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Chair
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Parliament House
CANBERRA ACT 2600

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INQUIRY INTO QUESTION TIME PROCEDURES

Thank you for your invitation to make a submission to this inquiry.

The submission is based on PhD research I have undertaken into Question Time proceedings in the House of Representatives. Drawn from Hansard transcripts, the research data consists of questions and responses dealing with the topic of 'Iraq' for the months of February and March 2003. My research findings suggest that changes to Question Time are necessary in relation to the types of questions asked, the types of responses given, and the effectiveness of the Speaker in discharging his/her duties.

The main points of my submission are:

Questions

1. Disallow use of negative interrogatives
2. Disallow use of rhetorical questions
3. Disallow use of 'open', 'leading' questions
4. Disallow questions requesting "government's response"
5. Disallow questions requesting for "alternative views"
6. Limit use of sub-questions
7. Disallow or reduce the number of Dorothy Dixers ("Would the Minister inform/update the House ...")

Responses

1. Disallow agenda shifts such as attacking the Opposition or other parties and highlighting Government 'achievements'.
2. Disallow use of structures such as: "Let me remind the House ..."; "Let me take the opportunity ..."; "I take a moment to say this ..."

The Speaker

1. Disallow obvious agenda shifts
2. Be bipartisan and/or appointed in consultation with other parties
3. Be consistent in rulings

I would be happy to provide more detailed information and/or further analysis if required.

Yours sincerely

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Terms of Reference

To review the effectiveness of current standing orders relating to Question Time with particular reference to the provisions governing the form and content of questions and answers.

Introduction

This submission is based on the understanding that the effectiveness of current standing orders is properly gauged by the extent to which Question Time is a forum in which the Government is held accountable for its actions (as it should be) rather than as an occasion on which political point scoring is pursued (as it has become).

Based on my research into and analysis of the form and content of questions and answers, the empirical evidence drawn from Question Time proceedings on the topic of Iraq for the months of February and March 2003 shows that:

- Opposition parties frequently ask questions that, for one reason or another, invite evasion and are essentially unanswerable;
- Government ministers generally fail to answer Opposition questions that are answerable;
- Dorothy Dixers serve no legitimate purpose;
- The Speaker routinely fails to enforce the Standing Orders.

These four shortcomings suggest that changes to Question Time proceedings need to occur in three broad areas: questions, responses, and the Speaker, as discussed below.

Form and Content of Questions

SO 100 Rules for questions

(c) For questions regarding persons:
   (i) questions must not reflect on or be critical of the character or conduct of a Member, etc.

As drafted, this rule is apparently difficult to enforce because many Opposition questions are indirectly, but patently, 'critical' of the character and conduct of Ministers, especially rhetorical questions or those that include negative interrogatives, as explained below. Additionally, respondents frequently shift the topic of discussion away from that which is required by the question (i.e. they make 'agenda shifts'), the most common shift being to 'attack' the Opposition (refer to SO 104, discussed later).

It is suggested that SO100 (c) should be applied to responses as well as to questions.

(d) Questions must not contain:
  (ii) arguments; (iii) inferences; (iv) imputations; (v) insults; (vi) ironical expressions; etc

This rule is anomalous in relation to Question Time. As many political commentators, particularly in relation to the UK's system, have noted, parliamentary discourse is adversarial by nature[1]. Although Standing Order 100 (d) does not permit questions containing inferences and imputations, the data suggests that interactions, specifically those involving Opposition questioners, occur at the inferential level, i.e. respondents address what is inferred by the questioner. The following exchange, with Howard responding to a question by Crean challenging his (Howard's) credibility, illustrates this point. The question was as follows:

> Crean: Prime Minister, what credibility can your explanation have when the official record of conversation cleared by the minister's office shows that the discussion that he was having was specifically about the issue of UN support for, and I quote, 'action in Iraq'? Prime Minister, if your foreign minister was talking about war, then weren't his comments about the impossibility of withdrawing our ships and other presence expressly made in the context of war?

(House Hansard 05.02.03, p. 10942)

In his response, Howard's agenda shift involved five attacks directed at Crean (the then Leader of the Opposition) as follows:

a. I know that it suits the political purposes of the Leader of the Opposition to try and represent things otherwise

b. …as the opposition leader falsely alleges; and he knows the allegations are false

c. The Leader of the Opposition can spend the rest of Question Time today, he can spend all of Question Time tomorrow and he can spend all of his waking hours making those allegations. They are false and they will remain false

d. … a deployment supported by the then Leader of the Opposition, the member for Brand. They were the circumstances in which that deployment was made. The member for Brand knows that you can deploy in advance of making a final decision without being falsely accused of making a final decision and of keeping that from the Australian public, because that in reality was what we did with his support in 1998

e. … the claim made so vigorously by the Leader of the Opposition is, as usual, quite wrong

(House Hansard 05.02.03, p. 10942)

It should be noted that Howard's response may be interpreted as a counter-attack aimed at Crean's accusation, i.e. questioning his credibility. The Prime Minister was

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[1] Harris, S. 2001, 'Being politically impolite: extending politeness theory to adversarial political discourse', *Discourse and Society*, vol. 12, no. 4, pp. 451-472.

