

Albanese's union-busting law is a thinly cloaked power-grab

3 Sept.—The *Fair Work (Registered Organisations) Amendment (Administration) Act 2024* which the Albanese “Labor” government teamed up with the Liberals to ram through Parliament on 20 August to smash the Construction, Forestry, Mining and Energy Union (CFMEU) has nothing to do with cleaning out corruption from the building industry. That is only the pretext for yet another draconian and arguably unconstitutional powergrab—both by the federal government against the Australian public, and by Prime Minister Anthony Albanese against his personal and factional rivals in the Labor Party and trade union movement. As with the raft of bipartisan “anti-terrorism” and “national security” laws passed since 2001 that have turned Australia into an incipient police state, all of the corruption and misconduct various CFMEU officials are accused of could have been dealt with under existing law, with due process afforded to all concerned.

Instead, on the basis of untested allegations against a handful of officials—sensationalised by a so-called investigative journalist who is both a known propagandist for the national security establishment, and a proven serial liar and fraud—the two major parties have conspired to foist upon this country a law that has already put hundreds of union officials out of work against whom there are *no* allegations, on the basis of a presumed guilt by association against which they have no legal recourse. It also hands dictatorial powers to a single individual over the pay, conditions and job prospects of thousands of ordinary workers nationwide; denies those same workers the rights to freedom of speech, association and political communication the High Court has inferred are implied by the constitution; and appears also to violate the constitutional separation of powers between the Parliament and the judiciary. Union officials have petitioned the High Court to strike down the law upon those bases, as it recently did to certain aspects of the federal immigration detention regime for separation of powers reasons. As things stand, however, civil liberties groups and legal scholars have warned that the law sets a dire precedent not only for other trade unions, but all “membership-based organisations”—including political parties—any one of which could in future be given the same treatment on a similarly fabricated pretext by whoever happens to be in government at the time.

The new law, under which the Construction and General Division of the CFMEU has been put under the control of a government-appointed administrator, was introduced on 12 August by Workplace Relations Minister Senator Murray Watt, and passed in the Senate after Labor agreed to what Sky News on 19 August described as “a series of ‘very significant’ amendments” proposed by the Liberal-National coalition. The Government and Opposition waved it through the House the next day, and it received royal assent two days later. “The legislation [is] aimed at addressing allegedly dodgy behaviour in the union”, Sky reported, “following bombshell reports which claimed the CFMEU was riddled with corruption—with reports that bikies and criminals had parachuted into lucrative positions on federal and state government projects.”

Hatchet job



The discredited Nick McKenzie's latest “hatchet job” gave Albanese the pretext for his draconian law.

Unstated is that those “reports” and “allegations”—again, none of which had reportedly even been investigated, let alone proven, when the law was rushed through—were put about by Nine TV presenter and *The Age/Sydney Morning Herald* reporter Nick McKenzie, in a series of articles published under the banner “Building Bad” beginning 12 July, and a *60 Minutes* feature episode of the same name. Whilst his employers tout him as an “awardwinning investigative journalist”, the *Australian Alert Service* has exposed McKenzie as a propagandist for domestic spy agency the Australian Security Intelligence Organisation (ASIO), several of whose targets have successfully sued him for

defamation.¹ In his most blatant piece of journalistic fraud, the 5 June 2017 joint ABC *Four Corners*/Fairfax Media production “Power and Influence”, which was instrumental in drumming up support for the passage of the Turnbull government's foreign interference laws the following year, McKenzie sensationally insinuated Australian politicians were unduly influenced by the Communist Party of China via political donations from two prominent Chinese-Australian businessmen, Dr Chau Chak Wing and Huang Xiangmo. He also accused Ms Lupin Lu, a Chinese national studying at the

Australian National University, of informing on her compatriots to the Chinese embassy. Not only did Dr Chau sue for defamation and win, but *Four Corners* was also forced to settle with Ms Lu after McKenzie was proven to have *cut up and re-assembled his interview with her* to make her appear to have admitted to spying on her fellows for the CPC, when in fact she had denied it. That fake “exposé” is thus so discredited it has been purged from the internet, but sadly the same cannot be said of McKenzie, who continues to bask in undeserved accolades and receive soft-drops from his intelligence “sources”.

Tying in with his role as ASIO’s chief anti-China propaganda frontman, McKenzie also has form in influencing Labor Party factional battles. At an October 2021 hearing of Victoria’s Independent Broad-based Anti-corruption Commission (IBAC) into branch-stacking by the state branch of the ALP, a lawyer read into evidence a December 2018 text message to a colleague from federal MP Anthony Byrne—then the deputy chairman of the Parliamentary Joint Committee on Intelligence and Security (PJCS), which nominally oversees ASIO, as well as a member of the bipartisan US-loyalist, China-hating “Wolverines” parliamentary clique— in which he boasted that he had colluded with *Four Corners* (i.e., with McKenzie) to produce reports smearing China, and admitted those reports were “hatchet jobs”.² The findings of that inquiry allowed then-federal Opposition Leader Albanese and his allies to seize total control of the state branch, including the ability to preselect candidates by decree, bypassing the usual (somewhat) democratic processes.

