

How the Senate has Voted

April 2017

On 31 March 2017 the 45th Parliament rose for the final time before the handing down of the May Budget.

In the remainder 45th Federal Parliament, it is expected the balance of power will continue to rest with a diverse group of independents and minor parties. In the first sitting fortnight of 2017 the number of crossbenchers increased by 1, with South Australian Senator Cory Bernardi resigning from the Coalition and establishing the Australian Conservatives Party.

To this point of the 45th Parliament, there have been 231 divisions in the Senate. 77% of these have been won by the Government: 36% with Labor Party support and 41% with the support of the crossbench. The Government has lost 23% of divisions. This Occasional Paper will outline key legislative measures passed by the Senate during the first two sitting fortnights of 2017.

This Occasional Paper will also compare the voting patterns of the Opposition and the crossbench in the 45th Parliament to their voting patterns throughout earlier parts of the Turnbull Government prior to the 2016 Federal Election in the 44th Parliament.

Whilst noting these figures may reflect the nature of the matters brought to a vote in the 45th Parliament, the following trends are clear:

- Overall, the voting trends of the crossbench vary significantly from the 44th to 45th Parliament
- The Australian Labor Party has been slightly less likely to support the Government post the 2016 Federal Election
- The Nick Xenophon Team and Senator Leyonhjelm's Liberal Democratic Party have been significantly more likely to support the Government in the 45th Parliament, whilst Senator Lambie has also been more likely to do so
- The Greens have been significantly less likely to support the Government during the 45th Parliament
- Derryn Hinch's Justice Party, Cory Bernardi's Australian Conservatives and Pauline Hanson's One Nation bloc have all been strong supporters of the Government in the Senate throughout the 45th Parliament. Bernardi has voted with the Government on 58% of divisions, whilst both Hinch and PHON have done so on 72% of occasions
- Former Family First Senator Bob Day tendered his resignation from the Senate on 1 November 2016, and was subsequently disqualified by the High Court sitting as the Court of Disputed Returns. Family First is thereby not included in the voting comparison analysis in this paper.

**Note that for the purposes of these Occasional Papers, the Nick Xenophon Team and Pauline Hanson's One Nation parties have been treated in the normal fashion for evaluation of voting patterns, as with the major parties and other minor parties.*

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Composition of the Senate

There are 76 seats in the Senate. As a result of the 2016 Federal election and upon the swearing in of Senators, the Liberal/National Party Coalition held 29 seats and the Australian Labor Party held 26 seats.

The final 20 seats were held by minor parties and independents. These included:

- The Australian Greens, with 9 seats;
- Pauline Hanson's One Nation Political Party, with 4 seats;
- The Nick Xenophon Team, with 3 seats;
- The Jacqui Lambie Network, with 1 seat;
- The Liberal Democratic Party, with 1 seat;
- The Australian Conservatives party, with 1 seat;
- The Family First Party, with 1 seat; and
- Derryn Hinch's Justice Party, with 1 seat.

Changes to the Composition of the Senate

South Australia Family First Senator, Bob Day

On 31 October 2016 former South Australian Family First Senator, Bob Day tendered his resignation from the Senate with immediate effect. On 5 April 2017 the High Court, sitting as the Court of Disputed Returns, found that Bob Day was not validly elected. The Court ordered a special recount of ballot papers as a result. The vacancy is likely to be filled by Lucy Gichuhi, the second candidate on the Family First Ticket

West Australian One Nation Senator, Rod Culleton

On Friday 10 March 2017 the High Court, sitting as the Court of Disputed Returns, found via recount that Peter Georgiou, as the next electable candidate, would fill the senate vacancy that was left by Rod Culleton due to his ineligibility (he was convicted of an offence that rendered him ineligible to be a Senator at the time of his election).

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.

