



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 000/00

10 February 2012

NIAR 938-11

Ray McCaffrey

Topical questions

1 Introduction

This briefing paper has been prepared to inform the Committee on Procedures work on the issue of topical questions. In the UK, topical questions are a particular facility within Question Time in the House of Commons. However, as this paper shows, the concept of topical questions is interpreted differently across legislatures.

Key points

- There is no set definition of topical questions. For example, the House of Commons sets aside time for Members to ask topical questions, but other legislatures may define topical questions simply as an opportunity for their Members to ask relevant or topical issues during general Question Time
- Topical questions were introduced in the House of Commons in 2007 as a means of making Question Time more relevant. Ministers are not given prior notice of topical questions
- The Scottish Parliament may soon introduce a topical questions facility as part of significant reform of parliamentary procedure
- In Dail Eireann, Leaders of the Opposition may ask topical Questions of the Taoiseach - this is not available to ordinary Members

2 The current process for submitting oral questions in the Northern Ireland Assembly

At present, MLAs wishing to ask an oral question must submit their names to the Business Office two weeks in advance of the Question Time at which they wish to ask their question. Using guidance from the Business Office, the process may be summarised as follows:

Question Time	Action
Monday 29 November or Tuesday 30 November 2010	<ol style="list-style-type: none"> <li data-bbox="847 539 1399 600">1. Names for the Members ballot must be submitted by 1.00pm on Tuesday 16 November <li data-bbox="847 645 1399 705">2. Successful Members must then submit their questions by 1.00pm on Thursday 18 November <li data-bbox="847 750 1399 875">3. During Question Time, a Member whose question has been listed will rise when called by the Speaker and call the number of the question (rather than reading the question out) <li data-bbox="847 920 1399 1046">4. The Minister will answer the question and then the Member will be called for a supplementary question. Normally two other Members will be called for a supplementary question. <li data-bbox="847 1090 1399 1236">5. Members should not read supplementary questions and they should be short and directly relevant to the main question or the Minister's response. Ministers have up to two minutes to respond. They may occasionally get three minutes if requested.

As the above table shows, Members must give considerable notice of questions which potentially reduces the opportunity to raise issues that come to light between the submission of questions and the actual Question Time.

There is an Urgent Oral Question facility available to Members but this cannot be a substitute for topical questions. Although 17 Urgent Oral Questions were tabled between 28 June 2011 and 23 January 2012, only four were called¹.

2 Legislatures in the UK and Ireland

House of Commons

The most familiar idea of 'topical questions' is probably that operated in the House of Commons. They were introduced in an attempt to increase the relevance of Question Time by allowing more time for spontaneous questions to Ministers. During the 'topical questions' slot, MPs can ask supplementary questions on any subject relating to the department's responsibilities and "Ministers will have to anticipate questions that may

¹ <http://www.niassembly.gov.uk/Assembly-Business/Questions/Questions-for-urgent-oral-answer/> accessed 30 January 2012

be asked and have responses prepared²". As time is limited in the Chamber, "only a certain number of questions are printed: for a question time lasting for 60 minutes, the substantive questions tabled by the first 25 MPs drawn in the ballot are printed, along with the topical questions tabled by the first 10"³.

What are topical questions?

The latest edition of Erskine May describes the process of asking oral questions, including topical questions:

Questions for oral answer

A Member must indicate on the notice of any question whether it is for oral or written answer. Each Member may table, to each Minister answering on any one day, notice of one question from himself and one (if it is not signed by the Member asking the question) from another Member, subject to overall limits of two questions in the name of each Member, and one to any one Minister.

In addition, to each Minister answering for a period of 30 minutes or more, other than those for Scotland, Wales and Northern Ireland, a Member may table a topical question...Questions take a standard form, asking the Minister to make a statement on his departmental responsibilities. The time allotted to topical questions is 15 minutes for Ministers answering for a full hour in total, and generally less for Ministers answering for less than an hour overall⁴.

The introduction of topical questions in the House of Commons

The 2007 Report from the House of Commons Modernisation Committee *Revitalising the Chamber: the role of the back bench Member* explored the issue making debates and questions in the Commons more topical.

The reduction in notice period for Oral Questions, introduced in 2002, has improved the topicality of oral questions. Members no longer have to decide what issues they want to raise ten sitting days in advance of a given oral question time. But there are still occasions when issues of topical interest are not on the list of oral questions, where a relevant Question was either not tabled or was unsuccessful in the ballot.

