

Committee on Procedures

Review of Topical Questions

Together with the Minutes of Proceedings, Written Submissions
and the Minutes of Evidence relating to the Report

Ordered by the Committee on Procedures to be printed 25 November 2014

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**THE REPORT REMAINS 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)
- Mr Trevor Clarke (Deputy Chairperson)
- Mr Jim Allister
- Ms Paula Bradley ¹
- Mr Samuel Gardiner
- Mr Kieran McCarthy ²
- Mr Barry McElduff
- Mr Oliver McMullan
- Mr Alban Maginness
- Lord Morrow
- Mr George Robinson

1 With effect from 16 September 2013 Ms Paula Bradley replaced Mr Mervyn Storey

2 With effect from 1 October 2013 Mr Kieran McCarthy replaced Mr Chris Lyttle

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List of Abbreviations

the Committee	Committee on Procedures
the Executive	Executive Committee
AQs	Assembly Questions
BBC	British Broadcasting Corporation
QT	Question Time
SDLP	Social Democratic and Labour Party
SO	Standing Order
TQ	Topical Question
TQs	Topical Questions
TQT	Topical Question Time
UKIP	United Kingdom Independence Party
UUP	Ulster Unionist Party

Executive Summary

When the introduction of Topical Questions was agreed on 15 April 2013, the Assembly also agreed that the Committee on Procedures (the Committee) undertake a review of the process after a six month trial period.

A single issue review, carried out by the Committee in November 2013, resulted in Topical Question Time being moved to the 15 minute slot after Assembly Questions to each Minister. However, this did not preclude the need for a full review of the process and this report sets out the findings of that full review.

Having considered statistical information and evidence provided, the Committee concluded that Topical Question Time was perceived to have provided a valuable additional opportunity to hold Ministers and departments to account and should be retained largely unchanged.

However, one area, that of the balance of time set aside for Topical Questions and Assembly Questions, was highlighted as needing further consideration and the Committee therefore agreed that this matter would be subject to a further review after a further six month period.

Summary of Recommendations

Recommendation 1

The Committee recommended that Topical Question Time (TQT) be retained.

Recommendation 2

The Committee recommended that no change be made to the existing order of Question Time (QT).

Recommendation 3

The Committee recommended that no change to the overall allocation of time for QT be made.

Recommendation 4

The Committee recommended that the current breakdown of time allocated within QT be retained, but that a further review of this issue be carried out in six months.

Recommendation 5

The Committee recommended that no change to the current procedures in respect of advance notice for TQT be made.

Recommendation 6

The Committee recommended that no additional admissibility criteria or definition of topicality be introduced.

Recommendation 7

The Committee recommended that Standing Orders be amended to reflect the requirement in Standing Order 20(7) that the first question may not be asked by a Member of the same party as the Minister.

Recommendation 8

The Committee recommend that no changes be made to the current procedures in respect of supplementary questions permitted during TQT.

Introduction

1. When the introduction of Topical Questions (TQs) was agreed on 15 April 2013, the Assembly also agreed that the Committee on Procedures (the Committee) would undertake a review of the process after a six month trial period.
2. A single issue review was carried out by the Committee in November 2013, after a number of comments were received, expressing concern over the impact Topical Question Time (TQT) was having on Question Time (QT). Comments centred on the positioning of TQT i.e. TQT before Assembly Questions (AQs). This review resulted in TQT being moved to the 15 minute slot after Assembly Questions to each Minister, but did not preclude the need for the Committee to undertake a full review of the process. This report sets out the findings of the Committee's full review.

Background

3. TQT has been in operation since 9 September 2013. From this date until the start of the summer recess in July 2014, 792 TQs and 764 supplementaries had been asked of Ministers. Initial fears that Ministers would be unable to respond effectively to this type of spontaneous questioning have not been realised.
4. Data to inform the Committee's review has been collected throughout the review period, both as quantitative data from TQT¹ itself and qualitative data from the Committee's call for evidence² as part of this review and through collation of comments received by the Assembly's Business Office from individual Members over the period³.

1 Statistical Data at Appendix 4

2 Written Submissions can be found at Appendix 3

3 Table of Comments received in the Business Office can be found at Appendix 5

Consideration of Key Issues and Analysis of Evidence

Effectiveness

5. Quantitative data suggested that attendance at the start of QT has remained consistent over the period of the review, with an average of 44 Members in attendance. Figures did not differentiate between attendance at TQT and AQs within this period, but anecdotal evidence suggests that a number of Members do leave the Chamber after completion of AQs and begin to re-enter at the end of the initial TQT.
6. Evidence also shows that there were 85 occasions on which Members were not in their place to ask a question and supplementary, equivalent to 10% of opportunities missed. On a further 49 occasions names were withdrawn after the ballot, giving a total of 17% of possible TQs and supplementary questions not being asked over the entire period.
7. The Committee noted that, on average, 6 questions and supplementaries were asked during the 15 minutes of TQT, with only one instance of all 10 TQs on the list being reached.
8. In examining submissions from the BBC⁴, the Speaker⁵, the SDLP⁶ and the UUP⁷, as well as comments collected over the pilot period, the Committee noted that the majority of respondents were in favour of the continuation of TQT.
9. Only one respondent (UKIP⁸) suggested the process was less than successful, suggesting it had only achieved an extension of Question Time and that in order to be truly effective a topicality test should be introduced and TQT only held if questions passing such a test were received.
10. Having considered both the statistical information and evidence provided, the Committee concluded that the practice of TQT was perceived to have provided a valuable additional opportunity to hold Ministers and departments to account. The Committee recognised that further examination of data and evidence was needed to identify any opportunities which might exist to fine tune the process, but **recommended that Topical Question Time be retained.**
11. From further consideration of submissions received and data available the Committee identified the following elements of the TQT process for review in order to identify any enhancements possible:
 - a. The order in which TQs and AQs are taken within QT;
 - b. The total time allocated to QT;
 - c. The balance of time allocated to AQs and TQs;
 - d. Provision of advance notice of the topic or content of TQs;
 - e. Introduction of any further admissibility criteria;
 - f. Introduction of a definition of topicality;
 - g. Introduction of restrictions to who can ask TQs; and
 - h. Introduction of opportunity for further use of supplementary TQs.

4 Written Submission included at Appendix 3

5 Written Submission included at Appendix 3

6 Written Submission included at Appendix 3

7 Written Submission included at Appendix 3

8 Written Submission included at Appendix 3

Order of AQs and TQs within Question Time

12. The Assembly had approved the Committee’s recommendation that TQT be taken after Assembly Questions to the Minister following the interim review in November 2013 and the Committee now considered it had sufficient data to ascertain how effective the revised process had been.
13. During oral evidence provided on 23 September 2014, junior Ministers⁹ advised that all Ministers were broadly content with current procedural arrangements for TQs and confirmed the revised order of QT was seen as an improvement. This view mirrored comments submitted by the Speaker¹⁰, the UUP¹¹ and the SDLP¹², as well as Committee Members in their comments.
14. Statistical data did not contradict stakeholder comments, showing no change in attendance during TQT in the chamber following the November 2013 change and therefore the **Committee were content to recommend that no change be made to the existing order of Question Time.**

Total Time Allocated to Question Time

15. On examination of stakeholder submissions, the Committee noted general agreement that the existing 45 minute duration was appropriate for Question Time to each Minister.
16. Opinions were explicitly expressed by the SDLP and the Speaker, who both suggested that a further extension of Question Time was not desirable. The UUP did not comment specifically on the length of QT. However, in their discussion on the balance of time allocated to TQT and AQs the Committee noted no reference to changing the 45 minute duration of QT as a whole, a factor which the Committee was content suggested no issue with the overall time allocated to QT.
17. The UKIP response, which is critical of the current processes of TQT in other ways, does not highlight any concerns about the length of QT.
18. Having considered available opinion and having found no contradictory statistical data, the **Committee recommended that no change to the overall allocation of time for QT be made.**

Balance of Time Allocation with Question Time

19. The Committee noted that all stakeholder responses included comments in respect of the balance of time allocated to TQT and AQs.
20. During their presentation, junior Ministers stated¹³ that the opinions they would present in terms of this topic had not been collectively agreed by the Executive Committee (the Executive). However, they confirmed that a number of Ministers had expressed a neutral view in this regard, or would be content if time allowed for TQs was increased, while others had strong objections to any change in the current balance.
21. All other stakeholder submissions noted they were in favour of an increase in the length of time given to TQs within QT, but offered a variety of suggestions on how this should be achieved.
22. The Speaker refers to suggestions he received from individual Members that TQT should be extended and confirms he sees merit in this. However, no further detail as to the nature of this extension within the 45 minute time period was offered.

