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Vice-Chancellor and Principal

18 December 2020

Mr Andrew Hastie MP  
Member for Canning, Western Australia  
Chair, Parliamentary Joint Committee on Intelligence and Security

By email: [NatSecUni@aph.gov.au](mailto:NatSecUni@aph.gov.au)

Dear Mr Hastie,

The University of Sydney welcomes the opportunity to assist the Committee with its inquiry into national security risks affecting the Australian higher education and research sector.

We state at the outset that we recognise that, based on the Australian Government's best intelligence advice, the security threats Australia faces are real and increasingly sophisticated.

We acknowledge there is room to improve understanding about these threats within the community and sector. Equally, it is important that there is an appreciation, both by parliamentarians across the political spectrum and members of the community more generally, about the value to Australia of the sector's international engagement activities and the extensive efforts underway to mitigate national security risks.

Careful balancing is needed to facilitate the sector's international engagement activities and at the same time ensure that foreign interference and other threats to national security are addressed effectively.

We have focused our comments on the Inquiry's terms of reference where we believe we can most assist the Committee. These are:

- B. The Sector's awareness of foreign interference, undisclosed foreign influence, data theft and espionage, and its capacity to identify and respond to these threats, and
- C. The adequacy and effectiveness of Australian Government policies and programs in identifying and responding to foreign interference, undisclosed foreign influence, data theft and espionage in the Sector.

In doing so, we are very conscious of the responsibility we have to the people of NSW and Australia and the important role that universities – founded on the principles of freedom of speech, academic freedom and institutional autonomy – play in any successful liberal democracy.

We are deeply concerned to ensure we are free from any action that seeks to prevent us from fulfilling our role as set and regulated by NSW and Commonwealth legislation, or which seeks to undermine Australia's interests, our democratic values and public institutions. We also believe that threats to national security are addressed most effectively through information sharing and collaboration between governments and the sector.

For context to our submission, we believe it is not widely understood that Australia's large, public research-intensive universities, are subject to some of the most stringent and complex regulatory requirements applied to any organisations. This is due to the breadth of the education, research and related activities universities undertake and the need to comply with sometimes overlapping Commonwealth, State or Territory laws. For example, we have 120 Commonwealth and NSW Acts listed on our compliance framework. However, in addition to the considerable compliance obligations Australia's research-intensive universities face, they are increasingly required to comply with government policy that is being implemented through contracts, or through non-legal guidelines and policy directives that sometimes lack clarity.

We believe the University of Sydney has a comprehensive policy framework in place to both comply with applicable legislation and to protect the integrity and security of our activities. Our submission seeks to provide a high-level overview of our approach. We hope that it gives the Committee, and interested members of the public, confidence that we are taking threats to national security seriously and that we are managing these risks relatively well within our available resources, in what is an extremely complex and constantly changing regulatory and operating environment. Nevertheless, we accept that there is always room for improvement in any institution's approach to compliance. Specifically, we recognise that the increasingly sophisticated tactics and technologies used to interfere in Australia's sovereign affairs necessitate constant vigilance and well-coordinated collaboration between relevant government agencies and the sector.

This is why we strongly support the ongoing work of the University Foreign Interference Taskforce (UFIT) and have an integrated program underway in response to the [Guidelines to Counter Foreign Interference in the Australian University Sector](#), which the taskforce released in November 2019. It is why we systematically review and implement changes to our policies, processes, staff education and training as laws are made or changed and as concerns are raised about our activities and approaches to risk management. It also explains why we are actively participating in best practice sharing about approaches to foreign interference that Universities Australia is facilitating at the request of UFIT. However, of course we welcome additional guidance from government and Parliament about how we can improve our management of these issues.

Thank you again for the opportunity to engage with the Committee to help find ways for the Government, Parliament and the sector to work together more effectively towards the shared goal of combatting foreign interference in the national interest.

Should the Committee require anything further from the University, in the first instance please do not hesitate to contact Mr Tim Payne, Director, Higher Education Policy and Projects, Office of the Vice-Chancellor and Principal ([tim.payne@sydney.edu.au](mailto:tim.payne@sydney.edu.au), 02 9351 4750).

Yours sincerely,

(signature removed)

Professor Stephen Garton AM  
Vice-Chancellor and Principal

#### **Attachment**

The University of Sydney, submission to the Parliamentary Joint Committee on Intelligence and Security's inquiry into national security risks affecting the Australian higher education and research sector, December 2020

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## Introduction

In framing our comments, we must at the outset clarify the meaning of the terms **‘foreign influence’** and **‘foreign interference’**, as they are often confused and misused but refer to very different things. As the *Australian Security and Intelligence Organisation Act 1979 (Cth)* and the University Foreign Interference Taskforce (UFIT) guidelines make clear, foreign interference “occurs when activities are carried out by, or on behalf of a foreign actor, which are coercive, covert, deceptive or corrupting and are contrary to a country’s sovereignty, values and national interests”. Foreign influence, on the other hand, “is not a bad thing and is happening all the time. All governments, including Australia’s, try to influence deliberations on issues of importance to them. These activities, when conducted in an open and transparent manner, are a normal aspect of international relations and diplomacy and can contribute positively to public debate”.<sup>1</sup> Indeed, asserting and achieving foreign influence, for the benefit of Australia and the wider world, is one of the core objectives of the University of Sydney’s international engagement activities.

Our submission focuses on the Inquiry’s terms of reference where we believe we can most assist the Committee. These are:

- B. The Sector’s awareness of foreign interference, undisclosed foreign influence, data theft and espionage, and its capacity to identify and respond to these threats, and
- C. The adequacy and effectiveness of Australian Government policies and programs in identifying and responding to foreign interference, undisclosed foreign influence, data theft and espionage in the Sector.

We first discuss the importance of international engagement and partnerships to the University of Sydney’s mission, provide an overview of our international activities and outline their benefits. We then address Term of Reference ‘B’ by providing an overview of our approach to ensuring compliance with relevant laws and to identifying and responding to foreign interference threats. In Section 3, we respond to Term of Reference ‘C’, providing feedback on the adequacy and effectiveness of the Australian Government’s relevant policies and programs for national security and foreign interference. Finally, in Section 4 we place on the record our position on a range of our international activities.

## 1. The importance of international engagement to the University and Australia

The University of Sydney exists for the benefit of Australia and the wider world, so that the brightest researchers and the most promising students - whatever their social or cultural background - can thrive and realise their full potential. For decades we have welcomed students, staff and visitors from around the world and continue to encourage and support members of our community to pursue and participate in international collaborations, whether in Australia or overseas. These activities are fundamental to our purpose and mission. To date, we have around 2,500 formal agreements with universities and other entities from around the world, which underpin our international collaboration in education, training, research, regional development, commercialisation and related activities. Thanks largely to our international engagement activities, we are ranked fourth in the world for the employability of our graduates and second in the world for the impact of our research on the achievement of the United Nations Sustainable Development Goals. We have the largest student mobility program in Australia, with more than one in three of our 2019 graduating cohort undertaking a global mobility experience.

We study, research and teach domestic and international students about the languages, literature, histories, and cultures of the world, as well as the multicultural and multilingual reality of modern Australia. We have expertise in a wide range of areas, including linguistics, history, political science, anthropology, religion and sociology related to the countries and regions across the globe.

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<sup>1</sup> University Foreign Interference Taskforce (UFIT) (Nov.2019), [Guidelines to Counter Foreign Interference in Australia’s University Sector](#), p.6

Our University-wide multidisciplinary initiatives bring together academic experts from diverse disciplines to deliver research excellence and education opportunities in established and developing areas of strength, across all our faculties. On a global cultural level, these include our [China Studies Centre](#), the [Sydney Southeast Asia Centre](#) and the [United States Studies Centre](#).

We have a proud and long history (more than 100 years) of working with successive Australian governments to enhance social and economic development in the Asia-Pacific region and beyond, through our agriculture, veterinary science, health, education, law, policy, public administration and business disciplines, as well as through our work in many other fields. This year alone we have contributed many submissions to Department of Foreign Affairs and Trade and Parliamentary reviews seeking to strengthen Australia's relations with nations across the Pacific.

### **1.1 The value of international research collaboration**

As a relatively small and geographically isolated nation, responsible for only a fraction of global R&D investment and output, it is vital that Australia's research system is embedded within the global system. Despite our small size, we have an enormously successful higher education system, with seven universities ranked consistently among the top 100 universities globally. Participation in international research collaborations enables Australia to access specialist research facilities that are beyond our capacity - or beyond the capacity of any individual nation to provide on its own - and is one reason for our success. It increases the impacts of our research by providing broader avenues for the dissemination of research findings. It provides our researchers with the linkages and networks that are essential for achieving success in international funding schemes. It ensures that our researchers, governments and businesses have early access to the large majority of advances in new knowledge and technological innovation that occur overseas – enabling them to apply this knowledge and understanding to address Australia's distinct challenges and opportunities. It also provides access for our researchers to sophisticated research infrastructure unavailable in Australia. Finally, our global collaborative research efforts contribute to the innovation applied here that will help Australia build the industries and jobs of the future that will be vital to our post-COVID recovery.

A recent and relevant example of the importance of these relationships, not only to the sector but to the Australian community more generally, has been the sector's ability to connect effectively with the international research efforts to develop vaccines and other strategies to mitigate the impact of COVID-19. Our university sector regularly leverages this network of international contacts and without it Australia would have potentially found itself isolated from these international collaboration activities. All Australian universities have mobilised their resources to support the national and global effort to combat COVID-19 during 2020. A snapshot of some of our relevant research, much of it involving international collaborators, is available in the link below.<sup>2</sup>

In an environment where global competition for the best researchers, educators and research students is intense, the personal contacts formed by researchers and research students through active participation in international research networks are critically important. These global networks create goodwill towards Australia. They enhance our ability to identify and attract top talent to Australia – thus contributing to our long-term national and international competitiveness. They also help raise the quality of our research and increase the opportunities for applying it in innovative ways with global partners that can benefit Australia. Some of our leading industry partnerships, for example, with Rio Tinto in mine automation, and with Microsoft in quantum computing, have emerged as a result of our global reputation for research excellence and our deep engagement with leading researchers and companies around the world.

Perhaps most importantly, active participation in international research collaborations raises our international standing as an open and engaged, advanced research nation, willing to contribute its fair share of resources and expertise to address global challenges. It also serves to foster friendly relations and understanding between individuals and nations. In this regard the University of Sydney is committed to working in partnership with the Australian Government to promote research and education diplomacy, in line with the Government's evolving foreign policy priorities and ambitions.

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<sup>2</sup> <https://www.sydney.edu.au/research/coronavirus-covid-19-research-and-expertise.html>

## 1.2 The value of international education collaboration

In 2019 international education was Australia's most valuable services export sector, worth \$37.6 billion to the economy. The faith that international students place in our universities and other education providers translates into economic activity and jobs for Australians. According to StudyNSW, in 2018 international education was responsible for creating 247,000 jobs nationally, with 95,000 of these in NSW.<sup>3</sup> These jobs are generated in not just the higher education sector, but also in retail, tourism, hospitality, construction trades and many other fields. However, the contribution that international students make to Australia extends far beyond economic benefits. They make a huge contribution to the rich diversity of the educational experience Australian universities can provide. Diverse campuses provide all students with the opportunity to develop cultural competence and cross-cultural communication skills, crucial abilities in solving the world's problems.

Alumni of Australian universities are now leaders in government, business and civil society in more than 150 countries. According to the Department of Foreign Affairs and Trade there are around 2.5 million international graduates of Australian universities living overseas, while the University of Sydney alone has an international alumni community of more than 380,000 graduates. Their knowledge of Australia and appreciation for our values and way of life enhance our international reputation. The enduring people-to-people links created by our universities' international education activities deliver incalculable long-term practical benefits for Australia and the wider world.

Consistent with our mission and the regional development goals of successive Australian governments, we have for decades provided education, training, research, knowledge-generating and relationship-building opportunities for citizens and organisations from the Asia Pacific region. These arrangements commenced formally in the 1950s with Colombo Plan scholars and have continued more recently through the Australia Awards program. Within the original Colombo Plan's mission to raise the living standards of people in the region, we initially concentrated on educating promising individuals to enable them to develop their countries' resources effectively and to build, deliver and sustain services in areas such as health, education and public administration. More recently, we have utilised funding from the Australia Awards program to expand the skills and networks of emerging leaders in our region who will be responsible for managing their countries' technological, economic, social and political development. While our graduate courses in public health and education have made significant impacts over decades, our more recent partnership programs in agriculture, physics and veterinary science have addressed the region's growing need for critical attention to climate change, sustainable economic development and environmental preservation.

See **Appendix 1** for six case study examples of our international engagement in research and education, which are delivering benefits for Australia and our partner countries.

## 2. Term of Reference 'B' - overview of our approach to identifying and responding to foreign interference threats

Here we provide an overview of the framework that governs the University's international engagement activities. We outline, at a high level, how we work to ensure compliance with national security and export control laws. We also summarise how we are responding to the [Guidelines to Counter Foreign Interference in the Australian University Sector](#) released in November 2019, including in relation to cybersecurity.

### 2.1 International engagement framework

Three key principles underpin the way the University works to ensure its international engagement activities serve Australia's interests and minimise the risks of foreign interference. First, the purpose of the engagement must be consistent with the University's object, values, ethical standards and reputation. Second, the activity must comply with Australian law and have regard for government guidelines where relevant. Third, the activity must be conducted consistently with relevant University policies. When considering whether to pursue, negotiate, commence, or continue activities with foreign

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<sup>3</sup> [https://www.study.sydney/\\_data/assets/pdf\\_file/0019/227233/Study-NSW-2019-Infographic-FINAL-V2.pdf](https://www.study.sydney/_data/assets/pdf_file/0019/227233/Study-NSW-2019-Infographic-FINAL-V2.pdf)



entities or individuals, the University's staff follow a decision-making framework that is broadly underpinned by the following principles.