Substantive Senate votes

The following tables outline significant legislation that has passed the Senate to become law.

i. Significant legislation passed by the Senate

[Treasury Laws Amendment \(Enterprise Tax Plan\) Bill 2016](#)

Amends the *Income Tax Rates Act 1986* to: reduce the corporate tax rate for small businesses with an aggregated turnover of less than \$10 million to 27.5 per cent for the 2016-17 financial year and progressively extend that lower rate to all companies with a turnover of up to \$25 million, who will get the 2.5% reduction to 27.5% from July 1 2017. The Bill then applies to businesses with turnover up to \$50 million beginning in 2018-19.

Coalition	Labor	Greens	Lambie	FF	LDP	Hinch (Justice Party)	Xenophon (NXT)	One Nation	Bernardi	Ayes	Noes
Aye	No	No	No		N/A	Aye	Aye	Aye	N/A	30	27

[Fair Work Amendment \(Protecting Take-Home Pay\) Bill 2017](#)

Sponsored by Leader of the Opposition Bill Shorten, this Bill amends the *Fair Work Act 2009* to: ensure that modern awards cannot be varied to reduce penalty rates or the hours to which penalties rates apply if the variation is likely to result in a reduction in the take-home pay of an employee; and provide that any such determination made by the Fair Work Commission made on or after 22 February 2017 is of no effect.

Coalition	Labor	Greens	Lambie	FF	LDP	Hinch (Justice Party)	Xenophon (NXT)	One Nation	Bernardi	Ayes	Noes
No	Aye	Aye	N/A		No	Aye	Aye	Aye	No	37	26

[Parliamentary Entitlements Legislation Amendment Bill 2017](#)

The Bill limits access to parliamentary retirement travel entitlement and reduces the number of trips

available under the entitlement. It also removes the ability of partners of former eligible parliamentarians to access the entitlement. Also requires the application of a *public benefit test* to all travel entitlement uses.

Coalition	Labor	Greens	Lambie	FF	LDP	Hinch (Justice Party)	Xenophon (NXT)	One Nation	Bernardi	Ayes	Noes
Aye	Aye	No	N/A		N/A	Aye	Aye	No	No	37	12

[Building and Construction Industry \(Improving Productivity\) Amendment Bill 2017](#)

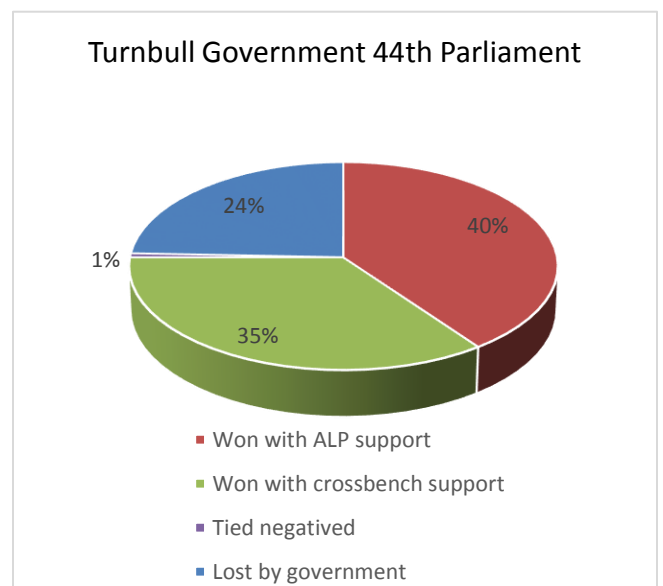
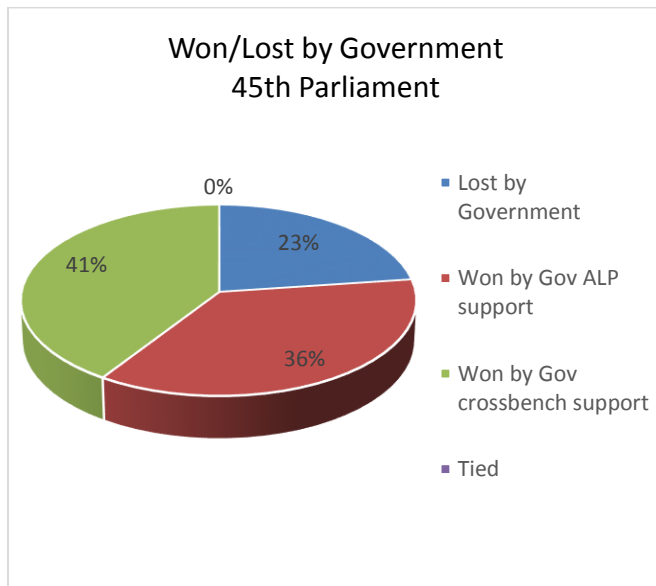
Amends the *Building and Construction Industry (Improving Productivity) Act 2016*, bringing forward the exemption period for relevant enterprise agreements made before December 2016 to 31 August 2017.

