



Thirteen years after its repeal in 1992, the Parliamentary Services Act (PSA) will be revived to enable the Legislature to conduct its administrative functions and financial affairs without intervention from the executive.

The Minister in the Prime Minister's Department **Dato', Seri Radzi Sheikh Ahmad**, told the press on 14 October that the government had agreed to this, following a week of agitation that played out within and outside Parliament. He did not say whether the original 1963 Act would be re-enacted without change or if it would be reviewed and updated.

Earlier, MPs and the Dewan Negara (Senate) House Committee had proposed that fresh legislation be drafted, as they resisted an executive move to take over the administration of Parliament.

On 6 October, the Minister in the Prime Ministers Department, **Dato' Seri Mohd Nazri Abdul Aziz**, had sparked dissent among MPs when he told reporters that a Parliament Department - headed by a director-general - would be set up under his supervision. The government had agreed to this on 15 September.

The department would take over management of both Houses for enhanced efficiency, he explained, thereby freeing the respective Secretaries to focus their attention on parliamentary affairs and procedures. The department head would answer to him and to both Secretaries.

The Leader of the Opposition, **Mr. Lim Kit Siang** (Democratic Action Party - DAP), at a press conference on 10 October, described this as "the most serious assault on the doctrine of separation of powers" in 48 years of independent rule. In noting that this would affect the integrity and autonomy of

Parliament and reduce it to "just another government department", he said all MPs would find this "repugnant and contemptuous". Mr. Lim then announced a 'Save Parliament' campaign through a roundtable dialogue, the submission of an emergency motion for debate and a meeting of the Dewan Rakyat (House of Representatives) House Committee. Thirty minutes later, **Dato' Seri Mohd Nazri** called a press conference to describe Mr. Lim's comments over "a non-issue" as "ridiculous, frivolous and stupid", and emphasized that the new department would only manage support services and staff-related matters such as promotions, salaries and pensions. **Dato' Seri Mohd Nazri** called a press conference to describe Mr. Lim's comments over "a non-issue" as "ridiculous, frivolous and stupid", and emphasized that the new department would only manage support services and staff-related matters such as



Government and opposition Members disagree on the plan to revive the Parliamentary Services Act.

promotions, salaries and pensions "When we talk about the freedom of Parliament, we are talking about the independence of MPs, not the building, not the administration of Parliament," he said.

Backbenchers Club Chairperson **Datuk Shahrir Abdul Samad** (BN) disagreed, saying that placing the

administrative functions under executive control would "go against the grain" of letting the House play its proper role in government. While he was in support of strengthening management, he said this should remain strictly within the control of Parliament.

ROUNDTABLE DISCUSSION

Mr. Lim's emergency motion for debate was rejected on 11 October on grounds that the matter was not urgent, but the dialogue took place as scheduled the same day.

During the discussion, the Minister claimed that the meaning of his initial announcement in Bahasa Malaysia had been lost in the translation by the media - and that he had been referring all along to the office [post] of a single administrator

reform management through more responsive administrative machinery, because efficiency has been affected by repeal of the PSA.

[The PSA had allowed Parliament to manage its administrative and financial affairs including hiring of personnel, under the supervision of the Parliament Secretary whose post is provided for in the constitution.]

Mr. Lim, among others, found the explanation objectionable: "The practice is that the Parliament Secretary is the head of administration. What this will do is to split the functions between the Secretary and the so-called manager. This will make the Secretary no more than a common clerk."

It did not faze the Minister who, the next day, named a senior government official as Head of Administration with effect from 15 October.

The post is equivalent to that of a director-general in the civil service and parallel to that of Secretary of both Houses. The administrator is to manage matters relating to building maintenance, planning and select committees, and claims for MPs' expenses.

"All three are all answerable to the Speaker and Senate President. If there is any clash over the division of duties, they should refer to the standing orders," the Minister told reporters.

UNITED STANCE

During question time on 13 October, however, Parliamentarians took a united stance to seek re-enactment of the PSA. This came after **Mr. Ahmad Shabery Cheek** (Barisan Nasional - BN) asked if the government intended to introduce amendments to clearly define the doctrine of separation of powers. He expressed support for reinstatement of the PSA.

Replying, **Dato' Seri Mohd Nazri**

and not to a department or "office" [management agency]. When asked by Parliamentarians and civil society representatives why he had taken so long to clarify any such misconception, he replied that he had been waiting for "the right time and opportunity". He also said his intention was to

said the PSA had been repealed at the request of the then Speaker, the late Tun Dr Mohamed Zahir Ismail, and that the executive had facilitated this by tabling a motion.

He said any proposal to amend the laws would have to come from the House Committee before the cabinet could consider doing so, but Datuk Shahrir questioned the validity of the procedure in a supplementary question.

"If all MPs here want the Act to be revived, could the Honourable Minister tell the executive to act immediately? There is no need to pass it to the House Committee for a decision. I appeal to my fellow MPs to stand up now to show support for revival of the Act," he said.

Almost all of the 50 Backbenchers and opposition MPs in the House stood up, together with several Deputy Ministers.

Datuk Shahrir noted: "I feel that we all want to bring back the Act. We want to do this quickly. Could the Minister convey to the cabinet today's show of support for this by the MPs?"

Dato' Seri Mohd Nazri - who had remained seated with several cabinet colleagues - maintained that a formal proposal was required through the House Committee so that he could submit it to the government.

Mr. M. Kula Segaran (DAP) then asked Speaker Tan Sri Ramli NgahTalib who chairs the Dewan Rakyat House Committee, to call for a meeting and was told the request had been noted.

SENATE COMMITTEE RESPONSE

The five-Member Dewan Negara House Committee, headed by Senate President **Tan Sri Dr Abdul Hamid Pawanteh**, discussed the issue at its meeting on 14 October.

It recommended that a new law be drafted to guarantee the independence of Parliament and said changes should not be made to the administrative structure in the interim.

The recommendation will be tabled as a motion when the upper House meets from 7 to 22 December. It was further suggested that representatives of both Houses should draft the law.

Tan Sri Dr Abdul Hamid said the committee had begun discussion the issue in May, when Dato' Seri Mohd Nazri had publicly mulled reviving the Act "for a truly independent" Parliament.

Reacting to the government's most recent response, Mr Lim asked Parliamentarians to "show that we can get things in an efficient manner" by getting a new law through this sitting or immediately tabling the 1963 Act for first reading.