

Measures to Mitigate Covid-19 in the *Dewan Rakyat* (House of Representatives) of Malaysia: Implications to Parliamentary Privileges

*Muthanna Saari**

Abstract

The surge of Covid-19 cases worldwide has had its impact on how every institution discharges its functions, including the legislature. Governments, under the pretext of containing the spread of the virus, have paralysed parliament and incapacitated it from performing its duties, particularly its oversight function. This article explores the extent to which the standard operating procedures (SOP) for Covid-19 in the *Dewan Rakyat* (House of Representatives) of Malaysia should be permitted under the Federal Constitution of Malaysia on parliamentary procedure. Despite attempts to restrict parliament in many countries, legislatures such as in Canada, Australia and Brazil have demonstrated their ability to adapt and move progressively to minimise disruptions that the pandemic might cause to parliament. Taken together, legislatures' responses in times of Covid-19 offer an interesting impression of parliamentary privileges while also raise an important question of the role of parliament in representing people and checking the government actions.

Keywords: Dewan Rakyat, Parliamentary Privileges, Parliamentary Procedures, Standing Orders, Separation of Powers

Introduction

The devastation caused by the Covid-19 pandemic since it emerged in late 2019 has impacted how every institution discharges its functions, including the legislature. The scale of the damages is unprecedented to the extent that public health measures have always overridden the legislature's principal duty in checking the government into account.

* Muthanna Saari is a former Research Officer at the Parliament of Malaysia and currently a SLAB Fellow at the Faculty of Business and Economics, Universiti Malaya (UM). Email: muthanna@um.edu.my

The executive, using Covid-19 as its passkey, holds all the aces over the legislative in carrying out their action without adequate checks and balances from the legislative. The pandemic, thus, has presented unexpected challenges for the legislature to perform its duties while at the same time ensuring the government is successful in managing the disease. Despite Jean Blondel's term 'viscosity' on the legislature's role in slowing down the realisation of the executive's action and proposal,¹ the balance must be struck in times of emergency to allow necessary measures to be taken.

The concept of separation of powers between the three branches of government, the executive, the legislative, and the judiciary, marks a salient feature of legislative institutions' ability to function effectively. The feature is demonstrated in the power of a parliament to regulate its procedure, which is non-justiciable by any court of law. The power to regulate its proceedings without possible interference from the judiciary is essential for a parliament to carry out its functions, although a Westminster parliamentary system means that there is a fine relationship with the executive. As the executive is also part of the legislative, the separation between these two branches seems vague. Still, as noted in the Commonwealth Latimer House Principles on the Separation of Powers, 'each branch of government to restrain the exercise of authority to its own sphere to avoid encroaching on the legitimate discharge of constitutional functions by the other branches'.² Article 62 of the Federal Constitution of Malaysia provides Parliament with the power to regulate its procedure. The non-justiciability of parliamentary proceedings in any court is provided in Article 63; hence, the parliamentary privileges are protected under the Constitution.

This paper analyses the impact of the change of rules and procedures on parliamentary privileges in Malaysia's *Dewan Rakyat* (House of Representatives). Measures to mitigate Covid-19 had been taken to prevent the spread of the virus while allowing parliament sittings. It is imperative for such measures to be implemented since the Parliament of Malaysia still held to the traditional method of physical meetings with no remote participation permitted, citing the country's legal scheme preventing so. Therefore, the paper considers the implications of the rules

1 P. Norton, 'Parliamentary reform' (2002) 11(XI-3) *Revue Française de Civilisation Britannique French Journal of British Studies* 18 <<https://doi.org/10.4000/rfcb.696>>.

2 Commonwealth, *The Commonwealth Latimer House Principles Practitioner's Handbook* (London, Commonwealth Secretariat, 2017).

and procedures changes towards the right of parliamentarians to attend parliamentary sittings and the impact of member seating changes in the chamber against parliamentary privileges. The paper also assesses the extent to which the standard operating procedures (SOP) for Covid-19 in the *Dewan Rakyat* should be permitted under Article 62(1) of the Federal Constitution of Malaysia on 'regulating own procedures'.

In so doing, the paper compares the different ways in which other legislatures, such as the House of Commons, Canada, the House of Representatives, Australia, and the Chamber of Deputies, Brazil, carry out their legislative businesses in times of Covid-19. The progressive aspect of these legislatures departing from conventional parliamentary sittings is corroborated by their creative approach to ensuring that legislative institutions continue to function. This paper, therefore, sets out to assess the justification for measures taken to mitigate Covid-19 in the *Dewan Rakyat* against parliamentary privileges. Understanding the ultimate objective of legislative institutions should hold the key to carrying out any measures to circumscribe parliamentary functions. Inasmuch as public health measures are crucial, the check on the intelligibility of those measures is also pivotal.

Parliamentary privileges: right to attend and free representational mandate

The right of parliamentarians to attend parliamentary sittings is an inherent and indispensable right of a parliamentarian. It forms part of parliamentary privilege that allows parliamentarians to discharge their duty, and as Erskine May states, 'without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals'.³ The case of Richard Strode, a British Member of Parliament, marked the importance of the right to attend parliamentary sitting for parliamentarians to perform their functions. In 1512, as he attempted to introduce a bill to regulate the rights of tin miners in Dartmoor, Strode was arrested and imprisoned.⁴ Upon his release from imprisonment, the Privilege of Parliament Act, commonly known as

3 D. Natzler & M. Hutton, *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament Twenty-fifth Edition* (London, LexisNexis, 2019).

4 M. Saari & W.N. Wan Hasan, 'The Extent of the Right to Freedom of Speech and Expression for the Parliamentary Immunity and Privilege' (2020) 4 *The Asian Yearbook of Human Rights and Humanitarian Law* 206, 211 <https://doi.org/10.1163/9789004431768_010>.

Strode’s Act, was passed in Parliament, which gives immunity to bills or speeches in parliament.⁵

The centrality of the right to attend parliamentary sittings is shown in the motion moved in the House at the beginning of every session of Parliament, i.e. the first day of the sitting after Parliament commences after the General Election and the day after the King’s Royal Address for the subsequent new parliamentary session. The motion ordering the Inspector-General of Police to provide free passage to members of both Houses is moved by the Minister of Home Affairs as follows,

That this House orders the Inspector-General of Police to take care that during the present Session of this House the passages through the streets leading to this House be kept free and opened and that no obstruction be permitted to hinder the passages of Members to and from this House that there be no annoyance therein and thereabouts; and that Setiausaha Dewan Rakyat do communicate this Order to the Inspector-General of Police aforesaid.⁶

The motion passed in the House became an order or resolution that must be complied with, in this case by the Inspector-General of Police, to provide a safe passage to parliamentarians to attend Parliament. Any obstruction against members of Parliament to reach Parliament shall be deemed as violating the order or the resolution of the House.

