

The Senate

Procedure Committee

Restructuring question time

Reference of bills to committees

Questions to chairs of committees

Deputy chairs of committees

Leave to make statements

First report of 2008

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PROCEDURE COMMITTEE

FIRST REPORT OF 2008

The committee reports to the Senate on the following matters referred to the committee by the President under standing order 17.

RESTRUCTURING QUESTION TIME

The committee has considered proposals to restructure question time with the aim of making it a more effective mechanism for seeking the accountability of the executive government to the Parliament.

The proposals were circulated by Senator Ferguson as President. In essence, they would involve replacing the current system, of one question without notice and one supplementary question from the questioner, with a system of one primary question on notice and multiple supplementary questions not confined to the questioner, and a stricter requirement for relevance of answers. The proposals were outlined as follows:

- (1) All primary questions to be placed on a Question Time Notice Paper by 11 am.
- (2) Up to 6 supplementary questions following each primary question.
- (3) Up to 2 minutes for an answer to each primary or supplementary question.
- (4) Answers to be directly relevant to each question.

The selection of the primary questions to be asked and the allocation of the supplementary questions would be governed by informal agreements similar to those operating at present.

Attached to this report are a background paper circulated by Senator Ferguson when President (attachment 1) and a schedule showing the amendments which would need to be made to standing orders 72 and 73 to introduce the proposed system (attachment 2).

The committee appreciates that adoption of these proposals would be a major change to the working of a significant parliamentary procedure, and that such a change should not be introduced without consultation with senators and other interested parties.

The committee reports the proposals to the Senate at this stage to begin that process of consultation. The committee will consider the proposals again after senators and others have had an opportunity to express their views.

REFERENCE OF BILLS TO COMMITTEES

The Joint Committee of Public Accounts and Audit drew attention to its report entitled *Tax Administration*, presented in June 2008, and its recommendation that the Procedure Committee examine whether to include an examination of regulatory impact as part of the standard terms of reference for committee inquiries into bills.

This committee points out that senators, when moving for references to committees, may consider the inclusion where appropriate of an examination of regulatory impact in the terms of reference contained in their motions, and that committees when scrutinising bills may consider whether an examination of their regulatory impact is appropriate.

Senator Andrew Murray, before his retirement from the Senate, asked that this committee consider whether the Senate should have some mechanism for referring to committees bills which put into effect budget measures as soon as those bills appear, so that the committees may begin their scrutiny of those bills well before the Senate is called upon to consider them. Senator Murray pointed out that the introduction of the budget in May is usually followed by two weeks of Senate estimates hearings and two non-sitting weeks, with the result that it may be several weeks after the presentation of the budget before the Senate can decide whether to refer the consequent bills to committees.

This committee points out that this problem may be overcome by the use of existing procedures. The Senate already has processes for referring the provisions of bills to committees before the bills are received in the Senate, and there are precedents for committees being empowered by Senate resolutions to consider legislation emerging from specific proposals as soon as the legislation appears. The Senate should be able to make decisions during the budget week about which legislation arising from the budget should be referred to committees, and the committees may then begin their inquiries as soon as the legislation is available.

The committee believes that it is important to maintain the principle that only the Senate may decide whether bills should be referred to committees, and it would not be desirable to adopt any procedure whereby bills may be referred without explicit authorisation by the Senate.

QUESTIONS TO CHAIRS OF COMMITTEES

The President referred to the committee the discussion which took place in the Senate on 28 August following a ruling on a question to a chair of a committee.

Standing order 72, in addition to providing for questions to ministers at question time, contains provisions for questions to other senators about business of which those senators have charge on the Notice Paper, and questions to chairs of committees.

The first provision, in paragraph (1) of standing order 72, has been in the standing orders since they were first adopted in 1903, and was designed to allow senators to ask other senators about the progress of their bills and other business they had initiated. The provision for questions to chairs of committees is in paragraph (2) of standing order 72, and was adopted in 1975 after a practice of putting questions to chairs had developed to allow senators to ask committees about the progress of their inquiries. Questions to chairs may be put only on notice or by leave; these restrictions were designed to safeguard a further restriction that chairs must answer only on behalf of their committees.

These provisions have seldom been used in modern times, and on the rare occasions when they are used, they are not used for their original intended purposes.

