Chapter 11. Voting

Chapter outline

This chapter provides for voting by Members on:

- the voices
- divisions, and
- ballots.

On the voices

125 Question determined by a majority of voices

The Speaker shall put the question by stating its terms to the House and asking Members in favour of the question to say 'Aye' and those against 'No', and the question shall be resolved by the majority of Members calling either 'Aye' or 'No'. The Speaker shall then state whether the 'Ayes' or the 'Noes' have it. If the Speaker's opinion is challenged by more than one Member, the question must be decided by division of the House.

Divisions

126 When division may be taken

A division of the House may take place only after more than one Member challenges the Speaker's opinion about whether a question was resolved for the 'Ayes' or the 'Noes' and calls for a division. If only one Member calls for a division, that Member may tell the Speaker he or she wishes his or her dissent to be recorded, and the dissent must be recorded in the Votes and Proceedings and in Hansard.

127 Four or fewer Members on a side

If, after the doors are locked, there are four or fewer Members on one side in a division, the Speaker shall declare the decision of the House immediately, without completing the count. The names of the Members who are in the minority shall be recorded in the Votes and Proceedings.

128 Members calling for division

Members calling for a division must not leave the area of Members' seats and they must vote with those Members who, in the Speaker's opinion, were in the minority when the Members called 'Aye' or 'No'.

129 Procedures for a division

(a) If the House is to divide, the Clerk must ring the division bells for four minutes and the doors must remain open (*see standing order 131* in relation to successive divisions). A Member may leave the area of Members' seats unless he or she called for the division.

(b) After four minutes have elapsed the doors shall be locked and no Member may enter or leave the Chamber until after the division.

(c) Upon the doors being locked, the Speaker shall:

- (i) state the question to the House;
- (ii) direct the Members voting 'Aye' to move to the right side of the Chair, and the Members voting 'No' to move to the left; and
- (iii) appoint tellers for each side.

(d) No Member may move from his or her place from the commencement of the count until the result of that division is announced.

130 Procedures for counting and reporting the vote

(a) The respective tellers shall:

- (i) record the name of each Member voting;
- (ii) count the total number of Members voting;
- (iii) sign their records; and
- (iv) present their records to the Speaker.

(b) The Speaker shall then declare the result of the division to the House.

131 Successive divisions

(a) If a division is called no more than three minutes following a division, the Speaker shall appoint tellers immediately and the bells shall be rung for one minute.

(b) If there is a successive division, Members who wish to vote in the same way as in the previous division must remain seated until the result of the division is announced. The tellers shall take each Member's vote as being the same as it was in the previous division unless a Member reports to them. A Member must report to the tellers if he or she:

- (i) wishes to vote differently to his or her vote in the previous division; or

(ii) voted in the previous division and does not wish to vote in the current division; or

(iii) did not vote in the previous division and wishes to vote in the current division.

(c) The vote shall be counted as in *standing order 130* if:

(i) in the Speaker's opinion most Members wish to vote differently to their votes in the previous division; or

(ii) any confusion or error occurs in the count by the tellers.

132 New division in case of confusion, error or misadventure

(a) If confusion, or error concerning the numbers reported by the tellers, occurs and cannot be corrected, the House shall divide again.

(b) If a division has miscarried through misadventure caused by a Member being accidentally absent or some similar incident, any Member may move without notice and without the need for a seconder—

That standing orders be suspended to enable the House to divide again.

If this matter is agreed to the question shall be put again and the result of the subsequent division shall be the decision of the House.

133 Deferred divisions on Mondays and Tuesdays

(a) On Mondays, any division called for between the hours of 10 am and 12 noon shall be deferred until 12 noon.

(b) On Mondays and Tuesdays, any division called for between the hours of 6.30 pm and 8 pm shall be deferred until 8 pm.

(c) On Tuesdays, any division called for prior to 2 pm shall be deferred until after the discussion of the matter of public importance.

(d) The Speaker shall put all questions on which a division has been deferred, successively and without amendment or further debate.

(e) This standing order does not apply to a division called on a motion moved by a Minister on Mondays and Tuesdays, during the periods specified in this standing order.

134 Member with pecuniary interest not to vote

(a) A Member may not vote in a division on a question about a matter, other than public policy, in which he or she has a particular direct pecuniary interest.

(b) The vote of a Member may be challenged on the grounds of the pecuniary interest by means of a substantive motion moved immediately after a division is completed. If the motion is carried, the Member's vote shall be disallowed.

135 Recording of division

(a) The Clerk shall record lists of divisions in the Votes and Proceedings.

(b) If a Member complains to the House that a division has been wrongly recorded, the Speaker may direct the record to be corrected.

(c) Any reasons given by the Speaker for exercising a casting vote in accordance with section 40 of the Constitution, must be entered in the Votes and Proceedings.

Ballots

136 Ballot taken after bells rung

(a) A ballot to elect a Member to a position or to perform a function may be taken whenever the House thinks fit.

(b) Before the House proceeds to a ballot, the bells shall be rung for four minutes.

137 Manner of taking ballot

Unless otherwise provided, a ballot shall be taken in the following manner:

(a) Each Member present shall vote by giving the Clerk a list of Members he or she thinks should be chosen at the ballot. If the list does not contain the exact number of names to be chosen, the vote is invalid and shall be rejected.

(b) When all the lists are collected, the Clerk shall count the votes and report the names of the Members having the most votes to the Speaker. These Members shall be declared chosen.

(c) If nominees with the most votes receive equal votes, their names shall be put to a further ballot.