



PARLIAMENTARY DEBATES

DEWAN RA'AYAT (HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

FOURTH SESSION OF THE SECOND PARLIAMENT OF MALAYSIA

CONTENTS

ORAL ANSWERS TO QUESTIONS [Col. 1401]

EXEMPTED BUSINESS AND ADJOURNMENT *SINE DIE* (Motion) [Col. 1430]

BILL PRESENTED [Col. 1430]

MOTIONS:

The Sabah Income Tax Ordinance, 1956—
Amendment to the Second Schedule to the
Income Tax Ordinance, 1956 (Sabah Tourist
Association—Addition) [Col. 1431]

The Income Tax Ordinance, 1947—Amendment
to the First Schedule to the Income Tax
Ordinance, 1947 (The Rubber Producers'
Council of Malaya—Addition) [Col. 1436]

The Employment Ordinance, 1955 (Amendment
to Schedule) [Col. 1443]

The Parliament (Members' Remuneration) Act,
1960 (Amendment to Schedule) [Col. 1451]

The Customs Ordinance, 1952—The Customs
Duties (Amendment) (No. 9) Order, 1967
[Col. 1594]

The Sabah Customs Ordinance (Cap. 33)—The
Customs Duties (Sabah) (Amendment) (No. 9)
Order, 1967 [Col. 1595]

The Sarawak Customs Ordinance (Cap. 26)—
The Customs (Import and Export) Duties
(Amendment) (No. 9) Order, 1967 [Col. 1596]

BILLS:

The Foreign Representatives (Privileges and
Immunities) Bill [Col. 1462]

The Kidnapping (Amendment) Bill [Col. 1467]

The Prisons (Amendment) Bill [Col. 1469]

The Prevention of Corruption (Amendment)
Bill [Col. 1470]

The Supplementary Supply (1965 and 1966) Bill
[Col. 1511]

Committee:

First Schedule—

Heads S. 5 and S. 22 [Col. 1519]

Head S. 19 [Col. 1519]

Second Schedule—

Heads S. 5, S. 7, S. 21 and S. 43 [Col.
1520]

Heads S. 18, S. 19 and S. 20 [Col. 1522]

Head S. 29 [Col. 1523]

Head S. 37 [Col. 1524]

Heads S. 46, S. 52 and S. 59 [Col. 1524]

Heads S. 65 and S. 71 [Col. 1524]

Head S. 72 [Col. 1525]

The Customs Laws (Malaysia) (Amendment) Bill
[Col. 1525]

The Income Tax (Tin Buffer Stock Contribu-
tions and Repayments) Bill [Col. 1526]

The Income Tax (Malaysia) (Amendment) Bill
[Col. 1528]

The Industrial Relations Bill [Col. 1529]

The Employment (Amendment) Bill [Col. 1591]

The Trade Unions (Amendment) Bill [Col. 1593]

The Transfer of Functions (Registrar-General of
Sarawak) Bill [Col. 1593]

MALAYSIA

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

Official Report

Fourth Session of the Second Dewan Ra'ayat

Thursday, 22nd June, 1967

The House met at Ten o'clock a.m.

PRESENT:

- The Honourable Mr Speaker, DATO' CHIK MOHAMED YUSUF BIN SHEIKH ABDUL RAHMAN, S.P.M.P., J.P., Dato' Bendahara, Perak.
- „ the Deputy Prime Minister, Minister of Defence, Minister of National and Rural Development and Acting Minister of Home Affairs, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ the Minister of Transport, TAN SRI HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).
- „ the Minister of Education, TUAN MOHAMED KHIR JOHARI (Kedah Tengah).
- „ the Minister of Commerce and Industry, DR LIM SWEE AUN, J.P. (Larut Selatan).
- „ the Minister for Welfare Services, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- „ the Minister of Labour, TUAN V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).
- „ the Minister of Information and Broadcasting and Minister of Culture, Youth and Sports, TUAN SENU BIN ABDUL RAHMAN (Kubang Pasu Barat).
- „ the Minister of Agriculture and Co-operatives, TUAN HAJI MOHD. GHAZALI BIN HAJI JAWI (Ulu Perak).
- „ the Minister of Lands and Mines and Minister of Justice, TUAN ABDUL-RAHMAN BIN YA'KUB (Sarawak).
- „ the Assistant Minister without Portfolio, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
- „ the Assistant Minister of National and Rural Development, TUAN SULEIMAN BIN BULON, P.J.K. (Bagan Datoh).
- „ the Assistant Minister of Education, TUAN LEE SIOK YEW, A.M.N., P.J.K. (Sepang).
- „ the Assistant Minister of Finance, Dr Ng Kam Poh, J.P. (Teluk Anson.)
- „ the Parliamentary Secretary to the Minister of Health, TUAN IBRAHIM BIN ABDUL RAHMAN, J.M.N. (Seberang Tengah).

- The Honourable the Parliamentary Secretary to the Minister of Labour,
TUAN LEE SAN CHOON, K.M.N. (Segamat Selatan).
- .. the Parliamentary Secretary to the Minister of Finance,
TUAN ALI BIN HAJI AHMAD (Pontian Selatan).
- .. TUAN ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- .. TUAN ABDUL KARIM BIN ABU, A.M.N. (Melaka Selatan).
- .. WAN ABDUL KADIR BIN ISMAIL, P.P.T. (Kuala Trengganu Utara).
- .. TUAN ABDUL RAHMAN BIN HAJI TALIB, P.J.K. (Kuantan).
- .. TUAN ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
- .. TUAN ABDUL SAMAD BIN GUL AHMAD MIANJI
(Pasir Mas Hulu).
- .. Y.A.M. TUNKU ABDULLAH IBNI AL-MARHUM TUANKU ABDUL
RAHMAN, P.P.T. (Rawang).
- .. TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., S.M.J.,
P.I.S. (Segamat Utara).
- .. TUAN HAJI ABU BAKAR BIN HAMZAH, J.P. (Bachok).
- .. TUAN HAJI AHMAD BIN ABDULLAH, S.M.K. (Kelantan Hilir).
- .. TUAN AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- .. TUAN HAJI AHMAD BIN SA'AID, J.P. (Seberang Utara).
- .. O.K.K. DATU ALIUDDIN BIN DATU HARUN, P.D.K. (Sabah).
- .. DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).
- .. TUAN AZIZ BIN ISHAK (Muar Dalam).
- .. TUAN JONATHAN BANGAU ANAK RENANG, A.B.S. (Sarawak).
- .. PENGARAH BANYANG ANAK JANTING, P.B.S. (Sarawak).
- .. TUAN CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- .. TUAN CHAN SEONG YOON (Setapak).
- .. TUAN CHAN SIANG SUN, A.M.N., P.J.K. (Bentong).
- .. TUAN CHEW BIOW CHUON, J.P. (Bruas).
- .. TUAN CHIA CHIN SHIN, A.B.S. (Sarawak).
- .. TUAN CHIN FOON (Ulu Kinta).
- .. TUAN D. A. DAGO ANAK RANDAN *alias* DAGOK ANAK RANDEN,
A.M.N. (Sarawak).
- .. TUAN C. V. DEVAN NAIR (Bungsar).
- .. TUAN EDWIN ANAK TANGKUN (Sarawak).
- .. TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.I.S.
(Batu Pahat Dalam).
- .. DATIN HAJJAH FATIMAH BINTI HAJI ABDUL MAJID
(Johor Bahru Timor).
- .. TAN SRI FATIMAH BINTI HAJI HASHIM, P.M.N.
(Jitra-Padang Terap).
- .. TUAN GEH CHONG KEAT, K.M.N. (Penang Utara).
- .. TUAN HANAFI BIN MOHD. YUNUS, A.M.N., J.P. (Kulim Utara).
- .. TUAN HARUN BIN ABDULLAH, A.M.N., J.P. (Baling).
- .. WAN HASSAN BIN WAN DAUD (Tumpat).
- .. TUAN STANLEY HO NGUN KHIU, A.D.K. (Sabah).
- .. TUAN HUSSEIN BIN TO' MUDA HASSAN, A.M.N. (Raub).

The Honourable DATO' HAJI HUSSEIN BIN MOHD. NOORDIN, D.P.M.P., A.M.N., P.J.K. (Parit).

- „ TUAN HUSSEIN BIN SULAIMAN (Ulu Kelantan).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN, S.M.K. (Kota Bharu Hulu).
- „ TUAN IKHWAN ZAINI, K.M.N. (Sarawak).
- „ TUAN ISMAIL BIN IDRIS (Penang Selatan).
- „ PENGHULU JINGGUT ANAK ATTAN, Q.M.C., A.B.S. (Sarawak).
- „ TUAN KADAM ANAK KIAI (Sarawak).
- „ TUAN KAM WOON WAH, J.P. (Sitiawan).
- „ TUAN THOMAS KANA, K.M.N. (Sarawak).
- „ TUAN KHOO PENG LOONG (Sarawak).
- „ TUAN EDMUND LANGGU ANAK SAGA (Sarawak).
- „ TUAN LEE SECK FUN, K.M.N. (Tanjong Malim).
- „ TUAN LIM PEE HUNG, P.J.K. (Alor Star).
- „ TUAN T. MAHIMA SINGH, J.M.N., J.P. (Port Dickson).
- „ TUAN MOHD. DAUD BIN ABDUL SAMAD (Besut).
- „ TUAN MOHAMED IDRIS BIN MATSIL, J.M.N., P.J.K., J.P. (Jelebu-Jempol).
- „ TUAN MOHD. TAHIR BIN ABDUL MAJID, S.M.S., P.J.K. (Kuala Langat).
- „ TUAN HAJI MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ TUAN MOHD. ZAHIR BIN HAJI ISMAIL, J.M.N. (Sungei Patani).
- „ WAN MOKHTAR BIN AHMAD (Kemaman).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- „ TUAN MUHAMMAD FAKHRUDDIN BIN HAJI ABDULLAH (Pasir Mas Hilir).
- „ TUAN HAJI MUHAMMAD SU'AUT BIN HAJI MUHD. TAHIR, A.B.S. (Sarawak).
- „ DATO' HAJI MUSTAPHA BIN HAJI ABDUL JABAR, D.P.M.S., A.M.N., J.P. (Sabak Bernam).
- „ TUAN MUSTAPHA BIN AHMAD (Tanah Merah).
- „ TAN SRI NIK AHMAD KAMIL, D.K., S.P.M.K., S.J.M.K., P.M.N., P.Y.G.P., Dato' Sri Setia Raja (Kota Bharu Hilir).
- „ TUAN NG FAH YAM (Batu Gajah).
- „ TUAN ONG KEE HUI (Sarawak).
- „ TUAN HAJI OTHMAN BIN ABDULLAH (Hilir Perak).
- „ TUAN QUEK KAI DONG, J.P. (Seremban Timor).
- „ TUAN HAJI RAHMAT BIN HAJI DAUD, A.M.N. (Johor Bahru Barat).
- „ TUAN RAMLI BIN OMAR (Krian Darat).
- „ TUAN HAJI REDZA BIN HAJI MOHD. SAID, P.J.K., J.P. (Rembau-Tampin).
- „ RAJA ROME BIN RAJA MA'AMOR, P.J.K., J.P. (Kuala Selangor).
- „ TUAN SANDOM ANAK NYUAK (Sarawak).

- The Honourable TUAN SEAH TENG NGIAB, P.I.S. (Muar Pantai).
- „ TUAN SIM BOON LIANG, A.B.S. (Sarawak).
- „ TUAN SIOW LOONG HIN, P.J.K. (Seremban Barat).
- „ TUAN SNAWI BIN ISMAIL, P.J.K. (Seberang Selatan).
- „ TUAN SNG CHIN JOO (Sarawak).
- „ TUAN SÖH AH TECK (Batu Pahat).
- „ TUAN SULEIMAN BIN ALI (Dungun).
- „ TUAN SULEIMAN BIN HAJI TAIB (Krian Laut).
- „ TUAN TAJUDDIN BIN ALI, P.J.K. (Larut Utara).
- „ TUAN TAI KUAN YANG, A.M.N. (Kulim-Bandar Bharu).
- „ TUAN TAMA WENG TINGGANG WAN (Sarawak).
- „ DR TAN CHEE KHOON (Batu).
- „ TUAN TAN CHENG BEE, A.M.N., J.P. (Bagan).
- „ TUAN TAN TOH HONG (Bukit Bintang).
- „ TUAN TAN TSAK YU (Sarawak).
- „ TUAN TIAH ENG BEE (Kluang Utara).
- „ TUAN TOH THEAM HOCK (Kampar).
- „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB, P.J.K. (Langat).

ABSENT:

- The Honourable the Prime Minister and Minister of Foreign Affairs,
Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M.
(Kuala Kedah).
- „ the Minister of Finance, TUN TAN SIEW SIN, S.S.M., J.P.
(Melaka Tengah).
- „ the Minister of Works, Posts and Telecommunications,
TUN V. T. SAMBANTHAN, S.S.M., P.M.N. (Sungei Siput).
- „ the Minister of Health, TUAN BAHAMAN BIN SAMSUDIN
(Kuala Pilah).
- „ the Minister for Local Government and Housing,
TUAN KHAW KAI-BOH, P.J.K. (Ulu Selangor).
- „ the Minister for Sarawak Affairs, TAN SRI TEMENGGONG
JUGAH ANAK BARIENG, P.M.N., P.D.K. (Sarawak).
- „ the Assistant Minister of Culture, Youth and Sports,
ENGKU MUHSEIN BIN ABDUL KADIR, J.M.N., S.M.T., P.J.K.
(Trengganu Tengah).
- „ the Assistant Minister of Finance, DR NG KAM POH, J.P.
(Teluk Anson).
- „ the Parliamentary Secretary to the Deputy Prime Minister,
TUAN CHEN WING SUM (Damansara).
- „ WAN ABDUL RAHMAN BIN DATU TUANKU BUJANG, A.B.S.
(Sarawak).
- „ TUAN HAJI ABDUL RASHID BIN HAJI JAIS (Sabah).
- „ DATO' ABDULLAH BIN ABDULRAHMAN, S.M.T., Dato' Bijaya
di-Raja (Kuala Trengganu Selatan).
- „ PUAN AJIBAH BINTI ABOL (Sarawak).
- „ TUAN FRANCIS CHIA NYUK TONG (Sabah).
- „ TUAN S. FAZUL RAHMAN, A.D.K. (Sabah).

- The Honourable DATU GANIE GILONG, P.D.K., J.P. (Sabah).
- „ TUAN GANING BIN JANGKAT (Sabah).
- „ TUAN HAJI HAMZAH BIN ALANG, A.M.N., P.J.K. (Kapar).
- „ TUAN HANAFIAH BIN HUSSAIN, A.M.N. (Jerai).
- „ TUN DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, S.S.M., P.M.N. (Johor Timor).
- „ TAN SRI SYED JA'AFAR BIN HASAN ALBAR, P.M.N. (Johor Tenggara).
- „ TUAN AMADEUS MATHEW LEONG, A.D.K., J.P. (Sabah).
- „ DATO' LING BENG SIEW, P.N.B.S. (Sarawak).
- „ DR LIM CHONG EU (Tanjong).
- „ TUAN LIM KEAN SIEW (Dato Kramat).
- „ TUAN PETER LO SU YIN (Sabah).
- „ DR MAHATHIR BIN MOHAMAD (Kota Star Selatan).
- „ TUAN C. JOHN ONDU MAJAKIL (Sabah).
- „ TUAN JOSEPH DAVID MANJAJI (Sabah).
- „ DATO' DR HAJI MEGAT KHAS, D.P.M.P., J.P., P.J.K. (Kuala Kangsar).
- „ TUAN MOHD. ARIF SALLEH, A.D.K. (Sabah).
- „ DATO' HAJI MOHAMED ASRI BIN HAJI MUDA, S.P.M.K. (Pasir Puteh).
- „ ORANG TUA MOHAMMAD DARA BIN LANGPAD (Sabah).
- „ TUN DATU MUSTAPHA BIN DATU HARUN, S.M.N., P.D.K. (Sabah).
- „ TUAN OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- „ TUAN D. R. SEENIVASAGAM (Ipoh).
- „ DATO' S. P. SEENIVASAGAM, D.P.M.P., P.M.P., J.P. (Menglembu).
- „ PENGIRAN TAHIR PETRA (Sabah).
- „ TUAN TAN KEE GAK (Bandar Melaka).
- „ TUAN YEH PAO TZE, A.M.N. (Sabah).
- „ TUAN STEPHEN YONG KUET TZE (Sarawak).

PRAYERS

(Mr Speaker *in the Chair*)

ORAL ANSWERS TO QUESTIONS

REGISTRATION OF VOTERS— ISSUE OF FORMS

1. Tuan C. V. Devan Nair (Bungsar) asks the Prime Minister to state whether the Elections Commission would furnish political parties with application forms for the registration of voters any time of the year to assist the Elections Commission to register

voters so that more Malaysian citizens can participate in the political process.

The Deputy Prime Minister (Tun Haji Abdul Razak): Sir, under the existing law, application forms can only be accepted by the Elections Commission within the registration period, that is, between the 1st of September and the 12th October, and forms must be dated within such period. The practice is, therefore, to distribute forms within the period for some time a week before the commencement of the period. However, the Election Commission is prepared in future to furnish political parties

with forms for registration of voters a month before the commencement of the revision period on request.

Now, there are several reasons why the Election Commission does not encourage the furnishing of forms earlier than one month. The first is to prevent confusion to would-be voters, who might be approached by more than one political party. This in turn may lead to duplication of registration. The second reason is that applicants, who have filled the forms too early, may move to a new residence just before the commencement of the registration period. This will make the filling of form null and void and the applicant incapable of registration.

Tuan C. V. Devan Nair: The first ground given by the Honourable Deputy Prime Minister does not seem to me to be too valid. Would the Honourable Minister agree that more than one political party could approach persons for registration, even if it is after the one month period? The argument would hold good for any time.

Tun Haji Abdul Razak: Sir, it is true, but the longer the period given the more confusion there will be because, by doing so, much opportunities will be given to more than one political party to approach the voters.

Dr Tan Chee Khoon: Mr Speaker, Sir, is the Honourable Deputy Prime Minister aware of this question that I have asked and the answer that has been given? The question that I have asked for written reply is this: "To ask the Prime Minister if the Election Commission has considered my proposal made in the last Budget Session of the House that the Electoral Register be kept open all the year round, so that anyone, who is qualified to be placed on the Electoral Roll may register himself any time of the year, and to state if the Election Commission agrees to this proposal, when it will be implemented". The written reply given by the Honourable the Prime Minister is: "The Election Commission is still in the process of studying the proposal

to introduce the system of automatic registration of electors in this country. The Commission will submit its proposal to Government, when it is ready".

Tun Haji Abdul Razak: That has already replied to the question.

Tuan Mohd. Daud bin Abdul Samad (Besut): Mengikut tahun yang sudah, sa-sudah buku daftar pengundi itu di-semak dan di-kaji, maka buku daftar pengundi itu di-beri kapada tiap² parti politik bagi tiap² kawasan dan ini telah di-lakukan. Tetapi, apa yang saya ingin tahu pada masa dahulu buku² daftar pengundi itu di-jual kapada mana² parti politik atau pun orang ramai, tetapi pada tahun ini sa-panjang yang saya tahu tidak di-jual—apa-kah sebab-nya?

Tun Haji Abdul Razak: Tuan Yang di-Pertua, ini soalan lain.

Dr Tan Chee Khoon: Mr Speaker, Sir, is the Honourable Deputy Prime Minister aware that the practice that has been in the past, where the Election Commission sets apart only one month for registration is a farce—that, in effect, the people who are designated to register new voters, or voters who have changed their residences, they do precious little work at all? In fact, they spend most of their time in coffee shops. The reason is not because they are lazy, or they do not want to work, the reason is that when they go to the homes concerned, the people who have changed their residences, who have not been on the register, are away at work. The head of the family is not at home. Consequently, given this one month is absolute waste of time on the part of the Election Commission. Whereas, if the Electoral Register were open all the year round, then those of us, whether in the Alliance Party, or on this side of the House, can go to the would-be voters during the times that they are at home and register them, and that would be far more effective and will not cost the taxpayers any money.

Tun Haji Abdul Razak: The Honourable Member had already expressed his views on this before, and the matter, as explained, is being looked into by the Election Commission and that the Commission is still studying the proposal and will submit their recommendations to Government soon.

WITHDRAWAL OF BRITISH TROOPS FROM MALAYSIA

2. Dr Tan Chee Khoon asks the Minister of Defence for details of his talks with Mr Denis Healey on the pull-out of British troops from Malaysia.

Tun Haji Abdul Razak: Sir, the British Secretary of State for Defence came here to consult us on the proposal of the British Government to run down their forces in the Far East. Their plans have not yet been finalised. It is, therefore, not proper to explain the details of the talk at this stage.

Dr Tan Chee Khoon: Mr Speaker, Sir, while I do appreciate that the British have not come to a final decision as to their defence policy East of Suez, is the Honourable Minister for Defence aware that we should not place too much reliance on so-called friends, because the so-called friends may well turn out to be effect as the Soviet Union has proved to the Arab nations in the recent Middle East crisis. The Soviet Union virtually did not lift a finger to prevent the Israelis from bashing up the Arab nations. The question I wish to ask the Honourable Minister of Defence is that we should in effect do away with defence pact which only draws antagonism towards us

Mr Speaker: May I point out that a supplementary question should be in the form of a question and not a statement of facts.

Dr Tan Chee Khoon: The question which I wish to pose to the Honourable Minister of Defence is that we should rely more on our own forces

Mr Speaker: You said that you wish to pose a question, but you said that

"we should rely on"—where is the question?

Dr Tan Chee Khoon: That has very much to do with the question I have asked. The question that I have asked is on the pull-out of British troops.

Mr Speaker: You wish to ask a supplementary question now. Please ask your supplementary question in the form of a question.

Dr Tan Chee Khoon: Yes, Mr Speaker, Sir. The question that I wish to ask the Honourable Minister of Defence is, does he not realise that we should depend less on British troops, or any other troops and do away with defence pacts, but depend on our resources to look after our own defence in a sea of friendly countries? Thailand, Philippines, Indonesia, all are friendly countries.

Tun Haji Abdul Razak: Sir, as I have stated in this House many times that we are depending on our forces as much as possible, but we are a small nation and with our limited financial resources, obviously, we are not in a position to have sufficient forces to defend ourselves against external aggression. That is why we need friends to help us in the event of our being attacked by forces on our side. It is clear that our policy is to be friends with all countries, and it is a matter of opinion as to which countries are sincere with us or which countries are not. As far as we are concerned, we have a defence treaty with the United Kingdom, associated by Australia and New Zealand, and it is the intention of this Government to continue with this defence treaty.

**RA'AYAT BUKAN WARGA-
NEGARA MALAYSIA DI-
ANTARA PENUNJOK² PE-
RASAAN PADA 1hb MEI
(HARI BUROH)**

3. Tuan Ramli bin Omar (Krian Darat) bertanya kepada Menteri Hal Ehwal Dalam Negeri sama ada ra'ayat bukan warganegara Malaysia ada-lah di-antara penunjok² perasaan yang telah

di-tahan pada 1hb Mei, 1967 (Hari Buroh) dan jika ya, ada-kah tindakan yang akan di-ambil oleh Kerajaan.

The Minister of Lands and Mines (Tuan Haji Abdul-Rahman bin Ya'kub): Tuan Yang di-Pertua, tidak ada.

Tuan Ramli bin Omar: Tuan Yang di-Pertua, tiap² 1hb Mei nampak-nya ada rusohan berlaku. Ada-kah Kerajaan berchadang hendak mengharamkan perarakan atau perjumpaan 1hb Mei ini pada masa yang akan datang untuk mengelakkan kejadian yang tidak di-ingini dan siapa-kah yang akan bertanggung-jawab?

Tuan Haji Abdul-Rahman bin Ya'kub: Tiap² perarakan menurut undang² kita hendak-lah mendapat kebenaran dan jika tidak mendapat kebenaran ada-lah di-sisi Undang² perarakan-nya haram. Jadi, tidak perlu Kerajaan mengishtiharkan semua perarakan itu haram dengan membuat undang² yang baru.

Tuan Mustapha bin Ahmad (Tanah Merah): Tuan Yang di-Pertua, diantara perarakan haram yang dilakukan itu daripada jawapan Menteri itu dapat-lah kita fahamkan seluruh-nya ada-lah warganegara Malaysia. Daripada jenis kaum mana-kah yang terbanyak mengikut perarakan itu?

Tuan Haji Abdul-Rahman bin Ya'kub: Jikalau Ahli Yang Berhormat itu baca surat khabar tentu sa-kali soalan tambahan ini tidak timbul. Jadi saya nasihatkan dia baca balek surat khabar.

MENGELUARKAN KAD² PENGENALAN MALAYSIA BAGI RA'AYAT² SINGAPURA YANG BERMAUSTAUTIN DI-MALAYSIA

4. Tuan Ramli bin Omar bertanya kepada Menteri Hal Ehwal Dalam Negeri sama ada beliau sedar bahawa ada ra'ayat² Singapura yang telah bermaustautin di-Malaysia untuk beberapa tahun telah di-tolak permohonan mereka untuk mendapat kad² pengenalan Malaysia dan telah di-suruh

kembali ka-Singapura pula, di-mana permohonan mereka juga telah di-tolak dengan alasan mereka telah menetap di-Malaysia; jika sedar, tidak-kah patut Kerajaan menimbangkan permohonan mereka untuk mendapatkan kad² pengenalan Malaysia.

Tuan Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, Undang² kita, ya'ani Undang² Pendaftaran Negara tahun 1960, meng'itirafkan kad² pengenalan Singapura, dan dengan hal yang demikian tidak-lah timbul keperluan untuk Kerajaan kita mengeluarkan kad² pengenalan Malaysia pada orang² Singapura yang tinggal di-Negeri² Malaysia Barat. Di-masa akhir² ini Kerajaan Singapura mula mengeluarkan kad² pengenalan plastik dan mengishtiharkan bahawa kad² pengenalan dahulu-nya tidak lagi sah di-sisi Undang² bermulaan daripada 1hb February, 1967. Walau bagaimanapun, di-ishtiharkan juga bahawa orang² Singapura yang tinggal di-luar negeri boleh menukarkan kad² pengenalan mereka pada bila² masa sahaja apabila mereka pulang ka-Singapura, dan tidak-lah ada had masa di-tentukan untuk mereka membuat demikian. Pengishtiharan dasar Kerajaan Singapura ini tidak-lah sa-jajar dengan kehendak² Undang² negeri ini yang telah saya nyatakan tadi yang hanya meng'itirafkan kad² pengenalan Singapura yang sah. Dengan itu berarti bahawa jikalau orang² Singapura yang tinggal di-negeri² di-Malaysia Barat tidak mengambil kad² pengenalan Singapura yang baharu dan sah itu, mereka boleh di-tangkap dan di-bawa di-mahkamah kerana tidak mempunyai kad² pengenalan yang sah. Saya tidak-lah sedar ada-nya satu² keputusan oleh Kerajaan Singapura menolak pengeluaran kad² pengenalan baharu kepada orang² Singapura yang tinggal di-negeri² Malaysia Barat sa-bagai menggantikan kad² pengenalan Singapura yang dahulu itu.

Tuan Ramli bin Omar: Tuan Yang di-Pertua, mengikut keterangan surat khabar hari ini, kalau tak salah saya, orang² yang demikian ini hanya akan di-beri kad pengenalan merah. Apakah hal-nya pula kira-nya pemegang

kad pengenalan Singapura yang telah tinggal dengan ta'at setia di-Malaysia sa-lama lebih daripada lapan tahun ada-kah mereka akan di-beri kad² pengenalan yang biru?

Tuan Haji Abdul-Rahman bin Ya'kub: Sa-bagaimana yang saya nyatakan tadi, Tuan Yang di-Pertua, masalah penukaran kad itu tidak timbul oleh kerana kita menganggap kad itu sa-bagai kad yang sah. Ada persetujuan di-antara kedua negara ini semenjak sa-belum Malaysia di-tubuhkan, kemudian ada-nya Malaysia, kemudian sekarang Singapura tiga lagi dalam Malaysia. Bagaimana pun, keadaan yang telah timbul ia-itu dengan ada-nya perisytiharan yang baharu oleh Kerajaan Singapura menggantikan kad yang lama itu, perundingan sedang di-jalankan untuk menghaluskan apa sahaja kerumitan yang timbul di-dalam masalah yang saperti ini.

Dr Tan Chee Khoon: Mr Speaker, Sir, I am very glad that the Honourable Minister of Justice has said that there is a meeting between officials of both countries to sort out this problem. Is the Honourable Minister of Justice aware that there are many citizens of Singapore, who hold Singapore identity cards, who stupidly have not renewed their identity cards but who have lived all along in West Malaysia; some of them are born in West Malaysia and during election time they have gone there to work and then come back and then totally forgot about renewing their identity cards. Therefore, if Singapore refuses to change their old identity cards, and that the old identity cards are not recognised in this country, virtually these people, some of whom or rather many of whom are born in this country, virtually become stateless persons. Can the Honourable Minister give an assurance to this House that these people who have been very stupid in not changing their cards in time, their cases would be considered sympathetically, if they apply for a red identity card in this country to start with?

Tuan Haji Abdul-Rahman bin Ya'kub: Mr Speaker, Sir, as I have said

just now, Government is not aware of any decision by the Singapore Government, Singapore authority, to refuse to issue new Singapore identity cards to Singaporeans to replace the old Singapore identity cards in respect of citizens of Singapore residing in West Malaysia. If such a case does crop up, I am sure that both Governments will find a solution to the problem. It is not just the problem for the Government of Malaysia, but also for the Government of Singapore. We may also have cases, where citizens of Malaysia, residing for a long time in Singapore and wanting to reside there permanently, having some problem with regard to this question of renewal of identity cards. But so far we have not come across such problem. If there is any specific case, where Singapore citizens have met with hardship as mentioned by the Honourable Member for Batu, and also the Honourable Member from the State of Perak just now, we would be very grateful, if he could give us full information, so that we could take up the case with the authorities concerned.

Dr Tan Chee Khoon: Sir, I do not know what the Honourable Minister of Justice means by a citizen of Singapore. I have only two days ago met a person born in this country holding an old identity card from Singapore. Now, if he goes to Singapore now, he will be arrested; so he has gone to the Singapore High Commission, and he has been told that his card cannot be changed by the High Commission, or by the Singapore Government. If that is so, and I believe that is the case, because he came to see me to find some solution to it, will the Government consider his case favourably, when he applies to the Registrar of Citizens in this country for an issue of a red identity card to start with?

Tuan Haji Abdul-Rahman bin Ya'kub: I have not a definite answer to that problem, Mr Speaker, Sir, but I would be very grateful, if he would, during recess time, give me the full facts of this case and I will look into this matter immediately.

FORMATION OF UNION FOR F.L.D.A. EMPLOYEES

5. Tuan C. V. Devan Nair (Bungsar) asks the Minister of National and Rural Development to state:

- (i) whether there had been any past effort to form a union for F.L.D.A. employees;
- (ii) if so, the result of such past efforts; and
- (iii) whether the Government encourages the formation of a union for F.L.D.A. employees.

Menteri Muda Pembangunan Negara dan Luar Bandar (Tuan Sulaiman bin Bulon): Tuan Yang di-Pertua, yang diketahui tidak ada pihak Lembaga ini menerima sa-barang permohonan bagi menubuhkan kesatuan daripada kakitangan Lembaga itu sendiri dengan rasmi-nya:

- (i) Hal ini tidak berbangkit, dan
- (ii) Ada-lah soal itu soal mereka itu sendiri.

Tuan C. V. Devan Nair: Would the Honourable Minister give a categorical assurance that the Government would not place any obstacles in the way, if employees of the F.L.D.A. decided to form a union?

Tuan Sulaiman bin Bulon: Tuan Yang di-Pertua, itu ada-lah hak kakitangan Lembaga itu sendiri dan jika ada kita akan timbangkan.

Tuan C. V. Devan Nair: Sir, it is not a question of just "akan timbangkan". What I wanted was a categorical assurance that the Government would not place any obstacles in the way of such a union being registered.

Tuan Sulaiman bin Bulon: Tuan Yang di-Pertua, perkara itu belum sampai kepada kita dan kita tidak tahu; dan kalau ada patut-lah kita timbangkan.

Dr Tan Chee Khoon: Tuan Yang di-Pertua, barangkali wakil dari Bungsar hendak bertanya bukan jawapan akan timbangkan tetapi akan menolong pekerja² F.L.D.A. untuk menubuhkan persatuan tersebut.

Tuan Sulaiman bin Bulon: Perkara ini tidak berbangkit, Tuan Yang di-Pertua.

Tuan C. V. Devan Nair: Sir, what we want to know is, whether the Government, not whether the Government would consider and so on, but whether the Government would give a categorical assurance that if employees of the F.L.D.A. decide to form a union that would be welcome. No obstacles would be placed in the way.

Tuan Sulaiman bin Bulon: Baik-lah kita akan

Mr Speaker: timbangkan (*Ketawa*).

The Minister of Labour (Tuan V. Manickavasagam): Mr Speaker Sir. When an application for such a formation is asked for, Government would consider the request. From past experiences the Honourable Member is aware that Government and statutory bodies have had unions, and if an application is received, we would give it due consideration.

BILANGAN GURU YANG SEDANG DI-LATEH DALAM SAINS, ILMU HISAB TEKNIK, RUMAH TANGGA

6. Tuan Hussein bin Sulaiman bertanya kepada Menteri Pelajaran berapa bilangan guru, mengikut kaum dan bahasa penghantar, yang sedang dilateh dalam jurusan (a) Sains, Ilmu Hisab; (b) Teknik; (c) Sains Pertanian; dan (d) Sains Urusan Rumah-tangga.

Menteri Muda Pelajaran (Tuan Lee Siok Yew): Tuan Yang di-Pertua, Tuan, dukachita saya tidak dapat memberi jawapan kepada soalan ini, oleh kerana bukan-lah dasar Kerajaan mengemukakan sa-barang jawapan mengikut kaum atau bangsa.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, boleh-kah difahamkan bahawa pihak Kerajaan tidak mahu memberi jawapan di atas soalan yang ke-enam ini dengan alasan bahawa kerana soalan ini bersangkutan paut dengan soal perkauman? Ada-kah ini satu helah daripada pihak

Kerajaan untuk menyembunyikan perkara yang benar?

Tuan Lee Siok Yew: Tuan Yang di-Pertua, tidak (*Ketawa*).

PERKHIDMATAN GURU SUKARELA SEBERANG LAUT DI SEKOLAH² RENDAH

7. Tuan Hussein bin Sulaiman bertanya kepada Menteri Pelajaran jika Kementerian ini akan menimbang mengirimi guru² Perkhidmatan Sukarela Seberang Laut ka-Sekolah² Rendah.

Tuan Lee Siok Yew: Tuan Yang di-Pertua, dukachita-nya bahawa Kementerian saya tidak dapat menempatkan guru² sukarela seberang laut ka-sekolah² rendah oleh kerana perkhidmatan mereka ada-lah lebih di-perlukan dengan segera di-sekolah² menengah.

CHALUN² YANG DI-PILEH MASOK KA-MAKTAB PERGURUAN PERSEKUTUAN DAN MAKTAB LATEHAN DAERAH—BILANGAN

8. Tuan Hussein bin Sulaiman minta kepada Menteri Pelajaran sebutkan angka², menurut kaum dan kursus, mengenai chalun² yang di-pileh masok ka-Maktab² Perguruan Persekutuan/Maktab Latehan Daerah bagi tahun 1967.

Tuan Lee Siok Yew: Tuan Yang di-Pertua, dukachita saya tidak dapat memberi jawapan kepada soalan ini, oleh kerana bukan-lah dasar Kerajaan mengemukakan sa-barang jawapan mengikut kaum atau bangsa yang saya telah jawab pada soalan yang keenam.

Tuan Hussein bin Sulaiman: Bolehkah Menteri Yang Berhormat berjanji memberi jawapan ini dengan bertulis kepada saya sendiri?

Tuan Lee Siok Yew: Tuan Yang di-Pertua, dukachita saya tidak boleh jawab dengan bertulis kepada Yang Berhormat dalam perkara itu.

Tuan Mustapha bin Ahmad (Tanah Merah): Jawapan daripada Yang Berhormat Menteri Muda Pelajaran kerana alasan memberi angka antara kaum² negeri ini ada-lah satu perkara yang bertentangan dengan dasar Perikatan

hari ini, maka sa-jauh mana-kah pihak Kerajaan Perikatan akan mempertahankan tidak akan memberi tahu angka² seperti ini di-masa² yang akan datang, dan yang kedua pula apa-kah sudah merupakan satu perkauman sa-kadar angka untuk di-beri tahu kepada kami sa-bagai Wakil Ra'ayat dan kami berhak untuk mengetahui segala²-nya dalam negeri dan apa-kah sudah menimbulkan satu huru-hara yang akan melibatkan sa-suatu yang menimbulkan pertumpahan darah kerana angka seperti itu sahaja, dan tidak-kah sa-balek-nya, Tuan Yang di-Pertua, pula dengan sebab angka yang di-simpan sa-chara yang begitu kemas akan menimbulkan satu *suspect* maka perkara ini tidak akan timbul lebih berat lagi daripada apa yang kita beri tahu? Sebab itu saya mahu tahu daripada pihak Menteri Muda jawapan yang sa-benar-nya dengan masaalah ini?

Tuan Lee Siok Yew: Tuan Yang di-Pertua, dasar Perikatan berpehak bukan satu kaum sahaja, akan tetapi semua kaum masing² di-dalam Malaysia. Dasar itu ia-lah sa-bagai warganegara Malaysia itu ia-lah sama-lah anak kita. Jadi tidak membangkitkan salah fahaman satu kaum dengan satu kaum yang lain. Ini-lah dasar Kerajaan Perikatan.

Tuan Mustapha bin Ahmad: Pihak di-sini pun dan pihak saya pun menanyakan masaalah itu bukan-lah saya menganggap satu dengan yang lain itu ada-lah tidak warganegara dan satu yang lain itu ada-lah lebih melebihi di-dalam kelas kewarganegaraan-nya. Tetapi, apa salah-nya pula sa-kira-nya kami berhati lapang seperti hati daripada Menteri Muda itu juga untuk memikirkan masaalah itu jika mereka memberi perkara itu tahu kepada kami?

Mr Speaker: Itu ada terkandung dalam atoran dan peratoran Majlis Meshuarat ini. Jika di-kedai kopi boleh-lah berchakap, bertanya² begitu (*Ketawa*). Jika di-sini apa yang tak boleh itu, tak boleh-lah. Apa yang di-hadkan, di-hadkan sahaja (*Ketawa*).

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, apa-kah begitu tidak

betul pertanyaan saya itu untuk mengetahui dalam masalah itu?

Mr Speaker: Sudah keluar daripada ini. Saya tadi sudah patut saya tegah.

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, saya fikir tidak jauh, kerana angka yang tidak dapat diberi, bukan saya hendak lawan Tuan Yang di-Pertua, tetapi sa-kadar itu sahaja

Mr Speaker: Jika hendak lawan pun tak patut-lah saya orang tua (*Ketawa*).

BILANGAN KEMATIAN ANAK² ORANG MELAYU YANG BERUMOR 5 TAHUN KA-BAWAH DAN TINDAKAN KESIHATAN UNTUK MENGURANGKAN KEMATIAN ITU

9. Tuan Haji Abu Bakar bin Hamzah bertanya kepada Menteri Kesihatan, ada-kah benar bahawa anak² orang Melayu yang berumur 5 tahun ka-bawah (belum masuk sekolah) mati kira² tidak kurang dari 29,000 orang tiap² tahun berikutan dengan penubuhan Malaysia pada hal anak² bukan Melayu di-Malaysia ini yang sama lengkongan umur-nya mati kira² tidak lebih dari 8,000 sahaja tiap² tahun. Jika ya, maka:

- (a) apa-kah sebab² besar bagi kejadian itu; dan
- (b) apa-kah tindakan kesihatan yang di-buat untuk mengurangkan kematian.

Setia-usaha Parlimen kepada Menteri Kesihatan (Tuan Ibrahim bin Abdul Rahman): Jumlah bilangan kematian kanak² Melayu berumur 5 tahun ka-bawah tidak pernah meningkat ka-angka 29,000 dalam mana² tahun semenjak penubuhan Malaysia sa-bagaimana yang di-katakan oleh Ahli Yang Berhormat dari Bachok itu. Jumlah kematian yang di-daftar dalam lengkongan umur ini bagi tahun 1963 hingga 1965 ada-lah seperti berikut:

Tahun 1963—jumlah kematian dalam lengkongan umur 5 tahun ka-bawah ia-lah 25,519. Jumlah kematian Melayu sahaja 15,178.

Tahun 1964—jumlah kematian semua bangsa 21,386 dan jumlah kematian Melayu sahaja 12,329.

Tahun 1965—bilangan semua bangsa 21,204 dan jumlah Melayu sahaja 14,258.

Perbedaan ini ada-lah khas-nya disebabkan kebanyakan orang² Melayu tinggal di-kawasan² luar bandar dimana perkhidmatan perubatan dan kesihatan ada-lah di-dapati maseh kekurangan.

Sa-lain daripada itu, di-kawasan² luar bandar juga ada-lah kekurangan dalam beberapa kemudahan yang menjadi asas kesihatan mereka, seperti mengadakan bekalan ayer yang baik dan tandas. Dengan penoh kesedaran di-atas serba kekurangan ini, maka Kerajaan telah pun memberi keutamaan dalam ranchangan pembangunan-nya untuk ranchangan kesihatan luar bandar, sa-bagaimana yang dapat kita lihat pada hari ini, beberapa pusat² kesihatan dan kelinik² bertaburan di-seluruh tanah ayer. Ahli Yang Berhormat tentu bersetuju dengan saya, ia-itu serba kekurangan yang lalu itu mungkin tidak dapat di-perbaiki dalam tempoh satu malam, kerana kita tidak ada tongkat sakti atau pun lampu ajaib. Ranchangan² kita bergantung kepada kewangan dan terpaksa di-buat sesuai untuk di-terima oleh ra'ayat. Ada-lah akan mengambil masa untuk menukar chara hidup dan tabi'at penduduk² luar bandar supaya ranchangan yang di-buat itu akan dapat memberi kesan yang penoh kepada mereka.

Untuk mengawasi dan menjayakan ranchangan ini maka bahagian pelajaran kesihatan telah pun di-tubuhkan, dan satu jawatan-kuasa bersama kesihatan sekolah telah pun di-lancarkan di-antara Kementerian Pelajaran dan Kementerian Kesihatan. Alat perojek kebersihan sekeliling di-kampung² telah berjalan di-seluruh daerah di-seluruh Malaysia Barat dimana gerakan ganyang chaching di-lancharkan untuk semua kanak² sekolah rendah di-dalam kawasan² itu sa-belum akhir tahun ini. Sa-lain daripada itu ranchangan menghapuskan malaria keseluruhannya akan di-lancharkan pada bulan Julai tahun 1967.

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, boleh-kah pehak Yang Berhormat, Setia-usaha Parlimen kepada Menteri Kesihatan ini memberi jaminan dalam Dewan ini pada masa² yang akan datang angka di-antara orang² Melayu dengan bukan orang Melayu tidak boleh di-sebutkan seperti mana yang di-kehendaki oleh Menteri Muda Pelajaran tadi, kerana itu bertentangan dengan dasar Kerajaan?

Tuan Ibrahim bin Abdul Rahman: Itu soal lain, Tuan Yang di-Pertua.

Tuan Haji Ahmad bin Abdullah: Soalan tambahan, Tuan Yang di-Pertua, kenapa-kah langkah² yang istimewa daripada pehak Kementerian Kesihatan baru sahaja hendak di-ambil untuk memperbaiki kesihatan² orang² di-luar bandar, kerana apa-kah perkara ini tidak di-jalankan pada Ranchangan Lima Tahun Yang Pertama dan Ranchangan Lima Tahun Yang Kedua dan di-biar begitu sahaja sa-hingga sampai sekarang baru tindakan akan di-ambil?

