

Hot debate on Penang FOI expected
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The second tabling of the Freedom of Information Bill (FOI) is expected to generate a lot of heat between BN and Pakatan Rakyat representatives at the Penang state legislative assembly this Friday.

Some provisions in the bill have been opposed quite fiercely by NGOs and political parties, including DAP, Gerakan, MCA and PCM who gave their feedback in February's select committee meeting chaired by Dato Keramat assemblyperson Jagdeep Singh Deo (right).

It is learnt that other than Seberang Jaya assemblyperson Arif Mohd Shah, two others from BN, who were part of the select committee on public feedback did not attend the meetings.

The MCA representatives who gave their feedback told the committee they opposed the bill because it contravened the Official Secrets Act.

Gerakan, too, has registered its disappointment that despite its revision, the bill still provides the state too much power to appoint information officers or members of the Appeal Board to deal with FOI applicants.

Gerakan's education and training bureau chief Rowena Yam said there is no separation of powers between the legislature and administration in matters related to FOI in the revised bill.

"What about judicial reviews for those who are not satisfied with the outcome of their applications?" she asked at the FOI Penang's Experience Forum held at the Caring Society Complex last night.

Yam (left) questioned whether the state government would safeguard the spirit of the Act once it is enforced, as it provides for the classification of documents to protect national security.

She lamented that the public has yet to see documents pertaining to projects like Bukit Jambul Country Club, Free Wifi and the controversial subterranean Penang International Convention and Exhibition Centre (sPICE).

"If the state is sincere about FOI, it can declassify some documents for public interest," she added.

However, she commended the state government for tabling the FOI and for incorporating Gerakan's recommendations in the revised bill.

Attended by about 80 people, the forum was organised by local organisations Penang Chinese Journalists and Photographers Association, Suaram Penang, Concerned Group of Citizens, and Sembang-Sembang in collaboration with the KL-based Centre of Independent Journalism.

Other than Yam, speakers included lecturer Abu Bakar Munir (right) from Universiti Sains Malaysia, Aliran executive committee member Anil Netto and Komtar assemblyperson Ng Wei Aik.

Also present were CIJ executive director Masjaliza Hamzah, while veteran journalist Himanshu Bhatt moderated the two hour session.

Meanwhile, Abu Bakar shared some lessons from the Selangor FOI Act, which was passed by the state legislative assembly in April.

He pointed out that one good clause that Penang could emulate is to extend the powers of the Act not only to state offices but to related government or public agencies under the government.

There are two clauses however which Abu Bakar said Penang should not follow.

"What is not so good is in Section 6 (1) where the applicant or requester has to state the reasons and purposes for seeking the information.

"Another is Section 18 (1) where a penalty is imposed for those who used the information other than for reasons and purposes which he or she requested earlier," he added.

He described the FOI as the "oxygen of democracy", where 80 other countries in the world have implemented the Act.

"FOI will not only benefit the people but would serve governments as well. 85 countries who have enacted the Act be wrong."

Too closely linked

Anil, a popular Penang blogger and veteran activist, warned of governments becoming too closely linked to the corporate sector that they failed to protect the interest of the people, which would eventually result in demonstrations like the recent 'Occupy Wall Street' ones seen in various countries.

He cautioned about striking too many deals with the business sector and to refrain from 'downplaying' the issue as it takes a government with "very strong ideals" to resist pressures from this interest group.

"If not for FOI, it would be very difficult for governments to be accountable and transparent," said Netto (right).

In response to several issues raised against the state government, Ng said the appointment of FOI officers is subject to the approval of the state legislative assembly, which is a first in Malaysia.

He added that the Appeal Board would comprise of members from the public like former judges, who cannot hold any office in political parties, to ensure separation of powers, independence and professionalism in carrying out their duties.

The revised bill, he stressed, imposes no punishment on those who have used the information "in good faith" for reasons other than those cited during application.

"This goes for the officers who disclose the document out of context. If they had done it in good faith, there would be no penalty. This is to protect the officers so they can do their job well," he said.

"Civil servants are appointed as FOI officers as they are the custodian of the documents, and will ensure proper access to all the information needed, so there is no point to get someone from outside to do the job," Ng clarified.