

Question Time

- 4.1 The *Agreement for a Better Parliament: Parliamentary Reform* (the Agreement) foreshadowed a range of procedural changes to the operation of Question Time. This chapter examines the changes and the further modifications to Question Time made in the two years since implementation of the Agreement.

Question Time

- 4.2 Question Time is an important accountability mechanism providing a very public forum for scrutiny of Executive Government. Originally intended to provide an opportunity for Ministers to be questioned regarding their area of responsibility, Question Time is often used for political ends by both the Government and Opposition.¹ Consequently it has been criticised for its adversarial nature and its usefulness has been questioned.
- 4.3 The Agreement proposed a number of changes to Question Time, including:
- imposition of time limits on questions and answers;
 - the duration of Question Time;
 - use of supplementary questions; and
 - the content of questions and answers.

¹ *House of Representatives Practice*, 6 ed., 2012, p. 543.

Time limits and duration

- 4.4 Amendments to standing orders introduced in September 2010 implemented the following changes proposed in the Agreement:
- time limits on questions (45 seconds) and answers (4 minutes);² and
 - duration of Question Time (it would conclude no later than 3.30pm).³
- 4.5 During the 43rd Parliament further refinements have been made. The standing orders were amended in February 2012, reducing the time limits to 30 seconds for questions and 3 minutes for answers and allowing Question Time to conclude by 3.10pm.⁴
- 4.6 Questions were averaging 23 seconds earlier in the 43rd Parliament but after the amendments to the standing orders in February 2012 have been averaging 21 seconds. In the 42nd Parliament questions averaged 25 seconds. Questions asked by Government Members continue to be shorter than questions asked by non-Government Members.⁵
- 4.7 Whereas the limits imposed on the length of questions have had little apparent effect, the limits imposed on answers have had a measureable effect between the 42nd Parliament and the 43rd Parliament to 30 June 2012. The average length of answers has been reduced from 3 minutes 37 seconds to 3 minutes 7 seconds.
- 4.8 The reduction applies almost exclusively to answers to questions from Government Members, going from an average length in the 42nd Parliament of 4 minutes and 52 seconds to 3 minutes and 24 seconds in the 43rd Parliament. In contrast, the average length of answers to questions from non-Government Members remains relatively constant: 2 minutes 23 seconds in the 42nd Parliament and 2 minutes 24 seconds in the 43rd Parliament.
- 4.9 What does not appear to have changed is the traditional tendency for Ministers to provide longer answers to Government questions than non-Government questions.
- 4.10 Table 4.1 provides a comparative summary of the key features of Question Time from the 41st to the 43rd parliaments.

2 Standing order 100(f) and 104(c), 20 October 2010; *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.1, p. 2.

3 Standing order 34, 20 October 2010; *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.3, p. 3.

4 Votes and Proceedings No. 85, 8 February 2012, 1177–1179; standing orders 1, 34, 100(f) and 104(c), 20 October 2010.

5 Chamber Research Office statistics, 2012.

Table 4.1 Comparison of key features of Question Time

	Questions without notice		
	41 st Parliament	42 nd Parliament	43 rd Parliament (calendar year 2011)
Average duration of Question Time*	1 hour 7 minutes	1 hour 32 minutes	1 hour 9 minutes
Average number of questions per Question Time	18.7	18.6	14.5**
Average length of question	Figure not recorded	25 seconds	23 seconds
Average length of response	2 minutes 24 seconds	3 minutes 37 seconds	3 minutes 7 seconds
% of questions asked by government	49.0	49.7	45.8
% of questions asked by opposition	48.5	48.3	47.7
% of questions asked by Independent/ non-aligned Members	2.4	2.0	6.5
Average points of order per Question Time	Figure not recorded	10.7	7.0

Source: Chamber Research Office statistics as at 30 June 2012.

* rounded to nearest full minute.

** motions to suspend standing orders interrupted Question Time on 24 occasions in 2011

Note: Figures do not include data for supplementary questions.