Ilie, C. 2003, 'Discourse and metadiscourse in parliamentary debates' in *Journal of Language and Politics*, vol. 2, no. 1, pp. 71-92.

Bayley, P. 2004, 'Introduction: The whys and wherefores of analysing parliamentary discourse', in *Cross Cultural Perspectives on Parliamentary Discourse*, ed. P. Bayley, John Benjamins Publishing Company, Amsterdam, pp. 1-44.

'counter-attacking' the negative presupposition in the question (You lied because what you said contradicts what has been officially recorded). Questions, such as the above (accusation), and the corresponding responses should not be allowed.

The adversarial nature of parliamentary questions are particularly prominent in Opposition questions containing 'negative interrogatives' and those 'rhetorical' in nature, as discussed below:

Negative interrogatives

Some 'hostile' questions are difficult to answer, especially those containing negative interrogatives (questions that use structures such as 'isn't it', 'don't you' and 'shouldn't you'). Such questions are used more as assertions expressing a particular point of view rather than as objective questions[2]. Questions consisting of negative interrogatives are "argumentative or challenging" and they "ultimately invite rebuttal"[3]. Examples of questions using negative interrogatives (in bold) include the following:

   a.   Prime Minister, **why haven't you told** the Australian public what the leaked Downer memo shows: that Australian forces in the Gulf will not be withdrawn if the United Nations process breaks down and the US goes to war with Iraq? (House Hansard 05.02.03, p. 10941)

   b.   Given that we heard earlier ... , **doesn't this mean that** once these troops, ... they will be on warlike service? (House Hansard 06.02.03; p. 11137)

   c.   **Doesn't this statement make it clear that** the government's participation ...commits Australia ... (House Hansard 11.02.03, p. 11416)

   d.   Prime Minister, **isn't it true that** in October last year there were ... (House Hansard 06.02.03, p. 11127)

   e.   **Weren't these personnel** already deployed to the region in October of last year? (House Hansard 06.02.03, p. 11135)

Some questions contained more than one negative interrogative. For example, the following question consisted of three sub-questions with such structures:

   a.   Prime Minister, when you farewelled ...., didn't you tell the crew ...
   b.   Isn't this the same interception force which ...
   c.   Prime Minister, if your government can tell a foreign ... why won't you tell ..

                              (House Hansard 5.02.03, p. 10948)

Hostile questions containing negative interrogatives such as these should be disallowed.

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[2] Heritage, J. 2002, 'The limits of questioning: negative interrogatives and hostile question content', *Journal of Pragmatics*, vol. 34, pp. 1427-1446.

[3] Heritage, 'The limits of questioning: negative interrogatives and hostile question content', p. 1439.

Rhetorical Questions

Other hostile questions are mainly intended to 'accuse' the Government, thereby perhaps 'encouraging' evasion. For example, rhetorical questions do not expect answers and are considered 'argumentative' non-standard questions[4]. The following are some examples of rhetorical questions used in Question Time:

    a.   ... in the light of his last answer; do you seriously expect the Australian people to believe you when you say that Australia is not counted ... (House Hansard 10.02.03, p. 11245)

    b.   Acting Prime Minister, when will you tell this parliament the truth about your commitment? (House Hansard 11.02.03, p. 11413)

    c.   Acting Prime Minister, why is it that President George Bush has said in Washington what Australia's PM has not been prepared to say here on the floor of the parliament to the Australian people? (House Hansard 11.02.03, p. 11417)

    d.   Acting Prime Minister, are you seriously suggesting, given that Australia is now part of the US led coalition of the willing, that the government does not have ... (House Hansard 13.02.03, p. 11832)

    e.   How can you expect the Australian people to believe that response ... (House Hansard 05.02.03, p. 10945)

These examples support the view that Opposition questions generally are not used to seek information but rather to make rhetorical points[5]. Since rhetorical questions are also considered argumentative, it is not surprising that, they, like negative interrogatives, also invite rebuttals. The data revealed that Opposition MPs' use of such hostile questions was almost always responded to with 'counter-attacks' by Government Ministers. This supports the view that both sides of the House are guilty of 'point-scoring' exercises[6].

Rhetorical questions and questions containing negative interrogatives should be either discouraged or disallowed under Standing Orders. Other types of questions should also be disallowed including 'open', 'leading' questions (discussed below) which, unlike the question types favoured by Opposition members, were frequently asked by Government members.

'Open', 'leading' questions

Open questions usually seek general information giving respondents greater control over the responses. An example of an open question was the following by a Government backbencher, Cadman, to Acting Prime Minister Anderson: "Would the Acting PM update the House on the latest situation in relation to Iraq?" (House

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[4] Ilie, C. 1999, 'Question-response argumentation in talk shows', *Journal of Pragmatics*, vol. 81, no. 8, pp. 975-999.

