The following document provides guidance on critical infrastructure asset classes. Critical Infrastructure Assets are either specifically defined in the Security of Critical Infrastructure Act 2018 (SOCI Act), or prescribed in the SOCI Definitions Rules (LIN 21/039) (Definitions Rules). Please refer to the SOCI Act and the Definitions Rules when determining whether a critical infrastructure asset definition applies to your asset.

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</table>
01
Asset Definition Guidance for Broadcasting

Is my asset a critical broadcasting asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is a broadcasting transmission asset i.e.
- Radio communication transmitters
- Broadcasting transmission towers OR
- Associated transmission facilities
  Used or capable of being used in connection with the transmission of a:
  - National broadcasting service
  - Commercial radio broadcasting service OR
  - Commercial television broadcasting service
  OR
  - Associated transmission facilities Used or capable of being used in connection with the transmission of a:
  - National broadcasting service
  - Commercial radio broadcasting service OR
  - Commercial television broadcasting service

A tower, pole, mast or similar structure used to supply a broadcasting service by means of radio communication using the broadcasting services bands or a datacasting service provider under and in accordance with the conditions of a datacasting licence (Schedule 4 of the Broadcasting Services Act 1992). Defined in the Broadcasting Services Act 1992, sections 6 and 13.

My broadcasting transmission asset is owned or operated by the same entity and located on a critical transmission site

OR

My broadcasting transmission assets are owned or operated by the same entity and located on at least 50 different sites and are not broadcasting re-transmission assets

OR

My broadcasting transmission asset is owned or operated by an entity that is critical to the transmission of a broadcasting service defined by the Definition Rules

There are no critical transmission sites for these purposes currently defined in the Definitions Rules.

Radio communication transmitter, broadcasting transmission tower or associated transmission facility used in connection with the transmission of a service that does no more than re-transmit programs transmitted by a broadcasting service, which are exempt from the regulatory regime established by the Broadcasting Service Act 1992 (see s 212).

The following entity is considered critical to the transmission of a broadcasting service:
- TX Australia Pty Ltd

If YES, your asset is a critical broadcasting asset located in the Communications Sector.
01
Asset Definition Guidance for Broadcasting (cont.)

Am I a reporting entity for critical broadcasting asset?

I am the entity referred to in the applicable asset definition.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

I hold an interest in a critical broadcasting asset such that I am in a position to directly or indirectly control the asset.

E.g. Company A owns broadcasting transmission towers on at least 50 sites around Australia. Even if other companies are using them for broadcasting, Company A would be the responsible entity for the asset.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical broadcasting asset. See section 12L(2) of the SOCI Act.

If YES, to either of these, you are a direct interest holder for a critical broadcasting asset. See section 8 of the SOCI Act.

If NO, you are not a reporting entity for critical broadcasting asset.

What are my obligations under the Act?

<table>
<thead>
<tr>
<th>Type of reporting entity</th>
<th>Register your critical asset</th>
<th>Have and maintain a Risk Management Program</th>
<th>Mandatory cyber security incident reporting</th>
<th>Obligation to notify data service providers if applicable</th>
<th>Subject to enhanced cyber security obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible entities</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Only if you have been notified your asset is a System of National Significance</td>
</tr>
<tr>
<td>Direct interest holders</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
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</tbody>
</table>

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02
Asset Definition Guidance for Domain Name Systems

Is my asset a critical domain name system asset?

Critical domain name systems are defined in section 12KA of the SOCI Act and in the Definitions Rules.

The Minister can define other assets to ensure the security and reliability of the critical domain name systems.

My asset is managed by an entity that is critical to the administration of an Australian domain name system.

.au Domain Administration Ltd is critical to the administration of a critical Australian domain name system and an entity is critical to the administration of an Australian domain name system if it administers the '.au' country code Top Level Domain.

My asset is used in connection with the administration of an Australian domain name system.

My asset is critical to the administration of an Australian domain name system.

Requires the entity to identify the specific asset that is a critical domain name systems asset.

The Definitions Rules prescribe the following assets within the .au ccTLD system as critical to the administration of an Australian domain system:
- Registry database
- Public WHOIS service (https://whois.auda.org.au)
- .au top level authoritative DNS name servers
- The following second level authoritative DNS name servers:
  - .com.au
  - .asn.au
  - .edu.au
  - .net.au
  - .id.au
  - .gov.au

If YES, your asset is a critical domain name system, within the Communications Sector.
Asset Definition Guidance for Domain Name Systems (cont.)

Am I a reporting entity for a critical domain name systems asset?

I am the entity referred to in the applicable asset definition.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

I hold an interest in a critical domain name systems (DNS) asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

Currently only .au Domain Administration Ltd is listed in the applicable asset definition.

If YES, you are a responsible entity for a critical domain name system. See section 12L(3) of the SOCI Act.

If YES, to either of these, you are a direct interest holder for a critical domain name system. See section 8 of the SOCI Act.

If NO, you are not a reporting entity for a critical domain name system.

What are my obligations under the Act?

<table>
<thead>
<tr>
<th>Type of reporting entity</th>
<th>Register your critical asset</th>
<th>Have and maintain a Risk Management Program</th>
<th>Mandatory cyber security incident reporting</th>
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<th>Subject to enhanced cyber security obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible entities</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>Only if you have been notified your asset is a System of National Significance</td>
</tr>
<tr>
<td>Direct interest holders</td>
<td>✔</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>
03 Asset Definition Guidance for Telecommunications

Is my asset a critical telecommunications asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is a telecommunications network

OR My asset is a facility within the meaning of the Telecommunications Act 1997

Telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided and/or unguided electromagnetic energy.

Facility means any part of the infrastructure of a telecommunications network or any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

My asset is owned or operated by a carrier or a carriage service provider

Carriage service provider is a person who supplies or proposes to supply a listed carriage service to the public using a network unit owned by one or more carriers, or a network unit in relation to which a nominated carrier declaration is in force (section 87 Telecommunications Act 1997).

