

## Question Time

### A casting vote

The following is a question from a reader of *About the House*.

#### Question

Does the President of the Senate have a standard vote in the House of Representatives in the case of a joint sitting after a double dissolution election?

#### Answer

Under the rules agreed to by both houses for the joint sitting following the double dissolution election of 1974, all members and senators are given a standard vote for the proceedings, including the presiding officer, known as the chairman.

It is normal practice that the parliament's presiding officers, being the Speaker of the House of Representatives and the President of the Senate, do not cast a vote on legislation before the respective houses, except as a casting vote in the case of votes being tied.

In the case of the 1974 joint sitting, it was agreed that the member presiding over the joint sitting would receive a normal vote equal to that of all other members.



PRESIDING OFFICER: *Jim Cope chaired the joint sitting of parliament in 1974*

The rules established in 1974 allow for any member to be nominated as the chairman for the joint sitting, not only the current Speaker of the House or President of the Senate, and for the role of presiding officer to be decided by ballot if necessary.

In 1974 the then Speaker of the House Jim Cope was the only member proposed and he acted as chairman for the joint sitting, receiving a normal vote on each of the six pieces of legislation passed by an absolute majority during the sitting.

It is a requirement of the Constitution that all legislation presented at a joint

sitting must be passed by an absolute majority of members and senators to become law, rather than the simple majority required in normal sittings of the House and Senate.

For example, legislation could be passed by the House in a normal sitting with less than the 76 votes required for an absolute majority of the 150 potential votes, as long as the bill received more votes in favour than against.

In a joint sitting a bill would need to achieve the support of more than half of all members of the House and Senate, currently 114 of 226 possible votes.

The chairman receiving a normal vote could therefore become very important, in a case where a piece of legislation received a simple majority but fell one vote short of an absolute majority during a joint sitting of parliament.

However while the rules agreed to for the 1974 joint sitting set a precedent as the only joint sitting of parliament since Federation, neither the House or the Senate is bound to abide by those rules in any future joint sittings.

The Constitution allows for each house of parliament to establish their own rules for their sitting, whether they be joint or separate, meaning the answer to the question may be different the next time a joint sitting is held. •

### Do you have a question?

If you have a question about the House of Representatives email [news@aph.gov.au](mailto:news@aph.gov.au) or write to About the House, International and Community Relations Office, PO Box 6021, Parliament House, Canberra ACT 2600. Questions published in *About the House* will receive our history pack *A House for the Nation* on the first 100 years of the House of Representatives.

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Apart from recording Australia's political history, the collection also reveals changes in the history of portraiture in Australia.

Portraits from the early 20th century were often sombre in tone and reflected the dignity of the office held by the sitter. Over time, portraits have tended to become less formal and capture more of the personality of the sitter, sometimes including objects of personal significance.

However Senator Ferguson decided to stick with tradition for his own portrait. "Some people choose to have their portraits look more like photographs,

with a lot of background and all sorts of things included in the painting.

"I call them paintings rather than portraits. I chose a portrait because it is a portrait collection, and that meant there was only a portrait of myself with no trappings of any sort in the background, as you can see with many of the ones that have been painted before."

Senator Ferguson said it was a real honour to be part of such a strong record of Australia's parliamentary history.

"Since 1900, people who have been president of the Senate or speaker of the House of Representatives, or prime minister, have all had their portraits

done as a record of service in the parliament. And to be part of that is indeed an honour and one of which I'm very proud."

A number of portraits from the Historic Memorials Collection are on permanent display in Parliament House, Old Parliament House and the High Court of Australia. Special exhibitions celebrating the centenary of the collection will also be mounted in the Presiding Officers Exhibition Area at Parliament House and the National Portrait Gallery in Canberra from November 2011 to early February 2012. •