

Sultan understands the issues, says MIB

NST 6/1/2011 P5B4

By Mazlinda Mahmood
news@nst.com.my

SHAH ALAM: Menteri Besar Tan Sri Abdul Khalid Ibrahim has brushed aside a strongly-worded palace statement hitting out at state leaders as the personal opinion of the Sultan of Selangor's private secretary Datuk Mohamad Munir Bani and not that of the sultan's.

He said that during a meeting with the Selangor sultan earlier this week, the ruler had indicated his understanding of the issues as he saw them.

"The sultan understands. That is Datuk Munir's statement. We discussed the 1993 amendment to the Federal Constitution (which limited certain powers of the monarchy as the cause of the removal of the sultan's authority in state appointments)," he told a packed press conference after chairing the state executive council meeting yesterday.

Khalid said it was "a matter of interpretation" but he believed that nobody disputed the fact that before the 1993 introduction of the bill to amend the Constitution, the powers of the sultan and menteri besar on the appointment of the three senior administrators of the state were clear.

"I hope Munir does not disagree with this. If he does, a lot of people will have to go back to law school."

He was commenting on the palace's statement refuting his remarks that the sultan had agreed with him that he (Sultan Sharafuddin) did not have the authority to accept or reject candidates proposed by the Public Services Commission (PSC).

Asked to comment further if he was denying Munir's statement, Khalid said he was not, but was merely stating historical facts that there was clearly an amendment that had eroded both the power of the sultan and the menteri besar with regards to the appointment of the state secretary.

On Tuesday, the Selangor palace issued a strongly-worded statement in response to the controversy arising from the appointment of Datuk Mohd Khusrin Munawi as the state secretary.

In the statement, Munir said Khalid had made inaccurate statements on Monday that the sultan did not have the authority to accept or reject candidates proposed by the PSC.

Munir said the sultan gave his assent to one of the proposed candidates whereupon the choice of candidate was agreed by PSC through a letter issued by the Public Service Department (PSD) and appointed in accordance with the provisions in Section 52(1) and



Selangor Menteri Besar Tan Sri Abdul Khalid Ibrahim (right) stating that he would do everything in his power to get the assent of the Selangor Sultan to amend the state constitution. On his right is Selangor executive councillor Ronnie Liu. — NST picture by Abdullah Yusof

2(a) of the Selangor Constitution 1959, adding that this was the convention in Selangor.

Khalid said the state executive council meeting had agreed to call for an emergency assembly meeting this month to amend the constitution to return the power of appointing the state secretary, the legal adviser and the financial officer to the sultan and the state, and Speaker Datuk Teng Chang Khim was notified of the matter yesterday.

The amendment, if approved, would mean the state secretary would be chosen among the three candidates whose names are forwarded by the menteri besar to the sultan for his consent.

"The existing enactment does not give a clear jurisdiction to the sultan and the menteri besar in the appointment of the state secretary, financial officer and legal adviser.

"Therefore, we want to correct this situation and this is why we want to convene the state legislative assembly."

Khalid said the state government had appointed two lawyers, Datuk Param Cumaraswamy and Prof Aziz Bari, to come up with a proposal for the amendment to the enactment bill to be tabled at the state as-

sembly.

On the Selangor sultan's command to the Selangor government to obtain his assent for any proposal to amend the state constitution, Khalid said the state would do whatever was necessary to obtain his assent.

Asked how he intended to obtain the two-thirds majority vote needed to amend the state constitution, which meant he has to convince two Barisan Nasional assemblymen to vote for such an amendment, Khalid said: "We will cross that bridge when we get there. We'll call it (state assembly meeting) and table it and let's see."

On whether he would be attending Khusrin's swearing-in ceremony before the sultan at Istana Bukit Kayangan today: "We will see whether I'm there or not there."

Yesterday, Khalid revealed that the state executive council had not invited Khusrin to take the oath of secrecy before the menteri besar until the emergency state assembly convened this month to resolve the stalemate in appointing the state secretary.

