



LIN 21/039

Security of Critical Infrastructure (Definitions) Rules (LIN 21/039) 2021

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

Dated 8 December 2021

The Hon Karen Andrews MP
Minister for Home Affairs

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Part 1 Preliminary

1 Name

This instrument is the *Security of Critical Infrastructure (Definitions) Rules (LIN 21/039) 2021*.

2 Commencement

This instrument commences on the day after registration.

3 Definitions

(1) In this instrument:

Act means the *Security of Critical Infrastructure Act 2018*.

Australian Register of Therapeutic Goods means the Australian Register of Therapeutic Goods maintained under section 9A of the Therapeutic Goods Act.

Cash Market Product has the meaning given by section 1.4.3 of the *ASIC Market Integrity Rules (Securities Markets) 2017*.

Corporations Act means the *Corporations Act 2001*.

Futures Market Contract has meaning given by section 1.4.3 of the *ASIC Market Integrity Rules (Futures Markets) 2017*.

nameplate rating for a gas transmission pipeline, means the maximum quantity of natural gas that can be transported through the pipeline on a day under normal operating conditions.

quarter means any of the following periods of a year:

- (a) between 1 January and 31 March;
- (b) between 1 April and 30 June;
- (c) between 1 July and 30 September;
- (d) between 1 October and 31 December.

smart meter means a meter that measures, and remotely communicates information relating to, the usage of any product that is produced or supplied by a critical infrastructure asset.

system restart ancillary service has the meaning given by subsection 5(2).

Therapeutic Goods Act means the *Therapeutic Goods Act 1989*.

Note A number of expressions used in this instrument are defined in the Act, and those expressions have the same meaning in this instrument—see *Legislation Act 2003*, s. 13.

(2) The following terms have the meaning given in section 3 of Therapeutic Goods Act:

- (a) current Poisons Standard;
- (b) medical device.

4 Repeal

Security of Critical Infrastructure Rules 2018 (F2018L01002) is repealed.

Part 2 Matters relating to definitions in the Act

Division 2.1 Classes of critical infrastructure asset

5 Critical electricity asset

- (1) For subsection 10(2) of the Act, an electricity generation station is critical to ensuring the security and reliability of electricity networks or electricity systems in a State or Territory if:
 - (a) either:
 - (i) the entity that owns or operates it is contracted to provide a system restart ancillary service in the State or Territory; or
 - (ii) it is an electricity generator, in the State or Territory, that has an installed capacity of at least 30 megawatts; and
 - (b) it is connected to a wholesale electricity market.
- (2) An electricity generation station provides a system restart ancillary service if it can:
 - (a) start without an external power supply; and
 - (b) connect, and provide energy, to an electricity network or an electricity system for the transmission or distribution of electricity.

6 Critical gas asset

- (1) For paragraph 12(2)(a) of the Act, the following gas transmission pipelines are critical to ensuring the security and reliability of a gas market:
 - (a) the Tasmanian Gas Pipeline;
 - (b) the Carpentaria Gas Pipeline.
- (2) For paragraph 12(2)(b) of the Act, a gas transmission pipeline in a gas market mentioned in an item in the following table is critical to ensuring the security and reliability of a gas market if it has at least the nameplate rating mentioned in the item for the gas market.

Item	Gas market	Nameplate rating
1	Eastern	200 terajoules per day
2	Northern	80 terajoules per day
3	Western	150 terajoules per day

7 Critical liquid fuel asset

- (1) For paragraph 12A(2)(a) of the Act, the liquid fuel refineries at the following locations are critical to ensuring the security and reliability of a liquid fuel market:
 - (a) Corio, Victoria;
 - (b) Lytton, Queensland.
- (2) For paragraph 12A(3)(a) of the Act, the following liquid fuel pipelines are critical to ensuring the security and reliability of a liquid fuel market:
 - (a) Sydney Metropolitan Pipeline;
 - (b) Gore Bay Pipeline;
 - (c) Westernport Altona Geelong Pipeline;

