

Committee on Procedures

Inquiry into Topical Questions

Together with the Minutes of Proceedings and written submissions relating to the Report

**Ordered by the Committee on Procedures to be printed 19 March 2013
Report: NIA 105/11-15 (Committee on Procedures)**

**REPORT EMBARGOED
UNTIL COMMENCEMENT OF THE
DEBATE IN PLENARY**

Powers and Membership

Powers

The Committee on Procedures is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order 54.

The Committee has the power to:

- Consider and review, on an ongoing basis, the Standing Orders and procedures of the Assembly;
- Initiate inquiries and publish reports;
- Republish Standing Orders annually; and
- Call for persons and papers.

Membership

The Committee has eleven members including a Chairperson and Deputy Chairperson with a quorum of five. The membership of the Committee is as follows:

Mr Gerry Kelly (Chairperson)¹

Mr Trevor Clarke (Deputy Chairperson)

Mr Jim Allister

Mr Samuel Gardiner

Mr Chris Lyttle

Mr Barry McElduff^{2, 3}

Mr Oliver McMullan

Mr Alban Maginness

Lord Morrow

Mr George Robinson

Mr Mervyn Storey

1 With effect from 6 February 2012 Mr Gerry Kelly replaced Ms Sue Ramsey as Chairperson

2 With effect from 10 September 2012 Mr Phil Flanagan replaced Ms Sue Ramsey

3 With effect from 21 January 2013 Mr Barry McElduff replaced Mr Phil Flanagan

Table of Contents

List of Abbreviations	iv
Report	
Executive Summary	1
Summary of Recommendations	2
Topical Question Process Flow Chart	4
Introduction	5
Consideration of Key Issues	6
Appendix 1	
Minutes of Proceedings relating to the report	13
Appendix 2	
Written Submissions	27
Appendix 3	
Research Paper	51
Appendix 4	
Correspondence	61

List of Abbreviations

NIA	Northern Ireland Assembly
SDLP	Social Democratic and Labour Party
SO	Standing Order
SOs	Standing Orders
The Committee	The Committee on Procedures
TOR	Terms of Reference
TQ	Topical Question
TQs	Topical Questions
TQT	Topical Question Time

Executive Summary

This report marks the completion of the Committee's inquiry into Topical Questions (TQs), which it agreed to undertake in February 2012. The inquiry aimed to ascertain whether there was merit in introducing Standing Orders (SOs) to facilitate Topical Questions in the Northern Ireland Assembly (NIA) and, if so, how these could best be managed in practice.

To inform its consideration of these issues, the Committee considered written submissions from the Speaker, the Scottish Parliament, the Dáil, the House of Commons, the Northern Ireland Executive Committee and political parties from within the Northern Ireland Assembly who responded to the Committee's request for written submissions. Comparative research was also commissioned into best practice in other jurisdictions.

Members considered the views of stakeholders and agreed that the introduction of Topical Question Time (TQT) to the NIA would provide an additional opportunity for Members to scrutinise Ministers and hold them to account on more immediate issues. The Committee therefore recommends the introduction of such a facility.

The arrangements for managing this process within the NIA were then considered, with the Committee using comparative research to further inform its deliberations. The Committee considered it essential that Standing Orders facilitated a robust process during TQT, that was in line with best practice while ensuring the specific requirements of the NIA were met.

The Committee asks that the Assembly agree this report and give its approval to proceed with drafting Standing Orders to implement the findings and recommendations set out within it.

Summary of Recommendations

Recommendation 1

Standing Orders (SOs) are drafted to introduce a procedure to enable enhanced scrutiny of the work of departments and to hold Ministers to account, enabling issues to be raised when they are topical.

In terms of this recommendation a number of Standing Order process recommendations were derived which are detailed below:

Standing Order Process Recommendation 1a)

That Ministers are informed, three working days in advance of their Topical Question Time (TQT), of ONLY the NAMES of the Members selected to ask questions. No notice of the content of the question itself need be provided in advance.

Standing Order Process Recommendation 1b)

That Topical Questions may relate to constituency or regional issues and must relate to a Minister's official responsibilities.

Standing Order Process Recommendation 1c)

That Topical Questions form part of the existing Question Time rota, with Ministers required to answer Topical Questions on the same day as they are scheduled to answer Oral Questions.

Standing Order Process Recommendation 1d)

That an additional fifteen minutes be allocated to the Question Time to each Minister to answer Topical Questions.

Standing Order Process Recommendation 1e)

That Topical Questions should be taken in the fifteen minutes preceding the Minister's regular Question Time slot.

Standing Order Process Recommendation 1f)

That questions to the relevant Ministers, including Topical Questions and Oral Questions, run for 45 minute slots, from 2.00 – 3.30pm on Mondays and Tuesdays when the Assembly is sitting.

Standing Order Process Recommendation 1g)

That answers to Topical Questions should not be debated and that each Member who asks a Topical Question should be entitled to a supplementary question, which should contain no more than one enquiry.

Standing Order Process Recommendation 1h)

That no other Members (including committee Chairpersons) should be offered the option to ask supplementary questions.

Standing Order Process Recommendation 1i)

That the time limits applied to Topical Question Time reflect those already established in Standing Order 20(8A) whereby the Minister has up to two minutes to respond, which may be extended at the discretion of the Speaker.

Standing Order Process Recommendation 1j)

That NO automatic opportunity to ask a Topical Question be afforded to committee Chairpersons.

Standing Order Process Recommendation 1k)

That should a Member not be present when their turn is called, the Speaker will move on and that no one will be allowed to ask a Topical Question on another Member's behalf.

Standing Order Process Recommendation 1l)

That all Members wishing to be considered for Topical Question Time on a particular day should submit their names to the Business Office, where they will be included in a ballot and then a shuffle in order to determine who, and in what order Topical Questions will be put to the relevant Minister.

Standing Order Process Recommendation 1m)

That Members should submit their names before 10.30am three working days in advance of the relevant TQT. (This would mean a deadline of 10.30am on Wednesday for TQT on Monday the following week, and before 10.30am on Thursday for TQT on Tuesday the following week).

Standing Order Process Recommendation 1n)

That the top ten successful NAMES and the order in which they will be called for Topical Questions will be provided to the Minister and the successful Members before 1.00pm on the same day as the ballot and shuffle are held (i.e. Wednesday or Thursday as appropriate).

Standing Order Process Recommendation 1o)

That no screening process would be required in advance of TQT, but rather that the broad admissibility criteria will be applied at the Speaker's discretion, in the Chamber.

Recommendation 2

This type of question is referred to as a Topical Question.