Khusrin was also not invited to attend yesterday's state exco meeting, the first for this year.

Pelantikan secara profesional

METRO 6/1/2011 MS 16

KUALA LUMPUR: Pelantikan Setiausaha Kerajaan Selangor, Datuk Mohd Khusrin Munawi dilaksanakan secara profesional bukan saja tanpa sebarang kepentingan politik malah mana-mana anggota pentadbiran persekutuan termasuk Perdana Menteri tidak dirujuk berhubung urusan itu.

Ketua Setiausaha Negara, Tan Sri Mohd Sidek Hassan berkata, urusan itu hanya membabitkan beliau dan Lembaga Kenaikan Pangkat dengan kerajaan Selangor.

“Pelantikan Khusrin mengikut peruntukan Perlembagaan Persekutuan, Undang-Undang Tubuh Kerajaan Selangor dan Peraturan-Peraturan Lembaga Kenaikan Pangkat Perkhidmatan Awam 2010 serta amalan di mana terdapat elemen konsultasi dengan kerajaan Selangor melalui Setiausaha Kerajaan.

“Proses konsultasi ini dilaksanakan dalam proses pelantikan Setiausaha Kerajaan

bagi negeri lain berkaitan sama ada ditadbir Barisan Nasional (BN) atau tidak, termasuk di Pulau Pinang,” katanya dalam kenyataan semalam.

Beliau berkata, tidak timbul isu penolakan oleh kerajaan Selangor kerana Khusrin bukan dilantik Kerajaan Persekutuan tetapi dibuat Lembaga Kenaikan Pangkat Perkhidmatan Awam berdasarkan peruntukan Perlembagaan Persekutuan, Undang-Undang Tubuh Kerajaan Selangor dan Peraturan-Peraturan Lembaga Kenaikan Pangkat Perkhidmatan Awam 2010.

“Dalam urusan pelantikan itu saya selaku Ketua Setiausaha Negara dan Penghurus Lembaga Kenaikan Pangkat yang diperuntukkan mengikut Perlembagaan Persekutuan tidak mengambil input politik dan tidak merujuk kepada mana-mana anggota pentadbiran persekutuan termasuk Perdana Menteri,” katanya.

>Mapem pandang serius

KUALA LUMPUR: Majlis Perundingan Ekonomi Melayu (Mapem) memandag serius isu pelantikan Setiausaha Kerajaan Negeri (SUK) Selangor, Datuk Mohd Khusrin Munawi yang akan mengangkat sumpah taat setia di hadapan Sultan Selangor, Sultan Sharafuddin Idris Shah, hari ini.

Presiden Mapem, Tan Sri Rozali Ismail (*gambar*) berkata, pada masa sama, Mapem memandag serius terhadap sikap dan kaedah diambil kepimpinan kerajaan negeri Selangor yang terlalu mempolitikkan isu pelantikan itu sehingga membelakangkan tiga perkara utama.

“Tiga perkara itu adalah bidang kuasa pelantikan SUK Selangor adalah di bawah bidang kuasa Suruhanjaya Perkhidmatan Awam (SPA) yang ditadbir selia Ketua Setiausaha Negara.

“Malah, Sultan Selangor sudah memperkenankan pelantikan Khusrin menurut kehendak Undang-Undang Tubuh Kerajaan Negeri yang bermakna menjadi tanggungjawab pemimpin dan rakyat Selangor untuk akur kepada titah perintah Tuanku.

“Selain itu, mempolitikkan perkara berkaitan pelantikan seorang SUK yang juga ketua jentera pentadbiran kerajaan negeri sehingga boleh menjejaskan perjalanan urus



tadbir kerajaan negeri yang jelas membelakangkan kepentingan rakyat,” katanya dalam satu kenyataan, semalam.

Rozali berkata, Mapem turut memandag serius tindakan kepimpinan kerajaan negeri yang memanjangkan isu itu sehingga mengheret negeri ke kancas krisis perlembagaan dan mewujudkan satu suasana kurang harmoni dalam aspek pentadbiran kerajaan negeri.