4.11 The changes to the duration of Question Time suggested in the Agreement were intended to enable '20 questions each day in the normal course of events'⁶, a point acknowledged by the Leader of the House when moving the relevant amendments to the standing orders.⁷ When the time limits on questions and answers were further reduced and the conclusion of Question Time moved to 3.10pm, the Leader of the House reiterated the Government's commitment:

I indicate that, whatever other differences I have with the Manager of Opposition Business and others, we will continue to examine these issues and see how they operate in practice. We would not want to see, for example, fewer questions being asked in the parliament. That is certainly not the government's intention.⁸

4.12 In the calendar year 2011, 882 questions were asked during Question Time, averaging 14.46 questions per session.⁹ Of those questions, 404 (45.8%) were asked by Government Members, 421 (47.7%) by Opposition Members and 57 (6.5%) by non-aligned Members.¹⁰ During 2011, Question Time concluded with an Opposition motion to suspend standing orders on 24 occasions.

6 Agreement for a Better Parliament: Parliamentary Reform, Clause 4.3, p. 3.

7 HR Deb, 29 September 2010, 132.

8 HR Deb, 8 February 2012, 212.

9 Chamber Research Office statistics, 2012.

10 Chamber Research Office statistics, 2012.

- 4.13 During a similar period in the 42nd Parliament, a total of 1187 questions were asked during Question Time, averaging 18.55 questions per session.¹¹ Of those questions 589 (49.6%) were asked by Government Members, 569 (47.9%) by Opposition Members and 29 (2.4%) by non-aligned Members.¹²
- 4.14 Table 4.2 provides a comparative summary of the source of the questions asked during Question Time during similar periods in the 40th to the 43rd Parliaments.

Table 4.2 Comparison of source of questions asked during Question Time

	Questions without notice			
	40 th Parliament (calendar year 2003)	41 st Parliament (calendar year 2005)	42 nd Parliament (calendar year 2009)	43 rd Parliament (calendar year 2011)
Total number of questions during Question Time	1194	1274	1187	882
Average number of questions per Question Time	17.56	19.01	18.55	14.46
Number of questions asked by Government Members	576 (48.2%)	626 (49.1%)	589 (49.6%)	404 (45.8%)
Number of questions asked by Opposition Members	585 (49%)	619 (48.6%)	569 (47.9%)	421 (47.7%)
Number of questions asked by non-aligned Members	33 (2.8%)	29 (2.3%)	29 (2.4%)	57 (6.5%)

Source Chamber Research Office statistics 2012

Supplementary questions

- 4.15 The Agreement also proposed arrangements for supplementary questions. However, such arrangements already existed under standing orders and are at the discretion of the Speaker.¹³ The purpose of supplementary questions is to provide clarification of an answer already given to a question asked during Question Time.¹⁴ However, historically, limits have been placed on supplementary questions to avoid the discussion developing into a debate.¹⁵ Standing order 101(b) states that the Speaker may:

... allow supplementary questions to be asked to clarify an answer to a question asked during Question Time.

11 Chamber Research Office statistics, 2012.

12 Chamber Research Office statistics, 2012.

13 Standing order 101(b), 20 October 2010; *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.2, p. 3.

14 *House of Representatives Practice*, 6 ed., 2012, p. 547.

15 *House of Representatives Practice*, 6 ed., 2012, p. 547. Standing order 100(a), 20 October 2010, prohibits questions being debated.

- 4.16 When the amendments to the standing orders were initially introduced in the 43rd Parliament, the Manager of Opposition Business commented that the existing provision would 'simply require reinterpretation by the Speaker':

The agreement contains a proposal, which we have obviously all agreed to, that the Leader of the Opposition or his delegate be able to ask a supplementary question once during question time. There is already a provision for supplementary questions in the standing orders and therefore I note that that is part of the agreement ...¹⁶

- 4.17 The implementation of the standing order was questioned on 30 September 2010. The Leader of the House raised a point of order concerning a supplementary question that the Speaker granted to the Leader of the Opposition on a question originally asked by the Shadow Minister for Immigration and Citizenship. The Leader of the House suggested that, while supplementary questions had always been allowed under the standing orders, the supplementary question should come from the person who asked the original question:

