

How the Senate has voted

February 2016

The balance of power in the Senate rests with a diverse group of independents and minor parties. These crossbenchers have considerable influence over the Coalition Government’s ability to implement its legislative agenda and pass key budget measures over the life of the 44th Parliament.

At the conclusion of the first sitting week of the autumn session, 523 divisions had occurred in the Senate. The Government won 65 per cent of divisions, 38 per cent of which were won with the support of the ALP and 27 per cent with the support of the crossbench. The Government lost 32 per cent of divisions.

This Occasional Paper outlines the key legislative measures passed, rejected and amended by the Senate during the 44th Parliament. It also compares the voting record of Senators both before and after the change in Prime Minister from Mr Abbott to Mr Turnbull.

There were 411 divisions in the Senate during the Abbot led Coalition government. At the end of the first week of the autumn session there were 112 divisions under the Turnbull led Coalition Government. While care needs to be taken, given these figures may also reflect the nature of the matters brought to a vote, the following trends are clear:

- Overall, the Senate has been **more likely** to support the Turnbull Government than the Abbott Government (+9%);
- Senator Lazarus, Senator Muir, the Australian Greens, Senator Wang (PUP), and Senator Lambie have been **significantly more** likely to vote with the Government (+11%, +12% +13%, +17% and +21% respectively);
- The Australian Labor Party have been **more** likely to vote with the Government (+6%,);
- Senator Madigan has been **slightly more** likely to have voted with the Government (+2%);
- Senator Day (FF) and Senator Xenophon have been **slightly less** likely to vote with the Government (-4% and -4% respectively); and
- Senator Leyonhjelm (LDP) and been **less** likely to vote with the Government (-9%).

The Hawker Britton Occasional Paper on the current Senate is available [here](#).

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Composition of the Senate

There are 76 seats in the Senate. As a result of the 2013 Federal election, the Liberal/National Party Coalition holds 33 seats, and the Australian Labor Party holds 25 seats.

The final 18 seats are held by minor parties and independents. These include:

- The Australian Greens, with 10 seats;
- The Palmer United Party, with 1 seats;
- The Australian Motoring Enthusiast Party, with 1 seat;
- The Family First Party, with 1 seat;
- The Liberal Democratic Party, with 1 seat;
- Independent Senator John Madigan (formerly of the Democratic Labour Party);
- Independent Senator Nick Xenophon; and
- Independent Senator Jacqui Lambie (formerly of the Palmer United Party).
- Independent Senator Glenn Lazarus (formerly of the Palmer United Party).

The Hawker Britton Occasional paper on the composition of the current Senate, which includes information about parties and individual senators, is available [here](#).

Powers of the Senate

The Senate serves as a check on the Federal Executive by voting on and scrutinising bills and delegated legislation, engaging in government administration, and participating in the development of government policy. The Senate can by a simple majority (39 votes):

- pass legislation (or prevent the passage of legislation with 38 votes);
- disallow legislative instruments;
- amend legislation; and
- compel the production of documents through Returns to Order.



Key Senate votes

i. Significant legislation passed by the Senate

[Tax Laws Amendment \(Combating Multinational Tax Avoidance\) Bill 2015](#)

Amends the Income Tax Assessment Act 1997 to provide for a standard and centralised set of concepts to determine whether an entity is a 'significant global entity', introduce new standards for transfer pricing documentation and Country-by-Country reporting by significant global entities and negate certain tax avoidance schemes used by multinational entities to artificially avoid the attribution of profits to a permanent establishment in Australia.

The bill was introduced on the 9 of November 2015. Following amendments made by the Australian Greens and Nick Xenophon, on November 11 the bill was read a third time in the senate and sent to the House of Representatives to be considered.

The House of Representatives considered the senate amendments on the 12 of November disagreeing with the Senate amendments.

On the 3 of December the Senate considered the House of Representatives message and resolved to not insist on its amendments, and agreed to 4 Australian Greens amendments in place of amendments no. 2 and 3. The Bill as finally amended passed the Senate on the voices on the 3 of December 2015.

Below are a list of divisions that led to the senate resolution to be reported and the bill to be passed.