[5] Canberra times, (21 November 2004), Time to Retire the Rhetoric, [Online], Available from: http//australianpolitics.com/news/2004/11/4-11-21_questions.html

[6] Solomon, D. 1986, *The People's Palace: Parliament in Modern Australia*, Melbourne University Press, Carlton.
Jaensch, D. 1992, *The Politics of Australia*, Macmillan, South Melbourne.
Uhr, J. 2002, 'Reforming the Parliament', [Online], *Democratic Audit of Australia*, Available from: http://democratic.audit.anu.edu.au

Hansard 13.02.03, p. 11831). Anderson responded at length on the topics of 'Iraq', 'weapons of mass destruction', 'international terrorism' and how 'evil' Saddam was. Since it was an open question, Anderson could have given and did give a wide range of responses related to Iraq and his 'answer' would have been, and was, no less 'relevant' to the question. Consequently, all responses to such questions ("Would the Minister inform/update the House …") were unavoidably classified as 'answers' in this study.

Apart from being mainly 'open' questions, many Government questions were also 'leading' questions. Leading questions have the expected answers inferred within the questions themselves. The respondent is thus led towards the expected response. Leading questions appear to 'encourage' Ministers to talk about the Government's own views. Below are some examples of leading questions that encouraged views to be expressed about the Government's perspective on Iraq's 'weapons of mass destruction' and 'Saddam Hussein':

a. Would the minister inform the House of the government's efforts to promote the United Nations as the key forum for considering whatever further steps may be necessary to ensure Iraq is disarmed of weapons of mass destruction? (House Hansard 05.02.03, p. 10941-10942)

b. Would the minister also outline to the House international reports detailing summary executions, systematic rape and institutionalised torture under the regime of Saddam Hussein? (House Hansard 05.02.03, p. 10946)

c. Would the minister inform the House of the reports in Secretary Colin Powell's address to the Security Council overnight that Saddam Hussein, in developing his arsenal of chemical weapons, conducted experiments on humans? (House Hansard 06.02.03, p. 11133)

d. Would the minister inform the House of Saddam Hussein's violent and systematic destruction of Iraq's Marsh Arab community and his consistent persecution of the Kurdish minority? (House Hansard 10.02.03, p. 11244)

e. Would the minister inform the House of the appalling treatment of Iraqi women by Saddam's Hussein's regime? (House Hansard 11.02.03, p. 11416)

All of these questions were directed to Foreign Minister Downer and one cannot but conclude that, not only were they pre-arranged but the questions related directly to Iraq issues he particularly wanted to talk about. Since Downer also provided significant detail in his responses there can be little room for doubt that these were prepared in advance of the 'questions without notice' being asked.

Open questions allow Ministers to respond in almost any way by saying almost anything (however vaguely) related to the question and still have their responses considered relevant. Such questions and the use of leading questions raise serious doubts about Question Time being able to fulfil any of its official functions, particularly as a forum in which the Government might be held to account for its actions.

The data indicates that all Government questions were 'Dorothy Dixers' (pre-arranged to be asked) since they were all structured: "Would the Minister inform/update the House …" and most were open and/or leading questions. It is suggested that such questions should be disallowed or, at the very least, considerably reduced in numbers. In this way, theoretically the Opposition might get to ask up to twice as many

questions as the Government and have up to twice the opportunity of gaining information and holding the Government accountable for its actions.

The suggestion is of course predicated on three assumptions:

- Firstly, that it would be disingenuous to contend that a process by which the Government asks itself pre-prepared questions and responds with pre-prepared answers would serve any accountability purpose or provide meaningful information;

- Secondly, that the Opposition parties must learn how to ask questions that can be answered (consistent with the improvements suggested earlier);

- Thirdly, that the Speaker enforces relevant Standing Orders.

Closely related to open, leading questions are questions asking for the "government's response", discussed below.

Disallow the use of "government's response"

Open questions requesting the 'government's response' appear to be invitations to talk at length on the respondents' 'pet' topics. In the following example, Downer was asked for the "government's response" to "reports of Iraqi military tactics to involve civilians in the current conflict and the apparent breaches of the laws of war" (House Hansard 27.03.03, p. 13802). The question allowed Downer to talk at length; portraying the Iraqi soldiers as 'villains'. Part of his response was as follows:

> There is a pattern of reports indicating that Iraqi soldiers and irregulars have been deliberately using civilians as cover in their fighting, and the Prime Minister alluded to that in answer to an earlier question. Coalition troops have seen Iraqi civilians being marched out in front of irregular formations while those formations are firing at coalition forces. There are reports that United States forces have treated several wounded Iraqi civilians, including a child, at a captured air base in southern Iraq. The civilians said they had been used as human shields by Iraqi forces.
>
> Iraqi soldiers have also been breaching the international laws of war. There are reports of Iraqi soldiers feigning surrender and then opening fire on coalition troops. Iraqi fighters are disguising themselves in civilian clothes. United States forces yesterday—and I thought this was particularly relevant—took control of the hospital at Nasiriya and found that it had been converted into a paramilitary headquarters and weapons storage area. This is a hospital. The marines in the hospital found 200 weapons and Iraqi military uniforms, and it was at this location that they also found 3,000 chemical protective suits and nerve agent antidote injectors.
>
> (House Hansard 27.03.03, p. 13803)

