

Turnbull's not being tricky – he's just brandishing a six shooter

Written by The Conversation USA

Malcolm Turnbull's ultimatum to the Senate – pass the government's industrial relations bills or face a double dissolution – is a confrontationist but canny strategy.

After the vibe took hold that Turnbull looked weak, this is being seen as using his authority decisively.

It can correctly be said he is putting a gun to the heads of the crossbench – but it can't be claimed he is being tricky or devious. He is spelling out very directly what the senators must do to avoid a double dissolution.

If the crossbenchers won't play ball, the government spills the whole Senate at a July 2 election that, on present polling, it would win. Industrial relations would be at the centre of the campaign, which would be to the disadvantage of Bill Shorten.

That election would be expected to get rid of most of the present pesky crossbenchers. The industrial legislation would pass through a subsequent joint sitting.

On the other hand, if sufficient crossbenchers decide to back the bills, Turnbull obtains the measures, and can claim a significant victory over a previously recalcitrant Senate.

He forgoes the double dissolution. But that would not be a disaster. True, he would be left with most of his difficult current crossbenchers – only John Madigan faces the voters at a normal Senate election – but he'd also dodge a risk.

The new Senate voting system passed last week certainly works against "micro" players, and would cut a swathe through those there in a double dissolution. But, given the small quota, the new Senate could still see a difficult crossbench. For example, Tasmanian Jacqui Lambie, regarded by the government as particularly trying to deal with, would likely get back.

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By having parliament recalled for three weeks so the Senate can debate the bills to resurrect the Australian Building and Construction Commission (ABCC) and to tighten trade union governance, Turnbull has overcome one of two serious timing problems he had for a double dissolution.

He wants the ABCC legislation as part of any double-dissolution trigger, but there was not going to be time for it to be properly dealt with. So the argument that it had “failed to pass” and thus was eligible to be a trigger would have been, at the least, questionable.

There can be no disputing the Senate will now have plenty of opportunity to debate the legislation. Even if a final vote was avoided, the government would have a solid failure to pass case.

By bringing the budget forward a week, Turnbull is clearing away another scheduling obstacle. A May 10 budget followed by calling an election on May 11 presented a bad squeeze. It gave hardly any time to get supply – required for the election period – through two houses and no opportunity for Shorten's budget reply.

Labor would not refuse supply but a Senate filibuster, if the opposition wanted to play hardball, could have been dangerous. Denying Shorten his budget reply would have been indecorous.

Now there will be ample time to get right both the necessities and the niceties if there is to be a double dissolution.

None of this means the coming weeks, especially the parliamentary weeks, won't be chaotic, full of anger, confected and genuine, from the furious crossbenchers who are now under maximum pressure, and with Labor trying tactical manoeuvres.

Some of the crossbenchers face the choice between survival for four years if they surrender on the legislation or adopting a defiant stand and facing nasty consequences.

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For Madigan, whether it is a double-dissolution or a half-Senate election, the difference is likely to be between leaving the Senate mid-this year or mid-next year, when his full term runs out. He is not expected to have a chance of re-election.

Independent Nick Xenophon would be advantaged by a double dissolution. He could end up this year with about three Senate seats and potentially in a very powerful position.

The government needs six out of the eight non-Green crossbenchers for its bills. They start from different positions on the ABCC legislation – stretching from firmly in favour (Family First's Bob Day) to firmly against (John Madigan, Glenn Lazarus) with others ranged between. A number of them are talking tough now; time will tell if pragmatism kicks in.

One consideration for some might be the realisation they could kill the bills, kill their own political careers and then see the legislation operating anyway after a joint sitting. Looked at that way, is it really worth their hanging out?

With the political heat dramatically turned up, the next few weeks will be challenging for Turnbull to manage.

But they will also be difficult for Shorten, as he comes under more pressure to justify why the unions – some of which have emerged very badly from the royal commission – should not be subject to these tougher provisions.

There has been some speculation that the Senate, while having to return because the governor-general has recalled the whole parliament, once back could decide not to consider the industrial bills.

If it did, that would discredit the Senate further. It would also reinforce the argument that the Senate had “failed to pass” the ABCC legislation.

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Excessive union power might be an issue to Turnbull's advantage but it wouldn't be the only issue if there is a double-dissolution election. Turnbull still has a serious need to forge a credible, affordable, saleable tax package.

According to Monday's Newspann, the public is willing to cut him some slack on tax, despite the shambles we've recently seen from the government. The poll found 45% thought Turnbull the more capable of handling tax reform, compared with 25% who nominated Shorten as the more capable.

Nevertheless, an election campaign in which Turnbull could put as much weight as possible on industrial relations would obviously be attractive for him.

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