

New Terengganu MB need not worry over support, it's business as usual, says ex-judge

Malaysian Insider

May 13, 2014

By V. ANBALAGAN, ASSISTANT NEWS EDITOR

Terengganu Menteri Besar Datuk Ahmad Razif Abdul Rahman (pic), who was sworn in yesterday, can take his time to test whether he enjoys majority support in the legislative assembly to remain as head of the state government, a retired judge said today.

Datuk Seri Gopal Sri Ram said Ahmad Razif could proceed to appoint his executive councillors to administer the state instead of worrying whether he will remain in power.

"His government will not collapse immediately. The menteri besar could go to the assembly later to test the level of support for him," said the former Federal Court judge Sri Ram.

Sri Ram said this in response to calls by lawyers and academics that the Terengganu assembly be convened soon to determine whether Ahmad Razif had the legitimacy to remain as menteri besar.

He said it did not matter if the Barisan Nasional (BN) was seen now as being a minority government or had lost the support after those from the coalition had become independents.

"Perhaps in two or three months, he would survive the confidence vote with the support of the independents in the house," he said.

Terengganu ruler Sultan Mizan Zainal Abidin opened the second session of

the assembly last month and the next session could be held in June or July.

At least three BN assemblymen, including former menteri besar Datuk Seri Ahmad Said, had resigned from Umno to become independents, resulting in the coalition losing its majority.

The current standing in Pakatan Rakyat (PAS and PKR) is 15 seats, BN (14) and Independents (3).

Meanwhile, constitutional lawyer Edmund Bon (pic, below) said assemblymen who formed the majority could also write to the state legislative speaker to convene a state assembly meeting to determine whether Ahmad Razif had the support.

"This is provided for in the standing orders and the Speaker should act fairly if its clear the majority want a meeting," he said.

Bon, who was also a counsel for former Menteri Besar Datuk Seri Mohammad Nizar Jamaluddin in the 2009 Perak constitutional crisis, said the assemblymen could seek an audience with the Sultan to get their candidate appointed as menteri besar if the test "on the floor was denied".

"The Sultan can appoint a new menteri besar if he was convinced Ahmad Razif no longer enjoyed the confidence of the majority," he said.

Bon said such appointment without going to the assembly had been legitimised by the Federal Court ruling in 2010 although he was not agreeable with the judicial pronouncement.

The constitutional crisis came about following the dispute over the legitimacy of the BN Perak government formed in February 2009.

It began when three Pakatan Rakyat (PR) assemblymen - two from PKR and one from DAP - declared themselves independent, causing the collapse of the 10-month-old state government under Nizar.

As a result PR and BN were tied with 28 assemblymen each.

The Sultan of Perak then refused Nizar's request to dissolve the state assembly and call for new elections.

Instead, Barisan Nasional, with support from the three BN friendly independent assemblymen, formed the new state government and its legitimacy and Sultan Azlan Shah's decision not to dissolve the state assembly were disputed vehemently by Pakatan Rakyat politicians.

A series of battles in the courts ensued between Nizar and the new Menteri Besar Datuk Seri Zambry Abdul Kadir.

Ultimately, the Federal Court confirmed in February 2010 that Zambry was the lawful menteri besar and held that the Sultan was right after being satisfied that Zambry had the command of the majority of the state legislative assembly.

This controversial ruling by a five-man bench pointed out that it was not necessary to test the support level for a prime minister, menteri besar or chief minister from the floor of the legislative assembly. – May 13, 2014.

Hakcipta © 2013 The Malaysian Insider

Source:

<http://www.themalaysianinsider.com/malaysia/article/new-terengganu-mb-need-not-worry-over-support-its-business-as-usual-says-ex>