

Mr Wayne Poels  
Executive Director  
Office of Best Practice Regulation  
Department of the Prime Minister and Cabinet.  
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Email: helpdesk-OBPR@pmc.gov.au

Dear Mr Poels

### **Regulation Impact Statement –final assessment second pass**

I am writing in relation to the attached Regulation Impact Statement (RIS) prepared for regulatory measures to be introduced in the Security of Critical Infrastructure Bill 2017 to manage national security risks from foreign involvement in critical infrastructure (OBPR reference 20309).

The regulatory burden to business has been quantified. A regulatory offset has not been identified. However, the Attorney-General's Department is seeking to pursue net reductions in compliance costs and will work with affected stakeholders and across Government to identify regulatory burden reductions where appropriate. The regulatory cost of the Ministerial directions power has been estimated through a scenarios basis where it would be exercised once on one affected entity every three years (and not the sector as a whole). The Critical Infrastructure Centre will seek to work collaboratively with affected entities to try to avoid the application of a Ministerial direction, thereby reducing the regulatory burden.

I am satisfied that the RIS addresses the concerns raised in your letter of 1 December 2017. Specifically, paragraphs 92 to 95 of the RIS provide aggregated information on the specific and consistent feedback received from all jurisdictions and industry sectors during the public consultations. We received minimal feedback on specific regulatory impacts and costs of the measures, with only three of 31 submissions addressing the regulatory impact in general terms. Providing further detailed information on the individual submissions would risk compromising the confidential basis on which most of the submissions were provided.

Accordingly, I am satisfied that the RIS now meets best practice consistent with the *Australian Government Guide to Regulation*.

I submit the RIS to the Office of Best Practice Regulation for formal final assessment.

Yours sincerely



Andrew Kiley  
A/g Assistant Secretary  
Critical Infrastructure Centre  
1 December 2017