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Parliamentary Joint Committee on Intelligence and Security PO Box 6021
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A Submission from Concerned Scholars of China and the Chinese Diaspora to the Review of the *Espionage and Foreign Interference Bill 2017*

As scholars of China and the Chinese diaspora, we write to express our concern regarding the proposed revision of Australia's national security laws. We do so on two grounds; first, the new laws would imperil scholarly contributions to public debate on matters of importance to our nation; and second, the debate surrounding "Chinese influence" has created an atmosphere ill-suited to the judicious balancing of national security interests with the protection of civil liberties. We wish to express our disagreement with some of the key claims that have been raised in the course of this discussion of Chinese influence in Australia.

1. The Threat to Intellectual Freedom

A healthy media environment relies on the participation of scholars to contribute their expertise, particularly in fields such as ours which cultivate specific regional knowledge. We view our contributions as part of our role as scholars and educators. Scholars in our field frequently receive requests to discuss issues that touch on questions of national security, and we anticipate such requests only becoming more frequent as discussion surrounding the People's Republic of China encounters issues of political interference, espionage, and the possibility of regional conflict. We are alarmed that the new legislation would criminalise the simple act of *receiving* information deemed harmful to the national interest, let alone discussing it in public. While exemptions have been proposed for journalists, this does nothing to assuage our concern that the freedom of scholars to fulfil their public function will be threatened by these laws.

2. The Debate on Chinese Influence

An important element of the background to this legislation is the debate on Chinese influence in Australia. We are well aware that China's rise has many implications for Australia, and confronts us with difficult questions. To best meet this challenge, journalists, scholars, and politicians should strive to provide the Australian public with an accurate picture of the shifting global situation and Australia's position within it, and engage as wide a range of viewpoints as possible, Chinese and non-Chinese alike. Unfortunately, we believe prevailing trends in the public discussion of China have not met these expectations.

We strongly reject any claim that the community of Australian experts on China, to which we belong, has been intimidated or bought off by pro-PRC interests. We situate ourselves in a strong Australian tradition of critical engagement with the Chinese political system, and it is precisely our expertise on China that leads us to be sceptical of key claims of this

discourse. We see no evidence, for example, that China is intent on exporting its political system to Australia, or that its actions aim at compromising our sovereignty. We believe the parliament would be wrong to be guided by such assumptions in its debate on these laws.

Where criticism of China's actions is substantiated by clear evidence, there should be no hesitation in applying scrutiny and appropriate penalties. Too often, though, the media narrative in Australia singles out the activities of individuals and organisations thought to be linked to the Chinese state and isolates them from a context of comparable activity, engaged in by a range of parties (among them our allies). In doing so it puts a sensational spin on facts and events. Instead of a narrative of an Australian society in which the presence of China is being felt to a greater degree in series of disparate fields, we are witnessing the creation of a racialised narrative of a vast official Chinese conspiracy. In the eyes of some, the objective of this conspiracy is no less than to reduce Australia to the status of a “tribute state” or “vassal”. The discourse is couched in such a way as to encourage suspicion and stigmatisation of Chinese Australians in general.

The alarmist tone of this discourse impinges directly on our ability to deal with questions involving China in the calm and reasoned way they require. Already it is dissuading Chinese Australians from contributing to public debate for fear of being associated with such a conspiracy. Chinese in Australia, whether citizens of our country or not, expect and deserve the same freedoms as anyone else in our democratic system: to express opinions on any question, and to support or criticise any policy. Whether a scholar at an Australian university, or a student from the PRC, Hongkong, or Taiwan, all should be able to express their point of view without it being dismissed by accusations that they speak on behalf of hostile foreign interests.

To the extent that the Chinese Communist Party seeks to infringe on these rights to freedom of expression, appropriate steps may be required. But any such foreign influence, where it might exist, is not the only, or even the primary, reason for the shortage of Chinese voices in Australian public life. To depict the issue in these terms is to ignore Australian society's own failure to render its mainstream more accessible to diverse viewpoints, a flaw long evident before the current scare surrounding the PRC.

We should be vigilant that public discourse in Australia does not create undue pressure on one particular section of our society to demonstrate its loyalty to Australia at the expense of its freedom to criticise Australian policies and actions. The complex political landscape of Chinese Australia is not reducible to a simplistic “pro-” or “anti-Beijing” binary. Yet, if the debate continues to be conducted in these terms, with commentators speculating as to the supposedly divided loyalties of Chinese Australians, or contemplating punitive measures to restrict the rights of those identified as “pro-Beijing”, we run the risk of creating just such a polarisation.

We have in Australia's mature multicultural society the capacity to conduct this important debate with much greater rigor, balance, and honesty than we have so far. We call on all those involved in the debate to work towards this end.

Such an informed debate should form part of the much wider public consultation that we believe is necessary surrounding these laws, and we ask that the draft legislation be withdrawn until such time as that consultation can occur.

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