

# Application for Approval – Overseas Collaboration FOREIGN INFLUENCES AND SANCTIONS



This checklist ***MUST be completed*** for ***all*** collaborations with foreign nationals and entities and overseas based individuals and entities. This document must be kept by the School or Centre on a HPRM file and shall be available for audit purposes.

## BACKGROUND

### SANCTIONS

Sanctions may be defined as measures not involving the use of armed force' imposed 'in situations of international concern'. Sanctions impose restrictions on activities that relate to particular countries, goods and services, or persons and entities.

Australia implements United Nations Security Council (UNSC) sanctions regimes and Australian autonomous sanctions regimes. Australia is obliged to implement UNSC sanctions regimes as a matter of international law. In addition, the Australian Government has decided to implement Australian autonomous sanctions regimes as a matter of Australian foreign policy.

Sanctions APPLY to collaborations with persons and entities from sanctioned countries and to collaborations with Designated individuals or entities. Those collaborators may be based in Australia or overseas. If a person is based in Australia and has Australian Permanent Residency or Australian Citizenship in addition to their citizenship from a sanctioned country, then the sanctions do not apply.

More information about UNSC sanctions and Australian Autonomous Sanctions is available from the Department of Foreign Affairs and Trade (DFAT) at <http://dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions.aspx>.

### FOREIGN INFLUENCE TRANSPARENCY SCHEME

The *Foreign Influence Transparency Scheme Act 2018 (FITS)* intends to make transparent the influence of foreign governments or political organisations where it occurs outside of easily recognised channels. Under FITS, a person is required to register within 14 days of undertaking a registrable activity where that activity is undertaken on behalf of a foreign principal.

Foreign principal means any of the following:

- A foreign government or political organisation.
- A foreign government related entity which is an entity other than an individual, who is related to a foreign principal that is a foreign government or a foreign political organisation and includes companies, political bodies and other entities that have a foreign principal that has the ability to exercise some form of control over them.
- A foreign government related individual. It does not simply mean a citizen of a foreign country – an individual is a foreign government-related individual if the individual is not an Australian citizen or an Australian permanent resident, and a foreign government, foreign government-related entity or foreign political organisation is able to exercise total or substantial control over the individual.

More information about the Foreign Influence Transparency Scheme is available from the Attorney-generals Department at: <https://www.ag.gov.au/transparency>.

## COLLABORATION APPROVAL

The Senior Deputy Vice-Chancellor will be the authority that will formally approve or reject collaborations where the collaborator is either a designated individual or entity or where the collaborator is from a sanctioned country. All other collaborations may be approved by the relevant school or centre head.

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SANCTIONED COUNTRIES	
<ul style="list-style-type: none"> <li>• Central African Republic (CAR)</li> <li>• Crimea and Sevastopol</li> <li>• Democratic People’s Republic of Korea (North Korea) [DPRK]</li> <li>• Democratic Republic of Congo</li> <li>• Eritrea</li> <li>• Former Yugoslavia</li> <li>• Guinea-Bissau</li> <li>• Iran</li> <li>• Iraq</li> <li>• ISIL(Da’esh) and Al-Qaida</li> <li>• Lebanon</li> </ul>	<ul style="list-style-type: none"> <li>• Libya</li> <li>• Myanmar</li> <li>• Russia</li> <li>• Somalia</li> <li>• South Sudan</li> <li>• Sudan</li> <li>• Syria</li> <li>• The Taliban</li> <li>• Ukraine</li> <li>• Yemen</li> <li>• Zimbabwe</li> </ul>
SECTION A: COLLABORATOR DETAILS	
<i>(To be completed by ECU Staff primarily involved in the collaboration)</i>	
A1: Person or Entity	
The collaborator is a:	
<input type="checkbox"/> person <input type="checkbox"/> entity	
A2: Person Collaborator (if not applicable then go to A3)	
Family Name	Given Name(s)
Which country/ies is the collaborator a citizen of?	
1. 2.	
Is the collaborator a permanent resident of Australia?	<input type="checkbox"/> Yes <input type="checkbox"/> No If YES proceed to Section E unless the collaborator resides in or intends on returning to a sanctioned country.
Does the collaborator hold an Australian Humanitarian Visa?	<input type="checkbox"/> Yes <input type="checkbox"/> No If YES proceed to Section E unless the collaborator resides in or intends on returning to a sanctioned country.