The right to attend parliamentary sittings guarantees parliamentarians to exercise their free representational mandate. In contrast with an imperative mandate—parliamentarians are accountable to the electorate and are required by law to report regularly on their individual action and could be recalled if they are deemed to have betrayed the voters’ trust⁷—a free representational mandate ensures parliamentarians act independently and are not bound by certain special interest. The mandate is also illustrated in the oath taken by members of Parliament,

I,, having been elected (or appointed) as a member of the House of Representatives (or the

5 Privilege of Parliament Act 1512, s II <<https://www.legislation.gov.uk/aep/Hen8/4/8/section/II>>.

6 DR Order Paper 16 July 2018 <<https://www.parlimen.gov.my/files/opindex/pdf/OPDR16072018-Isnin.pdf>>.

7 M. Van der Hulst, *The Parliamentary Mandate: a global comparative study* (Geneva, Inter-Parliamentary Union, 2000) 10 <<https://www.ipu.org/resources/publications/reference/2016-07/parliamentary-mandate>>.

Senate) do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability, that I will bear true faith and allegiance to Malaysia, and will preserve, protect and defend its Constitution.⁸

A member of Parliament is a member of the House and, thus, is responsible for carrying out the legislative functions of the House. The notion of viscosity, as mentioned earlier, calls for parliamentarians to take the government into account in the interest of the people they represent. Despite being free allows parliamentarians to act according to their conscience and the larger nation's interest, the public has become increasingly demanding to see parliamentarians regularly and routinely account for their actions and duties as a legislator.⁹

Rules and procedures changes in the *Dewan Rakyat* due to Covid-19

The third meeting of the *Dewan Rakyat* in 2020, supposedly the most important meeting of which the Federal Budget will be tabled, was called amid the rising Covid-19 cases. There was a surge of Covid-19 cases in early November 2020, as later admitted by the government,¹⁰ which was caused by the Sabah State Election in September 2020. Before the election, the daily Covid-19 cases were kept below 100, however, there was a tenfold increase ahead of the parliamentary sitting in November 2020. The country, under the Recovery Movement Control Order had managed a steady containment of the disease since June 2020 but was put under a stricter Conditional Movement Control Order in November 2020.

Against the backdrop of increasing Covid-19 cases, the scheduled Third *Dewan Rakyat* Meeting took extra precautionary measures. Transparent barriers were installed between MPs' seats in the *Dewan Rakyat* to reduce the risk of infection of Covid-19. Having the transparent barriers allowed MPs to return to their designated seats in the main chamber, which previously were denied to several MPs due to physical distancing. In

8 Federal Constitution of Malaysia, sch 6 (emphasis added).

9 G. Power, *Global Parliamentary Report: the changing nature of parliamentary representation* (Geneva & New York, Inter-Parliamentary Union & United Nations Development Programme, 2012) 56 <https://www.undp.org/sites/g/files/zskgke326/files/publications/Global_Parliamentary_Report_English.pdf>.

10 'Emergency helped prevent further spike in Covid-19 cases, says Health DG' *The Edge Markets* (11 May 2021) <<https://www.theedgemarkets.com/article/emergency-helped-prevent-further-spike-covid19-cases-says-health-dg>> accessed 17 June 2021.

addition, MPs were required to undergo Covid-19 screening prior to the meeting and every fortnight during the sitting to ensure none had contracted the virus, thus reducing its spread to others. Furthermore, access to the Parliament building had been limited with a Police roadblock deployed only to allow MPs, parliamentary staff, and those with a negative result of Covid-19 screening to enter.

On top of all the safety measures taken, the Speaker of the *Dewan Rakyat* also introduced new rules and procedures for the House proceedings. Ahead of the Budget 2021 tabling in the *Dewan Rakyat* by the Minister of Finance on 6 November 2020, the Speaker made a ruling affecting the House's changes in rules and procedures. He necessitated the changes as a preventive measure to ensure the safety of proceedings in the House. Interestingly, the ruling was made through a consultation called the *Dewan Rakyat* business coordination meeting with all party whips of major blocks in the House consisting of 11 members, including the Speaker.¹¹

As a result, the Speaker announced nine changes on a temporary basis through a Speaker's ruling on 5 November 2020.¹² The changes are listed as follows:

1. Changes in the *Dewan Rakyat* proceedings commenced from Monday, 9 November 2020, until Tuesday, 15 December 2020, as follows:
 - (i) Sitting of the *Dewan Rakyat* began at 10.00 a.m. and continued until 2.00 p.m.
 - (ii) The Question Time session for oral answers on Mondays and Wednesdays was shortened to one hour from 10.00 a.m. until 11.00 a.m. The Question Time session for oral answers on Tuesdays and Thursdays was shortened to 55 minutes from 10.05 a.m. until 11.00 a.m. Only one supplementary question was permitted, and it had to be brief.
 - (iii) The Minister's Question Time was held on Tuesdays and Thursdays for five minutes from 10.00 a.m. The Member who put the question was called to read his or her question,

11 Party whips involved were from PPBM, UMNO (2 members), GPS, PAS (2 members), DAP, PKR, AMANAH and WARISAN. Seven independent MPs were not represented in this consultation meeting.

12 DR Deb 5 November 2020, Bil. 30, 2-4 <<https://www.parlimen.gov.my/files/hindex/pdf/DR-05112020.pdf>> accessed 30 January 2022.

and the answer was given in writing on the same day. Both questions and answers were published in the Parliament's portal as soon as possible.

2. Debates on the Budget 2021 at the policy level were held for eight days from Monday, 9 November 2020, until Thursday, 19 November 2020.
3. Replies by Ministers at the policy level remained for three days from Monday, 23 November 2020, until Wednesday, 25 November 2020.
4. Debates on the Budget 2021 at the committee level were held for 11 days from Thursday, 26 November 2020, until Tuesday, 15 December 2020.
5. The number of sittings was to be extended for another two days, i.e. Wednesday, 16 December 2020, and Thursday, 17 December 2020, if required.
6. Provided the proceedings of the *Dewan Rakyat* ended at 5.30 p.m. according to the existing Order Business, there would be a total of 89 hours and 30 minutes for Members to debate, including replies by Ministers for the Budget 2021 at the policy and committee level. The new time limits would see the total hours for debates and replies at both policy and committee levels reduced to 66 hours.
7. The attendance of Members throughout the Third Meeting of 2020, including the Budget 2021 tabling session, is as follows:
 - (i) Limited to 80 members at one time in the main chamber, including the debating Member. The attendance breakdown was 41 members from the government bench and 39 from the opposition and independent bench.
 - (ii) Each party determined the attendance of its members in the main chamber.

The Secretary of the *Dewan Rakyat* distributed a special pass to the Member for Kota Bharu to coordinate the attendance for members of the government bench. Member for Sungai Petani coordinated the attendance for members of the opposition and independent bench.

8. The Member's attendance record in the *Dewan Rakyat* procedure is as follows:
 - (i) The 80 Members with the special pass to enter the main chamber had to record their attendance through their laptop's system as usual.
 - (ii) Members who were not given the special pass could record their attendance at Door 3 of the Main Block and the main entrance of the MP and Administration Block, Parliament of Malaysia. A number of serjeants-at-arms were stationed at both locations to assist Members in recording their attendance.
9. The voting process through division was amended. When a division had been ordered, the bell rang for two minutes, followed by a 10-minute break. Another two minutes bell would ring afterward before the division started. All members were permitted to enter the main chamber to vote.