Question time is now an occasion for questions to ministers. The committee believes that the Senate should consider amending the standing orders to reflect that primary purpose of question time, and to abolish the provisions for questions to other senators and to chairs of committees. The committee suggests that the Senate adopt this change as a temporary order until the end of 2008, after which the committee will review the change to ascertain whether it has caused any inconvenience to the Senate or senators, before recommending whether it should be adopted as a permanent change.

Attachment 3 shows the necessary amendments of the standing order, and the committee recommends that the amended standing order be adopted as a temporary order until the end of 2008.

DEPUTY CHAIRS OF COMMITTEES

Readers of the standing orders have occasionally been confused by the relationship between subparagraphs (b) and (d) of paragraph (9) of standing order 25 relating to the legislative and general purpose standing committees. Paragraph (9) provides for the chairs and deputy chairs of committees. Subparagraph (b) specifies who is to be elected as the deputy chair of each committee, while subparagraph (d) indicates that the deputy chair is to act as chair when the chair is absent or the position of chair is vacant. Subparagraph (d), however, begins with a phrase to the effect that each committee is to elect a deputy chair, and this is sometimes mistaken as the primary provision relating to the election of the deputy chair. To avoid this possible confusion, the committee recommends that subparagraph (d) be amended as follows:

~~Each committee shall elect one of its members as its deputy chair, and the member so elected~~ **The deputy chair** shall act as the chair of the committee when the member elected as chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

LEAVE TO MAKE STATEMENTS

Difficulties have occasionally been experienced when senators have granted leave to other senators to make statements and those statements have extended for a longer time than the senators granting leave expected.

The committee points out that leave requires the consent of all senators present, and that any senator granting leave may specify the period for which leave is granted. If it is made clear that leave to make a statement is granted subject to a time limit on the statement, the Chair will apply that time limit and the timing clock will be set accordingly. Senators when seeking leave to make a statement should also indicate the time for which leave is sought, so as to avoid misunderstandings.

Alan Ferguson
Deputy President
and Chair of Committees
Chair of the Procedure Committee



Discussion Paper

Senator the Hon Alan Ferguson

President of the Senate

An opportunity for revitalization

August 2008

Introduction

Question time is undoubtedly one of the most important accountability mechanisms in the Australian Parliament. The opportunity to put questions in parliament to ministers relating to matters for which they have responsibility plays a key role in the successful functioning of our parliamentary democracy. It is also one of the functions of the parliament that has the highest public profile.

However, there may be areas where this important opportunity for scrutiny of the executive government could be made more effective and efficient.

Issues

In the Senate, question time is an important opportunity for opposition and minor party senators. While no-one would take issue with the ongoing value of an opportunity to question ministers, there are some valid criticisms that can be made of its current form. It is worth noting that this form has taken shape across successive governments from both major parties and is not the result of any specific attempt to reduce its effectiveness from one side over the other. It has evolved into a form that could now benefit from revitalization. It may be worth examining the forms used in other comparable parliaments to see if anything useful can be drawn to improve the way question time operates in the Australian context.

It is worth noting that while the standing orders of the Senate give senators the right to ask questions of ministers and certain other senators, there is no corresponding obligation on those questioned to give an answer. There are numerous rulings from Senate Presidents, dating back to President Baker in 1902, that confirm and entrench this circumstance. This means that ministers, as long as they remain broadly relevant to the question are free to answer as they see fit. This may take the form of simply reciting a pre-prepared brief on the matter providing only the key points they wish to emphasize and/or using the opportunity to comment on the policy positions of other parties.

Because there are a significant number of ministers relative to the number of questions available each day, most ministers will not be subject to more than a few questions each day. This means that ministers can usually provide a reasonable answer from the briefing material available to them, without necessarily being familiar with the full detail of the subject matter.

The use of Dorothy Dix questions, made by government senators to ministers from their own party, is one of the areas of question time subject to particular criticism. This is often an opportunity to make ministerial statements or simply to criticise one's opponents. This does not provide for an accountability check on ministers.

Supplementary questions are a positive feature of the Senate question time and one which, taken in conjunction with the time limits on questions and answers, allow senators to pose a question to elucidate an answer already given. This is an important opportunity to drill down into the subject matter being pursued by question. However, as only one supplementary is allowed this opportunity is relatively limited.