Coalition	Labor	Greens	Lambie	FF	LDP	Hinch (Justice Party)	Xenophon (NXT)	One Nation	Bernardi	Ayes	Noes
Aye	No	No	No		Aye	Aye	Aye	Aye	Aye	37	31

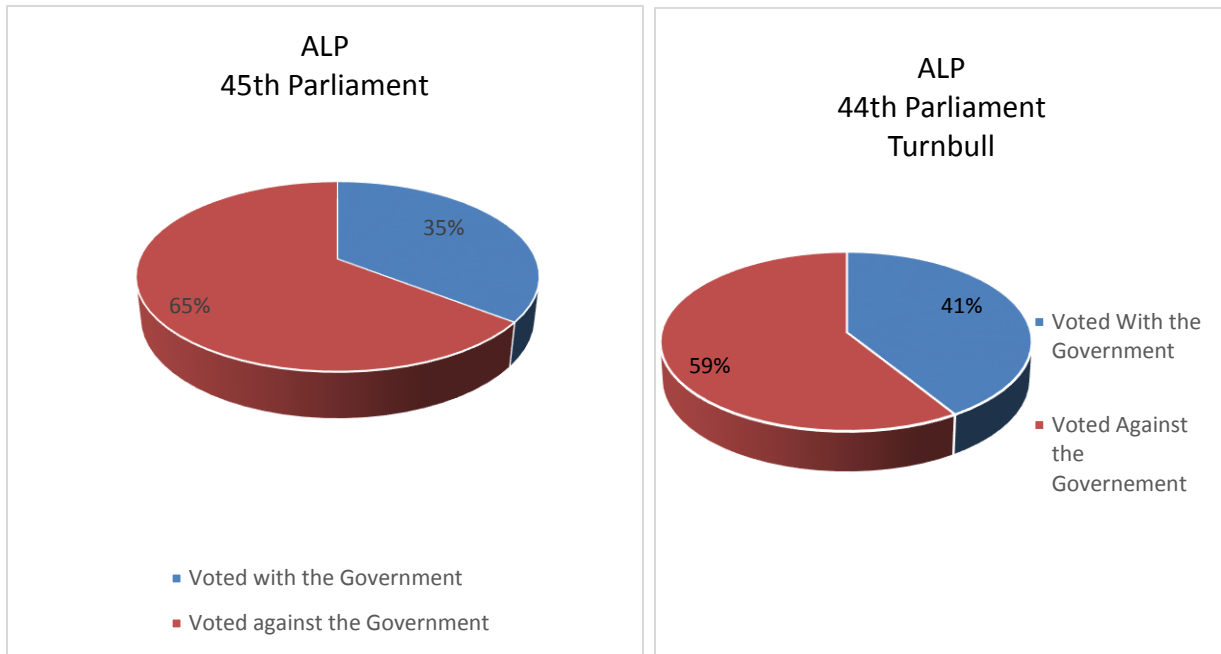
Senate Votes

The following graphs compare the voting patterns of the Opposition and crossbench from the 44th Parliament to the 45th Parliament.

