

Australasian Study of Parliament GroupAnnual Conference
6th-8th October 2011**The functions of Parliament: reality challenges tradition***

Abstract:

This paper reports research into professional development for members of parliament (MPs) which examines how practitioners perceive contemporary functions of parliaments. In so doing, it provides a rare comparative insight into parliamentary functions as seen from the inside, and challenges classical definitions of these functions.

The functions a parliament prioritises determines, in part, the responsibilities MPs take on in order to perform well in their role. They also define further what knowledge, skills and abilities MPs need to acquire in order to successfully fulfil their responsibilities. Accordingly, the research project has investigated, among other things, the perceptions by MPs, Clerks/Secretary-Generals (or nominees) and certain others of the functions of their national legislatures in Australia and a range of other nations. The nations studied were selected so that they were broadly representative of constitutional models (e.g. Westminster, other parliamentary systems, executive presidential, hybrid), global region (e.g. Pacific region, Asia, North and South America, Africa and Europe) and their history of parliamentary practice (from long established e.g. UK, to emerging e.g. Timor Leste). In each selected country, interviews were conducted with a sample of MPs, the Clerk/Secretary-General or nominee and, if relevant, representative(s) of other programme providers.

155 interviewees from 15 national assemblies shared their views on the relative importance of seven function traditionally ascribed to parliaments by parliamentary scholars i.e. representation; legislation; deliberation; scrutiny; budget setting; making and breaking governments; and redress of grievances. Responses indicated a wide range of perceptions, which in some cases revealed different understandings of the same English language word when translated into other national languages (e.g. "control" is used instead of "accountability" in some cases). Some interviewees also demonstrated a rather different, and in some cases a more limited, range of functions recognised as legitimate for parliaments. The constitutional model was a major influence on the functions of parliaments and hence also on the functions described by the MPs.

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Introduction

The functions of parliaments have been variously described by scholars and in parliamentary documents but there have been few if any reported studies of how parliamentary practitioners see their own institutions. This paper reports practitioner perceptions of contemporary functions of fifteen selected national legislatures. This research is embedded in a wider project on parliamentary careers that looks at a total of 60 national parliaments, and that investigates what knowledge, skills and abilities assist MPs in successfully fulfilling their responsibilities, the nature and content of professional development programs available to MPs and the effect these programs have on enhancing knowledge, skills and abilities.¹ The responsibilities of MPs in turn relate to the functions of the parliamentary chamber to which they have been elected. Accordingly, the research has examined perceptions about the functions of national parliamentary institutions in Australia and a range of other nations, held by their MPs, Clerks/Secretary-Generals (or nominees), and others involved in the design and/or delivery of programs.

Theoretical Perspective – why understanding functions matters

This paper explores the perceptions of key personnel within parliaments as to the critical aspects of their parliament's functions. From an organisational perspective, the effective and efficient functioning of a parliament is heavily dependent on clarity concerning the institutions' functions as this in turn affects the knowledge, skills and abilities - the human capital – needed for the functions to be fulfilled. As the world becomes increasingly complex, the need for high calibre human capital increases. From this perspective theories of management provide a unique insight and understanding as to how organisations should be viewed in this context. The most appropriate theory for understanding the role and development of this intangible asset is the resource-based view of the firm (RBV). The reference to "the firm" is something of a misnomer as we find that RBV principles can be applied to a wide range of organizations. Within the RBV there are three types of resources that enable an organisation to function more effectively: physical capital, organisational capital and human capital (Barney & Wright 1998). There is increasingly focus on the human resources of those who perform the organisation's functions e.g. MPs and parliamentary staff. There is increasing recognition therefore of the potential of the latter of the three resources, human capital, to make a substantial and lasting impact on the efficiency and effectiveness of the organisation (Barney & Wright 1998; Wright et al. 2005). This is supported by Cappelli and Crocker-Hefter (1996) and Coff (1997), who argue that it is these human resources that are at the core of an organisation's unique ability and capacity.