9 Hansard of 23 September 2014 at Appendix 2
 10 Written Submission included at Appendix 3
 11 Written Submission included at Appendix 3
 12 Written Submission included at Appendix 3
 13 Hansard of 23 September 2014 – Appendix 2

23. A similar view was expressed in the SDLP response, which suggested that the TQT time portion of QT be extended, but gave no further detail on how much of an extension was deemed appropriate. The BBC on the other hand was quite clear, suggesting that QT should be split in half. The UUP view was broadly in agreement with the BBC view, suggesting 25 minutes for AQs and 20 minutes for TQ's.
24. The only suggestion that there should be a reduction in the time allowed for TQT was received from UKIP, who proposed that TQT should not be a weekly occurrence at all, but rather only be scheduled when a question is received that passes a topicality test.
25. Quantitative data was not able to add anything to this consideration and having taken into account the balance of opinion expressed, the **Committee recommended that the current breakdown of time allocated within QT be retained, but that a further review of this issue be carried out in six months.**

Advance Notice of Content or Topic

26. Between 9 September 2013 and 1 July 2014, 1556 TQs and supplementaries have been put to Ministers during TQT. Initial fears that Ministers would be unable to respond to TQs have not been realised and, while no quantitative data is available, the occurrence of Ministers not answering a TQ in the Chamber has been rare enough that no Member has logged comment with the Business Office in this regard. The Committee was content that this indicated no issue in terms of advance notice existed.
27. The only stakeholders to suggest anything different were the junior Ministers who, during their oral evidence session on 23 September 2014, indicated that advance notice of the topic to be raised might prove helpful in enhancing answers. However, as the matter had not been raised as a concern in any other submissions, the **Committee was content to recommend that no change to the current procedures in respect of advance notice for TQT be made.**

Admissibility and Definition of Topicality

28. In considering admissibility, the Committee acknowledged the interdependence with the issue of defining topicality, and agreed to consideration of both issues under one heading.
29. Both admissibility and topicality were areas considered at length by the Committee in its initial inquiry into the introduction of TQT. The topics were referred to again in submissions and comments received as part of this review. These highlighted a clear difference of opinion between views expressed by Ministers and those of other stakeholders.
30. In his response, the Speaker suggested that he was not in favour of any definition of topicality since it would be difficult for him to be aware of every emerging departmental or constituency issue and therefore would be hard pressed to rule on admissibility in the Chamber.
31. The Committee acknowledged the Speaker's view and suggested that if this was agreed any screening for admissibility against a definition of topicality would therefore need to be done in advance of TQT. The Committee agreed that if this was to be done, knowledge of the content of questions would be required, which would adversely affect the spontaneity of TQT.
32. The Committee noted that several relevant points had been covered when the decision to move TQT to the end of QT was made. One of the reasons for making the move was to allow Members to probe further on any AQs where they were not satisfied with the response, and another, to allow Members to ask a question from the oral list that had not been reached. Therefore, since oral questions can be followed up during TQT, and since orals have no topicality test, it follows logically that there should be no topicality test introduced.
33. While UKIP had expressed its preference for admissibility criteria to be introduced, the Committee, having taken into account the balance of opinion and that one of the aims of TQT was to achieve spontaneity, **recommended that no additional admissibility criteria or definition of topicality be introduced.**

Restrictions

34. This heading was used to cover stakeholder opinions which suggested limiting which Members or parties should be permitted to ask TQs of specific Ministers.
35. Again, stakeholder opinion was mixed. The Executive did not offer an agreed opinion, with junior Ministers again reporting a variety of Ministerial views. These included some who were content, or would actively support the introduction of a partial restriction similar to that in force for AQs¹⁴ under Standing Order 20(7). However, others were strongly opposed to any restriction, suggesting it would inhibit the rights of Members from certain parties to hold ALL Ministers to account.
36. One informal comment, logged by the Business Office during the period under review, suggested that a partial restriction as for AQs would be beneficial as it would limit the risk of Ministers being advised in advance of the content of TQs, while another went so far as to suggest that no names from the Minister's party should be entered into the ballot for that QT at all.
37. Only one other formal submission was received on this topic and that was from the UUP. This suggested a partial restriction should be introduced, but that its format should be different to that of AQs, with the first TQ allocated to the Chairperson of the relevant Committee, the second to the deputy Chairperson and no more than 40% of the remaining questions to be allocated to Members of the same party as the Minister.
38. The Committee weighed the feasibility of views and agreed that while some value in introducing restrictions could be found, an overly prescriptive approach would be counterproductive. It believed that a suitable balance could be achieved by mirroring the restrictions in place for AQs and **recommended that Standing Orders be amended to include a restriction for TQs that mirrors SO20(7).**

Enhanced use of Supplementary Questions

39. The final aspect of TQT considered by the Committee was the use of supplementary questions.
40. The Committee considered whether enhanced scrutiny could be achieved by allowing Members, other than the Member who had posed the initial TQ, to ask additional supplementaries in a manner similar to that used in AQs. In this arrangement, Members rise in their place to indicate they wish to be called to ask a supplementary at the Speaker's discretion¹⁵.
41. Junior Ministers reported that, on this occasion, a majority of Ministers would be content if such a change were introduced, but highlighted that such a step would likely reduce the number of TQs covered in the time permitted. The Speaker, who was also broadly in favour of such a step, raised a similar concern.
42. The view of the SDLP was that it would be beneficial to permit more than one supplementary question to each TQ, and that the Speaker's discretion could be used to allow certain lines of questioning to develop, rather than using a complex method of apportioning supplementaries, such as use of the d'Hondt formula.
43. Two further informal comments were received by the Business Office during the review period, and both these suggested there would be value in permitting additional supplementary questions.

14 Standing Order (SO) 20(7), which states, ".....However, the first question may not be from a member of the same party as the Minister to whom it is addressed, unless all the questions (drawn out of the ballot) are from members of that party".

15 Speaker's Rulings and Conventions – 3.6 Assembly Questions (3.6g).

44. The Committee considered the matter; particularly in terms of the benefit afforded other Members if extra supplementaries were permitted against the detriment to Members drawn in the ballot should their questions not be reached. This was then weighed against the general view that TQT was proving successful in its current format. After discussion, the **Committee recommended that no changes be made to the current procedures in respect of supplementary questions permitted during TQT.**



Northern Ireland
Assembly

Appendix 1

Minutes of Proceedings of the Committee Relating to the Report

Tuesday 24 September 2013

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Barry McElduff 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)
Jennifer Breslin (Clerical Officer)

1.00pm The meeting opened in public session.

1. Apologies

Mr Oliver McMullan MLA

The Chairperson welcomed Ms Bradley to the Committee. Ms Bradley confirmed that she had no financial or other interests, relevant to the work of the Committee, to declare. The Chairperson reminded Members of the on-going need to declare any interests which are relevant to the work of the Committee.

11. Any other Business

The Chairperson informed Members that some feedback had been received from Members on the Topical Questions process.

Agreed: It was agreed that an interim evaluation of the Topical Questions process should be undertaken, and the Clerk was asked to gather information for consideration at the next meeting.

1.55pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 22 October 2013

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Oliver McMullan MLA
Mr Kieran McCarthy MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Jennifer Breslin (Clerical Officer)

1.10pm The meeting opened in public session.

1. Apologies

Mr Jim Allister MLA
Mr Trevor Clarke MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA

The Chairperson welcomed Mr McCarthy to the Committee. Mr McCarthy confirmed that he had no financial or other interests, relevant to the work of the Committee, to declare. The Chairperson reminded Members of the on-going need to declare any interests which are relevant to the work of the Committee.

6. Interim evaluation of Topical Questions

The Committee considered statistical data and commentary on the Topical Questions process since its introduction.

The Committee also considered a letter from the Speaker which outlined some issues in relation to the Topical Questions process. The Chairperson informed Members that he had met with the Speaker, at the Speaker's request, to discuss the matter.

