**Can the Opposition effectively ensure government accountability in Question Time? An empirical study**

## 1.0 Introduction

Australia's political system is based on Britain's parliamentary system of Government. Since Parliament is at the centre of our political system, the Executive (consisting of the Prime Minister and Cabinet Ministers) is accountable to it. Government accountability is achieved through several parliamentary mechanisms including questioning, debates and parliamentary committees of inquiry. Two kinds of questions are permitted to be asked of Ministers; i.e. questions without notice and questions on notice. Questions without notice, asked during Question Time, are oral questions to Ministers who are expected to respond immediately. Questions on notice, on the other hand, are written questions lodged by members of parliament (MPs), which appear in the Notice Paper, to which Ministers respond also in writing. Question Time is the more popular of the two forums and it is well attended by parliamentarians (Sinclair 1982) since it "attracts a consistently high degree of media attention" (Kelly and Harris 2001, p. 2). The practice of asking questions without notice evolved in a rather 'ad hoc manner' (ed. Barlin 1997, House of Representatives infosheet 2002). For a long while, the practice of asking questions without notice had no official status and was greatly influenced by practice and convention. It was finally included in the routine business of the House when the House of Representatives formally adopted standing orders permitting such questions in 1950 (ed. Barlin 1997, House of Representatives infosheet 2002).

## 2.0 Question Time and Accountability

In any society it is fundamental that there be a system of accountability that "is supposed to ensure that any government acts in a way broadly approved by the community" (Hughes, 1998, p. 294) and in democracies, a significant form of public accountability is 'political accountability' (Bovens 2006). Political accountability refers to politicians being held accountable which makes this empirical study all the more relevant since parliamentary Question Time is the most visible means of holding the Government of the day accountable for its actions. However, due to its potential to receive considerable publicity, both the Government and the Opposition make full political use of the forum with the focus on "testing political skills" (House of Representatives infosheet 2002, p. 1). This, in turn, has given rise to some doubt about the extent to which Question Time does indeed fulfil its official functions; to provide information and to hold the government accountable. There are several constraints on its viability as a mechanism for ensuring Government accountability.

One of the major constraints is the Standing Orders of the House which prohibit questions asking for opinions, seeking statements on Government policy, seeking legal opinions or containing arguments or inferences (Rodan 1983; Jaensch 1986). This effectively limits the types of questions that can be asked. There are a number of rules

regarding the use of questions but there is only one rule governing answers in Australia's Question Time, i.e. answers should be relevant to the questions asked (Parliament of Australia, 2006). However, this ruling is open to interpretation and, according to a former Speaker, "almost incapable of enforcement" (House of Representatives Standing Committee on Procedures 1986, p. 38). As Uhr (1982a, 1982b) notes, it is difficult for a Speaker to decide whether or not an answer is totally irrelevant since relevance is evidently a matter of degree. The rules regarding answers in the British, Indian and New Zealand parliaments are more detailed (House of Representatives Standing Committee on Procedures 1986). Furthermore, Ministers are not under any obligation to answer (Rodan 1983; Singleton et al. 1996; Coghill & Hunt 1998). The Executive Government decides; how Question Time is to be conducted, which Ministers shall answer, how they answer, whether they answer at all, and if any questions will even be allowed. Coghill and Hunt (1998, p. 40) add that 90 years of rulings that Ministers do not have to answer any question, supplemented later by rulings that Ministers may answer questions in any way they see fit, "have opened the way for the present abuse" of Question Time. Furthermore, "with its superior numbers, the government of the day can utilise the standing orders to effectively silence the opposition whenever it wishes" (Rodan 1983, p. 138); for example, through the use of the 'gag' (motion that further questions be placed on notice) to end Question Time.

