

Risk Management Policy - Annexure 2 - Due Diligence to Counter Foreign Interference, Support Transparency in Foreign Relations, Conform with Autonomous Sanctions and Manage Risk of Modern Slavery Practices

Section 1 - Overview and Scope

(1) The University of New England is engaged domestically and internationally through research, delivery of academic programs, sharing of information and intellectual property including via partnerships, collaborations and engagements, and suppliers, consistent with the University's objectives and functions.

(2) When engaging with persons, organisations or other entities including those based overseas, UNE Representatives, students and affiliates must apply due diligence to help identify and avoid manage the risk(refer Table 1), and to:

- meet UNE's expectations of knowing who are our suppliers and partners;
- meet the [Guidelines to Counter Foreign Interference in the Australian University Sector](#) (supporting the [Foreign Influence Transparency Scheme Act 2018](#));
- ensure notification of arrangements, and/or approval of some core arrangements, is made as relevant to [Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020](#) (see <https://www.foreignarrangements.gov.au/>);
- ensure proposed engagements are not subject to [Australian Autonomous Sanctions regimes](#) or entities/persons are not named on the [Australian Government's consolidated list](#); and
- understand the potential risk of exposure to modern slavery practices from proposed engagements with suppliers and third parties domestically and internationally.

Table 1: Policy Scope: Managing risks of Countering Foreign Interference, transparency in Foreign Relations, Autonomous Sanctions and Modern Slavery

| Due Diligence | Foreign Interference | Foreign Relations Transparency | Autonomous Sanctions | Modern Slavery |
|---|--|--|--|---|
| Managing third party risk (verify other party details; establish contract controls and performance expectations, assign responsibilities and roles)and conflicts of interest (disclose and manage or avoid conflicts of interest within UNE conflicts and/or related to other parties). | Managing the risk of actions from individuals or external parties to influence the agenda of the University without disclosure of their interest and intent. | Managing regulatory compliance risk requiring UNE to assess and report engagements with foreign governments of related entities or universities or their related entities where there may not be institutional autonomy. | Avoiding the risk that UNE engages with persons or other entities or other parties that are subject to Autonomous Sanctions regimes or named on the consolidated list. | Avoiding the risk that suppliers or third parties (and to the extent possible, their suppliers) domestically or internationally are engaging in modern slavery practices which represent serious exploitation of their workers. |

(3) The implementation of this policy will be supported by the adoption of UNE standard contract clauses and the required completion of risk management checklists as part of contract approval workflow within the UNE Contract Management System.

(4) This Policy does not attempt to cover all due diligence activities required of UNE Representatives. Assistance is available from Records, Policy and Governance Unit email to risk@une.edu.au.

(5) All UNE Representatives and students, including HDR Candidates, are required to follow this policy.

(6) Within this policy:

- a. Part A – outlines UNE’s approach to countering transparency in foreign interference avoidance, by planning, decision making and reporting of suspicious activity;
- b. Part B – outlines the process for considering whether Autonomous Sanctions and sanctions measures apply;
- c. Part C – outlines risk considerations regarding modern slavery in the international context. Please also refer to [UNE’s Procurement Policy](#); and
- d. Part D – provides other due diligence and steps to be taken for managing risk.

Part A - Countering risks of Foreign Interference

(7) A proactive approach by the University to the threat of foreign interference helps to:

- a. protect the University’s reputation;
- b. protect academic freedom;
- c. demonstrate understanding of national security interests;
- d. maintain confidence and support of partner organisations; and
- e. ensure UNE can maximise the benefits of research and education activities for the communities we serve.

(8) Foreign interference occurs when activities are carried out by and/or on behalf of a foreign actor, which are coercive, covert, deceptive or corrupting and are contrary to Australia’s sovereignty, values and interest.

(9) Within the University sector, sources of risk of foreign interference include:

- a. activities to alter or direct a University’s research agenda or hamper academic freedom, values and collaborations;
- b. application of economic pressure or other actions against the national interest;
- c. threats or coercion of individual staff undertaking University activities;
- d. solicitation and recruitment of post-doctoral researchers and academic staff; and
- e. cyber intrusions.