Tuan Ibrahim bin Abdul Rahman: Tuan Yang di-Pertua, pada tahun 1960 kita hanya ada 8 buah Pusat Kesihatan Besar, 8 buah Pusat Kesihatan Kecil dan 26 Klinik Bidan. Tetapi pada tahun 1966 kita ada 39 buah Pusat Kesihatan Besar, 135 Pusat Kesihatan Kecil dan 664 Klinik Bidan pada tahun 1966 (*Tepok*).

Tuan Ramli bin Omar: Tuan Yang di-Pertua, ada-kah kematian itu kesalahan Kerajaan Perikatan, seperti yang di-tuduh oleh Ahli Yang Berhormat di-sana?

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, ada-lah telah menjadi satu keterangan yang jelas bagi pehak Kementerian Kesihatan, bahawa-sa-nya penyakit yang membunuh ra'ayat jelata yang besar sa-kali di-dalam daerah kawasan luar bandar ia-lah penyakit tidak di-ambil dalam Ranchangan Lima Tahun Yang Pertama dan Lima Tahun Yang Kedua?

Tuan Ibrahim bin Abdul Rahman: Tuan Yang di-Pertua, ranchangan menghapuskan malaria ini akan mengambil masa yang panjang, tetapi sa-

belum ranchangan ini di-buat, satu Jawatan-kuasa Bertindak telah pun di-tubuhkan. Tetapi, sa-belum itu kita telah mula dengan Malaria Eradication Pilot Project pada tahun 1960, ia-itu membuat banchi, statistics—menganalisa tempat² yang ada malaria sa-hingga tahun 1964. Sebab itu-lah kita dapati yang 67.4 peratus penduduk² luar bandar itu mengidap penyakit malaria. Dalam masa tiga tahun yang sudah (tahun 1964 hingga 1966) kita telah menjalankan Pre-eradication Programme, sa-bagai permulaan. Dan pada tahun 1967 bulan Julai ini akan di-adakan satu ranchangan menghapuskan sama sa-kali malaria dalam Malaysia Barat ini, ia-itu Malaria Eradication Programme.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, soalan tambahan. Kita maseh ingat lagi di-dalam persidangan Parlimen ini di-dalam bulan satu yang lepas, bahawa sa-nya Kerajaan telah membelanjakan lima juta ringgit untuk menghapuskan dan menchegeh malaria di-dalam kawasan bandar, tetapi chuma 10 peratus daripada wang yang tersebut itu sahaja yang di-gunakan dalam kawasan² luar bandar, kenapa?

Tuan Ibrahim bin Abdul Rahman: Tuan Yang di-Pertua, masalah ini ia-lah masalah teknik, atau perkara detail, tetapi sa-belum kita menghapuskan malaria, atau wabak satu² penyakit di-satu² kawasan, terpaksa-lah kita menjalankan daripada luar ka-dalam, atau pun daripada dalam ka-luar. Berbanding kedudukan luar bandar, dengan bandar, maka ada-lah lebeh mudah menjaga bandar dahulu; sa-lepas itu baharu-lah kita mula—dari-pada dalam ka-luar. Jadi, tidak-lah bijak daripada luar ka-dalam—from outside inwards. Ini-lah yang kita telah pun buat—from within outwards, ia-itu daripada bandar ka-luar bandar. Sekarang baharu-lah kita mula masok ka-luar bandar untuk menghapuskan penyakit malaria itu kerana semua bandar² telah pun bersehh daripada malaria.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan, kalau-lah sebab² yang menyebabkan

kematian, sa-bagaimana yang di-katakan oleh Yang Berhormat tadi, maka dapat-kah saya ketahuī berapa buah-kah agak-nya akan di-buat kelinik² kesihatan di-dalam kawasan luar bandar pada tahun 1967 ini berbanding dengan hanya satu kelinik sahaja pada tahun 1966. Jadi, ada-kah hendak di-buat lebih dua-kah, atau pun hendak satu juga-kah pada tahun 1967 ini?

Tuan Ibrahim bin Abdul Rahman: Tuan Yang di-Pertua, dalam Rancangan Malaysia Yang Pertama ini, saya suka bagi tahu, ia-itu 60 buah Pusat Kesihatan Kechil akan di-bena dan 45 buah Kelinik Bidan akan di-bena dalam Rancangan Malaysia Yang Pertama ini.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, saya bertanya yang lain—saya bertanya kelinik yang untok di-luar bandar itu sahaja—yang khas, tidak-lah Rancangan Malaysia yang luas itu yang boleh jadi kita pun sudah ta' ada dalam Dewan ini. Dalam tahun 1966, kelinik bagi rural areas—satu sahaja kelinik yang di-buat, kelinik pada tahun 1967 berapa buah yang hendak di-buat dalam rancangan luar bandar?

Tuan Ibrahim bin Abdul Rahman: Tuan Yang di-Pertua, itu perkara detail, saya ta' dapat-lah hendak memberitahu berapa buah dalam tahun 1966 dan berapa buah dalam tahun 1967, dan di-mana, kerana saya tidak menyediakan kertas itu di-sini. Kalau Ahli Yang Berhormat itu hendak tahu boleh-lah berjumpa dengan saya dan saya boleh beritahu.

ENTRY OF AMERICAN SERVICEMEN INTO MALAYSIA— SPREAD OF DISEASES

10. Dr Tan Chee Khoon asks the Minister of Health if he is aware of the threat of disease posed by the entry of American Servicemen for their Rest and Rehabilitation Scheme into Malaysia, and the danger of plague, malaria and venereal disease being spread by the American Servicemen; if so, the steps the Government has taken to check the spread of these diseases by American Servicemen.

The Parliamentary Secretary to the Minister of Health (Tuan Ibrahim bin Abdul Rahman): Mr Speaker, Sir, with regard to the danger of plague and malaria, as far as we know, they have been either inoculated or under active treatment. Venereal disease is an occupational hazard to servicemen, and this is not confined to American servicemen only.

Dr Tan Chee Khoon: Mr Speaker, Sir, I am very glad for this very elucidative and short reply from the Parliamentary Secretary. I do not know whether he, or his Ministry officials, are aware of the dangers. I will take them one by one. The first one is plague. "Not enough action taken against rats, the danger of plague", says W.H.O. Can the Honourable Parliamentary Secretary to the Minister of Health tell us, in addition to their being inoculated, whether these certificates will be very carefully looked into by our health authorities? Secondly, it is well known that plague is spread by rats. Perhaps these chaps might have been inoculated but they might have been in contact, during their sleep in camps, with rats and come here, touch somebody else and then we may well have plague. Thank God, there has been no plague in this country so far, but it might well arise as a result of this Rest and Rehabilitation or Recreation Scheme for the Americans.

Tuan Ibrahim bin Abdul Rahman: Mr Speaker, Sir, I think the Honourable Member is aware that we are free from plague for umpteen years, and it is known that every serviceman is immunised not only against plague but several other infectious diseases as well. Aircraft coming from Vietnam, civilian or military, have their aircraft dis-insectised before arrival at Malaysian international airports. This is an adequate anti-flea measure, and the local Airport Authorities also maintain the airport areas free of rats.

Dr Tan Chee Khoon: Mr Speaker, Sir, arising from the statement by the Honourable Parliamentary Secretary who has talked about aircraft, what about the personal effects of these

servicemen? Have they also been disinfected before they are allowed entry? (*Laughter*).

Tuan Ibrahim bin Abdul Rahman: They are being disinfected in the aircraft before embarking. (*Laughter*).

Dr Tan Chee Khoon: Mr Speaker, Sir, now I come to the second disease that I have mentioned here—malaria. Can the Honourable Parliamentary Secretary tell us what measures have his Ministry taken to see that the American Servicemen do not spread their resistant type—I repeat, the resistant type—of malaria. I hope he would not give us the answer that these people have been immunised against malaria.

Tuan Ibrahim bin Abdul Rahman: Mr Speaker, Sir, as far as the Ministry understands, they have been given routine suppressive treatment—suppressive malaria treatment. (*Laughter*).

Dr Tan Chee Khoon: Mr Speaker, Sir, I hate to be very technical with a non-technical person, although I understand that the Honourable Parliamentary Secretary to the Ministry of Health had been an ex-Hospital Assistant. Merely taking suppressive doses of drugs against malaria does not mean that malaria cannot blossom forth and blossom out, when these people arrive in this country. What other steps has the Ministry taken? Has the Ministry insisted, for example, that all servicemen coming into this country have no history of malaria?

Tuan Ibrahim bin Abdul Rahman: Mr Speaker, Sir, we receive this information from the American Embassy, and I am sure those servicemen who come to Malaysia, either via Kuala Lumpur or Penang, have been examined thoroughly and fully. So, I am sure they are free from plague, malaria and so forth. So, we have not taken any other steps, because we have been given the assurance that they are free, that they are not carriers of diseases.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan. Yang pertama, dapat-kah Dewan ini

tahu daripada Ahli Yang Berhormat daripada Batu, berapa banyak-kah orang² yang kena penyakit ini telah pergi kepada kelinik-nya, dan ada-kah Kementerian Kesihatan akan bekerjasama dengan kelinik-nya di-Batu?

Mr Speaker: Soalan² itu kena tanyakan ka-sana, bukan yang di-sini (*Ketawa*).

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan. Ada-kah Kementerian Kesihatan akan bekerjasama dengan mana² private clinic, umpama-nya kelinik Ahli Yang Berhormat daripada Batu, untuk mengubati penyakit² yang telah merebak di-sini? Dan jika ya, ada-kah bersedia akan di-buat pada hari ini juga?

Tuan Ibrahim bin Abdul Rahman: Tuan Yang di-Pertua, pehak Kementerian saya akan bekerjasama dengan semua kelinik² *private*.

Dr Tan Chee Khoon: Mr Speaker, Sir, the third question that I wish to ask the Honourable Minister, is with regard to venereal diseases. For the benefit of the Honourable Parliamentary Secretary, if I may read this statement from the *Malay Mail* of 1st May, 1967, which reads: "Threat of disease from Vietnam. The harder-to-cure Vietnam's train of venereal disease may be entering Malaysia through the hundreds of American Servicemen visiting Kuala Lumpur and Penang from rest and recreation. A private medical practitioner has said that quite a few American servicemen coming here had venereal diseases". Now, will the Honourable Parliamentary Secretary tell us what steps has the Ministry taken to see that those who suffer from venereal diseases are not allowed entry into this country because, as I have stated before, like malaria, it is a resistant form of gonococci that have been found amongst the American troops in Vietnam.

Tuan Ibrahim bin Abdul Rahman: Mr Speaker, Sir, as I have said earlier, venereal disease is an occupational hazard to servicemen—not only to American Servicemen but all servicemen—and we know that in the case of venereal disease, the situation is more

complicated here, because the control of this disease in this country is not adequately organised yet. It involves, among other things, the question of control of prostitution.

Dr Tan Chee Khoon: Mr Speaker, Sir, is the Honourable Parliamentary Secretary to the Minister of Health aware that in Kuala Lumpur—and I can speak with authority of what is happening in Kuala Lumpur—there is a clinic, not mine for the information of the Member for Bachok (*Laughter*), which has found out that there is a marked increase of American Servicemen with venereal diseases attending that clinic. Again, for the information of the said Honourable Member, is he aware that Saigon has been described as a “Vast of brothel” by none other than Senator Fulbright? May I warn here that we in this country do not want this “fair city” of Kuala Lumpur to be turned into a vast of brothel much as we would like to see the “green backs” of the American Servicemen?

Tuan Ibrahim bin Abdul Rahman: Mr Speaker, Sir, I do feel that these servicemen get the infection locally (*Laughter*).

Dr Tan Chee Khoon: Mr Speaker, Sir, how does he know that the local people are the cause of these people getting venereal diseases and that it has not been brought over from Vietnam? Has he got any medical statistics to prove that?

Mr Speaker: If the Minister does not know the answer, he might say, “No”. It is not necessary for him to answer every question whether he knows the answer or not (*Laughter*).

Dr Tan Chee Khoon: Mr Speaker, Sir, speaking as a medical man, can the Honourable Parliamentary Secretary substantiate that the fair ladies in this fair capital city are the cause of the spread of venereal diseases amongst the American personnel, troops, who come to this capital city?

Tuan Ibrahim bin Abdul Rahman: Sir, I dare not substantiate my statement, but it appears to me so—that is all. I cannot substantiate it.

Dr Tan Chee Khoon: Mr Speaker, Sir, then he should withdraw his last sentence and not cast a slur on the fair ladies of this capital city (*Laughter*).

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan yang terakhir. Berapa banyak lagi butir² yang telah di-sebutkan oleh Setia-usaha Parlimen bagi Kementerian Kesihatan itu yang ia tidak dapat substantiate dalam jawapan tadi?

Mr Speaker: Mana dia hendak pula jawab macham itu? (*Laughter*).

ESTABLISHMENT OF FACTORIES IN EAST MALAYSIA SINCE FORMATION OF MALAYSIA

11. Tuan Edmund Langgu anak Saga asks the Minister of Commerce and Industry:

- (a) how many factories have been established by his Ministry in the East Malaysia since the establishment of Malaysia.
- (b) the nature and where each one of these factories has been established.

The Minister of Commerce and Industry (Dr Lim Swee Aun): Mr Speaker, Sir, we believe in free enterprise, and as such my Ministry does not establish factories but allows private enterprise to establish factories. That is the general rule. In regard to part two of his question, the nature and location of pioneer companies which have been established are as follows:

Kayar Pearl Co. Ltd for the cultivation of pearls at Sandakan, Sabah.
Mostyn Palm Processing Ltd, for palm oil processing at Tawau, Sabah.

Chuang Mui Food Stuff Manufacturing Co., producing canned and bottled food at 7th mile, Perrissan Road, Kuching, Sarawak.

Yee Hiap Seng Co. Ltd, producing canned and bottled food, Pending Road, Kuching, Sarawak.

Borneo Biscuit Factory for the manufacture of biscuits at Sungei Prick, Kuching, Sarawak.

Kim Hwa Co. Ltd, for making printed batek cloth, rubber footwear, at 3rd Mile, Batu Kawa Road, Kuching, Sarawak.

Teck Heng Loong Veneers Ltd, for manufacture of veneers at Sandakan, Sabah.

Sin Hua Industries Ltd, for manufacturing impregnated timber and kiln dried timber at Pandungan, Kuching, Sarawak.

Sabah Wiremesh and Fencing Ltd, for the manufacture of wiremesh at Jesselton, Sabah.

Hume Sabah Ltd, for the manufacture of concrete products at Jesselton, Sabah.

North Borneo Fishing Co., for producing frozen fish and prawns and shrimps at Sandakan, and

Sarawak Company for the manufacturing of veneer and plywood in Kuching, Sarawak.

Tuan Sim Boon Liang (Sarawak):

Mr Speaker, Sir, will the Honourable Minister inform us whether these factories belong to Malaysians or to foreigners?

Dr Lim Swee Aun: Some of these belong to Malaysians, and some are joint ventures.

ENCOURAGEMENT OF LOCAL INDUSTRIES IN SARAWAK

12. Tuan Edmund Langgu anak Saga asks the Minister of Commerce and Industry whether steps have been taken to encourage more operations of local industries in Sarawak.

Dr Lim Swee Aun: Mr Speaker, Sir, since the formation of Malaysia, my Ministry has made every effort to encourage the establishment of industries in Sarawak by private enterprise. Some of the important measures taken by my Ministry are:

- (1) The unification of the Pioneer Industries Ordinances of Sabah and Sarawak which was then in force before Malaysia day with the pioneer legislation in Western Malaysia by the Modification and Extension Order of May, 1966.

This has improved and facilitated the consideration and approval of application for pioneer status in Sabah and Sarawak.

- (2) The establishment of a Common Customs Union in March, 1966, consisting of Western and Eastern Malaysia. This has resulted in the free movement of certain manufactured goods in Sabah and Sarawak throughout the whole of Malaysia without import duties, thus enlarging their markets. This has made it possible for factories in Sabah and Sarawak to find new markets in Western Malaysia.
- (3) The granting of protection to certain existing industries in Sabah and Sarawak against competition from the more efficient manufacturers in Western Malaysia.

Tuan Abdul Rahman bin Haji Talib:

Mr Speaker, Sir, does the Minister consider that the setting up of Malaysia itself is one of the steps that has encouraged local industries being established in Sarawak?

Dr Lim Swee Aun: Certainly.

Tuan Haji Abu Bakar bin Hamzah:

Tuan Yang di-Pertua, ada-kah Kementerian Perdagangan dan Perusahaan telah membuat satu² langkah untuk mengadakan tabong amanah untuk menolong perusahaan² di-negeri Sarawak, khas-nya, seperti mana yang dilakukan kepada Sarawak Refrigerator Advance Fund?

Dr Lim Swee Aun: Mr Speaker, Sir, I did not quite catch his point. Shall I have it again?

Mr Speaker: Chakap orang puteh-lah.

Tuan Haji Abu Bakar bin Hamzah:

Menteri itu chakap orang puteh, Tuan; kalau saya berchakap China dia pun tidak tahu (*Ketawa*). Saya tahu dia orang Taiping dia ta' tahu chakap China. Tuan Yang di-Pertua, saya bertanya bagini: ada-kah termasuk didalam usaha² Kementerian Perdagangan dan Perusahaan hendak mengadakan satu tabong amanah wang sa-bagaimana yang telah dilakukan kepada Sarawak Refrigerator

Advance Fund yang di-kechualikan daripada Income Tax?

Dr Lim Swee Aun: Sir, if any enterprise wants to set up a factory in Eastern Malaysia and is short of funds, they are able to get that assistance from the M.I.D.F.L.; I think that is quite enough and there is no necessity for putting up another trust fund to assist industrialisation in Eastern Malaysia.

Tuan Ong Kee Hui (Sarawak): Mr Speaker, Sir, would the Minister inform us as to what arrangement has been made, as far as Sarawak is concerned, for the processing of applications for pioneer industries?

Dr Lim Swee Aun: The position now is that we are trying to streamline and cut off unnecessary red tape and my officer, in fact, is on the way to Sarawak and Sabah just now to clear up on the spot with the State Financial Officers of both States the quickest possible way of doing things. As one time, applications had to be processed by the State Financial Officers in Sabah and Sarawak and then sent to the Minister of Finance who then refers it to the Minister, or the Ministry of Commerce and Industry, and then it goes up and down the chain, thus wasting a lot of time. We are now trying to evolve a shorter method, whereby these applications for pioneer status could come up as soon as possible.

SCHEME TO SUBSTITUTE THE RUBBER PLANTING SCHEME "B" IN SARAWAK

13. Tuan Edmund Langgu anak Saga asks the Minister of Commerce and Industry to state what other schemes there are to substitute for the Rubber Planting Scheme B in those areas where this scheme is found unacceptable to the hulu people of Sarawak, in order to encourage them to leave the unprofitable hill padi planting business.

Dr Lim Swee Aun: Mr Speaker, Sir, in areas where Rubber Planting Scheme "B" is found unacceptable to

the people in the hulu in Sarawak, there is available the Rubber Planting Scheme "A" to encourage and subsidise smallholders to plant high-yielding rubber on their own land. In addition to this, there are also other agricultural schemes to enable the hill padi planters to improve their living, namely:

- (i) the Coconut Planting Scheme with the object of encouraging smallholders to plant coconuts in blocks of up to 10 acres per farmer;
- (ii) the improvement of wet padi lands which aims at encouraging the opening of new swamp areas and increasing the productivity of these areas already farmed;
- (iii) the Livestock Productive Scheme which has as its aim the production and the distribution of imported breeds of pigs to farmers;
- (iv) the French Water Fisheries Development Scheme, which provides free insecticide for the destruction of natural predators prior to stocking the ponds with fish;
- (v) the Farm Mechanization Development Scheme—in order to keep abreast of new advances particularly in the field of smallholders cultivating machinery, new machinery and equipment have been purchased by the Department of Agriculture for test Sarawak conditions with a view to adopting them for use in Sarawak;
- (vi) the Fruits Production Scheme, which has as its aim the promotion and distribution of good quality planting material to farmers; and also
- (vii) there are the Farm Services offered by the Agriculture Department.

The Rubber Planting Scheme "A", together with these other agricultural development schemes, would go a long way to help the people in the hulu in Sarawak to improve their standard of living and to achieve a more balanced and stable system of agriculture.

Mr Speaker: Question time is up!

(*Question time is up and the following are answers to Oral Questions Nos. 14 and 15*).

LEGISLATION FOR REDUNDANCY PAYMENTS FOR WORKERS

14. Tuan C. V. Devan Nair asks the Minister of Labour if he would favourably consider the introduction of a redundancy payments Act for the benefit of all workers employed in industry.

The Minister of Labour (Tuan V. Manickavasagam): Sir, consideration is now being given to introducing legislation for the payment of redundancy benefits for plantation workers laid off as a result of sub-division of estates. I am not in a position, at this stage, to state anything on similar payments for other workers.

THE SRI JAYA TRANSPORT EMPLOYEES' UNION— DE-REGISTRATION OF

15. Dr Tan Chee Khoo asks the Minister of Labour (a) why the Registrar of Trade Union has not exercised his powers to cancel the registration of a splinter Union the Sri Jaya Transport Employees Union, when the Registrar has taken advantage under the provisions of the law to cancel the registration of the United Malayan Estate Workers Union; (b) the reasons for the de-registration of the said union and for the biased attitude of the Registrar of Trade Unions.

Tuan V. Manickavasagam: I understand from the Registrar of Trade Unions that a substantial portion of the employees of Sri Jaya Transport Company are members of the Sri Jaya Transport Employees' Union and it is difficult under such a situation to invoke the provisions of the Trade Unions Act, 1965, to cancel its registration.

In the case of the United Malayan Estate Workers' Union, there was no doubt whatsoever as to its position. This Union could not claim to be representative of any group of estates

in the country and the Registrar had felt that it was not in the interest of the workers for its registration to continue.

There is absolutely no ground to claim that the Registrar of Trade Unions was biased in his approach to this question.

EXEMPTED BUSINESS AND ADJOURNMENT *SINE DIE*

(Motion)

The Minister for Welfare Services (Tuan Haji Abdul Hamid Khan bin Haji Sakhawat Ali Khan): Tuan Yang di-Pertua, saya menhadangkan:

Bahawa Majlis ini tidak akan di-tanggohkan hari ini sa-hingga telah selesai di-timbangan semua sa-kali urusan Kerajaan yang di-bentangkan dalam Atoran Urusan Meshuarat untuk hari ini, dan sa-telah tamat meshuarat Majlis ini akan di-tanggohkan pada satu tarikh yang tidak di-tetapkan.

Tan Sri Haji Sardon bin Haji Jubir: Tuan Yang di-Pertua, saya sokong.

Question put, and agreed to.

Resolved,

Bahawa Majlis ini tidak akan di-tanggohkan hari ini sa-hingga telah selesai di-timbangan semua sa-kali urusan Kerajaan yang di-bentangkan dalam Atoran Urusan Meshuarat untuk hari ini, dan sa-telah tamat meshuarat Majlis ini akan di-tanggohkan pada satu tarikh yang tidak di-tetapkan.

Mr Speaker: Persidangan ini di-tempohkan.

Sitting suspended at 11.10 a.m.

Sitting resumed at 11.30 a.m.

(Mr Deputy Speaker in the Chair)

BILL PRESENTED

THE PADI CULTIVATORS (CONTROL OF RENT AND SECURITY OF TENURE) BILL

Bill to amend and re-enact the law relating to the Control of Rent and Security of Tenure of padi cultivators and matters incidental thereto; presented by the Minister of Agriculture and Co-operatives; read the first time; to be read a second time at a subsequent meeting of the House.

MOTIONS

THE SABAH INCOME TAX ORDINANCE, 1956

Amendment to the Second Schedule to the
Income Tax Ordinance, 1956

(The Sabah Tourist Association—Addition)

The Parliamentary Secretary to the Minister of Finance (Tuan Ali bin Haji Ahmad): Tuan Yang di-Pertua, saya mohon menhadangkan:

That this House pursuant to the provisions of Section 87 (2) of the Sabah Income Tax Ordinance, 1956, resolves that the Second Schedule to the Income Tax Ordinance, 1956, be amended by adding therein the following new item—

“Sabah Tourist Association”; and that such amendment shall be deemed to have come into force on 1st January, 1964.

Tuan Yang di-Pertua, seksyen 11 (1) (e) Undang² Chukai Pendapatan Sabah, 1956, memperbekalkan bahawa sa-barang pendapatan dari pihak berkuasa, yaysan, kumpulan wang atau pun orang persaorang yang di-nyata di-dalam Jadual Kedua undang² tersebut ada-lah di-kechualikan daripada pembayaran chukai. Pihak berkuasa, yaysan, kumpulan wang atau pun orang persaorang yang sa-umpama itu boleh di-masokkan ka-dalam Jadual Kedua Undang² itu dengan chara membuat suatu ketetapan oleh Dewan Ra'ayat mengikut kehendak seksyen 87 (2) undang² yang tersebut itu.

Persatuan Pelanchong Sabah ada-lah sa-buah pertubohan yang tidak menchari keuntungan yang telah ditubuhkan terutamanya bagi menggalak dan memajukan kemudahan² pelanchong, dan bagi memperkembangkan perdagangan pelanchongan di-Sabah sana. Sa-saorang yang menjalankan perniagaan di-Sabah ada-lah boleh menjadi ahli Persatuan ini bersama² dengan badan² rasmi, pertubohan² atau orang yang lain yang mungkin di-terima oleh Lembaga Persatuan ini menjadi ahli.

Untuk pengetahuan tuan, hal ehwal persatuan ini ada-lah di-uruskan oleh sa-buah Lembaga yang terdiri daripada wakil² yang di-lantek oleh Dewan Perniagaan dan Masharakat perdagangan di-Sabah. Sa-orang wakil yang di-lantek oleh Kerajaan Negeri

dan Pegawai Penerangan Negeri ada-lah jua menjadi anggota Lembaga ini.

Harta dan pendapatan Persatuan ini ada-lah di-gunakan sa-mata² bagi memajukan perdagangan pelanchongan. Semenjak tahun 1964, Kerajaan Negeri telah memberi sumbangan sa-banyak \$30,000 sa-tahun dan ini merupakan sa-bahagian yang terbesar daripada pendapatan Persatuan ini. Bagaimana pun, dengan bertambah maju-nya sedikit demi sedikit perdagangan pelanchongan di-Negeri Sabah, ada-lah di-jangka bahawa yuran² anggota dan pendapatan yang di-terima daripada iklan² pada akhirnya akan membolehkan Persatuan ini berdiri di-atas kaki-nya sendiri.

Sayugia di-ingati bahawa Dewan ini telah pun membuat ketetapan dahulu bahawa Persatuan Pelanchong Pulau Pinang hendak-lah di-kechualikan daripada pembayaran chukai pendapatan. Memandang kapada peranan Persatuan ini dan memandang bahawa kebanyakan daripada pendapatan-nya ada-lah di-terima daripada Kerajaan Negeri, maka ada-lah di-anggap bahawa Persatuan Pelanchong di-anggap bahawa Persatuan Pelanchong Sabah hendak-lah juga di-kechualikan daripada pembayaran chukai pendapatan ini.

Tuan Yang di-Pertua, saya memohon menhadangkan.

Tuan Lee San Choon: Sir, I beg to second the motion.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, dengan izin tuan, saya turut berchakap sedikit berkenaan dengan usul hendak memasokkan Sabah Tourish Association ka-dalam jadual yang kedua di-dalam Undang² Chukai Pendapatan untuk dapat pengechualian.

Tuan Yang di-Pertua, saya ber-setuju dengan Kerajaan supaya di-galakkan persatuan², atau pun badan² yang menaja urusan² pelanchongan, kerana usaha² yang sa-macham itu menambahkan lagi pengetahuan bangsa² luar terhadap negara Malaysia dan juga boleh jadi dari satu segi kita dapat menarek keuntungan pertukaran luar, atau pun Foreign Exchange.

Tuan Yang di-Pertua, Undang² Income Tax ada memberi satu pengecualian dalam jadual yang kedua, tetapi yang saya ingat Income Tax ini di-buat pada tahun 1947 yang di-masa itu ia-lah Sir Edward Gent menjadi High Commissioner di-sini barangkali saya pun muda, tuan pun pada masa itu maseh segar lagi dan Ahli kita yang mengemukakan ini saya ingat maseh di-sekolah rendah lagi pada masa itu. Pada masa itu, Tuan Yang di-Pertua, 22 perkara yang telah di-beri pengecualian—tidak kurang daripada 22 perkara dan kalau di-masokkan pula Persatuan Pelanchong Penang, atau yang lain² lagi boleh jadi sampai 25.

Tuan Yang di-Pertua, ada baik-nya kita mengadakan pengecualian sa-macham ini, tetapi ada juga tidak baik-nya. Saya lebeh suka mencha-dangkan, atau pun memberi shor kapada Kerajaan supaya Persatuan ini tidak di-masokkan ka-dalam jadual yang kedua erti-nya tidak di-beri kechuali daripada membayar Income Tax, ia-itu dengan jalan kita boleh memberi bantuan, atau pun grant kapada association yang sa-macham itu. Tuan Yang di-Pertua, ini bukan berma'ana kita tidak hendak meng-galakkan persatuan yang sa-macham ini, tetapi kita mahu supaya badan itu berjalan dengan baik dan dapat menunjukkan berapa kira² untong atau pun rugi dalam masa mereka menjalankan kerja pada tiap² tahun.

Tuan Yang di-Pertua, bukan-lah satu tekanan kapada satu persatuan yang sa-macham ini kalau kita mengenakan Income Tax, kerana kalau hasil-nya tidak banyak, sudah tentu-lah dia tidak membayar banyak dan boleh jadi dia tidak membayar langsung, tetapi kalau dia di-kenakan Income Tax, maka dia akan membuat kerja dengan lebeh elok dan lebeh baik.

Tuan Yang di-Pertua, boleh jadi ada lagi pehak Kementerian Kewangan ini akan meminta di-kechualikan lagi agak-nya daripada Income Tax ini dan kita akan bertemu dalam perkara itu kalau ada lagi. Saya minta bagini, Persatuan ini kalau boleh tidak di-masokkan di-dalam jadual yang kedua

itu, tetapi Kerajaan hendak-lah mem-beri grant menolong Persatuan yang sa-macham ini, atau pun kalau Men-teri kita tidak mahu bertolak ansor dalam perkara ini, saya pun boleh-lah mengikut Menteri itu, tetapi saya tidak mahu di-kirakan pengecualian ini mulai daripada 1 haribulan Januari. Sebab-nya, Tuan Yang di-Pertua, saya lebeh suka Kerajaan kita ini dapat penyata yang lengkap ber-kenaan dengan Persatuan ini. Kalau sa-kira-nya kita mengechualikan maka dia tentu-lah tidak mustahak, atau pun tidak wajib memberi penyata kewangan-nya atau sa-bagai-nya, sebab dia sudah di-kechualikan dari-pada Income Tax. Kalau kita hendak beri juga pengecualian ini, saya minta Kerajaan kita ubah ia-itu bahawa pindaan tersebut hendak-lah di-anggap sa-bagai telah berjalan kuat-kuasa-nya pada 1 haribulan Januari, 1967.

Tuan Yang di-Pertua, pindaan yang saya shorkan ini ia-lah supaya Persa-tuan itu dapat membentangkan betul² penyata kewangan-nya dan dapat menerangkan kapada Dewan ini sa-banyak mana kemajuan yang telah di-chapai dan dengan demikian kalau kita memikirkan Persatuan ini dapat memberi keuntungan kapada kita, sama ada dari segi propagation, atau pun propaganda atau pun dari segi menarek foreign exchange, maka bolen-lah kita memberi grant kapada pertubohan ini.

Ada pun, Tuan Yang di-Pertua, apa yang telah kita lakukan kapada Persatuan Pelanchongan di-Pulau Pinang tidak-lah boleh kita samakan dengan apa yang akan kita lakukan di-Sabah, atau pun Sarawak, kerana Penang merupakan satu unit di-dalam Malaya dan Sabah dia merupakan satu unit, atau Sarawak merupakan satu unit di-dalam Malaysia. Maka apa yang kita lakukan kapada Pulau Pinang tidak-lah sa-mesti kita laku-kan di-Sabah dan di-Sarawak dan ini bukan bererti kita tidak 'adil dalam perkara itu.

Sekian, Tuan Yang di-Pertua, dan saya minta-lah Menteri kita itu ubah sedikit sahaja, satu perkataan, satu word sahaja, ia-itu 1964 ini ubah, yang

4 itu potong jadikan 7, sudah-lah—yang lain² tak terima sa-kali ta' apa.

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, saya pun merasa pelek dengan ucapan daripada Ahli Yang Berhormat dari Bachok ini. Mula² dia kata dia setuju, dia sokong menggalakkan pelanchongan, kemudian dia shorkan jangan di-kechualikan daripada Income Tax. Kemudian yang akhir sa-kali dia kata dia sedikit sahaja hendak pinda. Jadi daripada mula-nya sokong, kemudian tak setuju di-kechualikan, kemudian dia kata pinda sedikit sahaja, erti-nya setuju pula di-kechualikan daripada Income Tax, tetapi mula² tahun 1967. Jadi dalam masa yang singkat sahaja kita nampak-lah sudah tiga perubahan sikap Ahli Yang Berhormat dari Bachok. Jadi, Tuan Yang di-Pertua, saya tidak dapat menerima-lah shor meminda tarikh memulakan ini daripada tahun 1964 kepada tahun 1967.

Yang kedua-nya, shor Ahli Yang Berhormat dari Bachok itu tidak menyetujui di-kechualikan. Kita, telah saya nyatakan tadi ia-itu sa-bahagian besar daripada kewangan Persatuan Pelanchong di-Sabah ini datang-nya daripada sumbangan Kerajaan. Jadi dari segi kewangan negara tidak-lah ada banyak perbezaan sebab sa-bahagian yang besar datang-nya daripada sumbangan Kerajaan dan kemudian hendak di-kechualikan, hendak di-kenakan pula Income Tax. Jadi, yang sa-benar-nya shor yang di-kemukakan oleh Ahli dari Bachok ini tidak dapat di-terima oleh kerana memikirkan dalam usaha Kerajaan hendak menggalakkan pelanchongan, terutama sa-kali dalam usaha hendak mendapatkan foreign exchange sa-bberapa banyak untuk pembangunan negara kita. Dan sa-lain daripada itu untuk memajukan dan di-dalam hal ini untuk di-majukan negeri Sabah dan membela negeri Sabah untuk kemajuan ra'ayat-nya di-sana dan juga untuk mengenalkan Sabah kepada seluruh dunia, dan oleh kerana itu shor Ahli Yang Berhormat dari Bachok kesemua-nya tak dapat di-terima dan sa-kali lagi saya mengatakan ia-itu saya pun pelek mula² dia kata dia bersetuju menggalakkan pelanchongan,

kemudian dia kata dia tak setuju, kemudian dia kata hendak pinda sedikit sahaja yang bererti dia bersetuju chuma sedikit sahaja dia tidak bersetuju.

Question put, and agreed to.

Resolved,

That this House pursuant to the provisions of Section 87 (2) of the Sabah Income Tax Ordinance, 1966, resolves that the Second Schedule to the Income Tax Ordinance, 1956, be amended by adding therein the following new item:

"Sabah Tourist Association"; and that such amendment shall be deemed to have come into force on 1st January, 1964.

THE INCOME TAX ORDINANCE, 1947

Amendment to the First Schedule to the
Income Tax Ordinance, 1947

(The Rubber Producers' Council of Malaya—
Addition)

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, saya mohon menchadangkan:

That this House pursuant to the provisions of Section 102 (1) of the Income Tax Ordinance, 1947, resolved that the First Schedule to the Income Tax Ordinance, 1947, be amended by adding therein the following new item:

The Rubber Producers' Council of Malaya; and that such amendment shall be deemed to have come into force on 1st January, 1965.

Tuan Yang di-Pertua, mengikut section 131 (e) Undang² Chukai Pendapatan 1947, sa-barang pendapatan dari pihak berkuasa Yayasan, Kumpulan Wang, atau pun orang persa-orangan yang di-tetapkan di-dalam Jadual Pertama Undang² yang tersebut itu ada-lah di-kechuali daripada terkena membayar chukai pendapatan. Chara memasokkan pihak berkuasa Yayasan, Kumpulan Wang, atau pun orang persa-orangan ini ada-lah dengan jalan suatu ketetapan yang di-buat oleh Dewan Ra'ayat ini mengikut kuat kuasa Section 102 (1), Undang² Chukai Pendapatan yang tersebut itu. Untuk pengetahuan, Majlis Pengeluar Getah Malaya telah di-tubuhkan dalam tahun 1951 dengan tujuan memelihara dan melindungi perusahaan pengeluaran getah di-Malaysia Barat ini. Satu daripada peranan Majlis ini ia-lah membantu Kerajaan mengadakan wakil²

yang tertentu untuk menghadhiri per-sidangan² antara bangsa mengenai getah.

Majlis ini juga membantu Kerajaan melantek anggota²-nya untuk ber-khidmat di-dalam Jawatan-kuasa Pe-nasehat Kumpulan Wang Getah Malaysia, ya'ani "Malaysian Rubber Fund Advisory Committee" dan juga lain² badan seperti Lembaga Pene-rangan Amerika, ya'ani "American Publicity Board", Lembaga Pusat Penyelidikan Getah Malaysia, ya'ani "Board of the Rubber Research Insti-tute of Malaya", Lembaga Kemajuan Getah British, ya'ani "British Rubber Development Board" dan Persatuan Penyelidikan Pengeluar² Getah British ya'ani "British Rubber Producer Re-search Association".

Sa-lain daripada peranan² yang tersebut itu, Majlis ini juga memberi sumbangan membahagi²kan wang kum-pulan-nya bagi tujuan penerangan dan penyelidikan mengenai perusahaan getah. Keanggotaan Majlis ini terdiri daripada wakil² daripada Persatuan Peladang² Getah, ya'ani "Rubber Growers Association", Kesatuan Pela-dang² Bersatu Malaya, ya'ani "United Replanting Association of Malaya", Persatuan Pemunya² Ladang Getah, ya'ani "Malayan Estate Owners Asso-ciation" dan Majlis Persatuan Tana-man² Getah Malaya, ya'ani "Council of Malayan Small-holders Association".

Majlis ini ada-lah di-biaya oleh Kumpulan Wang Getah Malaysia, ya'ani "Malaysian Rubber Fund". Dan di-samping itu ada juga mempunyai sumbar² pendapatan yang kechil dari-pada penjualan berita² perangkaan bulanan keluaran-nya sendiri dan juga daripada hasil sewaan salah sa-buah daripada rumah² kepunyaan-nya.

Semenjak ia di-tubuhkan, Majlis ini tidak pernah mempunyai pendapatan yang menchukupi bagi di-kenakan chukai pendapatan. Sunggoh pun begitu keadaan-nya, dengan berjalannya kuat-kuasa chukai jumlah gaji, ya'ani "pay-roll tax" mulai dari 1 haribulan Januari, 1965, Majlis ini telah menjadi terkena membayar chukai jumlah gaji yang tersebut itu.

Memandangkan kapada peranan² Majlis ini seperti yang tersebut di-atas, dan oleh kerana sa-bahagian besar daripada wang-nya ada-lah di-perolehi daripada Kumpulan Wang Getah Malaysia, ia-ini suatu badan yang telah di-kechualikan daripada mem-bayar chukai pendapatan, maka Kera-jaan menganggap bahawa Majlis ini juga patut-lah di-berikan layanan yang sama dengan mengechualikan-nya dari-pada membayar chukai pendapatan dan chukai jumlah gaji itu. Penge-chualian daripada membayar chukai pendapatan akan juga membebaskan Majlis ini daripada membayar chukai jumlah gaji ya'ani payroll tax. Ini ada-lah berdasarkan perentah Undang² 164 tahun 1965 yang mensharatkan bahawa sa-saorang yang telah di-kechualikan daripada membayar chu-kai pendapatan, sama ada sa-chara keseluruhan, atau pun sa-bahagian yang di-tetapkan, ada-lah juga dengan sendiri-nya terkechuali daripada kena membayar chukai jumlah gaji.

Tuan Yang di-Pertua, saya mohon menchadangkan.

Tuan Lee San Choon: Tuan Yang di-Pertua, saya menyokong.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, apa yang saya telah sebutkan tadi, ia-itu ramalan saya Kementerian Kewangan akan meminta mengechualikan beberapa perkara lagi sudah menjadi kenyataan. Tuan Yang di-Pertua, saya juga di-sini tidak dapat hendak menyetujui dengan Kerajaan supaya The Rubber Producers' Council of Malaya ini di-kechualikan daripada bayaran, ia-itu dengan jalan di-masok-kan ka-dalam jadual yang pertama dalam Undang² Income Tax yang berkenaan.

Tuan Yang di-Pertua, benar bahawa Council ini mendapat wang-nya atau sumber kewangan-nya daripada Malay-an Rubber Fund, atau pun Malaysian Rubber Fund, tetapi, Tuan Yang di-Pertua, kalau-lah nyata bahawa Coun-cil ini bergantung kepada Malaysian Rubber Fund, maka tidak-lah sa-patut-nya kerja² ini di-lakukan oleh pehak² yang bukan Kerajaan, ia-itu di-lakukan

di-dalam lapangan private sector. Sapatut-nya-lah benda ini di-masokkan dalam tugas² Kerajaan sendiri—kita memberi grant atau pun membuat apa²—di-masokkan di-bawah Perbelanjaan Public Sector dengan terus.

Tuan Yang di-Pertua, sa-lain daripada ini, sa-bagaimana saya katakan, masaalah rubber atau pun getah di-Malaysia ini mempunyai berbagai² masaalah yang orang² yang tidak pernah masuk ka-dalam Dewan ini sa-bagai saya yang baharu masuk ini, tentu-lah tidak dapat mengikuti asal usul-nya. Yang saya tahu berkenaan dengan rubber atau pun getah, sa-bagaimana yang di-sebut di-sini ia-itu Rubber Producers' Council of Malaya, dengan ini sudah menjadi sa-kurang²-nya tiga badan yang telah di-kechualikan daripada chukai. Ia-itu, yang pertama, kalau ta' salah saya—kalau maseh hidup lagi, apa yang di-namakan Lembaga Penyiasatan Getah Malaya, dan lagi satu kita ada Planter's Loan Fund—agak-nya. Jadi ini, Tuan Yang di-Pertua, amat-lah banyak badan² yang kita kechualikan daripada membayar chukai yang hanya kena-mengena dengan getah.

Sa-lain daripada itu, Tuan Yang di-Pertua, kalau kita hendak katakan persatuan ini tidak dapat membayar income tax, maka dia tidak payah membayar—tidak payah-lah kita kechualikan dia daripada membayar chukai, sebab dia tidak sampai hisab, atau pun angka, atau pun kurang wang-nya untuk kita membayar income tax itu. Sa-lain daripada itu, Tuan Yang di-Pertua, alasan-nya kita katakan badan ini sudah terkena berat oleh kerana dengan ada-nya payroll tax itu, maka badan ini terpaksa kena bayar income tax, pada hal dia tidak patut membayar. Ini, Tuan Yang di-Pertua, satu alasan yang tidak sehat, ia-itu kalau kita hendak kechualikan badan ini daripada income tax dengan alasan bahawa dahulu-nya dia tidak membayar, tetapi oleh kerana ada sa-jenis taxation yang di-katakan payroll tax itu, maka badan ini membayar, berapa banyak lagi badan² yang lain atau pun pehak² yang lain yang dahulu-nya tidak kena membayar income tax, tetapi sudah terkorban di-bawah pay-

roll tax, mereka kena bayar. Mengapakah badan² itu tidak di-timbang sa-bagai satu alasan untuk mengechualikan daripada membayar tax? Dan tiba² kita memberi kepada Rubber Producers' Council ini sa-bagai satu peluang untuk membela diri-nya dengan tidak kena tax sa-mata² dengan alasan payroll tax itu memberatkan Council itu.

Tuan Yang di-Pertua, lagi satu berkenaan dengan rubber (getah) atau pun tin (bijeh²) saya berasa, bahawa oleh kerana bijeh dan getah ini menjadi barang expot kita yang besar (major export) bagi negara kita, saya rasa kalau dia rugi di-dalam pasaran dunia, dia boleh meminta berbagai² lagi daripada Kerajaan, tidak dengan jalan income tax ini, dia mengurangkan bayaran, sa-bagaimana kalau saya ta' salah, pehak lombong bijeh dia akan meminta supaya habuan dia membayar contribution kepada buffer stock itu di-kurangkan dan berbagai²-nya. Maka Rubber Producers' Council ini pun boleh membuat begitu juga dengan tidak payah kita kechualikan dia daripada chukai. Saya tidak nampak dimana rahsia dan keindahan-nya maka pehak Kementerian ini memberi pengechualian di-bawah Undang² yang samacham ini, pada hal pehak² yang lain tidak di-beri yang sa-macham itu.

