



Australian Government
Attorney-General's Department

Secretary

Response to provisional transparency notice submission

20/113-8

26 March 2021

Professor Duncan Ivison
Chair, Confucius Institute Board
Level 3, The Darlington Centre School Building
University of Sydney
Darlington.NSW 2008

First by email: duncan.ivison@sydney.edu.au; confucius.institute@sydney.edu.au

Dear Professor Ivison

Response to submission about provisional transparency notice

Thank you for your submission of 5 March 2021 regarding the provisional transparency notice that I issued on 26 February 2021 under subsection 14B(1) of the *Foreign Influence Transparency Scheme Act 2018* (the Act), stating that the Confucius Institute (the Institute) at the University of Sydney is a foreign government related entity.

I have considered your submission, which included a copy of the agreement between Fudan University and the University of Sydney in respect of the Institute, dated 3 March 2021 (the new Agreement). You explained that the new Agreement replaces the previous renewal agreements entered into between the University of Sydney, Hanban and Fudan University establishing the Institute. In your further correspondence with the Transparency Frameworks Branch on 16 March 2021 and 25 March 2021, you confirmed that the University of Sydney did not accept a Certificate of Authorisation from the Foundation, and that the University of Sydney does not intend to do so. You confirmed that you are not aware of any additional or implied conditionality attached to the use of the Confucius Institute brand, and that the only agreement you consider the University of Sydney to be bound by in respect of the Institute is the new Agreement.

The new Agreement changes the governance arrangements for the Institute significantly, replacing those arrangements which were in place at the time I issued the provisional transparency notice. In light of these changes, I am no longer satisfied that the Institute is a 'foreign government related entity' for the purposes of the Act. Accordingly, pursuant to subsection 14E(2) of the Act, I must revoke the notice. The revocation will be made public on the Foreign Influence Transparency Scheme website, pursuant to subsection 43(2A) of the Act.

Should any information become available which is relevant to the application of the Foreign Influence Transparency Scheme to the Institute, particularly in relation to your submission or any other information you have already provided, I would be grateful if you could please inform the action officer for this matter (details below).

Review of decision to revoke transparency notice

A person whose interests are affected by the decision to revoke the provisional transparency notice may make an application to the Administrative Appeals Tribunal for review of the decision (see section 14H of the Act and the *Administrative Appeals Tribunal Act 1975*). Pursuant to section 43(2A) of the Act, a written statement to this effect will be published alongside the revocation notice on the Foreign Influence Transparency Scheme website.

Further information

Further information regarding the Foreign Influence Transparency Scheme is available at www.ag.gov.au/transparency.

The action officer for this matter is Robert Crofts, Acting Assistant Secretary, Transparency Frameworks Branch. Mr Crofts can be contacted on 02 6141 3245.

Yours sincerely



Iain Anderson
A/g Secretary