Moved by Senator Di Natale: That the committee does not insist on amendment no. 2 but agrees to the following amendments in place of that amendment.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	Yes	No	No	No	No	N/A	No	No	No	Yes	36	25

Moved by Senator Dastayari: That the committee does not insist on amendment no. 3 but agrees to the following amendment in place of that amendment.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	No	No	Yes	Yes	N/A	N/A	No	Yes	N/A	No	21	38

Moved by Senator Muir: That the committee does not insist on amendment no. 3 but agrees to the following amendment in place of that amendment.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	No	Yes	Yes	Yes	Yes	N/A	Yes	Yes	Yes	No	7	40

Moved by Senator Di Natale: That the committee does not insist on amendment no. 3 but agrees to the following amendments in place of that amendment.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	Yes	No	No	No	No	N/A	No	No	N/A	Yes	36	26



[Foreign Acquisitions and Takeovers Legislation Amendment Bill 2015](#)

Part of a package of three bills in relation to Australia's foreign investment framework, the bill amends the Foreign Acquisitions and Takeovers Act 1975 to provide a statutory basis for the requirements that apply to foreign government investors, enables the transfer to the Australian Taxation Office of responsibility for administering certain aspects of regulating foreign investment, enables the lowering of screening thresholds for investments in the agricultural sector and provide for fees to be payable for foreign investment applications.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	Yes	No	N/A	No	Yes	Yes	N/A	N/A	N/A	Yes	38	22

[Customs Amendment \(China-Australia Free Trade Agreement Implementation\) Bill 2015](#)

Introduced with the Customs Tariff Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015 gives effect to Australia's obligations under Chapter 3 of the China-Australia Free Trade Agreement, the bill amends the Customs Act 1901 to provide preferential rates of duty for Chinese originating goods; and impose certain obligations on exporters and producers of Australian goods who claim preferential tariff treatment.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	No	Yes	No	N/A	Yes	Yes	Yes	N/A	No	Yes	35	11



ii. Significant legislation and regulation blocked by the Senate

[Shipping Legislation Amendment Bill 2015](#)

Amends the Coastal Trading (Revitalising Australian Shipping) Act 2012 to replace the existing three tiered licensing system with a single permit system, available to Australian and foreign vessels, which will provide access to the Australian coast for a period of 12 months, establishes a framework of entitlements for seafarers on foreign vessels engaging or intending to engage in coastal shipping for more than 183 days and allow vessels to be registered on the Australian International Shipping Register when they engage in international shipping for 90 days or more

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	No	No	No	No	No	Yes	Yes	No	N/A	Yes	27	31

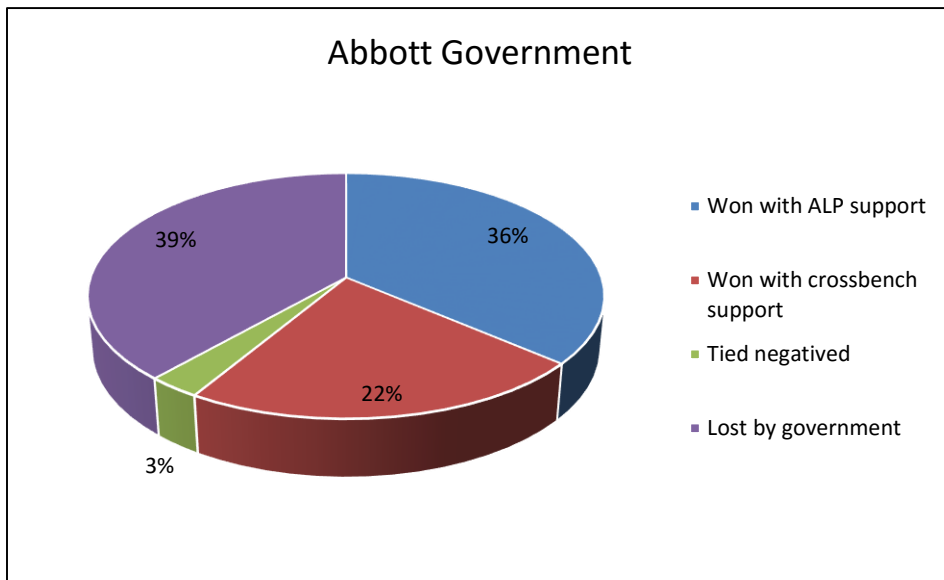
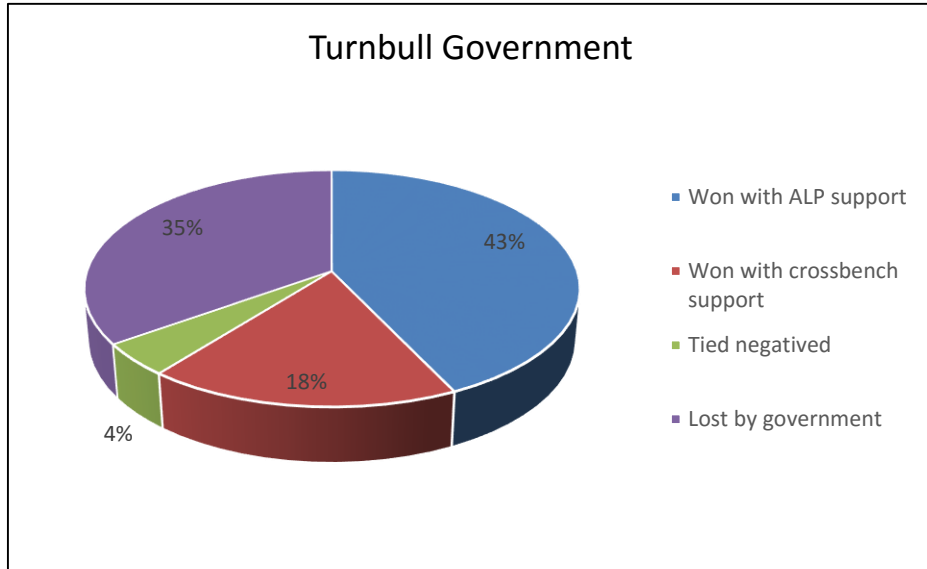
iii. Senate scrutiny of the government

