

**Question Time in
Australian Parliaments:
variations on a theme or
comparing apples with oranges?**



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Question Time in Australian Parliaments

Variations on a theme or comparing apples with oranges

“The object of Parliament is to substitute argument for fisticuffs.”¹

Winston S. Churchill, Speech to the House of Commons, June 6, 1951

“I have always thought that we have effectively cleared national pressures in the clearing house of national pressures: the House of Representatives ... In other countries national issues are settled by shots ringing out across the footpaths and through the houses, towns and cities where there is a lot of grief, conflict and human misery. This does not happen here. Big issues are brought to bear here. We have feelings about them and we express those feelings. It does generate some heat, but we do resolve them—if not immediately in a very short space of time.”²

Paul Keating

Introduction

Question time is a parliamentary procedure that all Australian legislatures have in common. It is the one time in the parliamentary routine of business where presiding officers and clerks are required to be alert to various and numerous points of order, where all members are present if they are in the precincts, and where the media attention is most focussed.

However, there are significant differences in the way that each legislature deals with question time. Although many of the standing orders are common, there are subtle and sometimes significant differences. Moreover, several legislatures have in recent year's undertaken significant reform to the way that question time operates in their jurisdiction.

This paper has used recent information collated by way of the ANZACATT e-CATT info share system as well as further information provided by the various clerks to demonstrate the differences in the way that question time operates across the Australian and New Zealand legislatures. It also canvasses whether the recent reforms have managed to live up to calls from commentators and academics and academics for a greater degree of openness and accountability or whether further reforms are possible or desirable.

Time limits for question time each day

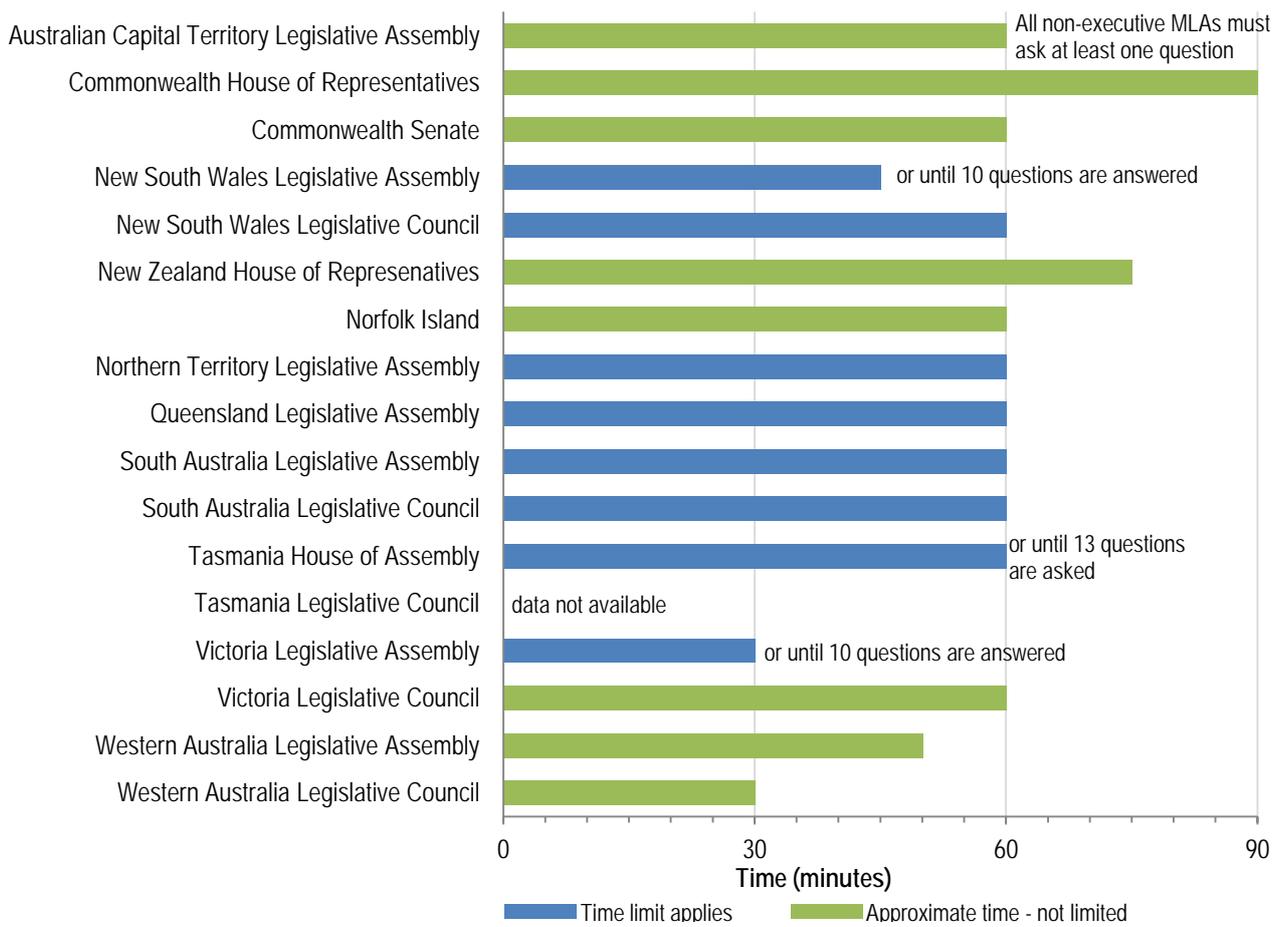
Most legislatures have a set time limit for questions without notice asked each sitting day. As can be seen from Figure 1, this limit is usually one hour. It appears only a few legislatures have standing orders which set a specific time limit. It is assumed that the period is usually ended by the first minister (i.e. Prime Minister, Premier or Chief Minister) indicating that any further questions can be placed on the Notice paper.