Comparison with parliaments of Canada, Australia and Brazil

States and legislatures worldwide have been grappling with Covid-19 to discharge their functions properly. While governments were taken into tasks of overcoming the virus and protecting the health and lives of their people, legislatures, on the other hand, faced challenges in checking executive dominance in times of crisis. Despite being the highest law-making institution, legislatures were left struggling to play their law-making and oversight role. Covid-19 has exposed the strengths and weaknesses of many legislative systems in the world. Indeed, the state of emergency has further substantiated the government's expediency in bypassing the legislature's role in their actions. The situation has raised questions about the balance between executive law-making and parliamentary law-making inter alia whether the pandemic has been used to marginalise the legislature and its functions.¹³

On a micro level, legislatures' functions have been reduced under the pretext of limitation on parliamentary rules and regulations. Moreover, constitutional provisions have constantly been referred to by the Speaker

13 R. Cormacain & I. Bar-Siman-Tov, 'Legislatures in the Time of Covid-19' (2020) 8(1-2) *The Theory and Practice of Legislation* 3 <<https://doi.org/10.1080/20508840.2020.1816017>>.

of the *Dewan Rakyat* as a hindrance to parliament's ability to operate amidst the pandemic.¹⁴ Nevertheless, legislatures have been adapting to the situation of Covid-19 in each country and have responded through various approaches and mechanisms. As will be shown in this paper, legislatures have had their procedures improvised, particularly adapting technologies to enable their operations. In this regard, Philip Norton points out that the Covid-19 crisis has created two unprecedented threats to legislatures: first, the process in which legislature performs its duties, and second, the substance of the legislature's function, especially in dealing with the sweeping executive powers.¹⁵

After dealing with Covid-19 for more than a year, the sharing of practices and the utility of technology in legislatures is now widely available. The Inter-Parliamentary Union (IPU), the global organisation of national parliaments, updates a compilation of parliamentary responses to the pandemic.¹⁶ Moreover, in the context of the latest innovation in parliament, the IPU Innovation Tracker has a more detailed sharing of practices, including practices during the pandemic.¹⁷ INTER PARES, a European Union (EU) global project to strengthen parliaments' capacity, has a data tracker for parliamentary responses during the pandemic.¹⁸ Presented as a dashboard, parliamentary practices could be grouped and filtered based on preset procedures. The Commonwealth Parliamentary Association (CPA) published a toolkit for Commonwealth parliaments for practice-sharing purposes, and it contains practical guidance and strategies for parliaments in response to the Covid-19 outbreak.¹⁹

14 A. Harun, 'Danger of quoting the constitution selectively for political purposes' *MalaysiaNow* (30 May 2021) <<https://www.malaysianow.com/opinion/2021/05/30/danger-of-quoting-the-constitution-selectively-for-political-purposes>> accessed 9 December 2023.

15 P. Norton, 'Global Legislative Responses to Coronavirus' (2020) 8(3) *The Theory and Practice of Legislation* 237 <<https://doi.org/10.1080/20508840.2020.1818369>>.

16 'Country Compilation of Parliamentary Responses to the Pandemic' *Inter-Parliamentary Union* (2020) <<https://www.ipu.org/country-compilation-parliamentary-responses-pandemic>> accessed 30 January 2022.

17 'IPU Innovation Tracker' *Inter-Parliamentary Union* (2020) <<https://www.ipu.org/knowledge/ipu-innovation-tracker>> accessed 30 January 2022.

18 'INTER PARES Parliamentary Data Tracker' *INTER PARES* (2020) <<https://www.inter-pares.eu/inter-pares-parliamentary-data-tracker>> accessed 30 January 2022.

19 CPA, *COVID-19: CPA Toolkit for Commonwealth Parliaments* (London, Commonwealth Parliamentary Association (CPA), 2020) <<https://www.cpaq.org/media/gb1athp1/cpa-toolkit-covid-19-coronavirus-e-version.pdf>>.

The House of Commons, Canada

The House of Commons Canada established a Special Committee on the COVID-19 Pandemic (COVI) on 20 April 2020. The Committee, consisted of all members and chaired by the Speaker, met to consider ministerial announcements, allowing Members to present petitions, make statements, and question ministers, including the Prime Minister, regarding the Covid-19 pandemic and other matters. The Committee meetings took place in the main chamber, and members could participate in person or via videoconference and continued to meet until 18 June 2020.²⁰ In the Standing Committee on Procedure and House Affairs (PROC) report mandated to study ways for Parliament to continue its business during the pandemic, the Committee had suggested fully virtual and hybrid sittings of the House to support the House's function as a deliberative assembly.²¹

Members who participated in proceedings in person or remotely, maintained their usual parliamentary privileges. In presenting its report, the PROC raised at least four key procedural issues: the presence of members (quorum), the tabling of documents, reports and returns, participation in proceedings, and decision-making. The quorum of the House, as in the Constitution of Canada and the Standing Orders, states that at least 20 members must be present to constitute the meeting of the House. However, the exclusive rights of the House to regulate its internal affairs leave the definition of 'presence', hence Standing Order 29(1), was amended to clarify the remote participation of members count for quorum purposes.

Another procedural issue worth considerable attention towards parliamentary privileges is members' participation in proceedings and making a decision. Virtual participation provides certain challenges, particularly to the Chair, in preserving order and decorum while maintaining members' privileges. Impromptu speaking to raise points of order, questions of privilege, and making comments after a speech would be enabled through features built into the videoconferencing system. Decision-making in a virtual proceedings environment would require

20 H. Bradley, *Fact Sheet: Special Committee on the COVID-19 Pandemic (COVI)* (Ottawa, House of Commons Canada, 2020) <<https://www.ourcommons.ca/Content/Newsroom/Articles/Factsheet-Special-Committee-COVID-19-EN-May-27.pdf>>.

21 A. Rota, *VIRTUAL CHAMBER: A Report in Response to the Statement of the Speaker of the House on April 8, 2020* (Ottawa, House of Commons Canada, 2020) <https://www.ourcommons.ca/content/Committee/431/PROC/WebDoc/WD10754665/431_PROC_reldoc_PDF/MP-RotaAnthony-2020-05-11-e.pdf>.

the Chair to cautiously ensure that the will of all participating members is understood. This includes the objection to requests of unanimous consent, required numbers for division requests, and finally, the recorded division method for all participating members. Changes to procedures were adopted in the House on 25 January 2021; these involve measures such as the suspension of standing orders, reinterpretation of particular standing orders to accommodate changes and voting mechanisms for both members participating in person and remotely.²²

The House of Representatives, Australia

As early as 23 March 2020, the House of Representatives Australia, too, adopted a Resolution entitled ‘Special provisions for human biosecurity emergency period’. The House resolved that it would meet in a manner and form not otherwise provided in the standing orders with the agreement of the Leader of the House and the Manager of Opposition Business. The manner in which members were present, so as to achieve a quorum, were determined by the Speaker. Secondly, the agreement of the Leader of the House and the Manager of Opposition Business was needed for any consequent changes to the rules and orders to enable such a meeting.²³ In another resolution to allow remote participation in proceedings, the House authorised using an official video facility. Members’ attendance and contribution through the official video facility would be recorded in the Votes and Proceedings of the House.²⁴

Two important circumstances could be summarised from the agreement of the Leader of the House and the Manager of Opposition Business for members to contribute remotely to parliamentary proceedings. Firstly, members could only participate remotely using the official parliamentary video facility at either an Electorate Office or a Commonwealth Parliament Office. Second, members participating remotely were stripped of certain rights, such as voting or being counted for the quorum, moving or

22 Canada HoC Journals 25 January 2021, No. 49, 1-4 <<https://www.ourcommons.ca/Content/House/432/Journals/049/Journal049.PDF>>.

