

# **Accountability or Inability\***

## **To What Extent does House of Representatives Question Time Deliver Executive Accountability Comparative to other Parliamentary Chambers? Is there Need for Reform?**

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### ***Introduction***

Executive<sup>1</sup> accountability is a fundamental tenet of a strong representative democracy. The doctrine aims to ensure an executive government acts responsibly and in the best interests of the people. In parliamentary democracies executive governments are required to account for their actions to the nation's parliament, and through the Parliament, to the nation's people. In the United Kingdom, for example, the *Ministerial Code* requires that 'holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.'<sup>2</sup> Similarly, but in somewhat simpler terms, the *Australian Guide to Ministerial Responsibility* affirms that 'under the Australian system of representative government, ministers are responsible to parliament.'<sup>3</sup>

In Australia the Parliament undertakes its role of ensuring executive accountability in a number of ways. One of the most important and public methods is the Senate estimates process in which government departments are closely scrutinised. During the estimates process a committee of senators probes ministers and departmental

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\* ANZACATT paper fully refereed.

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<sup>1</sup> The terms executive, government and executive government are used interchangeably throughout this paper.

<sup>2</sup> British Cabinet Office, *Ministerial Code*, Cabinet Office, London, 2006 [online], viewed 16/09/06, <[http://www.cabinetoffice.gov.uk/propriety\\_and\\_ethics/ministers/ministerial\\_code/annexa.asp](http://www.cabinetoffice.gov.uk/propriety_and_ethics/ministers/ministerial_code/annexa.asp)>.

<sup>3</sup> Department of the Prime Minister and Cabinet, *A Guide on Key Elements of Ministerial Responsibility*, PM&C, Canberra, 1998, [online], viewed 16/09/06, <[http://www.pmc.gov.au/guidelines/docs/ministerial\\_responsibility.pdf](http://www.pmc.gov.au/guidelines/docs/ministerial_responsibility.pdf)>.

executives on a department's past and future activities. Another method is through the annual report process in which all government agencies are required to present a written report to Parliament outlining activities and expenditures. These annual reports are subject to scrutiny by the various committees of the Parliament. The most public forum for government accountability is the process of questions without notice, or 'question time', during which ministers are required to answer oral questions about government policy and administration.

This paper will scrutinise one aspect of executive accountability in Australia: House of Representatives question time. The first step in this examination will be to clarify a key definitional issue: Is accountability still the purpose of question time? From this point, the paper will outline the main practices and procedures of question times in the House of Representatives and, to provide a basis for comparative analysis, three similar parliamentary chambers: New Zealand's House of Representatives, the United Kingdom's House of Commons (the Commons) and Canada's House of Commons (the Canadian Commons).

Two questions drive the analysis: first, to what extent does the Australian House of Representatives question time deliver executive accountability comparative to other parliamentary chambers? Second, is there need for reform? The paper undertakes a quantitative study of question time answers in each of the chambers discussed (the methodology and assumptions of this study are detailed below). Analysing the data provides insights on the comparative extent of question time's effectiveness as a mechanism of accountability. In answering the second question, the quantitative data are considered in the context of various academics' views, as well as the recommendations of parliamentary experts and parliamentary committees, who have commented on and proposed reform to, question time over the years.

For the purposes of this paper, accountability is simply defined as the duty of the executive to explain and justify its decisions and actions to the Parliament and to the people. Executive accountability occurs every day through the media when ministers announce policy decisions and answer questions about those decisions. It also occurs in the Parliament through the committee and annual report processes, and through question time. Every time a minister gets to his or her feet and explains a government decision or describes an action carried out by a government department, the accountability of the executive to the Parliament has been exercised. The information that is uncovered in the various accountability processes provides the basis for the Parliament and the people to make decisions about the competence of the executive.

### ***Is Accountability Still the Purpose of Question Time?***

A fundamental premise of many studies of question time is that the aim of question time is to ensure government accountability — but is this a valid premise? It is possible to argue that question time is now more about the political battle between

government and opposition, than it is about accountability. As Coghill and Hunt describe, 'question time has become the focal point in this gladiatorial contest'.<sup>4</sup> Harris in two separate publications also discusses question time's evolution:

From a procedure which was designed to allow members to get information ... question time is now seen as a vehicle for testing the performance of ministers and shadow ministers, and for a battle of political ideas.<sup>5</sup>

Question time is often a time for political opportunism. Opposition members will be tempted in their questioning to stress those matters which will embarrass the government, while government members will be tempted to provide ministers with an opportunity to put government policies and actions in a favourable light or to embarrass the opposition.<sup>6</sup>

While these opportunities for political point scoring are important, and despite the argument that this is increasingly the case, question time still has an important accountability function. As the House of Representatives Procedure Committee concluded, '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.'<sup>7</sup> Therefore accountability is not *the* purpose of question time, but rather *a* purpose. Nevertheless, the undoubted importance of accountability makes it a worthy basis for the analyses and discussion that follow.

### ***The Methodology — Measuring the Extent to which Question Time Delivers Accountability***

The primary assumption underlying this research is that every single question asked during question time is an opportunity for accountability. To some extent, the assumption could be supposed invalid on the argument that some questions are asked without any intention of keeping governments accountable — some questions could be construed as 'political attacks' rather than questions. However even in the worst examples of 'political attack' type questions, the important point is that a question has been asked, which means there is still an opportunity for accountability.

It could also be argued that 'government' questions do not seek or deliver accountability. While answers to government questions are invariably scripted and only focus on issues which portray the government favourably, they do allow the government an important opportunity to provide information to the Parliament. This

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<sup>4</sup> K Coghill and A Hunt, 'Reforming Question Time', *Legislative Studies*, Vol. 12(2), 1998, p. 37.

<sup>5</sup> I Harris, *Question Time; Impartial Speakers and Dissent from Rulings: Some Comments of the House of Representatives' Experience*, Democratic Audit of Australia, Canberra, 2006, p. 1.

