

S'gor BN rep: FOI Bill unconstitutional
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A member of the Selangor opposition bench today said the state government has no right to table its Freedom of Information Bill as it encroaches on the jurisdiction of the federal government.

NONE Sulaiman Abdul Razak (BN-Permatang) claimed that only Parliament or the federal government has the right to introduce a Bill related to information and government secrets.

He stressed that neither the state government nor the state assembly have the right to pass the Bill as it falls under specific provisions of the Federal List.

Sulaiman (right) said Article 4 on List 1 of the Federal List clearly states that all civil and criminal laws and acts and administration of justice, including government secrets and corruption, fall under the jurisdiction of Parliament or the federal government.

"My colleagues and I, as BN elected representatives, have studied the Bill in detail and found that in principle, the enactment is not in line with, and goes against several provisions in, the Malaysian constitution and its related laws," he said when debating the bill at the state assembly.

"I will not question the pure objectives of this enactment to the point that the Pakatan Rakyat accuses the Barisan Nasional as being afraid of our own shadows.

"But as a responsible member of this House, I find it is not proper for this House to table and pass this enactment, which clearly contravenes the Malaysian constitution and (when) its validity can be questioned in court."

Sulaiman also branded the Bill as a stunt to get "cheap publicity" and should be dropped.

"The tabling and passing of this Bill is a waste of time and not practical," he added.

'Not needed, not relevant'

Sulaiman's fellow-Umno member Ismail Sani (BN-Dusun Tua) also painted the proposed enactment as a "political gimmick" by the Pakatan Rakyat-led government to present themselves as "pro-rakyat", transparent and responsible.

NONE "It (the bill) is merely a populist move for the rakyat, but it is clear it is not needed and not relevant," he told the House.

Ismail (left) said the Bill stinks of self-serving intentions, calling it an "enactment to create jobs for Pakatan Rakyat cronies and friends".

The Bill is misleading, Ismail said further, as it implies that the state government would be empowered to reveal official information and secrets, when in actual fact it has no power to deal with documents that are classified under the Official Secrets Act.

He stressed, however, that the proposed law gives the Menteri Besar the power to re-classify documents related to departments and functions under the state's jurisdiction, remove a document's classified status and be accessible to the public.

"This means that any information that has been classified as an official secret can cease to be an official secret if the Menteri Besar or anyone (else) with the power decides so...

"It is clear this enactment (if passed) does not have any function and (is) a waste," Ismail added.

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