

An Overall Assessment of the Performance of the 7th Congress of the Legislative Yuan

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Legislators in the 7th Congress were elected in 2008 and their term terminates Jan. 31, 2012. However, as presidential and legislative elections will be held together Jan. 14, 2012, legislators in this congress decided to begin recess earlier on Dec. 14, 2011. In other words, the time has come for us to appraise the performances and achievements of the 7th Congress.

In the history of the reform of the electoral system, the “single-member constituency, two vote” design was first applied to the election of legislators in the 7th Congress, whose term was extended to four years. Therefore, they are supposed to perform better than the pervious congresses of the Legislative Yuan in lawmaking and providing congressional oversight. Regrettably, however, the 8th and last session of the 7th Congress, like the last sessions of previous congresses, was marked by chaotic overwork and ended with rashly passing a number of highly controversial bills (like the Land Expropriation Act). As a private monitoring group, we think many bills that ought to be passed had been repeatedly postponed while quite a few important bills had been hurriedly and recklessly pushed through. Citizen Congress Watch (CCW) has carried out a thorough examination of the 7th Congress legislators’ attendance rates, meeting length, and frequency of speaking as well as the bills they passed. Below is our report:

First of all, statistics of passed bills revealed that the 4th Congress (3-year term) passed 522 bills (an average of 174 bills per year), the 5th Congress (3-year term) 462 bills (154 bills per year), the 6th Congress (3-year term) 386 bills (129 bills per year), and the 7th Congress (4-year term) 624 bills (156 bills per year; see the attached chart for

details). The numbers showed the 7th Congress was not remarkably efficient in reviewing bills and that its performance was quite contrary to the public’s expectations. After the number of legislative seats was halved, most people thought the electorate could choose a more capable congress to focus on lawmaking and improving the efficiency of the Legislative Yuan. Yet results indicated this congress’ accomplishments are far from ideal.

In terms of attendance rates, records showed legislators’ attendance rate during the 8th session was the worst among all sessions of the 7th Congress, slipping below 90%. Furthermore, nearly 50% of legislators attended sessions but did not speak or ask questions, lowering the frequency of speaking to less than 50% on average during the 8th session. Was the low rate caused by legislators leaving meetings early after signing their names or by their being present at the meetings but caring not to participate in discussions? Did they sit idle there? As the figures evidenced, the closeness of the 8th session to the date of the legislative election had caused some legislative committees to abort meetings because of insufficient attendees, for legislators under the pressure of re-election have been busy campaigning and those not seeking another term are no longer interested in engaging in business. What’s worse, as mentioned earlier, legislators also took the liberty to cut short the plenary session of the Legislative Yuan by half a month, which ought to have continued till the end of December last year. In short, legislators had demonstrated a “coming late and leaving early” pattern in attending meetings during the 8th session. This has further exacerbated the already inefficient lawmaking process and poor quality of

legislation.

On top of their censurable performance in handling legislation and passing controversial bills, legislators had reviewed budgets in an even more absurd manner. They only came up with a record-low NT\$130 million in cuts to the government's NT\$1.9390 trillion expenditure budget during the last session while they had slashed the budget by an average of NT\$20 billion per year during the previous three years (NT\$20.3 billion in 2009, NT\$20 billion in 2010, and NT\$19.8 billion in 2011). This proved that, with the legislative election close at hand, legislators of both the ruling and opposition parties are not putting their minds to guarding the people's pockets. By this negligence they have put aside their sacred responsibilities and rights. Besides, the ruling party has set a bad example by being bent on helping executive agencies pass budgets. It has to take most of the blame for the incompetence of the legislature.

The public is even unhappier with the government giving a monthly salary of NT\$180,000, together with nearly NT\$500,000 of aides' pay and overtime pay per month, to every legislator. With this amount of pay, each legislator can hire at least 8 to 14 aides to help provide various services. The design of the pay was meant to allow legislators to use their limited meeting time well and concentrate more on carefully handling legislation and overseeing the executive. It should be particularly kept in mind that the Legislative Yuan is the highest legislative organ of the State and shall exercise legislative power on the people's behalf. The Legislative Yuan shall pass bills on laws, budgets, martial law, amnesty, declaration of war, conclusion of peace, treaties, and other important matters of State. It has power to put forth a proposal on the amendment of the Constitution, alteration of the national territory, or

recall or impeachment of the President or the Vice President. It also has power to give consent to the President's nomination of the following officials: the president, vice president, and grand justices of the Judicial Yuan; the president, vice president, and members of the Examination Yuan; the president, vice president, and members of the Control Yuan; and the auditor general. When the Legislative Yuan convenes each year, it may hear a report on the state of the nation by the president. These official rights of the Legislative Yuan concern the progress and stability of the Taiwanese society. A State consists of many rules. Unfair or biased rules will cause the public's resentment. Legislators have the ultimate right to review and make the rules. If they fail to fulfill their responsibilities, instability of the State will follow. Their official responsibilities are far more important than their other jobs such as attending weddings, funerals or celebrations, helping the installation of street lamps or the cleaning of sewers, lobbying, or exposing scandals.

