

# SUBMISSION TO THE DEFENCE TRADE CONTROLS ACT REVIEW CONSULTATION

20 September 2019

## INTRODUCTION

Universities Australia welcomes the opportunity to make a submission in this next phase of the review of the *Defence Trade Controls Act 2012*. Universities Australia is the peak body for Australia's 39 comprehensive universities, which educate more than a million students and undertake research to add to the stock of advanced knowledge.

In an earlier submission during this process, Universities Australia said that it is in Australia's national interest to maintain strong national defence, and that it is equally in the national interest to ensure that Australia fosters a thriving, internationally connected and innovative research sector. It is research and development that gives Australia its best chance of achieving future economic and social prosperity, as well as providing knowledge and technology to support its national security. Balancing the twin national aims – security and knowledge flow – serves all our interests.

Universities Australia continues to hold this position and looks forward to the sector working with the Department of Defence to ensure an appropriate balance is achieved in any amendments to the *Defence Trade Controls Act 2012*.

## APPROACH TO LEGISLATIVE AMENDMENTS

Universities Australia supports the proposition in the review report that:

*“direct and ongoing consultation is required between Defence and stakeholders to develop a policy proposal that takes a proportionate approach to address the current gaps in the legislation but also addresses the serious and legitimate concerns of industry, research bodies and universities.”*

We note that the university sector has a track record of working constructively with the Department of Defence, for example, to address significant issues in the original Act that led to the introduction of the Defence Trade Controls Amendment Bill 2015.

This constructive approach has been key to its acceptance and the workability of the scheme. Feedback from the Defence Export Controls (DEC) team to the sector indicates that universities are proactively complying with their obligations under the Act, and that the majority of inquiries to DEC fall significantly short of thresholds that trigger the requirement to hold a permit under the Act.

Universities Australia has appreciated the thoughtful approach taken by Dr Vivienne Thom throughout this review process and welcomes Dr Thom's continuing involvement. The reviewer and the Department of Defence have attended meetings of the UA Deputy Vice-Chancellors (Research) Committee, allowing for useful discussion on key issues.

## Principles

UA proposes two overarching principles to assist in this phase of the review:

1. That the principles of academic freedom and autonomy in research are respected, and that the global nature of the research enterprise is understood and respected. In addition, implications for research investment, international research collaborations, publications and commercialisation need to be carefully considered when planning any amendments to the Act.
2. That any response to address gaps within the Act should be proportionate, targeted and based on risk, as outlined in Recommendation 4 of the review report. It should also promote transparency, limit uncertainty and minimise compliance costs.