The Parliament of the Commonwealth of Australia

Review of the conduct of divisions

House of Representatives
Standing Committee on Procedure

August 2003
Canberra

Contents

Conduct of divisions

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Terms of reference of the committee

To inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.

Terms of reference of the inquiry

To inquire into the conduct of divisions including the use of electronic voting, deferral of divisions and alternative methods of counting divisions.

List of recommendations

Recommendation 1

The committee recommends that, subject to feasibility, a display device be installed above and behind the Speaker's chair to provide details of current proceedings in the House.

Recommendation 2

The committee recommends that, by agreement with the whips and the Speaker, and subject to trial—

- 8 tellers be appointed for a division: two pairs of tellers to count each side and

- 4 lists be completed, two for each side.

Recommendation 3

The committee does not recommend the introduction of electronic voting at this time. The committee believes that at some point in the future all Members should have the opportunity to debate the issue in the House and express their views.

1

Review of the conduct of divisions

Introduction

1.1   The rules under which the House conducts divisions have changed little in the 102 years the Commonwealth Parliament has existed. This might suggest that the process is close to optimal efficiency and that there is little room for improvement. However, it is clear from recurrent complaints that this is not the universal opinion of Members.

1.2   There are two principal areas of dissatisfaction:

- waste of time—divisions take too long to complete; and

- disruption—divisions interfere with work outside the Chamber.

In addition, some Members believe the process itself needs modernising and that the way divisions are conducted now is unnecessarily cumbersome.

1.3   The obvious remedial strategies are to minimise the number of divisions, streamline the process and program divisions according to a timetable. These are not new ideas—the committee examined them in a previous inquiry—but in responding in this report to a recent proposal to streamline the divisions process, the committee is also taking the opportunity to review these strategies against the background of earlier inquiries.

Initiation of the current inquiry

1.4   The committee began this inquiry after the Leader of the House, the Hon. Tony Abbott MP, referred a proposal to the committee he had received from the Minister for Regional Services, Territories and Local Government, the Hon. Wilson Tuckey MP. The conduct of the inquiry is summarised in Appendix A.

1.5   Mr Tuckey's proposal to shorten the time taken to complete a division rests on starting the count before the division bells finish ringing. The proposal is similar in essence to one which the committee examined in its 1996 report *Conduct of divisions*. Mr Tuckey's proposal is outlined in more detail in Appendix B.

1.6   A brief outline of the 1996 inquiry precedes discussion of the committee's 2003 review.

The 1996 inquiry

1.7   The focus of the committee's 1996 inquiry into the conduct of divisions was on streamlining the process. However it also canvassed broader issues. The committee recommended a trial of new procedures as outlined:

First division

- on the calling of a division—
  - the bells would commence ringing for 5 minutes;
  - the Speaker would state the question;
  - the Speaker would direct 'ayes' to the right of the Chair and 'noes' to the left;
  - the Speaker would appoint tellers;
- the tellers would take position at the entrance from Members' Hall;
- Members could arrive through any entrance but file past the tellers as they made their way to their seats;
- Members would announce their names as they passed the tellers and the tellers would record their names;
- Members would remain in the Chamber until the result was announced;

Successive division

- on the calling of a successive division—
  - the bells would commence ringing for 1 minute;
  - if the majority of Members wished to vote differently from the immediately preceding division the count would be repeated as above otherwise only those changing their vote, not wishing to vote or voting for the first time would report to the tellers.

1.8   The committee briefly examined electronic voting but decided to defer further consideration largely on grounds of current costs and a preference to recommend reforms which might deliver immediate benefits.

1.9   The committee also looked at ways of minimising the number of divisions by expanding the arrangements for recording dissent and the potential use of deferred divisions.

1.10   The House did not undertake the proposed trial in all respects. In particular, there was no attempt to begin counting before the bells finished ringing. But first by adoption of sessional orders (on 6 March 1997) and ultimately by adoption of amended standing orders (on 4 December 1997) new arrangements for successive divisions and curtailing divisions with small minorities were introduced.

The current inquiry: a review of the conduct of divisions

1.11   The current inquiry revisits the 1996 findings and re-examines the three general strategies, identified in paragraph 1.3, to diminish time wasting and disruption caused by divisions: (1) minimising the number of divisions, (2) streamlining the process and (3) programming divisions according to a timetable.

1—Minimising the number of divisions

1.12   The committee reconsidered several mechanisms for minimising the incidence of divisions which it examined in its 1996 inquiry: expanding the arrangements for recording dissent; allowing divisions to be abandoned before proceeding to the count; performing preliminary head counts to determine the necessity of a detailed count; and introducing party voting.

1.13   The committee in its 1996 inquiry argued against abandoned divisions, head counts and party voting largely on grounds of their divergence from

the House's unique culture, especially the resulting transfer of responsibility for voting decisions from individual Members. However the committee did see some advantage in raising the threshold number of Members in the minority for a division to proceed after the 'ayes' and 'noes' had taken their respective sides. It recommended the trial of an 8-Member threshold.

