

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON PROCEDURE

THE STANDING ORDERS GOVERNING
QUESTIONS SEEKING INFORMATION

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HOUSE OF REPRESENTATIVES

Report
(Table Office)

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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: Hon. G G D Scholes, MP

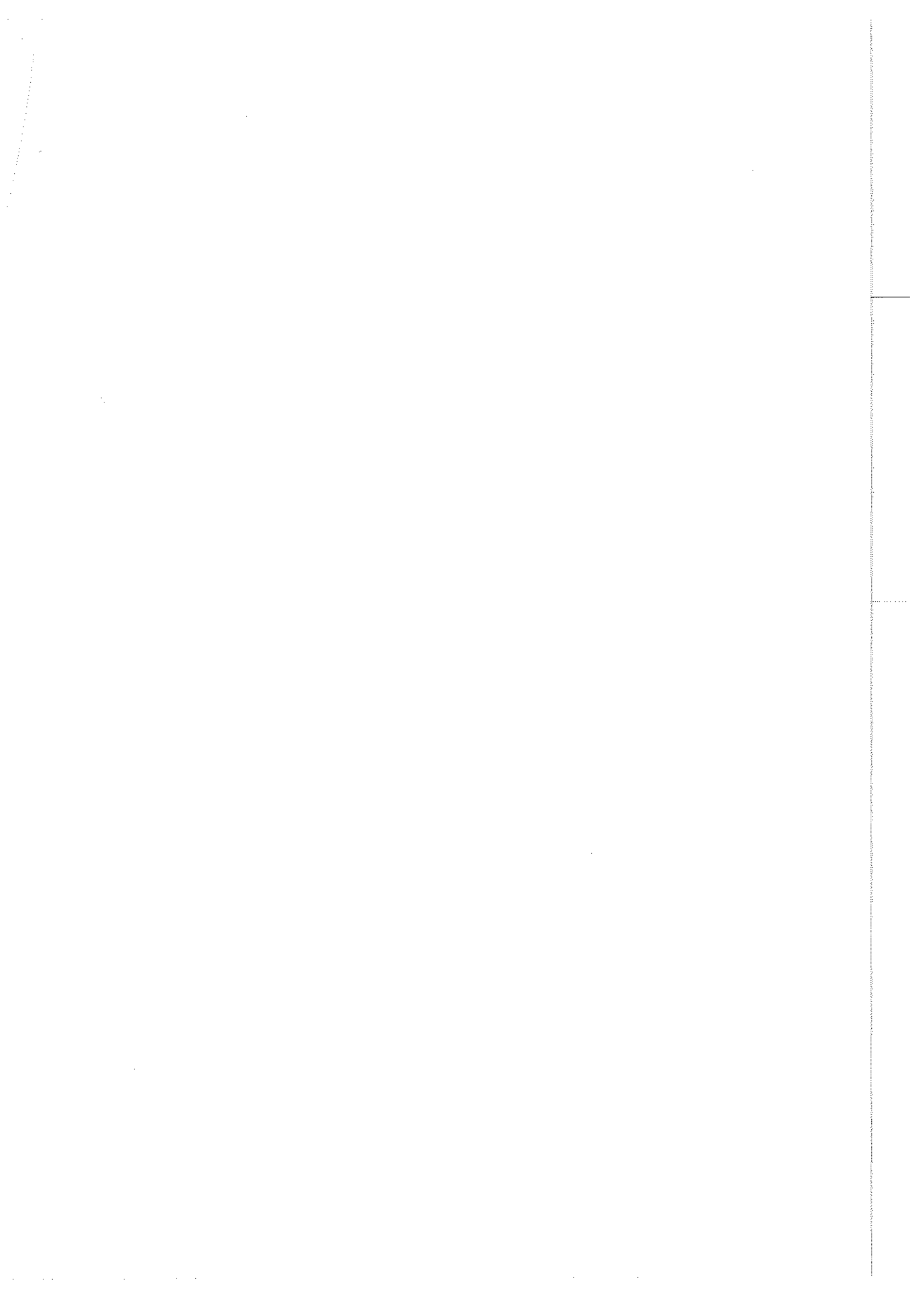
Deputy Chairman: Mr P D Shack, MP (resigned 26 May 1992)

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Mr E L Grace, MP
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REPORT

INTRODUCTION

General Background

1. On 7 March 1989 the Standing Committee on Procedure resolved to undertake a comprehensive review of the standing orders of the House of Representatives.
2. The committee has tabled reports relating to the conduct of committees of the House, proceedings on the meeting of a new Parliament, the Speaker, Chairman, Deputy Chairmen and officers of the House and seconding of private Members' notices of motion.
3. At its meeting on 15 October 1991 the committee agreed to look again at the issue of question time and questions on notice with a view to reporting to the House. The committee's main concerns related to standing orders 144 and 145 (rules for questions and the relevance of answers).

Scope of the Report

4. In reviewing standing orders 142 to 153, the committee considered the recommendations which had been made in a previous Procedure Committee report.¹
5. During its deliberations, the committee also considered a paper submitted by the Clerk of the House which provided a revised set of those standing orders relevant to this inquiry.
6. A significant change proposed by the committee is the removal of a number of specific rules for questions (S.O. 144) and an expansion of the requirements for answers (S.O. 145). It is also recommended that the Speaker make a statement at the beginning of each Parliament on how he or she will interpret those and the other standing orders dealing with questions (See paragraphs 87 to 92).