23 Australia HoR Deb 23 March 2020, 2769-71 <https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/bead2837-76c9-4ce9-952b-eafe8e2d614f/toc_pdf/House%20of%20Representatives_2020_03_23_7656_Official.pdf;fileType=application%2Fpdf>.

24 Australia HoR Deb 24 August 2020, 5040-1 <https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/29e6e8cb-9928-4774-850a-c2018b9b3e7e/toc_pdf/House%20of%20Representatives_2020_08_24_7992_Official.pdf;fileType=application%2Fpdf>.

seconding any motion, calling for a division, or calling for a quorum to be counted. Since voting was not permitted for members participating remotely, an already established pairing system —

can be used to enable a Member on one side of the House to be absent for any votes when a Member from the other side is to be absent at the same time or when, by agreement, a Member abstains from voting. By this arrangement a potential vote on each side of a question is lost and the relative voting strengths of the parties are maintained.²⁵

Notwithstanding deprived rights for members participating remotely, it must be noted that the practices were substituted with other procedures to accommodate the emergency period caused by the pandemic. Another essential practice to mention is the working democracy in terms of fairness between the government and opposition in reaching consensus. The fairness in the House was exemplified in the amendment of Standing Order 47(c)(ii) on the suspension of standing orders. The original provision ‘can be carried only by an absolute majority of Members’ was amended to include words ‘or by a majority of Members present if agreed by the Leader of the House and the Manager of Opposition Business’.

The Chamber of Deputies, Brazil

The Chamber of Deputies Brazil was relatively quick in putting forward a solution for Parliament to convene during the Covid-19 pandemic. On 17 March 2020, the Chamber approved Resolution No. 14/2020 to establish a Remote Deliberation System (SDR) enabling virtual plenary sessions of the House. The Brazilian Federal Senate also approved the SDR as the solution for parliamentary business in times of emergency. The SDR is defined as —

a technological solution that makes it possible to discuss and vote on matters, to be used exclusively in situations of war, social upheaval, public calamity, pandemic, epidemiological emergency, collapse of the transport system or situations of force majeure that prevent or make it impossible for the Senators to meet in person in the National Congress building or in another physical location.²⁶

25 D. Elder & P. Fowler (eds), *House of Representatives Practice Seventh Edition* (Canberra, Department of the House of Representatives, 2018) 283.

26 *Technology Transfer Handbook Remote Deliberation System of the Brazilian Federal Senate* (Brasília, Senado Federal, 2020) 8 <http://www.senado.leg.br/senado/hotsites/sdr/pdf/SDR_SF_DS_V162_eng.pdf>.

The Resolution specifically emphasised the mechanism for virtual plenary proceedings and the voting procedure, which, as the Resolution stated, ‘must preserve the confidentiality’ and ‘will occur entirely in [the] institutional systems of the Chamber of Deputies’.²⁷

Therefore, the videoconferencing system utilising the Zoom application was integrated with the InfoLeg mobile app to provide attendance recording, and the voting mechanism was used for virtual proceedings. The SDR allowed all 513 members to participate virtually, although some MPs, usually party leaders,²⁸ were allowed to present physically in a place named the ‘Tribune’ if they chose to. The InfoLeg app, which had already existed to provide information on all bills, including the full text of bills and any amendments, was upgraded to incorporate secure voting during virtual proceedings. Data security remained essential, as emphasised in Article 3(IV) of the Resolution, ‘no technological solution used by the SDR will involve the transfer of biometric data from parliamentarians over the Internet’. The first virtual proceedings for the Chamber of Deputies Brazil held on 25 March 2020, showed determination to ensure Parliament continued its operation, as stated by the Secretary-General of the Board of the Brazilian Senate, ‘in times of crisis, Parliament cannot stop’.

Circumscription of the right to attend to parliamentary proceedings

The rules and procedures changes in the *Dewan Rakyat* were to be affected from the Budget 2021 tabling day on 6 November 2020, until the end of the session. However, as early as the Budget 2021 tabling day, the 80 members attendance in the main chamber ruling was challenged by the present members. Members from both political divides supported allowing all members to be present in the main chamber, specifically for the Budget 2021 tabling. In defending the ruling, the Minister of Law argued that the challenges were a *functus officio* as the ruling was agreed earlier. As pressure from members mounted, the Speaker finally allowed all members to be present in the main chamber.²⁹ It begs the

27 ‘Resolution of the Brazilian Chamber of Deputies No. 14/2020’ *Camara Dos Deputados* (2020) <https://virtual.camara.leg.br/static/arquivos/Resolution_14_2020_ENGLISH.docx>.

28 Messages with Tadeu Cariolano dos Santos from Chamber of Deputies Brazil during the IPU Virtual e-Parliament Conference (17 June 2021).

29 DR Deb 6 November 2020, Bil. 31, 1-6 <<https://www.parlimen.gov.my/files/hindex/pdf/DR-06112020.pdf>>.

question of the logic of the limitation of members to be present in the main chamber since the decision had been overturned earlier without regard to why it was so.

Some of the changes were implemented through the suspension of standing orders. Standing Order 90(2) was repeatedly used to suspend relevant provisions relating to the shortened time of parliamentary questions and Minister's Question Time, the time change for the Special Chamber proceedings, and the procedure for Minister's Question Time being conducted.³⁰ Other changes were implemented, believed to be under the power of the Speaker, and in pursuance of Article 62(1) of the Federal Constitution on the House's prerogative in regulating its procedure.

The political context in which the government and Parliament operated during the pandemic³¹ would further problematise the reasons for other rules and procedures made throughout the sittings. It is worth questioning the government's political will to ensure the legislative institution is not heavily impeded by measures taken to fight the spread of the disease. As time is the legislature's most valuable commodity, the shortened time of parliamentary sittings has suffocated the legislature's role in carrying out its duties effectively, let alone in effectuating the notion of viscosity upon the government's legislative action. One, instead of the usual three supplementary questions allowed during the already shortened parliamentary question time, has put democratic accountability at risk. Furthermore, the way in which the Minister's Question Time was conducted, held for five minutes for questions to be read and only for the answer to be given in writing and posted on the Parliament's website, raises worrying concerns over the weakening of democracy practices.