1.14   Since 1901 the minimum number of Members required to call for a division has been 'more than one' (standing order 193). In response to the committee's proposal, the House adopted a sessional order (standing order 204) on 6 March 1997—and amended the standing order on 4 December 1997—to complement this requirement. If, after the division bells had stopped ringing and the doors had been locked, there were four or fewer Members on a side the division would not be completed. That is, tellers would not be appointed nor Members counted. Instead, the Chair would declare the House's decision and the name of each of the Members in the minority would be recorded in the Votes and Proceedings and Hansard.

1.15   Since its implementation, this mechanism has been shown to save time in that the lengthy count of a large majority is avoided while preserving the right of individual Members (but only those in the minority) to have their vote recorded. However it is not a significant time-saver as there have been but 7 instances in the 6 years since it was introduced.

1.16   The committee is not convinced that other proposals to minimise the incidence of divisions—such as those it examined in its 1996 report— would provide benefits to justify the potential sacrifice of individual Members' rights.

2—Streamlining the process

1.17   The committee considered three initiatives to enable divisions to be completed in less time: (A) Mr Tuckey's proposal to start counting before the bells had stopped ringing, (B) the appointment of additional tellers and (C) electronic voting.

A—Earlier counting

1.18   Mr Tuckey's proposal is outlined in Appendix B. It is broadly similar to the proposal recommended by the committee in its 1996 report but not subsequently tested by the House. While the committee has previously advocated the trial of this approach, it has taken note of a number of

practical difficulties which were drawn to its attention during the current review.

1.19   Two assumptions are critical to saving time: first that tellers can readily take their places soon after the bells begin to ring; and, second that Members arrive in the Chamber in a steady stream. If the designated tellers are not nearby when the division is called then there will be little time saved. If Members arrive en masse just as the bells stop ringing, congested queues may result in more time being taken rather than less.

1.20   In considering the problem of tellers being readily present, the committee discussed Senate division procedures with the Clerk of the Senate. The clerks in the Senate assist tellers to record the names of Senators voting in divisions and there is perhaps scope for clerks in the House to play a similar role or indeed to conduct the count instead of Members appointed as tellers. The Clerk of the House indicated to the committee that House staff could be made available for this purpose.

1.21   An additional complication is the need for Members to know precisely the question on which they are being called to vote. It has been proposed that the Chair state the question when the tellers are appointed and again when the bells stop ringing and the doors are locked. But this might not meet the need of Members arriving soon after the bells start to ring.

1.22   One way to inform Members of the question before the House would be to extend the existing system which provides captions on the internal television broadcast of Chamber proceedings. More detailed information, including the matter under consideration and the question before the House, could be displayed within the Chamber on a device visible from the floor and the public galleries.

1.23   The committee does not propose to pursue the option of starting the count before the bells stop ringing at this stage but supports the installation of a display device which might overcome a difficulty which exists to some extent even under the existing procedures: informing Members (and visitors in the public galleries) of the question before the House.

Recommendation 1

The committee recommends that, subject to feasibility, a display device be installed above and behind the Speaker's chair to provide details of current proceedings in the House.

B—Additional tellers

1.24   The committee notes a measure implemented in 1997 to quicken the count
        of large majorities: the appointment of additional tellers. Until then, the
        Speaker had been bound by the standing orders to appoint two tellers per
        side. However, it is now at the discretion of the Speaker how many tellers
        are appointed. While the need routinely to appoint additional tellers to
        count Members voting with the Government did not continue beyond the
        38th Parliament, the Speaker exercised that discretion for certain free votes
        during the passage of the Research Involving Embryos Bill 2002.

1.25   The committee believes that a significant reduction in recording time
        could be achieved by appointing two pairs of tellers for each side, one pair
        each to count Members occupying the respective blocks of seats on the
        Speaker's right and left and one pair each to count Members occupying
        the respective sides of the horseshoe. A pair of tellers' sheets would be
        needed to record the votes on each side. It is understood that there would
        be no significant problem in consolidating each pair of sheets for
        announcing the result and for subsequent publication.

1.26   The committee recognises the Speaker's discretion under the standing
        orders now in force. A trial could be implemented by agreement with the
        whips and the Speaker.

Recommendation 2

**The committee recommends that, by agreement with the whips and the
Speaker, and subject to trial—**

- **8 tellers be appointed for a division: two pairs of tellers to count each
  side and**

- **4 lists be completed, two for each side.**

C—Electronic voting

1.27   The potential of electronic voting has been recognised since before the
        permanent Parliament House was designed. The traditional objection to
        implementing electronic voting is based on systems and maintenance
        costs. Indeed in its 1996 report—in which an earlier report on technology,
        costs and options by Speaker Martin was acknowledged—the committee

deferred consideration of electronic voting because of costs and the time needed to select and commission a system.

1.28 Not surprisingly, cost still looms large in budgeting for the operations of the Parliament. It is true that the real costs of IT systems continue to decrease but the committee recognises that any proposal for new infrastructure must be soundly based. The committee has its own views on funding priorities and maintains that the relocation of the Main Committee, recommended in its report *The Second Chamber*, has a stronger claim.

