

**How the Senate has voted**

**May 2015**

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 autumn session, there had been 306 divisions in the Senate. The Government won 69 per cent of divisions, 37 per cent of which were won with the support of the ALP and 32 per cent with the support of the crossbench. The Government lost 28 per cent of divisions.

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

The Senate will resume sitting on 11 May 2015.

Hawker Britton’s table detailing the voting record of the Senate in divisions since 7 September 2014 is available [here](#).

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

The previous Hawker Britton ‘How the Senate Has Voted’ Occasional Paper from December 2014 is available [here](#).

<b>Composition of the Senate</b> .....	2
<b>Powers of the Senate</b> .....	2
<b>Key Senate votes</b> .....	3
i. <b>Significant legislation passed by the Senate</b> .....	3
ii. <b>Significant legislation and regulation blocked by the Senate</b> .....	4
iii. <b>Senate scrutiny of the government</b> .....	4



## 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

#### [Telecommunications \(Interception and Access\) Amendment \(Data Retention\) Bill 2015](#)

The bill requires that telecommunications service providers retain for two years telecommunications data (not content) and that these providers protect retained data through encryption and preventing unauthorised interference and access. The bill also requires that range of agencies that are able to access telecommunications data and stored communications are limited and require the minister to refer to the parliament any legislative proposal to amend which agencies can access the data.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	No	Yes	No	No	No	N/A	No	No	No	Yes	43	16

#### [Defence Amendment \(Fair Pay for Members of the ADF\) Bill 2014](#)

Amends the Defence Act 1903 to link annual wage increases for members of the Australian Defence Force to whichever is the higher of increases in parliamentary allowance or the consumer price index.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	34	28

#### [Migration Amendment \(Protection and Other Measures\) Bill 2014](#)

Amends the Migration Act 1958 to clarify the responsibilities of asylum seekers to provide and substantiate claims in relation to protection visas. The act also enables the Refugee Review Tribunal to draw an unfavourable inference about the credibility of claims or evidence raised by a protection visa applicant for the first time at the review stage. Through the amendment grounds are created to refuse a protection visa application when an applicant refuses or fails to establish their identity, nationality or citizenship. The risk threshold for assessing Australia's non-refoulement obligations under certain treaties is also defined through this amendment.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	No	N/A	Yes	No	Yes	Yes	Yes	Yes	No	Yes	36	12



ii. Significant legislation and regulation blocked by the Senate

Fair Work (Registered Organisations) Amendment Bill 2014

The bill establishes the Registered Organisations Commission and provides it with investigative and information gathering powers to monitor and regulate registered organisations; and provide for the appointment, functions and powers of the commissioner (who will assume the investigations, enforcement advice and assistance responsibilities in relation to registered organisations). Prior to this bill these functions were undertaken by the General Manager of the Fair Work Commission.

ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	No	No	No		No	Yes	Yes	Yes	N/A	Yes	30	33

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	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
No	No	No	No	No	No	Yes	Yes	No	Yes	Yes	30	34

iii. Senate scrutiny of the government

In the autumn session the Senate has ordered the production of the National Mental Health Commission- Mental Health Review.

