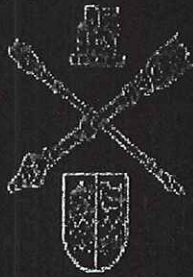


PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA



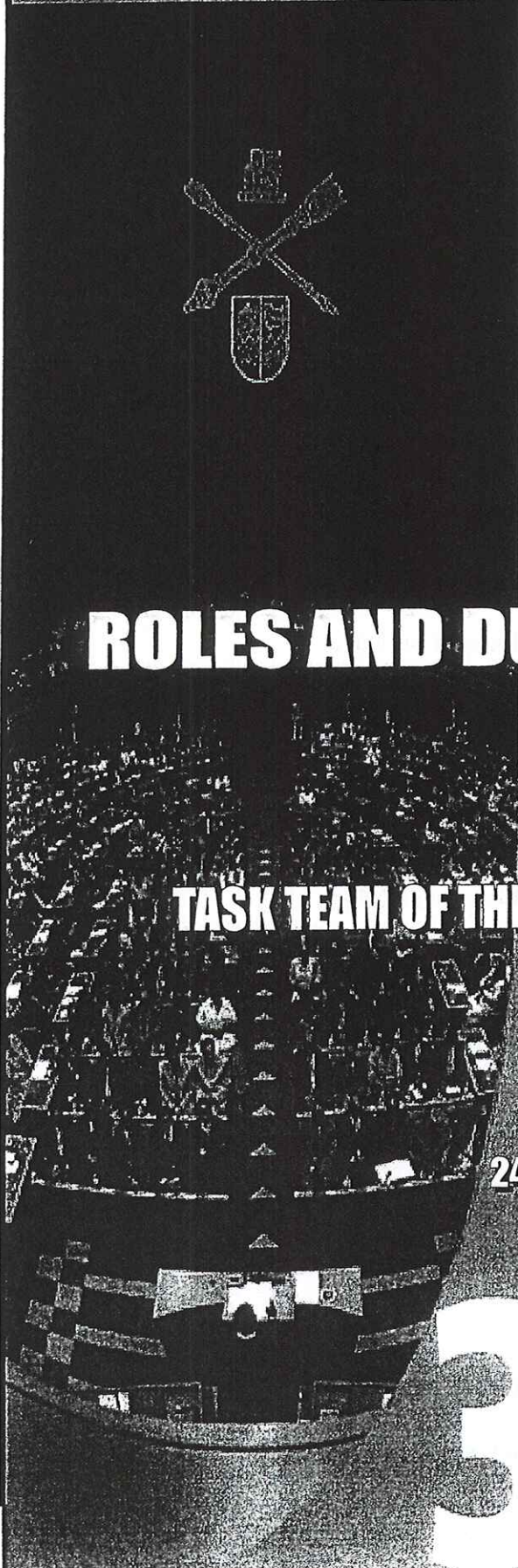
ROLES AND DUTIES OF WHIPS

TASK TEAM OF THE CHIEF WHIPS' FORUM

24 August 2005

3rd

Parliament



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3. Introduction and Explanatory Notes

A Whip is a member designated by his or her party who assists in the smooth running of the party and the functioning of the House. In the National Assembly, a Whip is appointed by the Speaker on the recommendation of the party and receives remuneration from Parliament additional to that received by an ordinary member.¹ The Rules of the National Assembly (NA) and the National Council of Provinces (NCOP) provides for the roles and duties of the Chief Whip² and Deputy Chief Whip of the Majority Party. Furthermore, in the NA there is the Chief Whip of the Largest Minority Party, who is appointed by the Speaker on the recommendation of the largest minority party. However, the Rules of both Houses do not specify the categories or duties Whips. The parties themselves determine such categorisation and duties. The number of Whips that a party may appoint is proportional to the number of its members based on a set formula³. Parties with too few members in terms of the formula may group together for purposes of requesting the Speaker to appoint a Whip from amongst them in order to facilitate their participation.

