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The Selangor State Assembly Oversight and Government Accountability[1]

Pengawasan dan Akauntabiliti Kerajaan di Dewan Negeri Selangor

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Abstract

It is imperative to ensure that every decision made by a legislative body has the best interest of the citizens at heart. The Selangor State Assembly (SSA) is the legislative body that oversees the government of Selangor, Malaysia. The SSA follows the parliamentary model of government. This paper attempts to examine the effectiveness of the SSA oversight in ensuring the Selangor state government accountability generally, and in relation to the Talam case, specifically. The concept of accountability has two facets – answerability and enforcement. Matching internal and external oversights with the different forms of accountability must have high enforcement or sanctions capacity for the oversight mechanisms to be effective. There are three areas of focus in the study: i) the mechanisms available in the SSA, ii) the effectiveness of the mechanisms used in ensuring the government accountability in Selangor and iii) the challenges in ensuring government accountability in Selangor and how they are resolved. The data of this research paper is mainly from interviews and secondary sources. The conceptual framework of legislative oversight and government accountability of Pelizzo and Stapenhurst (2014) is used as the theoretical guideline of this study. Legislative oversight, if effectively performed, can keep government accountable; a greater accountability can lead to a reduction in the level of corruption. Reduced corruption results in improved economic development and living standards. This study reveals the extent of the SSA legislative oversight effectiveness in ensuring the Selangor state government accountability.

Keywords: Selangor State Assembly, Legislative Oversights, Government Accountability, Corruption Management.

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Abstrak

Amat penting untuk memastikan setiap keputusan yang dibuat oleh sesebuah badan legislatif adalah yang terbaik untuk kepentingan rakyat. Dewan Negeri Selangor (DNS) adalah badan legislatif yang mengawas kerajaan negeri Selangor, Malaysia. Model DNS ialah sistem kerajaan berparlimen. Kajian ini bertujuan untuk melihat keberkesanan DNS dalam memastikan akauntabiliti kerajaan Selangor amnya dan berhubung dengan kes Talam khususnya. Konsep akauntabiliti memenuhi dua aspek – kebertanggungjawaban dan penguatkuasaan. Padanan mekanisme dalaman dan luaran ke arah mencapai akauntabiliti pelbagai bentuk perlu penguatkuasaan yang luhur atau kapasiti sanksi yang mampu menjadikan mekanisme pengawasan berkesan. Tiga fokus utama kajian ini: i) Mekanisme pengawasan sedia ada di DNS, ii) Keberkesanan mekanisme yang digunakan dalam memastikan akauntabiliti kerajaan di Selangor, iii) Cabaran-cabaran dalam memastikan akauntabiliti kerajaan di Selangor dan bagaimanakah cabaran-cabaran tersebut diatasi. Data kajian ini diperolehi dari temu bual dan sumber-sumber sekunder. Kerangka konseptual oleh Pelizzo and Stapenhurst (2014) dalam pengawasan legislatif dan akauntabiliti kerajaan digunakan sebagai panduan teori dalam kajian ini. Pengawasan legislatif, jika dilakukan secara efektif, boleh mengekalkan kerajaan yang bertanggungjawab; akauntabiliti yang lebih semarak akan memerosotkan korupsi. Pengurangan korupsi mewujudkan peningkatan pembangunan ekonomi dan taraf kehidupan. Kajian ini mendedahkan sejauh mana keberkesanan pengawasan DNS ke arah memastikan akauntabiliti kerajaan Selangor.

Kata Kunci: Dewan Negeri Selangor, Pengawasan Legislatif, Akauntabiliti Kerajaan, Pengurusan Korupsi.

Introduction

There is a dearth of research on the Selangor State Legislative Assembly (SSA) in relation to its legislative oversight in ensuring government's accountability. Selangor political watershed occurred when, after the 12th general election (GE12) on 8th of March 2008, the state was transferred to the hands of a new government led by the Pakatan alliance (previously known as Pakatan Rakyat, now Pakatan Harapan). For more than half a century, Selangor was under the rule of the Barisan Nasional (BN), which controlled the federal government after the GE12 and GE13. Therefore, the different political dominance at the state and federal level posed challenges to the Selangor government in fulfilling promises to the Selangor citizens. However, the Pakatan government promised a better government, generating greater transparency and accountability.

The SSA is governed by and derives its powers from the Constitution of Malaysia and the Selangor State Constitution (1957). It follows a parliamentary system with only one house. There are fifty-six seats in the House. The Selangor Executive Committee or MMKN (Majlis Mesyuarat Kerajaan Negeri Selangor) is led by the Menteri Besar (Chief

Minister or MB) with ten cabinet ministers, the Excos. The judicial branch is under the jurisdiction of the federal government.

