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No. 3



Monday
26th June, 1967

PARLIAMENTARY DEBATES

DEWAN NEGARA (SENATE)

OFFICIAL REPORT

**FOURTH SESSION OF THE SECOND PARLIAMENT
OF MALAYSIA**

CONTENTS

ANNOUNCEMENTS BY MR PRESIDENT—

**Perutusan daripada D.Y.M.M. Seri Paduka Baginda Yang di-Pertuan
Agong [Col. 613]**

Message from the House of Representatives [Col. 613]

BUSINESS OF THE SENATE [Col. 614]

ORAL ANSWERS TO QUESTIONS [Col. 615]

MOTION—

**The Parliament (Members' Remuneration) Act, 1960—
Amendment to Schedule [Col. 618]**

BILLS—

The Kidnapping (Amendment) Bill [Col. 638]

The Prisons (Amendment) Bill [Col. 645]

The Prevention of Corruption (Amendment) Bill [Col. 646] [Col. 660]

The Supplementary Supply (1965 and 1966) Bill [Col. 666]

The Customs Laws (Malaysia) (Amendment) Bill [Col. 669]

**The Income Tax (Tin Buffer Stock Contributions and Repayments)
Bill [Col. 672]**

The Income Tax Laws (Malaysia) (Amendment) Bill [Col. 673]

The Industrial Relations Bill [Col. 674] [Col. 682] [Col. 692]

The Employment (Amendment) Bill [Col. 703]

The Trade Unions (Amendment) Bill [Col. 705]

The Foreign Representatives (Privileges and Immunities) Bill [Col. 706]

The Transfer of Functions (Registrar-General of Sarawak) Bill [Col. 711]

EXEMPTED BUSINESS (Motion) [Col. 691]

ADJOURNMENT SINE DIE (Motion) [Col. 692]

MALAYSIA
DEWAN NEGARA (SENATE)
Official Report

Vol. IV

Fourth Session of the Second Dewan Negara

No. 3

Monday, 26th June, 1967

The Senate met at 10.00 a.m.

PRESENT :

- The Honourable Mr President, DATO' HAJI ABDUL RAHMAN BIN MOHAMED YASIN, S.P.M.J., P.I.S., J.P. (Johor).
- „ TUAN A. ARUNASALAM, A.M.N. (Appointed).
- „ TUAN ABDUL RAHIM BIN ABDUL MANAN, P.J.K. (Negeri Sembilan).
- „ TUAN ABDUL RAHMAN BIN AHMAD (Perlis).
- „ TUAN ABDUL SAMAD BIN OSMAN, P.J.K. (Appointed).
- „ TUAN HAJI AHMAD BIN HAJI ABDULLAH, A.M.N. (Penang).
- „ TUAN HAJI AHMAD BIN HAJI ABDUL MANAP, P.P.N. (Melaka).
- „ PUAN AISHAH BINTI HAJI ABDUL GHANI (Appointed).
- „ PUAN BIBI AISHA BINTI HAMID DON, A.M.N. (Appointed).
- „ TUAN AMALUDDIN BIN DARUS (Kelantan).
- „ TUAN AWANG DAUD MATUSIN (Appointed).
- „ TAN SRI DATU TUANKU BUJANG BIN TUANKU HAJI OTHMAN, P.S.M. (Sarawak).
- „ TUAN CHAN KEONG HON, A.M.N., S.M.S., P.J.K., (Appointed).
- „ TUAN 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, D.P.M.P., J.M.N., J.P., Dato' Kurnia Indera (Appointed).
- „ DATO' FOO SEE MOI, D.P.M.K., J.P. (Appointed).
- „ TUAN GAN TECK YEOW, J.M.N. (Appointed).
- „ TUAN GOH CHEK KIN, P.J.K. (Trengganu).
- „ TUAN HOH CHEE CHEONG, A.M.N., J.P. (Pahang).
- „ TUAN HONG KIM SUI (Appointed).
- „ TUAN C. D. ISMAIL, J.M.N., J.P. (Appointed).
- „ TUAN ANDREW JIKA LANDAU (Appointed).
- „ TUAN KOH KIM LENG (Melaka).
- „ DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negeri Sembilan).
- „ DATO' Y. T. LEE, D.P.M.S., J.M.N., P.J.K., J.P. (Appointed).
- „ TUAN LIM HEE HONG, J.M.N., J.P. (Appointed).
- „ TUAN LIM JOO KONG, A.M.N., J.P. (Kedah).

