



LAWS OF SARAWAK

REPRINT

Chapter 65

**DEWAN UNDANGAN NEGERI
(PRIVILEGES AND POWERS) ORDINANCE, 2007**

Incorporating all amendments up to 30th June, 2008

PREPARED AND PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, SARAWAK
UNDER THE AUTHORITY OF THE REVISION OF LAWS ORDINANCE, 1992
2008

**DEWAN UNDANGAN NEGERI
(PRIVILEGES AND POWERS) ORDINANCE, 2007**

Date Passed by Dewan Undangan Negeri... ..	15th May, 2007
Date of Assent	31st May, 2007
Date of Publication in <i>Gazette</i> ...	6th June, 2007

1st Reprint in 2007

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LAWS OF SARAWAK

Chapter 65

DEWAN UNDANGAN NEGERI (PRIVILEGES AND POWERS) ORDINANCE, 2007

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LAWS OF SARAWAK

Chapter 65

**DEWAN UNDANGAN NEGERI
(PRIVILEGES AND POWERS) ORDINANCE, 2007**

An Ordinance relating to the powers and privileges of the Dewan Undangan Negeri, freedom of speech and debate or proceedings in the Dewan, conduct of its members and other persons in the precincts of the Dewan and protection to persons employed in or responsible for the publication of reports of proceedings of the Dewan and its committees and for the purposes incidental to or connected with these matters.

[6th June, 2007]

Enacted by the Legislature of Sarawak—

PART I

PRELIMINARY

Short title

1. This Ordinance may be cited as the Dewan Undangan Negeri (Privileges and Powers) Ordinance, 2007.

Interpretation

2. In this Ordinance—

“committee” means a committee of the whole Dewan and any standing, select, special or other committee of such Dewan or appointed by the Dewan;

“Constitution” means the Constitution of the State of Sarawak;

“Dewan” means the Dewan Undangan Negeri;

“Hansard” means the official records or minutes of proceedings of the Dewan including its draft or its unedited version and the official minutes or records of proceedings of any committee;

“member” means a member of the Dewan and if the Speaker is not a member of the Dewan, and includes the Speaker;

“officer of the House” and “officer” mean the Secretary to the Dewan, his Deputy, the Sergeant-at-Arms, as the circumstances may require, and any other person declared by the Speaker to be an officer of the Dewan;

“precincts of the Dewan” means the chamber and offices of the Dewan Undangan Negeri and the galleries and places provided for the use or accommodation of strangers, members of the public and representatives of the press, and includes, while the Dewan is sitting, and subject to any exceptions made by direction of the Speaker, every part of a building in which the chamber of the Dewan is situated, which is provided or issued for the purposes of the Dewan; and any forecourt, yard, garden, enclosure or open space adjoining or appertaining to such building and used or provided for the purposes of the Dewan;

“Secretary” means the Secretary to the Dewan appointed pursuant to Article 22A of the Constitution, and includes the Deputy Secretary or any person appointed under Article 22A(3) of the Constitution to discharge temporarily the duties of the Secretary;

“Sergeant-at-Arms” means the person appointed by the Speaker to be the Sergeant-at-Arms of the Dewan;

“Speaker” means the Speaker of the Dewan, and includes the Deputy Speaker and any member, as may be determined by the Standing Orders to act as Speaker pursuant to clause 4(a) of Article 15 of the Constitution;

“standing order” means the rules of procedure (by whatever name called) of the Dewan for the time being in force;

“stranger” means any person other than a member or an officer of the Dewan.

PART II PRIVILEGES

Freedom of speech and debate

3. There shall be freedom of speech and debate or proceedings in the Dewan, and such freedom of speech and debate or proceedings:

(a) shall not be liable to be impeached or questioned in any court or tribunal out of the Dewan; and

(b) shall be subject to the limitations and restrictions stipulated in Article 72(4) and (5) the Federal Constitution.

