

# Defence Trade Controls 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. National Security Compliance 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 - Permits

- (6) Research activities that contain DSGL technology may require a permit from [Defence Export Controls \(DEC\)](#).
- (7) Researchers will not supply, publish or broker DSGL technology unless authorised to do so.
- (8) Permits are issued by [DEC](#) to Charles Sturt University and the National Security Compliance Committee (NSCC) will apply to the [DEC](#) for a permit as required on behalf researchers and the University.
- (9) The NSCC will register with the [DEC](#) on behalf of the University for a DEC Client Registration Number (DCRN) and maintain its currency.
- (10) 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 records of any supply they make under the permit. The Research Integrity Unit will record the following information:
- a. The name of the researcher and details of the research project in which the activity resulting in supply or publication will occur.
  - b. A description of the DSGL technology supplied under the permit.
  - c. The permit number under which the DSGL technology is supplied.
  - d. The name of the person the DSGL technology was supplied to.
  - e. For each supply of DSGL technology under the permit, the date of supply or the period(s) of time during which the DSGL technology was supplied.
  - f. Any conditions made by the [DEC](#) on granting a permit.
- (11) Records must be maintained 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 B - Self-assessment of research projects

- (12) 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.

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

(14) 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 for their research activity.

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

## **Part C - Research involving Defence and Strategic Goods List technology**

(16) Where an 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 National Security Compliance Committee and this procedure,
- c. apply to the National Security Compliance Committee for a [Defence Export Controls](#) permit. Written approval must be granted and the permit received before the research activities involving export, supply, publishing or broker of controlled goods, software or technology can occur,
- 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.

(17) When applying to the NSCC for a permit, researchers must submit the following:

- a. an application for a Defence Export Controls permit, including a brief description of the research activities being undertaken, details of the intended recipient of the supplied item or technology and the dates and timeline of supply,
- b. a copy of the self-assessment result from the [Online Defence and Strategic Goods List Tool](#), and
- c. a copy of the University's Defence Export Controls Compliance Checklist available from the NSCC website.

### **Record-keeping in relation to permits**

(18) 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.

(19) 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 D - Training

(20) All staff in the following categories must undertake training specified by the National Security Compliance Committee:

- a. All staff from the following schools and centres who have 'research' in their position description, including adjuncts at the discretion of the head of school:
  - i. School of Agricultural, Environmental and Veterinary Sciences
  - ii. School of Dentistry and Medical Sciences
  - iii. School of Rural Medicine
  - iv. School of Nursing, Paramedicine and Healthcare Sciences
  - v. School of Computing, Mathematics and Engineering
  - vi. Australian Graduate School of Policing & Security
  - vii. Centre for Customs and Excise Studies.
- b. Heads of school and equivalent (such as centre directors)
- c. Centre directors
- d. Laboratory managers
- e. Presiding officer, Human Research Ethics Committee
- f. Presiding officer, 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.

(21) Training will be:

- a. internal training specified by the National Security Compliance 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

(22) 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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