Export Controls Procedure

Section 1 - Purpose

(1) This Procedure sets out the actions and responsibilities through which the University and its Controlled Entities will meet its export controls obligations in accordance with the University's' Export Controls and Sanctions Policy.

Scope

(2) This Procedure applies to all staff, researchers, students and other relevant personnel at all campuses and locations of the University and its Controlled Entities, including contractors, trainees, agents, visitors, associates, honorary appointees, conjoints and consultants of the University who work with controlled goods, technology and software as defined in the Export Controls and Sanctions Policy.

(3) All staff, researchers, students and other relevant personnel are responsible for complying with export control and sanctions laws in the conduct of the University-related activities, and must exercise due diligence and reasonable precaution when dealing with matters that may fall within the scope of the Export Controls and Sanctions Policy.

Section 2 - Policy

(4) Refer to the Export Controls and Sanctions Policy.

Section 3 - Procedures

Responsibilities and Required Actions

Staff, Researchers, Students and Other Relevant Personnel

(5) All staff, researchers, students and other relevant personnel are to:

a. self assess their activities against the below questions:
    i. Do you design, test or advance the development of controlled technology?
    ii. Is the technology you work on listed on the Defence Strategic Goods List?
    iii. Do you claim any intellectual property relating to this technology?
    iv. Do you share files relating to this technology with non-Australian citizens?
    v. Do you physically export the technology to foreign destinations?
    vi. Do you provide training on the technology to non-Australian citizens?
    vii. Is your work intended for military end-use?
b. use the Am I In Scope? tool search tool to identify if their intended activities constitute regulated activities or regulated research; and
c. seek signature by the Chair of the Research Risk Review Committee for end-user certifications requested by third-parties seeking to supply the University with controlled technology, goods or software.

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(6) If the activity is regulated, refer the activity to the University's Responsible Officer for Export Controls who will assess whether a permit, licence or exemption is required for the activity.

(7) If you have been unable to determine if the activity is controlled and you believe the goods, software or technology are listed in the Defence Strategic Goods List, please contact the University's Responsible Officer (RO) for Export Controls and Sanctions at the nominated contact address.

(8) The contact address for the RO for Export Controls and Sanctions is defencetradecontrols@mq.edu.au.

(9) The RO will undertake a Due Diligence Assessment with the Chief Investigator or Financial Delegate responsible for the intended activity and submit this Assessment to the Chair of the Research Risk Review Committee for approval (The Chair). The Chair will review the Assessment and decide if the activity requires a Technology Control Plan (TCP) to proceed. If a TCP is required, it will be developed by the RO in collaboration with the Chief Investigator and Financial Delegate to ensure an intended activity is compliant with relevant regulations.

(10) The Chair will review the TCP and request amendments if appropriate. The Chair is responsible for approving the TCP.

(11) After a TCP is approved by the Chair, the RO is responsible for implement the TCP in collaboration with the identified personnel who are authorized by the TCP to interact with the controlled technology. A TCP may include actions such as undertaking a Research Risk Review under the Research Risk Review Procedure, applying for permits or licences, developing documentation for claiming an exemption under a relevant regulation, developing record keeping procedures, or other actions deemed appropriate to comply with relevant regulations.

(12) The Due Diligence Assessment, the TCP and any relevant records for the regulated research activity will be managed by the RRRC and reviewed annually by the RO.

Importing Controlled Items

(13) University personnel may be requested to sign an end-user certificate by a third-party seeking to supply controlled items to the University. End-user certificates that are required for the purpose of the University procuring controlled items must be signed by the Chair of the Research Risk Review Committee, their delegate, or the Deputy Vice-Chancellor (Research). University personnel who require an executed end-user certificate must contact defencetradecontrols@mq.edu.au to seek this signature.

Section 4 - Guidelines

(14) Nil.

Section 5 - Definitions

(15) The following definitions apply for the purpose of this Procedure:

a. Controlled Entity means a person, group of persons or body of which the University or the Council has control within the meaning of Section 39 (IA) or 45A (IA) of the Government Sector Audit Act 1983 (NSW).

Status and Details

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