Does the Gender Composition of an Opposition Influence its Role on Women’s Issues?

John E.S. McCulloch

Abstract

It might be reasonably assumed that when a political party develops a ‘critical mass’ of women MPs these women will seek to address issues in the community that are discriminatory against their sex, and that their party will begin to develop a more consciously positive attitude towards promoting (or at least not opposing) legislation designed to improve the status and well-being of women. Indeed, in the case of a party in government, this trend is well illustrated in Australia by the Hawke Government’s innovative legislation designed specifically to improve the status of women, during the period 1984-87. In the case of a party in opposition, however, the trend is much less clear-cut, and this paper explores some paradoxes in the roles of Australian Oppositions.

Introduction

Eight pieces of legislation in four Australian parliaments — Commonwealth, Queensland, Victorian, Tasmanian — have been examined as examples of how opposition (and to a lesser extent, government) MPs, especially women, have behaved in promoting (or at least not opposing) legislation designed to improve the status and well-being of women. All eight bills deal with controversial issues including equal employment for women, euthanasia, homosexuality, domestic violence, abortion and RU486. It is not argued that these are exclusively women’s issues nor, in the case of euthanasia, that it is a woman’s issue at all. What is

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1 University of Queensland
2 ‘Critical mass’ is a term borrowed from physics to explain the representation and behaviour of women MPs. The most common figure posited by historians is 30 per cent, and the understanding is that when this ‘critical mass’ is reached, it will induce improvements in the behaviour of MPs inside the parliament, including fewer late-night sittings, more consensual politics, and more balanced legislation and public policy outcomes especially with respect to women. See Studlar, D., and I. McAllister. 2001. Does a Critical Mass Exist? A Comparative Analysis of Women’s Legislative Representation 1949-97, (Update of a Paper Given at the American Political Science Conference 1999), Atlanta: APS; Thomas, S. and C. Wilcox. 1998. Women and Elective Office: Past, Present, and Future. (New York: Oxford University Press.)

argued, however, is that they are all important issues that impinge on women, and they clearly demonstrate that women MPs are much more likely to vote for reform in these areas than their male counterparts.

I use the term ‘free vote’ in preference to ‘conscience vote’ on the basis that, just because a party absolves its members from conforming to a particular way of voting on a given issue, does not mean that all individuals will necessarily follow the dictates of their conscience. They might, for example, succumb to external forces including pressure from their electors or threats from those upon whom they depend for preselection. One MP expressed the view that ‘I am not here to represent my conscience; I am here to represent the conscience of the people who elect me.’ I use several abbreviations and acronyms which are listed at the end of the article.

**Commonwealth (Liberals in Opposition)**

*Equal Employment (Commonwealth Authorities) Bill of 1987*

In the mid-1980s the Hawke Government introduced a trilogy of bills designed to enhance the status of women. The first two — the *Sex Discrimination Bill 1984* and the *Affirmative Action (Equal Opportunity for Women) Bill 1986* — received general Opposition support. Why the passage of the final bill in the trilogy created an enormous furore when the Minister for Employment and Industrial Relations, Ralph Willis, introduced it into the House of Representatives on 19 March 1987 is unclear, given the relatively smooth passage through both houses of parliament enjoyed by the other two bills. One wonders whether some of the Opposition MPs had actually read the bill when Australia’s first female speaker, the Hon Joan Child, called Peter Slipper (LP-Fisher), who regaled the House of Representatives with:

> This bill is ideological gibberish. It is an attempt by the ALP to play up to extremist left-wing groups, including some women’s groups in our society … We are sad that the ALP chooses to denigrate the woman who chooses to stay at home, the woman who wishes to raise her family, the woman who wishes to be a housewife. There is nothing wrong with being a housewife.

