

Opening statement from Luke Sheehy - ATN Executive Director

The Australian Technology Network of Universities (ATN), in collaboration with The University of Newcastle and Deakin University, is pleased to appear before this Senate inquiry.

ATN is the peak body representing Australia's four most innovative and enterprising universities: Curtin University, RMIT University, University of South Australia, and University of Technology Sydney. The University of Newcastle and Deakin University are also important community institutions in the regional gateway cities of Newcastle and Geelong.

We are living through a period of disruption throughout the world and more specifically in our region. Threats to our national security that we could never have imagined decades ago, now mean that most businesses and organisations, as well as governments, have in place risk protection frameworks. Furthermore, these frameworks must continue to develop and evolve as the nature of the risks change.

The Government's responsibilities in protecting the nation have grown significantly out of necessity. ATN believes in this central tenet of national security policy: that the Government's role is to protect Australians. It is the Government's solemn responsibility to chart a course through these troubled waters, designing policy that protects us and enables global cooperation.

The Government, however, does not have to act alone in safeguarding Australia's national interests and ensuring the prosperity and security of Australians. Universities stand ready to help. We believe that through genuine, secure international collaborations and partnerships, Australian universities can contribute to this noble aim.

Since World War 2, it has been bipartisan Australian Government policy to encourage Australian businesses - including universities - to foster and build relationships with countries within our region. It has been a successful part of Australia's foreign policy during this time - leveraging our international collaborations and research partnerships to ensure that Australia has access to the cutting edge of investment in technology and breakthroughs in science. This undoubtedly continues to serve Australia well.

What universities and the Government need - is a robust and trusted system - which allows for the effective identification and management of risks, so that together we can ensure that the benefits from global partnerships are fully realised.

With regard to the Australia's Foreign Relations (State and Territory Arrangements) Bill 2020 (and related Bill), and to universities specifically, the Government has within its arsenal a well-designed, rigorous process that could be enhanced to allow for oversight of international agreements. The *Defence Trade Controls Act 2012*, the Foreign Interference Transparency Scheme and the University Foreign Interference Taskforce (UFIT) are robust, fit-for-purpose models for effective and practical cooperation between universities and Government.

ATN is of the view that the policy objectives sought by the Commonwealth could be best achieved by refining and co-ordinating these existing models and frameworks, particularly the successful and evolving cooperative partnership between security agencies and universities through an expanded UFIT model.

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ATN recommends that the Government works with the sector on a proportionate and risk-based approach to managing university agreements with foreign governments and related entities. A collaborative approach would be more effective at continuing to embed the responsibility for security within the operations and culture of Australian universities.

It is unclear what additional benefit the Bill would bring as it does not - as drafted - build on or draw from the effective and successful foundation that the Government, its security agencies and universities have designed and implemented in partnership.

We should guard against the potential to create confusion or a reduction of effectiveness of the current system through a dilution of the focus on those agreements where risk is greatest.

There are design flaws within the Bill as drafted. The current scope of the Bill is vast, but it lacks significant detail – it is silent on key definitions and relies heavily on Ministerial discretion.

We do not support passage of the Bill without these key issues being addressed.

Our specific concerns include:

- The significant administrative undertaking for the Department of Foreign Affairs and Trade and universities of managing thousands of agreements that exist between universities and foreign entities
- The potential risks for Australia's world-class research and innovation systems that are highly interdependent on international collaboration
- The disadvantage that would be created for Australian universities in collaborating with industry and businesses, particularly in an increasingly integrated global economy.

This Bill as drafted captures agreements with universities that have similar levels of autonomy to Australian universities.

Under the Bill's definitions, most European and United States universities would be classified as non-autonomous because they are constituted by legislation, publicly funded and have executives or governing bodies appointed by government.

This Bill is out of step with the other liberal democracies that are our key political and economic partners and allies.

From our research, this Bill appears to go beyond what Australia's other Five Eyes alliance partners have legislated and would diminish Australia's relative advantage in the globally connected and competitive area of research.

A safe and secure Australia is vital for our collective futures, and we want to build on the good work already been done with Government, rather than creating a new bureaucratic super structure.

What we are working towards is an efficient and effective system of oversight that is balanced, proportionate and allows the huge benefits of global partnerships to be realised without exposing our country to unwarranted risk.

I am happy to answer any questions Committee members may have.