

HDR Sanctions Procedures

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1. Governing Policy

[Higher Degrees by Research Policy](#)

[HDR Supervisor Policy](#)

2. Purpose

- a. Flinders University is required to comply with the Australian Government's [Charter of the United Nations Act 1945](#) and related regulations (which implement United Nations Security Council sanctions) and the [Autonomous Sanctions Act 2011](#) and related regulations (which implement Australian autonomous sanctions). These laws and regulations have been enacted in response to '*situations of international concern*', including the '*grave repression of the human rights or democratic freedoms of a population by a government, or the proliferation of weapons of mass destruction or their means of delivery, or internal or international armed conflict*'¹.
- b. Both United Nations Security Council and Australian sanctions are punitive measures, that is, measures not involving the use of armed force, and can include:
 - i. partial or complete interruption of economic activity through the prevention of access to certain goods and technologies (including any corresponding technical advice or training), and/or
 - ii. prohibition on dealings with the assets of designated individuals or entities, and/or
 - iii. restrictions on transiting or travelling to Australia.
- c. There are serious penalties for breaches of sanction laws: individuals could be liable for a fine the greater of \$450,000 or three times the value of the transaction, or up to 10 years imprisonment; and the University could be liable for a fine the greater of \$1.8 million or three times the value of the transaction.
- d. University HDR candidature activities that present a significant risk include:
 - i. admission and enrolment
 - ii. receipt of fees, particularly tuition fees

¹ Department of Foreign Affairs and Trade, [About Sanctions](#)

- iii. the conduct of education and research training
 - iv. provision of access to and use of sanctioned goods held by the University, and
 - v. examination.
- e. These procedures are intended to ensure the University does not breach Australian sanction laws in respect of the activities listed in 2.d. above.

3. Sanctions regimes

The list of countries/regimes to which sanctions apply, and the nature of the sanctions, can be found on the [Department of Foreign Affairs and Trade \(DFAT\) website](#).

4. Procedures

4.1. HDR candidature admission and enrolment

- a. All international HDR candidature applicants will be screened against the DFAT Consolidated List. If an applicant is listed on the Consolidated List their application for HDR candidature will be rejected.
- b. Applications from citizens of sanctions regimes will be assessed for eligibility for enrolment as described below. Applicants will not be considered for scholarships until the assessment process is completed.
- c. The Principal Supervisor must complete the [HDR Sanctions Assessment Form](#) for any citizen of a sanctions regime who:
 - i. has applied for admission to HDR candidature, or
 - ii. is an enrolled student and requests a change to the time-based research project in an existing HDR candidature.
- d. The [HDR Sanctions Assessment Form](#) will be approved by the College HDR Coordinator and returned to the Office of Graduate Research with one of the following risk ratings:
 - i. Low risk – the research project shows no discernible association with sanctions regimes. The applicant will be offered candidature and, if applying for scholarships, will be added to the scholarship round that is open at the time of approval, not the time of application submission.
 - ii. Medium risk – the research project shows a tenuous relationship with sanctions regimes. The Principal Supervisor and/or College HDR Coordinator will be required to engage with the Defence Exports Officer, Research, Development and Support (RDS), for further advice including referral to DFAT. Once further advice has been provided and/or approval is granted by DFAT to proceed, the applicant will be offered candidature and, if applying for scholarships, will be added to the scholarship round that is open at the time of approval, not the time of application submission.
 - iii. High risk – the research project shows a clear association with sanctions regimes. The application for candidature and scholarship (if applied for) will be rejected.
- e. Based on the risk rating and any further advice from the Defence Exports Officer, the Dean of Graduate Research will formally approve or decline the HDR candidature application.
- f. The Office of Graduate Research will record a comment on the Student Information System for all HDR students from sanctions regimes.

4.2. Receipt of fees, particularly tuition fees from HDR students

- a. Many HDR students pay tuition fees. These payments may be made by the student personally, or by a sponsor who has accepted responsibility for the payment of the student's tuition fees to Flinders University.
- b. The Department of Home Affairs is responsible for the assessment of an international HDR student's visa application to study in Australia. Part of this assessment is to ensure that the prospective student is not a Prohibited Person and is not acting on behalf of or being funded by a Prohibited Person or Entity.

- c. The University relies upon due diligence checks performed by its Australian bank. This includes cross referencing any receipt of monies against, although not limited to, the DFAT Consolidated List. Enrolment will not be permitted if the due diligence checks reveal that the prospective student is being funded by a Prohibited Person or Entity.

4.3. Monitoring of HDR students' education and training

- a. When a HDR student is identified as a citizen of a sanctions regime, the student's conduct of education, research training and research collaboration activities, including student exchange, must be continually monitored by the student's Principal Supervisor and the relevant College HDR Coordinator, to ensure any changes to the HDR candidature do not contravene Australian sanction laws.
- b. Compliance with the approved HDR candidature will be monitored annually by the Office of Graduate Research using the [HDR Sanctions Assessment Form](#). Any changes to the approved HDR candidature will require the Principal Supervisor to re-assess the risk rating as provided in Procedure 4.1.

4.4. Monitoring access to and use of sanctioned goods

- a. The Principal Supervisor must review whether a student who is a citizen of a sanctions regime requires direct or indirect access to sanctioned goods during the HDR candidature application. If direct or indirect access to sanctioned goods is required, the nature of the access, and the use, and how the access and use will be monitored, must be determined through the completion of a risk assessment by the Principal Supervisor in accordance with the requirements of Australian sanction laws and, if applicable, any DFAT sanctions permit conditions.
- b. Any risk assessments and/or DFAT sanctions permits required for a HDR candidature will be monitored for compliance annually by the Office of Graduate Research using the [HDR Sanctions Assessment Form](#).

4.5. HDR examination

- a. When nominating examiners for all HDR candidatures, the Principal Supervisor must take into account whether sanction laws apply to potential examiners and provide the required information on the [Nomination of Examiners Form](#). The Office of Graduate Research, in consultation with the Defence Exports Officer (RDS), will assess potential examiners to ensure their engagement complies with Australian sanction laws.

5. Related documents

[HDR Admission and Enrolment Procedures](#)

[HDR Progression Procedures](#)

[HDR Examination Procedures](#)

6. Forms

[HDR Sanctions Assessment Form](#)

[HDR Nomination of Examiners Form](#)

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Responsible Officer	Dean of Graduate Research
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