



aamri

Association of Australian
Medical Research Institutes

SUBMISSION

**REVIEW OF THE DEFENCE TRADE
CONTROLS ACT 2012**

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Contact:

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Dr Vivienne Thom AM
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Review of the Defence Trade Controls Act 2012

Dear Dr Thom,

Thank you for the invitation to provide a submission to the review of the Defence Trade Controls Act 2012.

The Association of Australian Medical Research Institutes (AAMRI) is the peak body for medical research institutes in Australia. Our 49 member organisations work on a broad spectrum of human health issues such as preventive medicine, chronic disease, mental health, immunology and Indigenous health. Their research ranges from fundamental biomedical discovery through to clinical research and the translation of research findings from bench to bedside. Medical research institutes undertake more than one-third of all government funded medical research and employ more than 10,000 researchers.

We have consulted with our members on both the requirements as set out in the Act as well as the administration of the legislation. Overall, I am pleased to report that our members' experiences with dealing with the requirements of the legislation and with the Department of Defence (specifically the Defence Export Controls section) have largely been positive. The initial fears in the sector that this legislation would unduly inhibit researchers appear to have not materialised, and in large part this is because of the amendments made to the Act before the offence provisions came into force.

The comments that AAMRI wishes to make predominantly relate to issues affecting researchers and research organisations that are involved with using dual-use technologies. To assist the review, we would like to offer the following specific feedback.

Department of Defence – Defence Export Controls

The Defence Export Controls section of the Department of Defence has been very helpful in assisting our members with advice on the legislation, and where appropriate they have issued the necessary permits in a timely fashion. This has been extremely important to the smooth administration of the Act and ensuring that researchers are not unduly delayed in

their collaborations with overseas colleagues. We recommend that appropriate resources continue to be provided to the Department of Defence to administer this legislation.

Permits

We are pleased that when permits have been issued they have been sufficiently broad enough to not unduly impede research. Where amendments to permits have been necessary, for example adding new collaborators in additional countries, the Department of Defence has amended permits quickly and efficiently. For the Act to continue functioning without negatively impacting on Australia's research effort we would like to see the continued issuance of broad permits where appropriate.

Education and awareness activities

The efforts undertaken by the Department of Defence around the time the offence provisions came into effect to educate the broader research sector on their responsibilities under the Act have been good. The information on the relevant websites and the availability of officials from the Department of Defence to provide clarity where necessary has also been very helpful. In particular, the *Australian Export Controls and the Life Sciences* section of the Defence Export Controls website and the associated information sheet are helpful. These materials should continue to be made available and updated as necessary.

However, it is most important that these efforts continue with the same or higher level of support. Every year thousands of new people enter the research sector, many from overseas, and very few will have any understanding of the requirements of this Act. Research organisations will continue to work with their researchers to explain responsibilities, but the Department of Defence should continue to work with the broader science and research sector to identify high risk areas and develop appropriate education materials.

Supply and publication

Within the broader science sector there might be some confusion about the responsibilities with respect to controlled dual-use technologies and requirements relating to supply and publication. The guidance states that no permit is required for publishing. It is possible that some might assume dual use technology research they are collaborating on with overseas colleagues is exempt from permit requirements because it is ultimately intended to lead to a publication. However, the sharing of research data and other information prior to the development of publications could in some circumstances constitute supply. This might happen where communications relating to dual use technology might not be in the form of a pre-publication draft, but instead could be a series of discussions about technology, and this might meet the supply threshold. Such discussions are often a necessary part of the research and publication process, and therefore we would appreciate further guidance on where the line is drawn.

Amendments to DSGL

For the Act to operate efficiently the DSGL needs to be continuously reviewed, allowing for the addition or removal of items as appropriate. We suggest that appropriate formal opportunities for consultation on items on the list be undertaken with the research sector.

Once again, thank you for the opportunity to participate in this review. We would be pleased to assist with any questions you might have regarding this submission. Arrangements for a meeting can be made through AAMRI's Director of Policy and Operations, Dr Peter Thomas (03 9345 2500 or peter.thomas@aamri.org.au).

Yours sincerely,

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