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Conclusion – the ayes have it

3.1 The Committee received no feedback from Members opposed to the introduction of electronic voting for divisions in the House.

3.2 In considering its position on the adoption of electronic voting the Committee decided to establish which aspects of the current conduct of divisions it is essential to retain.

3.3 In his submission to the Committee's 2013 inquiry, the then Clerk noted:

> Divisions are an important facet of the parliamentary day – a time when the policy divide is most evident. There is a certain theatrical aspect to the ringing of the bells and the summoning of Members to the Chamber. The drama is heightened when there is the possibility of Members crossing the floor, or, when free votes are held, the way in which individual Members vote is the object of considerable scrutiny.[1]

3.4 The Committee agrees with this statement and is of the opinion that any change in voting procedures must be consistent with the traditions of the House.

3.5 The Committee considers that it is essential that, in adopting electronic voting, the House retain the following:

- Members may vote only from within the Chamber and all Members must remain in the Chamber until the result of the division is announced.
  - ⇒ The Committee notes that there is a clear constitutional requirement for votes to be taken in the Chamber. s39 of the Constitution requires the presence of a quorum of Members for the House to be properly

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1 Procedure Committee, Inquiry into electronic voting (2013), Clerk of the House, *Submission 1*, p. 5.

constituted. Standing order 58 requires that if a quorum of Members is not present for a division, the House has not made a decision on the question.

⇒ No changes should be made to the current provisions for a proxy vote granted to nursing mothers.[2]

- The House must maintain the tradition of physically dividing to the left and right of the Chair. It is important for Members to display their vote to other Members in the Chamber and to the public observing proceedings and maintaining this traditional practice is the most immediate and transparent method of doing so.
- The Chair must retain the ability to declare the decision of the House immediately without completing the count if there are four or fewer Members on one side of a division.[3]

3.6 With these caveats in place, the Committee gives in-principle support to electronic voting being used for divisions in the House.

Saving House time

3.7 The primary argument put to the Committee from Members for adopting electronic voting is that it would save the time of the House and Members.

3.8 As outlined in chapter 2, just two per cent of the House's time was spent on divisions in 2015. However, the largest proportion of this time was spent counting (1.3 per cent of the House's time). Assuming the House continues to require Members to be present in the House until the announcement of the result, counting the vote is where the most time could be saved.

3.9 The House would need to make a decision on the period of time for which voting would be open, and this would depend on the voting method used. If, for example, voting was open for a period of 1 minute following the ringing of the bells, with the result announced almost immediately at the end of the voting period, this would make a significant saving in the time taken to take and count the vote (on average, just over 5 minutes per vote).

3.10 It may also provide more certainty for Members regarding how long divisions would take so if they are called away from other business, they are able to estimate when they will return.

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2 Resolution of the House, *Votes and Proceedings No. 1,* 12-13 February 2008, pp. 27-8.

3 Standing order 127.

Transparency of the vote and immediacy of results

3.11 Electronic voting has the potential to enhance the transparency of divisions, particularly if it is implemented with some form of display panel within the Chamber, visible from the galleries, that instantly displays how Members have voted.

3.12 The Committee does not agree with the proposition put by the OpenAustralia Foundation that all or most votes should be taken by division rather than 'on the voices'.[4]

3.13 A vote taken 'on the voices' is a decision taken with no significant dissent. Every Member has the right to call for a division or to have their dissent from the majority decision recorded.[5] All decisions of the House, whether a division is called or not, are recorded in the *Votes and Proceedings*. Therefore the Committee considers that there is sufficient transparency for votes that are taken on the voices. The Committee notes concerns of previous reviews that electronic voting may lead to more divisions being called but considers that it is unlikely that Members will call significantly more divisions simply because of a change in voting method.

3.14 Votes taken by division are votes where there is significant dissent from the majority view of the House and it is of the upmost importance that there is transparency around these decisions. Electronic voting has the potential to further enhance the transparency of division results and their speed of publication.

Procedural considerations

3.15 In his submission, the Clerk did not identify any particular procedural impediments to the introduction of electronic voting.[6] However, his submission raised the question as to whether Members would be able to enter their vote while the bells were ringing.[7]

3.16 The Committee's unequivocal view is that votes should only be taken after the bells have stopped ringing, the doors to the Chamber locked and the question before the House has been restated by the Chair.

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4 OpenAustralia Foundation, *Submission 4,* p. 2.