<sup>6</sup> I Harris (ed.), *House of Representatives Practice*, Department of the House of Representatives, Canberra, 2005, p. 527.

<sup>7</sup> House of Representatives Standing Committee on Procedure, *The Standing Orders and Practices which Govern the Conduct of Question Time*, House of Representatives, Canberra, 1986, p. 4.

provision of information is still a form of accountability, even though it is far less confrontational and challenging for the government.

Ideally every answer given to the Parliament during question time would involve an element of accountability. The extent to which governments were held to account in different parliaments could then simply be measured by comparing the number of answers given. However, questions are regularly not answered, or are only partially answered, which means that not every answer delivers accountability. Therefore, to determine the extent to which question time delivers accountability, this paper will analyse the number of *answers* given — that is, the number of answers which actually *answer* the question asked. The expectation is that the greater the number of *answers*, the greater the extent to which question time delivers accountability.

Question time transcripts from the four chambers will be reviewed. The dates of the transcripts are 11 May 2006, 20 June 2006 and 18 October 2006.<sup>8</sup>

Each question asked on these dates is analysed and the responses categorised as either as ‘answered’, ‘partially answered’, or ‘not answered’.

An obvious concern with this approach is that a level of subjective judgment is involved. Recognising this, and in an attempt to lend the results greater credibility, five people were asked to assess the answers to two questions from each chamber.

### ***Question Time Practices and Procedures***

The four chambers to be discussed are all founded on the Westminster tradition and consequently share many similarities. However, each chamber, perhaps somewhat surprisingly, has very different question time practices and procedures. Each chamber’s practices and procedures will be outlined below using three broad headings — questions, answers, and the role of the Speaker.

#### ***Questions***

In the House of Representatives, standing order 97 determines that question time shall commence at 2pm on each sitting day although no indication is given as to the number of questions to be asked. *House of Representatives Practice* explains that the number of questions asked during each question time ‘technically ... is entirely within the discretion of the Prime Minister’.<sup>9</sup>

The standing orders of the House of Representatives do not have any procedures to determine who asks questions during question time. However it has been a long held practice for ‘the call’ to alternate between the two sides of chamber —

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<sup>8</sup> 19 October is used for New Zealand because they did not have a Question Time on 18 October.

<sup>9</sup> I Harris (ed.), *House of Representatives Practice*, Department of the House of Representatives, Canberra, 2005.

government and non-government. As Hamer details ‘the Speaker calls questions from alternate sides of the House, following lists provided by the whips.’<sup>10</sup> Practice also determines that independent members, of which there are three in the current parliament, are allocated the call in proportion to their numbers in the House.<sup>11</sup> All questions in the House of Representatives, unlike New Zealand and the United Kingdom (see below), are asked without notice.

House of Representatives standing order 101 (b) determines that ‘the Speaker *may* [emphasis added] allow supplementary questions to be asked to clarify an answer to questions asked during question time.’<sup>12</sup> While this standing order permits supplementary questions to be asked, most Speakers, employing the discretion vested in them, have tended not to allow this type of questioning. The exception to this rule was Speaker Halverson, who in 1996 allowed immediate supplementary questions.<sup>13</sup> *House of Representatives Practice* explains that ‘subsequent Speakers discontinued this practice, favouring traditional arrangements.’<sup>14</sup> It is worth noting that the House of Representatives is the only chamber of the four discussed that does not use supplementary questions as standard practice.

House of Commons’ procedure provides that members who wish to ask a question of a minister must table the question three days in advance of a minister’s question time. In the Commons, ministers are scheduled to appear only one or two days per month.<sup>15</sup> All of the questions proposed to be asked of a minister are placed into a computerised shuffle which is then used to determine the order of priority.<sup>16</sup> Once a minister has answered an on-notice oral question it is practice for members, at the discretion of the Speaker, to ask supplementary questions. The member who put the original question will be the first to ask a supplementary question and the call will then alternate between the government and opposition sides of the House. The Speaker plays an important role, deciding when enough supplementary questions have been asked, at which point he or she calls the next question on the order of business.<sup>17</sup> Unlike in Australia where the Prime Minister is present at almost every question time, the United Kingdom’s Prime Minister is only present at question

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<sup>10</sup> D Hamer, *Can Responsible Government Survive in Australia?* Department of the Senate, Canberra, 2004, p. 235.

<sup>11</sup> I Harris (ed.), *House of Representatives Practice*, Department of the House of Representatives, Canberra, 2005, p. 530.

<sup>12</sup> House of Representatives, *Standing and Sessional Orders*, Department of the House of Representatives, Canberra, 2006, p. 47.

<sup>13</sup> I Harris (ed.), *House of Representatives Practice*, Department of the House of Representatives, Canberra, 2005, p. 532.

<sup>14</sup> *Ibid.*

<sup>15</sup> House of Commons Information Office, *Parliamentary Questions Fact Sheet*, House of Commons, London, 2005, p. 3.

<sup>16</sup> *Ibid.*, p. 7.

<sup>17</sup> *Ibid.*, p. 5.

time for 30 minutes on sitting Wednesdays. During this time he or she is predominantly asked supplementary, without notice questions.<sup>18</sup>

In New Zealand, standing order 373 (2) provides that ‘12 ... questions will be allocated on a basis that is proportional to party membership in the House.’<sup>19</sup> In determining the proportional distribution of questions, it is practice for members of the executive to be excluded, thus giving members of opposition parties the majority of questions.<sup>20</sup> Salmond describes the 12 primary questions as ‘merely setting the scene ... for the drama that follows’ — supplementary questions.<sup>21</sup>

New Zealand’s supplementary question procedures are similar to those of the House of Commons — supplementary questions follow from an oral answer to an on notice question. While the asking of supplementary questions is at the Speaker’s discretion, in practice parties are allowed a set number of supplementary questions each question time corresponding to the parties’ representation in the House.<sup>22</sup> New Zealand’s *Parliamentary Practice* notes that supplementary questions are not an opportunity to ask questions without notice because they must relate to the subject of the original question.<sup>23</sup>

In Canada, questions are predominantly asked by members of the opposition — a practice which is rare among the chambers discussed. Like Australia, all questions are asked without notice. As *House of Commons Procedure and Practice* describes, ‘any Member can ask a question, although the time is set aside almost exclusively for the opposition parties to confront the government and hold it accountable for its actions’.<sup>24</sup> Questions begin with the primary opposition party, who will ask an initial question followed by two or three supplementary questions. Questions are then asked by the other non-government parties, usually with one or two supplementary questions after each question. The number of questions each party asks is determined by their proportion in the House.<sup>25</sup> Supplementary questions generally must relate to the original question; however, in recent times the Speaker has allowed supplementary questions unrelated to the original question.<sup>26</sup>

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<sup>18</sup> Ibid, p. 9.

