

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

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.

*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.

| 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) |

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;

(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.

| 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) |

(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).