



PARLIAMENTARY DEBATES

DEWAN NEGARA (SENATE)

OFFICIAL REPORT

(SECOND SESSION OF THE SECOND DEWAN NEGARA)

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MALAYSIA
DEWAN NEGARA (SENATE)
Official Report

Vol. II

Second Session of the Second Dewan Negara

No. 4

Tuesday, 8th June, 1965

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

PRESENT:

The Honourable ENCHE' A. ARUNASALAM, A.M.N. (Appointed).
ENCHE' ABDUL RAHMAN BIN AHMAD (Perlis).
ENCHE' ABDUL SAMAD BIN OSMAN (Appointed).
ENCHE' ABDUL WAHAB BIN IDUS, P.J.K. (Negri Sembilan).
TUAN HAJI AHMAD BIN HAJI ABDULLAH, A.M.N. (Penang).
ENCHE' AHMAD BIN HAJI TAFF, J.M.N. (Singapore).
CHE' AISHAH BINTI HAJI ABDUL GHANI (Appointed).
CHE' BIBI AISHAH BINTI HAMID DON, A.M.N. (Appointed).
ENCHE' AMALUDDIN BIN DARUS (Kelantan).
ENCHE' AWANG DAUD BIN MATUSIN (Appointed).
ENCHE' CHAN KWONG-HON, J.M.N., S.M.S., J.P. (Selangor).
DATO' DR CHEAH TOON LOK, D.P.M.K., D.M.K., J.M.N., J.P.
(Appointed).
DATO' J. E. S. CRAWFORD, J.M.N., J.P., Dato' Kurnia Indera
(Appointed).
ENCHE' D. S. DORAI RAJ (Appointed).
DATO' FOO SEE MOI, D.P.M.K., J.P. (Appointed).
... ENCHE' HOH CHEE CHEONG, A.M.N., J.P. (Pahang).
,, ENCHE' C. D. ISMAIL, J.M.N., J.P. (Appointed).
ENCHE' ANDREW JIKA LANDAU (Appointed).
ENCHE' KHOO TECK PUAT (Appointed).
ENCHE' KO TECK KIN (Singapore).
ENCHE' KOH KIM LENG (Melaka).
DATO' Y. T. LEE, D.P.M.S., J.M.N., P.J.K., J.P. (Appointed).
ENCHE' MOHAMAD ADIB BIN OMAR (Trengganu).
DATU PENGIRAN MOHAMED DIGADONG GALPAM, P.D.K. (Sabah).
DATO' HAJI MOHAMED NOAH BIN OMAR, P.M.N., S.P.M.J., D.P.M.B.,
P.I.S., J.P. (Appointed).
TUAN HAJI MOHAMED SAID BIN HAJI ABU BAKAR (Appointed).
ENCHE' MOHAMED SALLEH BIN MOHAMED ARIFF (Melaka).
ENCHE' ATHI NAHAPPAN (Appointed).
ENCHE' S. P. S. NATHAN (Appointed).

The Honourable NIK HASSAN BIN HAJI NIK YAHYA, J.M.N. (Appointed).
 TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K.
 (Appointed).
 ENCHE' SAIDON BIN KECHUT, A.M.N. (Appointed).
 DATO' SHEIKH ABU BAKAR BIN YAHYA, D.P.M.J., P.I.S., J.P.
 (Johor).
 DATO' G. SHELLEY, P.M.N., J.P. (Appointed).
 TUAN SYED AHMAD BIN SYED MAHMUD SHAHABUDIN, J.M.N.
 (Kedah).
 ENCHE' WILLIAM TAN (Appointed).
 DATO' T. H. TAN, P.M.N. (Appointed).
 WAN AHMAD BIN WAN DAUD, J.M.N., P.J.K., J.P. (Perlis).
 DATO' WAN IBRAHIM BIN WAN TANJONG, J.M.N., P.J.K.,
 Orang Kaya Indera Maharaja Purba Jelai (Pahang).
 WAN SULAIMAN BIN WAN TAM, P.J.K. (Kedah).
 ENCHE' YAHYA BIN HAJI AHMAD (Perak).

ABSENT:

The Honourable Mr President, DATO' HAJI ABDUL RAHMAN BIN MOHAMED
 YASIN, S.P.M.J., P.I.S., J.P. (Johor).
 the Minister without Portfolio, DATO' ONG YOKE LIN, P.M.N.
 (Appointed).
 DATU JOSEPH AUGUSTINE ANGIAN ANDULAG, P.D.K. (Sabah).
 DATU TUANKU BUJANG BIN TUANKU HAJI OTHMAN (Sarawak).
 ENCHE' CHEAH SENG KHIM, J.P. (Penang).
 ENCHE' CHOO KOK LEONG (Appointed).
 ENCHE' DA ABDUL JALIL BIN HAJI AWANG (Trengganu).
 ENCHE' GAN TECK YEOW, J.M.N. (Appointed).
 ENCHE' HONG TECK GUAN (Appointed).
 DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negri Sembilan).
 ENCHE' LIM HEE HONG, J.M.N. (Appointed).
 TEMENGGONG OYONG LAWAI JAU (Sarawak).
 RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).
 DATO' TEH SIEW ENG, D.P.M.P., J.M.N., P.J.K., J.P. (Appointed).
 DATO' E. E. C. THURASINGHAM, D.P.M.J., J.P. (Appointed).
 ENCHE' S. O. K. UBAlDULLAH, J.M.N. (Appointed).
 ENCHE' YEOH KIAN TEIK (Perak).

IN ATTENDANCE:

The Honourable the Minister of Home Affairs and Minister of Justice, DATO'
 DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, P.M.N.
 (Johor Timor).
 the Minister of Finance, ENCHE' TAN SIEW SIN, J.P.
 (Melaka Tengah).
 the Minister of Transport, DATO' HAJI SARDON BIN HAJI JUBIR,
 P.M.N. (Pontian Utara).
 the Minister for Welfare Services, CAPT. HAJI ABDUL HAMID
 KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P.
 (Batang Padang).

The Honourable the Minister of Agriculture and Co-operatives, TUAN HAJI MOHD. GHAZALI BIN HAJI JAWI (Ulu Perak).
 the Minister of Lands and Mines, ENCHE' ABDUL-RAHMAN BIN YA'KUB (Sarawak).
 the Assistant Minister of Commerce and Industry, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
 the Assistant Minister of Culture, Youth and Sports, ENSKU MUHSEIN BIN ABDUL KADIR, J.M.N.. S.M.T., P.J.K., (Trengganu Tengah).

PRAYERS

(Mr (Deputy) President *in the Chair*)

ADJOURNMENT *SINE DIE*

(MOTION)

Dato' T. H. Tan: Mr President, Sir, I beg to move, That at its rising today the Senate shall stand adjourned *sine die*.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Question put, and agreed to.

Resolved.

That at its rising today the Senate shall stand adjourned *sine die*.

THE PARLIAMENTARY SECRETARIES (REMUNERATION) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to provide for the remuneration of Parliamentary Secretaries" be now read a second time.

Dato' Y. T. Lee: Sir, I beg to second the motion.

Menteri Tanah dan Galian (Enche' Abdul-Rahman bin Ya'kub): Tuan Yang di-Pertua, Ahli² Yang Berhormat sudah ma'alum ia-itu Perkara 43 (b) dalam Perlembagaan ada menyatakan ia-itu Parlimen hendak-lah mengadakan Undang² mengenai gaji Setia-usaha² Parlimen. Ada-lah di-fikirkan ia-itu gaji Setia-usaha² Parlimen patut-lah di-tetapkan dengan berdasarkan kepada gaji Menteri² Muda dan gaji Setia-usaha² Politik. Setia-usaha² Parlimen gaji-nya sa-banyak \$1,650 sa-bulan sa-bagaimana di-chadangkan

dalam Rang Undnag² ini ada-lah satu perantaraan yang berpatutan dari gaji² Menteri Muda dan gaji² Setia-usaha² Politik. Bagitu juga lebeh kurang keadaan-nya mengenai syarat² yang lain dalam Rang Undang² saperti elaun hitungan batu dan elaun sara hidup.

Enche' Abdul Samad bin Osman: Tuan Yang di-Pertua, saya menyokong penoh-lah di-atas Rang Undang² untok di-beri gaji sa-banyak \$1,650 kepada Setia-usaha² Parlimen. Sa-bagai Tuan Yang di-Pertua dengar dalam meshuarat yang telah sudah, saya telah berchakap berkenaan dengan perkara jawatan Parliamentary Secretary ini, kerana saya rasa sangat-lah mustahak di-adakan kerana sa-lain daripada Political Secretary, kerana jikalau ada Parliamentary Secretary boleh-lah beliau itu menjawab segala pertanyaan² yang di-buat oleh Ahli² Yang Berhormat dalam Dewan Negara ini.

Sadikit masa kelmarin kita telah bahathkan Titah Uchapan di-Raja, saya dukachita-lah kerana banyak Menteri² tidak ada di-sini, dan beberapa pertanyaan² dari Ahli² Yang Berhormat tidak ada siapa yang dapat menjawab kerana tidak ada Menteri. Jadi dengan ada-nya peruntokan Setia-usaha Parlimen ini di-masa hadapan, saya berharap-lah Kerajaan kalau Menteri² tidak boleh hadhir ka-Dewan Negara ini kerana mereka sebok di-Dewan Ra'ayat atau lain². hantar-lah Setia-usaha² Parlimen supaya dapat mereka mendengar apa kata² kami dan juga apa² jawapan yang patut di-beri kepada Ahli² Yang Berhormat dalam Dewan ini. Jika tidak, nampak-nya Dewan Negara ini bukan jadi sa-bagai Dewan Parlimen chuma sa-bagai sa-buah

kelab orang tua² sahaja (*Ketawa*). Jadi, oleh kerana itu saya nampak patut-lah jaga dignity Dewan Negara ini kalau Menteri atau Menteri Muda tidak ada untuk menjawab, beri-lah kapada Setia-usaha² Parlimen pada masa hadapan menjawab-nya kerana mereka itu Ahli Yang Berhormat daripada Parlimen juga, walau pun Dewan Ra'ayat atau Dewan Negara mereka berhak datang dan menjawab.

Enche' Athi Nahappan: Mr President, Sir, I would like to associate myself with the views expressed by my fellow Senator Enche' Abdul Samad. Some time ago, we provided for the appointment of Parliamentary Secretaries and, following that, this Bill provides the legislative basis for the remuneration of Parliamentary Secretaries. The appointment of Parliamentary Secretaries was not rushed into. In fact, we as a Parliament have functioned without the institution of Parliamentary Secretaries for a number of years—perhaps, the reason is that we were not a full-time Parliament as in the United Kingdom or India or elsewhere.

Now, Sir, the volume of parliamentary work has been steadily increasing, particularly after the emergence of Malaysia. We are meeting more often and for a longer stretch of days, the Ministers are very heavily over-worked, many of them are holding several portfolios, and the modern tendency of the Government is to be increasingly paternalistic and benevolent, trying to touch on all aspects of human life by way of legislative provisions. It is now felt very necessary that the burden of the Ministers should be shared by Members of the Parliament, who may be appointed as Parliamentary Secretaries as distinct from the Political Secretaries, who are not Members of Parliament and who cannot sit in this House to answer questions. It has been felt in this House particularly that, with the absence of the Ministers or the Assistant Ministers, very often we have had to debate among ourselves, and we have certainly felt the absence of the Ministers or the Assistant Ministers on behalf of

the Government. Perhaps, with the appointment of an adequate number of Parliamentary Secretaries to assist the Ministers, they would be available here to answer questions that we may raise from time to time, and that will be a more satisfactory arrangement.

Only this morning I read in the *Straits Times* that when an important Bill such as the Federal Agricultural Marketing Authority Bill was debated in the Lower House about one-fifth of the House was present. But that was understandable—because of the time factor and the heavy pressure upon the Members of the Parliament, perhaps many were not available. However, this could, to some extent, be remedied by the appointment of Parliamentary Secretaries, and it is hoped that this appointment will come into effect as early as possible.

I have great pleasure in supporting this Bill.

Ench' Ahmad bin Haji Taff: Tuan Yang di-Pertua, saya juga berasa gembira dengan ada-nya Bill ini bagi membolehkan Kerajaan Malaysia mengadakan Setia-usaha² Parlimen, kerana perkara ini sa-patut-nya sudah lama dahulu di-adakan apakala kita membentok Malaysia di-mana tugas² Menteri akan bertambah, dan masa itu kita patut-lah adakan jawatan Setia-usaha² Parlimen ini. Saya suka memberi contoh, negeri yang kecil di-Singapura itu pun ada di-adakan jawatan² ini—sudah lama dahulu ada jawatan² yang di-namakan Setia-usaha Parlimen ini, tetapi saya juga suka bersama² dengan pendapat² yang di-berikan oleh rakan saya Yang Berhormat Enche' Athi Nahappan supaya di-tentukan tanggung-jawab tugas² Setia-usaha² Parlimen ini supaya di-ketahui oleh ra'ayat seluroh-nya dan dengan yang demikian senang-lah bagi ra'ayat untuk berhubung dengan Kerajaan melalui Setia-usaha² Parlimen ini, dan juga ada-lah di-harapkan supaya Setia-usaha² Parlimen ini, kalau-lah di-bolehkan, terdiri daripada Ahli² kedua² Dewan ini supaya Setia-usaha² Parlimen akan dapat menjawab, atau memberi keterangan² di-dalam kedua² Dewan ini.

THE TIMBALAN YANG DI-PERTUAN AGONG (REMUNERATION) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Timbalan Yang di-Pertuan Agong (Remuneration) Ordinance, 1958" be now read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Enche' Abdul-Rahman bin Ya'akub:

Tuan Yang di-Pertua, tujuan Rang Undang² ini ia-lah untuk menambah peruntokan di-Raja bagi Timbalan Yang di-Pertuan Agong. Ahli² Yang Berhormat tentu sedia ma'alum ia-itu sa-belum tarikh 1-1-1964 peruntokan di-Raja bagi Yang di-Pertuan Agong ia-lah \$15,000 sa-bulan, dan perbezaan di-antara peruntokan di-Raja ini dengan peruntokan di-Raja bagi Timbalan Yang di-Pertuan Agong ia-lah hanya \$500.00, tetapi mula'i dari 1-1-64 peruntokan di-Raja bagi Yang di-Pertuan Agong telah di-tambah menjadi \$19,000 sa-bulan. Oleh kerana itu pada masa ini perbezaan di-antara peruntokan² di-Raja itu ada-lah \$4,500 sa-bulan. Perlu-lah juga di-ingat ia-itu tugas² dan tanggung-jawab Yang di-Pertuan Agong dan Timbalan Yang di-Pertuan Agong ada-lah lebeh kurang sama. Fasal 2(1) dalam Timbalan Yang di-Pertuan Agong (Remuneration) Ordinance, 1958 menyebutkan ia-itu peruntokan di-Raja yang tersebut dalam Undang² itu hendak-lah di-bayar masa Baginda menjalankan kerja² dan menjalankan kuasa² yang di-Pertuan Agong dan tidak menerima peruntokan di-Raja sa-bagai Raja yang memerintah dalam negeri Baginda sendiri.

Tuan Yang di-Pertua, ada di-antara Duli² Yang Maha Mulia Sultan yang memerintah peruntokan di-Raja lebeh daripada \$14,500. Baharu² ini Duli Yang Maha Mulia Sultan Trengganu telah menjalankan kerja² dan menjalankan kewajipan² yang di-Pertuan Agong sa-lama lebeh kurang satu bulan. Peruntokan di-Raja Baginda

ia-lah \$15,000 sa-bulan, dan oleh itu ada-lah di-chadangkan supaya peruntokan di-Raja Timbalan Yang di-Pertuan Agong hendak-lah \$18,000 sa-bulan.

Tuan Yang di-Pertua, dalam Rang Undang² itu ada juga syarat ia-itu Duli² Yang Maha Mulia Sultan yang memerintah peruntokan di-Raja sa-bagai Sultan di-dalam negeri Baginda lebeh daripada \$18,000 akan menerima peruntokan yang sama banyak-nya dengan peruntokan di-Raja Baginda negeri Baginda sendiri.

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 President *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 STATISTICS BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to revise the law relating to statistics" be now read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Enche' Abdul-Rahman bin Ya'akub:

Mr President, Sir, the present Statistics Ordinance, 1959, is only applicable in the States of Malaya, and with the need for more comprehensive statistics for use in formulating economic development policies and general Government policies the Ordinance has become out-dated. The national statistics covering the whole of Malaysia has now become a matter of urgency and it has been found necessary to revise the Statistics Ordinance, 1959.

With the establishment of Malaysia and the expansion of the activities of the Department of Statistics to the

Borneo States, the Statistics Ordinance, 1959, is particularly restrictive in respect of collecting data for professional people and profit data from business enterprises operating in this country. The Bill now under consideration is to rectify the situation and to give the Department of Statistics wider powers in respect of the subject on which statistics may be collected.

Mr President, Sir, the Bill was drafted after careful study of the law relating to Statistics as applied in a number of Commonwealth countries and other developing countries. Adequate safeguards, however, have been provided in order to protect the public from abuse of powers by officials of the Statistics Department. For example, in the case of statistics to be collected from trade or business, profession, or activities of a body corporate or an unincorporated body of persons, the approval of His Majesty the Yang di-Pertuan Agong is required.

Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, saya menyokong Rang Undang² ini dan di-dalam menyokong Rang Undang² ini saya suka menarekkan pandangan Pejabat Statistics ini supaya pada tahun² hadapan mengatorkan chara² mendapatkan statistics ini dengan lebeh mudah lagi kepada ahli² yang hendak memberi kenyataan² itu memberikan kenyataan²-nya dalam kertas² yang di-edarkan kepada mereka.

Mengikut apa yang dapat kepada sa-tengah² ahli perniagaan, butir² yang di-susun dalam kertas statistics itu terlampau-lah banyak dan menyebabkan kesulitan bagi pehak yang hendak memberi kenyataan² itu. Dalam perkara ini saya pernah mendapat pengaduan daripada ahli² perniagaan terutama-nya ahli² perniagaan bumi-putera kita, yang mana mendapatkan kesulitan yang besar dalam memenohi borang² yang di-edarkan itu. Sunggoh pun borang² itu dalam bahasa kebangsaan, tetapi di-penohkan borang itu bagi semua, serba-serbi lapangan, yang menyebabkan pehak yang menerima borang itu tidak dapat

hendak menentukan mana satu benda yang patut di-penohkan bagi pehak diri-nya itu. Jadi ini saya tidak-lah dapat hendak menunjukkan bagaimana chorak borang-nya sebab Pejabat Statistics, semua orang² yang handal dan pandai dalam ilmu-nya, tetapi kalau boleh biar-lah kemudahan² chara menyusun borang dengan lebeh mudah lagi dengan lebeh ringkas, patut di-lakukan oleh pejabat ini.

Satu lagi, saya rasa, Pejabat Statistics ini patut-lah di-tambah pegawai²-nya supaya dapat pegawai² itu melawat atau pergi ka-tiap² negeri di-dalam Malaysia ini untuk memberi pertolongan supaya dapat kita susunkan statistic ini dengan lebeh segera lagi. Sa-tahu saya banyak orang menerima borang itu apabila ia mendapatkan kesulitan dalam memenohi borang itu, di-simpan-nya borang itu. Apabila dapat reminder yang pertama dia susah sa-kejap, chari kawan, kemudian masukkan sa-tengah²- kemudian balek. Datang lagi reminder yang kedua, kadang² yang ke-empat bertalu² surat daripada Pejabat Statistics. Jadi dalam pekerjaan ini saya rasa sa-lain daripada kita terpaksa mengambil masa yang panjang untuk mengumpulkan bahan² ini, kita juga membelanjakan wang yang banyak untuk tulis-menulis, berhubung dan sa-bagai-nya.

Tetapi sa-kira-nya kita dapat adakan macham pegawai yang di-kira-kan kerja bagi satu masa sahaja, umpama-nya, part-time, pegawai yang boleh menjelajah tiap² negeri untuk memberi pertolongan mengutip borang ini, saya rasa ini satu keadaan yang lebeh chepat, lebeh kemas dan lebeh mudah kita mendapatkan statistic ini. Kadang² satu² orang yang memenohkan borang itu bila dia hantar borang itu di-dapati banyak kesalahan dia hantar balek dan sa-saorang yang menerima borang itu tidak tahu apa yang patut dia buat, dia hantar balek ka-Pejabat Statistics itu untuk mendapatkan apa² panduan lagi. Jadi hantar menghantar in bagi sa-tengah² ahli perniagaan dia tidak mahu bersusah payah dalam perkara ini.

Jadi kalau boleh ini-lah kaedah-nya, adakan pegawai yang lebeh untuk mendapatkan statistics ini dengan lebeh chepat, dengan lebeh baik, dengan lebeh sempurna lagi. Kadang² orang yang menulis dalam statistics itu dia tidak faham yang tujuan Kerajaan mendapatkan statistics ini kerana hendak mengator ranchangan² perekonomian bagi mereka sendiri. Mereka tidak faham, sa-tengah² mereka itu mengusutkan, simpan rahsiakan, di-beri benda yang tidak benar. Jadi kita punya statistics nanti tidak betul, tidak accurate, bagaimana benar benda yang berlaku atau figure yang kita sama², kerana mereka yang memberi itu bukan memberi apa yang sa-benar-nya, apa yang mereka tanggung.