¹ *The standing orders and practices which govern the conduct of Question Time*, House of Representatives Standing Committee on Procedure, PP 354 (1986).

7. Several of the proposed changes to the standing orders are minor, chiefly involving gender neutral language or a re-arrangement of the existing standing orders.
8. The proposed standing orders are listed at the end of this report.

Changes previously adopted by the House

9. It was not until the adoption of permanent standing orders in 1950 that questions without notice were included in the standing orders governing the routine of business of the House. This is despite the fact that questions featured in proceedings from the first Parliament. This illustrates that, in a procedural sense, question time had a slightly unofficial but conventional standing.
10. A general review of the standing orders in 1962 proposed changes to the standing orders relating to questions. Proposed amendments to S.O. 144 to prohibit questions which contained precise extracts from certain published material and prohibit questions which contained discourteous references to friendly countries were rejected by the House. Proposed clarification of the provisions prohibiting questions which asked for statements of government policy or legal opinion and questions which anticipated matters listed on the *Notice Paper* were also rejected. The clarification on questions relating to government policy was adopted in 1965 when an amendment to S.O. 144 made provision for explaining, but not announcing, government policy.
11. The proposals of 1962 that were adopted by the House included:
 - a stipulation that an answer must be relevant to the question;
 - removal of the stipulation that questions be on important matters calling for immediate attention;
 - removal of the restriction that only one supplementary question could be asked;
 - a provision that questions could be put directly to the Speaker regarding his or her administration, and
 - clarification of rules regarding questions reflecting on the character or conduct of individuals.

Purpose of question time

12. *House of Representatives Practice* states:

One of the more important functions of the Parliament is its critical function. This includes criticism of the Executive Government, bringing to light perceived abuses, ventilating grievances, exposing, and thereby preventing the Government from exercising, arbitrary power, and pressing the Government to take remedial or other action. Questions are a vital element in this critical function.²

13. Although the opportunity given to Members in question time is invaluable, its effectiveness as an element of Parliament's functions is often questioned. Again, in *House of Representatives Practice*:

The purpose of questions is ostensibly to seek information or press for action. However, because public attention focuses so heavily on Question Time it is often a time for political opportunism. Opposition Members will be tempted in their questioning to stress those matters which will embarrass the Government while government Members will be tempted to provide Ministers with an opportunity to put government policies and actions in a favourable light or to embarrass the Opposition.

However, apart from the use of Question Time for its political impact, the opportunity given to Members to raise topical or urgent issues is invaluable. Ministers accept the fact that they must be informed through a coverage of press, television or private sources of possible questions that may be asked of them in order that they may provide a satisfactory answer.³

Criticism of question time

14. David Solomon, in his book *The People's Palace*, has described question time as follows:

Seeking information has ceased to be a real function of questions without notice. Almost all questions are asked for overtly political reasons and almost all answers seek to score points rather than provide information unless the giving of information is itself a political exercise. Question time provides an opportunity for the Government and the Opposition to confront one another and for several dozen

² A R Browning (ed), *House of Representatives Practice*, 2nd ed, AGPS, Canberra, 1989, p 507.

³ *House of Representatives Practice*, p 507.

backbenchers and Ministers to expose their political skills on what are generally the most important or sensitive political subjects of the day.⁴

15. In recent years there has been increased scrutiny and criticism of the operation of question time not only from Members but from the general public and the media. Criticism has been directed at the Speaker for not ruling on the form and content of questions and answers, on the Government for asking 'Dorothy Dix' questions, on Ministers for giving lengthy answers, on the Opposition for using disruptive tactics such as spurious points of order, and so on.

16. However, as the Chair has stated:

...it is the House, through its Members, which decides the way the House operates. Although the problems we are facing with question time have been with us for many years, the House has not been prepared to accept its responsibilities. Instead, Members have consistently placed the blame for the inadequacies of the system on the Chair, when the responsibility lies solely with the House, and the House alone.⁵

1986 Procedure Committee report on question time

17. In 1986 the Procedure Committee undertook the first comprehensive review by a parliamentary committee of question time in the House of Representatives. The committee was aware of the continuing concern being expressed by Members, the press and public at the effectiveness of the House's procedures for questions without notice. The committee made a number of recommendations to improve the effectiveness and conduct of question time. Unfortunately, the Government has not responded to the report, except by way of a draft response⁶ in 1987. In that response the Government indicated that it agreed with several of the committee's recommendations, including:

- amending standing orders to require that questions be brief and confined to a single issue;
- discontinuing the practices relating to reflections on governments or heads of governments (this is currently determined by the Speaker) other than the Queen or her representatives in Australia;

⁴ David Solomon, *The People's Palace*, Melbourne University Press, 1986, p 31.

⁵ H.R. Deb. (22/10/86) 2524.

⁶ An extract relating to questions is at the Appendix.

- re-numbering standing order 153 (questions regarding persons) and inserting it after standing order 144 (general rules for questions), and
- removing from practice the provision that questions seeking information on matters of past history for the purpose of argument are inadmissible.

18. Recommendations with which the Government did not agree included extending question time until a minimum of 16 questions had been asked and allowing one immediate supplementary question.

19. The present committee is of the view that it is the prerogative of the Prime Minister to decide when a reasonable number of questions have been asked. It is also not in favour of supplementary questions as this practice may have the effect of lessening the total number of primary questions asked and may disrupt the alternation of the call.