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- (d) Longford (Dutson) to Hastings Pipeline;
 - (e) Melbourne Airport Jet Fuel Pipelines;
 - (f) Jet Fuel Pipeline (Kurnell to Sydney Airport);
 - (g) Brisbane Airport Jet Fuel Pipeline;
 - (h) Perth Airport Jet Fuel Pipeline.
- (3) For paragraph 12A(4)(b) of the Act, a liquid fuel storage facility is critical to ensuring the security and reliability of a liquid fuel market if it has a storage capacity of more than 50 megalitres of liquid fuel.

8 Critical freight infrastructure asset

For paragraph 12B(4)(a) of the Act, each intermodal transfer facility at a location mentioned in an item of Schedule 1 and owned or operated by the entity mentioned in the item is critical to the transportation of goods between:

- (a) 2 States; or
- (b) a State and a Territory; or
- (c) 2 Territories; or
- (d) 2 regional centres.

9 Critical freight services asset

For paragraph 12C(2)(b) of the Act, a business is critical to the transportation of goods by road, rail, inland waters or sea if:

- (a) the business has an annual revenue of at least \$150 million; and
- (b) the business provides a service (a *freight service*) that is:
 - (i) a road freight transport service; or
 - (ii) a freight forwarding service; or
 - (iii) a rail freight transport service; or
 - (iv) a water freight service; and
- (c) the freight service provided by the business involves the transport or storage of any of the following:
 - (i) food and groceries, where transported to or from a critical supermarket retailer or a critical grocery wholesaler;
 - (ii) therapeutic goods registered on the Australian Register of Therapeutic Goods moved to or from premises storing such goods;
 - (iii) the supply of medicines listed under Schedules 2, 3, 4 or 8 of Part 4 of the current Poisons Standard, where transported to or from a premises at which the manufacture of the medicine is permitted under a law of a State or Territory;
 - (iv) liquid fuel, where transported to or from a critical liquid fuel asset;
 - (v) essential goods and supplies required for water treatment facilities;
 - (vi) any other good that is critical for the operation, maintenance or management of a critical infrastructure asset.

10 Critical financial market infrastructure asset

Financial market

- (1) For paragraph 12D(2)(b) of the Act, a financial market is critical to the security and reliability of the financial services and markets sector if it:

- (a) is operated by an entity that holds a Tier 1 market licence under subsection 795B(1) of the Corporations Act; and
- (b) has, for at least 2 consecutive quarters, a turnover that meets any of the following:
 - (i) 35% market share of traded Cash Market Products;
 - (ii) \$4 billion average daily value of traded Cash Market Products;
 - (iii) \$15 billion average daily notional value of Futures Market Contract transactions;
 - (iv) \$30 billion average daily notional value of transactions that are not Cash Market Products or Futures Market Contracts.

Note 1 Cash Market Product has the meaning given by the *ASIC Market Integrity Rules (Securities Markets) 2017*—see section 3.

Note 2 Futures Market Contract has the meaning given by the *ASIC Market Integrity Rules (Futures Markets) 2017*—see section 3.

Clearing and settlement facility

- (2) For paragraph 12D(3)(b) of the Act, a clearing and settlement facility is critical to the security and reliability of the financial services and markets sector if it is owned or operated by an Australian body corporate or an associated entity of an Australian body corporate that is required to comply with the financial stability standards determined by the Reserve Bank of Australia under section 827D of the Corporations Act.

Significant financial benchmark

- (3) For paragraph 12D(4)(b) of the Act, a significant financial benchmark is critical to the security and reliability of the financial services and markets sector if it is declared under section 908AC(2) of the Corporations Act.

Derivative trade repository

- (4) For paragraph 12D(5)(b) of the Act, a derivative trade repository is critical to the security and reliability of the financial services and markets sector if it has at least \$20 trillion average daily notional value of outstanding transactions for all asset classes for at least 2 consecutive quarters.

