



## SUBMISSION TO THE PARLIAMENTARY JOINT COMMITTEE ON NATIONAL SECURITY RISKS AFFECTING THE AUSTRALIAN HIGHER EDUCATION AND RESEARCH SECTOR.

**December 2020**

CQUniversity welcomes the opportunity to make a submission to the Parliamentary Joint Committee on the Intelligence and Security Inquiry into the National Security Risks affecting the Australian higher education and research sector.

CQUniversity is Australia's largest regional university, boasting more than 20 national locations in five states of Australia. We also have an established partnership arrangement to deliver higher education and corporate training services in Indonesia. CQUniversity has a long history of working in the international landscape: in international higher education in Australia and overseas; as a partner with other universities and agencies in applied industry-focused research; and in philanthropic community development and support.

CQUniversity acknowledges the potential risks of foreign interference and influence, especially when participating directly in international dialogue, agreements and partnerships. As such, the Government's desire to manage these risks is understandable. However, CQUniversity is concerned the approach proposed may have unintended consequences which reduces our agility, and the flexibility with which we are able to pursue higher education and/or research collaborations.

The Australian Higher Education sector has been responding to the 2019 Guidelines to counter foreign interference over the past year and early results indicate universities recognise their responsibilities and have the capacity to manage risks. In this context, we do not believe a "one size fits all" or centralized approach to managing all international activities, partnerships and decision-making across the Higher Education and research sector is appropriate.

### RECOMMENDATIONS

CQUniversity recommends that:

- the Government reconsider the proposal that Ministerial approval be required to enter into any international negotiations and agreements, and alternatively consider a risk-based approach to agreement making and determining the need for Ministerial approval.
- the Government review its position to revoke international negotiations/agreements if the due process of notification has been followed and the Government has not met the timeframe set in legislation. This is recommended on the basis that the process of using non notification as the key means of approving partnerships can lead to distortions in the approval process by government which will damage international relations between universities in different countries.
- the Government notes that universities have the capacity to manage foreign interference risks, appropriate to the level of their international development and engagement activities, and are already implementing appropriate systems of checks and balances in accordance to the



University Foreign Interference Taskforce's (UFIT) 'Guidelines to Counter Foreign Interference in the Australian University Sector' (Australian Federal Government, 2020).

## KEY POINTS

### Impact of the Bill

While it is understood the purpose of the proposed legislation is to increase and/or improve the Government's control over negotiating arrangements with foreign governments, CQUniversity is concerned this may have unintended consequences that adversely affect international business development in Australia. In particular, the Government's proposed approach to centralize negotiations and agreements is likely to reduce the agility and flexibility with which the Higher Education sector is able to cultivate and respond to opportunities.

For example, CQUniversity is working closely with the Agriculture Department of the Indonesian National Development Planning Agency (Bappenas), Trade and Investment Queensland, Beef Australia and the University of Sam Ratalungi in Manado, on collaborative research focused on the sustainable development of the Indonesian beef industry. While the spirit of the proposed legislation would not preclude this sort of collaborative arrangement, a requirement for centralised oversight and approvals may act as a disincentive to engage in a dialogue in the first place. In the case of CQUniversity's activities in Indonesia, discussions with Bappenas may not have led organically to a productive collaborative arrangement.

If a centralized approvals system is implemented, ensuring the Federal Government is also able to review and approve proposed collaborations/agreements in a timely manner will be critical. In this context, CQUniversity notes that it is proposed to put in place arrangements to ensure Federal Government approval (or refusal) of proposed agreements is provided within thirty days. This response time is too long and reduces on competitiveness, particularly in circumstances where potential collaborators have many options for international partnerships and are seeking to move quickly. Moreover, we are concerned that the sheer volume of activity/approvals may mean that even this timeframe would not be met by government.

CQUniversity is confident that we have the capacity and experience to manage our relationships with international partners in a way that does not compromise the integrity and/or security of our data and information, nor the reputation and good standing of Australia.

Rather than rely on Ministerial approvals and administrative processes that risk unnecessary delays and missed opportunities, CQUniversity recommends a risk-based approach be considered. For example, in circumstances where a collaborative agreement does not (or is unlikely) to impact directly on matters of national interest, the University could manage risks in accordance with agreed guidelines.

### National Security risks impacts

Through continuous improvement and regular review, CQUniversity has been improving its obligations under the University Foreign Interference Taskforce's (UFIT) 'Guidelines to Counter Foreign Interference in the Australian University Sector' (Australian Federal Government, 2020).

