

**MESYUARAT JAWATANKUASA PILIHAN KHAS MENIMBANG RANG UNDANG-UNDANG
BILIK MESYUARAT JAWATANKUASA 2, BLOK UTAMA
BANGUNAN PARLIMEN, PARLIMEN MALAYSIA**

KHAMIS, 10 OKTOBER 2019

AHLI-AHLI JAWATANKUASA

Hadir

YB. Tuan Ramkarpal Singh a/l Karpal Singh [Bukit Gelugor] - *Pengerusi*
YB. Puan Rusnah binti Aluai [Tangga Batu]
YB. Dr. Su Keong Siong [Kampar]
YB. Tuan Larry Soon @ Larry Sng Wei Shien [Julau]
YB. Datuk Seri Panglima Wilfred Madius Tangau [Tuaran]
YB. Dato' Sri Azalina Othman Said [Pengerang]
YB. Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar [Santubong]
YBhg. Datuk Roosme binti Hamzah - *Setiausaha*

URUS SETIA

Encik Wan Ahmad Syazwan bin Wan Ismail [Ketua Penolong Setiausaha, Seksyen Pengurusan Kamar Khas Bahagian Pengurusan Dewan Rakyat]
Encik Norzuhlilmi bin Nozir Ahmad [Penolong Setiausaha Kanan Seksyen Perundangan dan Prosiding, Bahagian Pengurusan Dewan Rakyat]
Cik Munirah binti Muhamed Padzil [Penasihat Undang-undang I, Pejabat Penasihat Undang-undang, Pejabat Ketua Pentadbir]
Cik Aiza binti Ali Raman [Penasihat Undang-undang II, Pejabat Penasihat Undang-undang, Pejabat Ketua Pentadbir]
Puan Lee Jing Jing [Jurubahasa Serentak Kanan I, Seksyen Jurubahasa dan Terjemahan, Bahagian Pengurusan Dewan Rakyat]
Cik Fatin 'Izzati binti Mohd Radzi [Jurubahasa Serentak Kanan II, Seksyen Jurubahasa dan Terjemahan, Bahagian Pengurusan Dewan Rakyat]
Puan Wan Noor Zaleha binti Wan Hassan [Pegawai Penyelidik, Seksyen Antarabangsa dan Keselamatan, Bahagian Penyelidikan dan Perpustakaan]
Puan Siti Fahlizah binti Padlee [Pegawai Penyelidik, Seksyen Sains, Tenaga dan Teknologi, Bahagian Penyelidikan dan Perpustakaan]

HADIR BERSAMA

Suruhanjaya Integriti Agensi Penguatkuasaan (SIAP)

YBrs. Tuan Mohamad Onn bin Abd. Aziz [Setiausaha]
Puan Eda Mazuin binti Abdul Rahman [Penasihat Undang-undang]

samb/-

HADIR BERSAMA**Pusat Governans, Integriti dan Anti-Rasuah (GIACC)**

YBhg. Tan Sri Abu Kassim bin Mohamed [Ketua Pengarah]

Polis Diraja Malaysia (PDRM)

YBhg. SAC Dato' Mohd Azman bin Ahmad Sapri [Ketua Urus setia KPN (Perundangan)]

Kementerian Dalam Negeri (KDN)

Encik Yusran Shah bin Mohd Yusof [Setiausaha Bahagian Keselamatan]

Bahagian Hal Ehwal Undang-undang (BHEUU)

YBhg. Dato' Rohaizi bin Bahari [Timbalan Ketua Pengarah (Dasar dan Pembangunan)]

Pejabat Penasihat Undang-undang JPM

YBhg. Datuk Almalena Sharmila binti Dato' Dr. Johan [Penasihat Undang-undang]

Jabatan Peguam Negara

Encik Peh Suan Yong [Timbalan Penggubal Undang-undang Parlimen I]

Puan Farah Azlina binti Latif [Penolong Kanan Penggubal Undang-undang Parlimen]

HADIR BERSAMA**United Nations Development Programme**

David Elder [UNDP *Consultant*]

Hezry Hashim

Setiausaha Sulit kepada YB. Dato' Sri Azalina Othman Said

LAPORAN PROSIDING

MESYUARAT JAWATANKUASA PILIHAN KHAS MENIMBANG RANG UNDANG-UNDANG PARLIMEN KEEMPAT BELAS, PENGGAL KEDUA

Khamis, 10 Oktober 2019

Bilik Jawatankuasa 2, Tingkat 2 Blok Utama,
Parlimen Malaysia, Kuala Lumpur

Mesyuarat dimulakan pada pukul 3.06 petang

*[Yang Berhormat Tuan Ramkarpal Singh a/l Karpal Singh **mempengerusikan Mesyuarat**]*

Tuan Pengerusi: Selamat petang saya mengucapkan kepada semua para hadirin yang hadir petang ini. Ini adalah satu sesi perjumpaan yang amat bermakna dan amat bersejarah seperti yang telah pun dikatakan oleh Tan Sri tadi. *It is a first select committee.* Ini adalah rujukan satu rang undang-undang kepada *select committee* untuk pertimbangan rang undang-undang (*the select committee for the consideration of bills*).

Ini adalah satu – sebelum saya berkata berkenaan dengan tujuan kami berkumpul di sini hari ini, pertama sekali izinkan saya mengucapkan ataupun mengalu-alukan kehadiran kesemua mereka yang terlibat dalam misi ini. Pertamanya, kepada Ahli-ahli jawatankuasa, kepada Yang Berhormat Puan Rusnah binti Aluai, Ahli Parlimen kawasan Tangga Batu; Yang Berhormat Dr. Su Keong Siong, Ahli Parlimen Kampar; Yang Berhormat Tuan Larry Soon @ Larry Sng Wei Shien, Ahli Parlimen Julau dan Yang Berhormat Datuk Seri Panglima Wilfred Madius Tangau, Ahli Parlimen Tuaran. Selain itu juga, Yang Berhormat Dato' Sri Azalina Othman Said, Ahli Parlimen Pengerang; Yang Berhormat Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar, Ahli Parlimen Santubong *and of course* Yang Berbahagia Datuk Roosme binti Hamzah. Kami selalu memerlukan perkhidmatannya. *She's always very helpful and I am very happy that she is with us.*

Kepada semua wakil tetap, *ex-officio officials* dari agensi-agensi kerajaan yang akan juga berada bersama kami di dalam *select committee* ini iaitu dari Jabatan Peguam Negara, Pusat

Governans, Integriti dan Anti-Rasuah Nasional (GIACC), Suruhanjaya Integriti Agensi Penguatkuasaan (SIAP), Kementerian Dalam Negeri (KDN), Polis Diraja Malaysia (PDRM), Bahagian Hal Ehwal Undang-undang Jabatan Perdana Menteri dan juga kepada Pejabat Penasihat Undang-undang Jabatan Perdana Menteri. So, semua ada di sini, bukan? So, saya mengucapkan terima kasih kerana hadir bersama dengan kami hari ini.

Seperti yang tuan-tuan dan puan-puan sedia maklum, rang undang-undang iaitu yang berkenaan dengan *the Independent Police Complaint of Misconduct Commission* (IPCMC) telah dibahaskan pada hari Isnin baru-baru ini pada tujuh hari bulan dan telah diputuskan untuk ianya dirujuk kepada *select committee* ini bagi tujuan mendapatkan *feedback* dan juga mengumpulkan apa-apa bahan maklumat yang boleh kami dapat bagi tujuan menambah baik rang undang-undang tersebut.

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That is our primary purpose. Adalah untuk kami berjumpa dengan semua *stakeholders* yang berkenaan dengan rang undang-undang ini cukup penting. Ini perlu dititikberatkan. *This is a very important bill.* Ini adalah satu undang-undang yang akan mempunyai *far reaching consequences* yang akan kena-mengena dengan pihak polis dan perlu diperhalusi dengan begitu cermat agar ia dilaksanakan dengan baik.

Jadi, mengikut usul Yang Berhormat Menteri di Jabatan Perdana Menteri, ini adalah usulnya yang saya akan petikanlah apa yang dinyatakan. Saya *quote* ya,

“Bahawa berdasarkan kepada Peraturan Mesyuarat 54(2), suatu usul bagi menyerahkan Rang Undang-undang Suruhanjaya Bebas Aduan Salah Laku Polis (Pindaan) 2019 kepada Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang. Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang hendaklah meneliti rang undang-undang tersebut dan membentangkan suatu penyata yang mengandungi cadangan penambahbaikan kepada rang undang-undang tersebut yang hendaklah dibentangkan kepada Dewan ini tidak lewat daripada 18 November tahun ini.”

