

The Role of a Member of Parliament[#]

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In asking the question ‘What is the role of a Member of Parliament?’ we could start the discussion in a number of different ways. We could focus on the contrasting views inherent within the distinction between ‘trustee’ and ‘delegate’. This has certainly been the approach in the United Kingdom where the Burkean ideal of the trustee has had a significant impact on thinking. We could focus on the tension between ‘Party’ and ‘Parliament’ and what it means for the Westminster understanding of political accountability. We could compare the two Houses of the New South Wales Parliament and explore the implications of two different electoral systems for the work and role of the parliamentary representative. We could look at the way MPs themselves see their role, whether they are participants in one of the major parties, participants in minor parties or independents. They may seek power or they may seek to influence power.

Each of these approaches is based on a similar methodology. They are all focussed on a particular theory of democratic government and parliamentary representation. The ‘theory’ is compared to the ‘practice’ and judgements made about performance. Some idea of reform, either in institutions or practices, is then made to bring reality closer to the theory. Such an approach can and has occasionally generated change but usually faces an uphill battle against the forces of power politics represented by the executive arm of government and its support base in the major political parties. In other words the debate about the role of the MP becomes a debate about what has happened to Parliament in modern times. Usually the contrast is drawn between a golden age in the past and a party-dominated reality today.

Whilst I would argue that such an approach can’t be avoided because our system is jam-packed with theory — the theory of democracy and the theory of parliamentary democracy — it is also possible to tackle the issue in another way. Why not focus

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on the work of an MP and ask what it means for the nature of the job itself? In other words why don't we look at what MPs actually do and then seek to see what it may mean for our system overall?

I remember doing this once on the basis of what my diary told me about my work. I examined my appointments and activities over an extended period including when Parliament was and was not sitting. Note the range of activities that are revealed — working with electors and organisations within the electorate, informing the electorate about important issues or initiatives, attending party meetings (Conferences, Electorate Councils, Branches or Policy Committees), attending Parliamentary Party meetings, participating in parliamentary debates, working on a parliamentary committee, developing a portfolio interest if a Minister (or indeed a Shadow Minister), attending functions on behalf of the Government (or Opposition), issuing media statements or responding to the media ... and the list goes on.

This is a complex and interesting job for which there are some rules for some parts of the job but none for others. As the British academic Philip Norton once put it: 'There is no official job description.'¹ Indeed it could be said that it is more than a job and only slightly less than a vocation. I say 'slightly less' because the word vocation involves a 'divine call to, sense of fitness for, a career or occupation'. Yes there is a 'call' involved in politics but it usually has more to do with ideology and interests than it has to do with theology and spirituality!

Before moving to an examination of what these activities mean I will turn to a third way of looking at the work of a Member of Parliament. This involves focussing on the powers and responsibilities of the job and the resources allocated to the MP. Not only has there been a significant increase in the resources allocated to the investigatory work of Parliament each member now has an Electorate Office with a staff and allowances to go with it. There weren't always Electorate Offices. Indeed there was a time when MPs shared typing pools at the Parliament itself. Parliament was like a club. The nature and volume of electorate work was different then just as the nature of the relationship between the State and the individual was different then. Today the very complexity of the Welfare State has created a new role for the MP as guide, advocate and ombudsman for the elector.²

Nor can one underestimate the powers inherent within the job itself. Whichever way we look at our MPs — whether we see them as independently minded or party loyalists — it is to them that we allocate the all-important task of legislation. Their votes matter whether they are exercised in the party rooms or on the floor of the

¹ Philip Norton, 'The Growth of the Constituency Role of the MP', *Parliamentary Affairs*, vol. 47, no. 4, October 1994, p. 705.

² See Jack Stilborn, 'The Roles of the Member in Canada: Are They Changing?' Parliamentary Research Branch, Canadian Parliament, 31 May 2002, <http://www.parl.gc.ca/information/library/PRBpubs/prb0204-e.htm> .

Parliament and in some areas of policy today, most notably abortion, stem-cell research and euthanasia, the major parties themselves have freed their members from party discipline by way of the 'conscience vote'. This leads to new and different types of alliances in the Parliament and a different style and approach to the legislative function. I saw this clearly during the abortion debate in Western Australia in 1998. Providing more room for the individual MP to consider legislation free of party discipline is never easy to manage but has merit as a proposal.