(10) Foreign interference can result in:

- a. compromise of UNE’s research, or other sensitive data;
- b. cultivation of the UNE community for the purposes of espionage against Australia; and
- c. foreign governments gaining improper commercial, technical or intellectual advantage to the disadvantage of UNE.

(11) Foreign interference can occur through, for example:

- a. improper attempts to obtain sensitive or classified information from students, staff or other UNE

Representatives through foreign delegations, seminars and collaborations;

- b. targeting, compromising and recruiting staff, students and other UNE Representatives to further a Foreign Entity's interests;
- c. actions by a Foreign Entity that are inconsistent with UNE's values, and commitment to freedom of speech and academic freedom, for example inducements to change academic programs to the benefit of a foreign political, religious or social agenda;
- d. actions to alter or direct UNE's research agenda to particular areas of research. This may be, for example, through influence and engagement, and through funding arrangements that may lead to loss of future value and/or control of intellectual property;
- e. seeking access to, or influence over, particular persons or areas of activity through various forms of funding arrangements, donations, collaborations, facilitation payments, or inducements to individuals; and
- f. cyber targeting by attempting to exploit network vulnerabilities, and unauthorised access.

(12) UNE Representatives, students, and adjuncts/ professors emeriti may be exposed to risk of foreign interference when undertaking normal activities including:

- a. working at the University and engaging with foreign persons and entities overseas;
- b. with visitors to the University or with students/student organisations; and/or
- c. whilst traveling and/or being involved in activities such as conferences overseas.

(13) By being aware of foreign interference risks, properly managing those risks and applying appropriate security and access controls to sensitive information and knowledge, the risk of that information being used to the advantage of a foreign nation is reduced.

- a. When potential risks are identified, UNE Representatives and students are required to report the potential risk as soon as possible to the relevant area (see Table 1 below or if in doubt email risk@une.edu.au or call +61267735190.

Table 1: Examples of common activities and internal reporting contacts

| Activity | Seek advice from | Contact |
|---|--|--|
| establishing agreements (including contracts, collaboration agreements, research agreements and MOUs) and collections/loans | Deputy Vice-Chancellor Research (for research related matters) Legal Services | dvc@une.edu.au legal@une.edu.au Foreign Interference Checklist must be completed for all agreements that involve a foreign person, organisation or entity. |
| recruitment (staff) activities | Director People and Culture | recruitment@une.edu.au |
| student admission | Executive Principal Brand Partnerships & Business Development | ep-bpbd@une.edu.au |
| external engagements and philanthropic activities and interactions | Executive Principal Brand Partnerships & Business Development | ep-bpbd@une.edu.au |
| research activities | Director, Research Services | dires@une.edu.au |
| HDR Student admissions | Director, Graduate School | unegraduateschool@une.edu.au |
| travel and conference or similar activities | Head of Strategic Procurement | procurement@une.edu.au |
| all activities involving information sharing and data exchange, system access | Chief Information Security Officer | ciso@une.edu.au |

| Activity | Seek advice from | Contact |
|--|--|---|
| serious maladministration, corrupt conduct, offence under Commonwealth legislation or danger to the public | Public Interest Disclosure and Whistleblower Officer | Internal: audit@une.edu.au Refer to Public Interest Disclosure and Whistleblower Policy [see section “Where to send a report”] |

(14) UNE Representatives and students are required to plan for the prevention and control of risk of foreign interference efforts in dealings at UNE and with third parties, international persons and entities, including by:

- a. ensuring that the potential for foreign interference is considered when planning activities overseas and/or with overseas persons or entities. This includes:
 - i. being aware of activities which may be at risk of foreign interference when dealing with persons or entities based overseas or visiting or temporarily in Australia (See Tip 1 below);
 - ii. being alert to the level of activity of foreign interference from specific international regions or sectors; and
 - iii. seeking advice about the proposed University activity and its risk of exposure (from the contact in Table 1 above).
- b. undertaking due diligence regarding the persons and entities involved in University activity. This includes but is not limited to:
 - i. considering the potential exposure of the contractual activity to foreign interference using the foreign interference and transparency checklist for all agreements that involve a foreign person, organisation or entity;
 - ii. being alert and reporting to conflictsofinterest@une.edu.au if individuals, organisations, clubs or societies are advocating on behalf of themselves or potentially influenced by a foreign player;
 - iii. considering if a person or entity is identified as subject to autonomous sanctions (searching the autonomous sanctions website and consolidated list); and
 - iv. considering if there is evidence of a person or entity having been involved in foreign interference activities and/or from a high risk country.
- c. ensuring that all activities where there is a reasonable level of risk of foreign interference are disclosed to the manager of your area and that approval to proceed with plans is authorised by the relevant Executive.

