

CHINA AND UNIVERSITY RESEARCH IN AUSTRALIA

ISSUE: There have been claims that Australian academics have been collaborating with academics from China on programs that benefit the People's Liberation Army.

ISSUE OF THE DAY:

- On 15 Decembers 2017 the ABC published an article "Australian universities accused of sharing military technology with China". The article claims:
 - there are "hundreds of research projects linking Australian scientists with senior Chinese military figures";
 - that the "Defence Department relies on self-assessment from universities to police interactions with overseas academics"; and
 - that the "collaborations mean Australian technology could be used against it on the battlefield."

KEY POINTS:

- Defence does not rely on self-assessment by universities to ensure compliance with Australia's export controls.
 - All exports of controlled technology are subject to Australia's export controls regardless of the exporter (be they government, private sector or a university).
- Defence engages with universities across Australia to ensure that they are aware of, and understand, Australia's export control framework.
 - This engagement assists to make academics and researchers aware of proliferation risks in research collaboration and to encourage them to seek guidance from Defence as to their obligations under Australia's export controls framework.
- Defence conducts outreach activities with individual universities.
 - In 2016-17, there have been more than seven visits and numerous other outreach activities, such as teleconferences, with Australian universities.
- Defence conducts a range of other outreach activities:
 - In 2017, formal outreach activities have been held in Melbourne, Brisbane and Sydney and Adelaide with over 450 attendees.
 - These activities are open to industry and the university and research sector. It includes a stream specifically designed for

the academic and research sector.

- Universities are able to seek assessments in relation to the control status of a technology (including their related research).
 - A number of universities have sought and received these assessments. From the beginning of April 2016, when the Defence Trade Controls Act came into force, there have been over 140 advices issued.
- Since 1 January 2015 Defence has provided the following to Australian research organisations and universities :
 - More than 200 assessments of research activities; and
 - more than 130 permits for exports of controlled goods and technology.
 - These assessments and permits have been provided to approximately 20 different organisations.

Military Capability

- Defence seeks to support and facilitate trade and research while maintaining Australia's capability advantage.
- Defence recognises the importance of working further 'upstream' with defence industry, universities and researchers. The purpose of this engagement is to identify sensitive technologies early and ensure appropriate considerations on protecting the technology.
 - This work goes beyond export controls and looks at a range of methods that can be used to manage the technology.
 - As part of this, Defence works with research funding organisations, such as the Australian Research Council, and universities to identify and engage with technology developers/researchers early in the technology lifecycle.

Self-Assessment

- A tool has been implemented to assist all exporters, including universities, to conduct a self-assessment to identify if the technology they are working on is controlled under Australia's export control framework.
- This assessment tool is an aid for exporters and does not replace the need for a permit if the technology is controlled.

University Collaboration with China

- The Government recognises that Australian and international university collaborations, including with China, make important contributions to research and development that may lead to scientific and technological advances.
- The Government will continue to welcome foreign research collaborations and proposals where they are not contrary to the national interest and they comply with Australia's export control legislation and framework.

Defence Trade Control Act Implementation

- Since the introduction of the Defence Trade Controls Act 2012 and amendments in 2015, Defence has worked with Australian universities to raise awareness and understanding of the implications and obligations under export controls, including the Defence Trade Controls Act. Activities have included:
 - the establishment of the Defence Export Controls Working Group, which includes representatives from universities;
 - to support the implementation of the amendments to the DTC Act between 2013 and 2016, a Strengthened Export Controls Steering Group, chaired by the Australian Chief Scientist. The group included representatives from the university and research sector.
 - meeting with Vice Chancellors - Research from Australian universities, with the most recent meeting held in late October 2017;
 - dedicated points of contact in each university who regularly engages with Defence Export Controls on export controls, and provide information across universities; and
 - outreach to peak bodies, including Universities Australia and the National Tertiary Education Union.

Details of compliance history or application information

- It is not appropriate for a regulatory authority to comment on the compliance record of individuals or organisations.
- Defence does not release the details of applications for permits due to commercial-in-confidence considerations.

