

CPA Learning System for Professional Development

Module on Parliamentary Democracy



COMMONWEALTH
PARLIAMENTARY
ASSOCIATION

in association with

Athabasca University

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Foreword

I am very happy to contribute a foreword to this first module in the Commonwealth Parliamentary Association's Learning System created under its project on *Professional Development for Parliamentarians*.

Like the Commonwealth itself, the CPA over its almost 90 years of experience has developed a capacity for working from points of comparative advantage and providing for its members mechanisms for strengthening themselves through regional and global sharing and cooperation. One of the most highly subscribed of its professional development opportunities and certainly a point of comparative advantage is the regular series of practice and procedure seminars offered globally, regionally and nationally. The success of these ventures has required the adoption of new methods to ensure that a greater number of parliamentarians may share in their benefits. When therefore an Expert Group recommended that innovative methods be used to expand the outreach of the Association, I was very happy to take the matter to the Executive Committee and to seek the allocation of funds for this purpose.

This module is the first in a series which I hope will provide parliamentarians with the background knowledge required to assist in translating their aspirations into actions of direct practical value to themselves and those they serve.

We hope to produce up to ten modules by the end of 2002. They will be available in various forms, hard copy as well as electronic, permitting parliamentarians, parliamentary officials and members of the wider society to benefit from this specially created material. We intend to leave to each individual and Branch the decision how the material should be used but we shall issue guidance notes to ensure that this flexibility is put to good use.

This has been ground-breaking work. No such programmes with a distance learning base have been available to parliamentarians up to now. We have been fortunate that one of the members of the original Expert Group, Dr David McNeil, Clerk of the Legislative Assembly of Alberta, Canada, was willing to take up the challenge of laying the foundation in conjunction with academics from the University of Alberta and Athabasca University. They have created a template for further modules which are now being commissioned. The Association is very much in their debt.

I would like to take the opportunity to thank the Department for International Development of the United Kingdom Government for financial assistance in producing the first module and the Commonwealth of Learning for technical advice provided through Mr Patrick Guiton, Higher Education Specialist.

Arthur R Donahoe
Secretary-General

Preface

Professional Development for Parliamentarians is a project of the Commonwealth Parliamentary Association (CPA) whose objective is to develop a set of educational materials for elected members of Commonwealth parliaments to assist them in adapting to and functioning effectively in their complex and rapidly changing roles in the new millennium. The project evolved from the recommendations of an Expert Group assembled by the Secretary-General of the CPA in late 1998.

While the Expert Group recognized that individual parliaments expend significant effort in providing training and orientation to their Members, there were areas of more general interest and application where educational materials could best be developed on a Commonwealth-wide basis. Furthermore, they suggested that a wide range of resources and methods including those of distance learning could be utilized.

As a result, the Expert Group identified a series of subject areas where they believed the development of specific educational materials would be of benefit to parliamentarians. These subjects were then assigned to specific members of the Expert Group to develop more detailed learning objectives. Upon completion of the learning objectives, the CPA Secretariat, in conjunction with Expert Group members, determined the order of priority for the development of the set of learning materials.

The module on *Parliamentary Democracy* is the first of the series of educational materials evolving from the work of the Expert Group under the title *CPA Learning System for Professional Development*. The purpose of this module is outlined in the set of learning objectives given before Unit 1. The user is encouraged to proceed through the material at his or her own pace. Each section concludes with a series of questions that will help the user assess his or her comprehension of the written material. Each section provides a series of related readings as well as Internet references, for those users who wish to explore a particular topic further.

Further development of this material will take the form of an Internet-based learning module that will be available on the CPA web site as well as, it is hoped, in CD-ROM format. Examination is also being made of the feasibility of an audiotape/CD version of the material.

Comments from users are most welcome and should be addressed to Mr Raja Gomez, Director of Development and Planning at the Headquarters Secretariat, who is coordinating the project.

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Introduction

Welcome to the Commonwealth Parliamentary Association's *Module on Parliamentary Democracy*. The Association's aim in developing this module is to foster knowledge and a better understanding of the history, principles and practices of the Westminster model of parliamentary democracy, in the context of other democratic models of governance. It is hoped that the result among members of the Commonwealth Parliamentary Association will be a heightened awareness of issues affecting the evolution and future of parliamentary democracy.

The *Module on Parliamentary Democracy* is the first in a series of modules on various aspects of democratic governance. It has been developed by the Commonwealth Parliamentary Association in partnership with Athabasca University: Canada's Open University™.

Commonwealth Parliamentary Association

The CPA is an Association of Commonwealth Parliamentarians who, irrespective of gender, race, religion or culture, are united by community of interest, by respect for the rule of law and individual rights and freedoms, and by pursuit of the positive ideals of parliamentary democracy. Its stated purpose is to promote knowledge and understanding of the constitutional, legislative, economic, social and cultural systems within a parliamentary democratic framework. It undertakes this mission with particular reference to the countries of the Commonwealth of Nations and to countries having close historical and parliamentary associations with it.