Bulan hadapan iaitu lebih kurang *six weeks or less than that*. So, kita mempunyai masa yang terhad. *We have a very limited time* untuk menjalankan tugas kami ini. Saya dengan tidak melengahkan masa menjemput Yang Berbahagia Tan Sri Abu Kassim bin Mohamed, Ketua Pengarah Pusat Governans, Integriti dan Anti-Rasuah Nasional (GIACC).

Datuk Seri Wan Junaidi bin Tuanku Jaafar [Santubong]: Tuan Pengerusi.

Tuan Pengerusi: Yes? Sebelum itu...

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *One technical question.*

Tuan Pengerusi: Yes.

Datuk Seri Wan Junaidi bin Tuanku Jaafar: Kalau kita baca Peraturan Mesyuarat 81(2), saya baca ya dalam bahasa Melayu, “*Dengan tertakluk di perintah Majlis, sesebuah Jawatankuasa Pilihan Khas berkuasa memilih Pengerusinya sendiri*”. Persoalan saya, bila kita pilih Pengerusi?

Setiausaha: Biar saya jawab ya. Untuk makluman semua, Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang ini telah pun— penyatannya telah dibentangkan di dalam Dewan. Senarai ahli-ahlinya pun telah dibentangkan di dalam Majlis. Tarikh itu nanti saya boleh maklumkan kepada Yang Berhormat tentang tarikh pembentangan nama-nama ahli bagi setiap Jawatankuasa Pilihan Khas yang telah dibentuk oleh Majlis.

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Selection committee?*

Setiausaha: *Selection committee* telah pun memilih dan membentangkan penyata. So, mungkin kita akan beri balik tarikh pembentangan penyata itu.

Datuk Seri Wan Junaidi bin Tuanku Jaafar: Ini soalan *in-house* punya *management*. Oleh sebab dalam – kalau, *if I read properly Standing Order 81(2)*, badan yang dilantik bermesyuarat selepas itu memilih Pengerusi. *Then*, orang yang dipilih pada ketika itu oleh beberapa orang ahli ini jadi Pengerusi. Itu yang pertama.

Kedua, kalau Pengerusi tidak ada, yang baki tinggal itu boleh memilih lagi Pengerusi untuk hari itu sahaja, mesyuarat hari itu. Selepas itu ia balik kepada Pengerusi yang dipilih awal mesyuarat yang pertama. Itu yang saya hendak tanya. Jadi, adakah peraturan ini terpakai ataupun kita lupakan sahaja peraturan? *I have no problem.*

Tuan Pengerusi: Peraturan mesyuarat ini memberi kuasa, *shall give the power to the committee to elect or select a Chairman.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: Ya.

Tuan Pengerusi: *That is— I think a deeming provision which allows the committee to do so.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: [*Bercakap tanpa menggunakan pembesar suara*]

Tuan Pengerusi: *Hold on, hold on. Let me finish. So, I think in this case—* dalam kes ini sepertimana yang telah pun dijelaskan oleh Datuk Roosme tadi, proses ini telah pun dilakukan sebelum ini. So, ini adalah satu— *Standing Order 81(2)* adalah satu *provision* yang memberi kuasa. *There is no doubt about that. But that process has already been muktamadkan.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Who muktamad?*

Tuan Pengerusi: *Unless of course you have any objection, you can state so now.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Well...*

Tuan Pengerusi: *Otherwise, we have to carry on with the business of the day.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *I understand we got to carry out the business of the day...*

Tuan Pengerusi: *Yes. That is right.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *...But we must follow the peraturan.*

Tuan Pengerusi: *Of course, no doubt about that. I don't think the peraturan has been breached*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *But if you want to override peraturan, I have no problem.*

Tuan Pengerusi: *I don't think the peraturan has been breached.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *I just want to put on record that I— we have not done the first step, that is memilih Pengerusi because we had not held a meeting.*

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Yang Berhormat, it is not the question of who lantik. It is the question how lantik, peraturan itu. So, if you say that we forget about peraturan, I take it.*

Tuan Pengerusi: *You see, it says subject to the order of the House.*

Setiausaha: *The order of the House, yes.*

Tuan Pengerusi: *So, these rules are subject to the order of the House.*

Setiausaha: *Yes.*

Tuan Pengerusi: *And that has been done— order of the House itu telah pun dimuktamadkan. That is what we are saying. That is why I take the views. Saya ambil - pandangan saya dengan hormatnya adalah bahawa peraturan ini telah pun dipenuhi, tidak dilanggar.*

Kalau kita lihat, *subject to the order of the House* itu bermaksud *what order has been made. Of course, subject to the order of the House this committee does have the power.* Itu memang, tidak ada apa-apa masalah dengan ertinya.

Setiausaha: *Peraturan.*

Tuan Pengerusi: *That power will remain...*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Okay, okay.*

Tuan Pengerusi: *...But the order of the House has been completed.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Okey Tuan Pengerusi. I stop here but I have already registered my point.*

Tuan Pengerusi: *We can open to the rest. Does anybody have any pandangan? I think we better clear this issue before we move on to our business of the day. Does anybody have any other pandangan?*

Puan Rusnah binti Aluai [Tangga Batu]: *Mungkin kita boleh cakapkan tadi itu, adakah ia macam apabila Tuan Pengerusi— adakah kita kena appoint like what Yang Berhormat Santubong baca tadi itu? Adakah a new Pengerusi will be appointed every time we sit? Is it so?*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Ia macam ini Yang Berhormat. Kalau selection committee sudah lantik Pengerusi dan diluluskan oleh Dewan, then pelantikan is there.*

Setiausaha: *Yes.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *But this one I have not seen anything. The circular should be here to show...*

Setiausaha: *Kita boleh edar penyata. Yes, already.*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *In the absence of that, I am not informed about...*

Setiausaha: *Bagi penyata itu kita edar.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *... Then— Yang Berhormat, peraturan is my bread and butter Yang Berhormat.*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *But where is it?*

Setiausaha: *We will give. Kita edarkan.*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Setiausaha: *It was in the Dewan.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Who lantik? Not the Speaker, it must be the House.*

Setiausaha: *Yes, the House.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *So, during the usul time...*

Setiausaha: *Yes, yes there's a motion.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *... That Pengerusi must dilantik. Kalau itu sudah dilantik, then I had no problem here. Because the thing is not on the table.*

Setiausaha: *Nanti kita ambil...*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: Ini mesyuarat yang pertama Yang Berhormat. *That is why I have to point out.*

Tuan Pengerusi: *No, we appreciate...*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *We have to be correct. Kalau dalam Dewan ini we cannot be right and how can we be right elsewhere?*

Tuan Pengerusi: *No, that is okay. I think it's fine to raise your concern.* Tidak ada masalah dengan itu dan kami akan...

Setiausaha: *[Bercakap tanpa menggunakan pembesar suara]* ...Usul itu dan juga penyata yang telah dibentangkan dalam Dewan.

Datuk Seri Wan Junaidi bin Tuanku Jaafar: Ada sebut Pengerusi?

Setiausaha: Ada. Dalam penyata itu sudah ada. *That is why all the others select committees have had their meeting and also presented their reports.* Contoh, Jawatankuasa Pemilihan Khas Bajet. *They have held various meeting and also had their report presented to the House.*

Tuan Pengerusi: *You see, kalau— if I may.* Kalau kita lihat kepada peraturan ini, kalau peraturan ini seperti mana ditakrifkan oleh Yang Berhormat adalah untuk mengarahkan agar *committee* ini melantik *Chairman, it would say so.* Ini akan mengatakan bahawa satu Pengerusi jawatankuasa perlu ataupun hendaklah dilantik oleh jawatankuasa ataupun ahli-ahlinya. Akan tetapi peraturan ini *doesn't say that.*

Peraturan ini menyatakan bahawa tertakluk kepada peraturan atau pun *subject to the order of the House, tertakluk kepada order of the House, the special committee has the power.* Itu tidak dinafikan, *there is power there. So, now we have to see what the order of the House was.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Exactly.*

Tuan Pengerusi: *And I think that is what the Datuk Roosme...*

Setiausaha: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *Yes, that is what Datuk Roosme is going to...*

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Datuk Roosme binti Hamzah: *The penyata which is being presented to the House, Penyata Jawatankuasa Pemilih.*

Tuan Pengerusi: *Okay. Is that okay? We'll wait for the...*

Datuk Roosme binti Hamzah: *I think by the time kita start meeting we'll pass*

Seorang Ahli: *I think we can proceed....*

Tuan Pengerusi: *Okay, thank you. Terima kasih. So, with that* saya menjemput Yang Berbahagia Tan Sri Abu Kassim bin Mohamed, Ketua Pengarah GIACC dan selepas itu Yang Berbahagia Encik Mohd. Onn bin Abdul Aziz, Setiausaha SIAP untuk memberi taklimat berkenaan pembentangan RUU ini. Terima kasih Tan Sri.

