

# Defence Trade Controls Act - Compliance and Administration Procedure

## Section 1 - Purpose

(1) This procedure supports the [Research Policy](#) by stating detailed requirements to ensure that Charles Sturt University (the University) meets its obligations under the [Defence Trade Controls Act 2012](#).

### Scope

(2) This procedure applies to anyone who conducts, supervises or supports research as a member of the University community or on behalf of the University, including:

- a. staff, adjunct staff, students or visitors to the University;
- b. consultants and contractors;
- c. staff and students of partner organisations; and
- d. staff and students on international exchange both from and to the University.

### References

(3) Where supporting documents are referenced in this procedure, they will be listed in the associated information tab.

## Section 2 - Glossary

(4) Most terms in this procedure are defined in the glossary section of the [Research Policy](#). For the purposes of this procedure, the following additional terms have the definitions stated:

- a. Defence Export Controls - means the Government office responsible to the Minister for Defence for regulating the export of defence and dual-use goods as part of Australia's system of export controls.
- b. Defence Trade Controls Committee - means the University committee established to support and oversee compliance with the Defence Trade Controls Act.
- c. Intangible supply - means the supply of information through ephemeral means, such as an email to an overseas recipient or conference presentation.
- d. Permit - means a permit issued by Defence Export Controls.
- e. Publish or publication - in relation to [Defence and Strategic Goods List](#) (DSGL) technology, means information accessible in the public domain, including publication in any journals, password protected sites, or sites requiring subscriptions or payments.
- f. Supply - in relation to DSGL technology, means providing access to DSGL technology.
- g. Trade - in relation to DSGL technology, means publication, supply, or intangible supply.

## Section 3 - Policy

(5) This procedure supports the [Research Policy](#) and should be read alongside that policy.

## Section 4 - Procedure

### Part A - Self-assessment of research projects

(6) All researchers must conduct a self-assessment of their research projects and proposed publications using the [Online Defence and Strategic Goods List Tool](#) on the Defence Export Controls website, to determine whether a permit is required.

(7) If the result of the self-assessment is unclear, the researcher(s) must apply to the Defence Trade Controls Committee, which will apply to the Defence Export Controls for an assessment. The relevant application form can be downloaded from the [Defence Trade Controls Committee web page](#).

(8) Types of goods and technologies that may require a permit are as follows:

- a. The Defence Strategic Goods List Part 1 covers military goods and technologies and non-military but lethal goods and technologies:
  - i. Military platforms and components.
  - ii. Weapons and ammunition.
  - iii. Chemical and biological warfare agents.
  - iv. Explosives.
  - v. Electronic systems and equipment.
  - vi. Software and technology.
  - vii. Civilian firearms (pistols, rifles, shotguns), ammunition, accessories and production equipment.
  - viii. Certain commercial explosives.
  - ix. Airguns.
- b. The Defence Strategic Goods List Part 2 covers dual-use goods and technologies:
  - i. Nuclear materials, facilities and equipment.
  - ii. Materials, chemicals, micro-organisms, and toxins.
  - iii. Materials processing.
  - iv. Electronics.
  - v. Computers.
  - vi. Telecommunications and information security.
  - vii. Sensors and lasers.
  - viii. Navigation and avionics goods and technologies.
  - ix. Marine goods and technologies.
  - x. Aerospace and propulsion goods and technologies.

(9) The Minister for Defence can prohibit any publication if they believe the publication would prejudice Australia's national security or international obligations.

## Part B - Research involving Defence and Strategic Goods List technology

(10) Where a researcher's self-assessment or Defence Export Controls' assessment of a research project of publication identifies that a permit is required, the researcher must:

- a. visit the [Defence Trade Controls Committee web page](#) for details on how to apply for a permit, or contact the committee for further advice;
- b. undertake the training required by the Defence Trade Controls Committee and this procedure;
- c. apply to the Defence Trade Controls Committee for a Defence Export Controls permit: written approval must be granted before the research is published;
- d. comply with all conditions of the permit;
- e. ensure the required records are kept; and
- f. take all reasonable steps to establish whether they are dealing with people who will use the exported or supplied items for legitimate purposes.

### Record-keeping in relation to permits

(11) Under section 6 of the [Defence Trade Controls Act 2012](#) and section 6 of the [Defence Trade Controls Regulation 2013](#), a holder of a permit under the Act must keep the following records of any supply they make under the permit:

- a. A description of the [Defence and Strategic Goods List](#) (DSGL) technology supplied.
- b. The unique identifier of the permit.
- c. The name of anyone to whom the permit holder supplied the technology.
- d. For each supply:
  - i. the date of the supply; or
  - ii. if the permit covers the supply for a period of time, the period or periods of time during which the permit holder supplied the DSGL technology.

(12) The permit holder must retain the records for five years from the date of supply or from the end-date of the period of supply allowed by the permit, whichever is longer.

## Part C - Training

(13) All staff in the following categories must undertake training specified by the Defence Trade Controls Committee:

- a. All staff from the following schools and centres who have 'research' in their position description:
  - i. School of Agricultural, Environmental and Veterinary Sciences
  - ii. School of Animal and Veterinary Sciences
  - iii. School of Biomedical Sciences
  - iv. School of Nursing, Paramedicine and Healthcare Sciences
  - v. CSU Engineering
  - vi. Australian Graduate School of Policing & Security
  - vii. Centre for Customs and Excise Studies
  - viii. School of Computing, Mathematics and Engineering
- b. Heads of school and equivalent (such as centre directors)
- c. Research centre directors
- d. Laboratory managers

- e. Chair, Human Research Ethics Committee
- f. Chair, Animal Care and Ethics Committee
- g. Staff who self-assess or are identified by heads of schools or research centre directors as conducting activities that may fall within the scope of the [Defence Trade Controls Act 2012](#).
- h. Higher degree by research students as directed by their supervisor or head of school.

(14) Training will be:

- a. internal training specified by the Defence Trade Controls Committee, which is to be completed at least once every two years; and
- b. online training provided by the [Defence Export Controls Awareness Training](#) website, or an equivalent government resource.

## **Section 5 - Guidelines**

(15) The [Defence Trade Controls Publication and Supply Guidelines](#) may help researchers determine whether they will be publishing or supplying a controlled technology.

## Status and Details

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