

Stop the crackdown on democracy in the NTEU – sign the open letter to stop the Murdoch branch “protocols”

This coming Monday, November 9, the NTEU Branch Committee at Murdoch University will vote on a “binding set of protocols” ([motion here](#)). These protocols would give the BC wide powers to remove delegates who disagree with positions advocated by the local or national leaderships, and would dramatically lower the bar on grounds for removing dissident members from the Branch Committee.

As we explain below, this is a serious attack on the eruption of democratic debate that has happened throughout the NTEU this year - especially about the wage cutting “Jobs Protection Framework” promoted by the national leadership.

[We’re asking everyone who gets this email to read, sign and forward this open letter to Murdoch’s Branch Committee and WA Division officials.](#)

We believe that, if passed without controversy, this serious attack on democracy and debate at Murdoch will be duplicated in other union branches, in Western Australia and potentially around the country.

The “protocol” being discussed by the Murdoch BC is full of phrases which, in some alternate reality, might be inconsequential. But in the NTEU in 2020, there is continuing vigorous debate about the strategy the union should pursue to deal with the crisis in the sector brought on by COVID-19 and exploited by university managements. In particular, there is an ongoing attempt by the national leadership to impose concessionary bargaining on union branches.

In that context, the motion proposed for Murdoch’s Branch Committee would allow the conservative majority on Murdoch’s BC to silence critics with the threat of disciplinary action.

Specifically, the motion purports to give the BC the power to remove delegates - without reference to a Branch meeting or a General Meeting, let alone a meeting of the members the delegate represents and supports. This is the sort of anti-democratic move which [happens](#) in the Shop Distributive and Allied union (SDA), arguably the most conservative and undemocratic union in the country. It should have no place in the NTEU. In addition, the protocols would dramatically lower the bar for a Branch Committee member being removed from the BC.

Here are some of the most significant sections of the proposed protocols (emphasis added):

*We maintain integrity and respect while enacting democratic principles through discussion, debate and decision-making, **respecting the role and authority of our various decision-making bodies**. Once decisions are made, we support one another in implementing those decisions by setting aside our differences and standing in solidarity with one another.*

*It is the responsibility of all committee members and delegates to **ensure the solidarity of the NTEU is conveyed in a positive manner** to members and prospective members...*

The passages above have to be read in the context of the national leadership's attempt to impose their concessionary, wage-cutting "Jobs Protection Framework" nationally and at a local campus level (even after the Framework had imploded as a national project, in the midst of a rank and file revolt).

There are many "decision making bodies" in the NTEU. The most important, participatory, democratic and grass roots of these are where ordinary members meet to debate out workplace problems and union policy: in other words, Branch meetings and General Meetings. Workplace meetings have no decision making power in the NTEU rules, but are also crucial: frequent discussion of common challenges with trusted fellow workers should be regarded as best practice in any union.

But on May 19 this year, literally in the middle of the biggest debate that the union has ever seen, National General Secretary Matt McGowan [declared](#) that, because the top leadership of the union was in favour of the so called "Jobs Protection Framework", no branch could facilitate debate on this wage-cutting scheme by circulating both sides of the argument to members. Even where, as in the union's three biggest branches, overwhelming majorities at branch meetings had voted against the Framework after thorough debate, the national leadership attempted to ban organisers from communicating this position to branch members.

So, in that context, "respecting the role and authority of our various decision-making bodies" will be taken by the Murdoch BC to mean that union members should not be allowed to freely circulate their opinions for discussion, if they differ with the levels of leadership which are the most remote from the workplace – such as National Executive and National Council.

Similarly, the protocols state that "Murdoch Branch Committee will have oversight of any sub-committee, advisory or advocacy group formed by members for union purposes". This could easily be used to argue that members who are part of groups arguing against the JPF, or for the union to take casuists more seriously, or any other policy within the union, are in breach of the protocol and therefore potentially subject to discipline. This amounts to an attempt to ban any group of members disseminating information that the Branch Committee disagrees with.

And Murdoch BC's attempt to compel "members and delegates to ensure the solidarity of the NTEU is conveyed in a positive manner" will amount to: members should shut up if they have dissenting views, under threat of disciplinary action.