Another constraint is the (in)ability of the Speaker to take control of the House. The Speaker, who presides over Question Time, is in charge of deciding whether there are breaches of the rules regarding the form or content of questions and whether answers are relevant. At times, this task poses a great difficulty for the Speaker especially when members raise a 'point of order', i.e. inform the Speaker that a rule has been breached, whereupon the Speaker has to immediately decide if there indeed has been such a breach. Thus, the 'dignity' of the House is dependent on the Speaker, who is expected to carry out his/her duties impartially (Singleton et al. 1996). However, many political commentators are critical of the Speaker, some claiming that the Speaker "has hastened, or at least facilitated the degeneration of Question Time" (Coghill & Hunt 1998, p. 39), one of the main reasons being the partisan nature of the Speakership in Australia (Rodan 1983; Singleton et al. 1996). Party politics affects the position of Speaker since he/she is chosen from the ruling party and loses his/her office when there is a change of Government (Singleton et al. 1996). Thus, the Speaker continues his/her involvement in party matters. Besides being a party post, "the position of Speaker [in Australia] is one of the 'spoils of office', eagerly sought by a number of government MPs" (Rodan 1983, p. 136). Furthermore, experience has shown "that candidates for Speaker are not always chosen solely because they possess all (or any) of the qualities needed" (Rodan 1983, p. 138). This has further given rise to a situation whereby rulings are usually favourable to the Government of the day (Uhr 1982a; Rodan 1983; Singleton et al. 1996; Coghill 2005). This is not the case with the Speakership in the British equivalent, the House of Commons, whereby the Speaker "severs party connections and is immune from electoral challenge, thus enhancing his effectiveness as an impartial chairman" (Rodan 1983, p. 136).

Party politics is another constraint on Question Time's ability to ensure accountability. According to Snell and Upcher (2002, p. 38), the "power of parliament is now subordinate to the power of party politics" and thus "parliament has subsequently declined as a forum of accountability". A similar situation exists in Britain's Prime Minister's Question Time whereby questions are used as "part of a political battle in which party points are scored and personal or party glory pursued" (Borthwick 1993, p. 103). Chilton (2004) remarks that questions are used more as 'weapons' and Ilie (2004, p. 48) compares the "challenging, accusatory and often denigrating" exchanges between Opposition and Government MPs with the "friendly and cooperative" questions contributed by Government MPs. Similar views have been expressed about Australia's Question Time and the use of Dorothy Dixers (prearranged questions). Commonly known as 'point-scoring' in Australia, both sides of the House, i.e. both the Government and the Opposition, have been accused of 'attacking' each other (Henderson 1981; Jaensch 1984, 1986, 1992; Solomon 1986; Snell & Upcher 2002; Uhr 2002; Rasiah 2007). Certain politicians are particularly skilled at 'attacking' and former Prime Minister Paul Keating is well-known for his ferociousness. He had once said to a Labor ally: "You've got to reach down their throat, tear their very heart out and show it to them" (Wallace 2005, p. 30). However, in some aspects, it is important that parliamentary discourse retains its adversarial nature. In the interest of accountability, it is critical that there be a "vigilant and adversarial parliamentary process" (Snell & Upcher 2002, p. 38). Uhr (2002, p. 4) expresses similar views stating that "adversarial-based systems" allow "those with grievances to challenge those with power over their interests".

Accountability is further eroded when Ministers expect their staff to take the responsibility for certain actions. Russell (2002, p. 17) states that although the executive Government has to account for its actions in parliamentary Question Time, the Prime Minister and his Ministers "have staff who can act on their behalf, who can be disowned if necessary and who are not accountable to the Parliament". Accountability is also diminished because of verbose responses. Such 'talking out' devices (Coghill & Hunt 1998; Coghill 2002) include the use of Dorothy Dixers to make announcements such as "Ministerial Statements", thus interrupting "the flow of Question Time" (Coghill & Hunt 1998, p. 44). The use of prepared, ministerial statements (as responses) defeat "the whole purpose of Question Time which is to put ministers under some pressure from the House through exposing them to questions without notice" (Emy & Hughes 1991, p. 361). Such 'friendly' questions contribute nothing to Government accountability. Furthermore, the practice of allowing questions alternatively from Government to Opposition, effectively prevents the asking of consecutive supplementary questions. Singleton et al. (1996) state that without regular supplementary questions in the House of Representatives, the Opposition faces difficulties in coordinating efforts to exploit any Government weaknesses, if it wants to do so. Uhr (2002, p. 10), criticises the "misplaced impartiality of alternating questions between opposition and government members" and suggests bringing about reforms such as only allowing questions from the non-Government parties during questions without notice. Similarly, Coghill (2005, p. 4) calls for reforms "to limit questions that do not pursue accountability and require ministers to properly and fully answer questions". In addition, the forum "remains a difficult and hostile arena for access to information, because the executive no longer sees itself accountable to parliament"

(Snell & Upcher 2002, p. 39). It has thus been difficult for the Opposition party "to examine the conduct of public administration through Question Time" (Uhr, 1982a, p. 63).