Power of Dewan to enquire into contraventions

4. For the purposes of this Ordinance, the Dewan is declared to possess all such powers and jurisdiction as may be necessary for enquiring into, judging, and pronouncing upon the commission of any such acts, matters, or things as are made punishable as contempts under section 24 and awarding or imposing and carrying into execution the punishment therefor provided by this Ordinance.

Dewan as a court of record

5. The Dewan sitting as a court shall have all such rights and privileges of a court of record, as may be necessary for the purpose of summarily enquiring into and punishing the acts, matters, and things made punishable as contempts under section 24.

Members and officers of Dewan exempted from serving as jurors or assessors or, when Dewan is sitting, to attend as witnesses in court

6. No member or officer of the Dewan shall be required to serve on any jury or as assessor or, while in attendance on the Dewan, to attend as a witness in any civil proceedings in any court, unless that court holds its sittings at the seat of the Dewan. The certificate of the Speaker shall be deemed sufficient proof of any such member's or officer's attendance in the Dewan.

Immunity of members from civil or criminal proceedings for anything done or said before the Dewan

7. No member shall be liable to any civil or criminal proceedings, arrest, imprisonment, or damages by reason of any matter or thing which he may have brought by petition, bill, resolution, motion, or otherwise, or have said before the Dewan or any committee.

Freedom from arrest for civil debt during sitting of Dewan

8. No member shall be liable to arrest for any civil debt except a debt the contraction of which constitutes a criminal offence, while going to, attending at, or returning from a sitting of the Dewan or any committee.

Execution of civil process

9.—(1) No process issued by any court in the exercise of its civil jurisdiction shall be served or executed within the precincts of the Dewan while the Dewan is sitting or through the Speaker, the Secretary or any officer of the Dewan.

(2) For the purpose of this section—

“civil jurisdiction” includes the exercise by the High Court under section 25(2) of the Courts of Judicature Act 1964 [*Act 91*]; and

“court” includes a Native Court constituted under the Native Courts Ordinance, 1992 [*Ord. No. 9/92*] and a court presided over by an Election Judge appointed under the Election Offences Act 1954 [*Act 5*], or tribunal presided over by an Arbitrator appointed under any written law relating to arbitration in Malaysia.

Exemption from liability in damages for any act done under the authority of the Dewan

10. No person shall be liable in damages or otherwise for any act done under the authority of the Dewan, and within its legal powers or under any warrant issued by virtue of those powers.

PART III

POWERS

Entry to Dewan

11. No stranger shall be entitled, as of right, to enter or to remain within the precincts of the Dewan.

Control of admission to Dewan

12.—(1) The Speaker is authorized to issue such orders as he may in his discretion deem necessary for the control of the admittance of strangers to the precincts of the Dewan.

(2) Copies of orders made under this section shall be duly authenticated by the Secretary and exhibited in a conspicuous position in the precincts of the Dewan; and such copies, when so authenticated and exhibited, shall be deemed to be sufficient notice to all persons affected thereby.

Strangers may be removed on order of Speaker

13. The Speaker may at any time order any stranger to withdraw from the Dewan and its precincts, and if that person fails to obey such order—

(a) he shall be guilty of an offence, punishable with a fine of one thousand ringgit or imprisonment for a term not exceeding six months; and

(b) he may be forcibly removed from the Dewan by an officer of the Dewan or a police officer.

Suspension of members

14.—(1) The Dewan may in accordance with its standing orders suspend any member for the remainder of the session then current, or for any part of it and at the conclusion of a session every such suspension shall lapse.

(2) A member who has been suspended from the Dewan shall withdraw forthwith from its precincts and shall not enter or remain therein while such suspension remains in force; and any officer of the Dewan may remove or order the removal of any member found within the precincts of the Dewan in contravention of this section.

