

Policy on Counter-Terrorism

MARCH 2019, VERSION 4

1. Introduction

This policy sets out the commitments regarding counter-terrorism of Australian People for Health Education & Development Abroad Inc (**'Union Aid Abroad – APHEDA'**).

Humanitarian Commitment

Union Aid Abroad – APHEDA is committed to ensuring that its funds, resources and support are solely directed towards fulfilling its humanitarian mandate and charitable purposes and are not misdirected or misapplied contrary to that mandate and purpose.

Along with the international trade union movement and our international partners, Union Aid Abroad – APHEDA condemns “brutal acts of terror directed against civilians and aimed at maximum loss of lives, (which) cannot be excused, rationalized, justified or defended under any circumstances”¹.

Union Aid Abroad – APHEDA endorses the Australian Council of Trade Unions (ACTU) policy on terrorism adopted at its 2003 Congress, which sees the following as “fundamental pillars of peace”:

- “acceptance of the authority of the UN and the provision of additional resources to UN agencies”
- “the promotion of freedom, democracy, justice, peace education, and of basic human and trade union rights”
- “development assistance and socio-economic programs that attack the root causes of war, conflict, and terrorism by addressing the conditions that deprive communities of justice and an equitable share of resources”

Union Aid Abroad – APHEDA also endorses the 2010 resolution of the International Trade Union Confederation (ITUC) which “condemns terrorism in all its forms and under whatever pretext” and which recognises that “efforts to defeat terrorism must address effectively those factors, notably poverty, injustice, ethnic and religious discrimination, and unemployment which enable terrorist organisations to build support and to recruit and must not, themselves, violate human rights, including trade union rights”.²

Furthermore, the trade union movement sees terrorism as mainly impacting tragically on working people and that terrorist groups seek to circumvent or preclude mass popular action for social justice and peace.

- Union Aid Abroad – APHEDA will inform our understanding of counter-terrorism measures with recognition: of its intersection and interaction with the related challenges of transnational crime;
- of the legitimate rights of peoples, recognised in international law, to resist tyranny and to exercise self-determination;
- of our obligation as a humanitarian organisation to assist those in need;
- of our ethical obligations to support those in need regardless of their political, religious, or trade union affiliation, and obligations to respect the rights of privacy of project participants in regard to their political and religious beliefs.

Legal Framework

Counter terrorism laws and obligations affect every part of Union Aid Abroad – APHEDA, including funding, activities, registration as a charity, tax concessions, its relationship with key supporters, such as the Australian

¹ ACTU Congress 2003, International Policy, paragraph 15

² Resolution on Democracy, Peace, Security and the role of the United Nations, 2nd World Congress, ITUC, 2010.

Government, and Union Aid Abroad – APHEDA's participation in aid and development peak bodies such the Australian Council for International Development (ACFID). These obligations include the following:

Australian laws

Union Aid Abroad - APHEDA complies with its counter terrorism obligations at law, including:

- a) The *Criminal Code 1995* (Cth) (**Crim Code**), which is the principal legislation and contains many offences/prohibitions relating to counter-terrorism;
- b) The *Charter of United Nations Act 1945* (Cth) (**CUN Act**), under which the Commonwealth implements United Nations Security Council sanctions, include those relating to counter-terrorism.
- c) The *Autonomous Sanctions Act 2011* (Cth) (**AS Act**), which provides a framework for Australia to implement autonomous (bilateral) sanctions which may be applied to specific governments, individuals or entities, or specific goods and services that are responsible for, or involved with, a situation of international concern.

Registration as a charity

Union Aid Abroad - APHEDA, as a registered charity, is required to comply with the Australian Charities and Not-for-Profits Commission's (ACNC) Governance Standards and External Conduct Standards, which require that Union Aid Abroad - APHEDA must not commit a serious criminal offence or serious breach of Australian law, including counter terrorism laws and must take reasonable steps, and have reasonable policies and procedures, to ensure that it complies with counter terrorism laws.

