

DEFENCE EXPORT CONTROL POLICY

Policy Number:	TLR 8.06
Name of Policy:	Defence Export Control Policy (Issue Two)
Applicability:	Bond University Staff and Students
Policy Owner:	Deputy Vice-Chancellor (Academic)
Contact Person:	Director of Research Services
Policy Status:	Approved Policy
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Related policies:	Bond University Animal Research Ethics Policy (TLR 8.02) Bond University Human Research Ethics Policy (TLR 8.01) Code of Conduct Policy (HRP 3.05) Higher Degree Research Student Supervision Policy (TLR 8.04) Research Activity Policy (TLR 5.04) Research Data Management and Sharing Policy (TLR 5.12) Research Code of Conduct Policy (TLR 5.06)

1. STATEMENT OF INTENT

This Policy:

- 1.1 articulates the University's duty of care under the *Defence Trade Controls Act 2012* ([DTCA](#)). The DTCA has put in place control measures to regulate the [Export](#), [Publication](#) and supply from Australia to overseas locations of certain defence and strategic goods, software and technology (as listed in the Defence and Strategic Goods List ([DSGL](#))). The goods, software and technology may be tangible or intangible, and can include emails and/or published [Research](#);
- 1.2 provides the University's framework for managing its responsibilities under the DTCA. It sets out the requirements for all University staff, students and Researchers to comply with the DTCA.

2. DEFINITIONS

Brokering Occurs when a person or organisation acts as an agent or intermediary in arranging the Supply of DSGL goods, software or technology between two people and places located outside of Australia. For the activity to be considered Brokering, the person must receive money or a non-cash benefit or advance their political, religious or ideological cause for arranging the Supply.

Brokering controls apply even though the goods in question do not cross Australia's borders, and they also apply to Australian citizens and residents who act as brokers, no matter where in the world they are at the time.

Defence and Strategic Goods List ([DSGL](#)) The list of goods, software and technologies that is regulated by the DTCA and may need a permit or licence to be brokered, exported, published or supplied.

Export Tangible items are exported when sent overseas by ship, aircraft, post, courier, or as checked-in or hand-held luggage. Software and technology, such as diagrams and notes, are treated as tangible items if they are sent overseas in a medium such as CD, DVD, USB, computer hard drive or on paper.

Exports can be permanent (e.g., for sale to a foreign buyer), or temporary (e.g., for demonstration, exhibition, use at a conference or workshop, repair by the original equipment manufacturer, or for competition and sporting activities).

Publication	The Act of placing DSGL software or technology in the public domain via the internet or otherwise. For example, a person who publishes academic research into kinetic energy weapon systems included in a scientific journal would be publishing, and so is someone who releases software under open-source licensing conditions.
Research	For the purposes of this Policy, has the same meaning as used by both the Australian Code for the Responsible Conduct of Research (2018) as amended from time to time and the National Statement on Ethical Conduct in Human Research (2007 updated 2018) as amended from time to time, which define research as 'original investigation undertaken to gain knowledge, insight and understanding'.

3. THE POLICY

3.1 The University's Duty of Care

- a) The University attaches a high priority to understanding, and complying with, Australian export controls. The University will give priority to complying with all Australian export laws over our commercial interests.
- b) Academics, other staff and students will comply with export control procedures. The University will ensure that its employees are aware and trained in these procedures. Relevant employees will learn about, and strictly abide by, applicable national and international export control legislation and requirements.
- c) The University will neither directly nor indirectly supply commodities, technology or services overseas if it has reason to believe that such items will be used for the development or production of Weapons of Mass Destruction (WMD) or their delivery systems, unless permitted to do so by an approval issued by the relevant Australian Government agency.
- d) The University will exercise the same restraint domestically. If the University has reason to believe that a product or service could be diverted to a WMD or delivery system project in a sensitive country, it will not proceed with the transaction unless permitted to do so by an approval issued by the relevant Australian Government agency.
- e) The University will maintain contact with government agencies connected with export policy, e.g. the Defence Export Control Office ([DECO](#)), and the [Department of Foreign Affairs and Trade](#). In the event of any doubt about a transaction, the University will contact the responsible agency for information and advice. If concerns continue about the end-use of an item or a service, Bond University, its academics, staff and/or students, will not continue with the transaction.

3.2 Specifics of the DSGL

Goods listed in the DSGL may not be exported from Australia unless a permit has been granted by the Minister of Defence through the DECO. For the purposes of the DTCA, export includes, and is defined, as follows:

- [Supply of Export Controlled Technology](#)
- [Publication of Export Controlled Technology](#)
- [Brokering of Export Controlled Goods and Technologies](#)

An academic or student who generates goods, software or technology should use the [Self-Assessment Online Tool](#) to determine if an export permit will be needed. Any questions should be directed to the Office of Research Services in the first instance.

DECO provides several resources, accessible via the link at the bottom of this Policy, to assist researchers in complying with export control laws.

4. RELATED PROCEDURES

Defence and Strategic Goods List ([DSGL](#))

The [Online DSGL Tool](#) can assist researchers in determining if items are subject to export control and whether the export/supply/publication/Brokering activity requires a permit.

5. RELATED GUIDELINES AND FORMS

[Self-Assessment Online Tool](#)

[Export Controls FAQs](#)

Information on [DECO's website](#)