The RBV (Barney 1991; Penrose 1959) provides a framework within which to understand appropriate organisational approaches to the long-term development of human resources (Boxall & Purcell, 2011). In recent years, capacity building of personnel has become an increasingly significant theoretical and practical aspect of building organisational capabilities (Holland, Hecker & Steen, 2002). Supporting the RBV perspective, research by MacDuffie (1995) and Wright and McCormick, Sherman and McMahan (1999) has shifted focus from examining human capital practices in isolation to a system or 'bundles' of human resource practices. Research by MacDuffie (1995) and Delery and Doty (1996) indicates that in combination these policies and practices can enhance an organisation's human resources. Boxall & Purcell, (2011) support this argument stating that the main focus of the RBV is that efficiency and effectiveness results from bundles of human resources policies and practices. These policies and practices must enhance the attraction, development and retention capabilities of the organisation to ensure their human resources are increasingly valuable to the organisation. As such, the development of knowledge, skills and ability within the context of Parliaments takes on a critical perspective when seen in this light, and as such requires increased research and investigation. In this context, this paper explores the key perceptions of key informants within parliaments as to the critical aspects of parliaments' functions.

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Notwithstanding the unique natures and status of sovereign parliaments and parliamentarians, RBV is useful in understanding the relevance of human capital to fulfilling the functions of the organisation (Coghill, Holland, Donohue and Lewis 2009; Neesham, Lewis, Holland, Donohue and Coghill 2010). That in turn requires understanding each parliament's major functions. This paper explores the significant perceptions of key parliamentary personnel as to these functions.

Definitions, scope and terminologies

Mezey (1979, 6) defines "a legislature as predominantly elected body of people that acts collegially and that has at least the formal but not necessarily the exclusive power to enact laws binding on all members of a specific geopolitical entity". In line with his description, our sample of 60 national parliaments worldwide contains only such chambers that are legitimated directly by the people. For example, this applies to the British House of Commons but not the House of Lords to the German Bundestag but not its second chamber, the Bundesrat, which draws its members from the state governments, or the Malaysian Dewan Raykat where the members of Malaysia's second chamber, the Dewan Negara, are indirectly elected by the states or appointed by the King, thus rendering that assembly ineligible for our sample.

Most parliamentary scholars take Walter Bagehot's (1867) description of the British House of Commons as holding a "elective", "expressive", "teaching", "informing" and "legislative function" as starting point for defining parliament's functions in more detail. While definitions vary, most revolve around the three core activities of legislating, representation and system maintenance through the recruitment and socialization of political elites and determining who forms government (Mezey 1979, 7ff).

For the purpose of the project, we refer to seven classic functions of legislatures as described by Robert Hazell (2001, p. 16). These are: Representation; Legislation; Deliberation; Scrutiny; Budget setting; Making and breaking governments; and Redress of grievances. However, as Mezey (1979) highlights, parliament is "a flexible institution capable of performing several different functions within a political system." Indeed, looking at the web-pages of only a few of the assemblies in our sample reveal significant differences in what activities the different parliaments put at the core of their work:² The British "Parliament examines what the Government is doing, makes new laws, holds the power to set taxes and debates the issues of the day" (United Kingdom Parliament, 2011); The Australian Parliament's website lists "five important functions of parliament: to provide for the formation of a government; to legislate; to provide the funds needed for government; to provide a forum for popular representation; and to scrutinise the actions of government" (Australian Parliament, 2011); The US Congress "makes all laws, declares war, regulates interstate and foreign commerce and controls taxing and spending policies" (United States House of Representatives, 2011); The website of Vietnam's National Assembly website describes the institution as "the Supreme Organ of state power" the functions of which include "determining the State Budget and contributing to the development of the economy, society, culture and education the National Assembly has also issued policies on ethnic issues, national security, defense and foreign affairs. The National Assembly also exercises the supreme supervisory power over the implementation of the constitution and laws" (Vietnam National Assembly, 2011); the Jordanian parliament's functions include oversight, legislation, adopting the draft state budget law, "and controlling taxations and concession contracts" (Jordan Parliament, 2011) whereas Uruguay's Lower House puts deliberation to the core of its business (Uruguay Parlamento, 2011); the German Bundestag's, finally, sees itself as "the forum where differing opinions about the policies the country should be pursuing are formulated and discussed" while listing "the legislative process and the parliamentary scrutiny of the government and its work" as its most important tasks. Further tasks mentioned are the decision on the federal budget, deployments of the Federal Armed Forces outside Germany, and the election of the German Federal Chancellor (German Bundestag, 2011). A further perspective is provided by DasGupta who describes the seven main functions of legislatures in India as legislative; regulatory; financial; deliberative; judicial; constitutional; and electoral (DasGupta, undated).