5 Standing orders 126 and 127.

6 Clerk of the House, *Submission 1.*

7 Clerk of the House, *Submission 1*, p. 4.

3.17 The Committee agrees with the Clerk that the integrity of the votes must be paramount. He noted:

> Any electronic voting system would need to be completely reliable in terms of the functioning, authentication of the vote, and immunity from external interference. While reliability in terms of functioning and authentication of the Member voting has likely improved over the years, it may be that the prospect of external interference with voting systems is now a greater challenge than previously.[8]

3.18 As stated, the tellers should be retained. If the House decides to implement a solution that requires Members to bring a device or voting card into the Chamber, provision must be made that allows Members to register a vote with the tellers in the event that they do not have the device or card with them. Tellers also will be required sometimes to register proxy votes for nursing mothers.

3.19 Maintaining the tradition of physically dividing would also make it easier to revert to the traditional method of voting in the event that the technology fails.

3.20 Procedures must be retained that allow the Speaker to declare the decision of the House immediately without completing the count if there are four or fewer Members on one side of a division.[9]

Technological proposals

3.21 The Committee considers that where technology can be applied to the voting process in order to improve its efficiency and transparency it should be adopted.

3.22 A first step to this end would be to immediately display the results of divisions on the screens in the Chamber. While the Speaker announces the result of a division to the Chamber, it would be beneficial for observers if the results of divisions were also displayed on the screens in the Chamber.

Count administration technology

3.23 It has been proposed that the use of tablets by tellers may make the counting process more efficient. The use of tablets by Division Clerks in the House of Commons, which is much larger than the House of Representatives, has led to efficiencies in that Chamber. The use of tablets

8 Clerk of the House, *Submission 1*, p. 4.

9 Standing order 127.

may not make the count in the House much more efficient, but may result in quicker publication of the results.[10]

3.24 The Department of Parliamentary Services (DPS) has advised that the indicative costs for the development of a voting administration application would be in the range $0.9m to $1.4m with annual support costs of $0.10m. DPS further noted that it 'can form the foundation of an electronic voting solution…[and] could be deployed independently of voting devices.'[11]

3.25 The House would be likely to retain tellers to record proxy votes for nursing mothers and to record divisions in the traditional way in the event of a technology failure. Therefore, the development of a voting administration app may be a worthwhile investment.

Voting technology

3.26 As the Committee considers it essential that the Chamber retain traditional physical divisions, it has not seriously considered those technological options that would require Members to vote in their assigned seat or at a kiosk. There is also the practical matter of the frontbenches not having a desk or armrest in which to install individual voting hardware (such as voting buttons). Therefore a portable voting method, or systems where several Members could activate the same card reader to record a vote appear to be the only viable options.

3.27 Therefore the options provided by the Department of Parliamentary Services (DPS) for consideration are:

- portable mobile devices;
- a voting application; and
- facial biometrics.[12]

3.28 DPS submitted that proposed solutions included vote 'tally' screens in the Chamber and the Committee is of the opinion that the inclusion of screens or some other means to display the results is essential to realising the benefits of electronic voting for observers of proceedings. One Member suggested to the Committee that division results could be projected onto the glass that encloses the gallery above the press gallery. This would have minimal impact on the fabric of the Chamber or the Chamber's appearance and the feasibility of this suggestion ought to be investigated.

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10 Clerk of the House of Representatives, *Submission 1*, p. 6.

11 Department of Parliamentary Services, *Submission 3*, p. [10].

12 Department of Parliamentary Services, *Submission 3*.

3.29 The Committee notes that these solutions would have minimal impact on the design and heritage of the Chamber.

Portable mobile device

3.30 A portable mobile device provided to Members on entry to the Chamber would require additional identity verification (a security card). This option would have no impact on the fabric of the Chamber, but would require Members to carry a voting card with them while in the building.

3.31 This option may have some additional impact on Members who would have to retrieve and return devices on their entry/exit to the Chamber. Because of the potential for bottlenecks and confusion, this is the Committee's least preferred option.

Voting application

3.32 A voting application loaded on Members' mobile phones or tablets would allow Members to vote from their personal devices which are already password protected and would require no additional identity verification. As Members tend to have their mobile phones with them at all times, this would not require a change in behaviour by requiring them to remember to carry an additional voting card.

3.33 However, DPS has advised that 'it would be very difficult to ensure a voting app provided to Members via their smartphones and tablets could only be used from the floor of the Chamber.'[13]

3.34 Even with a WiFi network isolated to the Chamber, it would be unlikely to be precisely confined within the Chamber. A Member may be able to vote on their mobile device from outside the Chamber after they are locked out.