A significant amount of time and resources in government departments and agencies are put into preparation for question time in areas that may not be required on that day. Public servants from many departments and agencies expend a significant amount of time preparing briefing material for their ministers on a wide range of subjects within their areas of responsibility. Because it is not known which minister will be subject to questions on a particular day, or which specific area within their portfolio, the briefs try to cover every possible area of questioning. The briefs are often quite broad in their approach, providing the minister only enough to satisfy one or two questions. This time and effort used to provide briefing covering such a wide range of possible parliamentary questions could be more spent more productively and efficiently in other areas if it was known that question time would focus in detail on a few specific areas.

Other approaches to question time

There are a number of different approaches to question time in other comparable parliaments. A paper on the operations of question time in the New Zealand, United Kingdom and Canada is attached. There are some useful contrasts with the current practice in the Australian Senate.

Discussion proposal

Question time is an essential feature of our parliamentary democracy and one which, quite appropriately, attracts attention from public and from ministers and is the focus of considerable resources in government departments and agencies. In my observation, the New Zealand question time model has positive aspects that could be applied to the Australian Senate context. In particular, the lodging of questions (that could then be followed up by more specific supplementary questions) earlier in each sitting day would allow government resources to be targeted on the specific areas of proposed questioning. It would however, require the ministers to be across the subject matter in considerably more detail than might have been necessary under the current practice as they would be able to be asked a series of more detailed supplementary questions.

I propose that this discussion paper form the basis of consideration of possible reforms to Senate question time by the Senate Procedure committee, with a view to improving the efficiency and effectiveness of this important mechanism.

Question Time – comparisons between the UK, New Zealand and Canada

The following information relates to the operation of Question Time (or equivalent) in the lower house of each jurisdiction. The information covers areas such as:

- category of questions
- the content of questions
- procedures for notice of questions
- the timing and frequency of Question Time

It is interesting to note some departures from Question Time as it operates in the Australian federal parliament:

- the use of different types of question time such as the Prime Ministers Question Time in the British House of Commons and the First Ministers Question Time in the Welsh and Scottish assemblies.
- the Scottish Assembly has Themed Question Times when questions on a similar topic/or addressed to the same department are asked, for example a Themed Question Time on Finance and Sustainable Growth.
- in the British House of Commons questions are asked on a rota basis for example social security questions might be answered on Monday 17 March but would not be answered again until Monday 14 April –one month later.
- unlike Australia where questions can be asked without notice, some of the jurisdictions require a period of notice for oral questions, such as New Zealand and the British House of Commons requiring oral question to be lodged at least three days before the day set down for that minister or department.
- the requirement for answers to written questions in a specific period of time as indicated by the Scottish Parliament requiring answers within 10 working days.

Areas of similarity between the different jurisdictions relate:

- the form and content of the questions
- requirement for answers (particularly for written questions)

New Zealand

The primary reference for the following information is *Parliamentary Practice in New Zealand*, Third edition.

Categories

The New Zealand Parliament has four categories of questions:

- oral questions
- urgent questions
- supplementary questions
- written questions

Timing

At the beginning of each sitting day the House devotes about 60 minutes to 12 questions from members to Ministers about matters within their ministerial responsibility (the Standing Orders do not prescribe a specific period of time). The Ministers have a few hours' notice to prepare a reply. After the initial reply is given, members can ask supplementary questions to test the Minister's answer. This process keeps Ministers and the organisations for which they are responsible on notice that their activities can always be subject to scrutiny. Each day's oral questions are generally available on the Parliament's website after 11.30 am and uncorrected transcripts of the questions being asked and answered are available after 5.30 pm the same day.

Questions are usually addressed to a minister but may be addressed to other members in certain circumstances.

Procedure

Oral questions are lodged with the Clerk on the morning of the day they are to be answered. Up to 12 questions may be lodged on each day. Urgent questions can be lodged at any time up to the end of the question period but must meet stringent criteria. In addition two copies must be prepared, one for the Clerk and one for the appropriate Minister.

Every question must be signed. The Clerk's office checks for compliance with the Standing Orders.(ss 369-379)

The Business Committee is given power to determine the allocation and rotation of questions, but by convention it is designed to ensure equity to all sections of the House. The allocation of questions between parties is made on the basis that is proportional to party membership in the House. An attempt is made to alternate questions between the Government party members and Opposition members.

