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Counter-Terrorism Policy

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1. PURPOSE AND SCOPE

Foresight Australia is a humanitarian and development organisation that condemns all forms of violence against civilians, including terrorism. The Australian Attorney General's Department defines 'terrorist act' as an act, or a threat to act, that meets both these criteria:

- intends to coerce or influence the public or any government by intimidation to advance a political, religious or ideological cause; and
- causes one or any of the following:
 - death, serious harm or danger to a person; serious damage to property;
 - a serious risk to the health or safety of the public; and
 - serious interference with, disruption to, or destruction of critical infrastructure such as a telecommunications or electricity network.¹

This policy commits Foresight Australia to

- practices that minimise the risk to its programs or activities in any way that could provide support to individuals and organisations associated with terrorism
- doing our best to ensure donations and refunds do not support organisations or individuals seeking to launder money.³

The Policy outlines a series of best practice principles to most effectively manage this risk to inform operational procedures.

The practices, risk assessments and financial safeguards described in this policy are designed to minimise such risks. This policy is reviewed every three years, but may be amended more frequently as necessary to respond to newly identified risks and legal requirements.

Foresight Australia notes that the provision of humanitarian activities, including medical activities relating to the eye health, by impartial humanitarian organisations recognised by international law, including international humanitarian law, does not constitute terrorism or support for terrorism.

Definitions

Counter-terrorism: The practice, techniques, and strategy used to combat or prevent terrorism.

Funds: 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: any individual or organisation which appears on either of the following lists:

Money laundering: dealing with the proceeds of crime or an instrument of crime. 'Dealing with' is defined as a person receiving, possessing, concealing or disposing of money or other property as well as importing, exporting or engaging in a banking transaction relating to money or other property. [Division 400 of the *Criminal Code Act 1995* (Criminal Code)]

Terrorist organisation: an organisation that:
a court finds is either directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act, or an organisation that has been listed by the Government on the following lists:

- The Australian Government's [Consolidated List](#) which includes all persons and entities designated by the UN and Minister for Foreign Affairs for their association with the commission of terrorist acts pursuant;
- The [List of Terrorist Organisations](#) which includes all organisations proscribed by the Australian Government as terrorist organisations under the Criminal Code because they advocate the undertaking of a terrorist act;²
- The [World Bank's Listing of Ineligible Firms and Individuals](#),³ and:
- The [Asian Development Bank's Sanctions List](#).⁴

2. RISKS

The Australian Department of Foreign Affairs and Trade (DFAT) advises that terrorists can seek to manipulate and misappropriate resources from humanitarian and development actors to underpin their operations.²

The Australian Charities and not-for-profits Commission states that terrorists can misuse funds from Non-Profit Organisations (NPO) to finance and support their activities, with or without the charity's knowledge, including through:

- Using charity funding;
- Using charity assets;
- Using the charity's name and status;
- Laundering money through charities;
- Committing financial abuse within a charity; and
- Setting up a charity for an illegal or improper purpose.

Foresight recognises the risks associated with conducting and contributing to aid programs and projects overseas. Risks associated with our work overseas can include:

- Working with and/or donating funding to foreign not for profit actors (NPOs) in aid and development projects;
- Remote management and monitoring;
- Operating in regions where terrorist activity is known to occur.

Specific risks include:

² See <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/default.aspx>

³ See <https://projects.worldbank.org/en/projects-operations/procurement/debarred-firms>

⁴ See <https://lnadbg4.adb.org/oga0009p.nsf/alldocs/AANA-AAFBDE?OpenDocument>

- Individuals or organisations, may face criminal penalties if they provide financial support or facilitate payments to a terrorist individual, organisation or act.
- The Criminal Code Act 1995 (Cth) ('the Criminal Code') sets out criminal penalties (up to life imprisonment) for providing support intentionally or recklessly to a terrorist organisation.
- Penalties also apply under the Charter of the United Nations Act 1945 (Cth) ('the Charter of the UN Act') for making assets available to a proscribed person or entity.

