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Seminar on Local Government in Malaysia: The Search for New Directions

Lee Kiyau Loo



***Future directions of local government:
local elections?***

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1st Floor, Selangor Chinese Assembly Hall,
No. 1, Jalan Maharajalela, 50150 Kuala Lumpur.

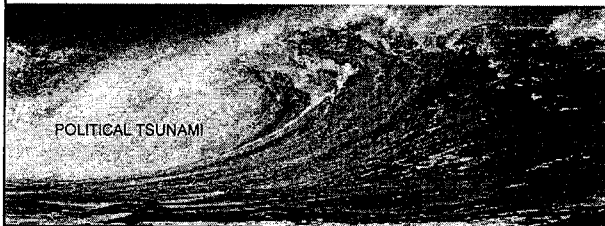
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Local Elections?

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INTRODUCTION

- Political landscape changed after General Election on March 8, 2008
- Pakatan Rakyat won in Kedah, Penang, Perak & Selangor. PAS continued to rule in Kelantan



- Federal Level:simple majority
- Louder calls for efficiency, transparency and accountability
- Local Councillors should serve the interests of the voters and the rate-payers instead of paying blind allegiance to political parties which appointed them into their positions

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Current Scenario

- Based on the principle belief that local government forms the underpinning of democratic values and public accountability at grassroots level, many countries conduct regular local elections.
- Since March 2nd 1965, local government elections in Malaysia were suspended with the promise of its restoration. This promise has yet to be honoured.

Local Government Act 1976 (Act 171) (Peninsular Malaysia)

- Section 10 (1) provides that each State Authority is to appoint between 8 to 24 councillors
- 3 years duration
- Section 10 (2) states that "Councillors ... shall be appointed from ... persons ordinarily resident in the local authority area who in the opinion of the State Authority have:
 - wide experience in local government affairs, or
 - who have achieved distinction in any profession, commerce or industry, or
 - are otherwise capable of representing the interests of their communities in the local authority area.

What is the issue?

Problems?

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The unhappiness of the rate-payers:

- Councillors NOT accountable to rate-payers but to the people who appoint them.
- Giving rise to perception that Councillors are not working for the benefits of the residents but for the people who appoint them!
- This lack of accountability to the rate-payers is a breach of good governance.
- Confusing situations arise: MP & ADUN taking care of residents' daily problems

Common complaints from rate-payers:

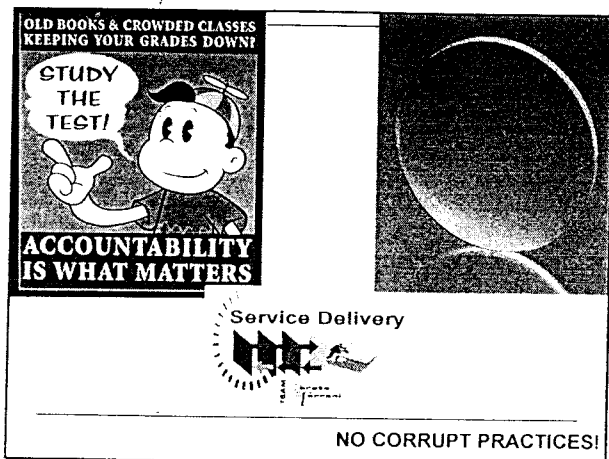
- ✓ uncollected garbage
- ✓ blocked drainage
- ✓ unhygienic conditions of public toilets
- ✓ dim street lighting or poor maintenance on streets lighting
- ✓ poor maintenance of parks and recreation grounds
- ✓ high assessment rates
- ✓ delay in the approval or renewal of permits or licences
- ✓ slow and inefficient delivery of public services
- ✓ poor enforcement or selective enforcement of provisions under its own bye-laws

The list goes on and on.....

Unhappiness of rate-payers toward the local councils can be summarised:

- rate-payers expect certain level of transparency and accountability from his local Councillors
- rate-payers must have more say so that no incompatible development projects are being implemented
- service delivery must be enhanced

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So, can something be done?

One reference point is the existing laws

Section 15 of the Local Government Act 1976 has a specific provision relating to local election.

Under this section it is stated that once this Act is gazetted, all local elections must cease.

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Article 113 (4) of the Federal Constitution states:

"Federal or State law may authorize the Election Commission to conduct elections other than those referred in Clause (1)."

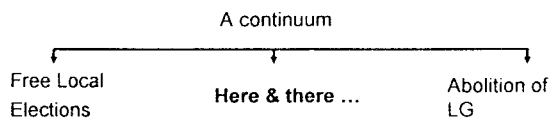
Clause (1) of the Article mentioned the elections to the House of Representatives and the Legislative Assemblies of the States.

Sabah and Sarawak have not adopted Act 171 and they have different laws on local government administration.

In Sabah, the applicable law is the Local Government Ordinance, 1961 (No.11)

The local government administration in Sarawak is governed by the Local Government Ordinance, 1966.

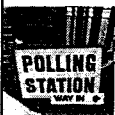
Possible Options ...



Free Local Elections

Assuming the laws allows elections to take place or actions be taken to amend/create the necessary laws

- "Local rate-payers for local councils"
- Elections will solve all problems & unhappiness
- Councillors & all the principle officers are elected



May's Local ELECTIONS

☒ Your Town. Your Street. Your Say.

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Abolition

The Questions on:

- 3rd-tier of Government
- Decentralization
- Community's Participation

In between: here & there
Several combinations possible



2 main aspects need to be examined:

- a. organizational structure of the local council
- b. current practice of appointing the councillors & its composition need to be re-examined.

a. organizational structure

Several options available

e.g. Corporate Company model

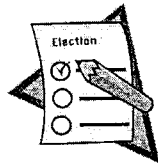
State or Federal Department model

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Election/Appointment of Councilors

- a. Involved all the 144 local authorities or elections for larger municipalities councils first?
- b. partial elections where certain percentage of the councillors elected & the remaining councillors continued to be appointed?
- c. Guided or representation election i.e. elections through local residents' associations, societies, trade and industry associations, clubs, professional bodies, chambers of commerce, civil societies or NGOs, etc.
- d. defining the representation:
 - represent a specific number of rate-payers in a locality or
 - Representation of a specific block or area

Local election is the first step in addressing the problems & unhappiness of the rate-payers.



Thank you.

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