



THE UNIVERSITY OF
SYDNEY

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25 September 2020

Senator the Hon Eric Abetz
Chair
Senate Foreign Affairs, Defence and Trade Legislation Committee
Department of the Senate

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

Dear Senator Abetz,

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

The University of Sydney welcomes the opportunity to make a brief submission on this bill.

We do so to support and complement the detailed analysis and recommendations made by Universities Australia and the Group of Eight.

We share the grave concerns our peak bodies and many other universities have raised regarding the negative impacts the bill would have on the international collaboration activities of our autonomous public universities, which successive Commonwealth governments have supported over many decades because of the benefits that flow for Australia and its people.

We understand and support the Government's objective with this bill: to protect and manage Australia's foreign relations by ensuring that arrangements entered into by State/Territory entities (including public universities) do not adversely affect Australia's foreign relations or are inconsistent with Australia's foreign policy.

Nevertheless, we have profound concerns about the strategic and practical impacts this bill, as drafted, would have on our ability to pursue collaborations with foreign entities that are essential to our public good mission. The policy objective is supported but the Government has not struck the right balance with this heavy-handed and all-encompassing proposed legislation.

In summary, our key concerns include the following.

1. The bill's unfortunate and, we sincerely hope, unintended implications for the principles of academic freedom and universities' autonomy as independent institutions, so critical to vibrant and successful western liberal democracies.
2. The undue haste with which the bill has been placed before Parliament, the Government's lack of consultation with universities about its concerns and plans, the absence of any regulatory impact assessment, and the department's apparent failure to consider the extensive relevant legal and other frameworks that already apply to universities – including the [Defence Trade Controls Act 2012](#), the [Foreign Influence and Transparency Scheme Act 2018](#) and the [Guidelines to counter foreign interference in the Australian university sector](#) released by a joint government/university taskforce in November 2019.

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3. The significant deterrent the bill will create for foreign entities from around the world to enter educational, research and other collaborations with Australian universities, to our country's long-term detriment.
4. The likelihood that the bill will make it much harder for Australian universities, their staff and affiliates to pursue international collaborations, again with flow-on costs for future generations of Australians. This is because of the bill's unrestrained operation due to its extremely broad definition of the types of 'arrangements' that must be notified to the Minister for Foreign Affairs and Trade.
5. The expansive and unfettered powers the bill will give the Minister to terminate universities' existing or proposed collaborations with foreign entities at any time, without any requirement to provide reasons, any rights to review of such decisions or compensation for losses incurred as a result.

For these reasons, and the many others our peak bodies and other universities have outlined extensively in their submissions, we strongly recommend that the Committee not allow the bill to pass the Senate in its current form.

If it would assist the Committee, we would welcome the opportunity to discuss the bill, as well as alternative approaches that would more effectively achieve the Government's valid objectives of protecting Australia's foreign relations.

Yours sincerely,

(no signature)

Michael Spence