

# PLEDGE FOR A PUBLIC ASSET DECLARATION FRAMEWORK



Governance, Integrity, Accountability  
and Transparency (GIAT) Coalition  
02 March 2018



## **PLEDGE FOR A PUBLIC ASSET DECLARATION FRAMEWORK**

### **I Purpose**

1. The purpose of this Pledge is to introduce a public asset declaration framework (“PADF”) within the existing legal framework that can be immediately adopted before the upcoming general election.
2. The PADF is substantially based on public asset declaration systems in other Asian jurisdictions, particularly Indonesia and Hong Kong.
3. The PADF would be in line with the following rationales and obligations:
  - 3.1. To promote the principles of transparency and accountability which represent the cornerstone of a representative democracy.
  - 3.2. To eradicate corruption which is an insidious plague that undermines the rule of law and democracy.
  - 3.3. To fulfil Malaysia’s international commitment and obligations under the United Nations Convention against Corruption which Malaysia ratified on 24.09.2008 (“UNCAC”).
  - 3.4. To ensure the free flow of information concerning public officials which is guaranteed under Article 10(1) of the Federal Constitution.

### **II Background**

4. Malaysia, though a country founded as a participatory democracy, does not have a comprehensive asset declaration system. By ratifying UNCAC, Malaysia has indirectly undertaken a commitment to establish an effective public asset declaration framework as envisaged in Article 8 of the UNCAC, which provides:

***“Article 8. Codes of conduct for public officials***

1. *In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.*
2. *In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.*
3. *For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.*
4. *Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.*
5. *Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, **to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.***
6. *Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other*

*measures against public officials who violate the codes or standards established in accordance with this article.”*

(our emphasis added)

5. The existing practice is carried purely based on directives and circulars.
  - 5.1. **Top Malaysian government officials** – The said category is not defined. They are required to confidentially declare assets to the Prime Minister. The said declarations are accessible to the Chief Commissioner of the Malaysian Anti-Corruption Commission (“MACC”);
  - 5.2. **The civil service** - section 4 of the Public Officers Regulations (Conduct and Discipline) 1993 states that officials are not allowed to have private interests come into conflict with public duties. Regulation 10 of the same regulations provides that members of the civil service and their immediate family must declare all assets to their respective Heads of Departments within a period of not more than five (5) years of the date of declaration. Officers are required to make declarations when they: are elected into office; are required by the government; obtain additional assets; and when they dispose of assets. The asset declaration process for public servants has been automated via the Human Resource Management Information System (HRMIS) through Circular No. 12 Year 2005, “*Pelaksanaan Sistem Maklumat Pengurusan Sumber Manusia*”. The Human Resource Department of respective ministries verifies the asset declaration of public servants with the Asset Secretariat ensuring the completeness and compliance of declarations.
  - 5.3. **Members of Parliament** - They are not legally required to declare their assets. However, a Code of Ethics, approved by the

Cabinet, requires that members declare assets every two years including local and overseas bank accounts, landed property, vehicles, jewellery, direct or proxy stakes in companies and equities held;

- 5.4. **Ministerial special officers** - The Delivery Task Force (DTF) on Anti-Corruption National Key Results Area (NKRA) decided that all ministerial special officers must declare assets to the MACC. The declaration format is similar to that applicable to civil servants. As of April 2015, only three Special Officers have reportedly declared their assets to the Chief Commissioner.
6. The existing asset declaration practice in Malaysia is not uniform and does not require public declaration. In consideration of Malaysia's status as a democratic nation and the obligations it has undertaken internationally, the political party / the coalition named herein agree to the following:

### **III Objectives**

7. The objective of this Pledge is to provide an interim measure for public asset declaration, in the form of a framework that political party would pledge and could commit to. The political party and/or the coalition which wins the next general election, at both the federal and state level, will carry out the following:
  - 7.1. If the political party and/or the coalition occupies a simple majority of seats in Parliament, such party and/or coalition will:
    - a) cause all members of the Cabinet appointed under Article 43(2) of the Federal Constitution (including the Prime Minister) to publicly declare their assets in accordance with the framework set out in this Pledge ("**Cabinet Members**");

- b) take all necessary steps to introduce a federal legislative bill on public asset declaration in Parliament in accordance with the framework set out in this Pledge.