**Principle 1 - Consistency with the University's object, values, ethical standards and reputation**

- The University's object and functions as defined by [Section 6 of the University of Sydney Act 1989](#), especially 'the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence'.
- Our commitment to upholding the principles of freedom of speech and academic freedom for members of the University community as defined in our [Charter of Freedom of Speech and Academic Freedom 2020](#).
- Our core values of [courage and creativity, respect and integrity, diversity and inclusion, and openness and engagement](#) – as embodied in our [Code of Conduct – Staff and Affiliates](#) and our [Student Charter 2020](#).
- Our commitment to educational and research excellence as expressed, for example, in our [2019 Annual Report](#) to 'maximise the University's impact in the world through education for all, global leadership that makes lives better, and research that harnesses the University's quality and unparalleled comprehensive approach to addressing some of the major global challenges of our time.'
- Our commitment to conducting all research, whether in Australia or overseas in accordance with the [Australian Code for the Responsible Conduct of Research 2018](#), the [National Statement on Ethical Conduct in Human Research \(2007\) – Updated 2018](#), the University's [Research Code of Conduct 2019](#) and the [Australian code for the care and use of animals for scientific purposes](#).
- Our prohibition on staff and affiliates knowingly accepting funding, gifts or sponsorship directly or indirectly from tobacco and e-cigarette companies and rigorous adherence to the requirements of our [Gift Acceptance Policy 2013](#), [Sponsorship Policy 2018](#) and [External Interest Policy 2010](#).

**Principle 2 - Compliance with Australian laws and consideration of relevant government guidelines**

- Any University international engagement activity must be lawful and comply with all relevant Australian regulations and sanctions, including the:

[Customs Act 1901](#)  
[Charter of the United Nations Act 1945](#)  
[Migration Act 1958](#)  
[Export Control Act 1982](#)  
[Privacy Act 1988](#)  
[Weapons of Mass Destruction \(Protection of Proliferation\) Act 1995](#)  
[Privacy and Personal Information Protection Act 1998 \(NSW\)](#)  
[Autonomous Sanctions Act 2011](#)  
[Defence Trade Controls Act 2012](#)  
[Defence Strategic Goods List \(DSGL\)](#)  
[Public Interest Disclosure Act 2013](#)  
[Biosecurity Act 2015](#)  
[Foreign Influence Transparency Scheme Act 2018](#)  
[Australian Charities and Not-for-Profits Commission Amendment \(2018 Measures No.2\) Regulations 2018](#)  
[National Security Legislation Amendment \(Espionage and Foreign Interference\) Act 2018](#)  
[Modern Slavery Act 2018](#)

[Consolidated List of all persons and entities who are subject to targeted financial sanctions under Australian sanctions law](#)  
[Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020](#)  
[Security Legislation Amendment \(Critical Infrastructure\) Bill 2020 \(Cth\) \(if enacted\)](#)  
[Data Availability and Transparency Bill 2020 \(Cth\) \(if enacted\)](#)

- Where relevant, the activity and any related activities must also be undertaken consistently with all applicable Australian Government guidelines and departmental policies, including the [Guidelines to Counter Foreign Interference in Australian Universities 2019](#).

### **Principle 3 - Consistency with relevant University policies**

Once a member of staff is satisfied that the activity is lawful and that appropriate consideration has been given to relevant government guidelines, the activity may proceed as long as it is conducted in accordance with the requirements of all relevant University policies, including:

[Code of Conduct – Staff and Affiliates](#)  
[Charter of Freedom of Speech and Academic Freedom 2020](#)  
[Student Charter 2020](#)  
[Cyber Security Policy 2019](#)  
[Learning and Teaching Policy 2019](#)  
[Research Code of Conduct 2019](#)  
[Smoke-Free Environment Policy 2019](#)  
[Dual and Joint Degree Policy 2019](#)  
[Outbound Student Mobility Policy 2018](#)  
[Sponsorship Policy 2018](#)  
[Intellectual Property Policy 2016](#)  
[Educational Services Agreements Policy 2017](#)  
[Affiliates Policy 2015](#)  
[Research Data Management Policy 2014](#)  
[Gift Acceptance Policy 2013](#)  
[Reporting Wrongdoing Policy 2012](#)  
[Research Agreements Policy 2011](#)  
[University of Sydney \(Higher Degree by Research\) Rule 2011](#)  
[External Interests Policy 2010](#)

## **2.2 Compliance with national security and export control laws**

The University is deeply committed to complying with Australia's national security and export control laws. We also strive, in our international engagement activities, to comply with relevant United Nations sanctions and the laws of foreign governments that apply to our activities conducted offshore and our dealings with foreign partners. Complex conflict of laws issues sometimes arise in our international engagement activities. Where they do, we seek to navigate and manage them through the due diligence and negotiation stages of projects.

We understand that national security is an umbrella term, encompassing themes of border security, anti-terrorism, cyber security, protection of national infrastructure, foreign interference/influence and the appropriate use of technology. As outlined above, the Australian Government has many laws of general application, each tailored to a particular government agency's interests and responsibilities, rather than to the particular circumstances of public universities. We recognise the importance of these laws and apply their principles and requirements to our distinct operations.

Australia's research-intensive universities are very large organisations, with many purposes, so integration of new laws into our existing processes can be complex and resource intensive.

The number and type of due diligence checks we conduct has expanded in recent years as the regulatory requirements have been strengthened. We have always had a process where due diligence checks were completed in accordance with advice and guidance from our Office of General Counsel



in close collaboration with other relevant portfolios, such as the Deputy Vice-Chancellor (Research), prior to the execution of agreements. Individual faculties checked the backgrounds of partners for both academic excellence and reputational issues. We formalised and consolidated the many informal aspects of previous checks and expanded the kinds of background checking performed through two key initiatives. The first was the establishment of our Research Risk Advisory Committee (RRAC) in 2019, and the second was the creation of a Manager, National Security and Export Controls (MNS&EC) position to support the committee, faculties, staff and affiliates.

We expect our staff and research students to be aware of relevant laws and University policies and to know where to refer their matters for expert advice if needed. Our online Research Support Model, operating through the ServiceNow portal, is an automated tool for researchers that ensures all commencing projects are fully supported through diverse aspects such as clinical trials, ethics, IP rights, and national security, and ensures that research projects are referred to the MNS&EC prior to sign-off of select project agreements. There is a suite of University personnel to support researchers in their national security obligations throughout the life-cycles of their projects with international partners. These include staff in our Office of Global Engagement, Contract Office, Office of General Counsel, Gift Team, Research Ethics, Faculty Business or Commercialisation Office. Any of these positions can refer matters to the MNS&EC for advice. The MNS&EC completes due diligence checks, provides findings and advice back, and makes a recommendation to proceed (on low-risk cases) or refers to RRAC (high-risk cases) for a decision by the Deputy Vice-Chancellor (Research).

Our due diligence checking considers a vast range of relevant laws and information in the public domain:

- Australian autonomous sanctions and United Nations Security Council sanctions, in particular restrictions on services (training and education, participation in certain research topics, and the use of certain equipment) for activities involving sanctioned countries and their citizens.
- The technologies' uses, including whether they are listed on the Defence Sensitive Technologies List and whether they are controlled under the Defence and Strategic Goods List, Defence Trade Controls Act, the Military End-Use (MEU) provisions under the Customs and Weapons of Mass Destruction Acts. We have a substantial relationship with the Defence Export Controls Office within the Department of Defence when considering requests for export control permits and advice on projects and end-users.
- The potential impacts of the technologies or partnerships on national infrastructure; i.e. public infrastructure (as defined under the *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018*) and critical infrastructure (under the *Security of Critical Infrastructure Bill 2017*).
- Terrorist checks and blacklisted companies (the Australian and United States' consolidated lists).
- Current foreign interference guidance including the University Foreign Interference Taskforce's *Guidelines to Counter Foreign Interference in Australian Universities 2019*.
- The latest due diligence advice from Defence Export Controls and the Australian Security and Intelligence Organisation.
- Current foreign policy guidance from the Department of Foreign Affairs and Trade's website and announcements.
- Other issues such as human rights, impacts on privacy, inconsistencies with University of Sydney's values, and the degree to which these can impact the university's reputation.
- Public domain checks for media articles, military/defence connections, publications, composition of company boards, funding associations and partnerships, Australian peak body information, international treaty organisation reports and other online resources.

We keep up to date with developments in national security law and policy by monitoring legislative processes closely, engaging with relevant consultations and informing our staff of changes through news items, briefings, general and targeted training resources. To this end we also subscribe to ASIO Outreach, US Federal Register notifications, Australian Cyber Security Centre Outreach, and The

Strategist e-newsletter. We continually improve our security processes and have recently applied for membership to the Defence Industry Security Program.

Some recent de-identified examples (below) show how our due diligence processes identify high risk research agreements, ensuring that these risks are managed on a case-by-case basis:

<b>Case</b>	<b>Process</b>	<b>Outcome</b>
Research project with an Australian subsidiary of a Chinese logistics company, the latter with military connections and significant reputational issues.	Referral to MNS&EC by Faculty Research Manager. The findings of the due diligence checks caused the researcher to cease the project.	Researcher was unaware of military connections of parent company and ceased the project once alerted to the issues.
AI research with potential for military use (surveillance).	Referred by Office of General Counsel for additional due diligence. Due to the technology involved there was a need to refer to RRAC for decision to proceed.	A number of risk mitigations were recommended by the RRAC to be inserted into the research agreement, including publishing results into the public domain. These were agreed to by the collaborator and the project proceeded.
Chinese telecommunications company.	Referred by contract officer at suggestion of Office of General Counsel for further due diligence because of concurrent media surrounding the company.	A number of risk mitigations were recommended by the RRAC to be inserted into the research agreement, however these were not agreed to by the collaborator and the project did not proceed.
Proposed research in blockchain technologies funded by an Australian company.	Referred by contract officer as scant information about company online and no prior history with this company. Due diligence checks found ABN business registration details differed from those stated on application.	MNS&EC advised that the project be rejected as the company did not meet basic business integrity checks and the technology area was high risk. MNS&EC requested that the company fix ABN details, provide a company history/briefing, and a detailed proposal on the use of the technology. [Pending]
Philanthropic grant to perform research into image processing.	Referred by contract officer at suggestion of Office of General Counsel as technology on the Defence Sensitive Technologies List.	MNS&EC due diligence check found parent company issues involving litigation and potential for money laundering. Project referred to Research Risk Advisory Committee for Decision and referred to AUSTRAC.

## **2.3 Responding to the University Foreign Interference Taskforce's Guidelines to counter foreign interference in the Australian university sector**

The purpose of the UFIT Guidelines, which were released in November 2019, is to support universities to examine their existing tools, assist decision makers to assess the risks from foreign interference and promote greater consistency across the higher education sector. The Guidelines are structured

around five themes (governance and risk frameworks; due diligence; communication and education; knowledge sharing; and cyber security) each of which is backed by recommended actions for universities and in some cases best practice examples. These themes are underpinned by five key principles:

- security must safeguard academic freedom, values and research collaboration;
- research, collaboration and education activities must be mindful of the national interest;
- security is a collective responsibility with individual accountability;
- security measures should be proportionate to organisational risk; and
- the safety of university communities is paramount.

The University's initial response to the Guidelines during 2020 has included the following core elements:

#### **Governance and risk frameworks**

- Making the Senior Deputy Vice-Chancellor responsible for overseeing the University's approach to the Guidelines.
- Including national security risks in the University's Enterprise Risk Framework and strengthening processes for monitoring and reporting on these risks.
- Developing and implementing a compliance matrix for the Guidelines, which integrates with the University's Enterprise Risk Framework.
- Appointing a Manager of National Security and Export Controls. The role supports the University's work to embed systems that will underpin compliance with applicable national security laws and embed defence trade controls, and foreign interference risk assessments, training and expert advisory services into the University's higher risk research areas.

#### **Due diligence**

- Strengthening the University's external interest declarations and management processes to enhance their focus on overseas relationships.
- Utilising the University's Research Risk Advisory Committee to consider and advise decision-makers on foreign interference and national security concerns arising from research-related activities.
- Ensuring through its Defence Strategy that the University meets the trusted research partnership requirements under the Defence Science and Technology Organisation conditions.

See **Appendix 2** for the terms of reference for our Research Risk Advisory Committee.

#### **Communication and education**

- Enhancing the availability of online resources for staff and students about their obligations under relevant laws.
- Improving communication, training and advice to faculties and centres about national security issues, laws and guidelines.

#### **Knowledge sharing**

- Increasing engagement between the University, the Australian Government and its agencies about matters of national security and foreign interference in the University's affairs.
- Sharing information and insights through relevant sector networks.

#### **Cyber Security**

- An integrated strategy and work program with projects under four streams (Phishing, Risk, Governance and Advanced Threat Protection) that address priority foreign interference threat scenarios identified in 2019 following a comprehensive review.

See **Appendix 3** for further detail on our cybersecurity strategy, policy and priorities.

### **3. Term of Reference 'C' - the adequacy and effectiveness of the Australian Government's laws, policies and programs for national security and foreign interference**

The recently released report of Dennis Richardson AC's *Comprehensive Review of the Legal Framework of the National Intelligence Community* (Richardson Review) addressed aspects of this Inquiry's Term of Reference 'C' in considerable detail, making 190 unclassified recommendations, 186 of which have been agreed in full, in part or principle by the Government.<sup>4</sup>

The Richardson Review's terms of reference focused its investigation on the effectiveness of the legislative framework governing the National Intelligence Community (NIC).<sup>5</sup> Notably, however, while the review faced no limits on the legislation it could consider, it chose not to assess the effectiveness of the extensive suite of laws and guidelines (discussed in 2.1 above) that comprise the national security framework within which Australia's public universities operate. This is unfortunate, in our view, given the attention that many Australian Government agencies outside the NIC are giving Australian universities when developing their various legislative and other responses related to matters of national security.

We do not have the expertise or access to the information required to allow us to comment with authority on the overall adequacy and effectiveness of the Australian Government's approach to national security and foreign interference. However, below we provide some high-level feedback about areas where we see room for improvement in the Australian Government's approach to managing national security and foreign interference issues that affect us.

#### **Consultation**

We understand that the Australian Government is operating in a rapidly changing geopolitical environment, with foreign interference threats at unprecedented levels and increasingly sophisticated. Nevertheless, the best public policy results emerge from considered and transparent policy development and review processes, which feature genuine consultation with stakeholders and the evidence-based evaluation of the issues and all regulatory options. We have been struck recently by the extraordinary variability in how laws are developed by different government agencies with responsibility for aspects of its national security framework. Except in the most urgent of circumstances, we believe that all relevant agencies should be required to follow the Office of Best Practice Regulation's guidance about how to develop good public policy.

#### **Collaboration and coordination**

Just as good public policy is built on sound policy development processes, effective implementation of laws and policy is achieved through collaboration between government and the communities or sectors affected by regulation. The Government's establishment of the University Foreign Interference Taskforce (UFIT) in 2019 was a positive development, which has since been described as leading the way globally in the way that governments and universities collaborate in relation to foreign interference risks. The UFIT has provided a valuable and high-level forum for the sharing of perspectives, improving communication channels and sharing about information and best practice approaches. It has also assisted the coordination of activities between government agencies and the sector. Now that the Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth) has commenced, with the Department of Foreign Affairs and Trade responsible for its administration, it would make sense for it to be represented on the UFIT.