Jadi kalau sa-kira-nya ada pegawai² yang boleh menerangkan kepada mereka yang statistics ini ia-lah satu perkara yang patut mereka beri tahu benda yang sa-benar-nya supaya dapat Kerajaan mengatorkan susunan ekonomi yang benar, yang betul dengan kehendak kedudukan negara kita ini. Jadi ini salah faham mereka dan sa-tengah² takut kena income tax-lah, kata dia, macham² hal yang berbangkit dalam perasaan hati, terutama-nya orang² perniagaan dalam perkara ini.

Jadi saya minta-lah pejabat yang berkenaan ini mengemaskan lagi chara susunan kerja mendapatkan bahan² itu untuk mengumpulkan statistic ini. Sekian, terima kasih.

Enche' **Athi Nahappan:** Mr President, Sir, in supporting this Bill, I should like to suggest that there should be some public education on this matter, because in all the emerging countries people are shy about giving particulars about themselves—about their private matters, about their earnings and so on—and it is now well recognised that the question of statistics is all important, particularly in developing countries, for the purpose of knowing where these countries are heading to and the stages of their growth and development. The United Nations has been trying its level best to collect statistics on a

global basis and year after year we can see in their reports that this is one of their very difficult problems and many conjectures are made as regards national income, the annual rate of growth, the income on a per capita basis, etc. Even here all these things are now a matter of conjecture. We are not able to determine this on precise data and though the Statistics Department in our country has been steadily growing over the years, still we have not reached anywhere near the more developed countries in the collection of data—figures and facts—of their national life.

I would like to stress the importance, in view of section 7 of this Bill which entails penalty for those who refuse to give information when required by the Chief Statistician, of the Department of Information trying to educate the people as to the importance of giving the answers or the particulars asked for, and I associate myself with my Honourable friend, Enche' Nik Hassan, in that respect. If people come to know how important it is for them to give these particulars, I am sure that even the ordinary folks, even though they may be less sophisticated, once they realise the purpose, they will try to cooperate as best as they can. Thank you, Sir.

Enche' Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, perkara² yang di-bangkit oleh Yang Berhormat Senator Nik Hassan ada di-ambil perhatian. Saya bersetuju dengan Yang Berhormat itu ya'ani dalam mengisi borang² bukan sahaja borang² mengenai Statistics bahkan borang daripada jabatan² Kerajaan, mithal-nya hendak minta pass port, minta lesen² banyaklah kesulitan² yang timbul, terutama sa-kali di-kalangan penduduk² di-luar bandar.

Tetapi saya suka menegaskan di-sini perkara hendak menyenangkan ra'ayat di-luar bandar ia-itu mengisi borang² ini memang satu perkara yang rumit—yang susah hendak di-atasi hingga mereka itu telah sampai kepada tingkatan pelajaran pengetahuan yang agak tinggi. Mengisi borang itu sedang-kan di-kalangan mereka yang mem-

punyai pelajaran pun memang ada kesusahan. Jadi, sunggoh pun saya sendiri berpendapat memang sangatlah elok chadangan Yang Berhormat itu kalau dapat pegawai² pergi ka-negeri² itu membantu ra'ayat tetapi tidak-iah saya dapat memberikan jaminan di-sini, bagi pehak Kerajaan, itu akan di-buat oleh Kerajaan dengan sa-berapa chepat mungkin, kerana perkara itu mesti di-timbangan. Bagaimana pun perkara ini saya akan sampaikan kepada pehak yang berkuasa di-dalam soal ini.

Soalan supaya ra'ayat di-beri pengetahuan—pelajaran saperti yang di-chadangkan oleh Yang Berhormat Senator Enche' Athi Nahappan tadi, ia-itu bukan sahaja di-lapangan soal Statistic bahkan di-lapangan yang lain juga. Memang-lah kewajipan Kerajaan itu supaya ra'ayat jelata sekalian dapat pelajaran, pengetahuan dan pengalaman di-dalam lapangan mengenai kehidupan mereka sa-tiap hari atau pun lapangan² yang lain.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee on the Bill.

Bill considered in Committee.

(Mr Deputy President *in the Chair*)

Clauses 1 to 9 inclusive ordered to stand part of the Bill.

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

THE OFFENCES RELATING TO VEHICLES (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Offences Relating to Vehicles Ordinance, 1961 of Singapore" be now read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

The Minister of Home Affairs and Minister of Justice (Dato' Dr Ismail bin Dato' Haji Abdul Rahman): Mr President, Sir, on account of the alarming incidence of theft of motor

vehicles and bicycles, in 1960, the Singapore Government enacted the Offences Relating to Vehicles Ordinance (No. 3 of 1960) in order to deter and curb the commission of such offences. This Ordinance enhanced the punishment prescribed by law, Sections 379, 411 and 414 of the Singapore Penal Code, in so far as they concerned offences relating to vehicles and vehicle parts, and at the same time made imprisonment a mandatory punishment. This law operated for a period of one year from 15th February, 1960, till 14th February, 1961. The operation of this lapsed on 15th February, 1961, but almost immediately afterwards the Singapore Government reintroduced it as Ordinance No. 19 of 1961, bearing the same title, except that its period of operation is much longer. It is operative for four years commencing on 5th June, 1961 and will therefore lapse on 5th June this year.

The Singapore Government has now requested for an extension of the operation of this law for a further period of four years from 5th June, 1965, and the Police strongly support this request. As the Ordinance will lapse on the 4th of June, 1965, and as this Bill will not be passed by Parliament nor published until after that date, it is necessary that the Bill be made to come into force retrospectively from the 5th of June, 1965; but in view of the provisions of Article 7 of the Constitution, administrative instructions have been issued to the effect that no prosecution will be instituted under the Ordinance in respect of offences committed between the 4th of June, 1965 and the date of the publication of the Bill in the *Gazette*.

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 President *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 TRUSTEE INVESTMENT BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intitled "an Act to extend with amendments the operation of the Trustee Ordinance, 1949, to Sabah, Sarawak and Singapore, to make further provision with respect to investment by trustees and persons having the investment powers of trustees or statutory powers of investment, to validate certain investments made by trustees and to provide for matters connected therewith" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Dato' Dr Ismail: Mr President, Sir, the investment powers conferred on trustees by the Trustee Ordinance, 1949, of the State of Malaya and the corresponding legislation in force in other regions of Malaysia, permit the investment of trust funds either in gilt-edged securities or in the making of loans secured by the charge of land. Many of the classes of securities listed in section 4 of the 1949 Ordinance are no longer appropriate for an independent country, and it is also desirable to introduce uniformity throughout Malaysia in the classes of security in which trustees may invest.

Experience since the end of the Second World War has shown that gilt-edged securities do not always ensure the preservation of the capital value of trust funds and it is now accepted generally that it is in the best interests of beneficiaries of trusts that the trustees should have powers to invest not only in gilt-edged securities but also in equities and unit trusts subject to suitable safeguards.

Clause 3 of the Bill will, therefore, permit trustees to invest in unit trusts provided that the trusts have been approved by His Majesty for this purpose, and the Government will ensure that certain minimum standards are maintained by approved unit trusts.

Sub-clauses (2) and (3) of Clause 3 will permit trustees to invest in securities issued by companies provided the three main requirements are fulfilled, viz:

- (i) that the securities are quoted in the Stock Exchange of Malaysia;
- (ii) the total issued and paid-up share capital is \$5 million or more;
- (iii) a dividend has been paid on all the company's shares in each of the preceding five years, certain stated categories excepted.

Clause 4 of the Bill also provides that trustees must have due regard to the suitability of a particular investment for trust in question and must obtain professional advice in writing before making an investment. I am satisfied that the provisions of Clauses 3 and 4 provide adequate protection for the interests of beneficiaries. The investment will be confined to quoted securities, which ensures that companies in question comply with the listing requirements of the Stock Exchange of Malaysia; and no investment can be made in companies whose paid-up capital is less than \$5 million and do not have an established dividend record. These are severe limitations having regard to the size of Malaysian companies but are I consider, justified as no limitation is placed on the proportion of a trust which may be invested in equities as is the practice in the United Kingdom.

The powers to invest in equities and unit trusts conferred by Clause 3 of the Bill will not be conferred on trustees constituted under any written law except to the extent approved by me. This provision will limit primarily the powers of investment enjoyed by Boards of Statutory Authorities. The Government will consider applications from Boards and other responsible bodies case by case, but in certain instances it may be, in the national interest, necessary to insist that the greater part of the trust funds continue to be invested in the securities of or guaranteed by the Government.

The amendments to section 4 of the 1949 Ordinance set out in the Schedule are designed to eliminate reference to foreign securities and to substitute comparable Malaysian securities. Provision is also made for the investment of trust funds in the making of loans to an approved company. This is designed to encourage the flow of funds available to finance the construction of houses for owner occupation.

The definition of "approved company" follows that contained in sub-section (2) of section 4 of the Employees Provident Fund Ordinance except that the paid-up capital required is \$5 million or more in order to correspond with the amount specified in sub-clause (3 (a) of Clause 3.

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 President *in the Chair*)

Clauses 1 to 7 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE SUPPLEMENTARY SUPPLY (1965) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to apply sums out of the Consolidated Fund for additional expenditure for the service of the year 1965, and to appropriate such sums for certain purposes" be now read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

The Minister of Finance (Enehe' Tan Siew Sin): Mr President, Sir Clause 2 of the Bill seeks authority for

additional expenditure of \$25,417,398 for the service of the year 1965 and this is shown in the Schedule to the Bill and also in the Supply Expenditure section of the Supplementary Estimates of Expenditure, 1965, tabled as Command Paper No. 20 of 1965. Of the sum required as additional expenditure, an amount of \$5,938,426 has been advanced from the Contingencies Fund to meet urgent expenditure and this has now to be recouped. As Honourable Members will observe, of the total sum of \$26,122,398 included in this supplement, a sum of \$705,000 is required to meet the cost of financing "charged" expenditure services which are not included in the Supplementary Supply Bill. Of this "charged" expenditure, an amount of \$700,000 is required to be assigned to States in accordance with the Assignment of Export Duty (Mineral Ores) Act, 1964.

The original Estimates of Expenditure approved by Parliament for 1965 amounted to \$1,598.9 million. Taking both the "supply" and "charged" expenditure in the present supplement together, the total appropriation for 1965 will come to \$1,624.3 million.

In the Supply section of this supplement, the biggest item of expenditure is in respect of Head S.32—Ministry of Health, under which a sum of \$5.7 million is required to meet the cost of essential medical stores to be used in the treatment of casualties in the event of war. Head S.77—Telecommunications, requires a supplement of \$4.6 million to cover Personal Emolumens, other recurrent charges and Special Expenditure for operating the External Telecommunications Service which was taken over from Cable and Wireless Limited, Singapore. Head S. 25—Contributions to Statutory Funds, requires a supplement of \$3.4 million since the amount in the Co-operative Credit Trust Fund was found to be inadequate to meet the present commitments of the Fund. With this supplement, the Fund's limit will be raised from \$13.2 million to \$16.6 million. Head S. 24—Treasury

General Services requires a supplement of \$2.8 million of which a sum of \$1.5 million is required for rentals in respect of State quarters occupied by officers serving in Federal Departments in the Borneo States and in Singapore, and further, a sum of \$1.1 million is required to meet an *ex-gratia* assignment of a proportion of export duty on mineral ores to certain States. Head S. 63—Civil Defence requires \$2.5 million for the purpose of purchasing vehicles and appliances for the Auxiliary Fire Services. Head S. 21—Ministry of External Affairs requires a supplement of \$2.4 million to meet expenditure mainly connected with the establishment of a Malaysian Mission in Nigeria and Embassies in Ethiopia and Algeria, and increased contribution to the United Nations as a result of the formation of Malaysia, the State visit of Their Majesties to the Middle East, as well as the goodwill mission to certain East African States led by the Hon'ble Deputy Prime Minister. Head S. 33—Ministry of Home Affairs requires a supplement of \$0.8 million to meet expenditure for the Vigilante Corps and for the introduction of tenant registration under the Emergency (Tenants Registration) Regulations, 1964.

Honourable Members will also observe that, in this supplement, new Sub-heads for entertainment expenses have been created under the Heads of Expenditure of the Ministries concerned. The total provision required for these new Sub-heads amounts to about \$50,000. This sum will enable Ministries and their Departments to meet their obligations in providing official entertainment for visitors and official guests attending official meetings, conferences or official functions and in providing official hospitality to visiting foreign dignitaries or in returning official hospitality which may have been received by the officers concerned. Hitherto, such expenditure was met from the Government Hospitality Fund but experience indicates that unnecessary administrative work is involved when requests for releases of funds from the Government Hospitality

Fund are made to the Prime Minister's Department. With the creation of these entertainment votes in the respective Ministries, an amount equivalent to the total appropriations for these new Sub-heads will be frozen in the Government Hospitality Fund.

The other items of expenditure are relatively small in amount and these are described in the Treasury Memorandum tabled as Command Paper No. 21 of 1965.

Mr President, Sir, I would like, if I may, to deal with a query which was raised in this House yesterday by my Honourable friend, Dato' Haji Mohamed Noah, when speaking in the debate on the Royal Address. He wanted to know the terms of issue of the proposed Defence Bonds referred to in that Address, and he urged that these terms should be sufficiently attractive to buyers. I would like to say, in reply, that the prospectus for the Defence Bonds is still under preparation. The desirability of making the terms attractive enough will most certainly be borne in mind when we draw up the prospectus.

Question put, and agreed to.

Bill accordingly read a second time.

Third Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that the Bill be read a third time and passed.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

The Bill is accordingly read the third time and passed.

THE CUSTOMS (EXEMPTION AND REMISSION OF CHARGES) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to empower the Federal Minister of Finance to exempt any person from, or remit or refund to any person, any fees payable or paid under any law relating to customs", be now read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Enche' Tan Siew Sin: Mr President, Sir, under the Customs Ordinances in force in several components of Malaysia, regulations have been enacted for the conduct of all matters relating to the collection of customs duties. Under these regulations, overtime fees, attendance fees and other fees and charges payable in respect of services of officers of customs rendered beyond the normal hours of work or outside their statutory place of work, are chargeable. Although these regulations prescribe the rates of these fees, there is no provision anywhere for exemption from, refund of, or waiving of such fees. Nevertheless, circumstances arise from time to time which justify exemption or refund either in whole or in part of such fees, and this Bill will provide statutory power for the Minister responsible for finance to grant exemptions or refunds to the extent which he considers justified.

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 President *in the Chair*)
Clauses 1 and 2 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE TARIFF ADVISORY BOARD (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled ^{tw} "an Act to amend the Tariff Advisory Board Act, 1963" be now read a second time.

Dato' Y. T. Lee: Mr President, Sir, I beg to second the motion.

Enche' Tan Siew Sin: Mr President, Sir, the Tariff Advisory Board has

recommended that a provident fund scheme be established for the benefit of its employees and in anticipation of such a scheme has collected contributions from such employees. The Tariff Advisory Board Act, 1963 does not empower the Board to establish a provident fund scheme and I think it will not be disputed that the provision of superannuation benefits for the Board's employees is desirable.

Clause 2 of the Bill authorises the Board to establish a pension, superannuation or provident fund scheme and to transfer contributions already collected by it to any such scheme which it may establish.

My Honourable friend, Dato' T. H. Tan, in this House yesterday when debating the Royal Address, stated that in regard to the proposed common market such an arrangement would benefit Singapore more than the States of Malaya. He therefore suggested that the Government should look into this matter. The Tariff Advisory Board Act, 1963, does provide that where there are differences in customs duties as between the States of Malaya and Singapore, for example, the Board could recommend a production tax in respect of the area with a lower rate of duty in order to equalise the handicap, so to speak. No provision has, however, been made for the natural advantages which Singapore might enjoy—such as, the advantage of having one of the finest natural harbours in the world cheaper communication facilities arising out of the compactness of the area, and so on. In regard to such natural advantages, it will be useful if manufacturers in the States of Malaya were to submit representations on this aspect of the matter and, if possible, the solutions to them, when a public inquiry is held on a product which is being considered for inclusion in the common market. The Government would then be made aware of the handicaps borne by such manufacturers and of the remedies, if any, which have been proposed.

Question put, and agreed to. ^T

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 President *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 TREASURY BILLS (LOCAL) (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Treasury Bills (Local) Ordinance, 1946" be now read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Enche' Tan Siew Sin: Mr President, Sir, the Treasury Bills are at present issued under the provisions of the Treasury Bills (Local) Ordinance, 1946, as amended by the Treasury Bills (Extension) Act, No. 12 of 1964. At present, the maximum value of Treasury Bills permitted to be issued and outstanding is \$300 million. It is now considered that the maximum permitted issue should be increased for the following reasons:

- (i) The new liquidity requirements for the commercial banks in Malaysia are likely to result in additional Treasury Bill holdings by such banks;
- (ii) The needs of the developing short-term money market;
- (iii) The need for an alternative security to Treasury Deposit Receipts which are no longer being issued;
- (iv) To provide a possible means of meeting the temporary annual increase in currency requirements at the time of the festive season.

In the light of these factors, the Government has accepted the advice given by Bank Negara that it is necessary to increase the maximum permitted issue to \$600 million. This is provided for in Clause 2 of the Bill now being considered by this House. I am satisfied that this increase in the maximum value of Treasury Bills, which may be issued at any one time, will not have any undesirable effects on domestic price levels and, furthermore, any increase in the volume of bills issued will be gradual and a considerable period will elapse before such volume reaches the proposed maximum of \$600 million.

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 President *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 TURNOVER TAX BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to impose a turnover tax in Malaysia and for matters connected therewith and ancillary thereto," be now read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Enche' Tan Siew Sin: Mr President, Sir, the object of this Bill is, broadly speaking, to levy a turnover tax on moneys receivable from any trade, business or profession carried on by any person in any component of Malaysia. The intention generally is to tax moneys from sales and services, but because many business transactions are not clearly sales or services, it has been necessary in the Bill to bring such transactions under one head or

the other. We are thinking of certain special trades, e.g., life assurance, banks, moneylenders, building societies, etc., which do not have a turnover in the ordinary commercial sense of the word and it will be noted that special provisions have been written into the Bill to ascertain the turnover of such businesses. Where there is no business activity, there will, of course, be no liability to the tax.

Despite some views which have been expressed to the contrary, we have, as stated in the Dewan Ra'ayat on 25th November, 1964, decided for the time being at least to have a widely based multi-stage tax at a low rate. Such a tax is more practicable since in most cases the businessmen will not need to keep any additional records for the purpose of making a return.

The cost of Government's development programme and the cost of defence and security following two years of confrontation clearly cannot be entirely absorbed by existing revenue and the turnover tax will help to provide some part of the additional cost. For this reason, we have spread the burden as widely as possible, but we have not, we hope, been unmindful of the basic industries, the small trader, the exporter and the growers and producers of basic foodstuffs and commodities. To mention a few specific examples the following have been wholly exempted:

- (a) all export sales;
- (b) sales of padi and rice produced internally to the extent that sales are by the producer, miller or huller;
- (c) sales by a miner of minerals won by him in Malaysia;
- (d) activities by charitable institutions, clubs, associations established mainly for education, sport, culture, etc., except where profits are distributable to proprietors or shareholders; or where there is trading with non-members;
- (e) primary commodities, such as rubber, their products, any

by-products up to the stage of sale to consumers. Sales to consumers will, of course, be taxed; and

- (f) pioneer products of pioneer companies during their tax relief period.

I have, in addition, exempted Malaysian Airways and the State Railways, and also all activities of the Federal Government, State Governments and local authorities, statutory bodies, co-operative societies and trade unions. To ensure that prices of essential services shall be kept to a minimum, telecommunications, electricity, water and town gas supplies are exempt.

Finally, we have given special consideration to the protection of the entrepot trade of Singapore and Penang, the trade between Sabah and Sarawak, and that between the States of Malaya and Singapore on the one hand and the Borneo States on the other. To some extent, these special exemptions and reliefs have lengthened and complicated this Bill, but I am sure no apology is necessary in this connection.

There are special provisions for commencement and cessation to give equity of treatment to new businesses and those ceasing business. We have also provided for relief for 1965 where there is a fall of more than 25% in the turnover for that year compared with the amount assessed on the basis of the 1964 turnover. This will give some relief to existing trades where, as a result of confrontation, the turnover for 1965 has been substantially reduced.

To ensure that the tax is levied with the minimum of hardship, the Comptrollers may accept payment by instalments and abate or compound penalties.

The Bill has been designed to provide that, as far as possible, the figure for turnover shown in the accounts submitted for income tax purposes, can be utilised for the purpose of the return, but because of the exemptions and specific deductions

this will not always apply. A separate return will, of course, have to be completed for the turnover tax, but the trader will not be required to send in another copy of the accounts if these have already been submitted for income tax. The return will normally be issued with the income tax return, but for this year it will be sent as soon as possible after the Bill becomes law.

The Bill has been written with Malaysia in mind, and years of assessment and basis periods have been standardised for each component. There has been close consultation with Singapore, Sarawak and Sabah both on the effect and application of this tax, and the resulting Bill meets many of the points they have raised.

The tax has been kept separate from income tax, so that it will not complicate the writing of a unified Income Tax Ordinance, nor delay the collection of Income Tax for the current year in any way.

I would like to refer to one matter which strictly relates to income tax. To implement my promise and give some further measure of relief, both turnover and payroll taxes will be allowable as a deduction in computing income tax profits. The necessary legislation will be introduced at the end of this year, but I feel that I should make a statement at this stage, so that the businessman and his accountant will know what to expect. The precise basis of the deduction will be made clear in the Income Tax Amending Bill, which is at present under consideration.

Honourable Members will have read the Explanatory Statement at the end of the Bill, and I do not think I should waste the time of this House by repeating the contents of that statement. This Bill may seem to be somewhat lengthy, but it is drafted in such a way that no subsidiary legislation will be required. In addition, it has been designed in schedule form as far as the fundamental provisions are concerned, since it is considered that this method will make the Act more readily understandable to the ordinary individual.