Carrier means the holder of a carrier licence i.e. a licence granted under section 56 of the Telecommunications Act 1997.

My asset is used to supply a carriage service

Carriage service means a service for carrying communications by means of guided and/or unguided electromagnetic energy.

If YES, your asset is a critical telecommunications asset located in the Communications Sector.
03 Asset Definition Guidance for Telecommunications (cont.)

Am I a **reporting entity** for a critical telecommunications asset?

**I am the carrier** that owns or operates the asset.

**I am the carriage service provider** that uses the asset.

**I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.**

**I hold an interest in a critical telecommunications asset such that I am in a position to **directly or indirectly control** the asset.**

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a **responsible entity** for a critical telecommunications asset. See section 12L(1) of the SOCI Act

If YES, to either of these, you are a **direct interest holder** for a critical telecommunications asset. See section 8 of the SOCI Act

If NO, you are not a **reporting entity** for a critical telecommunications asset.

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**What are my obligations under the Act?**

<table>
<thead>
<tr>
<th>Type of reporting entity</th>
<th>Register your critical asset</th>
<th>Have and maintain a Risk Management Program</th>
<th>Mandatory cyber security incident reporting</th>
<th>Obligation to notify data service providers if applicable</th>
<th>Subject to enhanced cyber security obligations</th>
</tr>
</thead>
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<tr>
<td>Responsible entities</td>
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<td>✓ *</td>
<td>✓</td>
<td>Only if you have been notified your asset is a System of National Significance</td>
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<tr>
<td>Direct interest holders</td>
<td>✓ *</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>

* This is required under the Telecommunications (Carrier Licence Conditions—Security Information) Declaration 2022 and Telecommunications (Carriage Service Provider—Security Information) Determination 2022

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04
Asset Definition Guidance for Data Storage or Processing

Is my asset a critical data storage or processing asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is owned or operated by an entity that is a data storage or processing provider

A data storage or processing provider is an entity that provides a data storage or processing service

A data storage or processing service is a service that enables end-users to store or back-up data provided on a commercial basis, OR a data processing service that involves the use of one or more computers provided on a commercial basis

Examples of these services include:
- Software-as-a-service (SaaS)
- Infrastructure-as-a-service (IaaS)
- Platform-as-a-service (PaaS)

The asset is used wholly or primarily to provide a data storage or processing service that relates to business critical data AND is provided by the entity to an end-user that is either:

Business critical data is:
- Personal information (within the meaning of the Privacy Act 1988) that relates to at least 20,000 individuals OR
- Information relating to any research and development in relation to a critical infrastructure asset OR
- Information needed to operate a critical infrastructure asset OR
- Information related to risk management and business continuity (however described) in relation to a critical infrastructure asset

The Commonwealth, a State or a Territory, or a body corporate established by a law of the Commonwealth, a State or a Territory

OR

The responsible entity for a critical infrastructure asset

See guidance for other asset classes here.

The entity that owns or operates the data storage or processing asset knows that the asset is being used in this way

If YES, and your asset does NOT fall under the definition of any other critical infrastructure asset, your asset is a critical data storage or processing asset, within the Data Storage or Processing Sector.
04
Asset Definition Guidance for Data Storage or Processing (cont.)

Am I a reporting entity for a critical data storage or processing asset?

I am the entity referred to in the applicable asset definition.

E.g. Company A owns a data centre that provides data management services for highly classified Government cloud workloads. Company A would be the responsible entity for the data centre which is a critical data storage and processing asset.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

I hold an interest in a critical data asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical data storage or processing asset. See section 12L(4) of the SOCI Act.

If YES, to either of these, you are a direct interest holder for a critical data storage or processing asset. See section 8 of the SOCI Act.

If NO, you are not a reporting entity for a critical data storage or processing asset.

What are my obligations under the Act?

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</thead>
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<td>Direct interest holders</td>
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</table>

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05
Asset Definition Guidance for Banking

Is my asset a critical banking asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is owned or operated by a body corporate that is an authorised deposit-taking institution.

Authorised deposit-taking institution means a body corporate that has been granted an authority to carry on a banking business in Australia by APRA, in accordance with subsection 9(3) of the Banking Act 1959.

The authorised deposit-taking institution is critical to the security and reliability of the financial services and markets sector.

An authorised deposit-taking institution or body corporate is deemed critical to the security and reliability of the financial services and markets sector if it has assets over $50 billion.

The asset is used in connection with the carrying on of a banking business

A banking business is a business that consists of banking within the meaning of paragraph 51(xiii) of the Constitution; or a business carried on by a corporation to which paragraph 51(xiii) applies and that consists, to any extent, of both taking money on a deposit (otherwise than as part-payment for identified goods and services) and making advances of money; or other financial activities prescribed by the regulations for the purposes of this definition (Banking Act 1959).

The body corporate is critical to the security and reliability of the financial services and markets sector.

Where a body corporate is a holding company, a subsidiary, or a subsidiary of a holding company of another body corporate, the first mentioned body and the other body are related to each other (section 50 of the Corporations Act 2001).

OR

My asset is owned or operated by a body corporate that is a related body corporate of an authorised deposit-taking institution.

If YES, your asset is a critical banking asset located in the Financial Services and Markets Sector.
05
Asset Definition Guidance for Banking (cont.)

Am I a **reporting entity** for a critical banking asset?

I am the **authorised deposit-taking institution** or the related body corporate mentioned above?

E.g. For an Australian Bank that has assets over $50 billion, its assets that are used in connection to its banking business would be the critical banking assets, and the Australian Bank would be the responsible entity.

If YES, you are a **responsible entity** for a critical banking asset. See section 12L(5) of the SOCI Act

I, together with any associates, hold an interest of **at least 10%** in the asset, including any joint interests.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

If YES, to either of these, you are a **direct interest holder** for a critical banking asset. See section 8 of the SOCI Act

I hold an interest in a critical banking infrastructure asset such that I am in a position to **directly or indirectly control** the asset.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a **reporting entity** for a critical banking asset.

