

Legislative Assembly for the Australian Capital Territory

STANDING ORDER 153
- CALLING FOR A VOTE

**Report of the Standing Committee
on Administration and Procedures
August 1993**

RESOLUTION OF APPOINTMENT

On 7 April 1992, the Legislative Assembly for the Australian Capital Territory adopted a temporary order which established the Standing Committee on Administration and Procedures. The temporary order, as further amended by temporary order on 21 May 1992, is as follows:

- 16A (1) A Standing Committee on Administration and Procedures shall be appointed at the commencement of each Assembly to:
- (a) inquire into and report on, as appropriate:
 - (i) the Assembly's annual estimates of expenditure;
 - (ii) matters relating to the privileges of the Assembly which may be referred to it by the Assembly;
 - (iii) the practices and procedures of the Assembly; and
 - (iv) the standing orders of the Assembly;
 - (b) advise the Speaker on:
 - (i) Members' entitlements including facilities and services;
 - (ii) the operation of the transcription service (*Hansard*);
 - (iii) the availability to the public of Assembly documents;
 - (iv) the operation of the Assembly library; and
 - (c) arrange the order of Private Members' business and Assembly business;
- (2) The Committee shall consist of the Speaker and three other members;
- (3) The Speaker shall be the Presiding Member of the Committee;
- (4) The Committee shall have the power to consider and make use of the evidence and records of the Standing Committee on Administration and Procedures appointed during the previous Assembly; and
- (5) The foregoing provisions, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders."

Committee Membership

The Speaker (Presiding Member)
Mr G Humphries, MLA
Mr D Lamont, MLA
Mr M Moore, MLA

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Background

1. On 13 May 1992 this Committee reported to the Assembly on the operation of standing orders 79 and 153¹. The report followed a reference by the Assembly in April of that year of 2 motions that had been proposed by Mr Cornwell. The second of these motions was:

That standing order 153 (relating to calling for a vote) be amended omitting "A Member", and substituting "Two Members"².

2. The effect of Mr Cornwell's proposal, if adopted, would have been to require at least 2 Members to call for a vote.

3. In the conclusions and recommendations to its earlier report the Committee recommended that standing order 153 remain in its current form. The Committee also resolved to continue to monitor the operation of the standing order, as well as standing order 79 (the first of the motions referred). On 21 May 1992 the Assembly agreed to the motion that the report of this Committee be noted³.

Discussion

4. As undertaken in its first report on these matters, the Committee has continued to monitor the operation of these 2 standing orders, and this report relates to the operation of standing order 153.

5. Under current procedures in the Assembly, once debate upon a question has concluded the Speaker must put the question to the Assembly. The Speaker states the question (eg "That the motion be agreed to") and calls those Members of that opinion to say "Aye" and those of the contrary opinion to say "No". The Speaker then states whether, in the Chair's opinion, the "Ayes" or "Noes" have it. That opinion can then be challenged by any Member requesting a call of the Assembly. This is usually done by simply stating a contrary opinion to the Speaker or by calling for a vote. The bells are then rung for 4 minutes or until the Speaker is satisfied that all Members who can be present are in the Chamber. The Speaker again states the question and directs the Clerk to call the Assembly.

¹ Legislative Assembly Minutes of Proceedings, 1992-93/32.

² Legislative Assembly Minutes of Proceedings, 1992-93/16.

³ Legislative Assembly Minutes of Proceedings, 1992-93/52.

6. The original proposal put to the Assembly by Mr Cornwell was that standing order 153 be amended by omitting the words "A Member" and substituting "Two Members". In effect, this would mean that at least 2 Members would need to challenge the Chair's opinion before a vote could be called. In speaking in the Assembly to his proposal Mr Cornwell referred to Assembly proceedings on 27 November 1991 where 18 votes were called by one person, the minority in each case being one Member.

7. In its earlier report on this matter the Committee stated that the proposed amendment raised significant issues in relation to the rights of independent Members. It referred to occasions where a Member may wish to have a call of the Assembly on an issue even though the eventual outcome was clear in order that a Member's dissent officially could be recorded. The Committee also considered the option of recommending the adoption of the amendment proposed by Mr Cornwell together with a recommendation that a mechanism be inserted in the standing orders that would enable a lone Member to have the option of having his or her dissent recorded. It was agreed however, that the conduct of the Second Assembly to that time was such that the proposed amendment was not required but that it would be kept under continual review.