Tan Sri Abu Kassim bin Mohamed [Ketua Pengarah, GIACC]: Terima kasih tuan Pengerusi. Untuk makluman bahawa usaha IPCMC ini telah bermula sejak daripada kerajaan yang lepas iaitu sejak tahun 2005 di mana selepas *Royal Commission* dibentuk dan salah satu cadangannya adalah pembentukan IPCMC. Seterusnya hasil daripada perbincangan dan akhirnya kerajaan telah membentuk Suruhanjaya Integriti Pihak Penguat kuasa (SIAP).

Pihak GIACC telah mengambil tugas dan tanggungjawab untuk melihat perkara ini kerana ia adalah salah satu daripada manifesto kerajaan yang sedia ada. Ia juga bermula apabila pihak GIACC telah membawa Perkara, *proviso 140* kepada Jabatan Peguam Negara untuk mendapat tafsiran sama ada ianya membolehkan pembentukan IPCMC iaitu sebagai pihak berkuasa tatatertib.

Setelah sahaja pihak Peguam Negara telah mengemukakan pendapat dan pandangannya bahawa ia boleh dibentuk satu pihak berkuasa tatatertib, maka bermulalah proses untuk mewujudkan IPCMC tersebut. Jadi, butir-butir jelas yang akan dibentangkan oleh pihak Encik Onn ataupun pihak urus setia kepada IPCMC akan dibuat secara seterusnya oleh Encik Onn.

Tuan Mohamad Onn bin Abd. Aziz [Setiausaha, SIAP]: *Assalamualaikum and a very good evening. I will present my slides. First, I have two slides. First slide on the throwback on the IPCMC, and secondly on the montage on the crux of the IPCMC bills. And thirdly the IPCMC proposed amendment to IPCMC. If I may, the first slide is IPCMC, so my first question is, is it an independent oversight body or enforcement body?*

So, let's go back to the second slide. People keep asking this question whether we have bite, as if we are the – or we are just merely EAIC 2.0. So, let's go to the newspaper cutting. I extract from the newspapers. I just want to seek Yang Berhormat's attention to the highlighted one where it says that we can only make recommendation as far as EAIC is concerned, we can only make recommendations and the same said – can be seen in 2009 and 2013.

Again, in 2017, EAIC is said to be lacking in powers to act on the outcomes of its own investigations, saying that we can only make recommendation. Again in 2019, the next graph, also made same observation that EAIC is more or less like Suhakam, we can investigate but at the end of the day, we can only make recommendation.

Now, there is a renewed call for IPCMC after the elections and I would like to highlight the statements made by Yang Berhormat Lim Kit Siang, he said that IPCMC will be able to restore public confidence by eradicating corruptions, misconduct and abuse of power. So, as far as corruption is concerned, we can safely refer to RCI report, whereby when the draft was submitted to Yang di-Pertuan Agong, MACC was no longer in existence, it was – we had BPR at that time.

Now, we have MACC which is a very powerful organ and I think we are okay. I think the government is okay with MACC in handling corruption cases. As far as misconduct and abuse of power is concerned, this is where IPCMC will play their important role. Now, I would like to refer to ex-IGP's statement, saying that they will not object the IPCMC but with one condition saying that if they refer to the original draft prepared by the RCI members, they have no right of appeal under the bill. So, they are saying that you should provide a right of appeal. If you do provide the right of appeal, they have no problem with IPCMC.

Now, we have the civil societies. It says that EAIC has failed to stop deaths in custody. I just made reference to the earlier one. And now we have the provision under our bill, we can refer to Section 47 (clause 47) of our bill.

Now, this is a milestone during the Jack Ma. Yang Amat Berhormat Perdana Menteri made this particular statement saying that IPCMC EAIC will be enhanced and known as IPCMC. So, you can refer to the one highlighted in green, it was said that EAIC has limitations and will not be able to take action against misconduct other than making recommendations.

So, I would like to quote beautiful words by Umar Al-Khatab R.A said that, "sometimes people with the worst past create the best future." So, who are the people with the worst past? We are the people with the worst past. So, hopefully through our experience for the last 2011 until 2019, we have gone through all the obstacles, we have the necessary equipment, we have the necessary expertise, God willing, so hopefully we can make better IPCMC for the sake of this nation.

This is 19 – we tabled this on the 18th July 2019 for the first bill and we were supposed to wait until last Monday to debate the bill but unfortunately, what happened was we had the – not said unfortunately, gratefully we had a debate with all the NGOs and the police until the last minute, until last Friday, when we came up with the proposed amendments, 24 proposed amendments.

It was not that the bill was inadequate, we just listened to them, we would like to improve the bill because we are humans, we try to at our very best to please everybody and I will tell you after this.

They are saying that IPCMC is a facelifted EAIC. Before this we can only make recommendations and after that with the current bill, we are now the disciplinary authority. Is it a facelift? So, this is the question I post to the YB to consider again.

This is the disciplinary board. And I would like to make, YB, reference to this particular oversight body throughout the world. I'm briefing to the Commonwealth country. So, correct me if I'm wrong. I may have my limitations in term of knowledge. But what you can see here that there is no single authority in the world which can be a single investigation body and at the same time, they are the one who handle disciplinary cases involving the police personnel. So, we have the slide, YB can have a look at the slide later.

*So, now recently – this is in August, the police, **there** are still concerns – the question is all about trust because they felt that IPCMC will discriminate them and they still continue to believe that.*

This is where GICC and EAIC are facing. Are we going to build too many walls and not enough bridges? Or we are trying to lower down the wall and at the same time we build enough bridges. So, that is what we are doing right now. So, trust us what GICC and EAIC doing now is we try to build just ordinary walls, just to gain confidence from the public. At the same time we also build bridges with the police. Next slide.

This is the statement from Yang Amat Berhormat Tun Mahathir, I don't have to read. Just to say that the innocent policemen need not to fear IPCMC, this is very true. Again.

This is where we are right now. Article 140 of the Federal Constitution and I would like to go to the first column, the PFC shall cease to exercise disciplinary control, no provision of such law, it was an extract from the Federal Constitution proviso Article 140, which says that IPCMC Bill shall not be invalid because of its inconsistency with any provision of Part X of the Federal Constitution.

So, may I refer to a statement made by Yang Berhormat Cameron Highlands, he made reference to Article 132, he made reference to Article 135, he made reference to Article 140 sub-clause (3).

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*So, to simplify it, those three provisions are part of part 10 of the Federal Constitution and the question **of** unconstitutional does not arise. I refer to case B. Surinder Singh Kanda, it was decided by **previous** council whereby in 1962. The amendment to the proviso only happened, took place in 1976. So, you don't say– if B. Surinder Singh Kanda was cited after the amendment, we can accept but it was cited before.*

So, this proviso should not be applicable – will override B. Surinder Singh Kanda and we have seen this a lot of time. For example, amendment to the Federal Constitution with respect to gender, amendment through CPC with regards to burden of proof and whatnot.

*So, now we move to next slide saying that except for disciplinary actions, all other power vested within the PFC remain as it is. The third column says that **we're** going to apply and adopt Public Officers Conduct and Regulation 1992 as it is applicable now to all the public service because police force, they are public service and there is no way we can get away from that.*

The column on the below one, we refer to the disciplinary board. We have IGP and one representative from police force to be part of the - of our disciplinary board.

Empowerment. This is something new. We incorporated in our proposed bill. This is where we will let the police force to handle minor offences. We will discuss this matter under our propose amendment.

For the mechanism of handling disciplinary offences, as far as national justice concern it will be equally applicable to the police force and they have their right to appeal as enjoy by the other civil servants.

With that, I conclude and I will – now, turn to the short video montage on the bill itself. After that we will move to the proposed amendment. Thank you.

[Tayangan montaj]

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Puan Eda Mazuin binti Abdul Rahman [Pengarah Bahagian Undang-undang, Suruhanjaya Integriti Agensi Penguatkuasaan (SIAP)]: Terima kasih Tuan Pengerusi, Tan Sri, Datuk, Dato' dan Ahli-ahli Yang Berhormat serta tuan-tuan dan puan-puan. Saya akan membentangkan cadangan pindaan dalam jawatankuasa yang telah sebenarnya dibentangkan di Dewan pada 7 Oktober 2019 yang lalu. Di dalam cadangan pindaan jawatankuasa tersebut telah disenaraikan sebanyak 24 pindaan termasuklah pindaan substantif dan juga pindaan secara konsekuensial.

Saya akan membentangkan berkenaan dengan pindaan-pindaan utama atau pindaan-pindaan substantif. Sebanyak 15 pindaan substantif telah dikenal pasti. Salah satu daripadanya adalah terhadap pindaan nama suruhanjaya di mana nama suruhanjaya dalam RUU yang asal adalah "Suruhanjaya Bebas Aduan Salah Laku Polis" dan cadangannya adalah dipinda kepada "Suruhanjaya Bebas Tatakelakuan Polis".