1.29 Moreover, an analysis of the data provided in the submission by the Clerk of the House suggests that the potential for saving time by the introduction of electronic voting may not justify the expense. In relative terms, divisions occupy a very small proportion of the House's time. For example, in 2002 approximately 3.6% of the House's time was taken up by divisions and if the ringing of the bells is excluded—given that the bells would still need to be rung under electronic voting—only the remaining 2.4% for counting might be further economised. Statistics on divisions in 2002 appear at Appendix C.

1.30 There are arguments other than cost, moreover, against the adoption of electronic voting. Several were listed in the committee's 1996 report, including (a) loss of an opportunity for a pause or 'cooling off' period in proceedings, (b) no sign of how a Member is voting by where they are in the Chamber, (c) possibility of Members voting for absent colleagues and (d) more divisions being called. To this can be added the opportunity for Members to liaise with colleagues, for example Ministers, while divisions are in progress.

1.31 The committee believes that the House should fully consider the general principle of electronic voting before the technological alternatives and costs are examined in detail. The underlying technology, the options available and the acquisition and recurrent costs are all changing apace. It is impossible to provide applicable information unless it is known when, if ever, electronic voting might be introduced. In addition, the committee is aware that the Association of Secretaries-General of Parliaments—under the presidency of the Clerk of the House, Mr Ian Harris—is surveying the use of electronic voting in legislatures overseas. The House, if it does support electronic voting in principle, may be better placed to consider options when the information obtained in that exercise is published.

1.32 In forming a view on how to proceed with proposals for implementing electronic voting, the committee acknowledges both the practical needs of Members as well as prior constitutional concerns. Section 40 of the

Constitution provides for questions arising in the House to be determined by a majority of votes; section 50 allows the House to make rules for the exercise of its powers. The exercise of the power to cast a vote is one of the most fundamental procedural activities in any legislature.

1.33   Because electronic voting is more than a mere technical or procedural issue the committee proposes to follow a different course from its usual means for recommending change. Usually the committee presents a report containing recommendations for new or changed procedures. The Government of the day, by agency of the Leader of the House, develops a response to the recommendations—perhaps, but not necessarily, following consultation with the Opposition and Independent Members. If accepted, the new procedure is then put to the House, generally in the form of a motion to adopt sessional orders or amended standing orders. It is at that stage that Members have a chance to debate the issue, but by then positions tend to be set.

1.34   The committee's view is that all Members should be allowed to express a view before the House reaches an in-principle position on electronic voting. This can best be achieved by debating the proposal in the House. The committee notes that from time to time several proposals for procedural reform have been raised by way of private Member's notice of motion and have been listed on the Notice Paper. A notice of motion proposing that the House agree in-principle to the introduction of electronic voting would be one means of initiating debate on this matter.

1.35   A suitable mechanism for facilitating this might be for a private Member to lodge a notice of motion on the Notice Paper proposing the implementation of electronic voting. The Selection Committee could then consider determining precedence for the motion during Private Members' business. Following the moving of the resolution in the House during Private Members' business and a small number of speeches in the House, debate could be adjourned to the Main Committee in order to maximise the opportunity for Members to express their views on the resolution.

Recommendation 3

The committee does not recommend the introduction of electronic voting at this time. The committee believes that at some point in the future all Members should have the opportunity to debate the issue in the House and express their views.

3—Programming divisions

1.36   The committee noted during its 1996 inquiry that deferred divisions were to some extent already a feature of the House's procedures. During proceedings on either side of Question Time on Mondays, a division on any question, except a motion moved by a Minister, is deferred until the grievance debate has concluded or otherwise dealt with. Divisions cannot be conducted in the Main Committee and thus unresolved questions may result in a form of deferred division.

1.37   In concert with the introduction of revised sittings hours, there was a further extension of deferred divisions in early 2003. Divisions (and quorum calls) arising between 6.30 p.m. and 8 p.m. on Mondays and Tuesdays are held over until 8 p.m. However the House does not routinely plan a set time for divisions to be held in the same way, for example, as the Scottish Parliament does with its 'decision time' at 5 p.m. each sitting.

1.38   The House deals with a significantly larger number of bills each year than most legislatures and this justifies flexibility in programming government business. On the other hand, restricting the use of the full range of procedural motions which can be moved at any time—and which often lead to divisions—could unduly inhibit the active participation of private Members, particularly non-Government Members.

1.39   The committee does not support the extension of deferred divisions at this stage.

MARGARET MAY MP
Chair
26 June 2003

A
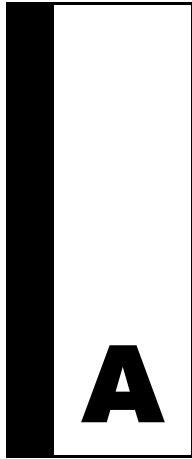
Appendix A

Conduct of the inquiry

On 12 December 2002 the committee decided to conduct an inquiry into a range of options for improving the use of the time of the House, especially the conduct of divisions. The committee reduced the scope of the inquiry—initially publicised as the committee's *Inquiry into the conduct of divisions and improving chamber productivity*—when measures like the revised sitting hours adopted on 6 February 2003 came into effect.

