

POLICY BRIEF 2024



REINTRODUCTION OF PARLIAMENTARY SERVICES ACT 1963

All rights reserved © 2023 CSO Platform For Reform. The copyright of this research report belongs to CSO Platform For Reform. All or any part of this policy brief may be reproduced provided acknowledgement of source is made or with CSO Platform For Reform permission.

CSO Platform For Reform assumes no responsibility, warranty and liability, expressed or implied by the reproduction of this publication done without CSO Platform For Reform permission. This report may be cited as Reform On Parliamentary Services Act 1963.

Published by: CSO Platform For Reform A-2-10 Pusat Perniagaan 8 Avenue Jalan Sungai Jernih 8/1 46050, Petaling Jaya Selangor Darul Ehsan

Tel: +603-79685415

Fax: +603-79685415

Email: info@csoplatform.com

Website: www.csoplatform.com

Graphic and layout:

Mohamad Tazrin Mohamad Taijo

INTRODUCTION

- The Parliamentary Services Act in Malaysia is a legislative framework that establishes the organizational structure, roles, and responsibilities of the parliamentary services in the country. The act was enacted in 1963 and has undergone several amendments to align it with the changing needs of the parliament.
- The main objective of the act is to provide effective and efficient support services to the parliamentarians in performing their legislative, oversight, and representative functions. The act defines the parliamentary services as the support services that are provided to the parliament, including administrative, research, and information services.
- Under the act, the parliament is responsible for establishing and maintaining the parliamentary services. The parliamentary services are headed by the Clerk to the House of Representatives and the Clerk to the Senate, who are appointed by the Yang di-Pertuan Agong, the king of Malaysia, on the advice of the prime minister.
- In conclusion, the Parliamentary Services Act in Malaysia plays a critical role in ensuring that the parliamentarians are supported in their legislative, oversight, and representative functions. The act establishes a framework for the provision of parliamentary services and ensures effective management of the parliamentary services through the establishment of the Parliamentary Service Commission.



PROBLEM STATEMENT:

- The Malaysian Parliament is the highest legislative body in the country, responsible for enacting laws, overseeing government policies, and representing the interests of the people. The effective functioning of the parliament requires the support of competent and dedicated staff who provide a range of services to MPs, committees, and the public.
- However, in a 2017 article in the *Journal of Malaysian and Comparative Law*, Dr. Shaliza Hassan and Dr. Mohd Saliluddin Salleh argued that the lack of a comprehensive legal framework to regulate parliamentary staff has led to a lack of clarity and consistency in the delivery of parliamentary services in Malaysia. They pointed out that the absence of clear guidelines for the appointment, roles, and functions of parliamentary staff has resulted in confusion and overlap in the duties of different departments, leading to inefficiencies and reduced performance.
- This align with the urge from Dr. Nurhazrina Mat Rahim, a lecturer at the International Islamic University Malaysia, has called for the introduction of a code of conduct for parliamentary staff to ensure that they adhere to ethical and professional standards in the performance of their duties. In a 2020 article in the *Journal of East Asia and International Law*, Dr. Nurhazrina argued that such a code of conduct could help to improve the performance and credibility of the Malaysian Parliament.

Table 1 : Analysis on the legal frameworks on the Parliamentary Staff

| Issue | Comparison By States | | | |
|---|---|---|--|--|
| | Canada | United Kingdom | Australia | New Zealand |
| Legal Framework on the Management of Parliamentary Staff | Through the House of Commons Administration Act and the Senate Administrative Rules. | Regulated by the Parliamentary Standards Act 2009, which establishes the Independent Parliamentary Standards Authority (IPSA). | Through the Parliamentary Service Act 1999 and the Members of Parliament (Staff) Act 1984. | Through Parliamentary Service Act 2000 and the Members of Parliament (Remuneration and Services) Act 2013. |
| Function of the Legal Framework | These laws establish the Office of the Clerk of the House of Commons and the Senate, which are responsible for managing the affairs of their respective chambers. | Setting and administering the rules governing the employment and management of parliamentary staff, including salaries, pensions, and expenses. | Providing administrative and support services to the Parliament of Australia. | Providing administrative and support services to the New Zealand Parliament. |

Sources : Reintroducing Parliamentary Services Act by BERSIH

- **According to a report by the Inter-Parliamentary Union, the drafting of bills and legislative documents is one of the most important services provided by parliamentary staff, as it helps to ensure that legislation is well-crafted and in line with democratic principles.** In Malaysia, the drafting of bills and legislative documents is carried out by the Department of Law and Legislation, which has a staff of around 100 officers, including legal drafters and translators.
- In addition to drafting of bills, parliamentary staff also play a critical role in providing research and analysis services to MPs and committees. **According to data from the Inter-Parliamentary Union, Malaysia had a total of 130 parliamentary researchers in 2019, which represents a ratio of 1.7 researchers per MP.** This is higher than the regional average of 1.3 researchers per MP, indicating that Malaysia has a relatively well-equipped parliamentary research service.
- However, despite the availability of parliamentary researchers, there have been concerns about the quality and relevance of the research produced. **In a 2019 report by the Center for Independent Journalism, researchers and MPs cited a lack of resources, training, and access to information as major obstacles to producing high-quality research.**
- The reintroduction of the Malaysia Parliamentary Services Act is expected to address some of these issues by providing clear guidelines for the recruitment, training, and performance management of parliamentary staff, as well as establishing mechanisms for accountability and transparency in the delivery of parliamentary services.