Agreed: It was agreed that some of the concerns about the Topical Questions process could be addressed by changing the order in which Topical Questions are taken in the Chamber, i.e. after Oral Questions, and that Standing Order 20A(1) should, therefore, be amended.

The Committee considered legal advice on this matter along with a draft motion to amend Standing Order 20A(1).

Agreed: The Committee agreed the amendment and the motion to amend Standing Order 20A(1).

Agreed: The Committee agreed that the Chairperson writes back to the Speaker to advise him of the Committee's decision.

1:34pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 26 November 2013

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Barry McElduff MLA
Mr Oliver McMullan MLA
Mr Kieran McCarthy MLA
Mr Alban Maginness MLA
Lord Morrow MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Jennifer Breslin (Clerical Officer)

1.04pm The meeting opened in public session.

1. Apologies

Mr George Robinson MLA

5. Review of Topical Questions

The Committee noted the updated statistical data on the Topical Questions process since its introduction.

Agreed: It was agreed to continue the review of Topical Questions at the meeting scheduled for 28 January 2014. It was also agreed that a draft letter to stakeholders, inviting their views on the Topical Questions process, should be prepared by the Clerk for consideration at the meeting in January 2014.

1:56pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 28 January 2014

Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Barry McElduff MLA
Mr Oliver McMullan MLA
Mr Kieran McCarthy MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Jennifer Breslin (Clerical Officer)

1.02pm The meeting opened in closed session.

1. Apologies

None.

4. Review of Topical Questions

The Committee noted the updated statistical data on the Topical Questions process since its introduction.

Agreed: The Committee agreed:

- a) The programme of work, and that a notice publicising the review would appear on the Assembly website only.
- b) The list of stakeholders who should be invited to submit written evidence.
- c) The draft letter to stakeholders.

1:52pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 25 February 2014

Room 29, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Oliver McMullan MLA
Mr Kieran McCarthy MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Jennifer Breslin (Clerical Officer)

1.00pm The meeting opened in closed session.

1. Apologies

None.

6. Review of Topical Questions

The Committee considered the written submissions that had been received and noted a briefing paper on the emerging findings from the analysis of the data collected on the Topical Questions process since its introduction.

The Chairperson informed Members that a response from the Executive Committee was expected, but had not yet been received.

Agreed: It was, therefore, agreed to consider the matter further at the next meeting.

1.28pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 25 March 2014

Room 29, Parliament Buildings

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

In attendance: Nuala Dunwoody (Clerk Assistant)
Nick Mitford (Senior Assistant Clerk)
Neil Currie (Assistant Clerk)
Jennifer Breslin (Clerical Officer)

1.01pm The meeting began in closed session.

1. Apologies

Ms Paula Bradley MLA

8. Review of Topical Questions

The Chairperson informed Members that a response from the junior Ministers on behalf of the Executive Committee had still not been received.

Agreed: It was agreed to write back to the junior Ministers to remind them of their outstanding response, and to ask for their comments on some specific issues that had emerged during the review.

1.40pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 29 April 2014

Room 29, Parliament Buildings

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

In attendance: Nick Mitford (Senior Assistant Clerk)
Neil Currie (Assistant Clerk)
Jennifer Breslin (Clerical Officer)

1.01pm The meeting began in closed session.

1. Apologies

Mr Kieran McCarthy MLA
Mr Barry McElduff MLA

5. Matters arising

(b) Review of Topical Questions

The Chairperson advised Members that, as agreed, he had written to the junior Ministers to remind them of their outstanding response, and to ask for their comments on some specific issues that had emerged during the review.

As no response had been received, the Committee was content to consider this item at the next meeting.

1.33pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 27 May 2014

Room 29, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Kieran McCarthy MLA
Mr Barry McElduff MLA
Mr Oliver McMullan MLA
Mr Alban Maginness MLA
Mr George Robinson MLA

In attendance: Ciara McKay (Clerk)
Neil Currie (Assistant Clerk)
Jennifer Breslin (Clerical Officer)

1.01pm The meeting began in closed session.

1. Apologies

Lord Morrow MLA

4. Matters arising

In relation to the Review of Topical Questions, the Deputy Chairperson advised Members that responses from the junior Ministers to the Committee's letters dated 28th January 2014 and 1st April 2014 were still outstanding.

Agreed: It was agreed that the Chairperson should write to the junior Ministers to chase up the outstanding responses.

The Committee was content to consider this item at the next meeting.

1.26pm The Deputy Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 24 June 2014

Room 29, Parliament Buildings

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

In attendance: Ciara McKay (Clerk)
Nick Mitford (Senior Assistant Clerk)
Neil Currie (Assistant Clerk)

1.01pm The meeting opened in public session.

1. Apologies

Mr Samuel Gardiner MLA
Mr Barry McElduff MLA

3. Matters arising

(c) Review of Topical Questions

The Chairperson advised Members that, as agreed, he had written to the junior Ministers to request outstanding responses to the Committee's letters dated 28th January 2014 and 1st April 2014, in relation to the Review of Topical Questions.

Agreed: The Committee agreed to invite the junior Ministers to brief the Committee at its next meeting, scheduled for 23rd September 2014, on the Committee's Review of Topical Questions.

1.49pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 23 September 2014

Room 29, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Kieran McCarthy MLA
Mr Barry McElduff MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA

In attendance: Alison Ross (Clerk)
Nick Mitford (Senior Assistant Clerk)
Neil Currie (Assistant Clerk)

1.01pm The meeting opened in public session.

1. Apologies

Mr Trevor Clarke MLA

4. Review of Topical Questions – briefing from junior Ministers

1.04pm Junior Minister Bell, junior Minister McCann and OFMDFM officials Neill Jackson and Graeme Reid joined the meeting. The junior Ministers briefed Members on the views of Executive Ministers on the Topical Question process. This was followed by a question and answer session.

1.06pm Mr Allister joined the meeting.

The junior Ministers advised Members that a written briefing paper would be submitted to the Committee following the meeting.

1.28pm The Chairperson thanked the junior Ministers for the briefing, and they left the meeting.

1.29pm Mr Robinson joined the meeting.

The Committee discussed a number of issues relating to the review.

1.46pm Lord Morrow left the meeting.

The Clerk was asked to prepare a briefing paper summarising the discussion, for consideration at the next meeting.

1.55pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 21 October 2014

Room 29, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Kieran McCarthy MLA
Mr Barry McElduff MLA
Mr Oliver McMullan MLA
Mr George Robinson MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Dee Papacosta (Clerical Officer)

1.06pm The meeting began in closed session.

1. Apologies

Mr Trevor Clarke MLA

Mr Alban Maginness MLA

5. Review of Topical Questions

The Committee considered a briefing paper summarising the decisions taken in respect of the Review of Topical Questions.

Agreed: The Committee agreed all of the recommendations in the briefing paper.

Agreed: It was agreed that the Clerk should prepare a draft report for consideration at the next meeting.

1.26pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 25 November 2014

Room 21, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)
Mr Trevor Clarke MLA (Deputy Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Kieran McCarthy MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mr George Robinson MLA

In attendance: Alison Ross (Clerk)
Neil Currie (Assistant Clerk)
Dee Papacosta (Clerical Officer)

1.01pm The meeting began in closed session.

1. Apologies

Mr Samuel Gardiner MLA

Mr Barry McElduff MLA

Mr Oliver McMullan MLA

4. Review of Topical Questions

The Committee read the draft report on the Review of Topical Questions paragraph by paragraph.

Report:

Paragraphs 1 – 12, agreed

Paragraph 13, agreed, as amended

Paragraphs 14 – 44, agreed

Summary of Recommendations – 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 – Minutes of Evidence

Appendix 3 – Written Submissions

Appendix 4 – Quantitative data from Topical Question Time

Appendix 5 – Comments received by the Business Office

Agreed: Members ordered the report to be printed.

Agreed: It was agreed that the Chairperson and Deputy 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 Assembly was agreed, as follows: 'That this Assembly approves the report of the Committee on Procedures on its Review of Topical Questions'.

Agreed: If the report is approved by the Assembly, it was agreed that the Clerk should prepare draft amendments to Standing Orders to give effect to the report's recommendations, and to seek legal advice as necessary.

1.36pm The Chairperson adjourned the meeting.