Walau bagaimana pun, Tuan Yang di-Pertua, saya bertambah segar lagi, Tuan Yang di-Pertua kerana hendak di-jalankan kuat-kuasa ini pada tahun 1965, ia-itu 1965, 1966, 1967—sudah dua tahun, kita tidak tahu sama ada dia rugi atau pun untung. Sebab payroll tax ini, kalau ta' salah saya, boleh jadi dalam Jun tahun 1965 kita beri. Jadi sa-belum daripada itu kita tidak tahu dia punya kira² yang macham mana dan kita tidak boleh justify betul atau tidak dia ini tidak mendapat keuntungan.

Perkara yang besar sa-kali saya hendak meminta pehak Kementerian menerangkan, kalau-lah payroll tax itu menyebabkan Majlis Pengeluar² Getah ini menanggung beban, maka ada-kah Kerajaan kita akan menimbang badan² yang lain juga, atau pehak² yang lain yang terkorban kerana payroll tax itu

di-kenakan kepada mereka. Ada pun, Tuan Yang di-Pertua, kita hendak katakan ada perintah di-bawah Undang² ini, bahawa mana² pehak, jika pendapatan-nya itu kurang daripada kadar yang akan di-kenakan income tax, maka badan itu hendak-lah di-kechualikan daripada income tax. Saya rasa pentafsiran itu berlawanan dengan apa yang saya faham, ia-itu yang saya faham, kalau dia tidak menchukupi syarat dia tidak di-kenakan income tax, tetapi dia tidak di-kechualikan di-bawah undang². Maka saya dengar, kalau tidak silap tadi, pehak Kementerian Kewangan mengatakan dengan perintah itu, maka badan ini di-kechualikan daripada income tax.

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, daripada ucapan saya tadi jelas-lah tentang sebab² mengapa badan Rubber Producers' Council of Malaya ini patut di-kechualikan daripada income tax. Patut-lah kita ketahui ia-itu badan ini bukan-lah badan perdagangan sa-bagaimana sharikat² yang lain, mithal-nya sharikat² biasa perdagangan yang kerja-nya membuat perusahaan. Jadi, sa-bagaimana yang kita ketahui, ia-itu dalam masa perjalanannya badan ini tidak membuat keuntungan dan oleh kerana itu tidak membayar chukai pendapatan. Tetapi dengan mengenakan chukai jumlah gaji, ya'ani payroll tax ini, maka terkena-lah badan ini membayar chukai, dan dengan demikian memberatkan kewangan-nya. Dengan sebab ini-lah kita hendak kechualikan badan ini daripada membayar chukai.

Yang kedua-nya, peranan badan ini ada-lah penting ia-itu di-dalam soal ekonomi negara kita tentang hal² yang berkenaan dengan pengeluaran getah dan sa-bagaimana yang kita ketahui getah ada-lah memainkan peranan yang penting kepada ekonomi dan kepada nasib pembangunan negara kita, dan oleh kerana ini kita hendak kechualikan ia daripada membayar chukai.

Yang kedua-nya, tentang kira² bagaimana yang di-katakan oleh Yang Berhormat Ahli daripada Bachok tadi kita tidak tahu, tetapi yang sa-benarnya yang ta' tahu ini boleh jadi Ahli Yang Berhormat daripada Bachok itu

sahaja, tetapi pehak² yang lain tentu-lah tahu terutama sa-kali Penyata Kira²-nya sudah pasi-lah sa-bagai satu badan tentu-lah di-bentangkan pada tiap² tahun. Jadi, kalau sa-kira-nya Ahli Yang Berhormat itu hendak tahu boleh-lah datang pada bila² masa untuk meminta keterangan lebeh lanjut.

Kemudian tentang badan² lain, kalau badan ini boleh kita bagi pengechualian oleh kerana mengalami kesusahan oleh sebab payroll tax atau sa-bagai-nya, mengapa, bagaimana-kah pula badan² lain? Kalau sa-kira-nya badan² lain yang terta'alok di-bawah Undang² Chukai Pendapatan ini mengalami kesusahan, saya fikir perkara ini boleh di-timbangan dan pehak Kementerian Kewangan boleh menimbangkan perkara ini, jika di-dapati sesuai dengan kehendak ya'ani terta'alok-lah di-bawah Undang² Chukai Pendapatan yang ada.

Tuan Haji Abu Bakar bin Hamzah: Soalan tambahan. Ada satu pertanyaan tadi yang saya minta penjelasan sa-kurang²-nya untuk pengetahuan saya, ia-itu benar-kah badan yang sa-macham ini sudah terta'alok di-bawah Undang² Chukai Income Tax itu yang di-bawah undang² itu berkehendakkan supaya ia di-kechualikan daripada chukai. Kalau sa-kira-nya ia di-kehendaki di-bawah undang² supaya di-kechualikan, sudah tentu-lah kita tidak payah bawa motion di-dalam Dewan ini untuk di-kechualikan, itu yang saya minta tadi.

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, kalau sudah di-kechualikan, ta' payah lagi perkara ini di-bawa ka-Dewan Ra'ayat. Jadi, saya fikir perkara ini sudah jelas. Sa-lama ini perkara—badan ini tidak di-kechualikan, dan oleh kerana itu maka saya datang ka-Dewan ini untuk meminta Dewan ini meluluskan supaya badan ini di-kechualikan dan pengechualian ini di-buat mengikut, atau pun terta'alok di-bawah Undang² Chukai Pendapatan yang ada.

Question put, and agreed to.

Resolved,

That this House pursuant to the provisions of Section 102 (1) of the Income Tax Ordinance, 1947, resolves that the First Schedule to the Income Tax Ordinance, 1947, be

amended by adding therein the following new item:

"The Rubber Producers' Council of Malaya"

and that such amendment shall be deemed to have come into force on 1st January, 1965.

THE EMPLOYMENT ORDINANCE, 1955

(Amendment to Schedule)

The Parliamentary Secretary to the Minister of Labour (Tuan Lee San Choon): Mr Speaker, Sir, I beg to move the resolution No. 3 standing in the name of the Minister of Labour which reads:

That this House pursuant to the provisions of Section 2 (3) of the Employment Ordinance, 1955, resolves that all the provisions

of the said Ordinance, with the exception of the provisions of the said Ordinance mentioned in column (2) of the Schedule hereto shall apply to the classes of employees mentioned in column (1) of the said schedule.

Nothing in this Resolution shall entitle a woman who would not, but for this Resolution, be a labourer for the purposes of the Ordinance to receive a maternity allowance from her employer under Part IX of the Ordinance in respect of her pre-confinement allowance period or in respect of her post confinement period if during her abstinence from work during such period she received from her employer wages equivalent to or in excess of the amount which she would be entitled to receive as maternity allowance for that period.

The resolutions passed by the Legislative Council on the 14th day of August, 1957, and published as Legal Notifications Nos. 365 and 366 of 1957 are hereby revoked.

SCHEDULE

(1)

Classes of Employees

(a) Army person, other than:

- (i) a person specified in the First Schedule to the Ordinance;
- (ii) a person employed in a managerial capacity;
- (iii) a person employed in any vessel as defined in section 2 of the Merchant Shipping Ordinance, 1952.

who has entered into a contract of service with an employer and whose wages, including commission, subsistence allowance and payment for overtime, do not exceed \$500 a month.

(b) Any person who has entered into a contract of service with an employer in pursuance of which he is engaged in any capacity in any vessel registered in the States of Malaya, and who:

- (i) is not an officer certificated under the Merchant Shipping Act;
- (ii) is not the holder of a local certificate, as defined in Part VII of the Merchant Shipping Ordinance;
- (iii) has not entered into an agreement under the provisions of Part III of the Merchant Shipping Ordinance.

(c) Any person who has entered into a contract of service with an employer and is employed as a domestic servant.

(2)

Sections or Parts in the said Ordinance not applicable

Sections 16 and 17, the proviso to section 10 (1) the phrase "being a period not exceeding one month" in section 12 (3) (a) and the words "or where the period so specified exceeds one month" in section 12 (3) (b)

Part XII

Sections 12, 22, 61, 64 and Parts IX and XII

The Employment Ordinance, 1955, is the main phase of protective labour legislation in West Malaysia and has been in force since 1st June, 1957. It is primarily designed to provide certain minimum protective measures relating to employment such as the form of contracts of service, period of notice

for termination of employment, time and payment of wages, deduction from wages, limitation of hours and days of work, maternity leave and maternity allowance. The Ordinance also empowers the Commissioner of Labour and his officers to hear and determine complaints arising out of any term in

a contract of service or out of the provisions of the Ordinance and to make an order for the payment of any sum of money found due and payable.

The present scope of the Ordinance is confined to labourers as defined in the First Schedule to the Ordinance, covering mainly persons engaged in manual labour and their supervisors and overseers. The Ordinance also covers other categories of workers as specified in Legal Notification No. 365 of 1957, that is persons employed afloat such as lightermen, ferrymen, fishermen, launch crew and crew of sailing vessels. It also covers persons whose monthly wages do not exceed \$400 and who are employed as shop assistants, waiters, ushers at cinemas, hairdressers, lift attendants and watchmen. It would be seen, therefore, that the benefits and protection provided by the Ordinance are not available to the mass of other workers such as clerks, stenographers, typists, office boys, messengers, salesmen, nurses, journalists and persons engaged in public entertainment. The Commissioner of Labour is unable to provide any assistance for these workers when they have complaints concerning non-payment of wages, or termination of employment without notice, or wages in lieu of notice and the only relief available to them is the rather expensive and time-consuming process of civil courts. It is now considered that these categories of wage earners, not necessarily engaged in manual labour, should also be covered, as they appear to be in as much need of the protection envisaged in the Ordinance as manual labourers. It is also proposed that the wage limit of \$400 should be increased to \$500 to bring it in line with the Employees Provident Fund Ordinance. It would be necessary to exclude certain provisions of the Ordinance from being applied to these new categories of non-manual workers. From the Schedule to this resolution, it would be seen that in respect of the class of employees listed in paragraph (a) of the Schedule, the following sections of the Ordinance will not apply:

Section 16 of the Ordinance—This section deals with the minimum number of days of

work for daily rated estate workers and is not relevant for "white-collar" workers.

Section 17—This section provided that when the contract of service of a worker terminates, the contract of the stores of such worker should also terminate.

The proviso to section 10 (1) prevents an employee from entering into a contract of service for a period longer than six months. This would be largely inapplicable to office and other "white-collar" workers covered by this part of the resolution. The class of employees listed in paragraph (b) of the Schedule to the resolution are persons employed afloat. It is proposed that Part XII of the Ordinance relating to days and hours of work should not apply to such persons as it would be impracticable to comply with these provisions or to supervise these persons while they are at sea.

I now come to domestic servants referred to in paragraph (c) of the Schedule. It is proposed that section 12 of the Ordinance dealing with termination of employment, should not apply to domestic servants as section 57 of the Ordinance, under which they are now covered, provides that the period of notice for such persons shall be 14 days. It is felt that this should continue as this would be more appropriate. Section 22 of the Ordinance which deals with limitation on advances to workers to a maximum of one month's wages is also not thought appropriate for domestic servants. Section 61 of the Ordinance, which requires an employer to keep a Labour Register is also not to be applicable to domestic servants as this would be rather difficult. Section 64 of the Ordinance requires the owner of any estate, mine or factory, with not less than five labourers, to erect a notice board. I feel sure that Honourable Members of this House will agree with me that an employer of domestic servants should not be required to put up such a notice board to say that he has in his employ domestic servants.

Part IX of the Ordinance relates to a female labourer's right to abstain from work thirty days before and thirty days after her confinement. It also provides for the payment of a maternity allowance for a female

labourer. However, it is considered that this Part of the Ordinance should not apply to domestic servants, as it is felt that this would only tend to work to their own disadvantages.

Part XII of the Ordinance deals with limitation of days and hours of work and it is clearly difficult to apply to domestic servants.

I would like to offer some explanation with regard to para. (2) of the resolution. Under the Ordinance, a female worker who comes within the definition of "labourer" as defined in the First Schedule of the Ordinance is entitled to abstain from work for thirty days before her confinement and thirty days after her confinement. During this period she is entitled to receive as maternity allowance \$3 a day for the duration of her absence from work.

"White-collar" employees, to whom it is intended to extend the provisions of this Ordinance under this resolution, are almost all employed on monthly rates. Where such female employees are about to be confined, they will normally be entitled to leave for their confinement with full pay.

This resolution makes it clear that, if an employer continues to pay his female employee during this period of leave and if such payments are equivalent to, or in excess of the amount which she would be entitled to receive as maternity allowance, then she shall not be entitled to receive further maternity allowance as a result of this resolution.

This resolution has been extensively discussed and agreed to in the National Joint Labour Advisory Council consisting of employers' and workers representatives.

Sir, I beg to move.

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, saya menyokong.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, dengan izin tuan, saya turut berchakap sedikit berkenaan dengan motion yang di-kemukakan oleh Kementerian Buroh baharu² ini.

Tuan Yang di-Pertua, dalam menyertai Kerajaan supaya kita mengadakan Undang² yang sa-macham ini, saya menguchapkan dukachita oleh kerana Undang² yang sa-macham ini amat-lah lewat di-bawa ka-dalam Dewan ini. Sa-patut-nya Undang² yang baik yang sa-macham ini sudah lama di-bawa ka-dalam Dewan ini.

Tuan Yang di-Pertua, kalau-lah memandang kapada wajah Setia-usaha kita yang mengemukakan ini—yang handsome ini, saya rasa beliau ini maseh kechil lagi pada masa Undang² Employment Ordinance ini mula² di-buat ia-itu pada tahun 1955 boleh jadi dalam sekolah rendah lagi—kechil lagi. Jadi, Tuan Yang di-Pertua, baharu-lah ini sudah jadi tahun 1967, sudah jadi dekat² 10 tahun lebeh sudah lebeh baharu-lah kita mengadakan Undang² yang sa-macham ini.

Tuan Yang di-Pertua, saya maseh ingat lagi ia-itu jeritan² atau pun tangisan, kelohan, daripada ra'ayat jelata telah di-buat dalam masa kita belum ada pilehan raya lagi ia-itu masa Mr Watson, Pegawai Pentadbir bagi Malaysia kita ini—Mr Watson kalau tidak salah saya. Jadi, dengan demikian tergesa²-lah Majlis Undangan kita pada masa itu mengemukakan Employment Ordinance ini dengan sa-mata² memasukkan beberapa section yang sesuai pada masa itu. Mithal-nya, Tuan Yang di-Pertua, pada motion atau pun usul ketetapan yang di-kemukakan ini pun saya maseh tidak puas hati satu lagi, ia-itu perempuan² yang bekerja sa-bagai amah, atau pun domestic servant di-rumah², orang² ini tidak dapati dimasukkan ka-dalam jenis, atau pun jadual yang di-namakan female workers, jadi dia tidak berhak dapat—tidak berhak menuntut elaun 30 hari sa-belum dia bersalin, atau pun 30 hari sa-sudah itu.

Tuan Yang di-Pertua, tidak ada beza female worker dengan domestic worker atau pun tidak ada beza perempuan sama perempuan, domestic worker bekerja juga chuma beza-nya dari segi Undang² ia-itu female worker ini ada ta'rif-nya yang domestic servant ini tidak ada ta'rif-nya. Maka ke'adilan

social—social justice—tidak dapat di-hukumkan dengan yang ini di-masokkan ka-dalam angka ini, yang ini tidak di-masokkan. Jadi itu saya nampak tidak adil, Benar, Tuan Yang di-Pertua, pada satu segi saya bersetuju bahawa tukang² masak, atau pun amah ini payah kita hendak kirakan elaun-nya, boleh jadi dia datang bekerja 5 hari, kemudian daripada itu, dia lari jadi kalau kita hendak bayar dia bekerja mithal-nya sa-belum 5 hari, kemudian dia lari pula 5 hari susah kita hendak bayar—saya bersetuju.

Tetapi ingat, yang kita tuntutan ini sabulan sa-belum confinement dan sabulan sa-sudah confinement—erti-nya amah atau pun domestic servant itu sudah bekerja di-rumah itu sa-kurang²-nya 4 bulan baharu dia hendak sampai kepada keadaan yang sa-macam itu. Tidak menasabah tuan rumah itu hendak menerima satu amah yang bila pergi, “tuan minta kerja” dan tengok² sudah tidak nampak di-hadapan, kalau ada anak ayam lalu dia pun terpijak (*Ketawa*). Jadi erti-nya sudah sarat bagitu tentu kita sa-bagai tuan rumah tidak dapat hendak menerima dia, sebab dia pun tidak boleh hendak menjalankan kerja, maka nyata-lah orang yang ada peluang menuntut 30 hari sa-belum confinement dan sa-sudah itu orang yang sudah bekerja sa-kurang²-nya tiga empat bulan. Ini, Tuan Yang di-Pertua, dapat menolong nasib orang² ini, sebab female worker ada pembela-nya dan dia sudah menjadi buruh yang ramai terta'alok di-bawah Undang²—jadi erti-nya dia ada orang membela. Ada pun tukang² rumah ini tentu-lah tidak ada orang yang membela. Saya rasa berkenaan dengan domestic servant ini patut-lah di-timbangan, kalau tidak dapat dalam Undang² ini sa-kali pun barangkali Yang Berhormat Menteri Buruh kita telah berjanji dalam tahun ini juga akan di-kemukakan satu Security Act bagi labourers atau pun bagi employees ini, kita harap di-masokkan dalam perkara ini.

Tuan Lee San Choon: Tuan Yang di-Pertua, point yang pertama Ahli Yang Berhormat daripada Bachok menyokong Bill ini, tetapi kata beliau dukacita-lah lambat sangat. Walau bagaimanapun Ahli Yang Berhormat telah menyokong Bill ini, jadi tidak dapat saya jawab apa²-lah.

Point yang kedua berkenaan dengan domestic servant, sebab²-nya saya telah terangkan sa-masa saya berucap tadi.

Kementerian saya sedar juga dengan tidak termasuk-nya domestic servant ini ada juga domestic servant ini macham tidak adil, tetapi dengan termasuk-nya domestic servant dalam Undang² ini, boleh jadi macham Ahli Yang Berhormat daripada Bachok sekarang ini rumah dia ada domestic servant, dengan Undang² ini dia tidak hendak lagi domestic servant, kerana kena membayar gaji dengan tidak bekerja langsung akhir-nya lagi orang tidak dapat kerja terutama negeri Kelantan sekarang. Jadi lepas fikir ini

Dr Tan Chee Khoon: Untuk penjelasan Tuan Yang di-Pertua, Yang Berhormat Setia-usaha Parlimen Kementerian Buruh hendak menyatakan, di-Kelantan ada banyak orang yang kaya ada domestic servant.

Tuan Lee San Choon: Itu saya ingat Ahli Yang Berhormat daripada Bachok boleh menjawab-nya (*Ketawa*).

Jadi lepas kita berunding, saya ingat sementara hari ini elok-lah kita tidak usah masokkan domestic servant dalam Undang² ini. Terima kaseh.

Question put, and agreed to.

Resolved,

That this House pursuant to the provisions of section 2 (3) of the Employment Ordinance, 1955, resolves that all the provisions of the said Ordinance with the exception of the provisions of the said Ordinance mentioned in column (2) of the Schedule hereto shall apply to the classes of employees mentioned in column (1) of the said Schedule.

Nothing in this Resolution shall entitle a woman who would not, but for this Resolution, be a labourer for the purposes of the Ordinance to receive a maternity allowance from her employer under Part IX of the Ordinance in respect of her pre-confinement allowance period or in respect of her post confinement allowance period or in respect of her abstention from work during such period she receives from her employer wages equivalent to or in excess of the amount which she would be entitled to receive as maternity allowance for that period.

The resolutions passed by the Legislative Council on the 14th day of August, 1957, and published as Legal Notifications Nos. 365 and 366 of 1957 are hereby revoked.

SCHEDULE

(1)

Classes of Employees

- (a) Any person, other than:
- (i) a person specified in the First Schedule to the Ordinance;
 - (ii) a person employed in a managerial capacity;
 - (iii) a person employed as a domestic servant; or
 - (iv) a person employed in any vessel as defined in section 2 of the Merchant Shipping Ordinance, 1952,

who has entered into a contract of service with an employer and whose wages, including commission, subsistence allowance and payment for overtime, do not exceed \$500 a month.

- (b) Any person who has entered into a contract of service with an employer in pursuance of which he is engaged in any capacity in any vessel registered in the States of Malaya, and who

- (i) is not an officer certificated under the Merchant Shipping Act;
- (ii) is not the holder of a local certificate, as defined in Part VII of the Merchant Shipping Ordinance;
- (iii) has not entered into an agreement under the provisions of Part III of the Merchant Shipping Ordinance.

- (c) Any person who has entered into a contract of service with an employer as a domestic servant.

(2)

Sections or Parts in the said Ordinance not applicable

Sections 16 and 17, the proviso to section 10 (1), the phrase "being a period not exceeding one month" in section 12 (3) (a) and the words "or where the period so specified exceeds one month" in section 12 (3) (b).

Part XII.

Sections 12, 22, 61, 64 and Parts IX and XII.

THE PARLIAMENT (MEMBERS' REMUNERATION) ACT, 1960

(Amendment to Schedule)

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, saya mohon menandatangani:

That the House pursuant to the provisions of Section 4 of the Parliament (Members' Remuneration) Act, 1960, resolved that the following amendments be made to the Schedule to that Act—

For items 5 and 6 of the Schedule substitute the following—

(5) *Travelling Allowance:* Members (other than Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries) shall be paid a sum of one hundred and fifty dollars per mensem.

6. (1) *Travel by Rail:* Members who are Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries shall be supplied with two free

railway passes (first class including sleeper) one for use by the member and the other for use by the wife or husband of the member or by any person accompanying the Member. Other members shall be supplied with one free railway pass (first class including sleeper) for their own personal use.

(2) *Travel by Sea or Air:* Members may recover the expenses of any journeys made by sea or air for the purpose of attending meetings of the House or any Committee thereof.

Tuan Yang di-Pertua, usul yang saya kemukakan ini ada-lah berbeza sedikit daripada usul yang asal yang disampaikan kepada Ahli² Dewan ini. Pindaan kepada usul yang asal ini telah pun di-edarkan kepada Ahli² sakalian.

Tujuan usul ini ia-lah untuk membenarkan bayaran elaun perjalanan sebanyak \$150 sa-bulan kepada Ahli²

Parlimen kechuali Menteri², Menteri² Muda, Setia-usaha² Parlimen dan Setia-usaha² Politik bagi menggantikan satu daripada dua pas keretapi yang di-beri kepada mereka itu sekarang ini. Tujuan memberi pas² keretapi itu ia-itu satu bagi Ahli Yang Berhormat dan satu lagi bagi isteri, atau orang yang berjalan di-bawah arahan Ahli Yang Berhormat itu ia-lah supaya membolehkan Ahli² Yang Berhormat, Ahli² Parlimen, menjalankan tugas² mereka itu sa-bagai Ahli Parlimen. Akan tetapi saya dapati bahawa Ahli² Parlimen tidak dapat menggunakan pas² ini bagi semua perjalanan-nya dan kebanyakan urusan mereka sa-bagai Ahli Parlimen seperti menghadziri meshuarat pembangunan luar bandar dan majlis pembukaan ranchangan² terpaksa dilaksanakan dengan menggunakan kenderaan terutama-nya motokar.

Pada masa ini Ahli² Parlimen tidak di-bayar perbelanjaan perjalanan itu kerana Undang² Parlimen—Members' Remuneration Act, 1960 hanya membolehkan Ahli² Parlimen menuntut perbelanjaan kerana menghadziri meshuarat² Parlimen. Oleh hal yang demikian ada-lah di-fikirkan menasabah jika mereka di-bayar elaun perjalanan sa-banyak \$150 sa-bulan dan di-tarek balek satu daripada pas keretapi mereka. Pas yang di-beri kepada mereka itu ada-lah di-hadkan bagi kegunaan mereka sendiri sahaja ia-itu pas itu tidak boleh di-gunakan oleh orang lain.

Tambahan perbelanjaan kerana bayaran elaun ini tidak-lah berapa banyak kerana satu daripada pas keretapi mereka itu di-tarek balek. Elaun perjalanan tidak-lah di-bayar kepada Menteri², Menteri² Muda, Setia-usaha² Parlimen dan Ahli² Parlimen yang dilantek menjadi Setia-usaha Politik. Oleh kerana itu mereka terus mendapat dua pas keretapi, akan tetapi penggunaan pas keretapi ini ada-lah di-hadkan bagi kegunaan-nya sendiri dan isteri-nya, atau pun sa-saorang yang mengiring-nya. Pas ini tidak boleh di-gunakan untuk sa-saorang yang berjalan di-bawah kebenaran Ahli Yang Berhormat seperti yang ada pada hari ini.

Berkenaan dengan soal perjalanan laut, atau pun udara, tidak-lah ada apa² pindaan.

Tuan Yang di-Pertua, saya dengan sukachita-nya mohon menchadangkan.

Tuan Lee San Choon: Tuan Yang di-Pertua, saya menyokong.

Dr Tan Chee Khoon: Mr Speaker, Sir, the Government has been proclaiming from time to time, and in His Majesty's Speech it has been stated very clearly, that we should try and cut down on expenditure. Indeed, we should try and cut down on expenditure to the bone to see that there is no undue expenditure, or waste of expenditure. I see that the Government, from time to time, very freely introduces motions and the like to increase the privileges or the perks of this House. I see that we are very quick in voting for ourselves all sorts of perks, and yet we want to remind the country that we are going through a time of grave financial stringency and that we should cut down on expenditure.

Now, the explanation given by the Parliamentary Secretary to the Minister of Finance for this \$150 allowance is that the people sometimes have to go to various Pembangunan Luar Bandar meetings and the like, and presumably, sometimes they cannot use the travel pass and therefore, they have to go by car and should be compensated. Now, as a result of this perk of \$150, the other pass that is given to Members of Parliament will now be drawn back. The Member now has only one pass for his own use and the other pass would be taken back by the Government and cannot be used either by his wife or anybody else. If I heard him rightly that is the intention of Government, although it is not stated here, and from what I see here, if I may read the motion, paragraph 6 (1) says that:

"Members who are Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries shall be supplied with two free railway passes (first class including sleeper), one for use by the Member and the other for use by the wife or husband of the Member or by any person accompanying the Member. Other Members shall be supplied with free pass (first class including sleeper) for their own personal use."

If I read it correctly, if my understanding of the English language is correct, it means that, despite what the Parliamentary Secretary to the Minister of Finance says, all these Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries as the other Members of Parliament, shall be supplied with one free pass—in other words, as a result of this perk of \$150, the Member of Parliament now has only one pass.

Now, Mr Speaker, Sir, this is an amendment to the Parliament (Members' Remuneration) Act. When we introduced this category of officers known as Political Secretaries, now here were we told that these Political Secretaries are also Members of Parliament. I cannot see, for the life of me, how under an Act, which applies to those of us who are elected members, the privileges now go to people who are not elected members?

The Minister of Justice (Tuan Haji Abdul-Rahman bin Ya'kub): Sir, on a point of clarification, "Political Secretaries" here means Political Secretaries who are Members of Parliament. Explanation has already been given that there are Members of Parliament who have been appointed Political Secretaries.

Dr Tan Chee Khoon: Mr Speaker, Sir, if I have not understood it correctly, I stand corrected. I see lots of people sitting opposite me who are Parliamentary Secretaries, and they are Members of Parliament—I stand corrected, again—and here I would be very glad for clarification from the Minister of Justice, if he can mention to me which Political Secretaries are also Members of Parliament.

Tuan Haji Abdul-Rahman bin Ya'kub: Tuan Aziz bin Ishak is now Political Secretary to the Mentri Besar of Johore. He was the Political Secretary to the Honourable Minister for Home Affairs.

Dr Tan Chee Khoon: I understand that Tuan Aziz bin Ishak is the Political Secretary to the Mentri Besar of Johore. I am

Tuan Haji Abdul-Rahman bin Ya'kub: Aziz Ishak is a Member of Parliament. He was also the Political Secretary to the Minister for Home Affairs. There is nothing to prevent the Prime Minister from appointing even the Member for Batu to be the Political Secretary to the Prime Minister. (*Laughter*).

Dr Tan Chee Khoon: It is an honour that I do not covet, Mr Speaker, Sir, I am very grateful. I know of one or two exceptions and I think the Minister of Justice is correct in saying that there is one person, one Member of Parliament, who has been appointed as Political Secretary. All the others are not. Well, properly speaking, then the Bill should read, "Political Secretaries who are Members of Parliament".

Tuan Haji Abdul-Rahman bin Ya'kub: The words in the brackets are meant to explain, to qualify the word "Members". The correct reading of this Clause is, "Members other than Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries". It is clear that people who are not Members of Parliament cannot receive privileges which are accorded to Members of Parliament.

Dr Tan Chee Khoon: I am very glad for this clarification, Mr Speaker, Sir. Perhaps, my understanding of the legal language that is down here is not as good as that of the Minister of Justice. However, I wish to say that this House should be very careful in voting for itself any perks whatsoever, while at the same time urging the country to tighten its belt to cut down on expenditure.

Tuan Haji Ahmad bin Said: Tuan Yang di-Pertua, saya bangun untuk menyokong Bill ini. Dan saya dapati dengan lulus-nya Bill ini tidak akan menambahkan perbelanjaan kerana dalam peruntokan bagi Ahli² Parlimen berjalan dengan menggunakan pas² keretapi saya dapat peruntokan, kalau tidak silap saya, sa-banyak \$250,000 sa-tahun. Tetapi, dengan memberi-nya tambahan elau sa-banyak \$150 bagi sa-orang Ahli Dewan Ra'ayat kita ada

144 orang berjumlah \$21,600 sa-bulan dan sa-tahun sa-banyak \$259,200.

Jadi, dengan chara yang sa-macam ini Kerajaan tidak menambah banyak chuma barangkali sedikit sahaja yang di-tambahkan. Kalau tak di-bayar kepada Ahli Dewan Ra'ayat atau pun Ahli Parlimen wang itu mesti juga di-bayar kepada perkhidmatan keretapi. Jadi, daripada itu-lah saya sokong Bill ini, oleh kerana tidak ada tambahan yang lebih daripada yang patut, chuma bayaran yang patut yang di-terangkan oleh pembawa usul tadi bahawa Ahli² Dewan Ra'ayat semua-nya menjadi Ahli Jawatan-kuasa Pembangunan Luar Bandar bagi tiap² daerah khas-nya Ahli² Dewan Ra'ayat dalam negeri Pahang, sa-orang itu manakala menghadziri meshuarat jawatan-kuasa kena berjalan daripada rumah-nya sahingga 40 batu, 50 batu satu hari dengan tidak mendapat satu sen pun elaun bagi menghadziri meshuarat Jawatan-kuasa Pembangunan Luar Bandar dan Negara, walhal Ahli Jawatan-kuasa Kerajaan Negeri masing² di-beri elaun untuk menghadziri meshuarat Jawatan-kuasa Pembangunan Negara dan Luar Bandar bagi daerah. Ini ada-lah satu perubahan yang sangat patut di-luluskan. Sakian-lah sahaja, Tuan Yang di-Pertua, terima kaseh.

Tuan Ahmad bin Arshad (Muar Utara): Saya hendak berchakap sedikit sahaja sambil menyokong usul yang di-bawa di-dalam Dewan ini. Saya berasa lega dengan di-luluskan usul yang ada di-hadapan kita ini, kerana sa-lama ini bagaimana yang telah di-bangkitkan oleh rakan sa-jawat saya tadi, dan Tuan Yang di-Pertua sendiri pun merasa bila mana kita di-panggil meshuarat kerana ranchangan pembangunan luar bandar dan negara dari negeri Johor beratus batu, maka elaun² itu tidak dapat kita terima, maka dengan ini menambahkan lagi kelegaan dan mengurangkan kepichekan kewangan pada tiap² wakil ra'ayat yang menjalankan tugas-nya kerana tujuan negara dan tujuan ra'ayat dalam negeri ini.

Di-samping itu, Tuan Yang di-Pertua, gemar saya mengemukakan

satu pandangan, sama ada pandangan ini dapat di-terima, tetapi saya harap supaya dapat di-fikirkan oleh Kerajaan, ia-itu elaun, atau pun sara hidup yang patut kita fikir di-berikan kepada Menteri² Muda dan Menteri² penoh kita yang telah berkhidmat dalam negara ini tidak kurang daripada 12 tahun. Hal ini kita junjong tinggi khidmat Menteri² kita sa-lama masa 12 tahun itu dia telah memberi khidmat kepada negara, tetapi bila mana dia berhenti dia tidak dapat sara hidup bagaimana yang telah kita dapat tahu bekas Menteri Keselamatan Dalam Negeri kita dia telah berkhidmat dalam negara ini sa-lama 12 tahun, tetapi bila mana dia berhenti dengan satu sugu hati pun beliau tidak dapat. Jadi, saya harap dapat Kerajaan menimbangkan supaya Menteri² kita yang berkhidmat 12 tahun itu di-berikan sara hidup-nya bila mana mereka berhenti demi kepentingan negara dan keselamatan dan kebajikan anak² mereka yang telah memberi khidmat kepada negeri kita ini. Terima kaseh.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, dengan izin tuan, saya turut berchakap sedikit dalam hal ini.

Biasa-nya kalau ada usul, atau pun satu² motion daripada Kerajaan, sudah tentu-lah saya bangun dan tidak teragak² lagi menentang. Tetapi usul ini saya tidak menentang, Tuan Yang di-Pertua (*Ketawa*)—ceasefire, sebab, untong-nya saya apabila kita tarek balek tiket Kelas (B) keretapi itu. Tuan Yang di-Pertua, saya mengatakan saya untong bukan kerana dapat \$150 itu sahaja, Tuan Yang di-Pertua, saya suka-lah hendak mencheritakan sedikit dengan izin Tuan, saya perchaya wakil² ra'ayat pun tidak kurang susah-nya macham saya juga sa-bagai Member of Parliament ia-itu masalah pass keretapi yang (B) ini pun sudah me-meningkan kepala wakil² ra'ayat. Bangun pagi buka pintu, sudah ada orang tunggu hendak meminta-nya. Itu amat-lah susah. Ada pun masalah \$150, Tuan Yang di-Pertua, saya sa-bagai manusia biasa, orang yang humble, layman saya cheritakan, minta

ma'af, Tuan, kalau saya hendak katakan, kalau saya tidak jadi Member of Parliament, saya lebih senang daripada saya jadi Member of Parliament sekarang. Saya sa-bagai sa-orang guru saya dapat kira² \$500 lebih sa-bulan. Saya bekerja sampai pukul satu, tidak ada orang kachau saya, tidak ada orang buat begitu semua. Chuti 3-4 bulan sa-kali chuti panjang, begitu bagini. Lagi lebih senang, Tuan Yang di-Pertua, tetapi yang saya katakan untong saya ini bagini: Sekarang ini serangan parti politik terlampau kuat. Pehak² Perikatan pun mengirinkan orang²-nya pergi ka-Kelantan terutama pergi di-Bachok menyerang kawasan saya. Kalau di-tarek tiket (B) ini orang² Perikatan tidak boleh menghantar orang dia pergi ka-Kelantan (*Ketawa*). Jadi, lega umpama-nya terak, terak hendak bawa tentera itu tidak ada, saya chukup lega dalam perkara ini. Kalau dia pergi sendiri, dia banyak kerja. Menteri hendak pergi, dia banyak kerja. Hendak kirim orang lain, tidak boleh. Member² dia hendak pergi sendiri. Jadi, kerana dia banyak kerja dia tidak pergi ka-sana, tiket (B) pun tidak ada, saya boleh lepas kawasan saya tidak payah terok sangat. Jadi, ini-lah untong saya, Tuan Yang di-Pertua, yang saya kata saya sokong Kerajaan itu dan pehak Kerajaan di-samping hendak menyukakan Ahli² dia dapat \$150 maka dia sudah mengurangkan jentera² dia itu di-dalam pilehan raya.

Tuan Yang di-Pertua, yang kedua ia-lah bagi Ahli² yang banyak duit, mithal-nya duit tidak banyak, tetapi senang-lah sa-bagaimana Ahli daripada Batu (*Ketawa*).

Dr Tan Chee Khoo: Tuan Yang di-Pertua, mana-kah wakil daripada Bachok tahu saya ada wang atau tidak ada wang. Saya sa-benar-nya sa-orang yang bekerja betul. Saya tunggu untuk hendak berchakap, dan lepas itu saya hendak pergi bekerja di-gudang ubat saya.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, saya tidak dapat menentukan duit atau pun banyak, tetapi pada satu tahun saya di-jemput

oleh Yang Berhormat itu makan malam di-sana, saya tengok motokar besar, rumah besar (*Ketawa*). Saya pergi bersama² dua tiga orang, Alex Josey pun ada (*Ketawa*) saya pergi dan saya tertarek hati, saya lewat balek sampai pukul satu melihat ada anjing besar² di-rumah dia dan anjing² ini semua makan daging² belaka, Tuan Yang di-Pertua (*Ketawa*).

Jadi, Tuan Yang di-Pertua, sa-lain daripada itu kita dapati bahawa rugi Kerajaan kalau kita tidak membuat macham sekarang ia-itu kita nampak pada dzahir-nya kita bagi \$150. Kita boleh menambah wang kapada Member² of Parliament, tetapi kalau macham dahulu kita terasa rugi Kerajaan, yang sa-benar-nya sa-macham dahulu itu rugi, kerana tiket (B) itu boleh di-gunakan, Tuan Yang di-Pertua, kalau Member yang di-Kuala Lumpur saya tidak tahu. Ahli di-Batu mithal-nya kalau dudok di-Kuala Lumpur, dia boleh menggunakan pass (B) itu di-beri kapada orang² untuk menjalankan kerja² parti politik. Member² Perikatan pun begitu juga malam dia pergi ka-Singapura, patah balek. Arti-nya sa-hari sa-malam sudah ada \$80.00 Kerajaan bayar. Pagi besok dia berhenti mandi di-Kuala Lumpur dan pergi Penang dia patah balek \$60-\$140. Kalau dalam sa-bulan Tuan Yang di-Pertua, kalau orang active betul dekat sa-ribu sa-bulan dan ini yang menolong Perikatan dahulu chergas dalam jentera² politik. Dengan demikian, Tuan Yang di-Pertua, saya berterima kaseh kapada Kerajaan memotong jentera itu.

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, dengan usul ini tidak-lah berarti bahawa privilege, atau pun kemudahan yang di-berikan kapada Ahli² Parlimen bertambah. Yang sa-benar-nya pass (B) keretapi itu di-ambil balek dan di-gantikan dengan bayaran elaun perjalanan sa-banyak \$150 tiap² sa-bulan bagi Ahli² yang berkenaan, kechuali Menteri, atau Menteri Muda atau Setia-usaha Parlimen atau pun Setia-usaha Politik. Dari segi Kerajaan, perubahan ini tidak-lah melibatkan lebih perbelanjaan wang. Pada tahun yang lepas bayaran untuk pass keretapi

ini sa-banyak kira² \$384,000. Dengan pindaan yang ada ini ia-ini elaun perjalanan sa-bagai yang sudah di-katakan tadi ia-itu \$150 bagi tiap² sa-orang ahli Parlimen sa-lain daripada Menteri, Menteri² Muda, Setia-usaha² Parlimen dan Setia-usaha² Politik. Elaun perjalanan itu berjumlah \$320,000. Pass keretapi bagi Menteri² dan sa-bagai-nya tadi \$20,000 lebeh kurang, pass keretapi bagi Ahli² Parlimen ia-itu yang selalu di-panggil pass (A) kira² \$40,000. Jadi, jumlah semua-nya ia-lah kira² \$380,000.

Jadi, dengan chara lama ini, dengan chara tiap² Ahli Parlimen di-berikan pass (A) dan pass (B) maka jumlah perbelanjaan ia-lah \$384,000 bagi tahun lepas dan dengan pindaan ini, maka anggaran perbelanjaan ada-lah kira² \$380,000 dan dengan demikian tidak ada-lah tambahan perbelanjaan yang di-bebankan kepada Kerajaan sa-bagaimana yang di-da'awa oleh Ahli Yang Berhormat daripada Batu tadi.

Dan dengan ini berarti-lah bahawa tidak ada tambahan kepada privilege² yang di-berikan kepada Ahli² Parlimen sa-hingga memberatkan atau membebankan perbelanjaan negara.

Ahli Yang Berhormat daripada Muar Utara mengshorkan supaya perkhidmatan Menteri² yang telah bekerja sa-lama berbelas tahun di-timbangan di-berikan sagu hati, atau elaun atau sa-bagai-nya. Perkara ini ada-lah di-luar daripada usul ini dan walau bagaimana pun saya menguchapkan terima kasih kepada fikiran atau pandangan Ahli Yang Berhormat daripada Muar Utara itu.

Ahli Yang Berhormat daripada Bachok, dalam pada menyokong usul ini, beliau menyatakan kalau di-tarek Pass (B) keretapi ini maka kurang-lah orang² UMNO pergi ka-Kelantan untuk menentang PAS. Yang sa-benar-nya, Tuan Yang di-Pertua, sa-panjang pengetahuan saya, kechualikan Menteri² dan lain² yang menjalankan tugas² rasmi-nya, maka orang² UMNO yang pergi ka-Kelantan itu ada-lah ditanggung perbelanjaan-nya oleh Ibu Pejabat UMNO dan tidak daripada perbelanjaan Kerajaan (*Tepok*). Dan saya sendiri tahu ia-itu saya kerap

pergi ka-Kelantan dan tiap² kali per-mergian saya ka-Kelantan ia-lah dengan perbelanjaan Ibu Pejabat UMNO dan juga dengan perbelanjaan saya sendiri—tidak pernah satu sen saya menggunakan wang Kerajaan. Jadi, dengan demikian dengan di-tarek Pass (B) ini tidak-lah pula berma'ana orang UMNO tidak ka-Kelantan, akan pergi juga ka-Kelantan dan akan juga pergi menyerang PAS di-Kelantan. Chuma jaga²-lah Ahli Yang Berhormat daripada Bachok itu (*Ketawa*).

Tentang sokongan yang lain² itu, saya menguchapkan berbanyak² terima kasih.

Question put, and agreed to.

Resolved,

That the House pursuant to the provisions of Section 4 of the Parliament (Members' Remuneration) Act, 1960, resolves that the following amendments be made to the Schedule to that Act—

For items 5 and 6 of the Schedule substitute the following—

5. *Travelling Allowance*: Members (other than Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries) shall be paid a sum of one hundred and fifty dollars per mensem.

6. (1) *Travel by Rail*: Members who are Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries shall be supplied with two free railway passes (first class including sleeper) one for use by the member and the other for use by the wife or husband of the member or by any person accompanying the Member.

(2) *Travel by Sea or Air*: Members may recover the expenses of any journeys made by sea or air for the purpose of attending meetings of the House or any Committee thereof.

BILLS

THE FOREIGN REPRESENTATIVES (PRIVILEGES AND IMMUNITIES) BILL

Second Reading

The Minister of Information and Broadcasting (Tuan Senu bin Abdul Rahman): Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to enable certain Privileges and immunities to be conferred on the basis of reciprocity of treatment, on representatives of foreign countries, being representatives who

are other than those accredited as diplomatic and consular representatives", be now read a second time.

Mr Speaker, Sir, on 3rd April, 1967, Malaysia and the Soviet Union concluded a Trade Agreement. Under the terms of this Agreement, it was agreed that when the Union of Soviet Socialist Republics establishes a trade representation in Kuala Lumpur, the Trade Representative and his two Deputies shall enjoy all the immunities and privileges accorded to members of a diplomatic mission. In International relations today, there are other types of representatives who are neither diplomatic nor consular. These types of representatives are designated by different names according to the practice of the countries concerned. By mutual agreement, privileges and immunities may be accorded to these representatives. At the moment, Malaysian laws do not provide for the conferment of the privileges and immunities on representatives other than diplomatic and consular agents.

