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What happens if the Dewan Negara does not pass a Bill that has been proposed and passed by the Dewan Rakyat?



A Bill that has been proposed and passed by the Dewan Rakyat will still become law even if the Dewan Negara does not pass the Bill.

- For Money Bills, the Dewan Rakyat can present the Bill to the YDPA for the royal assent if the Dewan Negara does not pass the Bill within 1 month of being presented with the Bill.
- For non-Money Bills, if the Dewan Negara does not pass the Bill the first time it is presented, then after 1 year, the Dewan Rakyat can pass the Bill again and send it to the Dewan Negara to be passed. This time, if the Dewan Negara does not pass the Bill within 1 month after it is presented, the Dewan Rakyat can present the Bill to the YDPA for the royal assent.

What happens if the Dewan Rakyat does not pass a Bill that has been proposed and passed by the Dewan Negara?

A Bill proposed and passed by the Dewan Negara cannot become law unless it is passed by the Dewan Rakyat.

This means that all Bills must be passed by the Dewan Rakyat to become law.



How does Parliament control how the country's money is spent?



If money from the Consolidated Fund is to be used by the Government, it must first be approved by Parliament.

The Dewan Rakyat has also set up a special committee called the Public Accounts Committee ("PAC"), which is made up of MPs. The PAC reviews the spending of money by the Government. The PAC conducts these reviews either on its own, or when directed by the Dewan Rakyat, or when it receives complaints from the public. After conducting its review, the PAC can make recommendations to the Government and to Parliament to take further action.

How does Parliament oversee how the Government runs the country or discuss the concerns faced by Malaysians?



In every parliamentary session, there is a daily "Question Time" when MPs and Senators can question Ministers and civil servants. During Question Time, MPs and Senators can raise public concerns and ask

for explanations about the actions of the Government and the running of ministries and government departments.

In the Dewan Rakyat, MPs can also ask the Speaker for permission to debate matters of urgent public importance. If permission is granted and the matter is debated, the Dewan Rakyat can pass a resolution for the Government to take action on the matter.

What is Parliamentary Immunity?



Parliamentary immunity means that how members of Parliament vote and what they say or is published in proceedings in Parliament cannot be reviewed or questioned by the Courts. Whether parliamentary proceedings are valid also cannot be reviewed by the Courts. This allows MPs and Senators to speak freely on all matters without the threat of arrest or of legal proceedings being brought against them.

However, there are some limits to parliamentary immunity. For example, there is no immunity when an MP or Senator talks about citizenship, the special position of the Malays and the natives of Sabah and Sarawak or the Malay language.



Frequently Asked Questions

1. Are Bills published?

Yes, Bills are published in the Government Gazette and are normally available online at www.parlimen.gov.my.

2. Where can I find out about what is debated in Parliament?

The debates in Parliament from each sitting are recorded down and you can read them (these records are called the "Hansard"). You can get these records in most public libraries. The records are also available online at www.parlimen.gov.my.

3. Can I go to Parliament to watch the proceedings in Parliament?

Yes, you can. However, you have to apply for permission from Parliament and it is better to book your place early. You can check the Parliament website at www.parlimen.gov.my for details on how to make a booking.

4. Is my MP supposed to take care of the roads and drains in my area?

No, those are the responsibilities of the local government in your area.

Your MP's role is to represent you in Parliament in making and changing laws, in controlling how the country's money is spent, in overseeing how the Federal Government runs the country and in discussing the concerns faced by Malaysians.

5. I think that there are some "bad" laws in Malaysia. I also think that there are laws that Parliament has not yet made that can be "good" for Malaysia. What can I do to remove bad laws, and to get good laws made?

Your MP represents you and your interests in Parliament. You can speak or write to your MP to explain to him or her that these "bad" laws must be removed and these "good" laws must be made. You can ask your MP to raise questions on these laws in Parliament and to work with other MPs to remove "bad" laws and make "good" laws.