Accountability has been defined in various ways (Bovens, 2010; Pelizzo, 2014). It is often used in the accounting sector, particularly to verify accounts to show a true and fair view of an entity's transactions. In the context of government, accountability means calling the government to account for the actions taken and decisions made, ensuring that it is wholly for the benefit of the people (Yamamoto, 2007). The essence of accountability is "answerability" and "enforcement" (Pelizzo and Stapenhurst, 2014). The executive branch of the legislature (government) must respond (answerability) without failure to all queries or questions posed. Failure to do so may create the perception of hidden agendas and corruption which must be investigated. Those responsible must be sanctioned (enforcement) and any gap in accountability standards must be corrected (Guerin et al, 2018) (al-Quran: 38:26, 2: 205).

Legislative oversight is a means to achieving government accountability. There has been numerous research on legislative oversight. Legislative oversight, when utilized effectively, will ensure government accountability (Pelizzo and Stapenhurst, 2014). Government accountability demands governments to be transparent, fulfilling its fiduciary duty and justify its decisions made only for the benefit and in the interest of the people alone (Guerin et al, 2018)). Greater government accountability leads to reduced corruption, consequently improves the people's economic status and living standards (Stapenhurst, 2012).

Previous studies have emphasized on establishing legislative mechanisms or tools to strengthen legislative oversight (Ahmed, 2014) (Yamamoto, 2007) (NDI, 2001). It is discovered by later studies that oversight tools (internal oversight tools of legislature) alone cannot secure government accountability. It has to be supported by external factors and facilitating conditions (Pelizzo and Stapenhurst, 2014) (Bovens, 2010) (Congressional Research Service, 2014). Bovens describes that there are two approaches to examine accountability – as a virtue and as a mechanism, but to achieve accountability, one cannot do without the other. Kamali and Moten promote values held by individuals as a vital element in governance, but there is an absence of comprehensive discussion on how values is related to legislature and legislative oversight in achieving government accountability.

Legislative oversight is a process. It thrives in an environment of collaboration between legislators and all the units, institutions and agencies of government concerned (Bundi, 2018). Legislators will strive to ensure

government accountability through effective use of oversight when they are certain that their actions will be rewarded, particularly by the public during elections (Pelizzo, 2013).

There has not been a study of legislative oversights and government accountability of the Selangor State Legislative Assembly. The new government that took over Selangor after the 12th General Election on 8th March 2008 promised change. The new Pakatan-led Selangor government promised the people of Selangor to be transparent and accountable in running the state and allowing freedom of expression and information. The study will contribute local findings toward the conceptual synthesis model portrayed by Pelizzo and Stapenhurst. It will reveal any gap or positive consequence on the accountability of the government under scrutiny, and whether or not the gap is addressed adequately by the Selangor government.

This study is aimed to focus on legislative oversights of SSA during the period 2008 to 2018, and recommend on how the gap in theory and practice of the Selangor legislative oversight in ensuring government accountability may be addressed. Greater government accountability aims to curb corruption, consequently improves the quality of living of Selangor citizens.

This paper attempts first, to ascertain the mechanisms available in the SSLA. Secondly, to determine the effectiveness of the mechanisms used in ensuring government accountability in Selangor. Thirdly, to discover the challenges in ensuring government accountability in Selangor and how they are resolved. The specific questions this study seek to answer are as follows:

What are the legislative oversight available in the SSA?

How effective are the legislative oversight in ensuring the Selangor state government accountability?

What are challenges in securing government accountability in the Selangor state and how are those challenges resolved?

Literature Review

In a democracy, representatives of a legislature are elected by the citizens. A prime minister is elected by the support of the majority representation in the parliamentary legislative system. The rest of the members of the executive branch are appointed by the prime minister. The executive branch or government is accountable to its citizens through their elected representatives. The government is always expected to act in the interest of the citizens (Griffith, 2005) (Yamamoto, 2007) (al-Quran, 5:8). In fulfilling the duty, there is a plethora of mechanisms established to deal

with the administrative and other demands of governmental functions (Bovens, 2005). These mechanisms are the ministries, departments and other institutions which implement government policies and directives passed by legislatures (Ehigiamusoe et al, 2013). Ensuring an effective monitoring of the accountability of the executive branch of the legislative will remove any potential acts of corruption, abuse of power and wrongdoing, which are clearly against the interest of the people (Pelizzo, 2012) (Pelizzo and Stapenhurst, 2014).

Unlike a presidential system, a parliamentary system allows the prime minister and ministers to sit and engage in all sessions of the legislature. The executive arm thus has immense influence to initiate, review, amend and abolish laws. David Olsen's "90 per cent rule" says that "in most cases the 90 per cent rule applies with 90 per cent of legislative activity being initiated by the executive, which gets 90 per cent of what it wants." (Arter, 2006). The prime question is "Does legislative oversight capacity has any impact in ensuring government accountability?"

