



Northern Ireland  
Assembly

## Research and Information Service Research Paper

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# Parliamentary/Assembly questions

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This research paper looks at the procedure for answering questions in the Northern Ireland Assembly, Scottish Parliament, House of Commons and Dail Éireann. It explores what mechanisms, if any, exist to compel Ministers to provide adequate answers to members' questions.

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## Key Points

- There are strict rules and guidelines for the submission of parliamentary questions. However, there is little evidence to suggest that Ministers can be compelled to provide what could reasonably be described as adequate answers
- The role of the Speaker/Presiding Officer is to provide overall management of Parliamentary/Assembly questions. However, their powers are relatively limited in relation to Ministers' answers. A practical drawback is that the Speaker would require considerable knowledge of many different policy areas to judge the effectiveness of a Ministerial answer
- There exists considerable frustration across legislatures that Members' questions often fail to elicit adequate responses.
- The Northern Ireland Assembly is the only legislature in the UK where the Standing Orders address the content of Ministerial replies by stating that a question must be answered as clearly and as fully as possible
- The Fine Gael/Labour government in the Republic of Ireland has given a commitment to introduce a role for the Ceann Comhairle in deciding whether a Minister has failed to provide reasonable information in response to a question.



## Executive Summary

The arrangements for answering Members' questions in the Northern Ireland Assembly, Scottish Parliament and Dail Éireann are broadly similar. There are standard formats for questions: oral, written and urgent and within these exist various sub-categories such as supplementary, priority and cross-cutting.

In asking or tabling questions, Members are required to adhere to rules and guidelines of the respective institutions. Although these differ between legislatures, they can be defined broadly as:

- A question should be brief and clearly worded
- It must seek information or press for action
- It must not express a point of view or contain an argument
- It should not seek a legal opinion
- It should not breach the sub judice rule
- It should not seek information that is readily available elsewhere

However, although the rules surrounding the asking of questions are clear, there appears to be less guidance and procedure on how questions should be answered. This leads to frustration on the part of Members who perceive that Ministers are under no obligation to provide adequate responses to questions.

For example, the Speaker or Presiding Officer exerts considerable influence during question time in relation to the management of the process, but is relatively powerless to direct Ministers to answer a question. This can at times place Speakers in a difficult position as they bear the brunt of Members' frustrations at the perceived unwillingness of Ministers to fully address the question. Indeed, this became such an issue in the previous mandate of the Scottish Parliament that the then Presiding Officer asked the Standards Committee to investigate claims that Ministers had been misleading the House.

One of the difficulties faced by Speakers is that they would require extensive knowledge of all the subjects under discussion before making a decision on whether a Minister had provided an adequate response to a question.

The House of Commons has addressed the relevance of answers to Parliamentary questions on a number of occasions in recent years. In 1997, the House passed a resolution calling on Ministers to provide accurate and truthful information to Parliament and in 2011 the Procedures Committee concluded that the House would be better served by fewer, better questions answered in the most efficient way.

In the Republic of Ireland, the new coalition government pledged to reform the process of Parliamentary questions to make the Government more accountable.

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## 1 Introduction

This research paper looks at the arrangements for answering questions in other legislatures, including the Scottish Parliament, the House of Commons and Dail Éireann. It outlines the procedures involved and highlights issues that have arisen relating to how Members' questions are answered.

## 2 Arrangements for Parliamentary/Assembly questions

The rules relating to Parliamentary/Assembly questions are similar across the devolved institutions, the House of Commons and Dail Éireann. There are two types of question that a Member may ask: oral and written. Within these two categories there exist other types such as urgent, emergency and supplementary questions. The rules concerning the admissibility of questions are set down in Standing Orders and supplementary guidance produced by the Scottish Parliament<sup>1</sup>, House of Commons<sup>2</sup>, Dail Éireann<sup>3</sup> and the Northern Ireland Assembly. Some of the key criteria are outlined below:

- A question should be brief and clearly worded
- It must seek information or press for action
- It must not express a point of view or contain an argument
- It should not seek a legal opinion
- It should not breach the sub judice rule
- It should not seek information that is readily available elsewhere

Standing Orders governing question time are extensive, although the Northern Ireland Assembly is the only legislature in the UK where the Standing Orders address the content of Ministerial replies: "A question must be answered as clearly and as fully as possible"<sup>4</sup>. The tables below provide an overview of the process in each legislature.

