



Australian Academy of Science

Ian Potter House, Gordon Street, Canberra ACT 2601

15 February 2018

Mr Andrew Hastie, MP
Chair, Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

By email: pjcis@aph.gov.au

Dear Mr Hastie and Members of the Committee,

Re: Review of the *Foreign Influence Transparency Scheme Bill 2017*.

The Australian Academy of Science welcomes the opportunity to provide a submission to the Committee's review of the *Foreign Influence Transparency Scheme Bill 2017*.

The *Foreign Influence Transparency Scheme Bill 2017* proposes to establish a Foreign Influence Transparency Scheme. According to the Explanatory Memorandum, the Scheme would create a register for persons "undertaking certain activities on behalf of a foreign principal", and place responsibilities on such persons to disclose their activities pursuant to their relationship with said principal. The stated purpose of this Scheme is to "provide transparency for the Australian Government and the Australian public about the forms and sources of foreign influence in Australia."

The Academy is concerned that the reach of the legislation and its potential impacts on the conduct and communication of legitimate scientific research, conducted in the public interest, do not appear to have been adequately considered. Without clearer exemptions the draft legislation would negatively impact on the conduct of research and on business innovation that relies on science and research.

Science is international in nature. International collaboration—at an individual or institutional level, or with international agencies—is standard practice among scientists, and are critical for a small country such as Australia to access and benefit from knowledge generated by much larger programs of research around the world.

International networks provide vital knowledge sharing, data, access to international scientific infrastructure, professional development, and research support. It is simply not possible to conduct scientific research in the modern era without an element of international collaboration.

The government's own [Global Innovation Strategy](#) encourages international collaboration for the purposes of research, science and innovation; the recently released strategic plan, [Australia 2030: Prosperity through Innovation](#), specifically invokes international collaborations with other countries or consortia in support of its proposed National Missions



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“...where collaboration is required to achieve scale, international buy-in or to accelerate results” (Page 92, Strategic Opportunity 5.2).

The draft legislation’s definitions of ‘activity for the purpose of political or government influence (at proposed Section 12) and ‘registrable activities for the purpose of political or government influence’ (at proposed Section 21) have the potential to include any presentation of science, research, data or analysis intended to have a meaningful influence on an aspect of government policy. Indeed, the Australian Academy of Science itself has the express purpose of ‘promoting, declaring and disseminating scientific knowledge’, as declared in the Academy’s Royal Charter. International bodies such as the InterAcademies Panel and the International Council for Science work to influence global science policy. Such activity is considered a duty of a responsible researcher, and is acknowledged as such by the inclusion of ‘adoption of public policy’ as a marker of research impact in the Australian Research Council’s [Engagement and Impact Assessment Guidelines](#) (see section 3.4.1).

The draft legislation’s definition of ‘foreign principal’ (at proposed Section 10) would include researchers working in Australia who are not Australian citizens, such as visiting academics or overseas students at universities, as well as non-Australian members of international research collaborations and consortia.

The definition of ‘on behalf of a foreign principal’ provided by Section 11 of the draft Bill includes mere ‘collaboration’ with said principal. The proposed definition of ‘communications activity’ (at proposed Section 13) captures the dissemination of research findings, as well as sharing of raw data and subsequent analysis. It also includes public-focused discussion articles, such as those provided by academics for publications such as *The Conversation*.

Dissemination of research findings is standard practice in the research community and is a requirement of those funded by public research grants such as recipients of NHMRC or ARC competitive grant funding.

This combination of broad definitions means that much of the standard business of scientists, researchers, representative bodies, universities and research institutions would be considered registerable activity under Section 21 of the draft Bill. The Exemptions provided in Division 4 of the draft legislation do not include scientific, research or academic purposes.

Without stronger and clearer exemptions for scientific pursuits and academic purposes, the draft legislation presents a high risk of applying an excessive regulatory burden on scientists and researchers, in determining their personal and institutional liability under the legislation and in registering under the proposed Act. It risks criminalising best practice in scientific research. This will impact on the conduct of research, but will also impact on business innovation where it involves international collaborations, especially in businesses that rely heavily on science and research.



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The Academy therefore **recommends:**

- Specific exemptions under the proposed Division 4 for academic, scientific, scholarly and research activities.
- Removal of 'collaboration' from the proposed Section 11.
- A specific exemption for the provision of scientific evidence for the purpose of informing public policy.
- A specific exemption for legitimate advocacy on behalf of visiting academics, international students and other groups, such as temporary workers.

If you would like to discuss any aspect of this submission, please contact Dr Stuart Barrow at stuart.barrow@science.org.au or 02 6201 9464.

Yours sincerely,

Professor David Day FAA
Secretary, Science Policy
Australian Academy of Science