[EXTRACT]



Northern Ireland
Assembly

Appendix 2

Minutes of Evidence

23 September 2014

Members present for all or part of the proceedings:

Mr Gerry Kelly (Chairperson)
 Mr Jim Allister
 Ms Paula Bradley
 Mr Samuel Gardiner
 Mr Alban Maginness
 Mr Kieran McCarthy
 Mr Barry McElduff
 Lord Morrow

Witnesses:

Mr Jonathan Bell	<i>junior Minister</i>
Ms Jennifer McCann	<i>junior Minister</i>
Mr Neill Jackson	<i>Office of the First Minister and deputy First Minister</i>
Mr Graeme Reid	<i>First Minister</i>

1. **The Chairperson:** You are very welcome. Ministers, as you know, the Committee is carrying out a review of topical questions, and we thank you for attending to give evidence. I understand that you will make some introductory remarks, after which we will ask some questions, if that is OK.
2. **Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister):** Will we start then?
3. **The Chairperson:** Yes, that is fine. Thank you.
4. **Ms J McCann:** First, we want to thank the Chair for inviting us to attend this meeting of the Committee on Procedures. We are very grateful for the opportunity to share the views of Executive Ministers with you and members of the Committee to help inform your review of topical questions.
5. On receipt of the Committee's request for evidence, we canvassed the opinions of Executive Ministers, and while we regret that it was not possible to provide the Committee with written evidence in advance of today's meeting, we

hope that our comments will fully and accurately convey their views. We also propose to provide the Committee with a short paper setting out those views and will arrange for our officials to provide that paper following the meeting.

6. As a general observation, the Committee will be aware that Ministers supported the introduction of topical questions. As evidenced from the range of issues that have been raised as topical questions, the introduction of this new type of question has bridged the gap in the ability of Members to raise issues with Ministers while they are still very current and genuinely topical, and Ministers have welcomed that. It has been to the benefit of debate in the Chamber and the greater understanding of the work of Departments and must therefore be considered to be a positive development.
7. We propose to make some comments in which we will provide the views of Executive Ministers. Following that, we will be pleased to hear members' views and will respond to any questions that they might have.
8. Concerning the operation of the system of topical questions, Ministers have indicated that they are broadly satisfied with the procedural arrangements for such questions and are supportive of the change to the order in which topical questions are now taken during Question Time. They feel that the change has been an improvement and they therefore support the retention of this sequencing arrangement.
9. In examining potential changes to the system of topical questions that might improve their operation, Ministers suggested, individually, a number of areas that the Procedures Committee may wish to consider. We emphasise that these are individual rather than fully collective views, but, as they represent Ministers' actual experience of topical

- questions so far, we felt that they should be recorded.
10. The first is the definition of a topical question. That relates to the suggestion that consideration should be given to the introduction of an actual definition of what constitutes a topical question. The initiative to introduce topical questions was in large part to enable Members to raise issues with Ministers that had a greater degree of immediacy than the listed questions for oral answer and with a longer lead-in time. In practice, it has been suggested that the topical questions posed by Members can be at variance with that aspiration, with some displaying little by way of being topical and therefore indistinguishable from the ordinary questions for oral answer that precede them during Question Time. It is therefore suggested that the Committee might wish to give further consideration to the development and introduction of a specific definition of what a topical question is, which would involve an interventionist role by the Speaker when appropriate. That might ensure that the questions posed have a stronger focus on more immediate issues of current relevance that had emerged in the immediate period preceding a Question Time session.
11. The second issue concerns the overlap between questions for oral answer and topical questions. Questions are asked of Ministers as ordinary questions for oral answer and, sometimes, very similar questions are posed immediately afterwards as topical questions. Ministers have noted a large degree of overlap in some of the questions that are posed by Members. While Assembly Standing Orders and Speaker's rulings do not rule out topical questions that are based on, or supplementary to, questions that have been asked as questions for oral answer, it is considered that the Procedures Committee might seek to examine, and potentially review, that practice to ensure that the benefits of topical questions are fully realised.
12. The third issue concerns the advance notification of topical questions. Our final comment relates to a suggestion that consideration should be given to whether advanced notification of the topics of upcoming topical questions should be given to Ministers, but obviously not the detail of the questions themselves. If that were to happen, it is felt that Ministers would be in a better place to provide more detailed and informative answers to Members, which might serve to improve the overall effectiveness and impact of topical questions.
13. I will now hand over to Jonathan to do the second part of our presentation.
14. **Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister):** Thank you, Chairman. I would also like to express my thanks for the Committee's invitation to attend the meeting and for the opportunity to provide the Committee with Ministers' views on a number of specific issues that have been identified during the review.
15. They cover three main areas. The first concerns proposals to increase the time allocated to topical questions within the overall 45 minutes set aside for questions for oral answer to allow more Members to ask topical questions. A concern arises from the question of the balance of time. A number of Ministers indicated that they would either have a neutral view of such a proposal or would be content if such a change were to be introduced. However, other Ministers are equally opposed to any move to alter the current balance as they are not persuaded that there is a strong or pressing rationale for such a change to be made. If such a change were to be introduced, the Procedures Committee might also wish to consider how that might impact on the ordinary questions for oral answer facility. Any increase in the time set aside for topical question would, by definition, reduce the time available for Members to ask ordinary questions for oral answer. It might therefore be the case that consideration would need to be given to reducing the number of ordinary questions for oral

- answer allowed to be tabled to Ministers from the current 15 to a smaller number.
16. The second issue concerns Members asking supplementary questions. The Committee raised the issue of allowing all Members to ask supplementary questions to topical questions. In response, the majority of Ministers indicated that they would be content if such a change were introduced. However, the Committee will recognise that having more Members asking supplementary questions to a question on a particular issue may reduce the number of individual questions and, therefore, the variety of topics that are capable of being covered in a session. It has also been suggested that, as in many cases, when Ministers are able to answer the topical questions fully in their initial response, consideration should be given to the value that supplementary questions add to the process.
17. We consulted Ministers on proposals to introduce restrictions on Members from the same political party as a Minister asking topical questions of that Minister. A number of observations were made that we would like to convey to the Committee. Ministers expressed a variety of views on a partial restriction, whereby Members of the same party as the Minister could not ask the first question. A number advised that they would either be content if such a limited change were to be introduced or would actively support such a change. However, strong opinion was expressed by a significant number of Ministers about that suggestion. A number have advised that they are opposed to such a change and have expressed the view that such a move would serve to deny Members from particular parties the opportunity to scrutinise and hold all Ministers to account on topical issues and would place an unnecessary restriction on the topical questions procedure. Ministers were broadly opposed to the proposal for a wider prohibition on Members asking any topical questions of Ministers from the same party.
18. It is clear that the introduction of topical questions has had a positive impact on the business conducted in the Chamber. It has enlivened Question Time and enhanced the challenge role of Members, who now have the facility to pose a question on issues while they are very current in a way that was not readily available to them in the past. That said, it is obvious, through the views expressed by Ministers and the experience gained through topical questions having been in operation for an entire Assembly year, that it is still an evolving process. We look forward to the Committee's recommendations.
19. Chair, Jennifer and I would be happy to respond to any questions that you and the Committee might have on the evidence that we have presented to you. Thank you.
20. **The Chairperson:** OK. Thank you to both Ministers for answering most of the questions. There may be some other questions. It is open to the Floor. It is open to the Committee.
21. **Mr Allister:** I suppose that what you have said was pretty self-serving and predictable. Why are some Ministers precious about the idea of any prohibition of planted questions from their colleagues?
22. **Mr Bell:** My understanding is that they feel that every Member of the Assembly should be entitled to hold all Ministers to account. Therefore, to deny a party that ability would deny individual MLAs that ability.
23. **Mr Allister:** We already have a precedent in Standing Orders for questions for oral answer, whereby the first question cannot come from a Member who is from the same party as the Minister. What is the argument against that modest extension to topical questions?
24. **Ms J McCann:** I would not say that there is a total argument or bias against it. I think that Ministers are open to discussion on it. I think that the reason was that they did not want to disenfranchise any Members. Obviously some parties have a bigger membership

