

**MAY 10, 2006**

**SPEAKER'S RULING**

**Question period**

Last Wednesday, May 3, a point of order was raised by Senator Hays, the Leader of the Opposition, with respect to the conduct of Question Period. As I understand it, his objection had to do with the fact that the Leader of the Government took time that day to respond to questions which had been taken as notice by the Deputy Leader of the Government during a previous Question Period. Senator Hays asked me to rule on the point of order so as to provide guidance in the future for Question Period.

Several other Senators spoke to this point of order. As I stated last week, I appreciate the participation of Senators in these discussions. I find it very useful. In carrying out my responsibility, however, I must also take into consideration the rules and practices of this House. Indeed, rule 18(2) obliges me to state the reasons as well as any rule or other written authority when called upon to decide a point of order.

With respect to the basic complaint of the point of order, that questions asked at a previous sitting ought not to be answered during Question Period, I find that there is limited guidance based on the *Rules of the Senate*. These rules provide for thirty minutes every sitting for the purpose of posing questions to the Leader of the Government, any Minister or to committee chairs about the work of their committees. According to rule 24(4) there is to be no debate though brief explanatory remarks may be made in asking and answering questions. Rule 24(3) states that when it is not possible to answer a question immediately, the Senator to whom the question was asked may take the question as notice. A literal reading of this rule might suggest that the presence in the Chamber of the Senator to whom a question may be asked is a *conditio sine qua non* of this rule.

However, in practice the rule operates two ways. More frequently, it is applied when the Leader of the Government, a Minister or a committee chair, takes a question as notice. Less often, the Deputy Leader or a committee member takes as notice a question intended for the Leader or a committee chair. This is what occurred last week.

I would also point out that the Senate sometimes foregoes Question Period when the Leader of the Government is unable to be present in the Chamber.

Delayed Answers are called at the end of the thirty minutes allowed for Question Period. It is at this time that answers to written questions on the Order Paper are presented. This is also when oral questions asked at a previous sitting can be answered. In either case, dealing with written or oral questions, the response is given in writing, one copy is tabled with *Hansard* and another is given to the Senator who asked the question. Much of this has come about through practice and through rulings of the Chair.

A year ago, May 3, 2005, my predecessor, Speaker Hays, made a ruling related to an element of Delayed Answers. On that occasion, the Speaker ruled on a point of order challenging an instance when the Leader of the Government, then Senator Austin, had used Delayed Answers to provide oral responses to questions that had first been asked from a Question Period of an earlier sitting. Reviewing this incident, the Speaker explained that "What occurred April 19, 2005 does not fall squarely within this pattern [of accepted practice]. Senator Austin provided an oral answer to a question that had been asked originally on April 13 by Senator Comeau. In making his answer, to which there was no written version, Senator Austin also suggested that he was prepared to answer additional questions. On both counts this was a departure from the usual practice."

Honourable Senators, what occurred last Wednesday seems to me to fall outside of our usual practices. The rationale for prohibiting debate during Question Period and for creating Delayed Answers is due, in part, to the limited time given to Question Period. The thirty minutes allotted for questions and answers is to promote the immediate exchange of information about the policies of the Government or the work of a committee. Giving answers during Question Period that had been taken as notice at a previous sitting, detracts from this purpose and is a departure from established practice. Any response to questions asked at a previous sitting should be treated under Delayed Answers in the same way that all written questions are answered. These answers should be in writing with copies for the Table as well as for the Senator who asked the question. Upon request, these written answers can be read aloud so that they are incorporated into the *Debates*.

It is my ruling that the point of order is sustained. My purpose in making this ruling is primarily to explain how Question Period and Delayed Answers should be followed. I would expect that this problem would not come up again.

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