² For further research in this field see Leston-Bandeira 2009.

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Notwithstanding the different foci of the individual parliaments a number of common themes emerge from the definitions and descriptions above. They relate to the three basic functions of representation, legislating, and oversight with the other four functions, deliberation, budget setting, making and breaking of government, and redress of grievances either being subordinated to one of the core function or sitting across them.

Representation can conflate two distinct functions: representing the public interest in decision-making and what Hazell (reference) describes as seeking the redress of grievances.

Legislating is more straight forward: parliaments are generally legislatures. They pass the laws which enact public policy, or at least the primary legislation, including authorising the creation of secondary/delegated legislation. There is an obvious link to representation here as democracy is intended to provide responsive rule which in turn requires that constituents "felt interests" are reflected in decision-making (Saward 1996).

Some constitutions provide for an executive President to issue decrees which have the force of law, but in most cases each decree must be ratified by the legislature within a limited period.

Oversight is generally synonymous with scrutiny. It "involves monitoring executive activities for efficiency, probity, and fidelity" (Johnson and Nakamura 1999). The variations between parliaments largely relate to the description of the function rather than rejecting it as an expected function.

Deliberation is the debate of matters other than legislation, such as consideration, in October 2010, by the Australian House of Representatives of a statement by the Prime Minister concerning the nation's continuing participation in the war in Afghanistan. The Parliament deliberated but it was not required to enact a new policy or to change one. Most parliaments have formal provision for deliberation, although it does not occur frequently.

Budget setting is, technically, simply a particular element of parliament's legislative function. It is the legislation which authorises revenue collection and the expenditure of public funds. However, the Budget is treated separately due its significance. Its legal instruments determine the allocation of the polity's resources and the direction of economic and other policies. Although not explicitly mentioned in Johnson and Nakamura's list, it is not necessary if one accepts that the budget is part of the legislative process.

Making and breaking governments is reserved for parliamentary systems. In Westminster-style assemblies the leader of the majority party automatically gains the right to form a government but may be removed as head of the executive if her party votes in a different leader. However, if no party or coalition is assured of the support of half plus one of the members of that chamber, a vote may well determine who holds executive government and in those circumstances the parliament is making or breaking government. In recent years, New Zealand, Canada, Australia and the United Kingdom have all formed governments with major parties lacking an overall majority and thereby needing to rely on minor party and/or independent MP support to form a government. MPs in other parliamentary democracies (such as Germany) actively elect their head of government into office and may effectively break the government of the day only if a majority of them supports a different candidate. In executive presidencies, the election of the head of government is left to the people instead of the MPs whose only power of removing the president is by impeaching her. This is usually done on the basis of misconduct.³

The final function denied by Hazell is Redressing Grievances. In the Westminster system, the right to petition Parliament for the re-dress of some grievance – an injustice, the lack of a public service or facility or other matter with the capacity of the Executive – is an ancient right which also finds expression in MPs raising such matters in Parliament so as to seek remedial action by the relevant Minister. This is highly appropriate in a parliamentary system, as the legislature and executive are fused.

However, is the legislature of a presidential system an appropriate institution in which to raise matters for redress? It can be (and is) argued that the separation of Executive and Legislature

³ That impeachment is rarely used to remove a head of government (the history of the United States shows, for example, only two, unsuccessful, attempts of impeachment against a president) underlines that it does not parallel the breaking government function found in parliamentary systems.

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requires that grievances be taken up directly with the Executive, not via the parliament. Indeed, this line of argument can be extended to suggest that it may be improper for an MP to take up matters of public administration on behalf of a select part of that MP's constituency rather than limiting the MP's representation to legislative proposals affecting all. Accordingly, redressing grievances is not universally accepted as a function of parliaments.

The judicial function suggested by DasGupta refers to the impeachment or removal of incapable or corrupt judicial officers. This has had very limited use in most jurisdictions and is exercised with great care and restraint. There is a strong argument for treating this as a legitimate function of parliaments.

