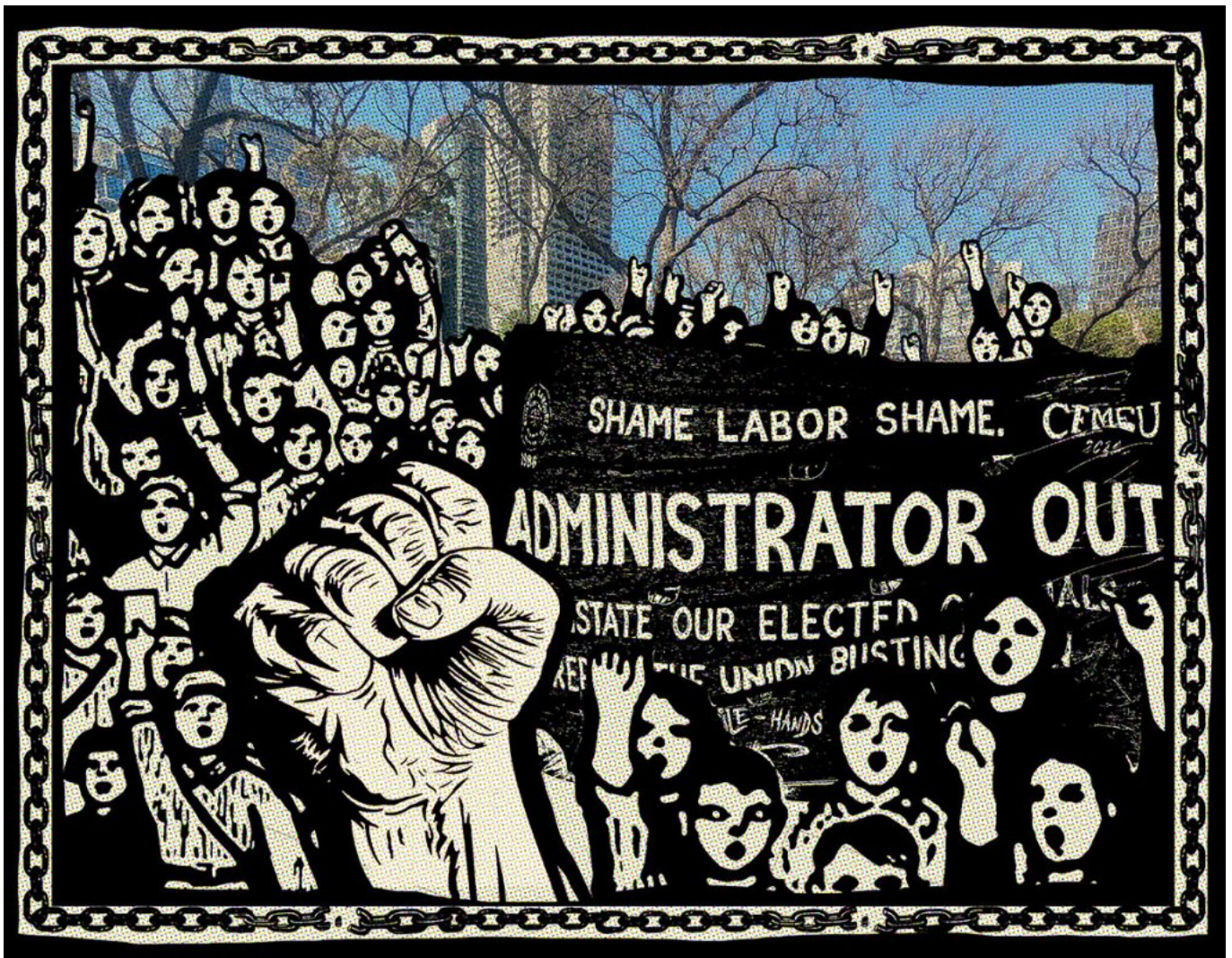


## Workers Resist Australian Government's Attempts to Smash Unions



By Max Lane

On September 18, an estimated 60,000 trade unionists **massed in Melbourne** to protest the national government's usurp of the Construction Forestry and Maritime Employees Union (CFMEU), the Construction Division of one of Australia's biggest trade unions. The mass protest was organised by Big Alliance, a new alliance of trade unions comprising the CFMEU, the Australian Manufacturing Workers Union (AMWU), Electrical Trades Union of Australia (ETU), a division of the Communications Electrical and Plumbing Union (CEPU) and the Plumbing and Pipe Trades Employees Union (PPTEU). The trade

union leaders, and the rally as a whole, affirmed that they would fight the attempts of a government take-over of the Union.

