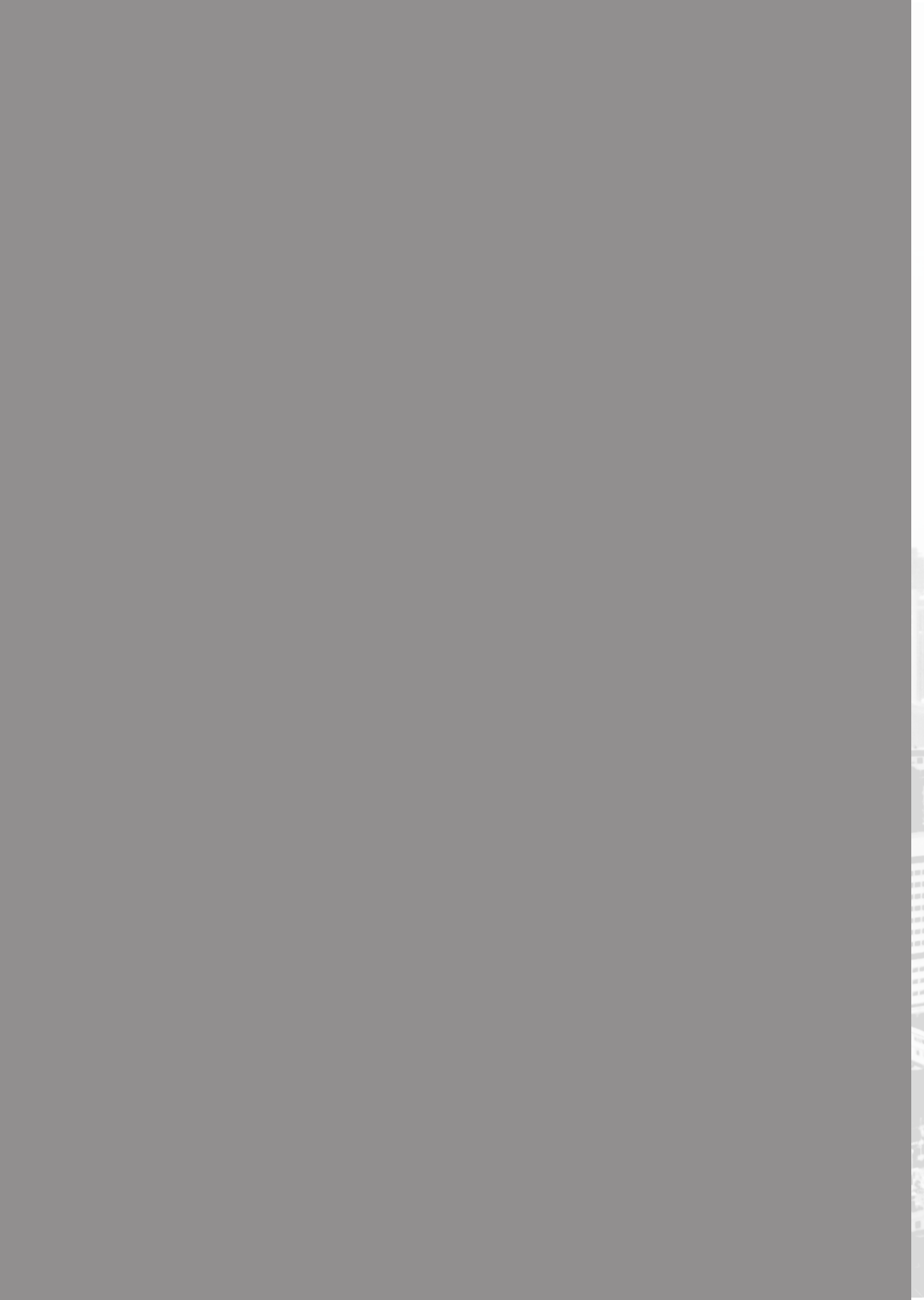


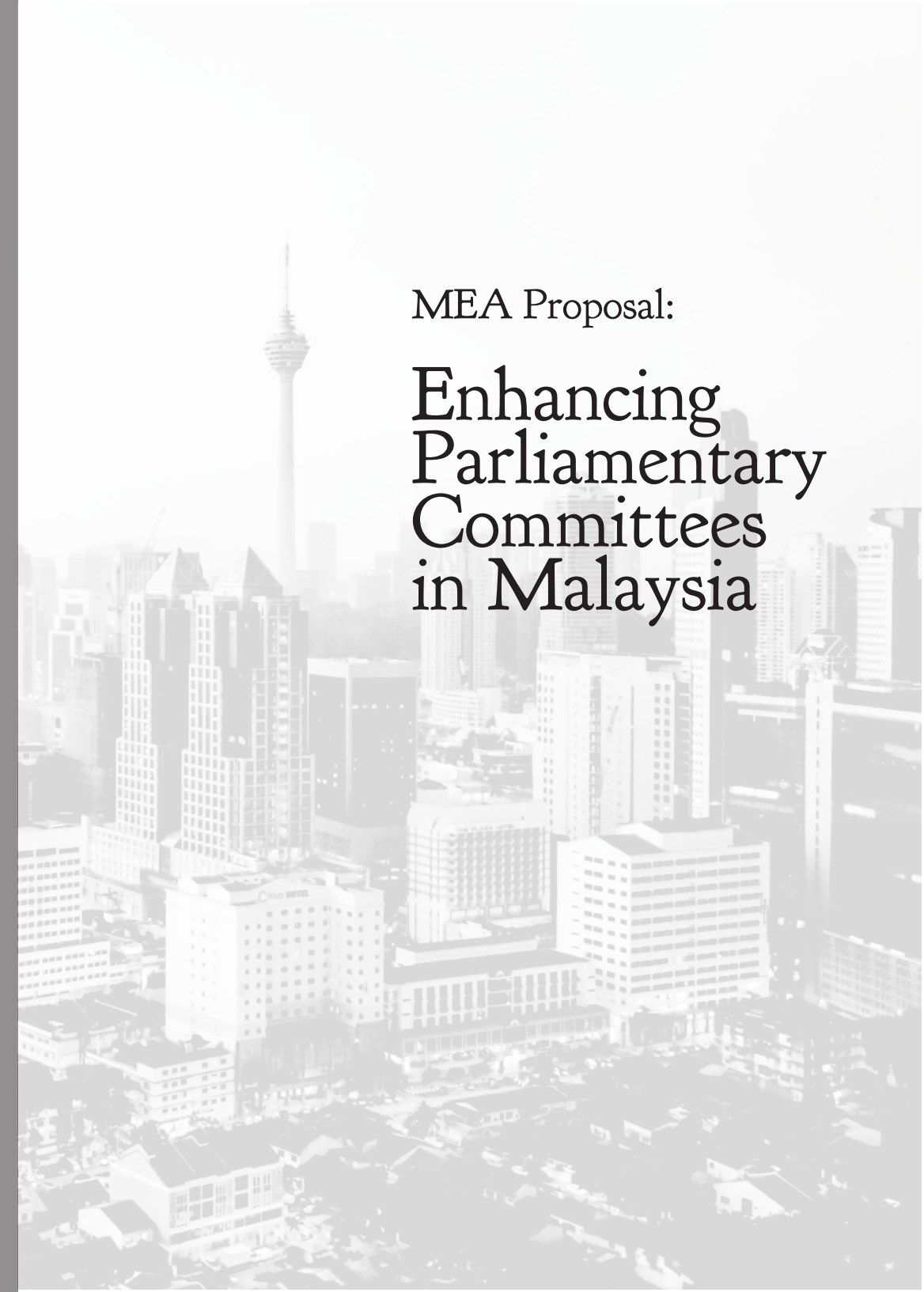
MEA Proposal:

Enhancing Parliamentary Committees in Malaysia



PERSATUAN EKONOMI MALAYSIA
Malaysian Economic Association





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(Malaysian Economic Association)

MEA Proposal: Enhancing Parliamentary Committees in Malaysia (Full Version)

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Executive Summary of Proposal

The defining feature of good economic governance is the capability within government to implement the agreed policy agenda and achieve the policy objectives. Research shows that countries with good governance structures and practices perform better economically.

Malaysia is facing a situation of twin dynamics—moderate growth for nearly two decades with emergence of poor governance which is threatening the upside of its growth potential. The emergence of poor governance has opened doors for high level corruption to expand and deepen, in line with research which shows poor governance often leads to corrupt practices, which in turn will progressively erode long-term growth and development potential.

MEA views it is timely to stimulate public dialogs in economic governance which MEA started in 2015 to draw attention to the critical need for governance to prevail in all Malaysian public institutions. As in the corporate sector, national governance must start at the top, in Malaysia's highest institution, the Parliament, and cascade to all other public sector institutions. Accordingly, it was appropriate for MEA to convene a forum

on parliamentary committees to learn and disseminate information of the values of parliamentary committees as enabling mechanisms for parliament's governance structure to be more effective in its oversight of the Executive and ensure the checks and balance to safeguard public interest against the abuse of power. The Forum in August 2016 brought together parliamentarians and experts from the UK, Australia, India and Indonesia to discuss with Malaysian Members of Parliament (MPs) and think tanks on options that Malaysia can take to benefit from a good governance framework using the mechanism of parliamentary committees.

This paper makes detailed proposals on parliamentary committees in the Malaysian context. Other proposals on reform of parliament are contained in a paper prepared by IDEAS and other CSOs.¹

Current Legal Framework: Presently, the Standing Orders of the Dewan Rakyat provides for the establishment of five Select Committees, as well as Special Select Committee (SSC). The purpose of the Special Select Committee is to inquire and deliberate on such matters as determined by the House. Unlike the Select Committees, Special Select Committees are established when needed and for specific cases of national interest. They serve on a limited time period with specific terms of reference. Although there is a legal framework on setting up and operations of SCs and SSCs, in practice there is limited use of these committees to facilitate MPs undertaking their functions. Even in the case of the Public Accounts Committee (PAC) which has its own standing order, the Committee's set-up and operations is not in line with best practices. Following the PAC reports and debates in Parliament, there have been no conclusions or sanctions of those responsible for financial losses. There are also no Parliamentary reports made available to the public.

Parliamentary Committees in Selangor State Assembly: There are more select committees in Selangor State Assembly than in the Federal Parliament, proving that setting up parliamentary committees is largely a reflection of political will to have a good governance framework in Parliament.

¹ Proposals on Parliamentary reform by IDEAS and other CSOs, entitled: GCCP-Towards a People-Centred Parliament.

A major shortcoming of the Selangor Parliamentary Committees is that reports or discussions are not made public. State Councillors (ADUNs) are not compelled to respond to issues raised. It is sufficient that the ADUN replies he/she has been notified of the issue and will look into the matter, without being compelled to follow through.

The financing of Select Committees and Special Select Committees comes from the treasury department of the Selangor State Legislative Assembly. Although the State Assembly Secretary has discretion on allocations for Assembly expenses, the fact that the Assembly budget is derived from the State Budget Office, it gives significant power to the Chief Minister of Selangor over the operations of the State Legislative Assembly.

There are good rationale for developing a policy framework on parliamentary committees in Malaysia: More and better structured parliamentary committees will provide the mechanisms for Members of Parliament (MPs) to be able to function as the watchdog, ensuring that ministries and departments are operating according to policies, rules and regulations approved by Parliament. Parliamentary committees and select committees are tested means to truly implement the concept of democratic governance, transparency and accountability. In addition, the structured processes enable parliamentary committees to devote more time and debate on complex issues. Procedures in operations of parliamentary committees which enables MPs to demand more information ensure a more systematic oversight over the Executive, as well as enable legislators to fully investigate work of the Executive and demand more accountability from public servants.

Most important is that Parliamentary Committees enable legislations to be debated thoroughly with experts called in to validate the impact assessment results and MPs having more time to consider the various implications of the legislations. There will also be a mechanism for greater public scrutiny of bills leading to better legislation and its implementation.

The repeated financial losses by public sector agencies can be avoided through the work of Parliamentary Select Committees appointed to examine specific cases of indiscretions by public officials, or through regular oversight by Parliamentary Committees tasked with oversight over specific public sector agencies or functions. Since 1979, financial losses through poor management and lack of accountability is estimated at more than RM140 billion.

Greater transparency of the work of such committees in line with best practice procedures and processes will ensure appropriate sanctions on those accountable. This in turn will create a disincentive environment for misappropriation of public funds.

Success in other countries: Parliamentary Committees are effective not only in the Westminster Democracies with its long history, but also in the newer democracies of Indonesia and Korea. In younger democracies like Korea and Indonesia, parliamentary committees are helping develop stronger parliamentary processes and successful resulting in better public finances as well as reigning in corrupt practices. MEA examined practices in the UK, US, Australia, India, Indonesia and Korea. Summary of studies for each of these countries are contained in Appendices 1-6. Experiences in these countries provide useful lessons for Malaysia. One of the most important outcomes of parliamentary committees has been that MPs may take the party line during early discussions of any issue but as more information and evidence are provided by officials and experts, MPs decisions are generally along lines of what is optimal for national interest.

Effectiveness of parliamentary committees is of course subjected to committees adopting key principles like transparency which enables availability of required information. By making reports from investigations submitted to Parliament available for public scrutiny, MPs are pressured to perform their duties and make good and fair decisions. This outcome is more likely as the committee system enables parliament to have an open channel with the public and this encourages community participation in assisting parliament to exercise governance efficiently. On the legislative side, the committee system has resulted in legislation that really serves the national interests and prevents parliament from adopting legislation to favour the ruling party.

Another important factor for effective parliamentary committees is parliament having its own administrative budget to adequately support committees with research and other professional expertise. This enables parliamentary committees to exercise authority given to them to bring in experts from the public sector to assist its investigations. Opportunities are given to civil society to forward views on legislations, scrutinize details on public policy and the budget, and their implementation.

Countries continue to improve their parliamentary processes for better government. The Indonesian parliament has engaged the Westminster Foundation for Democracy to assist in improving processes in its conduct and delivery of parliamentary functions. In Korea, recent processes on impeachment of the President demonstrate effectiveness of special committees.

Overall, success of parliamentary committees is also dependent on the political will of parliamentarians to want good governance to prevail. Integrity is important and can be ensured through processes and procedures adopted by parliament in the conduct of its functions and responsibilities.

| Recommendations on a Policy which promotes effective Parliamentary Committees

Malaysia can leverage on the legal framework which already exist for parliamentary committees and take measures to enable Parliamentary committees to meet objectives of strengthening oversight by MPs to restore public confidence that public sector agencies and its officials, ensure are always accountable and observe ethical practices. Parliamentary committees will enable restoration of powers of MPs to approve legislation and not give opportunities for the Executive to undermine the role and powers of Parliament.

Recommendation 1

Establish additional Parliamentary Committees

In addition to the PAC, additional parliamentary committees should be set to up. A Select Committee on Legislation to consider bills and assess impact of these bills and make recommendations relating to the bills, including policy issues involved and evaluating legislative alternatives is necessary so that Parliament can take back its role in making laws which has been usurped by the Executive taking advantage of the weak Parliament to push a Bill Parliament without much scrutiny. Several new select committees will enable better oversight and monitoring of federal ministries and their activities. In addition, special committees should also be established when required to undertake investigations of suspicions of unethical behavior or accusations of wrongdoings by public officials. In the case of the current PAC, it is recommended that its operations be improved by adopting best practices of its chairman being appointed from the opposition party and principles and procedures on appointments and operations of SC and SSC in Recommendation 4 below. The PAC should be serviced by its own team of officials, experts and researchers who have expertise in financial management.

Recommendation 2

Put in place practices to set up Special Select Committees on Enquiries on Specific Issues to avoid financial losses or non-financial damage to economy

In addition to the Select Committees, Parliament should implement the law that enables it to set up Special Select Committees to undertake investigations on wrongdoings of public sector officials, any matters of policy or government operations or performance or any matter of public interest. The Special Select Committee will be appointed as the need arises. The Committee must operate within a defined time line and submit its report for debate in Dewan Rakyat.

Recommendation 3

Strengthen the legal basis to make Parliamentary Committees effective

The current legal framework already exist which enables Parliament to establish new permanent Select Committees (SC) and Special Select Committees (SSC). However, to ensure effectiveness of these committees, the legal framework should be enhanced to enable adoption of processes and procedures (Recommendation 4 below). The enhancements to the Parliament Ordinances are enabled by Article 62 of the Federal Constitution and changes or additions to the Standing Order should be undertaken to provide for stronger policies to make parliamentary committees effective.

Recommendation 4

Parliament to Adopt Principles and Processes in setting up and operating Select Committees and Special Select Committees

After 59 years of independence, Malaysia should have a matured democratic Parliament. All that is needed is political will among Parliamentarians to be proud of a house that operates to fulfill its mandate of serving the people. As such, Parliament should adopt best practices and by doing so, it is implementing its powers as accorded by the Federal Constitution and not making it opportune for the Executive to usurp these powers.

Best practices principles in setting up and operations of SCs and SSCs are proposed to make Parliament strong and effective and this will cascade into an Executive which is equally strong and fulfilling its function of implementing laws approved by Parliament in a transparent and ethical framework. In the same vein, the Judiciary will also be able to enforce the laws to achieve objectives set by Parliament. These procedures will

cover rules on establishments and operations of select committees and special select committees. The recommended rules are adopted from global best practices.

On legislation, it is recommended that Bills should be made available to the public and MPs well in advance of the First Reading (currently made available to MPs after the First Reading). MPs should then have more time to debate the Bill during the Second Reading. For Bills that are controversial and impact fundamental liberties, such as the National Security Bill should be remitted to the Select Committee on Legislation for detailed scrutiny. The public views can be considered by this Select Committee.

In establishing new SCs which are permanent, a gradual approach is recommended. Priority should be given to setting up SCs on areas dealing with responsibilities of key ministries and those with large budgets. This includes SCs for areas like Economic Policy and Financial Management, National Security and Foreign Policy, Education and Health, Political Financing and Ethical Practices.

Recommendation 5

Establish an administrative and research office to support Parliamentary Committees

For the SCs and the SSCs to function properly, they must be provided with full-time paid qualified staff to undertake research, assist in investigations, write the reports and support the work of the committees generally. It is essential that the Parliamentary Service Bill announced by Speaker to be tabled early this year be implemented with urgency. This Bill is required to ‘revive’ an earlier legislation (the Parliamentary Service Act 1963 that was repealed in 1992) that will enable parliament to have its own dedicated administrative service, so that the officers can have continuity in their parliamentary work and grow to become professionals in assisting members of parliament in the performance of their duties.

See also the recommendations in this area by the GCPP: Towards a People-Centred Parliament (Appendix 7).

Recommendation 6

Parliament to Adopt an Impact Assessment Guide to Measure Improvement in Parliamentary Performance based on the Work of Select Committees and Special Select Committees

It is recommended that Parliament adopts an Impact Assessment Framework to measure the effectiveness of the SCs and SSCs and its contributions to success of Parliament in exercising its functions. This impact assessment will help Parliament audit the outcomes of the work of the SCs and SSCs, and address shortcomings.

Recommendation 7

Undertake complementary measures which are necessary for Parliamentary Committees to fulfill functions of oversight over Executive and MPs can serve constituencies effectively and truthfully.

Parliamentary committees can be more effective with a supporting regulatory environment. The first is reforms for reasonable freedom of the media to provide for unbiased, professional reporting on issues concerning public interests such as education, health care, finances, governance and administration. At the core of their role is the editorial freedom to report these issues without fear of political persecution, as long as the reports do not incite physical harm and violence against people of different race, ethnicity, gender or religion. It is recommended that liberalisation of the media focus on two main changes: reform strict laws governing the media, particularly the PPPA; and promote greater autonomy for journalists within the media industry.

Calls for a Freedom of Information Act should be recognized and the government should pass legislation to enable greater access to information. Secrecy should be replaced with freedom to share information. Greater access and transparency of information is also to advantage of government as it prevents media sources from spreading wrong information or making inaccurate analysis.

Other regulations which can greatly support work of MPs include enhancing the asset declaration for ministers and senior officials by having an independent audit firm which collects and evaluate the integrity of reporting, compulsory public declaration of assets and business interests by Ministers prior to appointments, strengthening integrity rules and practices, strengthening whistle-blowing protection practices and a more open system of appointments to senior positions and heads of government ministries and agencies to strengthen leadership and integrity in the public sector.



MEA Proposal on Parliamentary Committees in Malaysia

| Background & Context

While good governance per se cannot be regarded as a magic bullet for development and economic progress, development policies need to address governance practices of the political leadership, to have a process to develop governmental capacities and systematic mechanism to facilitate sound decision making. This is also a fundamental rationale why the Sustainable Development Goals of the United Nations also include a governance agenda (Goal 16) which is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions. The defining feature of good governance is the capability to implement the agreed policy agenda. “Evidence of this capacity increasing, decreasing or stagnant will show that governance is supportive or destructive of the growth process.”²

Malaysia is demonstrating a situation of twin dynamics-growth that has been only moderate for nearly 2 decades with the emergence of poor governance which is threatening the upside of the growth potential. This emergence of poor governance has opened doors for

² World Bank reports on indicators of good governance

endemic corruption at high levels of government to expand and deepen. Work by the World Bank and others show concrete evidence that poor governance leads to corrupt practices and their impact on growth can be extremely damaging. This happens slowly and as proceeds from economic projects or economic resources are siphoned off, long-term growth and development potential are progressively eroded.

At the national level, good governance means building capable and accountable government that can implement sound policies, provide public services, sets rules governing markets and provide oversight of how public resources are used. This means that all institutions have in place good governance frameworks which determine how policies are formulated and the consideration and processes to implement these policies to meet development policy goals. For Malaysia, this means implementing policies to achieve the 3 goals of inclusive and sustainable growth.

In a parliamentary democracy, good economic governance begins at the highest level in terms of Parliamentary oversight that the executive arm of government is well managed and budget and fiscal rules are observed. Flowing from the various legislations passed by Parliament, good economic governance cascades to the different levels of the Executive through rules and regulations administered by competent regulatory authorities which are empowered by Parliament with the necessary tools and resources to efficiently and effectively exercise their functions. Appropriate sanctions must exist when leaders and officials in ministries, regulatory authorities and agencies are not practicing good governance by not observing prescribed regulations and procedures in carrying out their functions.

Governance in Malaysian public sector institutions have somewhat taken a back seat in recent decades. Public sector operational processes and procedures have been compromised in the interest of getting the work done. When processes and procedures have been set aside, it became easy to for rent seeking and patronage to emerge. A culture is being bred where integrity is less of a priority and proper documentation for decision making and implementation is becoming an exception. If left unchecked, this culture can become the cancer that erodes both efficiency and efficacy of the public sector delivery systems which ultimately leads to improper allocation of resources and raises the cost of doing business, all leading to slower growth.

What can we do? The MEA has started the public dialogs on economic governance to draw attention to importance of good implementation processes for economic policies to meet their objectives. The focus is on the critical need for governance to prevail in all Malaysian public sector institutions. Corporate governance in the private sector will not be sustained without equally strong governance in public institutions. Just as in the corporate sector, good public sector governance must emanate from the tone at the top. Therefore, good public sector governance means a sound governance framework must be in place in the Malaysian Parliament which cascades down to all other public sector institutions, including the civil service.

This paper focus on Parliamentary Committees as one of the options which have proven to be effective in the developed countries as well as in the more advanced emerging economies in providing the mechanism for Parliament to exercise effective oversight of activities and actions of the Ministers and the public sector as a whole. This inextricable link between good economic governance at the parliamentary level and the capacity and capability to sustain economic fundamentals and the growth trajectory must exist to ensure elected governments and the institutions they manage will continue to function effectively to continuously sustain the investment climate and promotes sustainable economic growth.

Considering the imperative need for proper and effective checks and balances so as to safeguard public interests against the abuse of power, we believe that Parliament should be more dynamic in its role in overseeing the functions of the Government, particularly, with regard to the operations and performance of the ministries and departments. In this regard, this paper makes detailed proposals on to enable Parliament to carry out its oversight function on a regular basis, as well as undertake special investigations when there are wrongdoings. The paper does not aim to cover the entire reform of Parliamentary processes, but only to focus on the governance framework through the establishment of parliamentary select committees.³

³ IDEAS and other CSOs have already put together a complete proposal on Parliamentary reform entitled: GCCP: Towards a People-Centred Parliament.

| **Current Set Up in the Malaysian Parliament**

General Oversight

Currently, the oversight role by Parliament takes the form of raising questions during question time and debating issues. Questions are sent to officers of relevant Ministries which prepare the answers and prep Ministers before the Parliamentary sessions. Anecdotal evidence shows that officers and Ministers generally focus on the positive elements and significant efforts are made by officials to make ministers, ministries and government agencies look good. Shortcomings are rarely admitted and often never revealed.

Special Chamber

Since May 2016, the Special Chamber of the House of Representatives began its sitting to discuss more substantively issues which would otherwise have been discarded because of Parliament's tight schedules. This Special Chamber was influenced by the second chamber concept in the Australian Parliament.⁴ The Second Chamber sittings are governed by the Parliamentary Standing Orders following the amendments made in April 2016 and the new Standing Orders 14A and 24A.⁵ With these amendments, any member of the Chamber other than a Minister may raise any matter, such as: 1) matters of administration for which the government is responsible; and 2) matters of importance to the general public. The Minister responsible is required to reply to issues raised. However, the matters to be raised must be approved by the Speaker.

All Members of the House of Representatives are Members of the Special Chamber. The sitting of the Special Chamber must include the Speaker, the member raising the issue and a member representing the government. The Special Chamber can convene at any time as agreed by the Speaker who can designate the Chairman of the Special Chamber other than himself. The designated Chairman will have all the powers of the Speaker as it pertains to the sitting of the Special Chamber.

⁴ The second chamber is the Federation Chamber in the Australian House of Representatives. The Chamber is convened for more debates on bills which have bi-partisan support. It allows the busy schedule of the House of Representatives to be managed more efficiently and gives members more opportunities to contribute to the debates. A team of Malaysian Parliamentarians visited Australia in 2015 and studied this concept.

⁵ Nine (9) amendments were made to the Parliamentary Standing Orders (13, 14, 16, 17, 18, 22, 24)

Select Parliamentary Committees and Special Select Committees in the House of Representatives (Dewan Rakyat)

Presently, the Standing Orders of the Dewan Rakyat provides for the establishment of five Select Committees, namely:

1. *Committee of Selection (Ord. 76);*
2. *Public Accounts Committee (Ord. 77);*
3. *Standing Orders Committee (Ord. 78);*
4. *House Committee (Ord. 79);*
5. *Committee of Privileges (Ord. 80).*

Order 81 of the Standing Orders also empowers the Dewan Rakyat to establish a Select Committee (or Committees) other than the five Committees above. Such a Committee is called the Special Select Committee (SSC). The purpose of the Special Select Committee is to inquire and deliberate on such matters as determined by the House. The members of the Special Select Committee are nominated/appointed by the Committee of Selection. The latter consist of the Speaker and six members of the House, as stipulated in Ord. 76 of the Standing Order of the Malaysian Parliament.

Unlike the Select Committees, Special Select Committees are established when needed and for specific cases of national interest. They serve on a limited time period with specific terms of reference different by case. This means that Special Select Committees might not be in all Parliamentary sessions.

Thus there is already in place a legal mechanism for Dewan Rakyat to appoint 5 select committees and Special Select Committees to inquire into specific issues whenever it deems fit to do so. Unfortunately, it is noted that in practice Special Select Committees are rarely appointed. Even important or controversial Bills are rarely sent to a Special Select Committee.

Public Accounts Committee (PAC)

One example of a Select Committee is the Public Accounts Committee which has its own ordinance in the Standing Order. This means the PAC would be called into service for every session of Parliament sitting, unlike the Special Select Committees which are case and time specific.

76. (1) There shall be a Committee to be known as the Public Accounts Committee appointed at the beginning of every Parliament, for the examination of:-

- a) The accounts of the Federation and the appropriation of the sums granted by Parliament to meet the public expenditure;*
- b) Such accounts of public authorities and other bodies administering public funds as may be laid before the House;*
- c) Reports of the Auditor-General laid before the House in accordance with Article 107 of the Constitution; and*
- d) Such other matters as the Committee may think fit, or which may be referred to the Committee by the House.*

The PAC is the only regular and active Committee through which Parliament undertakes to monitor the workings of the Government on financial matters. The quality of the discussions in the PAC depends on the issues raised in the Auditor General's reports and the extent to which the civil servants are able or willing to respond to the queries raised by the PAC. The content of the reports is about financial management and it highlights instances of mismanagement for which the civil servants are held accountable, being the controlling officers under the Financial Procedure Act 1957 and the Treasury Instructions. However, as evidence from the many financial scandals debated in Parliament, Ministers who might have misused their powers in the decision making process are not called upon to testify on the scandals in which they are either involved in or held responsible.

The PAC is also convened to look at special cases of financial mismanagement. Again, following the PAC reports and debates in Parliament, there have been no conclusions or sanctions of those responsible for financial losses. In fact, in many cases, those involved have moved on to even higher positions in the government. Further, PAC reports are not made public, and the 1MDB case was even declared an official secret under the Official Secrets Act (OFA), denying the public access to the Report as well as limiting MPs in what can be open debate on the case.

Standing Committees in the Senate (Dewan Negara)

There are four Standing Committees in Dewan Negara:

- *Committee of Selection;*
- *House Committee;*
- *Committee of Privileges; and*
- *Standing Orders Committee*

With the exception of the PAC and the occasional special select committees, the Standing Committees in both houses deal mainly with the administrative issues on operations of parliament. There are no specific committees which exercise oversight over the operations of the many ministries. Even complex bills are not debated in any Select Committee or Special Select Committee. Bills are generally handed down from the Attorney General's Chambers with little scrutiny and debate in both houses. Generally, bills are adopted by both houses with minimal amendments.

Current Legal Framework on Select Committees in the Malaysian Parliament

There is already a legal framework governing Select Committees (SC). The Standing Orders, 76-80 (SO) of the Dewan Rakyat, made pursuant to Article 62(1) of the Federal Constitution (each House of Parliament shall regulate its own procedures) provides for appointment of the 5 Select Committees and its members. In addition SO81 empowers the Dewan Rakyat to establish new Select Committees in addition to the 5 above, which shall be called Special Select Committees (SSC). These SSC are to inquire and deliberate on matters determined by the House. In appointing the SSC, SO82 dictates that members of the SSC must reflect the composition of the parties within the House. Further, the SSC (and the SC) are empowered to compel anyone person to appear before it and ask for documents and papers to be produced before it.

Notwithstanding the powers given to Parliament by the Federal Constitution and Parliament itself having the SOs, Parliament has not made great use of Parliamentary Select Committees.

Legal Notes on Parliamentary Select Committees

1. The Malaysian Parliament is not only a legislative body but also serves as an institution where the Government is held responsible for its policies, and where matters of national importance are scrutinized.
2. The Federal Constitution establishes up three institutions to govern the country at the federal level. These institutions are Parliament, the Executive and the Judiciary. Parliament makes laws; the Executive carries out the laws; and the Judiciary interprets and enforces the laws. Consistent with the doctrine of separation of powers, as implicit in the Federal Constitution, these three institutions are co-equals and they check and balance one another. No one institution is supreme: only the Federal Constitution is supreme.
3. Parliamentary proceedings in the Dewan Rakyat are governed by the Standing Orders of the Dewan Rakyat. The Standing Orders are made pursuant to the Article 62 (1) of the Federal Constitution that states –

62. (1) Subject to the provisions of this Constitution and of federal law, each House of Parliament shall regulate its own procedure.

4. The Standing Orders of the Dewan Rakyat provides for the establishment of five Select Committees, namely, -
 1. Committee of Selection (Ord. 76);
 2. Public Accounts Committee (Ord. 77);
 3. Standing Orders Committee (Ord. 78);
 4. House Committee (Ord. 79);
 5. Committee of Privileges (Ord. 80).

Except for the Committee of Selection, the members of the above Select Committees are nominated by the Committee of Selection. The members of the Committee of Selection are appointed by the House.

Except for the Public Accounts Committee ('the PAC'), each of the above Committees is chaired by the Speaker. The Chairman and Deputy Chairman of the PAC are appointed by the House.

5. Order 81 of the Standing Orders empowers the Dewan Rakyat to establish a Select Committee (or Committees) other than the five Committees mentioned in paragraph 4 above. Such a Committee is called the Special Select Committee. The purpose of the Special Select Committee is to inquire and deliberate on such matter as determined by House. The members of the Special Select Committee is nominated by the Committee of Selection. However, a Special Select Committee shall have the power to elect its own Chairman.
6. A Select Committee shall have the power to compel any person to appear before it and to ask for documents and papers to be produced before it.
7. In the Malaysian Parliamentary practice, unfortunately, no great use of Parliamentary Select Committees has been made. Bills are rarely sent to a Special Select Committee. The Public Accounts Committee is chaired by a Government member, contrary to the Westminster convention, under which this Public Accounts Committee is chaired by an opposition member.

| **Lessons from the Selangor State Assembly**

The state of Selangor is one of the biggest states in Malaysia, economically contributing 22.6 per cent to the national GDP growth of 5 per cent in 2015. It has been governed by the opposition political party in Malaysia since the 12th General Election in 2008. Since then, the state government has made several amendments in the Standing Order (SO) of their legislative assembly, including enabling the setting up of Select Committees. Selangor is the only State to set up Parliamentary Committees as a governance institution in its oversight of the administration by the state government.

The SOs that specifically deal with select committees are SOs 68 to 77.⁶ There are a number of Select Committees specifically set up for weekly state assemblies. To date, the Selangor State Legislative Assembly has more select committees set up than the national parliament, proving that the setting up of select committees is largely a matter of political will.

⁶ Taken from <http://dewan.selangor.gov.my/peraturan-tetap>

Members of the committees consist of both the state and opposition State Councilors (ADUN).

A major shortcoming of the Selangor Parliamentary Committees is that reports or discussions are not made public. This has compromised the basic advantage of parliamentary committees to impose obligations on ADUNs to ensure good governance. The Standing Order only requires that reports of the weekly committee meetings of the Assembly will be released to the public and state executives will have 14 days to issue their responses to the reports. However, these responses are not compulsory. The Speaker could insist on them and keep reminding until a response is made, but even when a response is issued, there is no requirement for the response to be substantial or addresses the issues raised. It is sufficient that the ADUN replies he/she has been notified of the issue and will look into the matter, without being compelled to follow through.

This practice means that the legislative assembly does not have the power to discipline members of the house. The most it could do is to put pressure on members of the Assembly, particularly the members in a committee to at least respond on the issues that have been raised. This means that the role of the legislative assembly is mainly to report on what's happening in the state, and no obligations to participate in the governance of the state.

Could the state's legislative body then be empowered to have more executive functions to act more effectively on malpractices among state officials? Perhaps not at the Selangor state level, even though the assembly has done numerous reforms to ensure better accountability to the people. Another factor limiting impact of Selangor Assembly effective oversight of state officials is that despite Selangor being governed by the opposition coalition, the Federal government still has significant influence in the appointment of state officials.

Selection of members of Select Committees

Members of the Select Committees in the Selangor State Assembly are selected with the consent of the Speaker of the House, together with the consent of the members themselves and their respective political parties.

The composition of the committee must also reflect the composition of the House to ensure there is a proportionate representation of members of the House in the committees.

72. (1) Every Select Committee shall be so constituted as to ensure that, so far as is practicable, the balance between the parties within the Assembly is reflected in the Committee.⁷

Once appointed, the roles of the members of committees are negotiated among themselves. The chair of the Select Committees is usually a member of the House from the opposition party.

One of the Select Committees in the Selangor State Assembly is the Public Accounts Committees. The role and scope of work stipulated in the revised Standing Order of the Selangor State Legislative (2016):

68. (1) There shall be a committee to be known as the Public Accounts Committee appointed at the beginning of every session and chaired by the Opposition Leader for the examination of:

- a. The accounts of the State of Selangor and the appropriation of the sums granted by the Assembly to meet the public expenditure;*
- b. Such accounts of public authorities and other bodies administering public funds as may be laid before the Assembly;*
- c. Reports of the Auditor General laid before the Assembly in accordance with Article 107(2) of the Federal Constitution; and*
- d. Such other matters as the Committee may think fit or which may be referred to the Committee by the Assembly.*

However, since this reform in the Standing Order Ord. 68(1) was inserted on 4 December 2014, the position for the chair of Public Accounts Committee has been vacant due to the resignation of the opposition party's appointed Head of Opposition on 8 December 2014.

⁷ Selangor State Legislative; Standing Order of the Legislative Assembly 1965; revised 10 March 2016

Terms of Reference

The terms of reference are different for Select Committees and Special Select Committees of the Selangor State Assembly. The terms of reference for Select Committees are stipulated in the Standing Order (revised 10 March 2016), these committees are:

1. Public Accounts Committee - Ord. 68(1) through (5)
2. Select Committee of District & Land Office - Ord. 68A(1) & (2)
3. Select Committee of Local Authority - Ord. 68B(1) & (2)
4. Select Committee of Agency, Statutory Body & Subsidiary Company - Ord. 68C(1) & (2)
5. Standing Orders Committee - Ord. 69(1) through (3)
6. Committee of Privileges - Ord. 70(1) through (5)

The key difference between Select Committee and Special Select Committee is their permanence in parliamentary sittings. The former committee needs to table their reports at every sitting as opposed to the latter which tables reports on the issue during assemblies based on specific cases and are therefore temporal.

Special Select Committees in Selangor

Ord. 71(1) of the Selangor State Legislative (revised 2016):

Special Select Committees are appointed by the Assembly which can authorize the Committee to nominate its own Chairman. The Speaker, if he thinks necessary, can also establish a Special Select Committee for a special purpose during the adjournment of the Assembly and appoint the Chairman and members of the committee.

As Special Select Committees are designed to perform investigations on specific cases or issues, there are no deadlines set for the Committees to conclude their work. The KPI for the Committee is based on the number of Special Select Committee reports they put out after each investigation, which are no more than two per Assembly sittings. One example of Special Select Committee of the Selangor State Legislative Assembly is the Special Select Committee of Competence, Accountability and Transparency (SELCAT) which recently examined the issue of water supply and disruption in the state of Selangor (Hansard Kertas Bilangan 36/2014).

It is not compulsory for the Special Select Committee to table a report of their findings at every session and state assemblymen are not compelled to respond to the reports issued by the Special Select Committees, if any. However, the members of the Assembly could be called to the House for inquiries.

Financing the State Assembly Committees

The financing of Select Committees and Special Select Committees comes from the treasury department of the Selangor State Legislative Assembly, governed under the Selangor Legislative Assembly Service Enactment 2009 (Rang Undang-undang Perkhidmatan Negeri Selangor 2009).

This means the financing and ultimately, the administration of the Selangor State Legislative Assembly comes from the Executive arm of the ruling state government. Although the State Assembly Secretary has discretion on allocations for Assembly expenses, the fact that the Assembly budget is derived from the State Budget Office, it gives significant power to the Chief Minister of Selangor over the operations of the State Legislative Assembly. The Parliamentary Services Act 1963 would have allowed the Selangor State Legislative Assembly to have autonomy over their financing. However, the repeal of PSA at the Federal level affected the structure of Parliament also disabled independent management of the budget at the state level.

Till today, the services of the Selangor State Legislative Assembly are financially supported by a state level circular for governance of salaries and allowances called Enakmen Anggota Pendtadbiran dan ADUN (Saraan) 1980).

Rationale for New Proposals on Parliamentary Committees

(i) Governance at Top Institution: Parliamentary Committee as part of governance framework in Parliament

One of the functions of Members of Parliament (MPs) as the representatives of the people is to play the role of a watchdog, keeping the ministries and departments constantly on their toes, especially on matters pertaining to financial management of budgetary allocations. In this function, duties of MPs include monitoring and ensuring that the ministries and departments do follow the right procedures in departmental spending and the procurement of goods and services. For example, a Minister who spends the whole of the ministry's travelling budget within the first few months of the year, or who takes a large delegation to an international conference without prior clearance from the Federal Treasury, must be made accountable for his conduct. In our system of parliamentary democracy, the only authority that can question the spending by Ministers and Ministries is Parliament.

Parliament being the highest legislative authority in the governmental hierarchy, it is incumbent upon the elected representatives to play their proper role as the guardian of the people's interest and rights. This is what good governance, transparency and accountability is all about. In a parliamentary democracy, as the people have given their trust to the political leaders, the latter, in turn, must honour this public trust and must make themselves accountable to the citizens.

Parliamentary Committees offer the operating mechanism for Parliament to exercise the oversight over the Ministries and public sector officials. Through appropriate Parliamentary Committees, MPs can ensure that policies are appropriately implemented to yield the results of creating employment, strengthening growth and reducing poverty. Parliamentary Select Committees function more than just to scrutinize public policies, they also function to keep the most important aspect of governance in check - the budgets, to ensure no misuse of public funds, legislation that ensures the proper checks and balance, enable markets to function and guarantees protection of rights of businesses and individuals.

The setting up of parliamentary select committees will also enable non State actors such as civil society organisations to play a constructive role in promoting good governance by assisting their representatives in Parliament perform their duties and obligations as Members of Parliament. This will indeed be consistent with the concept of democratic governance, transparency and accountability.

(ii) Efficiency and Efficacy of MP Performance

Currently, debates in Parliament are often extended beyond official hours, due to the large number of issues before Parliament. In the absence of Parliamentary Committees to address policy matters and policy documents, these are discussed as a whole-house committee. There is no opportunity for input from stakeholders or for MPs to demand more information and analysis. Parliamentary Committees enable a systematic oversight mechanism over the Executive. It enables legislators to fully investigate work of the Executive, and demand more accountability from public servants. Given the large number of ministries and agencies and the large size of the public sector, it is crucial that Parliament has a mechanism to exercise its oversight functions. Parliament exercising this oversight function more effectively will mean better public sector performance.

Similarly, absence of Parliamentary Committee on legislations has resulted in bills being withdrawn after presentation to Parliament when stakeholders disagree with specific aspects of the legislation. A parliamentary committee on legislation will allow bills to be debated thoroughly, experts being called to validate the impact assessment results submitted by officials, and MPs having more time to consider the various implications of the legislations. Providing a mechanism for greater public scrutiny of legislation will mean better legislation and greater understanding of the intricacies of the law when implemented.

(iii) Avoid Continued financial losses

Over the years, Malaysian public sector agencies continued to incur financial losses. These could have been avoided if there were Parliamentary Committees tasked with oversight over specific public sector agencies or functions.

Name of Scandal	Year	Estimated Loses
Bank Bumiputera	1979 - 1983	USD1 Billion
Maminco, LME	1981	RM1.5 Billion
Perwaja Steel	1995 - 1998	RM10 Billion
Bank Negara Malaysia	1993/94	RM30 Billion
Malaysian Airlines	1990s	RM9.4 Billion
Port Klang Free Zone (PKFZ)	1999 - 2008	RM12.5 Billion
NFC	2011	RM0.25 Billion
MISC	2014	USD10 Million (RM33.4M)
1MDB	2015 - Now	RM42 Billion

For example, oversight on outcomes of large budgetary allocations can help prevent improper project allocations. Special Select Committees should be appointed to investigate early stages of improper financial management. Greater transparency of the work of such committees in line with best practice procedures and processes will ensure appropriate sanctions on those accountable. Better functioning of Special Select Committees which are made accountable to resolve problems as well as punish those responsible for financial losses would deter misappropriation of public funds.

(iv) Successes in other countries

Parliamentary Committees have long functioned in developed countries and proven effective to promote stronger legislations as well as effective oversight of the public sector especially in terms of accountability and ethical practices. The transparency principle observed in Parliamentary Committees has been an effective tool to promote accountability in public sector management. Parliamentary Committees are effective not only in the Westminster Democracies with its long history, but also in the newer democracies of Indonesia and Korea. In younger democracies like Korea and Indonesia, parliamentary committees are helping develop stronger parliamentary processes and successfully resulting in better public finances as well as reigning in corrupt practices.

MEA examined practices in the UK, US, Australia, India, Indonesia and Korea. Details of these studies are contained in Appendices 1-6. Some useful lessons from selected countries include:

- Regular committees have been able to keep Executive in check through regular updates from the departments they oversee, conduct enquiry meetings with public servants, media and other relevant personnel (eg: 19 committees in UK, more than 40 in the US).
- Committees are of various types and may emanate from House of Representatives or the Senate. In all countries, committees are properly structured with defined terms of reference and procedures to carry out their work. In some countries there are a plethora of committees which could also be burdensome on MPs. A right balance is needed for MPs to be able to be effective optimally (Australia).
- In all countries, there are generally permanent committees on finance (PAC), legislations and oversight committees on specific important government agencies. In Indonesia, the Finance Committee undertakes detailed scrutiny of the budgetary processes and expenditure.
- Committees can also appoint sub-committees, a practice most prevalent in the US.
- In all countries, membership of committees reflects party composition. Selection of members to various committees is based on expertise and seniority (Australia, UK, US). There is a transparent process of nominations to committees observed by

all parties. Chairmanships of Committees are shared between the ruling and opposition parties in proportion to representation in parliament. However, Chairmanships of critical committees like the PAC, legislative committee, select committees on special issues/projects are usually given to the MP from the Opposition party.

- Reports from investigations submitted to Parliament are made available for public scrutiny. This practice creates pressure for appropriate parliamentary decisions, while incentivizing depth of investigation and fairness of sanctions (UK, Australia, US, Korea). In India and Indonesia, realization of significance of transparency, actions are being taken to address shortcomings
- Parliamentary Committees on Legislation enable scrutiny of bills, avoid “political point scoring”, leading to better legislations and its implementation (all countries studied).
- The Public Accounts Committee (PAC) scrutinizes the value for money is achieved in terms of economic performance, efficiency and effectiveness of public spending. Given the broadening of the public sector, the PAC reach has been extended beyond government departments to also examine other public bodies as well as private sector providing the public services (UK, Australia, US).
- The Committee system enables parliament to have an open channel with the public and this encourages community participation in assisting parliament to exercise governance efficiently. On the legislative side, the committee system has resulted in legislation that really serves the national interests and prevents parliament from adopting legislation to favour the ruling party (UK, Australia, US, Indonesia)
- Members of the Parliamentary Select Committees may take the party line during early discussions of any issue being covered by a particular committee. However, as more information and evidence are provided by officials and experts, MPs decisions generally are made along lines of what is optimal for national interest. This has been the greatest value of parliamentary committees in enticing MPs from all component parties to act in the interest of the country (evident in Australia and UK).
- In all country studies, parliamentary committees are serviced by its own secretariat, while some committees share administrative support. Parliament has its own administrative budget and able to

adequately support committees with research and other professional expertise. The quality of the professional support is key to making MPs and parliamentary committees more effective.