**Table 1: Overview of question time in the Northern Ireland Assembly**

<p><b>Oral questions</b></p>	<p>Questions for oral answer are taken in the Assembly from 2.30 – 3.30pm on those Mondays and from 2.00 – 3.00pm on those Tuesdays on which the Assembly is sitting (Standing Order 20(1)). Ministers from four Departments participate in Question Time each week with two slots on a Monday and two slots on a Tuesday. Thirty minutes is allocated to each Department. A Member or Members representing the Assembly</p>
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<sup>1</sup> *Guidance on Parliamentary questions*, Scottish Parliament May 2007:

<http://www.scottish.parliament.uk/business/parliamentaryprocedure/g-pqs/dgpg.htm#2b>

<sup>2</sup> *Parliamentary Questions*, House of Commons Information Office, August 2010:

<http://www.parliament.uk/documents/commons-information-office/p01.pdf>

<sup>3</sup> Standing Orders of Dail Éireann, 2011:

[http://www.oireachtas.ie/documents/proceduraldocuments/Standorders2011\\_revised.pdf](http://www.oireachtas.ie/documents/proceduraldocuments/Standorders2011_revised.pdf)

<sup>4</sup> Standing Order 19(5) of the Northern Ireland Assembly

	<p>Commission will answer questions every 12 weeks on a Tuesday at 3.30pm. A Question Time rota is available to allow Members to see which Minister/Department is scheduled for questions each week. The rota indicates the deadline for submission of Members' names for the ballot and the deadline for submission of questions.</p>
<p><b>Written questions</b></p>	<p>Members can table questions for written answer in the Business Office Monday to Friday until 4.00pm. Questions received after 4.00pm will be treated as having been received on the next working day.</p> <p>a) Up to five questions per Member per day may be tabled (one of which may be for priority answer).</p> <p>b) A question will normally be due for written answer ten clear working days after it is published.</p> <p>c) If it is a priority question (i.e. where the Member decides that an urgent reply is needed), the Member can request that it be answered within two, three, four or five clear working days of publication.</p> <p>A Member can table only one priority question each day and it must not request large amounts of historical or statistical information. The relevant Department will send a hard copy of the written answer directly to the Member who tabled the question. A copy is sent to the Business Office for inclusion in the Written Answers Booklet. Members can also have answers to written questions sent electronically to their mobile phone device. If, exceptionally, it is not possible for the Minister to answer a question by the due date, a holding answer will be issued to the Member. The Business Office will also receive a copy of holding answers. An answer to a question may occasionally be refused by the Minister if the information sought is not readily available, and could only be obtained at disproportionate cost.</p>
<p><b>Urgent questions</b></p>	<p>Questions for Urgent Oral Answer (urgent questions) are questions that are of an urgent nature and which relate to matters of public importance.</p> <p>Proposed urgent questions can be tabled in the Business Office by 10.30am on any day on which there is a sitting. Once an urgent question has been received in the Business Office, it will be subject to the same admissibility checks as all other questions (see paragraph 7). If it is deemed admissible, it will be passed to the Speaker.</p> <p>If the Speaker is satisfied that the question is of an urgent nature, relates to a matter of public importance, and that adequate notice has been given to the relevant Member(s) of the Executive Committee, it will be accepted. The Member tabling the question will be informed of this and details of the question will be communicated to Members (via pigeonholes and the Annunciator).</p> <p>Urgent questions do not appear on the Order Paper. The time for taking the question is at the discretion of the Speaker but will normally be after Question Time.</p> <p>In the Chamber the Speaker, at the appropriate time, will</p>