The Coalition’s vehement opposition to the bill led to the resignation of the Shadow Minister, Peter Baume. The main thrust of this bill was to extend the provisions of the other two bills to cover Commonwealth authorities including Telecom Australia, Australia Post and the Commonwealth Banking Corporation. It passed its second reading along party lines, but when the House divided on the third reading on 26 March, Steele Hall (LP-SA), crossed the floor to vote with the Government in supporting the bill. It was passed 70 votes to 44. The bill was introduced into the Senate by Gareth Evans, the Minister for Resources and Energy, on 30 March and passed its second reading on the voices on 1 May 1987. The bill’s third reading in the Senate on 5 May — when it was passed 42-18 — witnessed a most

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5 *HRPD*. 154, 26 Mar 1987, 1646.
extraordinary spectacle which saw seven LP senators cross the floor to vote with the government. 6 Amazingly, all the LP senators who crossed the floor in support of the bill were men, while all the LP female senators opposed the bill! 7 The Prime Minister, Bob Hawke, supported the bill and the Opposition Leader, John Howard, opposed it.

**Commonwealth (Labor in Opposition)**

**Euthanasia Laws Bill of 1996**

When this bill was introduced women MPs had not yet reached ‘critical mass’ in the Federal Parliament and comprised about 22 per cent of the total, but they had done so in the Senate with around 32 per cent. This was certainly one of the factors for the closeness of the Senate vote, because all the women AD senators (Lyn Alison, Vicki Bourne, Cheryl Kernot, Meg Lees, Natasha Stott Despoja), the AG senator (Dee Margetts), 62.5 per cent of LP women (11 per cent of LP men) and 67 per cent of ALP women (65 per cent of ALP men) Senators opposed the bill.

The objective of this private member’s bill was to overturn the Northern Territory legislation permitting euthanasia, and to prevent future legislation of this type in the NT, the ACT or Norfolk Island. It was introduced into the House of Representatives by Kevin Andrews (LP-Vic) on 9 September 1996. It was given a free vote, and read a second time in the House where it was supported 91-38, and then a third time (88-35), both on 9 December 1996. 8 The Prime Minister, John Howard, and the Opposition Leader, Kim Beazley, supported the bill. This may have influenced the vote of MPs who tend to follow their leaders, but not in the case of the ALP senators, who voted strongly against the bill. 9 The Senate passed the bill by a much smaller margin (38-34 and 38-33) than the House, and disclosed a large gender gap. 10 Whereas only 24 per cent of females in the House opposed the second reading of the bill and only 21 per cent its third reading, this rose to 70 per cent on both occasions in the Senate. The difference between the vote of male MPs and senators was marginal.

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6 Peter Baume (NSW), Robert Hill (SA), David McGibbon (Qld), Chris Puplick (NSW), Baden Teague (SA), Michael Townley (Tas), Reg Withers (WA).
7 Margaret Guilfoyle, Susan Knowles, Jocelyn Newman, Margaret Reid, Amanda Vanstone and Shirley Walters.
Commonwealth (Labor in Opposition)

Therapeutic Goods Amendment (Repeal of Ministerial Responsibility for Approval of RU486) Bill of 2005

This was a private senator’s bill co-sponsored by four female senators from different parties\(^{11}\) — a potent example of the willingness of women politicians to collaborate across party lines in the interest of their sex — and was also the subject of a free vote. The intent of the bill was to remove responsibility for the approval of the abortion drug RU486 from the Minister for Health and Ageing (at that time Tony Abbott), and transfer responsibility for its approval to the Therapeutic Goods Administration. The bill passed comfortably through the Senate\(^{12}\) — 45-26 at the second and 45-28 at the third reading on 9 February 2006 — and through the House of Representatives later the same month where it was supported 95-50 at the second reading.\(^{13}\) The bill passed the House on the voices at the third reading on 16 February 2006.\(^{14}\)

What was extraordinary about this bill was the huge gender gap evident in both chambers. In the Senate, 89 per cent of the women, but only 48 per cent of the men supported the bill at the second reading (46 per cent at the third reading). In the House the bill received the support of 81 per cent of the women and 61 per cent of the men. On this occasion the Prime Minister, John Howard, opposed the bill but, given that 51 per cent of the LP supported it in the House, this clearly had little influence on the outcome. The Leader of the Opposition, Kim Beazley, and Kevin Rudd supported the bill, which may have helped the attainment of extremely high ALP support (92 per cent) in the House.