- than others in the Assembly and they did not want to prevent anyone from asking questions.
25. **Mr Allister:** Standing Order 27 already imposes that disenfranchising, if you wish, in respect of the first question of questions for oral answer. I just do not understand why, if it acceptable there, it would not be acceptable in topical questions.
26. **Ms J McCann:** Your point is taken and we can refer that back to them.
27. **Mr Bell:** We can reflect it back to the individual Ministers. If an MLA could not ask the first topical question, and given that you should not ask the same question twice, then it would prevent that MLA from raising something of pertinence to their area, constituency or area of interest just because they happen to be from the same party as the Minister. I take your point that that is in place for questions for oral answer.
28. **Mr A Maginness:** Thank you very much for coming; I think that you have made some very useful points. Do you have any idea of the definition of a topical question?
29. **Mr Bell:** The learned member, and the previous member who asked a question, are lawyers. I once asked for a definition of a specific form of child abuse only to be told that a crime is, by definition, only a crime if 13 of your peers consider it to be so. Sometimes it is whether the Speaker regards it to be topical.
30. It is an opportunity for topical questions and, essentially, questions should not be about long term or ongoing issues. The question should essentially refer to something that is topical on the day. There have been recent cases, including questions to the Environment Minister on illegal dumping and questions to a number of Ministers on the transfer of functions to the new councils. There is no doubt that those are important issues, but those questions might have been asked as questions for oral answer as they concern topics that are ongoing by nature. If a matter is ongoing by nature, that should decline the currency of a question's topicality.
31. **Ms J McCann:** If something is current or topical, it also has to have become an issue just before Question Time and should not be one, say, from the previous Question Time. That gap is important. Obviously, it would be hard to get an actual definition, but a topical issue has to have the interest of people outside, maybe something that has been talked up on the news, or whatever, or even something in somebody's constituency. I think that the definition is that it is something that is relevant and significant just prior to Question Time.
32. **Mr A Maginness:** Have you made a stab at defining it?
33. **Ms J McCann:** Not really. We would not do that on our own.
34. **Mr A Maginness:** Really what you are saying is that it would be very difficult to define.
35. **Ms J McCann:** Of course it would. Yes.
36. **Mr Bell:** The key element of any topical question should be that it is something of significant interest that has emerged or significantly evolved in the period immediately preceding a Question Time. It should not seek an update on policy but should deal with something that is emerging and current.
37. I do not think that we want to get bogged down in time being wasted by the Speaker in having to decide whether something is current and having arguments about that. It will be at the discretion of Members. However, the rule of thumb, as it were, is that it should deal with an issue of significant interest that has, as Jennifer said, emerged or significantly evolved immediately before Question Time.
38. **Mr McCarthy:** What is your view on other Members being permitted to ask supplementary questions?
39. **Ms J McCann:** I do not see any difficulty in that at all. I do not see the difficulty with that in normal Question Time. However, in topical questions, you would

- get through very little because of the time allocation. You get only 15 minutes for topical questions, whereas, in the other Question Time, you get half an hour. I think that you would be pressed to get a number of questions asked.
40. You see it in ordinary Question Time: someone asks a supplementary question, then another supplementary question is asked, and it is almost repetitive unless there is a particular issue to be teased out. The shortness of the allocated time and possible repetition would be the biggest difficulties for me in other Members asking supplementary questions during topical questions.
41. **Mr McCarthy:** It is frustrating for me, as I am sure it is for other Members, that when I ask a topical question and you respond, I do not get the opportunity to come back and ask you to further explain, and somebody else who might be interested cannot challenge your response either.
42. **Mr Bell:** It is a balancing act. I support the member. The majority of Ministers who replied support the widening of topical questions across the Chamber. It has been noted that, on occasions when Members have been invited to submit a supplementary in normal questions they have not done so.
43. Secondly, if you widen it, you run the risk of not getting as many topical questions in. Certainly, the majority of Ministers support what Mr McCarthy outlined.
44. **Lord Morrow:** In relation to Question Time generally, normally the expectation is that it is the highlight of the day. Is that happening here?
45. **Ms J McCann:** I can give you my personal view on that. Sometimes, you get questions at Question Time that could have been submitted in written form. You want to be able to give an answer that is immediate but also significant. There have been cases where an oral question has come in, and an odd topical question as well, that could have been answered in written form. That is particularly the case if the question is about a constituency issue, because you might not have all the information required for the answer in the back of your head, and a more detailed response might be needed on where facts and figures are concerned. Sometimes, Question Time loses its spontaneity when such questions arise. That is my view.
46. **Lord Morrow:** That is fine. I do not expect you to give anybody else's view on the like of that. In relation to the introduction of topical questions, to what extent has that enhanced the Assembly?
47. **Ms J McCann:** It has enhanced the Assembly because Members get the opportunity, from one Question Time to the next, to ask questions on issues of significance or concern to people in the local communities that we represent. Also, it gives Members the opportunity to ask major political questions. Things can change from one day to the next in politics, and topical questions give Members a vehicle to ask questions on issues that they might not otherwise have been able to. That is the biggest advantage of topical questions.
48. **Lord Morrow:** Therefore, you feel that Ministers are genuinely surprised at the questions they are asked on the Floor of the House during topical questions.
49. **Ms J McCann:** No Minister should be surprised by any question if they listen to what is on the news and to what is happening in people's lives. If Ministers, as political representatives, are tuned into political developments around them, they should naturally know the questions that will be of concern to Members.
50. **Mr Bell:** Topical questions empowers Members. Obviously, other questions are submitted in advance, and it is right that that is the case because of the preparation time needed to do the level of research required to give an accurate answer. Topical questions has significantly enhanced the interest in what occurs. As Lord Morrow knows, a week is a long time in politics, and topical questions allows questions on the more pressing issues.

51. **Mr McElduff:** In its written submission, the BBC makes the point that it would be a good idea to change the breakdown of the time allocated to regular questions and topical questions to 50:50. The breakdown of the 45-minute allocation is two thirds to one third, but there is some suggestion from the BBC that it would suit its agenda if the breakdown was 50:50.
52. **Mr Bell:** I think it would suit everybody. There is a general view among Ministers that a 50:50 split would be good. Without the ability to do the research to give an in-depth answer on a specific issue, there is no way you can do that in the period of time you have at present. There is a fairly even split among Ministers in favour of what you have suggested, Mr McElduff. Notice of questions allows for more in-depth research to be undertaken, which means a more accurate and high quality answer will be given. In terms of interest, immediacy and the relentless drive of the 24-hour news cycle that we all live in, a 50:50 split could be quite interesting and encouraging.
53. **The Chairperson:** While you are on that subject, what is the notion of advance notice? Are you talking about advance notice that morning or in line with that for oral questions at the moment? What is your suggestion?
54. **Ms J McCann:** If you are talking about advance notice for topical questions, it would have to be that morning, because something could be topical in the morning that was not topical the night before. In fairness to Members, if something has arisen overnight, they have to be able to ask about it. We are not suggesting having the same notice that is required for oral questions.
55. Advanced notice means that Ministers can give a more detailed answer, it is not about prepping Ministers about what will be asked. If you are asked about something that you do not know the detail of, you will give a poor answer in the Chamber.
56. **The Chairperson:** As I understand it, the request was for notice of the topic as opposed to the actual question.
57. **Ms J McCann:** Yes.
58. **The Chairperson:** The general area.
59. **Mr Bell:** It was the immediacy of notice that was the issue. A minority view was expressed from Ministers that they would like advanced notice. Part of the issue is a desire for clarification about the specific areas that will be looked at, because you could very quickly go into an area that is not the issue being asked about. It would be submitted on the day to allow the fullest information to be given.
60. You are right that notice would be given of the topic so that the Minister knows the area being asked about. The idea of advance notice was given by a minority of the Ministers who were involved.
61. **The Chairperson:** OK. Are there any more questions for the Ministers? Do the Ministers have anything else they want to add in terms of improving the process? I think you have covered everything. Thank you very much for attending.



Northern Ireland
Assembly

Appendix 3

Written Submissions

Written Submissions

1. The Speaker
2. Junior Ministers, OFMDFM
3. SDLP
4. UKIP
5. UUP
6. BBC

Written Submission from the Speaker - 18 February 2014

The Speaker



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

18 February 2014

Dear Gerry,

Thank you for the opportunity to contribute to the review of Topical Question Time.

Since its introduction I, along with the Principal Deputy Speaker and Deputy Speakers, have been keeping a close watch on the way in which Topical Question Time proceeds in the Chamber and have encouraged Members and Ministers to feed back their comments to me on an informal basis. This led quickly, as you know, to my request to the Committee on Procedures to switch the order in which Topical and Oral questions were taken. This change made a significant difference to the handling of Topical Question Time from the Chair and I very much appreciate the speed and willingness with which you and your colleagues addressed this issue.