#### **Governments control entry to Australia, not universities**

When the Defence Trade Controls Act was before Parliament in 2012, the Government changed the scheme's design to allow intangible supplies of technology on the Defence Strategic Goods List (DSGL) to foreign individuals physically in Australia, without the need for permits. This change, as explained to the sector at the time, was made by the then Minister for Defence on the grounds that the then

<sup>4</sup> <https://www.attorneygeneral.gov.au/media/media-releases/government-response-richardson-review-4-december-2020>

<sup>5</sup> The National Intelligence Community (NIC) comprises the six Australian Intelligence Community agencies (Office of National Assessments (ONA), Australian Security Intelligence Organisation (ASIO), Australian Secret Intelligence Service (ASIS), Defence Intelligence Organisation (DIO), Australian Signals Directorate (ASD), Australian Geospatial-Intelligence Organisation (AGO)) as well as the Australian Federal Police (AFP), Australian Criminal Intelligence Commission (ACIC), Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Department of Home Affairs.

Department of Immigration and Citizenship (now Home Affairs) controls the movement of people to and from Australia through the visa system. Subsequently, universities have been criticised in various forums for welcoming researchers, delegations and research students considered potential risks to Australia's security and other interests.

Following a detailed independent review of the operation of the Defence Trade Controls Act completed in 2019, we understand the Government is now moving to amend the Act to also require permits for intangible supplies of DSGI technology that occur within Australia. However, we are concerned this change can only be implemented by imposing considerable additional administrative requirements on universities to monitor the movements of visitors to their campuses, as well as communications between their staff and visitors from overseas while in Australia. Universities do not have the resources or access to the information needed to make case-by-case judgements about the national security risks posed by hundreds or thousands of foreign visitors each year. Rather than shift the compliance burden to universities, the Department of Home Affairs should be required to exercise its powers to block persons of concern from entering Australia. Universities and other institutions can then deal with people who have entered the country confident that the Government does not consider them a threat to national security.

### ***Clear advice and information about emerging risks***

Australian universities, when conducting their due diligence checks, must rely on information in the public domain. However, the publicly available information may not provide the full picture of the entity or individual that is available to government or intelligence organisations. The subversive and covert nature of certain threats means that without clear information and guidance from the National Intelligence Community, delivered regularly and cohesively across relevant agencies, universities may not be aware of, or respond as quickly and robustly as the Government might expect, to potential risks which continue to remain unidentified. Consideration should be given to establishing a working party to provide timely, integrated and consistent information and advice to the university and research sector about emerging national security and foreign interference risks. The group would comprise representatives of all NIC agencies, as well as representatives of all other Commonwealth departments and agencies. While we are grateful for the *ad hoc* advice received from ASIO and other members of the NIC, this is a key element that we believe is missing from Australia's national security framework.

### ***More timely and accessible advice***

We regularly struggle to obtain timely advice from Australian Government agencies and departments responsible for relevant national security laws and policies. For example, whilst Defence Export Controls (DEC) has offered to conduct end-user checks on foreign collaborators, these checks can take up to 2-3 months, while typically DEC is unable to provide anything more than meagre information due to security classification constraints.

The Department of Foreign Affairs and Trade (DFAT) can take up to 12 months to provide advice in response to queries about students from sanctioned countries. This, when our internal decision-making process requires information in a matter of weeks rather than months. Other information from departments is limited and provides little or no information on Australia's stance on various international issues relevant to universities' decision making. For example, a recent referral to AUSTAC, regarding what could be considered a suspicious transaction, was met with a generic response, advising that the agency has no obligation to respond or provide an outcome of any investigation.

We have also observed a trend in government departments removing direct hotline services that we had previously used regularly to obtain timely information and to discuss sensitive matters that were not appropriate for emails. Websites can only provide generalised information and cannot provide the specific details of the types of case scenarios we encounter regularly. It is our experience that government agencies have developed tailored online advice only after several instances of testing of university specific scenarios. We acknowledge that agencies may not be adequately resourced to respond to the many queries they receive. However, we would like to collaborate with all the relevant government departments and agencies in a single working group to achieve better coordinated, more timely and higher quality advice for all universities.

## 4. The University's position on various international engagement activities

### 4.1 Protecting freedom of speech and academic freedom

Upholding freedom of speech and academic freedom has been fundamental to the University since its establishment 170 years ago. In December 2019, our Senate amended and renamed our longstanding Charter of Academic Freedom to the [Charter of Freedom of Speech and Academic Freedom 2020 \(pdf, 203 KB\)](#), incorporating a set of principles for the protection of freedom of speech and academic freedom attached to the revised Charter. The amended Charter came into effect on 1 January 2020.

We developed our new Charter in response to an [independent review of freedom of speech in Australian higher education providers](#), commissioned by the Australian Government and conducted by former High Court Chief Justice the Hon Robert French AC in 2018. At the end of our work in response to his Model Code, Mr French advised The University of Sydney as follows:

“Your Group has been careful, thoughtful and thorough and its response represents one useful model that may assist other universities. I regard the result as entirely consistent with my hope that the Code would provide a non-prescriptive basis for reform in this difficult area. If and when the proposal is adopted it might be useful to send a copy to Minister Tehan.”

As our former Vice-Chancellor and Principal, Dr Michael Spence AC, advised staff in August 2020, “The University must always be a place where ideas can be freely discussed, including those views that are controversial or unpopular. It is a place where people are free to express themselves and are also free to protest or disagree, so long as they do so respectfully and in accordance with the law.”

In February 2020, the Minister for Education, the Hon. Dan Tehan MP, praised The University of Sydney's response to Mr French's Model Code while in December 2020, an independent review of universities' implementation of the Code, identified the University as one of three 'exemplar' institutions for the way it had responded to Mr French's recommendations.<sup>6</sup>

We sometimes receive complaints from students, including international students from China and other countries, about the content of our courses or things that are said by staff and other students during classes and associated interactions. When this occurs, students are, depending on the circumstances of each case, reminded about the requirements and principles of our [Charter of Freedom of Speech and Academic Freedom 2020](#); [Student Charter 2020](#); [Learning and Teaching Policy 2019](#) and other key policies.

As an example of how such complaints are managed, we provide below a response sent by our Deputy Vice-Chancellor (Education), Professor Pip Pattison in September 2020, to a Chinese student who had made a complaint about course content relating to China and Tibet, in a unit of study delivered by the University of Sydney Business School:

**From:** Philippa Pattison  
**Sent:** Saturday, 19 September 2020 5:41 PM  
**To:** name redacted  
**Subject:** Reading in [course redacted]

Dear [redacted]

Many thanks for raising your concern about a reading in [course redacted]. I am responding as the Peer Support Advisors referred your concern for academic advice.

In every course at the University of Sydney, students are asked to read widely and, from time to time, they will encounter things that they, their peers and/or their lecturers find unsubstantiated, controversial or even wrong. We ask that students

<sup>6</sup> <https://ministers.dese.gov.au/tehan/universities-australia-conference>; <https://www.education.gov.au/independent-review-freedom-speech-australian-higher-education-providers>



always read critically, and interrogate the presuppositions and the arguments and evidence presented in any given reading.

We are very glad that our diverse student body brings a diversity of perspectives to our learning environment, and we therefore hope that you will raise the issue in your class and make the case to your peers and teachers that there are contentious presuppositions in this reading. Since the subject of [course redacted] is, in part, how differences in perspective make transnational business challenging, this is likely to be a valuable example from which all can learn.

Very best wishes for your further studies,  
Pip

Professor Pip Pattison AO  
Deputy Vice-Chancellor (Education)  
Level 4, F23 Administration Building  
Corner of Eastern Avenue and City Road  
The University of Sydney NSW 2006

In 2018 and 2019, we were criticised in the media and by some members of Parliament for our alleged handling of a talk given by Bettina Arndt AM at our Camperdown campus on 11 September 2018. Following that incident, we were criticised for our alleged mishandling of misconduct allegations made against some students who were involved in protests that took place at the event venue. We were subsequently required to report in detail on these matters to the Tertiary Education Quality and Standards Agency (TEQSA). In October 2019, TEQSA Chief Commissioner, Professor Nick Saunders AO, wrote to us advising that TEQSA's investigation was closed as it was satisfied that the University had followed its reasonable and appropriate processes.

#### **4.2 The Confucius Institute at the University of Sydney**

We launched the [Confucius Institute](#) in 2008 as a collaboration with the Confucius Institute Headquarters in China (Hanban) and in partnership with Fudan University, Shanghai. The Institute's purpose is to enhance mutual understanding between the people of Australia and China by providing Chinese language, cultural education and related education services to the community on a non-award basis.

The Institute is overseen by a [Governing Board](#) chaired by our Deputy Vice-Chancellor (Research), which approves and monitors its activities. The Institute's teaching activities are not part of the University's accredited curriculum and it is not involved in any decisions around research, curriculum or the general operation of the University. The University's teaching of Chinese language and culture to our students and members of the community is delivered through the Department of Chinese Studies in the School of Languages and Cultures.

Under the current agreement (2018-2023) Hanban provides the Institute with project funding for Chinese language, culture programs and related activities. In 2019 and 2020 the Institute received \$209,788 and \$191,516 respectively from Hanban. The University also provides in-kind support such as office space and operational support. A significant proportion of the Institute's running costs is covered by revenue generated from its language and culture programs. Due to the recent restructuring of Hanban we are renegotiating our agreement with Fudan University. We will terminate the existing agreement with Hanban and work with Fudan in a bilateral partnership to deliver teaching services to the local community. The amount of funding we request from Fudan to support the activities of the Institute will, as a result, be greatly reduced.

The Sydney Confucius Institute is run by an Executive Director, who is employed by the University of Sydney, is a permanent Australian resident and has lived in Australia for over 30 years. We also employ local administration staff and teachers. Their recruitment and appointments follow our standard procedures and are merit-based. None of these staff have agreements or contracts with Hanban. Our partner university in China – Fudan University – makes an initial recommendation for a deputy director and one to two Chinese language teachers. Following an interview process, the Institute's Executive Director makes the final decision on whether to accept them and then supervises their performance.

Our new agreement with Fudan will make clear that the salaries of all local staff are paid for by the University of Sydney. The salaries of the Fudan Deputy Director and teachers will be paid for by Fudan University. The Fudan staff are subject to the laws of Australia and The University of Sydney's applicable policies.

In October 2020, the Board commissioned a detailed review of the Chinese language classes offered by the Institute, which was conducted by senior academic staff from our Department of Chinese Studies. The review raised no concerns about the suitability of the course material, which includes textbooks and materials used in Chinese language courses throughout the sector, and found no evidence of foreign influence activities. To further strengthen the academic approval process for course material, the review recommended the formation of a curriculum sub-committee under the Board to oversee and approve Institute teaching material, as well as to provide guidance and recommendations for curriculum development. As a result, we are establishing a Management Committee, chaired by our Pro-Vice-Chancellor (Global Engagement) to oversee and approve the Institute's teaching material, as well as to provide guidance and recommendations for curriculum development. Members will include the Chair of the Department of Chinese Studies and a representative from the University's Office of General Counsel.

When the Foreign Influence Transparency Scheme Act became law in late 2018, and again when the Act was amended in early 2019, we reviewed the Institute's operations and activities to determine whether we needed to register it with the Attorney-General's Department. After careful consideration, we concluded that registration was not required because the Institute was not engaged in 'communication activity' as defined by the Act. Since then, through the Institute's Board, we have continued to monitor the Institute's activities to assess whether registration under the transparency scheme is required. We remain of the view that the Institute's activities do not meet the criteria for registration under the transparency scheme. The Institute's last quarterly report to the Board on its communications activities is attached (see **Appendix 4**).

In June 2020 we received correspondence from Hanban advising on its decision to establish a non-governmental, charitable foundation to support Confucius institutes globally. Details followed in July 2020 and as a result we have expedited negotiations through Fudan University to establish a new agreement governing the Confucius Institute well in advance of the current agreement's expiry in 2023. In August 2020 we complied fully with a transparency notice under the Act issued by the Attorney-General's Department. We have not heard further from the Department and continue our negotiations with Fudan University towards a new agreement that is acceptable to both universities.

### **4.3 The University's Centre in China**

The University of Sydney established a Centre in China in 2016 as its first offshore presence in the Suzhou Dushu Lake Science and Education Innovation District of the Suzhou Industrial Park, through an agreement between the University and Suzhou Industrial Park Administrative Committee. The Centre in China is a wholly-owned foreign entity of the University of Sydney. It is governed by a board of directors comprising of members of the University senior leadership team and an independent director. It is managed by an Australian director and employs eight local staff. The University established the Centre in recognition of the increasing importance of China-related research and education activity, and acknowledging that the increasing complexity of engaging with China in a highly competitive international environment required the support and coordination that only a physical presence and in-country expertise could provide. The Centre in China:

- supports attachments for academic staff from the home campus and their academic collaborators from partner institutions across China
- facilitates research and industry collaboration and liaison
- promotes student mobility and internships to China to support the University of Sydney's internationalisation of curricula agenda
- provides a teaching and learning environment for programs, including in collaboration with Chinese universities, institutes and business
- engages with the local academic and broader community
- serves as a hub for alumni engagement in China.

#### 4.4 Gifts from foreign donors

In January 2019 we announced the University had raised [\\$1 billion to transform research and education](#) as part of our philanthropic campaign, INSPIRED. Of the more than 64,000 donors who gave to the Campaign, 300 donors (less than half of one percent) were from China or Hong Kong and whose donations totalled \$29.94 million. In 2019 and 2020 combined we had 67 unique donors living in China or Hong Kong and who donated \$52,500 between them. By way of comparison, over the same two years, we had 255 donors from the United States, who gave a total of \$23.89 million.

Our gift acceptance framework includes policies, principles, tools and processes to assess and minimise the risk of undisclosed foreign influence and foreign interference by foreign donors. Consistently with the University's International Engagement Framework, gifts from foreign donors are assessed against the 'gift acceptance principles' set out in our [Gift Acceptance Policy 2013](#), which requires that gifts:

- provide no material benefit to the donor
- impose no constraints on the principles of academic freedom
- are consistent with legal obligations and guidelines which affect the University
- are from an acceptable source, having regard to the University's reputation, values and legal obligations.

