

Penang adopts FOI Bill despite BN opposition

Malaysiakini.com

November 5 ,2011

by Susan Loone

The 40-member Penang state legislative assembly passed the Freedom of Information Bill with an overwhelming vote of 24 to 2 yesterday.

The rest of the lawmakers did not vote as they were absent from the house, when the bill was tabled and debated in the late afternoon.

The Bill, tabled by Deputy Chief Minister II P Ramasamy for the second reading, had been revised after three rounds of feedback from 20 organisations, including four political parties - the DAP, Gerakan, MCA and Parti Cinta Malaysia.

It was first tabled on Oct 14 last year but on Nov 1, the state assembly referred it to a select committee chaired by Jagdeep Singh Deo (DAP-Datuk Keramat, left) for revision.

The two opposing votes came from Umno assemblymen - Muhammad Farid Saad (BN-Pulau Betong) and Jasmin Mohamed (BN-Sungai Dua) .

Five amendments passed

Earlier, state executive committee members Chow Kon Yeow (DAP-Tanjung) and Abdul Malik Abul Kassim (PKR-Batu Maung) tabled a motion to propose five more amendments to the Bill.

Chow, who is also state DAP chairperson, proposed that the word 'Legislature' be replaced with 'legislative' in the text below the title of the Bill.

He also wanted the numbering of phase 11 be changed to 11 (1) and to replace 11 (k) with 11 (2) which reads:

"Walau apa pun yang dinyatakan dlm subseksyen (1) , pihak berkuasa negeri hendaklah mempunyai kuasa untuk mendedahkan atau membenarkan pendedahan maklumat yang dikecualikan atau mendeklasifikasikan maklumat sulit dan membenarkan akses kepadanya di atas budi bicaranya".

(Despite what is stated in sub-section (1) , the state authority must be empowered to release or allow

the release of information that is exempted or declassified and allow access to such information at its discretion.)

NONEChow (left) said the amendment to 11 (2) is to empower the state to consider disclosing information that is exempted for the sake of public interest.

"It is the state authority's responsibility to ensure that no manipulation or misuse of any information occurs," he added.

Abdul Malik wanted amendments to section 13 (3b) to read: "not less three and not more than nine qualified people as members (of the appeals board)".

The original maximum persons proposed for the appeal board to hear problems arising out of a requester's application for information was five.

He proposed that section 14, which touches on offences such as information being destroyed, removed or falsified, to prevent disclosure, be deleted.

Abdul Malik also asked that section 15, which states that "no persecution may be initiated for an offence under this enactment without the consent in writing of the public prosecutor", be removed.

"There should be no provision regarding an offence under the enactment because the officer in charge may unintentionally damage the information... this can be dealt with under the existing civil service disciplinary procedure," he added.

BN: Bill like OSA

Opposing the Bill, Muhammad Farid said it "sounded sweet compared with the Official Secrets Act" but did not appear to provide any new benefit to the rakyat.

"The bill lists documents and materials that cannot be made public, so the effect seems similar to the provisions under the OSA," he said, adding that the procedure to apply for any information seemed to be chocked with red tape.

On the other hand, Jpenang state assembly 181108 jasmin mohamedasmin (right) took issue with the organisations that gave feedback on the Bill, saying 20 was too few compared with the 76 organisations invited for the exercise.

"This shows that those who did not give feedback do not support the Bill," he said.

Jagdeep light-heartedly argued that the rest did not respond because they were in total agreement with all the provisions in the bill, drawing laughter from the house.

Finally, votes were counted thrice before the Bill finally won speaker Abdul Halim Hussain's nod.

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