A proposal by the Hon. Wilson Tuckey MP, which the Leader of the House referred to the committee, triggered the inquiry. The proposal was to streamline divisions by enabling counting to start while the bells were ringing. The Leader of the House asked the committee to consider the proposal as well as the conduct of divisions more generally.

Submissions

The committee invited submissions from all Members, the Clerk of the House and other interested individuals. The following submissions were received:

1.   The Hon. Peter Slipper MP.
2.   The Hon. Mal Brough MP.
3.   Mr Chris Pearce MP.
4.   Mr Michael Organ MP.
5.   Ms Teresa Gambaro MP.

6.   Mr Ian Harris, Clerk of the House.

7.   The Hon. Geoffrey Prosser MP.

Consultation

The Clerk of the House briefed the committee on background issues at its meeting on 5 December 2002.

The committee discussed the proposal with Mr Tuckey at its meeting on 27 March 2003 and also heard the Clerk of the Senate, Mr Harry Evans, outline the conduct of divisions in the Senate and comment on electronic voting and on deferred divisions.

The Chief Government Whip, Mr Jim Lloyd MP, and the Chief Opposition Whip, The Hon. Janice Crosio MP, attended a meeting on 29 May 2003 and gave their views on the proposal.

B

Appendix B

Proposal by the Hon. Wilson Tuckey MP to streamline divisions

Summary

The essential difference between the existing procedure and the procedure proposed by Mr Tuckey is that in the:

- former, counting does not begin until the bells have finished ringing and the doors have been locked;

- latter, counting begins while the bells are ringing.

Existing	*Proposed*
Division called for	Division called for
Bells start to ring	Bells start to ring
Bells finish ringing; doors locked	Question restated; Members directed to sides; tellers appointed
Question restated; Members directed to sides; tellers appointed	Votes begin to be recorded
Votes recorded	Bells finish ringing; doors locked
Result declared	Votes continue to be recorded
	Result declared

Outline of the proposal

A more detailed comparison of the proposal against the existing procedure is set out in the following table. Differences from the existing procedure are underlined.

EXISTING	PROPOSED
Preliminary	***Preliminary***
• the Chair puts the question: *The question is 'That the motion be agreed to'*;	• the Chair puts the question: *The question is 'That the motion be agreed to'*;
• the Chair calls for a vote: *Those that are of that opinion say 'Aye'; of the contrary 'No'*;	• the Chair calls for a vote: *Those that are of that opinion say 'Aye'; of the contrary 'No'*;
• the Chair announces a result: *I think the 'Ayes'* [or *'Noes'*] *have it*; and	• the Chair announces a result: *I think the 'Ayes'* [or *'Noes'*] *have it*; and
• the Chair's announcement is challenged.	• the Chair's announcement is challenged.
Calling for a division	***Calling for a division***
• the Chair asks: *Is a division required?*;	• the Chair asks: *Is a division required?*;
• if there is an affirmative response from more than 1 Member then the Chair states: *The House will divide. Ring the bells for 4 minutes* [or *1 minute* if the division is called immediately after a previous division and there has been no intervening debate];	• if there is an affirmative response from more than 1 Member then the Chair states: *The House will divide. Ring the bells for 4 minutes* [or *1 minute* if the division is called immediately after a previous division and there has been no intervening debate];
Ringing the bells	***Ringing the bells***
• the bells ring throughout the building and Members assemble in the Chamber;	• the bells ring throughout the building and Members assemble in the Chamber forming in queues (*see* **Figure 1**);
Starting the division	***Starting the division***
• after the bells stop ringing the Chair—	• after the bells start ringing the Chair waits until all tellers are present[1]
o instructs Chamber attendants to: *Lock the doors*;	• the Chair restates the question: *The question is 'That the motion be agreed to'*[2]
o restates the question: *The question is 'That the motion be agreed to'*;	• the Chair directs Members where to sit: *The 'Ayes' will pass to the right of the Chair and the 'Noes' to the left*[3]
o directs Members where to sit: *The 'Ayes' will pass to the right of the Chair and the 'Noes' to the left*;	
o Members start moving to the appropriate side (if necessary)	

EXISTING	PROPOSED
Appointment of tellers • the Chair appoints tellers: *I appoint the honourable Members for* [name of electoral division] *and* [name of electoral division] *as tellers for the 'Ayes' and the honourable Members for* [name of electoral division] *and* [name of electoral division] *as tellers for the 'Noes'*;	*Appointment of tellers* • when the designated tellers are present, the Chair formally appoints them: *I appoint the honourable Members for* [name of electoral division] *and* [name of electoral division] *as tellers for the 'Ayes' and the honourable Members for* [name of electoral division] *and* [name of electoral division] *as tellers for the 'Noes'*; • the tellers take up their positions at the end of the Table (*see* **Figure 2**);

Recording
 	
• meanwhile Members have proceeded to the side on which they wish to be counted;
 	
