

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON PROCEDURE

35TH PARLIAMENT

SECOND REPORT

THE RINGING OF BELLS AND THE CHAMBER PRECINCTS

IN THE NEW PARLIAMENT HOUSE
ALIA PNDIA, 1981

CERTIFICATION OF PETITIONS
NOT IN THE ENGLISH LANGUAGE

Printed by the Government Printer
Sydney, Australia
1981-1982

APRIL 1988

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ISBN 0 644 08058 2

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA
PARLIAMENTARY PAPER

No. 149 OF 1988

Ordered to be printed
by authority
ISSN 0727-4181

Printed in Australia by Canberra Publishing and Printing Co., Fyshwick, A.C.T.

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.

Members of the committee

Chairman: Mr J G Mountford, MP
Deputy Chairman: Mr D M Cameron, MP

Members:
Mr E C Cameron, MP
Mr R F Edwards, MP
Mr A H Lamb, MP
Mr E J Lindsay, RFD, MP
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The Hon. G G D Scholes, MP

Secretary: Mr M J McRae

THE RINGING OF BELLS AND THE CHAMBER PRECINCTS
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Introduction

1. On 22 August 1988 the House of Representatives will commence sitting in the new Parliament House. This will be the second move of the House in Parliament's history and in many ways will be the most significant. As the new Parliament House has approached completion there has been some comment on possible changes to the relationships within Parliament House. For example, there may be an increasing congressional emphasis and enhancement of Executive identity and mentality; while other changes may result from the size and geography of the building.

2. Although many of the relationships within the new Parliament House and other aspects of operations and procedures may eventually be affected by the move to the new environment, the Standing Committee on Procedure believes that there are 2 specific aspects of the House's quorum and division procedures that need to be addressed prior to the move:

- . the duration of the ringing of the bells; and
- . the definition of the precincts of the Chamber.

This report will also examine one aspect of the petitioning procedure.

Duration of ringing of the bells

3. On 15 September 1987 the House adopted the following sessional order:

In all standing orders, except standing order 200A, relating to the taking of a division or the counting of the House or committee for quorum purposes, any reference to 2 minutes be omitted and 3 minutes substituted.

4. The committee visited the new Parliament House site on 14 March 1988 and inspected the House of Representatives Chamber and certain committee rooms. The committee also gained an appreciation of distances and time required to travel between certain parts of the building and the Chamber for the purposes of ascertaining the time it would take to reach the House of Representatives Chamber to participate in a division or form a quorum.

5. As a result of these trials the committee has concluded that, for the initial sitting weeks at least, there is some doubt as to whether all Members could be expected to reach the Chamber within the 3 minute period for which the bells are rung. Also, during the initial period Members may need time to familiarise themselves with the environs of the new House. Should the 3 minute bell be retained some Members could be precluded from voting in divisions.

6. The committee has therefore concluded that, for a temporary period, the reference to 3 minutes in the sessional order be omitted and 4 minutes substituted. At the conclusion of that period the duration of the ringing of the bells for divisions and quorums would automatically revert to 3 minutes, unless, in the light of experience, the House resolves to retain the 4 minute bell or fix a different time either by standing or sessional order.

7. It is proposed that the provisions of standing order 200A (providing for a one minute bell for the second and subsequent divisions where there are successive divisions with no intervening debate) remain as they are.

8. Recommendation

It is recommended that the following order be adopted:

Unless otherwise ordered the following order be adopted for the first 3 sitting weeks of the 1988 Budget sittings:

In all standing and sessional orders, except standing order 200A, relating to the taking of a division or counting of the House or committee for quorum purposes, any references to 2 minutes be omitted and 4 minutes substituted.

Counting of Members in a quorum

9. Standing orders 46A and 47 provide:

Counting of Members in a quorum

46A. For the purposes of determining a quorum of Members, a Member who is in any of the lower galleries or officials' seats, behind the Bar of the House or in either of the side alcoves at the time when the attention of the Speaker or the Chairman of Committees is called to the lack of a quorum and who remains in any of those areas after attention has been so called, shall not be counted to determine whether a quorum is present.

