



**MALAYSIA**

## **LAPORAN PROSIDING**

### **MESYUARAT JAWATANKUASA KIRA-KIRA WANG NEGARA (PAC)**

**Mengenai:**

#### ***Education Malaysia Global Services (EMGS)***

- Kementerian Pendidikan Malaysia (KPM):-
  - Yang Berbahagia Dato' Dr. Mohd Gazali bin Abas, Ketua Setiausaha
  
- Perkhidmatan Pendidikan Malaysia Global (EMGS):-
  - Tuan Shahinuddin bin Shariff, Ketua Pegawai Eksekutif

**PARLIMEN KEEMPAT BELAS  
PENGAL KEDUA**

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**MESYUARAT JAWATANKUASA KIRA-KIRA WANG NEGARA  
BILIK MESYUARAT JAWATANKUASA 1, BLOK UTAMA  
BANGUNAN PARLIMEN, PARLIMEN MALAYSIA  
KHAMIS, 28 NOVEMBER 2019**

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**AHLI-AHLI JAWATANKUASA**

**Hadir**

YB. Dato' Dr. Noraini Ahmad - *Pengerusi*  
YB. Tuan Wong Kah Woh [Ipoh Timur] - *Timbalan Pengerusi*  
YB. Tuan Wong Chen [Subang]  
YB. Puan Nurul Izzah binti Anwar [Permatang Pauh]  
YB. Tuan Steven Choong Shiau Yoon [Tebrau]  
YB. Tuan Wong Hon Wai [Bukit Bendera]  
YB. Puan Wong Shu Qi [Kluang]  
YB. Tuan Haji Akmal Nasrullah bin Mohd Nasir [Johor Bahru]  
YB. Tuan Muslimin bin Yahaya [Sungai Besar]  
YB. Datuk Seri Haji Ahmad bin Haji Hamzah [Jasin]  
YB. Tuan Robert Lawson Chuat [Betong]

**Tidak Hadir [Dengan Maaf]**

YB. Dato' Takiyuddin bin Hassan [Kota Bharu]  
YB. Dato' Sri Dr. Haji Ismail bin Haji Mohamed Said [Kuala Krau]  
YB. Datuk Haji Hasanuddin bin Mohd Yunus [Hulu Langat]  
YBhg. Datuk Roosme binti Hamzah - *Setiausaha*

**URUS SETIA**

Encik Ahmad Johan bin Mohd Affandi [Ketua Sekretariat Jawatankuasa Kira-kira Wang Negara, Parlimen Malaysia]  
Puan Siti Noor Akmar binti Zulkafli [Juruaudit Jawatankuasa Kira-kira Wang Negara, Parlimen Malaysia]  
Encik Rosli bin Aw Ahmad [Juruaudit Jawatankuasa Kira-kira Wang Negara, Parlimen Malaysia]

**HADIR BERSAMA**

**Jabatan Audit Negara**

Puan Nadhirah binti Haji Abdul Wahab [Timbalan Pengarah Audit Sektor Audit Tadbir Urus]  
Puan Sarimah binti Umor [Timbalan Pengarah Audit Sektor Audit Prestasi]  
Encik Md. Adnan bin Abdullah [Ketua Penolong Pengarah I Sektor Audit Tadbir Urus]  
Puan Ropiah binti Yunos [Penolong Juruaudit Sektor Audit Tadbir Urus]

*samb/-*

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**HADIR BERSAMA** (*samb/-*)**Kementerian Kewangan**

Puan Azreen binti Awang [Ketua Penolong Setiausaha Unit Kawalan Pemantauan (LKAN & PAC)]

Encik Mohammad Adam Danial bin Hafiz Goh [Penolong Setiausaha Unit Kawalan Pemantauan (LKAN & PAC)]

**Jabatan Peguam Negara**

Tuan Kamal Azira bin Hassan [Peguam Kanan Persekutuan]

Puan Nawal Nadia binti Azimuddin [Peguam Persekutuan]

**Suruhanjaya Pencegahan Rasuah Malaysia**

Puan Fadzillah binti Shamsuddin [Ketua Penolong Kanan Pesuruhjaya]

Puan Rozi binti Rahman [Penguasa Kanan Bahagian Pemeriksaan dan Perundingan]

**Jabatan Perkhidmatan Awam**

Puan Noor Aini binti Ahmad [Timbalan Pengarah Kanan (Unit Laporan Ketua Audit Negara dan Operasi Khas)]

**Jabatan Akauntan Negara**

Puan Azma binti Jusoh [Timbalan Pengarah Bahagian Perkhidmatan Operasi Pusat dan Agensi]

**Kementerian Hal Ehwal Ekonomi**

Encik Akmal Arif bin Abd. Rahim [Penolong Pengarah Bahagian Pembangunan Modal Insan]

**SAKSI-SAKSI****Kementerian Pendidikan**

Tuan Mohamad Azhan bin Md. Amir [Timbalan Ketua Setiausaha (Pengurusan)]

Datuk Ir. Dr. Siti Hamisah binti Tapsir [Ketua Pengarah Jabatan Pendidikan Tinggi]

Profesor Dr. Rahmah binti Ahmad H. Osman [Pengarah Bahagian *Education Malaysia*, Jabatan Pendidikan Tinggi]

Encik Dr. Wan Baharudin bin Wan Mahmood [Pengarah Bahagian Penguatkuasaan dan Inspektorat, Jabatan Pendidikan Tinggi]

Puan Norrizan binti Tahir [Timbalan Ketua Unit Audit Dalam]

Puan Mordiana binti Morni [Ketua Juruaudit Unit Audit Dalam]

Puan Lidyawati binti Hamzah [Penolong Setiausaha Pejabat Timbalan Ketua Setiausaha (Pengurusan)]

***Education Malaysia Global Services***

Encik Shahinuddin bin Shariff [Ketua Pegawai Eksekutif]

Encik Muhammad Afif bin Ahmad Sabri [Penolong Pengurus Kewangan dan Akaun]

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**LAPORAN PROSIDING****MESYUARAT JAWATANKUASA KIRA-KIRA WANG NEGARA  
PARLIMEN KEEMPAT BELAS, PENGGAL KEDUA****Khamis, 28 November 2019****Bilik Jawatankuasa 1, Blok Utama, Parlimen Malaysia, Kuala Lumpur****Mesyuarat dimulakan pada pukul 11.31 pagi***[Yang Berhormat Dato' Dr. Noraini Ahmad **mempengerusikan Mesyuarat**]*

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**Tuan Pengerusi:** Selamat datang saya ucapkan. Hadir di hadapan PAC Parlimen pada hari ini adalah Yang Berusaha Tuan Mohamad Azhan bin Md. Amir selaku Timbalan Ketua Setiausaha (Pengurusan)...

**Tuan Wong Kah Woh [Ipoh Timur]:** *You got question, is it?*

**Tuan Pengerusi:** *What question?*

**Tuan Wong Kah Woh:** Soalan No. 9.

**Tuan Pengerusi:** *Aiyoh. [Ketawa]* 11.30 pagi.

Timbalan Ketua Setiausaha (Pengurusan) KPM mewakili Yang Berbahagia Dato' Dr. Mohd Gazali bin Abas, Ketua Setiausaha KPM yang tidak dapat hadir pada hari ini di atas urusan rasmi, Yang Berbahagia Datuk Ir. Dr. Siti Hamisah binti Tapsir selaku Ketua Pengarah Jabatan Pendidikan Tinggi, Yang Berusaha Encik Shahinuddin bin Shariff selaku CEO EMGS dan barisan pegawai KPM dan EMGS. Terima kasih semua kerana sudi untuk hadir sekali lagi di hadapan PAC pada hari ini.

Untuk makluman saksi yang hadir, ini adalah prosiding ketiga yang membabitkan EMGS selepas kali pertama diadakan pada 4 September 2019 dan diikuti pada 9 Oktober 2019. PAC Parlimen membuat keputusan untuk memanggil semula KPM dan EMGS memandangkan terdapat beberapa persoalan yang timbul dan memerlukan penjelasan daripada pihak KPM dan juga EMGS.

Sebelum saya buka untuk sesi pertanyaan daripada Yang Berhormat Ahli-ahli PAC Parlimen, saya ingin memaklumkan kepada saksi bahawa di barisan belakang ini adalah delegasi daripada PAC DUN Selangor yang diketuai oleh Yang Berhormat Tuan Rizam bin Ismail selaku Pengerusi PAC DUN Selangor serta empat Ahli PAC DUN Selangor yang mengadakan lawatan kerja ke PAC Parlimen pada hari ini. Delegasi PAC DUN Selangor akan berada lebih kurang 15 hingga 20 minit dalam mesyuarat ini untuk mengikuti prosiding sebelum beredar untuk meneruskan program-program lain.

Sehubungan dengan itu, tanpa membuang masa, saya menjemput Yang Berusaha Tuan Mohamad Azhan, TKSU bagi memulakan pembentangan bagi isu EMGS. Dipersilakan.

**Tuan Mohamad Azhan bin Md. Amir [Timbalan Ketua Setiausaha (Pengurusan) Kementerian Pendidikan]:** *Bismillahi Rahmani Rahim. Assalamualaikum warahmatullahi wabarakatuh.* Salam sejahtera dan selamat pagi. Yang Berhormat Dato' Dr. Noraini Ahmad, Pengerusi Jawatankuasa Kira-kira Wang Negara (PAC), Timbalan Pengerusi PAC, Ahli-ahli PAC, ahli-ahli ex-officio dan tidak ketinggalan juga delegasi daripada PAC DUN Selangor, Yang Berbahagia datuk-datuk, datin-datin, tuan-tuan dan puan-puan sekalian.

Pertamanya, Tuan Pengerusi, saya bagi pihak KPM ingin mengucapkan berbilang-banyak terima kasih kepada Tuan Pengerusi dan *team PAC* kerana memberi peluang sekali lagi kepada KPM khususnya *Education Malaysia Global Services (EMGS)* untuk membentangkan maklum balas kepada tiga isu lanjutan yang berkaitan dengan Laporan Ketua Audit Negara (LKAN) Tahun 2018 Siri 1 mengenai EMGS.

Sebelum kita adakan pembentangan ini, Tuan Pengerusi, suka untuk saya memperkenalkan pegawai-pegawai daripada KPM. Sebelah kanan saya— ataupun saya dulu. Saya, Mohamad Azhan bin Md. Amir, TKSU (Pengurusan). Seperti yang Tuan Pengerusi sebut tadi, saya mewakili Dato' Dr. Mohd Gazali bin Abas, KSU, yang ada urusan rasmi di Bangkok. Di sebelah kanan saya, Datuk Ir. Dr. Siti Hamisah binti Tapsir, Ketua Pengarah Jabatan Pendidikan Tinggi. Kemudian sebelahnyanya adalah Profesor Dr. Rahmah binti Ahmad H. Osman, Pengarah Bahagian *Education Malaysia*, Jabatan Pendidikan Tinggi, KPM. Kemudian, Dr. Wan Baharudin bin Wan Mahmood, di hujung sana, baru *join* KPM juga, Tuan Pengerusi.