	<p>refer to the Question for Urgent Oral Answer and will ask the Clerk to read the question before calling the Minister to provide an answer. Normally, an urgent question will be allocated about 15 minutes for discussion in plenary. The Speaker will call the Member who tabled the question to pose a supplementary question, followed normally by The Chairperson or Deputy Chairperson (but not both) of the relevant Statutory or Standing Committee. Other Members will be called at the Speakers discretion to pose supplementary questions but only in exceptional circumstances. If the urgent question relates to a particular constituency, the Speaker may permit questions from other Members representing that constituency. Supplementary questions without a direct and clear relationship to the original question will be ruled out of order.</p>
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**Table 2: Overview of question time in the Scottish Parliament**

<p><b>Oral questions</b></p>	<p>Members wishing lodge a question for answer at General or Themed Question Time should submit their names to the Chamber Desk for random selection at any time from when General and Themed Question Times have ended (normally 2.55 pm) in the third week before the week in which the question is to be asked, until 12 noon on the Wednesday of the second week before the week in which the question is to be asked (between 21 and 15 days before).</p> <p>The random selection of names is carried out in the order that each Question Time takes place, beginning with General Question Time. Ten names are selected for each Question Time and a name, once selected, is excluded from any subsequent selections on that day. As soon as possible after the random selection, the Chamber Desk prepares three lists of names in the order determined by the random selection.</p>
<p><b>Written questions</b></p>	<p>The Scottish Executive should normally give answers to written questions within 10 counting days of the question being lodged. Counting days are those days when the office of the Clerk is open. In the case of a question lodged during the 14 days before a period when the Parliament is in recess for more than 4 days and during that recess, an answer should normally be given within 20 counting days of the day on which the question is lodged. The Executive should send each answer to the Member who asked the question and to the Chamber Desk. Questions may be answered by Scottish Ministers or junior Scottish Ministers.</p>
<p><b>Emergency questions</b></p>	<p>Where an oral question is of an urgent nature the member lodging it may, if it is lodged by 10:00 on a day on which there is a meeting of the Parliament, request that it be answered that day. The Clerk shall notify the Presiding Officer of the lodging of such a question as soon as possible after it is lodged. Such a question is referred to as “an emergency question”.</p> <p>If an emergency question is, in the opinion of the Presiding Officer, sufficiently urgent, the Presiding</p>

	<p>Officer shall allow the question to be put and answered at an appropriate point during the meeting of the Parliament and shall make any necessary alteration to the daily business list. Members shall be notified that any such question is to be put and of any subsequent alteration to the daily business list.</p> <p>An emergency question concerning a matter for which the First Minister is alone responsible shall normally be answered by the First Minister but may exceptionally be answered by any other member of the Scottish Executive. An emergency question concerning the operation of the systems of criminal prosecution and investigation of deaths in Scotland shall normally be answered by the Lord Advocate or the Solicitor General for Scotland but may exceptionally be answered by another member of the Scottish Executive. Other emergency questions may be answered by any member of the Scottish Executive or a junior Scottish Minister.</p>
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**Table 3: Overview of question time in the House of Commons**

<p><b>Oral questions</b></p>	<p>Oral question time is divided into two parts. In the first part, the Minister, or appointed government spokesperson, will answer questions that have been tabled in advance (this gives them an opportunity to prepare a response) and, in the second part, they will answer untabled 'topical' questions. They will usually have to anticipate topical questions that may be asked and have responses prepared. Members need to enter a ballot for both types of question.</p> <p>Standing Order 21 sets out that questions will be taken in the first hour of business from Mondays to Thursdays. The Departments, Ministers and other members who answer such questions are organised into a rota by the Government; the document listing this information is known as the 'Order of Questions'. The Order of Questions is published by the Vote Office in tabular form giving the dates and times of Departments and others answering questions, and also the deadlines for tabling questions.</p> <p>Ministers are questioned on a rota agreed by the Government and Opposition parties through the "usual channels". In practice, Departments and others who answer questions appear once in a five week cycle on a particular day of the week and the Prime Minister once a week on a Wednesday. By convention some Departments have the whole hour (Treasury, Foreign and Home Offices, Defence and Health) the rest split the available hour in different ways.</p>
<p><b>Written questions</b></p>	<p>There are three different types of written question: 1) Questions originally tabled for oral answer which were successful in the shuffle but were not reached at Question Time. These must receive a written answer on</p>