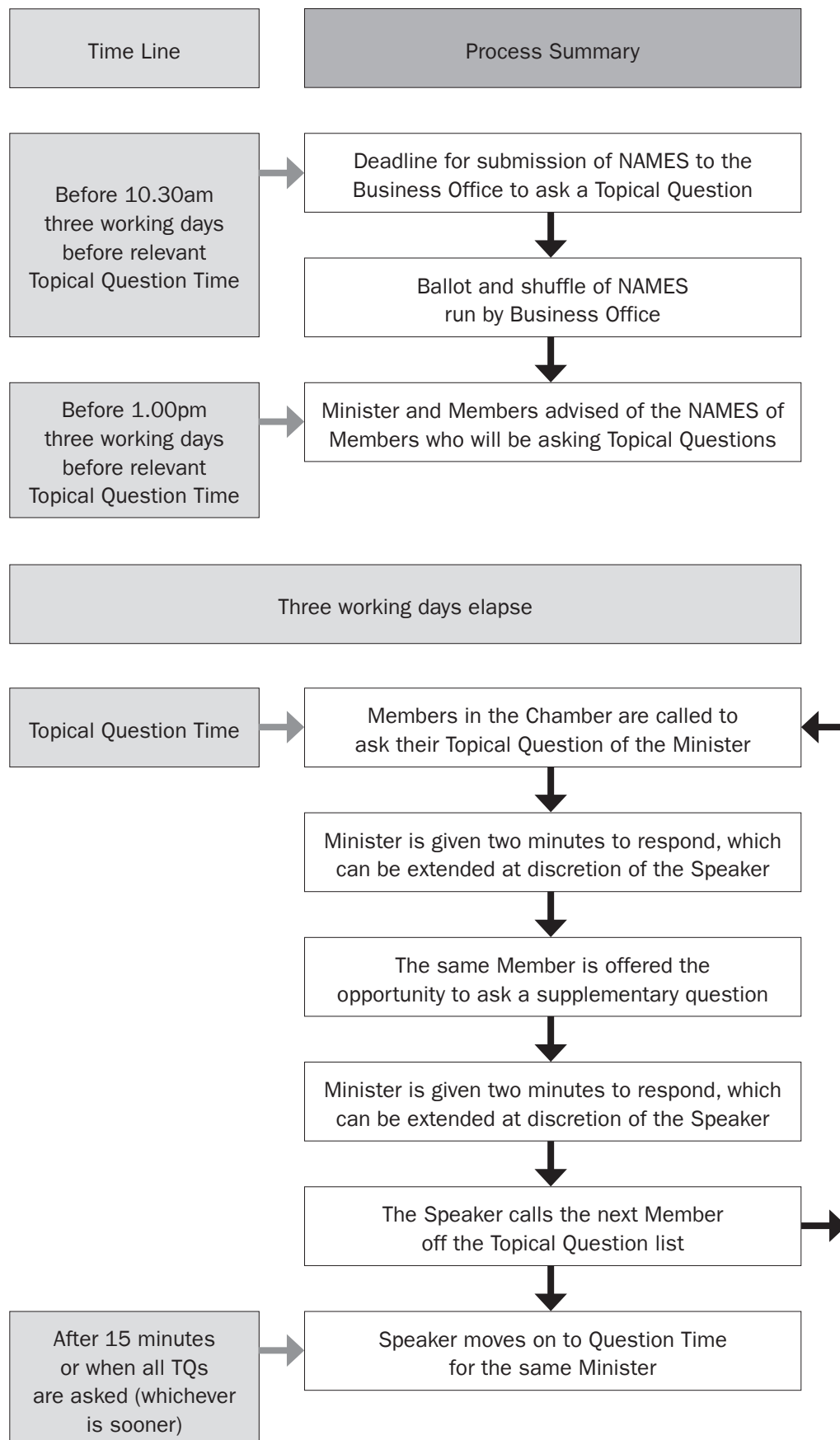
Recommendation 3

The Assembly Commission is excluded from the Topical Questions rota.

Recommendation 4

The proposed process run for a trial period of six months, following which a review of the process and practices should be undertaken by the Committee on Procedures.

Topical Question Process Flow Chart



Introduction

1. At its meeting on 13 December 2011, the Committee on Procedures noted a suggestion by one of its Members around the use of Topical Questions (TQs) in other legislatures and agreed to consider the matter more formally at its February meeting.
2. At the meeting of 28 February 2012, the Committee agreed to conduct an inquiry into TQs and on 27 March agreed an outline timeframe, an outline work programme and the following Terms of Reference (TOR):
 - i. Investigate whether a gap exists in opportunities for Members to question Ministers and the Assembly Commission;
 - ii. Consider whether Topical Questions should be spontaneous or whether notice should be given to ensure that the information is available to provide an answer;
 - iii. Look at definitions of Topical Questions;
 - iv. Identify the potential benefits of introducing Topical Questions;
 - v. Analyse and compare practice and the effectiveness of Topical Questions in other legislatures;
 - vi. Consider any rules surrounding the admissibility of Topical Questions;
 - vii. Consider how frequently Topical Questions should be asked, of whom and how the Members asking the questions should be selected;
 - viii. Consider whether time limits should be imposed on responses.
3. The Committee will then produce a report with findings, conclusions and recommendations for consideration by the Assembly.

Committee Approach

4. The Committee agreed to put a public notice on the website instead of newspapers and to invite written submissions from the junior Ministers, other legislatures, the Parties represented in the Assembly, the Speaker/Business Committee and Dublin City University. The Committee received submissions from the Speaker, the House of Commons, the Dáil, the Scottish Parliament, the Alliance Party, the SDLP and the Northern Ireland Executive Committee.
5. The Committee also considered comparative research on how the issue of TQs is dealt with in other UK legislatures and the Dáil.

Existing Opportunities

6. Opportunities to scrutinise the work of Ministers and their departments in plenary, and to hold them accountable, exist in the form of Oral and Written Assembly Questions, Questions for Urgent Oral Answer and questions following oral Ministerial statements.
7. Members can also table motions calling for action by Ministers or noting particular issues. When scheduled for debate by the Business Committee, it is usual practice for the relevant Minister to attend the debate and respond. Members can also table Adjournment Debate topics which, while not requiring a decision of the Assembly, will usually conclude with a Ministerial response.

Consideration of Key Issues

Section 1: Gaps in opportunities to question Ministers and the Assembly Commission (TOR i) and potential benefits of introducing Topical Questions (TOR iv)

8. The Committee considered existing opportunities outlined above together with the views expressed in written submissions¹ and concluded that while there are already a number of options for scrutinising Ministers and holding them to account, that the timing for tabling questions results in a perceived loss of topicality.
9. Existing opportunities for posing questions are largely scripted. Questions for Oral Answer are published on Friday mornings seven/eight working days before they are due to be taken in the Chamber. Urgent Oral Questions must be tabled before 10.30am and a minimum of four hours' notice must be given to the Minister or representative of the Assembly Commission of whom the question is being asked.
10. This effectively means that newly emerging issues which arise between the time Questions for Oral Answer are submitted and asked in the Chamber cannot be covered. While Urgent Oral Questions provide some opportunity for more current questioning, these are limited to single topics, and are selected at the discretion of the Speaker.
11. Having considered the purpose of Topical Question Time (TQT) and how they are managed in other legislatures, the Committee agreed that the introduction of TQs would be effective in filling the identified gaps. They would allow for more than one newly emerging topic to be raised in each TQT, and for these questions to be addressed to the Minister spontaneously while the topic was still current.
12. Potential benefits were identified as presenting an opportunity to question Ministers on newly emerging issues that have arisen, or have changed, since the last Question Time (QT) and allowing Members to pursue any matters of concern or good news items while they were still current.
13. It was also agreed that improving spontaneity and topicality had the potential to increase public engagement with the Northern Ireland Assembly (NIA).
14. The Committee noted the views of the Speaker, the Executive Committee, the Alliance Party, the SDLP, the House of Commons, the Scottish Parliament and the Dáil, as presented in their submissions. The Committee also noted the views which were brought to the Committee orally by Members on behalf of Parties. The Committee agreed that Topical Questions also had the potential to assist in encouraging a livelier and better attended Question Time and to ensure that sessions were meaningful and current.
15. The Committee therefore recommended that **Standing Orders (SOs) are drafted to introduce a procedure to enable enhanced scrutiny of the work of departments and to hold Ministers to account, enabling issues to be raised when they are topical.**
16. After reflecting on which title best expressed the purpose of this type of question, the Committee recommended that **this type of question be referred to as a Topical Question.**
17. Current Standing Orders² facilitate Members asking questions of the Assembly Commission both as written and as oral questions. However, given the nature of the work of the Assembly Commission it was not considered necessary to provide additional opportunities

1 Appendix 2 – Written Submissions

2 Northern Ireland Assembly Standing Orders - SO19; SO20; SO20A and SO20B

for questioning its Members. The Committee therefore recommended that **the Assembly Commission be excluded from the Topical Questions rota.**

18. Having agreed the value of introducing Topical Questions, the Committee then moved to consider how such questions could best be facilitated and processed.

Section 2: Spontaneity (TOR ii)

19. The Committee had already identified³ that under existing arrangements very little opportunity for questioning Ministers on newly emerging issues existed and that facilitating greater spontaneity was desirable. The current opportunities for questioning give several days' notice for Ministers to prepare their responses, except in the case of questions for Urgent Oral Answer when a minimum of four hours' notice of the question must be given.
20. The Committee was clear that the strategic aim of Topical Questions was to provide a forum to gain current information from Ministers that could then inform further questioning or consideration. In order to achieve this aim the Committee recognised that giving no advance notice of the content of questions would probably make for a more lively session. It also agreed that if the question was around a truly topical issue, that the Minister would, in all likelihood, already be aware of it.
21. However, while noting the value of this approach, the Committee also recognised a significant risk that it posed. Namely that, if the Minister had no indication at all of what constituency issues may arise, the likelihood of receiving a holding response and a promise to write to the Member concerned would be very real. Such a situation would clearly defeat the strategic purpose behind the introduction of Topical Questions and should be avoided.
22. Having considered the merits and pitfalls to both sides, and taken cognisance of the processes in place in other legislatures⁴ and the views expressed in written submissions⁵, the Committee agreed that the most effective outcomes would be achieved by balancing this desire for topicality against the risk of the Minister having insufficient time to prepare.
23. It was therefore recommended that **Ministers be informed, three working days in advance of their Topical Question Time, of ONLY the NAMES of the Members selected to ask questions. No notice of the content of the question itself need be provided in advance.**
24. It was agreed that such an approach would go a long way to providing spontaneity, but also allow Ministers some opportunity to identify individual constituency issues that had the potential to be the focus of individual Member's questioning, and therefore provide an opportunity to centre any preparation on these.

Section 3: Definition (TOR iii)

25. Having considered research on arrangements in other jurisdictions,⁶ the Committee agreed that no specific definition of Topical Questions or topicality was required.
26. Members considered this issue in parallel with discussion around whether notice of the content of a Topical Question would be required and, if so, how this would tie in with selection of questions. This issue is discussed in further detail in Section 6 under the sub-heading "Selection".

