

Democracy in Australia – Reform of Question Time

Question Time is a parliamentary institution inherited from the British Parliament. It is a tradition practised in the Commonwealth Parliament and in all State and Territory Parliaments. The purpose of Question Time is to give members of parliament opportunity to ask questions of and seek responses from ministers.

Typically questions alternate between opposition and government members. It is usual for oppositions to have the right to ask the first question. Questions to ministers are normally asked by opposition shadow ministers, that is by the person appointed by the Leader of the Opposition to shadow the minister concerned. By contrast, questions from the government's side are always asked by backbenchers. In the federal House of Representatives, the first question is usually asked by the Leader of the Opposition and usually addressed to the Prime Minister. The Speaker sometimes permits the Leader of the Opposition to ask the majority of questions. Similar arrangements apply in the Senate. A question time is normally scheduled for every day on which the parliament is sitting. Question Time in federal Parliament usually takes place from 2-3 pm on each sitting day.

Question time is the period of most dramatic activity in the parliament. It is the only time during parliamentary sittings when the relevant chamber is regularly filled (except when divisions are called and members and Senators are required to be in the chamber to vote on motions). There is much cut and thrust between the parties as each side seeks to make points and expose weaknesses. There are also many interruptions, interjections and points of order. Question Time can therefore be a very rowdy session.

There are important conventions related to Question Time. One is that Ministers must answer questions and if they are unable to do so when the question is initially posed must provide full responses within a fixed time. A second important convention relates to truthful responses. Lying to the parliament is a serious misdemeanour which can lead to the resignation of the Minister. The House of Representatives' Standing Orders allow the Prime Minister to terminate Question Time by moving that "further questions be placed on the Notice Paper" but premature termination of Question Time is a serious breach of parliamentary convention.

While there are no time limits for ministerial answers in the House of Representatives, a time limit applies in the Senate. However, a Senator may ask two supplementary questions, related to his or her initial question.

Types of questions

There are two general types of questions asked during question time, questions on notice and questions without notice. The former consists of written questions which are placed on the parliamentary *Notice Paper* (its agenda of business) for response from the Minister at a later time. Questions without notice are asked verbally during Question Time.

Misuse of Question time

Question time is a key tool for parliament to scrutinize the activities of the Government. 'Question Time not only provides the Opposition with an opportunity to obtain information, but enables it to test Ministers in an intense, public forum; ...it is an important element in the political contest between the Opposition and the Government.' Question time is, however, regularly abused by both governments and oppositions. The principal misuses of question time are:

Unedifying contestation rather than debate or search for information

The Leader of the Opposition and shadow ministers regularly use Question Time to attack the Government. In their turn the Prime Minister and Ministers in their replies attempt to turn questions back on and attack the Opposition.

T H E A U S T R A L I A N C O L L A B O R A T I O N

Some of this contestation is part of the drama of the parliament; no one would wish Question Time to be reduced to a Sunday school affair. Nevertheless Question Time all too regularly descends into an unedifying shouting match between the Government and Opposition, damaging the public image of the parliament and of politicians in general.

Failure to reply to the question

Ministers regularly avoid answering the question by responding with a statement that does not address the question. Former Senate President Alan Ferguson recounts a question which was

“.... roughly along the lines of ‘will the minister be convening an urgent crisis meeting as called for by the [Australian Manufacturing Workers Union] to discuss the massive job haemorrhaging which has afflicted Australia’s manufacturing centre?’ Even I was astonished when he started his answer by saying - and I’ve got the exact quote - he said ‘what I would like to do is advise the Senate that IBM and the University of Ballarat have announced today that they will be constructing a \$10.8-million IT services centre at the University of Ballarat.’ Now, it had nothing whatsoever to do with the question that was asked; but because of precedents, there is nothing in our Standing Orders that actually requires a minister to be directly relevant to the question.”

Waffle and obfuscation

Not only do Ministers regularly fail to answer questions, they also at times obfuscate the issues with long-winded replies.

Dorothy Dixers

It is commonplace for government backbenchers to ask questions of ministers in their own parties that are prearranged and have as their purpose the opportunity for the Minister to make an announcement or statement to the Parliament at a time when it will have maximum exposure to the press gallery.

Delays in replies to written answers

Current requirements are that written answers have to be provided to questions within 30 sitting days in the Senate and 60 sitting days in the House of Representatives. There is no justification for this difference in response time and there are inadequate sanctions for failing to reply on time.

Question time has also been criticised because, when responding to questions without notice, members of parliament do not have sufficient time to generate an appropriate answer with the help of their staff. Some believe that questions on notice would give members time to prepare and result in better quality answers. The member who asked the question could then probe the answer in greater detail with supplementary questions.

A trial reform

To try to deal with some of these failings the cross party Senate Procedure Committee in November 2008 proposed a trial of a restructured question time in the Federal Senate. The trial operated for two weeks in November and December under the following rules:

- primary questions were limited to one minute and the answers to them to two minutes;
- two supplementary questions were allowed to the questioner;
- supplementary questions and the answers to them were limited to one minute each; and
- answers were required to be directly relevant to each question, as in the original proposal.

The trial was criticised because questions continued to be asked with no notice, and there was no enforcement of the principle that answers must be relevant.

T H E A U S T R A L I A N C O L L A B O R A T I O N

Serious reform

Question time is one of the most important parliamentary institutions in Australia. Its purpose is to make the government accountable for its actions. Its misuse does not serve democracy well. Serious reform should require:

- Measures to deal with all the misuses discussed above, including a review of questions from government backbenchers;
- Greater use of questions with notice to enable questions in the house to concentrate on more detailed probing of responses;
- Strict time limits for primary questions;
- The use of supplementary questions, also subject to strict time limits; and
- Effective enforcement of these rules by Speakers and Presidents.

The stipulated requirement in the Ministerial Code of Conduct should include the following statement:

Questions asked at Question Time are to be answered fully by ministers or parliamentary secretaries, except where the Prime Minister or Government Leader in the Senate declares that the answer would require the disclosure of the deliberations of Cabinet or matters endangering the administration of justice or national security. In fully answering a question, a minister or parliamentary secretary must be directly responsive, relevant, succinct and limited to the subject matter of the question.

(Accountability Round Table)

The standings orders for the House of Representatives and the Senate should be amended to require that written replies to a question on notice must be received within 35 calendar days. Members and Senators who have not received such a reply should be able to seek an explanation from the minister, to repeat the request every third sitting day and to move that the house take note of the explanation.

There should also be a review of the allocation of time to the government and opposition to give more time to the opposition to ask and follow up questions. This would also help to reduce the practice of asking Dorothy Dixers by government backbenchers.

Resources

“Be Honest, Minister! Restoring Honest Government In Australia”, Accountability Working Party Australasian Study of Parliament Group, 2007

http://www.aph.gov.au/Senate/committee/proc_ctte/reports/2008/report3/report.pdf

Restructuring Question Time, Senate Procedure Committee, Third report of 2008

http://www.aph.gov.au/Senate/committee/proc_ctte/reports/2008/report3/report.pdf

Question Time or Waffle Time?

<http://www.abc.net.au/rn/nationalinterest/stories/2008/2369186.htm>