



26 October 2012

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Transmitted via email

Dear Senators and Members,

I write in my capacity as President of the Society of University Lawyers (SOUL), which represents over 200 lawyers who are employed to provide legal services to Australia's 40 universities. As such, SOUL is able to offer a unique and well informed perspective on the legal framework governing Australia's higher education.

It is in this context that SOUL and its members join with Universities Australia in calling for the Defence Trade Controls Bill to be amended to ensure Australia's higher education sector is not placed under a burden which will impose significant regulatory costs and seriously impede Australia's ability to engage in open science, innovation and education in the wide areas affected by the Bill including: public health; agriculture; mining; manufacture; information technology; science and engineering.

In particular we call for three findings and recommendations of the Senate Defence Foreign Affairs and Trade Committee to be reflected in the law as adopted. First, that Australian law should not place Australian universities and researchers under heavier constraints in respect of the conduct of teaching, research and academic publication than currently applies in the United States. Teaching, research and publication enjoy wide exclusion from export controls in that jurisdiction and that we commend any outcome that achieves an equivalent result in Australia. Second, that section 74A of the Government Amendments to the Bill be revised to bring it into closer accord with the draft terms of reference for the Strengthened Export Control Steering Group agreed by the Chief Scientist's roundtable. Third, that the Senate Defence Foreign Affairs and Trade Committee continue to play an oversight role in scrutinising the transition period and the operation of the Bill.

In SOUL's view there is a real likelihood that the Bill as currently drafted may do more harm than the risks it seeks to address. We are confident that Australia's law makers are well aware of the important issues at stake and are best placed to balance the important societal interests to ensure a sound legislative outcome. We seek your support for the changes suggested above, which we believe to be in the national interest.

Yours sincerely

Saveria Dimasi
President

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