STANDING ORDERS RELATING TO QUESTIONS

20. Standing order 151 reads, in part, that questions may be asked without notice. The Clerk, in his submission to the committee, proposed that the chapter in the standing orders pertaining to questions should commence with a separate standing order stating the methods by which questions can be asked. The committee agrees that the chapter should open with a new standing order which would read:

142A. Questions may be asked with or without notice.

To whom questions may be asked

(a) Ministers

21. Standing order 142 provides:

Questions may be put to a Minister relating to public affairs with which he is officially connected, to proceedings pending in the House, or to any matter of administration for which he is responsible.

22. The Clerk noted in his submission that the main difficulties with this standing order in recent years have been with the interpretation of 'public affairs' and 'matter of administration' for which a Minister is responsible. The committee

considered that the standing order should continue to ensure that questions to Ministers exclude personal and unofficial matters.

23. The committee recommends a change to the standing order to give status to assistant ministers with respect to answering questions on official matters and to remove gender specific language. It would read:

142. Questions may be put to a Minister or an Assistant Minister relating to public affairs with which the Minister or Assistant Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which the Minister is responsible.

(b) Other Members

24. Standing order 143 provides:

Questions may be put to a Member, not being a Minister or an Assistant Minister, relating to any bill, motion, or other public matter connected with the business of the House, of which the Member has charge.

25. As it is the established practice of the House not to permit questions on notice to private Members, the standing order is considered to refer to questions without notice only. Questions most often allowed have concerned private Members' bills or motions on the *Notice Paper*. However, it is rare for this standing order to be invoked.

26. The committee recommends a minor change of expression in the standing order, which would read:

143. Questions may be put to a Member, who is not a Minister or an Assistant Minister, relating to any bill, motion, or other public matter connected with the business of the House, of which the Member has charge.

(c) The Speaker

27. Standing order 152 provides:

A question without notice may be put to the Speaker relating to any matter of administration for which he is responsible.

28. This standing order is used frequently and has been supplemented by a practice of allowing what amounts to questions on notice to be placed in the daily *Hansard* under the heading 'Requests for detailed information'. The committee recommends a minor change of expression to the standing order, which would read:

143. Questions may be put to the Speaker relating to any matter of administration for which the Speaker is responsible.

29. The committee also believes it appropriate that this standing order be relocated to follow standing orders 142 and 143 which relate to persons to whom questions may be asked.

General rules for questions

30. Standing order 144 provides:

The following general rules shall apply to questions:

Questions cannot be debated.

Questions should not contain:

- (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
- (b) arguments;
- (c) inferences;
- (d) imputations;
- (e) epithets;
- (f) ironical expressions; or
- (g) hypothetical matter.

Questions should not ask Ministers:

- (a) for an expression of opinion;
- (b) to announce the Government's policy, but may seek an explanation regarding the policy of the Government and its application and may ask the Prime Minister whether a Minister's statement in the House represents Government policy; or
- (c) for legal opinion.

Questions cannot refer to:

- (a) debates in the current session; or
- (b) proceedings in committee not reported to the House.

Questions cannot anticipate discussion upon an order of the day or other matter.

31. In spite of its length and specificity, the committee considers that the standing order does not reflect the current practice of the House. Although the practices governing the content of questions have become established through Speaker's rulings, *House of Representatives Practice* notes that questions without notice raise significant difficulties for the Chair:

The necessity to make instant decisions on the application of the many rules on the form and content of questions is one of the Speaker's most demanding tasks. Because of the importance of question time in political terms, and because of the need to ensure that this critical function of the House is preserved in a vital form, Speakers tend to be somewhat lenient in applying the standing orders rulings have not always been well founded and inconsistencies have occurred. Speakers have commented 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.⁷

32. The committee believes that standing order 144 needs significant simplification. It has proposed that current standing order 144 be replaced with

⁷ *House of Representatives Practice*, p 512.

a standing order which removes many of the specific provisions which are thought to be ineffective. The new standing order would read:

144. Questions without notice will be concise, seek information, relate only to one subject and not contain material not necessary to the understanding of the question.

33. The committee proposes that it would then be incumbent on the Speaker to announce to the House at the beginning of each Parliament (and at such other times as necessary) how this standing order will be applied, taking into account pertinent past practice relating to the specifics of the former standing order.

34. Some general rules should still remain. Existing standing order 153 provides:

Questions shall not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may only be challenged on a substantive motion, and notice must be given of questions critical of the character or conduct of other persons.

35. There are no definitions in the standing orders in relation to this requirement, however in practice it:

- prohibits questions critical of the character of certain persons (such as Members, the Governor-General, members of the judiciary etc), and
- provides that questions critical of the character or conduct of other persons must be placed on notice.

36. Standing order 153 could be seen to be in conflict with the general rules contained in the first part of standing order 144, which allows questions to contain the names of persons if they are strictly necessary to render the question intelligible and can be authenticated.

37. A proviso that questions 'regarding the character or conduct of individuals other than Ministers and Members' must be placed on notice was first proposed by the Standing Orders Committee in 1943, inserted in the standing orders in 1950 and amended in 1963 to remove ambiguities and to permit genuine laudatory references to outsiders in questions without notice. It is understood that the provision was devised to prevent reckless allegations against persons not covered by the standing orders.

38. In its 1986 report on question time the Procedure Committee recommended that the current prohibition on questions without notice critical of the character or conduct of other persons be retained but, to avoid confusion, standing order 153 be re-numbered and inserted following standing order 144. The present committee re-endorses this recommendation (ie existing standing orders 144(a) and 153 be retained but follow new standing order 144).

