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The Secretary
House Standing Committee on Procedure
House of Representatives
Parliament House
CANBERRA ACT 2600

I would like to make the following submission to the Committee in connection with its inquiry into the conduct of the business of the House of Representatives, and I would be grateful if the Committee would accept the submission despite its lateness.

My submission relates to

- . the conduct of Questions Without Notice
- . the form of questions and answers
- . forms of address used by Members
- . possible time limits
- . apparent disregard of Standing Orders in relation to motions for suspension of Standing Orders.

If I could summarise my submission, and offer a recommendation, I would say:

The existing Standing Orders and the customs of the House, as they relate to the specific matters I will raise, and which have served the Parliament and the people well for a long time, should be observed and enforced.

If there are matters in relation to which enforcement is currently not possible or difficult, the Standing Orders should be amended to make their enforcement possible.

My submission does not relate to a specific term of reference, but I hope it will be accepted on the basis that it falls within the words: "The inquiry will focus on, but will not be limited to:....." which are part of the terms.

I believe there has been a serious deterioration in observance of the Standing Orders and the customs of the Parliament, not only in the current Parliament but in previous ones of recent years.

Questions Without Notice

'Question Time' now appears almost totally pre-arranged, with nearly every question asked by Government MPs seeming to be drawn from a list of questions the Government brings into the House and which Government MPs are instructed to ask. These questions are designed to allow the ministers to attack the Opposition.

They take the basic form...

Will the minister update the House on such and such, and is the minister aware of any alternative policies?

Questions framed in that way are, I believe, if not in breach of the Standing Orders then certainly in breach of the customs of the House.

The Speaker has advised me that the Standing orders do not contain detailed restrictions on the form of questions. Nevertheless, I believe that 'Question Time' is, or should be, and used to be, for Members, on both sides - Opposition and Government - to ask genuine questions and seek genuine answers, but that seems to happen rarely these days.

According to *House of Representatives Practice*, an MP can ask a minister only about matters for which the minister is responsible or to which the minister is officially connected. This is to allow the minister to be held accountable for Government policies and administration. Indeed, the aim of parliamentary questioning and inquiry is stated in this document to be “to seek information, to bring the Government to account for its actions, and to bring into public view possible errors or failings or areas of incompetence or maladministration”.

But now the main purpose of many questions is not to hold the Government to account, but to invite ministers to hold forth on matters for which they have no responsibility whatever (usually Opposition policies), or personally to attack Opposition members, in contravention of the stated purpose of questions.

Opposition policies have nothing to do with ministers, and in the past ministers have been ruled out of order for talking about them in answer to questions, but not now. Similarly, I believe questions of this kind themselves should be ruled out of order. Oppositions do not object to these practices, either because they don't know that such answers breach custom, or because they want to do the same thing if and when they take office.

There is nothing wrong with the occasional pre-arranged question – a *Dorothy Dixer* - to provide an opportunity for a minister to make a brief but important announcement or convey some information of public interest. But these days ministerial staff and the party strategists all seem to walk, sheep-like, a well-worn, unimaginative track, with the result that almost all of the Government questions are *Dorothy Dixers*, are all virtually the same in form, and nearly all, in my view, contravene the Standing Orders or parliamentary custom and practice, as do the answers, yet no one does anything about it.

I was discussing all this with someone who is very experienced in parliamentary procedure (not a Member of Parliament), and he said: “Much of what takes place is prepared by staffers who are totally ignorant of the nuances that underpin the House, and who have no concept of what the Parliament is all about.” He pointed out that one of the consequences of Members blindly asking questions prepared by others is that the Members lose all sense of responsibility for the questions they ask.

The ability to ask searching questions that show a grasp of an issue used to provide some evidence of a Member's readiness to take on more

responsibility. Today, many Members play no part in the preparation of questions, but simply recite near-identical questions prepared by the party strategists or staff.

It is true that Speakers in the past have noted that only a small proportion of questions without notice are strictly in order, and that to enforce the rules too rigidly would undermine Question Time. I agree that there has to be some flexibility, but it seems to me that the rules have been bent and broken to such an extent that Question Time is no longer what it is meant to be: a forum in which information is sought and accountability enforced by Members on both sides acting on behalf of the Australian people. Instead, it has become a bear-pit in which the combatants often seem to forget their duty to the people and simply battle for political advantage.

Of course Question Time has always had something of that character about it, but never, it seems to me, to such a degree – and such an intentional, organised, planned and destructive degree – as it does now.

Time limits

I had a brief discussion with the Speaker of the Canadian House of Commons (when he was in Australia a few months ago). The Speaker told me, if my recollection is correct, that – and this is in contrast to the long-winded and often irrelevant answers ministers give in our Parliament – questions and answers in the Commons are limited to 35 seconds each. Perhaps that is taking succinctness to extremes, but it shows a discipline that is lacking in our Parliament.

Forms of address

It appears that the Standing Orders are ignored when Members address each other across the chamber, often by name, instead of through the Speaker, and using official designations. For example, I have heard the Prime Minister, in answering a question, speak directly to the then Leader of the Opposition, calling him Brendan, and to the then Shadow Minister for Health and Ageing, calling him Joe, but no one said or did anything about it.

This is not an isolated example. The rule, as I understand it, was designed to place a barrier or a filter or a shock-absorber between

Members, and thus act to reduce tensions that might arise from direct interaction.

Motions to suspend Standing Orders

There used to be a rule, strictly enforced in our Parliament, that if a Member wanted to interrupt proceedings to bring on a debate on an urgent matter, and so moved a motion calling for the suspension of Standing Orders, the Member could only, in speaking to that motion, argue why Standing Orders should be suspended. The Member could not argue the matter he or she wanted to raise in the debate that would take place if the House agreed to suspend Standing Orders. I believe that is what the Standing Orders still provide.

I heard the then Leader of the Opposition move [on 26 June 2008] for the suspension of Standing Orders, and the whole of his speech on that motion was devoted to arguing the substantive issue, with no one raising the slightest objection. More recently, a motion for suspension moved by the present Leader of the Opposition was dealt with in the same way – the leader, and the minister who responded, argued the merits of the substantive issue, making no attempt to say why Standing Orders should be suspended. I recall the time when, in these circumstances, the Speaker, or a Member, would have immediately jumped in and said “The Hon. Member can’t debate the issue – he (or she) can only say why Standing Orders should be suspended”.

If I could add a comment on a seemingly minor matter, why is it that virtually every minister begins the answer to a question from a Government Member (and sometimes from an Opposition Member) with the time-wasting words “I thank the Honourable member for his/her question”? These are empty, meaningless words that have become habitual. No-one thought it discourteous when ministers didn’t waste time saying them.

These may seem to many people to be trivial and unimportant things, but I believe that practices developed over hundreds of years in the British Parliament and more recently in our Parliament are there for a purpose: to provide a basis for orderly debate and hence facilitate the working of the Parliament. Ignoring them lowers the standing of the Parliament and leads to disorder and loss of effectiveness, as we see only too often.

I thank the Committee for the opportunity to make this submission and wish it well in its deliberations.

Barrie Virtue