section 4 - Policy

(4) This Procedure is pursuant to the [Research Conduct policy](#).

## Section 5 - Procedure

(5) The University has a responsibility to comply with the [Defence Trade Controls Act 2012 \(DTCA\)](#) and [Customs Act 1901](#), which regulate the export of defence and strategic goods, technology and software listed on the [Defence and Strategic Goods List \(DSGL\)](#).

(6) The University will take reasonable precautions and exercise due diligence to ensure that it does not, without a valid permit, export, supply, publish or broker goods and technology included in the [DSGL](#), or goods or services declared by the Minister of Defence that may be used in Weapons of Mass Destruction (WMD) or be put to a Military End Use (MEU).

### Defence Export Control Responsible Officer

(7) The Defence Export Controls Responsible Officer (DECRO) is the primary point of contact for internal and external export controls enquiries and permit applications. The DECRO will provide advice and assistance to the individuals who work with [DSGL](#) items during the conduct of University business.

### Export controls training

(8) All Deakin Staff or Research Students in the following categories must undertake defence export control training:

- a. All Academic staff from the following Institutes and Schools:
  - i. Alfred Deakin Institute for Citizenship and Globalisation (ADI)

- ii. Applied Artificial Intelligence Institute (A2I2)
  - iii. Institute for Frontier Materials (IFM)
  - iv. Institute for Intelligent Systems Research and Innovation (IISRI)
  - v. School of Engineering
  - vi. School of Information Technology
  - vii. Optometry in the School of Medicine
- b. Staff who self-assess or are identified by DECRO, Head of Academic Unit or Research Centre Directors as conducting activities that may fall within the scope of the [Defence Trade Controls Act 2012](#).
- c. Higher Degree by Research students as directed by their supervisor or Head of Academic Unit.

(9) Academic staff seeking an exemption from defence export control training must seek approval from the DECRO to confirm that Defence Trade Controls are not relevant to their current research activities or projects.

(10) Export Controls training will be provided by the DECRO or online through the [Defence Export Controls Training](#).

## **Self-assessment of activities and goods**

(11) Researchers (including supervisors of student researchers) working with [DSGL](#) items must conduct a self-assessment using the [Online Defence and Strategic Goods List Tool](#) to ensure any activity complies with Australia's export legislation and determine whether a permit from the Department of Defence is required.

(12) If the result of the self-assessment is unclear, the researcher must contact the DECRO who will assist them in submitting an application to the Department of Defence to determine if a permit is required.

(13) The researcher must conduct additional checks to ensure that they are not undertaking a transaction that may involve goods or services which could be used for a WMD program or MEU. If an activity is considered to involve WMD or MEU, it is prohibited from being undertaken.

## **Permits**

(14) Where a Department of Defence permit is required for the export activity, the researcher must contact the DECRO who will assist them in submitting a permit application to the Department of Defence.

(15) The Department of Defence issues permits to the University. Permits will specify the names of recipients of [DSGL](#) technology ('authorised recipients'). University staff, including supervisors of student researchers must ensure they only supply [DSGL](#) technology to the authorised recipients named in the permit.

## **Reporting**

(16) Permit holders must report quarterly to the DECRO, on records as described in clause 17.

## **Record keeping**

(17) Permit holders must maintain records for five years. Records will include:

- a. a description of the goods or [DSGL](#) technology supplied or brokered under the permit
- b. the permit number
- c. details of the person receiving the goods or [DSGL](#) technology
- d. details of the person arranging the supply (i.e. brokering)
- e. the date or period of dates over which the goods or [DSGL](#) technology will be provided.

Permit holders are responsible for checking specific details as described on the approval document, including the relevant record-keeping requirements for supply or brokering activities.

(18) A central register will be maintained by the DECRO of all Deakin Defence permits and reported to the Deputy Vice-Chancellor Research and Innovation.

## Breaches and Penalties

(19) A breach of this Procedure is considered a failure to comply with the [Research Conduct policy](#) and will be reported and investigated in accordance with the [Research Integrity Breaches procedure](#).

(20) Where a breach of legislation or permit is suspected, the DECRO will notify the relevant statutory authority in accordance with the relevant legislation. Failure of individuals to comply with Australian export controls laws is a serious criminal offence and can result in heavy penalties or up to 10 years imprisonment.

## Section 6 - Definitions

(21) For the purpose of this Policy:

- a. Brokering: when a person acts as an agent or intermediary in arranging the supply of [DSGL](#) listed goods and technology between two or more places located outside Australia
- b. Defence Export Controls Responsible Officer (DECRO): an internal Deakin appointment who is the primary point of contact for internal and external export controls enquiries and permit applications
- c. [Defence and Strategic Goods List \(DSGL\)](#) is the list that specifies the goods, software or technology that is regulated when exported, supplied, brokered or published. A permit is required when exporting, supplying, brokering or publishing DSGL items, unless there is an exemption.
- d. Export: sending [DSGL](#) technology or information to a source outside Australia in physical form, such as material items, hard copy files, on a CD, USB or laptop.
- e. Export Controls: a collective term for all legislation used by governments to manage the trade of sensitive goods and technology. In the Australian context it includes the [Customs Act 1901](#), the [Defence Trade Controls Act 2012](#) (DTC Act), [Weapons of Mass Destruction \(Prevention of Proliferation\) Act 1995](#) and [Military End-Use provisions \(section 112BA\)](#) and [Sanctions](#).
- f. Military end use: As defined in the [Customs Act](#), "military end-use" means that the goods are or may be for use in operations, exercises or other activities conducted by an armed force or an armed group, whether or not the armed force or armed group forms part of the armed forces of the government of a foreign country.
- g. Supply: occurs when a 'person' in 'Australia' provides technology included on the [Defence and Strategic Goods List \(DSGL\)](#) - '[DSGL technology](#)' - to another person outside of Australia. Examples include supply via email or fax, or by providing someone outside of Australia with passwords to access controlled technology stored electronically.
- h. Publication: when Defence and Strategic Goods List (DSGL) Technology - '[DSGL technology](#)' - is made available to the public or to a section of the public via the internet or otherwise. Publication controls apply to anyone in '[Australia](#)', or an Australian citizen or resident or Australian organisation located anywhere in the world.
- i. Weapons of Mass Destruction: Goods, technologies and services that could be used in a WMD program are controlled by the [Weapons of Mass Destruction\(Prevention of Proliferation\) Act 1995](#) (WMD Act). The Act defines a WMD program as a plan or program for the development, production, acquisition or stockpiling of nuclear, biological or chemical weapons or missiles capable of delivering such weapons.

## Status and Details

<b>Status</b>	Current
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<b>Expiry Date</b>	To Be Advised
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