3 Section 1 of this report

4 Topical Questions – NIAR 938-11 dated 10 February 2012 – See Appendix 3

5 Appendix 2 – Written Submissions

6 Topical Questions – NIAR 938-11 dated 10 February 2012 – See Appendix 3

Section 4: Comparisons with other legislatures (TOR v)

27. At the Committee meeting on 26 June 2012, Members considered a research paper entitled “Topical Questions”⁷ which included comparative information on Topical Questions in other legislatures. The paper was considered in conjunction with written submissions provided by the House of Commons, the Scottish Parliament and the Dáil.
28. The Committee noted that no uniform approach to Topical Questions was applied in all legislatures. A system of topical questioning operates in the House of Commons, the Scottish Parliament and the Dáil, but even in these three legislatures there are variations to the process itself. The National Assembly for Wales has no such system in place.
29. The research considered also indicated that, although they were often not referred to specifically as “Topical Questions”, the facility for asking “no notice” questions was also common in a number of international parliaments, but here too, the processes varied.
30. However, what was noteworthy is that in all legislatures where the system operated, the facility appeared to be considered a valuable method of holding Ministers to account.

Section 5: Rules surrounding the admissibility of Topical Questions (TOR vi)

31. The Committee had previously agreed⁸ that, in common with the Scottish Parliament and House of Commons, no definition of Topical Questions was necessary.
32. However, the Committee did agree that the following broad admissibility criteria would need to be set; namely that **Topical Questions may relate to constituency or regional issues and must relate to a Minister’s official responsibilities.**
33. This recommendation means that the same admissibility criteria currently set out in Standing Orders for Oral Questions⁹ should also apply to TQs, which agrees with the opinion of the Executive Committee as outlined in its submission. The issue of selection of TQs in respect of these broad admissibility criteria was also discussed and is described in more detail in Section 6 under the sub-heading “Selection”.

Section 6: To whom Topical Questions will be directed, their frequency, time limits and selection (TOR vii)

34. Members considered arrangements in other legislatures,¹⁰ together with views expressed in written submissions¹¹ and subsequently recommended the following:

To whom Topical Questions will be directed and their frequency

35. In terms of frequency and to whom Topical Questions will be directed, the Committee considered the current mechanisms in place for asking questions of Ministers and how the introduction of Topical Questions could be built around these.
36. Question Time currently runs from 2.30 – 3.30pm on Mondays and 2.00 – 3.00pm on Tuesdays, with the order of Ministers attending to take questions being determined by a rota. The Committee recognised that this was not necessarily a permanent arrangement.

7 Topical Questions – NIAR 938-11 dated 10 February 2012 – See Appendix 3
8 Paragraphs 25-26
9 Northern Ireland Assembly Standing Orders - SO19(2)(a) to (f)
10 Topical Questions – NIAR 938-11 dated 10 February 2012 – See Appendix 3
11 Appendix 2 – Written Submissions

37. In addition, the Committee was also mindful of other committees that currently meet on sitting days, but recognised that this may vary in the future and that they were not the reason for the current start times of Assembly Question Time.
38. Having considered these issues the Committee agreed that a synchronisation would be valuable and therefore recommended that **questions to the relevant Ministers, including Topical Questions and Oral Questions, run for 45 minute slots from 2.00 – 3.30pm on Mondays and Tuesdays when the Assembly is sitting.**
39. At its meeting on 25 September 2012, there was agreement among Members that **TQs should form part of the existing Question Time rota, with Ministers required to answer TQs on the same day as they are scheduled to answer Oral Questions.**
40. There was also agreement that **an additional fifteen minutes be allocated to the QT to each Minister to answer TQs.**
41. The Committee recommended that, in order to simplify business scheduling and to ensure continuity in the Chamber, that **the Minister in attendance answers Topical Questions in the fifteen minutes preceding their regular Question Time slot.** At the end of this fifteen minutes, or when all identified Topical Questions have been asked should such a situation arise, whichever is the earlier, business can then move on immediately to the Question Time for the same Minister.
42. It was further agreed that **answers to TQs should not be debated and that each Member who asks a TQ should be entitled to a supplementary question.**
43. The Committee agreed that, in line with current SOs relating to Questions for Oral Answer¹², **that this supplementary question should contain no more than one enquiry.** The Committee also recommended that to keep momentum **no other Members should be offered the option to ask supplementary questions.** In addition, it was agreed that this recommendation should include committee Chairpersons, **who would NOT be offered an automatic opportunity to ask a supplementary question.**

Time Limits

44. Having considered the written submissions and the processes used in other legislatures, the Committee agreed that **time limits applied to Topical Question Time should reflect those currently defined in Standing Order 20(8A) for Oral Questions. Thus, Ministers would have up to two minutes to respond, which may be extended at the Speaker's discretion.** This recommendation took account of the Executive Committee's¹³ submission which suggested that both questions and answers should be concise, but still allow time for reasonable amounts of detail to be provided.
45. The Committee recognised that its recommendation on time limits to be applied would have a direct bearing on the number of TQs that were likely to be facilitated at each TQT. This is discussed in more detail in the sub-section entitled "Selection" below. However, as outlined above, it was agreed that **committee Chairpersons would NOT be offered an automatic opportunity to ask a TQ.**
46. The Committee also considered what should happen if any Member listed to ask a TQ is not present in the Chamber. It was agreed that **should a Member not be present when their turn is called, the Speaker will move on and that no one will be allowed to ask a Topical Question on another Member's behalf.**

12 Northern Ireland Assembly Standing Orders - SO20

13 Appendix 2 – Written Submissions

Selection

47. At its meeting on 26 June 2012, the Committee considered the selection process for Topical Questions, taking into account the selection processes currently used for Question Time.
48. Following discussion, the Committee agreed that **all Members wishing to be considered for TQT on a particular day should submit their NAMES to the Business Office, where they will be included in a ballot and then a shuffle in order to determine who, and in what order TQs will be put to the relevant Minister.**
49. The Committee then considered the deadlines for such submissions and the related notification of the NAMES selected to Ministers. It was recommended that **Members should submit their names before 10.30am three working days in advance of the relevant TQT. (This would mean a deadline of 10.30am on Wednesday for TQT on Monday the following week, and before 10.30am on Thursday for TQT on Tuesday the following week).**
50. The ballot and shuffle will be held immediately after the deadline and **the top ten successful names and the order in which they will be called for TQs will then be provided to the Minister and to the successful Members before 1.00pm on the same day.**
51. As the Committee had already agreed that no information on the content of the TQ would be required in advance, it further agreed that **no screening process would be required in advance of TQT, but rather that the broad admissibility criteria previously recommended¹⁴ will be applied, at the Speaker's discretion, in the Chamber.**
52. It was agreed that all names submitted will be included in the ballot and shuffle, and that a list of the top ten names would be notified to the Minister and the successful Members. However, initially at least, it was agreed that the total number of names submitted and the number of TQs asked in each session, would be recorded to assist, as required, during the recommended review process. The review process is discussed in more detail in Section 7 below.

Section 7: Additional considerations

53. As this is the first time that such questions are being introduced, the Committee recommended that **the proposed process be trialled for a period of six months, following which a review of the process and practices should be undertaken by the Committee on Procedures.** This would allow the process to be quality assured and identify any areas that could be revised to improve efficiency.
54. The Committee also gave consideration to whether rules surrounding the admissibility of TQs and Urgent Oral Questions to the same Minister on the same day were required. However, after taking advice it was agreed that there was no obvious reason why these two processes needed to be mutually exclusive and that no specification of process would be made at this time. Members agreed that such a circumstance could likely be effectively managed by Speaker's Rulings and that if this proved to be an issue it could be included in the recommended six month review.
55. As part of the recommended review, the Committee agreed that consideration should be given to any impact the introduction of TQs may have had, particularly in terms of existing Question Times.

14 Paragraphs 31-33



Northern Ireland
Assembly

Appendix 1

Minutes of Proceedings Relating to the Report

Tuesday 28 February 2012

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Oliver McMullan MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Ms Sue Ramsey MLA
Mr George Robinson MLA
Mr Mervyn Storey MLA

In attendance: Mairead Mageean (Clerk)
Neil Currie (Assistant Clerk)
Christopher McNickle (Clerical Officer)

1.00pm The meeting opened in public session.

1. Apologies

None.

6. Assembly Questions

c) Topical Questions

The Committee considered the merits of introducing a system for asking Topical Questions, and also considered a paper by the Research and Information Service on other legislatures that have this facility.

1.22pm Mr Storey left the meeting.

Agreed: It was agreed to conduct a mini inquiry into Topical Questions. The Clerk was asked to prepare an inquiry plan for consideration at the next meeting.

1.58pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 27 March 2012

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Oliver McMullan MLA
Lord Morrow MLA
Mr George Robinson MLA
Mr Mervyn Storey MLA

In attendance: Mairead Mageean (Clerk)
Neil Currie (Assistant Clerk)
Christopher McNickle (Clerical Officer)

1.00pm The meeting opened in closed session.

1. Apologies

Ms Sue Ramsey.