Contractual obligations

Union Aid Abroad - APHEDA has entered into funding agreements with the Department of Foreign Affairs and Trade ('**DFAT**') which include significant contractual obligations to ensure that monies provided by DFAT, or activities funded by DFAT (either wholly or partially), are in no way linked, directly or indirectly, to organisations and individuals associated with terrorism.

ACFID Code

Union Aid Abroad - APHEDA is required to comply with the ACFID Code, both as an ACFID signatory and also under Union Aid Abroad – APHEDA's contractual and accreditation arrangements with DFAT. The ACFID Code requires that signatory organisations only disburse donated funds or resources to a third party (including affiliates or partner agencies) for aid and development activities where it is satisfied that the funds or resources will be disbursed in accordance with counter terrorism financing laws.

2. Definitions

Personnel

A reference to 'Personnel' includes any committee members, board members (or equivalent role), employees, interns, volunteers, consultants, agents and contractors.

Terrorism

There is no universally accepted definition of 'terrorism'.

Accordingly, Union Aid Abroad – APHEDA applies the term broadly to include (but not be limited to):

- a) carrying out a 'terrorist act', being an action or threat of action which is done with the intention of advancing a political, religious or ideological cause and done by coercing or influencing by intimidation the government of the Commonwealth or a State, Territory or foreign country (or of part of a State, Territory or foreign country) or the public or a section of the public (including the public of a foreign country) (section 100.1 Crim Code);
- b) any and all activities of a 'terrorist organisation' (Crim Code) or a 'proscribed person or entity' (CUN Act), even where those activities might not otherwise constitute 'terrorist acts':
 - (i) a "terrorist organisation" is as an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act or an organisation listed on the Australian National Security List (section 102.1(1) of the Crim Code); and
 - (ii) a 'proscribed person or entity' is a person, group of people or entity listed by the Minister in DFAT's Consolidated List or an entity proscribed in the regulations under the CUN Act.

3. Policy

Union Aid Abroad - APHEDA commits to:

- a) ensuring that Union Aid Abroad – APHEDA does not associate directly or indirectly with or in any way support (including providing funds, training and other resources) terrorism, any terrorists or terrorist organisations; and
- b) fully comply with its counter-terrorism obligations:
 - (i) under Australian law (including the Crim Code, CUN Act and AS Act);
 - (ii) under the laws applying to the areas where it works; and
 - (iii) to comply with its counter-terrorism obligations under its agreements with funders, including DFAT.
- c) complies with appropriate risk assessments and screening requirements as set out in the guidance issued under this policy:
 - (i) prior to engaging [any Personnel] or contracting with any partner; and
 - (ii) repeated at the intervals as set out in the guidance issued under this policy.
- d) comply with the training requirements and processes set out in the guidance issued under this policy; and
- e) immediately notify the Australian Government (including DFAT and Australian Federal Police) of any breach of this policy.

4. Scope

This policy applies to:

- a) all Personnel of Union Aid Abroad – APHEDA; and
- b) all contractors or partners of Union Aid Abroad – APHEDA and any Key Personnel of such contractors or partners.

5. Policy Guidance

The Executive Officer must issue guidance under this policy, drafted on a risk assessment basis, and which establishes the processes for:

- (a) assessing counter-terrorism risk with respect to projects undertaken by or on behalf of Union Aid Abroad – APHEDA;
- (b) determining the level, frequency and extent of counter-terrorism screening;
- (c) establishing the content and frequency of counter-terrorism training; and
- (d) retaining records of screening, training, audits/inspections and investigations.

6. Policy ownership

- a) The policy owner is the Committee of Management.
- b) The Executive Officer has primary responsibility for compliance with this policy, with the power to sub-delegate responsibilities within Union Aid Abroad – APHEDA.

7. Document Control

Date	Version	Revision Description	Approved by Committee of management (date)	Reviewed/Updated by
	1	Original	November 2005	Executive Officer.
January 2014	2	Re-endorsed	N/A	Kate Lee
August & September 2018	3	Revised	September 2018	Kate Lee, Corinne Stroppolo, Ken Davis, Sharan KC
February 2019	4	Revised	March 2019	Kate Lee

Next review by Committee of Management due: **February 2020**