When attention called to want of quorum, all Members to remain

47. When the attention of the Speaker, or of the Chairman of Committees, has been called to the fact that there is not a quorum of Members present, no Member shall leave the area within the seats allotted to Members until a quorum is present or 2 minutes have elapsed.

By sessional order, the time set down in standing order 47 is 3 minutes, not 2 (see paragraph 15 below)

10. The precise definition in standing order 46A was adopted as an indirect result of a 1971 count out of the House and a resulting inquiry by the Committee of Privileges.

11. Attached at A is a diagram of the House of Representatives Chamber in the new Parliament House. The 2 significant differences, in terms of the context of this report, between the

House of Representatives' Chambers in the provisional and new Parliament Houses are that:

- . in the latter there are no lower galleries on the floor of the House (though there is still provision for seats for officials); and
- . the Bar of the House is located at the rear of the last row of seats directly opposite the Speaker's Chair rather than at the main doorway.

12. As there are no alcoves or special galleries on the floor of the new Chamber the committee has concluded that, for the purpose of determining whether a quorum of Members is present, all Members who are within the physical limits of the Chamber should be counted. The Committee's understanding of the term "physical limits" is that it includes all areas on the floor of the Chamber, including officials' seats, i.e. all floor areas up to the doorways.

13. Similarly, the committee has concluded that standing order 47 should be amended to make it clear that no Member should leave the Chamber rather than "the area within the seats allotted to Members" when the Chair's attention is drawn to the lack of a quorum.

14. Recommendation

It is recommended that standing orders 46A and 47 be omitted and the following standing order substituted:

47. When the attention of the Speaker, or of the Chairman of Committees, has been called to the fact that there is not a quorum of Members present, any Member who is within the physical limits of the Chamber shall be counted to determine whether a quorum is present and no Member shall leave the Chamber until a quorum is present or 2 minutes have elapsed.

15. Reference to "2 minutes" has been retained in the proposed standing order (as it is also retained in standing orders 199 and

200). As outlined above in paragraphs 3 to 8 the current duration for the ringing of the bells is 3 minutes (pursuant to sessional order) and this committee is proposing that, for a temporary period, the bells for divisions and quorums be rung for 4 minutes.

Counting of Members in divisions

16. Standing orders 195 and 197 provide:

195. A Member calling for a division shall not leave the area within the seats allotted to Members, and shall vote with those who, in the opinion of the Speaker, were in the minority when the voices were taken.

197. No Member shall be entitled to vote in any division unless, when the tellers are appointed, he is within the seats allotted to Members.

Standing orders 202 and 203 also refer to "the seats allotted to Members".

17. The committee has concluded that there is no need to alter these standing orders to accommodate changes to the layout of the Chamber. The retention of standing order 197 will mean that, should a Member wish to withdraw from a division at the last minute (immediately prior to the appointment of tellers) he or she can do so by withdrawing from the area within the seats allotted to Members whilst remaining in the Chamber.

18. The committee will also be monitoring the new procedures for postponing certain divisions to 12.30 p.m. on Thursdays and may report on this and associated matters in the future.

Certification of petitions not in the English language

19. Standing order 117 provides:

117. Every petition shall be in the English language, or be accompanied by a translation, certified to be correct by the Member who lodges it.

This provision has been in the standing orders of the House since 1901.

20. Petitions in languages other than English are occasionally received by the House, however this committee believes that Members cannot be expected to have the ability to certify that an accompanying translation is correct. There is a real possibility that, unless the Member is qualified to translate the language in question, difficulties could arise if there is a dispute over the terms of a translation.

21. The committee has concluded that the standing order should be amended by the omission of the words "by the Member who lodges it" and the addition of the proviso that the person certifying the translation shall affix his or her name and address to the translation. The proposed change does not prevent a Member from certifying a translation should he or she feel qualified to do so.

