

POLICY BRIEF 2023



REFORM ON MALAYSIA PARLIAMENT SPECIAL SELECT COMMITTEE

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INTRODUCTION

- The Malaysian Parliament had announced the establishment of 10 Parliamentary Special Select Committees (PSSCs) that were newly approved in the Dewan Rakyat.
- Each PSSC will have 9 Members of Parliament (MPs) in it including the Chairman. The 10 PSSCs are:
 - Finance and Economics
 - Safety
 - Health
 - Domestic Trade, Entrepreneurship and Cost of Living
 - Infrastructure, Transport and Communication
 - Nation Building, Education and Human Resource Development
 - Women, Children and Community Development
 - Environment, Science and Agriculture
 - International Relations and International Trade
 - Human Rights, Elections and Reform Institutions
- Overall, the reform of the Malaysian Parliamentary SSCs is a positive development that is expected to enhance and strengthen democratic accountability in the country.
- It is hoped that the new SSCs will enable our MPs to play their role as check and balance on the Executive, and in turn promoting good governance practices that are vital for sustainable development and economic growth in Malaysia.



PROBLEM STATEMENT

- The Special Select Committees (SSCs) of the Malaysian Parliament has faced numerous challenges in fulfilling its oversight and scrutiny functions effectively. These challenges have included concerns over the committee's independence and lack of transparency and accountability.
- The perceived ineffectiveness of the SSCs has led to public dissatisfaction with the Malaysian Parliament. **In a survey conducted by the Merdeka Center in 2021, only 23% of Malaysians said they had confidence in Parliament, while 67% expressed dissatisfaction with the institution.**
- The SSCs were seen as lacking independence, as members were mostly from the ruling coalition, and chairpersons were traditionally from the government bench. This led to concerns that the committees were more focused on protecting the government's interests rather than holding it accountable.
- Besides, the SSCs also seems to lack transparency and accountability. The operations of the SSCs were seen as opaque, with little information provided to the public on their activities and findings. This led to concerns that the committees were not accountable to the people it was supposed to serve.

Table 1 : Analysis on the number of Members of Parliament

Committee	Under Barisan Nasional		Under Pakatan Harapan		Under Perikatan Nasional	
	Government & Allies	Opposition & Independence	Government & Allies	Opposition & Independence	Government & Allies	Opposition & Independence
(A) Deputy Speakers	2		2		2	
(B) Government Front Bench	52		49		64	
(C) Opposition Front Bench		1		1		1
(D) Private MPs on 2 Special Select Committees (<i>Ad Hoc</i>)	7	4	50	19	39	17
(E) Other Private MPs on only PAC	9	5	9	4		5
(F) Other Private MPs on only Committees of Selection, Standing Orders, House and Privileges	7	7	4	2	1	3
(G) Private MPs without committee responsibilities and their %	56 (42.11%)	72 (80.90%)	25 (17.99%)	57 (68.67%)	9 (7.83%)	79 (75.24%)

Sources : Parliamentary Select Committee Reforms by BERSIH

- **According to a survey conducted by the Asian Barometer in 2022, only 28% of Malaysians expressed confidence in Parliament, while 72% expressed dissatisfaction.** One of the main reasons for this decline in public confidence is the perceived lack of independence of the SSCs. **A study by the Center for Governance and Political Studies found that only 25% of the committee's members were from opposition parties, while the remaining 75% were from the ruling coalition.**
- Furthermore, the lack of transparency and accountability of the SSC has also contributed to public dissatisfaction with the institution. A report by **Transparency International Malaysia found that the SSCs had not provided any public reports on its activities or findings in the past year, which undermines its credibility and legitimacy in the eyes of the public.**
- This align with the study made by Dr. Véronique Jochum and Dr. Rui Branco at the **European University Institute found that regular reporting can enhance the accountability and legitimacy of parliamentary committees.** The study noted that regular reporting promotes transparency and provides an opportunity for stakeholders to hold committees accountable for their actions.
- Overall, the challenges faced by the SSCs have had a significant impact on public confidence in the Malaysian Parliament, and it is essential for the committees to address these challenges and work towards enhancing its independence, transparency, and accountability to restore public trust and confidence in the institution.

