

Office of the Vice-Chancellor and President

Committee Secretariat
The Senate Foreign Affairs Defence and Trade Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

21 September 2020

Dear Foreign Affairs Defence and Trade Legislation Committee

Re: *Australia's Foreign Relations (State and Territory Arrangements) Bill 2020*

Thank you for the opportunity to comment on *Australia's Foreign Relations (State and Territory Arrangements) Bill 2020*.

Charles Darwin University (CDU) is a small dual sector, research intensive university located in the far north of Australia, closer to Asia than any other Australian university. As a result, we have built many collaborative arrangements with universities and partners throughout the Asia-Pacific region and beyond to share our research expertise in areas critical to the region, particularly in tropical health and tropical environmental management. We also have arrangements with many international universities for education and student exchange, as do all of Australia's universities.

The Australian university sector has a University Foreign Interference Taskforce and a range of existing laws on espionage, foreign interference and foreign investment as well as the *Autonomous Sanctions Act 2011* relating to protection from foreign interference. In 2019 the university sector willingly engaged in the development of *Guidelines to Counter Foreign Interference in the Australian University Sector* through the University Foreign Interference Taskforce, mindful of the need to protect the sector from foreign interference while enabling the continued growth of collaborative world class research. As the guidelines themselves point out:

A defining factor in the world-class performance and reputation of Australia's university system is its openness to the world. The globally engaged nature of our universities is indispensable to their success. Indeed, it is the bedrock of their competitiveness.

The overarching principles that informed the development of these guidelines, namely that:

- security must safeguard academic freedom, values and research collaboration;
- research, collaboration and education activities must be mindful of national interest;

- security is a collective responsibility with individual accountability;
- security should be proportionate to organisational risk; and
- the safety of the university community is paramount,

provide a suitably comprehensive safeguard against undesirable foreign interference in the university sector and have made the sector aware of the potential threat of that interference.

It is our view that the current Bill, which seeks to, amongst other things, regulate university foreign relations and activities through legislation, is therefore an unnecessary overreach that will have significant consequences for international research collaboration and education and for the university sector in terms of reporting and compliance, as well as for the public service that will have to administer and regulate this legislation if all of Australia's university foreign arrangements come within scope. CDU is one of the smallest Australian universities but has over 200 arrangements and agreements in place with foreign universities and organisations relating to research and education. The sector as a whole has thousands of such arrangements, creating a burden of administration and regulation if the legislation is enacted that is considered disproportionate to the potential threat.

CDU is a member of the peak body Universities Australia (UA) and the Innovative Research Universities (IRU) network, which are also making submissions regarding this Bill. CDU supports the points raised in these submissions and strongly recommends that universities be excluded from the Bill and university agreements be exempted from the Bill to ensure that our outstanding global research and engagement capacity is not compromised.

Yours sincerely

Professor Simon Maddocks

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