**Tuan Pengerusi:** Selamat datang ke PAC.

**Tuan Mohamad Azhan bin Md. Amir:** Baru balik. Baru tamat belajar, Tuan Pengerusi. *[Ketawa]* Dia, Dr. Wan Baharudin ini adalah Pengarah Bahagian Penguatkuasaan dan Inspektorat, Jabatan Pendidikan Tinggi, KPM. Sebelah kiri saya ini, Encik Shahinuddin bin Shariff, CEO EMGS. Di sebelahnyanya adalah Encik Muhammad Afif bin Ahmad Sabri, *Assistant Manager Finance and Account EMGS*. Seterusnya, di belakang ini adalah pegawai-pegawai daripada KPM, Tuan Pengerusi.

Susulan daripada mesyuarat prosiding pada 4 September yang lalu, Tuan Pengerusi dalam surat bertarikh 10 Oktober 2019 kepada KPM telah pun meminta maklumat tambahan untuk tiga perkara, Tuan Pengerusi, iaitu:

- (i) berkaitan dengan salinan surat kepada Suruhanjaya Syarikat Malaysia berkaitan kelewatan pelantikan Ahli Lembaga Pengarah EMGS;

- (ii) berkaitan dengan minit mesyuarat Ahli Lembaga Pengarah daripada tahun 2018 sehingga kini; dan
- (iii) berkaitan dengan salinan kontrak di antara EMGS dengan Scicom Berhad.

Semua maklumat yang diminta oleh Tuan Pengerusi telah pun pihak EMGS menghantarkan dokumen kepada Sekretariat PAC pada 14 November yang lalu, Tuan Pengerusi.

**Tuan Pengerusi:** Saya mendapat maklum balas daripada sekretariat saya yang *we were having difficulty in getting the documents at first*.

**Tuan Mohamad Azhan bin Md. Amir:** Okey.

**Tuan Pengerusi:** Dan CEO minta supaya ada minit mesyuarat. Ini adalah *unbecoming of you people to request*. Sebab, PAC, kita yang berhak untuk meminta...

**Tuan Wong Chen [Subang]:** Kita minta pada *you*.

**Tuan Mohamad Azhan bin Md. Amir:** Okey.

**Tuan Pengerusi:** Minta daripada *you all*. Bukannya *you all* hendak minta dokumen daripada kita baru hendak keluarkan dokumen. Tidak ada. *It doesn't work that way*.

**Tuan Mohamad Azhan bin Md. Amir:** Okey.

**Tuan Pengerusi:** Ini satu teguran kepada kementerian.

**Tuan Mohamad Azhan bin Md. Amir:** Kita ambil maklum, Tuan Pengerusi, dan saya bagi pihak KPM memohon maaf sekiranya perkara itu benar berlaku, Tuan Pengerusi. Akan tetapi, kita ambil positif dan, *insya-Allah*, kita akan perbetulkan untuk masa akan datang.

Jadi, Tuan Pengerusi, untuk pembentangan seterusnya, saya mempersilakan Encik Shahinuddin lah ya, CEO EMGS untuk memulakannya. Silakan.

**Encik Shahinuddin bin Shariff [Ketua Pegawai Eksekutif *Education Malaysia Global Services*]:** *Assalamualaikum warahmatullahi wabarakatuh*. Salam sejahtera dan selamat pagi. Sebagaimana yang telah diminta, kami telah mengemukakan segala dokumen-dokumen yang kami telah kumpulkan di dalam fail ini. Jadi, sekiranya ada sebarang soalan, *I am happy to answer the question*.

*But first and foremost, let me apologize about asking for the minutes because actually—I'll take responsibility for that. It is because my internal auditor who fairly new, who has just joined us and probably his only second time appearing before the Committee. We have a greenhorn amongst us, Tuan Pengerusi. So, my apologies.*

*If there any questions— I think that the whole set of documents that you have requested are all here. Yes, Yang Berhormat.*

**Tuan Wong Chen:** *Ya, let's start with the simple one. Can you explain to us this set of documents? Because, it just put on our table few minutes ago. You cannot read 600 pages of*

document. Just explain to us the structure of how you arrange this and in reply to the last meeting we had, we asked you to answer certain questions and asked for the minutes. Can you guide us through this document? Because we can't read the document. I do have questions on the agreement itself but...

**Encik Shahinuddin bin Shariff:** Okay.

**Tuan Wong Chen:** But for a start, maybe you brief us what have you given us.

**Encik Shahinuddin bin Shariff:** Okay. Ya, Encik Muhammad Afif ya.

**Encik Muhammad Afif bin Ahmad Sabri [Penolong Pengurus Kewangan dan Akaun Education Malaysia Global Services]:** Assalamualaikum warahmatullahi wabarakatuh dan selamat sejahtera. Nama saya Muhammad Afif bin Ahmad Sabri daripada EMGS.

So, saya yang menyediakan fail ini. Permulaan fail, kita mulakan dengan *Letter of Corrigendum*. Basically, you are asking why was it late kita punya penghantaran surat untuk pelantikan Lembaga Pengarah. So, during the last meeting, we were saying that because the delay was due to SSM. Akan tetapi, kita hantar a corrigendum letter saying that actually the delay was due to— kita dalam tahun 2019 ada tiga kali penukaran *company secretary*. So...

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**Tuan Pengerusi:** Kenapa terdapat pertukaran *company secretary* sampai beberapa kali?

**Encik Shahinuddin bin Shariff:** Okay, I think I should answer that question. The first one we change because we had issue with the personality, they refuse to take proper instruction from the board. We wanted that the way it supposed to be recorded is how we want— only matters that's been resolved. Tidak payahlah all these other petty conversation. But he wants to record verbatim. So, I don't think that how it should be. That's number one.

**Tuan Pengerusi:** Company mana itu?

**Encik Shahinuddin bin Shariff:** I think AD-Consult. Okay, then we change to a second one. The second one after the appointment, chicken out. I think because the board is quite— I don't know, suddenly they sudah appoint semua, dia decline after that. The third one is what we having now. Itulah.

So, dalam masa jangka tersebut, ia memakan masa like that. So, we stand corrected in my previous statement, is actually our fault for not putting in the names of the representative from the ministry because we had problem with the company secretary.

**Tuan Wong Chen:** So, did the meeting— I mean, the meetings that you had, now you are saying that there's an error in entry on the attendance or what? What are you saying? You are saying that on the director present, is it a fault in the minuting of the meeting or is it...

**Encik Shahinuddin bin Shariff:** In which minuting, sorry?

**Tuan Wong Chen:** *You are talking about all these thing, right? You are talking about you are made a mistake in your earlier testimony.*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *This is why your corrigendum letter is here.*

**Encik Shahinuddin bin Shariff:** *That is right.*

**Tuan Wong Chen:** *Right, sure?*

**Encik Shahinuddin bin Shariff:** *In the delay for submission of the names of the representative...*

**Tuan Wong Chen:** *So, okay. You say that, there might be a disparity between the names.*

**Encik Shahinuddin bin Shariff:** *No, no. I am not saying that.*

**Tuan Wong Chen:** *You are not saying that?*

**Encik Shahinuddin bin Shariff:** *No.*

**Tuan Wong Chen:** *So, it just submission lateness?*

**Encik Shahinuddin bin Shariff:** *That is right.*

**Tuan Wong Chen:** *So, those people that attended is minuted properly? Everything about the minute is correct?*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *Except late?*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *So, what are you then correcting from this letter?*

**Encik Shahinuddin bin Shariff:** *Correcting that in my previous statement, I said that it was because the SSM was late. I think that's why we ask for the minute just to be sure. That is what I said. I said it was because of the delay in SSM having to register the names of the representative but in truth, it is because of the delay in the appointment of a proper company's secretary.*

**Tuan Wong Chen:** *Ya. So, your company secretary wasn't proper at the material time of the meeting. Is that what you are saying, right? So, who kept the minutes of the meeting at that time?*

**Encik Shahinuddin bin Shariff:** *In one of the minutes, I did.*

**Tuan Wong Chen:** *Oh, you kept the minutes?*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *Are you authorized to keep minutes of the meeting? [Ketawa] I mean, I am sorry.*



**Encik Shahinuddin bin Shariff:** *Anybody can keep the minutes of the meeting. That is what the company law says.*

**Tuan Wong Chen:** *What was your role in that particular meeting? You were the Chairman? Or the CEO? What is it?*

**Encik Shahinuddin bin Shariff:** *I was the CEO.*

**Tuan Wong Chen:** *Okay.*

**Tuan Pengerusi:** *There is no delegation of power?*

**Encik Shahinuddin bin Shariff:** *There is no, tidak ada...*

**Tuan Pengerusi:** *You don't trust anyone else in the company?*

**Encik Shahinuddin bin Shariff:** *Bukan. Actually, the minute was done by our accountant but I verify it later and present it at subsequent board to be confirmed.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir [Johor Bahru]:** *Encik Shahinuddin, boleh tidak you terangkan penglibatan you dalam EMGS ini, daripada awal dan sehingga sekarang jadi CEO? Supaya kita faham macam mana pula you boleh simpan minit untuk bagi pihak EMGS dan sebagainya. Kalau boleh stated for the record, when you started to get involved in EMGS, sebagai apa, sampai ke hari ini.*

**Encik Shahinuddin bin Shariff:** *I was involve since inception, sejak tahun 2012. Dari mula adanya EMGS sehingga sekarang. Hanya dalam tahun ini mulai 18 Januari, saya telah dilantik sebagai Ketua Pegawai Eksekutif. Sebelum itu saya hanya merupakan pengarah bebas. Itu sahaja.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Jadi maksudnya you should aware sebarang keputusan board daripada awal sampai sekaranglah. Basically, you have never left BOD since the beginning.*

**Encik Shahinuddin bin Shariff:** *Yes, I am deem to know.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Okey, saya hendak merujuk kepada kontrak yang berkaitan dengan Scicom tadi sebab yang ini yang menjadi pertikaian banyak pihak. Pertama, dari segi ratio pembahagian keuntungan itu tidak seimbang yang mana Scicom dapat 65 peratus manakala EMGS hanya simpan 35 peratus. Malah, dikhabarkan kalau tolak dengan segala pembayaran kos-kos yang lain, akhirnya Scicom akan peroleh sehingga 73 peratus dan EMGS hanya simpan 27 peratus. Itu saya akan mohon penjelasan. Cuma, kontrak ini ditandatangani oleh siapa?*

**Encik Shahinuddin bin Shariff:** *Bagi pihak EMGS? Oleh pengerusi ketika itu.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Adakah pengerusi telah mendapat mandat daripada board of directors untuk sains?*

**Encik Shahinuddin bin Shariff:** Tidak.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Kenapa tidak?

**Encik Shahinuddin bin Shariff:** Sebab mandat yang terakhir adalah untuk beliau to *negotiate the terms of the contract*.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Jadi sepanjang you sebagai seorang pengarah bebas, beliau tidak pernah memohon atau memaklumkan mengenai kontrak ini?