• the tellers form pairs standing on either side of the Speaker's Chair: an 'Aye' teller watched by a 'No' teller ticks off the names on a teller's list of the Members voting 'Aye' and the other 'No' teller watched by the other 'Aye' teller ticks of the names on a teller's list of the Members voting 'No';
 	
• the two Clerks at the Table conduct a head count of either side for checking;
 	
• When the tellers have tallied up the completed lists they are signed by the tellers and handed to the Clerk who passes the two sheets with a cover slip bearing the result to the Chair;
	Recording
	
	• meanwhile Members have queued along the side walls of the Chamber and down the central gangway (*see* **Figure 3**);
	
	• the tellers form pairs standing on either side of the foot of the central gangway:
	
	  ○ an 'Aye' teller watched by a 'No' teller ticks off the names on a teller's list of the Members voting 'Aye' (as they file past to the Speaker's right of the Chair); and
	
	  ○ the other 'No' teller watched by the other 'Aye' teller ticks of the names on a teller's list of the Members voting 'No' (as they file past to the Speaker's left of the Chair);

	Locking the doors • after the bells stop ringing the Chair instructs Chamber attendants to: *Lock the doors* • When the tellers have tallied up the completed lists they are signed by the tellers and handed to the Clerk who passes the two sheets with a cover slip bearing the result to the Chair;

EXISTING	PROPOSED
Declaring the result • the Chair declares the result: *The result of the division is 'Ayes'* [number]*, 'Noes'* [number]*. The question is therefore resolved in the affirmative* [or *negative*];	***Declaring the result*** • the Chair declares the result: *The result of the division is 'Ayes'* [number]*, 'Noes'* [number]*. The question is therefore resolved in the affirmative* [or *negative*];
Resumption of business • there is usually some delay in resuming proceedings while Members leave the Chamber;	***Resumption of business*** • there is usually some delay in resuming proceedings while Members leave the Chamber;

Notes

1   The proposal suggests that 'upon the bells commencing, the tellers who generally occupy offices adjoining the Chamber, would report immediately to the Chamber, report to the Chair, collect their clipboards and take up positions ...'. This implies:

   (a)   that counting cannot start until the tellers are in position and so there must be a pause between the start of the ringing of the bells and the arrival of those tellers who are not already in the Chamber;

   (b)   the 'appointment' of the tellers involves no discretion on the part of the Chair—that is, the Opposition and the Government parties previously will have designated who will be tellers. However this will not cover free votes in which the composition of the 'Ayes' and 'Noes' will not be known until Members have passed to their respective sides.

2   A major difference from the existing procedure is that in the latter, all Members voting hear the question at the same time, that is when the doors have been locked and before the tellers are appointed and Members proceed to vote by standing on the appropriate side. Under the new procedure, some means must be found to ensure that Members have heard the question before they vote. Therefore the question needs to be restated for those Members who were not there when the bells started to ring but who have arrived before the tellers start counting.

    Moreover, since counting will have commenced before the conclusion of the ringing of the bells, some method must be found of informing those Members who arrive after the question is first restated.

