The Parliament of the Commonwealth of Australia						
Trial of additional tellers						
House of Representatives Standing Committee on Procedure						
December 2003 Canberra						

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#### **Foreword**

A trial of two additional pairs of tellers for counting divisions was a response to a recommendation in the Procedure Committee's report *Review of the conduct of divisions* (presented in August 2003). That review followed an earlier report from the committee on the conduct of divisions which was presented in 1996. The rationale for both reports was to periodically review the potential for streamlining procedures used by the House to conduct divisions.

The trial was successful in saving time in that the average time taken for divisions during the trial was approximately two minutes less than the average for 2002. However, the use of two sets of division lists resulted in an unacceptable level of errors in recording attendance at divisions. The committee concludes that the House should return to the traditional method of marking off one division list for each side.

In reaching this conclusion the committee places on record its appreciation of the whips' support for the trial. It was a worthwhile exercise aimed at improving procedures for the benefit of all Members.

Margaret May Chair

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# Terms of reference

#### **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 evaluate the trial of additional tellers.

### Recommendation

#### The committee recommends that:

- the trial of additional tellers should end;
- commencing at a time convenient for the Speaker and whips divisions should again be recorded by one pair of tellers for each side; and
- the tellers should record Members' votes from a position near the Hansard desk.



#### **Appointment of additional tellers**

#### Introduction

- 1.1 On 18 August 2003 the committee presented its report *Review of the conduct of divisions*. The report contained three recommendations, one of which was implemented on a trial basis with a request for an evaluation by the committee.
- 1.2 The recommendation was:

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.
- 1.3 The object of the trial was to consider whether doubling the number of tellers would reduce the time taken to count a division.
- 1.4 The whips and the Speaker agreed to the trial which commenced on 9 September. Announcing the trial to the House the Speaker made the following statement:

I inform the House that for a trial period and with effect from the first division today, additional tellers are to be appointed for divisions. Eight tellers will be appointed for a division: two pairs of tellers to count each side. In the case of successive divisions, members changing their vote, leaving the chamber or entering the chamber should report to the tellers who have counted the block

in which they have voted or who will count the block in which they will vote. These changes reflect a recommendation of the Procedure Committee in its recent report, *Review of the conduct of divisions*. The purpose is to reduce the time taken for divisions. The changes are introduced with the agreement of the chief whips. The Procedure Committee will monitor the success of the trial.

#### Trial of additional tellers

#### Period of trial and number of divisions

1.5 The trial of the recommended procedures commenced on 9 September 2003. From 9 September to 6 November 2003 the trial covered 18 sitting days on which there were 42 divisions. To ensure that the evaluation is not distorted by problems associated with establishing a new practice, the evaluation excludes the first three days (on which there were six divisions). It covers four sitting weeks – from Monday, 15 September to Thursday, 6 November. There were 36 divisions in this period including 23 divisions following four-minute bells and 13 divisions following one-minute bells.

#### Mechanics of trial

- 1.6 The trial involves the appointment of two pairs of tellers for each side instead of the usual one pair. There are also two sets of division lists for each side. The Chair announces four tellers for the ayes and four for the noes for each count. The four tellers for each side take up positions one on each of the two curved sections (standing near the Hansard desk) and one on each of the two straight sections (standing in front of the Speaker's chair). Thus there are four pairs of tellers in total. One pair of tellers for each side counts the curved block, curved front bench and themselves. The other pair of tellers for each side counts the straight block, straight front bench, Ministers and Shadows at the Table and themselves.
- 1.7 For the confirmatory head count, the clerk counts the "ayes" straight block, front bench, Ministers/Shadows at the Table and tellers. The clerk compares the tally with the "ayes" tellers for straight block. The deputy clerk counts the "noes" straight block, front bench Ministers/Shadows at the Table and tellers for the straight block and compares the tally with the "noes" tellers for the straight block. The Serjeant-at-Arms does the confirmatory head count for both curved sections and compares the tally with each of the two pairs of tellers for the curved blocks. These relay the

- head count to the clerk and deputy clerk as appropriate. The clerk and deputy clerk total the head counts for the "ayes" and "noes" and confirm with the tellers that the head count is the same as the combined total on the two sets of division lists.
- 1.8 The clerk hands up to the Speaker a tally slip containing the division number plus the total for the ayes and the total for the noes, together with the two sets of division lists for each side (the results package). The Speaker announces the result of the division and then the results package is taken by a messengerial attendant to the Table Office for checking and compilation of the results for the *Votes and Proceedings*. The same results are used in the *Hansard* record.