Payment system

- (5) For paragraphs 12D(6)(a) and 12L(8)(i) of the Act:
 - (a) a payment system mentioned in an item of the following table is critical to the security and reliability of the financial services and markets sector; and
 - (b) the entity mentioned in the item is the responsible entity for the payment system.

Item	Payment system	Responsible entity
1	Mastercard debit and credit card system	Mastercard Asia/Pacific Australia Pty Ltd (ABN 95 108 603 345)
2	Visa debit and credit card system	Visa AP (Australia) Pty Ltd (ABN: 20 134 885 564)
3	EFTPOS card system	eftpos Payments Australia Limited (ABN: 37 136 180 366)
4	New Payments Platform	NPP Australia Limited (ABN: 68 601 428 737)

11 Critical broadcasting asset

For paragraph 12E(3)(a) of the Act, TX Australia Pty Ltd (ABN 98 086 979 339) is critical to the transmission of a broadcasting service.

12 Critical banking asset

- (1) For paragraph 12G(2)(b) of the Act, an authorised deposit-taking institution is critical to the security and reliability of the financial services and markets sector if it has assets over \$50 billion.
- (2) For paragraph 12G(3)(b) of the Act, a body corporate is critical to the security and reliability of the financial services and markets sector if it has assets over \$50 billion.

13 Critical insurance asset

- (1) For paragraph 12H(2)(b) of the Act, an entity is critical to the security and reliability of the financial services and markets sector if it has assets over \$2 billion.
- (2) For paragraph 12H(3)(b) of the Act, a body corporate is critical to the security and reliability of the financial services and markets sector if it has assets over \$2 billion.

Life insurance

- (3) For paragraph 12H(4)(b) of the Act, an entity is critical to the security and reliability of the financial services and markets sector if it has assets over \$5 billion.
- (4) For paragraph 12H(5)(b) of the Act, a body corporate is critical to the security and reliability of the financial services and markets sector if it has assets over \$5 billion.

Health insurance

- (5) For paragraph 12H(6)(b) of the Act, an entity is critical to the security and reliability of the financial services and markets sector if it has assets over \$500 million.
- (6) For paragraph 12H(7)(b) of the Act, a body corporate is critical to the security and reliability of the financial services and markets sector if it has assets over \$500 million.

14 Critical superannuation asset

For paragraph 12J(2)(b) of the Act, a registrable superannuation entity is critical to the security and reliability of the financial services and markets sector if it holds assets over \$20 billion.

15 Critical food and grocery asset

- (1) For paragraph 12K(2)(a) of the Act, each of the following entities is a critical supermarket retailer:
 - (a) Aldi Pty Limited (ABN 68 086 493 950);
 - (b) Coles Group Limited (ABN 11 004 089 936);
 - (c) Woolworths Group Limited (ABN 88 000 014 675).
- (2) For paragraph 12K(4)(a) of the Act, MetCash Trading Limited (ABN 61 000 031 569) is a critical grocery wholesaler.

16 Critical domain name system

- (1) For subparagraph 12KA(2)(a) of the Act, .au Domain Administration Ltd (ABN 38 079 009 340) is critical to the administration of an Australian domain name system.
- (2) For subparagraph 12KA(2)(b) of the Act, an entity is critical to the administration of an Australian domain name system if it administers the ‘.au’ country code Top Level Domain.

Division 2.2 Other definitions

17 Operational information

- (1) For paragraph 7(1)(f) of the Act, the data for which a description of the arrangements under which it is maintained is data that:
 - (a) relates to a critical infrastructure asset; and
 - (b) is maintained by an entity that is not the responsible entity for the asset; and
 - (c) is any of the following kinds:
 - (i) personal information, within the meaning of the *Privacy Act 1988*, of at least 20,000 persons;
 - (ii) sensitive information, within the meaning of that Act;
 - (iii) information about any research and development related to the asset;
 - (iv) information about any systems needed to operate the asset;
 - (v) information about risk management and business continuity (however described) for the asset;
 - (vi) for a critical infrastructure asset mentioned in an item of the following table—information about the matter mentioned in the item for the asset.