<sup>19</sup> Office of the Clerk, *Standing Orders of the House of Representatives*, House of Representatives, Wellington, 2005, p. 108.

<sup>20</sup> R Salmond, ‘Grabbing Governments by Throat: Question Time in New Zealand’s Parliamentary Opposition’, *Political Science*, Vol. 56(2), 2004, p. 75.

<sup>21</sup> House of Commons Information Office, *Parliamentary Questions Fact Sheet*, House of Commons, London, 2005, p. 6.

<sup>22</sup> D McGee (ed.), *Parliamentary Practice in New Zealand*, Office of the Clerk of the House of Representatives, Wellington, 2005, p. 566.

<sup>23</sup> Ibid.

<sup>24</sup> R Marleau and C Montpetit (eds), *House of Commons Procedure and Practice*, House of Commons, Ottawa, 2000, p. 416.

<sup>25</sup> Ibid, p. 422.

<sup>26</sup> Ibid, p. 422.

### Answers

The House of Representatives standing orders confer only one rule on the content of answers to question without notice — standing order 104 which prescribes that ‘an answer must be relevant to the question’.<sup>27</sup> Conversely, questions are subject to the rather detailed provisions contained in standing orders 98 and 100. As *House of Representatives Practice* explains, ‘the standing orders and practice of the House have been criticised in that restrictions similar to those applying to the form and content of questions do not apply to answers.’<sup>28</sup> The one standing order applying to answers — the requirement of relevance — tends not to be strictly enforced. This fact is acknowledged by *House of Representatives Practice*, which notes that ‘the interpretation given to “relevant” has at times been very wide’. In addition, ministers cannot be obliged to answer a question — a practice common in each of the chambers discussed.<sup>29</sup>

In the House of Commons there are no requirements for the answers contained within the standing orders. *Eskine May* — the original and authoritative parliamentary practice guide — describes that ‘an answer should be confined to the points contained in the question, with such explanation only as renders the answer intelligible.’<sup>30</sup> *Erskine May* also notes that ‘a degree of latitude is given to ministers of the Crown.’<sup>31</sup>

In New Zealand, the procedures governing the content of answers are laid out in standing order 377.<sup>32</sup> In summary, it requires that an answer: be concise and confined to the subject; not contain statements of fact, the names of persons, arguments, inferences, imputations, discreditable references to the house or any member, unparliamentary language; and must not refer to the proceedings of a committee or a court.<sup>33</sup> While these requirements are more comprehensive than those of the other chambers, in practice they tend not to be strictly adhered to. As

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<sup>27</sup> House of Representatives, *Standing and Sessional Orders*, Department of the House of Representatives, Canberra, 2006, p. 48.

<sup>28</sup> I Harris (ed.), *House of Representatives Practice*, Department of the House of Representatives, Canberra, 2005, p. 552.

<sup>29</sup> I Harris (ed.), *House of Representatives Practice*, Department of the House of Representatives, Canberra, 2005, p. 552; W McKay et al (eds), 2004, *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, Lexis Nexis, London, pp. 353–54; D McGee (ed.), *Parliamentary Practice in New Zealand*, Office of the Clerk of the House of Representatives, Wellington, 2005, p. 563; and R Marleau and C Montpetit (eds), *House of Commons Procedure and Practice*, House of Commons, Ottawa, 2000, p. 433.

<sup>30</sup> W McKay et al (eds), 2004, *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, Lexis Nexis, London, p. 354.

<sup>31</sup> *Ibid.*

<sup>32</sup> Office of the Clerk, *Standing Orders of the House of Representatives*, House of Representatives, Wellington, 2005, p. 109.

<sup>33</sup> *Ibid.*

*Parliamentary Practice in New Zealand* describes, ‘how [ministers] go about answering questions is largely up to them.’<sup>34</sup>

Canadian *House of Commons Practice and Procedure* explains that while there are no explicit procedures governing answers to questions, ‘according to practice, replies are to be as brief as possible, to deal with the subject matter raised and to be phrased in language that does not provoke disorder.’<sup>35</sup> Having established this framework, Canadian *Practice* later explains that ‘the Speaker is not responsible for the quality or content of replies’, implying that ministers are given a degree of latitude.<sup>36</sup>

### *The Role of the Speaker*

Question time is undoubtedly the most challenging aspect of the Speaker’s role. As Harris explains, ‘presiding officers must apply the standing orders fairly and equally at all times, but this is particularly challenging during the highly charged political atmosphere of question time.’<sup>37</sup> The biggest test of a Speaker’s independence is the rulings delivered during question time.

The House of Representatives’ Speaker is a member of the government, which leads to periodic questioning of his or her independence — particularly from the opposition party. The Speaker’s role during question time includes ruling on the content of questions and answers, ruling on points of order, and generally maintaining order in the House. Of these tasks ‘the necessity to make instant decisions on the application of the many rules on the form and content of questions’<sup>38</sup> is especially problematic. The Speaker is less focused on the length of answers than Speakers in other chambers. As *House of Representatives Practice* explicates ‘the Speaker has no specific power under the standing orders to require a Minister to conclude an answer on the grounds of its length.’<sup>39</sup>

In the House of Commons, the Speaker is effectively non-partisan. A Speaker must resign from their party on election, and is virtually guaranteed to remain in the chair

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<sup>34</sup> D McGee (ed.), *Parliamentary Practice in New Zealand*, Office of the Clerk of the House of Representatives, Wellington, 2005, p. 565.