Scholars have attempted to define accountability differently.Hoque and Pearson make the distinction between political and managerial accountability; when governments are accountable to the people who elected them and when responsibilities delegated must be accounted for, respectively. In the context of good governance, accountability incorporates two dimensions – the political and technical, which relates to good governance and public management, respectively (Rahman, 2008). Both opinions imply that matters of public administration are the realm of professionals and that of policy making is the realm of politicians. Professional administrators should be independent of their political principals and allowed to fulfil their responsibilities according to professional standards. The distinction does not mean each working in silos but to ensure accountability from both groups and collectively. A relationship of collaboration establishes legitimacy to policy debates, agenda setting and in generating political support (Posner, 2016). Posner defines accountability as "holding agents to account for meeting standards and expectations of various principals– including executives, legislatures, various publics – for the use of financial resources, compliance in meeting legal obligations, efficiency of operations and effectiveness in achieving results and goals. Ideally, accountability systems should provide for transparent reporting of these issues, identification of causes of shortfalls, and processes to correct behaviours to bring them in closer conformance with standards."

Although the people elected governments, "they do not have the power to dictate practical action." The government is thus powerful and has the ability to exercise control over society (Posner, 2006). The function of legislature is to hold the government to account on behalf of the citizens, to ensure that the government executes according to what is legislated. The concept of accountability involves complex relationship between institutional structures (Przewoski, 1999) (Guerin et al, 2018). It seeks to fulfil certain aims, notably to reduce or eradicate corruption (Pelizzo et al, 2013) (Ehigiamusoe, 2013) (Rahman, 2008) (Stapenhurst et al, 2012). Other aims include "control of abuse, misuse of public power, assurance of well-performing public institution and that public resources are being used in accordance with publicly stated aims and that public service values (impartiality, equality and fairness in citizen treatment) are being adhered to, improvement of the efficiency and effectiveness of public policies and the enhancement of the legitimacy of government." (Rahman, 2008). Bovens relates he complex relationship as horizontal (a discipline of public administration where public agencies are required to submit reports to other agencies or state institution are being checked for abuse by other public agencies) and vertical accountability (a political science discipline where the people, media and civil society demand adherence to expected standards on officials) (Bovens, 2005).

Pelizzo and Stapenhurst added social accountability (a demand-driven approach by varied and numerous stakeholders) and diagonal accountability (where citizens are directly involved in horizontal accountability institutions) (Figure 1) (Pelizzo and Stapenhurst, 2014).

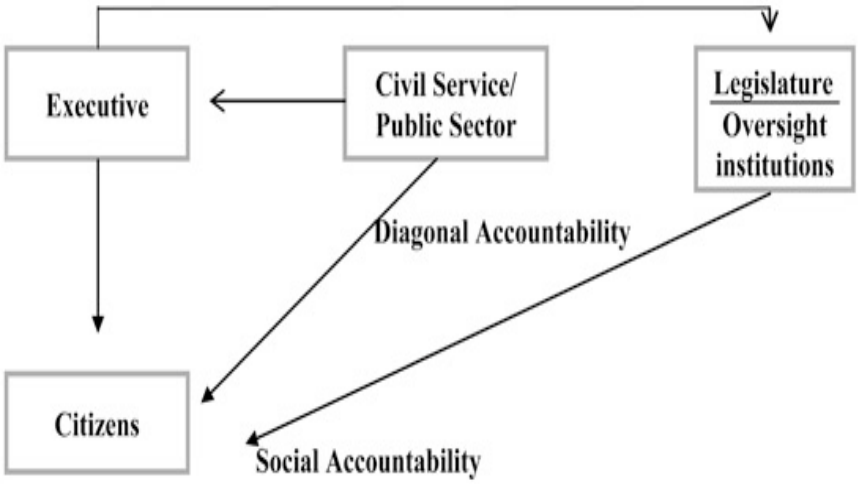

Figure 1 Newer Concepts of Accountability

Pelizzo and Stapenhurst highlight that for accountability to exist, answerability and enforcement must occur. If government fails to answer questions relating to its conduct, and decisions, then there must be enforced sanctions to those responsible as a measure to curb any corruption or wrong doing. Answerability and enforcement must both simultaneously in operation to ensure government accountability. On another aspect, accountability can be approached in two ways – accountability as a virtue of mechanism (Bovens, 2010). The differentiation makes it easier to find specific solutions to address any gap that appears from the two approaches. Accountability as a virtue relates to the human aspect of accountability, and as a mechanism relates to the relations between institutions that have the responsibility to uphold accountability. Virtue is the core ingredient in fulfilling the standards of accountability (muhasabah) (Moten, 1996) (Kamali, 2013). The existence of accountability falls largely on the internal policing of individuals who believes that the reward for his or actions will also be accountable in the Hereafter, therefore it is an influential element for the individuals to do the right thing. There is deficiency in theorising and modelling of legislature and legislative oversight as an expansion of the element of virtue described by Kamali and Moten.