**Encik Shahinuddin bin Shariff:** *The last mandate, at the last board meeting sometime in August 2012, what happen was that he was mandated to negotiate on the terms of the contract. I remember that very well because two things I made upon, which was not minuted, quite strangely, is that first and foremost, that a lawyer should be representing EMGS to protect its interest.*

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

**Encik Shahinuddin bin Shariff:** *Yes. I don't think such fundamental things I would forget because I was a practicing lawyer then.*

*Secondly, I said the data must at all-time be the property of EMGS. Two things. But I also notice that Professor Dr. Pang who also a director here, questioned the financial model of Scicom. So, there are three things that ought to have to been done. Actually, it's supposed to have been done by the acting CEO then. The acting CEO then was a seconded officer from the kementerian. I think his name appears in the meeting on 25<sup>th</sup> July. His name appears as Dr. Syed Alwee bin Shekh Alsagoff. That is number one. He also appointed a technical person, Mr. Collin Miranda.*

*I think they are the key person who would be able to provide all the information about how this contract was actually formed.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Sebab you adalah pengarah. Jadi bila you tahu kontrak ini, satu, tidak dapat mandat daripada *board of director*? Maksudnya Dato' Dr. Adnan ini tidak pernah untuk mendapat mandat daripada *board of director*.

**Encik Shahinuddin bin Shariff:** Tidak ada resolusi sedemikianlah, setahu saya.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *When did you know about this?*

**Encik Shahinuddin bin Shariff:** Januari. Kemudiannya semua senyap sahaja.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *But what did you do?*

**Encik Shahinuddin bin Shariff:** *It was never raised. It was never in agenda.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *So, never raised in the board of meeting?*

**Encik Shahinuddin bin Shariff:** *Never. Tidak ada.*

**Tuan Pengerusi:** Okey, memang tidak ada dalam agenda, dalam *meeting* kah tetapi...

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *But you are aware.*

**Encik Shahinuddin bin Shariff:** *Sorry?*

**Tuan Pengerusi:** *Perkara itu dilaksanakan...*

**Encik Shahinuddin bin Shariff:** *No, I am not even aware that the contract has been signed.*

**Tuan Pengerusi:** *Akan tetapi, perjalanan ataupun proses pendaftaran pelajar asing itu dibuat dan kemasukan duit itu ada ke dalam EMGS.*

**Encik Shahinuddin bin Shariff:** *I am not even aware of that. No account was tabled, nothing was tabled. Actually, I only sighted the contract when I became CEO.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *That's on your record. Okay.*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *Can I just refer to the execution page of the agreement?*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *You see, there are two signatures from EMGS, betul tidak?*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *Whose signature are these? Do you have any idea?*

**Encik Shahinuddin bin Shariff:** *One is definitely the Chairman.*

**Tuan Wong Chen:** *Which one? The one on the left?*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *And then, on the right? [Disampuk] Oh, okay. And then, there is a witness called Yap Ee Ling. That is not your lawyer?*

**Encik Shahinuddin bin Shariff:** *I have no idea who she is.*

**Tuan Wong Chen:** *Okay, can someone Google who Yap Ee Ling is? She must be there.*  
[Ketawa]

**Tuan Steven Choong Shiau Yoon [Tebrau]:** *Tuan Pengerusi, boleh Tebrau tanya?*

**Tuan Pengerusi:** *Nanti kejap, Yang Berhormat Tebrau. Hold your thought, okay. Kita hendak mengucapkan ribuan terima kasih kepada Ahli-ahli PAC Selangor di atas kehadiran menyaksikan prosiding kita pada hari ini. Semoga terus berjaya, I don't know what to say.*  
[Ketawa] *Terima kasih, semua.*

*[Delegasi PAC Selangor meninggalkan Bilik Jawatankuasa]*

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**Tuan Pengerusi:** *Okey, Yang Berhormat Tebrau, please proceed.*

**Tuan Steven Choong Shiau Yoon:** Untuk CEO terkini, tadi saya hendak *follow-up* lah, soalan susulan...

**Tuan Wong Chen:** Sebelum itu. Sebab saya tanya Yap Ee Ling itu siapa, *I have just googled her* lah. *Let's just put on record who she is.* Mengikut *information* ini, dia adalah seorang *lawyer* dengan *law firm* Ilham Lee, *Kuala Lumpur Branch.*

Saya hendak tanya kepada Encik Shahinuddin, *is Ilham Lee in your panel or ever in your panel? Do you have any memory of this company?*

**Encik Shahinuddin bin Shariff:** *No, we do not have a panel. I have no memory neither have I ever met her.*

**Tuan Wong Chen:** *Okay, thank you. Please,* Yang Berhormat Tebrau.

**Tuan Steven Choong Shiau Yoon:** Ya. Soalan susulan. Tadi saya dengar ada mandat dari lembaga pengarah bagi CEO pada masa itu untuk *negotiate* lah *terms and conditions...*

**Encik Shahinuddin bin Shariff:** *There is a mandate.*

**Tuan Steven Choong Shiau Yoon:** Ya. Biasanya kalau ada minit begitu, mesti ada kita kata mesyuarat yang kemudian mesti ada *matter arising*, mesti ada *follow-up*. Tak ada buat *follow-up* kah untuk dapatkan? Sudah tandatangan perjanjian itu, dia mesti bentang di dalam mesyuarat lembaga pengarah lagi. Ini tidak berlaku?

**Encik Shahinuddin bin Shariff:** Tidak. Masa itu, setahu saya, tidak ada *matters arising* yang membangkitkan soal tersebut. Jadi, saya pun ingat mungkin kontrak tersebut belum sains. *So, we really do not know what is the state of the contract.*

**Tuan Steven Choong Shiau Yoon:** Jadi, dengan ini, saya nampak ada niat sengaja hendak senyapkan kontrak yang sudah ditandatangani.

**Encik Shahinuddin bin Shariff:** *I cannot say* tentang orang ini.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Okey, tadi Encik Shahinuddin ada memberitahu bahawa *you were aware that negotiation to be happened for the contract. May you describe what was the procedure for the...*

**Encik Shahinuddin bin Shariff:** *Negotiation?*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Ya, *negotiation.*

**Encik Shahinuddin bin Shariff:** *[Ketawa] I did not know. It is chairman's prerogative as how he wants to...*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *But,* saya difahamkan ada jawatankuasa penilaian teknikal yang dibentuk untuk teliti...

**Encik Shahinuddin bin Shariff:** Betul.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Okey. *Then you were aware?*

**Encik Shahinuddin bin Shariff:** Yes.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *So, what happened? Maksudnya...*

**Encik Shahinuddin bin Shariff:** *There was a presentation by this acting CEO on the bidders for the contract. That was about it. That is recorded in board's minutes. Other than that, tak ada.*

**Tuan Pengerusi:** Maknanya Encik Shahinuddin tahu mengenai adanya Scicom dan segala-galanya?

**Encik Shahinuddin bin Shariff:** Ya, saya tahu, *as a bidder* lah.

**Tuan Pengerusi:** Akan tetapi tadi kata tak tahu sampai bila jadi...

**Encik Shahinuddin bin Shariff:** Tak tahu tentang kedudukan ataupun status kontrak tersebut, sama ada sudah sains kah tidak. *I know that Scicom had been recommended and the Board also decides, pursuant to that recommendation, that the Chairman be empowered or mandated to negotiate the terms of the contract. Recommendation done. So, that was the last of the matter in August 2012.*

**Tuan Wong Chen:** *Okay, so this agreement is 1<sup>st</sup> November 2012. You know the date, right? So, you are saying that there is no board meeting authorizing him to sign the agreement with Scicom?*

**Encik Shahinuddin bin Shariff:** *Not that I know of. I have not seen anything...*

**Tuan Wong Chen:** *You have not seen? You did not ask for these documents the last time, I think, but you have gone through all the minutes of the meeting. Tak ada? Tak ada tahun 2012...*

**Encik Shahinuddin bin Shariff:** Tak ada.

**Tuan Wong Chen:** *Sometime in October kah, November? Tak ada? Nothing to authorize him to sign? But surely you must know Scicom then starts coming in and do work in your company, right?*

**Encik Shahinuddin bin Shariff:** *No. I don't. We only called for board meeting with the acting CEO just table out what is agenda and these all we were supposed to discuss.*

**Tuan Wong Chen:** *Oh, so during that period 2012 until today— I do not know when you were appointed CEO. Let's say 2018. Is that when you were appointed, right?*

**Encik Shahinuddin bin Shariff:** *No, no. 2019.*

**Tuan Wong Chen:** *2019. So, for a period about six or seven years, you did not know Scicom was the main contractor of EMGS?*

**Encik Shahinuddin bin Shariff:** *No, no.*

**Tuan Wong Chen:** Tak tahu?

**Encik Shahinuddin bin Shariff:** *Of course we know but I have a very vague idea about what exactly going on between the terms of the contract lah.*

**Tuan Wong Chen:** *At any point as a director, did you ask for clarification on this issue?*

**Encik Shahinuddin bin Shariff:** *There was no reason to, at that time.*

**Tuan Pengerusi:** Akan tetapi, tanggungjawab kita selaku *board*, kalau ada apa-apa isu yang difikirkan perlu, kita boleh bertanya dalam *board meeting*. Itu tanggungjawab ahli lembaga pengarah.