- All parliamentary committees are given leeway to bring in experts from the public and financial sectors to complete its investigation or monitoring work. In some countries such as Australia, the committee advertises in newspapers and invites written submissions from the community, experts and interest groups regarding the issue. In India, opportunities are given to civil society to forward views on legislature, a mechanism to scrutinize details on public policy and the budget and their implementation.
- In India, reasons for moderate success which offers lessons to other countries are as follows:
 - Proceedings are not transparent enough as held in camera;
 - There is bureaucratic capture;
 - No requirement for ministers to appear before the Committees;
 - Terms of Committee members are too short, only one year;
 - Effects of stranglehold that parties have over members; and
 - Poor quality Parliamentary Committee support staff.

In addressing these shortcomings, corrective actions include:

- All committee reports must be discussed by Parliament;
- Committees must hear evidences from civil groups on subjects it decides to investigate;
- Parliament established a budget office and established a professionally staffed Policy Office to support work of Parliamentary Committees.
- Countries continue to improve their parliamentary processes for better government. The Indonesian parliament has engaged the Westminster Foundation for Democracy to assist in improving processes in its conduct and delivery of parliamentary functions. In Korea, recent processes on impeachment of the President and the consequent follow-up on corruption by corporate leaders in the private sector demonstrate effectiveness of special committees.

Overall, success of parliamentary committees is also dependent on the political will of parliamentarians to wanting to have better governments. Integrity is important and can be ensured through processes and procedures adopted by parliament in the conduct of its functions and responsibilities.

| Recommendations On A Policy For Parliamentary Committees Which Meet International Standards & Restore Good Governance In Malaysia

Objective of Recommendations

The main purpose of Recommendations below on Parliamentary Committees and all other Recommendations necessary for Parliamentary Committees to function effectively is to achieve the following objectives:

- a. MPs be given the appropriate governance framework and mechanisms to fulfil their duties as parliamentarians to perform functions of legislation, representation and oversight. The oversight on the Executive is to ensure public policies are implemented as designed, protect resources of the country and overall, champion the interests of their constituencies.
- b. Strong oversight by MPs is the only way to restore governance in the public sector agencies and its officials, ensure that they are always accountable and observe ethical practices.
- c. To restore powers of MPs to approve legislation to support democracy and justice and disallow the Executive to undermine the role and powers of Parliament.
- d. To empower parliamentarians who represent the citizens to engage directly with civil society organizations and expert groups, and provide the mechanism for the public to work with MPs to ensure clean and efficient government.

Malaysia is now in a critical situation. Weak institutions starting with Parliament at the top is leading to declining public sector institutional capacity to implement policies and deliver public goods efficiently and effectively. This is aggravated by a lack of check and balance at Parliament and key public sector institutions which begets corruption and lapses in implementing rule of law. Economic vulnerabilities as identified in the comprehensive diagnosis of the economy in the New Economic Model (published in 2010) have worsened considerably because of poor governance and corruption. Parliament is not assertive enough, public sector is weak, with key institutions seen to have lost independence and competence being compromised by poor governance enabling political interference. This malaise has spooked investors and economic fundamentals are fast deteriorating than warranted by external developments. Domestic factors is causing ringgit to be weaker

than warranted by international economic developments, which could lead to a spiral of weak growth and depreciation induced inflation. The situation of political weakness is cascading into loss of investor confidence in Malaysia's ability to implement sound economic policies and respond to global economic developments. The large depreciation of the Ringgit is a manifestation that investors are nervous about the capacity of the economy to support economic activities.

Parliament needs to strengthen and undertake quick reforms to restore governance, address corruption issues and incentivize the public sector to improve delivery of public sector services. Parliamentarians in their law-making phase could establish a social and legal environment in which corruption is less likely to occur. When the public is highly involved in becoming watchdogs of their politicians and when there is media freedom to report any misconducts of public servants, the political incentive to be accountable on use of public money would increase. Likewise, the setting up of Parliamentary Select Committees would institutionally protect politicians from explicit and implicit means of corruption, ensuring that public policies tabled into law to be free from private or foreign interests.



Recommendation 1:

Establish Additional Parliamentary Committees

Parliamentary committees have proven effective in countries which have adopted a formal and legalized mechanism to enable these committees to debate legislations and to exercise oversight on the Executive as well as oversight on funding and expenditure of federal ministries and agencies. Recent events have made it urgent for Malaysia to formally establish parliamentary committees, in addition to the PAC to undertake 2 basic functions:

- Consider bills and assess impact of these bills and make recommendations relating to the bills, including policy issues involved and evaluating legislative alternatives; and
- Oversee and monitor federal ministries and their activities and impact. In this regard, to undertake investigations of suspicions of unethical behavior or accusations of wrongdoings by public officials.

While the PAC is important in playing the oversight role of examining the Government's financial management and the issues raised in the Auditor-General's Report, there is, however, a need for other select committees to be formed to regularly monitor the functions of ministries. Unlike Australia and the UK, it may not be appropriate for Malaysia to have committees for ministry, given the overlapping accountabilities of ministries. Better suited to Malaysia's operating environment would be to organize parliamentary select committees by subject coverage. As such, each Select Committee will be monitoring the issues and the work of several ministries and agencies on the particular areas of coverage. It is recommended that Parliament establish new Select Committees to consider bills and oversight on key ministries, as follows:

1. Select Committee on Legislation: consider all bills before it is debated in the House.
2. Other Select Committees on:
 - National Security and Foreign policy;
 - Economic Policy and Financial Management;
 - Education and Health;
 - Transport and Communication;
 - Public Administration and Law;
 - Political Financing and Elections;
 - National Unity and Multiculturalism

The above Select Committees are permanent to enable Parliament to play a more dynamic role in oversight of the government and to safeguard public interests against the abuse of power by Ministers, Ministries and their officials.

A Select Committee on Legislation is essential to be set up in order that Bills are more thoroughly debated and MPs are given ample time to consult and contribute to the Bills. Although Parliament is supposed to make laws, current practices are such that it is really the Executive that are making the laws. The role of Parliament is to give it legitimacy. This is because there is no Select Committee on Legislation and Bills are rarely sent to any of the 5 Select Committees for scrutiny. As such, this makes Parliament very weak, its role in making laws has been usurped by the dominance of the Cabinet. The Executive takes advantage of the Parliamentary majority to push a Bill through Parliament without much scrutiny.

Of more concern is that the prevailing environment has led to Bills being proposed based on the political considerations of the day, rather than the needs of the country. Because of the narrow party line adopted by MPs, the party politics has drowned all fundamental issues on legislations that should be debated by Parliament in line with practice of democracy and justice. Partisan politics overshadow the main issues that concern the specific Bill. As a result, legislations passed by Parliament have been focused on issues to preserve political power and undermines the democratic process as well as threatens protection of rights of citizens as guaranteed by the Federal Constitution.

It is Parliament's duty to correct the situation and take back its powers. Appointment and good management of the Parliamentary Select Committee on Legislation can achieve this critical objective. As all Bills should be scrutinized, the Select Committee on Legislation must be a permanent select committee. This will enable it to develop professionalism and expertise and assist Parliament to make impact and exert its authority on making the best laws for the country.⁸

It is sometimes argued that by having several select committees, government ministries will have the additional burden of answering to parliamentarians. Another criticism is the concern that there will be unnecessary interference in the functioning of government. Further, there will be delays in the passage of bills, and ministers will be put under pressure of time to accomplish their programmes for the people.

The counter argument is that having select committees overseeing the carriage of major functions of the Executive will make the Malaysian democracy more respectable. It will demonstrate that Parliament and the Executive value integrity, transparency and accountability in government. The Executive is not afraid and look up to Parliament to ensure that it is constantly providing checks and balance on the abuse of power by ministers and civil servants. The time spent in select committees can be the crucial factor saving the country from huge financial scandals. In the Australian and other country experiences, it has been found that select committees have contributed significantly to the quality of Parliamentary performance. Although initially, committee members may adopt party lines, more intense debates on issues often results in members ending up considering national interests. This results in select committees making substantive and impactful contributions to improve bills and other policy and operational issues brought to Parliament.

⁸ A Study by Professor Shad Farouqi showed that 80% of bills introduced by the Executive were passed without any amendment, 15% undergo limited changes, and 5% withdrawn by the Executive.,

In the case of the current PAC, it is recommended that its operations be improved by the following changes:

- Its Chairman should be an opposition party MP, in line with global practices, especially in the Westminster systems.
- Adopt the principles and procedures on appointments and operations of SC and SSC in Recommendation 4 below.
- Because of its specific nature to review financial management of Federal agencies, PAC should be serviced by its own team of officials, experts and researchers.





Recommendation 2:

Put In Place
Practices To
Promptly Set Up
Special Select
Committees On
Enquiries On
Specific Issues To
Avoid Financial
Losses Or Non-
Financial Damage
To Economy

In addition to the Select Committees identified above, Parliament should implement the law that enables it to set up Special Select Committees to undertake investigations on wrongdoings of public sector officials, any matters of policy or government operations or performance. The Select Committee will be appointed as the need arises and have a limited life. These Committees can also be Committees of Enquiries. Depending on the severity, complexity and implications of the subject being investigated, the Select Committee can be set up as Statutory Committees under an Act of Parliament or by the Speaker or Dewan Rakyat. Membership of the Select can be from both Dewan Rakyat or Dewan Negara, depending on the task of the committee. The Committee must operate within a defined time line and submit its report for debate in Dewan Rakyat.

Special Select Committees will differ from the PAC which is a permanent select committee. It will relieve the burden of the PAC by undertaking investigation and debate on both financial and non-financial issues brought to the Dewan Rakyat. This approach is efficient and productive as the work of each Special Select Committee will be organized and tailored to the specific task of the committee. Nomination of members with expertise on the task subject will add to the quality of debates, the findings and the final report submitted to the Dewan Rakyat.

Similar to the Select Committee, the Special Select Committee will be governed by principles and processes adopted for these purposes in both Dewan Rakyat and Dewan Negara. The principles and processes are contained in Recommendation 4 below.



Recommendation 3:

Strengthen The Legal Basis To Make Parliamentary Committees Effective

The current legal framework already exist which enables Parliament to establish new permanent Select Committees. What is needed is adopting principles (Recommendation 4 below) to make nominations of SCs and SSCs more effective and their operations contributing to more intrusive debates on legislations and issues facing the nation. There is also a need to agree and observe processes so that SCs and SSCs can be made accountable to perform their obligations. The process for nomination of SC and SSC members need to be clear and objective and transparent to all MPs from all parties.

The above requirements will involve only amendments to the Parliament Ordinances as enabled by Article 62 of the Federal Constitution. The changes or additions to the Standing Order should be undertaken to provide for the following:

- To insert in the Standing Order the capacity to form Special Select Committee when needed;
- The Committee of Selection to be known as the committee appointed to form Special Select Committees;
- To determine chairmanship and membership of committees;
- To establish the functions to be undertaken by the SCs and the SSCs; and
- To give legislative powers to enable processes and operational procedures in the setting up and operations of the SCs and SSCs to meet defined standards with intent to facilitate the Committees to effectively implement Parliament's legislative and oversight functions.



Recommendation 4:

Parliament To
Adopt Principles
& Processes In
Setting Up &
Operating Select
Committees &
Special Select
Committees.

Parliament adopting best practices in its governance through parliamentary SCs and SSCs is the essential and sufficient condition needed to bring back confidence to the Malaysian government and the running of the economy. Since, Malaysia has adopted the Westminster democracy model, it does not need to reinvent the wheel—just adopt best practices in the UK and Australian systems and include best practices processes in other systems which can enhance the Malaysian parliamentary processes of governance to exercise legislative authority and oversight over the Executive.

Best practices principles in setting up and operations of SCs and SSCs are proposed as follows:

(a) Establishment of SCs and SSCs:

- Set-up of SC: Parliament agrees to set up SCs to undertake oversight on key areas of government responsibilities and that SCs are permanent until Parliament decides to dissolve or amend their functions and set up (see Recommendation 1). Parliament agrees to a set of criteria for selection of members of the SC, giving emphasis to expertise of members. Overlapping memberships should be allowed, with maximum numbers fixed for a MP.
- Chair of SC must be shared proportionately between the ruling and the opposition parties, but chairs of key committees must come from the Opposition Party. This is particularly crucial for the PAC and the Legislative SC.

- SCs and SSCs may appoint sub-committees.
- Composition of the SC must be proportionate to the party representation in Parliament.
- Nominations for members of SCs and SSCs can be made by the party subject to MPs meeting criteria. MPs can volunteer to sit on SCs and SSCs, and usually MPs select committees where they have expertise. There must be a transparent process for membership in SCs and SSCs.
- MPs can sit in a pre-determined maximum number of committees, while MPs cannot sit in committees where he/she has a pecuniary interest.
- The SSC is set up by the Selection Committee or by a resolution in the Dewan Rakyat or the Dewan Negara.
- A process should also be established for the public to be able to make requests for Parliament to convene a SSC on a particular issue of public interest, and for the public to share information on the subject, particularly on matters of abuse of power by public officials. To avoid unwarranted requests, a transparent criteria-based guidance is issued to the public.
- SSCs will cease to function once the time allocated for it to do its work expires or upon presenting its final report to Parliament.

(b) Operations and Conduct of SCs and SSCs

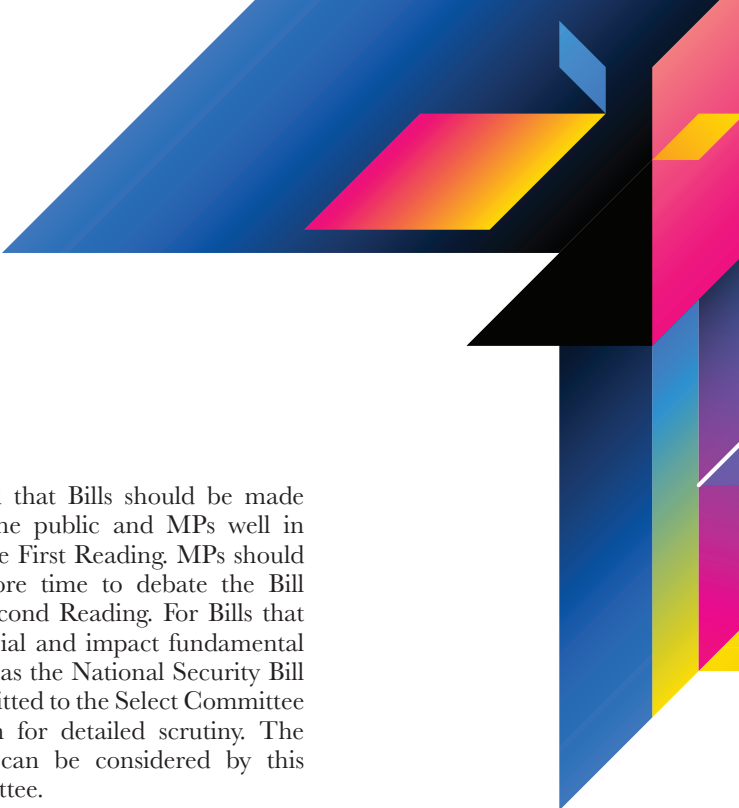
- Matters being discussed at SCs and SSCs should be made public. In particular, special enquiries by SSCs should be made public early in the investigations to encourage the public to submit relevant evidence.
- SCs and SSCs can appoint expert advisors.
- In conduct of its work, SC and SSC should have the powers to call for hearings and demand that officials from ministries being overseen by the committee provide the required information. SCs and SSCs can also call on experts as well as convene public hearings to seek evidence from a wide range of witnesses, collecting such evidence through oral presentations/questioning at hearings or written submissions.

- SC and SSC have the same status as a court of law in summoning witnesses and experts from the public and private sectors to give expert views or opinions. In this context, witnesses can request evidence to be given in camera.
- In case of government servants, guidelines shall be established that they are required to fulfill their accountability obligations by providing full and accurate information to the committees. Public officials shall be given immunity to enable them to give evidence freely and honestly without fear of recrimination.
- A process must be in place to provide protection against victimization of private sector witnesses (especially by government officials) for individuals and corporations called up to give evidence or experts views.
- Work of the SCs and SSCs will culminate in a comprehensive report to be submitted and discussed by Parliament.
- Reports are eventually published and the public are invited to give feedback.

The response to the reports published by the committee must be tabled at the next parliamentary sitting. A certain standard of feedback must be set. Parliamentarians responsible for feedback should not be able to get away with a simple response that goes no further than acknowledging that a response has been noted. The standard for the responses must be treated as more than just a guideline, it must be a part of the work culture that would be noted in the form of civil servants' key performance indicators (KPIs).

In the case of the SC on Legislation, it is recommended that the process to enable greater scrutiny of bills should be changed. Currently, Bills are only made available to MPs after the First Reading. MPs are therefore not given enough time to debate on the bills during the Second Reading stage. Recent experiences show that Bills have been rushed through.⁹

⁹ A classic case is the passing by Parliament of the National Security Council Bill 2015, which was passed late at night in December despite public criticism against it.



It is proposed that Bills should be made available to the public and MPs well in advance of the First Reading. MPs should then have more time to debate the Bill during the Second Reading. For Bills that are controversial and impact fundamental liberties, such as the National Security Bill should be remitted to the Select Committee on Legislation for detailed scrutiny. The public views can be considered by this Select Committee.

In establishing new SCs which are permanent, a gradual approach is recommended. Priority should be given to setting up SCs on areas dealing with responsibilities of key ministries and those with large budgets. This includes SCs for areas like Economic Policy and Financial Management, National Security and Foreign Policy, Education and Health, Political Financing and Ethical Practices.



Recommendation 5:

Establish An Administrative & Research Office To Support Parliamentary Committees



For the SCs and the SSCs to function properly, they must be provided with full-time paid qualified staff to undertake research, assist in investigations, write the reports and support the work of the committees generally. In this regard, Parliament should appoint its own cadre of professional staff with expertise to service the committees, without the need to seek permission of the Executive. Ideally, the permanent SCs should be empowered to select their own staff.

It is essential that the Parliamentary Service Bill announced by Speaker to be tabled early this year be implemented with urgency. This Bill is required to ‘revive’ an earlier legislation (the Parliamentary Service Act 1963 that was repealed in 1992) that will enable parliament to have its own dedicated administrative service, so that the officers can have continuity in their parliamentary work and grow to become professionals in assisting members of parliament in the performance of their duties. As in Parliaments worldwide, MPs in Malaysia must have administrative and professional staff who are independent of the Executive arm of government. Parliament must be able to manage its own affairs, which includes autonomy over its funding and administration.

In addition, Parliament should be given financial authority under its budget to allocate a certain amount for every MP to employ professionals to assist him or her as advisers on the matters coming up in the agenda so that he can raise the appropriate questions in the select committee he is sitting on and prepare himself for the debate in the House. With adequate professional support, MPs will be able to participate in select committees professionally and with adequate research support will be able to consider issues of national interests in an informed manner and be less inclined to using the committees as a forum for partisan politics.

See also the recommendations in this area by the GCPP: Towards a People-Centred Parliament (Appendix 7).



Recommendation 6:

Parliament to
Adopt an Impact
Assessment
Mechanism
to Measure
Improvement in
Parliamentary
Performance based
on the Work of
Select Committees
& Special Select
Committees.

It is recommended that Parliament adopts an Impact Assessment Framework to measure the effectiveness of the SCs and SSCs and its contributions to success of Parliament in exercising its functions. This impact assessment will help Parliament audit the outcomes of the work of the SCs and SSCs, and address shortcomings. This Impact Assessment will also keep SCs and SSCs focused on achieving their objectives and result-oriented in undertaking their functions.



Recommendation 7:

Undertake
Complementary
Measures Which
Are Necessary
For Parliamentary
Committees
To Function
Effectively.

(a) Undertake reforms for reasonable freedom of media

The media plays a significant role in shaping the people's view on the economic, social and political landscape of the country. The role of the media in a democracy is crucial to provide an unbiased, professional reporting to issues concerning public interests such as education, health care, finances, governance and administration. At the core of their role is the editorial freedom to report these issues without fear of political persecution by the country's ruling government, as long as the nature of the reports do not incite physical harm and violence against people of different race, ethnicity, gender or religion, and/or used for propaganda for war.

Currently, these acts concern media practitioners in Malaysia:

- Printing Presses and Publications Act (PPPA)
- Official Secrets Act (OSA)
- Sedition Act
- Internal Security Act (ISA)
- National Security Council (NSC)

The ISA has been known to subjugate individual journalists, editors and writers considered critical of the ruling power. The PPPA explicitly has the legislative control over media freedom. Section 22(1) of the PPA, for example, empowers the Home Minister to revoke or suspend a printing or publishing license if it is deemed “prejudicial to security, morality, public order, public interest or national interest.” Even though online news and reporting portals are not subjected to the same kind of legal shackles until recently, there have been efforts to curb media freedom on the Internet as well with planned changes to the Communications and Multimedia Act 1998 which would give power to the Malaysian Communications and Multimedia Commission (MCMC) to take down online content without oversight.

The mainstream media is still largely operating within an institutionally constrictive and legally restrictive environment. Media of all forms of outlets have found themselves facing self-censorship for fear of political persecution. Efforts to encourage liberalisation of the media are then focused on two main changes:

- Reform strict laws governing the media, particularly the PPPA; and
- Promote greater autonomy for journalists within the media industry, especially the independent media.

In liberalising the media, we also need to protect the freedom on any new forms of media, including the social media such as Facebook and Twitter, from arbitrary arrests by the authorities. Of late, social media has been a powerful tool to disseminate information and cultivate an environment where thoughts are shared widely, cases of the people getting arrested over Facebook posts and/or Tweets have also increased. It is crucial that in this effort to educate the public on the importance of keeping their basic rights as citizens to freedom of speech, regardless of the medium.

(b) *Enable free access to information.*

Calls for a Freedom of Information Act should be recognized and the government pass legislation to enable greater access to information. Secrecy should be replaced with freedom to share information. Greater access and transparency of information is also to advantage of government as it prevents media sources from spreading wrong information or making inaccurate analysis.

(c) Put in place other governance regulations

Examples:

- Enhancing the asset declaration for ministers and senior officials by having an independent audit firm collecting, maintaining the records as well as evaluate the integrity of reporting by using internationally benchmarked principles.
- Compulsory public declaration of assets and business interests by Ministers prior to appointments.
- Strengthening rules on promoting integrity of public officials and integrity checks are undertaken at points of promotion to senior levels.
- Strengthening whistle-blowing protection practices.
- A more open system of appointments to senior positions and heads of government ministries and agencies.





Appendix I: United Kingdom

Good Economic Governance Through Parliamentary Select Committees: The United Kingdom Experience¹⁰

| Summary Of The UK Case

Select Committees in the UK Parliament are described as a group of MPs, appointed to examine expenditure, administration, and policy of the relevant government departments and associated public bodies. Generally, the MPs consider policy issues; examine spending arrangements and challenge the administration. There are 19 Select Committees, one for each principal government department. Most Committees have 11 members, selected through a secret ballot process at the start of Parliament following the setting up of a new government. Membership in Committees is proportional to party representation in the House of Commons.

¹⁰ The contents of this paper are extracted from various internet sources, in most parts in its original text. These sources are indicated at the end of the paper. The paper is not comprehensive and provides only basic knowledge of the functions and current work of Parliamentary Select Committees in the United Kingdom. This paper, has been put together Ms. Maryam Lee, a post graduate student at University Malaya.

Select Committees receive regular updates from their departments, run enquiries which can last several months, conduct enquiry meetings with public servants, media and other relevant personnel. Largely these committees' work is investigative processes whereby a subject is identified, oral and written evidence is taken, a report is prepared and presented to Parliament. A reply from Parliament is expected within 60 days.

These Committees achievements are seen through:

- Holding Government to account through ministerial and senior official appearances;
- Investigations and reports inform and influence the government, Parliament and the public;
- Contributes to the policy making processes;
- Contributes to the scrutiny of draft legislations;
- Address risks of “headline grabbing” and “political point scoring”.

Recent enquiries by Select Committees include:

- UK's future relationship with the EU;
- Retail banking market review;
- Budget 2016;
- Bank of England Inflation Report Hearings for 2016-2017;
- UK tax policy and the tax base;
- Review of the Office of National Statistics.
- Reports on the above are all available on the UK Parliament website.

Several Select Committees are tasked with oversight and scrutiny of finance related functions of the public sector. The Public Accounts Committee (PAC) scrutinizes the value for money is achieved in terms of economic performance, efficiency and effectiveness of public spending. PAC will hold the government and the civil servants responsible to deliver public goods and services. Given the broadening of the public sector, the PAC reach has been extended beyond government departments to also examine other public bodies as well as private sector providing the public services.

The PAC only looks at how the money has been spent. It does not examine the merits of why the money is spent. This is reviewed by the Treasury Select Committee. Examples of recent investigations by the PAC include:

- Better regulation;
- Oversight of arms-length bodies;
- The Government's balance sheet-transforming rehabilitation; and
- The BBC World's Service.

| Background of the UK Parliament

Parliament consists of three parts: the House of Commons, the House of Lords, and the Monarch. The balance of power between these three parts has changed over the centuries. In the House of Commons there are 650 MPs who are elected by the people throughout the United Kingdom (UK) to represent their interests and concerns. The House of Commons has the final say on laws introduced in Parliament. The House of Lords is the second Chamber of the UK Parliament.

The Lords works independently of the Commons but the two Houses share the task of making laws and checking and challenging the work of the Government. Parliament and the Government play separate roles. The Government is responsible for running the UK; Parliament is responsible for holding the Government to account. However, members of the Government are drawn from the membership of the Houses of Parliament.

The House of Commons

The UK public elects 650 Members of Parliament (MPs) to represent their interests and concerns in the House of Commons. MPs consider and propose new laws, and can scrutinise government policies by asking ministers questions about current issues either in the Commons Chamber or in Committees.

The House of Commons is governed and managed by a group of MPs and others who make up the House of Commons Commission. The day to day running of the House is delegated by the Commission to the senior officials who form the House of Commons Executive Committee.

Commons Select Committees

There is a **Commons Select Committee** for each government department, examining three aspects: **spending, policies and administration.**

These departmental committees have a minimum of 11 members, who decide on the line of inquiry and then gather written and oral evidence. Findings are reported to the Commons, printed, and published on the Parliament website. The government then usually has 60 days to reply to the committee's recommendations.

Some Select Committees have a role that crosses departmental boundaries such as the **Public Accounts** or **Environmental Audit Committees.** Depending on the issue under consideration they can look at any or all of the government departments.

Other Commons Committees are involved in a range of on-going investigations, like administration of the House itself or allegations about the conduct of individual MPs.

Committees also have power to appoint specialist advisers; these are not permanent members of staff, but external specialists paid by the number of days' work. They are often, but not always, academics, and are appointed either generally or to assist with particular inquiries. They support the clerk who is the head of the committee's staff.

The House of Lords

Members of the House of Lords bring experience and knowledge from a wide range of occupations. Many members continue to be active in their fields and have successful careers in business, culture, science, sports, academia, law, education, health and public service. They bring this knowledge to their role of examining matters of public interest that affect all UK citizens. Currently, there are about 800 members who are eligible to take part in the work of the House of Lords. The majority are life peers.

The House of Lords is the second chamber of the UK Parliament. It is independent from, and complements the work of the elected House of Commons. The Lords shares the task of making and shaping laws and checking and challenging the work of the government.

Members of the House of Lords are appointed by the Queen on the advice of the Prime Minister. Some non-party-political members are recommended by an independent body, the House of Lords Appointments Commission.

The Lords has three main roles:

- Making laws
- In-depth consideration of public policy
- Holding government to account

Making laws

Members spend almost half of the time in the House considering bills (draft laws). All bills have to be considered by both Houses of Parliament before they can become law. During several stages, members examine each bill, line-by-line, before it becomes an Act of Parliament (actual law). Many of these bills affect our everyday lives, covering areas such as welfare, health and education.

In-depth consideration of public policy

Members use their extensive individual experience to investigate public policy. Much of this work is done in select committees - small groups appointed to consider specific policy areas. In the 2014-15 session, House of Lords select committees produced 27 reports on various subjects including the economics of High Speed 2, women in news and current affairs on TV and radio and civilian use of drones in the European Union. Many select committee meetings involve questioning expert witnesses working in the field which is the subject of the inquiry. These meetings are open to the public.

Holding government to account

Members scrutinise the work of the government during question time and debates in the chamber, where government ministers must respond. In the 2014-15 session, members held the government to account with 6,394 oral and written questions and 188 debates on issues ranging from early years to assisted dying. The public is welcome to visit and sit in the galleries overlooking the chamber during business.

House of Lords Select Committee

The House of Lords committees investigate public policy, proposed laws and government activity. Committees are small groups of members (usually 12 in total) who meet outside the chamber and are appointed to consider specific policy areas.

Committee work

Committees can conduct short, narrowly focused investigations or investigate broad, long-term issues. Committees normally publish reports on their findings.

The reports:

- are debated in the House of Lords
- provoke discussion outside Parliament
- make recommendations to government.

The government must respond in writing to each report.

1. Committee meets briefly in private to discuss what questions to ask and what issues to focus on at the public meeting when the ‘witness’ (person being questioned) is present.
2. Witness(es), media and the public are invited in.
3. Members ask questions and follow up witness(es’) responses.
4. Witness(es) leave and members may meet in private to discuss what they have heard.
5. Committees also meet in private to consider the conduct of their inquiries, to review their emerging conclusions and to consider their reports and recommendations.

Government Responses

The Government will normally make a response to a select committee report, either publishing it itself (as a Command Paper) or sending a memorandum to the committee, which can be published as a special report (simply saying, in effect, “we have received the following reply ...”), although the committee can publish the response with further comments or take further evidence.

The Government has undertaken to reply within two months of the publication of the report, when possible, but may seek the

committee's agreement to allow a longer period. In some cases where a report has recommendations affecting a body outside Government (for example the Bank of England) responses will be received from more than one source. It is sometimes convenient for the committee to publish such responses together. The Government's replies to reports from the Committee of Public Accounts are published as Treasury Minutes (which are Command Papers).

| Summary

	House of Lords	House of Commons
Main Difference	House of Lords concentrate on six main areas: Europe, science, economics, communications, the UK constitution and international relations.	House of Commons Select Committees are largely concerned with examining the work of government departments.
Membership	800 members, appointed by the queen on advice of the Prime Minister.	650 Members of Parliament (MPs) elected through the people's mandate
Role of Select Committees	The House of Lords committees investigate public policy, proposed laws and government activity.	There is a Commons Select Committee for each government department, examining three aspects: spending, policies and administration.
Member of Committees	12 members	11 members
Supporting Staff	Specialist Adviser: For most Committee inquiries, the Committee appoints one or more Specialist Advisers. These are experts in the field of the inquiry who provide independent advice to the Committee about policy relevant to the inquiry. They will often be involved in helping the Chairman draft and review the Report. These Advisers also sit at the table with the Committee but do not speak during the evidence session. Legal Adviser/Legal Assistant: Members of staff of the House of Lords who provide expert legal advice to the Committee. Like the Clerks, they sit at the table next to the Chairman, but they do not speak during public evidence sessions. They only participate in inquiries that raise legal issues. Committee Assistant/Policy Analyst: Staff who provide administrative and research support to the Clerk and the Committee. The Committee Assistant normally sits at a side-table, behind the Committee, while the Policy Analyst will normally sit at the table next to the Chairman.	-





Appendix 2: Australia

Good Economic Governance Through Parliamentary Select Committees: The Australian Experience¹¹

| Summary of Case of Australia

The comprehensive parliamentary committee system in Australia has significantly strengthened the Australian parliament's capacity to perform its law making functions as well as enable it to keep the government accountable for its actions. It has been found that the Committee system enables parliament to have an open channel with the public and this encourages community participation in assisting parliament to exercise governance efficiently. On the legislative side, the committee system has resulted in legislation that really serves the national interests and prevents parliament from adopting legislation to favour the ruling party.

The Australian experience is that members of the Parliamentary Select Committees may take the party line during early discussions of any issue being covered by a particular committee.

¹¹ The contents of this paper are extracted from various internet sources, in most parts in its original text. These sources are indicated at the end of the paper. The paper is not comprehensive and provides only basic knowledge of the functions and current work of Parliamentary Select Committees in Australia. This paper has been put together Ms. Maryam Lee, a post graduate student at University Malaya.

However, as more information and evidence are provided by officials and experts, MPs' decisions are generally along lines of what is optimal for national interest. This has been the greatest value of parliamentary committees in enticing MPs from all component parties to act in the interest of the country.

The Australian Parliamentary committees investigate specific matters of policy or government administration or performance. For example, in its function of making laws for the nation, MPs can vote to appoint a committee to take on this role when it finds that there is limited time to debate complex issues in detail in the parliamentary chambers. The appointed committee may have weeks or even months to make a closer study of an issue. Parliamentary Committees provide an opportunity for organizations and individuals to participate in policy making and to have their views placed on the public record and considered as part of the parliamentary decision-making process.

The Parliament can establish a committee or refer a matter to a committee for investigation. Often committees examine bills (proposed laws) or issues of concern to the community. The information collected by a committee can help the Parliament make better-informed decisions. This information can include advice and ideas from experts and interest groups as well as the views of members of the public.

There are three types of parliamentary committees:

Standing committees are committees appointed for the life of a Parliament and they are usually re-established in some form in successive Parliaments (that is, after each election). General purpose standing committees are a type of standing committee. They are investigatory or scrutiny committees, established by the House at the commencement of each Parliament to inquire into and report upon any matters referred to them, including legislation. These committees specialise by subject area, between them covering most areas of federal government activity.

Select committees are appointed as the need arises for a specific purpose, and have a limited life. Joint committees draw their membership from and report to both Houses of Parliament, enabling Members and Senators to work together on the same matter. Statutory committees are those established by Act of Parliament, that is, by statute. All existing statutory committees are joint committees.

Domestic or internal committees are those whose functions are concerned with the powers and procedures of the House or the administration of Parliament. Sometimes the term investigatory committee is used to describe committees other than domestic or internal committees. However, domestic or internal committees may also have investigative functions.

Joint Committees: A joint committee is one on which both senators and members of the House of Representatives serve. Joint committees are established where it is considered that matters should be the subject of simultaneous inquiry by both houses.

Joint committees may be statutory, select or standing committees. Joint statutory committees are established by statute (an Act of Parliament). Joint select or standing committees are established under the standing orders of each house. The powers and proceedings of joint committees are determined by resolution of both houses.

Joint statutory committees currently focus on:

- Australian Commission for Law Enforcement Integrity
- Law Enforcement
- Broadcasting of Parliamentary Proceedings
- Corporations and Financial Services
- Intelligence and Security
- Public Accounts and Audit
- Public Works
- Human Rights

A committee can be set up by:

*(i) **The Senate, comprising only senators, known as a Senate committee***

The Senate delegates a range of tasks to its committees. **A select committee is created as required to inquire into and report upon a particular matter.** It may be established at any time by a resolution of the Senate which will specify the committee's composition, terms of reference and powers. A select committee has a limited life and ceases to exist when the time allocated for it to do its work expires upon presenting its final report. Select committees often inquire into controversial or politically sensitive matters. Where a particular policy area is considered to merit continuous review, a select committee may have an extended life.

There are eight **domestic committees** dealing with matters relating to the internal operations of the Senate including publications; appropriations, staffing and security; procedure; library services; the provision of other facilities in Parliament House and senators' interests.

(ii) The House of Representatives, comprising only members of the House of Representatives, known as a House of Representatives committee

Most members of parliament, except ministers, serve on parliamentary committees. These committees are usually made up of six to ten government and non-government members of parliament.

(iii) Joint Committees established by both houses of Parliament comprising senators members

Joint committees are established by resolution or legislation agreed to by both houses and membership consists of both Members and Senators.

Joint Committees may be statutory, select or standing committees. Joint Statutory committees are established by statute (an Act of Parliament). Joint select or standing committees are established under the standing orders of each house. The powers and proceedings of joint committees are determined by resolution of both houses. The various committees set up in the Senate, House of Representatives, or established jointly by both houses are listed in the table below.

| **Administration**

Each committee has a secretariat – a group of parliamentary employees who assist with running the hearings and writing a report to present to the Parliament. When Parliament establishes a committee of inquiry, it decides on the terms of reference – that is, the specific purpose of the inquiry. The committee advertises in newspapers and invites written submissions from the community, experts and interest groups regarding the issue.

Committee members read the submissions and may invite selected people or groups to appear before the committee to provide further evidence or answer questions from committee members.

Committees' meetings take place at Parliament House, but Committee members also travel all over Australia to discuss issues with people from different walks of life.

Committee hearings are usually formal public meetings of the Parliament. Hansard reporters record everything that is said. Submissions and hearings are published in Hansard and are available on the Parliament House website. The media often attend and report on proceedings. After the public hearings are finished, the committee writes a report which is formally presented to the Parliament. Members of parliament often use evidence from a committee report to propose bills or amendments to existing laws.

| **Part I: Historical Background & Features of The Australian Parliament**

Historical Background

Since 1901, the 6 British colonies in Australia which were partly self-governing under the law-making power of the British Parliament were united to become a nation following a vote by the people through a referendum in 1900. The Australian Constitution took effect on 1 Jan 1901 with a federal Parliament and the colonies becoming Australia's six states. With the creation of the Australian Federation, the states transferred some of their law-making powers to the Federal Parliament.

The Constitution vests the Commonwealth legislative power in a Parliament consisting of the Queen, represented by the Governor-General, a Senate and a House of Representatives.

Main Features of the Australian Parliament

(a) House of Representatives

Composition

The House of Representatives has 150 Members. Each Member represents an electoral division. The boundaries of these electorates are adjusted from time to time so that they all contain approximately equal numbers of electors—because of the distribution of Australia’s population they vary greatly in area (from a few square kilometres to over two million square kilometres). Members are elected by a system known as preferential voting, under which voters rank candidates in order of preference.

Each House of Representatives may continue for up to three years, after which general elections for a new House must be held. Elections are often held before the end of this period.

The main political parties represented in the House are the Australian Labor Party, the Liberal Party of Australia and the National Party of Australia. In recent years there has also been a number of independent parties and Members.

Functions

- (i) **MAKES LAWS**—The House’s central function and the one which takes up most of its time is the consideration and passing of new laws and amendments or changes to existing laws. Any Member can introduce a proposed law (bill) but most are introduced by the Government. To become law, bills must be passed by both the House of Representatives and the Senate. They may start in either house but the majority of bills are introduced in the House of Representatives.
- (ii) **DETERMINES THE GOVERNMENT**—After an election the political party (or coalition of parties) which has the most Members in the House of Representatives becomes the governing party. Its leader becomes Prime Minister and other Ministers are appointed from among the party’s Members and Senators. To remain in office a Government must keep the support of a majority of Members of the House.

- (iii) **PUBLICISES AND SCRUTINISES GOVERNMENT ADMINISTRATION**—Debate of legislation and ministerial policy statements, discussion of matters of public importance, committee investigations, asking questions of Ministers (during question time—at 2 pm—Members may ask Ministers questions without notice on matters relating to their work and responsibilities; questions can also be asked on notice for written answer).
- (iv) **REPRESENTS THE PEOPLE**—Members may present petitions from citizens and raise citizens' concerns and grievances in debate. Members also raise issues of concern with Ministers and government departments.
- (v) **CONTROLS GOVERNMENT EXPENDITURE**—The Government cannot collect taxes or spend money unless allowed by law through the passage of taxation and appropriation bills. Expenditure is also examined by parliamentary committees

(b) *Senate*

The Senate is one of the two houses of the Australian Federal Parliament. It consists of 76 senators, 12 from each of the six states and 2 from each of the mainland territories. It shares the power to make laws with the other House of Parliament, the House of Representatives. The Senate is elected by proportional representation, so that its composition closely reflects the voting pattern of the electors.

Administrative Support

The Department of the Senate provides the Senate, its committees, the President of the Senate and senators with a broad range of advisory and support services related to the exercise of the legislative power of the Commonwealth.

The parliamentary head of the department is the President of the Senate and the departmental head is the Clerk of the Senate.

The department is one of four supporting the two Houses, the others being the Department of the House of Representatives, the

Parliamentary Budget Office and the Department of Parliamentary Services.

The work of the Department of the Senate is determined almost entirely by the Senate and its committees. The department is responsible, not to the government of the day, but to the Senate and all senators, and maintains complete impartiality in serving equally senators from all political parties and independent senators.

(c) *The Federation Chamber*

The Federation Chamber is the second chamber of the House of Representatives. It was set up in 1994 as the Main Committee, and renamed the Federation Chamber in February 2012. It allows the busy schedule of the House of Representatives to be managed more efficiently and to give members of the House more opportunity to contribute to debates. Despite its original name, the Federation Chamber does not conduct parliamentary committees. Instead, it is used for conducting non-controversial House of Representatives business, such as debating bills (proposed laws) that have bipartisan (majority) support.

(d) *Committees*

Parliamentary committees investigate specific matters of policy or government administration or performance. Committees provide an opportunity for organisations and individuals to participate in policy making and to have their views placed on the public record and considered as part of the parliamentary decision-making process.

(e) *Bills and Legislation*

In Parliament, a bill is a proposal for a new law or a change to an existing one. Generally, bills aim to improve something or fix a problem. Most bills are introduced into the Parliament by government ministers and are then debated and voted on in both chambers. A bill becomes a law after it has been passed in the same form by both houses of Parliament and is signed by the Governor-General. It is then called an Act of Parliament. For a bill to be passed, it must be agreed to by a majority vote in both the House of Representatives and the Senate. A bill may also be sent

to a parliamentary committee for further investigation before being voted on by the Parliament.

If members of parliament agree on a bill, it may only take a couple of days to be passed through the Parliament. However, the process may take weeks or even months if there is a lot of debate and disagreement. An example of such a bill was the Native Title Amendment Bill 1996. It was introduced to the Parliament on 4 September 1997 and finalised on 27 July 1998, taking 10 months and 24 days to become a law.

(f) *Senate estimates*

Senate estimates hearings are usually held three times a year to examine government spending. Estimates hearings are part of the Senate committee process. The only people who give evidence at estimates hearings are ministers, staff of government departments and representatives from organisations that receive government funding.

(g) *Hansard*

Hansard is a written record of the words spoken in the Senate, the House of Representatives and in public hearings of parliamentary committees. It is available to the public, so that people can find out what members of parliament and committee witnesses have told the Parliament. Hansard is an important way of keeping Parliament open to the people.

| Part II: Parliamentary Committees

Parliamentary committees are an important part of the work of the Parliament. They investigate issues and bills (proposed laws) in detail, so that the Parliament can be well-informed before making decisions of national significance. One of the roles of the Parliament is to make laws for the nation. However, there is often limited time to debate complex issues in detail in the parliamentary chambers. Members of parliament can vote to appoint a committee to take on this role. A committee may have weeks or even months to make a closer study of an issue.

Structure & Processes Adopted by the Australian Parliamentary Committees

The Parliament can establish a committee or refer a matter to a committee for investigation. Often committees examine bills (proposed laws) or issues of concern to the community. The information collected by a committee can help the Parliament make better-informed decisions. This information can include advice and ideas from experts and interest groups as well as the views of members of the public.

There are three types of parliamentary committees:

1. Standing committees are committees appointed for the life of a Parliament and they are usually re-established in some form in successive Parliaments (that is, after each election). General purpose standing committees are a type of standing committee. They are investigatory or scrutiny committees, established by the House at the commencement of each Parliament to inquire into and report upon any matters referred to them, including legislation. These committees specialise by subject area, between them covering most areas of federal government activity.
2. Select committees are appointed as the need arises for a specific purpose, and have a limited life. Joint committees draw their membership from and report to both Houses of Parliament, enabling Members and Senators to work together on the same matter. Statutory committees are those established by Act of Parliament, that is, by statute. All existing statutory committees are joint committees.
3. Domestic or internal committees are those whose functions are concerned with the powers and procedures of the House or the administration of Parliament. Sometimes the term investigatory

committee is used to describe committees other than domestic or internal committees. However, domestic or internal committees may also have investigative functions. Joint Committees: A joint committee is one on which both senators and members of the House of Representatives serve. Joint committees are established where it is considered that matters should be the subject of simultaneous inquiry by both houses.

4. Joint committees may be statutory, select or standing committees. Joint statutory committees are established by statute (an Act of Parliament). Joint select or standing committees are established under the standing orders of each house. The powers and proceedings of joint committees are determined by resolution of both houses.

Joint statutory committees currently focus on:

- Australian Commission for Law Enforcement Integrity
- Law Enforcement
- Broadcasting of Parliamentary Proceedings
- Corporations and Financial Services
- Intelligence and Security
- Public Accounts and Audit
- Public Works
- Human Rights

A committee can be set up by:

- (i) *the Senate, comprising only senators, known as a Senate committee*

The Senate delegates a range of tasks to its committees. As committee proceedings are flexible, they are able to meet in a variety of places, receive written submissions and hear evidence on specified matters. Numerous inquiries can be held at the same time, so many different issues can be examined and quickly reported back to the Senate.

A select committee is created as required to inquire into and report upon a particular matter. It may be established at any time by a resolution of the Senate which will specify the committee's composition, terms of reference and powers. A select committee has a limited life and ceases to exist when the time allocated for it to do its work expires upon the presenting of its final report.

Select committees often inquire into controversial or politically sensitive matters. Examples of matters examined by select committees in recent times include the Lucas Heights reactor contract, uranium mining and milling, the new tax system, Medicare, ministerial discretion in migration matters, the administration of Indigenous affairs, mental health and climate policy.

Where a particular policy area is considered to merit continuous review, a select committee may have an extended life. A notable example is the Senate Select Committee on Superannuation, which was first appointed in 1991. The longest running select committee in the history of the Senate, the committee was reappointed successively, with slight name changes but with the same functions and powers, over a 12-year period. Before ceasing operation on 10 September 2003 when its final report was tabled, the ‘Super’ select committee tabled 58 reports and background papers on a range of superannuation and related matters.

There are eight **domestic committees** dealing with matters relating to the internal operations of the Senate including publications; appropriations, staffing and security; procedure; library services; the provision of other facilities in Parliament House and senators’ interests.

- (a) **The Committee of Privileges**, which inquires into matters relating to the power and immunities of the Senate (for example, the protection of witnesses before Senate committees) is regarded as one of this group.
- (b) **The Selection of Bills Committee** is also classified as a domestic committee. The committee comprises the Government Whip (and two government senators), the Opposition Whip (and two opposition senators) and the whips of any minority parties. It recommends to the Senate which bills should be referred to a committee for detailed inquiry and public consultation, to which committee, and at what stage of their passage they should be referred, and the date by which the committee should present its report. This is the most common method by which bills are referred to committees. The Selection of Bills Committee meets weekly when the Senate is sitting
- (c) **Senate Standing committees** are appointed at the beginning of each Parliament under Senate standing orders 17 to 25. They continue to function until the end of the day before the commencement of the next Parliament. Senate standing committees, covering every area of government operations, have developed a reputation as the backbone of the Senate’s committee work.