It is necessary, therefore, to pass a new Act of Parliament conferring on His Majesty the Yang di-Pertuan Agong powers to accord privileges and immunities on foreign representatives other than diplomats and consuls, in order to be able to give effect to the terms of Trade Agreement between Malaysia and the Soviet Union.

Mr Speaker, Sir, I beg to move.

Tuan Haji Abdul-Rahman bin Ya'kub: Sir, I beg to second the motion.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, dengan izin tuan, saya suka memberi sedikit pendapat berkenaan dengan undang² yang baru kita ketahui di-negara kita ini.

Tuan Yang di-Pertua, benar sa-buah undang² yang sa-macam ini patut kita adakan di-negara kita ini, kerana perkara yang sa-macam ini bukan-lah perkara baru bagi negeri² yang lain, tetapi, Tuan Yang di-Pertua, saya dukachita kalau-lah sa-kira-nya negara kita dapat membuat rundingan dengan

Negara Soviet atau dengan Russia supaya kita mengadakan perhubungan, maka ada lebeh baik-nya kalau kita mengadakan hubungan diplomatik itu terus dengan tidak payah mengadakan sa-orang pegawai, atau pun satu kedudukan yang bukan konsular dan bukan juga diplomatik. Ini, Tuan Yang di-Pertua, ada-lah sa-mata² satu Rang Undang² yang benar² merupakan satu Bill yang bersifat capitalistic, ia-itu satu Rang Undang² hendak membolehkan taukeh² untuk membuat berniaga di-sini, bukan-lah orang itu datang untuk membuat perhubungan diplomatik ia-itu merapatkan lagi hubungan sa-buah negara dengan sa-buah negara yang lain, pada hal dalam perhubungan diplomatik itu boleh di-lakukan perniagaan dan berbagai²-nya, tetapi, kita pilih yang sa-macam ini.

Tuan Yang di-Pertua, saya bimbang boleh ada negara² luar yang sa-benarnya tidak mahu hendak mengadakan perhubungan baik dengan Malaysia kita ini. Tetapi mereka itu menchari kesempatan mendapatkan taraf sa-bagai diplomatik atau pun konsular di-negara kita ini supaya ada kemudahan² "free to move" ia-itu dapat kebebasan, kemerdekaan, untuk bergerak sedang dia datang sa-mata² untuk menyiasat kedudukan ekonomi kita dan begitu juga hendak menchari kekayaan kita di-sini pada hal hati-nya tidak-lah tertumpu untuk hendak mengadakan diplomatik. Tuan Yang di-Pertua, boleh jadi ada sa-buah negara yang bermusoh dengan kita dan dia hendak menchari rahsia² di-negeri kita. Dia hendak membuat kerja² yang tidak baik itu dengan saloran diplomatik, maka dia akan di-tuduh satu negara yang tidak mempunyai keperibadian yang baik, atau akhlak yang baik dan kalau begitu maka dia mendapatkan satu taraf yang sama dengan konsular atau diplomatik, maka dia menjalankan kerja² yang sa-macam ini dan tuan² tahu bahawa Russian ada-lah sangat pandai dalam perkara² yang sa-macam ini. Saya lebeh suka kalau Kerajaan kita meluluskan Undang² ini buat sementara dan dengan sa-chepat mungkin, mithal-nya menjalankan hubungan diplomatik sa-chara langsung.

Wan Abdul Kadir bin Ismail: Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² ini dan saya sendiri berasa selalu pusing fikiran bila mendengar hujjah² Ahli daripada Bachok yang, saya rasa, berchakap sa-bagai burung nuri tidak tahu apa maksud yang dia itu chakap dan butir² perchakapan-nya itu.

Tuan Haji Abu Bakar bin Hamzah: Dato' Yang di-Pertua, satu pengkhianatan kapada saya (*Ketawa*). Minta jalan, Tuan Yang di-Pertua.

Wan Abdul Kadir bin Ismail: Tuan Yang di-Pertua, saya maseh hendak berchakap satu dua minit. Saya hendak menghabiskan sedikit sahaja. Dengar dahulu, biar faham².

Tuan Yang di-Pertua, soal mengadakan kemudahan² bagi wakil² yang bukan bersifat diplomatik dan konsular ini, barangkali Ahli daripada Bachok itu sendiri bila sedar akan hakikat yang sa-benar-nya akan menyokong-nya, kerana ini memberi kesempatan untuk kita memberi taraf layanan yang istimewa kapada wakil² gerakan kemerdekaan Aden, umpama-nya, yang hendak datang membuat Ibu Pejabat-nya di-sini dan meminta supaya di-beri layanan yang baik, juga boleh dimasukkan dalam kemudahan² sa-bagai ini. Dahulu Algeria mengadakan perjuangan kemerdekaan-nya, dan ada wakil² yang di-tempatkan di-negeri² yang telah merdeka. Jadi dengan Rang Undang² sa-bagai ini-lah mereka di-beri taraf layanan yang istimewa. Kalau tidak ada Rang Undang² saperti ini bagaimana pejuang² kemerdekaan itu dapat layanan istimewa daripada negeri² di-tempat dia itu menempatkan orang-nya untuk mendapatkan simpati dunia luar. Jadi, oleh sebab itu, saya tidak nampak langsung jalan bagi tiap² Ahli yang sioman fikiran-nya, yang faham apa yang di-terangkan di-dalam Rang Undang² ini, untuk membangkang atau membantah Rang Undang² ini. Kechuali orang yang tidak ada fikiran yang sioman dan tidak tahu akan maksud apa yang di-chakapkan-nya itu, terima kaseh.

Tuan Senu bin Abdul Rahman: Tuan Yang di-Pertua, Ahli Yang Berhormat daripada Bachok telah membuat chadangan ia-itu patut-lah di-adakan terus hubungan diplomatik dengan pehak Russia daripada mengadakan undang² ini dengan kerana kata-nya undang² ini ada-lah mewakili kapitalis. Saya tak faham apa yang sa-benar-nya yang di-maksudkan oleh Ahli Yang Berhormat itu, tetapi memang-lah menjadi dasar Kerajaan kita pada hari ini, ia-itu dengan kerana wakil² trade yang akan di-berikan privilege ini bukan anggota² diplomatik atau pun konsular, dan kita hendak mengadakan hubungan perniagaan dengan Soviet Russia. Jadi, dengan sebab itu-lah kita telah bersetuju dan apa yang kita chadangkan ini bukan-lah satu perkara baru, tetapi juga telah di-jalankan di-satengah² negeri.

Berkenaan dengan hubungan diplomatik, itu ada-lah akan menjadi tujuan pada masa yang akan datang yang saya sendiri tak dapat-lah hendak memberi akuan di-dalam Rumah ini, tetapi perjanjian perdagangan ini ada-lah sa-bagai langkah yang pertama yang saya perchaya Ahli daripada Bachok juga faham sa-lama ini kita tidak ada hubungan langsung dengan negeri Socialist Russia. Jadi, saya harap Ahli Yang Berhormat itu faham-lah akan tujuan Kerajaan yang sa-benar-nya bukan-lah tujuan itu sa-bagaimana kata Yang Berhormat, yang saya tak faham yang di-katakan ini ia-lah dasar kapitalis hendak menggalakkan ahli² perniagaan dan sa-bagai-nya—saya tak faham langsung apa tujuan Ahli Yang Berhormat itu.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, yang saya maksudkan ini ia-lah kalau kita mengadakan perhubungan taraf yang samacham ini bukan diplomatik dan bukan konsular, saya bimbang orang² yang datang ka-negara kita ini boleh membuat kerja² yang tidak di-ingini, tetapi kalau mereka itu sa-bagai diplomatik atau pun sa-bagai konsular tentu-lah tata-tertib-nya itu lebeh ter-ator. Itu yang saya kata sa-bagai bersifat kapitalistik ia-itu Rang Undang² itu memberi peluang kapada orang²

yang menjalankan trade ia-itu orang² yang menchari sa-mata² interest atau kebendaan lebih banyak daripada hendak mengadakan perhubungan ke-baikannya antara satu negara dengan satu negara dan saya berpuas hati dengan jawapan yang di-beri oleh Menteri dengan lembut dan tidak biadab dan sopan yang sa-macham itu.

Tuan Senu bin Abdul Rahman: Terima kasih. Bagi Ahli Yang Berhormat daripada Kuala Trengganu Utara, saya mengucapkan terima kasih atas sokongan Ahli Yang Berhormat itu.

Question put, and agreed to.

Bill accordingly read a second time.

Mr (Deputy) Speaker: Meshuarat ini di-tanggohkan hingga pukul 4 petang ini.

Sitting suspended at 1.00 p.m.

Sitting resumed at 4.00 p.m.

(Mr Deputy Speaker *in the Chair*)

THE FOREIGN REPRESENTATIVES (PRIVILEGES AND IMMUNITIES) BILL

Committee and Third Reading

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Deputy Speaker *in the Chair*)

Clauses 1 to 4 inclusive ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE KIDNAPPING (AMENDMENT) BILL

Second Reading

Tuan Haji Abdul-Rahman bin Ya'kub: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Kidnapping Act, 1961" be now read a second time.

Mr Speaker, Sir, since the coming into operation of the principal Act, experience has shown us that the principal Act contains a few defects which, in the opinion of the Govern-

ment it is essential to remedy. For example, there is no provision in the principal Act to empower the court to order forfeiture of a vessel or a vehicle which has been used for the commission of an offence under the Act, whereas, for example, under the Customs Ordinance, any vessel, any vehicle, used for the commission of certain offences under the Customs Ordinance must be forfeited. Clause 2 of the present Amendment Bill seeks to remedy this defect.

Mr Speaker, Sir, Clause 3 of the Bill seeks to provide statutory presumptions requiring the Court to accept the finding of money, or property, or any proceeds thereof, which has been delivered as ransom in the possession of a person as presumptive evidence that such person had knowledge that such money or property was delivered as ransom. Again, this Clause is most essential in order to ensure that those, who have committed a very serious crime under the Act, do not go scot-free because of legal technicality.

One further change, introduced by Clause 4 of the Bill, is that it is proposed to authorise a police officer to intercept any communication which is likely to contain any information relating to the payment of ransom and—this is the new innovation—to use such information as evidence in court.

Mr Speaker, Sir, I beg to move.

Tuan Senu bin Abdul Rahman: Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Deputy Speaker *in the Chair*)

Clauses 1 to 4 inclusive ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE PRISONS (AMENDMENT) BILL

Second Reading

Tuan Haji Abdul-Rahman bin Ya'kub:
Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Prisons Ordinance, 1952" be now read a second time.

Under the existing provision of section 8, sub-section (2) of the Prisons Ordinance, 1952, a police lockup appointed as a place of confinement could only serve as a prison for the purpose of Chapter XXVII of the Criminal Procedure Code of the former Federated Malay States and also of Chapter XXI of the Criminal Procedure Code of the former Straits Settlements. In other words only accused persons on remand and very short-term convicted prisoners can be held in such appointed lockups. Civil debtors on warrants of arrest or commitment issued in civil processes cannot, therefore, be confined in such lockups. In view of the very few and distantly located prison establishments that we have, difficulties have been experienced in regard to confining civil prisoners and in its search for a practical solution, the Government finds no alternative but to amend section 8, sub-section (2) of the Principal Ordinance in the manner outlined in the Bill, so as to make confinement of civil debtors in police lockups possible.

Sir, I beg to move.

Tuan Senu bin Abdul Rahman:
Mr Speaker, Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Deputy Speaker in the Chair)

Clauses 1 to 3 inclusive ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE PREVENTION OF CORRUPTION (AMENDMENT) BILL

Second Reading

Tuan Haji Abdul-Rahman bin Ya'kub:
Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Prevention of Corruption Act, 1961" be now read a second time.

Sir, in order to provide for the more effectual prevention of corruption, the Government has constantly kept under review the existing set-up of the Anti-Corruption Agency as well as the existing relevant legislations. Consequently, it is decided that the Agency be reorganised providing, amongst other things, an increase by nearly 200% of officers to staff the Agency. The reorganisation process is now under way. In the light of difficulties experienced both by the law officers and also the Police Department connected with investigation and prosecution of corruption cases, it has also been found necessary to provide certain amendments to the existing legislation, namely, the Prevention of Corruption Act, 1961; and hence the Prevention of Corruption (Amendment) Bill which is now before this House.

The reasons for providing the amendments, Mr Speaker, Sir, are clearly set out in the Explanatory Statement of the Bill itself, but I would like to take this opportunity to elaborate on a few other points.

I will take, first, Section 23 of the Principal Act. This Section, Mr Speaker, Sir, provides for special powers of investigation given to a Police officer of or above the rank of Assistant Superintendent on the authority of the Public Prosecutor. These special powers are limited in scope in that they relate only to investigation, by the Police officers so authorised, into any bank account, share account, or purchase account of any person who, in the opinion of the Public Prosecutor, has committed an offence under the Act or under any prescribed offence. It is to be noted that the Public Prosecutor under the Principal Act can only authorise these limited special powers,

when a written report has been made at a police station and when the Police have commenced investigation and the Public Prosecutor has considered from the evidence, or facts, produced in the investigation papers, that an offence has been committed. The new Section 23, which is contained in Clause 4 of the Bill, seeks to provide the Public Prosecutor with general powers to authorise a Police officer of or above the rank of Assistant Superintendent to investigate into any allegation of corruption or, when he is satisfied that there are reasonable grounds for suspecting that a corrupt offence has been committed by any person, even though no written report has been made at a police station. This special authority given to the Public Prosecutor is, in fact, in addition to the authority of the Police to investigate as provided under the Criminal Procedure Code. I am sure Honourable Members of this House will agree that this is a great improvement on the principal legislation in that it provides a more effective and wider measure to stamp out corrupt practices.

Again, Mr Speaker, Sir, Section 3 of the existing legislation limits the punishment of corruption to those who corruptly solicit or receive or corruptly give or offer any gratification as an inducement to or reward for or on account of any member, officer or servant of a public body doing or forbearing to do anything in respect of any matter or transaction in which the said public body is concerned. It is now proposed to enlarge the scope by providing for the punishment of all those who are involved in corruption irrespective of whether the transaction was made on account of any person or any member, officer or servant of a public body; hence Clause 2 of the Bill. It is also proposed that the legal obligation to make a report of corruption for a promise of gratification be extended to Members of Parliament, or Members of the State Legislative Assembly, or a member of a public body. The present law limits this legal obligation to public officers only. Since the present legislation also covers offences relating to Members of Parlia-

ment or State Legislative Assembly or members of a public body, it is felt that the amendment is necessary, hence Clause 3 of the Bill extending the legal obligation. At the Committee Stage, I will move an amendment to this Clause as indicated in the circular which has been sent, I believe, to all the Honourable Members of this House.

Finally, Mr Speaker, Sir, Section 25 of the Principal Act gives the Public Prosecutor the power, in the course of any investigation or proceedings into or relating to an offence under the Act or any prescribed offence by any person in the service of any public body, to require such person to furnish information as required in the case. Clause 5 of the Bill extends the power of the Public Prosecutor to obtain information from any person in the course of investigation.

With these amendments to the present law, it is expected that the difficulties experienced by the law officers and the Police Department connected with investigation and prosecution of corruption cases in the past would be overcome and that the new law would be a more effective piece of legislation to stamp out corruption.

Mr Speaker, Sir, I beg to move.

Tuan Senu bin Abdul Rahman: Mr Speaker, Sir, I beg to second the motion.

Tuan Haji Ahmad bin Abdullah (Kelantan Hilir): Tuan Yang di-Pertua, saya suka hendak mengambil bahagian sedikit membahaskan Bill yang ada di-hadapan kita.

Tuan Yang di-Pertua, saya menyokong Bill yang ada di-hadapan kita ini kerana saya tahu bahawasanya tujuan Bill ini ialah untuk hendak menchegeh korapsi yang sedang berjalan dengan merebaknya di-dalam tanah ayer kita ini, mudahan² dengan di-sahkan Bill ini dapat-lah Kerajaan satu senjata yang besar dan kuat untuk menchegeh penyakit korapsi ini.

Tetapi, Tuan Yang di-Pertua, mengikut pengalaman kita semenjak principal Bill ini telah di-luluskan, maka

chuma orang yang kechil² sahaja atau pun small fry sahaja yang kita dengar, dari satu masa ka-satu masa, di-tangkap dan di-jatuhkan hukuman ka-atas mereka itu tetapi big shark—ikan yang besar yang menelan dengan sa-chara besaran²—jarang benar kita dengar telah di-tangkap dan di-jatuhkan hukuman ka-atas mereka itu. Ini boleh jadi kerana kechuaian daripada pehak Kerajaan mahu pun chuai daripada pehak public dan ra'ayat jelata untuk memberi keterangan² dan kerjasama kapada pehak Kerajaan. Tetapi bagaimana pun saya berharap kapada pehak Kerajaan dengan mendapat sen-jata yang kuat ini mudahan² ikan besar itu tidak berapa lama lagi kita akan dengar dapat di-hadapkan ka-Mahkamah² dan di-hukum mereka itu mengikut jenayah di-atas perbuatan mereka itu.

Tuan Yang di-Pertua, di-sini suka-lah saya hendak sebutkan sedikit tentang perkara yang berlaku, tentang perkara rancangan rumah² murah. Sungguh pun perkara rumah murah ini telah di-sebutkan oleh wakil daripada Ipoh dan juga wakil daripada Batu, tetapi saya suka-lah mengambil bahagian juga pada masa ini untuk menyebutkan tentang perkara rumah murah di-Sungai Way. Mengikut cerita yang saya dapat bahawasa-nya rumah murah yang di-Sungai Way ini ia-lah untuk orang² Melayu, baharu sahaja mereka itu mendudoki rumah ini sa-lama tiga bulan sahaja tetapi sekarang rumah itu sudah tiris dan pechah lantai²-nya dan dinding²-nya dan mereka itu telah berulang kali mengirim surat² itu kapada pegawai yang bersangkutan dengan perkara ini tetapi mereka itu tidak dapat apa² pun jawapan sa-hingga sampai hari ini, walhal mereka itu terpaksa membayar tiap² bulan sa-banyak \$46 dan mereka itu harus membayar instalment ini sa-lama 15 tahun, jadi harga sa-buah rumah ini jatuh-nya \$8,282 tetapi baharu chuma mereka itu mendudoki rumah ini sa-lama tiga bulan mereka itu telah dapat ketahu² bahawasa-nya rumah sudah roboh dan tiris pula. Saya harap daripada pehak Kerajaan mengambil langkah untuk menyelideki sa-takat mana perkara aduan ini dan rayuan ini di-

buat oleh tuan² rumah itu benar-kah atau tidak. Kerana saya fikir kalau benar, ini satu soal dan satu perkara yang tentu-lah bersangkut paut dengan korupsi juga.

Dan satu lagi suka-lah saya hendak menhadangkan bahawasa banyak pegawai² yang besar² ia-itu sa-bagai ex-Minister juga apabila mereka itu berhenti daripada Minister dan pegawai besar² juga apabila mereka itu berhenti daripada jawatan mereka itu, mereka itu di-jadikan sa-bagai Pengarah atau pun Pengurus, Director, dan bermacam². Saya fikir ini pun satu perkara yang boleh membawa kapada korupsi dan rasuah kerana sa-lama mereka itu menjadi Menteri tetap-lah hubungan mereka dengan Kabinet Minister dengan kawan sa-jawat-nya itu rapat, dan mereka itu tetap-lah mempunyai influence—dan pengaruh untuk mendapat apa² juga keuntungan kapada kompeni mereka itu. Oleh sebab yang demikian kalau sa-kira-nya Kerajaan mengadakan satu Undang² ex-Minister atau pun orang yang besar² kemudian daripada sa-lama tiga tahun lepas daripada mereka itu meletakkan jawatan mereka itu jangan di-bagi mereka itu—jangan di-benarkan mereka itu menjadi Pengarah-kah atau Director-kah atau sa-bagai-nya. Saya fikir dengan jalan bagini sahaja baharu-lah kita dapat menghapuskan korupsi atau sa-kurang²-nya dapat di-kurangkan korupsi.

Tuan Tajudin bin Ali (Larut Utara):

Tuan Yang di-Pertua, saya dengan sukachita bangun menyokong Rang Undang² Menchegeh Korupsi atau pun rasuah yang telah di-kemukakan oleh Yang Berhormat Menteri Kehakiman.

Saya menguchapkan tahniah kapada Kerajaan kerana mengambil langkah yang bagini bijaksana mengetatkan lagi Rang Undang² berkenaan dengan rasuah. Saya ingat Ahli Yang Berhormat daripada Kelantan Hilir tadi mengatakan rasuah ini berjadi² sangat di-tanah ayer kita, dia mengaku hendak bawa perkara big fish, shark. Rumah bochor tidak ada kena mengena dengan korupsi atau pun rasuah.

Tuan Yang di-Pertua, saya berpendapat hal-ehwal rasuah ini, saya katakan dengan tegas-nya sa-lagi ada bintang dan bulan rasuah ini mesti ada, daripada pehak Kerajaan saya mengatakan rasuah memang ada dan akan berjalan, bagi kita Kerajaan yang bertanggung-jawab kita chuma dapat menahan, menjaga perkara ini supaya jangan merebak. Tuan Yang di-Pertua, saya berpendapat ada-lah rasuah ini bangkit-nya berputar dengan dua perkara yang besar, ia-itu pertama-nya pentadbiran kita barangkali longgar sedikit dan ada juga kena mengena dengan hal-ehwal buroh, barangkali Undang² Buroh kita kurang ketat sedikit dan disiplin daripada pejabat². Tuan Yang di-Pertua, saya sangat dukachita baharu² ini Kerajaan Perikatan telah pun memberi kuasa kepada pegawai² atasan dalam segala pejabat mengambil tindakan yang tegas, chepat dan wajar kepada kaki-tangan pejabat yang tidak menjalankan kewajipan-nya dengan betul dan elok. Rasa saya sedikit sa-banyak-nya hal-ehwal rasuah itu dapat di-kawal oleh pegawai² kanan di-dalam pejabat² itu.

Tuan Yang di-Pertua, sa-lepas kita mendapat kemerdekaan ini saya nampak kerani² muda yang maseh dalam bahasa Inggeris di-katakan green horn lagi, peon² sudah pun memakai motor, scooter dan sa-bagai-nya. Ini baik kepada ra'ayat jelata kita, tetapi saya takut² orang² ini fasal apa, kita mikirkan dalam masa penjajah dahulu saya rasa kalau umpama-nya negeri saya, Perak, seluruh negeri Perak kita hendak menchari lebeh daripada enam orang peon memakai motor, tidak ada. Tetapi sekarang sudah banyak. Saya takut orang² ini gaji-nya pun tidak berapa banyak kerana mereka selalu merungut mengatakan gaji tidak berapa banyak tetapi dapat menggunakan motor, makan besar (dinner) dan sa-bagai-nya. Barangkali juga perkara² yang tidak baik ada mereka ambil champor tangan. Oleh sebab itu saya shorkan kepada pehak yang berkenaan ia-itu Corruption Agency ini memerhatikan hal-ehwal ini.

Tuan Yang di-Pertua, corruption ini chukup pandai di-jalankan oleh orang² pehak atasan. Saya ada mendengar

tetapi kalau pehak Agency tidak mendengar, saya rasa tidak patut, kerana perkara ini di-chakapkan di-merata². Boleh-lah kita katakan mengapa-kah tidak orang² itu mendatangkan report kepada pehak Agency ini atau pun kepada pehak Polis.

Tuan Yang di-Pertua, report itu senang sahaja bagi pehak Agency sendiri. Pada pendapat saya, Tuan Yang di-Pertua, hendak membawa sa-saorang itu ka-Mahkamah mengambil masa yang panjang. Umpama-nya pehak Corruption Agency ini hendak menchari sa-orang dan dia terpaksa mengikut daripada sa-bulan, dua bulan, tiga bulan sampai enam bulan. Umpama-nya, kalau dia hendak menangkap, hendak memberi duit daripada satu orang kepada pegawai Kerajaan umpama-nya, duit itu di-buboh tepong dan sa-bagai-nya, mengambil photography dan membawa satu saksi. Ini saya rasa tidak patut. Saya mendatangkan shor ini untuk menyenangkan Kerajaan, Tuan Yang di-Pertua, saya chadangkan, mengapa tidak kita buat lain sedikit. Saya chadangkan adakan umpama-nya adakan Arbitration Court, orang salah itu menerangkan kepada Court umpama-nya dia dapat sa-tengah juta ringgit. Di-mana dia dapat sa-tengah juta itu. Peon, di-mana dia dapat sa-buah motor itu, di-bawa dia, suroh dia proof, bukan kepada pehak Agency atau kepada pehak Polis menchari kesalahan dia.

Selalu-nya, Tuan Yang di-Pertua, umpama-nya kalau kita tanya di-mana kamu dapat rumah baharu ini, dia kata mertua aku bagi. Bila tanya pula dan ka-sana pula, berdolak dalek, Tuan Yang di-Pertua. Jadi susah sangat. Saya bersimpati dengan pehak Corruption Agency ini. Kalau kita ikut undang² yang lama payah sangat kita hendak bawa orang yang salah yang terlibat dalam perkara ini ka-Mahkamah dengan jaya dan memuaskan hati.

Tuan Yang di-Pertua, satu lagi perkara yang saya hendak beri pandangan dalam Dewan yang mulia ini ia-itu di-pehak Pejabat² kita nampak perkara² yang tidak berguna dan tidak berfaedah kepada kakitangan pejabat dan juga ra'ayat jelata umpama-nya kantin.

Kantin ini tidak ada faedah kepada siapa² terutama sa-kali kepada kakitangan pejabat dan di-sini-lah tumbohnya corruption kechil, corruption sa-chara kechil di-beri oleh orang ramai kepada pegawai² pejabat. Jadi saya shorkan kepada Kerajaan menerusi Yang Berhormat Menteri Kehakiman memikirkan, ada-kah patut kita pan-jangkan kantin ini sa-lama²-nya atau kita hapuskan sahaja, kerana saya fikir, Tuan Yang di-Pertua, kalau kita hapuskan ini tidak ada siapa akan merungut dan tidak ada siapa yang rugi dan lagi satu perkara, Tuan Yang di-Pertua, macham petition writer, orang yang menulis surat. Ini pun yang dudok bertaboran di-merata tempat di-satengah² pejabat itu menjadi ejen kepada pegawai², sa-tengah² pegawai Kerajaan, mengambil duit daripada orang ramai beri kepada pegawai².

Jadi saya shorkan, Tuan Yang di-Pertua, supaya petition writer ini pun di-jauhkan daripada sa-tengah² pejabat, bukan semua pejabat, pejabat² yang mengeluarkan lesen, atau pun yang kita fikirkan akan menimbulkan rasuah dan sa-bagai-nya dan juga kedai² umpama kedai ice, kedai kopi—ini pun menjadi ejen, atau pun kakitangan sa-tengah² pegawai² yang menerima duit daripada orang ramai untuk pegawai Kerajaan yang tertentu. Jadi perkara² ini saya rasa, Tuan Yang di-Pertua, kalau dapat kita jauhkan, maka sedikit sa-banyak-nya rasuah dapat kita jauhkan.

Akhir-nya, Tuan Yang di-Pertua, rasuah selalu-nya bukan dia keluar terus daripada satu orang hendak beri kepada pegawai². Kita tengok terutama-nya hari Sabtu, Tuan Yang di-Pertua, sa-tengah² orang itu pergi mengambil rasuah, umpama-nya di-Perak, dia tidak pergi mengambil di-Perak, dia pergi ka-Pulau Pinang, dia terbang ka-Singapura, yang besar lagi dia pergi ka-Hong Kong dan ada juga duit² ini yang menerima duit² itu barangkali di-London, orang yang pandai-lah, Tuan Yang di-Pertua. Jadi saya harap sangat-lah shor saya, Tuan Yang di-Pertua, ia-itu kita memikirkan kesusahan macham Court hendak bawa orang ini ka-pejabat susah sangat, jadi saya shorkan Court ini kita ambil di-jadikan satu Arbitration Court supaya orang

salah itu menerangkan di-mana-kah dia dapat rumah baharu ini, di-mana-kah dia dapat motokar Jaguar ini.

Kita tengok baharu² ini, Tuan Yang di-Pertua, di-negeri Perak satu lori lalu sahaja dan driver lori itu mengeluarkan \$70 bagi kepada sa-kumpulan mata². Ini, dia kata, \$70 ini untuk bulan ini. Nasib baik kita, Tuan Yang di-Pertua, pegawai polis itu yang sangat bertanggung-jawab dan di-bawa orang yang berkenaan itu ka-Mahkamah. Saya rasa perkara ini terjadi bukan itu sahaja bahkan banyak lagi. Jadi itu-lah perkara² yang dapat saya terangkan dalam Dewan ini yang patut menjadi fikiran dan panduan kepada Corruption Agency ini dan saya ulangi sa-kali lagi, kalau tidak ada keberatan bagi pihak Kerajaan, saya berharap sangat-lah supaya Arbitration Court ini di-adakan ia-itu berlainan sedikit. Kalau-lah kita memakai juga undang² British, chukup susah, 6 bulan hendak mendapat satu case yang baik chukup susah, jadi kita pakai sa-balek-nya lagi, kita chari sa-balek lagi, ubah sedikit undang² kita untuk bawa orang ini banyak lagi ka-Mahkamah, orang² yang terlibat dalam hal-ehwal rasuah ini.

Sekian, terima kaseh.

Datin Hajjah Fatimah binti Haji Abdul Majid: Yang Berhormat Tuan Yang di-Pertua, saya bangun mengambil kesempatan untuk menguchapkan satinggi² tahniah kepada pihak Kerajaan yang telah membentangkan Rang Undang² Rasuah di-Dewan yang mulia ini untuk di-luluskan. Kita sunggoh berasa bangga dengan ada-nya undang² menchegeh rasuah sa-kurang²-nya dapat-lah Kerajaan membasmi rasuah yang di-katakan berleluasan di-dalam negeri kita ini.

Juga kita berharap mudah²an tidak-lah hanya undang² rasuah tinggal dengan undang² sahaja, malah rasuah sa-makin menjadi² yang mana akan merosakkan pentadbiran dan perekonomian di-negara kita dan jangan-lah pula undang² yang di-gubal dengan begitu susah payah akan menjadi kertas yang beku daripada segala tindakan Kerajaan terhadap sa-siapa juga yang melanggar peratoran² yang di-kanunkan

di-dalam Undang² Rasuah. Demikian juga hendak-nya jangan-lah undang² ini terhad di-gunakan sa-mata² untuk menghukum ikan² bilis sahaja, sedangkan ikan² yang besar yang senentiasa mengganas berleluasan menekmati segala kesempatan peluang kepada-nya di-kechualikan daripada tindakan yang sewajar-nya daripada segi undang² rasuah itu. Kerana sa-chara yang demikian sangat-lah tidak 'adil dan selalu berlaku dan pernah di-lakukan.

Yang Berhormat Tuan Yang di-Pertua, apakala hukuman² yang menasabah itu hanya di-kenakan kepada pekerja² yang berjawatan rendah sahaja sedangkan pegawai² yang berjawatan tinggi di-biarkan sawenang² merancangkan, beranikan chara untuk mendapatkan diri masing². Ini ada-lah perkara biasa yang menjadi amalan di-pejabat² yang banyak mempunyai hubungan tugas²-nya dengan kepentingan ra'ayat ramai. Umpama-nya, katakan-lah Kerajaan telah membenarkan peruntukan wang sa-banyak \$50,000 kerana satu² ranchangan pembangunan luar bandar dan negara. Maka wang yang sa-jumlah itu tidak-lah kesemua-nya pergi kepada kepentingan² ra'ayat sama ada Kerajaan sedar, atau tidak, namun perkara ini tetap berlaku dari sa-masa ka-samasa. Yang demikian di-mana-kah sangkut-nya sa-bahagian besar daripada wang peruntukan itu. Ini tidak-lah menghairankan kita kalau satu² pembenaan yang berhubung dengan ranchangan² luar bandar itu di-siapkan kita dapati tidak samengghah keadaan-nya. Maksud saya arti-nya tidak munasabah dengan perbelanjaan yang kita untokkan kerana-nya, atau dengan lain perkataan bahawa bangunan masjid, atau jambatan² kechil yang di-bena itu tidak berapa lama di-gunakan telah merupakan satu bangunan atau jambatan yang burok, pechah, rosak di-sini. Pada hal kalau semua wang yang di-untokkan itu di-gunakan 100% kerana-nya tentu-lah tidak demikian keadaan bangunan itu, atau lain² pembenaan yang di-bena di-atas ranchangan pembangunan luar bandar itu.

Oleh yang demikian sa-muga dengan ada-nya Undang² Rasuah ini maka akan

berseh daki yang telah berkurun lama-nya merachuni jiwa kakitangan² yang berkenaan dengan kembali-lah pula suasana kemudahan yang di-harapkan² oleh ra'ayat jelata di-dalam segala bidang yang di-perlukan oleh mereka menerusi ranchangan² pembangunan negara dan luar bandar.

Tuan Kam Woon Wah (Sitiawan):

Mr Speaker, Sir, this is a very delicate matter, because it touches on corruption in our country. Sir, I always support any Bill of this nature but the question remains, will this amendment achieve the objective to stamp out or prevent corruption in our country? Sir, my answer is "No", because whatever is written or whatever is passed by this House, I think it would not be sufficient unless two more Clauses are added to this Corruption Act. I think, if we do that, then we will come to a certain stage where we can say, "Well, we have done something for our people".

Sir, I find that one of the Clauses is not in here. What I would like to suggest is that inefficiency should be another ground of suspicion of corruption. Sir, many civil servants conveniently just ignore their work and sit on their work: sometimes letters took months to reply, sometimes registration of titles took months to be registered, but if something happens under the counter, it can be done within 24 hours! Sir, if the Honourable Minister would care to check at any Land Offices, I am quite sure, he will get all the evidence he wants. I am sure many people in this country have experienced this: if one person, say Mr "A", presents his transfer to the Land Office in the normal course of business, he might not get back his title for the next few months; at the same time, if another person, Mr "B", goes there and—we do not know—something happens, if he goes there in the morning at 10.00 o'clock, he gets back in the afternoon at 2.00 o'clock his title. So, if that is not corruption, what is corruption, may I ask? It smells very strongly that there is corruption; otherwise, if the officer concerned does not know, say, Mr "B", why should

he go out of his way to oblige Mr "B" and not Mr "A"? Sir, on this point there should be included discrimination. Further, sometimes some members of the public cannot get their work done. Another example, which is frequently quoted is getting payment from the P.W.D. or from some Government bodies. Some poor contractors have to wait and sometimes go on their knees just to get their cheques from the Government and, if they are lucky enough, they will get it in time; otherwise, they have just got to wait.

Sir, another Clause which, I think will be effective, as has been suggested, is that any person who is convicted of any charges under the Corruption Act, should have all his unexplained assets forfeited to the State, and that includes not only his own personal unexplained assets but also the unexplained assets of all those who are very closely related to him. Sir, I think, all of us know how some people manage or carry on with their nefarious activities. Suddenly, you will find that So-and-so's wife, or So-and-so's brother becomes a millionaire overnight. Here, I think, it is pertinent for the Government to institute an inquiry as to why, how, and from where, suddenly he gets the money—it cannot be from the races everyday, and neither can it be from the Social Welfare Lottery tickets. Sir, these are actually the facts which are happening daily in our country and, as I have said before, there is no use of saying, "Well, let us prove it". If that is the question, then my answer will be, "Well, proof is not required, because it is written all over the wall".

Sir, again, I would also like to say, let us not pretend like Lord Nelson putting his telescope to his blind eye on his battleship. We all can see that it is there. Sir, why do I say this? I think it is good for our people and for our country, because corruption must be stamped out and the time has come for us to do so, otherwise, it will drag on and on. Let not the country slide, then it would be very difficult for us to come back again.

Sir, I hope our Honourable Minister of Justice will consider these two sug-

gestions, and I am quite sure that if something in that direction is done, we will come a long way. Thank you, Sir.

Dr Tan Chee Khoo: Mr Speaker, Sir, corruption is like cancer. Once it spreads in the body politic, then we might just as well say *habis* to the country. Like cancer, Mr Speaker, Sir, corruption, if detected early, and if radical surgery is adopted, then you can save the life of the person concerned. For example, if there is a nodule in a woman's breast, you suspect that it is cancer; you do a radical mastectomy, you cut off the whole of the breast including up to taking all the glands from the axilla and the survival rate is very high if it is considered that if one survives for five years, it is a good thing; but I have known of women with a survival rate of more than 20 years. If one's cancer is detected too late, then whatever therapy that one applies—for example, if one does radical surgery plus deep X-ray therapy, then no amount of treatment can cure the person—likewise, with corruption. If we detect it early, if we take active steps to stamp out corruption, then there is a chance that we may be able to curb it radically. I am not like the Honourable Member for Sitiawan—he seems to think that we can stamp out corruption. I think man being what he is, and nobody has suggested that we can wipe out the world's oldest profession, whatever you do that profession will be with us for as long as man has his biological desires. Likewise with corruption, one can try not to stamp it out completely—I am not that optimistic—but one can curb it drastically and see to it that it does not pay to either the giver or the receiver to indulge in corruption.

Mr Speaker, Sir, many a time I have talked to foreigners, to foreign correspondents in particular. They have, in the first place, gone to Singapore and then they come here and they openly tell me that there is a vast world of difference between Singapore and here. They say that down there it is easy to get things done; if you want a telephone and you have a good cause for it, you get it tomorrow; if you want to get

things done and if you are a foreigner, you go to an office things are done for you straightaway—likewise with the citizens of that country. They say that when they come to Kuala Lumpur, they cannot get things done, and that people expect their palms to be greased. That shows that we must not fool ourselves. The keen observer, the foreign observer, knows straightaway that there is a world of difference in the matter of corruption between Singapore and here, because Singapore makes it known clearly that it does not pay for a civil servant or a member of the public to indulge in corruption.

While we have this Bill with us, let the Minister, at the end of his speech, when he winds up this debate, make it clear that it does not pay anyone—be he the Prime Minister, a Minister, a Member of Parliament, a civil servant, or the general public—to indulge in corruption.

To my mind, corruption can only exist if there is an umbrella of protection for those who receive. Now, it is well-known that unless there is some sort of a protection from people in high places, then corruption cannot exist. By this, I do not mean to insinuate that people in high places are corrupt—they are not. People in high places are made use of without their knowledge. To give one instance, at the last State Council Meeting, the Mentri Besar took great pains to show the pressmen: “Look here, this is my signature; what is happening is, I write a letter, the people down there cut off that letter and put another letter of appeal on it, cyclostyle it and presto—that is my signature—there is an appeal asking me to give the person money”. Now, the Mentri Besar of Selangor knows that he is an innocent victim of unscrupulous people who want to make use of his name. Likewise, people who are corrupt, naturally, try their best to make use of the names and positions of people in very high places.

I shall give one example—the Government Servants’ Co-operative Housing Society. It is well-known that the Treasury officials have been very unhappy in giving money to this co-operative society. They feel that it is not

justified. Well, if the Minister of Justice wants to challenge me on that point, privately I can tell him that this is so. I do know, officials have come and told me that they have been very unhappy over the allocation that they have to give. But what happens? Along comes a letter from the Prime Minister’s Department. The Prime Minister’s Department is the fountain of authority in this country. What is the poor Treasury official to do? He has to write out the cheque. This is what I mean that people who are unscrupulous, who want to make money on the sideline, make use of people in very high places in order to indulge in corrupt practices and such people in every high places need not be Ministers, need not be Government servants, but may well be people outside in political circles. That is one instance.

Sir, I do know that on an occasion like this one has to be very careful, particularly when one has a very sharp Minister of Justice sitting there listening very carefully. It is not my intention to besmirch the name of any person, but I feel it is my duty to bring to the attention of the Minister of Justice and through him to the Attorney-General, to look into the acts of two persons in particular.

It is well-known that the Planning Department in Selangor is not that well-run. I have indicated yesterday about how in Petaling Jaya a green belt has been converted into a residential area. In terms of money, it means literally hundreds of thousands—hundreds of thousands of dollars. I will be very grateful if the Minister of Justice notes this down and find out, during the past four or five years, how many areas of green belts in the State of Selangor have been converted from green belt to residential areas and, also in the process of this conversion, who is the architect connected with the development of these green belts once they have been converted into residential areas. It will be very revealing, because this Government servant has since retired. I merely point out, and I must be very careful to measure the words that I say—I say that if the Minister really wants to stamp out corruption, he must look into

this case of conversion of green belts into residential areas and to look into the assets of the said official. Just now, the Member for Sitiawan has gone so far as to say that the State should forfeit not only the assets of the person concerned but also of the relatives and others. I will not go so far as that. I will only say that the Attorney-General should look very carefully into the assets of the said officer, of his relatives, of his wife and the like and see how a Government servant, although he is admittedly, perhaps, Superscale "H", can come by such huge assets.

Another person that I wish to ask the Minister of Justice to ask his Attorney-General's Department to look into is another high official in the University of Malaya. In times past, the Member for Ipoh has pointed out the troubles that had happened in what is known as the Koko Mess, where he alleged that contractors had been going there and seeing Ministers and civil servants. Since then, this high official of the University of Malaya has left the Koko Mess and has a mess of his own, and it is shared also by other civil servants; but my information is that the contractors make their pilgrimage to this mess. The inference is what? Why should contractors see civil servants or high officials of the University in a mess? After all, if they have business to transact that is open and perfectly legal, it should be done in his office and not in the mess. Perhaps, there are other delectable things to transact other than what business that he wants to do. I am also told that the *modus operandi* is this. This high official has nothing to do with contracts, and I do know because I sit on the Tenders Board of the University of Malaya. The decision of the Tenders Board is made; "X" gets the contract; now this high official, although he has nothing to do with Contracts or what is known as the Bursar's Department, he pulls high weight, he finds out who the successful tenderer is. What happens I can well imagine, although this is a prophesy that may well be true; it is for the Attorney-General Department to investigate. I know that "X" has got a contract of \$2 million; I can go and tell

"X", "*Apa macham Enche?* You have tendered for this project in the University; you know sometimes it is very difficult, you know that Tan Chee Khoon chap, very difficult chap, you know he is very difficult; he creates plenty of trouble, but you know I can shut his mouth up". So what happens? He tells the contractor, "I can get the contract for you, but you know the price is this". Of course, he can get the contract for the person, because a decision has already been made that "X" should get the contract. The inference is what? He gets his "cut". Now, we in the Tenders Board know about it, and we have insisted now that nobody should know anything about the decision made by the Tenders Board, except the Bursar himself and he writes straightaway to the successful tenderer. So, if there is any leakage, we know to pinpoint whom—the Bursar himself.

I have brought forth these two instances, because this person concerned also has left University of Malaya. He has resigned. He has been called the greatest tax collector in the University of Malaya, not by me, but by an expatriate who now lives in Hongkong. I do hope, and I think, that in both instances the Anti-Corruption Bureau has opened its eyes and there are stirrings in that direction, and I believe that both these persons are connected with persons in very high circles. For example, the person in the University of Malaya, he calls the Ministers by their first names; he pats the Ministers; when these chaps go to his mess, he says, "Hello, Tan Sri", and it does impress the contractor if he finds this chap—My god, here is a Minister, and this chap is patting him on the back; he must be very important. This person, I must say, is very important, he knows everybody".

Tuan Haji Abdul-Rahman bin Ya'kub: Mr Speaker, Sir, do I know this so-called high official of the University of Malaya?

Dr Tan Chee Khoon: As I said, I do not wish to bandy names around. I will give it to the Minister in due course. But, as I said, the Anti-Corruption Bureau, I think, is already on his

trail. So, the Minister needs only to check up. I am told that he is a very worried man, because the Anti-Corruption Bureau is on his trail. If I am not mistaken he has already seen the Minister about it—there you are, I am told

Tuan Haji Abdul-Rahman bin Ya'kub: I do not know what he is talking about.

Dr Tan Chee Khoon: I will not mention the names. In confidence I will tell the Minister of Justice after this debate, because he knows that I do not bandy names around, it is not fair, and I do not say things out of spite, I have proof if he wants, since I have been connected with the University of Malaya.