**Encik Shahinuddin bin Shariff:** *Itu betul. But I have not seen the agreement. So, I would not know whether there are issues or not. If I had seen the agreement, if I had noticed that there are no solicitors appointed, that there are all one-sidedness of the entire terms and conditions, maybe I would have done that. But I have not sighted the agreement until I became CEO in January this year.*

**Tuan Wong Chen:** *Okay, I am going to refer to page 20 of the agreement. Point 14, Ownership and Title of the System and Data. Just now you testified and said that you were not happy that the data now belongs to Scicom, is that right?*

**Encik Shahinuddin bin Shariff:** *No. I am not saying that.*

**Tuan Wong Chen:** *You did not say that?*

**Encik Shahinuddin bin Shariff:** *It is still belongs to EMGS.*

**Tuan Wong Chen:** *But you do not have any issues lah, right?*

**Encik Shahinuddin bin Shariff:** *No, we have an issue. Because when I came in, one of the things I wanted to do was to audit the integrity of the system.*

**Tuan Wong Chen:** *Okay. And?*

**Encik Shahinuddin bin Shariff:** *When we want to make a request, they declined. It was declined.*

**Tuan Wong Chen:** *If I am not wrong, earlier at the start, I asked you what is the problem in this agreement. One is you say the profit-sharing is not good. Second is you are a bit worried that the data belongs to Scicom.*

**Encik Shahinuddin bin Shariff:** *No, no.*

**Tuan Wong Chen:** *No? That is not right?*

**Encik Shahinuddin bin Shariff:** *That has never been the issue. The proprietorship of the data has never been the issue.*

**Tuan Wong Chen:** *Okay. So, that is clear lah. Because at 14.3, it is quite clear the data belongs to you, right?*

**Encik Shahinuddin bin Shariff:** *That is right.*

**Tuan Wong Chen:** *So, what are you worried about the system?*

**Encik Shahinuddin bin Shariff:** *The issue arising on the data is the right to access and verify the integrity of the data and the system. I am deprived of that opportunity.*

**Tuan Wong Chen:** *The data belongs to you. So, you can actually bring in a company to do a data scrubbing and data analysis.*

**Encik Shahinuddin bin Shariff:** *Betul, but...*

**Tuan Wong Chen:** *But Scicom does not give you?*

**Encik Shahinuddin bin Shariff:** *Yes. That is why there is a pending suit now. We are demanding a court order to allow us to do that.*

**Tuan Wong Chen:** *But the property belongs to you lah. I mean, this is a strange thing, right?*

**Encik Shahinuddin bin Shariff:** *Yes, of course. I keep telling them, "Look, I put the car in your garage. Are you telling me I cannot look at my car to ensure whether the garage..."*

**Tuan Wong Chen:** *Sure. That is the proper analogy.*

**Encik Shahinuddin bin Shariff:** *That is right. But they are saying no.*

**Tuan Wong Chen:** *Okay, can you just give us a little bit detail on the suit? When do you started the suit and what is the status of the suit?*

**Encik Shahinuddin bin Shariff:** *We initiate the proceeding by notices of demand sometime in May this year. We try to negotiate...*

**Tuan Wong Chen:** *No suit yet lah?*

**Encik Shahinuddin bin Shariff:** *Ya. We tried to make them see reasons and all that.*

**Tuan Wong Chen:** *So, you will have to make a decision at one point whether to sue them all.*

**Encik Shahinuddin bin Shariff:** *Ya, that is why we filed a suit.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Okey. Minta maaf ya, saya cuma...*

**Tuan Wong Chen:** *What is their reply? Sorry, just to finish up. What was their reply to your letter in...*

**Encik Shahinuddin bin Shariff:** *They said that even though the data is ours, the right to access and verify the integrity of the system is a privilege that they can decline.*

**Tuan Wong Chen:** *[Ketawa] That is...*

**Encik Shahinuddin bin Shariff:** *I know, I know.*

**Tuan Wong Chen:** *Okey.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Okay, I want to go back to the fundamental problem with the contract. Maksudnya, on your testimony, you were saying that you memang tak*

aware fasal kontrak ini. *Then, I* bangkitkan soal macam mana kontrak ini dibuat, *you said former CEO* yang...

**Encik Shahinuddin bin Shariff:** *Former acting CEO.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Former acting CEO* yang bawa kes ini.

**Encik Shahinuddin bin Shariff:** Ya, betul.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Jawatankuasa penilaian teknikal itu ditubuhkan oleh siapa?

**Encik Shahinuddin bin Shariff:** Oleh *Board* lah. Kita telah melantik satu *acting CEO*. *Acting CEO* tersebut telah mengadakan satu jawatankuasa teknikal.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** So, jawatankuasa penilaian teknikal ini diwujudkan oleh *Board* ataupun oleh CEO?

**Encik Shahinuddin bin Shariff:** Oleh *Board*.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *So, with your consent* juga lah?

**Encik Shahinuddin bin Shariff:** *Yes, that is right.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Who were the members of this* jawatankuasa penilaian teknikal?

**Encik Shahinuddin bin Shariff:** Datuk Dr. Pang...

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Siapa? Sebut juga jawatan dia lah supaya dalam rekod kita tahu.

**Encik Shahinuddin bin Shariff:** Dia pengarah dan *Chairman*. Seorang lagi siapa ya? [*Bertanya kepada pegawai*] *I cannot remember.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Okey, *you* tak ingat. So, berapa orang?

**Encik Shahinuddin bin Shariff:** Tiga.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Tiga orang. Jadi, jawatankuasa ini telah diwujudkan oleh *Board*.

**Encik Shahinuddin bin Shariff:** Ya, betul.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Apa tindakan jawatankuasa ini selepas—sepatutnya di dalam *Board*...

**Encik Shahinuddin bin Shariff:** Jawatankuasa ini telah melantik satu *technical committee* yang pakar mengenai sistem ini.

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**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Adakah jawatankuasa melaporkan dapatan?

**Encik Shahinuddin bin Shariff:** Bukan jawatankuasa tetapi *acting CEO*.



**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Okey. *So, you were aware comparison syarikat-syarikat yang masuk?*

**Encik Shahinuddin bin Shariff:** *Ya, there is a score kan? [Bertanya kepada pegawai]*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *How was the score?*

**Encik Shahinuddin bin Shariff:** *Okay, you can see, ini pun tidak masuk akallah in the minutes kan because Scicom punya score is 645, its six, seven percent tetapi dia punya total score is 500. I don't know why it's being like that.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Comparison dengan yang lain-lain sebagai perbandingan?*

**Encik Shahinuddin bin Shariff:** *Lain-lain itu 310, yang kemudiannya 85 dan 50.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *So, this matter was tabled in the board?*

**Encik Shahinuddin bin Shariff:** *Ya, board. Yes.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Did you query about the scoring system?*

**Encik Shahinuddin bin Shariff:** *I am not a technical person. I am not competent to query, I am not a technical person.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Okey. Berkenaan kontrak lagi tetapi yang ini hendak tanya pihak kementerian pula.

**Encik Shahinuddin bin Shariff:** Okey.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Kontrak ini berjumlah berapa nilainya? Untuk rekod supaya... *[Bercakap tanpa menggunakan pembesar suara]*

**Encik Shahinuddin bin Shariff:** *Tidak ada nilai. Dia revenue sharing, over a period of 15 plus five. Which is one of the things that was also brought up in the board minutes, it should have been just reduces to 15 if 10 plus five, but I don't know why it was not done that way, you know.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *But at least mesti ada ballpark figure, maksudnya sudah tahu anggaran berapa ramai sasaran yang akan masuk.*

**Encik Shahinuddin bin Shariff:** *We do not know. We have no idea about numbers at that time.*

**Tuan Wong Chen:** *No, no. I mean what Yang Berhormat Johor Bahru is trying to ask is very simple. You have a term contract. This contract started 2012, it's been operational now seven years, roughly.*

**Encik Shahinuddin bin Shariff:** Yes.

**Tuan Wong Chen:** *You have 35 percent stake in profits. So, you can calculate back what 65 percent value is lah, right?*

**Encik Shahinuddin bin Shariff:** Yes.

**Tuan Wong Chen:** *You divide by seven years, you get average income. I know the income is picking up every year because the system matured, more and more people is captured by the system. Correct?*

**Encik Shahinuddin bin Shariff:** Yes.

**Tuan Wong Chen:** *So, can you tell us about ballpark figure, how profitable is Scicom to get— how much do they make? Or how much you make? You must know that if you don't know how much Scicom make. Your 35 percent equities stake in that profit share is worth how much a year? Roughly, ballpark.*

**Encik Shahinuddin bin Shariff:** *About RM70 million.*

**Tuan Wong Chen:** *RM17 million? one, seven?*

**Encik Shahinuddin bin Shariff:** Ya.

**Tuan Wong Chen:** *Ya. So, basically Scicom...*

**Encik Shahinuddin bin Shariff:** *No, no. Seven zero.*

**Tuan Wong Chen:** *You make RM70 million? Seven zero?*

**Encik Shahinuddin bin Shariff:** *Ya. We do about RM10 million a year.*

**Tuan Wong Chen:** *Wait, wait. Profit share, from your profit share of 35 percent? Think carefully.*

**Encik Shahinuddin bin Shariff:** *Sorry?*

**Tuan Wong Chen:** *Ya, ya. Your profit share of 35 percent, right?*

**Encik Shahinuddin bin Shariff:** Yes.

**Tuan Wong Chen:** *Is worth how much a year on average?*

**Encik Shahinuddin bin Shariff:** *Okay, last year was RM17.5 million.*

**Tuan Wong Chen:** *Okay, RM17.5 million. Okay, so at 65 percent, you are looking at double that lah, lebih kurang RM30 million lah.*

**Encik Muhammad Afif bin Ahmad Sabri:** *No, 50.*

**Tuan Wong Chen:** *No, no. Scicom punya percentage is RM30 million, roughly lah, 31. I don't know, I am doing the math on top of my head lah but it's about RM30 million plus minus.*

**Encik Shahinuddin bin Shariff:** Yes, yes.

**Tuan Wong Chen:** *Right? A system to develop this cannot cost RM30 million to develop lah, for God's sake. This is like an excel sheet...*

**Encik Shahinuddin bin Shariff:** *I agree.*

**Tuan Wong Chen:** *...A couple of documents coming in and out. True? You agree, right?*

**Encik Shahinuddin bin Shariff:** Yes.

**Tuan Wong Chen:** *Now, as a lawyer and you are very concern about this kind of thing but— and I will give you the opportunity to retract you earlier statement because I have seen your document, you actually filed a law suit and originating summons.*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *Right? Correct? So, that is on going. So, you did file in July. Now, what is your intended next step on this issue? We going to make a recommendation that in future don't simply sign agreement lah. That's a given. But how are you trying to resolve this issue which is clearly a lopsided deal? [Ketawa] Suggestion?*

**Encik Shahinuddin bin Shariff:** *[Ketawa] I think their avenue is about terminating it. We would seriously consider that. To be very honest, I would certainly recommend that to the board.*

**Tuan Wong Chen:** *Now, Mah-Kamariyah is your lawyer, is it? Acting on this.*

**Encik Shahinuddin bin Shariff:** *Yes.*

**Tuan Wong Chen:** *Okay. Now, can I ask a question to the Federal Council, the Attorney General Office out there? Sure, you all get involved in this thing or this is outside your jurisdiction? AG? Pakai mikrofon.*

**Tuan Kamal Azira bin Hassan [Peguam Kanan Persekutuan, Jabatan Peguam Negara]:** *Okey, ini pertikaian yang melibatkan antara company tidak melibatkan kerajaan sebagai pihak. So, pihak Jabatan Peguam Negara tidak akan terlibat dalam pertikaian ini.*

**Encik Shahinuddin bin Shariff:** *I don't know about that because actually so far as we are concerned, we are deemed as a public body.*

**Encik Kamal Azira bin Hassan:** *EMGS hanyalah company, adalah yang ditubuhkan walaupun ada limited guarantee tetapi statusnya bukan adalah kementerian ataupun jabatan.*

**Encik Shahinuddin bin Shariff:** *If that is their position, I find it very strange.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Okey, saya masih menumpukan kepada kontrak tadi because I want to establish the facts supaya perkara ini— kekerapan yang PAC terima from one case after another, the problem selalunya fasal kontrak. Maksudnya kontrak itu tidak didrafkan dengan sempurna. Malah, akhirnya tiada siapa yang akan mengambil tanggungjawab. Macam ini, contohnya, diwujudkan oleh syarikat, kemudian seolah-olah syarikat ini sudah terlepas daripada bebanan kerajaan dan sebagainya.*

*Ini saya hendak tanya untuk pihak kementerian mengenai prosedur kerajaan. Ini yang saya difahamkan iaitu kalau kontrak itu melibatkan kerajaan, kebiasaannya, satu, you kena dapat endorsement daripada board of directors. You cannot sign and— what do you do? Bila you tahu benda ini, takkan you langsung tidak tahu kontrak itu telah berlaku? To be fair to Mr. Shahinuddin,*

dia kata benda itu tidak pernah dibentangkan dalam mesyuarat dan sebagainya *but I think at least* kementerian *should know you are the parent to this company*. Kontrak ini patutnya *you* tahu bahawa ada pelanggaran dari segi penandatanganan.