<sup>35</sup> R Marleau and C Montpetit (eds), *House of Commons Procedure and Practice*, House of Commons, Ottawa, 2000, p. 433.

<sup>36</sup> Ibid.

<sup>37</sup> I Harris, *Question Time; Impartial Speakers and Dissent from Rulings: Some Comments of the House of Representatives’ Experience*, Democratic Audit of Australia, Canberra, 2006, p. 1.

<sup>38</sup> I Harris (ed.), *House of Representatives Practice*, Department of the House of Representatives, Canberra, 2005, p. 532.

<sup>39</sup> I Harris (ed.), *House of Representatives Practice*, Department of the House of Representatives, Canberra, 2005, p. 554.



until retirement.<sup>40</sup> The Speaker controls the tempo of question time through his/her discretion to decide on the number of supplementary questions to be asked:

If he calls too many supplementaries the minister will be put under close scrutiny on a few questions but the total number of questions answered orally will be small ... however, if he call to few supplementaries, more questions will be answers orally but the Minister may be given too easy as passage.<sup>41</sup>

The Speaker further controls the tempo of question time through ‘periodic appeals to members and ministers to keep their supplementary questions and answers short and succinct.’<sup>42</sup>

While supplementary questions in New Zealand are technically at the Speaker’s discretion, in practice the Speaker knows when each party intends to ask its allocated number of supplementary questions.<sup>43</sup> Therefore, the Speaker’s primary roles during question time are to ensure questions and answers are brief, and to rule on the standing orders in relation to questions, answers and members’ points of order.

In the Canadian Commons, unlike the other chambers, the Speaker does not rule on points of order during question time — they are instead raised and dealt with at the end of question time.<sup>44</sup> The Speaker instead focuses primarily on the length of questions and answers: ‘the Speaker retains sole discretion in determining the time that individual questions and answers may take.’<sup>45</sup>

**Table 1: Summary of the question time practices and procedures in each chamber**

	Questions	Answers	Role of the Speaker
<b>House of Representatives (AUS)</b>	Asked by both government and non-government. Supplementary questions are allowed but in practice not used.	Relevance only rule. In practice, not strictly enforced.	Partisan Speaker. Controls order, standing orders and rules on points of order.
<b>House of Representatives (NZ)</b>	Asked by both government and non-government. Supplementary questions standard practice.	Detailed rules governing answers. In practice, some lenience given to ministers.	Partisan Speaker. Controls order, standing orders, rules on points of order.

<sup>40</sup> D Hamer, *Can Responsible Government Survive in Australia?* Department of the Senate, Canberra, 2004, p. 238.

<sup>41</sup> House of Commons Information Office, *Parliamentary Questions Fact Sheet*, House of Commons, London, 2005, p. 5

<sup>42</sup> Ibid.

<sup>43</sup> D McGee (ed.), *Parliamentary Practice in New Zealand*, Office of the Clerk of the House of Representatives, Wellington, 2005, p. 567.

<sup>44</sup> R Marleau and C Montpetit (eds), *House of Commons Procedure and Practice*, House of Commons, Ottawa, 2000, p. 433.

<sup>45</sup> Ibid.

<b>House of Commons (UK)</b>	Asked by both government and non-government. Supplementary questions standard practice.	No rules on answers. Practice of succinct and relevant answers; however, some lenience granted to ministers	Non-partisan Speaker. Controls order, standing orders and rules on points of order. Also determines number of supplementaries asked.
<b>House of Commons (CAN)</b>	Asked almost exclusively non-government. Supplementary questions standard practice.	No rules on answers. Practice of succinct and relevant answers; however, some lenience granted to ministers	Partisan Speaker. Controls order, standing orders, rules on points of order (after question time).

### *Accountability or Inability*

*To what extent does House of Representatives question time deliver executive accountability comparative to other parliamentary chambers?*

Based on the evidence of the quantitative study conducted (detailed results shown in table 2 and figure 1 & 2), and the expectation that more relevant answers equals more accountability, the House of Representatives question time is the worst of the four chambers at delivering accountability. The best performed chamber was the New Zealand House of Representatives, which had, on average, 58 answers per question time rated either answered or partially answered. Comparatively, the Australian House of Representatives had, on average, only 14 questions either answered or partially answered. The British and Canadian Commons had an average of 52 and 31 questions answered or partially answered respectively.

The most obvious cause of the House of Representatives' poor performance was that it had considerably fewer questions per question time than the other chambers. On average, the Australian chamber had only 19 questions each sitting day, compared to New Zealand with 73, the United Kingdom with 54, and Canada with 41. Compounding this fact, the House of Representatives was also the worst performed in terms of the percentage of questions rated either answered or partially answered, scoring only 73 per cent. The United Kingdom was the best by a considerable margin, scoring 96 per cent. The New Zealand and Canadian chambers scored 80 and 77 per cent respectively.

