
Question Period - How is it Handled by Speakers?

by Greg Deighan, MLA

Question Period is the time during the daily legislative proceedings when the opposition parties hold the Government responsible for its actions. This article looks at the conduct of Question Period in Prince Edward Island and points out some similarities and differences with other assemblies in Canada.

In Prince Edward Island our official rules state that "The Speaker shall preserve order and decorum, enforce the Rules and decide questions of order". While the role of the Speaker has remained virtually unchanged for many years, the duties involved with preserving that expected order and decorum have dramatically been



altered with the onset of technological advances.

With the introduction of video cameras and live Internet coverage, we have seen increased public awareness of the workings of the Legislature – and Question Period in particular. While this increased awareness is a positive step in the efforts of many provinces to make the assembly more accessible and more understandable to the people, it places new demands on the person whose duty it is

to uphold order and maintain fairness – the Speaker of the House.

In Prince Edward Island, the local cable station plays Question Period twice daily, when the House is in Session. We jokingly call it PEI's most popular soap opera. This increased exposure means an increased awareness among the political parties that public perception is often influenced by the performance of the elected representative on TV. This means we have opposition parties who are not just asking questions to hold the government accountable, but who are strategically planning their questions to win the most favourable public exposure.

For the government, it does mean more accountability than ever before. Before TV and the Internet the press reported only on the most controversial or most newsworthy issues discussed in Question Period. The average constituent had little knowledge of the workings of the Assembly or the issues dealt with on a daily basis. Now, every issue, big or small, is public – and Governments can no longer get away without fully answering to each and every question.

For the Speaker, it means he or she has two or more areas of the House vying for the best airplay and it sometimes means the job of refereeing is more complex than ever before.

In PEI, for our Speaker, that daily task usually begins with 40 minutes of Question Period. To quote from our rule book: "The Oral Question Period shall be limited to forty minutes on each sitting day, not inclusive of any time required for Ministerial responses to Oral Questions taken as Notice."

Greg Deighan is a Member of the Legislative Assembly of Prince Edward Island. This article is based on his presentation at the 22nd CPA Canadian Regional Seminar held in St. John's, Newfoundland in October 1999.

While the responsibility of the Speaker is similar in most jurisdictions, the rules which he/she is charged with upholding vary as does the time limits for Question Period and for individual questions. For example, in PEI and in Manitoba, Oral Question Period is scheduled for 40 minutes. The times in other provinces range from 15 minutes in British Columbia, 25 minutes in Saskatchewan, 30 minutes in Yukon and 50 minutes in Alberta. The House of Commons allots 45 minutes to Daily Question Period, however with four recognized opposition parties, the federal Speaker has his work cut out trying to limit each question to 35 seconds and each response to 35 seconds as well.

In PEI, our third party has only one member but, because it is a recognized party, the Leader is given 6 minutes during Question Period. In Nova Scotia, a party must have run 10 or more candidates in the most recent election to be recognized by the Legislature as an official party. In the Legislative Assembly of Ontario, where there are 103 sitting members of the provincial parliament, there were nine members of the third party elected. The House Leaders agreed to grant official party status to the third party. Alberta which has 83 sitting members, grants official party status to the third party, with only two elected members.

In provincial and territorial legislatures, the preamble and questions are not officially limited but most try to keep a timeframe of about 30 seconds to one minute for the preamble and question, and a reasonable period of time for a brief response. Most jurisdictions limit their supplementary questions to two per main question although in British Columbia the number of supplementary questions is left to the discretion of the Speaker.

Next to timing, one of the most challenging duties of the Speaker on a daily basis is to determine whether the content of the questions and answers is appropriate.

Our PEI rules state:

Upon the order of business "Questions by Members" being called, oral questions of an urgent nature relating to public affairs may be put without notice to Ministers of the Crown.

An oral question shall be concisely and clearly put and shall refer only to a matter which may reasonably be assumed to be within the present knowledge of the Minister.

The Minister to whom an oral question is directed may forthwith answer the question, or state that he takes the question as notice and answer it orally on a subsequent

day under the same order of business, or state that in his opinion the question should be put in writing...

Where, in the opinion of the Speaker, a question put to a Minister is of such a nature as to require a lengthy reply, he may, upon the request of the Minister, direct the question to be put in writing, or to stand as Notice and be transferred to the Order Paper.

When the content of a question or its answer is questioned by a Member, the Speaker is challenged to make a ruling based on the rather ambiguous notion of what is an "urgent nature relating to public affairs". Prior knowledge of the question to be asked may make the Speaker's job easier, but at what expense to the goal of the opposition parties?

There are no provinces where members are required to file notice to the Speaker of what questions they will be posing to the Government, but in some provinces, as well as in the House of Commons, the Speaker is provided with a list of opposition members who will be asking questions.

As Deputy Speaker, I have sat in the Speaker's chair during Question Period and I can certainly see the value of having the Speaker provided with a list of members who will be questioning the Government. Ours is a relatively small Chamber, with 27 sitting members, including the Speaker, but even in our House, it is sometimes a challenge to determine who the next questioner will be, simply by catching the eye of the member who indicates he or she is waiting.

In Prince Edward Island we have 17 Government members plus the Speaker, eight members of the official opposition and one member of the third party. During our 40 minutes of Question Period, the Leader of the Opposition usually, but not always, takes the lead in asking questions. Our Speaker has allowed the Leader of the Opposition considerable time for a preamble, and does not limit the time the Premier or Minister takes to answer the question.

Our private members rarely ask questions during Question Period. However, on December 4, 1998, the Speaker was called on to make a ruling on the timing and order of questions due to a concern raised about whether Private Members should be given some of the precious 40 minutes to ask questions. At that time, the Speaker ruled:

It is not uncommon to have a member from the Government side ask a question. When I became Speaker, with the Assistant Clerk and the then Clerk, it was decided that we would allow the Opposition 25 minutes. We would bring in the Leader of the Third Party for six minutes. And if there was a question from the private members on the Government side, we would allow one question per day ...it is quite common to have a

question from the Government side and we should have, perhaps one, with no preamble.

The remaining time reverts to the Official Opposition so they can conclude their questioning for the day. The House of Commons *Précis of Procedure* give one excellent example of a slight, but significant adaptation of the rules, to better fit the expectations of the people of this decade:

Among the many pronouncements and observations on the conduct of the oral Question Period, some guidelines were adopted by the House in 1964 and others set out by the Chair in 1975. On February 24, 1986, the Speaker indicated that certain traditional guidelines would remain in force, while others had changed with practice over time, and that the appropriate guidelines for Question Period ought to be respected for the realization of the principal objective: "the seeking of information from the Government and calling the Government to account for its actions".

These guidelines leave the Speaker discretion in allowing a question and even wider latitude with regard to supplementaries. For several years, the Speaker has generally interrupted if the question is too long or if the length or technical nature of the answer suggests that it would be better dealt with as a question on the Order Paper".

This statement set a precedent which gives Speakers throughout the country the freedom to chance and adapt the rulings in regards to the questions, answers, and timing of such in each individual legislature and each individual Question Period.

Perhaps security issues have become more visible during Question Period because this is the most popular time for visitors to the public gallery. This is a new development for the Speaker to deal with, but unfortunately one that is only recognized following a scare.

In May 1999, during Question Period, our Speaker was forced to deal with an unruly visitor in the public gallery, who had strong feelings about an issue being debated on the floor at the time. This gentleman yelled from the gallery, argued with the Speaker and refused to leave. He was finally escorted from the gallery and the building, but the incident was quite disrupting to the daily proceedings and to us as Members, sitting below in the Chamber.

With increased public awareness of the daily proceedings of the House, and in particular the events during Question Period, our Speaker has faced an increased need for security.

For the first time many of us realized how vulnerable we are, sitting exposed to the guests in the public gallery. For the first time, our Speaker was faced with a security issue, for which we were ill-prepared. The incident forced us as MLAs and the Speaker, as the person in charge of security during the Legislative Session, to take a serious look at security and specifically the security provided for Members inside the rails of the Chamber.

The Speaker's responsibility to the House extends beyond preserving order and decorum within the rails – it also encompasses ensuring order and security in the public galleries. It has always been the tradition of the House to accommodate visitors in the public gallery but traditions cannot be put ahead of individual security.