Jadi, soalan saya yang berkaitan penandatanganan, kalau prosedur *government*, bukankah kalau kebiasaannya ada wakil daripada kerajaan, paling kurang hendak perhati ataupun *the best actually* memang syarikat itu— ya lah, mungkin sudah turunkan kuasa untuk syarikat tandatangan *but how do we make sure this kind of thing not keep happening again and again?*

**Encik Shahinuddin bin Shariff:** *Can I just take that question? There is a rep of the kementerian at that time. Dato' Rujhan was the KP at kementerian at the material time. I think he appears on record.*

**Tuan Wong Chen:** *No, no. I understand. The question from Yang Berhormat Johor Bahru is very simple. Ada tidak SOP untuk tandatangan agreement...*

**Encik Shahinuddin bin Shariff:** *Ya, of course.*

**Tuan Wong Chen:** ...Syarikat kepunyaan 100 peratus kementerian? *Is there any specific SOP macam boleh sign kah atau tidak boleh sign kah, does it need government punya voting block kah? You know, like a veto power by the Minister dan proses tender ini betul kah. You know or not?*

**Datuk Ir. Dr. Siti Hamisah binti Tapsir [Ketua Pengarah Jabatan Pendidikan Tinggi, Kementerian Pendidikan]:** Izinkan saya memberi penjelasan. Saya Siti Hamisah Tapsir, Ketua Pengarah Jabatan Pendidikan Tinggi. Sebenarnya EMGS adalah anak syarikat kementerian seperti yang dimaklumkan oleh tuan daripada MoF tadi. Jadi, bagi anak syarikat, kita mempunyai *board of directors* dan *board of directors* itu yang berkuasa untuk menentukan sebarang *agreement* atau kontrak. Di dalam *board* tersebut ada seorang wakil dari kementerian iaitu Timbalan Ketua Setiausaha— Dato' Kamel ya?

**Encik Shahinuddin bin Shariff:** *No, no. Not at the material time.*

**Tuan Wong Chen:** *Material time siapa?*

**Encik Shahinuddin bin Shariff:** Dato' Rujhan, KP.

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** *Probably in the beginning it was the KP, kemudian Dato' Kamel. Apabila Dato' Rujhan tamat tempoh beliau, Dato' Kamel TKSU yang menjadi wakil. Jadi, setiap waktu itu memang ada wakil dari kementerian.*

**Tuan Wong Chen:** Soalan dia ialah pada *material time*, 1 November 2012, siapakah wakil EMGS?

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Itu wakil dia, kalau ikutkan, adalah KP ketika itu, Dato' Rujhan. Proses dia adalah tidak perlu melalui kementerian sebab *board* sendiri— misalnya

untuk universiti punya *holdings, owned by* universiti. Dalam *board* sendiri ditentukan ada *representative* dari segi legal, daripada segi kewangan, dari segi masyarakat. Jadi, proses itu adalah *internal process* dalam syarikat tersebut.

**Tuan Wong Chen:** Baik, saya faham. Datuk Dr. Siti ya, kalau *internal process* itu tidak diikuti, apakah langkah yang akan diambil oleh kementerian? Sebab dalam kes ini, jelas daripada Encik Shahinuddin dan juga kita dengar dari prosiding lain juga bahawa tidak ada proses dia. Tidak ada minit, tidak ada *board approval, signed* sorang, *witness* dia *lawyer* untuk *the other side*. Tidak ada pakai peguam sendiri.

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*I mean, these are very critical issues. So, if this happens in the future—lah kata, what is your kementerian position? What will you do? Will you not recognize the agreement? Is it unlawfully drafted? Is it unlawfully signed? Do you cancel it? Or do you then find the guy who signed it and, you know, charge him for corruption? I mean, this sign is an important thing. Kalau semua orang sign, tidak apalah, binding owners, mampuslah negara, you know.*

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Di dalam *board* itu sepatutnya— saya tidak pasti ketika itu— sepatutnya ada audit dalam. Audit dalam ini yang akan *alert the board members*. Bila audit dalam *alert the board members, that is when they bring it to the kementerian*. Akan tetapi, ketika itu, saya tidak pasti ada audit dalam tidak di EMGS. [Disampuk] Belum ada audit dalam. Jadi, *that is why we have the audit dalam yang baharu. So, the connection between kementerian ialah wakil kementerian di dalam board tersebut and we are relying on audit dalam untuk membuat all those audit dalam. That is the...*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Jadi dalam kes ini, bila berlaku pelanggaran, maksudnya testimoni daripada Encik Shahinuddin tadi sebagai pengarah bebas sebelum ini yang beliau tidak dimaklumkan dalam mesyuarat, jadi perkara ini telah berlarutan lima tahun contohnya. Jadi, benda ini tidak menimbulkan sebarang persoalan di peringkat kementerian kah? Atau *how do we resolve this kind of* masalah dengan kontrak yang berat sebelah ini?

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Yang ini telah dibawa ke pengetahuan kementerian setelah EMGS melaporkan kepada kementerian dan pihak kementerian dalam proseslah seperti yang Encik Shahinuddin sebutkan itu, *suit* dan juga— *in any companies, the board of directors are responsible. So, the board of directors at that particular point should be made responsible.* Yang itu yang saya rasa kementerian sedang melihat *how do we deal with the board of directors*. Sebab, sebagai sebuah syarikat, *board of directors* perlu melalui proses, kursus— *even though we don't know, tetapi we are accountable* sebab ini adalah sama seperti

di universiti. Di universiti, *the board of directors are made accountable for any wrongdoings. So, this, we need to go back to the board of directors.*

**Tuan Wong Chen:** Okey, baik. Datuk, *I really appreciate your attitude, going forward-lah. Betul tak? Now that you know there was a lot of anomaly, a lot of hanky-panky going on regarding this particular deal, at least through the process. What are you going to do about the KP that was there at that time? Is he retired? What action are you taking? Is it any thing or not?*

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Saya beberapa kali sudah mencadangkan juga kepada *Chairman of the board. They need to call back this board of directors and they have to be made accountable even the KP at that particular point. I think Encik Shahinuddin is doing that, EMGS, because I was informed that the suit and all those things are being compiled.*

**Tuan Wong Chen:** KP sekarang ini sudah *retired* atau belum lagi?

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** *He is now with MEA.*

**Tuan Wong Chen:** Ha?

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** *KP terms is every three years and sekarang beliau berada di MEA.*

**Tuan Pengerusi:** *Apart daripada Dato' Rujhan punya suit against EMGS ini, ada lain tidak suit relating to employment sekarang ini?*

**Encik Shahinuddin bin Shariff:** Ada lagi satu. Ya, betul.

**Tuan Pengerusi:** Cuba ceritakan mengenai perkara tersebut.

**Encik Shahinuddin bin Shariff:** *I think that was towards the end of last year. Dato' Rujhan appointed a corporate strategist which did not comply with the headcount. That means there were no organizational structure to fit it in. So, he applies the Marketing Budget for that purpose. So, we thought that was anomaly. We stop him from actually reporting for duty and he is now filed a suit and we have received a mandate to settle the matter.*

**Tuan Pengerusi:** Siapa dia?

**Encik Shahinuddin bin Shariff:** Encik Muammar Ghadaffi.

**Tuan Pengerusi:** Oh, okey. Bagaimana pula dengan seorang yang bernama Puan Rahimah?

**Encik Shahinuddin bin Shariff:** *Okay. There is no suit except for a letter of demand amounting to one million dollars in damages. Of course, it is questionable. Dia telah dibawa masuk oleh Timbalan Ketua Pegawai Eksekutif dan telah pun di-interview dan diberi satu representasi bahawa beliau akan menjadi Pengarah Kreatif dan Branding, satu department yang baru diluluskan oleh Lembaga Pengarah EMGS. Namun demikian, oleh sebab terdapat isu-isu salah faham dan personaliti yang mungkin tidak...*

**Tuan Pengerusi:** Macam mana tafsiran salah faham itu? Sebabnya, dia di-hire ataupun yang kata yang *sort of speak to her was your deputy*.

**Encik Shahinuddin bin Shariff:** Yes.

**Tuan Pengerusi:** Ya. Apa maksud salah faham? Salah faham itu bermaksud...

**Encik Shahinuddin bin Shariff:** No. I don't...

**Tuan Pengerusi:** Sebab saya nampak ada surat yang mana Encik Shahinuddin mengatakan bahawa tidak jadi kontrak tersebut.

**Encik Shahinuddin bin Shariff:** Ya, betul. *You see, what was represented to me was then there is supposed to be a department, but my opinion is that, that department is only to serve EMGS to, in another words, translate and interpret EMGS punya kempen from time to time in so far as the event and the promotion is concerned. Akan tetapi, yang beliau cadangkan ialah kempen untuk the entire 400 universities. I don't think we can actually manage to do that because the kind of budget we carry, we cannot do those things. What they are hoping to have is that actually advertising in house unit that goes asking for business from one unit to another which I think this just not workable.*

**Tuan Wong Chen:** *Little bit confuse, sorry. Who are you referring to? Who is...*

**Encik Shahinuddin bin Shariff:** *This one is Puan Rahimah.*

**Tuan Wong Chen:** Puan Rahimah?

**Encik Shahinuddin bin Shariff:** Ya.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *The one who files the suit?*

**Encik Shahinuddin bin Shariff:** *She is not filed the suit.*

**Tuan Wong Chen:** *File the suit, demand one million dollars? What basis she demands a million dollars?*

**Encik Shahinuddin bin Shariff:** *On some reasonable expectation...*

**Tuan Wong Chen:** *For salary? She is...*

**Encik Shahinuddin bin Shariff:** *No. Reasonable expectation.*

**Tuan Wong Chen:** *Salary?*

**Tuan Pengerusi:** Okey. Rahimah dia *sent a demand letter to EMGS on the 12<sup>th</sup> of November for compensation as she has resigned from her work and expecting employment. Copies was sent to KSU dan KP jugalah mengenai perkara ini. Oleh sebab itulah bila dia telah menerima— the employment contract itu dia sudah terima, dia sudah signed. Dia sudah signed sudah dan return to EMGS pada 2 Oktober...*

**Encik Shahinuddin bin Shariff:** *Which is out of time.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *What do you mean?*

