

# Australian building workers demand abolition of hated policing agency

Terry Cook  
19 December 2008

Several thousand building workers and supporters marched and rallied in Australia's major cities early this month, demanding that the Rudd government immediately abolish the Australian Building and Construction Commission (ABCC), a hated policing agency that is exercising its powers to outlaw and punish any industrial action to defend jobs, conditions and safety.

Construction workers are deeply hostile to the fact that the Labor government is not only retaining the body—originally established by the previous Coalition government—until 2010, but is planning to hand its powers over to a new agency, called Fair Work Australia, with a specialist division to continue the crackdown. In the meantime, the rate of ABCC investigations—overwhelmingly directed against workers—has almost doubled since Labor took office in November 2007.

The ABCC constitutes a frontal attack on basic legal and democratic rights. It can demand that a worker submit to interrogation on pain of prosecution. Its inspectors can enter building sites, interview anyone without a lawyer present, demand documents and force people to provide information relating to industrial action or internal union business. The watchdog also has the power to initiate prosecutions with fines of up to \$110,000 against unions or \$22,000 against individuals for taking unlawful industrial action. Disclosing the contents of an ABCC interrogation can lead to six months' imprisonment, as can refusing to attend a hearing or answer questions.

The December 2 rallies had been called for the opening day of the trial of Construction Forestry Mining and Energy Union (CFMEU) official Noel Washington. Charged with refusing to attend a closed-door ABCC interrogation about an off-site union meeting in November last year, he faced a possible six-month jail sentence. The rallies would undoubtedly have been far larger, except that the Director of

Public Prosecutions (DPP) suddenly dropped the charge at the last minute, on November 26.

While the DPP reportedly gave Washington's lawyer Marcus Clayton no reason for aborting the trial, there was clearly concern in union, government and legal circles about the reaction of workers if the trial went ahead and Washington was jailed. After all, the Labor government was elected on the back of a powerful movement against all the Howard government's "WorkChoices" industrial laws, with hundreds of thousands of workers turning out to fight the assault on basic rights and conditions.

Dropping the charge gave the CFMEU and other unions room to limit action over the ABCC and avoid an all-out collision with the Rudd government. The construction unions did not call strikes on the day or seek a mass turnout by other sections of workers, saying such action would be "illegal" under the WorkChoices legislation, which is still in force.

Defiance of the anti-strike provisions would have constituted a direct challenge to the Rudd government, which was putting its own industrial relations package, the Fair Work Bill, before parliament just as the rallies took place. Labor's Fair Work laws retain all the anti-strike and punitive measures of WorkChoices. Far from opposing these measures, however, the unions are committed to enforcing them after union leaders voted unanimously for Labor's plans at the party's national conference in April 2007.

At the rallies, union officials either made no reference to the Fair Work Bill or falsely claimed Labor's laws represented a break with the previous government's regime. Addressing the Melbourne rally, Australian Council of Trade Unions (ACTU) secretary Jeff Lawrence declared that the laws were "a significant step," adding: "We've turned the tide on WorkChoices, now it's time to wash away the ABCC and its discriminatory powers."

Union officials did not condemn Prime Minister Kevin Rudd for failing to scrap the ABCC, but pleaded with him to change his mind. "Mr Rudd, now is the time. Take the training wheels off and do what you said to the workforce in this country," Australian Workers Union NSW secretary Russ Collison told the Sydney rally.

Others called for closer cooperation between the unions, government and employers. "We should all be working together to ensure a safe and productive industry, not fighting secret interrogations and punitive prosecutions," CFMEU Queensland secretary Michael Ravbar declared in Brisbane.

Some union officials called for a campaign of "civil disobedience" against the ABCC. To loud applause, Victorian Trades Hall Council secretary Brian Boyd told the Melbourne rally that workers should "defy" the ABCC. Anyone who thought the remarks marked the beginning of a mass campaign would be sadly mistaken.

Speaking to the media after the rally, CFMEU construction division secretary Dave Noonan said defying the ABCC "was a matter for each individual". Asked by the WSWS this week if construction unions would call a national strike if workers were charged for defying the ABCC, Noonan said: "This would have to be discussed with other unions involved. I certainly think that some form of industrial action would be necessary but a lot of people would have input into that."

No one should place any faith in such assurances. When rank-and-file workers have defied anti-strike laws in the past, such as the men who struck in defence of a union delegate on the Perth-to-Mandurah rail project in February 2006 and were prosecuted by the ABCC, the construction unions took no national strike action to force the dropping of all charges. After limited protests, the unions accepted the imposition of fines amounting to thousands of dollars.

Significantly, the prosecutions went ahead in December 2007, just after Labor took office. The new government has refused point-blank to abolish the ABCC. Instead, Workplace Relations Minister Julia Gillard has continually assured employers that the government will retain a "tough cop on the beat" in the construction industry.

Gillard has commissioned a review by a former Federal Court judge, Murray Wilcox, who will report by March with recommendations on the precise powers to be given to the

construction division of Fair Work Australia. The CFMEU is making a submission to the review, thereby legitimising the process. While the union still formally opposes a separate construction division, its main concern is to preserve its position as recognised bargaining agent and industrial police man within the new framework.

Labor is maintaining the ABCC in preparation for intensified attacks on jobs and conditions as the international economic crisis deepens. The construction industry is already being hard hit. Reed Construction Data has reported that more than 5,000 building projects were deferred nationally in the first 10 months of 2008, five times the number in the entire year 2007.

Totalling \$60 billion, the deferrals included 1,548 residential flats and units, 1,273 commercial premises, 850 civil engineering projects, 638 community buildings, 612 industrial complexes and 127 mining projects. Some projects have been halted mid-stream, leaving holes in the ground and throwing workers out of work. But with \$125 billion worth of work still underway, the job losses have only just begun. Once the present pipeline of work dries up, thousands of workers will have their livelihoods threatened.

Under these conditions, the unions are allowing Labor to create an industrial relations apparatus with a substantial arsenal of punitive powers that can be used against construction and other workers in the months ahead. The real concern of the unions is to head-off a confrontation with the Rudd government and convince the employers and the government that they can play a valuable role in quelling any resistance to the devastating cuts that employers will seek to impose.



To contact the WSWS and the Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**