Often underplayed in commentaries on the role of a MP is the law of Parliamentary Privilege. This freedom of speech in Parliament has been described by the NSW Supreme Court as follows:

Doubtless there may be Members of strong energy, easy credulity, and impulsive temperament who, in discussing a question of public interest, may injure an individual by reckless and injudicious statements. But it is of greater importance to the community that its legislators should not speak in fear of actions for defamation. It is most important there should be perfect liberty of speech in Parliament, even though it may sometimes degenerate into licence.³

From time to time it is suggested that there be a radical change in the way we regulate parliamentary speech. There are times when the privilege is abused. However, I believe this is one tradition that is essential to a properly functioning Parliament, particularly as it is now the case that citizens can exercise a formal Right of Reply.

These are important powers — the power to speak and question and the power to legislate. Today these powers are backed up with not insignificant resources to work in the Electorate and in the Parliament.

However if these are the powers what are the responsibilities? In particular to whom does an MP owe responsibility and for what? In thinking about this question from the point of view of my earlier description of what he or she actually does leads me to identify six arenas of accountability: the electorate, the political party (or support base if the Member is an Independent), the parliamentary party, the portfolio, the Parliament itself, and the community

Electorate work is varied but important. Philip Norton said the role of an MP is to be a safety valve for the public, allowing citizens to express themselves about the issues of the day; to provide information on a range of matters; to be a local dignitary; to be an advocate; to be a benefactor and powerful friend; and a promoter of local interests and concerns.⁴ The workload is great and is becoming greater, even though formal processes of administrative review have been established in

³ Quoted in Western Australia, *Report of the Parliamentary Standards Committee*, vol. 1, 1989, pp. 14–15.

⁴ Norton, pp. 705–708.

many areas of government activity. Local MPs can and often do make a real difference to the communities they represent through hard work, new ideas and creative partnerships.

Political party work cannot be ignored if the Member is to take his or her job seriously. Even an Independent needs a support base. This is not just a question of individual but also collective survival. Branch meetings, policy committees and fundraising activities are all part of the job. The position of the political party (or the supporters in the case of an Independent) is one of the factors that determines the likelihood of success or failure and cannot be left to chance.

The Parliamentary Party is also an institution in and of itself. In the case of the ALP it is a branch with real power and authority. Whether a party is in government or opposition or in the cross benches for that matter, it is important that its parliamentary members work effectively and as a team. One of the important responsibilities of a party leader is to see to it that this is the case. Members have complex accountabilities when participating in party debates including to their elected leader.

In our systems of 'Government' and 'Opposition' many MPs have portfolio responsibilities either as 'Ministers' or 'Shadow Spokesmen and women'. This requires being on top of the brief, knowledgeable about the issues and known to the interest groups and other stakeholders involved. When in government it means taking responsibility for decisions, departments and agencies and being part of a Cabinet system of deliberation with all the disciplines and constraints involved. It means profile and it means the media and all that entails by way of preparation and presentation. To do the job properly requires a significant commitment of time and energy.

We now come to the role most understood and occasionally transparent to the community by way of television coverage — being a legislator. This involves legislating as such, participating in debates on the issues of the day, and being involved in Standing or Select Committees of Inquiry. Parliament is itself an institution with its rules (standing orders) and conventions. One of its functions is to see to it that the executive is held to account for its administration and that its proposals are subject to critical examination. The way MPs conduct themselves in that arena is an important issue of controversy, particularly in respect of free speech. It may mean attack and it may mean defence. It can be constructive or it can be adversarial. To supervise this activity there is an umpire — the Speaker in the Lower House and the President in the Upper House. This adds another layer of accountability to the work of an MP.

Finally there is the broader representative function involved in being an MP. By this I mean the role of an MP as a representative of the community and all of its activities — religious, social, cultural, sporting and welfare. It is now a well established tradition that MPs should respect and promote citizenship the range of

interests in our society even if they are not fully in accord with some or all of their particular objectives. Indeed quite often the community groups concerned may be campaigning against proposals being pushed by the Member's own party in the Parliament. However, because the community is the foundation stone of an active, participatory democracy it needs to be supported by those with responsibility. That support is exhibited in a range of ways but most notably by attendance at functions, celebrations and other gatherings, including political meetings to raise issues, educate the public or protest at government policy. Each time a member does this he or she is confirming their commitment to pluralism and the free society. Quite often MPs come to the job with a wealth of experience in one or more of these community-based associations.

