

TIME TO REVAMP THE DEWAN NEGARA

THE Dewan Negara (Upper House), like the Dewan Rakyat (Lower House) was a child of the Reid Commission Report, which recommended that Malaya should have a bicameral Parliament.

Both these houses are patterned after the British system: The Upper House is the House of Lords, whose members are mainly hereditary nobles and the life peers. The Lower House is the House of Commons, its members are all elected; lords are not eligible for election to the Lower House.

The Dewan Negara, like the House of Lords, is supposed to be the Senior House, but is shorn of legislative power. It can only delay legislation sent up by the Dewan Rakyat.

But in the more than a quarter of century since Merdeka, the Dewan Negara has not amended or delayed any Bill passed on to it by the Dewan Rakyat. It has truly become a rubber stamp for the Government.

As I have mentioned before, a member of the House of Lords cannot be a candidate for election to the House of Commons. To do so, he has to renounce his title. An example was Lord Home who renounced his title to stand for election to the House of Commons and became Prime Minister after Harold MacMillan. Another example is the radical Lord Standgate, now Mr Tony Benn of the Labour Party.

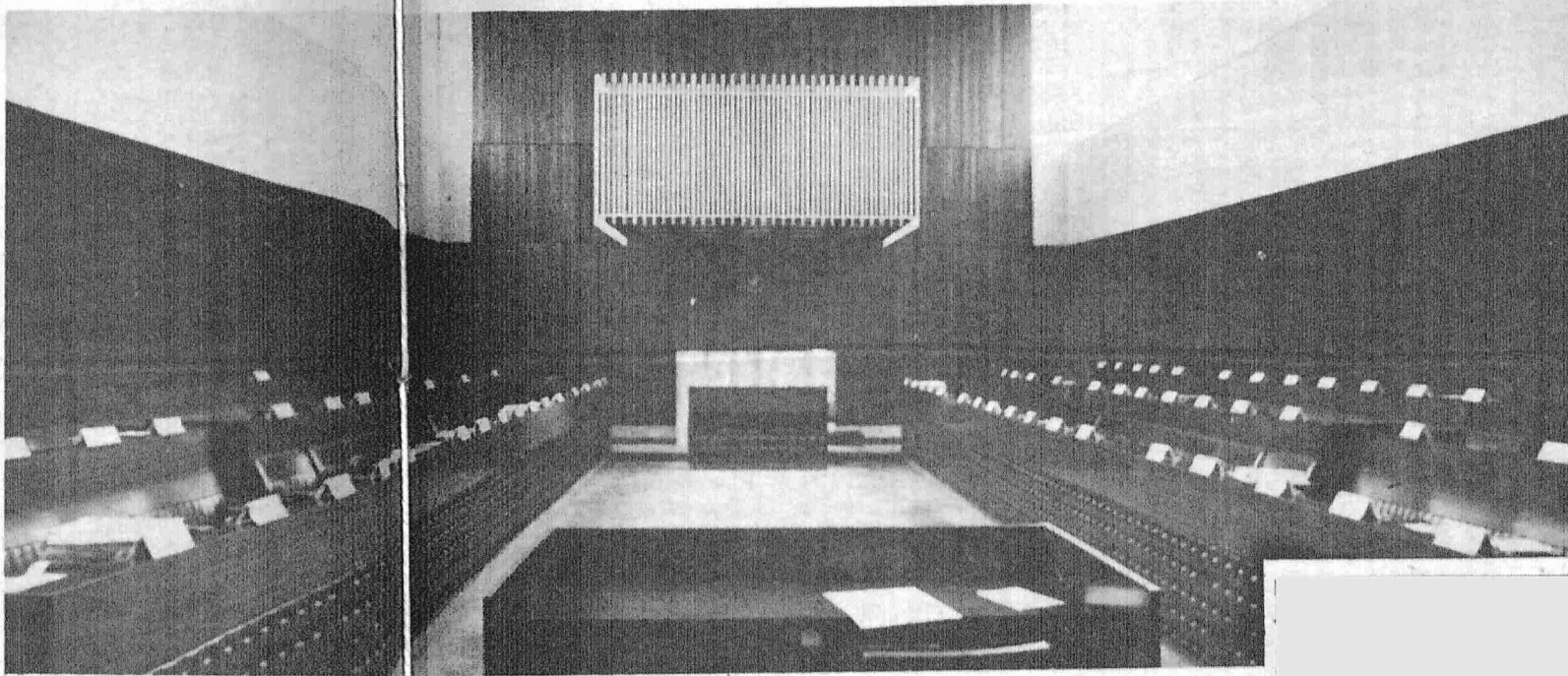
In our set-up the Dewan Negara is sometimes a convenient place for politicians who have outlived their usefulness in the Dewan Rakyat. This makes one wonder whether the Dewan Negara sometimes serves as a refuge for the politically destitute. But the Dewan Negara has also served as an introduction to some of our Ministers. Examples are Tan Sri Ghazali Shafie, Datin Paduka Rafidah and even Datuk Seri Dr Mahathir.