The composition of the women’s vote across party lines, although very high, differed markedly between the two chambers, in that 100 per cent of ALP, but only 54 per cent of LP women, supported the bill in the House, whereas 85 per cent of ALP and 88 per cent of LP women supported it in the Senate. Both the Green senators, Christine Milne and Kerry Nettle, and Democrat senators, Lyn Allison and Natasha Stott Despoja, voted for the legislation. Of the NP women, one MP (Kay Hull) and one senator (Fiona Nash) supported the bill, and one MP (De-Anne Kelly) opposed it. The large female support no doubt reflected the fact that the bill was co-sponsored by inter-party women senators. There may have been a further reason for the high support among Coalition women, however, in the context of a deep-seated anxiety of a veto regarding an important women’s issue residing with a male Health Minister, in this case Tony Abbott, whose very conservative views on women’s reproductive issues were well-known.\(^{15}\)

\(^{11}\) Fiona Nash (NP-NSW), Judith Troeth (LP-Vic), Claire Moore (ALP-Qld), Lyn Allison (AD-Vic).

\(^{12}\) SPD. 1, 9 Feb 2006, 59-60, 122-23.

\(^{13}\) HRPD. 2, 16 Feb 2006, 52-53.

\(^{14}\) HRPD. 2, 16 Feb 2006, 63.

Queensland (Nationals and Liberals in Opposition)

Criminal Code and Another Act Amendment Bill of 1990

This was a government bill introduced by the Attorney-General, Dean Wells, on 21 November 1990.\(^{16}\) The LP allowed its MPs a free vote. It passed through its second and third reading very easily (51-32) along party lines on 28 November 1990, accompanied by an excess of outrage from Opposition MPs, including this tirade:

> There is also the huge cost burden that the community must carry because of the preference of a few homosexuals for buggery and the preference of the Labor Party for homosexuals … The very nature of homosexuality is subversive to family life generally, and who has not heard of the ghastly stories of the homosexual perverts who prey upon the children of others.\(^ {17}\)

Comprising only 10 per cent of MPs, the women in the Queensland Parliament were still a long way from achieving ‘critical mass’, but they were still able to demonstrate that women will support progressive legislation even if it is of a morally contentious nature. In this case, of course, the ALP did not allow its MPs a free vote. Nevertheless the women who supported the bill later indicated, during interviews conducted by me, they would have done so in any case. The NP woman (Di McCauley) was the only woman to oppose the bill, while the LP woman (Joan Sheldon) joined seven of her ALP sisters to support it, and one ALP woman (Judy Spence) did not vote. Thus, 78 per cent of the total women MPs supported the bill (compared with 55 per cent of men), 11 per cent opposed it (men 39 per cent), and 11 per cent (men 6 per cent) did not vote. Liberal Leader, Denver Beanland, was the only Opposition man who supported the bill.\(^ {18}\) The Premier, Wayne Goss, supported the legislation and the Opposition Leader, Russell Cooper, opposed it.

