

STATES OF JERSEY



ORAL QUESTIONS WITH NOTICE: ABOLITION OF TIME LIMIT

Lodged au Greffe on 15th April 2009
by Deputy M. Tadier of St. Brelade

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to agree that the current time limit of 90 minutes allowed for oral questions with notice should be abolished and that the period for such questions should continue without time limit until all the questions have been answered;
- (b) to request the Privileges and Procedures Committee to bring forward the necessary amendments to the Standing Orders of the States of Jersey to give effect to the proposal.

DEPUTY M. TADIER OF ST. BRELADE

REPORT

Background

The asking and answering of questions in public is an essential part of any modern, democratic government. It provides a vital tool for the non-executive to hold the executive to account and to do it in an open and transparent manner. I believe this is something that we are all in agreement about.

To quote the Deputy of St. Martin, 'if a question is worth being asked and has been approved, it is worthy of an answer.' However, at present it is a lottery as to whether the question will be asked. This situation has become even more acute into 2009, partly due to a new intake who are more keen to ask questions and partly as a natural result of previous members becoming more *au fait* with the system as time goes on.

Whilst it can be expected that the number of oral questions submitted will stabilise, as the new Assembly 'finds its feet', it is also obvious that the overall number of questions being asked now will, on average, be higher than in the previous Assembly. This, in my view, is to be welcomed.

Presently, it is not uncommon for oral questions to tally between 20 and 30; however it is rare that anymore than 15 or so will be answered in any 90 minute session.

Arguments for:

Fairness

It seems grossly unfair, and indeed arbitrary, that a questioner who has gone to the effort of formulating a question, submitted it before the deadline, liaised with the States Greffe to ensure it is in order, and possibly resubmitted the question, should then be at the mercy of a *random lot* which is as equally likely to put his question at the end of the question paper as it is at the beginning.

Similarly, it is not fair on the 'answerer' who, either personally or with the aid of advisers, has gone to the effort of preparing an answer, perhaps requiring substantial research, only to run the risk of the question being unanswered.

Accountability

It is not satisfactory from the public's point of view. The public have a right to hear questions that are submitted in public being answered in public. It is common for Ministers to provide members with responses to any remaining unanswered questions *after* a States Sitting, and whilst I am sure this gesture is appreciated by all, it does currently pose 2 problems –

- It negates the function of an oral question. If a member wanted a written response, he would have submitted a written question. Receiving a *private* written answer to a public oral question is simply not satisfactory.

- As was confirmed by the Deputy Bailiff during the Sitting of 10th March, any answers circulated outside of the States Chamber after question time are not covered by parliamentary privilege. Amongst other things, this has one of 2 implications –
 - (i) that the answerer will be leaving himself open to prosecution if any of the material contained in the answer is likely to be libellous;
 - (ii) that the answerer will be more cautious with the answer given, and may provide a ‘watered down’ answer compared to the one he would have given on the floor of the house.

It is also unclear whether the written answer is confidential or not, and whether a member, in a private capacity, would be entitled to disseminate the answer to a member of the public or media.

This proposition, if adopted, would solve the problem of what happens to unanswered question by ensuring that all oral questions are answered on the house of the floor.

Concise answers

Standing Orders require the answerer to respond in a concise manner; however it is often the case that considerable time is taken to answer, and the response given does not always match the question asked. This, in turn, will lead to supplementary questions being asked, where *both the question and answer* are often not concise.

Whilst I am sure that no Minister would ever *deliberately* take excessively long to answer a question, it is *theoretically* possible for him/her to cynically ‘play out the clock’ so that fewer questions get answered.

It can be argued that it is the job of the presiding officer to make sure that the principle of brevity is maintained, in reality the chair is often left in a no-win situation and is understandably reluctant to intervene in what is a very **subjective** area.

Lifting the time limit would take away the incentive for the answerer to use such tactics, deliberate or otherwise. It would also take the pressure off the presiding officer.

Standing Orders

At present, Standing Order 80 permits a member to propose the suspension of Standing Orders so that time can be made for any remaining questions to be answered.

Indeed, the lifting of Standing Orders currently represents the final recourse for the questioner to get his oral question answered during that session. However, the outcome here is also arbitrary and open to the whims of the Assembly, which will sometimes go in his favour and sometimes not, depending on whatever petty prejudices or factions are operating at the time.

I would suggest that this way of doing business is far from satisfactory, neither from the point of view of the proposer nor the Assembly as a whole, yet it is foreseeable that such tactics will continue – and quite rightly – so long as questions remain unanswered.

Adopting this proposition would do away with the constant need for backbenchers to move to lift Standing Orders, thus making the process more efficient and less open to political game-playing.

Arguments against:

‘Question time is a waste of time’

Clearly no-one amongst us takes this extreme position, and the merits of having a period of time set aside to backbenchers’ questions are clear to all; however, a not-too-distant argument is offered against this proposition, namely a fear that:

‘It will hamper the execution of more pressing business.’

This line of reasoning tries to belittle the important contribution of question time in the democratic process and somehow implies that official business can be neatly divided into *important* and *unimportant*.

There is no evidence that lifting the time limit will affect the actual number of questions submitted. If anything, ensuring that *all* questions are answered on the day they are submitted will stop the same question being re-submitted at the next Sitting, thus reducing the number of questions.

‘We will have to spend more time in the States’

Intellectually speaking, this is perhaps the most flimsy of all the arguments, yet it is certain that any member who votes against this proposition will be doing it on the basis of this very argument – namely that they do not wish to spend any more time than necessary in the States.

Of course, the more committed representatives amongst us will remember from our oath that our prime duty, as States Members, is to [quote] ‘attend the meetings of the States whenever we are called upon to do so’, and will reject the superficial allure of this specious argument.

‘Most of the questions are unnecessary anyway’

It has been put to me that many of the submissions for oral questions are not necessary and the information could be sought or obtained in other ways. This may or may not be true, but either way this is not relevant to this argument: As previously mentioned, all questions are screened by the States Greffe before being submitted to the Bailiff to make sure they are in order. Then, and only then, can the oral question be submitted.

If a member is concerned about the *nature* of questions that are being submitted, he should submit a separate proposition requesting greater discrimination regarding the rules of admissibility. At any rate, it is beyond the remit of this proposition.

Conclusion

I believe it has been demonstrated that question time is an essential part of our democratic process. It also follows, then, that having unanswered questions at the end of 90 minutes is therefore far from ideal, both for the public and Members alike. I would also venture to suggest that there is nothing sacrosanct about the 90 minute time period and that what is important is not the time limit but the questions.

I urge members to support our democratic process and invite them to support this proposition.

Financial and manpower implications

There are no financial or manpower implications for the States arising from this proposition.