

Autonomous Sanctions Policy

Section 1 - Background and Purpose

(1) This Policy sets out the University's approach and commitment to maintaining compliance with the United Nations Security Council (UNSC) sanctions regimes and Autonomous Sanctions regime.

(2) Australia implements the United Nations Security Council sanctions regimes and Autonomous Sanctions regimes. Sanctions are tools that are used to help persuade a particular government to change their policy by restricting trade, investment and other commercial activity.

(3) La Trobe University (La Trobe) is required to comply with Australian sanctions laws and must take reasonable precautions and exercise due diligence to avoid contravening the sanctions. Sanctions legislation prohibits, without permit, the:

- a. provision of technical training, advice, services or assistance if it assists with, or is provided in relation to "export sanctions goods" for particular sanctioned countries. Specific goods are designated "export sanctioned goods" by the UNSC and Autonomous Sanctions regimes; and
- b. dealing with assets of certain persons or entities and making assets available to certain persons or entities designated by the UNSC or Autonomous Sanctions. These persons or entities are called "designated persons or entities". Assets include property of any kind, whether tangible or intangible, movable or immovable.

(4) The university may be in breach of sanctions legislation:

- a. if researchers or staff from La Trobe collaborate with a designated person or entity; or
- b. a person or entity from a sanctioned country in an area relating to a sanctioned good and that research is considered "technical advice, assistance or training".

Section 2 - Scope

(5) This Policy applies to all members of the University community including:

- a. Staff
- b. Students
- c. Contractors
- d. Visiting Academics and researchers
- e. Direct and indirect contact volunteers

Section 3 - Policy Statement

(6) The University is committed to full compliance with the Australian [Autonomous Sanctions Act 2011](#) and the United Nations Security Council Sanctions regimes.

Policy Background

(7) Australia implements the United Nations Security Council (UNSC) sanctions regimes and Autonomous Sanctions regime. Sanctions are tools that are used to help persuade a particular government to change their policy by restricting trade, investment and other commercial activity.

(8) Australia has implemented the UNSC sanctions through the [Charter of the United Nations Act 1945](#) and associated regulations. In addition to UNSC sanctions, Australia implements Autonomous Sanctions to support foreign policy objectives through the [Autonomous Sanctions Act 2011](#) and associated regulations.

How are Sanctions Relevant to La Trobe?

(9) Sanctions legislation prohibits, without permit, the following activities:

- a. Providing technical training, advice, services or assistance if it assists with, or is provided in relation to “export sanctioned goods” for particular sanctioned countries. Specific goods are designated “export sanctioned goods” by the UNSC and Autonomous Sanctions regimes. They generally relate to military activity and arms or related material. There are additional goods designated “export sanctioned goods” for Crimea and Sevastopol, the Democratic People’s Republic of Korea (North Korea), Iran and Syria.
- b. Dealing with assets of persons or entities and making assets available to certain persons or entities designated by the UNSC or Autonomous Sanctions. These persons or entities are called “designated persons or entities”. Assets include property of any kind, whether tangible or intangible, movable or immovable.

Activities of La Trobe that may Fall Within the UNSC and/or Autonomous Sanctions Regimes

| Activity | Potential Sanctions exposure |
|---|---|
| La Trobe may contravene the sanctions if an individual from a sanctioned country is enrolled in graduate research program relating to a sanctioned good and that research is considered “technical training” | Providing “technical advice, assistance or training” if it assists with, or is provided in relation to a sanctioned good |
| La Trobe may contravene the sanctions if an individual from a sanctioned country is enrolled in graduate research program not relating to a sanctioned good but subsequently changes their research topic to an area relating to a sanctioned good and that research is considered “technical training” | Providing “technical advice, assistance or training” if it assists with, or is provided in relation to a sanctioned good |
| La Trobe may contravene the sanctions if a designated person is admitted to a program and permitted access to university assets | Making assets available to designated persons |
| A visiting academic who is a designated person is hired by La Trobe or sponsored for a project and is given access to La Trobe facilities | Making assets available to designated persons |
| Researchers or staff from La Trobe collaborate with a person or entity from a sanctioned country in an area relating to a sanctioned good and that research is considered “technical advice, assistance or training” OR La Trobe collaborate with a designated person or entity | Providing “technical advice, assistance or training” if it assists with, or is provided in relation to a sanctioned good OR Making assets available to designated persons or entities |
| Researchers or staff from La Trobe enter into a consultancy arrangement with a person or entity from a sanctioned country in an area relating to a sanctioned good and the research is considered “technical advice, assistance or training” OR La Trobe enters into a consultancy arrangement with a designated person or entity | Providing “technical advice, assistance or training” if it assists with, or is provided in relation to a sanctioned good OR Making assets available to designated persons or entities |

