



Australian Academy of Science

Ian Potter House, Gordon Street, Canberra ACT 2601

Secretary Science Policy Professor David Day FAA

22 May 2018

Dr Vivienne Thom AC
c/o DTC Act Review Secretariat
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Dear Dr Thom

REVIEW OF THE DEFENCE TRADE CONTROL ACT 2012

The Australian Academy of Science welcomes the opportunity to provide comment to the Review of the *Defence Trade Control Act 2012* (the DTCA). The DTCA provides the legislative basis for the controls of the intangible supply, publication and brokering of defence and strategic goods and technology.

The DTCA was amended in 2015 following extensive community consultation. The amendments included exemptions covering verbal supply of controlled technology and pre-publication supply of controlled technology, and removed the need for Ministerial approval for publication of dual-use technology. The amendments also included provisions for the present Review.

The Academy recognises that Australia has obligations to both the Australian and the international community to minimise the risk of technologies with potential military applications being used in ways that threaten nations' the security. To this end, we recognise the role of the Government to manage how some technologies with a potential military use can be shared with international collaborators.

The Academy was broadly supportive of the amendments to the DTCA provided in the *Defence Trade Controls Amendment Bill 2015*. The Academy noted in its submissions on these amendments that they would likely reduce the regulatory burden on researchers and research organisations working with dual-use technology and allow research to progress without undue hindrance.

The Academy has not put forward a position specifically supporting or rejecting the DTCA itself, recognising a range of different views among scientists about whether the DTCA appropriately meets the expectations of both the scientific and the broader community.

Having consulted with the its National Committees for Science, the Academy is not aware of any concerns being raised about undue impacts of the DTCA on the work of the disciplines represented since the introduction of the Amendments.

As such, the Academy cautiously concludes that the **DTCA as currently operating does not present an undue burden or impediment to scientific inquiry, research training or international collaboration**. However, the Academy notes that the Defence and Strategic Goods



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List (DSGL) may include laboratory equipment present in any undergraduate training laboratory, and that this can impact on the training of some foreign national postgraduate students.

The Academy is staunchly committed to academic freedom, including freedom of scientific inquiry and freedom of association among scientists. Excessive or inappropriate regulation of research would be a restriction upon these freedoms. However, the Academy also recognises academic freedom does not exempt a researcher from the ethical and legal requirements of their profession, and expects researchers to comply with reasonable regulation such as presented by the DTCA.

In summary, the Academy considers the DTCA to be fit for purpose, and is not currently aware of any unintended consequences arising from its operation.

To discuss or clarify any aspect of this submission or to arrange an appearance before the Review, please contact Dr Stuart Barrow, Senior Policy Analyst at stuart.barrow@science.org.au or 02 6201 9464.

Yours sincerely

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Secretary Science Policy