Accountability is also compromised when Ministers evade answering questions during Question Time. Rasiah (2006) provides empirical evidence that such is the case. Answers to Opposition questions are frequently characterised by personal attacks and supposedly witty but irrelevant remarks that trivialise the question or belittle the questioner. For example, Coghill (2002) observes that it is seen as clever for a Minister to evade answering a question and instead attack the questioner and ridicule opponents. Question Time thereby functions as a testing ground for leaders and potential leaders (Rodan 1983, Kelly & Harris 2001). According to Rodan (1983, p. 136), backbenchers "who impress the House can find themselves rewarded with ministerial office". It is thus, unsurprising that Question Time has been described as "the theatre of Parliament" (Coghill & Hunt 1998, p. 37). Similar sentiments have been expressed of Britain's equivalent forum. Harris (2001, p. 2) notes that Ministers and "would-be Ministers are judged by their Leaders, their parliamentary peers, the media and the public, according to their performance". Unfortunately, the performance criteria in these cases do not obviously relate to either relevance or accountability.

## 3.0 Aim and Data

This discourse-analytical study was conducted to determine how effective the Opposition was in ensuring government accountability; specifically through their use of questions and the Speaker's performance in Australia's Question Time. Data for the study consisted of House of Representative's Question Time transcripts, for the months of February and March 2003, on the specific issue of Iraq.

## 4.0 Findings

It was found that, although parliamentary rules stipulate the types and content of questions permitted during Question Time, Opposition questioners frequently failed to conform to these rules. They often asked complex hostile questions, some of which were rhetorical in nature. Such questions do not aid in the pursuit of government accountability. The study also provided evidence of specific instances when the performance of the Speaker was questionable, both in terms of his effectiveness in commanding control of the House and in demonstrating impartiality in his rulings, thereby further diminishing Government accountability.

### 4.1 Opposition Questions

Criticisms have been levied at Opposition MPs accused of asking "an orchestrated series of questions prepared by and on behalf of their party or coalition with the aim of maximum media impact, often with little more than a pretence of seeking information or pressing for action" (Coghill & Hunt 1998, p. 37). They ask "long and loaded" questions, show little regard for the rules and regulations of Question Time, and "invite hostile responses" (Coghill 2002). This study provides evidence that this is so.

The following is one example of a lengthy hostile Opposition question. Asked by the then Opposition Leader, Crean, it is made up a number of sub-questions. Unlike Government questioners who almost always asked single questions, most Opposition questioners asked two or more sub-questions during their question turns. Crean's turn, however, consisted of five sub-questions as follows:

> 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 of Representatives Hansard, 06 February 2003: 11135)

It would have been difficult for any respondent to recall, let alone answer, all of the above sub-questions. Furthermore, the question starts off with a number of attacks on the Treasurer - though parliamentary rules clearly stipulate that questions should not contain arguments or inferences. The hostile nature of Crean's question is further displayed, through his use of negative interrogatives within the question. Negative interrogatives are questions beginning with structures such as 'Don't you', 'Isn't it' and 'Shouldn't you'. Crean used the negative interrogatives 'Weren't these…' and 'Isn't the role…' which are viewed more as assertions expressing certain viewpoints than questions (Heritage 2002). Naturally, such 'argumentative', rhetorical questions "ultimately invite rebuttal" (Heritage 2002, p. 1439). The study thus confirms the general view that Opposition questions were often used as a 'weapon'; i.e. more as a means of 'attack'. Nevertheless, as explained above, hostile questions can also be viewed as attempts to hold the Government accountable. There were a few direct opposition questions but respondents still evaded answering them because of the patent ineffectiveness of the Speaker in requiring straightforward answers.

### 4.2 The Speaker

When the Speaker fails to take control of the House, accountability is at risk. The discussion below gives examples of the Speaker being apparently incapable of taking charge of the House, or unable to maintain the impartiality required by his role, thereby diminishing the effectiveness of the forum in holding the Government accountable and making it conducive for evasion to occur.

#### 4.2.1 Irrelevant Responses

There were numerous occasions on which the Speaker's partiality was apparent, especially when Ministers shifted agendas in response to questions, i.e. shifted their topics away from the question topic. In one case, when Crean asked Howard whether he could reassure the Australian people that he would tell President Bush "that Australia will not commit to a war on Iraq without the authority of the United Nations" (House Hansard 6 February 2003, p. 11141). Only three sentences in Howard's lengthy response could be considered relevant to the question asked:

> That will depend on whether the government does, in accordance with the proper constitutional processes, finally take a decision to commit to a military operation. That point of decision has yet to arrive. If we do, that decision will be the subject of a debate […]
>
> (House Hansard 6 February 2003, p. 11141)