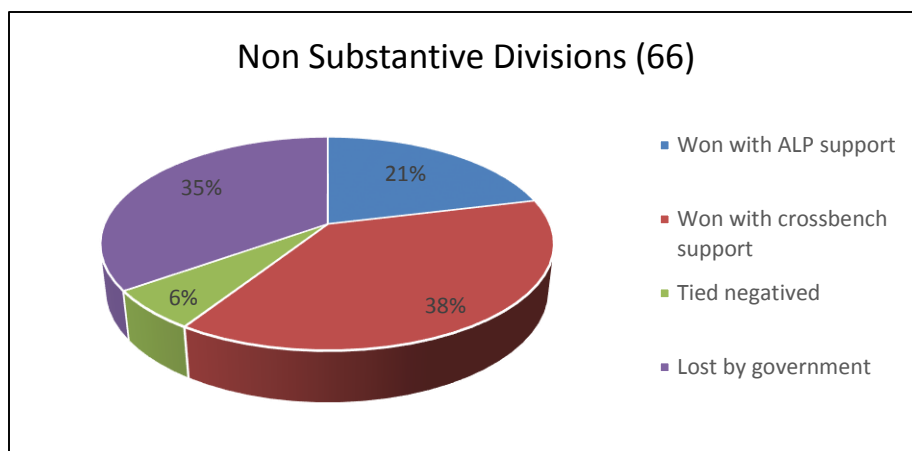
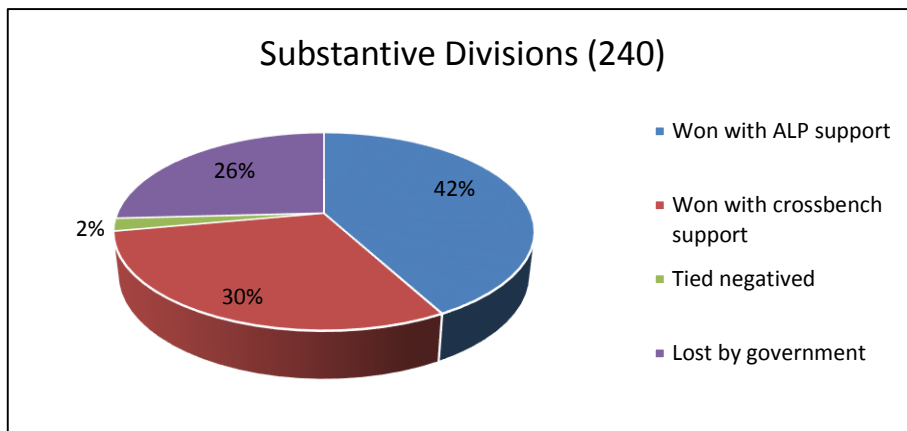
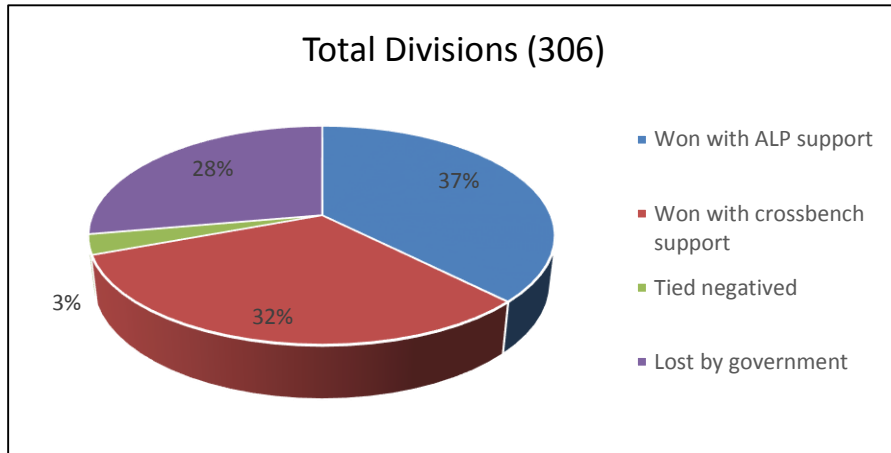
ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	N/A	No	36	27

In the autumn session a censure motion was moved against the Attorney General Senator George Brandis.