Length of questions

39. The standing orders of the House do not contain any specific provisions for the length of questions, although the general rules set out in standing order 144 do place restrictions on the inclusion of statements of facts or names of persons in questions and thus attempt to restrain questioners from giving unnecessary information or inviting argument and thereby initiating a debate. It has been the practice for the Speaker to direct that lengthy questions without notice be placed on the *Notice Paper*.

40. Lengthy preamble and multi-faceted questions invite or necessitate lengthy answers and thus add to the problem of the reduction in the opportunities for Members to ask questions. The 1986 report recommended that questions be brief and confined to a single issue and the Clerk has also recommended a similar provision.

41. The committee believes this to be an appropriate matter for inclusion in the Speaker's guidelines. (See paragraphs 87 to 92)

Content of answers

42. The standing orders and practice of the House have been criticised in that restrictions similar to those applying to the form and content of questions do not apply to answers. The only standing order which deals with the form and content of answers is standing order 145, which states:

An answer shall be relevant to the question.

43. Of all the standing orders this is amongst the most frequently discussed. It has often been interpreted to mean partly relevant or relevant in part. A former Speaker described standing order 145 as being 'effectively so wide as to be almost incapable of enforcement' and therefore considerable latitude has been given to the way in which answers are made. Indeed there are few examples of Ministers being directed to resume their seats under this provision. A former

Speaker described the dilemma facing the Chair in intervening under the provisions of this standing order:

.... the procedural authority for such action is not very strong, and the further along the path of intervention the Chair goes the more open the Chair is to criticism for exercising an authority and control beyond that laid down in the standing orders.⁸

44. The difficulty for the Chair in applying standing order 145 is felt by all occupants of that position. As one former Speaker noted:

...standing order 145 is one of the shortest standing orders, it is not necessarily the clearest by way of interpretation. The question of relevance is generally a matter of opinion or judgment. I find myself in exactly the same position as previous Speakers who have had difficulty in pleasing all sections of the House.....When general questions are asked it is very difficult to define them down to specific relevant parts.⁹

45. Three possible options for achieving relevance are:

- (1) an oral question period such as exists in the United Kingdom, India and New Zealand, where the original question is placed on notice which allows the Speaker to monitor better the relevance of an answer and any supplementary questions;
- (2) voluntary acceptance of short and concise questions and answers as happens in Canada, where question time is by custom dominated by the Opposition; or
- (3) amendment of standing order 145, thereby giving the Speaker an explicit power to terminate an answer that is not relevant to the question.

46. It is useful to look at the provisions in comparable legislatures. In regard to the United Kingdom House of Commons practice, *May* states:

An answer should be confined to the points contained in the question, with such explanation only as renders the answer intelligible, though a certain latitude is permitted to Ministers of the Crown ...[The Speaker] has suggested that lengthy answers

⁸ H.R. Deb. (22/10/86) 2525.

⁹ H.R. Deb. (28/9/88) 1037.

should be circulated with the Official Report instead of being given orally.¹⁰

47. In the British and New Zealand Houses notice is given of all questions, with some questions being nominated for oral answer and the initial questions and answers being followed up by a number of supplementary questions.

48. Because of the much greater size of the British House of Commons and the scale of its concerns, there is much less chance of a question nominated for oral answer in that House actually finding its way into the question time. Because of the size of the House, the system works much more satisfactorily in New Zealand from the point of view of each individual member. However this system has not prevented non-responsive answers and is open to other misuse, such as the innocuous initial questions which are put to the British Prime Minister and followed up with supplementaries unrelated to the initial questions.

49. The British and New Zealand systems have the effect of reducing the number of initial questions asked and the subjects of questions asked in any given time. The procedure of giving notice also creates a problem of staleness of questions.

50. The Canadian House of Commons adopted guidelines for answers as a result of the 1964 report of the Canadian Special Committee on Procedure. They included the provision that 'Answers to questions should be as brief as possible, should deal with the matter raised, and should not provoke debate.'

51. In its 1986 report the Procedure Committee recommended that standing order 145 be expanded:

145. Answers to questions must be relevant, not introduce matters extraneous to the question and should not contain -

- arguments, imputations, epithets, ironical expressions or
- discreditable references to the House or any Member thereof or any offensive or unparliamentary expressions.

¹⁰ Erskine May, *Parliamentary Practice*, 21st ed, Butterworths, London, 1989, p 295.

52. In its draft response to the 1986 report, unqualified Government agreement was only given to the relevance aspect. It stated that it may be necessary to introduce seemingly extraneous matter to provide a complete answer, that it would burden the Speaker to rule on the specifics of the content of answers but that the Speaker could judge other aspects against precedent.

53. The committee felt that the third option given above, to give the Speaker explicit power to terminate an answer, could have the undesirable effect of denying a Member an answer.

54. The present committee believes that this standing order is best dealt with by a combination of well established practice and a simplified standing order. However, the option to terminate an answer should be considered by the Chair when determining how standing order 145 is to be applied. In a similar manner to which it is possible to rule a question out of order, it is possible to rule an answer out of order, if the Chair considers that an answer contravenes standing order 145. The proposed new standing order is stated at paragraph 61.

Length of answers

55. In its 1986 report the Procedure Committee concluded that 'it is the increasing length of answers and the resultant restriction on private Members' opportunities to ask questions that is the major problem with question time.'¹¹

56. The Speaker has no specific power under the standing orders to require a Minister to conclude an answer on the grounds of its length and in the past has only exercised persuasion. Ministers have occasionally been advised that, should a question require a lengthy response, the proper procedure is for the Minister to state that fact and to seek leave to make a statement after question time. However, while offering such advice, Speakers have tended to take the view that the Chair has no power to require that it be followed.