You may also wish to be aware that since the length of Question Time was extended to accommodate Topical Questions I have avoided my previous practice of doubling up Question Times during weeks where there is a Bank Holiday and only one sitting day. This would have resulted in three hours of questions which I believe would be difficult from a Chairing perspective and potentially disruptive to Assembly business. As a consequence of this, in the course of a year, Ministers will be appearing slightly less frequently than previously but on balance I do not believe that ministerial accountability is unduly impacted.

As Speaker, I am concerned that Question Time should not only assist the Assembly in calling Ministers to account, but should also provide a lively and topical forum where the public can see their Assembly at work. I had hoped that Topical Questions would introduce some more spontaneity and interest and to some extent this does appear to have been the case. I am delighted that the Ministers seem to have engaged very positively in preparing for Topical Question Time and I believe they deserve credit for their approach.

While the time allocation of 45 minutes per Minister appears to be appropriate, a number of Members have suggested that the balance of time between listed oral questions and Topical Questions should be altered to allow more members to ask Topical Questions. Overall I see merit in this approach and if the Committee wishes to make recommendations in this respect, I would like to add some thoughts that the Committee might wish to take into consideration.

SP069_14

From a Speaker's perspective, it is important that the number of names listed is sufficient to fill the time allocated and so if Topical Question Time was lengthened, it might be necessary to also consider increasing the number of names drawn out in the ballot. As a corollary, it might be suggested that the number of names drawn for Oral Question Time should be reduced. Standing Order 20 (9) provides that if an oral question is not reached, then a written answer has to be produced and published in the Official Report. Regardless of the length of time allotted to oral questions, therefore, those who have a question listed but are not reached will still receive an answer. The Committee on Procedures will want to consider balancing this accountability with what seems a reasonable number of Questions for the time period.

If the Committee considers increasing the time for Topical Questions, it might also consider, as I have indicated above, increasing the number of names drawn out of the ballot to ensure sufficient names are listed for the time available. An alternative approach, however, might be to permit other Members to ask supplementary questions. I understand one of the original aims of Topical Questions was to provide an opportunity for an issue to be raised in a Topical Question by one Member then picked up by other Members on the list thereby enabling more detailed information to be drawn out. In practice this does not appear to be happening and quite often Members seem to be coming to the Chamber with their own predetermined question. In reality this is not unexpected as it is unlikely that all ten Members listed will have the same concerns at any one time. However, limiting the supplementary questions to the listed Member tends to make Topical Question Time of interest only to those Members listed. In contrast, during listed oral questions Members who have not been selected always have the possibility of being invited to ask a supplementary question thereby extending the interest of Question Time to a greater number of Members.

I believe this could increase the potential for spontaneity and if, after consultation, the Committee decides to adopt this approach, supplementary questions could be asked at the discretion of the Speaker, in the same way Standing Order 20(8) allows this for listed questions for oral answer.

I have not addressed the matter of what might be defined as 'topical' because I believe that it is not possible for the Speaker to be aware of every emerging constituency or departmental issue. I am therefore content that topicality remains undefined and at the discretion of the Member.

On a different note, I would gently suggest that it is apparent to me that Ministers have sometimes come prepared for an 'inspired' question from one of their own party colleagues. This is to be expected but does tend to diminish the challenge to the Minister particularly when the ballot draws out a number of Members from the same party. The impact of this could be reduced by allowing non-listed Members to ask supplementary questions as discussed above, but also the Committee may wish to consider extending Standing Order 20(7) to the ballot for Topical Questions so that the first Topical Question would never be from a Member of the same party as the Minister.

In summary, the Principal Deputy Speaker, Deputy Speakers, and I welcome this review of Topical Question Time and urge the Committee on Procedures to build on the promising start that it has made to Assembly business. We believe Topical Questions offer Members an additional and effective method of holding the Executive to account but the rules governing them need to be sufficiently flexible to allow spontaneity and topicality to be maximised.

SP069_14

I look forward to the outcome of your review.

Yours sincerely,

A handwritten signature in cursive script that reads "Hay".

WILLIAM HAY MLA

SP069_14

Written Submission from junior Ministers, OFMDFM - 29 October 2014



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Our Ref: SUB/920/2014

29 October 2014

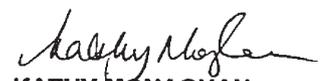
Dear Alison

REVIEW OF TOPICAL QUESTIONS: WRITTEN SUBMISSION

At their meeting with the Committee on Procedures on Tuesday 23 September, the Junior Ministers undertook to provide the Committee with a written submission to reflect the content of their discussion with the Committee.

We now attach a memorandum which the Junior Ministers hope will be helpful to the Committee in taking forward its review of Topical Questions.


**SEAN KERR
PS/Junior Minister Bell**


**KATHY MONAGHAN
PS/Junior Minister McCann**

COMMITTEE ON PROCEDURES: REVIEW OF TOPICAL QUESTIONS

**WRITTEN SUBMISSION TO THE COMMITTEE ON PROCEDURES FROM
JUNIOR MINISTERS**

This submission to the Committee on Procedures' *Review of Topical Questions* has been informed by the Terms of Reference established for the review by the Committee and provides comment on a number of issues that have emerged during the course of the review. It reflects the views of Executive Ministers on this subject.

1. **Views on the operation of the system of Topical Questions from its introduction in September 2013 to date**
 - 1.1 Ministers have indicated that they are broadly satisfied with the operation of the system of Topical Questions since its introduction in September 2013, and consider that the associated procedural arrangements are effective.
 - 1.2 Ministers also consider that the recent change to the order in which Topical Questions are taken has been effective and a welcome improvement to the overall running of Question Time. Ministers would support the retention of this sequencing.
2. **Suggested changes which could improve the operation of the Topical Questions Facility**
 - 2.1 Ministers have individually suggested a number of areas which should be considered by the Procedures Committee.

(i) Introduction of definitions of topicality

We are aware that when the Procedures Committee first considered proposals to introduce a facility to ask Topical Questions this was in large part to enable Members to hold Ministers to account on issues with a greater degree of immediacy attached to them than could generally be accommodated through ordinary oral questions, with their longer lead in times. As part of their submission to the 2012 *Inquiry*

into Topical Questions Ministers also observed that a system of Topical Questions had the potential to make Question Time sessions more meaningful by allowing for questions on issues which focused upon up-to-the-minute matters and current issues.

It is considered that the Topical Questions posed by Members can be at variance with these aspirations, with a significant number of such questions seemingly displaying little by way of topicality, and which in many instances are indistinguishable from ordinary oral questions. The Committee may therefore wish to give further consideration to the development and introduction of a specific definition of topicality concerning Topical Questions, so that the questions posed have a stronger focus upon more immediate issues of current relevance, and which have emerged in the immediate period preceding a given Question Time session.

It is felt that the introduction of such an agreed definition of topicality, framing what constitutes a Topical Questions, would assist Members through providing greater clarity when formulating questions; and assist Ministers in enabling them to provide more meaningful responses to questions which are more genuinely topical than is currently the case.

(ii) *Duplication of questions asked as ordinary orals and as Topical Questions*

It has been observed that while Standing Orders or Speaker's Rulings do not preclude Members from asking Topical Questions based upon, or supplementary to, preceding oral questions, (and indeed that this is a practice which the Speaker is supportive of as a means by which the Executive might be better able to be held to account), it is considered that the Procedures Committee's review might also seek to examine the practice.

It has been noted that a proportion of questions asked of Ministers as ordinary orals, and then subsequently as Topical Questions, contain a large degree of overlap in terms of the questions asked, with this

overlap and duplication thought to be a repetitious and poor use of the Topical Questions facility. It is therefore considered that there may be benefit to this practice being disallowed and for there to be a role for the Speaker to rule out such questions where there is such very close correlation in the questions posed to Ministers as ordinary orals and subsequently as Topical Questions.

(iii) Advance notification of the topics of Topical Questions

It is considered that there may be benefit in an amendment to current procedures so that a degree of advance notification of the topics (but not necessary the detail) of upcoming Topical Questions is provided to Ministers. It is felt that this would better enable Ministers to provide more detailed and informative answers to Members during periods of Topical Questions, improving the overall effectiveness and impact of this facility.

