

Last picture: Pandikar with Karpal Singh. This picture was taken barely two weeks before an accident claimed the life of Karpal.



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DE: What are they?
Pandikar: Like the Procedure Committee, the Accounts Committee, the Privileges Committee where if assuming one Member of Parliament has breached parliamentary privilege or whatever or contempt of Parliament. Another is Committee on MPs Affairs and Parliament Building. That I am the Chairman and the Select Committee, the main committee that will be appointing those members in those other four committees. The Chairman also is me and the Deputy Chairman is the Prime Minister.

There are only five. In some other countries, sometimes it depends on how many ministries they have. In particular during debate at the end of the year this Accounts Committee will scrutinise whatever budget that the Government had to think before it is debated in the main House. The objective is not to get everybody involved during the sitting to talk.

DE: Because it will be a waste of parliament's time.
Pandikar: Yes, waste of time and during the committee stage, all the heated argument will be done there. In other words, it is just scrutinising all the raw issues. Parliaments that practise that actually, their Members of Parliament are almost full time in Parliament, 365 days like in Japan, each Member of Parliament has their office in Parliament because they are (full time) lawmakers. But when you look at the Malaysian Parliament, it's different because every Thursday, we adjourn. The MPs traditionally either from the Government or Opposition, must go back to their respective constituencies. Therefore, as a result of that tradition, the existing committees now sometimes call for meetings, it is very difficult to fix a date.

DE: You all go back.
Pandikar: Yes, we all go back and what not. They have their functions, they have their Majlis, difficult to have a quorum. If we were to introduce committees like some other Parliaments in the rest of the world, then we got to change the way our MPs work. They must have their own office in Parliament. It's like a 24-hour job. Because then they will be only lawmakers. They also go to their constituency but less. Whereas ours, we are politicking throughout the year. So that must be changed. And this must also be agreed by both sides - the Opposition and the Government. They must look into it.

DE: More resources will be needed for this to be implemented.
Pandikar: Yes.
DE: You think that is the ideal direction?
Pandikar: Of course that would be the ideal direction. But not necessarily, again back to whatever the West is practising that we must all follow. I am also now doing it. I would like to change some of the provisions in our Standing Orders, like for instance the decisions of the Speaker, for instance, is final.

DE: You mean now it's not final?
Pandikar: Of course it is final, but I don't want it to be that way. I do not want it to be seen that the Speaker can abuse the power. I want to make changes whereby the Speaker's decision can be questioned by the MPs and whatever query they have must be debated by the House. As it is now, of course they can question the decision of the Speaker. But their *usul* (motion) can only be put in all the paper but cannot be debated because Standing Order 15 says the agenda of the Government, the business of the Government, must be discussed first.

So, therefore, this one all the time no time to debate. I don't want to hide behind that provision. As an example, I would like that to be amended.

DE: You are willing to be scrutinised as Speaker?
Pandikar: Oh yes. You see, whatever I have in mind cannot be implemented if the Executive does not take it because it is the Minister who will bring it to Parliament to debate the motions. It's not from the Office of the Speaker.

If the Government is agreeable, then they do that. All I can do is make the recommendation. Another thing that must be interesting would be a Question Time specifically for the Prime Minister. There must be a certain day, certain time whereby all MPs can question the Prime Minister on any single issue. Current issue that might have occurred yesterday or this morning, whatever. That would be very fantastic, I think. But whether the Government again is willing to take that up is another matter.

It being done elsewhere in the Commonwealth in England, New Zealand, Canada, Australia... the Prime

Minister's Question Time.

DE: It has to be tabled first in Parliament for their agreement.
Pandikar: Yes, whereas our system now is only Question Time in the morning from 10am to 11.30am that is Question that requires two weeks' notice for the Ministers to answer in Parliament.

DE: The Opposition will be happy. Surely will be behind you on these reforms (laughter).
Pandikar: You see, that's the reason why they (opposition) seldom disagree with me because they know for sure that behind all these curtains I really do my job as fair as possible, you know. But some of those MPs like for instance now, they are two (opposition) MPs, Surendran and Hanipa Maidin...it's an agenda. They just want to be famous.