If NO, you are not a **reporting entity** for a critical banking asset.

What are my **obligations** under the Act?

<table>
<thead>
<tr>
<th>Type of reporting entity</th>
<th>Register your critical asset</th>
<th>Have and maintain a Risk Management Program</th>
<th>Mandatory cyber security incident reporting</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Responsible entities</td>
<td>✗</td>
<td>✗</td>
<td>❏</td>
<td>✗</td>
<td>Only if you have been notified your asset is a System of National Significance</td>
</tr>
<tr>
<td>Direct interest holders</td>
<td>✗</td>
<td>✗</td>
<td>❏</td>
<td>❏</td>
<td>❏</td>
</tr>
</tbody>
</table>
06
Asset Definition Guidance for Financial Market Infrastructure

Is my asset a critical financial market infrastructure asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is owned or operated by an Australian body corporate that holds an Australian market licence OR owned or operated by an associated entity of an Australian body corporate that holds an Australian market licence.

My asset is owned or operated by an Australian body corporate that holds an Australian clearing and settlement (CS) facility licence OR owned or operated by an associated entity of an Australian body corporate that holds an Australian CS facility licence.

My asset is owned or operated by an Australian body corporate that holds a benchmark administrator licence OR owned or operated by an associated entity of an Australian body corporate that holds a benchmark administrator licence.

My asset is owned or operated by an Australian body corporate that holds an Australian derivative trade repository licence OR owned or operated by an associated entity of an Australian body corporate that holds an Australian derivative trade repository licence.

My asset is used in connection with the operation of a payment system that is critical to the security and reliability of the financial services and markets sector.

A CS facility is a facility that clears and settles transactions in financial products. (Division 6 of the Corporations Act 2001)

All licences listed have the same meaning as in Chapter 7 of the Corporations Act 2001. Further information on each of the four named financial licences can be found on the ASIC website.

This currently comprises Mastercard, Visa, EFTPOS and the New Payments Platform. See section 10(5) of the Definitions Rules.

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Continue next page
06 Asset Definition Guidance for Financial Market Infrastructure (cont.)

Is my asset a critical financial market infrastructure asset?

- My asset is used in connection with the operation of a financial market that is critical to the security and reliability of the financial services and markets sector.
- This requirement is met if the asset is operated by an entity that holds a Tier 1 market licence and meets the turnover threshold found in section 10(1)(b) of the Definitions Rules.

- My asset is used in connection with the operation of a clearing and settlement facility that is critical to the security and reliability of the financial services and markets sector.
- The definitions for which of these types are deemed critical can be found in section 10(3) of the Definitions Rules.

- My asset is used in connection with the administration of a significant financial benchmark that is critical to the security and reliability of the financial services and markets sector.
- The definitions for which of these types are deemed critical can be found in section 10(3) of the Definitions Rules.

- My asset is used in connection with the operation of a derivative trade repository that is critical to the security and reliability of the financial services and markets sector.
- The definitions for which of these types are deemed critical can be found in section 10(4) of the Definitions Rules.

If YES, to any of these, your asset is a critical financial market infrastructure asset located in the Financial Services and Markets Sector.

Continue next page
06
Asset Definition Guidance for Financial Market Infrastructure (cont.)

Am I a reporting entity for a critical financial market infrastructure asset?

I am a **body corporate** or **associated entity** as described above.

An entity is an associated entity if it fulfils a recognised corporate relationship. This include subsidiaries, holding companies, principals etc.

I, together with any associates, hold an interest of **at least 10%** in the asset, including any joint interests.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

I hold an interest in a critical financial market infrastructure asset such that I am in a position to **directly or indirectly control** the asset.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a **responsible entity** for a critical financial market infrastructure asset. **See section 12L(8) of the SOCI Act**

If YES, to either of these, you are a **direct interest holder** for a critical financial market infrastructure asset. **See section 8 of the SOCI Act**

If NO, you are not a **reporting entity** for a critical financial market infrastructure asset.

Payment Systems: What are my obligations under the Act?

<table>
<thead>
<tr>
<th>Type of reporting entity</th>
<th>Register your critical asset</th>
<th>Have and maintain a Risk Management Program</th>
<th>Mandatory cyber security incident reporting</th>
<th>Obligation to notify data service providers if applicable</th>
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</thead>
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<td>Responsible entities</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>Only if you have been notified your asset is a System of National Significance</td>
</tr>
<tr>
<td>Direct interest holders</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
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</tbody>
</table>

Other Critical Financial Market Infrastructure: What are my obligations under the Act?

<table>
<thead>
<tr>
<th>Type of reporting entity</th>
<th>Register your critical asset</th>
<th>Have and maintain a Risk Management Program</th>
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<td>Responsible entities</td>
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<td>✔</td>
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<tr>
<td>Direct interest holders</td>
<td>✗</td>
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<td>✗</td>
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</tr>
</tbody>
</table>
07

Asset Definition Guidance for Insurance

Is my asset a critical insurance asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is owned or operated by an entity that carries on an insurance business, OR owned or operated by a body corporate that is a related body corporate of an entity that carries on insurance business

Where a body corporate is a holding company, a subsidiary, or a subsidiary of a holding company of another body corporate, the first mentioned body and the other body are related to each other (section 50 of the Corporations Act 2001).

Insurance business means the business of undertaking liability, by way of insurance (including reinsurance), in respect of any loss or damage, including liability to pay damages or compensation, contingent upon the happening of a specified event. Includes any business incidental to insurance, but does not include exceptions listed under the definition in the Insurance Act 1973.

Life insurance business means a business that consists of any of the following: the issuing of life policies, the issuing of sinking fund policies, the undertaking of liability under life policies, the undertaking of liability under sinking fund policies, any business related to this. See exceptions at section 11 Life Insurance Act 1995.