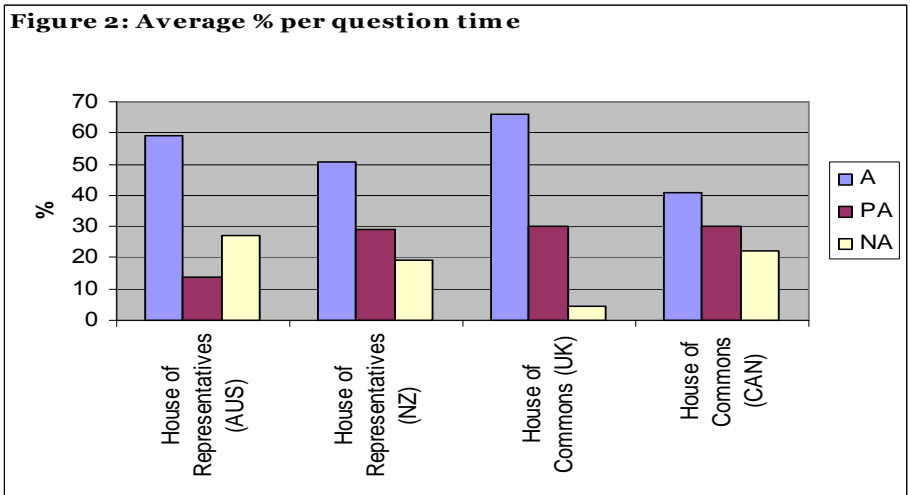
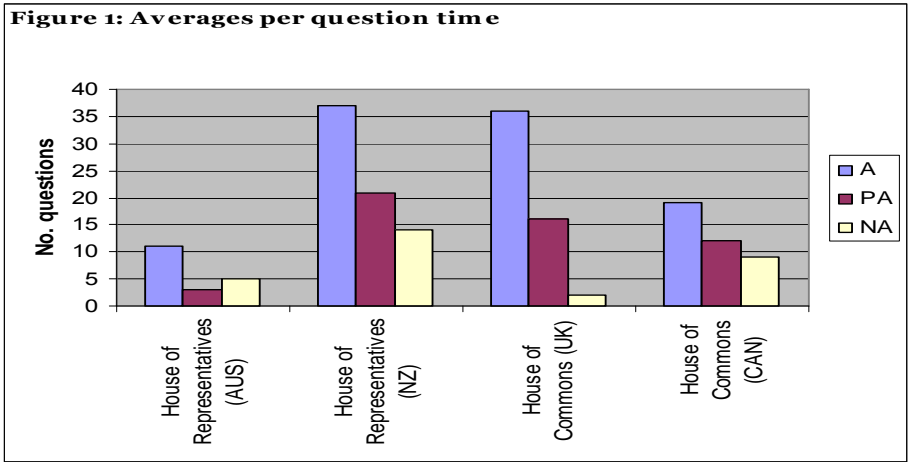
Unsurprisingly in every chamber opposition questions were more likely to be rated 'not answered'. Conversely questions asked by members of the government party were almost invariably rated as answered. The New Zealand House of Representatives had the highest number of opposition questions considered not answered, with an average of 14, which equates to 23 per cent of the opposition questions asked. Australia only had, on average, 5.3 questions considered not answered; however, this equated to by far the worst percentage — 55 per cent. The United Kingdom House of Commons was clearly the best performed in terms of opposition questions with, on average, only 2.3 questions rated not answered,

equating to just 8.8 per cent. The Canadian Commons, where questions are asked almost exclusively by non-government members, registered on average 9 non-answers each day, equating to 24 per cent.

As noted in the methodology above, to give some indication as to the accuracy of the research five people were asked to assess the answers to eight questions — two questions randomly selected from each chamber. The results of this test (the full details of which are shown in the table on page 18) were somewhat encouraging, with at least three out of five people agreeing with the author's assessment on seven of the eight questions. On one question there was 100 per cent agreement, on three questions 80 per cent agreement, on three questions 60 per cent agreement, and on one question 40 per cent agreement.

**Table 2: Analysis of Question Time Answers in the Four Chambers**

	Non-government							Government							Total						
	Q	A	%	PA	%	NA	%	Q	A	%	PA	%	NA	%	Q	A	%	PA	%	NA	%
<b>11/05/2006</b>																					
House of Representatives (AUS)	10	0	0.0	3	30.0	7	70.0	10	10	100.0	0	0.0	0	0.0	20	10	50.0	3	15.0	7	35.0
House of Representatives (NZ)	65	27	41.5	23	35.4	15	23.1	13	13	100.0	0	0.0	0	0.0	78	40	51.3	23	29.5	15	19.2
House of Commons (UK)	24	10	41.7	12	50.0	2	8.3	28	27	96.4	1	3.6	0	0.0	52	37	71.2	13	25.0	2	3.8
House of Commons (CAN)	36	15	41.7	12	33.3	9	25.0	3	3	100.0	0	0.0	0	0.0	39	18	46.2	12	30.8	9	23.1
<b>20/06/2006</b>																					
House of Representatives (AUS)	10	4	40.0	1	10.0	5	50.0	10	10	100.0	0	0.0	0	0.0	20	14	70.0	1	5.0	5	25.0
House of Representatives (NZ)	59	29	49.2	21	35.6	9	15.3	14	14	100.0	0	0.0	0	0.0	73	43	58.9	21	28.8	9	12.3
House of Commons (UK)	27	16	59.3	8	29.6	3	11.1	31	25	80.6	6	19.4	0	0.0	58	41	70.7	14	24.1	3	5.2
House of Commons (CAN)	38	16	42.1	12	31.6	10	26.3	3	3	100.0	0	0.0	0	0.0	41	19	46.3	12	29.3	10	24.4
<b>18/10/2006</b>																					
House of Representatives (AUS)	9	1	11.1	4	44.4	4	44.4	9	9	100.0	0	0.0	0	0.0	18	10	55.6	4	22.2	4	22.2
House of Representatives (NZ)	58	20	34.5	20	34.5	18	31.0	9	9	100.0	0	0.0	0	0.0	67	29	43.3	20	29.9	18	26.9
House of Commons (UK)	29	11	37.9	16	55.2	2	6.9	24	19	79.2	5	20.8	0	0.0	53	30	56.6	21	39.6	2	3.8
House of Commons (CAN)	39	18	46.2	13	33.3	8	20.5	3	3	100.0	0	0.0	0	0.0	42	21	50.0	13	31.0	8	19.0
<b>Averages</b>																					
House of Representatives (AUS)	9.7	2	17	2.7	28	5.3	55	10	10	100	0	0	0	0	19	11	59	3	14	5	27
House of Representatives (NZ)	61	25	42	21	35	14	23	12	12	100	0	0	0	0	73	37	51	21	29	14	19
House of Commons (UK)	27	12	46	12	45	2.3	8.8	28	24	85.4	4	15	0	0	54	36	66	16	30	2	4.3
House of Commons (CAN)	38	16	43	12	33	9	24	3	3	100	0	0	0	0	41	19	47	12	30	9	22
Q = Questions A = Answered PA = Partially answered NA = Not answered																					



