

Summary on Gabungan Cadangan Penambahbaikan Parlimen (GCPP)'s proposal on Parliamentary Reform

Background

1. Throughout 2014, a working group of civil society organisations, think tanks and the Bar Council developed a proposal to democratise Parliament to ensure it can fulfil its dual roles as a legislative body and a check on the power of the executive. These proposals were developed through consultations with Members of Parliament from both sides of the political divide, Parliamentary researchers and NGOs, as well as research on international best practices.
2. In March 2015, the paper was launched by Dato' Saifuddin Abdullah, then CEO of the Global Movement of Moderates (GMM). The reform paper was sent to the then Minister in charge of Parliament, Dato' Sri Azalina Othman Said, and then Dewan Rakyat Speaker Tan Sri Pandikar Amin Mulia.
3. In addition to the original 10 NGOs in the Working Committee, GMM and the Bar Council, the proposal was subsequently endorsed by 66 civil society organisations.
4. In 2017, following a renewed push for reform by Dewan Rakyat Speaker, GCPP held meetings with Speaker Pandikar and Secretary of the Dewan Rakyat Roosme Hamzah. While these meetings did not bear any fruit, we were made to understand that Pandikar had presented proposals on Parliamentary Reform to Cabinet and these were awaiting implementation.

Summary of GCPP's Reform Proposal

1. Reintroduction of the Parliamentary Services Act 1963: This Act established a "Parliamentary Service", separate from the civil service, appointed by the President of the Dewan Negara and Speaker of the Dewan Rakyat on the recommendation of a selection committee. This Act was repealed in 1992 and Parliament is currently staffed by civil servants under the Executive.

2. Establishing Parliamentary Committees: The Public Accounts Committee is currently the only Standing Committee tasked with oversight of the Executive. It is over-burdened and its reach is limited. No committees are regularly tasked with reviewing pre-legislation proposals, bills, motions or petitions.

- a) Standing Committees should be formed to oversee the work of every ministry.
- b) A House Business Committee should be formed, following the New Zealand model, to select committee members.
- c) Legislation should be referred to the appropriate committee after the second reading of a bill.
- d) Committee hearings should be open to the public, with exceptions for issues relating to national security.

3. Reforming Agenda-Setting in the Dewan Rakyat: Standing Orders 15(1) and 15(2) detail how the agenda of Parliament is currently set. It leaves no time for public business, private

members' bills or Opposition business. There is also no official recognition of a Shadow Cabinet.

- a) The House Business Committee should determine the order of business in the House and the time allocations given.
- b) Recognition of a Shadow Cabinet.
- c) Time to be allocated for Prime Minister's Questions (not just Ministers' Questions, as introduced in 2016).
- d) Creation of a 24-hour parliament channel, which is unedited and without commentary.
- e) Assign days in each sitting for Opposition business.
- f) The Speaker should be chosen from within the ranks of the Dewan Rakyat.

4. Allocations of Parliamentary Resources: The past budgets for Parliament have not allowed for adequate research facilities for Members of Parliament and far too much money has been channeled to Government MPs' "constituency development".

- a) An allocation should be provided to every MP and Senator to hire a research assistant. This hiring process should be open to public scrutiny and there should be a fixed sum for each MP to hire staff.
- b) A Parliamentary Committee should study reforms of the Parliamentary Research Department to ensure impartiality in assisting MPs and expertise in assisting parliamentary committees.
- c) Improvements in Parliament's research materials and access to information on Parliamentary proceedings.
- d) Constituency development allocations should be abolished in favour of federal funding for MPs' office and administration funds. If development funds are needed, these should be given to local government councils.

5. Reform of the Dewan Negara: The Dewan Negara remains unelected and its initial function to provide the states with a check on the powers of Parliament has been curtailed.

- a) Seats in the Dewan Rakyat should be allocated amongst the states and federal territories in proportion to their share of the electorate.
- b) Party-List Proportional Representation elections should be introduced for the Dewan Negara.
- c) The states of Sabah, Sarawak and the Federal Territory of Labuan in total should hold at least one-third of Senatorial seats.

Conclusion

GCPP believes the reforms detailed in the proposal, with the exception of reforms to the Dewan Negara, can be easily accomplished through amendments to the Standing Orders and proper allocations in the federal budget. In addition, the re-introduction of the Parliamentary Services Act requires a simple majority in Parliament. Only reforms to the Dewan Negara will be a long-term process and require Constitutional amendments.

GCPP consists of Akademi Belia, Gabungan Pilihanraya Bersih dan Adil (BERSIH 2.0), ENGAGE, Institute for Democracy and Economic Affairs (IDEAS), Kajian Politik untuk Perubahan (KPRU), Persatuan Promosi Hak Asasi Manusia (PROHAM), Projek Beres, Sinar Project and Tindak Malaysia. The 2014 Working Group was supported by the Global Movement of Moderates (GMM) and the Bar Council.

