

3b: Parliamentary Reform

Preamble

This policy area encapsulates the aspirations of our People to have a functioning Parliament and elected politicians who serve the rakyat effectively.

I: Appointment of Heads of Key Public Institutions

The power to appoint and fire heads of public institutions such as the Royal Malaysian Police force (PDRM) and the MACC rests upon one person, the prime minister. This can be a problem if we have a corrupt and immoral prime minister.

(Noh, Proposal 3B-1)

1. Key heads of public institutions must be appointed by the respective parliamentary select committee.

Reinforce the parliamentary select committee system to undertake the oversight of Executive functions and initiation of bills, and other tasks in accordance with international standards.

(G25 Malaysia, Proposal 3B-2)

Key public officers besides the heads of departments and agencies should indicate a thorough understanding of, and appreciation for, human rights in order to put a stop to human rights infringements such as the death penalty, torture, ill-treatment and deaths in custody.

(Ng Yap Hwa, Teoh Beng Hock Trust for Democracy, Proposal 3B-3)

II: Accountable & Responsible Government

A major problem concerning the composition and quality of parliament is related to the competency and capability of our elected lawmakers, irrespective of their political affiliations.

2. Set up an Ombudsman Office.

A public complaints channel is an important first step towards ensuring appropriate actions can be taken on politicians or civil servants who have committed wrongdoing in public service.

(Uli Jon Rock, Proposal 3B-4)

In 2018, the Pakatan Harapan government announced that the Public Complaints Bureau would be replaced by an Ombudsman Office, empowered by an Ombudsman Act to ensure a more effective management of public complaints in Malaysia. The bill that would enable the establishment of such a mechanism, however, was not tabled in 2019, nor the following year. The lack of political will in this matter is puzzling, for there is a precedent for such a set-up, with the Ombudsman for Financial Services already in place since 2016.

III. Distribution of Constituency Development Funds

One of the informal but most visible duties of an elected representative is to secure funding for their constituencies (otherwise known as constituency development funds, or CDFs) in order to carry out minor projects, repair works and welfare assistance work in their constituencies. This need has been exploited by the ruling party to influence both elected representatives and voters into supporting it.

3. Institute reforms for an equitable CDF.

To prevent misuse of CDFs for political gains, the following reforms must happen:

- i. Make elected local government bodies the gatekeepers of these funds.
- ii. Devise a formula for equitable CDFs.
- iii. Institute accounting transparency for the CDF.

4. Allocate funds for each MP or state assembly representative to pay the salaries of their service centre staff.

These amounts should be included in the CDF as well.

IV: Political Financing

Political parties should be publicly funded and a law should be enacted to regulate the political financing system. In the absence of legislative safeguards, there is a glaring lack of transparency and accountability—any individual or corporation can give any amount of money to any political party or candidate they like, creating fertile ground for corruption, patronage and cronyism.

5. Allocate funds to the political parties according to the percentage of votes they won in the last elections nationwide.

This percentage has to be above a certain threshold.

Concluding Remarks

Some of these recommendations will require legislative change (e.g. an Ombudsman Act), while others can be instituted immediately if there is political will (e.g. strengthening parliamentary select committees). These topics are not new and hence merely require more push for implementation. It is our hope that the government will take note of these recommendations and outline the steps for implementation. While not comprehensive, the recommendations provide enough solid grounding for future elected representatives to be empowered to discharge their duties effectively and to be accorded equal treatment by the ruling government irrespective of their political affiliation, which is an important consideration in view of the fluid political state over the past two years that is likely to last for some time.