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30 September 2019

UTS file reference: UR19/1151

Access Application Number: GIPA2019/04

Mr John Power
South China Morning Post
e John.Power@scmp.com

Dear Mr Power

Your application to access information – Release of information

I refer to our email to you dated 30th August 2019 with the Notice of Decision for your access application under the Government Information (Public Access) Act 2009 (GIPA Act).

Access to the information released to you was deferred to allow time for an objecting third party to appeal our decision. The deadline to lodge an internal review request was close of business Friday 27th September 2019 (Australian Eastern Standard Time). No internal review request has been received.

Please find attached the document released to under your access application GIPA2019/09. The information released to you will be included in the UTS Disclosure Log.

I have also enclosed a copy of the original Notice of Decision sent to you on 30th August 2019 for your reference.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'William Paterson', with a long horizontal flourish extending to the right.

William Paterson
Director, Governance Support Unit

Enc.

- *Released document under GIPA2019/09.*
- *Original Notice of Decision for GIPA2019/09, dated 30th August 2019.*



Government Information (Public Access) Act 2009

NOTICE OF DECISION

UTS: GOVERNANCE SUPPORT UNIT

Applicant	Mr John Power	Application no.	GIPA2019/09
Date of decision	30 th August 2019	File No:	UR19/1834
Decision maker ¹	William Paterson, Right to Information Coordinator University Secretary and Director Governance Support		

Signature:

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¹ As authorised by the principal officer, for the purposes of s.9(3) of the *GIPA Act*, to make decisions with respect to your Access Application

1. Processing your access application

1.1. Summary of your request

On 7th July 2019, UTS received your access application under the Government Information (Public Access) Act 2009 (GIPA Act). Your application was made valid on 19th July 2019.

In your application, you requested the following information:

"The MOU and/or contract signed in 2017 between UTS and CETC for a \$10 million partnership involving the establishment of a new research centre".

The processing time to deal with your application was extended by 10 working days to facilitate third party consultation required under the GIPA Act.

Your application was due to be decided by 30th August 2019.

1.2. Searches

A search of UTS's records has been undertaken to identify the document you have requested to access. Only one document is within the scope of your request.

1.3. Consultation

We are required under the GIPA Act to consult with third parties where we have received a request for certain types of information. This includes where a third party is likely to be concerned about the information being released or being included in the UTS Disclosure Log.

The information you are requesting to access includes information that requires consultation. The information has been identified as the business information of a third party. Consultation with the relevant third party has been undertaken to seek their reviews or any objection to the release of the information.

2. Notice of Decision

2.1. Decisions about the release of information

You have a legally enforceable right under the GIPA Act to be provided with access to the information sought unless there is an overriding public interest against the disclosure of the information. In making my decision I have apply the public interest test under s.13 of the GIPA Act which provides that there will only be an overriding public interest against disclosure where public interest considerations in favour of disclosure are, on balance, outweighed by those against disclosure.

My decision is that the public interest in favour of release outweigh the public interest against release of this document.

Summary of decision:

- a) That the document is released in full under section 58(1) of the GIPA Act.

2.2. Form of access to the information requested

Access to the released information is currently deferred.

Although I have decided that the document is to be released to you under section 2.1 above, this decision is against an objection lodged by a consulted third party.

Therefore, the document is not able to be provided until the consulted third party has a right to appeal this decision. The consulted party has 20-working days from 30th August 2019 to request an internal review of this decision with UTS.

If the consulted third party does not appeal our decision by the appeal deadline, the information I have decided to release will then be provided to you. We will inform you if an appeal against our decision is received.

2.3. Processing charges

Under s.64(1) of the GIPA Act, we may apply processing charges for the time spent dealing with an access application. No processing charges were applied to this access application.

2.4. Including released information in the UTS Disclosure Log

We are required under the GIPA Act to record certain details about an access application in our online Disclosure Log where the information released may be of interest to other members of the public.

