

## How the Senate has voted

### December 2014

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.

This Occasional Paper outlines the key legislative measures passed, rejected and amended by the Senate, and some of the key scrutiny activities of the Senate during the 44th Parliament.

At the conclusion of the winter session, there had been 234 divisions in the Senate. The Government won 65 per cent of divisions, 30 per cent of which were won with the support of the ALP and 34 per cent with the support of the crossbench. The Government lost the remaining 36 per cent of divisions.

Significant legislation passed by the Senate, and legislation and regulation blocked by the Senate since our last update in September is listed in this Occasional Paper.

The Senate will resume sitting on 9 February 2015.

Hawker Britton's table detailing the voting record of the Senate in divisions since 1 July 2014 is available [here](#).

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

The previous Hawker Britton 'How the Senate Has Voted' Occasional Paper from 18 September is available [here](#).

The Hawker Britton Occasional Paper on the results of the 2013 Senate election 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 2 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).

The Hawker Britton Occasional paper on the composition of the new 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

##### [National Security Amendment Bill \(No 1\) 2014](#)

The Bill increases protections for intelligence officers who commit crimes while conducting operations, implements stronger penalties for disclosure or publication of information about secret operations, expands access for ASIO to computer networks and facilitates cooperation and collaboration between Australian intelligence agencies.

ALP	GRN	PUP	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	No	Yes	Yes	Yes	No	No	No	Yes	44	12

[Counter-Terrorism Legislation Amendment \(Foreign Fighters\) Bill 2014](#)

The Bill expands cooperation between intelligence agencies and Defence. Under the bill, the Australian Secret Intelligence Service will have as one of its core functions sharing information with the Australian Defence Force. The Bill also provides increased powers for security agencies and enables authorities to cancel welfare payments for persons involved in terrorism

ALP	GRN	PUP	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	No	Yes	Yes	Yes	No	No	Yes	Yes	43	12

[Migration and Maritime Powers Legislation Amendment \(Resolving the Asylum Legacy Caseload\) Bill 2014](#)

The Bill provides the Immigration Minister with broad new migration and maritime powers. The Bill states that it 'irrelevant whether Australia has non-refoulement obligations in respect of an unlawful non-citizen.' As such, Australia is now entitled to return an asylum seeker to a country where they have been, or know they may be, tortured or persecuted. Arrivals by boat also no longer have access to the Refugee Review Tribunal, instead they will have an appeal mechanism through a paper review rather than a hearing.

ALP	GRN	PUP	LAM	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	34	32

[Carbon Farming Initiative Amendment Bill 2014](#)

The Bill implements the Government’s Direction Action plan, establishing the Emissions Reduction Fund to replace the carbon tax and providing a transition for the Carbon Farming Initiative.

ALP	GRN	PUP	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	No	Yes	Yes	No	No	Yes	Yes	Yes	31	29

**ii. Significant legislation and regulation blocked by the Senate**

[Higher Education and Research Reform Amendment Bill 2014](#)

The Bill sought to deregulate university tuition fees by removing the maximum student contribution amounts that providers can charge students in Commonwealth supported place, replace the CPI indexation of HELP loans with the 10 year government bond rate and lower the minimum repayment threshold for HELP debts.

ALP	GRN	PUP	LAM	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	No	No	No	Yes	Yes	Yes	No	Yes	Yes	31	33

[Corporations Amendment \(Streamlining Future of Financial Advice\) Regulation](#)

The motion disallowed the Coalition Government’s to the Former Labor Government’s Future of Financial Advice (FOFA) regime. As a result, the ‘opt in’ requirement and wider ‘best interests duty’ have been restored, and tighter restrictions on the types of payments that banks and wealth management companies can make to financial advisers again operate.

ALP	GRN	PUP	LAM	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	No	32	30

[Family Tax Benefit \(Tighter Income Test\) Bill 2014](#)

The purpose of the Bill was to reduce government welfare spending, including administration and compliance costs. The Bill sought to tighten the Family Tax Benefit Part A income test from 1 July 2015, substantially reducing the welfare payments for families outside the ‘income free area’.