Dato' J. E. S. Crawford: Mr President, Sir, I rise to support the motion, but I would like to ask for a clarification from the Honourable Minister of Finance. I was not quite clear in what he said. He said that any exports including rubber would not come under the Turnover Tax but that sales to consumers would come under it. If you export, Sir, you must export to a consumer. I wonder if that could be clarified. Sir, does it mean that just only for those sales in Malaya that are used here the consumers will be liable to tax and for those that are sent overseas—exports—they will not be taxed? I think that is what is intended. I just ask this for clarification.

Dato' T. H. Tan: Mr President, Sir, after all the hullabaloo about the turnover tax, it appears that this form of taxation is now accepted in good grace both by the business community and consumers. This speaks volumes for the civic sense of the people, particularly in view of the emphasis put by the Minister of Finance on the need for the Government finding more sources of revenue.

However, Sir, I wish to refer to the crown cork tax. As Chairman of the Malayan Manufacturers' Association, I can say that this tax is already seriously affecting the beverage bottling industry, I believe, to the extent of almost 40%. In the circumstances, I appeal to Government to reconsider the crown corks tax with a view to giving the necessary relief to the beverage bottling industry.

Dato' Y. T. Lee: Mr President, Sir, the so-called Malaysian Solidarity Conference at a rally on Sunday in Singapore alleged that our country was heading towards bankruptcy. As far as I know, that is not so. Our finances are strong. However, it is better if the Government can make a statement to counteract the charges by the Opposition. Thank you.

Enche' Tan Siew Sin: Mr President, Sir, in regard to the point raised by my Honourable friend, Dato' Crawford, I confirm that the term

"sales to consumers" used in my speech refers to sales to consumers in Malaysia. For example, as Honourable Members are aware, we have got a rubber tyre factory here and it purchases rubber and such a factory would attract the turnover tax. These are the circumstances in which the turnover tax would be levied. It does not apply to exports outside Malaysia for obvious reasons.

My Honourable friend, Dato' Tan, has made an appeal in regard to the crown cork tax. As the Government has promised, when it introduced this tax last November, it would watch very closely not only the incidence but also the effects of this tax and that if the small aerated water manufacturers can prove that they are losing money as a result of this tax, the Government is prepared to consider waiving not only the turnover tax but also the payroll tax and it will also look into the position further very shortly. Sir, as an immediate measure of relief, I am prepared to say straightaway that if the small aerated water manufacturers can prove a case, they will be exempted from both payroll and turnover taxes. I think this is a very major concession which the Government is giving. (*Applause*)

My Honourable friend, Dato' Y. T. Lee, has raised the point about a statement made in Singapore a few days ago. I do not really think that the statement will be seriously believed by any sensible person in this country. Our record to date, the very fact that we have raised loans in the New York capital markets, which is probably one of the toughest capital markets in the whole world, is in itself, I think, proof that our credit standing is good. I say this because when you go to Wall Street, you deal with very hard-headed financiers, who are not very much interested in either politics or sentiment; and, if they are prepared to give you a loan on your credit standing, that in itself, I think, speaks more eloquently than words. Further, the very fact that our reserves are still standing at a very high level—I am talking of our foreign exchange

reserves and even now they total very nearly \$4,000 million, I think—is proof that our credit standing is very high; and even today our currency is probably one of the strongest currencies in the world. It could very well be described as a hard currency (*Applause*) by any standard. I, therefore, think we do not need to make any statement to reassure the public, because I think the public do not need any reassurance on this point. (*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 Deputy President *in the Chair*)

Clauses 1 to 53 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

Fourth Schedule ordered to stand part of the Bill.

Fifth Schedule ordered to stand part of the Bill.

Sixth Schedule ordered to stand part of the Bill.

Seventh Schedule ordered to stand part of the Bill.

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

THE INLAND REVENUE
(SARAWAK) (AMENDMENT)
BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Inland Revenue Ordinance, 1960, of Sarawak" be read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Enche⁹ Tan Siew Sin: Mr President, Sir, the object of this Bill is to make certain amendments to the Inland Revenue Ordinance, 1960 of Sarawak, and certain subsidiary legislation made thereunder so as to:

- (i) correct certain errors in legal terminology;
- (ii) include in the Ordinance provision for relief in respect of non-resident citizens and certain other non-residents on the lines of similar provisions in force in the other components of Malaysia; and
- (iii) add to the Schedule to the Inland Revenue (Salaries Tax Deduction) Rules, 1960, the notes relating to the operation of these Rules. These notes were erroneously omitted from the new Schedule inserted by the Finance Act, 1965 (No. 2 of 1965).

Clauses 2, 3 and 6 of the Bill correct certain errors in the principal Sarawak legislation enacted by the Finance Act, 1965, whilst clauses 4 and 5 insert in the Sarawak Ordinance various relief provisions without which certain taxpayers in Sarawak would be in a worse position than similar taxpayers in the rest of Malaysia.

The Bill has been made retrospective to 1st January, 1965, so that assessments to tax for the current year may be made in accordance with the law as amended.

The amendments are purely of a technical nature and do not effect changes of either principle or policy.

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 President *in the Chair*)

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

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

THE INCOME TAX LAWS (SINGAPORE AND THE STATES OF MALAYA) (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Income Tax Laws of Singapore and the States of Malaya so as to provide for the imposition of a supplementary income tax on tin profits" be now read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Enche⁹ Tan Siew Sin: Mr President, Sir. This Bill is designed to implement the proposal relating to the additional taxation of tin mining profits referred to in my Budget Speech of last November. At that time I stated that it was proposed to institute a tax which would not fall on the marginal producers, but which would have its greatest incidence on the most profitable mines, that is on those best able to bear it. In accordance with this principle we have decided to charge additional income tax at the rate of 10 per cent, on the profits made on each picul of tin metal produced to the extent that such profits exceed one hundred dollars per picul.

As the industry is used to computing its production in terms of tin concentrates and as most tin produced is exported from the Principal Customs Area in the form of concentrates to smelters outside the Area, a provision to cover the usual case has been included in the Bill to treat concentrates, for the purpose of granting a standard deduction, as containing 75 per cent, of tin metal. This is the ratio currently adopted for export duty purposes. The average proportion of tin metal in the concentrates produced in the States of Malaya as a whole varies very little from 75 per cent, in practice and this device is, therefore, administratively convenient. Where tin is exported in the form of metal, the considerations are rather different and separate provisions have been made for such cases.

Where activities other than tin mining are included in the accounts of a particular business, the Bill provides for the apportionment of any expenses which relate partly to tin mining and partly to other activities. In addition, any income derived other than from tin mining will be excluded from the computation of tin profits. By basing the tax on the margin of profit actually realised, we are automatically making full allowance for all mining expenditure incurred, including capital allowances on machinery and other qualifying capital assets.

Where tin is worked under tribute arrangements the miner will be able to deduct the full amount payable by way of tribute in arriving at his tin mining profits and his standard deduction will be based on the total amount of tin he produces. The tributee who in many cases may be another miner will be entitled to deduct from the tribute received any expenses he incurs under the tribute agreement, for example, in supplying machinery or services to the miner.

The marginal mines where the profit does not exceed \$100 per picul or roughly £200 per ton will of course be exempt from the tax. The smallest mines will be exempt from the tax altogether by virtue of the provision of an exemption limit of \$10,000. Where profits only slightly exceed \$10,000 there will be the usual marginal relief which limits the liability to the excess of the profits over \$10,000 where this would give a more favourable result to the taxpayer.

The tax has been introduced by adding a Schedule to the Income Tax Ordinances of the States of Malaya and Singapore, the provisions of which will for the most part apply to the new tax. The profits tax will rank as income tax for all purposes except that there will be no change in the rate of deduction of tax from the dividends of resident tin companies and the corresponding credit to shareholders which will remain at 40 per cent.

In the case of partnerships, some modification of the income tax provisions has been necessary, in order to ensure that there will only be one computation of profits tax, and this will be on the partnership itself as a unit. This is necessary to minimise the administrative work involved and as a safeguard against tax avoidance by the proliferation of new partners, but it does not affect the basic incidence of the tax.

Although tin is only mined in the States of Malaya some tin mining concerns have their head offices in Singapore and that is why the Bill makes parallel amendments to both the States of Malaya and Singapore Ordinances. Copies of the draft Bill were supplied to the Singapore Government and discussions were held with Singapore Government officials whom I take this opportunity of thanking for helpful suggestions on matters of detail.

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 President *in the Chair*)

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

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

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

THE RACING CLUB (PUBLIC SWEEPSTAKES) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled, "an Act to empower Racing Clubs to promote Public Sweepstakes" be now read a second time.

Dato' Y. T. Lee: Sir, I beg to second the motion.

Enche' Tan Siew Sin: Mr President, Sir, Honourable Members of this House may be aware that under existing legislation sweepstake tickets may be sold by Turf Clubs to members only. However, it is common knowledge that such sweepstake tickets are being freely transferred to non-members in spite of the law, and this has caused serious concern to the Government in that, apart from the offence committed, there is no safeguard for the holder of a winning ticket against an unscrupulous member who is not prepared to pay to such holder his recognised share of the prize. Consideration has, therefore, been given as to whether an amendment should be made to the law to permit the sale or transfer of a ticket by a member to a non-member, so that a non-member in possession of such a ticket would not be committing an offence.

It is not intended that sweepstake tickets should be sold to members of the public generally from kiosks or through agents to the public at large, as in the case of lotteries organised by the Social and Welfare Services Lotteries Board. It is, however, felt that members may be allowed to re-sell their tickets or to transfer them to non-members. Direct sales to non-members will not be allowed as these will be detrimental to the sale of lottery tickets of the Social and Welfare Services Lotteries Board.

The proposal involves a very simple amendment to the existing Betting and Sweepstakes Duties Ordinance, 1948, together with the introduction of minor legislation to legalise the sale of tickets to non-members of Turf Clubs which is, in fact, already happening at the present time. Although, theoretically, it would be legal with the passing of this Bill to sell tickets direct to non-members. Turf Clubs will not be allowed to do so and they will be asked to draw up rules in order to restrict the sale of tickets to members only, with a provision that the tickets may be transferred to non-members and that a non-member lawfully holding a winning ticket will be paid not less

than, say, 90 per cent, of any prize money while the member originally purchasing the ticket will be entitled to not more than 10 per cent. This, in effect, will make members agents for the sale of such tickets.

Honourable Members of this House might wish to be assured that the sale of such sweepstake tickets will be subject to Government tax and it is hoped that with the passing of this legislation the sale of tickets will increase to some extent, thereby indirectly increasing Government revenue through the encouragement given to what is essentially a private institution.

Dato' Dr Cheah Toon Lok: Mr President, Sir, the Minister has explained just now that turf clubs can sell tickets only to members and the members can sell the tickets to non-members. Now, if a non-member wins a sweepstake, is he entitled to present his ticket to the club concerned to claim for the sweepstake prize?.

Enche' Tan Siew Sin: Mr President, Sir, I think there is no question about that. I tried to make it clear in my speech that this amendment to the law would safeguard the interests of the non-member in case he is lucky enough to win a prize.

Dato' Dr Cheah Toon Lok: On a point of clarification, Sir, May I know whether the club will pay the money to the non-member or not, if he puts in his ticket with a claim? Will the turf club change its regulations in such a way that the non-members are entitled to get their money for their winning tickets?.

Enche' Tan Siew Sin: Mr President, Sir, the non-member naturally would be legally entitled to his share of the prize money if he is legally entitled now to hold the ticket. There is no question of that.

Dato' Dr Cheah Toon Lok: Sir, on a further point of clarification. The turf club then must change its regulation, because the regulation now says that it will not be paid to a non-member.

Enche' Tan Siew Sin: Mr President, Sir, that is exactly what we are trying to do now (*Laughter*).

Question out. and agreed to.

foreign producers. These proposals have now been modified, in that, there will be a single tax in the nature of income tax on the rents from film hire

THE MALAYSIAN RED CROSS SOCIETY (INCORPORATION) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to incorporate the Federation of Malaya Red Cross Society and the Branches of the British Red Cross Society in Sabah, Sarawak and Singapore under the name of Persatuan Palang Merah Malaysia (or in English the Malaysian Red Cross Society), for purposes connected therewith" be now read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Minister for Welfare Services (Tuan Haji Abdul Hamid Khan bin Haji Sakhawat Ali Khan): Tuan Yang di-Pertua, sa-belum wujud-nya Malaysia dan sa-hingga hari ini, Pertubohan Palang Merah di-dalam Malaya ada-lah di-tadbirkan oleh satu badan di-bawah Pertubohan Palang Merah Persekutuan Perbadanan Act, 1962 dan di-Sabah, Sarawak dan Singapura di-bawah chawangan Pertubohan Palang Merah British. Keadaan yang demikian tidak di-kehendaki lagi serta juga berchangghah dengan susunan Perlembagaan oleh kerana Malaysia sudah pun menerima hak dan tanggung-jawab bagi negeri² yang telah bergabung di-dalam satu Lembaga. Dengan sebab itu mustahak-lah segala Pertubohan Palang Merah di-negeri² Sabah, Sarawak dan Singapura itu di-satukan di-bawah satu Pertubohan Malaysia yang menjadi tujuan Rang Undang² ini ia-itu mengadakan Perbadanan Undang² yang akan di-kenali sa-bagai Pertubohan Palang Merah Malaysia sa-telah di-satukan Pertubohan Palang Merah Persekutuan dengan chawangan² Pertubohan Palang Merah British Sabah, Sarawak dan Singapura menjadi satu badan yang

Saya suka juga manerek pandangan Ahli² Yang Berhormat ia-itu tujuan Perbadanan ini ada-lah sa-bagai yang tersebut di-dalam Fasal 5 Rang Undang² ini dan saya suka menegaskan juga Perbadanan ini bukan-nya sa-buah pertubohan siasah dan tidak juga pertubohan keugamaan atau pun pertubohan kebangsaan, melainkan ia-lah satu pergerakan untok mendapat kebajikan bagi semua orang tidak mengenal bangsa dan keperchayaan, baik wilayah tempatan atau pun antara-bangsa, baik di-dalam masa aman atau pun masa peperangan. Perbadanan ini juga ada-lah sa-mata² sukarela dan walau pun Kerajaan ada memberi bantuan wang, tetapi ia tidak terta'alok sa-chara langsung di-bawah perintah Kerajaan.

Pergerakan² sa-chara bebas bagi badan ini ada-lah sangat menguntongkan dari segi penambahan perkhidmatan² yang di-adakan oleh Kerajaan. Sa-lain daripada pindaan² yang kecil yang mustahak bagi Pertubohan Palang Merah Sabah, Sarawak dan Singapura kerana hendak di-sesuaikan dengan Ibu Pertubohan di-Kuala Lumpur dan tidak-lah bersangkut dengan Palang Merah British di-London sa-hingga menjadikan mereka itu chawangan dari Ibu Pertubohan tadi.

Segala yang di-sediakan di-dalam Rang Undang² ini terus-menerus sa-rupa dengan Pertubohan Palang Merah Persekutuan Act, 1962. Rundingan telah juga di-buat dengan Pertubohan Palang Merah Sabah, Sarawak dan Singapura untok mendapatkan persetujuan supaya di-adakan Pertubohan Palang Merah Malaysia dengan Pertubohan Palang Merah Sabah, Sarawak serta Singapura menjadi chawangan² Pertubohan Persekutuan itu.

Dato' G. Shelley: Mr President, Sir, the introduction of this Bill in Parlia-

Happily, the world has been receptive and has accepted the Red Cross Convention widely. Today the spirit of Henri Dunant hovers in this Chamber for, with the acceptance of the Bill, the Government and the people of Malaysia will in effect be paying tribute to this great man of charity. From which country he came from, what religion he belonged to, or what society he fitted into, matters little, for his conception of the Red Cross overrides these barriers of human relationship.

The Red Cross fights against suffering and death. The Society demands that a man shall be treated humanely under all circumstances. Because of its ideals, its motives and its aim, the Red Cross has survived a passage of 100 years. It is sustained by sentiments of charity and humanity. This is the only platform on which millions of people in all corners of the world join together to foster and develop man's humanity to man. Today, Malaysians join this band of people by adopting the Red Cross Convention as set out in Clause 5 of the Bill before the house. The tragedy of our time is that there are national leaders who devise diabolical machines and plan brutal schemes to kill the greatest number of people in the least possible time. The Red Cross is powerless to stop these inhuman actions, but it pleads with the warring factions for an opportunity to remove the dead and tend to the wounded and the dying. There was evidence of this a few weeks ago when, in the Dominican Republic, the opposition factions agreed to a ceasefire of 24 hours. Red Cross workers entered the battlefields, removed the dead bodies before they were subjected to further desecration and tended to the wounded. That was Red Cross service.

While much publicity has been given to the Red Cross service in times of war, I would like to tell the House that the Society is not dormant in between wars. The Red Cross pursues its activities towards the relief of suffering and distress at all times. In Malaysia, the organisation has been in

attendance at almost every major disaster brought about by floods, land slides and other natural causes. There was a case on record of the Kuala Muda conflagration in Province Wellesley. In the small hours of the morning, the whole village was destroyed by fire. The Red Cross from George Town crossed the channel at dawn and was soon providing the victims of the fire with hot drinks, with warm blankets, comforting the aged and the infirmed and attending to those who were injured. For their efforts, the Branch received official commendation. And so can the tale be told of other incidents; wherever there was a major disaster, the Red Cross was always there.

The day-to-day service of the Red Cross in Malaysia is a tireless one. For instance, there is a small district where the Red Cross organises a mobile clinic for visiting schools in kampongs and towns. Incidentally, the motor wagon, which is used by the mobile clinic, was donated by an Indian philanthropist, Enche' Arumagam Pillai of Penang. The motor wagon with a team of Red Cross personnel sets out four times a week—twice in the mornings and twice in the afternoons. The team in the morning session is made up of ladies from the Royal Australian Air Force and the Royal Air Force. Theirs is a magnificent gesture so generously given at such sacrifice of their leisure. This, Sir, is indeed an international aspect of the Red Cross service. In the afternoons the team is made up of about five or six girls from the Convent Junior Cadets (Red Cross) under a senior lady-in-charge. The readiness of these little girls of all races in offering their free afternoons to the cause of charity is a tribute to the training they received from their officers and their school teachers. Theirs is a wonderful expression of charity expressed in a practical way. I say this because service with a mobile clinic is neither easy nor pleasant. Gaping wounds, ugly sores and ulcers of kampong children are cleaned, treated and dressed. Those of weaker

disposition are unable to fit into the teams. Those who carry on have the satisfaction of feeling that their efforts bring relief to the less fortunate children who are in stickness and in pain. In this small district a one 10,505 cases among school children were treated last year by the Red Cross volunteer teams, and 39 cases of a more serious nature were sent to the hospital to be attended to by the doctors.

I can speak at length of other activities of the Red Cross, such as the Society's aid in blood banks throughout the country, the companionship it offers to the physically-handicapped—the dumb, the blind—and the succour it brings to the suffering victims of malingering and incurable diseases. Such is the work of the Society which this Bill is designed to create as a statutory corporation. Today, the membership in this Society in Malaysia includes about 20,000 youths. Everyone of these young people is trained by doctors and other qualified personnel in first-aid, home-nursing and relative occupations. I can assure the House that the standard set for proficiency in these tests is a high one. Since 1958, in the States of Malaya, 29,090 members took their examination and 25,524 made the grade and were awarded certificates. To the doctors, nurses and lecturers, who so generously offer their time towards the onerous task of training the youths of the Red Cross Society in Malaysia, we can only say a very sincere and humble "Thank you". It is but one of the salient services of the Red Cross Society.

Nik Hassan bin Haji Nik Yahya: Dato' Yang di-Pertua, saya menyokong Rang Undang² ini kerana bagaimana rakan saya berchakap tadi khidmat yang di-beri oleh Perbadanan ini kepada ra'ayat negara kita ini sangat-lah besar dan saya perchaya dalam menghadapi konfrantasi daripada Indonesia ini maka semangat bantu-membantu, bagaimana yang di-kehendaki menjadi tujuan kepada Undang² ini, ada-lah satu semangat yang patut di-beri pujian yang tinggi.

Sa-belum saya dudok, saya hendak tanya kepada Menteri yang berkenaan, di-atas nama yang ada dalam Undang² ini ia-itu pada di-atas-nya di-tulis dengan nama dalam bahasa kebangsaan ia-itu Kesatuan Palang Merah Malaysia tetapi dalam fasal yang pertama ia-itu Short Title tidak ada di-sebut di-situ perkataan dalam bahasa kebangsaan perkataan Palang Merah Malaysia itu chuma di-katakan di-situ Malaysian Red Cross Society. Jadi ada-kah tidak mustahak dimasukkan nama itu dengan nama bahasa kebangsaan? Itu pertanyaan saya yang pertama.

Pertanyaan saya yang kedua-nya waktu kita, Kerajaan, menyusun Undang² ini, tidak-kah terasa atau pun pehak Kementerian yang berkenaan teringat kepada suara² yang di-suarakan dalam Dewan ini, barangkali beberapa lama dahulu, hendak mengadakan perubahan sesuai dengan negara kita ini ia-itu ada orang menyuarakan daripada Red Cross baik di-tukarkan menjadi Red Crescent atau pun Bulan Merah atau pun ada-kah terasa bagi pehak Kementerian ini terasa patut di-pertimbangkan suara² itu pada sa'at kita hendak membuat perubahan ini atau pun bagaimana pendapat pehak Kementerian. Saya tidak berchadang hendak membuat perubahan tetapi saya rasa suara yang di-suarakan dalam Dewan ini di-masa lama dahulu, patut di-fikirkan balek waktu kita menyusun Undang² ini. Itu terpulang-lah kepada Menteri yang berkenaan kira-nya ia memikirkan patut buat pindaan ini atau pun tidak. Sekian, terima kaseh.