Some members of the ruling party who failed to enter the Dewan Rakyat had been kicked upstairs to the Dewan Negara. Then after serving a short term, they resigned to contest the election to the Dewan Rakyat. Their failure in the elective process did not prevent them from being re-appointed to the Dewan Negara once again. They thus make a mockery of the Upper House.

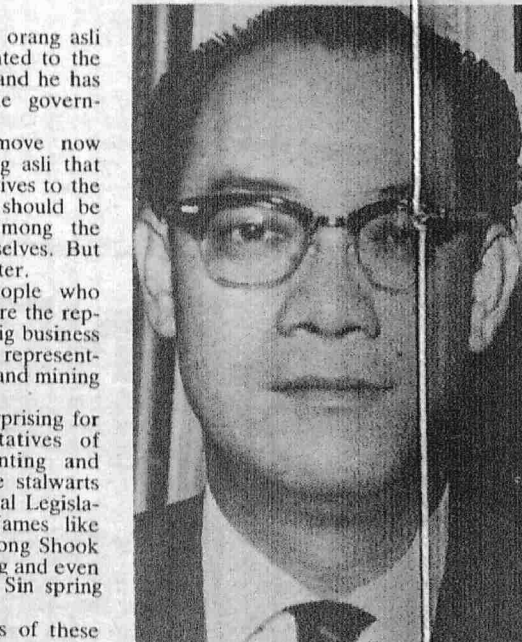
The Constitution provides for representatives from the professions to be appointed to the Dewan Negara but as far as I know, the professional associations have not been asked to nominate anyone to the Dewan Negara. But in mid-1982 some professional associations were invited to nominate candidates for consideration by the Government. Some doctors and lawyers have been appointed to the Dewan Rakyat but they were not nominees of the professional associations and certainly most have no standing among their colleagues in the professional world.

The working class has one representative to the Dewan Negara but after the late S.P.S. Nathan's second term of office expired, there was a dispute over the representatives of the MTUC to the Dewan Negara and since then labour has not been represented at the Dewan Negara. And I can honestly say that most people agree that the working class has not suffered from this lack of representation.

The orang asli, as a minority group, have one representative to the Dewan Negara but how many of us have heard the voice of the orang asli loud and clear in the Dewan Negara? I am sure that very few people in this country know that the orang asli are represented in the Dewan Negara. The reason is



The Dewan Negara: It has sometimes served as an introduction for some of our Ministers.



Tun Omar Yoke Lin Ong (left) and Tan Sri Hj. Mohd. Noah were among those who served as president of the Dewan Negara.



that only "safe" orang asli has been appointed to the Dewan Negara and he has always toed the government line.

There is a move now among the orang asli that their representatives to the Dewan Negara should be elected from among the orang asli themselves. But more on this later.

The only people who have benefited are the representatives of big business including those representing the planting and mining industries.

This is not surprising for these representatives of commerce, planting and mining were the stalwarts of the old Federal Legislative Council. Names like E.D. Shearn, Yong Shook Lin, D.T. Waring and even Tun Tan Siew Sin spring readily to mind.

The successors of these people were more vocal in the Dewan Negara where they vociferously championed and jealously safeguarded the cause of big business.

Removing deadwood

In 1959, the Constitution provided for 38 senators. But I suppose the rush to be senators was so great that the Constitution was amended in 1963 to provide for 50 senators. In 1964, there was a further amendment to provide for 60 senators. Then in 1978, the Dewan Negara was further enlarged to provide for 68 senators.