Content

Questions have to be concise. They should not contain statements of facts and names of persons. It is the duty of the Member to authenticate a statement or quotation. Unparliamentary language is not allowed. Questions may seek an expression of opinion but may not seek legal opinion. The subject matter of a question to a Minister must relate to his/her ministerial responsibility. Questions can be addressed to associate or assistant minister if their areas of responsibility are known. Questions can be transferred between ministers where appropriate. The Prime Minister can redirect a question to a Minister. There is no specific Prime Minister question time.

Oral and written questions can be made to other members but must relate to the business of the House of which the member has charge. In the case of the Speaker it is only for a written answer and can relate only to a matter of administration for which the Speaker is responsible.

Written

Since February 2003 a system of electronic lodging and processing for written questions has been applied. The members use a secure template system to communicate with the Clerk's office and affix an electronic signature. Members may lodge an unlimited number of written questions of Ministers. Replies must be lodged within six working days. All questions and answers are published on the website at www.parliament.nz

Replies to question must be given if it can be given consistently with the public interest. Similarly to questions it must relate to the subject matter of the question, be concise, not contain inference or imputation, not refer to individuals and not use unparliamentary language.

United Kingdom

Primary source for the following information is House of Commons Information Office Factsheet Parliamentary Questions

Question Time is an opportunity for MPs to ask government ministers questions. These questions are asked at the start of business in both chambers and are known as 'oral questions'. The Prime Minister answers questions in the Commons every Wednesday.

Categories

There are four categories of question in the House of Commons (in order of volume):

- questions for written answer
- questions for oral answer
- cross-cutting questions
- urgent questions

Written questions account for the vast majority of parliamentary questions. For example, of the 23,552 answers printed in Commons Hansard in the 2004-05 session, 21,176 of them were responses for written answers.

Procedure

Before any question can be placed on the Order of Business it must conform with rules which have been set by the House. A parliamentary question must:

- either seek information or press for action
- not offer or seek expressions of opinion
- not convey information nor advance a proposition, an argument or debate
- have a factual basis for which the Minister is responsible
- relate to a matter for which the Minister is responsible
- not seek an expression of opinion on a matter of law
- not refer to a matter active in a UK court
- not ask for information readily available elsewhere
- not be hypothetical or obviously about opposition policy.

The rules are applied differently for oral and written questions:

Written	Oral
Can be composite	Must be a single question not requiring a lengthy answer
Transfers of written between Departments are common and painless	Departmental responsibility is crucial as a transfer turns it into a written question
Can be open but not vague	Cannot be open
Cannot have been answered within three months (unless a 'moving target')	Cannot have been answered in last relevant OT (unless on a 'moving target')
Cannot seek information that is readily available elsewhere	Readily available rule not applied strictly to enable supplementaries

Oral questions

Under Standing Orders Question Time takes place for an hour Monday to Thursday after prayers. The Departments, Ministers and other members answer questions according to a rota called the Order of Oral Questions. Departments and others who answer questions appear once in a four week cycle. By convention some Departments have a hour (Treasury, Foreign and Home offices, Defence and Health) and others split the available hour in different ways. The questions asked must relate to the responsibilities of the government department concerned.

Oral questions are tabled by MPs at least three days in advance of Question Time for that department or minister. The exception is questions for the Secretaries of State for Northern Ireland, Scotland and Wales which require four days notice.

A member must hand in all oral questions personally at the Table Office and be signed by the Member. The questions are then printed in the Commons Questions Book. The order in which the questions are asked is determined randomly by a computer.

MPs who are called by the Speaker to ask their question do not read it out, but simply call out its number. When the government minister has replied, the MP can ask another question (known as a supplementary) and other MPs may also be called to ask supplementary questions. The Minister must reply to each in turn. Supplementary questions must be on the same subject as the original question.

The last 15 minutes (for those departments with a 60 minute question time) or 10 minutes (for those departments with a 40 minute question time) of question time is reserved for 'topical questions'.

During the 'topical questions' slot, MPs can ask supplementary questions on any subject relating to the department's responsibilities.

Members are limited to two questions on any given day; with only one question able to be put to one Minister on any day.

Prime Minister's question time

The Prime Minister answers questions from MPs in the Commons for half an hour every Wednesday from 12pm.

The session usually starts with a routine question from an MP about the Prime Minister's engagements. This is known as an 'open question' and means that the MP can then ask a supplementary question on any subject.