Queensland (Nationals and Liberals in Opposition)

Domestic and Family Violence Amendment Bill of 1999

This was a government bill introduced into the Queensland Parliament by the Minister for Families, Youth and Community Care, Anna Bligh, on 8 June 1999.\(^ {19}\) It was non-contentious until the minister introduced an amendment at the committee stage which changed section five of the bill regarding the definition of ‘spouse’ to include persons of the same or opposite sex who reside together or who had resided together as a couple. This, she said, was to correct an anomaly in the original bill that excluded people in same sex relationships from protection against domestic violence. At this point, the Opposition which had supported the bill at its second

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\(^{19}\) *QPD*. 1999. 350, 8 June, 2185.
reading, decided to oppose the amended bill. The amendment was passed 38-37 on the chairman’s casting vote, and the bill then passed its third reading 38-37. This was an extraordinarily low vote given that there were 89 MPs, and the passage of the bill (as amended) was clearly important to the credibility of Minister Bligh. One Opposition MP, Vaughan Johnson, warned Government MPs:

I urge members of the Government to have the guts, determination and forthrightness to vote against this amendment. Even if it means splitting the Government they should do it, because Jesus Christ will strike them dead in the end if they do not.

All those who supported the bill were from the ALP; while 18 NP, seven LP, all the IND (7) and all the ONP (5) MPs opposed it. Of the 14 MPs who did not participate in the division, seven were ALP, five NP and two LP. Enthusiasm for supporting an issue that discriminated against lesbians (as well as gay men) was not apparent among the female MPs. Both IND women (Liz Cunningham and Dolly Pratt) and both NP women (Judy Gamin and Fiona Simpson) opposed the bill, while the LP woman (Joan Sheldon) and ALP women (Julie Attwood and Judy Spence) did not vote. Nevertheless, of the total women MPs (16), 56 per cent supported the bill (compared with 40 per cent of the men), 25 per cent opposed it (men 45 per cent), and 19 per cent did not vote (men 15 per cent). The Premier, Peter Beattie, supported the bill and the Opposition Leader, Laurence Springborg, opposed it.

**Victoria (Liberals in Opposition)**

**Abortion Law Reform Bill of 2008**

Victoria’s *Abortion Law Reform Bill* of 2008 attracted much more cross-party support among women MPs than had Western Australia’s a decade earlier. It was a government bill introduced into the Legislative Assembly by the Minister for Women’s Affairs, Maxine Morand, on 19 August 2008, and was read a second time. It was given a free vote, and comfortably passed both its second reading (48-28) — when 78 per cent of women and 57 per cent of men supported it — and then its third on 11 September (49-32), at which time 79 per cent of women and 53 per cent of men supported it. Women across the spectrum supported the bill in the Assembly — 82 per cent of the ALP women (83 per cent at the third reading), 60 per cent of the LP women, and the sole NP woman in the Assembly. This was not

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24 This difference was caused by four additional MPs voting at the third reading only — Ann Barker (ALP) who voted in support, and Terry Mulder, Ryan Smith and Bill Tilley (all LP) who voted against the bill.
25 Three women (all ALP) did not vote — Judith Graley, Kirstie Marshall, and the Speaker, Jenny Lindell.
the case with the men and, although the ALP men supported the bill even more strongly than the women in both divisions (87 per cent and 84 per cent), the LP men gave it very low support (13 per cent and 11 per cent). The Premier, John Brumby, and the Opposition Leader, Ted Baillieu voted in favour of the bill, all six NP men against, while the sole IND man supported the bill.26

On 10 October 2008 the Legislative Council passed the bill 23-17 at both its second and third readings, and the gender split was similar to that of the Assembly (75 per cent of women and 50 per cent of men in favour), however, the composition of the vote was vastly different.27 On this occasion, 100 per cent of the ALP and both the AG women supported the bill, but only 40 per cent of the LP women. The support of the ALP men was much lower (64 per cent), but that of the LP men much higher (30 per cent), while one NP man voted for and the other against. The IND man, Craig Ingram, voted for the bill and the DLP man, Peter Kavanagh, against it. This bill is the fine example of women MPs demonstrating a tendency to co-operate across party lines to achieve reform of laws that impinge upon women and women’s issues.

