

Speaker  
Dewan Selangor  
2/10

Nevertheless, I am appalled that the Prime Minister had chosen to believe an errant assemblyman rather the Speaker of the Legislative Assembly who is carrying out his duty in accordance with law supported by official record.

I am also deeply appalled by the level of ignorance displayed by the Deputy Speaker of Dewan Rakyat, Datuk Wan Junaidi Wan Ahmad that it is for the Assembly to decide collectively whether a seat were to be vacated and that it is not for the Speaker to announce it.

Datuk Wan Junaidi may be correct if the situation occurred in Dewan Rakyat for Article 52(1) of the Federal Constitution expressly provides that :-

"If a member of either House of Parliament is without the leave of **the House** absent from every sitting of **the House** for a period of six months **the House** may declare his seat vacant." (emphasis added)

However, it is also expressly and unambiguously provided in Art LXIX of Laws of Constitution of Selangor 1959 that:-

"If a member of the Legislative Assembly is without the leave of **the Speaker** absent from every sitting thereof for a period of six months his seat shall be declared vacant by **the Speaker.**"

It does not need a lawyer to understand the difference between the 2 clauses and the difference between the House and the Speaker. Perhaps Datuk Wan Junaidi may have to go back to law school or English school to do a revision course if he fails to understand the difference.

I also wish to remind the Election Commission that as far as the Laws of Constitution of Selangor 1959 is concerned, it is unequivocally stipulates that the Speaker is the authority that decides if a seat shall be vacant and thereafter it is the duty of the Election Commission to conduct a by election to fill up the vacancy within 60 days from such vacancy. It is not the business of the Election Commission to decide on behalf of the Speaker or to dispute the declaration made by the Speaker. It is an act of contempt of the House and the Laws of Constitution of Selangor if the Election Commission were to do so. Please read the law conscientiously.

Speaker  
Dua Sign

A ... On a number of occasions, the House of Commons or a committee has endeavoured to elucidate this very broad understanding. The Select Committee on the Official Secrets Act in 1938-39 argued that "proceedings" covered both the asking of a question and the giving or written notice of the question, and includes everything said or done by a Member in the exercise of his functions as a Member in a committee of either House, as well as everything said or done in either House in the transaction of parliamentary business. After considering the scope of the protection, the committee concluded:

C cases may be easily imagined of communications between one Member and another or between a Member and a minister so closely related to some matter pending in or expected to be brought before the House that, although they do not take place in the Chamber or a committee room, they form part of the business of the House, as for example where a Member sends to a minister the draft of a question he is thinking of putting down, or shows it to another Member with a view to obtaining advice as to the propriety of putting it down or as to the manner in which it should be framed.

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E The conclusions of the committee were later agreed to by the House.

F In 1947, the House of Commons accepted the conclusion of its Committee of Privileges that "attendance of Members at a private party meeting held in the precincts ... during the parliamentary session to discuss parliamentary matters ... is attendance in their capacity as Members of Parliament".

And at p. 188 the text continues:

G ... In general, the judges have taken the view that when a matter is a proceeding of the House, beginning and terminating within its own walls, it is obviously outside the jurisdiction of the courts, though there may be an exception for criminal acts so far as they may be comprehended within the term proceedings in Parliament ...

I [31] Hence we unanimously ruled that the decision of the respondent Speaker declaring the three State seats of N59 Behrang, N14 Changkat Jering and N31 Jelapang vacant was unlawful and therefore null and void as the decision was contrary to art. 36(5) of the Perak Constitution. Accordingly, our answer

