



**Legislative Assembly
Parliament of Victoria**

Fact Sheet 24

Casting Votes

What is a casting vote?

In the Legislative Assembly, all questions must be decided by a majority of the members present in the Chamber. The Chair puts the question to be decided, and members respond by saying 'Aye' or 'No'. The Chair then declares whether the majority is for the 'Ayes' or the 'Noes'.

Where a member challenges the Chair's opinion, a division is held. Bells are rung around the Parliament buildings for three minutes to advise members that a division is taking place. Members wishing to vote must go to the Chamber. At the end of the three minute period the vote of each member present is cast and counted.

After a division, if the votes for the 'ayes' and 'noes' are equal, the Speaker has a casting vote.

What are the authorities for such a vote?

- Section 40 of the *Constitution Act 1975* confirms that 'when the votes are equal the Speaker shall have a casting vote'.
- Standing Order 167 also confirms such a vote and states that, if the Speaker gives reasons for the casting vote, those reasons are recorded in the *Votes and Proceedings*.

Can the Speaker vote at any other time?

The only time the Speaker can vote is when the votes are equal.

Does a casting vote help obtain the numbers required for an absolute majority?

Some bills have to be passed by an absolute majority of members: see *Fact Sheet 25: Altering Victoria's Constitution*. In the Legislative Assembly an absolute majority is obtained when 45 out of the 88 members agree to the third reading of a bill. A casting vote only applies when the numbers are

equal in a vote. For a casting vote to increase the numbers in support to 45, the original vote would have to be 44:44.

Given that there are only 88 members in the Assembly it follows that a casting vote can never apply to increase the numbers in support to 45.

How should a casting vote be used?

Neither the *Constitution Act* nor the standing orders give any guidance as to how the vote should be cast. Therefore, the practice of the United Kingdom House of Commons is referred to. Not all Speakers of the House of Commons have been consistent in their approach but three broad principles have emerged which are usually followed by Speakers of the Legislative Assembly:

- The Speaker votes for further discussion where possible. For example, on a vote at the second reading stage of a bill, a casting vote which follows this principle would be with the 'ayes' as further discussion would follow in the remaining stages.
- Where no further discussion is possible, decisions should not be taken except by a majority. Traditionally in the Legislative Assembly the third reading stage is seen as the last opportunity for the House to consider a bill. A casting vote following this principle would be a vote against the third reading.
- A casting vote on an amendment to a bill should leave the bill in its existing form, therefore disagreeing with the amendment.

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Fact Sheets

The Legislative Assembly Procedure Office has produced a series of Fact Sheets that explain parliamentary procedure and terminology. All Fact Sheets are available on Parliament's website www.parliament.vic.gov.au or through the Procedure Office.

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