

How the Independents Have Voted in the House

June 2012

The 2012 Winter Session of the 43rd Parliament of Australia resumed on Tuesday 8 May 2012, on which day the Deputy Prime Minister and Treasurer, the Hon. Wayne Swan, handed down the [2012-13 Federal Budget](#).

When Parliament resumed on 8 May, the Member for Dobell, Craig Thomson, sat as an Independent on the crossbenches for the first time, having resigned from the Australian Labor Party on Sunday 29 April. The West Australian Nationals Member for O’Conner, Mr. Tony Crook, sat with the National Party for the first time, having announced on Saturday 5 May that he would join the federal Nationals parliamentary party room, having previously sat on the crossbenches.

There were eleven sitting days between Tuesday 8 May and Thursday 31 May. The House of Representatives passed 36 bills during this period. Parliament will next resume on Monday 18 June.

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Current Composition of the House of Representatives:

There are 150 members of the House of Representatives. The Australian Labor Party holds 71 seats, the Coalition holds 71 seats, and eight seats are held by Independents and members of minor parties. They are:

- Mr. Adam Bandt (The Australian Greens Member for Melbourne)
- Mr. Tony Crook (The West Australian Nationals Member for O’Conner)
- Mr. Bob Katter (Katter’s Australia Party Member for Flinders)
- Mr. Rob Oakeshott (Independent Member for Lyne)
- The Hon. Peter Slipper (Independent for Fisher)
- Mr. Craig Thomson (Independent Member for Dobell)
- Mr. Andrew Wilkie (Independent Member for Denison)
- Mr. Tony Windsor (Independent Member for New England)

The Independent Member for Fisher, Peter Slipper, is the Speaker of the House of Representatives. However as of Sunday 22 April 2012, he has stood aside from this position. Since then the Deputy Speaker, Labor Member for Chisholm Ms. Anna Bourke has been acting Speaker. As Mr. Slipper still formerly retains the position of Speaker, he is unable to vote in divisions. When in the chair Ms. Bourke now holds the Speaker’s casting vote, which may be used in the event of the numbers being equal in a division.

Adam Bandt, Rob Oakeshott and Tony Windsor have each guaranteed supply and confidence in the Government. Craig Thomson is a former member of the Labor Party and has indicated he will similarly support the Government.

If a motion of no confidence were moved, the Government could rely on seventy votes from its own members (not including the Deputy Speaker), plus the votes of Adam Bandt, Rob Oakeshott, Tony Windsor and Craig Thomson. The Coalition could rely on seventy one votes from its own members.

If the remaining three Independents, Tony Crook, Bob Katter and Andrew Wilkie all voted with the Coalition, the result would be an equal division of 74 each way. The Deputy Speaker could then use her casting vote to vote with the Government, resulting in a 75 – 74 division in the Government’s favour.

Recent Developments:

Winter Session

- The Deputy Speaker Ms. Anna Bourke has used her casting vote twice since assuming the role of acting Speaker on Tuesday 8 May. On **Thursday 24 May 2012**, on the matter of the Opposition amendments (1) and (2) to the *Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and other Measurers) Bill 2012*, the Deputy Speaker used her casting vote to vote with the Government and resolve the matter in the negative. In doing so, Ms. Bourke referenced the principle that a casting vote on an amendment should leave a bill in its existing form. On **Thursday 31 May 2012**, on the matter of the Independent Member for Lyne Rob Oakeshott’s motion *Migration Legislation Amendment (The Bali Process) Bill 201 – Second Reading*, the Deputy Speaker used her casting vote to vote with the Government and resolved the matter in the affirmative. In doing so, Ms. Bourke referenced the principal that the casting vote should allow further consideration—bill read a second time.