The Lady Member for Johore Barat, I think, has mentioned "Do not look after the small fries, the mata² who takes 20 cents, or 50 cents, from the person in the market, it is not worth it. The big fries, where do they transact their business". They do not transact their business in this country. They fly to Hongkong, and there, they transact their business. Where do they put their money? They do not put their money down here, but in a numbered bank in Switzerland. I do hope that in these two instances, the Minister of Justice will order his Attorney-General to look into.

Now, Mr Speaker, Sir, I wish to point out a different type of corruption this time. Way back in 1960, it is well-known that amongst the new villages, those in control of the new villages fiddled with the funds of the new villages, and I regret to say that this Government has done nothing. Way back in 1964, when I was a freshman in this House, I brought to the attention of the Prime Minister himself that in the new village of Jinjang, what had happened is this: there was \$20,000 in the new village in Jinjang; those in control put in a post-dated cheque, took the \$20,000, and they roll it around. When the time for the post-dated cheque was up, they withdrew the post-dated cheque and put another post-dated cheque there

and so it went round. I have drawn the attention of the Auditor-General to this—and this has been proved. I have asked the Prime Minister to give me a copy of the report of that investigation. Although he has solemnly, not once but twice in this House, promised to give me a copy of that report, but up to today I have not received a copy of that report. That shows the intention of the Government as regards corruption in this country. Not only that Mr Speaker, Sir, I have raised the matter in the State Council, and I have told the Menteri Besar exactly what has happened. Up till now I have not received—I repeat—I have not received—a copy of the report where the Auditor-General made a surprise check of the funds of the Jinjang New Village. Exactly, the same thing happens in most New Village Councils. I have here with me the accounts; and if the Minister wants, I can hand over this although now the Police know all about this case.

I shall read, Mr Speaker, Sir—I have here with me the accounts—the statement of receipts and Payments for January, February and March 1967, and they are very revealing. At the end of this account, it reads:

"Balance as on 31st January, 1967—

Cash in hand	...	...	\$18,161.38
Cash in Bank	...	...	162.83."

One can see the big disproportion between cash in hand and cash in bank.

"In February—

Cash in hand	...	...	\$18,808.87
Cash in Bank	...	...	136.83

In March—

Cash in hand	...	...	780.76
Cash in Bank	...	...	19,114.68."

Now, I hope the Minister of Justice can draw his own inference, as indeed the Police officers, whom I reported to, have drawn their own inference. I am told that the District Officer had gone and made a surprise check and found out that whereas, according to the records there should be cash in hand \$18,000, the kitty is empty. But you know the M.C.A. tycoons, to say the least, they are a very loyal lot. Immediately they close ranks and put the

money into the bank. There you are, money appears in the bank. This is not corrupt practice, but this is C.B.T., and it has been reported, I am glad, by the said District Officer to the Police.

Now, this is a thing that happens, I am fairly certain, in quite a number of New Villages where the supervision is lax. I am glad that in Jinjang, at least they do not keep cash there. They know that Tan Chee Khoon will raise it up, if they keep cash there, and the civil servant there periodically sees that whatever money that is in hand, straightaway goes into the bank at the end of the day—and that is what it should be. Money that is collected from the taxpayers, in this case, from the new villagers, should be banked immediately the next day, and nobody should have any cash in hand, and much less making use of the money and you know how “John Chinaman” can roll his money. In Tanjong, which is just opposite Sumatra and he can roll his money across to Sumatra and, perhaps, double it when it comes back. This is one aspect of corruption that I commend to the attention of the Minister of Justice.

The Government, if it is really serious in its intention to stamp out, or to reduce, corruption in this country, should bring in the legislation that Singapore has brought—that is what the Member for Sitiawan has advocated. Any civil servant having assets, for in excess of what he should have by way of his honest labour should account for, he cannot account for it, then it must be forfeited. I commend this to the Minister of Justice to bring in legislation that will put the fear of God into the minds and into the hearts of the civil servants, or the minority of the civil servants, who may well want to engage in corrupt practices.

Now, Mr Speaker, Sir, I think it was way back in 1965, in the Budget Session, I had the audacity to make the suggestion that the Prime Minister should get all his colleagues to declare their assets. I believe there is a ruling on this point, but instead of commending me on it, the Prime Minister

castigated me for making such a suggestion. I do not know why. I do hope that this practice of Ministers declaring their assets not at the beginning of their term of office and at the end of their term of office, because between then many things can happen, but to declare their assets every year. That will set a good example to the rest of the country. More than that, Mr Speaker, Sir, I hope the Government will pass legislation, or see to it that our Members of Parliament, or State Assemblymen, should also declare their assets from year to year. I have just been talking to some of the Members from UPKO, and they told me that in the recent election there, some candidates spent as much as \$100,000 in contesting a State election. Now, in this country, I do know that quite a number of candidates spend a considerable fortune in contesting elections. Now, Mr Speaker, Sir, I really cannot believe that all those who invest so much money in fighting an election, where it is so very chancy when it comes to Batu, that they really want to serve for the next five years—to give their heart and soul to serve the people. I regret to say, and this is common knowledge, that quite a number of them having invested so much in winning an election, naturally, want to recoup it many times over. Consequently, I make this suggestion to the Minister of Justice, that not only should Ministers declare their assets but Members of Parliament and Members of the State Assembly should also declare their assets, so that people will know, “Oh, yes, these legislators, they not only preach but they practise what they preach”, and then it will set a good example right at the very top and then the people lower down will think twice before they indulge in corrupt practices.

Finally, Mr Speaker, Sir, I wish to make the suggestion to the Minister of Justice that the Anti-Corruption Bureau is an effete body at the moment—effete in the sense that I do know many a time they have worked very carefully in their investigations and then, sometimes, somebody drops a hint, “You know, it is not too good to pursue this

line of action", and so that line of action is dropped. Now, I think it should be taken away from the hands of the Police and placed under the control of the Attorney-General. Then, it must be strengthened, people of the utmost integrity only should be posted to that place, so that we can have quick, swift, action whenever a report is made. This much I will say: the few cases of corruption that I have reported to the Anti-Corruption Agency in Selangor, I have found them to be most co-operative, and I have found them to have taken vigorous action, whenever I have reported the few cases that I have come across. But I believe this is not the experience of a large number of people. Hence, I commend to the Minister of Justice that the Anti-Corruption Bureau should be taken out of the hands of the Police, it should be placed directly under the Attorney-General, who has far more powers, who can initiate prosecution, and people of the utmost integrity and honesty should be placed to it; thereby, we hope we can minimise and reduce the incidence of corruption, which I believe is like cancer, spreading slowly but steadily throughout the body politic in this country. Thank you.

Tuan Haji Mohamed Yusof bin Mahmud (Temerloh): Tuan Yang di-Pertua, saya mengucapkan sa-tinggi² tahniah kepada Kerajaan kerana membentangkan satu Rang Undang² untuk menchari jalan bagaimana hendak mengurangkan perkara rasuah dalam negeri ini.

Tuan Yang di-Pertua, rasuah ia-lah satu perkara, sa-bagaimana ucapan daripada rakan² saya, ia-lah perkara sa-mula jadi. Jadi dengan perkara itu tentu-lah sangat² susah untuk kita menghapuskan. Perkara rasuah ini—perkara Undang² yang ada di-hadapan kita ini, rasa saya, yang besar-nya ia-lah bagaimana hendak melaksanakan Undang² ini. Kita ada—sa-belum-nya ada Undang² ini—banyak Undang² berkenaan dengan rasuah telah kita bentangkan di-Dewan ini, tetapi perlaksanaan-nya itu yang sangat tidak memuaskan hati. Umpama-nya, memang telah berchatit dalam General

Orders, Chapter D bahagian 8 (2) di-mana ada menyatakan tiap² pegawai tinggi hendak-lah menyatakan kepada Kerajaan segala harta²-nya untuk pengetahuan Kerajaan. Tetapi ada-kah berjalan? Kita ada Undang² di-hadapan kita. Jadi, ini-lah rasa saya, bukan kita hendak membuat Undang², tetapi bagaimana hendak melaksanakan Undang² yang kita ada dan yang akan kita adakan. Saperti juga kita tahu perkara² yang ra'ayat tengok, umpama-nya mengapa perjalanan yang tidak melalui Undang² saperti lori² yang tidak berlesen melalui jalan² raya, separoh jalan² itu, mengikut Undang², tidak boleh di-lalui, tetapi boleh di-lalui oleh lori² ini dengan tidak ada tindakan. Jadi ini-lah yang saya katakan tadi, perlaksanaan Undang² itu yang sangat² mustahak.

Rasuah, Tuan Yang di-Pertua, pada pandangan saya, ada tiga chara mengapa jadi-nya rasuah. Pertama, tiap² manusia berkehendakkan perkhidmatan dia itu dengan senang—tidak ada galangan, tidak ada lambat. Ini telah kita dengar tadi dalam ucapan daripada wakil², baik daripada Pembangkang atau pun daripada pehak Kerajaan.

Yang kedua, Tuan Yang di-Pertua, perkara itu perkara yang di-ingini sangat oleh manusia supaya dia senang hidup. Dan perkara² itu tidak banyak, masing² berebut berkehendakkan benda yang boleh memberi dia kesenangan.

Yang ketiga, ia-lah perkara mengelakkan daripada hukuman. Maka dari ketiga² ini-lah kejadian² rasuah yang rasa saya di-mana pangkal-nya yang patut kita menchari jalan supaya menyenangkan usaha² dalam tiga perkara ini tadi.

Lagi satu, untuk perlaksanaan Undang² ini kita berasa tentu-lah susah, kerana jikalau pada pemerintah atau pun orang besar di-katakan persembahan, pada hal persembahan itu mengapa di-adakan persembahan? Kita chari latar-belakang-nya. Kalau umpama-nya taukeh², orang² besar, orang² kaya membuat satu persembahan yang beribu² kepada sa-suatu

pehak—mengapa? Ada-kah mereka itu dengan sa-suka hati-nya hendak memberikan persembahan itu? Jadi, pada orang besar di-katakan persembahan. Kapada orang yang pertengahan di-katakan hadiah, tetapi jika pada orang di-bawah di-katakan rasuah. Jadi, tidak sama Undang² ini. Kalau kita hendak mengadakan Undang², ketiga² peringkat ini di-samakan—tidak ada kechuali-nya. Maka perlaksanaan ini-lah yang saya kata sangat² susah.

Sebab saya kata bagitu, pehak raja² sendiri sekarang pun sudah mengambil bahagian chergas dalam perdagangan dan perusahaan, dan ini lagi satu perkara yang boleh masuk perkara rasuah ini, kerana tiap² satu orang menjalankan perusahaan dan perdagangan dengan niat mahu menchari untong, bila perkara barang² yang boleh memberi keuntungan yang besar—saya tidak-lah hendak menyebut di-mana satu kompeni, tetapi kalau Yang Berhormat Menteri menyelidek daripada sharikat², Pendaftar Sharikat tahu bagaimana orang² ini menubuhkan kompeni², dengan sebab dia ada di-atas itu, sebab penaong berkuasa boleh mendapatkan perkara² yang saya sebutkan tadi. Jadi perlaksanaan-lah—saya balekkan tadi, Tuan Yang di-Pertua, yang patut kita usahakan. Jadi untuk menyedarkan pada soal ini, rasa saya, kita sekarang ada satu badan executive, ia-itu bureau berkenaan rasuah untuk menjalankan dasar². Alang-kah molek-nya, Tuan Yang di-Pertua, rasa saya, kita adakan di-Parlimen ini juga satu Standing Committee Khas berkenaan dengan rasuah ini, kerana sa-bagaimana wakii dari Batu kata, rasuah ini ada-lah satu benda sa-bagai satu penyakit cancer.

Jadi, rasa saya ada elok-nya Parlimen ini sendiri mengadakan Standing Committee sendiri membincangkan dengan sa-halus²-nya bagaimana kita boleh menjalankan untuk menghapuskan rasuah ini. Saya berkehendakkan Committee ini jangan di-champori oleh mereka² yang ada bersangkut-paut dalam hal perkhidmatan², pentadbiran² dan sa-bagai-nya supaya Jawatan-kuasa ini boleh memberi

fikiran, pertimbangan dan di-jalankan, di-laksanakan dengan tidak ragu² lagi.

Jadi, rasa saya, Tuan Yang di-Pertua, perkara ini saya tidak hendak menitek-beratkan detail bagaimana hendak menjalankan, kita pulangkan kapada Jawatan-kuasa ini meminta daripada orang ramai mengapa sebab²-nya boleh mendatangkan rasuah dalam satu² perkara. Sampaikan saya kata tadi lambat itu satu perkara. Mengapa boleh jadi lambat, kerana saya sendiri ada pengalaman, Tuan Yang di-Pertua, dalam perkara ini, saya juga mentadbirkan perusahaan², tetapi oleh sebab perkara ini saya tidak masukkan dalam—boleh memberi rasuah, segala pekerjaan saya itu semua-nya lambat, bahkan pada masa ini, Tuan Yang di-Pertua, pekerjaan saya yang patut di-hapuskan—sudah siap pada masa sa-tahun dahulu sampai pada masa ini ta' dapat di-hapuskan. Surat di-hantar berkali². Sa-paroh-nya ta' berjawab. Kalau Yang Berhormat Menteri hendak keterangan, saya boleh beri, sebab saya berchakap ini, sebab saya ada interest di-dalam ini, saya ada bahagian di-dalam perkara ini, tetapi inilah chara-nya, satu saya tunjukkan jikalau kita tanya ada kalau Jawatan-kuasa ini kita minta orang ramai memberikan fikiran²-nya, saya perchaya beribu² orang hendak memberi laporan, atau memberi fikiran² mengapa sebab-nya.

Jadi, rasa saya, pendek-nya dalam hal undang² ini, saya sunggoh bersimpati, sunggoh berterima kaseh kapada Menteri, tetapi saya berdukachita perlaksanaan-nya besok yang menjadi undang² ini di-kanunkan sahaja—ta' berjalan. Jadi, rasa saya chara menjalankan itu, seperti saya kata tadi, saya memberikan pandangan, kita mengambil satu chara langkah, jikalau sesuai dengan fikiran Kerajaan mengadakan Standing Committee daripada Parlimen ini, kerana saya tahu kita di-Parlimen ini yang di-pileh oleh ra'ayat yang masa kita chuma 5 tahun. Ini akan boleh mengurangkan, tetapi untuk menghapuskan rasa saya mengambil masa yang panjang.

Jadi, rasa saya, Tuan Yang di-Pertua, pandangan² daripada saya ini

dapat di-fikirkan mudah²an saya berdo'a yang undang² ini di-sini dapat di-betulkan, di-laksanakan bagaimana tujuan² kita di-sini.

Tuan C. V. Devan Nair: Mr Speaker, Sir, I shall take only a very short time. I was distressed, Sir, that this Bill had not gone far enough especially in view of the fact that, in His Majesty's Gracious Address earlier on, the Government had expressed very great determination to come to grips with this problem, and I had expected more than half-measures in any Bill to amend the Prevention of Corruption Act of 1961. It seems to me, Sir, that while all this is desirable—what this Bill contains is desirable—the Government is still only tinkering around the problem instead of coming to grips with the problem. In order to come to grips with the problem, Sir, I think certain measures are very clearly indicated.

First of all, the agency, the instrument, that you use to eradicate corruption must be an effective instrument and the point has been repeatedly made that the Anti-Corruption Bureau must not be tied to the apron strings of any particular Ministry. In this case, it is tied to the Police Department. In most countries, the anti-corruption bureaux are autonomous bodies, not tied to the Police, because very often it is the Police who are being investigated for corruption, and I would seriously submit to the Government that it consider really strengthening the Anti-Corruption Bureau, give it an institutional independence of action, which will make it ultimately responsible only to the Cabinet. Second, Sir, the example, the point, has been extremely well made by the Honourable Member for Batu. The power of example will be supreme, if we are to go anywhere in order to eradicate corruption in public life: and, here, the example has got to be set by those at the very top, by the political leadership of the country, by the Cabinet. When something imaginative like that is done, i.e., every Member of the Government, of the Cabinet, every Member of Parliament and every Member of the State Assembly, every

Head of Department, and every senior official, declares his assets, and these assets are declared year by year, then the top will set the example and the precept. That, Sir, will be the only way it would seem to me that ultimately you can influence the chap at the bottom, the peon, who swipes the 10-cents stamp. There are many levels of corruption, the Minister of Justice will agree. At the top the big sharks, and there are other small fish, and this power of example must be exploited and utilised to the maximum by the Government, if it really wants to come to grips with the problem.

Sir, this is the only brief point that I wanted to make, because I must confess that I was very much appreciative of the points made by the Honourable Member for Batu, although he belongs to the wrong party as far as I am concerned (*Laughter*); but nevertheless, Sir, the man did speak with a great deal of conviction and I fully endorse the point that he has made—to reiterate the power of example, and the example must start from the top—the image at the top must be completely altered and changed; whether it can be changed only God knows. Probably it is a difficult matter, but I think with all the goodwill for this Government and for the country, I say it must be attempted, at least, and please do make your Anti-Corruption Agency Bureau an autonomous body, not tied to any one string at all, ultimately responsible only to the Cabinet and, through the Cabinet, to the Parliament. Thank you, Sir.

Mr (Deputy) Speaker: Persidangan ini di-tangguhkan.

Sitting suspended at 5.30 p.m.

Sitting resumed at 5.45 p.m.

(Mr Speaker in the Chair)

Tuan Geh Chong Keat (Penang Utara): Mr Speaker, Sir, I must really compliment our Government for coming up with this Bill to reinforce the Prevention of Corruption Act, 1961. In doing this, perhaps, I must also compliment the Alliance backbenchers for motivating this Bill,

because the Alliance back-benchers too have shown signs of concern over this problem of corruption and of how to curb it from taking root further.

Mr Speaker, Sir, corruption is just like cancer, as explained by the Honourable Member for Batu, and, if allowed to carry on unchecked, will eventually kill the contracting parties, and in this case will destroy our nation. Our nation is now in the process of industrialisation, and many investors and industrialists have come over to our country to see for themselves the possibilities to invest on hearing the good news from the other previous investors that Malaysia is a fast progressing nation and is a sound country to invest in.

However, Sir, many that have come and gone have also expressed fear that the economy of our nation may be destroyed by corruption. From what we have heard, it is becoming a sort of common practice to grease the palms of officials concerned with the relevant sections for services rendered, or to prevent undue delay in procedural action in respect of applications. Sir, it is up to us in this august House to make our Government a government of law and not of men only. Therefore, we must have the determination and the guts to eradicate this monstrous incidence of corruption.

Sir, corruption is rampant from what we hear from the common men at the lowest level. We hear it repeated at many places, even in coffee shops and offices, and it looks as if it is going to be part of our life, unless Government is determined to intercept. It is also the philosophy that none is free from this cancerous disease. It is also too good to be true that we have virtuous Members of Parliament, Councillors, Ministers and responsible officers. As had been said, it is a question of price—whether the price is big enough for one to sell one's integrity. Therefore, by the introduction of this Bill, I am sure our Government is going to gain the confidence of the people. Sir, we have quite often heard people condemning corruption and yet there are many who indulge

in it—perhaps, as I said, it is for the easy passage of one's schemes and of one's business, but one can be sure that those who paid had paid with contempt.

Sir, we have quite often heard a lot of allegations against the Police Force. I too have heard them, but I am very proud of a case which occurred recently and which, if we could take it, is too good to be true; it is quite encouraging to have such an honest officer of the Road Transport Department as Police Sergeant Mohamed Yusof bin Abbas and also there is the case in Penang where the Police officers, the Police Constables, our law enforcement officers take pride in their responsibilities. Sir, this has brought to light that we have good officers among our Police Force and among the various components of our Government Departments. However, we are still quite concerned to note that this fact has come out, namely, that lorry drivers have to pay for protection, and it is because they assume that it has been a habit that they even throw the money to traffic cops. It is disgusting to hear that even the policemen, wearing the Crown, had to bow on the roadside just to pick up a cigarette box containing 50 cents or a dollar. It is a most disgusting thing. Perhaps, the policemen may not have second thoughts that in picking up and in bowing down, the Crown which he wears also bows down to the cancerous disease of corruption.

Sir, in going round Kuala Lumpur, we also heard that taxi drivers had to pay between \$30 to \$50 per month per taxi and that the Traffic Section has their headquarters at a High Street coffee shop a few yards away from the High Street Traffic Police Station. Sir, I only hope that this is not true. I had many encounters with our Honourable Minister of Justice, in that whenever cases of corruption were brought up in this House he had emphasised that he was determined to exterminate all these malpractices. Further, it is really very disgusting to hear of Customs officers at the Airport making use of porters to collect even 50 cents for the easy passage of bags and other luggage.

Therefore, Sir, as long as the Government is aware and concerned over these malpractices and is making efforts to strengthen the law, the future is quite bright for Malaysia.

Sir, we must really compliment the civil servants or the Civil Service as a whole. It may be that at times, through no fault of the senior officers and the majority of the civil servants, that transactions of corruption were negotiated in their names. We have heard that even in the Ministry of Commerce and Industry, the peons were involved in a lighter scale of consideration in regard to renewing rice permits—and, here, we must compliment the Honourable Minister of Commerce and Industry for being sharp enough to detect it before it has spread further. However, Sir, as I said, if Government is determined to exterminate corruption, we must study the allegations at all levels—the Councilors, the civil servants, the Ministers and the Civil Service as a whole—for if we allow these allegations to drag on, whether we like it or not, we will be stained just because of the greediness of a few operators, big-time operators, perhaps big political operators and sharks.

Sir, it is quite interesting to recollect that when you attend parties, how this thing reflects on to you: the movements of those who have axe to grind, how they organise parties, how they drag our Ministers, how our Councillors unconsciously yield. It is quite interesting to find out what are the motives. Therefore, I say it is sometimes pitiful that the names of our Councillors, the names of our Ministers and Members of Parliament are being dragged into such talks and allegations.

Sir, we must remember that Government too has its rules and regulations. I understand that there is an outstanding Treasury regulation that lays down that Members of Parliament, senior officers and Government servants must hand over whatever gifts that have been offered by the public, and that if they have the interest of getting the gifts back, they have to redeem them. Speaking on this issue, I remember an

incident, where a senior World Bank official was invited to a function; at that function a present was handed to him and he said, "Much as I would like to have this present as a memento of my visit to your prosperous and beautiful and very wonderful country, it is with great regret that I cannot accept it, no matter how you put it. Although the way it has been put is that it is from your wives to my wife, no matter whichever way you do it, it is still that I am indirectly concerned, and as such you are making it difficult for me. I have got to go back to the United States, hand it over to the Treasury and my only hope is that it is not priced or that the price is just of a value which I will be able to redeem or purchase it from the Treasury. Therefore, if the prize is of great value, then I have got to save to buy it".

Therefore, Sir, we can see how strict are the instructions or orders issued and carried out in the country, in that even though the officer is a few thousand miles away from the country, he still remembers the General Orders and the law forbids him to receive any gift in any form.

Mr Speaker: May I know how long more you will take?

Tuan Geh Chong Keat: Five minutes, Sir.

Mr Speaker: Even five minutes is too precious now, as time is getting on.

Tuan Geh Chong Keat: Just three minutes, Sir. I am coming to the interesting part, Sir.

Mr Speaker: Come straight to it, will you?

Tuan Geh Chong Keat: Sir, the Government must be efficient and show signs of determination; and if heads must roll, Sir, let it be from the highest to the lowest with no impartiality, or exemption of status. This will only protect the integrity of this House and the country and the faith of the voters they have in their councillors. It is, Sir, sometimes quite disgusting to hear how successful applicants, or tenderers,

were exploited by some officers. If a successful applicant receives a letter of good news that he has been successful in his application for a certain licence or a certain registration, the next day he may get a phone call saying for that he may have got to pay. Sometimes, the demand is for \$20,000 or \$50,000. If Councillors are going to be of any help and are determined to uphold this Corruption Act, they too must lend support and get themselves clear from being involved, because quite inevitably sometimes, whether knowingly or unknowingly, the names of Members of Parliament, State Councillors, Executive Council Members, are being dragged in. Then sometimes we hear that if one is successful in a contract or tender he might even have to pay 3% on a big project costing about a million dollars. Sir, you can be assured that our citizens, our contractors, our businessmen, as they have their axe to grind, even if they have to pay, they pay it very unwillingly and with contempt. Therefore, I propose, in order to strengthen this Act, we must have a watchdog committee under the chairmanship of the Attorney-General. This watchdog committee should advise our Mentri² Besar and our Chief Ministers because, as we say, "to err is human". The Minister may have no intention, but businessmen study all the angles, they are even much sharper than the computers. They drag in the Ministers, they occupy the Ministers' time, and the Ministers may sometimes find that he has many, many long lost relatives. Therefore, my suggestion is, let the Attorney-General have efficient men and to form his watchdog committee with men of integrity. Thank you, Sir.

Dr Awang bin Hassan (Muar Selatan): Mr Speaker, Sir, as an Alliance backbencher, I am as much concerned with the extent of corruption that is prevailing as the members in the Opposition. I shall not repeat the points that have been raised already by the Members of the House, but I would just touch on one point. The Alliance Government, Sir, is a strong and stable Government backed by an overwhelming majority and is in a

position to deal drastically with cases of corruption and not just take half-measures. It is only a weak and unstable Government that usually seeks compromise with bribery and corruption in order to stay in power. I am sure the Alliance Government will emerge with greater strength and vigour after perging the services of corrupt officials, and one way, Sir, to eradicate corruption is that the honest officials must be sufficiently rewarded and the dishonest and corrupt ones must be properly punished and not be put in positions of trust and responsibility. That is all.

Tuan Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, saya mengucapkan berbanyak² terima kasih atas sokongan² yang telah di-beri oleh beberapa orang Ahli kapada Rang Undang² ini.

Ahli Yang Berhormat daripada Kelantan Hilir telah menyentuh masalah perkara rumah murah di-Sungai Way, konon-nya, untok orang Melayu. Saya telah chuba dalam tempoh satu jam yang lalu tadi untok mendapat penjelasan sama ada ranchangan ini di-jalankan oleh Kementerian Kerajaan Tempatan dan Perumahan atau pun di-jalankan oleh Kerajaan Negeri. Saya belum lagi dapat penjelasan. Harus juga ini satu daripada scheme yang di-jalankan oleh Kerajaan Negeri dan jika yang demikian masaalah ini ada-lah tanggung-jawab yang besar oleh Kerajaan Negeri.

Kita memang selalu dengar sama ada di-sini atau negara yang lain kadang² perkara ini berlaku, rumah itu bila mula² di-dudoki nampak chantek, baik, tetapi sa-telah beberapa bulan di-dapati bochor di-sini, dan bochor di-sana. Ini kadang² menimbulkan shak wasangka bahawa harus ada korupsi telah berlaku di-antara pehak contractor dan pegawai² yang berkenaan, tetapi dalam masaalah yang di-bangkitkan oleh Ahli Yang Berhormat ini dukachita-nya oleh kerana masa-nya sangat pendek, saya tidak dapat memberi penjelasan yang terang kapada Ahli Yang Berhormat itu. Bagaimana pun perkara itu tidak-lah tinggal di-sini sahaja. Saya telah memberi perintah

untuk menjalankan penyiasatan yang lebih lanjut lagi.

Kita memang banyak mendengar bahawa daripada sa-masa ka-samasa, tuduhan korupsi di-lemparkan dengan sa-chara umum kepada pegawai² Kerajaan dan pehak² yang lain. Sa-kali lagi saya suka-lah mengatakan di-sini, ia itu sungguh pun pehak Kerajaan menyangka bahawa korupsi ada berjalan di-dalam negara kita ini, saya rasa tiap² satu tuduhan itu elok-lah disokong dengan kenyataan² dan pehak² yang memberi tuduhan itu hendak-lah bekerjasama dengan sa-penoh-nya dengan pehak Kerajaan untuk mendapatkan orang² bersalah yang berkenaan itu.

Beberapa orang Ahli Yang Berhormat telah menegaskan ia-itu walau pun bagaimana ketat-nya undang², bagaimana baik-nya satu undang² itu di-gubalkan oleh peguam², namun jikalau undang² itu tidak di-laksanakan dengan sempurna, maka undang² itu akan tinggal sa-bagai undang² atas kertas sahaja. Ini saya bersetuju. Kita sakalian mengetahui begitu juga di-dalam ugama kita hukuman Tuhan dalam Qur'an, dalam apa semua Qur'an, di-katakan ajaran² yang melarangkan manusia supaya jangan berbuat jahat, tetapi manusia tidak ikut, maka ajaran itu tinggal sa-bagai tulisan atas kertas sahaja. Tetapi banyak daripada faham² yang telah di-kemukakan merupakan bahawa sa-mata² menjadi tanggung-jawab Kerajaan sahaja untuk melaksanakan undang² itu. Ini tidak begitu.

Jika kita mahu negara kita dengan sa-berapa boleh-nya bersej daripada penyakit korupsi ini, maka bukan sahaja Kerajaan, bukan sahaja polis, bukan sahaja pegawai² di-dalam Anti-Corruption Bureau, tetapi juga ra'ayat jelata mesti memikul beban dan memikul tanggung-jawab bekerjasama membawa orang² yang bersalah kepada polis dan kepada mahkamah dan memberi keterangan dengan tidak takut siapa-kah yang membuat kesalahan itu. Hanya dengan chara yang demikian sahaja pehak polis, pehak ahli² Anti-Corruption Agency, dapat melaksanakan dengan sa-penoh-nya Rang

Undang² ini. Chuma dengan chara begitu sahaja ikan² yang besar, buaya² yang besar, naga² yang besar, yang telah melakukan kesalahan korupsi ini dapat di-bawa ka-mahkamah dan dapat di-hukum oleh mahkamah jika di-dapati salah.

Saya suka menegaskan sa-kali lagi bahawa tanggung-jawab untuk menentang dan menghapuskan korupsi dalam negeri bukan tanggung-jawab Kerajaan sahaja, tetapi tanggung-jawab ra'ayat jelata. Jikalau korupsi berluas² di-dalam negeri, ini akan berarti bukan pehak Kerajaan yang harus telah chuai, tetapi ra'ayat jelata pun harus bersalah juga dan mesti menerima hukuman daripada pehak yang berkuasa lebih daripada kita lagi di-kemudian hari kelak.

Saya tidak akan membuang masa, Tuan Yang di-Pertua, untuk menyentuh soal² dan chadangan² yang baik yang ada di-masokkan di-dalam undang² sekarang ini dan juga chara² di-masa yang akan datang. Saya suka untuk menjimatkan masa dan menyentuh masaalah² besar yang telah di-bangkitkan oleh Ahli² Yang Berhormat.

Ahli Yang Berhormat daripada Larut Utara telah menhadang supaya diadakan sa-buah mahkamah yang di-chadangkan beliau di-gelar dengan nama Arbitration Court yang berkuasa memaksa pehak yang di-tudoh itu memberi keterangan sendiri-nya mengenai harta² yang di-simpan, atau yang di-dapati oleh-nya, kepada mahkamah itu. Dengan chara demikian Ahli Yang Berhormat itu berharap kita dapat mengatasi kelemahan² yang sekarang kita hadapi menerusi undang² kita.

Tuan Yang di-Pertua, chadangan ini bertentangan sungguh dengan prinsip asasi di-dalam pentadbiran undang² di-dalam negara kita. Ini bukan sahaja undang² yang kita pusakai daripada British bahkan undang² Islam pun berkata begitu, ia-itu jikalau sa-saorang itu telah di-tudoh membuat satu kesalahan, maka hendak-lah kenyataan² yang jelas di-kemukakan kepada pehak pengadil, dan jika pehak pengadil perchaya kepada kenyataan² yang telah di-keluarkan oleh saksi², maka baru-lah sa-saorang itu boleh di-dapati salah.

Untuk memaksakan sa-saorang itu memberi keterangan menentang dia sendiri, untuk menggantung leher dia sendiri, untuk memasukkan dia sendiri dalam penjara, kerana Kerajaan telah menyangka dia telah membuat satu kesalahan, bertentangan sungguh dengan perinsip ke'adilan yang telah di-amalkan di-dalam negara kita beratus² tahun.

Tentang petition writer dan tentang perkara² yang lain ini tiap² ketua pejabat sendiri boleh mengambil tindakan jika di-dapati bahawa petition writer itu akan mengganggu kerja² di-dalam pejabat, maka boleh-lah hukuman di-beri supaya mereka jangan berbuat demikian, tetapi terkadang² ada juga kebaikan, ada petition writer untuk membantu mengisi form, beberapa form, yang kebanyakan-nya orang biasa itu tidak mengetahui. Mereka ini ada pengalaman sedikit dan mendapat faedah daripada tenaga yang telah mereka beri kepada orang ramai. Jikalau mereka ini ya'ani petition writer ini, chuba hendak memberi rasuah kepada mana² satu pegawai, itu adalah bertentangan dengan undang² kita pada masa sekarang.

Rasuah bukan yang ada, sama ada di-negara kita, atau pun di-negara² yang lain, bukan mesti-nya kerana pentadbiran kita longgar, kerana undang² buroh kita longgar, kerana disiplin di-dalam pejabat itu kurang ketat. Ini boleh menjadi satu daripada factor yang menyenangkan korupsi, tetapi bukan sa-mata²-nya walau pun pentadbiran tidak longgar, undang² buroh tidak longgar, disiplin dalam pejabat itu kuat tetapi kita ada-lah juga dapati bahawa korupsi itu berlaku.

The Honourable Member for Sitiawan has suggested the addition of two Clauses to the Bill: firstly, that inefficiency should be a ground for suspicion of corruption; secondly, that all assets of persons convicted should be forfeited, even the assets of close relations of such persons.

Mr Speaker, Sir, even if the first suggestion is accepted and is embodied in the Bill, in my opinion it will not help a bit to detect corruption. Ineffi-

ciency, without even a provision in the Bill, can raise suspicion and if a suspicion is raised, then the authority concerned will begin to look into the problem, provided the officer concerned has got the initiative and is public-spirited, and so forth. Therefore, I do not see how the first suggestion could in any way strengthen the present provisions of the law, including the provision which I hope this Dewan will approve.

Secondly, I am surprised that the Honourable Member for Sitiawan, learned in the law, trained in the English Bar, should have come forward to suggest that all the assets of persons convicted under the relevant legislation and also all the assets of close relations of such convicted persons should be forfeited. Surely, that is contrary to the basic human principle, to the freedom, liberty of a person to own his own property without interference, unless it is authorised by law. The Constitution specifically provides that you cannot take people's property without adequate compensation, that you cannot confiscate property unless the property is involved in the commission of a crime. His suggestion goes far, far, beyond what can be accepted by ordinary human commonsense. If his suggestions go to the extent of suggesting that all the properties which were the subject of the commission of the crime under the Principal Act and under the new Bill, then this suggestion is redundant, because that exists in existing provisions under, I think, section 13 and to a certain extent section 30 of the Principal Act. He has also said that the time has come for us to stamp out corruption as if suggesting that, before, the time had not yet come. There is always time there; whenever corruption crops up, it must be stamped out immediately forthwith, if we are not going to allow it to develop into a cancer beyond remedy.

Furthermore, Mr Speaker, Sir, on the question of contractors taking a long time to get payment from the P.W.D., and so forth, this need not be dealt with under the Bill. It can be tackled administratively.

The Honourable Member for Batu has compared Singapore and Malaysia, and he has said that in Singapore one can get things done very very expeditiously, whereas in Malaysia, it will take a very, very long time. There is a lot of difference between Singapore and Malaysia in area alone. What is Singapore compared to Malaysia? Malaysia is a federal system of Government. What can be done by a unitary state of Government in a matter of two hours, may take the federal form of Government a few days, or even a few weeks. The vastness of the area must be taken into consideration. One cannot say just because in one State it can be done in one minute, therefore in Russia it should also be done in one minute. That is not logical. I agree that there is room for improvement. I am not saying that our administrative machinery is perfect. The Government has been trying its very best to smoothen or streamline the administration in this country. We have set up the Development Administration Unit; we engage experts to study the administration in this country; and we hope that with real, sincere, true determination from all those concerned, from time to time we will perfect, perhaps not 100%, our system of Government in this country.

In regard to his suggestion and the suggestion by the Honourable Member for Bungsar that all Ministers should declare their assets, and so should Government servants, the Honourable Member for Temerloh, if I remember correctly, has already read out a portion of the General Orders which sets out in no uncertain terms that certain categories of public servants are required to declare their assets. The Honourable Prime Minister has a few times, I think, in this House, stated clearly that all Ministers on appointment are required to declare their assets to him. I have declared my assets to the Prime Minister and I am not ashamed to declare it once again to the Honourable Member: my assets consist of eight children, no house, no land, one small Mazda motor-car, bank balance red and I am trying to get a loan to tide over during the next

couple of weeks; and I think he is very much richer—very much well to do—than I am. At least he does not have, perhaps a red bank balance in his account. Even if Ministers declare their assets every year, and civil servants do likewise, if they are bad, they can get round it. The crux of the problem is, are those persons themselves bad? If they are bad, they can declare falsely, and I do not really see by declaring their assets, we will stamp out corruption in the country. It may help a little bit. He, himself, already admits that people right at the very top are not corrupt. They have been innocently, without their knowledge, used by other people. I thank the Honourable Member for having such confidence in us and, as he has got that confidence in the Alliance Ministers, he should also have confidence that we are doing everything possible to curb, to reduce to the minimum, corrupt practices in this country. I am very thankful to him for having disclosed to me today the names of the persons he referred to in his speech. I promised him and I am keeping that promise, I will not disclose those names in the Dewan, because to do so might prejudice investigations, which are now being carried out by the Police under the direction, close supervision, of the Attorney-General himself.

The suggestion that the Anti-Corruption Bureau should be reorganised, that it should be turned into an independent body, is agreed in principle by the Government. The Government, in fact, has been considering this thing for a long time; as the Honourable Member knows more than I do, we have engaged someone from Pakistan to advise us on this point, and several months ago, I think it was in 1966, the then Honourable Minister of Home Affairs, Tun Dr Ismail, spoke on the Television and on the Radio on the Cabinet Sub-committee which was set up to review and to make recommendations on the reorganisation of the Anti-Corruption Agency.

Now, Sir, I am glad to tell the Honourable Member that as a result of the recommendations of the Working

Committee appointed by the Cabinet Sub-Committee and also the recommendation of the Cabinet Sub-Committee under the Chairmanship of the Honourable Tun Dr Ismail the first step taken by Government is to introduce this Bill, and the other step, as I have mentioned when I introduced this Bill, is to reorganise the Agency and the process is now underway. The increase in staff will be something about 200% over the present strength. We have also agreed that there will be a review of the workings of this Agency within two years from the moment of its operation, and it is the view of the Government that eventually this Agency will be detached from the Police. We believe that because of staffing difficulties, and so forth, it will not be practicable at this stage to detach it completely from the Police, because we need Police officers, and so forth, but the Attorney-General, being the person under the Constitution invested with powers to investigate, institute proceedings, and so forth, in criminal court, is the person who will have the close supervision over this Agency. We hope that one of the members of the Attorney-General Chambers, perhaps, a senior counsel will be seconded to this Agency, in order to ensure that the workings of this Agency are smooth and according to the law. And, therefore, we have not really been keeping quite on this point. We have been very much alive to what is going on in the country to the suggestions by all the Honourable Members—the Alliance Members, the members of the Opposition; and, in this respect, I can say that we are ahead of the Honourable Members on the Opposite Bench.

The Honourable Member for Batu also mentioned the question of funds of New Villages—as he himself admitted in his speech the subject comes properly under the criminal breach of trust rather than corruption—I tried during the few minutes that I had after his speech to find out the true state of the affairs. Unfortunately, I am unable to give him a definite reply. He saw me outside in the lobby and tomorrow I will get in touch with

the Prime Minister's Department again on this very question. I do remember that the Honourable Prime Minister did say something about furnishing the report to the Honourable Member. I think he did also say that, perhaps, it was a State matter, and I was advised just now that this question of account of the Jinjang New Village is really a State matter, it is not a Federal matter. Be that as it may, because the allegation is an allegation of criminal breach of trust, the commission of a crime, I will have a word with the Attorney-General tomorrow, and see what he has got to say on this.

I think that is all I need say, Mr Speaker, Sir, in my reply to all the observations by the Honourable Members, and once again I would like to thank all the Honourable Members for having taken such a lively interest in the discussion on this Bill and also for having offered constructive criticisms, and I would like to impress upon them not simply to ask the Government to ensure that the Bill, or rather the Act, will be implemented to the fullest extent, but rather they themselves should, when they visit their constituencies, advise the voters, advise the ra'ayat, to come out and help the Government in our endeavour to curb corruption in our country (*Applause*).

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3—

Tuan Haji Abdul-Rahman bin Ya'kub: Mr Chairman, Sir, I beg to move that an amendment as indicated in the Amendment slip that has been circulated to all Honourable Members

and which reads as follows be agreed to:

Immediately after the words "State Legislative Assembly" insert the words "a member of a public body."

Amendment put, and agreed to.

Clause 3 as amended, ordered to stand part of the Bill.

Clauses 4 and 5 ordered to stand part of the Bill.

Bill reported with amendment: read the third time and passed.

THE SUPPLEMENTARY SUPPLY (1965 AND 1966) BILL

Second Reading

Tuan Ali bin Haji Ahmad: Mr Speaker, Sir, I beg to move that a Bill intitled "an Act to apply sums out of the Consolidated Fund for additional expenditure for the service of the years 1965 and 1966 and to appropriate such sums for certain purposes" be now read a second time.

As has been done on a few occasions in the past, this Bill seeks authority for expenditure in regard to two separate sets of Supplementary Estimates, one for the year 1965 and the other for 1966. This method, as has been stated before, simplifies the procedure for considering two sets of Supplementary Estimates at the same meeting of the House.

Clause 2 of the Bill provided authority for additional expenditure of \$322,293 for the service of the year 1965, and this is itemised in the First Schedule to the Bill and also in the Supply Expenditure section of the Fourth Supplementary Estimates, 1965, which are tabled as Command Paper No. 20 of 1967. Of this amount, \$32,000 is for Head S. 5—Public Services Commission, to meet payment of arrears of salaries and allowances of the Commission's staff as a result of the upward revision of salary scales and rates of housing allowance of officers, clerks and typists. Head S. 19—Education Grants and Subventions, requires a sum of \$280,000 to cover the payment of statutory grants in respect of secondary schools for the

year 1965, and Head S. 22—Pilgrimage—requires a sum of \$10,293 for the cost of transport and travelling allowances incurred on 10 additional officers sent to Mecca with the Malaysian Medical Mission during the pilgrimage season of 1965.

The total appropriation in 1965, including the three previous supplements and the present supplement, amounts to \$1,736.1 million, but the actual expenditure was \$1,628.8 million.

Clause 3 of the Bill seeks authority for additional expenditure of \$712,620 in respect of the year 1966 as itemised in the Second Schedule to the Bill and also in the Supply Expenditure section of the Third Supplementary Estimates, 1966, which are laid before the House as Command Paper No. 22 of 1967. Of the sum required as additional expenditure, an amount of \$583,485 has been advanced from the Contingencies Fund and this amount has now to be recouped. As Honourable Members will observe, of the total sum of \$6,840,060 included in the Third Supplementary Estimates, 1966, a sum of \$6,127,440 is to meet the cost of financing "charged" expenditure services which are not required to be authorised in the Supply Bill. The two big items of "charged" expenditure are a payment to the State of Sabah in respect of a grant, equivalent to 40% of the growth of Federal revenue derived in the State for the years 1965 and 1966 as provided in Article 112c (1) (a) of the Constitution, and in respect of 30% of customs revenue collected in 1966 by the Federal Government as provided in Article 112c (1) (b) of the Constitution.

As regards the additional expenditure for which authority is sought in the Bill, by far the largest items are in respect of:

Prime Minister ...	\$100,560
Inland Revenue ...	137,550
Printing ...	115,075
Judicial ...	144,673

The reasons for requesting these additional monies have been given in some detail in the Treasury Memoranda

on the two sets of Estimates which are tabled as Command Paper Nos. 21 and 23 of 1967 respectively, and it is unnecessary for me to elaborate on them. The Ministers concerned will probably deal on the various items in greater detail during the Committee stage.

Sir, I beg to move.

Tuan Cheng Wing Sum: Sir, I beg to second the motion.

