

STATEMENT BY THE PRESIDENT—QUESTIONS WITHOUT NOTICE

As we begin sittings for 2016, I would like to remind all senators about standards that will be applied by the Chair, particularly during Question Time, based on standing orders, longstanding practice and rulings of past Presidents. Before Christmas, I wrote to party leaders and whips about some of these matters which are often raised by members of the public with my office.

First, argument and “back chatting” with the Chair after a decision or ruling has been given are disorderly. SO 197 does provide senators with a right to take points of order but must be used appropriately. Persistent failure to come to order when requested to do so by the Chair is also disorderly. Similarly, the level of noise and interjections in the chamber often makes it impossible for me to hear and adjudicate on questions and answers. This is the national Parliament – not a sporting contest; I do not have access to instant replay. Moreover, chairing the Senate is not a group participation activity. It is for the President to apply the standing and other orders. All questions of relevance are a matter for the judgement of the chair, a duty confirmed by the Procedure Committee as far back as 1994.

Under current rules, ministers must be directly relevant in their answers to the question asked, but it is important to recognise that relevance and responsiveness are not the same concepts. This is a point which has been made by several of my predecessors in explaining that the Chair cannot direct a minister how to answer a question or to give a particular answer. If I consider that ministers are not being directly relevant to the question, I will continue to draw their attention to the question, ask them to return to the question and remind them of the time remaining to them to answer the question. My expectation is that ministers will respond appropriately.

It has often been pointed out that questions might be more effective if they contained less extraneous material, including quotes, assertions, allegations, insinuations or other such material. After all, questions in the purest sense are for the purpose of seeking information and answers should be similarly confined to providing information.

However, if a question does contain additional material, a minister is directly relevant in his or her answer if he or she refers to subjects raised in that material. If a question contains a political barb, a minister is entitled, while remaining relevant and within the standing orders, to return the compliment. If senators require ministers to confine their answers strictly to a defined subject, then the question itself must be confined to that subject and again, I would expect ministers to confine the answer to that question.

In addition, supplementary questions must comply with the existing rules, namely that they are for the purpose of elucidating information arising from the original answer and not for the purpose of introducing additional or new material or proposing a new question, even though such a question might be related to the subject matter of the original question.

If senators comply with these rules, Question Time will be the better for it, and the Australian people will hopefully respond more favourably to the conduct of the Senate.