

PRESS STATEMENT ON BEHALF OF MR SPEAKER

Mr Speaker is always very concerned that all his actions are lawful and hope that all parties concerned will act lawfully. He will always, unless prevented from doing so, do his best to uphold the rule of law and assert and protect the dignity of the House and the good name of Perak State.

By an Order of Court obtained by Zambry and others yesterday 3.3.09, Mr Speaker is restrained from convening any unlawful meetings of the Perak State Legislative Assembly.

Mr Speaker has instructed us to state that he has not convened any unlawful meeting of the Perak Assembly, did not convene any unlawful meeting and does not intend ever to convene any unlawful meeting. Mr Speaker, the guardian and protector of the Privileges of the House would not do anything that would bring the house into disrepute.

Because the House was prevented from sitting in its usual place yesterday, Mr Speaker as the chief and sole interpreter of the Standing Orders, acted validly to announce that the sitting could take place in any other convenient place. Mr Speaker is empowered to do so under Standing Order 90 that all details of the working of the Standing Orders shall be regulated by him. Any matters not specifically addressed by the Standing Orders shall also be regulated by Mr Speaker. This would therefore include directions on where the sitting should be held if the usual venue is unavailable or if the matter is not covered by the Standing Orders.

At the court hearing yesterday, Mr Speaker's legal team was prevented by the State Legal Adviser from representing Mr Speaker. But the Order as drafted is very surprising because it states that Senior Federal Counsel was acting on behalf of the State Legal Adviser of Perak. To the best of our knowledge, the State Legal Adviser was not a party to the proceedings. In view of this we will be seeking a clarification

from the Senior Federal Counsel as to whether he did or did not act for Mr Speaker in yesterday's hearing before Tuan Ridwan Ibrahim, Judicial Commissioner.

For the record, Mr Speaker has never instructed the State Legal Adviser to act for him and has told him in no uncertain terms that he has his own lawyers. Mr Speaker, by reason of Article 132 (3) (b) of the Federal Constitution is not a public servant and therefore, he is free to engage any advocate and solicitor that he pleases. For this reason alone, Mr Speaker is also not bound by Section 24 of the Government Proceedings Act, 1956 which states that in civil proceedings by or against the government, the State Legal Adviser shall act.

Mr Speaker is now appealing to the Court of Appeal against the High Court ruling yesterday that only the State Legal Adviser can act for him. His lawyers are firmly of the opinion that the decision is wrong in law and will apply to the Registrar of the Appeal Court to give an early hearing date because of the importance and urgency of the matter.

Therefore, in tomorrow's case whereby Mr Speaker is being sued by Jamaluddin Bin Mohd Radzi, Mohd Osman Bin Mohd Jailu and Hee Yit Foong, our legal team will continue to submit that Mr Speaker be represented by his own lawyers and not by the State Legal Adviser.

CHAN KOK KEONG
4.3.2009 (7.10 p.m.)