ALP	GRN	PUP	LAM	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	No	No	No	N/A	Yes	Yes	N/A	No	Yes	29	33

**Senate scrutiny of the government**

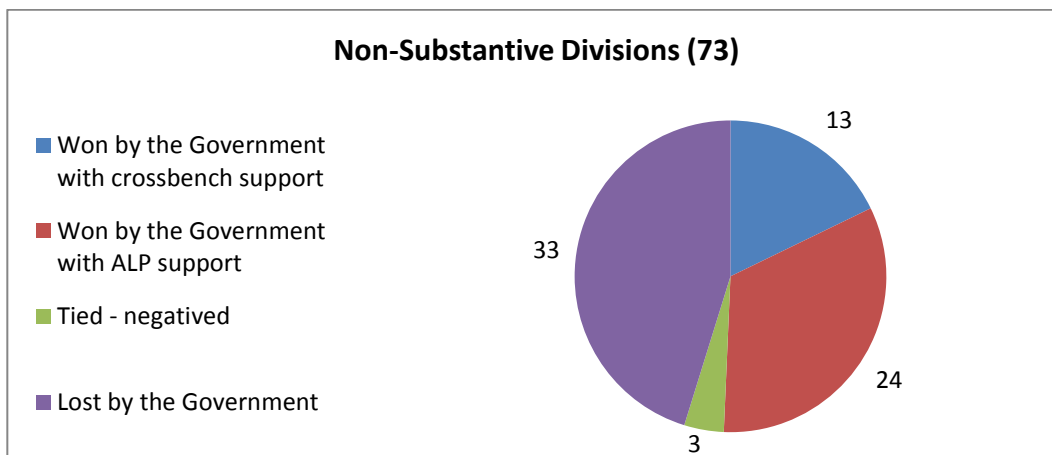
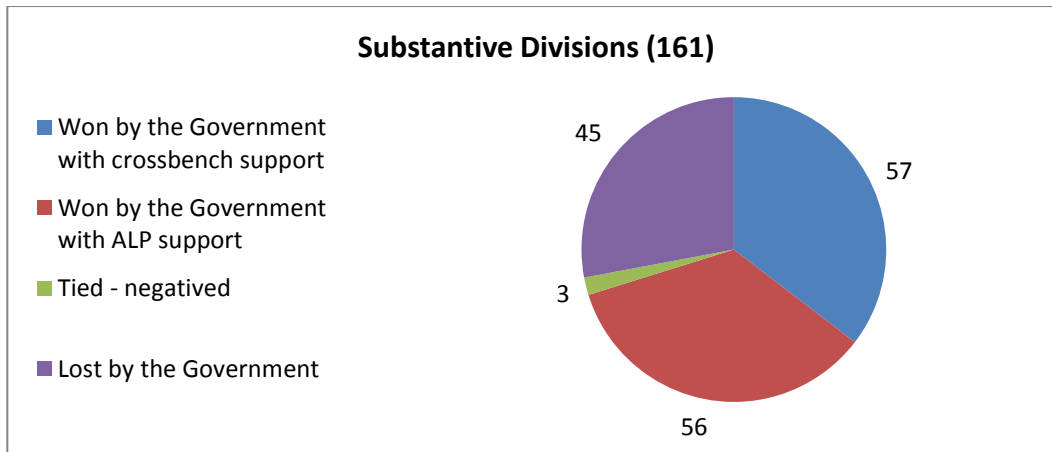
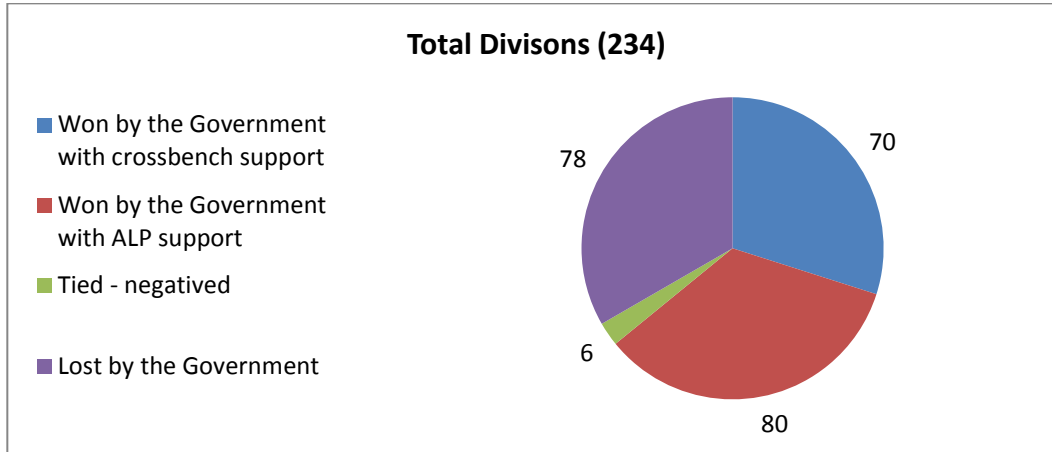
Since September, the Senate has ordered the production of the following:

- East West Toll Road business case
- Asylum Seekers — Transfield documents
- Government’s process for developing cost estimates for its data retention policy
- Toowoomba Bypass project funding information and review
- Nauru detention centre documents

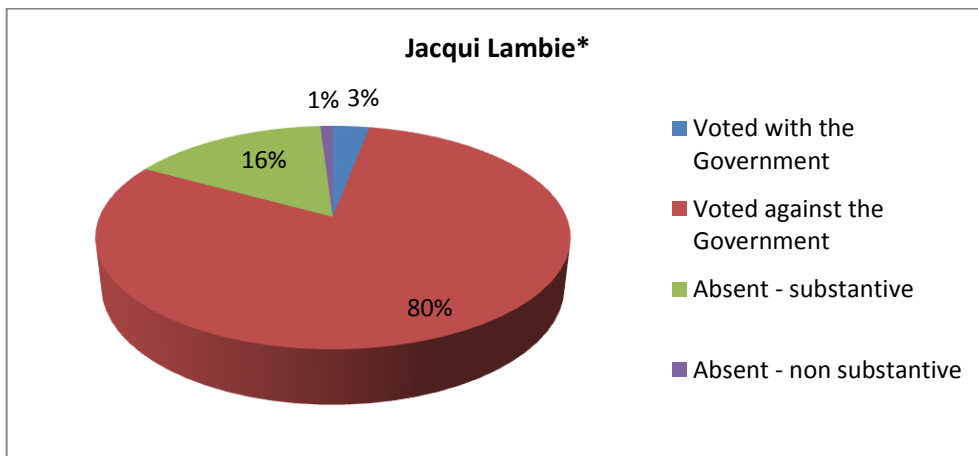
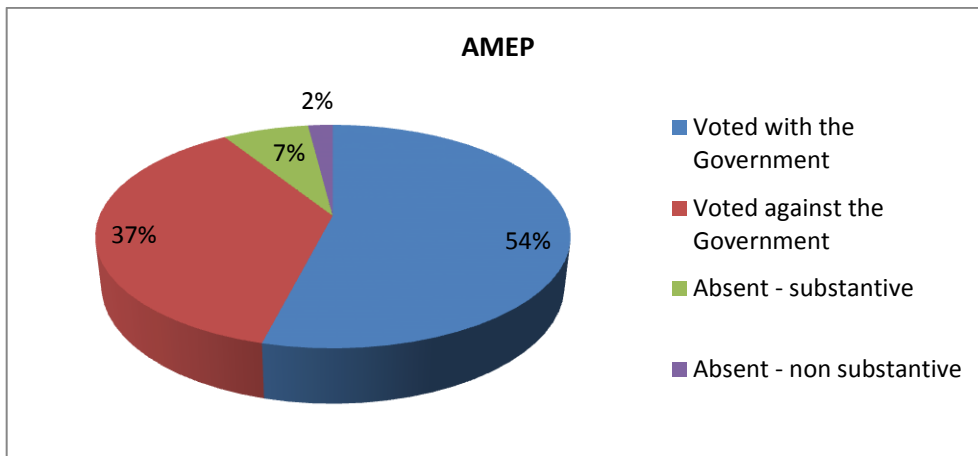
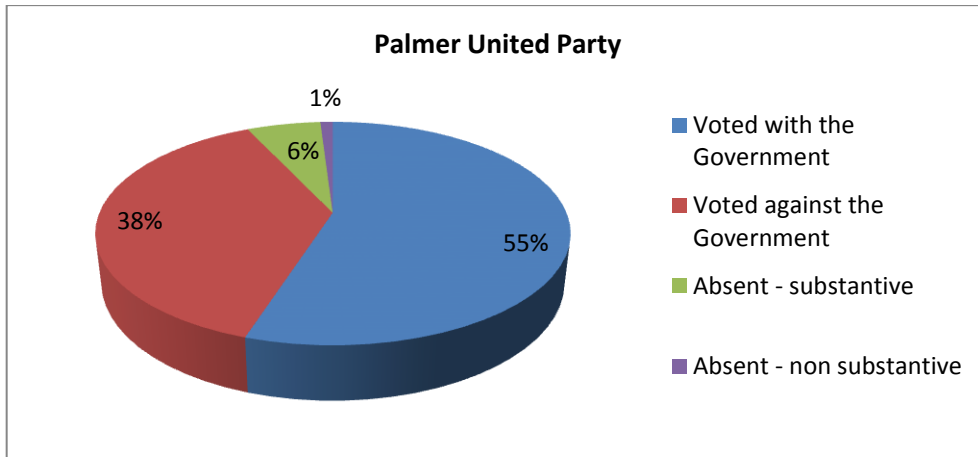
## How the Independents have voted in the Senate

