

There has to be limits to what an ex-PM receives

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In the winding-up of the debate on Budget 2022 in parliament last Thursday, former prime minister and finance minister, Datuk Seri Najib Razak, indirectly stole the show.

The reason: His application for a residence from the government that will allegedly cost about RM100 million as an entitlement for a former PM.

Finance Minister Tengku Datuk Seri Zafrul Abdul Aziz neither confirmed nor denied the RM100 million sum but he confirmed that the cabinet was considering the application.

Members of the Opposition bombarded Zafrul with questions on why the RM100 million was not part of Budget 2022. Zafrul shifted the responsibility of answering the question to the Prime Minister's Department, which is responsible for the privileges of ex-ministers and PMs.

He also said the matter was brought up to the cabinet after the budget was tabled in parliament and as such was not part of the expenditure. If the application is approved, it will be included as a supplementary budget.

Najib has taken to social media to defend his application for the residence, stating that he was only claiming what was accorded to all former PMs under the Member of Parliament (Remuneration) Act 1980. He said the government had offered him three pieces of land from which he had chosen a parcel near Dewan Bahasa and Pustaka.

On the RM100 million price tag, he said he had not asked for the amount in his application to the government, which he said was made in 2018.

It has been reported that Najib had re-applied for a residence last year, before the High Court in July found him guilty of abuse of power, misappropriation of funds and money laundering in relation to RM42 million belonging to SRC International Sdn Bhd.

SRC International is an offshoot of the beleaguered 1Malaysia Development Bhd (1MDB), a federal government fund established under Najib's watch. 1MDB raised RM5

billion and US\$6.5 billion onshore and offshore respectively and the funds were later siphoned off.

Najib is appealing against the 12-year jail sentence and RM210 million fine that the High Court handed him. In addition to this, he faces numerous other charges related to 1MDB and for not declaring income for which he is allegedly liable for tax.

Najib's application, which has been raised at the cabinet level, raises several questions.

Before a cabinet paper goes in for discussion, it is vetted at several levels to determine its viability and merits. It requires approval from several departments, in particular, the Attorney General's Chambers and Treasury.

It is not a simple process unless there are specific instructions from the Prime Minister's Office that cuts short the process.

The following questions need to be asked.

Firstly, it is perplexing why Najib's application for the residence was even brought up to the cabinet level when he is still facing numerous charges for which he has not been cleared of, not to mention the fact that he has already been sentenced to a jail term and fined.

Was it approved at the various ministry stages, or was the cabinet paper expedited?

Secondly, should a former PM who is facing criminal charges be entitled to privileges when he has not been cleared of the charges levelled against him?

When civil servants are suspended from duties and awaiting investigations to be completed, their allowances are cut and salaries reduced. When they are found guilty of negligence, misconduct or irregularities, all their benefits can be withheld, including their pension.

A pension is not a right but a privilege. Even those appointed to high-level positions are subject to similar rules. The late Tun Salleh Abas, who was sacked as Lord President in 1988, only received a pension



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on compassionate grounds. It was a decision that the government took much later.

Finally, should there not be a limit to the amount that a former PM is entitled to, especially on big ticket items such as a residence?

The law provides that all former PMs be entitled to a residence complete with amenities that befits their status as a former head of the government. There are three options, the first being that the government provides a house with amenities and maintenance. For the second option, the former premier will receive an allowance of RM10,000 per month if he chooses to live in his own house. The third is that the government will offer a house for free to the former PM.

Under Options 2 and 3, the former PM is entitled to an upkeep maintenance allowance that is equal to what a serving minister gets.

Tun Dr Mahathir Mohamed opted for the second option of receiving RM10,000 per month, while Tun Abdullah Ahmad Badawi was gifted with a piece of land of about two acres together with a house near Carcosa Seri Negara that was owned by the government.

The residence was previously the official residence of former minister Tun Khir Johari. The government is believed to have paid RM10 million to build the house for Abdullah.

Najib has chosen Option 3. He has already picked a site near Dewan Bahasa and Pustaka in Bukit Petaling that is said to be worth some RM20 million. The cost of building a house is estimated at another RM80 million, bringing the total to a staggering RM100 million.

According to a seasoned lawyer, the privileges accorded to a former PM under the Member of Parliament (Remuneration) Act would probably not be sanctioned by the courts, should it be challenged.

The laws tend to be interpreted in such

a way that there are limits to the privileges and benefits enjoyed by a former public servant. And the privileges are generally barred until the person is cleared of any wrongdoing during their tenure.

Moreover, the lawyer says that when one takes the oath for becoming PM, it is to serve the public without expecting any rewards that are out of the ordinary. They do not enter public service expecting to be rewarded with anything other than their salary and allowance.

Hence, while a former PM putting in an application for a residence in itself may be legally acceptable, it is morally wrong. If politicians want rewards for their services, they should not be seeking public office. They should instead opt to work in the private sector where they would be amply rewarded.

There have to be limitations to what a former PM is entitled to. And in the case of Najib, considering he is still facing numerous charges for what he has done during his tenure as PM, the pertinent question that arises is whether he is entitled to rewards.

After Najib, Malaysia had two PMs — Dr Mahathir the second time round and Tan Sri Muhyiddin Yassin — before Datuk Seri Ismail Sabri took over. With the unstable political landscape, the possibility of more frequent changes in the head of government cannot be discounted.

So there could be many more former PMs and going by the precedent set, they would all be entitled to a residence of their choice.

If Najib's residence is going to cost some RM100 million, how much more will taxpayers have to fork out for the others who have served and who will serve as PM in the future?

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Note: At press time, it was reported that Najib had withdrawn his request for a house and land from the government. He said this at a press conference in Melaka on the eve of the state election.