**Table 3: Control Test of Research Results**

	House of Representatives (AUS)		House of Representatives (NZ)		House of Commons (UK)		House of Commons (CAN)	
	Q 1	Q 2	Q 3	Q 4	Q 5	Q 6	Q 7	Q 8
Author	PA	A	NA	A	PA	PA	PA	A
Person 1	PA	A	NA	A	PA	PA	PA	A
Person 2	PA	PA	NA	PA	A	PA	PA	A
Person 3	PA	PA	NA	A	PA	A	A	A
Person 4	PA	A	PA	A	PA	A	A	A
Person 5	A	A	NA	A	A	A	PA	A
% agree with author	80	60	80	80	60	40	60	100

While these results do appear to give the research some legitimacy, they also confirm that it is not possible to make a precise assessment of whether a question is answered, because it invariably requires a subjective judgment.

### *Is there Need for Reform?*

Based on the results above it is clear that House of Representatives question time is in need of reform if it is to achieve a higher level of accountability than is currently the case. However, it is also clear that there is little realistic prospect that the necessary reforms would be implemented. There have been many proposals over the years, both from academics and parliamentary committees, which have not been implemented. As Harris has noted ‘proposals for procedural reforms aimed at improving [question time] have not been heeded by either side of politics.’<sup>46</sup> Further, the reforms proposed below would be considered somewhat more extreme than previous proposals, and therefore have even less chance of implementation.

Undeterred, the discussion below will critique some past proposals for reform, as well as suggesting new ones. While the proposed reforms will largely be aimed at improving accountability, they will also aim to preserve the important confrontational characteristic of the current question time — which has become very important to the Australian political system.

#### *Increasing the number of questions, reducing the length of answers*

House of Representatives question time consists of considerably fewer questions than the three international chambers discussed. The low number of questions poses an effective limit on the ability of question time to provide accountability. The primary cause of the low number of questions is undoubtedly the length of answers. As the House of Representatives Procedure Committee noted in 1993, ‘the length of answers is a matter of unarguable fact: They are too long.’<sup>47</sup> The Committee’s proposed solution at this time was to incorporate a standing order to ensure a minimum number of questions were asked each question time.<sup>48</sup> While the proposal was never implemented, the minimum number of questions proposed, 16, has since been achieved and improved upon (now with an average of 19 questions).

There are arguments both for and against making substantial reform to the number of questions and length of answers. These are broadly summarised below.

The arguments against the reform — superficial coverage and less chance for government to its state case — seem rather weak. Comparing question time answers

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<sup>46</sup> I Harris, *Question Time; Impartial Speakers and Dissent from Rulings: Some Comments of the House of Representatives’ Experience*, Democratic Audit of Australia, Canberra, 2006, p. 1.

<sup>47</sup> House of Representatives Standing Committee on Procedures, *About Time: Bill Questions and Working Hours*, House of Representatives, Canberra, October 1993, p. 23.

<sup>48</sup> Ibid.

from the four chambers discussed, it is clear that longer answers do not necessarily equate to better or more detailed answers. This assertion is substantiated by the quantitative research of this paper: Although House of Representatives answers were by far the longest, they were also the least likely to be rated as answered.

**Table 4: Arguments for against more questions/shorter answers<sup>49</sup>**

<i>For more questions/shorter answers</i>	<i>Against more questions/shorter answers</i>
Give more coverage and more opportunity for backbenchers	Coverage might be more superficial
Would reduce temptation to launch into political speeches	Less chance for government to state its case

It would require a fundamental change of practice and procedure for the House of Representatives to emulate the number of questions asked in other chambers. While realistically it is unlikely to occur, theoretically it could be achieved by inserting a standing order defining time limits for questions and answers. The Australian Senate currently employs time limits, although the limits are very generous — one minute for questions and four minutes for answers. Consequently, the Senate's question time has around the same number of questions as the House's, at around 20.<sup>50</sup> If the House of Representatives were to achieve a higher number of questions, comparable to the international chambers, it would need much stricter time limits. If, for example, 30 seconds were allowed per question, and 1 minute per answer, there would be around 40 questions in a one hour question time — a much more satisfactory number than is currently the case.

The other three chambers discussed in this paper do not employ prescriptive time limits on the length of answers. However, each chamber has an established practice requiring ministers' answers to be short — a practice entrenched in each chamber's practice guide.<sup>51</sup> There is no such requirement reflected in *House of Representatives Practice*. The New Zealand House of Representatives, in addition to practice, has a standing order requiring answers to be concise.<sup>52</sup> While this method could be a less prescriptive way to increase the number of questions in Australia's House, it is not

<sup>49</sup> D Laughrin, 'A Time for Questions: Some Observations on Question Time Procedures in the Canberra, Ottawa and Westminster Parliaments', *Canberra Bulletin of Public Administration*, No. 59, August 1989, p. 24.

<sup>50</sup> Figure is an average for 2006. Department of the Senate, *Senate Statistical Summary*, No. 12, 2006, [online], viewed 26/10/06, [http://www.aph.gov.au/Senate/work/statistics/stats\\_sum/2006/s12.htm](http://www.aph.gov.au/Senate/work/statistics/stats_sum/2006/s12.htm).

<sup>51</sup> W McKay et al (eds), 2004, *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, Lexis Nexis, London, pp. 354; D McGee (ed.), *Parliamentary Practice in New Zealand*, Office of the Clerk of the House of Representatives, Wellington, 2005, p. 564; and R Marleau and C Montpetit (eds), *House of Commons Procedure and Practice*, House of Commons, Ottawa, 2000, p. 421.

<sup>52</sup> Office of the Clerk, *Standing Orders of the House of Representatives*, House of Representatives, Wellington, 2005, p. 109.

ideal because the determination of how 'concise' an answer is remains a matter of interpretation. It would also place a further and unnecessary burden on the Speaker.

