

Appendix 1 - Foreign Arrangements Notification – checklist

Table 1 – Questions to determine whether an arrangement, or proposal to enter an arrangement, should be notified to DFAT

Considerations	Action
Is the prospective partner a foreign national government, department or agency?	Required to notify
Is the prospective partner a foreign tertiary education institution that is a part of a foreign government (eg, a government military academy)?	Required to notify
Is the prospective partner a foreign university that does not have institutional autonomy because a foreign government is in a position to exercise substantial control over the university? ¹	Required to notify
Does the foreign arrangement deal solely with minor administrative or logistical matters (including, for example, flights, accommodation, submitting paperwork or visa applications or the timing of conferences or conference sessions). <i>Note: a 'Yes' response means the arrangement is an exempt arrangement under the Act</i>	NFA - exempt
Is the arrangement a variation of a foreign arrangement that the Minister was notified had been entered into, and it is a minor variation that does not alter the substance of the arrangement? <i>Note: a 'Yes' response means the arrangement is an exempt arrangement under the Act</i>	NFA – exempt
Is the activity a continuation/renewal of an existing notified agreement?	Required to notify
Is the arrangement a draft grant application that proposes researchers work collaboratively with colleagues at a foreign non-autonomous university or a foreign government, department or agency and the application: a. has not progressed through the university's internal grants clearance process; or b. has progressed university's internal grants clearance process but is rejected; or c. has been successful and the researchers are finalising an agreement on research outputs and resourcing?	a. Not required to notify b. Not required to notify c. Required to notify
Is the proposed arrangement a collaboration between another State/Territory entity (eg Queensland or Commonwealth department) and JCU and a foreign government or non-autonomous university?	Required to notify (even if the State/Territory entity has already notified)

¹ A foreign government is in a position to exercise substantial control over a university only if one or more of the following applies:

- a majority of the members of the university's governing body are required, by a law or the university's governing documents, to be members or part of the political party that forms the foreign government;
- education provided or research conducted at the university is required, by a law or the university's governing documents, to adhere to, or be in service of, political principles or political doctrines of the foreign government or the political party that forms the foreign government;
- and/or the university's academic staff are required, by a law or the university's governing documents, to adhere to, or be in service of, political principles or doctrines of the foreign government or the political party that forms the foreign government, in their teaching, research, discussions, publications or public commentary.

Table 2 – additional risk considerations

Additional due diligence/risk factors to consider for foreign arrangements	Low Risk	High Risk
Has the proposed agreement already been approved under the Defence Industry Security Program (DISP) ² ?		
Will the partnership result in export, supply, publication and/or brokering of controlled goods, software or technology (see the DSGL list)? <i>Note: a 'Yes' response should make such arrangements exempt from the Foreign Relations Bill as they will already be covered under the Defence Trade Controls Act.</i>		
Is the prospective partner/organisation listed on the Australian Sanctions Consolidated List ? <i>Note: a 'Yes' response (contravening a sanction) means negotiations must cease, the University will not normally support such an arrangement</i>		
Does the activity require an Australian Government Defence Trade Controls or Sanctions permit?		
Is the proposed arrangement with a university, researcher or academic from a country of national security concern ³ or a member of a foreign talent program or similar where researchers are obliged to transfer the research or intellectual property?		
Does the arrangement involve the whole or multiple parts of the organisation (for example, an institutional strategic partnership as opposed to a discrete part (for example, a research partnership, or a student exchange)?)		
Is the proposed arrangement about nationally strategic infrastructure, equipment or technology (supply or installation) including satellite or space-based, communications, materials design, mass-surveillance or that has very high commercial value?		

If the majority of the additional risk considerations are high risk, the arrangement will require further due diligence and potentially legal advice.

² Check with the DISP Chief Security Officer – the Chief of Staff

³ These countries include:

Afghanistan	Guinea-Bissau	Mali	Somalia	Ukraine
Central African Republic	Hong Kong	Myanmar	South Sudan	Yemen
China	Iran	North Korea	Sudan	Zimbabwe
Crimea and Sevastopol	Iraq	Nigeria	Syria	
Former Yugoslavia	Lebanon	Pakistan	Taiwan	
	Libya	Russia		