



THE ROLE OF THE SPEAKER OF DEWAN RAKYAT AND MODERNISATION OF MALAYSIA'S PARLIAMENT

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SPEAKER OF THE DEWAN RAKYAT**

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HRH the Yang
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Head of State



Legislative



Executive



Judiciary

Separation of Powers

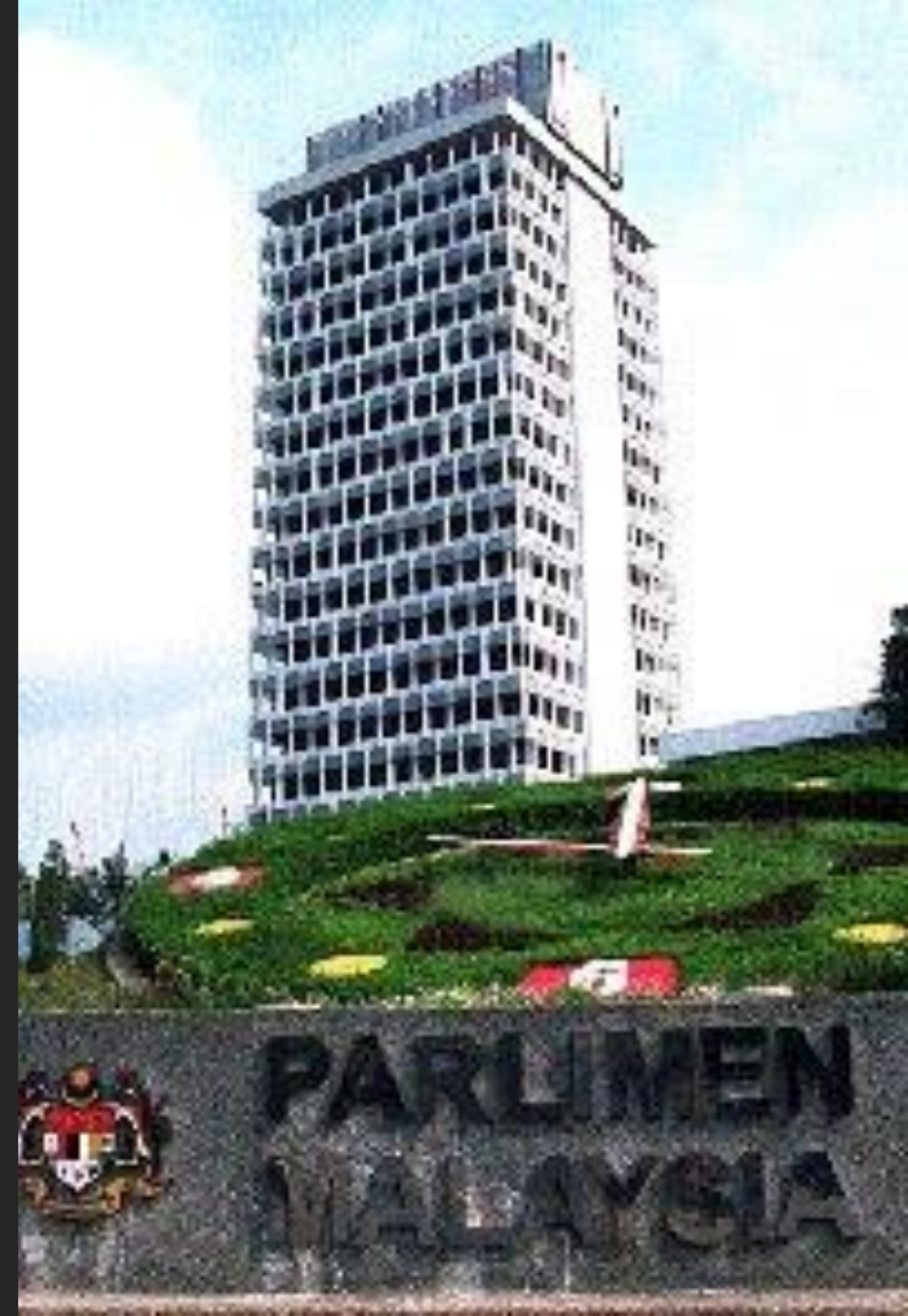
REID CONSTITUTIONAL COMMISSION REPORT 1957

- Terms of reference for the Reid Constitutional Commission:

To make recommendations for a federal form of constitution for the whole country as a single, self-governing unit within the Commonwealth based on ***Parliamentary democracy with a bicameral legislature....***

