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02 February 2021

Submission
Customs Amendment (Banning Goods Produced By Uyghur Forced Labour) Bill 2020

To: Secretariat
Senate Foreign Affairs, Defence and Trade Legislation Committee

Dear Chair and members

We thank the Committee for the opportunity to make this submission on the above Bill.

We agree with the thrust of the Bill, and we call for its extension.

We also call for further and comprehensive actions, well beyond this Bill. In brief, we argue that appeasing China (also called reset, "a little respect",..) is not sustainable. Instead, Australia should - by itself and in concert with like-minded nations: (i) Take some reciprocal actions, (ii) Be more ready to override corporate interests when they conflict with the national interest, and (iii) Be willing to have China-specific laws. As part of this comprehensive national plan, we also advocate for a future review of scientific collaboration because China weaponises such collaboration, and because of a lesson from 2008, detailed in Appendix 1: Chinese virologists found a way for coronaviruses to infect humans - with Australia's inadvertent help.

We support section 50A in whole. And we support the following extensions

A. **Covering forced labour not just Uyghurs**, that is, paragraph (b) should include prisoners and detainees regardless of ethnicity;

B. **Putting the onus of proof on importers,** that is, interpreting section 50A as importers bearing the onus to show regulators that no forced labour is involved in their supply chain;

C. **Applying to the whole supply chain**. For example, if a car part is made using forced labour then a car using that part is covered in this Bill;

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D. **Applying to services, not just goods.** By changing from "goods" to "goods or services", this Bill can deal with scenarios where the production of goods is disguised as a service.

What to do once a goods has been known to involve forced labor? We suggest 3 actions:

1. ADVISE: Customs should inform the potential importer of this fact;

2. WATCH: Future China imports from the importer who imported this goods should be closely watched to prevent recurrence;

3. LIST: Customs should compile a publicly-accessible list of China's suppliers known to have used forced labour - this would help importers to assess risks when looking for suppliers.

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The above are specific to the current Bill.
Below, we discuss related but more general aspects.

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China is a danger to Australia, and appeasement is not a solution

- **China's broad range of attacks is a serious and ongoing danger to Australia**;

- **If we give in, we will have to give up.** To give a little "respect" - as a New Zealand minister advised Australia recently - is to tell Beijing: If in future we disrespect you then, sirs, feel free to hit us again;

- **A bully stops bullying only when bullying costs them. But, how?**

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Reciprocity - If China wants to get, it must give

- **The world has been feeding the mouth of a giant whose hand now starts to hit it**. This has gone on for decades, far too long;

- **For decades, China has taken the world's benefits, for free** - their companies are free while foreign companies must groom their future competitors, their journalists roam freely while foreign journalists are restricted, their officials freely weaponise Twitter while they ban these companies,..;

- **When China gives selected benefits, it's in exchange for even more benefits.** The EU CAI is a recent example where, in return for relaxing its unilateral restrictions on European companies, China got more concessions;

- **This situation is unsustainable, the only way forward is reciprocity - give China what China gives:**
    - Australia should put restrictions on Chinese companies' board structure until China relaxes its similar restrictions
    - Australia should put restrictions on China's reporters and diplomats until China relaxes its restrictions
    - And so on;

- **If China doesn't relax its restrictions, so be it.** The above controls and restrictions, if they don't create tools for negotiations, they still slow down China's attacks on Australia;

- **The reciprocity approach takes some getting used to, but consider the alternative:** Western companies are out-competed by Chinese ones. Western consular officers find it difficult to visit detained nationals while China's diplomats freely attempt to influence overseas Chinese communities;

- **Clearly, reciprocity is essential but not enough.** Reciprocity implies we are 1 step behind. The next section discusses additional components.

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A comprehensive approach to China-specific challenges

- **Australia needs a comprehensive approach to deal with China-specific challenges.** Among others, this approach will inform policy-makers and Parliament to work out what approaches to take, beyond reciprocity;

- **To formulate that approach, Parliament needs to play a key role,** with public input allowed;

- **This comprehensive approach will demand some fundamental changes in the way we do things, such as** being more prepared to put the national interests above corporate interests, and being prepared to have China-specific laws and regulations. See below..

Allow the national interest to restrict corporate interests

- **Australia has stopped some future Chinese investment, but what about existing ones?** We should look at past investments to identify security issues and what actions are needed, if any - similar to what the US' CFIUS (Committee on Foreign Investment in the United States) is doing;

- **Should Australian companies be free to invest in China?** For decades, the presumption has been Yes. What if this continued freedom creates strategic or security vulnerabilities for Australia down the track?

