

The Structure and Function of Legislatures



Objectives

- to understand key concepts
- to examine the functions of legislatures
- to explore different models of representation
- to discuss key definitions in small groups after plenary

Concepts relevant to legislatures in appendix for discussion in small groups

- government
- opposition
- cabinet
- majority government
- minority government
- coalition government
- party discipline

Parliament as 'the talking place'

- the *legislature* is Ontario's parliament
- parliament comes from French verb *parler* -- to talk
- makes decisions on behalf of all Ontarians

Parliament as 'the talking place'

- how does a legislature talk?
 - debate, deliberate and decide
- what does our legislature talk about?
 - municipal, provincial, national and international issues
 - structures the public conversation
- who talks?
 - government vs. opposition
 - government through cabinet

The provincial legislature as the Speaker sees it



Legislative Assembly of Nunavut

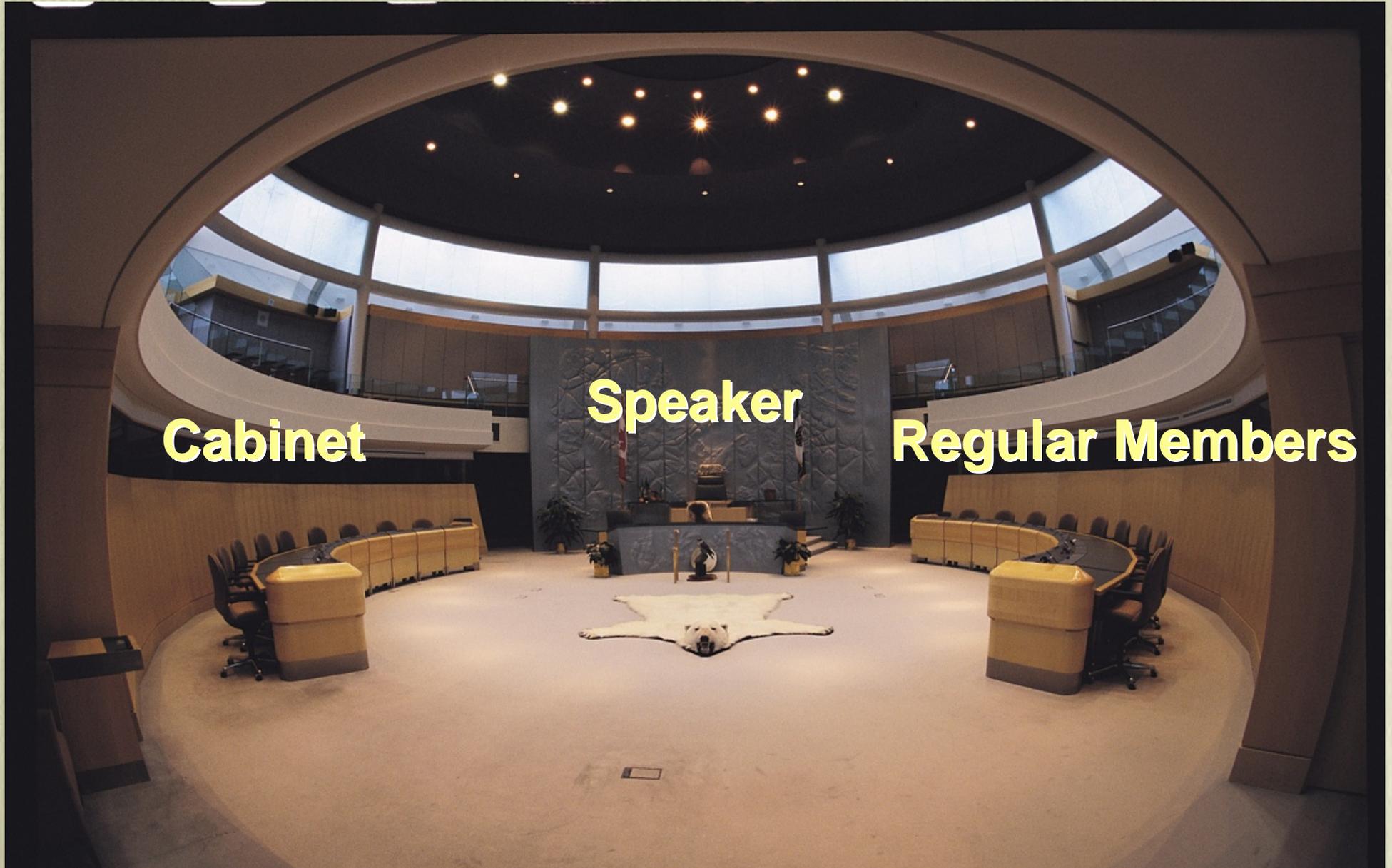


Speaker

Cabinet

Regular Members

Legislative Assembly of the Northwest Territories



Cabinet

Speaker

Regular Members

The German legislature (Bundestag)



Functions of legislatures

**Hold the government
accountable**

Provide different views

Pass laws

Represent us

Functions of legislatures

Hold the government accountable	

Functions of legislatures

- Hold the government accountable
 - collective accountability
 - cabinet as a whole
 - individual accountability
 - each minister individually
 - keep government honest

Tools of accountability

- Question Period
- votes of non-confidence
- media 'scrums'
- debates
- committee system
- Officers of the Legislature
 - Auditor General, Ombudsman, Integrity Commissioner