The constitutional function i.e. in constitutional amendment, relates to a special and highly significant class of statutes. It is of lesser relevance to Australia as the national Constitution Act can only be amended by referendum, albeit initiated by the Parliament. However, statutes affecting the structure and operation of a state's constitution are not necessarily limited to the formal Constitution or Basic Law. Constitutional amendments often require approval by a special majority e.g. two thirds. Like Budget-setting, the constitutional function is of such importance that there is a strong argument for treating it as a distinct function.

The Electoral Function, in which the Parliament acts as an electoral college to elect certain office-holders, such as President, is a distinct legitimate function, albeit not universally relevant.

Table 1 illustrates the functions of parliaments developed from the above discussion.

Table 1. Functions of Parliaments

| Parliamentary Function | Parliamentary system | Executive Presidency |
|--|----------------------|----------------------|
| Representation | ✓ | ✓ |
| Deliberation | ✓ | ✓ |
| Making or Breaking of government | ✓ | |
| Redress of grievances | ✓ | |
| Legislation (general) | ✓ | ✓ |
| Budget-setting and control | ✓ | ✓ |
| Scrutiny (oversight; holding to account) | ✓ | ✓ |
| Electoral function | ✓ | ✓ |

Research sample and method

Within a wider sample of 60 national assemblies that were quantitatively surveyed, in addition, qualitative semi-structured interviews with MPs, administrative staff and external organisations providing capacity building programs for assembly members were conducted at 15 assemblies. As table 2 (below) shows, the nations studied were selected to be broadly representative of constitutional models, global region and history of parliamentary practice.

In total, 155 interviews were conducted. The rich data collected was analysed using codes developed along King's (2004) template approach, covering central themes such as the MP's individual role, the organizational role of the assembly in question, any skills and knowledge required or obtained for performing their mandate, and the issue of training. To facilitate coding and analysis Maxqda10 – a program specifically designed for the management of quantitative data – was used.

Interviews with MPs focused on their role-expectations prior to taking office, the skills required to perform well in their work and the benefits of any training received during their parliamentary career. At the core of the interviews conducted with parliamentary staff and external providers were the planning and evaluation of training programs to enhance the MPs' skills.

In addition, both groups were asked to rate the seven traditional functions Hazell (2001, 16) ascribed to parliaments – representation, legislation, scrutiny, budget setting, making and breaking of governments, and the redress of grievances – along a score of 1 (being the most important) to 7 (the least important). It is this ranking, along with the interviewees' individual comments on the seven functions, that builds the foundation of this paper. However, while most of the interviewees commented at least on one of the functions, only 106 interviewees – all of them from parliamentary systems - actually contributed to the ranking.⁴

⁴ While some of the interviewees didn't rank the functions due to limited time available for the interview, others refused to rank the functions as they felt they were all important and did not want to devalue any of them.

Table 2: Parliaments studied

| Parliament | Number of interviews conducted | Parliamentary system | Presidential system | Established democracy | Emerging democracy | Communist regime | Bicameral | Global region |
|------------------|--------------------------------|----------------------|---------------------|-----------------------|--------------------|------------------|-----------|----------------|
| Australia | 9 | ✓ | | ✓ | | | ✓ | Oceania |
| Canada | 10 | ✓ | | ✓ | | | ✓ | North America |
| Ethiopia | 11 | | | | ✓ | | ✓ | Africa |
| Indonesia | 3 | | ✓ | | ✓ | | | SE Asia |
| Jordan | 14 | ✓ | | | ✓ | | ✓ | Middle East |
| Marshall Islands | 13 | ✓ | | | ✓ | | | Oceania |
| Papua New Guinea | 11 | ✓ | | | ✓ | | | Oceania |
| Romania | 6 | ✓ | | | ✓ | | ✓ | Eastern Europe |
| South Africa | 8 | ✓ | | | ✓ | | ✓ | Africa |
| Timor Leste | 13 | ✓ | | | ✓ | | | SE Asia |
| Tonga | 11 | ✓ | | | ✓ | | | Oceania |
| United Kingdom | 12 | ✓ | | ✓ | | | ✓ | Western Europe |
| Uruguay | 8 | | ✓ | ✓* | | | ✓ | South America |
| Vanuatu | 15 | ✓ | | | ✓ | | | Oceania |
| Vietnam | 11 | ✓ | | | ✓ | ✓ | | SE Asia |

Interviews in total

155

*democracy restored after military rule 1973–85.

