AUSTRALIAN COUNCIL OF
GRADUATE RESEARCH

ACGR (ACGR) Feedback on Implementation of the Guidelines to Counter Foreign Interference in the Australian University Sector (Guidelines)

March 19, 2023

The Department of Education (the department) is undertaking a detailed consultation to inform a report on implementation of the Guidelines to Counter Foreign Interference in the Australian University Sector (Guidelines) to the Ministers for Education and Home Affairs.

The Australian Council of Graduate Research has been invited to provide feedback for the purpose of integrating insights on key themes, challenges, best practice, and opportunities for future support into a Report provided to Ministers in June 2023.

The Guidelines were developed collaboratively between the Australian Government and the university sector to further uplift the foundational elements essential for building awareness and resilience to foreign interference within a university environment. The Guidelines operate as a voluntary framework and ongoing, dynamic implementation of risk mitigations by universities is vital given the evolving national security landscape. The department recognises universities will have implemented mitigations according to their own assessment of the risk particular to their individual environment.

ACGR welcomes the opportunity to provide feedback to the Department of Education on the Implementation of the Guidelines to Counter Foreign Interference in the Australian University Sector (Guidelines) as outlined in responses to the 6 framing questions provided below.

Framing Questions and ACGR Responses

1. Please describe any common themes or reflections from your member universities of their experiences in implementing the Guidelines, highlighting key learnings, takeaways and challenges to mitigating the risk of foreign interference.

ACGR notes 3 points of feedback of universities' experiences in implementing the Guidelines.

Point 1
It is noted that that Guidelines recognise different universities have different risk profiles depending on the nature of the activities they undertake. In the context of graduate research this approach has resulted in a lack of implementation coordination across the sector, including where the ownership of the guidelines implementation lies within individual institutions. For example, in some institutions foreign interference may sit under one set of arrangements whereas governance and autonomous sanctions assessments sit elsewhere, such as within a graduate research portfolio. A more holistic approach would be beneficial.

Point 2

In the context of graduate research, institutional investment in implementing the guidelines is significant. This has resulted in an inconsistent implementation of the guidelines based on access to resources. Universities with access to a more substantial resource base can implement the guidelines in a more rigorous way than less resourced institutions. This relates particularly to the ability of institutions to develop education and training programs for graduate research staff and students to, for example, identify the point at which a conversation undertaken as part of idea and knowledge sharing shifts to require intervention and reporting as a possible case of foreign interference.

Point 3

There exists a concern regarding the increased burden and complexity involved in implementing the guidelines as they pertain to higher degree research. Much of the information required to track and identify cases of foreign interference in relation to higher degree research can only be sourced via voluntary declarations from students. It is not within the capacity of graduate research schools to track and verify this information provided by students.

2. Are there any areas in the Guidelines that require further clarification, including any potential foreign interference risks, or risk management approaches, that may not be considered in the current Guidelines?

ACGR notes 5 points requiring further clarification not considered in the current guidelines.

Point 1

Higher degree research students often assume dual roles within universities as both students and as staff. Further clarification is required to determine when and how it is appropriate to require higher degree students who fit both categories to complete the declaration of interest questions.

Point 2

To address the administrative burden in implementing the guidelines in the context of graduate research, there may be scope for specific activities to be identified as exempt from the Guidelines. As one example, all thesis examinations could default to low risk of foreign interference except for those in sensitive disciplinary fields.

Point 3

The Declaration of interest form asks, "Are you receiving any financial support (cash or in-kind) for education or research related activities from a country other than Australia." Many higher degree research students use in-country resources to fund their education in Australia. Further clarification is required to determine under what circumstances this would be considered appropriate to report on.

Point 4

Further clarification is sought on how the implementation of the Guidelines pertains to research undertaken by international higher degree research candidates who return to their country of origin, or other countries, to collect data personally or in partnership with local stakeholders.

Point 5

Item 3.2 mentions that *"Due diligence is conducted on research activities, partners, and university staff and research students who are at risk of foreign interference."* For graduate research candidates, the natural checkpoint for this is at time of admission, but it's possible that the risk profile of a particular individual or activity may change over the course of the HDR candidature. In the context of graduate research clarification is needed on how universities demonstrate comprehensive due diligence.

3. From your perspective, how could the university sector be better supported in implementing the Guidelines? This may include feedback regarding resources, training, sharing of communications, and outreach.

ACGR notes there is a lack of operational guidance integrated into the Guidelines. In the context of graduate research, it is imperative that universities are given clear guidance on what students can be asked, how often these datasets should be refreshed over the course of a candidature to reflect changes is risk profile, and the reporting requirements related to the information retrieved. As noted in response to question 1, graduate research schools rely on students providing accurate information and do not have the resources to track or verify the validity of the information supplied. To ensure the validity of the information provided to graduate research schools via the declaration of interest form, further government funding and support is required. Additional support could include templates for data collection, guidance on how often data needs to be collected to ensure it's up to date, and a funding allocation based on the percentage of internationalisation and size of the HDR cohort.

Due to resources available within graduate research schools' further supporting resources and training, funded and supplied by the government, are required to support efforts to disseminate the core tenets of the guidelines to stakeholders and deliver the necessary training to graduate research staff and students. The majority of the foreign interference reporting burden is produced by international candidates who can only be supported by a maximum of 10% of RTP funding. Additional government support may involve sector-wide training and education initiatives along with the facilitation of sector-wide approaches to the implementation of the guidelines.

4. Do you believe there is a need to review the threat context and reflect sector implementation of the Guidelines on an ongoing basis?

> o *If yes, how do you suggest this could best be undertaken and how often? Examples could include an annual survey, universities to incorporate within existing reporting avenues etc.*

ACGR supports the ongoing review of the threat context and sector implementation of the Guidelines. However, this needs to be in conjunction with a system whereby obstacles to implementation can be flagged on a regular basis. As threat contexts change so too will the implementation requirements of the Guidelines. Any review process needs to take into consideration the ever-evolving shape of foreign interference.

Suggestions for ongoing review include an annual institutional survey that can be integrated into existing university reporting processes.

5. Do you have any comments regarding communication/coordination by Government agencies on countering foreign interference activities, or are there any other matters you wish to share regarding your interactions with the sector on matters relating to foreign interference or national security more broadly?

ACGR makes 2 comments regarding communication/coordination by Government agencies and other matters.

Point 1
In the context of graduate research ACGR reiterates the need for a coordinated and streamlined approach to the implementation of the Guidelines across institutions. Considering the available resources across institutions and the desire to provide institutional flexibility in how the Guidelines are adopted an appropriate level of sector wide operational guidance on the implementation of the Guidelines as related to graduate research is welcomed.

Point 2
There is a lack of transparency in the interactions between key government agencies. For example, secrecy on matters relating to student visa delays, and requirements for students from some countries to apply via an agent rather than directly to the university. A suggestion is for the Department of Home Affairs to explore using the visa application process as a resource for sanctions screening or sharing screening outcomes with universities to enable meaningful processes.

6. Are there improvements/additions that could be made to the resources available through the countering foreign interference section on the Department of Education's website?

> *o If yes, do you have suggestions for how these could be improved/enhanced?*
> *o If no, please elaborate on which products or resources you have found useful.*

ACGR suggests the inclusion of resources offering examples of how institutions can manage common international activities relating to graduate research in the context of foreign interference. These resources could include 'test cases' as case studies to illustrate Department of Education expectations.