Power of Dewan to order attendance of witnesses and production of documents

15. The Dewan, and any committee which is duly authorized by an order of the Dewan to send for persons, documents, or papers, may subject to sections 19 and 20 order any person to attend before the Dewan or before such committee, and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

Attendance to be notified by summons

16.—(1) Any order to attend, to give evidence or to produce documents before the Dewan or before any committee shall be notified to the person required to attend or to produce documents by a summons under the hand of the Secretary issued by direction of the Speaker.

(2) In every such summons there shall be stated the time when, and the place where, the person summoned is required to attend and the particular documents which he is required to produce, and the summons shall be served on the person mentioned therein, either by delivering to him a copy thereof or by leaving a copy thereof at his usual or last known place of abode in Sarawak with some adult person; and there shall be paid or tendered to the person so summoned such sum for his expenses as may be prescribed by standing orders.

Power to issue warrant to compel attendance

17.—(1) If a person to whom a summons under section 16 is directed does not attend before the Dewan or the committee at the time and place mentioned in it, the Speaker may, upon being satisfied that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, direct the Secretary to issue a warrant to apprehend him and bring him, at a time and place to be stated in the warrant, before the Dewan or committee.

(2) A warrant issued under this section shall be executed by a police officer.

(3) The Speaker, on directing the issue of a warrant under this section, may, if he thinks fit, by ordering an appropriate endorsement on the warrant, direct that the person named in the warrant be released after arrest on his entering into such a recognizance before a court for his appearance before the Dewan or committee as may be required in the endorsement.

Examination of witnesses upon oath

18. The Dewan or any committee may require that any facts, matters and things relating to the subject of enquiry before the Dewan or such committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath which the Speaker or the chairman of the committee or a person specially appointed for that purpose may administer.

Exemption from answering questions or producing documents

19. If any person ordered to attend, to give evidence or to produce any paper, book, record or document before the Dewan or any committee refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of enquiry, the Speaker or the chairman of the committee, as the case may be, may report such refusal with the reasons therefor, and the Dewan may thereupon excuse the answering of such question or the production of such paper, book, record or document or may order the answering or production thereof.

Privileges of witnesses

20.—(1) Every person summoned to attend to give evidence or to produce any paper, book, record or document before the Dewan or a committee thereof shall be entitled in respect of such evidence or the disclosure of any communications or the production of any such paper, book, record or document to the same right or privilege as before a court of law.

(2) Except with the consent of the Minister having responsibility for the department concerned, no public officer shall—

(a) produce before the Dewan or a committee any paper, book, record or document; or

(b) give before the Dewan or a committee evidence relating to the correspondence of any naval, military or air force matter; nor shall secondary evidence be received by or produced before the Dewan or a committee of the contents of any such paper, book, record or document.

(3) Except when in the opinion of the appropriate Minister it would be contrary to the public interest and the Minister so directs, no public officer shall refuse—

(a) to produce before the Dewan or a committee any paper, book, record or document; or

(b) to give before the Dewan or a committee evidence relating to the correspondence of any civil department or to any matter affecting the public service; and secondary evidence shall not be received by or produced before the Dewan or a committee of the contents of any such paper, book, record or document which the Yang di-Pertua Negeri has directed shall not be produced.

(4) An answer by a person to a question put by the Dewan or a committee shall not except in the case of criminal proceedings under Chapter XI of the Penal Code [*Act 574*] or of an offence against this Ordinance be, in any proceedings, civil or criminal, admissible in evidence against him.

Certificate by Speaker that a witness has answered questions put to him by the Dewan

21. Every witness before the Dewan or a committee who shall answer fully and faithfully any question put to him by the Dewan or such committee to its satisfaction shall be entitled to receive a certificate under the hand of the Speaker or the chairman of the committee, stating that such witness was upon his examination so required to answer and did answer any such questions.

Evidence before the Dewan or a committee not to be given without leave

22. No member or officer of the Dewan and no shorthand writer employed to take minutes of evidence before the Dewan or any committee shall give evidence elsewhere in respect of the contents of such minutes of evidence or of the contents of any document laid before the Dewan or any committee or in respect of any proceedings or examination held before the Dewan or any committee without the special leave of the Dewan first had and obtained. Such special leave may be given after a dissolution or during a recess or adjournment by the Speaker, or in his absence or other incapacity by the Secretary.

