



LIN 22/026

**Security of Critical Infrastructure (Application) Rules (LIN 22/026) 2022**

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

Dated            06 April 2022

Karen Andrews  
Minister for Home Affairs

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**1 Name**

This instrument is the *Security of Critical Infrastructure (Application) Rules (LIN 22/026) 2022*.

**2 Commencement**

This instrument commences on the day after registration.

**3 Definitions**

In this instrument:

**Aviation Transport Security Act** means the *Aviation Transport Security Act 2004*.

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

**cargo terminal** and **cargo terminal operator** have 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*.

**prescribed air service** has the meaning given by section 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 asset mentioned in subsection (2), 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;
  - (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.

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*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.

- (2) An asset mentioned in an item the following table that is owned or operated by the entity mentioned in the item.

<b>Item</b>	<b>Asset</b>	<b>Entity</b>
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)

***Grace period***

- (3) 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 mentioned in subsection (1).

**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 asset mentioned in subsection (3) and (4), 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;

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- (t) a critical water asset.
- (2) A critical aviation asset that is any of the following:
- (a) a designated airport;
- (b) an asset used to perform an Australian prescribed air service operating screened air services that depart from a designated airport;
- (c) a cargo terminal that:
- (i) is owned or operated by a regulated air cargo agent that is also a cargo terminal operator; and
- (ii) is located at a designated airport.
- (3) An asset mentioned in an item the following table that is owned or operated by the entity mentioned in the item.

<b>Item</b>	<b>Asset</b>	<b>Entity</b>
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)

- (4) An asset that:
- (a) on or after the commencement of Part 1 of Schedule 3 to the *Transport Security Amendment (Critical Infrastructure) Act 2022*—is a critical aviation asset; or
- (b) on or after the commencement of Part 2 of Schedule 3 to the *Transport Security Amendment (Critical Infrastructure) Act 2022*—is a critical maritime asset.

***Grace period***

- (5) 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 ending at the later of:
- (a) 3 months after the commencement of this instrument; and
- (b) 3 months after the asset became a critical infrastructure asset mentioned in subsection (1).
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