



LEGISLATIVE COUNCIL FACT SHEETS

FACT SHEET 17: QUESTIONS

Questions without notice

According to sessional order, Question Time commences at 4.00 pm on Monday and Tuesday and 12.00 noon on Wednesday, Thursday and Friday, unless the House decides otherwise. The standing orders do not limit the duration of Question Time each day but generally after one hour the Leader of the Government asks that further questions be placed on the Questions and Answers Paper.

Under SO 64, a member may put questions to:

- a minister in relation to the public affairs with which the minister is officially connected, to proceedings pending in the House or to any matter of administration for which the minister is responsible;
- other members relating to any bill, motion or other business on the Notice Paper of which the member has charge;
- a chair of a committee relating to the activities of that committee, but the question must not attempt to interfere with the committee's work or anticipate its report.

The vast majority of questions are directed to ministers. Ministers are responsible for answering not only questions on their own portfolio responsibilities but on portfolios held by ministers in the Assembly for which they have been allocated responsibility.

Standing order 65 sets out various rules for questions:

- Questions must not contain arguments, inferences, imputations, epithets, ironical expressions, hypothetical matters or statements of fact or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated.
- Questions must not ask for an expression of opinion, for a statement or announcement of the government's policy or for a legal opinion.
- Questions also must not refer to debates in the current session or proceedings in committee not yet reported to the House.
- Questions must not anticipate discussion on an order of the day or other matter on the Notice Paper, except an item of private members' business outside the order of precedence or an order of the day relating to the budget estimates .

All questions should be framed in interrogative terms. The use of phrases such as, 'Is it a fact ...?' suggests that the question is seeking an opinion or giving information. Instead a question should be phrased 'what, where, will, why, when, does, is ...?'

There is no limit on the number of questions a member may ask, either with or without notice.

At the commencement of Question Time, the President asks: 'Are there any questions?' Members stand in their places to attract the President's attention. A practice has been established that the first call is generally given to the Leader of the Opposition. The call is then alternated between government, cross-bench and opposition members.

The time taken by members to ask a question without notice is limited to one minute and an answer by ministers to four minutes. A minister may seek leave to extend the time for an answer by one minute (SO 64(5)(a)). At the discretion of the President, one supplementary question to seek elucidation on an answer may immediately be put by the member who asked the question. In asking a supplementary question the member has one minute and the minister has two minutes to answer (SO 64(5)(b)).

Erskine May describes Question Time as not a time for debate, but one for seeking information. Questions should therefore be short, to the point and relate to the responsibilities of the minister concerned. Questions must not contain unnecessary detail, or contain arguments, expressions of opinion, inference or imputations, or offensive expressions. Questions also inadmissible are those which seek the solution of hypothetical propositions, raise questions of policy too large to be dealt with in an answer, seek information on matters of past history for the purpose of argument, are multiplied with slight variation on the same point, or are trivial, vague or meaningless.¹

From time to time, Presidents have made statements about the length and nature of questions without notice. For example, on 21 September 1995, President Willis stated:

Honourable members are reminded that the purpose of questions without notice is to elicit information from Ministers of the Crown concerning the public administration of the State. Although it is customary for members to preface questions with a setting for their questions, such prefaces should be contained and not made a feature providing information that is otherwise publicly available.²

On 28 October 1999, President Burgmann made a statement indicating that if members asked questions which were excessively lengthy or included too much detailed information, she would rule that they be placed on the Questions and Answer Paper.³

Presidents have also made statements on the nature of supplementary questions. On 4 April 2000, President Burgmann stated:

[S]upplementary questions are allowed, within reasonable limits, in order to elicit further information on a question which a member feels has not been effectively answered. Supplementary questions must be actually and accurately related to the original question and must relate to or arise from the answer given. They are not an opportunity to ask another question. Over the years there have been numerous rulings by Presidents Johnson and Willis

¹ McKay W (ed), *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 23rd edn, LexisNexis, UK, 2004, pp 344-348.

² *LC Debates* (21/9/1995) 1258.

³ *LC Debates* (28/10/1999) 2203-2204.

which have stated that supplementary questions must not be a restatement of the original question, nor seek to ask a question not arising from the answer given.⁴

A minister can answer a question in any way he or she sees fit as long as the answer is relevant (SO 65(5)). If necessary, a minister may indicate that he or she will seek additional information in response to a question, and provide the House with a response at a later time. Answers to questions without notice lodged with the Clerk by a minister are published in Hansard. A minister may transfer a question to another minister in whose area of responsibility the question lies.

It has been the practice for many years that the Leader of the Government may answer any question. If the Leader of the Government wishes to answer a question, he or she can do so either in their capacity as Leader of the Government or in their capacity as the minister to whom the question should have been directed.

Questions on notice

Questions on notice are written questions submitted by members to ministers. They must be signed by the member and handed to one of the clerks at the table while the House is sitting. Both the questions and the answers received by the Clerk are published in the Questions and Answers Paper (SO 67) (which is available on the Parliament's website). The rules for questions without notice (SO 65) apply equally to written questions.

Time limit for answers

Under standing order 67, ministers have 35 calendar days in which to provide a written answer to a question (SO 67). This applies both to questions taken on notice by ministers at Question Time, and to written questions on notice lodged by members.

If an answer is not provided within 35 days, the President informs the House on the next sitting day and the minister must explain the reason for non-compliance. If an answer is then not submitted within three days, the minister is again called on to explain. This procedure continues until a written answer is received.

⁴ *LC Debates* (4/4/2000) 3970-3971.