

# **RULES FOR JOINT SITTINGS**

## **PURSUANT TO SECTION 57 OF THE CONSTITUTION**

*(Adopted by Senate and House of Representatives on 1 August 1974)*

### **GENERAL RULE FOR CONDUCT OF BUSINESS**

1. In any matter of procedure not provided for in the following rules, the standing orders of the Senate, in force for the time being, shall be followed as far as they can be applied.

### **APPOINTMENT OF CHAIRMAN**

2. The appointment of the Chairman shall be conducted in the following manner:
  - (a) A member, addressing himself to the Clerk acting as Chairman, shall propose some member, then present, to the joint sitting for its Chairman, which proposal shall be seconded. A member when proposed and seconded shall inform the joint sitting whether he accepts nomination.
  - (b) If there is no further proposal the Clerk shall, without question put, declare the member so proposed and seconded to have been appointed as Chairman, and such member shall take the Chair of the joint sitting as Chairman.
  - (c) If more than one member is proposed as Chairman, the joint sitting shall proceed to a ballot, but, before proceedings, the bells shall be rung for three minutes.
  - (d) When only two members are proposed and seconded as Chairman, each member present at the joint sitting shall give to the Clerk a ballot-paper, containing the name of the candidate for whom he votes, and the votes shall be counted by the Clerks at the Table; and the candidate who has the greater number of votes shall be the Chairman, and take the Chair.
  - (e) When more than two members are so proposed and seconded, the votes shall be taken in like manner, and the member who has the greatest number of votes shall be the Chairman, provided he has also a majority of the votes cast; but if no candidate has such a majority, the name of the candidate having the smallest number of votes shall be excluded and a fresh ballot shall take place; and this shall be done as often as necessary until one candidate is declared to be appointed as Chairman by such majority, when such member shall take the Chair.
  - (f) If, at a ballot at which no candidate receives a majority of the votes cast, two or more candidates receive an equal number of votes and no candidate receives a lesser number of votes, the Clerk shall cause another ballot to be taken. If, in the further ballot, no candidate receives a majority of the votes cast but two or more candidates receive an equal number of votes and no candidate receives a lesser number of votes, the Clerk shall determine by lot which of the candidates so receiving an equal number of votes shall be excluded.

### **RELIEF OF CHAIRMAN**

3. A Presiding Officer or a Chairman of Committees of either House of the Parliament shall take the Chair as Acting Chairman of the joint sitting whenever requested so to do by the Chairman, without any formal communication.

### **CLERKS OF THE JOINT SITTING**

4. The Clerk of the Senate and the Clerk of the House of Representatives shall act as Joint Clerks of the joint sitting and either of them may exercise a function expressed to be exercisable by the Clerk.

### **HOURS OF SITTING**

5. Unless otherwise ordered, the hours of sitting each day shall be:
  - 10.30 a.m. to 1.00 p.m.
  - 2.15 p.m. to 6.00 p.m.
  - 8.00 p.m. to 11.00 p.m.

### **SITTING AND ADJOURNMENT**

6. A motion for the adjournment of the joint sitting may be moved by a Minister and shall be put forthwith without debate.

7. A motion for the purpose of fixing the next meeting of the joint sitting may be moved by a Minister at any time.

TIME LIMIT ON SPEECHES

8. No member may speak for more than 20 minutes on any question before the joint sitting.

CLOSURE

9. (a) Until the expiration of 4 hours consideration of, or 12 speakers have spoken on, the question “That the proposed law be affirmed” (whichever is the later event), no motion may be moved by any member “That the question be now put”. Such motion may not be moved by any member who has already spoken on the question and the member so moving shall not interrupt any other member who is addressing the Chair. Such motion shall be put forthwith and decided without debate.

The provisions of this paragraph shall apply in the case of a cognate debate.

(b) On any other question a motion may be moved at any time by any member rising in his place, but not so as to interrupt any other member who is addressing the Chair, “That the question be now put”, and such motion shall be put forthwith and decided without debate.

(c) Senate standing order 407b shall not apply to the joint sitting.

ENTITLEMENT TO VOTE

10. On each question arising in the joint sitting each Senator and each Member of the House of Representatives, including the person chosen to preside, shall have one vote.

QUESTION ON PROPOSED LAW

11. (a) The question to be put from the Chair upon any proposed law before the joint sitting shall be, “That the proposed law be affirmed”, and a division shall be taken on that question.

(b) The question that any proposed law be affirmed shall be resolved in the affirmative if, and only if, an absolute majority of the total number of the members of the Senate and House of Representatives vote in the affirmative.

