

## **Unprecedented dismissal of lawmaker: Sarawak DAP to mount legal challenge**

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**By Richard T.W.**

### **Calling it a ‘travesty of justice’, opposition cries foul over Barisan Nasional move to disqualify Pujut assemblyman for his previous Australian citizenship.**

KUCHING: DAP is considering legal options after an unprecedented resolution was passed in the Sarawak state assembly today to disqualify its Pujut assemblyman Dr Ting Tiong Choon for acquiring Australian citizenship, which he later renounced.

“We will look into the legality of it (but) to challenge the decision made in the assembly is a hurdle,” state DAP leader Chong Chieng Jen told a press conference. He was flanked by leaders from DAP and Pakatan Harapan ally, PKR.

“There is a provision in the law that says proceedings of the assembly cannot be challenged. That’s what you call immunity. Whether you can get the court to decide on the constitutionality of the (disqualification) is another hurdle – you may not even get there,” he said.

Dr Ting was dismissed as an elected representative under Article 17(1)(g) of the state constitution for voluntarily acquiring citizenship outside Malaysia.

The motion, tabled by Second Finance Minister Wong Soon Koh, was put to a vote and secured 70 Barisan Nasional (BN) lawmakers in favour of it. All 10 opposition members voted against it.

Wong said Dr Ting acquired Australian citizenship on Jan 20, 2010, and renounced it on April 4, 2016, just before the Sarawak election on May 8.

Chong admitted to reporters that the court might not be able to overturn the decision of the assembly.

“That’s why we need to have more detailed legal research. It has never happened in the history of Malaysia, whether in the state assembly or Parliament, whereby a resolution was passed to simply dismiss a member. It has always been done in the courts,” Chong said.

Dr Ting maintained that he never renounced his Malaysian citizenship. When asked if he did have Australian citizenship, he said he obtained it after “many years” in Australia but renounced it before returning to Malaysia in 2016. The renunciation process took nearly a year, he added.

“I think that is not the true reason they disqualified me. There are ulterior motives. I am from the opposition. If I were a member of the government (party), I would not have been disqualified,” he said.

Dr Ting said today’s proceedings were a step backwards for democracy.

“This is a very sad day for Sarawak. It’s a very bad mistake. It shows this Dewan is undemocratic. It’s not for the people. It’s only for Barisan Nasional. If they can do that to me, they can do it to anyone in the assembly,” Dr Ting said.

“I hope the people of Sarawak will remember this day, that democracy can be restricted by a simple process in the state assembly,” he added.

Chong maintained that Dr Ting was a Malaysian citizen throughout and that the provisions of the Federal Constitution did not explicitly say a Malaysian would automatically be stripped of his citizenship should the person become a citizen of another country which recognised dual citizenship.

“This matter should be arbitrated in a court of law. The BN government took the easy way out in the assembly by using its brute majority.

Meanwhile, state PKR leader Baru Bian said the state legislature overstepped its bounds today.

“We are in solidarity with Dr Ting purely because the matter should be arbitrated in the court of law. This is very crucial. When we look at the democratic countries around the world, we have the legislature, the executive and the judiciary. It’s for checks and balance to ensure that one is not more dominant over the others.

“This has to be brought before the judiciary. In that light, it’s very unfair to disqualify an elected representative in such a manner. It is a travesty of justice.

“What benefit has it brought except to send a wrong message to the public: That the government of the day can do whatever it wants to win. You’re sending a wrong message in a democratic country,” he said.

Dr Ting polled 8,899 votes against timber tycoon Hii King Chong’s 7,140 votes in a four-cornered fight for Pujut in the state election last May. Prior to the election, Hii was a United People’s Party (UPP) Piasau chairman before resigning to contest as a BN direct candidate.

Last June, Hii filed an election petition against Dr Ting, claiming that the latter had acquired Australian citizenship and should be disqualified as a state assemblyman.

In October, the High Court dismissed Hii's petition on the ground that it did not comply with the requirements of election law.

Wong is the president of UPP, while the seconder of his motion today was state assistant minister Dr Jerip Susil, who is UPP deputy president.

UPP is a BN-friendly group that broke away from state BN component Sarawak United People's Party (SUPP) in 2014.

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