

Department/Agency: Department of the Senate

Topic: Political composition of the Senate and departmental workload

Senator: Senator Ronaldson

Question reference number: 8

Type of question: Written

Question

Can the department compare the political composition of the Senate in the current 43rd parliament and the last two parliaments as against the workload of the department for each of these parliaments? In answering this question, please also provide a breakdown of the percentage or proportion of the department's workload attributable to the minor parties and independents for each parliament.

Answer

The “political composition” of the Senate is a term that has been used by the Clerk in the department’s annual report for several years to refer to the party make-up of the Senate, as distinct from its composition, in constitutional terms, of an equal number of senators from the 6 original states and two from each of the mainland territories.

In identifying factors influencing the department’s performance (of which the annual report gives an account), the political composition of the Senate is always a factor influencing the nature and extent of work done by the department in any financial year, although it may not directly translate into statistical trends without considerable explanation of the context.

For most of the time since the introduction of proportional representation for Senate elections in the mid-20th century, it has been unusual for any party to have a majority of seats in the Senate. The growth of minor parties led to the emergence of the concept of such parties or independent senators, individually or in combination, holding the balance of power in the Senate. In such circumstances, governments are required to negotiate outcomes on a case by case basis to secure majority support for legislation and for the transaction of their business in the Senate generally.

Historically, the emergence of minor parties led to the establishment of the Procedure Office in the department, in part to provide legislative drafting and procedural support to all non-government senators. In the days when funding could be secured, demand from senators led to the department responding with enhanced services, a change driven directly by the political composition of the Senate. The drafting and advisory work of the Procedure Office over the 41st to 43rd Parliaments is reflected in the tables below under the heading “Legislative drafting support for non-government senators”. As the department serves all senators equally, it does not keep statistics on work performed for individual senators or parties. The figures in that part of the table are therefore aggregate figures for all non-government senators.

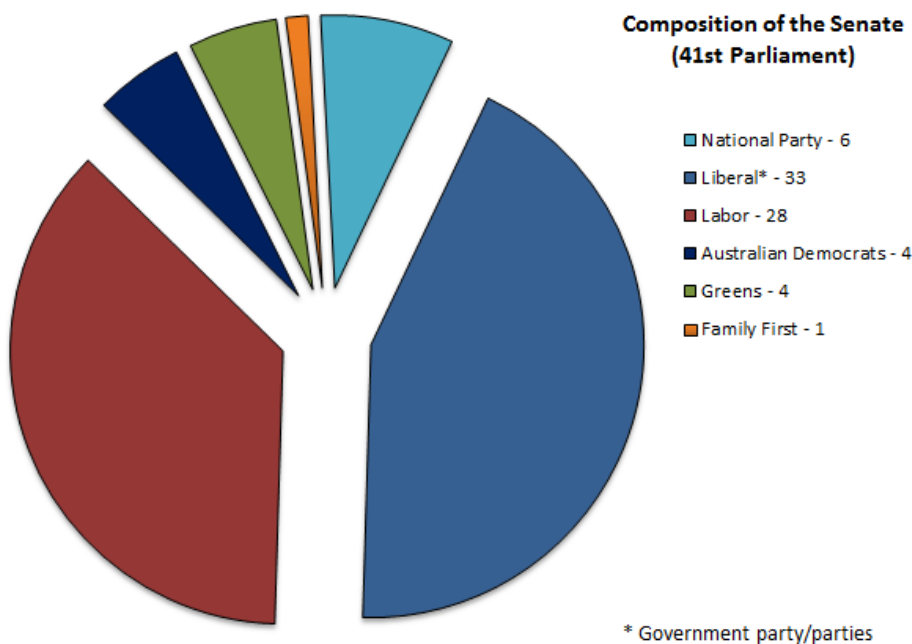
When the balance of power is shared or contested between different groups, the impact on the work of the department may involve greater demand for legislative amendments, private senators’ bills and procedural advice. More complex proceedings on legislation, involving amendments circulated by multiple parties, can entail a greater reliance on running sheets to assist proceedings in committee of the whole, leading to successful amendments from several sources requiring complex schedules of amendments and potentially extensive negotiations between the Houses.