In his response, Downer also compared Iraqi forces (negatively portrayed) to coalition forces (positively portrayed):

> In Basra, aircraft are using precision, satellite-guided bombs to target Baath Party headquarters and military formations. British artillery are confining their attacks to the city's outskirts, targeting tanks and clear military formations. British commandos are

conducting raids into the city to capture Baath Party leaders, but the Iraqis are deliberately placing their forces close to hospitals and civilian, built-up areas. A British gunner said he had seen tanks refuelling near a hospital to avoid being fired on by coalition forces and people being used as unwilling human shields. I can state quite categorically that the coalition has a very deliberate process of targeting only military objectives and that civilians are never targeted. That is in stark contrast to the Iraqi regime, whose record of recklessness and wilful disregard for the safety of people remains as undiminished as ever.

(House Hansard 27.03.03, p. 13803)

The only part of Downer's response that could be considered relevant to the question actually asked (the "government's response") was one sentence long:

This is a frightening demonstration of the fact that Iraqi forces have been preparing for the use of chemical weapons, and it is something we are obviously deeply concerned about.

(House Hansard 27.03.03, p. 13803)

Questions asking for the "government's response" virtually ensure that the response will serve no useful accountability or information purpose. It is suggested that such questions be disallowed. Similarly the practice of asking a respondent whether there are any "alternate views" should be disallowed, as explained below.

Disallow the use of "alternative views"

My research supports the views held by Andren and Gillard (refer to submissions 3 and 4) that the practice of asking the respondent whether there are any "alternate views" should be disallowed since it is an invitation to attack the Opposition. For instance, the following exchange merits detailed attention because most of the response concentrated on attacking the Opposition. The question was a Dorothy Dixer asking Downer whether military action to "disarm Iraq of its weapons of mass destruction" was authorised by the United Nations and whether he was "aware of any alternative view". Part of Downer's response was:

Interestingly enough, on the very same morning—it shows how disoriented the opposition is—the Leader of the Opposition was asked, and did not know, whether it was legal or illegal. He then said that he was waiting for advice. Months and months of debate on this issue of Iraq had been going on, but the Leader of the Opposition was still waiting for advice. The incredible thing is that only last night, when he was interviewed on the *7.30 Report*, he said that he still did not have any advice. But he added—and I think these are interesting words—that `whether it was legal or not did not matter'. A lot happened during the night, because at lunchtime today at the Press Club he said that he had got legal advice—although he never said who he had got it from—and that the legal advice was important. Yesterday it did not matter; today it is important. It simply exposes the vacuousness and opportunism of the opposition's position on the very serious issue of Iraq.

(House Hansard 20.03.03, p. 13150)

Downer's 'agenda shift' (shift in topic) from that required by the question was noted by Opposition MP McMullan, who said:

> Mr Speaker, I rise on a point of order. On the day that Australia goes to war, don't you think we are entitled to a bit of decorum from the Minister for Foreign Affairs?

> (House Hansard 20.03.03, p. 13150)

The point of order was not heeded by the Speaker and Downer continued to attack the Opposition:

> Mr Speaker, I challenge the Leader of the Opposition to release publicly his legal advice. Indeed, I ask him to table it in the parliament today. We look forward to seeing who wrote it as well.

> (House Hansard 20.03.03, p. 13150)

The exchange above is worth noting for two reasons. Firstly, the question asked for 'any alternative view' the sole purpose of which was to attack the Opposition. Secondly, the Speaker failed to exercise independent judgment, even though a point of order had been raised, and allowed Downer to continue his 'attack'.

Another practice which might also be disallowed under Standing Orders is the asking of too many questions (sub-questions) within a single questioner's 'turn'.

Limit use of sub-questions

Some MPs use their questioning turns to ask two or more questions. Whilst Government backbenchers generally ask single questions during their questioning turns, Opposition MPs generally ask more than one question (or sub-question) at a time, as Table 1 shows.

Question Turns	Government questions	Opposition questions
Single Question	33(33)	19 (19)
2 sub-questions	4(8)	14 (28)
3 sub-questions	2(6)	12 (36)
4 sub-questions	0	1 (4)
5 sub-questions	0	2 (10)
Total	39(47)	48 (97)

Table 1: Total number of Government and Opposition question turns on Iraq for February and March 2003 showing single and multi-sub-questions
Note: numbers in brackets are total numbers of single and multi-questions within a single questioning turn.

