



Register of Critical Infrastructure Assets Guidance

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Reforms to the *Security of Critical Infrastructure Act 2018* Register of Critical Infrastructure Assets Guidance

SECTION 1: General Guidance

What is the Obligation?



The Cyber and Infrastructure Security Centre (the CISC) maintains a Register of Critical Infrastructure Assets (the Register) which is a database of information about critical infrastructure assets.

Part 2 of the *Security of Critical Infrastructure Act 2018* (SOC1 Act) provides that:

- Reporting entities ([Responsible Entities](#) and [Direct Interest Holders](#)) [for specified critical infrastructure assets](#) must provide operational information, and interest and control information relating to those assets to the Register ([section 23](#))
- Reporting entities have an ongoing obligation to update the Register if information relating to the asset changes ([section 24](#)).¹

Please Note: This guidance will be progressively updated with sector specific examples. Refer to the CISC website in the future for further guidance.

Why is the Register important?



The Register assists Government to understand the ownership and operational arrangements of critical infrastructure assets, including the interdependencies between assets which may be beyond the visibility of individual entities. Combined with a broader understanding of the threat environment, the Register supports the Government to identify and manage risks to critical infrastructure assets which could cause significant harm to Australia.

This information is then used by the Government to support industry to reduce and mitigate risks to critical infrastructure assets, through the provision of timely advice, guidance and information on emerging risks. This will help you to continue to provide your essential services that our communities and economy rely upon.

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How will my information be protected?



The Register is not public, and all information contained on it is protected information under the SOC1 Act. This means the information cannot be used or disclosed except in limited, prescribed circumstances (see Part 4, Division 3). Further information on the handling of protected information can be found [here](#).

Any personal or sensitive information reported to the Register will also be subject to the *Privacy Act 1988*.

Who needs to provide information to the register?



Responsible entities must provide operational information in relation to the asset. The responsible entity for each asset class is defined in [section 12L](#).

A **direct interest holder** in relation to a critical infrastructure asset is an entity (e.g. individual, company or trust) that:

- together with any associates, holds a direct or joint interest of at least 10% in the asset; or.
- holds an interest in the asset that puts the entity in a position to directly or indirectly influence or control the asset.

An entity may be both the responsible entity and a direct interest holder in relation to the asset, and therefore would be responsible for reporting both operational information, and interest and control information to the Register.

¹ Equivalent obligations are imposed on telecommunication carriers and carriage service providers through the Telecommunications Act 1997.



Which classes of critical infrastructure assets are subject to the Register obligations?

The Register obligations apply to responsible entities and direct interest holders for the following classes of critical infrastructure assets which are defined in the SOCI Act:

- Critical electricity asset as defined in [section 10](#) (obligations have applied to some electricity assets since 2018)²
- Critical broadcasting asset as defined in [section 12E](#)
- Critical domain name system as defined in [section 12KA](#)
- Critical data storage or processing asset as defined in [section 12F](#)
- Critical freight services asset as defined in [section 12C](#)
- Critical water asset as defined in [section 5](#) (obligations have applied since 2018)
- Critical hospital as defined in [section 5](#)
- Critical food and grocery asset as defined in [section 12K](#)
- Critical energy market operator asset as defined in [section 5](#)
- Critical freight infrastructure asset as defined in [section 12B](#)
- Critical liquid fuel asset as defined in [section 12A](#)
- Critical public transport asset as defined in [section 5](#)
- Critical port as defined in [section 11](#) (obligations have applied since 2018)
- Critical gas asset as defined in [section 12](#) (obligations have applied to some gas assets since 2018)
- Critical financial market infrastructure asset that is a payment system as defined in [section 12D](#).

Equivalent obligations apply to critical telecommunications assets as defined in [the Telecommunications \(Carrier License Conditions–Security Information\) Declaration 2022](#) and [Telecommunications \(Carriage Service Provider–Security Information\) Determination 2022](#) by the Minister for Communications.

² Certain sugar mills listed in the [SOCI Application Rules \(LIN 22/026\)](#) are excluded from the Register obligations.

How do I identify the asset that must be registered?