Legislature is an important institution in ensuring government accountability which has been proven to reduce corruption (Pelizzo, 2013), (Pelizzo and Stapenhurst, 2014). The legislature calls the government to account through its legislative oversight mechanisms or tools. There have been studies on legislative oversight (GPR 2017), (Pelizzo and Stapenhurst,

2014), (Stapenhurst et al, 2012) (Oleszek, 2010), Kinyondo et al, 2015). There is however no consensus on what it is.

Generally, legislative oversight involves the review, monitoring and supervision of the executive branch of the government (Ehigiamusoue et al, 2013). Its effectiveness depends on how autonomous the legislature is in making its decisions and taking action independently of the executive (Arter, 2006). Recent research emphasises that there is no relationship between legislative oversight capacities or potential and effective oversight (Pelizzo and Stapenhurst, 2014). A set of oversight capacity or any increment of its list does not automatically improve the effectiveness of legislative oversight. Weaknesses within parliament results in weak legislative oversight (Ahmed, 2014). Major weaknesses are the quality of information and research capabilities, which accounts for the quality of representation and debates in legislatures (NDI, 2000 & 2001).

Legislative oversight become effective when it is undertaken with the support of other institutions and under certain facilitating conditions (Appendix 1).

The law-making process of parliament should precede its initiation for debate in parliament. The process of drafting and finalising a bill must also engage members of parliament through its relevant committee. When a bill is passed, there should also be scrutiny on the implementation of the law or policy. In order for legislative oversight to be effective, it has to encompass the whole process of initiation, invention and implementation of what is legislated. Any gap discovered must be taken action on – by reviewing, amending, or abolishing the Bill or Act concerned, or in the case of wrong doing, to enforce penalty, punishment or other sanctions or an impeachment (Yamamoto, 2017) (Pelizzo and Stapenhurst 2014).

Pelizzo and Stapenhurst have suggested a synthesis of an effective legislative oversight in improving government accountability, consequently, reducing corruption (Figure 2).

According to Pelizzo and Stapenhurst, a country usually adopts a certain type legislature due to its historical context; Commonwealth countries tend to adopt the Westminster style of parliament. Regardless of whether it is parliamentary or presidential or any variation thereof, in today's world where wealth of information and practices are often shared, many legislatures, different from one another, have come to adopt the best practices appreciated by legislators all over the world. In fact, works by institutions at international level (such as the Inter-Parliamentary Union, GOPAC and the Commonwealth Parliamentary Association) have surged understanding and practice in legislative oversight practices. It is believed

that such practices are beneficial and therefore worthy of imitation (path-dependent pressures); public accounts committees originate from the Westminster style of legislature but is now adopted by many non-Commonwealth countries.

Legislative oversight is observed through the principal-agent relationship where the people (principal) elect parliamentary representatives (agents) who in turn appoints the executive to run the country (the parliament is now the principal of the agent, the executive). The executive (government) delegates responsibilities to the various agents of the governments (ministries, departments, agencies, local governments, etc.). The emphasis is here accountability of the executive to the legislature.

Effective legislative oversight is the consequent of utilising legislative oversight tools in consideration of contextual factors (the electoral system, public trust, political parties and form of government) and the supporting factors (research capacity and access to information). The electoral and form of government are path-dependent; the adoption of best practices can be expected, though in developed countries they remain the same (as in the UK) or may undergo significant change at certain point, as in France during the constitutional change. Political parties exist and evolve through the country's historical and socio-political history.

Malaysia had race-based individual parties competing in the election after its independence in 1957. Later in 1963, the parties joined together to form a coalition of national front, the Barisan Nasional and in the last decade there emerged the Pakatan Rakyat (now defunct) and Pakatan Harapan, an opposition alliance, presently the ruling party in Malaysia. Public trust is explained through the social capital concept which is the shared norms or values that promote social cooperation. Social capital is the important element that builds and maintains democracy. Trust in legislature is a form of social trust, which reflects social values and enhances accountability. Institutional learning (institutional isomorphism) also transforms institutions like the legislature by adopting best practices; as in the SSA adopting the procedure that the head of the PAC must be a member of the opposition, a norm by many other legislatures in the world.