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Is the collaborator employed by, linked to, hold a scholarship from or receive financial support from an entity/government located in a sanctioned country? If yes please provide details (e.g. name of employer)		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Is the collaborator linked to a foreign government, foreign government-related entity or foreign political organisation in any way? If yes please provide full details		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
<b>A3: Entity Collaborator (if not applicable then go to Section B)</b>		
Full Name of Entity/ies		
Entity Address		
Registration or other Identification Number		
Is the entity collaborator a foreign government, a foreign political organisation or a foreign government related entity		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Comments		
<b>SECTION B: DETAILS OF COLLABORATION</b> <i>(To be completed by ECU Staff primarily involved in the collaboration)</i>		
<b>B1: School or Centre</b>		
<b>B2: Name of ECU staff member(s) involved in the collaboration and their roles</b>		
Name:	Name:	
Role:	Role:	

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**B2: Name/Title of Collaboration Project**

**B4: Intended area of research or other description of collaboration project – *please attach another sheet if necessary and include any other relevant documentation***

**SECTION C: DESIGNATED INDIVIDUALS AND ENTITIES**

*(To be completed by ECU Staff primarily involved in the collaboration)*

The Department of Foreign Affairs and Trade maintains a “Consolidated List” of persons and entities who are sanctioned. The persons and entities listed in the Consolidated List are subject to targeted financial sanctions or travel bans under Australian sanctions laws. DFAT maintain the Consolidated List and updates it regularly. The Consolidated List includes all persons and entities to which the *Charter of the United Nations Act 1945* and the *Autonomous Sanctions Act 2011* currently applies.

Under the *Autonomous Sanctions Act 2011* and its associated Regulations, the University is prohibited from providing an “asset” to any person or entity on the Consolidated List. An “asset” is defined broadly in section 2 of the [Charter of the United Nations Act 1945](#) to include an asset or property of any kind, whether tangible or intangible, movable or immovable, and however acquired. DFAT has informally advised that an “asset” includes (but is not limited to) any form of advice, assistance or training. In relation to collaborations, an asset can take the form of, for example, sharing research findings. Any form of commercial collaboration would also be prohibited.

The full Consolidated List can be accessed at:

<http://dfat.gov.au/international-relations/security/sanctions/Pages/consolidated-list.aspx#list>.

Staff that are unsure about whether an individual or entity is sanctioned should contact Legal and Integrity for assistance.

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**C1: Is the collaborator listed on the DFAT Consolidated List?**

<http://dfat.gov.au/international-relations/security/sanctions/Pages/consolidated-list.aspx#list>.

- Yes  
 No [Proceed to section D]

**C2: If the collaborator is listed on the DFAT Consolidated List, obtain primary ID or other documentation to verify that the collaborator is or is not the person or entity mentioned on the Consolidated List. List below and attach to this form the documentation obtained.**

**C3: Based on the above listed documentation, is the collaborator at risk of being the actual person or entity listed on the Consolidated List?**

- Yes  
 No

Please provide reasons for your answer.

**SECTION D: COLLABORATIONS WITH INDIVIDUALS OR ENTITIES FROM SANCTIONED COUNTRIES OR WITH FOREIGN PRINCIPALS**

*(To be completed by ECU Staff primarily involved in the collaboration)*

**D1: Is the collaboration with an individual or entity from a sanctioned country or with a foreign principal?**

- Yes  
 No

Please provide reasons for your answer.

**Send to the relevant school or centre head for review and completion of Section E.**

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<b>SECTION E: EXECUTIVE DEAN, DEAN OR DIRECTOR DECLARATION &amp; RECOMMENDATION</b>	
<p>I declare that:</p> <p>I am aware of the United Nations Security Council Sanctions, Australian Autonomous Sanctions and Foreign Influence Transparency Scheme (FITS) compliance obligations. The School/Centre has mechanisms in place to ensure adherence to the University compliance procedures in relation to sanctions and FITS. Based on the information provided within these documents and any attachments I conclude that:</p>	
<input type="checkbox"/>	The collaborator is a permanent resident of Australia and does not reside in or intend on returning to a sanctioned country (may be approved by the relevant school or centre head).
<input type="checkbox"/>	The collaborator holds an Australian Humanitarian Visa and does not intend on returning to a sanctioned country (may be approved by the relevant school or centre head).
<input type="checkbox"/>	The collaboration is with a designated individual or entity (requires review by Legal and Integrity and approval by the Senior Vice-Chancellor).
<input type="checkbox"/>	The collaboration is with an individual or entity from a sanctioned country (requires review by Legal and Integrity and approval by the Senior Vice-Chancellor).
<input type="checkbox"/>	The collaboration is with a Foreign Principal (requires review by Legal and Integrity and approval by the Senior Vice-Chancellor).
<input type="checkbox"/>	The collaboration is neither with a designated individual or entity nor with an individual or entity from a sanctioned country (may be approved by the relevant school or centre head).
<p>Based on the information provided herein the collaboration application is:</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Rejected</p> <p><input type="checkbox"/> Referred to Legal and Integrity</p>	
Comments:	
Name:	
School or Centre:	
Signature:	Date:

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SECTION F: LEGAL AND INTEGRITY	
Recommendation: <input type="checkbox"/> Approve <input type="checkbox"/> Refuse	
Justification:	
Name:	
Signature:	Date:
SECTION G: SENIOR DEPUTY VICE-CHANCELLOR	
Application: <input type="checkbox"/> Approved <input type="checkbox"/> Rejected	
Comments:	
Name:	Professor Arshad Omari
Signature:	Date:
Record Keeping	SUB/ _____ This document shall be kept by the School or Centre on a HPRM file