Figure 1

¹ Christopher Silvester, *The Pimlico Companion to Parliament—A Literary Anthology*, Random House UK Limited, 1997, p. 202.

² Neal Blewett, *Parliamentary reform—Challenge for the House of Representatives*, AQ, Spring 1993, p.8.

Typical duration of question time each day, with or without limits

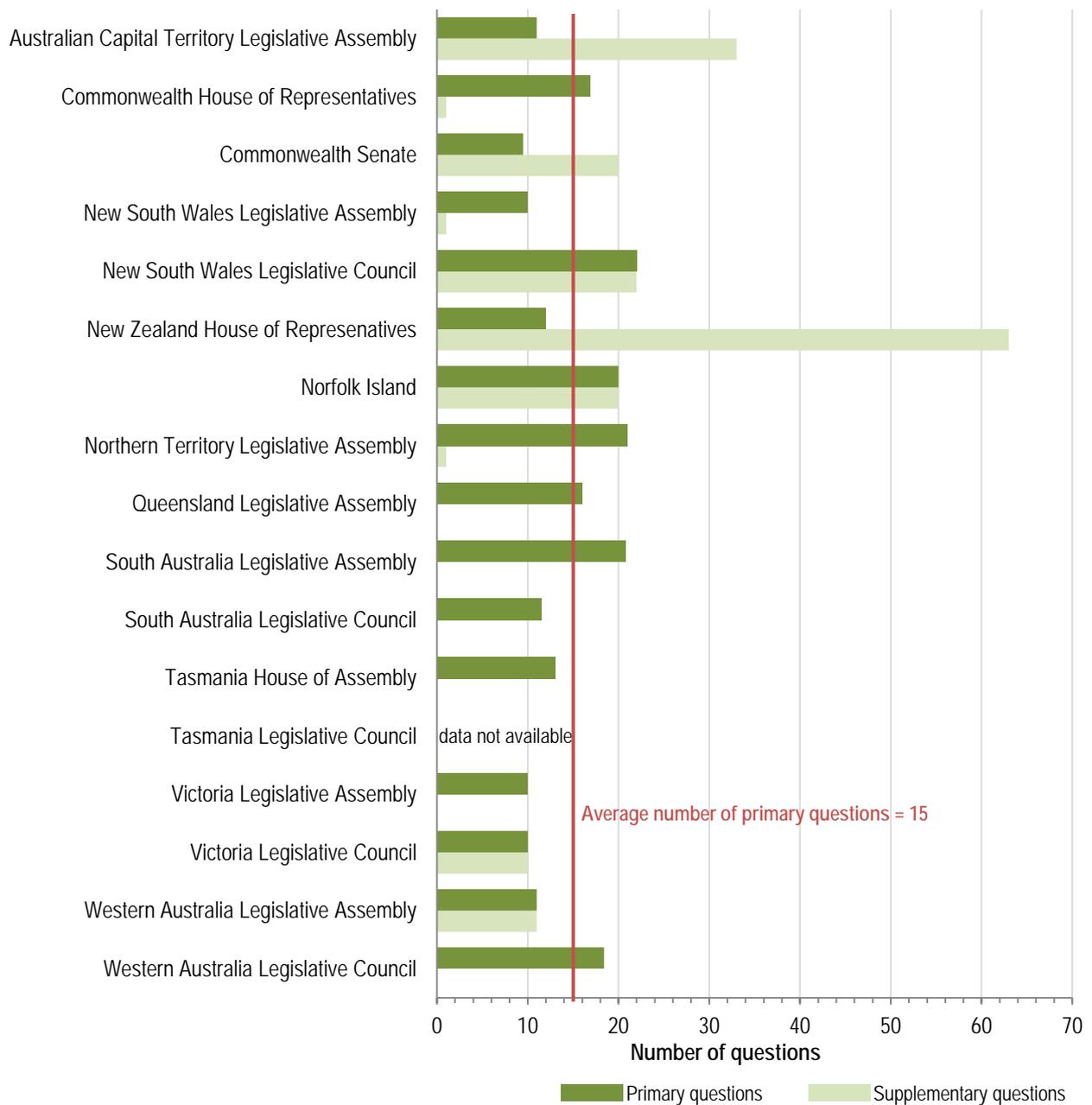


Average number of primary questions asked per sitting day

There are significant differences across the jurisdictions in the number of questions without notice that can be asked at question time as evidenced by the figures contained in Figure 2. As can be seen relative to the red average line, 50% of legislatures have less than fifteen primary questions asked per day, with 40% having more than fifteen primary questions.

Of course these figures need to be read in conjunction with any supplementary questions that may be asked. For instance, in the ACT Legislative Assembly there are eleven primary questions asked each sitting day, but there are up to a further thirty three supplementary questions without notice asked each sitting day, bringing the total to up to forty-four questions. In case of the New Zealand House of Representatives this difference is even more marked, with a total of up to 75 questions being asked on any given sitting day.

Figure 2³
Average number of primary questions asked per sitting day, with maximum number of supplementary questions

