THE UNIVERSITY OF
WESTERN
AUSTRALIA

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14 December 2020

Committee Secretary,
Parliamentary Joint Committee on Intelligence and Security,
PO Box 6021,
Parliament House.

Dear Committee Secretary,

UWA Submission – Inquiry into national security risks affecting the Australian higher education and research sector

The University of Western Australia is grateful for the opportunity to provide a submission to the Parliamentary Joint Committee on Intelligence and Security's Inquiry into national security risks affecting the Australian higher education and research sector.

The University of Western Australia welcomes this inquiry and recognises the national security risks that affect universities and the higher education and research sector more broadly.

UWA is a strong supporter of, and an active participant in, the collaborative approach the Government has established through the University Foreign Interference Taskforce.

We look forward to continuing to work in collaboration with Government and the sector to further strengthen our institutional and national preparedness against national security risks.

I commend this submission to the committee.

Yours sincerely,

Professor Amit Chakma, Vice-Chancellor
The University of Western Australia

Inquiry into national security risks affecting the Australian higher education and research sector

UWA submission

A. The prevalence, characteristics and significance of foreign interference, undisclosed foreign influence, data theft and espionage, and associated risks to Australia's national security

As a single institution with access only to open source intelligence, UWA is unable to provide either data or judgement on the prevalence, characteristics or significance of these risks, beyond noting the range of publicly available information and the seriousness of the issue.

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

UWA has an established system to manage research and cyber threats. It has worked closely with DFAT and Defence to manage research risks through compliance with the Defence Trade Controls Act and the Autonomous Sanctions Act. The University has submitted its application for Defence Industry Security Program (DISP) membership, works with the Australian Cyber Security Centre and AusCert, and engages deeply in the University Foreign Interference Taskforce (UFIT) processes.

In response to the University Foreign Interference Taskforce Guidelines UWA has:
- Conducted a review of national security and foreign interference risks at the University;
- Worked with government agencies, the Group of Eight (Go8), Universities Australia and other universities to share and learn best practice;
- Established a committee comprising senior executive staff to oversee responses to foreign interference issues and to prioritise actions to strengthen the University's systems;
- Created a team from each major portfolio to implement these prioritised actions;
- Created a position to manage foreign interference risks;
- Created a due diligence group which reviews existing and planned international collaborations which meet certain thresholds;
- Reviewed and strengthened its security for governance, personnel, physical and cyber security issues, through its registration with DISP;
- Conducted workshops on foreign interference risks to deliver an accurate understanding of the foreign interference risks that impact most on UWA and how UWA is or is not controlling these risks currently;
- Commenced work on an expanded register of staff members' external links, affiliations and employment; and
- Commenced a program of foreign interference training appropriate to the needs of different parts of the University.

Despite these measures there naturally remain limits to how well UWA or any university is able to identify and respond to national security risks, and Government support and guidance is needed to manage more serious risks and incidents. The University Foreign Interference Taskforce and the expanded networks it has created have been extremely beneficial, in particular as they have driven the sharing of information and best practice and have also brought government security and intelligence professionals into the process. Universities rely on our national security agencies to

provide information and insights based on their professional experience and on intelligence which is not publicly available.

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

As noted above, the assistance of Government agencies with a national security remit has greatly benefitted universities in their management of national security and foreign interference risks.

Despite the generally excellent assistance that individual officers provide universities, there is more the Government could do, both in creating a more coordinated legislative framework and agency response, and in assisting individual universities with particular issues.

Support for universities in making assessments for DTCA or Autonomous Sanctions permits could be improved by agencies having more dedicated staff to assist so that turnaround is quicker, and for advice to be more specifically applicable. By way of example, recent advice provided by DFAT in response to an enquiry simply pointed UWA to the legislation, and this was not sufficiently specific to be helpful. Providing better and quicker online or phone advice on whether a permit may or may not be required is preferable to leaving universities to apply just in case, and then wait several months for a decision on a permit that might not even be needed.

The Government should ensure that its approach to legislation to manage national security risks is coordinated and appropriately targeted. Increased early-stage discussion with the higher education sector would result in legislation that is more fit for purpose. UWA supports the general direction of the various measures the Government is taking.

UWA recommends pre-legislative consultation with universities *and between the Government's own agencies* on future legislative and regulatory proposals that seek to improve national security arrangements for universities.

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

UWA believes that universities could receive greater assistance from the Australian Government in efforts to counter foreign interference. In Australia, the onus is on individual universities to make their own due diligence decisions using open-source information, such as the US Government's Entity List and Unverified List or ASPI's Tracker. This is inevitably a weaker system than a government-provided list or a process of active assistance from Government in due diligence assessments using sources of intelligence available to Government Agencies.

An example is the provision of a definition of an autonomous university in the Australia's Foreign Relations (State and Territory Arrangements) Act 2020, rather than a list of national systems or universities which do not have autonomy under the definition. This requires universities to then determine whether national laws or the governing documents of prospective partner universities make them substantially under the control of their home government. The Australian Government, through its network of embassies and consulates, is better placed than universities to access and assess the information needed to make this determination.

E. Any other related matters

UWA would like to re-emphasise the value of the joint government-sector approach taken by the University Foreign Interference Taskforce, and the importance of Government continuing to see universities as partners in creating a stronger and coordinated response to the national security risks to our higher education and research system, risks which we all recognise and are concerned about.

Furthermore, UWA recommends a risk based approach and recommends against creating unnecessary administrative and financial burdens for the universities and the Government in managing the risk.