- Each class of critical infrastructure asset is defined by the SOCI Act, and in some circumstances, supporting [SOCI Definitions Rules \(LIN 21/039\)](#). A single critical infrastructure asset may be comprised of multiple component parts such as premises, computers, and data, which function together as a system or network.
- When considering the components that comprise the critical infrastructure asset, entities should consider those components that are necessary to support the effective provision of the core functions provided by the asset. This may include components that support the provision of the service, as well as those that support the integrity and reliability of the asset, and the confidentiality of information relevant to the asset.
- Where components operate as a single system or network that meets the definition of a critical infrastructure asset they may be registered as a single critical infrastructure asset. Alternatively, where the components operate as separate systems or networks that each meet the definition of a critical infrastructure asset, they may be registered as separate critical infrastructure assets. The reporting entities will be best placed to make this determination. However, please contact the CISC should you require further guidance.

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SECTION 2: Obligations on Responsible Entities

The responsible entity for a critical infrastructure asset is the entity defined in section 12L of the SOCI Act. The definitions vary for each class of critical infrastructure asset. Responsible entities, or an agent of the responsible entity, for certain critical infrastructure assets (as identified on page 3) must provide operational information.

Initial obligation to provide information

The date a responsible entity is required to provide operational information will depend on when that entity's asset became a critical infrastructure asset.

- If the responsible entity's asset became a critical infrastructure asset **before** 8 April 2022, the responsible entity is required to provide the asset's operational information by 8 October 2022.
- If the responsible entity's asset became a critical infrastructure asset **after** 8 April 2022, the responsible entity is required to provide the asset's operational information within 6 months of the day the asset became a critical infrastructure asset.

The form to provide this information is available [here](#).

Ongoing obligation to provide information

Responsible entities are required to provide updated information where operational information previously provided becomes incorrect or incomplete, or the reporting entity for an asset changes. These updates must be made within 30 days of the event occurring.

Responsible Entities can provide updates to operational information [here](#).

Examples of events that may require updating include:

Change to Contact Information

Change in Reporting Entity

Change to operator or data arrangements

Example of a notifiable event for a responsible entity

Company X, which owns an electricity distribution asset, decides against renewing its arrangement with the current asset operator. In a new arrangement, Company X engages Company A to be the entity that will hold the licence to operate its electricity distribution asset. The licence arrangement results in Company A being the responsible entity for the electricity distribution asset. In accordance with [subsection 26\(b\)](#) of the Act, Company A would need to report the updated operational information in relation to the asset.



What operational information is required?

Operational information in relation to an asset is defined in [section 7](#). Responsible entities are encouraged to provide as much information and context as possible to inform the Government's understanding of the operation of, and risks associated with, critical infrastructure assets.

Further guidance is provided below about key components of operational information:

The location of the asset

- If your asset is located at a **single location** – please provide the street address, lot and plan number, latitude/longitude, or crown allotment number of the asset.
- If your asset is **geographically dispersed** please provide the street address or other geospatial data (coordinates, polygons etc.) for the key components of your asset (those that are essential to the operation of the asset).
- Where possible, reporting entities are encouraged to comment on the function the key components play in relation to the functioning of the asset as a whole.
- Reporting entities may wish to provide technical documents as attachments such as a spreadsheet or geospatial file for highly dispersed assets.

Example of a responsible entity reporting on their asset location

- The responsible entity for a **critical electricity asset** could provide a geospatial file of their network, showing the location of transmission sub-stations and transmission lines however it is not necessary to provide the location for each transmission tower, pole or low voltage line.
- The responsible entity for a **critical public transport asset** could provide the location of depots and the central control centre but is not required to provide the location of each bus stop or bus.
- The responsible entity for a **critical data storage or processing asset** who provides cloud services could provide the addresses or coordinates of their data centres.

A description of the area the asset services

Please provide a description of the area that your asset operates.

Consider where the **end users of the output** (goods and or services) of your asset are located, for example state, local government area, catchment.

If your asset services a **broad undefined area** e.g. data centre, ports etc. provide a statement detailing this.

Description of the arrangements under which another entity operates the asset or a part of the asset

If the responsible entity is the exclusive operator of the asset – please provide a statement to that effect.

If other entities are involved in the operation of the asset, or different parts of the asset, please provide the following information about each of those operators:

- the name of the entity, the entity's ABN (or international equivalent), and the address of the entity's head office or principal place of business;
- the part of the asset the entity operates;
- the role or function provided by the operator, including their level of control over the asset; and
- a description the arrangement with each operator of the asset.

Operators are those entities or individuals in a position to exercise some level of operational control over the day-to-day running of the critical infrastructure asset. An operator is an entity that is:

- authorised by a responsible entity to independently operate the asset or a part of the asset; and
- directly contributes to ensuring the asset fulfils its function.