Between the Autumn and Winter Sessions

- On **Saturday 5 May 2012**, West Australian Nationals Member for O’Connor Tony Crook announced that he would be joining the federal Nationals parliamentary party room from Tuesday 8 May 2012. Mr. Crook had previously sat on the crossbenches in order to advocate for the specific needs of West Australia. His election campaign platform centred on the fact that the West Australian Nationals were an independent party. In announcing his decision, Mr. Crook noted that he had been unable to successfully leverage his vote as a crossbencher. While sitting on the crossbenches, Mr. Crook voted against the Government in 84 per cent of divisions.
- On **Sunday 29 April**, Prime Minister Julia Gillard held a press conference in which she made two announcements relating to the independent members of the House of Representatives.

First, the Prime Minister announced that she had indicated to the Speaker, the Hon. Peter Slipper MP, that he should stand aside from the position of Speaker for a further period of time in the wake of civil and criminal allegations being made against him. When Parliament resumed on 8 May, Mr. Slipper made a short statement to the House, before inviting the Deputy Speaker to take the chair as

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† On the occasions where the Government and Opposition voted together against the independents.

‡ Votes of a largely procedural nature (not encompassing amendments to substantive legislation). Does not include motions to censure the Prime Minister.

Speaker. Mr Slipper had previously announced that he would stand aside only while the criminal allegations against him were investigated. Mr. Slipper has denied the allegations.

Second, the Prime Minister announced that she had indicated to the Member for Dobell, Mr. Craig Thomson MP, that it was no longer appropriate for him to participate in Labor caucus, and he should be suspended from the Labor Party. This announcement follows allegations of misuse of a union credit card while Mr. Thompson was National Secretary of the Health Services Union (HSU). Mr. Thompson has denied the allegations.

Mr Thomson subsequently indicated that he had for his own reasons reached the same conclusion as the Prime Minister, and had announced to the ALP that he would join the crossbench as an independent, although he has also indicated that he will continue to support the Labor Government.

In making these announcements, Prime Minister Gillard reaffirmed that both Mr. Slipper and Mr. Thomson were entitled to a presumption of innocence. She further stated that the actions she had taken were not pre-judging these allegations, but were a measure to restore respect in the Parliament amid concerns felt by the Australian public about standards in public life.

- On **Sunday 22 April**, Independent Peter Slipper announced that he would stand aside from his position as Speaker of the House of Representatives following allegations of criminal misconduct in relation to matters of parliamentary entitlements. Mr. Slipper has denied the allegations, and has said that he will resume his role as Speaker once the allegations are resolved. Although he has stood aside, Mr. Slipper still formally holds the position of Speaker, and is therefore unable to vote on matters before the House of Representatives.

In his place, the Deputy Speaker, Labor Member for Chisholm MP Ms. Anna Bourke, will act as Speaker, and will hold the Speaker's casting vote. Mr. Slipper was elected as the Speaker following the resignation of the Hon. Harry Jenkins MP from this position on 24 November 2011. Mr. Slipper is also facing separate allegations under civil law.

Autumn Session

- On **19 March 2012**, Independent Peter Slipper used his casting vote for the first time since assuming the position of Speaker on 24 November 2011. On the matter of the Independent Member for Lyne Rob Oakeshott's motion for disallowance of the Renewable Energy (Electricity) Amendment Regulations 2011 (No. 5), as contained in the Select Legislative Instrument 2011 No. 222, and made under the *Renewable Energy (Electricity) Act 2000*, Mr Slipper used his casting vote to vote with the Government and resolve the matter in the negative. In doing so, Mr. Slipper referenced two principles: that decisions should not be taken except by a majority; and that legislation should be left in its original form.
- The Autumn Session was also significant in that it was the first full session following the announcement on **21 January 2012** by the Independent Member for Denison Andrew Wilkie that he would no longer guarantee supply and confidence in the Government. Prior to his announcement, Mr Wilkie had voted with the government in 87% of all divisions, and in 98% of divisions on substantive matters. Following the announcement, Mr Wilkie voted with the Government in 65% of all divisions

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that he was present for, and in 87% of substantive divisions that he was present for. Mr Wilkie was absent for four divisions during this time.