Dato' Dr Cheah Toon Lok: Mr President, Sir, in explanation about the sign of the Red Cross, I wish to say that the Red Cross is not a Christian sign. Firstly, the sign was used in many civilisation long before Christianity was known. It was used in China nearly 4,000 years ago as a sign indicating certain types of healings because the perpendicular sign means "10" and "10" means "01", and "1" is the first numerical number in civilisation. So, it is not a Christian

sign. Moreover Red Cross is known internationally -

Nik Hassan bin Haji Nik Yahya: Mr President, Sir, I did not say Red Cross is a Christian sign, but I was talking about changing the name to Red Crescent. That is all. I did not say Red Cross is a Christian sign—I wish to clarify that.

Dato' Dr Cheah Toon Lok: Sorry, Mr President, Sir I thought my Honourable friend thought that the Red Cross is a Christian sign. However, since it is well known throughout the world as a sign of voluntary service for the wellbeing of humanity, I think we should carry on with that sign.

There are, however, certain aspects about which we must know. It is not only, as stated here, for the mitigation of human suffering—mitigation means lessening of human suffering, but the proper word which should be used is 'alleviation', because the word alleviations means 'the easing, the lessening and the relieving of human suffering'. I am subject to correction here on the semantics, because my Honourable friend Enche' Athi Nahappan might correct me from the legal point of view.

Mr President, Sir, I agree with, and support the Bill.

Tuan Syed Ahmad bin Syed Mahmud Shahabudin: Tuan Yang di-Pertua, saya rasa patut pehak Kementerian ini mendapat satu penjelasan yang terang berhubung dengan Red Cross. Sunggoh pun saya dengar tadi rakan² saya Ahli² Yang Berhormat telah menyuarakan berhubung dengan tanda Red Cross itu, sama ada tanda Kristian atau tidak, maka tidak-lah dapat kita satu penjelasan yang sa-jelas²-nya. Maka dengan sebab itu saya rasa patut-lah pehak Kementerian mengambil penjelasan ini daripada pehak² yang berkenaan. Oleh sebab saya sendiri pun menyokong bahawa Pertubohan Palang Merah ini ada-lah satu pertubohan yang sangat² berfaedah bagi negara kita tambahan pula dalam masa kechemasan atau peperangan,

tetapi ada beberapa negeri termasuk negeri Kedah—negeri saya sendiri, kesatuan² ini pergi hendak menubuhkan chawangan²nya ia-itu Pertubohan Palang Merah tetapi telah mendapat bangkangan² daripada pehak yang berkenaan—pehak Majlis Ugama maseh ragu² atas Palang Merah ini. Dengan itu satu pertubohan yang berchorak sukarela seperti Palang Merah ini tidak dapat bergerak dengan sa-benar²-nya di-satengah² daerah atau negeri. Dengan sebab itu penjelasan ini, saya rasa, amat-lah mustahak kita dapat daripada pehak yang berkenaan. Jika tidak, usaha² patut-lah di-adakan oleh Kementerian supaya menubuhkan pertubohan yang berupa sa-akan² itu juga seperti kata rakan saya Yang Berhormat Nik Hassan—Pasokan Bulan Sabit Merah, Red Crescent atau pun sa-bagai-nya.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, Saya meng-ucapkan berbanyak² terima kaseh kapada sahabat saya Dato' G. Shelley yang telah menerangkan dengan panjang lebar kerja² Kesatuan Palang Merah ini. Saya berharap-lah dengan keterangan itu kesatuan ini akan mendapat sokongan yang kuat daripada ra'ayat jelata keseluruhan-nya.

Berkenaan dengan perkara yang di-bangkitkan oleh Yang Berhormat Nik Hassan berkenaan dengan nama Kesatuan Palang Merah, saya suka-lah menarek perhatian Yang Berhormat itu kapada Bill ini di-mana di-atas-nya itu ada tersebut Persatuan Palang Merah atau pun dalam bahasa Inggeris Malaysian Red Cross Society di-situ telah di-nyatakan. Dan juga tidak menjadi kebiasaan ia-itu dalam Act ini di-sebutkan dalam bahasa kebangsaan di-mana text-nya dalam bahasa Inggeris, di-sebutkan dalam bahasa Inggeris sahaja.

Berkenaan dengan nama Red Cross, saya suka-lah menyatakan ia-itu Red Cross ini bukan di-ambil daripada tanda Kristian akan tetapi di-ambil daripada bendera Switzerland di-mana Kesatuan Palang Merah ini mula munchol ia-itu sa-balek bendera itu ia-itu merah di-atas puteh. Jadi, bukan sahaja negeri ini yang menggunakan

tanda Red Cross ini. Dan dia telah bertanya ada-kah perkara ini masa kita menggubalkan Bill ini di-timbang-kan, perkara² yang telah di-bangkitkan supaya di-gantikan atau di-timbangkan sama ada Bulan Sabit itu hendak di-tarohkan atau di-gantikan dengan Red Cross ini ia-itu Red Crescent. Perkara ini ada juga di-timbangkan sa-chara sambilan dan kita pun berpendapat ada negeri² yang lain juga—negeri Islam umpama-nya Pakistan di-mana penduduk²-nya tidak kurang 75 juta manusia yang meng-gunakan Red Cross. Begitu juga Indonesia di-mana orang Islam tidak kurang daripada 80 juta yang menggunakan juga Red Cross. Jadi ini tidak sangkut paut dengan ugama Kristian langsung.

Enche' Athi Nahappan: Mr Pre-sident, Sir, I am grateful for the explanation given by the Honourable Minister with regard to the name. I think it clears the air. Sir, in legislation of this kind, the important thing is to see the purpose behind it rather than the name of it, and in clause 4 of the Bill it is clearly set out that—

"The objects of the Corporation are to provide an organisation which shall be open, without any discrimination on the grounds of religion, race or politics, to all persons in Malaysia to enable them to give effect to the purposes of the Corporation as defined in section 5, and to do all other things as the Corporation or its Council may deem incidental or conducive to the attainment of such objects."

Sir, this keeps the purpose of this organisation above everything else. It is just to do humanitarian work. Thank you, Sir.

Mr Deputy President: I hope Honourable Members will not speak after the reply made by the Honourable Minister. If Honourable Members have any more arguments to make, they can make them at the Committee Stage.

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 President *in the Chair*)

Clauses 1 to 14.

Tuan Syed Ahmad bin Syed Mahmud Shahabudin: Tuan Pengerusi, boleh-kah saya dapat jaminan atau pun pengakuan yang sa-benar-nya daripada Yang Berhormat Menteri mengatakan tanda Palang Merah dan juga bendera Switzerland itu tidak kena-mengena langsung dengan tanda palang Kristian.

Dato' G. Shelley: Mr Chairman, Sir, there has been a lot of confusion about this Red Cross. There is at the moment the Red Crescent, the Red Lion and the Red Cross. One hundred and two years ago, in 1863, the Red Cross was adopted as an act of courtesy to Geneva whose subjects visualised the need for the Red Cross and, as an act of courtesy, they reversed the sign—instead of putting a white cross on a red background, the Red Cross adopted the red cross on a white background: the two must go together and one cannot go without the other. Since 1863, a few countries in the Middle East changed the sign to the Red Crescent and the Red Lion. Then there were various conferences and the final one was in 1849, if my memory is correct (*Laughter*); that Conference decided that they would accept the existing signs, i.e. the Red Cross, the Red Lion and the Red Crescent, but from then on there would not be anymore changes, and that symbol since 1849 should not be changed and it was hoped that the Red Lion and the Red Crescent would one day change into the Red Cross. Now, if they change the Red Cross into the Red Crescent, Members would visualise the confusion it will cause: for instance if a hospital ship instead of having the Red Cross has the Red Crescent, some sections of the military forces or the Naval forces would not recognise these things and would take it as a national symbol instead of the Red Cross symbol and the wounded,

people would receive the full blow of the enemy's onslaughts. So, that is one of the disadvantages of not having a universal symbol. That is the explanation and, as I said, it cannot be changed because the Convention has laid down those rules in 1849.

Tuan Haji Abdul Hamid Khan:

Tuan Pengerusi, bagi menjawab pertanyaan sahabat saya yang di-hadapan ini berkenaan dengan jaminan, ia-itu tanda ini bukan-lah tanda Christian. Saya hanya boleh menerangkan, ia-itu tuan yang mula mengadakan perbadanan ini ia-lah Henri Dunant adalah sa-orang bangsa Swiss yang telah membangunkan persatuan ini dalam tahun 1864 di-negeri Switzerland. Jadi, dia hingga pada masa itu apabila mereka ini pergi ka-dalam medan peperangan supaya senang nampak kapada musuh atau kawan daripada dua² pihak, mesti ada satu tanda, tanda yang jelas yang senang nampak dengan terang daripada jauh, dan pada pandangan-nya ia-itu bendera Switzerland itu senang nampak, terang pangkah-nya. Oleh sebab itu dia gunakan pangkah, kerana dia orang Swiss, dan satu pekara yang chepat terlintas pada pandangan-nya ada-lah bendera negeri-nya. Jadi, jikalau orang itu, katakan orang Canadian, yang pada masa sekarang, kalau dia hendak buat apa² satu² tanda, yang harus terlintas kapada pandangan-nya, harus ia-lah daun "maple-leaf". Jadi, ini-lah sebab-nya di-pakai Red Cross. Tidak ada tujuan untuk mengembangkan agama Christian, kerana dia hanya hendak membuat satu tanda yang boleh nampak dan terang, suka juga saya menyatakan di-sini, apabila kita pergi mengundi tiap² kali, ballot paper itu kita pangkah, ada-kah berma'ana kita mengakui diri kita ini Christian? Tidak, Tuan Pengerusi.

Dato' Haji Mohamed Noah bin Omar: Dato' Pengerusi, saya baharu mendengar daripada penerangan Menteri tadi yang berchakap dengan panjang lebar bagi menjawab atas soal itu pendek sahaja. Soalan yang dikehendaki oleh saudara kita Yang Berhormat Syed Ahmad tadi sangatlah pendek, dan dia hanya-lah hendak

tahu supaya di-beri pengakuan yang gambar itu bukan-nya tanda daripada pihak agama Christian. Saya tahu tujuan-nya itu, ia-itu supaya dia dapat mengishtiharkan dan membesarkan Red Cross organization ini di-dalam negeri Kedah, kerana di-Kedah-lah tempat bagi orang² yang sangat² berpegang kapada agama, harus, barangkali jikalau sampai ka-sana, badan ini harus ta' dapat sambutan, tetapi yang di-kehendaki sedikit benar atas soalnya itu, boleh-kah tidak pihak Kementerian ini memberi pengakuan, ishtiharkan—ini tanda bukan tanda agama Christian.

Tuan Haji Abdul Hamid Khan:

Tuan Pengerusi, dengan penjelasan yang saya telah berikan tadi, pada fahaman saya ini ada-lah satu daripada pandangan saya, ia-itu jikalau kita daripada keterangan itu, logic-nya ya'ini ini bukan tanda Christian dan saya ta' bersetuju dengan apa yang dikatakan yang orang Kedah sahaja yang berpegang kuat kapada agama, kita di-negeri Selangor pun, di-negeri Perak dan negeri² lain juga berpegang kuat kapada agama, Tuan Pengerusi.

Dato' Dr Cheah Toon Lok: Mr Chairman, Sir, under section 5, subparagraph (a), in regard to the words "mitigation of suffering", I think the usual medical term for this is "alleviation of suffering"—the word is "alleviation" and not "mitigation". However, I do not know what the legal man will think about this, but I suggest that if this is a medical term, then the word "alleviation" is appropriate, because "alleviation" means "easing" but "mitigation" means lessening only—and it does not ease.

Tuan Haji Abdul Hamid Khan:

Tuan Pengerusi, saya rasa perkataan "mitigation" ini sa-rupa-lah. Kadang² kita buboh ubat dia ta' hilang langsung sakit itu—dia kurang sedikit sahaja. Jadi, ini kita chuba hendak mengurangkan, kalau boleh; yang hendak membaiki itu ia-lah Tuhan.

Enche' Athi Nahappan: Mr Chairman, Sir, I support my good and

learned friend, Dato' Dr Cheah Toon Lok. I think the word "mitigation" is not quite correct and appropriate here. As we understand, "mitigating" means lessening the circumstances—or "mitigating circumstances", as we sometimes say in law. Here the phrase, "the mitigation of suffering throughout the world", perhaps, means lessening the circumstances of suffering. Perhaps, the correct and direct phrase is "alleviation of suffering" rather than "mitigation of suffering."

Dato' J. E. S. Crawford: Mr Chairman, Sir, I do not agree with the Honourable Minister that the words are the same—they are not. "Alleviation" is the correct word. "Mitigation", as my Honourable friend, Enche' Athi Nahappan has mentioned, is more in question with criminal offences (*Laughter*). Thank you.

Dato' G. Shelley: Mr Chairman, Sir, the Red Cross does not pretend to be doctors. They have to relieve and to mitigate.

Dato' J. E. S. Crawford: Alleviate!

Dato' G. Shelley: "Alleviate" and "mitigate" are near enough! (*Laughter*) The only way to find a solution is to refer to a dictionary.

Mr President: Honourable Senators, as has been commented by the Honourable Members, I know for certain that "mitigation" is always used in law. However, since this has been passed by the Lower House and since if we want to make an amendment we must proceed under our Standing Orders. I cannot amend now, and I am sorry to say that.

Enche' Athi Nahappan: The Senate has the right to make any amendment that it deems desirable and fit. Simply because a legislation has been passed by the Lower House, does not mean that the Senate must *ipso facto* accept it *in toto*.

Dato' Dr Cheah Toon Lok: Sir, I agree entirely with my friend, Senator Athi Nahappan. We have got the right to change it to show that we are wiser people. (*Laughter*).

Dato' J. E. S. Crawford: Mr President, Sir, I rise to support entirely what you said, Sir. It can be changed but it must be done in the proper way under the rules and procedure, Sir.

Tuan Haji Abdul Hamid Khan: Sir, there is a difference between the two words—I agree. However, the word is taken from the Geneva Convention, which is the source of Red Cross and it means to reduce or make smaller, and this has been agreed to in the Lower House.

Enche' Athi Nahappan: May I hear the definition of word once again—"mitigation" means what?

Tuan Haji Abdul Hamid Khan: To reduce or make smaller.

Mr President: Honourable Members, as I said just now, the procedure must be observed. I cannot do otherwise.

Question put, and agreed to.

Clauses 1 to 14 inclusive ordered to stand part of the Bill.

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

Sitting suspended at 1.05 p.m.

Sitting resumed at 2.15 p.m.

(Mr Deputy President *in the Chair*)

THE MUNICIPAL (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Municipal Ordinance" be now read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Dato' T. H. Tan: Mr President, Sir, this Bill seeks to amend section 20 (3) and section 268 of the Municipal Ordinance, S.S. Cap. 133.

Section 20(3) of the Ordinance, as it stands, is considered too harsh and is inconsistent with the provisions of section 15 of the Employees Provident Fund Ordinance, 1951. At present, in the case of misconduct by a Municipal

employee involving pecuniary loss to the employer, the employee is liable to have forfeited not only the employer's contribution but also his own. However, in similar circumstances, under section 15 of the Employees Provident Fund Ordinance, the employee's contribution cannot be forfeited. The proposed amendment is to bring section 20(3) of the Municipal Ordinance in line with the provisions of section 15 of the Employees Provident Fund Ordinance.

The proposal at Clause 3 of the Bill is to repeal section 268 of the Municipal Ordinance relating to the fixed annual payment by the Municipalities of George Town and Malacca for the maintenance of the Police force, which matter was considered as far back as 1955, but the matter was not finalised because the then Ministry of Internal Security and Defence considered that it was desirable to retain the section as showing that the principle of municipalities helping to finance the Police expenditure was not a new one in this country. However, as a result of constitutional changes, the Federal Government has now assumed sole responsibility for the maintenance of the Police force throughout Malaysia. Section 268 has therefore become obsolete and there is, therefore, no need for its retention.

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 President *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 FEDERAL AGRICULTURAL MARKETING AUTHORITY BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled

"an Act to incorporate the Federal Agricultural Marketing Authority to supervise, co-ordinate and improve the marketing of agricultural produce in the Federation" be read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

The Minister of Agriculture and Co-operatives (Enche' Mohamed Ghazali bin Haji Jawi): Tuan Yang di-Pertua, pada masa ini Kementerian Pertanian dan Sharikat Kerjasama, Kementerian Perdagangan dan Perusahaan, Lembaga Kemajuan Kampung dan Perusahaan RIDA dan di-dalam beberapa hal termasuk juga Lembaga Kemajuan Tanah Persekutuan ada-lah bertanggung-jawab mengenai seluruh kedudukan gerakan pasaran yang berbagai² chorak bentok-nya dalam perekonomian ra'ayat negeri ini. Hingga hari ini maseh belum ada lagi sa-buah badan yang tertentu di-negeri ini yang boleh mengurus dan mengawal seluruh perkembangan gerakan pemasaran, seperti merancang dan menyusun ranchangan² pemasaran, menentukan dasar² pemasaran, membahagi²kan tugas² dan tanggung-jawab pemasaran, menyatukan usaha² gerakan pasaran dan mengeratkan penyatuan ranchangan² kemajuan pasaran di-antara berbagai² pertubuhan. Ini semua-nya menunjukkan bagaimana penting-nya, dan mustahak-nya menubuhkan sa-buah badan di-peringkat Persekutuan bagi menyelia, mengerat dan memajukan pemasaran hasil pertanian di-Malaysia.

Pengalaman dan juga pengetahuan yang telah di-perolehi sa-lama ini menunjukkan kenyataan bahawa segala² persediaan kemudahan² tali-ayer yang telah bertambah, keadaan² pemilehan tanah yang lebeh baik, badan² pinjaman pertanian yang lebeh berkesan, dan chara² ternakan yang lebeh maju, termasuk-lah beneh² padi yang lebeh tinggi hasil-nya dan baja² yang baik tidak akan dapat mempengaruhi pengeluaran pertanian kita sa-lagi hasil pengeluaran tenaga tani itu tidak mendapat penilaian yang ekonomik. Nilaiian yang ekonomik bagi hasil

pengeluaran tenaga tani ini ada-lah terletak di-atas keadaan² pasaran yang tersusun dan terkawal dengan chara yang lebeh berkesan.

Malang-nya, perjalanan gerakan² pemasaran daiam bahagian pertanian sekarang ini ada-lah di-lakukan sa-chara liar dan tidak tersusun yang mana telah mengakibatkan nilai-nya tidak ekonomik dan tidak terjamin. Oleh kerana kekurangan modal dan usaha² pergerakan yang terhad, maka petani² dan nelayan² kita di-Malaysia tidak-lah mempunyai kekuatan tawar-menawar untuk mendapatkan harga yang berpatutan bagi hasil pengeluaran mereka yang akhir-nya menyebabkan mereka terjerumus ka-dalam perangkap orang tengah dan pemodal². Boleh di-katakan di-seluruh kawasan² luar bandar di-Malaysia ini, hasil² pertanian-lah yang menjadi sumber pendapatan yang utama bagi penduduk²-nya. Sa-bahagian daripada hasil² pertanian itu di-gunakan oleh petani² sendiri dan yang sa-lain-nya itu di-pasarkan. Sungguh pun langkah² telah di-ambil, seperti menetapkan harga padi yang sa-rendah²nya dan menubuhkan sharikat² kerjasama pinjam-meminjam, untuk memajukan kedudukan tawar-menawar bagi petani² dan membebaskan mereka dari belunggu orang² tengah dan pemodal², tetapi sa-takat ini belum-lah lagi memadai.

Ahli² Yang Berhormat mungkin sedar bahawa sistem pemasaran pertanian di-negeri ini sangat² "tidak sempurna" dalam erti kata ekonomi. Keadaan tidak sempurna ini ada-lah timbul dari faktor² saperti hutang² yang terikat, penggunaan timbangan dan sukatan yang tidak jujur, ketiadaan darjah dan tingkatan mutu hasil² pertanian, luas satu² ladang tidak menchukupi, kekurangan penerangan pasaran, monopoli orang² tengah dan sa-bagai-nya. Saya tidak-lah hendak berchapak satu persatu berkenaan dengan faktor² ini chuma sa-kadar menyatakan bahawa ketidak sempurnaan yang saya katakan itu-lah yang menyebabkan petani² kita

terdedah kepada tindakan orang² tengah dan pemodal².

Sa-lain dari itu, pasaran, mengikut tafsiran ekonomi, bukan-lah hanya sa-takat menjual dan membeli; malahan ia-lah seluroh rangkaian perjalanan ekonomi yang bermuia dari masa mengeluarkan sa-suatu bahan itu hingga-lah kepada masa bahan itu di-gunakan. Oleh itu-lah maka banyak kaitan-nya dalam rangkaian itu dan tidak-lah asing bagi saya menunjukkan keburokan² dalam seluroh rangkaian pasaran sekarang ini yang mesti di-tukar, di-pinda dan di-perbaiki. Mithal-nya, chara menentukan darjah mutu dengan mengagak² dan tidak tepat itu akan menimbulkan rasa tidak puas hati dan pertelingkahan di-antara pembeli dan penjual. Pemasaran hasil² pertanian selalu terhalang dan tergendala oleh kekurangan kemudahan² pengangkutan dan perhubungan di-kawasan² luar bandar. Di-punchak musim buah²an dan musim menuai banyak-lah bilangan petani² kita terpaksa menjualkan hasil pengeluaran mereka dengan harga yang paling murah kepada pembeli² yang mampu mengadakan pengangkutan yang di-perlukan; kalau tidak berbuat demikian, maka hasil pengeluaran mereka, akan menjadi rosak dan busok. Kekurangan penerangan tentang kedudukan pasaran yang lengkap daripada satu masa ka-satu masa ada-lah selalu-nya menjadi salah satu faktor yang menyebabkan rendah-nya harga² yang di-bayar oleh pembeli² kepada petani kita.

