Export Controls Procedure

Section 1 - Purpose and Scope

(1) The University of Queensland (UQ or the University) must comply with Australian export controls legislation. The University must also consider the export controls frameworks of other countries that we collaborate or conduct business with.

(2) Non-compliance with Australian export controls legislation may incur significant penalties to the University and the individual, including prosecution for criminal offences.

(3) This procedure sets out the requirements for complying with Australian export controls legislation as well as considerations for complying with the export controls' requirements of other countries.

(4) This Procedure applies to all staff, title holders and students.

Australia's Export Controls framework

(5) Australia's export controls framework is made up of several key pieces of legislation:

- Defence Trade Controls Act 2012
- Customs Act 1901 – Regulation 13E (Export of defence and strategic goods)
- Customs Act 1901 – Section 112BA (Military End-Use provisions)
- Weapons of Mass Destruction (Prevention of Proliferation) Act 1995

(6) The Defence and Strategic Goods List (DSGL) details goods, components, equipment, materials, technology and software that are controlled under Australia's export controls legislation.

(7) The DSGL has two parts:

- Part 1 (the munitions list) – goods and technologies designed or adapted for use by armed forces and goods that are inherently lethal.
- Part 2 (the dual use list) – goods and technologies developed for commercial application but that may have a military application.

(8) Items not controlled by the DSGL but that may have a military end use or be used in a weapons of mass destruction system may still be subject to export controls under 'catch-all legislation'.

Impact on University activities

(9) Australia's export controls framework controls the following activities:

- **Export** – occurs when a tangible item (a good) is sent from Australia to a place overseas.
- **Supply** – occurs when an intangible item (a technology) is provided, or access to the technology is provided, from a person in Australia to a person outside of Australia, or to a 'non-exempt foreign person' within Australia.
- **Publication** – occurs when certain technology (related to Part 1 of the DSGL only) is placed in the public domain and made publicly available.

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- **Provision of services** – occurs when services related to certain goods or technology (Part 1 of the DSGL only) are provided to a foreign person at or from a place outside Australia.
- **Brokering** – occurs when a person or company arranges, as an agent or intermediary, the supply of certain controlled goods, software or technology between two locations outside of Australia.

(10) University activities involving controlled goods or technology may be impacted in several ways, including when:

a. Collaborating with an overseas partner

b. Entering into agreements to export or supply the goods or technology overseas

c. Employing non-exempt foreign persons in a role at UQ within Australia

d. Admitting non-exempt foreign persons into Higher Degree by Research (HDR) programs

e. Publishing technology related to Part 1 of the DSGL in the public domain

f. Hosting delegations, conferences and other events at UQ

g. Presenting at conferences in or outside of Australia

h. Travelling overseas with the goods or technology

Section 2 - Key Controls

(11) Unless an exemption applies, an export control permit may be required to export, supply, publish, broker, or provide services in relation to items controlled by the DSGL, or that are subject to catch-all legislation.

(12) Individuals who conduct or manage an activity involving controlled goods, technology or services must ensure appropriate due diligence is exercised to determine whether the activity may require an export control permit.

(13) Due diligence generally involves seeking an export controls assessment from UQ's International Safeguards team (International Safeguards) and, if required, seeking an export permit from Defence Export Controls. All permit applications are managed by International Safeguards.

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

(15) Other activities that may be impacted by export controls must not be commenced until the assessment by International Safeguards is completed and any required permits are obtained. Any exceptions to this must be discussed with International Safeguards.

(16) Australia has established a licence-free environment with AUKUS partners (Australia, United Kingdom, United States) that exempts certain DSGL goods, technology and services from permit requirements when transferring between Australia, the United States and/or the United Kingdom.

(17) Defence Export Controls must be notified of all exports, supplies and provision of services under the licence-free environment prior to the activity taking place. All notifications at UQ are managed by International Safeguards.

(18) UQ is not currently able to receive items controlled by US International Trade in Arms Regulations (ITAR) under the licence-free environment.

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(19) UQ maintains a register of sensitive research that must be updated by staff annually.

Section 3 - Process and Key Requirements

(20) Individuals must determine whether an activity they are undertaking involves any goods or technology controlled by the DSGL, or that may be subject to catch-all legislation. Information on searching the DSGL is available on UQ's International Safeguards intranet site. The International Safeguards team can be contacted for assistance (international.safeguards@uq.edu.au).