A Gift Acceptance Committee, which includes at least two external representatives, is available to review proposed gifts against these principles. Informed by the *Guidelines to counter foreign interference in the Australian university sector*, due diligence on foreign donors' backgrounds, political engagements, associations and source of funds are now undertaken in accordance with the University's Foreign Interference Coordinating Framework, to identify and assess potential foreign interference risks and advise decision makers of national security related concerns. Gifts for research purposes can also be referred for review by the Research Risk Advisory Committee for assessment based on the combined sensitivity of the donor's background and connections, and the research area, including consideration of potential end uses and end users. To accept a gift of any value the University requires documentation that clearly states the donor, gift purpose and the terms on which the gift is given. The terms of all major gifts (\$100,000 or more) are recorded in a legally binding document. Our template acknowledges that the acceptance and implementation of the funding is governed by Australian law and the University's policies and procedures.

We have developed and continue to refine educational resources about Australia's foreign influence and foreign interference laws, providing staff and decision makers with knowledge that enables levels of vigilance proportionate to the risk involved. An initial training session for staff who engage with foreign donors was delivered in 2020 and will be part of the onboarding process for new staff from 2021. Recognising the need for extra vigilance in our engagement with foreign donors, we also plan to update the Gift Acceptance Policy and supporting procedures in 2021 to specifically require due diligence checks relating to potential foreign influence issues and foreign interference risks.

#### 4.5 China's Thousand Talents Program

As part of our standard external interests declaration process, academic staff are required to declare any funding or other support they receive from other universities and funding agencies, whether in Australia or overseas. Failure to disclose these interests can result in disciplinary action.<sup>7</sup> This policy applies to China's Thousand Talents Program and other similar schemes. Through many of the measures outlined above, we are working to ensure our staff are aware of the risks involved in collaborating with foreign universities and governments. In addition to disclosing their participation in such a program, staff will need to develop a Conflict-of-interest Management Plan, as required by our policy, to ensure any research projects are clearly delineated and any Intellectual Property outputs generated in Australia from University resources are properly managed. Any such research projects would also be subject to our normal due diligence processes, including review by our Research Risk Advisory Committee.

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<sup>7</sup> [External Interests Policy 2010](#)

## 4.6 Protecting against Intellectual Property theft

We seek to retain ownership of intellectual property (IP) created by members of our community in the course of their research, including under research agreements covering collaborations with colleagues from other institutions in Australia and overseas. We do this so we can continue to conduct research, grant rights to others to conduct research and develop IP where appropriate. After many decades' experience transferring and commercialising IP for economic and other benefits, we believe this is the best approach to ensure that the maximum impacts are generated from our research.

The majority of our research will be published and will not require protection (statutory or trade secret) or will not be capable of commercialisation. The University's [Intellectual Property Policy 2016](#) details the circumstances in which the University owns IP created by employees, students, affiliates and visitors. The policy requires notification of University-owned IP (which is capable of protection or commercialisation) to senior University staff. Researchers and Higher Degree by Research students are routinely reminded of the need to notify IP which is capable of protection or commercialisation. This occurs either through contact with business development managers or in regular training sessions conducted by the University. Research students are routinely reminded by their supervisors about their obligations of confidentiality in respect of project IP, where they have assigned their future IP to enable the University to contract under a collaborative research agreement.

Where possible, we use our own template agreements to conduct collaborative research, in preference to template agreements provided by our collaborators, particularly where the collaborator is not domiciled in Australia. We maintain a range of collaborative research agreements suitable for different situations, with clauses of increasing complexity as to notification and management of Project IP. Our contractual framework provides transparency for the use of 'background IP' and for the creation and use of new IP arising from collaborative research projects. Contracts for large projects will often require details of background IP and new IP to be entered into relevant project registers (with a proforma register annexed to the agreement).

We work actively to protect the integrity of our teaching materials by pursuing their unauthorised reproduction. Many websites (primarily US-based) incentivise the unauthorised uploading of universities' course materials, past exams, tutorial discussions etc. We have devoted considerable resources to manually searching websites and issuing 'take down' notices. We recently commenced testing a tool which will traverse the web, identifying unauthorised publication of our teaching materials to enable speedier issue of more comprehensive take down notices.

Our [Office of Commercial Development and Industry Partnerships](#) maintains a secure and confidential database of patents and technical information/trade secrets, which are confidential and kept secure. Only a handful of University officers have access to this database. As discussed above, we have undertaken much work over the past two years enhancing the security of our systems, particularly sources of information, such as patent databases, which may be attractive to hackers.

While much research data is shared with other research organisations and with collaborators under material transfer agreements and data access agreements, there are also clear guidelines at the University on maintaining the confidentiality of research data where project outputs are intended to remain confidential. See for example our [Research Data Management Policy 2014](#).

Examples of our template clauses governing different regimes for notification of project IP and management of background IP and project IP are provided in **Appendix 5**.

## 4.7 Over-reliance on Chinese students

The risks we face due to our reliance on income from Chinese students are not unique in Australia or globally. Students from China dominate the international cohorts in countries including the United States, Canada, the United Kingdom, Germany and Japan. In 2019, there were over 5.3 million international students globally, with 20 percent of them coming from China. There is no source of international students that comes close to China. India is the second largest source country with under

seven percent, followed by South Korea and Germany with just over two percent each.<sup>8</sup> While China is rapidly building and strengthening its higher education system, it is expected to remain the largest source of international students for many years due to its size, continuing economic development and growing middle-income households.

Well before COVID-19's impact on international student arrivals, responsible financial risk scenario planning has been our highest priority. As an important part of our risk mitigation strategy, we have a long-term international student diversification strategy in action, which focuses on attracting greater numbers of students from countries and regions including India, Southeast Asia, the US, the UK and Canada.

Nevertheless, there are market realities that make it difficult to diversify significantly in the short- to medium-term. Like China, many alternative source countries such as South Korea, Japan, Singapore and Malaysia already have strong institutions or are investing heavily in their higher education and research systems. Universities across Asia are improving their international rankings and are becoming more attractive to their own and international students.<sup>9</sup> In other countries, there is a growing price sensitivity and the affordability of studying in Australia is a significant barrier.

There is also increasing competition from US, UK and Canadian universities, which have strong foundations in some of these alternative markets. Above all, there is the continuing uncertainty for international education in the short-term arising from the pandemic and the reality that China will remain the dominant source of international students for the foreseeable future. We therefore recognise the need to maintain our current activities, momentum and profile in our established core markets, while at the same time generating sustainable growth in other source countries.

#### **4.8 Poor English language standards**

We believe that our English language standards are set at appropriate levels to ensure student success, both while they are studying with us and in their future careers. We are proud of our excellent international student retention and success rates, which are consistently over 90 percent.

Our English language admission requirements are higher than those set by most of the higher education sector, and higher than the minimum required by the Department of Home Affairs for student visas. We currently require an overall International English Language Testing Score (IELTS) of 6.5, with no band lower than 6.0, where the minimum overall IELTS score required for a student visa is 5.5. A minimum IELTS score of 7.0 is required for admission to our undergraduate programs in most faculties, with 7.5 required for our Bachelor of Education, Bachelor of Arts (Media and Communication) and all law undergraduate courses, ensuring that students have the high-level communication skills necessary for effective learning and classroom participation.

Our compliance with the requirements of the Education Services for Overseas Students Act (ESOS Act) and the National Code were subjected to an extensive evaluation by TEQSA in 2019 as part of the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) renewal process. In March 2019, following a request from the Minister for Education, we advised him in detail about the English language and other support services we provide for our international students. In August 2020 we completed a comprehensive review of the quality of our English language pathways and support, which we are now in the process of implementing.

#### **4.9 Contract cheating**

We are extremely concerned by the brazen activities of contract cheating services that impact universities globally, and fully support the Government's new legislation outlawing contract cheating. We have implemented a suite of initiatives to address the issue. Measures include raising student and staff awareness about the serious academic and personal risks and consequences associated with

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<sup>8</sup> <http://uis.unesco.org/en/uis-student-flow>, <https://www.austrade.gov.au/australian/education/education-data/current-data/student-flows>.

<sup>9</sup> <https://www.universityworldnews.com/post.php?story=20200610154557289>

engaging with contract cheating companies; trialling new technologies to improve its detection and investigation; monitoring assessment risk and reviewing our policies and compliance in relation to assessment tasks, processes and information and communication technologies.

The overwhelming majority of our students are diligent and honest. However, we do need to work with the small percentage of students that become involved with cheaters to educate them about the risks to their education, reputation and well-being and support them to extricate themselves from such influences. Where an integrity breach has been found to occur, we have a range of approaches including education modules, peer assistance, penalties, reweighing of assessment items or resetting a test. Each year we determine that around 30 percent of incidents result in a finding of no impropriety; another 30 percent are the result of poor understanding, and students then undertake additional development courses and receive additional assistance.

#### **4.10 Posting job ads for foreign employers**

The [Sydney CareerHub](#) is a jobs database facilitated by our [Careers Centre](#) that allows our students and recent graduates to search for advertised and unadvertised work opportunities including casual jobs, internships and graduate roles. The hub caters for all our students who may be seeking work – those currently in Australia as well as our international students who have returned home after graduation or plan to do so. Jobs are posted for a wide range of commercial, government and non-government employers in Australia and overseas, which are keen to draw their opportunities to the attention of our students and graduates.

All ads posted on the hub must meet our [terms and conditions](#) and when posted, every ad is accompanied by a disclaimer stating that we do not vouch for the accuracy of the information provided or endorse the organisation that has submitted the ad. Students are also advised to verify any information provided by the employer themselves. They make their own decisions about whether to apply.

Ends/

### **Appendices**

- Appendix 1:** Examples of our international research and education engagement activities delivering benefits for Australia, our partner countries and the wider world
- Appendix 2:** Research Risk Advisory Committee - Terms of Reference
- Appendix 3:** Cyber Security Strategy overview
- Appendix 4:** Confucius Institute - Quarterly Communication Report to Board (July-Nov 2020)
- Appendix 5:** University of Sydney Intellectual Property Clauses



## **Examples of our international research and education engagement activities delivering benefits for Australia, our partner countries and the wider world**

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### **Sequencing COVID-19's genome, allowing the rapid development of vaccines globally**

Collaborative research between Chinese and Australian scientists was instrumental in enhancing the world's understanding of the coronavirus causing COVID-19 and enabling the rapid development of a vaccine. RNA sequencing of the virus was completed in just two days by Professor Yong-Zhen Zhang at Fudan University in Shanghai, with specialist analysis and interpretation by University of Sydney virologist Professor Edward Holmes.

In January 2020 Zhang and Holmes published their findings on an open-source website, giving scientists around the world immediate access to the RNA sequence of the virus. This allowed the race for diagnostic tests, antivirals and vaccines to begin. In October, Professor Holmes was named NSW Scientist of the Year for his role in publishing the genome sequence of the coronavirus.

### **Boosting food security and economic prosperity in Australia and our region**

University of Sydney researchers have worked collaboratively for decades with colleagues in China, India, Pakistan, other parts of Asia, Europe and North America to translate their research into cereal varieties with inbuilt genetic resistance to rust diseases.

Wheat is one of the most important global staples, providing a fifth of all the food produced on Earth. However, stem rust, stripe rust and leaf rust diseases cause devastation by wiping out entire crops. Stripe rust alone is estimated to cause USD\$979 million in losses each year and in Australia these three diseases have the potential to cause AUD\$1.7 billion in losses annually if left uncontrolled.

Led by Professor Robert Park, Director of the Australian Cereal Rust Control Program based at Narrabri in NSW, this research program has had a huge impact on agricultural production, food security and economic development in Australia, our region and beyond. In Australia, the research conservatively returns some \$600 million each year. Research students and academics who have participated in our program have returned to their home countries or elsewhere, providing Australia with an invaluable network through which to exercise soft power diplomacy.

### **Saving a million brains by addressing iodine deficiency disorders across Asia**

Endocrinologist Creswell Eastman has led international projects to abolish Iodine Deficiency Disorders in the developing world for the past 40 years. His pioneering work has achieved remarkable results in Malaysia, Laos, Thailand, Vietnam, Cambodia, Indonesia, China and Tibet.

Visiting Tibet in the 1980s, Professor Eastman discovered 13 percent of the population was born with cretinism as a result of iodine deficiency. Children born to mothers deficient in iodine can suffer a range of conditions including profound mental disabilities, deafness, and speech and physical impairments. His solution was to work with local governments and communities to give iodised oil capsules to women of child-bearing age and young children. The results were astonishing. Thirty thousand babies are born each year in Tibet, and since 2005 there have been no new cases of cretinism. An independent review recently found that iodine deficiency had been eliminated from Tibet.

For his work in remote areas of China, delivered through an Australian overseas aid program, Professor Eastman became known as "the man who saved a million brains". He maintains that the far-reaching and lasting health improvements he has achieved could not have been achieved independently, without Australian support and the involvement of the University.

This work has brought both reputational benefits for Australia and a deeper understanding of the complex issues surrounding iodine deficiency. A recent focus of his work is on the recurring problem of IDD in remote Australian communities: he is concerned that IDD may be affecting the ability of Australian children, and in particular, Indigenous Australian children, to perform at school.

## **Helping ethnic minority students in China study in Australia**

A 2016 agreement between the University of Sydney and Minzu University of China (MUC) gives Chinese students from an ethnic minority background the opportunity to study in Australia and engage with Indigenous students at the University of Sydney.

The five-year *Study Abroad Agreement* with MUC allows students to apply to study at the University of Sydney for one or two semesters of full-time non-award study and was renewed in 2020. MUC is a comprehensive university located in Beijing aimed at serving ethnic minority communities within China. This Study Abroad partnership is sponsored by the University of Sydney's Office of Indigenous Strategy and Services and is aimed at increasing engagement between Chinese students from an ethnic minority background and indigenous students at the University of Sydney.

The *Study Abroad* students receive scholarships from MUC to support their study at the University of Sydney and must satisfy Sydney's admissions and eligibility requirements, including academic standing and English language proficiency. To date, the students tend to be enrolled at MUC in majors in communication, advertising and tourism, and they have concentrated their enrolment in units of study offered by our Faculty of Arts and Social Sciences.

## **Giving our students exposure to international companies and foreign cultures**

Industry and Community Project Units (ICPUs) are the University of Sydney's flagship interdisciplinary project-learning experience, designed to teach and develop graduate qualities such as critical thinking, problem-solving, cultural competency, creativity and teamwork.

The first ICPU pilot was delivered with two industry partners in Semester 2, 2017 and the number of projects has grown significantly to over 60 industry partners since then. Once the partnership model was developed domestically, it was extended internationally, with the first international projects being held in 2018 in China and Hong Kong. Since then, ICPUs have been undertaken with industry in India, Italy and the United Kingdom.

