

## Keynote Address by The Hon. YB Datuk Liew Vui Keong

Minister in the Prime Minister's Department (Law)

### National Stakeholders Consultation on the Right to Information Legislation , 27 – 28 November 2019, Putrajaya, Malaysia

YBhg. Dato' Rohaizi bin Bahari  
Deputy Director General (Policy and Development)  
Legal Affairs Division, Prime Ministers' Department

Miss Wathshlah Naidu  
Executive Director, Centre for Independent Journalism (CIJ)

Mr. Matthew Bugher  
Head of Asia Programme, Article 19

Ms. Kishali Pinto-Jayawardena

Right to Information (RTI) Commissioner Sri Lanka

The Hon. Panellists, Moderators and Facilitators from Malaysia and abroad

Distinguished representatives from Government Agencies,  
Parliamentarians, SUHAKAM, Civil Society Organisations, relevant media  
entities

Honourable Guests

Ladies and Gentlemen

Good morning and salam sayangi Malaysiaku

1. Firstly, I would like to convey my sincere appreciation to the Centre for Independent Journalism (CIJ) and the CSO Coalition on Freedom of Expression, in collaboration with the Legal Affairs Division of the Prime Minister's Department (BHEUU) for organizing this National Stakeholders Consultation on the Right to Information (RTI) Legislation.
2. This program is meant to review and consolidate the experiences, current initiatives and lessons learnt from the State and CSOs, both nationally and regionally, in the drafting and implementation of an RTI legislation for Malaysia.
3. We are honoured with the presence of everyone here today, the initiative to draft a Freedom of Information Act is part of the Government's commitment in promoting good governance in public administration.

Honourable Guests, Ladies and Gentlemen

4. Before we go further, I would like to stress the importance of the right to information for the new Malaysia. There shall be no other reason than to promote transparency and accountability as well as to strengthen the public's right to be informed. This is in line with The National Anti-Corruption Plan 2019-2023 (NACP), which aims to fully address governance, integrity and anti-corruption issues, with the vision of creating a corrupt-free nation by improving government efficiency, transparency and accountability based on good governance.
5. **Accountability and transparency** are two important elements of good governance in Malaysia Baharu to ensure Malaysia is put on the right path again. It is a collective responsibility that involves both the public and private sector.
6. The principle of transparency in government could be traced back to the 18th century. Enlightenment philosophers such as **Immanuel Kant** and **Jean Jacques Rousseau** (pronounced as *John-Jac -hu-sho*) had paired government secrecy with corruption. Certainly, this is not new to Malaysia political scene where the corrupted and kleptocrats hide behind the veils of official secret to extend their personal wealth and political powers, at the expense of people.
7. Legal Structures should never be used to hide stolen assets and building blocks of hidden money trails.
8. Asset declaration motion was passed in both the upper and lower house mandating all members of Parliament to declare their asset. It serves as a useful tool to combat corruption, to curb abuse of powers and to detect conflict of interests.
9. It is not a new creation. In France, for example, an official agency called "High Authority for the Transparency of Public Life" was created in 2013 to check tax returns, declarations of assets and absence of conflicts of interests for elected representatives.
10. However, with regret, many opposition MPs have refused to declare their assets. The deadline for asset declaration has been extended to 5 December.
11. One of the many main reasons why some MPs inclusive of the Opposition have reservation in declaring their assets is safety and security reasons whereby by exposing their assets, they fear that their family members may be at risk of extortion or kidnapping.
12. However it is important to note that Pakatan Harapan government MPs have made their declaration way back in October 2018. It has been displayed on MACC website for the public to inspect.
13. Thus far, there has not been a single case of extortion or kidnapping involving any of the Ministers and MPs ' themselves or their family members. I sincerely hope that all the MPs will declare their assets promptly. Ultimately, we, the elected representative, are the humble servant of the Rakyat, and the Rakyat have the right to know about all this information.

Ladies and Gentlemen,

14. It is paramount for the government to create an enabling environment that upholds and promotes the right to information of every individual. This will also enable constructive participation through debates and discussions that would benefit the decision-making process of specific issues pertaining public interest. Ultimately this will enhance participatory democracy, good governance and strengthens the rule of law.
15. Having said that, I must bring you to the pledge made in the 14<sup>th</sup> general election manifesto - to develop a federal Freedom of Information (FOI) law with the option to review the Official Secret Act 1972 (OSA).
16. In this context, the Cabinet had mandated me work with my colleague the Hon. Minister of Communication and Multimedia Tuan Gobind Singh Deo to develop this act.
17. The Prime Minister in July 2019 announced that a Freedom of Information Act will be drawn up to replace the OSA in 2020. However, this is subject to "*sufficient engagement undertaken throughout the policy and drafting process*" In other words, the formulation of the Freedom of Information Act requires an in-depth and holistic study to ensure it would not contravene with any existing laws.
18. The Legal Affairs Division of the Prime Minister's Department have held several discussions as early as January 2019, with stakeholders including the States of Selangor and Penang who have their own state level Freedom of Information Enactment.
19. Continuous discussions were held with the Ministry of Communication and Multimedia, Malaysian Administrative, Modernisation and Management Planning Unit (MAMPU) and the Office of the Chief Government Security Officer (CGSO) to better understand the scope and challenges of this act.
20. I am glad that today's session will be the beginning of many sessions with CSO's looking into the area of Freedom of Expression. The objective of today's session is to further enhance the Government's law reform agenda and provide a platform to deliberate the characteristics, framework and parameters of the right to information legislation in Malaysia.
21. All in all, it is expected that this National Stakeholders Consultation session will pave the way for continued and further collaboration with different stakeholders in achieving the Government's reform agenda. This is important in all areas of law reform and particularly in this instance where the impact is felt by many in the society.
22. As such, I would like to welcome all comments and feedback. Collaboration with CIJ and Coalition partners on further consultations, including townhalls and roadshows are very much welcome as part of a holistic, inclusive and independent study.
23. Once again, I welcome all of you to this session and I hope we will have a fruitful discussion ahead.

Thank you.

Prepared by:  
The Legal Affairs Division  
Prime Minister's Department

26 November 2019