These "other jobs," or daily-life services for the electorate, can be done with the assistance of the country's magistrates, mayors, township and village chiefs, or city and county council members. But the Taiwanese society and even legislators themselves seem to have confused ideas about the duties and responsibilities of members of parliament. Moreover, many legislators have neglected their duties recently because of their active participation in presidential election campaigns. They used ignoble means to fabricate various scandals and turned themselves into tools for political fights. This exasperates the people and has not helped enhance the public's trust in the parliament.

According to Article 40 of the Civil Servants Election and Recall Act, the period of campaign for legislative candidates starts 10 days before

the election day. The Legislative Yuan's decision to begin recess early for the sake of election campaigns has also violated the constitutional regulation that legislators have to convene meetings until the end of December. Therefore, CCW strongly condemns the Legislative Yuan's unconstitutional behavior of beginning recess early and demands that the "unpaid leave" practice adopted by corporations be applied to legislators taking the decision to have early recess. After some calculation, we found that each of the 113 legislators, who started recess 12 days earlier, still had received a salary of more than NT\$70,000 for the 12 days during which they were supposed to work. In other words, the nation's treasury had paid these lawmakers NT\$7.92 million of the people's hard-earned money during the 12 days. That is why CCW called on legislators of the 7th Congress, each of whom had received a NT\$6,000 salary per day during the 12 days when they did not convene meetings, to donate their earnings during this period that totaled about NT\$8 million, to charities, so that some of the society's disadvantaged groups may obtain help to weather the severe winter.

Our general appraisal of the 7th Congress is that legislators have neither actively fulfilled their responsibility to speak for the people, nor have they powerfully monitored government budgets and administration. Failing to look beyond their ideologies, they often behaved unreasonably by taking the side of those holding the same opinions and attacking those thinking differently. They forced the passage of controversial bills such as the Judges Act and the Land Expropriation Act. Besides, they have taken a negative do-nothing attitude toward cross-strait agreements, allowing them to "automatically take effect" on the dates set by the executive. These performances have drawn

criticism of their negligence of duties and failure to do useful work on their profitable positions. This state of the legislature surely is a consequence of the ruling party's total control of both the executive and legislative branches, but it has also clearly exposed our parliament's fundamental flaws—the lack of sovereignty and frequent self-denigration that have effectively turned the legislature into a "Legislative Bureau" under the Executive Yuan.

The way to reform the legislature is following the principle of checks and balances in a healthy constitutional democracy. On one hand, the parliament should have more decision-making power to review budgets and bills. The internal rules of the legislature should be modified in order to establish supportive measures of a "committee-centered" system and to consolidate a mechanism that allows the parliament to be "a public venue for rational political discussions." The aim of these endeavors is to improve the image of the parliament. On the other hand, private organizations should also be given more avenues to monitor the legislature. Several objectives should be actively pursued: the opening of the "Parliament Channel," the advancement of sunshine bills, the speed-up in providing transparent parliamentary information, etc. A code of conduct that conforms more to the "ethics of responsibility" should be applied to the legislature's 8th Congress so as to effectively correct political morality and lay a foundation for rebuilding trust. To achieve the difficult task of establishing such a political foundation, our civil society has to initiate collective movements that bring people together to strive for the deepening of democracy and for the public's greater participation. Smart voters know that, after casting their ballots, they still cannot relax the monitoring of the parliament, for only when they keep up the good work can they be the

“true masters” of our democracy. They will see to it that no legislators indulge themselves in being fed by the people, become the people’s “masters,” or trample the people, the true masters, under their feet. **BT**

Attachment: Statistics of the attendance rates, meeting length, frequency of speaking, and passed bills during the eight sessions of the 7th Congress

Session	Attendance rate	Meeting length	Frequency of speaking	The number of passed bills
1st session	93%	3.0hrs	44%	50
2nd session	98%	3.0hrs	56%	67
3rd session	97%	3.7hrs	46%	113
4th session	95%	4.8hrs	41%	83
5th session	96%	3.2hrs	46%	65
6th session	93%	4.8hrs	44%	73
7th session	92%	5.7hrs	55%	92
8th session	87%	5.3hrs	51%	81 (18 bills were passed during the last 10 days.)
Total count/ average percentage points	93.8%	4.2hrs	47.8%	624 (This only includes bills that passed third reading and does not include the legislature's resolutions or budget bills.)