Following the answer, the MP then raises a particular issue, often one of current political significance. The Leader of the Opposition then follows up on this or another topic. He and the Liberal Democrat leader are the only MPs allowed to come back with further questions.

Most MPs will table the same question about engagements and if they do, only their names will appear on the question book. After the first engagements question has been asked, any other MPs who have tabled the same question are simply called to ask a supplementary question. This means, in theory, that the Prime Minister will not know what questions will be asked of him. However, the Prime Minister will be extensively briefed by government departments in anticipation of likely subjects he could be asked about.

Written questions

In the House of Commons 'ordinary' questions do not have to be answered on a specific date. An MP will date a written question for two days after they have tabled it (ie, submitted it for answer via the Table Office).

The convention is that the MP can expect it to be answered within seven days of the question being tabled. However, there is no parliamentary rule that states ordinary written questions have to be answered by a certain date.

'Named day' questions only occur in the House of Commons. The MP tabling the question specifies the date on which they should receive an answer. The MP must give a minimum of two days' notice for these types of question. MPs may not table more than five named day questions on a single day.

Questions originally tabled for oral answer that do not get answered at oral question time are submitted to the government department as named day questions.

Canada

Information primarily sourced from the House of Commons Procedure and Practice Online, Chapter 11.

Categories

Members may ask questions orally without notice during Question Period, or they may be submitted in writing with sufficient notice.

A Member who is not satisfied with the answer to an oral question may pursue the matter at greater length during the Adjournment Proceedings, a short question and answer period held at the end of each sitting day, except Fridays. The matter of a written question that has not received a response from the Government within 45 days is automatically referred to a standing committee, unless a Member elects to raise it during Adjournment Proceedings.

Timing

Each sitting day, time is set aside for the purpose of asking oral questions. "Oral Questions", more commonly known as "Question Period", follows "Statements by Members" and lasts a maximum of 45 minutes.

Procedure

The Standing Orders specify that each question should be addressed to a Minister or to a designated spokesperson of the Board of Internal Economy. Members may also put questions concerning committees to the respective committee chairs.

A question asked by a Member must be brief, seek information, and direct the question to an important matter of some urgency that is within the administrative responsibility of the Government or of the Minister addressed. Members can ask supplementary questions.

Questions seeking information about the schedules and agendas of committees may be directed to the appropriate Chair of a committee. Questions on legislation or on subjects that are before committees are directed to the Ministry and, when appropriately cast, are normally permitted as long as the questioning neither interferes with the committees' work nor anticipates a report of a committee.

Written questions

If a question intended to obtain information from the Ministry involves a lengthy, detailed or technical response, a written question must be placed on the *Order Paper*. A Member must give 48 hours' written notice of his or her intention to submit such a question. Each Member may have a maximum of four questions on the *Order Paper* at any one time. Certain restrictions exist on the form and content of written questions. These are based on the Standing Orders and on practice.

The Member giving notice of a written question may request an answer within 45 days and may also ask that oral answers be provided to no more than three of his or her questions on the *Order Paper*. Such questions are identified with an asterisk in the *Order Paper*.

Responses to written questions are provided during Routine Proceedings under the rubric "Questions on the *Order Paper*". When "Questions on the *Order Paper*" is called, a Parliamentary Secretary rises in his or her place to announce which question(s) the Government intends to answer on that particular day.

The Government may answer written questions in one of two ways:

- The Parliamentary Secretary may simply indicate to the House the number (or numbers) of the question(s) being answered. The text of the full response is published in the *Debates* of that day or the Parliamentary Secretary may read the reply, if an oral response has been requested; or
- In the case of questions requiring lengthy or more complex responses, the Government may request that the House make a certain question an "order for return"; that is, the House may order the Government to table a report or return which will serve as a response to the question. The return is tabled in the House and becomes a sessional paper.

The failure of the Government to respond to a written question within 45 days is automatically referred to a standing committee. Within five sitting days of the referral, the Chair of the committee must call a meeting of the committee to consider the Government's failure to respond. The Member in question may submit one further question to the *Order Paper* for each question referred to a committee.

Alternatively, the Member who placed the question on the *Order Paper* may rise in the House under "Questions on the *Order Paper*" and give notice of his or her intention to transfer the question and raise the subject matter during the Adjournment Proceedings. The order referring the matter to committee is then dropped.

