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Title: Counter Terrorism Policy	

Counter Terrorism Policy

Background

Burnet undertakes activities in national and international locations through collaboration with other medical research organisations and as part of its public health and international health programs with various partners and third parties.

Organisations such as Burnet are at risk of being misused by individuals and other organisations to finance or support terrorist activity. Burnet recognises that this risk would be increased if Burnet does not exercise appropriate oversight of the delivery and operation of the projects it funds, particularly where Burnet is not able to provide direct oversight over programs/projects.

This policy sets out Burnet's commitment to comply with Australian laws relating to counterterrorism through processes and policies that minimise the risk of support for terrorists, terrorist organisations. This policy responds to the risk of dealing with organisations and individuals associated with Terrorism.

Lawful activities and Burnet's legal obligations

'The Australian Government has enacted legislation consistent with a number of international counter terrorism treaties designed to combat terrorism.. The relevant legislative mechanisms prohibiting activities in relation to individuals and organisations associated with terrorism can be found in:

Part 5.3 of the Criminal Code Act 1995;

Part 10.2 of the Criminal Code Act 1995 ('the Criminal Code') and

Part 4 of the Charter of United Nations Act 1945 ('the UN Charter Act')

The Attorney-General's Department maintains a 'List of Terrorist Organisations' which have been proscribed by the Government as terrorist organisations under Division 102 of the Criminal Code Act 1995 (the Criminal Code).

Similarly, The Department of Foreign Affairs and Trade maintains a 'Consolidated List' of persons and entities, which are subject to imposed targeted financial sanctions. <https://www.dfat.gov.au/international-relations/security/sanctions/consolidated-list> (<https://www.dfat.gov.au/international-relations/security/sanctions/consolidated-list>).

The Commonwealth Department of Australian National Security maintains a list of known terrorist organisations (as classified under tyeh Criminal Code):

<https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations> (<https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations>)
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Amongst other activities it is an offence under Australian Law to receive, make available funds to, or provide support or resources to listed individuals, persons, entities, or organisations, including their Personnel. The lack of intent to commit these offences is not a defence.

Burnet's legal obligations in accepting and administering Commonwealth, State and funding from various organisations also impose the necessity for Burnet to ensure that those funds are dispersed only for the intention for which they were awarded. Burnet must make all reasonable effort to ensure that funds are not being directed to terrorist activities.

Purpose

Burnet renounces all forms of terrorism and will never knowingly support, tolerate or encourage terrorism or the activities of those who embrace terrorism and will make every effort to ensure that its resources are not used to facilitate terrorist activity. The Australian Government has extensive legislative regime around counter-terrorism and national security. National and international funding bodies impose strict obligations on funding recipients to ensure funds do not support terrorist activities. Burnet must use best practice principles to ensure that its basic research, public and international health

activities are conducted in the context of these laws and obligations that prohibit dealing with listed terrorist organisations and/ or proscribed persons or entities.

Scope

The policy covers all Burnet employees in the course of their work and persons representing Burnet, which includes:

- Members of the Burnet Board;
- All Burnet employees, including managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements
- Contractors, sub-contractors; suppliers and volunteers;
- Burnet honorary staff and associates;
- Overseas partner organisations (where Burnet staff are placed);
- Partner organisations (engaged in overseas activities with Burnet programs); and
- Any person representing the organisation at Burnet's request.

Definitions

'**All reasonable efforts**' is used to reflect the need for positive action and a common sense approach, based on the level of risk, to meet legal obligations and avoid inadvertently financing terrorist activity.

'**Funds**' refers to assets of any kind or property of any kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such property or assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, debt instruments, drafts and letters of credit.

'**Listed individuals or organisations**' means any individual or organisation which appears on either of the following lists:

- 'The **Consolidated List**' of all persons and entities subject to targeted financial sanctions under United Nations Security Council decisions and maintained by the Department of Foreign Affairs and Trade pursuant to Regulation 40 of the Charter of the United Nations (Dealing with Assets) Regulations 2008. This list is therefore not limited to terrorist organisations, but does include all persons and entities designated by the

United Nations Security Council's Al-Qa'ida and Taliban Committee pursuant to Resolution 1267 (1999) and all persons and entities designated by the Minister for Foreign Affairs for their association with the commission of terrorist acts pursuant to Resolution 1373 (2001).

- **'List of Terrorist Organisations'** – Organisations which have been proscribed by the Australian Government as terrorist organisations under the Criminal Code because they advocate the doing of a terrorist act (regardless of whether or not a terrorist act occurs), or because they are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (regardless of whether or not a terrorist act occurs). Before an organisation can be listed the Attorney-General must be satisfied on reasonable grounds that the organisation 'is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act'.

'Suspicious activity' is any activity where a known or suspected terrorist individual or organisation is involved, or where a known or suspected terrorist act is to occur. This includes, but is not limited to, any activity involving any listed individuals or organisations.