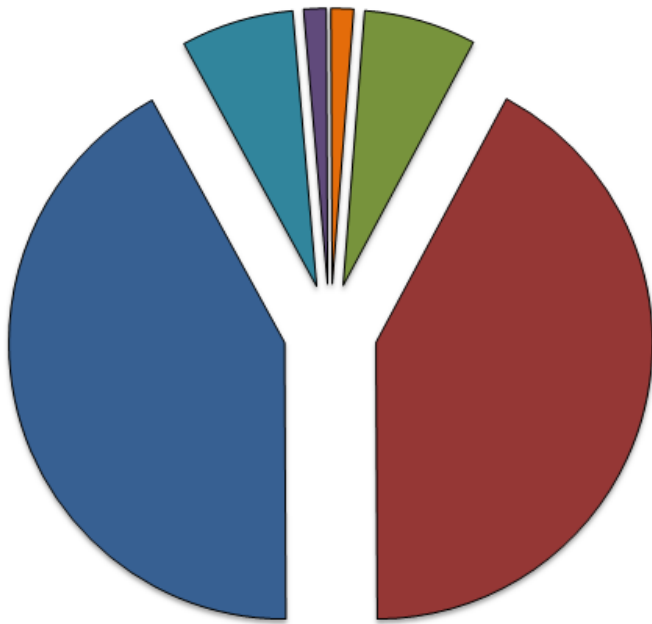
On the other hand, if the political balance in the Senate is critically poised, as it was in the 42nd Parliament, some aspects of its work can be impacted. For example, legislative outcomes may be more difficult to achieve because of the frequency of equally divided votes. Motions to manage business can also be affected. The political composition of the Senate is only one factor affecting its work, however. Other factors include the point in the electoral cycle and whether there has been a change of government. In the 42nd Parliament, after a change of government, there was a significant increase in the work of Senate committees as indicated by the number of references, reports and select committees. This led to changes in the way the department supported committees to ensure that optimal support could be provided with static or shrinking resources.

In other circumstances, where the party in government does have a majority of seats, the impact may involve a shift in emphasis in the work supported by the department. From July 2005 to October 2007 when the 41st Parliament was prorogued, fewer inquiries were sent to references or select committees, but the proportion of bills referred to legislation committees rose, increasingly at the initiative of the government of the day (which was then a relatively new development). This involved the department supporting a higher proportion of Canberra-based inquiries with a short turn-around and different inquiry methods, compared with the longer-term references or select committee inquiries, often involving interstate hearings and more extensive research and analysis. Legislative workload was also relatively high as negotiations to secure the passage of legislation were less complex, time management motions were relatively rare and there were generally more sitting days.

In the current Parliament, a major factor is also the political composition of the House of Representatives and the resulting minority government. The need for extensive negotiation of all legislative proposals has kept the level of Senate committee work at high levels but negotiation in advance of debate being brought on has led to an almost total absence of legislative disagreements between the Houses. There has also been a major expansion in the number of joint committees requiring support, with 10 new joint committees of various types established during the current Parliament. (Responsibility for supporting new joint committees alternates between the chamber departments.)

Against this background, the political composition of the Senate for the current and previous two Parliaments is as follows:





**Composition of the Senate
(42nd Parliament)**

- Independent - 1
- Family First - 1
- Greens - 5
- Labor* - 32
- Liberal - 32
- National Party - 5

* Government party/parties



**Composition of the Senate
(43rd Parliament)**

- Independent - 1
- Democratic Labor - 1
- Greens - 9
- Labor* - 31
- Liberal - 28
- The Nationals - 6

* Government party/parties

Some examples of support services delivered to the Senate and its committees by the department during the 41st to 43rd Parliaments follow.

	41st Parliament (16 November 2004 to 17 October 2007)	42nd Parliament (12 February 2008 to 19 July 2010)	43rd Parliament (28 September 2010 -)
Senate activities			
Number of sitting days	167	129	129 ¹
Senate legislative activity			
Number of bills which passed both Houses	548	409	375
Number of bills to which amendments were moved	222	141	111
Number of bills to which amendments were agreed to	91	98	56
Amendments moved in Committee of the whole	3658	2566	1341
Number of amendments agreed to	1517	1785	519
Questions on notice	3482	2984	2635 ²
Notices of motion	1417	710 ³	1228 ⁴
Clerks' Written Advices	351 ⁵	400 ⁶	93 ⁷
Legislative drafting support for non-government senators:			
Committee of the whole amendments circulated/drafted	2683	1922	528
Second reading amendments circulated/drafted	223	73	33
Private senators' bills introduced	45	108	34
Procedural scripts prepared	931	1332	732
Reports presented by standing committees	387	465	332
Number of Senate standing committee references	219	300	220
Number of Senate select committees	3	9	4

Referral of bills to standing committees for inquiry*

	Bills introduced	Individual bills referred	Packages of bills referred	Proportion of packages of bills referred
2004-05 (election Oct 2004)			43	
2005-06 (Senate majority from July 2005)	170	78	58	34 %
2006-07	249	107	79	32 %
2007-08 (election Nov 2007)	197	65	50	25 %
2008-09	235	129	90	38 %
2009-10	226	114	96	42 %
2010-11 (election August 2010)	224	83	68	29 %
2011-12	281	118	78	28 %

* Figures shown by financial years only.

** estimated.

^ up to 15th November 2012.

Note that figures in the right hand column (for the 43rd Parliament) are necessarily incomplete.

In most cases, figures for the three Parliaments are given from when the new Senate commenced on 1 July in 2005, 2008 and 2011. These dates also coincide with the financial year periods on which the department reports.