#### **Evaluating the trial**

#### Factors in evaluating an outcome

- 1.9 While the object of the trial was to find a way of streamlining the count in order to save time, the evaluation needs to take account of all relevant issues not just time. The following issues will be considered:
  - timing
  - the Members' perspectives
  - the whips' perspective
  - the tellers' perspective
  - the clerks' at the Table perspective
  - the Table Office perspective

#### **Timing**

- 1.10 The Chamber Research Office has compiled records and totals of the time for each division held during the period of the trial. The lists are at Appendix A. The Table Office has also kept records of times taken during the trial together with a commentary on other aspects of each count. The average times in the trial are compared with the average times for all divisions held during 2002.
- 1.11 In assessing the average time for divisions held during the trial the total time for the conduct of each division has been calculated from the time the bells start ringing to the time the Speaker announces the results.
  Appendix A breaks down the total times into time taken for bell-ringing

- and counting. The total time is assessed in the evaluation because from the start of the bells ringing to the announcement of the result represents a definite start and finish for timing each division thus facilitating accurate time comparisons.
- 1.12 The average time taken for each of the 23 four-minute divisions in the trial is 8 minutes and 9 seconds (including the bell ringing time). This compares with an average of 10 minutes and 6 seconds (including the bell ringing time) for all four-minute divisions in 2002 (excluding free votes). This represents a time saving of about two minutes for each four minute division conducted under the trial proceedings.
- 1.13 It is this saving of approximately two minutes per four-minute division which will be the relevant timing issue in the evaluation. One-minute divisions are only marginally affected by having two sets of tellers for each side because there is in most cases no new count to be performed. For the sake of the record, the average time taken for each of the 13 one-minute divisions in the trial is 3 minutes and 41 seconds (including the bell ringing time). The average time taken for each of the one-minute divisions in 2002 was 3 minutes and 58 seconds. The saving is a marginal 17 seconds.
- 1.14 Saving two minutes from ten (or, on average, two minutes from six minutes of counting) is not in itself proof of success. The value to Members of those two minutes must be weighed against other factors.

#### The Members' perspectives

- 1.15 The 2002-3 review of the conduct of divisions was in part a response to complaints about the disruption caused to Members by having to attend the chamber for divisions. While there are probably as many "Members' perspectives" as there are Members, it seemed to be generally accepted that Members considered it annoying both to stop whatever they were doing for a division, and to have to spend what seemed like a long period of time in the chamber for the count to be completed.
- 1.16 To minimise the disruption itself, the committee considered (and rejected) extending provisions for deferred divisions. Having decided against minimising the number of divisions, the committee then considered minimising the disruption to Members by shortening the time taken for each division. For various reasons the options of electronic voting and commencing the count while the bells were ringing (Mr Tuckey's proposal) failed to attract support at this time. The decision to recommend a trial of doubling the number of tellers was the compromise.

- 1.17 As noted above, the trial arrangements save on average, two minutes per division. When this time is multiplied by the average number of Members who attend each division this amounts to a total saving of Members' time of four and a half hours per division. Unfortunately, this is not a statistic that has much meaning for individual Members.
- 1.18 For those Members who regard the *counting* time as an annoyance (the bell-ringing time being a necessary evil), presumably the reduction by two minutes (from an average of six minutes to four minutes) is a step in the right direction. Members (including Ministers) who have left important meetings might well consider returning as quickly as possible to be a positive value.
- 1.19 On the other hand, there are Members who, having been obliged to leave whatever they were doing to attend a division, make the most of the occasion by "catching up with" colleagues, particularly Ministers. From the perspective of these Members the saving of an average of two minutes per division may not be such a bonus and may even be a disadvantage.
- 1.20 In the absence of a survey, it cannot be known for certain if the Members who value saving a couple of minutes are in the majority although this may be a reasonable conclusion.