It is a follow-up question to the question they have asked seeking additional information on the basis of the answer that has been given by the minister.¹⁷

- 4.18 In his reply, the then Speaker, Mr Jenkins, indicated that he had not been involved in the negotiations for the Agreement and that there were some difficulties in interpreting the intention of the clause on supplementary questions. He did, however, draw attention to practices in other jurisdictions where a person other than the person who has asked the question may ask a supplementary question.¹⁸

- 4.19 To clarify the situation, in October 2010 Speaker Jenkins told the House he would apply the following criteria to supplementary questions:

... they need not be asked by the member who has asked the original question and may be asked either by the Leader of the Opposition or a member who appears to have been delegated by the Leader of the Opposition to ask the question, ... they should not contain any preamble; and they must arise out of, and refer to, the answer that has been given to the original question.¹⁹

16 HR Deb, 29 September 2010, 134-135.

17 HR Deb, 30 September 2010, 345.

18 HR Deb, 30 September 2010, 345.

19 HR Deb, 20 October 2010, 859.

4.20 On the first sitting day of 2012, the Speaker, the Hon Peter Slipper, outlined his own position on supplementary questions, introducing a trial of the following criteria:

1. each supplementary question will be limited to 20 seconds notwithstanding the formal time limits;
2. an answer to a supplementary question will be limited to 1½ minutes notwithstanding the formal time limits;
3. one supplementary question can be asked by the Leader of the Opposition or his or her delegate specifically, and up to one additional supplementary question can be asked by any opposition member, including the Leader of the Opposition, each day;
4. up to two supplementary questions can be asked by government private members each day;
5. when a non-aligned member asks a question, a supplementary question will be permitted;
6. a supplementary question must not introduce new matter, should not contain any preamble and must arise out of, and refer to, the answer that has been given to the original question;
7. a supplementary question can be asked in relation to any original question from the same group – that is, opposition, government or non-aligned;
8. more than one supplementary question can be asked to an original question; and
9. after any supplementary questions have been asked the call will be given to the side – that is, government or non-government – that did not ask the previous original question.²⁰

4.21 The following day the Speaker clarified his position on supplementary questions asked by non-aligned Members:

My intention is to maintain proportionality and, under current arrangements, that would allow for one supplementary question each week for non-aligned members. Should the number of questions asked by non-aligned members change, I would seek to accommodate that change with regard to supplementary questions.²¹

4.22 From 7 February 2012 to 28 June 2012, Government Members asked 47 supplementary questions, all of which were allowed. Opposition Members asked 62 supplementary questions, of which 53 were allowed. Non-aligned Members asked 6 supplementary questions, all of which were

20 HR Deb, 7 February 2012, 112–13.

21 HR Deb, 8 February 2012, 195.

allowed.²² If this trend continues it will indicate a substantial increase in supplementary questions on previous sessions. For example, in the 43rd Parliament during calendar year 2011, only 59 supplementary questions were asked (all by Opposition Members) and 57 were allowed.

- 4.23 Although standing orders have provided for supplementary questions to be asked at the Speaker's discretion, Speakers in preceding Parliaments have rarely exercised that discretion. The most recent occurrence of the Speaker allowing supplementary questions was in the 38th Parliament, in which 136 supplementary questions were asked and 39 were allowed throughout the whole of the Parliament.²³

Content of questions and answers

- 4.24 The Agreement urged the Speaker to apply the standing order requirements regarding the content of questions.²⁴ On the second sitting day of the 43rd Parliament, the then Speaker, Mr Jenkins, confirmed that the standing orders would be enforced:

I indicate to the Leader of the House ... my intention to tighten the rulings on questions ... I will take it that at this point in time we acknowledge that there is to be less argument and that the points in the standing order in relation to questions will be much more tightly adhered to than in the past.²⁵

- 4.25 The Agreement also proposed that answers be 'directly relevant' to questions and standing order 104(a) was amended to implement this reform.²⁶ Similarly, Speaker Jenkins interpreted this reform to imply that 'there be less debate in answers'.²⁷

- 4.26 During his time as Speaker, Mr Jenkins experienced ongoing difficulties applying the standing order on 'direct relevance' to answers. On a number of occasions he remarked that the same rules should apply to both questions and answers. For example after more than twelve months of the 43rd Parliament, he stated:

Ad nauseam, I have suggested that the same standing order should apply to answers as applies to the questions. It would have

22 Chamber Research Office statistics, 2012.

23 *House of Representatives Practice*, 6 ed., 2012, p. 547; Chamber Research Office statistics, 2012.