7.2. If the political party and/or the coalition occupies a simple majority of seats in the State Legislatures, such party and/or coalition undertakes to cause all members of the State Executive Council (including the Chief Minister) to publicly declare their assets in accordance with the framework set out in this Pledge (“**State EXCO Members**”).

#### **IV Scope of PADF**

- 8. The PADF applies to all Cabinet Members and State EXCO Members, and their immediate family members.
- 9. The PADF covers both movable and immovable assets, business interests and gifts as particularized in the Asset Declaration Form (“**ADF**”) annexed to this Pledge (with explanatory notes).
- 10. The MACC, as the statutory commission tasked to promote the integrity and accountability of the public sector under section 2(a) of the MACC Act 2009, will act as the monitoring body for the PADS.

#### **V Obligations**

- 11. The political party and/or coalition which occupies a simple majority of seats in Parliament, such party and/or coalition undertakes to:
  - 11.1. To take all necessary steps to have the Cabinet Members fill up the ADF and submit the same to the MACC:
    - a) Immediately upon their appointment as Cabinet Members; and,
    - b) Annually thereafter until the next general elections.

- 11.2. To take all necessary steps to have the Cabinet Members to report to the MACC any single transaction of or exceeding RM100,000 or three months' salary;
- 11.3. To take all necessary steps to assist MACC in having all the submitted ADF's and reported disclosures, upon verification, made available to the public by way of, at the very least, the following methods:
  - a) An online website, in a manner easily comprehensible to the public and in 'machine readable' format; and
  - b) Physical copies, to be made available upon request at the offices of all local councils, subject to a nominal administrative fee.
- 11.4. To take all necessary steps to introduce a federal legislative bill on public asset declaration in Parliament, such bill providing for mandatory public asset declaration for the category of persons in paragraph 7.1(a) and 7.2 above, and:
  - a) All members of Parliament;
  - b) All members of the State Legislatures; and
  - c) All senior officers of a public body. This should include judges of the High Court, Court of Appeal or Federal Court, and all senior civil servants.
12. The political party and/or the coalition occupies a simple majority of seats in the State Legislatures, such party and/or coalition undertakes:
  - 12.1. To take all necessary steps to have the State EXCO Members fill up the ADF and submit the same to the MACC:
    - a) Immediately upon their appointment as State EXCO Members; and

- b) Annually thereafter until the next general elections.
- 12.2. To take all necessary steps to have the State EXCO Members to report to the MACC any single transaction of or exceeding RM100,000 or three months' salary;
- 12.3. To take all necessary steps to assist MACC in having all the submitted ADF's and reported disclosures, upon verification, made available to the public by way of, at the very least, the following methods:
- a) An online website, in a manner easily comprehensible to the public and in 'machine readable' format; and
  - b) Physical copies, to be made available upon request at the offices of all local councils, subject to a nominal administrative fee.

## **VI Implementation of this Pledge**

13. The political party / the coalition named herein undertake to take all necessary measures, including disciplinary actions, to enforce their obligations in this Pledge to effectively combat corruption by meaningfully promoting transparency and accountability.

## **VII Amendment**

14. No modification or amendment of any kind of this Pledge shall be valid unless agreed to by all the parties herein by writing.



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IN WITNESS WHEREOF, the undersigned as the duly authorized representative from the political party named herein, hereby sign this Pledge:

Signature : \_\_\_\_\_

Name of the representative :

Position of the  
representative in the  
political party :

Name of the Political Party :

**ANNEXURE**  
**ASSET DECLARATION FORM<sup>1</sup>**

**A. PERSONAL DETAILS**

1. Name :
2. Identification Card No. :
3. Ministry :
4. Position :
5. Job Scope :
6. Addresses
  - a. Work :
    - i. Email :
  - b. Home :
    - i. Email :
7. Contact Numbers
  - a. Work :
  - b. Home :
  - c. Mobile :
8. Marital Status :
9. Reporting Period :

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<sup>1</sup> To be filled in separately by the person declaring, the person's spouse and the person's children.

**B. FAMILY DETAILS**

1. Spouse/s

Name	IC No.	Occupation and Work Address	Residential Address

2. Children under Care

No.	Name	IC No. / Birth Certificate Number	Name and Address of School / Institution of Learning	Residential Address

3. Children not under Care

No.	Name	IC No.	Occupation and Work Address	Residential Address

**C. INCOME**

1. Annual wage :

2. Total allowance :

**D. INTERESTS**

1. Remunerated employment, directorships, office, profession, trades, vocations etc:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. ...