In acknowledging these laws, Foresight Australia also embraces Australia's commitment to combating terrorism financing as a party to the *International Convention for the Suppression of the Financing of Terrorism* and notes the recommendations of the *Financial Action Task Force (FATF) Special Recommendation VIII*. This policy has also been informed by the Attorney-General's Department document, *Safeguarding your Organisation Against Terrorism. A Guidance for Non-profit Organisations*.

Association with a terrorist organization poses many potential risks, including:

- Reputation risk: loss of confidence in being associated with an entity perceived to be assisting criminals or terrorists. This loss of confidence could lead to a loss of donations and grants, undermining Foresight Australia's good development work.
- Personal risk: employees who facilitate terrorist activities, or fail to take appropriate steps to prevent these activities, could face prosecution.
- Regulatory risk: potential or increased regulatory interest if perceived to be facilitating terrorism. This could result in possible fines or regulatory sanctions.
- Risk to Life and Limb: terrorist activities wittingly or unwittingly funded by Foresight Australia potentially involve deathly or destructive acts. Association with such an act would have far-reaching consequences for the organization, its funders and its partners.

3. RESPONSIBILITIES

Foresight Australia undertakes in this policy not partner with, sub-contract to or employ entities or individuals appearing

We acknowledge also that foreign domestic law may (both in areas in which Foresight Australia works, or through which its finances or resources are moved) contain other definitions of terrorism. These laws may be wider and incriminate more conduct than under the Australian definition.

Foresight Australia is committed to working in conjunction with Australian and overseas governments to prevent, detect and control terrorism. To that end, Foresight Australia will:

- Include a clause in relation to counter-terrorism efforts in each of its contracts and MOUs with partners, communicating the parties' shared responsibility to mitigate the risk of association with terrorism and terrorist organizations;
- Comply with all counter-terror laws and policies both in Australia and in overseas/international jurisdiction;
- Advise employees and volunteers of the obligation to use their best endeavours to ensure funds are not wittingly or unwittingly used to fund terrorist activities; and

- Make this Policy is available to all staff, volunteers and associates on the Foresight Australia website.

3.1 Counter-Terrorist Checks

Foresight Australia acknowledges that due diligence is not just about vetting for whether a person or entity is on the UN or Australian terror lists. It also involves asking whether a person or entity (by their conduct) comes within the general Criminal Code definition of (the various forms of criminal participation in a) terrorist act or a terrorist organization (since these may be additional to groups or persons on the lists).

Foresight Australia will ensure that this policy is available to all staff, volunteers and associated entities undertaking international activities. Foresight staff will exercise due diligence in selecting and enabling funding for all projects and volunteers and will regularly confirm that beneficiaries and/or third parties receiving funding through Foresight are not identified terrorist individuals or organisations, or associated or affiliated with terrorist individuals or organisations. is committed to using its best endeavours to ensure all expenditure of funds and the implementation of program activities, including those carried out by any partners or affiliates in host countries, comply with all laws and regulations pertaining to the prevention and control of terrorism.

To that end, prior to signing any MOU or contract with a funding or implementation partner, Foresight Australia shall check the name of the individual or organization against the following sources listed at paragraph 3 above and the

The consolidated sources as available in the LinkMatchLite software, available through asset.freezing@dfat.gov.au

The name and date on which the organisation or individual was checked will be entered into a spreadsheet maintained by Foresight Australia.

Also refer to Foresight Complaints Policy for further guidance.

