

Appendix 6: Misconceptions about Go8 universities

The Go8 has noticed that several media and other reports appear to have been based on misconceptions about the sector. This appendix provides information that clarifies some of these misconceptions.

Please note that this response relates to Go8 universities only. Any questions about the broader sector are outside of our remit and should be referred to Universities Australia.

1. That universities are largely unaware of issues of national security and do not apply appropriate due diligence measures.

As Australia's leading, research-intensive universities, with extensive international connections, the Go8 universities are very aware of potential for foreign interference and apply significant due diligence measures around international engagements, many of which precede UFIT and the Guidelines.

A number of these measures are outlined in detail in this submission in Appendix 3, and the flowchart provided in Appendix 5.

In terms of our awareness of the potential for foreign interference, the Go8:

- Were foundational members of the University Foreign Interference Taskforce (UFIT) and provided substantial input into the Guidelines.
- Hosted a Research Partnerships roundtable in Washington on the 15 April 2019 (predating UFIT), discussing issues of research integrity. Attended by the American Enterprise Institute (AEI), Association of Public and Land Grant Universities; Center for a New American Security; Georgetown University; Johns Hopkins University; National Defense University; National Science Foundation, Association of American Universities (AAU) and the Canadian Universities Fifteen (U15).
- Hosted a roundtable discussion on Global Research Integrity at the Australian Embassy in London, attended by the Australian High Commissioner to the UK, the Hon George Brandis, and attended by the Russell Group of universities, the UK Higher Education Policy Institute (HEPI), Austrade, and Research England (31 January 2020).
- Hosted a Security Policy Dialogue in Washington in February 2020, attended by the US Department of State, US National Science Foundation, US National Institutes of Health, US Department of Energy, Canadian Embassy, US National Academies of Sciences, Yale University, Association of American Universities (AAU) and the Canadian Universities Fifteen (U15).
- Attended a briefing by the Director of the FBI, Christopher Wray, on the US China Initiative, in Washington, February 2020.
- Liaise regularly with the Australian Department of Home Affairs and security agencies (as outlined in Appendix 4).

Go8 universities are also subject to external due diligence and control measures such as:

- The *Foreign Interference Transparency Scheme Act*, which is intended to provide visibility over the nature, level and extent of foreign influence (noting there is a strong distinction between "influence" and "interference")¹;
- The *Defence Trade Controls Act*, which regulates the intangible supply, publication and brokering of goods and technologies listed on the Defence and Strategic Goods List (DSGL);

¹ <https://www.ag.gov.au/integrity/foreign-influence-transparency-scheme>

- The Autonomous Sanctions legislation, which regulates the conduct of Australia's relations with certain countries; and
- The *Australia's Foreign Relations (State and Territory Arrangements) Act*, which provides the Department of Foreign Affairs and Trade (DFAT) oversight over any university "arrangement" in scope of the Act.

The Go8 universities treat their implementation of these legislative requirements with utmost seriousness. They engage individually and as a collective in continual dialogue with the relevant Government portfolios and their specialist areas to ensure that they have up-to-date, nuanced and comprehensive understanding of the requirements, and can therefore address these with due care. Go8 universities also inform the Government's approach to their regulations, such as in providing the Department of Defence briefings on future and emerging areas of research that are not yet controlled, but may be relevant under, the *Defence Trade Controls Act*.

Additional legislation currently in development and which incorporate universities in their scope include the *Commonwealth Integrity Commission Bill* and the *Security Legislation Amendment (Critical Infrastructure) Bill 2020*.

It is also worth noting that some threats are not perceivable before or at the time they exist or impact. For example, the former Director-General of Security Duncan Lewis noted in response to a 2017 Review of the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017 by this committee that 'The wonder of cyberintrusion is that it's comparatively cheap, it's instantaneous and, **most importantly, it's very difficult to detect and to attribute.**'

2. Whether universities recognise the risks in international collaborations and agreements, including Confucius Institutes, participation in Thousand Talents Programs and the risk that research outputs could be used for nefarious purposes.

As noted above, the Go8 have long been involved in international collaboration, and apply numerous due diligence measures to guard against a range of risks, including foreign interference. Many of these are noted elsewhere in this submission (Appendix 3, the flowchart provided in Appendix 5, the Confucius Institute case study provided in Appendix 2).

It should also be noted that:

- The Head of ASIO, Mike Burgess, made it very clear at the 20 October 2020 Senate Estimates hearing that ". I should point out that, **being a member of the Thousand Talents Program of itself is no problem—and, for those who are, generally that is fine.** Obviously, declaring that and being open about what associations you have is always good policy. But being a member of the Thousand Talents Program is not in itself a problem for me or Australia in general".²
- As noted in the Go8 response to Questions on Notice in relation to the hearings into *Australia's Foreign Relations (State and Territory Arrangements) Bill*:³
 - With respect to Confucius Institutes: while it may have been that an original intention of the FITS legislation was that they would be captured, it is the Go8's advice that all six of our members who host these Institutes did receive independent legal advice that this is

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<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22committees%2Festimate%2F5a04d4d3-dbab-4c85-8b2b-7dbb472ed9d7%2F0001%22>

³

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/AustForeignRelations2020/Additional_Documents

not the case under the legislation as it currently exists. As I [Vicki Thomson] noted in evidence to the Committee, this is consistent with the advice I received from Home Affairs. The Go8 attaches for your advice correspondence from Attorney General Hon Christian Porter MP to me dated 2 April 2018. He specifically notes that the status of Confucius Institutes under the scheme “*will depend on all of the facts and circumstances*” and that “*My department, which will administer the scheme, will be happy to assist potential registrants to determine whether registration is required*”. This makes it clear that it was the view of the Attorney General, at least at that time, that Confucius Institutes would not be automatically captured. The Go8 sought to clarify this understanding more recently with Home Affairs on the 25 February 2020. On that date it was verbally confirmed that the Confucius Institutes hosted by Go8 universities were not causing concerns amongst security agencies.