Item	Critical infrastructure asset	Information
1	critical electricity asset	consumers’ consumption of electricity or any other product that is produced or supplied by the asset, including data communicated by a smart meter
2	critical water asset	consumers’ consumption of water or any other product that is produced or supplied by the asset, including data communicated by a smart meter
3	critical gas asset	consumers’ consumption of gas or any other product that is produced or supplied by the asset, including data communicated by a smart meter
4	critical telecommunications asset	consumers’ consumption of telecommunication carriage services or any other product that is produced or supplied by the asset, including capturing telecommunications networks and facilities owned or operated by carriers or carriage service providers
5	critical broadcasting asset	consumers’ consumption of television and radio services that is produced or supplied by the asset
6	critical data storage or processing asset	consumers’ consumption of data storage or processing services that is produced or

Item	Critical infrastructure asset	Information
		supplied by the asset
7	critical domain name system	consumers' queries of domain names or Internet protocol addresses
8	critical financial market infrastructure asset	consumers; consumption of payment system services produced or supplied by the asset
9	critical food and grocery asset	consumers' consumption of food and groceries that is produced or supplied by the asset
10	critical hospital	patients' use of intensive care units that is produced or supplied by the asset
11	critical port	traffic and cargo received by the asset
12	critical freight services asset	consumers' consumption of freight services produced or supplied by the asset
13	critical freight infrastructure asset	traffic and cargo that is produced or supplied by the asset
14	critical liquid fuel asset	consumers' consumption of liquid fuel that is produced or supplied by the asset
15	critical energy market operator asset	consumers' consumption of energy across the market
16	critical public transport asset	passenger trips made in relation to the services produced or supplied by the asset

- (2) The description of the arrangements must include:
- (a) the name of the entity that maintains the data; and
 - (b) if that entity is not the responsible entity for the asset:
 - (i) any ABN, or other similar business number (however described), of the entity if the entity was incorporated, formed or created (however described) outside Australia; and
 - (ii) the address of the entity's head office or principal place of business; and
 - (iii) the country in which the entity was incorporated, formed or created (however described); and
 - (c) the address where the data is held, including, to the extent practicable, the address where computers or servers holding the data are located, whether or not the computers or servers are part of a cloud service; and
 - (d) for data held using a cloud service—the name of the cloud service; and
 - (e) the kind of data mentioned in paragraph (2)(c) that the entity maintains.

Schedule 1 **Intermodal transfer facilities**

(section 8)

Location	Owner or operator
Chullora, NSW	Pacific National (ABN 48 052 134 362)
Parkes, NSW	Pacific National (ABN 50 105 300 767) and SCT Logistics (ABN 83 139 383 761)
Altona, VIC	SCT Logistics (ABN 37 757 194 158)
Barnawartha, VIC	SCT Logistics (ABN 37 757 194 158)
Dynon – North, VIC	Victrack (ABN 55 047 316 805)
Dynon – South, VIC	Pacific National (ABN 48 052 134 362)
Acacia Ridge, QLD	Pacific National (ABN 26 615 302 111)
Bromelton, QLD	SCT Logistics (ABN 37 757 194 158)
Townsville, QLD	Linfox (ABN 87 648 327 413)
Forrestfield, WA	SCT Logistics (ABN 37 757 194 158)
Kewdale-Welshpool, WA	Pacific National (ABN 48 052 134 362)
Islington, SA	Pacific National (ABN 48 052 134 362)
Penfield, SA	SCT Logistics (ABN 37 757 194 158)
Brighton Transport Hub, TAS	TasRail / IPEC Pty Ltd (ABN 15 084 157 666)