What they think

The interviewee's rating of parliamentary functions (as displayed in Table 3) shows an overall agreement with representation, legislation and scrutiny being at the heart of their parliament's

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functions. However, note that these findings are indicative only, as the data is from interviews, not a quantitative survey.

Of these 106 respondents, 79 thought legislation to be one of the two most important functions of parliament, closely followed representation by (68). While only two respondents thought scrutiny to be their assembly's most important function, a total of 47 interviewees ranked scrutiny as one of the three most important functions of their legislature.

Table 3: Parliamentary functions rated by interviewees

| Rating of function by interviewee | Representation | Scrutiny | Legislation | Making or breaking government | Deliberation | Redress of Grievances | Budget setting |
|-----------------------------------|----------------|----------|-------------|-------------------------------|--------------|-----------------------|----------------|
| Most important | 23 | 2 | 20 | 2 | 1 | 0 | 1 |
| Second most important | 6 | 16 | 13 | 1 | 2 | 1 | 8 |
| Third most important | 7 | 15 | 13 | 1 | 3 | 1 | 8 |
| Fourth most important | 3 | 3 | 0 | 6 | 6 | 3 | 9 |
| Fifth most important | 2 | 3 | 1 | 5 | 9 | 4 | 5 |
| Sixth most important | 2 | 3 | 0 | 11 | 7 | 7 | 1 |
| Least important | 2 | 2 | 1 | 7 | 4 | 11 | 2 |

Perhaps of greatest significance is that for each of representation, legislation, and scrutiny, the combined first, second and third rankings was much stronger than for any other function.

The tasks thought by the majority of interviewees to be least important for a functioning parliament were redress of grievances and making or breaking government. The low priority given to making and breaking government reflects the different status these functions have in a Westminster style assembly where effectively the people by electing a majority automatically determine who governs (see discussion above). It also attracted a low priority from parliaments where the political party that formed government had a very healthy majority of seats. For example in South Africa where the African National Congress (ANC) has a comfortable majority, parliamentarians of different political persuasions did not consider the breaking of governments as a serious possibility.

Redress of grievances is a function that many interviewees saw as something subordinate to their representational task.

The wider sample of 155 interviews shows that there are considerable differences both in what interviewees see as the main functions of parliament and in how they see the seven classic functions intertwined. In addition, the interviews reveal significant variations in terminology even amongst English-speaking parliaments.⁵ This becomes an even more important issue when studying parliaments that operate in other languages. For example, when interviewing MPs and

⁵ Whereas British MPs would, for example, refer to their "constituency", Canadian MPs relate to their "riding" and Australian MPs to their "electorate".

other personnel in South America, interviewees did not recognise “scrutiny” as a function of parliament for two reasons. Firstly, in South American use of Spanish, scrutiny refers to scrutineering of votes cast in ballots. Secondly, when scrutiny was explained as holding executive government to account, interviewees insisted that their legislature did not do that but rather, it controlled the executive. When elaboration was requested, the “control” sounded very much like holding the executive to account.

More strikingly, the analysis accentuated the different weights given to particular parliamentary functions by MPs, administrative staff and providers of parliamentary capacity building within one assembly.

The lack of a common understanding of certain words/phrases also highlights the difficulties for researchers wishing to undertake comparative parliamentary studies across a range of constitutional models.

Representation

MPs widely agreed that “representation clearly is front and centre” (CA 6 Nell, para 6) of their work and many of them stayed relatively close to the definition provided by Hazel in referring to representation as a way to articulate the public’s views and in redressing grievances. In this umbrella function it is closely interlinked with the other functions performed by parliament as one Indonesian MP pointed out:

“I would say the first role is representation of citizens’ interests and then that goes into the formally established three roles of legislating, of oversight and budgeting. Obviously we can’t do the other three functions without the first, otherwise you are just bureaucrats” (Indo_1_EXR, para 100).⁶

The Uruguay MPs generally felt that in legislating it was their responsibility to represent the interests of their constituents. This they saw as responding to the public interest.