**Tasmania (Labor in Opposition)**

**Criminal Code Amendment Bill of 1997**

In 1997 Tasmania became the last Australian State (or Territory) to decriminalise consenting sex between adult men in private. When an attempt at reform by the Field Government was rejected by the Legislative Council in the 1990s, law reform advocates appealed to the United Nations Human Rights Committee which found that Tasmania’s anti-homosexual laws violated the International Covenant on Civil and Political Rights. In the meantime, in 1993, another bill failed 12-6 in the Legislative Council and, on the basis of the UN findings the following year, the Federal Government sought to overturn the Tasmanian law by passing the Human Rights Sexual Conduct Act of 1994. Gay activists launched an action in the High Court the following year.

Finally, in 1996, the Tasmanian Government changed its mind on homosexual law reform and decided to have a free vote on the issue which, despite comfortably passing the House of Assembly, again failed in the Upper House. The following year the Rundle Government decided to support the Greens’ Criminal Code Amendment Act Bill (No. 10), a private member’s bill introduced by Christine Milne on 11 March 1997.28 Although the Assembly did not divide for the bill’s second reading, it overwhelmingly supported its third reading 27-6. It was a different story in the all-male Legislative Council, however, where the bill received very reluctant support (9-7) when read a second time on 16 April 1997. The Council did not divide again for the bill’s third reading. All nine women in the House of

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Assembly — Fran Bladel, Lara Giddings, Judy Jackson, Gill James and Paula Wriedt (ALP), Sue Napier and Denise Swan (LP), and Di Hollister and Christine Milne (TG) — voted as a block across party lines to support this reform. Of the 40 male parliamentarians who voted, only 52 per cent supported reform compared with 100 per cent of the females. The Premier, Anthony Rundle, and the Opposition Leader, Jim Bacon, supported the legislation.29

Tasmania (Liberals in Opposition) 

Criminal Code Amendment Bill of 2001

By the time the Minister for Health and Human Services, Judy Jackson, introduced this bill on 19 December 2001, women in the Tasmanian Parliament had reached ‘critical mass’ for the first time, with about 29 per cent of members in both Houses. The legislation sought to clarify the law relating to abortion that currently existed in Tasmania, and to place the decision to terminate a pregnancy in the hands of a woman and her doctor. The passage of the bill through both Houses of the Tasmanian Parliament was an especially good example of the willingness of female politicians to co-operate across party lines to ensure a good legislative outcome on crucial decisions affecting women. It should be noted that all nine women in both Houses of Parliament supported this bill.

There was also a vast difference in the composition of the Legislative Council in the four years since it reluctantly passed the homosexual law reform bill. Its numbers were reduced (as were those of the House of Assembly) and nine of its members, including the president, were replaced by five new faces including four women — Lin Thorp, Allison Ritchie and Silvia Smith — all from the ALP, plus IND Sue Smith. With their sisters in the Assembly — Fran Bladel, Judy Jackson and Gill James (ALP), Sue Napier and Denise Swan (LP), plus Peg Putt (TG) — they worked to ensure the smooth passage of this, what can only be described as fairly rushed legislation, through the parliament. All three readings in the Assembly took place on the same day with divisions which supported the bill at both the second (15-5) and third (15-8) readings.30 The following day (20 December 2001) it was introduced into the Council by Lin Thorp, and passed through all stages the same day without a division31 — possibly the fastest abortion law reform anywhere in the world! Although the Legislative Council did not divide, it can be reasonably deduced from the above collaboration among the 10 women parliamentarians that all supported the legislation. Of the 17 men who cast a vote at the bill’s third reading in the House of Assembly, only 53 per cent voted in favour. This contrasts with 100 per cent of the women. The Premier, Jim Bacon, and the Opposition Leader, Bob Cheek, supported the legislation.

Conclusion

Of the foregoing eight pieces of legislation, five were government bills and three were private members (or senators) bills. Two of the government bills were accorded a free vote by the major parties, and a third government bill was given a free vote by the LP only, and the other two were not allowed a free vote by any of the major parties. All the private members bills enjoyed a free vote. Naturally, those not given a free vote saw the leaders on separate sides with their members supporting them. In the case of the Queensland homosexual reform bill of 1990, however, where the LP (but not the major coalition partner, the NP) had a free vote, its leader voted for the legislation.