	<p>the day of the oral session.</p> <p>2) 'Ordinary' – Questions that do not have to be answered on a specific date. Such questions are put down for answer on the day after the day on which they are published (i.e. two days after tabling excluding Saturday and Sunday). The notice period has more to do with the need for quality control on the printed material than notice for Departments as the convention is that the Member can expect such a question to be answered within seven days of the question being tabled. There is however, no parliamentary rule which states that ordinary written questions have to be answered by a certain date and little that Members can do about delayed answers except put down more questions.</p> <p>3) 'Named Day' – Questions that must receive an answer on the date specified by the Member tabling the question. Such questions must be published at least two days before the date named for answer (i.e. three days after tabling, excluding Saturday and Sunday). Answers to such questions may include holding replies which promise a substantive answer as soon as possible</p>
<p><b>Urgent questions</b></p>	<p>Urgent questions must be urgent and of public importance. A variety of sudden developments or emergencies fulfil these criteria, although these can quite often be covered in the form of a Ministerial Statement.</p> <p>A Member must apply to the Speaker before noon on Monday or Tuesday, 10.30am on Wednesday, 9.30am on Thursday or 10am on a sitting Friday on the day in question, to put forward such a question. The relevant government department would be informed at once. It is up to the Speaker to decide whether or not to allow an Urgent Question, and if it is allowed such questions will be taken immediately after Question Time, or at 11am on a Friday.</p> <p>Prior to the 2002-03 session of Parliament, this procedure was known as a Private Notice Question.</p>

**Table 4: Overview of question time in the Dail Éireann**

<p><b>Oral questions</b></p>	<p>TDs may put down a maximum of two questions for oral answer each day, for which they must give four days' notice</p> <p>Sequence on which questions are answered is decided by lottery</p> <p>Ministers answer questions in a rota, the sequence of which is determined by the order in which they are listed in a resolution approving their nomination.</p> <p>The Minister has two minutes for his/her reply, which may be followed up with a maximum of four minutes of supplementary questions and replies, which may each be of one minute maximum duration.</p>
<p><b>Written questions</b></p>	<p>No limit to the number of questions that a member may put down, though three days' notice must be given.</p> <p>Written questions are replied to by all Ministers to whom</p>

	they are addressed every sitting day
<b>Private notice questions</b>	<p>Questions on matters of urgent public importance can be asked as private notice questions without prior notice (up until 2.30pm on the day on which they are to be answered)</p> <p>They may be asked only at the discretion of the Ceann Comhairle, who does not often grant such permission.</p>
<b>Priority questions</b>	<p>Opposition parties who can form a 'group' (defined as seven or members) are entitled to ask priority questions. Up to five priority questions are taken each day at the start of Minister's question time. Entitlement is decided on the basis of the relative strengths of the parties.</p> <p>They must be table at three days in advance by the spokespersons for the parties.</p> <p>It ensures that specific issues are raised as these questions are not subject to the lottery procedure.</p>

### 3 Issues relating to answers given to Parliamentary/Assembly questions in the UK and Ireland

#### Obligations under Ministerial Codes

Chapter 1(c) of the Scottish Ministerial Code states: "It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Parliament will be expected to offer their resignation to the First Minister"<sup>5</sup>. The Ministerial Code of the Welsh Government contains similar wording. The Ministerial Code of the Northern Ireland Executive does not go as far, but states that Ministers at all times must: "ensure that all reasonable requests for information from the Assembly, users of services and individual citizens are complied with"<sup>6</sup>.

The Ministerial Code of the UK Government makes clear what is expected of Ministers when providing information to Parliament:

It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister. Ministers should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest<sup>7</sup>.