The Rules of the National Assembly, Rule 217, provides for the establishment of the Chief Whips' Forum.⁴ The Chief Whips' Forum acts as a forum for the discussion and coordination of matters for which the Whips are responsible. The Chief Whips' Forum is composed of the Speaker, the Deputy Speaker, the Chief Whip (who is the chairperson the Forum), the Deputy Chief Whip of the majority party (who, in the absence of the Chief Whip, serves as alternate chairperson of the Forum). Other members of the Forum include the most senior Whip of each of the other parties represented in the Assembly and a committee chairperson designated by the Committee of Chairpersons (Rule 218). However, the current practice in the Chief Whip's Forum is that every member of the Forum representing the smaller parties is regarded as a Chief Whip of that party, even though the Rules do not make provision for such.

It is important to note that the organisation and categories of the Whips in the NCOP are markedly different from those serving political parties in the NA. Another important element to note about the NCOP is that Whips are not organised along party lines; rather, they serve the House in a non-partisan manner.

¹ National Assembly Guide to Procedure, "Presiding Officers and Other Office Bearers", 2004, p. 26.

² It is important to note that the Rules of the NCOP only makes provision for the election of the Chief Whip of the Council (Rule 13) and that there is no provision for the Deputy Chief Whip, as is the case in the NA.

³ One Whip may be appointed for every 8.69 members and this proportion is decided by the National Assembly Rules Committee.

⁴ The Joint Rules of Parliament of 2003 and the Rules of the National Council of Provinces do not make reference to the Joint Chief Whips' Forum and the NCOP Chief Whips' Forum.

SECTION A: NATIONAL ASSEMBLY

1. Chief Whip of the Majority Party

1.1 Key Role

- a. Manages the Majority Party's participation in Assembly business and by virtue of his or her party being the majority, also certain duties in relation to the proceedings of the House.

1.2 Key Responsibilities

1.2.1 Administration and Institutional responsibilities

- a. Serves as *ex officio* member of committees that deal with functioning of Parliament, such as the Chief Whips Forum, Joint Programme Committee, Joint Rules Committee, Parliamentary Budget Forum, Parliamentary Oversight Authority, etc.
- b. Arranges business on the Order Paper, subject to the Rules and the directives of the Programme Committee in concurrence with the Leader of Government Business where Government Business is concerned.
- c. Moves major formal procedural motions in the Assembly, which are not initiated by opposition parties.
- d. Plans the approximate time span of each debate and divides the total time available among the respective parties, in consultation with other Whips.
- e. Chairs the Chief Whips' Forum and is responsible for political consultation among parties in the Assembly.
- f. Establishes and maintains good working relations with the Whips of other parties on a basis of mutual trust so that the work of Parliament can be facilitated.
- g. Considers requests by Committees to sit beyond the seat of Parliament and / or during sittings of the Assembly or during recess periods.
- h. Provides Parliamentary protection to Members in terms of the standing orders and rules of Parliament.
- i. Responds to points of order to protect the Government and its members against any 'unparliamentarily attack' by members of the Opposition or Minority parties.
- j. Allocates seating places to Members in the Chambers.

1.2.2 Managing Members of the Party

- a. Maintains close contact with members of the Party in Parliament, the Executive, Committee Chairpersons and Office bearers with regard to implementation of the Party's programme in Parliament.
- b. Monitors the performance of Members of Parliament (MP's) in consultation with fellow Whips.

- c. Ensures party discipline with regard to:
 - Quorums at and regular attendance of Committee meetings and sittings of Parliament
 - Regulates MP's absence from Parliament from time- to- time
 - Deals with problems of individual members of the party and when necessary, liases with the party executive on such issues
- d. Delegates and divides work responsibilities among the other Whips so that the load is fairly distributed.
- e. Allocates members of the party to Committees and other structures in Parliament.
- f. Manages the message communicated by Members of Parliament through Parliamentary and other structures.
- g. Advises the Party Leader on matters relating to policy and the functioning of the Party in Parliament.
- h. Establishes and maintains good working relations with the Chief Whips of other parties on a basis of mutual trust so that the work of Parliament can be facilitated.
- i. Allocates with the assistance of the Parliamentary Secretariat, furnished offices and other equipment for Members.
- j. Allocates and ensures administrative support services for Members.
- k. Arranges for swearing-in, orientation, training and the settling- in of new Members.
- l. Provides mentorship for Members.
- m. Allocates seating in the National Assembly to Members of the Party.
- n. Delegates and divides work responsibilities among other Whips and provides for training of Whips.
- o. Represents the Party on Parliamentary bodies such as the Chief Whips Forum, Joint and NA Rules Committees, Directing Authority, Speakers' meetings.
- p. Manages Party support staff and deploys them appropriately.