For February and March 2003 taken together, 60% of Opposition question turns consisted of two or more sub-questions compared to only 15% for Government question turns. When there are too many sub-questions, it is difficult for the respondent (Minister or Prime Minister) to address all of the questions asked within a single response turn. For example, the following question, by former Opposition Leader, Crean, contained five sub-questions:

Crean: The Treasurer has finally caught up with Iraq. He has finally ventured into the debate. He has been silent for months and he has finally caught up. My question is to the Minister representing the Minister for Defence. Can the minister confirm that there are currently 40 or more ADF personnel in the Australian headquarters in the Gulf? Weren't these personnel already deployed to the region in October of last year? Can the minister confirm that they are now co-located with the US command of General Tommy Franks? Isn't the role of these personnel to liaise closely with the US on its plans for a war with Iraq? At a military level, isn't it true that Australian troops have been factored into those US war plans?

(House Hansard 06.02.03, p. 11135)

It would surely be difficult for the average respondent to recall, let alone respond to, all of the sub-questions above. Perhaps there should be a limit to the number of sub-questions that can be asked in any one questioning turn.

It is suggested that Standing Orders in relation to questions:

1. Disallow the use of negative interrogatives
2. Disallow the use of rhetorical questions
3. Disallow the use of 'open', 'leading' questions
4. Disallow questions requesting "government's response"
5. Disallow questions requesting for "alternative views"
6. Limit the use of sub-questions
7. Disallow or significantly reduce the number of Dorothy Dixers ("Would the Minister inform/update the House …")

Form and Content of Responses

SO 104 Answers

An answer must be relevant to the question asked

My research shows that the most frequent agenda shifts made by Question Time respondents involved highlighting the Government's positive traits and 'attacking' the Opposition or others. Since the research was on the particular issue of Iraq, the 'others' included Iraqi forces and Saddam Hussein. These agenda shifts were usually introduced by phrases such as "Let me remind the House …" or "Let me take the opportunity …", as discussed below.

Disallow the use of structures such as "Let me remind the House …"; "Let me take the opportunity …"; "I take a moment to say this …"

These structures are overt signals that respondents are about to make 'agenda shifts'. For example, in response to Opposition MP George's question on reports that the "UK military command on Tuesday classified Basra … as a military target" and what that meant "for the civilian population of that city", Downer shifted the agenda at length to positively portray the coalition forces ('positive self-presentation') and negatively portray the Iraqi forces ('negative other-presentation'). He overtly

signalled that he was about to make an agenda shift by stating: "I take a moment to say this" (in bold). The question and 'relevant' parts of the response were as follows:

George: My question is to the Minister for Foreign Affairs. Does the minister stand by his comments last night that taking a longer time in terms of the military conflict in Iraq was the price to pay for avoiding the targeting of civilian targets and further:
That is a price that we would absolutely be prepared to pay.
Is the minister aware of reports that the UK military command on Tuesday classified Basra, a city of over one million people, as a military target? Can the minister confirm the accuracy of these reports? Can the minister advise what this will mean for the civilian population of that city? Can the minister further advise whether the UK position announced last night is consistent with his statements last night?

Downer: [...] We appreciate very much the enormous importance of doing our utmost to avoid civilian casualties. We know, the Americans know and the British know that that does make warfare a little more difficult than if you were to ignore the humanitarian requirements to protect civilian casualties. We also know that Saddam Hussein's regime has no interest in protecting civilians or avoiding civilian casualties. On the contrary, reports coming out of Iraq suggest that Saddam Hussein wants to maximise civilian casualties in order to win propaganda rounds, particularly in Western countries.

There is no question of that, and **I take a moment to say this**: the Special Republican Guard, the Republican Guard and the Fedayeen Saddam ensure as best they possibly can that they are stationed next to civilian institutions such as schools and hospitals. They deliberately do that because they know two things: firstly, that the coalition takes a humanitarian approach to the way it conducts this military conflict and tries its best to avoid civilian casualties; and, secondly, that, if there are civilian casualties caused by the deliberate placement of their military assets, they will try to get a propaganda victory out of that. They will do their best to milk from anywhere they can a propaganda triumph for the world's most brutal regime. We will have no truck with that. In conclusion, I have no hesitation in defending the Blair government on this issue.

(House Hansard, 26.03.03, p. 13561-13562)

Downer shifted the agenda to praise 'friends' and 'attack' Iraq and his response was irrelevant to the question asked.

Similarly, Howard overtly signalled that he was about to make a shift by stating "I might also take the opportunity" (in bold) in his response to a sub-question by Crean asking for confirmation that the food for oil program had been suspended the week earlier. Howard evaded answering the question but instead blamed Iraq for the suspension. Crean's question and the 'relevant' parts of Howard's response were:

Crean: My question is to the Prime Minister and it follows in part the answer he has just given in terms of humanitarian relief. Can the Prime Minister confirm that 60 per cent of Iraqi households are dependent on the UN food for oil program for all basic food needs? Can the Prime Minister also confirm that this program was suspended last week? Prime Minister, what are the current food requirements for civilians in the southern cities of Basra and Um Qasar and what plans are currently in place to provide emergency food aid to civilians in these cities?