The UTS Disclosure Log is publicly available on our website at <http://www.gsu.uts.edu.au/gipa/public/log/index.html>:

We have received no objection from you to details about your application, and information released to you, being included in our disclosure log. However, the objection received from the consulted third party extends to information being included in the disclosure log.

No information will be included in the disclosure log until the consulted third party has had their opportunity to appeal my decision.

3. Review rights

Currently, there are no reviewable decisions applicable to you as the applicant as part of this access application.

If a different decision is made under an internal review following an appeal by the consulted third party, further review rights may be provided to you at that time.

4. Contact information

If you have any queries about this Notice of Decision or require further information on your rights of review, please contact the Right to Information Contact Officer on +61 2 9514 1245, or by emailing right.to.information@uts.edu.au.

End of notice of decision.

CETC-UTS Agreement

CETC-UTS 协议

This CETC-UTS Agreement (hereinafter referred to as the “Agreement”), is made by and between:

此份 CETC-UTS 协议（以下简称协议）是由以下双方制定的：

University of Technology Sydney

Hereinafter referred to as “UTS”;

悉尼科技大学以下简称为“UTS”；

and

和

China Electronics Technology Group Corporation

Hereinafter referred to as “CETC”;

中国电子科技集团公司以下简称为“CETC”；

UTS and CETC shall hereinafter also be referred to as “Party” separately or “Parties” collectively.

UTS 和 CETC 也将被分别简称为“一方”或共同称为“双方”。

WHEREAS University of Technology Sydney (UTS) is a world-class research intensive university with a rapidly growing reputation for its research intensity and impact.

鉴于悉尼科技大学是世界级的研究型大学，其研究力及影响力为其赢得了较高的声誉。

WHEREAS China Electronics Technology Group Corporation (CETC) is a leading Chinese company specialised in electronics, telecommunications, sensing, big data and ICT in general.

鉴于中国电子科技集团公司是中国电子行业的领军企业，特别是在电子通信、感知、大数据、信息通信技术等领域。

WHEREAS China Electronics Technology Group Corporation and University of Technology Sydney have the promoting mechanism for normalized technological collaboration.

鉴于中国电子科技集团公司与悉尼科技大学签署过常态化技术合作推进机制。

WHEREAS Parties intend to deepen their cooperation and establish a joint centre.

鉴于双方希望加深双方的合作并建立联合中心。

Therefore, Parties hereby agree as follows:

因此，双方达成协议如下：

1. Composition of the Centre

中心构成

CETC and UTS to establish a joint centre, tentatively named “Australia China Research Innovation Centre in Information and Electronics Technologies (IET)”. The centre will start operation by 26 April 2017.

CETC 和 UTS 建立联合创新中心，拟定名为“澳大利亚中国信息与电子技术（IET）创新研究中心”。该中心将于 2017 年 4 月 26 日开始运行。

a. UTS and CETC are two core members of the centre
UTS 和 CETC 是中心的两个核心成员。

b. By invitation and subject to the approval of centre directors, the Centre can have associated members from

Chinese universities, Australian universities and CSIRO.
The associated members can be organizational or individual.

通过邀请并经中心主任批准，中心可以由来自中国的大学、澳大利亚的大学以及 CSIRO（英联邦科学和工业研究组织）的相关成员组成。其中，相关成员包括组织或个人。

2. Objectives of the Centre

中心目标

- a. Advancing key science and technologies in IET by conducting joint projects.
通过开展联合项目推进 IET 的关键科学和技术。
- b. Training postdoctoral fellows, PhD students, visiting scholar and CETC research staff (research trainees).
培训博士后研究员，博士生、访问学者和中国电科研究人员（研究培训生）。
- c. Commercialization of research outcomes.
研究成果的商业化。

3. Scope of the Research (Focusing but not limited)

中心研究范围侧重并不限于以下研究领域的合作：

- a. **Big data technologies**, initially focusing on mobile sensing and communications, including electromagnetic materials and devices, big visual data analytics, transfer learning and internet of things.
大数据技术，移动传感和通信、大型视觉数据分析，包括电磁材料和器件、转移学习和物联网。

b. **Artificial Intelligence**, initially focusing on sensing and detection of brain activities, **Simultaneous localization and mapping(SLAM)**, assisted robots and robots for infrastructure monitoring and maintenance.