1.2.3 Managing Parliamentary business of the Party

- a. Allocates Members of Party to speak in debates and ensures that they are adequately prepared.
- b. Acts as Accounting Officer for the party in respect on monies received from Parliament for administrative and political support.
- c. Ensures that Members of Party have adequate administrative and political support to carry out their tasks.
- d. Ensures that members of Party receive ongoing political training.
- e. Provides orientation and settling in of new members in consultation with the Speaker.
- f. Determines the strategy of the Party in consultation with Party Leader.
- g. Delegates and divides the various duties amongst the Whips.

- h. Represents the Party on Parliamentary bodies such as the Chief Whips Forum, Joint and NA Rules Committees, Directing Authority, Speakers Meetings.

1.2.4 Managing Party political responsibilities

- a. Serves on leadership and policy making structures of the Party.
- b. Reports on Party structures when required.
- c. Represents the interests of the Party's Members to the Speaker of the NA.
- d. Responsible for political management of the programme of the Party in Parliament.

2. Deputy Chief Whip of the Majority Party⁵

2.1 Key Role

- a. Assists the Chief Whip of the Majority Party to manage the Party's participation in the National Assembly's business and also certain duties in relation to the proceedings of the House.
- b. Considers requests by Committees to sit beyond the seat of Parliament and / or during sittings of the Assembly or during recess periods.

2.2 Key Responsibilities

- a. In the absence of the Chief Whip, the deputy Chief Whip attends to all functions and responsibilities of the Chief Whip.
- b. Serves as an alternate to the Chief Whip on all Parliamentary bodies and committees.
- c. Assists the Chief Whip at all Parliamentary meetings.
- d. Allocates weekly duties to other whips.

3. Chief Whip of the Largest Minority Party

3.1 Key Role

- a. Serves as the chief spokesperson of the largest minority party on matters relating to the organisation of parliamentary business and the smooth functioning of Parliament.

3.2 Key Responsibilities

3.2.1 Administration and Institutional Responsibilities

- a. Serves as *ex officio* member of committees that deal with functioning of Parliament, such as the Chief Whips Forum, Joint

⁵ The Rules of the National Assembly do not make provision for the establishment of the Deputy Chief Whip of the Largest Minority Party.

Programme Committee, Joint Rules Committee, Parliamentary Budget Forum, Parliamentary Oversight Authority, etc.

3.2.2 Managing Members of the Party

- a. Maintains close contact with members of the Party in Parliament, the Executive, Committee Chairpersons and Office bearers with regard to implementation of the Party's programme in Parliament.
- b. Monitors the performance of Party's MPs in consultation with fellow Whips.
- c. Ensures party discipline with regard to:
 - Quorums at and regular attendance of Committee meetings and sittings of Parliament;
 - Regulates MP's absence from Parliament from time-to-time; and,
 - Deals with problems of individual members of the party and when necessary, liases with the party executive on such issues.
- d. Delegates and divides work responsibilities among the other Whips so that the load is fairly distributed.
- e. Allocates members of the Party to Committees and other structures in Parliament.
- f. Manages the message communicated by Members of the Party through Parliamentary and other structures.
- g. Advises the Party Leader on matters relating to policy and the functioning of the Party in Parliament.
- h. Establishes and maintains good working relations with the Whips of other parties on a basis of mutual trust so that the work of Parliament can be facilitated.
- i. Allocates with the assistance of the Parliamentary Secretariat, furnished offices and other equipment for Members.
- j. Allocates and ensures administrative support services for Members.
- k. Arranges for swearing-in, orientation, training and the settling- in of new Members.
- l. Provides mentorship for Members.
- m. Allocates seating in the National Assembly to Members of the Party.
- n. Delegates and divides work responsibilities among other Whips and provides for training of Whips.
- o. Represents the Party on Parliamentary bodies such as the Chief Whips Forum, Joint and NA Rules Committees, Directing Authority, Speakers' meetings.
- p. Manages Party support staff and deploys them appropriately.

3.2.3 Managing Parliamentary business of the Party

- a. Allocates members of Party to speak in debates and ensures that they are adequately prepared.