(15) UNE Representatives, and persons associated with UNE, including individuals holding adjunct appointments, should make a declaration of conflicts of interest in relation to any new contract engagement and email a copy to your supervisor and to conflictsofinterest@une.edu.au. When considering potential conflicts outline any personal or existing professional relationships with potential parties (e.g. are a known associate, previous work colleague, have coauthored publications in the past etc), have associations with foreign entity (e.g do or have served on a board, been a member of a research team funded by/or researching the association) or have relations or networks invested in the engagement. Refer to the [Conflicts of Interest Policy](#) for further information.

(16) Assess the threat of cyber security, considering:

- a. desirability of specific project, data
- b. desirability of other work being done by the UNE individuals
- c. level of cyber activity from the region area
- d. UNE’s [Information Security Rule](#) and Procedures, which provide additional guidance.

Tip 1 – University Representatives are encouraged to consult with the UNE Risk Team risk@une.edu.au regarding risks related to foreign interference. Some specific areas of activity that may attract additional risk include activities relating to:

- Critical Infrastructure or National Assets
- Defence related research or engagement
- Sensitive of high value information, including personal information.

Risk is increased when a UNE Representative or student has some exposure to higher risk activities. Foreign interference maybe through a low risk engagement in order to provide an opportunity for access to other activities which are the actual target area of interference.

(17) Ensure transparency in all financial transactions by ensuring UNE's procurement policies are followed at all times and all payments are made and received via UNE's official systems/ processes.

Part B - Autonomous Sanctions due diligence

(18) Autonomous Sanctions measures:

- may prevent or limit UNE's ability to participate in certain activities with, provide goods or services to or accept goods or services from a sanctioned regime or country or specified individual; and
- must be considered and applied by UNE, as not doing so may result in a contravention of sanctions and a breach of the law.

(19) This Policy and associated documents support UNE Representatives and students to:

- understand how Autonomous Sanctions may apply to their area of work;
- undertake a due diligence process to assess if sanctions may apply to a proposed activity;
- seek approval to uphold sanctions or to request a formal exemption from sanctions requirements from the Minister; and
- implement decisions made relating to sanctions.

(20) Australian sanction laws implement both United Nations Security Council (UNSC) sanctions regimes and the Australian Autonomous Sanctions regime.

- The United Nations Security Council (UNSC) sanctions regimes are primarily implemented under the [Charter of the United Nations Act 1945](#) and its regulations. There is a separate set of regulations for each UNSC sanctions regime. Australia is obliged to implement UNSC sanctions regimes as a matter of international law and as Australia is a member of the United Nations ('UN').
- Australian Autonomous Sanction regimes are primarily carried out under the [Autonomous Sanctions Act 2011](#) and its regulation. These autonomous sanctions regimes are implemented as a matter of foreign policy, and may supplement UNSC sanctions regimes, or be separate from them.

(21) Sanctions are measures not involving the use of armed force imposed in situations of international concern. Sanctions:

- aim to limit the adverse consequences of a situation of international concern, using penalties and influence in order to modify behaviour. Examples of situations of international concerns include when there is grave repression of human rights, proliferation of weapons, terrorism activities, or armed conflict;
- may include prohibitions on activities that relate to particular countries, goods and services, or persons and entities, including:
 - restrictions on trade in goods and services (import and export);
 - restrictions on engaging in commercial activities;
 - targeted financial sanctions (including controlled assets) on designated persons and entities; and

- iv. travel bans on certain persons (e.g. the entry into or transit through Australia of a Designated Person or a declared person).