人工智能，最初专注于以下研究方向：

大脑活动的感测和检测、即时定位与地图构建 (SLAM)、辅助机器人和机器人的基础设施监控和维护。

c. **Quantum information**, initially focusing on quantum programming, distributed and parallel quantum computing, and quantum information security.

量子信息，最初着重于量子编程、分布式和并行量子计算，以及量子信息安全。

d. **Advanced materials and electronics**, initially focusing on THz devices, environmental and industrial sensors and high temperature superconductors.

先进的材料和电子。首先专注于太赫兹器件，环境及工业传感器和高温超导体。

4. Operation of the Centre

中心管理与运作

a. The Centre will be administrated by a Joint Steering Board consisting of CETC (3) and UTS (3) representatives. The Board will consist of the Board Director (CETC – Vice President), the Deputy Board Director (UTS deputy vice chancellor (Research)), and four members. Two board meetings will be held every year to determine the research direction, the major scientific research projects, the setting of institution, the Centre management

operation, the annual goals and tasks and other major issues.

该中心将由联合管理委员会监管. 联合管理委员会由中国电科和悉尼科技大学代表组成,包括联合管理委员会主任 (CETC vice president)、副主任 (UTS deputy vice chancellor (主管科研)), 以及四名成员。每年举行两次会议,联合管理委员会负责决策中心的科研方向,重大科研项目,机构设置, 运行管理办法,年度目标和任务,以及其他重大事项的决策。

- b. The Centre will be managed by the Centre Director (UTS) and the Deputy Centre Director (CETC) appointed by the Joint Steering Board. The responsibilities of the Centre Directors include the Centre research direction proposing, Centre operation and management, high level co-ordination, and reporting to the Joint Steering Board.

该中心由联合管理委员会任命的主任 (UTS 指定) 和副主任 (CETC 指定) 管理。中心主任的职责包括提出中心研究方向,中心运营和管理, 高级协调工作,并向联合管理委员会进行工作汇报。中心主任负责中心的运转与管理。

- c. CETC to provide a funding support of up to \$4M (¥20.78M) per annum, for five years. The funding will be spent for the following activities:

- 1) Research project cost;
- 2) Research staff cost including researchers, postdocs and trainees;
- 3) PhD student stipends;
- 4) Travel;

5) Administration;

Further agreements will be needed to illustrate the actual spending of this funding.

CETC 在五年内每年提供不超过 400 万澳元（约 2078 万元人民币）的资金支持，资金将用于以下活动：

- 1) 项目研究成本
- 2) 研究人员成本包括博士后及研究人员薪酬；
- 3) 博士生津贴；
- 4) 差旅；
- 5) 管理成本；

资金的具体使用将通过进一步的协议明确。

The final annual appropriation will subject to the approval of the Joint Steering Board.

最终年度拨付经费以联合管理委员会批复为准。

- d. UTS to provide office space and necessary research facilities. The office space will include a dedicated office for CETC representatives and distributed space for research staff. UTS will also waive the fees for PhD students trained for CETC.

UTS 提供办公空间和必要的研究设施。办公空间将包括一个供中国电科代表使用的专门办公室和供研究人员使用的开放办公空间。学校将免收中国电科定向培养博士生的学费。

- e. The postdoctoral fellows, PhD students, visiting scholar and research trainees will not only come from CETC but also recruited by UTS as required.

博士后研究员、博士生、访问学者和研究生将来自 CETC，也将由学校根据需要招收。

- f. UTS will endeavor to ensure high quality supervision of PhD students, Postdocs, visiting scholar and Trainees, and world-class outcomes of joint research projects.