VOTING ON OTHER QUESTIONS

12. Questions, other than the question that a proposed law be affirmed or the question on a motion for the suspension of a rule, shall be decided by a simple majority of the members present and voting, and, if the votes are equal, the question shall be resolved in the negative.

DIVISIONS

13. (a) Whenever the Chairman states, on putting a question, that the “Ayes” or “Noes” (as the case may be) have it, his opinion may be challenged by members calling for a division.

(b) Before a division is taken, the Clerk shall ring the division bells and turn a three minute sand glass and the doors shall not be closed until after the lapse of three minutes, as indicated by such sand glass.

(c) The doors shall be closed and locked as soon after the lapse of three minutes as the Chairman shall think proper to direct; and then no member may enter or leave the Chamber until after the division.

(d) When the doors have been locked, and all the members are in their places, the Chairman shall state the question to the joint sitting, shall direct the “Ayes” to proceed to the right of the Chair, and the “Noes” to the left, and members having accordingly taken seats, shall appoint three tellers for each side.

(e) On the tellers being appointed, every member within the seats allotted to members shall vote and no member may move from his place until the result of the division is announced.

(f) Every member within the seats allotted to members shall then be counted, and his name taken down by the tellers, who shall sign their list, and present the same to the Chairman, who will declare the result to the joint sitting.

OBJECTION TO RULING OF CHAIRMAN

14. If any objection is taken to any ruling of the Chairman, such objection must be taken at once, and a motion of dissent, to be submitted in writing, moved, which, if seconded, shall be proposed to the joint sitting, and the debate thereon shall proceed forthwith.

MINUTES OF PROCEEDINGS

15. Proceedings of the joint sitting shall be recorded by the Joint Clerks, and such records shall constitute the minutes of proceedings of the joint sitting and shall be signed by the Joint Clerks.

SUSPENSION OF RULE

16. Any rule, other than rules 8 and 9, may be suspended, on motion, duly moved and seconded: Provided that such motion is carried by an absolute majority of the total number of the members of the Senate and House of Representatives.

PRESENTATION OF PROPOSED LAW FOR ASSENT

17. Where, at the joint sitting, a proposed law as last proposed by the House of Representatives has been affirmed in accordance with section 57 of the Constitution, the Clerk of the Senate and the Clerk of the House of Representatives shall, for the purpose of presentation of the proposed law by the Chairman to the Governor-General for the Royal Assent, certify on a fair print of the proposed law as so affirmed that it is a fair print of the proposed law, as last proposed by the House of Representatives and as affirmed by an absolute majority of the total number of the members of the Senate and the House of Representatives at the joint sitting.

TELEVISIONING OF PROCEEDINGS

18. On any televising of the proceedings of the joint sitting, each speaker speaking on the question "That the proposed law be affirmed" shall speak from a place to be provided near the Table. There shall be a balanced presentation of the affirmative and negative arguments put before the joint sitting.

***PURSUANT TO SECTION 44 OF THE COMMONWEALTH ELECTORAL ACT 1918 \****

*(Adopted by the Senate and House of Representatives on 16 February 1988)*

MATTER TO BE CONSIDERED AT JOINT SITTING

1. The purpose of a Joint Sitting being to choose a person to hold the vacant place in the Senate pursuant to section 44 of the Commonwealth Electoral Act 1918, no other matter shall be considered at a Joint Sitting.

GENERAL RULE FOR CONDUCT OF BUSINESS

2. In any matter of procedure not provided for in the following rules, the Standing Orders of the Senate, in force for the time being, shall be followed as far as they can be applied.

CHAIRMAN OF JOINT SITTING

3. The President of the Senate or, in the absence of the President, the Speaker of the House of Representatives, shall be the Chairman of a Joint Sitting.

CLERKS OF JOINT SITTING

4. The Clerk of the Senate and the Clerk of the House of Representatives shall act as Joint Clerks of a Joint Sitting and either of them may exercise a function expressed to be exercisable by the Clerk.

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\* A joint sitting to select a person to fill a vacant Senate place for the Australian Capital Territory pursuant to s. 44 of the Commonwealth Electoral Act was held on 16 February 1988, being the second such joint sitting, another having taken place on 5 May 1981. The Act now provides for a joint sitting for this purpose only in respect of Territories other than the Australian Capital Territory or the Northern Territory (should any gain Senate representation).

MINUTES OF PROCEEDINGS

5. Proceedings of a Joint Sitting shall be recorded by the Joint Clerks, and such records shall constitute the minutes of proceedings of a Joint Sitting and shall be signed by the Joint Clerks.