Howard: [...] **I might also take the opportunity, because** the Leader of the Opposition mentioned the oil for food program, of reminding him and the parliament that the

> United Nations sanctions would never have been necessary if Iraq had agreed to the requirements of disarmament imposed way back in 1991. I might also say that the oil for food program has been immorally and shamefully rorted by Saddam Hussein, who has used the proceeds of it to acquire his weapons capacity and support it. It has to be said—and the Australian public should be reminded—that we had these economic sanctions because Iraq did not disarm. They were imposed by the United Nations because Iraq did not disarm. If Iraq had disarmed, those sanctions would never have been necessary. Worse still, having through his policies made those sanctions necessary, the Iraqi leader has compounded the sins inflicted upon his own people by rorting the very oil for food program which was designed to in some way mitigate the impact of the economic sanctions. So he is doubly guilty of betraying his obligations towards the Iraqi people.

<div align="right">(House Hansard 25.03.03, p. 13403)</div>

In another example, Howard overtly signalled that he was about to make an agenda shift by stating "I take this opportunity to say" and justified his shift on grounds that he was speaking on behalf of everyone in Parliament. The agenda shift was to praise the troops. The question and Howard's agenda shift, almost a paragraph in length, were as follows:

Crean: My question is to the Prime Minister, and I ask: given that coalition forces have been involved in military action for several days and have encountered resistance, can the Prime Minister inform the House of the number of coalition casualties, including the current wellbeing of Australian troops? Does the Prime Minister have any information on the current number of Iraqi civilian and military casualties?

Howard: [...] **I take this opportunity to say**—I am sure on behalf of everybody in this parliament—how much the Australian community respects the skill, the professionalism, the bravery and the commitment to duty displayed by the men and women of the Australian Defence Force now in the gulf. I believe that they have behaved in accordance with the best traditions of Australia's military forces. They are a group of people of whom all of us can be immensely proud. They are a group of people who carry into the campaign in which they are now involved, and any campaign in which they will be involved in future, the profound good wishes of every man and woman in this country. I believe they should. They carry the profound hopes and prayers of all Australians that they will return safely to their homes.

<div align="right">(House Hansard 24.03.03, p. 13293)</div>

The above examples show respondents (mis)using Question Time to make agenda shifts that defeat Question Time's purpose.

It is therefore suggested that Standing Order 104 should be extended to state that respondents should not make agenda shifts such as attacking the Opposition or other parties, or highlighting Government 'achievements'. It should also disallow the use of phrases such as "Let me remind the House ..."; "Let me take the opportunity ..."or "I take a moment to say this ..."

Role and Performance of the Speaker

The Speaker and how he/she performs his/her role is an important consideration in the effective running of Question Time. No matter what changes are made to the Standing Orders, it is unlikely there would be much improvement in the effectiveness of the Question Time forum unless the Speaker is himself effective and impartial in enforcing the House rules.

The data showed the Speaker being ineffective in performing his role on numerous occasions. In one instance, the Speaker ruled a response relevant even when reminded that the answer had not been given on a point of order[7]. In another instance, there was considerable disorder in the House when the Speaker faced a number of 'points of order' regarding inconsistencies in his rulings. The incident was noteworthy for three reasons. Firstly, it demonstrated the Speaker's inability to control the House, secondly, it highlighted the inconsistency of his rulings and thirdly, it illustrated the rather "puerile behaviour" of some parliamentarians[8], including the responding Minister.

In this particular case, a question was asked by a Government (Liberal Party) MP, Joanna Gash, to the Minister for Foreign Affairs, Alexander Downer (House Hansard 20.03.03, p. 13144- 13147). Before her question was completed, there were 'interjections' from the floor. The fact that there were continuing interruptions even before the full question was asked showed the Speaker's inability to control the House and maintain order. One interruption came from the then leader of the House, Abbott, who rose on a point of order regarding an "offensive remark" allegedly made by an opposition MP whom he had mistakenly identified at the outset.

There were further interjections but the Speaker 'reprimanded' the interjectors and called on Abbott to proceed. In response to comments by Abbot, the Speaker asked a particular interjector to withdraw his remark although the data suggests that he (the Speaker) did not know what was said ("The member for Corio made one or a number of offensive remarks"). The Speaker did attempt to bring order to the House when there were more interruptions before the question could be completed, reprimanding members on both sides of the House.

However, when Downer, in responding, uttered "I am shaking my head in desperate sorrow for you, you pitiful creature", the Speaker did not hear him. When an Opposition member informed him of the specific reference made, the Speaker chose to ignore the point of order and let the Minister proceed. It was again pointed out by another Opposition MP but the Speaker said he was "genuinely not aware" of the offensive words used. He did not ask the Minister to withdraw the remarks although Downer did so ("Mr Speaker, I am happy to withdraw, in any case").