- (d) **Standing committees** permit a continuing surveillance of defined fields of government activity, call upon scholarly research and advice and create an awareness of the Senate's 'watchdog' function. There are a number of different kinds of standing committees: domestic, legislative scrutiny, legislative and general purpose, and joint. By referring bills to the appropriate committees, several bills can be considered in detail simultaneously, thus allowing more time to debate the major issues of the day in the principal forum, the Senate chamber.
- (e) **The Scrutiny of Bills Committee** examines proposed laws before they are debated by the Senate. This committee assesses bills against personal rights and liberties criteria similar to those used by the Regulations and Ordinances Committee (see below). It also scrutinises proposed legislation to ensure that it does not inappropriately delegate powers to make regulations, and that any such regulations will be subject to adequate parliamentary scrutiny. The committee does not usually recommend specific changes to bills. It simply highlights those provisions which may offend its criteria—leaving it to senators to propose any changes in the chamber. To fit in with the Senate's legislative timetable the committee works quickly: it aims to have the whole scrutiny and reporting process completed within two sitting weeks of a bill being introduced. The findings of the committee are published in the Alert Digest and in Scrutiny of Bills reports which are available on the committee's homepage.
- (f) **Regulations and Ordinances Committee:** Many of the matters on which Parliament makes laws are extremely complex and it is neither possible nor desirable to include all the details in an Act of Parliament. Many Acts therefore contain a provision that delegates to the government the power to draw up legislative instruments covering detailed or technical matters required for the purpose of the Act. An Act will usually have a power authorising the Governor-General to make regulations. For example, the Health Insurance Act under which the Medicare scheme operates, establishes broad principles and sets out the way the scheme is to be administered, but many of the fine details, including the scheduled fees for various medical procedures, are prescribed by regulation. An Act may also authorise a minister to make other forms of legislative instruments such as determinations, orders, guidelines, standards and airworthiness directives.

A legislative instrument carries the full force of the law—it has the same effect as an Act of Parliament. The power to make legislative

instruments is therefore an important one which needs to be monitored closely to ensure that it is not abused. For this reason the LEGISLATION ACT 2003 requires that all legislative instruments be tabled in both houses of Parliament and gives either house the right to disallow (that is, veto) a large number of them.

- (g) Central to the Senate's committee system are the **legislative and general purpose standing committees**. These committees were first established in 1970, along with a dedicated stream of estimates committees, to examine legislation, government administration and references of a general nature. Since 1994 the estimates function has been subsumed by these standing committees. From 1994 until 2006 the Senate committee system comprised a pair of standing committees—a references committee and a legislation committee—in each of eight subject areas. Each pair of committees had overlapping membership and a shared secretariat. From September 2006 the pair of committees was re-combined into one for each subject area. In May 2009 the Senate agreed to revert to the structure of paired committees—a references committee and a legislation committee—which had existed previously.

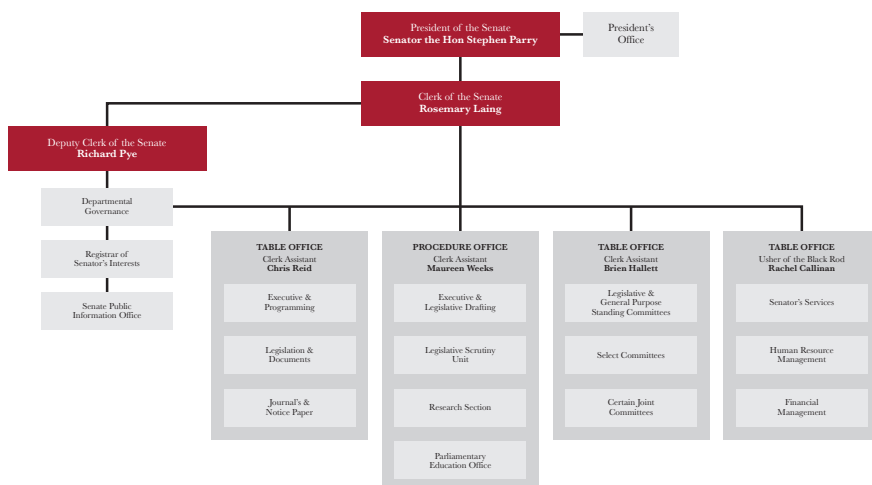
The Senate Committee Office

The Committee Office provides secretariat staff, research and administrative support and advice to the Senate's standing committees, select committees and certain joint committees. (Senators also serve on joint committees administered by the Department of the House of Representatives.)

The office is managed by the Clerk Assistant (Committees) who provides procedural advice and guidance to committees and committee secretariats and is a Clerk at the Table. In managing the Committee Office the Clerk Assistant (Committees) is assisted by the Senior Clerk of Committees who plays an important role in the coordination of resources between secretariats and in the dissemination of Committee Office information.

The Committee Office supports eight legislative and general purpose standing committees, four joint statutory committees and any select committee appointed by the Senate. The work of each legislative and general purpose standing committee is supported by a committee secretariat. The secretariat comprises the Clerk Assistant (Committees) as the Clerk's delegate, the committee secretary, one or more research officers, a Parliamentary Officer Class 4 whose chief role is to support the estimates process, and an administrative officer. The number of

research officers assigned to a secretariat depends on workload, which is determined by the committee and ultimately by the Senate. Select and joint committees are provided with similar secretariats.



(ii) The House of Representatives, comprising only members of the House of Representatives, known as a House of Representatives committee

Parliamentary committees are one mechanism the House uses to keep a check on the activities of the Government. Because they have extensive powers to call for people, including public servants, and documents to come before them, committees can thoroughly investigate questions of government administration and service delivery.

Committees can contribute to better informed policy-making and legislative processes. They help Members to access a wide range of community and expert views so that through the committee process, the Parliament is able to be better informed of community issues and attitudes.

(iii) Joint Committees established by both houses of Parliament comprising senators and members

Joint committees are established by resolution or legislation agreed to by both houses and membership consists of both Members and Senators. Joint Committees may be statutory, select or standing committees. Joint

Statutory committees are established by statute (an Act of Parliament). Joint select or standing committees are established under the standing orders of each house. The powers and proceedings of joint committees are determined by resolution of both houses.

Senate Committees	House of Representative Committees	Joint Committees
Appropriations & Staffing Certain Aspects of the Queensland Government Administration related to Commonwealth Government Affairs Community Affairs Economics Education & Employment Environment & Communications Finance & Public Administration Foreign Affairs, Defence & Trade Health (Select) Legal & Constitutional Affairs National Broadband Network (Select) Privileges Procedure Publications Regulations & Ordinances Rural and Regional Affairs & Transport Scrutiny of Bills Selection of Bills Senators' Interests Wind Turbines	Agriculture & Industry Appropriations & Administration Communications & the Arts Economics Education & Employment Environment Health Indigenous Affairs Infrastructure & Communications Infrastructure, Transport & Cities Petitions Privileges & Members' Interest Procedure Publications Selection Social Policy & Legal Affairs Tax and Revenue	Australian Commission for Law Enforcement Integrity Australia Fund Establishment Broadcasting of Parliamentary Proceedings Corporations & Financial Services Electoral Matters Foreign Affairs, Defence & Trade Human Rights Intelligence and Security Law Enforcement (Formerly Australian Crime Commission) Migration National Capital & External Territories National Disability Insurance Scheme Northern Australia (Select) Parliamentary Library Public Accounts & Audit Public Works Publications Trade & Investment Growth (Select) Treaties

Membership of Parliamentary Committees

Most **members of parliament, except ministers**, serve on parliamentary committees. These committees are usually made up of **six to ten government and non-government members of parliament**.

Committees may **consist of senators or members of the House of Representatives**, or may be established as joint committees which include members of both houses of Parliament. One committee member is voted to be the chairperson who runs the committee proceedings.

Each committee has a secretariat – a group of parliamentary employees who assist with running the hearings and writing a report to present to the Parliament.

Procedures

When Parliament establishes a committee of inquiry, it decides on the **terms of reference** – that is, the specific purpose of the inquiry. The committee **advertises in newspapers and invites written submissions from the community, experts and interest groups regarding the issue.**

Committee members read the submissions and may invite selected people or groups to appear before the committee to provide further evidence or answer questions from committee members.

Committees' meetings take place at Parliament House, but Committee members also travel all over Australia to discuss issues with people from different walks of life.

Committee hearings are usually formal public meetings of the Parliament. Hansard reporters record everything that is said. Submissions and hearings are published in Hansard and are available on the Parliament House website. The media often attend and report on proceedings. **After the public hearings are finished, the committee writes a report which is formally presented to the Parliament. Members of parliament often use evidence from a committee report to propose bills or amendments to existing laws.**

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Appendix 3:

India

Good Economic Governance through Parliamentary Select Committees: the Indian Experience ¹²

| Summary of The Indian Case

In India, parliamentary committees serve the purpose of parliamentary oversight function of the legislature, hearing minority views on any matter (protection from brute minority in the house), providing avenues for civil society to forward views on legislature, a mechanism to scrutinize details on public policy and the budget and their implementation. Most important, parliamentary committees are proven as good mechanism to keep bipartisan spirit alive in Parliament. The parliamentary committees in India have been in existence as early as 1950, these include:

- Parliamentary Financial Committees, such as the Estimates Committee (since 1950), Departmentally Related Standing Committee on Finance (since 1993), Public Accounts Committee and the Committee on Public Undertakings.

¹² The contents of this paper are extracted from various internet sources, in most parts in their original texts. These sources are indicated at the end of the paper. The paper is not comprehensive and provides only basic knowledge of the functions and current work of Parliamentary Select Committees in the United Kingdom. This paper, has been put together by Ms. Maryam Lee, a post-graduate student at Universiti Malaya

- The Estimates Committee scrutinizes the impact of economic policies, organizational efficiency and look into administrative reforms to improve policy impact.
- There are 23 Departmental Related Standing Committees (DRSCs). Functions of these Committees include considering reports to Parliament on demands for government grants by various ministries, examine bills as referred to by the Committee Chairman, consider policy documents referred to by the Executive to Parliament.
- In the finance area, the DSRC on Finance has played major role in economic reforms and examining bills related to the banking sector, such as bills to allow securitization of debt and its free trading in the market. More recently, the DRSC drew attention of the Central Bank and Ministry of Finance on the non-performance assets of nationalized commercial banks.
- The Public Accounts Committee, in examining reports by the Auditor-General, takes oral evidence of Secretaries heading the Ministries and Departments and drafts a report which the Speaker tables in parliament. Recommendations by the Public Accounts Committee have led to improvements in the tax system, better programs for social service delivery, dealt with corruption related misdemeanors on the procurement, allocation of licenses to telecom companies, allotments of coal blocks, etc. In case of allocation of telecom licenses, the Committee's work led to the Supreme Court of India declaring that license allocation were "unconstitutional and arbitrary".

The expert assessment is that contribution of parliamentary committees to accountability in the Executive has been moderately successful. Reasons for moderate success which offers lessons to other countries are as follows:

- Proceedings are not transparent enough as held in camera;
- There is bureaucratic capture;
- No requirement for ministers to appear before the Committees;
- Terms of Committee members are too short, only one year;
- Effects of stranglehold that parties have over members; and
- Poor quality Parliamentary Committee support staff.

In addressing these shortcomings, corrective actions taken include:

- All committee reports must be discussed by Parliament;
- Committees must hear evidences from civil groups on subjects it decides to investigate;
- Parliament established a budget office and a professionally staffed Policy Office to support work of Parliamentary Committees.

| Background of the Indian Parliament

According to the Constitution of India, the union legislative body is called the Parliament. The Hindi term for Parliament is Sansad. The Parliament includes the President and the two Houses – the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). This kind of system, with two Houses, is called a bicameral legislature.

Rajya Sabha: The Rajya Sabha (Council of States) is the Upper House of Parliament. The House has a maximum of 250 members, out of which 12 members are nominated by the President for their expertise in specific fields of art, literature, science, and social services. The remaining 238 members are elected by the members of the legislative bodies from the States and Union Territories. The Rajya Sabha is a permanent body and unlike the Lok Sabha, it cannot be dissolved at any time.

Each member of the Rajya Sabha serves for a term of six years. But one third of its members retire at the expiration of every two years. The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. It, however, elects a Deputy Chairman from among its members who takes care of the day-to-day working of the House. Both Houses have equal legislative powers except in the area of finance where the Lok Sabha is given overriding powers.

Lok Sabha: The Lok Sabha (House of the People) is the Lower House of Parliament. The members are directly elected to the House. The electorate consists of all citizens who have attained 18 years of age and are otherwise not disqualified to vote under the law. Under the Constitution, the maximum strength of the Lok Sabha can be 552 members. The Constitution provides that up to 530 members would represent territorial constituencies in the states, up to 20 members would represent the Union Territories, and two members would be appointed by the President to represent the Anglo-Indian community if there is inadequate representation of the community.

The minimum age for qualification as a member of the Lok Sabha is 25 years. Each Lok Sabha is formed for a period of five years, at the end of which the House is dissolved. The House can be dissolved before the completion of the term or it can be extended by a Proclamation of Emergency. The period of extension cannot exceed one year at a time. A Speaker and a Deputy Speaker, elected by the members of the Lok Sabha, conduct day to day business. The Deputy Speaker presides during the absence of the Speaker.

| **Legal Framework**

Parliamentary Committee means a Committee which is appointed or elected by the House or nominated by the Speaker and which works under the direction of the Speaker and presents its report to the House or to the Speaker and the Secretariat for which is provided by the Lok Sabha Secretariat.

By their nature, Parliamentary Committees are of two kinds: Standing Committees and Ad hoc Committees. Standing Committees are permanent and regular committees which are constituted from time to time in pursuance of the provisions of an Act of Parliament or Rules of Procedure and Conduct of Business in Lok Sabha. The work of these Committees is of continuous nature. The Financial Committees, DRSCs and some other Committees come under the category of Standing Committees. Ad hoc Committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report. The principal Ad hoc Committees are the Select and Joint Committees on Bills. Railway Convention Committee, Joint Committee on Food Management in Parliament House Complex etc also come under the category of ad hoc Committees.

The general procedure of working of the Committees is governed by the General Rules No. 253 to 286 of the Rules of Procedure and Conduct of Business in Lok Sabha, the General Directions No. 48 to 73A of the Directions by the Speaker relating to Parliamentary Committees, internal rules specific to the Committees and other relevant Parliamentary Conventions and Practices.

Role and Functions of Committees

Broadly, Committees can be categorised into 4:

- (a) Financial Committees
- (b) Departmentally Related Standing Committees;
- (c) Other Parliamentary Standing Committees; and
- (d) Ad hoc Committees.

Departmentally Related Standing Committees

A full-fledged system of 17 Departmentally Related Standing Committees came into being in April, 1993. These Committees cover under their jurisdiction all the Ministries/ Departments of the Government of India. These Committees are as under:

1. Committee on Commerce
2. Committee on Home Affairs
3. Committee on Human Resource Development
4. Committee on Industry
5. Committee on Science & Technology, Environment & Forests
6. Committee on Transport, Culture and Tourism
7. Committee on Agriculture
8. Committee on Information Technology
9. Committee on Defence
10. Committee on Energy
11. Committee on External Affairs
12. Committee on Finance
13. Committee on Food, Civil Supplies and Public Distribution
14. Committee on Labour and Welfare
15. Committee on Petroleum & Chemicals
16. Committee on Railways
17. Committee on Urban and Rural Development

Out of the 17 Committees, 6 Committees (Sl. No. 1 to 6) are serviced by the Rajya Sabha Secretariat and 11 Committees (Sl. No. 7 to 17) by the Lok Sabha Secretariat.

Select and Joint Committees

When a Bill comes up before a House for general discussion, it is open to that House to refer it to a Select Committee of the House or a Joint Committee of the two Houses. A motion has to be moved and adopted to this effect in the House in which the Bill comes up for consideration. In case the motion adopted is for reference of the Bill to a Joint Committee, the decision is conveyed to the other House requesting them to nominate members of the other House to serve on the Committee. The Select or Joint Committee considers the Bill clause by clause just as the two Houses do. Amendments can be moved to various clauses by members of the Committee. The Committee can also take evidence of associations, public bodies or experts who are interested in the Bill. After the Bill has thus been considered the Committee submits its report to the House. Members who do not agree with the majority report may append their minutes of dissent to the report.

1. Estimates Committee:

(a) Report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates may be effected; (b) suggest alternative policies in order to bring about efficiency and economy in administration; (c) examine whether the money is well laid out within the limits of the policy implied in the estimates; and (d) suggest the form in which the estimates shall be presented to Parliament. The Committee does not exercise its functions in relation to such Public Undertakings as are allotted to the Committee on Public Undertakings by the Rules of Procedure of Lok Sabha or by the Speaker.

2. Public Accounts Committee

Examination of the statement of accounts showing the appropriation of sums granted by Parliament for the expenditure of the Government of India, the annual finance accounts of the Government and such other accounts laid before the House as the Committee may think fit.

3. Committee on Public Undertakings

(a) Examine the reports and accounts of Public Undertakings specified in the Fourth Schedule to the Rules of Procedure and Conduct of Business in Lok Sabha; (b) examine the reports, if any, of the Comptroller and Auditor General of India on the Public Undertakings; (c) examine, in the context of the autonomy and efficiency of the Public Undertakings whether the affairs of the Public Undertakings are being managed in accordance with

sound business principles and prudent commercial practices ; and
(d) exercise such other functions vested in the Public Accounts Committee and the Estimates Committee in relation to the Public Undertakings as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time.

4. Departmentally Related Standing Committees

Till 13th Lok Sabha, each Standing Committee consisted of not more than 45 members 30 to be nominated by the Speaker from amongst the members of Lok Sabha and 15 to be nominated by the Chairman, Rajya Sabha from amongst the members of Rajya Sabha. However, with restructuring of DRSCs in July, 2004 each DRSC consists of 31 Members - 21 from Lok Sabha and 10 from Rajya Sabha.

5. Business Advisory Committee

Recommend the time that should be allotted for the discussion of such Government, Legislative and other business as the Speaker, in consultation with the Leader of the House, may direct to be referred to the Committee. The Committee, on its own initiative may also recommend to the Government to bring forward particular subjects for discussion in the House and recommend allocation of time for such discussions.

6. Committee of Privileges

Examine every question involving breach of privilege of the House or of the members or of any Committee thereof referred to it by the House or by the Speaker. Also to determine with reference to the facts of each case whether a breach of privilege is involved and make suitable recommendations in its report.

7. Committee on Absence of Members from the Sittings of the House

Consider applications from members for leave of absence from the sittings of the House and examine every case where a member has been absent for a period of 60 days or more, without permission, from the sitting of the House.

8. Committee on Empowerment of Women

(a) Consider the reports submitted by the National Commission for Women and to report on the measures that should be taken by the Union Government for improving the status/conditions of women in respect of matters within the purview of the Union Government

including the Administrations of the Union Territories; (b) examine the measures taken by the Union Government to secure for women equality, status and dignity in all matters; (c) examine the measures taken by the Union Government for comprehensive education and adequate representation of women in Legislative bodies/ services and other fields; (d) report on the working of the welfare programmes for the women; (e) report on the action taken by the Union Government and Administrations of the Union Territories on the measures proposed by the Committee; and (f) examine such other matters as may seem fit to the Committee or are specifically referred to it by the House of the Speaker and the Rajya Sabha or the Chairman, Rajya Sabha.

9. Committee on Government Assurances

Scrutinize the assurances, promises, undertakings etc. given by Ministers from time to time and to report on the extent to which such assurances etc. have been implemented and to see whether such implementation has taken place within the minimum time necessary for the purpose.

10. Committee on Papers Laid on the Table

Examine all papers laid on the Table of the House by Ministers (other than those which fall within the purview of the Committee on Subordinate Legislation or any other Parliamentary Committee) and to report to the House.

11. Committee on Petitions

Consider and report on petitions presented to the House. Also to consider representations from various individuals, associations etc. not covered by the rules relating to petitions and give directions for their disposal.

12. Committee on Private Members' Bills and Resolutions

Allot time to Private Members' Bills and Resolutions, examine Private Members' Bills seeking to amend the Constitution before their introduction in Lok Sabha, and also examine such Private Members' Bills where the legislative competence of the House is challenged.

13. Committee on Subordinate Legislation

Scrutinize and report to the House whether the powers to make regulations, rules, sub-rules, bye-laws etc. conferred by the Constitution or delegated by Parliament are being properly exercised by the executive within the scope of such delegation.

14. General Purposes Committee

Advise the Speaker on such matters concerning the affairs of the House as may be referred to it by the Speaker from time to time.

15. House Committee

Deal with all the questions relating to residential accommodation from members of Lok Sabha and also exercise supervision over facilities for accommodation, food, medical aid and other amenities accorded to members in members' residences and hostels in Delhi.

16. Joint Committee on Offices of Profit

Examine the composition and character of the Committees appointed by the Central and State Governments and to recommend what offices should disqualify and what offices should not disqualify a person for being chosen as,

17. Joint Committee on Salaries and Allowances of Members of Parliament

Make rules, after consultation with the Central Government to provide for traveling and daily allowances, medical, housing, telephone, postal, water, electricity, constituency and secretarial facilities etc. to members of both Houses.

18. Library Committee

Consider and advise on such matters concerning the Library as may be referred to it by the Speaker from time to time. Also to consider suggestions for the improvement of the Library and assist members of both Houses in fully utilizing the services provided by the Library.

19. Rules Committee

Consider matters of procedure and conduct of business in the House and recommend any amendments or additions to the Rules of Procedure and Conduct of Business in Lok Sabha that are considered necessary.

20. Committee on the Welfare of Scheduled Castes and Scheduled Tribes

(a) Consider the reports submitted by the [National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes]* under article 338(5)(d) and 338A (5)(d) respectively of the Constitution and to report as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government including the

Administration of the Union Territories; (b) to report on the action taken by the Union Government and the Administrations of the Union Territories on the measures proposed by the Committee; (c) to examine the measures taken by the Union Government to secure due representation of the Scheduled Castes and Scheduled Tribes in services and posts under its control (including appointments in the Public Sector Undertakings, Nationalised Banks, Statutory and Semi-Government Bodies and in the Union Territories) having regard to the provisions of article 335; d) to report on the working of the welfare programmes for the Scheduled Castes and Scheduled Tribes in the Union Territories; and (e) to examine such other matters as may deem fit to the Committee or are specifically referred to it by the House or the Speaker.

21. Railway Convention Committee

Reviews the rate of dividend which is payable by the Railway Undertaking to the General Revenues as well as other ancillary matters in connection with the Railway Finance vis-a-vis General Finance and make recommendations thereon. It also suggests the level of appropriation to various funds of Railways like the Depreciation Reserve Fund, Development Fund, Pension Fund etc.

22. Committee on Provision of Computers to Members of Lok Sabha

Advise the Speaker in regard to supply of computers to members.

23. Committee on MPLADS

(a) Monitor and review periodically the performance and problems in implementation of the MPLADS Scheme (Lok Sabha); (b) to consider complaints of members of Lok Sabha in regard to the Scheme; and to perform such other functions in respect of the MPLAD Scheme as may be assigned to it by the Speaker from time to time.

24. Committee on Ethics

(a) Oversee the moral and ethical conduct of members; (b) examine every complaint relating to unethical conduct of member or connected with his parliamentary conduct referred to it and make such recommendations as it may deem fit; (c) frame rules specifying acts which constitute unethical conduct.

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25. **Committee on Food Management in PH Complex.**
 26. **Committee on Installation of Portraits/ Statutes of National Leaders and Parliamentarians.**
 27. **Committee on Security in Parliament House Complex.**
 28. **JPC on Maintenance of Heritage Character and Development of Parliament House Complex**
To formulate Policies, guidelines and programmes on conservation, restoration, rehabilitation and maintenance of works in Parliament House Complex in accordance with standard conservation principles and procedures.
 29. **Joint Parliamentary Committee**
Examine matters relating to allocation and pricing of telecom licences and spectrum.





Appendix 4:

United States of America

Good Economic Governance through Congressional Committees: The American Experience¹³

| Summary of Case of The US

Congressional Committees started in 1789 as temporary measure to enable Congress to discuss specific pieces of legislation which were not debated in more detail in the Chamber. The range and functions of these committees began to expand and deepen over the years to now become an entrenched part of the US political system. For example, the first committee set up in April 1789 to prepare standing rules and orders of proceedings of Congress became the Committee on Ways and Means, tasked with handling matters of spending and taxation. In more recent periods, committees were consolidated and restructured and included formation of sub-committees and engaging professional congressional staff to enable congressional committees to deal with issues under their purview. Today, there are 46 select and standing congressional committees.

¹³ The contents of this paper are extracted from various internet sources, in most parts in their original texts. These sources are indicated at the end of the paper. The content was selected to provide basic knowledge of the functions and current work of Congressional Committees in the United States of America. This paper has been put together by Jeffery Disney, a student at the London School of Economics, under the guidance of staff in the IDEAS Malaysia Research Unit.

The Congressional committees play crucial legislative as well as oversight role:

1. Committees consider bills and recommend measures. In this process, committees gather information and obtain testimonies of experts and conduct hearings, thereby identifying and comparing policy options and able to recommend legislative alternatives.
2. Committees also function to oversee and monitor federal agencies, their programs and activities. This involves committees conducting hearings when public officials are suspected or accused of wrongdoing. Investigations and hearings results in reports on the case being submitted to the chamber for discussion.
3. Congressional committees comprise:
 - Standing committees—permanent committees that recommend bills, authorize funding for government operations;
 - Special and Select Committees set by special resolutions for specific purposes. They exist for specified duration, such as House Select committee on Hurricane Katrina; and
 - Joint Committees are permanent committees of the Congress and the Senate, more to consider housekeeping issues and rarely exercise legislative oversight.

Membership of committees reflects party composition. Selection of members to various committees is based on expertise and seniority. There is a transparent process of nominations to committees observed by all parties. The agenda and conduct of committees are determined by the Chairman. Chairmanship of a committee is limited to 6 years.

Funding of committees is determined by the Committee on House Administration, including salaries of staff supporting the committees. Each Committee has its own professional staff, clerks and in-house researchers. Some Committees do share staff.

| Part I: Historical Background and Features of Congress

Historical Background

The first United States (US) Congress met on March 4, 1789 with all thirteen states of the union (formerly known as the British Colonies in North America) in attendance. The first meeting of Congress oversaw, for the first time, the operation of the United States Government as a federal system under the recently adopted 1787 Constitution. This new frame of government mandated the creation of two overlapping federal chambers, such that citizens were subjected to both the powers of state and national government. This was largely a result of the ‘Great Compromise’ of 1787, which sought to balance the competing interests of smaller and larger states. The compromise entailed the establishment of a House of Representatives elected via proportional representation, and a Senate with equal representation for all individual states.

The first three articles of the US Constitution (the first binding document of its kind in the world) entrenches the doctrine of the separation of powers. It divides government into three separate branches: the legislative, consisting of the bicameral Congress; the executive, consisting of the President and his cabinet; and the judiciary, encompassing the Supreme Court and all other federal courts.

Main Features of Congress

(a) Composition

House of Representatives

The number of voting seats in the House of Representatives is currently set at 435, with seats apportioned to states based on their population size. The most populous state, California, has 53 voting members in the House, while the least populous, Wyoming, currently has one member. Additionally, there are six non-voting members representing the District of Columbia and the five overseas US territories.

Members of the House are elected for two-year terms via plurality voting. All members must be elected from single-member districts. The Republicans currently control the House with 247 members to the Democrats 186.

Senate

The composition of the Senate is established in Article 1 of the Constitution. Each state has two senators, regardless of population size, who serve staggered six-year terms. Elections are held every two years via plurality voting, such that only a third of seats are up for election during any election cycle. Due to its smaller size, longer terms and statewide mandate, the Senate is generally considered a more prestigious and deliberative body than the House.

The Senate currently has 100 members, with 54 Republican Senators, 44 Democrat Senators and two independent Senators.

(b) Shared Powers

Overview—Article 1, Section 8 of the Constitution specifically defines the powers of both the House and the Senate. The powers of Congress are both constitutional and evolutionary, in the sense that the original framers envisaged a strong and independent legislative, but established a system of checks-and-balances to prevent the concentration of power in any particular branch of government. The House and Senate share many responsibilities, including the most important – the passing of bills – but the Constitution also specifically delegates certain powers to either chamber.

Makes laws—Congress’ central function is to pass bills. Both the House and the Senate share joint responsibility for the promulgation of laws: bills need to pass in both chambers before they receive Presidential authorisation and become laws. A simple majority in both chambers is needed to pass a bill. Bills can originate in either the House or the Senate but must go through extensive debate within a committee before proceeding to a floor vote.

Oversees government administration and controls expenditure—Article 1, Section 8, Clause 18 of the Constitution grants Congress the express authority to make all laws that are “necessary and proper” for the execution of its powers. This evolutionary power bestowed to Congress provides it with the legal basis to oversee and scrutinise the conduct of government officials and agencies. For example, Congress reviews and restricts the annual budget prepared by the President. Additionally, when a law is passed to set up a government agency, Congress must pass an authorisation bill to set aside funding. It also allocates the exact funding levels (or appropriations) for each government program and department.

Investigates wrongdoing—Congress may choose to initiate investigations into any government official, department or program suspected of wrongdoing. Through committee hearings, Congress has examined issues such as crime, consumer safety, health care and foreign trade. Although Congress must abide by protected individual rights, their committees have examined many allegations against elected officials.

House of Representatives Powers

Initiates revenue bills—All bills that seek to raise or change revenue must originate in the House. However, the Constitution permits the Senate to “propose or concur with amendments”. In practice, however, budget bills are often considered simultaneously in both chambers.

Impeachment powers—The House has sole authority to charge the President and all other public officials with wrongdoing. A simple majority vote in the House is needed to initiate impeachment proceedings in the Senate to remove a public official.

Senate Powers

Major presidential appointments—Under the Senate’s “Advice and Consent” ambit, a simple majority is needed to confirm all major Presidential appointments to federal positions. This includes Supreme Court nominations, ambassadors and cabinet positions. Approximately 4,000 civilian and 65,000 military nominations are submitted to the Senate during each two-year session of Congress. The vast majority are routinely confirmed. A very small but, sometimes, highly visible, number of appointments fail to receive Senate confirmation.

Treaties—The Senate has the power to approve, by a two-thirds vote, treaties made by the President. The Senate has rejected relatively few of the hundreds of treaties it has considered, although many have died in the Senate Foreign Relations Committee or been withdrawn by the President due to lack of support. The executive has been forced to withdraw at least 85 treaties because the Senate never took final action on them.

Impeachment trials—When the House chooses to initiate impeachment proceedings, the Senate is legally bound to convene

a hearing to determine whether the public official shall be removed from office. A two-thirds majority can convict an individual and remove him or her from office. To date, the House has impeached 14 federal officials, seven of whom were convicted by Senate and subsequently removed. All seven were federal judges.

(c) *Caucuses*

Congressional caucuses are materially different from committees in that they represent a group of members who seek to achieve similar objectives. Congressional caucuses cover a diverse range of issues. While the politically partisan caucuses count the most members, other popular caucuses include those drawn along ethnic, racial or religious lines. Caucuses are similar to parliamentary groups in Westminster-style democracies, such as all-party parliamentary groups in the UK.

In the House, they exist formally and are known as Congressional Member Organizations (CMOs). The House Committee on House Administration outlines the rules that register and govern CMOs. In the Senate, meanwhile, caucuses are informal groupings. Unlike their House counterparts, Senate caucuses receive no official recognition or funding to pursue their objectives.

Examples of CMOs include the Democratic Congressional Caucus, the Congressional Progressive Caucus, the Congressional Black Caucus, the Freedom Caucus and the Congressional Pro-Trade Caucus.

(d) *Congressional Record*

The Congressional Record is the official record of the proceedings and debates of Congress. It is published daily by the United States Government Printing Office while Congress is in session. At the end of a session of Congress, the daily editions are bound together to form a permanent edition. All editions are made public ensuring full accountability.

| Part II: Congressional Committees

Historical Background

The US committee system began to develop in response to the expansion of the powers and functions of the Federal Government. Congressional committees were initially a temporary measure designed to enable members of Congress to discuss specific pieces of legislation that could not be debated on the floor of the Chamber in more detail. However, during the 19th Century, the range and functions of the committee system began to expand and became an entrenched feature of American political life.

The first committee was formed on April 2, 1789 to “prepare and report such standing rules and orders of proceeding”. This was almost immediately followed by the appointment of 11 members on July 24, 1789 to the House Committee on Ways and Means. This newly formed committee was tasked with handling matters of spending and taxation. It later became a permanent standing committee in 1801, a position it continues to retain. From 1800 to 1820, many select committees, such as the House Select Committee on Commerce and Manufactures, became standing committees as the complexity and specialised knowledge needed to draft legislation increased.

In the 20th century, Congress consolidated and restructured the standing committee system with the Legislative Reorganization Acts of 1946 and 1970. These reforms expanded the committee system to include a variety of subcommittees as well as the establishment of professional congressional staff. Today, Congress operates 46 different standing and select committees.

Legal Framework

The congressional committee system, though not explicitly referred to in the Constitution, acts as the backbone of Congress and the legislative process. Congress divides its legislative, oversight and administrative tasks among more than 200 committees and subcommittees. While the 1946 Legislative Reorganization Act (60 Stat. 812) sets the framework for the modern committee system, each House and Senate committee adopts its own rules addressing organisation, administration, conduct and membership.

Rule X of the House of Representatives' Rules identifies 20 permanent standing committees and designates their related jurisdictions and functions. Rule XXV of the Standing Rules of the Senate, meanwhile, identifies 16 permanent standing committees for the Senate's current session and outlines their specific responsibilities.

Functions

The congressional committee system plays a crucial dual legislative and oversight role. Firstly, committees consider bills and recommend measures for consideration to the floors of either the House or Senate. In the process of considering bills, committees are often tasked with gathering information in the form of witness testimonies at public hearings. This process typically involves identifying policy problems and comparing and evaluating legislative alternatives.

The second main function of committees is to oversee and monitor federal agencies, programs, and activities within their jurisdictions. This may also involve holding investigative hearings in instances where a public official is accused or suspected of wrongdoing. Committees such as the House Committee on the Judiciary may initiate a hearing to determine an appropriate course of action. This will typically involve conducting an investigation and preparing a report to be submitted to the chamber for consideration.

Types of Congressional Committees

Congress currently operates three main types of Congressional committees.

1. **STANDING COMMITTEES**—These committees are permanent panels identified in chamber rules that recommend measures and bills, authorise levels of funds for government operations and for new and existing operations. They also have considerable oversight authority to monitor agencies that fall within their jurisdiction. Examples include the House Committee on Science, Space and Technology, the Senate Committee on the Judiciary and the House Committee on Oversight and Government Reform.

2. **SPECIAL & SELECT COMMITTEES**—These committees are established by a separate resolution of the chamber for a specific purpose that does not currently fall under existing standing committee jurisdictions, or cuts across multiple jurisdictions. They are usually investigatory in nature and tend to address newly emerging issues. While these committees are typically set-up for a specified duration of time, many select committees have become de-facto standing committees, such as the Senate Select Committee on Intelligence or Senate Special Committee on Aging. Examples of temporary select committees include the House Select Committee on Events Surrounding the 2012 Terrorist Attack in Benghazi, which was set-up in 2014 to investigate the attack on the US diplomatic mission in Benghazi and the House Select Committee on Hurricane Katrina in 2006.
3. **JOINT COMMITTEES**—These are permanent panels made up of both House and Senate members to conduct studies or perform housekeeping tasks rather than consider bills. They rarely exercise legislative oversight. They are usually set-up to consider areas in which the expertise and input of both chambers is required, or when the committee's proposed function directly affects both chambers. Examples include the Joint Committee on Printing, which monitors the role of the Government Printing Office and the printing procedures of the federal government and the Joint Committee on Taxation.

Membership

The size and ratio of all committees reflect the party composition of the parent chamber. Party leaders and caucuses typically assign members to committees based on the respective expertise of the member, their seniority and party considerations. Appointments to committees generally follow a two-step process.

Firstly, both the Democratic Caucus and Republican Conference recommend members to serve on a committee, with the majority party proposing the Chairman and the minority party recommending the Ranking Member. Each party caucus determines its own internal nomination procedure. Appointments are then referred to the whole chamber for approval. Independent members of the House or Senate may caucus with either the Republican Conference or the Democratic Caucus and thus be appointed to and serve on committees.

Each committee is led by a Chairman who determines the order and agenda of debate. The Chairman also presides over all hearings and is generally tasked with maintaining decorum and ensuring that committee meetings are conducted in full accordance with either House or Senate Rules. The Chairman, along with the Ranking Member, also controls the amount of time each bill that was reported out of their committee receives on the chamber floor. Current House Rules specify that a member cannot serve as Chairman on the same standing committee for more than three consecutive Congresses (six years).

The Majority and Minority Leaders of the House play a crucial role in determining the actual size and composition of committee, with the exception of the House Committee on Ethics, which has five Democrats and five Republicans.

Powers

Committees have far-ranging powers over areas pertaining to legislation, oversight and investigation. Committees possess agenda-setting power within Congress, granting them authority over deciding which bill or measure submitted by a member of the House or Senate receives formal committee attention.

Once a bill has been accepted for formal committee attention, legislative hearings commence. The committee may invite any number of formal experts or witnesses to provide testimony on the issue under consideration. After the conclusion of the hearings process, a committee can then recommend a bill for consideration to their parent chamber. If an individual or agency refuses to respond to an invitation to submit evidence or provide testimony, a committee can issue a subpoena under Rule XXVI to compel individuals to attend. Committees can also subpoena correspondence, books, and classified papers and documents.

The Legislative Process

Committees are an important component of the legislative process in the US. The process begins with the drafting of a bill or resolution. While anyone may draft a bill, only a Member of the House of Representatives or Senate may sponsor a bill.

With very few exceptions, a bill commences its legislative journey by being referred to the relevant standing committee for action. The

committee can then proceed to either form a subcommittee to study the proposed bill in further detail or to take no further action on the bill (also known as ‘killing’ a bill). If released by the committee, the bill is added to the legislative calendar of the respective chamber in which it originated. As the Speaker of the House/Senate and the Majority Leader largely determine the debate order and schedule of all relevant bills, they may choose to delay floor action on a bill which is also equivalent to ‘killing’ it. If a bill passes with a simple majority in one chamber, it is referred to the next chamber for further debate and the possibility of amendment. Once a bill passes in both houses, it is sent to the President for approval. The President can either choose to sign the bill into law or veto it. A two-thirds roll call vote of the members in both houses is required to override a Presidential veto.

Public Hearings

All Congressional hearings can be attended by any member of the public and are recorded and uploaded onto the Congressional website. There are three distinct types of public hearings.

1. **LEGISLATIVE HEARINGS**—Committees hold legislative hearings to deliberate matters of policy that may become bills. These provide a forum for members to gather the facts and opinions of a variety of witnesses, including other members of Congress, government officials, experts and general members of the public.
2. **OVERSIGHT HEARINGS**—These hearings typically involve reviewing, monitoring or supervising of the quality and efficiency of a federal government department, programme or official. Oversight hearings are usually performed routinely to reauthorise a programme’s funding or duration, so may be performed in conjunction with legislative hearings.
3. **INVESTIGATIVE HEARINGS**—Investigative hearings have their basis in Congress’ role as a check on the powers of the Executive. These hearings take place when there is suspicion of wrongdoing by public officials or by private citizens whose conduct suggests the need for legislative remedy. A report outlining the committee’s findings and recommendations is then tabled to the House. The House may then proceed to initiate an impeachment, issue a censure or consider legislative overhaul.

Funding

The House Committee on the Budget is responsible for setting aggregate budgetary levels for all federal agencies, otherwise known as the 302a allocation. The budgetary process then moves on to the House Committee on Appropriations, long considered one of the most powerful and prestigious standing committees. The appropriations committee, through its 12 subcommittees, determines the level of funding for each federal programme or agency which falls under its jurisdiction. Thus, while other standing committees may draft legislation and consider matters pertaining to their respective jurisdiction, all authorised levels of funding for federal programmes and agencies is determined and disbursed by the budget and appropriations committees. Examples of the 12 appropriations' subcommittees include agriculture, defence, the legislative branch, the judiciary and homeland security.

With respect to specific funding levels for committees, Congress adopts a two-step authorisation and appropriations process. The Committee on House Administration authorises individual salaries and expenses for each committee, pursuant to a total funding level for all committees determined by the legislative subcommittee of the appropriations committee. For the 2017 fiscal year, the legislative subcommittee of the appropriations committee has authorised \$127,053,373 for the salaries and expenses of all House standing, special and select committees.

Figure 1: Specific funding levels for the 2013 & 2014 fiscal years

Committees	1st session	2nd session	Total
Agriculture	\$5,036,187	\$5,036,187	\$10,072,374
Armed Services	6,563,535	6,563,535	13,127,070
Budget	5,138,824	5,138,824	10,277,648
Education and the Workforce	6,952,763	6,952,763	13,905,526
Energy and Commerce	9,520,516	9,520,516	19,041,032
Ethics	3,020,459	3,020,459	6,040,918
Financial Services	7,394,482	7,394,482	14,788,964
Foreign Affairs	7,388,112	7,388,112	14,776,224
Homeland Security	7,033,588	7,033,588	14,067,176
House Administration	4,600,560	4,600,560	9,201,120
Select Committee on Intelligence	4,389,758	4,389,758	8,779,516
Judiciary	7,077,016	7,077,016	14,154,032
Natural Resources	6,555,829	6,555,829	13,111,658
Oversight and Government Reform	8,940,437	8,940,437	17,880,874
Rules	2,857,408	2,857,408	5,714,816
Science, Space, and Technology	5,282,755	5,282,755	10,565,510
Small Business	2,992,688	2,992,688	5,985,376
Transportation and Infrastructure	8,182,307	8,182,307	16,364,614
Veterans' Affairs	3,048,546	3,048,546	6,097,092
Ways and Means	8,423,411	8,423,411	16,846,822

Committee Staff

Each Congressional committee has its own staff of varying sizes. Each committee is professionally staffed with clerks, congressional assistants and in-house researchers. The House Committee on Appropriations provides and specifies funding for all committee staff members. The majority and minority members on each committee hire their own staff with the exception of two House and two Senate Committees. These are the House Committee on Ethics, the House Permanent Select Committee on Intelligence, the Senate Select Committee on Ethics and the Senate Select Committee on Intelligence. These committees share a single staff.

House Committees	Senate Committees	Joint Committees
Agriculture Appropriations Armed Services Budget Energy and Commerce Education and the Workforce Ethics Events Surrounding the 2012 Terrorist Attack in Benghazi (Temporary Select Committee) Financial Services Foreign Affairs Homeland Security House Administration Intelligence (Permanent Select Committee) Judiciary Natural Resources Oversight & Government Reform Rules Science, Space, & Technology Small Business Transportation & Infrastructure Veterans' Affairs Ways and Means	Aging (Permanent Special Committee)/Appropriations Agriculture, Nutrition & Forestry Appropriations Armed Services Banking, Housing, & Urban Affairs Budget Commerce, Science & Transportation Energy and Natural Resources Environment & Public Works Ethics (Permanent Select Committee) Finance Foreign Relations Health, Education, Labor & Pensions Homeland Security & Governmental Affairs Indian Affairs (Permanent Select Committee) Intelligence (Permanent Select Committee) Judiciary Rules & Administration Small Business & Entrepreneurship Veterans' Affairs	Joint Committee on Printing Joint Committee on Taxation Joint Committee on the Library Joint Economic Committee





Appendix 5: Indonesia

| Experience of Parliamentary Committees in Indonesia

The Dewan Perwakilan Rakyat (DPR), or the People's Representative Council of the Indonesian parliament is not unlike the House of Representatives in many parliamentary democracies. However, the era of “Guided Democracy” by President Soekarno has rendered the DPR a docile institution that rubber-stamped decisions for the Executive. Since the Reformasi, Indonesia has made significant improvements in its institutions for proper checks and balances. While remnants of old practices that made Soekarno's democracy possible still exist, the Indonesian Parliament today is a place where contending voices are possible. It is now open to public pressure and scrutiny, and able to meet public expectations to have a better and more accountable government.

The DPR has three major roles: to create legislation, to examine and pass the State Budget and to scrutinise the activities of the executive government. But the same 1945 Constitution also provides for a presidential system of government, the executive is then not formed out of the DPR, it is elected separately. This should, in theory, make separation of powers a normative presence, until it is complicated by the Majelis Permusyawaratan Rakyat (MPR). The MPR is supposed to be the supreme body of the Republic and is responsible for electing the President and laying down the

Broad Outlines of State Policy (GBHN), a list of principles to guide the activities of all state organs including the DPR. But when a large component of the MPR is composed of DPR members and they have the power to appoint the President, the theoretical separation of powers between the legislative and the executive becomes rather unclear. Such was the case with the “overthrowing” of President Abdurrahman Wahid when he had a falling out with the DPR and a Special Session at the MPR led to his removal.

The amendments made to the constitution between 1998 through 2002 had significantly reduced the powers of the MPR. The 2004 elections was the first election which resulted in an end to the power of the MPR to elect the President. Though the MPR maintains the power to impeach the President, this could only be done when the President has infringed the law.

The strengthening of the Indonesian Parliament is also taking place through setting up of several committees to assist Parliament in its oversight of the Executive. Complementary organs of the House of Representatives include:

- Commissions in the several areas of oversight over government, such as Commission on Finance,
- Steering Committees;
- Committee on Legislation;
- Committee on the Budget;
- Household Committee;
- Committee for Internal Parliamentary Co-operation;
- Ad Hoc Committees; and
- Ethics Committee.

Progress achieved through the parliamentary committees has showed mixed results, as seen in the efforts to deal with corrupt practices in Parliament and the Executive. Successes by the Corruption Eradication Commission, or KPK has from time to time been tampered by opposition by MPs on commitments to eradicate corruption. On the other hand, significant efforts to improve management of the Budget have gained traction through parliament adopting a strong participatory role in formulation of the Budget and tight controls on expenditure. Even what is commendable and will better ensure that Indonesia’s parliamentary democracy will support achievement of economic policies is the prevailing political commitment to sustain reforms of the Parliament. Indonesian parliament has engaged the Westminster Foundation for Democracy to assist in improving processes in its conduct and delivery of parliamentary functions.



Appendix 6:

South Korea

| Experience of Parliamentary Committees in the Republic of South Korea

The country first held its democratic elections in May of 1948, under the supervision of the United Nations, an historical event that led to the election of 198 members of the National Assembly. By August the same year, they became a Republic and officially gained the status of a free democracy, which was disrupted shortly by the military coup that put General Park Chung-hee in power, but democracy made a return to South Korea after the end of martial laws.

While no one democracy is perfect, South Korea still enjoys the reputation of being the most democratic nation in Asia, ranked by various indices including the Economic Intelligence Unit (EIU) Democracy Index of 2015. The current 1987 Constitution provides for a presidential

system, with the President elect by nationwide direct ballot, and becomes the head of state. The President performs his or her functions through the State Council, and appoints the heads of executive agencies including the Prime Minister, who will need the approval of the National Assembly. The National Assembly is the legislative arm of the state, which deliberates and decides upon the national budget, gives consent to the conclusion and ratification of treaties, declarations of war, dispatch of armed forces to foreign states and the sanctioning of alien forces in the territory of South Korea.