7. Inquiry into Topical Questions

Agreed: The Committee agreed the Terms of Reference for its mini inquiry into Topical Questions.

Agreed: The Committee agreed the programme of work for the mini inquiry, the timeframe and who should be invited to give written evidence.

1.50pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 24 April 2012

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Mr Chris Lyttle MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr Mervyn Storey MLA

In attendance: Mairead Mageean (Clerk)
Neil Currie (Assistant Clerk)
Christopher McNickle (Clerical Officer)

1.04pm The meeting opened in public session.

1. Apologies

Mr Samuel Gardiner
Mr Oliver McMullan

4. Mini Inquiry into Topical Questions

1.10pm Mr Lyttle joined the meeting.

Agreed: A draft letter inviting written submissions from stakeholders was agreed.

1.17pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 26 June 2012

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Jim Allister MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Oliver McMullan MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Ms Sue Ramsey MLA
Mr George Robinson MLA

In attendance: Mairead Mageean (Clerk)
Neil Currie (Assistant Clerk)
Christopher McNickle (Clerical Officer)

1.00pm The meeting opened in public session.

1. Apologies

Mr Trevor Clarke
Mr Mervyn Storey

8. Inquiry into Topical Questions

The Committee considered the written submissions that had been received on its inquiry into Topical Questions, along with a summary of the evidence.

The Committee discussed a number of issues relating to the Terms of Reference for the inquiry.

Agreed: It was agreed that Committee staff should progress the inquiry during summer recess and bring options for the Committee's consideration to the meeting scheduled for 25 September 2012.

1.40pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 25 September 2012

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Jim Allister MLA
Mr Phil Flanagan MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Oliver McMullan MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA
Mr Mervyn Storey MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Christopher McNickle (Clerical Officer)

1.00pm The meeting opened in public session.

1. Apologies

None.

9. Inquiry into Topical Questions

The Committee considered written submissions that had been received after the previous meeting from the SDLP and the Northern Ireland Executive Committee on its inquiry into Topical Questions.

The Committee discussed issues a) to f) under the Terms of Reference for the inquiry.

2.27pm Mr Robinson left the meeting.

2.40pm Mr Maginness left the meeting.

Agreed: It was agreed to consider the outstanding issues at the next meeting scheduled for 23 October 2012.

2.43pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 23 October 2012

Room 144, Parliament buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Mr Samuel Gardiner MLA
Mr Oliver McMullan MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Christopher McNickle (Clerical Officer)

1.00pm The meeting opened in public session.

1. Apologies

None.

4. Inquiry into Topical Questions

The Committee concluded its consideration of the issues under the Terms of Reference for the inquiry.

Agreed: It was agreed that it was not necessary to take any oral evidence.

Agreed: It was agreed that the Clerk should prepare a draft report for consideration at the meeting scheduled for 27 November 2012.

1.25pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 27 November 2012

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Oliver McMullan MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA
Mr Mervyn Storey MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Christopher McNickle (Clerical Officer)
Jonathan Watson (Clerical Officer)

1.00 pm The meeting opened in public session.

1. Apologies

None.

6. Inquiry into Topical Questions – draft report

1.05 pm The meeting moved into closed session.

The Committee considered a first draft report on its inquiry into Topical Questions.

1.25pm Lord Morrow left the meeting.

Agreed: A number of items within the draft report were still to be discussed and the Committee therefore agreed to consider these at the next meeting scheduled for 22 January 2013.

1.57pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 22 January 2013

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Barry McElduff MLA
Mr Oliver McMullan MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA
Mr Mervyn Storey MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Jonathan Watson (Clerical Supervisor)

1.00pm The meeting opened in public session.

1. Apologies

None.

The Chairperson welcomed Mr McElduff to the Committee. Mr McElduff confirmed that he had no financial or other interests, relevant to the work of the Committee, to declare.

7. Inquiry into Topical Questions

The Committee discussed some outstanding issues on its inquiry into Topical Questions.

2.01pm Mr Allister left the meeting.

2.02pm Mr Storey left the meeting.

The Committee also discussed the situation where an Urgent Oral Question is selected to a Minister who is scheduled for Topical Question Time on the same day.

Agreed: It was agreed that the Clerk should explore the feasibility of an Urgent Oral Question in this scenario being taken before Topical Question Time.

Agreed: It was agreed to consider this matter and any other outstanding issues at the next meeting scheduled for 26 February 2013.

2.06pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 26 February 2013

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Barry McElduff MLA
Mr Oliver McMullan MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Jonathan Watson (Clerical Supervisor)

1.00pm The meeting opened in closed session.

1. Apologies

None.

5. Inquiry into Topical Questions

The Committee concluded its consideration of the issues under the Terms of Reference for the inquiry.

Agreed: It was agreed that the Clerk should prepare a draft report for consideration at the meeting scheduled for 19 March 2013.

1.31pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 19 March 2013

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Jim Allister MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Barry McElduff MLA
Mr Oliver McMullan MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Jonathan Watson (Clerical Supervisor)

1.02pm The meeting opened in closed session.

1. Apologies

None.

4. Inquiry into Topical Questions – Draft Report

The Committee read the draft report on its inquiry into Topical Questions paragraph by paragraph.

Report:

Paragraphs 1 – 13, agreed

Paragraph 14, agreed, as amended

Paragraphs 15 – 55, agreed

Summary of Recommendations – agreed

Topical Question process flow chart – agreed

Executive Summary – read and agreed

Agreed: The inclusion of the following appendices was agreed:

Appendix 1 – Minutes of Proceedings relating to the report

Appendix 2 – Written Submissions

Appendix 3 – Research Papers

Appendix 4 – Correspondence

Agreed: Members ordered the report to be printed.

Agreed: It was agreed that the Chairperson could approve the minutes for the part of today's meeting dealing with consideration of the draft report, in order for an extract to be included in the report.

Agreed: It was agreed that the report should be embargoed until commencement of the debate of the report in plenary.

Agreed: The motion to accompany the report's introduction to the Assembly was agreed, as follows: 'That this assembly approves the Committee on Procedures report on its inquiry into Topical Questions'.

Agreed: It was agreed that a press release should be issued to coincide with the debate of the report. The Committee considered and agreed a draft press release.

1.40pm The Chairperson adjourned the meeting.

[EXTRACT]



Northern Ireland
Assembly

Appendix 2

Written Submissions

Written Submissions

1. The Speaker
2. Alliance Party
3. SDLP
4. Northern Ireland Executive Committee
5. The Dáil
6. House of Commons
7. Scottish Parliament

Written Submission from the Speaker - 31 May 2012

The Speaker



Office of the Speaker
Room 39
Parliament Buildings
Belfast BT4 3XX

Tel: +44 (0) 28 9052 1130
Fax: +44 (0) 28 9052 1959
email: speaker@niassembly.gov.uk

Mr Gerry Kelly MLA
Chairperson
Committee on Procedures
Parliament Buildings

31 May 2012

Dear Gerry,

INQUIRY INTO TOPICAL QUESTIONS

Thank you for your letter of 24 April 2012 seeking my views on relevant issues as set out in the Committee's Terms of Reference.

I should say first that, in principle, I am very supportive of exploring the options for having some sort of provision for Topical Questions to be raised in the Chamber. I realise of course that the Committee will be looking at the experiences and learning points from other parliaments and it will be for the Committee to come up with a workable proposal if it decides to recommend provisions for Topical Questions. Of course, reaching a common interpretation and a format for Topical Questions based on it will be the first challenge for the Committee.

As Speaker, my main interest would lie in how provision for topical questions can be accommodated separately and without confusion, from the number of other procedural routes through which Members presently can, and do, raise topical issues in plenary. Another linked problem is how to deal with Members' expectations as to what types of issues might be eligible for consideration under such a procedure. For example, I already find that the expectations of individual Members on what should be accepted as Urgent Questions can be different from my reading of Standing Orders.

Turning to the specifics, I would offer the following facts and comments in relation to the headings in your Terms of Reference and I trust that these will be useful to the Committee in its deliberations.

- **Investigate whether a gap exists in opportunities for Members to question Ministers or the Assembly Commission.**

Since changes to Question Time were implemented, in mid-2009, we now have two Ministerial slots each Monday and two slots each Tuesday. In practice therefore every Minister answers oral questions about every three weeks, while OFMDFM answers orals every other week. The Assembly Commission answers oral questions once in every 12 weeks.

It is also worth considering that the subject matter of a question seems, in the vast majority of cases, to remain as a "live" issue over a period of weeks, months or in some cases even years,

SP177_12

rather than being topical for a very short period of time. This is borne out by the fact that a number of oral questions simply ask the Minister for an update on a specific issue which has been “live” for some time.