Functions of legislatures

Hold the government accountable	Provide different views

Functions of legislatures

- Provide different views
- provide a government in waiting
- offer alternative policies to government
- prime the pump of public debate

Functions of legislatures

**Hold the government
accountable**

Provide different views

Pass laws

Functions of legislatures

- Pass laws

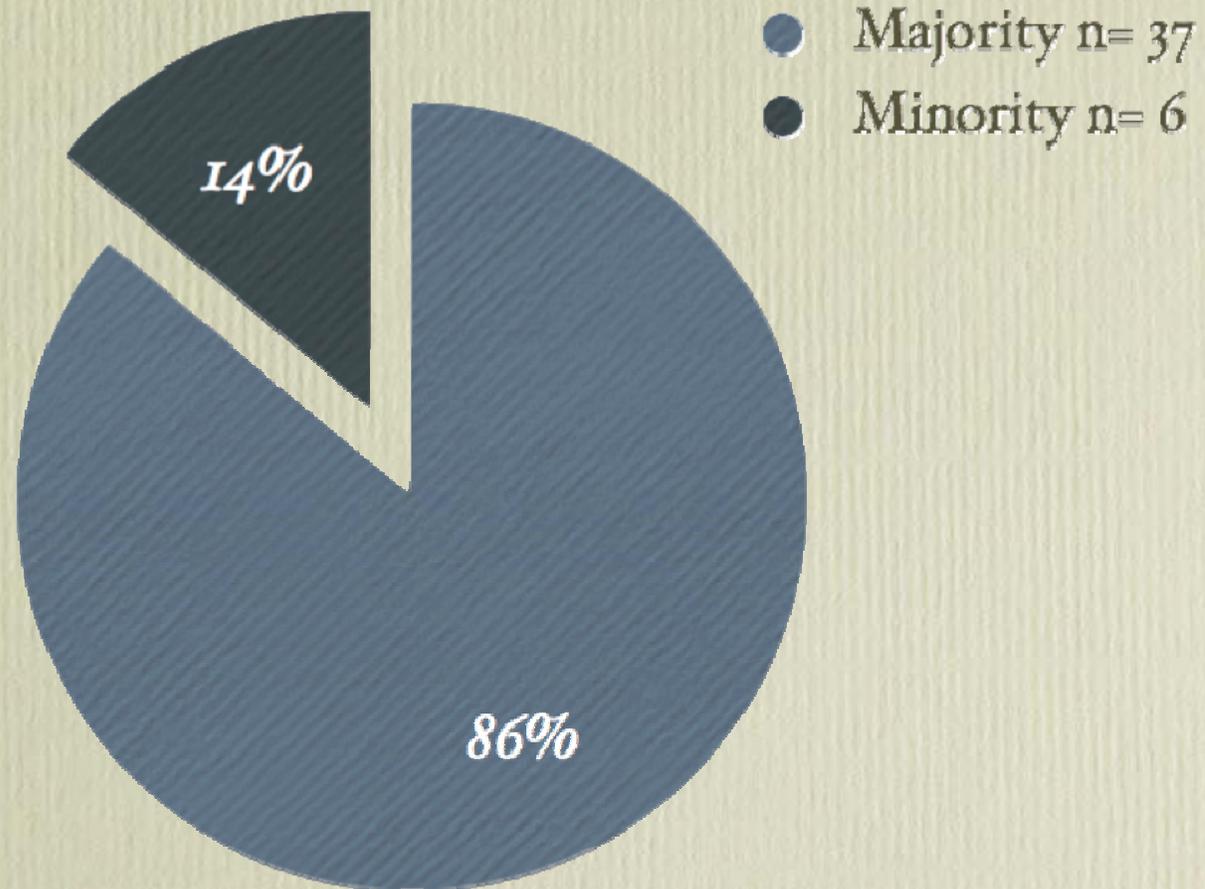
- parliament rarely initiates laws, cabinet almost always does

- if government has a majority it is rarely constrained by the legislature.

Why?

The predominance of majority governments

Number of majority governments in Ontario



The importance of the lawmaking function

- to scrutinize laws
- to hold a public debate
- to confer legitimacy

Factors that shape legislative discussion and debate

- party discipline
- cabinet solidarity
- mass media shape public conversation

Functions of legislatures

**Hold the government
accountable**

Provide different views

Pass laws

Represent us

Representation

- legislatures represent us
- who are we?
 - women, men, region, religion, class, ideology, party?
- legislatures can privilege different kinds of representation

Different kinds of representation

- Representative as agent
- Representative as person reflective of a part of the population

Representation in legislatures

- Representative as elected official
 - geographic
 - ideological
 - party based
 - representative sample of the population (or mirror representation)
 - combination of above

How should our representatives behave?

- representative as “trustee”
 - decision-making based on wisdom
- representative as “delegate”
 - delegate of party
 - delegate of constituency

Conclusion

- legislatures perform an essential role in society
- how they perform their functions is important
- therefore, those things that affect the way legislatures function are important

Legislatures matter to electoral systems and vice versa

- Each of the legislature's functions is partially a consequence of electoral systems through
 - different chances for alternatives to be heard
 - differing abilities to pass laws
 - different kinds of accountability
 - different kinds of representation

Questions to ponder...

- What kind of representation is important?
 - depends on what we value
 - a local or regional representative
 - different ideological views
 - more parties or fewer parties
 - reflective of the population