

## INQUIRY INTO RULES FOR QUESTIONS

**Organisation:** ACT Legislative Assembly  
**Name:** Ms Joy Burch MLA  
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## Speaker

The Hon Don Harwin MLC  
President  
Legislative Council for New South Wales  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr President

I refer to your letter dated 24 November 2016 in which you sought our assistance concerning two inquiries currently before the Procedure Committee which you Chair. I am pleased to be able to provide the following information in relation to the two inquiries you are undertaking.

### **Inquiry into rules for Questions**

I note that the Committee is looking into three aspects of operation of Question Time. In relation to the proposal for a 30 minute take note debate on the answers given to oral questions asked that day and any answers to written questions received since the last sitting of the House, I would observe that the Assembly does not have such a practice. We do have a standing order (SO118A) that, when an answer to a question on notice has not been received within 30 days of the asking of the question, the Member who asked the question may ask the relevant Minister (providing she/he has not given a statement already indicating, to the satisfaction of the Member, a reason for the delay in answering) for an explanation for the delay. At the conclusion of the response from the Minister, the Member may move without notice a motion "That the Assembly takes note of the explanation". If that motion were to be moved there would be a debate along the lines that your Committee is contemplating.

Whilst the standing order in relation to seeking an explanation for a late answer is used fairly regularly, there are only a couple of instances in the last 10 years where a take note motion has been used.

In relation to the scheduling of your Question Time, so that it does not overlap with the Legislative Assembly, we (as a unicameral parliament) offer no comment.

In relation to the varying of standing orders to require that an answer must be *directly* relevant to a question, we adopted the following standing order in March 2012:

118 The answer to a question without notice:

(a) shall be concise and directly relevant to the subject matter of the question.

I think it is fair to say that Ministers will test the limit of this standing order. Having said that, I think the inclusion of the words "directly relevant" is a useful tool for Presiding Officers to have, so that questions are answered by Ministers in a manner that ensures they do not stray off the subject matter.

### **Inquiry into rules for notices of motion**

In relation to your inquiry into notices of motion and whether there is a restriction on the number of notices given, I can advise that in the ACT Legislative Assembly:

- there are no limits on the number of notices of motion that can be lodged by an MLA;
- generally speaking, about six private members' notices of motions are lodged each sitting week, with all of them being debated on the sitting Wednesday. Each notice is usually debated for between 45-90 minutes, depending on the subject matter;
- if a notice is not debated or debate has been adjourned, and it is not called on for four sitting weeks, the Clerk is required (standing orders 125A and 152A) to remove the notice from the Notice Paper;
- the Speaker (effectively the Deputy Clerk acting with the authority of the Speaker) has the power to amend notices which are too long, contain unbecoming expressions, or offends any other standing order (standing order 107); and
- the practice of the Assembly is that notices must be relevant to the jurisdiction of the ACT.

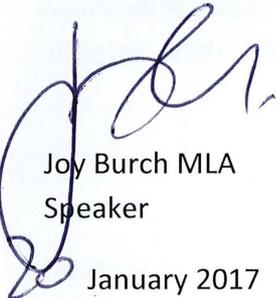
Opportunities for MLAs to have matters of community, national or international importance placed on the parliamentary record include:

- each non-executive MLA can ask at least two questions without notice each sitting day;
- there are six non-executive motions/bills debated each sitting Wednesday, with the whole day (apart from question time) being devoted to private Members' business;

- a 55 minute discussion of a matter of public importance on sitting Tuesdays and Thursdays;
- a 30 minute adjournment debate, with each MLA having five minutes to speak; and
- 45 minutes on sitting Thursdays for Assembly business (which includes committee reports).

I trust this information is useful to your inquiries. If you require any further information, can I suggest you contact the Clerk of the Legislative Assembly, Mr Tom Duncan.

Yours sincerely



Joy Burch MLA  
Speaker  
January 2017