The senate proposed an order for production of documents from the Royal Commission into Trade Union Governance and Corruption.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	Yes	No	Yes	Yes	No	No	No	Yes	No	No	33	33

Senate Votes

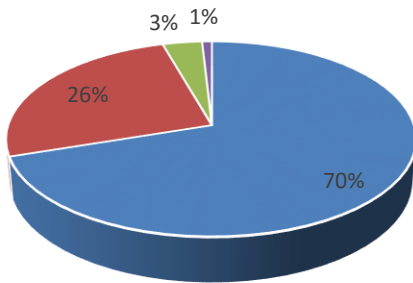
A table showing all the divisions in the Senate since 7 September, with a brief description of the legislation or motion, number of votes and how each major party, minor party and independent senator voted is available [here](#).



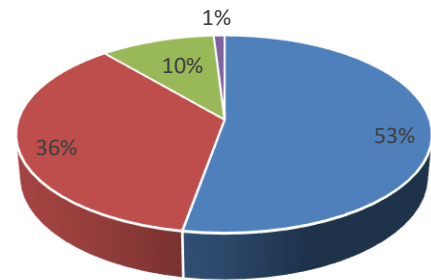
Crossbench voting record since 7 September 2014

Palmer United Party

Turnbull



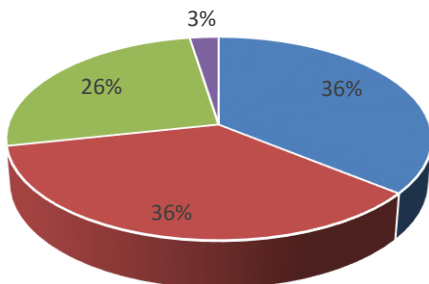
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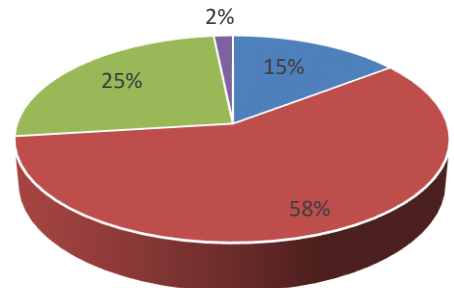
- Voted with the Government
- Voted against the Government
- Absent - substantive
- Absent - non substantive

Senator Lambie

Turnbull

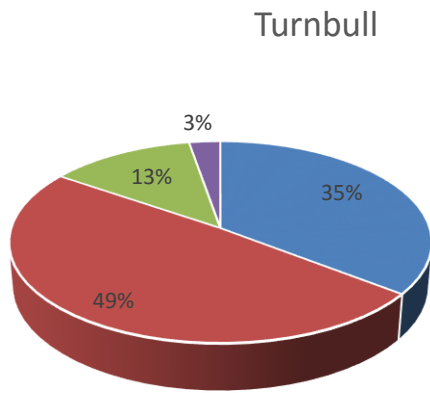


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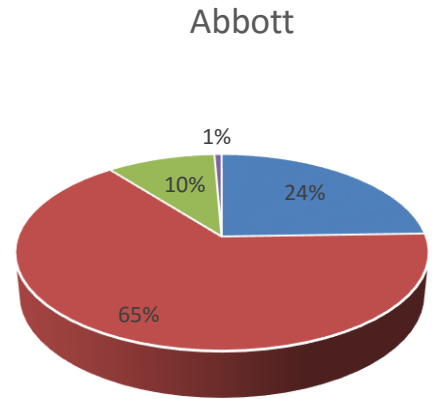