Hal ini adalah kerana dalam sesi-sesi libat urus yang telah dijalankan oleh Yang Berhormat Menteri Datuk V. K. Liew dan juga pihak GICC dan juga EIC sebelum ini, kita

mendapat *feedback* daripada anggota polis sendiri yang menyatakan bahawa perkataan atau frasa salah laku yang digunakan di dalam nama sebelum ini iaitu "*misconduct*" ataupun "salah laku" telah digunakan dan ia memberi persepsi atau konotasi yang negatif. Oleh yang demikian, mereka mencadangkan agar satu nama baharu diberi yang lebih positif, neutral dan mesra untuk diguna pakai. Jadi, dalam bahasa Inggerisnya *Independent Commission for Police Conduct (ICPC)*.

Pindaan kedua adalah berkenaan dengan cadangan pindaan kepada takrifan "Lembaga Rayuan Tatatertib Salah Laku Kecil", "salah laku kecil" dan juga pindaan kepada takrifan yang sedia ada iaitu "Ketua Jabatan", "Lembaga Tatatertib" dan juga "Suruhanjaya". Daripada pindaan-pindaan substantif ini, terdapat keperluan untuk menambah baik di bahagian tafsiran Bahagian II kepada RUU IPCMC. jadi, cadangan tafsiran-tafsiran ini diletakkan di takrifan Bahagian II RUU tersebut.

Fasal 6 RUU IPCMC dicadangkan untuk dipinda dengan memasukkan subfasal (2) berkenaan dengan kelayakan khusus anggota-anggota Suruhanjaya yang bakal dilantik. Ini adalah untuk memastikan orang yang dilantik mempunyai kemahiran, mempunyai kelayakan dan pengalaman yang luas untuk membuat setiap keputusan dalam memastikan martabat dan integriti PDRM ditingkatkan.

Next adalah fasal 13 RUU IPCMC di mana fasal ini dicadangkan untuk dipinda dengan memasukkan subfasal baharu berkenaan dengan perwakilan kuasa kepada mana-mana pegawai Suruhanjaya. Ia bertujuan untuk membenarkan Suruhanjaya mewakilkan fungsi dan kuasanya kepada mana-mana pegawai Suruhanjaya.

Pindaan seterusnya adalah berkenaan pindaan fasal 24 iaitu skop salah laku. Cadangan pindaan bagi fasal ini melibatkan kemasukan frasa baharu iaitu "*apa-apa tatakelakuan yang jatuh di bawah mana-mana perihalan yang berikut hendaklah terjumlah sebagai salah laku*" dan juga menggantikan subfasal (2) serta memasukkan fasal baharu (2) dan (3) kepada fasal tersebut. Mungkin boleh kita tunjukkan RUU yang telah dipinda.

Dalam subfasal (2) kepada fasal 22 ini, ia memberi kuasa untuk menetapkan mana-mana tatakelakuan yang boleh dikategorikan sebagai salah laku kecil. Manakala subfasal (3) ini, cadangan pindaan adalah bertujuan untuk membuat apa-apa ubahsuaian berhubung dengan pemakaian seksyen 26, 27 dan 28 iaitu berkenaan dengan kuasa penyiasatan dan dapatan penyiasatan IPCMC yang boleh diguna pakai bagi tujuan untuk menyiasat salah laku kecil.

Cadangan pindaan seterusnya adalah bagi fasal 25. Fasal 25 adalah berkenaan dengan pengelasan aduan. Cadangan adalah dipinda dengan memotong "secara bertulis" dan juga

memotong subfasal (4). Bagi pindaan pertama iaitu di subfasal (1) dengan memotong perkataan “secara bertulis”, ia bagi membuka ruang kepada orang awam untuk menyalurkan aduan dan maklumat salah laku dengan lebih mudah iaitu bukan sahaja secara bertulis tetapi juga dengan pelbagai cara-cara lain. Manakala subfasal (4) yang memperuntukkan berkenaan dengan tafsiran “Ketua Jabatan”. Sebelum ini fasal 4 ini telah ada dalam RUU asal dan ia dicadangkan dialihkan di bahagian takrifan atau tafsiran pada fasal 2 tadi.

Seterusnya adalah berkenaan dengan fasal 25 dipinda di perenggan (c) dengan menggantikan perkataan “*yang disebut dalam seksyen 22*” dengan perkataan “*selain salah laku kecil*” dan juga memasukkan satu perenggan (d) baharu bagi membolehkan Jawatankuasa Aduan merujuk aduan salah laku kecil kepada Ketua Jabatan bagi tujuan penyiasatan.

Next adalah pindaan berkenaan dengan cadangan pindaan fasal 31 RUU yang dicadangkan untuk dua subfasal baharu dimasukkan dan juga satu digantikan iaitu subfasal (3) adalah berkenaan dengan “*Suruhanjaya hendaklah melantik anggota Lembaga Tatatertib sebagai mana yang dinyatakan dalam Jadual Pertama*”. Manakala dua subfasal baharu adalah berkenaan dengan peruntukan Lembaga Tatatertib mempunyai bidang kuasa ke atas salah laku selain daripada salah laku kecil dan subfasal (5) berkenaan dengan Suruhanjaya mempunyai kuasa untuk melantik mana-mana anggota pasukan polis untuk menjalankan bidang kuasa tatatertib ke atas aduan salah laku kecil. Pindaan di subfasal (6) menggantikan perkataan “*Walau apa pun subseksyen (3)*”, kepada hanya “jika”.

Pindaan kepada fasal 33 adalah berkenaan satu fasal baharu yang dimasukkan bertujuan untuk memperuntukkan bahawa prosiding bagi menangani salah laku kecil hendaklah dijalankan mengikut peraturan-peraturan yang akan dibuat di bawah akta-akta ini iaitu Akta IPCMC.

Seterusnya adalah pindaan kepada fasal 34 yang dipinda dengan memasukkan subfasal (2) yang memberi mana-mana anggota pasukan polis yang dilantik di bawah subfasal 31(5) untuk mengenakan mana-mana satu atau lebih hukuman selain daripada hukuman turun pangkat atau buang kerja.

Seterusnya adalah pindaan kepada fasal 35. Fasal ini adalah fasal berkaitan dengan rayuan di mana dalam kebanyakan sesi libat urus yang telah dijalankan, perkara berkaitan rayuan ini banyak dibangkitkan.

■1550

Jadi, cadangan untuk fasal-fasal baharu berkenaan dengan rayuan dicadangkan untuk dimasukkan dan dalam pindaan ini dicadangkan tiga fasal baharu berkenaan dengan rayuan, dimasukkan. Satunya adalah fasal 35. Fasal 35 ini adalah berkenaan dengan mana-mana orang

terkilan boleh merayu dalam tempoh 21 hari dari tarikh keputusan itu diberitahu secara bertulis kepada orang tersebut. Manakala bagi fasal 36 adalah berkenaan dengan lantikan anggota Lembaga Rayuan Tatatertib Salah Laku kecil dan juga kuasa lembaga tersebut untuk menerima, menimbang dan menentukan apa-apa rayuan yang dikemukakan kepadanya.

Fasal 36 adalah berkenaan dengan keputusan Lembaga Rayuan Tatatertib Salah Laku iaitu lembaga tersebut boleh memutuskan sama ada untuk mengesahkan keputusan, mengubah hukuman kepada satu hukuman yang lebih ringan atau **mengakaskan** keputusan dan hukuman atau *reversed decision and punishment* dan membebaskan anggota polis daripada pertuduhan terhadapnya. Dalam subseksyen dua kepada fasal 37 tersebut adalah berkenaan dengan tiada semakan semula boleh dibuat oleh lembaga tersebut.

Keanggotaan Lembaga Rayuan Salah Laku Kecil ini akan diperuntukkan dalam Jadual Kedua baharu yang akan dimasukkan di penghujung nanti. Pindaan seterusnya adalah berkenaan dengan pindaan fasal 53 iaitu berkenaan pindaan terhadap jadual rang undang-undang. Sebelum ini fasal 53 adalah berkenaan dengan – fasal ini dipinda dengan memasukkan perkataan, “*atas nasihat Suruhanjaya*” bertujuan untuk memperuntukkan bahawa kuasa Perdana Menteri untuk membuat peraturan-peraturan yang tertakluk kepada nasihat Suruhanjaya.

Seterusnya adalah cadangan pindaan kepada Jadual Kedua baharu di mana jadual ini akan memperincikan bidang kuasa dan keanggotaan Lembaga Rayuan Tatatertib Salah Laku Kecil. Kategori pegawai yang termasuk dalam perkara ini adalah semua anggota pasukan polis dengan bidang kuasa Lembaga Rayuan Tatatertib ini adalah terhadap semua tindakan tatatertib bukan dengan tujuan buang pekerja atau turun pangkat. Sekian, terima kasih.