In 2019, three ICPU student teams worked with two industry partners in Hong Kong (HSBC and Accenture) to identify the best policies for smart cities. Our students looked at how governments can develop policy that creates private sector incentives to develop sustainable technologies for smart cities. Some specific questions of focus were around creating more sustainable cities; enabling technology-driven urban sustainability; government planning and opportunities for public-private partnerships.

## **Enabling Australian students to study at a leading Chinese university**

In 2011, we entered into a Student Exchange Agreement with Fudan University, China; which allows an exchange of up to 20 students a year on a fee-waiver basis.

Fudan University is a top Chinese university, located in Shanghai and with a student body of approximately 30,000 students. This Student Exchange partnership with Fudan University has been highly successful and to date has allowed 68 University of Sydney students to participate in a highly rewarding, semester or year length immersive study experience at Fudan since 2011. Participating students have provided [very positive feedback](#) about their experience.

In addition to semester-length study, in 2018 and 2019, this partnership also enabled the University of Sydney to send 120 students to participate in Fudan University's academic summer and winter programs. These are short intensive study blocks, delivered during summer and winter breaks. Three of our students participating in Fudan University's academic summer program in 2019 were supported by Australian Government New Colombo Plan funding.

## TERMS OF REFERENCE

COMMITTEE	RESEARCH RISK ADVISORY COMMITTEE (hereafter, RRAC)
PURPOSE	<p>The purpose of the RRAC is to provide recommendations to the Deputy Vice-Chancellor (Research) (DVR) on identified risk(s) associated with specific research projects involving defence, dual use research (including research in areas of emerging sensitive technology) and/or other relevant research activities with the potential for reputational consequence.</p> <p>It will: (i) provide advice on decision making through a risk-based assessment of existing and proposed research conducted at the University of Sydney (the University), and (ii) provide oversight of processes designed to ensure legislative compliance. It will:</p> <ul style="list-style-type: none"> <li>(a) Review identified research projects that either have a permit granted, or permit not required but are: <ul style="list-style-type: none"> <li>i. Assessed as 'high risk' or an equivalent category according to the risk assessment tools which are continuously reviewed; or</li> <li>ii. Otherwise referred to the RRAC by the Research Portfolio or Delegate;</li> </ul> </li> <li>(b) Review research relating to intangible technology and software which is not controlled under the Defence and Strategic Goods List (DSGL) but may have a potential military-end use;</li> <li>(c) Review research relating to techniques, production, materials, algorithms and applications which relate to quantum technologies, additive manufacturing, artificial intelligence and also to armour and explosive protections, directed energy weapons, electronic warfare, hypersonics/space launch vehicles, radar, signature reduction and underwater acoustics;</li> <li>(d) Provide recommendations to the DVCR on whether to veto, proceed, or adopt strategies to minimise identified risk(s) associated with specific projects;</li> <li>(e) Communicate the outcome of its review to the stakeholders, and respond to any queries raised;</li> <li>(f) Work with the Chief Risk Officer and DVCR (or delegate) to develop and review risk assessment tools;</li> <li>(g) Have oversight of frameworks for legislative compliance for projects with defence and dual use implications;</li> <li>(h) Provide recommendations on training processes and training completion rates;</li> <li>(i) Note all approved defence, dual-use research and emerging activities which have been classified as low and medium risk; and</li> <li>(j) Manage complaints and breaches and non-compliance.</li> </ul> <p>Research that will be considered by the RRAC includes:</p> <ul style="list-style-type: none"> <li>(a) Cat 1- Cat 4 funding, both pre- and post-award;</li> <li>(b) All research including that of HDR students;</li> <li>(c) Special Studies (outbound) and Visiting Academics (inbound);</li> <li>(d) Post-arrival activities for visiting academics or students involving ongoing research projects;</li> <li>(e) Funded or unfunded projects transferring data to overseas countries, such as joint ventures or joint labs; and</li> <li>(f) Informal international collaborations.</li> </ul>
THE DELEGATE	<ul style="list-style-type: none"> <li>(a) Receives communication from the RRAC detailing the outcome of risk assessments; and</li> <li>(b) Raises queries with the RRAC as required.</li> </ul>
CHAIR	<p>The RRAC is chaired by the Senior Deputy Vice-Chancellor (Senior DVC). Should the Senior DVC have research which may be considered a conflict of interest, an appropriate delegate should be appointed by the Vice-Chancellor.</p>
MEMBERSHIP	<p>Members of the RRAC include at least the following:</p> <ul style="list-style-type: none"> <li>(a) Senior Deputy Vice-Chancellor (Chair)</li> <li>(b) Deputy Vice-Chancellor (Research)</li> <li>(c) Pro Vice-Chancellor (Research – Enterprise &amp; Engagement)</li> <li>(d) Senate fellow (external member from Strategy and Risk Committee)</li> <li>(e) An independent member from outside the university, appointed by the Chair for a minimum period of two (2) years to be extended by committee agreement to a</li> </ul>

	<p>maximum of four (4) years.</p> <p>(f) Representative from the Office of General Council</p>
QUORUM	<p>The quorum will always require one independent member and half of the academic members. If a decision is made at a meeting attended by less than half academic members or their nominees, members have the option to request that the decision be re-visited at the following meeting. Members who are unable to attend will be asked to provide comments prior to the meeting.</p>
ATTENDEES	<p>Additional persons may attend meetings to provide advice or as non-voting attendees. This may occur in instances where the RRAC is reviewing the risk matrix and associated tolerances and appetites, to provide input on process improvement or training development, or as otherwise required.</p>
SECRETARIAT	<p>Qualified person in the Office of the DVCR or Pro Vice-Chancellor (Research – Enterprise and Engagement) (PVCREE)</p>
MEETINGS	<p>The Committee will meet every 4 months, 3 times a year, or as requested by the DVCR.</p> <p>Decisions requiring attention outside of meetings will be escalated to the DVCR by the Secretariat and with consultation to at least other 2 members of the Committee.</p>
RESEARCH RISK OPERATIONS GROUP	<p>Advice to the RRAC will be prepared by the Research Risk Operations Group (RROG) composed of at least the following members, noting preference will be given to cleared members of staff:</p> <ul style="list-style-type: none"> <li>(a) Pro Vice-Chancellor (Research – Enterprise and Engagement) or delegate</li> <li>(b) Pro Vice-Chancellor (Global Engagement) or delegate</li> <li>(c) Relevant Associate Deans (Research Management) or delegate</li> <li>(d) Representative from Office of General Counsel</li> <li>(e) Director of Graduate Research or delegate</li> <li>(f) Representative from Research Integrity and Ethics Administration</li> <li>(g) Chief Operating Officer, Charles Perkins Centre</li> <li>(h) National Security and Export Controls Manager</li> <li>(i) Director of Defence (Professor of Practice)</li> </ul> <p>These members will meet 3 times a year or as needed to discuss and review relevant strategic issues; provide a six monthly report to the Committee on issues of concern; and receive briefings on geopolitical and/or dual use issues from relevant Commonwealth agencies. They will also meet on an as-needs basis with the National Security and Exports Controls Manager to make individual case assessments.</p>
CONFLICTS OF INTEREST (COI)	<p>Members who consider that an actual, apparent or perceived conflict of interest (COI) exists in fulfilling their role are required to disclose the matter in writing to the Secretariat at any point of time. The RRAC will discuss the COI and determine whether any conflict exists.</p> <p>Members deemed by the RRAC to have an actual, apparent or perceived conflict of interest relating to a particular matter will be asked to excuse themselves from the discussion and/or voting on that matter. COIs will be recorded at each meeting.</p>
REPORTING	<p>Deputy Vice-Chancellor (Research)</p>
OUT OF SCOPE	<p>The following processes fall out of scope of the RRAC:</p> <ul style="list-style-type: none"> <li>(a) Determinations that have been declared 'controlled' by the National Security and Export Controls Manager and a permit has not been issued;</li> <li>(b) Determination of compliance pre-contract;</li> <li>(c) On-boarding new staff (HR) and delivery of training of existing staff;</li> <li>(d) Activities of international visiting academics and HDR students post-arrival;</li> <li>(e) Admissions processes for HDR students; and</li> <li>(f) Other compliance matters already adjudicated as a matter of course by the Office of General Counsel, or other appropriate delegates and not classified as 'high risk' according to the established risk assessment – these are to be noted by the Committee.</li> </ul>
VERSION APPROVAL	

## Cyber Security Strategy overview

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Cyber security is one of the University's highest priorities, and crucial to our core mission – to excel as a world-renowned research and teaching institution. Our cyber security policy framework<sup>1</sup>, encompasses technical, procedural and personnel controls across all National Institute of Standards and Technology's (NIST) Cybersecurity Framework control domains. Our defence-in-depth approach recognises that preventive measures cannot provide absolute protection from highly skilled, resourced and motivated threat actors. Consequently, our internal cyber security team works closely with managed security service providers to deliver continuous monitoring, incident detection and response capabilities to the University. The implementation, maturing and improvement of these advanced security operations capabilities is key to improving our ability to rapidly identify and respond to threat actors targeting our staff, students, researchers and information.

The University's management of cyber security risk is underpinned by comprehensive threat modelling using Factor Analysis of Information Risk (FAIR), an internationally recognised model for understanding, analysing and quantifying cyber security risk in financial terms. Our modelling was developed in collaboration with PwC and is regularly updated to reflect changes to cyber security threats, the legal and regulatory environment, and the results of control assurance testing. The results of our threat modelling are used to report on risk exposure to the University Executive and Senate and to inform prioritisation and investment in risk treatment initiatives.

Effective management of cyber security risks requires whole-of-organisation engagement and the creation of a cyber-aware culture across the University. Building awareness of cyber security risk at senior levels of the organisation has in part been achieved through the inclusion of cyber security risk on the enterprise risk register, and the corresponding consideration of risk acceptance and mitigation plans by relevant University Executive and Senate committees. Regular in-person briefings to faculty management and researchers have also helped to develop a stronger cyber security culture. A significant milestone was achieved in 2019 with the implementation of an annual cyber security training course for our staff, and this broad-based training has been supplemented with regular internal communications and more targeted threat-specific training in areas such as email phishing.

Intelligence sharing is also an important part of our strategy, and the University engages with the Australian Cyber Security Centre (ACSC) directly and through our membership of and participation in Joint Cyber Security Centre (JCSC) briefings and discussion forums. Within the sector, the University is an active member of the Australasian Higher Education Cybersecurity Service (AHECS<sup>2</sup>) that acts as a forum for sharing insights on cyber security related technologies and services and a point of coordination for cyber security matters across the sector.

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<sup>1</sup> A copy of the University's cyber security policy framework can be found at [https://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/141&RendNum=0&\\_ga=2.39116899.13087378.1607295839-490336285.1606183294](https://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/141&RendNum=0&_ga=2.39116899.13087378.1607295839-490336285.1606183294)

<sup>2</sup> A collaboration between the Council of Australasian University Directors of IT (CAUDIT) partnering with Australia's Academic and Research Network (AARNet), Australian Cyber Emergency Response Team (AusCERT), Research Education Advanced Network New Zealand (REANNZ) and the Australian Access Federation (AAF)

## QUARTERLY COMMUNICATION ACTIVITIES REPORT JULY – NOVEMBER 2020

### Communication with Chinese language students and China study tour members

The Confucius Institute (CI) sent an e-invite to all current Chinese language students and 2013-2019 China Study Tour members to invite them to join the *My China Experience* online forum. This forum was by invitation only and attracted an attendance of more than 30 people on 30 September. The purpose of this forum was to provide an online platform for Chinese students/tour members to share their studying and working experiences in China.

### Communication with CI teaching staff and CI Board Members

On 25 August, CI teaching staff and Board members were invited to attend the OGE's briefing, *Identifying and Managing Foreign Influence and Interference*. The briefing PPT has also been provided to CI part-time teachers who were unable to attend the session. CI urged them to familiarise themselves with the Foreign Influence Transparency Scheme.

### Communication with the general public

#### EDM

- On 14 July, CI distributed an e-flyer (Appendix 1) to our e-newsletter subscribers to promote the Term 3 Chinese language program.
- On 11 August, CI distributed an e-newsletter (Appendix 2) featuring Chinese home cooking recipes to subscribers.
- On 10 September, CI distributed another e-newsletter (Appendix 3) featuring Chinese vegetable dish recipes to subscribers.
- On 16 September, CI distributed an e-flyer (Appendix 4) to subscribers to promote the Term 4 Chinese language program.
- On 1 October, in place of our annual concert, CI distributed an East-Meets-West online concert series e-newsletter (Appendix 5) to subscribers.

#### Social media

- In July, CI published 6 Facebook posts, 3 Instagram posts, and 1 Yammer post (Appendix 6) to promote the Term 3 Chinese language program, including student endorsements, free online trial class offers, a video on the complimentary Chinese conversation workshops, and the repeat course discount. Also, CI published the Term 3 Chinese language program schedule on Wechat (Appendix 7). Lastly, CI introduced 4 Chinese home cooking recipes to the University community on Yammer (Appendix 8).
- In September, CI shared 3 Chinese vegetable dish recipes on Facebook, Instagram and Yammer (Appendix 9). Additionally, CI promoted the Term 4 Chinese language program once on these social media platforms (Appendix 10).
- In October, CI published 3 posts about the traditional Chinese Moon Festival, the Chinese home cooking series, and the Term 4 Chinese language program on Facebook, Instagram and Yammer respectively (Appendix 11).



### **Communication with the Attorney-General's Department**

The Institute worked closely with OGE, the Chair of CI Board, and the University's legal to supply a range of information and documents to the Attorney General's Department upon receiving its formal request.

### **Communication with Chinese Partners**

On 17 August, the VC's office sent Dr. Michael Spence's reply to Prof. Yang Wei, the President of the Chinese international Education Foundation and to Prof. Ma Jianfei, the Director General of the Centre for Language Education and Cooperation. Please see Appendix 12 for the VC's letter.

### **Media Enquiries**

The Institute has received several media enquiries including enquiries from South China Morning Post, The Australian Financial Review, and UK-based Research Professional News. CI has prepared draft responses and has passed these enquires to the University's media team. Please see Appendix 13 for the University's media statement.

## Appendix 1: CI July e-flyer – Term 3 Chinese language program



CONFUCIUS INSTITUTE

### Upskill Yourself at Home

Chinese Online Courses for  
University Students and Busy  
Professionals



#### Chinese Mandarin Short Courses

10-week course | Online delivery | Open to everyone  
New term starts from Mon 20 Jul 2020 | From \$318.75

Have you ever wanted to learn Chinese but don't have time to make it to our classes every week? Do you wish to pick up the language again after taking a break, but you're not sure where to find a great teacher? Now we are bringing our popular Chinese classes to you.