Daily Police roadblocks leading to the Parliament building set in adhering to the Covid-19 parliamentary SOPs, albeit standing in the way of free and clear access for members, could be regarded as a health and safety precaution in limiting other than parliamentarians' presence in Parliament. However, during the Special Meeting of the *Dewan Rakyat* in July 2021, parliamentarians were entirely blocked from entering

30 Detailed discussions on the suspension of standing orders in M. Saari, 'Legitimacy of the Suspension of Standing Orders: The Case of the *Dewan Rakyat* (House of Representatives) of Malaysia' (2023) 76(3) *Parliamentary Affairs* 719, <<https://doi.org/10.1093/pa/gsab063>>.

31 Z. Azmi, 'Government's Powers During an Emergency' (2021) 1 *Journal of the Malaysian Parliament* 18, 19 <<https://doi.org/10.54313/journalmp.v1i.29>>.

Parliament, with Police roadblocks set on every road leading to the Parliament building.³² While public health concerns citing Covid-19 cases detected during the five-day parliamentary sitting as the reason for the shutdown, political reasons of the royal reprimand relating to the government's statements on emergency ordinances revocation made in Parliament were argued to have caused the remaining scheduled meeting to be postponed.³³

The incident raises the question of whether the right of members to enter and attend Parliament has been violated. Firstly, the motion ordering the Inspector-General Police to guarantee the safe passage for members that was passed at the beginning of every parliamentary session, usually takes effect for the whole parliamentary session until the next session, as traditionally it is unless otherwise provided.³⁴ Secondly, the impact of the motion on others outside the House, that is in this motion, the Inspector-General of Police, may be limited. The limitation of parliamentary orders on outsiders was shown in *Stockdale v Hansard (1839)*, in which the court ruled that an order of the House of Commons alone was inadequate to protect a person carrying out the order under the parliamentary privilege provision. Therefore, despite the validity of the motion to provide the right to attend for parliamentarians explicitly orders for free passage and prohibits any obstruction to Parliament, it seems that the Police roadblock under the pretext of Covid-19 has, one way or another, caused annoyance towards parliamentarians heading to Parliament.

In addressing the issue of parliamentary privilege limitations on the outside world, an Act of Parliament may be enforced to broaden the power of the House. As such, the Houses of Parliament (Privileges and Powers) Act 1952 (Act 347 onwards) stipulates such an obstruction as an offence and shall be punished for contempt of the House.³⁵ Despite the provision that protects the right to attend for members of Parliament, the relatively low threshold of the punishment of such an offence, makes the

32 'Malaysia opposition MPs gather at Merdeka Square after being blocked from entering parliament' *Channel News Asia* (2 August 2021) <<https://www.channelnewsasia.com/asia/malaysia-opposition-dataran-merdeka-parliament-postponed-covid19-2084501>> accessed 14 February 2022.

33 'Malaysian premier faces calls to resign after palace rebuke' *Reuters* (29 July 2021) <<https://www.reuters.com/world/asia-pacific/malaysian-premier-faces-calls-resign-after-palace-rebuke-2021-07-29/>> accessed 10 December 2023.

34 Elder & Fowler (n 25) 314.

35 Houses of Parliament (Privileges and Powers) Act 1952, s 9(e).

provision contradictorily with the nature of parliamentary privileges. Moreover, the statute has not been utilised to the extent that other lesser legislation used to reprimand such an obstruction offence. In 2017, eight people were charged at a magistrate court for attempting to attack Member of Parliament for Shah Alam at the parking lot of Parliament Complex in November 2016. Instead of the protection under the parliamentary privilege provision, the perpetrators were only subjected to the lesser legislation of the Minor Offences Act 1955,³⁶ which carries a fine not exceeding MYR100 conviction.³⁷

However, in an earlier incident in 2009, the House punished four members of a political party who confronted and mobbed a wheelchair-bound Member of Parliament for Bukit Gelugor in the Parliament's compound under Act 347.³⁸ In a rare move, a special committee was formed and chaired by the then Speaker of the *Dewan Rakyat* to investigate the incident for parliamentary contempt.³⁹ The committee proposed that those involved in obstructing the member of Parliament from entering the House be fined MYR1,000 each under Section 9(e) of Act 347.⁴⁰ These occurrences demonstrate that obstruction that violates the right to attend for parliamentarians is not tolerated, although the varying degree of punishment signals inconsistencies in protecting the sanctity of Parliament.

The Speaker's ruling to limit parliamentarians' attendance to parliamentary sitting in the main chamber of the *Dewan Rakyat* thus raises serious concerns over the right to attend. Understandably made to contain the spread of Covid-19, the ruling, albeit legitimate as the House shall regulate its procedure, is still contentious against the free representational mandate of parliamentarians. Having limited access to attend parliamentary sittings, how do MPs perform their duties and act according to their conscience? MPs are not bound to the specific slot

36 Minor Offences Act 1955, s 14.

37 '8 who attempted to attack Amanah MP outside Parliament charged' *New Straits Times* (3 April 2017) <<https://www.nst.com.my/news/2017/04/226858/8-who-attempted-attack-amanah-mp-outside-parliament-charged>> accessed 16 February 2022.

38 'RM1,000 fine for Umno Youth leaders who obstructed Karpal (Update)' *TheStar* (30 June 2009) <<https://www.thestar.com.my/news/nation/2009/06/30/rm1000-fine-for-umno-youth-leaders-who-obstructed-karpal-update>> accessed 16 February 2022.

39 DR Deb 26 February 2009, Bil. 8, 115 <<https://www.parlimen.gov.my/files/hindex/pdf/DR-26022009.pdf>>.

40 DR Deb 2 July 2009, Bil. 34, 70-122 <<https://www.parlimen.gov.my/files/hindex/pdf/DR-02072009.pdf>>.

given to them either in debating motions or bills or posing parliamentary questions. Their mandate includes arguing and counter-arguing any other matters raised in the House, which are carried out deliberatively among members. The attendance of MPs to parliamentary sitting would guarantee their ability to perform their representative function, which is otherwise impaired if they are stripped of the right to attend Parliament.

The importance of the right to attend for MPs is demonstrated in other legislatures in times of Covid-19. As shown in Canada, Australia, and Brazil, although physical attendance in the House was limited, an alternative attendance method was made available to MPs. The responsiveness of the House to immediately establish ways for parliaments to continue their business amid the uncertainty in the early stages of the virus spread marks the House's percipience. Such a restriction that does not deprive the principal right of MPs to attend and perform their duties would be understandable in its intention to contain the spread of the virus in the parliament precinct. The realisation, or otherwise, of the right to attend has escalated the parliamentary privileges issue, as this right constitutes a parliamentarian's fundamental principle. In the section that follows, related issues arising from the right to attend for MPs are discussed, and its implications on parliamentary privileges.

Members' seating and implication to parliamentary privileges

The 80 members limit at one time in the *Dewan Rakyat* is imposed by the SOP for parliamentary proceedings that stipulate that at least a metre of physical distancing must be observed in the main chamber.⁴¹ The limit represents only one-third of the total members of the House, thus denying the larger remaining members from attending the sitting. The rule seems rigid as to why alternatives were not in place to accommodate every member's right to attend. The Speaker argued that the limitation resulted from the King's Proclamation for parliamentary proceedings to be held in the Parliament building.⁴² The Federal Constitution Proclamation summoning Parliament for the First Meeting of the Third Session of the Fourteenth Parliament stipulated the date and time, including the place

41 'SOP Pelaksanaan Persidangan Parlimen dikemaskini pada 9 September 2020' *National Security Council* <<https://asset.mkn.gov.my/web/wp-content/uploads/sites/3/2021/01/SOP-PELAKSANAAN-PERSIDANGAN-PARLIMEN.pdf>> accessed 25 February 2022.