However, depending on the constitutional setting, interpretations varied as to who should be at the core of an MP’s public interest. Members of the three Westminster systems, Australia, the United Kingdom and Canada, all clearly referred to their constituents as main focus of their work and the re-dress of grievances was an central element of representing them.

In contrast,

Uruguayan MPs thought that particular type of representation to be inappropriate or even unethical, as it would be favouring the beneficiaries of such intervention over other constituents.

Some MPs were quite forthcoming in saying that their roles were to represent their party’s view in the parliament and by implication a function of the parliament was to represent the views of the parties rather than constituents directly. In other words, constituents’ views were represented primarily as interpreted by parties and communicated from party perspectives.

The second aspect of attitudes to representation is the different attitudes held by MPs and staff of parliaments. Most MPs (except in executive presidencies) saw representation seeking redress of grievances as either the most important function or one of the first three ranked functions.

However, staff generally see legislation as the most important function, with representation being primarily as contributing to legislation. This is not surprising given that staff see almost nothing of MPs outside the parliamentary precinct and therefore have little knowledge of MPs constituency work.

Legislation

Almost all interviewees saw legislation as a core function of the parliament. Yet, to what extent they were actively involved in scrutinizing and changing these drafts, was influenced by the

⁶ In a similar spirit a South African MP stated: “I think (...) foremost you will come here to represent people and in the process help legislate or put legislation that is in keeping with the needs of the people.” (SA 1_70007 para 37)

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constitutional setting and the experience MPs in the assembly already had gained with legislation. In Vietnam, for example, legislation is drafted and reviewed a large extent by external government agencies. Several of its many part-time MPs found it hard to debate legislative drafts in an effective manner, and legislation is seen as a weakness of the National Assembly. Particularly MPs in some smaller, less developed countries felt that they lacked the understanding and knowledge to make useful inputs into bills. They were content to leave legislation to those more expert than themselves, effectively abdicating the legislative function to public servants, expert advisers and the drafters of legislation.

Budget setting

Whilst MPs and parliamentary staff generally acknowledged budget setting as an important function, some saw it as little more than legitimating decisions made by and effectively under the control of the executive. Accordingly, responses were mixed, reaching from replies like “Budget setting, how would that apply to me?” (AUS_7_AWE, para 10) to “without budget what can you do? Nothing” (SA_2_70008, para 2).

Many MPs saw budget setting as an integral part of legislation. Comments like “budget setting and legislation are not mutually exclusive because you set the budgets through budget bills” (AUS_8_FOS, para 44) were typical. As with legislation, budget setting was one of the functions were both MPs and providers of parliamentary training programs felt that a greater amount of education for MPs would be appropriate.⁷

Vietnamese were clearly proud that the National Assembly had forced the government to accept quite significant changes to a basic feature of the budget strategy – the level of the deficit. MPs insisted on a lower deficit than proposed by the Government. A second example was pending at the time of the interviews: the Government had proposed a high-speed passenger train link between Hanoi and Ho Chi Minh City, at a cost of approximately USD50 billion. The National Assembly refused to agree to it, arguing that other development project should have higher priority.

Scrutiny

-“Scrutiny”, “oversight”, “parliamentary control” or “taking the government to account” – while the individual labels differed, this function was generally understood as core one, but one where clarity of language is important as it means different things to different parliamentarians and parliamentary staff.

“One of the things that they tend to do is to, very often they will just decide that they’re going to be a very good representative, and they become a kind of ombudsperson for the constituency and they help them navigate the various bureaucracies at various levels, and so forth. And in that sense, they play a good kind of social worker role. But they’re not really doing anything in terms of holding the government to account. Because that’s a whole other exercise. And one I think that really frankly the parliament does rather badly.” (CA 5 Rien_admin, para 21)

Deliberation

Deliberation was not readily recognised by interviewees and many of them, including in English speaking countries, asked for further explanation or set it equal with legislation.⁸ The interviews with Australian MPs took place quite soon after the highly significant debate on Australia’s military commitment to the war in Afghanistan, yet it was necessary to remind interviewees of the debate and that it was an example of deliberation being separate to legislating.

