

JOINT STATEMENT

By: Coalition for Clean and Fair Elections (Bersih) Institute for Democracy and Economic Affairs (IDEAS) Institute for Political Reform and Democracy (REFORM) Project Stability and Accountability for Malaysia (Projek SAMA) Rasuah Busters

PARLIAMENT URGED TO PASS THE CONSTITUTIONAL AMENDMENT BILL AND FINE TUNE THE PARLIAMENT SERVICES ACT (PSA) BILL

4 MARCH 2025

Yesterday morning, civil society representatives attended a dialogue in Parliament over the two bills relating to the constitutional amendment and the Parliamentary Service, with the Institutional Reforms and Law Minister Dato' Seri Azalina Othman Said. We were reassured that YB Dato' Seri Azalina recognised the legitimacy of many of our concerns, and seemed prepared to support improvements to the legal framework in the 2-year transition period prior to full implementation of the new laws.

Following our discussion and further to the recommendations we proposed in our press statement of (28/02/2025), we urge Parliament as a whole, the Prime Minister, the Speaker of Dewan Rakyat, the Minister, the Opposition, and all MPs, to take the following action:

1. Parliament should unanimously pass the Constitution (Amendment) Bill 2025 that introduces provisions regarding the position and tenure of the Setiausaha Dewan Rakyat and Setiausaha Dewan Negara under Article 65(2) and Article 65(2B). We urge all 222 Members of Dewan Rakyat to debate and vote in favour of the bill.

2. To ensure that the identified gaps and weaknesses in the Parliamentary Service Bill will be addressed in a timely fashion and with appropriate consultation with all key stakeholders, we urge Prime Minister Datuk Seri Anwar Ibrahim and Minister Dato' Seri Azalina Othman Said to give clear and unequivocal clarifications and commitments in their parliamentary speeches tomorrow and Wednesday on the following matters:

a. That within the transition period, appropriate amendments will be made to the Standing Orders of both Houses and subsequently to the Parliamentary Service Act (PSA) to clearly provide for the parliamentary appointment process of the 2 Senators and 4 MPs on the Parliamentary Service Council, and that 2 of the MPs will be members of the Opposition bench.

b. That within the transition period, rules and processes will be laid down to reduce Executive involvement and increase parliamentarians' involvement in decision-making and oversight concerning Parliament's financial and administrative affairs.

c. That within the transition period, the necessary amendments to the Standing Orders and PSA should be made to establish a Parliamentary Standing Committee in both the Dewan Negara and Dewan Rakyat (a joint committee)

on the Administration and Financing of Parliament, to serve as an oversight mechanism for the Parliamentary Service Council.

d. That within or at the conclusion of the transition period, the PSA should be amended to include a provision requiring a Parliamentary Annual Report to be tabled in Parliament, aligning with the 21st-century principles of an accountable, independent, and transparent Parliament.

e. That in within the transition period, the power given to the Chief Administrator (a public servant) to have general control over the members of the Parliamentary Service (Section 11(3)) will be removed as it could lead to interference by the public service in the Parliamentary Service, and that issues regarding chain of command and line management for the staff of the Parliamentary Service will be handled administratively via regulations.

3. If the Prime Minister and the Law Minister are unable to give these clarifications and commitments on record, it is entirely appropriate and necessary for MPs to push for the Parliamentary Service Bill 2025 to be referred to a specially set up parliamentary select committee on the consideration of Bill, so that the amendments to correct the gaps and weaknesses in the Bill can be made, and so that other amendments desired by many parliamentarians - such as giving the Parliamentary Service Council power and responsibility to govern constituency allocations - can be made in the committee stage.

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