

Opening statement: PJCIS Review of the Security Legislation Amendment (Critical Infrastructure Protection) Bill 2022

16 March 2021

The Australian Technology Network of Universities (ATN) is pleased to appear before this inquiry.

ATN is the peak body representing Australia's six most innovative and enterprising universities: Curtin University, Deakin University, RMIT University, The University of Newcastle, University of South Australia, and University of Technology Sydney.

We have regularly engaged with the Department of Home Affairs on these critical infrastructure reforms since the original discussion paper was published in August 2020. We have welcomed the extensive and thorough consultation of the Department on the design and implementation of these reforms.

We also made a submission to the Committee's review into the Security Legislation Amendment (Critical Infrastructure) Bill 2020 and supported its recommendation that the Bill be split into two parts to allow further consultation.

The Department has been receptive of the concerns and feedback of the higher education sector. The version of the Security Legislation Amendment (Critical Infrastructure Protection) Bill 2022 that was introduced to Parliament is a significant improvement on the Bill that the Committee reviewed last year.

The Bill and Explanatory Memorandum as they currently stand represent a risk-based and proportionate system that builds on the risk management and protections universities already have in place – in particular the University Foreign Interference Taskforce (UFIT).

As the Committee would appreciate, we maintain that where it is possible to do so existing regulatory systems should be used to our advantage and transparency should be maintained so that all parties (Government, universities, and others) responsible for protecting critical infrastructure can consult with each other, share best practice and build a network of protections.

The amended definitions of the higher education and research sector and critical education asset in the Bill are more fit-for-purpose and should be adopted.

The new definitions indicate an understanding that applying the highest level of protection to all parts of universities because of the criticality of one part would not be proportionate. The new definitions enable a constructive, measured and achievable approach from universities, in concert with other measures such as UFIT.

The acknowledgement in the Explanatory Memorandum that UFIT “will deliver the same outcomes as intended by [provisions in the Bill]” and that the Government does not intend to “switch on” further obligations for universities is welcome.

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We would welcome any further guarantees that the Government could provide to the higher education and research sector. We would also welcome further amendments to ensure that the Minister must consider existing regulatory schemes when exercising her powers under the Bill.

I am happy to answer any questions Committee members may have.

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