



Counter Terrorism Policy

November 2020

Board Ratification Dates	2011	Earlier policy history held with the NCCA.
Revision Date	October 2020	Reviewed in reference to Australian Government, Safeguarding Your Organisation Against Terrorism Financing (2009) and the ACFID Code of Conduct. Condensed and reorganised to respond to the Policies Policy. Operational level information taken out and placed in the Operations Manual.
	2017	To ensure compliance with DFAT's Counter Terrorism Policy
Reaffirmation Date		
Next Review Date and Cycle		October 2023 Every three years from date of ratification or last full review or earlier if required.

1. Policy Statement

As a humanitarian and development organisation and a long-standing advocate of human rights and humanitarian law, Act for Peace condemns all forms of violence against civilians, including terrorism. Act for Peace is committed to taking all relevant measures to prevent the financing or support of terrorism or terrorist organisations. Act for Peace also has a duty to ensure our funds and resources are used for their intended humanitarian and development purpose, along with a duty of care to respect, protect and fulfil the rights of the affected communities we seek to serve with the highest ethical standards in the implementation of our programs. The consequences of becoming involved in terrorist financing, even indirectly or inadvertently, would irreparably damage our reputation, status, donor confidence and people's safety.

This policy commits Act for Peace to:

- Employ all reasonable efforts commensurate with identified risks to minimise the likelihood of supporting terrorist individuals, organisations or activities.
- Comply with Australian and Commonwealth laws and ensuring our partners, sub-contractors,¹ staff, and Board comply with domestic laws through strict adherence to processes and policies that minimise the risk of support for individuals and organisations associated with terrorism.

2. Objectives

- To promote and implement best practice principles to safeguard against misuse of funds for terrorist purposes and build a culture of accountability, transparency and due diligence that minimises the risk that funds or resources managed by Act for Peace are misused to support the actions of individuals and organisations associated with terrorism

¹ A sub-contractor is any individual or organisation involved in the implementation of a project funded by Act for Peace.

- To ensure Act for Peace staff and partners strictly abide by all legal requirements pertaining to support of individuals and organisations associated with terrorism
- To ensure strict pro-active measures are undertaken to identify, mitigate, monitor, review and report risks
- To apply our best endeavours to ensure donations and refunds do not support organisations or individuals seeking to launder money²

3. Principles and Standards

Act for Peace is guided by best practice principles of complying with legal obligations, being risk aware and acting commensurate with the level of risk, applying due diligence, including elevated risk management, transparency and accountability. We also seek assurance that a third party will comply with these best practice principles.

Act for Peace abides by international legal obligations including UN Security Council resolutions, Commonwealth, State and Territory laws and the laws of countries our partners operate in. Act for Peace also acknowledges 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*³.

Act for Peace will not partner with, engage a volunteer, intern or Board Member, sub-contract to, or employ entities or individuals appearing on proscribed terrorist lists, including the following lists:

- The Australian Government's [Consolidated List](#)⁴ 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;
- The [World Bank's Listing of Ineligible Firms and Individuals](#), and:
- The Asian Development Bank's Sanctions List;
- The Australian Securities and Investments Commission [ASIC Disqualified Persons Register](#) which lists persons who have been disqualified from the management of a corporation, self-managed superannuation fund or banned from practicing in the Australian financial services or credit industry;
- The Australian Charities and not-for-profits Commission ([ACNC Register of Disqualified Persons](#)) which lists responsible persons suspended or removed from a charity by the ACNC

This policy supports, and should be read in conjunction with, the following Act for Peace policies: Act for Peace's vision, mission and values, Code of Good Practice, Code of Conduct, Risk Management Policy, Risk Management Framework, Complaints Policy, Whistle-blower Policy.

² Money laundering is more fully addressed in Act for Peace's fraud control procedures.

³<https://www.ag.gov.au/CrimeAndCorruption/AntiLaunderingCounterTerrorismFinancing/Documents/Safeguardingyourorganisationagainstterrorismfinancing-booklet.pdf>

⁴ From the regulations made under the Criminal Code Act 1995 and regulations made under the Charter of the United Nations Act 1945 (Cth)

4. Scope

This policy applies to Act for Peace staff, Board, and volunteers and informs Act for Peace practices of funds transfers to overseas and domestic suppliers, contractors, consultants and partners, and overseas monitoring and evaluation of projects and partners ('third parties'). All Act for Peace Board members, staff and volunteers are expected to be aware of this policy and understand the counter-terrorism risk management procedures related to their areas of work.