A Member who wishes to receive more information on a response given to his or her question during Question Period, or whose written question has not been responded to within 45 days, may give notice of his or her intention to raise the subject matter of the question during the Adjournment Proceedings, also referred to as the "late show".

At the commencement of this 30-minute period, from 6:30 p.m. to 7:00 p.m. Monday through Thursday (there are no Adjournment Proceedings on Friday), a motion to adjourn the House is deemed moved and seconded. After debate, the motion to adjourn is deemed carried and the House adjourns.

The adjournment debate, divided into a maximum of three periods of no more than 10 minutes each, is used as a vehicle for brief exchanges (questions from Members and responses from Ministers or Parliamentary Secretaries). Several topics may be debated during each occurrence of the Adjournment Proceedings.

Scotland

Question time is covered in Standing Orders Chapter 13. Every member is eligible to lodge questions with the Clerk. The question has to specify whether they want a written or oral answer.

Categories

There are two types of question: written and oral. Written questions are the most common type of question. Oral questions are answered on one day each week (except during recesses) and can be lodged for answer either at Question Time or at First Minister's Question Time. Emergency oral questions provide an opportunity for Members to lodge an oral question to the Scottish Executive on a matter of such importance and urgency that it merits being answered on the day it is lodged.

Timing

An oral question is a question that is lodged for answer by the Scottish Executive at General or Themed Question Time, or by the First Minister at First Minister's Question Time. General Question Time, First Minister's Question Time and Themed Question Time normally take place on a Thursday in the chamber. General Question Time takes place between 11.40 am and 12 noon, First Minister's Question Time between 12 noon and 12.30 pm and Themed Question Time between 2.15 and 2.55 pm. If they are to be held at different times or on a different day, an announcement about arrangements will be made in the *Business Bulletin*.

Content

A question shall-

- (a) be brief, clearly worded, and address specific points;
- (b) relate to a matter for which the First Minister, the Scottish Ministers or the Scottish Law Officers have general responsibility;
- (c) be in English;
- (d) be prefaced by the name of the member asking it;
- (e) not contain offensive language;
- (f) not express a point of view;
- (g) not breach any enactment or rule of law or be contrary to the public interest; and
- (h) not refer to matters relating to any legal proceedings.

Parliamentary questions provide a means for Members to obtain factual and statistical information from the Scottish Executive or the Scottish Parliament Corporate Body. Although they are one of the ways in which individual Members can hold the Executive to account, they should not be used to make political statements. Of course, questions that seek to obtain information can have other purposes as well. For example, if a Member wishes to press the Executive to act in a particular way, a question asking for information in the format "To ask the Scottish Executive whether it will take action [to achieve the objective desired by the Member]" could be lodged.

It is for individual Members to take responsibility for the quantity, quality and relevance of their questions and to take account of the availability of all other sources of information so that the system is used in the most efficient, effective and appropriate manner.

Questions should be concise, unambiguous and, for transparency, 'capable of being understood by those who are not specialists in the subject matter of the question'. The Standing Orders set out a range of admissibility criteria.

Written

Under Standing Orders, written parliamentary questions must be answered within 10 working days (20 working days during recess).

Wales

(Information supplied by the Welsh Assembly)

The Plenary sessions are each Tuesday and Wednesday that the Assembly is sitting. Question time is based entirely around questions tabled in advance (although supplementaries are allowed) so the issues are less directed by the media, and the structure of the Welsh chamber also makes for a different environment.

Oral questions may be tabled to the First Minister, other Ministers and the Counsel General. If a question falls within a Deputy Minister's responsibilities, they may answer that question.

Questions may also be tabled to a representative of the Assembly Commission.

Frequency

First Minister – answers questions for a maximum of 45 minutes (outlined in Standing Orders, but in practice approximately an hour) in each week the Assembly is sitting (The Assembly sits approx 36 weeks a year).

Other Ministers and Counsel General – answer questions for a maximum of 30 minutes (in practice approximately 45 minutes) every 4 weeks the Assembly meets in Plenary.

Commission Questions – allocated 30 minutes in accordance with Standing Orders but, in practice very few questions are tabled. Questions are answered once every 4 weeks the Assembly meets in Plenary.

Tabling

Questions must be tabled at least five, but no more than ten working days before they are due to be answered. Questions are selected randomly. The first 15 questions are included on the Order paper.

Members may table no more than 2 questions for answer in one Question session.