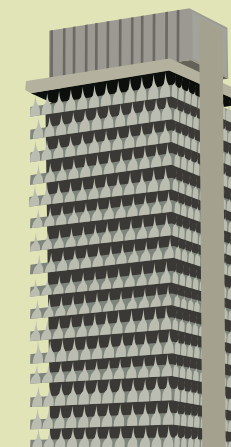
What's Next?

Learn about your Constitution in our other *Rakyat Guides* on Constitutional Institutions & the Separation of Powers, Federal-State Relations, the Executive, the Judiciary, the *Rakyat*, Elections and more!



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The Rakyat Guides 4. Parliament



What is Parliament?



Parliament consists of the Yang di-Pertuan Agong ("YDPA") and two "Houses" known as the Senate ("Dewan Negara") and the House of Representatives ("Dewan Rakyat").

The Dewan Rakyat has 222 members who are elected by Malaysian voters. These 222 members are called "Members of Parliament" or "MPs" for short.

The Dewan Negara consists of 70 members who are called "Senators":

- 26 Senators are elected. Each State Legislative Assembly elects 2 Senators to represent their State in the Dewan Negara.
- The other 44 Senators are appointed by the YDPA. The YDPA appoints 2 people from the Federal Territory of Kuala Lumpur, 1 person from the Federal Territory of Labuan, 1 person from the Federal Territory of Putrajaya and 40 other people.

What does Parliament do?

Parliament has 4 functions:

- it makes laws and changes laws;
- it controls how the country's money is spent;
- it oversees how the Federal Government runs the country;
- it discusses the concerns faced by Malaysians.

Who can become a member of the Dewan Rakyat and Dewan Negara?



Any Malaysian living in Malaysia who is at least 21 years old can take part in an election to become an MP.

Any Malaysian living in Malaysia who is at least 30 years old can become a Senator. A Senator is appointed for a 3-year term, and each Senator can only serve 2 terms.

A person cannot become an MP or Senator or continue to be an MP or Senator if the person:-

- is of unsound mind;
- is a bankrupt;
- holds an office of profit;
- spends more money than what is allowed under the law on his or her election campaign;
- is found guilty of a crime where the punishment is a jail term of one year or more, or a fine of RM2000 or more; or
- becomes a citizen of another country.

Can a member of the Dewan Rakyat or Dewan Negara resign?



Yes. However, if an MP resigns, he or she cannot become an MP again for 5 years after resigning.

What is a "vacancy" in the Dewan Rakyat or Dewan Negara?



A vacancy in the Dewan Rakyat or Dewan Negara happens if an MP or Senator dies, resigns or is disqualified.

A vacancy must be filled within 60 days. That means that a new MP must be elected in a by-election or a new Senator must be elected by the State or appointed by the YDPA within 60 days after the vacancy happens.

Are MPs and Senators paid?



Yes. Parliament fixes the amount paid to the members of the Dewan Rakyat and the Dewan Negara. These amounts are set out in an Act called the *Members of Parliament (Remuneration) Act 1980*. These are their current monthly allowances:-

MP	RM 6,508.59
Senator	RM 4,112.79
Leader of the Opposition	RM 3,846.59 (in addition to an MP's allowance)
Speaker of the Dewan Rakyat	RM 14,907.20 (in addition to an MP's allowance)
Deputy Speaker of the Dewan Rakyat	RM 10,847.65 (in addition to an MP's allowance)
President of the Dewan Negara	RM 14,907.20 (in addition to a Senator's allowance)
Deputy President of the Dewan Negara	RM 10,847.65 (in addition to a Senator's allowance)

Are the members of Cabinet a part of Parliament?



Yes, under the Constitution, members of Cabinet must also be either MPs or Senators. The Prime Minister must be an MP.

Must MPs and Senators take an oath of office?



Yes. They take an oath to discharge their duty to the best of their ability, that they will bear true faith and allegiance to Malaysia and preserve, protect and defend the Constitution.

