



27 November 2020

Critical Infrastructure Centre  
Department of Home Affairs  
3-5 National Circuit  
Barton ACT 2600

Dear Sir/Madam,

### **Submission on Exposure Draft of Critical Infrastructure Bill**

The Clean Energy Council is pleased to provide a submission in response to the Exposure Draft of the Security Legislation Amendment (Critical Infrastructure) Bill 2020 (**the Bill**). Our submission is focused on the proposed changes for the energy sector.

The Clean Energy Council (**CEC**) is the peak body for the clean energy industry in Australia. We represent and work with over 800 of the leading businesses operating in renewable energy and energy storage. We are committed to accelerating Australia's clean energy transformation.

The CEC has provided a previous submission in response to the Protecting Critical Infrastructure and Systems of National Significance Consultation Paper, dated 16 September 2020 (**Attachment 1**), in which we outlined our key concerns and recommendations. We note that many of these concerns have not yet been addressed or come to fruition as they will be contained in the accompanying rules to the Bill, which we understand are to be released for consultation in early 2021.

However, the Bill's Explanatory Document confirms that *'it is likely that an expanded set of generator assets will be captured under the Bill'* and the CEC understands from discussions with the Department of Home Affairs (**the Department**) that its position regarding the 30MW generating capacity threshold as part of the definition of a 'critical infrastructure asset' has not changed since receiving feedback on the Consultation Paper.

With this in mind, in anticipation of the drafting of the accompanying rules we wish to reiterate a number of concerns with the Bill (and its related subordinate legislation) which may have a disproportionately adverse effect on renewable energy assets and warrants review by the Department. Our key concerns and recommendations are outlined below:

#### *1. Definition of 'critical electricity asset':*

- The CEC understands that the Department's position regarding the 30MW generating capacity threshold has not changed since receiving feedback on the Consultation Paper. The CEC strongly reaffirms that the proposed electricity generation capacity threshold is currently too low and should be increased from 30MW.

- The proposed definition of ‘critical electricity asset’ may stifle investment, as well as access to international technology and innovation, due to an association with foreign investment legislation reform.

The CEC understands from discussions with the Department that the definition will only apply to operational assets. The CEC supports this decision.

2. *Proposed cyber security obligations:*

- The CEC suggests the Australian Energy Regulator and Western Australia’s Economic Regulation Authority would be appropriate sector regulators.
- Standards should be proportionate and developed with the sector.

We explain the reasons for our concerns and recommendations in our submission dated 16 September 2020.

Thank you for this opportunity to provide feedback on the Bill and we look forward to engaging with you in future consultations regarding the accompanying rules when they are released in 2021.

Please do not hesitate to contact me on 0417 033 752 or at [afreeman@cleanenergycouncil.org.au](mailto:afreeman@cleanenergycouncil.org.au) if you wish to discuss these matters further.

Yours sincerely,



Anna Freeman  
Policy Director – Energy Generation