- b. Acts as Accounting Officer for the party in respect on monies received from Parliament for administrative and political support.
- c. Ensures that members of Party have adequate administrative and political support to carry out their tasks.
- d. Ensures that members of Party receive ongoing political training.
- e. Provides orientation and settling in of new members in consultation with the Speaker.
- f. Determines the strategy of the Party in consultation with Party Leader.
- g. Delegates and divides the various duties amongst the Whips.

4. Whips: General Duties

4.1 Introduction

Whips are party-political functionaries and their functions may vary from party to party. Some Whips focus on specific duties and each party determines what these are. For instance, in the largest majority party, all functions vest in the Chief Whip, who in turn delegates or allocates functions to various Whips. In smaller parties, however, the various functions may be carried out by a single member or shared between two members, which places extra burden on such members as to which responsibilities they need to prioritise.

4.2 Key Responsibilities

4.2.1 Administrative and Institutional Responsibilities

- a. Assisting in the administration and coordination of the Party's parliamentary process.
- b. Assisting in the drawing of programmes of the Houses.
- c. Co-operating with whips of other parties in arranging the parliamentary functioning.
- d. Liaising with provinces around provincial mandates on legislation and provincial participation in Parliament.

4.2.2 Managing Party Business

4.2.2.1 Programming Duties

Key responsibilities

- a. Liaising with majority party's Programming Whip regarding times and dates for debates and subjects for debates.
- b. Allocating speakers to debates.
- c. Managing the theme or message communicated by speakers.
- d. Attending Programme Committee meetings and reporting back to caucus meetings regarding the programme.
- e. Attending the Chief Whips' Forum meetings or participating in its Task Teams.

- f. Ensuring that the speakers' names and time breakdowns are communicated to the National Assembly Table.
- g. Liaising with the National Assembly Table regarding changes to speakers lists or to times of speeches.

4.2.2.2 Questions

Key responsibilities

- a. Ensuring that questions meet deadlines.
- b. Deciding on prioritisation of oral questions.
- c. Assisting members with queries regarding rules and practices for questions.
- d. Overseeing Members' statements and motions.

4.2.2.3 Member Statements and Motions

Key responsibilities

- a. Liaising with Members regarding their proposals for statements and motions.
- b. Informing Members as to who will make statements and motions.

4.2.2.4 In-House Management

Key responsibilities include:

- a. Ensuring that Members are informed of when they are speaking (or doing motions/statements).
- b. Ensuring that speakers' lists are copied and delivered to the House.
- c. Ensuring that Members are ready when required to speak.
- d. Monitoring attendance of Members.
- e. Taking points of order.
- f. Maintaining discipline.

4.2.2.5 Committee

Key responsibilities

- a. Assisting in the allocation of Members to committees.
- b. Monitoring attendance at committees.
- c. Ensuring that Members and the Committee Section are kept updated on changes in committee membership.
- d. Handling complaints from Members about the Committee Section and committee meetings.
- e. Liaising with the Committee Section regarding problems.

4.2.2.6 Members' Benefits and Support

Key responsibilities

- a. Dealing with matters related to salaries, pensions, travel and other benefits (such as liaising with the Moseneke Commission, Pension Fund, and Parliamentary medical aid scheme).
- b. Attending relevant committee meetings.
- c. Accommodation.
- d. Parking.
- e. Allocation of offices.
- f. Staff and equipment support.
- g. Members Training.
- h. Leave.

SECTION B: NATIONAL COUNCIL OF PROVINCES

1. Chief Whip of the Council

1.1 Key Role

- a. Serves as the political manager of the House.

1.2 Key Responsibilities

1.2.1 Administrative and Institutional Responsibilities

- a. Allocates sittings House sittings.
- b. Manages Programming in consultation with the Chairperson of the Council.
- c. Organising the business of the House at political level.
- d. Ensuring that the House performs its oversight role.
- e. Ensuring the equitable distribution of parliamentary time amongst provinces and parties.

1.2.2 Managing the Committees

- a. In consultation with the Chairperson of the Council, oversees the allocation of members to select committees, ad hoc committees, and mediation committees.
- b. In consultation with the Chair of Committees, ensures that committees are operating effectively.