Significant Legislation Introduced or Passed in the Most Recent Sitting Period:

- [Family Assistance and Other Legislation Amendment \(Schoolkids Bonus Budget Measures\) Bill 2012](#)
- [Clean Energy Finance Corporation Bill 2012](#)
- [Customs Amendment \(Anti-dumping Improvements\) Bill \(No. 2\) 2012 \[and\] Customs Tariff \(Anti-Dumping\) Amendment Bill \(No. 1\) 2012](#)
- [Appropriation Bill \(No. 1\) 2012-2013](#)
- [Appropriation Bill \(No. 2\) 2012-2013](#)

Voting Record in the 43rd Parliament of Australia:

The Government has maintained a successful record of gaining support from the Independents on significant pieces of legislation requiring a division. Over the length of the 43rd Parliament to date, the Government has won the majority in 95% of divisions on substantive matters, and in 83% of all divisions. The Government is yet to be defeated on a final vote in support of a bill.

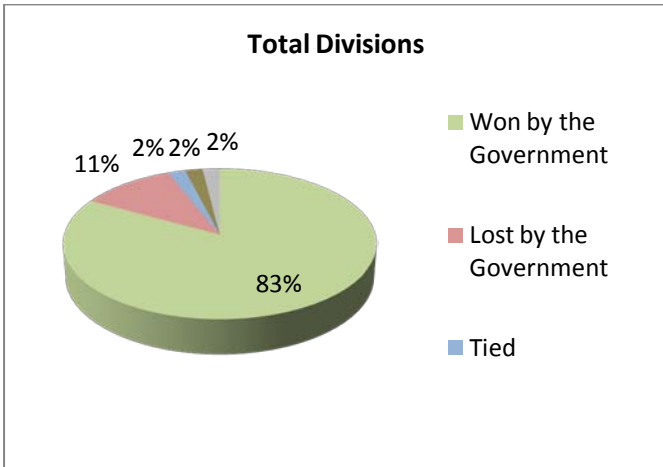
The Independents' voting record is a reflection of the Government's dominance over the legislative agenda of this Parliament. In the agreements between the Prime Minister and Independents that led to the forming of Government, the Prime Minister agreed to implement any legislation passed by the Parliament, whether or not it had been introduced by the Government, or received the Government's support in the House, allowing the Opposition to pursue its own legislative agenda in this hung Parliament. Although the Opposition has introduced some legislation during the 43rd Parliament so far, it has generally not been voted on, and the support of the Independents has therefore overwhelmingly been a response to the Government's legislative agenda.

The *Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010* second reading remains the only division on an amendment to a bill that has been lost by the Government. In February 2011 Adam Bandt, Rob Oakeshott and Andrew Wilkie voted with the Government, while Tony Crook, Bob Katter and Tony Windsor voted against. The amended Bill subsequently passed the Parliament.

In the 43rd Parliament so far, the Government has successfully passed 337 pieces of legislation through the Lower House. All the Appropriation Bills and supporting legislation from the 2011-12 Budget have passed the Parliament.

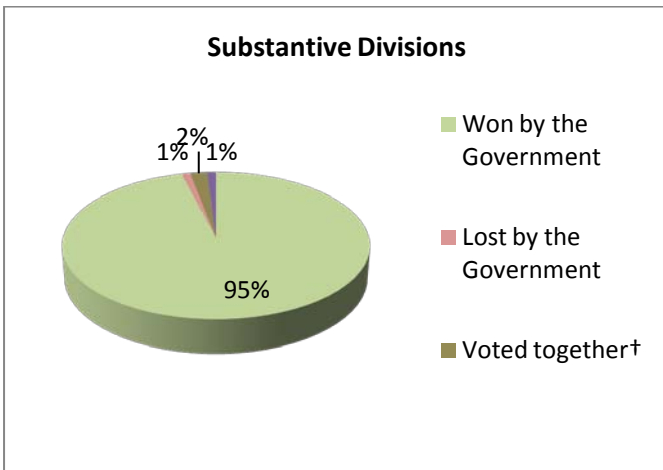
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How the Independents Have Voted – Graphs:



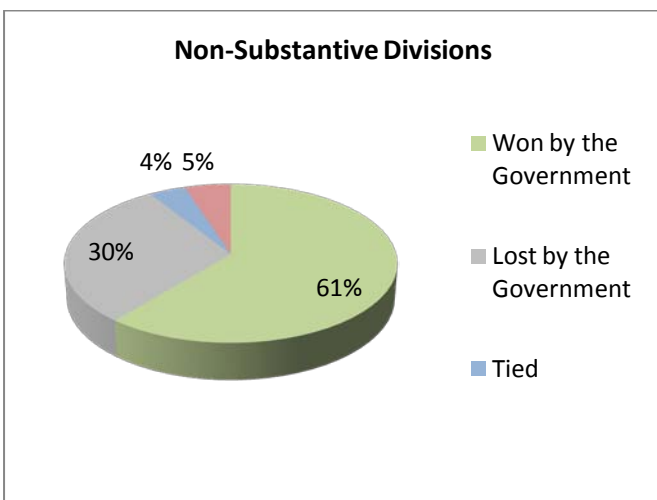
Total Number of Divisions

Won by the Government	83%	268
Lost by the Government	11%	34
Tied	2%	8
Voted together	2%	5
Absolute majority required*	2%	8
Total	100%	323



Number of Substantive Divisions‡

Won by the Government	95%	206
Lost by the Government	1%	2
Voted together†	2%	5
Absolute majority required*	1%	3
Total	100%	216