TIME LIMIT ON SPEECHES

6. No Senator or Member of the House of Representatives may speak for more than five minutes on any proposal or question before a Joint Sitting.

OBJECTION TO RULINGS OF CHAIR

7. If any objection is taken to any ruling of the Chairman, such objection must be taken at once, and a motion of dissent, to be submitted in writing, moved, which, if seconded, shall be proposed to the Joint Sitting, and debate thereon shall proceed forthwith.

ENTITLEMENT TO VOTE

8. On any question arising in a Joint Sitting each Senator and Member of the House of Representatives, including the Chairman, shall have one vote.

VOTING

9. Questions arising in a Joint Sitting shall be decided by a simple majority of the Senators and Members of the House of Representatives present and voting and, if the votes are equal, the question shall be resolved in the negative.

CHOICE OF A PERSON TO HOLD VACANT PLACE IN THE SENATE

10. (a) A Senator or Member of the House of Representatives, addressing the Chair, shall propose a person to hold the vacant place in the Senate and such proposal shall be seconded. When any person is so proposed the proposer shall state that that person is willing to hold the vacant place if chosen.
- (b) In proposing a person to hold the vacant place in the Senate, the proposer shall declare that that person is eligible to be chosen for the Senate and that the nomination is in accordance with the provisions of subsection 44 (3) of the Commonwealth Electoral Act 1918.
- (c) If only one person is proposed and seconded, the Chairman shall put the question that that person shall be the person to hold the place of the Senator for the Australian Capital Territory whose place has become vacant.
- (d) If the question is passed, the Chairman shall declare that the person has been chosen to hold the place of the Senator for the Australian Capital Territory whose place has become vacant.
- (e) If more than one person is proposed and seconded, the person to hold the vacant place shall be chosen by ballot. Before the ballot proceeds the bells shall be rung for three minutes.
- (f) Before giving directions to proceed with the ballot, the Chairman shall ask if any Senator or Member of the House of Representatives desires to propose any other person to hold the vacant place, and no other person shall be proposed after the ballot is commenced.
- (g) Each Senator and Member of the House of Representatives present shall be provided with a ballot-paper certified by one of the Joint Clerks, and shall vote by writing thereon the name of one of the persons duly proposed, and shall place the ballot-paper in the ballot-box.
- (h) The Chairman shall appoint a person from each House to be a scrutineer. The scrutineers, with the Joint Clerks, shall ascertain the number of votes for each of the persons duly proposed, and the scrutineers shall report the result to the Chairman.
- (i) No informal vote shall be taken into account.
- (j) If on the first ballot no person receives an absolute majority of the votes cast, the name of the person who receives the fewest votes at the first ballot shall be excluded, and a second ballot shall be taken; but if at the first ballot the names of only two persons are submitted and the number of votes for each such person is equal, the scrutineers shall by drawing lots determine which of such persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.
- (k) Until one of the persons proposed obtains an absolute majority of the votes cast, or (as the case may be) is chosen by lot to hold the vacant place, successive ballots shall be taken, and at each such ballot the name of the person who receives the fewest votes at the preceding ballot shall be excluded.

- (l) If on any ballot it is necessary to decide which of two or more persons is to be excluded from a subsequent ballot because of the number of votes for such persons being equal, a special ballot shall be taken at which the names of only those persons shall be submitted, and the name of the person having the fewest votes at such special ballot shall be excluded; but if on any special ballot it shall be necessary to decide which of two or more persons is to be excluded from a subsequent ballot because of the number of votes for such persons being equal, the scrutineers shall by drawing lots determine which of such persons shall be excluded, and the name of the person last drawn shall be excluded.
- (m) If at any ballot, other than the first ballot or a special ballot, the names of only two persons are submitted and the number of votes for such persons is equal, the scrutineers shall by drawing lots determine which of those persons shall be chosen to hold the vacant place, and the person whose name is first drawn shall be deemed to have been duly chosen.
- (n) As soon as any person obtains an absolute majority of the votes cast, or (as the case may be) is chosen by lot to hold the vacant place, the Chairman shall declare that such person has been chosen to hold the place of the Senator for the Australian Capital Territory whose place has become vacant.
- (o) The ballot-papers shall be retained by the Clerk of the Senate, who shall be the custodian thereof.

#### CONCLUSION OF JOINT SITTING

11. Upon the declaration of the person chosen to fill the vacant place in the Senate, the Chairman shall announce that the President of the Senate will certify the choice to His Excellency the Governor-General, and shall then declare the Joint Sitting closed.