'Third Party' is any individual or organisation other than a beneficiary to which the Burnet provides funding or support to, or receives funding or support from, to carry out its usual functions, including fund raising and delivering aid. 'Third Party' includes, but is not limited to, partners, intermediaries, contractors, sub-contractors and service providers

Policy statement/overview

- Burnet acknowledges that Australian Government legislation prohibits dealing with listed terrorist organisations and/or proscribed persons or
- Burnet acknowledges its obligations under these laws and therefore will exercise all reasonable care and make every reasonable effort to ensure that its funds and program activities are not misused to further terrorism or support terrorist activities.
- Burnet will make all reasonable effort to ensure that its funds are not misused to further terrorism or support terrorist activities.
- Burnet will use best practice principles/due diligence (when it conducts its activities with collaborators, partners and other third parties) to ensure its funds are used only for the purpose for which the funds were awarded and are not used to support any terrorist
- Best practice principles/due diligence will include using regulated financial institutions for financial transactions with its collaborators and third parties as set out in the procedures associated with this
- Burnet will confirm the identity, credentials and good standing of all Third Parties that receive funding support and will check that these organisations and their key personnel are not on the prohibited lists maintained by the Australian Government.
- Burnet will use its best endeavours to ensure that overseas recipients of Burnet funds will adopt policies and procedures that enable them to comply with relevant Australian anti- terrorist legislation.
- Burnet will report any known or suspected terrorist links or terrorism related activity to the relevant national authority.

- Any Burnet staff member or student who is or proposes to engage in any activity or partnership with a foreign government, foreign university, foreign business or any other foreign organisation or entity as part of their Institute business must undertake an evaluation, **where is reasonably practicable**, of the risk of foreign interference, foreign influence and/or statutory reporting or regulatory obligations that is posed by the proposed activity or partnership.

Responsibility for implementation

The Board is responsible for the review and endorsement of this policy.

The Executive through the COO is responsible for the implementation and review of this policy.

All Burnet employees, students & representatives (as defined under Scope) are required to report any suspicions or incidences of SEAH of others. Failure to report to a relevant person suspicion of SEAH relating to someone else is a breach of Burnet's policy and could lead to disciplinary action being taken against employees and the termination of Burnet's relationship with non-employees. There is no obligation for an individual to report any incident that has happened to them.

The Chief People Officer (Melbourne Office) or their delegate ensures that all Melbourne-based employees are checked against the DFAT Consolidated List prior to employment.

The Head, Occupational, Health, Safety & Compliance or their delegate is responsible for conducting an internal annual audit to monitor compliance against this policy.

Human Resources Managers (for PNG & Myanmar offices) ensure that all locally based employees are checked against the DFAT Consolidated List prior to employment.

Working Group Heads, Activity Leads and Activity Managers are responsible for confirming the identity, credentials and good standing of all Third Parties that receive funding support and will check that these organisations and their key personnel are not on the prohibited lists maintained by the Australian Government.

Related Policies/ Procedures/Guidance

- Burnet Counter Terrorism Procedures
- Safeguarding your organisation against terrorism financing (Australian Government 2009)
- ACNC Checklist: protecting your charity against the risk or terrorism financing
- Defence Trade Control Act, 2012
- Part 4 of the Charter of United Nations Act 1945 (UN Security Council Decisions that Relate to Terrorism)
- The United Nations Security Council Resolution 1373 (2001) to combat terrorism
 - Charter of the United Nations (Dealing with Assets) Regulations 2008
- Part 3, Sections 102.6, 102.7 & 103.1 of the Criminal Code Act 1995
- Australia's Counter-Terrorism Laws
<https://www.ag.gov.au/NationalSecurity/CounterterrorismLaw/Pages/Australiascounterterrorismlaws.aspx>
 (https://www.ag.gov.au/NationalSecurity/CounterterrorismLaw/Pages/Australiascounterterrorismlaws.aspx)
- Australian Human Rights Commission: A Human Rights Guide To Australia's Counter-Terrorism Laws (2008)
<https://www.humanrights.gov.au/human-rights-guide-australias-counter-terrorism-laws>
 (http://www.humanrights.gov.au/human-rights-guide-australias-counter-terrorism-laws)

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- Attorney General Department's List of Terrorist Organisations
<http://www.ag.gov.au/nationalsecurity/counterterrorismlaw/pages/terroristorga>
(<http://www.ag.gov.au/nationalsecurity/counterterrorismlaw/pages/terroristorga>)aspx
- Department of Foreign Affairs & Trade's Consolidated List <http://dfat.gov.au/international-relations/security/sanctions/Pages/consolidated-> (<http://dfat.gov.au/international-relations/security/sanctions/Pages/consolidated->)aspx
- Australian NGO Accreditation Guidance Manual, October 2014 Criterion B3
- Australian Council for International Development Code of Conduct, Section 2.3 – Control of Funds & Resources
- Australian National Security Criminal Code Act List: <https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations> (<https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations>)