

Grattan on Friday: Folau affair shows Morrison heading into religious freedom morass

Written by Michelle Grattan, Professorial Fellow, University of Canberra

Scott Morrison is riding high after his “miracle” win, but that will be just a memory come the next election due in early 2022. It’s what he does from now on that will determine whether the Coalition can secure a fourth term.

Morrison got himself elected with tax, written in capital letters, on an otherwise largely blank page. Moreover, given he was in campaign mode from the day he replaced Malcolm Turnbull, it was hard to get a feel for how he would operate as a prime minister off the (immediate) election trail.

More than a month into the new term, we are seeing the first outlines of Morrison’s approach and priorities. Central to it are outcomes and what some dub “achievable”.

Christopher Pyne once famously described himself as “a fixer” (in his case, something of a misnomer). At the centre of how Morrison sees running government is fixing things, oiling the tracks, if you like - whether this is in service delivery (such as improving the way the National Disability Insurance Scheme works), the approval processes for getting big projects underway (regulatory “congestion busting”), or smoothing the operation of the industrial relations system.

He’s lectured public service chiefs about the importance of delivery, and appointed Stuart Robert to a new services portfolio, based on Services NSW (which aims to “simplify the way customers do business with government” and has generated a high level of satisfaction from those using it).

Read more: [Here's what needs to happen to get the NDIS back on track](#)

In general, the signs are that Morrison is focused on government in terms of managing, as well as on responding to what he judges the public want, especially his “quiet Australians” in that public.

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Ears pricked this week when he put more industrial relations reform on the table, beyond the fresh attempt that will be made to secure passage of the Ensuring Integrity legislation.

The new industrial relations minister, Christian Porter, is to conduct a review running until the end of the year or beyond, and businesses are being encouraged to bring forward their suggestions.

But, at least from what's being said now (things can always change), this is not a frolic towards a new "WorkChoices" destination. The attention is especially on administration, for example dealing with the blow out in the time taken to approve enterprise agreements, and on seeking information.

The focus on management reflects and fits with Morrison's relatively non-ideological belief system. But amid this pragmatic, even low key, approach to governing, Morrison is committed to dealing with one highly charged values issue - protecting religious freedom.

Read more: [*Morrison wants to unleash economy's 'animal spirits' and foreshadows new look at industrial relations*](#)

Turnbull bequeathed this hornets nest to his successor. The then prime minister set up an inquiry, led by a former Howard government minister Philip Ruddock, to appease the right, those on the losing side in the same-sex marriage fight. The subsequent report recommended a religious discrimination act.

The case of Israel Folau, turfed by Rugby Australia following his homophobic Instagram post based on the bible, has injected a huge amount of heat into an issue already fraught. That intensified this week when GoFundMe removed from its site Folau's appeal to finance legal action against Rugby Australia. If intensity can be measured in dollars, the Folau campaign has so far raised more than \$2 million.

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When Turnbull set up the inquiry, he was seeking to throw a blanket over a matter dividing his party. Inevitably there would be a day of reckoning and, as bad luck would have it, the Folau imbroglio has widened the debate, which formerly had centred primarily on religious institutions, particularly schools.

The issue falls into the category of what political scientists label “wicked problems”. There is no easy or satisfactory path through a maze of conflicting rights.

Some in the government try to push aside the Folau case, saying it is just a matter of his contract. But if the aim of legislation is to prevent a person being discriminated against on the basis of their religion, wouldn't this logically mean bans on contracts stipulating employees can't spruik certain religious beliefs? And if not, where does that leave the Folau backers?

Read more: [Why the Israel Folau case could set an important precedent for employment law and religious freedom](#)

It's notable that a couple of netball corporate sponsors bought into the affair, after Folau's netball-playing wife shared his post asking for funds. They immediately came under attack, including from the former head of the Human Rights Commission, Gillian Triggs, who condemned such “bullying”.

Modern companies are increasingly sensitive to the cultural changes in society over recent years, as we saw in the interventions by some businesses in the same-sex marriage debate.

The merging of the commercial and the moral (which has outraged for example Home Affairs minister Peter Dutton) can be viewed in “market” terms. While in certain cases a company's positioning may be driven by the personal values of its leadership, more generally many companies, and organisations like Rugby Australia, will want their “brands” in line with what they see as their customers' likely values.

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Religious freedom, in a pure form, can run up against companies' rights to embrace values, just as their actions – in terms of restrictions they may seek to impose on their employees - can circumscribe free speech.

Morrison, who is deeply committed to his Pentecostal faith and thinks there should be more protection for religious freedom, may be starting to realise just what he could be getting into. Asked this week whether he supported the GoFundMe decision, he said "I think that issue has had enough oxygen".

Some in government are viewing this in partisan terms, believing they can wedge Labor. After the election Chris Bowen, who is from western Sydney with its high ethnic populations, highlighted that it had been raised with him that "people of faith no longer feel that progressive politics cares about them". In government eyes, the ALP could be wedged every which way on religious freedom legislation, caught between conservative (often ethnic) supporters and progressives.

That may be. But it is also possible a rift could open in Liberal ranks too, between conservatives and moderates, each tapping into sections of the community.

The risk for Morrison is that the debate becomes a distraction, a noisy and divisive intrusion into what he wants to be a steady-as-she-goes style of government.

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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