Apart from Question Time, Members may and do use all of the current available procedural routes for raising topical matters. These are:

- Urgent Oral Questions on issues such as major job losses or significant changes/closures at health or educational facilities which impact on people’s lives;
- Private Members’ Motions also address important strategic or regional issues (e.g. provision of IVF Treatment, Car-jacking Crimes, Agri-Crime);
- Questions following Ministerial Statements on major topical issues such as the Retention of Body Parts, the Pseudomonas Outbreak or Prison Reform;
- Adjournment debates for topical constituency matters (e.g. Refurbishment of Annadale Flats; Ballynahinch By-Pass; Hotel provision in Ballycastle);
- Matters of the Day for events that have occurred since the last sitting (such as recent Newry Bomb; major sporting successes e.g. our golfers).

The above examples show that Members and Ministers are using the various procedural routes to raise and discuss current live issues and I am conscious that the Urgent Oral Question process is a means by which any Minister can be called to the Assembly to respond to an urgent matter of public importance. I would wish to be careful not to have a provision for Topical Questions that would clash in any way with the Urgent Oral scenario. However, Topical Questions could address a gap between those issues which have emerged since questions were selected for departmental questions, but which do not meet the criteria under Standing Orders for Urgent Questions.

Possible Options for Handling Topical Questions

In my view one possibility might be to consider the Westminster model of having part of each Minister’s Question time slot (either part of the existing 30 minutes, or some additional time) set aside for topical issues. I accept that this would only impact on Ministers up for slots on that particular day, but would allow Members to raise issues which came to light since questions were selected. The normal Oral Question Time rota remains an opportunity for raising topical matters in the Chamber. The Urgent Oral route would remain for really urgent matters which cannot for instance be addressed by a Priority Written Question.

- **Consider whether Topical Questions should be spontaneous or whether notice should be given to ensure that the information is available to provide an answer.**

This is an important issue as there is a balance to be struck. If the Committee decides to recommend that Topical Questions should be allowed, and if Members wish to ensure they are receiving detailed and up-to-date answers, then it would seem reasonable to give Ministers some notice, to allow them to be fully briefed by relevant officials as is the case with orals and urgent orals. Members may be of the view that that would remove spontaneity but it of course also depends on the nature of the issues being raised. From current experience in the Chamber, if a question was on a broad policy issue or a major incident, a Minister could be expected to be able to deal with it. However, it would seem unreasonable to expect detailed answers on more specific and localised constituency issues. I would note that Standing Orders

for Urgent Orals already identify a minimum of 4 hours as a reasonable period of notice, although longer may need to be considered to deal with multiple questions.

- **Look at definitions of Topical Questions**

I have already referred previously that arriving at a common definition may be a challenge. There may be a better descriptor, depending on the format decided upon, as branding issues as Topical Questions may imply that topical issues cannot be raised under other business which is not the case. Often for instance, a topical issue can be raised in a supplementary if it can be linked to an original question. However, Topical Questions could be aimed at raising issues which have a high media profile, but where there is no other opportunity to raise the issue that day.

Identify the possible benefits of introducing Topical Questions

- **Analyse and compare practice and the effectiveness of Topical Questions in other legislatures**
- **Consider any rules surrounding the admissibility of Topical Questions**
- **Consider how frequently Topical Questions should be asked, of whom and how the Members asking the questions should be selected**

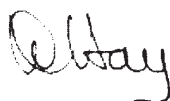
I would suggest that all of these matters are more proper for the Committee to consider as part of its Inquiry, but I have touched on some of them briefly under other headings above, including where gaps may exist. I am sure the Committee will also be keen to take account of the experiences in other places, including what has worked well and what issues have caused problems, taking account of the particular circumstances of the system of government we have here.

- **Consider whether time limits should be imposed on responses**

Again this is really a matter for the Committee if it agrees to recommend the introduction of Topical Questions. At present under Standing Order 20(8A) there are time limits (2 minutes) for Ministerial responses at Question Time, both for the initial response and the replies to supplementaries. The time limit(s) can be extended to 3 minutes at Speaker's discretion if the Minister indicates that he/she needs more time. There are no time limits at present on responses to Urgent Oral Questions.

I hope that these comments are helpful. I wish the Committee well in its consideration of these complex matters and I look forward to seeing the outcome of the Committee's deliberations.

Yours sincerely,



William Hay MLA

Written Submission from the Alliance Party - 12 June 2012

Alliance Party Stormont Office
Room 220
Parliament Buildings
Ballymiscaw
Belfast BT4 3XX

Mairead Mageean
Clerk to the Procedures Committee
Room 33,
Parliament Buildings,
Ballymiscaw,
Belfast, BT4 3XX

12 June 2012

Dear Mairead,

Inquiry into Topical Questions

I am writing on behalf of the Alliance Party to convey the party's position on the issue of Topical Questions. Alliance are generally supportive of the concept of Topical Questions, on the basis that they would increase the level of Ministerial accountability; allow Members to table questions relating to matters that arise during the period between the current deadline for tabling questions and those questions being called on the floor of the Assembly; and encourage more Members to attend Question Time.

We would also make the following comments in response to the Terms of Reference set out in the letter from the Committee on Procedures.

Given that Assembly Procedures already provide the mechanism of Questions for Urgent Oral Answer, whereby Ministers can be called to the House to answer urgent questions on any sitting day, Alliance believes that Topical Questions should be restricted to the existing Question Time schedule. In other words, a Minister would be required to answer topical questions on the same day as he or she is scheduled to answer Oral Questions tabled under the normal procedure.

In addition, Alliance also believes:

That notice of any Topical Questions should be minimal, if at all. To do otherwise would result in little change from the current procedures;

As they may result in a question that has been tabled by another Member under the existing procedure not being called, Topical Questions should be limited to matters that can be justified as having become relevant since the normal deadline for tabling Oral Questions has passed. Members should be required to make a case as to how their proposed Topical Question meets the set criteria;

Decisions as to whether Topical Questions should be accepted, selected and at what point during a Question Time they are called, should be a matter for the Speaker;

When setting the time limits for Topical Questions, the Procedures Committee might also wish to review the time limit already in place for answers, to examine whether it has had any significant impact on the number of Questions that Ministers answer in the time available. Our impression is that the time limit of two minutes has had little impact, and we would suggest that the Procedures Committee amending Standing Orders to provide the Speaker

with discretion to determine time limits for answers, which may be different for answers to scheduled Questions, Topical Questions, and supplementary questions.

The duration of Question Times would need to be extended to provide adequate time for both scheduled Questions and Topical Questions to be called. In any case, the number of scheduled Questions selected through the ballot may also need to be reduced to lessen the number that are prepared for, but are not heard.

I trust you find this information helpful and would ask you to contact me if you require any further assistance.

Kind Regards

Stewart Dickson MLA
Alliance Chief Whip

Written Submission from the SDLP - June 2012

SDLP response to the Northern Ireland Assembly Committee on Procedures notice of Inquiry into Topical Questions

June 2012

The SDLP welcome the opportunity to make an initial response to the Northern Ireland Assembly Committee on Procedures Inquiry into Topical Questions and is content with the terms of reference for the inquiry.

The SDLP support the undertaking of the review having argued for some years that in order to better meet the needs of our region and our citizens more robust scrutiny of government and reconfiguration of our systems of government is required.

While it is over fourteen years since the Good Friday Agreement was signed, it is essential that this inquiry is conducted in the same spirit and the stated will of the people expressed at referendum in 1998 is respected.

The time which has passed since the signing of the Good Friday Agreement has allowed the institutions of government to become established and accepted by the vast majority of the population.

However while there is stability in the institutions there is also a great level of stagnation. This stagnation is leading our citizens to become increasingly disillusioned by the inability of the Northern Ireland Executive and Assembly to deliver for the public's benefit.

Transparency

The Northern Ireland public will have greater trust in the Northern Ireland Assembly and Executive if they see the institutions are committed to open and transparent government.

The recent SDLP response to the Assembly and Executive Review Committee review of parts III & IV of the Northern Ireland Act 1998 highlighted the need for more accountable government and a stronger Assembly:

"Accountable government

Addressing the perceived lack of accountability of the Northern Ireland Executive should be a focus of the Assembly Executive and Assembly Review Committee's review of Parts III & IV.

There can never be any return to the old days of majority rule and discrimination, however the time has now come to test whether a more open and accountable system still based on power-sharing and equality could deliver stable and strong government for our region as well as proving an opportunity for a constructive and robust critique of Executive decisions and ministerial performance."

"A stronger Assembly

A strong and dynamic Assembly robustly holding the Executive to account and legislating proactively was a central tenant of the Good Friday Agreement. This review should fully consider whether the Assembly is fully holding the Executive to account".

The introduction of topical questions which allow for greater and more immediate probing of Ministerial and Departmental actions should assist in providing a more robust critique of Executive decisions and improve on current levels of transparency.

Best Practice

The SDLP welcome the intention of the inquiry to assess best practice from institutions in other jurisdictions.

We note that in order to facilitate topical questions it is likely that this will necessitate Ministerial Question Time be extended and/or further flexibility be required of Ministers in attending the Assembly at short notice on sitting days.

For example, current practice in Westminster allows for 30 minutes of Prime Minister's Questions a week, approximately half of which are topical questions. This is in contrast to the 30 minutes of questions a fortnight to OFMDFM, none of which are currently topical questions.

