

Curtin University – SOCI Act Application Rules and 2022 Bill Feedback

Key Topic Areas	Curtin Position
<p>Curtin should be made exempt from the Rules to the SOCI Act</p>	<p>Curtin University is a very diverse organisation delivering multiple services and benefits to the community. These services range from education, research, philanthropy and industry development and engagement. Due to the complex, open and collaborative nature of Curtin, the cyber security threat environment is non-specific and diverse in nature. This is based on the large environment Curtin manages including 800+ IT systems, as well as thousands of third party IT systems and applications used by our students, staff and partners.</p> <p>It is Curtin’s preference that it be exempt from the Rules in respect of Part 2B of the SOCI Act. If the obligations under Part 2B of the SOCI Act were to apply to Curtin, this would mean that it would be required to report all ‘critical cyber security incidents’ which will, and ‘other cyber security incidents’ which are likely or will, have an impact on the ‘availability’ of an asset. In Curtin’s circumstances, we anticipate this would involve reporting a small number (<5 per annum) of critical cyber security incidents and 900+ other cyber security incidents to a government body such as the Australian Cyber Security Centre or the Australian Signals Directorate each year. Curtin University understands that the reporting process would involve manual and time-consuming ‘fill in a form’ approaches if the Rules were ‘turned on’ for Curtin as an asset. We do not believe this to be risk proportionate and would only serve to increase resource requirements on both Curtin and the Government reporting body to submit and review each of these incidents. However, if it is the Department of Home Affairs’ (DHA) position that Curtin is to be captured by the Rules, we request that reporting mechanisms are changed to enable Curtin to submit automated incident reports using open-standard technology.</p>
<p>If Curtin is not exempted, the Rules should be deferred for Curtin</p>	<p>Curtin considers that turning on the proposed Rules would only create additional challenges and costs to meet the broad-natured compliance obligations of the SOCI Act, without, in our view, delivering demonstrable value back to either the Australian Government, Curtin or the broader University community. Should an exemption to the current Rules not be forthcoming, then we request the introduction of the Part 2B Rules be deferred until such time as:</p> <ol style="list-style-type: none"> a) the 2022 Bill is gazetted, and the Rules in respect of that legislation have been proposed, consulted on, and brought into effect. Further, while the University welcomes an appropriate grace period upon the commencement of any statutory obligations (reporting or otherwise) we consider that there should be greater clarity in respect of the grace period that is proposed in respect of Part 2B, and that any grace period be longer than the proposed 3 months. b) funding allocations to offset the cost of the impact of the legislation have been identified. Curtin and the higher education and research sector have been significantly adversely impacted by many challenges, including the COVID-19 pandemic. As referenced by Universities Australia in the <i>Submission To The Protecting Critical Infrastructure And Systems Of National Significance Consultation</i>, dated September 2020, these challenges are not insignificant, and include: <ol style="list-style-type: none"> a. financial challenges through the loss of international student fee revenue and therefore research budgets, b. additional legislation such as the Guidelines to counter foreign interference in the Australian university sector, which was not supported with additional funding by the Australian Government, and c. restrictions and limited access to partners and students undertaking research fieldwork domestically and abroad. <p>During this time, Curtin has not received any financial support to meet the obligations of additional, legislated compliance obligations imposed by the Australian Government. Should the Rules be turned on for Curtin as part of the SOCI Act, Curtin will incur additional costs to meet the legislative obligations at a time where revenue sources and Government financial support continue to decline. We would request</p>

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	<p>the Minister consider providing funding to offset the costs required for additional investment in order for Curtin to satisfy the proposed statutory reporting obligations.</p> <p>c) the Rules are specified to particular nominated assets of interest to the Minister. As referenced above, Curtin manages over 800+ IT systems and staff, students and partner use over 4500 third party cloud based applications. Given the large and diverse scope of the Curtin technology landscape, we would recommend the Minister consider only turning on Rules for nominated IT assets that are considered of a critical infrastructure nature. We suggest that this may be limited to for example, systems that meet the definition of 'critical technologies', or which concern the defence of Australia, or national security.</p>
<p>Consider further changes to the definition of the sector for the 2022 Bill changes to the SOCI Act</p>	<p>The 2022 Bill proposed an amended definition of 'higher education and research sector' as follows:</p> <p>higher education and research sector means the sector of the Australian economy that involves undertaking a program of research that is:</p> <p>(a) supported financially (in whole or in part) by the Commonwealth; or</p> <p>(b) critical to:</p> <p>(i) a critical infrastructure sector (other than the higher education and research sector); or</p> <p>(ii) national security; or</p> <p>(iii) the defence of Australia.</p> <p>Curtin considers this proposed definition should be further reduced in scope with respect to sub-clause (a) <i>supported financially (in whole or in part) by the Commonwealth</i>, as based on the current wording this definition would capture a wide range of research initiatives which are financially funded by the Commonwealth (in whole or part) yet which would not appear to meet the definition of critical infrastructure. We submit that this creates an onerous obligation for it has the potential to capture a wide range of research activities that do not concern national security or the defence of Australia.</p> <p>Accordingly, we recommend the wording of the definition be amended to:</p> <p>higher education and research sector means the sector of the Australian economy that involves undertaking a program of research that:</p> <p>(a) aligns with the List of Critical Technologies in the National Interest; or</p> <p>(b) is critical to:</p> <p>(i) a critical infrastructure sector (other than the higher education and research sector); or</p> <p>(ii) national security; or</p> <p>(iii) the defence of Australia.</p>

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