In summary, it appears that the accountability delivered by House of Representatives question time would be considerably improved by increasing the number of questions asked by reducing the length of answers. The most effective way to do this seems to be time limits on questions and answers—30 seconds for questions and 1 minute for answers is proposed as a starting point.

#### *Allowing only non-government questions*

Many people are critical of the pre-arranged government questions ('Dorothy Dixers') in the House of Representatives. Rasiyah, for example, argues that the use of Dorothy Dixers means that 'the accountability potential of [question time] can immediately be reduced by 50 per cent.'<sup>53</sup> Proponents of this view consider that Canada's question time is an ideal model because the questions are almost exclusively asked by non-government members — thus, there are no Dorothy Dixers.

Opposition questions certainly pose a sterner test of a minister's performance; but do they provide better accountability? The answer is almost certainly yes if opposition questions are actually *answered*. However, the results of the quantitative research above suggest that opposition questions are much less likely to be answered. Therefore it is questionable whether a higher proportion of opposition questions would actually provide better accountability. Further, while answers to Dorothy Dixers are often designed to attack the opposition, they are also an important forum for the government to outline its position and actions on current issues. As discussed earlier, this is still a form of accountability, even though it is far less adversarial and controversial. There is also an argument that because answers to Dorothy Dixers are scripted they provide better quality information to the Parliament, as compared to the vague and irrelevant answers often delivered to opposition questions. Essentially, in the view of this author, a move to all questions being asked by the opposition would not necessarily improve the accountability delivered by question time.

While Dorothy Dixers are not an inherently bad thing, they do have one major problem — answers to them are far too long. During the 41<sup>st</sup> Parliament answers to government questions have averaged 2 minutes 48 seconds, compared to 1 minute 19 for opposition questions.<sup>54</sup> This concerning statistic goes a long way to explaining why there are so few questions during question time. Of course, this

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<sup>53</sup> P Rasiyah, *Does Question Time Fulfil its Role of Ensuring Accountability*, Democratic Audit of Australia, Canberra, April 2006, p. 5.

<sup>54</sup> Unpublished statistics provide by the House of Representatives' Chamber Research Office on 29 September 2006.



problem would be solved if the earlier recommendation for time limits is introduced.

### *Supplementary questions*

Supplementary questions are standard practice in every chamber discussed except the House of Representatives. Supplementaries are, of course, allowed in the House; most Speakers simply choose not to allow them. Over the years there have been a number of advocates of the permanent introduction of supplementary questions, including the House of Representatives Procedure Committee.<sup>55</sup> The arguments for and against supplementaries can be broadly summarised as follows:

**Table 5: Arguments for and against supplementary questions<sup>56</sup>**

<i>For supplementaries</i>	<i>Against supplementaries</i>
Increase opportunities for probing	Might simply be used to repeat political point scoring
Better opportunity for opposition to follow up success	Could further reduce the number of separate questions dealt with

Once again the argument for reform appears stronger than the argument against. The three international chambers provide examples of the successful operation of supplementary questions. In each chamber supplementaries are usefully implemented to elicit further information based on a Minister's answer. While it is true that supplementary questions can allow oppositions to continue a political attack, if the time allowed to ask a supplementary question is limited, then the opportunity to engage in a political attack is also limited. The argument that supplementary questions can reduce the number of topics covered in a question time does not hold, because it is already common under the current system for an opposition to pursue only a limited number of topics.

In summary, supplementary questions would further enhance question time's accountability — particularly if combined with the earlier proposal for time limits. As summarised by Redenbach, 'the re-introduction of immediate supplementary questions would be a useful step towards the House of Representatives establishing a more balanced relationship with the executive.'<sup>57</sup>

<sup>55</sup> House of Representatives Standing Committee on Procedures, *About Time: Bill Questions and Working Hours*, House of Representatives, Canberra, October 1993, p. 24.

<sup>56</sup> D Laughrin, 'A Time for Questions: Some Observations on Question Time Procedures in the Canberra, Ottawa and Westminster Parliaments', *Canberra Bulletin of Public Administration*, No. 59, August 1989, p. 24.

<sup>57</sup> S Redenbach, 'Lost Opportunities: The Australian House of Representatives, its Speakers and Immediate Supplementary Questions', *Legislative Studies*, Vol. 14(2), Autumn 2000, p. 90.

### *A roster system for ministers*

The United Kingdom House of Commons question time operates with the rare procedure of ministers being rostered to attend on only one or two days per month — not every day as in the case in other chambers. The concept of a roster system is one which has been suggested to improve the accountability of House of Representatives question time. Once again, it is a proposal that has been endorsed by the House of Representatives Procedure Committee, but never implemented.<sup>58</sup> The fundamental argument behind a roster system is that it allows for more orderly and systematic questioning which in turn provides a more effective forum for accountability.<sup>59</sup> There is little doubt this statement is true. The data of the study conducted for this paper show that the House of Commons has by far the highest percentage of questions answered, confirming the strengths of the roster system.

While the roster system undoubtedly improves accountability, its introduction is untenable in the context of the House of Representatives. Question time has purposes outside accountability, including the opportunity for political confrontation between the government and the opposition. This confrontation would be greatly reduced by a roster system. It is important to balance the competing purposes of question time in proposing reforms to improve accountability. This author believes that a roster system would distort this balance too far in favour of accountability to the detriment of some of question time's other important functions. Further, the New Zealand House of Representatives demonstrates that a roster system is not absolutely essential to a properly functioning question time.

### *Stricter rules on the relevance of answers*

Given the evidence that House of Representatives questions are the least likely to be answered of those in the chambers examined, it seems sensible to suggest that improvements could be made to rules governing the content of answers. Currently, the only standing order for answers is that an answer should be 'relevant'. It has been argued by some that this minimalist approach could be expanded upon, with a view to ensuring answers deliver accountability. The Australasian Study of Parliament Group, for example, has proposed new requirements for 'ministers ... to be directly responsive, relevant, succinct and limited to the subject matter of the question.'<sup>60</sup>

In theory an extension of the current standing order seems to be a good idea; however on closer examination it is evident that it would have very little impact. The current standing order requiring that answers be relevant should be sufficient to

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<sup>58</sup> House of Representatives Standing Committee on Procedures, *About Time: Bill Questions and Working Hours*, House of Representatives, Canberra, October 1993, p. 24.