Aside from the above, the National Assembly could also recommend for the removal of any State Council members. Such a recommendation would need to be introduced by one-third or more of the now 296-member assembly, and would pass the motion with a majority. The same goes for cases where any public officials, members in the State Council in particular, have violated the Constitution or other acts in the performances of their duties, to call for an impeachment of said officers. However, motion to impeach the President would require a majority of the National Assembly to propose and a two-thirds majority to approve.

The recent impeachment of South Korea's president makes it the case of an instance how Parliament has the power to hold its members accountable. The Republic's lawmakers voted to impeach President Park Guen-hye over a corruption scandal, 234 members to 56, with six abstentions. Under the South Korean Constitution, an impeachment would require a two-thirds majority of the 300-member legislature to pass. It would take 180 days for the investigations to take place, approximately six months, of which the impeached member would be out of commission during the entire process. While this may be the more recent example of an impeachment by Parliament, the late President Roh Moo-hyun was out of office for two months via the same procedure, but he was later reinstated after charges of abuse of power were rejected.

The only problem with this arrangement is that it is dependent on the integrity and the democratic conscience of its Members of National Assembly, which is the main reason for the public not exhausting their support for the institution, the existence of which is sometimes unimaginable in other parts of Asia. In other countries too, such as Malaysia, the Constitution provides for the legislative arm of the federal government to take action against high-ranking public officials including the Prime Minister. However, this is not a compulsory measure and it depends on the political will of its Members of Parliament.

With political will being the main criteria for accountability, there is a lot to take lessons from the South Korean National Assembly.



Appendix 7:

GCPP: Towards A People-Centred Parliament

“This Parliament is the crown and climax of our Constitution: in fact, it is the very essence.”

- *Tuanku Abdul Rahman ibni Almarhum Tuanku Muhammad, Yang di-Pertuan Agong of the Federation of Malaya (Dewan Ra'ayat Hansard 12 September 1959)*

| Executive Summary

In 2011, Prime Minister Najib Abdul Razak solemnly declared in his Malaysia Day message that the country would have a ‘functional and inclusive democracy’.¹⁴

However, making the Parliament functional and

inclusive is an uphill task. There are many issues of concern surrounding the Parliament and people are losing faith in the process of law and policy making. Parliamentary reforms are needed to restore public confidence. Such reforms must ensure effective legislative function, give MPs a more meaningful space to debate and counter-propose in the formation of laws and public policies, and allow for public feedback in the legislative process. As such Gabungan Cadangan Penambahbaikan Parlimen (GCPP) has come up with a framework for strengthening the Dewan Rakyat, which focuses on four areas:

1. Reintroduction of the Parliamentary Services Act
2. Parliamentary Committees
3. Agenda-Setting in the Dewan Rakyat
4. Allocations for Research and Constituency Development

In addition, there is an attached proposal for reform of the Dewan Negara, which we believe is crucial to strengthening Malaysian democracy.

Gabungan Cadangan Penambahbaikan Parlimen (GCPP) consists of the following organisations:

- Akademi Belia
- Gabungan Pilihanraya Bersih dan Adil (BERSIH 2.0)
- ENGAGE
- Institute for Democracy and Economic Affairs (IDEAS)
- Kajian Politik untuk Perubahan (KPRU)
- Persatuan Promosi Hak Asasi Manusia (PROHAM)
- Projek Beres
- Tindak Malaysia
- Undi Malaysia

This proposal is supported by the Global Movement of Moderates and the Bar Council.

¹⁴ YAB Dato Sri Mohd Najib Tun Abdul Razak. "Perutusan Hari Malaysia", Malaysia Day 2011 Celebration, Angkasapuri, Kuala Lumpur, 15 September, 2011.

| Reintroduction of the Parliamentary Services Act

What was the Parliamentary Services Act 1963?

In 1963, the Parliamentary Services Act (PSA) established a separate 'Parliamentary Service'. The Dewan Negara president and the Dewan Rakyat speaker jointly appointed members of the Parliamentary Service. Candidates were selected and recommended by a selection committee. This committee consisted of the clerks of both Houses and a Public Service Department representative. Under the Act, the number of staff, their designations and their salaries were determined by an advisory committee and approved by the Yang di-Pertuan Agong.

This Advisory Committee consisted of the Dewan Rakyat speaker, the Dewan Negara President, a senator and an MP nominated by the prime minister, an MP nominated by the Dewan Rakyat speaker to represent the opposition party, a treasury officer, and the Public Service Department director-general or his or her representative.¹⁵

The Current Situation in Malaysia

The PSA was repealed in 1992, but there have been numerous demands for its re-introduction. In October 2003, MPs from both the Government and Opposition called for the PSA to be restored.

Currently, Parliament is staffed by the members of the general public service who fall under the control of the executive branch of government. Their appointments, transfers, salaries and advancements are determined in accordance with the public service's general policy.

In addition, the executive currently administers the Members of Parliament (Remuneration) Act 1980, under which all MPs and Senators receive payment for their services.¹⁶

¹⁵ Deborah Loh and Jacqueline Ann Surin, Ed., *Understanding the Dewan Rakyat*, (Petaling Jaya: Konrad-Adenauer-Stiftung & Insight News Sdn Bhd., 2011) p.41.

¹⁶ *Ibid.* p.38!

GCPP's Recommendations

MPs must have the independence and powers to manage their own parliamentary affairs so they are effective and efficient in exercising oversight and supervision of the executive. The work of Parliament has to be that of Parliament, not the work of the executive. Parliament should not be under any government ministry. The PSA must be restored in a first step towards making Parliament administratively and financially independent of the executive.

| Parliamentary Standing, Select and Joint Committees

Types of Parliamentary Committees

Standing committees are committees created for the life of a Parliament and are usually re-established in successive Parliaments. They have a continuing role. In the Standing Orders of the Dewan Rakyat, these are also referred to as Select Committees, but for the sake of clarity, this paper will refer to such permanent committees as Standing Committees.

Select committees are created as the need arises, for a specific purpose, and thus have a more limited life, which is normally specified in the resolution of appointment. Once a select committee has carried out its investigation and presented its final report, it ceases to exist. The creation of a select committee is seen as a measure to meet a particular and perhaps short-term need.

Joint committees draw their membership from, and report to, both Houses of Parliament, enabling Members and Senators to work together.

The Current Situation in Malaysia

Malaysia currently has five Standing Committees in the Dewan Rakyat:

1. Committee of Selection
2. Public Accounts Committee
3. Standing Orders Committee
4. House Committee
5. Committee of Privileges

There are also four Standing Committees in the Dewan Negara:

1. Committee of Selection
2. House Committee
3. Committee of Privileges
4. Standing Orders Committee

The committees in the Dewan Rakyat are laid out in the Standing Orders 76 to 88A. Membership of the committees should, as far as is practicable, reflect the balance between the parties within the House. The whole House elects the members of the Committee of Selection, while the Committee of Selection determines membership of other committees.

Special Select Committees can be set up on an ad hoc basis and Joint sessions of the two House Committees of the Dewan Rakyat and Dewan Negara can be called.

With the exception of the Public Accounts Committee (PAC), the current Standing Committees only deal with the inner workings of Parliament. This has resulted in the PAC being over-burdened when it comes to oversight of the executive. No committees are regularly tasked with reviewing pre-legislation proposals, bills, motions or petitions. It results in legislation being handed down by the executive and rubber stamped by both Houses of Parliament, with minimal scrutiny and few amendments.

It is also problematic to have Parliamentary oversight of the executive with government frontbenchers sitting in committees. Such committees should be independent of the executive.

The Importance of Creating More Standing Committees

1. Currently, there are long debates going late into the night because bills are debated at the policy level and ministerial level as a whole-house committee. In-depth debates can be held in committees with additional input from other stakeholders.
2. Committees will ensure that bills are not withdrawn after their presentation to Parliament. If stakeholders disagree with aspects of legislation, these can be highlighted in the Committee stages instead of in the debates in the Dewan Rakyat. Most recently, this happened

with the Members of Parliament (Remuneration) (Amendment) Bill 2014.¹⁷ Another example is the Administration of the Religion of Islam (Federal Territories) Bill 2013.¹⁸

3. Public scrutiny means better legislation and greater sensitivity to society's needs. With the media allowed to sit in on the hearings, they can have a full picture of the intricacies of the issues.
4. This expansion of committees can be linked in with Najib's call for a 'People's-Centred ASEAN'. Given Malaysia's Chairmanship of ASEAN and our seat on the UN Security Council, we should be an international leader. Yet, we are behind in this regard; Indonesia has 11 committees¹⁹ and Cambodia has ten commissions.²⁰ The UN Security Council even has standing and select committee hearings open to the public.²¹ Aside from the Presidency, Executive Committee and Secretariat, the ASEAN Inter-Parliamentary Assembly General Assembly has formed standing committees, study groups and fact-finding missions. The standing committees established are those on Political Matters, Economic Matters, Social Matters, Organizational Matters, Joint Communique, Dialogue with Observer Countries, and Women Parliamentarians of AIPA or WAIPA²². Attached to this proposal are examples of the committees in three other Westminster parliaments: the United Kingdom (Appendix 1), Australia (Appendix 2) and Pakistan (Appendix 3).
5. The expansion in the number and range of Committees will enable the Houses to deal with an ever-increasing volume of parliamentary business while providing Members with additional opportunities to participate in all aspects of the work of Parliament.
6. The Government indicated in 2009 that they would gradually increase the number of Parliamentary Committees.

¹⁷ "MP salary hike bill postponed till next Dewan Rakyat sitting", Malay Mail Online, November 27, 2014, accessed on March 2, 2015, <http://www.themalaymailonline.com/malaysia/article/mp-salary-hike-bill-postponed-till-next-dewan-rakyat-sitting>

¹⁸ "Controversial religion bill withdrawn", The Sun Daily, July 8, 2013, accessed on March 2, 2015, <http://www.thesundaily.my/news/763800>.

¹⁹ "The Indonesian House of Representatives", The House of Representatives of The Republic of Indonesia, 2011, accessed on December 3, 2014, <http://ksap.dpr.go.id/puic2012/page/detail/id/15>.

²⁰ Kuch Naren, "National Committee To Select Parliamentary Commission Heads", The Cambodia Daily, August 26, 2014, accessed on December 3, 2014, <https://www.cambodiadaily.com/news/national-assembly-to-select-parliamentary-commission-heads-67140/>.

²¹ "Standing and Ad hoc Committees", Repertoire of the Practice of the Security Council, accessed on December 3, 2014, http://www.un.org/en/sc/repertoire/subsidiary_organ/committees_standing_and_adhoc.shtml

²² Imelda Deinla, "Giving the ASEAN Inter-Parliamentary Assembly A Voice in the ASEAN Community", International Institute for Democracy and Electoral Assistance, (2013), 10.

7. More parliamentary oversight of the executive is necessary. Parliamentary committees are ‘the most systematic method for oversight of the executive’ according to the Inter-Parliamentary Union (IPU) Guide on Parliament and Democracy. Currently, the Public Accounts Committee is over-burdened as it is charged with investigating all government business. Although it is recognised that legislators may have limited capacity to fully investigate the work of the executive, the IPU indicates it is ‘sufficient for accountability that the department knows that they could investigate any aspect and do so rigorously, even if in practice they have to be selective.’²³
8. An additional benefit of these standing committees will be to highlight the bloated nature of the executive. With 35 Cabinet members, the highest number ever in Malaysian history, there is more need than ever for parliamentary oversight. We hope these reforms will also address the need to put a cap on the number of government frontbenchers, which will be a percentage of seats in the Dewan Rakyat to avoid the executive buying support from its own party or ally through expanding the “payroll votes”.

The Risks to be Aware Of

Committee chairs can become very influential, but their power is restricted by their nomination as chair from within the committee itself. It is better to have good scrutiny of legislation with experienced MPs heading the Committees than to run the risk of poor legislation having unintended consequences.

In the US, a lot of ‘pork barreling’, or funneling of funds, takes place in the Committee stages. In this sense, Committees can create another avenue for money politics. However, given the parliamentary system in Malaysia, party-ties are much stronger than in systems like the US. MPs tend to work for party/ideological interests rather than constituency interests in parliamentary systems.

There is a risk party whips may also restrict the influence of committees over legislation. As legislation is passed down from the Cabinet, government MPs may not have the freedom to make amendments to the legislation. However, one of the roles of the committees is to

²³ David Beetham, “Parliament and Democracy in the Twenty-First Century: A Guide To Good Practice”, Inter-Parliamentary Union, (2006), 128.

improve upon legislation through stakeholder consultation. This is good for the government as better quality legislation is put forward. As a Conservative MP in the UK, Andrew Tyrie, states, “Committees are good for government when Government is forced to explain its actions and by doing so, they improve their act. If they didn’t have to account to anybody...then you’d get a poor quality government, a slap dash government.”²⁴

GCPP’s Recommendations

Membership

The standing committees can match ministry posts to oversee each ministry and reflect the composition of the House. Government frontbenchers should be excluded from membership of the committees to ensure legislative oversight of the committees. The House Business Committee should set the size of the committees and the cap on the number of committees a single MP can be a member of.

The members are to be selected by the House Business Committee with nominations from the party whip. Independent members are to liaise with the opposition whip in respect of non-government positions and every MP must be assigned at least one committee. All Committees are chaired by the majority party, appointed by the committee members through secret ballot, except for the Public Accounts Committee. There is also a ranking opposition member, appointed by the committee members through secret ballot.²⁵

No member may sit on a committee if he or she has a particular direct pecuniary interest in a matter under inquiry by the committee. If the right of a Member to sit on a committee is challenged, the committee may report the matter to the House for resolution.

In order to ease the transition into the full use of Standing Committees, GCPP recognises there may be gradual implementation of the committees. As such, we would recommend the first committees set up should mirror the ministries with the biggest budgets, such as Education, Finance and Home Affairs. Smaller ministries may be included under other committees that are thematically similar, for example Education and Youth and Sports.

²⁴ Andrew Tyrie MP, “Select Committees”, UK Parliament, July 19, 2011.

²⁵ C. Harris, Ed., House of Representatives Practice, 5th Edition, (Canberra: Commonwealth of Australia, 2005), 621-628.

In line with other Westminster Parliaments, a committee may inquire into and report on any matter referred to it by either the House or a Minister, including any pre-legislation proposal, bill, motion, petition, vote or expenditure, other financial matter, report or document. In addition, we call for a new institutional arrangement that enables the committee stage of budget deliberations sessions to be referred to newly established estimates committees.

Scrutiny of Legislation

After the second reading of a bill, it is referred to the appropriate committee by the House Business Committee (see page 8) or the President in the Dewan Negara. When a bill covers multiple committees, an ad hoc committee should be set up with members from multiple committees. The House Business Committee may set time limits on committees. Bills are placed on the calendar of the committee to which they have been assigned. Bills in the Dewan Rakyat can only be released from committee without a proper committee vote by a discharge petition signed by a majority of the Dewan Rakyat membership.

Committee Steps:

- Comments about the bill's merit are requested of government agencies.
- Hearings may be held. On public interest issues, as agreed upon by the Chair and ranking Opposition member, nationwide hearings must be held.
- Finally there is a vote by the committee.
- A committee will hold a "mark-up" session during which it will make revisions and additions. If substantial amendments are made, the committee can order the introduction of a "clean bill" which will include the proposed amendments. This new bill will have a new number and will be sent to the floor while the old bill is discarded.
- After the bill is reported, the committee staff prepares a written report explaining why they favor the bill and why they wish to see their amendments, if any, adopted. Committee members who oppose a bill can write a dissenting opinion in the report. The report is sent back to the Dewan Rakyat and is placed on the calendar²⁶.

²⁶ "How A Bill Becomes Law", accessed December 2, 2014, <http://lowenthal.house.gov/legislation/bill-to-law.htm>.

All Committee hearings should be open to the public, unless closed door sessions are deemed necessary by the Chair and ranking opposition member, e.g. for issues relating to national security. This will require a cultural shift from within the civil service. To serve the government means they have to be open and accountable to the public.

The committees need to be adequately staffed and be given enough time to investigate bills in-depth. The committees will have enough freedom and time to work, instead of the executive having a lot of control over time by using their power to cut time on committee hearings.

| Agenda-Setting in the Dewan Rakyat

What is Legislative Agenda-Setting?

Agenda-setting refers to the process of determining the order of business for the House and specific time allocations for questions and debates. In Westminster Parliaments, this process is usually detailed in the Standing Orders.

The Current Situation in Malaysia

As detailed in Standing Order 15(1) and 15(2), the agenda is currently set by the Government and handed down to the Setiausaha. The Order of Business leaves no time to debate Private Member's Bills or for non-Government business. The order of business listed in the Standing Orders means that public business, motions for the introduction of non-Government bills and other items of business on the order paper are always debated last. Given the time constraints of Parliamentary sittings, these items rarely see the light of day.

There is also no allocation for a Prime Minister's Question Time, but only questioning of the ministers. There is no Shadow Cabinet that has an official position in the Parliament to question the relevant ministers.

The New Zealand Example

In New Zealand, the Business Committee is convened and chaired ex officio by the Speaker of the House. Parties with at least six MPs are entitled to have a representative on the Business Committee. In addition, parties with fewer than six members, and that are in a government

coalition, are entitled to choose one representative between them. Other parties with fewer than six members, together with independent members, have the same right. The Business Committee members have tended to be party whips. The decisions of the Business Committee should be unanimous or at least achieve ‘near-unanimity’, meaning that the Speaker is satisfied that parties representing an ‘overwhelming majority’ of MPs are in favour.²⁷

The Business Committee may determine:

- a) That a minor adjustment is to be made to the hours of a specified sitting day;
- b) The order of business to be transacted in the House;
- c) When business will be transacted in the House;
- d) The time to be spent on an item of business;
- e) That any two or more items of business may be taken together for the purpose of debate;
- f) How time on an item of business is to be allocated among the parties represented in the House;
- g) The speaking times of individual members on an item of business;
- h) Any other matters delegated to the committee under the Standing Orders²⁸.

²⁷ M. Russell and A. Paun, Ed., *Managing Parliament Better? A Business Committee for the House of Commons*, (London: The Constitution Unit UCL, 2006): 15-16.

²⁸ New Zealand House of Representatives Standing Orders 79.

GCPP's Recommendations

Parliament should be a place where representatives of Malaysia's diverse society can put forward different ideas that they believe will be in the interests of their constituents. The activities of the executive should be open to scrutiny and alternative policies from the Opposition should be raised.

In order to ensure Parliament is a body that can fulfill these functions, GCPP proposes the following:

1. A House Business Committee (HBC) should be formed, based on the New Zealand model. However, in terms of committee membership, additional space should be accorded to backbenchers. As such, an additional backbencher of each party (usually the leader of the Backbenchers' Club) should be represented in the HBC.
2. Recognition of a Shadow Cabinet, which is given specific time allocations to question relevant ministers. The largest party or coalition that does not form government becomes the Official Opposition and puts forward its Shadow Cabinet. It should also have access to ministerial information to adequately scrutinize their counterparts in the Government. In addition, minority parties that have at least five representatives in the Dewan Rakyat should be given official recognition. This official recognition should allow for additional allowances for Leader, Deputy Leader and Whip of the party and allocations for speaking time in debates. Administrative matters, such as office accommodation and seating arrangements in the Chamber, and research and other budgetary matters, will also have to be addressed²⁹. Funding for Opposition parties in both the Dewan Rakyat and Dewan Negara would also allow for a more effective opposition in Parliament. Robust scrutiny by other parties can only serve to strengthen government policy. These concepts are referred to as 'Short Money' and 'Cranborne Money' in the UK³⁰.
3. Time to be allocated for a Prime Minister's Question Time, with recognition of the Opposition Leader's role in the Shadow Cabinet to question the Prime Minister.

²⁹ "Seventh Report of the Standing Committee on Rules, Procedures and the Rights of Parliament", Parliament of Canada, 2001, accessed on 12 February 2015, <http://www.parl.gc.ca/Content/SEN/Committee/371/rul2/rep/rep07nov01-e.htm>

³⁰ Wan Saiful Wan Jan, "Shadow cabinet: whose responsibility?", Institute for Democracy and Economic Affairs, 2013, accessed on 25 February 2015, <http://ideas.org.my/comments/shadow-cabinet-whose-responsibility/>

4. To make all parliamentary proceedings more accessible and accountable, RTM should create a 24-hour parliament channel, which is unedited and without commentary.
5. A reasonable percentage of days per sitting should be assigned for Opposition business.
6. The Standing Orders must be amended to only allow for a Speaker to be chosen from within the ranks of the Dewan Rakyat. Only MPs should be eligible for the post of Speaker. This ensures there is some level of accountability for the position of Speaker. In the case of a one-seat difference in Parliament, in order to avoid a hung Parliament, the Speaker will have the deciding vote.

| Improving Allocations of Parliamentary Resources for Research and Constituency Development

The Current Situation of Research Services for MPs & Senators in Malaysia

Members of Parliament and Senators currently have little time to go through important documents, such as the Public Accounts Committee reports, the annual statutory bodies' report and the audit report for each parliamentary session. They also do not have resources to thoroughly research legislation.

MPs and Senators need to have access to timely, up-to-date, accurate and well-researched information for effective decision-making. This research must also fulfill the MPs' and Senators' specific, individual needs. For instance, an MP from Sabah might have very different requirements for research into the Royal Commission of Inquiry into Illegal Immigrants in Sabah compared to an MP from Kuala Lumpur.

Malaysia is currently well behind our regional partners in providing these essential services to our politicians. In Indonesia, for example, each MP has two staff paid for by Parliament; a personal assistant and a research assistant³¹. In Taiwan, the support offered to parliamentarians is even greater. Each member of the Legislative Yuan is entitled to recruit under the Yuan's payroll 8 to 14 contracted assistants³².

³¹ Deborah Loh, "Fuziah Salleh - MP Watch: Eye On Parliament", The Nut Graph, last updated April 4, 2011, accessed on December 3, 2014, <http://www.thenutgraph.com/mp-watch-fuziah-salleh/>.

³² "Members of the Legislative Yuan", The Legislative Yuan of the Republic of China, 2010, accessed on March 4, 2015, http://www.ly.gov.tw/en/01_introduce/introView.action?id=4

In addition, Parliament receives just RM89 million a year from the federal budget, but the Ministry for Transport receives RM4.5 billion³³. We question how Parliament can be an effective branch of government with such little funding.

The Research Department of Parliament is undergoing a revamp, including changes to their modus operandi and their KPI. However, this is likely going to be insufficient in improving the quality of parliamentary debates and legislation. A number of MPs are unaware this Research Department is available to them while those who are have indicated a poor quality of work or the staff's reluctance to work with Opposition MPs. The researchers themselves feel redundant, given MPs' current reliance on outside assistance, such as researchers from the BN Backbenchers Club and Pakatan Rakyat think tanks.

The Current Situation of Constituency Development Allocations for MPs in Malaysia

MPs are currently given around RM1 million each for constituency development. The funds for Opposition MPs are not given to them directly, and are often handed to State Development Offices, which are under the Prime Minister's Department. The funds are given directly to Government MPs. Often Opposition MPs have difficulty accessing the funds that have been given to the State Development Offices. These funds are often used by both Opposition and Government MPs to treat their constituents and in some cases results in a form of vote buying. This is the reason why state and federal governments are so reluctant to give funds to representatives from opposing parties.

GCPP's Recommendations

Funding for Personal Researchers

An allocation should be provided to every MP and Senator, separate from his or her personal allowance or salary, to hire a high quality research assistant. The hiring process and qualifications of those hired should be available to the public and open to scrutiny to ensure nepotism does not become prevalent. There should be a fixed sum for each MP to hire staff. A Parliamentary Committee should look into the hiring practices and the salary levels for such researchers in more detail. In addition, this committee needs to look into reform of the Parliamentary Research

³³ "Anggaran Perbelanjaan Persekutuan 2015", Kementerian Kewangan, (2014): 51, 371.

Department to ensure the quality of the work produced and fair access for all MPs. An important feature of this research department should also be the ability to assist Parliamentary Committees in their work. The department should have sub-divisions, organised by specialisation and assigned to Parliamentary Committees as the need arises.

The research materials available should be improved. For instance, a record of all Parliamentary proceedings, including written questions should be kept in addition to the Hansard. Regular publications by the Parliamentary Research Department on issues of importance should be done. For example, research papers on international events or climate change would be beneficial to MPs to keep abreast of the issues. Access to information for these parliamentary researchers must also be guaranteed.

Funding for Constituency Development

Such ‘constituency development’ funds should be scrapped in favour of federal funding for MPs’ office and administration funds. Instead of the money being used for politicians to hold functions and essentially campaigning, strict accountability is needed to ensure the money is only used on the operational costs of an MP’s constituency office. If development funds are needed, these should be given to the local government councils, of which MPs and ADUNs should be ex-officio members.

| Reform of the Dewan Negara

The function of the Dewan Negara

The Dewan Negara, or Senate, is the Upper House of Parliament. The Dewan Negara reviews legislation that has been passed by the Lower House (the Dewan Rakyat).

The Upper House in other countries such as the US and Australia wield considerable power. In Australia, for example, the Upper House can block legislation originating from the Lower House. In Malaysia, the Dewan Negara was initially designed to act as a check on the Dewan Rakyat and represent the interests of the various states.

Senators are responsible for scrutinising and debating bills that have been vetted by the Dewan Rakyat before they can be passed as law.

In the case of a money bill, if the Dewan Rakyat has passed the bill but the Dewan Negara does not within one month of being presented with the bill, the bill can proceed to be presented to the Yang di-Pertuan Agong for the royal assent. For non-money bills, if the Dewan Negara chooses not to pass the bill within one month of being presented with it, the bill may be deferred by a year, whereupon the Dewan Rakyat may pass the bill again and send it to the Dewan Negara to be passed. This time, if the Dewan Negara chooses not to pass the bill within one month of it being presented, the bill can proceed to be presented to the Yang di-Pertuan Agong for the royal assent³⁴.

The Current Situation of the Dewan Negara in Malaysia

The upper house in a bicameral legislature is meant to check on the decisions of the normally more powerful lower house. In Malaysia, the Senate is not elected and its members are less representative.

The current Senate consists of 70 members. Twenty-six members are elected by the State Legislative Assembly to represent 13 states (each state represented by two members) and 44 members are appointed by the Yang di-Pertuan Agong on the advice of the Prime Minister, including two members from the Federal Territory of Kuala Lumpur, and one member each from the Federal Territory of Labuan and Putrajaya. This

³⁴ Deborah Loh and Jacqueline Ann Surin, Ed., *Understanding the Dewan Rakyat*, (Petaling Jaya: Konrad-Adenauer-Stiftung & Insight News Sdn Bhd., 2011) p.33.

means that the Senators appointed by the states are outnumbered by those appointed by the Yang di-Pertuan Agong on the advice of the Prime Minister.

Although the Dewan Negara can amend or delay the passage of legislation, this has happened so rarely that headlines were made when women senators vehemently opposed controversial amendments to the Islamic Family Law in 2005. Eventually, these women senators were compelled by the party whip to vote for the bill³⁵.

Senatorial Reform from a Larger Perspective

The question of senatorial reform needs to be approached holistically. This does not only require extended debates and deliberations into its composition, method of appointment, democratic legitimacy and legislative competency³⁶.

Its *raison d'être* should be fundamentally rethought from the birth of nation in 1963 – what is needed to keep Malaysia functioning as a federal parliamentary democracy? How pivotal the House of Senate is or can be to ensure a strong, harmonious and lasting union between Malaya, Sabah and Sarawak (after the exit of Singapore in 1965)?

Where state rights are safeguarded mainly through the second chamber as well as decentralised governance in many domains for federation like the United States and Australia, this is not the case for Malaysia where the Senate is very much a rubber stamp and government functions are heavily centralised. For Sabah and Sarawak, state interests are protected through:

- a) Over-representation in the Lower House, with 1/4 of federal seats for currently about 1/6 of national electorate;
- b) Additional state power listed out in List IIA and List IIIA in the Ninth Schedule
- c) Non-constitutional safeguards such as internal immigration control power. For other states, the main functional domains are limited to land, local government and Islam.

³⁵ Gan Pei Ling, "Strengthening the Dewan Negara", The Nut Graph, last updated June 9, 2010, accessed on February 13, 2015, <http://www.thenutgraph.com/strengthening-dewan-negara/>.

³⁶ IDEAS produces an excellent paper on this with comparative references. <http://ideas.org.my/wpLcontent/uploads/2012/02/DewanLNegaraLFebL.20121.pdf>!

Such centralisation has however not delivered advantages like national integration and regional imbalance. Rather, states are constrained from being innovative and initiating policies to serve the citizens better. Malaysia does not only not benefit from rigorous inter-state competition, it suffers from centralised bureaucracy, regional imbalance and even resulting separatist sentiments.

Senatorial reform is therefore not just to overcome the lethargy of the second chamber and enhance legislative quality, but it is to fundamentally strengthen federalism to allow for meaningful shared-rule and self-rule, especially for the less populous states and politically marginalised groups like women and aboriginals.

GCPP's Recommendations

GCPP would therefore propose senatorial reform in a package of decentralisation and equal representation:

1. Decentralisation of power to allow meaningful multi-tiered governments. Power needs to be devolved to the states so that the states can devolve other powers to elected divisional, municipal or district governments. The exact scope and depth of decentralisation must go through thorough public debate and consultation, where Sabah and Sarawak are treated as equal partners to Malaysia as per the 1963 Malaysia Agreement.
2. Seats in the Dewan Rakyat should be allocated amongst the states and federal territories in proportion to their shares of electorate.!
3. Senatorial Elections:
 - 3.1 *All senators should be elected as state representatives in a statewide Party List-Proportional Representation System for a fixed term.*
 - 3.2 *All states will have a minimum of three seats, while more populous states may be given additional seats. However, the larger states should remain under-represented as a measure to protect the less populous states.*
 - 3.3 *The states of Sabah and Sarawak and the Federal Territory of Labuan in total should hold at least one third of senatorial seats to enable them to veto any issue that affects their interests.*
 - 3.4 *Up to three seats should be allocated for West Malaysian Orang Asli voters who opt not to vote in their statewide senatorial constituencies.*



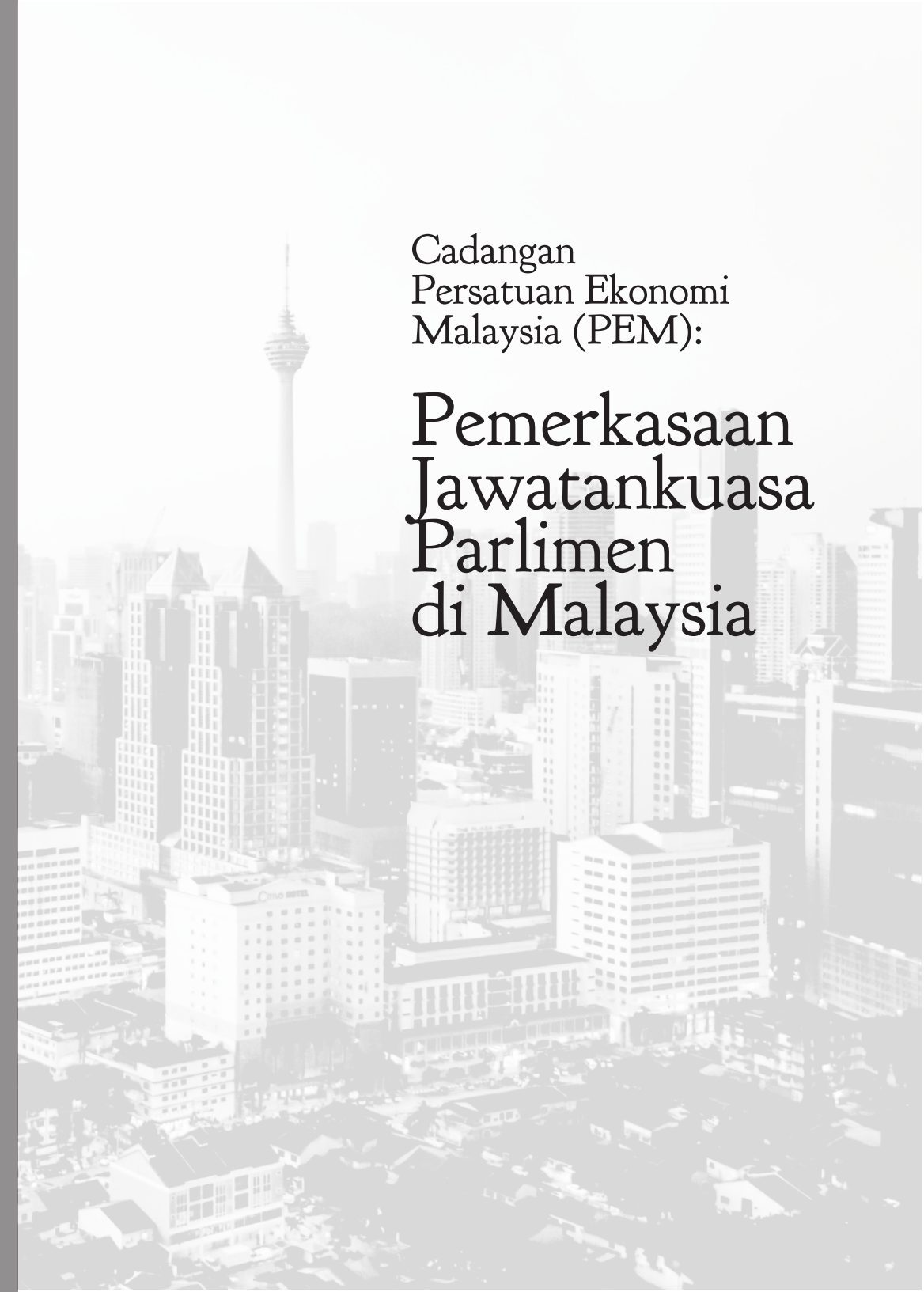
Cadangan
Persatuan Ekonomi
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Pemeriksaan Jawatankuasa Parlimen di Malaysia



PERSATUAN EKONOMI MALAYSIA
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*MEA Proposal: Enhancing
Parliamentary Committees in Malaysia*

Penulis

Persatuan Ekonomi Malaysia

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Ringkasan Eksekutif

Ciri-ciri yang menentukan urus tadbir ekonomi yang baik adalah kemampuan kerajaan untuk melaksanakan agenda dasar yang dipersetujui dan mencapai objektifnya. Kajian menunjukkan bahawa negara-negara yang mempunyai struktur dan amalan tadbir urus yang baik akan menatijahkan prestasi ekonomi yang lebih cemerlang.

Malaysia sedang menghadapi sebuah situasi dinamik berkembar—pembangunan sederhana selama hampir dua dekad dengan kemunculan urus tadbir yang lemah yang mengancam potensi pembangunan tersebut. Kemunculan urus tadbir yang lemah telah membuka peluang bagi rasuah di peringkat tinggi, selaras dengan hasil kajian yang menunjukkan bahawa tadbir urus yang lemah sering membawa kepada amalan rasuah, yang seterusnya beransur-ansur akan menghakis potensi pembangunan dan pertumbuhan jangka panjang.

PEM berpendapat bahawa kini adalah masanya untuk merangsang dialog awam berkenaan tadbir urus ekonomi. PEM telah memulakan langkah pada 2015 dengan menarik perhatian kepada keperluan kritikal terhadap tadbir urus untuk diguna pakai

di semua institusi awam Malaysia. Seperti dalam sektor korporat, tadbir urus negara perlu bermula dari atas, dari institusi tertinggi di Malaysia, Parlimen, yang akan seterusnya dicontohi dan diterapkan oleh semua institusi awam yang lain. Oleh itu, amatlah sesuai bagi PEM untuk mengadakan forum mengenai jawatankuasa parlimen untuk mempelajari dan menyebarkan maklumat mengenai nilai jawatankuasa parlimen yang bakal bertindak membolehkan mekanisme struktur tadbir urus Parlimen sebagai pemerhati kepada Eksekutif yang dapat memastikan check and balance demi melindungi kepentingan awam daripada penyalahgunaan kuasa. Forum yang dilaksanakan dengan jayanya pada Ogos 2016 telah membawa bersama-sama ahli-ahli parlimen dan pakar-pakar dari UK, Australia, India, dan Indonesia untuk berbincang dengan Ahli Parlimen Malaysia (MP) dan kumpulan pemikir berkenaan pilihan yang Malaysia boleh mengambil manfaat daripada rangka kerja tadbir urus yang baik dengan menggunakan mekanisme jawatankuasa Parlimen.

Kertas ini memberikan cadangan terperinci mengenai jawatankuasa parlimen dalam konteks Malaysia. Cadangan lain mengenai penambahbaikan Parlimen terkandung dalam kertas yang disediakan oleh IDEAS dan organisasi masyarakat sivil (CSO) yang lain.¹

Rangka Kerja Perundangan Semasa: Pada masa ini, Peraturan Mesyuarat Dewan Rakyat memperuntukkan penubuhan lima Jawatankuasa Pilihan, serta Jawatankuasa Pilihan Khas (JPK). Tujuan Jawatankuasa Pilihan Khas adalah untuk menyiasat dan membincangkan perkara-perkara yang ditentukan oleh Dewan. Tidak seperti Jawatankuasa Pilihan, Jawatankuasa Pilihan Khas wujud apabila diperlukan dan bagi kes-kes tertentu yang melibatkan kepentingan negara. Mereka berkhidmat dalam tempoh masa yang terhad dengan syarat-syarat rujukan yang khusus. Walaupun terdapat rangka kerja undang-undang mengenai penubuhan dan operasi JP dan JPK, realitinya penggunaan jawatankuasa ini amat terhad dalam menggerakkan Ahli Parlimen menjalankan fungsi mereka. Walaupun dalam kes Jawatankuasa Kira-kira Wang Negara (PAC) yang mempunyai perintah tetap sendiri, penetapan dan operasi PAC tidak selaras dengan amalan terbaik. Berikutan laporan PAC dan perbahasan di Parlimen, tidak ada kesimpulan atau sekatan terhadap mereka yang terlibat dalam menghilangkan wang negara. Laporan Parlimen juga tidak disediakan kepada orang awam.

¹ Cadangan pembaharuan Parlimen IDEAS dan CSO lain, bertajuk: GCCP- Ke Arah Parlimen yang Berteraskan-Rakyat.

Jawatankuasa Parlimen di Dewan Undangan Negeri Selangor: Dewan Undangan Negeri Selangor mempunyai bilangan jawatankuasa pilihan yang lebih berbanding Parlimen, membuktikan bahawa penubuhan jawatankuasa parlimen adalah sebahagian besarnya mencerminkan kesungguhan politik dalam mentadbir urus dengan baik dalam Parlimen.

Kelemahan utama Jawatankuasa Parlimen Selangor adalah bahawa laporan atau perbincangannya yang tidak disediakan kepada awam. Majlis Mesyuarat Kerajaan Negeri (ADUN) tidak diwajibkan untuk menjawab isu yang dibangkitkan. ADUN boleh sahaja sekadar menjawab bahawa dia telah dimaklumkan mengenai isu tersebut dan akan menelitinya, tanpa diwajibkan dengan tindakan susulan.

Pembiayaan Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas datang daripada Jabatan Perbendaharaan Dewan Undangan Negeri Selangor. Walaupun Setiausaha Dewan Undangan Negeri mempunyai budi bicara terhadap peruntukan untuk perbelanjaan Dewan, hakikat bahawa bajet Dewan berasal daripada Pejabat Bajet Negeri menunjukkan kuasa yang besar daripada Menteri Besar Selangor terhadap operasi Dewan Undangan Negeri.

Terdapat rasional yang baik untuk membangunkan sebuah rangka kerja dasar Jawatankuasa Parlimen di Malaysia: Struktur Jawatankuasa Parlimen yang lebih baik akan menyediakan mekanisme untuk Ahli Parlimen (MP) supaya dapat berfungsi sebagai pemantau (watchdog), memastikan kementerian-kementerian dan jabatan-jabatan kerajaan beroperasi mengikut dasar, peraturan, dan undang-undang yang diluluskan oleh Parlimen. Jawatankuasa Parlimen dan Jawatankuasa pilihan adalah kaedah yang terbaik untuk membuktikan perlaksanaan konsep tadbir urus demokrasi, ketelusan, dan akauntabiliti. Di samping itu, proses yang berstruktur membolehkan Jawatankuasa Parlimen untuk menumpukan lebih banyak masa dan membahas isu-isu yang lebih kompleks. Prosedur operasi Jawatankuasa Parlimen yang membolehkan Ahli Parlimen untuk menuntut maklumat lanjut memastikan pemantauan yang lebih sistematik terhadap Eksekutif, serta membolehkan para penggubal undang-undang untuk menyiasat sepenuhnya kerja-kerja Eksekutif dan menuntut lebih kebertanggungjawaban (akauntabiliti) daripada penjawat awam.

Paling penting adalah bahawa Jawatankuasa Parlimen membolehkan perundangan untuk dibahas secara menyeluruh dengan pakar-pakar dipanggil untuk mengesahkan keputusan penilaian impak dan Ahli Parlimen mempunyai lebih banyak masa untuk mempertimbangkan pelbagai implikasi perundangan. Juga sebuah mekanisme untuk

penelitian awam bakal dijalankan terhadap setiap bil-bil yang akan menatijahkan undang-undang dan pelaksanaan yang lebih baik.

Kerugian kewangan yang sering diulangi oleh agensi sektor awam dapat dielakkan melalui kerja-kerja Jawatankuasa Pilihan Parlimen yang dilantik untuk memeriksa kes-kes penyelewengan tertentu oleh penjawat awam, atau melalui pengawasan berkala oleh Jawatankuasa Parlimen yang ditugaskan untuk pengawasan ke atas agensi-agensi sektor awam atau fungsi tertentu. Sejak tahun 1979, kerugian kewangan daripada pengurusan yang lemah dan kekurangan akauntabiliti telah dianggarkan melebihi RM140 bilion.

Ketelusan dalam kerja jawatankuasa tersebut selaras dengan prosedur amalan dan proses terbaik akan memastikan sekatan yang sesuai terhadap mereka yang bertanggungjawab. Ini seterusnya akan mewujudkan persekitaran yang dapat menghalang penyelewengan dana awam.

Kejayaan di negara-negara lain: Jawatankuasa Parlimen yang berkesan bukan sahaja wujud dalam Demokrasi Westminster yang mempunyai sejarah yang panjang, tetapi juga dalam demokrasi yang lebih baru seperti di Indonesia dan Korea. Dalam demokrasi muda seperti Korea dan Indonesia, Jawatankuasa Parlimen membantu membangunkan proses parlimen yang lebih utuh dan berjaya memapankan kewangan awam serta mengekang amalan rasuah. PEM telah mengkaji amalan di UK, Amerika Syarikat, Australia, India, Indonesia, dan Korea. Ringkasan kajian bagi setiap negara terkandung dalam Lampiran 1–6. Pengalaman negara-negara tersebut memberikan pengajaran yang berguna kepada Malaysia. Salah satu hasil yang paling penting dalam Jawatankuasa Parlimen adalah bahawa Ahli Parlimen boleh mengambil garis parti semasa perbincangan awal sebarang isu tetapi setelah mendapat maklumat dan bukti lanjut yang disediakan oleh pegawai-pegawai dan pakar-pakar, keputusan yang akan diambil oleh Ahli Parlimen secara amnya akan selari dengan apa yang optimum buat kepentingan negara.

Keberkesanan Jawatankuasa Parlimen adalah pastinya tertakluk kepada jawatankuasa tersebut untuk mengamalkan prinsip-prinsip utama seperti ketelusan yang membolehkan kesediaan maklumat yang diperlukan. Dengan membuat laporan daripada siasatan yang dikemukakan kepada Parlimen dapat diperoleh untuk tatapan umum, Ahli Parlimen ditekan untuk melaksanakan tugas mereka dan membuat keputusan yang lebih baik dan adil. Amalan ini sangat berkemungkinan untuk berlaku oleh kerana sistem jawatankuasa membolehkan parlimen untuk mempunyai saluran terbuka dengan orang ramai dan ini menggalakkan penyertaan masyarakat dalam membantu parlimen untuk menjalankan tadbir urus yang cekap.

Pada sisi perundangan, sistem jawatankuasa telah menghasilkan undang-undang yang benar-benar memenuhi kepentingan negara dan menghalang Parlimen daripada menerima pakai undang-undang untuk memihak hanya kepada parti pemerintah.

Satu lagi faktor penting Jawatankuasa Parlimen yang berkesan adalah Parlimen mempunyai bajet pentadbiran sendiri untuk menyokong secukupnya jawatankuasadengan penyelidikan dan kepakaran profesional yang lain. Ini membolehkan Jawatankuasa Parlimen untuk menjalankan kuasa yang diberikan kepada mereka untuk membawa masuk pakar-pakar dari sektor awam bagi membantu siasatan. Peluang diberikan kepada masyarakat awam untuk mengemukakan pandangan mengenai perundangan, meneliti butiran mengenai dasar awam dan bajet, dan pelaksanaannya.

Negara-negara terus memperbaiki proses parlimen mereka untuk kerajaan yang lebih baik. Parlimen Indonesia telah menjemput penglibatan Westminster Foundation for Democracy bagi membantu dalam meningkatkan keberkesanan proses dan penjayaan fungsi Parlimen mereka. Di Korea Selatan, proses pemecatan Presiden mereka baru-baru ini menunjukkan keberkesanan Jawatankuasa Pilihan Khas.

Secara keseluruhan, kejayaan Jawatankuasa Parlimen bergantung juga kepada kehendak politik ahli-ahli parlimen yang mahu tadbir urus yang baik untuk diguna pakai. Integriti adalah penting dan boleh dipastikan melalui proses dan prosedur yang diterima pakai oleh Parlimen dalam menjalankan fungsi dan tanggungjawabnya.

| Cadangan Dasar Yang Menggalakkan Jawatankuasa Parlimen Berkesan

Malaysia boleh memanfaatkan rangka kerja undang-undang yang sudah wujud untuk Jawatankuasa Parlimen dan mengambil langkah-langkah untuk membolehkan Jawatankuasa Parlimen untuk memenuhi objektif mengukuhkan pengawasan oleh Ahli Parlimen untuk memulihkan keyakinan orang ramai terhadap agensi-agensi sektor awam dan pegawai-pegawainya, memastikan mereka sentiasa bertanggungjawab dan mematuhi amalan beretika. Jawatankuasa Parlimen akan membolehkan pemulihan kuasa Parlimen untuk meluluskan undang-undang dan tidak memberi peluang kepada Eksekutif untuk melemahkan peranan dan kuasa Parlimen.

Cadangan 1

Penubuhan Jawatankuasa Parlimen Tambahan.