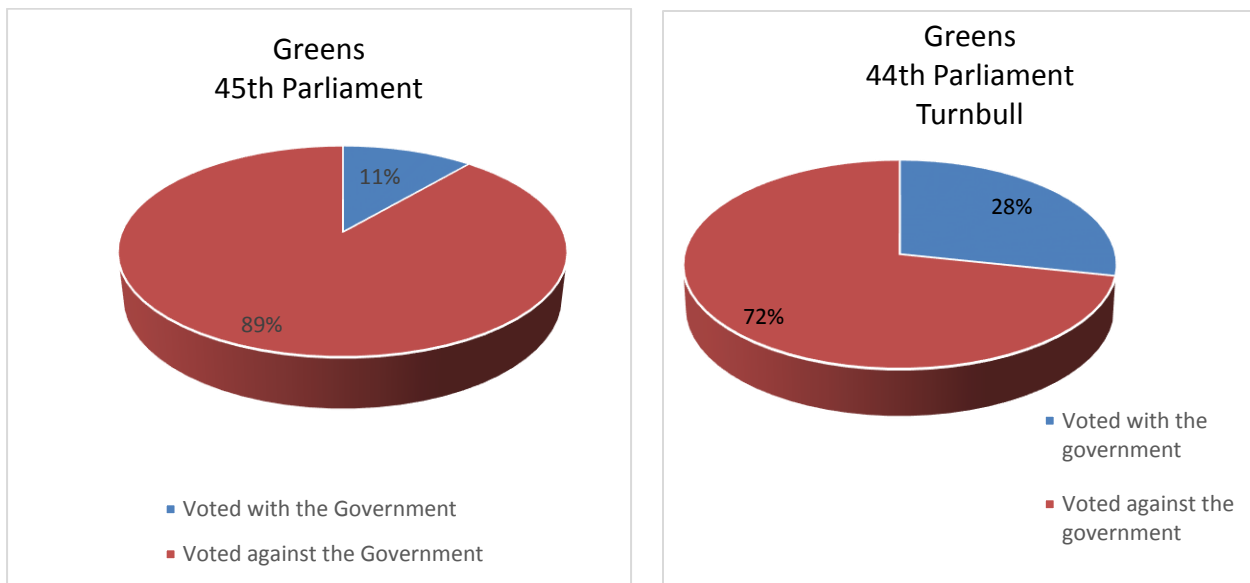
Overall Senate voting trends



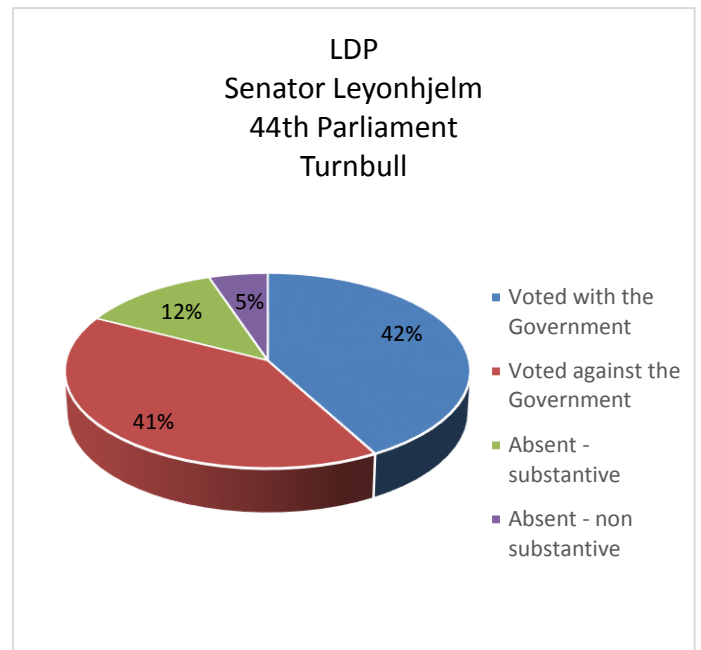
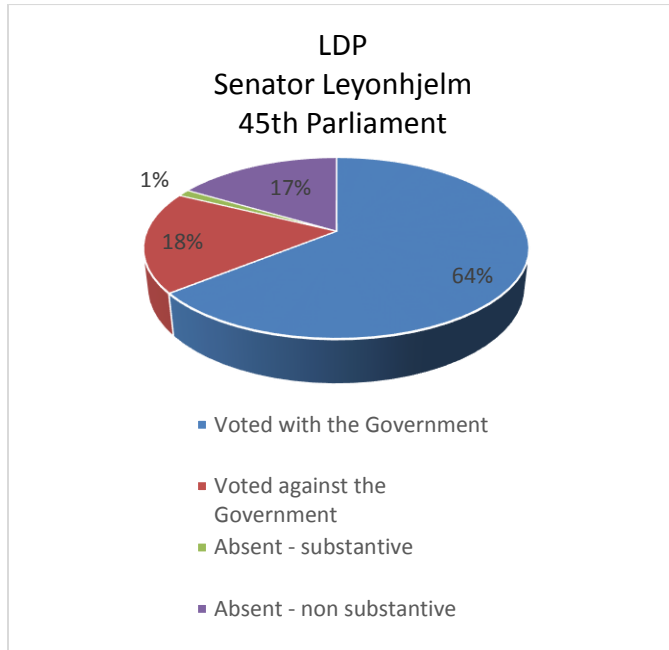
The Australian Labor Party