Our online Chinese courses are delivered through the Zoom platform at 15 different levels. Thanks to the great efforts of our teaching team, online learning has been just as effective as face-to-face delivery.

Our new term of short language courses starts on 20 July. The course fee is as little as \$318.75.

#### Corporate Language and Culture Trainings

Take advantage of our Corporate Language and Culture program. It's tailor-made to suit your company's needs. We help train your staff to become bilingual, to understand Chinese culture and business etiquettes, and to gain cross-cultural communication skills. We offer one-on-one or small group trainings online or face-to-face options.

#### For all enquiries or registration, contact us:

Email: [confucius.institute@sydney.edu.au](mailto:confucius.institute@sydney.edu.au)

Website: <https://www.sydney.edu.au/confucius-institute/programs/learn-chinese.html>

#### Follow us on:

Facebook: <https://www.facebook.com/theuniversityofsydneyconfuciusinstitute/>

Instagram: <https://www.instagram.com/sydneyconfuciusinstitute/>



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the future, please add  
[confucius.institute@sydney.edu.au](mailto:confucius.institute@sydney.edu.au) to your  
address book or senders safe list.

## Confucius Institute Newsletter

11 August 2020



Stuck at home and running out of cooking ideas? Not a worry, we have you covered.

Join us in our new Chinese home cooking series as we bring you a diverse selection of China's most flavoursome authentic recipes that you can cook from home, recommended by our very own Chinese teachers. You won't believe how easy it is to bring the delicious flavours of China's popular dishes straight to your table for everyone to enjoy. With affordable ingredients and simple steps to follow, these mouth-watering dishes are just as enjoyable to eat as they are to recreate from home. We promise these recipes will have you cooking and eating like a local in no time.

We can't wait for you to try them out! More recipes to follow in our next issue.

- [Braised pork belly](#)
- [Hunan shredded pork with chili stir-fry](#)
- [Tomato scrambled eggs](#)
- [Tea eggs](#)



## Confucius Institute Newsletter

10 September 2020



Enliven your taste buds and expand your culinary skills as we bring you our second Chinese home cooking series. Focusing on vegetable dishes, we have a whole new collection of Chinese cooking recipes lined up for you to try that are not only delicious but also healthy. Each recipe offers a list of affordable ingredients with an easy to follow step-by-step guide that will have you cooking and eating like a local in no time.

- [Pork Mince and Green Beans Stir-Fry](#)
- [Braised E-Fu Noodles with Straw Mushrooms](#)
- [Stir-fried Bok Choy with Shiitake Mushrooms](#)
- [Vegetable Stir-Fry](#)

Click here for [printable recipes \(pdf, 748KB\)](#)





#### Appendix 4: CI September e-flyer – Term 4 Chinese language program



16 September 2020

### Unlock the power of online learning and meet like-minded people

Online Chinese Mandarin short courses start from 6 October

Working from home and staying safe from COVID-19 doesn't have to be socially isolating, nor does it have to stop you from learning a new skill. If you've been wanting to learn Chinese or have thought about picking the language back up after taking a break, our popular online Chinese courses can help you achieve your goals.

Our new round of online courses starts from 6 October. The new term offers interactive language courses at 13 different levels, delivered online via Zoom. The course fee starts from *as little as \$340*. There's never been a better time to become bilingual!

[Find the right course](#)



Keep in touch



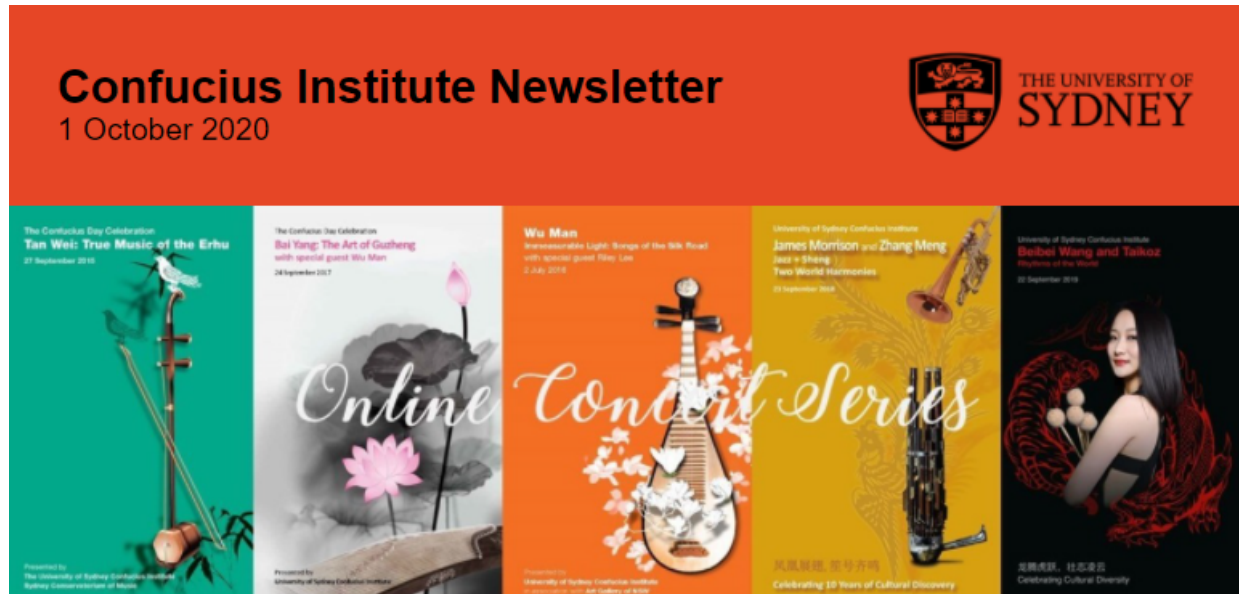
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## Appendix 5: CI October e-newsletter – Online Concert Series



Over the last decade, the Confucius Institute's annual concert series has built a strong reputation for being innovative and become one of the most popular events of its cultural calendar.

Unfortunately, we had to cancel this year's annual concert due to the COVID-19 pandemic. In its place, music lovers and concertgoers alike will be delighted to know that we have carefully selected six outstanding concert videos to form an online concert series that will immerse you in an innovative east-meets-west program. These performances explore a creatively diverse blend of both traditional and modern musical styles. With notable soloists ranging from Academy and Grammy-Award winning cellist Yo-Yo Ma, pipa virtuoso Wu Man, to crowd favourite Beibei Wang, this is a vibrant celebration of cultural diversity that you will not want to miss!






## Appendix 6: CI July social media posts – Term 3 Chinese language program

**The University of Sydney Confucius Institute 悉尼大学孔子学院** ...  
3 July · 🌐

"The introductory lesson today was very professional and well structured. I am very happy with choosing to do my course with Confucius Institute I am sure I have made the right decision." —Michael Riley

**Learn Chinese with the best! Small and engaging online classes at 15 different levels, starting on 20 July. Price from \$318.**  
Find the right course: <http://bit.ly/2RR8AkD>





Mandarin and Dialects: 普通话和方言

Don't be afraid of speaking Chinese. Your pronunciation may be better than a Chinese!

229 People reached      16 Engagements      [Boost post](#)

**The University of Sydney Confucius Institute 悉尼大学孔子学院** ...  
6 July · 🌐

**Last chance to join the Free Online Trial Chinese Class**  
This class is suitable for people who have completed 20 hours of Chinese tuition.  
Date: Tuesday 7 July 12-1pm  
Register now: <https://bit.ly/2YaDDNw>

The University of Sydney Confucius Institute 悉尼大学孔子学院  
18 June · 🌐


**Have a taste of our daily online Chinese lessons before signing up!**

**The University of Sydney Confucius Institute 悉尼大学孔子学院** ...  
7 July · 🌐

Our Term 2 Chinese language short courses have just finished, and positive feedbacks are rolling up. Students rated our online courses 5 out of 5 and commented that they have really enjoyed the convenience and flexibility of online learning. They found online lessons are as effective as face-to-face classes. Here's a testimony from a student of Chinese Mandarin Course 3032 (HSK Level 5 Preparation 2):

"I really enjoyed my sixth Chinese class with the Confucius Institute. The tutor shaped the course according to students' capabilities, and she ensured each class was relevant by incorporating discussion of topical current affairs. I found the class challenging and it made me think hard about how to string sentences in Chinese. I would highly recommend the course to anyone interested in learning more about Chinese language and culture."

Our next round of short online courses starts from 20 July. Enroll now and enjoy a 15% discount: <http://bit.ly/2RR8AkD>



**The University of Sydney Confucius Institute 悉尼大学孔子学院** ...  
15 July · 🌐

**Upskill Yourself at Home**  
Chinese Online Courses for University Students and Busy Professionals

**Chinese Mandarin Short Courses**  
10-week course | Online delivery | Open to Everyone  
New term starts from Mon 20 Jul 2020 | From \$318.75

Have you ever wanted to learn Chinese but are short on time to make it to our classes every week? Or wished to pick up the language again after taking a break, but not sure where to find a great teacher? Now we are bringing our popular Chinese classes to you.

Our online Chinese courses are delivered through Zoom platform at 15 different levels. Thanks to the great effort of our teaching team, online learning has been proven to be just as effective as face-to-face delivery.

New term of short courses starts 20 July. The course fee is as little as \$318.75.

For all enquiries, email [confucius.institute@sydney.edu.au](mailto:confucius.institute@sydney.edu.au)  
For more info: <http://bit.ly/2RR8AkD>



SYDNEY.EDU.AU  
**Learn Chinese**  
Learn Chinese Mandarin with some of Australia's ...  
[Learn More](#)

## Appendix 6 (cont'd): CI July social media posts – Term 3 Chinese language program



All Company



Confucius Institute – July 13 at 01:52 PM

Enjoy a FREE Chinese Conversation Workshop when you enrol in our Chinese courses!

We offer complimentary Chinese Conversation Workshops to all students who enrol in our Term 3 Chinese program 101, 1011, 1012, 102, 1021, 1022 courses.

Check out the video of our group from the Term 2 Chinese Conversation Workshop. With the guidance of our skillful tutors, you will be able to practice your Chinese in a fun and friendly environment.

Sign up for our Chinese courses today to enjoy a complimentary workshop!

<https://www.sydney.edu.au/confucius-institute/programs/learn-chinese.html>

cc: June Chan and Xing Jin



UNLIKE REPLY SHARE ...

You, Lyn Malakou and Marianna Koulias reacted to this

Seen by 361

## Appendix 7: CI July Wechat article – Term 3 Chinese language program

### 推荐：悉尼大学孔子学院中文课程

Original 悉尼大学孔子学院 金杏 7/16



### Learn Chinese 学习中文

Achieve your ambitions with our Chinese Mandarin courses.

加入我们的中文课程，成就你的人生抱负



Our Chinese Mandarin program is one of the best in Australia. We offer short courses throughout the year, open to everyone.

悉尼大学孔子学院的中文课程在澳洲首屈一指。短期中文课程全年开设，任何人均可报名参加。



## Appendix 8: CI July Yammer posts – Chinese home cooking series

All Company

Confucius Institute – July 1 at 12:54 PM – Edited  
Here's another cooking idea for you! If you have made the dish, please share some photos with us!

Hunan Shredded Pork with Chili Stir-Fry  
Recipe provided by our Executive Director, Xing Jin

**Ingredients**  
150g of pork belly  
4 jalapeno chili peppers  
1 carrot  
8 pieces of black wood ear fungus  
1 slice of ginger  
4 garlic cloves  
\*carrot and black fungus can be replaced by celery

**Marination**  
2 tablespoons of light soy sauce  
1 tablespoon of Shaoxing cooking wine  
1 teaspoon of oil

**Seasoning**  
2 tablesp... [expand](#)

cc: Katherine Below and Xing Jin



UNLIKE REPLY SHARE ...  
You, Susan Warner, Jessica Coburn, and 6 others reacted to this

Seen by 543

All Company

Confucius Institute – July 8 at 12:28 PM

**Tomato scrambled eggs** is a go-to Chinese home cooking favourite. Brightly coloured, flavoursome and richly nutritious, this dish is loved by anyone and everyone.

Recipe provided by our Chinese teacher, Yu Fang.

**Ingredients**  
2 tomatoes  
2 eggs  
A pinch of salt  
3 teaspoons of oil

**Procedures**  
1. Chop the tomatoes into small chunks.  
2. Beat the eggs with a pinch of salt.  
3. Add 2 teaspoons of oil into a heated wok. Pour beaten eggs into the wok. Wait for the eggs to set, then break them up into small p...  
[expand](#)

cc: June Chan, Xing Jin, and Katherine Below



UNLIKE REPLY SHARE ...

All Company

Confucius Institute – July 22 at 01:25 PM  
Chicken Tonight Chinese Style! Kung Pao Chicken, the classic Sichuan dish, is the perfect way to spice up a cold winter night!

**Ingredients**  
900g boneless and skinless chicken thighs, cut into pieces  
1 tablespoon of dark soy sauce  
2 tablespoons of vegetable oil  
15 dried bird's-eye chilies  
1 tablespoon of ground Sichuan peppercorn  
1 bunch of spring onions cut into 2.5 cm pieces  
50g whole roasted peanuts

**Sauce**  
5 tablespoons of dark soy sauce  
2 tablespoons of Shaoxing cooking wine  
4 tablespoons of ... [expand](#)

cc: June Chan, Xing Jin, and Katherine Below



LIKE REPLY SHARE ...  
Susan Martinez and Margarita Mandic reacted to this

Seen by 374

All Company

Confucius Institute – July 15 at 04:19 PM  
Why not try a new recipe during this long weekend? Tea eggs are a popular breakfast delight among people from Zhejiang Province in China. They are easy to make and are rich in nutrition.

Recipe provided by our Chinese teacher, Lufei Zheng.

**Ingredients**  
3-4 eggs  
2 star anise  
3 bay leaves  
1 teaspoon of Sichuan pepper  
1 teaspoon of salt  
1 tablespoon of soy sauce  
1 black tea bag

**Procedures**  
1. Put the eggs into a pot of cold water and boil for 4-5 minutes.  
2. Take them out an...  
[expand](#)

cc: June Chan, Xing Jin, and Katherine Below



LIKE REPLY SHARE ...  
Fionna Lin, Sally Sitou, Ruth Livingstone, and 3 others reacted to this

Seen by 356

## Appendix 9: CI September social media posts – Chinese home cooking series



The University of Sydney Confucius Institute 悉尼大学孔子学院

4 m · 🌐

Enliven your taste buds and expand your culinary skills as we bring you our second Chinese home cooking series. Focusing on vegetable dishes, we have a whole new collection of Chinese cooking recipes lined up for you to try that are not only delicious but also healthy. Each recipe offers a list of affordable ingredients with an easy to follow step-by-step guide that will have you cooking and eating like a local in no time.