**Encik Shahinuddin bin Shariff:** *It supposed to be return in seven days.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *So, she return after..?*

**Encik Shahinuddin bin Shariff:** *After two weeks.*

**Tuan Pengerusi:** *Selepas itu dia keluarkan surat kata tidak ada employment.*

**Tuan Wong Chen:** *You don't deny offering her employment?*

**Encik Shahinuddin bin Shariff:** *No. We not.*

**Tuan Wong Chen:** *You don't, right? Her pay was how much supposed to be?*

**Encik Shahinuddin bin Shariff:** *For RM25,000, RM26,000 only.*

**Tuan Wong Chen:** *RM25,000, RM26,000. So, why did you not honour the employment other than that she ran out of time?*

**Encik Shahinuddin bin Shariff:** *Because she wanted to bring an entire Advertising Unit which we cannot afford.*

**Tuan Pengerusi:** *Kenapa daripada awal tidak bagi tahu dengan dia yang employment is...*

**Encik Shahinuddin bin Shariff:** *I didn't negotiate her terms. I didn't negotiate her proposal. I was too busy with dasar-dasar baharu yang akan di...*

**Tuan Pengerusi:** *Akan tetapi, you task you punya deputy yang untuk melaksanakan tugas ini. Macam mana?*

**Encik Shahinuddin bin Shariff:** *Ya. I have no choice. Sorry?*

**Tuan Pengerusi:** *You task you punya deputy...*

**Encik Shahinuddin bin Shariff:** *Yes, of course. Of course.*

**Tuan Wong Chen:** *Normally, if I am the employer, I know exactly I need to hire accountant, I hire accountant-lah. I want to hire comms person, I hire comms person.*

**Encik Shahinuddin bin Shariff:** *Ya. I only wanted one person.*

**Tuan Wong Chen:** *Ya. But you only issued one letter to one person, you didn't issue bring me 20 peoples to come in.*

**Encik Shahinuddin bin Shariff:** *No. We issued two letters. But that's becomes her term. "I come in, I come with the whole unit." So, which is quite something else.*

**Tuan Wong Chen:** *Never mind. But this matter has not gone further than that, right?*

**Encik Shahinuddin bin Shariff:** *No.*

**Tuan Wong Chen:** *So, I think we can more or less gauge that this is a semi frivolous suit. Will you say that?*

**Encik Shahinuddin bin Shariff:** *I believe so.*



**Tuan Wong Chen:** *Okay. We are concern really about two or three more issues that was raised to us by witnesses.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Okey. Sebelum masuk isu yang lain, saya hendak tutup fasal kontrak ini lagi. *Just* hendak dapat— sebab, benda ini berulang. Tidak habis-habis, lagi dan lagi.

Okey, saya hendak dapat pemahaman daripada kerajaan sendirilah. Maksudnya, kalau ada *public-private partnership* (PPP), sepatutnya kalau perkara itu melebihi RM5 juta nilainya ataupun, yang kedua, kontrak itu melebihi lima tahun, sepatutnya dirujuk kepada Unit Kerjasama Awam Swasta. *That is what my understanding is.*

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Dalam situasi ini— ya lah, saya hendak mohon penjelasan sebab apabila dalam kontrak yang tidak mengikat dari awal berapa jumlah kontraknya, sedangkan kita tahu nilainya akan lebih daripada RM5 juta. *If not, there is no purpose for you to do the EMGS* sebab *you* hendak *attract the student* daripada luar negara dan sebagainya. Berdasarkan rekod, tahun lepas sahaja, keuntungannya ialah RM70 juta sebelum dibahagikan melalui...

**Seorang Ahli:** RM50 juta.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** RM50 juta yang sebelum dibahagikan kepada syarikat ketiga pula. *So, now*, kalau dari segi tadbir urus ataupun akauntabiliti, kementerian akan kata sudah lepas tangan. Ini antara syarikat. Sedangkan ini masih melibatkan mandat yang diberikan oleh kerajaan dan pada masa yang sama, jumlahnya agak besar.

*So*, saya hendak minta pandangan daripada Datuk KP ataupun kementerian sendirilah. *I really need to know how do you deal in this matter*, sebab *basically* memang EMGS punya kes sudah memang *screwed-up*. *After five, six years, I do not know what is you plan after this*. Akan tetapi, *we have to admit the contract* ini *failed and* berat sebelah kepada syarikat Scicom. Data semua kita tidak dapat dan sebagainya dan kita boleh *argue 'until the cows come home'*, siapa yang— memang benda ini berat sebelah dan sebagainya. Akan tetapi, *the very beginning* ini, *how do we overcome such problem again and again?* Kalau boleh kementerian untuk respons.

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Saya melihat kepada *way forward because things has happened*. Saya melihat itu yang salah satu daripadanya ialah memohon pihak KPM berada di dalam *board which I think for sometime* hari itu tidak ada langsung.

*I agree with you on the amount. Probably this is where the kementerian would have to put specifically certain amount.* Kalau di universiti itu, *even though the university is autonomous* tetapi *above certain amount, they have to bring it to the kementerian*. Saya setuju kalau *we look at this, EMGS has to bring this to the board that with any amount beyond RM5 million, they have*

to present it to the kementerian. Kelulusan KSU atau kementerian. *I think that is something that we need to look at.* Sebab, EMGS juga duduk di dalam Mesyuarat Pengurusan Tertinggi. Jadi, saya rasa *this is something that we need to improve on our part.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Jadi, *moving forward* itu maksudnya kita kena ubah apa kalau tidak hendak perkara ini berlaku?

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Proses SOP nya.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Siapa yang bertanggungjawab ke atas SOP ini?

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Ini ialah CEO sebab CEO yang akan *attend meeting* Mesyuarat Pengurusan Tertinggi KPM.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** So, maksudnya— *okay, I mean, we want to change the whole* dasar, polisi dan sebagainya. Cuma, kalau di peringkat ini, boleh tidak kita maksudnya sudah memang menjadi tanggungjawab kepada EMGS ini untuk perbaiki SOP dan bersetuju...

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Yes.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** ...Satu, supaya segala kelulusan kontrak ini kena dipersetujui dan dibentangkan dalam BOD. Kedua, mana-mana dari segi nilainya, bukan hanya *profit sharing* dan sebagainya, *but when you accumulate within a year is much more than the RM5 million, we makes it compulsory, the kementerian has to give the approval first before someone from the company to sign it. Because, you are 100 percent owned by the kementerian.*

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Yes. *And also I think the process need to be much more thorough. The contract has to go through the PUU of kementerian as well sebab currently, the due diligence is being done by the company alone on the contract. So, if it goes to the PUU kementerian, then, such thing will not happen.*

**Tuan Wong Chen:** *Okay, Datuk, can I just ask this? There is a guideline on tender, there is a guideline for procurement that is issued by the MoF. Betul?*

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** Yes untuk kementerian.

**Tuan Wong Chen:** *But how come it doesn't bind the companies that are 100 percent owned by the kementerian?*

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** *This is because it's a company. They have their own M&A.*

**Tuan Wong Chen:** *So, shouldn't you all report back to MoF and say it should bind lah? I mean, you know... [Ketawa] Isn't it?*

**Encik Shahinuddin bin Shariff:** *No, but we do. Ever since I have taken over, I am makes a point for the board to adopt all the circulars.*

**Tuan Wong Chen:** *I see. So, can I have the AG Offices or the MoF on the back of me, the ex-officio, to gives a bit of comment regarding tender procedure and rules? Whether there is any intention by the ministers involved to extend it to company owned 100 percent by the ministry? [Berucap tanpa menggunakan pembesar suara]*

*Bear in mind, a month ago, your MoF people come and tell me that there is no changed in the tender process or guideline from the old previous government. That's mean Pakatan Harapan has not delivered yet on the new guideline and procedure on tender. Then, the negotiated tender is still being practice openly.*

*Now, we are looking at the tender process of a private company owned 100 percent by the government. So, I want to know what is the pendirian of MoF and also the AG Office, if involve, on this matter?*

**Puan Azreen binti Awang [Ketua Penolong Setiausaha Unit Kawalan Pemantauan (LKAN & PAC), Kementerian Kewangan]:** *Tuan Pengerusi, untuk syarikat 100 percent dibiayai oleh kerajaan, sebenarnya tarafnya sama dengan mana-mana agensi yang ia ada opsyen untuk memilih untuk adopt sepenuhnya prosedur kerajaan ataupun ia ada garis panduan tersendiri.*

*So, kalau ia ada yang tersendiri... [Disampuk] Ia ada opsyen, yang mana SOP nya perlu diluluskan and dibentangkan ke board lah. Kalau board luluskan prosedur tersendiri, so, ia kena follow 100 percent prosedur dalaman. Akan tetapi, kalau ia hendak follow 100 percent government pun ia boleh follow dan pastikan semuanya mematuhi.*

**Tuan Wong Chen:** *Okay, on record I ask the Chairperson, kawan baik saya ini, Yang Berhormat Parit Sulong. We should make a recommendation to the Federal Government that this option be taken away because it's ridiculous. Because, this case is clearly a case where the system has failed, the checks and balances is completely 'koyak'. Tidak ada internal audit, you know, tidak ada lawyer sendiri, ya. I don't know who authorize this thing to sign and so on and so forth. So, this thing must go back to the Federal Government at the highest level in the Cabinet to change this and remove the option.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *On the same note daripada Yang Berhormat Subang, ini pun recommendation. Nanti Encik Johan kena— sebab kadang-kadang kita terlepas pandang untuk dimasukkan.*

*Akan tetapi, opsyen itu, saya kalau terpaksa dibuat, maksudnya sebab mungkin syarikat ini khusus untuk sesuatu perkara, it must be tighter ataupun lebih mengikat daripada kaedah kerajaan. You cannot go lower that standard. I mean, if you really need, it is actually addition. It*

*cannot be removing certain elements. If you want to, you add further because some syarikat ini very specific. Kita ikat lagi ketat.*

**Tuan Wong Chen:** *Saya setuju dengan Yang Berhormat Johor Bahru. Because, kementerian is directly accountable to us. Sometimes, we meet private companies that is owned at different layers— two, three layers down at the kementerian— and then we find out JAN tell us, ia tidak boleh investigate pun, tidak boleh audit pun. We have those kinds of the technical issue also. So, in fact, he is absolutely correct, Yang Berhormat Johor Bahru is correct, we have to make it even harder and more stringent.*

**Puan Azreen binti Awang:** *Tambahan, Yang Berhormat. Kebanyakan yang ada garis panduan dalaman sendiri, memang dia at minimum kena ikut peraturan kerajaan dan dia ada ekstra lagi untuk kawalan dalaman. Kebiasaannya, memang macam itu.*

**Tuan Wong Chen:** *Kalau over here?*

**Puan Azreen binti Awang:** *Itu saya kena semak.*

**Encik Shahinuddin bin Shariff:** *No. Currently, tidak— sorry. Since I took over, I think we have installed everything— SOP, governance and all that. I think everything is 'green'. You can— as I have undertaken to deliver by November. Except for, I think you would have notice, on Check Out Memo. I think there's a lot of misunderstanding about how the Check Out Memo works.*