In the Dáil there is even greater opportunity for scrutiny, with provision for both questions to the Taoiseach and a procedure for topical issues provided for in standing orders.

This recent Dáil provision for topical issues has proved successful and during their deliberations the Northern Ireland Assembly Committee on Procedures should consider the viability of extending the current Matters of the Day provision within Standing Orders to allow for a similar format of statement by Member, Ministerial reply, statement by Member and concluding Ministerial statement.

Media and Public Interest

The introduction of greater scrutiny and accountability in the Northern Ireland Assembly through a system of topical questions could have a consequential effect on the interest paid to daily Assembly proceedings by the media and public at large. This in turn could help reduce the current public disillusionment towards the Northern Ireland Executive and Assembly.

Ongoing Inquiry

The SDLP will continue to focus on enhancing scrutiny and accountability as we contribute to the inquiry process of the Committee on Procedures and assess the findings, conclusions and recommendations of the Committee report when laid before the Assembly.

Written Submission from the Northern Ireland Executive Committee - 21 September 2012



Office of the
**First Minister and
Deputy First Minister**
www.ofmdfmi.gov.uk

Stormont Castle
BELFAST
BT4 3TT

TEL: 028 9037 8158
FAX: 028 9037 8040
e-mail: ps.ministers@ofmdfmi.gov.uk

Mr Gerry Kelly, MLA
Chairperson
Committee on Procedures
Room 33, Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Our Ref: COR/255/12

21 September 2012

Dear Gerry

You wrote to us on 24 April on behalf of the Committee on Procedures to invite comments which might inform its current inquiry into topical questions.

We have consulted all Executive Ministers and the attached submission, which considers matters relating to each of the Terms of Reference of the inquiry, reflects the consensus of views received. We hope this will be helpful to the Committee in its consideration of the issue.

Ministers look forward to reading the Committee's final report and recommendations following its inquiry.

Yours sincerely

JONATHAN BELL MLA
Junior Minister

JENNIFER McCANN MLA
Junior Minister

COMMITTEE ON PROCEDURES: INQUIRY INTO TOPICAL QUESTIONS

WRITTEN RESPONSE TO THE COMMITTEE ON PROCEDURES' INQUIRY FROM THE NORTHERN IRELAND EXECUTIVE COMMITTEE

This submission has been prepared in response to the invitation extended by the Chairperson of the Committee on Procedures to the Junior Ministers, OFMDFM, to comment on the issues raised in the Terms of Reference established for its inquiry into topical questions. It examines each of the eight areas set out in the Terms of Reference with a view to assisting the Committee in informing its conclusions on this issue.

All Ministers of the Executive were asked to contribute their views. There was general support for the introduction of a facility to enable Members to ask topical questions in the Assembly. The following comments reflect the views put forward on the various aspects of the issue.

1. Investigate whether a gap exists in opportunities for Members to question Ministers and the Assembly Commission

1.1 We note that current procedural arrangements within the Assembly already allow Members to ask Ministers questions on matters that are urgent and of public importance, through the facility available for tabling Urgent Oral Questions and Priority Written Questions (PWQ). It would appear to be the case, however, that the first of these are accepted by the Speaker only occasionally and that there is in general no perceptible difference in the matters raised in PWQs from those in standard AQs. The Committee will also recall that the Executive's response to its previous inquiry into Assembly Questions drew attention to what it considered the repetitive nature of many of the oral questions tabled and, while changes to the timescales for tabling and responding to oral questions were subsequently shortened, this has not significantly changed this position. Ministers therefore recognise that the opportunity to ask topical questions has the potential to: -

- (i) increase the level of Ministerial accountability;
- (ii) allow for questions on issues which focus on up-to-the-minute matters;
- (iii) encourage more Members to attend Question Time; and

- (iv) make Question Time sessions more meaningful and relevant to current concerns.

2. Consider whether Topical Questions should be spontaneous or whether notice should be given to ensure that the information is available to provide an answer.

- 2.1 It is our understanding that spontaneous questions are those asked of Ministers without advance notification of the actual question to be asked. Questions 'with notice' are those where Ministers are provided with the details of the actual question at some point in advance of the questions being asked.
- 2.2 The use of spontaneous questions would clearly accord with the central aim of making Question Time sessions more topical. However, the breadth of Ministers' responsibilities and the scope of the activities undertaken by their respective departments, agencies and arms length bodies, clearly raises the possibility that Ministers may not always be able immediately to provide the information sought in the question, particularly where this concerned specific cases or a request for detailed information. This would clearly be counter-productive and point to the need for questions to focus primarily on topical issues rather than matters of detail. This is discussed further in the following section.
- 2.3 'With notice' questions would in theory enable Ministers to be fully briefed to provide full and accurate responses. However, to be effective, this would clearly require a system of prior notification by all those Members either bidding to ask a topical question in the relevant session, or who were successful in a draw. Secondly, unless notification was given only within a limited period before the relevant session, the difference between topical and "standard" oral AQs would be eroded.
- 2.4 It would therefore be the view of Executive Ministers that, if introduced, topical questions should be spontaneous.
- 2.5 It is recommended, however, that advance notification of the names of Members selected to ask topical questions should be provided to Ministers. While the exact timeframe for this advance notification would be for the Procedures Committee to

determine, we are aware that in the Westminster House of Commons several days' notice is provided (the published list of names is made available at noon on a Wednesday for questions the following Monday, and at noon on Thursday for questions the following Tuesday).

- 2.6 We would also recommend that any system of topical questions should be subject to review within 6 months of its introduction. Such a review would examine whether the system was working to the satisfaction of all participants (Members, Ministers and the Speaker), was permitting the aims of the introduction of topical questions to be realised as intended; and to identify any other issues arising.

3. Definitions of Topical Questions

- 3.1 In any consideration of topical questions it would be necessary to have an agreed understanding as to the nature of a topical question. The prior establishment of agreed parameters would therefore assist the efficient running of this facility and provide clarity to both Members and Ministers as to the sorts of questions that would create the experience in the Chamber which it is intended to achieve. This is particularly so as the spontaneous nature of the session may not permit any prior disallowance of a question due to it being insufficiently 'topical'.
- 3.2 The Executive acknowledges that over-prescription would undermine the purpose of topical questions and would suggest that the following be incorporated in any future guidelines for definitions of topical questions:
- (i) that they relate to Ministers' official responsibilities in line with Standing Order 19(1)(a);
 - (ii) that they comply with the requirements set out in Standing Order 19 (2)(a-f): admissibility criteria for questions;
 - (iii) that they must relate to current issues of significant interest, while the issues themselves are taking place and should avoid individual cases involving named individuals or constituency matters, which can be more appropriately raised through other means.

4. Identify the potential benefits of introducing Topical Questions

- 4.1 A range of potential benefits of the introduction of topical questions are outlined at paragraph 1.1.

5. Analyse and compare practice and the effectiveness of Topical Questions in other legislatures

- 5.1 We assume that the Committee on Procedures will conduct a full analysis and comparison of practices in other legislatures.
- 5.2 We are aware, however, that the House of Commons introduced topical questions sessions in November 2007. Typically, topical questions account for one-quarter of the time allocated to Ministers' Question Time slots and are taken after ordinary oral questions. The topical questions portion of the House of Commons' Question Time session begins with the Minister being asked to make a statement on his/her departmental responsibilities, and a series of brief, open questions are posed by previously selected Members, relating broadly to departmental responsibilities and requiring Ministers to respond spontaneously to the issues raised. Advance notice of the actual questions to be asked of the Minister is generally not provided.
- 5.3 We understand that the Scottish Parliament introduced a system of topical questions at the start of the 2012/13 parliamentary session, although whether topical questions are taken in any given week will be at the discretion of the Presiding Officer. In Dáil Éireann, Leaders of the Opposition may ask topical questions of the Taoiseach, but this facility is not available to ordinary Members, and in the National Assembly for Wales a facility is available to party leaders to ask without-notice questions of the First Minister at weekly question time sessions.

6. Consider any rules surrounding the admissibility of Topical Questions

- 6.1 Suggested definitions of what would constitute a topical question have already been outlined in section 3. Decisions as to whether topical questions are admissible under the terms of the agreed criteria would be a matter for the Speaker to determine although, unless prior notice of the question is given, this will be difficult to enforce.