My asset is owned or operated by an entity that carries on life insurance business, OR owned or operated by a body corporate that is a related body corporate of an entity that carries on life insurance business

My asset is owned or operated by an entity that carries on health insurance business, OR owned or operated by a body corporate that is a related body corporate of an entity that carries on health insurance business

See the flow diagram outlined in section 11B-10 of the Private Health Insurance Act 2007 to determine whether you are a health insurance business.

Section 13 of the Definitions Rules prescribes where an entity or body corporate is considered critical to the security and reliability of the sector.

The entity or body corporate is critical to the security and reliability of the financial services and markets sector

The asset is used in connection with the carrying on of the relevant insurance business (insurance, life insurance or health insurance)

If YES, your asset is a critical Insurance asset located in the Financial Services and Markets Sector.
07
Asset Definition Guidance for Insurance (cont.)

Am I a reporting entity for a critical insurance asset?

| I am the entity referred to in the applicable asset definition above. |
| I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests. |
| I hold an interest in a critical insurance asset such that I am in a position to directly or indirectly control the asset. |

E.g. Life insurance Company A owns twelve shopfronts in Australia, an extensive IT database network and significant financial assets including bonds, equities and real estate. The total value of these assets is over $5 billion. Company A is therefore a reporting entity, per the asset definitions and the Rules.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical insurance asset. See section 12L(7) of the SOCI Act.

If YES, to either of these, you are a direct interest holder for a critical insurance asset. See section 8 of the SOCI Act.

If NO, you are not a reporting entity for a critical insurance asset.

What are my obligations under the Act?

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<th>Type of reporting entity</th>
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08

Asset Definition Guidance for Superannuation

Is my asset a critical superannuation asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is owned or operated by a Registerable Superannuation Entity (RSE) licensee and holds assets over $20 billion

RSE licenses are granted by the Australian Prudential Regulation Authority (APRA) to eligible entities.

RSE licensee means a constitutional corporation, body corporate or group of individual trustees that holds an RSE licence granted under section 29D of the Superannuation Industry (Supervision) Act 1993.

My asset is used in connection with the operation of a superannuation fund

An entity must be materially connected to superannuation services or products. For example, equities in shares that are invested for the purposes of delivering a return on a superannuation account.

A superannuation fund means a fund that is an indefinitely continuing fund and is a provident, benefit, superannuation or retirement fund or a public sector superannuation scheme.

If YES to all of these, your asset is a critical superannuation asset located in the Financial Services and Markets Sector.
08
Asset Definition Guidance for Superannuation (cont.)

Am I a reporting entity for a critical superannuation asset?

I am the entity referred to in the applicable asset definition above (i.e. the RSE licensee).

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

I hold an interest in a critical superannuation asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical superannuation asset. See section 12L(6) of the SOCI Act

If YES, to either of these, you are a direct interest holder for a critical superannuation asset. See section 8 of the SOCI Act

If NO, you are not a reporting entity for a critical superannuation asset.

What are my obligations under the Act?

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09
Asset Definition Guidance for Water

Is my asset a critical water asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is one or more water or sewerage systems or networks that are managed by a single water utility

**Water utility** means an entity that holds a licence, approval or authorisation (however described), under a law of the Commonwealth, a State or a Territory, to provide water services or sewerage services, or both.

Assets may be one or more water or sewerage systems or networks comprised of physical elements. Examples may include dams, pumps, metres, hydrants, reservoirs, water mains, pressure valves and any electronic assets required for the ongoing function of such items.

My asset ultimately delivers services to at least 100,000 water connections

My asset ultimately delivers services to at least 100,000 sewerage connections

The point of water or sewerage connection is where the service crosses the property boundary OR where the service joins the network within the property boundary.

If YES, your asset is a critical water asset located in the Water and Sewerage Sector.
09
Asset Definition Guidance for Water (cont.)
Am I a reporting entity for a critical water asset?

I am the water utility which holds the licence, approval or authorisation, under a State, Territory or Commonwealth law to operate the asset to provide the service to be delivered by the asset.

E.g. A NSW company that has a water access licence for the purpose of running irrigation works. If another entity is prescribed by the rules in relation to the asset, that other entity is a responsible entity.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

I hold an interest in a critical water asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical water asset. See section 12L(9) of the SOCI Act

If YES, to either of these, you are a direct interest holder for a critical water asset. See section 8 of the SOCI Act

If NO, you are not a reporting entity for a critical water asset.

Water utilities are only required to provide one report and are not required to report on more than one system or network under their control if those individual systems or networks individually meet the 100,000 connections threshold.

What are my obligations under the Act?

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</tr>
</tbody>
</table>

* The obligation only applies for assets which were critical water assets immediately prior to 3 December 2021. Any water asset that becomes a critical infrastructure asset after this date is not required to be registered.
10
Asset Definition Guidance for Defence Industry

Is my asset a critical defence industry asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is being, or will be, supplied by an entity to the Defence Department, or the Australian Defence Force, under a contract

Defence Department means the Department of State that deals with defence and that is administered by the Defence Minister.

My asset consists of, or enables, a critical defence capability

A critical defence capability includes:
- materiel; and
- technology; and
- a platform; and
- a network; and
- a system; and
- a service

that is required in connection with the defence of Australia or national security. National security means Australia’s defence, security or international relations.

This currently comprises of Osborne Naval Shipyard see rules

If YES, your asset is a critical defence industry asset located in the Defence Industry Sector.
10
Asset Definition Guidance for Defence Industry (cont.)

Am I a **reporting entity** for a critical defence industry asset?

I am the **entity** referred to in the asset definition.

E.g. A submarine construction company has been contracted to supply submarines to the Australian Department of Defence. The responsible entity would be the submarine construction company.

I, together with any associates, hold an interest of **at least 10%** in the asset, including any joint interests.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

I hold an interest in a critical defence industry asset such that I am in a position to **directly or indirectly control** the asset.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a **responsible entity** for a critical defence industry asset. *See section 12L(22) of the SOCI Act*

If YES, to either of these, you are a **direct interest holder** for a critical defence industry asset. *See section 8 of the SOCI Act*

If NO, you are not a **reporting entity** for a critical defence industry asset.

