



MONASH University

**Submission to the
Department of Foreign Affairs and Trade concerning
an India-Australia FTA Feasibility Study**

31 March 2008

1. Overview

The human and intellectual capital in India offers great opportunities for the enhancement of Australia's trade relationship with India.

Monash University has a strong and growing partnership with the Indian Institute of Technology Bombay (IITB), and believes this relationship will offer unique opportunities to contribute to collaboration in human and capital development. The IITB partnership aims to develop industry links, research collaboration, and support PhD research. Research students at IITB will be enrolled simultaneously at both IITB and Monash Australia, and are expected to complete up to six months in Australia (and the remainder in India).

In 2007, Monash collaborated with IITB in the areas of Business and Economics, Engineering, Science, Information Technology, and Art and Design.

Monash has active research programs within India: six training programs are planned on HIV clinical management, in collaboration with the Confederation of Indian Industry (CII), for instance. The university collaborates with other research institutions in a variety of disciplines.

In 2007, 745 students from India studied at one of eight Monash campuses in Australia and overseas. The majority enrolled in postgraduate coursework degrees in disciplines within the Faculties of Business and Economics and IT. While most Indian students study at a Monash campus in Melbourne, there is a steady enrolment of Indian students at Monash's Sunway campus in Malaysia. In the past, a small number of students from India has undertaken studies at Monash South Africa.

Monash University strongly supports a Free Trade Agreement (FTA) with India, and would like to see the following points addressed in the FTA feasibility study.

2. Business Process and Regulatory Impact

Monash would also like to see a clearer path established within India to enable institutional collaboration between Indian and Australian education providers. In the past, Monash has encountered some difficulty in establishing collaboration, and in particular in liaising with the relevant Indian Ministry responsible for higher education institutions (the Ministry of Human Resources and Development).

Monash would like the feasibility study to consider the degree of openness to the provision of higher education by foreign universities in India. Ideally, a future FTA should to ease restrictions on foreign universities around the provision of graduate coursework programs.

Any future FTA should consider ways to decrease the regulatory burden for Australian businesses in India. This, in turn, would lower the costs and time required to establish business with India.

We note some difficulty, due to a bureaucratic and often under-resourced process in India, in establishing a company there. In addition, the requirements associated with establishing businesses and registering a Director require simplification.

A large number of companies have indicated their willingness to provide financial support for research at the IITB. To better facilitate such support and its own investment, Monash would like to see reforms to the foreign exchange remittance regulations in India. Particularly, the FTA should seek to assist in facilitating business transactions within a joint venture, easing current restrictions on remittance of funds into India by a foreign institution, and repatriation of funds to Australia from India.

3. Visa Restrictions

Monash would like the Feasibility Study to consider an appropriate visa program with India that would better facilitate access to both countries for researchers. Any FTA should facilitate easier access for Australian-based students to India for short periods of time to undertake research. Similarly, Monash would like to see research visas that allow for multiple, short-stay entry (2-3 months) to Australia for students undertaking PhD programs at the IITB. These visas will be particularly important for IITB students, allowing them to undertake necessary research as part of their program.

Monash would like to encourage Indian students to study at its non-Australian campuses in Malaysia and South Africa. A “multilateral” student visa will allow Indian students to commence their degree at either Monash University Sunway Campus in Malaysia or Monash South Africa and complete their degree in Australia. This flexible system would allow students to enjoy a lower cost of living and lower fees. Monash recognises that Malaysian and South African immigration requirements are critical to any such agreement, but requests consideration of this proposal during FTA discussions with India.

4. Recognition of Intellectual Property

An important element in the development of research collaboration is the ongoing management of Intellectual Property (IP). Monash would like an FTA with India to initiate the process of establishing a clearer legal framework for IP in that country. We note that India's IP legal framework aligns with international standards in several key areas, but a number of gaps remain. These gaps should be clearly identified as part of an FTA process.

Definitions and ownership of IP should also be standardised, and strengthened where required. Securing IP is important in terms of equity and recognition of the substantial contribution of both Indian and Australian academics to the development of solutions to the problems of the twenty first century.

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