2. Unremunerated interests:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. ...

**E. ASSETS**

1. Movable Property

No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Owners / Beneficiaries	Value (in relevant currency)	
			Start Date	End Date
a.	Bank Account No. and their respective Savings and Fixed Deposits			
	i. Local _____ _____ _____	-		

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No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Owners / Beneficiaries	Value (in relevant currency)	
			Start Date	End Date
	ii. Foreign _____ _____ _____			
b.	Cash i. RM ii. US\$ iii. ...	-		
c.	Capital Products and Services (Local and Foreign)  i. Shares _____ _____ _____  ii. Stocks _____ _____ _____  iii. Debentures _____ _____ _____			

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No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Owners / Beneficiaries	Value (in relevant currency)	
			Start Date	End Date
	iv. Bonds _____ _____			
	v. Derivatives _____ _____			
	vi. Unit Trusts _____ _____ _____			
	vii. Insurance _____ _____ _____			
	viii. Other capital products and services as provided by the Capital Markets and Services Act 2007 _____ _____ _____			
d.	Other movable properties			

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No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Owners / Beneficiaries	Value (in relevant currency)	
			Start Date	End Date
	i. Furniture _____ _____ _____			
	ii. Motor vehicles _____ _____ _____			
	iii. Jewelleries / Antiques / Arts and Cultural Objects _____ _____ _____			
	iv. Electronic gadgets _____ _____ _____			
	v. Musical instruments _____ _____ _____			
	vi. Sports equipment _____ _____ _____			

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No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Owners / Beneficiaries	Value (in relevant currency)	
			Start Date	End Date
	vii. Club memberships _____ _____ _____  viii. Other _____ _____			

2. Immovable Property

No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Proprietors	Value (in relevant currency)	
			Start Date	End Date
a.	Land  i. _____ _____ _____  ii. _____ _____ _____  iii. ...			



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No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Proprietors	Value (in relevant currency)	
			Start Date	End Date
b.	Building i. _____ _____ _____ ii. _____ _____ _____ iii. ...			
c.	Residential properties i. _____ _____ _____ ii. _____ _____ _____ iii. ...			

**F. CREDITS**

No.	Debtors	Date Accrued	Date Due	Value at the Time of Reporting (in relevant currency)
a.				
b.				
c.				

**G. LIABILITIES**

No.	Creditors	Date Accrued	Date Due	Value at the Time of Reporting (in relevant currency)
a.				
b.				
c.				

**H. GIFTS AND/OR SPONSORSHIPS**

No.	Giver	Place and Time	Amount
a.	Name : Address :		
b.	Name : Address :		
c.	Name : Address :		

**I. OTHER ACTIVITIES**

No.	Activities	Date	Amount
a.			
b.			

**EXPLANATORY NOTE FOR THE**  
**ASSET DECLARATION FORM**

**A. PERSONAL DETAILS**

1. Name : *Full name including nickname*
2. Identification Card No. : *New and old national registration identification card number*
3. Ministry : *Name of ministry*
4. Position : *Position held in the ministry*
5. Job Scope : *Main powers, duties and functions of the position held in the ministry*
6. Addresses
  - a. Work : *Full address of the ministry*
    - i. Email : *Work email address*
  - b. Home : *Full personal mailing address of residence*
    - i. Email : *Personal email address*
7. Contact Numbers
  - a. Work : *Office telephone number including extension*
  - b. Home : *Residential telephone number*
  - c. Mobile : *Personal mobile phone number*
8. Marital Status : *Single OR Married OR Divorced OR Widow*
9. Reporting Period : *The date of reporting if it is a first-time declaration. The preceding and current dates of reporting for subsequent declarations.*

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**B. FAMILY DETAILS**

1. Spouse/s

No.	Name	IC No. / Birth Certificate Number	Name and Address of School / Institution of Learning	Residential Address
	<i>Full name including nickname</i>	<i>New national registration card number or if under 12 years old, birth certificate number</i>	<i>Name of school or any institution of learning and its full address</i>	<i>Full residential address</i>

2. Children under Care (child/ren who are living dependently on the person declaring)

No.	Name	IC No.	Occupation and Work Address	Residential Address
	<i>Full name including nickname</i>	<i>New and old national registration card number</i>	<i>Occupation and full workplace address</i>	<i>Full residential address</i>