What are my **obligations** under the Act?

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</table>
11
Asset Definition Guidance for Food and Grocery

Is my asset a critical food and grocery asset?

Critical food and grocery assets are defined by the SOCI Act at section 12K and in the Definitions Rules.

The Minister can define other assets to ensure the security and reliability of the critical food and grocery sector.

My asset is a network that is used for the distribution or supply of essential food and groceries. This may include inventory warehouses, distribution centres, supermarkets and logistical plants used to transport supplies.

My asset is owned or operated by an entity that is a:

- Critical supermarket retailer
  - This currently comprises Aldi Pty Ltd, Coles Group Ltd and Woolworths Group Ltd.

- Critical grocery wholesaler
  - This currently comprises Metcash Trading Ltd.

- Critical food wholesaler. Currently there are no assets identified in the Definition Rules.

If YES to all, your asset is a critical food and grocery asset, within the Food and Grocery Sector.
11 Asset Definition Guidance for Food and Grocery (cont.)

Am I a reporting entity for a critical food and grocery asset?

I am the entity that is the critical supermarket retailer, critical grocery wholesaler or critical food wholesaler that owns or operates the asset in question.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

I hold an interest in a critical data asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical food and grocery asset. See section 12L(16) of the SOCI Act.

If YES, to either of these, you are a direct interest holder for a critical food and grocery asset. See section 8 of the SOCI Act.

If NO, you are not a reporting entity for a critical food and grocery asset.

What are my obligations under the Act?

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</table>
12
Asset Definition Guidance for Electricity

Is my asset a critical electricity asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

If YES to both, does my asset meet any of the below definitions?

A network, system, or interconnector, that transmits or distributes electricity to ≥ 100,000 customers.

An electricity generation station critical to ensuring the security and reliability of electricity networks or electricity systems in a state or territory:

An electricity generator in the State or Territory that has an installed capacity ≥ 30 megawatts and connected to a wholesale electricity market.

OR

Owned or operated by an entity that is contracted to provide a system restart ancillary service in the State or Territory.

A system restart ancillary service is provided if it can start without an external power supply and connect and provide energy to an electrical network or an electricity system for the transmission or distribution of electricity.

If YES, your asset is a critical electricity asset located in the Energy Sector.
12
Asset Definition Guidance for Electricity (cont.)

Am I a **reporting entity** for a critical electricity asset?

---

**Which definition below best describes your relationship with the critical electricity asset?**

**I am the entity which holds the licence, approval or authorisation to operate the critical electricity asset and provide the services to be delivered.**

E.g. X Energy holds the licence to operate a 2500 MW power station and provide the electricity generated to the grid. X Energy would be the responsible entity for the critical electricity asset (the power station).

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**I, together with associates, hold an interest of ≥ 10% in the critical electricity asset, including any joint interests.**

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

---

**I hold an interest in the critical electricity asset such that I am in a position to directly or indirectly control the asset.**

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

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**If YES, you are a **responsible entity** for a critical electricity asset. See section 12L(10) of the SOCI Act.**

**If YES to either of these, you are a **Direct Interest Holder** for a critical electricity asset. See section 8 of the SOCI Act.**

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**If NO, you are not a **reporting entity** for a critical electricity asset.**

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**What are my obligations under the Act?**

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<td>✗</td>
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*Except for Invicta Sugar Mill, Pioneer Sugar Mill, Racecourse Sugar Mill and South Johnstone Sugar Mill and their responsible entities detailed further in the Application Rules.*

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13
Asset Definition Guidance for Energy Market Operator

Is my asset a critical energy market operator asset?

- My asset is located in Australia

- My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

- My asset is owned or operated by Australian Energy Market Operator (AEMO)
  - OR
  - My asset is owned or operated by Power and Water Corporation
  - OR
  - My asset is owned or operated by Regional Power Corporation
  - OR
  - My asset is owned or operated by Electricity Networks Corporation

- My asset is used in connection with the operation of an energy market or system

- My asset is critical to ensuring the security and reliability of an energy market or system

- My asset is NOT a critical electricity asset, critical gas asset, or critical liquid fuel asset

If YES to all, your asset is a critical energy market operator asset located in the Energy Sector.
13 Asset Definition Guidance for Energy Market Operator (cont.)

Am I a reporting entity for a critical energy market operator asset?

If YES, you are the responsible entity for the respected asset owned or operated by your organisation. See section 12L(12) of the SOCI Act

If NO to all of these, you are not a reporting entity for a critical energy market operator asset.

What are my obligations under the Act?

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Asset Definition Guidance for Gas

Is my asset considered critical gas asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My gas asset meets any of the below definitions

A gas storage facility that has a maximum daily withdrawal capacity of ≥ 75 Terajoule (TJ) per day.

A gas processing facility that has a capacity of ≥ 300 TJ per day.

A network or system for the distribution of gas to ultimately service ≥ 100,000 customers.

A control room, or any other asset, that is required to operate a critical gas transmission pipeline.

A gas transmission pipeline that is critical to ensuring the security and reliability of a gas market.

If YES, your asset is a critical gas asset located in the Energy Sector.

The receipt and delivery of gas to and from a notional point occurs within a pipeline and can be made from steel or plastic tubes.

A gas transmission pipeline is critical if it has ≥ the nameplate rating for the relevant gas market:

- **Eastern**: 200 TJ per day
- **Northern**: 80 TJ per day
- **Western**: 150 TJ per day

The Tasmanian Gas Pipeline and Carpentaria Gas Pipeline are considered critical gas assets.
## 14

### Asset Definition Guidance for Gas (cont.)

**Am I a reporting entity for a critical gas asset?**

Which definition below best describes your relationship with the critical gas asset?

- I am the entity which holds the licence, approval or authorisation to operate the critical gas asset and provide the services to be delivered.

