

Nazri: Parliament panels cannot discuss NFC, Lynas, Tajudin Ramli cases yet
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By Clara Chooi

KUALA LUMPUR, March 27 — Parliament and its select committees cannot deliberate on details in Lynas Corporation, the National Feedlot Centre (NFC) and the Tan Sri Tajudin Ramli cases until they are fully disposed off in court, de facto law minister Datuk Seri Mohamed Nazri Aziz has said despite a judgment to the contrary.

The senior minister said this applies to the newly-formed Parliamentary Select Committee (PSC) on Lynas, the Public Accounts Committee's (PAC) investigation of the RM250 million NFC scandal and the recently-rejected questions by Pakatan Rakyat (PR) lawmakers to discuss the government's out-of-court settlement with Tajudin.

"Yes, if it is still being discussed in court, the rule on subjudice applies," Nazri (picture) told The Malaysian Insider when approached in Parliament yesterday.

It was then pointed out that the Lynas PSC only has a three-month term which would likely expire before the court clears its case, but Nazri said the panel's deadline could still be extended.

"Even Tajudin's case is still in court," he said.

When pointed out that the issue of subjudice should only be determined by a court of law and not Parliament, the senior minister said: "I think it is obvious that if the case being heard in court, you cannot discuss it."

The minister in the Prime Minister's Department said this when asked to explain the Dewan Rakyat's decision for rejecting questions by lawmakers on Tajudin, the former Malaysia Airlines (MAS) chief, and his controversial settlement with state-owned Danaharta.

"Anyway, such out-of-court settlements are not something out of this world," he added.

But a High Court ruling sighted by The Malaysian Insider last week showed that the minister's viewpoint could be flawed.

The High Court, in a contempt suit filed by Syarikat Bekalan Air Selangor Sdn Bhd (SYABAS) against a Selangor government lawyer and PAS organ Harakah last year, had held that the courts must be cautious in applying the subjudice law and must also take into consideration constitutional provisions on the freedom of speech.

Justice Ariff Yusof, when rejecting the application, had stressed that the common law rule on subjudice must be moulded "in the light of fundamental liberties provisions".

"The court cannot believe the sensitivities of the average Malaysian can be so different so as to incline the court to adopt a completely different juristic approach which relegates freedom of expression below the subjudice rule," he had said.

On March 13, it was reported that the House had rejected questions from four DAP lawmakers on the Tajudin-Danaharta out-of-court settlement, saying it could not discuss issues being deliberated in court.

The four MPs had all asked Putrajaya to reveal details of the settlement and how it benefits the public as Tajudin had already been ordered by the High Court to pay the RM589 million he owed Danaharta, which was set up to take over bad debts during the 1997 Asian financial crisis.

Last Tuesday, the topic of subjudice was again raised in Parliament during debates on the motion to form the Lynas PSC.

The motion was approved despite this but opposition backbenchers refused to lend their support, saying it was merely a "public relations exercise" by Putrajaya to legitimise Lynas' controversial rare earths refinery in Kuantan.

But Nazri gave a reminder yesterday that the deliberations in the House on the Lynas PSC had merely centred on "administrative" matters pertaining to the formation of the panel, such as its composition and reference terms.

"So if someone says that the government was inconsistent (in rejecting questions on Tajudin) because we allowed discussion on Lynas, it is not true.

"On the Lynas matter, we were not discussing the merits of the case," Nazri explained.

Ten Kuantan residents have taken up a suit against Australian miner Lynas Corporation, seeking a court order to reverse the Atomic Energy Licensing Board's (AELB) approval of a temporary operating licence (TOL) to run the rare earths refinery in the Gebeng Industrial Estate.

Last Wednesday, Dewan Rakyat Speaker Tan Sri Pandikar Amin Mulia clarified in the House that matters specific to criminal charges brought against National Feedlot Corporation (NFCorp) chairman Datuk Seri Mohamad Salleh Ismail would be subjudice when discussing the NFC scandal.

His explanation came after he rejected an emergency motion the week before to discuss the alleged abuse of funds by Salleh and his family. Salleh, who is currently facing charges of criminal breach of trust in court, is the husband of minister Datuk Seri Shahrizat Abdul Jalil.

The PAC has also opened probes on both the Tajudin and NFC issues, but according to Nazri, the committee, as an "extension of Parliament" would still not be allowed to touch on any issue that would be related to the ongoing court cases.

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