5. Policy in action

Act for Peace will implement this policy through procedures that ensure that Act for Peace:

- Identifies and monitors the level of risk that we may be exposed to in relation to terrorism financing and apply risk treatments commensurate with the level of risk. This includes increasing treatments when risk is assessed as high, such as increasing frequency of screening against proscribed terrorist lists, of financial reporting requirements and of in-country reviews
- Screens relevant existing and new staff, and volunteers, including Board members⁵
- Screens existing and new partners and sub-contractors⁶ their relevant staff⁷ and against proscribed terrorist lists
- Immediately reports (within 24 hours) any activity that directly or indirectly involves individuals and organisations associated with terrorism or suspected money-laundering to the Australian Government as required under Australian law
- Immediately suspends the delegation of authority held by a staff, volunteer or Board member if suspected of breaching this Policy, to mitigate risk. If it is proven that the policy has been intentionally breached, the staff, volunteer or Board member's engagement will be terminated and the matter may be referred to the police. If the suspicion is proven to be invalid, the delegation of authority will be reinstated.
- Immediately ceases any further transfer of funds to a partner if a partner, a staff member of a partner, or a sub-contractor of a partner have been suspected of or found to have engaged in support to a terrorist organisation, or if listed as a terrorist organisation or appears on the proscribed lists. If it is not immediately clear whether there is a match between the name provided and any name on the proscribed lists, Act for Peace staff must request the assistance of the Australian Federal Police. In the case of a suspected match, transfer of funds will cease until a completed investigation reveals that the individual or entity is without links to terrorist activities.
- Reports any actual or suspected terrorism financing. In such instances, the [National Security Hotline](#) will be immediately contacted. Act for Peace will also notify the Australian Charities and Not-for-profits Commission, with whom we are registered, of any breaches of obligations
- Promotes and adheres to holistic best practice policy and procedure development and implementation to mitigate and respond to the risks posed by individuals and organisations associated with terrorism. This includes risk management, due diligence, transparency and accountability and use of third parties⁸

⁵ Relevant staff means all members of the governing body, CEO and CFO (or equivalent) and staff who can influence financial decisions.

⁶ A sub-contractor is any individual or organisation involved in the implementation of a project funded by Act for Peace.

⁷ Relevant staff means all members of the governing body, CEO and CFO (or equivalent) and staff who can influence financial decisions.

⁸ Third parties include Act for Peace partners.

- Makes all reasonable efforts to ensure the third party is aware of, and seeks assurance that the third party will comply with, all applicable laws and our approach to counter-terrorism
- Supports staff, volunteers and Board members to be aware of the level of risk that the organisation may be exposed to in relation to terrorism financing and, where risk is evident, ensure that precautions are in place.

In applying best practice principles of due diligence and transparency and accountability, Act for Peace safeguards against misuse of funds for terrorist purposes, including through:

Due diligence

- Working as a member of the ACT Alliance, and engaging partners with shared values and a long-standing, clear track record as respectable humanitarian and community development practitioners.
- Ensuring all funded partners agree to and participate in counter-terrorism screening procedures and to our transparency and accountability requirements.
- Conducting counter-terrorism screening, rather than relying on the partner or prospective partner to conduct this themselves.

Transparency and accountability

- Seeking to promote financial accountability and management in capacity building initiatives with all partners.
- Maintaining clearly documented records of what assistance has been provided, who has received it, and the details of any third parties involved.
- Including in our Partnership and Grant Agreements explicit requirements related to counter-terrorism.
- Cyclical reviews and robust monitoring and evaluation, we ensure that funds are used for stated objectives and that adequate information about the nature of a Partner's project is provided.

6. Definitions and Explanations

Affected communities: Refers to those natural persons, or groups of natural persons who receive charitable, humanitarian or other types of protection and solutions through the services of the NGO. This assistance can be material or non-material.

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.

Anti-terrorism: Being principally opposed to terrorism and employing techniques, strategy and practices to combat or prevent terrorism.

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 a proscribed list

Match: The finding of similar or same names or other details between a reference list and a proscribed list which indicates the possibility that there could be a relationship between Act for Peace funds and a terrorist entity. A match is only 'true' when the match between the reference and proscribed lists is confirmed as being the same entity. **Proscribed lists:** Official lists of the names of terrorist individuals or organisations against which Act for Peace checks reference lists. It is against relevant legislation and

Act for Peace mandate to support an entity identified within these lists.

Reference lists: An organisation's list of personnel, suppliers, contractors and consultants who receive or have access to Act for Peace funds which is compared against proscribed lists in case of details being repeated on one or more lists.

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.

Terrorism: In this context, a terrorist act is an act, or a threat to act, that meets both these criteria:

- Terrorism intends to coerce or influence the public or any government by intimidation to advance a political, religious or ideological cause.
- Terrorism causes one or more 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.⁹

Advocating, protesting, dissenting or taking industrial action are not terrorist acts where the person doing the activity does not intend to cause serious harm to a person or create a serious risk to public safety.

Third Party: is any individual or organisation other than a beneficiary to which Act for Peace 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 it not limited to, partners, intermediaries, contractors, sub-contractors and service providers.

Annex 1: Resource and Reference List

1. Australian Government, Attorney General's Department, [Australia's counter-terrorism laws](#)
2. [Australian National Terrorism Threat Advisory System List of Terrorist Organisations](#)
3. [Commonwealth Criminal Code Act 1995 \(Cth\)](#)
4. Australian Government, [Safeguarding Your Organisation Against Terrorism Financing](#)
5. Australian Government Department of Foreign Affairs and Trade, [Consolidated List](#)
6. ICRC, [International treaties against terrorism and the use of terrorism during armed conflict and by armed forces](#)

⁹ Attorney General's Department, <https://www.ag.gov.au/NationalSecurity/Counterterrorismlaw/Pages/Australiascounterterrorismlaws.aspx>