57. Of the options considered by the President of the Senate in 1990 to improve question time, that which was favoured was for the Chair to exercise tighter control over long questions and answers. The President noted¹² that the Chair is traditionally reluctant to restrict the customary latitude given to Senators in all proceedings, and did not seek to restrict Senators except in accordance

¹¹ Question time report, 1986, p 38.

¹² *Senate Question Time* Senate Miscellaneous Paper 38/90, p 5. See *Journals of the Senate* entry no. 20, 22/5/90.

with clear rules and well-established practices. He concluded that the Chair could exercise tighter control over the length of questions and answers if the Senate were to indicate that that was its wish. This would involve Senators being told to reframe lengthy questions and ask them at a subsequent time, spurious supplementary questions being ruled out of order and Ministers being constrained to be more concise and relevant in their answers.

58. The table below indicates that there is a clear trend of a reduction in the average number of questions asked per sitting day from 1976 to mid 1992 (from 19.8 in 1976 to 11.5 in 1992). It also shows a marked increase in the time taken to ask and receive an answer, the time increasing by 125% between 1976 and 1992.

QUESTIONS WITHOUT NOTICE 1976-1992¹³

Year	No. of days questions asked	Total no. of questions asked	Average no. of questions asked per day	Average length of question time	Average time taken for question and answer
1976	73	1447	19.8	48.5	2.4
1977	62	1021	16.5	48.0	2.9
1978	68	1098	16.1	46.5	2.9
1979	63	1033	16.4	49.0	3.0
1980	50	762	15.2	49.5	3.2
1981	58	943	16.3	45.0	2.8
1982	46	709	15.4	45.0	2.9
1983	47	597	12.7	48.5	3.8
1984	49	591	12.1	48.0	4.0
1985	62	744	12.0	49.0	4.1
1986	79	934	11.8	47.4	4.0
1987	72	898	12.5	50.6	4.1
1988	68	715	10.5	47.5	4.5
1989	57	665	11.7	49.5	4.2
1990	33	453	13.7	58.0	4.2
1991	64	865	13.5	62.4	4.6
1992	25	287	11.5	62.3	5.4

¹³ Source: Department of the House of Representatives Chamber Research Office statistical records, as at 2/6/92.

59. Considerable dissatisfaction has been expressed for some years among Members at the length of Ministers' answers at question time. A number of proposals from both Government and Opposition have been broached over the years to control their length. These have centred around the need for precise time limits to be spelt out in a standing order.

60. The 1986 Procedure Committee report concluded that there needs to be flexibility for the answering of questions and that setting time limits is not necessarily the most appropriate method of dealing with unnecessarily long answers. The 1986 report also did not support proposals to give the Chair discretion to extend the time or to require Ministers to seek the leave of the House to continue beyond the specified time.

61. The present committee is not in favour of setting down strict provisions in the standing orders in relation to answers to questions. It believes that the Speaker would be able to exercise tighter control over the length and content of answers if he or she made a statement to the House at the beginning of each Parliament advising Members of the way in which the standing orders relating to questions and answers would be interpreted. This could ensure that the Chair's authority is exercised to facilitate a more effective question time. The committee recommends that standing order 145 read:

145. The answer to a question without notice -

- (a) shall be concise and confined to the subject matter of the question, and
- (b) shall not debate the subject to which the question refers.

An answer to a question on notice shall be relevant to the question.

Questions answered

62. Standing order 146 provides:

A question fully answered cannot be renewed.

63. This is a commonsense provision and it causes no problems in practice. A related practice is that questions without notice which are substantially the same as questions already on notice are not permitted. The word 'substantially' enables the Chair to exercise some discretion, and the practice does not appear to cause difficulties for the House. The committee recommends that this standing order be retained and renumbered as 144A(d).

Alteration of question

64. Standing order 147 provides:

The Speaker may direct that the language of a question be changed if it seems to him unbecoming or not in conformity with the standing orders of the House.

65. The Clerk commented in his submission that while this provision is rarely invoked in respect of questions without or on notice, it is important and should be retained.

66. The committee recommends the substitution of gender neutral language in standing order 147 and that it be included in the standing order on general rules applying to questions (standing order 144A).

Rules relating to questions on notice

Notice of question

67. Standing order 148 provides:

Notice of question shall be given by a Member delivering the same to the Clerk within such time as, in the opinion of the Speaker, will enable the question to be fairly printed. The question shall be fairly written, signed by the Member, and shall show the day proposed for asking such question.

68. The Clerk believes that this rule is a reasonable one both in substance and detail and should be retained. He submitted that although in recent years all questions have been asked 'for the next sitting', the ability to have a question

recorded for a particular day should be retained. The committee recommends that the standing order read:

148. Notice of a question shall be given by a Member delivering it to the Clerk within such time as, in the opinion of the Speaker, will enable the question to be printed. The question shall be fairly written and signed by the Member and shall show the day proposed for asking such question.

Order of questions

69. Standing order 149 provides:

The Clerk shall place notices of questions on the Notice Paper in the order in which they were received by him.

70. This standing order appears to cause no difficulty and only a minor change to remove gender specific language has been recommended. The standing order would read:

149. The Clerk shall place notices of questions on the Notice Paper in the order in which they are received.

Replies to questions

71. Standing order 150 provides:

The reply to a question on notice shall be given by delivering the same to the Clerk. A copy thereof shall be supplied to the Member who has asked the question, and such question and reply shall be printed in Hansard.