DE: They want to be the next Karpal.
Pandikar: Something like that. These are the argumentative MPs. They always argue but what they have forgotten is that sometimes I tell them openly, I said, 'Look, whatever you people are saying now, it has been said already by your seniors.' People like Ipoh Barat (Kulasingam). So many have said it already. Kit Siang said it maybe 20, 30 times, even people like late Karpal Singh has said it. I think they just want name.

DE: In your view, has the increased Opposition presence in Parliament since 2008 been a good thing in terms of like debate quality.
Pandikar: I always said during those days when the members of the Opposition were not many, but those people who were there like late Tan Sri Tan Chee Khoo, V. David, etc, when they make speech, they make sure that that their speech is within that boundary. So long as it is for the interest of the nation, they say that out and it is taken into consideration by the Government because it is constructive. This time around, the numbers of the Opposition, they use that whenever there is an issue they want to bring, not much articulation on it. They just want to use their numbers to intimidate the Government. Not necessarily all of them agree on a particular issue but they support. Say for instance, Lynas (rare earth plant in Pahang) that has been debated so many times, brought about by this MP Fuziah Salleh. But still she refused to back down. That issue in a matured democracy would have died out. You have to accept that the Government decides to do something, then of course the Government does research first. They also have their own experts. I think no Government is stupid to do certain things that for sure will endanger the nation and becomes an issue to lose future elections. So with an issue like that, they use that number as if everybody is agreeable. If that is the aim of the question, then of course, I would prefer less number of Opposition with quality in convincing opinion, debates, constructive that the Government does not have any choice but to adopt and to implement.

DE: Meaning to say you don't really find their quality commensurate with their increased number.
Pandikar: Sometimes it would be better to have one or two Opposition but when they talk, everybody listens. And those people who do not listen or for that matter do not adopt that, look so stupid. I wish Parliament of Malaysia is like that.

DE: Is Karpal Singh missed?
Pandikar: One thing about this guy. When he speaks about one particular subject, he will speak on that subject only. He will not divert to some other issues. He doesn't speak longer than necessary. He speaks his mind out, he says 'this is what I think'. The reason why I miss him is this. To me, a Member of Parliament like that is just like a sharpener. If I take myself to be the blade, then he is my sharpener, sharpening-stone. I become more alert, I got to really look into my Standing Order and I must read all precedents in some other Commonwealth countries because I don't want to be caught by people like him. That is the reason why although I made the statement in Facebook and when I was asked I said, I miss this guy because of this. Dia adalah kawan dalam lawan. Truly, I am sincere when talking about it. I was talking to the son about 3 or 4 o'clock in the morning and I didn't realise that my tears were flowing, Oh, My God. Because you are with these people for years sitting there, you know. No matter what happened, I mean that's a different issue. It's his profession. And that's what I think.

DE: What aspects of other Parliaments do you think that our Parliament should consider adopting?

Anything that is beneficial in other countries that you think will work for the betterment?
Pandikar: I think the agenda, the order paper, the arrangement of the paper in the issue that ought to be debated in Parliament. And matured Parliament, matured democracy Parliament, the agenda is decided, discussed by the Government and the Opposition. As it is now, our Standing Order states that the agenda of the day is determined by the Executive whereas in England, for instance in Australia, there are committees that sit. Even in India, there are committees that sit together to decide what ought to be discussed tomorrow, the day after tomorrow and so on. Now by doing that, then of course, the people will be able to hear what the Opposition wants to be discussed.

That's one of them. It's not necessarily bad for the Government. No, but then again, countries like that are those that have the two-party system, in-built two-party system. Either this party will win this election or that party will win the next election. Both will have experience in governing.
DE: And not many change in policy.
Pandikar: Yes and Malaysia of course, we do not know whether this system now will work or say, for instance, if assuming that maybe in future when Pakatan wins the elections, then how do you perform? Again maybe to me, I am looking down the road 20 years, 25 years, that kind of thing. But we had it here in Sabah before when PBS was in power. Then we have it also in Selangor now. In other words, it lasts. When PBS was in power the Barisan was in the Opposition, remember?

