

High Court of Australia rejects challenge to Labor's attack on the CFMEU

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On Wednesday, the High Court of Australia ruled against an attempt by some former Construction, Forestry and Maritime Employees Union (CFMEU) officials to challenge the Labor government's legislation to place the building union under administration last August.

Wednesday's unanimous judgement rejected all claims by the plaintiffs, former CFMEU Queensland branch secretary Michael Ravbar and assistant secretary Kane Lowth. The ousted bureaucrats argued that the legislation was constitutionally invalid because it violated the "implied freedom of political communication," imposed punishment other than by a court, and amounted to taking union property without "just terms" compensation.

As the *World Socialist Web Site* explained in September, the case was "a political diversion, designed to demobilise workers by placing their struggle in the hands of the courts." It was never likely to succeed. In any case, the Albanese government had made clear that, in the improbable event of a High Court loss, it would simply amend the legislation.

The case was never about defending the interests of construction workers. The sole preoccupation of the ousted officials was, and remains, the restoration of their privileged positions within the union apparatus.

The predictable failure of the High Court challenge illustrates the political bankruptcy of the disgruntled bureaucrats who oppose the administration for their own self-interested reasons but reject any mass mobilisation of workers against it.

Last year, an orchestrated media campaign of slurs against the CFMEU was used by the Labor government as a pretext to ram through the legal framework for the administration. Around 300 elected officials and delegates were removed from their posts without the input of a single worker. The union's 80,000 members were placed in the hands of a lawyer, hand-picked by the Labor government and accountable only to the capitalist state.

Labor's anti-democratic action, backed by the Liberal-National Coalition, big business, the corporate media and most of Australia's union apparatuses, had nothing to do with ridding the union of alleged corruption and links to organised crime. It was an attack on the basic workplace rights of a historically militant section of workers, aimed at driving down

wages and conditions in the building industry, as part of a broader assault on the working class.

Wednesday's ruling has been hailed by the Labor government and the employers as a green light to escalate the offensive against workers.

Workplace Relations Minister Amanda Rishworth stated in a press release: "We need to focus on shifting the culture in the construction industry and ensure the bad actors we have seen infiltrating this sector are kept out. ... The Administrator and his team can now move forward with confidence and continue their essential work in cleaning up the Construction and General Division of the CFMEU."

Australian Constructors Association chief executive Jon Davies said the ruling would bring "much-needed certainty to an industry facing major financial pressure and productivity challenges."

In other words, to maintain their profits amid a downturn in construction and the broader economy, developers are counting on the administrator to suppress building workers' opposition to the slashing of their wages and conditions.

A statement by Master Builders Australia (MBA) said the High Court decision "clears the path for long-overdue cultural reform in the building and construction industry," but emphasised that administration was only the first step.

The MBA has previously called for harsh measures, including lifetime bans on "any official of the CFMEU who has indulged in lawbreaking." Under Australia's draconian industrial relations legislation, "lawbreaking" could mean speaking to workers on a job site without permission, or being involved in strikes or work bans outside of union-controlled enterprise bargaining.

The MBA has also urged the introduction of laws based on US Racketeer Influenced and Corrupt Organisations (RICO) measures, to allow police to go after union leaders for illegal activity by the organisation, even if they have no personal connection to it.

The MBA further called for building industry enterprise agreements to be "reviewed," on the unsubstantiated pretext that some may have been the product of "coercion." In other words, the major construction corporations want to slash existing wages and conditions, while workers' rights to oppose

them depend on the approval of a state-appointed administrator.

Speaking outside the High Court on Wednesday, MBA boss Denita Wawn alluded to the impact the administrator's suppression was already having: "Certainly, the administration has created calm. ... It is good that we can now work collaboratively in respect to what we need for the industry."

The administrator, Mark Irving QC, welcomed the decision and said it "paves the way for the greater systemic reforms necessary for the union."

These reforms include a plan to restructure the union, bringing more of the union's operations under the control of the national office and giving Irving more power to run the organisation in line with the demands of big business and the Labor government.

The High Court decision gives the go-ahead for a stepped-up assault on the wages, conditions and democratic rights of building workers, as well as a further purging of union officials, including some accused of nothing more than associating with sacked former colleagues.

Yet the conclusion of the court case also means that the tens of thousands of workers who oppose the administration and want to fight can no longer be held back with the lie that all they can do is wait for the High Court to rule.

For nine months, ousted CFMEU bureaucrats and their counterparts in the other building industry unions have suppressed widely supported calls for mass strikes against the administration, on the pretext of the ongoing court case.

The explosive potential of this illusion being shattered was demonstrated on Thursday and Friday morning. Hundreds of building workers walked off the job and marched through the streets of Brisbane, before rallying outside the CFMEU offices.

But the line advanced at these protests, whose organisers are closely aligned with the ousted branch leadership, centred on an appeal for talks between the administrator, the government and the sacked officials, aimed solely at securing their reinstatement.

The administrator responded with a text message to building workers, demanding that they return to work. Later, Irving declared the "action this morning is likely to be unlawful industrial action." This is a thinly veiled threat that workers who protest could be subjected to retribution by their employer or the industrial courts, and the CFMEU under his control will do nothing to protect them.

In a video address to members of the Victorian branch, secretary Zach Smith, who recently stepped down from his national role in a phoney attempt to distance himself from Irving, denounced the development of "factions"—that is, any organised opposition to his backing of the administration and the Labor government.

Smith said: "Because the High Court is the highest court in Australia, there is no further avenue for review or appeal of this decision. This means that the administration is here for the time being." In other words, Smith told workers there is nothing

they can do to fight, and they have no choice but to accept that the union will be under quasi-dictatorial control for the foreseeable future.

The Brisbane rallies were a sign of the opposition that exists among building workers and broader sections of the working class throughout the country to the Labor government's attack on the CFMEU and the rights of its members. But as long as these workers remain tied to one section or another of the current and former leadership of the CFMEU, or any other union, they will be led down a path of further suppression and diversion.

Despite their animosity to the administration, these bureaucrats are not just supporters, but integral components, of the Labor Party and its governments. They have long served as an industrial police force, enforcing the job and wage-slashing demands of management, and defending the capitalist system from any challenge by the working class.

To defeat the administration and fight for real improvements to wages and conditions in the building industry and more broadly, workers need to take matters into their own hands. Rank-and-file committees must be built on job sites throughout the country, as the means through which workers, not privileged union officials and their cronies, can plan and prepare a campaign of political and industrial action to abolish the administration.

Labor's attack on the CFMEU is part of a global assault on workers by the ruling class, amid an escalating crisis of capitalism. This poses the need for a unified political struggle by the working class against the evisceration of democratic rights and the subordination of every aspect of workers' lives to corporate profits.

This means fighting for a political alternative: socialism. The major developers, banks and other big corporations must be placed under democratic workers' control and ownership, to allow society's resources to provide the social needs of working people, not further the wealth of the financial elite.



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