Questions relating to evidence and production of documents before the Dewan or committee to be determined in accordance with usage of the Commons House of Parliament

23. Where at any time any question arises in the Dewan or in a committee in regard to—

(a) the right or power of the Dewan or a committee to hear, admit or receive oral evidence; or

(b) the right or power of the Dewan or a committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before the Dewan or committee; or

(c) the right or privilege of any person (including a member of the Dewan or committee) to refuse to produce any paper, book, record or document or to lay any paper, book, record or document before the Dewan or committee,

that question shall, subject to the preceding provisions of this Ordinance, and except in so far as express provision is made in those provisions for the determination of that question, be determined in

accordance with the usage and practice of the Commons House of Parliament of the United Kingdom.

PART IV
CONTEMPT, OFFENCES AND ENFORCEMENT
AUTHORITY

Power of Dewan to punish contempt of the Dewan

24.—(1) The Dewan may, for or in respect of any of the offences specified in subsection (2), whether committed by a member or by any other person, summarily punish for contempt by fine not exceeding two thousand ringgit as provided by the standing orders or by this Ordinance; and if any such fine so imposed be not immediately paid the offender shall be committed to the custody of the officer in charge of any prison or of an officer of the Dewan in such place as it may direct until payment be made or until the Dewan is dissolved or prorogued, whichever be the earlier.

(2) The offences referred to in subsection (1) shall be—

(a) disobedience to any order for attendance or for production of papers, books, records, or documents made by the Dewan or any committee duly authorized in that behalf, unless the attendance or production be excused as provided in this Ordinance;

(b) refusing to be examined before or to answer any lawful and relevant question put by the Dewan or any such committee, unless such refusal be excused as provided in this Ordinance;

(c) the wilful failure or refusal to obey any lawful order of the Dewan, whereby the Dewan is or is likely, in the opinion of the Speaker, to be obstructed or impeded;

(d) the offering to or acceptance by any member or officer of a bribe to influence him in his conduct as such member or officer, or the offering to or acceptance by any member or officer of any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter, rule, or thing submitted to or intended to be submitted to the Dewan or any committee;

(e) assaulting, obstructing, or insulting any member coming to or going from the Dewan or on account of his conduct in the Dewan or endeavouring to compel any member by force, insult, or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the Dewan;

(f) assault upon, interference with or resistance to an officer of the Dewan while in the execution of his duty;

(g) sending to a member any threatening letter or challenging a member to a fight on account of his conduct in the Dewan;

(h) creating or joining in any disturbance in the Dewan or in the vicinity of the Dewan, whereby any proceedings of the Dewan are or are likely to be interrupted;

(i) tampering with, deterring, threatening, beguiling, or in any way unduly influencing any witness in regard to evidence to be given by him before the Dewan or any committee;

(j) presenting to the House or to any committee any false, untrue, fabricated or falsified document with intent to deceive the Dewan or any committee;

(k) prevarication or other misconduct as a witness before the Dewan or any committee;

(l) the publication of any false or scandalous libel on any member touching his conduct as a member;

(m) the publication of any report of a committee of the Dewan or of any evidence given or any documents presented to such committee or extracts from such documents, before such committee has presented its report to the Dewan;

(n) the publication of any report or statement purporting to be a report of the proceedings of the Dewan in any case—

(i) where such proceedings have been conducted after exclusion by order of the Dewan of the publication; or

(ii) when such publication has been expressly prohibited by order of the Dewan; or

(iii) when such report or statement constitutes or contains a wilful misrepresentation of the proceedings of the Dewan or of the speech of any member thereof or is otherwise not made or published in good faith; and

(o) publication of any report or statement, or making any statement either orally or in writing, outside the chamber of the Dewan, which is intended to question, dispute or challenge any ruling or decision of the Speaker or decision of the Dewan or its committee in a manner that would bring the Speaker or the Dewan into public ridicule, disrepute or odium.