**Governance & risk framework** – CQUniversity has policies, structures, and frameworks in place to promote and strengthen a culture of security, and resilience to foreign interference.



CQUniversity has an Enterprise Risk Management Framework, that is supported by Risk tolerance statements and Risk Register.

**Due diligence** – CQUniversity undertakes due diligence of its partners, informed by knowledge of foreign interference risks. We work with Government agencies and consider risk proportionality and the availability of information sources. The nature and purpose of international collaboration is transparent and undertaken with full knowledge.

**Communications & education** – CQUniversity works with Government agencies to provide training to our staff and students on how foreign interference activities may manifest, and to ensure they have appropriate support in place should there be an issue.

**Knowledge sharing** – CQUniversity actively works with the Government to raise awareness of emerging threats and experiences of foreign interference. We have a close relationship with the Queensland Police, Counter Terrorism Unit. Opportunities exist for security agencies to better aid the Higher Education sector to identify risks and apply proportionate responses, noting information is already available to universities.

**Cybersecurity** – At CQUniversity, digital systems have been put in place to thwart unauthorised access, manipulation and/or disruption, and to ensure the confidentiality, integrity and availability of our information. These systems assist the university to manage and protect its networks, as well as detect and respond to cybersecurity incidents should they occur.

#### *Tertiary teaching and research*

In research, CQUniversity has a range of policies and procedures (checks/balances) to assist with the identification of foreign interference and influence. These include CQUniversity Code of Conduct for Research; the Research Data Management Plan Policy and Procedures; and the Confirmation of Candidature. Changes to these policies to reflect the ARC Foreign Interference and Declaration of Interests Policy is well progressed.

CQUniversity is also working with the Department of Defence on a Defence Industry Security Program (DISP). This partnership will require additional policies and procedures to ensure the security of any research undertaken for (or with) the Department of Defence. It is expected that these changes will further improve controls on data management and access, and will also filter across university procedures as we progress implementation of the Federal Governments Guidelines.

#### *International partnerships*

CQUniversity maintains a register of its domestic and international partners. As with most universities, staff engaged in international activities need to have formal approval at a senior management level. Similarly, all staff who engage in outside work, whether domestic or international, must have Senior Executive approval. The terms of employment are also monitored on an ongoing basis to ensure appropriate probity standards are maintained.

Recognising the importance of this issue, CQUniversity is also implementing more rigorous oversight of external research and employment contracts, along with further tightening of firewall controls on foreign activity.



Given the oversight and system of checks and balances that already exists at CQUniversity (outlined above), we consider another register and layer of approval at the Federal Government level, to be unnecessary.

#### *Grants and funding decisions*

CQUniversity has several policies in relation to philanthropic activities and one specifically for research income. These documents link back to the University's Risk Framework and Conflict of Interest Policy and Procedure. Work is currently underway to ensure that these documents also appropriately capture and manage the risks of foreign interference.

#### *Cybersecurity*

CQUniversity is intimately familiar with the risks of foreign agents/actors trying to access universities for data and information. CQUniversity invests significantly to regularly upgrade our systems of control and access, while taking advice from the Federal Government about the effective use of cybersecurity protections.

We recognise the importance of protecting access to data and have rigorous two factor authentication practices well established, along with appropriate records management for contracts with foreign players, service providers and research partners. We monitor the establishment of all partnerships and agreements across the University centrally and maintain close control over data. Existing partnerships involving overseas delivery, such as in Indonesia and Kuwait, have firewall protection to ensure the adequate protection for data held by the University.

### **CONCLUSION**

There has perhaps never been a more important time to reflect on the ability of nations or individuals to interfere with the integrity of government or democratic processes in Australia. Given that, the Federal Government's focus on national security risks affecting the Australian Higher Education and research sectors is appropriate.

However, CQUniversity is concerned that the proposed legislation could have unintended consequences that limit the agility and flexibility that universities have in legitimate, and potentially profitable, business development. A one-size fits all assessment of risks across the Higher Education sector is not appropriate and does not accurately reflect the predominate nature of business — that is, collaborative research and education projects that are typically not matters of national interest — nor the extent to which universities have already introduced systems of checks and balances to manage these risks.

CQUniversity is confident that we have the capacity and experience to manage our relationships with international partners in a way that does not compromise the integrity and/or security of our data and information, nor the reputation and good standing of Australia. A risk-based approach to establishing an agreement would be more appropriate than a centralized requirement for Ministerial approval.