



Professor Arshad Omari
Senior Deputy Vice-Chancellor

JOONDALUP CAMPUS

270 Joondalup Drive, Joondalup
Western Australia 6027
☎ 134 328

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www.ecu.edu.au

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Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
CANBERRA ACT 2600
natsecuni@aph.gov.au

National security risks affecting the Australian higher education and research sector

This submission from Edith Cowan University provides advice to the Parliamentary Joint Committee on Intelligence and Security in relation to its inquiry into national security risks affecting universities.

Edith Cowan University (ECU) is a large public university, providing higher education and research training to more than 30,000 Australian and international students each year. ECU works with educational partners around the world to ensure its students benefit from international educational opportunities and cultural experiences. In addition, ECU undertakes world-class research that capitalises on national and global expertise. The head office of the national [Cyber Security Cooperative Research Centre](#) is located at ECU's Joondalup Campus, bringing together expertise from six Australian universities, the Australian Federal Police, Australian Tax Office, Department of Defence, Attorney-General's Department, CERT Australia, and leading technology companies including Cisco and Singtel Optus.

B. The sector's awareness of foreign interference, undisclosed foreign influence, data theft and espionage, and its capacity to identify and respond to these threats

In November 2019, the University Foreign Interference Taskforce (UFIT) released the [Guidelines to Counter Foreign Interference in the Australian University Sector](#). These guidelines were established after extensive consultation and discussion between the higher education sector and experts within the Australian Government.

Edith Cowan University's submission to the *National Security Risks Affecting the Australian Higher Education and Research Sector Inquiry*

ECU appreciates that Australian universities are of interest to sophisticated and foreign actors. Innovation, openness, collaboration, and the free exchange of ideas are important principles of the Australian university sector, but also present risks. As a result, universities have extensive risk assessment and management processes to identify and mitigate these threats. These processes have been informed by the recommendations in the *Guidelines to Counter Foreign Interference in the Australian University Sector*.

C. The adequacy and effectiveness of Australian Government policies and programs in identifying and responding to foreign interference, undisclosed foreign influence, data theft and espionage in the sector

Recent legislative measures to combat foreign interference appear to be disjointed and without time for adequate consultation. New national security bills have been introduced this year that will impose additional administrative burdens on universities, including *Australia's Foreign Relations (State and Territory Arrangements) Bill 2020*, *Australia's Foreign Relations (State and Territory Arrangements) (Consequential Amendments) Bill 2020*, and the *Security Legislation Amendment (Critical Infrastructure) Bill 2020*. This is despite the University Foreign Interference Taskforce noting that academic activities are low-risk, and responses should therefore be proportionate.

A more holistic, rigorous and consultative method of developing national security legislation is recommended to ensure there are no omissions, duplications, or unnecessary bureaucracy.

D. Responses to this issue in other countries and their relevance to the Australian situation

In the United States, several bills were introduced in 2019 to address foreign interference in research: the [H.R. 1678](#) and [S.1879](#) *Protect Our Universities Act*, the [H.R. 3038](#) *Securing American Science and Technology Act* (SASTA), and the [S.2133](#) *Secure American Research Act*. The *Protect Our Universities Act* was overly restrictive; however, SASTA was incorporated into the [H.R. 5515](#) *John S. McCain National Defense Authorization Act 2019* (NDAA 2019) in December 2019.

Section 1286 of the NDAA 2019 required the establishment of "an initiative to work with academic institutions who perform defense [*sic*] research and engineering activities" to protect intellectual property, reduce foreign influence, and improve development of American talent. NDAA 2019 also included developing an "information exchange forum and information repositories", providing training and financial support for academic institutions to limit influence, and promoting collaborations between US government departments, defence researchers, and academic organisations.

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In Australia, the University Foreign Interference Taskforce provided a welcome opportunity for collaboration between the Australian Government and the higher education sector on national security and foreign interference issues. It is recommended that a committee, composed of members from the higher education sector, research institutions, and the relevant Australian Government departments, is established through legislation to work together on national security issues, and to provide a proportionate, connected approach to national security affecting universities.

If you require further information or clarification, please contact me by email:

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Yours sincerely

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Professor Arshad Omari
Senior Deputy Vice-Chancellor