### Pork Mince and Green Beans Stir-Fry

Ingredients

10... [See more](#)



#### Ingredients

1/2 pork mince  
1/2 Shaoxing cooking wine  
1/2 ground white pepper  
1/2 light soy sauce  
1/2 dark soy sauce  
1/2 sugar  
1/2 salt  
1/2 oil or vegetable oil  
1/2 if salted water  
1/2 ring beans, ends trimmed  
1/2 if ginger  
1/2 minced cloves garlic, finely minced  
1/2 red chilies (or 1 fresh red chili)

#### Procedures

Place the pork mince into a bowl, adding the Shaoxing cooking wine, sugar, ground white pepper, light soy sauce, dark soy sauce, salt, and 1 teaspoon oil. Mix well and place in the refrigerator.

Bring 4 cups of salted water to a boil in a wok over high heat. Add the stir beans and cook for 1 minute. Use a colander to strain the beans, then rinse under cold running water until cooled. Allow excess water to drain while preparing. Dry wok with paper towels.

Heat 1 tablespoon of oil in the wok over high heat until smoking. Add the pork mince and cook for 30 seconds. Add the pork, spreading it across the wok in one! Cook without moving for about 1 minute until lightly browned. Continue to a making sure to stir until almost cooked through. Transfer to a bowl and set aside.

Heat 1 tablespoon of oil over high heat until smoking. Shake off any excess water from the string beans and add them to the wok. Season lightly with a dash of salt by stirring beans until tender. Return pork to the wok and add the minced garlic. Cook, making sure to stir for a couple of minutes until fragrant. Transfer to a serving platter immediately and serve with rice.

🌐 All Company



Confucius Institute – 1 minute ago

### Braised E-Fu Noodles with Straw Mushrooms

Ingredients

- 200g of E-Fu noodles
- 10 straw mushrooms to be cut into slices
- 1 tablespoon of cooking oil
- 2-3 ginger slices
- 2-3 spring onions to be cut into large pieces
- 1 tablespoon of light soya sauce
- 1 tablespoon of oyster sauce
- 1 tablespoon of dark soya sauce
- 1 tablespoon of sugar
- 1 teaspoon of butter
- 1 teaspoon of sesame oil
- 1/2 cup of water

Procedures

1. Put E-Fu noodles into boiling water for 45 seconds. Take them out once they loosened and separated. ...

[expand >](#)

cc: Xing Jin and June Chan



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香菇菜心

Stir-fried Bok Choy with Shiitake Mushrooms



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sydneyconfuciusinstitute Stir-fried Bok Choy with Shiitake Mushrooms

#chinesehomecooking #homecooking  
#newrecipe #chineserecipe #learnchinese  
#chinese food #foodie #veggie  
#vegetables #gogreen

7m



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7 MINUTES AGO

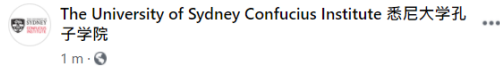
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## Appendix 10: CI September social media posts – Term 4 Chinese language program

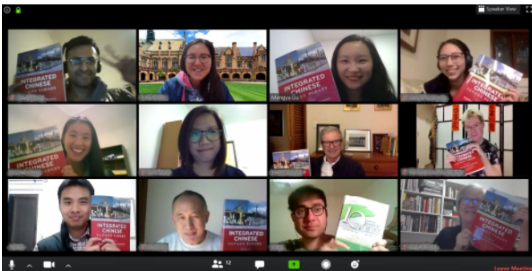


Unlock the power of online learning and meet like-minded people  
Online Chinese Mandarin short courses start from 6 October

Working from home and staying safe from COVID-19 doesn't have to be socially isolating, nor does it have to stop you from learning a new skill. If you've been wanting to learn Chinese or have thought about picking the language back up after taking a break, our popular online Chinese courses can help you achieve your goals.

Our new round of online courses starts from 6 October. The new term offers interactive language courses at 13 different levels, delivered online via Zoom. The course fee starts from as little as \$340. There's never been a better time to become bilingual!

Find the right course for you at <https://www.sydney.edu.au/confucius-institute/programs/learn-chinese.html>



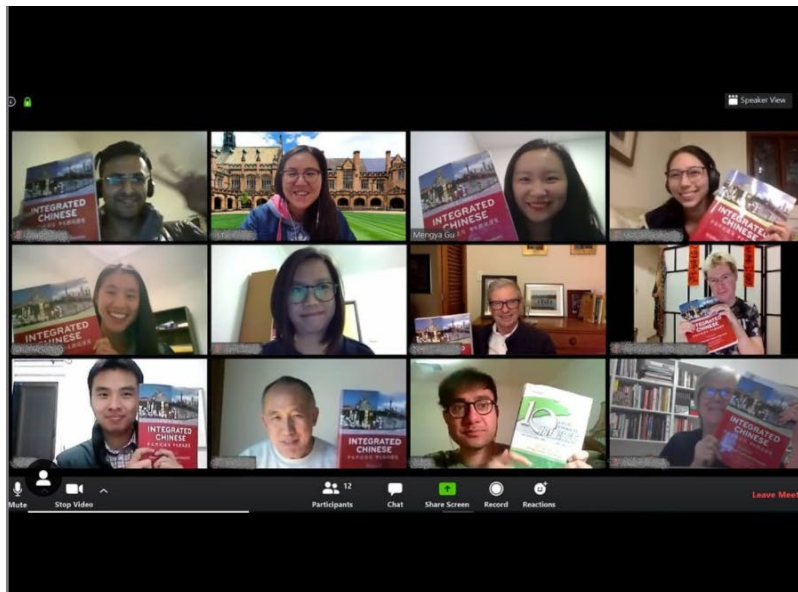
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Our new round of online courses starts from 6 ... [expand >](#)

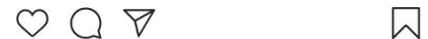
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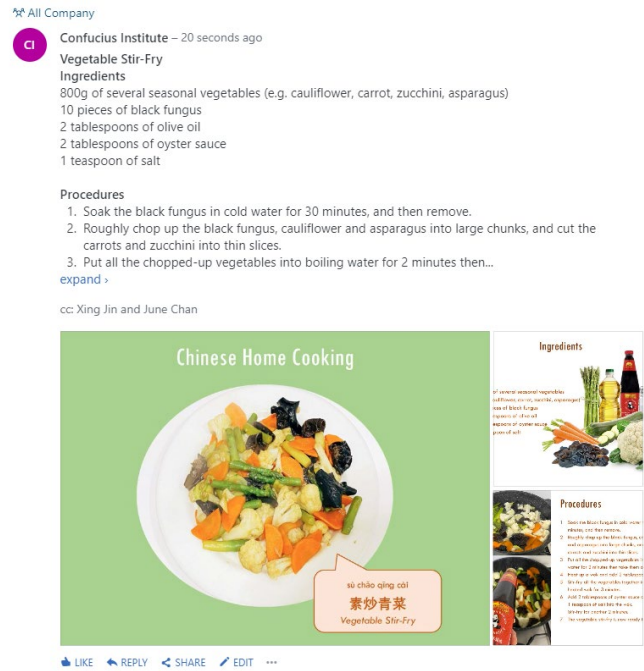
4 MINUTES AGO

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## Appendix 11: CI October social media posts



## Appendix 12: VC's letter to the Centre for Language Education and Cooperation



**Dr Michael Spence AC**  
Vice-Chancellor and Principal

14 August 2020

Professor Yang Wei  
President, Chinese International Education Foundation

Professor Ma Jianfei  
Director General, Center for Language Education and Cooperation

By email: [yangwei@cief.org.cn](mailto:yangwei@cief.org.cn), [majianfei@chinese.cn](mailto:majianfei@chinese.cn), [yanhongjing@hanban.org](mailto:yanhongjing@hanban.org)

Dear Professors Yang and Ma,

Thank you for your joint letter of 14 July 2020 advising that the Chinese International Education Foundation was officially established on June 19 and has commenced operating.

Thank you also for your kind words about the contribution the Confucius Institute at the University of Sydney has made for more than a decade by advancing understanding about Chinese language and culture to people in Sydney and the wider Australian community. Improving communication and understanding between the people of China and Australia benefits both countries, and the University of Sydney looks forward to working transparently towards these ends with the Foundation, the Center for Language Education and Cooperation and Fudan University.

We welcome your advice that our partner, Fudan University, will work closely with us through the transition period to ensure that all obligations under the current renewal agreement continue to be met. We have longstanding ties with Fudan in teaching and research, including a strategic research partnership into cognitive neuroscience and brain disorders, which I was delighted to announce with Professor Xu Ningsheng at the Shanghai Forum last year.

We appreciate that completing the transfer of administrative responsibility for the Confucius Institutes to the Foundation and Center will require considerable time and effort. Nevertheless, given the significance of the changes that are being made to the governance and support of the Confucius Institutes, and noting that our current renewal agreement with Hanban does not expire until 2023, our strong preference is to commence negotiations with you as soon as possible, to establish new agreements between our institutions that accurately reflect our respective commitments and obligations. As you state in your letter, it is important that the agreement should meet the expectations and traditions of the University.

Anticipating that you will have standard draft agreements prepared for discussions with other universities, we would be grateful if you could forward examples of these at your earliest convenience. Professor Kathy Belov AO, Pro-Vice-Chancellor (Global Engagement), will lead these discussions for us and will work closely with Professor Chen Zhimin from Fudan University. We welcome your early advice about Professor Belov's counterparts at the Foundation and Center.

Thank you for sending us copies of the constitutions of the Foundation and Center on 13 August 2020. This will assist in our discussions.

We look forward to resolving these important governance matters with you expeditiously, so that the Board of our Confucius Institute and its staff can move forward with certainty.

Yours sincerely,

Michael Spence

## **Appendix 13: The University of Sydney's media statement on 27 August 2020**

### **The University of Sydney's Media Statement to the SMH and AFR, in response to the government announcement today**

We look forward to receiving official detail of the Government's announcement so we can determine how any changes might affect our operations but don't believe our Confucius Institute or other partnerships run counter to current Australian foreign policy.

The kinds of activities held in our Confucius Institute range from music and dance performances, Chinese calligraphy and painting, martial arts and tai ji, culture and language courses. To celebrate Moon Festival each year, there are also Chinese tea appreciation classes.

The Institute is overseen by a governing board chaired by our Deputy Vice-Chancellor (Research), and we regularly review its activities and status under Australian law.

We have always taken these issues seriously and earlier this year developed a new set of international collaboration principles to further safeguard our staff and students from any potential foreign interference. The principles were developed as part of our response to the government's guidelines to [counter foreign interference in the Australian university sector](#).

#### **For media enquiries, please contact:**

**RACHEL FERGUS** | Senior Media Adviser  
Media and Public Relations  
**THE UNIVERSITY OF SYDNEY**  
T +61 2 9351 2261 | M +61 478 316 809



**UNIVERSITY OF SYDNEY INTELLECTUAL PROPERTY OWNERSHIP, NOTIFICATION, OPTION,  
LICENCE AND COMMERCIALISATION TEMPLATE CLAUSES**

**SAMPLE 1**

**MULTI-INSTITUTIONAL AGREEMENT (MIA)**

**AUSTRALIAN RESEARCH COUNCIL (ARC) - Discovery project Grants**

- 1.1. The administration and management of the Project Intellectual Property will comply with the *National Principles of Intellectual Property Management for Publicly Funded Research* and/or any successor document. All Parties acknowledge and agree that they are familiar with the current Intellectual Property and patent landscape for the research areas included in the Application.
- 1.2. The Parties each agree to ensure that their respective staff working on the Project promptly provide to the Administering Organisation written notice (within a reasonable time) of any Project Intellectual Property that may have potential commercial value if and when such staff become aware of such Project Intellectual Property. The Parties who own Project Intellectual Property (as determined in accordance with clause 4.4) shall decide jointly what, if any, measures should be taken to protect the identified Project Intellectual Property.
- 1.3. In relation to the commercialisation of Project Intellectual Property, the Parties who own Project Intellectual Property (as determined in accordance with clause 4.4) will negotiate in good faith and using all best endeavours to agree the terms of any program of commercialisation so as to fairly share in any commercial return associated with the Project and the Project Intellectual Property. The relevant Parties must enter into an agreement prior to the exploitation of the Project Intellectual Property that includes an agreed share of any net commercialisation returns (such share to be negotiated in good faith).

**SAMPLE 2**

**MULTI-INSTITUTIONAL AGREEMENT (MIA)**

**AUSTRALIAN RESEARCH COUNCIL (ARC) – ARC Industrial Transformation Training Centre Agreement**

**7.2 Disclosure of Registrable IPRs**

The other Participating Organisations will each provide the University of Sydney, [PARTY] and the Option Holder(s) for each particular project as identified in the Details with a written, confidential disclosure of any Registrable IPRs which are reported to them as soon as possible after reporting of the Registrable IPRs or in any case no later than 12 months from completion of the Research, for the purpose of allowing the relevant Option Holders to consider the Option under clause 7.5 (Option to license).

**7.3 Licence to the Universities**

Each University grants the other University a nonexclusive, irrevocable, perpetual, royalty-free licence to use the Project IPRs it owns, for the purposes of performing the Research and for its research, education & publication purposes.

Each Partner Organisation which owns Project IPRs in accordance with clause 7.1 grants the Universities a nonexclusive, irrevocable, perpetual, royalty-free licence to use the Project IPRs which the Partner

Organisation owns, for the purposes of performing the Research and for the Universities' research, education & publication purposes.

#### **7.4 Non-commercial Licence**

Subject to the Option Holders not being in material breach of any provision of this agreement, each University grants each Option Holder a nonexclusive, non-transferrable, royalty-free licence to use the Project IPRs created in the course of the particular project(s) for which they are an identified Option Holder, for the duration of the Option Period, and for its internal and non-commercial purposes only, including the right to test or trial parts of the Project IPRs but not to directly derive commercial benefit through use or commercialisation of such Project IPRs.

