Australia: Queensland government intensifies Labor's anti-strike laws

Mike Head
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Facing rising discontent among the state's public sector workers, including teachers, rail workers, nurses and allied healthcare workers, the Liberal National Party (LNP) government in the Australian state of Queensland this month tabled legislation allowing it to outlaw or terminate any form of industrial action by them.

Under the bill, the state's industrial relations minister, currently Deputy Premier Jarrod Bleiji, would have sweeping powers to ban or shut down strikes or other industrial action that could allegedly threaten anyone's welfare, the state's economy, public services or the undefined "public interest."

These powers are an immediate and direct threat to the basic democratic, political and industrial rights of the approximately 383,000 public sector workers who fall under Queensland's industrial relations jurisdiction.

That includes about 120,000 Queensland Health employees, almost 85,000 state school teachers and education support personnel, other public service workers and about 45,000 local council workers. For taking banned industrial action, they could be individually fined $21,840 for each breach of a ministerial direction.

This legislation reflects the anxiety within the political establishment about the eruption of further stoppages by public sector workers, such as the Queensland teachers who held two widely-supported 24-hour statewide strikes last year, over continuing cuts in real pay, under-funding, staff shortages and intolerable workloads.

More broadly, it reveals the concern in ruling circles everywhere about the growing struggles of workers across the country and internationally, in response to the soaring cost of living, widening social inequality, deteriorating public services and diversion of billions of dollars into war preparations.

Flanked by trade union leaders, the state Labor Party opposition leader, ex-premier Steven Miles, called a media conference to feign outrage, objecting that the bill hands "incredible powers" to the minister. He claimed that the federal Labor government's Fair Work Act set a much higher threshold for ministerial intervention.

That is fundamentally false. The Queensland bill aligns closely with the anti-strike Fair Work Act, which contains similar vast ministerial powers and threatens workers with exactly the same fines: $21,840 for each breach.

The only difference is that the Queensland bill refers specifically to risks to public services and the so-called public interest as triggers for strike bans. Under the Fair Work Act, as bolstered by the Albanese Labor government since 2022, the employment minister can issue a ministerial declaration terminating industrial action if it is threatening or would threaten to "endanger the life, personal safety, health or welfare of the population or part of it," or "cause significant damage to the Australian economy or an important part of it."

Those provisions are replicated in the Queensland LNP's bill, with the addition of explicit references to industrial action that could disrupt the delivery of a public service or otherwise have a "significant" effect that is contrary to a declared public interest.

In announcing the bill, Deputy Premier Bleijie said the changes to the state's industrial relations laws "mirrored as much as possible the Fair Work legislation." He said he could have used such powers to shut down a series of stoppages and bans this year by rail workers.

Both the Fair Work Act and the Queensland Industrial Relations Act also give their respective pro-employer industrial tribunals—the Fair Work Commission and the Queensland Industrial Relations Commission (QIRT)—equally far-reaching powers to prohibit or terminate industrial action by workers.

The Queensland industrial relations system primarily applies to workers employed by state and local government departments and agencies. Most private sector workers are covered by the federal Fair Work regime instead.

Among the other common features of the federal and Queensland laws are "fit and proper person" tests that can bar trade union officials from entry into workplaces or from holding office in a registered trade union. The Queensland

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bill would require union officials to undergo eligibility testing and police checks every three years.

These provisions also mirror the powers that the Albanese government used to purge and take control of the construction arm of the Construction and Forestry and Maritime Union (CFMEU) in 2024. Under the guide of tackling corruption in the union, the takeover was aimed at suppressing the militancy of building workers and cutting their wages and conditions.

That was another historic Labor government attack on the democratic rights of building workers, following the Hawke government's deregistration and forced disbandment of the Builders Labourers Federation in 1986. In both cases, this could not have been done without the full support of the Australian Council of Trade Unions (ACTU) and the vast majority of the union apparatus.

The Queensland bill further raises the bar for workers seeking workers' compensation benefits for psychiatric injury suffered on the job. Their employment would have to be the "major significant contributing factor" in their injury, up from "a significant contributing factor. But that would also just bring Queensland into line with the provisions imposed by Labor governments in the states of New South Wales and Victoria.

One different feature of the Queensland bill is that it facilitates the registration of employer-backed trade unions. But the existing unions all have decades-long records of imposing the requirements of employers and the capitalist ruling class as a whole on workers, resulting in dwindling memberships.

The Fair Work Act—imposed by the Rudd-Gillard Labor governments of 2007 to 2013, in a close partnership with the trade union apparatuses—outlaws all strikes, except during narrow union-controlled negotiating periods at individual workplaces every three of four years. It divides workers through this enterprise bargaining regime, providing the legal machinery through which the union bureaucrats function as an industrial police force.

This was rooted in a broader process of the transformation of the unions into anti-worker enforcement agencies, which began in the 1980s with the Accords struck between the Hawke Labor government and the ACTU. Under the banner of "international competitiveness," the union bureaucrats collaborated with corporations and the Hawke, Keating and subsequent Labor governments to drive down wages, slash working conditions and eliminate jobs throughout the working class.

In 2022, the Albanese government introduced changes to the Fair Work Act aimed at enabling the unions to broaden their coverage of workers under enterprise bargaining agreements. After years of declining membership—now down to 13 percent of the workforce—the aim was to increase the capacity of the unions to contain and suppress workers' struggles.

Labor's amendments to the legislation in 2022 also ramped up the Fair Work Commission's powers to shut down strikes and impose wage- and condition-slashing enterprise agreements. The commission judges can now intervene if they claim there is "no reasonable prospect of agreement being reached"—a threat that the unions constantly use to help push through sellout deals.

Assisted by the union apparatus, federal and state Labor governments, including the Labor government in Queensland from 2015 to 2024, have presided over a deep assault on the wages, conditions and living standards of workers. Real wages, for example, are now 6.4 percent lower than in June 2020.

At present, despite their two strong 24-hour strikes last August and November, teachers and school support staff in Queensland remain trapped by the LNP government and the Queensland Teachers Union (QTU) in the QIRT arbitration system. Because the QTU shut down their industrial action and allowed the government to impose binding arbitration, they face continuing real pay cuts and no relief from intolerable workloads and conditions until a possible QIRT ruling on the QTU's inadequate log of claims, which will not be handed down until 2027.

There is an urgent need for all workers to break out of this political and industrial straitjacket. That means building rank-and-file committees in every workplace, independent of the trade unions, through which workers can fight for their own interests against the ruling capitalist class. These committees need to encompass all workers, union and non-union alike, and link up their struggles with workers globally through the International Workers Alliance of Rank-and-File Committees (IWA-RFC).

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