I suppose the Barisan Nasional being made up of more component parties — all of which want to be represented in the Dewan Negara — would enlarge its membership.

The term of office as a senator was initially for six years but in 1978 it was shortened to three years. This of course will provide for a quicker turnover. Before 1978 there was no limit to the number of terms a senator could serve; the maximum has since been fixed at two terms. This will

enable the ruling party to remove deadwood much faster than was possible before 1978.

The first President of the Dewan Negara was Datuk Hj. Abdul Rahman, the father of two ministers, the late Tun Ismail and Tan Seri Datuk Sulaiman. He was succeeded by Tan Sri Hj. Mohd. Noah b. Omar who also had the distinction of being the first elected Speaker of the Dewan Rakyat. He did not stay long as he resigned to go into business. He was succeeded by Tan Sri Captain Abdul Hamid Khan who had been a member of the Dewan Rakyat, having served as MP for Tapah.

The next president was Tun Syed Sheikh Barakbah who had retired as Lord President. He too, did not stay long and was succeeded by Tun Omar Yoke Lin Ong who has had a colourful career in politics. Tun Omar started as a Municipal Councillor in Kuala Lumpur, then served two terms in the Dewan Rakyat, was a Minister of the Crown after which he served for nearly 10 years

as our ambassador in Washington.

He was the doyen of the diplomatic corps then and finally retired to Malaysia where he served as President of the Dewan Negara for seven years. Last year he retired to go into business.

The present president is Tan Sri Ismail Khan who had served as Chief Justice of Sabah and Sarawak.

Need for reform

Except for the representatives of the States, all the senators are nominated by the Government and the Yang di-Pertuan Agong. Each State sends two members to the Senate.

These senators are elected by the various State Assemblies except for the two senators from the Federal Territory who are nominated by the Yang di-Pertuan Agong. This indirect election, although not quite satisfactory, is still better than the nominated members who repre-

tiny Washington D.C.

A similar model is the Australian model. There are six states in Australia and each state sends 10 senators to Canberra. The Australian Capital Territory (ACT) and the Northern Territory send two senators each, giving a total of 64 senators.

We can also have a look at the Filipino model before 1972 when martial law was proclaimed, where the whole country elects a slate of senators to the Senate. It is like a presidential election, except that in the Senate race, since there were more than one vacancy, there were more candidates.

Of the three, the Australian model is more suited to our needs. If we adopt the Australian model, tiny Perlis will have the same representation as Perak, Selangor or Johore. Perlis need not be beholden to its bigger brothers in the Federation.

I propose that the 13 states elect four members each to the Dewan Negara. This will give us 52 senators. The Federal Territory can elect two senators. The orang asli should elect two members among themselves to the Senate giving us a total of 56 in all. We have examples of the special representation of the indigenous people.

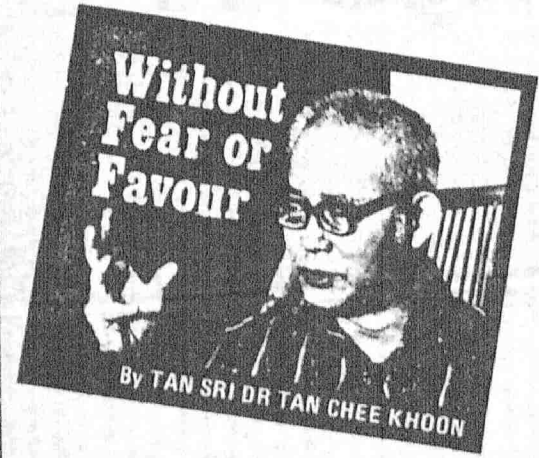
In the New Zealand Parliament, the Maoris have four MPs elected from among the registered Maoris to represent them. This model that I have proposed safeguards the state rights of each of the constituent states of the Federation.

The term of office of each senator can be four years. In the first instance two senators can retire and elections can be held to fill the vacancies. The same system can be adopted for the orang asli senators; every two years, one orang asli senator will retire. The time has come for the Dewan Negara to be revamped and I make this proposal for the reform of the Dewan Negara for the Government.

Each State of the American Union, no matter how big or small, elects two members to the Senate. Thus Alaska or Texas sends two senators each to the American Senate, just like

QUOTE

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Bahan asal dari Akrib Negara Malaysia