3   At this stage Members will be forming a queue and those at its head will be in the central gangway facing the Speaker but the reference to 'right' and 'left' of the Chair should be no more confusing to them than it is for Members assembled in the Chamber under the existing procedure.
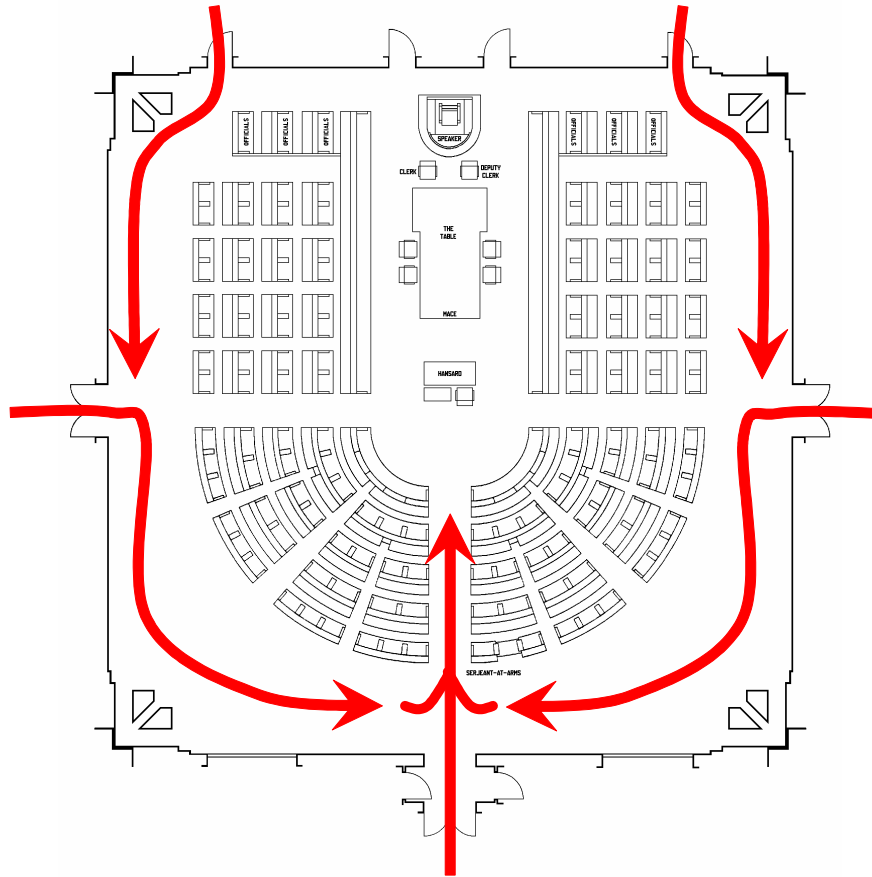
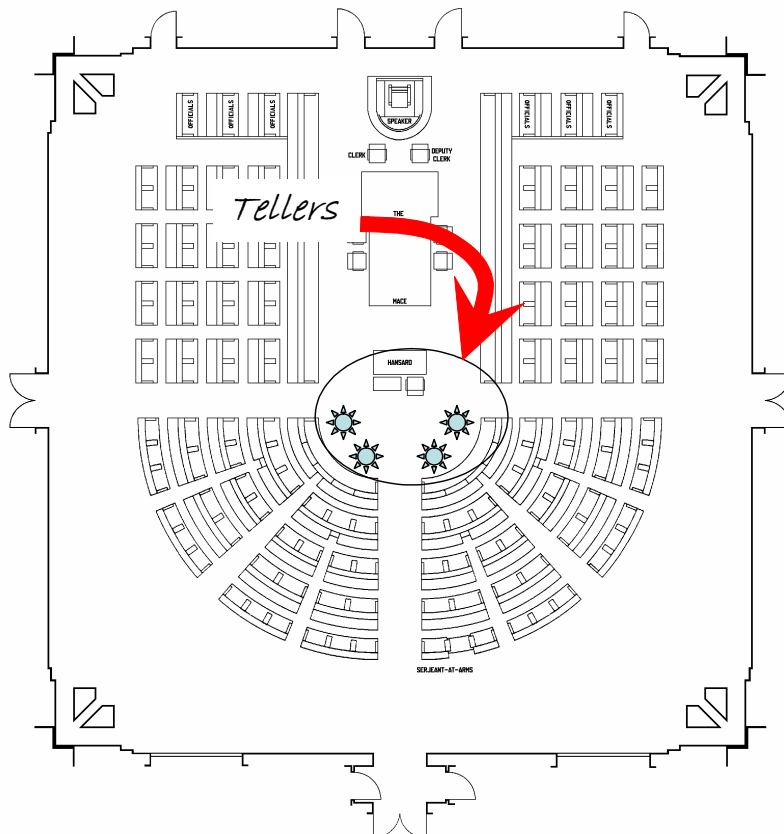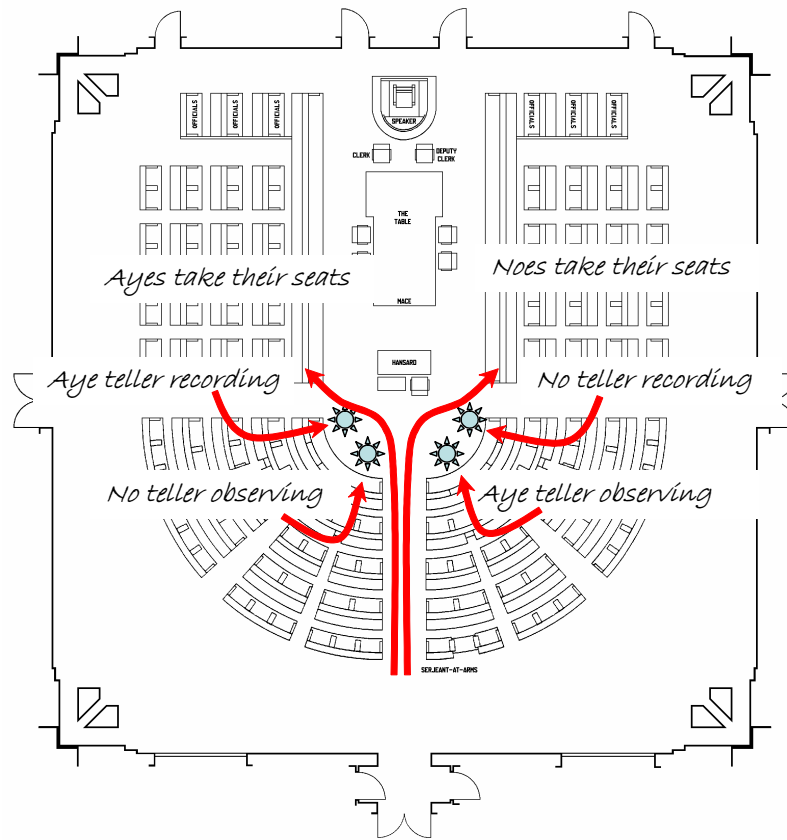**Figure 1—Queuing of Members before counting**
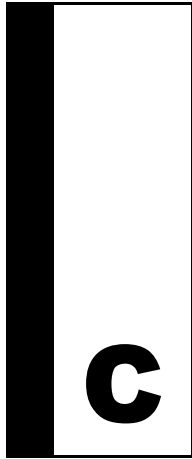

Figure 2—Position of tellers

Figure 3—Members are recorded by tellers and take their seats

C

Appendix C

Statistics on divisions

The analysis in this appendix is based on information provided in the submission made by the Clerk of the House. The data is derived from records of all divisions conducted in the House in 2002.