3.2 Procedure

In the unlikely event that a match between an association organisation or individual and the consolidated lists is revealed, Foresight Australia will:

- immediately cease funding or receiving funds from said organisation or individual;
 - **Immediately report (within 24 hours) any program activity that directly or indirectly involves individuals and organisations associated with terrorism or suspected money-laundering to DFAT.**
 - Request the assistance of the Australian Federal Police (AFP) to determine whether or not the organisation or individual is in fact a proscribed person or entity;
 - if appropriate, advise the other partners and funding bodies (including DFAT) associated with the activity of the identified match.
- **Report any actual or suspected terrorism financing.** In such instances, the [National Security Hotline](#) will be immediately contacted. AfP will also notify the Australian Charities and Not- for-profits Commission, with whom we are registered, of any breaches of obligations.
 - **Ensure elevated risk procedures are observed when:**
 - o Working in environments assessed to be high risk through our risk management

- o review;
 - o Where partner organisations have been observed using weak financial controls during initial capacity assessments or subsequent partnership reviews; or
 - o The beneficiaries of development or humanitarian aid are unclear.
- ***Where elevated risk is identified, Foresight Australia will:***
- o Increase the frequency of screening partner staff lists and their sub-contractors against the Consolidated List and List of Terrorist Organisations as well as against the World Bank's Listing of Ineligible Firms and Individuals and the Asian Development Bank's Sanctions List to monthly checks;
 - o Escalate financial reporting requirements (for example, to monthly and/or quarterly reports);
 - o Escalate in-country reviews of programs and processes annually (for example, to monthly and/or quarterly reports).

In addition to these specific pro-active measures, Foresight Australia also acknowledges the need to ensure the promotion and adherence to holistic best practice policy development and implementation to mitigate and respond to the risks posed by individuals and organisations associated with terrorism. Specifically:

(i) Risk management

- We will identify and monitor the level of risk that we may be exposed to in relation to terrorism financing, and where risk is evident, take necessary precautions.
- We will ensure that staff and volunteers are aware of the level of risk that they may be exposed to in relation to terrorism financing and, where risk is evident ensure that precautions are in place.
- We undertake a thorough assessment of any new partners.

(ii) Due diligence

- We have been in partnership with many of our partners for over 10 or 20 years and endeavour to know their staff and work as well as possible.
- We work as a member of the ACT Alliance and engage like-minded local ecumenical partners with long-standing and a clear track records as respectable community development practitioners.
- All funded partners agree to participate in counter-terrorism screening procedures and to our transparency and accountability requirements.
- Foresight conducts counterterrorism screening, rather than relying on the partner or prospective partner to conduct this themselves.

(iii) Transparency and accountability

- We seek to promote financial accountability and management in capacity building initiatives with all partners.
- We maintain clearly documented records of what assistance has been provided, who has received it, and the details of any third parties involved.
- Our Partnership and Grant Agreements include explicit requirements related to counter-terrorism.
- Through cyclical reviews and robust monitoring and evaluation, we ensure that funds are used for stated objectives and that adequate information about the nature of their projects is provided.
- We undertake to report suspicious activity to DFAT, the Australian Federal Police, and the National Security Hotline as required.

(iv) Using Third Parties

- We will continue to make all reasonable efforts to ensure the third party is aware of, and seek assurance that the third party will comply with, all applicable laws.
- We will continue to make all reasonable efforts to ensure the third party is aware of, and seek assurance that the third party will comply with our approach to counter-terrorism. .

4. CONSEQUENCES OF BREACH

Every employee, volunteer and member of Foresight Australia has an obligation to assist in upholding this policy. All employees, vendors, contractors, partners and other relevant parties can report incidents of suspected terrorism financing. Non-compliance with the obligations set out in this policy may be considered a breach. A breach of this policy may result in disciplinary action and could include dismissal and/or legal action, if the breach is serious.

5. CONTACTS

National Security Australia

The National Security website is administered by the Attorney-General's Department, Canberra. In order to report suspicious activity, contact the National Security Hotline on Phone: **1800 1234 00**
e-mail: hotline@nationalsecurity.gov.au

AFP Operations Coordination Centre

e-mail: A OCC-Liaison-Ops-Support@afp.gov.au

Fax: (02) 6126 7900

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