1.2.3 Managing the Parliamentary Business of the House

- a. In consultation with the Chair of Committees, ensures that committees table their reports and that Bills are passed timeously.
- b. Drafts and distributes speakers' lists to the Chairperson of the Council, Secretary of Council and Provinces.
- c. Liases with the Leader of Government Business in respect of the attendance of the Executive in the House.
- d. Considers, in consultation with the Chair of Council, the Order Paper in relation to matters for discussion in the House.
- e. Manages the Whips to ensure that Members attend the House plenaries.

2. Whips: General Duties

In the NCOP, one Party leader from each Party (including the opposition parties). These leaders do not have a designated roles and functions, as provincial whips already act as leaders of provincial delegates (in the absence of Premiers). Their role is primarily that of coordinating between programming committees. They have no other tasks institutionally safe for that assigned to them by the separate parties. This makes their position different from that of the Chief Whip of the Majority Party and the Chief Whip of the NCOP. The reason why their roles and functions are limited, is because the function of their members in committees and the NCOP, fall under the functions and roles of Provincial Whips.

2.1 Programming Functions

- a. Producing the NCOP programme.
- b. Attending the Technical Programme Committee meetings to provide information on the NCOP's programme to alert the Technical Committee on the impact that the scheduling of Bills in the NA could have on the work of the NCOP.
- c. Liaising with NA programming office to facilitate proper coordination of the programmes of the two Houses.
- d. Presenting and discussing the draft programme with the Chief Whip, provincial whips and multi-party whips.
- e. Providing frequent reports on programming to the Chair of the NCOP and the Chief Whip of the NCOP.
- f. Presents proposed programme weekly Programme Committee to the NA programming staff;
- g. Liaise with NA programming office to facilitate proper coordination of the programmes of the two Houses;
- h. Attends NA programming meetings;
- i. Provides frequent reports on programming to the Chair of Council and Chief Whip of Council.

2.2 Provincial Functions⁶

Key responsibilities

- a. Roles in respect of members of their delegation
- b. Provincial whips are *de facto* leaders of their entire provincial delegation irrespective of the political party affiliation of members of the delegation;
- c. They must ensure that members of their provincial delegation attends committee meetings, plenaries and carry out their responsibilities;
- d. They must ensure that members of their provincial delegation have the necessary support to carry out their responsibilities.

⁶ Provincial Whips serve only in the NCOP and are the *de facto* leaders of the provincial delegation in the NCOP.

Role in respect of committees and plenaries

- a. Ensure that members of their provincial delegation attend Select Committee meetings and participate in committee activities;
- b. Ensure that members of their provincial delegation attend plenaries regularly
- c. Give regular feedback to the Chief Whip of the Council regarding members' attendance of plenaries and participation in committee activities;
- d. Convene regular meetings with their delegations and submit reports to the Chief Whip on the issues discussed in these meetings;
- e. Assist the Chief Whip of Council in locating members to Select Committees and Joint Committees.

Role in respect of the participation of Special Delegates in the NCOP and Joint Sitings:

- a. Liaise with provinces around the submission of names of special delegates to participate in debates to facilitate finalisation of speakers list;
- b. Liaise with provinces around submission of names of special delegates to attend joint sitting to facilitate finalisation of seating arrangements.

Roles in respect to provincial weeks:

- a. Liaise with provincial chief whips and relevant standing committees in drafting provincial programmes to coincide with activities of the NCOP provincial weeks;
- b. Communicate details of their respective province's programme for the provincial week to members of their delegation.

Role in respect to provincial mandates:

- a. Liaise with provincial legislatures around mandates on legislation.

2.3 Leave and absenteeism Duties Functions

- a. Responsible for coordinating the application of leave by members;
- b. Liaise with provincial whips to determine whether a member applying for leave has discussed it with his or her provincial whip;
- c. Liaise with the Chief Whip on whether to approve or decline leave based on the reasons for leave and the effect the member's absence may have on the functioning of Select Committees, Joint Committees or the NCOP as institution;
- d. Decides whether to approve or decline leave based on the reasons for leave and the effect the member's absence may have on the functioning of Select Committees, Joint Committees or the NCOP as institution;

- e. Forward all leave applications to the Chief Whip.

