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AUSTRALIAN SERVICES UNION
By your side

1 March 2022

Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

By email: pjcis@aph.gov.au

Re: Review of the Security Legislation Amendment (Critical Infrastructure Protection) Bill 2022

We write in support of the ACTU submission to this inquiry. The Australian Services Union ('**ASU**') strongly supports the contents of the ACTU's submission and their proposed amendments to the Bill.

The ASU is one of Australia's largest unions, representing approximately 135,000 employees. We are the union for energy and water workers in Australia. Our members have the responsibility of providing our society with electricity, gas, water and sewerage services. Their dedicated professionalism ensures continuity of service in times of crises. During natural disasters, they are often amongst the first responders - keeping the lights on and the water running.

The AusCheck scheme goes far beyond what is necessary to protect our critical infrastructure. It is a direct attack on our member's right to privacy. The law would put too much power in the hands of employers to collect personal information about our members, without offering proper safeguards to prevent discrimination or to protect our members' personal information.

The behaviour of some employers demonstrates that the unions' concerns are more than mere speculation.

Case study - Powerlink

In Early 2021, Powerlink advised its workforce that it intended to conduct a 'digital footprint check' on employees. The purpose of this investigation was to find employees they deemed to have conducted 'adverse online behaviour' in preparation for the implementation of the AusCheck system.

The employer proposed a very broad definition of adverse online behaviour that went beyond the employee-employer relationship. Notably, Powerlink stated that it would seek out activity that suggested the employee was '*susceptible to, or easily succumbs to, groupthink or other conformity pressures*'.

It is clear that the over-reaching nature of the Bill empowered this employer to attempt to collect information pre-emptively. The only reason that Powerlink did not implement its proposal was as a result of a successful dispute by the Industry Unions.

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It's likely that if the Bill were made law, other employers would adopt similarly over-reaching internet use policies.

Case study - TransGrid

TransGrid is an electrical company operating in NSW. In 2021, Transgrid engaged an agency called My Verification Services in preparation of the Bill passing parliament. My Verification Services conducted highly invasive investigations of employees without their consent. This involved employees receiving phone calls at home on their private telephone numbers with regard to complying with the engagement of My Verification Services. Often, these phone calls were after-hours. Members reported significant distress at this level of harassment.

TransGrid has told the ASU that it intended to apply the same standard to each cohort in the business. That would mean that an administrative officer would be subject to the same level of scrutiny as a frontline operator with access to secure or sensitive operational areas.

We urge the Committee to adopt the ACTU's recommendations. We look forward to working with all parties to keep Australia's critical infrastructure secure while protecting the civil and human rights of employees in those industries.

Yours faithfully

[redacted]

Robert Potter
NATIONAL SECRETARY

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