2016-2017-2018

The Parliament of the Commonwealth of Australia

THE SENATE

As read a third time

Security of Critical Infrastructure (Consequential and Transitional Provisions) Bill 2018

No. , 2018

A Bill for an Act to deal with consequential and transitional matters in connection with the Security of Critical Infrastructure Act 2018, to amend the Foreign Acquisitions and Takeovers Act 1975, and for related purposes
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THis bill originated in the Senate, and, having this day passed, is now ready for presentation to the House of Representatives for its concurrence.

RICHARD PYE
Clerk of the Senate

The Senate
28 March 2018

A Bill for an Act to deal with consequential and transitional matters in connection with the Security of Critical Infrastructure Act 2018, to amend the Foreign Acquisitions and Takeovers Act 1975, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the Security of Critical Infrastructure (Consequential and Transitional Provisions) Act 2018.
2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<table>
<thead>
<tr>
<th>Provisions</th>
<th>Commencement</th>
<th>Date/Details</th>
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<tbody>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Schedule 1</td>
<td>Immediately after the commencement of section 32 of the Security of Critical Infrastructure Act 2018.</td>
<td></td>
</tr>
<tr>
<td>3. Schedule 2</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Amendments consequential on the Security of Critical Infrastructure Act 2018

Australian Security Intelligence Organisation Act 1979

1 Subsection 35(1) (after paragraph (d) of the definition of prescribed administrative action)
   Insert:
   ; or (e) the exercise of a power under subsection 32(2) of the Security of Critical Infrastructure Act 2018.

1A Section 38A (at the end of the heading)
   Add “or directions under the Security of Critical Infrastructure Act”.

1B After subsection 38A(1)
   Insert:
   (1A) This section also applies to an adverse security assessment in respect of a person (the assessed person) if the assessment is given for the purposes of section 32 of the Security of Critical Infrastructure Act 2018 (direction if risk of act or omission would be prejudicial to security).

Foreign Acquisitions and Takeovers Act 1975

2 After paragraph 122(1)(o)
   Insert:
   (oa) the Security of Critical Infrastructure Act 2018;

3 At the end of subsections 122(2) and (3)
   Add:
   ; (g) national security.
Schedule 2—Other amendments

Foreign Acquisitions and Takeovers Act 1975

1 After paragraph 122(1)(g)
   Insert:
   (ga) the Defence Act 1903;

2 At the end of subsections 122(2) and (3)
   Add:
   ; (f) defence.