

LRT investigation committee not ‘judge and jury’



NATION

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PETALING JAYA: The Transport Ministry’s committee investigating the May 24 LRT collision is not an adjudicating body and has no authority to apportion blame on any party, says Datuk Seri Dr Wee Ka Siong.

The Transport Minister said the committee’s mandate is to find out what happened that night, and how things can be improved to prevent a recurrence.

“Let’s be clear: this committee is an investigation committee, not an adjudicating committee. Therefore, it has no authority to apportion blame or to pin liability on any party. Whatever internal action to be taken against the officers involved in the incident must be governed strictly by the employment contracts signed between the respective officers and Prasarana Malaysia Bhd (owner of the LRT).

“When it comes to the determination of blame and liability, due process of law must take place to ensure that natural justice is accorded to those who were responsible for the LRT collision.

“This committee does not seek to be the judge and the jury. And the ministry has no power to prosecute any case,” he said in a Facebook post yesterday.

Dr Wee was addressing social media posts seeking more clarity on his earlier statement, where he said “not for the purpose of apportioning blame or liability does not mean no one can be blamed”.

“I have in no way stated that no one is to be blamed for allowing the incident to happen. There is no cover-up as alleged by some quarters.

“When I ordered the formation of the committee to thoroughly examine the tragic LRT collision immediately on May 24, the terms of reference for the committee were to be made clear in its mission.

“We want to prevent something like this from happening to anyone ever again.

“I have also personally visited and called the affected patients I could and assured them that we take what happened to them seriously.

“As I informed in my press conference on June 10, the 23 recommendations approved by the Cabinet were all to bring broad changes to Rapid Rail Sdn Bhd (the Prasarana subsidiary operating the LRT), and Prasarana has promised to implement them within the timelines provided,” he added.

Meanwhile, senior lawyer Datuk Joy Wilson Appukuttan said there is a distinction between making a finding and an adjudication.

“The latter is the role of the court. It was mentioned in the beginning that the objective of the investigation is to determine the situation and the actual cause of the accident.

“To be able to come up with recommendations, it is implicit for the investigation committee to identify the reasons or causes that led to the accident,” he said, adding that the victims and the public have the right to know the causes behind the accident.

Citing the Land Public Transport Act 2010, lawyer Daljit Singh pointed out that Section 241 of the Act allows for any offence to be prosecuted with the written consent of the public prosecutor.

“The question remains whether the investigation findings show that the railway operator has breached the terms of its licence,” he said, adding that a licensed railway operator can be found guilty under Section 101(10) of the Act if it fails to comply with the terms of its operating licence.

TAGS / KEYWORDS:

LRT Crash , Transport Ministry , Wee Ka Siong , LRT Investigation Committee , Prasarana , Rapid Rail , Joy Wilson Appukuttan , Land Public Transport Act , Daljit Singh

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