### Senate votes since 1 July 2014

A table showing all the divisions in the Senate since 1 July, 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](#).

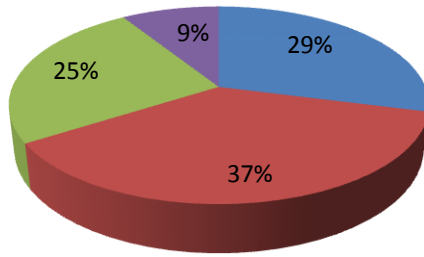


### Crossbench voting record since 1 July 2014



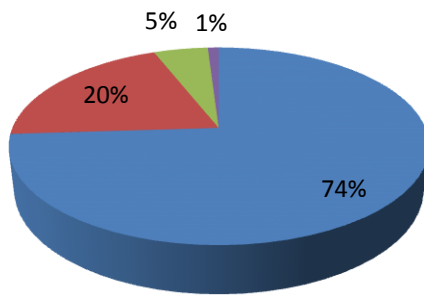
\* Senator Lambie's votes are recorded separately since 17 November 2014. Votes cast before this period are counted as PUP

**Nick Xenophon**



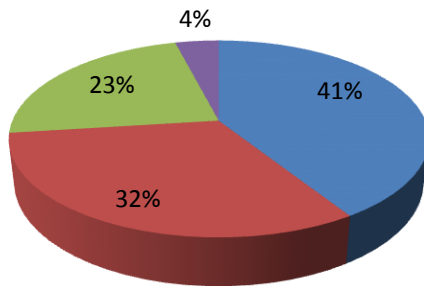
- Voted with the Government
- Voted against the Government
- Absent - substantive
- Absent - non substantive

**Liberal Democratic Party**



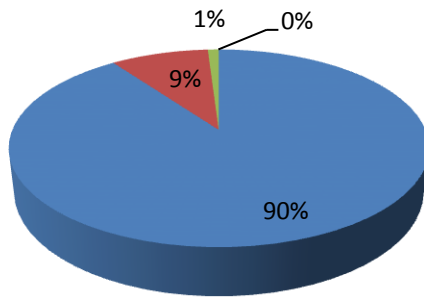
- Voted with the Government
- Voted against the Government
- Absent - substantive
- Absent - non substantive

**John Madigan**



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

**Family First Party**



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