#### The whips' perspective

- 1.21 While the Speaker appoints the tellers, the whips bear the principal responsibility for the mechanics of conducting the count during a division. They have to ensure that tellers are available. They are also involved in investigating problems in reconciling the division lists after the results have been announced in the chamber and before they are recorded in the *Votes and Proceedings*. There has been an increase in these problems and these are detailed in the Table Office section below.
- 1.22 Feedback from the whips suggests that the time saved by using eight tellers is not significant enough to justify the increased administrative burden and the increase in inaccuracies. None of the whips supported adopting the arrangements for additional tellers permanently.
- 1.23 In the context of inaccuracies, the trial encompassed 42 divisions with statistics based on 36 of the divisions over four sitting weeks. During this time new "tellers" were appointed and they did not remain long enough to become familiar with all Members. This has a positive side in that a number of Members gained a new perspective on an aspect of chamber operations. The negative effect is that the new tellers were replaced just when they were becoming familiar with the procedures and people. Two of the whips considered that this situation might improve if the trial were

extended but most of the whips favoured returning to the former method of using one set of tellers per side.

#### The tellers' perspective

- 1.24 The tellers' perspective may be regarded as a sub-set of the whips' view of the matter as the tellers often are whips. However, the new arrangements have resulted in non-whips being rostered as tellers, in some cases for a sitting week or fortnight only, on a rotating roster. This is aimed at providing opportunities to Members to take on extra chamber duties.
- 1.25 Under the former arrangements, a pair of tellers was responsible for indicating the presence of all the Members voting a particular way. The tellers were whips who were likely to know which Members would definitely not be attending. The sheets were thus completed by the "exception" method by marking off everyone other than those known to be absent. This was generally accurate because the total was compared with the clerks' head count and in the event of an inconsistency, that side would be surveyed more closely.
- 1.26 With the tellers now not having responsibility for the whole of one side, they are obliged to mark the sheets by actively identifying each individual in their block. This is accomplished by one teller calling a name and the other marking that name off on the sheet. Some of the new tellers are not familiar with all backbenchers from another political party. This gives rise to various problems which have resulted in inaccurate results sheets requiring later "debugging".
- 1.27 The tellers should not be identified as the cause of the inaccuracies.

  Whatever the explanation of specific errors may be, the fundamental problem is that with two lists for each side no-one has a complete picture of attendance on one side.

#### The clerks' at the Table perspective

- 1.28 Those serving as clerks and deputy clerks at the table are servants of the House and take very seriously their duty to implement whatever procedural arrangements are required by the House. It is axiomatic therefore that if the Speaker and whips decide to continue the new arrangements the clerks will happily provide the required support.
- 1.29 At the same time, the clerk has a duty to provide procedural advice to the Speaker and other Members so a clerkly perspective is not irrelevant.
- 1.30 The new arrangements require the clerk and deputy clerk on duty at the time of the division to "mark up" two division sheets instead of one. The

- usual white sheet is provided for the tellers for the straight block and a buff coloured sheet for the curved block tellers.
- 1.31 Marking up involves writing on each sheet: a division number; the date; the name of the Chair; the item of business (e.g. the short title of a bill); the question being decided and the mover. This can be difficult when divisions are called in rapid succession. The time between announcing the result of one division, putting the next question and announcing a successive division can be less than a minute. As the tellers are already in position (expecting the successive division), this allows very little time for writing up two division sheets. For example on Thursday 16 October there were eleven divisions between 9.29 am and 10.39 am. Seven of these were one-minute divisions. The result of the first division of the day was announced at 9.38 and 15 seconds am. The next division commenced at 9.39 and 3 seconds am.
- 1.32 The significance of this is that it is unlikely all relevant information can be entered on both sheets when divisions occur so close together. At such busy times, the clerk might also be required to advise the Chair or another Member and his or her ability to perform both functions is impaired.
- 1.33 The white sheet is the principal one the one which will eventually show the addition of the two sets of votes so it is usually marked first, leaving the buff sheet with abbreviated information or just the division number. The tellers for the curved sections take the buff coloured division lists. As the Independent Members are likely to sit in the curved section, they could not absolutely rely on the tellers to provide information on the question before the House.
- 1.34 The other issue from the clerks' perspective is the fact that having tellers stand in front of the curved sections makes it difficult for the clerks to see those sections.