42 'Speaker: Dewan Rakyat sitting cannot be held virtually' *New Straits Times* (23 October 2020) <<https://www.nst.com.my/news/nation/2020/10/634658/speaker-dewan-rakyat-sitting-cannot-be-held-virtually>> accessed 24 February 2022.

of the meeting, as accorded by Clause (1) of Article 55 of the Federal Constitution.

However, as stated in the Proclamation, the initial date of Monday, 9 March 2020, was varied by the Prime Minister as the Leader of the House to Monday, 18 May 2020.⁴³ The change was made under paragraph (2) of Standing Order 11, which allows the Leader or the Deputy Leader of the House to vary the dates appointed by the King from time to time. The Standing Order only allows for variation of the dates but not the place of the first sitting in each session, hence the Speaker's argument that the sitting location is as decreed by the King. Notwithstanding, the provision in the Standing Orders raises an issue as to whether the subsequent sittings' place is bound to the King's Proclamation since it explicitly specifies details for the first sitting of the session.

How can other legislatures that practise a Westminster system be more flexible in allowing remote participation in parliamentary proceedings? For example, the Proclamation of the Governor-General of the Commonwealth of Australia summoning Parliament has provisions similar to Malaysia's King's Proclamation. It contains the date and time and states the Parliament House as the place to hold a session of the Parliament instead of the first sitting of the session.⁴⁴ Despite the very exact nature of the Proclamation, the Australian House of Parliament was still able to allow remote participation of members in parliamentary proceedings, as has been resolved on 23 March 2020 by way of that the remote participation of MPs is not considered to be in attendance and not counted for quorum purposes.

The enabling of remote participation by MPs in parliamentary proceedings legitimises such participation to be protected by parliamentary privileges, the same way as MPs participating in person.⁴⁵ It is not difficult for the Speaker to rule that parliamentary privileges cover the remote participation of Members since the Standing Orders have enabled parliamentary committees to conduct their proceedings using

43 P.U. (A) 144/2020 <[https://lom.agc.gov.my/ilims/upload/portal/akta/output/pua_20200506_P.U.%20\(A\)%20144.pdf](https://lom.agc.gov.my/ilims/upload/portal/akta/output/pua_20200506_P.U.%20(A)%20144.pdf)>.

44 Australia HoR Votes and Proceedings 2 July 2019, 1 <https://parlinfo.aph.gov.au/parlInfo/download/chamber/votes/cf860efb-2aae-4521-aaab-79bb79f14428/toc_pdf/rep-vp.pdf;fileType=application%2Fpdf#search=%22chamber/votes/cf860efb-2aae-4521-aaab-79bb79f14428/0000%22>.

45 Australia HoR Votes and Proceedings 24 August 2020, 1029 <https://parlinfo.aph.gov.au/parlInfo/download/chamber/votes/e8769b7c-8f58-42c3-8bbc-700f3420583d/toc_pdf/rep-vp.pdf;fileType=application%2Fpdf#search=%22chamber/votes/e8769b7c-8f58-42c3-8bbc-700f3420583d/0000%22>.

audio-visual or audio links with members of the committee or witnesses not present in one place.⁴⁶ Apart from the precedent of parliamentary committees' audio-visual proceedings, it is logical for remote participation by a member, complying with every rule and procedure of the House, to also be protected by parliamentary privileges.

There were wide senses of missed opportunity when Parliament opted to refrain from proceedings with plans to incorporate progressive procedures in its businesses the way other legislatures were willing to do. Technological and cybersecurity concerns, limitations on the Standing Orders, legal immunity and the way remote participation is conducted have been cited as the reasons why a hybrid parliament was not put into action.⁴⁷ The latter, including the way intervention during debates could take place and how voting could be done, as elaborated by the Speaker of the *Dewan Rakyat*, is not an easy task to devise, hence shooting down the hybrid parliament proposal.⁴⁸ Notwithstanding the outright reference to the Australian practice of the inability for remote participants to vote, the pairing system, as elaborated in this paper, is the solution to ensure fairness while allowing parliamentary proceedings to take place. Therefore, the pandemic, has been a blessing in disguise for legislative institutions to learn best practices from other legislatures with readily available resources compiled by IPU, INTER PARES and CPA.

The second issue of the limitation to attend parliamentary sitting is reflected in the seating arrangement in the *Dewan Rakyat*. The physical distancing regulation deprived certain members of their designated seats and moved them to other parts of the main chamber, namely in the officer seats behind members' seats in both aisles and the public gallery. The rearrangement caused difficulties for members seated in other parts of the chamber as their access to speak had been constrained by the limited number of available microphones, including lower visibility from the Speaker to get a chance to speak compared to members in their designated seats. This, in turn, denied an MP's free representational mandate to voice out his or her view in the House at his or her will.

46 Australia HoR Standing Orders, SO.235.

47 '5 reasons why hybrid Parliament wasn't implemented' *Free Malaysia Today* (24 August 2021) <<https://www.freemalaysiatoday.com/category/nation/2021/08/24/5-reasons-why-hybrid-parliament-wasnt-implemented/>> accessed 9 December 2023.

48 'I'm not all-powerful, speaker tells critics on challenging road to hybrid Dewan debates' *MalaysiaNow* (10 June 2021) <<https://www.malaysianow.com/news/2021/06/10/im-not-all-powerful-speaker-tells-critics-on-challenging-road-to-hybrid-dewan-debates>> accessed 9 December 2023.

Nevertheless, the seating arrangement raises parliamentary privileges on the boundaries of the chamber that, at the time was considered for the protection of parliamentary immunity. Based on the practice and rulings of the Speaker, the public gallery and the government officials' gallery shall be regarded as part of the debating chamber for MPs. Furthermore, the public gallery was also designated for members under the Home Surveillance Order by the Ministry of Health to vote for any proposed bills or motions. These MPs must don complete personal protective equipment (PPE) before being allowed to attend and cast their vote.⁴⁹ The Standing Orders of the *Dewan Rakyat* are silent on the definition of members area in contrast with Australian practice, which defines the area for members and voting procedures in terms of the place eligible for voting.⁵⁰ Therefore, this ruling might be construed to have expanded the boundaries of members' seats and the permitted area to vote, which will have an implication on parliamentary privileges.

Conclusion

This paper has discussed the measures to mitigate Covid-19 in the *Dewan Rakyat* and the implications towards parliamentary privileges. The standard operating procedures and the Speaker's rulings for parliamentary proceedings were meant to contain the spread of the virus, although they contended to have deprived parliamentarians of certain rights and privileges. The paper has shown that most of the decisions concerning the procedure for parliamentary proceedings made on the basis of the House shall regulate its procedure. Drawing out from this power lies the principles of separation of powers in which Article 63 of the Federal Constitution of Malaysia guarantees parliamentary immunity from being questioned in the courts of law. 'A hands-tied approach' has been primarily adopted by the courts in relation to matters brought before them for adjudication,⁵¹ signifying a near-absolute power for Parliament to determine its procedures.