- The Honourable TUAN MOHAMED ADIB BIN OMAR, P.J.K. (Trengganu).
- „ DATU PENGIRAN MOHAMED DIGADONG GALPAM, P.D.K. (Sabah).
- „ TAN SRI 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 SAAID BIN HAJI ABU BAKAR (Appointed).
- „ DATO' ATHI NAHAPPAN, D.P.M.S. (Appointed).
- „ NIK HASSAN BIN HAJI NIK YAHYA, J.M.N. (Appointed).
- „ TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Appointed).
- „ TUAN SAIDON BIN KECHUT, A.M.N. (Appointed).
- „ DATO' SHEIKH ABU BAKAR BIN YAHYA AL-HAJ, D.P.M.J., P.I.S., J.P. (Johor).
- „ TAN SRI G. SHELLEY, P.M.N., J.P. (Appointed).
- „ TUAN SYED AHMAD BIN SYED MAHMUD SHAHABUDIN, J.M.N., S.M.K., J.P. (Kedah).
- „ TUAN SYED DARUS BIN SYED HASHIM (Perlis).
- „ DATO' E. E. C. THURASINGHAM, D.P.M.J., J.P. (Appointed).
- „ 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. (Appointed).
- „ TUAN YAHYA BIN HAJI AHMAD (Perak).
- „ TUAN YEOH KIAN TEIK (Perak).

ABSENT :

- The Honourable the Minister without Portfolio, TAN SRI ONG YOKE LIN, P.M.N. (Appointed).
- „ DATU JOSEPH AUGUSTINE ANGIAN ANDULAG, P.D.K. (Sabah).
- „ TUAN CHEAH SENG KHIM, J.P. (Penang).
- „ TUAN S. P. S. NATHAN (Appointed).
- „ TEMENGGONG OYONG LAUAI JAU (Sarawak).
- „ RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).
- „ TUAN WILLIAM TAN (Appointed).
- „ TAN SRI T. H. TAN, P.M.N. (Appointed).
- „ DATO' S. O. K. UBAIDULLA, D.P.M.S. J.M.N. (Appointed).
- „ WAN MUSTAPHA BIN HAJI WAN ALI, S.M.K. (Kelantan).

IN ATTENDANCE :

- The Honourable the Minister of Health, TUAN BAHAMAN BIN SAMSUDIN (Kuala Pilah).
- „ the Minister for Welfare Services, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- „ the Minister of Labour, TUAN V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).
- „ the Assistant Minister of Education, TUAN LEE SIOK YEW, P.J.K. (Sepang).
- „ the Assistant Minister of Finance, DR NG KAM POH, J.P. (Telok Anson).

PRAYERS

(Mr President in the Chair)

ANNOUNCEMENTS BY MR PRESIDENT

PERUTUSAN DARIPADA DULI YANG MAHA MULIA SERI PADUKA BAGINDA YANG DI-PERTUAN AGONG

Mr President: Yang Berhormat Ahli² Dewan Negara, saya suka hendak memberi tahu Majlis ini bahawa saya telah menerima satu perutusan daripada Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong, menjawab persembahan Dewan Negara atas ucapan menjunjung kaseh kepada Kebawah Duli kerana Titah Uchapan Baginda. Sekarang saya bachakan perutusan itu—

“KAULUHUL-HAK

Warkatul ikhlas walmuhibbah ia-itu daripada beta Tuanku Ismail Nasaruddin Shah Ibni Almarhum Sultan Zainal Abidin, Yang di-Pertuan Agong, Malaysia.

Mudah²an barang di-wasalkan oleh Rabul ‘alamin ka-Majlis Yang Berhormat Dato’ Haji Abdul Rahman bin Mohd. Yassin, S.P.M.J., P.I.S., J.P., Yang di-Pertua Dewan Negara Malaysia, yang ada beristerihat-alkhir pada masa ini di-bandar Kuala Lumpur, dengan beberapa selamat dan kesejahteraan-nya.

Waba²du ehwal Beta sangat sukachita menerima warkah Dato’ bertarikh 17 hari-bulan Jun kerana menyampaikan ketetapan ucapan terima kaseh Majlis Dewan Negara Malaysia, kerana titah ucapan Beta pada masa membuka penggal Yang Keempat Parlimen Yang Kedua. Beta meminta ke-lapangan Dato’ apa-lah juga kira-nya Dato’ dapat menyampaikan terima kaseh Beta kepada sakalian Ahli² Majlis Dewan Negara Malaysia kerana membuat ketetapan yang tersebut dan jua di-atas perasaan yang tulus ikhlas yang telah di-tunjokkan kepada Beta itu akan di-kandongkan di-dalam ingatan Beta sa-lama²-nya.

Demikian-lah sahaja Beta ma²alumkan di-sudahi dengan salam jua ada-nya.

Termaktub pada
21 haribulan Jun, tahun 1967.