Timings

Each question is allocated 4 minutes (but in practice, this is flexible). The First Minister would normally answer approximately 10 questions in one session. Other Ministers would normally answer 7-8 questions.

Groupings

Questions on the same subject may be grouped for answer, at the request of the Minister, and with the permission of the Presiding Officer.

Supplementaries

The Member asking the question is called to ask a supplementary oral question and then other Members are called to ask related supplementary oral questions.

Opposition Party Leaders are allowed an additional supplementary question (sometimes two) during questions to the First Minister.

Party spokespersons are also allowed an additional supplementary to other Ministers on areas in which they have responsibilities.

ATTACHMENT 2

STANDING ORDERS 72 AND 73 – AMENDMENTS REQUIRED TO IMPLEMENT PROPOSED RESTRUCTURING OF QUESTION TIME

Note: These amendments of the standing orders are based on an assumption that questions to chairs of committees and questions to other senators would be retained, but see attachment 3 for amendments proposed to abolish those categories of questions.

72 Questions without notice

- (1) At the time provided questions may be put to ministers relating to public affairs, **on the following conditions:**
 - (a) **notice of each primary question must be placed on the Question Time Notice Paper by 11 am on the day on which the question is asked; and**
 - (b) **after each primary question is answered any senators, other than ministers, may ask no more than six supplementary questions.**

~~and to other senators relating to any matter connected with the business on the Notice Paper of which such senators have charge.~~
- (2) A question may be put to the chairman of a committee relating to the activities of that committee, provided that:
 - (a) unless leave of the Senate is granted for the question to be asked without notice, it may be asked only on notice;
 - (b) the question shall not attempt to interfere with the committee's work or anticipate its report; and
 - (c) the chairman shall answer only on behalf of the committee.
- (2A) **A question may be put to any other senator relating to any matter connected with the business on the Notice Paper of which such senator has charge.**
- (3) ~~(a)~~ The asking of each **primary question and supplementary question** shall not exceed one minute and the answering of each question shall not exceed ~~4~~ 2 minutes.
 - ~~(b) The asking of each supplementary question shall not exceed one minute and the answering of each supplementary question shall not exceed one minute.~~

- (4) (a) After question time motions may be moved without notice to take note of answers given that day to questions.
- (b) A senator may speak for not more than 5 minutes on such a motion.
- (c) The time for debate on all motions relating to answers to questions without notice on any day shall not exceed 30 minutes.

73 Rules for questions

- (1) The following rules shall apply to questions:

questions shall not contain:

- (a) statements of fact 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 shall not ask:

- (h) for an expression of opinion;
- (i) for a statement of the government's policy; or
- (j) for legal opinion;

questions shall not refer to:

- (k) debates in the current session; or
- (l) proceedings in committee not reported to the Senate.

- (2) Questions shall not anticipate discussion upon an order of the day or other matter which appears on the Notice Paper.
- (3) The President may direct that the language of a question be changed if it is not in conformity with the standing orders.
- (4) In answering a question, a senator **shall be directly relevant to the question and** shall not debate it.

ATTACHMENT 3

STANDING ORDER 72 – AMENDMENTS REQUIRED TO ABOLISH QUESTIONS TO CHAIRS OF COMMITTEES AND TO OTHER SENATORS

72 Questions without notice

- (1) At the time provided questions may be put to ministers relating to public affairs, ~~and to other senators relating to any matter connected with the business on the Notice Paper of which such senators have charge.~~
- (2) ~~A question may be put to the chairman of a committee relating to the activities of that committee, provided that:~~
 - ~~(a) unless leave of the Senate is granted for the question to be asked without notice, it may be asked only on notice;~~
 - ~~(b) the question shall not attempt to interfere with the committee's work or anticipate its report; and~~
 - ~~(c) the chairman shall answer only on behalf of the committee.~~
- (3)
 - (a) The asking of each question shall not exceed one minute and the answering of each question shall not exceed 4 minutes.
 - (b) The asking of each supplementary question shall not exceed one minute and the answering of each supplementary question shall not exceed one minute.
- (4)
 - (a) After question time motions may be moved without notice to take note of answers given that day to questions.
 - (b) A senator may speak for not more than 5 minutes on such a motion.
 - (c) The time for debate on all motions relating to answers to questions without notice on any day shall not exceed 30 minutes.