Tuan Haji Ahmad bin Abdullah (Kelantan Hilir): Tuan Yang di-Pertua, saya mengambil bahagian sedikit untuk membahaskan Rang Undang² Perbelanjaan Tambahan yang ada dihadapan kita ini.

Tuan Yang di-Pertua, Rang Undang² untuk menambahkan perbelanjaan pertama-nya ia-lah menambahkan perbelanjaan bagi tahun 1965 yang dua tahun dahulu sudah dibelanjakan maka baharu sekarang Parlimen ini di-minta untuk meluluskan, dan yang kedua ia-lah Rang Undang² Perbelanjaan Tambahan bagi tahun 1966 sa-banyak \$712,620.

Tuan Yang di-Pertua, kita sekarang ini berada di-dalam bulan yang keenam, tetapi nampak-nya Undang² untuk menambahkan perbelanjaan sudah masuk kali yang ketiga pada Undang² ini. Kita tidak tahu berapa-kah Rang Undang² untuk menambahkan lagi perbelanjaan akan di-kemukakan di-dalam Rumah yang mulia ini di-dalam berapa bulan yang akan datang, tetapi ini menunjukkan kepada kita bahawa sa-nya ada-lah pehak Kerajaan, lebeh² lagi pehak Kementerian Kewangan, tidak membuat suatu atoran yang dapat mengangap dengan jelas-nya berapa-kah banyak-nya perbelanjaan yang perlu di-belanjakan pada tahun yang tersebut ketika mengemukakan Budget di-dalam Rumah ini. Ini ada satu perkara yang pelek, Tuan Yang di-Pertua, ia-itu mengikut Command Paper 23 di-muka yang ke-9 di-bawah Kementerian Tanah dan Galian, peruntukan mula² di-kemukakan di-dalam Rumah ini ia-lah \$4,260 tetapi akhir²-nya pada Rang Undang² untuk menambahkan perbelanjaan pada kali

yang pertama \$10,000 telah di-minta kemudian \$7,000 dan sa-terus-nya. Pendek-nya, tambahan yang telah di-minta oleh Kementerian yang tersebut di-atas perbelanjaan di-bawah Head S. 52 ini lebeh banyak daripada peruntukan asal yang telah di-kemukakan di-dalam Rumah ini. Ini menunjukkan bahawa sa-nya ada-lah perkara meminta ketika Kementerian tersebut membuat dan meminta perbelanjaan bagi Kementerian-nya di-bawah Head ini, nampak-nya tidak ada mempunyai satu dasar yang dengan dasar itu dapat di-kemukakan, atau pun dapat di-minta wang dengan sa-kadar yang dia berhajat.

Pula di-sini, Tuan Yang di-Pertua, suka-lah saya hendak sebutkan sa-bagaimana yang tersebut di-dalam muka ke-4 ia-itu Prime Minister adalah wang yang di-minta untuk di-tambahkan ia-lah sa-banyak \$100,560. Ini telah menimbulkan satu soalan dari saya baharu² ini ia-itu kita tengok bahawa kita dengar Yang Teramat Mulia Perdana Menteri telah memberi satu out right grant di-Kangar di-sana \$10,000 banyak-nya untuk membuat satu golf course dan dahulu daripada itu ada juga grant daripada pehak Kerajaan sa-banyak \$35,000 untuk padang golf yang tersebut juga. Ini menunjukkan bahawa pehak Kerajaan tidak mengambil berat ketika memberi satu² grant lebeh² lagi pada masa yang kita sekarang ini menghadapi kesusahan dan kesulitan kewangan, maka grant² yang sa-bagitu banyak-nya jangan-lah hendak-nya diberi kepada project yang tidak productive, yang tidak akan membawa . . .

Tuan Ali bin Haji Ahmad: Untuk penjelasan, Tuan Yang di-Pertua, S. 7—Prime Minister ini tidak ada kena-mena dengan pemberian padang golf di-Kangar atau pun di-mana. Di-sini terang² di-sebutkan untuk Government Hospitalities Fund dan di-sini terang juga kerana lawatan pemimpin², atau tokoh² dari luar atau sa-bagai-nya, jadi tidak ada di-sebutkan mengenai perkara pemberian golf dan Ahli Yang Berhormat itu terkeluar daripada perkara yang di-dalam ini.

Mr Speaker: Saya tahu itu, tetapi dia hendak memberi ibarat, mithal-nya,

jadi di-sebutkan di-sana sini, biarkanlah.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, saya tahu yang bahawa sa-nya soal yang saya keluar-kan itu tidak bersangkut paut dengan ini, tetapi

Mr Speaker: Tetapi saya minta jangan-lah panjang² sangat ibarat itu (*Ketawa*).

Tuan Haji Ahmad bin Abdullah: Tetapi ini bersangkut-paut pula lagi mana yang saya katakan tadi, perbelanjaan tidak kena pada tempat-nya. Kerajaan kita sekarang sedang menghadapi, atau mengalami kesulitan kewangan, maka hadiah² dan jamuan² yang di-berikan kepada tetamu² yang datang ka-negeri kita, hendak-lah di-kecilkan sa-boleh²-nya. Jangan-lah kita menjadi begitu boros sa-hingga sampai begitu banyak wang yang kita keluarkan untuk menjamu dan memberi hadiah² kepada tetamu yang datang daripada luar.

Wan Abdul Kadir bin Ismail: Tuan Yang di-Pertua, saya suka hendak mengambil bahagian sedikit dalam perbahathan Anggaran Tambahan Perbelanjaan Biasa ini dan saya hendak menyentuh satu perkara, ia-itu tentang Talivishen yang tersebut di-dalam Head S. 43 dan saya merasa bahawa semenjak yang akhir² ini banyak perubahan² yang baik telah berlaku kapada programme talivishen yang patut di-beri dan di-sebut di-beri kepujian.

Tetapi berbanding dengan radio, Tuan Yang di-Pertua, ada satu perkara yang berlaku baharu² ini yang saya suka hendak menarek perhatian Dewan ini atas perlu-nya di-segerakan usaha mengadakan master bulletin dalam bahasa Melayu yang telah saya serukan beberapa kali dalam Dewan ini. Per-kara ini berlaku pada masa sidang ini juga dalam mana saya yang membawa usul untuk menguchapkan terima kaseh kapada Titah di-Raja telah membawa beberapa chadangan dalam ucapan saya itu. Pada hari itu saya membuka radio pada pukul 1.30 dan tiba-lah berita tentang usul itu dan butir² ten-

tang ucapan saya itu, tetapi barangkali nasib saya terlalu baik pada hari itu, warta berita yang di-siarkan dalam bahasa Melayu itu telah melantek saya menjadi Yang di-Pertuan Agong sa-kejap, kerana ucapan saya itu di-katakan ucapan Agong, barangkali sebab-nya kesalahan ini, kerana original-nya berita itu ia-lah dalam bahasa Inggeris, dan tersebut dalam bahasa Inggeris, "He said", itu dalam bahasa Melayu "Baginda bertitah", atau "saya bertitah", dapat di-bedzakan apabila dia kata, "He said", dalam bahasa Inggeris, penterjemah-nya daripada bahasa Inggeris ka-bahasa Melayu tidak dapat membezakan, sama ada ini daripada saya pembawa usul, atau daripada titah di-Raja sa-malam. Di-terjemahkan-oleh penterjemah itu bahawa ucapan saya itu ia-lah titah Yang di-Pertuan Agong. "Baginda bertitah, keadaan tidak sa-imbang, penuntut² universiti hendak di-hapus-kan dan sa-terus-nya." Segala ucapan saya itu di-katakan titah Yang di-Pertuan Agong. Maka ini satu perkara yang menchachatkan perkhidmatan Radio sendiri dan yang memerlukan bahawa kalau sekarang sudah di-jalan-kan langkah² permulaan untuk menga-dakan master bulletin dalam bahasa Melayu, patut di-segerakan lebeh che-pat lagi daripada itu supaya kesalahan bagini tidak berlaku dan tidak lagi banyak Ahli² Dewan ini di-angkat oleh warta berita Radio Malaysia menjadi Yang di-Pertuan Agong pada sa-tiap kali Dewan ini bersidang.

Jadi saya merasa ini perlu kerana perbezaan jalan bahasa antara bahasa Inggeris dan bahasa Melayu itu jauh sa-kali dan lebeh dekat kita kalau bahasa asal-nya bahasa Melayu dan warta berita asal di-tulis dalam bahasa Melayu lebeh dekat kapada maksud yang sa-benar-nya dalam menchapai dua tujuan:

- (i) tujuan kita hendak menguatkan, menegakkan bahasa kebangsaan, dan
- (ii) tujuan kita hendak memberi perkhidmatan yang lebeh baik dari segi radio dan dari segi penyiaran kapada orang ramai.

Sekian, terima kaseh.

Tuan Senu bin Abdul Rahman:

Tuan Yang di-Pertua, berkenaan dengan tegoran yang di-buat oleh Ahli Yang Berhormat daripada Kelantan Hilir tadi, ia-itu tentang perbelanjaan yang di-minta oleh Pejabat Perdana Menteri dan Ahli Yang Berhormat itu telah mengatakan atau menegor supaya Kerajaan jangan membelanjakan terlalu banyak wang terutama sa-kali dalam Jamuan² Negara, saya suka-lah mengingatkan kepada Ahli Yang Berhormat itu ia-itu sa-bagai kewajipan Kerajaan, tanggung-jawab Kerajaan, kita terpaksa-lah mengadakan Jamuan² Negara terutama sa-kali manakala ada lawatan² daripada pembesar² luar negeri, kerana memang itu-lah menjadi adat resam sa-sabuah negara yang merdeka, kerana kalau sa-kira-nya kita sendiri pun kalau Yang Amat Berhormat Perdana Menteri, atau pun wakil² daripada Malaysia ini keluar negeri, kita juga akan di-jamu, pendek-nya akan di-beri sambutan dan di-beri berbagai² oleh negara² yang tersebut. Jadi itu ada-lah sa-bagai timbal balas atau pun reciprocity

Sa-lain daripada itu, Ahli Yang Berhormat daripada Kuala Trengganu Utara menhadangkan berkenaan dengan indok berita dalam bahasa kebangsaan. Saya perchaya bukan-lah kali yang pertama Ahli Yang Berhormat itu membawa perkara ini di-sini, sa-panjang ingatan saya, sa-tiap kali persidangan ini berjalan Yang Berhormat itu telah membawa berkenaan dengan indok berita dalam bahasa kebangsaan ini dan saya menguchapkan sa-tinggi² terima kaseh dan saya suka menyatakan di-dalam Rumah yang berbahagia ini, ia-itu pehak Radio Malaysia memang menchari jalan dengan sa-berapa chepat yang boleh hendak mengadakan indok berita dalam bahasa kebangsaan ini, bukan sahaja pada pukul 11 pagi, tetapi akan di-jalankan tiap² kali warta berita yang di-siarkan oleh radio dengan sa-berapa chepat yang boleh, tetapi semua-nya ada-lah berkehendakkan masa, kerana pegawai², atau pun pemberita² itu terpaksa di-lateh daripada satu masa kasatu masa, tetapi saya suka memberi *penjelasan dalam Rumah yang berbahagia ini ia-itu indok berita dalam*

bahasa kebangsaan itu akan dapat di-jalankan, saya berharap dengan sa-berapa chepat yang boleh.

Tuan Ali bin Haji Ahmad:

Tuan Yang di-Pertua, Ahli Yang Berhormat daripada Kelantan Hilir mengatakan ia-itu pehak Kerajaan membuat Anggaran Perbelanjaan tiap² tahun tak pernah yang tepat dan oleh kerana itu selalu datang ka-Dewan ini meminta anggaran tambahan.

Tuan Yang di-Pertua, perkara yang hendak berlaku di-dalam sa-suatu tahun itu adakala-nya tidak dapat di-jangka dan oleh kerana itu tidak dapat-lah di-sediakan terlebih dahulu anggaran perbelanjaan dan oleh kerana itu daripada sa-masa ka-sa-masa, apabila berlaku sa-suatu perkara yang memerlukan perbelanjaan, maka Kerajaan terpaksa-lah mengeluarkan perbelanjaan daripada Contingencies Fund, atau pun sa-bagai-nya dan kemudian datang ka-Dewan ini untuk meminta di-luluskan perbelanjaan yang tersebut.

Yang kedua-nya, ia-lah dalam usaha Kerajaan hendak menjimatkan perbelanjaan, maka Kerajaan chuba menurunkan perbelanjaan, khas-nya, Kementerian Kewangan chuba menurunkan perbelanjaan sa-berapa yang boleh, tetapi, dalam masa berjalan-nya sa-suatu tahun itu maka di-dapati terpaksa juga di-belanjakan lebih daripada yang di-anggarkan pada mula²-nya dan ini-lah dua sebab yang besar mengapa tiap² tahun Kementerian Kewangan terpaksa datang ka-Dewan yang mulia ini untuk mendapatkan Tambahan Anggaran Perbelanjaan.

Yang ketiga-nya, Ahli Yang Berhormat daripada Kelantan Hilir mengharapkan supaya Kerajaan berjimat tentang hadiah², jamuan² dan sa-bagai-nya. Patut-lah juga saya memberikan jaminan di-sini pehak Kerajaan, khas-nya Kementerian Kewangan, memang-lah sentiasa memerhatikan bahawa sa-tiap perbelanjaan yang di-keluarkan itu ada-lah tidak membazir dan sa-berapa jimat yang boleh.

Question put, and agreed to.

Bill accordingly read a second time.

The House immediately resolved itself into a Committee of Supply.

(Mr Speaker in the Chair)

FIRST SCHEDULE

Head S. 5 and S. 22—

Tuan Senu bin Abdul Rahman: Tuan Pengerusi, dengan izin tuan, saya suka mengemukakan sa-rentak Kepala² S. 5 dan S. 22 di-dalam Schedule Yang Pertama dan S. 5, S. 7, dan S. 21

Mr Chairman: Itu belum sampai lagi—itu Jadual Yang Kedua.

Tuan Senu bin Abdul Rahman: Oh, masok Jadual Yang Pertama dahulu. Tuan Yang di-Pertua, saya suka mengemukakan sa-rentak Kepala² S. 5 dan S. 22, ia-itu S. 5—Surohanjaya Perkhidmatan Awam, peruntukan tambahan yang di-pohonkan ia-lah di-bawah Pechahan-kepala 1—Gaji, untok membayar gaji, elaun sara hidup dan elaun kebelakangan pegawai², kerani² dan juru² taip dalam pejabat itu di-sebabkan pindaan² di-atas elaun rumah pegawai² dan gaji serta elaun² sara hidup kerani² dan juru² taip yang telah di-luluskan oleh Kerajaan. Dan begitu juga wang tambahan sa-banyak \$10,293. Wang tambahan ini ada-lah di-kehendaki untok membayar tambang balek mengikut laut dari Malaysia ka-Jeddah bagi 10 pegawai tambahan perwakilan perubatan Malaysia ka-Mekah dan juga untok pembayaran kenderaan dan biaya perjalanan mereka. Perbelanjaan tambahan di-atas, tidak ter-nampak pada masa itu apabila anggaran 1965 di-siapkan.

Tuan Pengerusi, saya harap dapat di-luluskan jadi sa-bahagian daripada Jadual.

Question put, and agreed to.

The sum of \$32,000 for Head S. 5 and \$10,293 for Head S. 22 ordered to stand part of the First Schedule.

Head S. 19—

Tuan Lee Siok Yew: Tuan Pengerusi, saya bangun untok men-chadangkan supaya Kepala peruntokan 19—Bantuan dan Pemberian Pelajaran dan Pechahan-kepala 2—Bantuan kapada Sekolah² Menengah, \$280,000 dalam Anggaran Perbelanjaan Tambahan

Keempat bagi tahun 1965 menjadi sa-bahagian daripada Jadual.

Tuan Pengerusi, keterangan bagi peruntokan tambahan yang di-kehendaki itu ada di-berikan pada muka dua Memorandum Perbendaharaan berkenaan Anggaran Perbelanjaan Tambahan bagi tahun 1965 yang di-kemukakan dalam Kertas Titah Bilangan 21 tahun 1967. Jumlah wang yang mula² di-sediakan bagi bantuan untok Sekolah² Menengah di-bawah Pechahan-kepala 19 dalam Anggaran Perbelanjaan tahun 1965 ia-lah \$47 juta. Angka ini kemudian-nya telah di-tambah sa-banyak \$2.2 juta apabila Dewan ini meluluskan Bill peruntokan tambahan tahun 1965 dan 1966. Ada-lah di-ketahui bahwa wang sa-banyak \$1,337,196.04 lagi ada-lah di-kehendaki memileki dan mengatasi jumlah sa-banyak \$49.2 juta yang telah di-sediakan bagi bantuan kewangan kapada Sekolah² Menengah bagi tahun 1965. Wang sa-banyak \$1,058,640 yang telah di-jimatkan daripada Kepala 19 ada-lah di-tawarkan. Dan oleh hal yang demikian peruntokan tambahan sa-banyak \$280,000 ada-lah di-minta sekarang.

Tuan Pengerusi, saya mohon men-chadangkan.

Question put, and agreed to.

The sum of \$280,000 for Head S. 19 ordered to stand part of the First Schedule.

SECOND SCHEDULE

Heads S. 5, S. 7, S. 21 and S. 43—

Tuan Senu bin Abdul Rahman: Tuan Pengerusi, dengan izin tuan, saya suka mengemukakan sa-rentak Kepala² S. 5, Surohanjaya Perkhidmatan Awam (\$15,499), S. 7, Jabatan Perdana Menteri (\$100,560), S. 21, Kementerian Luar Negeri (\$23,252) dan S. 43, Jabatan Talivishen (\$10), supaya di-luluskan dan di-jadikan sa-bahagian daripada Jadual.

Tuan Pengerusi, peruntokan² tambahan sa-banyak \$15,499 yang di-pohonkan di-bawah Lain² Perbelanjaan Tiap² Tahun ia-lah untok di-belanjakan saperti berikut.

Pechahan-kepala 13—Pengangkutan dan Perjalanan sa-banyak \$12,254 dan Pechahan-kepala baru 13 (a), Elaun Pakaian sa-banyak \$1,250 ia-itu bagi pengambilan dan kakitangan di-Pejabat Pesuroh Jaya Tinggi Malaysia di-London. Peruntokan² ini ia-lah untuk membayar tambang dan elaun pakaian sa-orang pegawai dan keluarga-nya yang telah di-tukarkan ka-London dalam bulan Disember, 1966. (b) Peruntokan sa-banyak \$1,995 di-bawah Pechahan-kepala 18 ia-lah bagi chawangan Surohanjaya Perkhidmatan Awam Persekutuan Sarawak dan Sabah untuk membayar tambang sa-orang pegawai dan keluarga-nya yang telah di-tukarkan ka-Kuching untuk memegang jawatan sa-bagai Setia-usaha Chawangan Surohanjaya Perkhidmatan Awam Sarawak dan Sabah.

S. 7, peruntokan tambahan sa-banyak \$64,000 ini di-kehendaki ia-lah oleh kerana peruntokan sa-banyak \$95,000 yang telah di-luluskan dalam Anggaran Perbelanjaan tahun 1966 telah tiada menchukupi di-sebabkan bertambah-nya jamuan² yang telah di-adakan untuk meraikan pembesar² dan orang² kenamaan dari luar negeri yang telah melawat Malaysia di-hujung tahun 1966.

Pechahan-kepala (6)—Hadiah² Rasmi, \$36,560. Tambahan sa-banyak \$36,560 ini ia-lah juga di-sebabkan untuk membeli chendera² mata bagi di-hadiahkan kepada pembesar² dan orang² kenamaan dari luar negeri yang telah membuat kunjungan ka-Malaysia dalam tahun 1966.

S. 21 perbekalan sa-banyak \$23,252 ada-lah untuk perbelanjaan berhubung dengan perundingan damai dengan Indonesia di-Bangkok yang di-hadhiri oleh Yang Amat Berhormat Timbalan Perdana Menteri yang mengetuai rombongan daripada Malaysia dari 28 haribulan Mei hingga 2 haribulan Jun, 1966. Perbelanjaan yang di-bayar daripada perbekalan ini ada-lah untuk kediaman di-hotel, kenderaan dan biaya hidup, dan keraian dan perbelanjaan runchit.

Bagi S. 43 peruntokan tambahan ini di-perlukan oleh tiga sebab. Pertama

oleh sebab desakan² yang di-terima dari penduduk² di-negeri² yang mengamalkan hari Juma'at sa-bagai hari kelepasan, maka pehak Talivishen merasa perlu mengadakan ranchangan² untuk mereka pada petang hari Juma'at sa-lama dua jam pada tiap² minggu. Kedua-nya oleh sebab pengambilan kakitangan² tetap untuk jawatan² sa-bagai Pemberita, Penyunting Berita, Juru Kamera, dan Juru Kamera Kanan telah tergendala, maka terpaksa-lah diambil kaki² tangan sementara di-bayar gaji-nya dari peruntokan ini. Akhir-nya ia-lah di-sebabkan oleh harga sewa filem² Melayu yang lebeh tinggi dari filem² barat. Di-sapanjang tahun 1966 Jabatan Talivishen telah menyangkan sa-buah filem Melayu pada tiap² minggu. Tuan Pengerusi, saya mohon menhadangkan.

Question put, and agreed to.

The sums of \$15,499 for Head S. 5, \$100,560 for Head S. 7, \$23,252 for Head S. 21, and \$10 for Head S. 43 ordered to stand part of the Second Schedule.

Heads S. 18 to 20—

Tuan Lee Siok Yew: Tuan Pengerusi, saya bangun untuk menhadangkan supaya Kepala² peruntokan 18, 19 dan 20 di-dalam Anggaran Perbelanjaan Tambahan yang ketiga tahun 1966 di-jadikan sa-bahagian daripada Jadual.

Tuan Pengerusi, wang ini ada-lah di-kehendaki melebehi dan mengatasi jumlah sa-banyak \$352,779,390 yang di-sediakan di-bawah tiga Kepala di-bawah peruntokan dalam Anggaran Perbelanjaan tahun 1966. Keterangan² bagi peruntokan tambahan yang di-kehendaki itu ada-lah di-berikan dengan lengkap-nya di-muka surat 4, 5 dan 6 Memorandum Perbendaharaan berkenaan Anggaran Perbelanjaan Tambahan yang ketiga di-kemukakan sa-bagai kertas Titah Bilangan 23 tahun 1967. Ini-lah sahaja, Tuan Pengerusi, saya mohon menhadangkan.

Question put, and agreed to.

The sum of \$30 for Head S. 18, the sum of \$10 for Head S. 19, the sum of \$59,710 for Head S. 20 ordered to stand part of the Second Schedule.

Head S. 29—

Tuan Ali bin Haji Ahmad: Tuan Pengerusi, izinkan saya mengemukakan wang sa-banyak \$137,550 untuk lima Pechahan-kepala di-bawah Kepala S. 29—Hasil Dalam Negeri—di-luluskan.

Pechahan-kepala 1—Gaji, berkehendakkan wang tambahan sa-banyak \$108,000 untuk membayar gaji dan elaun kapada Kakitangan² Bahagian Computer dan juga Pegawai² Bahagian I yang baharu di-ambil di-dalam Jabatan Hasil Dalam Negeri itu.

Untuk Pechahan-kepala 2—Pentadbiran, wang sa-banyak \$5,650 ada-lah di-kehendaki untuk membayar perbelanjaan tambahan kerana bertambahnya penggunaan kuasa letrik di-sebabkan oleh pemasangan Computer Elektronik dan juga alat² hawa dingin (air-conditioning) untuk Pejabat Bahagian Computer itu. Sa-banyak \$2,000 daripada jumlah wang di-bawah pechahan-kepala ini ada-lah untuk bayaran talipon di-sebabkan oleh pengeunaan bayaran panggilan² talipon dan juga sambongan talipon tambahan di-Pejabat Hasil Dalam Negeri di-Kuala Lumpur dan di-Pejabat² chawangan di-Johor Bahru dan Ipoh.

Tambahan yang di-kehendaki di-bawah Pechahan-kepala 4—Bayaran Mahkamah dan Guaman dan Pechahan-kepala 10—Pengangkutan dan Perjalanan, ada-lah di-sebabkan oleh bertambahnya kes² yang di-bawa ka-mahkamah. Wang tambahan ini juga ada-lah di-kehendaki untuk membayar belanja perjalanan pegawai² yang di-kehendaki menghadhiri perbicharaan di-mahkamah² di-luar Kuala Lumpur untuk menuntut balek tunggakan hasil. Tugas² yang di-jalankan itu ada-lah berkait dengan langkah² menchegeh pelarian chukai.

Untuk Pechahan-kepala 7—Penche-takan dan Alatulis, tambahan sa-banyak \$19,500 itu ada-lah di-kehendaki bagi membayar belanja menchetak borang² baharu yang di-perlukan akibat perubahan kapada sistem computer.

Tuan Pengerusi, saya mohon men-chadangkan.

Question put, and agreed to.

The sum of \$137,550 for Head S. 29 ordered to stand part of the Second Schedule.

Head S. 37—

The Parliamentary Secretary to the Deputy Prime Minister (Tuan Chen Wing Sum): Mr Chairman, Sir, I beg to move that the sum of \$115,075 shown under Head S. 37 be approved.

The reason for the said sum required is given in Command Paper No. 33/1967.

Sir, I beg to move.

Question put, and agreed to.

The sum of \$115,075 for Head S. 37 ordered to stand part of the Second Schedule.

Heads S. 46, S. 52 and S. 59—

Tuan Haji Abdul-Rahman bin Ya'kub: Tuan Pengerusi, dengan persetujuan Tuan Pengerusi, saya mohon men-chadangkan supaya peruntokan di-bawah S. 46, Kehakiman, sa-banyak \$144,673; di-bawah S. 52, Kementerian Tanah dan Galian sa-banyak \$6,280; dan di-bawah S. 59, Hal Ehwal Orang Asli sa-banyak \$25,006; menjadi sa-bahagian daripada Jadual. Penjelasan ada terkandung di-dalam Command Paper No. 23 muka 8, muka 9 dan muka 10.

Question put, and agreed to.

The sums of \$144,673 for Head S. 46; the sum \$6,280 for Head S. 52 and the sum of \$25,006 for Head S. 59 ordered to stand part of the Second Schedule.

Heads S. 65 and 71—

Tan Sri Haji Sardon bin Haji Jubir: Tuan Pengerusi, benarkan saya meng-ambil Kepala S. 65, Kementerian Pengangkutan (\$26,300) dan Kepala S. 71, Pejabat Kenderaan Raya (\$1,665) supaya menjadi sa-bahagian daripada Jadual. Keterangan² ada di-nyatakan dalam Command Paper No. 23 tahun 1967.

Question put, and agreed to.

The sum of \$26,300 for Head S. 65 and the sum of \$1,665 for Head S. 71 ordered to stand part of the Second Schedule.

Head S. 72—

The Minister for Welfare Services (Tuan Haji Abdul Hamid Khan): Tuan Pengerusi, saya mohon menandatangani peruntukan tambahan sa-banyak \$57,000 di-bawah Kepala S. 72—Kementerian Kebajikan 'Am, Pechahan-kepala 1 (Gaji 1966) di-luluskan. Keterangan² lanjut ada terkandung di-dalam Treasury Memorandum, Command Paper No. 23 tahun 1967 di-muka 11.

Question put, and agreed to.

The sum of \$57,000 for Head S. 72 ordered to stand part of the Second Schedule.

Clauses 1 to 3 inclusive ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

Mr Speaker: Persidangan di-tempohkan hingga pukul 8.30 malam ini.

Sitting suspended at 7.30 p.m.

Sitting resumed at 8.30 p.m.

(Mr Speaker in the Chair)

THE CUSTOMS LAWS (MALAYSIA) (AMENDMENT) BILL

Second Reading

Tuan Ali bin Haji Ahmad: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the laws relating to Customs in Malaysia" be now read a second time.

Under the present Customs legislation in force in West and East Malaysia, i.e. Customs Ordinance No. 42 of 1952 of the States of Malaya, the Customs Ordinance, Cap. 33 of Sabah and the Customs Ordinance Cap. 26 of Sarawak, the term "customs duty" is defined as "including import duty, export duty, surtax or cess imposed under the various customs laws and includes any royalty payable in lieu of an export duty". The terms "import duty" and "duty" also appear in these laws and these terms do not cover the surtax which was imposed on 19th January, 1967, in the 1967

Budget. In order that the same term, that is "customs duty", may be uniformly applied in the various customs laws, amendments to the Customs Ordinance, 1952, the Customs Ordinance (Sabah) and the Customs Ordinance (Sarawak) are necessary to provide, where appropriate, for the inclusion of surtax for the purposes of revenue collection, refunds and drawback. The Bill, which is before the House, will provide for this purpose.

Sir, I beg to move.

Parliamentary Secretary to the Minister of Labour (Tuan Lee San Choon): Mr Speaker, Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 and 2 ordered to stand part of the Bill.

Schedules 1 to 3 inclusive ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE INCOME TAX (TIN BUFFER STOCK CONTRIBUTIONS AND REPAYMENTS) BILL

Second Reading

Tuan Ali bin Haji Ahmad: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to make provision for the treatment for income tax purposes of contributions and repayments under the Tin Control (Buffer Stock) Regulations, 1966" be now read a second time.

Mr Speaker, Sir, as Honourable Members will be aware, the Tin Control (Buffer Stock) Regulations, 1966, which are now in force, provide, *inter alia*, for the payment of contributions to the Buffer Stock Fund by a person who is engaged in the working

of a tin mine in West Malaysia. Such contributions are made either as a direct contribution by the miner, or by way of a deduction from the sale price of the tin ore sold by such contributor.

These contributions are in the nature of loans to the Buffer Stock Fund for the purpose of assisting the Fund in maintaining the floor price of tin and are, therefore, refundable on the liquidation of the Fund. As such, these contributions cannot be regarded as expenses incurred in the production of income from the business of the contributor and are not allowable deductions in computing the contributor's taxable income for income tax purposes.

The Bill before this House seeks to provide a certain measure of immediate relief to the contributor by allowing him the option of electing to have the contributions allowed as deductions in ascertaining his taxable income. Refunds of his contributions to the contributor, who has exercised this option, must then necessarily be treated as his taxable income for income tax purposes.

Where the contributor has not elected to have his contributions allowed as deductions in ascertaining his taxable income, then the refunds of his contributions will not be liable to tax. Honourable Members may recall in this connection that the treatment of contributions and repayments under the previous Tin Control (Buffer Stock) Regulations, 1961 were governed for income tax purposes by the Income Tax Act, 1962. The Bill before this House is designed to meet the same objective.

Sir, I beg to move.

The Assistant Minister of Education (Tuan Lee Siok Yew): Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time and committed to a committee on the whole House.

House immediately resolved itself into a Committee of the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 to 6 inclusive ordered to stand part of the Bill.

THE INCOME TAX LAWS (MALAYSIA) (AMENDMENT) BILL

Second Reading

The Minister of Finance (Tun Tan Siew Sin): Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend further the laws relating to income tax of Sabah, Sarawak and West Malaysia" be now read a second time.

The object of the Bill is to introduce a new section into the respective Ordinance of Sabah, Sarawak and West Malaysia governing income tax, so as to allow certain fiscal incentives to be given in order to assist in the promotion of industries in Malaysia and of exports of manufactured goods from Malaysia.

The incentives will take the form of a grant of a further deduction in respect of certain specified outgoings and expenses incurred after the end of the year 1966 in ascertaining the taxable income or profits of a person from his business.

The Bill empowers the Minister of Finance to make rules prescribing the outgoings and expenses in relation to which the further deduction is to be allowed, the conditions for allowing such further deduction, and the ratio to be applied to the amount of any outgoings and expenses so allowed.

It is proposed to publish, as soon as this Bill receives the Royal Assent, the rules which will specify the outgoings and expenses in respect of which the further deduction may be allowed and the extent of the further deduction. The rules will also provide that only approved Malaysian resident companies may be considered for the further deduction. Companies engaged in the business of export of primary commodities will not be covered by these rules, which are merely designed to encourage the promotion of exports of domestic manufactures in keeping

with the Government's policy to encourage industrialisation and the diversification of the economy.

Sir, I beg to move.

Tuan Lee Siok Yew: Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read the second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 and 2 ordered to stand part of the Bill.

First Schedule, Second Schedule and Third Schedule ordered to stand part of the Bill.

Bill reported without amendment; read the third time and passed.

THE INDUSTRIAL RELATIONS BILL

Second Reading

The Minister of Labour (Tuan V. Manickavasagam): Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to provide for the regulation of the relations between employers and workmen and their trade unions and the prevention and settlement of any differences or disputes arising from their relationship and generally to deal with trade disputes and matters arising therefrom" be read a second time.

On previous occasions, I have indicated in this House that the Government was reviewing the legislation and practice in the field of industrial relations. The Industrial Relations Bill now before the House is the result of this review.

The voluntary system of industrial relations which we have so long adopted in this country has worked with a reasonable degree of satisfaction. This system had the support of both employers' and workers' groups in the National Joint Labour Advisory

Council and an atmosphere of "good" industrial relations had been built up, with parties willing and able to meet together to discuss and settle their grievances and claims by themselves, sometimes with the assistance of the conciliatory efforts of my Ministry. One of the basic requirements of the voluntary system is that both parties should recognise the fact that the public and the nation are affected by any industrial dispute and this consideration should weigh in the minds of the parties in dealing with such disputes. The parties should always have cognizance of the fact that the public have a vital interest in the manner in which parties to a dispute resolve differences that arise amongst them.

During recent years, however, a number of factors or trends have been developing which necessitated a review of this system of industrial relations and to reinforce this system with additional mechanisms and safeguards for the more orderly and expeditious settlement of industrial disputes, especially where these affect the public and national interests.

The accelerated pace of industrial expansion and the increasing growth of trade union organisations and activity have focussed attention on a number of issues governing employer-employee relations which have not been effectively provided for under the voluntary system of industrial relations. These issues have increasingly become the cause for strained relationships among the parties and sometimes led to strikes or lock-outs. Where legislation or the parties themselves had not provided effective procedures for settling these matters, *ad hoc* methods were adopted to iron out the problems. These matters concern such questions as the procedure and conditions for the recognition of trade unions, the position of managerial and supervisory staff in union activity and alleged anti-trade union activities or victimization by employers. Past experience has shown that the complete reliance on the willingness and ability of the parties themselves to settle these matters is both unsatisfactory and unwise.

The increasing insistence of the parties on their respective legal rights and prerogatives, even sometimes in the face of the fast changing colour of these rights and prerogatives, their unwillingness to use normally accepted procedures to resolve contentious issues and, sometimes their uncompromising attitude to issues in dispute, have shown up the inadequacy of our present system of industrial relations. The experience has been that where one party or the other is in a strategic position, by virtue of its organisational strength or market position, that party has depended on its own strength to press or pursue its particular stand, irrespective of the merits or the consequences of such action.

These attitudes of the parties and their inability to resolve amicably many of the problems that arise between themselves have tended sharply to affect the convenience of the public and the security and economy of the nation.

Even when the parties are aware of the effect of their action on the nation or the public or the economy of the country, it has not always been possible for amicable steps to be taken to settle the issues. It is because of such factors and trends that the Government has had, on occasions, to introduce specific measures to alleviate the situation.

It now seems quite apparent that a completely voluntary system of industrial relations would be quite incompatible with the demands of a developing economy and the dictates of nation-building in our region. The unrestricted exercise of the rights and prerogatives of employers or trade unions are likely to damage the economic and political stability of our nation, besides seriously affecting the climate required for the increasing pace of capital accumulation and the attraction of sizeable investment, both local and foreign.

The Industrial Relations Bill before this House, Sir, seeks to continue the present system of industrial relations and to consolidate the practice and law throughout Malaysia in this regard,

but contains a number of provisions not only to safeguard the legitimate rights and interests of employers and workers or their trade unions but also to ensure the speedy and just settlement of industrial disputes, so that the ever-present public and national interests are not prejudiced while the parties promote their own particular interests.

Part I of the Bill, Sir, sets out the definition of some of the terms used in the Bill. I would draw particular attention to the definition of "strike" on page 3 of the Bill which has been, of necessity, drafted in a broad manner to encompass the more damaging forms of industrial action. It is only right that if limitations are to be set on the circumstances under which strikes may take place, the definition of the term "strike" should include the more widely used forms of industrial action, such as a physical strike itself and what has normally been termed as "go-slow". Care has been exercised to ensure that the definition is not unduly wide so as to make it unworkable or to take away a normal right vested in the workers either by legislation or by contract.

Part II of the Bill, Sir, contains new provisions in relation generally to matters such as anti-trade union activity and victimization. Existing legislation, such as the Trade Union Ordinance and the Employment Ordinance, contain some provisions in this regard but these have not, in practice, been found to be satisfactory to define the actual right of workmen, employers and their trade unions. I would draw particular attention to Clause 5 of the Bill which, in sub-section (2) provides for certain existing rights of employers not to be tampered with. These rights are indeed not absolute rights in today's context of industrial relations practice and are not beyond the purview of discussion with workers or their trade unions. It has been necessary to provide for the matters now contained in sub-section (2) of Clause 5 as these have been found to be a source of constant conflict, especially in the more developed sectors of our economy.

Clause 7 of the Bill provides that any complaint regarding the exercise of the rights provided in this Part may be reported to the Minister who may refer such complaint to the Industrial Court for hearing and settlement.

Part III of the Bill, Sir, deals with the question of recognition of trade unions. This matter has been a source of constant problem, especially in the new and growing sectors of our economy, where trade union organisations are just beginning to establish themselves. This matter of recognition has been raised in this House on a number of occasions, and I hope that the provisions in this Part of the Bill are satisfactory to meet this problem. This Part of the Bill, at present merely provides the basic procedure which could be followed in the determination of a claim for recognition. We have thought it not advisable to try to spell out detailed or precise criteria to be adopted in the settlement of the question of recognition. We believe that the provision of these procedures in the Bill itself would be sufficient to resolve any question that might arise concerning the recognition of trade unions. It would be more proper for us to accumulate sufficient experience of the operation of these procedures before considering the desirability of providing specific criteria and considerations on this issue. I think that it is indeed a pity and sheer waste of energy and resources for disputes on the question of recognition to develop into trials of strength, leading either to a lock-out or a strike. Recognition of a trade union is, after all, the primary basis for the parties to deal with each other and it is unnecessary that disputes should be allowed to sour up the relationship between the parties at this basic step itself. Provision has, therefore, been made in Clause 8 (4) of the Bill for all disputes concerning recognition to be referred to the Industrial Court for a decision, where the matter is not otherwise resolved.

Clause 41 (e) of the Bill also provides that there shall be no strike or lock-out in respect of any dispute

over the claim for recognition of a trade union of workmen.

Part IV of the Bill sets out the procedures to be followed in the submission of claim and collective bargaining and for the form and content of collective agreements. Clause 14 of the Bill requires that all collective agreements reached by the parties shall be deposited with the Industrial Court for the Court to take cognizance of such agreements. Clause 15 makes all collective agreements taken cognizance of by the Court binding on the parties in the same manner as an award of the Court. I am hopeful that these clauses of the Bill would remove frequent complaints that one party or the other has flagrantly breached the provisions of an agreement previously reached between the parties and that this Part of the Bill will introduce an element of stability in collective bargaining and collective agreement.

Part V of the Bill deals with conciliatory efforts of my Ministry. It provides that either party to a trade dispute may invite the conciliatory services of my Ministry or, where for some reason such an invitation is not given and the public interest so requires, my Ministry may intervene on its own motion to promote and expeditious settlement of the dispute. Clause 17 contains certain reserve powers in the face of a situation where one party or the other may unduly prolong the settlement of a trade dispute or refuse to be co-operative.

Part VI of the Bill, Sir, contains some of the most crucial provisions of the Bill. It is under this Part, in Clause 18, that an Industrial Court is established consisting of a permanent President and three panels of independent persons, persons representing employers and persons representing workmen. In dealing with a particular trade dispute referred to the Court, however, the Court will consist of the President and a member from each of the three panels of independent persons and employers' and workers' representatives. Clause 20 of the Bill enables Divisions of the Court to be set up to expedite the hearing of trade disputes

or to cater for the greater convenience of the parties. Clause 23 of the Bill has the operative provisions relating to reference of disputes to the Industrial Court. This Clause provides that the parties to a trade dispute may jointly request the Minister to refer the trade dispute to the Court or the Minister may, on his own motion, refer that dispute to the Court under the circumstances specified in Sub-clause (2) of Clause 23. It has been found necessary to provide for both these alternatives, as in the past difficulty has been experienced in persuading one party or the other to agree to a reference of the dispute to a third party, where all other means of settlement have failed or every other effort has been exhausted. The proviso to Sub-clause (2) of Clause 23 provides that the Minister may refer a trade dispute in a Government service to the Industrial Court only with the consent of His Majesty, if the dispute concerns a Federal Service, or the Ruler or Governor of a State, where the dispute concerns purely that State. Sub-clause (3) of Clause 23 contains an important provision to ensure that all existing means of settlement of a trade dispute are used to promote a settlement, before the Minister may refer that dispute to the Industrial Court.

As stated in Clause 49 of the Bill, the provisions of Part VI would apply to both the Government sector as well as the private sector. The Government is of the opinion that it would be preferable for all disputes, whether they are in the Government sector or the private sector, to be dealt with by the same Industrial Court as this would promote the adoption of uniform standards and considerations and lead to the more equitable adjudication of trade disputes. It has been necessary to provide for the consent of His Majesty to be obtained as the position of the Public Services is constitutionally different from the private sector. I may state here, however, that this is merely a reserve power to meet this constitutional requirement and would be used only in the most exceptional circumstances. The Government would shortly be entering into consultations with the

Staff Side of the National Whitley Council concerning the discontinuance of the Civil Services Arbitration Tribunal. Sub-clause (3) of Clause 23, however, would ensure that the Whitley Machinery now in existence for the Public Services would continue to be used as the vehicle and medium for consultation with the staff on matters of mutual interest and for discussions to take place on terms and conditions of service. The Whitley Machinery has sufficient flexibility and provision for the settlement of most disputes that might arise in the Public Services. Where such settlement is not achieved, the provisions of this Clause of the Bill may be used to refer that dispute to the Industrial Court. Clause 29 of the Bill provides that any award of the Court shall be final and conclusive and shall be binding on any employer or workman or his trade union who are parties to the dispute and their successors. Clause 24 of the Bill enables officials of trade unions or other organisations approved by the Minister or, with the permission of the President, legal practitioners to appear before the Court. It has been found necessary to permit legal practitioners to appear before the Court as some parties to a trade dispute before the Court may be seriously handicapped and the interests of justice subverted if such representation is not permitted. It is realised, however, that it may not be necessary for representation by legal practitioners in all cases and discretion is vested in the President of the Court on the admission of such legal practitioners.

Clause 28 of the Bill seeks to ensure that, as far as possible, all trade disputes are settled by the parties themselves and this Clause permits the Court to consider the terms of an agreement reached even during the proceedings before the Court itself.

Clause 30 of the Bill provides for the manner of settlement of disputes over the interpretation or variation of awards and agreements, if necessary, by reference to the Industrial Court.

Clause 41 of the Bill provides that there shall be no strike or lock-out where a trade dispute has been referred

to the Industrial Court or where His Majesty has withheld his consent to the reference of a trade dispute in the Public Services to a Court, or in respect of any matter covered by a collective agreement taken cognizance of by the Court under Section 14 of the Bill or on any matter on which the Court has made an award.

Part VII of the Bill largely re-enacts the existing provisions of the Industrial Courts Ordinance, 1948, concerning the establishment and functioning of committees of investigations and boards of inquiry. Such provisions have been made to cater for issues or disputes which may not be amenable to the normal forms or methods of settlement and are considered useful in the promotion of good employer-employee relations.

Part VIII of the Bill generally re-enacts the present provisions of the Trade Disputes Ordinance concerning trade disputes, strikes and lock-outs and matters connected with these. Clause 37 of the Bill is being further amended, and I have circulated the form of these amendments to the Honourable Members. This Clause, as amended, seeks to ensure that picketing is conducted in a peaceful and orderly manner and that it is confined to the place of work and not extended to the streets and private residences, as these are likely to gravely prejudice the preservation of peace and public order. Clause 40 of the Bill requires that at least 2 weeks' notice is given before a strike or lock-out is declared in any of the services listed as Public Utility Services in the Schedule to the Bill. The remaining Clauses in this Part of the Bill provide for penalties.

