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Tasmanian Government

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Dear Sophie

Proposed amendments to Ministerial Directions powers in Part 3 of the *Security of Critical Infrastructure Act 2018 (Cth)* (SOCI Act)

Thank you for the opportunity to provide feedback on the proposed amendments to the SOCI Ministerial Directions framework.

In the context of a dynamic, diverse and degraded threat environment, we support, in principle, the proposed package of five targeted measures aimed at reducing complexity and improving the agility and responsiveness of the SOCI Act to manage serious national security risks to critical infrastructure.

We welcome the opportunity to continue to work closely with the Department of Home Affairs through the Trusted Information Sharing Network and other mechanisms as it progresses these reforms to further secure Australia's critical infrastructure. To help inform this work, this submission raises some key implementation considerations in regard to Measures 1 and 3.

While we have consulted with our colleagues from across the Tasmanian Government, this submission represents the views of the Department of Premier and Cabinet. It does not represent the position of the portfolio ministers or the Tasmanian Government.

Measure 1 – Amendments to existing directions power in section 32

We understand the intent of the Ministerial Directions power is to give the Commonwealth a last-resort ability to compel a critical infrastructure entity to take specific actions to mitigate a serious national security risk when voluntary measures or existing regulatory obligations, such as the Critical Infrastructure Risk Management Program, are insufficient.

We acknowledge the concerns outlined in the consultation paper that the two current thresholds embedded in the SOCI directions framework – namely the requirements for an Adverse Security Assessment and for demonstrating exhaustion of alternative regulatory systems – have created practical challenges when responding to time-sensitive national security threats.

In light of the proposed softening of these legal thresholds, it will be important to ensure that the existing procedural safeguards are maintained and carefully considered by the Minister when making a decision. These safeguards, including consideration of cost, competition and customer impacts, remain essential to ensuring that any direction is proportionate and does not impose unintended consequences on essential services.

We welcome the retention of the existing state and territory consultation requirements, which remain an important safeguard to ensure that any proposed direction is informed by jurisdictional context and operational realities.

As this is a last-resort power, and given the good-faith negotiation requirements, we consider that any issues involving state-owned entities can be resolved through Ministerial-level engagement if required, without the need to exercise the direction power.

As this measure is developed, we would welcome further clarity from the Australian Government on the scenarios in which the Ministerial Directions power may be used.

Measure 3 – Restrictions on the use of high-risk vendors, products or services

We acknowledge the growing national security concern that foreign ownership, control or influence (FOCI) over certain vendors can create systemic vulnerabilities within Australia's critical infrastructure. We support, in principle, the introduction of a vendor-risk direction power to enable coordinated action across multiple affected critical infrastructure entities or sectors, where a specific vendor or its products, equipment, services or technologies, presents a material risk to national security.

This proposed power is consistent with the approach already taken under the Australian Government Protective Security Policy Framework (PSPF) Directions, which have been used to restrict or prohibit the use of high-risk technologies across government systems. Tasmania has adopted a similar approach under its PSPF and actively considers all Australian Government Directions to promote a consistent approach to mitigating these risks.

Aligning the SOCI Act with this established framework ensures a coherent national security posture and avoids fragmented or inconsistent supply-chain risk management across government and industry.

We support the inclusion of the proposed safeguards within the vendor-risk directions power as outlined in the consultation paper, particularly the requirements for the Minister to consider reasonable transition timeframes, service continuity impacts and the broader economic, social and competition implications of any direction.

We note the proposed requirement for consultation with affected entities and any relevant Minister and agency, and understand the intention is for states and territories to be included in this process as with the existing Ministerial Directions power.

From a practical implementation perspective, consideration should also be given to how any security classified information regarding high-risk vendors or technologies will be communicated with industry, and the potential practical implications for state and territory governments if support for operationalising this access is required. For example, through the sponsorship of security clearances and classified facility access.

The national threat intelligence related to a high-risk vendor should also be shared with state and territory governments to inform appropriate mitigations and allow jurisdictions to align with the security positions of both the Australian Government and industry.

Thank you again for the opportunity to be involved in this consultation process. We have also reached out to our Tasmanian critical infrastructure colleagues and encouraged them to consider the proposals and the opportunities to provide feedback. We look forward to continuing to work with the Australian Government on shaping these reforms as they progress.

Yours sincerely

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4 May 2026