

Grattan on Friday: The battle to stare down the defiant John Setka

Written by Michelle Grattan, Professorial Fellow, University of Canberra

In his first days as leader Anthony Albanese has taken two decisive actions to reset Labor's relationship with the militant Construction, Forestry, Maritime, Mining and Energy Union.

Reshuffling Labor's frontbench, he removed responsibility for industrial relations from Brendan O'Connor, whose brother Michael is the CFMMEU's national secretary. This was always a huge conflict of interest, but one that Bill Shorten as opposition leader declined to address.

Then this week Albanese moved to turf out of the ALP the union's Victorian secretary John Setka, whose behaviour over a long period has been notorious. Albanese had Setka's party membership suspended, and he flagged he'll ask for his expulsion at next month's ALP national executive meeting.

Under Shorten, the CFMMEU had what many regarded as a special position. The union formed part of his base, and protected and helped him when he needed numbers.

Albanese has had no such relationship, and he repeatedly emphasises that he's come to his position without any deals or obligations.

That has made it all the easier for him to take on Setka, who should have been called out a very long time ago.

The trigger point Albanese used was a report that Setka had denigrated anti-domestic violence campaigner Rosie Batty, in remarks he made at a meeting of the union executive. Setka was talking about charges he's facing of using a carriage service to harass a woman – he has already said he'll enter a guilty plea. He was reported to have told the union meeting that Batty's work had led to men having fewer rights.

Albanese was well aware the Setka affair was about to become a lot uglier in coming days, and the ALP needed to shake him off.

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Setka's initial fightback took the form of appearing hand-in-hand with his wife at a news conference, in which they said they'd been to hell and back and people should lay off them.

Setka denied he'd denigrated Batty, a denial quickly backed by a couple of officials at the meeting. This potentially complicated the situation for Albanese (who insisted he'd checked out the report) in the event of Setka fighting the expulsion move.

But precisely what he'd said or not said about Batty became fairly irrelevant once ACTU Secretary Sally McManus weighed in, meeting Setka on Thursday to tell him he should quit his union position.

McManus, incidentally, believed Setka's denial; she too had checked out the report, and was satisfied "he never said anything to denigrate Rosie Batty". Rather, she argues he should quit as an official because of his behaviour (which she stresses she can't comment on in detail for legal reasons) and the damage being caused.

For the union movement, the Setka affair goes to the heart of its strong pitch against domestic violence, and its credentials in championing women's rights. The ACTU currently is led by two women – its president is Michele O'Neil – making it even more imperative to match words with actions.

"There is no place for perpetrators of domestic violence in leadership positions in our movement," McManus said in her Thursday statement.

"We have already put on record the union movement's values and our principles regarding family and domestic violence.

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"We also believe in equality for women and know that instances of violence against women are not just unacceptable, they stand in the way of achieving equality."

She told the ABC the Setka issue was "about the broader reputation of the union movement, and I think it means that we are in a position where we can't continue to advocate in the way we want to on issues while John Setka is the main story".

McManus, who consulted widely with union leaders in taking her stand, is reflecting the position of a number of important unions, such as the Australian Services Union, which represents those who work in domestic violence services and the SDA (the "Shoppies"), which has many female members.

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Unsurprisingly, Setka says he won't resign, and he has the backing of Victorian branch delegates, making it uncertain how things will play out.

It's a safe bet the ALP executive will back Albanese's expulsion move – not to do so would be an inconceivable repudiation of his leadership.

With her authority on the line, McManus's gamble is that as the story unfolds, Setka will be more isolated and will eventually step down or be forced to do so.

Asked whether the ACTU could disaffiliate the union if it would not get rid of its rogue official, McManus said this wasn't something that had been thought about. She pointed out it would be a very serious course to take over one official.

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But one thing the ACTU has been thinking about is the ammunition Setka is giving the government for its fresh push to bring in tough legislation – the Ensuring Integrity bill – to crack down on unions and officials that break the law.

Among its provisions, the legislation would “allow the Federal Court to prohibit officials from holding office who contravene a range of industrial and other relevant laws, are found in contempt of court, repeatedly fail to stop their organisation from breaking the law or are otherwise not a fit and proper person to hold office in a registered organisation”.

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The bill was before the last parliament; it was opposed by Labor, and there wasn't sufficient crossbench support to pass it.

But now the government is hot to trot. Assuming Labor continues to oppose, the question will be whether the government can get it through a Senate likely in general to be easier for the Coalition than the last one was.

It would come down to the votes of One Nation and Centre Alliance. One Nation would be on board. Centre Alliance would want changes that applied equivalent provisions to misconduct in the corporate sector.

If the union movement can't deal with its Setka problem, the government's argument, and its hand, certainly will be strengthened in its battle for the bill.

As one union man put it succinctly, “John Setka has bought the naming rights to the Ensuring Integrity legislation”.

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