

15. PROVIDING INFORMATION TO THE HOUSE

Ministerial statements

By leave of the House, Ministers may make statements concerning government policy or other matters for which they bear a responsibility.

Although the routine of business provides a specific time for ministerial statements following presentation of documents after question time (S.O. 34, Figure 2), ministerial statements may also be made at other times.

It is accepted practice for a copy of a proposed ministerial statement to be supplied to the Leader of the Opposition or the relevant shadow minister prior to the statement being delivered, in good time for an opposition response to be considered.

Generally, standing orders are suspended to enable the opposition spokesperson to speak in reply to the statement for an equal period of time. Alternatively, (although this has not been the recent practice) having delivered the statement the Minister may present a copy and a motion is moved 'That the House take note of the document'. This provides the opposition spokesperson the opportunity to respond to the statement by speaking to the motion and enables the House to debate the subject matter.

Documents

Many documents are presented to the House, or 'tabled', for the information of Members of Parliament and the public. These documents include reports, returns and statements of all kinds from government departments and authorities, parliamentary committee reports, reports of parliamentary delegations, reports of royal commissions and other government inquiries and a wide variety of other documents.

Presentation to House

Documents may be presented at government initiative, or in many cases their presentation may be required by statute, standing order, or order of the House (S.O.s 199–201).

Documents may be presented by the Speaker and by Ministers (S.O. 199) and, in restricted circumstances, by private Members. There are special provisions for the presentation of petitions (S.O. 207) and committee and delegation reports (S.O.s 39 and 243). Various documents are presented by the Clerk.

The more important government documents are usually tabled during the period set aside in the routine of business following question time on each

sitting day. However, a Minister may present a document at any time when other business is not before the House (S.O. 199(b)).

Documents presented at the time provided in the routine of business are generally presented together according to a previously circulated list. A schedule of documents to be presented is made available to the Manager of Opposition Business by 12 noon on the day of presentation, and circulated to Members in the Chamber. Following question time, a Minister presents the documents together as listed. A document may be presented individually—for example, if a statement is to be made in relation to it—and must be presented individually if it does not appear on the schedule or if a schedule has not been circulated.

Deemed documents

As well as being presented by Ministers, government documents may be delivered to the Clerk (in practice the Table Office) and are deemed to be presented on the day on which they are recorded in the Votes and Proceedings (S.O. 199(b)).

Documents received on a sitting day before 5 pm (3 pm on Thursdays) are recorded in the Votes and Proceedings of the day of receipt. In other circumstances they are recorded in the Votes and Proceedings of the next sitting.

Presentation by leave

Private Members have limited opportunities to present documents without seeking leave of the House. These are: presentation of committee or delegation reports which may be tabled at any time when other business is not before the House (S.O. 39); and presentation of a document relating to a matter of privilege raised by the Member (S.O. 53). On all other occasions a private Member must obtain leave of the House to present a document. The Speaker has indicated that during question time requests for leave would not be put to the House where a document is available publicly.

The requirement for leave also applies to Ministers when other business is before the House—that is, when there is a question before the House for debate. Other business does not include question time, a personal explanation or the making of a ministerial statement. Leave is not required to present an explanatory memorandum to a bill.

It is expected that a Member or Minister seeking leave to table a document will first show it to the Minister at the Table or to the Member leading for the Opposition, as the case may be, and leave may be refused if this courtesy is not observed.

Documents quoted from—standing order 201

A public document quoted from by a Minister shall, if required by a Member, be tabled, unless it is of a confidential nature (S.O. 201). When such a request

is made the Speaker inquires of the Minister whether the Minister read from the document and if the reply is in the affirmative then the Speaker inquires whether the document is confidential. If the document is not confidential, the Minister is required to table it. The standing order does not apply to personal letters, private documents, or to notes quoted from by a Minister.

Motions on presentation

On a document being presented in the House, a Minister may move immediately, without notice, ‘That the document be made a Parliamentary Paper’ and/or ‘That the House take note of the document’. (S.O. 202(a)). Any Member, after giving notice, may move either or both of these motions on a subsequent day (S.O. 202(c)).

The motion ‘That the document be made a Parliamentary Paper’ enables the House to print the document for the Parliamentary Papers Series (*see below*). This motion is unnecessary for committee reports as these are automatically made Parliamentary Papers (S.O. 39(e)).

The motion ‘That the House take note of the document’ enables a debate on the subject matter of the document to take place.

Debate on documents presented

Motions to take note of ministerial statements are sometimes debated immediately, shadow ministers having received advance copies of the statements. However, in the case of the majority of motions to take note of a tabled document, debate is immediately adjourned (customarily on the motion of an opposition Member) and the adjourned debate made an order of the day for the next sitting. The timing of the resumption of debate (possibly in the Federation Chamber) is a matter for negotiation between the parties.