Sebagai tambahan kepada PAC, Jawatankuasa Parlimen tambahan harus ditubuhkan. Jawatankuasa Pilihan Khas Mengenai Perundangan untuk mempertimbangkan rang undang-undang dan menilai kesan bil-bil ini dan membuat syor yang berhubungan dengan bil-bil, termasuk isu-isu dasar yang terlibat dan menilai alternatif perundangan adalah perlu supaya Parlimen boleh mengambil kembali peranannya dalam membuat undang-undang yang telah dirampas oleh Eksekutif yang telah mengambil kesempatan daripada Parlimen yang lemah untuk menolak Bil Parlimen tanpa banyak penelitian. Beberapa Jawatankuasa Pilihan baru itu akan membolehkan pengawasan dan pemantauan terhadap kementerian persekutuan. Di samping itu, Jawatankuasa Khas juga perlu diwujudkan apabila diperlukan untuk menjalankan siasatan terhadap sebarang kecurigaan pada tingkah laku yang tidak beretika atau tuduhan salah laku oleh pegawai-pegawai awam.

Dalam hal PAC, adalah disyorkan operasinya diperbaiki dengan mengguna pakai amalan terbaik dengan pengurusinya dilantik daripada parti pembangkang dan prinsip-prinsip dan prosedur pelantikan dan operasi JP dan JPK dalam Cadangan 4 di bawah. PAC harus dijawab oleh pasukan sendiri yang terdiri daripada pegawai-pegawai, pakar-pakar dan penyelidik yang mempunyai kepakaran dalam pengurusan kewangan.

Cadangan 2

Mengamalkan penubuhan Jawatankuasa Pilihan Khas pada Pertanyaan mengenai Isu-Isu Khas untuk mengelakkan kerugian kewangan atau kerosakan bukan kewangan kepada ekonomi.

Sebagai tambahan kepada Jawatankuasa Pilihan, Parlimen perlu melaksanakan undang-undang yang membolehkan ia untuk menubuhkan Jawatankuasa Pilihan Khas untuk menjalankan siasatan ke atas salah laku pegawai-pegawai sektor awam, apa-apa perkara dasar atau operasi kerajaan atau prestasi atau apa-apa perkara yang mempunyai kepentingan awam. Jawatankuasa Pilihan Khas akan dilantik apabila perlu. Jawatankuasa mestilah beroperasi dalam garis masa yang ditetapkan, dan mengemukakan laporannya untuk perbahasan di Dewan Rakyat.

Cadangan 3

Mengukuhkan asas undang-undang untuk membuat Jawatankuasa Parlimen berkesan.

Rangka kerja undang-undang semasa yang telah wujud yang membolehkan Parlimen untuk menubuhkan Jawatankuasa Pilihan (JP) dan Jawatankuasa Pilihan Khas (JPK) yang baru dan kekal. Walau bagaimanapun, untuk memastikan keberkesanan jawatankuasa ini, rangka kerja perundangan perlu dipertingkatkan untuk membolehkan kelancaran proses dan prosedur (Cadangan 4 di bawah). Penambahbaikan kepada Ordinan didayakan oleh Perkara 62 Perlembagaan Persekutuan dan perubahan atau penambahan kepada Peraturan Mesyuarat perlu dijalankan untuk menguatkan peruntukan bagi dasar demi memastikan Jawatankuasa Parlimen yang berkesan.

Cadangan 4

Pengamalan Prinsip dan Proses dalam menubuhkan dan mengendalikan Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas oleh Parlimen.

Selepas 59 tahun mencapai kemerdekaan, Malaysia sepatutnya sudah mempunyai sebuah Parlimen demokratik yang matang. Apa yang diperlukan sekarang hanyalah kehendak politik dalam kalangan Ahli Parlimen yang boleh berbangga dengan sebuah parlimen yang beroperasi memenuhi mandat untuk berkhidmat kepada rakyat. Oleh itu, Parlimen harus menerima pakai amalan terbaik dan dengan berbuat demikian, dapat melaksanakan kuasa yang telah diberikan mengikut Perlembagaan Persekutuan dan tidak memberi kesempatan kepada Eksekutif merampas kuasa ini. Dengan itu, Parlimen akan menjadi bertambah kuat dan berkesan dan ini akan menurun kepada Eksekutif yang sama kuat dan memenuhi fungsinya melaksanakan undang-undang yang diluluskan oleh Parlimen secara telus dan beretika. Dalam nada yang sama, Badan Kehakiman juga akan dapat menguatkuasakan undang-undang untuk mencapai objektif yang ditetapkan oleh Parlimen.

Prinsip amalan terbaik dalam menubuhkan dan mengendalikan Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas adalah dicadangkan untuk menjadikan Parlimen yang lebih kukuh dan berkesan dan ini akan seterusnya mempengaruhi Eksekutif yang sama kuat dan memenuhi fungsinya dalam melaksanakan undang-undang yang diluluskan oleh Parlimen pada rangka kerja yang telus dan beretika.

Dalam nada yang sama, Badan Kehakiman juga akan dapat menguatkuasakan undang-undang untuk mencapai objektif yang ditetapkan oleh Parlimen. Prosedur ini akan meliputi kaedah-kaedah

pertubuhan dan operasi Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas. Kaedah-kaedah yang dicadangkan ini adalah diambil daripada amalan terbaik global.

Dalam kes Jawatankuasa Pilihan Perundangan, adalah dicadangkan bahawa sebarang Rang Undang-Undang disediakan kepada orang ramai dan Ahli Parlimen lebih awal daripada Bacaan Pertama (buat masa ini, ianya diberikan selepas Bacaan Pertama). Dengan itu Ahli Parlimen sepatutnya mempunyai lebih banyak masa untuk membahaskan Rang Undang-Undang berkenaan semasa Bacaan Kedua. Bagi Rang Undang-Undang yang kontroversi dan mempunyai kesan terhadap kebebasan asasi seperti Rang Undang-Undang Keselamatan Negara perlu dikemukakan kepada Jawatankuasa Pilihan berkaitan Perundangan untuk penelitian terperinci. Pandangan orang ramai boleh dipertimbangkan oleh Jawatankuasa Pilihan ini.

Dalam mewujudkan Jawatankuasa Pilihan baru yang tetap, adalah disyorkan pendekatan secara berperingkat. Keutamaan harus diberikan kepada penubuhan Jawatankuasa Pilihan dalam bidang yang berkaitan dengan tanggungjawab kementerian utama dan yang mempunyai bajet yang besar. Ini termasuk Jawatankuasa Pilihan bagi bidang seperti Dasar Ekonomi dan Pengurusan Kewangan, Keselamatan Negara dan Dasar Luar, Pendidikan dan Kesihatan, Pembiayaan Politik dan Amalan Beretika.

Cadangan 5

Menubuhkan pejabat pentadbiran dan penyelidikan untuk menyokong Jawatankuasa Parlimen.

Untuk JP dan JPK berfungsi dengan baik, mereka perlu disediakan dengan kakitangan sepenuh masa yang berkecuali untuk menjalankan penyelidikan, membantu siasatan, menulis laporan, dan menyokong kerja-kerja jawatankuasa. Adalah penting bagi Rang Undang-undang Perkhidmatan Parlimen yang diumumkan oleh Yang di-Pertua yang akan dibentangkan pada awal tahun ini dilaksanakan dengan segera. Rang Undang-Undang ini diperlukan untuk 'memulihkan' undangundang yang lebih awal (Akta Perkhidmatan Parlimen 1963 yang telah dimansuhkan pada tahun 1992) yang akan membolehkan Parlimen untuk mempunyai perkhidmatan pentadbiran berdedikasi sendiri, supaya pegawai boleh mempunyai kesinambungan dalam kerja Parlimen dan berkembang menjadi profesional dalam membantu ahli-ahli parlimen dalam melaksanakan tugas mereka.

Lihat juga cadangan berkaitan ini oleh GCPP: Ke Arah Parlimen yang Berteraskan-Rakyat (Lampiran 7).

Cadangan 6

Mengamalkan Sebuah Panduan Penilaian Kesan untuk Mengukur Peningkatan Prestasi Parlimen berdasarkan Kerja Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas oleh Parlimen.

Adalah disyorkan bahawa Parlimen menerima pakai Rangka Kerja Penilaian Kesan untuk mengukur keberkesanan JP dan JPK dan sumbangannya kepada kejayaan Parlimen dalam menjalankan fungsinya. penilaian kesan ini akan membantu Parlimen mengaudit hasil kerja JP dan JPK, dan mengemukakan kekurangan mereka.

Cadangan 7

Melaksanakan Langkah Pelengkap Yang Perlu Untuk Jawatankuasa Parlimen Menjadi Lebih Efektif.

Jawatankuasa Parliamen boleh menjadi lebih efektif dengan adanya sistem penyelarasan untuk menyokongnya. Salah satu reformasi yang diperlukan adalah menghapuskan sekatan ke atas kebebasan media untuk melaporkan isu-isu penting berkenaan kepentingan awam seperti pendidikan, kesihatan, kewangan, hal-hal pemerintahan, dan pentadbiran. Kebebasan mengarang bagi media adalah tunjang kepada pelaksanaan tugas mereka untuk melaporkan isu-isu ini tanpa berasa takut akan penindasan politik, selagi laporan-laporan tersebut tidak mengapi-apikan keganasan fizikal terhadap rakyat berbagai bangsa, etnik, gender, atau agama. Cadangan untuk meliberalisasikan media perlu memfokuskan kepada dua perubahan ini: reformasi undang-undang yang terlalu ketat ke atas media, terutama sekali rang undang-undang PPPA; dan memperbanyakkan promosi akan autonomi untuk para wartawan yang bekerja di dalam industri media.

Tuntutan terhadap Akta Kebebasan Informasi juga perlu diiktiraf oleh kerajaan dan kerajaan perlu meluluskan rang undang-undang yang membolehkan capaian kepada maklumat dengan lebih banyak. Kerahsiaan perlu diubah kepada kebebasan untuk berkongsi maklumat. Hal ini juga akan memanfaatkan pihak kerajaan kerana ia akan menghalang sumber media yang salah dan analisa yang tidak tepat.

Regulasi lain yang boleh menyokong kerja Ahli-Ahli Parlimen adalah pemerkasaan penisytiharan aset bagi semua menteri dan pegawai kerajaan atasan dengan menggunakan khidmat badan audit yang bebas.

Badan audit ini akan mengumpul serta menilai integriti laporan deklarasi aset para menteri ini, dan kepentingankepentingan perniagaan yang lain sebelum mereka dilantik menjadi Menteri, mengukuhkan integriti undang-undang dan praktis, perlindungan kepada pemberi maklumat serta menggalakkan sistem perantikan jawatan yang lebih telus dalam dektor awam, demi pentadbiran dan kepimpinan yang lebih baik.



Cadangan Persatuan Ekonomi Malaysia Meningkatkan Jawatankuasa Parlimen di Malaysia

| Latar belakang & Konteks

Sungguhpun tadbir urus bestari (good governance) sahaja bukanlah satu-satunya syarat untuk pembangunan ekonomi, dasar-dasar pembangunan perlu melihat pada praktis pentadbiran dalam kepimpinan politik untuk membangunkan kebolehan pentadbiran dan mekanisme sistemik yang boleh mencapai proses keputusan yang baik. Ini juga merupakan sebab yang paling asas mengapa Matlamat Pembangunan Lestari Pertubuhan Bangsa-Bangsa Bersatu turut memasukkan agenda tadbir urus (Gol 16) iaitu untuk mendukung masyarakat yang aman dan inklusif demi pembangunan lestari, menyediakan akses keadilan untuk semua dan membina institusi yang berkesan, yang dapat dipertanggungjawabkan (akauntability) dan inklusif. Antara ciri terpenting dalam tadbir urus bestari adalah kebolehan untuk melaksanakan agenda dasar

yang dipersetujui. “Peningkatan, kerosotan atau kelembapan kebolehan ini akan menjadi penunjuk aras sekiranya kerangka tadbir urus itu menyokong proses pembangunan ataupun tidak.”²

Malaysia yang sedang menghadapi keadaan pertumbuhan dinamik-berkembang: pembangunan sederhana selama hampir dua dekad dengan kemunculan urus tadbir yang lemah yang mengancam potensi pembangunan tersebut. Kemunculan urus tadbir yang lemah telah membuka pintu kepada penularan rasuah pada kepemimpinan tertinggi kerajaan. Kajian oleh Bank Dunia dan lain-lain menunjukkan bukti kukuh bahawa tadbir urus yang lemah membawa kepada amalan rasuah dan kesannya terhadap pertumbuhan sangat merosakkan. Hal ini berlaku secara perlahan-lahan dan tatkala hasil daripada projek-projek ekonomi atau sumber ekonomi yang disalurkan disedut keluar, pertumbuhan dan potensi pembangunan jangka panjang secara beransur terhakis.

Di peringkat nasional, tadbir urus yang baik bermakna membina kerajaan yang mampu dan bertanggungjawab untuk melaksanakan polisi, menyediakan perkhidmatan awam, menetapkan peraturan yang mengawal pasaran, dan menyediakan pengawasan terhadap penggunaan sumber-sumber awam. Ini bermakna semua institusi mempunyai tempat dalam rangka kerja tadbir urus yang baik yang menentukan bagaimana dasar digubal dan pertimbangan serta proses untuk melaksanakan dasar-dasar harus mencapai matlamat dasar pembangunan. Bagi Malaysia, ini bermakna melaksanakan dasar-dasar untuk mencapai tiga gol pertumbuhan inklusif dan mampan.

Dalam sistem demokrasi berparlimen, tadbir urus ekonomi yang baik bermula di peringkat tertinggi dari segi pengawasan daripada Parlimen terhadap cabang Eksekutif kerajaan yang harus terurus dengan baik dan mematuhi bajet dan fiskal.

Mengalir dari pelbagai perundangan yang diluluskan oleh Parlimen, tadbir urus ekonomi yang baik menyusul kepada tahap Eksekutif yang lain-lain melalui kaedahkaedah dan peraturan-peraturan yang ditadbir oleh pihak berkuasa yang kompeten yang diberi kuasa oleh Parlimen dengan alat dan sumber yang diperlukan demi menjalankan tugas mereka dengan cekap dan berkesan. Sekatan yang sesuai perlu wujud apabila pemimpin dan pegawai-pegawai di kementerian, pihak berkuasa, dan agensi tidak mengamalkan tadbir urus yang baik dengan tidak mematuhi undangundang dan prosedur yang ditetapkan dalam menjalankan tugas mereka.

² Bank Dunia melaporkan pada petunjuk tadbir urus yang baik.

Tadbir urus dalam institusi-institusi sektor awam Malaysia agak terkebelakang dalam akhir-akhir dekad ini. Proses dan prosedur operasi sektor awam telah dikompromi hanya untuk menyelesaikan sesuatu tugas semata. Apabila proses dan prosedur telah diketepikan, ia akan memudahkan kemunculan para lintah yang mengambil kesempatan (*rent-seeker*) dan makan suap (*patronage*). Budaya ini sedang sihat dipelihara sedang amanah (*integrity*) bukan lagi keutamaan (*priority*) dan dokumentasi yang betul dalam membuat keputusan dan pelaksanaan menjadi kejutan. Jika dibiarkan, budaya ini boleh menjadi kanser yang meragut kecekapan dan keberkesanan sistem penyampaian sektor awam yang akhirnya membawa kepada peruntukan sumber yang tidak betul dan meningkatkan kos pengurusan, semuanya membawa kepada pertumbuhan yang lebih perlahan.

Apa yang boleh kita lakukan? PEM yang telah memulakan dialog awam tadbir urus ekonomi untuk menarik perhatian kepada kepentingan proses pelaksanaan dasar ekonomi yang baik bagi memenuhi objektif-objektifnya. Tumpuan adalah kepada keperluan kritikal terhadap tadbir urus yang baik untuk diguna pakai dalam semua institusi sektor awam Malaysia. Urus tadbir korporat di sektor swasta tidak dapat bertahan tanpa urus tadbir yang sama kuat di institusi-institusi awam. Seperti dalam sektor korporat, tadbir urus sektor awam yang baik mesti datang daripada bahagian atas. Maka, tadbir urus sektor awam yang baik adalah bermakna rangka kerja tadbir urus yang kukuh mestilah tersemat di Parlimen Malaysia yang akan kemudian dicontohi dan diterapkan kepada semua institusi sektor awam yang lain, termasuk perkhidmatan awam.

Kajian ini memberi fokus kepada Jawatankuasa Parlimen sebagai salah satu pilihan yang terbukti berkesan di negara-negara maju dan dalam kemaraan ekonomi yang lebih pesat dalam menyediakan mekanisme bagi Parlimen untuk menjalankan pemantauan yang berkesan terhadap aktiviti dan tindakan menteri-menteri dan sektor sektor secara keseluruhan. Hubungan yang tidak dapat dipisahkan antara tadbir urus ekonomi yang baik di peringkat Parlimen dengan kapasiti dan keupayaan untuk mengekalkan trajektori asas ekonomi dan pertumbuhan mesti wujud demi memastikan kerajaan yang dipilih dan institusi mereka kendali akan terus berfungsi dengan berkesan untuk terus mengekalkan iklim pelaburan dan menggalakkan pertumbuhan ekonomi yang mampan.

Memandangkan keperluan yang mustahak bagi semak dan imbang (*check and balance*) yang berkesan bagi melindungi kepentingan awam terhadap penyalahgunaan kuasa, kami percaya bahawa Parlimen perlu

lebih dinamik peranannya dalam menyelia fungsi kerajaan, khususnya, berkenaan dengan operasi dan prestasi kementerian-kementerian dan jabatan-jabatan. Dalam hal ini, kajian ini menyediakan cadangan terperinci demi membolehkan Parlimen menjalankan fungsi pengawasannya secara tetap, juga menjalankan siasatan khas apabila terdapat salah laku. Kajian ini tidak bertujuan untuk meliputi seluruh pembaharuan terhadap proses Parlimen, tetapi hanya memberi tumpuan terhadap rangka kerja tadbir urus melalui penubuhan Jawatankuasa Pilihan Parlimen³.

| **Kerangka Parlimen Malaysia yang Sedia Ada**

Pengawasan Umum

Buat masa sekarang, peranan pengawasan umum yang dipikul oleh Parlimen dijalankan sewaktu sesi pertanyaan dan pada sesi perbahasan. Kementerian yang berkaitan akan menyediakan jawapan sebelum sesi Parlimen bermula, seringkali hanya menumpukan pada unsur-unsur positif. Kesilapan dalam pelaksanaan dasar jarang diperakui dan kebanyakannya tidak pernah didedahkan.

Kamar Khas

Sejak Mei 2016, Kamar Khas Dewan Rakyat telah memulakan sidangnya, membincangkan isu-isu yang lebih substantif, yang jika tidak akan dibuang, dek kerana jadual Parlimen yang ketat. Kamar Khas telah diinspirasi oleh konsep Kamar Kedua di Parlimen Australia⁴. Persidangan Dewan Kedua dikawal oleh Peraturan Mesyuarat Parlimen berikutan pindaan yang dibuat pada bulan April 2016 dan Peraturan Mesyuarat 14A dan 24A yang baru⁵. Dengan pindaan ini, mana-mana anggota Dewan selain Menteri boleh mengajukan apa-apa perkara, seperti: 1) perkara-perkara yang berkaitan dengan pentadbiran di bawah tanggungjawab kerajaan; dan 2) perkara-perkara yang melibatkan kepentingan orang awam. Menteri yang bertanggungjawab perlu menjawab isu yang dibangkitkan. Walau bagaimanapun, perkara yang akan dibangkitkan haruslah diluluskan oleh Yang di-Pertua.

³ IDEAS dan CSO lain telah bersama-sama menjalankan kajian terhadap cadangan lengkap mengenai reformasi Parlimen bertajuk: GCCP: Ke Arah Parlimen yang Berteraskan-Rakyat.

⁴ Ruang kedua ialah Persekutuan Dewan dalam Dewan Perwakilan Australia. Dewan bersidang lebih perbahasan mengenai rang undang-undang yang mempunyai sokongan bi-partisan. Ia membolehkan jadual yang sibuk di Dewan Rakyat yang akan diuruskan dengan lebih cekap dan memberikan ahli-ahli lebih banyak peluang untuk menyumbang kepada perbahasan. Sekumpulan Ahli-ahli Parlimen Malaysia melawat Australia pada 2015 dan belajar konsep ini.

⁵ Sembilan (9) pindaan telah dibuat kepada Peraturan Parlimen Tetap (13, 14, 16, 17, 18, 22, 24)

Semua Ahli Dewan Rakyat adalah Ahli Kamar Khas. Persidangan Kamar Khas mesti melibatkan Yang di-Pertua, Ahli yang menimbulkan isu tersebut dan Ahli yang mewakili kerajaan. Kamar Khas boleh bersidang bila-bila masa seperti yang dipersetujui oleh Yang di-Pertua yang boleh menetapkan Pengerusi Kamar Khas selain dirinya. Pengerusi yang ditetapkan akan mempunyai segala kuasa Yang di-Pertua yang berkaitan dengan persidangan Kamar Khas sahaja.

Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas di Dewan Rakyat

Pada masa kini, Peraturan Mesyuarat Dewan Rakyat memperuntukkan penubuhan lima Jawatankuasa Pilihan, iaitu:

1. Jawatankuasa Pemilih (Peraturan 76);
2. Jawatankuasa Kira-kira Wang Negara (77);
3. Jawatankuasa Peraturan Mesyuarat (78);
4. Jawatankuasa Dewan (79);
5. Jawatankuasa Hak dan Kebebasan (80).

Peraturan Mesyuarat 81 juga memberi kuasa kepada Dewan Rakyat untuk menubuhkan Jawatankuasa Pilihan (atau Jawatankuasa-jawatankuasa) selain daripada lima Jawatankuasa di atas. Seperti Jawatankuasa yang dipanggil Jawatankuasa Pilihan Khas (JPK). Tujuan Jawatankuasa Pilihan Khas ialah untuk menyiasat dan membincangkan perkara-perkara yang ditentukan oleh Dewan. Ahli-ahli Jawatankuasa Pilihan Khas dicalonkan/dilantik oleh Jawatankuasa Pemilih. Jawatankuasa Pemilih ini terdiri daripada Yang di-Pertua dan enam ahli-ahli Dewan seperti yang termaktub dalam Peraturan Mesyuarat 76 Peraturan Mesyuarat Parlimen Malaysia.

Tidak seperti Jawatankuasa Pilihan, Jawatankuasa Pilihan Khas wujud apabila diperlukan dan bagi kes-kes tertentu yang melibatkan kepentingan negara. Mereka berkhidmat pada tempoh masa yang terhad dengan terma rujukan yang khusus pada kes-kes masing-masing. Ini bermakna Jawatankuasa Pilihan Khas tidak mungkin berada di dalam semua sesi Parlimen.

Oleh itu sudah ada mekanisme undang-undang yang wujud bagi Dewan Rakyat untuk melantik 5 Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas untuk menyiasat isu-isu tertentu bila-bila masa yang difikirkannya patut untuk berbuat demikian. Malangnya, amalan mewujudkan dan

melantik Jawatankuasa Pilihan Khas jarang dilaksanakan. Malah bil-bil yang penting atau yang kontroversi jarang dihantar ke Jawatankuasa Pilihan Khas.

Jawatankuasa Kira-kira Wang Negara (PAC)

Satu contoh Jawatankuasa Pilihan adalah Jawatankuasa Kira-kira Wang Negara yang mempunyai ketetapan sendiri di dalam Peraturan Mesyuarat. Ini bermakna PAC akan dipanggil ke untuk berkhidmat dalam setiap sesi persidangan Parlimen, tidak seperti Jawatankuasa Pilihan Khas yang hanya khusus untuk kes dan masa tertentu.

77. (1) Hendaklah ada sebuah Jawatankuasa yang akan dinamakan Jawatankuasa Kira-kira Wang Negara dilantik pada awal tiap-tiap Parlimen kerana memeriksa:

- a) Kira-kira Kerajaan Malaysia dan peruntukan wang yang dibenarkan oleh Parlimen kerana menepati perbelanjaan negeri;*
- b) Apa-apa kira-kira badan-badan pentadbiran raya dan pertubuhan-pertubuhan lain yang menguruskan wang negeri yang dibentangkan dalam Majlis;*
- c) Penyata-penyata Pemeriksa Kira-kira Negara yang dibentangkan dalam Majlis Mesyuarat menurut Perkara 107 dalam Perlembagaan;*
- d) Apa-apa perkara lain yang difikirkan oleh Jawatankuasa itu patut diperiksa, atau apa-apa perkara yang diserahkan oleh Majlis kepada Jawatankuasa itu.*

PAC adalah satu-satunya jawatankuasa tetap dan aktif di dalam Parlimen yang berkhidmat memantau cara kerja Kerajaan mengenai hal-hal kewangan. Kualiti perbincangan di PAC bergantung kepada isu-isu yang dibangkitkan dalam laporan Ketua Audit Negara dan sejauh mana penjawat awam mampu atau bersedia untuk menjawab pertanyaan yang dibangkitkan oleh PAC. Kandungan laporan adalah mengenai tadbir urus kewangan dan ia menonjolkan contoh-contoh salah urus oleh penjawat awam yang bertanggungjawab, menurut kawalan pegawai di bawah Akta Tatacara Kewangan 1957 dan Arahan Perbendaharaan. Walau bagaimanapun, seperti yang terbukti dengan banyaknya skandal kewangan yang dibahaskan di Parlimen, Menteri-menteri yang mungkin telah menyalahgunakan kuasa mereka dalam proses membuat keputusan tidak dipanggil untuk memberi keterangan mengenai skandal di mana mereka adalah sama ada terlibat atau bertanggungjawab.

PAC juga diadakan untuk melihat kes-kes khas salah urus kewangan. Sekali lagi, berikutan laporan PAC dan perbahasan di Parlimen, tidak ada kesimpulan atau sekatan terhadap mereka yang terlibat terhadap kerugian kewangan. Malah, dalam banyak kes, mereka yang terlibat telah berpindah ke jawatan yang lebih tinggi dalam kerajaan. Di samping itu, laporan PAC tidak terbuka kepada awam, dan kes 1MDB telah pun diisytiharkan sebagai rahsia rasmi di bawah Akta Rahsia Rasmi (OFA), sekaligus menafikan akses awam kepada Laporan serta mengehadkan Ahli Parlimen dalam membahaskan secara terbuka mengenai kes tersebut.

Jawatankuasa Tetap di Dewan Negara

Terdapat empat Jawatankuasa Tetap di Dewan Negara:

- Jawatankuasa Pemilih;
- Jawatankuasa Dewan;
- Jawatankuasa Hak dan Kebebasan; dan
- Jawatankuasa Peraturan Mesyuarat

Dengan pengecualian PAC dan sekali-sekala Jawatankuasa Pilihan Khas, Jawatankuasa Tetap di kedua-dua Dewan berurusan terutamanya berkenaan isu-isu operasi pentadbiran parlimen. Tiada jawatankuasa tertentu yang menjalankan pengawasan ke atas operasi kementerian. Malah bil-bil yang rumit tidak dibahaskan dalam mana-mana Jawatankuasa Pilihan atau Jawatankuasa Pilihan Khas. Bil-bil biasanya diserahkan oleh Jabatan Peguam Negara dengan penelitian dan perbahasan yang sedikit di kedua-dua Dewan. Secara umumnya, bil-bil diterima pakai oleh kedua-dua Dewan dengan pindaan yang minimum.

Rangka Kerja Undang-undang Semasa Berkenaan Jawatankuasa Pilihan di Parlimen Malaysia

Sudah wujud rangka kerja undang-undang yang mengawal Jawatankuasa Pilihan (JP). Peraturan Mesyuarat, 76–80 Dewan Rakyat, yang dibuat menurut Artikel 62(1) Perlembagaan Persekutuan (setiap Majlis Parlimen hendaklah mengawal selia tatacaranya sendiri) memperuntukkan pelantikan 5 Jawatankuasa Pilihan dan ahliahlinya. Selain itu, Peraturan Mesyuarat 81 memberi kuasa kepada Dewan Rakyat untuk mewujudkan Jawatankuasa Pilihan baru sebagai tambahan kepada 5 di atas, yang akan disebut Jawatankuasa Pilihan Khas (JPK). JPK ini adalah untuk menyiasat dan membincangkan perkara-perkara yang telah dipilih oleh

Dewan. Pada hal perlantikan JPK, Peraturan Mesyuarat 82 menetapkan bahawa ahli-ahli JPK mesti mencerminkan komposisi parti-parti di dalam Dewan. Selanjutnya, JPK (dan JP) diberi kuasa untuk memaksa sesiapa sahaja untuk hadir di hadapannya dan meminta dokumen dan kertas kerja yang akan dikemukakan di hadapannya.

Walau apa pun kuasa yang diberikan kepada Parlimen oleh Perlembagaan Persekutuan dan Peraturan Mesyuarat Parlimen itu sendiri, Parlimen tidak memanfaatkan Jawatankuasa Pilihan dengan baik.

Nota Legal di Parlimen Jawatankuasa Pilihan

1. Parlimen Malaysia bukan hanya sebuah badan perundangan tetapi juga berfungsi sebagai sebuah institusi di mana Kerajaan adalah bertanggungjawab terhadap dasar-dasar, dan di mana perkara-perkara kepentingan nasional diteliti.
2. Perlembagaan Persekutuan menetapkan tiga institusi untuk mentadbir negara di peringkat persekutuan. Institusi-institusi ini adalah Parlimen, Eksekutif, dan Kehakiman. Parlimen menggubal undang-undang; Eksekutif menjalankan undang-undang; dan Badan Kehakiman mentafsir dan menguatkuasakan undang-undang. Selaras dengan doktrin pengasingan kuasa, kerana tersirat dalam Perlembagaan Persekutuan, ketiga-tiga institusi yang bersama-sama dengan mereka dan menyemak dan mengimbangi satu sama lain. Tiada institusi yang lebih tinggi: hanya Perlembagaan Persekutuan adalah yang tertinggi.
3. Prosiding Parlimen di Dewan Rakyat dikawal oleh Peraturan-peraturan Mesyuarat Dewan Rakyat. Peraturan Mesyuarat yang dibuat selaras dengan Perkara 62(1) Perlembagaan Persekutuan yang menyatakan -

62. (1) Tertakluk kepada peruntukan Perlembagaan ini dan undang-undang persekutuan, setiap Majlis Parlimen hendaklah mengawal selia tatacaranya sendiri.

4. Peraturan-peraturan Mesyuarat Dewan Rakyat memperuntukkan penubuhan lima Jawatankuasa Pilihan, iaitu -
 - 1) Jawatankuasa Pemilihan (Peraturan 76);
 - 2) Jawatankuasa Kira-kira Wang Negara (77);
 - 3) Jawatankuasa Peraturan Mesyuarat (78);
 - 4) Jawatankuasa House (79);
 - 5) Jawatankuasa Hak dan Kebebasan (80).

Kecuali Jawatankuasa Pemilih, ahli-ahli Jawatankuasa Pilihan dicalonkan oleh Jawatankuasa Pemilih. Ahli-ahli Jawatankuasa Pemilih dilantik oleh Dewan.

Kecuali Jawatankuasa Kira-kira Wang Negara (PAC), setiap Jawatankuasa di atas dipengerusikan oleh Yang di-Pertua. Pengerusi dan Timbalan Pengerusi PAC dilantik oleh Dewan.

5. Peraturan Mesyuarat 81 memberi kuasa kepada Dewan Rakyat untuk menubuhkan Jawatankuasa Pilihan (atau Jawatankuasa) selain daripada lima Jawatankuasa yang disebut dalam perenggan 4 di atas. Jawatankuasa tersebut digelar Jawatankuasa Pilihan Khas. Tujuan Jawatankuasa Pilihan Khas ialah untuk menyiasat dan membincangkan perkara yang ditentukan oleh Dewan. Ahli-ahli Jawatankuasa Pilihan Khas dicalonkan oleh Jawatankuasa Pemilih. Walau bagaimanapun, Jawatankuasa Pilihan Khas hendaklah mempunyai kuasa untuk melantik Pengerusi sendiri.
6. Jawatankuasa Pilihan hendaklah mempunyai kuasa untuk memaksa mana-mana orang supaya hadir di hadapannya dan untuk meminta dokumen dan kertas kerja yang akan dikemukakan di hadapannya.
7. Dalam amalan Parlimen Malaysia, malangnya, Jawatankuasa Pilihan jarang dimanfaatkan. Bil-bil jarang dihantar ke Jawatankuasa Pilihan Khas. Jawatankuasa Kira-Kira Wang Negara dipengerusikan oleh seorang anggota Kerajaan, bertentangan dengan konvensyen Westminster, di mana Jawatankuasa Kira-Kira Wang Negara ini dipengerusikan oleh seorang anggota pembangkang.

Pengajaran Daripada Dewan Undangan Negeri Selangor

Negeri Selangor adalah salah sebuah negeri yang terbesar di Malaysia, secara ekonominya menyumbang 22.6 peratus kepada pertumbuhan KDNK negara yang sebanyak 5 peratus pada tahun 2015. Ia telah ditadbir oleh parti politik pembangkang di Malaysia sejak Pilihan Raya Umum ke-12 pada tahun 2008. Sejak itu, kerajaan negeri telah membuat beberapa pindaan dalam Peraturan Mesyuarat Dewan Undangan Negeri mereka, termasuk membolehkan penubuhan Jawatankuasa Pilihan. Selangor adalah satu-satunya Negeri yang menubuhkan Jawatankuasa Parlimen sebagai institusi tadbir urus dalam pengawasannya terhadap pentadbiran kerajaan negeri.

Peraturan-peraturan Mesyuarat yang khusus berkenaan Jawatankuasa Pilihan adalah Peraturan Mesyuarat 68 hingga 77⁶. Terdapat beberapa Jawatankuasa Pilihan yang ditubuhkan khusus untuk Dewan Undangan Negeri mingguan. Setakat ini, Dewan Undangan Negeri Selangor mempunyai lebih banyak Jawatankuasa Pilihan yang ditubuhkan berbanding Parlimen Malaysia, membuktikan bahawa penubuhan Jawatankuasa Pilihan sebahagian besarnya adalah bergantung kepada kehendak politik. Ahli-ahli jawatankuasa terdiri daripada ahli-ahli Majlis Mesyuarat Kerajaan Negeri (ADUN) daripada pihak kerajaan negeri dan pembangkang.

Kelemahan utama Jawatankuasa Parlimen Selangor adalah bahawa laporan atau perbincangan tidak terbuka kepada awam. Hal ini telah menjejaskan kelebihan asas Jawatankuasa Parlimen dalam mengenakan kewajipan ke atas ADUN untuk memastikan tadbir urus yang baik. Peraturan Mesyuarat hanya memerlukan laporan mesyuarat jawatankuasa mingguan Dewan dikeluarkan kepada orang ramai dan Eksekutif Negeri akan mempunyai 14 hari untuk mengeluarkan jawapan mereka terhadap laporan tersebut. Walau bagaimanapun, jawapan ini tidak wajib. Yang di-Pertua boleh mendesak dan mengingatkan mereka sehingga jawapan dibuat, tetapi walaupun jawapan dikeluarkan, isu yang dibangkitkan tidak semestinya dibesarbesarkan atau ditangani. ADUN boleh menjawab bahawa dia telah dimaklumkan mengenai isu tersebut dan akan menelitinya, tanpa diwajibkan untuk mengambil tindakan susulan.

⁶ Diambil dari <http://dewan.selangor.gov.my/peraturan-tetap>

Amalan ini bermakna bahawa Dewan Undangan Negeri tidak mempunyai kuasa untuk mendisiplinkan ahli-ahli Dewan. Yang ia boleh lakukan adalah untuk memberikan tekanan kepada ahli-ahli Dewan, terutamanya ahli-ahli dalam jawatankuasa untuk sekurang-kurangnya bertindak balas terhadap isu-isu yang telah dibangkitkan. Ini bermakna bahawa peranan Dewan Undangan Negeri adalah terutamanya untuk melaporkan apa yang berlaku di negeri ini, dan tidak ada kewajipan untuk mengambil bahagian dalam urus tadbir negeri.

Dapatkah badan perundangan negeri itu diberi kuasa untuk mempunyai lebih banyak fungsi eksekutif agar dapat bertindak dengan lebih berkesan terhadap penyelewengan di kalangan pegawai kerajaan negeri? Mungkin tidak di peringkat negeri Selangor, walaupun perhimpunan itu telah melakukan pelbagai pembaharuan demi memastikan kebertanggungjawaban yang lebih baik kepada rakyat. Satu lagi faktor penghad Dewan Undangan Negeri Selangor berkenaan pemantauan yang berkesan terhadap pegawai kerajaan negeri adalah walaupun Selangor diperintah oleh pakatan pembangkang, kerajaan Persekutuan masih mempunyai pengaruh penting dalam pelantikan pegawai-pegawai kerajaan negeri.

Pemilihan Ahli-ahli Jawatankuasa Pilihan

Ahli-ahli Jawatankuasa Pilihan di Dewan Undangan Negeri Selangor dipilih dengan persetujuan Yang di-Pertua Dewan, bersama-sama dengan persetujuan anggota itu sendiri dan parti politik masing-masing. Jawatankuasa Pilihan Khas.

Ahli-ahli Jawatankuasa Pilihan di Dewan Undangan Negeri Selangor dipilih dengan persetujuan Yang di-Pertua Dewan, bersama-sama dengan persetujuan anggota itu sendiri dan parti politik masing-masing.

72. (1) Seberapa bolehnya tiap-tiap Jawatankuasa Pilihan hendaklah ditubuhkan supaya terbayang di dalamnya kadar parti masing-masing dalam Dewan⁷.

Setelah dilantik, peranan ahli-ahli jawatankuasa dirundingkan di antara mereka. Pengerusi Jawatankuasa Pilihan biasanya ahli Dewan daripada parti pembangkang.

⁷ Dewan Undangan Negeri Selangor; Peraturan Mesyuarat Dewan Undangan Negeri 1963; disemak semula 10 Mac 2016

Salah satu Jawatankuasa Pilihan di Dewan Undangan Negeri Selangor adalah Jawatankuasa Kira-Kira Wang Kerajaan (PAC). Peranan dan skop kerja ditetapkan dalam Peraturan Mesyuarat yang disemak Dewan Undangan Negeri Selangor (2016):

68. (1) Hendaklah ada sebuah Jawatankuasa yang akan dinamakan Jawatankuasa Kira-Kira Wang Kerajaan dilantik pada awal tiap-tiap penggal persidangan dan dipengerusikan oleh Ketua Pembangkang kerana memeriksa:

- a) kira-kira Kerajaan Negeri Selangor dan peruntukan wang yang dibenarkan oleh Dewan kerana menepati perbelanjaan Negeri; 7 Dewan Undangan Negeri Selangor; Peraturan Mesyuarat Dewan Undangan Negeri 1965; disemak semula 10 Mac 2016*
- b) apa-apa kira-kira badan pentadbiran raya dan pertubuhan lain yang menguruskan wang negeri yang menguruskan wang negeri yang dibentangkan dalam Dewan;*
- c) penyata Juru Audit Negara dibentangkan dalam Dewan menurut Perkara 107(2) dalam Perlembagaan Persekutuan; dan*
- d) apa-apa perkara lain yang difikirkan oleh Jawatankuasa itu patut diperiksa, atau apa-apa perkara yang diserahkan oleh Dewan kepada Jawatankuasa itu.*

Walau bagaimanapun, sejak pembaharuan dalam Peraturan Mesyuarat 68(1) telah dimasukkan pada 4 Disember 2014, kedudukan bagi pengerusi Jawatankuasa Kirakira Wang Negara telah kosong berikutan perletakan jawatan Ketua Pembangkang yang dilantik parti pembangkang kerajaan negeri pada 8 Disember 2014.

Terma Rujukan

Terma rujukan adalah berbeza untuk Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas Dewan Undangan Negeri Selangor. Terma rujukan untuk Jawatankuasa Pilihan yang ditetapkan dalam Peraturan Mesyuarat (disemak semula 10 Mac 2016), jawatankuasa ini adalah:

1. Jawatankuasa Kira-Kira Wang Kerajaan - Peraturan Mesyuarat 68(1) hingga (5)
2. Jawatankuasa Pilihan Pejabat Daerah dan Tanah (JP-PADAT) - Peraturan 68A(1) & (2)
3. Jawatankuasa Pilihan Pihak Berkuasa Tempatan (JP-PBT) - Peraturan 68B(1) & (2)
4. Jawatankuasa Pilihan Agensi, Badan Berkanun dan Anak Syarikat (JP-ABAS) - Peraturan 68C(1) & (2)
5. Jawatankuasa Peraturan-Peraturan Tetap - Peraturan 69(1) hingga (3)
6. Jawatankuasa Hak dan Kebebasan - Peraturan 70(1) hingga (5)

Perbezaan utama antara Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas adalah kekekalan mereka di persidangan. Jawatankuasa Pilihan perlu membentangi laporan mereka pada setiap kali persidangan; berbeza dengan Jawatankuasa Pilihan Khas yang hanya melaporkan mengenai isu semasa perhimpunan berdasarkan kes-kes tertentu dan oleh itu bersifat sementara.

Jawatankuasa Khas Pilihan di Selangor

Peraturan Mesyuarat 71(1) Undangan Negeri Selangor (disemak 2016):

Sesebuah Jawatankuasa Pilihan yang lain daripada Jawatankuasa Penggalan Dewan akan dikenali dengan nama Jawatankuasa Pilihan Khas. Jawatankuasa ini hendaklah dilantik dengan perintah Dewan dan Jawatankuasa ini hendaklah mengandungi sesiapa ahli yang dilantik oleh Dewan.

Oleh kerana Jawatankuasa Pilihan Khas ditubuhkan untuk melakukan siasatan ke atas kes-kes atau isu tertentu, tiada tarikh akhir ditetapkan bagi Jawatankuasa untuk menyiapkan kerja mereka. KPI bagi Jawatankuasa adalah berdasarkan kepada jumlah laporan Jawatankuasa Pilihan Khas yang dibentangkan selepas setiap siasatan, yang tidak lebih daripada dua laporan pada setiap persidangan Dewan.

Satu contoh Jawatankuasa Pilihan Khas Dewan Undangan Negeri Selangor adalah Jawatankuasa Pilihan Khas Mengenai Keupayaan, Kebertanggungjawaban, dan Ketelusan Selangor (SELCAT) yang baru-baru ini mengkaji isu gangguan bekalan air di negeri Selangor (Hansard Bilangan 36/2014).

Adalah tidak wajib bagi Jawatankuasa Pilihan Khas untuk membentangkan laporan dapatan mereka pada setiap sesi dan ADUN tidak diwajibkan untuk menjawab laporan yang dikeluarkan oleh Jawatankuasa Pilihan Khas, jika ada. Walau bagaimanapun, ahli-ahli Dewan boleh dipanggil ke Dewan untuk pertanyaan.

Pembiayaan Jawatankuasa Dewan Undangan Negeri

Pembiayaan Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas datang daripada Perbendaharaan Dewan Undangan Negeri Selangor, yang ditadbir di bawah (Rang Undang-undang Perkhidmatan Negeri Selangor 2009).

Ini bermakna pembiayaan dan akhirnya, pentadbiran Dewan Undangan Negeri Selangor berasal daripada pihak Eksekutif kerajaan negeri yang memerintah. Walaupun Setiausaha Dewan Undangan Negeri mempunyai budi bicara terhadap peruntukan untuk perbelanjaan Dewan, hakikat bahawa bajet Dewan berasal daripada Pejabat Bajet Negeri, ia memberi kuasa yang besar kepada Menteri Besar Selangor terhadap operasi Dewan Undangan Negeri. Akta Perkhidmatan Parlimen 1963 membenarkan Dewan Undangan Negeri Selangor untuk mempunyai autonomi ke atas pembiayaan mereka. Walau bagaimanapun, pemansuhan PSA di peringkat Persekutuan telah menjejaskan struktur Parlimen juga telah mematikan pengurusan bajet yang bebas di peringkat negeri.

Sehingga hari ini, perkhidmatan Dewan Undangan Negeri Selangor dibiayai oleh pekeliling peringkat negeri bagi tadbir urus gaji dan elaun yang dipanggil Enakmen Anggota Pentadbiran dan ADUN (Saraan 1980).

| **Rasional Bagi Cadangan Baru Berkenaan Jawatankuasa Parlimen**

- (i) *Urus Tadbir di Peringkat Tertinggi: Jawatankuasa Parlimen sebagai sebahagian daripada rangka kerja tadbir urus di Parlimen*

Salah satu fungsi Ahli Parlimen (MP) sebagai wakil rakyat adalah untuk memainkan peranan sebagai pemerhati, memastikan kementerian-kementerian dan jabatan-jabatan sentiasa telus, terutama dalam hal-hal yang berkaitan dengan pengurusan kewangan yang diperuntukkan dalam belanjawan. Dalam hal ini, tugas Ahli Parlimen termasuklah memantau dan memastikan bahawa kementerian-kementerian dan jabatan-jabatan mengikut prosedur yang betul dalam perbelanjaan jabatan dan perolehan barang dan perkhidmatan. Sebagai contoh, seorang Menteri yang menghabiskan seluruh bajet perjalanan kementerian itu dalam beberapa bulan pertama perkhidmatannya, atau membawa delegasi yang besar ke persidangan antarabangsa tanpa kebenaran terlebih dahulu daripada Perbendaharaan Persekutuan, mesti dipertanggungjawabkan atas kelakuannya. Dalam sistem demokrasi berparlimen kita, satu-satunya kuasa yang boleh mempersoalkan perbelanjaan Menteri dan Kementerian ialah Parlimen.

Parlimen, sebagai wibawa perundangan tertinggi dalam hierarki kerajaan, adalah menjadi tanggungjawab terhadap wakil rakyat untuk memainkan peranan mereka yang sepatutnya sebagai penjaga kepentingan dan hak rakyat. Inilah tadbir urus yang baik, ketelusan, dan akauntabiliti yang sebenar-benarnya. Dalam sistem demokrasi berparlimen, oleh kerana rakyat telah memberi kepercayaan kepada pemimpin-pemimpin politik, para wakil rakyat mestilah menghormati kepercayaan yang diberikan oleh orang ramai dan perlulah bertanggungjawab kepada rakyat.

Jawatankuasa Parlimen menawarkan mekanisme operasi bagi Parlimen untuk melaksanakan pengawasan ke atas Kementerian dan pegawai-pegawai sektor awam. Melalui Jawatankuasa Parlimen yang sesuai, Ahli Parlimen boleh memastikan dasar-dasar dilaksanakan dengan sewajarnya demi mewujudkan lebih banyak peluang pekerjaan, mengukuhkan pertumbuhan ekonomi, dan mengurangkan kadar kemiskinan. Jawatankuasa Pilihan Parlimen berfungsi lebih daripada sekadar meneliti dasar-dasar awam, mereka juga berfungsi dalam menjaga aspek yang paling penting dalam tadbir urus demi memastikan ketelusan—yakni berkenaan belanjawan, demi memastikan tiada penyalahgunaan dana awam, undang-undang yang memastikan semak dan imbang yang betul, membolehkan pasaran berfungsi, dan menjamin perlindungan hak-hak perniagaan dan individu.