A concrete example will help to illustrate. In 2017, management at Murdoch took a belligerent stance in bargaining, and succeeded in an application at Fair Work to terminate the enterprise agreement. The branch and divisional leadership of the NTEU refused to embark on the difficult course of helping the staunch minority of union members organise their fellow workers for industrial power. Instead, the union negotiated a deal that shredded long standing protections, forced a membership vote to approve it before the detailed clauses were released, and then declared this concessionary deal a "Union Win".

Murdoch BC member (and Fightback supporter) Nick Everett [authored](#) a critique of this terrible, concessionary deal and the industrial strategy that led to it. The accuracy of this article has never been questioned. The events at Murdoch were rightly the subject of wide discussion in the union movement and in the press, and Nick had every right to contribute to that discussion.

However if the proposed “protocol” is passed at Murdoch, the BC majority will feel within its rights to decide that such an article doesn’t convey “the solidarity of the NTEU” in a sufficiently “positive manner”. They could declare this a breach of the protocol, and discipline him by removing him as delegate – or even attempt to use this as grounds to remove him from the Branch Committee. From the Murdoch motion (emphasis added):

Whilst acknowledging that the NTEU Rules [Section 5, Clause 38] provide for removal of Committee members by resolution of the Branch in a General Meeting for certain behaviours, the Branch also supports the same process being applied to committee members who persistently fail to abide by the protocols established by this motion.

As delegate behaviour has a direct impact on the reputation of the union, delegates who fail to follow endorsed protocols can also be removed from their role as delegates, subject to a motion to do so being endorsed by a quorate Branch Committee.

The Murdoch BC is hardly a hub of democratic debate and discussion. It has failed to abide by motions passed by branch meetings about contesting job losses at the campus. Which makes it doubly outrageous that the conservative majority on this body wants to grab the right to sack delegates – without reference to a branch meeting, a general meeting, or even a meeting of members in the area a delegate works in.

The section of the NTEU rules cited in the proposed motion states that a Branch Committee member can be removed from the BC by a General Meeting after being heard, on these grounds:

*38.1 misappropriation of the funds of the Union or the Branch, or
38.2 a substantial breach of these Rules or the by-laws of the Branch or
38.3 gross misbehaviour or gross neglect of duties.*

It seems that Murdoch BC want to add public or even internal disagreement with the leadership of the union as a grounds for discipline, i.e. a failure to “ensure the solidarity of the NTEU is conveyed in a positive manner to members and prospective members”.

There is nothing in the union rules which allows a Branch Committee to give itself this right. And even more important is the political point: the NTEU is often, and rightly, stepping in to [defend members](#) who have been disciplined for arguing controversial views. It seems that supporters of the leadership of the NTEU now wish to strip this same right from its own Branch Committee members and delegates.

Unfortunately, this follows a [long list](#) of anti-democratic measures designed to “manufacture consent” for the JPF.

So we’re asking every member of the NTEU who respects the right of union members to debate policy in the union, to [sign the open letter](#) to Murdoch’s BC, asking them to change course.

It’s also notable that a minor obsession seems to be developing among some supporters of the National Executive, outraged at the idea that a grouping within the NTEU might call itself “NTEU Fightback”. This finds an echo in the Murdoch BC motion (emphasis added):

*Any group not created or endorsed in the appropriate manner [ie, with the approval of the Branch Committee] does not have any rights to **use the Union’s name**, to access resources, or to receive support from Union staff.*

One of the better known union reform groups in Australian history was the ACOA Reform Group, founded in 1976 by members of the Australian Clerical Officers’ Association, the main public sector union of the time. Hardly shocking stuff. (We’re having a public forum on 23 November about lessons to learn from this and other reform groups of this era – see below).

Internationally, one of several long-standing groupings in the UK University and College Union calls itself [UCU Left](#). A quick [google](#) shows that the entrenched, conservative leadership of the United Auto Workers Union in the US have had to put up with, among others, UAW Crisis, UAW Forum, and UAW Wildcats.

The national leadership of our union should stop obsessing about the debate in the union, and the existence of organised groups advocating for a change of strategy, and focus on developing industrial strength for bargaining. And the rest of us had better make some noise to defend our democratic rights – even as we fight on the multiple fronts of jobs, bargaining, and opposition to concessions.

NTEU Fightback - 6 Nov 2020