3. Altering the balance of time between Oral Questions and Topical Questions, to allow more Members to ask Topical Questions

- 3.1 While a number of Ministers have indicated that they would either have a neutral view on any proposal to changes being made to the balance of time apportioned to both ordinary oral and Topical Questions, or would be content if such a change were to be enacted, there has been no agreed Ministerial position on this matter, with individual Ministers advising that they feel current arrangements provide the correct balance between the two types of questions.

4. Supplementary questions

- 4.1 Whilst the prevailing view of Ministers is that they would support a change to permit Members other than the primary questioner to ask supplementary questions during Topical Questions, to date Ministers have in many instances been able to provide a full response on the topic when responding to the main

question posed by Members and there may be little additional benefit to be derived from the supplementary question.

5. Restricting Members of the same party as the Minister from asking Topical Questions

- 5.1 While a number of Ministers have indicated that they would either be content with, or actively support, any proposal to restrict Members of the same party as the Minister from asking the first Topical Question, concerns have been raised by a significant number of Ministers that implementation of such a criterion might serve to discriminate against certain Members, and particularly those of the larger parties, when a Minister from such parties face Topical Questions. They would therefore oppose such a move.
- 5.2 Such a change might also weaken the Topical Questions facility through ruling out questions which are genuinely topical based solely upon the party affiliation of Members.
- 5.3 There is strictly limited support from Ministers to suggestions that Members of the same party as the Minister facing oral questions at Question Time be prevented from asking any Topical Questions of that Minister.

**JUNIOR MINISTERS
OFMDFM
OCTOBER 2014**

Written Submission from the SDLP - February 2014



SDLP response to the Northern Ireland Assembly Committee on Procedures Review of Topical Questions

February 2014

The SDLP welcome the opportunity to respond to the Northern Ireland Assembly Committee on Procedures Review of Topical Questions.

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

“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 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”.

In our initial response Committee on Procedures Inquiry into Topical Questions in June 2012 we outlined:

“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.”

Such openness and transparency is crucial so to engender greater public trust in the Northern Ireland Assembly and Executive.

Correct Mechanism

Since the introduction of topical questions, and following initial teething problems that necessitated the repositioning of topical questions after oral questions, we are satisfied that it is has proven to be the correct mechanism of holding Ministers to account.

Best Practice

In our 2012 response we welcomed the intention of the inquiry to assess best practice from institutions in other jurisdictions.

Now that the practice of topical questions is in place and functioning satisfactorily it is essential that we continue to improve the practice by combining the experience gained in the Northern Ireland Assembly with best practice in other jurisdictions.

Further Questioning

We would support the introduction of the Westminster practice of permitting members to ask more than one supplementary question.

While we acknowledge that allowing members to ask additional supplementaries could be complex under the d'Hondt formula we would welcome consideration of how the Speaker's discretion could be applied to allow effective lines of questioning to develop.

This would greatly increase scrutiny and accountability of the Northern Ireland Executive by the Assembly and additionally may engender greater public and media interest in the daily Assembly proceedings.

Time Allocated

The SDLP would also support the extension of the time allocated to topical questions sessions.

This would be in line with practice in the Dáil where there is a greater opportunity for scrutiny, with the Taoiseach answering formal questions in the Dáil for 45 minutes every Tuesday and Wednesday when the House is in session.

However if it is deemed that a further extension to Ministerial Question Time is not desirable consideration should be given to limiting oral question time to 15 minutes with the remaining 30 minutes scheduled for topical questions.

Written Submission from David McNarry MLA, UKIP – 22 January 2014

The present arrangements for topical questions has been turned into a mere extension of oral questions, by another name. Topical Questions need to be genuinely topical and should pass a topicality test. They should not be a weekly occurrence but only happen when they are genuinely topical and relevant. The present topical system, already revised, has fallen victim to the desire to organise things systematically. Topicality and not the convenience of the Business Office should be the only test. If a topical question is genuinely topical, it should go to the top of the queue. At present topical questions are just oral questions by another name subjected to a second ballot and tacked on at the end of question time.

Written Submission from the UUP – 24 February 2014

From: Swann, Robin [<mailto:robin.swann@mia.niassembly.gov.uk>]

Sent: Monday, February 24, 2014 3:24 PM

To: Ross, Alison

Subject: Review of Topical Questions

Good afternoon,

Please find response to Topical question review from the Ulster Unionist Party, we believe that Topical Questions have been a success and should be not just retained but enhanced -

1. TQ's remain after OQ's
2. The time of 45mins be reallocated to 25mins OQ's and 20mins TQ's
3. The 1st TQ should be allocated to the Chair of the relevant Committee
4. The 2nd TQ should be allocated to the Deputy Chair of the relevant Committee
5. No more than 40% of the members drawn for a TQ session should be from the Minister answering TQ's own Party.

regards,

Robin Swann MLA

Chief Whip **Ulster Unionist Party**
& Chair of the Employment & Learning Committee

Written Submission from the BBC – 14 February 2014

The general consensus seems to be that including topical questions has made Assembly questions more relevant to our news agenda and as a result has significantly enhanced our political programmes and wider news programmes.

The fact that the questions reflect issues of significant public concern has increased awareness of the work of the Assembly and made the output from Stormont directly relevant to the news agenda.

One area we would suggest an improvement is changing the breakdown of regular/ topical questions to a 50/50 basis rather than the current breakdown of 30 minutes on regular questions in advance followed by 15 minutes on topical questions.

In summary we are very much in favour of the continuation of the pilot with the suggested improvement in the breakdown of topical questions outlined above.



Northern Ireland
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Appendix 4

Quantitative data from Topical Question Time

Summary of Quantitative Data

Date	Department	Number of Questions asked		Number of Members:		
		TQs	Supp	Not in Place	Names Withdrawn	In Chamber
9-Sep	DRD	5	4	0	1	50
	DSD	6	5	0	1	43
10-Sep	DARD	6	5	0	0	33
	DCAL	8	7	0	0	46
16-Sep	DFP	3	3	0	1	61
	DE	8	7	0	0	49
17-Sep	DEL	5	5	1	0	38
	DHSSPS	4	4	0	1	43
23-Sep	OFMDFM dFM answer	6	6	0	2	53
	DOE	7	7	1	0	48
24-Sep	DETI	6	6	0	1	42
	DOJ	7	7	0	1	49
30-Sep	OFMDFM FM answer	4	3	0	0	61
	DRD	6	6	0	1	53
1-Oct	DSD	5	4	0	0	47
	DARD	6	5	1	0	44
7-Oct	DCAL	7	7	0	0	31
	DE	6	6	3	1	42
8-Oct	DEL	5	5	2	0	24
	DHSSPS	5	5	0	0	35
14-Oct	OFMDFM dFM answer	5	5	0	0	63
	DOE	5	5	0	0	52
15-Oct	DFP	5	5	0	1	52
	DETI	6	5	0	0	49
21-Oct	DOJ	8	7	2	0	47
	DCAL	6	6	3	1	41
22-Oct	DSD	5	5	0	0	46
	DARD	6	6	1	0	51
4-Nov	OFMDFM FM answer	4	4	0	2	61

Date	Department	Number of Questions asked		Number of Members:		
		TQs	Supp	Not in Place	Names Withdrawn	In Chamber
	DRD	5	5	0	0	52
5-Nov	DE	8	7	2	0	56
	DEL	6	6	0	0	51
11-Nov	DETI	7	6	0	0	47
	DOE	6	6	1	0	42
12-Nov	DFP	4	4	0	0	53
	DHSSPS	5	5	0	0	58
18-Nov	OFMDFM dFM answer	5	4	0	0	64
	DRD	5	5	0	3	52
19-Nov	DOJ	7	7	0	0	49
	DSD	6	6	0	0	47
25-Nov	DARD	10	9	0	0	33
	DCAL	7	7	3	0	41
26-Nov	OFMDFM FM answer	5	5	1	0	57
	DEL	6	6	1	0	43
2-Dec	DE	7	7	0	0	39
	DETI	8	7	0	1	47
3-Dec	DHSSPS	5	5	0	1	51
	DFP	5	5	1	1	54
9-Dec	DOE	6	6	0	0	33
	DOJ	8	7	1	0	42
10-Dec	DRD	5	5	1	0	48
	DSD	4	4	0	0	41
13-Jan	OFMDFM FM answer	7	6	0	1	56
	DARD	7	7	2	0	45
14-Jan	DCAL	8	8	0	1	39
	DE	6	5	0	2	37
20-Jan	DEL	5	5	2	0	29
	DETI	6	6	1	0	34
21-Jan	DOE	6	6	0	0	39
	DFP	5	4	0	2	34