This leads me back to the question related to 'theory'. In fulfilling all of these functions and responsibilities there is a legal, indeed a constitutional principle involved — the public interest. The WA Inc Royal Commission put it this way: 'The institutions of government and the officials and agencies of government exist for the public, to serve the interests of the public.'⁵

They describe this as the 'trust' principle as it was the condition upon which power is given to officials, elected and non-elected. It is an over-arching principle, complex by its very nature because it has implications for both the processes and outcomes of government. As difficult as it is to define and apply it cannot be ignored. It challenges us to think more deeply about what we are doing and how we are doing it. As the NSW Deputy Ombudsman Chris Wheeler has put it:

The meaning of the term, or the approach indicated by the use of the term, is to direct consideration and action away from private, personal, parochial or partisan, interests towards matters of broader (i.e. more 'public') concern.⁶

It means addressing the question of conflicts of interest in the decision-making process. As we know various Codes of Conduct have been developed to assist MPs deal with these matters. We also have the findings of various Commissions of Inquiry and indeed Court Cases to assist us in understanding what the public interest means for the conduct of politics.

What it may mean for the outcomes of government is heavily contested territory with differing views on what leads to the good society. Indeed one might argue the great contests of politics are essentially about the meaning of the public interest or what is best for the general public. All those participating in such a debate, even those with narrow objectives, are under an obligation to show how it will benefit the wider public and one would hope that all would appreciate the importance of civil

⁵ Western Australia, *Royal Commission into the Commercial Activities of Government*, 1992, vol. 1, Chapter 1, 1.2.5.

⁶ Chris Wheeler, 'The Public Interest: we know it's important, but do we know what it means', *AIAL Forum*, No. 48, p. 24.

and political liberty not just for themselves but for others to ensure an open and proper process. What marks out a good democracy is that it facilitates a constructive dialogue about this question of the public interest.

In becoming an MP, then, an individual inherits a range of competing expectations and a raft of theories related to our system of parliamentary democracy. It is up to the Member to make sense of all of this in a way that is efficient, effective and ethical. In terms of time management, the Electorate, the Community, the Party, the Parliament and Government (or Opposition — which is the opposite side of the same coin) compete for the attention of the Member. Some Members may focus on the Electorate, often others on the Parliament or the Government. Some may see their role as supporting the work of the Party or helping build a new constituency based on new ideas about politics and society. However, they should do all of this in the knowledge not only that the electorate is the ultimate authority but also with a full understanding of what is right and what is wrong in the way they go about their activities. These are important checks and balances which we ignore at our peril. Power has to be won and it needs to be legitimate.

To me the question of the role of a Member is less about the particular path that is chosen than it is about the professionalism of the approach adopted. By this I mean a serious attempt to have a sense of purpose and a management plan for the various tasks outlined. The contempt with which some MPs approach attempts to improve day-to-day performance is now out-of-date and out-of-place. Given the workload and the complexity of the job it is essential that a new professionalism be brought to issues like time management, correspondence, public meetings, communication with the electorate generally, speech-making, research and social work. I would apply this argument not just to electorate work but to the responsibilities of being a Cabinet Minister (or Shadow Minister) where the principles of strategic management are so important for good outcomes. So too can Local Members develop strategic plans for their work.

However, what is important is that the system as a whole delivers good outcomes for the people. Someone needs to carry the flag for each of the roles and responsibilities I have outlined but that will never be enough. What about the system and its performance overall? We need to know how each of the activities is being performed and whether or not the balance of commitments displayed — as well as the quality of the work involved — is producing good results for the general public. This takes us into the territory of parliamentary and electoral reform and the differing worlds of the ‘conservatives’, the ‘reformers’ and the ‘radicals’. The conservatives favour the status quo of executive dominance, the reformers wish to see a more robust display of parliamentary power and the radicals would like to see changes that tip the balance of power towards the people themselves.⁷

⁷ See Stilborn (2002) for a discussion of the distinction between the reformers and the radicals.

For the conservatives party loyalty is the key, for reformers it is independent judgement and for the radicals popular control through mechanisms like the recall or referendum. I would suggest that if each Member reflects on their work they will recognise the pull of each of these elements. We need strong government but we want it to be good government and accountable government. We need leaders and followers, legislators and advocates, and politicians and citizens. We also need a Parliament with more than one type of MP. Indeed, it takes more than one type of MP to make our system work well and it is up to the parties and the political process generally to ensure that the balance is provided. ▲