Beliau berkata, Selangor adalah peneraju kepada kegiatan ekonomi negara kerana hampir semua nadi ekonomi negara terletak di negeri itu dan Mapem bimbang dengan hasrat kerajaan negeri yang mempolitikkan isu pelantikan itu sehingga menjejaskan kelicinan dan kecekapan jentera pentadbiran kerajaan

negeri.
“Jika isu ini berpanjangan dan SUK yang sah tidak dapat menunaikan tanggungjawabnya dengan lancar dan sempurna, Mapem kkuatir ia akan memberi kesan sehingga menjejaskan jentera ekonomi di Selangor dan kesannya bukan saja membabitkan peniaga di Selangor, malah rakyat dan ekonomi negara secara keseluruhan.

“Sehubungan itu, Mapem yang dianggotai 45 badan ekonomi Melayu yang mempunyai keahlian 150,000 orang mengingatkan kepimpinan kerajaan negeri untuk menghormati Perlembagaan dan Undang-Undang Tubuh Negeri Selangor, menzahirkan taat setia kepada Sultan dan akur akan titah perintahnya dan paling penting mendahulukan kepentingan rakyat dalam tindakan mereka.

“Mapem menggesa kepimpinan kerajaan negeri menerima pelantikan Mohd Khusrin dengan hati terbuka tanpa sebarang prejudis bagi menamatkan sebarang bentuk tindakan yang menzahirkan penderhakaan kepada Sultan Selangor dan paling utama, terus menggerakkan jentera kerajaan negeri demi kepentingan rakyat dan ekonomi kerajaan negeri,” katanya.

Sidek: No politics involved

By Anis Ibrahim
news@nst.com.my

KUALA LUMPUR: The appointment of Datuk Mohd Khusrin Munawi as Selangor state secretary was not political nor was there any political design behind it, said Chief Secretary to the Government Tan Sri Mohd Sidek Hassan.

He said the Public Services Promotion Board, and not the Federal Government, made the decision based on legal principles.

"I received no political input throughout the appointment process and did not refer to any member of the federal administration, including the prime minister.

He added that the appointment of the state secretary was conducted professionally.

"The issue of the Selangor government rejecting Datuk Khusrin as state secretary does not arise as the appointment was not made by the Federal Government but by the Public Services Promotion Board based on provisions in the Federal Constitution, Selangor state rules and Public Services Promotion Board Rules, 2010 (P.U. (A) 75/2010)."

Selangor Menteri Besar Tan Sri Abdul Khalid Ibrahim had raised issues over the appointment of Khusrin, who clocked in for work on Monday.

Sidek, in a statement released yesterday, said there had been consultation with the state government through the then state secretary.

The consultation procedure, he said, was adopted in relevant states regardless of whether they were under the rule of Barisan Nasional or other parties.

This included the appointment of the Penang state secretary, he added.

Sidek cited Article 52 of the Selangor constitution: "There shall be constituted the offices of state secretary, state legal adviser and state financial officer; and the appointments thereto shall be made by the appropriate service commission from among the members of the public services."

He said the words "the appropriate service commission" referred to the appointments commission that appointed the Selangor state secretary.

□ TURN TO PAGE 4, COL 4

NST Pg 1 6/11/2011

Sidek: 3 names were sent to former state sec

□ FROM PAGE 1

"In this regard, the Selangor state secretary is a federal public officer from the Administrative and Diplomatic Services Scheme and its appointments commission is Public Services Commission (PSC)."

He referred to clause 5(B)(i) of Article 144 of the Federal Constitution, which provides that powers and functions of the PSC can be carried out by a board elected by the Yang di-Pertuan Agong.

He said the Yang di-Pertuan Agong had, through the Public Services Promotion Board Rules, 2010 (P.U. (A) 75/2010), set out the powers of the PSC with regard to the appointments and promotions of federal public officers.