TUANKU ISMAIL NASARUDDIN SHAH,
Yang di-Pertuan Agong”

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Mr President: Ahli² Yang Berhormat, saya ingin memberi tahu Dewan ini bahawa saya telah menerima satu per-

utusan daripada Dewan Ra²ayat. Sekarang saya jemput Setia-usaha Dewan Negara membachakan perutusan itu.

(The Clerk reads the Message)

“Mr President,

The House of Representatives has passed the following Bills:

- (1) to enable certain privileges and immunities to be conferred, on the basis of reciprocity of treatment, on representatives of foreign countries, being representatives who are other than those accredited as diplomatic and consular representatives;
- (2) to amend the Kidnapping Act, 1961;
- (3) to amend the Prisons Ordinance, 1952;
- (4) to amend the Prevention of Corruption Act, 1961;
- (5) to apply sums out of the Consolidated Fund for additional expenditure for the service of the years 1965 and 1966 and to appropriate such sums for certain purposes;
- (6) to amend the laws relating to Customs in Malaysia;
- (7) to make provision for the treatment for income tax purposes of contributions and repayments under the Tin Control (Buffer Stock) Regulations, 1966;
- (8) to amend further the laws relating to income tax of Sabah, Sarawak and West Malaysia;
- (9) to provide for the regulation of the relations between employers and workmen and their trade unions and the prevention and settlement of any differences or disputes arising from their relationship and generally to deal with trade disputes and matters arising therefrom;
- (10) to amend the Employment Ordinance, 1955;
- (11) to amend the Trade Unions Ordinance, 1959;
- (12) to make provision for the exercise of the powers and functions in the performance of the duties of the Registrar-General of Sarawak under certain federal laws in force in that State;

and transmits them to the Senate for its concurrence.

(Sgd.) DATO’ C. M. YUSUF,
Speaker.”

BUSINESS OF THE SENATE

Dato’ Y. T. Lee: Mr President, Sir, I beg to give notice that I will move the Second and Third Reading of the following Bills at this meeting of the Senate—

The Kidnapping (Amendment) Bill
The Prisons (Amendment) Bill

The Prevention of Corruption (Amendment) Bill

The Supplementary Supply (1965 and 1966) Bill

The Customs Laws (Malaysia) (Amendment) Bill

The Income Tax (Tin Buffer Stock Contributions and Repayments) Bill

The Income Tax Laws (Malaysia) (Amendment) Bill

The Industrial Relations Bill

The Employment (Amendment) Bill

The Trade Unions (Amendment) Bill

The Foreign Representatives (Privileges and Immunities) Bill

The Transfer of Functions (Registrar-General of Sarawak) Bill.

ORAL ANSWERS TO QUESTIONS

TARAF SIJIL² SEKOLAH KEBANGSAAN

1. Puan Aishah binti Haji Abdul Ghani bertanya kepada Menteri Pelajaran bila-kah taraf Sijil² Sekolah Kebangsaan akan di-naikkan sama dengan taraf Sijil² Sekolah Inggeris.

The Assistant Minister of Education (Tuan Lee Siok Yew): Tuan Yang di-Pertua, soalan itu tidak berbangkit, oleh kerana jenis sijil² yang di-keluarkan kepada murid² di-sekolah kebangsaan dan sekolah² yang bahasa pengantar-nya bahasa Inggeris adalah bergantung kepada bahasa pengantar murid² itu sendiri dan jenis peperiksaan yang mereka ambil pada akhir Tingkatan III atau akhir Tingkatan V. Chalun² dalam Tingkatan III boleh mendapat—

(a) Sijil Rendah Pelajaran (bahasa pengantar Inggeris).

(b) Sijil Rendah Pelajaran (bahasa pengantar Melayu).

Sijil² ini ada-lah di-keluarkan oleh Lembaga Peperiksaan Malaysia. Pada akhir Tingkatan V chalun² boleh mendapat dua jenis sijil ia-itu:

(a) Sijil Persekolahan Seberang Laut (bahasa pengantar Inggeris).

(b) Sijil Pelajaran Malaysia (bahasa pengantar Inggeris) dan

(c) Sijil Pelajaran Malaysia bahasa pengantar Melayu yang boleh di-ambil dalam satu peperiksaan yang sama. Sijil ini adalah di-keluarkan oleh Lembaga Peperiksaan Tempatan Universiti Cambridge bersama dengan Kementerian Pelajaran Malaysia.

Semua sijil yang tersebut di-atas adalah sa-tara taraf dan kandongan-nya antara satu sama lain.

