

An extraordinary amount of hype and some confected hysteria preceded Tuesday's vote on the medical transfer legislation.

The government threw everything at trying to avoid a defeat. In a last stand, it fell back on a constitutional argument – backed by Solicitor-General advice - that carried no practical weight and was simply circumvented by the majority that passed the bill in the House of Representatives.

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While the government frantically attempted to thwart Labor and the crossbench, Scott Morrison also ran the line that he wasn't that fussed. Afterwards he told a news conference: "Votes will come and votes will go, they do not trouble me." That claim wouldn't pass a fact check.

This was a big vote, and everyone knew it. Morrison operates a minority government and Tuesday's loss underscored that he can't automatically get his way. (Ironically, in the last days of Turnbull's majority government, the threat of losing a House vote came from internal dissidents.)

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The next test for Morrison will be on whether the House agrees to extra sitting days to discuss

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Written by Michelle Grattan, Professorial Fellow, University of Canberra

the measures from the banking royal commission. For procedural reasons, this needs 76 votes, one more than the 75 required on the medical transfer bill. The government has been leaning heavily on Bob Katter, the crossbencher who will be the key.

While the government looked rattled as the votes on the medical transfer bill proceeded, Labor was calm and steely.

For all the talk about Labor's misjudgement on the issue, this week it has moved cautiously and methodically.

Originally pushed by the crossbench into taking a stand on humanitarian grounds – the bill is based on a proposal from independent Kerryn Phelps - Labor has sought to display compassion but contain the political risk.

Bill Shorten, knowing the danger, decided the version of the bill coming from the Senate (which Labor had supported there) left the ALP too exposed. He flagged last week he'd like a "middle" course.

So the opposition came up with amendments to give the minister wider discretion and more time in making decisions, and to limit the application of the legislation to those on Nauru and Manus now. The latter change was to minimise the "pull" factor – the extent to which the new arrangement would encourage the people smugglers.

Then it was a matter of persuading the required six crossbenchers. They accepted in the negotiations that a modified bill was better than nothing (though there was some Greens cavilling).

In the House, the ALP troops were kept carefully in check; the emotion was turned down; the speeches from the bill's supporters were few and brief. Labor just wanted one thing in the chamber – a win. This wasn't the time to grandstand.

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The government, wounded and worried, is seeing this as one (albeit major) battle in the long war to the election. Its spruikers will say that in defeat it has had a victory – that Labor has given the Coalition ammunition for the campaign.

It's true the bill has breathed new life into the border security debate, but whether this will be enough to do Labor serious harm is an open question. `

The ALP is always vulnerable on boats. On the other hand, boats are lower in voters' minds than they used to be.

The government will turn up the dial by announcing "contingency plans" against fresh arrivals. Morrison, having accused Shorten of undermining offshore processing, is already moving on to the claim that he couldn't be trusted to be strong on turnbacks.

Goodness knows how the politics would play out if a boat appeared on the horizon in the next few weeks. You can be sure, however, that the government would be quick to tell us about it, and point the finger at Shorten.

In all this, the bill itself (which has to go back to the Senate for a tick off on the amendments) should be kept in perspective.

The minister has a veto on "security" grounds, including being able to exclude anyone who has committed a major crime. The composition of the medical panel which would have the final say on other transfers is broad and balanced.

Probably, over a period, there would be a lot of transfers out of the 1000 people offshore. But there have already been nearly 900 (some after legal action). These transfers have amounted to a backdoor route into Australia.

If the legislation in the longer term opens that door a little wider, it will also be a way of "settling"

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people in Australia without acknowledging that is being done.

More of the same? Or a radical change? It depends how you look at it.

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

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