Most of Howard's response consisted of agenda shifts (shifts in topics), mainly attacking the Opposition, which resulted in interjections twice. Nevertheless, for both interjections, the Speaker reprimanded the interjectors instead of asking the Prime Minister to be 'relevant' (House Hansard 6 February 2003, p. 11141). The first interjection, by Rudd, occurred when Howard praised Blair for having shown "leadership, strength, determination and intelligence" and also attacked the Opposition. The Speaker said:

> Is the member for Griffith seeking the call or is he prepared to exercise the restraint obliged by the standing orders?
>
> (House Hansard 6 February 2003, p. 11141)

The second interjection was probably due to the following agenda shift by Howard:

> […] You have seen the leader of the British Labour Party display a strength and determination in his assessment of the national interest that has been absent in this country on the part of the leader of the Australian Labor Party. The Labor Party may disagree in different ways with the policy that has been articulated by me on behalf of the government. But, when I have looked back over the last few days and I have looked at the response of the Leader of the Opposition, it has been overwhelmingly a negative, political response. The Leader of the Opposition has not endeavoured to articulate a comprehensive alternative Labor Party strategy on this issue.
>
> (House Hansard 6 February 2003, p. 11141)

Howard compared the Australian Labor Leader unfavourably with his British counterpart and then continued his attack on the Opposition. However, the Speaker reprimanded only the interjector. In another instance, an Opposition MP (the member for Sydney) interjected when Downer, while responding, shifted to a different topic from that of the question, but the Speaker warned only the interjector. The Dorothy Dixer question asked for information regarding "the appalling treatment of Iraqi women by Saddam Hussein's regime" (House Hansard 11 February 2003, p. 11416) and Downer's shift included the following:

> Downer: We cannot remind ourselves often enough why the international community—and I think this is an absolutely fundamental question—should deny somebody who behaves in this way, who treats women and his population generally in such an appalling way—
>
> Speaker: The member for Sydney is warned!
>
> (House Hansard 11 February 2003, p. 11416)

What the member for Sydney said was not recorded in Hansard; but it almost certainly will have had something to do with Downer's agenda shift. The example is one of many observed in the study where the Speaker reprimanded the interjectors but not the respondents who digressed from the questions' agendas. In the above case Downer did not speak of the poor treatment of Iraqi women but stated how Saddam was viewed by the "international community". Ironically, despite the interjection (almost certainly due to his shift), Downer continued his digression. He even made two further agenda shifts towards the conclusion of his response. The first was to attack Saddam and his weapons of mass destruction (in bold) and the second was to attack the Opposition (underlined), as follows:

> Downer: **The consequences of somebody like that having chemical and biological weapons and perhaps even nuclear weapons is not a minor issue**. There are an enormous number of interjections, I find, whenever you talk about these issues, as though Saddam Hussein does not matter. <u>But I do think this obviously is a difference between the two sides of the House. We on this side of the House feel very strongly about this; it is a profoundly important issue. For those on that side of the House it is, apparently, a matter for almost constant chatter.</u>
>
> (House Hansard 11 February 2003, p. 11416)

Downer's agenda shift compared the Government's concern about the issue to the Opposition's presumed indifference ("a matter for almost constant chatter") but he was not reprimanded by the Speaker.

### 4.2.2 Use of the Pronoun 'you'

All interactions during Question Time are addressed to the Speaker and the pronoun 'you' is therefore not permitted; i.e. neither questioners nor respondents are allowed to directly address one another and may not therefore use the term 'you'. However, in the exchange discussed above the Speaker did not reprimand Howard, who while responding to a question used the word 'you' (in bold) a number of times such as: "**You** can spend all of **your** waking hours attacking the President of the United States and attacking others, but **you** do not attack Tony Blair" and as he ended his response; "So, even if **your** interpretation is right, **you** are still wrong" (House Hansard 6 February 2003, p. 11132). The Speaker's leniency in permitting the use of the word 'you' (in bold) by the Prime Minister was not extended to the Opposition Leader, a day earlier, as is evident in the following exchange:

> Crean: […] **You** said in that answer, Prime Minister, that the foreign minister's remarks had nothing to do with the context of war with Iraq. How can **you** expect the Australian people to believe that response when […]
>
> Speaker: […] I remind the Leader of the Opposition of the obligation to address remarks through the chair. Since questions are considered before they are asked, I ask him to resist the use of the word `**you**'.
>
> (House Hansard 5 February 2003, p. 10945)

In his response, for the most part, Howard addressed Crean as the Leader of the Opposition and used the third party reference 'he'. However, Howard used the terms 'you' and 'your' in direct reference to Crean twice (in bold), as in the following:

> Howard: […] Self-evidently it could not have related to the deployment which **you** have criticized […] I can only again repeat to the Leader of the Opposition that this line of questioning does not give any credibility to **your** argument.
>
> (House Hansard 5 February 2003, p. 10945)

The exchange indicates a lack of impartiality on the part of the Speaker who failed to reprimand Howard whilst reprimanding Crean for the use of the word 'you' within the same exchange. Nevertheless, the Speaker's argument was relevant when he said that "questions are considered before they are asked". Crean, as the questioner, had considerable time to prepare his question, unlike Howard, who had to respond immediately to the 'question without notice'. However, there was not a single occasion observed in this study when the Speaker reprimanded respondents for the use of such pronouns, which suggests that the Speaker was biased favourably towards the Government.

### 4.2.3 Inability to take Control of the House

Whilst interruptions routinely occur during Question Time, some are more disruptive than others. On occasions, respondents interacted with interjectors instead of their questioners. Harris (2001) refers to them as 'interactive interjections'. These and other occurrences (such as parliamentarians displaying unruly behaviour) sometimes result in pandemonium in the House. When this occurs, it is the role of the Speaker to restore and maintain order but this does not always happen. On one such occasion, the Speaker reprimanded the interjectors only when the matter was raised by another member. This occurred when Anderson was responding to a question by Crean that suggested Australia was a member of the coalition of the willing. The question was as follows:

> Acting Prime Minister, why is it that President George Bush has said in Washington what Australia's Prime Minister has not been prepared to say here on the floor of the parliament to the Australian people: that Australia is a member of the US coalition of the willing?
>
> (House Hansard 11 February 2003, p. 11417)

While Anderson was responding, an Opposition MP, Ferguson, interjected: "Howard is Bush's lap-dog and we all know it" to which a Government MP, Barresi, interjected: "You're Martin Kingham's lap-dog" (House Hansard 11 February 2003, p. 11417). The Speaker reprimanded both of the interjectors only after Abbott, a Government Minister, pointed out the Opposition interjection. This could be perceived as a lack of independent judgment on the part of the Speaker. Accountability is compromised if the Speaker is perceived as being unable to control the House.

## 5.0 Conclusion

Empirical evidence from the study supports the views advanced by other researchers that cast doubt on the effectiveness of Question Time as an accountability forum. The ability of the Opposition to effectively ensure government accountability in the forum is constrained by a range of factors, including the Opposition's own ability to properly formulate its questions.

The evidence shows that accountability was constrained by the partiality of the Speaker in reprimanding interjectors instead of asking Ministers to be relevant in their responses, in permitting the use of the word 'you' by the Prime Minister but not by the Opposition Leader, and the Speaker's inability to bring the House to order. These failures point to an ineffective Speaker, though this may be an inevitable result of the Speaker's affiliation with the ruling party**.** 'Dorothy Dixers' also limit the Opposition's prospects of pursuing accountability since, in effect, half the questions asked in Question Time are asked by Government backbenchers. The fact that these questions appear to have been prearranged and their answers pre-prepared is disingenuous in a forum entitled 'Questions without Notice".

Opposition questioners frequently failed to conform to Standing Orders governing the types and content of permitted questions and often asked lengthy, complex and hostile questions that invited hostile or evasive responses. These questions rarely sought information or to hold the Government accountable for its actions, but rather were attempts to score political points. In any event, almost all responses to Opposition questions were evasive with agenda shifts of different kinds characterizing the majority of Government responses.

There have been various calls for reforms to Question Time, including those by Uhr (2002) emphasizing the importance of "political will within Parliament" for the reforms to take place. Unfortunately reforms are difficult to achieve as whichever party is in power generally does not want changes to take place in Question Time, although the same party may have advocated this in Opposition (Rodan 1983; Jaensch 1986; Hughes 1998). Furthermore, Uhr (2002, p. 3) notes that the "poor performance of Parliament" should not be entirely blamed on the politicians since "we have to acknowledge that as citizens we have special responsibility for making Parliament the institution it is".

Despite its considerable shortcomings, Question Time remains the highlight of a parliamentary session since it provides "the 'cut and thrust' of parliament" (Rodan 1983, p. 135). It provides "an effective – or at least potentially effective – opportunity for parliamentarians to hold ministers accountable for their administration in a highly exposed fashion" (Sinclair 1982, p. 70-71). Nevertheless, as an accountability forum, Question Time is almost entirely ineffective but the Opposition must, in part, take some responsibility for this.

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