8. The Appendix sets out the relevant statistics. These statistics indicate that of the 153 calls of the Assembly taken from the time of the Committee's earlier report until 17 June 1993, on 24 occasions (16% of the calls) there was one Member only voting in the minority.

Conclusion and Recommendation

9. Having considered these statistics the Committee has concluded that it is now opportune to trial a procedure whereby the support of at least 2 Members would be needed to challenge the Chair's opinion before a vote could be called. It is also proposed that the rights of Members would be protected by inserting a provision in the proposed temporary order to ensure that if one Member only calls for a vote, that Member's dissent will be recorded in the Minutes of Proceedings and Hansard.

10. The Committee therefore recommends that:

- (1) Standing order 135 be amended for the remainder of this Assembly by inserting after "challenged" the words "by Members".
- (2) Standing order 153 be amended for the remainder of this Assembly by omitting "a Member" and substituting "Members".
- (3) The following temporary order be inserted after standing order 153:

When a vote may be taken

153A. A vote shall not be proceeded with unless more than one Member has called for a vote. If one Member only calls for a vote, that Member's dissent shall be recorded in the Minutes of Proceedings and in Hansard.

Roberta McRae OAM, MLA
Presiding Member
24 August 1993

APPENDIX

VOTES IN THE ASSEMBLY
14 MAY 1992 - 17 JUNE 1993

Date	Ayes	Noes
14.5.92	8	9
19.5.92	8	9
	9	8
20.5.92	7	10
	8	9
	14	2
21.5.92	6	10
	10	6
	8	9
16.6.92	8	9
	15	2
17.6.92	8	9
23.6.92	7	10
	10	7
	10	7
24.6.92	8	7
25.6.92	8	7
	8	7
11.8.92	9	8
	8	9
	9	8
12.8.92	8	9
	7	10
	6	11
	8	9
	8	9

Date	Ayes	Noes
13.8.92	9	8
	8	9
	10	7
	7	10
	10	7
	7	10
	9	7
	7	10
	10	7
	9	8
	9	8
	10	7
	7	10
	10	7
18.8.92	7	10
	1	16
	7	10
19.8.92	10	6
8.9.92	9	8
	9	8
9.9.92	10	7
	7	10
	9	8
	10	7
	10	7
	10	7
15.9.92	10	7
	7	10
	7	10
	7	10
	7	10
	11	6
	7	10
	7	10
16.9.92	8	9
	9	8
17.9.92	7	9

Date	Ayes	Noes
14.10.92	8	5
	9	5
	8	6
15.10.92	9	6
	6	8
	1	13
	6	8
	6	8
	8	6
20.10.92	9	8
	9	8
	9	8
	8	9
21.10.92	1	16
	16	1
22.10.92	6	9
	1	14
	1	15
	6	9
	6	9
17.11.92	11	6
18.11.92	16	1
	1	16
	16	1
	16	1
19.11.92	6	9
24.11.92	7	8
	15	1
	1	13
25.11.92	5	9
26.11.92	6	9
8.12.92	9	8
9.12.92	7	10

Date	Ayes	Noes
15.12.92	6	9
	6	9
16.12.92	1	14
	16	1
	8	9
	7	10
	8	9
	9	8
	9	8
	9	8
	9	8
	9	8
17.12.92	3	14
	16	1
16.2.93	9	6
	5	9
17.2.93	9	5
	9	5
	6	8
	5	9
23.2.93	8	9
	8	9
	10	1
	10	1
24.2.93	10	7
	10	7
	10	7
	8	9
	7	10
	10	7
	10	7
	7	10
25.2.93	7	10
	10	6
24.3.93	7	9
31.3.93	2	13
	7	7
	8	7
1.4.93	7	10

Date	Ayes	Noes
11.5.93	9	8
	8	9
12.5.93	9	8
	9	8
	1	16
13.5.93	15	1
	15	1
19.5.93	14	1
15.6.93	6	11
	1	16
	7	10
	10	7
17.6.93	15	1
	9	6
	6	9
	6	9
	14	1
	8	5