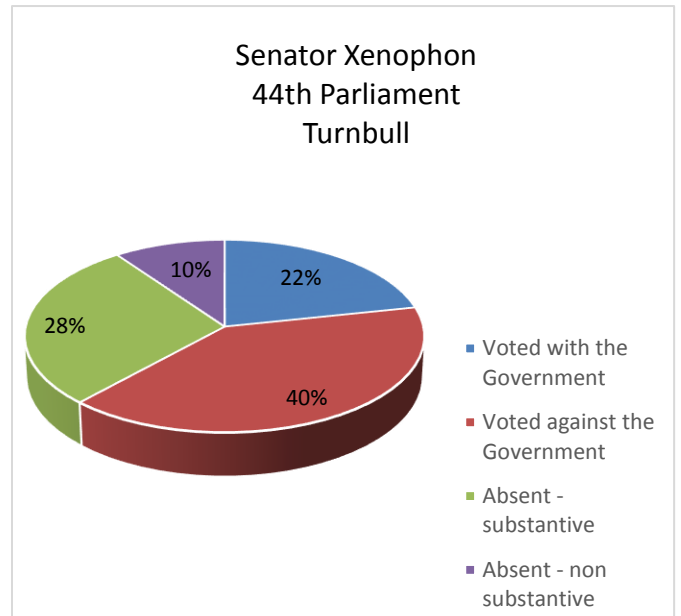
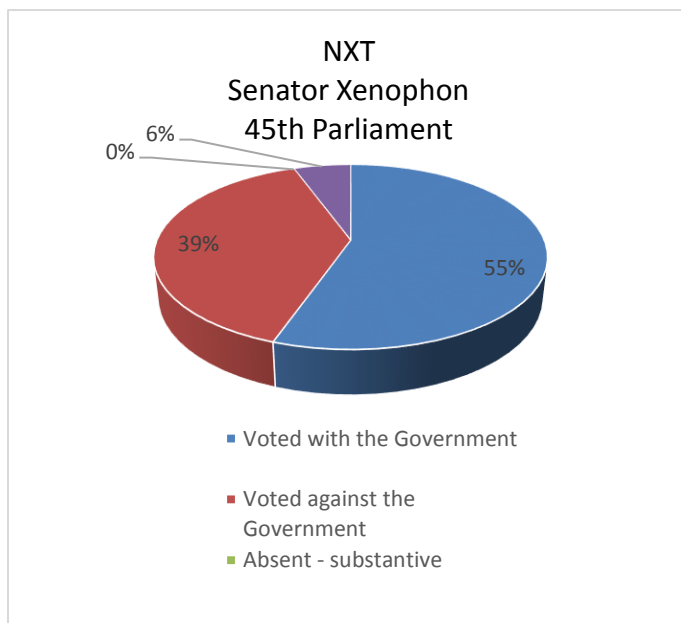
The Greens