- **Should Australia allow China's lobbyists to operate?** It does not work the other way round - Australia cannot have lobbyists operating in China - therefore any win by China's lobbyists is a non-reciprocal win for China. So long as the lobbying industry continues to exist, this must mean that it has created benefits for its funders - in other words, its existence indicates that China is making non-reciprocal wins against Australia;

- **Should corporates be allowed to lobby Australian governments about China?** This seems to be a fundamental right in our society, but consider the consequences. One example was that Australia supported China's entry into the WTO, and now China breaks WTO rules to hit Australia. In other words, the Australian lobbyists at that time created the conditions for Australia to be hurt.

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Be willing to have China-specific laws and regulations

- **China is in a class of its own**. If one lists all the things that China does and ask "Who else does these things?", the answer is "No one";

- **Therefore, Parliament should replace its usual approach of "one rule for all" with China-specific laws**. On a school playground, if a kid is a persistent and pathological bully to others, then forbid that bully from entering the playground, don't forbid all kids from playing.

- **This Bill, which springs forth from Uyghur forced labor, is a step in the right direction**. We advocate for more laws specifically about China.

Forthcoming Olympics in China

- **Australia should refuse to send its sporting representatives to China.** The IOC argues that sports should be above politics, but holding the Olympics in China is itself a political act, by saying "We don't care if you are committing genocide, so long as you run the Games well";

- **Australia should also work to stop genocides-committing states to bid for hosting future Olympics**, by working with like-minded nations to establish an IOC rule for this.

As part of the national strategy, scientific collaboration should be looked at

- **Now that it is clear that China weaponises everything, including scientific collaboration,** Australia should have another look at it;

- **A case in point: Wuhan virologists conducted research on modifying coronavirus to infect humans - with Australia's help.** In 2008, Wuhan-based Chinese virus researchers published a scientific paper on their work to modify coronavirus genes to attack human cells, and 2 of those researchers were working at Australian institutions. See Appendix 1 for more details.

- End of Body of Submission -

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APPENDIX 1

As part of China-Australia scientific collaboration, in 2008 Wuhan virologists modified coronavirus genes to infect humans

The researchers were Meng Yu and Lin-Fa Wang, both worked for the CSIRO Livestock Industries, among other Australian institutions. The publication was JVI, Journal of Virology, by the American Society for Microbiology.

In this February 2008 JVI's "Virus-Cell Interactions" section, the paper (see next page) was titled *"Difference in Receptor Usage between Severe Acute Respiratory Syndrome (SARS) Coronavirus and SARS-Like Coronavirus of Bat Origin"* by Wuze Ren, Xiuxia Qu, Wendong Li, Zhenggang Han, Meng Yu, Peng Zhou, Shu-Yi Zhang, Lin-Fa Wang, Hongkui Deng, Zhengli Shi.

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https://jvi.asm.org/content/82/4/1899

The 5th and 8th authors were Meng Yu and Lin-Fa Wang, their biography read *"**CSIRO** Livestock Industries, **Australian** Animal Health Laboratory and **Australian** Biosecurity Cooperative Research Center for Emerging Infectious Diseases, Geelong, Australia"*, while the 1st author was Wuze Ren *"State Key Laboratory of Virology, **Wuhan Institute of Virology**, Chinese Academy of Sciences, Wuhan, China"* (Our emphases). All authors were Chinese scientists.

The abstract says, in part, that the researches modified the virus genes *"by inserting different sequences of the SARS-CoV S into the SL-CoV S backbone"* (where S stands for spike protein) and found that *"a minimal insert region (amino acids 310 to 518) was found to be sufficient to convert the SL-CoV S from non-ACE2 binding to human ACE2 binding"*.

In layman terms, this means the researchers modified the virus genes to turn the spike molecule outside the virus into the key. Their experiment succeeded, that molecule does then become a key, it opens the lock on the cell membrane. Thus, the virus enters the cell, hijacks the cell's machinery to create many copies of itself, these then burst out and infect many more cells.