<sup>59</sup> D Laughrin, 'A Time for Questions: Some Observations on Question Time Procedures in the Canberra, Ottawa and Westminster Parliaments', *Canberra Bulletin of Public Administration*, No. 59, August 1989, p. 24.

<sup>60</sup> Australasian Study of Parliament Group, *Why Accountability Must be Renewed*. ASPG, Canberra, 2006, p. 7.

ensure that all questions are answered. The problem is not the standing order; the problem is successive Speakers' broad interpretation of the standing order. There is no reason to think stricter rules on the content of answers would be enforced any more stringently than the current requirement of relevance. The issue of the Speaker's role in question time will be further discussed below.

### *An Independent Speaker*

For many years there has been extensive debate surrounding the issue of an independent Speaker. While many people agree an independent Speaker is desirable, political realities have prevented it happening. Demonstrating this point, the Hon John Howard MP was a supporter of an independent Speaker in 1995 when he was in opposition: 'We want a Westminster type Speaker, somebody who's genuinely independent ... I think that would enhance the authority of the Parliament.'<sup>61</sup> History reveals that although Howard won government and was prime minister for ten years, he failed to act on his earlier comments. Why is this case? Essentially, it is because a partisan Speaker is desirable for the government. Given this background, it is again unrealistic to expect reform; nonetheless, it is possible to speculate about what could be achieved.

The Speakership is undoubtedly a difficult position and this is particularly true for a Speaker who is also a member of the government party, as in the House of Representatives. According to Hamer, it is especially difficult for a House of Representatives Speaker to 'exercis[e] effective control over senior ministers, particularly the prime minister ... [because] if the Speaker ... comes into conflict with senior ministers there is no doubt who will be the loser.'<sup>62</sup> The Speaker's tendency to favour government members is often discussed anecdotally, but is also demonstrated by a statistic from the current parliament: The Speaker has suspended 110 opposition members for bad behaviour under standing order 94 (a), but only 4 government members.<sup>63</sup> While opposition members are worse offenders in terms of behaviour, the massive disparity in suspensions is alarming.

Of the four chambers discussed, the most independent Speaker is found in the House of Commons. As noted above, the Commons' Speaker cuts all party ties on election to the chair. As described by Hamer, 'there is no doubt that the system works best at Westminster.'<sup>64</sup> It is of because of this independence that the Commons' Speaker is able to ensure ministers are succinct and relevant in their

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<sup>61</sup> Howard in J Meyer, 'Time to Get Serious: Let's Have an Independent Speaker', *Online Opinion*, 11 November 2004, [online], viewed 22 October 2006, <<http://www.onlineopinion.com.au/view.asp?article=2722>>.

<sup>62</sup> D Hamer, *Can Responsible Government Survive in Australia?* Department of the Senate, Canberra, 2004, p. 239.

<sup>63</sup> Unpublished statistics provide by the House of Representatives' Chamber Research Office on 29 September 2006.

<sup>64</sup> D Hamer, *Can Responsible Government Survive in Australia?* Department of the Senate, Canberra, 2004, p. 239.

answers. This assertion is supported by the quantitative research of this paper, which showed that only 4 per cent of questions in the Commons are not answered. The other three chambers, all of which are presided over by government Speakers, have much higher percentages of questions not answered.

While a Commons-style Speaker would undoubtedly be desirable for Australia to improve the accountability of question time, it is unlikely to eventuate because it is invariably desirable for governments to have a partisan Speaker. However, this does not mean all hope is lost for an improved question time. The reforms advocated above — shorter answers/more questions, and supplementary questions — are not contingent on the Speaker's independence. However, making improvements to the relevance of answers is largely determined by the Speaker's willingness to control and reprimand Ministers. There is little doubt that an independent Speaker is more likely to do this effectively.

### Reforms proposed or endorsed

**Table 6: Summary of reforms proposed or endorsed**

Reform	Rationale
Time limits of 30 seconds for questions and 1 minute for answers	<ul style="list-style-type: none"> <li>• More questions means more opportunities for accountability;</li> <li>• More pressure on ministers to answer questions;</li> <li>• Less chance for time wasting;</li> <li>• More opportunities for backbenchers;</li> <li>• No pressure on Speaker to determine 'concise'</li> </ul>
Supplementary questions	<ul style="list-style-type: none"> <li>• Increase opportunities for probing</li> <li>• Better opportunity of opposition to follow up success</li> <li>• Could further increase the number of questions asked</li> </ul>
Independent Speaker	<ul style="list-style-type: none"> <li>• Able to rule on the relevance of answers without fear of reprisal;</li> <li>• Improve the number of questions actually answered</li> </ul>

### Conclusions

This paper has reached two primary conclusions. The first is that House of Representatives question time is poor at delivering accountability through Question Time in comparison to equivalent chambers in New Zealand, the United Kingdom and Canada, and these disparities can be attributed to structural and procedural differences in each jurisdiction. The second is that House of Representatives question time must be reformed to deliver more appropriate levels of accountability. Three areas of reform are important and necessary: time limits to reduce the length of answers; supplementary questions to allow for better probing of ministers; and an independent Speaker to ensure ministers' answers are relevant. These reforms would improve the accountability of question time without unnecessarily detracting from its other important purposes — political confrontation, and testing ministers'

and Shadow ministers' abilities. Other reforms discussed by this paper — allowing only non-government questions, a roster system for Ministers, and stricter rules for answers — appear either unworkable or as impinging too far on the ability of question time to perform its other functions. While the reforms advocated would almost certainly improve question time, the unfortunate reality is that they are unlikely to be introduced. ▲

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