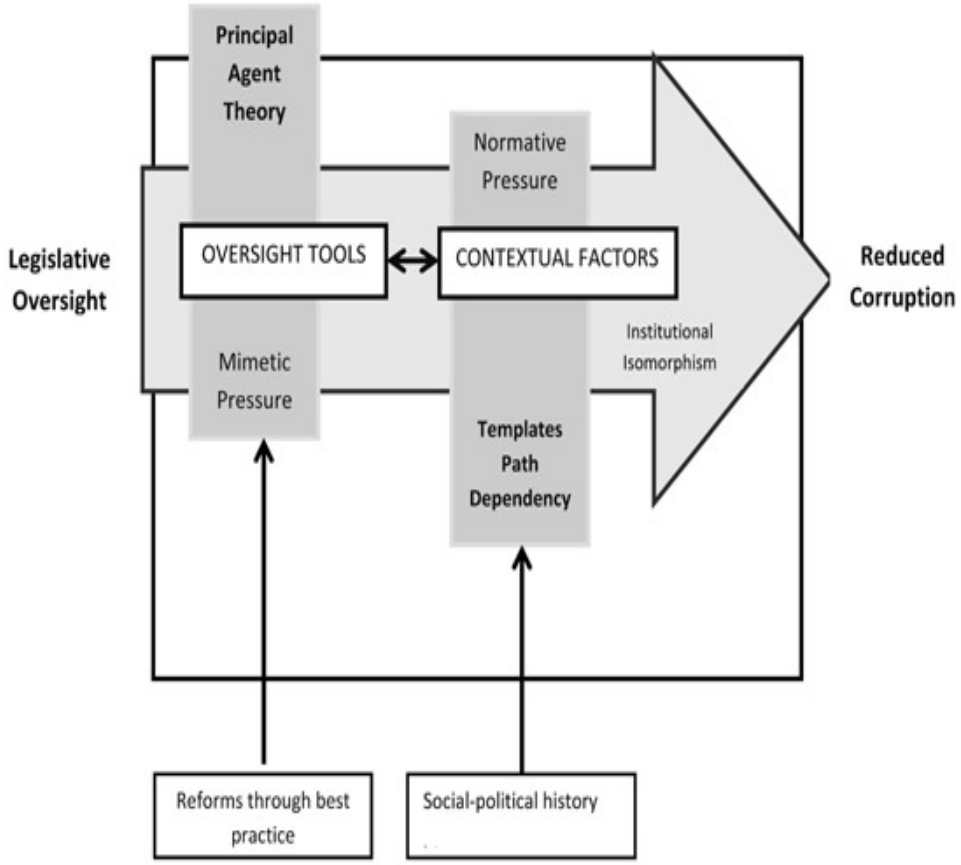

Figure 2 Conceptual Synthesis of Legislative Oversight

Pelizzo and Stapenhurst state that the understanding of all those theories and the empirical analysis form the explanation of what legislative oversight really is.

This paper however will only explore the possibility of the existence of the conceptual synthesis of legislative oversight of the SSA. In a research by Ehigiamusoe in Nigerian parliament, the competency of legislators, purposeful, regular and consistent oversight function are considered important factors to strengthen legislative oversight. Quality of representation and performance of political parties are also factors that can enhance oversight effectiveness (NDI, 2000).

The pressures put on by the voters and media for the legislators to perform tend to be motivators for legislators to pursue legislative oversight

in curbing abuse of power and corruption of the executive (Oleszak, 2010) (Kinyondo et al, 2015).

Pelizzo and Stapenhurst further highlight that there is an unexplained factor in their research on legislative oversight effectiveness in 25 parliaments: "If there is no political will to effectively perform the oversight function, then the legislative oversight function will not be performed effectively—no matter how many tools may be available to a legislature, how conducive the external environment may be or what the facilitating conditions may be." There was no elaboration as how such political will may be achieved or whose political will is needed.

A holistic approach in understanding the theories and interplay of practices, surrounding the attempt to perform legislative oversight, together with the support of the required political will ensure an effective legislative oversight which will secure government accountability.

Research Methodology

This research has adopted both interviewing individuals associated with the SSA and researching secondary sources in order to collect data. The study analyses both primary (interviews) and secondary data. The interviewees are either the elected representatives of the SSLA or were candidates of last 14th Malaysian General Elections or member or ex-member of the Selangor Executive Committee (Majlis Mesyuarat Kerajaan Negeri Selangor- MMKN). Interviews were conducted with following six influential and political personalities:

i. A member of the PAC and SELCAT (Parti Amanah Negara - Amanah)
ii. Speaker of the SSLA (Democratic Action Party - DAP)
iii. An opposition member (UMNO)
iv. An ex-member of the SSA (Socialist Party of Malaysia – PSM)
v. Two candidates (lost) in the GE14 (PSM)
vi. An ex-Exco of the Selangor Government (PAS)

A review of the Hansard and secondary sources includes: government white papers and document of cases referred to in our interviews. For the purpose of trailing the legislative oversight procedure, a case study is chosen – the Talam Global Debt Settlement Case. The narrative of the case is explained in Appendix 2 and the questions posed to the interviewees are set out in Appendix 3

Analysis and Recommendation

Selangor has established seven more select committees, and the Freedom of Information Act. The SSA has amended the Selangor constitution to make the Opposition in the House as head of the PAC. One of the select committees, the SELCAT has wide powers and can conduct public hearings. Any citizen may lodge report and complaint to SELCAT, which will investigate issues and undertake public hearing if needed. There is increment in question and debate times and numerous motions accepted and passed by the SSA compared to prior the 8th of March 2018 political watershed. The Selangor government has an open and transparent relationship with the anti-corruption and audit institution of the federal government. The SSA has a website that communicates to the citizens all of the reports of the select committees. Any citizen may question any legislator concerned or any member of the select committees on any matter stated in the report. The White Paper on Talam Global Debt Settlement explains in detail the procedures and mechanism of the undertaking which is accepted by the SSA when presented.