#### Northern Ireland Assembly

<sup>5</sup> Scottish Ministerial Code: <http://www.scotland.gov.uk/Publications/2009/06/18095600/0>

<sup>6</sup> Northern Ireland Executive Ministerial Code: [http://www.northernireland.gov.uk/pc1952\\_ni\\_exec\\_min\\_code.pdf](http://www.northernireland.gov.uk/pc1952_ni_exec_min_code.pdf)

<sup>7</sup> Ministerial Code UK Government: <http://www.cabinetoffice.gov.uk/sites/default/files/resources/ministerial-code-may-2010.pdf>

Standing Order 19.5A of the Assembly states that: “A question must be answered as clearly and as fully as possible<sup>8</sup>”. Beyond this, the Speaker has made it clear that he has no authority to compel a Minister to answer a question. On 26 January 2009, the Speaker gave a comprehensive ruling on the matter:

I now turn to related matters, concerning the role of the Chair during Question Time and questions on ministerial statements. The Chair has always resisted making judgements on the extent to which Ministers have answered Members’ questions. Whether the Minister has given a satisfactory answer is for the Member asking the question, and other Members, to judge. If a Member is not satisfied with an answer, he or she may pursue it by way of a supplementary question, through a question for written answer, by going through the Committee, or by tabling a motion for debate<sup>9</sup>.

In December 2009, during questions to the Minister for Education, the Speaker reiterated his position:

**Mr Speaker:** I have always said in the House that it is up to all Ministers to decide how they might answer a question. I certainly do not intend to sit in judgement on how a Minister might answer a question...As Members know, I encourage Ministers, as far as possible, to answer questions as fully as possible, but I will not sit in judgment on how a Minister might answer a question — that is the key — because that would be a very difficult role<sup>10</sup>.

## Scottish Parliament

In 2009 the Presiding Officer of the Scottish Parliament, Alex Fergusson, ordered an inquiry into the accuracy of answers given by Ministers in response to Parliamentary questions:

### Extract from *The Scotsman*, 16 January 2009

#### Presiding officer orders inquiry into 'veracity' of SNP ministers

An unprecedented inquiry was ordered yesterday amid claims ministers have been misleading the Scottish Parliament. It was ordered by Alex Fergusson, the Presiding Officer, who has written to Holyrood's standards committee in a growing row over the accusations. The move comes after Alex Salmond, the First Minister, again refused to apologise following claims he misled MSPs at question time last week.

It reflects Mr Fergusson's growing frustration at the number of points of order about the truth of ministerial statements and answers, and his lack of ability to hold ministers to account.

"While I have repeated on numerous occasions that the Presiding Officer cannot possibly be responsible for the veracity of what is said in this chamber, I do note that the frequency of such points of order is on the increase, which does indicate to me a sense of frustration amongst members," he said.

<sup>8</sup> Standing Orders of the Northern Ireland Assembly, June 2011: <http://www.niassembly.gov.uk/sopdf/so.htm>

<sup>9</sup> Official Record, 26 January 2009

<sup>10</sup> <http://www.niassembly.gov.uk/record/reports2009/091201.htm#a2>

"The parliament is ultimately ill-served by this type of exchange and I want us to be able to demonstrate the highest standards of probity, scrutiny and accountability. I would therefore be grateful if your committee could look into this issue."

He has no power to police ministerial statements as they fall under the auspices of the ministerial code. The final arbiter on whether this has been broken is the First Minister.

The Presiding Officer's move is an acknowledgement of anger among opposition MSPs about the content of ministerial statements, and of the rising number of complaints that ministers are misleading parliament. Labour has been working on a "Pinocchio file" and the Liberal Democrats have been keeping a record of "mistruths". But there have also been allegations from the SNP that its opponents have been lying, and yesterday's exchanges underlined the friction.

Labour and the SNP accused their opposing leaders of failing to tell the truth over the number of apprentices in Scotland and south of the Border. Mr Fergusson's impatience was clear yesterday when he told Mr Salmond to stick to the point, after the First Minister had answered a query on tourism from the Labour leader, Iain Gray, with an unrelated attack on a UK minister's claims over the use of European funding.

