Defence Export Controls Policy

Section 1 - Purpose

(1) This Policy sets out the University of Newcastle's (the University) requirements for the lawful, safe, and responsible management of export-controlled goods, software, and technology. It establishes principles, assigns responsibilities, and links to and should be read in conjunction with the Defence Export Controls Procedure, which outlines the operational requirements.

Section 2 - Scope

(2) This Policy applies to all University staff, Researchers, affiliates, contractors, visitors, honorary appointees, and controlled entities who undertake activities that may involve export-controlled goods, software, or technology.

(3) In the context of this document, activities include, but are not limited to:

a. research and research training, consultancy and testing;
b. teaching and supervision;
c. collaboration with domestic and international partners;
d. procurement and contracting activities;
e. travel and fieldwork;
f. publication and dissemination of research; and
g. intangible supply including use of digital systems, including email, cloud-based platforms and screen share.

Section 3 - Legislative and Regulatory Context

(4) The University complies with Commonwealth export control laws administered by Defence Export Controls (DEC), including the Defence and Strategic Goods List 2024 (DSGL) as updated, the Defence Trade Controls Act 2012 (Cwth) and associated regulations, and the Weapons of Mass Destruction Act (Prevention of Proliferation Act) 1995 (Cwth).

(5) The University recognises the DEC regulator's guidance, the My Australian Defence Exports (MADE) permit portal, and subsequent legislative updates that may affect permit requirements or offences.

(6) Detailed operational requirements are set out in the Defence Export Controls Procedure.

Section 4 - Document Specific Definitions

(7) In the context of this document, the following definitions apply:

a. "export" includes any physical or intangible transfer of controlled goods, software or technology to a person, organisation, or location outside Australia.
b. "export control(s)" means laws and regulations governing the transfer, supply, publication, or brokering of

controlled goods, software, and technology;

c. “Defence and Strategic Goods List (DSGL)” is the Australian legislative instrument identifying goods, software, and technology subject to export controls;
d. “Researcher” is as defined by the Responsible Conduct of Research Policy.

Section 5 - Principles

(8) Defence export controls (“export control/s)” are applied to enable responsible conduct of activity and collaboration, not prevent it.

(9) Export control obligations must be identified as early as possible in the lifecycle of an activity and re-assessed when material changes occur.

(10) The University requires that export controls are managed in accordance with the following principles:

a. compliance with export control laws is mandatory;
b. individuals undertaking relevant activities are primarily responsible for identifying and managing export control risks;
c. export controls are applied to enable legitimate scholarship and collaboration while protecting national security;
d. controls must be proportionate to the level of risk;
e. export-controlled activities must be appropriately documented, auditable, and reviewable.

(11) Export controls must be managed in an integrated manner with:

a. sanctions and foreign engagement obligations;
b. information security and data governance;
c. research integrity and ethics requirements; and
d. institutional risk management frameworks.

Section 6 - Requirements

(12) Individuals must identify potential export-controlled activities and escalate as set out in the Defence Export Controls Procedure.

(13) Where required by law or the University, no export, supply, publication, or brokering may proceed without the appropriate authorisation (e.g. permit) as described in the Defence Export Controls Procedure.

(14) Activities identified as potentially export-controlled must be assessed in accordance with the Defence Export Controls Procedure.

(15) Records relating to export-controlled activities must be created and retained in accordance with the University's Records Governance Policy, and applicable NSW record retention authorities.

(16) The University will provide training to support compliance. Individuals must complete training where required by the procedure.

Section 7 - Breaches and Non-Compliance

(17) Failure to comply with export control obligations may result in criminal penalties under Commonwealth legislation, and may also constitute misconduct or serious misconduct under University policy, enterprise agreements, or employment contracts.

(18) Suspected or actual breaches must be reported immediately in accordance with the Defence Export Controls Procedure and addressed through the following appropriate University processes:

a. Research Breach Investigation Procedure; and/or
b. Staff Code of Conduct and Compliance Management Framework.

Section 8 - Roles and Responsibilities

(19) Export control compliance is a shared responsibility, with primary accountability resting with the individuals undertaking the activity.

(20) The Deputy Vice-Chancellor (Research and Innovation) is responsible for ensuring appropriate governance arrangements and oversight of export controls.

(21) The Pro Vice-Chancellor (Research) is responsible for strategic leadership of export control compliance, including integrating export controls within the University's broader risk and compliance frameworks.

(22) The Director, Research Ethics & Integrity is responsible for:

a. acting as the University's Responsible Export Controls Officer (RECO);
b. providing expert advice on export controls;
c. supporting assessment and permit processes;
d. maintaining institutional registers;
e. monitoring compliance activities; and
f. development and delivery of training and resources.

(23) Controlled entities are responsible for:

a. establishing internal governance and controls consistent with this Policy and the Defence Export Controls Procedure; and
b. cooperating with the University in relation to oversight, reporting and regulatory obligations where activities intersect.

(24) Heads of School are responsible for:

a. promoting a culture of compliance; and
b. supporting staff and Researchers to meet their obligations.

(25) Chief Investigators and project leads are responsible for:

a. identifying export control risks prior to commencement of activities;
b. ensuring compliance authorisations and permits within their projects;
c. monitoring compliance with export control requirements and permit conditions within their projects; and

d. implementing required controls.

(26) Staff, Researchers, and affiliates are responsible for:

a. complying with this Policy and associated procedures;
b. seeking advice where required;
c. maintaining required records; and
d. reporting concerns or breaches.

Section 9 - Related Documents

(27) This Policy should be read in conjunction with:

a. Defence Export Controls Procedure;
b. Responsible Conduct of Research Policy;
c. Research Breach Investigation Procedure;
d. Digital Security Policy;
e. Data Governance Policy;
f. Records Governance Policy;
g. Compliance Management Framework;
h. Risk Management Policy and Risk Management Framework;
i. Staff Code of Conduct;
j. Student Code of Conduct;
k. International Sanctions Compliance Policy;
l. Foreign Interference Policy.

Status and Details

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Responsible Executive	Craig Simmons Deputy Vice-Chancellor (Research and Innovation)
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Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Risk management" - The co-ordinated activities of assessing, controlling, monitoring, and reviewing risk in the pursuit of the University's objectives.

"Controlled entity" - Has the same meaning as in section 16A of the University of Newcastle Act 1989.

"Research" - As defined in the Australian Code for the Responsible Conduct of Research, or any replacing Code or document.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Affiliate" - A person or organisation legally obligated to, or informally associated with the University. Categories of affiliates are outlined on the University website.

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