

Statement of the Seed Community for a Professional Parliament (20 January 2022):

The PSSC Has The Mandate to Conduct an Inquiry on Azam Baki Issue

We, the undersigned civil society groups, refer to the news report on the statement of the Chairman of the Special Select Committee (PSSC) for Agencies under the Prime Minister's Department (PMD), YB Abdul Latiff Abdul Rahman, who had decided to postpone the meeting scheduled yesterday due to technical legal reasons raised by the Chief Commissioner, Malaysian Anti -Corruption Commission (MACC), Tan Sri Azam Baki.

Several parties also expressed the view that a motion from the Dewan Rakyat is required to refer this issue to the PSSC to enable the PSSC to conduct a proceeding including an inquiry on Tan Sri Azam Baki's case, in accordance with the Standing Orders (SO) of the Dewan Rakyat.

We are of the view that the SO and terms of reference (TOR) for a PSSC should be read together with the purpose of forming PSSCs in harmony to enable PSSCs to carry out its functions effectively. Dewan Rakyat on 11 November 2020 passed a motion to form PSSCs and gave a mandate to the PSSC for Agencies under the PMD to scrutinise and evaluate the implementation of policies and operations related to agencies under the PMD such as MACC and its members. The current TOR of the PSSC for Agencies under the PMD also provides the power to call anyone before it from time to time in accordance with SO 83(2).

The mandate given by the Dewan Rakyat should be interpreted broadly that the PSSCs have been empowered to determine the issues that need to be studied or investigated and there is no need for a reference from Dewan Rakyat for each issue because the mandate has been broadly given. If the Dewan Rakyat reference is required for each issue that is to be studied or investigated by the PSSCs, it makes the PSSCs ineffective and at the same time defeating the purpose of the establishment of the PSSCs itself to perform an effective oversight function on agencies under the PMD.

The interpretation of these broad TOR has in fact also become a convention and custom by other current PSSCs where they themselves determine the issues to be studied and investigated without having to be referred by the Dewan Rakyat. For example, the PSSC on Women and Children Affairs and Social Development and the PSSC on Health, Science and Innovation have conducted meetings and hearings on issues in their jurisdiction without the need for reference by the Dewan Rakyat after a broad mandate has been given.

This practice is also a common practice or convention by PSCs in countries with mature parliamentary democracy, especially the Westminster parliamentary system.

We would like to remind all parties, especially the Chairman of the PSSC and the Speaker of the Dewan Rakyat, that the interpretation of each issue that PSSCs want to take up needs reference from the Dewan Rakyat is a very narrow and regressive approach and will affect the operations of other PSSCs in future if this approach continues to be taken solely to prevent an inquiry into Tan Sri Azam Baki now. PSSCs should be given space to perform their functions independently to investigate issues that involve the public interest like this.

*This statement is initiated by the **Seed Community for a Professional Parliament**, a network of individuals active in civil society organisations, think tanks and academia working towards a professional Parliament that facilitates healthy policy competition between parties.*

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Signed by:

1. The Coalition for Free and Fair Elections (BERSIH)
2. Institute for Democracy and Economic Affairs (IDEAS)
3. Persatuan Pengundi Muda (Undi18)
4. ENGAGE

5. Bait Al-Amanah

6. Institute for Political Reform and Democracy (REFORM)

7. WISDOM Foundation