The report recommended that:

Oral Question Time should be divided into two periods: an initial period for oral questions under the current arrangements followed by a period of 'open' questions. Both periods would be balloted for, with the ballot operating in the same way as currently. Members could enter and be successful in both ballots. The entries to the open period would be in a standard form (for example 'If the Secretary of State will

² 'Parliamentary Questions: a brief guide', House of Commons Information Office, August 2011

³ As above

⁴ Erskine May, 'Parliamentary Practice', 24th edition, Lexis Nexis 2011

make a statement on his/her departmental responsibilities?'). The Secretary of State would give a brief answer giving observations on the principal issue(s) of the day in response to the first Question. The Member asking the question would then have the opportunity to put a supplementary in the normal way. The Speaker would then call Members both from the balloted list and at his discretion (similarly to Prime Minister's Questions at present). We anticipate most or all of the open Questions would be answered by the Secretary of State.

The Government endorsed the Committee's recommendation which was given effect in a resolution (no changes to Standing Orders were necessary)⁵.

Scottish Parliament

In December 2011 the Standards, Procedures and Public Appointments Committee published a report that recommended significant changes to the organisation of business in the Scottish Parliament. A key aspect of the report focused on the reform of Question Time, with the report recommending increased scope for topical questions:

At present the only scope for a backbencher to raise an issue as a matter of urgency is through selection of a question at First Minister's Questions or by lodging an emergency question. This must be lodged by 10am on a day on which there is a Chamber session. If the question is selected by the Presiding Officer, the member must repeat the full text as printed in the Business Bulletin and is then allowed one supplementary question. Other members may then, at the discretion of the Presiding Officer, ask a further supplementary question. Seven emergency questions have been asked since the establishment of the Parliament... Therefore, the Committee considers that there is a gap in scrutiny between the set question lodged in the Business Bulletin eight days before it is discussed (supplementary questions must relate to this question) and the emergency question. There is a clear need for a mechanism which allows questions on topical current issues that civic Scotland would reasonably expect to be raised in its Parliament but that are not necessarily of an emergency nature⁶.

Although the Committee did not specify a definite format for topical questions, it envisaged that any new model would include:

- MSPs to lodge questions up to and including the day before topical question time
- the Presiding Officer to select questions
- selected questions to be published in the Business Bulletin
- the MSP asking a question to ask more than one supplementary

⁵ 'Modernisation: Revitalising the Chamber House of Commons' Standard Note: SN/PC/04542, December 2007

⁶ Standards, Procedures and Public Appointments Committee, 2nd Report, 2011 (Session 4)

- sufficient time for other MSPs to ask additional supplementary questions
- such questions to be raised at the start of ministerial question time (apart from First Minister's Questions)⁷

Therefore the Committee recommend that:

A new format for topical questions (should) be introduced and that this should take the place of General Question Time. The Committee invites the Bureau and the Presiding Officer to consider the details of this proposal with some urgency to inform Standing Orders rule changes required to introduce a process for topical questions⁸.

National Assembly for Wales

There is no provision for topical questions in the National Assembly for Wales: "The only mechanisms to discuss topical issues are 'Urgent Questions' or 'Urgent Debates'"⁹.

Dail Eireann

Standing Order 27(a) allows for a topical question facility in respect of Leaders of the Opposition:

27(a) At the commencement of Public Business on Tuesdays and Wednesdays, the Ceann Comhairle may permit, at his or her discretion, a brief question not exceeding two minutes from each Leader in Opposition to the Taoiseach about a matter of topical public importance and in respect of which the following arrangements shall apply: Leaders' Questions.

- (i) the Taoiseach shall be called upon to reply for a period not exceeding three minutes,
- (ii) the Leader in Opposition who asked the original question may then ask a brief supplementary question not exceeding one minute,
- (iii) the Taoiseach shall then be called upon to reply in conclusion for a period not exceeding one minute.

(b) The total time allowed for Leaders' Questions on any given day under this Standing Order shall not exceed twenty-one minutes and the Taoiseach may nominate another member of the Government to take Leaders' Questions in his or her absence¹⁰.

⁷ As above

⁸ Standards, Procedures and Public Appointments Committee, 2nd Report, 2011 (Session 4)

⁹ Journal of the Society of Clerks of the Table, 2009

¹⁰ Standing Orders of Dail Eireann, 2011

3 International practice

Recent research has found that “(European) Parliaments typically do not allow genuinely spontaneous oral questions: at least the topic of the question must be registered by the staff of parliament and the relevant minister or his or her staff in advance. Even oral questions, despite their name, are handed in writing for preparation by both parliament and executive¹¹”.