So what I am saying is can that happen in the national government? Because what Pakatan is doing now is exactly what Barisan is doing. If they have not copied the style of Barisan Nasional, they would not have that kind of seats they have now. And if leaders change in Pakatan, say for instance, if Hadi Awang is not there anymore, Nik Aziz is not there, Anwar is not there and now Karpal is no longer, once Kit Siang is not there, will the Opposition be intact like it is? To me, this is still a trial kind of thing. We are not sure.

DE: Have you read Lee Kuan Yew's latest book "One Man's View Of The World?" His views are always interesting.
Pandikar: I bought two books last week, still wrapped in plastic, I must read that.

DE: His views on the course Malaysia is taking politically are thoughtful. He said eventually if Pakatan forms the Government, it will have to admit that, eventually, you cannot run things any different from how it is run now.
Pandikar: It is easy to criticise until when you start doing the work. Most of these leaders, they are untested. People like (Selangor MB Tan Sri) Khalid. He runs Selangor like he is running a company. Now that is from his experience. But then politicians don't like it. But when you run a state or country like a real politician, you will know all these things. Then, of course, it can be either way. Nobody is totally right and nobody is totally wrong. We have got to accept democracy. We just do the best that we can, that's all.

DE: OK, now since live TV coverage of parliament debates is not seen favourably, Daily Express would then like to suggest live radio coverage instead, so at least the people know what is happening in Parliament. Secondly, this will also give them a chance to know whether the people they elected were worth it from the way they behave and issues they raise. Live TV requires presence before the television. Through the radio, even when you are driving, you can be informed about what is going on.
Pandikar: That is a good point which RTM or the Minister concerned must look into. Maybe, if the voice only can be heard by the people also in the rural areas, maybe the MPs would not behave the way they behave now. Maybe a little better. I agree with that. I will talk to the Minister they must look into this because now also the Minister said they are doing also the Streamyx that you can access to a certain thing to witness what is going on.

DE: In the case of our Parliament, is it still beholden to the Executive in running some of the requests like staffing? That was one of the things that was raised in Johannesburg (last Commonwealth Parliamentary Association conference). That sometimes it is the Executive that is dominant because all the funding is coming from the Executive and so the Parliament is not supreme as it should be.
Pandikar: This is true, but then again only a few parliaments in the world have complete independence in terms of finance. In Trinidad and Tobago, they are trying it now. In India, what they say is there is a committee in Parliament that decides what funds that they need every year and the decision of that committee, that committee will make a recommendation to the Minister of Finance. And invariably what is recommended because that committee consists of individuals from the Ministry of Finance and from the Opposition, from the Backbenchers, from Government, not much debated and it will be accepted. You can only have complete independence if you have your own financial control. Now it does not happen.

Second, now in Parliament of course those officers in Parliament, majority of them we call the 'closed service', meaning that in Parliament, they cannot go outside. But also there is a system now which I forgot the terminology they say can pindah-pindah and pinjam (sharing of resources). As it is, of course, I would like to have a parliament that is more independent in terms of money and resources. My argument is this - you cannot have a totally independent Speaker if you don't give that platform to him. His position must be made by the Government conducive for him to work and seen independently.

DE: When will this become possible?
Pandikar: I don't know when that would happen. Again it's up to the Executive. Even if I were to think along that direction, if the Opposition does not take it up, then it's only an idea on the table. But to me, if you want to have an independent Parliament with an independent Speaker, you must provide that platform.

DE: There is thinking that even the Auditor-General should be answerable to Parliament and not the Executive for greater accountability. In the Indian system, the Executive can appoint the judges but he cannot remove them. Only Parliament can remove judges in the Indian courts.
Pandikar: I think these are the things that ought to be seen. Well, 2008 and 2013 have only been two elections. It will take time for this two-party system to work and once you have this, then maybe this thing will follow. But as it is, I think it's just a planning. I am doing also this. I have already instructed my legal adviser. We look into what ought to be changed. I am yet to call meetings and one of the members in that committee to look into the Standing Orders is that Surendran guy. I purposely picked him because he is too critical. This is a first-time MP, wants to look popular. I was like that also before, very aggressive. But it takes time for you to mellow.

DE: Even in our case, actually the Parliament is not that supreme. It's the Executive that still has a larger say.
Pandikar: When you say Parliament is supreme, the late Karpal Singh said 'No, No, No, Parliament is not supreme. The Constitution is supreme because it is the Constitution that made Parliament.' Again it is a chicken and egg argument.