- 6.2 Both questions asked and answers provided should be concise, and it is suggested that each individual question and answer would last no more than one minute in total.
- 6.3 Supplementaries to topical questions from Members, other than the Member asking the initial question, should not be considered. This stipulation would ensure that the tempo of such question sessions is maintained and allow for larger numbers of Members to have the opportunity to ask topical questions.
- 7. Consider how frequently Topical Questions should be asked, of whom and how the Members asking the questions should be selected**
- 7.1 It is the view of Ministers that topical questions should form part of the existing Question Time schedule, with Ministers required to answer topical questions on the same day as they are scheduled to answer oral questions tabled under existing procedures.
- 7.2 The Procedures Committee may therefore wish to consider extending the duration of Question Time sessions with a specific amount of time allocated for both regular oral questions and topical questions. This would go some way to meeting the potential concerns of those Members who have tabled regular questions that the likelihood of their question being reached would be diminished by allocating time within the current half-hour to topical questions.
- 7.3 We note that when this facility was introduced in the House of Commons, the length of time allocated to individual Minister's Question Time sessions was not increased. In effect, this reduced the length of time available for 'ordinary' oral questions. It should, however, be noted that the Question Time sessions undertaken by UK Government Ministers who take topical questions are already longer than those of Ministers in the Assembly (between 40 and 60 minutes).
- 7.4 Arrangements for the selection of Members to ask topical questions will be a matter for the Procedures Committee to determine, but it could be that a system similar to that currently used for oral questions might be employed.

8. Consider whether time limits should be imposed on responses

- 8.1 See paragraph 6.2 above. Time limits will be a matter for the Procedures Committee.

**NORTHERN IRELAND EXECUTIVE
SEPTEMBER 2012**

Written Submission from the Dáil - 15 May 2012



Ceann Comhairle

Gerry Kelly, MLA,
Chairperson, Committee on Procedures,
Room 33, Parliament Buildings,
Ballymiscaw,
Stormont, Belfast BT4 3XX.

15 May 2012.

Dear Gerry,

Thank you for your letter of 26 April 2012 informing me of the inquiry that the Northern Ireland Assembly Committee on Procedures is holding on the issue of Topical Questions.

The 31st Dáil introduced a new procedure called Topical Issues and this replaced “Matters on the Adjournment”. Topical Issues are designed to meet the demand from Members for an appropriately flexible means of raising current matters of particular current interest in order to prevent the then practice of trying to shoehorn questions into the category of “promised business” on the Order of Business.

Topical Issues are provided for in Standing Orders and cover issues which are topical, either at a national or local level, and which would be of interest to, or impact on, citizens.

Scheduling “Topical Issues” earlier in the day is a deliberate policy on behalf of the Dáil Committee on Procedure and Privileges. The aim is to bring those issues back into mainstream Dáil business and also are a very powerful means for Deputies, both Government and Opposition, to hold the Executive to account.

With regard to your questions dealing with the scheduling of the taking of Topical Issues; time limits and the frequency of Topical Issues during the weekly plenary sessions, I am attaching a copy of Standing Order 27A which is the relevant Standing Order. In that context, Topical Issues are on notice, but the degree of that notice is quite short – a number of hours only.

With regard to the rules surrounding the admissibility of Topical Issues, Standing Orders pertaining to questions to the Government provide that;

“... .. questions address to a Member of the Government must relate to public affairs connected with his or her Department, or to matters of administration for which he or she is officially responsible (including bodies under the aegis of his or her Department in respect of Government policy).”

Dáil Éireann
Dublin 2
Tel: 01 618 3343
Fax: 01 618 4100

Email:
ceann.comhairle@oireachtas.ie
Website:
www.ceanncomhairle.ie

However, as Ceann Comhairle charged with selecting the issues to be discussed, I interpret the provisions of the Standing Order quite liberally and apply a sensible degree of flexibility when making my selection. I pay attention to the fact that society wants to hear its parliament discuss issues that affect them in their everyday lives. When making my selections, I try to take into account party representation in the Dáil and also give consideration to independent Members of the House.

I would also point out that, where more than one Deputy submits the same issue, then Standing Orders makes allowances for this by way of a slight extension of time so that it may be shared.

The introduction of Topical Issues that are current and relevant, and its scheduling earlier in the day, has had a positive impact on Members on both sides of the House. Because of the timing, Members can report immediately to local media on the issues they have raised that day on behalf of their constituents; certain high profile issues have been widely covered in the national media, on radio and television on the day of debate, but also extensively in the broadsheet print media the following day because of the quality of information imparted by the Minister responding. I can also say that some Ministers have expressed appreciation for being able to correct certain misunderstanding of their position when replying to a Topical Issue. A case in point would be the response by the Minister for Justice and Defence when replying to a Topical Issue on the planned release from gaol of 1,200 prisoners – debated on 2 May 2012.

I hope that my reply goes some way to explaining the changes that have taken place here and the benefits that have accrued from those changes.

I would be happy to answer any further queries you may have.

Kind Regards,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Seán Barrett', written over a horizontal line.

Seán Barrett, T.D.,
Ceann Comhairle

Attachment with Dáil Submission

(f)	Topical Issue Debates			
	The insertion of the following new Standing Order before Standing Order 28:			
	'27A.	(1)	Any member may give notice in writing, not later than 10 a.m. on a Tuesday, Wednesday or Thursday on which the Dáil meets, of a matter which he or she wishes to bring forward on that day for consideration as a topical issue and which may include matters of a national or international nature.	
		(2)	The Ceann Comhairle shall select a maximum of four such matters on each Tuesday, Wednesday and Thursday: Provided that the matters selected must relate to public affairs connected with a Department of State or to matters of administration for which a member of the Government or Minister of State is officially responsible (including bodies under the aegis of a Department of State in respect of Government policy).	
		(3)	Matters selected by the Ceann Comhairle shall be considered—	
		(a)	on Tuesdays, immediately after the Order of Business,	
		(b)	on Wednesdays, immediately after Questions to a member or members of the Government, and	
		(c)	on Thursdays, immediately before Questions to a member or members of the Government.	
		(4)	Consideration of each topical issue shall consist of—	
		(a)	a statement by the member who has given notice which shall not exceed 4 minutes,	
		(b)	a statement in reply by a member of the Government or Minister of State which shall not exceed 4 minutes,	
		(c)	a further statement by the member who has given notice which shall not exceed 2 minutes, and	
		(d)	<p>a concluding statement by the member of the Government or Minister of State concerned which shall not exceed 2 minutes:</p> <p>Provided further that where the Ceann Comhairle has selected a matter of which valid notice has been given by more than one member he may aggregate the time that would ordinarily be assigned to two topical issues and consideration shall consist of –</p> <p>(e) a statement by each of the members who have given notice which shall not exceed 10 minutes in the aggregate,</p> <p>(f) a statement in reply by a member of the Government or Minister of State which shall not exceed 4 minutes,</p> <p>(g) a further statement by each of the members who have given notice which shall not exceed 5 minutes in the aggregate, and</p> <p>(h) a concluding statement by the member of the Government or Minister of State concerned which shall not exceed 2 minutes.</p>	
		(5)	A list of the matters in respect of which notice has been given under this Standing Order and the name of the member concerned in each case shall be printed in the Official Report of the Debates.	
		(6)	The Ceann Comhairle shall have regard to requests made pursuant to Standing Order 40A(7) in selecting matters in accordance with this Standing Order.;	

Written Submission from the House of Commons - June 2012

Topical Questions

Inquiry by the Northern Ireland Assembly Committee on Procedures

Memorandum from the Principal Clerk of the Table Office, House of Commons

The Chair of the Committee on Procedures wrote to the Speaker of the House of Commons on 24 April inviting his views on the operation of topical questions. Mr Speaker responded, saying that in his perception the introduction of topical questions in the House of Commons had been a success and raised no great procedural complexities. He promised a memorandum on the details of the system operated in the House of Commons, and this is that memorandum.

The system currently in operation arose from a recommendation of the Select Committee on Modernisation of the House of Commons in 2007.¹ It built on an earlier change which had reduced the notice period for oral questions generally from 10 working days (effectively a fortnight) to three or sometimes four working days.

Question time in the House takes place each sitting Monday to Thursday for approximately the first hour of the sitting. There is a rota of government departments answering on each day of the week. Each department answers roughly once every five weeks. For major departments the slot lasts for the whole hour. On other occasions the hour is divided between different Departments and Ministers, with the last 15 or 20 minutes being divided between one or more of the smaller departments or offices or other Members who answer oral questions. Each Wednesday, the questions to the first department are interrupted after half an hour and there follows half an hour of questions to the Prime Minister.

Prior to the introduction of topical questions it had been the rule of the House that notice of a substantive question had to be given for a Member to have a chance to ask an oral question. "Open" questions were not allowed: in other words the substantive question which was submitted and printed had to be sufficiently narrow to limit the scope of any supplementary questions which might follow. An exception to this rule had existed for a long time in the case of questions to the Prime Minister: Members have long been able to table an open question for oral questions to the PM (though they are not obliged to do so).²

In the traditional form of oral questions, Members ask their substantive question by rising when called by the Speaker and giving the number of their question as printed on that day's Order Paper. After a Minister has given his or her reply to that question, the Member is called to ask a supplementary question, to which the Minister responds. Supplementaries must relate to matter of the substantive question which they follow. The Speaker may then call further Members who indicate their wish to do so to ask further supplementaries, to which the same requirement applies.