2.4 Duty Functions⁷

- a. Appointed on a rotational basis to ensure the smooth running of the House business during plenaries;
- b. Must be prepared to react to the non-attendance of speakers;
- c. If a speaker is unaccountably absent the duty whip must liaise with the Chief Whip, Chair of Council and procedural staff around changes in the speakers list;
- d. Is accountable to the Chief Whip for any mistakes made, failures and embarrassments that may occur during plenaries.

2.5 Transport Functions

- a. Responsible for all transport related logistics for members to and from parliamentary villages;
- b. Includes making sure busses are on time and are in appropriate condition to transport members;
- c. Arrange parking spaces for members in parliament;
- d. Deal with all queries relating to parliamentary parking space for members.

2.6 Housing Functions

- a. Responsible for the provision of accommodation for members of parliament;
- b. Deal with all complaints relating to the accommodation of members in parliamentary villages
- c. Liaise with Department of Public Works to solve members' complaints around the conditions of accommodation.

⁷ Any member, including any Whip, may be appointed a Duty Whip to serve on a particular day or session.

SECTION D: CHIEF WHIPS' FORUM

1. Introduction

This part of the document discusses role the Chief Whips' Forum could play in the new governance model for Parliament. It explains the Forum's relation with new structures in the governance model.

2. Chief Whips' Forum

- (1) In terms of the Rules the Chief Whips' Forum is a multi-party forum of the National Assembly for discussion and co-ordination of matters for which the Whips are responsible.
- (2) Whips or representatives of all parties, including the smaller parties, attend and participate in the Forum.
- (3) The Speaker and Deputy Speaker are ex officio members of the Forum but in practice seldom attend.
- (4) The "matters for which Whips are responsible" cover all matters affecting the functioning of their parties in the National Assembly as well as the smooth functioning of the House, ie both administrative and procedural issues.
- (5) The Chief Whips' Forum therefore functions, in essence, as a consensus-seeking body on everything that affects the running of Parliament.
- (6) The Forum accordingly by its very nature has an important role to play in the governance of Parliament.

3. Directing Authority

- (1) As envisaged, the Directing Authority will manage the institution, formulating policy directives for the various services and facilities of Parliament, whereas the Joint Rules Committee will attend to the joint business of Parliament with regard to its core functions.
- (2) The Directing Authority, a relatively small body of 9 – 10 members, includes several Whips who also serve on the Chief Whips' Forum and who could therefore promote the Forum's consensus-based proposals in the Directing Authority.
- (3) It is noted, incidentally, that according to the Governance Model document the Directing Authority is to meet "at least quarterly". It is suggested that at least at the beginning, it should meet more frequently than that, probably monthly.

4. Proposed Role of Chief Whips' Forum

- (1) As the Forum meets weekly, is representative of all parties and works on a consensual basis, it would be best placed to deal with any pressing concerns relating to the functioning of the institution and agree on recommendations to be submitted to the Directing Authority or the Presiding Officers to resolve those concerns.

- (2) As such recommendations would be based on a consensus view amongst parties, the recommendations can be expected to be influential and receive prompt attention, particularly also by virtue of the fact that effectively the Forum is represented on the Directing Authority.
- (3) However, parties should refrain from using the Chief Whips' Forum as a first resort when problems occur. Concerns should only be brought to the Forum when other avenues available to parties to have them resolved have been unsuccessful.
- (4) When considering a particular matter, the Forum should be able to call upon the assistance and advice of relevant officials. It would not, however, be in a position formally to hold them to account. Instead, as indicated, it would submit recommendations to the Directing Authority or Presiding Officers.
- (5) Generally, the role of the Forum should not be codified too explicitly.

5. Role of Quarterly Consultative Forum

It is envisaged that the Quarterly Consultative Forum would, by comparison, engage primarily on broader policy directions and major policy shifts and for that purpose its meetings could often take the form of workshops.

6. Opportunity for Party Funds Inputs

Apart from the opportunities available to all parties, including smaller parties, to raise concerns through the Chief Whips' Forum and the Quarterly Consultative Forum, parties can at any time write directly to the Directing Authority to report problems and make proposals. These should always be formally responded to.

7. Separation of Areas of Responsibility

As the new governance model becomes operational, every effort should be made to ensure that issues are channelled to the appropriate forums and therefore that management policy issues, core business policy issues and issues of administrative implementation are kept separate. In time this separation will become clearer in practice.

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