Professor John Curtice, of Strathclyde University, said he could think of no precedents for such an inquiry. He said: "In Westminster, ministers misleading the House is seen as a heinous crime and usually a sacking offence. One wonders what the standards committee can do here, but perhaps this will be the time it rises to the occasion and above party politics."

The Presiding Officer subsequently wrote to the Standards, Procedures and Public Appointments Committee asking it to examine the issue. In correspondence with the Committee, the Presiding Officer noted:

I do not believe that any Presiding Officer can make a determination as to the accuracy of comments made. In order to do so, the Presiding Officer would require detailed knowledge of the subject matter at hand including access to all information which Members had used as a basis for their comments. This is simply not possible. Secondly, any attempt to draw the Presiding Officer into such a role would undermine the impartiality of the Office. To have the Presiding Officer conducting an investigation, interviewing Members and requiring the production of documents, would draw him or her into essentially political territory where judgements will often come down to an interpretation of the facts and perhaps even semantics. Finally, Presiding Officers might in practice ultimately be asked to accept the word of one Member over another which would be an invidious position for any Presiding Officer to be placed in<sup>11</sup>.

One of the conclusions reached by the Committee was that "it could be helpful to provide guidance on practical and possible courses of action if a Member thinks that other Members have given the Parliament inaccurate information. The Committee would be willing to undertake further work to produce this guidance in due course"<sup>12</sup>.

<sup>11</sup> Standards, Procedures and Public Appointments Committee (Scottish Parliament) Report, *Accuracy of Contributions in Parliamentary Proceedings*, 2009

<sup>12</sup> As above



## Concern over drop in number of Parliamentary questions<sup>13</sup>

The amount of scrutiny applied to the Scottish Government has been questioned after the level of MSP requests for information dropped by over a quarter.

In the first month of the new parliament 1,464 parliamentary questions were lodged, 26% fewer than the 1,988 lodged at the beginning of the last parliament.

This is the first time the number of questions to the government at the start of a new term has dropped since the Scottish Parliament was formed.

SNP MSPs asked 144 questions, the equivalent of three questions per MSP. This compares with 26 questions per MSP at the start of their last term in opposition in 2003, and 11 questions per MSP at the start of the SNP minority administration in 2007.

During the same period Liberal Democrat MSPs asked 158 questions, or 32 per MSP. Labour, which is carrying out an internal post-election review and is awaiting the election of its next leader, lodged an average of 24 questions per MSP.

The Conservatives, also awaiting the election of a new leader, lodged an average of 15 questions per MSP.

Scottish Lib Dem leader Willie Rennie said: "These figures show that people were right to be concerned that an SNP majority would lead to poorer parliamentary scrutiny of the Scottish Government.

"Holding ministers to account and asking questions about their policies and plans is one of the key responsibilities of MSPs."

SNP MSP Jamie Hepburn said: "This kind of petty political behaviour is one of the reasons increasing numbers of people are leaving the Lib Dems and turning their support to SNP MSPs who are able to work constructively with the Government, hold it to account and get the job done for their constituents.

"Everyone remembers the ridiculous number of PQs (parliamentary questions) lodged by MSPs like the Lib Dems' own Mike Rumbles who cost taxpayers £46,000, and Labour's Lord Foulkes whose bill came to £189,000 by the time he left for the Lords.

"The SNP Government will answer any question asked but when PQs cost around £100 each to answer it should be the quality of questions MSP ask not the quantity that matters. And with much information in the public domain, the Lib Dems just look lazy."

## House of Commons

The House of Commons has made various reforms to the process of asking Parliamentary questions over many years<sup>14</sup>. In 1997, the House passed a resolution<sup>15</sup> which called on Ministers to provide accurate and truthful information to Parliament:

1) Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of

<sup>13</sup> <http://news.stv.tv/politics/263608-scottish-government-scrutiny-fears-as-parliamentary-questions-drop/>

<sup>14</sup> *Parliamentary questions: recent issues*, House of Commons Library July 2011  
<http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-04148.pdf>

<sup>15</sup> HC Deb 19 March 1997 col1047

their Departments and Next Steps Agencies;

(2) It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister;

(3) Ministers should be as open as possible with Parliament, refusing to provide information only when disclosure would not be in the public interest, which should be decided in accordance with relevant statute and the Government's Code of Practice on Access to Government Information (Second Edition, January 1997);

(4) Similarly, Ministers should require civil servants who give evidence before Parliamentary Committees on their behalf and under their directions to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the Civil Service Code.