Below is an interpretation of the analysis of the interviews conducted:

It is observed that those who have become ADUNs are more familiar with cases debated in the SSLA and the legislative oversight tools available. Majority of the interviewees generally viewed that the SSA has satisfactorily undertaken its duty to ensure accountability of the Selangor government. There are, however, some gaps that need to be addressed although two ADUNs who have been elected in the BN era admitted the improved freedom of expression and length of debates in the present SSA.

Some of the recommendations suggested by our interviewees:

i. To establish more select committees to oversee the government portfolios
ii. To include independent members (non-ADUN) in the select committees
iii. To provide sufficient funds for a more thorough and proactive investigation
iv. To avoid political intervention in administrative matters handled by government workforce
v. To improve the quality of debates in the SSA through training of ADUNs, especially new ADUNs
vi. To follow up implementation of recommendation of select committees by governments and the governments' promises.

vii. To improve the answerability competency of the Excos by having an efficient and effective mechanism of impromptu and immediate communication with the government officials during SSA sessions. `

Majority of the individuals interviewed agreed that there is freedom of expression in the SSA. All of them have highlighted some specific exceptions—where there are grave political issues, the ruling party ADUNs will rally to adhere to party line (in case of the forced changing of the MB in 2014), otherwise the government will collapse.

The opposition regards proposed motions from them will always be rejected as the ruling party has majority or two thirds majority in the SSA; the rejection stem from following party line. On the issue of local government elections, another ADUN shared an experience when the issue originates from the DAP ADUNs in the SSA, other ADUNs remain silent while the debate goes on. During the early days of the Pakatan era in Selangor, one ADUN says that he questions the MB," When will the MB give directions to the ADUNs?" The MB replied," I have no right to give any direction to any ADUN. The ADUNs are not subordinate to the MB. The ADUNs have every right to question the MB." He added that in Malaysia, also in Selangor, the government and legislature is controlled by the party, therefore must obey the party's direction. He believes that thinking must change. ADUNs, he says, must possess politic of conscience so that their thinking and actions are in line with the people's wishes. That conscience will steer leaders in the right path.

Majority of them (5/7) are satisfied with the way the Selangor government handled the Talam Debt Settlement case. They testify that all the issues are brought to the SSA, debated and continuously updated through question times, and that the demand for transparency is fulfilled. They are satisfied with the content of the White Paper related to the case.

There is an issue regarded as controversy: the valuation of land to be made as part settlement of the debt is considered contentious by both the opposition and is also queried by the leader of the backbencher at that time. On this matter, the law gives full prerogative to the executive to decide on the options between a government agency's valuation and a government appointed consultant's valuation. An opposition ADUN opines that where the difference of valuation exists, the government must opt for the one that reflects the integrity and moral obligation of the choice. He, however, succumbs to the legal position that the law allows the government to eventually opt for the choice it takes. He highlights that the government

ought to have tabled the white paper before embarking on the debt settlement. That is procedurally more correct.

The funds obtained through mechanisms such as the Talam Debt Settlement has been used to finance the popular schemes for the people of Selangor and to fulfil its manifesto promises.

The case of the Darul Ehsan Investment Group (DEIG) has been cited by several interviewees as an example of an impactful influence the ADUNs have through the select committee (JP-ABAS) when its report presented to the SSA successfully halted the implementation of grouping all GLCs under one company, the DEIG, which is intended be wholly controlled by the Menteri Besar Inc. (MBI), a state entity governed by the MBI enactment 1994 which has the MB the as the head (Report by the select committee in Malay).

On legislative oversight tools, all of them quoted that question time, motion for debates, select committees, and select committees' reports as the oversight tools frequently used by ADUNs in the SSA. All but one agreed that the select committees is the most effective mechanism (List of select committees of Selangor, Appendix 4). The interviews revealed that many of the hearings are undertaken internally. Rarely are there public hearings. One ADUN who have held positions in several select committees suggested that four select committees should be upgraded.

Two interviewees shared their experience in cases involving SELCAT – the committee never called the complainants to be present in any meeting and the issue lodged was handled internally and later announced as solved and closed. The complainants were never given the opportunity to explain the issues involved from their perspectives.

There is serious lack of manpower and expertise in select committees. The same secretary sits on exco meetings and select committees. Committees will be more efficient and effective with provisions of improved budget and manpower.