However, as the following table shows, there appears to be greater scope for more spontaneous questioning in legislatures outside Europe. It provides a summary of responses to a questionnaire on the issue of topical questions and topical debates. The survey was undertaken by the Society of Clerks-at-the-Table in 2009. It asked: “Does your chamber allow for a) questions to ministers on topical issues and b) debates on topical issues? If so, how are they selected, how much notice is given, and how does the notice compare to that for questions or debates on other (non-topical) matters? What proportion of your chamber’s time is spent on topical questions, and what proportion on topical debate?”¹²

Legislature	Summary of response
Australian House of Representatives	Question Time scheduled for 2pm every sitting day; no notice is required to ask a question; call to ask questions alternates between non-Government and Government Members; entirely within the discretion of the Prime Minister or senior Minister present as to whether Question Time will take place and for how long; Question Time brought to a conclusion by PM or senior Minister and asking that further questions be placed on notice – this usually occurs after about 20 questions have been asked
New South Wales Legislative Assembly	Does not distinguish between topical question time and general question time
Australian Capital Territory Legislative Assembly	At 2pm each sitting day, debate is interrupted for questions without notice; all non-Executive members who wish to ask a question may do so; time taken varies from 1 to 1 and a half hours per sitting day
New South Wales Legislative Council	Does not set aside time for ‘topical questions’ in the sense that the House of Commons does
Northern Territory Legislative Assembly	No distinction made
Queensland Legislative Assembly	Questions to Ministers may be asked orally without notice; one hour is allocated each day for questions without notice; taken alternately from government and opposition members
South Australian House of Assembly	Allows for questions on topical issues...questions of this nature form the basis of the generous allocation of one hour

¹¹ Sanchez De Dios and Wiberg ‘Questioning in European Parliaments’ in Journal of Legislative Studies, vol 17, number 3, September 2011

¹² As above

	per sitting day for Question Time; questions without notice are a very public way for members to ask questions of ministers on topical issues; these questions are asked in the House during the time set aside for answering oral questions
Canada – House of Commons	Standing Orders make provision for a daily 45 minute period during which questions on matter of urgency may be addressed orally to Ministers of the Crown; no notice is required for oral questions and ministers are not advised in advance of their content
Alberta Legislative Assembly	Members may ask questions of ministers during the 50 minutes set aside each sessional day for oral question period; there is no requirement for notice of any question; the member recognised is entitled to a main question, preceded by a short preamble, followed by two supplementary questions, without preamble
British Columbia Legislative Assembly	No formal provision for topical questions; no advance notice of question topics to be posed during oral question period
Ontario Legislative Assembly	The Assembly's one-hour oral question period is not thematic or topical in nature, i.e. the Standing Orders do not reserve certain Question Periods for questions about a particular topic or a particular ministry; for any given question period, opposition members and government backbenchers determine what topics and which ministers will be questioned.
Prince Edward Island Legislative Assembly	The Assembly allows for questions to ministers on topical issues; oral questions may be put without notice to Ministers and must refer only to a matter which may reasonably be assumed to be within the present knowledge of the minister; at the discretion of the Speaker, two supplementary questions may be asked on the same subject
Québec National Assembly	At each sitting of the Assembly a period is set aside for members to ask oral questions. Oral questions and answers lasts 45 minutes; questions do not require notice and must relate to matters of urgent or topical public importance for which a Minister or the Government is officially responsible; all other questions are placed on the Order Paper and Notices.
India – Rajya Sabha	There is scope for questions to ministers on topical issues, but the Rules of Procedure and Conduct of Business in the Council of States do not make a distinction between questions or debates on topical and non-topical issues as such. In practice, there is a preponderance of questions on topical issues.
States of Jersey	Members are able to ask topical questions to ministers in three different ways: a) they can submit up to two oral questions with notice with only two clear working days' notice for each sitting; this relatively short deadline allows members to ask about topical issues. These questions are limited up to 70 words each. Up to 90 minutes are set aside at each meeting for the asking and answering of such questions (together with related supplementary questions) b) at each scheduled meeting 30 minutes are set aside for two 15 minute periods of questions to ministers without

	notice. Two of the 10 ministers answer on a rotational basis...during these two periods members can ask anything they wish without notice to the minister and this allows topical issues to be raised (relating to the portfolio of the two ministers scheduled to answer)
New Zealand House of Representatives	Has no standing provision for questions on topical issues. Debates or questions on urgent matters of public importance may be permitted by the Speaker in limited circumstances.
South African Parliament	The Parliament does not distinguish between topical and non-topical questions. All questions are submitted to the Questions Office and are published in the manner in which they are received. Parties are given an opportunity select and prioritise important/topical questions that will be dealt with at the beginning of the question session.

The above table shows that there is no uniform approach to topical questions across legislatures. Indeed, what is meant and understood by topical questions clearly differs among the institutions. However, the overall trend seems to be that there is more opportunity for spontaneous or topical questioning than currently exists in the Northern Ireland Assembly.