

17 December 2010

Mr Peter Scott
Director of Sanctions and Transnational Crime
Department of Foreign Affairs and Trade
RG Casey Building, John McEwen Crescent
Barton ACT 2600
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Dear Mr Scott

I am writing regarding the impact on universities of new legislation that acts to extend and supplement sanctions imposed by the United Nations Security Council (UNSC).

The Autonomous Sanctions Bill 2010 is of concern to universities because it makes them liable if found to have accepted student fees or processed fee payments from any person or party that has been considered a potential risk by the Department of Foreign Affairs and Trade (DFAT) under the new Bill.

The Group of Eight (Go8) understands that the Bill is designed to minimise the impact on the general populations of the countries affected (mainly North Korea, Fiji, the former Yugoslavia, Iran, Zimbabwe and Burma).

However, universities do not have access to intelligence services and could find themselves in a very difficult position. How should universities assess the risk posed by individual applicants in advance without such intelligence services? With fines of over \$1 million applicable for breaches of the legislation, the consequences for universities, already under considerable financial pressure due to falling enrolments of international students, are potentially very serious.

As you would know, one Go8 member university, in an attempt to do the right thing and ensure its compliance with the new Bill, earlier this year sent a batch of more than 20 applications from students in Iran directly to DFAT for consideration. Nearly three months later there has been no final response. Clearly this is not a solution for the longer term as universities need to have flexibility to respond quickly to student enquiries and applications.

Further concerns include the lack of information about how universities can prepare to ensure they comply with the Bill and a seeming lack of co-ordination between DFAT and DIAC on this issue. To this date the DIAC website does not include a reference to the new Bill or the impact on universities.

The Go8 respectfully requests that the Government put in place a process which would flag the individuals considered to pose a risk and communicate this information to DIAC to ensure those students are not issued a visa.

Michael Gallagher
Executive Director

cc: Committee Secretary, Senate Foreign Affairs and Trade Committee