There are ongoing concerns over the relevance of answers to Parliamentary questions. In evidence to the Procedures Committee in 2007 a number of MPs voiced frustration at the unwillingness of Government departments to answer questions properly. However, there was also recognition that the increase in the number of written questions had created difficulties for departments in responding to them.

In March 2011 the Procedures Committee published another report addressing the issue of written questions. The Committee concluded that:

It is time to ensure that there are fewer, better questions tabled in the House and that these are processed and answered in the most efficient way. In an internet age there are many other sources of information and much greater access to government data than in the past. The role that parliamentary questions now fill may therefore be narrower than before and a restriction on the number of questions that a Member might ask would be less likely to have a detrimental effect in terms of the quantity or type of information made available by Government. We believe that every question should have the maximum impact and the system should be designed to elicit the information sought by the Member with the greatest efficiency<sup>16</sup>.

The Cabinet Office has produced guidance for officials drafting answers to Parliamentary questions, which emphasises transparency and openness except where there are justifiable reasons for withholding information<sup>17</sup>.

## Dail Éireann

Shortly after their victory in the elections, the new Fine Gael and Labour coalition government published its document *Government for National Recovery 2011-16* which, among other things, addressed the issue of political reform, including Parliamentary questions:

We believe that in recent years an over-powerful Executive has turned the Dáil into an observer of the political process rather than a central player and that this must be changed.

We will introduce a role for the Ceann Comhairle in deciding whether a Minister has failed to provide reasonable information in response to a question.

<sup>16</sup> Second report of the Procedure Committee *Improving the effectiveness of parliamentary scrutiny*, March 2011:

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmproc/800/80002.htm>

<sup>17</sup> Cabinet Office, *Guidance on drafting answers to Parliamentary questions*, February 2011

We propose a radical extension of the parliamentary question system, so that it shall be a statutory duty on any body established by or under statute, or with a majority ownership or funding by the State, to submit to the same parliamentary questions regime as applies to Government departments. This will involve a liability to provide answers to written questions within a specified number of Dáil sitting days. (We will however recognise the special position of bodies with a commercial mandate operating at arm's length from Government.)

In addition we propose a new procedure for answering oral questions by state bodies. The chief executive of every state funded body will be required to attend the relevant Oireachtas committee on a regular basis to answer oral parliamentary questions that can be submitted by any member, on a similar basis to the attendance of Ministers before the full Dáil.

We will amend Dáil standing orders to ensure that replies to written questions are furnished within a specified number of days, even during Dáil recess.

To make the oral question process more effective, we propose to increase the time allocated to oral question. To provide balance there will be a reduction in the number of oral questions being submitted to one per member. A member must be present in the chamber when his or her question is reached, although they may defer to another member the right to ask a supplementary question<sup>18</sup>.

During a debate on reform of the Dail on 31 May 2011, the issue of potential changes to parliamentary questions arose, with the current system and the Government's proposals coming in for criticism:

It (the Government) will not fool anybody with these proposals because the clear intent is to disenfranchise the Opposition, shield the Government from the limited scrutiny under which we have the ability to put it and stop its actions from being transparent. Every day, questions are not answered. There is either a prepared script or waffle for a minute or two so the Ceann Comhairle can cut across and state there is no time and that we must move on to the next question. This is not good enough. We need a Ceann Comhairle who insists that when a question is asked an answer is given. That would represent debate, dialogue and democratic discussion and involvement of ideas. It is not the staid nonsense we have at present<sup>19</sup>.