*Check Out Memo is a convention that the Immigration Department exercises throughout the world. It is the memo that show the student leaving the country. So, as it is, today, the Check Out Memo is optional, whether you filed with us or at the branch of Immigration Department anywhere in the country.*

*So, some of the universities that is out of Kuala Lumpur would prefer to file it— let's say maybe Universiti Tun Hussein Onn Malaysia will file in Batu Pahat and UMT will file in Terengganu, but they are not online. We cannot access them because of the firewall. So, we cannot reconcile the data between those leaving and our own personal data.*

*But now, under the new liberalization policies, all Check Out Memo must be filed with us digitally through the web. So, instantly, we will know the number of the student leaving the country.*

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** *Tuan Pengerusi, can I just...*

**Tuan Pengerusi:** *Ya, ya. Silakan.*

**Datuk Ir. Dr. Siti Hamisah binti Tapsir:** *I believe one way to improve this processes is like what we have in the universities where we have one of the representative from MoF on board. Because, those officers from MoF, they are familiar with all of this process. They are the one who*

*keep on alerting us at the university. This is the way to do it, this is to follow. Because, most of us are not familiar with the MoF processes. So, that is one way I think that will help in the future. Thank you.*

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**Tuan Pengerusi:** Saya hendak berpindah kepada soalan lain pula. Saya dapati bahawa pada 26 September 2018, ada satu surat yang ditujukan kepada CEO EMGS dan saya kira ini adalah Encik Shahinuddin mengenai arahan melantik pegawai kontrak untuk ditempatkan di Pejabat Menteri. Jadinya, boleh tidak *elaborate further on this matter*?

**Encik Shahinuddin bin Shariff:** Pegawai kontrak? Okey.

**Tuan Pengerusi:** Pegawai kontrak itu adalah Encik Khairul Faizi Khalid.

**Encik Shahinuddin bin Shariff:** Oh, dia tidak ada sudah. Dia sudah berhenti sudah. Saya sudah nasihatkan dia berhenti.

**Tuan Pengerusi:** Akan tetapi boleh ceritakan tidak?

**Encik Shahinuddin bin Shariff:** Ini berlaku *in 2018*. Sebelum saya masuk saya rasa.

**Tuan Wong Chen:** *Yeah, you join in 2019, you are saying. Right? Are you aware on this matter?*

**Encik Shahinuddin bin Shariff:** *Became aware sometime in March, I think. Then, I said this a bit irregular. So, I advise him to resign lah.*

**Tuan Wong Chen:** *So, is he resign?*

**Encik Shahinuddin bin Shariff:** *Yes, he has resigned.*

**Tuan Pengerusi:** Apa tugas dia sebenarnya?

**Encik Shahinuddin bin Shariff:** *He is supposed to be liaison between us and the ministry.*

**Tuan Wong Chen:** *But did he come to work in your office?*

**Encik Shahinuddin bin Shariff:** *Yes, of course. He reports every week.*

**Tuan Wong Chen:** *Once a week?*

**Encik Shahinuddin bin Shariff:** *Once a week.*

**Tuan Wong Chen:** *So, he spent all his time in the minister's office?*

**Encik Shahinuddin bin Shariff:** *That's right.*

**Tuan Wong Chen:** *That is the problem lah. Because we have a testimony on...*

**Encik Shahinuddin bin Shariff:** *But, I think, Dato' Dr. KSU has already explained that position and he has already advice the Yang Berhormat Menteri that the procedure is for him to write to Prime Minister for consent to do those things. I believe he has written. Whether the consent had been granted, his unaware of that.*

**Tuan Wong Chen:** *But, he cannot turn back the clock. That's mean he appointed the person without the consent. Now, to regularize the thing, he is been asked to write a letter to the Prime Minister for consent. It doesn't negate the fault that he made.*

**Encik Shahinuddin bin Shariff:** *I don't know when the letter was written.*

**Tuan Wong Chen:** *No, no. I mean the advice— first, you got the point to guide him first lah. This is logic of things. When this witness testified and said that this is highly irregular, then the KSU advice the Minister to write a letter to regularize it.*

**Encik Shahinuddin bin Shariff:** *That's right.*

**Tuan Wong Chen:** *But the act of regularizing it, you don't know lah whether that's happened?*

**Encik Shahinuddin bin Shariff:** *That's right.*

**Tuan Wong Chen:** *But definitely this guy has been removed and been terminated. But regularizing something doesn't turn back the clock to make it legal in the first place. That's what I am saying. I am just making a point lah. Not asking for your opinion. Thanks.*

*There are also allegation that other peoples appointed the same way. Are you aware?*

**Encik Shahinuddin bin Shariff:** *Not aware.*

**Tuan Pengerusi:** *Lagi? Yang Berhormat Johor Bahru.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Saya cuma...*

**Tuan Wong Chen:** *Chairperson, sorry. The name is like the Libyan leader, Muammar Gadaffi.*

**Encik Shahinuddin bin Shariff:** *Oh, no. That's the one that we had filed a suit.*

**Tuan Pengerusi:** *They filed a suit.*

**Tuan Wong Chen:** *They filed a suit? Can you explain that a little bit?*

**Encik Shahinuddin bin Shariff:** *He was brought in by Dato' Rujhan when he was a CEO. That was a late last year. Then, there was no headcount for him to be employed as a strategic planner. Then, when the new management took over, his appointment was terminated just one day or two days before he actually reported. So, he felt that he suffered a lot, so, he filed a suit. We are mandated now to negotiate for settlement.*

**Tuan Wong Chen:** *Are you saying that Muammar Gadaffi's appointment was illegal or improper?*

**Encik Shahinuddin bin Shariff:** *Improper because there were no headcount for him. In fact, his remuneration was designated from the marketing budget to be used to pay his salary which is not proper.*

**Tuan Pengerusi:** *Yang Berhormat Johor Bahru.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Okey, saya cuma hendak tanya dari segi pelantikan *new Chair of Board of Directors*. Siapa sekarang?

**Encik Shahinuddin bin Shariff:** Dato' Abdul Rahman Mohamed Shariff.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Siapa yang buat lantikan?

**Encik Shahinuddin bin Shariff:** Lantikan *is from the board*.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Maksudnya *board* yang *recommend* kah atau daripada kementerian?

**Encik Shahinuddin bin Shariff:** *No, the board must— any company, the board must appoint upon the recommendation of the Minister.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** So, ada surat daripada *Minister* yang mencalonkan beliau sebagai *Chairman*?

**Encik Shahinuddin bin Shariff:** *Yes, of course. Nominate* dia.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Nominate*. Apa dia punya *background*?

**Encik Shahinuddin bin Shariff:** *I think he is in oil and gas business.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Apa kaitan dari segi latar belakang? Selalunya, ya lah, *you* ambil *Chairman* ini mesti ada yang seorang mahir ataupun faham dari segi industri tersebut. Boleh bagi penjelasan sedikit?

**Encik Shahinuddin bin Shariff:** *I cannot answer for that. That is the discretion of the Minister.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Daripada kementerian tidak pernah dikemukakan? So, memang itu adalah *nomination by* Menteri walaupun kita tidak tahu— memanglah latar belakang beliau daripada *oil and gas* daripada syarikat Dyanc Sdn Bhd. *Any reason why he's being promoted as a Chairman*?

**Encik Shahinuddin bin Shariff:** *I don't know.*

**Tuan Pengerusi:** Boleh tidak Encik Shahinuddin menyatakan kepada kita semua *how's your relationship* dengan *Chairman* sekarang?

**Encik Shahinuddin bin Shariff:** *My relationship has always remain professional. He comes to the board meeting, he deliberated the policy and we accept or it will be resolved to accept or otherwise. In fact, there are certain things that I may not agree, I already express to him. One of it is that—*

*In fact, baru-baru ini pun we are trying to build an alternative system for the entry of student in Sabah and Sarawak. Similar system but it's a whole lot cheaper and far more advance. I've told him very clearly that all this proceeding in relation to the contract, they must be present at least representative from KPM. I think we take cognizant of the recommendation by the Auditor*

*General and corporate governance. So, he has not done anything other than to discuss but not make any decision to that effect. So, ada juga dia dengar, bukan dia tidak dengar.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Adakah Encik Shah pernah mengenali beliau sebelum beliau dilantik sebagai *Chairman*? Memang tidak kenal dari segi mana?

**Encik Shahinuddin bin Shariff:** *I never know him.*

**Tuan Wong Chen:** Encik Shah, *do you know this person name Akhramsyah Muammar Ubaidah?*

**Encik Shahinuddin bin Shariff:** *I only met him on the board.*

**Tuan Wong Chen:** *He is on the board?*

**Encik Shahinuddin bin Shariff:** *He is on the board.*

**Tuan Wong Chen:** *There is allegation that his appoint to the board not through proper process. What do you say to that?*

**Encik Shahinuddin bin Shariff:** *I don't think that is possible. He is appointed by the board. There is a letter from the Minister. Otherwise, SSM would not approve it.*

**Tuan Wong Chen:** *Does Minister have authority to appoint someone into you EMGS's board?*

**Encik Shahinuddin bin Shariff:** *The Minister can nominate.*

**Tuan Wong Chen:** *Can nominate.*

**Encik Shahinuddin bin Shariff:** *Ya. In fact, all the board members, the Minister must consent. I mean, CLBG rules.*

**Tuan Pengerusi:** Saya juga dimaklumkan bahawa pejabat *the current CEO* ini sama bangunan dengan pejabat EMGS. Adakah benda itu betul?

**Encik Shahinuddin bin Shariff:** *Sorry. The current Chairman?*

**Tuan Pengerusi:** *The current Chairman.*

**Encik Shahinuddin bin Shariff:** *Quite coincidental.*

**Tuan Pengerusi:** Okey.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Boleh detilkan lagi sikit tidak dia punya *coincidental*? Dekat mana pejabat itu?

**Encik Shahinuddin bin Shariff:** *Oh, dia on the 10<sup>th</sup> floor, we are in 21<sup>st</sup> floor.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Dia syarikat apa dekat situ?