The CPA was founded in 1911 as the Empire Parliamentary Association, with the United Kingdom Branch administering its affairs. The original member Branches were Australia, Canada, Newfoundland, New Zealand, South Africa and the United Kingdom. Evolving with the Commonwealth, the CPA adopted its present name in 1948, changed its rules to enable all member Branches to participate in the Association's management, and established a separate Secretariat to manage its affairs. Association Branches now exist in 171 national, state, provincial and territorial Parliaments, with a total membership of over 16,000 Parliamentarians.

The Association provides the sole means of regular consultation among Members of Commonwealth Parliaments. It fosters co-operation and understanding among them and promotes the study of and respect for Parliament. Commonwealth Parliaments and Heads of Government endorse its role. For more information, see the Commonwealth Parliamentary Association's web site at <http://www.cpahq.org>.

Athabasca University

Athabasca University is Canada's premier distance education university. It is dedicated to the removal of barriers that traditionally restrict access to and success in university-level studies and to increasing equality of educational opportunity for all adult learners regardless of their geographical location and prior academic credentials. In common with all universities, Athabasca University is committed to excellence in teaching, research and scholarship and to being of service to the general public.

Athabasca University was created in 1970 by an order in council of the Government of Alberta. In 1978 a revision of the Alberta Universities Act granted the University permanent, self-governing status. Today, it is Canada's fastest growing established university. Athabasca University is a full member of the Association of Universities and Colleges of Canada, the Association of Commonwealth Universities, the International Council for Open and Distance Education, the Canadian Association for Distance Education, and the Canadian Association for Graduate Studies. For more information, see Athabasca University's web site at <http://www.athabascau.ca>.

Learning Objectives

When you have concluded this module, you should have developed knowledge and understanding of the following:

1. The basic principles of the Westminster model of parliamentary democracy.
2. The evolution of the Westminster model.
3. The Westminster model in the context of other democratic models of governance.
4. The legal/constitutional basis of a parliament in a given jurisdiction; its composition, functions and relationships with other parliaments.
5. The division of powers among the executive, judicial and legislative branches of government with emphasis on the accountability of the executive to the legislative branch and the role of the opposition.
6. The rights and immunities of members of parliament, their historical basis including the Bill of Rights of 1689, and the limits of those rights and immunities.
7. The roles of members of parliament inside and outside the legislature in a parliamentary democracy with a focus on the various models of representation.
8. The role of political parties in the parliamentary democratic model.
9. The role of the electoral process in the development and maintenance of the parliamentary democratic model.
10. The alternative electoral/representative models (first past the post, proportional representation, preferential vote, etc.) and their implications for the parliamentary democratic process.
11. The key issues for the effectiveness of parliaments in the new millennium.

Module Outline

This parliamentary democracy module is made up of eleven units as outlined below. Each unit contains an Overview, Learning Objectives, Commentary, Recommended Reading, Study Questions, and Internet Resources.

Unit 1

Introduction: Principles of the Westminster Model
Parliaments and Legislatures
Representative Government and Responsible Government
Shared Power and Parliamentary Sovereignty

Unit 2

The Westminster Model of Parliamentary Democracy:
A Millennium of Evolution
The Development of Responsible Government
Broadening the Right to Vote
20th Century Reforms
The Crown's Role

Unit 3

Other Democratic Models of Governance
The American Presidential Model
The Mixed French System
Parliamentary Modifications in New Zealand, Israel and South Africa
Federalism and Charters of Rights

Unit 4

Legal Basis of Parliament
Constitutional Conventions and Written Constitutions
Upper Houses
Functions of Parliament
Relations between Legislatures in the Same State

Unit 5

The Executive and Legislative Branches of Government
under the Westminster Model
The Functions of the Cabinet
The Responsibilities of Cabinet Ministers
Prime Ministerial Dominance
The Decline of the Power of Legislative Assemblies

Unit 6

Privileges and Immunities of Members

What Are the Privileges and Immunities of Members?

Why Do these Privileges and Immunities Exist?

Limits to Privileges and Immunities

Unit 7

Roles of Members

Constituency Service

Who Are the Representatives?

Agency Representation

Unit 8

Role of Parties

Candidates

Leaders

Party Discipline

Parties and Legislative Leadership

Unit 9

Electoral Process

Free and Fair Elections

Electoral Boundaries

Unit 10

Electoral Systems

Majoritarian or Proportional?

Electoral Systems in Action

Proportional Systems

Unit 11

Future of Parliamentary Democracy

Direct Democracy

Globalisation

Technology and the Future: e-democracy?

