

Albanese one step closer in long march towards John Setka's expulsion

Written by Michelle Grattan, Professorial Fellow, University of Canberra

Opposition leader Anthony Albanese is a step closer to securing the expulsion of rogue union leader John Setka from the ALP, although a court judgment has highlighted possible internal party complications.

The Supreme Court of Victoria on Tuesday dismissed the construction union boss's bid to prevent the Labor party from expelling him.

Judge Peter Riordan said the legitimacy of the motion to expel Setka was not within the court's jurisdiction.

"The court does not interfere with internal decisions of voluntary unincorporated associations unless it is protecting or enforcing a contractual or other right recognised in law or equity," the judge said.

But he said that in case he was wrong and the court had jurisdiction, he had determined that the powers of the ALP national executive to expel a member "are subject to compliance with the preconditions set out" in the rules of the ALP's Victorian branch.

Setka's lawyers had argued that the party's power of expulsion lay with its Victorian branch, and the national executive therefore could not expel him.

Read more: [**Grattan on Friday: The battle to stare down the defiant John Setka**](#)

A spokesperson for Albanese immediately repeated the case for expulsion:

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While we are waiting to read the full judgement, we welcome the decision.

John Setka has been convicted by the court of harassment against a woman.

He has also been convicted of breaching a Family Violence Intervention Order. He denigrated the work of anti-violence campaigner Rosie Batty.

There is no place in the Labor Party for somebody who treats women with the contempt Mr Setka has shown.

The numbers are there on the ALP national executive to expel Setka. But Labor sources said it was uncertain whether Setka could launch fresh legal action.

Read more: [**CFMMEU's John Setka set to be expelled from ALP after attack on Rosie Batty**](#)

Albanese's move against Setka was initially triggered by claims he had denigrated Batty in comments at an internal union meeting – claims that were then contested - but he also broadened the grounds for expulsion to Setka's general record of bad behaviour.

ACTU secretary Sally McManus urged Setka to quit his union post for the good of the movement, but he refused.

Setka has strong backing from his union rank and file. The Victorian branch of the Construction, Forestry, Mining and Energy Union has warned if Setka is expelled "all financial and in-kind support to the ALP [would cease] immediately from the Victorian branch of the CFMEU".

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[Setka's expulsion: A long march towards John Setka's expulsion](#)