

## 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 back-benchers. 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 2-3pm 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; if they are unable to do so when the question is initially posed, they 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 written 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 scrutinise and check the activities of the Government. Question Time provides opportunities for ministers to exercise political skills in public and provides a forum for the political contest between parties. Question Time is, however, regularly abused by both governments and oppositions. The principal misuses are outlined in this section.

#### *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. Some of this contestation is part of the drama of the Parliament; no one would wish Question Time to be reduced to polite discussion without challenge. 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. To illustrate, former Senate President Alan Ferguson once recounted 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 hemorrhaging 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’*

‘Dorothy Dixers’ are named after U.S. journalist, Dorothy Dix, who claimed to be answering questions from readers, but who regularly wrote the questions herself. It is commonplace for government backbenchers to ask questions of ministers in their own parties that are prearranged in order to provide 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 must 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.

## *Insufficient response times*

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.

## Serious reform

Following the September 2010 agreement between the ALP and independent members, Standing Rules were amended to limit Ministerial Statements to 90 seconds, limit the times of questions and answers, provide times specifically for debate of Private Members business, and to oblige members to give relevant answers to questions. This led to some improvement but further reform is needed.

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

- measures to deal with the misuses of Question Time as discussed, including a review of questions from government backbenchers
- greater use of questions on 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
- effective enforcement of these rules by Speakers and Presidents.

The Accountability Round Table has argued that 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.

Further, the standing orders for the House of Representatives and the Senate should be amended to require written replies to a question on notice 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.

## Hopes for a change in conduct dashed

The agreement between the Independents and Labour in 2010 for a reform of parliamentary procedures pertaining to the conduct of Question Time was promoted as one of the most significant reforms to parliamentary procedure, with a package of measures expected to strengthen the ability of parliament to hold the executive to account. However, hopes for a change in parliamentary conduct was soon dissipated, with the 43rd parliament being described by some in Canberra as one of the most “brutal” and “toxic” in recent memory.

## Victoria takes up the fight

In contrast, in the state of Victoria, the newly elected Labor government has announced its intention to introduce reforms to Question Time in response to claims that it was being abused and misused for political gain. The Government’s reform plan includes:

- introducing supplementary questions in the Legislative Assembly;
- abolishing Dorothy Dixier questions in both chambers, instead providing Ministers with the ability to make two minute Ministerial Statements where new initiatives, projects and achievements can be briefly explained or announced;
- reducing time limits for answers to questions - for the substantive questions, three minutes, and for the supplementary questions, one minute;

- ensuring that Government Members are able to raise questions to Ministers on behalf of their electorates – at the conclusion of Question Time, both Government and Opposition Members will be able to ask questions of Ministers, the answers to which will be provided on notice; and
- providing the Speaker and the President with the power to find that a Minister’s answer has been non responsive to the question and to require the Minister to provide a written response, to the satisfaction of the Presiding Officer by the next sitting day.

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