Punishment for giving false answer

25. Any person who, before the Dewan or any committee (and whether or not that person has been sworn or has made an affirmation), wilfully and corruptly makes a false answer to any question material to the subject of the enquiry which may be put to him during the course of any examination shall be guilty of the offence of giving false evidence and liable on conviction to the penalties prescribed therefore in section 193 of the Penal Code [Act 574].

Privileged evidence

26. The Evidence Act 1950 [*Act 56*] relating to privileged evidence shall apply in the case of evidence before the Dewan or any committee thereof.

Power of Speaker to issue warrant for apprehension and imprisonment

27.—(1) For the purpose of punishing any of the contempts referred to in this Ordinance, the Speaker is empowered, upon a resolution in that behalf of the Dewan, to issue a warrant under his hand for the apprehension and imprisonment of any person sentenced to imprisonment or who, having been sentenced to pay a fine, fails to pay the same.

(2) Every such warrant shall contain a statement that the person mentioned in it has been adjudged guilty of contempt by the Dewan and shall specify the nature of the contempt; and every such warrant shall be sufficient; if it can be reasonably inferred from it that the person mentioned in it has been adjudged guilty of any of such contempts, and it shall not be necessary to observe any particular form in any such warrant.

Power of Speaker to order arrest of persons causing disturbance during sitting of Dewan, and process of arrest

28.—(1) Any person creating or joining in any disturbance in the Dewan during its actual sitting may be arrested without warrant on the verbal order of the Speaker and may be kept in the custody of an officer of the Dewan until the Dewan can consider the alleged offence.

(2) Every police officer and every person is required to assist in the apprehension and detention of any person in pursuance of any such verbal order of the Speaker, and to aid and assist in the execution of any such warrant, and where any such warrant directs that the person mentioned in it shall be imprisoned in any prison or other place, the keeper of it is required to receive such person into his custody in that prison or other place and there to imprison him according to the tenor of the warrant.

Printing false copy of Ordinance, Hansard, etc.

29. Any person who shall print or causes to be printed a copy of any Ordinance now or hereinafter in force, or a copy of any report, paper, minutes or votes and proceedings of the Dewan as purporting to have been printed by or under the authority of the Dewan, or a committee or by the Speaker, and the same is not so printed, or shall tender in evidence any such copy as purporting to be so printed knowing that the same was not so printed, shall be guilty of an offence: Penalty, imprisonment not exceeding three years and a fine.

PART V

MISCELLANEOUS

Member to disclose pecuniary interest

30.—(1) A member shall not in or before the Dewan or any committee take part in the discussion of any matter in which he has a direct personal pecuniary interest without disclosing the extent of that interest and shall not in any circumstances vote upon any such matter.

(2) Any member who acts in contravention of this section may be adjudged guilty of contempt by the Dewan, and shall be liable to a fine not exceeding two thousand ringgit and if any such fine so imposed be not immediately paid the offender shall be committed to the custody of the officer in charge of any prison or of an officer of the Dewan in such place as it may direct until payment be made or until the Dewan is dissolved or prorogued, whichever be the earlier.

(3) This section shall not apply to—

(a) any vote or discussion concerning any remuneration or allowance to be received by members in their capacity as such or as Members of the Administration, or

(b) any interest which a member may have in any matter in common with the public generally, or with any category or section thereof, or

(c) any interest of any corporation or entity wherein a member or his family does not have any share or equity but in which sits on the Board or governing body thereof as a representative or nominee of the State or federal Government or any agency thereof.

(4) Members of the Administration in subsection (3) shall have the meaning assigned to that expression in the Members of the Administration and Members of the Dewan Undangan Negeri (Remunerations, Pensions and Gratuities) Ordinance, 1980 [*Ord. No. 9/80*].