Summary

In absolute terms, divisions appear to consume a significant amount of House time. In 2002, for example, the total time for divisions—including ringing of the bells and actual counting—comprised 22 hours and 13 minutes, or between two and three normal sitting days. Proportionally, however, divisions occupied only about 3.6% of the House's time and about a third of that was for ringing the bells.

It is fair to say, then, that short of a wholesale reduction in the number of divisions, only modest gains can be expected from streamlining the process for conducting the count.

Impact on House time

The House sat for a total of 611 hours and 20 minutes over 69 days in 2002. There were 160 divisions occupying a total of 22 hours and 13 minutes, during which the bells summoning Members to the Chamber to vote rang for 7 hours and 43 minutes and counting filled 14 hours and 30 minutes.

There are two types of division which are characterised by the duration of the ringing of the bells. Normally the bells are rung for 4 minutes however if another
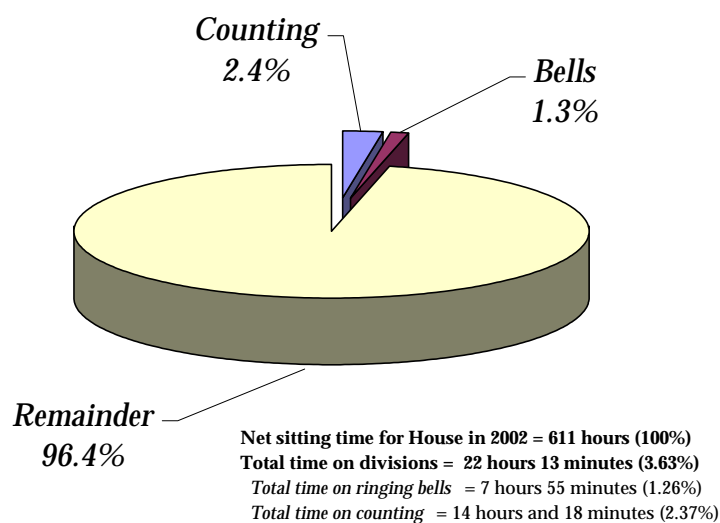
division follows immediately (that is, with no debate having occurred after the previous division) then the bells are rung for one minute only. If the majority of Members are voting the same way (say, with the 'Ayes' again) then another count is not conducted. Instead, only those Members voting differently or for the first time (or not at all after having voted in the previous division) report to the tellers and the previous count is adjusted. However, if the majority are voting differently (say, with the 'Noes' after previously having voted with the 'Ayes') then a complete count is conducted.

Table 1 provides a breakdown of the time taken for each type of division including ringing of the bells and counting. Figure 1 illustrates the relative proportion of the House's time taken by divisions.

Table 1—Total and average time for divisions by type (2002)

Type of Division	No.	Bells Hr, min, sec	Counting Hr, min, sec	Total Hr, min, sec	Average Hr, min, sec
1 min	59	0:59:00	3:20:29	*4:19:29*	*4:24*
4 min	101	6:44:00	11:09:33	17:53:33	10:38
Total	**160**	**7:43:00**	**14:30:02**	**22:13:02**	**8:20**

Figure 1—Proportion of House time spent on divisions (2002)

Counting
2.4%

Bells
1.3%

Remainder
96.4%

Net sitting time for House in 2002 = 611 hours (100%)
Total time on divisions = 22 hours 13 minutes (3.63%)
Total time on ringing bells = 7 hours 55 minutes (1.26%)
Total time on counting = 14 hours and 18 minutes (2.37%)

Formation of majorities

Standing order 201 specifies that the 'Ayes' will pass to the right of the Speaker's Chair and the 'Noes' to the left. Most questions are resolved with a majority of 'Ayes' (in 2002, 129 of the 160 divisions or about 80%). On average, a division resolved in the affirmative takes less time. Alternatively, the effect of needing to recount is obvious in the average time taken for a 1-minute division in which the majority vote 'No' (in most cases having crossed sides). The significance of the side on which the majority forms is illustrated in Table 2.