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Difference in Receptor Usage between Severe Acute Respiratory Syndrome (SARS) Coronavirus and SARS-Like Coronavirus of Bat Origin▽

Wuze Ren,[1]† Xiuxia Qu,[2]† Wendong Li,[1]‡ Zhenggang Han,[1] Meng Yu,[3] Peng Zhou,[1] Shu-Yi Zhang,[4] Lin-Fa Wang,[3]* Hongkui Deng,[2] and Zhengli Shi[1]*

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Severe acute respiratory syndrome (SARS) is caused by the SARS-associated coronavirus (SARS-CoV), which uses angiotensin-converting enzyme 2 (ACE2) as its receptor for cell entry. A group of SARS-like CoVs (SL-CoVs) has been identified in horseshoe bats. SL-CoVs and SARS-CoVs share identical genome organizations and high sequence identities, with the main exception of the N terminus of the spike protein (S), known to be responsible for receptor binding in CoVs. In this study, we investigated the receptor usage of the SL-CoV S by combining a human immunodeficiency virus-based pseudovirus system with cell lines expressing the ACE2 molecules of human, civet, or horseshoe bat. In addition to full-length S of SL-CoV and SARS-CoV, a series of S chimeras was constructed by inserting different sequences of the SARS-CoV S into the SL-CoV S backbone. Several important observations were made from this study. First, the SL-CoV S was unable to use any of the three ACE2 molecules as its receptor. Second, the SARS-CoV S failed to enter cells expressing the bat ACE2. Third, the chimeric S covering the previously defined receptor-binding domain gained its ability to enter cells via human ACE2, albeit with different efficiencies for different constructs. Fourth, a minimal insert region (amino acids 310 to 518) was found to be sufficient to convert the SL-CoV S from non-ACE2 binding to human ACE2 binding, indicating that the SL-CoV S is largely compatible with SARS-CoV S protein both in structure and in function. The significance of these findings in relation to virus origin, virus recombination, and host switching is discussed.

The outbreaks of severe acute respiratory syndrome (SARS) in 2002–2003, which resulted in over 8,000 infections and close to 800 deaths, was caused by a novel coronavirus (CoV), now known as the SARS-associated CoV (SARS-CoV) (12, 25, 33, 36). The association of SARS-CoV with animals was first revealed by the isolation and identification of very closely related viruses in several Himalayan palm civets (*Paguma larvata*) and a raccoon dog (*Nyctereutes procyonoides*) at a live-animal market in Guangdong, China. A very high genome sequence identity (more than 99%) exists between the SARS-CoV-like virus from civets and SARS-CoV from humans, supporting the notion that SARS-CoV is of animal origin (18). However, subsequent studies showed that palm civets on farms and in the field were largely free from SARS-CoV infection (23, 40). These results suggested that palm civets played a role as an intermediate host rather than as a natural reservoir. Subsequent surveillance studies among different bat populations revealed the presence in several horseshoe bat species (genus *Rhinolophus*) of a diverse group of CoVs, which are very similar to SARS-CoV in genome organization and sequence. These viruses are designated SARS-like CoVs (SL-CoVs) or SARS-CoV-like viruses, (26, 29). Such discoveries raised the possibility that bats are the natural reservoirs of SARS-CoV (26, 29, 38) and triggered a surge in the search for CoVs in different bat species in different geographic locations (39, 43, 44a).

Phylogenetic analysis based on different protein sequences suggested that SL-CoVs found in bats and SARS-CoVs from humans and civets should be placed in a separate subgroup (group b) in CoV group 2 (G2b) to differentiate them from other group 2 CoVs in the genus *Coronavirus* (17, 26, 29, 43). G2b CoVs display major sequence differences in the N-terminal regions of their S proteins. The S proteins of CoVs play a key role in virus entry into host cells, including binding to host cell receptors and membrane fusion (4, 10, 24). Angiotensin-converting enzyme 2 (ACE2) has been identified as the functional receptor of SARS-CoV, and the molecular interaction between ACE2 and the SARS-CoV S protein has been well characterized (27, 28, 31, 42). A 193-residue fragment (amino acids [aa] 318 to 510) in the SARS-CoV S protein was demonstrated to be the minimal receptor-binding domain (RBD) which alone was able to efficiently bind to ACE2 (1, 42a, 45). Furthermore, it was shown that minor changes in amino acid residues of the receptor-binding motif (RBM) of SARS-CoV S

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APPENDIX 2

Schedule 1 — Amendments

Customs Act 1901

50A Prohibition of the importation of goods—goods produced by Uyghur forced labour

The importation of the following goods is prohibited absolutely:

(a) goods produced or manufactured in the Xinjiang Uyghur Autonomous Region of the People's Republic of China;

(b) goods produced or manufactured in the People's Republic of China through the use of forced labour (within the meaning of the Criminal Code)..