Penubuhan Jawatankuasa Pilihan Parlimen juga akan membolehkan para penggerak bukan negara (non-state actor) seperti organisasi masyarakat sivil memainkan peranan yang membina dalam menggalakkan tadbir urus yang baik dengan membantu wakil-wakil mereka di Parlimen melaksanakan tugas dan tanggungjawab mereka sebagai Ahli Parlimen. Ini sememangnya konsisten dengan konsep tadbir urus demokrasi, ketelusan, dan akauntabiliti.

(ii) *Kecekapan dan Keberkesanan Prestasi Ahli Parlimen*

Pada masa ini, perbahasan di Parlimen sering dilanjutkan selepas waktu rasmi, oleh kerana jumlah isu-isu di Parlimen yang besar. Jika tiada Jawatankuasa Parlimen untuk menangani perkara-perkara dan dokumen-dokumen dasar, kesemua ini akan dibincangkan oleh seluruh Dewan. Tidak ada peluang untuk mendapatkan input daripada pihak berkepentingan atau untuk Ahli Parlimen menuntut maklumat dan analisis lanjut. Jawatankuasa Parlimen membolehkan sebuah mekanisme pengawasan sistematik terhadap Eksekutif. Ia membolehkan undang-undang untuk menyiasat sepenuhnya kerja-kerja Eksekutif, dan menuntut kebertanggungjawaban yang lebih daripada penjawat awam. Oleh kerana banyaknya kementerian dan agensi-agensi, serta saiz yang besar di sektor awam, adalah penting bagi Parlimen untuk mempunyai sebuah mekanisme yang menjalankan fungsi pengawasan. Penerapan Parlimen sebagai badan pengawasan yang lebih berkesan menatijahkan prestasi sektor awam yang lebih baik.

Demikian juga jika tiada Jawatankuasa Parlimen mengenai perundangan telah menyebabkan bil-bil ditarik semula selepas pembentangan kepada Parlimen apabila pihak berkepentingan tidak bersetuju dengan aspek-aspek tertentu undang-undang tersebut. Satu Jawatankuasa Parlimen mengenai perundangan akan membolehkan bil dibahaskan dengan teliti, pakar-pakar dipanggil untuk mengesahkan keputusan penilaian impak yang dikemukakan oleh pegawai-pegawai, dan Ahli Parlimen mempunyai lebih banyak masa untuk mempertimbangkan pelbagai implikasi perundangan. Menyediakan satu mekanisme untuk penelitian umum terhadap undang-undang akan menatijahkan undang-undang yang lebih baik dan pemahaman yang lebih mendalam terhadap selok-belok undang-undang apabila ianya dilaksanakan.

(iii) *Mengelakkan Kerugian Kewangan yang Berterusan*

Selama bertahun-tahun, agensi-agensi sektor awam Malaysia terus mengalami kerugian kewangan. Ini boleh dielakkan jika terdapat Jawatankuasa Parlimen yang ditugaskan untuk melaksanakan pengawasan ke atas agensi-agensi sektor awam atau tugas-tugas yang tertentu.

Skandal	Tahun	Anggaran Kerugian
Bank Bumiputera	1979 - 1983	USD1 Bilion
Maminco, LME	1981	RM1.5 Bilion
Perwaja Steel	1995 - 1998	RM10 Bilion
Bank Negara Malaysia	1993/94	RM30 Bilion
Malaysian Airlines	1990an	RM9.4 Bilion
Port Klang Free Zone (PKFZ)	1999 - 2008	RM12.5 Bilion
NFC	2011	RM0.25 Bilion
MISC	2014	USD10 Milion (RM33.4M)
IMDB	2015 - Sekarang	RM42 Bilion

Sebagai contoh, mengawasi hasil peruntukan belanjawan yang besar boleh membantu mengelakkan peruntukan projek yang tidak wajar. Jawatankuasa Pilihan Khas perlu dilantik untuk menyiasat peringkat awal pengurusan kewangan yang tidak wajar. Ketelusan dalam kerja jawatankuasa yang selaras dengan prosedur dan proses amalan terbaik akan memastikan sekatan yang sesuai terhadap mereka yang bertanggungjawab. Jawatankuasa Pilihan Khas yang berfungsi dengan baik, yang dipertanggungjawabkan untuk menyelesaikan masalah serta menghukum mereka yang bertanggungjawab di atas kerugian kewangan, akan dapat menghalang penyalahgunaan dana awam.

(iv) *Kejayaan di Negara-negara Lain*

Jawatankuasa Parlimen telah lama dilaksanakan di negara-negara maju dan terbukti berkesan dalam mempromosikan penggubalan undang-undang yang lebih baik dan telus, serta menjadi sebuah badan yang efektif dalam pengawasan sektor awam terutama sekali dalam memastikan kebertanggungjawaban dan praktis beretika. Prinsip ketelusan yang diamalkan Jawatankuasa Parlimen menjadi alat yang efektif untuk memastikan kebertanggungjawab di sektor awam. Jawatankuasa Parlimen bukan hanya berkesan di negara-negara bercirikan demokrasi Westminster yang mempunyai sejarah yang lama dengan demokrasi berparlimen, tetapi ia juga berkesan di negara-negara demokratik yang baru seperti Indonesia dan Korea. Di negara-negara ini, Jawatankuasa Parlimen memainkan peranan kuat dalam proses parlimen dan keberkesanannya dalam memelihara kewangan negara dengan lebih baik dan usaha-usaha membanteras amalan rasuah.

PEM melihat dan mengkaji apa yang dilakukan di UK, AS, Australia, India, Indonesia, dan Korea (Selatan). Ringkasan setiap kajian ke atas setiap negara ini boleh dilihat di ruangan Lampiran 1–6. Berikut merupakan beberapa pengajaran daripada mereka:

- Melalui Jawatankuasa Parlimen, parlimen boleh mengawasi badan Eksekutif kerajaan dengan mendapatkan kemaskini kerap daripada jawatan-jawatan yang diawasi, melakukan pertemuan untuk menjalankan penyiasatan bersama penjawat awam, media, dan kakitangan lain yang berkaitan (contohnya: 19 jawatankuasa di UK, lebih 40 jawatankuasa di US).
- Sungguhpun jawatankuasa berasal dari Dewan Rakyat dan Dewan Negara, adalah penting untuk jawatankuasa parlimen untuk mempunyai terma rujukan yang berstruktur untuk menjalankan kerja mereka. Satu pengajaran besar di sini ialah jawatankuasa yang terlalu banyak akan membebankan Ahli Parlimen. Keseimbangan yang baik adalah diperlukan untuk mereka berfungsi secara optimal (Australia).
- Di semua negara-negara lain secara umumnya mempunyai jawatankuasa tetap berkenaan Kira-Kira Wang Negara, Perundangan, dan Pemantau yang melihat isu-isu tertentu yang melibatkan kepentingan negara. Di Indonesia, jawatankuasa kewangan memainkan peranan yang instrumental terhadap pengawasan ketat ke atas proses perbelanjaan dan perbendaharaan.

- Jawatankuasa juga boleh melantik jawatankuasa kecil, amalan yang paling lazim di Amerika Syarikat.
- Di semua negara, keahlian jawatankuasa mencerminkan komposisi parti. Pemilihan ahli jawatankuasa adalah berdasarkan kepada kepakaran dan kekananan (Australia, UK, US). Terdapat sebuah proses yang telus pencalonan jawatankuasa yang dipatuhi oleh semua pihak. Jawatan pengerusi Jawatankuasa dikongsi bersama antara pemerintah dan pembangkang pihak berkadaran dengan perwakilan di Parlimen. Walau bagaimanapun, jawatan pengerusi jawatankuasa kritikal seperti PAC, Jawatankuasa perundangan, Jawatankuasa Pilihan mengenai isu-isu/projek khas biasanya diberikan kepada Ahli Parlimen daripada parti pembangkang.
- Laporan siasatan yang dikemukakan kepada Parlimen disediakan untuk penelitian awam. Amalan ini mewujudkan tekanan bagi keputusan Parlimen yang sesuai, dalam masa yang sama menggalakkan penyiasatan yang mendalam dan keadilan dalam proses sekatan (UK, Australia, Amerika Syarikat, Korea). Di India dan Indonesia, setelah menyedari kepentingan ketelusan, tindakan akan diambil untuk menangani kelemahan.
- Jawatankuasa Parlimen mengenai Perundangan membolehkan penelitian bil, mengelakkan amalan yang memenangkan kepentingan politik, dan membawa kepada undang-undang dan pelaksanaan yang lebih baik (semua negara yang dikaji).
- Jawatankuasa Kira-kira Wang Negara (PAC) meneliti nilai wang dari segi prestasi ekonomi, kecekapan, dan keberkesanan perbelanjaan awam. Memandangkan sektor awam yang amat luas, jangkauan PAC itu telah dilanjutkan di luar jabatan kerajaan, juga memeriksa badan-badan awam lain serta sektor swasta yang menyediakan perkhidmatan awam (UK, Australia, Amerika Syarikat).
- ☐ Sistem Jawatankuasa membolehkan Parlimen untuk mempunyai saluran terbuka dengan orang ramai dan ini menggalakkan penyertaan masyarakat dalam membantu Parlimen untuk menjalankan tadbir urus yang cekap. Di sisi perundangan, sistem jawatankuasa telah menghasilkan undang-undang yang benar-benar memenuhi kepentingan negara dan menghalang Parlimen daripada menerima pakai undang-undang yang memihak kepada parti pemerintah (UK, Australia, Amerika Syarikat, Indonesia)

- Ahli-ahli Jawatankuasa Pilihan Parlimen boleh mengambil garis parti semasa perbincangan awal apa-apa isu yang dibahaskan oleh jawatankuasa tertentu. Walau bagaimanapun, setelah maklumat lanjut dan bukti disediakan oleh pegawai-pegawai dan pakar-pakar, keputusan Ahli Parlimen umumnya dibuat di sepanjang garis yang optimum bagi kepentingan negara. Ini telah menjadi nilai yang paling besar Jawatankuasa Parlimen dalam menarik Ahli Parlimen daripada semua parti komponen untuk bertindak demi kepentingan negara (jelas di Australia dan United Kingdom).
- Dalam semua kajian negara, Jawatankuasa Parlimen diuruskan oleh sekretariat sendiri, manakala beberapa jawatankuasa berkongsi sokongan pentadbiran. Parlimen mempunyai bajet pentadbiran sendiri dan dapat menyokong secukupnya jawatankuasa dengan penyelidikan dan kepakarannprofesional yang lain. Kualiti sokongan yang profesional adalah kunci untuk menghasilkan Ahli Parlimen dan Jawatankuasa Parlimen lebih berkesan.
- Semua Jawatankuasa Parlimen diberi kelonggaran untuk membawa masuk pakar-pakar daripada sektor awam dan kewangan untuk melengkapkan penyiasatan atau kerja-kerja pemantauan. Di sesetengah negara seperti Australia, jawatankuasa akan mengiklankannya di akhbar dan menjemput cadangan bertulis daripada masyarakat, pakar, dan kumpulan berkepentingan mengenai isu tersebut. Di India, peluang diberikan kepada masyarakat awam untuk mengemukakan pandangan mengenai badan perundangan, satu mekanisme untuk meneliti butiran mengenai dasar awam dan bajet serta pelaksanaannya.
- Di India, sebab-sebab kejayaan mereka yang sederhana menawarkan pelajaran ke negara-negara lain adalah seperti berikut:
 - *Prosiding tidak cukup telus seperti apa yang terdapat di dalam kamera;*
 - *Karenah birokrasi;*
 - *Tiada keperluan untuk menteri untuk hadir di hadapan Jawatankuasa;*
 - *Syarat ahli Jawatankuasa adalah terlalu pendek, satu tahun sahaja;*
 - *Kesan cengkam kepada parti yang mempunyai terlebih ahli; dan*
 - *Kualiti kakitangan sokongan Jawatankuasa Parlimen yang rendah.*
 - *Dalam menangani kekurangan ini, tindakan pembedaan termasuk:*
 - *Semua laporan jawatankuasa perlu dibincangkan oleh Parlimen;*
 - *Jawatankuasa mesti mendengar bukti-bukti daripada kumpulan awam atas subjek yang disiasat;*

- Parlimen menubuhkan sebuah pejabat bajet dan kakitangannya yang professional dalam Pejabat Dasar untuk menyokong kerjakerja Jawatankuasa Parlimen.
- Negara-negara maju akan terus memperbaiki proses parlimen untuk pentadbiran negara yang lebih baik. Parlimen Indonesia telah menjemput penglibatan Westminster Foundation for Democracy untuk membantu dalam memperbaiki proses-proses perlakuan di Parlimen serta pelaksanaan fungsi-fungsi Parlimen. Di Korea (Selatan), pemecatan Presiden mereka baru-baru ini menjadi bukti proses Jawatankuasa Pilihan Khas parlimen yang berkesan.

Secara keseluruhan, kejayaan jawatankuasa parlimen juga bergantung kepada kehendak politik Ahli-ahli Parlimen untuk ingin mempunyai kerajaan yang lebih baik. Integriti adalah penting dan boleh dipastikan melalui proses dan prosedur yang diterima pakai oleh Parlimen dalam menjalankan fungsi dan tanggungjawabnya.

| Cadangan-Cadangan Mengenai Polisi Untuk Jawatankuasa Parlimen Yang Memenuhi Standard Antarabangsa Dan Mengembalikan Semua Tadbir Urus Baik Di Malaysia

Objektif Cadangan

Tujuan utama cadangan-cadangan berkenaan Jawatankuasa Parlimen (JP) dan cadangan-cadangan lain yang diperlukan untuk JP berfungsi dengan berkesan adalah untuk mencapai perkara-perkara berikut:

- a) Ahli Parlimen diberikan kerangka tadbir urus yang sesuai dan mekanisme yang membolehkan mereka melaksanakan tugas mereka sebagai penggubal undang-undang, wakil rakyat serta pengawasan. Pengawasan terhadap Eksekutif adalah penting untuk memastikan dasar-dasar awam adalah dilaksanakan seperti yang direncanakan, melindungi sumber negara dan memperjuangkan kepentingan semua konstituensi.
- b) Pengawasan kuat oleh ahli parlimen adalah satu cara untuk mengembalikan tadbir urus baik kepada agensi sektor awam dan pegawai-pegawai mereka, memastikan mereka sentiasa dipertanggungjawabkan dan beretika dalam tugas.

- c) Mengembalikan kuasa ahli parlimen untuk menyokong demokrasi dan keadilan serta menghalang badan Eksekutif kerajaan untuk memperlekehkan peranan dan kuasa Parlimen.
- d) Memperkasakan ahli parlimen yang mewakili rakyat di konstituensi mereka untuk menggalakkan partisipasi awam dalam usaha untuk memastikan kerajaan yang beramanah dan berkesan.

Malaysia kini berada dalam situasi yang kritikal. Institusi yang lemah yang bermula di tingkat paling atas iaitu Parlimen, sedang memperkecilkan kapasiti institusi sektor awam untuk melaksanakan dasar dan kepentingan awam dengan berkesan. Hal ini diburukkan lagi dengan kekurangan pengawasan dari Parlimen dan sektor-sektor awam yang penting, hal ini menjerumuskan negara ke lembah korupsi dan salah guna kuasa dari segi undang-undang. Kelemahan-kelemahan ekonomi seperti yang dikenalpasti oleh dalam diagnosis yang komprehensif dalam Dasar Ekonomi Baru (2010) telah bertambah merosot dek kerana kelemahan institusi dan korupsi. Parlimen tidak cukup asertif, sektor awam lemah, dan kehilangan kebebasan oleh institusi-institusi penting, menyebabkan kecekapan mereka merosot kerana tadbir urus yang buruk melalui campurtangan politik. Kebobrokan ini telah menakutkan para pelabur dan kemerosotan asas-asas ekonomi negara semakin berlarutan. Faktor domestik juga menyebabkan nilai Ringgit jatuh di pasaran antarabangsa, ini boleh menyebabkan pembangunan yang lemah dan dan kemerosotan nilai matawang dek inflasi. Situasi kelemahan politik menjatuhkan keyakinan para pelabur dalam keupayaan Malaysia untuk melaksanakan dasar ekonomi yang kukuh dan memberi respons kepada pembangunan ekonomi global. Kemerosotan Ringgit secara besar-besaran adalah kesan daripada ketakutan pelabur itu berkenaan kebolehan sistem ekonomi untuk meneruskan aktiviti ekonomi.

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Cadangan 1:

Menubuhkan Jawatankuasa Parlimen Tambahan

Jawatankuasa Parlimen telah terbukti di negara-negara yang telah menerima-pakai sebuah mekanisme formal dan sah di sisi undang-undang untuk memastikan setiap jawatankuasa memperdebatkan hal-hal perundangan dan mengawasi badan Eksekutif kerajaan berserta pengawasan terhadap pembiayaan dan perbelanjaan setiap kementerian dan agensi persekutuan. Peristiwa baru-baru ini telah menjadikan proses menubuhkan jawatankuasa ini teramat penting untuk dilaksanakan di Malaysia, sebagai jawatankuasa tambahan kepada Jawatankuasa Kira-kira Wang Negara untuk memainkan dua peranan asas ini:

- Mempertimbangkan rang undang-undang dan menilai impak rang undang-undang tersebut serta membuat cadangan berkenaan rang undang-undang itu, termasuklah isu-isu yang berkaitan dengan dasar yang dicadangkan dan menilai penggubalan undang-undang alternatif; dan

- Mengawas dan menyelia kementerian persekutuan, aktiviti-aktiviti mereka serta impak mereka. Dalam hal ini, jawatankuasa akan menjalankan penyiasatan ke atas tuduhan-tuduhan salah laku oleh penjawat awam.

Sungguhpun Jawatankuasa Kira-kira Wang Negara memainkan peranan yang amat penting dalam pengawasan pentadbiran kewangan kerajaan serta isu-isu dalam laporan Ketua Peguam Negara, terdapat keperluan untuk menubuhkan jawatankuasa pilihan yang lain di parlimen supaya pengawasan berkala dapat dilakukan dengan lebih kerap. Kecekapan kos dalam menubuhkan sebuah jawatankuasa pilihan untuk mengawasi setiap kementerian adalah tidak sesuai untuk Malaysia, sebagaimana yang dilakukan di UK dan Australia, kerana kebertanggungjawaban yang bertindih antara semua kementerian. Oleh kerana itu, jawatankuasa parlimen disarankan untuk dianjurkan penubuhannya mengikut subjek. Cadangan menubuhkan JP adalah seperti berikut:

1. *Jawatankuasa Pilihan ke atas Perundangan:*

Mempertimbangkan semua rang undang-undang yang dicadangkan sebelum mereka didebatkan di Dewan Rakyat, supaya Parlimen boleh kembali memainkan peranannya dalam menggubal undangundang yang telah dirampas oleh dominasi Kabinet. Pihak Eksekutif mengambil kesempatan ke atas Parlimen yang lemah dan majoriti dalam kerajaan persekutuan boleh meluluskan.

2. *Penubuhan Jawatankuasa Pilihan yang lain:*

- Keselamatan Awam & Dasar Luar Negara;
- Dasar Ekonomi & Pengurusan Kewangan;
- Pendidikan & Kesihatan;
- Pengangkutan & Komunikasi;
- Pentadbiran Awam & Undang-Undang;
- Pendanaan Politik & Pilihanraya;
- Perpaduan Negara & Kemajmukan Budaya.

Jawatankuasa Parlimen yang dinyatakan di atas adalah jawatankuasa tetap supaya Parlimen boleh menjalankan peranan yang lebih dinamik dalam mengawasi fungsi Eksekutif dan melindungi kepentingan awam daripada penyalahgunaan kuasa oleh para Menteri, Kementerian dan pegawai-pegawainya.



Cadangan 2:

Melaksanakan
Amalan untuk
Segera Menubuhkan
Jawatankuasa
Khas Pilihan
untuk Pertanyaan
Mengenai Isu-isu
Tertentu untuk
mengelakkan
Kerugian Kewangan
atau Kerosakan
bukan-kewangan
kepada Ekonomi

Selain daripada Jawatankuasa Pilihan yang dikenal pasti di atas, Parlimen hendaklah melaksanakan undang-undang yang membolehkannya untuk menubuhkan Jawatankuasa Pilihan Khas untuk menjalankan siasatan ke atas salah laku penjawat awam, sebarang perkara dasar, operasi atau prestasi kerajaan atau sebarang perkara yang melibatkan kepentingan awam. Jawatankuasa Pilihan Khas akan dilantik mengikut keperluan. Jawatankuasa ini mestilah beroperasi dalam tempoh masa yang ditetapkan, dan mengemukakan laporannya untuk dibahasakan di Dewan Rakyat.

Jawatankuasa Pilihan Khas adalah berbeza daripada Jawatankuasa Kira-kira Awam Negara atau lain-lain jawatankuasa tetap parlimen. Ini akan meringankan beban Jawatankuasa Kira-kira Awam Negara dengan menjalankan siasatan dan perbahasan ke atas kedua-dua isu kewangan dan bukan-kewangan yang dibawa ke Dewan Rakyat. Penamaan ahli yang mempunyai kepakaran dalam perkara yang ditugaskan akan menambah kualiti perbahasan, penemuan dan laporan akhir yang dikemukakan kepada Dewan Rakyat.

Seperti juga dengan Jawatankuasa Pilihan, Jawatankuasa Pilihan Khas akan ditadbir oleh prinsip-prinsip dan proses yang diterima pakai untuk mencapai tujuan Dewan Rakyat dan Dewan Negara. Prinsip-prinsip dan proses ini dinyatakan dalam Cadangan 4.



Cadangan 3:

Mengukuhkan Asas Perundangan Supaya Jawatankuasa Parlimen Berkesan

Rangka kerja perundangan semasa telah pun wujud yang membolehkan Parlimen untuk menubuhkan Jawatankuasa Pilihan (JP) tetap yang baru dan Jawatankuasa Pilihan Khas (JPK). Walau bagaimanapun, untuk memastikan keberkesanan jawatankuasa ini, rangka kerja perundangan perlu dipertingkatkan bagi membolehkan penggunaan proses dan prosedur (Cadangan 4 di bawah). Penambahbaikan kepada Ordinan Parlimen dibolehkan di bawah Perkara 62 Perlembagaan Persekutuan. Perubahan atau penambahan kepada Perintah Tetap perlu diambilkira untuk menyediakan perkara berikut:

- Untuk memasukkan dalam Perintah Tetap kapasiti untuk membentuk JPK apabila diperlukan;
- Jawatankuasa Pemilihan hendaklah dikenali sebagai jawatankuasa yang dilantik untuk membentuk JPK;
- Menerima pakai peraturan pelantikan pengerusi dan ahli jawatankuasa.
- Mewujudkan fungsi dan bidang tugas yang akan dilaksanakan oleh JP dan JPK;
- Memberi kuasa perundangan bagi membolehkan proses dan prosedur pelaksanaan dalam penubuhan dan operasi JP dan JPK untuk memenuhi piawaian yang ditetapkan untuk tujuan memudahkan Jawatankuasa melaksanakan fungsi perundangan dan pengawasan Parlimen secara berkesan.



Cadangan 4:

Parlimen Untuk
Mengamalkan
Prinsip & Proses
Dalam
Menubuhkan
& Mengendalikan
Jawatankuasa
Pilihan &
Jawatankuasa
Khas Pilihan

Prinsip amalan terbaik dalam penubuhan dan operasi Jawatankuasa Pilihan (JP) dan Jawatankuasa Pilihan Khas (JPK) dicadangkan seperti berikut:

(a) Penubuhan Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas:

- Penubuhan Jawatankuasa Pilihan: Parlimen bersetuju untuk menubuhkan Jawatankuasa Pilihan untuk menjalankan pengawasan ke atas bidang utama tanggungjawab kerajaan dan Jawatankuasa Pilihan adalah tetap/kekal sehingga Parlimen memutuskan untuk membubar atau meminda fungsi dan penubuhannya (lihat Cadangan 1).

Parlimen bersetuju dengan satu set kriteria bagi pemilihan ahli Jawatankuasa Pilihan, memberi penekanan kepada kepakaran ahli. Keahlian bertindih boleh dibenarkan, dengan bilangan maksimum yang ditetapkan bagi seorang Ahli Parlimen.

- Pengerusi bagi jawatankuasa hendaklah terdiri daripada wakil kedua-dua parti pemerintah dan pembangkang tetapi pengerusi bagi jawatankuasa kritikal seperti Jawatankuasa Kira-kira Awam Negara dan Jawatankuasa Perundangan mestilah daripada Parti Pembangkang.
- Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas boleh melantik jawatankuasa kecil.
- Komposisi JP hendaklah mengikut kadar perwakilan sesebuah parti dalam Parlimen.
- Pencalonan bagi ahli JP dan JPK boleh dibuat oleh sesebuah parti tertakluk kepada kriteria mesyuarat Ahli Parlimen dan lazimnya Ahli Parlimen yang mempunyai kepakaran dalam bidang tugas JP dan JPK.
- Keahlian Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas hendaklah terdiri daripada bilangan maksimum ahli Dewan yang telah ditetapkan, dilantik oleh Dewan dengan persetujuan ahli berkenaan.
- Ahli Parlimen boleh terlibat dalam bilangan jawatankuasa maksimum yang telah ditetapkan, sementara Ahli Parlimen tidak boleh terlibat dalam jawatankuasa yang mana beliau mempunyai kepentingan kewangan.

- Jawatankuasa Pilihan Khas ditubuhkan oleh Jawatankuasa Pilihan atau melalui resolusi dalam Dewan Rakyat atau Dewan Negara.
- Suatu proses juga perlu ditubuhkan bagi orang awam untuk membolehkan mereka membuat permohonan kepada Parlimen untuk mengadakan Jawatankuasa Pilihan Khas bagi sesuatu isu kepentingan awam tertentu, dan bagi orang awam untuk berkongsi maklumat tentang perkara tersebut, terutamanya dalam hal penyalahgunaan kuasa oleh penjawat awam. Untuk mengelakkan permintaan yang tidak munasabah, suatu garis panduan berasaskan kriteria yang telus dikeluarkan kepada orang ramai.
- Jawatankuasa Pilihan Khas akan berhenti berfungsi sebaik sahaja tempoh masa yang diperuntukkan untuk melakukan tugas berkaitan tamat atau selepas pembentangan laporan akhir kepada Parlimen.

(b) Operasi & Pengendalian Jawatankuasa Pilihan & Jawatankuasa Pilihan Khas

- Perkara-perkara yang dibincangkan dalam Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas perlu didedahkan kepada umum. Khususnya, siasatan khas oleh Jawatankuasa Pilihan Khas perlu didedahkan kepada umum pada awal siasatan untuk menggalakkan orang ramai mengemukakan bukti yang berkaitan.
- Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas boleh melantik penasihat pakar dan boleh memohon taklimat oleh pegawai dan pakar yang berkaitan serta mengadakan perbicaraan awam untuk mendapatkan keterangan daripada pelbagai saksi, mengumpul bukti melalui pembentangan atau persoalan lisan pada perbicaraan atau penghujahan bertulis.
- Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas mempunyai status yang sama seperti mahkamah undang-undang dalam memanggil saksi dan pakar daripada sektor awam dan swasta untuk memberi pandangan atau pendapat kepakaran mereka. Dalam konteks ini, saksi boleh memohon bukti untuk diberikan secara tertutup.
- Dalam kes yang melibatkan kakitangan kerajaan, garis panduan akan ditetapkan supaya mereka dikehendaki memenuhi tanggungjawab akauntabiliti mereka dengan menyediakan maklumat lengkap dan tepat kepada jawatankuasa. Penjawat awam hendaklah diberikan imuniti supaya mereka dapat memberikan keterangan secara bebas dan jujur tanpa sebarang perasaan takut dipersalahkan.

- Satu proses hendaklah disediakan untuk memberi perlindungan terhadap penganiayaan saksi sektor swasta (terutama oleh pegawai kerajaan) bagi individu dan syarikat yang dipanggil untuk memberi keterangan atau pandangan pakar.
- Tugas Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas akan berakhir dengan satu laporan menyeluruh untuk dikemukakan dan dibincangkan oleh Parlimen.
- Laporan pada akhirnya diterbitkan dan orang ramai dijemput untuk memberi maklum balas.

Dalam kes Perundangan Jawatankuasa Pilihan, adalah dicadangkan bahawa sebarang Rang Undang-Undang disediakan kepada orang ramai dan Ahli Parlimen lebih awal daripada Bacaan Pertama (Buat masa ini, ianya diberikan selepas Bacaan Pertama). Dengan itu Ahli Parlimen sepatutnya mempunyai lebih banyak masa untuk membahaskan Rang Undang-Undang berkenaan semasa Bacaan Kedua. Bagi Rang Undang-Undang yang kontroversi dan mempunyai kesan kebebasan asasi seperti Rang Undang-Undang Keselamatan Negara perlu dikemukakan kepada Jawatankuasa Pilihan berkaitan Perundangan untuk penelitian terperinci. Pandangan orang ramai boleh dipertimbangkan oleh Jawatankuasa Pilihan ini.

Dalam mewujudkan Jawatankuasa Pilihan baru yang tetap, adalah disyorkan pendekatan secara berperingkat. Keutamaan harus diberikan kepada penubuhan Jawatankuasa Pilihan dalam bidang yang berkaitan dengan tanggungjawab kementerian utama dan yang mempunyai peruntukan yang besar. Ini termasuk Jawatankuasa Pilihan bagi bidang seperti Dasar Ekonomi dan Pengurusan Kewangan, Keselamatan Negara dan Dasar Luar, Pendidikan dan Kesihatan, Pembiayaan Politik dan Amalan Beretika.

Cadangan 5:

Menubuhkan Pejabat Pentadbiran & Penyelidikan Untuk Membantu Jawatankuasa Parlimen

Untuk membolehkan Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas berfungsi dengan baik, jawatankuasa ini perlu diberikan kakitangan sepenuh masa yang berkelayakan untuk menjalankan penyelidikan, membantu siasatan, menyediakan laporan dan menyokong kerja-kerja jawatankuasa amnya. Dalam hal ini, Parlimen hendaklah melantik kader kakitangan profesional sendiri yang mempunyai kepakaran untuk menawarkan perkhidmatan kepada jawatankuasa tanpa perlu mendapatkan izin Eksekutif. Sebaik-baiknya, Jawatankuasa Pilihan tetap sepatutnya diberi kuasa untuk memilih kakitangan mereka sendiri.

Adalah penting bagi Rang Undang-Undang Perkhidmatan Parlimen yang diumumkan oleh Yang DiPertua Dewan Rakyat untuk dibentangkan pada awal tahun dilaksanakan dengan segera. Rang Undang-Undang ini diperlukan untuk ‘memulihkan’ undang-undang terdahulu (Akta Perkhidmatan Parlimen 1963 yang telah dimansuhkan pada tahun 1992) yang akan membolehkan parlimen untuk mempunyai perkhidmatan pentadbiran yang tersendiri, supaya pegawai berkenaan dapat menjalankan tugas parlimen secara berterusan dan meningkatkan pembangunan profesional untuk membantu ahli-ahli parlimen dalam melaksanakan tugas mereka.

Di samping itu, Parlimen sepatutnya diberi kuasa kewangan di bawah belanjawannya untuk memperuntukkan sejumlah wang tertentu kepada setiap Ahli Parlimen untuk mengambil khidmat profesional untuk membantu beliau sebagai penasihat mengenai perkara yang termasuk dalam agenda supaya dapat beliau mengajukan soalan yang berkaitan dengan jawatankuasa yang didudukinya dan membuat persediaan untuk perbahasan dalam Dewan. Dengan bantuan profesional yang mencukupi, Ahli Parlimen akan dapat mengambil bahagian dalam Jawatankuasa Pilihan secara profesional dan dengan sokongan penyelidikan yang mencukupi akan dapat mempertimbangkan isu-isu kepentingan negara dengan cara yang bermaklumat dan menjadi kurang cenderung untuk menggunakan jawatankuasa sebagai forum untuk politik partisan.

Lihat juga cadangan berkaitan ini oleh GCCP: Ke Arah Parlimen Berteraskan-Rakyat (Lampiran 7).



Cadangan 6:

Parlimen untuk
Menerima Pakai
Penilaian Impak
Jawatankuasa
Pilihan untuk
Mengukur
Peningkatan
Prestasi Parlimen
berdasarkan Kerja
Jawatankuasa
Pilihan &
Jawatankuasa
Pilihan Khas

Adalah disyorkan bahawa Parlimen menerima pakai Rangkakerja Penilaian Impak untuk mengukur keberkesanan Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas serta sumbangannya kepada kejayaan Parlimen dalam menjalankan fungsinya. Penilaian impak ini akan membantu Parlimen mengaudit hasil kerja Jawatankuasa Pilihan dan Jawatankuasa Pilihan Khas, seterusnya menangani sebarang kelemahan.



Cadangan 7:

Menjalankan
Langkah Pelengkap
yang Perlu Bagi
Jawatankuasa
Parlimen untuk
Memenuhi Fungsi
Pengawasan ke atas
Eksekutif &
Membolehkan
Ahli Parlimen
Berkhidmat dalam
Kawasan Secara
Berkesan & Jujur

(a) Melaksanakan pembaharuan bagi kebebasan media yang munasabah

Media memainkan peranan penting dalam membentuk pandangan rakyat mengenai landskap ekonomi, sosial, dan politik negara. Peranan media dalam demokrasi adalah penting dalam memberikan laporan profesional yang adil terhadap isu-isu yang melibatkan kepentingan awam seperti pendidikan, penjagaan kesihatan, kewangan, tadbir urus, dan pentadbiran. Peranan mereka, pada terasnya, adalah kebebasan editorial untuk melaporkan isu-isu berkaitan tanpa rasa bimbang akan penganiayaan politik oleh kerajaan yang memerintah, selagi bentuk laporan berkenaan tidak menghasut kecederaan fizikal dan keganasan terhadap penduduk pelbagai kaum, etnik, jantina atau agama, dan/atau digunakan untuk propaganda peperangan.

Pada masa ini, akta yang melibatkan pengamal media di Malaysia adalah:

- Akta Mesin Cetak dan Penerbitan (AMCP)
- Akta Rahsia Rasmi (OSA)
- Akta Hasutan
- Akta Keselamatan Dalam Negeri (ISA)
- Majlis Keselamatan Negara (MKN)

Media arus perdana masih beroperasi, sebahagian besarnya, dalam persekitaran institusi yang terbatas dan undang-undang yang ketat. Media dalam semua bentuk aliran mendapati diri mereka sentiasa berhadapan dengan penapisan-kendiri kerana takut kepada penganiayaan politik. Usaha untuk menggalakkan liberalisasi media dapat memberi tumpuan kepada dua perubahan utama:

- Pembaharuan undang-undang yang ketat untuk mengawal media, khususnya AMCP.
- Menggalakkan autonomi yang lebih besar bagi wartawan dalam industri media, terutama media bebas.

Dalam meliberalisasikan media, kita juga perlu untuk melindungi kebebasan sebarang bentuk baru media, termasuk media sosial seperti Facebook dan Twitter daripada tangkapan pihak berkuasa sewenang-wenangnya.

(b) Membolehkan akses bebas untuk mendapatkan maklumat

Kerajaan seharusnya mengiktiraf Akta Kebebasan Maklumat dan meluluskan perundangan berkaitannya untuk membolehkan akses kepada maklumat yang lebih meluas. Kerahsiaan sepatutnya diganti dengan kebebasan untuk berkongsi maklumat. Akses kepada maklumat yang lebih meluas dan telus juga boleh membantu kerajaan dalam membendung sumber media daripada menyebarkan maklumat tidak betul atau membuat analisis yang tidak tepat.

(c) Memperkuatkan peraturan tadbir urus lain

Contoh:

- Meningkatkan pengisytiharan aset bagi menteri dan pegawai kanan melalui sebuah firma audit bebas untuk mengumpul, menyelia rekod serta menilai integriti pelaporan dengan menggunakan prinsip tanda aras di peringkat antarabangsa.
- Mewajibkan pengisytiharan harta dan kepentingan perniagaan oleh Menteri sebelum pelantikan.
- Mengukuhkan peraturan kepada usaha menggalakkan integriti penjawat awam dan menjalankan pemeriksaan integriti ketika kenaikan pangkat ke peringkat lebih tinggi.
- Mengukuhkan amalan perlindungan pemberi maklumat.
- Mengadakan sistem pelantikan ke jawatan kanan dan ketua kementerian dan agensi kerajaan yang lebih terbuka.





Lampiran 1: United Kingdom

Tadbir Urus Ekonomi Yang Baik Melalui Jawatankuasa Pilihan Parlimen: Pengalaman United Kingdom

| Rumusan Kes UK

Jawatankuasa Pilihan di Parlimen UK terdiri daripada sekumpulan ahli parlimen, dilantik untuk meneliti perbelanjaan, pentadbiran dan dasar yang relevan kepada jabatan-jabatan kerajaan dan badan-badan kerajaan yang bersekutu. Secara umumnya, ahli parlimen akan mempertimbangkan isu-isu berkaitan dasar; meneliti penyusunannya dan mencabar pihak pentadbiran kerajaan. Terdapat 19 Jawatankuasa Pilihan, satu untuk setiap jabatan kerajaan. Kebanyakan jawatankuasa mempunyai 11 ahli yang dilantik melalui proses pengundian rahsia pada awal permulaan Parlimen berikutan kerajaan yang baharu. Keahlian jawatankuasa ini mengikut nisbah representasi yang ada di Dewan Rakyat.

Jawatankuasa Pilihan menerima kemaskini berkala daripada jabatan masing-masing, menjalankan sesi soal jawab yang boleh mengambil masa berbulan-bulan, menjalankan sesi soal jawab dengan penjawat awam, media dan kakitangan lain yang berkaitan. Kebanyakan kerja jawatankuasa ini adalah proses penyiasatan di mana subjek

itu dikenal pasti, bukti lisan dan bertulis diambil, dan laporan rasmi disediakan untuk dibentangkan di Parlimen. Parlimen perlu memberi jawapan dalam tempoh 60 hari.

Kejayaan semua jawatankuasa dapat terbukti melalui pencapaian-pencapaian berikut:

- Kerajaan dipertanggungjawabkan dengan kehadiran pegawai kanan kementerian;
- Penyiasatan dan laporan jawatankuasa memberi maklumat kepada pihak kerajaan, Parlimen dan rakyat;
- Menyumbang kepada proses penggubalan dasar;
- Menyumbang kepada penelitian deraf-deraf perundangan;
- Mengurangkan risiko pengsensasian media & populisme politik

Penyiasatan terkini oleh Jawatankuasa Pilihan termasuk isu-isu berikut:

- Hubungan United Kingdom (UK) dengan European Union (EU)
- 1 Kajian semula peruncitan bank
- 1 Bajet 2016
- 1 Laporan Inflasi Bank of England untuk 2016-2017
- 1 Dasar cukai UK dan cukai dasar
- 1 Kajian semula Pejabat Statistik Nasional

Setiap laporan untuk kes-kes di atas boleh didapatkan daripada laman web Parlimen UK.

Beberapa Jawatankuasa Pilihan telah tugaskan dengan pengawasan dan penelitian hal-hal kewangan yang berkaitan dengan pengurusan sektor awam. Jawatankuasa Kira-kira Wang Negara meneliti nilai matawang yang dicapai melalui prestasi ekonomi, kecekapan dan keberkesanan perbelanjaan awam. Dengan sektor awam yang semakin besar, jawatankuasa ini telah dikembangkan ke jabatan-jabatan kerajaan yang lain untuk penilaian, begitu juga dengan sektor swasta yang menyediakan perkhidmatan awam.

Jawatankuasa Kira-kira Wang Negara hanya meneliti bagaimana duit rakyat diperbelanjakan. Ia tidak meneliti merit sebab-sebab

duit itu diperbelanjakan. Hal itu dinilai oleh Jawatankuasa Pilihan Perbendaharaan. Contoh-contoh penyiasatan oleh Jawatankuasa Kira-kira Wang Negara baru-baru ini:

- Peraturan yang lebih baik
- Pengawasan badan-badan yang bekerja rapat dengan kerajaan
- Pemulihan baki duit kerajaan
- Perkhidmatan BBC World

| Latar belakang Parlimen UK

Parlimen terdiri daripada tiga bahagian: Dewan Rakyat, Dewan Negara dan Monarki. Kesimbangan kuasa di antara ketiga-tiga bahagian ini berubah mengikut zaman. Dewan Rakyat terdiri daripada 650 ahli parlimen yang dipilih oleh rakyat dari setiap pelusuk negara untuk mewakili kepentingan mereka. Dewan Rakyat mempunyai kata putus dalam penggubalan undang-undang yang diperkenalkan di Parlimen. Dewan Negara adalah Second Chamber kepada Parlimen UK.

Dewan Negara bekerja secara bebas daripada Dewan Rakyat tetapi kedua-dua dewan ini bertanggungjawab untuk menggubal undang-undang dan mengawasi kerja yang dilakukan pihak kerajaan. Parlimen dan kerajaan memainkan peranan yang berbeza. Kerajaan bertanggungjawab mentadbir UK, manakala Parlimen bertanggungjawab untuk memastikan kebertanggungjawaban pihak kerajaan ke atas tugas mereka. Namun, ahli-ahli dari pihak kerajaan juga adalah ahli parlimen.

Dewan Rakyat

Rakyat UK memilih 650 ahli parlimen untuk mewakili kepentingan mereka di Dewan Rakyat. Ahli parlimen mempertimbangkan dan mencadangkan undang-undang baharu, dan meneliti dasar-dasar kerajaan dengan menanyakan pelbagai soalan kepada Common Chambers atau mana-mana jawatankuasa.

Jawatankuasa Pilihan Bersama

Terdapat sebuah jawatankuasa yang dipanggil Jawatankuasa Pilihan Commons untuk setiap jabatan kerajaan yang menilai tiga aspek: perbelanjaan, dasar dan pentadbiran.

Setiap jawatankuasa jabatan ini mempunyai minimum 11 ahli yang akan menentukan barisan penyawal dan kemudian mengumpulkan bukti lisan dan bertulis. Segala penemuan penyiasatan ini akan dilaporkan ke Dewan Rakyat, dan disiarkan di laman web parlimen. Pihak kerajaan mempunyai 60 hari untuk memberi maklum balas ke atas cadangan-cadangan jawatankuasa.

Beberapa Jawatankuasa Pilihan memainkan peranan yang melangkaui batas-batas jabatan seperti Jawatankuasa Kira-kira Wang Negara atau Jawatankuasa Audit Alam Sekitar. Bergantung kepada isu yang dipertimbangkan, mereka boleh meneliti mana-mana satu atau kesemua jabatan.

Jawatankuasa Bersama yang lain terlibat dalam pelbagai penyiasatan yang masih berjalan, seperti pentadbiran Dewan itu sendiri atau pertuduhan yang melibatkan mana-mana ahli parlimen. Jawatankuasa juga mempunyai kuasa untuk melantik penasihat pakar. Mereka bukan staff yang tetap, tetapi mereka pakar eksternal yang diupah untuk bekerja selama beberapa hari. Selalunya, tapi tidak semestinya, mereka adalah ahli akademik, dan mereka dilantik untuk membantu penyiasatan secara umum ataupun untuk subjek-subjek tertentu. Mereka menyokong kerana yang menjadi ketua kepada staff jawatankuasa.

Dewan Negara

Ahli Dewan Negara membawa pengalaman dan ilmu mereka dari pelbagai sektor pekerjaan. Ramai daripada ahli dewan ini terus aktif dalam bidang masing-masing setelah mempunyai kerjaya yang berjaya dalam perniagaan, budaya, sains, sukan, akademia, undang-undang, pendidikan, kesihatan dan perkhidmatan awam. Mereka membawa kepakaran ini dalam memainkan peranan mereka dalam meneliti isu-isu kepentingan negara yang memberi kesan kepada semua rakyat UK. Kini, terdapat 800 ahli yang layak terlibat dalam kerja-kerja Dewan Negara. Majoriti daripada mereka adalah rakan ahli seumur hidup.

Dewan Rakyat adalah second chamber atau kamar kedua dalam Parlimen UK. Ia adalah bebas, dan melengkapkan tugas-tugas Dewan Rakyat. Ahli Dewan Negara juga bertanggungjawab untuk menggubal

undang-undang dan memastikan kebertanggungjawab pihak kerajaan dalam menjalankan tugas mereka. Ahli Dewan Negara dilantik oleh Permaisuri England atas nasihat Perdana Menteri. Beberapa ahli dewan yang tidak terlibat dengan mana-mana parti politik dicadangkan oleh sebuah badan yang bebas iaitu Suruhanjaya Lantikan Ahli Dewan Negara.

Ahli Dewan Negara memainkan tiga peranan:

- Menggubal undang-undang
- Meneliti dasar awam dengan mendalam
- Memastikan kebertanggungjawaban kerajaan

Menggubal undang-undang

Ahli jawatankuasa menggunakan separuh daripada masa kerja mereka untuk menggubal rang undang-undang. Semua rang undang-undang akan dipertimbangkan oleh Dewan Rakyat sebelum ia menjadi undang-undang yang sah. Melalui beberapa peringkat, ahli jawatankuasa akan meneliti setiap rang undang-undang, penelitian dilakukan pada setiap patah perkataan sebelum ia boleh dijadikan akta. Kebanyakan rang undang-undang yang digubal memberi kesan yang besar dalam kehidupan seharian kita, dari kebajikan rakyat kepada kesihatan dan pendidikan.

Penelitian Dasar

Ahli jawatankuasa menggunakan kepakaran individu mereka untuk meneliti cadangan-cadangan dasar. Kebanyakan usaha ini dilakukan oleh Jawatankuasa Pilihan - sekumpulan ahli jawatankuasa yang kecil untuk memberi pertimbangan kepada perkara-perakara asas setiap daer. Pada sesi 2014-15 yang lalu, ahli jawatankuasa Dewan Negara telah menghasilkan 27 buah laporan berkenaan beberapa subjek termasuklah hal-hal ekonomi High Speed 2, perihal wanita dalam berita harian dan isu-isu semasa di television dan radio, dan juga penggunaan drone oleh orang awam di Kesatuan Eropah. Banyak mesyuarat jawatankuasa merangkumi sesi soal jawab dengan saksi-saksi pakar yang bekerja di dalam bidang subjek yang sedang dipersoalkan. Semua mesyuarat ini terbuka kepada tontonan rakyat.

Memastikan kebertanggungjawaban kerajaan

Ahli jawatankuasa akan meneliti kerja-kerja kerajaan dengan telus ketika perbahasan sedang berlangsung di dalam dewan di mana

para menteri mesti memberi maklum balas. Pada sesi 2014-15 yang lalu, ahli jawatankuasa telah menanyakan 6,394 soalan berbentuk lisan dan bertulis, dan menjalankan 188 perbahasan tentang isu-isu semasa termasuklah isu perkembangan kanak-kanak dan kematian yang dibantu (assisted dying).

Jawatankuasa Pilihan Dewan Negara

Jawatankuasa Dewan Negara menyiasat dasar awam, cadangan undang-undang dan aktiviti-aktiviti kerajaan. Jawatankuasa terdiri daripada 12 ahli yang akan berjumpa di luar dewan perbahasan dan dilantik untuk mempertimbangkan dasardasar tertentu.