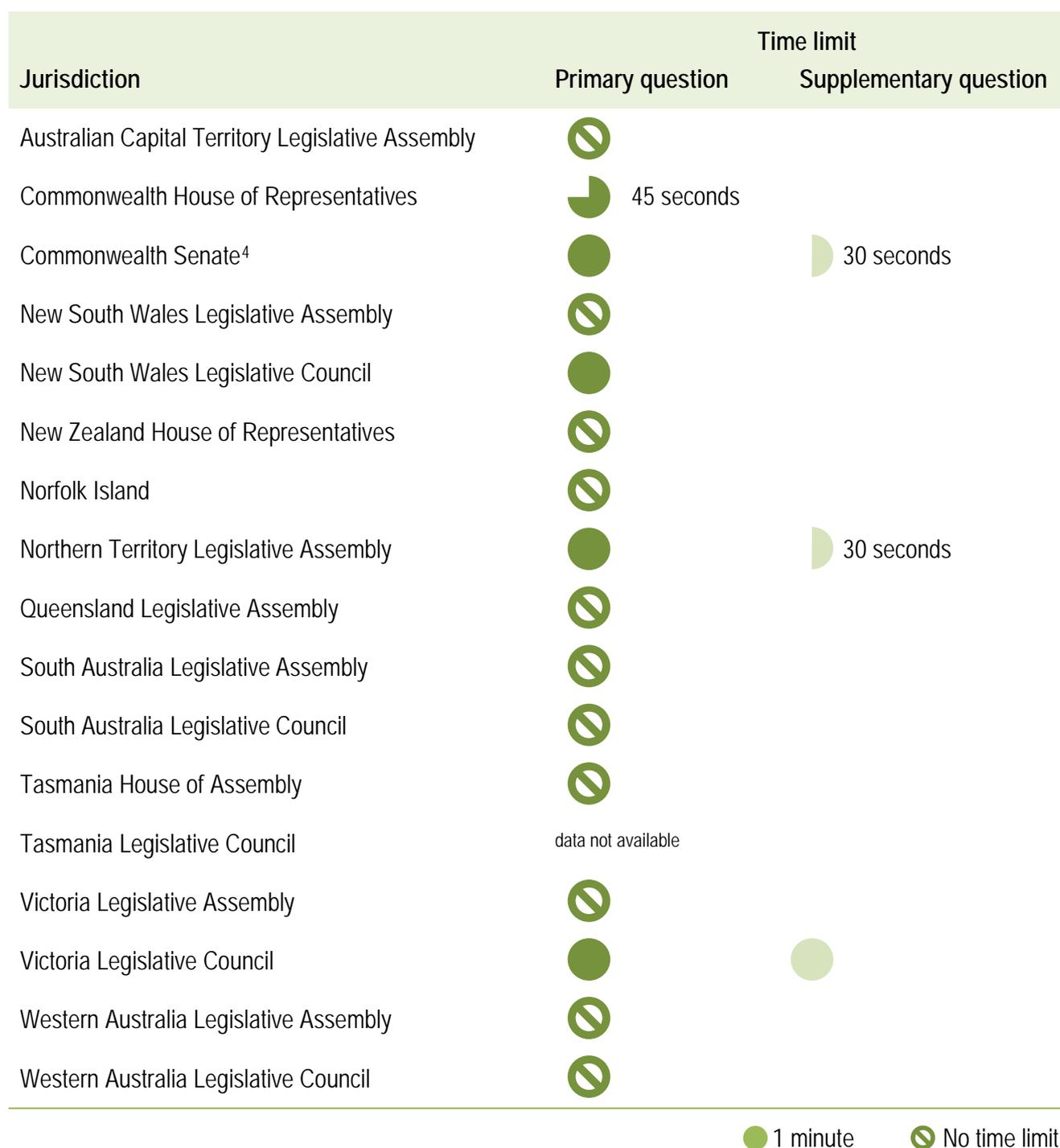


³ E-CATT Info-share

Time limits for questions

Only a few legislatures have imposed time limits for questions without notice, with the longest limit being one minute and the shortest being forty five seconds. As is shown in Figure 3, the majority impose no time limit, although they all contain words in their respective standing orders to the effect that questions should be brief and concise. In the Senate, the Northern Territory and the Victorian Legislative Council, there are also 30 second time limits for the supplementary question.

Figure 3
Time limits for questions



⁴ Email from Deputy Clerk 15 May 2011.