Date	Department	Number of Questions asked		Number of Members:		
		TQs	Supp	Not in Place	Names Withdrawn	In Chamber
27-Jan	OFMDFM dFM answer	6	6	0	1	41
	DHSSPS	4	4	0	0	38
28-Jan	DOJ	6	6	0	0	36
	DRD	5	5	0	0	39
3-Feb	DSD	4	3	0	0	42
	DARD	8	8	0	0	37
4-Feb	DCAL	7	6	0	0	39
	DE	6	6	0	0	37
10-Feb	OFMDFM FM answer	6	6	0	0	43
	DEL	5	5	0	0	34
11-Feb	DHSSPS	6	6	0	0	39
	DOE	4	4	0	0	29
17-Feb	DFP	6	6	0	0	46
	DETI	6	6	2	0	44
18-Feb	DOJ	8	8	0	0	49
	DRD	5	4	0	0	38
24-Feb	OFMDFM dFM answer	5	5	0	0	52
	DSD	4	4	0	1	45
25-Feb	DARD	7	7	2	1	38
	DCAL	6	6	2	2	42
3-Mar	OFMDFM FM answer	5	5	0	0	62
	DE	8	7	0	0	54
4-Mar	DETI	6	6	2	2	41
	DOE	5	5	1	0	34
10-Mar	DEL	6	6	0	0	42
	DFP	5	5	0	0	48
11-Mar	DHSSPS	6	6	0	1	52
	DOJ	6	6	2	0	49
18-Mar	DRD	6	6	4	0	39
	DSD	5	5	0	0	44

Date	Department	Number of Questions asked		Number of Members:		
		TQs	Supp	Not in Place	Names Withdrawn	In Chamber
24-Mar	OFMDFM dFM answer	5	5	0	0	51
	DARD	7	6	2	1	45
25-Mar	DCAL	7	7	2	1	41
	DE	6	6	0	1	44
31-Mar	DEL	7	7	0	0	39
	DSD	4	4	0	0	42
1-Apr	DOE	5	5	1	0	48
	DFP	5	5	1	0	53
7-Apr	DHSSPS	6	6	0	0	57
	DOJ	8	8	0	0	52
8-Apr	DRD	5	4	1	0	41
	DETI	6	6	1	0	44
28-Apr	OFMDFM FM answer	6	6	1	1	62
	DARD	5	5	2	1	49
12-May	OFMDFM dFM answer	6	6	0	0	58
	DOE	4	4	0	0	48
13-May	DFP	5	5	3	0	49
	DHSSPS	5	5	1	0	46
19-May	OFMDFM FM answer	5	5	0	1	42
	DRD	5	5	1	0	49
	DOJ	7	7	2	0	38
	DARD	7	7	3	0	34
27-May	DSD	7	6	2	0	41
	DCAL	5	5	2	3	37
2-Jun	DE	9	9	0	0	46
	DEL	6	6	0	0	39
3-Jun	DETI	8	8	1	0	48
	DOE	7	7	1	0	42
9-Jun	OFMDFM dFM answer	5	5	1	0	47
	DFP	5	5	0	0	45

Date	Department	Number of Questions asked		Number of Members:		
		TQs	Supp	Not in Place	Names Withdrawn	In Chamber
10-Jun	HSSSPS	6	6	0	0	38
	DOJ	8	7	1	0	32
16-Jun	DRD	5	5	0	0	37
	DETI	5	5	0	0	41
17-Jun	DARD	7	7	2	1	35
	DCAL	7	7	2	1	38
23-Jun	OFMDFM FM answer	5	5	1	1	48
	DE	8	7	2	0	39
24-Jun	DEL	6	6	0	1	29
	DSD	6	6	1	1	34
30-Jun	DOE	5	5	0	0	31
	DFP	5	5	0	0	38
1-Jul	DHSSPS	6	6	1	1	41
	DOJ	8	8	2	0	43

As of 1 July 2014

Average number of questions asked – **6**

28 occasions where supplementary question was not asked (time constraints)

85 occasions when Member(s) not in place

Average number of Members in chamber – **44**

Number of names withdrawn – **49**

Summary of Quantitative Data for session September 2013 to July 2014 for Topical Questions

Department	No. of TQs asked	No. of Supp asked	No. of Members not in place	No. of names withdrawn	Average no. of Members in Chamber
DRD	57	54	7	5	45
DSD	56	53	3	3	43
DARD	77	72	15	4	40
DCAL	68	66	14	9	41
DFP	59	54	5	5	48
DE	72	67	7	4	45
DEL	56	53	6	1	42
DHSSPS	58	57	2	4	45
OFMDFM (dFM)	42	42	1	3	54
DOE	60	60	5	0	43
DETI	64	61	7	4	43
DOJ	79	78	9	1	44
OFMDFM (FM)	84	45	3	6	56



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Appendix 5

Comments received by the Business Office

Summary of comments received by the Business Office

Issue	Comments	Suggestions
Duration (15 minutes)	<ul style="list-style-type: none"> TQT too short when compared to OQT 	20 minutes for each 30 minutes TQT and 15 for OQT Replace OQT entirely with TQT
	<ul style="list-style-type: none"> 45 minutes for QT to one Minister too long 	Reduce time
<p><i>NB - Members whose oral question is not reached in the Chamber will receive an answer in writing whilst Members listed to ask a TQ will have no opportunity to ask their question if their name is not reached.</i></p> <p><i>Standing Order 20A(1) requires that TQT lasts for 15 minutes</i></p>		
Ballot (using random ballot)	<ul style="list-style-type: none"> Creates risk that Ministers will be advised of content of a TQ in advance if it is being asked by a Member of the same party. 	Rule that the first name on the list cannot be from the same party as the Minister (as per oral questions) Prohibit any names from the Minister's party to be entered into the ballot for that TQT.
<p><i>NB - Standing Order 20A(4) requires that the order in which questions will be taken in TQT will be determined by random selection.</i></p> <p><i>SO20 (7) specifies that the first question of questions for oral answer may not be from a Member of the same party as the Minister.</i></p>		
Supplementary Questions (Number permitted)	<ul style="list-style-type: none"> Occasions have been noted where a Member clearly not satisfied with the Minister's response to the supplementary could probe no further. 	Members should be allowed to probe a Minister further by asking more than one supplementary question if necessary
<p><i>NB - Standing Order 20A(6) indicates that answers may not be debated but that the Members asking the question may ask a supplementary question. A supplementary question may contain no more than one enquiry.</i></p>		
Supplementary Questions (Follow up procedures)	<ul style="list-style-type: none"> Two Members have followed up their TQ with requests for written answers. 	Clarify the process by which Members can probe Ministers further following on from TQT
<p><i>NB - This is not straight forward – from a procedural perspective the question has been answered and the same question cannot be tabled for 3 months. It therefore needs to be reworded and 'pursuant to...'</i></p>		
Supplementary Questions (who asks them)	<ul style="list-style-type: none"> Probing a Minister is restricted when only the Member asking the original TQ can ask one supplementary 	More than one Member be allowed to ask supplementary questions after a TQ
<p><i>NB - Standing Order 20A(6) limits the Member who asked the question to one supplementary and no other supplementary questions may be asked</i></p>		
TQ List (length of list)	<ul style="list-style-type: none"> List currently contains far more names than are likely to be called 	Reduce the number of names in the ballot to the number likely to be called during TQT

Issue	Comments	Suggestions
<p><i>NB - Standing Order 20A(3) indicates that the Speaker will select 10 names by ballot. Number of names selected is intended to be longer than usually required to allow for withdrawals and absences.</i></p>		
<p>Effectiveness (Topicality)</p>	<ul style="list-style-type: none"> • TQs are not currently topical (just an extension of QT) 	<p>Introduce a topicality test</p>
<p><i>NB - Standing Order 20A sets no limits on what is considered topical</i></p>		
<p>Frequency</p>	<ul style="list-style-type: none"> • TQT should not be a weekly occurrence 	<p>TQT should occur only when a truly topical question is submitted that passes a topicality test</p>
<p><i>NB – Standing Order 20A requires that TQT is held during the last 15 minutes of the time allocated for questions for oral answer by that Minister.</i></p>		



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