

Exposure Draft of the Security Legislation Amendment (Critical Infrastructure Protection) Bill 2022 (SLACIP Bill)

1 February 2022

To the Critical Infrastructure Centre,

Thank you for the opportunity to provide feedback on the Security Legislation Amendment (Critical Infrastructure Protection) Bill 2022. Science & Technology Australia (STA) is the peak body representing more than 90,000 scientists and technologists in Australia. Our member organisations include specialist scientific societies, research institutes, and research strategy bodies such as councils of deans.

Protection of Australia's critical infrastructure is important, and the research and education sectors take their responsibilities in this area seriously.

Revised definition of 'higher education and research sector'

Science & Technology Australia welcomes the CIC's ongoing engagement with the sector to ensure the Bill is fit for purpose, and acknowledges the attempt to bring more clarity with the revised definition for 'higher education and research sector' within the Exposure Draft:

higher education and research sector means the sector of the Australian economy that involves undertaking a program of research that is:

- (a) supported financially (in whole or in part) by the Commonwealth; or
- (b) critical to:
 - (i) a critical infrastructure sector (other than the higher education and research sector); or
 - (ii) national security; or
 - (iii) the defence of Australia

Science & Technology notes that this definition still lacks some clarity, and potentially captures a wider-than-intentioned range of institutions within the Bill's scope. The Commonwealth Government administers funding for research through a wide range of programs and grant schemes,

which operate across several different departments, and on widely varying scales. Various organisations, of vastly different sizes and resource capacities, are the recipients of this funding. Under the revised definition, the Bill's scope potentially includes institutions or organisations that receive any of this Commonwealth research funding.

Risk management program

Science & Technology Australia commends the approach taken by the Centre to develop this Bill so that it does not introduce unnecessary duplication of risk management frameworks, noting that for the university sector, adherence to the University Foreign Interference Taskforce (UFIT) Guidelines meets Bill's requirements. This is a sound approach, particularly given the extent of existing regulatory and compliance requirements the university sector currently meets. The collaborative and constructive approach taken by the Government and the university sector to develop the UFIT Guidelines has proved to be very successful. This co-design process has produced a workable framework that protects the security of Australian universities, while not stifling or restricting the global research collaboration and flow of ideas that is central to world-class research.

However, given the definition of 'higher education and research sector' as discussed above, there may be other institutions beyond universities captured by the Bill, and thus required to comply with the risk management component. Science & Technology Australia notes the Bill's intention to not duplicate any existing risk management processes that entities already have in place, but also reiterates to the CIC that ongoing consultation with the sector is needed to ensure that compliance burdens remain proportionate and reasonable. The university sector and the research sector more broadly have faced increasing compliance costs over recent years, while resources are remaining static. Every dollar spent on compliance is money not spent on world class research.

Industry collaboration

Science and Technology Australia again reiterates the importance of supporting research institutions to collaborate with industry partners and strongly cautions against any administrative measures that may impede these critical collaborations. Improving research commercialisation is a key government priority, and critical to boosting Australia's economy. Increased regulatory burdens that may extend to industry partners when collaborating with publicly funded research organisations would impose barriers to enhanced collaboration and research commercialisation.

Timely review

Science & Technology strongly urges that this legislation be reviewed after 18 months of coming into force. The review would determine if the legislation is performing as intended and if there are any unintended consequences or negative impacts that may need to be addressed.

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