- I, together with associates, hold an interest of ≥ 10% in the critical gas asset, including any joint interests.

- I hold an interest in the critical gas asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical gas asset. See section 12L(11) of the SOCI Act.

If YES to either of these, you are a Direct Interest Holder for a critical gas asset. See section 8 of the SOCI Act.

If NO, you are not a reporting entity for a critical gas asset.

### What are my obligations under the Act?

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15 Asset Definition Guidance for Liquid Fuel

Is my asset a critical liquid fuel asset?

Liquid Fuel assets are defined in the SOCI Act at 12A and in the Definitions Rules.

The Minister can define other assets to ensure the security and reliability of the liquid fuel market.

My asset is a liquid fuel refinery considered critical to the security and reliability of the liquid fuel market defined by the Definitions Rules.

My asset is a liquid fuel storage facility with a capacity of > 50 megalitres of liquid fuel.

My assets are liquid fuel pipelines considered critical to ensuring the security and reliability of the liquid fuel market defined by the Definitions Rules.

Liquid fuel refineries located in Corio, Victoria and Lytton, Queensland, are considered critical to the sector.

Currently no liquid fuel storage facilities have been defined by the Definitions Rules.

The following liquid fuel pipelines are considered critical to ensuring the security and reliability of a liquid fuel market:
- Sydney Metropolitan Pipeline
- Gore Bay Pipeline
- Westernport Altona Geelong Pipeline
- Longford (Dutson) to Hastings Pipeline
- Melbourne Airport Jet Fuel Pipelines
- Jet Fuel Pipeline (Kurnell to Sydney Airport)
- Brisbane Airport Jet Fuel Pipeline
- Perth Airport Jet Fuel Pipeline

If YES to any of these, your asset is a critical liquid fuel asset located in the Energy Sector.
15
Asset Definition Guidance for Liquid Fuel (cont.)
Am I a reporting entity for a critical liquid fuel asset?

Which definition below best describes your relationship with the critical liquid fuel asset?

- I operate a liquid fuel refinery, liquid fuel pipeline or liquid fuel storage facility, that is critical to ensuring the security and reliability of a liquid fuel market.
- I, together with any associates, hold an interest of ≥ 10% in the asset, including any joint interests.
- I hold an interest in a critical liquid fuel asset such that I am in a position to directly or indirectly control the asset.

If YES, you are a responsible entity for a critical liquid fuel asset. See section 12L(13) of the SOCI Act.

If YES to either of these, you are a Direct Interest Holder for a critical liquid fuel asset. See section 8 of the SOCI Act.

If NO to any of these, you are not a reporting entity for a critical liquid fuel asset.

What are my obligations under the Act?

<table>
<thead>
<tr>
<th>Type of reporting entity</th>
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</thead>
<tbody>
<tr>
<td>Responsible entities</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Only if you have been notified your asset is a System of National Significance</td>
</tr>
<tr>
<td>Direct interest holders</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
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16

Asset Definition Guidance for Hospital

Is my asset a critical hospital?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is a hospital that has a general intensive care unit

Hospital has the same meaning as in the Private Health Insurance Act 2007; section 121(5). A hospital is a facility for which a declaration under subsection (6) is in force i.e. the Minister has declared in writing that a facility is a hospital. See list of declared hospitals here.

General intensive care unit (ICU) means an area within a hospital that is equipped and staffed so that it is capable of providing to a patient mechanical ventilation for a period of several days and invasive cardiovascular monitoring, and is supported by:

• during normal working hours—at least one specialist, or consultant physician, in the specialty of intensive care, who is immediately available, and exclusively rostered, to that area; and
• at all times—at least one medical practitioner who is present in the hospital and immediately available to that area; and
• at least 18 hours each day—at least one nurse; and
• Has admission and discharge policies in operation.

If YES to all, your asset is a critical hospital asset located in the Health Care and Medical Sector.
16

Asset Definition Guidance for Hospital (cont.)

Am I a **reporting entity** for a critical hospital?

<table>
<thead>
<tr>
<th>My critical hospital is a public hospital</th>
<th>My critical hospital is a private hospital</th>
<th>I, together with any associates, hold an interest of <strong>at least 10%</strong> in the asset, including any joint interests</th>
<th>I hold an interest in a critical hospital asset such that I am in a position to <strong>directly or indirectly control</strong> the asset.</th>
</tr>
</thead>
<tbody>
<tr>
<td>As specified in the Ministerial declaration of the hospital.</td>
<td>Is your organisation the <strong>local hospital network (LHN)</strong> that operates the hospital?</td>
<td>E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.</td>
<td>E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.</td>
</tr>
<tr>
<td>E.g. Y Health Services operates a number of hospitals in the region with ICUs. They would be the responsible entity for these hospitals. See list of LHNs <a href="#">here</a>.</td>
<td>E.g. X Mission Health Care are a private hospital operator that operate numerous hospitals with ICUs across Australia. They would be the responsible entity for these hospitals.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If YES to either, you are a **responsible entity** for a critical hospital. See section 12L(14) of the SOCI Act

If YES to either, you are a **direct interest holder** for a critical hospital. See section 8 of the SOCI Act

If NO, you are not a **reporting entity** for a critical hospital.

What are my obligations under the Act?

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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Only if you have been notified your asset is a System of National Significanc e</td>
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<tr>
<td>Direct interest holders</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
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17

Asset Definition Guidance for Education

Is my asset a critical education asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

Assets may include physical education infrastructure, computers and associated hardware, research instruments located in facilities associated with a university, materials used by a tertiary training centre for education purposes etc.

My asset is owned or operated by an entity that is registered in the Australian university category of the National Register of Higher Education Providers

The National Register is administered by the Tertiary Education Quality Standards Agency. To search for registered entities, visit this page.

My education asset is used in connection with undertaking a program of research that is critical to a critical infrastructure sector (other than higher education and research)

E.g. University facilities where defence training / education is developed or delivered, or specific facilities required by navy engineering graduate students.