Table 2—Total and average time for divisions by side of majority (2002)

TYPE	ALL		MAJORITY AYES		MAJORITY NOES	
	No.	min, sec	No.	min, sec	No.	min, sec
1 minute	59	4:24	43	3:00	16	8:09
4 minute	101	10:38	86	10:24	15	11:55
Total	**160**	**8:20**	**129**	**7:56**	**31**	**9:58**

The average times in Table 2 are distorted to some extent by the unusually high number of free votes during the passage of embryo and stem cell research legislation in 2002. There were 13 divisions involving free votes and these took considerably longer to conduct (mainly because there were large majorities). Table 3 shows the same data with divisions on free votes excluded.

Table 3—Total and average time for divisions (excluding free votes) by side of majority (2002)

TYPE	ALL		MAJORITY AYES		MAJORITY NOES	
	No.	min, sec	No.	min, sec	No.	min, sec
1 minute	55	3:58	42	2:50	13	7:40
4 minute	92	10:06	80	9:56	12	11:07
Total	**147**	**7:48**	**122**	**7:29**	**25**	**9:19**

Table 4 illustrates the atypicalness of divisions on free votes.

Table 4—Total and average time for divisions (free votes only) by side of majority (2002)

TYPE	ALL		MAJORITY AYES		MAJORITY NOES	
	No.	min, sec	No.	min, sec	No.	min, sec
1 minute	4	10:13	1	10:10	3	10:14
4 minute	9	16:07	6	16:38	3	15:04
Total	**13**	**14:18**	**7**	**15:52**	**6**	**12:39**

Questions on which House divides

A distinction may be made between substantive and procedural questions. The former includes votes on the key stages of legislation like agreement to second reading amendments and the second and third readings. The latter includes votes on motions for closure of Member or question or to suspend standing orders. Table 5 provides a breakdown on the divisions held on various kinds of question in 2002.

Table 5—Divisions: distribution by type of question (2002)

Suspension of SOs	**15**
Closure of Member	**28**
Closure of question	**22**
Second reading	**14**
Second reading amendment	**19**
Detail stage	**13**
Third reading	**6**
Other (bill)	**9**
Senate (bills)	**15**
Other	**19**
Total	**160**

Notes

1 Detail stage encompasses questions specifically about the bill (e.g. 'clause be agreed to', 'bill as amended be agreed to', etc) but does not include procedural motions moved during consideration in detail (e.g. closures).

2 Senate (bills) encompasses questions relating to Senate messages returning bills (e.g. 'amendments be agreed to', 'reasons for disagreeing be adopted', etc.).

3 Other refers to questions dissenting the Speaker's ruling, suspension of Member from the service of the House, etc.

Figure 2— Divisions: distribution by type of question (2002)
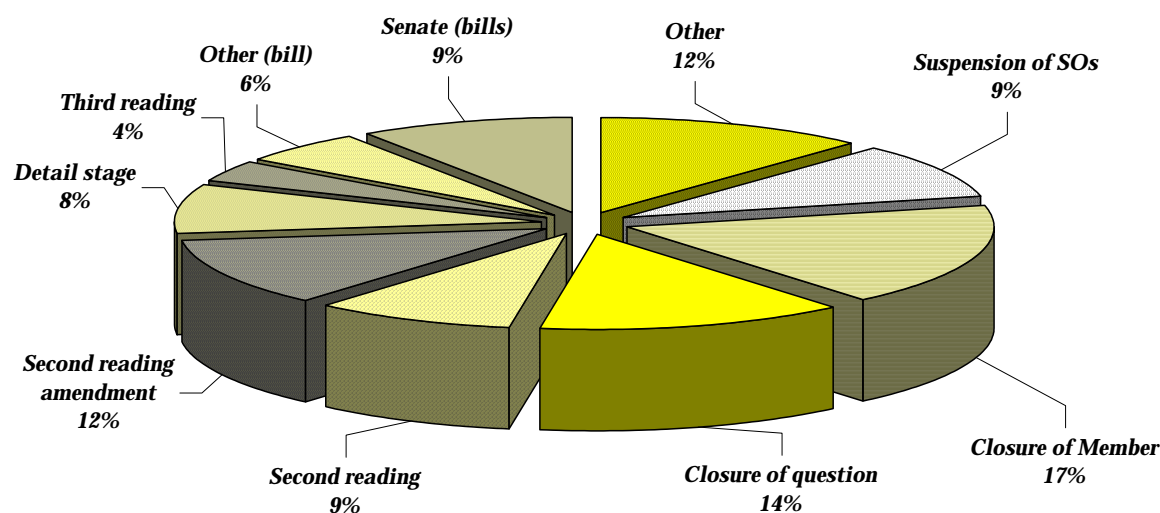
Role of divisions in decision making

Most decisions of the House are made without calling for a division. An analysis of a 10% random sample of sittings of the House in 2002, indicated the following distribution of decisions:

- on the basis of no dissentient voice (whether to grant leave)   15%
- by 8 or more Members standing (to support an MPI)   2.5%
- by not contesting the Chair's reckoning (of whether
   the 'Ayes' or 'Noes' predominate)   68%
- by dividing   13.5%
- by standing for a period in silence (to support, say, a
   condolence motion).   1%

If we exclude the first, second and fifth categories, based on the sample studied, approximately 85% of votes are determined on the voices and 15% on division.