Oleh yang demikian, maka jelas-lah bahawa sa-buah Lembaga Pemasaran sangat² di-kehendaki supaya dapat, di-antara-nya, menjalankan penyiasatan dan penyelidikan bagi mengadkan satu panduan di-dalam kerja² menyusun rancangan kemajuan pemasaran yang lebeh sesuai dan lebeh lengkap bagi melichinkan pemasaran hasil² pertanian dengan harga² yang berpatutan dan terjamin. Ini-lah sa-bagai inti sari, tugas² Lembaga Pemasaran Pertanian Persekutuan yang di-chadangkan itu yang mana Rang Undang² ini bermaksud men-chiptakan-nya.

Saya percaya, mungkin ada orang² yang berpendapat bahawa apabila saja Lembaga Pemasaran Pertanian Persekutuan ini di-tubuhkan, maka ekonomi pemasaran bebas seperti yang ada sekarang ini di-hapuskan serta merta. Ini bukan-lah sa-kali² tujuan Lembaga Pemasaran Pertanian Persekutuan yang di-chadangkan kerana sa-bagaimana yang terchatit dalam Rang Undang² ini bahawa Lembaga yang di-tubuhkan di-bawah Rang Undang² ini terutama-nya, ia-lah sa-buah badan yang mempunyai kuat-kuasa dan kedua-nya banyak perlindungan² di-beri kepada hak² orang² persaorangan sharikat² dan pertubohan².

Saya suka hendak menyatakan di-sini pada garis kasar-nya bahawa ada-lah menjadi tujuan dan dasar Kerajaan Perikatan menggalakkan perniagaan bebas, terutama sa-kali di-bahagian perniagaan bersendirian tetapi hendak-lah sedar bahawa memandang kepada sa-tengah² undang² yang ketat seperti yang saya katakan di-atas tadi dan juga kedudukan ekonomi pertanian yang terbesar di-Malaysia, maka ada-lah menjadi tugas utama bagi Kerajaan menjamin pendapatan yang lebeh wajar kepada petani², penternak² dan nelayan² kita dari hasil pengeluaran tenaga mereka.

Saya juga suka hendak melenyapkan segala perasaan bimbang yang mungkin terdapat di-kalangan orang ramai bahawa apabila saja Lembaga Pemasaran ini di-tubuhkan, beberapa buah pasaran monopoli akan timbul di-negeri ini dan keadaan pasaran bebas akan lenyap. Ini tidak akan berlaku. Ahli² Yang Berhormat akan membacha dalam Rang Undang² ini bahawa kewajipan Lembaga Pemasaran ini supaya mengadakan penyelidekan umum memberi peluang kepada pehak² yang berkepentingan, sama ada orang² persaorangan atau pertubohan, mengemukakan pendapat mereka apa-kah sa-suatu rancangan pasaran khas itu perlu atau tidak sa-belum Lembaga Pemasaran yang di-chadangkan ini menyampaikan sokongan-nya kepada saya, sa-bagai Menteri yang bertanggung-jawab bagi

Lembaga Pemasaran ini. Sunggoh pun bagitu, Lembaga Pemasaran ini tidak-lah boleh menyokong sa-barang rancangan pasaran yang bertujuan menubuhkan sa-suatu badan pemasaran, sama ada bersendirian atau bersama² dengan sa-barang pertubohan lain, yang akan mempunyai kuasa monopoli di-atas pemasaran hasil² pertanian, di-kebanyakan Negeri² di-Tanah Melayu.

Dengan lain² perkataan, jika sa-kira-nya rancangan pemasaran itu bertujuan menubuhkan sa-suatu atau beberapa buah badan pemasaran yang mempunyai kuasa monopoli yang tunggal di-atas pemasaran hasil pertanian ini dalam lebeh daripada sa-tengah² negeri di-Malaysia, maka rancangan yang demikian itu terpaksa-lah di-jadikan satu perkara undang² yang tersendiri supaya burok baik-nya rancangan itu dapat di-bahathkan di-dalam Dewan ini dengan lebeh lanjut. Ini bererti-lah bahawa Lembaga Pemasaran yang di-chadangkan ini hendak-lah terlebih dahulu menjalankan penyiasatan dan penyelidekan yang teliti berkenaan dengan kedudukan dan keadaan pasaran sa-suatu jenis hasil pertanian itu yang sa-benar-nya sa-belum ia menyokong sa-barang rancangan pasaran itu dan mungkin juga satu jalan yang sa-baik²-nya dalam keadaan² yang bagitu ia-lah melantek badan² pemasaran yang ada atau sharikat² dengan chara yang adil.

Sa-lain daripada itu, susunan pasaran yang terbaik mungkin bererti satu kemajuan mengenai kemudahan² pengangkutan, pembungkusan (packing) dan proses; juga mungkin bererti satu kejayaan menentukan mutu dan darjah, dan lain² sa-bagai-nya. Saya percaya bahawa dengan perlindungan² ini, maka kuat-kuasa yang di-amanatkan kepada Lembaga Pemasaran ini dapat melengkapkan alat² bagi mernajukan sistem pasaran.

Sekarang saya akan berchakap tentang beberapa perkara yang penting mengenai Rang Undang² ini.

- (i) Rang Undang² ini ia-lah untuk seluroh Malaysia sa-bagaimana tersebut di-dalam Fasal 1 (2). Bagaimana pun, saya suka memberi pengakuan kepada

Kerajaan² Singapura, Sarawak dan Sabah ia-itu sa-barang ranchangan pemasaran bagi memperluaskan kuat-kuasanya ka-Negeri² itu hanya akan di-ishtiharkan sa-telah berunding dengan Kerajaan Negeri yang berkenaan.

- (ii) Lembaga Pemasaran ini akan mengandongi sa-orang Pengerusi dan sa-orang limbaian Pengerusi di-lantek oleh Duli Yang Maha Mulia Yang di-Pertuan Agong, lima orang pegawai mewakili Kementerian² yang berkepentingan, dan tidak kurang daripada lima dan tidak lebeh daripada lapan orang ahli² tidak resmi di-lantek oleh Menteri Pertanian dari kalangan orang² yang telah mempunya'i pengalaman² dan telah menunjukkan kebolehan² di-dalam segala hal yang bersangkutan dengan hasil² pertanian, pemasaran, kewangan atau pentadbiran. Ini terchatit di-dalam Fasal 2(3). Ada-lah menjadi hasrat saya bila membuat perlan-terakan² itu saya akan menetek-beratkan supaya kepentingan² bagi berbagai² kawasan di-Malaysia di-wakili dengan sa-penoh²-nya.
- (iii) Tugas² Lembaga Pemasaran ini, sa-lain dari mengeratkan kerja² pertubohan² atau Jabatan² Kerajaan yang berkaitan dengan pemasaran hasil² pertanian dan bekerja bersama² dengan badan² tersebut ia-lah memajukan pasaran yang sedia ada dan chara² pemasaran dan men-chari serta menubuhkan pasaran² yang baru bagi hasil² pertanian. Tugas Lembaga Pemasaran ini dalam kerja² tersebut, bagaimana pun tidak-lah sampai kapada pemasaran hasil² pertanian yang telah di-pertanggung-jawabkan Kanada sa-buah badan yang di-tubohkan bagi memasarkan hasil² tersebut di-bawah sa-barang

undang² yang tersendiri. Ini telah di-chatit di-dalam Fasal 3(1). Mithal-nya, Lembaga Perusahaan Nanas Malaya yang ada sekarang itu telah di-pertanggung-jawabkan, antara lain, bagi memasarkan buah² nanas dan nanas² dalam tin. Oleh yang demikian, maka Lembaga Pemasaran Pertanian ini tidak akan membelakangkan atau mengambil tempatnya memasarkan buah² nanas dan nanas² dalam tin. Sa-balek-nya Lembaga Pemasaran Pertanian ini akan bekerja bersama² dengan-nya bagi mengembangkan pemasaran yang lebeh baik lagi.

- (iv) Lembaga Pemasaran Pertanian ini mempunya'i kuasa menjalankan penyiasatan dan menyelidekan pasaran mengenai perbelanjaan² pengeluaran, tingkatan² harga dan sa-bagai-nya berkaitan dengan pemasaran hasil² pertanian, dan boleh berkehendakkan orang² untok memberi penerangan² yang diperlukan. Ini di-sebut dalam Fasal 3 (2).
- (v) Sa-belum menchadangkan sa-suatu ranchangan pasaran, maka Lembaga Pemasaran Pertanian ini hendak-lah terlebih dahulu menyiarkan kenyataan berkenaan dengan tujuan tersebut di-dalam *Warta* Kerajaan beserta dengan butir² ranchangan pemasaran itu supaya sa-siapa yang suka hendak membantah-nya boleh memberi kenyataan berkenaan dengan bantahan-nya itu dengan bertulis dan menghadhirkan diri di-hadapan Lembaga ini. Kewajipan Lembaga ini ia-lah menjalankan satu penyiasatan umum sa-belum memberi sokongan-nya atau fikiran-nya Kanada saya. Ini di-sebutkan dalam Fasal 4.
- (vi) Lembaga Pemasaran Pertanian ini mempunya'i kuasa mengeluarkan lesen² kapada

sa-barang orang atau sa-barang pertubohan menjalankan pasaran sa-barang hasil pertanian mengikut ketetapan sa-suatu ranchangan pasaran itu, tetapi suatu perlindungan yang penting ia-lah bahawa Lembaga ini tidak boleh menahankan sa-suatu lesen kepada sa-barang orang atau sa-barang pertubohan yang sebelum daripada ranchangan tersebut berjalan kuat-kuasanya telah mempunyai kebenaran atau lesen menjalankan pasaran hasil² pertanian itu. Dengan lain² perkataan, Lembaga ini tidak boleh merampas mata-pencharian sa-sa-orang yang hak melainkan dia sendiri enggan menyertai ranchangan itu. Ini telah di-sebutkan didalam Fasal 5 (3) dan (4).

- (vii) Saya, sa-bagai Menteri yang bertanggung-jawab, boleh-lah menubuhkan suatu badan pemasaran bagi mengurus dan mengawal pemasaran sa-barang hasil pertanian mengikut ketetapan sa-suatu ranchangan pemasaran tetapi, sa-bagaimana yang saya telah katakan tadi, kita mempunyai suatu perlindungan yang penting dalam mana kuasa saya tidak boleh berleluasa kepada menubuhkan suatu badan pemasaran yang bersendirian atau bersama² dengan lain² pertubohan akan mempunyai hak monopoli mengenai pemasaran hasil² pertanian di-dalam kebanyakan Negeri² dalam Malaysia. Ini di-sebutkan didalam Fasal 6(1).
- (viii) Lagi satu perlindungan ia-lah hak merujuk kepada badan Pengadilan Rayuan (Tribunal of Appeal) yang di-ketuai oleh sa-orang yang mempunyai pengalaman mengenai pengadilan². Badan Pengadilan Rayuan atau Tribunal of Appeal ini mempunyai kuasa² mengesah, meminda atau menolak sa-barang keputusan dari Lembaga Pemasaran

Pertanian Persekutuan ini. Ini di-sebutkan dalam Fasal 16.

- (ix) Fasal² yang lain dari Rang Undang² ini, bersangkutandan dengan kuasa² meminjam, memperniagakan wang², perkiraan dan odit, laporan tahunan dan lain² sa-bagai mengikut bentuk lain² undang² yang ada dan tidak berkehendakkan ulasan.

Tuan Yang di-Pertua, biar-lah saya mengakhiri dengan berkata bahawa dalam keadaan² ekonomi pertanian di-Malaysia sekarang ini kita sangat²lah memerlukan suatu dasar pemasaran yang dinamis sa-bagai satu kesan yang sangat mustahak bagi dasar pertanian aneka jenis, Kerajaan Perikatan kita. Saya rasa tidak-lah perlu bagi saya menyebut² kembali bahawa sa-barang langkah meninggikan daya-usaha petani² melipat-gandakan hasil² pengeluaran pertanian dengan menyediakan kemudahan² taliayer untuk membolehkan tanaman padi dua kali sa-tahun di-jalankan, dengan mengadakan chara² penternakan yang lebeh baik, baka² benih yang lebeh tinggi hasilnya, lebeh banyak baja² yang baik dan sa-bagai-nya hanya akan berkesan bila petani² sendiri telah memandang kepada faedah² yang di-perolehi bahagian-nya dari perkembangan ekonomi pertanian. Penubohan Lembaga Pemasaran Pertanian Persekutuan ini sa-sunggo-nya akan memenuhi keperluan yang luas yang sa-lama ini di-idam²kan oleh petani², nelayan² dan penternak² kita di-negeri ini. Lembaga ini akan menjadi sa-buah badan yang tunggal di-dalam Malaysia yang akan bertanggung-jawab bagi semua perkara² pemasaran supaya boleh-lah mengatasi dan menyelesaikan segala pertikaian atau pendapat² yang berlainan apabila terjadi di-dalam Kementerian², Jabatan² Kerajaan atau separoh Kerajaan tentang langkah² yang harus di-ambil mengenai kepentingan pemasaran sa-barang hasil² pertanian khas-nya. Sekian, terima kaseh.

Nik Hassan bin Haji Nik Yahya:
Tuan Yang di-Pertua, saya tidak hendak berchakap panjang dalam

Rang Undang² ini. Terlebeh dahulu saya suarakan sokongan saya yang sa-kuat²-nya kapada Rang Undang² Pemasaran Pertanian Persekutuan ini kerana ini-lah sa-suatu-nya yang di-tunggu² oleh ra'ayat negara kita ini. Ini-lah Rang Undang² yang sa-lama ini menjadi kemahuan yang besar kapada ra'ayat dan bumiputera negara kita ini, dengan kerana banyak daripada usaha, banyak daripada tenaga yang telah di-churahkan dalam segi pertanian ini telah memberi kesusahan, kesempitan dan menyebabkan kekurangan pendapatan kapada ra'ayat yang bertitek peloh untok menghasilkan daripada apa yang di-usahakan di-atas tanah mereka ini.

Saya suka hendak menarek perhatian Kementerian yang berkenaan kapada beberapa perkara yang mana saya minta apabila Lembaga ini di-tubuhkan kelak menjadi satu pandangan berat kapada Lembaga ini untok menimbang dan mengkaji dengan halus-nya supaya kaum tani kita tidak akan tertindas sa-lama²-nya.

Dalam masaalah pemasaran ini saya rasa perkara yang berkaitan yang sangat mustahak ia-lah berkenaan dengan kilang². Sa-kira-nya Lembaga Pemasaran ini tidak dapat menyusun satu kaedah yang dapat bekerjasama dengan kilang² yang boleh memberi pertolongan yang besar kapada Lembaga ini, saya perchaya kesulitan ini, Lembaga ini akan menempoh berbagai² kesulitan, kerana banyak kilang² yang telah di-bena di-dalam negara kita ini yang memerlukan hasil pertanian untok menjadi bahan perusahaan mereka. Saya suka menunjokkan satu chontoh, umpama-nya Kilang Rokok Malayan Tobacco. Kilang ini telah membuka station²-nya di-beberapa tempat di-dalam negeri Kelantan di-mana tanah yang sa-lama ini tidak dapat di-gunakan untok pertanian, tetapi manakala kilang ini telah membuka station² untok menanam dan menjalankan proses berkenaan dengan daun² tembakau itu, maka banyak-lah tanah² ini telah dapat di-gunakan dan banyak pekerjaan² yang telah dapat di-beri kapada anak² kampung di-situ, di-dalam negeri Kelantan itu dan

pekerjaan² juga dapat berhasil daripada tanah yang pada masa dahulunya tidak berguna langsung bagi pehak orang² kampung.

Jadi, usaha kilang ini ada-lah sangat baik, sangat berguna, sangat berfaedah kapada anak negeri yang ada di-kampung² terutama-nya, tetapi dalam perkara pemasaran ini, ada-lah satu masaalah yang besar, oleh kerana sharikat ini satu sahaja yang membuka station² itu di-negeri Kelantan, maka pemasaran daun² tembakau ini telah di-monopoli oleh sharikat ini. Jadi, sharikat ini sahaja yang membuka station²-nya dan membeli daun² tembakau yang di-tanam oleh orang² kampung di-situ, dan dengan kerana monopoli ini, harga² daun tembakau yang di-beli-nya itu ia-lah mengikut sa-suka hati-nya. Kadang² daun tembakau yang di-tanam oleh orang² kampung itu tidak mahu di-beli-nya, dengan kerana di-katakan tidak baik dan sa-bagai-nya dan daun² itu terpaksa di-buang bagitu sahaja, pada hal mereka ini bersusah payah, menitek peloh untok menanam-nya. Kadang² daun tembakau yang di-tanam-nya itu di-beri pertimbangan dengan harga yang murah yang tidak berpadanan dengan usaha dan titek peloh mereka itu.

Saya chuba juga bersuara supaya sharikat lain, kilang lain, datang ka-Kelantan bagi menanam daun² tembakau ini supaya menjadi pertandingan yang boleh memberi kehidupan yang baik kapada orang² kampung, tetapi saya nampak kilang² ini berpakat dengan sa-chara tidak rasmi sa-sama mereka, ia-itu dengan jalan mengadakan understanding, ia-itu macham negeri Kelantan umpama-nya, boleh jadi negeri yang di-usahakan oleh Malayan Tobacco. Jadi, barangkali Rothman tidak masok, dan ada pula negeri, umpama-nya di-sabelah Kedah, Rothman masok; Malayan Tobacco tidak masok. Jadi, dengan ini satu kaedah yang di-jalankan dengan sa-chara ta' langsung, satu pakatan yang berupa monopoi kapada hasil bumi ra'ayat negeri ini. Jadi, kalau sa-kira-nya kilang² yang besar yang mendapat keuntongan, yang

mendapat taraf perintis, yang mendapat keistimewaan perlindungan daripada Kerajaan, yang menjaikan usaha yang sa-macham ini, saya rasa sangat-iah tidak baik bagi negara kita ini. Kilang² ini patut berterima kaseh kapada Kerajaan, kerana memberi pejuang dan memberi perlindungan yang besar kapada mereka itu dan pembalasan-nya yang patut di-berikannya ia-lah bukan pembalasan kapada Kerajaan, tetapi satu pembalasan yang baik kapada ra'ayat dan bumiputera negeri kita ini. Jadi, pembalasan yang baik itu ia-lah dengan menghargakan titek peloh ra'ayat itu dengan memberi harga yang tinggi dan baik. Jadi, saya suka menarek pandangan pehak Menteri yang berkenaan supaya di-dalam menyusun kerja Lembaga Pemasaran ini, sangat-lah besar ertinya, kalau dapat kita mengadakan satu persefahaman—bukan maksud saya paksaan—persefahaman di-antara kiiang² yang ada dalam negeri kita ini pada peringkat permulaan, tetapi kalau mereka ini tidak mahu persefahaman dengan Lembaga ini, maka pemaksaan boleh kita jalankan bagi peringkat yang kedua. Daripada peringkat yang pertama persefahaman itu perlu, kerana kita mahu kilang mereka pun maju, ra'ayat negeri pun mendapat faedah yang baik daripada hasil perkilangan mereka itu.

Jadi, ini-lah satu kaedah, satu chontoh, barangkali Yang Berhormat Menteri tadi ada membawa chontoh berkenaan dengan kilang nanas. Kilang nanas ini, saya rasa paling mudah sa-kali untuk kita mendapatkan persefahaman; kerana kiiang nanas itu di-anjorkan dan ditubuhkan oleh Kerajaan dengan kerjasama daripada pekebun² kechil nanas, tetapi bagi kilang yang lain daripada kilang nanas ini, mungkin Kerajaan mendapat kerumitan untuk berhubung dengan chara yang baik bagi memberi harga yang tinggi kapada usaha anak negara kita ini. Jadi, ini-lah satu perkara yang besar, sebab apa, Lembaga Pemasaran ini boleh memasarkan barang² itu, kira-nya ada tempat untuk di-jual-nya. Kalau tidak, kilang yang ada dalam negara kita ini, kalau tidak di-adakan satu usaha bagi

mengeluarkan barang² ini, keluaran negeri ini umpama-nya untuk mendapat pasaran yang baik, maka usaha Lembaga Pemasaran ini sangat-lah rumit untuk berjajaian.

Jadi, pada peringkat kita meluluskan Rang Undang² yang ada ini, kita berdo'a dan berharap supaya satu kaedah yang terator dan yang baik serta kemas dapat di-jalankan. Saya kata sangat kena pada hari ini kita meluluskan Rang Undang² ini, kerana baharu sa-malam sahaja telah di-rumuskan oleh Kongres Ekonomi Bumiputera untuk Kerajaan kita ini, Kerajaan Perikatan ini mengadakan satu Lembaga Pemasaran bagi hasil² bumi. Jadi, dengan kehendak ra'ayat hari ini, Kerajaan meluluskan satu benda yang di-minta oleh ra'ayat negeri ini. (*Tepok*).

