FEM 3106

TOPIC 2: THE LEGISLATIVE PROCESS

DR. SA’ODAH BINTI AHMAD
JPMPK/FEM/UPM
THE LEGISLATIVE PROCESS IN MALAYSIA

- FEDERAL GOVERNMENT
- Parliament
  - Dewan Rakyat
  - Dewan Negara
- The Bill is read, debated and approved by both Dewan.

- STATE GOVERNMENT
- Dewan Undangan Negeri

SA’ODAH AHMAD/FEM3106/JPMPK/FEM
THE LEGISLATIVE PROCESS IN PARLIAMENT

THE MINISTRY DECIDED TO INTRODUCE NEW LAW OR AMEND EXISTING LAW

THE LEGAL SCHEME IS DISCUSSED WITH RELEVANT PARTIES - GOVERNMENT AND NON-GOVERNMENT ORGANISATION

THE MINISTRY AND THE LEGAL ADVISOR PREPARED THE ENACTMENT OF BILL DRAFT DIRECTIVE
...CONTINUE

THE LEGAL ADVISOR PRESENTED THE ENACTMENT OF BILL DRAFT DIRECTIVE TO THE PARLIAMENTARY DRAFTSMAN

THE BILL IS PREPARED AND REVIEWED BY THE PARLIAMENTARY DRAFTSMAN

DISCUSSION BETWEEN THE PARLIAMENTARY DRAFTSMAN AND THE MINISTERIAL OFFICERS TO REVIEW/HARMONISED/FINALISED THE BILL
...CONTINUE

THE FINALISED BILL IS PRESENTED TO THE LEGISLATORS IN PARLIAMENT FOR REVIEW

THE REVIEWED BILL IS PRESENTED TO THE ATTORNEY GENERAL FOR APPROVAL

THE APPROVED BILL IS PRESENTED TO THE MINISTRY
THE NOTICE PROPOSING TO PRESENT THE BILL IS SENT TO THE PARLIAMENT

THE BILL IS PRESENTED FOR THE APPROVAL OF THE CABINET

THE CABINET PAPER REGARDING THE BILL IS DISTRIBUTE TO ALL RELEVANT MINISTRIES AND AGENCIES FOR COMMENT

THE NOTICE PROPOSING TO PRESENT THE BILL IS SENT TO THE PARLIAMENT
THE BILL IS LISTED DOWN IN THE MEETING AGENDA ON THE APPOINTED DATE

FIRST READING - MENTIONING OF THE TITLE OF THE BILL

PROPOSED FOR SECOND READING. IF APPROVED, PROCEED TO SECOND READING. IF THE BILL IS APPROVED IN SECOND READING, THE FUNDAMENTAL OF THE BILL IS CONSIDERED APPROVED.
...CONTINUE

COMMITTEE STAGE: THE BILL IS FURTHER SCRUTINIZED, VOTED CLAUSE BY CLAUSE, AMENDMENT IS POSSIBLE BUT NOT ON THE FUNDAMENTAL PROVISIONS

COMMITTEE REPORT STAGE: THE STATUS OF THE BILL IS REPORTED

PROPOSED FOR THIRD READING, IF APPROVED, THE BILL IS SENT TO DEWAN NEGARA
ROYAL ASSENT - ARTICLE 68 FEDERAL CONSTITUTION PROVIDES THAT YDPA SHALL WITHIN 30 DAYS AFTER THE BILL IS PRESENTED TO HIM ASSENT TO THE BILL BY CAUSING THE PUBLIC SEAL TO THE BILL

THE ACT IS GAZETTED IN THE GOVERNMENT GAZETTE - THE BILL BECOMES A LAW UPON PUBLICATION
ENACTMENT PROCESS IN STATE LEGISLATIVE ASSEMBLY (DUN)

THE ENACTMENT OF LAW COMMITTEE PREPARED THE DRAFT TO BE REVIEWED BY THE STATE LEGAL ADVISOR

THE DRAFT IS PRESENTED IN THE STATE MEETING COUNCIL

THE DRAFT IS GAZETTED AT LEAST 14 DAYS BEFORE PRESENTED TO THE DUN
...CONTINUE

THE GAZETTED ENACTMENT IS READ, DEBATED, AMENDED AND APPROVED

ROYAL ASSENT - SULTAN
Bill introduced to the Parliament may be classified as:

1. **Private Bills**: those affecting limited or particular persons or group of persons, associations, organisations or bodies.

2. **Private Member’s Bills**: those introduces by any member of the legislatures other than a minister or assistant minister.
3. **Hybrid Bills:** may be of general application and are introduced by either a minister or private member but they belong to that class of Bills which, in the opinion of the Speaker of Dewan Rakyat or the President of Dewan Negara, appear to affect individual rights or interest adversely.

4. **Government Bills:** those that deal with matters of government policy and are of general application, introduced by ministers.
JUDICIAL OF INTERPRETATION OF LEGISLATION

- Parliament makes statute law and it is the function of the court to interpret the law.
- The usual approach to interpretation is that the words of the statute constitute the law.
- The role of judges to interpret is twofold:
  1. Ascertain the meaning of a statutory provision in its application to a particular circumstance.
  2. Accommodate the particular statute to the existing body of law – common law and statute law.