Clause 48 of the Bill is being further amended, and I shall move this in Committee. Copies of these amendments have already been circulated to Honourable Members.

Part IX of the Bill, Sir, contains miscellaneous provisions, but I would draw particular attention to Clause 48, which excludes the provisions of Parts II, III, IV and V from being applied in the case of the Public Services as it is considered that existing procedures

in this regard contained in the General Orders and the Whitley Machinery are sufficient and satisfactory for these purposes.

Clause 55 contains the general penalties for contravention of the provisions of the Bill but stipulates that contraventions of Parts II, III or IV or other than Section 14, shall not be deemed offences under this Part. Parts II, III and IV of the Bill provide separately for the method of settling complaints or problems that arise in their operation, and it is felt that it would be unworkable to make the non-compliance of any provisions of these Parts penal offences. I might, however, point out that where any dispute concerning the provisions of Parts II, III or IV are referred to the Industrial Court, and if awards of the Court in these matters are contravened by any person or party, they would then become offences punishable under Clause 55 of the Bill, as these would then become awards of the Court for all intents and purposes.

Clause 58 of the Bill repeals the various existing legislations in the field of industrial relations throughout Malaysia. It also repeals the Essential Regulations passed in 1965. The provisos to this Clause of the Bill ensure that all Acts commenced or done under the various laws repealed by this Clause of the Bill continue to have effect for all purposes. This saving Clause is necessary to ensure stability and also to avoid duplication of work, especially where Tribunal or Court established under existing laws have completed a good part of their work but have not finally disposed of the matters before it.

The Schedule to the Bill contains the list of Public Utility Services, for the purposes of which giving of notice is required under Clause 40 of the Bill. Every care has been exercised in drawing up this schedule to keep it to a bare minimum but it must be agreed that this list cannot be final or complete, as the importance of any service from the national or public point of view could vary under different circumstances.

Sir, the Government considers this Bill as a fair and balanced one. The Bill has been drafted with a careful eye on not only the rights and prerogatives of employers, workers or their trade unions, but also with the consideration of the growing economy of our country and our stability in mind. This Bill is not intended to be repressive legislation on either employers or workers, and we have endeavoured to be both fair and impartial in respect of both employers and workers. I am aware, Sir, that neither the employers nor workers' trade unions are entirely satisfied with all the provisions of this Bill. Indeed, in drafting the Bill, my Ministry has had full discussions with the employers' and workers' groups of the National Joint Labour Advisory Council. The Government has earnestly and exhaustively considered the various views raised by both groups and, where possible and necessary, suitable modifications have been made to meet the desires of both groups. The Draft Bill was amended in a number of instances to meet the wishes of both groups, but, quite naturally, the Government could not accede to the entire wishes of either the employers or the workers. As I said earlier, Sir, the interests of the nation and the requirements of our continued growth and progress have been the predominant consideration in our minds in drafting this Bill. And I can assure this House and both employers and workers that the operation of this Bill, when it becomes law, would be carefully watched and studied, so that any amendment that might prove to be necessary or desirable could be made at a later stage. It is in the nature of things, Sir, that we cannot anticipate every conceivable problem or that we could have provided for every eventuality to the satisfaction of the many parties concerned with industrial relations. We have genuinely tried to meet the needs of our own situation, and we present this Bill to this House with the full confidence that, despite the fact that one group or the other may consider portions of the Bill to be unsatisfactory, the Bill, as a whole,

would be welcomed as fair and reasonable.

Sir, I beg to move. (*Applause*).

Tuan Senu bin Abdul Rahman:
Sir, I beg to second the motion.

Tuan C. V. Devan Nair (Bungsar):
Mr Speaker, Sir, I had expected, on the basis of promises given several times in this House, to welcome a constructive and forward-looking piece of legislation to govern the conduct of industrial relations in this country. I regret, Sir, that I am unable to do so or to do anything of the kind. With the best will in the world, Sir, I find it impossible to say kind things about some of the astounding sins, both of omission as well as of commission, contained in this Bill.

The Explanatory Statement in the Bill claims that "the Bill seeks to strengthen and continue the voluntary system of industrial relations." This, Sir, is a piece of euphemism, which I had thought that the Minister of Labour could never bring himself to be guilty of.

The truth is that the enactment of this Bill will have nothing in common with any kind of voluntary system. On the contrary, it will serve to regulate labour relations, in the public as well as private sectors, in an astoundingly unjust and thorough-going fashion.

Let me explain, Sir, that I have no quarrel whatsoever with any legislation which seeks to regulate industrial relations in a civilised community. I am aware that an unregulated and so-called "Voluntary" system is a sacred cow in the eyes of certain labour circles in the country. It seems to me, however, impossible, particularly for any developing country, as the Minister has pointed out, to do without a set of laws to regulate and govern the conduct of industrial relations. In the absence of such regulation and governance, an anarchic scheme of things is bound to prevail to the prejudice of industrial and social development, and to the prejudice of the smaller and weaker trade unions in the country.

My quarrel, therefore, with this Bill, is not that it seeks to regulate industrial

matters as such, but that it seeks to regulate industrial relations in such a manner as to either (i) flagrantly flout the rights of labour or (ii) to make unenforceable certain basic rights, responsibilities and prohibitions, which are contained in the body of the Bill.

I might explain, Sir, I read Parts II, III and IV of the Bill with some elation, but the elation was knocked out of me when I came to Section 55 in Part IX of the Bill which provides for general penalties.

Part II of the Bill, for instance, deals with the rights of workmen and employers and their trade unions, and contains an imposing, a very imposing list of rights and prohibitions which, among other things, provide that no workman may be discriminated against in regard to his appointment, promotion, and so on, or that no workman may be victimised in any manner whatsoever by reason of the circumstance that he is, or proposes to become, a member of a trade union or to participate in the promotion, formation or activities of a trade union.

At last, Sir, I thought trade unionism will become respectable in this country and workers will never again be subject to acts of victimisation because of legitimate trade unionism.

Parts III and IV, dealing with recognition of trade unions also contain certain desirable features. But every good that might have ensued from the rights, responsibilities and prohibitions contained in these first Parts of the Bill is completely negated by Clause 55 of the Bill, which provides for general penalties for contravention of the Act, and this Clause says, very blandly, as follows, and I quote:

“Provided that no contravention of or failure to comply with any provision of Parts II, III or IV (other than Section 14) shall be deemed to be an offence punishable under this section.”

And we note that the contravention of these major rights and prohibitions provided in the first Parts of the Bill are not punishable under any other section either.

In other words, Sir, the earlier Parts of the Bill, and especially Part II, are

no more than a declaration of rights which the subsequent parts of the Bill make specifically unenforceable through the absence of penalty provisions. Any legislation, Sir, worth the name, must provide for rights, responsibilities and prohibitions as well as for the enforcement of such rights, responsibilities and prohibitions. This is not done. You might as well say, Sir, “It is wrong to steal but, nevertheless, if you do steal, you will go unpunished”.

On closer reading of the Bill, the first favourable impressions are steadily eroded, and the contents of the Bill reduce themselves to a catalogue of cunning, and a first class exercise in duplicity.

I will take, first, Sir, Clause 5 (2) (c) which should be read in conjunction with Clause 4 (1) of the Bill. On the one hand, Clause 4 (1) guarantees the right to organise workers in trade unions. On the other hand, Clause 5 (2) (c) stipulates that workmen employed in, and I quote, “confidential capacity in matters relating to staff relations” are prohibited from becoming members of a trade union. Now, nowhere is the term “staff relations” defined, and this vagueness is surely calculated to give headaches to the industrial courts in future. “Workman employed in confidential capacity in matters relating to staff relations”—this definition, Sir, might include even a typist who has to type a confidential report relating to staff relations.

While the language in Clause 5 (2) (c) of the Bill is not absolutely clear, it does suggest that in respect of a particular class of workmen (i.e. those employed in confidential capacity in matters relating to staff relations) there is a total restraint imposed. We note, however, the language used in the preceding sub-clause (b) whereby a workman in a managerial position may be prohibited from being a member of a general union, he is nevertheless free to join a union catering specifically for employees in managerial positions.

There is a difference, Sir, between “partial restraint” and “total restraint”, and I must ask the Minister to clarify

the intention in Clause 5 (2) (c) of the Bill. Since workmen in managerial positions can join a union catering for managerial staff, why not allow persons employed "in confidential capacity in matters relating to staff relations" to join a separate union? In this connection, I might also point out to the Minister Clause 9 (i) (a) of the Bill, in which an industrial court is required to exclude from recognition workers "employed in confidential capacity in matters relating to staff relations" from being represented by a trade union.

Next, Sir, Clause 6 (a), this Clause provides that no trade union of workmen shall "except with the consent of the employer, persuade at the employer's place of business during working hours a workman of the employer to join or refrain from joining a trade union."

This Clause should again be considered in conjunction with Clause 4 (1) of the Bill which lays down guarantees relating to the right to organise trade unions.

Sir, practically every trade union in the world was born on the workspot. I have yet to hear of a trade union being organised by interested people visiting the homes of workers in the evenings. Indeed, many trade union functions, like those of the shop steward, for instance, are performed on the workspot and I have never heard of a shop steward who operates from his bedroom or from his sitting room.

I contend that this provision will provide a handle for anti-union employers to victimise organisers of unions, particularly new unions in new industries. I think that the Minister will be aware that what happened to certain workmen in Ajinomoto is perhaps a case in point.

It must be noted that unlike the provisions of the Singapore Industrial Relations Ordinance, there is no time off for union officials to do union work. I might mention that in most countries where trade unions are recognised institutions, time off for union work is granted by law and where such time off for union work is

not granted by law, such time off is tolerated as a matter of general practice.

In this country at present, time off is granted and recognised for trade unionists who have to attend Whitley Council meetings. I must, therefore, call on the Minister to delete the phrase "with the consent of the employer" as a retrograde provision, and to consider introducing provision for time off for trade union work, as obtains in other countries.

Next, Sir, Clause 8 (4). Part III of the Bill stipulates the procedures to be followed on the recognition of trade unions. But the Explanatory Statement, I suggest, and a number of lawyers who have studied the Bill as a whole have suggested, is misleading when it states that "where a dispute over recognition is not resolved, the Minister is required to refer that dispute to the Industrial Court for decision".

Sir, a reading of Clause 8 (4) reveals that no such mandatory requirement is placed on the Minister. On the contrary, all that it provides is that the Minister "may take such steps as may be necessary or expedient to resolve the matter". After the Minister fails in his efforts (which mind you, Sir, may or may not be made, entirely at his discretion), then there is a mandatory provision that he shall refer it to court". That is how lawyers might read it and how lawyers might give trouble to the Minister himself. So the question may be asked, "Why the permissive word 'may' and not the mandatory 'shall'?" Is it a prerogative of the Minister to be the repository of cases of recognition of trade unions, which have not been resolved? What is the purpose of it all, if the Minister can with legal impunity sit on a case of recognition and refuse to do anything about it, so that the case need never be referred to the industrial court.

It must be recalled, in this connection, that Clause 41 (e) specifically prohibits strike action in respect of any dispute over the claim for recognition of a trade union. Sir, if the workers

are to be deprived of this last weapon, then it would clearly be vital to make recognition procedures mandatory at every level—"shall" at every level and not "may". "The Minister shall" and not "the Minister may" should be the operative phrase right through, and if this cannot be done, then, in all fairness to workers, the right to strike over recognition must be restored.

It is also distressing that the Bill does not include provision for the compulsory recognition by an employer of a trade union which has satisfied, not the M.T.U.C., but which has satisfied the Ministry of Labour, after a secret ballot has been taken, that it represents the majority of the workmen employed in that particular place. It would be recollected that such a provision for compulsory recognition is made in the Singapore Industrial Relations Ordinance, and why can't it be done here?

Clause 12 (4) stipulates that where an invitation to commence collective bargaining has been made and a reply notifying acceptance has been given, the parties shall commence collective bargaining "without undue delay". Again, no specific time limit, as in other countries, is provided for. We all know in this House what the Government, for example, can sometimes mean when Government Members use the words "without undue delay". It might mean a long wait of a year or two or more and, if the employers decided to take a cue from the Government, then I am afraid the trade unions would have had it!

Clause 13 (2) (b)—While the Bill provides for the minimum period during which a collective agreement remains in force, there is no maximum period prescribed for the duration of a collective agreement. This, Sir, is bound to make the task of the industrial court exceedingly difficult. A maximum period should clearly be prescribed for the duration of a collective agreement, as is done in other countries.

Clause 18 (1)—This is a most unusual Clause providing not for a

tribunal but for a four-member court, made up of (a) a president (b) a member from a panel of independent persons (c) a member from a panel of persons representing employers and (d) a member from a panel of persons representing employees. Sir, I do not believe that at any time in history anybody has ever thought of a quadripartite court. The principle of a industrial tribunal is that the president of the tribunal is an independent and impartial person, while the other two persons of the tribunal represent workmen and employers respectively. But here, we have a fourth member of the court who is supposed to be chosen from a panel of independent persons. So, you have two theoretically independent persons in a four-member court. There is the president of the court who is supposed to be independent and this member from the independent panel and if the two independents differ with the two partisans, the president is given a casting vote. Sir, why must the Honourable Minister of Labour embark on such an unprecedented experiment? Can it be seriously held that it is possible to find an adequate supply of independent minded persons, who will have neither a pro-labour nor a pro-employer bias but who may well be in possession of a pro-government bias? In any case, Sir, these so-called independent persons cannot be independent of the Government, for it is the Minister who appoints this panel of independent persons and he does not have to consult anybody before he does so. If the so-called independent person entertains a pro-employer bias, then it must mean that the court is weighted against labour and in the reverse situation, it would be weighted against employers. In the event, Sir, of the industrial court having to hear a dispute in which the Government is involved as an employer, this would mean that the Government as employer would have two nominees in the court, while the Government employees would have only one. I must, therefore, call, Sir, on the Government to do away with this completely unjustified and unprecedented innovation.

It is also distressing to note that before appointing the panels of persons representing employers, and of persons representing employees, there is no mandatory requirement—that the Minister should consult recognised organisations representing employers and workmen respectively. The Clause merely provides that “the Minister *may* consult such organisation representing employers and workmen respectively as he *may* think fit”.

This is not the case with the Industrial Relations Ordinance of Singapore, where it is mandatory for the Minister to approach the Trades Union Congress and the employer's organisation to nominate persons for appointment to the respective panels.

It is no use for the Minister to tell us that he will not abuse his discretion. Industrial justice, Sir, requires, even more than other courts, the full application of the maxim that justice must not only be done but be seen to be done.

One also notes the omission of a significant provision in the Clause relating to the appointment of various panels. There is no specific prohibition in the Bill against non-citizens of the country or those who are bankrupts or who may be of unsound mind and so forth from being appointed as members of the various panels. Non-citizens in particular cannot be expected to have the same concern for industrial justice in this country as citizens, and this probably would apply particularly in the case of expatriate employers.

There is also no provision to prevent the appointment to the workers' panel of a person who is an employer or a director of a company which is an employer, or is employed by a trade union of employers. I would submit, Sir, that this must be a necessary provision, as otherwise we may have the ludicrous situation of an employer representing workers on the workers' panel.

Clause 24—Sir, this Clause, allows a legal practitioner to represent any party to a trade dispute at proceedings before

the court, subject, of course, to the permission of the president.

Sir, I have time and again appealed in this House that lawyers should be disallowed from appearing before the industrial court on two grounds:

(1) Trade unions must be able to meet employers on equal terms before the industrial court. Most trade unions in the country, as the Honourable Minister is aware, especially the smaller ones, do not have the same financial and other resources which employers' associations can muster, with the result that while it may be possible for employers to engage highly qualified legal practitioners to represent them, a similar course of action, Sir, would be beyond the means of most trade unions.

(2) Industrial arbitration, Sir, involves the use of other criteria than those employed by the law courts. The dispensation of industrial justice does not depend on the exercise of interpretative forensic skills. It must depend on the exposition of social, economic and even cultural factors. The procedures of industrial arbitration courts, wherever such courts have become successful social institutions, are, therefore, much more flexible than the procedures of the law courts and there is a very real danger that if we start off on the wrong foot, or on the wrong premises, our industrial court might degenerate into a rigid institution which, whatever else it might do, would be incapable of dispensing industrial justice.

It is because of the consciousness of these dangers that the industrial arbitration systems in other countries, notably in Australia, specifically excluded, at least in the vital initial stages, lawyers from appearing before them.

There is yet another reason why legal practitioners should be excluded from the industrial court. It is vital that we should train our own trade unionists and employers to depend on their own talents of advocacy in industrial cases. Such education and training will be discouraged if employers and trade unionists are encouraged to be dependent on professional legal practitioners for the advocacy of industrial cases.

Clause 26 (f)—This Clause stipulates that the court is obliged to consult with the Minister before it can call in the aid of one or more experts to assist in the determination of a trade dispute. Now, Sir, why in the name of heaven should it be necessary for the court to consult the Minister? The High Court,

or even the lower courts, do not have to consult the Minister of Justice before deciding to summon one or more experts in the determination of any civil or criminal case. This is a matter which must clearly be left to the discretion of the court itself. I would go even further and suggest, Sir, that the President of the Court should be specifically empowered to summon the evidence of experts, either on his own volition or on the request of any of the parties to the dispute before the court. Either the Minister allows the court full jurisdiction and the exercise of its discretion in this matter, or it is better to scrap the court altogether. There is no need, for instance, for the Minister to insist that he should have his finger in every pie.

The resolution of industrial disputes requires very often the summoning of expert evidence on a whole variety of issues. And this responsibility of the court must not be hamstrung or inhibited by any obligation to refer to the Minister for a ruling on the matter. In fact, the Minister might well prove to be the very last person the Court ought to consult on such matters, especially when it involves a dispute involving the Government itself as an employer.

Clause 27 (7)—This Clause places a restriction on the retrospective date of an award, so that such date may not be earlier than six months from the date on which the dispute was referred to the court

Mr Speaker: May I know, if you are going Clause by Clause, for the rest of the forty Clauses?

Tuan C. V. Devan Nair: Well, Sir, I can leave you assured that I am not going to cover all the Clauses, but just only two or three more Clauses.

Mr Speaker: It is because if you do, you might find yourself speaking to sleeping Members!

Tuan C. V. Devan Nair: I am quite convinced, Sir, that the Minister of Labour would be the last person to sleep.

Sir, as I said, this Clause 27 (7) places a restriction on the retrospective

date of an award, so that such date may not be earlier than six months from the date on which the dispute was referred to the Court. This, I consider, is an unfair stipulation when it is considered that a trade union may have served claims on the employer long before any dispute is referred to the court. By the time the claims of a union end up in court, it may well have taken several months.

We may also consider that circumstances might exist, in which ample justification exists for retrospective effect to be given to wage or salary increases long before the union may have submitted its claims to the employer.

In the circumstances, it would be wiser not to tie down the industrial court to any stipulation in regard to the retrospective date of an award, so that industrial justice might not find itself hamstrung. The better part of wisdom, Sir, would be to delete this retrospective provision altogether, and to leave it to the discretion of the court to determine the retrospective effect of an award in accordance with the principles of equity and justice.

Clause 30 (1), Sir, deals with the interpretation of an award or collective agreement. I observe with some astonishment that the Minister may refer the matter to the court in relation to the interpretation of an award or collective agreement. Normally, only parties to an agreement, or parties bound by an award, can apply to the court for an interpretation. No outside party, not even the Minister, has any business to refer any dispute on interpretation to the court. To allow this would be to run counter to the basic principles of what lawyers call "privity of contract". I, therefore, call for the deletion of this provision, and to leave it entirely to either of the parties concerned to apply directly to the court for a decision on questions of interpretation.

It seems to me that Clause 41 (c) makes quite certain that no union of public servants can ever go on strike in future. It stipulates that no workman

shall go on strike after the Yang di-Pertuan Agong, in the case of a trade dispute relating to any Government Service, has withheld consent to the reference of the dispute to the court. In other words, Sir, the Public Service union may well find that no avenue whatsoever is open to it in order to secure the redress of its grievances. Negotiations will have failed, arbitration is denied, and it can take no further action in pursuit of its claims or grievances.

If my reading is correct, and I see no reason to believe otherwise, then this provision constitutes of flagrant and outright denial of essential trade union rights of Government employees in this country. I can think of nothing which is more stupidly calculated to drive Government employees in their frustration and desperation to revolutionary forces in society who will not propose to act in accordance with constitutional methods of redressing grievances. I find it absolutely incredible, Sir, that the Government should have thought of such a draconian method of denial and repression in relation to its own employees, who are, by and large, a very docile set of people.

In conclusion, Sir, I might reiterate that the major defect of this Bill is the absence of penalty provisions for the contravention of certain essential rights, responsibilities and prohibitions which the Bill does provide. No penalty is prescribed for employers who discriminate against members of trade unions or victimise them in any way because of their union membership or activities. If the rights, which the Bill provides, are to be upheld, then there must be provision for Sessions Court jurisdiction to entertain complaints about their contraventions. Such provisions are included in industrial legislation in other countries, and there is no reason why they should be left out in our legislation.

I am given to understand, Sir, that the trade union movement generally is unhappy about the provisions of this Bill. Public opinion too has not yet had time to be informed about the

pros and cons of the Bill. In the circumstances, I must ask the Minister to agree to refer this Bill to Select Committee, so that public representations can be made on various aspects of the Bill by all interested sections of the community, and particularly by trade unions of workmen and of employers. Much obliged, Sir.

Dr Tan Chee Khoon: *rises.*

Mr Speaker: The Honourable Member for Bukit Bintang has indicated to me that he wishes to speak for a few minutes.

Tuan Tan Toh Hong (Bukit Bintang): Mr Speaker, Sir, it has been noticeable to all that in the past few years there has been an increased tendency of industrial unrest and frustration among workers. Strikes, work-to-rule, delay in settling claims, frequent tug-of-wars between Government employers and Government employees, etc., have almost become a permanent feature of our daily life.

This state of affairs is obviously unsatisfactory. Tug-of-wars between the Government and the Government servants and acrimonious charges and counter charges between these two groups will not benefit anybody. This hurts not only the people, the Government employees, who are involved in the trial of strength, but also the innocent taxpayers in the country. We may recall, Sir, the extensive damage as a result of the big Railway strike some time ago whereby thousands of people suffered. The country's economy was dislocated, the Railway workers lost their wages, the Railway Administration lost its revenue and the innocent taxpayers, the majority of whom are workers and farmers, had to pay higher prices for essential commodities like rice, sugar, oil, etc., because of that dispute. In addition, there was inconvenience all round.

In so far as this Bill provides for the orderly settlement of disputes—that is, in the first instance, through voluntary conciliation between employees and employers and, if that fails,

subsequently through compulsory arbitration—is indeed a noteworthy feature. In the Public Service in particular, the Government as an employer has been accused a number of times for breach of faith and delays in dealing with their claims and problems. The application of the provisions of Parts VI and onwards of this Bill should ensure that the disputes in the Government and the frustrated claims of Government employees are settled quickly, thereby preventing innocent taxpayers suffering from disrupted Government services.

This Bill is long overdue, and I recall that talk of revising industrial relation codes and putting the procedures for settlement disputes into an orderly system was heard as far back as 1963. The earlier the arbitration machinery is set up, the better it is for all concerned, for unless industrial peace and justice prevails, the nation, the workers and the people, would eventually have to bear the cost of industrial unrest such as services dislocated, wages and revenue lost, prices go up, school fees go up and eventually taxes also go up. In this respect, Sir, for the Industrial Arbitration Court to function effectively, it is most important that this Court, apart from those representing employers and employees, should be composed of absolutely independent and impartial people. This is particularly significant as the awards of this Court is binding.

Finally, the other reason that this Bill is long overdue is that similar legislations have existed for some years now in our neighbouring countries who are in a more or less similar economic situation such as ours—India, Ceylon, Singapore, Philippines, Australia and New Zealand. In all these countries, Sir, the legislation provides for varying degrees of compulsion in settling labour disputes. Unless and until industrial peace prevails, the nation, the workers and the people, could not prosper.

As such, Sir, I beg to support this Bill.

Dr Tan Chee Khoon: Mr Speaker, Sir, before I speak, I wish to let this House know that although I have

obtained your permission to speak after Devan Nair, I have generously allowed my namesake to speak, which shows that we on this side of the House especially as between one Tan and another, can find common ground.

Mr Speaker, Sir, the Member for Bungsar—I think, he after his marathon effort has gone for a drink to come back and fight with renewed vigour in the Committee Stage—has stated that the M.T.U.C. has been unhappy. The Minister for Labour himself has stated that he has consulted the M.T.U.C. and they have not been quite happy. All these are, of course, understatements, Mr Speaker, Sir, I have here press cuttings which say:

“Back the Bill? Never! says the M.T.U.C.”. The other headline says: “The M.T.U.C. will never be a party to the new Bill”, said Zaidi, Honorary Secretary-General of the M.T.U.C.

There is another press statement: “There is nothing new in this Bill. It seems only a camouflage to convert the essential Trade Union Regulations once described as temporary into permanent legislation. Frankly, he added, the workers have been very much disillusioned. The Government has not kept its faith and promises with them”.

So, we can see, Mr Speaker, Sir, both the statements made by the Honourable Member for Bungsar and the Honourable Minister of Labour are, to put it mildly, gross understatements of the actual feeling of the M.T.U.C. towards this Industrial Relations Bill.

Now, Mr Speaker, Sir, it is not generally that I agree with the Member for Bungsar. But, in this case, I must say that I agree with a very good deal of what he has said and, of course, he is a trade unionist of international repute; and I do hope that the Minister will give careful thought to what has been said by the Member for Bungsar. As for me, Mr Speaker, Sir, I cannot claim to be a trade unionist or an employee. I must confess that I am in the position of being an employer speaking on behalf of employees and I hope by that criterion of the Member for Bungsar, I may well qualify myself to represent the employees on the panel of the Industrial Arbitration Court. However, in this House, I have proclaimed in no uncertain term that

I am *amicus laboris* that is, a friend of labour in this House, and I have spoken out loud and bold for the labour movement in this country—and I am still and will, whether I am in this House, or outside this House, be always a friend of labour and will always speak out loud and bold for the cause of labour in this country.

Now, Mr Speaker, Sir, no Bill in recent times has aroused so much controversy and resentment amongst the working classes in this country as this Industrial Relations Bill.

When the Minister of Labour introduced the Essential (Trade Disputes in the Essential Services) Regulations in 1965 he promised this House that the Regulations would be temporary and that they would be withdrawn as soon as confrontation was ended. Now that confrontation is ended for almost a year, what do we see before this House today? Instead of withdrawing the Essential (Trade Disputes in the Essential Services) Regulations, 1965, these have been embodied in the Industrial Relations Bill and if passed in this House, will remain in the Statute Book to enchain the labour movement unless repealed by a change of Government.

This act on the part of the Minister of Labour reminds me of what the Alliance Government did with the Emergency Regulations. This House will remember that these Regulations had to be passed annually by this House during the twelve years of the Emergency. But, when Malaya was declared to be safe from the terrorists, and the communist menace defeated, the Emergency Regulations were embodied in the diabolical and obnoxious Internal Security Act, and most of the safeguards in the Emergency Regulations were removed and all the loopholes were sealed off. In other words, the screw was tightened further and the I.S.A. is now placed in the Statute Book and only an Act of Parliament can repeal it.

As such, the M.T.U.C. are, quite rightly, up in arms against this Bill. To them it cuts right across the basic and fundamental principles which have

formed the backbone of the industrial relations system in this country. The M.T.U.C. has always championed the system of voluntary industrial relations and, as such, they are pledged to oppose with all means at their command this concept of compulsory arbitration as embodied in this Bill. The whole tenor of the Bill is towards compulsory arbitration, as I shall soon show when I consider the Bill in greater detail.

Worse still, by increasing the list of public utilities in the Schedule and imposing restrictions on strikes and giving the power to the Minister to refer dispute to the Arbitration Court, the Alliance Government is virtually denying the workers the right to strike and taking away from them this very important weapon.

If this Bill is passed by this House today, the Minister of Labour will have effectively pulled out all the teeth from the labour movement rendering it impotent and toothless. The trade union movement will then be like putty on his hands to be manipulated at will by the Minister of Labour. Is this the way the Alliance Government wants to foster a healthy vigorous, trade union movement in this country, or does it want the trade union movement to be one with feet of clay that can be toppled at the behest of the Minister of Labour?

The Bill also further imposes harsh and undemocratic hardships on the workers of this country and, as I have stated before, it is similar to the Internal Security Act which seeks to keep the Alliance Party perpetually in power and enslave the whole nation turning it into a Police State. Only in this case this Bill will seek to enslave the labour movement.

It is true that the Minister of Labour has consulted the M.T.U.C. by discussing the draft Bill with them. The M.T.U.C. is now complaining, and I quote: "Despite the promises of the Minister of Labour that our proposals to alter the Bill will be seriously considered, almost in all cases they seem to have been rejected without much thought."

I have read through the draft Bill, Mr Speaker, Sir—this is the draft Bill that has been circulated to the M.T.U.C. and the Bill before us today—and also the amendments proposed by the M.T.U.C. carefully, and here I must be fair and say that the Minister of Labour has, in fact, taken cognizance of the views of the M.T.U.C. and, as this Bill shows, a number of the amendments proposed by the M.T.U.C. have either been incorporated by the Minister into this Bill or have been deleted as suggested by the M.T.U.C. But, if one looks a little closer at the amendments and deletions proposed by the M.T.U.C. and accepted by the Minister of Labour, one soon comes to the conclusion that what the Minister had done was to throw a sop to the M.T.U.C. The Minister of Labour has not budged one inch when fundamental issues are at stake, and thus the M.T.U.C. is completely justified in making the complaint that they have been ignored by the Minister of Labour.

Sir, most of the provisions in this Bill are completely contrary to the concept of freedom of trade union association as embodied in I.L.O. Convention No. 87 concerning "Freedom of Association and Protection of the Right to Organise". This is the Government's most audacious and brazen attempt to emasculate the trade unions. If this Bill is bulldozed through the Parliament, and I am sanguine enough to know that the Minister of Labour can do just that, the trade union movement will be reduced to a pantomime show. It is a complete travesty of democracy and trade union freedom. If the Government really believed in its declared policy of promoting the growth of a free, independent, healthy, responsible and democratic trade union movement, it should withhold consideration of this ill-conceived Bill.

Mr Speaker, Sir, I.L.O. Convention No. 87 specifically lays down as follows:

Article 2—Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 3 (1)—Workers' and employers' organisations shall have the right to draw up their own constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

Article 3 (2)—The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 4—Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Article 5—Workers' and employers' organisations shall have the right to establish and join federations and confederations and by such organisation, federation or confederations shall have the right to affiliate with international organisations of workers and employers.

Article 6—The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

Article 7—The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

Article 8 (1)—In exercising the rights provided for in this Convention, workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

Article 8 (2)—The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

Article 9—The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the Police and shall be determined by rational laws or regulations.

Mr Speaker, Sir, now I wish to comment in some detail on some of the Clauses in this Bill. Sir, Clause 4 (1), in regard to the right of workman to form and assist in the formation of and join a Trade Union. One is familiar with the practice of employers in this country to regard trade unions as a necessary evil. Other employers go further and refuse to recognise trade unions legally constituted and, worse still, time and again employers have sought to destroy the trade unions by victimizing their leaders. The tactic the employer adopts is a very simple one: he merely sacks the trade union leaders, and the Ministry of Labour must hang its head

in shame for often they are impotent and incapable to persuade the employer to recognize the trade union.

Now, I am glad that the procedure for the formation of a trade union is laid down in Clauses 4 and 5. The latest instance of the adamant attitude of the employer is in conjunction with the Dolomite Industries, Batu Caves and, with your permission, Mr Speaker, Sir—I have here a copy of the press release from the Secretary of the Dolomite Industries Branch, Batu Caves—I shall quote a bit from it, and the Minister must know that this is a very common practice amongst the employers in this country. This press release is dated 17th June, 1967.

*“Ranting Dolomite Industries, Batu Caves—
Strike by Workers from 13th June, 1967”*

This is a quarrying establishment. All the Directors of this Company are Malaysians. With the approval of the Registrar of Trade Unions, we organised the majority of workers employed in this establishment during December, 1966. 92 members representing over 80 per cent of the workers have joined this Union. Application for recognition was made to the Management on 11th January, 1967.

Since the date of application was made, Management had resorted to all forms of unfair practices. Management spread false rumours, intimidated members of the Ranting Committee and in every other way obstructed recognition of this Union. Management consulted the R.T.U. Management also asked the Commissioner for Industrial Relations to make a check of our members. The Commissioner for Industrial Relations made a check of our members against Management's list of employees and confirmed that we had organised a majority of workers. In spite of going through all this procedure, Management stubbornly refused to recognise our Union. We have only one dispute with Management—recognition. Management ignored the advice of the Ministry of Labour.

The National Mining Workers Union of Malaya Executive Council, at its meeting on the 3rd and 4th June, 1967, considered the whole issue and took the following decisions:

- (a) Serve one week's notice on Management to recognise our Union failing which resort to strike action.
- (b) Issue secret ballot papers for strike action. Action was taken on both decisions. Nearly 100% of our members voted for strike action and the strike commenced on the morning of Tuesday, 13th June, 1967. Management had defied the Union and we had no alternative but to order a strike. In the

meantime, Management has resorted to employing undesirable elements to operate the establishment on a skeleton basis”.

Now, Sir, as I have pointed out before, I need hardly remind the Minister of Labour that this is not one instance where Management has victimised the workers in particular, by sacking the potential trade union leaders and their group and further by employing “black legs” to break any strike. I do hope that with the regulation being laid down in this Industrial Relation Bill, if such an eventuality does occur in the future, the Ministry of Labour will come down heavily on the side of the workers and not of the Management.

Mr Speaker, Sir, Clause 5 (2) (b) is a convenient way of getting rid of troublesome trade unionists. In politics, such people are kicked upstairs to the Upper House or, in England, to the House of Lords. The Member for Bungsar has already asked the Minister to define what is meant by “matters relating to staff relations”; and I too want to ask that question, except that I think it will be more convenient for an employer, if he finds anyone troublesome, either to kick him upstairs to a managerial position and render him innocuous there, or to push him into typing a confidential letter—if I heard him correctly, the Member for Bungsar stated “confidential letter”—and therefore he becomes employed in staff matters and, therefore, cannot join the trade union.

In this instance, as I have stated before, the management or the employer, by the simple expedient of appointing a troublesome trade union leader to a managerial position, or to work as a confidential secretary, can effectively hamstring a trade union.

These two classes in Clause 5 (2) (b) and (c) should be deleted, and the matter should be left for adjustment by the employer and the workers concerned.

Clause 10 is designed to prevent the formation of splinter unions, and here I am sure practically the whole trade

union movement is behind the Minister in this matter. There are far too many peanut unions, and the sooner they are reduced in number the better.

However, some of the actions of the Ministry of Labour are in direct contravention of Clause 10. I wish to bring to the attention of this House and to the Minister of Labour how this Ministry has almost connived at the formation of a splinter union in the Sri Jaya Branch of the Transport Workers Union. I had intended to ask a question for oral answer but, unfortunately, the time was up, and I wish to take this opportunity to bring this matter to the attention of the Honourable Minister. I quote from a statement from the Transport Workers Union's release.

"The Transport Workers Union was extended recognition by the Sri Jaya Transport Company Limited during the middle part of 1960 as its representative body of workers in dealing with matters concerning the entire employees of the Sri Jaya Transport Company Limited. From this period, the Union had continued to make full use of the existing available permanent joint-council machinery to resolve all issues arising between the company and the workers from time to time. On wages and working conditions, the Union and the company negotiated an agreement in 1962 and in 1966 the Industrial Arbitration Tribunal made an award in respect of the wage claims made by the Union. In this award, we wish to draw the attention of the Company, where the tribunal has stressed the need to restrain wage claims by the Union on behalf of the workers until 1969. The award will indicate to the extent this Union has been recognised by the tribunal as a bargaining unit. In addition to this, in December, 1966, the Union concluded a further agreement on bonus. Recently, on May the 17th, 1967, the Union met the Management, again, to discuss the procedure that should govern the payment of bonus and also retirement benefit. These *bona fide* events will illustrate the cordial relationship between the Company and the Union.

A splinter Union since 1963 had existed in the Sri Jaya Transport Company. In spite of the new Act, i.e., the new Societies Act, which was passed in Parliament in 1965 authorising the Registrar of Trade Unions to cancel all splinter unions, no action has been initiated on this union due to political consideration. From this time, a number of splinter unions have been cancelled but successful political manoeuvring has obstructed the Registrar of Trade Unions to de-register this trade union. In early 1967 a prominent politician belonging to a communal organisation has manipulated with the authorities and has

compelled the said authorities to float all laid procedure, by not de-registering the splinter union and has subjected the Ministry of Labour to political pressure. We are prepared to substantiate our allegation if we are challenged. The Ministry of Labour, in this instance, had failed to rise above political pressure, and any desperate attempt to evade facing reality and facts would only be an act of cowardness. Time will expose any Government that violates and contravenes the very law that it has passed.

We are aware that the largest transport undertaking in this country suffers in the hands of certain directors who have stooped low to the level of engaging themselves in disrupting the unity of workers on communal sentiments and have also interfered with the administrative functions of the company which has been traditionally the responsibility of the Manager. The Company is being driven to deterioration by elements in the management who lack the knowledge of a transport establishment and if the same situation continues, the fate of the Sri Jaya Transport Company will be no better than many other bus companies in the country which have failed due to mismanagement. This, of course, may be considered as not the concern of the Union, but as a responsible trade union we have an interest in the progress and stability of the industry as a whole.

During the last month, the splinter union, the said Sri Jaya Transport Employees Union, under threats, intimidation and false interpretation, obtained a number of signatures from the Transport Workers Union members requesting the company to cease deducting their subscriptions from the pay-sheet. Among these signatures it was later discovered an act of forgery: towards this, at least two workers have made Police reports that their signatures have been forged by certain elements. However, representation was made to the Police for necessary investigation. In the meantime, the Union had called upon the Company not to act on the signatures until Police investigation was completed. Until such time a proper investigation is made and the question of forgery is ironed out, the Union maintained that the entire signatures should be declared null and void. Since forgery is a serious crime, any action of the Company on the signatures would be *sub judice* since the matter is bound to be heard by a court of law. The Company disregarded the Union's suggestion and continued to act on the signatures. While this controversy is prevailing, we have been informed that the Ministry has advised, under political pressure, that the Company could deduct the membership subscriptions towards the splinter Union on receiving a list from the said Union. If this is true, it will be a most irresponsible action on the part of the Ministry of Labour."

Mr Speaker, Sir, I have read at length this press release from the Transport Workers' Union not because

I wish to bore this House, but because this is a very important thing. The Ministry of Labour and the Minister of Labour, himself, is committed to the getting rid of peanut unions and yet, when a splinter union is formed in the Sri Jaya Branch of the Transport Workers' Union, the Registrar of Trade Unions has not only registered that union but the Ministry of Labour has not taken action to de-register that union. I fail to see how this can be reconciled with the action on the part of the Minister of Labour or of the Registrar of Trade Unions when he had de-registered the United Malayan Estate Workers' Union that, according to its books, had three thousand workers. There, the Registrar of Trade Unions has de-registered that Union on the score that there is already the N.U.P.W. to cater for the rubber industry. Here, the T.W.U., i.e. the Transport Workers' Union, is recognised as the national body for the transport workers in this country and yet, due to political pressure, the Ministry of Labour has yielded to it and has not taken any action to de-register that Union.

Mr Speaker, Sir, I now come to Clause 14 (2). This is a ludicrous provision. It is an unwarranted interference and will lead to the disruption of a collective agreement freely entered into by the two parties. As such, Clause 14, sub-clause (2)—(a) and (b)—should be deleted.

Clause 18 (1)—Composition of the Industrial Court—Here I entirely agree with the Member for Bungsar, when he says that instead of a tribunal of three, you have now a tribunal of four—two independent members; one from the workers and one from employers. This sub-clause gives the Minister absolute power to make appointments to the panel in the case of 18 (1) (a) and (b) and that, I think, is quite in order, except that, like the Member for Bungsar, I do not quite agree, with the appointment of yet another independent person by the Minister after having appointed the President who presumably is an independent person. The Minister should be required to consult representative organisations of workers and

employers, before he makes such appointments to the panels in the case of (c) and (d) and, as such, I have proposed that instead of “the Minister may consult” it should be “the Minister shall consult”: it should be mandatory on the part of the Minister to consult the representatives of both workers and management, and he need not necessarily accept their advice, but he loses nothing by consulting them before he appoints people to the panels.

Clause 18 (3)—I shall be grateful for a clarification from the Minister of what is meant by “shall have power to impose any term or condition upon which the appointment is made”. Is it the intention to give the Minister absolute power to impose restricted conditions on members of the panels? If this is so, then sub-clause (3) should be deleted.

Clause 19 (1)—This strikes at the very independence of the Court, and it is typical of the attempt of the Executive, in this case the Cabinet, in asking the Minister to interfere with the workings of the Court. The Minister only deals with matters of policy and, surely, it is none of his job to dabble with the day-to-day running of his Ministry, much less with that of the Industrial Arbitration Court. In the draft Bill I see, Mr Speaker, Sir, the three members are selected by the President but in the Bill before us today the Minister has taken over this function. Why should he want to do so? Does he want to take over this function so that he can pick on safe people from the panels so that the verdict can be a foregone conclusion, especially in the case of an arbitration involving Government servants? One shudders to think if this principle is applied to other branches of Government, for example, in the picking of juries. There the Minister of Justice quite rightly has no hand in the picking of the jury, nor has the judge or the magistrate. To illustrate it further, I think, I am correct in saying that in the present Industrial Arbitration Court, the panel is picked by the President of the Court and not by the Minister. To give another illustration,

I have been selected by the Honourable Minister of Finance, whom I see is sleeping now, Mr Speaker, Sir, to serve on the Tariff Advisory Board. When I am asked to serve on it, I am not picked by the Minister to serve on a particular hearing. I have just received an invitation, and the invitation comes from the Chairman of the Court of the Tariff Advisory Board, not from the Minister of Finance. Consequently, I fail to see why the Minister wants for a particular hearing. If justice must not only be done but it must also be seen to be done, then the Minister must step down and allow the President to take over this function.

Clause 23 (1) is perhaps the most crucial Clause in the whole Bill. Here is exposed in all its nakedness the intention of the Government to thrust compulsory arbitration down the throats of the trade unions. Thus, in line 3, it states that the Minister may refer the dispute to the Court on the joint request in writing of either parties. But why should it be a joint request? This effectively means that if one party refuses to go to arbitration, then the dispute continues unless the Minister intervenes under sub-clause (2). Surely, the sensible thing would be to let the parties go to arbitration if either party requests it.

In Clause 23 (2), it is stated:

"The Minister may of his own motion refer any trade dispute to the Court if he is satisfied that—

x	x	x
x	x	x

(c) that it is expedient in the public interest so to do:"

Under this blanket Clause, I have no doubt that he will order the parties to go to arbitration, particularly when the workers concerned are Government servants. I have also no doubt that when he wants it, the word "may" will mean "shall", and this is why the whole trade union movement is up in arms against this Clause. The Minister would do well to heed the voice of the M.T.U.C., if he wishes to have industrial peace in this country.

Clause 27 (4) makes a hollow mockery of the independence of the

Court. Here, the Government seeks to dictate to the Court and, as such, it is an obnoxious and iniquitous clause. Whatever fears the Government may have are adequately covered by sub-clause (5) and the Minister should not be so clumsy as to try to hamstring the Court.

Clause 40 (1) (a) and (b) are rather ambiguous. Clause 40 (1) (a) states that six weeks are required, but Clause 40 (1) (b) states "within fourteen days of giving such notice". I shall be grateful for a clarification from the Minister of Labour.

I see that in the Schedule the list of public utility services has been lengthened. Thus, in the draft Bill, banking was included but in the Bill now before us, banking has fortunately been withdrawn at the request of the M.T.U.C. The M.T.U.C. has also asked for the deletion of Item (ix) in the Schedule, i.e. "any industry or Government undertaking which is principally engaged in the refining, storage, transport or supply of petrol or petroleum products;". What is the reason for the retention of this item in the list of the public utility services? I shall be grateful for an answer.