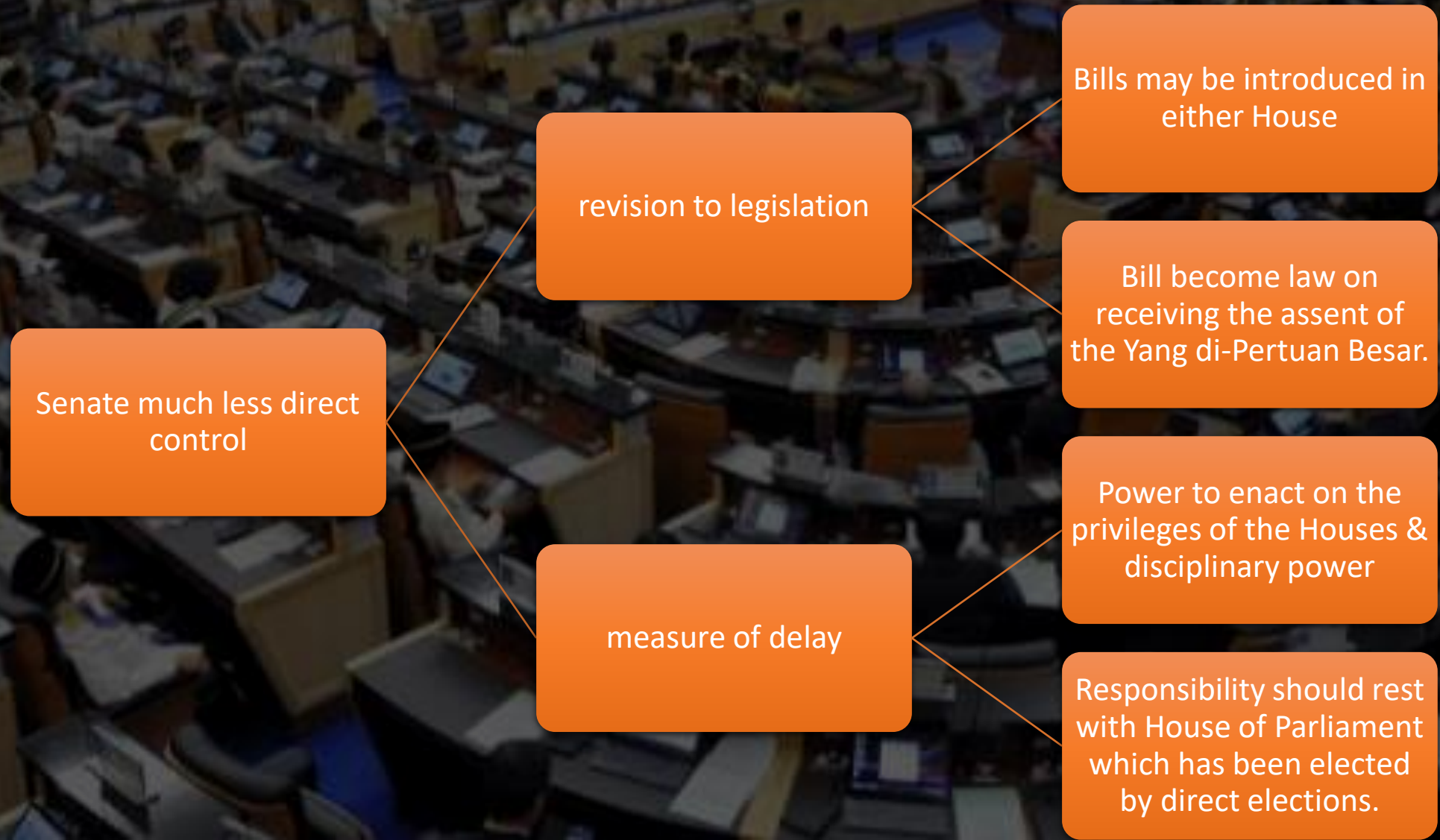
REID CONSTITUTIONAL COMMISSION REPORT 1957

... to make recommendations for the establishment of a Federal Parliament for the whole country consisting of the Yang di-Pertuan Besar and two Houses; for Parliament to be free, subject to the limitations contained in the Constitution, to pass laws relating to any subject within the Federal sphere; and for Federal Ministers to be responsible to Parliament.



Powers of Parliament

as recommended by Reid Commission 1957



SPEECH OF THE YANG DI-PERTUAN AGONG 12 SEPTEMBER 1959

“We mentioned earlier that we in Malaya had dedicated ourselves to the principles of parliamentary democracy. The establishment of this Parliament is the newest link in the chain of developments of the parliamentary ideal.”

Functions of Parliament:

- (a) *pass laws;*
- (b) *oversight and scrutiny of Government;*
- (c) *control and scrutiny of the nation's finance;*
- (d) *a representative forum for the citizens to air their views to government, with their MPs as intermediaries;*
- (e) *“as the provider of a government”.*

All the procedures and orders of business of the House aim at ensuring these functions are performed.