#### The Table Office perspective

- 1.35 Immediately following each division, the Speaker hands the results (tally slip and four division lists) to a messengerial attendant who delivers them to the Table Office. The staff of the Table Office enter the information into the Table Office database. This is the source of the report in the *Votes and Proceedings*.
- 1.36 The Table Office staff discover any inaccuracies in the results sheets when they transfer the names of voting Members into the database. If the number of Members recorded on the division lists does not match the final number of voting members recorded in the database there is a problem

- which must be "debugged". This is done by a combination of consultation with the Chief Whips' offices and old-fashioned detective work.
- 1.37 Of the forty-two divisions held under the eight teller arrangements, thirteen (31%) required some form of "debugging". Details of the errors are outlined in the Clerk's submission to the inquiry and an extract is attached. Most errors were caused by Members being recorded twice (on both the white and buff division lists for a side) or not at all. Common problems include mishearing a name (the teller ticking off "Billson" instead of "Elson"); ticking the wrong name when they sound the same ("J Kelly" for "D Kelly", "Vaile" for "Vale" or the wrong "Jenny"). Although there were occasional inaccuracies with only four tellers, these were uncommon mostly because the errors outlined are less likely to occur when there is only one division list for each side.
- 1.38 There is no doubt that the new arrangements cause more work for the Table Office, but again, they are servants of the House and willingly do what is required. The inaccuracies have all been resolved but they might be more of a problem if the numbers in the House resulted in votes being a lot closer than they are now.

#### Conclusion

- 1.39 In the absence of a survey it would have to be assumed that Members in general would regard it as a positive value to spend an average of 8 minutes instead of 10 minutes (approximately 20% less time) on each division. The problems and inaccuracies which occurred during 30% of the test divisions do not affect the majority of Members who simply attend and take their seats on the relevant side. Evaluating the test is a matter of balancing the supposed value to the majority against the problems caused by saving this time.
- 1.40 The fact that inaccurate recording of names is a systemic problem, arising from two sets of tellers marking off two lists for each side, means that the problems are unlikely to be solved by the tellers becoming more practised.
- 1.41 The potential problem of inaccurate recording is significant given the constitutional importance of a formal vote especially when it is a question on legislation. The Table Office is confident that all inaccuracies were detected and corrected during the four weeks of the test. It should not be assumed that this would always be the case and the outcome of the vote might be at risk in the event of close voting. Close votes rarely occur during the 40<sup>th</sup> Parliament but it has happened. In November 2000 there was a very close vote on a motion of dissent from the Speaker's ruling. In

- such circumstances it is essential that the House be able to rely on the integrity of procedures for divisions.
- 1.42 In gathering information for evaluating eight teller divisions, the whips were asked to nominate which of the following options best represented their views:
  - continue with the new (eight tellers) arrangements;
  - return to the old (four tellers) arrangements; or
  - extend the trial (i.e. there has not been sufficient time for the new arrangements to settle down).
- 1.43 None of the whips favoured the new arrangements. Two considered that there had been insufficient time for the trial to be really effective. One suggested that in returning to the previous (four teller) arrangements the pair of tellers for each side should count divisions while standing at the Hansard desk rather than next to the Speaker. This option would be more efficient because it would be easier for the four tellers (presumably all whips) to see all Members. The committee considers this to be a useful suggestion.
- 1.44 While supporting the majority view of the whips that the House should return to the appointment of one pair of tellers for each side, the committee would like to place on record its view that the trial was a worth-while exercise. Initiatives aimed at improving House procedures should continue to be tested even though they may not always result in permanent changes. The committee is grateful to the Speaker and the whips for their support for the trial.