As exemplified by other legislatures, the willingness to adapt and depart from conventional practices ensures Parliament continues its

49 'MPs under HSO wear PPE to vote for Supply Bill in Dewan Rakyat' *New Straits Times* (14 December 2020) <<https://www.nst.com.my/news/nation/2020/12/649315/mps-under-hso-wear-ppe-vote-supply-bill-dewan-rakyat>> accessed 3 March 2022.

50 Australia HoR Standing Orders, SO.2 & SO.128-129.

51 H.A. Kadouf & A.O. Sambo, 'Justiciability of Legislative Proceedings: A Legal Analysis of the Malaysian Courts' Approach' (2013) 21(2) *IJUM Law Journal* 233 <<https://doi.org/10.31436/ijumlj.v21i2.103>>.

sittings as the House is the master of its procedures. However, the same could not be said for the way in which the *Dewan Rakyat* mitigated the risk of Covid-19 while trying to carry out its legislative business as usual. Almost all changes in rules and procedures were temporary and ceased to be implemented once Parliament is back to normal times, except the rule on the voting process through division, which has been carried over into the mainstream of parliamentary procedure. It is also notably evident from the House of Representatives, Australia and the House of Commons, Canada, which have had their Standing Orders amended and incorporated with changes made during the pandemic, whereas no amendment to the Standing Orders of the *Dewan Rakyat* took place.

One of the more significant findings to emerge from this paper is that the parliamentarian's free representational mandate is closely related to his or her rights and privileges under the parliamentary privileges. The right to attend constitutes the building block of an MP's representative function, without which the free representational mandate could not be fulfilled. The Standing Orders provide adequate provision for the House, headed by the Speaker, to introduce and enforce rules and regulations to allow Parliament to perform its functions in times of the Covid-19 pandemic. The Speaker, through Standing Order 100, is given residuary powers to regulate any matters not specifically provided in the Standing Orders, as long as they are not inconsistent with the other orders.

Although the House is the master of its procedure and matters related to parliamentary proceedings are non-justiciable before courts of law, the percipience of the House is most sought-after in determining its procedure. Beyond everything, measures taken to mitigate the risk of Covid-19 in Parliament must be done reasonably as not to impede the rights and mandate of parliamentarians, parliamentary privileges and the functions of parliament, as 'there is also real danger of legislator's overestimating the [health] risk, and responding by taking unjustified and irrational decisions about their continued operation.'⁵²

Acknowledgement

An early draft of this paper was presented at the Fifteenth Workshop of Parliamentary Scholars and Parliamentarians, Wroxton College, Oxfordshire, United Kingdom, 30-31 July 2022.

52 I. Bar-Siman-Tov, 'Covid-19 meets politics: the novel coronavirus as a novel challenge for legislatures' (2020) 8(1-2) *The Theory and Practice of Legislation* 11 <<https://doi.org/10.1080/20508840.2020.1800250>>.

References

- '5 reasons why hybrid Parliament wasn't implemented' *Free Malaysia Today* (24 August 2021) <<https://www.freemalaysiatoday.com/category/nation/2021/08/24/5-reasons-why-hybrid-parliament-wasnt-implemented/>> accessed 9 December 2023.
- '8 who attempted to attack Amanah MP outside Parliament charged' *New Straits Times* (3 April 2017) <<https://www.nst.com.my/news/2017/04/226858/8-who-attempted-attack-amanah-mp-outside-parliament-charged>> accessed 16 February 2022.
- 'Country Compilation of Parliamentary Responses to the Pandemic' *Inter-Parliamentary Union* (2020) <<https://www.ipu.org/country-compilation-parliamentary-responses-pandemic>> accessed 30 January 2022.
- 'Emergency helped prevent further spike in Covid-19 cases, says Health DG' *The Edge Markets* (11 May 2021) <<https://www.theedgemarkets.com/article/emergency-helped-prevent-further-spike-covid19-cases-says-health-dg>> accessed 17 June 2021.
- 'I'm not all-powerful, speaker tells critics on challenging road to hybrid Dewan debates' *MalaysiaNow* (10 June 2021) <<https://www.malaysianow.com/news/2021/06/10/im-not-all-powerful-speaker-tells-critics-on-challenging-road-to-hybrid-dewan-debates>> accessed 9 December 2023.
- 'INTER PARES Parliamentary Data Tracker' *INTER PARES* (2020) <<https://www.inter-pares.eu/inter-pares-parliamentary-data-tracker>> accessed 30 January 2022.
- 'IPU Innovation Tracker' *Inter-Parliamentary Union* (2020) <<https://www.ipu.org/knowledge/ipu-innovation-tracker>> accessed 30 January 2022.
- 'Malaysia opposition MPs gather at Merdeka Square after being blocked from entering parliament' *Channel News Asia* (2 August 2021) <<https://www.channelnewsasia.com/asia/malaysia-opposition-dataran-merdeka-parliament-postponed-covid19-2084501>> accessed 14 February 2022.
- 'Malaysian premier faces calls to resign after palace rebuke' *Reuters* (29 July 2021) <<https://www.reuters.com/world/asia-pacific/malaysian-premier-faces-calls-resign-after-palace-rebuke-2021-07-29/>> accessed 10 December 2023.

'MPs under HSO wear PPE to vote for Supply Bill in Dewan Rakyat' *New Straits Times* (14 December 2020) <<https://www.nst.com.my/news/nation/2020/12/649315/mps-under-hso-wear-ppe-vote-supply-bill-dewan-rakyat>> accessed 3 March 2022.

'Resolution of the Brazilian Chamber of Deputies No. 14/2020' *Camara Dos Deputados* (2020) <https://virtual.camara.leg.br/static/arquivos/Resolution_14_2020_ENGLISH.docx>.

'RM1,000 fine for Umno Youth leaders who obstructed Karpal (Update)' *TheStar* (30 June 2009) <<https://www.thestar.com.my/news/nation/2009/06/30/rm1000-fine-for-umno-youth-leaders-who-obstructed-karpal-update>> accessed 16 February 2022.

'SOP Pelaksanaan Persidangan Parlimen dikemaskini pada 9 September 2020' *National Security Council* <<https://asset.mkn.gov.my/web/wp-content/uploads/sites/3/2021/01/SOP-PELAKSANAAN-PERSIDANGAN-PARLIMEN.pdf>> accessed 25 February 2022.

'Speaker: Dewan Rakyat sitting cannot be held virtually' *New Straits Times* (23 October 2020) <<https://www.nst.com.my/news/nation/2020/10/634658/speaker-dewan-rakyat-sitting-cannot-be-held-virtually>> accessed 24 February 2022.

