

EXPOSURE DRAFT



Security of Critical Infrastructure (Application) Rules 2021

I, Karen Andrews, Minister for Home Affairs, make this instrument under section 61 of the *Security of Critical Infrastructure Act 2018* (the *Act*).

Dated 2021

DRAFT ONLY—NOT FOR SIGNATURE

Minister for Home Affairs

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1 Name

This instrument is the *Security of Critical Infrastructure (Application) Rules 2021*.

2 Commencement

This instrument commences on the day after registration.

3 Definitions

In this instrument:

Aviation Transport Security Regulations means the *Aviation Transport Security Regulations 2005*.

cargo terminal operator has the meaning given by section 102B of the *Customs Act 1901*.

designated airport has the same meaning as in regulation 3.01B of the Aviation Transport Security Regulations.

excluded asset means an asset mentioned in the following table that is owned or operated by the entity mentioned in the item.

Item	Asset	Entity
1	Invicta Sugar Mill, Giru, Queensland	The Haughton Sugar Company Pty Ltd (ABN: 65 009 656 062)
2	Pioneer Sugar Mill, Brandon, Queensland	Pioneer Sugar Mills Pty Ltd (ABN: 63009889856)
3	Racecourse Sugar Mill, Racecourse, Mackay, Queensland	Mackay Sugar Ltd (ABN: 12 057 463 671)
4	South Johnstone Sugar Mill, South Johnstone, Queensland	MSF Sugar Pty Ltd (ABN: 11 009 658 708)

prescribed air service has the meaning given by regulation 9 of the Aviation Transport Security Act.

regulated air cargo agent has the meaning given by regulation 4.42 of the Aviation Transport Security Regulations.

screened air service has the meaning given by regulation 4.02 of the Aviation Transport Security Regulations.

Note Expressions used in this instrument have the same meaning as in the Act from time to time—*Legislation Act 2003*, paragraph 13(1)(b).

4 Application of Part 2 of the Act

(1) For paragraph 18A(1)(a) of the Act, each of the following assets, other than an excluded asset, is specified:

- (a) a critical broadcasting asset;
- (b) a critical domain name system;
- (c) a critical data storage or processing asset;
- (d) a critical financial market infrastructure asset that is a payment system;
- (e) a critical food and grocery asset;
- (f) a critical hospital;

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- (g) a critical freight infrastructure asset;
- (h) a critical freight services asset;
- (i) a critical public transport asset;
- (j) a critical liquid fuel asset;
- (k) a critical energy market operator asset;
- (l) a critical electricity asset that was not a critical infrastructure asset immediately before the commencement of section 18A of the Act;
- (m) a critical gas asset that was not a critical infrastructure asset immediately before the commencement of section 18A of the Act.

Note Under section 18A(1)(c) of the Act, Part 2 of the Act continues to apply to critical infrastructure assets that were critical infrastructure assets immediately before the commencement of section 18A. This means that Part 2 of the Act continues to apply to a critical port and a critical water asset. Part 2 of the Act also continues to apply to critical electricity assets and critical gas assets that were critical infrastructure assets immediately before the commencement of section 18A of the Act.

- (2) For subsection 18A(3) of the Act, Part 2 of the Act does not apply to an asset mentioned in subsection (1) during the period beginning when the asset became a critical infrastructure asset and ending at the later of:
 - (a) 6 months after the commencement of this instrument; and
 - (b) 6 months after the asset became a critical infrastructure asset.

5 Application of Part 2B of the Act

- (1) For paragraph 30BB(1)(a) of the Act, each of the following assets, other than an excluded asset, is specified:
 - (a) a critical broadcasting asset;
 - (b) a critical domain name system;
 - (c) a critical data storage or processing asset;
 - (d) a critical banking asset;
 - (e) a critical superannuation asset;
 - (f) a critical insurance asset;
 - (g) a critical financial market infrastructure asset;
 - (h) a critical food and grocery asset;
 - (i) a critical hospital;
 - (j) a critical education asset;
 - (k) a critical freight infrastructure asset;
 - (l) a critical freight services asset;
 - (m) a critical public transport asset;
 - (n) a critical liquid fuel asset;
 - (o) a critical energy market operator asset;
 - (p) a critical aviation asset mentioned in subsection (2);
 - (q) a critical port;
 - (r) a critical electricity asset;
 - (s) a critical gas asset;
 - (t) a critical water asset.

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- (2) A critical aviation asset that is any of the following:
 - (a) a designated airport;
 - (b) an Australian prescribed air service operating screened air services that depart from a designated airport;
 - (c) a regulated air cargo agent that is also a cargo terminal operator at a designated airport.
 - (3) For subsection 30BB(3) of the Act, Part 2B of the Act does not apply to an asset mentioned in subsection (1) during the period beginning when the asset became a critical infrastructure asset and:
 - (a) for an asset that was a critical infrastructure asset immediately before the commencement of section 30BB of the Act—ending 3 months after the commencement of this instrument; and
 - (b) for any other critical infrastructure asset—ending 3 months after the asset became a critical infrastructure asset.
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