Those who could relate to the term immediately disagreed to what extent deliberation was part of the parliament’s daily business and how well it was performed. One Australian MP in particular

⁷ UK_8_48, para 152, VIET_1_BJPV_external

⁸ Typical were comments such as: “In order to legislate you have to deliberate. And therefore it’s the same thing” (ET 7 Mohai_admin, para 16f.) One MP saw it as a party-specific training for public speaking “Deliberation – Party training, debates, videos and then feedback and critique. It is often how you say it” (SA_8 noteA, para 66).

thought that “the parliament excels when it displays that leadership role. Whether it be in times of grief, in times of celebration, I think we do it very well” (AUS_4_HAL, para 18). This is contrasted with remarks by a member of the Canadian parliament’s staff who expressed great concerns about parliament being too focused on small issues instead of great debate:

“I think there was a time when it was very much felt by the members who were here that they were engaged in nation building, and they were engaged in sewing the country together [...] That was a very important role that they played. [...] Instead of seeing an overall umbrella that is supposed to protect the whole community from one sea to another, you see various little wedge group umbrellas forming [...] and if you add to that you have the overlay of globalisation and all that that entails, well you have a kind of, a potentially catastrophic short sightedness, because you’re not in a position to judge what might be in Canada’s best interest in the larger sense.” (CA 5 Rien_admin, para 23ff)

Making and breaking of government

One of the most surprising themes to emerge, or rather because it did not emerge, was the making and breaking of government. Even in the parliaments of Australia and the United Kingdom with their then fresh experience of an “inconclusive” election result, in which no major party achieved a majority, this barely rated as a function of the parliament. In both cases it was the parliament that supported a major party leader and enabled that leader to form a government. In no instance did an interviewee from either of these parliaments recognise the role of the parliament in determining who formed government. As one British MP put it, making or breaking government rather is “not something that I think is recommended in the job just as the first thing you try to do when you wake up in the morning. It’s just not the first thing I see as important in the role”⁹. Indeed, some MPs rejected that the parliament had had a “making government” function at all. Rather, the comments suggested that the UK coalition and the Australian minority government were no more than the product of politicians doing deals. It was those deals that simply and unquestioningly predetermined the functioning of the parliament.¹⁰

No interviewee mentioned a constitutional amendment function, a judicial function, or an electoral function as a function of the parliament. Although interviewees were asked to rank the seven classical functions (Hazell 2001), the semi-structured interview format would have allowed others to be mentioned.

Constituency Development Funds

A function not found in the literature or listed as one of the seven functions of parliament in the interview questions, but which did emerge from interviewees’ comments relates to the parliament as a channel for local development funds, known generically as constituency development funds (CDFs). CDFs are reportedly “found in a growing and diverse set of developing countries, such as Kenya, Bhutan, Jamaica, Vanuatu and Papua New Guinea, as well as in distributive politics (generally called “pork barrel”) in US national and state level policy making” (Center for International Development, 2009). The guidelines and controls over these funds range from virtually none to strict regulation of the allocation of funds to projects and auditing of their disposition. In the former, the MP may have direct personal authority to spend funds on things as personal as an individual constituent’s medical treatment. In the latter case, the MP’s role may be no more than selecting projects to be funded and administered by public servants. In either case, the allocation of the funds is directly related to individual MPs’ constituencies and is thereby associated with the parliament. It becomes a parliamentary function.

⁹ UK_8_48, para 155.

¹⁰ The low emphasis MP’s placed on making and breaking governments was evident in comments such as “I’m not sure that’s our role” (UK_1_35, para 173), “You don’t need any training for that. That’s pure luck. There’s an election” (UK2_36, para 260), or “making and breaking governments [...] that’s not the key role of a parliamentarian” (CA_10 Jero, para 2).

An overwhelming majority of the interviewed MPs in Vanuatu and PNG ranked representation as the most important role that they have perform. Consequently, when measuring individual and parliamentary performances, they largely do so against their ability to execute their representative role. To them, representation generally means providing projects such as building physical of infrastructure in their constituencies. These include hospitals, town halls, tarmac roads, airports. These projects are usually tied on the CDFs which are annually disbursed to MPs in PNG (Allen & Hasnain, 2010) and Vanuatu (Morgan, 2004).