The Australian Labor Party (ALP) government introduced a special legislation, Fair Work (Registered Organisations) Amendment (Administration) Act 2024, This legislation allows the government to simply seize the union, gaining full and unchallengeable access to CFMEU's funds, and the right to sack any and all of trade union staff, officials, or elected leaders. The new law also gives the government the power to appoint an "administrator" to take over and administer the union, besides other **powers which include:**

- The suspension or removal of officers (sacking organisers etc)
- Declarations that offices are vacant (sacking elected officials)
- The timing of elections of officers
- Disciplinary actions by the administrator
- The termination of CFMEU employees
- Altering the rules of the CFMEU
- Employing people to assist the administrator, and delegating powers to them

This law/act empowers the administrator to manage and dispose of property, spend money, and perform any power or function that any official, branch, or division could before the administration. All costs related to the takeover of the union are to be funded from the union's savings. The law makes it clear that there are no avenues for appeal in relation to any aspect of the implementation of the takeover.

The legislation amounts to a total abolition of the right to organise, seizing control of a trade union in defiance of its membership. It is the kind of law usually found under military or fascist dictatorships. Presented by ALP, the act was supported by the (Liberal Party and National Party) Coalition opposition in the parliament. Only the Australian Greens, with a small representation of 11 senators, opposed the law.

The pretext for the move by the government were a **few articles and reports** in one of the Australian capitalist class's media outlet factions. These reports, based on the flimsiest of evidence, claimed that people with (very minor) criminal records or had been members of Bikie groups worked in the industry and were union members. There were also allegations of intimidation by union officials against business or rival union individuals. But all of these allegations were presented with very weak evidence. The CFMEU leadership stated they would investigate these allegations. The government, however, *eagerly* accepted the allegations as true and launched a propaganda attack on the union, followed up by the Legislature enabling the regime seizure of the union. The government did have another option for a move against CFMEU, namely, to deregister it. This would take away its rights as an organisation representing members on site, but would still legally be able to act as a contracted bargaining agent for the workers. The union seizure legislation, however, prevents the CFMEU from any bargaining or representation role, as it is now in the hands of the regime.

## Understanding Labor's Anti-Union Outlook

Up until the late 1970s, union coverage in Australia was at least 70% of the workforce, or probably even higher. For a brief period, 1972-1975, a socially progressive Labor Government brought about a series of significant changes. There was a right-wing backlash, including a capital strike, and in 1975 the government was sacked by an unelected Governor-General in the midst of a damagingly effective media campaign against it. Labor was out of power for the next eight years during which time, its right wing became hegemonic. Its

strategy was to win the support of as much of the capitalist class and its media as possible. Key to this was convincing the capitalist class that the trade union movement would be hobbled. Under the leadership of Bob Hawke, who became Prime Minister in 1983, the Australian Council for Trade Unions (ACTU) agreed to a **Prices and Incomes Accord**, where trade unions agreed not to demand wages above that of an officially agreed inflation rate. The need for union struggle was abolished by this agreement. Within years the union movement's strength eroded. Any unions that broke out of this were attacked. One union, the Builders Labourers Federation, was permanently deregistered in 1986 after prolonged attack. After several years of a Labor government ensuring the weakening of the unions, a conservative government could then come to power and quickly weaken the industrial laws, facilitating a further atomisation of the workforce, especially via the institution of Enterprise Bargaining Agreements, instead of industry-wide agreements.

Union coverage is now around **12.5%** down from the high 70% of the 1970s. Even where union coverage exists, often the branches have been hollowed out with high levels of passivity. According to the Australia Institute: Centre for Future Work, the relative frequency of industrial action (measured by days lost in disputes per 1000 workers employed) **declined** 97 percent from the 1970s to the 2010s. Since 2020, strikes have **increased** but are still way below what they were in the 1970s.