#### The committee recommends that:

- the trial of additional tellers should end;
- commencing at a time convenient for the Speaker and whips divisions should again be recorded by one pair of tellers for each side; and
- the tellers should record Members' votes from a position near the Hansard desk.

MARGARET MAY MP Chair 27 November 2003

### Appendix A— List of submissions

- 1. Mr Ian Harris, Clerk of the House
- 2. Mr M Danby
- 3. Hon J Crosio

While only three formal submissions were received all the whips contributed to the evaluation of the trial through telephone calls, e-mails and conversations.

# $\begin{array}{l} {\bf Appendix~B-Statistics~on~times~for~conducting} \\ {\bf divisions~during~the~trial} \end{array}$

# Time taken for 4 minute divisions from 15 September 2003

No.	Bells	Counting	Total
282	0:04:00	0:04:06	0:08:06
283	0:04:00	0:03:52	0:07:52
284	0:04:00	0:04:44	0:08:44
285	0:04:00	0:04:17	0:08:17
288	0:04:00	0:03:58	0:07:58
289	0:04:00	0:03:55	0:07:55
292	0:04:00	0:03:46	0:07:46
293	0:04:00	0:03:18	0:07:18
294	0:04:00	0:04:01	0:08:01
295	0:04:00	0:03:20	0:07:20
296	0:04:00	0:04:13	0:08:13
297	0:04:00	0:03:39	0:07:39
298	0:04:00	0:02:59	0:06:59
301	0:04:00	0:04:13	0:08:13
302	0:04:00	0:03:46	0:07:46
303	0:04:00	0:04:56	0:08:56
304	0:04:00	0:04:23	0:08:23
305	0:04:00	0:04:11	0:08:11
306	0:04:00	0:04:41	0:08:41
310	0:04:00	0:04:19	0:08:19
312	0:04:00	0:04:08	0:08:08
315	0:04:00	0:05:51	0:09:51
317	0:04:00	0:04:40	0:08:40
	282 283 284 285 288 289 292 293 294 295 296 297 298 301 302 303 304 305 306 310 312 315	282 0:04:00 283 0:04:00 284 0:04:00 285 0:04:00 288 0:04:00 289 0:04:00 292 0:04:00 293 0:04:00 294 0:04:00 295 0:04:00 296 0:04:00 297 0:04:00 298 0:04:00 301 0:04:00 302 0:04:00 303 0:04:00 304 0:04:00 305 0:04:00 306 0:04:00 310 0:04:00 310 0:04:00 311 0:04:00 312 0:04:00 315 0:04:00	282         0:04:00         0:04:06           283         0:04:00         0:03:52           284         0:04:00         0:04:44           285         0:04:00         0:03:58           289         0:04:00         0:03:55           292         0:04:00         0:03:46           293         0:04:00         0:03:18           294         0:04:00         0:04:01           295         0:04:00         0:03:20           296         0:04:00         0:04:13           297         0:04:00         0:03:39           298         0:04:00         0:02:59           301         0:04:00         0:04:13           302         0:04:00         0:03:46           303         0:04:00         0:04:23           304         0:04:00         0:04:23           305         0:04:00         0:04:41           310         0:04:00         0:04:41           310         0:04:00         0:04:08           315         0:04:00         0:05:51

#### **Total time for 4 minute divisions**

Type of Division	No.	Bells Hr, min, sec	Counting Hr, min, sec	Total Hr, min, sec	Average Hr, min, sec
4 min	23	1:32:00	1:35:16	3:07:16	0:08:09

# Time taken for 1 minute divisions from 15 September 2003

Date	No.	Bells	Counting	Total
17/09/2003	286	0:01:00	0:01:11	0:02:11
17/09/2003	287	0:01:00	0:03:43	0:04:43
18/09/2003	290	0:01:00	0:01:45	0:02:45
18/09/2003	291	0:01:00	0:05:32	0:06:32
9/10/2003	299	0:01:00	0:01:20	0:02:20
9/10/2003	300	0:01:00	0:03:22	0:04:22
16/10/2003	307	0:01:00	0:03:35	0:04:35
16/10/2003	308	0:01:00	0:02:08	0:03:08
16/10/2003	309	0:01:00	0:01:52	0:02:52
16/10/2003	311	0:01:00	0:01:49	0:02:49
16/10/2003	313	0:01:00	0:03:09	0:04:09
16/10/2003	314	0:01:00	0:02:28	0:03:28
16/10/2003	316	0:01:00	0:03:04	0:04:04

