



## NO. 17—QUESTIONS

### ***Questions seeking information***

One of the ways in which senators may seek to hold the executive government accountable for its actions is by questioning ministers. Numerous opportunities exist for senators to ask questions of ministers, most notably:

- in the Senate chamber, during question time;
- through written questions placed on the Senate *Notice Paper*;
- during committee hearings, especially during the consideration of estimates (see [Senate Brief No. 5—Consideration of estimates by the Senate’s legislation committees](#)); and
- during the *committee of the whole* stage of the legislative process (see [Brief Guide No. 9—Consideration of Legislation](#)).

This guide deals with questions asked during question time and questions placed on notice.

Questions may be addressed to a minister relating to public affairs or matters of administration for which the minister is responsible, or in respect of which the minister represents another minister. A list of ministers and the portfolios they represent is published in the *Notice Paper*. Questions may not be addressed to parliamentary secretaries.

Questions may also be addressed:

- to other senators in relation to business on the *Notice Paper* of which such senators have charge, and
- with notice or with the leave of the Senate, to chairs of committees in relation to the activities of those committees.

Most questions, however, are put to ministers.

The provisions relating to questions are contained in [standing orders 72 to 74](#). Also see Chapter 19 of Odgers’ *Australian Senate Practice*, 11<sup>th</sup> edition, [Relations with the Executive Government](#).

### ***Rules for questions***

The rules for questions are contained in [standing order 73](#).

These rules are interpreted by the chair so as not to restrict unduly the ability of senators to ask questions on a wide variety of subjects. For instance, although questions may not ask for a statement of government policy, it is in order for a question to seek an explanation of government policy or the clarification of a statement made by a minister. A question inviting a minister to comment on opposition policies is strictly out of order, although questions seeking the minister’s knowledge of how other policy proposals would affect matters within that minister’s responsibility have been ruled in order.

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The prohibition on questions containing statements of fact, arguments, inferences, imputations etc. recognises that the purpose of a question is to seek information and not to provide a senator the opportunity to make a statement. This reasoning also underlies a long-standing prohibition on the use of quotations in questions.

In practice, the chair has a discretion to allow the inclusion in a question of so much material as is necessary to make the question clear.

## **Question time**

The operation of question time is governed more by agreement and established practice than by the standing orders. The current practice is for questions to be asked and answered each sitting day from 2pm ([standing order 57—Routine of business](#)) for a period of approximately an hour.

The opportunity to ask questions is provided for in [standing order 72\(1\)](#), but there is no procedural rule requiring that ministers answer questions. It has long been established that there is no obligation upon a minister to answer a question – indeed the answering of questions has sometimes been referred to as a ‘courtesy’. In practice, however, there is a political cost borne by a government or a minister in not answering questions – and a political benefit in answering them deftly.

Question time is drawn to a close each day by the Leader of the Government in the Senate asking that further questions be placed on notice. The various party leaders and independent senators have contingent notices which may be moved, seeking the Senate’s agreement to move that question time be extended on any day *until 28 questions, including supplementary questions, have been asked and answered*. These contingent notices are rarely used, however, the last occasion being 31 August 1995.

Motions to extend question time have occasionally been proposed as punitive remedies when ministers have failed to comply with orders of the Senate. On 19 October 1999, for example, question time was extended on several days in response to a refusal by a minister to produce a document in accordance with an order of the Senate (see [Brief Guide No. 11—Orders for production of documents](#))

### **—Answers to questions**

In answering a question a minister may not debate it. Rather, an answer must be confined to providing the information sought. In all cases the answer must be relevant to the question. The President may require that ministers’ answers be relevant, but cannot tell ministers how they should respond to questions.

### **—Time limits for questions and answers**

Time limits apply to the asking and answering of questions ([standing order 72\(3\)](#)):

- the asking of a question or a supplementary question may not exceed one minute;
- the answering of a question may not exceed four minutes;
- the answering of a supplementary question may not exceed one minute.

Time limits were first imposed in 1992 following concerns about the length of ministers’ answers and a general discontent with the conduct of question time. The adoption of time limits has not significantly affected the average number of questions and supplementary questions asked each sitting day.

### —Allocation of questions

The standing orders provide that a senator seeks the call (for instance, to ask a question) by rising in his or her place to address the President. In practice, however, the allocation of questions is determined by agreement. Current practice adopts the *principle of proportionality* endorsed by the Procedure Committee in its second report of 1995; that is, the chair seeks to allocate questions between parties and independent senators as nearly as practicable in proportion to their numbers in the Senate.

### —Supplementary questions

Following a minister's reply, a senator may, at the chair's discretion, be called on to ask a supplementary question. Supplementary questions must relate to or arise from the answer to the original question. Once a rarity, supplementary questions now account for about 40 per cent of all questions asked.