Tuan Pengerusi: *Any others, later to speak? No others ya. Yes, I want.* Terima kasih kepada pengucap-pengucap tadi. *Thank you. Before that, may I welcome Mr. David Elder. Mr. Elder is with us. He is a former Clerk of House Representatives from Australia and he has been allowed by our Speaker to join us and assist us with this mission of ours. Thank you very much for being with us. We hope to work together and achieve what we hope to – we have come together for.*

Terima kasih kepada – *to the speakers earlier.* Saya ingin bertanya kepada mana-mana pihak sekiranya ada apa-apa isu atau persoalan yang ingin dibentangkan ataupun yang ingin dibawa ke perhatian kami. *Is there other any issues, questions which you might want to raise after hearing these speeches earlier? Dato’ Sri Azalina, anything?*

Dato’ Sri Azalina Othman Said [Pengerang]: *We want – are we discussing it now with the government servants or just among MPs?*

Tuan Pengerusi: *What do you mean?*

Dato' Sri Azalina Othman Said: *For the debate points that was raised, some of the issues?*

Tuan Pengerusi: *Not yet. I think today is a meeting, it is more introductory.*

Dato' Sri Azalina Othman Said: *I think just the preamble and all that.*

Tuan Pengerusi: *Today's meeting is more introductory. Apa yang kita hendak mencapai hari ini adalah untuk introduce semua ahli yang berkaitan. Selain itu juga yang paling penting adalah untuk kami to chart our direction bagaimana kita hendak membuat meetings kami dalam enam minggu ini. I think that is the most important thing because we will be meeting very frequently in the next six weeks.*

There have been stakeholders. I have with me a list of eight stakeholders so far. They are not exhaustive. The list is not exhaustive, meaning that of course we will be adding on as we go along. Akan tetapi yang pertama is of course is PDRM. Kedua, Persatuan Pegawai Polis Kanan Polis. Ketiga, Persatuan Pegawai Polis Pangkat Rendah. Keempat, Persatuan Pegawai Kanan Polis Bersara (RESPA), SUHAKAM of course, SUARAM, Majlis Peguam and Lawyers for Liberty. These are the eight bodies that have been identified so far and there have been engagement with those bodies in the past.

On the fifth of September, in September I think there were four meetings with various stakeholders, PDRM, Polis Zon Selatan, Zon Tengah dan Zon Utara. In August, there were another two meetings that were conducted with SUARAM, SUHAKAM and the BAR Council and Human Rights Watch, amongst others. On the 15th of August, the PSM was consulted. Various Senators were consulted, Woman Aids Organization, Amnesty, Center to Combat Corruption and Cronyism Malaysia (C4 Center) and also academic professor Datuk Denison Jayasooria were met for the purpose of consultation.

Of course, we will continue meeting with them just because meetings had been held with them in the past, (it) does not mean that we are not going to meet them again. So, I think for now, for today, I think we need to perhaps organize a schedule for our meetings with those various stakeholders. Any other stakeholders which you might have in mind perhaps you might be able to raise now who we can include into our list.

Dato' Sri Azalina Othman Said: *Chairman, I was thinking the most crucial point that has been raised during the debate is the constitutional side of the IPCMC. So, maybe AGC or the AG or the Deputy AG can come in first because we need to get that right first because that is the few opinions towards it. I think we need to understand because the two previous AG says,*

unconstitutional. The new AG says it is constitutional. So, we don't want it to be a political decision by virtue of appointment and then it get challenged in court. It will be very embarrassing for Parliament. I think that is extremely important as an opening segment to understand the source of power. That is my humble opinion. With that, thank you.

Tuan Pengerusi: *Thank you Dato' Sri Azalina. I think of course yes I think that is a very valid concern. I think the jurisdiction and the constitutionality of the entire bill is something which would be the backbone of the entire proceedings. Of course, the Attorney General Chambers perhaps we can start with that. We can start with the meeting with them to iron out this issue first as suggested by Dato' Sri Azalina. Are there any other views?*

SAC Dato' Mohd Azman bin Ahmad Sapri [Ketua Urus setia KPN (Perundangan)]: *Tuan Pengerusi, with permission, I am SAC Dato' Mohd Azman from PDRM. So, maybe we can call in also academician constitution Shad Faruqi and Prof. Sham Rohayu to give their second opinion.*

Tuan Pengerusi: *So, I think that is a good proposal. Any other views on this issue of constitutionality first, that has been raised by Dato' Sri Azalina.*

Dato' Sri Azalina Othman Said: *Sorry Chairman. I am just a bit, not to say confused but I need some direction to understand the role of the select committee which is our role, which is bipartisan. I think basically the objective is to get a compromise so that I am told by Tan Sri Abu Kassim the government is looking at the 11th of November as the due date to bring back to Parliament, On 18th, sorry.*

So, the point that I am trying to raise is because it is bipartisan of course we have to get back the consent from the parties so that we get the whole – just like the 18 years old – on consensus on the 18 years old for voting.

■1600

*So, that will be an easy approach. Also, I am concerned about - some of the views that we carried in Parliament were extremely strong. Again, I raised the facts that if it is bipartisan to discuss openly – I am not disrespecting government servant, nor I am saying intervention but I think you must allow what we have to say from our perspective and not causing any sensitivity to any department. Is it possible? As one of our approach for consensus because you must understand we are political party although we are representing the party as we sit here. We cannot make the final decision. But what I am trying to say is that from both sides, there is a lot of allegations **being** made on agencies, on interpretation.*

So, I was just thinking whether at any junction there could be a possibility of the committee among the bipartisan MPs, with all the information that we have collected, with all again on the discussion and the argument to bring back for a consensus strategy. So, be easier for government to push it up. I think that is what Tan Sri Abu Kassim is looking at. What I am trying to say is at certain junction we can discuss among the parties with no existed...

Tuan Pengerusi: *Privately, privately you mean.*

Dato' Sri Azalina Othman Said: *Ya, without government because the issues are quite – from our perspective we have certain issues that we want to raise that we want it to be settled from our consensus.*

Tuan Pengerusi: *So, in other word, your own views on the bill.*

Dato' Sri Azalina Othman Said: *Yes. Tan Sri is making his round to meet political leaders, right, to explain on his interpretation. So that, we can understand where we are going.*

My concern is that no matter how they amendment, we will carry. Of course, at the end of the day we still be voted but what I am trying to come out with a compromise that we all from all sides of the party can look at – this is a bill that will compromise on, without total refusal to accept or understand because I think you cannot deny that police in any other countries do have certain reputation. That is a perception and a lot of debate is been touching on the fact that you have EIAC, why do you duplicate?

But this is of course the government for the day, the wishes for the IPCMC but for the government to push it back to our select committee, they must have a purpose. This is because at the end of the day Chairman, if you vote in, you will get the bill as when as how you want because you have the majority numbers. But I'm taking the cue from the government wanting a bipartisan decision on this. I'm taking the cue. I may be right or I may be wrong, because you can very well out vote us at any juncture. If that is the intention or if that is not the intention, then it's okay.

Tan Sri Abu Kassim bin Mohamed: *Sorry.*

Dato' Sri Azalina Othman Said: *Sorry.*

Tan Sri Abu Kassim bin Mohamed: *Yang Berhormat, lanjutan daripada perbahasan itu, izinkan saya untuk memberi pandangan tentang the role and the TOR of this select committee, if you don't mind. It is because from our observation, isu yang dibangkitkan ialah pertama mengenai pindaan-pindaan yang dibincangkan tadi, sama ada perkara itu hendak diterima atau tidak. Perkara itu belum lagi dibentangkan di dalam Parlimen.*

Hopefully this select committee will look into it and to see either it can be accepted or not. What **is** most important is all the issues that brought up by the Members of Parliament during the debate. Then, if you focus on **these** two, I believe that it will answer all the questions and easy for us to bring back to the Cabinet, for the final decision to bring back to the Parliament for the approval of the law.

Dato' Sri Azalina Othman Said: Because the debate will...

Tuan Pengerusi: I think – if I understand Yang Berhormat Pengerang correctly, I think what she is trying – what her concern is that obviously – I mean it has to be bipartisan, that is obviously part of the terms of reference. That is why we are here. That is why this whole select committee is in existence and **that** is our purpose. But obviously, I think you will all have your own views which might not fit in into this bipartisan image which we are supposed to project and it has to be that. So, how does she put her views forth. I think that is what you are saying, isn't it?

Dato' Sri Azalina Othman Said: Mr. Chairman, basically what I am saying is that, because it's bipartisan we have to work towards consensus. So that is the strategy, that is why it is bipartisan, because again, I am emphasizing when you put it on the table you will get the numbers because you have the majority. But because it is **sent** to us, there must be an objective or reason that the Cabinet or the Minister or the Prime Minister want us to seek consensus.

