

**'Keep gov't out of MACC'**  
**Malaysiakini.com**  
**July 20, 2010**

The proposal to give the Malaysian Anti-Corruption Commission (MACC) prosecutorial powers is far from sufficient to improve its public image or bring meaningful change to its effectiveness quotient.

NONE "The proposal alone won't solve the problem. A provision does not stand in a vacuum, it operates in a system," constitutional law expert Abdul Aziz Bari (right) told Malaysiakini.

"Without regime change it would not be effective. We need a new government which would have a new approach and policy to make it work."

In a report released last week, the parliamentary Special Committee on Corruption had mooted amending the federal constitution and the MACC Act to give the MACC prosecutorial powers.

Article 145(3) of the constitution places prosecution in the bailiwick of the attorney-general's (AG) chambers, but it has been alleged that the powers are selectively exercised.

Opposition parties have frequently claimed that enforcement bodies like the police and the MACC are used to target those deemed troublesome, while those close to the government are routinely cleared of wrongdoing.

NONE Another problem for the MACC to overcome, said Abdul Aziz, is the ever-present spectre of government interference which is clearly evident with the Judicial Appointments Commission (JAC) and Election Commission (EC).

"On paper, they are so independent and powerful. But in reality, they are virtually part of the establishment," he said.

"They keep looking over their shoulders when it comes to making critical decisions involving the survival of the government of the day."

The JAC, approved in December 2008 by Parliament, has been dubbed "controversial" by lawmakers from both sides of the political divide, who are concerned about its constitutionality and independence.

The EC continues to face flak over alleged bias towards the BN government, questionable handling of the electoral roll and apparent reluctance in acting on election offences involving the ruling coalition.

#### Meagre allocation

The MACC, like the other commissions, is further hamstrung by the fact that it relies on federal funds and that the meagre allocation restricts its operations.

The commission also largely depends on the premier's recommendations to fill the posts of commissioners.

As the majority come from the ranks of former civil servants, Abdul Aziz pointed out the

possibility that some may have lingering allegiance for the government, despite being assigned a supposedly independent role.

suhakam protest 191207Another downside to piecemeal change is that it is a burden on taxpayers.

“We have the human rights commission, which costs us around RM10 million a year to run, but has there been any significant improvement in the state of human rights?” he asked rhetorically.

One-off commissions of inquiry - such as on the Lingam tape and police operations - have also added to wasted funds and recommendations that are in cold storage, he added.

Copyright © 1999-2007 Mkini Dotcom Sdn. Bhd.

Source : <http://www.malaysiakini.com/news/137835>