(22) Where Sanctions measures apply, UNE may be limited in its ability to progress an activity including:

- a. offer a person employment at UNE or admission into a research or coursework academic program;
- b. undertake a procurement relating to specific types of goods or services entities or countries;
- c. loan Collections related materials to or from sanctioned countries or regimes;
- d. approve travel (staff or students) to some countries subject to sanctions;
- e. present at conferences on certain topics in countries subject to sanctions;
- f. invite a person to visit a University campus or for a speaking arrangement;
- g. establish an articulation or partnership agreement or research collaboration;
- h. have financial dealings including with designated persons or entities; or
- i. to conduct other activities involving persons, entities or countries subject to sanction measures.

(23) UNE Representatives should consider whether sanction measures may apply to a specific activity. The process for assessing if sanctions apply and having that assessment approved and implementing the decision is detailed in Table 2 below, and involves:

- a. undertaking a due diligence process to assess if sanctions may apply to a proposed activity and if required:
 - i. seeking approval to uphold sanctions; and
 - ii. implement decisions made relating to sanctions.

Tip 2: When considering if sanctions measures might apply to a person or entity, it is important to consider whether close associates of the person or an organisation might be a subsidiary or owned by an entity that is subject to sanctions. Where there is some uncertainty or concern, UNE staff should contact UNE's Legal Services . Legal Services may contact DFAT to make further enquiries.

Tip 3: For some activities involving entities/international collaborations or repeat suppliers, a search regarding sanctions may have already been conducted. You may wish to contact legal@une.edu.au or records@une.edu.au to confirm if a previous assessment has been made and if so, you may be able to use this as the basis for the current review.

(24) UNE Representatives should use the information provided by the Department of Foreign Affairs and Trade (DFAT) to check for potential sanctions that apply to their activity. DFAT's Autonomous Sanctions Office website provides guidance regarding:

- a. countries subject to Sanctions Regimes;
- b. the specific sanctions measures for each regime; and
- c. the Consolidated list with names of designated persons and entities. This list must be referred to before any approvals of international collaboration are requested.

(25) Managers should take steps to support the effective application of this Policy within their area.

- a. Where interaction with overseas parties or suppliers is a regular occurrence (see identified activities in Table 2 below), checking for the applicability of autonomous sanctions should be agreed by the area Manager/Supervisor and built into business as usual processes.

- i. Staff in these areas should receive an induction covering:
 - Autonomous Sanctions requirements;
 - how to look up what countries, regimes, entities or persons are subject to sanctions measures;
 - how to subscribe to the DFAT notifications so that they have regular updates on changes to sanctions measures;
 - how to undertake a preliminary assessment as to whether or not sanctions might apply and how to seek approval of that assessment;
 - if it is agreed that sanctions apply – what steps need to be taken in terms of communications with interested parties; and
 - how to save records of Autonomous Sanctions assessments in the University Records Management System.
- ii. Wherever possible, process flowcharts, system workflows or alerts should be used to help support routine checking for sanctions and the recording of decisions.
- b. In the case of one-off decisions (for example importing a specific item from an overseas supplier or determining if a potential guest speaker is subject to sanctions measures), the UNE Representative should complete the Autonomous Sanctions Assessment form and seek approval by the relevant committee, Dean or Director.
 - i. Managers, Deans and Directors should be aware that reorders or extension of initial arrangements should trigger a further check of potential sanctions.
- c. For ongoing activities (for example partnerships, agreements or ongoing contractual/commercial arrangements) Managers should consider whether Autonomous Sanctions measures might apply both:
 - i. at the planning stage (using the Autonomous Sanctions Assessment form); and
 - ii. during the course of the arrangement, by
 - being aware of changes to Autonomous Sanctions measures. Staff involved with regular checking can subscribe to DFATs email notifications of changes; and
 - establishing a periodic (six-monthly) reminder or notification within UNE's contracts management system, to trigger a review of whether there have been changes which cause sanctions measures to now impact the arrangement.