And consensus, I would mean from our side there are issues that we are concerned, on your side there are issues that you are concerned and then we can lay down and see whether the agencies or the government would agree on it, as a cut and paste strategy. Then bring back to the Cabinet. If not for us – because if we go in, I'll be debating again. I can't be debating on the committee that I'm sitting in because **it'll** be ridiculous for me. But if I'm debating on points that I've **been** putting forward, I think that is fair. **It's** just my humble opinion but I may be wrong.

Tuan Pengerusi: In fact, sorry. Can go ahead. In fact, that was the reason I didn't debate the bill on Monday because in fact I was slated to debate. I was in the list but I withdrew from the debate because of this issue. I think that is exactly why I did not debate and I think if **you're** to look at the terms of reference before I pass you the mic, this is what it says, tujuan penubuhan. Jawatankuasa ini ditubuhkan bagi mengkaji dan meneliti polisi dan dasar kerajaan yang diperuntukkan dalam suatu rang undang-undang yang dicadangkan and so on.

So, if you were to look at this, in its plain language. **It's** very general and it is meant to be bipartisan. **It's** meant to be for the purpose of getting the input from all stakeholders. So that, it can be put forward at the right time for the government to consider. I think that is the purpose of this select committee. I think we are not here to debate among ourselves. You know...

Dato' Sri Azalina Othman Said: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *Yes – No, no. Of course, we have to find consensus. Otherwise I don't think we can move forward, right? So that certainly has to be achieved but I think we have to look at the broader picture of our purpose here which is to – whether you like it or not, whether I like it or not is to gather the feedback from all stakeholders, pros and cons. So that, it can be elevated to the proper and channel to the proper party at the right time. That is why we – you know, that is my understanding of it. Dato'?*

Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar: *Thank you Tuan Pengerusi. To me, I think how we conduct the Parliamentary Committee practice. I think we got to start because it's the first time we do it. I would say that – like everybody has saying that this is the first time, this is historical kind of meeting. But the way we do it, must be consistent with the normal practice that the parliamentary practice in conducting their select committee.*

So here, the select committee as far as I believe it, one is to see in our case here the issue of constitutionality of the law, it could be asked also. So, we got to look into that constitutionality of the law. Of course, we cannot, even though with the AG representatives here to say that whether this constitutional or not for reason that only the final arbitrary court can decide whether it is constitutional or not.

So, but still ,we have quite a number of us assisted by the AG people, we'll come out with the conclusion. I feel very strongly on that because Tuan Pengerusi, you as being a lawyer, you sit down there and you pass the law back to the Dewan and yet we found it's so obviously unconstitutional. Then, it's quite a shame for me and Yang Berhormat Pengerang. I have been in practice for 30 over years. That is why we don't debate on it. But of course, we don't come to a conclusion, we need that advice from AG office. That is one, the basic thing.

The second thing is to look into the political, social impact of the law that we are creating. So, if you look into social and political impact, look at the police, the stakeholders are there. So those are the things actually the Select Committee of Parliament is supposed to be doing and we are not supposed to argue among ourselves what are the things are all about. Because the moment we go out there, we are already breaching our consensus. So, let the Members of Parliament who are not sitting down here to debate on it later on. That is why normal practice in most democracies, after the select committee is debating and passing the bill, it goes to the Dewan, all members are only allowed to debate for three to four minutes only, because there is nothing more to debate, because all have been debated in this committee. I think that we got to use that guideline.

■1610

So, we have to examine dulu on the social, political and other impact. As far as I am concerned, besides the constitutional impact. Thank you.

Puan Rusnah binti Aluai: *I agree with that because when this is the first time, so we must do the right thing right the very first time. So, that's why if we do it properly, we shouldn't waste time and shouting to each other in the Dewan. But we do this not only IPCMC but other bills also before we bring this motion to the Parliament— I mean to the Dewan.*

So, everything is looked after properly Then there are lack of mistakes right because always we debate, we don't know what is going on. And then so fast. We don't even have time to read. So, when we consider in this select committee first, so this lack of mistake will be ...

Tuan Larry Soon @ Larry Sng Wei Shien: *Thank you. I think given the limited time of six weeks, if we were to compare with some other select committees, like in the case of New Zealand, Dato' was there when we met the representatives in Parliament. Some of their select committees have been debating on certain issues for years or even for six months. So, I think for us six weeks is rather short. By given the limitation that has been set, we work within this framework and of course taking into account of the political feedback of all parties, my only consideration is that shall we discuss about those issues perhaps we can also discuss behind closed doors among ourselves, excluding the civil servant. But of course, that can be arranged and of course the issue of consensus, if it can be reached, that's the best, but of course, if it doesn't, then we agree to disagree. Thank you.*

Tuan Pengerusi: *Any other views?*

Datuk Seri Panglima Wilfred Madius Tangau: *Chairman, this is a definitely a new— I mean it's something new to us. I was a member to previous select committee, from the previous Parliament. And the way it was done, we actually toured the country, it took a long time. Witnesses, we announced— we made announcement and witnesses can come in, say like, you know.*

It's not just necessarily by invitation, people can just walk in and give their— as a witness. So, how are we going to conduct this and you have already set the time limit for us which is very-very short time. And you are conducting right here in Parliament. So, how about those people who want to offer their opinion as a witness. They can't travel all the way. For instance all the way from Tawau or Sandakan to come over here, for instance. Do we want to open that— this witness to this kind of people or just a group of people that you want.

When I listen to the list of stakeholders or I would call it as a witness, I would presume that the process of drafting the bill, opinions from these people should have been sorted in the first place. At the end of the day, stakeholders are actually the people. They are the one who is affected and their opinion would like— I'm sure this people would like their opinion to be taken into consideration to those bills. But how do we actually do these?

Tuan Pengerusi: *Thank you. Sure.*

Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar: *Tuan Pengerusi, I think it is a really relevant kind of issue raised by YB Julau on the question of time. I think we have already had done— I think four or five Special Select Committees by this Parliament, 75 the drug, 85 family law, 2005 the CPC. And all those require— CPC was one year plus. But what happened was— let me just explained on how it happened.*

When we wanted to abolish, we throw it to the people, whether to abolish at section 377 or not. We told the people. And a lot of people came and see us and tell us, it is not consistent with the Eastern values. Therefore, we should retain, even though they may say against us for putting the thing in, yet privately they say that they support the law remain to be there. And there is another one from Malacca. I still remember that, Euthanasia whether you can commit suicide or not and no offence committed, something like that. And then, that guy followed us three states just to follow us explained why it must be allowed legally. Explained to us.

But at the end of the day, then the good sense for us to retain it, the law. So, that is why the time is very important to give as much time as possible. For the police for instance, we have 60 over police associations in the whole of the country. [Disampuk] Each and every one of them has a stake with a police force. They still think that they are part of the police force. So, that is why we must allow as much as possible before to appear before us but there shouldn't be too much of time constraints.

And then if you look at the Peraturan 54. Peraturan 54 is very interesting. Peraturan 54(1) allows the bill without debate through in Parliament, being referred to select committee, just like that and then we do the simple recommendations. Under 54(2), it goes through the debate and Speaker with a good sense to allow the debate and then without decision. So that we get the input from the Member of Parliament. And this case even a Member of Parliament must be allowed to give us the ideas and opinion. So that less debate inside there, a lot of opinion being given to us here. Thank you, Tuan Pengerusi.

Tuan Larry Soon @ Larry Sng Wei Shien: *I have also another point which I like to raise. Of course, this particular bill, it was not something that has been just thought of overnight. So,*

based on the RCI for Police Reform, Challenges and Recommendations and 2005. So, maybe for the members of this committee, we should have a copy of this RCI that has been concluded in 2005. Thank you.

Dato' Sri Azalina Othman Said: *Mr. Chairman, during the debate, beside the issue of constitution, I think a lot of MPs were debating the existence of the EIAC, in the sense of the MPs were raising up why do you need IPCMC if we already have an entity.*

And then the second most relevant questions they raised were, why not just amend the EIAC to be more tougher and stronger. I mean those were the points of debate. So, I think EIAC also must present to this select committee on the challenges that they are facing, why they can't be effective or why they need a new entity. That was raised in Parliament. Thank you.

Tuan Pengerusi: *That will— that certainly be a relevant stakeholder. I think that is no doubt about that. But I think the issue of time here is I think very important. Six weeks is very-very short time. To go to the ground, you have to conduct townhall session for example, all over the country. East Malaysia for example like you have said earlier, how do you expect somebody from Sandakan or Tawau to come here. These are to engage with them, to get their views which are very relevant to the social aspect of the bill.*

Although for the legal aspect, we can get views from experts in the field such as academics, the AG Chambers and so on. But I think more importantly the social impact of the bill is just as important. And I think in order to do that, we have to have go to the ground session. We have to have townhall meetings in various towns across the country, Sabah, Sarawak, KK, Kuching and so on, all over Semenanjung. I'm a bit skeptical as whether that can be achieved in six weeks.