Jadi, ini-lah kita dapat menunjokkan kapada ra'ayat yang kita memberi, sedia memberi kema'amoran kapada mereka, sedia mengerjakan untuk apa juga bagi faedah mereka. Apa yang kita mahu hari ini apabila Lembaga Pemasaran ini siap di-ator, maka terpulang-lah kapada ra'ayat pula menyusun did, menyesuaikan diri dengan apa yang telah di-susun oleh Kerajaan itu.

Kita harap dengan kerjasama Kerajaan dan dengan penyusunan ra'ayat yang rapi itu, kerana apa yang di-katakan oleh Yang Amat Berhormat Tun Abdul Razak, roket yang kita lancharkan ini akan menjadi satu kejayaan yang besar bagi negara kita ini. Sekian, terima kaseh.

Dato' Haji Mohamed Noah bin Omar: Mr President, Sir, I welcome the Bill before the House, and I fully support it in principle. In fact, this Bill should have been introduced long ago—however, it is better late than never. Today, we have a Bill before us which is a very important one, and it is significant that today we have in the editorial of the most leading newspaper in Malaysia, the *Straits Times*, many points of interest with regard to this Bill. I would like to draw the attention of the Ministry to those points which are published in the editorial and I suggest that they should be considered

very carefully, especially in the case of price.

Mr President, Sir, I am not going to be very long, but I must say that the Marketing Board is very essential in order to guarantee a fair price to the producer. I have got a few questions to ask the Minister. One is, what is a fair price? Has some mechanism been devised to determine a fair price, so that the producer will be encouraged to increase output? That, to me, is not laid down anywhere in the Bill. This is a matter which should be taken into consideration. A fair price is a thing which is very difficult to determine and there should be a mechanism to determine that, and I would like the Minister to answer that question.

Now, Sir, another question which I would like to put to the Minister is in regard to Clause 3 (2) (b) in connection with research. My question is this: What is the type of marketing research that is proposed to be conducted? Will there be liaison with existing units in the Government and the private sector? That is a question which I would like the Minister concerned to reply.

Now, the last question which I would like to put to the Minister concerned is in respect of Clause 5 of the Bill in connection with a marketing scheme. The question is: What encouragement will the proposed Federal Agricultural Marketing Authority provide to producers to switch over—now, this is the word, "switch over"—from one product of cultivation to another which has better marketing prospects and which would bring better income to the producer? This is a very simple question.

Tuan Haji Ghazali bin Haji Jawi: Once again, please.

Dato' Haji Mohamed Noah: You want me to repeat that?

Tuan Haji Ghazali bin Haji Jawi: Yes.

Dato' Haji Mohamed Noah: Yes, I will repeat that very slowly. What encouragement will the proposed

Federal Agricultural Marketing Authority provide to producers to switch over from one product of cultivation to another which has better marketing prospects and which would bring better income to the producer? This is a very simple question. There are two products in our country, for example, cocoa and coffee and we have people, for example, planting coffee but later on they find that cocoa has a better prospect—more income, more profit. How can you encourage these people to switch over from planting coffee to cocoa? That is what I want to find out.

Lastly, Sir, we have heard that in Ghana they have got what they call a Cocoa Marketing Board, which has been going on for quite a long time and which has been very, very successful. My suggestion is this: I would like to see some of the members of this Board, if possible, to visit Ghana and see the operations of that Board, because this will be very helpful to the new scheme which you are going to introduce in our country. That is all. Thank you.

Enche' Abdul Samad bin Osman: Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² ini atas dasar-nya. Undang² ini sangat-lah mustahak, saya ingat lebeh kurang harus-lah 60% daripada ra'ayat menyokong-nya, kerana ini-lah satu undang² yang hendak menjaga pasaran, segala perkara yang bersangkutan dengan pertanian yang di-keluarkan oleh ra'ayat, khas-nya di-luar bandar, dan saya bersetuju dengan dua² orang Ahli Yang Berhormat yang berchakap sa-bentar tadi. Rang Undang² ini sangat-lah mustahak, tetapi satu sahaja yang saya berasa dukachita, ia-itu saya mengikuti di-dalam siaran surat khabar, apabila Rang Undang² ini di-luluskan di-Dewan Ra'ayat, chuma yang ada satu perlima sahaja yang dudok di-dalam Dewan itu.

Ini-lah yang saya ingat satu Rang Undang² yang patut sa-kali Wakil Ra'ayat mengambil bahagian lebeh² lagi untok membahath-nya kerana ini-lah yang sangat berguna kapada orang

kampong. Saya telah baca Bill² ini ada satu dua; saya dengar tadi Yang Berhormat Menteri kita telah memberi laporan-nya sa-masa membentangkan Bill itu dia sebutkan banyak. Saya tidak dengar satu perkara yang beliau sebutkan benda apa yang kita hendak pasarkan ini, dia chakap umum. Adakah benda itu ikan-kah, getah-kah, kelapa-kah tetapi sungguh pun bagitu ada di-dalam Bill ini dalam muka 8— Interpretation:

"17. In this Act unless the context otherwise requires—

"agricultural produce" means any agricultural or horticultural produce (whether processed or otherwise) and includes farm and farm-yard animals (whether alive or slaughtered), the flesh or hide of such animals, poultry, dairy produce, fish and fishery products;"

Maka dengan kerana ini nampak-nya luas-lah barang² yang di-katakan agricultural produce ini. Kemudian, saya balek kapada perkara ini—yang saya berasa tidak sedap hati sedikit dalam Bill ini juga di-muka 3 kata-nya:

"The expression "agricultural produce" in paragraph (b) shall not include any agricultural produce in respect of which an authority charged with the responsibility of marketing such produce has been established, and in respect of which methods of marketing have been provided for, under any written law."

Jadi, yang saya katakan umum ini, apa-kah benda yang telah termasuk di-bawah "produce..... authority charge....." itu, kita tidak tahu. Jadi oleh sebab itu daripada Interpretation 17 itu banyak mana-kah tidak termasuk. Clause itu saya nampak umum-lah, barangkali lebeh baik kalau boleh di-tukarkan chara-nya. Mithal-nya, kalau di-katakan benda yang sudah authority charged with the responsibility of marketing itu ada perkara² seperti nanas, getah, copra; kata-lah lima perkara, buboh di-situ does not include these five things jadi senang-lah. Macham sekarang kita tidak tahu yang mana termasuk pasaran ini yang mana tidak termasuk pasaran itu. Saya harap sa-kejap lagi Menteri yang berkenaan akan khabar-lah yang mana supaya kita dapat tahu.

Kemudian, tadi saya dengar Menteri berkata bahawa bila Lembaga Pemasaran Pertanian ini kita luluskan ia-itu ini akan termasuk-lah keseluruh Malaysia. Tetapi pada tiap² negeri macham Borneo, Sarawak dan Singapura, maka persetujuan terlebih dahulu di-dapati daripada negeri² itu sa-belum di-buat apa² rancangan, itu saya sangat bersetuju-lah dan baik tujuan itu.

Satu perkara lagi berkenaan dengan pasaran. Tadi saya dengar Menteri berkata sa-kira-nya besok Lembaga Pasaran ini akan membuat apa² rancangan tetapi Lembaga Pemasaran ini tidak akan menghapuskan semua sakali pasaran yang telah ada sa-belum Rang Undang² ini di-luluskan. Maka kerana itu, saya nampak sedikit rumit; saya tidak tahu-lah macham mana-kah Lembaga Pemasaran ini akan membuat rancangan yang tidak akan menjadi berchanggih dengan pasaran yang ada sekarang ini. Kerana sungguh pun kita tahu baik², bahawa pasaran yang ada sekarang ini tidak memuaskan hati dan tidak menguntongkan orang² kata-lah orang nelayan, kalau ada pasaran ikan, dia sendiri tidak dapat untong yang sa-penoh-nya kerana ikan yang di-tangkap daripada laut itu di-beri kapada orang tengah, orang itu-lah bawa ka-pasar itu. Tetapi sungguh pun bagitu, sudah banyak ada pemasaran yang bagitu di-dalam negeri kita ini, baik pun dari segi ikan, baik pun dari segi kelapa, baik pun segi buah²an, baik pun segi sayur² dan baik pun segi padi. Jadi sa-kira-nya besok pula Lembaga Pemasaran ini akan membuat satu rancangan yang berlawanan dengan pasaran yang ada sekarang ini, macham mana-kah akan jadi, itu yang saya nampak susah hati.

Saya beri satu mithalan. Sa-orang China bernama Ah Leng, dia buat contract pasaran, ambil ikan di-Pulau Langkawi, orang yang tangkap ikan semua-nya orang Melayu. Tangkap ikan di-Pulau Langkawi bawa dekat dia, daripada situ dia naik motor pergi ka-Kuala Perlis, daripada Kuala Perlis terus dengan lori sampai ka-Taiping, Ipoh dan terus ka-Kuala Lumpur. Jadi

kalau Lembaga Pemasaran ini berchadang, di-situ patut di-buat satu pasaran yang mengandongi daripada nelayan² sendiri, berma'ana Ah Leng itu tidak dapat-lah lagi berniaga, sebab orang nelayan sendiri yang tangkap itu akan buat dengan jalan sharikat atau apa pula. Kemudian mereka buat lori hantar lori ka-mari, apa pula akan jadi. Jikalau sa-kira-nya ada kenderaan bagitu, bagaimana-kah chara yang Lembaga Pemasaran ini dapat mengatasi soalan, jikalau ada berbangkit yang sa-macham itu. Jadi oleh sebab itu-lah saya nampak chara² yang senang ini Menteri kita tidak beri tahu kepada kita bagaimana yang hendak di-buat ini, chuma-nya dia memberi tahu orang² yang hendak duduk di-dalam Lembaga itu. Itu tidak apa-lah, kita bersetuju-lah semua. Chara bagaimana yang hendak buat pemasaran ini bagi tiap² jenis perolehan ia-itu seperti padi, kelapa, getah, ikan dan lagi pula apa-kah perolehan² yang tidak termasuk dalam ini, seperti nanas, getah dan lain²-nya. Sekian.

Enche' Abdul Rahman bin Ahmad: Tuan Yang di-Pertua, di-dalam meng-alu³kan Rang Undang² Pemasaran Persekutuan ini saya menyokong penoh atas Rang Undang² ini, dan saya suka mengambil peluang menyen-toh atau pun memperingati satu dua perkara kepada Kementerian yang berkenaan, berkenaan dengan Rang Undang² ini. Saperti mana yang telah di-fahamkan, bahawa tujuan Rang Undang² ini di-adakan bukan sahaja untok mengatasi segala kesulitan dan tidak puas hati yang telah berlalu sa-lama ini di-segi pasaran tetapi juga akan melichinkan gerakan pasaran di-masa hadapan. Dan bukan itu sahaja tetapi akan mendatangkan ke-untongan dan memberi faedah yang besar kepada penduduk² di-luar bandar khas-nya, kerana kita tahu sa-bahagian besar bahan² untok di-jadikan pasaran pada hari ini ia-lah datang-nya dari-pada bahagian luar bandar yang mana keluaran daripada petani².

Sa-kali pun Lembaga Pemasaran akan bertanggung-jawab atas pasaran di-masa hadapan, tetapi kalau-lah tidak kita membuat penentuan kepada

pehak² yang patut mendapat-nya, maka sudah tentu tujuan kita itu harus tidak akan mendatangkan keuntongan yang sewajar-nya. Jadi, di-dalam segi ini, kuasa penoh akan di-beri kepada Lembaga yang akan di-tubuhkan kelak. Saperti mana saya katakan tadi, hasil daripada pengeluaran ada-lah datang daripada petani² daripada luar bandar, maka pada satu masa apabila Lembaga ini di-tubuhkan di-peringkat pusat, negeri dan daerah, penentuan hendak-lah di-buat dan di-tujukan kepada badan² yang hari ini di-dukong oleh kebanyakan-nya daripada ahli² yang datang daripada penanam padi atau pun orang² luar bandar yang menge-luarkan bahan² ini, terutama sa-kali, maksud saya, ia-lah kepada badan² kerjasama, seperti bank² sharikat yang ada di-tubuhkan di-tiap² buah negeri.

Dengan jalan ini bukan sahaja kita memberi keuntongan kepada ahli bank atau pun penanam padi itu, tetapi keuntongan yang akan di-dapati sedikit sa-banyak atas hasil yang akan di-jalankan oleh badan itu kelak akan terpulang balek kepada orang² yang mendukong-nya atau pun ahli²-nya.

Berhubong rapat dengan badan ini nanti, kuasa penoh akan ada kapada-nya bagi menentukan satu² lesen yang akan di-keluarkan oleh Lembaga ini. Sa-panjang yang saya ketahui, kalau tidak ada perlawanan sedikit sa-banyak dalam pasaran, tentu-lah tidak akan mendatangkan hasil yang baik kepada pengeluar². Hari ini satu perkara yang menjadi pertandingan yang kuat, ia-lah padi. Di-dalam negeri ini beberapa banyak kilang² besar padi terdiri daripada kilang² saudagar dan bagitu juga kilang² Kerajaan. Hari ini Kerajaan menentukan dan pada masa hadapan Lembaga ini-lah yang akan menentukan harga-nya nanti. Tetapi dalam pada itu, kilang Kerajaan hendak-lah membeli berhabis²an, jikalau tidak, bagaimana masa yang lalu dengan tidak chukup pembelian yang di-buat oleh kilang² Kerajaan itu, maka itu telah menjadi alasan kepada kilang² padi yang lain bagi menurunkan harga kerana sedangkan Kerajaan tidak dapat membeli dengan sa-penoh-

nya maka itu-lah sebab-nya kami tidak dapat memberi harga yang baik, kata mereka. Itu sa-panjang yang saya dapat tahu masa² yang lalu.

Sa-perkara lagi bila Lembaga ini hendak mengeluarkan satu² lesen hendak-lah menentukan bayaran. Pada masa yang lalu tidak pun di-tentukan. Hari ini, saya mithalkan, satu kilang dapat mengeluarkan modal pusingan yang berjuta² ringgit dan di-dalam menjalankan perniagaan yang banyak, Kerajaan mengeluarkan lesen dengan tidak menentukan bayaran satu² lesen yang di-keluarkan. Jadi kalau-lah kita dapat menentukan bayaran satu² lesen kepada satu² badan yang akan menjalankan lesen pasaran nanti, tentu-lah sedikit sa-banyak dapat perolehan untuk menutupi perbelanjaan atau pun menampong sedikit sa-banyak perbelanjaan kepada badan ini atau Kementerian yang berkenaan.

Tuan Yang di-Pertua, saya sa-kali lagi menyokong penoh Rang Undang² ini dan di-harap kepada Lembaga Pemasaran ini dapat memberi perhatian yang penoh terutama sa-kali keutamaan patut-lah di-beri kepada badan² pergerakan kerjasama kerana dengan ini dapat-lah memberi faedah seluroh-nya kepada petani² atau pun orang² yang di-luar bandar yang mengeluarkan hasil pertanian. Sekian, terima kaseh.

Enche' Athi Nahappan: Mr President, Sir, undoubtedly this is an important Bill and I agree with the previous speakers, particularly the Honourable Dato' Haji Mohamed Noah. I think the wise Dato' has raised some important questions. I myself have the *Straits Times* here, and I was going to raise more or less the same points.

Sir, before I go into the various points, may I, with your leave, Sir, just refresh ourselves as to the present position without, of course, tiring you. I think we have to keep reminding ourselves constantly of the fact that we are by and large an agricultural country, that agricultural forms at least nearly 50 per cent, of the gross national production and that about 60 per cent, of our people still rely on

agriculture. These facts are very basic. They are not merely figures, but they are also human beings—and as a human factor it is of importance to us. To the export earnings of our country, agriculture, as we all know, contributes something like two-thirds. But are we producing enough for our needs? We are importing at least 44 per cent, of our food needs into this country, roughly spending about \$550 million or so for our food needs, and though we produce now two-thirds of our rice here, we are still spending something like \$130 million odd for rice importation.

These are the background information and at this time that this Bill has come before us, it is important—it is important at any time, but it is more so now—especially in view of the recent the Konggres Ekonomi Bumiputera that was held here for three days. In the very instructive book that they have brought out, there is a working paper on this very subject itself. At a time like this when the Congress has decided that there should be a new bank for the Bumiputeras, a Bill of this nature falls in line with the general feeling of the people that something must be quickly and effectively done on this need. This has been a pressing need for a long time. I am very glad that we are now making a real attack on it, trying to grapple with the problem, and I hope that this Bill will be effectively enforced.

This Bill is significant for what it says, and also it is significant for what it does not say in a number of aspects, and, as the *Straits Times* has raised it, how the various powers raised therein are going to be enforced remains a question of importance. Sir, effective marketing mechanism is all too important. Unfortunately, in all the emerging countries this was a weak link, perhaps as a direct effect of the economic structure of the country; in a backward agricultural country the marketing system is always not quite up-to-date except in certain fields like the rubber industry that we have here, where the marketing system has been

operating quite effectively, at any rate for the purpose of export. The marketing system has got to function for internal requirements as well as external requirements—i.e., from the rural areas into the urban areas, the system must work well; and at the same time from the rural areas into the urban areas and across the sea into foreign countries it must also work well.

Sir, the Government has been doing, as we all know, a lot in the field of agriculture, though the figures have been misquoted, twisted and distorted elsewhere, saying that out of the \$18 million provided, half of it has been used for the luxury of the Ministry and its staff. Sir, that was, of course, a deliberately warped view of the matter, and we do not want to waste our time trying to defend ourselves over it. Everybody knows the facts. But though the Government has done a lot in the field of irrigation, in improved land tenure, in agricultural credit institutions and so on—and these are important in themselves for the purpose of laying the agricultural infrastructure, to lay the foundations for the farmers—but still there is another thing also which is important for the farmers—i.e., in terms of cash return incentive for them. You may provide all these things, but in the ultimate analysis, if the farmer is not going to get sufficiently for his crops, then there is no incentive, there is no inspiration. This incentive can come about by an effective marketing system. This has been generally recognised. What is the present position of our farmers?

Our economy is lopsided in the sense that about 60 per cent, of our people are relying on agriculture, whereas in most advanced countries, like the United States, slightly less than 10 per cent, of the entire population are relying on agriculture, and yet they over-produce. There the Government gives them subsidy to produce less, but here we have to encourage our people to produce more despite the fact that the vast majority of our people are relying on an

agricultural economy. Now, our agricultural economy is a subsistence economy. They produce and they use up a large portion of what they produce. They have only a small portion left for consumption elsewhere. The farmers, unfortunately, are not aware of up-to-date market conditions, or marketing opportunities.

One of the reasons that has been said over and over again as to why farming in this country is at a subsistence level is because of the very small plots of lands owned by the farmers. They are not agriculturally productive and they are too small to make them into an increased level of production. Though the Government has done something in the form of offering a guaranteed minimum price for padi, and also cooperative credit societies have been formed in parts of the country, still it is a stark fact that the farmers' bargaining position is weak *vis-a-vis* the people who control the market, the people who run the market, and something is needed now to help these farmers, so that they can understand the marketing mechanism, the market conditions, and it is then only that they would be in a position of strength with more sophistication.

Sir, the Honourable Minister said that the present system is imperfect. That is very true. It has been imperfect for a very, very long time. Some of the known causes of this imperfection, as you all know, for instance, are the rural indebtedness of the farmers—and they have been the victims of the traditional credit system, despite the fact that the Government has been trying to provide more up-to-date credit facilities, the small size of the farms, the lack of know-how, the lack of grades and standards, and, it has been said, the rigidity in the buying and selling, the middlemen's monopoly, cartels and price rings and so on and so forth. All these problems are there. The question is how they are to be removed. It is a known fact that the *padi kuncha* system has been going on for many, many years. Then, there are the merchant/moneylenders who lend on this system and then get back a

portion of the harvest in return—not only that, but they also buy up the produce at a very low price. These people the merchant/moneylenders, have been literally exploiting the farmers for a long, long time. There has got to be a real attack on this exploitation.

Sir, on the questions of the small size of the farms, even though we may provide a good marketing system, and I do not know whether it comes within this subject, the fact is that unless we do something there, the economic production may not be very progressive and may not be very effective. Elsewhere, Sir, the average farmland is about 200 to 300 acres, and many of them are even bigger—I visited a farm in Illinois in the United States and the farm that I visited was about 300 acres, and it was managed by one labourer with all kinds of gadgets. To even visualise that kind of thing here, perhaps, is difficult for us, but we have to think in terms of making a real attack in consolidating the small size of the farmlands so as to increase their productivity.

The other difficulties, it has been said, are the lack of uniformity of the weights and measurers, poor transportation facilities from the rural area into the town area, the lack or the absence of proper standards and grades of qualities and, generally, information on market conditions. This matter of grading has, for instance, been the source of irritation; there have been a lot of disputes on that; and there have been also malpractices and unscrupulousness. Something should be done so as to standardise things and to bring about more sophistication, so that farmers would not be exploited there.

As regards weights and measures, Sir, still the old system of the balance stick is commonly used in various parts of the country. Here again, there is a room to bring more up-to-date methods, so that malpractices can be effectively removed. Because of the small size of the farms and the small amount of produce, assembling is difficult and transportation is difficult.

This, again, is a field where, to make the marketing more effective, this Authority that is envisaged can find out ways and means.

Sir, the Bill provides a number of machineries. I have been going through it, but I have not been able to comprehend or visualise how some of these powers will be exercised. Clause 3, Sir, states the functions, the executive functions, of the proposed Authority. Clause 3(1)(a) says, "to co-ordinate the activities . . ." Now, Sir, "to co-ordinate the activities" presumably means that there is the existing machinery of marketing system—there are the various people, either body in-corporate, or otherwise, carrying on this system. Is the Authority going to co-ordinate all these people into one systematized form of functioning? If so, how is it to be done—whether there is power in that process to eliminate the superfluous ones, whether the power can be granted under this Ordinance and, if it is done, whether it would come in conflict with other provisions, especially the constitutional rights? These are some of the points that struck my mind, because the Ordinance is significant, as I said, for what it says as well as what it does not say.

