

## 16. Question Time

In November 1986 the House of Representatives Standing Committee on Procedure, in a report entitled *The Standing Orders and Practices which Govern the Conduct of Question Time*, reaffirmed that:

whatever other purpose Members may have in regard to Question Time, its basic purpose must be to enable Members to seek information and press for action. Question Time should be the time when the accountability of Government to Parliament is demonstrated clearly and publicly.

Question Time in Australian Parliaments does not fulfil this basic purpose. Government members ask “Dorothy Dixers”, usually prepared by the Minister to whom the question is addressed, to enable the Minister to make a statement helpful to the Government, and in the hope of attracting favourable media attention. Non-government Members ask questions, usually prepared by the party hierarchy, couched in language derogatory of the Government, often containing unproven allegations. When non-Government Members ask a direct question, Ministers customarily evade it and not infrequently launch personal attacks upon the questioner or the Opposition. Question Time is regarded as “the theatre of Parliament”, and Ministers tend to be judged upon their performance in that theatre rather than on the quality of the information they provide.

The way in which Question Time operates in Australian Parliaments is seen as a farce by many observers, and is quite clearly contrary to the Westminster tradition as practised in countries other than Australia, and to the spirit of true accountability. The political culture that gives rise to it is now ingrained and has been reinforced by numerous rulings from the Chair.

The value of Question Time in the Legislative Council has recently been considerably enhanced by new Sessional Orders, but more is needed to overcome its ingrained deficiencies.

The Strategic Management Review of the Parliament of Victoria (1991) noted that the degeneration in Question Time has been partly responsible for the increased authority exercised by the Executive at the expense of the Parliament. Restoring the balance between Parliament and the Executive would require a major educational campaign designed to develop an understanding of the basis of our governmental system among Parliamentarians, Government officials, the Press and the public. Such a campaign could be combined with a program to assist the public to understand Parliamentary processes and to follow the progress of important debates.

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Expansion of the committee system is to be encouraged. This would help counteract the farce of Question Time and fast tracking Bills through the House. "The successful Australian Senate committee system is related to proportional election to the Senate.

It is also clear that rectification of the present problems will require new Standing Orders for Question Time, governing the framing of questions and answers to them to supplement existing Sessional Orders.

In 1992, the Standing Orders Committee of the Victorian Legislative Assembly presented a

comprehensive report recommending reform of Standing Orders, including changes relating to Question Time. However, the Report was never adopted. A tighter Standing Order in relation to the asking of questions is clearly desirable. The Legislative Council Standing Orders Committee could well have regard to that Report in preparing it. Standing Order 70 of the Legislative Council could be strengthened along these lines:

In putting any question, no argument or opinion should be offered, nor shall any facts or names of persons be stated, except so far as may be strictly necessary to explain the question. Where the facts are of sufficient moment the Speaker/President may require prima facie proof of their authenticity.

In 1992, Speaker Coghill adopted the following guidelines on the conduct of Question Time:

It is important that Question Time is conducted in a manner which both ensures that it fulfils its intended purpose and is consistent with the status and proper dignity of Parliament. The following guidelines based on Standing Orders, Speakers' rulings and May which apply to the conduct of Question Time:

- A Member or a Minister must not read a question or an answer.  
Such questions and answers may be ruled out of order by the Chair;
- Questions and answers must relate to Government administration or policy and should be directed to the Minister most directly responsible or answering on behalf of such Minister in another place;
- Questions to the Premier may relate to matters within the Premier's portfolio responsibilities and to general matters of Government policy and administration, but questions concerning detail affecting another portfolio should be directed to the responsible Minister;
- Questions should not seek an expression of opinion, seek a legal opinion or ask whether statements reported in the media are accurate or correct;
- Questions should not seek a solution to a hypothetical proposition, be trivial, vague or meaningless;
- Questions should not contain epithets or rhetorical, controversial, ironical, becoming or offensive expressions, or expressions of opinion, argument, inferences or imputations;
- Questions should not raise matters which are sub-judice or anticipate debate on an Order of the Day;
- Where a question relates to an allegation, assertion, claim, imputation or similar matter, the Member is responsible for the accuracy of the facts.

These principles could be adopted as Standing Orders by the Legislative Council.

A new Standing Order could be adopted to provide that:

In answering any question the Ministers or Member shall

- a) be directly relevant and responsive to the question;
- b) be reasonably succinct;
- c) not introduce matter extraneous to the question or debate the matter to which the question refers; and
- d) comply with the same rules and practices as apply to the asking of questions.

A further Standing Order could be adopted to the following effect:

A Minister may decline to answer any question or part of a question

- a) on any established ground of public policy;
- b) where the Minister is unable to answer the question fully and accurately without notice and requests that the question or part of the question be placed upon the Notice Paper; or
- c) where the Minister informs the House that the question requires a more extensive answer than is appropriate to a question without notice and that it will be the subject of a Ministerial Statement or announcement at an early opportunity.

This would imply that the Minister must answer the question unless claiming a valid ground of public policy, upheld by the Presiding Officer, for refusal, or need for notice to ensure the provision of a full and accurate answer.

The Commission believes that the changes proposed are not only fair to all political Parties but will be seen by the public to be both fair and overdue. Adoption of these changes, reinforced by the education program envisaged by the Strategic Management Review of the Parliament, should contribute greatly to the accountability role of the Parliament and to the strengthening of Westminster- style democracy in Victoria.

It would be desirable for the Standing Orders Committees of each House to liaise to ensure common approaches, and to refer to the Strategic Management Review, the 1992 Assembly Standing Orders Committee Report and the existing Legislative Council Sessional Orders in the review process.

If the Commission's recommendations are adopted, Question Time in the Council will be devoted to one Minister per day upon the phasing out of Ministers in that House.