3. Children not under Care (child/ren who are living independently from the person declaring)

No.	Name	IC No.	Occupation and Work Address	Residential Address
	<i>Full name including nickname</i>	<i>New and old national registration card number</i>	<i>Occupation and full workplace address</i>	<i>Full residential address</i>

**C. INCOME**

1. Annual wage : (amount)
2. Total allowance : (amount)

**D. INTERESTS**

1. Remunerated employment, directorships, office, profession, trades, vocations etc

*(any job, membership, post or position which is remunerated):*

a. *Name of interest, full mailing address of the job, membership, post or position, and the amount of annual remuneration at the date of reporting;*

b. \_\_\_\_\_

2. Unremunerated interests:

a. *Name of interest and full mailing address of the job, membership, post or position*

b. \_\_\_\_\_

**E. ASSETS**

1. Movable Property

No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Owners / Beneficiaries	Value (in relevant currency)	
			Start Date	End Date
a.	Bank Account No., Bank Names and their respective Savings and Fixed Deposits i. Local ii. Foreign	-		
b.	Cash	-		

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No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Owners / Beneficiaries	Value (in relevant currency)	
			Start Date	End Date
c.	<p>Capital Products and Services (Local and Foreign)</p> <p>i. Shares, Stocks and/or Equities <i>[Company names and their respective shares, stocks and/or equities units (include names of companies related to the company in which shares, stocks and/or equities are held)]</i></p> <p>ii. Debentures <i>(Names of issuers, their respective indentures titles and where the indentures are kept)</i></p> <p>iii. Bonds <i>[Entity names, their bonds agreement titles and where the agreements are kept (include names of entities related to the entity in which bonds are held)]</i></p> <p>iv. Derivatives <i>[Names of all parties involved and their respective underlying assets (include any relevant detail for identifying the underlying assets)]</i></p> <p>v. Unit Trusts <i>(Names of funds and their respective managers/ providers)</i></p> <p>vi. Insurance <i>(Names of insurers and their respective policies titles)</i></p> <p>vii. Other capital products and services as provided by the Capital Markets and Services Act 2007 <i>(include any relevant detail for identification and due diligence)</i></p>			

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No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Owners / Beneficiaries	Value (in relevant currency)	
			Start Date	End Date
d.	Other movable properties (include any relevant detail for identification)			
	i. Furniture ( <i>if objects are of similar types, state the types and their respective quantities</i> )			
	ii. Motor vehicles ( <i>model, colour and registration number</i> )			
	iii. Jewelleries / Antiques / Arts and Cultural Objects ( <i>if objects are of similar types, state the types and their respective quantities</i> )			
	iv. Electronic gadgets ( <i>if objects are of similar types, state the types and their respective quantities</i> )			
	v. Musical instruments ( <i>if objects are of similar types, state the types and their respective quantities</i> )			
	vi. Sports equipment ( <i>if objects are of similar types, state the types and their respective quantities</i> )			
	vii. Club memberships ( <i>names of clubs and their respective full addresses</i> )			
	viii. Other ( <i>include any relevant detail for identification and due diligence</i> )			

2. Immovable Property

No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Proprietors	Value (in relevant currency)	
			Start Date	End Date
a.	<i>Particulars of land</i>			
b.	<i>Particulars of building</i>			

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No.	Types	Purchaser, Purchase Price and Date and Past and Current Registered Proprietors	Value (in relevant currency)	
			Start Date	End Date
c.	<i>Particulars of residential properties</i>			

**F. CREDITS**

No.	Debtors	Date Accrued	Date Due	Value at the Time of Reporting (in relevant currency)
	<i>(any relevant detail for identification of and contacting the debtors)</i>			

**G. LIABILITIES**

No.	Creditors	Date Accrued	Date Due	Value at the Time of Reporting (in relevant currency)
	<i>(any relevant detail for identification of and contacting the creditors)</i>			

**H. GIFTS AND/OR SPONSORSHIPS**

No.	Giver	Place and Time	Amount
	<i>Particulars of givers/donors</i>		<i>(in relevant currency)</i>

**I. OTHER ACTIVITIES**

No.	Activities	Date	Amount
	<i>(include any detail for identification and due diligence)</i>		<i>(in relevant currency)</i>



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