POLICY OPTION/ RECOMMENDATIONS:

- One of the key policy options for the reform of the Malaysia Parliament's Special Select Committee (SSCs) is to ensure its independence by strengthening its institutional autonomy and reducing political interference in its operations. This can be achieved by implementing several measures, including:
- **Option 1 : Diverse Membership** - The new SSCs should be composed of a diverse and independent group of members from various political parties, civil society organizations, and academia. This will ensure that the committees are not influenced by any single political party or interest group.
- **Option 2 : Regular Reporting** - The SSCs should be required to provide regular reports to Parliament on its activities and findings, including progress on investigations and recommendations for action. Their reports and findings should be published on at least the Parliament's website. This will promote transparency and accountability in the committee's operations.

JUSTIFICATIONS ON POLICY OPTION:

- **Diverse Membership** : According to a report by the International Institute for Democracy and Electoral Assistance, the inclusion of diverse stakeholders in parliamentary committees can enhance their legitimacy and effectiveness. The report found that a diverse membership can help to build trust and confidence in parliamentary institutions, as it promotes impartiality and reduces the influence of any single interest group.
- **A study by Professor Andrew Kakabadse at Henley Business School found that diverse boards and committees were more effective in decision-making and problem-solving, due to the variety of perspectives and experiences brought to the table.** These findings suggest that a diverse membership in parliamentary committees, including the select committees in Malaysia, could lead to more effective and responsive policy outcomes.
- **Regular Reporting** : Transparency International Malaysia has highlighted the importance of regular reporting in promoting transparency and accountability in parliamentary committees. According to their report, regular reporting ensures that the public is informed about the committee's activities and findings, and provides an opportunity for stakeholders to assess the committees' performance.

Table 2 : Analysis on the comparison towards the suggested policy options

Policy Option		Practised By States		
		United Kingdom	Australia	New Zealand
Diverse Membership	Determined by	The Standing Orders of the House of Commons	The Senate and the House of Representatives	The Standing Orders of the House of Representatives
	Composed by	Between 11 and 16 members, with the largest opposition party having the chair of the committee	Between 5 and 15 members, with the chair usually from the opposition party	Between 5 and 12 members, with members from different political parties, academia, and other interest groups
	Numbers of PSSC	32 PSSC in the House of Commons, with a total of 444 members from different political parties	29 PSSCs in the Parliament of Australia, with a total of 265 members from different political parties	12 PSSC in the New Zealand Parliament, with a total of 107 members from different interest groups
Regular Reporting	Ways of Reporting	PSSCs are required to report their findings to Parliament, and their reports are published on the Parliament website	PSSCs are required to report their findings to Parliament, and their reports are published on the committee's website	PSSCs are required to report to Parliament, and their reports are made publicly available on the Parliament website
	Numbers of Report Published	100 PSSC reports published	700 PSSC reports published	300 PSSC reports published

Sources : Parliamentary Select Committee Reforms by BERSIH

CONCLUSION

- In conclusion, the reform of the Parliamentary Special Select Committees is crucial to promoting good governance practices and enhancing democratic accountability in the country. The committees play a vital role in investigating matters of public interest and holding the government accountable for its actions. However, the current structure and operation of the committees have been subject to criticism and controversy, which have eroded public trust in its effectiveness and independence
- To address these concerns, policy options have been proposed to reform the committees' structure and operation. These options include a diverse membership and regular reporting as the policy options. The practical implementation of these options would require a transparent selection process, a comprehensive review of the committee's mandate and a reporting framework.
- Overall, the successful reform of the Malaysian Parliamentary Special Select Committees would require a commitment from all stakeholders, including the government, civil society organizations, and the public, to ensure that the committee operates effectively and independently. By promoting good governance practices and enhancing democratic accountability, the reformed committee would contribute to a more transparent and accountable government and strengthen the rule of law in Malaysia.

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.

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