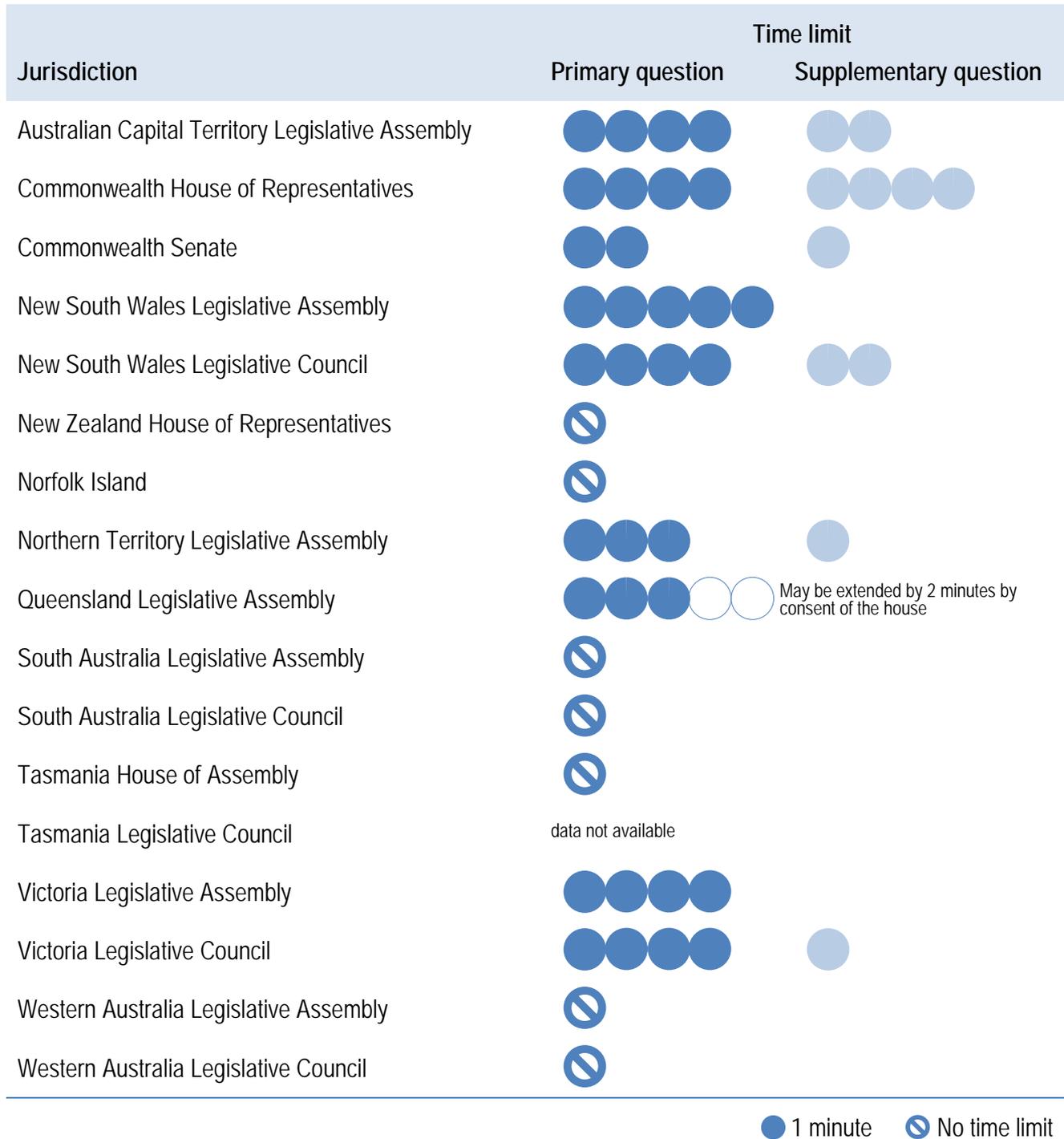
Time limits for answers

An area of long running criticism has been the increase in the average time taken to ask and answer each question without notice and the resulting decline in the average number of questions answered per day, with one House of Representatives Standing Committee on Procedure discussion paper highlighting that there were an average of 16-17 per day in the early 1970s but a decline to 11-13 in the 1990s.⁵ This was due mainly to the length of time taken by Ministers to answering questions, with some answers going for up to ten minutes or longer.

As can be seen by Figure 4, a number of legislatures have sought to alter this trend by imposing time limits on answers, with a majority of Australian legislatures now having such limits. The most common time limit is four minutes. Those legislatures that allow supplementary questions also provide time limits, with the majority setting a limit of two minutes or less.

⁵ Standing Committee on Procedure, *Question Time in the House of Representatives – A discussion paper*, June 1995, p 7.

Figure 4
Time limits for answers



Are supplementary questions allowed?

Supplementary questions have been described by one former Speaker of the Malaysian parliament as “The essence of Question Time in all our respective Parliaments”.⁶

As can be seen from Figure 5, the majority of legislatures allow supplementary questions, but a number of them only allow one supplementary question per question time. On the other hand, a number of legislatures allow multiple supplementaries, with NZ (up to six for each primary question) and the ACT (up to three) leading the way.

In the ACT it is not just the original questioner being able to ask the supplementary – the new (2009) standing order provides that two supplementaries can be asked by a member who has not asked the original question which leads to a very interactive question period.

⁶ Tan Sri Dato” Mohamed Zahir bin Haji Ismail, *The Speaker and the Question Period*”, Paper presented to the Conference of Commonwealth Speakers and Presiding Officers, New Delhi, 1986, p 3.

Figure 5
Are supplementary questions allowed?

Jurisdiction	Allowed?	Maximum number	Asked by whom	Time limit
Australian Capital Territory Legislative Assembly	✓	33	One by the Member who asked the primary question Plus two further supplementaries not by the original questioner	
