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SPEECH BY THE HON'BLE MINISTER OF EDUCATION IN
MOVING THE EDUCATION (AMENDMENT) BILL, 1972
AT THE DEWAN RA'AYAT ON 10.1.1972

Tuan yang Di-hormati.
~~Mr. Speaker, Sir,~~

1. I beg to move that a Bill intituled "An Act to amend the Education Act, 1961, inter alia, to make provisions for the establishment of the Central Board and the winding-up of boards of managers and governors in fully assisted schools in order to give effect to certain recommendations of the Royal Commission on the Teaching Services in West Malaysia", be read a second time.

2. (A). It is necessary, ~~Mr. Speaker, Sir,~~ for me to explain the background leading to this Bill. Briefly, in April, 1967 a Commission known as "the Royal Commission on the Teaching Services in West Malaysia" was established ~~and authorised~~ to inquire, inter alia, into:-

- (i) the salary scales and terms and conditions of service of the teaching profession in West Malaysia;
- (ii) the present set-up of the teaching services, and
- (iii) the present system of school boards of governors/managers;

and to make recommendations thereupon.

(B). The Report of the Commission, which is ~~now generally~~ known as the "Aziz Report", was completed in October, 1968. However, in view of the various representations received and observations made by interested parties, the Government deferred its consideration ~~on~~ ^{of} the Report, and reconvened the Commission in January, 1970 to review the whole of its recommendations in the light of, among other things, the representations and observations received. ~~pertaining to the Report.~~

(C). The Commission submitted its Revised ^{Interim} Report ~~(Interim)~~ in August, 1970. The Report which contained the recommendations pertaining to salaries and terms and conditions of service was accepted by the Government in May, 1971 with certain modifications.

(D). In June, 1971 the Commission submitted its ^{Final} Revised Report. This ~~Revised~~ Report contained ~~not only these~~ ^{the} recommendations ^{made} found in the Revised ^{Interim} Report ~~(Interim)~~ but also other recommendations, including those pertaining to professional matters, organisation of the Ministry of Education at all levels and the establishment of a joint negotiating machinery. ^{The} Those recommendations which were not included in the Revised ^{Interim} Report ~~(Interim)~~ are ^{still} being studied by the Government. The recommendations of the

Commission relating to salaries and terms and conditions of service as approved by the Government in May, 1971, ^{are being} ~~have been~~ implemented since the 15th of December, 1971 by means of Service Circular No. 10 of 1971, ^{dated the 15th of December, 1971.}

~~Mr. Speaker, Sir,~~ ^{Mr. Speaker, Sir,} The object of the Bill is to amend the Education Act, 1961 mainly for the following purposes:-

(a) to make provisions which are necessary in order to implement the recommendations of the Royal Commission relating to salaries and terms and conditions of service as agreed to by the Government which entails, inter alia:-

(i) the establishment of a Central Board;

(ii) the winding-up of the ^{present} boards of managers and governors in fully ^{educational} assisted schools and institutions; and

(iii) the abolition of the Unified Teaching Service and the National Joint Council for Teachers; and

(b) to make provisions to enable the Minister to make rules ^{regarding} ~~pertaining~~ to kindergartens and nursery schools, parent-teacher associations and school sports bodies.

4. (A). ~~From your Disputes,~~ ^{Mr. Speaker, Sir,} I do not propose to ~~explain in~~ ^{detail} the provisions ^{of} the Bill. ^{I shall only confine myself} ~~section by section, or~~ ^{to the more important ones.} ~~clause by clause but merely to highlight certain important~~ ^{provisions.} First ^{of all} and foremost, I would like to refer to the proposed amendments ~~(including deletions and insertions)~~ to Section 2 of the Education Act, 1961. ^{speak on all}

(B). The terms "assisted school" and "assisted educational institution" have been re-defined as respectively ^{as} a school and an educational institution in receipt of partial grant-in-aid. By amending the definitions, a fully assisted school and institution are excluded from the definitions. A separate definition of a fully assisted school and a fully assisted educational institution is provided for in the same section. It is necessary to differentiate between an assisted school or institution and a fully assisted school or institution because ~~the policy and legal~~ legal consideration resulting from the acceptance of the recommendations of the Royal Commission ^{makes it necessary} ~~is~~ to wind-up every ^{existing} board of managers and governors in fully assisted school and institution, i.e., in former Government schools, Mission Schools and Conforming Chinese Schools, and at the same time to retain the board of managers and governors in private schools and institutions, some of which are partially aided. ^{I shall speak more on this later.}

(C). The expression "Education Service" ~~as used in the~~
clause 6 of the schedule to the Bill
~~amended section 32~~ is defined as a service under the general
public service of the Federation as provided in Article 132
(1) (c) of the Federal Constitution. The ^{Education} Service was
recently set up by the Government ^{as recommended by} ~~pursuant to the implement-~~
~~ation of the recommendations of the Royal Commission.~~ The
Service is to be an open ^{one} service, which means that the *various*
existing services, such as the Education Service, Lecturer's
Service, School Inspectorate Service, etc. will no longer
exist. All ^{concerned} ~~members~~ will become members of the new Education
Service and they will be directable and deployable to perform
teaching, administrative or other duties that may be reason-
ably required of them. Pending the establishment of a
Commission for the Education Service, the members of the
Education Service will be under the jurisdiction of the
Public Services Commission.

