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Senators show new spirit

By Chow Kum Hor

SOMETIMES referred to as an 'old folks home' or 'rubber stamp', the Dewan Negara recently showed it is anything but that when in an unprecedented move, the House returned a Bill to the Dewan Rakyat for amendment. Has the Upper House of Malaysia's legislature truly come of age, asks CHOW KUM HOR.

IT is not very often that the usually dull and sedate Dewan Negara sittings stir keen public interest, but during the last session, the Senate did just that. On July 26, the Dewan Negara, for the first time in its 49-year history sent back a Bill to be re-tabled in the Dewan Rakyat because two words - human beings - were not included in it.

The Senators want the words to be included in clause 8 of the Pesticides (Amendments) 2004 Bill.

With the inclusion, pesticides that cause harm to humans face de-registration too - not just to plants, animals and property as stipulated in the original wording of the Bill.

The Dewan Negara, however, passed the Bill, with amendments to be made in the Dewan Rakyat.

The Bill will now be re-tabled in the Dewan Rakyat at the next sitting and debated again in the Dewan Negara.

"The incident is an eye-opener," says Senator Datuk Dr S. Vijayarajam, who is also Gerakan vice-president.

"This shows Senators do read the bills before debate. The Senate is not a rubber stamp as some people thought it to be."

It is not difficult to see why the Upper House has been perceived as a rubber stamp in the past.

For one, it has been customary for the House to pass bills endorsed by the Dewan Rakyat lock, stock and barrel.

After all, bills passed by the Dewan Rakyat are deemed to have undergone extensive debate and scrutiny by a larger house (the Dewan Rakyat has 219 members compared to the 69-strong Senate).

Furthermore, almost all Senators are in some way linked to the Government, whether by virtue of being office-bearers in political parties or from "friendly" non-governmental organisations.

Only four Senators are nominated by Pas through the State quota.

But when the Senate last month decided to take exception to the Pesticides Bill passed by the Dewan Rakyat earlier, the argument that the Upper House is a rubber stamp no longer holds water.

In fact, even Opposition MPs in the Dewan Rakyat, who often accuse BN MPs (from both Houses) of blindly passing bills, were equally guilty of doing the same when they voted in favour of passing the said Bill.

But beyond last month's incident, just how far has the Dewan Negara evolved into an institution that forms the cornerstone of a First World Parliament?

A lot, says Minister in the Prime Minister's Department in charge of Parliament Datuk Seri Nazri Aziz.

"I was a Senator myself. Now, as the Minister in charge of Parliament, I can see that the quality of debate has gone up. Senators do more research these days," says Nazri, who spent two terms in the Upper House before contesting in the Chenderoh parliamentary seat in 1995.

Dr Vijayarajam says he is often frustrated that question time is always cut short in the House but this only goes to show that Senators are

becoming more participative and discerning.

Unlike their Dewan Rakyat counterparts who are bogged down by commitments in their respective constituencies, Senators can spend more time going through bills and doing research.

Of course, unlike the Dewan Rakyat, heated exchanges are rare during the usually dry debates in the BN-dominated Dewan Negara. The kind of drama and barbs that colour the Lower House sittings is also hard to come by in the Dewan Negara.

"This allows issues to be discussed in a more non-partisan and objective manner," says Nazri, who is a lawyer by training.

"The Senate is a place for national issues to be discussed seriously and not for people to poke fun at one another."

Dr Vijayarajam says he is glad that "one or two" Opposition Senators have also adopted a non-partisan approach when debating issues.

The Upper House, as the name suggests, is after all supposed to be a dignified institution where bills are debated and issues highlighted in a civil, objective manner.

But what of views that the Dewan Negara is "retirement home" or "centre for rejects" who did not make the cut to be candidates for the general election?

Under the Federal Constitution, only those aged 30 and above can sit in the Senate, compared to 21 for the Dewan Rakyat. Naturally, the former will have more older members.

Nazri subscribes to the "old is gold" theory. With experience behind them, the seniors, he says, generally provide more quality inputs than the 20-somethings from the Lower House.

Dismissing Senators as "rejects" simply ignores the fact that some of the most established names in Malaysian politics are former Senate members.

They include former Prime Minister Tun Dr Mahathir Mohamad, Gerakan president Datuk Seri Dr Lim Keng Yaik and ex-Finance Minister Tun Daim Zainuddin.

Under Dr Mahathir's administration before he retired last year, a record number of Senators were appointed ministers, some of whom held key portfolios like Education.

More recently, bureaucrat Tan Sri Nor Mohamed Yakcop was made a Senator, and subsequently Second Finance Minister, allowing him to lead the ministry relatively free of political pressures.

All said, there is still an entrenched view that membership in the Dewan Rakyat is more "glamorous". Its members have after all been directly elected, hence their claim to lead the rakyat.

Senators still privately complain that when invited to functions, they are given seats in the back row while the Dewan Rakyat members and assemblymen get VIP treatment.

Constitutional law expert Prof Dr Shad Saleem Faruqi of Universiti Teknologi Mara says if the Dewan Negara is serious about shedding its "second-class" image, reforms must be made.

"Article 45 of the Federal Constitution says that the system of appointing members to the Senate can be abolished.

"It also says Senators from the States can be elected just like Dewan Rakyat MPs. These have not been done."

He adds that the process of originating bills has always been from the Dewan Rakyat although the Senate is empowered to do the same.

Faruqi foresees that one day both Houses of Parliament will have elected members, not unlike the United States.

"The time to get the ball rolling is now. We are not talking about radical reforms. One House can start changing first. Sometimes reforms can

be infectious," says the lecturer.

The Dewan Negara has come a long way since its inception 49 years ago but major reforms appear to have eluded the august house.

But by breaking tradition last month, the Senators have shown they are determined to hold their heads high.

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