When documents are tabled together according to a previously circulated list, a single motion may be moved that the House take note of specified documents, with the resumption of debate on the motion to take note of each of the documents made a separate order of the day on the Notice Paper (S.O. 202(b)).

Distribution and publication

Copies of all documents tabled are available to Members from the Table Office. All documents presented to the House are considered to be public, and (since 1997) have been automatically authorised for publication (S.O. 203).

Parliamentary Papers Series

The Parliamentary Papers Series provides a comprehensive collection of the papers of a substantial nature presented to the Parliament. The series is an

annual, numerical series containing all documents ordered to be printed by either House.

Consideration by Publications Committee

Documents presented to the House which have not been ordered to be made a Parliamentary Paper at the time of presentation are referred to the Publications Committee, which reports back to the House recommending which of them should be printed as Parliamentary Papers. The committee has power to confer with a similar committee of the Senate, and in practice the two committees usually sit jointly to consider the documents which have been presented to both Houses (S.O. 219).

Custody of original documents

The custody of all documents presented to the House is the responsibility of the Clerk, under the direction of the Speaker (S.O. 28). Original documents may not be removed from the Chamber or offices without the permission of the Speaker. Departments may apply to the Speaker for the return of original documents not likely to be further required by Members.

Privilege

The Parliamentary Papers Act provides protection against civil or criminal proceedings to any person who publishes any document the publication of which has been authorised by either House of the Parliament. The Parliamentary Privileges Act also includes documents published by order of a House or a committee as matters covered by absolute privilege. Since 1997 documents presented to the House have been automatically authorised for publication (S.O. 203). Previously, to be certain of the protection of privilege, motions to authorise publication were sometimes moved in respect of individual documents.

Questions seeking information

Rules applying to questions

The following rules apply, where relevant, to all questions, whether oral (without notice) or written (on notice). However, given the pace at which question time proceeds, they are often applied less rigorously to oral questions.

- The purpose of a question is to obtain information or to press for action. Questions may not be debated (S.O. 100(a))—that is, may not be used as vehicles for the discussion of issues. A question should not be in effect a short speech, or simply give information, or framed so as to suggest its own answer or convey a particular point of view.

- Questions seeking extensive or very detailed answers or which call for the quotation of figures should be placed on the Notice Paper.
- Questions should not contain statements of fact or names of persons unless they are strictly necessary to make the question intelligible and can be authenticated (S.O. 100(d)). The facts on which a question is based may be stated briefly; however, the Member asking the question is responsible for their accuracy.
- Questions may not contain arguments, inferences, imputations, insults, ironical expressions or hypothetical matter (S.O. 100(d)), and may not ask for an expression of opinion or for legal opinion (S.O. 98(d)). In addition, a question may not ask a Minister to announce government policy, but may seek an explanation about the policy and its application and may ask the Prime Minister whether a Minister's statement in the House represents government policy (S.O. 98(d)).
- Questions should not refer to debates in the current session (S.O. 100(e)). The subject matter of a debate may be referred to but not the debate itself and statements made in it.
- Questions should not refer to committee proceedings not reported to the House (S.O. 100(e)). Exception is not taken to questions merely coinciding in subject matter with a current committee inquiry.
- A question fully answered cannot be asked again (S.O. 100(b)). However, a question may refer to an earlier answer, for example to seek updated information.
- Questions should 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 (S.O. 100(c) (*and see p. 34*)). Questions which are critical of the character or conduct of other persons must be in writing (S.O. 100(c)(ii)).
- It has been the practice that an oral question which is substantially the same as a question already on the Notice Paper is not permissible. However, the Chair has allowed this in the case of both questions being from the same Member.

In addition to the rules specifically applying to questions, the general rules of debate apply, including the sub judice convention (*see p. 35*).

During question time the duration of each question is limited to 30 seconds (S.O. 100(f)).

Rules applying to answers

The detailed rules applying to questions do not apply to answers. However, a specific rule relating to answers is that an answer must be directly relevant to the question (S.O. 104). Only one point of order on relevance may be taken on each answer (S.O. 104(b)).

During question time the duration of each answer is limited to three minutes (S.O. 104(c)).

See also ‘Answers to questions in writing’ at page 96.

Oral Questions

Time and duration of question time

In the normal routine of business a period for questions without notice, commonly referred to as question time, is scheduled to commence on every sitting day at 2 pm, or on days when the House meets at 2 pm, as the first item of business (S.O. 34, figure 2).

Question time is ended by the Prime Minister asking that questions, or further questions, be placed on the Notice Paper. The duration of question time is at the discretion of the Prime Minister, who may terminate proceedings at any time, even prior to the first question being asked. In practice question time occurs on almost every sitting day for about 70 minutes. When, rarely, question time has not proceeded, this has usually followed instances of substantial time being spent on a matter such as a want of confidence motion prior to questions without notice being called on. Occasionally the time for oral questions may be put back because of a ceremonial event attended by most Members.