72. The committee believes that this rule works well and should be retained. However, the committee's attention was drawn to the Senate order of continuing effect¹⁴ which enables a Senator who has not received an answer to a question on notice within 30 days, and who has not had a satisfactory explanation as to why an answer has not been provided, to move to require an explanation from the Senate Minister.

¹⁴ See *Journals of the Senate* No. 93, 28 September 1988, pp 952-953.

73. The committee attaches great importance to enhancing Parliament's ability to scrutinise the Executive. Noting that some questions have remained on the *Notice Paper* in excess of a year, the committee was attracted to a similar procedure being initiated in the House. However, it did not believe the Senate procedure was entirely appropriate. In particular, while 30 days is not an unreasonable period in which to expect an answer, a more realistic period (90 days) should be allowed before the procedure can be invoked.

74. The new standing order would read as follows:

150. The reply to a question on notice shall be given by *delivering it to the Clerk. A copy of the reply shall be supplied by the Clerk to the Member who asked the question, and the question and reply shall be printed in Hansard.*

If, after the expiration of 90 days of a question first appearing on the Notice Paper, a reply has not been delivered to the Clerk, the Member who asked the question may rise in his or her place and request the Speaker to write to the Minister concerned, seeking reasons for the delay in answering.

Supplementary questions

75. Standing order 151 provides:

Questions may be asked without notice. At the discretion of the Speaker supplementary questions may be asked to elucidate an answer.

76. The committee has recommended that it would be appropriate for the first sentence of this standing order to become a separate standing order at the beginning of the chapter (of the standing orders) dealing with questions (see paragraph 20).

77. In more recent times supplementary questions are seen to relate to the practice in the United Kingdom House of Commons, the Canadian House of Commons and the Australian Senate where questions of this type immediately follow an answer to the original question. Although S.O. 151 does not preclude this interpretation, Speakers have ruled that the practice of the House has been

to alternate the call and that this principle should be maintained. Thus the current practice is that no immediate supplementary questions can be asked.

78. The committee believes that the current practice of not permitting immediate supplementary questions meets the requirements of the House, and therefore the standing order should be deleted.

LENGTH OF QUESTION TIME

79. There is no standing order prescribing a time limit for question time. In practice it is terminated by the Prime Minister or senior Minister present, requesting that further questions be placed on the *Notice Paper*. However, since 1976, question time has varied from 45 minutes to the present duration of about one hour with a significant decrease in the number of questions answered each day.

80. The 1986 question time report considered two major proposals on the duration of question time. The first was to increase the duration of question time to one hour. The present committee notes that increasing the length of question time to one hour has not tackled the key problem of unnecessarily lengthy answers, as indicated in the table on page 14.

81. The proposal which the previous committee preferred was to retain the duration of question time at approximately 45 minutes but extend it until minimum of 16 questions (excluding disallowed and supplementary questions) were asked. The committee concluded this rule would place informal pressure on Ministers to restrict the length of their answers and, in so far as lengthy answers were concerned, the operation of question time would be self-regulating.

82. In its draft response to the report the Government disagreed with the recommendation for a prescribed number of questions, stating that brief, single-issue questions and a reduction in the disruptive tactics of the Opposition would assist in ensuring that an appropriate number of questions were asked.

83. Probably more as a result of Opposition pressure than in response to the Procedure Committee report, the Leader of the House announced in 1987:

...it is the intent of the Government that the Opposition should have the opportunity to ask no less than 7 questions. That is, if the 45 minutes that is allocated for

question time can proceed normally, or a little longer, we will have no less than 7 questions from the Opposition.¹⁵

84. However, as the table on page 14 indicates, that undertaking has not been consistently met. More recently, the Speaker re-iterated the Government's intention to allow a prescribed number of questions when he stated:

... I had discussions with the Leader of the House to ensure that on most occasions when there are long answers given to questions, as is sometimes required, question time will continue so that we get 14 questions.¹⁶

85. In response to a question from the Manager of Opposition Business relating to the Government's undertaking, the Speaker replied that 'on most occasions, whether question time is extended is up to the Executive Government'.¹⁷

86. The committee feels that proposals to impose time limits or to provide for a minimum number of questions could give rise to difficulties in practice. It believes that the implementation of a new standing order relating to answers being concise and confined to the subject of the question together with the Speaker's guidelines may be sufficient to increase the number of questions asked during question time.

STATEMENT BY SPEAKER

87. The standing orders relating to questions and answers as recommended in this report are framed so as to allow an interpretation to be made by the Chair.

88. The committee is conscious that the standing orders have not been applied to all questions and answers with equal vigour in the past, and as a result inconsistencies have occurred. 'Precedent', therefore, is not necessarily a useful tool to use in developing appropriate interpretations.

89. As stated in *House of Representatives Practice*:

... it is important to recognise that, as a consequence of a lack of provisions in the standing orders relating to answers, there is no limitation placed on the Chair in developing the

¹⁵ H.R. Deb. (14/5/87) 3241.

¹⁶ H.R. Deb. (15/4/91) 2550.

¹⁷ H.R. Deb. (16/4/91) 2645.

practice of the House in this area. Thus the Chair may assume the authority to make any ruling or decision which the Chair thinks appropriate and then leave it to the House to challenge that ruling or decision if it does not agree with it. In this way an effective Question Time is developed.¹⁸

90. The committee agrees that the Speaker is fully empowered to make appropriate rulings and decisions affecting questioning practices, and firmly believes that a statement on the ground rules to be applied would contribute greatly in facilitating a more effective and orderly question time.