24 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.4, p. 3.

25 HR Deb, 29 September 2010, 181.

26 Standing order 104(a), 20 October 2010; *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.5, p. 3.

27 HR Deb, 28 October 2010, 2063.

been a much better solution than “directly relevant”. It would have meant that question time is not about the debate ...²⁸

- 4.27 Speaker Jenkins partly blamed the difficulty in applying the ‘direct relevance’ rule to answers to the wording of questions, warning that if questions contain argument they leave the potential for debate to ensue.²⁹
- 4.28 As well as proposing changes to the content of questions and answers, the Agreement suggested that only one point of order on relevance be allowed per question.³⁰ This was implemented through standing order 104(b). Since this change, there has been a reduction in the average number of points of order during Question Time from 10.7 in the 42nd Parliament to 7.5 in the 43rd Parliament.³¹

Backbench question time

- 4.29 The Committee received a suggestion that the creation of a dedicated backbench question time would provide the opportunity for backbench Members to ask questions concerning local electorate issues.³²
- 4.30 To enable Ministers to provide answers to specific questions, the proposal suggested that backbencher Members could submit written questions ahead of Question Time. A number of questions would be selected and put to the relevant Minister. As questions would relate to a particular portfolio, Ministers would be able to alternate attendance in the House.³³
- 4.31 The Committee has no particular view on the matter of a backbench question time at this point.

Committee comment

- 4.32 The Committee’s initial findings indicated that Question Time appeared to be more efficient, with an increased average number of questions being asked per Question Time and the number of points of order decreasing.³⁴ However, now that the reforms have been embedded, indications of increased efficiency are not so clear. The average length of Question Time

28 HR Deb, 22 February 2011, 913. See also HR Deb, 28 October 2010, 2056; HR Deb, 24 November 2010, 3630; HR Deb, 23 March 2011, 2929.

29 HR Deb, 24 March 2011, 3207.

30 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.7, p. 3.

31 Chamber Research Office statistics, 2012.

32 Hon Christopher Pyne MP, Manager of Opposition Business, *Submission 4*, p. 4.

33 Hon Pyne MP, Manager of Opposition Business, *Submission 4*, p. 4.

34 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, April 2011, p. 37.

has decreased but the average number of questions has also decreased, from 18.6 in the 42nd Parliament to 15.2 in the 43rd Parliament. On the other hand, points of order have decreased from 10.7 per Question Time to 7.5, a significant reduction.

- 4.33 The Committee notes the increased participation of non-aligned Members in Question Time and the support given to supplementary questions which suggests that Question Time has become more interactive.
- 4.34 However, frustrations about the combative nature of Question Time and the content of questions and answers appear to continue. The Manager of Opposition Business, while acknowledging overall improvement to the operation of Parliament, observed that the argumentative nature of Question Time continued.³⁵
- 4.35 Speaker Jenkins commented early in the Parliament that it would take more than a change in standing orders to bring lasting change to Question Time:
- ... it will not only take a change of standing orders but a change of culture in the whole House to bring about the type of question time and proceedings in this place that many outside would like to see.³⁶
- 4.36 The fundamental question is one of the effectiveness of Question Time as a primary measure of accountability. The Committee does not consider the reforms have made a very significant improvement in this regard. Nor has Question Time become a period that improves the regard in which the House and Members are held by the Australian public.

35 Hon Pyne, Manager of Opposition Business, *Submission 4*, p. 3.

36 HR Deb, 28 October 2010, 2062.