

New Government Needs To Enact Parliamentary Service Laws in Parliamentary Reform Agenda

Institute for Political Reform and Democracy (REFORM)

The Coalition for Clean and Fair Elections (BERSIH 2.0) and the Institute for Political Reform and Democracy (REFORM) urge the new government led by Dato 'Sri Ismail Sabri to enact a Parliamentary Services Bill as one of the commitments to the agreement with the Opposition leaders to strengthen the function of Parliament and institutional reforms, as well as a continuation of the former Prime Minister's offer to reform the Parliament as an effective checks and balances mechanism to the Government. The bill should give institutional, administrative and financial autonomy to Parliament and strengthen the role of the Parliament institution.

We also recommend that Article 65 of the Federal Constitution be amended to provide for the Parliamentary Service Act to be enacted with its source of authority from the Federal Constitution, in line with the principle of separation of three branches of power in the Federal Constitution and the basis for a democratic country. This principle of separation of powers institutionalises the Parliament, the Executive and the Judiciary to be independent of each other, yet still be able to check and balance among each other.

We urge all political parties and all MPs to set aside their political differences and provide cross-party support to the Parliamentary Services Bill so that the credibility of Parliament is restored.

BERSIH 2.0 and REFORM today launched a research report entitled “Mengembalikan Undang-undang Perkhidmatan Parlimen di Malaysia”. This report is commissioned by BERSIH 2.0 and written by a group of researchers from REFORM and public university academics.

The research report, among others, identifies why Parliament needs autonomy and independence in administrative and financial aspects. The findings of this research report also saw parliamentary administration now dominated by officials from the public service sector after the Parliamentary Services Act 1963 was repealed in 1992 and Parliamentary financial expenditure is subject to approval and can be cut by the Executive through the Ministry of Finance.

Therefore, we urge the new Government and the Parliament of Malaysia to commit to reform the institution of Parliament as well as empower it through a new Parliamentary Service Law, which should include the following features:

1. Restore the provisions relating to the Parliamentary Service in Article 65, the Federal Constitution, which should be the source of authority for the re-enactment of the Parliamentary Service Act.

2. Amend the provisions in the Federal Constitution in relation to the appointment of the Secretary of Dewan Negara and the Secretary of Dewan Rakyat so that they are appointed by an independent Parliamentary Services Commission that is established under the Parliamentary Services Act.

3. Introducing the Parliamentary Services Commission to guarantee the independence of the Parliamentary service with the following important features:-

- i. The core and clear functions of the Commission are set out in the Act;
- ii. Membership should be in an odd number, for the purpose of deciding if voting is necessary;
- iii. The establishment of several departments in the Parliament and the roles of the Chief Administrator of the Parliament, the Secretary of the Houses and the Secretary of the Department are clearly codified in the Act;
- iv. Parliamentary Service values should be codified as “Philosophical values essential in the Parliamentary Service” or a Code of Conduct.

4. To establish a Select Committee on Parliamentary Administration and Finance to assist the Commission in carrying out its roles.

5. Implement a model of expenditure management and budget preparation in collaboration with the Government to ensure the financial autonomy of Parliament.

6. To consider a flexible retirement scheme for Parliamentary services staff that is equivalent to a public service scheme.

#Parliamentary Reform

#HidupDemokrasi

Joint Statement By:

BERSIH 2.0 Steering Committee