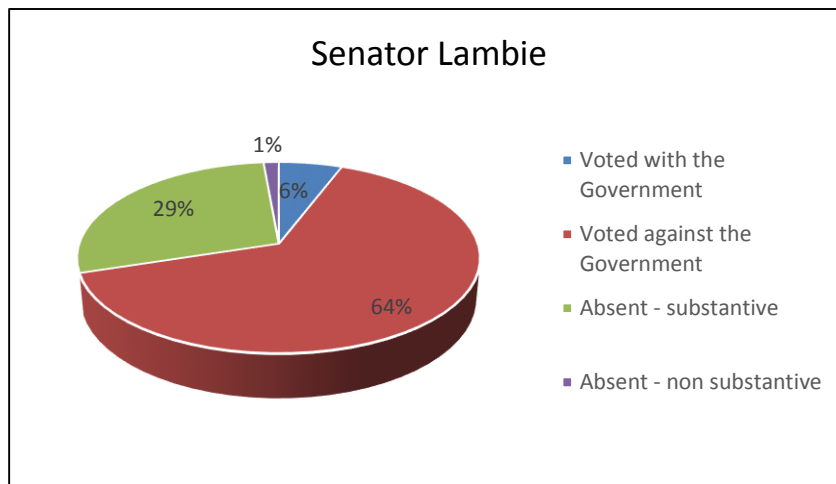
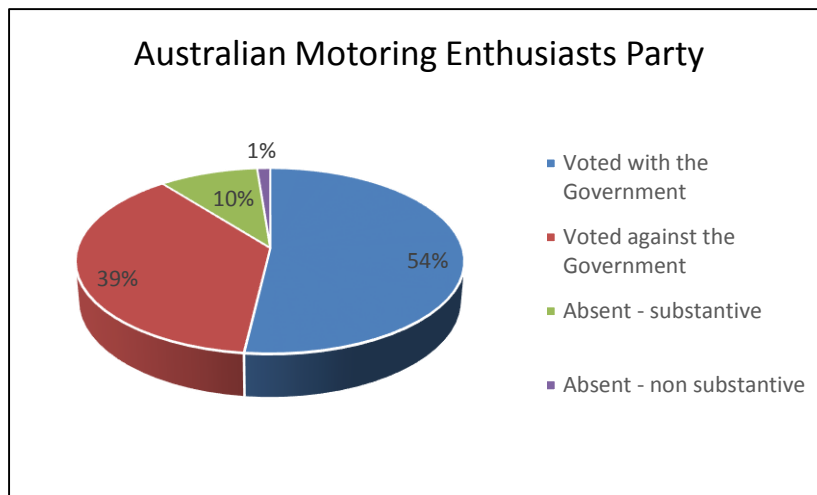
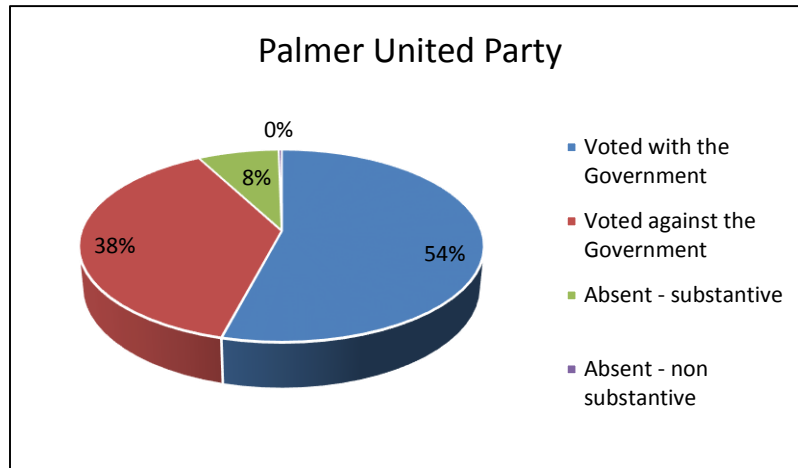
ALP	GRN	PUP	Lambie	LAZ	AMEP	FF	LDP	XON	MDN	LNP	Ayes	Noes
Yes	Yes	Yes	Yes		Yes	N/A	N/A	No	N/A	No	35	32

### Senate Votes

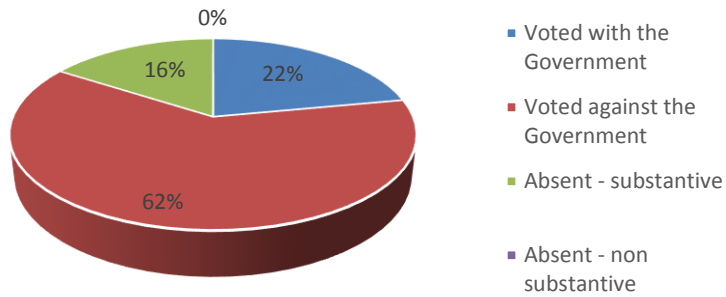
A table showing all the divisions in the Senate since 7 September, with a brief description of the legislation or motion, number of votes and how each major party, minor party and independent senator voted is available [here](#).



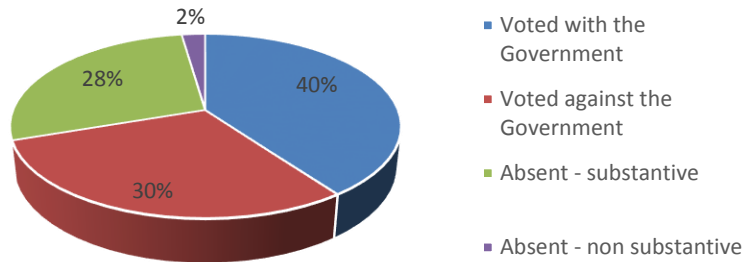
Crossbench voting record since 7 September 2014



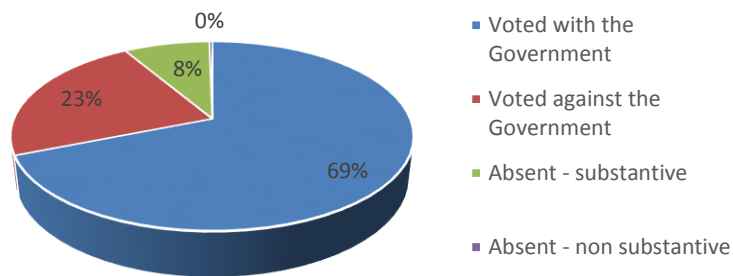
### Senator Lazarus



### Senator Madigan



### Liberal Democratic Party



### Family First