Sir, I see that there is at Clause 3 (2) a sweeping phrase used: "The Authority shall have power to do all things reasonably necessary for or incidental to the discharge of its functions . . ." The functions are mentioned here in Clause 3(1), and under Clause 3 (2) the power is given to do all things reasonably necessary within the discretion of this Authority, and then—more particularly (a), (6), (c) and (d)—four things are mentioned. I would be grateful, if the Honourable Minister will tell us what kind of co-ordination is envisaged and whether, under this, it can call up all these operators to submit to a general scheme jointly, whether or not they like it, and in that process can it cancel existing licences? These are some of the questions, and I shall be grateful if the Minister can attempt to answer them.

As regards Clause 3 (1) (b), Sir, it says, "to consider and promote . . .". This, of course, is a research field of envisaged activity, and this is highly useful, because one of the known causes of our weakness is the lack of information on the part of the farmers, and all information necessary should be posted to them by various means—and this, I am sure, will be of very great use.

Clause 3 (1) (c), of course, provides for collaboration with persons or bodies either incorporate or un-incorporate to promote efficient and effective marketing of agricultural produce.

Clause 3 (2) (a) says, "subject to the provisions of section 4, to consider any marketing scheme by whomsoever submitted, or of its own motion to propose any marketing scheme;". Sir, I am not very clear whether every person who is operating now is required to submit a scheme under this Clause, or whether such person will be allowed to carry on, and that it is not obligatory to everyone who is carrying on to submit any scheme, but that whoever wishes may submit. According to this Clause, it does not make it clear that everyone who operates must of necessity, or as a matter of obligation, submit a scheme so as to co-ordinate. If the intention is to co-ordinate, it can only be co-ordinated between the existing ones. I mean, it presumes that there are certain existing functionaries and they have got to be co-ordinated, but it is not very clear under paragraph (a), and I should be very grateful if the Minister could clarify that point. Of course, paragraph (b) merely says, "to cause to be carried out marketing research as to cost of production, price levels" and so on. Nowhere does it say, and I agree with the wise Dato' that there is no power given anywhere to fix any fair price or otherwise. That would, of course, be going into a new realm of power and it would be introducing price control, and I do not know whether that is desirable in a market economy such as ours where we want the free interplay of market forces. Of course,

the Authority such as is envisaged here being a watch-dog can keep things under control and can eliminate undesirable manifestations. But on whether price control would be needed—I do not think so—I do not think this Ordinance itself makes provision for it, though it gives power here under Clause 3 (2) to make researches as to price levels and, perhaps, it is to do research on reasonable price levels.

Sir, coming to the question of consideration of a scheme and then submission of recommendations to the Minister, which is provided in Clause 4(3), it does not clearly set out here whether the Minister's decision is final. It is silent; there is no express mention here; but I suppose one would presume that its silence means that his decision is final and conclusive. I would have been happier if the legislation spelt it out that the Minister's decision is final when he gives his view.

Sir, as regards Clause 6, this, of course, is rather interesting in that the Minister himself may establish as a body corporate with perpetual succession a marketing board to manage and control the marketing of any agricultural produce in respect of which a marketing scheme has been prescribed by the Authority under the foregoing section; and the marketing board shall have such powers and duties as may be provided by the regulations. This, of course, Sir, in an ordinary situation, will be said to be a highly socialistic function. If the Minister can establish a body corporate to run the marketing in a particular area, in a particular State, that in effect means that the Government is taking over the responsibility of carrying out this aspect of the economy, and it is being taken out from private hands; but it does not mean that the other people would be disallowed to function side by side with this. It is not very clear, though it says in the proviso that:

"Provided that no marketing board which by itself or together with any other body of persons....., would have a monopoly in respect of the marketing of any agricultural produce, in the majority of the States of the Federation, shall be established".

It, of course, prevents the creation of a monopoly even by this marketing board that may be constituted by the Minister i.e., that it should not have a monopoly. It implies, therefore, that others may function side by side with these marketing boards. This is, of course, certainly a very bold move, and I am very glad that the Bill provides for this, though it would be interpreted as socialistic; and I do not see why in the interests of the farmers we should not provide such facilities, if it is going to be of benefit to them.

Sir, I now come to Part II that deals with Appeals and Agricultural Marketing Tribunal. Now, Sir, Clause 15 provides for appeal to the Agricultural Marketing Tribunal. Any person under section 6—and section 6 as you all know, deals with marketing boards—can appeal to the Agricultural Marketing Tribunal within 30 days of any decision with respect to the issue, renewal or revocation of any licence mentioned under sub-section (3) of section 5, or with respect to any conditions imposed on such licence, may within 30 days appeal to the Agricultural Marketing Tribunal. Then it goes on to say who shall constitute the Tribunal, but it is significant for its silence as to what shall happen after that. There again, if the decision of the Tribunal is to be final and conclusive, it must be said so; otherwise, as has been stated under Clause 16 (5) "The proceedings of the Tribunal shall be judicial proceedings. . . .". Now, normally, when you constitute a Tribunal like this, when you make it a judicial tribunal, you also make provision for further appellate consideration. If you do not, then you must clearly say so—that the decision of the Tribunal shall be final and conclusive. We have, for instance, the Rent Assessment Board under the Rent Control Ordinance. Now, there it is clearly provided that it is a judicial tribunal, and on a matter of law appeal shall lie to the High Court, not on matters of facts. Similarly, there should be something here to say that appeal shall lie to the High Court on a matter of law and on a matter of facts there shall be no appeal—whatever it is; or,

if it is preferred that no appeal shall lie anywhere then it would mean that this judicial tribunal is the ultimate authority unto itself. I think this is a glaring omission because if it is not provided for—I do not know, I am not quite sure—people might seek the inherent jurisdiction of the Court, because the Ordinance does not make a full-stop there.

That is all, Sir, I have to make by way of observations and, generally, in principle, I support this Bill.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, saya mengucapkan terima kasih kepada Yang Berhormat² Senator yang telah menyokong Rang Undang² ini.

Yang Berhormat Senator Nik Hassan telah berchakap berkenaan soal penanaman tembakau di-Kelantan dan berharap supaya kampeni lain daripada yang ada di-sana atau pun sharikat lain daripada yang ada di-sana datang membuka station menanam tembakau di-sana dan ini akan meninggikan harga² tembakau di-sana. Pekara itu boleh-lah pehak Kerajaan menggalakkan, tetapi terpulang-lah kepada sharikat² yang berhajat menjalankan kerja² itu.

Yang Berhormat Senator Dato' Haji Mohamed Noah telah membuat tiga soalan. Yang pertama sekali, apa-kah yang di-katakan "fair price" itu. Jadi, saya bukan sa-orang ahli ekonomi dapat memberi ma'ana perkataan "fair price", tetapi saya rasa "fair price" itu boleh di-penuhi kalau sa-kira-nya pengeluar² bahan itu mendapat harga yang berpatutan, orang² yang membeli tidak kena membayar harga yang berlebihan dan harga itu sesuai dan sa-imbang dengan keadaan di-dalam negeri atau pun matawang di-dalam negeri. Jadi, saya rasa kalau sa-kira-nya dapat memenuhi tiga itu boleh-lah harga itu "fair price", tetapi kalau tidak sa-bagaimana yang berlaku pada hari ini, saya beri satu contoh dan mithal, harga ikan di-Kuala Trengganu 20 atau 30 sen sa-kati dan harga ikan di-market Kuala Lumpur lebeh kurang 70 atau 80 sen sa-kati, maka itu boleh-lah di-katakan harga yang di-bayar kepada ahli² nelayan itu tidak-lah berpatutan.

Soal yang kedua yang di-buat oleh Ahli Yang Berhormat itu ia-lah apakah chara kajian pemasaran yang hendak di-buat dan ada-kah pekara itu bersangkutan dengan badan² Kerajaan atau pun free enterprise. Jadi berkenaan dengan pekara in pehak Kerajaan teiah pun menjalankan penyiasatan dan kajian harga barang² hasil tanaman dan juga berkenaan dengan hasil daripada laut, perikanan dan sa-bagai-nya. Jadi, di-dalam menjalankan penyiasatan itu pehak ahli penyiasatan itu telah pun mendapat kerjasama yang penoh daripada badan² Kerajaan dan ada kala-nya mendapat juga sadikit sa-banyak kerjasama daripada free enterprise, tetapi biasa-nya susah hendak mendapat kerjasama yang penoh daripada ahli² perniagaan, kerana ini ada-lah rahsia mereka yang mereka tidak sampaikan kepada pehak ahli² kajian dan ahli² penyiasatan. Maka dengan sebab itu terpaksa penyiasatan itu di-jalankan dengan lebeh lanjut dan bersusah-payah untuk mendapatkan butir² atau pun ma'alumat² itu.

Perkara yang ketiga yang di-tanyakan, ada-kah apa² galakan akan di-beri oleh Badan Pemasaran ini kepada pengeluar² sa-kira-nya pengeluar² itu hendak mengubah satu daripada jenis tanaman kepada tanaman yang lain supaya hasil yang lebeh baik dan mendapat pendapatan yang lebeh baik.

Dato' Haji Mohamed Noah bin Omar: Tuan Yang di-Pertua, ini satu soalan. Dia kata kalau orang itu hendak bertukar. Pertanyaan saya, sekarang Kerajaan hendak menggalakkan petani yang bertanam itu mengubah tanaman-nya daripada satu tanaman kepada satu tanaman. Bukan petani itu sendiri yang hendak mengubah. Ini sadikit salah faham sahaja jadi lain jawapan-nya.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, saya pun berpendapat sa-bagaimana Yang Berhormat Dato', chuma saya ber-katakan kalau sa-kira-nya petani² itu di-kehendaki mengubah. Jadi bukan berkehendakkan—di-kehendaki. Jadi

chuma pertanyaan itu dengan berkehendak dan di-kehendaki bedza-nya. Terima kaseh.

Jadi bagi menjawab-nya ada-lah menjadi dasar Kerajaan dan terutama sa-kali dasar Kementerian Pertanian dan Sharikat Kerjasama sa-kira-nya dia hendak mengubah atau pun hendak menggalakkan satu² jenis tanaman ini dan akan memberi galakan kepada penanam² yang hendak menjalankan tanam²an yang baharu itu. Kalau sa-kira-nya Kerajaan hendak mengubah jenis tanaman, tetapi bukan sengaja di-buat atau di-perbuat oleh petani² itu dengan sendiri-nya, kerana ada dua perbedzaan yang besar. Kerana kalau sa-kira-nya kita tidak mengatakan Kerajaan kalau hendak mengubah nanti, ada sa-orang petani yang hari ini, mithal-nya, bertanam kopi sa-bagaimana kata Dato', pagi besok bertanam teh, dia minta galakan daripada Kerajaan, minta bantuan daripada Kerajaan. Ini Kerajaan tidak boleh memberi.

Kalau sa-kira-nya Kerajaan berkehendakkan, maka Kerajaan akan memberi galakan sa-umpama-nya saya beri chontoh dengan mithal-nya hari ini pehak Kerajaan menggalakkan menanam beneh² padi Malinja dan padi Mashuri. Manakala pehak Kerajaan menggalakkan petani² bertanam padi Malinja dan padi Mashuri, pehak Kerajaan, melalui Pesatuan² Peladang mithal-nya memberi bantuan pinjaman tractor untuk membajak tanah, memberi beneh, adakala dengan perchuma dan adakala dengan harga yang murah dan memberi pula baja dengan harga yang murah. Jadi ini ada-lah galakan² yang akan di-beri oleh Kerajaan sa-kira-nya Kerajaan hendak mengubah jenis tanaman daripada yang ada sekarang kepada jenis yang lebeh baik.

Yang Berhormat Dato' itu juga telah pun menhadangkan supaya ahli² daripada Badan ini di-hantar ka-Ghana untuk memerhati dan mengkaji keadaan penanaman cocoa di-sana.

Dato' Haji Mohamad Noah bin Omar: Dato' Yang di-Pertua, bukan menanam cocoa, hendak menegok

macham mana Cocoa Marketing Board di-sana menjalankan kerja-nya. Di-Ghana Cocoa Marketing sudah menjadi bagus dan berjalan dengan chan-tek, bukan-nya menanam cocoa, tidak. Hanya hendak melihat Board itu macham mana hendak menjalankan kerja-nya.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, dalam masaalah ini, saya suka-lah menyatakan ia-itu pehak Kementerian, insha Allah, akan berikhtiar menghantar ahli², bukan semua, barangkali chuma yang mana yang mustahak untuk melawat dan memerhati keadaan pemasaran di-dalam negeri², bukan sahaja di-Ghana tetapi barangkali kita juga akan hantar ka-Taiwan dan sa-bagai-nya.

Yang Berhormat Enche' Abdul Samad daripada Kedah telah menegor soal kehadiran Ahli² Dewan Ra'ayat lebeh kurang 1/5 sahaja daripada Ahli² Dewan Ra'ayat hadir manakala Rang Undang² ini di-luluskan. Jadi di-sini sungguh pun saya berasa dukachita tetapi tidak-lah saya menyalahkan Ahli² Dewan Ra'ayat kerana kebanyakan daripada Ahli² Dewan Ra'ayat pada hari Undang² ini di-luluskan adalah sedang sebok di-dalam Meshuarat Congress Economy Bumiputera. Jadi dengan sebab itu mana² yang mustahak, yang hendak berchakap di-atas Rang Undang² ini ada-lah hadir pada hari itu dan perbahathan dan ucapan² dalam masa membahathkan Rang Undang² ini ada-lah juga memuaskan.

Perkara yang kedua yang di-bangkitkan oleh Ahli Yang Berhormat itu, mengatakan benda² yang hendak dipasarkan itu tidak di-sebut dan tidak di-tetapkan. Jadi saya suka-lah menjelaskan kapadan Dewan ini, Bill ini atau pun Rang Undang² ini ada-lah chuma Rang Undang² bagi membolehkan kita mengadakan Lembaga Pemasaran atau pun badan² pemasaran ia-itu Marketing Board. Marketing Board dengan Marketing Authority ini ada-lah dua perkara atau dua benda yang berasingan. Sa-telah Bill ini di-luluskan maka pehak Kementerian

saya akan melantek ahli² yang akan dudok di-dalam Lembaga Pemasaran Pertanian Persekutuan. Dan Lembaga itu manakala di-tubuhkan kelak akan mengkajikan apa-kah jenis tanaman atau jenis pertanian atau hasil pertanian yang hendak di-adakan Marketing Board bagi-nya. Jadi sa-lepas daripada membuat kajian dan sa-bagai-nya, sa-bagaimana yang terkandung di-dalam Rang Undang² ini, maka Authority itu akan menhadangkan kepada saya sa-lepas daripada process mengeluarkan dalam Government Gazette objections atau sa-kira-nya ada dan sa-bagai-nya akan menhadangkan kepada saya supaya Marketing Board ini di-tubuhkan dan pada masa itu baharu-lah di-tetapkan apa jenis yang hendak di-buat. Jadi pada hari ini mengikut kuat-kuasa Undang² ini boleh di-katakan semua sa-kali jenis tanaman yang ada dalam negeri ini dan jenis daripada haiwan dan jenis daripada ikan, boleh di-adakan Marketing Board melainkan yang jenis² hasil pertanian yang sudah ada Board-nya sendiri saperti nanas yang saya sebutkan tadi.

Yang Berhormat Enche' Abdul Samad juga menyentoh Command Paper fasal 5 (4). Fasal 5 (4) ini ada-lah berbangkit dengan lesen atau pun licence, orang² yang memegang licence sa-belum daripada Marketing Board itu di-tubuhkan. Beliau telah mengeshorkan supaya tidak usah mengeluarkan lesen walau pun orang itu pada masa sa-belum Board itu di-tubuhkan ada mempunyai lesen. Jadi masaalah ini kita tidak boleh buat, kerana mengikut Perlembagaan kita, kita tidak boleh merampas hak sa-saorang yang ada mempunyai lesen dan sa-bagai-nya.

Tetapi kita akan meminta kepada orang itu supaya memasoki bersama² di-dalam Marketing Board kalau dia tidak mahu masok dia boleh menjalankan perniagaan-nya tetapi saya perchaya-lah dia sa-orang hendak melawan semua satu Board tentu-lah dia tidak dapat bergerak. Jadi dengan sebab itu tidak-lah menjadi kesulitan di-dalam masaalah ini.

Yang Berhormat Enche' Abdul Rahman daripada Perlis meminta supaya perjalanan Marketing Board ini di-uruskan melalui Sharikat Kerjasama dan Persatuan² Peladang ia-itu badan² yang pada hari ini di-jalankan oleh pehak Kerajaan. Maka saya suka menerangkan ini-lah tujuan saya ia-itu Sharikat² Kerjasama dan Persatuan² Peladang akan menjadi sa-bahagian daripada wakil² atau pun saluran² yang akan di-gunakan oleh Lembaga Pemasaran manakala di-tubuhkan kelak.

Yang Berhormat Enche' Athi Nahappan telah pun mengemukakan atau menegor beberapa perkara daripada segi Undang². (*Lampu padam*). Tuan yang di-Pertua, tidak hairan-lah kerana dalam masa Dewan Ra'ayat pun lampu padam juga sa-masa saya mengemukakan Rang Undang² ini (*Ketawa*).

Ahli yang Berhormat itu telah pun berchakap panjang berkenaan dengan semua saham dan dia berharap sa-kira-nya dapat, hal ini elok-lah di-betulkan supaya semua saham² ini berada di-dalam ini tetapi ladang yang menchukupi atau pun kawasan yang menchukupi bagi tiap² sa-orang peladang itu. Saya suka menerangkan di-sini ia-itu pehak Kerajaan juga sedang menimbangkan masaalah ini ia-itu supaya tanah² yang kecil, mithalan-nya sa-ekar sa-orang atau pun sa-ekar bagi empat orang dan sa-bagai-nya, hendak-lah di-betulkan pada masa yang akan datang dan pehak Kerajaan sedang menimbangkan sa-bagaimana yang telah di-ishtiharkan oleh Yang Amat Berhormat Timbalan Perdana Menteri ia-itu bagi mengadakan satu Undang²—Land Rehabilitation and Consolidation Law di-dalam negeri ini.

Jadi, manakala Undang² itu di-bawa di-sini di-binchangkan dan di-jalankan, insha Allah perkara ini akan dapat di-selesaikan.

Perkara yang kedua, beliau telah membawa berkenaan dengan perkara 3 (1) (a). Dalam masaiah ini, sa-bagaimana yang saya sebutkan tadi, saya beri-lah satu mithal, sekarang dalam masaiah pemasaran padi, kita ambil-lah petani dari Krian mithal-nya. Jadi,

di-sana pada hari ini ada beberapa orang yang telah di-beri lesen untuk membeli padi, kemudian pehak Marketing Authority ini memikirkan patut di-adakan satu Marketing Board di-Krian. Jadi, manakala selesai segala perkara itu kita akan jemput Licensee yang ada di-sana untuk masok bersama² di-daiam ranchangan Marketing Board kita itu. Kalau sa-kira-nya dia tidak mahu, maka sa-bagaimana yang saya katakan tadi licence sa-saorang itu tidak boleh di-potong, kita akan menjalankan satu urusan atau satu chara yang akan menarek segala petani² kita untuk menjual hasil padi-nya kapada Board ini, dan di-sa-tengah tempat macham di-Perlis, dia chuma ada satu lesen sahaja, di-Seiangor—di-Tanjong Karang dia ada satu lesen sahaja dan sa-bagai-nya. Jadi, perkara yang bersangkutan dengan ini saya tidak-lah dapat hendak menjelaskan dengan panjang lebar di-sini melainkan saya akan pulangkan-lah kapada Lembaga Pemasaran itu yang mahir di-dalam masaiah pemasaran sa-bagai yang saya sebutkan, orang² yang di-lantek dalam Lembaga itu ia-lah orang² yang mahir di-dalam masaiah pemasaran, pembelian, kewangan dan sa-bagai-nya maka mereka-lah akan menimbangkan masaiah ini dan menyampaikan shor² atau recommendation kapada saya dan saya akan menjalankan sa-kira-nya di-fikirkan berpatutan dan memberi faedah dan munafa'at kapada ra'ayat negeri ini.

Enche' Athi Nahappan: On a point of clarification, does the Honourable Minister mean that if a person who buys, say, padi at a particular area does not want to join in, then he cannot be compelled to jo'n in, nor his licence can be cancelled?

Tuan Haji Mohamed Ghazali bin Haji Jawi: Sa-bagaimana yang saya telah katakan sa-saorang yang tidak hendak masok itu kita tidak akan memaksa dia masok, dan mengikut clause yang ada di-sini, kita tidak boleh—mengikut Clause 4 kita tidak boleh menarek balek atau memansokhkan lesen sa-saorang itu. Ahli Yang

Berhormat itu juga telah menyentoh Clause 3 (2) (a) ia-itu:

"subject to the provisions of section 4, consider any marketing scheme by whomsoever submitted, or of its own motion to propose any marketing scheme;"

Jadi dalam masaalah ini, lembaga itu boleh menhadangkan kapada saya satu rancangan pemasaran sa-kira-nya dia hendak mengeluarkan rancangannya sendiri. Tetapi boleh juga lembaga itu sa-kira-nya dia menerima satu rancangan mithalan daripada Kesatuan Peiadang, Kedah membuat satu scheme, dia boleh menimbangkan scheme yang di-keluarkan daripada siapa juga perkataan, 'by whomsoever submitted' siapa juga boleh mengemukakan kapada authority itu dan authority itu sa-lepas dia menimbangkan kalau sa-kira-nya baik dia juga boleh sa-lepas daripada process menghantarkan shor-nya kapada saya.