My education asset is used in connection with undertaking a program of research that is critical to the defence of Australia

E.g. A university with an associated National Security research institute with a program or course dedicated to investigating emerging immigration technologies.

National security means Australia’s defence, security or international relations.

My education asset is used in connection with undertaking a program of research that is critical to national security

An asset owned or operated by the Australian National University used in connection with undertaking a program of research meeting any of the adjacent definitions is a critical infrastructure asset, with the Australian National University as the responsible entity.

If YES, your asset is a critical education asset located in the Higher Education and Research Sector.
17
Asset Definition Guidance for Education (cont.)

Am I a reporting entity for a critical education asset?

I am the entity referred to in the critical education definition above.

E.g. A tertiary training provider undertaking a program of research to improve water quality in remote communities.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

I hold an interest in a critical education asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical education asset. See section 12L(15) of the SOCI Act

If YES, to either of these, you are a direct interest holder for a critical education asset. See section 8 of the SOCI Act

If NO, you are not a reporting entity for a critical education asset.

What are my obligations under the Act?

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<td>❌</td>
<td>❌</td>
<td>✅</td>
<td>✅</td>
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<tr>
<td>Direct interest holders</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
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18
Asset Definition Guidance for Aviation

Is my asset a critical aviation asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is used in connection with the provision of an air service

Air service means a service providing air transportation of people or goods, or both (Aviation Transport Security Act 2004).

OR

My asset is used by an airport operator in connection with the operation of an airport

Airport operator means the operator of an airport.

An airport is an area of land or water (including any buildings, installations or equipment situated in the area) intended for use either wholly or partly in connection with the arrival, departure or movement of aircraft. It also includes any area that is controlled by the airport operator that is contiguous with an area of land or water.

My asset is owned or operated by an aircraft operator

Aircraft operator means a person who conducts, or offers to conduct, an air service.

My asset is owned or operated by a regulated air cargo agent

Regulated air cargo agent means a person designated in accordance with regulations made under Section 44C of the Aviation Transport Security Act 2004.

If YES, your asset is a critical aviation asset located in the Transport Sector.

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**18**

**Asset Definition Guidance for Aviation (cont.)**

**Am I a reporting entity for a critical aviation asset?**

I am the entity who owns or operates an asset which comes under the definition for an aircraft operator and regulated cargo agent or an airport operator.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

I hold an interest in a critical aviation asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical aviation asset. See section 12L(21) of the SOCI Act.

If YES, to either of these, you are a direct interest holder for a critical aviation asset. See section 8 of the SOCI Act.

If NO, you are not a reporting entity for a critical aviation asset.

**What are my obligations under the Act?**

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</thead>
<tbody>
<tr>
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<td>✗</td>
<td>✗</td>
<td>✓*</td>
<td>✓</td>
<td>Only if you have been notified your asset is a System of National Significance</td>
</tr>
<tr>
<td>Direct interest holders</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td></td>
</tr>
</tbody>
</table>

* For certain entities specified in section 5(2) of the Application Rules

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19
Asset Definition Guidance for Freight Infrastructure

Is my asset a critical freight infrastructure asset?

A critical freight infrastructure asset is defined in the SOCI Act at 12B and in the Definitions Rules.

The Minister has defined a number of intermodal transfer facilities as critical infrastructure to ensure the security and reliability of critical freight infrastructure.

The Minister can define a road network, rail network or an intermodal transfer facility as critical to the transportation of goods between:
- 2 States; or
- A State and a Territory; or
- 2 Territories; or
- 2 regional centres.

The Department’s position is an intermodal facility is any site or facility along the supply chain that contributes to an intermodal movement by providing efficient transfer of goods from one mode of transport to another (refer to the Report issued by the House Standing Committee on Transport and Regional Services in 2007).

Business transporting goods by road or rail may be captured by the definition of critical freight services asset.

A regional centre is a city, or a town that has a population of ≥ 10,000 people.

The Intermodal transfer facilities listed are:
- Chullora, NSW
- Parkes, NSW
- Altona, Vic
- Barnawatha, Vic
- Dyon-North, Vic
- Dyon-South, Vic
- Acacia Ridge, Qld
- Bromelton, Qld
- Townsville, Qld
- Islington, SA
- Penfield, SA
- Forrestfield, WA
- Kewdale-Welshpool, WA
- Brighton Transport Hub, Tas

If YES, your asset is a critical freight infrastructure asset located in the Transport Sector.
19
Asset Definition Guidance for Freight Infrastructure (cont.)

Am I a **reporting entity** for a critical freight infrastructure asset?

I am the Commonwealth, State or Territory Government responsible for management of the asset. I am a body established by a law of the Commonwealth, State or Territory governments responsible for the management of the asset. Where these are not applicable, I am the responsible entity prescribed by the rules in relation to that asset for managing (i.e. listed in **Schedule 1 of Definitions Rules**).

E.g. Float Ltd. was established by the X state government to manage intermodal facility A. Float Ltd. is the responsible entity for intermodal facility A.

I, together with any associates, hold an interest of **at least 10%** in the asset, including any joint interests.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

I hold an interest in a critical freight infrastructure asset such that I am in a position to **directly or indirectly control** the asset.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If **YES**, **if either of these**, you are a **direct interest holder** for a critical freight infrastructure asset. See section 8 of the SOCI Act

If **NO**, you are not a **reporting entity** for a critical freight infrastructure asset.

**What are my obligations under the Act?**

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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td><strong>Direct interest holders</strong></td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
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20
Asset Definition Guidance for Freight Services

Is my asset a critical freight services asset?

My asset is located in Australia

My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

My asset is a network that is used by an entity carrying on a business that is critical to the transportation of goods by road, rail, inland waters and/or sea?

Inland waters means waters within Australia other than water of the sea.