Member not to articulate interests of persons he acts in a professional capacity or for reward

31.—(1) No member shall in the Dewan or any committee without leave of the Speaker or Chairman of that committee, raise, articulate or solicit support among other members for any matter or proposal or scheme on behalf of any client or person for which he acts in a professional capacity or for reward in monetary or any other form.

(2) Any person who acts in contravention of this section may be adjudged guilty of contempt by the Dewan, and shall be liable to a fine not exceeding two thousand ringgit and if any such fine so imposed be not immediately paid the offender shall be committed to the custody of the officer in charge of any prison or of an officer of the Dewan in such place as it may direct until payment be made or until the Dewan is dissolved or prorogued, whichever be the earlier.

Hansards of the Dewan admissible in evidence

32. Upon any enquiry touching the privileges, immunities and powers of the Dewan or of any member, any copy of the Hansard printed or purporting to be printed by or under the authority of the Dewan shall be admitted as evidence of such journals in all courts and places without any proofs being given that such copy was so printed.

Certificate of Speaker a defence in proceedings instituted in respect of publications of the Dewan

33. Any person being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant or order or under the authority of the Dewan or any committee, of any reports, papers, minutes, votes or proceedings, may, on giving to the plaintiff or prosecutor (as the case may be) twenty-four hours written notice of his intention, bring before the court in which such civil or criminal proceedings are being held a certificate under the hand of the Speaker or of the Secretary stating that the reports, papers, minutes, votes or proceedings, in respect whereof such civil or criminal proceedings have been instituted were published by such person or by his servants by order or under the authority of the Dewan or any committee, together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

Privileged publications

34. In any civil or criminal proceedings instituted for publishing any report or summary of or extract from or abstract of any such report, paper, minutes, votes or proceedings, as mentioned in section 33, if the court is satisfied that such report, summary, extract or abstract was published *bona fide* and without malice, judgment or verdict (as the case may be) shall be entered for the defendant or accused.

Exercise of jurisdiction by courts

35. Neither the Speaker, nor any officer of the Dewan shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Speaker or such officer by or under this Ordinance.

Powers of officers

36. Every officer of the Dewan shall, for the purposes of this Ordinance and of the application of the provisions of the criminal law, have all the powers and enjoy all the privileges of a police officer.

Power of arrest

37. An officer of the Dewan may arrest without warrant—

(a) any person who, in his presence, commits any offence stipulated in section 24;

(b) any person within the precincts of the Dewan whom he reasonably suspects of having committed, or being about to commit an offence contrary to the said section.

Speaker to act notwithstanding dissolution or prorogation of the Dewan

38. For the purposes of this Ordinance, the person who fills the office of the Speaker at the time of prorogation or dissolution of the Dewan shall be deemed to be the Speaker until another appointment to the office of the Speaker has been made in accordance with the Constitution.

Powers of Speaker supplementary to powers otherwise conferred

39. The powers of the Speaker conferred by this Ordinance shall be supplementary to any powers conferred on him by the Constitution or the standing orders of the Dewan.

Repeal and saving

40.—(1) The Dewan Undangan Negeri (Privileges, Immunities and Powers) Ordinance, 1963 [*Ord. No. 10/63*] is repealed, provided that nothing in this Ordinance shall affect the past operations of that Ordinance.

(2) Any action or proceedings taken or instituted under the repealed Ordinance and are still pending shall be continued under the repealed Ordinance as if this Ordinance has not been enacted.

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[List of Amendments]

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CAP. 65

LAWS OF SARAWAK

Chapter 65

**DEWAN UNDANGAN NEGERI
(PRIVILEGES AND POWERS) ORDINANCE, 2007**

LIST OF AMENDMENTS

Amending Law

Short Title

In force from

-Nil-



DICETAK OLEH PERCETAKAN NASIONAL MALAYSIA BERHAD, KUCHING, SARAWAK
BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK