

Unit 8: The Role of MPs and Parliamentary Staff

Learning Objectives How Parliament Gets the Job Done

After studying this unit, you should be able to:

- Understand the differing roles which an MP is called upon to play in parliament;
- Compare the MP's responsibilities in these different roles;
- Describe how the responsibilities can vary according to the expectations of the electorate that chooses an MP;
- Discuss the ways in which parliamentary staff may be called upon to support MPs in their work in parliament.

Introduction

In democracies, all Members of Parliament are elected by groups of citizens of the country irrespective of the kind of electoral system under which they are chosen. They come to parliament with expectations of their own to fulfil. The holders of important offices such as the Speaker and Ministers find that their responsibilities are primarily dictated and conditioned by their office. All other Members will remain 'private Members', that is, not office holders in parliament. They are nonetheless immediately confronted by a variety of responsibilities related to the roles they have to play in the institution.

The roles that most parliamentarians fulfill are often summarized as representative, legislator and scrutinizer of the government. The first refers to the fact that MPs have been elected to parliament as representatives of their electorates. The second reflects what most people see as the central responsibility of an MP, to pass legislation, whether original or changes to existing acts. The third covers the scrutiny or oversight that parliamentarians are expected to exercise over the workings of the executive including the implementation of laws passed by parliament. This function also extends to the support or criticism of proposals placed before parliament by the government.

The MP as Representative

In any democracy, the representation of the people must be the basic source of authority for a body that makes the laws under which society operates. The electorate will therefore expect that their respective Member of Parliament represent their interests. Questions immediately arise: Who does the MP represent, only those who elected him or also those who opposed his election? What if a piece of legislation proposed by the MP's own party is contrary to the wishes of his electorate?

Most MPs will agree that the only tenable view is that they are representatives, not delegates, of the people who elected them. They will try to exercise judgment on behalf of those they represent rather than subordinating their views to them. This does not mean that they can ignore constituency interests but it does mean acceptance of the position that the vast majority of MPs are elected as Members of political parties rather than as individuals and that the manifesto commitments of the party provide the platform for action.

MPs do try to meet their constituency commitments by regular meetings with constituents in their electorates. If these interests are not attended to, no amount of party commitment can guarantee a return to parliament at the next election.

It is sometimes argued that certain electoral systems, such as proportional representation, have removed some of the linkages between MPs and their constituents. While it is probably true in most countries that have adopted proportional representation that there has been distancing of constituents from their MPs, it could also be argued that there are now more representatives for a given area and that there is a better chance of having different interests heard and understood. Whatever the system of election is, access to one's MP is a form of contact that is significant, important and greatly valued by voters. Without that contact, the basis for a democratic legislature could come under serious question. Thus MPs find themselves not just the representatives of the electorate that chose them but also elements in a political party mechanism.

There is a third factor and that is their own position. MPs may sometimes find themselves not willing to be the delegate of either their constituency or their political party, but wanting to take up a position that is their own and to vote according to their conscience on some issue. Parties do allow some latitude to their MPs in certain cases so that they may vote in this manner.

There is one restriction that all parliaments place upon their Members as to representation and that is that they cannot appear before the House or in a parliamentary committee to espouse any view or to represent any individual, group or organization for a fee or reward.

The MP as Legislator

This is the most visible role that an MP is called upon to play, especially in an age when the media can carry not just words but images of events in parliament. Unfortunately, the legislative function is one that most MPs are ill equipped to carry out when they first enter the legislature and they can as a result become disillusioned.

In most countries, there is no formal training for new parliamentarians, despite the great responsibilities they hold. Political parties and parliaments must facilitate the learning experience for MPs and ensure that the legislative process is such that informed debate is promoted through sound arrangements ranging from orientation and development opportunities to properly supported committee procedures.

In all lawmaking MPs should remember that the citizens whom they represent want transparency and accountability to be built into all laws with the ability for the citizens themselves to engage more closely with, or at least to be able to follow, what happens in parliament and how their money is spent.

The MP as Scrutinizer

The backbench MP has several opportunities to help people achieve their desire for effective, accountable government. When taking the role of scrutinizer, well-informed MPs can support or criticize draft legislation. If they are supportive of the proposal, they may convince the people at large and fellow MPs of the necessity for a particular measure. They can, in theory, also criticize a weak or badly formulated bill to the extent that the sponsoring Minister may be forced to re-think it.

Much of this work is not done in the House but in parliamentary committees. There are plenty of opportunities for Members to serve in committees and, if the House and the government take the work that can be done in committees seriously, there is much that backbench MPs can contribute to the work of the legislature.

Apart from the discussion of draft legislation, committees supervise much of the internal workings of the House and, even more importantly, carry out the oversight function on its behalf. This includes performance and accountability checks on the implementation of the law by the executive from the angle of, and perhaps the investigation of some particular issue or controversy.

The regular work of the executive is examined through a legislature of departmental committees and more generally, by a committee on public accounts, commonly referred to as the Public Accounts Committee or PAC. A similar Committee on Public Enterprises or Public Undertakings (COPE or COPU) sometimes complements a PAC. These groups subject the financial operations of government and semi-governmental undertakings to close examination usually by reviewing reports of the Auditor General on the past year's accounts. Very often the whole management philosophy of a department or enterprise can be called into question by MPs who are willing to apply themselves to the necessary tasks.

Work as a scrutinizer enables MPs to complete their work in a full circle by examining whether the government has correctly used the funds released for its parliamentary operations. The reward is that MPs would have helped to make the processes of government more transparent and more accountable to the people who elected them.

Some particular considerations

All MPs will be limited in the way in which they can operate by their own environment. The Small States and small sub-national legislatures of the Commonwealth exemplify how the smaller numbers of Members may make operation of the same number of committees as in larger legislatures infeasible though the necessity for committee operations may be even more marked. Powerful personal interests are more starkly shown in small societies with implications for the independence of MPs. There may however be greater opportunities for consensual decision making in such situations. The three functions of representative, legislator and scrutinizer must be balanced and settled in relation to the working environment.

The Role of Parliamentary Staff

In the Standing Orders of most legislatures, there is reference to one specific parliamentary official and that is the Clerk or Secretary General. Other officials are referred to as deputies or assistants of this central person though a few legislatures refer in addition to a Serjeant at Arms who is responsible for security.

Even the duties of the Clerk or Secretary General are spelt out broadly, defining only such tasks as keeping the minutes of the proceedings of the House and its committees, maintaining an order book and the safe custody of documents.

In practice the duties of the Clerk within the Chamber are much more onerous than a cursory reading of the Standing Orders would lead one to expect including advice to the Speaker on matters of procedure and precedent. Outside of the Chamber, he or she is a full-time official of the highest seniority in the public service of the country and is supported by a variety of assistants apart from the other Clerks who may share the work in the Chamber.

In several Commonwealth countries the officials of parliament form a separate parliamentary service, distinct from the civil, or public, service and thus allowed a greater degree of independence in their work, with the post of Clerk constitutionally protected for this same

reason. In other countries however even the Clerk is drawn from the public service and may be returned to another appointment in that service after his or her term of office is completed.

Some parliaments have a number of parliamentary counsel permanently on their staff or seconded from departments of government for temporary service with parliament. They may include legal draftsmen to carry out the highly specialized task of committing proposals for new legislation into a form suitable for the statute book. Where parliament does not have its own drafting facilities, there is usually a department of government set up to deliver that service to parliament.

In general, all legislatures will usually have the following heads of department within them: the Clerk/Secretary General, the Serjeant at Arms, the Librarian and the Head of Hansard (the official report), with suitable arrangements for administration and finance, catering and other responsibilities as may be necessary.

All parliamentary staff are expected to be politically impartial in carrying out their functions and, while much of the time senior Members will be at the disposal of the Speaker, especially on sitting days, they must be willing and able to advise any Member on procedures that that Member could take to achieve a specific purpose. Many parliaments have staff that will assist a Member with such services as the drafting of questions to be put to Ministers, though of course they should not venture their opinions on the suitability of the position being taken by the Member.

MPs serving on committees feel the need for adequate research to be done by the committee staff serving them. This is not always available but must become the norm if committees are to perform the functions for which they were envisaged.

With the increase in the possibilities of rapid communication and access to information on the Internet, many parliaments now provide Members with computer terminals and appropriate training opportunities for their use. It is to be expected that the range of services provided by parliamentary staff, or demanded of them by Members will grow in the future and part of the responsibility of the Clerk/Secretary General is to anticipate these and advise the Speaker and the relevant House committees on methods of meeting the challenge.

Unit 8 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. Describe the responsibilities that devolve on an MP and summarize the roles he or she plays in discharging these responsibilities.
2. Could there be a difference in the way an independent (non-party) Member of Parliament may approach these responsibilities?
3. Do you consider that MPs are sufficiently active in performing the duties associated with parliamentary oversight?
4. What training should be given to the various members of parliamentary staff to enable them to carry out their functions better?

Relevant Abbreviations

| | |
|--------|---|
| ComSec | Commonwealth Secretariat |
| CPA | Commonwealth Parliamentary Association |
| NDI | National Democratic Institute for International Affairs |
| UNDP | United Nations Development Program |
| USAID | United States Agency for International Development |
| WBI | World Bank Institute |

Relevant Internet Resources

CPA Report on Development of Knowledge-Based Parliamentarians
www.cpahq.org/uploadstore/docs/PKPStudyGroupreport.pdf

Harris, I.C. (2003). Promoting the Work of Parliament. Geneva, Association of Secretaries General of Parliament.
http://www.asgp.info/reports/promoting_final_report.pdf

Zampetti, U. (2000). The Role of the Secretary General in the Administration of Parliament. Geneva, Association of Secretaries General of Parliament.
http://www.asgp.info/reports/2000_180_role_SG.pdf

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