The Speaker neither heard the earlier remark by O'Connor (the member for Corio) nor was it recorded in Hansard. However, when the Minister responding made an

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[7] Rasiah, P. 2006, 'Does Question Time fulfil its role of ensuring accountability', [Online], *Democratic Audit of Australia*, Available from <http://democratic.audit.anu.edu.au>

[8] Hughes, O.E. 1998, *Australian Politics*, 3rd edn, Macmillan, South Yarra, p. 319.

offensive remark regarding the Speaker, he did not ask the Minister to withdraw it, although it was clearly heard by Opposition MPs and even recorded in Hansard. Despite the Speaker's inaction being pointed out twice on a 'point of order' by opposition MPs, he failed to reprimand the Minister concerned. This caused still more interjections and another 'point of order' being raised due to the inconsistency:

> Martin Ferguson: Mr Speaker, I rise on a point of order. Earlier this afternoon, despite having not heard what the member for Corio said, you required that he withdraw it. You have now just indicated that you have a different approach in terms of the foreign minister—you automatically indicated that you did not hear it but you did not require him to withdraw it.

> Speaker: The member for Batman knows that his defiance of the chair is totally unacceptable. If the member for Batman checks the *Hansard* record, he will find that at no time did I say that I had not heard what the member for Corio had said. I can indicate to the House—and the member for Batman knows this—that I did not hear above the noise the remark made by the minister. He has now withdrawn it. The minister has the call.

(House Hansard 20.03.03, p. 13144- 13147)

Though the Speaker tried to justify his actions, his response did not appear convincing (Refer to Appendix A for the whole transcript of the exchange). His rulings regarding offensive remarks were clearly inconsistent within the same exchange. The Speaker would not have been put in such an 'uncomfortable' position (of having his rulings challenged) if he had enforced the Standing Orders consistently and been perceived by the House as independent and impartial.

It is suggested that the Speaker should be bipartisan or selected by the Government in consultation with non-Government parties. If the best available individual was so selected, he/she would be better able to take control of the House and command greater respect from both sides. When obvious agenda shifts occur (such as attacking the Opposition), the Speaker should direct that the respondent answer the question asked. Again, this suggestion assumes that the question asked is answerable and that the Speaker disallows obviously hostile questions such as those with negative interrogatives and those that are rhetorical. Perhaps there should also be a time-limit to reduce 'long-winded' responses.

Conclusion

Even with Standing Orders disallowing the use of negative interrogatives, rhetorical questions and Dorothy Dixers ("Would the Minister inform/update the House …"), the suggested changes to the rules might still be overcome by respondents. Opposition questioners could formulate other 'hostile' forms of questioning and Government questioners could structure their 'friendly' questions differently. It is common knowledge that the rules are difficult to enforce if the robust nature of Question Time proceedings is to be retained.

The fundamental question is simply this: Should Question Time be conducted as a serious accountability forum, or is it merely for political point-scoring?

Appendix A

Mrs GASH (2.01 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister inform the House about contingency planning—

Honourable members interjecting—

Mr Abbott—Mr Speaker, I rise on a point of order. I heard an offensive reference from members opposite. I think it was the member for Hunter.

Honourable members interjecting—

The SPEAKER—The chair is on his feet! The Leader of the House has the call and is entitled to be heard.

Mr Abbott—I apologise. I believe it was the member for Corio, but it was a very offensive reference. It was utterly unworthy of this House and it should be withdrawn.

Mr Fitzgibbon—Mr Speaker, I rise on the point of order. I reluctantly accept the minister's apology. The only comment I made was that this House should be given a vote on whether Australia goes to war.

The SPEAKER—The member for Hunter did not have a point of order. I understand the member for Corio made a remark which was offensive, and I ask him to withdraw it.

Mr Gavan O'Connor—I made several remarks, Mr Speaker. Which one did the Liberal Party find offensive?

The SPEAKER—The member for Corio will withdraw the remark which was offensive, or I will deal with him.

The SPEAKER—I am not being assisted by the member for Hindmarsh. The member for Corio made one or a number of offensive remarks. He will withdraw those offensive remarks.

Mr Gavan O'Connor—Mr Speaker, in the interests of letting this question time proceed without disruption, I will withdraw the broad set of words that I said in its entirety.

Mrs GASH—Would the minister inform the House about contingency planning for meeting the humanitarian needs of the Iraqi people—

Opposition members interjecting—

Mrs GASH—Aren't you interested?

The SPEAKER—The member for Gilmore will resume her seat. Of all of the occasions on which I have occupied the chair, this is probably the most momentous question time. Every Australian expects an opportunity for questions to be asked and answers to be given in silence as the standing orders provide. Any member who defies the standing orders will be dealt with.

Government members interjecting—

The SPEAKER—That includes members on my right. Any member who is removed from the House will be so of their own choice and will deny their constituents by their choice a right to representation for the period for which they are removed.

Mrs GASH—Would the minister inform the House about contingency planning for meeting the humanitarian needs of the Iraqi people now that the conflict has begun?

Mr DOWNER—I thank the honourable member for Gilmore for her question, because I think this is an enormously important issue and I know that many Australians will want Australia to make a contribution to helping the Iraqi people, who have been subjected to tyrannical rule for over a quarter of a century.

The SPEAKER—The member for Melbourne!

Mr DOWNER—The Iraqi people have suffered enormously under Saddam Hussein. This government will do whatever it can to help them rebuild their lives.