- Voted with the Government
- Voted against the Government
- Absent - substantive
- Absent - non substantive

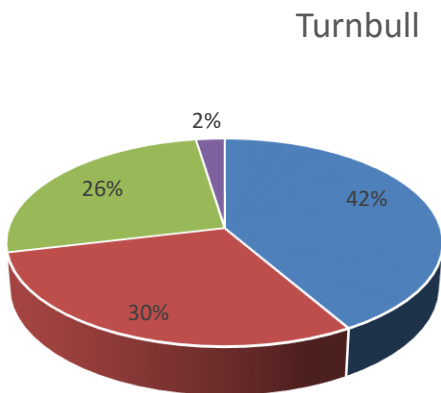
Senator Lazarus



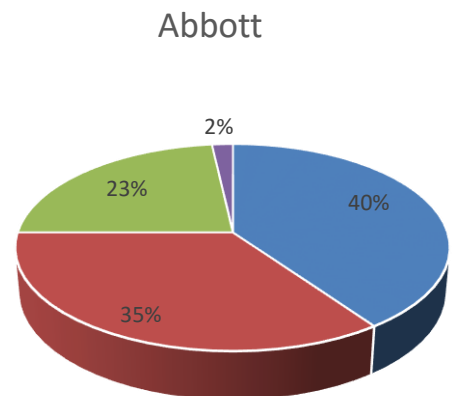
- Voted with the Government
- Voted against the Government
- Absent - substantive
- Absent - non substantive



Senator Madigan

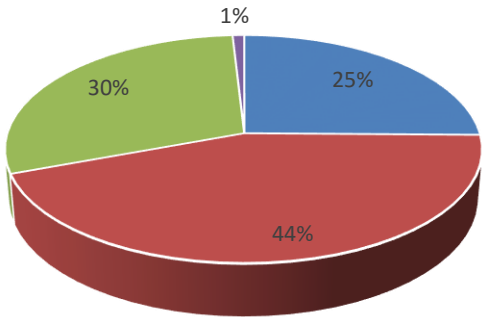


- Voted with the Government
- Voted against the Government
- Absent - substantive
- Absent - non substantive



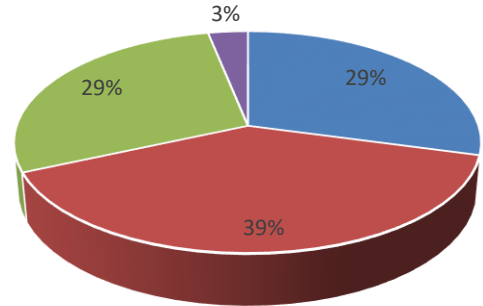
Senator Xenophon

Turnbull



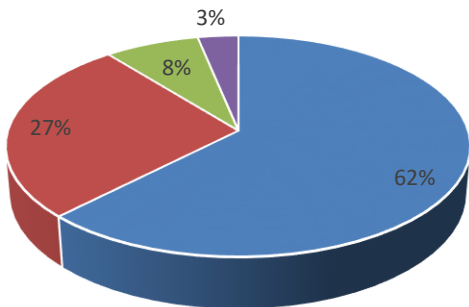
- Voted with the Government
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- Absent - substantive
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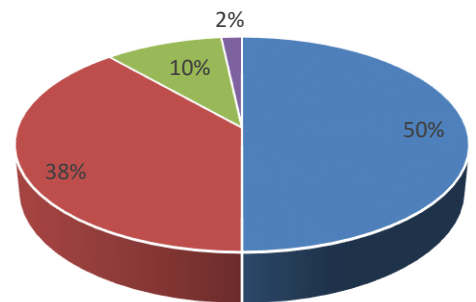
Australian Motoring Enthusiast Party