DE: But in our case, actually the Constitution is supreme.
Pandikar: The Constitution is supreme because the Constitution came into being before Parliament was set.

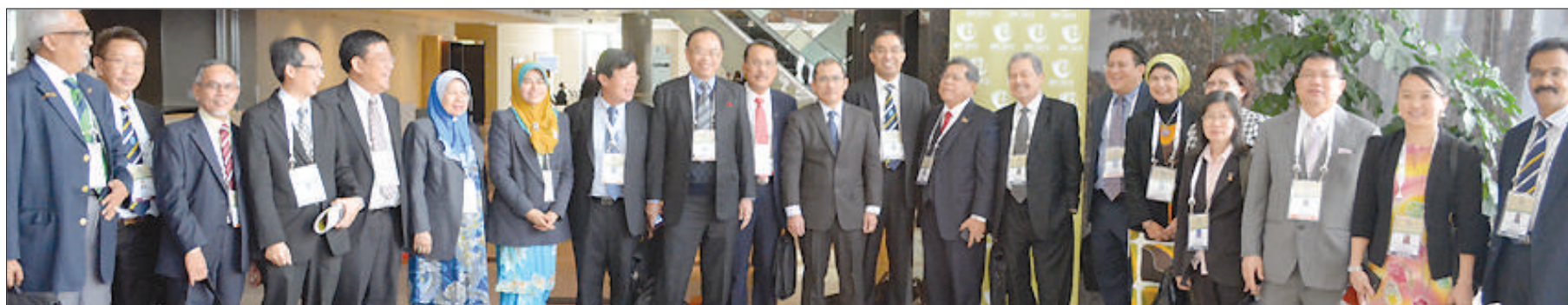
DE: Now you are into your second term. In your view, what new rules and Standing Orders would you propose? Actually, would you be making a list and you said you want to give it to PM Datuk Seri Najib to consider or something the last time you said.
Pandikar: The committee is there. As far as the Parliament is concerned, we have already identified which Standing Order we would like to amend but we are yet to sit. One of it is the Power of the Speaker and some of those things that we think are not clear. And the moment that is being agreed by the Committee, then we have to submit it first to the Minister in charge of Parliament because if they were to agree then he is the person that ought to bring it. Again it all depends on the Executive.

DE: The Commonwealth Women Parliamentarian (CWP) Chief is the parliament Speaker from Uganda. Do you think a Malaysian woman MP stands a chance of being elected to the post in future?
Pandikar: Can, because you see within this Commonwealth Parliamentary Association (CPA) there is a women's movement. Every three years, there is an election. Of course, there are so many Malaysian women that are capable to be there.

DE: But so far none were elected to that post?
Pandikar: Because nobody went for that post. You got to be nominated, you got to contest for it. At one time, those people were doing it like Nancy Shukri for they are active in women's affairs. Now she is a Minister. We make it a point whenever we go to CPA Conferences, our delegation from the women must be also very strong. They recognise us because, sometimes with due respect to some of those Commonwealth countries, they only talk. Whereas ours, it's our system, I think, that helps us. Some other places, semua pandai cakap saja. We always have women representatives, very strong representatives. These are the people that we always bring. There must be a continuity.

DE: How come so far in Malaysia nobody nominated a woman MP from the country to be head of the Commonwealth Women Parliamentarians?
Pandikar: You take turns. Maybe one day. The term of office is every three years.

DE: Regarding our present crop of women parliamentarians in Malaysia, how do they fare in Parliament? Are you happy with their performance? Are they up to the mark?
Pandikar: It depends on what issue they are talking about because if in Barisan Nasional (BN), for instance, some are professionals, the lawyers. Some of course are not. In PAS, some just talk about religion and other things. When they debate in Parliament, of course they will debate the thing that concerns them. But when you talk about a woman MP that you can throw them anywhere, then of course you can just pick a few. The Ketua Puteri of Umno now, she is a lawyer. Also articulate on some other things.



The Malaysian BN and opposition parliamentarians in Johannesburg last year.

I want to make changes: Pandikar