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Tasks that operators can be responsible for include, but are not limited to:

- Managing, controlling and/or participating in an asset's control room or network operations centre (or however else described). This includes those entities that manage and/or control an asset's industrial control systems (such as SCADA systems).
- Independently managing or controlling key assets or network elements (whether remotely or not), relevant examples could include:
 - a third-party provider operating medical imaging in a critical hospital.
 - contracting an outside firm to provide the maintenance for a critical broadcasting asset's communication cables.

Responsible entities are also encouraged, although not required, to provide information relating to key supplier dependencies (e.g. utilities, supply chain etc.).

Examples of operators of critical infrastructure assets

- The responsible entity for an **electricity transmission network** contracts an entity to independently manage an electricity substation. In this example, the contracted entity is an operator as the responsible entity has provided them with the authority to independently operate a part of the transmission network, which directly contributes to the network transporting electricity from generators to distributors.
- The responsible entity for a **critical water asset** has contracted an entity to independently manage a water treatment plant. In this example, the contracted entity is an operator as the responsible entity has provided them with the authority to independently operate a part of the water network which directly contributes to the network servicing at least 100,000 connections.

Examples of an entity that is not captured as an operator

- The responsible entity for a gas pipeline has contracted an entity to independently manage the asset's physical security. This provides the contracted entity with express authorisation to access critical areas of the asset. However, the contracted entity is not an operator (for the purposes of the Act) as they have no role in the actual operation of the asset and therefore do not directly contribute to transporting gas.
- The responsible entity for a critical hospital asset outsources cleaning public areas of the facility. Whilst this provides a third-party with access to areas of the critical asset, the third-party does not operate the asset and therefore they do not directly contribute to the provision of the critical service.

Description of the arrangements under which relevant data types are managed by a third-party

Reporting entities are required to provide information in relation to their arrangements with third parties who manage the specified types of data.

Relevant data is

- personal information, within the meaning of the *Privacy Act 1988*, of at least 20,000 persons;
- sensitive information, within the meaning of the *Privacy Act 1988*;
- information about any research and development related to the asset;
- information about any systems needed to operate the asset;
- information about risk management and business continuity (however described) for the asset; and
- the asset class specific information listed in subsection 17(1)(vi) of the [Rules](#).

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Given the critical importance of data, and its potential attractiveness for espionage and sabotage purposes, this obligation will ensure there is visibility of any outsourced arrangements relating to data.

A third-party is any entity other than the responsible entity and may include a data centre or cloud service provider who is contracted to store or process data on behalf of the asset.

The information required to be provided about the arrangements includes:

- the following information about the entity that maintains the data:
 - name;
 - ABN (or international equivalent);
 - address of the entity's head office or principal place of business; and
 - the country in which the entity was formed.
- the address where the data is held, including to the extent practicable, the address where computers or servers holding the data are located, and whether the computers or servers are part of a cloud service;
- for data held using a cloud service—the name of the cloud service; and
- the kind of data maintained by the entity.

Please note that where a responsible entity is provided commercial data storage or processing services by a third-party on a commercial basis in relation to critical data (defined in [section 5](#)), the responsible entity for the asset has an obligation to, as soon as practicable, take reasonable steps to inform the third-party of those circumstances ([subsection 12F\(3\)](#)).

Data storage or processing service providers can themselves be considered critical infrastructure assets depending on the nature of the data they manage on behalf of clients who operate critical infrastructure assets. Triggering security obligations for data storage or processing service providers plays an important role in strengthening Australia's network of critical infrastructure assets.

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SECTION 3: Obligations on Direct Interest Holders

A direct interest holder for certain [critical infrastructure assets](#), or an agent of the direct interest holder, must provide interest and control information about their relationship with the asset.

An entity is a direct interest holder in relation to a critical infrastructure asset if the entity either ([section 8](#)):

- together with any associates of the entity, holds a direct or joint interest of at least 10 per cent in the critical infrastructure asset; or
- holds an interest in the asset that puts the entity in a position to directly or indirectly influence or control the asset.

Examples of a Direct Interest Holder

Entity A holds a 5% interest in the critical infrastructure 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.

An entity is in a position to directly or indirectly influence or control an asset if ([section 8A](#)):

- the entity is in a position to exercise voting or veto rights in relation to the body that governs the asset;
- the entity is in a position to make decisions that materially impact on the running of, or strategic direction in relation to, the asset;
- the entity has the ability to appoint persons to the body that governs the asset (for example a board member) or key personnel involved in running the asset (for example a CEO); or
- the entity is in a position to influence or determine decisions relating to:
 - the business plan, or any other management plan, for the asset;

- major expenditure relating to the asset;
- major contracts or transactions involving the asset; or
- major loans involving the asset.