学校将努力确保对博士生、博士后、访问学者和学员的高质量监管,使联合研究项目取得世界一流的成果。

5. Intellectual Property (IP)

知识产权

- a. Any background IP remains the property of CETC and UTS, respectively.
CETC 和 UTS 分别持有任何已有的 IP。
- b. IP generated under CETC funding will be owned by CETC, and CETC has the world-wide, the exclusive and royalty-free right for commercial exploitation. CETC will grant UTS a non-exclusive royalty free licence to the IP for conducting further research and teaching purposes.
在 CETC 资助下产生的知识产权将由 CETC 拥有，而且 CETC 拥有全球范围的、专有的、免版税的商业利用权。CETC 将授予 UTS 非独家的、免版权税的知识产权使用许可，用于进一步的研究和教学使用。
- c. CETC will determine whether to file any patents to protect IP generated under CETC funding. CETC will pay for and own these patents. To the extent necessary, UTS will do all acts required to support the patents.

CETC 将决定是否申请专利用于保护由 CETC 资助产生的知识产权。CETC 将支付申请专利的费用，并持有专利，UTS 将全力支持申请专利所需要相关活动。

- d. Research outcomes can be published subject to the agreement of the Centre Director from UTS and Vice Director from CETC and the relevant researcher.
研究结果可以根据主任(UTS)和副主任(CETC)以及相关研究人员同意后进行公布。

6. Defence Trade Controls and Workplace Health and Safety 国防贸易控制与工作场所健康安全

- a. CETC acknowledge that UTS is bound by the Defence Trade Control Laws and may have to seek approval from the Australian Government in relation to this research.
CETC 承认 UTS 必须接受国防贸易管制法律的约束，相关研究可能须由澳大利亚政府批准。
- b. Each party will while on the site of the other party comply with all lawful directions (including directions in relation to work health and safety rules and practices).
双方将遵守对方所有当地的法律要求（包括工作场所健康与安全相关的一些规章与惯例）。

7. Applicable laws and Resolution of Disputes 适用法律与争议解决

- a. All disputes between the parties in connection to this agreement shall first be discussed in good faith between the parties at the level of the Joint Steering Board in order to find an amicable solution.

双方关于本协议的所有争议，应首先在联合管理委员会层面进行友好的讨论以寻求一种较好的解决办法。

- b. If no solution can be found to settle the dispute within 3 months after giving notice to the defaulting party, the dispute will be referred to the Singapore International Arbitration Centre, where its currently effective arbitration procedures shall be applied for the arbitration. The result of the arbitration shall be deemed as final and binding for both parties.

如果争议不能在三个月内予以解决，在通知对方后，争议将被送至新加坡国际仲裁中心予以仲裁。仲裁结果将被双方作为有法律约束的最终结果。

8. Taxation and Fees

税收和费用

All fees will be paid in Australian dollars and will be net of any taxes including any withholding taxes in China.

所有费用将用澳元支付，其中包括所有税款以及所有中国所须代扣的所得税。

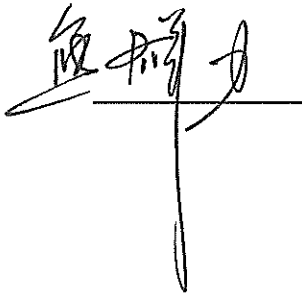
9. Confidentiality

保密条约

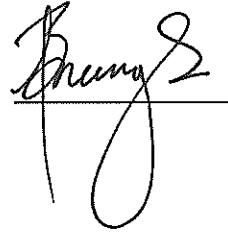
The parties will keep information relating to this agreement confidential unless agreed in writing by the other party or otherwise agreed in the subsequent agreements referred to in clause 4c.

除非另一方书面同意或在第四条 C 部分中指的后续协议中另有约定，否则双方将保持与本协议有关的信息保密。

For CETC

A handwritten signature in Chinese characters, appearing to be '徐翔' (Xu Xiang), written in black ink above a horizontal line. The signature is stylized and extends below the line.

For UTS

A handwritten signature in English, appearing to be 'Henry S', written in black ink above a horizontal line. The signature is stylized and extends below the line.