

Australia: Victorian Labor government moves to ban independent workers' organisations

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On August 12, the Victorian Labor government introduced a bill aimed at banning the independent organisation of workers outside the established trade union apparatus. The bill remains before parliament, with a single sitting week left before the November 28 state election.

Under the phoney pretext of “stopping workers from being scammed” by so-called “red unions,” the state government, led by Premier Ben Carroll, has launched a major attack on workers’ democratic rights, with the full-throated support of the Victorian Trades Hall Council (VTHC).

The VTHC and most of the existing unions are backing the legislation, because they, along with big business and the government, are its beneficiaries. The purpose of the laws is to bolster the official bureaucracy against any challenge by rank-and-file workers and to further cement the unions’ role as the industrial police force of big business and the capitalist state.

The attack on workers’ democratic rights is also a priority of the federal Labor government, which is conscious of mounting opposition to its agenda of deepening austerity and war, and heavily reliant on the union bureaucracy to keep it under control. At Labor’s national conference in July, the party adopted—without opposition—platform amendments committing its governments to “crack down on sham unions.”

If passed, the Victorian legislation would empower Consumer Affairs Victoria to wind up or prevent the incorporation of any association formed for an “industrial relations purpose.” This would give the state apparatus total control over whether workers’ organisations can raise and hold funds, open bank accounts, sign leases, hold insurance, take legal action or employ staff, and whether their leading members are personally liable for debts or legal problems incurred by the organisation.

Moreover, associations prevented from incorporating on industrial relations grounds would be stripped of the right of review before the Victorian Civil and Administrative Tribunal (VCAT), meaning their only recourse would be a Supreme Court appeal.

Australia’s draconian industrial relations laws, drafted and sharpened by successive Labor governments, in close collaboration with the union apparatus, impose tight constraints on the registration of unions. In most cases, unions have exclusive coverage over entire industries or occupations,

meaning workers have little or no choice which organisation represents them in enterprise bargaining and industrial disputes.

The proposed legislation is an attempt to eliminate workers’ groups that, already prohibited from holding official union status, seek to establish some sort of organisational stability by incorporating as an association.

The timing of this legislation is revealing. Carroll’s installation as premier in late July was in no small part due to the perceived failure of his predecessor, Jacinta Allan, to deliver the spending cuts demanded by big business. Determined to rectify this, one of Carroll’s first acts is to launch this anti-democratic attack on behalf of the established unions.

Labor’s move is clearly motivated by recognition in the ruling elite of an upsurge in the class struggle, especially in opposition to Labor’s austerity agenda, and concerns that the trade union bureaucracy will not be able to keep it under control.

This was sharply expressed in the recent struggle of public sector educators in the state. In an unprecedented act of rebellion against the Australian Educators Union (AEU) bureaucracy, teachers and school support staff repeatedly rejected AEU-Labor sellout deals, forcing the union to call three 24-hour strikes.

The obvious complicity of the AEU leadership with Labor’s attack on real wages and conditions, in direct opposition to the anger and determination of teachers, put the need for independent organisations of struggle on the radar of educators.

It is precisely these type of organisations—such as the Victorian Educators Rank-and-File Committee, recently formed with the assistance of the Socialist Equality Party—that the Victorian Labor government is determined to banish from legal existence.

In an attempt to cover up the real targets of the legislation—independent workers’ organisations—the Labor government refers to the growth of “red unions,” the most prominent of which are the Teachers Professional Association of Australia and the Nurses Professional Association of Australia, incorporated bodies that market themselves to teachers and nurses as cheaper, “apolitical” alternatives to the established unions.

These outfits, closely tied to the Liberal-National Coalition, do not represent an alternative to the established Labor-aligned bureaucracy. They were built up largely during the pandemic on the basis of opposition to vaccine mandates and public health measures, promote individualist conceptions and are deeply hostile to the class struggle.