What is a Parliamentary sitting?



A Parliamentary sitting is a meeting between the MPs in the Dewan Rakyat or between the Senators in the Dewan Negara.

After every General Election, the YDPA "summons" Parliament to sit. The YDPA is advised to do so by the Prime Minister or by Cabinet.

Parliament must have its first sitting within 120 days from the date of the last General Election.

Parliament sits in sessions. However, Parliament cannot break for more than 6 months between sessions.

Parliament automatically dissolves 5 years after its first sitting following a General Election. Parliament can be dissolved earlier than 5 years, with the YDPA's consent. When Parliament is dissolved, a General Election must be held within 60 days from the date it is dissolved.

How are proceedings in the Dewan Rakyat and Dewan Negara conducted?

The MPs in the Dewan Rakyat choose a Speaker (Yang di-Pertua Dewan Rakyat) and 2 Deputy Speakers, who are in charge of proceedings in the Dewan Rakyat. The Speaker can either be an MP or someone who is qualified to stand for election to be an MP.

The Senators in the Dewan Negara choose a President (Yang di-Pertua Dewan Negara) and a Deputy President who are in charge of proceedings in the Dewan Negara.

Each House makes its own rules on how to conduct the proceedings in that House. These rules are known as the "Standing Orders".

What is the role of the YDPA in Parliament?



The YDPA summons and adjourns parliamentary sittings, but the YDPA must follow the advice of the Prime Minister or Cabinet about these matters.

However, the YDPA can refuse to dissolve Parliament when asked by the Prime Minister or Cabinet.

How is a law made by Parliament?



The laws made by Parliament are called "Statutes" or "Acts". In the *Rakyat Guides: 3. Federal-State Relations*, we learned about what Parliament can make laws on. In the *Rakyat Guides: 2. Constitutional Institution & the Separation of Powers*, we learned that Parliament cannot make laws that are contrary to the Constitution.

A law begins with a Bill (a proposed or draft Act). A Bill could come from a Ministry or from an MP or Senator (this is called "sponsoring" a Bill). That Bill then needs to be introduced in Parliament. This is called "tabling a Bill".

A Bill can first be tabled either before the Dewan Rakyat or the Dewan Negara. After the Bill is tabled in one House, it must be tabled in the other House.

Bills that deal mainly with money (for example taxes and using money from the Consolidated Fund) must be tabled by a Cabinet Minister and must first be tabled in the Dewan Rakyat. These Bills are called "Money Bills".

Under the Standing Orders, a Bill goes through three readings in each House. For example, if a Bill is first tabled in the Dewan Rakyat, this is what happens:

- First Reading – The Minister or MP proposing the Bill introduces it. In practice, there is no actual reading of the Bill, and it is assumed that everyone has read the Bill.
- Second Reading – The Dewan Rakyat discusses and debates the Bill. This is when other MPs can seek explanations on the Bill, propose amendments to the Bill or oppose the Bill.
- Third Reading – The Minister or MP proposing the Bill submits the Bill to a vote.
- If more than half of the MPs who are present and voting (or 2/3rds of the total number of MPs in certain cases) approve the Bill, the Bill is "passed".
- The Bill is then sent to the Dewan Negara where three readings also take place.
- If the Bill passes, it is presented to the YDPA for approval which must be given within 30 days. The YDPA's approval is called "the royal assent". If the YDPA does not assent within 30 days, the Bill automatically becomes an Act.

Some types of Bills need the consent or other bodies before they can become law. For example:-

- The consent of the Conference of Rulers is needed for any amendment to Article 152 (national language) and Article 153 (special position of the Malays and the natives of Sabah and Sarawak).
- The consent of the Yang di-Pertua Negeri of Sabah or Sarawak is needed for any constitutional amendment affecting Sabah and Sarawak.
- The consent of the State Legislative Assemblies is needed for some Acts of Parliament to operate in the States. We have discussed this in the *Rakyat Guides: 3. Federal-State Relations*.