

INQUIRY INTO THE RULES FOR QUESTIONS

Organisation: Legislative Council, Tasmania

Name: Mr D T Pearce

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8 February 2017

The President
Legislative Council
Parliament of New South Wales
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear President

PROCEDURE COMMITTEE INQUIRIES

I reply on behalf of our President in response to President Harwin's letter of 24 November last seeking comment on two matters currently before your Procedure Committee namely, Rules for Questions and Rules for Notices of Motion.

I have to say at the outset that our experience in the Legislative Council of the Parliament of Tasmania in terms of Questions and Notices of Motion have not given us need to apply similar attention to that as presently applying in New South Wales. With only one Minister in the Upper House who answers Questions without Notice associated with her portfolio responsibilities there is generally a level of satisfaction with her handling of answers and this coupled with her preparedness to supply additional information if and when required to satisfy the Member asking the Question has meant that this aspect of Question Time continues to meet Members' expectations.

As the Minister also holds the office of Leader of the Government in the Upper House any other Questions relating to matters outside of her portfolio responsibilities are asked by Members at Question Time but only after notice has been given of the Question in advance to the Leader's Office (usually not less than 24 hours notice) which allows for staff to source the answers. Once answers have been obtained the Member is advised at which time that Member can rise and ask their Question in the knowledge that the Leader has an answer to provide.

Occasionally the answer may not meet the expectation of the Member who, if not satisfied, may again seek some clarification or indeed further detail following the same process as just outlined or indeed place a Question on the Notice Paper should there not be a pressing time imperative in order that further detail can be provided.

There is presently no opportunity to debate answers given to oral Questions or answers given to Questions on Notice nor is that a procedure which is envisaged at this time.

Question Time in the Upper House commences at 2.30 pm on each sitting day for a period of 30 minutes and there is no overlap with Question Time in the House of Assembly which commences in that House at the commencement of each day's sitting at 10.00 o'clock am.

Interestingly our Standing Orders around Questions without Notice currently make no provision which requires that an answer must be relevant to a Question. The President applies the general rule of relevancy to all proceedings in the Legislative Council.

In relation to the matter of Notices of Motion the Legislative Council in Tasmania does not experience the same issues as currently being considered. The number of Notices of Motion given are not great in number in any sitting year and as a rule are not lengthy. There is not any restriction on the number of Notices of Motion that a Member may give. With a House of only fifteen Members with eleven Members not aligned to a political party but are independent means that the problems experienced by many other Australian parliamentary jurisdictions are not experienced in the Tasmanian Legislative Council.

It is worth noting that there is provision in our Standing Orders (S.O. No. 41) for a period of thirty minutes to be allocated at the commencement of sitting on each Tuesday for 'Special Interest Matters' to be brought to the attention of the House.

The current order provides —

41. Special Interest Matters

That before Orders of the Day are read each Tuesday a period of 30 minutes shall be set aside to provide for 'Special Interest Matters' to be brought to the attention of the House provided that —

- (1) Members notify the President or Clerk at least 30 minutes before the commencement of their wish to speak;
- (2) each speaker be granted five minutes to speak on an item of Special Interest; and
- (3) Members be granted the call in the order in which their notice of intention was lodged.

The provisions enable up to 6 Members to raise matters of interest to them most of which relate to individuals, groups, events or other happenings in their respective electorates. The full thirty minutes is usually utilised; it occurs on a Tuesday, which is Private Members Day, thereby not intruding into Government Business time; and has almost eliminated adjournment speeches. A similar arrangement may be possible in your jurisdiction.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'D T Pearce', followed by a small dot.

D T PEARCE
Clerk of the Legislative Council