Australia HoR Deb 23 March 2020, 2769-71 <https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/bead2837-76c9-4ce9-952b-eafe8e2d614f/toc_pdf/House%20of%20Representatives_2020_03_23_7656_Official.pdf;fileType=application%2Fpdf>.

Australia HoR Deb 24 August 2020, 5040-1 <https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/29e6e8cb-9928-4774-850a-c2018b9b3e7e/toc_pdf/House%20of%20Representatives_2020_08_24_7992_Official.pdf;fileType=application%2Fpdf>.

Australia HoR Standing Orders.

Australia HoR Votes and Proceedings 2 July 2019, 1 <https://parlinfo.aph.gov.au/parlInfo/download/chamber/votes/cf860efb-2aae-4521-aaab-79bb79f14428/toc_pdf/rep-vp.pdf;fileType=application%2Fpdf#search=%22chamber/votes/cf860efb-2aae-4521-aaab-79bb79f14428/0000%22>.

- Australia HoR Votes and Proceedings 24 August 2020, 1029 <https://parlinfo.aph.gov.au/parlInfo/download/chamber/votes/e8769b7c-8f58-42c3-8bbc-700f3420583d/toc_pdf/reps-vp.pdf;fileType=application%2Fpdf#search=%22chamber/votes/e8769b7c-8f58-42c3-8bbc-700f3420583d/0000%22>.
- Azmi Z., 'Government's powers during an emergency' (2021) 1 *Journal of the Malaysian Parliament* 18 <<https://doi.org/10.54313/journalmp.v1i.29>>.
- Bar-Siman-Tov I., 'Covid-19 meets politics: the novel coronavirus as a novel challenge for legislatures' (2020) 8(1-2) *The Theory and Practice of Legislation* 11 <<https://doi.org/10.1080/20508840.2020.1800250>>.
- Bradley H., *Fact Sheet: Special Committee on the COVID-19 Pandemic (COVI)* (Ottawa, House of Commons Canada, 2020) <<https://www.ourcommons.ca/Content/Newsroom/Articles/Factsheet-Special-Committee-COVID-19-EN-May-27.pdf>>.
- Canada HoC Journals 25 January 2021, No. 49, 1-4 <<https://www.ourcommons.ca/Content/House/432/Journals/049/Journal049.PDF>>.
- Commonwealth, *The Commonwealth Latimer House Principles Practitioner's Handbook* (London, Commonwealth Secretariat, 2017).
- Cormacain R. & Bar-Siman-Tov I., 'Legislatures in the Time of Covid-19' (2020) 8(1-2) *The Theory and Practice of Legislation* 3 <<https://doi.org/10.1080/20508840.2020.1816017>>.
- CPA, *COVID-19: CPA Toolkit for Commonwealth Parliaments* (London, Commonwealth Parliamentary Association (CPA), 2020) <<https://www.cpahq.org/media/gb1athp1/cpa-toolkit-covid-19-coronavirus-e-version.pdf>>.
- DR Deb 2 July 2009, Bil. 34, 70-122 <<https://www.parlimen.gov.my/files/hindex/pdf/DR-02072009.pdf>>.
- DR Deb 26 February 2009, Bil. 8, 115 <<https://www.parlimen.gov.my/files/hindex/pdf/DR-26022009.pdf>>.
- DR Deb 5 November 2020, Bil. 30, 2-4 <<https://www.parlimen.gov.my/files/hindex/pdf/DR-05112020.pdf>> accessed 30 January 2022.
- DR Deb 6 November 2020, Bil. 31, 1-6 <<https://www.parlimen.gov.my/files/hindex/pdf/DR-06112020.pdf>>.

DR Order Paper 16 July 2018 <<https://www.parlimen.gov.my/files/opindex/pdf/OPDR16072018-Isnin.pdf>>.

Elder D. & Fowler P. (eds), *House of Representatives Practice Seventh Edition* (Canberra, Department of the House of Representatives, 2018).

Federal Constitution of Malaysia.

Harun A., 'Danger of quoting the constitution selectively for political purposes' *MalaysiaNow* (30 May 2021) <<https://www.malaysianow.com/opinion/2021/05/30/danger-of-quoting-the-constitution-selectively-for-political-purposes>> accessed 9 December 2023.

Houses of Parliament (Privileges and Powers) Act 1952.

Kadouf H.A. & Sambo A.O., 'Justiciability of Legislative Proceedings: A Legal Analysis of the Malaysian Courts' Approach' (2013) 21(2) *IIUM Law Journal* 233 <<https://doi.org/10.31436/iiumlj.v21i2.103>>.

Minor Offences Act 1955.

Natzler D. & Hutton M., *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament Twenty-fifth Edition* (London, LexisNexis, 2019).

Norton P., 'Global Legislative Responses to Coronavirus' (2020) 8(3) *The Theory and Practice of Legislation* 237 <<https://doi.org/10.1080/20508840.2020.1818369>>.

Norton P., 'Parliamentary reform' (2002) 11(XI-3) *Revue Française de Civilisation Britannique French Journal of British Studies* 18 <<https://doi.org/10.4000/rfcb.696>>.

P.U. (A) 144/2020 <[https://lom.agc.gov.my/ilims/upload/portal/akta/outputp/pua_20200506_P.U.%20\(A\)%20144.pdf](https://lom.agc.gov.my/ilims/upload/portal/akta/outputp/pua_20200506_P.U.%20(A)%20144.pdf)>.

Power G., *Global Parliamentary Report: the changing nature of parliamentary representation* (Geneva & New York, Inter-Parliamentary Union & United Nations Development Programme, 2012) <https://www.undp.org/sites/g/files/zskgke326/files/publications/Global_Parliamentary_Report_English.pdf>.

Privilege of Parliament Act 1512 <<https://www.legislation.gov.uk/aep/Hen8/4/8/section/II>>.

- Rota A., *VIRTUAL CHAMBER: A Report in Response to the Statement of the Speaker of the House on April 8, 2020* (Ottawa, House of Commons Canada, 2020) <https://www.ourcommons.ca/content/Committee/431/PROC/WebDoc/WD10754665/431_PROC_reldoc_PDF/MP-RotaAnthony-2020-05-11-e.pdf>.
- Saari M. & Wan Hasan W.N., 'The Extent of the Right to Freedom of Speech and Expression for the Parliamentary Immunity and Privilege' (2020) 4 *The Asian Yearbook of Human Rights and Humanitarian Law* 206 <https://doi.org/10.1163/9789004431768_010>.
- Saari M., 'Legitimacy of the Suspension of Standing Orders: The Case of the *Dewan Rakyat* (House of Representatives) of Malaysia' (2023) 76(3) *Parliamentary Affairs* 719 <<https://doi.org/10.1093/pa/gsab063>>.
- Technology Transfer Handbook Remote Deliberation System of the Brazilian Federal Senate* (Brasília, Senado Federal, 2020) <http://www.senado.leg.br/senado/hotsites/sdr/pdf/SDR_SF_DS_V162_eng.pdf>.
- Van der Hulst M., *The Parliamentary Mandate: a global comparative study* (Geneva, Inter-Parliamentary Union, 2000) <<https://www.ipu.org/resources/publications/reference/2016-07/parliamentary-mandate>>.