Relevant Provisions under the Federal Constitution

- Article 44, Federal Constitution.
- Article 46, composition of the member of the House of Representatives
- Article 55, summoning, prorogation and dissolution of parliament
- Article 57, Speaker and Deputy Speaker of the House of Representatives

THE ROLE OF THE SPEAKER

Article 57(1),FC:

Dewan Rakyat shall appoint (a) a Speaker “who is either a member of the House or is qualified for election as such Member; and (b) two Deputy Speakers from among Members of the House.

THE SPEAKER

- Speaker as the Head of the Parliament (Ceremonial) and Spokesperson of the House.
- Speaker as the Administrative Head of Parliament.
- Speaker as Presiding Officer or Chair of the House (inside the House)
- Speaker as the Spokesperson of Parliament in International Relations with Other Parliaments and Bodies (Second-Level Diplomacy)

Speaker as the Head and Spokesperson.

Some functions are ceremonial, some not.

Attending the opening of the Parliament, and other state functions as the representative of Parliament.

Receiving official visits and courtesy calls from Ambassadors and Parliamentary Delegations from foreign countries to Parliament.

As administrative head in connection with the day-to-day running of Parliament. The Administrative Officer and Secretary of Parliament are answerable to the Speaker

Speaker as Presiding Officer (inside the House)

- Standing Order 42, Chair to be heard in silence.
- Standing Order 43, decision of the Chair is final.
- Standing Order 99, the decision/rulings of Speaker is final
- The Speaker is also Chairman of House Committee, Standing Orders Committee, Committee of Privileges, Committee of Selection (the Standing Committees).

Speaker in International Relations with Other Parliaments and Bodies

- Parliament maintains relations with other parliaments and various interparliamentary organizations.
- In few international conferences, Speaker is the Head of Delegation in the events organized by CSPOC, AIPA, CPA, IPU.
- The Speaker represents Parliament institution on the international scene and oversees its interparliamentary relations.

PRINCIPLE OF IMPARTIALITY & NON-PARTISAN

- The key feature of the role of Speaker is impartiality.
- Be non-partisan in his actions.
- Must ensure that order is kept in the House and the Standing Orders are obeyed
- Must ensure that all Members are accorded the opportunity to put questions and engage in debates, irrespective of political affiliations.

To ensure his impartiality and neutrality, the Speaker when elected must relinquish all his party positions.

SPEAKER'S INDEPENDENCE & IMPARTIALITY :HISTORICAL PERSPECTIVE

“May it please Your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here, and I humbly beg Your Majesty’s pardon that I cannot give any other answer than this to what Your Majesty is pleased to demand of me.”

Speaker Lenthall (1641) during the Reign of Charles 1

A recent illustration of the impartiality principle

I will also, alongside you ladies and gentlemen, work towards raising the powers of the Parliamentary institution in the country so that the culture of Parliamentary democracy that we practise becomes more effective, fair and even-handed

Dato Mohammad Ariff



REFORM/MODERNISATION OF PARLIAMENT



Special Chamber

- SO 16: “speech on any matter of administration” or “a definite matter of urgent public importance under SO 18”

QUESTION TIME

Speaker Michael Martin, di House of Commons, United Kingdom

The primary purpose of Question Time is to hold the Executive to account. Erskine May says that a question must either seek information or press for action, and that it must relate to matters for which Ministers are officially responsible. Questions are out of order if they relate to Opposition party policies rather than Government responsibilities. Moreover, a question should not be, in effect, a short speech.

(House Commons Debate, 14 February 2001, Vol 363 c315)

SO 23,Dewan Rakyat : a question shall not contain any argument, interference, opinion, imputation, epithet or misleading , ironical or offensive expression nor shall a question be frivolous or be asked seeking information on trivial matters.

Collective Ministerial Responsibility Principle

- Article 43(3), Federal Constitution
The Cabinet shall be collectively responsible to Parliament.
- Member of Parliament can ask questions to the Minister (oral & written) S.O 21, P.M 22(4)
- Minister's Question Time, on Tuesday and Thursday, 30 minutes.





Reform of Parliament: Manifesto point 16, Buku Harapan

- Mengembalikan wibawa institusi Parlimen
- Untuk menyemak imbang kuasa Eksekutif
- Mestilah mempunyai infrastruktur yang sewajarnya dan dibiayai oleh peruntukan terjamin



Towards an Institutionalized Parliamentary Committee System

- Oversight of the Executive
- At first, 6 special select committees
- Consideration of Bills, Budget, Home and Defence, Rights and Gender Equality, Federal-State Relations, and, Major Public Appointments.
- All committees to reflect the party composition of the House.
- Important point to note: the Chairman of the Public Accounts Committee is now held by an Opposition MP

OTHER IMMEDIATE INITIATIVES TO RESTORE THE DIGNITY OF PARLIAMENT

- **Encouraging discourses within the precincts of Parliament on issues of Parliamentary Democracy and Constitutionalism**
- **Strengthening the Parliamentary Library and Research**
- **Outreaching the public to create a greater awareness of the place of Parliament as a central institution in our system of government**



THANK YOU

