



Northern Ireland
Assembly

Committee on Procedures

OFFICIAL REPORT (Hansard)

Review of Topical Questions:
OFMDFM Junior Ministers

23 September 2014

NORTHERN IRELAND ASSEMBLY

Committee on Procedures

Review of Topical Questions: Briefing by OFMDFM Junior Ministers

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 Bell	Junior Minister
Ms J McCann	Junior Minister
Mr Neill Jackson	Office of the First Minister and deputy First Minister
Mr Graeme Reid	Office of the First Minister and deputy First Minister

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.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): Will we start then?

The Chairperson: Yes, that is fine. Thank you.

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.

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.

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.

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.

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.

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.

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.

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.

The third issue concerns the advance notification of topical questions. Our final comment relates to a suggestion that consideration should be given to whether advance 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.

I will now hand over to Jonathan to do the second part of our presentation.

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.

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.

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.

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 one 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.

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.

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.

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.

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?

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.

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?

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.

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.

Ms J McCann: Your point is taken and we can refer that back to them.

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.

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?

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.

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.

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.

Mr A Maginness: Have you made a stab at defining it?

Ms J McCann: Not really. We would not do that on our own.

Mr A Maginness: Really what you are saying is that it would be very difficult to define.

Ms J McCann: Of course it would. Yes.

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.

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.

Mr McCarthy: What is your view on other Members being permitted to ask supplementary questions?

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.

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.

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.

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.

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.

Lord Morrow: In relation to Question Time generally, normally the expectation is that it is the highlight of the day. Is that happening here?

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.

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?

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.

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.

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.

Mr Bell: Topical questions empower 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 have significantly enhanced the interest in what occurs. As Lord Morrow knows, a week is a long time in politics, and topical questions allow questions on the more pressing issues.

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.

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.

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?

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.

Advance 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.

The Chairperson: As I understand it, the request was for notice of the topic as opposed to the actual question.

Ms J McCann: Yes.

The Chairperson: The general area.

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.

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.

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.