The SSA has all the important oversight tools, as related by the interviewees and stated in the Peraturan Tetap Dewan Negeri Selangor (Standing Orders of the SSA):

Question time. One ADUN commented that time given to the verbally answered questions is not sufficient. In each sitting there are hundreds of questions (according to the rules of the SSA, each ADUN must submit forty questions to be answered verbally and twenty more written answers given). He pointed out that in the last sitting it was only for two days. The verbally answered questions is only for two hours daily. Each day only 40 questions are answered, given only three minutes per question.

In the Talam case, there is continuous monitoring of how the case is handled and many questions about it cropped up during question times and at other sessions (like the budget debates) throughout SSA sittings (Appendix 5).

Select committees are considered to be the most effective in ensuring the executive's accountability. Some committees are more active than others. Some of the individuals interviewed mentioned that it depends on who is the chairperson. Another commented on the membership of the committees, majority being from the ruling Pakatan, therefore there is no independence. Membership should comprise of also appropriate professionals, NGOs and NGIs. On the operations of SELCAT, two interviewees have highlighted its failure to hold public hearings when needed; there is thus selective public hearings. No one will really know what is being discussed in a closed door internal hearing. That is perceived to be attempts to cover up issues.

An ex-Exco quoted a case involving an ADUN who was sacked from the party for misuse of public funds, but the matter had no closure and died down. The ADUN continues to attend the SSA as an independent.

There is no report from any of the select committees as to whether the recommendations of the committees are being taken up or acted upon and whether or not the implementation has been successfully carried out or whether or not recommendations have been carried out with some modifications.

Generally, all but one agrees that the select committee is the most effective mechanism but needed further improvement to walk the talk of CAT (competency, accountability and transparency).

Motions to debate is another effective tool according to majority of the interviewees, particularly on occasion when there will be a preceding action taking place. The Freedom of Information Act 2009 came after a motion about it was heard in the SSA. Other motions to debate include matters regarding the Selangor water issue.

The opposition ADUN has reservation in the non-discriminatory manner on how motions are selected. He claims that a few important motions to debate have not been accepted to be brought for debate in the SSA – issue about LGBT, "Kalimah Allah" and religious issues which originates from the opposition.

For legislative oversight to be effective, the legislative tools must have the support of the external, contextual and facilitating factors.

In Selangor there is no specific anti-corruption agency and audit institution. Both institution existing in the state are under the jurisdiction of

the federal government (9 March 2008-9 May 2018). The SSA however have a good relationship with the two bodies. There is the Internal Audit of the SUK and Integrity Unit mentioned by one ADUN but another ADUN pointed out that they are just units with very limited capacity and not given proper priority. The federal appointed officials of the audit and anti-corruption agency are not an independent body. The majority of interviewees agreed that there is no ombudsman in Selangor, and that SELCAT is not an ombudsman.

There has been highlighted the lack of quality debates in the SSA and facilities for a more effective functioning of select committees. Those issues imply a deficiency in research and information gathering capacity of ADUNs and the select committees. Research capacity and access to information are very important facilitating factors in securing government accountability. On the operation of the Freedom of Information Act, an ADUN suggests that there must attempt to discover the best practices in realising the spirit of the law. He also mentions that there is poor usage of information.

The political will stated by Pelizzo and Stapenhurst should come not only from the highest power within government, but also from the individual legislator. One ADUN who have been instrumental in presenting issues that directly contrary to the wishes of the executive believes that the ADUNs must stand steadfast in matters of principle to secure the accountability of government. The oversight mechanisms available in the SSA, according to him is sufficient to call the government to account for their actions and decisions. It is up to the ADUNs to employ the available tools of oversight. He has suggested to upgrade four of the select committees: PAC, JP-ABAS, PADAT, PBT. They should receive an increase in manpower, budget and facilities with legal service to undertake an efficient and effective reactive and proactive monitoring, check and balance, and investigations. He proposes amendments to the rules for those committees so that they are able to conduct public hearings and the hearings be made live for citizens to witness.

Some other recommendations can be made based on our interview data for the purpose to improve government accountability:

i. Abolish political appointments in GLCs which should be run by professionals. Politicians should refrain from undertaking business activities and transactions.
ii. Local government elections must be held so that those elected are accountable to the people and not those who appointed them. People must be allowed access to their elected representatives at

all levels, therefore to hold elections, even at the village head level.

iii. The people must be informed of any proposed bill, asked whether or not they support the bill before it is being debated and voted in the SSA.

iv. There must be media freedom. For sensitive issues, there must be attempts to have civil discussions.

v. Legislators must be allowed to move away from party line. They must be given complete freedom and protection to voice alternative opinions.

vi. The people must be involved in governance. The elitist mentality must be erased. In order to realise change, the process of education is important and must be prioritized when the ADUN is afraid of the people, it is a success, but when the people are afraid of the ADUN, it is a failure. Critical participation is vital in choosing the right leader. The ground must be prepared, but sadly the politicians have no time for that for they are always engaged in political competition.

vii. In Selangor currently, there is overwhelming majority of the ruling Pakatan in the SSA – 51 out of the 56 seats. For a meaningful and effective legislative oversight, the backbenchers must play a more vigorous roles. The Executive must be willing to listen. Arrogant government will make leadership lose their way.

viii. Four important select committees must be further reformed to allow them to conduct public hearing and publicise the hearing live. More select committees are needed to secure the Selangor government accountability.