Examples of Influence or Control

1. Entity A is the holding company of a trust which has an 8 per cent financial stake in a critical infrastructure asset. Whilst less than the legislative threshold of 10 per cent, 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.
2. Entity C is the license holder and operator of a critical infrastructure asset meaning they are the responsible entity for the asset. The asset itself is completely owned by a joint venture, Consortium A, in which Entity C, and a separate entity, Entity B, are equal partners. Consortium A, as the sole owner of the asset, is considered a direct interest holder.
 - As a part of the partnership agreement, Entity C and Entity B can separately appoint members to the governing board of the critical asset. This means Entity C and Entity B are also considered direct interest holders due to their ability to directly influence the operations of the critical asset.
 - This is also an example of where an entity (i.e. Entity C) can be a responsible entity and direct interest holder.

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The following entities are not considered direct interest holders:

- an entity that holds an interest in the asset solely by way of security for the purposes of a moneylending agreement (for example, a bank who has provided a secured loan) or enforcing such a security;
- an entity that provides a custodial or depository service and holds an interest in that capacity which does not put the entity in a position to directly or indirectly influence or control the asset; and
- the landlord of an asset, unless the arrangement provides the landlord rights in relation to the asset beyond those that are ordinarily part of commercial leases and would amount to influence or control.

Initial obligation to provide information

The date a direct interest holder is required to provide interest and control information will depend on when the relevant asset became a critical infrastructure asset.

- If the relevant asset became a critical infrastructure asset **before** 8 April 2022, the direct interest holder is required to provide the interest and control information by 8 October 2022.
- If the relevant asset became a critical infrastructure asset **after** 8 April 2022, the direct interest holder is required to provide the interest and control information within 6 months of the day the asset became a critical infrastructure asset.

The form to provide this information is available [here](#).

Ongoing obligation to provide information

Direct interest holders are obliged to update the Register in the instance where the interest and control information previously provided becomes incorrect or incomplete, or the direct interest holder for an asset changes. These updates must be made within 30 days of the event occurring. Direct Interest Holders can provide information on notifiable events [here](#).

Examples of events that may require updating include:

Change in head office Location

Divestment of interest in responsible entity

Change in ownership structure

Change in level or nature of interest

Change to ability to influence and control

Example of a notifiable event for a direct interest holder

Having already reported its interest and control information to the Register, Direct Interest Holder A sells down its 100 per cent shareholding in Asset C to Direct Interest Holder B who acquires a 20 per cent interest in Asset C. In this example, in accordance with section 24 of the Act, within 30 days, Direct Interest Holder A would need to report its new shareholding as 80 per cent. Additionally, Direct Interest Holder B, as a direct interest holder in Asset C, would need to report its newly acquired 20 per cent shareholding as well as all other required information.



What interest and control information is required?

The interest and control information required to be provided is defined in [section 6](#). Direct interest holders are encouraged to provide as much information and context as possible to inform the Government's understanding of the ownership and control of, and risks associated with, critical infrastructure assets.

Further guidance is provided below about key components of interest and control information:

The type and level of the interest the direct interest holder holds in the asset

An interest may be a **legal** or **equitable** interest in the asset.

In describing the type of interest the direct interest holder holds in the asset, please consider whether there is:

- An **ownership / equitable interest** in the asset, i.e. your entity owns a part or all of the asset;
- A **voting interest** in the asset, i.e. your entity has voting rights that may influence the operation of the asset;
- A **legal interest in the asset**, i.e. your entity has the power to direct the operations of the asset; and
- Any **other interest** that affects the function of the asset.

In describing the level of interest the direct interest holder holds in the asset, please consider the amount or extent of the interest, for example percentage of ownership, number or percentage of voting right, or extent of legal interest.

Please consider providing any agreements or contracts, or infographics which illustrate the ownership structure.

Information about the influence or control the first entity is able to directly or indirectly exercise in relation to the asset

The direct interest holder must provide information detailing the ways their entity is able to influence or control the critical infrastructure asset with reference to the definitions provided [here](#).

Information about the ability of a person, who has been appointed by the direct interest holder to the body that governs the asset, to directly access networks or systems that are necessary for the operation or control of the asset

Please provide information about the ability of any person appointed to a governing body, who has authorisation and access to networks or systems necessary for the operation or control of the asset. For example, this may include board members' access to industrial control systems and security or corporate systems of the asset.