Specific UNE activities where checking for sanctions is required

(26) There are a number of areas of UNE's operations where checking for sanctions might apply including:

- a. Higher Degree Research (HDR) Student Admission: Sanctions measures can limit research and knowledge exchange in certain identified fields of study, and supply of services to persons from sanctioned countries may be prohibited.
 - i. HDR applications from students from sanctioned countries are to be screened to ensure their intended HDR study and/or subjects do not contravene the UNSC or Australian Autonomous Sanctions.
 - ii. Persons or entities sponsoring/supporting HDR candidates should also be screened.
- b. Recruitment of UNE employees: Sanction measures can limit the employment of individuals from sanctioned countries in certain identified fields of study or areas that have prohibited sharing of proscribed technical expertise.
 - i. All citizens from sanctioned countries applying to work at UNE, must be screened by UNE's People and Culture Directorate to ensure their employment does not breach UNSC or Autonomous sanctions.
- c. International Collaborations and Partnerships: Undertaking certain commercial activities with, providing services to or receiving services from a country, regime, entity or person subject to sanctions measures may be prohibited.
 - i. All potential UNE collaborations with international partners are to be assessed for compliance with

Autonomous Sanctions, both prior to commencement of the collaboration, and periodically during the collaboration (the latter is required in case sanctions measures are applied during the life of the agreement or collaboration)

- d. Collections Loans, Services or Export of Goods (Outbound): Loans or suppliers of services or equipment to persons or entities based overseas may be subject to sanctions.
- e. Consultancy: UNE Representatives aiming to provide consultancy or other services, or to share or sell equipment/goods need to be aware if sanctions measures apply to the country or persons/entities with which they are dealing.
 - i. Sanctions may apply even if there is no monetary exchange for the services or goods.
- f. Procurement of Goods or Services (Inbound): Importing supplies or equipment (restricted assets) or services from international sources may be subject to sanctions measures.
 - i. UNE Representatives need to be aware of sanctions that apply to the country that they might be purchasing equipment or supplies from, and to identify alternate suppliers where sanctions are in place.
- g. Overseas Conference Presentations and Travel: UNE Representatives presenting at international conferences must not knowingly provide technical advice, assistance or training to a person from a sanctioned country on any of the sanctioned themes and may not deal with any persons or entity subject to sanctions.
 - i. UNE Representatives need to be aware of sanctions that apply to the country they intend to travel to and may be limited in their ability to share knowledge or research in certain identified fields of study.
- h. Other: Where a UNE Representative is involved in any other activity (not identified above) involving a person or an entity or other engagement with an overseas country, they should undertake an assessment for sanctions prior to proceeding.

Support and Potential Breaches

(27) Where a UNE Representative is uncertain about the application of sanctions they should alert their Manager and seek advice from Legal Services.

(28) Where a UNE Representative becomes aware of an activity that may be a breach of sanctions, they must report this matter using this form emailed to legal@une.edu.au.

- a. General queries as to whether or not an activity might represent a breach of sanctions can be sought from Legal Services.
- b. Where serious internal misconduct is suspected, advice can be sought from the Head of Internal Audit in the first instance regarding whether the matter falls under the [Public Interest Disclosure and Whistleblower Policy](#).
- c. Serious matters of potential sanctions breaches can also be notified to the Australian Sanctions Office of the Department of Foreign Affairs and Trade via sanctions@dfat.gov.au or to the Australian Federal Police.

Part C - Modern Slavery

(29) Australia has both State and Commonwealth legislation covering modern slavery.

(30) Under the Modern Slavery Act 2018 (Cth) there are 8 types of serious exploitation that falls under the definition of 'modern slavery'. This includes trafficking in persons; slavery; servitude; forced marriage; forced labour; debt bondage; deceptive recruiting for labour or services; and the worst forms of child labour (e.g. where children are subjected to slavery or similar practices, or engaged in hazardous work).

(31) Modern slavery is most prevalent in countries with highly repressive regimes and conflicts (<https://www.globalslaveryindex.org/2018/findings/global-findings/>) but there are also instances of modern slavery in

Australia (see Anti-Slavery Australia: <https://antislavery.org.au/modern-slavery>)

(32) The University and UNE Representatives will help ensure modern slavery risk is minimised by:

- a. understanding our providers and partners and requesting information about their operations and supply chains both at the commencement of the relationship and during periodic reviews;
- b. taking conscious steps to choose/support partners, goods suppliers and service providers who can demonstrate that they too are not directly or indirectly supporting modern slavery practices; and
- c. to provide a Modern Slavery Statement outlining how UNE manages modern slavery risk.