91. It is recommended:

That the Chair, at the commencement of a Parliament (or such other times as thought necessary) advise the House on how the standing orders affecting questions and answers will be applied, either generally or specifically.

92. Matters which the Chair may wish to canvass in a statement to the House include whether:

- questions may (or may not) contain arguments, inferences, imputations, epithets, ironical expressions or hypothetical matter.
- questions may seek an expression of opinion.
- matters of Government policy may be announced.
- Opposition policy can be referred to.
- reference can be made to business currently before the House.
- the Chair will terminate an answer if of the opinion that the provisions of standing order 145 are being contravened or that the Member has had sufficient opportunity to answer the question.

¹⁸ *House of Representatives Practice*, p. 530.

PROPOSED STANDING ORDERS

142A. Questions may be asked with or without notice.

142. Questions may be put to a Minister or Assistant Minister relating to public affairs with which the Minister or Assistant Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which the Minister or Assistant Minister is responsible.

143. Questions may be put to a Member, who is not a Minister or an Assistant Minister, relating to any bill, motion, or other public matter connected with the business of the House, of which the Member has charge.

143A. Questions may be put to the Speaker relating to any matter of administration for which the Speaker is responsible.

144. Questions without notice will be concise, seek information, relate only to one subject and not contain material not necessary to the understanding of the question.

144A. The following general rules shall apply to questions:

- (a) Questions shall not contain statements of facts or names of persons unless they are strictly necessary to render the question intelligible and the facts can be authenticated.
- (b) Questions shall not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may only be challenged on a substantive motion, and notice must be given of questions critical of the character or conduct of other persons.
- (c) The Speaker may direct that the language of a question be changed, if, in the opinion of the Speaker, it is unbecoming or not in conformity with the standing orders of the House.
- (d) A question fully answered cannot be renewed.

145. The answer to a question without notice -

- (a) shall be concise and confined to the subject matter of the question, and

(b) shall not debate the subject to which the question refers.

An answer to a question on notice shall be relevant to the question.

148. Notice of a question shall be given by a Member delivering it to the Clerk within such time as, in the opinion of the Speaker, will enable the question to be printed. The question shall be fairly written and signed by the Member and shall show the day proposed for asking such question.

149. The Clerk shall place notices of questions on the Notice Paper in the order in which they are received.

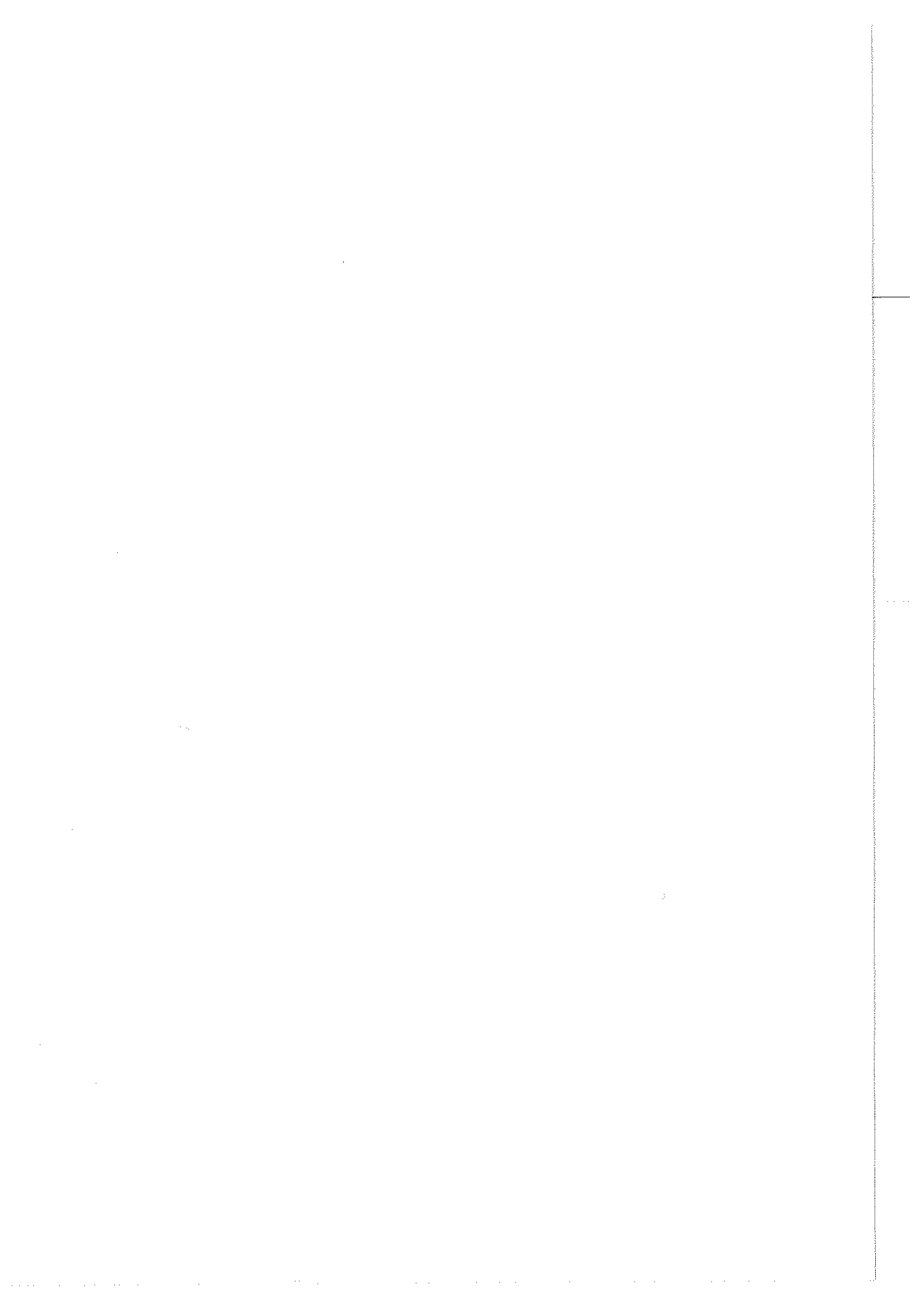
150. The reply to a question on notice shall be given by delivering it to the Clerk. A copy of the reply shall be supplied by the Clerk to the Member who asked the question, and the question and reply shall be printed in Hansard.