(21) If the good or technology is controlled, AND an activity undertaken in relation to the item may enliven export controls legislation, the individual responsible for the activity must contact International Safeguards for advice on obtaining the appropriate permit.

(22) Permit holders must adhere to the conditions of the permit and monitor activities conducted under the permit. Suspected non-compliance with permit conditions must be reported to International Safeguards as soon as practicable.

(23) International Safeguards must be notified of each export or supply of items subject to a permit so that records may be kept. Records must include a description of DSGL goods, technology or services provided, the name of person who received the DSGL goods, technology or services, the dates of the activity and the permit number.

(24) Activities conducted under an exemption must also be recorded. Records must include a description of DSGL goods, technology or services provided and the country in which the DSGL goods, technology or services are received (including Australia). It is the individual's responsibility to keep these records in accordance with the Records Management Procedure.

(25) All continuing and fixed term (12 months or longer) academic staff at UQ are required to disclose research that involves items on the DSGL. Disclosures are made in the Sensitive Research Register annually and every time there are changes related to the use of controlled goods or technology and/or to activities that are subject to export controls requirements.

International export controls frameworks

(26) UQ may be required to comply with the export controls frameworks of other countries. This may occur when importing or receiving a controlled good or technology from overseas, or when entering into a contract or agreement that contains clauses requiring UQ to comply with the export controls laws of the country in which the other party to the agreement is based.

(27) The exporting or sending entity based overseas may be required to obtain a permit from their own government to export or send the controlled item. Responsibility for obtaining a permit lies with the exporting entity.

(28) The exporting or sending entity may require UQ to sign an end-user agreement setting out the conditions that UQ is required to follow when in possession of an item. These may include restrictions on the permitted uses for the item, and restrictions on re-exports and re-transfers.

(29) All end-user agreements, as well as other contracts or agreements containing export controls clauses, must be referred to International Safeguards for advice prior to signing.

(30) The final decision for whether the end-user agreement or other contract or agreement should be signed rests with the person authorised to sign the agreement (per the UQ Contract Sub-delegations Schedule).

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Section 4 - Roles, Responsibilities and Accountabilities

Research Ethics and Integrity

(31) The International Safeguards team in Research Ethics and Integrity is responsible for conducting export controls assessments.

(32) The International Safeguards team is also responsible for other aspects of managing export controls compliance at UQ, including:

- Responding to export controls queries and providing advice on export controls law to the research community
- Liaising with Defence Export Controls and applying for permits when required
- Investigating potential non-compliance with export controls requirements at UQ and escalating these as required by UQ policy and the relevant legislation
- Providing training on export controls and maintaining the UQ export controls intranet page
- Maintaining records on export controls assessments, queries and other export controls related matters
- Monitoring the Sensitive Research Register

Researchers

(33) Researchers working with goods or technology controlled by the DSGL, or that may enliven catch-all legislation, must consider export controls requirements when conducting certain activities, including exporting, supplying, publishing or providing services in relation to controlled goods or technology. International Safeguards must be contacted for advice if export controls requirements may apply.

Hiring Managers

(34) Hiring Managers must consider export controls for positions involving DSGL technology. If a non-exempt foreign person may have access to DSGL technology, a permit may be required. In such cases, the staff candidate should not commence in the role until an export control assessment has been completed and any permits required have been obtained.

Graduate Research School

(35) The Graduate Research School identifies HDR projects that may be impacted by export controls and refers the case to International Safeguards for assessment.

Principal Advisors

(36) Principal Advisors must assess whether a prospective HDR student's project involves DSGL goods or technology and indicate this as part of the admissions process. If an export control permit is required, this must be obtained before the student is provided access to the DSGL technology.

Section 5 - Monitoring, Review and Assurance

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

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(38) 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 and/or referral to other University processes where necessary.

(39) International Safeguards identifies higher risk export controls cases for monitoring and assurance purposes to ensure activities comply with sanctions law and this procedure. Activities that are found not to comply with this Procedure will be addressed immediately.

(40) International Safeguards monitors the Sensitive Research Register to identify research involving goods and technology that may be impacted by export controls legislation. If the research project is deemed to be potentially impacted by export controls, the Chief Investigator is contacted to ensure compliance with export controls law and this Procedure.