(33) UNE Representatives are required to take steps (refer process steps in Table 2) to ensure that their activities on behalf of the University do not expose the organisation to modern slavery risk. This includes:

- a. be aware of countries and industries (e.g. extractives, textiles and fashion, fishing, electronics, cleaning, and agriculture) where there is considered to be a high risk of modern slavery (see <https://www.homeaffairs.gov.au/about-us/our-portfolios/criminal-justice/people-smuggling-humantrafficking/modern-slavery>);
- b. be conscious when identifying potential equipment and goods suppliers to know the source of their products and, if possible, how they source their raw inputs before purchasing from them (tip: you can contact UNE's Procurement Team to leverage UNE's membership of an ethical procurement network);
- c. make sure our agreements for research and partnerships have considered modern slavery prevention (many UNE standard agreements now include relevant clauses that help us prevent modern slavery – ask Legal Services for drafting advice);
- d. choose ethical service providers when traveling, considering reputable accommodation providers as choice for conferences and the like; and
- e. consider the risk of modern slavery in research ethics applications.

Part D - Due diligence process

(34) UNE Representatives should follow the due diligence process outlined in Table 2 before proceeding with their activity.

(35) Please note that a record of all actions and decisions relating to this Policy must be kept in the appropriate container in the University's Records Management System. For confirmation of the relevant records storage file contact the Records Team via records@une.edu.au.

Table 2: Process for assessing and reporting Foreign Interference, Foreign Transparency, Modern Slavery and Autonomous Sanctions risk

| Step 1 - Confirm if the activity might be subject to sanctions, or at risk of foreign interference or modern slavery | Step 2 - Check the details of Sanction Measures or restrictions on designated persons/entities | Step 3 - Make a recommendation and seek a review of the assessment | Step 4 - Action the decision to apply sanctions or move forward with the activity |
|--|---|---|--|
| 1. Conduct due diligence regarding persons or entities or countries; 2. Identify government and related entities or institutions without institutional autonomy engagements on the checklist; 3. Check the risk register for foreign interference or modern slavery risks; 4. Search the information on the DFAT Autonomous Sanctions Office webpage to confirm if a sanctioned country or a designated person or entity are party to the activity (See Tip 2 and Tip 3 below). | 1. Make an assessment of the level of risk of modern slavery or foreign interference (see Checklists) 2. Make a record of any potential sanction measures or restrictions that appear to apply (see Checklists). | 1. Seek approval from your supervisor regarding the assessment of whether or not autonomous sanctions* may apply. | 1. Legal Review and Executive signoff is required if sanctions are to be applied and/or if there is a reasonable level of risk that activities might be subject to foreign interference or modern slavery risk. 2. In these cases, contact with relevant Authorizing Officer and further due diligence may be taken before a final decision is made re actions. |

(36) In exceptional circumstances, following Legal Services review and Vice-Chancellor and Chief Executive Officer approval, an application to the government for a sanctions permit may be considered.

Section 2 - Quality Assurance

(37) To monitor the effective application of this Policy, the Director Governance and University Secretary will:

- report periodically on the frequency and complexity of assessment activities and level of risk to the Senior Executive Team, and impact;
- confirm with various operational areas that staff inductions and training is being provided to support these assessments and approval pathways and options for reporting potential breaches of sanctions law if needed;
- periodically invite feedback from Legal Services and staff from the various operational areas who have been involved in assessing potential sanctions restrictions, with a view to reviewing and updating guidance as part of a continuous improvement program; and
- regularly review that the requirements for recordkeeping in relation to this Policy are being followed.

Authority and Compliance

(38) The Vice-Chancellor and Chief Executive Officer makes this policy pursuant to Section 29 of the [University of New England Act 1993](#).

(39) Roles and Responsibilities

| Roles | Responsibilities |
|---|--|
| Department of Foreign Affairs and Trade - Autonomous Sanctions Office (website link) | Regulates sanctions for the Australian Government. Maintains information about Autonomous Sanctions – including those countries/regimes, entities and individuals who may be subject to sanctions. DFAT's sanctions office can provide help for queries regarding sanctions regimes. UNE is required to contact DFAT where it is believed there is a real or potential breach of Australian sanctions law. This can be done directly or via Legal Services. |

