

# Australian Cyber Security Policy and China

BCA China Leadership Group

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# Government to set up foreign interference taskforce for universities

ASIO takes lead as spy agencies are put on war footing

TPG boss warns Huawei ban will cost telcos billions

Tony Abbott says he was asked to register as a 'foreign influencer' before CPAC



## XENOPHON TO DEFEND HUAWEI AUSTRALIA

High-profile lawyer Nick Xenophon has announced he will defend controversial tech company Huawei after it was banned from rolling out Australia's 5G network due to security concerns.

# Agenda

- Telecommunications and other Legislation Amendment (Assistance and Access) Act 2018
- Security of Critical Infrastructure Act 2018
- Foreign Influence Transparency Scheme Act 2018
- Amendments to the Criminal Code on foreign espionage (also 2018).

# Discretionary notices, requests, warrants and assistance orders

- Part 15 of the Telco Act is generally applicable to IT services and service providers.
- Power to request or require listed acts or things without a warrant.
- Widened computer access warrants
- Assistance orders can be directed at an individual.

# Key Challenges

When to  
comply with a  
TAR?

Careful  
consultation  
with  
regulators

When to resist  
a TAN?

When to  
formally  
assess a TCN?

Employment  
policy  
Assistance  
orders

What  
code/system  
can stay in  
Australia?

# Reporting of ownership, control and changes relating to certain assets

- Requirement apply to named ports, water and sewage, gas processing electricity network, system or interconnection of particular size.
- Can be applied to other assets in nominated “ relevant industries”.
- “operational information” and “ownership control information” must be updated within 30 days.
- Secretary has power to request information and Minister has power to direct the doing of any “act or thing” that may be prejudicial to security.

# Key Challenges

If you are CI:  
reporting  
accurately

If you are  
CI: avoiding  
being  
directed by  
the Minister

If you are CI:  
ensuring  
report of  
changes

If a supplier:  
national  
security  
compliance

If a supplier:  
are you an  
acceptable  
supplier?

If you are an  
asset: avoid  
becoming CI



# Espionage and Foreign Interference Crimes

- Foreign influence Transparency Scheme requires registration if representing a foreign principle in certain public discourse/ lobbying.
- Range of new offences for:
  - “reckless as to national security” when dealing with information or an article that results in information or an article being made available to a foreign principal.
  - recklessly supporting a foreign intelligence agency.
  - recklessly funding or being funded by a foreign intelligence agency.



# Key Challenges

Knowing who  
you are  
dealing with

Knowing who  
they are  
dealing with

Identifying  
foreign  
principals/  
security  
agencies

Assessing  
national  
security  
interests

International  
collaboration/  
research

Cost of  
defensive  
compliance

# Questions and discussion