POLICY OPTION/ RECOMMENDATIONS:

- One of the key policy options for the reformation of the Parliamentary Services Act is to ensure its independence by strengthening its institutional autonomy and reducing political interference in the parliament. This can be achieved by implementing several measures, including:
- **Option 1 : Introduce a comprehensive legal framework for regulating parliamentary staff :** To ensure clarity and consistency in the delivery of parliamentary services, it is essential to establish clear guidelines for the appointment, roles, and functions of parliamentary staff.
- **Option 2 : Increase investment in parliamentary research :** While Malaysia has a relatively well-equipped parliamentary research service, there are concerns about the quality and relevance of the research produced. To address this issue, it is important to increase investment in parliamentary research by providing researchers with more resources, training, and access to information.

JUSTIFICATIONS ON POLICY OPTION:

- **A comprehensive legal framework** can provide clear guidelines for the recruitment, roles, and functions of parliamentary staff, which can lead to improved performance, increased efficiency, and greater accountability. **According to a study by the Commonwealth Parliamentary Association, only 12% of parliaments worldwide have a dedicated legal framework for regulating parliamentary staff.**
- In Malaysia, the lack of clear guidelines for parliamentary staff has resulted in confusion and overlap in the duties of different departments, leading to inefficiencies and reduced performance. For example, **a report by the Auditor General found that there was a lack of coordination and cooperation among different departments in the Malaysian Parliament, which resulted in delays and errors in the delivery of services.**
- **Investing in parliamentary research** can improve the quality of legislation and enhance the overall performance of the parliament by providing MPs with timely and relevant information to inform their decision-making. **According to a report by the Inter-Parliamentary Union, parliaments worldwide spend an average of 0.03% of their budget on research and analysis services.** In Malaysia, the budget for parliamentary research and analysis services is not publicly disclosed, but it is likely to be similar to the global average.
- **A study by the Center for Independent Journalism found that parliamentary researchers in Malaysia faced several obstacles, including a lack of resources, training, and access to information, which impacted the quality and relevance of their research.** Only by investing in parliamentary research, can lead to the production of high-quality research that informs legislation and improves the overall performance of the parliament.

Table 2 : Analysis on the comparison allocation budget by states

| Issue | Comparison By States | | | | |
|---|--|---------------------------|------------------------------|---------------------------|--|
| | Malaysia | Canada | United Kingdom | Australia | New Zealand |
| Parliament Research Department | The Malaysian Parliament Research Department | The Library of Parliament | The House of Commons Library | The Parliamentary Library | The Parliamentary Library and Research Service |
| Allocation of Budget in 2020/2021(MYR) | Not Disclosed | RM 114 Million | RM 158 Million | RM 96 Million | RM 55 Million |

Sources : Official Government Documents

CONCLUSION

- In conclusion, the reintroduction of the Malaysia Parliamentary Services Act would be a significant step towards enhancing the efficiency and effectiveness of the Malaysian Parliament and ensuring that it is delivering high-quality services to its stakeholders. By establishing an independent Parliamentary Services Office, providing guidelines and regulations for the employment of parliamentary staff, and establishing an oversight mechanism to monitor performance, the Malaysian Parliament would be able to function more effectively, with greater transparency and accountability.
- The experiences of other countries such as Australia, New Zealand, and Canada have demonstrated the benefits of having a legal framework for the management and regulation of parliamentary services and staff. The reintroduction of the Parliamentary Services Act in Malaysia would enable the Parliament to better serve the needs of the people, enhance public trust in the institution, and contribute to the development of a stronger and more democratic Malaysia.
- It is therefore recommended that the Malaysian government take the necessary steps to reintroduce the Parliamentary Services Act, with input and consultation from key stakeholders, to ensure that it meets the needs and expectations of all parties involved. This would be a significant step towards strengthening the Malaysian Parliament and building a better future for the country.

The CSO Platform for Reform, a coalition of 60 civil society organisations (CSO), saw a need for a critical look into statements, comments, and commitments of the Unity Government, as it is a reflection of their priorities. The platform is comprised of various civil society organizations (CSOs) that work together to promote human rights, democracy, and good governance in the country.

The platform engages in various activities such as research, advocacy, and public outreach to raise awareness about issues related to institutional and legal reforms in Malaysia. Some of the key issues the platform addresses include electoral reform, freedom of expression, police accountability, and access to justice.

Through its efforts, the CSO Platform for Reform seeks to create a more inclusive and participatory democracy in Malaysia, where citizens can freely express their opinions and hold their government accountable for its actions. The platform also seeks to address systemic issues of corruption and abuse of power within government institutions.

© 2023 CSO Platform For Reform. All rights reserved.

CSO Platform For Reform
A-2-10 Pusat Perniagaan 8 Avenue
Jalan Sungai Jernih 8/1
46050, Petaling Jaya
Selangor Darul Ehsan

www.csoplatform.com

CSO

PLATFORM FOR REFORM