If, after the expiration of 90 days of a question first appearing on the Notice Paper, a reply has not been delivered to the Clerk, the Member who asked the question may rise in his or her place and request the Speaker to write to the Minister concerned, seeking reasons for the delay in answering.

GORDON SCHOLES, MP
Chairman
2 June 1992

APPENDIX

EXTRACT FROM DRAFT GOVERNMENT RESPONSE TO THIRD REPORT OF
THE PROCEDURE COMMITTEE, DATED 29 OCTOBER 1987.



HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON PROCEDURE -
 THIRD REPORT - THE STANDING ORDERS AND PRACTICES WHICH
 GOVERN THE CONDUCT OF QUESTION TIME

RECOMMENDATION

RESPONSE

Length of questions

Standing orders be amended to require that questions be brief and confined to a single issue. (Paragraph 79)

Agree. This will assist in improving the number of questions asked and answered.

Questions anticipating matters before the House

The prohibition on questions anticipating discussion of an order of the day or other matter be modified to exclude matters of public importance and the main or supplementary appropriation bills, and in enforcing the rule the Chair have regard to the matter anticipated being brought before the House within a reasonable time but not so as to alter the practice regarding questions directed to private Members. (Paragraph 90)

There does not appear to be a need to specifically exclude the MPI in the way suggested as it is not officially before the House until read out by the Chair - after Question Time.

Other than that, agree.

Questions relating to "friendly" countries

The practices relating to reflections on governments or heads of governments other than the Queen or her representatives in Australia be discontinued in so far as they apply to both questions and debate. (Paragraph 96)

Agree. As the committee notes, the Speaker should not be required to determine which are "friendly" countries. The example cited by the Committee (U.S. wheat sales) highlights the potentially restrictive nature of the existing practices.

Questions critical of the character or conduct of other persons

The current prohibition on questions without notice critical of the character or conduct of other persons be retained but, to avoid confusion, standing order 153 be re-numbered and inserted following standing order 144. (Paragraph 109)

Agree.

Matters relating to the content of questions

In view of the prohibition on questions containing argument contained in standing order 144(b) the provision that questions which seek information on matters of past history for the purpose of argument are inadmissible be removed from practice.

Agree.

Standing orders be amended to make it clear that a question on the Notice Paper does not constitute a "public matter connected with the business of the House, of which a Member has charge" for the purpose of standing order 143.

There does not appear to be a need to clarify the standing orders. A question on the Notice Paper is not a public matter connected with this House and would not be interpreted as such.

The prohibition on questions without notice which are substantially the same as questions already on the Notice Paper be retained. (Paragraph 118)

Agree, but note and endorse the recent ruling of the Speaker that it is in order for a Member to ask a question which he himself had on the Notice Paper (25 September 1986).

Relevance of answers

Standing orders be amended to provide that answers to questions must be relevant, not introduce matter extraneous to the question and should not contain -

- arguments, imputations, epithets, ironical expressions or
- discreditable references to the House or any Member thereof or any offensive or unparliamentary expressions. (Paragraph 138)

Not agree. As set out in standing order 145 answers must be relevant but it may be necessary to introduce seemingly extraneous matter to provide a complete answer.

Not agree. Speaker can judge whether language is unparliamentary against precedents. But to rule on the specifics suggested would burden the Speaker.

Agree with the basic proposition but believe that this is already covered by standing orders 75-77 dealing with offensive words and personal reflections.

Duration of Question Time

The duration of Question Time remain approximately 45 minutes but be extended until a minimum of 16 questions are asked unless major interruptions occur. (Paragraph 153)

Not agree to prescribed number of questions. An effort is made to ensure that an appropriate number of questions are asked and answered during Question Time. This will be facilitated by brief, single-issue questions and a reduction in the disruptive tactics adopted by the Opposition.

In the final analysis the Prime Minister decides whether question time takes place and for what length of time.

Supplementary questions

Standing orders be amended to allow for one immediate supplementary question. Immediate supplementary questions would be restricted to the questioner, they must arise out of the Minister's response, should need no preambles, should not introduce new matter and should be put in precise and direct terms without any prior statements or argument.

Immediate supplementary questions be regarded as a part of one question, rather than a second question, for the purpose of the allocation of the call.

Subject to the qualifications permitting immediate supplementary questions, current provisions remain unchanged for the allocation of the call. (Paragraph 168)

Not agree to supplementary questions. Believe that supplementaries will simply come down to a repetition of the question and answer and will have the undesirable effect of reducing the number of primary questions asked and answered.