



The Hon Christian Porter MP
Attorney-General
Minister for Industrial Relations
Leader of the House

Mr Andrew Hastie MP
Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600
pjcis@aph.gov.au

Dear Chair

I am writing to refer the Security Legislation Amendment (Critical Infrastructure) Bill 2020 (the Bill) to the Parliamentary Joint Committee on Intelligence and Security for inquiry and report pursuant to subparagraph 29(1)(b)(ia) of the *Intelligence Services Act 2001*, noting its relevance to the Australian Signals Directorate. Relatedly, as part of this review, I recommend that the Committee also undertake the review of *Security of Critical Infrastructure Act 2018* (SOCI Act) as mandated by section 60A of that act.

Security Legislation Amendment (Critical Infrastructure) Bill 2020

The Bill builds upon the existing regulatory regime in the SOCI Act and provides additional measures to uplift the security and resilience of critical infrastructure assets and systems of national significance (a concept being introduced by the Bill). These reforms broaden the purpose and application of the SOCI Act to ensure it is capable of addressing national security threats and the risks posed to the Australian economy by other hazards including natural disasters and cyber attacks.

To achieve these outcomes, in particular, the Bill seeks to make extensive amendments to the SOCI Act to:

- identify critical infrastructure assets across 11 industry sectors (increased from the current 4 sectors)
- establish positive security obligations for critical infrastructure assets, including to adopt and maintain a critical infrastructure risk management program (to be delivered through sector-specific requirements) and mandatory cyber incident reporting
- introduce enhanced cyber security obligations to ensure Government and industry can work collaboratively to strengthen the cyber preparedness and resilience of entities that operate assets of the highest criticality to Australia's national interests (defined as systems of national significance)
- provide Government with the necessary and proportionate powers to be exercised as a last resort in circumstances where a cyber security incident has, is, or is likely to impact a critical infrastructure asset and Australia's national interest.

Recent incidents such as compromises of the Australian parliamentary network, university networks and key corporate entities, and the impacts of COVID-19 illustrate that threats to the

operation of Australia's critical infrastructure assets continue to be significant. These incidents highlight the need to strengthen Australia's critical infrastructure security. For this reason, and should the Committee agree to undertake this inquiry, I ask that it reports to each House of Parliament, to myself, and the Minister for Home Affairs by the end of the Autumn Sitzings of 2021. Subject to your agreement, the Committee should, as far as possible, conduct its inquiry in public.

Security of Critical Infrastructure Act 2018

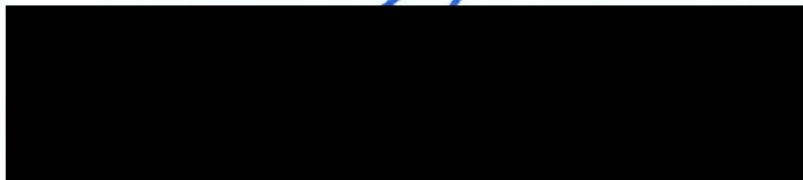
In conjunction with, or as part of, the inquiry into the Bill, I recommend that the Committee undertake the review mandated by section 60A of the SOCI Act. This is because the matters to be included as part of the review mandated under section 60A may also be relevant to the Committee's inquiry into the Bill. Of particular relevance is the requirement at paragraph 60A(1)(b) noting that the Bill seeks to amend the SOCI Act to capture additional assets as critical infrastructure assets. This requires the Committee to consider the appropriateness of a unified scheme to cover all critical infrastructure assets.

In addition, the timeframe for the review means it would also be practical for the Committee to review the SOCI Act as part of an inquiry into the Bill. Section 60A requires the Committee to begin its review of the SOCI Act before the end of three years after the Act receives Royal Assent. The SOCI Act received Royal Assent on 11 April 2018, therefore section 60A requires the Committee to have commenced their review of the Act before 11 April 2021.

I have copied this letter to the Minister for Home Affairs and the Prime Minister.

I thank the Committee for its consideration of this request.

Yours sincerely



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CC. Prime Minister, the Hon Scott Morrison MP
Minister for Home Affairs, the Hon Peter Dutton MP