In this context, the Construction Division of the CFMEU and also the Maritime Division, have swam against the stream maintaining a disciplined militancy and achieving high levels of wages for its members. In the building industry, the CFMEU has also achieved 'closed shops' on some sites, excluding more conservative unions from getting a foothold and frustrating employers. Other unions swimming against the stream in this way, include the ETU and CEPU. These unions were the core of the BIG Alliance of unions that participated in the demonstration on 18 September.

The Labor Party's perspective of governing with the support of big business and its media, now ingrained in their DNA over almost half a decade, explains the almost instantaneous and dictatorship-style reaction to the capitalist media's beat-ups against the CFMEU.

## Political Implications

Among the numerous actions taken against the CFMEU was its disaffiliation by ALP in several states of Australia. Most of the trade unions that belong to the Australian Council of Trade Unions (ACTU) have been historically affiliated to the ALP. Of course, since the regime's seizure of the union, this disaffiliation is somewhat moot. The CFMEU has over 100,000 members nationally and it would be fair to say that, at the moment, they all hate the ALP (and the Liberals, who also supported the union seizure legislation). The ACTU also disaffiliated the CFMEU. The CEPU, representing over 100,000 electricians, postmen and plumbers, have themselves **decided to split from the ACTU**. This means that at least two communities of 200,000 active unionists have now more-or-less distanced themselves from the ALP and the ACTU.

Naturally, this gives rise to the question whether this can be the embryo of a new pole of attraction and organisation? Christy Cain, until recently the President of the CFMEU and coming from the Maritime Union of Australia, has raised a call through social media for independent unions, that is, unions independent from the ALP, which he describes as 'liberal' (in the Tory sense) as the Liberal National Party itself. The CEPU **has proposed that blue-collar** unions including metal-workers and construction union representatives should hold a summit before the end of the year to discuss forming an alternative union grouping to the ACTU. Together this grouping represents at least 250,000 workers.

Responses such as these certainly points to the potential for such a development, but there are at least three factors that requires immediate attention.

**First** is the evolution of the struggle against the regime seizure of the CFMEU Construction Division. Several CFMEU officials have launched actions in the Constitutional Court questioning the seizure legislation's constitutionality. However, an underlying question is 'what form can the organisation and representation of construction workers take if the legislation holds?'

**Second** is the question regarding the form, if any, of political representation any new coalition of unions might need and seek. Trade unions in Australia have always had political representation, namely, through the Australian Labor Party. There has been at least one case of an attempt to break out of this in the early part of the twentieth century and briefly in the 1970 and 1980s, but nothing was sustained. However, never in the past has there been the current combination of two factors: first, the ALP's own rejection of the unions and second, the potential of a force of 250,000 unionised workers rejected and alienated from the ALP.

The **third** factor is the stance and policies of the Australian Greens. Although, originally launched as a party focussed primarily on environmental issues. It is positioning itself as a "centre-left", social democratic party, effectively trying to fill the space that has now been totally vacated by the ALP (which the Greens now **categorise as a centre-right party**). At a rally in the city of Brisbane, Greens MP, Max Chandler-Mather, spoke militantly in **support of the CFMEU**. He was later attacked by the big media as introducing a Trump style of populist agitation, though from the Left. Such was the media pressure that the Greens later moderated their stance stating that they were defending the membership and not necessarily defending all CFMEU leaders and **also distancing themselves** from placards comparing Prime Minister Albanese with Hitler.

In any case, the alienation of major unions from the ALP in the face of a regime seizure and a conscious decision by the Greens to position themselves as a centre-left social democratic party, points to tantalising possibilities. The Achilles heel in the Greens strategy is its total focus on electoral politics and avoidance of social struggle campaigning as a part of its strategy. Greens MPs will speak at social struggle rallies, for example in defence of the CFMEU or at Palestine rallies, but do not initiate or seek to help initiate mobilisations. This means they are vulnerable to media pressure as winning positive in the media becomes a key tactical aim given that they cannot use a seriously mobilised membership to spread counter-news and counter-perspectives.

## **International Solidarity**

In this situation of regime seizure of a trade union, negating the freedom to organise, public statements of solidarity with the CFMEU, from around the Asian region would no doubt contribute to the defence of trade unionism in Australia.



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