

Pakatan: Scrap, not amend, proposed assembly law
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KUALA LUMPUR, Nov 27 — Pakatan Rakyat (PR) lawmakers have rejected the Cabinet's decision to tweak its criticised assembly law and are demanding it be withdrawn from Parliament instead, pending public consultation.

Top leaders from the federal opposition echoed views from civil society groups here that the Peaceful Assembly Bill 2011 was too flawed and "poorly-crafted" to be amended, as planned by the Najib administration.

Their parliamentary leader Datuk Seri Anwar Ibrahim told The Malaysian Insider that the Bill should simply be withdrawn before Tuesday's debates and Section 27 of the Police Act, which requires police permits for all public assemblies, be repealed "without any further regulations."

"This proves it is not a well-crafted piece of legislation. Now they are trying to rush through the amendments. You cannot just bulldoze it and decide on changes in a matter of hours," the PKR de facto leader said when met at the sidelines of his party's national congress in Johor yesterday.

The Permatang Pauh MP added that "there is no need to regulate demonstrations. There are existing laws to govern public safety so just repeal Section 27."

His daughter and PKR vice-president, Nurul Izzah Anwar, agreed that "mere amendments" would be insufficient to fulfil public expectations on laws governing their right to assemble peacefully.

She said her party expected nothing less than the formation of a parliamentary select committee to ensure all stakeholders are properly consulted before any further changes are made.

"The prime minister must understand that it is not BN-sanctioned rights and bills that Malaysians expect, but those enshrined under the Malaysian constitution," she told The Malaysian Insider.

De facto law minister Datuk Seri Mohamed Nazri Aziz confirmed yesterday that the Cabinet has agreed to amend seven provisions in the controversial law, including changing the 30-day notice requirement for an assembly to just 10 days.

PAS's Kuala Krai MP Hatta Ramli also agreed with his coalition partners that the Bill should be withdrawn, and accused the government of treating Malaysians as though they were immature, easily-incited and anti-establishment.

"The Bill is putting Malaysia in a negative light with unnecessary control of the liberty of people, giving an indication that the government lacks trust in its rakyat," he told The Malaysian Insider in a text message.

"We are not kids. [The] Constitution allows for freedom of assembly but it is always the small prints [sic] through all kinds of amendments to the Constitution and subsequent Acts, including this Act, that takes away this freedom," he said.

He added that PAS is planning to file a judicial review next week to stop the government proposal it regarded as unconstitutional from being passed into law.

However, it is unclear whether such action would have any effect based on the fundamental democratic principle of separation of powers, where it is considered beyond the court's powers to interfere with the proceedings of Parliament.

When contacted, the Islamist party's lawyer, Hanipa Maidin, explained that the court challenge was unlikely to halt parliamentary debate on the matter, but the government, which derives its powers from the Federal Constitution, must act within the confines of the same law. The Federal Constitution is the country's founding code of law.

"We want to ask the court to declare that the government has acted beyond its power by tabling the Bill, as the same is unconstitutional. Thus we seek from the court to prohibit the Bill from becoming law," he explained.

He said under judicial review, there is a method known as the order of prohibition, which he said allows the court to prohibit a public body from acting beyond its power.

"Such a remedy extends to challenge the power of any public body from making any law which is unconstitutional or ultra vires in nature," Hanipa said, but admitted that what PAS was seeking has never been done in Malaysia.

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