#### **7.5 Option to license**

Subject to the rights granted to various parties under clauses 7.3 and clause 7.4 above and the Option Holder not being in material breach of any provision of this agreement, the parties acknowledge that the Option Holders have the exclusive option during the Option Period to acquire an exclusive licence (with sublicensing rights) to exploit the Registrable IPRs created in the course of the particular project(s) for which they are an identified Option Holder on fair and commercial terms to be negotiated and agreed but at least consistent with the Minimum Licence Terms ("**Option**"). The terms of any licence will be negotiated between the Option Holder/s and each University and, for the purpose of this clause 7.5 and 7.6 (Minimum Licence Terms), the University of Sydney and [PARTY] will hereby each be a licensor ("**Licensor**"). If the negotiating parties are unable to agree the terms of such a licence within 90 days from the Option being exercised, the parties can invoke the dispute resolution process in clause 12 (Disputes). If the dispute resolution does not resolve the issue the licence may be terminated by any party to the negotiation in which case the relevant Option Holder's Option will immediately expire.

Where there is more than one Option Holder for a particular project and the Option Holders are granted exclusive licences, those licences will be restricted to such fields of use as agreed by the Licensor(s) and the relevant Option Holders. Where the Option Holders each request an exclusive licence in an overlapping field, co-exclusive licences may be granted to both Option Holders in the overlapping field, to the exclusion of others.

For the avoidance of doubt, where there is more than one Option Holder, and the Licensor(s) is/are unable to agree the terms of a licence with each Option Holder within 90 days, the Licensor(s) may grant an Option to each of the Option Holder/s with whom the terms of such licence have been agreed. Within 7 days of expiry of any Option, the relevant Option Holder must return to the Licensor(s) all Research Confidential Information.

#### **7.7 Registrable IPRs**

(a) In the event that Registrable IPRs arise from a particular project, the University of Sydney and [PARTY] will consult with the relevant Option Holder/s identified for that project in the Details to determine what, if any, registration applications will be made, the countries in which such applications will be made and the party responsible for such registration and maintenance. The parties agree to use reasonable endeavours not to engage in any act or omission which will prejudice the grant of patent or similar rights in Registrable IPRs.

(b) To maintain their Option, the relevant Option Holder/s must pay all costs of registration and maintenance of any Registrable IPRs. Where there is more than one Option Holder, payment of registration and maintenance costs of any Registrable IPRs will be shared equally between the Option Holders. If at any time an Option Holder elects not to continue to pay patent costs that party's Option will immediately terminate and the remaining Option Holder/s will then be responsible for the payment of all patent costs. In the event that, following a licence to the Registrable IPRs being granted, the Universities, are reimbursed by the licensee for any patent costs which were paid previously by an Option Holder who did not become a licensee, the Universities will reimburse the relevant Option Holder.

## **SAMPLE 3**

### **RESEARCH AGREEMENT**

## **1 Intellectual Property Rights**

---

### **1.1 Project IPRs**

The University claims ownership of all right, title, and interest in and to all IPRs developed by employees of the University and other researchers who use the University's facilities to conduct research.

All right, title and interest in the Project IPRs will be owned by the University and, to the extent necessary, each of the other parties hereby assigns any right, title or interest it may have now or in the future have in those IPRs to the University.

The University will provide the Option Holders with a written, confidential disclosure of any Registrable IPRs which are reported to the University's Commercial Development & Industry Partnerships division within 12 months of completion of the Research for the purpose of allowing the Option Holders to consider the Option under clause 1.2 (Option to license).

### **1.2 Option to license**

Subject to the Option Holders not being in breach of any provision of this agreement, the University grants to the Option Holders the exclusive option during the Option Period to acquire an exclusive licence to exploit the Registrable IPRs on fair and commercial terms to be negotiated and agreed but at least consistent with the Minimum Licence Terms ("**Option**"). If the negotiating parties are unable to agree the terms of such a licence within 90 days from the Option being exercised, the negotiations with respect to that licence may be terminated by either party to the negotiation in which case the relevant Option Holder's Option will immediately expire. For the avoidance of doubt, where there is more than one Option Holder and the University is unable to agree the terms of a licence with each Option Holder within 90 days, the University may grant an Option to one Option Holder only. Within 7 days of expiry of any Option, the relevant Option Holder must return to the University all Research Confidential Information.

### **1.3 Minimum Licence Terms**

The Minimum Licence Terms include the following terms:

- (a) commercial consideration for the licence will be paid to the University;
- (b) all registration and maintenance costs relating to the Registrable IPRs will be paid by the licensee and the licensee will reimburse the University for any portion of patent costs relating to the Registrable IPRs incurred prior to the date the licence is granted, which have not already been paid by the licensee;
- (c) any permitted licence of Registrable IPRs will be subject to a free licence back to the University to use Registrable IPRs for research, teaching or publication purposes;
- (d) rights must not be sub-licensed without the University's prior approval and any sub-licence granted must be on terms no less restrictive than the terms of the licence agreement with the University;
- (e) full indemnity to the University covering the licensee's use and exploitation of the Registrable IPRs; and
- (f) terms consistent with clauses 1.4 (Registrable IPRs) and **Error! Reference source not found.** (Student IPRs).

### **1.4 Registrable IPRs**

- (a) In the event that Registrable IPRs arise from the Research, the University, after consulting with the Option Holder/s, will be responsible for determining what, if any, registration applications will be made and will, subject to sub-clause 1.4(b), be responsible for such registration and maintenance.



The parties agree to use reasonable endeavours not to engage in any act or omission which will prejudice the grant of patent or similar rights in Registrable IPRs.

- (b) To maintain their Option the Option Holder/s must pay all costs of registration and maintenance of any Registrable IPRs. Where there is more than one Option Holder, payment of registration and maintenance costs of any Registrable IPRs will be shared equally between the Option Holders. If at any time an Option Holder elects not to continue to pay patent costs that party's Option will immediately terminate and the remaining Option Holder/s will then be responsible for the payment of all patent costs. In the event that, following a licence to the Registrable IPRs being granted, the University is reimbursed by the licensee for any patent costs which were previously paid by an Option Holder who did not become a licensee, the University will reimburse the relevant Option Holder.

## **1.5 Commercialisation**

The parties agree that during the term of any Option any commercialisation of any Registrable IPRs other than through the exercise of the Option under clause 1.2 (Option to license) will be dealt with by agreement between the University and the relevant Option Holder/s.

## **1.6 Background IPRs**

Ownership of each party's Background IPRs remains with the contributing party. Each party covenants not to sue or take any other action against another party to this agreement in relation to the use of its Background IPRs by any other party to this agreement for the sole purpose of undertaking the Research with a view to achieving the Research Purpose under this agreement.

## **1.7 Moral rights**

Each party acknowledges that the Specified Personnel, employees, Students and any other representatives involved in the Research will, if they are authors of material comprised in the Project IPRs in which copyright subsists, have moral rights in those copyright materials.

## **SAMPLE 4**

### **Material Transfer Agreement (Outgoing)**

## **2 Ownership rights**

---

### **2.1 Tangible property**

The Recipient acknowledges that the University will continue to own the Material and Data, and own Progeny and Unmodified Derivatives, and that the Recipient will hold that property on the University's behalf as bailee. Ownership of Modifications will be dealt with subject to clause 2.4 (Registrable IPRs).

### **2.2 Intellectual Property Rights**

The Recipient acknowledges that:

- (a) the ownership of IPRs in the Material and Data remains with the University;
- (b) the University owns IPRs relating to Progeny and Unmodified Derivatives;
- (c) the ownership of IPRs relating to Modifications will be dealt with subject to clause 2.3 (Ownership of New IPRs); and
- (d) no licence of the IPRs in the Material and Data to the Recipient beyond the rights provided by this agreement is implied by the Recipient's use of the Material or Data.

## 2.3 Ownership of New IPRs

- (a) The ownership of new IPRs arising from the Recipient's use of or access to the Materials and/or Data, including any IPRs in any inventions created by the Recipient or in any Modifications ("**New IPRs**"), will be owned jointly by the Recipient and the University as tenants in common.
- (b) Each party will be entitled to use those New IPRs for its own non-commercial research purposes but any commercialisation of new IPRs will first require the parties to negotiate and agree a commercialisation agreement.
- (c) The Recipient will provide details of any New IPRs to the University within a reasonable time period from the date of creation of the New IPRs and will comply with any other reasonable reporting requirements in relation to New IPRs which are notified by the University.

## 2.4 Registrable IPRs

If the use of or access to the Material or Data by the Recipient results in any IPRs which are capable of being registered, and which may be commercially useful, but which are not owned exclusively by the University under clause 2.2 (Intellectual Property Rights), including any New IPRs under clause 2.3 (Ownership of New IPRs), then the parties will negotiate to determine:

- (a) inventorship and the relative contributions between the parties;
- (b) what, if any, IPRs registration applications will be made, the party responsible for registration and maintenance and the apportionment of any associated costs; and
- (c) the process of commercialisation.

## 2.5 Pre-existing rights

The provision of the Material and Data to Recipient will not alter or detract from any Third Party Rights in the Material and Data.

## **SAMPLE 5**

## **RESEARCH COLLABORATION AGREEMENT**

# 3 Intellectual Property Rights

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## 3.1 Project IPRs

Subject to clause 3.2 (Joint ownership) and **Error! Reference source not found.** (Ownership of Student thesis copyright), all right, title and interest in each identifiable or separately registrable item of Project IPRs arising from the Research will be owned by the party who created or made an inventive contribution to that item.

## 3.2 Joint ownership

- (a) In the event that more than one party makes an inventive contribution to an item of Project IPRs under clause 3.1 (Project IPRs), the parties agree that such Project IPRs will be owned jointly by each of the relevant contributing parties ("**Contributing Parties**") as tenants in common.
- (b) Unless otherwise agreed between the Contributing Parties, the share of each Contributing Party in Project IPRs under clause 3.2(a) will be in proportion to the agreed inventive contribution of each Contributing Party. Failing agreement, the Project IPRs will be owned in such proportions as determined by the process under clause **Error! Reference source not found.** (Expert determination of IPRs disputes).

- (c) To the extent that Project IPRs are held jointly, each Contributing Party agrees that:
- (i) each Contributing Party's ownership of the relevant jointly-created Project IPRs will be perpetual and irrevocable; and
  - (ii) a Contributing Party may not grant any rights to the relevant jointly owned Project IPRs to any third parties without agreement of the other Contributing Parties, and, failing agreement of all Contributing Parties, agreement of the majority (by inventive contribution) of Contributing Parties; and
  - (iii) any permitted grant of rights by a Contributing Party of their portion of the relevant Project IPRs will be subject to the licence granted in clause 3.3 (Licence to Project IPRs).

### **3.3 Licence to Project IPRs**

Subject to each party complying with its obligations in clause **Error! Reference source not found.** (Contributions) and clause **Error! Reference source not found.** (Confidentiality and publication), each party grants to the other parties a perpetual, worldwide, non-exclusive, free of cost licence to use Project IPRs for research, education and publication purposes and for the purposes of performing the Research (together with the right to sub-licence for the same purposes). Each party agrees to use the Project IPRs under this licence at their own risk.

### **3.4 Background IPRs**

Ownership of each party's Background IPRs remains with the contributing party. Each party covenants not to sue or take any other action against another party to this agreement in relation to the use of its Background IPRs by any other party to this agreement for the sole purpose of undertaking the Research with a view to achieving the Research Purpose under this agreement.

### **3.5 Moral rights**

Each party acknowledges that the Specified Personnel, employees, Students and any other representatives involved in the Research will, if they are authors of material comprised in the Project IPRs in which copyright subsists, have moral rights in those copyright materials.

## **SAMPLE 6**

### **OPTION AND EVALUATION AGREEMENT**

## **4 Ownership rights**

---

### **4.1 Tangible property**

The Recipient acknowledges that the University will continue to own the Material and Data, and own Progeny and Unmodified Derivatives, and that the Recipient will hold that property on the University's behalf as bailee. Ownership of Modifications will be dealt with subject to clause 2.3 (Ownership of New IPRs).

### **4.2 Intellectual Property Rights**

The Recipient acknowledges that:

- (a) the ownership of IPRs in the Material and Data remains with the University;
- (b) the University owns IPRs relating to Progeny and Unmodified Derivatives;
- (c) the ownership of IPRs relating to Modifications will be dealt with subject to clause 2.3 (Ownership of New IPRs); and

- (d) no licence of the IPRs in the Material and Data to the Recipient beyond the rights provided by this agreement is implied by the Recipient's use of the Material or Data.

#### **4.3 Ownership of New IPRs**

- (a) Any New IPRs arising from the Recipient's use of or access to the Materials and/or Data, including any IPRs in any inventions created by the Recipient or in any Modifications ("**New IPRs**"), will be owned by the University but may be licensed to the Recipient pursuant to clause 5.1 (Option to license).
- (b) The Recipient will provide details of any New IPRs to the University within 30 days from the date of creation of the New IPRs and will comply with any other reasonable reporting requirements in relation to New IPRs which are notified by the University.
- (c) The Recipient will do all things and sign all instruments reasonably requested by the University at the University's cost to assist the University to become the registered owner of any New IPRs.

#### **4.4 Pre-existing rights**

The provision of the Material and Data to Recipient will not alter or detract from any Third Party Rights in the Material and Data.

#### **4.5 Publication**

The Recipient will not publish research findings or results from the use of Materials, Data, their underlying IPRs or New IPRs, and will treat those findings and results as if they were Data under clause **Error! Reference source not found.** (Data) and clause **Error! Reference source not found.** (Consequences), unless otherwise agreed to by the University, such agreement not to be unreasonably withheld.

## **5 Commercialisation**

---

### **5.1 Option to license**

The University grants the Recipient the right to negotiate in good faith, on an exclusive basis during the Evaluation Period, a licence to exploit the Materials, Data, their underlying IPRs or New IPRs on fair and commercial terms to be agreed but at least consistent with the Minimum Licence Terms.

### **5.2 Minimum Licence Terms**

The Minimum Licence Terms include the following terms in addition to the terms set out in the Details:

- (a) commercial consideration for the licence will be paid to the University;
- (b) the licence will: (1) be limited to those Materials, Data, their underlying IPRs or New IPRs ("**Licensed IPRs**") necessary for exploitation and (2) be limited to the agreed exploitation purpose;
- (c) any licence will be subject to the University's right to use Licensed IPRs for research, teaching or publication purposes;
- (d) any licence will be subject to the Third Party Rights;
- (e) the University will not warrant that Licensed IPRs are valid, suitable for patenting or do not infringe the IPRs of third parties;

- (f) the Recipient will pay or reimburse the University (at the University's option) all Registration Costs in relation to the Licensed IPRs;
- (g) rights to any Licensed IPRs must not be sub-licensed without the University's prior approval and any sub-licence granted must be on terms no less restrictive than the terms of the licence granted to the Client for the relevant Licensed IPRs; and
- (h) full indemnity to the University covering the licensee's use and exploitation of the Licensed IPRs.