#### **Total time for 1 minute divisions**

Type of Division	No.	<b>Bells</b> Hr, min, sec	Counting Hr, min, sec	Total Hr, min, sec	Average Hr, min, sec
1 min	13	0:13:00	0:34:58	0:47:58	0:03:41

# Appendix C —Analysis of divisions undertaken during the trial

(extract from submission 1)

The department reviewed the duration and accuracy of divisions under the new arrangements. For the purpose of this review, the divisions during the first week of the new arrangements were excluded to allow the arrangements to settle down. The review covered the 36 divisions undertaken in the period 15 September to 3 November.<sup>1</sup>

There was quite a considerable reduction in the duration of divisions. The average duration for 4 minute divisions under the new arrangements was 8 minutes and 9 seconds, compared to 10 minutes and 38 seconds in 2002. This is a reduction in relative terms of 23%. Allowing for the fixed 4 minute duration for bell ringing, the reduction in discretionary time was from approximately 6.5 minutes to 4 minutes (42%).

There was also a reduction in the duration of one minute divisions, although the reduction was smaller. Under the new arrangements, one minute divisions were on average 3 minutes 41 seconds in duration, compared to 4 minutes 24 seconds in 2002 (9%).

As to accuracy, 11 of the 36 divisions (31%) involved one or more inaccuracies, requiring resolution behind the scenes in conjunction with the Whips. In most cases, but not all, the inaccuracies did not involve a change in the recorded count. The count was generally correct, but there were discrepancies in the names of persons recorded as voting.

The major problem arose from communication or identification issues leading to Members not being recorded when they were in fact present or being recorded twice (division numbers 289, 292, 293, 301, 306, 307, 310, 316, 317). In addition, on three occasions (divisions 290, 308, 311) problems with divisions caused a delay in the processing of subsequent successive divisions. On one occasion, there was a need to replace a nominated teller who was not present for a division.

Most problems with divisions were discovered when transferring the names of Members' voting into the divisions database (for inclusion in the Votes and Proceedings and Hansard). The number of Members recorded on the tellers' sheets as voting did not match the final number of voting members recorded in the database.

The department does not maintain statistics on the accuracy of divisions. However, staff involved in processing divisions have a strong view that the level of inaccuracy has increased under the new arrangements.

To an extent this higher level of inaccuracy reflects a weakness inherent in the new arrangements not present in the former arrangements, namely, more people are involved and responsibility for the count is divided with two sets of tellers' sheets for each side, increasing the scope for error.

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<sup>&</sup>lt;sup>1</sup> This is considered a reasonable sample size as a basis for evaluating the new arrangements, representing about 20 to 25% of the number of divisions generally conducted annually.

By way of a specific example of an error that could (and did) arise under the new arrangements but which is effectively self correcting under the former arrangements, the same person can be recorded as voting on both sets of tellers' sheets for the 'Ayes' or for the Noes'. This problem can arise as there are two tellers' sheets for each side under the new arrangements, whereas previously there was only a single tellers' sheet for each side.

Another example is the increased chance of not recording a person who is present when a single set of tellers is not responsible for each side. Previously, any person not ticked as present effectively stood out for attention on the single tellers' sheet. Such apparent absences could be readily checked if necessary. On the other hand, with two tellers' sheets, members are recorded as present on two separate sheets, and it is not readily apparent from either sheet if someone, inadvertently, is not recorded as present.

Another factor is that, under the previous arrangements, the full count was independently verified by both the Clerks-at-the-Table and the Serjeant on duty in the Chamber. Under the new arrangements, there is one level of independent verification (the Clerks-at-the-Table for half the Chamber, and the Serjeant for the other half).