Ministers’ presence at question time

Although there is no rule to this effect, all Ministers are expected by the Prime Minister to be present. If a Minister is otherwise engaged on urgent public business, sick, or overseas, the Prime Minister will explain this before questions are called on, and indicate which Minister will answer questions in place of the absentee.

Questioners

Although the standing orders place no restrictions on who may ask questions, the following is accepted practice. Any private Member may ask a question. Ministers and Parliamentary Secretaries do not ask questions, either of other Ministers, or where permitted, of private Members. However, Ministers and Parliamentary Secretaries on occasion ask questions of the Speaker. It is not the practice for questions to be asked by the Speaker.

Questions to Ministers

Questions may be put to a Minister relating to public affairs, administration or proceedings pending in the House for which he or she is responsible or officially connected (S.O. 98(c)). The underlying principle is that Ministers should answer questions only on matters for which they are responsible to the

House. Consequently, Speakers have ruled out of order questions to Ministers which concern, for example, private, party or State matters.

Questions relating to the responsibilities of a Minister who is a Senator are addressed to the Minister in the House representing the Senate Minister. With that exception and the further exception of questions to the Prime Minister, questions may not be put to one Minister about the ministerial responsibilities of another. The Prime Minister has of course overall responsibility for the Government, but it is not unusual for the Prime Minister to refer questions to the Minister directly responsible.

Questions may not be put to Parliamentary Secretaries (S.O. 98(b)).

Questions to the Speaker

At the conclusion of the question period, questions without notice may be put to the Speaker relating to any matter of administration for which he or she is responsible (S.O. 103). Requests to the Speaker for detailed information should be lodged in writing in the same manner as a question in writing (*see p. 96*).

Questions to private Members

A question of a strictly limited nature may be addressed to a private Member. The question must relate to a bill, motion, or other business of the House or of a committee for which the Member asked is responsible (S.O. 99). For example, a Member in charge of a private Member's bill may be asked when the bill is to be introduced or when copies will be available; a committee Chair may be asked when a report will be tabled. Questions of this kind are rare.

Allocation of the call

Members wishing to ask a question stand in their places (or if unable to stand otherwise gain the Speaker's attention). While the call is at the Chair's discretion, Speakers have traditionally observed the practice that the call goes first to an opposition Member (usually the Leader of the Opposition) and then alternates between government and non-government Members. Independent Members or minor parties receive the call in approximate proportion to their numbers. When the Opposition has the call priority is given to the party leaders, otherwise the call is allocated to each Member as evenly as possible.

Questions in writing

Questions requiring written answers may be lodged for inclusion on the Notice Paper. They were formerly referred to as 'questions on notice'. Such questions should be clearly written or printed, signed by the Member, and delivered to the Clerk or the Table Office within such time as will enable them to be printed on the Notice Paper (S.O. 102). Questions may also be delivered

by email. The Speaker has determined that questions for the next day's Notice Paper should, in normal circumstances, be lodged by 4 pm.

There is no restriction on the number of questions in writing a Member may ask, either each day or in total.

Application of the rules

The rules governing the form and content of questions are applied more strictly to questions in writing because of the opportunity to examine them closely. The Speaker is responsible for ensuring that questions conform to the standing orders, but in practice this task is performed under the authority of the Speaker by House staff. Questions are checked to ensure that they are addressed to the correct Ministers and that they do not infringe the standing orders. If necessary they are also edited to eliminate unnecessary wording and to put them into a standard interrogative style. Should it be necessary, the Clerks will consult the Member regarding the content of a question and, where required, matters may be referred to the Speaker for decision.

Answers to questions in writing

Officials in government departments check each day's Notice Paper for questions and arrange for answers to be drafted for their Minister to consider. When the Minister approves an answer it is forwarded to the Table Office which sends a copy to the Member who asked the question and arranges for the question and answer to be printed in Hansard (S.O. 105). In addition copies are supplied to the press.

There is no time limit by which questions must be answered. Where a reply has not been received after 60 days, the Member concerned may rise in the House and ask the Speaker to write to the Minister involved, seeking reasons for the delay (S.O. 105(b)).

Questions remain listed on the Notice Paper until answered (and reprinted in full on the first day of each sitting fortnight), unless the Member asking the question becomes a Minister or ceases to be a Member. A question may also be withdrawn by the Member at any time. Any questions remaining on the Notice Paper lapse when the Parliament is prorogued or the House is dissolved.

Questions to the Speaker—Requests for detailed information

Requests for detailed information relating to the administration of the parliamentary departments are lodged with the Clerk or the Table Office in the same way as questions in writing addressed to Ministers. However, if they are in order, they are printed in the Hansard for that day rather than the Notice Paper. The Speaker, in due course, provides a written answer which is also printed in Hansard.