(D). The word "premises" is defined as any building used
as a school or an educational institution and includes any
building for the purpose of providing accommodation and other
facilities for pupils and other staff but does not include
any land occupied therewith. The definition is necessary in
order to distinguish between the word "land" and the word
"premises", in particular, for the purpose of ~~the new sub-section~~
~~clause 26A (2) of the new Section 26A.~~

(E). By amending the definition "school" in the same section, a kindergarten, a nursery school and a training centre for teachers in kindergarten and nursery school are included in the definition, except that, inter alia, any place where the Registrar is satisfied that the teaching or instruction provided is not educational as envisaged in the Act, ^{is} ~~are~~ excluded from the definition. ^{I shall speak more on this later.} [At present more and more kindergartens and nursery schools are being established that it is considered necessary to exercise some measure of control over them. By ^{this amendment} ~~amending the definition~~ "school" it will ^{be} become possible for the Minister to make rules under Section 116 of the Act to ensure effective control on the establishment and management of kindergartens and nursery schools.]

(F). The definition "Unified Teaching Service" has been deleted ^{because as a result} ~~since consequential~~ upon the implementation of the recommendations of the Royal Commission, the Unified Teaching Service will ^{cease to exist. exists} ~~no longer be in existence.~~

~~From the Department,~~
 5. (A). ~~Mr. Speaker, Sir, the insertion of~~ ^{Section} the new clause ^{as provided in clause 4 of the Schedule,} 26A ^{is necessary in order to give effect to the recommendations of the Royal Commission. Sub-clause (1) thereof empowers the Minister to determine the date and the manner in which every school board of managers and governors in all fully assisted}

schools and fully assisted educational institutions is to be wound-up and thereupon its ^{present} instrument of management or government ~~(which empowers it to exercise the authority as an employer of teachers and other employees)~~ shall cease to have effect. ^{I shall speak more on this later.} [The Royal Commission had recommended that the board of governors/managers cease to be employers and be concerned mainly with the welfare and development of schools. To give effect to the recommendation, practical legal consideration requires that the boards of managers and governors which possess juridical personality by virtue of the instrument of management or government issued to them under section 27 of the Education Act, 1961, be wound-up.]

of the new section 26A

(B). ^{Sub-sections} The new sub-clauses (2)(a)(i) and (ii) give the Minister the discretion to issue direction with regard to the payment of the whole or part of the expenditure incurred by the Government or public authority in providing the premises and the disposal of the movable property of the school which has been provided by the Government or public authority. ^{Sub-section} The new sub-clause (2)(b) ^{of the new section} is the enabling ^{enables} provision by which the Minister, in the public interest, may ^{to acquire compulsorily in accordance with the law, the immovable} ~~cause immovable property of the school to be acquired for~~ ^{property (i.e. the land) of a school to ensure its continued use} ~~further use as a school or an educational institution in~~ ^{as a school or an educational institution} accordance with the Land Acquisition Act, 1960 should

^{the} any trustees or private owner ^{thereof} resort to the right to ^{take back} withdraw
the ^{land} property ^{or prohibits its continued use as a school or} from further use as an educational institution
upon ^{or after} the winding-up of the board.

Sub-section (3) of the new section 26A provides that
(C). ~~By sub-clause (3), (subject to sub-clauses (1) and (2))~~ all rights, obligations and liabilities relating to any matter which immediately before the winding-up were the responsibility of the former school board shall devolve on the Central Board. This provision is necessary to enable all rights, obligations and liabilities of the school board, such as ^{contracts,} litigations, ~~and~~ debts etc. to be ^{transferred to} ~~devolved~~ upon the Central Board after the winding-up of the ^{existing} ~~former~~ school boards.

(D). ^{section} Sub-clause (4) empowers the Minister to set up a board or a committee in a fully assisted school ^{or educational} ~~and~~ institution ^{whose} with such constitution and functions ^{will} to be prescribed by the Minister. ^{I shall speak more on this later.} ~~It is envisaged that such board or committee will be actively engaged in the welfare and development of schools and institutions as envisaged by the Royal Commission. The use of the word "board" will provide flexibility in giving a name to the new board.~~

(E). ^{section} Sub-clause (5) ^{excludes} precludes any board or committee and any member of such board or committee set up by the Minister under ^{section} ~~sub-clause (4)~~ from the expressions "board of managers

any trustee or private owner resort to the right to withdraw the property from further use as an educational institution upon the winding-up of the board.

(c) By sub-clause (3), (subject to sub-clause (1) and

(2) all rights, obligations and liabilities relating to any matter which immediately before the winding-up were the responsibility of the former school board shall devolve on the Central Board. This provision is necessary to enable all rights, obligations and liabilities of the school board, such as ~~investments~~ ^{contracts} and debts etc. to be devolved upon the Central Board after the winding-up of the former school boards.

(d) Sub-clause (4) empowers the Minister to set up a



a name to the new board.

(e) Sub-clause (5) precludes any board or committee and

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