Clause 41, read by itself, is innocuous enough but, if read in conjunction with Clause 40, it becomes very ominous. Thus, if a trade union in a public utility service has given six weeks' strike notice, 41 (a) and (b) takes place, then the workers cannot go on strike as has been pointed out. Literally, the strike weapon has been taken away from the hands of the people if listed in the public utility services. Is this the intention of the Government? This is a blatant attempt to emasculate the freedom of the trade unions to resort to strike action in the furtherance of legitimate trade union objectives. Mr Speaker, Sir, if a Government trade union gives six weeks' notice of strike and the Minister, under Clause 23 (2) (c) refers the case to the Court, but if the Yang di-Pertuan Agong or the State Authority withholds consent to the reference of the dispute to the Court, then the trade union concerned

is left in animated suspense: it cannot go on strike, as has been pointed out by the Member for Bungsar, and yet its case cannot be forwarded to the Industrial Arbitration Court. If such an eventuality occurs, may I ask the Minister of Labour, what is going to happen to the trade union concerned? Will it be left hanging in the air with animated suspense *ad infinitum*?

This is one other example of how the Government victimises or tries to hamstring and emasculate the trade union movement. Clause 41 (a), (b) and (c) should be deleted.

Clause 49 states that the provisions of Parts II, III, IV and V shall not apply to the Government Service or to a workman employed in the Government. This is a travesty of justice. The whole Bill should apply to the Government Service unions as well.

Mr Speaker, Sir, in view of what I have said before, particularly as regards the opposition from the M.T.U.C. the obvious solution would be to refer the Bill to a Select Committee, so that the Bill can be thoroughly discussed before it is brought back to this House. If the Minister of Labour does this, he will gain the respect and gratitude of the trade union movement. If he rejects this proposal, he must expect active opposition from the M.T.U.C. in the implementation of this Act, when this Act is placed on the Statute Book.

Mr Speaker, Sir, I wish to move that this Bill be referred to a Select Committee, under Standing Order 54, which reads:

"When a Bill has been read a second time, it shall stand committed to a Committee of the House unless the House in motion commits it to a Select Committee. Such motion shall not require notice, must be made immediately after the Bill is read a second time, and may be proposed by any member, the question thereon shall be put forthwith and shall be decided without amendment or debate."

Mr Speaker: The sitting is suspended for ten minutes.

Sitting suspended at 10.35 p.m.

Sitting resumed at 10.45 p.m.

(Mr Speaker in the Chair)

Debate resumed.

Mr Speaker: Before I ask the Minister to reply, may I point out to the Honourable Member for Batu that he has got to propose the motion to refer this Bill to a Select Committee, once again, with seconder?

Tuan V. Manickavasagam: Mr Speaker, Sir, the Honourable Members for Bungsar and Batu have asserted that the Bill vests too much discretion with the Minister and have proposed that this be referred to a Select Committee. Sir, I am afraid I am unable to accept their proposal.

Sir, the Honourable Members on the opposite bench and the Government do not really see eye to eye on the provisions of the Bill. As I have said in my remark in introducing this Bill, we wish to continue the voluntary system of industrial relations and wish to give every encouragement to employers and workers to discuss and settle all matters and problems that arise in their mutual relationship. Sir, this Bill is long overdue, and the reference of the Bill, as suggested by the Honourable Members, to a Select Committee will only hold things much longer.

The Government has studied this Bill with the utmost care. In fact, Sir, a Committee of Cabinet has gone through the Bill in detail. Since the first draft of the Bill, various amendments have been made to cater more effectively for the objectives that I have outlined in my speech in introducing this Bill. The Bill has also been discussed extensively with the National Joint Labour Advisory Council which, as the House knows, consists of representatives of employers and workers throughout Malaysia. The various Ministries of Government concerned with the operation of the Bill have also been consulted, and I must say that the Bill, as presently drafted, represents the stand of the Government on this matter. Even the Honourable Members for Batu and Bungsar, in

studying this Bill so carefully, have been able to suggest only a few rather, if I may say so, inconsequential amendments. All the matters raised by them had been considered on more than one occasion by the Government, but regrettably we are unable to accept them.

As I have already stated in my speech in introducing the Bill, the working of this Bill in practice would be watched closely with a view to making such improvements and modifications that might be necessary in the light of actual experience. As the Bill stands, I think, it is largely a satisfactory document, and I see no purpose in delaying the Bill any further.

Sir, I would now like to refer to the remarks made by the Honourable Members for Bungsar and Batu on the details of the Bill. The Honourable Member for Bungsar claims that this Bill destroys the voluntary industrial relations and he has suggested that we have unduly and harshly tried to regulate too much of the practice of industrial relations. I cannot agree that we have, in the Bill, flagrantly violated the basic rights of the workers. I have checked every I.L.O. Convention on this much abused subject, but I have found no evidence of his allegations. I am prepared to hear more substantial arguments from him on his allegations, but till then I should ignore his broad allegations.

Coming to Clause 54, I have already explained as to why Clause 54 exempts Parts II to IV of the Bill from the penal provisions. I took great pains to explain this, but I presume the Honourable Member did not catch my words. Making contravention of any of these Parts penal offences, would flood our courts, delay redress and even, I am advised, prejudice eventual redress of complaints in the Industrial Court. I have also indicated that awards of the Court on disputes that might arise are binding and contraventions then become punishable as crimes.

Tuan C. V. Devan Nair: On a point of explanation, if I may. The Minister knows that the chances are that very

few complaints about victimisation by reason of the circumstance that a man is a member of a trade union and engaged in trade union activities will ever end up in Court. Cases which will end in Court, grievances, complaints, and so on are probably about 10%, which means about 90% of the complaints and grievances will never secure redress, and that was why I suggested that the whole thing was wrong.

Tuan V. Manickavasagam: The Honourable Member says that 90% of the cases might not reach the court, but I can assure him that, if they are responsible trade unions, they will surely reach the Minister who could refer them to the Court.

Coming to Clause 5 (2) (c), the Honourable Member referred to persons employed in confidential capacity. It is clearly for the Court to satisfy itself as to who is such an employee, and quite obviously it would be unreasonable to cover all and sundry. The reason for this Clause is to avoid conflict of loyalties—staff who deal with staff relations are clearly highly confidential management staff and union membership will surely place such staff in the most awkward position.

Coming to Clause 6 (a), the Honourable Member has not read the Clause carefully. Unionists may do their union work during working hours with the employer's permission, but if the unionist is an employee of that undertaking he can do this without the employer's permission. He quoted Singapore, but let me quote an I.L.O. Convention which permits such a Clause.

Coming to Clause 8 (4), I cannot follow his interpretation of this Clause. My interpretation is that all cases of unresolved recognition disputes must be sent to the Court.

Clause 13 (2): He suggests the need for a maximum term of life for collective agreement. While I am aware that he has suggested that we follow Singapore. I cannot agree that such a provision is necessary.

Tuan C. V. Devan Nair: On a point of explanation, Sir. I never suggested that we follow Singapore. Singapore has got a maximum limit of three years. We might have it as four years or five years. I never suggested that we follow Singapore. All that I suggested was that we do have a maximum period and that we decide for ourselves what that maximum period should be.

Tuan V. Manickavasagam: I cannot agree that such a provision is necessary. It is for the parties themselves to decide on this. I say the longer the agreement, the better it is for our young and growing economy.

The Honourable Member has referred to Clause 18. I am afraid that I cannot agree with him that the Industrial Court would be the only one which has provision for independent persons. Sir, I am sure, he is aware of many other countries which have placed independent persons in such courts. I cannot also agree that non-citizens should be banned from sitting on such courts. It is not necessary that such persons should be appointed, but let me point out that as long as we permit substantial foreign investment in our country, we cannot rightly exclude them representing employer's interests here. This is a sign of our openness on this question. The Honourable Member should rather think of this than to suggest that we exclude the non-citizens.

The other matter he suggested was that there may be a case where an employer may be asked to represent a worker. The Honourable Member should credit the Minister with more sense on this matter, Sir.

Tuan C. V. Devan Nair: On a point of clarification, Sir. All that I asked was that it should be mandatory that no employer should find himself sitting on the employees' panel. That is all that I suggested.

Tuan V. Manickavasagam: Sir, coming to Clause 24, I have already explained at length the necessity to permit legal practitioners but at the discretion of the President. I see no need to go through this again, but I

can point out that this clause also permits trade unionists to represent workers in cases before the courts. I can recall a number of humble trade unionists who have acquitted themselves extremely well in our Industrial Court so far.

Coming to Clause 26 (f), the only reason for requiring the Court to consult the Minister is not to get his permission, but merely to consult him so as to ensure that financial provisions to pay for such assessors can be made available.

Dr Tan Chee Khoon: On a point of clarification. Cannot that job of finding whether there are financial provisions be obtained by the President, if necessary from the Ministry of Labour? Why should the consultation be with the Minister and not with the President? If it is a question of financial implications, then surely the information can be obtained from the Ministry of Labour?

Tuan V. Manickavasagam: Sir, coming to Clause 30, I am surprised that the Honourable Member has interpreted it in a different way. The parties themselves could refer disputes on interpretation to the Court.

Clause 41 (c), as I have stated in my speech, would be used by His Majesty only in very rare cases.

Now, coming to the Honourable Member for Batu he raised a number of points. First, he took the opportunity of bringing the two disputes—one about the Dolomite Industries and the other about the Sri Jaya Transport Workers' Union. Sir, as far as the Sri Jaya Transport Workers' Union is concerned, I understand from the Registrar of Trade Unions that a substantial portion of the employees of the Transport Company are members of the Sri Jaya Transport Employees' Union and as such it is difficult for him to invoke the provisions of the Trade Unions Act, 1965, to cancel its registration. He dwelt at length on the strength of the Transport Workers' Union. I have the figures with me here; the total number of employees in the Company as on

27-5-67 was 955. The total number of employees, in respect of whom trade union subscription was being deducted was 811, out of whom 434 wrote to the Company to say that deductions in respect of their subscriptions should be stopped, leaving only 377 with the Transport Workers' Union—the 434 say that they are no more with that Union. The Sri Jaya Transport Workers' Union also wrote to us. Sir, the position there is quite different each day. We do not know which Union is actually holding the majority, and I hope the Honourable Member will wait for us to make a decision on that.

Dr Tan Chee Khoon: Sir, is the Honourable Minister aware that, out of this 430 that he talked of in the Sri Jaya Employees Union, there have been allegations of forgery of signatures; and unless that case has been decided in Court, this question of whether this 430 or even 530, should be a matter of conjecture?

Tuan V. Manickavasagam: I am aware, Sir, that out of this 434 some have already withdrawn their letters. So, the position changes from day to day. I hope the Honourable Member will be patient for a little more time.

Sir, the Honourable Member mentioned about Dolomite Industries. I have been dealing with this dispute myself. I have met the Management, and I am expecting a reply from them within the next few days.

Dr Tan Chee Khoon: On a point of clarification, Sir. Does the Minister not agree that this is a very simple question? All that the workers want is recognition, and that they represent the majority of workers has been ratified by officials of his own Ministry?

Tuan V. Manickavasagam: Mr Speaker, Sir, if the Honourable Member would not ask for this Bill to be referred to the Select Committee, I can assure him that I will use the provisions of this Bill as soon as I can get it through. (*Laughter*).

Sir, the Honourable Member for Batu referred to a press statement by M.T.U.C. leaders saying that this Bill

just replaces the Essential Regulations. The Bill does contain in a modified form two or three Clauses of the Essential Regulations, but these Clauses are common in most labour legislations throughout the world, and I can find nothing to be ashamed of in using these Clauses. The Bill does, in fact, represent vast areas of new thoughts in this field and it does us little credit to be accused of copying existing legislation.

Sir, the Honourable Member also mentioned about Clause 5 and somebody being kicked upstairs. But surely, Sir, the kicking upstairs tactic would be quite inapplicable in cases under this Clause. It is not for an employer to say with finality who is dealing with confidential matters concerning staff relations. Complaints of this nature can be made to the Minister and eventually to the Court.

Sir, the Honourable Member also mentioned about I.L.O. Conventions

Dr Tan Chee Khoon: Mr Speaker, Sir, I have also mentioned about Clause 5 (2) (b), whereby the mere expedient of promoting a person to a managerial position, he can then be ruled out as a member of a trade union. He knows very well that this actually is, in fact, the case with the President of the M.T.U.C. at the moment; he has been asked to be placed on a managerial post and he has refused—at a great sacrifice to himself, he has refused and he has chosen to remain a trade unionist.

Tuan V. Manickavasagam: If one is to be promoted and if one is due for promotion, I do not think anybody should deprive him of his rightful promotion, and that should not be called as “kicking upstairs”.

Tuan C. V. Devan Nair: Mr Speaker, Sir, on a point of clarification. The Minister is aware of many employers—and as a trade unionist, I have come across such employers—where you promote a man as a manager just because you want to get him out of the union. But certain countries do provide legislative provisions whereby

the employer is required to prove that the man is really a manager and what are the managerial perks. Has his pay really been increased, because an employer can say "So-and-so" becomes a manager tomorrow without any change in his salary, any change in his conditions of employment, any of the managerial perks, and that is why it was suggested that this Clause was insufficient.

Tuan V. Manickavasagam: Mr Speaker, Sir, I cannot think of any case where a person is just promoted in name without at least some benefits to go with it.

Tuan C. V. Devan Nair: Just in order to clarify that, may I inform the Honourable Minister that I know an employer whom he should know well—the Shaw Brothers. The Shaw Brothers had, in my experience in Singapore, said that certain people were managers, nominated them as managers when they did not enjoy any managerial perks, pre-requisites or rights? And this was a matter, Sir, which had obtained certain publicity in the newspapers, because it went to the Arbitration Court and the Arbitration Court in Singapore decided against the managers. So, there are these precedences.

Tuan V. Manickavasagam: Sir, well, I think the Honourable Member has given a very good reference about Singapore now in this case (*Laughter*).

Sir, the Honourable Member for Batu also mentioned about certain provisions of the Clauses. He referred to Clause 14 (2). Sir, I am unable to follow the intention of the Honourable Member in suggesting the deletion of Clause 14 (2). Clause 14 (2) follows from the provisions of Clause 13. Since a collective agreement is required to contain the ingredients specified in Clause 13, it must surely follow that the Court, in taking cognizance of the agreement, must ensure that those ingredients are contained in that agreement.

Sir, he also referred to Clause 18 (1). The Honourable Member said that the word "may" in the proviso to Clause

18 (1) should be amended to read "shall". The word "may" is used merely to cater for an eventuality, where there may be more than one organisation of employers or workmen catering for the same group of people. It is important in such a situation that the Minister should be given some discretion to decide which organisation he should consult. Sir, I have already indicated to both sides of the National Joint Labour Advisory Council that I will continue to consult recognised organisations on the question of appointing members to the Industrial Court.

The Honourable Member also mentioned about Clause 19 (1). He referred to the first draft of the Bill which he read just now. Sir, for the information of this House, the drafts of the Bill were handed over to both employers' and workers' group of the National Joint Labour Advisory Council in the strictest confidence, so that I may be able to obtain their views. I am perturbed to note that some member of the Council has passed on a copy of the draft to the Honourable Member for Batu. This is clearly a gross breach of the confidence that we have placed on the members of the National Joint Labour Advisory Council; and, if this is the manner in which they are going to conduct their business, I find it difficult to continue to place my confidence in them (*Applause*). Nevertheless, Sir,

Dr Tan Chee Khoon: Sir, I wish to make my position clear

Tuan V. Manickavasagam: I have not finished, Sir, I might point out that the power to appoint members to the Industrial Court to deal with specific trade disputes has been vested in the Minister in Clause 19 (1) as a result of representations made by the workers' group of the National Joint Labour Advisory Council for various reasons. The employers' group too had no objection to this. I would have preferred myself that the power be vested in the President, but in the event I thought it desirable to accede to the wishes of the workers' group. I cannot go back now and accede to the request

of the Honourable Member for Batu. Sir, he can have his say.

Dr Tan Chee Khoon: Mr Speaker, Sir, I want to make it perfectly clear to this House that I was not trying to subvert. If I have any documents with me before, or now, I did not go and look for the documents. The documents were brought to me, and as such I am completely innocent of any ulterior motives that the Minister may seem to impute. These documents were brought to me. I did not know that they were supposed to be confidential or not supposed to be given to any others. They were brought to me by lots of other people who bring their letters or memorandum to me and ask me to study them.

Tuan V. Manickavasagam: I did not accuse the Honourable Member, Sir. I accused the person who handed it to him.

Sir, with regard to Clause 27 (4), the Honourable Member for Batu has suggested the deletion of Clause 27 (4) which I consider to be a vital provision. It is important in the interest of our economy and the programme of industrialisation that the Industrial Court, in making its award, should have the fullest regard to the public interest and the financial implications of its award. It is necessary that the Industrial Court be given this frame of reference for its work or, otherwise, we could ruin our whole economy. I am definitely not able to accept his suggestion.

Sir, this Bill is a result of the experience so far gained and I am aware that more and more of late we are facing certain problems in the field of industrial relations which are becoming extremely difficult to handle and irksome to a large degree.

Sir, the Honourable Member from Bukit Bintang mentioned about disputes in the public sector and disputes in the other private sectors too. Organised workers in some sectors appear to be adopting questionable tactics in the pursuit of their very narrow objectives without regard to the convenience of the public, or the interest of our young and growing nation. While

the Bill contains certain provisions to deal with such elements, I am aware that it may not go far enough in the view of some people who feel strongly about such actions. The Government is responsible to the people of this country as a whole, and not only to the workers of this country who happen to be organised in trade unions or to the employing sections of the population. Organised labour in this country has made substantial progress not only in respect of their status in trade unions but also in respect of terms and conditions of employment. Organised labour also enjoys a substantial degree of freedom of action and speech, which is rarely tolerated in many parts of the world. The Honourable Member quoted other parts of the world, but this is not tolerated in many parts of the world. This is especially true of staff unions in our Public Services. Of late, these unions appear to have gone on a mass campaign of criticisms and damage to the image of the Public Services as a whole and to the Government of the day. They have gone to the extent of organising what must surely be considered as a threat of mass intimidation. Staff unions would do well to bear in mind that we have permitted a large degree of freedom for them to exercise the right to organise themselves into trade unions and even, when necessary, to go on industrial action. This should not, under any circumstances, be interpreted by them to mean that the Government is either weak or fearful of their organised strength. As we have stated on a number of occasions in the past, our Public Service is one of the most excellent in this part of the world. It is due largely to their hardwork and dedication that we have been able to record the levels of progress and development that we are able to boast of. Our Public Service from the lowest ranks in the industrial and manual group to the highest level in the Civil Service deserve our credit and praise for this. We can only sustain this level of well-being and growth if we continue to have such hardwork and dedication. Public servants should bear in mind that the Government is

doing all it can out of available resources to ensure that they get as fair a deal as possible. This should not lead them to be drawn into battle of trials of strength with the Government by leaders, who merely seek the glory of power which unfortunately they seem to think they acquire by making tough statements or organising mass rallies, persuading “go-slow” tactics, preventing extramural activities and resorting to other forms of non-cooperation in the hope of bringing Government to its knees. They are sadly mistaken, if they think that they are going to succeed in these ventures. We, as the Government, Sir, believe firmly in providing the basic freedoms to our people and in the genuine pursuit of democratic belief. However, it must be clear to the Honourable Members in this House, and to the country at large, that all these freedoms must be subject to the exacting demands for stability and progress and that, where the exercise of this freedom seems to be subverting stability and progress, we will have to take a hard look at this matter.

As I have said in moving this Bill, the operation of this law will be watched closely and carefully and such limitations or shortcomings as may be found in the Bill to cope with irresponsible activities in the industrial field, will be looked into, and I would not hesitate to come back to this House for suitable modifications if the situation warrants it.

Sir, I beg to move that the Bill be now read a second time (*Applause*).

Question put, and agreed to.

Bill accordingly read a second time.

Dr Tan Chee Khoon: Mr Speaker, Sir, may I, under Standing Order 54, move that this Bill be committed to a Committee of the whole House?

Mr Speaker: You mean “to a Select Committee”?

Dr Tan Chee Khoon: Yes, Sir.

Tuan C. V. Devan Nair: Sir, I beg to second the motion.

Question put, and negatived.

House immediately resolved itself into a Committee of the whole House.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 to 3 inclusive ordered to stand part of the Bill.

Clause 4—

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move an amendment to Clause 4 as in the Amendment Slip submitted to Honourable Members, viz:

For sub-sections (1) and (2) substitute the following—

“(1) Subject to the provisions of any written law relating to the registration of trade unions, every workman shall have the right to form and assist in the formation of and to join a trade union and to participate in its lawful activities.

(2) Subject to the provisions of any written law relating to the registration of trade unions, every employer shall have the right to form and assist in the formation of and to join a trade union and to participate in its lawful activities.”

Amendment put, and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5—

Dr Tan Chee Khoon: Mr Chairman, Sir, I beg to move that Clause 5 (1) (d), line 2, be amended as follows:

“After the word ‘employment’, add the words ‘or victimise him in any way’.”

Mr Chairman: The question is that Clause 5 be amended as in the amendment slip submitted by the Honourable Member for Batu, which reads as follows—

Clause 5 (1) (d)—insert the words “or victimise him in any way” in line 2 of the paragraph after the word “employment.”

Clause 5 (2) (b) and (c)—delete;
be agreed to.

Amendments put, and negatived.

Dr Tan Chee Khoon: Sir, in Clause 5, I have not proposed the other two amendments yet.

Mr Chairman: I take it that all these amendments as contained in your

Amendment Slip which has been passed round, should be taken together.

Dr Tan Chee Khoon: But, Sir, I only read out the first one. I have yet two other amendments in regard to Clause 5 (2) (b) and (c).

Mr Chairman: I have put to the House all the amendments as contained in this paper.

Dr Tan Chee Khoon: I bow to your judgment.

Clause 5 ordered to stand part of the Bill.

Clause 6—

Dr Tan Chee Khoon: Sir, in regard to Clause 6, I wish to move the deletion of both sub-clauses (b) and (c).

Amendment put, and negatived.

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move the amendment to Clause 6 as submitted in the Amendment Slip, which reads as follows:

“Insert the word ‘or’ at the end of paragraphs (a) and (b).”

Amendment put, and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 and 8 ordered to stand part of the Bill.

Clause 9—

Dr Tan Chee Khoon: Mr Chairman, Sir, I wish to move an amendment to Clause 9 (1) (a) and (b)—i.e., for the deletion of (a) and (b).

Amendment put, and negatived.

Clause 9 ordered to stand part of the Bill.

Clause 10—

Dr Tan Chee Khoon: Sir, I wish to move an amendment to Clause 10 as shown in the Amendment Slip submitted by me, which reads as follows:

“Page 7, first line—delete the sentence after ‘class of workmen unless’ and substitute the sentence ‘The Trade Union which has been accorded recognition is either no longer in existence or there exists reasonable doubt about its representative character.’”

Amendment put, and negatived.

Clause 10 ordered to stand part of the Bill.

Clauses 11 to 13 inclusive ordered to stand part of the Bill.

Clause 14—

Dr Tan Chee Khoon: Mr Chairman, Sir, I wish to move an amendment to Clause 14 (2) as submitted in my Amendment Slip, which reads:

“Delete the whole sub-section (2).”

Here I wish to say that where an agreement is freely entered into by both parties, why should it be subject to recognition by the Court as is implied here?

Amendment put, and negatived.

Clause 14 ordered to stand part of the Bill.

Clauses 15 and 16 ordered to stand part of the Bill.

Clause 17—

Tuan V. Manickavasagam: Sir, I beg to move that Clauses 17 be amended as in the Amended Slip, which reads as follows:

“In line 6, for ‘without delay’, substitute ‘within such period as may be specified in the direction.’”

Amendment put, and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18—

Dr Tan Chee Khoon: Mr Chairman, Sir, I beg to move an amendment to Clause 18 (1) as submitted in my Amendment Slip, which reads:

“Third last line—substitute the word ‘shall’ for ‘may’.”

Amendment put, and negatived.

Clause 18 ordered to stand part of the Bill.

Clause 19—

Dr Tan Chee Khoon: Mr Chairman, Sir, I beg to move that the amendment as submitted by me in the Amendment Slip with regard to Clause 19 (1), which reads as follows, be approved:

“Second last line—substitute the word ‘President’ for the word ‘Minister’.”

Amendment put, and negatived.

Clause 19 ordered to stand part of the Bill.

Clauses 20 to 22 inclusive ordered to stand part of the Bill.

Clause 23—

Dr Tan Chee Khoon: Mr Chairman, Sir, I beg to move that the amendment to *Clause 23* (1) as submitted by me in the Amendment Slip, which reads as follows, be approved:

“Third line—delete the word ‘Joint’ and substitute the words ‘if either party’ after the word ‘Request’.”

Amendment put, and negatived.

Clause 23 ordered to stand part of the Bill.

Clauses 24 to 26 inclusive ordered to stand part of the Bill.

Clause 27—

Dr Tan Chee Khoon: Mr Chairman, Sir, I wish to move the deletion of *Clause 27* (4). Here, before I move this amendment, I wish to say that, contrary to what the Minister has said, this is an attempt to prejudge any case brought before any Industrial Arbitration Court, because it says here:

“In making its award in respect of a trade dispute, the Court shall have regard to the public interest, the financial implications and the effect of such award on the economy of the country, and on the industry concerned”

It means that the Arbitration Tribunal has got no elbow room at all. It is told, “All these are restrictions, you must be very careful, you must not do this, you must not do that.” I would feel that *Clause 27* (5) would be more than adequate for purposes of the Government’s fears, i.e.:

“The Court shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal form.”

I do not see any reason why any arbitration court should be dictated to by the Government even before it begins to sit, and as such, Mr Chairman, Sir, I move that *Clause 27* (4) be deleted.

Tuan V. Manickavasagam: Mr Chairman, Sir, this is a very important

Clause. As I said, earlier, it is very important that the interest of our economy and the financial implications should be taken into consideration in any award. *Clause 27* (5) is quite different. It just says:

“The Court shall act according to equity, good conscience”

but it may not have the financial considerations in mind. Sir, we do not say that they should not make any reasonable awards. But what we ask is to take into consideration the probable effect in related or similar industries and the economy, and I do not see any reason why the Honourable Member is objecting to it.

Dr Tan Chee Khoon: Mr Chairman, Sir, it does seem to me that, in the first instance, of the four people appointed to the Court, first, the President is appointed by the Minister; next, the independent person is appointed by the Minister; then the other two, the employees’ representative and the employers’ representative, as the Bill stands, are also appointed by the Minister. In other words, all these four people who comprise the Arbitration Tribunal are all appointed by the Minister, and he has got no faith in them that they, of their own volition, would take into consideration the public interest, the financial implications, and the like. It seems to me that he has no confidence in the people that he has appointed to serve on the Arbitration Tribunal, that he has to remind them every time of this *Clause*.

Tuan V. Manickavasagam: Sir, the independent persons will be very independent—the President will be its chairman, the workers’ representatives will be looking into the workers’ interest and the employers’ representatives will be looking into the employers’ interest—I thought I should remind them of the national interest. (HONOURABLE MEMBERS: Hear, hear) (*Applause*).

Amendment put, and negatived.

Clause 27 ordered to stand part of the Bill.

Clause 28 ordered to stand part of the Bill.

Clause 29—

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move that the amendment as mentioned in the Amendment Slip, in regard to Clause 29 (1) (a) which reads as follows, be approved:

"In line 3, delete the word 'to' after the words 'appear or'."

Amendment put, and agreed to.

Clause 29, as amended, ordered to stand part of the Bill.

Clauses 30 to 34 inclusive ordered to stand part of the Bill.

Clause 35—

Dr Tan Chee Khoon: Mr Chairman, Sir, I beg to move that Clause 35 (2) and 35 (3) be deleted as they are very harsh provisions.

Amendment put, and negated.

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move that a hyphen be placed in the word "lockout" wherever it appears in Clause 35 of the Bill.

Amendment put, and agreed to.

Clause 35, as amended, ordered to stand part of the Bill.

Clause 36—

Dr Tan Chee Khoon: Mr Chairman, Sir, before I move my amendment, may I ask the Minister of Labour what is the necessity to vary this term of imprisonment to not exceeding one year or to a fine not exceeding \$1,000 or to both such imprisonment and fine, from the Trade Dispute Ordinance of 1949 which says that it should be not exceeding 3 months or to a fine not exceeding \$250 or to both such imprisonment and fine?

Tuan V. Manickavasagam: Sir, with regard to this question of fines, he has suggested that the penalties in these clauses are different. Sir, I do not consider that these penalties are harsh and that the maximum term of imprisonment for one year or a fine of \$1,000 is unduly excessive. Sir, it is necessary for us to provide sufficient deterrents to those who would choose to break the law. I have a feeling that the Honourable Member for Batu is concerned

about this, because it is largely that members of his Party who have been involved in numerous cases where the law concerning trade disputes has been broken in open defiance. I consider penalties as drafted in these clauses to be necessary if we are to survive the challenge of irresponsible elements. Sir, law-abiding workmen need not worry about such penalties as I do not think that they would get into a situation of that sort. I also hope that members of the Labour Party would desist from leading other workers into such positions where they would have to pay penalties as drafted in this Bill.

Dr Tan Chee Khoon: Mr Chairman, it may interest the Minister of Labour to know that these amendments come from active trade unionists and they are not members of my Party.

Mr Chairman: Will you now propose the amendment?

Dr Tan Chee Khoon: Mr Chairman, Sir, I beg to move that the amendment to Clause 36, as laid down in my Amendment Slip, which reads as follows, be approved:

"Third last line, delete the rest of the sentence after the word 'term' and substitute the words 'not exceeding three months or to a fine not exceeding \$250 or to both such imprisonment and fine in accordance with the provisions of the Trade Disputes Ordinance, 1949'."

Amendment put, and negated.

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move the amendment to Clause 36 as circulated in the Amendment Slip, which reads as follows:

"Delete the words 'of either description' in Clause 36.

In line 1 of Clause 36 (c) for 'woned' substitute 'owned'."

Amendment put, and agreed to.

Clause 36, as amended, ordered to stand part of the Bill.

Clause 37—

Tuan V. Manickavasagam: I beg to move that Clause 37 be amended as follows:

"Delete the words 'house or' in lines 4-5, 7 and 16 and the words 'resides or' in line 5."

Amendment put, and agreed to.

Clause 37, as amended, ordered to stand part of the Bill.

Clause 38—

Dr Tan Chee Khoon: Mr Chairman, Sir, I beg to move that Clause 38 (1) be amended as per the Amendment Slip that I have submitted, which reads as follows:

“Third last line—delete the rest of the sentence after the word ‘term’ and substitute the words ‘not exceeding three months, or to a fine not exceeding \$250 or to both such imprisonment and fine, in accordance with the provisions of the Trade Disputes Ordinance, 1949’.”

Amendment put, and negatived.

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move the amendment as submitted in the Amendment Slip to Clause 38, viz:

“Delete the words ‘of either description’.”

Amendment put, and agreed to.

Clause 38, as amended, ordered to stand part of the Bill.

Clause 39—

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move the amendment as circulated in the Amendment Slip to Clause 39 (5), viz:

“Insert the words ‘of law’ after the word ‘Court’.”

Amendment put, and agreed to.

Clause 39, as amended, ordered to stand part of the Bill.

Clause 40—

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move that a hyphen be placed in the word “lockout” in Clause 40 (2).

Amendment put, and agreed to.

Clause 40, as amended, ordered to stand part of the Bill.

Clause 41—

Dr Tan Chee Khoon: I beg to move for the deletion of Clause 41 (c), as laid down in my Amendment Slip.

Amendment put, and negatived.

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move the amendment

as submitted in the Amendment Slip to Cause 41, viz:

“Insert the word ‘or’ at the end of paragraphs (a), (b), (c) and (d).”

Amendment put, and agreed to.

Clause 41, as amended, ordered to stand part of the Bill.

Clause 42—

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move that the amendment as submitted in the Amendment Slip to Clause 42, which reads:

“For ‘lockout’ or ‘lockouts’, wherever the word appears, substitute ‘lock-out’ or ‘lock-outs’.”

be approved.

Amendment put, and agreed to.

Clause 42, as amended, ordered to stand part of the Bill.

Clause 43—

Dr Tan Chee Khoon: Mr Chairman, Sir, I beg to move that Clause 43 (1) be amended as laid down in my Amendment Slip, which reads:

“Fourth last line—delete the rest of the sentence after the word ‘term’ and substitute the words ‘not exceeding one month or to a fine not exceeding \$50 or to both such imprisonment and fine in accordance to the Trade Disputes Ordinance, 1949’.”

Amendment put, and negatived.

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move that the amendment, as submitted in the Amendment Slip, to Clause 43, which reads as follows:

“For ‘lockout’ or ‘lockouts’, wherever the word appears, substitute ‘lock-out’ or ‘lock-outs’.”

be approved.

Amendment put, and agreed to.

Clause 43, as amended, ordered to stand part of the Bill.

Clauses 44, 45 and 46—

Tuan V. Manickavasagam: Mr Chairman, Sir, with your permission, could I take the Clauses together to save your time?

Mr Chairman: Yes, certainly.

Tuan V. Manickavasagam: Sir, with your permission, I would like to take Clauses 44, 45 and 46 and move that the amendments to these 3 Clauses be accepted, viz:

“Clause 44—in line 3 for ‘Atc’ substitute ‘Act’.

Clause 45—for ‘lockout’ or ‘lockouts’, wherever the word appears, substitute ‘lock-out’ or ‘lock-outs’.

Clause 46—for ‘lock-out’ or ‘lockouts’, wherever the word appears, substitute ‘lock-out’ or ‘lock-outs’.”

Dr Tan Chee Khoon: Mr Chairman, Sir, it would be more convenient to us on this side of the House, if the Minister would move the amendments separately for the simple reason that we agree with amendments to Clause 44, which is a typing error, and to Clause 52 (2) which is also a typing error

Mr Chairman: May I point out that these are consequential spelling mistakes?

Dr Tan Chee Khoon: Yes, I agree with them, but I do not agree with amendment to Clause 48 for which he wants an omnibus approval.

Mr Chairman: Not Clause 48 but Clauses 44, 45 and 46. Is that right?

Tuan V. Manickavasagam: Yes, Sir. Amendments put, and agreed to.

Clause 44, as amended, ordered to stand part of the Bill.

Clause 45, as amended, ordered to stand part of the Bill.

Clause 46, as amended, ordered to stand part of the Bill.

Clause 47 ordered to stand part of the Bill.

Clause 48—

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move an amendment, as submitted in the Amendment Slip, to Clause 48 which reads as follows:

Substitute therefor the following—

“Prosecution of offences under this Part. 48. (1) A prosecution under this Part shall not be instituted except by or with the consent of the Public Prosecutor:

Provided that a person charged with such an offence may be

arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained.

(2) When a person is brought before a Court of law under this section before the Public Prosecutor has consented to the prosecution the charge shall be explained to him but he shall not be called upon to plead, and the provisions of the law for the time being in force relating to criminal procedure shall be modified accordingly.”.

Amendment put, and agreed to.

Clause 48, as amended, ordered to stand part of the Bill.

Clauses 49 to 51 inclusive ordered to stand part of the Bill.

Clause 52—

Tuan V. Manickavasagam: Sir, I beg to move that the amendment to Clause 52 as submitted in the Amendment Slip, which reads as follows:

In the last line for “fire” substitute “fine” be approved.

Amendment put, and agreed to.

Clause 52, as amended, ordered to stand part of the Bill.

Clauses 53 and 54, ordered to stand part of the Bill.

Clause 55—

Tuan V. Manickavasagam: Mr Chairman, Sir, I beg to move an amendment, as submitted in the Amendment Slip, to Clause 55 (1) which reads:

Delete the words “of either description”.

Amendment put, and agreed to.

Clause 55, as amended, ordered to stand part of the Bill.

Clauses 56 to 58 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

Bill reported with amendments: read the third time and passed.

THE EMPLOYMENT (AMENDMENT) BILL

Second Reading

Tuan Lee San Choon: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Employment Ordinance, 1955" be read a second time.

Clause 2 of the Bill amends subsection (2) of Section 61 of the Employment Ordinance. At present, employers are required under the Employment Ordinance to preserve their labour registers for only twelve months after the recording thereof.

Section 17 (2) of the E.P.F. Ordinance provides that proceedings for the summary recovery as civil debts of any contribution may be instituted at any time within three years from the date when contribution becomes due. The amendment in Clause 2, therefore, would facilitate the enforcement of the E.P.F. Ordinance by officers of the Ministry of Labour by requiring employers to preserve their registers for three years.

Clause 3 of the Bill corrects a printers' error.

Clause 4 of the Bill amends Section 85 (2) of the Principal Ordinance to give the Commissioner of Labour and his officers the right to appeal and represent a labourer not only in proceedings instituted under the Ordinance by a Session Court, or the Court of a First Class Magistrate, but also in proceedings arising out of the Ordinance. The proposed amendment would specifically enable officers of the Ministry to appear and represent a labourer before a Court in judgment debtors summons cases which, in effect, arise out of the orders made by Labour officers in Labour Courts in such matters as wages and maternity allowances.

Clause 5 of the Bill amends Section 86 of the Ordinance. This section, as it stands at present, gives the impression that an employer, or a worker, having instituted proceedings for any breach or non-performance of a contract of service in a Labour Court under Section 69 of the Ordinance, may not com-

mence civil proceedings in a court of law. The intention, however, is that the employer or the worker should have the alternative, if he so wishes to bring a civil suit in a court even though his case might be pending in a Labour Court. The proposed amendment would, therefore, provide the alternative and save unnecessary duplication of work for both the officers of the Ministry and the law courts by requiring the complainant to withdraw the proceedings instituted by him in a Labour Court before he commences proceedings in a court of law.

Clause 6 of the Bill amends Section 97 (1) of the Ordinance to bring it in line with the corresponding provisions of the E.P.F. Ordinance. Officers of the Ministry have encountered some difficulty in their enforcement work in places of employment with less than five labourers. The proposed amendment in this Bill would facilitate enforcement of both the Employment Ordinance and the E.P.F. Ordinance.

Clause 7 of the Bill repeals the Employment (Amendment) Act, 1961, which has not been brought into force as the provisions of that Amendment Act relating to payment for overtime work are unenforceable. Suitable amendments in this regard are now being discussed in the National Joint Labour Advisory Council.

Sir, I beg to move.

Tuan Ali bin Haji Ahmad: Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 to 7 inclusive ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE TRADE UNIONS (AMENDMENT) BILL

Second Reading

Tuan Lee San Choon: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Trade Unions Ordinance, 1959" be read a second time.

This Bill seeks to amend three of the terms used in the Trade Unions Ordinance so as to bring them into line with the definitions used in the Industrial Relations Bill which this House discussed today. It is necessary that the terms used in both these laws should be identical as the Trade Union Ordinance requires certain procedures to be gone into before a strike. The explanation of these definitions have already been given during the debate on the Industrial Relations Bill, and I need not take up the time of this House by going through them again.

Sir, I beg to move.

Tuan Ali bin Haji Ahmad: Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 and 2 ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE TRANSFER OF FUNCTIONS (REGISTRAR-GENERAL OF SARAWAK) BILL

Second Reading

Tuan Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, saya mohon menandatangani supaya Rang Undang² Pemindahan Tugas² Pendaftar Besar Bagi Negeri Sarawak, tahun 1967 di-bacha bagi kali yang kedua. Saya tidak berhajat hendak menambah penerangan²

lagi sa-lain daripada apa yang terkandung di-dalam Rang Undang² ini.

Saya mohon menandatangani.

Tuan V. Manickavasagam: Tuan Yang di-Pertua, saya menyokong.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 and 2 ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

MOTIONS

THE CUSTOMS ORDINANCE, 1952

The Customs Duties (Amendment) (No. 9) Order, 1967

The Parliamentary Secretary to the Minister of Finance (Tuan Ali bin Haji Ahmad): Mr Speaker, Sir, I beg to move:

That this House resolves that in accordance with the powers vested in it by virtue of sub-section (2) of section 10 of the Customs Ordinance, 1952, the Customs Duties (Amendment) (No. 9) Order, 1967, which has been laid before the House as Statute Paper No. 86 of 1967 be confirmed.

Mr Speaker, Sir, the Order before the House implements the recommendations of the Tariff Advisory Board Report on tyres and tubes, and also reduces the present rate of duty on cement from \$24 per ton to \$12 per ton.

The level of duty on motor tyres and tubes had been increased from \$1.40 to \$1.80 per pound and on cycle tyres from 50 cents to \$2.00 per tyre throughout Malaysia. These duties are imposed in order to give sufficient protection to local industries against overseas manufactures.

The reduction in import duty from \$24 to \$12 on cement is made after taking into consideration petitions by the construction industry and other

users of cement, who claim that as a result of the increase in the price of cement, their construction costs have increased with repercussion on the general cost of living.

Mr Speaker, Sir, I beg to move.

The Assistant Minister of Education (Tuan Lee Siok Yew): Sir, I beg to second the motion.

Dr Tan Chee Khoon: Mr Speaker, Sir, may I seek a clarification from the Honourable Minister of Commerce and Industry with regard to cement? I am grateful that, I believe, it was on the advice of the Tariff Advisory Board that he has lowered the tariff from \$24 to \$12 per ton. In view of the fact that even with reduction of tariff the price of cement is very high—it is not enough, will he consider lowering the tariff more, so as to make it more competitive, and to make the manufacturers of cement to see the way and the light?

The Minister of Commerce and Industry (Dr Lim Swee Aun): Mr Speaker, Sir, the Government will ensure that there will be no over-protection of any factory, particularly those who exploit the consumers as a result of the protection.

Question put, and agreed to.

Resolved,

That this House resolves that in accordance with the powers vested in it by virtue of sub-section (2) of section 10 of the Customs Ordinance, 1952, the Customs Duties (Amendment) (No. 9) Order, 1967, which has been laid before the House as Statute Paper No. 86 of 1967 be confirmed.

THE SABAH CUSTOMS ORDINANCE (CAP. 33)

The Customs Duties (Sabah) (Amendment) (No. 9) Order, 1967

Tuan Ali bin Haji Ahmad: Mr Speaker, Sir, I beg to move,

That this House resolves that in accordance with the powers vested in it by virtue of sub-section (3) of section 8 of the Sabah Customs Ordinance (Cap. 33), the Customs Duties (Sabah) (Amendment) (No. 9) Order, 1967, which has been laid before the House as Statute Paper No. 87 of 1967, be confirmed.

This Order is the same as the Customs Duties (Amendment) (No. 9) Order, 1967, for West Malaysia which has been confirmed by this House except that, in this case, it applies to Sabah.

Mr Speaker, Sir, I beg to move.

Tuan Lee Siok Yew: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That this House resolves that in accordance with the powers vested in it by virtue of sub-section (3) of section 8 of the Sabah Customs Ordinance (Cap. 33), 1967, which has been laid before the House as Statute Paper No. 87 of 1967, be confirmed.

THE SARAWAK CUSTOMS ORDINANCE (CAP. 26)

The Customs (Import and Export) Duties (Amendment) (No. 9) Order, 1967

Tuan Ali bin Haji Ahmad: Mr Speaker, Sir, I beg to move,

That this House resolves that in accordance with the powers vested in it by virtue of sub-section (3) of section 8 of the Sarawak Customs Ordinance (Cap. 26), Order, 1967, which has been laid before the House as Statute Paper No. 88 of 1967 be confirmed.

Sir, this Order is the same as the Customs Duties (Amendment) (No. 9) Order, 1967, for West Malaysia which has been confirmed by this House except that in this case it applies to Sarawak.

Mr Speaker, Sir, I beg to move.

Tuan Lee Siok Yew: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That this House resolves that in accordance with the powers vested in it by virtue of sub-section (3) of section 8 of the Sarawak Customs (Cap. 26) the Customs (Import and Export) Duties (Amendment) (No. 9) Order, 1967, which has been laid before the House as Statute Paper No. 88 of 1967 be confirmed.

Mr Speaker: The House is now adjourned *sine die*.

Adjourned at 12.15 a.m. on 23rd June, 1967.