

INQUIRY INTO RULES FOR NOTICES OF MOTIONS

Organisation: House of Representatives, New Zealand
Name: Rt Hon David Carter
Date received: 15 December 2016



8 December 2016

Hon Don Harwin MLC
President of the Procedure Committee
Parliament House
Macquarie Street
Sydney NSW 2000
AUSTRALIA

Dear Mr Harwin

Inquiries into rules for Questions and rules for notices of motion

Thank you for your letter of 24 November 2016 inviting submission on the Procedure Committee's Inquiry into the rules for Questions and Inquiry into the rules for notices of motion.

Inquiry into the rules for Questions

I understand the Committee is considering 3 proposals in relation to the Committee's Inquiry into the rules for Questions.

The first is the provision of an opportunity, at the conclusion of each Question Time, to move a take note debate on the answers given to oral questions asked that day and any answers to written question received since the last sitting of the House.

The New Zealand House of Representatives does not have a dedicated debate on answers to oral or written questions. It may be helpful if I briefly outline the main features of the New Zealand oral question system:

- 12 questions to Ministers are lodged by 10.30 am each sitting day, with approximately 60 supplementary questions available per Question Time, at the discretion of the Speaker, where members are able to follow up on the initial response of the Minister
- Oral questions are dealt with as the first substantive item of business transacted by the House each day (shortly after 2pm)
- Question slots are allocated and rotated on a basis proportional to party membership in the House (excluding members of the Executive)
- There is no time limit on question time, however it normally takes approximately 1 hour
- The same or similar questions can be asked at subsequent Question Times
- An answer must be given if it can be given consistently with the public interest. But a Minister cannot be forced to answer a question (unless the House orders the Minister to do so, in which case failure to answer could be punished as a contempt).

- The Minister's reply must address the question asked. This involves a question of relevancy. The reply must be a direct response to the question; it cannot be a statement on an unrelated matter.
- Where questions are clear and straightforwardly seeking information, the Speaker will require an informative reply. But where the questions contain political statements or seek opinion, members asking the questions run the risk that Ministers' replies will address the political statements or the opinion given will not satisfy the questioner. The test for the Speaker of the adequacy of a reply is whether or not the question has been addressed.

The New Zealand House of Representatives also provides an electronic system for processing and publishing written questions and answers in response. Written questions to Ministers are lodged by 10.30am on any working day. There is no limit on the number of written questions that a member may lodge. The reply to a written question must be lodged no later than the sixth working day following publication of the question. The questions and their respective answers are published on the parliamentary website. The rules for admissibility of questions and the requirements to answer are broadly the same as for oral questions. One exception is that a member may not lodge a question which is the same in substance as a written question lodged in the same calendar year.

Responses to written questions are used for a variety of purposes by members. They often inform the content of oral questions and at times inform the content of matters under debate. A Minister's performance in responding to written questions has at times been the subject of points of order.

Opportunity does exist to debate matters in a more general manner in the Wednesday General Debate. This debate consists of 12 5 minute speeches, allocated and rotated on a basis proportional to the party membership in the House. Members are at liberty to debate any matter they choose in this debate, which could include the answer of a Minister to a question. However it is rare for that to be the subject of a speech in the general debate. Live issues addressed in questions to Ministers tend to be the subject of further questions in subsequent Question Times.

The second proposal in relation to rules for Questions is to vary the time for commencement of Question time to avoid conflict with the Legislative Assembly. As a unicameral House this is not a matter the New Zealand House of Representatives has had to deal with. However the proposal makes sense in the context of a bicameral House.

The third proposal is to require that an answer be directly relevant to the question. In New Zealand the requirement is for an answer to address the question. As noted above, this involves a question of relevancy. The reply must be a direct response to the question; it cannot be a statement on an unrelated matter.

Speaker's rulings have elaborated on the approach the Speaker takes to relevancy and adequacy of replies. As noted above, where questions are clear and straightforwardly seeking information, the Speaker will require an informative reply. But where the questions contain political statements or seek opinion, members asking the questions run the risk that Ministers' replies will address the political statements, or the opinion given will not satisfy the questioner.

This approach has worked reasonably well in the New Zealand context, however it is inevitable in the parliamentary environment that not all members will be satisfied with the outcome of the application of these principles.

Inquiry into the rules for notices of motion

I understand this Inquiry is to examine the application of rules governing the content and length of notices of motion and whether the House should place a restriction on the number of notices that a member may give each sitting day.

In New Zealand, Standing Orders do address the content and length of notices of motion. The notice of motion must be expressed in a form and with content appropriate for a resolution of the House. It must clearly indicate the issue to be raised for debate and include only such material as may be necessary to identify the facts or matter to which the motion relates. Statements of fact or names of persons may only be included if they are strictly necessary to render the notice intelligible and can be authenticated.

Members' notices of motion (as opposed to Government notices) are currently listed last under Members' Orders of the day on the Order Paper. They are seldom reached and are removed from the Order Paper one week after their first appearance. There is no limit on the number of notices of motion that may be lodged. It is not uncommon for there to be 30 or more such notices on the Order Paper at a time. They are almost all congratulatory in nature.

The Clerk of the House has recently suggested that an "online parliamentary noticeboard" be offered as an alternative to placing notices of motion on the Order Paper. It is suggested that the noticeboard would be more accessible to the public and would improve the representative function of the House. The aim of this proposal would be to reduce the number of, or remove altogether, congratulatory notices of motion from the Order Paper. However, it would not be the intention to limit members' ability to place matters of importance to members and the community on the parliamentary record. Rather the proposal offers an alternative mechanism to publicly record such matters.

I note one object of this particular Inquiry is also to examine the lack of a regular mechanism through which members can have matters which they believe to be of community, national, or international importance on the parliamentary record. The above-mentioned weekly General Debate is a further mechanism that the New Zealand House of Representatives provides for this purpose.

I trust these comments will assist the two inquiries under consideration by the Procedure Committee and wish your members well in their consideration of these issues.

Yours sincerely



Rt Hon David Carter
SPEAKER