Turnbull



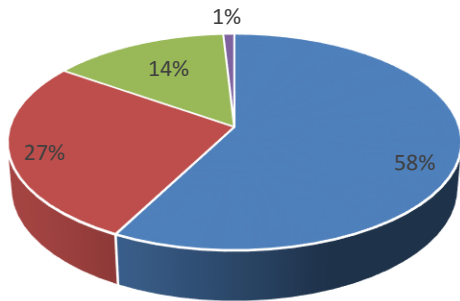
- Voted with the Government
- Voted against the Government
- Absent - substantive
- Absent - non substantive

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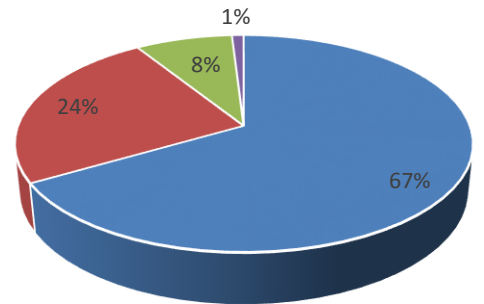


Liberal Democratic Party

Turnbull



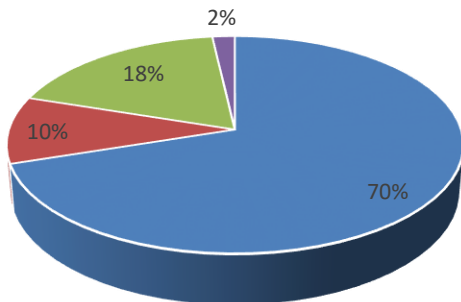
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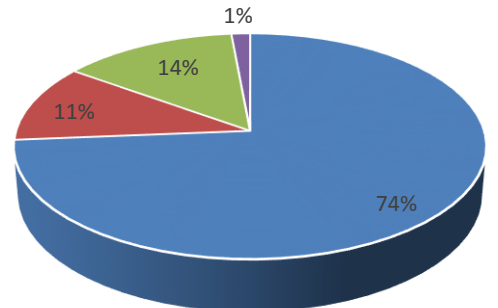
- Voted with the Government
- Voted against the Government
- Absent - substantive
- Absent - non substantive

Family First

Turnbull



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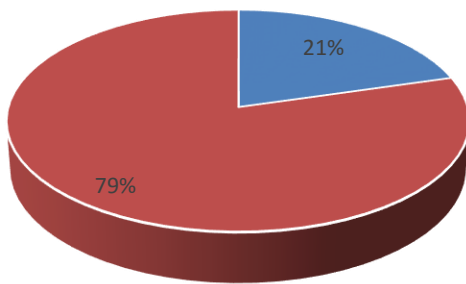


- Voted with the Government
- Voted against the Government
- Absent - substantive
- Absent - non substantive

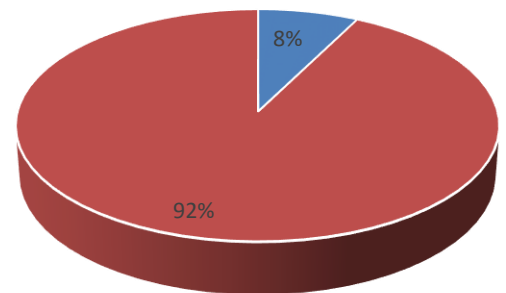
ALP and Greens voting record since 7 September 2014

Greens

Turnbull



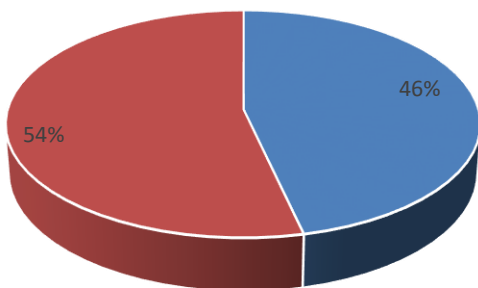
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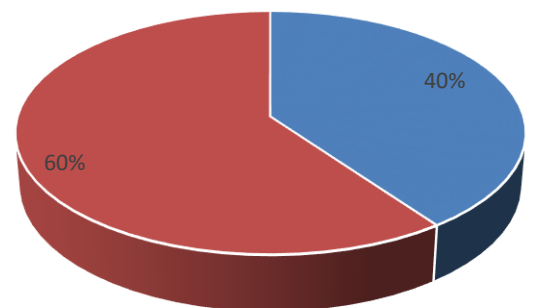
- Voted with the government
- Voted Against the government

ALP

Turnbull



Abbott



- Voted With the Government
- Voted Against the Government