McKenzie’s latest hatchet job has now enabled them to do the same to the CFMEU Construction and General Division, in a way that happens to serve the intelligence establishment’s anti-democratic interests as well. And a hatchet job it undoubtedly is—because an “exposé” it most certainly is not; at least, not so far as the ALP leadership is concerned. Whereas Albanese and Watt claimed “urgency” to justify rushing the law through and caving in to the Liberals in the process, even mainstream media report that the Victorian Labor government aired the allegations relating to its “big build” infrastructure program privately to its federal colleagues many months earlier. In a [22 August](#) report for the online public policy journal *Pearls and Irritations*, however, former ALP Press Secretary and senior trade unionist Marcus Strom reports that Albanese has actually known exactly what was going on for more than ten years.

‘A sledgehammer to crack a nut’

“Only a fool would think that removing the union from the equation will rid the building industry of criminality”, wrote Strom, who is a former president of journalists’ union the Media, Entertainment and Arts Alliance (MEAA) and currently heads internal ALP anti-AUKUS group Labor Against War. “But that is just what the ALP government is doing: introducing draconian laws with the backing of the Liberals to neuter the entire unionised workforce. It is using a sledgehammer to crack a nut. It is a pre-election ploy that has the added bonus for Anthony Albanese to remove factional support for his internal ‘left’ opponents in the party.” The CFMEU Construction and General Division is reportedly allied with the “Ferguson Left” faction (also called the “Soft Left” in NSW, and a major rival to Albanese’s “Hard Left”) founded by the late former NSW Deputy Premier Jack Ferguson and currently associated with his sons, former ACTU President and Minister for Resources and for Tourism Martin Ferguson, and former federal Labor MP Laurie Ferguson.

(An informed union source told the *AAS* last week that part of Albanese’s ulterior motive is to seize control of the heretofore CFMEU- and Soft Left-dominated industry superannuation fund CBUS, which has almost 930,000 members and over \$91 billion in funds under management. As if on cue, the *Australian Financial Review* reported 29 August that “CFMEU administrator Mark Irving KC has forced veteran [former CFMEU National Secretary] Dave Noonan off the board of ... Cbus and the two other union directors have jumped ship” after Irving sacked them from their union roles. “It is unclear who will replace the trio, whose director spots are chosen by the union’s national executive, which is currently under Mr Irving’s control.”)

Building companies and lobby group the Master Builders Association “are licking their lips” after the law’s passage, Strom wrote. “Yes, there are serious problems in the CFMEU construction division—problems the prime minister has known about for at least a decade, but is pretending to only have learnt about recently. ... Albanese has known about organised crime specifically in the NSW and Victorian construction divisions since at least 2014 when a whistleblower presented first-hand accounts of this in a personal meeting in his electorate office. Albanese passed the buck. For the ALP leadership to claim it has only now found out about this since the recent articles in *Nine* papers is, frankly, bullshit.” As is the idea that crime and corruption in construction is limited to or exemplified by bent union officials: “The building industry is manna for organised crime (petty or serious), for money laundering or for shuffling large amounts of money at the big end of town”, wrote Strom. “While some of the criminals are jacked up on ‘roids and covered in tats, the people creaming off the serious bucks wear suits, drive Teslas and live in the leafy suburbs.”

Dangerous precedent

Albanese’s opportunist union-busting law is dangerous enough in itself, not least because, as Strom quotes an unnamed former senior CFMEU organiser, “As it stands the current legislation will enable any incoming Liberal government more or less to deregister the union, thereby guaranteeing that the

presence of organised crime becomes a pandemic and not an illness.” But beyond that, as the NSW Council for Civil Liberties charged before it was passed, it also “threatens the principles of natural justice and procedural fairness ... [and sets] a precedent where membership-based organisations can have democratic control externally removed on the basis of untested allegations. This is of concern to all Unions, registered Clubs, and Australian membership-based organisations.” Moreover it breaches a fundamental tenet of the agreed international law Albanese and co. claim (when it suits them) to care so much about, in that it “violates Australia’s obligations under the International Labour Organisation, namely Articles 3 and 4 of the Freedom of Association and Protection of the Right to Organise Convention, 1948.” As noted above, the High Court has long held that the right to freedom of association is also *implied* by the constitution (Australia being the only purported democracy in which no “bill of rights” is even prescribed by law, let alone constitutionally guaranteed).

The CFMEU is not taking it lying down. Sacked National President Jade Ingham announced 3 September in Brisbane that several summarily dismissed executives had filed to have the law dismissed on the basis that the constitution prescribes that “only courts can enforce punishments, not parliaments”, the *Brisbane Times* reported. *The Guardian* [reported](#) further that “Court documents ... reveal the other [constitutional] grounds are that the law: breached the implied freedom of political communication; did not have a sufficient connection to a commonwealth power; and amounted to taking union property without ‘just terms’ compensation”.

Ingham also asked a very pertinent question, when he said in a statement to media: “This is active treachery and class warfare against the working class in this country from the state and federal governments. Union bashing never worked for the Tories, so why did Labor think it would work for them?” Meanwhile, as the CFMEU pointed out in a 20 August [press release](#), “Corruption was rife in the two big supermarkets, our national airline and big banks, with allegations proven true, however no administrators were brought in.” Why the double standard? The answer depends, of course, upon whom Albanese’s “Labor” sees as its core constituency.

Footnotes:

1. M. Harrison, “[The China Narrative](#)” parts I-V, AAS, 12 Aug.-23 Sept. 2020; NB part III “[Espionage and interference](#)”, and part IV “[ASIO’s disinformation campaign](#)”, 9 and 17 Sept. 2020.
2. “[Media buries China scandal revealed at Victoria’s branch-stacking inquiry](#)”, Citizens Party media release, 15 Oct. 2021.

By Richard Bardon, Australian Alert Service, 4 September 2024