### —Taking questions on notice and providing further answers

Ministers may, in responding to questions during question time, elect to take a question (or part of a question) on notice. This indicates that the minister will seek further information and provide it to the Senate at a later time. It is established practice for ministers at the end of question time to make additional responses to questions without notice. These responses, unless brief, are typically incorporated in *Hansard*, with the leave of the Senate, rather than being given orally.

### —Motions to take note of answers

At the end of question time motions may be moved, without notice or leave, to take note of answers given during question time, including further answers provided by ministers. A senator speaking to such a motion may speak for 5 minutes, with the total time on any given day not exceeding 30 minutes ([standing order 72\(4\)](#)). The call to speak during this time is normally allocated on a similar basis to the allocation of questions at question time.

## Questions on notice

Questions asked in the Senate at question time are asked *without notice*, although a senator may informally advise a minister of the subject of a proposed question. Where a senator seeks a detailed answer to a question, particularly where statistical information is sought, that question is more appropriately submitted in written form and placed *on notice*.

A senator places a question on notice by signing the written question and delivering it to the Questions Officer in the Senate Table Office. A senator may submit questions on behalf of another. There is no limit on the number of questions a senator may submit.

Table Office staff examine questions for conformity with the standing orders before placing them on the *Notice Paper*. Any problems with questions are discussed with the senator's office. If they cannot be resolved they are referred to the President for determination. The process of editing questions for publication is greatly assisted if the signed copy is accompanied by an electronic version, sent by e-mail to the Senate Questions Officer (**Senate Questions (SEN)**, in the Outlook parliamentary address list).

Each question is allocated a number and published in the *Notice Paper*. The printed version of each *Notice Paper* indicates the numbers of all questions that remain unanswered. The full text of all unanswered questions is published in the online version of the *Notice Paper*, available at [www.aph.gov.au/senate/work](http://www.aph.gov.au/senate/work).

Ministers' offices and government departments are responsible for examining the printed *Notice Paper* to identify questions asked. Questions placed on notice when the Senate is not sitting are forwarded to ministers' offices and published in the online version of the *Notice Paper*, allowing relevant action to commence. This assists ministers in providing timely responses to questions.

Answers that have been approved by the responsible minister are delivered to the Clerk. In practice, answers are lodged with the Table Office, which supplies the senator who asked a question with a copy of the reply and arranges for the question and reply to be printed in *Hansard*. Publication of the answer is authorised by the standing orders once it has been delivered to the Clerk.

### —The 30-day rule

A senator who places a question on notice and does not receive a reply within 30 days may after question time seek from the relevant minister in the Senate an explanation of why an answer has not been provided ([standing order 74\(5\)](#)).

If the minister provides an explanation, the senator may move without notice *that the Senate take note of the explanation*.

If the minister fails to provide a satisfactory explanation, the senator may move, without notice, *a motion with regard to the minister's failure to provide either an answer or an explanation*. The motion moved at this stage may be for any relevant purpose – for instance, a motion to order that the answer be tabled by a specific date, or a motion to censure the minister for the delay in answering.

It is common for a senator to advise a minister informally of his or her intention to seek an explanation under the 30-day rule, to improve the chances of receiving an answer or a satisfactory explanation. This is especially the case where the minister represents a minister in the House of Representatives and may need to seek an explanation from that minister's office.

This process is not available once an answer to the question is provided.

An annotation appears in the *Notice Paper* each day indicating which questions have remained unanswered for more than 30 days. The 30-day period is counted from the day the question is placed on notice, not the date of publication in the *Notice Paper*.

### —The effects of prorogation on questions

One of the effects of prorogation of the Parliament during an election period is that all business on the *Notice Paper* remains current until the day before the next sitting, at which time it lapses. This has the following consequences:

- any outstanding questions on notice should be answered and sent to the Table Office for publication and printing in *Hansard*. Advice to this effect is routinely forwarded to government departments at the start of the election period
- any questions remaining unanswered when business lapses need to be resubmitted in order to again appear on the *Notice Paper*. Table Office staff to write to senators during the election period, inquiring whether they wish to renew such questions when sittings resume.

Questions submitted after a prorogation and before the new sittings appear on the first *Notice Paper* of the new session, and the count for the 30-day rule is taken to begin on the first sitting day.

### **Need assistance?**

For assistance with any of the matters covered by this guide, government senators or their staff should contact the Clerk Assistant (Table) on extension 3020; and non-government senators or their staff should contact the Clerk Assistant (Procedure) on extension 3380.

Questions on notice can be lodged with the Senate Table Office (SG 25). Inquiries relating to questions on notice should be directed to the Questions Officer on extension 3014.

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This publication is available electronically at <http://www.aph.gov.au/senate/pubs/guides/index.htm>.