"With that, the appointment of Datuk Khusrin as Selangor state secretary was made by a valid 'appropriate services commission' under Article 52 of the Selangor constitution.

"The statement that the appointment of the Selangor state secretary was made by the Federal Government is inaccurate."

"The sultan's consent in Datuk Khusrin's appointment is not a legal requirement under the Selangor constitution but is more a convention and a matter of courtesy that he approve of the head administrator in his state.

"What is adequate under the law is that the appointment be made by an 'appropriate service commission' or by the Public Services Promotion Board, carrying out the powers of the PSC as stipulated under Article 144(5B)(i) of the Federal Constitution and under 2010 (P.U. (A) 75/2010)."

He added that the Selangor constitution did not stipulate that it was a requirement that the Selangor government be consulted before a state secretary was appointed.

"In practice, however, the Public Service Department (PSD) submits names of candidates to the state government through the existing state secretary as a matter of courtesy."

For instance, he said, the PSD director-general had informed the then Selangor state secretary in his letter dated Nov 23 that he (Sidek) and the PSD had identified three candidates for the position of the new Selangor state secretary. Khusrin was one of them.

"The three were short-listed based on their experience, capabilities, merits, traits and suitability."

The letter also requested that the candidates' names be referred to the Selangor government for its consideration and approval.

"The PSD, through another letter dated Dec 3 to the then Selangor state secretary, named the same three candidates for consideration to fill the post and requested the approval of the sultan of Selangor as a matter of practice.

"The former Selangor state secretary replied, through a letter dated Dec 13, informing the PSD that the three names had been forwarded to the sultan and that he had approved Datuk Khusrin as the new Selangor state secretary."

Chief Sec: State was

informed

T/SUN 6/1/2011 PG 2

> Mohd Sidek refutes state govt's contention that Mohd Khusrin's appointment was done without consulting the MB

BY **ALYAA ALHADJRI**
newsdesk@thesundaily.com

PUTRAJAYA: The federal authorities had informed the Selangor government about three preferred candidates for state secretary, said Chief Secretary to the Government Tan Sri Mohd Sidek Hassan, who broke his silence on the controversy over the appointment in a statement yesterday evening.

This refutes the state government's contention that the appointment of Datuk Mohd Khusrin Munawi was done without consultation with Menteri Besar Tan Sri Abdul Khalid Ibrahim.

Mohd Sidek said while the State Enactment did not require that the state government be consulted on the appointment of the state secretary, as a matter of courtesy, the Public Services Department (PSD), which is the secretariat for the Public Service

Promotions Board, had sent the proposed names to outgoing State Secretary Datuk Ramli Mahmud. He said Ramli was informed of the matter through two letters dated Nov 23 and Dec 3. These letters were signed by PSD director-general Datuk Seri Abu Bakar Abdullah and PSD senior deputy director (services) Datuk Jalil Marzuki respectively.

The candidates (in order of preference) were (former Selangor Islamic religious department head) Mohd Khusrin; Subang Jaya Municipal Council president Datuk Adnan Md Ikshan and Selangor deputy state secretary (development) Datuk Noordin Sulaiman.

"These recommendations were based on their qualifications, experience, personal traits and eligibility," Mohd Sidek said.

He said Ramli, through a letter to Jalil dated Dec 13, stated that the proposed names had been submitted to Sultan Sharafuddin

Idris Shah, who in turn had consented to Mohd Khusrin as the new state secretary, effective either Dec 17 or Dec 20.

Copies of these letters were made available to the media.

"It is not a legal requirement but a matter of courtesy that the sultan's consent is sought for the appointment of state secretary but the appointment is made by the Public Service Promotions Board.

"In the appointment process, I did not take any political input and did not refer to any member of the federal administration, including the prime minister," he said.

Mohd Sidek said the process of appointing state secretaries is the same in all states irrespective of whether they are ruled by Barisan Nasional or Pakatan Rakyat. He also indicated that there was no controversy over the appointment of the Penang state secretary which was also a federal appointment.