



ELECTRICAL TRADES UNION OF AUSTRALIA
POWERING THE FUTURE



Electrical Trades Union

Consultation on enhancements to the CIRMP Rules

February 2026

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Acknowledgement

In the spirit of reconciliation, the ETU acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all First Nations peoples today.

Introduction

The Electrical Trades Union of Australia ('the ETU')¹ is the principal union for electrical and electrotechnology tradespeople and apprentices in Australia, representing well over seventy-thousand workers around the country. Our members are employed to work on critical assets subject to the *Security of Critical Infrastructure (Critical infrastructure risk management program) Rules (LIN 23/006) 2023* (CIRMP Rules) and will be directly impacted by changes to the rules.

The ETU appreciates the intention of the Subordinate Legislation in protecting Australia's critical infrastructure and acknowledges that matters of national security are not often within the purview of trade unions. However, as has been voiced by the ETU through previous consultations, these changes have the capacity to significantly affect the lives of our members.

The ETU has previously engaged in consultation on legislation and subordinate legislation relevant to the security of critical infrastructure including (without limitation):

- a submission to the Joint Standing Committee on Intelligence and Security on the Review of the Security Legislation Amendment (Critical Infrastructure) Bill 2020;
- a submission to the Parliamentary Joint Committee on Intelligence and Security (PJCIS) inquiry into the Security Legislation Amendment (Critical Infrastructure Protection) Bill 2022; and
- a submission to the Minister for Home Affairs on the Security of Critical Infrastructure (Critical Infrastructure Risk Management Program) Rules 2022.

Such submissions raised (without limitation) the ETU's ongoing concerns regarding:

- the Department's failure to consult with the ETU and other trade unions in the design of legislation and subordinate legislation relevant to the security of critical infrastructure; and
- the failure to appropriately protect the rights of people working on critical infrastructure.

The ETU continues to hold these concerns in respect of the present consultation.

¹ Being a division of the CEPU, a trade union registered under the *Fair Work (Registered Organisations) Act 2009* (Cth).

Failure to consult

The inclusion of provisions which concern the people working on critical infrastructure in the CIRMP Rules recognises the important role such workers play in protecting Australia's critical infrastructure. And yet, time and time again, trade unions are excluded from meaningful consultation regarding the design of legislation and subordinate legislation that affects them and their members.

By excluding trade unions from consultation government and corporate entities fail to understand the views and experiences of the workers who build, maintain and operate critical infrastructure and ensure that the Rules appropriately balance their rights.

Companies implementing changes ahead of the consultation

ETU branches have already observed that several Transmission and Distribution Network Service Providers have made changes to their personnel security processes, or are starting to consult on changes to the processes, ahead of changes being made to the rules – including by extending the definition of “critical worker” to all field roles, and taking an expansive approach to historic charges identified in an AusCheck, even when it is unclear how an historic charge that is over decades old may be relevant to identifying the specific security risks outlined in the Act and associated Rules.

In these cases, we are observing that too much discretion is afforded to the entities that own and operate critical infrastructure to unilaterally determine and manage risks, including that:

1. relevant workers and their representatives do not have a right to be consulted in assessing risks to critical infrastructure and developing plans to manage those risks, and we are relying on the discretion of individual employers to include the union in these assessments;
2. the definitions of critical worker is too broad such that workers may unnecessarily be subjected to background checks that impinge upon their privacy and other civil liberties;
3. additional protections are not being put in place to ensure that risk management programs and background checks do not infringe workers' rights to privacy and to organise and take protected action as well as union officials' rights of entry;
4. the appropriateness of risk management plans must be capable of being challenged and reviewed.

Where ETU branches have become aware of changes to approaches to ‘critical workers’ and security plans occurring alongside this consultation, we have sought to engage the relevant companies to understand how they are assessing the risks in their organisation, including how they are changing their definition of a ‘critical worker’ and how the categories of historic charges (and their timeframe) are being considered for the purposes of managing personnel risk.

The ETU was unable to conclude this engagement prior to the due date of this consultation and would welcome the ability to contribute supplementary information to the department following those consultations.