

Government taken to task over OSA abuse
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A coalition of NGOs has called for the government to put a halt in classifying documents under the Official Secrets Act (OSA) because it is seen as a transgressive move on its pledge for transparency.

In a statement dated yesterday, the National Coalition for a Freedom of Information Act is concerned with the government's move to make claims by contractors for extra funds as official secrets.

"Its (the government) decision to classify several more documents under the OSA damages the perception that the government is serious about tackling corruption and institutionalising integrity," the statement read.

According to the coalition, based on local newspaper reports, the recent decision to classify the claims documents was taken after leaks to third parties occurred.

Public Works Department (PWD) director-general Wahid Omar was reported as saying in the New Straits Times on March 11 that the leaking of such documents compromised the government's position should a dispute be taken to court.

The documents include:

- The assessment report by the officer in charge of overseeing a government project;
- Comments by the government Claims Committee;
- Minutes of the Claims Committee's meeting;
- The document stating the decision of the Claims Committee; and,
- The document which proposes the ex-gratia payment to be paid.

Making it easy for the gov't

Currently, contractors would usually file their claims with the Claims Committee which then decides whether these were justified.

During the same time, a government officer in charge of overseeing the project would also file his report on whether the contractor had a legitimate claim.

If the contractor is unhappy with the decision, he may file a suit. When such a dispute arises, the matter would be referred to the Attorney-General.

"If contractors have access to these documents, particularly if the government officer and the Claims Committee have different opinions, then it could make the government's case difficult if it goes to court," Wahid was quoted as saying.

According to him, there had been several cases where the government had to pay more for the completion of projects.

Among these were the long delayed Malaysian External Trade Development Corporation (Matrade) headquarters, the Navy Recruitment Training Centre (Pularek), and projects such as prisons, hospitals and schools.

Keep your pledge

In the statement, the coalition pointed out that this action appeared to be taken because the government has been made vulnerable in the past when contractors held the Claims Committee to payment decisions and minuted their own meetings.

"There is no obvious reasons why this situation would put the government in a compromising situation, unless the government reneges on the commitment it makes.

"To openly show that no corruption is taking place, that no money is being siphoned off and that the government is trying to be transparent, these documents and any others like it should be declassified," it said.

It stressed that the government has yet to show that they are taking their transparency pledge to the rakyat seriously.

It also pointed out that the public are still waiting to see and discuss the toll concession agreements; information about health and water privatisation and the potential impact of the Malaysia-US free trade agreement.

"The coalition calls upon the government to declassify all the documents in questions, repeal the OSA and implement a Freedom of Information Act in its place," it added.

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