The SPEAKER—I warn the member for Melbourne!

Mr DOWNER—This will be an opportunity to build a stable and prosperous Iraq in which the people can look forward with confidence, at long last, to a bright future free of tyranny. Over the last few weeks we have been involved in very detailed discussions with the United States government, with the United Kingdom government and also with a range of United Nations agencies on a wide range of issues, including post-conflict reconstruction issues. Not surprisingly, these discussions have been discreet and we certainly have not wanted in any way to pre-empt United Nations processes. We have, however, been working assiduously—

Opposition members interjecting—

Mr DOWNER—I can't hear myself think.

Mr Crean—Oh! He can't hear himself think!

Mr DOWNER—You are supposed to be the leader of a political party, not a child in a primary school. You behave like a child in a primary school on a major international issue. You are a disgrace!

Opposition members interjecting—

The SPEAKER—The member for Werriwa is warned!

Mr DOWNER—I think at least the Australian people will be interested to know that we have been working assiduously to identify how best we can help the Iraqi people to redress the lost years—

Opposition members interjecting—

Mr DOWNER—As I said, I think the Australian people would be interested, if not the Leader of the Opposition. We want to help the Iraqi people to redress the lost years of fear, arbitrary oppression and deprivation.

Mr Albanese—You know it is wrong.

The SPEAKER—The member for Grayndler is warned!

Mr DOWNER—We provided an initial $10 million to United Nations humanitarian agencies and the International Committee of the Red Cross for humanitarian assistance, planning and preparation.

Opposition members interjecting—

The SPEAKER—The member for Fowler is warned!

Mr DOWNER—These funds have supported the pre-positioning of essential relief supplies and humanitarian personnel in the region. A further $7.5 million will be provided for preparations, including to agencies such as UNICEF, the UNHCR and Australian non-government organisations to assist vulnerable communities, particularly Iraqi women and children, and to establish refugee facilities in Jordan. The Australian people can be reassured that we will be making further entirely appropriate and very significant contributions.

The SPEAKER—The member for Sydney is warned!

Mr DOWNER—I have had no representations from any member of the opposition on this issue but the member for Pearce, in particular, has been assiduous in ensuring that the government addresses humanitarian relief in Iraq. I thank the member for Pearce for the simply tremendous job she has done in advocating for that humanitarian assistance. This government was generous to Afghanistan. After the conflict in Afghanistan we provided—I think I am right in saying this—some $43 million of assistance. We will provide well in excess of that to Iraq when the conflict is over.

We are actively seeking to ensure that the suspended UN oil-for-food program on which many Iraqis depend can be resumed as quickly as possible to meet the vital humanitarian needs of Iraq. We support a strong United Nations role in post-conflict Iraq and we welcome the commitment made in the Azores statement by the United Nations, the United Kingdom and the Spanish leaders which foreshadowed a significant role for international institutions, including the United Nations, in reconstruction and humanitarian relief, and establishing a post-conflict administration in Iraq.

Opposition members interjecting—

Mr DOWNER—I am shaking my head in desperate sorrow for you, you pitiful creature. It is, of course, our fervent hope that Iraq will be able—

The SPEAKER—The minister is entitled, under standing order 55, to be heard in silence. If the member for Bass has a point of order, I will hear her.

Ms O'Byrne—Mr Speaker, I rise on a point of order. I ask that you ask the minister to withdraw his reference to you as a pitiful creature.

The SPEAKER—The minister has the call.

Mr Swan—Mr Speaker, I rise on a point of order, under standing order 75. The minister used offensive words and I ask you to ask him to withdraw them.

The SPEAKER—I recognised the minister. I am genuinely not aware of what offensive word he used.

Mr DOWNER—Mr Speaker, I am happy to withdraw, in any case.

Opposition members interjecting—

The SPEAKER—I warn the member for Batman!

Mr Martin Ferguson—Mr Speaker, I rise on a point of order. Earlier this afternoon, despite having not heard what the member for Corio said, you required that he withdraw it. You have now just indicated that you have a different approach in terms of the foreign minister—you automatically indicated that you did not hear it but you did not require him to withdraw it.

The SPEAKER—The member for Batman knows that his defiance of the chair is totally unacceptable. If the member for Batman checks the *Hansard* record, he will find that at no time did I say that I had not heard what the member for Corio had said. I can indicate to the House—and the member for Batman knows this—that I did not hear above the noise the remark made by the minister. He has now withdrawn it. The minister has the call.

Mr DOWNER—In conclusion let me say that it is our fervent hope that Iraq will be able to establish—

Mr Swan—Have you withdrawn it?

The SPEAKER—I warn the member for Swan! The matter has been dealt with.

Mr DOWNER—It is, let me repeat, our fervent hope that Iraq will be able to establish a government which has the support and reflects the will of its people.

The SPEAKER—The member for Shortland is warned!

Mr DOWNER—We will encourage the establishment of a unified Iraq under a representative government in which all Iraq's communities are fairly represented.

(House Hansard 20.03.03, p. 13144- 13147)