Government accountability

In the Australian system of government, the Ministers who together administer the Executive branch of government are responsible, that is answerable or accountable, to the Parliament for their actions. In keeping with this concept of responsible government, Ministers may be called on to explain their administrative actions. There are several parliamentary mechanisms for achieving ministerial accountability, one of which is the asking of questions.

Two types of questions

In the Australian House of Representatives the standing orders (written rules) allow for two types of questions to be asked of Ministers—oral questions (without notice) and written questions (on notice). Oral questions are those asked in the House during the period commonly known as Question Time. These questions are expected to be answered by Ministers immediately. Written questions are questions on notice which are lodged by Members and published in the Notice Paper (the House's official agenda). The responses to these questions are provided in writing. Written questions are used by Members to obtain detailed information from Ministers about government activities and administration. They are an important means by which the House can keep a check on what the government is doing (more on written questions later in this infosheet). Perhaps because written questions are a more suitable way of obtaining detailed information about public affairs and government administration, Question Time in the House tends to focus more on issues of political significance. (See 'Historical note' at the end of this infosheet).

Question Time

Purpose of Question Time

One of the fundamental roles of the House of Representatives is to enable the formation of a government—a feature of responsible government is that the government must continue to have the support of a majority of Members. In accounting for their actions to the House, Ministers not only seek to maintain the confidence of the House but also offer electors the opportunity to judge whether their performance entitles the government to re-election.

Question Time provides an opportunity for Ministers to display their political skills and to portray their stewardship of government in a positive light. Other Members, especially the opposition shadow ministry, through skilled questioning, hope to reveal weaknesses in the performance of Ministers and represent themselves as an alternative government. Thus Question Time can be seen as the government and the alternative government both seeking to demonstrate to the House and to the public that their ability to govern is better than that of their opponents—an important part of responsible government and the political process.

House of Representatives Chamber

A highlight of the sitting day

The importance of Question Time is emphasised by the fact that at no other time in a normal sitting day is the House so well attended. Question Time is usually an occasion of heightened interest to the news media and visitors to the public galleries, which are generally full to capacity at this time. Question Time is shown on national television and excerpts are often included in nightly television news bulletins. It may also be viewed on the Parliament's web site which has a live telecast of all of the proceedings of the House.

Ministers' presence

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 the first question is asked, and indicate which Minister will

answer questions in place of the absentee. Ministers who are Senators cannot attend Question Time in the House (but are open to questioning from Senators during Question Time in the Senate). A Minister in the House represents each of the Senate Ministers and is expected to be able to answer questions on that Minister's behalf.

'Are there any questions?'

Question Time commences at 2 pm each day with the Speaker calling on 'Questions without notice' and asking 'Are there any questions?' Several Members from both sides of the House may stand to catch the Speaker's eye, but the first call is always given to an opposition Member. This Member, often the Leader of the Opposition, proceeds to ask his or her question. Subsequent questions follow, Members standing in their places to ask questions and Ministers replying from the Despatch Box at the Table.

Call of the Chair

The allocation of the call to ask a question is at the Speaker's discretion but following established practice it alternates from the left to the right of the Chair, that is, between government and non-government Members. When the opposition has the call, preference is given to the Opposition Leader and Deputy Leader if they seek the call but, apart from this, the Speaker allocates the call between Members as evenly as possible over a sitting period.

Ministerial responsibility

Questions may be put to a Minister relating to matters for which he or she is responsible or officially connected in the areas of public affairs or administration. A Minister may also be questioned on proceedings pending in the House for which he or she is responsible. The underlying principle is that Ministers should answer questions only on matters for which they are responsible to the Parliament. Consequently, Speakers have ruled out of order (that is, unacceptable) questions to Ministers which are about, for example, private, party or State matters. With the exception of questions to the Prime Minister or Ministers representing Senate Ministers, 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 addressed to him or her to the Minister directly responsible.

Ministers have no warning of the questions to be asked by opposition Members and must prepare themselves as best they can. They receive daily briefings from their departmental staff on emerging issues and other matters on which they might expect to be questioned. Government Members, as a courtesy, usually inform Ministers of the questions they intend to ask. Sometimes Ministers or their staff arrange for government backbenchers to ask questions on specific topics so that the Minister can be sure of an opportunity to give information he or she thinks is important. These pre-arranged questions are known as 'Dorothy Dixers'.

House despatch box.

Questions to private Members and the Speaker

An oral question of a strictly limited nature may be asked of a Member who is not a Minister—for example, a Member who has given notice 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. More commonly, and usually at the end of Question Time, questions may also be put to the Speaker on matters of parliamentary administration.

Length of Question Time

The duration of Question Time, and indeed whether it occurs at all, is within the discretion of the Prime Minister (or another senior Minister if the Prime Minister is not present) who may stop Question Time at any time, even without any questions having been asked, by asking that questions, or further questions, be placed on the Notice Paper. However, the government is in these circumstances subject to the pressure not only of private Members from both sides of the House but also of public opinion. A government that frequently refused to allow Question Time to proceed, or frequently restricted it to less than an

hour, would be exposed to considerable criticism. In practice Question Time occurs on every sitting day and in recent times it has usually continued for over an hour. When, rarely, Question Time has not proceeded or been cut short, this has usually followed an instance of substantial time being spent on a specific issue relating to government activity; for example, an opposition motion to censure a Minister, or to call on a Minister to explain certain matters, which has been moved before or during Question Time.