- Furthermore, as we also noted in our response to the Questions on notice: “As the Go8 noted during the hearing, advice provided to the Go8 by Home Affairs was that the only Confucius Institute of concern – which was later shut down – was the one hosted by the NSW Department of Education”.

3. Whether unis abide by principles of transparency.

Comments made by an ASIO representative, at the Cyber Security Forum on the 27 November 2020, noted that ASIO does not consider overt engagement with international partners is a threat. In fact, it was stated that foreign students are welcome, and international collaborations between research institutions and international counterparts do not of themselves constitute threat. The issue is around actions that are covert or deceptive.

The scientific method, around which university research is built, is by its very nature open and transparent. It relies on scientists publishing their work so it can be examined, interrogated, taken apart, forensically examined and reproduced by peers from around the world. In this way, any mistakes, errors, inconsistencies or other anomalies can be identified and examined before the scientific community accepts the results. The Go8 is not aware of any other sector which is subject to such a high level of rigour.

Through publication in journals, books and other academic forums, Go8 research is highly visible and accessible.

Go8 universities are major recipients of funding from the two major funding bodies – the Australian Research Council and the National Health and Medical Research Council. Go8 universities adhere to the Australian Code for the Responsible Conduct of Research; compliance with this Code is a requirement for the receipt of funding by NHMRC and ARC. Among its principles and prescribed core behaviours is a requirement on transparency in declaring interests and reporting research methodology, data, and findings.⁴ This means that researchers and institutions are required to share and communicate research methodology, data, and findings openly, responsibly, and accurately.

A publicly reported example of how seriously Go8 researchers take their obligations is one involving Chinese collaboration over COVID-19. Professor Edward Holmes, 2020 NSW Scientist of the Year, has noted that despite the Chinese authorities seeking that he and his Chinese colleagues not publish the first genome sequencing of the virus, they felt they strongly had a duty to release the data as soon as

⁴ Principle Three (Transparency) of the Australian Code for the Responsible Conduct of Research: [Australian Code for the Responsible Conduct of Research, 2018 | NHMRC](#)

possible, and indeed they did⁵, making seminal contribution to work worldwide on the development of test kits and vaccines.

Occasionally, universities will enter into contracts that are commercial-in-confidence or require a high level of security clearance. Research conducted with the Australian department of Defence is managed through membership of the Defence Industry Security Program (DISP), which supports organisations to meet their security obligations when engaging in Defence projects.

The Go8 universities are subject to a myriad of government reporting requirements – all of which add transparency to the universities' operations, from the amount of research-related income they receive from international organisations including government to precisely how that income is expended, from advising research activities on their horizon to reporting on how that research was conducted, to shedding light on the extent of their commercial and industry engagements. Among the agencies the universities regularly report to on research alone are the Department of Defence; the Department of Education, Skills and Employment; the Department of Industry, Science, Energy and Resources; and the Australian Bureau of Statistics.

In matters of national security, the Go8 are also upfront and willing to publish or share with Government where issues arise. For example, in relation to the data breach in 2018 at the Australian National University, the university worked closely with the Australian Cyber Security Centre (ACSC) and the Office of the Australian Information Commissioner (OAIC), among others in resolving and reporting the issues and how they were addressed. A full report was also made publicly available via the ANU website⁶.

4. Whether unis remain autonomous and not inappropriately subject or bound to the ethos of governments whether our own or foreign, or specific parties including industry and other funders. Do universities have the national interest in mind in their operations?

When it comes to their collaborations and activities, Go8 universities have been guided over many years by Australian Government policy, thereby arguably addressing and helping to achieve the national interest as defined by successive Governments.

This includes, for example, participating in the New Colombo Plan, meeting iterative requirements to boost their engagement with industry and business, achieving co-investment requirements on their funding through partnership with others, driving the international education export industry, or providing their expertise and capability comprehensively and at speed to the Government as part of the COVID-19 response.

As noted in the Go8 blueprint, *Enabling Australia's Economic Recovery through Supporting Research Excellence*⁷, the Go8 universities have tied their research contributions and performance to national priorities. The Go8's stellar research record in areas from advanced manufacturing; artificial intelligence and cybersecurity; defence; energy and resources; environmental change, food, soil and water; and space and transport is no accident – this is informed and driven by the Government's setting of the National Science and Research Priorities, its areas of focus for the Industry Growth Centres, and its periodic focus on specific national challenges.

⁵ <https://www.smh.com.au/national/nsw/virus-rebel-professor-edward-holmes-named-nsw-scientist-of-the-year-20201026-p568qj.html>

⁶ <https://www.anu.edu.au/news/all-news/data-breach>

⁷ [Publication: Enabling Australia's Economic Recovery Through Supporting Research Excellence – Group of Eight \(go8.edu.au\)](#)

Demonstrably, as the Government introduced the National Interest Test on its Australian Research Council funding in 2019, Go8 universities have consistently been able to discuss and illustrate the linkages of their research to the national interest.

It is nevertheless a fine line to tread between responding effectively to Government settings and other incentives and remaining autonomous, which is why in the area of research at least, each Go8 university has well developed and attuned Research Ethics and Integrity Offices aimed at scrutinising and considering the factors, linkages and ramifications of proposed and existing research.

Go8 universities are also scrupulous in discussing potential risks or areas of compromise with the Department of Defence, and engage in real dialogue in exchanging ideas with the Department when it comes to complying with the need to maintain national sovereignty and security through careful corralling of how research is shared.