Commonwealth House of Representatives	✓	1	One by the Leader of the Opposition or his delegate	
Commonwealth Senate	✓	~20	Two by the Member who asked the primary question	30 seconds
New South Wales Legislative Assembly	✓	1	One by the Member who asked the primary question	
New South Wales Legislative Council	✓	22	One by the Member who asked the primary question, at the discretion of the President	
New Zealand House of Representatives	✓	63	Allocated among the parties on a proportional basis	
Norfolk Island	✓	(20?)	At the discretion of the Speaker	
Northern Territory Legislative Assembly	✓	1	One by the opposition Member who asked the primary question	30 seconds
Queensland Legislative Assembly	✗	0		
South Australia Legislative Assembly	✗	0		
South Australia Legislative Council	✓	Data not available		
Tasmania House of Assembly	✓	Data not available		
Tasmania Legislative Council	Data not available	Data not available		
Victoria Legislative Assembly	✗	0		
Victoria Legislative Council	✓	10	One by the Member who asked the primary question	1 minute
Western Australia Legislative Assembly	✓	11	One by the Member who asked the primary question	
Western Australia Legislative Council	✗	0	No	

What is the balance between government, opposition and independent/minor parties at question time?

Many people are critical of the pre-arranged government questions (well known in parliamentary circles as Dorothy Dixers) with one commentator arguing that the use of the tactic can result in “the accountability potential of question time can immediately be reduced by 50 per cent”.⁷ Proponents of this view cite Canada’s question time as an ideal model because the questions are almost exclusively asked by non-government members, resulting in no Dorothy Dixers.⁸

None of the Australian legislatures or the NZ one emulate Canada, although in the majority of them government backbenchers do get less than 50 per cent of the questions as shown in Figure 6. The closest in practice would be the Western Australian Legislative Council with (in 2006) almost 95 per cent of questions going to the non-government members of that Chamber. In Tasmania’s House of Assembly and the ACT Legislative Assembly government backbenchers only receive 23 per cent of the questions.