Kerja-kerja jawatankuasa

Jawatankuasa menjalankan penyiasatan yang terperinci dan fokus pada skop isu yang luas dan mempunyai jangka masa yang panjang. Mereka selalunya menerbitkan laporan hasil penyiasatan mereka.

Laporan-laporan jawatankuasa:

- Dibahaskan di Dewan Negara
- Memprovokasikan diskusi di luar Parlimen
- Memberi cadangan kepada kerajaan.

Pihak kerajaan mesti memberi maklum balas bertulis kepada setiap laporan yang diterbitkan.

1. Jawatankuasa bermesyuarat sesama mereka untuk menentukan soalan-soalan yang perlu ditanya dan isu yang perlu difokuskan ketika mesyuarat yang dilakukan di ruang awam ketika 'saksi' perbicaraan hadir ke sesi soal jawab.
2. Para saksi, media dan orang awam dibenarkan hadir ketika sesi berlangsung.
3. Ahli jawatankuasa menanyakan soalan-soalan mereka dan membuat susulan berdasarkan jawapan yang diberikan.
4. Para saksi meninggalkan sesi dan ahli-ahli jawatankuasa bermesyuarat kembali untuk membincangkan pernyataan-pernyataan yang telah dibentangkan.
5. Jawatankuasa juga bermesyuarat secara peribadi untuk mempertimbangkan cara untuk bertanyakan soalan, menyemak semula kesimpulan mereka serta laporan dan cadangan-cadangan mereka.

Maklum balas kerajaan

Pihak kerajaan selalunya akan memberikan maklum balas kepada sebuah laporan Jawatankuasa Pilihan, sama ada menerbitkannya sendiri sebagai sebuah Kertas Kerja Perintah ataupun dengan menghantar sebuah memorandum kepada jawatankuasa yang akan diterbitkan dalam sebuah laporan khas (pernyataan ringkas dalam laporan seperti “kami telah menerima maklum balas berikut ...”), dan jawatankuasa boleh menerbitkan maklum balas mereka sendiri dengan komen-komen yang lebih menyeluruh yang mempertimbangkan lebih banyak bukti.

Kerajaan perlu memberi maklum balas dalam tempoh dua bulan selepas penerbitan laporan jawatankuasa jika boleh, tetapi mereka boleh meminta tempoh pemberian maklum balas yang lebih lama sekiranya perlu. Dalam beberapa kes di mana sebuah laporan mempunyai cadangan-cadangan yang memberi kesan kepada sebuah badan bukan kerajaan (contohnya Bank England), maklum balas akan diterima daripada pelbagai pihak. Maklum balas yang diberikan kerajaan kepada Jawatankuasa Perkiraan Awam adalah diterbitkan sebagai Minit Bendahari yang merupakan Kertas Kerja Perintah.

| Ringkasan

	Dewan Negara	Dewan Bersama
Perbezaan Utama	Dewan Negara memberi tumpuan kepada enam bidang utama: Eropah, sains, ekonomi, komunikasi, perlembagaan UK dan hubungan antarabangsa.	Bersama memberi tumpuan kepada pengawasan kerja jabatan-jabatan kerajaan.
Keahlian	Terdiri daripada 800 ahli, dilantik oleh Puan Permaisuri dengan nasihat Perdana Menteri.	Terdiri daripada 650 Ahli Parlimen yang dilantik melalui undian rakyat ketika pilihanraya.
Peranan Jawatankuasa Pilihan	Mempunyai jawatankuasa untuk menyiasat dasar-dasar awam, cadangan rang undang-undang dan aktiviti-aktiviti kerajaan.	Terdapat sebuah jawatankuasa pilihan untuk setiap jabatan kerajaan yang mengawasi tiga aspek: perbelanjaan, dasar dan pentadbiran.
Ahli Jawatankuasa	12 ahli	11 ahli
Staf Sokongan	Penasihat Khas: Untuk kebanyakan pertanyaan, pihak jawatankuasa melantik seorang atau lebih penasihat khas. Mereka adalah pakar dalam bidang pertanyaan yang akan menyediakan nasihat bebas kepada jawatankuasa tentang dasar yang relevan kepada pertanyaan. Mereka juga sering terlibat dalam membantu Pengerusi merangka dan mengkaji semula laporan jawatankuasa. Para penasihat ini juga berada di meja diskusi ahli jawatankuasa tetapi tidak bertanya soalan ketika sesi soal jawab sedang berlangsung. Penasihat Perundangan / Pembantu Perundangan: ahli staf Dewan Negara yang menyediakan nasihat guaman kepada jawatankuasa. Seperti kerani, mereka duduk di sebelah Pengerusi ketika sesi berlangsung, tetapi tidak berkata apa-apa. Mereka hanya berpartisipasi ketika pertanyaan menaikkan isu-isu perundangan. Pembantu / Penganalisis Dasar: Staff yang menyediakan sokongan untuk urusan pentadbiran dan penyelidikan kepada kerani dan juga jawatankuasa. Pembantu jawatankuasa selalunya duduk di meja tepi, di belakang jawatankuasa, dan Penganalisa Dasar akan duduk di sebuah meja di sebelah Pengerusi.	-





Lampiran 2: Australia

Pentadbiran Ekonomi yang Baik melalui Jawatankuasa Pilihan Parlimen: Pengalaman Australia

| Ringkasan kes Australia

System jawatankuasa parlimen yang menyeluruh di Australia telah memberi kesan yang besar kepada peranan parlimen Australia sebagai pengawas kerajaan dalam hal penggubalan undang-undang dan kebertanggungjawaban mereka. Sistem jawatankuasa ini terbukti membuka ruang untuk orang awam berinteraksi dengan parlimen dan menggalakkan partisipasi orang awam dalam membantu parlimen dalam urus tadbir kerajaan yang efisien. Dari sudut perundangan, sistem jawatankuasa telah memastikan rang undang-undang yang dicadangkan ke dewan parlimen benar-benar digubal untuk kebaikan negara dan rakyat serta mencegah parlimen daripada meluluskan undangundang yang hanya menjaga kepentingan pemerintah.

Ahli Jawatankuasa Pilihan Parlimen boleh mengambil posisi parti politik masing-masing ketika awal diskusi tentang mana-mana isu yang sedang disiasat oleh jawatankuasa. Namun, setelah mengumpul maklumat dan data yang diberikan oleh pegawai-pegawai rasmi dan para pakar,

keputusan ahli-ahli parlimen sering berpihak kepada kepentingan negara.

Jawatankuasa parlimen Australia menyiasat hal-hal khusus berkaitan dasar kerajaan atau prestasi pentadbiran mereka. Contohnya, dalam menjalankan tugas untuk menggubal undang-undang untuk negara, ahli parlimen boleh mengundi untuk melantik sebuah jawatankuasa untuk membahas cadangan undang-undang sekiranya waktu perbahasan di Parlimen tidak mencukupi untuk membahas isu-isu rumit dengan terperinci. Jawatankuasa yang dilantik ini mungkin memakan masa beberapa minggu atau beberapa bulan untuk melihat sesuatu isu dengan mendalam. Jawatankuasa Parlimen memberi ruang kepada organisasi dan individu untuk melibatkan diri dalam proses menggubal dasar dan memberi peluang untuk suara mereka didengari secara rasmi serta dikira sebagai sebahagian daripada proses membuat keputusan.

Parlimen boleh menubuhkan jawatankuasa atau merujuk kepada sesuatu kes kepada jawatankuasa untuk melakukan siasatan. Selalunya, jawatankuasa akan meneliti rang undang-undang atau isu-isu yang menjadi kebimbangan masyarakat. Maklumat yang dikumpul oleh jawatankuasa ini boleh membantu Parlimen untuk membuat keputusan yang lebih baik. Ia juga boleh mengambil kira nasihat dan idea yang baik dari para pakar dan kumpulan-kumpulan berkepentingan serta orang awam secara amnya.

Terdapat empat jenis jawatankuasa parlimen:

Jawatankuasa Tetap adalah jawatankuasa yang dilantik secara tetap di Parlimen dan mereka selalunya ditubuhkan semula dalam bentuk kesinambungan kepada sesi Parlimen (yang bertukar selepas setiap pilihanraya umum). Tujuan am jawatankuasa ini adalah untuk menyiasat dan meneliti apa-apa isu sekalipun yang dibawa kepada jawatankuasa, termasuklah penggubalan undang-undang. Jawatankuasa ini berkhususan mengikut subjek dan melihat kepada kebanyakan aktiviti kerajaan persekutuan.

Jawatankuasa Pilihan dilantik sekiranya terdapat keperluan untuk penubuhannya dan mereka mempunyai matlamat serta tarikh luput penubuhan yang khusus.

Jawatankuasa Domestik atau Dalaman berfungsi untuk mengawasi penggunaan kuasa dan prosedur Dewan atau pentadbiran Parlimen. Kadang kala, istilah “jawatankuasa penyiasatan” digunakan untuk memanggil jawatankuasa berada di luar skop dalaman jawatankuasa

parlimen. Namun, jawatankuasa dalaman juga boleh mempunyai fungsi untuk menyiasat mana-mana kes.

Jawatankuasa Bersama adalah jawatankuasa yang terdiri daripada Dewan Rakyat dan para senator di Dewan Negara. Jawatankuasa ini ditubuhkan sekiranya terdapat subjek perbahasan yang perlu melihatkan kedua-dua dewan. Jawatankuasa Bersama terdiri daripada ahli parlimen dari kedua-dua dewan Rakyat dan Negara, hal ini membolehkan para ahli parlimen dan senator untuk bekerjasama dalam sesebuah isu. Jawatankuasa Berkanun pula adalah jawatankuasa yang ditubuhkan dengan Akta Parlimen. Kesemua jawatankuasa berkanun yang sedia adalah jawatankuasa bersama.

Jawatankuasa Kanun Bersama setakat ini fokus kepada:

- Persoalan Suruhanjaya Undang-undang Australia
- Penguatkuasaan undang-undang
- Penyiaran sesi parlimen
- Pensyarikatan dan Perkhidmatan Kewangan
- Perkhidmatan perisikan dan keselamatan
- Perkiraan awam dan audit
- Kerjaraya
- Hak asasi manusia

Sebuah jawatankuasa boleh ditubuhkan oleh:

- (i) Dewan Senat, terdiri daripada para senator, dikenali sebagai Jawatankuasa Senat
- (ii) Dewan Rakyat, terdiri daripada wakil rakyat, dikenali sebagai Jawatankuasa Perwakilan
- (iii) Jawatankuasa Bersama, ditubuhkan oleh kedua-dua dewan Parlimen yang terdiri daripada ahli senator





Lampiran 3:

India

Pentadbiran Ekonomi Yang Baik Melalui Jawatankuasa Pilihan Parlimen: Pengalaman India

| Ringkasan Kes India

Di India, jawatankuasa parlimen berkhidmat untuk tujuan fungsi pengawasan badan perundangan parlimen, mendengar pandangan minoriti atas mana-mana perkara (perlindungan dari minoriti kasar di dalam dewan), menyediakan saluran bagi masyarakat awam untuk mengemukakan pandangan terhadap badan perundangan, satu mekanisme untuk meneliti butiran dasar awam, bajet dan pelaksanaannya. Jawatankuasa parlimen terbukti sebagai satu mekanisme yang bagus untuk mengekalkan semangat kedua-dua parti di Parlimen. Jawatankuasa parlimen di India telah wujud pada awal tahun 1950, ini termasuk:

- Parlimen Jawatankuasa Kewangan, seperti Jawatankuasa Anggaran (sejak 1950), Jabatan berkaitan dengan Jawatankuasa Kewangan Tetap (since 1993), Jawatankuasa Akaun Awam dan Jawatankuasa Perusahaan Awam.
- Jawatankuasa Anggaran meneliti kesan dasar-dasar ekonomi, kecekapan organisasi dan menyiasat reformasi pentadbiran untuk meningkatkan kesan dasar.

- Terdapat 23 Jabatan Berkaitan Jawatankuasa Tetap (DRSCs). Fungsi jawatankuasa ini termasuk mempertimbangkan laporan bagi Parlimen atas permintaan untuk geran kerajaan oleh pelbagai kementerian, memeriksa draf undang-undang sebagaimana dimaksudkan oleh Pengerusi Jawatankuasa, mempertimbangkan dokumen dasar yang disebutkan oleh Eksekutif kepada Parlimen.
- Di bahagian kewangan, DSRC dalam kewangan telah memainkan peranan utama dalam pembaharuan ekonomi dan memeriksa draf undang-undang yang berkaitan dengan sektor perbankan, seperti draf undang-undang yang membolehkan pensukuritan hutang dan perdagangan bebas di pasaran. Baru-baru ini, DRSC menarik perhatian Bank Negara dan Kementerian Kewangan ke atas aset tidak berbayar dalam bank komersial milik negara.
- Jawatankuasa Kira-kira Wang Negara, dalam pemeriksaan laporan Ketua Audit Negara, mengambil keterangan lisan Setiausaha mengetuai Kementerian dan Jabatan dan menggariskan satu laporan yang mengandungi jadual Yang di-Pertua di Parlimen. Cadangan oleh Jawatankuasa Kira-kira Wang Negara telah menaikkan sistem cukai, program yang lebih baik untuk perkhidmatan sosial, urusan salah laku berkaitan rasuah pada perolehan, peruntukan lesen untuk syarikat telekomunikasi, pemberian arang batu, dan lain-lain. Dalam kes peruntukan lesen telekom, kerja-kerja Jawatankuasa membawa kepada Mahkamah Agung India mengisytiharkan bahawa peruntukan lesen adalah “tidak mengikut perlembagaan”.

Penilaian pakar bahawa sumbangan jawatankuasa parlimen kepada tanggungjawab dalam Eksekutif telah berjaya secara sederhana. Faktor-faktor kejayaan sederhana yang menawarkan pelajaran ke negara-negara lain adalah seperti berikut:

- Prosiding tidak cukup telus seperti apa yang terdapat di dalam kamera;
- Terdapat birokrasi;
- Tiada keperluan untuk menteri untuk hadir di hadapan Jawatankuasa;
- Syarat ahli Jawatankuasa adalah terlalu pendek, satu tahun sahaja;
- Kesan cengkam kepada parti yang mempunyai terlebih ahli; dan
- Kualiti kakitangan sokongan Jawatankuasa Parlimen yang rendah.

Dalam menangani kekurangan ini, tindakan telah diambil untuk pembetulan, termasuk:

- Semua laporan jawatankuasa perlu dibincangkan oleh Parlimen;
- Jawatankuasa mesti mendengar bukti-bukti daripada kumpulan awam atas subjek yang disiasat;
- Parlimen menubuhkan sebuah pejabat bajet dan kakitangan yang profesional dalam Pejabat Dasar untuk menyokong kerja-kerja Jawatankuasa Parlimen.

| Latarbelakang Parlimen India

Berdasarkan Perlembagaan di India, badan perundangan kesatuan dikenali sebagai Parlimen. Istilah Hindi untuk Parlimen ialah Sansad. Parlimen mengandungi Presiden dan dua Dewan – Majlis Negeri (Rajya Sabha) dan Dewan Rakyat (Lok Sabha). Sistem dengan dua Dewan seperti ini, juga dikenali sebagai perundangan dwidewan.

Rajya Sabha: Rajya Sabha (Majlis Negeri) ialah Dewan Pertuanan Parlimen. Dewan ini merangkumi maksimum 250 orang ahli, yang mana 12 ahli dicalonkan oleh Presiden terhadap kepakaran mereka dalam bidang tertentu, seperti seni, kesusasteraan, sains, dan perkhidmatan sosial. 238 orang ahli yang baki dipilih oleh anggota badan perundangan dari Negeri dan Kesatuan Wilayah. Rajya Sabha ialah satu badan tetap dan tidak seperti Lok Sabha, ia tidak boleh dibubarkan pada bila-bila masa.

Setiap anggota Rajya Sabha berkhidmat selama enam tahun. Namun, satu pertiga daripada ahli-ahlinya bersara di penamatan setiap dua tahun. Naib Presiden India ialah Pengerusi ex-official Rajya Sabha. Bagaimanapun, ia memilih Timbalan Pengerusi antara ahlinya yang bekerja di Dewan setiap hari. Kedua-dua Dewan mempunyai kuasa perundangan yang setaraf kecuali di kewangan di mana Lok Sabha diberi keutamaan kuasa.

Lok Sabha: Lok Sabha (Dewan Rakyat) ialah Dewan Rakyat Parlimen. Anggota terus dipilih ke Dewan. Pemilih terdiri daripada semua rakyat yang telah mencapai 18 tahun dan, jika tidak, tidak kehilangan layak untuk mengundi di bawah undangundang. Di bawah Perlembagaan, Lok Sabha boleh mempunyai maksimum 552 orang ahli. Perlembagaan mengizinkan sehingga 530 orang ahli yang mewakili kawasan-kawasan wilayah di negeri itu, sehingga 20 orang ahli yang mewakili Kesatuan

Wilayah, dan dua anggota akan dilantik oleh Presiden mewakili komuniti Inggeris-India jika terdapat perwakilan yang tidak memadai terhadap komuniti.

Umur minimum untuk kelayakan sebagai seorang ahli Lok Sabha ialah 25 tahun. Setiap Lok Sabha ditubuhkan setiap lima tahun, akhirnya di mana Dewan dibubarkan. Dewan boleh dibubarkan sebelum penyiapan istilah atau ia dapat dilanjutkan dengan Perisytiharan Darurat. Seorang Yang di-Pertua dan Timbalan Yang di-Pertua yang dilantik oleh anggota Lok Sabha, menjalankan perniagaan hari ke hari. Timbalan Yang di-Pertua mempengerusikan semasa ketiadaan Yang di-Pertua.

| Rangka Kerja Menurut Undang-undang

Jawatankuasa Parlimen bererti Jawatankuasa yang dilantik atau dipilih oleh Dewan atau dicadangkan oleh Yang di-Pertua dan bekerja di bawah pimpinan Yang di-Pertua dan membentangkan laporannya yang disediakan oleh Sekretariat Lok Sabha kepada Dewan atau kepada Yang di-Pertua dan Sekretariat.

Dengan sifat mereka, terdapat dua jenis Jawatankuasa Parlimen: Jawatankuasa Tetap dan Jawatankuasa Ad Hoc. Jawatankuasa Tetap ialah jawatankuasa yang tetap di mana ditubuhkan dari semasa ke semasa menurut peruntukan Akta Parlimen atau Peraturan Tatacara dan Pengendalian Perniagaan di Lok Sabha. Kerja Jawatankuasa ini adalah secara berterusan. Jawatankuasa kewangan, DRSC dan Jawatankuasa yang lain tergolong dalam kategori Jawatankuasa Tetap. Jawatankuasa Ad Hoc dilantik untuk tujuan tertentu dan mereka tidak wujud apabila mereka menamatkan tugas yang diperuntuk kepada mereka dan mengemukakan satu laporan. Jawatankuasa Ad Hoc yang utama ialah Jawatankuasa Pilihan dan Jawatankuasa Bersama dalam draf undang-undang. Jawatankuasa Konvensyen kereta-api, Jawatankuasa Bersama dalam Pengurusan Makanan di Kompleks Bangunan Parlimen dan sebagainya juga dikategori bawah Jawatankuasa Ad Hoc.

Tatacara am dalam tugas Jawatankuasa dikawal oleh Peraturan Am Bil. 253 hingga 286 daripada Peraturan Tatacara dan Pengendalian Perniagaan di Lok Sabha, Arahan Umum Bil. 48 hingga 73A daripada arahan Yang di-Pertua berkaitan dengan Jawatankuasa Parlimen, peraturan dalaman yang khusus kepada Jawatankuasa dan Konvensyen Parlimen dan Amalan yang berkaitan.

Peranan dan Fungsi Jawatankuasa

Secara umum, Jawatankuasa boleh dikategorikan kepada lima:

- a) Jawatankuasa Kewangan
- b) Jawatankuasa Tetap yang berkaitan dengan jabatan
- c) Jawatankuasa Tetap Parlimen yang lain; dan
- d) Jawatankuasa Ad Hoc.

Jawatankuasa Tetap Yang Berkaitan Dengan Jabatan

Satu sistem lengkap dengan 17 Jawatankuasa Tetap yang berkaitan dengan jabatan telah diwujudkan pada April, 1993. Jawatankuasa ini adalah di bawah bidang kuasa Kementerian atau Jabatan-jabatan kerajaan India. Jawatankuasa ini adalah di bawah:

1. Jawatankuasa atas Perdagangan
2. Jawatankuasa atas Hal Ehwal Dalam Negeri
3. Jawatankuasa atas Pembangunan Sumber Manusia
4. Jawatankuasa atas Industri
5. Jawatankuasa atas Sains & Teknologi, Persekitaran & Hutan
6. Jawatankuasa atas Pengangkutan, Budaya dan Pelancongan
7. Jawatankuasa atas Pertanian
8. Jawatankuasa atas Teknologi Maklumat
9. Jawatankuasa atas Pertahanan
10. Jawatankuasa atas Tenaga
11. Jawatankuasa atas Hal Ehwal Luar Negara
12. Jawatankuasa atas Kewangan
13. Jawatankuasa atas Makanan, Bekalan-bekalan Awam & Pengagihan Awam
14. Jawatankuasa atas Buruh dan Kebajikan
15. Jawatankuasa atas Petroleum & Bahan Kimia
16. Jawatankuasa atas Landasan Kereta api
17. Jawatankuasa atas Pembangunan Bandar dan Luar Bandar

Daripada 17 jawatankuasa, 6 jawatankuasa (S1. Bil. 1 hingga 6) diservies oleh Sekretariat Rajya Sabha dan 11 jawatankuasa (S1. Bil. 7 hingga 17) oleh Sekretariat Lok Sabha.

Jawatankuasa Pilihan dan Tetap

Apabila satu draf undang-undang dikeluarkan sebelum perbincangan umum di Dewan, ia terbuka kepada Dewan sebagai rujukan kepada Jawatankuasa Pilihan dalam Dewan tersebut atau Jawatankuasa Bersama dalam dua Dewan. Satu usul perlu dipindahkan dan diterima dalam Dewan di mana Rang Undang-undang dipertimbangkan. Sekiranya usul diterima untuk rujukan Rang Undang-undang kepada Jawatankuasa Bersama, keputusan disampaikan kepada Dewan yang lain untuk memohon pencalonan anggota Dewan yang lain untuk berkhidmat di dalam Jawatankuasa. Jawatankuasa Pilihan atau Bersama menangani Rang Undang-undang fasal demi fasal seperti apa yang dilakukan oleh dua Dewan. Pindaan boleh dipindahkan kepada pelbagai fasal oleh anggota Jawatankuasa. Jawatankuasa juga boleh mengambil bukti persatuan, badan-badan awam atau pakar yang berminat dalam Rang Undang-undang. Selepas Rang Undang-undang dipertimbangkan, Jawatankuasa menyerahkan laporannya kepada Dewan. Majoriti anggota yang tidak setuju dengan laporan boleh menambahkan minit perancangan mereka dalam laporan tersebut.

1. Jawatankuasa Anggaran

(a) Melaporkan ekonomi, peningkatan dalam organisasi, kecekapan atau pembaharuan pentadbiran, konsisten dengan polisi tersebut anggaran boleh terjejas; (b) mencadangkan alternatif dasar supaya membawa kecekapan dan ekonomi dalam pentadbiran; (c) memeriksa sama ada kewangan adalah dipamerkan dengan betul dalam had dasar yang dimaklumkan dalam anggaran; dan (d) mencadangkan bentuk di mana anggaran akan dibentangkan di Parlimen. Jawatankuasa tidak melaksanakan fungsifungsinya berkaitan dengan Projek Am diberikan kepada Jawatankuasa atas Projek Awam oleh Peraturan Tatacara dan Pengendalian Perniagaan di Lok Sabha atau oleh Yang di-Pertua.

2. Jawatankuasa Kira-kira Wang Negara

Peperiksaan penyata akaun menunjukkan peruntukan jumlah yang dibenarkan oleh Parlimen untuk perbelanjaan Kerajaan India, akaun-akaun kewangan tahunan Kerajaan dan akaun-akaun lain dikemukakan kepada Dewan seperti apa yang patut fikir oleh Jawatankuasa.

3. Jawatankuasa atas Projek Awam

(a) Memeriksa laporan dan akaun Projek Awam yang ditetapkan dalam Jadual keempat dalam Peraturan Tatacara dan Pengendalian Perniagaan di Lok Sabha; (b) memeriksa laporan, jika mana-mana,

dari Pengawai dan Ketua Audit Negara di India dalam Projek Awam; (c) memeriksa konteks autonomi dan kecekapan Projek Awam sama ada urusan Projek Awam ditadbir sejajar dengan prinsip perniagaan yang kukuh dan amalan perdagangan cermat; dan (d) melaksanakan fungsi-fungsi lain yang merupakan hak Jawatankuasa Kira-kira Wang Negara dan Jawatankuasa Anggaran berkaitan dengan Projek Awam yang tidak ditutup oleh fasal (a), (b) dan (c) di atas dan boleh diperuntukkan kepada Jawatankuasa oleh Yang di-Pertua dari semasa ke semasa.

4. **Jawatankuasa Tetap yang berkaitan dengan jabatan.**
Sehingga Lok Sabha ke-13, setiap Jawatankuasa Tetap mengandungi tidak lebih daripada 45 orang ahli: 30 untuk dicalonkan oleh Yang di-Pertua daripada kalangan anggota Lok Sabha dan 15 untuk dicalonkan oleh Pengerusi, Rajya Sabha daripada kalangan anggota Rajya Sabha. Bagaimanapun, dengan penyusunan semula DRSCs pada Julai, 2004 setiap DRSC terdiri daripada 31 anggota – 21 dari Lok Sabha dan 10 dari Rajya Sabha.
5. **Jawatankuasa Penasihat Perniagaan**
Mencadangkan masa yang seharusnya diperuntukkan bagi perbincangan Kerajaan, Perundangan dan perniagaan yang lain sebagai Yang di-Pertua, dalam perundingan dengan Ketua Dewan, boleh merujuk kepada Jawatankuasa secara terus. Jawatankuasa mungkin dapat mencadangkan inisiatifnya kepada Kerajaan untuk mengemukakan perkara tertentu untuk perbincangan dalam Dewan dan mencadangkan peruntukan masa untuk perbincangan sedemikian.
6. **Jawatankuasa Keistimewaan**
Memeriksa semua soalan melibatkan pelanggaran hak dan kebebasan Dewan atau anggota or mana-mana Jawatankuasa dan seterusnya dirujuk oleh Dewan atau Yang di-Pertua. Juga menentukan merujuk pada fakta bagi setiap kes sama ada melibatkan pelanggaran hak dan kebebasan dan memberi cadangan yang sesuai dalam laporannya.
7. **Jawatankuasa di Ketiadaan Anggota dari Persidangan Dewan**
Mempertimbangkan permohonan dari ahli-ahli untuk cuti dari persidangan Dewan dan memeriksa setiap kes di mana seorang ahli yang tidak hadir selama 60 hari atau lebih, tanpa kebenaran, dari sidang Dewan.

8. Jawatankuasa atas Pemberian Kuasa Wanita

(a) Mempertimbangkan laporan yang diserahkan oleh Suruhanjaya Kebangsaan untuk Wanita dan melaporkan langkah-langkah yang harus diambil oleh Kerajaan Kesatuan untuk meningkatkan status atau keadaan wanita dalam perhubungan perkara-perkara dalam skop Kerajaan Kesatuan termasuk Pertadbiran Kesatuan Wilayah; (b) memeriksa mengambil langkah oleh Kerajaan Kesatuan untuk menjaga persamaan wanita, status dan kemuliaan dalam semua perkara; (c) memeriksa langkah yang diambil oleh Kerajaan Kesatuan untuk pendidikan komprehensif dan perwakilan wanita yang mencukupi dalam badan Perundangan or perkhidmatan yang lain; (d) melaporkan kerja-kerja kebajikan untuk wanita; (e) melaporkan tindakan yang diambil oleh Kerajaan Kesatuan dan Pertadbiran Kesatuan Wilayah atas langkah yang dicadangkan oleh Jawatankuasa; dan (f) memeriksa perkara lain yang mungkin memuatkan Jawatankuasa atau dirujuk secara khusus oleh Dewan Yang di-Pertua dan Rajya Sabha atau Pengerusi, Rajya Sabha.

9. Jawatankuasa atas Keyakinan Kerajaan

Meneliti jaminan, janji, aku janji dan sebagainya yang diberikan oleh Menteri dari semasa ke semasa dan melaporkan perkara seperti jaminan dan lain-lain yang telah dilaksanakan dan memerhati sama ada pelaksanaan sedemikian telah dijalankan dalam masa minimum yang diperlukan bagi tujuan itu.

10. Jawatankuasa di Kertas atas Meja

Memeriksa semua kertas dalam Jadual Dewan oleh Menteri (selain daripada yang termasuk ke dalam skop Jawatankuasa di Perundangan Rendah atau mana-mana Jawatankuasa Parlimen yang lain) dan melaporkan kepada Dewan.

11. Jawatankuasa atas Petisyen

Mempertimbangkan dan melaporkan tentang petisyen dibentangkan kepada Dewan. Juga mempertimbangkan perwakilan daripada pelbagai individu, persatuan dan lain-lain yang tidak beralas dalam peraturan berkaitan dengan petisyen dan memberikan arahan untuk pelupusan mereka.

12. Jawatankuasa atas Rang Undang-undang dan Resolusi Ahli-ahli Swasta

Memperuntukan masa kepada Rang Undang-undang dan Resolusi Ahli-ahli Swasta, memeriksa Rang Undang-undang Anggota Swasta yang meminda Perlembagaan sebelum pengenalan mereka dalam Lok Sabha, dan juga memeriksa Rang Undang-undang Anggota Swasta di mana kecekapan legislatif Dewan dicabangkan.

13. Jawatankuasa atas Perundangan Kecil

Meneliti dan melaporkan kepada Dewan sama ada kuasa mengubah peraturan, peraturan sampingan, undang-undang kecil dan sebagainya, yang dikurniakan oleh Perlembagaan atau diwakilkan oleh Parlimen yang digunakan oleh eksekutif secara betul dalam skop penugasan sedemikian.

14. Jawatankuasa Serba Guna

Menasihati Yang di-Pertua tentang urusan yang berkenaan di mana boleh dirujuk oleh Yang di-Pertua dari semasa ke semasa.

15. Jawatankuasa Dewan

Menangani semua soalan yang berkaitan dengan pengubahsuaian kediaman daripada anggota Lok Sabha dan juga menjalankan pemantauan atas kemudahan untuk penginapan, makanan, bantuan perubatan dan kemudahan lain yang diberi kepada ahli-ahli dalam kediaman dan asrama di Delhi.

16. Jawatankuasa Bersama di Pejabat Keuntungan

Memeriksa komposisi dan perwatakan Jawatankuasa yang dilantik oleh Kerajaan Pusat dan Negeri dan mencadangkan pejabat mana yang patut ditolak dan pejabat mana yang tidak harus ditolak untuk satu orang yang dipindahkan.

17. Jawatankuasa Bersama atas Gaji dan Elaun Ahli Parlimen

Mengubah peraturan selepas perundingan dengan Kerajaan Pusat untuk memperuntukkan pengembara dan elaun harian, perubatan, telefon, pos, air, bekalan elektrik, konstituensi dan kemudahan setiausaha dan sebagainya bagi anggota kedua-dua Dewan.

18. Jawatankuasa Perpustakaan

Mempertimbangkan dan menasihati perkara yang berkaitan dengan Perpustakaan di mana dirujuk oleh Yang di-Pertua dari semasa ke semasa. Juga mempertimbangkan cadangan untuk penaiktarafan perpustakaan dan membantu anggota kedua-dua Dewan sepenuhnya dalam penggunaan perkhidmatan yang disediakan di dalam Perpustakaan.

19. Jawatankuasa Peraturan

Mempertimbangkan prosedur dan pengendalian perniagaan dalam Dewan dan mencadangkan sebarang pindaan atau pencampuran kepada Peraturan Tatacara dan Pengendalian Perniagaan di Lok Sabha yang dianggap sebagai keperluan.

20. Jawatankuasa atas Kebajikan Kasta dan Kabilah

(a) Mempertimbangkan laporan yang diserahkan oleh [Suruhanjaya Negara untuk Kasta dan Suruhanjaya Negara untuk Kabilah]* di bawah artikel 338(5) (d) dan 338A(5) (d) masing-masing dalam Perlembagaan dan melaporkan sebagai langkah yang patut diambil oleh Kerajaan Kesatuan dalam berhubung perkara-perkara dalam skop Kerajaan Kesatuan termasuk Pentadbiran Kesatuan Wilayah; (b) melaporkan tindakan yang diamnil oleh Kerajaan Kesatuan dan Pentadbiran Kesatuan Wilayah atas langkah yang dicadang oleh Jawatankuasa; (c) memeriksa tindakan yang diambil oleh Kerajaan Kesatuan dalam mendapat perwakilan Kasta dan Kabilah dalam perkhidmatan dan jawatan di bawah kawalannya (termasuk jawatan dalam Projek Sektor Awam, Bank dalam milik negara, Berkanun dan Badan Semi-Kerajaan dan dalam Kesatuan Wilayah) mempunyai anggapan kepada peruntukan artikel 335; (d) melaporkan kerja kebajikan untuk Kasta dan Kabilah dalam Kesatuan Wilayah; dan (e) memeriksa perkara lain yang boleh dianggap memuat kepada Jawatankuasa atau dirujuk oleh Dewan atau Yang di-Pertua secara khas.

21. Jawatankuasa Konvensyen Kereta Api

Meninjau kadar dividen yang mana belum dibayar oleh Projek Landasan Kereta Api kepada Hasil Umum serta perkara sampingan lain yang berkaitan dengan Kewangan Landasan Kereta Api seperti Kewangan Am dan memberi cadangan secara terus. Ia juga mencadangkan tahap peruntukan untuk pelbagai dana Landasan Kereta Api seperti Susut Nilai Kumpulan Wang Rizab, Dana Pembangunan, Dana Pencen dan sebagainya.

22. Jawatankuasa atas Peruntukan Komputer untuk Anggota Lok Sabha | Menasihatkan Yang di-Pertua atas bekalan komputer kepada ahli-ahli.

23. Jawantakuasa atas MPLADS

(a) Memantau dan mengkaji semula prestasi dan masalah dalam pelaksanaan Skim MPLADS (Lok Sabha) secara berkala; (b) mempertimbangkan aduan anggota Lok Sabha atas Skim; dan menjalankan fungsi-fungsi lain tentang Skim MPLAD yang mungkin ditugaskan oleh Yang di-Pertua dari semasa ke semasa.

24. Jawatankuasa atas Etika

(a) Menyelia moral dan kelakuan etika anggota; (b) memeriksa setiap aduan yang berkaitan dengan kelakuan ahli yang tidak beretika atau berkaitan dengan kelakuannya di parlimen dan memberi cadangan yang sesuai; (c) bingkai peraturan yang menentukan akta yang membentuk kelakuan yang tidak beretika.

25. **Jawatankuasa atas Pengurusan Makanan dalam Kompleks PH**
26. **Jawatankuasa atas Pemasangan Potret/Status Pemimpin Negara dan Ahli Parlimen**
27. **Jawatankuasa atas Keselamatan di Parlimen Kompleks Dewan**
28. **JPC atas Penyenggaraan Watak Warisan dan Pembangunan Kompleks Bangunan Parlimen** | Dalam pembentukan dasar, garis panduan dan program mengenai konservasi, pemulihan, pembaharuan dan penyenggaraan kerja dalam Kompleks Dewan Parlimen sejajar dengan prinsip-prinsip pemuliharaan dan prosedur yang standard.
29. **Jawatankuasa Parlimen Bersama** | Memeriksa bahan yang berkaitan dengan peruntukan dan penentuan harga lesen-lesen telekomunikasi dan spektrum.



Lampiran 4:

Amerika Syarikat

**Pentadbiran Ekonomi yang Baik melalui
Jawatankuasa Kongres: Pengalaman
Amerika Syarikat (AS)**

| Ringkasan Kes Amerika Syarikat

Jawatankuasa Kongres bermula pada tahun 1789 sebagai langkah sementara bagi membolehkan Kongres untuk membincangkan bahagian undang-undang tertentu yang tidak dibahaskan dengan terperinci dalam dewan. Rangkaian dan fungsi jawatankuasa ini mula berkembang dan mendalamkan selama ini, kini menjadi bahagian yang berakar umbi dalam sistem politik Amerika Syarikat. Sebagai contoh, jawatankuasa yang pertama ditubuhkan pada April 1789 bagi menyediakan peraturan dan perintah dalam prosiding Kongres telah menjadi Jawatankuasa dalam Cara dan Kaedah, di mana ditugaskan untuk pengendalian urusan perbelanjaan dan cukai. Kebelakangan ini, jawatankuasa telah digabungkan dan disusun semula dan dimasukkan pembentukan jawatankuasa kecil dan menarik kakitangan kongres yang professional dalam menangani isu-isu di bawah kuasa mereka. Pada hari ini, terdapat 46 jawatankuasa kongres yang terpilih dan tetap.

Jawatankuasa Kongres berperanan penting dalam perundangan dan pengawasan:

1. Jawatankuasa mempertimbangkan bil dan mengesyorkan langkah penyelesaian. Dalam proses ini, jawatankuasa mengumpulkan maklumat dan mendapatkan keterangan pakar-pakar dan menjalankan pendengaran, dan dengan ini mengenalpasti dan membandingkan pilihan dasar dan dapat menyarankan alternatif bagi perundangan.
2. Jawatankuasa juga berfungsi untuk menyelia dan memantau agensi-agensi persekutuan, program dan aktiviti mereka. Ini melibatkan jawatankuasa dalam pendengaran apabila pengawai-pengawai awam disyaki atau dituduh melakukan kesalahan. Penyiasatan dan keputusan perbicaraan dalam laporan mengenai kes itu akan dikemukakan kepada dewan untuk perbincangan.
3. Jawatankuasa Kongres terdiri daripada:
 - Jawatankuasa tetap—jawatankuasa tetap yang mencadangkan bil, membenarkan pembiayaan untuk operasi kerajaan;
 - Jawatankuasa Khas dan Jawatankuasa Pilihan ditentukan oleh resolusi khas bagi maksud tertentu. Mereka wujud dalam tempoh yang ditentukan, seperti Jawatankuasa Khas Dewan berkaitan Hurricane Katrina; dan
 - Jawatankuasa bersama ialah jawatankuasa tetap Kongres dan Senat, lebih banyak mempertimbangkan isu-isu pengemasan dan jarang melaksanakan kesilapan perundangan.

Keanggotaan jawatankuasa mencerminkan komposisi parti. Pemilihan anggota kepada pelbagai jawatankuasa berdasarkan kepakaran dan kekananan. Terdapat satu proses pencalonan jawatankuasa yang telus diperhatikan oleh semua pihak. Agenda dan kelakuan jawatankuasa ditentukan oleh Pengerusi. Jawatan pengerusi dalam jawatankuasa diadkan kepada 6 tahun.

Pembayaran jawatankuasa ditentukan oleh Jawatankuasa di Rumah Pentadbiran, termasuk gaji kakitangan yang menyokong jawatankuasa. Setiap jawatankuasa mempunyai kakitangan profesionalnya sendiri, kerani, dan penyelidik dalaman. Terdapat juga jawatankuasa yang berkongsi kakitangan.



Lampiran 5:

Indonesia

| Pengalaman Jawatankuasa Parlimen di Indonesia

Dewan Perwakilan Rakyat (DPR) dalam Indonesia bukan seperti Dewan Rakyat kebanyakan demokrasi berparlimen yang lain. Bagaimanapun, era “Demokrasi Terpimpin” oleh Presiden Soekarno telah menyebabkan DPR sebagai satu institusi patuh yang keputusannya dicop getah untuk Eksekutif. Sejak Reformasi, Indonesia telah menunjukkan kemajuan yang nyata dalam institusi-institusinya dalam urusan check and balance. Walaupun baki amalan lama yang membolehkan demokrasi Soekarno berkemungkinan masih wujud, Parlimen Indonesia pada hari ini ialah satu tempat di mana bertanding pendapat masih mungkin didapati. Ia sekarang terbuka kepada tekanan rakyat dan penelitian, dan berupaya untuk memenuhi harapan orang ramai untuk mempunyai satu kerajaan yang lebih baik dan lebih bertanggungjawab.

DPR mempunyai tiga peranan utama: mewujudkan perundangan, memeriksa dan meluluskan bajet negeri, dan meneliti aktiviti kerajaan eksekutif. Namun, Perlembagaan 1945 juga sama menyediakan satu sistem kerajaan dengan Presiden, eksekutif kemudian tidak terbentuk daripada DPR, ia dilantik secara berasingan. Dari teori, ini sepatutnya menjadikan perasingan kuasa sebagai satu kehadiran normatif, sehingga ia dirumitkan oleh Majelis Permusyawaratan Rakyat

(MPR). MPR sepatutnya sebagai satu badan tertinggi Republik dan bertanggungjawab dalam memilih Presiden dan mewujudkan Garis Besar Haluan Negara (GBHN), satu senarai prinsip membimbing aktiviti di semua negeri termasuk DPR. Namun, apabila sebahagian besar MPR dibentuk daripada ahli-ahli DPR dan mereka mempunyai kuasa melantik Presiden, teori perasingan kuasa antara yang legislatif dan eksekutif menjadi tidak jelas. Senario sedemikianlah yang “menggulingkan” Presiden Abdurrahman Wahid apabila beliau terlibat dalam pergaduhan dengan DPR dan satu Sesi Khas di MPR membawa kepada penyingkirannya.

Pindaan dilakukan atas perlembagaan antara 1998 hingga 2002 telah mengurangkan kuasa MPR. Pilihan raya 2004 ialah pilihan raya pertama yang mengakibatkan pengakhiran kuasa MPR dalam pemilihan Presiden. Walaupun MPR memelihara kuasa untuk mendakwa Presiden, ini hanya dapat dijalankan apabila Presiden telah melanggar undang-undang.

Pengukuhan Parlimen Indonesia juga dijalankan melalui penubuhan beberapa jawatankuasa untuk membuat Parlimen dalam kesilapan Eksekutifnya. Jawatankuasa yang saling melengkapi Dewan Rakyat termasuk:

- Suruhanjaya dalam beberapa kesilapan atas kerajaan, seperti Suruhanjaya
- Kewangan;
- Jawatankuasa Panduan;
- Jawatankuasa atas Perundangan;
- Jawatankuasa atas Bajet;
- Jawatankuasa Rumahtangga;
- Jawatankuasa untuk Kerjasama Dalaman Parlimen;
- Jawatankuasa Ad Hoc; dan
- Jawatankuasa Etika.

Kemajuan yang telah dicapai melalui jawatankuasa parlimen telah menunjukkan keputusan bercampur, seperti yang dilihat dalam usaha dalam mencegah rasuah di Parlimen dan Eksekutif. Kejayaan oleh Komisi Pemberantasan Korupsi (KPK) pernah diusik oleh MP pembangkang dari semasa ke semasa dalam usaha membasmi rasuah. Sebaliknya, usaha penting untuk meningkatkan pengurusan Bajet telah memperoleh daya tarikan melalui parlimen dalam menerima peranan penyertaan perumusan Bajet dan kawalan ketat ke atas perbelanjaan. Bahkan apa yang terpuji dan memastikan demokrasi berparlimen Indonesia akan menyokong pencapaian dasar ekonomi ialah komitmen semasa politik dalam mengekalkan reformasi Parlimen. Parlimen Indonesia telah melibatkan diri dalam Westminster Foundation for Democracy dalam peningkatan proses dalam kelakuan dan penyampaian fungsi parlimennya.



Lampiran 6:

Korea Selatan

| Pengalaman Jawatankuasa Parlimen di Korea Selatan

Korea Selatan telah mengadakan pilihanraya demokratiknya yang pertama pada Mei 1948, di bawah penyeliaan United Nations, suatu peristiwa sejarah yang membawa 198 ahli Perhimpunan Kebangsaan ke pilihanraya. Pada bulan Ogos tahun yang sama, mereka menjadi Republik dan memperolehi status demokrasi bebas secara rasmi, di mana diganggu segera oleh rampasan kuasa tentera yang meletakkan Jeneral Park Chung-hee dalam kuasa, namun demokrasi dibawa balik ke Korea Selatan selepas penghujung pemerintahan tentera.

Walaupun tiada demokrasi yang sempurna, Korea Selatan menikmati reputasi sebagai negara yang paling demokratik di Asia, disenaraikan oleh pelbagai indeks termasuk Economic Intelligence

Unit (EIU) Democracy Index 2015. Perlembagaan 1987 kini memperuntukkan satu sistem presiden dengan pemilihan Presiden di seluruh negara melalui perundian langsung, dan menjadi ketua kerajaan. Presiden menjalankan tugasannya melalui Majlis Negeri, dan melantik pemimpin agensi eksekutif termasuk Perdana Menteri, yang memerlukan kelulusan Perhimpunan Kebangsaan. Perhimpunan Kebangsaan ialah cabang perundangan negeri yang mempertimbangkan dan membuat keputusan ke atas bajet negara, memberi persetujuan bagi keputusan dan pengesahan perjanjian, pengisytiharan perang, penghantaran angkatan tentera ke negara asing dan memberi kebenaran kuasa asing di wilayah Korea Selatan.

Selain daripada di atas, Perhimpunan Kebangsaan boleh juga mencadangkan penyingkiran mana-mana ahli Majlis Negeri. Perakuan sebegini hendaklah diperkenalkan oleh satu pertiga atau kini lebih daripada 296 ahli, dan akan melalui usul dengan majoriti. Situasi yang sama dijalankan atau mana-mana pegawai awam, anggota dalam Majlis Negeri khususnya, yang telah melanggar Perlembagaan atau kelakuan lain dalam tugas mereka, dikenali sebagai pemecatan pegawai tersebut. Bagaimanapun, usul dakwaan Presiden akan memerlukan majoriti daripada Perhimpunan Kebangsaan untuk mencadangkan dan dua pertiga majoriti untuk meluluskan.

Dakwaan presiden Korea Selatan baru-baru ini menjadi satu kes contoh bagaimana Parlimen mempunyai kuasa untuk memastikan ahli-ahlinya bertanggungjawab. Penggubal undang-undang Republik mengundi untuk mendakwa Presiden Park Guen-hye atas skandal rasuah, 234 orang ahli melawan 56, dengan enam berkecuali. Di bawah Perlembagaan Korea Selatan, suatu pemecatan memerlukan dua pertiga majoriti daripada 300 ahli badan perundangan untuk diluluskan. Ini akan mengambil 180 hari untuk siasatan dijalankan, kira-kira enam bulan, di mana ahli yang didakwa tidak dibenarkan untuk bertugas sepanjang proses tersebut. Satu kes lagi yang berlaku adalah pemecatan mendiang Presiden Roh Moo-hyun oleh Parlimen selama dua bulan dengan prosedur yang sama, namun dia kemudian dikembalikan selepas pertuduhan penyalahgunaan kuasa telah ditolak.