3.35 This proposal would rely on the integrity of Members to respect that they could only vote from the floor of the Chamber. While the Committee anticipates that Members would act appropriately if this technology were deployed, the House already has sanctions which it could apply against any Member found to have voted from outside the Chamber.

3.36 This solution would also be dependent on the reliability of the WiFi network and app and the Committee considers that there are some risks associated with assuring consistent reliability of the technology, especially when deployed to 150 or more individual mobile devices.

13 Department of Parliamentary Services, *Submission 3*, p. 3.

Facial recognition technology

3.37 Biometric facial recognition technology is an interesting proposal that may offer a way for votes to be taken in the traditional manner without any independent security verification by Members.

3.38 DPS notes that although the use of biometric facial recognition technology has become more widespread, this technology has not yet been utilised in this context and therefore is a higher risk option.[14]

3.39 This option may be worth further exploring and, if successfully implemented, would 'leapfrog' the technologies used in other parliaments while retaining the traditional elements of divisions which are valued by Members. It would need to be established whether the advisors boxes could be excluded from the count (as they are outside the area of Members' seats and Members may currently sit in these seats and not be counted), and how long it would take to undertake a count so if this option offers significant benefits.

Other proposals

3.40 The Manager of Opposition Business and Members attending the roundtable proposed a form of voting that required the use of a card that could be swiped or tapped on a reader to record a Member's vote. The card would identify the Member voting.

3.41 If it is possible to have voting buttons installed at Members' desks,[15] the Committee speculates that it should be equally possible to have card readers installed at Members' desks and at the Table (or at intervals under or behind the frontbenches) for frontbench Members in a manner that does not visually impact on the appearance of the Chamber. The readers installed to the right of the Chair could be programmed to register 'aye' votes and the readers installed to the left of the Chair, 'no' votes. Members would vote by swiping their card at any reader in the Chamber on the appropriate side.

3.42 Another suggestion replaced cards with individual transponders for each Member similar to those employed by keyless entry and start systems for motor vehicles. Presumably such a system could 'read' a Member's whereabouts in the Chamber and record their vote without them having to tap or swipe the device on a reader.

3.43 These proposals would preserve the characteristics of the traditional physical division and, in particular, they afford Members the freedom to

14 Department of Parliamentary Services, *Submission 3*, p. 3.

15 Department of Parliamentary Services, *Submission 3*, p. 1.

take a seat anywhere on the side of the Chamber corresponding to their vote as they do now. They also avoid the risks associated with a mobile app which might allow Members to vote just outside the Chamber if they were locked out.

Conclusion

3.44 The Committee supports the adoption of electronic voting for divisions in the House of Representatives provided the characteristics of traditional divisions stipulated in paragraph 3.5 of this report are retained.

3.45 The House should embrace technology that enhances its work and electronic voting has the potential to do this by reducing the time spent on recording divisions and expediting the publication of the results.

3.46 Previous Procedure Committee reports have recommended that the House debate the proposition of electronic voting so that all Members have an opportunity to express their views.[16] Although this has not occurred, it is apparent that most Members are generally supportive of electronic voting, or at least are not sufficiently opposed to be motivated to register their objections. Members' support for electronic voting seems to be conditional on the House continuing to divide in the traditional way before the vote is tallied.

3.47 The Committee recommends that electronic voting for divisions be proceeded with, and the option of using a swipe or touch card (or electronic token) and readers that allow Members to vote from any seat to the left or right of the Chair as outlined in paragraphs 3.40 to 3.43 above be investigated. A system of this type appears to have the least risk associated with its implementation and it best preserves the traditional practices for the conduct of divisions which Members value.

16 *Electronic voting in the House of Representatives,* p. 26, citing the report *Review of the conduct of divisions*, p. 8.

Recommendation 1

The Committee recommends that electronic voting to record divisions in the House of Representatives be implemented, provided that:

- **voting occurs in the Chamber;**
- **the House maintains the practice of dividing to the right and left of the Chair;**
- **Members may sit anywhere on the side of the Chamber corresponding to their vote; and**
- **tellers continue to be appointed to report proxy votes for nursing mothers and to be ready to undertake a manual tally in the event that the voting system malfunctions.**

Recommendation 2

The Committee recommends that the option of using a swipe or touch card (or electronic token) and readers that allow Members to vote from any seat to the left or right of the Chair be investigated.

Recommendation 3

The Committee recommends that the results of divisions be displayed in the Chamber.

Dr Andrew Southcott MP
Chair
30 March 2016