Members whose questions are printed on the Order Paper on any particular day are selected by means of a process known as the "shuffle". Between the end of the one session of oral questions to a particular department and three (or sometimes four) working days before the next questions to that department, Members may submit the text of their proposed question

1 First Report from the Select Committee on Modernisation of the House of Commons, Session 2006-07, *Revitalising the Chamber: the role of the back benches*, HC 337, paragraphs 51-55.

2 This eventually came to be the traditional question asking the PM to list his or her engagements for the day. Open question to the PM arose originally because of the difficulty in devising a substantive question to the PM which did not directly engage the responsibilities of some other Cabinet Minister and which would be transferred.

to the Table Office. On the day on which the list closes, at 12.30 pm, these names are randomly sorted by a computer programme. According to which department is answering, the first 10 to 25 will then have their questions printed on the Order Paper. Those which are not drawn high enough to appear within the day's quota are "lost", and are not printed and receive no answer (though it is always open to a Member to re-table their question for written answer).

The change made in 2007 was to split the question time to major departments into two parts, with the last ten or fifteen minutes reserved for "topical questions". These were to be open questions on the same lines of those traditionally allowed only to the Prime Minister. Members submit their name to the Table Office, and the names are sorted in the same way as those submitting substantive questions, after the deadline for submission (which is the same). The names of those that come high enough to be within the quota for topical questions for that day are printed on the Order Paper, in a separate list which appears after the list of substantive questions, with a note indicating at what time topical questions will commence. Members may submit both a substantive question and notice of a wish to ask a topical question to the same department on the same day (and it is not an infrequent occurrence that their names appear in both lists).

At the time fixed for topical questions to commence, the Speaker calls the Member first on the list. Technically, the first topical question is to ask the Minister to make a statement on his or her departmental responsibilities. Secretaries of State usually make a fairly formulaic response, lasting perhaps half a minute. The Member first listed is then called to ask his or her supplementary, which may be on any matter within the department's responsibilities. The Speaker then proceeds to call Members whose names have been printed on the Order Paper, after having been successful in the "shuffle" for topicals. After the first topical question, it is not known in advance which of the departmental Ministers will respond to any particular question. The Speaker does not necessarily follow the strict numerical order of the printed list in calling Members, but gives priority to alternating questions from either side of the House. But all Members on the printed list can expect to be called, and usually a few others are called as well, at the discretion of the Speaker. Front bench opposition spokespeople may be called to ask one or two questions during this period, but otherwise the time is seen as backbench time. There is no substantive answer after the opening reply, but when called Members simply ask their question without having been required to give any advance notice of the topic they intend to raise.

I should emphasise, therefore, that "topical" questions has a very specific meaning within House of Commons practice. In some ways it might perhaps be better described as "spontaneous questions" – the term simply means an oral question asked without giving written notice of the subject. Since substantive oral questions are tabled only a few days before they are answered, they too may be quite topical – and this was the intention when the period of notice was reduced from a fortnight. Equally, a Member may choose to ask a question during the period of topical questions which is not particularly topical.

There were concerns at the outset that the responses to topical questions would be rather unhelpful, and that the whole process might create more heat than light. However, both Ministers and backbenchers seem to relish the opportunity for these spontaneous exchanges, and as the Speaker stated, the practice of topical questions seems to have become uncontroversial since its introduction some five years ago.

Should your Committee require any further assistance in its inquiry into topical questions in the Assembly, we would be happy to provide what we can.

Paul Evans
June 2012

Written Submission from the Scottish Parliament - 11 June 2012



The Scottish Parliament
Pàrlamaid na h-Alba

The Presiding Officer
Tricia Marwick MSP

Mr Gerry Kelly
Chairperson, Committee on Procedures
Room 33
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

11 June 2012

Dear Mr Kelly

Inquiry into Topical Questions

Thank you for your letter, dated 24 April, regarding your Committee's inquiry into topical questions in the Northern Ireland Assembly.

Your request is timely. The Scottish Parliament has just agreed a raft of reforms to its sitting patterns and the use of Parliamentary time that will see, among other things, the introduction of Topical Questions on Tuesday afternoons. The start of Session 4 seemed an opportune time to review whether sitting patterns and practices in place for 13 years have served their intended purposes. With that in mind, the Standards, Procedures and Public Appointments (SPPA) Committee of the Scottish Parliament carried out an inquiry into the operation of the Parliamentary week. This included the management of question times.

Currently, the Parliament meets on Wednesday afternoons and all day Thursday and holds various question times on the Thursday. General Questions are allocated a 20 minute slot in the morning, First Minister's Question Time is allocated 30 minutes at noon and Themed Questions (when the ministerial portfolios are rotated on a three-week basis) are allocated 40 minutes in the afternoon. In addition, the Parliament has a procedure to enable a Member to ask an emergency question, with the agreement of the Presiding Officer, on a day when there is a meeting of the Parliament and where that question is of an urgent nature.

On Wednesday 6 June, the Parliament debated and agreed the SPPA's 2nd Report, 2012, *Parliamentary Reform - Standing Order rule changes*. This allows the Parliament to implement reforms to the structure of the parliamentary week with a view to improving the Parliament's responsiveness to emerging issues.

As part of those reforms, the Parliament has agreed that plenary sessions should take place on Tuesday, Wednesday and Thursday afternoons, with the first item of

business of the week being a maximum 15 minute period for Topical Questions. Other question times have been retained but moved to different slots so that each day begins with questions to Ministers.

The Parliament has agreed that Topical Questions will be lodged the day before they are taken (i.e. 12 noon on Monday for 2.30pm on Tuesday) and that they will be subject to selection by the Presiding Officer. It is likely that the Presiding Officer will only select questions if she is satisfied that they bring up genuinely topical issues that have arisen since the previous opportunity to question ministers and avoid duplication with questions already due to be answered in the coming week. The introduction of Topical Questions will, therefore, allow the Parliament to respond more readily to emerging issues and enable backbenchers to question the Government at shorter notice on matters that have national implications or national significance.

I should draw your attention to the fact that, in agreeing to institute Topical Questions, the Parliament agreed to retain the current General Question Time. These are designed to ensure that issues that are not due to be aired on the current Themed Question Time rota for two or three weeks can be raised in the Chamber. There is, therefore, a clear distinction between General Questions and Topical Questions and the Presiding Officer's powers of selection of the latter will ensure that there is no overlap.

The Parliament does not plan to implement the new procedures and sitting patterns until after Members return from the summer recess in September 2012. The SPPA Committee intends to keep the new arrangements under review and, in due course, report on their effect.

I enclose with this letter a copy of the SPPA Committee's 2nd Report, 2012, *Parliamentary Reform - Standing Order rule changes* and a copy of the *Official Report*, 6 June 2012, which includes the debate on the report.

I would be happy to contact you again once we have had experience of the new arrangements working in practice, if that would be helpful.

I hope this information proves useful to you and look forward to being kept in touch with the outcome of your own deliberations.

Yours sincerely



TRICIA MARWICK



Northern Ireland
Assembly

Appendix 3

Research Paper



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"> Names for the Members ballot must be submitted by 1.00pm on Tuesday 16 November Successful Members must then submit their questions by 1.00pm on Thursday 18 November 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) 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. 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 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

1 <http://www.niassembly.gov.uk/assembly-business/questions-for-answer/questions-for-urgent-oral-answer/> accessed 30 January 2012

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

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 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.

3 As above

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

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

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
- 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:

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

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.

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

¹⁰ Standing Orders of Dail Eireann, 2011

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

¹² As above

Legislature	Summary of response
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 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.

Legislature	Summary of response
States of Jersey	<p>Members are able to ask topical questions to ministers in three different ways:</p> <p>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)</p> <p>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)</p>
New Zealand House of Representatives	<p>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.</p>
South African Parliament	<p>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.</p>

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.



Northern Ireland
Assembly

Appendix 4

Correspondence

House of Commons Speaker - 2 May 2012



The Speaker

Speaker's House Westminster London SW1A 0AA

2 May 2012

Dear Mr. Kelly,

Thank you for your letter of 24 April asking for my thoughts in relation to the inquiry into Topical Questions you are currently undertaking.

I have asked Mr Paul Evans, Principal Clerk of the Table Office in the House of Commons to respond to this request, describing the practice surrounding Topical Questions in Westminster and he will contact you directly.

The introduction of Topical Questions in Westminster seems to have been a successful innovation and does not appear to cause any great problems for Ministers.

Yours sincerely

Speaker

Gerry Kelly MLA
Chairperson
Committee on Procedures
Northern Ireland Assembly
Room 33
Parliament Buildings
Ballymiscaw
Stormont
BELFAST BT4 3XX

NORTHERN IRELAND ASSEMBLY
COMMITTEE ON PROCEDURES

DATE 3/5/12



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: customer.services@tso.co.uk

Textphone 0870 240 3701

TSO@Blackwell and other Accredited Agents

£11.50

Printed in Northern Ireland by The Stationery Office Limited
© Copyright Northern Ireland Assembly Commission 2013

ISBN 978-0-339-60473-5

