

John Howard is remembered by his Liberal tribe as a reformer, but his legacy is mixed. The GST has endured but he essentially doomed his government when he let his ideological obsession with industrial relations run away with him.

The Liberals lost the next election, and had to stand by as Labor dismantled WorkChoices.

Now a subsequent Liberal government is starting on workplace change, with industrial relations minister Christian Porter on Thursday releasing the first discussion papers.

It's early days and in politics sheep can always put on wolves' clothing. But on what we see, the measured approach of Scott Morrison and Porter is a far cry from that of Howard and likely to be more successful and lasting.

That's not to ignore the government's tough stand against militant unionism. The Ensuring Integrity bill from last term is back, and its prospects – provided there is some fine tuning - appear better this time, thanks in no small part to the antics of John Setka.

(On Thursday the Senate referred Setka to the privileges committee which will investigate the claim his comments at a private union meeting amounted to a threat against Centre Alliance senators in relation to their vote on the integrity bill. The CFMEU immediately declared it looked forward to appearing before the committee.)

More broadly, the government says industrial relations changes should meet three criteria: they need to create jobs and put upward pressure on wages, boost productivity, and promote economic growth.

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Porter, in his Thursday address to the Committee for Economic Development of Australia (CEDA), said the matters selected for scrutiny were based on what stakeholders had been telling the government.

The first two discussion papers cover proposed criminal penalties for wage theft, and extending the permitted length of greenfields enterprise agreements for major projects.

They have been chosen strategically. The second is relatively uncontroversial. The first is pitched towards workers.

These will be followed by papers on the building code that applies to Commonwealth-funded building work; casual employment; the small business fair dismissal code, and several aspects of enterprise bargaining. Some of these will be more controversial than the initial ones.

Porter sought to put the need for change in perspective: “the present system benefits from the great virtue that in most sectors most of the time it is a relatively orderly rules based system”.

Howard went for root-and-branch change; the Morrison government is looking for incremental reform.

Morrison is not an industrial relations crusader. Crucially, in all areas he is outcomes-oriented. He wants the changes he seeks to get through the Senate, where he would need crossbench support. Having unexpectedly won control of the Senate at the 2004 election, Howard had no check on his ambitions.

As Porter puts it, there are two crucial questions before a government wanting IR changes: what improvements are most important to strengthening the economy and “what possible changes can achieve a significant enough degree of consensus that they can be supported through parliament?”

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Unsurprisingly, wrangling legislation through the upper house preoccupies the government. The Senate this term, with its smaller crossbench, is easier to deal with, though not necessarily easy. The half a dozen non-Green crossbenchers include Cory Bernardi (now in practice a government vote), two One Nation senators, two from Centre Alliance and Jacqui Lambie.

When Labor and the Greens vote against legislation the Coalition needs four of these crossbenchers to carry it. The government is shameless in throwing them bones of various shapes and sizes.

For Lambie's support on the tax package, it forgave Tasmania's \$157.6 million housing debt.

This week Pauline Hanson was given a win, for past and future favours, when the government announced a joint parliamentary committee would examine the family law system.

Hanson, who thinks men get a bad deal in the system, has been constantly agitating for an inquiry, including putting some draft terms of reference to Porter. On Tuesday came the statement from Morrison and Porter.

The government is appointing as chairman Kevin Andrews, a Liberal conservative with a strong, long-term interest in and commitment to marriage counselling. It is backing Hanson as deputy chair (a position formally chosen by the committee). Of the ten-member committee five will be from the government; the ALP (which opposed the inquiry) will have three, and there will be one lower house crossbencher (Zali Steggall, who as a barrister specialised in family law).

This inquiry, though supported by the Law Council of Australia, seems unnecessary and is provocative.

Unnecessary, because the government already has a detailed report from the Australian Law Reform Commission, which it asked for, with a large number of recommendations on family law policy. That came earlier this year and the government has yet to address it. There was also a parliamentary inquiry last term that focused on protecting people affected by domestic violence in the family court system. There has been a plethora of other reviews over the past decade.

Provocative, because it is all about Hanson.

She caused immediate outrage after the announcement by her comment that “a lot of the women out there abuse the system by instigating false DVOs against their former partners or their husbands. They use that to further their needs”.

She also said: “In legislation there is 50/50 custody but it is at the discretion of the judges and I don’t think that is good enough.”

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Anti-domestic violence campaigner Rosie Batty said in reply to Hanson’s DVO claim: “Obviously there are some women who do abuse the system, but overwhelmingly we know that one woman a week is being murdered at the hands of a violent man”.

Batty said Hanson’s comments showed she already had an agenda. “It cannot possibly be an unbiased inquiry with these two people heading it up,” she said.

The family law system is one of the most fraught and sensitive policy areas. It is more than unfortunate that it has become a pawn in the wider Senate play. This is all about politics. It’s far from a best practice path to reform of a system that affects so many people – critically, so many

children.

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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