La Trobe’s Approach to UNSC and Autonomous Sanctions Compliance

(10) La Trobe will take reasonable precautions and exercise due diligence to avoid contravening the UNSC and Autonomous sanctions. The Autonomous Sanctions Procedure details the measures which have been implemented in

relation to the identified areas of risk.

Consequences of Non-compliance and Disciplinary Action

(11) Consequences of non-compliance:

Criminal Offence

(12) The sanctions regimes create criminal offences for contravening a sanctions measure or sanctions permit:

- a. Individuals may receive up to 10 years in prison, and/or a fine the greater of \$450,000 or three times the value of the transaction.
- b. Bodies' corporate (including universities) may receive a fine the greater of \$1.8 million or three times the value of the transaction.

Disciplinary Action by La Trobe

(13) La Trobe takes actual and potential breaches seriously. Individuals who fail to take reasonable care put their colleagues and the university at risk. If it is found that an individual failed to abide by the sanctions policies and procedures, that individual may be subject to disciplinary action. It may include one or more of the following:

- a. Termination or suspension of employment (for staff)
- b. Termination or suspension of enrolment (for students)
- c. Mandated sanctions compliance training
- d. Monitoring of activities

(14) Breaches of sanctions legislation, whether intentional or as a result of recklessness, will cause significant reputational damage to the university as a whole. La Trobe has built an international reputation for academic excellence and innovation. Any potential or actual breaches may overshadow La Trobe's strong track record.

Reporting Suspicious Activity

(15) Staff, students, visiting academics and researchers or members of the public are encouraged to notify La Trobe International if they believe or suspect a staff member or student may be in breach of sanctions legislation. The following reporting avenues are available:

- a. Send an email directly to compliance@latrobe.edu.au
- b. Call the Regulatory Compliance Officer on (03) 9479 6498

Section 4 - Procedures

Part A - Graduate Research Program

Roles and Responsibilities - Overview - Graduate Research School (GRS) Program

(16) La Trobe undertakes an assessment of all applications for higher degree research programs from individuals from sanctioned countries in accordance with these Procedures.

(17) The assessment is undertaken by the intended Principal Supervisor for the applicant and with the assistance of the Graduate Research Coordinator for the relevant school (discipline) if needed. La Trobe recognises that the Principal Supervisor and Graduate Research Coordinator possess the requisite knowledge and skill to understand the proposed area of research and are in a position to recognise whether the research may relate to an export sanctioned

good. The purpose of the assessment is to determine if the research topic:

- a. relates to an export sanctioned good; and
- b. whether the project is specialised enough to be considered “technical training.”

(18) The School Director of Graduate Research (DGR) will review all assessments for applicants relating to their school. The application will not proceed to the next step without their sign off. Sign off will only be provided where they assess that sufficient information has been obtained to determine whether the research topic relates to an export sanctioned good and whether it constitutes the provision of “technical training.

(19) The Pro Vice-Chancellor (Graduate and Global Research) will review all assessments. The application will not proceed without their sign off. Sign off will only be provided where they assess there has been sufficient information provided to determine whether the research topic relates to an export sanctioned good and whether it constitutes the provision of “technical training.”

(20) Upon completion of the assessment the following action is taken:

| Result | Action |
|--|---|
| It is determined that the applicant’s research does not relate to a sanctioned export good | The application continues to be processed for Graduate Research Candidature |
| It is determined that the applicant’s research does relate to a sanctioned export good the application may continue to be processed BUT is not specialised enough to constitute “technical training” | The application continues to be processed for Graduate Research Candidature |
| It is determined that the applicant’s research does relate to an export sanctioned good AND is specialised enough to constitute “technical training” | An application is submitted to the Department of Foreign Affairs and Trade through the Australian Sanctions Office for a permit |
| There is uncertainty whether applicant’s research relates to an export sanctioned good OR whether it is specialised enough to constitute “technical training” | An application is submitted to the Department of Foreign Affairs and Trade through the Australian Sanctions Office for advice |

Graduate Research Student Changing Their Area of Research

(21) Supervisors assigned to research students maintain regular contact and monitor the progress of the research project. Supervisors of students from sanctioned countries are required to notify the Graduate Research School of any change to the student’s research topic. Where there is a substantive change in topic, further assessment is undertaken in accordance with these Procedures.