Details of each other entity that is able to directly or indirectly influence or control relevant entities

The direct interest holder is required to report information on behalf of any other entity (controlling entity) that is in a position to directly or indirectly influence or control:

- The direct interest holder; or
- Any entity previously covered by the guidance.

This includes all entities up to the ultimate interest holder or beneficial owner of the direct interest holder (including any intermediate entities).

This information forms the crux of the Register to identify who ultimately owns and controls critical infrastructure assets and to assist in identifying any associated risks to national security arising from that ownership or control.

A controlling entity can exert influence or control over a controlled entity in the same way as a direct interest holder is able to influence or control the critical infrastructure asset as explained [here](#).

Direct Interest Holders – Further Illustrative Examples

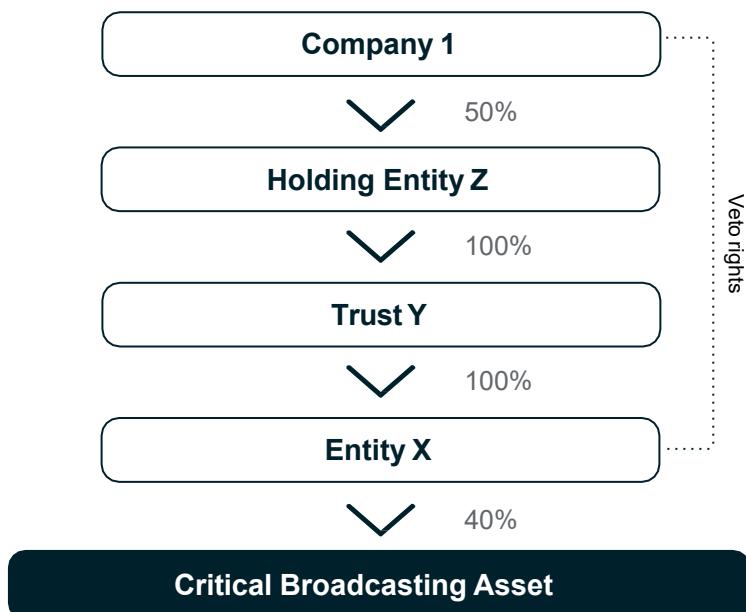
The below examples detail different company ownership structures and identifies the relevant entities which would likely be identified as a direct interest holder of the critical infrastructure asset

Direct Interest Holder - Example 1

Entity X holds a 40% interest in a critical broadcasting network. Entity X is wholly owned by Trust Y, which is wholly owned by Holding Entity Z, which is a subsidiary of Company 1. Company 1 also has the ability to exercise veto rights in relation to Entity X.

Entity X is the first entity and direct interest holder of the critical infrastructure asset (broadcasting network) and would need to register its interest and control information.

Entity X would also need to register details of Trust Y, Holding Entity Z and Company 1 who are in a position to directly or indirectly exercise influence or control:



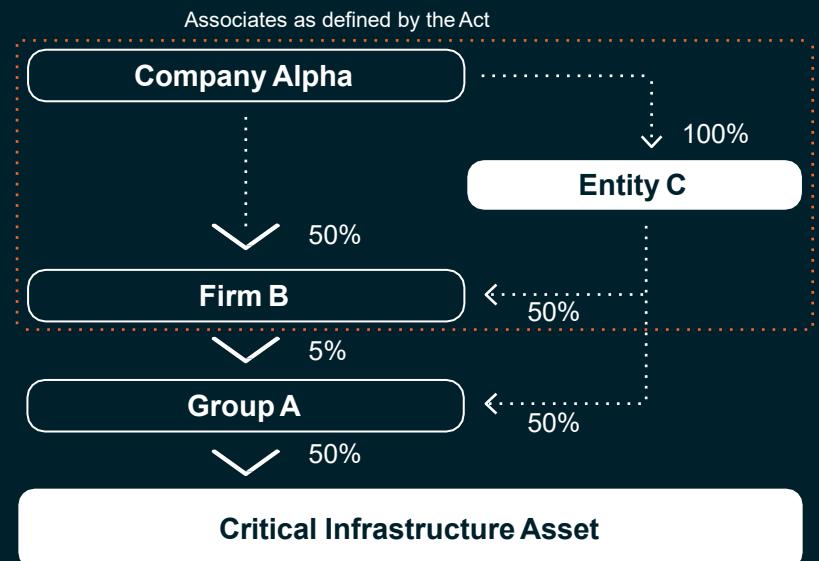
Direct Interest Holder - Example 2

Group A, the direct interest holder in an asset, is owned 50 per cent by Entity C. Entity C also holds a 50 per cent stake in Firm B, which in turn holds a 5 per cent interest in Group A, the first entity.