The elected Pakatan-led Selangor promises a government of accountability. There have been marked changes in terms of establishing more oversight and allowing freedom of information and expression in the SSA. The people have better access to information and voicing their issues, either publicly or through their elected representatives compared to under the previous government with the establishment of SELCAT and the Freedom of Information Act. Such views are also carried by the opposition legislator. Selangor is the first SSA to appoint an opposition ADUN to head the PAC. The outcome of the legislative oversight measures has mixed results. Its effectiveness in some cases have not adhered to the principles of accountability. There have been only a few public hearings. Selangor still do not have an ombudsman, a totally independent body of the executive that

have powers to prosecute wrongdoers. There is also an absence of an independent audit institution to monitor and account for the government's decisions, particularly on budget issues. Despite the shortcomings, the Selangor government is perceived to have the trust of the people to continue governing the state as depicted by the results of the past three general elections.

There have been certain incidents where some citizens discover that the freedom of access of information and the promise of transparency are not as promised.

Polity IV data series ranked Malaysia as an open anocracy (partly democratic and partly autocratic). It would be interesting to compare the SSA with the Malaysian parliament for the same period of 2008-2018.

Although there have been many changes established in the SSA, there are still gaps that need to be addressed until it become fully democratic. Legislature oversights thrives most effectively in a democratic environment which leads to effective government accountability which can reduce corruption and consequently improve the quality of lives of the citizens.

There has been much elaboration and research on tools, mechanisms and facilitating conditions that promotes effective oversight, not fully acknowledging that they are being used and operated by people. The people factor is vital to ensure effective legislative oversight that leads to government accountability. The people concerned are the legislators (ADUNs), government workforce, and operators of the agencies and institutions, and the citizens themselves). All of them must be competent and having the political will to exercise legislative oversight through the procedures allowed in order for governments to account for all their actions and decisions. The question is how to develop such a competent pool of ADUNs, government workforce, and operators of the agencies and institutions, and the citizens?

Conclusion

The major oversight tools of the SSA are the questions to the government; during verbally answered questions sessions, debates, motions for debates, select committees, and reports of select committees. There is an oversight tool of vote of no confidence against the MB, but it has never been used, even during the MB crisis of 2014, which finally sees the MB resigned willingly. Generally, the SSA legislative oversight have been effective in ensuring some measure of the Selangor government accountability. The have been some alleged selective issues for public

hearing by SELCAT and other incidents of unresponsiveness of the select committee toward lodged complaints. Some recommendations by select committees were not thoroughly overseen to ensure their implementation which may facilitate unchecked corruption. The quality of debates is not up to mark and there needs an upgrade in the investigative, research and human resource capacity of the selective committees which were considered to be the most effective oversight tools of the SSA.

The concentration of power is still with the executive, particularly the MB. That is commonly the characteristic of a unicameral parliamentary system of governance. The political will of some ADUNs through the select committees have been shown to stop certain government decisions which are regarded as not benefitting the interest of the Selangor people. In some instances, the government have been demanded to make transparent its transactions as in the Talam case. The SSA has established seven more select committees to scrutinise the government and passed the Freedom of Information Act. The select committees scrutinise all the district offices, local governments, statutory bodies, GLCs, all government agencies and departments, including the office of the State Secretary, and vital industries like water, and issues like poverty. The federal government of Malaysia between 2008 and 9 May 2018 is led by the National Front party (BN), different from the Pakatan-led Selangor government. That poses some challenges both in fulfilling certain promises of the Selangor government and enforcing punishments against corruption as the agencies concerned are under the jurisdiction of the federal government. Perhaps now that the federal government is also led by Pakatan, a better enforcement will be instigated. For government accountability to exist, there must be answerability and enforcement.

The ADUNs' choice to working collectively, particularly in select committees (which comprise of all parties) have successfully highlighted many relevant issues to secure government accountability. The quality of representation, which is the choice of the people can further improve government accountability. How should the people select the right representatives? The political will of the powerful allows democracy to flourish in the SSA. A pool of competent ADUNs possessing the political will needed will ensure a democratic and accountable Selangor government. For Selangor to have a democratic SSA and a fully accountable government, the exercise of an effective legislative oversight is imperative. That demands the collective scrutiny by the people, relevant institutions and agencies with the ADUNs to ensure government accountability.

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