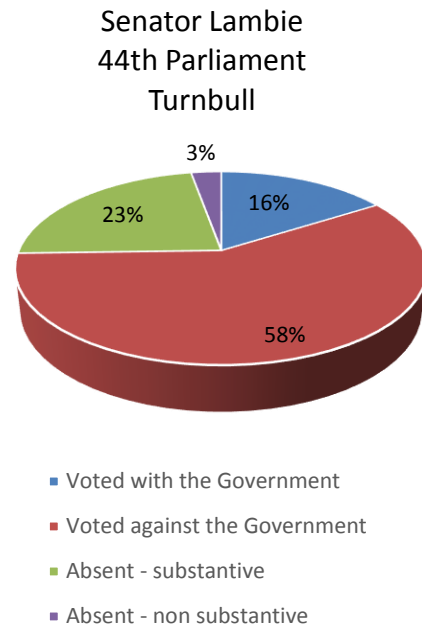
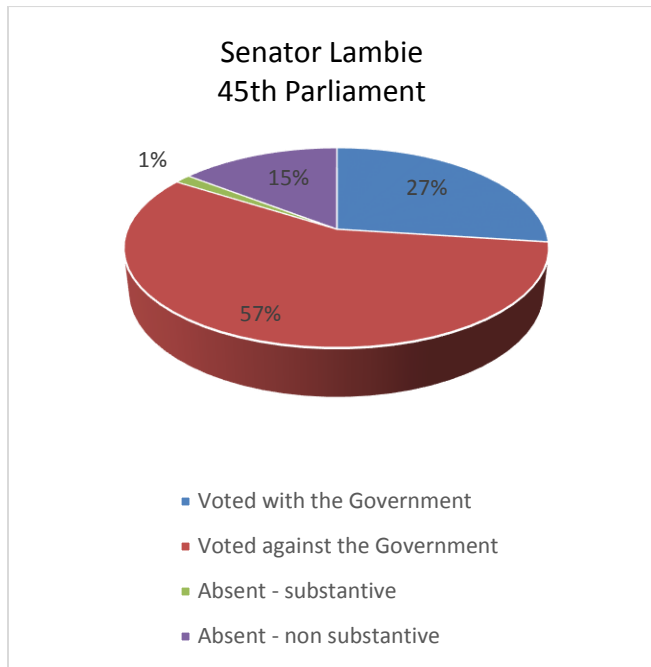
Liberal Democratic Party