Another Member highlighted the lack of influence the Ceann Comhairle (the Speaker) can exert over question time:

Our system is far too weak because the Ceann Comhairle cannot direct a Minister to answer a posed question or intervene because the time is set out in intervals between the Government and Opposition. The most fundamental reform, as far as I and the Government are concerned, relates to parliamentary questions and how to utilise that time<sup>20</sup>.

Furthermore, as is the case in the House of Commons and Australian House of Representatives, Ministers may transfer a question to another Minister to whom the question is more relevant:

<sup>18</sup> Government for National Recovery 2011-16:

<sup>19</sup> Oireachtas 31 May 2011

<sup>20</sup> As above

The chair has no responsibility for, or control over, the transfer of questions, and cannot compel a particular minister to answer a question. Nor does the chair have any control over the information given by the minister in reply, except where a minister is considered to be out of order, that is in the very unlikely event that he or she has breached the rules of parliamentary debate in the course of the reply<sup>21</sup>

## 4 International perspectives

### Australian Parliament

The Australian House of Representatives also uses *Erskine May* as a basis for its parliamentary practice. In this regard, similar guidelines apply to Ministers in answering questions:

A Minister may refuse to answer a question. He or she may also transfer a question to another Minister and it is not in order to question the reason for doing so. If a question has been addressed to the incorrect Minister, the responsible Minister may answer, but if necessary the Member can be given an opportunity to redirect it. In many instances the responsibilities referred to in a question may be shared by two or more Ministers and it is only the Ministers concerned who are in a position to determine authoritatively which of them is more responsible. In some matters, the Speaker's hands are tied by the rules of the House. An example of this is the lack of rules about the nature of Ministers' answers, which often leave questioners dissatisfied<sup>22</sup>.

Members encounter similar frustrations as their UK and Irish counterparts when they perceive a Minister has failed to answer their question. A former Australian Senator highlighted one instance where he asked a question about significant job losses in Australia's manufacturing sector. The Senator was surprised when he received an answer which detailed plans for a new IT centre at a University:

Now, it had nothing whatsoever to do with the question that was asked; but because of precedents, there is nothing in our Standing Orders that actually requires a minister to be directly relevant to the question."<sup>23</sup>

### New Zealand

Standing Order 377(1) of the House requires that an answer that seeks to address the question must be given if it can be given consistently with the public interest. The Speaker does not judge the quality or accuracy of responses and cannot require a Minister to reply in a certain way. On taking office in December 2008, the Speaker of the New Zealand House of Representatives recognised the increasing dissatisfaction with replies given to questions. Since then, the Speaker, when questions are direct and

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<sup>21</sup> MacCarthaigh & Manning, *The Houses of the Oireachtas: Parliament in Ireland*, Institute of Public Administration 2010

<sup>22</sup> House of Representatives Practice (5<sup>th</sup> edition): <http://www.aph.gov.au/house/pubs/practice/index.htm>

<sup>23</sup> [http://www.australiancollaboration.com.au/democracy/commentaries/Reform\\_QuestionTime.pdf#zoom=100](http://www.australiancollaboration.com.au/democracy/commentaries/Reform_QuestionTime.pdf#zoom=100)

replies do not even begin to deal with them, the Speaker has responded in any or all of the following ways, according to the situation:

- Invited the Minister to respond again in a manner that reasonably deals with the question
- Asked the Member to repeat the question
- Allocated further supplementary questions to allow a member to clarify or elucidate the answer given<sup>24</sup>

## 5 Conclusion

There are issues common across the legislatures relating to the inadequacy, perceived or real, of Ministers' responses to questions, with few mechanisms to compel Ministers to address the specific issue raised in a question. They may be bound by a Ministerial Code to provide accurate information to the legislature, but there is little that the Speaker or Presiding Officer can do to enforce this. A practical problem in enhancing the role of the Speaker/Presiding Officer in this regard is that it would be unreasonable to expect him or her to have a depth of knowledge across all Ministerial portfolios to judge whether or not an answer has sufficiently addressed a Member's question.

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<sup>24</sup> 'The Table – the Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments', vol 78, 2010, p103