Passion and partisanship

Of all the proceedings of the House, Question Time is the period when the intensity of partisan politics is most clearly manifested. Opposition Members in their questioning try to stress those matters which will embarrass the government. It is common to see a planned series of questions and follow-up questions from opposition Members, especially when there are major issues that the opposition wishes to pursue. On the other hand government Members are tempted to provide Ministers with an opportunity to put government policies and actions in a favourable light, or to embarrass the opposition.

Because the government and the opposition are both seeking to pursue their objectives and make their points powerfully, Question Time can be characterised by a degree of intensity and emotion. Strongly held views can generate strongly worded debate. The spirited nature of Question Time can be disquieting to some observers but others defend the robust nature of the period as a sign of a healthy democracy where disagreements are vented in debate rather than through more physical confrontations. The lively debate is one of the reasons for the high level of interest it generates within the media and the community. However Question Time is not typical of the range of proceedings of the House, which are generally much calmer and more moderate. The media focus on Question Time tends to present an unbalanced picture of the way the House operates.

Rules

The standing orders contain detailed provisions designed to restrain questioners from giving unnecessary information or introducing or inviting argument and thereby initiating a debate. Each question is subject to a 30 second time limit, except for questions by non-aligned Members which are subject to a 45 second time limit. In addition to these specific rules, the content of questions must comply with the general rules applying to the content of speeches.

Since the general nature of Question Time has evolved over the years Speakers have tended to be somewhat lenient in applying the standing orders with the result that, for example, breaches of only minor procedural importance have not prevented questions on issues of special public interest. The extent of such leniency varies from Speaker to Speaker. In addition, some latitude is generally extended to opposition Leaders in asking oral questions and to the Prime Minister in answering them.

Answers

The standing orders and practice of the House have been criticised in that the restrictions applying to the form and content of questions do not apply correspondingly to answers; for instance, the standing orders do not prevent Ministers from introducing argument into their answers. The only provisions in the standing orders which deal explicitly with answers are the requirement that an answer shall be directly relevant to the question, and the time limit of three minutes per answer.

A demanding time for the Chair

Oral questions by their very nature may raise significant difficulties for the Chair. The necessity to make instant decisions on the application of the rules on the form and content of questions is one of the Speaker's most demanding tasks. In addition, points of order often arise in relation to Ministers' answers, although under the current standing orders only one point of order on 'relevance' may be raised per answer. There is often a degree of disorder in the House during Question Time. Balancing the requirements of the standing orders and the need to impose appropriate standards of behaviour and language with the desire of Ministers, the opposition and other Members to use their political skills to best effect requires considerable judgment and concentration on the part of the Speaker.

Written questions

Members may also seek information from the government by asking questions in writing, also known as questions on notice. With written questions, neither the question nor answer is read to the House. Rather, Members deliver questions in writing to the Clerk to be placed on the Notice Paper, for written reply. Officials in government departments then 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 staff in the House who send a copy to the Member who asked the question, and arrange for the question and answer to be published. Answers can be found in Hansard and ParlWork.

There is no restriction on the number of written questions a Member may ask, either each day or in total, although a fully answered question cannot be asked again. In the 45th Parliament an average of 7.6 questions were placed on the Notice Paper each sitting day.

The rules governing the form and content of questions are usually applied more strictly to written questions 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 by staff of the House, under the authority of the Clerk.

By their very nature, written questions can be more detailed and probing than oral questions and the answers to them more considered and informative. Away from the Chamber, a written question attracts less prominence and publicity than one asked during Question Time, and the majority are not openly partisan, tending to focus on administrative detail rather than on wider policy or political issues.

There is no time limit within which questions must be answered. While most are answered promptly, some remain unanswered for many months. A Member may ask the Speaker in the House (usually after Question Time), to write to the Minister involved to seek reasons for the delay in answering a question if it has been on the Notice Paper for more than 60 calendar days. Questions remain on the Notice Paper until answered, 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.

Historical note

In the House of Representatives the practice of Members asking oral questions developed in a rather ad hoc manner. The original standing order relating to the routine of business referred only to 'Questions on notice', a period during which Ministers read to the House answers to questions, the terms of which had been printed on the Notice Paper. However, from early in the first Parliament questions without notice were also asked during this item of business. In response to a query on the matter, the first Speaker made a statement to the effect that although there was no provision in the standing orders for questions without notice, there was no prohibition on them, and if a Minister chose to answer the Chair would not object.

From the outset it was held that Ministers could not be compelled to answer oral questions. Rulings were given to the effect that questions without notice should be on important or urgent matters, the implication being that otherwise they should be placed on the Notice Paper.

Over the years more and more time was taken up with questions without notice but it was not until 1950 that 'Questions without notice' replaced 'Questions on notice' in the routine of business under the standing orders.

Over the decades since then the nature of Question Time has changed to focus less on seeking information and more on calling the government to account for its actions and probing the political skills of Ministers. This change has gone hand in hand with changes in the reporting of the House, the televising of Question Time and an increasing use of Question Time footage in television news bulletins.

For more information

House of Representatives Practice, 7th edn, Department of the House of Representatives, Canberra, 2018, pp 543–71.

House of Representatives Standing Committee on Procedure, *Question Time in the House of Representatives: A discussion paper*, 1995.

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