That such formations have gained even a limited foothold among teachers and nurses is a devastating indictment of the AEU, the Australian Nursing and Midwifery Federation and the rest of the official unions, whose decades of betrayals have created a vacuum that the extreme right has moved to exploit.

The most vocal opposition to the bill has come from the Retail and Fast Food Workers Union (RAFFWU) and its supporters, predominantly in the pseudo-left. RAFFWU is not an officially registered union and faces the possibility of being shut down by this legislation.

RAFFWU was founded in 2016 as a supposedly “militant left” challenger to the Shop, Distributive and Allied Employees Association (SDA), which is closely tied to the right-wing of the Labor Party, including Carroll. RAFFWU’s existence is a product of the anger and frustration of workers in the retail and fast food sectors, over the SDA’s notorious record of imposing sellouts, preventing industrial action and facilitating wage theft.

However, RAFFWU’s role is to direct this anger into a “safe” channel that presents no threat to big business or the political establishment. It completely accepts and defends the framework of enterprise bargaining and the pro-business industrial courts that have been used over the past four decades to slash workers’ pay and conditions and suppress the class struggle. Its aim is to promote the conception that there is an alternative that does not require workers to make a political break with the corporatised trade union bureaucracy and the capitalist system.

Accordingly, RAFFWU presents the Labor government’s bill entirely in factional terms: Carroll is attacking RAFFWU on behalf of the SDA, which feels threatened by its “progressive” competitor.

The reality is that, while the destruction of RAFFWU would no doubt be seen as a welcome bonus by the SDA bureaucracy and others in the Labor Right, it is not their primary target. The fact that the Victorian Labor government and the VTHC have no problem with RAFFWU being caught up in this legislation only underscores how determined they are to shut down genuine rank-and-file organisation.

Workers should oppose this attack on the elementary right to organise. But the perspective advanced by the pseudo-left tendencies rallying to RAFFWU’s defence is a trap. They are promoting the conception that this legislation is all about RAFFWU to blind workers to the fact that it is directed against independent rank-and-file associations.

Socialist Alliance appeals to “all unions that support freedom of association” to oppose the bill, that is, to the very bureaucracies whose peak council welcomed it. Solidarity

acknowledges there are “limits to the RAFFWU model,” but this criticism comes from the right, arguing that what retail and fast food workers really need to do is reform the SDA.

Socialist Alternative criticises “decrepit union machines—including the SDA,” but insists these are the exception, calling for Labor’s attack to be “opposed by everyone who supports unions as organisations dedicated to advancing the interests of workers, rather than as bureaucratic machines that serve Labor and the bosses.”

The reality is that no such union exists. The pseudo-left organisations promote this fantasy because they represent an upper-middle-class layer that advances its own privileges within the existing set-up including through integration into the union bureaucracy. The pseudo-left serve as the last line of defence for the ruling class, using anti-capitalist rhetoric and calls for greater militancy as a mechanism to keep workers locked into the framework of the union bureaucracy and Labor.

While they may occasionally make minor criticisms of union tactics or individual leaders, they insist upon the unchallengeable authority of the bureaucratic framework. Endless sellouts are passed off as aberrations and whenever workers enter into conflict with the bureaucracy, the role of the pseudo-left organisations is to ensure that this does not develop into a rebellion.

The fight against this latest attack on workers’ organisations must begin from the understanding that there is no democracy within the existing unions. To escape this stranglehold, workers need to do exactly what the Victorian Labor government is trying to prevent: Build new organisations, rank-and-file committees, politically and organisationally independent from the unions, in every workplace. Their perspective must not be to reform or advise the bureaucracy, but to destroy it and return power to workers themselves. Such committees are the only means through which workers can democratically discuss the struggles they confront and prepare the necessary counteroffensive.

This fight must be part of a broader struggle against the evisceration of democratic rights, criminalisation of protest and suppression of strikes being spearheaded by Labor governments with the assistance of the union apparatus. This is inseparable from a fight against austerity, war and the capitalist system at its root.



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