Firm B is also considered a controlling entity of Group A as Entity C and Firm B are associates as defined by [section 8B](#).

Combined, Firm B and Entity C hold a 55 per cent interest in Group A. Company Alpha is the ultimate holding company of both Firm B and Entity C.

Group A, as the direct interest holder, would be required to report details on Firm B, Entity C and Company Alpha.



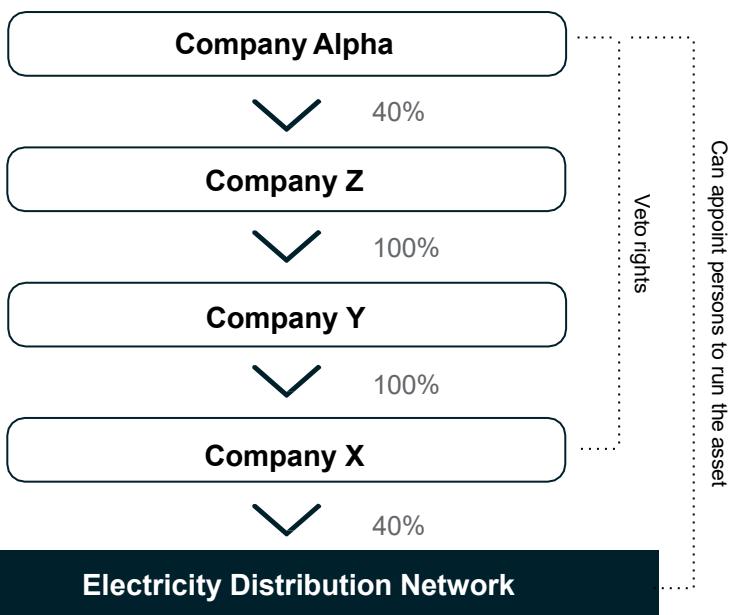
Direct Interest Holder - Example 3

Company X holds a 40 per cent interest in an electricity distribution network. Company X is wholly owned by Company Y, which is wholly owned by Company Z, which in turn is a subsidiary of Company Alpha. Company Alpha:

- holds an interest greater than 10 per cent in each of the holding entities of the first entity, Company X
- is in a position to appoint persons to run the electricity distribution network
- exercises veto rights in relation to the first entity, Company X.

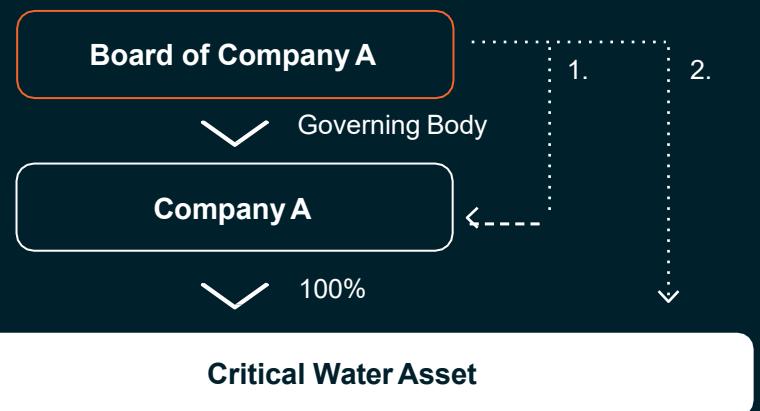
Company X is required to report on each of these entities, up to the ultimate owner, Company Alpha. Specifically, company X should detail that:

- Company Y and Company Z, as entities that are in a position to directly or indirectly influence or control the first entity (Company X), are considered direct interest holders under [subsection 6\(1\)\(h\)\(ii\)](#)
- Company Alpha, the ultimate owner is considered a direct interest holder under [subsection 6\(1\)\(h\)\(ii\)](#).



Direct Interest Holder - Example 4

Company A owns a critical water asset. One board member who has experience in industrial control systems takes over the responsibilities of the chief operating officer who has fallen ill and cannot perform their functions for a significant period. As this role requires access to the critical water asset's industrial control systems, this access would require reporting to the Register in accordance with paragraph 6(1)(g)



1. Board member can step in as temporary CEO
2. Board member can access critical systems when performing temporary CEO role