(41) This Procedure will be reviewed every three years to ensure it remains accurate and relevant. Any changes to export controls legislation or internal processing arrangements that impact this Procedure will be updated in the Procedure immediately.

Section 6 - Recording and Reporting

(42) International Safeguards maintains a central register of export controls assessments, approvals, permit grants, and compliance with any conditions that may be required.

(43) Records relating to activities conducted under export controls permits and activities conducted in other circumstances (such as where an exemption to permit requirements applies) must be kept in accordance with the Defence Trade Controls Act 2012 and the Defence Trade Controls Regulation 2013.

Section 7 - Appendix

Definitions

(44) The following terms are, with some exceptions, defined in the Defence Trade Controls Act 2012 and associated legislation:

Term	Definition
DSGL	The Defence and Strategic Goods List
DSGL goods	Goods within the scope of the Defence and Strategic Goods List, but does not include goods constituting technology, as defined in that list, that has been produced in the course of, or for the purposes of, fundamental research.
DSGL services	The giving of assistance (including training) in relation to the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarisation, destruction, processing or use of DSGL goods that are, or DSGL technology that is, within the scope of Part 1 of the Defence and Strategic Goods List.
DSGL technology	Means a thing that: (a) either: (i) is 'technology', as defined in the Defence and Strategic Goods List, not including such technology that has been produced in the course of, or for the purposes of, fundamental research; or

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	(ii) is software, as defined in that list; and (b) is within the scope of that list.
Export	When a tangible item (a good) is sent from Australia to a place overseas. This typically happens by ship, aircraft, post, courier or as checked or hand-held luggage. It can, among other things, include returning items to the manufacturer or owner for repair, taking controlled equipment overseas for field work or experiments, and sending items, samples or specimens overseas as part of a research exchange.
Foreign person	A person who is not an Australian citizen or permanent resident.
Fundamental research	Basic or applied research conducted in circumstances where the results of the research: (a) are intended for public disclosure, or would ordinarily be published or shared broadly; and (b) are not subject to any restrictions on disclosure (however imposed) for purposes connected with the security or defence of Australia or any foreign country.
Military end-use	Goods or DSGL technology is or may be for a military end-use if the goods or DSGL technology is or may be for use in relation to 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.
Non-exempt foreign person	In a normal university setting this is a person who does not hold citizenship or permanent residency of a country on the Foreign Country List or a security clearance issued by a 'five eyes' country at SECRET (NV1) level or equivalent.
Publish	Placing certain technology (related to Part 1 of the DSGL only) in the public domain and making it publicly available. This includes publishing on the internet, in a journal article and in the publication of conference proceedings.
Supply	(a) includes supply by way of sale, exchange, gift, lease, hire or hire-purchase; and (b) in relation to DSGL technology—includes provide access to DSGL technology This typically happens electronically by email, facsimile, uploading to a server, or by providing passwords to access technology stored electronically.
Technology	Specific information necessary for the “development”, “production” or “use” of a product. This information takes the form of ‘technical data’ or ‘technical assistance’.

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	'technical assistance' may take forms such as instruction, skills, training, working knowledge and consulting services and may involve the transfer of 'technical data'. 'technical data' may take forms such as blueprints, plans, diagrams, models, formulae, algorithms, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

Section 8 - Meta Data for Document Management

Metadata

Associated Information	**Legislation** Defence Trade Controls Act 2012 Defence and Strategic Goods List 2024 Customs Act 1901 Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 **Documents** Foreign Influence Disclosure Procedure Higher Degree by Research Admission Procedure Responsible Research Management Framework Policy Sanctions Procedure		
Area of responsibility	International Safeguards, Research Ethics and Integrity		
Policy Owner	Deputy Vice-Chancellor (Research and Innovation)		
Unit Head	Pro-Vice-Chancellor (Research)		
Document Author	Simon Pengilly, Senior Manager International Safeguards		
Enquiries contact	Research Strategy and Performance		
Document Category	Research and Innovation		
Document Realm	Operational		
Target Audience (select all applicable)	☒ Staff	☒ Students	☐ Community
Next review date	3 years		

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Change summary

Amendment summary	Substantial revision to reallocate information on Export Controls and Sanctions into two separate documents. The revised procedure also: - Incorporates changes to the Defence Trade Control Act - Includes information on international export controls - Clarifies roles and responsibilities - Ensures alignment with current processes
Other Notes	[if required]

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