But did that as it may, I think where we are today, I think we should not be deterred to start with what we have to start first. I think what— in order not to waste time, we will see how we go, and how we progress. I think for now, I think what is important is for us to, perhaps to set a schedule or a tentative timetable so that we can get the ball rolling and then at least we can see where we are. In two weeks' time we will be able to know where we are and where we stand.

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I think it is a bit too early for us to, you know, say to judge at this point of time.

Dato' Sri Azalina Othman Said: *Will you be presenting on Monday to the Reform Committee? On Monday?*

Datuk Roosme binti Hamzah: *[Bercakap tanpa menggunakan pembesar suara]*

Dato' Sri Azalina Othman Said: *But Chairman would speak for five minutes according to the agenda. Maybe Chairman can raise...*

Tuan Pengerusi: *The time.*

Dato' Sri Azalina Othman Said: *The time, our concern.*

[Ahli-ahli berbincang sesama sendiri]

Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar: *The reform committee is not appointed by the Majlis. It is outside the Majlis.*

Dato' Sri Azalina Othman Said: *Speaker appoint.*

Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar: *Even though we consider ourselves very big and strong.*

Tuan Pengerusi: *Okay, I think, can we start with the schedule?*

Tuan Larry Soon @ Larry Sng Wei Shien: *Regarding the presentation that was given to us earlier. I believe that doing – one of the slides has actually mentioned the list of countries that doesn't have a process of – that just follow the process of recommendation.*

But I was just wondering is there any countries that run counter to that? Because obviously this was prepared by the agency and might be good for – not for this meeting but the next meeting or the following meeting to see if there is any countries that actually has examples in place that are in line with the sort of request by members of the public who would like the IPCMC to have the power to not just look into the case but also to make a final, you know.

Tuan Pengerusi: *Thank you, any other views or any other issues that you would like to raise. Yang Berhormat anything else?*

Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar: *I think Tuan Pengerusi you have a very great, big, free kind of way to conduct the meeting. I think the most important thing now for us is the schedule itself. So, once you set the schedule then you can tell the number of people who were supposed to attend during the public examination...*

Tuan Pengerusi: *I think we can start with the...*

Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar: *Even the state you want to visit, particularly Sabah and Sarawak. They are far away from us. You cannot expect them to come here.*

Tuan Pengerusi: *I think we have to go there. That's my view. We have to conduct town hall sessions.*

Dato' Sri Azalina Othman Said: *But not within this Parliament session. It must be..*

Tuan Pengerusi: *But what else? We have six weeks only. I mean – this – where we stand now. Unfortunately, we only have six weeks. It has to be now.*

Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar: *Yang Berhormat Tuan Pengerusi, Datuk Roosme knows me so well. I am not bound by the government instruction on this one. The usul is up to us to decide – up to you to suggest.*

So, if you decide that it should not be just six weeks. The best of the time – let's say you want to rush up things – July next year for us to do the reporting to the Parliament. Then, give us at least our time to go to Sabah, Sarawak or to the northern state, southern state, eastern state.

Tuan Larry Soon @ Larry Sng Wei Shien: *Because as we all have mentioned earlier, this is historical, the first time that we are actually looking into this. But perhaps, maybe we can make that decision closer to the end of the six weeks. Should we decide that we need to extend it further then we can make a – we don't have to make a decision today.*

Tuan Pengerusi: *But I think frankly speaking that decision would have to be made. I think it is quite obvious that you'll need more time.*

Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar: *We cannot get the government to be expecting six weeks and then at the last moment we tell them we cannot...*

Tuan Pengerusi: *Yes, I think all of us in this room would agree that six weeks is a bit too short, am I right? So, I think that is an issue which must be, I think, dealt with right from the beginning, I think.*

Datuk Roosme binti Hamzah: *Yang Berhormat just to share because I am sure Yang Berhormat Santubong, Yang Berhormat who have been members of previous select committees, the way when we want to be an effective select committee, it is best to engage because when our session are open, it is really opening up the Select Committees. Then it is really relevant with the principle of Parliament opening up like what we are going to amend the standing orders on the proceedings and all such other proceedings that we want to do.*

In order for people to see that this Special Select Committee or bill is actually opening up to stakeholders – not only to stakeholders but to individuals and also to people who are interested, this is how it was done previously. There were engagements of course with the stakeholders, with the police et cetera but we also identify and advertise that this Special Select Committee would be here for example in Dewan Undangan Negeri Sabah.

At this particular time everybody from whichever agency or individual, entities can come to meet us and produce whatever recommendation that they want. We put it in the portal. They have the actual bill but inputs can be forwarded to for example the name of a Special Select

Committee IPCMC.Parliament.gov.my via email et cetera but actually coming to the select committee that option was given.

I mean previously this was done. So that this select Committee do provide an opportunity not only from police who are the main stakeholders but also the others, including public. But then the **constraint** now is time. That is the only worry if we still want to have that form of modus operandi dulu lah.

Tan Sri Abu Kassim bin Mohamed: Tuan Pengerusi...

Dato' Sri Azalina Othman Said: Mr. Chairman, the other thing is I just want to remind all of us. I believe there are many other bills will be sent to this select committee, not just this one.

So, our problem would be also on time and everything because it's like a sort of full time job. I am just wondering if we can give back the message to the government saying that- since this is the first RUU, it is extremely important to be done properly because I think the public expectation with the MPs and the party is really high. I think for six weeks, they may accuse us of just stamping the RUU. I think the government doesn't want to do that. Thank you.

Tuan Pengerusi: I think – I agree obviously the time is a bit short. I will raise this with the government to see how perhaps it can be extended. I think that's the only way. But like I said earlier, we start today. We start our scheduling today and see – I mean we still have to start anyway. I think that is something –

So, the next meeting when we come or at the latest, the third meeting from now, hopefully we should or we would have an answer with regard to the time frame. Is that okay?

So, can we start with the schedule now?

Datuk Roosme binti Hamzah: Today, we are on the 10th of October 2019. So, when Tuan Pengerusi, you want to have the next meeting?

Tuan Pengerusi: We can start maybe on Monday? Is it all right?

Datuk Roosme binti Hamzah: On Monday, 14th? Who shall we...

Tuan Pengerusi: We can start like Yang Berhormat Pengerang said, the AGC.

Dato' Sri Azalina Othman Said: [Bercakap tanpa menggunakan pembesar suara].

Datuk Roosme binti Hamzah: Not the police first?

Tuan Pengerusi: This is **on the** constitutionality first.

Datuk Roosme binti Hamzah: Constitutionality, okay. So, can we decide on AGC.

Dato' Sri Azalina Othman Said: Don't you want to call former AG? So that we can compare notes.

Tuan Pengerusi: Never mind, i think we can just carry on first.

Datuk Roosme binti Hamzah: Itu kena tanya.

Dato' Sri Azalina Othman Said: *Both AG*

Datuk Roosme binti Hamzah: Datuk Almalena ada.

Dato' Sri Azalina Othman Said: *Is AG here, no?*

Encik Peh Suan Yong [Timbalan Penggubal Undang-undang Parlimen I]: Yang Berhormat, *of course AG is not here. I am the AG rep and I think you know the position of our current AG is that it is constitutional. We need to look up the opinion of the previous AG to give the comments.*

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Datuk Roosme binti Hamzah: *So, can we have Monday as a day whereby in terms of constitutional matters be first introduced by AGC?*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Tuan Pengerusi, I am just asking the AG Office, I would suggest that we should not answer to take constitutional or non-constitutional for now. I think better listen to – what are the different between this – this one is under Article 132. Isn't it? Article 132?*

Encik Peh Suan Yong: *Article 140, the Federal Constitution.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *No, that is the original Police Commission at the moment. But this IPCMC, under Article 140?*

Encik Peh Suan Yong: *It is Article 140(1) the proviso.....*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Under (2). The reason why – okay. You got to listen to people, the stakeholders. Why they say it is unconstitutional? It is because you are taking lock, stock and barrel discipline authority of the present Police Commission. Yet, we are going to have two existing commission. One is an original commission under the constitution. Now you create because proviso of Article 140 says you can do the statute and yet you are doing the commission.*

But if you look at all the other countries whether UK, Hong Kong, Canada, none, they just use council, they just use other kind of body. Not a commission, the same level with the one existing in the Constitution. So that is the reason for – you got to study back the background, the reason behind it. So, that is why a lot of people saying this unconstitutional because you are making proviso. The proviso you create using statute another commission.

