

9. DIVISIONS

Decision on the voices

The Chair puts a question by stating its terms to the House and asking Members in favour to say 'Aye' and those against 'No'. The Chair then announces whether, in his or her opinion, the majority of the voices are for or against the question and in most cases the matter is decided there and then.

If more than one Member challenges the Chair's opinion of the vote on the voices, the question must be decided by a formal vote. A formal vote is taken by division—that is, by Members physically dividing themselves into two groups, for and against the question (S.O. 125).

Decision in the Federation Chamber

Decisions in the Federation Chamber can only be made on the voices. If just one Member dissents, the matter for decision becomes an 'unresolved question' which is reported back to the House for resolution there (S.O. 188).

Only one Member calling for a division

No division is held if only one Member calls for a division. However, that Member may tell the Speaker that he or she wishes his or her dissent to be recorded and the dissent must be recorded in the Votes and Proceedings and in Hansard (S.O. 126).

Bells

When a division is called for, the Clerk rings the bells to summon Members to the Chamber. The Clerk activates the bells for four minutes (S.O. 129), using a sand-glass to measure the time. The bells sound throughout Parliament House, accompanied by flashing green lights on wall clocks to indicate the House of Representatives (red lights indicate the Senate). In the case of successive divisions (see p. 57) the bells are rung for one minute only (S.O. 131(a)).

The Chair of the Federation Chamber is informed by an indicator light when a division has been called in the House, and immediately suspends proceedings to enable Members to attend the division (S.O. 190(a)).

Doors locked

The doors are held open while the bells are ringing (S.O. 129(a)). When they stop ringing, the Chair orders the doors of the Chamber to be locked and no Member can then enter or leave (S.O. 129(b)). Once the doors are locked the Speaker again states the question, directing the 'Ayes' to move to the right of the Chair and the 'Noes' to the left. If they have not done so already, Members take seats on the relevant side of the Chamber. The Chair then appoints tellers for each side (S.O. 129(c)).

Members who called for the division must remain and vote with those who were declared by the Chair to be in the minority when the voices were taken (S.O. 128). Other Members may leave the area of Members' seats while the doors are open (S.O. 129(a)).

Four or fewer Members on a side

If there are four or fewer Members on a side in a division, the Chair declares the result of the division immediately and no count is made. The names of the Members in the minority are recorded in the Votes and Proceedings (S.O. 127).

Appointment of tellers

Tellers for each side are appointed by the Speaker (S.O. 129(c)). Tellers are usually, but not necessarily, selected from the whips, or deputy or assistant whips. The number of tellers is at the Chair's discretion; recent practice has generally been to appoint two on each side. Should the tellers on one side refuse to act, the division is not proceeded with and the Chair declares the question resolved as appropriate—that is, in the negative if the 'Ayes' refuse to act, in the affirmative in the case of the 'Noes'.

Voting

Members may not move from their places from the commencement of the count until the result of the division is announced (S.O. 129(d)). Standing order 130 requires the tellers to record the name of each Member voting, count the total number of Members voting, sign their records and present their records to the Chair.

The tellers operate in pairs (a teller for the 'Ayes' with a teller for the 'Noes'). They conduct the count by marking off Members' names on printed division lists. At the same time the Clerk and Deputy Clerk perform a 'head count'.

When all counts are in agreement the tellers sign the lists (the tellers for the 'Ayes' signing the 'Ayes' list and the tellers for the 'Noes' the 'Noes' list) and hand the results to the Clerk, who passes them to the Chair to declare the result. The Chair announces the number of votes on each side and whether the question has been resolved in the affirmative or negative (S.O. 130(b)). The House then proceeds with the next stage of the business being considered, or the next item of business.

The division lists are published in the Votes and Proceedings. The Speaker may have the record corrected if the division has been inaccurately reported (S.O. 135).

Successive divisions

When successive divisions are taken, and there is no intervening debate after the first division, the Chair appoints tellers immediately and the bells are rung for one minute only (S.O. 131(a)).

During a successive division, Members who wish to vote in the same way as in the previous division must remain seated until the result of the division is announced. The tellers may record each Member's vote as being the same as it was in the previous division unless a Member reports to them (S.O. 131(b)).

Members must report to the tellers if:

- they wish to vote differently to the previous division;
- they voted in the previous division and do not wish to vote in the successive division; or
- they did not vote in the previous division and wish to vote in the successive division (S.O. 131(b)).

A full count (as in standing order 130) is conducted if, in the Speaker's opinion the majority of Members wish to vote differently to the previous division or if there is any confusion or error in the count (S.O. 131(c)).

Repeated division

In the case of confusion or error in the numbers reported by the tellers which cannot be corrected, the division is repeated (S.O. 132(a)).

If a division has miscarried through misadventure caused by a Member being accidentally absent or some similar incident, any Member may move, on the same sitting day, without notice and without the need for a seconder, 'That the House divide again'. If this is agreed to the question is put again

and the result of the subsequent division is the decision of the House (S.O. 132(b)).

Casting vote of Chair

The Constitution (section 40) provides that the Speaker shall not vote unless the numbers are equal, in which case the Speaker has a casting vote. Any reasons given by the Speaker for exercising a casting vote must be recorded in the Votes and Proceedings (S.O. 135(c)). The provision for a casting vote also applies to Members deputising for or acting in the position of Speaker (i.e. Deputy Speaker or Second Deputy Speaker, or another Member as Acting Speaker), but it does not apply to members of the Speaker's panel in the Chair unless specifically appointed by resolution of the House as Acting Speaker.

Deferred divisions on Mondays and Tuesdays

During specified periods any division called for on a question other than a motion moved by a Minister is deferred until the end of the specified period, as follows:

- On Mondays divisions called between 10 am and 12 noon are deferred until after 12 noon.
- On Tuesdays divisions called before 2 pm are deferred until after the discussion of the matter of public importance.

The Chair puts all questions on which a division has been deferred in the order in which they were deferred, without amendment and without further debate (S.O. 133).

Proxy votes

On 13 February 2008 the House passed a resolution providing for a Member nursing an infant at the time of a division to give her vote by proxy to the Chief Whip of her party. This applies to all divisions except that on the third reading of a bill which proposes an alteration of the Constitution, and is not to be extended or applied to other Members unable to be present in the Chamber for other reasons. A copy of the resolution is reproduced as an appendix to the standing orders.

Pairs

With the exception of nursing mothers, a Member cannot vote by proxy. A Member who is to be absent may arrange a 'pair' with a Member of the opposite side, in which case neither Member votes. 'Pairs' are a matter of private arrangement (made in consultation with the whips) and are not recognised by the standing orders. They are no longer recorded in the Votes and Proceedings.