Admission of International Research Students

(22) All international research student applications are searched against the [Department of Foreign Affairs and Trade](#) Consolidated List.

| Result | Action |
|--|---|
| There is no positive match on the candidate’s name | The application continues to be processed |
| There is a positive match on the candidate’s name | The application is rejected |

Part B - La Trobe UNSC and Autonomous Sanctions Compliance Procedure (GRS)

(23) Graduate Research Applications - Procedural Workflow:

- a. On receipt of a Graduate Research Application, the Graduate Research School must perform necessary checks to ascertain whether the applicant is a “designated person” and/or from a “sanctioned country”.
- b. If the Person is a designated person, the application is to be immediately rejected.
- c. If the applicant is not a designated person but is from a sanctioned country, then the applicable UNSC and Autonomous Sanctions Compliance form is required to be completed and relevant sanctioned goods assessments undertaken in adherence to the:
 - i. La Trobe UNSC and Autonomous Sanctions Compliance Procedure (GRS)

Part C - Visiting Academics/Collaborations/Consultancy and Other Arrangements

(24) Roles and Responsibilities - Overview- Visiting academics/Collaborations/Consultancy arrangements

(25) La Trobe recognises that there is a risk visiting academics, collaboration partnerships and consultancy arrangements with persons or entities overseas may involve sanctioned countries or designated persons or entities.

(26) The often informal nature of these activities dictates that responsibility for sanctions compliance should lie with researchers, academics staff and business support staff engaging the activities.

(27) La Trobe has assessed the risk of these activities being undertaken in each area of the university and has identified the relevant stakeholders that must be aware of the UNSC and Autonomous sanctions regimes and how they might apply to their activities. Sanctions Compliance Training and support is provided through Recruitment & International Operations to ensure that reasonable care is practised by staff and researchers when undertaking these activities.

Unfunded Collaborations

(28) La Trobe encourages collaboration and recognises that there are many types of collaboration outside of the formal funded arrangements entered into by university staff and researchers.

(29) The nature of research necessitates collaboration and not all collaboration is formal and lends itself to a formal funded collaboration protocols. Placing too high a burden on communications in relation research may run the risk of stifling collaboration.

(30) In recognition of these limitations, La Trobe has placed responsibility for sanctions compliance in relation to collaborations on researchers and academics staff engaging the activities.

(31) La Trobe has assessed the risk of informal collaboration being undertaken in each area of the university and has identified the relevant stakeholders that must be aware of the UNSC and Autonomous sanctions regimes and how they might apply to their activities.

(32) Sanctions Compliance Training and support is provided through Recruitment & International Operations to ensure that reasonable care is practised by staff and researchers when undertaking collaborations.

(33) If a researcher or staff member is unsure whether their dealings would come under sanctions legislation, they must seek immediate advice from Recruitment & International Operations.

Part D - Sanctions Compliance

(34) This Part deals with the procedures for visiting academics and researchers, staff and students funded and unfunded collaborations with overseas persons, companies or governments, consultancy and other arrangements.

Visiting Academics and Researchers - Risk Based Procedure

(35) La Trobe has assessed the risk of visiting academics being designated persons under sanctions legislation and the likelihood has been assessed as low. Given that these individuals are subject to travel bans in Australia, it would be unlikely they would proceed past the Visa application stage with the [Department of Home Affairs \(DHA\)](#).

(36) Furthermore, it is unlikely they would be able to enter the country without their identity being flagged by Customs.

(37) Relevant stakeholders that may be involved in organising or liaising with visiting academic and researchers and determined must ensure that they are aware of the UNSC and Autonomous sanctions regimes and how they might potentially apply to their activities.

(38) Sanctions Compliance Training and support is provided through Recruitment & International Operations to ensure that reasonable care is practised by staff and researchers when undertaking collaborations.