⁷ P Rasiah, *Does Question Time fulfil its role of ensuring accountability?*, Democratic Audit of Australia, April 2006, p 5.

⁸ Andrew McGowan, *Accountability or Inability – To what extent does the House of Representatives Question Time deliver Executive Accountability comparative to other Chambers?*, Australasian Parliamentary Review, Spring 2008, p 80.

Figure 6
Balance of primary questions between government, opposition and independent/minor parties at question time

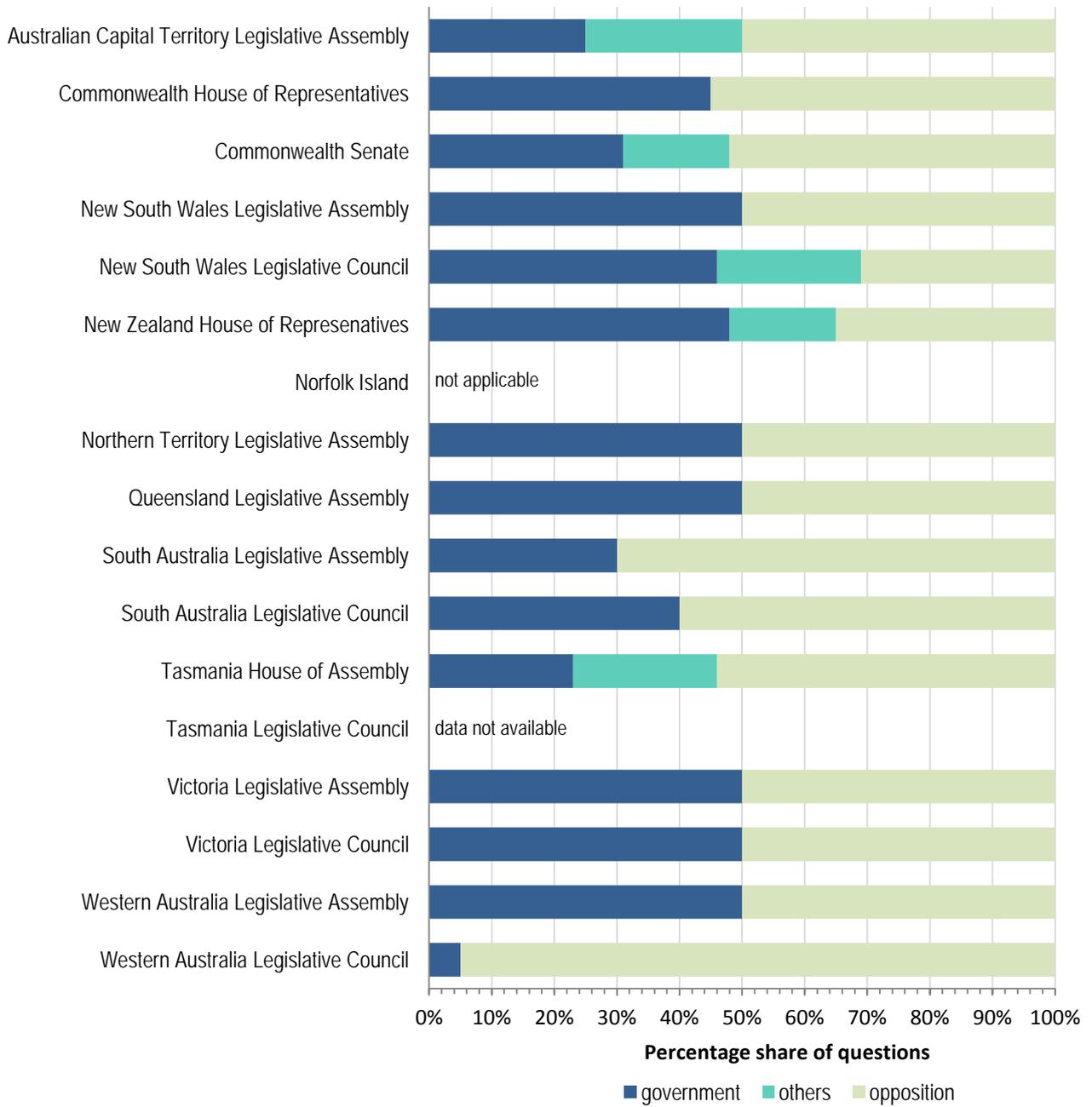


Figure 7
Detail of allocation of primary questions between government, opposition and independent/minor parties at question time

