

Turnbull ultimatum: July 2 double dissolution unless reconvened Senate passes industrial relations bills

Written by The Conversation USA

In a dramatic move, Prime Minister Malcolm Turnbull has had the governor-general recall parliament for a special session and issued an ultimatum that he will call a July 2 double-dissolution election if the Senate does not pass the government's industrial relations legislation.

Both houses of parliament will meet for three weeks from April 18, and the federal budget is being moved forward from May 10 to May 3.

The bills are to resurrect the Australian Building and Construction Commission (ABCC), rejected once already, and to toughen the governance of trade unions. This is already a "trigger" bill for a double dissolution because it has been rejected twice.

Turnbull, who obviously has had the option in mind for some time, saw Governor-General Sir Peter Cosgrove at 9am Monday morning, and then held a hook-up with cabinet members.

He said he made the decision on Sunday night. Sources said he spoke on Sunday with Attorney-General George Brandis and Employment Minister Michaelia Cash, who has carriage of the legislation.

The government leadership group, which includes Treasurer Scott Morrison, was in the loop last week about the possibility of this approach.

Cosgrove acted under Section Five of the Constitution, which says: "The Governor-General may approve such times for holding the sessions of the Parliament as he thinks fit."

Turnbull told a news conference: "I make no apology for interrupting senators' seven-week break to bring them back to deal with this legislation. This is an opportunity for the Senate to do its job of legislating."

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He said: “the time for playing games is over”.

Several of the crossbench senators face a choice between seeing out the remaining four years of their terms, or risking likely or probable defeat at the double dissolution. They have previously said they will not be held to ransom by the double-dissolution threat.

With Labor and the Greens against the bills, the government needs six of the eight non-Green crossbenchers to pass the legislation.

If the Senate refuses to pass the bills that will put industrial relations at the heart of the election campaign.

Turnbull said the construction industry was vital to the transition to the new economy. “The additional costs of construction in this country, due to the frequency of industrial disputes and standover tactics by militant unions, are a serious handbrake on economic growth.

“When the Australian Building and Construction Commission was in force, productivity in the sector grew by 20%. Since it was abolished [by Labor], productivity has flat-lined. The days lost to industrial disputes have increased by 34%.”

Unlawful conduct on building sites around Australia “is holding back our economy, costing investment, productivity and new jobs in a sector that employs more than a million Australians and should employ more”, Turnbull said.

Turnbull left it unclear whether the government would be willing to consider amendments to the bills. Cash said: “I will negotiate in good faith but I’m not about to tolerate amendments just for amendments sake.”

Turnbull said that because a double dissolution must be called by May 11, the budget would come forward, giving Opposition Leader Bill Shorten the opportunity to deliver his reply.

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Morrison said on radio about an hour before Turnbull's announcement that the budget would be May 10.

Family First senator Bob Day, who supports the ABCC bill, said Turnbull had rung him to ask for his support of the legislation and "to ask my help in getting the other crossbenchers on board".

Day said that "given the attitude from last week, I don't think the crossbench is in much of a mood to co-operate – but then again that will be up for them to decide".

"I will support these bills as I did last time," he said. But "I don't see any point in me trying to lobby them or try to assist the government. I think the events of last week put paid to that sort of action."

Day said Turnbull's move could backfire on the government – it would not get the ABCC through and it would not clean out the minor parties and independents from the Senate in a double dissolution, when the quota is only 7.7% for election. "So they will get neither of the things they were after."

Independent Nick Xenophon, who is supportive of the legislation, has amendments he would like to put. He said it was a "nifty and cunning move" by Turnbull. He predicted the Senate session would be ugly. The ABCC legislation needed to be dealt with one way or the other, he said.

Xenophon said while the Senate would come back, it would be up to the Senate itself if it then sat.

He said this move was "a twin-edged sword" – given the size of the quota for a Senate seat it could backfire.

Liberal Democrat senator David Leyonhjelm said the building watchdog legislation was poor

legislation that needed amending.

Independent Glenn Lazarus said he would not be “bullied or blackmailed”.

He said he would not vote for the ABCC in its current form. “I know it is a rubbish bill.” He would be happy to vote for the ABCC if it were made the national equivalent of the Independent Commission Against Corruption.

Lazarus said he would be very confident of being re-elected in a double dissolution.

The Motoring Enthusiast Party’s Ricky Muir said he rejected the Turnbull claim that the Senate was being obstructionist – he had moved twice last week to have the ABCC debated in the Senate. “If there is a double dissolution I will absolutely fight for my position.”

Muir said that only when he saw what the ABCC legislation was going to look like at the end of the process “will I be able to truthfully and honestly say this is my view on this bill”.

Independent Victorian senator John Madigan said he did not respond to bullying. “I don’t respond to threats - it’s water off a duck’s back.”

Palmer United Party senator Dio Wang said he wanted to see what amendments there were to ABCC bill. But he said it was possible he might vote for the bill un-amended.

Shadow Treasurer Chris Bowen said: “The prime minister has outlined an election strategy without enunciating an economic or tax policy.

“Malcolm Turnbull’s decision to bring forward the budget is all to do with politics and nothing to do with the economy or tax reform.”

Postscript:

Tasmanian independent Jacqui Lambie declared flatly she would be “voting no to the ABCC”. “I will not be blackmailed, I will not have a gun held to my head,” she said on the ABC’s Q&A.

She said she had seen the secret part of Dyson Heydon’s trade union royal commission report, and there was nothing in it that did not happen elsewhere, whether in the banking and finance sector, or in sport. “What I have seen has been very disappointing for \$80 million of your taxpayers’ money.” She suggested the royal commissioner had been misleading in portraying the situation as a grave threat.

Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.

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