My business has an annual revenue of at least $150 million

My business provides a freight service that is a road freight transport service, a freight forwarding service, a rail freight transport service or a water freight service

The freight service provided by my business involves the transport or storage of any of the following:

- Food and groceries, where transported to or from a critical supermarket retailer or a critical grocery wholesaler (Section 15 Definitions Rules)
- Therapeutic goods registered on the Australian Register of Therapeutic Goods, moved to or from premises storing such goods
- 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 law of a State or Territory
- Liquid fuel, where transported to or from a critical liquid fuel asset
- Essential goods and supplies required for water treatment facilities e.g. chlorine.
- Any other good critical for the operation, maintenance or management of a critical infrastructure asset

If YES, your asset is a critical freight services asset located in the Transport Sector.
20

Asset Definition Guidance for Freight Services (cont.)

Am I a reporting entity for a critical freight services asset?

I am the entity referred to in the applicable asset definition.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

I hold an interest in a critical freight services asset such that I am in a position to directly or indirectly control the asset.

E.g. X Transport is a business with $200m annual turnover that transports food and groceries to and from Aldi Supermarkets via road. X Transport would be the responsible entity for a critical freight services asset.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical freight services asset. See section 12L(19) of the SOCI Act.

If YES, to either of these, you are a direct interest holder for a critical freight services asset. See section 8 of the SOCI Act.

If NO, you are not a reporting entity for a critical freight services asset.

What are my obligations under the Act?

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<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
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<tr>
<td>Direct interest holders</td>
<td>✔</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>
Is my asset land that forms part of any of the following security regulated ports:

- Broome Port
- Port of Adelaide
- Port of Brisbane
- Port of Cairns
- Port of Christmas Island
- Port of Dampier
- Port of Darwin
- Port of Eden
- Port of Freemantle
- Port of Geelong
- Port of Gladstone
- Port of Hay Point
- Port of Hobart
- Port of Melbourne
- Port of Newcastle
- Port of Port Botany
- Port of Port Hedland
- Port of Rockhampton
- Port of Sydney Harbour, or
- Port of Townsville.

A port is defined in the Maritime Transport and Offshore Facilities Security Act 2003 (Cth.) s12 as an area of water, or land and water (including any buildings, installations or equipment situated in or on that land or water) intended for use either wholly or partly in connection with the movement, loading, unloading, maintenance or provisioning of ships.

This definition includes:
- Areas of water, between the land of the port and the open waters outside the port, intended for use by ships to gain access to loading, unloading or other land-based facilities;
- Areas of open water intended for anchoring or otherwise holding ships before they enter areas of water described above; and
- areas of open water between the areas of water described above.

If YES, your asset is a critical port asset located in the Transport Sector.
21
Asset Definition Guidance for Port (cont.)

Am I a reporting entity for a critical port?

I am the port operator of the port i.e. designated by the Secretary for Home Affairs as the port operator for the port.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

I hold an interest in a critical port asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

If YES, you are a responsible entity for a critical port asset. See section 12L(17) of the SOCI Act

If YES, to either of these, you are a direct interest holder for a critical port asset. See section 8 of the SOCI Act

If NO, you are not a reporting entity for a critical port asset.

What are my obligations under the Act?

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<td>✓*</td>
<td>×</td>
<td>✓</td>
<td>✓</td>
<td>Only if you have been notified your asset is a System of National Significance</td>
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<tr>
<td>Direct interest holders</td>
<td>✓*</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
</tr>
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</table>

* The obligation only applies for assets which were critical port assets immediately prior to 3 December 2021. Any port asset that becomes a critical infrastructure asset after this date is not required to be registered.

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Asset Definition Guidance for Public Transport

Is my asset a critical public transport asset?

- My asset is located in Australia

- My asset is not owned by the Commonwealth or a Commonwealth body (other than a government business enterprise)

- My asset is a public transport network or system managed by a single entity
  May include rail networks, bus networks, monorail or light rail networks or ferry networks.

- My asset is capable of handling at least 5 million passenger journeys per month

- My asset is not a critical aviation asset

A critical aviation asset means an asset that is used in connection with the provision of an air service and is owned or operated by an aircraft operator; or an asset that is used in connection with the provision of an air service and is owned or operated by a regulated air cargo agent; or an asset that is used by an airport operator in connection with the operation of an airport.

If YES, your asset is a critical public transport asset located in the Transport Sector.
22
Asset Definition Guidance for Public Transport (cont.)
Am I a reporting entity for a critical public transport asset?

I am the entity referred to in the asset definition.

E.g. X Transport is a private company that operates a large bus network on behalf of a state government. Though they work in partnership with the state government to provide bus services, they manage their own assets so would be considered the responsible entity for their buses and other network assets.

If YES, you are a responsible entity for a critical public transport asset. See section 12L(20) of the SOCI Act

If NO, you are not a reporting entity for a critical public transport asset.

I, together with any associates, hold an interest of at least 10% in the asset, including any joint interests.

E.g. Entity A holds a 5% interest in the critical asset. Entity A carries on a business in partnership with Entity B, which also holds a 5% interest in the asset. Entity A and Entity B are considered associates and together hold an interest of at least 10% in the asset. Entity A and Entity B are direct interest holders.

If YES, to either of these, you are a direct interest holder for a critical public transport asset. See section 8 of the SOCI Act

I hold an interest in a critical public transport asset such that I am in a position to directly or indirectly control the asset.

E.g. Entity A is the holding company of a trust which has an 8% financial stake in a critical infrastructure asset. While less than the legislative threshold of 10%, Entity A is still considered a direct interest holder as their stake allows them to appoint several board members to the governing body of the critical infrastructure asset. This gives Entity A the power to directly influence the asset’s operations, meaning they are considered a direct interest holder.

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<th>Have and maintain a Risk Management Program</th>
<th>Mandatory cyber security incident reporting</th>
<th>Obligation to notify data service providers if applicable</th>
<th>Subject to enhanced cyber security obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible entities</td>
<td>✓</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>Only if you have been notified your asset is a System of National Significance</td>
</tr>
<tr>
<td>Direct interest holders</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>

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