**Encik Shahinuddin bin Shariff:** Dynac.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Dynac lah.

**Encik Shahinuddin bin Shariff:** *They have been there for quite number of years pun.*



**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *Since you are there from very beginning— siapa sampai dulu dekat situ, menara itu?*

**Encik Shahinuddin bin Shariff:** *Tidak pernah jumpa dia pun.*

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *I mean at least syarikat itu memang wujud for quite sometimes. Maybe he knows sebab kekosongan.*

**Encik Shahinuddin bin Shariff:** *I presume so. I don't go that very often. I only go there for board meeting.*

**Tuan Pengerusi:** *Okey, ini ada lagi satu mengenai penyalahgunaan kuasa menggunakan kad CEO untuk perjalanan rasmi Yang Berhormat Menteri. Bolehkah elaborate mengenai ada satu payment authorization form perjalanan Menteri ke Sheffield?*

**Encik Shahinuddin bin Shariff:** *I have no idea. That was done before I came in but the claim was made later. I have no idea about the claim and all that.*

**Tuan Wong Chen:** *But now you aware of that claim?*

**Encik Shahinuddin bin Shariff:** *Now, yeah, of course.*

**Tuan Wong Chen:** *Have you investigate into the matter?*

**Encik Shahinuddin bin Shariff:** *I think that was raised by JAN.*

**Tuan Wong Chen:** *Yeah, precisely. JAN raised it and you are supposed to give reply to it, my friend. What is your reply?*

**Encik Shahinuddin bin Shariff:** *I asked him. He said, he got some work to do for EMGS. I mean, that's his explanation. So, I take it.*

**Tuan Wong Chen:** *He? You mean the Minister told you? Isn't?*

**Encik Shahinuddin bin Shariff:** *No, no. He is the Chairman. I took it in the good faith. I have no reason to...*

**Tuan Wong Chen:** *No. But this is a bill allegedly...*

**Encik Shahinuddin bin Shariff:** *I have never even seen the bill.*

**Tuan Wong Chen:** *The Minister took a trip to Sheffield on his personal capacity that is paid by EMGS. Now, that is JAN's findings. So, they have asked you and what have you done to look into this matter?*

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**Encik Shahinuddin bin Shariff:** *I am not aware that they have asked me to do so. [Ketawa]*

**Tuan Wong Chen:** *Okay. But you are aware of this issue?*

**Encik Shahinuddin bin Shariff:** *Ya, ya.*

**Tuan Wong Chen:** *Because this person who has been a witness...*

**Encik Shahinuddin bin Shariff:** *I am aware of this issue. That is one of the reasons why I have decided to adopt the Treasury punya latest circular. So that way, I get to rein him in.*

**Tuan Wong Chen:** *Now, this PAC here listens to everybody with the good faith that they are telling the truth and has taken an oath, right? But we are worried if this practice does happen at this level. It should not be happening in the Malaysia baharu. Let's put it that way ya.*

**Encik Shahinuddin bin Shariff:** *But actually, to be very honest with you, I have already caution him about those sort of things lah.*

**Tuan Wong Chen:** *You keep referring to "he". Who are you referring to?*

**Encik Shahinuddin bin Shariff:** *I mean the Chairman. Sorry.*

**Tuan Wong Chen:** *Okay, you do not speak with the Minister directly, right?*

**Encik Shahinuddin bin Shariff:** *I don't but my dealing with him are just...*

**Tuan Wong Chen:** *But the allegation is towards the Minister, not towards the Chairman.*

**Encik Shahinuddin bin Shariff:** *I do not know about the allegation towards the Minister but I did caution the Chairman that he should not be using the company's fund for purposes other than the company's interest.*

**Tuan Wong Chen:** *Of course. Was there an event that you know in Sheffield at that particular time that EMGS was doing?*

**Tuan Pengerusi:** *EMGS punya event.*

**Encik Shahinuddin bin Shariff:** *I do not know of any such events.*

**Tuan Wong Chen:** *But the Chairman did tell you that it was for EMGS event in Sheffield?*

**Encik Shahinuddin bin Shariff:** *Ya, I take it in good faith because I just came in after the event.*

**Tuan Wong Chen:** *Okey, ya, ya. We do not want to put you in too much of a spot where you don't— when you were not there, it is not fair lah to ask you. That we understand. Okay, thank you.*

**Tuan Pengerusi:** *Lagi? Ada soalan-soalan lain? Yang Berhormat Permatang Pauh?*

**Puan Nurul Izzah binti Anwar [Permatang Pauh]:** *Tuan Pengerusi, saya mungkin hendak tanya tentang bila bergerak ke hadapan, ada kes mahkamah. Pendirian kementerian, those of you here, the position that it is anak syarikat kementerian. Akan tetapi daripada kenyataan AG tadi, nampak sedikit longgar.*

Jadi, kebimbangan saya bila bercakap tentang kontrak yang sangat berat sebelah dan implikasi kewangannya besar dalam usaha untuk perbaiki tadbir urus— *I can see the efforts that has been taken.* Mungkin hendak dapatkan lagi pendirian muktamad daripada AG. *Is that how you view all the companies that is under the purview of the ministry? Or is it going to be dependent*

*on the outcome of the case with no involvement from your end whether informally* ataupun dari segi maklum balas dan sebagainya? *This is quite important* lah kerana, pada saya, bila ke hadapan kita ada wakil MoF yang diminta untuk memberi sedikit panduan dan kita juga ada wakil kementerian yang diminta duduk dalam *board*, tetapi dari segi *now it has become this legal battle, I need to know more from the AG Chambers*.

**Tuan Kamal Azira bin Hassan:** Terima kasih Yang Berhormat dan Tuan Pengerusi. Kita tertakluk kepada Akta Prosiding Kerajaan 1956 di mana di situ pihak Jabatan Peguam Negara akan mewakili pegawai-pegawai awam dalam kes-kes mahkamah.

Dalam kes-kes yang melibatkan syarikat— dalam kes ini contohnya, EMGS adalah syarikat yang ditubuhkan di bawah Akta Syarikat. Jadi, ia bukanlah pegawai awam di bawah undang-undang ataupun menurut peruntukan Akta Prosiding Kerajaan 1956 di mana AG boleh mewakili. Melainkan ini adalah pegawai awam, dan di situ kita akan mewakili kementerian, pegawai-pegawai di kementerian ataupun di jabatan. Melainkan pihak kementerian atau jabatan dinamakan sebagai pihak di dalam kes ini, barulah pihak Jabatan Peguam Negara ataupun Peguam Persekutuan atau Peguam Kanan Persekutuan akan mewakili dalam prosiding tersebut.

Saya tidak dapat maklumat sepenuhnya tentang perkara ini tetapi apa yang saya lihat ialah melibatkan syarikat sahaja iaitu EMGS dan berdasarkan fakta tersebut, saya tidak fikir yang AGC boleh mewakili dalam prosiding tersebut. Melainkan, macam saya cakap tadi, kementerian dijadikan pihak.

Begitu juga dengan *statutory body* di mana *statutory body* ataupun badan berkanun yang mempunyai akta tersendiri, *so*, mereka juga akan diwakili oleh peguam bela masing-masing dan bukannya oleh pihak Jabatan Peguam Negara. Ini adalah jelas sebenarnya. Itu yang saya dapat bantu buat masa ini, Tuan Pengerusi. Terima kasih.

**Puan Nurul Izzah binti Anwar:** Boleh saya tanyakan sedikit sahaja tentang fakta? Terima kasih, AGC ya. Maka dalam kes ini, disebut plaintif Muammar Gadaffi, defendan *of course* EMGS termasuk juga Dato' Rujhan. Dato' Rujhan sekarang di bawah MEA. Maksudnya, masih lagi diterma sebagai kakitangan kerajaan lah. Jadi, saya nampak— okey, maksudnya beliau di saman atas kapasiti individu, *I guess, but as a third party. It is a good test case to know what to do in the future*. Maksudnya, AGC pun melihat ini sebagai kes yang berasinganlah. Baik.

**Tuan Pengerusi:** Okey.

**Tuan Kamal Azira bin Hassan:** Boleh saya tambah sedikit, Tuan Pengerusi? Kita kena lihat sama ada kapasiti yang berkenaan itu sama ada sebagai pegawai awam ataupun hanyalah sebagai pengarah syarikat. Kalau pengarah syarikat, ia masih lagi tertakluk kepada MoA syarikat

ataupun *board of directors*. Melainkan dia di saman atas kapasiti sebagai pegawai awam, *then* barulah AGC akan mewakilinya. Okey, terima kasih.

**Tuan Steven Choong Shiau Yoon:** Tuan Pengerusi...

**Tuan Pengerusi:** Ya, Yang Berhormat Tebrau.

**Tuan Steven Choong Shiau Yoon:** Selama ini saya sebagai Ahli Jawatankuasa Kira-kira Wang negara, kalau setiap kali melibatkan syarikat yang ditubuhkan di bawah Akta Syarikat Malaysia, sebagai contohnya macam 1MDB, sekarang EMGS, walaupun ada lembaga pengarah, sepatutnya lembaga pengarah punya tanggungjawab adalah tertakluk kepada Akta Syarikat Malaysia dan di situ sangat berat. Kalau tidak berlaku apa-apa yang terbaik bagi pemegang saham dalam isu ini, memang Kerajaan Malaysia adalah satu daripada pihak yang ada *interest*. Itu adalah satu kesalahan yang sangat besar tapi apa yang saya tengok, saya tidak nampak lembaga pengarah seperti ini ya, bertindak secara bebas dan berani untuk *act without fear and favour*.

Saya nampak ia ada, kita kata, campur tangan dari Menteri. Jadi macam memaksa sesuatu tindakan ataupun keputusan diambil oleh lembaga pengarah. Akan tetapi, saya berharaplah semua mesti diingatkan, kita dalam Malaysia Baharu, kita mesti sentiasa menjaga kepentingan rakyatlah, bukan seseorang di dalam kementerian. Jadi, semua kena bertindak secara profesional. Inilah yang saya hendak ingatkan kepada semua yang sudah dilantik atau kalau dilantik pun kerana *you* sudi untuk menerima tanggungjawab itu.

Saya berharap ini akan jadi satu peringatan dan juga satu pengajaran kepada semua yang duduk dalam lembaga pengarah di syarikat-syarikat yang ditubuhkan di bawah Akta Syarikat Malaysia yang ada kepentingan dari Kerajaan Malaysia. Itu sahaja daripada saya.

**Tuan Pengerusi:** Okey, saya pun hendak mencadangkan supaya MACC untuk masuk membuat siasatan mengenai penggunaan kad kredit di Sheffield ya. Okey, kalau tidak ada...

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** Ada satu lagi. Saya hendak semak sama ada tadi— sebab *the allegation* itu, pelantikan Encik Shahinuddin sebagai CEO dipertikaikan oleh *the former CEO*. *Can you explain the process how did you take over? Who actually endorsed you? Because, at least to be fair, we want to hear from both sides.*

**Encik Shahinuddin bin Shariff:** *I think it is on the board's minutes. In the board minutes* ya.

**Tuan Haji Akmal Nasrullah bin Mohd Nasir:** *But at least you explain, for the record?*

**Encik Shahinuddin bin Shariff:** *Sorry? I have already explained that in the last proceedings. I believe that is quite... [Disampuk] Ya, about this matter.*

**Tuan Pengerusi:** Okey, kalau tak ada apa-apa lagi, saya ingin mengucapkan ribuan terima kasih kepada KPM, kepada TKSU, kepada Ketua Pengarah, kepada CEO di atas kehadiran ke mesyuarat PAC pada hari ini.

Sekian, *wabillahi taufik walhidayah, wassalamualaikum warahmatullahi wabarakatuh.*

***[Mesyuarat ditangguhkan pada pukul 12.50 tengah hari]***