Satu-satunya masalah dengan susunan ini adalah ia bergantung kepada integriti dan suara hati demokratik oleh ahli Perhimpunan Kebangsaan, yang merupakan sebab utama rakyat tidak letih untuk menyokong institusi—sebuah keadaan yang kadangkadang tidak dapat dibayangkan dalam negara-negara lain di Asia. Di negara lain juga, seperti Malaysia, Perlembagaan memperuntukkan cabang perundangan kerajaan bagi tindakan menentang pegawai awam yang berpangkat tinggi termasuk Perdana Menteri. Namun, ini bukanlah suatu langkah yang wajib dan ia bergantung kepada kemahuan politik oleh anggota Parlimennya.

Dengan kemahuan politik sebagai kriteria utama bagi tanggungjawab (akauntibiliti), terdapat pelbagai pengajaran daripada Perhimpunan Kebangsaan Korea Selatan.



Lampiran 7:

GCPP: Ke arah Parlimen Berpusatkan Rakyat

***“Parlimen ini adalah mahkota
dan kemuncak Perlembagaan
kita: Malah, ia adalah intipati.”***

- *Tuanku Abdul Rahman ibni Almarhum Tuanku
Muhammad, Yang di-Pertuan Agong Persekutuan Malaya
(Hansard Dewan Ra'ayat, 12 September 1959)*

| Ringkasan eksekutif

Pada tahun 2011, Perdana Menteri Najib Razak mengisytiharkan menerusi perutusan Hari Malaysia beliau bahawa negara ini akan memiliki sebuah “demokrasi yang berfungsi dan inklusif.”

Bagaimanapun, tugas untuk membentuk sebuah Parlimen yang berfungsi dan inklusif adalah satu tugas yang berat. Terdapat banyak isu yang membimbangkan berkaitan Parlimen dan

rakyat semakin hilang kepercayaan terhadap proses penggubalan undang-undang dan dasar. Pembaharuan Parlimen perlu dibuat untuk memulihkan keyakinan orang awam. Pembaharuan yang hendak dibuat perlu memastikan bahawa fungsi legislatif akan dapat dijalankan secara berkesan, memberikan Ahli-ahli Parlimen ruang yang luas untuk berbahas dan membuat cadangan balas terhadap sebarang cadangan penggubalan undang-undang dan dasar awam, serta membenarkan orang awam untuk memberi maklum balas terhadap proses penggubalan undang-undang. Dengan itu, Gabungan Cadangan Penambahbaikan Parlimen (GCPP) mengemukakan kerangka kerja untuk mengukuhkan Dewan Rakyat. Kerangka kerja ini memberi tumpuan terhadap empat perkara:

1. Memperkenalkan semula Akta Perkhidmatan Parlimen
2. Jawatankuasa-jawatankuasa Parlimen
3. Penetapan agenda dalam Dewan Rakyat
4. Peruntukan untuk Kajian dan Pembangunan Kawasan

Selain itu, dilampirkan juga cadangan pembaharuan Dewan Negara yang kami percaya penting untuk mengukuhkan demokrasi Malaysia.

Gabungan Cadangan Penambahbaikan Parlimen (GCPP) terdiri daripada pertubuhan-pertubuhan berikut:

- Akademi Belia
- Gabungan Pilihanraya Bersih dan Adil (BERSIH 2.0)
- ENGAGE
- Institute for Democracy and Economic Affairs (IDEAS)
- Kajian Politik untuk Perubahan (KPRU)
- Persatuan Promosi Hak Asasi Manusia (PROHAM)
- Projek Beres
- Sinar Project
- Tindak Malaysian
- Undi Malaysian

Cadangan ini disokong oleh Global Movement of Moderates dan Majlis Peguam. Pertubuhan-pertubuhan berikut telah mengesahkan dan menyokong kertas cadangan ini:

1. Aliran
2. Amnesty International
3. Anak Muda Sarawak
4. Angkatan Warga Aman Malaysia
5. Association of Women Lawyers
6. Baramkini
7. Borneo Heritage Foundation
8. Centre for Independent Journalism (CIJ)
9. Centre to Combat Corruption & Cronyism (C4)
10. Coalition of Malaysian Indian NGOs
11. Dapur Jalanan
12. Gabungan Merdeka Rakyat
13. Gabungan NGO Kelantan
14. Group of Concerned Citizens
15. HAKAM
16. Institut Rakyat
17. Institute for Development of Alternative Living (IDEAL)
18. Islamic Renaissance Front (IRF)
19. Jaringan Orang Asal SeMalaysia (JOAS)
20. Jing 13 Malaysia
21. Johor People's Action Group (JPAG)
22. Johor YellowFlame
23. Kelab Bangsaar Utama
24. KLSelangor Chinese Assembly Hall – Civil Rights Committee
25. Lawyers for Liberty (LFL)
26. LLG Cultural DevelopmentCentre
27. Mahasiswa GANYANG
28. Malaysia Youth and Student Democratic Movement (DEMA)
29. Malaysian Animal-Assisted Therapy for the Disabled & Elderly Association (PETPOSITIVE)
31. Malaysian Indian Network DevelopmentSociety (MINDS)

32. Mama Bersih
33. Movement for Change, Sarawak (MoCS)
34. National Oversight & Whistleblowers (NOW)
35. New Era College Alumni Association
36. OHMSI
37. Partners of Community Organisation (PACOS)
38. Perak Women for Women Society (PWW)
39. PERMAS
40. Persatuan Alumni PBTUSM KL and Selangor
41. Persatuan Kesedaran Komuniti Selangor (EMPOWER)
42. Persatuan Koo Seng KL and Selangor
43. Persatuan Mahasiswa Univesiti Malaya (PMUM)
44. Persatuan Rapat Malaysia, Kelab Belia Makkal Malaysia
45. Pro Mahasiswa Nasional
46. Pusat KOMAS
47. Rainbow Genders Society
48. Research for Social Advancement (REFSA)
49. Rumah Anak Teater(RAT)
50. Sabah Environmental Protection Association (SEPA)
51. Sabah Women's Action Resource Group (SAWO)
52. Sahabat Rakyat
53. Sarawak Dayak Iban Association
54. Saya Anak Bangsa Malaysia (SABM)
55. School of Acting Justly, Loving Tenderly
& Treading Humbly (SALT Malaysia)
56. SEED
57. Selangor and Kuala Lumpur Hokkien Association
58. Sembang-Sembang Forum
59. Sisters In Islam (SIS)
60. Solidariti Anak Muda Malaysia (SAMM)
61. Solidariti Mahasiswa Malaysia (SMM)
62. Suaram
63. Tenaganita
64. University Malaya Association of New Youth (UMANY)
65. Women's Aid Organisation (WAO)

- 66. Women's Centre for Change (WCC)
- 67. Writers' Alliance for Media Independence (WAMI)

| Pengenalan Semula Akta Perkhidmatan Parlimen

Apakah itu Akta Perkhidmatan Parlimen 1963?

Pada tahun 1963, Akta Perkhidmatan Parlimen (APP) menubuhkan sebuah “Perkhidmatan Parlimen” yang berasingan. Presiden Dewan Negara dan speaker Dewan Rakyat bersama-sama melantik anggota Perkhidmatan Parlimen. Calon dipilih dan dicadangkan oleh sebuah jawatankuasa pilihan. Jawatankuasa ini terdiri daripada pegawai daripada kedua-dua Dewan dan seorang wakil daripada Jabatan Perkhidmatan Awam. Menurut akta ini, bilangan kakitangan, pangkat dan gaji mereka ditentukan oleh sebuah jawatankuasa penasihat dan disahkan oleh Yang Di-Pertuan Agong.

Jawatankuasa Penasihat ini terdiri daripada speaker Dewan Rakyat, Presiden Dewan Negara, seorang senator, seorang Ahli Parlimen yang dicalonkan oleh Perdana Menteri, seorang Ahli Parlimen yang dicalonkan oleh speaker Dewan Rakyat bagi mewakili parti pembangkang, seorang pegawai perbendaharaan dan ketua pengarah Jabatan Perkhidmatan Awam atau wakilnya.

Keadaan semasa di Malaysia

APP dimansuhkan pada tahun 1992, tetapi beberapa kali tuntutan dikemukakan agar ia diperkenalkan semula. Pada Oktober 2003, Ahli-ahli Parlimen dari pihak Kerajaan dan Pembangkang telah meminta supaya APP diperkenalkan kembali. Pada masa ini, kakitangan Parlimen terdiri daripada anggota perkhidmatan awam yang berada di bawah kawalan cabang eksekutif kerajaan. Pelantikan, pertukaran, gaji dan kenaikan pangkat mereka ditentukan menurut dasar perkhidmatan awam yang umum. Selain itu, eksekutif juga menangani Akta Anggota Parlimen (Saraan) 1980 yang meneruskannya semua Ahli Parlimen dan Senator menerima bayaran daripada perkhidmatan mereka.

Saranan GCPP

Ahli-ahli Parlimen semestinya memiliki kebebasan dan kuasa untuk menguruskan hal ehwal parlimen agar mereka dapat menjalankan tugas

mengawasi dan menyelia cabang eksekutif secara berkesan dan cekap. Kerja parlimen sepatutnya dikendalikan oleh Parlimen, bukan eksekutif. Parlimen tidak sepatutnya diletakkan di bawah mana-mana kementerian kerajaan. APP perlu dikembalikan sebagai langkah pertama menjadikan Parlimen mandiri daripada cabang eksekutif secara pentadbiran dan kewangan.

Jawatankuasa Tetap, Jawatankuasa Pilihan & Jawatankuasa Bersama Parlimen

Jenis-jenis Jawatankuasa Parlimen:

Jawatankuasa tetap adalah jawatankuasa yang diwujudkan sepanjang hayat setiap Parlimen dan biasanya dibentuk semula pada sesi Parlimen yang baru.

Jawatankuasa ini memegang peranan berterusan. Dalam Peraturan Tetap Dewan Rakyat, jawatankuasa ini juga disebut sebagai Jawatankuasa Pilihan, tetapi agar lebih jelas, kertas ini akan menyebutnya sebagai Jawatankuasa Tetap.

Jawatankuasa pilihan dibentuk menurut keperluan, untuk suatu tujuan khusus, dan kerana itu hayatnya lebih terbatas dan biasanya ditetapkan dalam resolusi pelantikan. Setelah sesebuah jawatankuasa pilihan selesai menjalankan penyiasatan dan membentangkan laporan akhirnya, ia terbubar. Pembentukan jawatankuasa pilihan dilihat sebagai satu langkah untuk memenuhi suatu keperluan khusus dan berkemungkinan berjangka pendek.

Jawatankuasa bersama dianggotai oleh ahli-ahli dari kedua-dua Dewan Parlimen dan melaporkan juga kepada kedua-dua Dewan, membolehkan Ahli-ahli Parlimen dan Senator bekerjasama.

Keadaan semasa di Malaysia Pada masa ini, Malaysia mempunyai lima Jawatankuasa Tetap di Dewan Rakyat:

1. Jawatankuasa Pemilihan
2. Jawatankuasa Kira-kira Wang Negara
3. Jawatankuasa Peraturan Tetap
4. Jawatankuasa Dewan
5. Jawatankuasa Keistimewaan

Selain itu, terdapat empat Jawatankuasa Tetap di Dewan Negara:

1. Jawatankuasa Pemilihan
2. Jawatankuasa Dewan
3. Jawatankuasa Keistimewaan
4. Jawatankuasa Peraturan Tetap

Jawatankuasa dalam Dewan Rakyat digariskan dalam Peraturan Tetap 76 hingga 88A. Keanggotaan dalam jawatankuasa ini sedapat yang mungkin mesti menggambarkan keseimbangan antara pihak-pihak dalam Dewan. Semua anggota Dewan memilih anggota Jawatankuasa Pemilihan, manakala Jawatankuasa Pemilihan menentukan anggota jawatankuasa-jawatankuasa lain. Jawatankuasa Pilihan Khas boleh dibentuk secara sementara dan sesi bersama antara kedua-dua Dewan Rakyat dan Dewan Negara boleh diadakan. Selain Jawatankuasa Kira-kira Wang Negara (PAC), Jawatankuasa Tetap yang ada kini hanya menangani urusan perjalanan dalaman Parlimen. Ini menyebabkan PAC terbeban dalam menjalankan tugas pengawasan ke atas cabang eksekutif. Tiada jawatankuasa ditugaskan untuk menyemak cadangan, rang undang-undang, usul atau petisyen sebelum penggubalan dibuat. Akibatnya, penggubalan dikemukakan oleh pihak eksekutif dan hanya dicop lulus oleh Parlimen setelah penelitian dibuat secara minimal dan beberapa pindaan dilakukan. Pengawasan ke atas eksekutif juga sukar dibuat oleh Parlimen apabila Ahli-ahli Parlimen yang memegang jawatan dalam kerajaan turut menganggotai jawatankuasa. Sepatutnya jawatankuasa yang dibentuk bebas daripada eksekutif.

Kepentingan membentuk lebih banyak Jawatankuasa Tetap

1. Pada masa ini, beberapa perbahasan berlangsung sehingga lewat malam kerana rang undang-undang yang dibahaskan di peringkat dasar dan kementerian sebagai satu jawatankuasa penuh. Perbahasan mendalam boleh diadakan dalam beberapa jawatankuasa dengan masukan tambahan daripada para pemegang kepentingan.
2. Jawatankuasa akan memastikan rang undang-undang tidak dibatalkan setelah dibentangkan kepada Parlimen. Jika para pemegang kepentingan tidak bersetuju dengan aspek tertentu perundangan, perkara itu boleh ditonjolkan di peringkat jawatankuasa tanpa perlu dibahaskan dalam Dewan Rakyat. Baru-baru ini, perkara ini berlaku terhadap Rang Undang-undang Ahli-

ahli Parlimen (Saraan) (Pindaan) 2014. Begitu juga dengan Rang Undang-undang Pentadbiran Agama Islam (Wilayah Persekutuan) 2013.

3. Pengawasan oleh orang ramai akan menghasilkan undang-undang lebih baik dan lebih peka terhadap keperluan masyarakat. Media akan mendapat gambaran penuh tentang sesuatu isu yang rumit jika mereka dibenarkan untuk menghadiri perbincangan.
4. Pengembangan jawatankuasa boleh dikaitkan dengan seruan Najib ke arah “People’s Centred ASEAN”. Memandangkan Malaysia adalah Pengerusi ASEAN dan mempunyai kerusi dalam Majlis Keselamatan PBBm kita seharusnya menjadi pemimpin antarabangsa. Malangnya, kita ketinggalan dalam soal ini. Indonesia mempunyai sebelas jawatankuasa dan Kemboja sepuluh. Malah, Majlis Keselamatan PBB menganjurkan perbincangan jawatankuasa tetap dan pilihan yang terbuka kepada umum. Di samping jawatan Presiden, Jawatankuasa Eksekutif dan Sekretariat, Perhimpunan Agung Perhimpunan Antara-Parlimen ASEAN telah membentuk jawatankuasa-jawatankuasa tetap, kumpulan perbincangan dan misi pengumpulan fakta. Jawatankuasa-jawatankuasa tetap yang telah dibentuk ialah jawatankuasa Hal-Ehwal Politik, Hal-Ehwal Ekonomi, Hak-Ehwal Sosial, Hal-Ehwal Pertubuhan, Perhubungan Bersama, Dialog dengan Negara Pemantau dan Ahli-ahli Parlimen Wanita AIPA atau WAIPA. Dilampirkan bersama kertas cadangan ini contoh bagi jawatankuasa-jawatankuasa di tiga parlimen Westminster yang lain: United Kingdom (Lampiran 1), Australia (Lampiran 2) dan Pakistan (Lampiran 3).
5. Peningkatan bilangan dan jangkaan Jawatankuasa akan membolehkan Parlimen menangani urusan Parlimen yang semakin banyak dan pada masa yang sama memberikan peluang lebih besar kepada Ahli Parlimen untuk terlibat dalam semua aspek kerja Parlimen.
6. Pada tahun 2009, kerajaan telah menyatakan kemungkinan bahawa bilangan Jawatankuasa Parlimen akan ditingkatkan.
7. Pengawasan Parlimen ke atas cabang eksekutif semakin perlu untuk ditingkatkan. Jawatankuasa Parlimen adalah “kaedah penyeliaan paling sistematik ke atas eksekutif” menurut Inter-Parliamentary (IPU) Guide on Parliament and Democracy. Pada masa ini, Jawatankuasa Kira-kira Wang Negara terlalu dibebankan kerana ia ditugaskan untuk menyiasat semua urusan kerajaan. Walaupun

diakui bahawa para penggubal undangundang mempunyai kemampuan terbatas untuk menyelidiki secara penuh kerja eksekutif, IPU menyebut bahawa ia “memadai untuk kebertanggungjawaban, kerana jabatan terbabit menyedari bahawa jawatankuasa boleh menyasiat sebarang aspek secara teliti, walaupun secara amali jawatankuasa perlu memilih perkara yang perlu disiasatnya.”

8. Faedah tambahan daripada pembentukan lebih banyak jawatankuasa tetap ialah untuk menonjolkan betapa cabang eksekutif telah membengkak. Dengan sejumlah 35 anggota Jemaah Menteri, angka paling tinggi dalam sejarah Malaysia, pengawasan oleh parlimen semakin diperlukan. Kita harap pembaharuan yang dibuat akan turut menanggapi keperluan untuk membataskan jumlah Ahli Parlimen yang memegang jawatan dalam kerajaan menurut peratusan tertentu daripada jumlah kerusi di Dewan Rakyat untuk mencegah pihak eksekutif daripada ‘membeli’ sokongan daripada partinya sendiri atau daripada sekutunya dengan mengembangkan “undi bergaji”.

Risiko Yang Perlu Disedari

Pengerusi-pengerusi Jawatankuasa berkemungkinan akan meraih pengaruh besar, tetapi kuasa mereka dikekang oleh hakikat bahawa mereka dicalonkan sebagai pengerusi oleh anggota-anggota jawatankuasa mereka sendiri. Lebih baik memiliki cabang perundangan yang diselia oleh Ahli-ahli Parlimen berpengalaman yang mengepalai Jawatankuasajawatankuasa Parlimen daripada mengambil risiko membiarkan undang-undang yang lemah digubal. Di Amerika Syarikat, terjadi banyak “pork barreling” atau penyelewengan dana di peringkat Jawatankuasa. Dari sudut ini, Jawatankuasa boleh membuka satu lagi ruang politik wang. Bagaimanapun, melihat kepada sistem parlimen Malaysia, ikatan kepartian jauh lebih kuat berbanding dalam sistem di AS. Ahli-ahli Parlimen cenderung berusaha ke arah memenuhi kepentingan parti/ideologi berbanding kepentingan pengundi dalam sistem berparlimen. Terdapat juga kemungkinan bahawa whip parti akan mengekang pengaruh Jawatankuasa ke atas penggubalan undang-undang. Memandangkan sesuatu undang-undang itu digubal oleh Jemaah Menteri, Ahli-ahli Parlimen kerajaan mungkin tidak mempunyai kebebasan untuk membuat pindaan ke atasnya. Bagaimanapun, salah satu peranan jawatankuasa ialah untuk memperbaiki penggubalan undang-undang menerusi perundingan dengan para pemegang kepentingan. Hal ini baik untuk kerajaan kerana perundangan yang lebih bermutu dikemukakan. Seperti disebut Andrew Tyrie, Ahli

Parlimen dari parti Conservative di UK, “Jawatankuasa bagus untuk kerajaan kerana kerajaan terpaksa menjelaskan tindakannya dan dengan cara itu mereka memperbaiki tindakan mereka. Jika tidak, mereka tidak bertanggungjawab kepada sesiapa... ketika itu kita mendapat kerajaan yang tidak bermutu, kerajaan yang selekeh.”

| Cadangan GCPP

Keanggotaan

Jawatankuasa tetap boleh dibentuk bersesuaian dengan kementerian bagi mengawasi setiap kementerian dan mencerminkan komposisi Dewan. Pemegang jawatan kerajaan dari kalangan Ahli Dewan sepatutnya tidak dibenarkan menganggotai jawatankuasa bagi memastikan jawatankuasa dapat membuat pengawasan secara bebas. Jawatankuasa Urusan Dewan boleh menetapkan ukuran jawatankuasa dan membataskan jumlah jawatankuasa yang boleh dianggotai oleh seseorang Ahli Parlimen. Ahli-ahli Parlimen perlu dipilih oleh Jawatankuasa Urusan Dewan berdasarkan pencalonan oleh whip parti. Ahli-ahli Parlimen bebas boleh berhubung dengan whip pembangkang berkenaan kedudukan bukan-kerajaan dan setiap seorang Ahli Parlimen mesti menganggotai sekurang-kurangnya satu Jawatankuasa. Semua Jawatankuasa dipengerusikan oleh parti yang memegang majoriti, dilantik oleh anggota-anggota jawatankuasa menerusi undi rahsia, kecuali Jawatankuasa Kira-kira Wang Negara. Seorang anggota Jawatankuasa kanan dari kalangan pembangkang juga perlu dilantik oleh ahli-ahli Jawatankuasa menerusi undi rahsia. Seseorang Ahli Parlimen yang mempunyai kepentingan kewangan tertentu secara langsung dengan sesuatu perkara yang sedang disiasat oleh Jawatankuasa tidak boleh menganggotainya. Sekiranya hak seseorang anggota untuk menganggotai sesuatu Jawatankuasa dicabar, ia boleh melaporkan perkara itu kepada Dewan untuk diatasi. Untuk memudahkan peralihan ke arah memanfaatkan sepenuhnya Jawatankuasa Tetap, GCPP mengakui bahawa jawatankuasa itu boleh dilaksanakan secara bertahap-tahap. Justeru itu, kami mencadangkan agar jawatankuasa terlebih dahulu dibentuk bagi mencerminkan kementerian-kementerian yang mempunyai belanjawan terbesar, seperti Pendidikan, Kewangan dan Dalam Negeri. Kementerian-kementerian lebih kecil boleh diletakkan di bawah jawatankuasa-jawatankuasa yang temanya hampir sama, misalnya Pendidikan dengan Belia dan Sukan. Selari dengan Parlimen-parlimen Westminster yang lain, sesebuah jawatankuasa boleh menyiasat dan membuat laporan tentang sebarang perkara yang dikemukakan kepadanya oleh Dewan atau seseorang Menteri, termasuk sebarang cadangan pra-perundangan, rang undang-

undang, usul, petisyen, undi atau perbelanjaan, hak-ehwal kewangan yang lain, laporan atau dokumen. Selain itu, kami menyeru ke arah sebuah penyusunan keinstitutional yang baru yang akan membolehkan sesi pertimbangan belanjawan di peringkat jawatankuasa diserahkan kepada jawatankuasa-jawatankuasa anggaran yang baru ditubuhkan.

Penelitian Perundangan

Setelah rang undang-undang dibaca buat kali kedua, ia diserahkan kepada jawatankuasa bersesuaian oleh Jawatankuasa Urusan Dewan (lihat halaman ?) atau Presiden Dewan Negara. Jika sesuatu rang undang-undang itu meliputi beberapa jawatankuasa, sebuah jawatankuasa sementara perlu dibentuk, dianggotai oleh ahli jawatankuasa-jawatankuasa terbabit. Jawatankuasa Urusan Dewan boleh menetapkan had masa terhadap jawatankuasa. Rang undang-undang diletakkan dalam kalendar jawatankuasa yang berkenaan. Rang undang-undang dalam Dewan Rakyat hanya boleh dilepaskan daripada jawatankuasa tanpa undian yang wajar dalam jawatankuasa menerusi petisyen pelepasan yang ditandatangani oleh majoriti Ahli Dewan Rakyat.

Langkah-langkah Jawatankuasa

- Agensi-agensi kerajaan diminta memberi ulasan tentang merit sesuatu rang undang-undang
- Perbicaraan mungkin diadakan. Bagi isu-isu melibatkan kepentingan orang ramai, setelah dipersetujui Pengerusi serta pembangkang yang menjadi anggota jawatankuasa kanan, perbicaraan di seluruh negara wajib diadakan.
- Undian dibuat oleh jawatankuasa.
- Jawatankuasa mengadakan sesi “mark-up” untuk membaca-ulang dan membuat penambahan. Sekiranya banyak pindaan dibuat, jawatankuasa boleh mengarahkan supaya satu “rang baru” dikemukakan dengan memasukkan pindaan yang dicadangkan. Rang undang-undang baru ini kemudian diberi nombor baru dan dikemukakan kepada dewan, manakala rang yang lama diketepikan.
- Setelah sesuatu rang undang-undang dilaporkan, kakitangan jawatankuasa menyediakan satu laporan bertulis menjelaskan mengapa mereka memilih rang tersebut dan mengapa mereka mahu sesuatu pindaan itu dibuat. Ahli jawatankuasa yang membantah sesuatu rang undang-undang boleh mencatatkan bantahannya dalam laporan tersebut. Laporan itu kemudian dikembalikan kepada Dewan Rakyat dan dimasukkan dalam kalendar.

Semua perbincangan Jawatankuasa perlu dibuka kepada orang awam, melainkan jika Pengerusi dan anggota pembangkang kanan merasakan sesi perlu dibuat secara tertutup, misalnya bagi isu berkaitan keselamatan negara. Perkara ini perlu kepada anjakan budaya di kalangan perkhidmatan awam. Berkhidmat kepada kerajaan bererti mereka perlu terbuka dan bertanggungjawab di depan orang ramai. Jawatankuasa perlu dibekalkan dengan kakitangan yang mencukupi dan diberi masa yang cukup untuk menyelidiki sesuatu rang undang-undang secara mendalam.

Jawatankuasa juga perlu diberi kebebasan yang cukup serta ruang waktu yang memadai. Pihak eksekutif tidak harus mengawal masa dengan menggunakan kuasanya untuk memendekkan tempoh perbincangan jawatankuasa.

| Penetapan Agenda Dalam Dewan Rakyat

Apa itu Penetapan Agenda Cabang Perundangan?

Penetapan agenda ialah proses penentuan aturan sidang Parlimen dan peruntukan waktu untuk soalan dan perbahasan. Dalam Parlimen Westminster, proses ini biasanya diperincikan dalam Peraturan Tetap.

Keadaan semasa di Malaysia

Seperti diperincikan dalam Peraturan Tetap 15(1) dan 15(2), pada masa ini agenda sidang ditetapkan oleh Kerajaan dan diserahkan kepada Setiausaha. Aturan sidang tidak memberi waktu kepada perbahasan Rang Undang-undang Persendirian atau urusan bukan-Kerajaan. Aturan sidang yang tersenarai dalam Peraturan Tetap menyebabkan urusan orang awam, usul pengenalan Rang Undang-undang bukan-Kerajaan dan perkaraperkara lain dalam aturan sidang dibahaskan di penghujung. Melihat kepada kekangan waktu sidang Parlimen, perkara-perkara ini jarang sempat dibahaskan. Selain itu, tiada peruntukan untuk mengemukakan soalan kepada Perdana Menteri kerana waktu hanya diperuntukkan untuk soalan kepada para menteri. Tiada Kabinet Bayangan yang diiktiraf secara rasmi di Parlimen untuk menyoal menteri-menteri yang berkaitan.

Contoh dari New Zealand

Di New Zealand, Jawatankuasa Urusan Parlimen bersidang dan dipengerusikan oleh Speaker Dewan. Parti-parti yang mempunyai sekurang-kurangnya enam Ahli Parlimen berhak menghantar wakil ke jawatankuasa ini. Selain itu, parti-parti yang mempunyai kurang daripada enam Ahli Parlimen dan menganggotai pakatan kerajaan berhak menghantar seorang wakil di kalangan mereka. Parti-parti lain yang mempunyai kurang daripada enam Ahli Parlimen dan Ahli-ahli Parlimen bebas juga mempunyai hak yang sama. Anggota Jawatankuasa Urusan Dewan biasanya dari kalangan whip parti. Keputusan Jawatankuasa Urusan Dewan perlu dibuat sebulat suara atau sekurang-kurangnya hampir sebulat suara, bererti Speaker berpuas hati bahawa pihak yang mewakili majoriti besar Ahli Parlimen memihak kepada sesuatu keputusan.

Jawatankuasa Urusan Dewan boleh menentukan bahawa:

1. Penyelarasan dibuat terhadap jumlah jam sesuatu hari persidangan
2. Aturan sidang yang akan dilaksanakan dalam Dewan
3. Bila sesuatu perkara dibincangkan dalam Dewan
4. Tempoh yang diperuntukkan untuk sesuatu perbahasan
5. Dua atau lebih daripada dua perkara boleh disatukan untuk tujuan perbahasan
6. Pembahagian masa untuk perbahasan sesuatu perkara diperuntukkan di kalangan parti-parti yang mempunyai wakil dalam Dewan
7. Had masa untuk seseorang Ahli Dewan membahaskan sesuatu perkara
8. Apa-apa perkara lain yang diserahkan kepada jawatankuasa menurut Peraturan Tetap.

Saranan GCPP

Parlimen seharusnya menjadi tempat untuk wakil-wakil rakyat Malaysia yang majmuk mengemukakan buah fikiran yang mereka percaya dapat memelihara kepentingan para pengundi di kawasan mereka. Kegiatan eksekutif sepatutnya boleh diselidiki dan dasardasar alternatif daripada Pembangkang sepatutnya dibenarkan untuk dikemukakan.

Bagi memastikan Parlimen menjadi sebuah badan yang dapat memenuhi peranan tersebut, GCCP mencadangkan perkara berikut:

1. Sebuah Jawatankuasa Urusan Dewan dibentuk, berasaskan model New Zealand. Bagaimanapun, dari segi keanggotaan, ruang tambahan perlu dibuka kepada backbenchers. Seorang backbencher daripada setiap parti (biasanya ketua Kelab Backbenchers) harus menganggotai jawatankuasa ini.
2. Pengiktirafan terhadap Kabinet Bayangan dengan peruntukan masa tertentu untuk mempersoalkan menteri berkaitan. Parti terbesar atau gabungan yang gagal membentuk kerajaan menjadi Pembangkang Rasmi dan mengemukakan Kabinet Bayangan. Ia juga perlu diberikan akses kepada maklumat kementerian bagi membolehkannya menjalankan kerja pengawasan dengan baik. Selain itu, parti-parti minoriti yang mempunyai sekurang-kurangnya lima wakil di Dewan Rakyat perlu diberikan pengiktirafan rasmi. Pengiktirafan rasmi ini seharusnya membolehkan Ketua, Timbalan Ketua dan Whip parti berkenaan mendapat elaun tambahan dan peruntukan masa untuk bercakap dalam sesi perbahasan. Urusan pentadbiran, misalnya kemudahan pejabat dan susunan tempat duduk dalam Dewan, selain peruntukan untuk penyelidikan dan belanjawan yang berkaitan, juga perlu ditangani. Pendanaan untuk parti-parti Pembangkang di kedua-dua Dewan Rakyat dan Dewan Negara akan menyumbang ke arah pembentukan barisan pembangkang yang berkesan di Parlimen. Pengawasan secara ketat oleh parti-parti bukan-kerajaan akan mengukuhkan dasar-dasar kerajaan sendiri. Konsep ini disebut sebagai “Chort Money” dan “Cranborne Money” di UK.
3. Peruntukan masa khusus untuk menyoal Perdana Menteri dan pengiktirafan terhadap peranan Ketua Pembangkang dalam Kabinet Bayangan untuk menyoal Perdana Menteri.
4. Untuk menjadikan semua sidang parlimen lebih dapat dicapai dan dapat dipertanggungjawabkan, RTM perlu mewujudkan saluran parlimen sepanjang 24 jam, tanpa suntingan dan tanpa ulasan.
5. Peratusan hari persidangan yang munasabah diperuntukkan kepada urusan Pembangkang.
6. Peraturan Tetap mesti dipinda bagi membolehkan Speaker dipilih hanya dari kalangan ahli Dewan Rakyat. Hanya Ahli Parlimen yang layak untuk jawatan Speaker. Ini bagi memastikan tahap

kebertanggungjawaban yang baik bagi kerusi Speaker. Jika timbul keadaan di mana beza kerusi hanya satu, bagi mengelakkan ‘hung Parliament’, Speaker boleh memberi undi pemutus.

| Meningkatkan Peruntukan Sumber Di Peringkat Parlimen Bagi Penyelidikan Dan Pembangunan Kawasan

Keadaan semasa perkhidmatan penyelidikan bagi Ahli Parlimen dan Senator di Malaysia

Pada masa sekarang, Ahli Parlimen dan Senator mempunyai hanya sedikit masa untuk meneliti dokumen-dokumen penting seperti laporan Jawatankuasa Kira-kira Wang Negara, laporan tahunan badan berkanun dan laporan audit bagi setiap sesi Parlimen. Mereka juga tidak mempunyai sumber untuk menyelidiki parundangan secara mendalam. Untuk menghasilkan proses perumusan keputusan yang berkesan, Ahli Parlimen dan Senator perlu dibekalkan dengan maklumat daripada penyelidikan yang terkini, tepat dan mendalam. Penyelidikan yang dibuat juga sepatutnya memenuhi keperluan khusus setiap seorang Ahli Parlimen dan Senator. Sebagai contoh, seorang Ahli Parlimen dari Sabah mungkin mempunyai keperluan penyelidikan yang berlainan untuk meneliti laporan Siasatan Suruhanjaya Diraja berkenaan Pendatang Asing di Sabah berbanding seorang Ahli Parlimen dari Kuala Lumpur. Malaysia sejauh ini ketinggalan berbanding negara-negara lain di rantau ini dalam soal menyediakan kemudahan asasi kepada ahli-ahli politik negara. Sebagai contoh, di Indonesia, setiap Ahli Parlimen dibolehkan menggaji dua orang kakitangan yang dibayar oleh Parlimen: seorang pembantu peribadi dan seorang pembantu penyelidik. Di Taiwan, sokongan yang lebih besar diberikan kepada ahli-ahli parlimen negara itu. Setiap seorang ahli Legislative Yuan dibolehkan untuk mengambil antara 8 ke 14 orang pembantu berkontrak dan gaji mereka dibayar oleh dewan perundangan itu. Selain itu, Parlimen diperuntukkan hanya RM89 juta setahun daripada belanjawan persekutuan, sedangkan Kementerian Pengangkutan menerima RM4.5 bilion. Peruntukan dana yang begitu kecil menimbulkan persoalan bagaimana Parlimen mampu menjadi sebuah cabang urus tadbir yang berkesan. Jabatan Penyelidikan Parlimen sedang dirombak dan perubahan sedang dibuat terhadap modus operandi jabatan tersebut dan KPI-nya. Bagaimanapun, perubahan yang akan terhasil kemungkinan besar tidak memadai bagi meningkatkan mutuperbahasan dan penggubalan undang-undang di Parlimen.

Sebahagian Ahli Parlimen tidak sedar bahawa Jabatan Penyelidikan tersedia untuk mereka, manakala mereka yang menyedarinya pula menyebut tentang mutu kerja kakitangan jabatan itu yang rendah atau keengganan mereka untuk bekerjasama dengan Ahli Parlimen Pembangkang. Para penyelidik jabatan itu sendiri merasa mereka tidak begitu berguna, memandangkan Ahli Parlimen lebih mengharapkan bantuan luar, termasuk para penyelidik dari Kelab Penyokong Kerajaan BN dan badan-badan pemikir Pakatan Rakyat.

Keadaan semasa berkenaan peruntukan untuk pembangunan kawasan bagi Ahli Parlimen di Malaysia

Ahli-ahli Parlimen setakat ini diberikan sekitar RM1 juta seorang untuk pembangunan kawasan masing-masing. Dana untuk Ahli Parlimen Pembangkang tidak diberikan secara langsung kepada mereka dan biasanya disalurkan menerusi Jabatan Pembangunan Persekutuan yang berada di bawah Jabatan Perdana Menteri. Untuk Ahli Parlimen Kerajaan, peruntukan diberikan secara langsung kepada mereka. Ahli Parlimen Pembangkang kerap berdepan kesukaran untuk mendapatkan dana yang telah disalurkan kepada Jabatan Pembangunan Persekutuan di peringkat negeri. Dana ini biasanya digunakan oleh kedua-dua Ahli Parlimen Pembangkang dan juga Kerajaan untuk melayan pengundi mereka dan dalam beberapa kes digunakan dalam bentuk membeli undi. Ini adalah alasan mengapa kerajaan negeri dan persekutuan enggan memberikan dana kepada wakil rakyat dari parti lawan.

Saranan GCPP

Dana untuk penyelidik peribadi Peruntukan sepatutnya diberikan kepada setiap seorang Ahli Parlimen dan Senator, di samping elaun peribadi atau gajinya, untuk membolehkan mereka mendapatkan pembantu penyelidikan bermutu tinggi. Proses pengambilan dan kelayakan penyelidik yang diambil seharusnya boleh disemak oleh orang ramai bagi mencegah nepotisme daripada menular. Setiap Ahli Parlimen perlu diperuntukkan dengan sejumlah dana tetap untuk menggaji kakitangan. Jawatankuasa Parlimen boleh memantau pengambilan kakitangan dan kadar gaji para penyelidik secara terperinci. Selain itu, jawatankuasa ini perlu meninjau pembaharuan Jabatan Penyelidikan Parlimen bagi memastikan mutu kerja yang dihasilkan dan akses yang saksama kepada semua

Ahli Parlimen. Salah satu ciri penting yang perlu ada pada jabatan ini ialah keupayaannya untuk membantu kerja-kerja jawatankuasa Parlimen. Jabatan ini juga seharusnya memiliki beberapa cabang yang disusun berdasarkan pengkhususan dan ditugaskan membantu Jawatankuasa Parlimen menurut keperluan. Bahan penyelidikan yang tersedia juga perlu dipertingkatkan. Sebagai contoh, rekod semua sidang Parlimen, termasuk soalan bertulis, perlu disimpan di samping Hansard. Jabatan ini juga perlu menerbitkan hasil penyelidikan ke atas isu-isu penting. Sebagai contoh, kertas penyelidikan tentang peristiwa antarabangsa atau perubahan iklim akan memberi manfaat kepada Ahli Parlimen dan membolehkan mereka mengikuti perkembangan terkini tentang isu terbabit. Akses kepada maklumat bagi para penyelidik jabatan ini juga perlu dijamin.

Dana pembangunan kawasan

Dana “pembangunan kawasan” perlu dimansuhkan dan diganti dengan dana untuk pejabat Ahli Parlimen dan dana pentadbiran. Berbanding dana pembangunan yang boleh disalahguna oleh ahli-ahli politik untuk menganjurkan majlis dan menjalankan kempen politik, dana pentadbiran ini boleh dipantau secara ketat bagi memastikan ia digunakan hanya untuk membiayai kos operasi pejabat Ahli Parlimen di kawasan masing-masing. Jika ada keperluan terhadap dana pembangunan, ia boleh disalurkan menerusi majlis kerajaan tempatan dan Ahli Parlimen serta ADUN boleh dilantik sebagai exco majlis.

| Pembaharuan Dewan Negara

Fungsi Dewan Negara

Dewan Negara, atau Senat, adalah Dewan Tinggi Parlimen. Dewan Negara menyemak undang-undang yang telah diluluskan oleh Dewan Rendah (Dewan Rakyat). Dewan Tinggi bagi negara-negara seperti AS dan Australia mempunyai kuasa agak besar. Di Australia, sebagai contoh, Dewan Tinggi negara itu boleh menyekat undang-undang yang dikemukakan oleh Dewan Rendah. Di Malaysia, Dewan Negara pada asalnya dibentuk untuk menyemak Dewan Rakyat dan mewakili kepentingan negeri-negeri. Para Senator bertanggungjawab meneliti dan membahaskan rang undang-undang yang telah digubal oleh Dewan Rakyat sebelum ia

diluluskan sebagai akta. Dalam soal rang undang-undang kewangan, jika Dewan Rakyat telah meluluskannya tetapi tidak diluluskan oleh Dewan Negara selepas tempoh sebulan rang berkenaan dikemukakan kepadanya, ia boleh dikemukakan kepada Yang di-Pertuan Agong untuk mendapatkan perkenan baginda. Bagi rang undang-undang bukan kewangan, jika Dewan Negara memilih untuk tidak meluluskannya dalam tempoh sebulan setelah ia dikemukakan, rang berkenaan boleh ditangguhkan selama setahun dan setelah itu Dewan Rakyat boleh meluluskan sekali lagi rang itu dan mengemukakan kepada Dewan Negara untuk diluluskan. Kali kedua ini, jika Dewan Negara tidak meluluskannya dalam tempoh sebulan setelah dikemukakan, rang itu boleh dikemukakan kepada Yang di-Pertuan Agong untuk mendapatkan perkenan baginda.

Keadaan semasa Dewan Negara Malaysia

Dalam sistem perundangan dwi-dewan, dewan tinggi berperanan menyemak keputusan yang dibuat oleh dewan rendah yang biasanya lebih berkuasa. Di Malaysia, Ahli Dewan Negara tidak dipilih dan mereka tidak dianggap mewakili rakyat. Dewan Negara kini dianggotai oleh 70 Senator. Dua puluh enam daripada mereka dipilih oleh Dewan Undangan Negeri mewakili 13 negeri (setiap negeri diwakili dua Senator) dan 44 ahli lain dilantik oleh Yang di-Pertuan Agong berdasarkan nasihat Perdana Menteri, termasuk dua ahli dari Wilayah Persekutuan Kuala Lumpur serta seorang ahli dari Wilayah Persekutuan Labuan dan Putrajaya. Ertinya, jumlah Senator yang dilantik oleh negeri mengatasi jumlah senator yang dilantik oleh Yang di-Pertuan Agong berdasarkan nasihat Perdana Menteri. Walaupun Dewan Negara boleh meminda atau menangguhkan kelulusan sesuatu rang undang-undang, ia amat jarang berlaku, sehinggakan apabila para senator wanita membantah pindaan ke atas Undang-undang Keluarga Islam pada tahun 2005, ia menjadi berita panas. Bagaimanapun, tidak lama kemudian, para senator wanita terbabit didesak oleh whip parti masing-masing untuk mengundi bagi meluluskan rang undang-undang berkenaan.

Pembaharuan Dewan Negara Dari Sudut Pandang Lebih Luas

Soal pembaharuan Dewan Negara perlu didekati secara holistik. Ia bukan saja berhajat kepada perbincangan mendalam serta pertimbangan menyeluruh berkenaan komposisinya, kaedah pelantikan, keabsahan dari segi demokrasi serta kemampuan perundangannya. Asas kewujudan Dewan Negara sendiri perlu dinilai semula, bermula sejak kelahiran negara ini pada tahun 1963 – apa yang diperlukan untuk memelihara Malaysia sebagai sebuah demokrasi berparlimen persekutuan? Sejauh mana Dewan Negara penting atau sejauh mana kepentingannya dalam mengukuhkan kesatuan antara Malaya, Sabah dan Sarawak (setelah Singapura keluar pada tahun 1965)? Di negara persekutuan seperti Amerika Syarikat dan Australia, hak-hak negeri dijamin terutamanya menerusi dewan kedua dan urustadbir secara nyah-pusat. Malangnya, perkara ini tidak terjadi di Malaysia kerana Dewan Negara hanya bertindak sebagai rubber stamp dan peranan kerajaan pula banyak dipusatkan. Bagi Sabah dan Sarawak, kepentingan kedua-dua negeri itu dipelihara menerusi: (a) Perwakilan secara tidak seimbang di Dewan Rakyat, di mana $\frac{1}{4}$ daripada kerusi parlimen pada masa ini mewakili hanya $\frac{1}{6}$ jumlah keseluruhan pengundi; (b) Kuasa tambahan untuk negeri seperti tersenarai dalam Senarai IIA dan Senarai IIIA dalam Jadual Kesembilan; (c) Perlindungan di luar perlembagaan, seperti kawalan imigresen dalaman. Bagi negerinegeri lain, bidang kuasa yang diberikan terhad ke atas tanah, kerajaan tempatan dan Islam. Pemusatan sedemikian tidak membawa kepada perpaduan kebangsaan dan keseimbangan serantau. Negeri-negeri terhalang daripada menjadi inovatif dan sukar untuk menggubal dasar yang lebih mampu memenuhi kepentingan warga. Keadaan ini bukan saja menyebabkan gagal terhasil persaingan sengit antara negeri yang boleh memberi faedah kepada rakyat, malah ia meningkatkan pemusatan birokrasi di tangan pusat, ketidakseimbangan serantau dan turut menimbulkan sentimen pemisah. Pembaharuan Dewan Negara dengan itu bukan saja bertujuan untuk mengatasi kelesuan dewan kedua itu dan meningkatkan mutu perundangan, malah ia secara asasi bertujuan mengukuhkan sistem persekutuan bagi meningkatkan perkongsian kuasa dan pentadbiran-kendiri secara bermakna, khususnya bagi negeri-negeri yang kurang penduduk dan kelompok terpinggir seperti wanitadan orang asal.

Saranan GCPP

GCPP dengan ini mencadangkan pembaharuan Dewan Negara dalam satu pakej nyahpemusatan dan perwakilan sekata:

1. Nyah-pemusatan kuasa bagi memungkinkan kewujudan kerajaan berbilang lapisan yang bermakna. Kuasa perlu dibahagikan kepada negeri-negeri agar negerinegeri pula dapat membahagikan kuasa lain kepada kerajaan tempatan dan daerah yang dipilih menerusi pengundian. Ruang lingkup dan kadar nyah-pemusatan mesti ditentukan menerusi perbincangan dan perundingan awam, dengan Sabah dan Sarawak dilayan sebagai rakan kongsi yang setara dengan Malaysia sejajar dengan Perjanjian Malaysia 1963.
2. Kerusi di Dewan Rakyat perlu diperuntukkan di kalangan negeri dan wilayah persekutuan menurut kadar yang seimbang dengan jumlah penduduk masing-masing.
3. Pilihanraya Senat:
 - 3.1. Semua senator perlu dipilih sebagai wakil negeri menerusi undian di peringkat negeri menurut Senarai Parti dan Sistem Perwakilan Berimbang untuk satu tempoh yang ditetapkan.
 - 3.2. Semua negeri diberikan sekurang-kurangnya tiga kerusi, dengan kerusi tambahan diberikan kepada negeri yang berpenduduk lebih padat. Bagaimanapun, jumlah wakil bagi negeri-negeri lebih besar harus kekal lebih rendah sebagai satu langkah untuk melindungi negeri-negeri kecil.
 - 3.3. Sabah, Sarawak, dan Wilayah Persekutuan Labuan secara keseluruhan harus memegang sekurang-kurangnya sepertiga kerusi Dewan Negara bagi membolehkan mereka memveto sebarang isu yang boleh menjejaskan kepentingan mereka.
 - 3.4. Sehingga tiga kerusi perlu diperuntukkan kepada para pengundi dari kalangan Orang Asli Malaysia Barat yang memilih untuk tidak mengundi dalam pilihanraya Senat negeri.

Pemeriksaan
Jawatankuasa
Parlimen
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