Within each parliament, views of members concerning its most important functions can also be associated with the positions they hold within it: those in government are more likely to be actively engaged with passage of legislation than those in opposition; those with shadow ministerial portfolios are more likely to monitor the work of the executive more closely than those on the back-benches; whilst those in their first term may spend most of their time simply adapting to parliamentary and party cultures than in making a significant impact personally. However, a concern common to all members regardless of whether they are with the government or the opposition, and whether in they are in their first term or their last, is ensuring that they communicate well with their constituencies and provide assurance that their constituents' interests are known and promoted ("represented") within the corridors of power. Whilst party leaders determine MPs' roles within the legislature, constituents determine whether they remain there. This concern may be stronger where constituents are more educated, or have good access to communications, or where the constituency is remote from the capital and therefore place greater reliance on their MP to voice ("represent") their needs and concerns.

Discrepancies in perception between MPs and facilitators of capacity building

A curious additional matter which has not previously been investigated to any great extent is various attitudes that parliamentary officers, external providers of the MP's capacity building, and MPs themselves, have toward proper preparation of members for participation in the legislature. For parliamentary officers, key issues focus on knowledge of parliamentary procedure, protocol, and management of entitlements. For political parties some emphasis is placed on the ability of MPs to prepare and present speeches, to control committee business, and to deal with the press on party policy and matters of the day. Ultimately, however, party interests focus on the disciplining of members to appear when numbers are required, to participate in committees as required, and to vote consistently along party lines. A recent exercise that interviewed retiring Members of the Canadian parliament suggests that individual members often felt ill-prepared for their role as MP, and took a considerable amount of time determining how they could be most effective (Samara, 2010). The interviews showed quite significant discrepancies between how MPs perceived their workplace and the demands that are put upon them and what facilitators of parliamentary capacity building think that MPs should focus on. These discrepancies could be an important explanatory factor why some MPs don't take as eagerly to training sessions as training providers think that they should be.

Conclusions

This paper provides a rare comparative insight into the functions of parliament as seen from the perspectives of insiders: MPs, staff of parliaments and other providers of capacity building programs. Responses indicated a wide range of perceptions, which in some cases revealed different understandings of the same English language word when translated into other national languages ("control" is used instead of "accountability").

Some responses demonstrated rather different and in some cases more limited ranges of functions recognised as legitimate for parliaments. The constitutional model was a major influence on the functions of parliaments and hence also of MPs.

Differences between functions highlighted by MPs and others are largely explicable in terms of their personal responsibilities and direct knowledge. Whilst superficially reflecting three basic functions, closer examination of the interview data has challenged classical definitions.

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In particular, representation is revealed as a more nuanced and complex functions than generally assumed, with one aspect being intimately associated with legislating and with deliberation and another aspect more closely related to redressing grievances.

The widespread 'blind spot' in relation to making and breaking governments suggests that a little more knowledge of parliament's constitutional function would be beneficial as this is a powerful and important function in parliamentary systems.

Although identification of constitutional, judicial and electoral functions appears to be soundly based, no interviewees made mention of any of them. It may be speculated that each is executed very infrequently and thus do not readily come to mind.

A function not previously identified as such has been revealed – the constituency development fund function. It is of great potential significance as it may be used corruptly or to advantage or disadvantage individuals and groups. That should be recognised and appreciated before the disadvantages emerge to damage the reputations and legitimacy of parliament.

While the paper is set out with the seven classical functions of parliament, it concludes by suggesting that there are eight which apply in each type of parliament: representation in legislating; legislation; deliberation; scrutiny; budget setting; constitutional amendment; judicial; electoral; and constituency development fund, plus two more that apply in parliamentary systems but not executive presidencies: representation in redress of grievances; and making and breaking governments.

Each parliament's understanding of its functions is the key capacity building by its parliamentarians, to develop the human capital necessary to improve the performance of those functions.

Further research

This research has revealed as many questions as it answered. However, it is also only a small part of a larger research project. Other questions will be addressed in forthcoming reports. The nature and extent of constitutional, judicial and electoral functions requires further investigation.

A particular major training need has been identified which relates indirectly to the parliaments is the management of development funds. The development funds function of many parliaments is a channel with considerable potential to link parliament and community but with obvious risks if not implemented in a neutral and fair manner. Urgent research is needed to identify the strengths and weaknesses of constituency development fund models and to investigate and recommend ways of overcoming any shortcomings.

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