The other five bills saw both leaders support the proscription of euthanasia, and abortion reform in both instances and Tasmanian homosexual law reform, but differ on RU486, domestic violence and Queensland homosexual law reform. It is probable that the way the leader votes holds considerable sway with party members who prefer not to be seen disagreeing with their leader. This was borne out in the euthanasia debate where the LP followed the Prime Minister but the ALP was split. In the House ALP MPs followed the Opposition Leader whereas in the Senate they did not. The reverse occurred in the RU486 debate with a divided LP voting with the Prime Minister in the Senate but not in the House, while the ALP followed the Opposition Leader in both places. Regarding the Tasmanian bills, the MPs of both parties voted with their leaders for homosexual law reform, but with respect to abortion reform, only ALP MPs followed their leader, while LP MPs divided equally. The odd one out was the bill to reform the Queensland homosexual laws, inasmuch as the NP/LP Coalition partners split on the subject of a free vote. As we have seen, the LP leader (Denver Beanland) voted for the legislation but, with one exception (Joan Sheldon) was not joined by the other members of his party.

Of all the bills, perhaps the most bizarre behaviour occurred during the third reading debate of the Equal Employment (Commonwealth Authorities) Bill of 1987 in the Senate. This not only indicated an apparent reversion by the Liberal Opposition with respect to its former positive attitude towards the status of women, but also an astounding gender role-reversal within the Opposition itself on the issue. The bill was not accorded a free vote and yet an unprecedented 47 per cent of LP male senators (but no LP women senators) crossed the floor to support it. Thus, 73 per cent of men senators supported the bill compared with only 60 per cent of women senators. All LP female senators opposed the bill!

Apart from this single example, however, it is apparent that opposition women MPs are more likely to support legislation designed to improve the status of women, and contentious legislative reform with an ethical or moral dimension, than are their male colleagues. This is especially true of the ALP in opposition (and in government) but not quite as clear-cut when the LP is in opposition as the above example shows. In fact, it has often been LP men including Peter Baume, Jim
Carlton, Nick Greiner and Ian Macphee who have been most outspoken in their support for women.\textsuperscript{32}

The following tables show the votes recorded at the second and third reading of the above bills. The figures indicate the percentage of MPs who supported the vote. It is divided by opposition, government and other, and each of those by gender. Only ALP and LP percentages appear under opposition and government. ‘Other’ includes the NP and all other parties.

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\textsuperscript{33} The House of Representatives carried the second reading of the 1987 bill and the third reading of the 2005 bill on the voices. The second reading of Queensland’s 1999 bill was also carried on the voices.
### Upper House

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### Abbreviations

- **AD**: Australian Democrats
- **AG**: Australian Greens
- **ALP**: Australian Labor Party
- **Assembly**: Legislative Assembly or House of Assembly
- **Council**: Legislative Council
- **House**: House of Representatives
- **HRPD**: Commonwealth Parliamentary Debates (House)
- **IND**: Independent
- **LP**: Liberal Party of Australia
- **MP**: Member of Parliament
- **NP**: National Party of Australia
- **QPD**: Queensland Parliamentary Debates
- **SPD**: Commonwealth Parliamentary Debates (Senate)
- **TG**: Tasmanian Greens
- **UN**: United Nations
- **V&P**: Tasmanian Parliamentary Votes and Proceedings
- **VPD**: Victorian Parliamentary Debates

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34 Because Queensland lacks an Upper House, the two Queensland bills are not listed in this table.
35 There were no women in Tasmania’s Upper House at the time. The 1997 bill’s third reading was carried on the voices.
36 Tasmania’s Upper House carried both the second and third reading of the 2001 bill on the voices.