Jurisdiction	Allocation of questions
Australian Capital Territory Legislative Assembly	Government members get 12 questions (23%), opposition members get 24 questions (46%), and Green members get 12 questions (23%).
Commonwealth House of Representatives	The Speaker first calls an opposition member, and then the call is then alternated from right to left of the Chair ⁹ . In the current Parliament after five questions have been asked and answered, the call would ordinarily be given to a government member to ask the sixth question, but because of the <i>Reform Agreement</i> , if, at that point, a non-aligned member seeks the call no government member will rise. In this sense government members would get slightly less than 50% of questions and non-government members slightly more.
Commonwealth Senate	The allocation of questions between the various parties, groups and independent senators should be as nearly as practicable in proportion to their numbers in the Senate ¹⁰ . Based on the current composition (i.e. June 2011), and the change to the format of question time, that means the government gets 31% of the questions, the opposition gets 52%, the Australian Greens get 10.5% and the minor party representative and independent Senators get 5.8% each of the questions.
New South Wales Legislative Assembly	Questions are divided equally between the government 50% and the opposition and independents 50% (independent members get three questions per four day sitting week).
New South Wales Legislative Council	A practice has been established that the first call is given to the Leader of the Opposition. The call is then alternated between government, crossbench and opposition members ¹¹ . That means that (in June 2011) the government gets 46% of the questions, the opposition 31%, the Greens 12%, the Christian Democrats and the Shooters and Fishers parties get 5% each.
New Zealand House of Representatives	The allocation of questions among the parties must be made on a basis that it is proportional to party membership in the House ¹² That means that the governing party gets 48% of the questions, the main opposition party gets 35%, the Greens get 7.5%, the Maori party gets 3.3%, ACT NZ get 4% and the two single party members get 0.8% respectively.
Norfolk Island	Not applicable
Northern Territory Legislative Assembly	First call is to the Leader of the Opposition and then the call is alternated from right to left of the Chair ¹³ .
Queensland Legislative Assembly	The call is alternated between government and non-government members ¹⁴ .
South Australia Legislative Assembly	Of the average 21 questions answered, the government on average asks 6.4 questions (30%) and the opposition 14.7 questions (70%) ¹⁵ .
South Australia Legislative Council	Three shadow ministers ask questions first, then the call is alternated between government and opposition/minor parties and independents. This equates to approximately 40% government and 60% opposition/others. ¹⁶
Tasmania House of Assembly	Of the 13 questions asked, 7 (54%) are asked by the opposition, 3 (23%) are asked by the greens and 3 (23%) are asked by the government members. ¹⁷
Tasmania Legislative Council	Not available

⁹ House of Representatives Practice, 5th Edition, p 530.

¹⁰ Odgers, 12th Edition, p 493.

¹¹ New South Wales Legislative Council Practice, p 264.

¹² Parliamentary Practice in New Zealand, 3rd Edition, p 549.

¹³ Answer to e-CATT infoshare question 16/10/06.

¹⁴ Answer to e-CATT infoshare question 21/1/11

¹⁵ Answer to e-CATT infoshare question 12/10/2006

¹⁶ Answer to e-CATT infoshare question 13/10/06

¹⁷ Answer to e-CATT infoshare question, 21/01/11

Jurisdiction	Allocation of questions
Victoria Legislative Assembly	Of the 10 questions asked, 5 (50%) go to the government members and 5 (50%) go to the non-government members ¹⁸ .
Victoria Legislative Council	Of the 10 questions asked, 5 (50%) go to the government and 5 (50%) go to the non-government, although the non-government members ask supplementaries ¹⁹ .
Western Australia Legislative Assembly	Questions alternate from opposition to government and there is no set number of questions to be asked. ²⁰
Western Australia Legislative Council	Of the approximately 22 questions asked, only 1 (4.5%) of the questions are asked by a government backbencher, which means that opposition/minor parties ask the remaining 21 (95%) of questions ²¹ .

¹⁸ Answer to e-CATT infoshare question, 19/01/11

¹⁹ Answer to e-CATT infoshare question, 24/01/11

²⁰ Answer to e-CATT infoshare question, 20/01/11

²¹ Answer to e-CATT infoshare question, 13/10/06

Is there a standing order requiring the minister's answer to be directly relevant to the question?