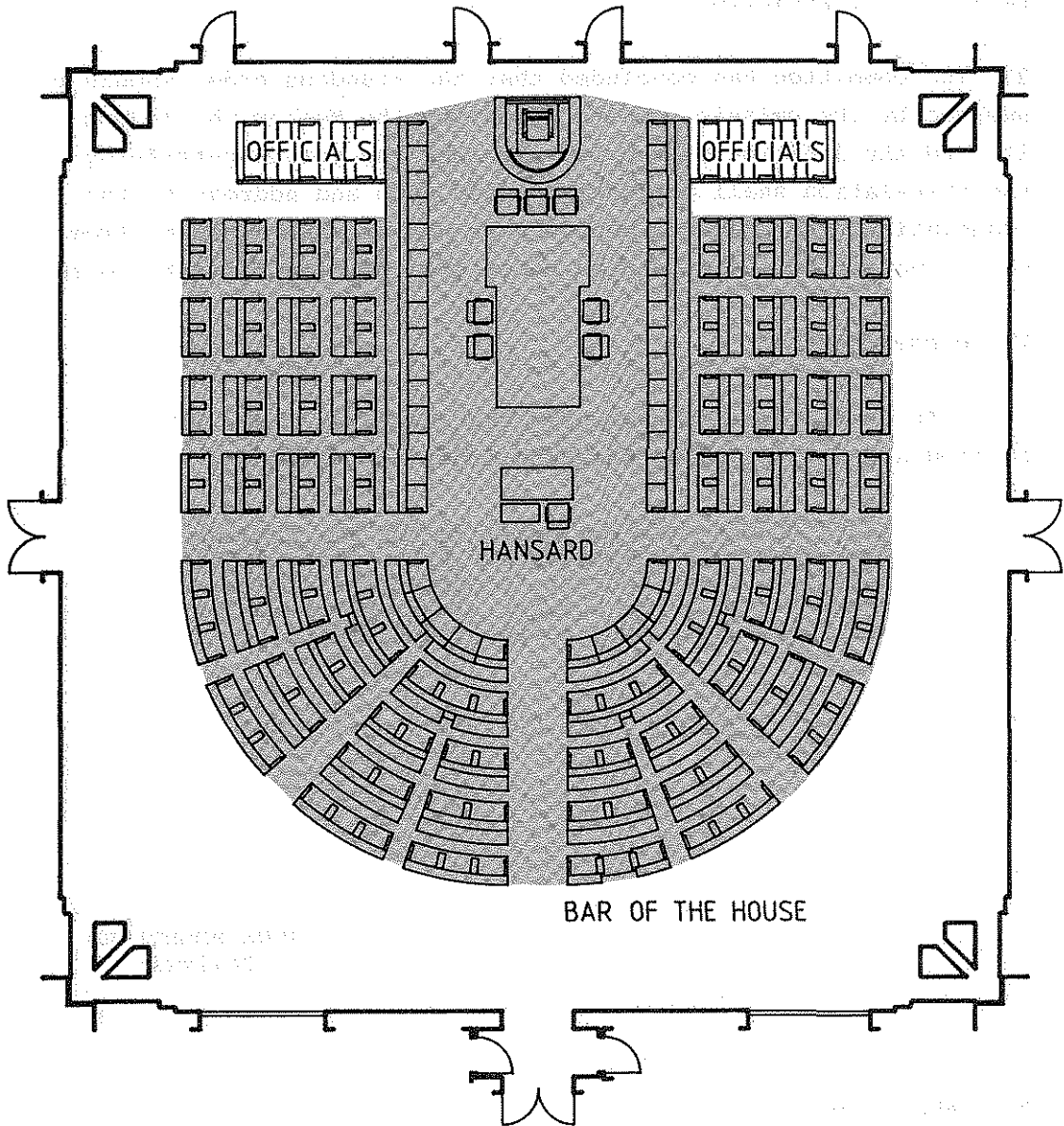
22. Recommendation

It is therefore recommended that standing order 117 be omitted and the following standing order substituted:

117. Every petition shall be in the English language or be accompanied by a translation certified to be correct. A person certifying a translation to be correct shall affix his or her name and address to the translation.

JOHN MOUNTFORD
Chairman

Parliament House
12 April 1988



The shaded area is the 'area within the seats allotted to Members'