Where is the - well the “mother” of commission is already created by Article 140(1). Why you use the statute to create another commission and yet this commission seems to be taking over everything? Then, under the law again you create this commission, the second one can

delegate the power to the police to manage the discipline. That is why it become kelam-kabut sikit lah.

Encik Peh Suan Yong: *Yes, Yang Berhormat, if I may. Tuan Pengerusi, the power to create this commission also come from the Federal Constitution. It is in Article 140(1) the proviso. So, it is not like a statute overriding the Federal Constitution because the Federal Constitution itself gives the power to Parliament to enact a law to create this IPCMC.*

*Then, they are not taking over fully the Police Commission's power. They are only taking over the disciplinary power. In the sense that the Police Commission, still have the power on an appointment, on promotion, on transfer, on pension whether to put in the pension scheme or to appoint under **other** scheme, the powers are still there. They are just taking power over the disciplinary power of the Police Commission which is provided in Article 140(1) the proviso. Yes.*

Tuan Pengerusi: *Enough lah. I think. I also have my views but at the end of the day, I mean I might be wrong; my view might be wrong. I think that we have to open our minds to the views of others perhaps you know to see whether or not – I think we start on Monday with the AGC, Prof Shad.*

Encik Peh Suan Yong: *Tuan Pengerusi, I request a bit more time because we are trying to get the opinion of the previous AG. Actually, for me, I have not seen the opinion of the previous...*

Dato' Sri Azalina Othman Said: *Which AG, Ghani or Effendi?Both?*

Encik Peh Suan Yong: *I am not sure because ...*

Dato' Sri Azalina Othman Said: *Bukan, both is cannot kan? Only Tommy says can. Can you just check on that?*

Encik Peh Suan Yong: *We need a bit more time to try to...*

Dato' Sri Azalina Othman Said: *[Ketawa]*

Encik Peh Suan Yong: *It is because the most important is we get the opinion of the previous AG then we can study and understand why they say so. Otherwise...*

Dato' Sri Azalina Othman Said: *Wait, wait. Excuse me, with all due respect are you saying that you making the advice to the government without having an opinion on both of the AG before? You mean to say you bypass that opinion and you just went to advice on your interpretation and then only now you want to get the two opinions?*

Encik Peh Suan Yong: *Sorry Yang Berhormat, I am not aware of the previous AG's opinion.*

Dato' Sri Azalina Othman Said: *Oh, I thought it is public domain.*

Encik Peh Suan Yong: *I am not aware. No, not aware.*

Dato' Sri Azalina Othman Said: *It is because you know why – then somebody is misleading Cabinet lah?*

Tuan Mohamad Onn bin Abd. Aziz: *No, if I may, I do not think misleading ... [Tidak Jelas]*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *I think Chairman to execute that one – sorry, just finish my sentence. We just go ahead with the other things first and let the AG Office do investigation on that one, I think that will be more appropriate.*

Datuk Roosme binti Hamzah: *Or Yang Berhormat, if AG can present status quo, the present legal opinion from AGC of IPCMC on Monday. This is already in hand, so it will be better. Then we can get other opinion can come later.*

Tuan Pengerusi: *Then, the other opinion can come later.*

Datuk Roosme binti Hamzah: *Yes.*

Tuan Pengerusi: *No problem with that. I don't see why all have to come in one go.*

Datuk Roosme binti Hamzah: *Yes, okay. We start bit by...*

Tuan Pengerusi: *We can have the current opinion first and then we see - from there we get with the others.*

Datuk Roosme binti Hamzah: *Yes.*

Tuan Pengerusi: *Would that be alright?*

Datuk Roosme binti Hamzah: *Yes Tuan Pengerusi. That will be better.*

Tuan Mohamad Onn bin Abd. Aziz: *If I refer - to be fair to Tuan Peh here, if he refers to previous - the current opinion, they did make reference to the old opinion. So, that may save you.*

Tuan Pengerusi: *That means the current opinion would - when we hear the current opinion on Monday. So, at least we have something. Okay, then I think, shall we on Monday, 3 o'clock?*

Datuk Roosme binti Hamzah: *Okay Tuan Pengerusi, jam 3 petang ya. So, is AGC only Tuan Pengerusi.*

Tuan Pengerusi: *AGC, Prof Shad.*

Datuk Roosme binti Hamzah: *I hope he can meet our time. I will contact. Short notice but we will try.*

Tuan Pengerusi: *We can try.*

Datuk Roosme binti Hamzah: *Will get the number. So, who suggested just now from the police kan, Shad Faruqi? Give me the number. Thank you.*

Tuan Pengerusi: *I get also, I can get the number. Of course, I think the view of Datuk Gopal Sri Ram might be helpful because he has stated the view on this in the past. I can but of course he is involved in the 1MDB case. So, he might not be able to meet us at 3pm on that day but we can try. Never mind, we get who we can first.*

Datuk Roosme binti Hamzah: *So, confirm AGC, then Shad Faruqi . I am sure he has already something right? Shad Faruqi has also attended...*

Tuan Pengerusi: *Any other personalities which you might have in mind, who can assist us on Monday?*

Dato' Sri Azalina Othman Said: *Oh, that is for Monday?*

Tuan Pengerusi: *For this issue.*

Dato' Sri Azalina Othman Said: *Oh okay.*

Tuan Pengerusi: *Who? Malik Imtiyaz perhaps. I have it.*

Dato' Sri Azalina Othman Said: *Can we get Tan Sri Ghani or Tan Sri Effendi?*

Tuan Pengerusi: *Yes, yes. But then he...*

Dato' Sri Azalina Othman Said: *For them to come. Maybe they will be willing to defend their position. But I think just if you are informing everyone, why not...*

Tuan Pengerusi: *But I think my view is this. I think we should get the position first of one side and then we hear the other side because if both come and they start shouting to each other and then – I think we – let's just take it step by step. We hear this pro-constitutional side first which is the current government stand and then after that we all go to the opposite side which is the previous government stand and we take it from there lah. So, for Monday, maybe we can see the current AGC current stand. So, these two on Monday lah.*

Tan Sri Abu Kassim bin Mohamed: *Tuan Pengerusi, the custodian of the document on argument about (Federal Constitution) 140 still at the AG Chambers. So, it is quite wise for them to present. I do not believe that we have to call the former AG. At the end of the day, the former AG will ask their officers to make the research and based on that research, **it'll be** forwarded to the government. For them to call and they may not have the option of having that document. Furthermore, it was done by the officers. It is very good if AG and AG officers make a presentation of both previous and present.*

Tuan Pengerusi: *Now I think as Encik Onn said just now they have the pendirian of the previous AGs.*

Tan Sri Abu Kassim bin Mohamed: *That is why its good to...*

Tuan Pengerusi: *So, we will know the view of the previous AG when we hear the view of the current AG on Monday. Am I right? So, we can start with that first lah on Monday. We schedule these two on Monday at 3pm.*

Tuan Larry Soon @ Larry Sng Wei Shien: *Chairman, other individual.*

Tuan Pengerusi: *Sorry.*

Tuan Larry Soon @ Larry Sng Wei Shien: *Maybe not for Monday, but for later on. I think during the weekend Datuk Ambiga has some strong views on this. Maybe we can also invite her. Not for Monday but for...*

Tuan Pengerusi: *Yes, of course. Ambiga we can call her later.*

Tuan Larry Soon @ Larry Sng Wei Shien: *Identify and also just another question, are members of the public allowed to attend our hearings and just sit at the back?*

Datuk Roosme binti Hamzah: *No.*

Tuan Larry Soon @ Larry Sng Wei Shien: *Or only restricted.*

Datuk Roosme binti Hamzah: *Not yet. It is because we are – Tuan Pengerusi, I think Datuk Wan also is familiar. When we open-up, then is the time when we have what we called public hearings, we will have it -depends on where we want to have it. Sometimes if we have here, we also open-up at that time so that yang di luar itu boleh dengar. Those are public hearings. Kan Datuk Wan kan? Those are really public hearings. At the moment, our standing orders still not open yet until otherwise. They are still trying to add-in 85.*

Tuan Pengerusi: *85, 85.*

Datuk Roosme binti Hamzah: *Yes, 85. So, that is work in progress Yang Berhormat. We just had our meeting of the standing order committee.*

Tuan Pengerusi: *Okay, I think that is about all for today. Thank you very much all of you for attending and look forward to our next meeting on Monday, 14th at 3pm. Same room? Same room. Thank you.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *Mr Chairman, I just want to – just a note again. Earlier on I mentioned about the Pengerusi is nothing personal ya.*

Tuan Pengerusi: *No, no. It is alright.*

Datuk Seri Wan Junaidi bin Tuanku Jaafar: *It is all about the propriety of the setting of the pengurusan of the...*

Tuan Pengerusi: *I understand that. Thank you for your view. Thank you.*

[Mesyuarat ditangguhkan pada pukul 4.42 petang]