



Queensland University of Technology

Submission in response to the draft guidelines to counter foreign interference in the university sector, by the University Foreign Interference Taskforce

The Queensland University of Technology (QUT) welcomes the opportunity to provide feedback on the consultation draft *Guidelines to counter foreign interference in the university sector*.

In the opening contextual statement, the Guidelines give due recognition to the importance of global engagement for universities to ensure their competitive edge and success in research and education. Fostering and supporting opportunities for these global engagements whilst ensuring Australia's national interests is a delicate balance and this is acknowledged. QUT is supportive of the principles behind this initiative.

The following comments are provided to assist in the development and interpretation of the draft Guidelines focusing on some of the possible challenges with implementation. This feedback primarily relates to the language of the Guidelines and reliance on existing institutional tools to review or assess foreign interference.

Generally, QUT determined there is a level of comfort as an organisation that the strategies proposed in the guidelines align, in principle, to our existing operational strategies and activities. Notwithstanding QUT's preparedness in implementing additional measures to counter foreign interference, the University recommends that the Guidelines remain as guidelines and not lead to more regulations.

There is an impression that the Guidelines provide a level of detail and specificity that, while helpful, is more suggestive of a compliance code or requirement standard. The contents refer to senior institutional positions, such as Chief Safety and Security Officers, to safeguard against foreign interference as well as checklists and prioritisation guidance as a staged approach to building institutional resilience. This creates a tone within the document that places demands on people, university systems and processes that is likely to escalate over time as both genuine threats and perceptions of the threat of foreign interference intensify.

QUT acknowledges the intention of the Guidelines is for universities to rely on existing tools (people, systems and processes) to assess risks of foreign interference. The Guideline's checklists and key considerations provide a very thorough examination of what needs to be considered by universities as well as specific risk mitigation strategies and initiatives to assess and monitor foreign interference. In practice, implementing these Guidelines may require significant resources even where existing tools and processes can be leveraged. The breadth and depth of the people, systems and processes impacted will be significant. The content assumes a level of competence across very broad areas impacting large numbers of university staff. The financial and resourcing implications must not be underestimated.

To elaborate, many of the strategic areas and key considerations listed in the Guidelines will affect universities on strategic, policy and operational levels, encompassing for example: staff recruitment and exiting processes; ongoing university IT access arrangements for adjunct staff; visitors and alumni; secure platforms for research data storage and potential sharing with international research collaborators; commercialisation ventures and transactions; procurement processes; and international student enrolment.

Importantly, compliance should not inhibit university activity or collaboration. Australia as a 'net importer' of IP benefits greatly from international research funding and expertise. Under these Guidelines, as partners, collaborators potentially face an additional burden having to understand and meet Australian requirements that are outside of the context and terms of an agreement, which has potential adverse impacts to important relationships and research collaborations. As the Guidelines acknowledge, many international partnerships are established informally prior to any contractual or due diligence measures being undertaken and attempts to formalise these in advance will inevitably impact on those important relationships.

The Guideline's key consideration for transparency and knowledge-sharing lists a Conflict of Interest (COI) policy that identifies foreign affiliations, relationships and financial commitments. Depending on how it is envisaged that this is to be operationalised, there is potential for the scope to have unintended consequences and creep into areas where no conflict exists. Universities already assess risk and conflicts of interest with respect to a specific matter under consideration. Such is the complexity of large institutions, it would be impractical, if not impossible, to identify and report on COI possibilities for thousands of staff in principle and in advance.

In terms of research, it is necessary to clarify what foreign interference would look like in different research environments. Other existing review or regulatory processes are not currently designed to take account of foreign interference risks. As an example, the NHMRC *National Statement on Ethical Conduct in Human Research 2007* (updated 2018) establishes the ethical framework for Human Research Ethics Committees (HRECs) to review research involving humans; the core function of which is to protect participants in research. These research ethics processes are separate to institutional accountabilities and decisions relating to research activities that may pose risks of foreign interference. Consequently, using research ethics processes to include considerations of foreign interference would be inappropriate and confusing. Such considerations will be more effectively addressed through institutional management of contractual negotiations and risk assessments.

QUT considers there is opportunity to provide additional clarity on the role and attributes of government support as well as further detail about how to inform universities on the intersection with other related matters such as Defence Export Controls (DEC) and the Defence and Strategic Goods List (DSGL), and possible conflicts with other priorities such as Austrade. Universities will rely on government agencies to assist and guide on activities that may invoke foreign interference concerns. There are a range of government agencies that may be involved including DEC, Australian Security Intelligence Organisation, Department of Home Affairs and Department of Foreign Affairs and Trade.

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