

The following are answers to questions taken on notice by Luke Sheehy, Executive Director, during the Senate Foreign Affairs, Defence and Trade Legislation Committee's inquiry into the Australia's Foreign Relations (State and Territory Arrangements) Bill 2020 and Australia's Foreign Relations (State and Territory Arrangements) (Consequential Amendments) Bill 2020 on 13 October 2020.

Senator Patrick (page 19): *Okay. In relation to the scope of the bill, Mr Sheehy talked about how broad it was in nature. I note that Universities Australia's submission points out a range of different agreements. I wonder whether or not it's possible to reconcile those agreements, or those types of agreements, against controls already in place. If I look at collaborative research projects, for example, it might be helpful if you were to articulate that the Defence Trade Controls Act, for example, has an impact on those agreements. Perhaps that's a question on notice. I would have thought it might have been helpful—in terms of negotiating with the government to reduce the burden on regulation—to spell out the tie-ins with other legislation.*

The *Defence Trade Controls Act 2012* strengthens Australia's export controls by regulating the supply, publication and brokering of goods, software and technology listed on the Defence and Strategic Goods List (DSGL).

The Act's penalty provisions apply to individuals and body corporates – this means that universities and university staff are vulnerable to prosecution under the Act. Accordingly, universities have policies to ensure they comply with the Act that apply to all university staff, students and affiliates, and those undertaking research on behalf of the university.

As such, the Act applies to all applicable agreements involving staff, students and affiliates of the universities, including but not limited to:

- collaborative research projects
- funding agreements with international funding bodies
- joint ventures and other partnerships
- student and staff exchange and mobility programs
- international campuses.

The Autonomous Sanctions Framework, comprising the *Autonomous Sanctions Act 2011* and the *Autonomous Sanctions Regulations 2011*, implement the United Nations Security Council (UNSC) sanctions regimes and Australian autonomous sanctions regimes.

Sanctions prohibit the universities from dealing with specific individuals and entities, or providing those individuals, entities and specified countries with access to specific types of training, services and resources. As such, the sanctions apply to all applicable agreements involving staff, students and affiliates of the universities, including but not limited to:

- collaborative research projects
- funding agreements with international funding bodies
- joint ventures and other partnerships
- student and staff exchange and mobility programs
- international campuses.

The Australian visa system includes appropriate checks and screening for staff, students or collaborators seeking to enter Australia. As such, the system applies to all applicable agreements involving staff, students and affiliates of the universities, including but not limited to:

- collaborative research projects
- students and staff in Australia on exchange and mobility programs.

The Foreign Influence Transparency Scheme provides the public with visibility of the nature, level and extent of foreign influence on Australia's government and politics. The scheme captures people undertaking certain activities (including communications undertaken for the purpose of political or government influence) on behalf of a foreign government, political organisation, or related entity or individual. As such, the scheme applies to university staff, students and affiliates seeking to undertake those activities, including but not limited to:

- staff and students in Australia on exchange and mobility programs.

The University Foreign Interference Taskforce Guidelines provide a framework for universities to identify and address any risks of potential foreign interference. As such, they apply across the range of activities that universities undertake including but not limited to:

- collaborative research projects
- funding agreements with international funding bodies
- joint ventures and other partnerships
- student and staff exchange and mobility programs
- international campuses.

Senator Kitching (page 39): *I'm wondering if we could ask the previous panel—that is, Ms Jackson, Ms Thomson and Mr Sheehy—and this panel to give us a flow chart of how they interact if a problem arises or something is brought to their attention. How do they interact? With whom do they interact—not the actual name of the officer, but rather the section in the department? It's just so we can have an understanding of the processes that are currently used, or perhaps not used, in terms of trying to solve any issues that may arise in terms of these agreements or in terms of foreign interference and foreign influence.*

The Australian Technology Network of Universities (ATN) represents Australia's most enterprising universities. As a peak body, we provide strategic policy advice to our members and advocate on their behalf in matters of public policy.

Discussions about identifying and managing foreign interference and foreign influence across our governments, universities and research networks may arise through our regular engagement with groups such as the:

- Department of Education, Skills and Employment (Higher Education, Research and International Group)
- Department of Home Affairs
- Australian Research Council
- National Health and Medical Research Council
- Department of Foreign Affairs and Trade
- Attorney General's Department
- Department of Defence.