For many years in legislatures across Australia there have been standing orders requiring that answers to questions without notice must be relevant to the question asked. However, ministers across all jurisdictions have persistently made the claim that they can answer questions as they see fit. As pointed out by former Speaker Coghill and President Hunt:

Ninety years of rulings in Parliaments around Australia that 'the Minister is not obliged to answer any question ', supplemented by later rulings that 'the Minister may answer the question in any way that he (or she) sees fit' have opened the way for the present abuse of Question Time.²²

The Australasian Study of Parliament Group (ASPG), in a document entitled "Why accountability must be renewed", suggested that, in relation to answers to questions without notice, there be requirements that force "ministers ... to be directly responsive, relevant, succinct and limited to the subject matter of the question".²³

Some Australian legislatures have moved in this direction, with a standing order that requires the answer to be directly relevant to the question. This has enabled members to take points of order when it is considered that ministers stray into matters not relevant to the original question which, in turn, has enabled Speakers to rule that ministers have not been answering the question in accordance with the standing orders.

²² Ken Coghill and Alan Hunt, *Reforming Question Time*, Legislative Studies, Vol 12, No 2, Autumn 1998, p 40.

²³ A. McGowan, *op cit*, p.82

Figure 7
Is there a standing order requiring the minister's answer to be directly relevant to the question?

Jurisdiction	Standing order?
Australian Capital Territory Legislative Assembly	✓
Commonwealth House of Representatives	✓
Commonwealth Senate	✓
New South Wales Legislative Assembly	✗
New South Wales Legislative Council	✗
New Zealand House of Representatives	✗
Norfolk Island	✓
Northern Territory Legislative Assembly	✓
Queensland Legislative Assembly	✗
South Australia Legislative Assembly	✗
South Australia Legislative Council	✗
Tasmania House of Assembly	✗
Tasmania Legislative Council	✗
Victoria Legislative Assembly	✓
Victoria Legislative Council	✗
Western Australia Legislative Assembly	✗
Western Australia Legislative Council	✗

Reform of Question Time—is there anything left to do?

In 1980, John Uhr, then a Parliamentary Fellow at the Parliamentary Library, undertook a comprehensive study of question time entitled “Questions without answers”.²⁴ Some would suggest that, some 31 years later, little has changed. Yet others consider that parliament does fulfil its role, with one former minister remarking that:

... he had no doubt as to the effectiveness of Parliament as a check on Ministers and Departments. Perhaps 70 days a year a Minister must walk into Parliament and face questioning on any aspect of his responsibilities ... The constant threat of exposure of any errors is there and no Minister or public servant can ignore it.²⁵

In an article in *Legislative Studies* in 1998 entitled “Reforming question time”²⁶, Ken Coghill and Alan Hunt, two former presiding officers of both houses of the Victorian Parliament, listed seven areas that they consider would enhance question time. They were:

1. New standing orders for a legislature which provide, inter alia, for the answer to a question to be directly relevant, reasonably succinct, not introduce matters extraneous to the question and comply with the same rules and practices as apply to the asking of questions.
2. A new standing order to be inserted which provides for one supplementary question to be asked arising from the answer to the original question.
3. Allow the presiding officer the discretion to extend question time to prevent the practice of ministers wasting time to deprive the opposition of a reasonable number of questions.
4. Allowing parliaments to utilise ministerial statements with an ability for those statements to be debated at a later date. This would assist in preventing question time being used to announce ministerial statements.
5. Tightening the standing orders relating to the asking of questions to ensure that irresponsible allegations or innuendoes couched as preambles to questions are avoided.
6. If the above changes to the standing orders are implemented, behaviour should be improved by presiding officers, should ensure the spirit and intention of the amended rules are observed by both sides of the House and, where necessary, enforced by the Chair.
7. Guidelines for the operation of question time to be developed and adhered to.

In looking at this list, I think it is fair to say that much progress has been made on reforms to question time. However, even if reforms are made, there are some that believe it will make little difference. As Berg states: “... no reform proposal can compel the PM to answer questions they do not want to. Whether question time is a circus with long answers or a circus with short answers, won't make it less of a circus”.²⁷

²⁴ John Uhr, Questions without answers: An analysis of question time in the Australian House of Representatives, Parliamentary Fellow Monograph.

²⁵ Senator F Chaney quoted in Hon Mr Justice Kirby, No 4, May 1982, Parliamentary Reform in Australia: Of Summits, Whips, Bells and other things Parliamentarian, Vol 45(1) 1984, p.32

²⁶ Ken Coghill and Alan Hunt, *Reforming Question Time*, Legislative Studies, Vol 12, No 2, autumn 1998

²⁷ The Drum Unleashed, A cynical look at parliamentary reform, 7 September 2010.