Clause 5, Ahli Yang Berhormat itu bertanya ada-kah kuasa Menteri menubuhkan Marketing Board itu final. Jadi, saya rasa dalam Undang² ini kuasa menubuhkan Marketing Board oleh Menteri itu ada-lah final.

Enche' Athi Nahappan: On a further point of clarification, Sir. I refer to clause 4 (3). In considering the marketing scheme, is the decision of the Minister final in considering the recommendation submitted to him?

Tuan Haji Mohamed Ghazali bin Haji Jawi: Berkenaan dengan Clause 4, sub-clause (3) ia-itu authority itu akan sa-lepas daripada menimbangkan segala objection di-atas kekuatan evidence yang di-produce menhadangkan kapada Menteri berkenaan dengan rancangan pemasaran itu. Dan Clause 5 (1):

"The Minister may upon the recommendations of the Authority made under sub-section (3) of section 4, prescribe a marketing scheme in respect of an agricultural produce."

Jadi, ma'ana-nya kuasa itu kuasa Menteri—it is the power of the Minister. Ahli Yang Berhormat itu juga sa-masa menyentoh berkenaan

dengan Clause 6 ia-itu mengapa tidak di-buat Marketing Board yang monopoly sa-kira-nya memberi faedah kapada ra'ayat atau in the interest of the people. Di-dalam masaalah ini kalau sa-kira-nya kita hendak membuat Marketing Board yang monopoly seiuroh Malaysia pun boleh, tetapi bukan di-bawah Rang Undang² ini—bukan di-bawah kuasa Rang Undang² ini. Kalau sa-kira-nya hendak buat Marketing Board satu² jenis pertanian monopoly seluroh Malaysia, maka saya akan membawa perkara itu balek kapada Dewan Ra'ayat dan Dewan Negara supaya perkara itu di-binchangkan dengan penoh oleh Ahli² Yang Berhormat Dewan—beri peluang kapada Ahli² Dewan balek membinchangkan sa-kira-nya kita hendak membuat monopoly seiuroh Malaysia ini lebeh daripada sa-tengah negeri² di-Malaysia. Tetapi kalau sa-takat buat monopoly 7 buah negeri itu tidak payah sampai ka-Dewan—tidak payah bawa balek ka-Dewan, tetapi bila lebeh daripada sa-tengah ma'ana-nya dalam 9 buah negeri maka terpaksa-lah saya bawa ka-Dewan untok mendapat persetujuan Dewan dan di-bahathkan dengan penoh di-dalam Dewan ini. Ini memberi peluang kerana kita tidak hendak menjalankan satu kuasa yang berlebehan tetapi kita memberi peluang kapada Dewan Ra'ayat dan Dewan Negara untok membahathkan-nya dengan sa-penoh-nya.

Berkenaan dengan Tribunal of Appeal dan apa-kah Jurisdiction of the Court. Jadi, saya rasa di-dalam Undang² ini ada-lah chukup memuaskan ia-itu dalam Clause 16 (2):

"The Agricultural Marketing Tribunal shall hear all appeals lodged in accordance with the provisions of section 15 and shall have power to confirm, vary or reject any decision mentioned in section 14, with respect to which the appeal is lodged, or may make such other order as the Tribunal thinks fit."

Saya ingat itu pun sudah chukup tetapi dengan sebab saya bukan sa-orang loyar saya tidak-lah hendak bahath berkenaan dengan point of law kerana saya tidak tahu melainkan sa-bagai layman berchakap. Jadi, sa-takat itu sahaja, Tuan Pengerusi.

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 President *in the Chair*)

Clauses 1 to 10 inclusive ordered to stand part of the Bill.

Clauses 11 to 17—

Dato' Dr Cheah Toon Lok: Mr Chairman, Sir, just now there was a matter raised by our learned Senator Athi Nahappan in regard to Clause 15, which provides for appeal against the Authority's decision, and in regard to Clause 16, under which a Tribunal is created to hear appeals. Clause 16(4) says that the proceedings of the Tribunal shall be open to the public and Clause 16(5) says that the proceedings of the Tribunal shall be judicial proceedings. Hence, three points arise from this: (i) the authority to license; (ii) the appeal against the licensing; and (iii) the judicial public proceedings. So, I would like to know the answers to these: (a) is there no appeal against the Tribunal, which has got the final decision; and (b) since it is an open Court, can the aggrieved person have representation by lawyers at this Tribunal? The Bill is not clear on these.

Sir, I believe that the matter which the learned Senator has brought forward is, firstly, since the right is given in our Constitution to a citizen to appeal against a decision against his personal right as a person, who has been doing that type of work before and is dependent on it for his living previously—and that right has been guaranteed him in the Constitution—whether this proposed legislation has got the power to deprive him of his right as laid down in the Constitution; secondly, whether an appeal should be allowed against the decision of the Tribunal; and, thirdly, whether one can have lawyer's representation here. There is nothing stated here, and I would like to have clarification. Sir.

Enche' Athi Nahappan: Mr Chairman, Sir, though the Honourable Minister has explained, I must say that the question that I raised did not receive the complete answer, and that question has subsequently been raised by the Honourable Senator, Dato' Dr Cheah Toon Lok. I have mentioned that the legislation as it is now prepared is not complete. This is a judicial Tribunal, not an administrative Tribunal. If its decision is to be final and conclusive, it is only proper

Mr Chairman: What Clause are you referring to?

Enche' Athi Nahappan: I am referring to Clauses 15 and 16. If its decision is to be final and conclusive, it is only fair, in the interest of the public and all those who would come under this legislation, to tell them that it is final and conclusive, so that they will know exactly that with the decision of the Tribunal the matter ends. As it is, it creates uncertainty and ambiguity, and they do not know whether there is any remedy. So, I think this legislation is defective in so far as that part is concerned. Will the Honourable Minister say that that can be cured?

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Pengerusi, berkenaan dengan soal berhubung dengan Agricultural Tribunal Appeal ini, keputusan, atau pun keputusan Tribunal ini tidak muktamad, atau pun tidak *final* dan boleh di-bawa kepada ordinary court, kalau sa-kira-nya mustahak. Dan yang kedua-nya, loyar boleh hadhir, barangkali ini menyedapkan loyar sadikit-lah!

Enche' Athi Nahappan: Mr Chairman, Sir, I appreciate that what the Honourable Minister has said is only his opinion. He said that those who bring this matter up before this Tribunal may bring the matter up to the Court of Law. That is the Honourable Minister's opinion, but there may be contrary opinion too, because the Ordinance is silent and that might itself be a fruitful source of litigation. When you make a law:

why not you make it clear, so that the public, when they read it, will know clearly whether the decision is final or not final. Can the Honourable Minister reconsider that?

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Pengerusi, saya rasa Ahli Yang Berhormat itu juga telah pun menyebutkan "inherent right to appeal," jadi di-situ boleh-lah appeal.

Enche' Athi Nahappan: Mr Chairman, Sir, I do not want to be obstructive, but I suggest that at a later date, at least, the Honourable Minister will deem it necessary to bring this legislation back to the Parliament to provide this necessary provision.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Pengerusi, saya akan menimbangkan, sa-kira-nya mustahak di-adakan pindaan kelak.

Question put, and agreed to.

Clauses 11 to 17 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

EXEMPTED BUSINESS

(MOTION)

Dato' T. H. Tan: Mr President, Sir, I beg to move,

That notwithstanding the provisions of Standing Order 11, the Senate shall not adjourn until consideration of all Government Business set out on the Order Paper today has been completed.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Question put, and agreed to.

Resolved,

That notwithstanding the provisions of Standing Order 11, the Senate shall not adjourn until consideration of all Government Business set out on the Order Paper today has been completed.

THE FEDERATED MALAY STATES CHAMBER OF MINES INCORPORATION (AMENDMENT) BILL

Second Reading

Dato T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Federated Malay States Chamber of Mines Incorporation Enactment (F.M.S. Cap. 104)" be now read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Enche' Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, saya tidak ada apa² hendak tambah sa-lain daripada apa yang tersebut dalam Rang Undang² ini di-muka 2.

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 President *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 LAND (GROUP SETTLEMENT AREAS) (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Land (Group Settlement Areas) Act, 1960, and to extend the operation of that Act to the States of Penang and Malacca" be now read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Enche' Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, rengkas-nya Rang Undang² ini ia-lah supaya membolehkan F.L.D.A. berunding dengan

Kerajaan Negeri untuk memajukan tanah² buat kepentingan penduduk² dalam tanah ayer kita yang tidak mempunyai tanah dan juga untuk menyambungkan kuat-kuasa Rang Undang² ini pada negeri² Melaka dan Pulau Pinang.

Satu perkara yang saya suka nyatakan di-sini, Tuan Yang di-Pertua, ia-lah menurut Rang Undang² ini bolehlah usaha memajukan tanah² dengan sa-chara bersharikat bekerjasama, dalam kawasan F.L.D.A. itu di-laksanakan. Di-dalam Dewan Ra'ayat yang lalu ada beberapa Ahli² Yang Berhormat teiah berkata, sama ada F.L.D.A. akan memaksakan usaha memajukan tanah² sekalian-nya dalam kawasan F.L.D.A. dengan sa-chara bersharikat bekerjasama. Jawab-nya tidak. F.L.D.A. chuma ada kuasa menggalakkan di-antara penduduk² peserta dalam Rancangan F.L.D.A. ini untuk kepentingan peserta² itu sendiri mereka berusaha memajukan perkembangan tanah itu dengan sa-chara bersharikat kerjasama.

Saya ambil satu mithal, di-Johor ada-lah satu kawasan F.L.D.A. yang mempunyai tanaman kelapa sawit ada lebeh kurang 5,000—6,000 ekar. Sebagaimana kita ketahui, Tuan Yang di-Pertua, soal kelapa sawit ini banyak menghendaki modal dan factory, jika peserta² itu akan berjaya mendapat hasil² yang baik daripada usaha² mereka. Oleh hal yang demikian, jika mereka itu di-benarkan berusaha dengan sa-chara bersendirian 10 ekar sa-orang, maka hasil daripada 10 ekar itu tidak menchukupi buat menchari modal untuk² membuat factory atau pun perkara² yang lain.

Jadi yang elok sa-kali di-fikirkan oleh Kerajaan ia-lah supaya satu sharikat bekerjasama di-buat dalam tempat yang bagitu, tetapi dalam kawasan di-mana getah² di-tanam, maka Kerajaan rasa harus tidak di-kehendaki chara bersharikat bekerjasama ini. Bagaimana pun jika di-kehendaki oleh peserta² perkara itu di-galakkan dan Kerajaan akan memberi segala bantuan yang berpatutan.

Sa-orang Ahli Yang Berhormat dari Socialist Front berkata bahawa Rang Undang² ini berchorak socialism, approach dia socialistic. Jadi, saya kata, Tuan Yang di-Pertua, ini ada-lah menunjukkan satu bukti yang besar bahawa Kerajaan Perikatan bukan kerajaan kapitalis—Kerajaan Perikatan ada-lah satu Kerajaan yang practical, mengkaji masaalah² kemudian menchari bagaimana chara kita boleh bekerja untuk memberi kehidupan yang baik kapada ra'ayat² dalam negara ini.

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 President *in the Chair*)

Clauses 1 to 8 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE PORT WORKERS (REGULATION OF EMPLOYMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to provide for regulating the employment of port workers" be now read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Enche' Abdul-Rahman bin Ya'kub: Mr President, Sir, some time in 1961 a Commission of Enquiry was established under the Wages Council, 1947, to enquire whether a Wages Council should be set up in respect of the Penang Port workers. The report of the Commission was tabled in Parliament on 20th May, 1961, *vide* Command Paper No. 22 of 1961. As a result of that report the Government obtained the services of an **I.L.O.**

expert in the person of Mr Freathy who arrived to this country on the 3rd January, 1964, and started to enquire into the conditions of employment of the Penang Port workers. It is relevant, Mr President, Sir, to quote here the conclusion arrived at by that expert. He says:

"It is evident from the foregoing information that the work of stevedores, lightermen and cargo handlers in the Port of Penang is casual. Although preference is given to so-called regular or permanent men, excessive amounts of over-time are worked quite beyond the capacity of any labourer to give efficient service. These labourers do not receive all the benefits that they should from existing labour legislations, such as Employees Provident Fund and Workers' Compensations."

Mr President, Sir, that is the plight of our workers at the Port of Penang. The I.L.O. expert concerned has made recommendations and, again, it is pertinent to quote paragraph 51 of his recommendations, which says:

"It is considered that the most efficient method of ensuring greater regularity of employment for the dock workers and for securing and maintaining an adequate number of experienced dock workers for the efficient performance of dock work could best be achieved by the formation of a Dock Labour Board and also the introduction of schemes which could be prescribed by the Minister of Labour"—as under the proposed Bill.

The purpose of the Bill, Mr President, Sir, is to implement the recommendations of the I.L.O. expert. As soon as the Bill comes into force, it will be necessary for all employers and employees to be registered before they can carry out any work at the Port of Penang. The schemes will have to be implemented by means of an Order to be made by the Minister of Labour. It may be that, as a result of the introduction of these schemes, certain workers in Penang may become unemployed. But one has got to bear in mind this important point. Today we know that a good number of workers at the Port of Penang are also employed by either the P.W.D. or the City Council of Penang. We feel that it is not fair for people who have no employment whatsoever to be deprived of any job by others who have got

other means of livelihood. When these schemes are introduced those who have employment elsewhere—for example, the P.W.D. workers and the City Council workers—will not be able to register themselves as port workers. Under these schemes, Mr President, Sir, we will introduce some sort of a Labour Board, but this Labour Board, to begin with, will not have the power to fix conditions of service, wages and other things. However, the recommendations by the I.L.O. expert is to have some sort of a Joint Council where the workers and also the employers will be represented, and it is up to this Council to negotiate terms and conditions of service for the workers. I think workers in this Country, Sir, especially in Malaya, prefer a voluntary system of arbitration rather than a compulsory system.

During the past few days, and even yesterday, Mr President, Sir, the Government has been continually attacked by certain politicians and trade union leaders in respect of Government's measures recently, that is to say, the two emergency regulations—one, prohibiting strikes in Essential Services in the Public Service, and another which, although not banning strikes completely, nevertheless provides some sort of compulsory method of arbitration in certain Essential Services in the private sector.

I would like to read here what was said by the Honourable Senator Enche' S. P. S. Nathan yesterday as reported in the *Straits Times* today. He says, amongst other things:

"I would like to assure the Government that the workers will not plunge into any action detrimental to the freedom and dignity of Malaysia."

We are all, I am sure, very happy to hear that assurance. He then goes on to say:

"It was disturbing to note that His Majesty, the Yang di-Pertuan Agong, had not even mentioned a word of thanks or appreciation of the service and sacrifice the workers have made for the prosperity of Malaysia."

I am really suprised, Mr President, Sir, that a very prominent public figure and

a trade union leader, in the person of Mr Nathan, should have made a very grave error in saying that the Government has not said a word about thanking or appreciating the loyalty of the workers in this country. It is obvious that he read only part of the Yang di-Pertuan Agong's Address, and here I would like to quote the Honourable Senators present here today the Special Appendix to the Royal Address by His Majesty the Yang di-Pertuan Agong at the opening of Parliament on Tuesday, 25th May, 1965, page 6, paragraph 28. I quote—

'The year 1964 was one of considerable activity in relation to progress in the field of industrial relations. The Government fully appreciates the pledges of loyalty and support declared by the Malayan Council of Employers' Organisations and the Malaysian Trades Union Congress in the face of Indonesian confrontation and aggression. It is most gratifying and of the utmost importance that the Government have received these declarations of loyalty.'

I hope the Honourable Senator Nathan, when he hears this reply of mine today, will not hesitate to have a look at this Special Appendix which forms part of the Royal Address—one must not forget that—and make suitable corrections if needs be to the allegations made by him that the Government has not appreciated the pledges of loyalty given by the workers of this country. I am not saying that he has purposely accused the Government of overlooking the interests of the workers, or not appreciating the part the workers are playing in this country in our effort to fight Indonesian confrontation, but I need only advise him this—that he should read the whole of the Royal Address rather than just part of it and then accuse the Government of not doing something which the Government has in fact done.

Mr President, Sir, in any event, the workers in this country do not constitute a separate Malaysian society. The workers of this country are Malaysians. Their loyalty to Malaysia is not loyalty given to us, or to the country, in their capacity as workers, but rather as Malaysians citizens. As Malaysian citizens, they pledge and

they give their loyalty to this country and we have taken the step to single out clearly in the Royal Address the appreciation the Government has of the pledges of loyalty given by the employers' organisations and also the workers' organisations.

The Honourable Senator Nathan also said, among other things, that the workers have every confidence in our Prime Minister. I am very glad to hear that. But if in fact some of the very prominent leaders of the trade unions do have confidence in the Prime Minister, why do they now say that the Government is doing everything in order to kill democracy in this country, in order to stifle the growth of a free and democratic trade union movement, when the Prime Minister himself, from the moment he became a public figure in this country, has consistently and continuously said to the country and to the world at large that the Alliance Government believes in free and democratic trade unions. The Alliance Government is proud of its past record. We have not attempted to control any trade union in this country. We have not attempted to interfere with the legitimate rights of the trade unions. What we have done, with reference to these two Emergency Regulations, are measures which must be done by any responsible government when we are facing a very grave external threat. Consider the situation, Mr President, Sir, where the States of Malaya were threatened with strikes by firemen. Certain sections of the public services kept on threatening the Government that they would go on strike unless the Government settled their claims. We had no alternatives. The Honourable the Prime Minister advised the workers, "Please understand the position we are in now. Let us fight this confrontation together. We must have peace in the country in order to enable us to consolidate all our energy to fight this enemy from across the Straits of Malacca." Be that as it may, Mr President, Sir, let me make the position of the Government very clear to the Honourable Members here.

The actions taken by the Government in connection with the public service sector is not in any way contrary to the Geneva Convention. Geneva Convention 98, Article 6, which I quoted in the Dewan Ra'ayat, clearly said this. It deals with the application of the principles of the right to organise and to bargain collectively, and this Geneva Convention says, "This Convention does not deal with the position of the public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way." So, we have not acted in any way in this period of Emergency contrary to the letter and to the spirit of the Geneva Convention.

The Honourable Senator Nathan also says that it is not too late for the Prime Minister to discuss matters with the workers. Well, Sir, as everyone knows the Honourable the Prime Minister is perhaps the only Prime Minister in the world whom every Tom, Dick and Harry can see at any time to air their grievances (*Applause*). He is always accessible to the workers, to the employers, to the Honourable Senators, to the Honourable M.Ps. Recently, he saw a delegation from the I.C.F.T.U. and he told them, "If the leaders of the M.T.U.C. want to see me, let them come and I am prepared to talk to them, rather than quarrelling in the papers accusing the Government, for what the Government is doing is for the benefit of the country and also for the benefit of the trade union leaders". Compare the situation in other countries. We know it ourselves and Senator Nathan knows it himself, that our beloved Prime Minister is a simple man. He is the man who wants to see that everybody is happy in this country. So, there is no question that he does not want to see the trade union leaders. If the trade union leaders want to see him, make an appointment with him, and I am sure he will find time to see them and discuss matters with them. In any event, I have already seen, in my capacity as Acting Minister of Labour, the M.T.U.C. leaders and also the I.C.F.T.U. I have told them the Government's stand in

this respect. As a responsible Government, we have to promulgate the Regulations, in order to ensure that these important machineries of the Government are kept at the height of efficiency, in order to enable us to fight the Indonesian aggression.

The Honourable Senator Nathan also said, "These unscrupulous and hypocritical politicians, who are already waiting at the doorsteps of many unions, might make use of this opportunity to cause chaos and disorder in this country. Then it might be recorded in history that the true cause of the tragic turn of events was the incapability and shortsightedness of the people in power." Where is the logic? If the unscrupulous and hypocritical politicians cause chaos in the country, why should the top politicians—the Tunku, Tun Razak and the Ministers—be blamed? It is not the Ministers, not the Government, who cause chaos. I do not see the logic of his argument at all. If he as a responsible trade union leader, wants to see the growth of a free and democratic trade union movement and wants to see peace, harmony and other things maintained in this country, then it is also his duty to prevent these unscrupulous and hypocritical politicians, as he calls them, from gaining control of the trade unions. I challenge the Honourable Senator Nathan to do that if he is loyal to the country (*Applause*).

He also says, Mr President, Sir, that some might even think that the detention of some of the unionists could easily solve these complex problems but that nobody could stop a new chapter being opened in the history of Malaysia that would explain that the death of democracy in Malaysia was due entirely to some narrow minded politicians? I wonder who those "narrow minded politicians" are! If by those words he meant the Tunku and the Tunku's colleagues, I am sure the whole country will not agree with him. If by that he means the unscrupulous and hypocritical politicians, then I would call upon the Honourable Senator Nathan to work

together with the Government, to assist the Government in Government's effort to see that the principle, in which we believe, that the trade unions must be free and democratic is maintained and maintained until the last drop of our blood. Thank you, Sir, (*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 Deputy President *in the Chair*)

Clauses 1 to 5 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

Mr (Deputy) President: Honourable Senators, the Senate shall now stand adjourned *sine die*.

Adjourned sine die at 4.50 p.m.