- As a regulator, Defence relies on a frank and open exchange of information with applicants.
 - This includes applicants sharing their sensitive commercial information.
 - At the time applicants apply for a permit, Defence undertakes to use the applicant's information only for assessment and compliance activities.
 - Releasing this information would breach this confidence and lead to a lack of trust in Defence's ability to protect applicants' information.
 - This would be detrimental to Defence's ability to effectively regulate the export of goods and technology.

Export Controls

- The export of controlled goods or technology from Australia, including knowledge and expertise such as technical assistance, is subject to Australia's export control framework.
 - This includes military and dual-use technologies.
 - The Australian export control framework is underpinned by a range of legislation that addresses different aspects of the framework.
- Exporting a controlled good or technology listed in the Defence and Strategic Goods List requires a permit.
- Any assessment of an export application under Australia's export control framework is undertaken on a case-by-case basis.
 - When the Government assesses export permits, it considers criteria including Australia's national security.
 - The assessments take into account a number of considerations including the nature of the goods/technology, the end user and the end use.
- This assessment is considered against the five policy criteria that are reflected in the Defence Trade Control Regulations – Human Rights, International Obligations, National Security, Regional Security and Foreign Relations.

Australian Research Council

- Obligations on universities to comply with Australian legislation when they receive funding for projects from the Australian Research Council are also reinforced through the Council's conditions of funding.
 - This legislation would include the Defence Trade Controls Act.

BACKGROUND TALKING POINTS

Defence and Strategic Goods List

- The Defence and Strategic Goods List (DSGL) is a list of systems, equipment, software and technology that are subject to export controls.
 - The DSGL is a summation of the lists agreed by the international export control regimes (Missile Technology Control Regime, Nuclear Suppliers Group, Australia Group – chemical and biological and Wassenaar Arrangement – conventional military equipment).
- A permit is required to export goods and technology that are listed in the DSGL unless there is an exemption.
 - For example, APS or ADF personnel in the course of their duties.
- The primary focus of the DSGL is to control physical items and the capability to produce the physical items. The technology controls in the DSGL are generally linked to a control on a physical item.
 - For most items, technology will only be controlled if it is 'required' for the development, production, or in some cases, the use, of the controlled item.
 - The definitions within the DSGL mean that basic scientific research would generally not meet the control threshold.
 - For example, a project that has identified several potential applications, including military, but is too preliminary and not yet directly focused on one of those potential applications, would typically not meet the DSGL technology control threshold.
- Changes and developments in technology are addressed via the annual updates to the DSGL to include new and amended controls that have been identified and agreed by the international export control regimes.
 - These changes can include new controls for emerging technology and deletions of controls for obsolete or widely available technology.
 - Defence engages with industry, academia and across Government when proposing, or reviewing proposals from other countries' changes to the control lists.

Australia's defence engagement with China

- Our Defence relationship with China is an important part of our bilateral relationship.
- Our cooperation is focussed on humanitarian assistance and disaster response, ship visits and strategic dialogues.

The relationship between UNSW and ADFA

- The University of New South Wales (UNSW) Canberra has been the sole provider of tertiary education at Australian Defence Force Academy (ADFA) since operations began in 1986.
- ADFA has a contractual agreement with the UNSW for academic services only through the provision of a range of undergraduate courses for officer cadets and midshipmen and Advanced students; and postgraduate courses for Defence personnel.
- There are 46 international students studying at ADFA from 13 different countries, with the majority from Asia and the South Pacific.
- Defence's contract with UNSW Canberra will expire in 2023 and work has commenced to ensure there will be no disruption to academic services. It is inappropriate for Defence to comment further on the contract at this stage.

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Visa screening and restrictions on foreign students

- The assessment of visas for foreign students is jointly undertaken by the Department of Immigration and Border Protection and the Department of Foreign Affairs.
- Questions on this matter should be directed to those departments.

Recent media:

28 October 2017 the Sydney Morning Herald published an article claiming that Australian academics are collaborating with Chinese academics, particularly scientists with links to China's National University of Defence Technology and the Chinese military. The article also included claims that some of the research is funded by the Australian government.

There has been a follow up media enquiry from Tom Iggulden from the ABC. Mr Iggulden asked for information regarding compliance, with particular reference to the universities and academics mentioned in the 28 October 2017 article

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