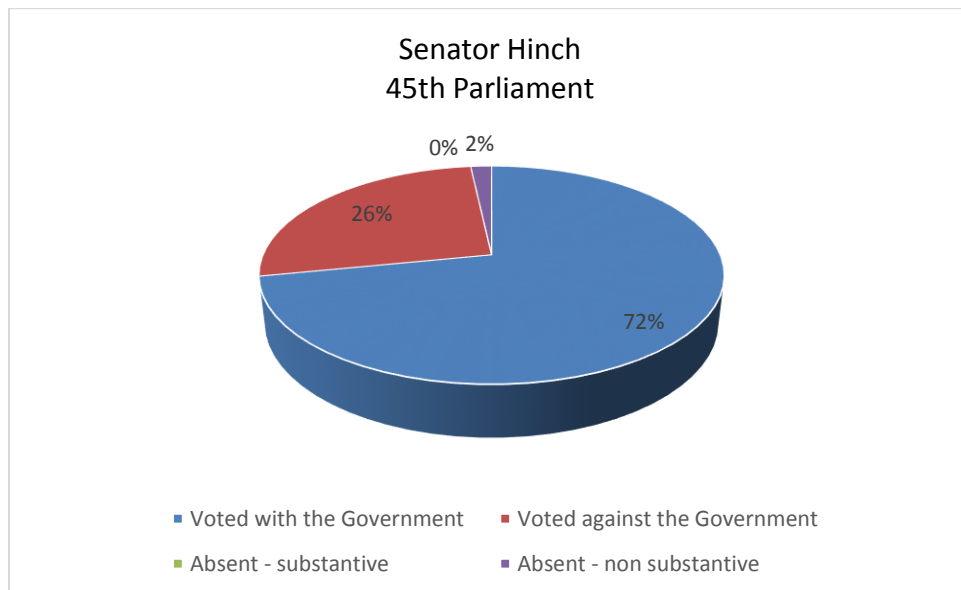
Senator Nick Xenophon/NXT



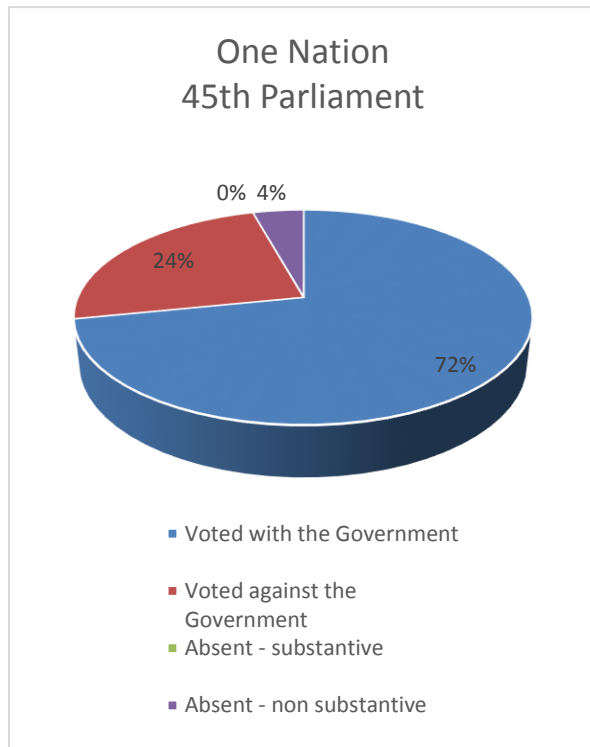
Senator Lambie



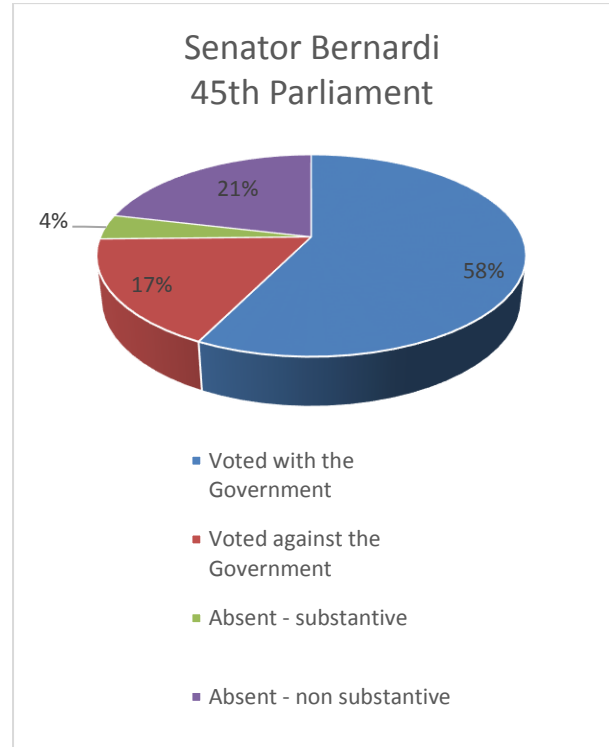
Derryn Hinch's Justice Party



One Nation



Australian Conservatives



Further information

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