

Response to Questions on notice

1) Are you aware of how many talent recruitment program participants there are at the UNSW?

UNSW undertakes academic recruitment in areas of academic need and priority. Our recruitment process is based on academic criteria with a formal selection process in place. Leading academics are often recruited with the assistance of established recruitment agencies to assist in global and local searches.

UNSW's recruitment process aligns with Australian Standard AS4811-2006 on employment screening, and includes pre-employment checks, reference checks and background checks undertaken by an external specialist provider. Any concerns that are raised through these processes are carefully considered before a decision is made to proceed. Academic recruits are also required to disclose their participation in talent recruitment programs, in line with the university's policies.

I am advised that based on these due diligence processes, no current participants in talent recruitment programs of the type suggested by the Chair have been identified.

2) Would you be able to take on notice to tell us the knowledge that you currently have of those registers that UNSW has?

The University of New South Wales (UNSW) does not keep a register of foreign arrangements as defined in the Bill. UNSW has a number of record-keeping systems which support specific activities and business units. Various of these systems will capture documents, or details of documents, which may be foreign arrangements as defined in the Bill. By way of example, our Graduate Research School maintains records of arrangements which are entered into in relation to our Higher Degree Research Students, which may include foreign arrangements. The particular details captured in each record-keeping system vary depending on business needs and requirements.

3) Can I ask about the issue that was raised about a year ago now at the University of New South Wales computer science faculty, where a professor co-authored research with Chinese generals linked to Beijing's nuclear weapons program. Was that reported?

UNSW Sydney is proud of the research undertaken by Scientia Professor Jingling Xue and our other academics. It's consistent with our mission to join with the world's best and brightest minds to tackle our most complex and pressing challenges.

It is now more important than ever to partner with academics, businesses, and governments from all over the world, including the United States and China - the world's two largest economies.

There is not, and has never been, anything remotely secretive about Professor Xue's work. He has made a significant contribution to generations of students from Australia and around the world. Professor Xue has co-authored scores of papers in peer-reviewed journals and conferences that are accessible for all on the internet. International collaboration is part of a common goal at UNSW, and many other universities, to pass on information widely about initiatives so they can be continuously improved.

This is the foundation of the modern research system.

Like many of his peers, Professor Xue's major software contributions have been published as open source tools and are accessible by anyone: <https://www.cse.unsw.edu.au/~jingling/tools.html>. His PhD students' theses are also publicly available on UNSWorks, our institutional repository.

Since arriving at UNSW in 1999, nearly 60% of his 200-plus papers have *not* involved partners from China. Of the Chinese collaborations, 36 have been with the National University of Defence Technology (NUDT), and 26 with the Chinese Academy of Sciences (CAS). Since 2008, eight of his 40 PhD students have been from NUDT. Earlier Professor Xue held an honorary visiting appointment with NUDT but ended his association with NUDT in 2017.

UNSW Sydney confirms Professor Xue's research has never been funded by the NUDT nor by the Chinese government. He is funded by multiple Australian Research Council grants and by CSIRO. The comment by the Chair that UNSW "entered into an arrangement with the People's Liberation Army" is incorrect.

UNSW sent a list of Professor Xue's research projects to the Department of Defence in late 2017 and they confirmed they were not covered by government restrictions as they are deemed non-sensitive.

UNSW takes its security and compliance obligations very seriously. We conduct rigorous assessments as appropriate including commissioning external commercial and risk reports for overseas funders. This includes extensive due diligence on any potential dual purpose technology projects which we scrutinise for compliance with the Defence Trade Controls Act and the Weapons of Mass Destruction Act, both administered by the Department of Defence. This involves a UNSW Export Controls Officer scrutinising the Defence Security Goods List with use of the online DSGL tool. <https://dsgl.defence.gov.au/Pages/Search.aspx>.

4) Is DFAT the appropriate repository of this scheme, and should we be looking to augment the FITS rather than recreating a scheme where you have DFAT in charge of a scheme pertinent to foreign relations?

The most appropriate regulation of the university sector is through existing mechanisms, including the *Foreign Influence Transparency Scheme Act 2018* (Cth) and the *Guidelines to Counter Foreign Interference in the Australian University Sector*. These mechanisms involved, in the case of the Guidelines, collaboration and a co-design process with the university sector, and the Guidelines now provide valuable guidance to universities in managing foreign interference risk. The Act and the Guidelines strike a balance between foreign interference risk and reasonable commercial activity which drives research collaboration, innovation in both research and education and benefits to society in Australia and globally.

5) On notice, could you provide the committee with the High Court cases whereby you suggested that the court introduced an implied right of the states to deal internationally?

The cases begin with:

- *Melbourne Corporation v Commonwealth* (1947) 74 CLR 31

Later cases addressing this issue are:

- *Commonwealth v Tasmania* (Tasmanian Dam Case) (1983) 158 CLR 1
- *Austin v Commonwealth* (2003) 215 CLR 185
- *Clarke v Federal Commissioner of Taxation* (2009) 240 CLR 272