(39) If a researcher or staff member is unsure whether their dealings would come under sanctions legislation, they must seek immediate advice from Recruitment & International Operations.

Collaborations, Consultancy and Other Arrangements - Procedural Workflow

(40) For funded and unfunded collaborations, it is the responsibility of the School's Researcher to perform all necessary checks to ascertain whether the collaborators are listed as a "designated person" or are from a "sanctioned country".

(41) If any of the collaborators are found to be a designated person, the collaboration is to be immediately rejected.

(42) If the collaborators are not a designated person but are from a sanctioned country, then the applicable UNSC and Autonomous Sanctions Compliance form is required to be completed and relevant sanctioned good assessments undertaken in adherence with the:

- a. La Trobe UNSC and Autonomous Sanctions Compliance Procedure for collaborations funded, unfunded, consultancy or other arrangements.

Part E - UNSC and Autonomous Compliance Forms

(43) The UNSC and Autonomous Compliance Forms are located at the [UNSC and Autonomous Sanctions \(Intranet\)](#).

Part F - Sanctions Compliance Training

(44) La Trobe has assessed the risk of activities being undertaken that might fall within the UNSC and Autonomous Sanctions regimes for each area of the university. The relevant stakeholders have been identified and must complete Sanctions Compliance Training as follows:

| Stakeholder | Compulsory training |
|---|---|
| Supervisors belonging to schools at high risk of offering research in areas that might relate to sanctioned export goods Supervisors of research students from sanctioned countries School Directors of Graduate Research belonging to schools at high risk of offering research in areas that might relate to sanctioned export go Dean and/or Associate Deans belonging to a school at high risk of offering research in areas that might relate to sanctioned export goods All staff within Recruitment & International Operations All staff within the Graduate Research School Research students from sanctioned countries | Face-to-face Sanctions Compliance Training upon inductions or orientation Annual refresh face-to-face Sanctions Compliance Training Sanctions Compliance Updates mailing list for email updates |
| Supervisors of research students in areas that might relate to sanctioned export goods All research students potentially collaborating with overseas entities or persons All staff within the Research Office (brokers consultancy arrangements) All staff within the Industry Engagement and Commercialisation team | Provision of Sanctions Compliance Training Sanctions Compliance Updates mailing list for email updates |

Part G - Reporting Suspicious Activity

(45) Staff, students, visiting academics and researchers or members of the public are encouraged to notify La Trobe International if they believe or suspect a staff member or student may be in breach of sanctions legislation.

(46) The following reporting avenues are available:

- a. send an email directly to compliance@latrobe.edu.au
- b. call the Regulatory Compliance Officer on (03) 9479 6498.

Section 5 - Definitions

(47) For the purpose of this Policy and Procedure:

- a. Designated Persons: certain persons or entities designated by the UNSC or Autonomous Sanctions
- b. Consolidated List: the [Department of Foreign Affairs and Trade](#) (DFAT) maintains a consolidated list of persons and entities to which the Charter of the United Nations Act 1945 and the [Autonomous Sanctions Act 2011](#) currently applies i.e. Designated Persons.
- c. Providing technical training, advice, services or assistance: if it assists with, or is provided in relation to “export sanctioned goods” for a particular sanctioned country. Specific goods are designated “export sanctioned goods” by the UNSC and Autonomous Sanctions regimes. They generally relate to military activity and arms or related material. There are additional goods designated “export sanctioned goods” for Crimea and Sevastopol, the Democratic People’s Republic of Korea (North Korea), Iran and Syria.
- d. Dealing with assets: Assets include property of any kind, whether tangible or intangible, movable or immovable.

Status and Details

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| Expiry Date | Not Applicable |
| Responsible Manager - Policy | Linda Robertson General Counsel & Director of Assurance |
| Author | Linda Robertson General Counsel & Director of Assurance |
| Enquiries Contact | Commercial, Legal and Risk |

Glossary Terms and Definitions

"suspension" - means the temporary prohibition of a student from participating in University activities and accessing University facilities and services. A temporary prohibition may be for a specific period or until a condition or conditions have been met. A student's rights will be restored, including the ability to re-enrol in the original or equivalent course or subject, at the conclusion of the suspension.