

**Press Release from BERSIH 2.0**  
**15 March 2021**

**APPOINTMENT PROCESS OF KEY PUBLIC OFFICERS SHOULD BE REVIEWED AND REFORMED**

The Coalition for Clean and Fair Elections (BERSIH 2.0) launched today a research report entitled “Reform of Appointments of Key Public Officers in Malaysia”. Public officers in this report refer to top officers of constitutional and statutory bodies at the federal level such as Auditor General, Solicitor General, Chief Secretary to the Government, Inspector General of Police, commissioners of Malaysian Anti-Corruption Commission (MACC), commissioners of Malaysian Communications and Multimedia Commission (MCMC) and many others, all of which play an integral role in the wellbeing of Malaysia’s democracy and the rule of law.

This research report by Lim Wei Jiet was commissioned by BERSIH 2.0 due to the overwhelming influence of the Executive, especially the Prime Minister, over the appointment, renewal and removal of people in these key public positions. This leads to abuse of power, cronyism and patronage with public officers unable to discharge their duties in a non-partisan manner. The problem is further hampered by the lack of transparency, accountability and public scrutiny of the entire process.

There is a need to reform the process of appointment and removal of key public officers to make it more transparent, accountable, open to public scrutiny and merit based.

Based on a comparative studies of the appointment process of key public officers in the United Kingdom, Canada and the United States of this research findings, BERSIH 2.0 recommends to the government to enact a Public Appointments and Removal Bill to kick start this process of reform.

The bill should contain the following measures for appointment process of key public officers:

1. The relevant Minister must appoint an independent and civil-society headed Advisory Assessment Panel to interview and recommend candidates for Key Public Officers.
2. This is followed by an open and informed invitation to the public to apply for any such vacancies.
3. After going through the selection process, the Advisory Assessment Panel shall recommend up to 3 candidates for the vacancy to the relevant Minister, in order of preference.
4. At this juncture, the Minister has 2 options: (a) he can accept such candidates or (b) he can refer the matter back to the Advisory Assessment Panel (but only once) for reconsideration. In the case of the latter, if the Advisory Assessment Panel insists on the originally recommended list of candidates, the Minister must in law accept such candidate(s).
5. The Minister shall nominate the recommended candidate to the relevant Parliamentary Select Committee (“PSC”). The PSC will then convene to deliberate on the Minister’s nomination. The PSC serves as an additional layer of check and balance over the appointment process and such scrutiny (which is often public) ensures greater transparency and accountability.
6. The PSC may either (a) confirm the nomination or (b) refer the nomination back to the

Minister together with a report by the PSC stating the reasons for reconsideration. If the latter is chosen, the Minister may nominate another candidate among the remaining candidates ranked by the Advisory Assessment Panel to the PSC. If there are no more such candidates, the Minister may nominate other candidates at his/her discretion. The PSC shall have the final say on the confirmation of appointments of Key Public Officers.

7. The Bill shall make it mandatory for the Minister to appoint the said successful candidate approved by the PSC. If the Key Public Office is to be appointed by the YDPA under our laws, the Minister shall advise the YDPA to appoint the said successful candidate.

8. The Bill shall also establish a Commissioner for Public Appointments and Removal, who is primarily tasked to oversee all the above procedures to ensure that they are complied with by all Ministries, agencies, Ministers, Advisory Assessment Panel and PSCs. The Commissioner also plays a role in auditing the appointment and removal processes and publishing a report to the public on the said audit, to ensure transparency and scrutiny.

9. The Bill shall also make it mandatory for the Government to formulate a Governance Code to guide the appointment of Key Public Officers, which ideally should encompass principles such as selflessness, integrity, merit, openness, diversity, assurance and fairness.

**Released by,**

**The Steering Committee of BERSIH 2.0**

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