

## Foreign Risk Policy

### 1. COMPLIANCE OBLIGATION SUPPORTED

- [Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020 \(Cth\)](#)
- [Autonomous Sanctions Act 2011 \(Cth\)](#)
- [Charter of the United Nations Act 1945 \(Cth\)](#)
- [Defence Trade Controls Act 2012 \(Cth\)](#)
- [Foreign Influence Transparency Scheme Act 2018 \(Cth\)](#)
- [Guidelines to Counter Foreign Interference in the Australian University Sector](#)
- [National Security Legislation Amendment \(Espionage and Foreign Interference\) Act 2018 \(Cth\)](#)
- [Privacy Act 1988 \(Cth\)](#)

### 2. PURPOSE

- 2.1. The purpose of this policy is to outline the University's approach to managing Foreign Risk with the University's strategic and operational objectives and obligations.
- 2.2. The policy is informed by the following principles:
  - 2.2.1. The University is committed to enhancing the University's resilience to Foreign Interference.
  - 2.2.2. The University is committed to establishing a Foreign Risk Management Framework (FRMF) that:
    - (a) is embedded within University systems and processes;
    - (b) supports the safety and security of the University and members of the University community, as well as academic freedom and freedom of speech in accordance with the [Academic Freedom and Freedom of Speech Policy](#);
    - (c) mitigates and/or accepts Foreign Risk within a defined Foreign Risk Appetite; and
    - (d) supports the University's commitment to enhance its status as a global leader in research, education and engagement.

### 3. POLICY STATEMENTS

#### 3.1. Foreign Risk

- 3.1.1. The University may identify Foreign Risk in activities that misalign with the University's values or strategy, or the Australian national interest.

#### 3.2. Foreign Risk Appetite

- 3.2.1. The University recognises that some level of risk-taking may be necessary to achieve objectives, including enhancing its global status through international partnerships and engagement.
- 3.2.2. The University will determine the terms and conditions on which it permits activity, based on Key Risk Indicators (KRI) and Foreign Risk Appetite.
- 3.2.3. The University will not permit activities that are prohibited by law, but also may not allow activities where, in the University's consideration:
  - (a) The activity is the same or similar to activities that have previously been cancelled by the Federal Government;
  - (b) The activity does not align with Federal Government advice or Australia's national interest; or

- (c) The identified risks in the activity cannot be satisfactorily mitigated; and
  - i. are not sufficiently balanced by the value to the University, or
  - ii. sit outside the University's Foreign Risk Appetite.

### 3.3. Foreign Risk Culture

3.3.1. The University encourages a Foreign Risk aware culture that supports behaviours, and judgements within an effective FRMF. A strong Foreign Risk aware culture is critical to enhancing resilience against Foreign Interference (see 2.2.1.) and is reinforced through:

- (a) **Awareness** of Foreign Risk through education and avenues for guidance;
- (b) **Application** of FRMF to support due diligence and Foreign Risk aware decisions;
- (c) **Accountability** for ownership and oversight of Foreign Risk by clear definition of roles and responsibilities; and
- (d) **Attitude** of our people towards risk and opportunity, transparent disclosures and education.

### 3.4. Foreign Risk Assessment

3.4.1. Due Diligence may identify activities with Foreign Risk and the University may require referral for formal Foreign Risk Assessment pursuant to the FRMF.

## 4. SCOPE OF POLICY

This policy applies to all members of the University Community including Council members, students, employees, University associates, and all persons participating in University business or activities, including whether as a visitor, adjunct appointee, service provider or contractor and, where relevant, Global Campuses.

## 5. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

### Due Diligence

A process where reasonable steps are taken to obtain relevant information that will help reduce the risk of making an uninformed decision.

### Foreign Arrangements

Arrangements deemed notifiable to the Department for Foreign Affairs and Trade under the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*. All arrangements with foreign entities before assessment are 'foreign arrangements' but following assessment, only those which are notifiable fall within this definition.

### Foreign Interference

Foreign Interference occurs when activities are undertaken by or on behalf of a foreign actor that are coercive, clandestine, deceptive, or corrupting and are contrary to Australia's sovereignty, values, and national interests.

### Foreign Risk

Includes, but is not limited to, risk identified after consideration of foreign influence transparency, Foreign Interference, Foreign Arrangements, sanctions, Defence Export Controls, geopolitics, and foreign matters or relationships which may misalign with University values or the Australian national interest.

### Foreign Risk Appetite

The Foreign Risk Appetite provides guidance about the level of Foreign Risk that is acceptable to the University.

### Foreign Risk Assessment

A process to identify, analyse and evaluate risk. In the current context, it provides an understanding of foreign risks, their causes, consequences and likelihood.

### Foreign Risk Management Framework (FRMF)

The set of components (which include the Policy and Procedures) that provide the foundations

and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving foreign risk management throughout the organisation.

**Geopolitics**

Politics and international relations, as influenced by geographical factors and current events.

**Key Risk Indicators (KRI)**

Early warning or red flag indicators of risk emerging, or risk approaching.

**6. SUPPORTING PROCEDURES**

[Academic Freedom and Freedom of Speech Policy](#)

[Disclosure of Relationships and Interests Procedures](#)

**7. RELATED DOCUMENTS/LINKS**

**University Documents**

- [Foreign Risk Appetite Statement](#)
- [Privacy Statement](#)

**University Webpages**

- [Foreign Risk](#)
- [International Sanction Committee](#)
- [Hazardous Materials](#)

<b>Policy Compliance Officer</b>	<a href="#"><u>Paul Riley</u></a> , Director, Foreign Risk
<b>Policy Manager</b>	Deputy Vice-Chancellor Research
<b>Approval Authority</b>	Council
<b>Review Date</b>	1 <sup>st</sup> April 2030

**REVISION HISTORY** (*filled out by Risk, Compliance and Audit*)

<b>Version</b>	<b>Approved/ Amended/ Rescinded</b>	<b>Date</b>	<b>Committee / Board / Executive Manager</b>	<b>Approval / Resolution Number</b>	<b>Key Changes &amp; Notes</b>
New	Approved	9/05/2024	Council	C77/24	Attachment A to Item 7.7