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21 March 2014

David Sullivan
Committee Secretary
Foreign Affairs, Defence and Trade Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: fadt.sen@aph.gov.au

Dear David

Ongoing scrutiny into the implementation of the Defence Trade Controls Act 2012

Thank you for the opportunity to provide feedback on the implementation of the provisions of the Defence Trade Controls Act 2012 (the Act) during the 2 year transition period.

The University of Sydney acknowledges the much improved approach to consultation adopted by the Department of Innovation and Department of Defence in recent times, encouraged by the Chief Scientist and the Strengthened Exports Controls Steering Group (SECSG).

Already in 2014 we have welcomed two productive visits from representatives of the two departments. The first, in February, provided the University with a helpful update about the SECSG's current thinking about practical implementation issues. The second, in March, was a very successful briefing seminar co-hosted by the Department of Foreign Affairs and Trade and Defence, which was open to staff from NSW-based universities.

At these meetings we heard encouraging news about steps taken by SECSG to explore alternative approaches to issues identified by the pilot projects and through discussions with stakeholders. We note that the direction of these likely amendments have been confirmed publicly by the Chief Scientist's second progress report as chair of SECSG to the Ministers of Industry and Defence (12/12/13).

We support the program of work outlined in the second report of the SECSG chair, including the development of on-line self-assessment tools; the exploration of open licenses and exemptions for low risk research and countries; removing controls on verbal supply and narrowing the publications offence to the military list, among other initiatives. We urge SECSG to complete this work, communicating progress to stakeholders periodically, and drawing upon them for their expertise and case studies to test alternative processes.

We now look toward assessing the detail of any proposed amendments to the Act prior to their introduction to Parliament. As the legislation is technically complex we urge the Government to release an exposure draft of the amendment Bill, with ample time (at least 4-6 weeks) provided for consultation. Strong consultation on the detail of the proposed amendments will be essential and will serve to strengthen the final product.

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It is important also that a mechanism is established to keep the legislation responsive to changing circumstances and stakeholder needs, and to ensure alignment with international control regimes. This could be achieved by establishing a process for regular review of the operation of the legislation, perhaps by a standing expert committee with research sector representatives.

Finally, we remain committed to working with the Government and other stakeholders to ensure that the Act, once fully implemented, strikes the appropriate balance between the need to manage genuine risks to national security and ensuring that the Australian research system remains internationally competitive.

We would be pleased to discuss any aspect of this submission and the Defence Trade Controls Act implementation process generally.

Yours sincerely

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