

**Water deal: Stay order to be heard tomorrow**  
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The Energy, Water and Green Technology Ministry and the federal government have filed an appeal and applied for a stay order on Monday's landmark decision by a High Court in Kuala Lumpur compelling them to make public by July 5 a water concession agreement and the audit report.

The appeal was filed in the High Court in Kuala Lumpur yesterday. The stay application will be heard tomorrow, by judicial commissioner Hadhariah Syed Ismail.

NONEThe Selangor government, which was named as the other respondent, did not file an appeal as its Pakatan Rakyat Menteri Besar Khalid Ibrahim (right) welcomed the court decision after a state executive councillors meeting on Tuesday.

Selangor had also earlier withdrawn its objection to the application by the Malaysian Trades Union Congress (MTUC) and 13 others for the Dec 15, 2004, Concession Agreement between the federal and Selangor governments and Syarikat Bekalan Air Selangor (Syabas) to be made public, despite being named as a party to the suit that was filed when the state was under Barisan Nasional rule.

Chin: AG advised us to file appeal

In a related development, Energy, Water and Green Technology Minister Peter Chin Fah Kui confirmed that the attorney-general had advised the ministry and the government to file the appeal.

He said they would file an appeal and apply for a stay order soon.

NONE"The AG advised us to file an appeal, so I'm sure it will be done within the seven-day time frame," Chin (left) said when asked last night, during the Nuclear Power Development dinner talk for MPs at a hotel in Kuala Lumpur.

Ang Hean Leng, who is representing MTUC, its president Syed Shahir Syed Mohamed and 13 others, confirmed that the appeal had been filed.

"Only the ministry and the federal government have filed the appeal," he said.

Syed Shahir and the 13 others had filed their application for judicial review on Jan 25, 2007, to compel the ministry, the federal government and the Selangor government to make the water concession agreement and audit report public.

This followed a 15 percent increase in water tariff imposed on consumers in Selangor, Putrajaya and Kuala Lumpur in November 2006, after the signing of the water concession agreement and findings of a 2004 audit report.

Landmark judgment

On Monday, judicial commisioner Hadhariah ordered the disclosure of the contents of the audit report and water concession agreement entered between the federal government, the Selangor government and Syarikat Bekalan Air Selangor (Syabas).

The documents, which were classified under the Official Secrets Act (OSA) by the federal government, were ordered to be made public.

Hadhariah ruled that the government's refusal to release the documents to the public did not take into consideration the expectations of members of the public who were adversely affected by the decision.

"The respondents' decision to allow the privatisation of water service and arbitrary increase in tariff, and at the same time invoking the OSA, is disproportionate to the aims of the Act.

"It is also counter to the principles of good governance, accountability, transparency, and (that) the interests of rakyat should come first," she said in her 19-page judgment.

Meanwhile, MTUC secretary-general G Rajasekaran expressed regret over the ministry and government's decision to appeal.

He said they should abide by the court decision.

"This seems to be contrary to Prime Minister Najib Abdul Razak's repeated statement that his government will be open and transparent," said the trade unionist.

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