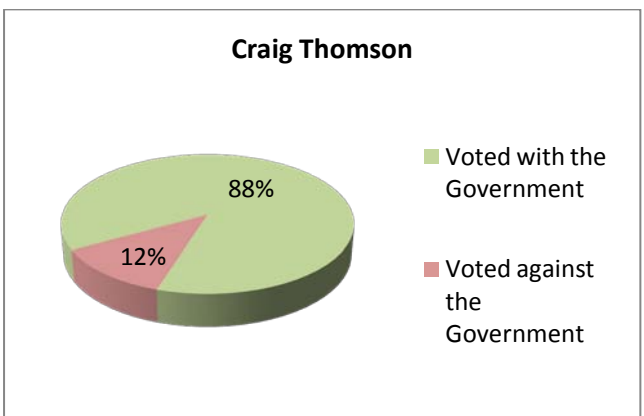
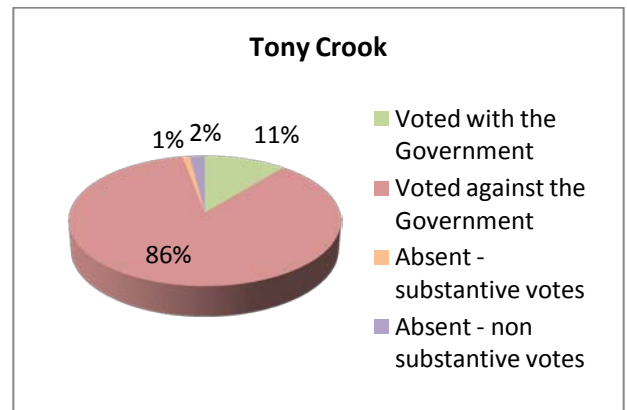
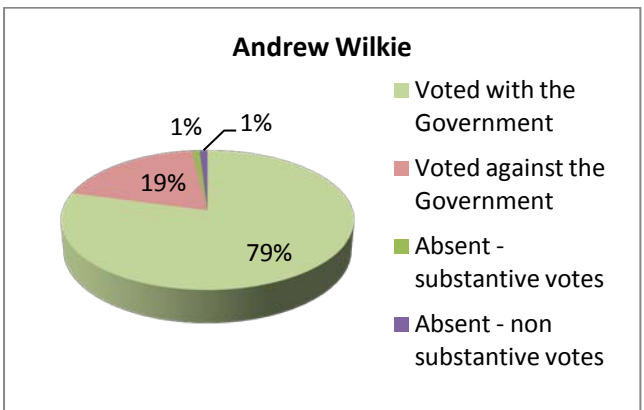
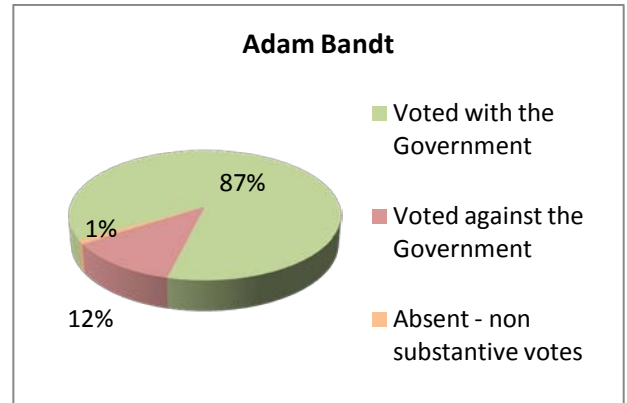
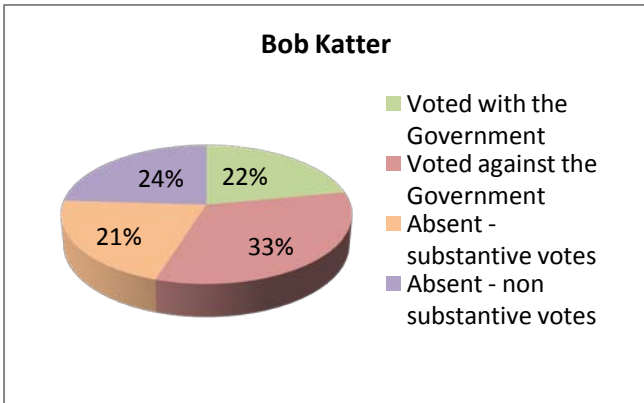
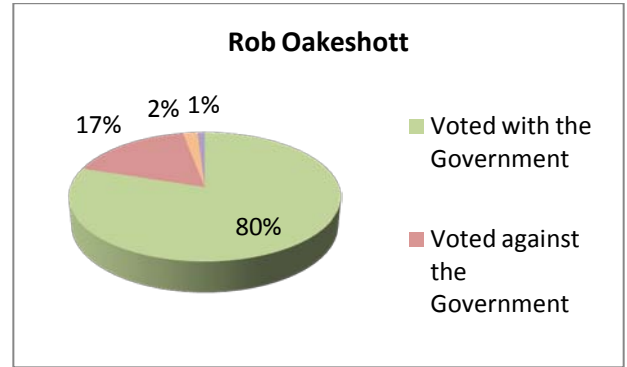
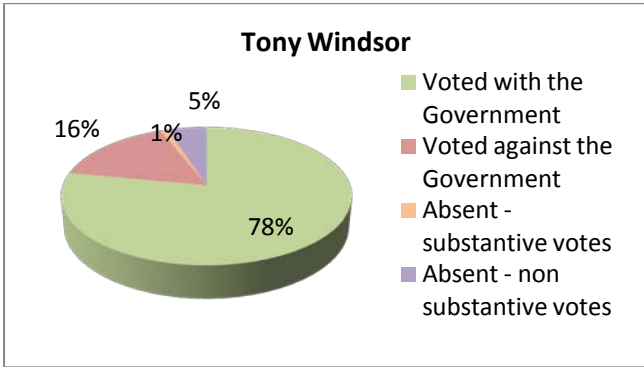
Number of Non-Substantive Divisions

Won by the Government	61%	65
Lost by the Government	30%	32
Tied	4.0%	4
Absolute majority required*	5.0%	6
Total	100%	107

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