| Roles | Responsibilities |
|---|---|
| Department of Home Affairs – National Security Office (countering foreign interference ; Criminal Justice office (countering modern slavery) | Department of Home Affairs National Security Office provides information about foreign interference in Australia and strategies to counter this. UNE is required to report potential foreign interference and maintain a register regarding potential foreign influence or advocacy. The Australian Border Force (ABF) leads the Government’s response to modern slavery and is responsible for implementing the Act. UNE is required to submit its modern slavery statement to the Department of Home Affairs and Australian Boarder Force (BF) DFAT where it is believed there is a real or potential breach of Australian sanctions law. This can be done directly or via Legal Services. |
| Vice-Chancellor and Chief Executive Officer and/or Executive Team (ExT) | The Vice-Chancellor and Chief Executive Officer and/or ExT may consider relatively complex sanctions related matters to make a determination about whether sanctions measure will apply, seeking advice from Legal Services and or the Australian Government as required. |
| Managers/Supervisors | Managers and Supervisors are responsible for ensuring that staff in their area are aware of this Policy and have induction/training in their use. Managers and Supervisors are asked to endorse the outcomes of initial due diligence checklist – satisfying themselves that there is either little or no risk of the proposed activity being at risk of foreign interference, or sanctions or modern slavery and relevant assessments are saved in records system, or requesting a matter be further reviewed and checked by Senior Executive or UNE Legal Services. |
| Head Strategic Procurement | UNE’s Strategic Procurement area have a key role to assist with due diligence processes to assess international and domestic suppliers to UNE of goods and services, and also have a role in assessing risks where UNE is providing goods or services to other providers. |
| Legal Services | Reviews formal Autonomous Sanctions Risk Assessments/Foreign Interference and transparency Checklists and Modern Slavery Risk Assessments and provides advice as required regarding applicability of relevant laws. Contacts Director Governance and University Secretary or delegate re contracts relating requiring reporting. |
| Director Governance and University Secretary (or delegate) | Receives formal Autonomous Sanctions Risks Assessments/Foreign Interference and Transparency Checklists and Modern Slavery Risk Assessments. Maintains register of contracts required to be reported under Foreign Transparency (State and Territories) Act transparency relationships. |
| UNE Representatives | UNE Representatives are required to consider and adhere to this Policy when planning international activities. |

(40) The Policy Steward, Director Governance and University Secretary, is authorised to make toolkits and other supporting materials to support the operation of this University Policy. Those toolkits and materials must be compatible with the provisions of this Policy.

(41) This Policy operates as and from the Effective Date.

(42) This Policy is consistent with the [Foreign Influence Transparency Scheme Act](#) and the Australian Government Department of Education Guidelines to Counter Foreign Interference in the Australian University Sector; [Autonomous Sanctions Act 2011 \(Cth\)](#) and [Autonomous Sanctions Regulations 2011 \(Cth\)](#); the [Modern Slavery Act 2018 \(Cth\)](#) and [Modern Slavery Act 2018 \(NSW\)](#), [Defence Trade Controls Act 2012 \(Cth\)](#), [Defence Trade Controls Regulation 2013](#) and [Nuclear Non-Proliferation \(Safeguards\) Act 1987 \(Cth\)](#).

(43) Notwithstanding the other provisions of this University Policy, the Vice-Chancellor and Chief Executive Officer may approve an exception to this Policy where the Vice-Chancellor and Chief Executive Officer determines the application of the Policy would otherwise lead to an unfair, unreasonable or absurd outcome. Approvals by the Vice-Chancellor and Chief Executive Officer under this clause must:

- a. not be contrary to the legislation;

- b. be documented in writing;
- c. state the reason for the exception; and
- d. be recorded in the University's electronic Records Management System in accordance with the [UNE Records Management Rule](#).

Section 3 - Definitions

(44) Foreign Interference occurs when activities are carried out by, or on behalf of a foreign actor, which are coercive, covert, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests.

(45) Foreign influence includes when a government, including Australia, seeks to influence deliberations on issues of importance to them. These activities, when conducted in an open and transparent manner, are a normal aspect of international relations and diplomacy and can contribute positively to public debate.

(46) Facilitation payments are payments made to officials with the intention of expediting an administrative process. The payment is meant to smooth the process of a service that the payer is legally entitled to. Facilitation payments are considered bribes and are prohibited by law.

(47) Foreign nationals may include, but are not limited to, embassy or foreign government officials, including trade or business representatives.

(48) Institutional autonomy – a foreign university does not have institutional autonomy when it is substantially under the control of a foreign government (including government or political appointees to the governing body), or its education, research or the academic staff are required by law or the university's governing documents to adhere to political principles or doctrine. A foreign university's governing body may be referred to as the university council, committee, primary committee, senate or board of trustees.

(49) Modern Slavery means serious exploitation practices including as outlined within the Modern Slavery Act 2018 (Cth) trafficking in persons; slavery; servitude; forced marriage; forced labour; debt bondage; deceptive recruiting for labour or services; and the worst forms of child labour (e.g. where children are subjected to slavery or similar practices, or engaged in hazardous work).

(50) The following definitions should be read in conjunction with the [Autonomous Sanctions Regulations 2011](#)

- a. Controlled Asset means an asset owned or controlled by a designated person or entity.
- b. Designated Person or Entity means a person or entity that has been designated under paragraph 6(1)(a) or (2)(a) of the [Autonomous Sanctions Regulations 2011](#). A person may also be declared under paragraph 6(1)(b) or (2)(b) for the purpose of preventing the person from travelling to, entering or remaining in Australia.
- c. Export Sanctioned Goods means:
 - i. the goods in the table in subregulation 4(2); and
 - ii. goods designated under subregulation 4(3) of the [Autonomous Sanctions Regulations 2011](#).
- d. Import Sanctioned goods means goods designated under subregulation 4A(1) of the [Autonomous Sanctions Regulations 2011](#).
- e. Sanctioned Commercial Activity has the meaning given by regulations 5A, 5B and 5C, but does not include an activity specified in a legislative instrument under regulation 5D, of the [Autonomous Sanctions Regulations 2011](#).
- f. Sanctioned Import has the meaning given by regulation 4A, but does not include an activity specified in a legislative instrument under regulation 5D of the [Autonomous Sanctions Regulations 2011](#).
- g. Sanctioned Supply has the meaning given by regulation 4, but does not include an activity specified in a

legislative instrument under regulation 5D of the [Autonomous Sanctions Regulations 2011](#).

- h. Sanctioned Services has the meaning given by regulation 5, but does not include an activity specified in a legislative instrument under regulation 5D of the [Autonomous Sanctions Regulations 2011](#).

Status and Details

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|---------------------------|--|
| Status | Current |
| Effective Date | 18th April 2023 |
| Review Date | 18th April 2024 |
| Approval Authority | Vice-Chancellor and Chief Executive Officer |
| Approval Date | 18th April 2023 |
| Expiry Date | To Be Advised |
| Unit Head | Kate McNarn Director Governance and University Secretary |
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Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"HDR Student" - Means an HDR candidate who is enrolled in an higher degree research program at UNE.

"HDR Candidate" - Means a Higher Degree Research student.

"Commercial Activity" - A commercial activity is any activity engaged in, by, or on behalf of the University in the exercise of commercial functions of the University; and any other activity comprising the promotion of, establishment of, or participation in any partnership, trust, company, or other incorporated bodies, or joint venture, by or on behalf of the University, that is for the time being declared to be a commercial activity. Examples of a commercial activity include: being a member or holding securities of another legal entity; holding academic partnerships and collaborations with other organisations; articulation and pathway arrangements with other organisations; research commercialisation (with the exception of research conducted for the University by a member of the University's academic staff); leases and other occupancy agreements (with the exception of study centre premises); and, legal agreements with another party, excluding Students, under which the University agrees to provide goods or services. The following activities are not considered to be commercial activities: the delivery by University staff of the University's academic programs to its Students; and, the Joint Medical Program delivered by the School of Rural Medicine and the University of Newcastle.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"University Representative" - University Representative means a University employee (casual, fixed term and permanent) contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person

engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Academic Freedom" - Academic Freedom includes: the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research; the freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research; the freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled; the freedom of academic staff to participate in professional or representative academic bodies; the freedom of students to participate in student societies and associations; the autonomy of the higher education provider in relation to the choice of academic courses and offerings, the ways in which they are taught and the choices of research activities and the ways in which they are conducted. Academic Freedom is supported at UNE by the Freedom of Speech Principles and Academic Freedom Statement and Policy, and this definition should be read in conjunction with those documents.