Puan Aishah binti Haji Abdul Ghani:

Soalan tambahan, Tuan Yang di-Pertua. Saya suka-lah bertanya kepada Yang Berhormat Menteri ada-kah Yang Berhormat itu sedar bahawa dari segi nilai mendapat pekerjaan, murid² yang berkelulusan sekolah kebangsaan tidak-lah sama dengan peluang yang di-beri kepada mereka² yang bersekolah Inggeris. Jadi, perkara yang sa-macham ini telah menimbulkan kegelisahan di-kalangan ibu bapa dan inilah sebab saya menimbulkan pertanyaan bila-kah lagi, nilai sijil sekolah kebangsaan itu akan di-beri nilai yang sama dengan sijil Sekolah Inggeris. Saya harap Yang Berhormat itu dapat memberi jawapan.

Tuan Lee Siok Yew: Tuan Yang di-Pertua, soalan ini memang ada-lah sedikit kurang faham daripada Yang Berhormat itu. Masa sekarang ini bahasa pengantar bahasa Inggeris, jika-lau mengambil peperiksaan Tingkatan V, bila tidak lulus bahasa kebangsaan, atau bahasa Melayu, jadi chalun itu dapat-lah satu Sijil Persekolahan Seberang Laut, S.C. atau School Certificate; jika-lau chalun itu mendapat Kelulusan dengan bahasa Inggeris dan bahasa kebangsaan, chalun itu dapat-lah dua sijil, ia-itu S.C. dan M.C.E. Jika-lau budak itu tidak dapat lulus bahasa Inggeris, jadi dapat-lah M.C.E. sahaja.

Puan Aishah binti Haji Abdul Ghani:

Soalan tambahan, Tuan Yang di-Pertua. Ada-kah Yang Berhormat itu menyatakan di-sini, ia-itu sa-sudah 1 September kelak, ia-itu murid² yang ada sijil dari sekolah kebangsaan akan di-beri peluang yang sama dengan yang

datang daripada sekolah Inggeris? Ini yang saya minta penegasan daripada beliau, tidak-lah ma'ana-nya orang yang mendapat keistimewaan itu hanyalah orang yang datang daripada Sekolah Inggeris sahaja, sedangkan murid² yang berkelulusan Melayu ini pernah salah sa-orang Ahli Yang Berhormat juga, malah sa-orang Parliamentary Secretary, membuat statement ia-itu yang saya baca dalam sa-buah akhbar kelulusan Melayu hanya-lah layak jadi tukang masak. Jadi ini-lah saya minta penjelasan daripada Yang Berhormat itu.

Tuan Lee Siok Yew: Tuan Yang di-Pertua, di-tahun ini memang sijil bahasa Melayu dan sijil S.C. ada-lah bersama²-nya.

BILANGAN MURID² YANG MEMASOKI SEKOLAH² KEBANGSAAN—KEKURANGAN TIAP² TAHUN

2. Puan Aishah binti Haji Abdul Ghani bertanya kepada Menteri Pelajaran benar-kah bilangan murid² baharu yang memasoki Sekolah² Kebangsaan makin kurang tiap² tahun, dan jika benar, kenapa.

Tuan Lee Siok Yew: Tuan Yang di-Pertua, tidak-lah benar jika di-katakan ia-itu bilangan murid² yang memasoki sekolah² kebangsaan makin berkurangan dari sa-tahun ka-satahun. Sa-balek-nya angka² yang di-bawah ini ada-lah menunjukkan bahawa bilangan murid² bertambah dari sa-tahun ka-satahun. Bilangan penuntut² di-sekolah² kebangsaan dan sekolah² rendah berjumlah:

Tahun	Sekolah Rendah	Sekolah Menengah
1960	485,976 orang	4,953 orang
1961	502,032 "	8,158 "
1962	500,968 "	13,224 "
1963	523,974 "	19,910 "
1964	530,439 "	28,067 "
1965	555,349 "	67,276 "
1966	575,991 "	97,477 "

LAPORAN SUROHANJAYA GAJI

3. Puan Aishah binti Haji Abdul Ghani bertanya kepada Perdana Menteri (a) sama ada Laporan Surohanjaya Gaji² sudah di-kemukakan kepada Jema'ah Menteri, dan (b) bila-kah Laporan itu akan di-terbitkan.

The Minister for Welfare Services (Tuan Haji Abdul Hamid Khan): Tuan Yang di-Pertua, Laporan Surohanjaya Gaji belum lagi di-kemukakan kepada Jema'ah Menteri. Laporan itu akan di-terbitkan sa-telah Kerajaan menerima dan mengkaji-nya. Ada-lah di-jangka bahawa Surohanjaya Gaji² itu akan menyiapkan laporan itu dalam bulan Julai ini.

MOTION

THE PARLIAMENT (MEMBERS' REMUNERATION) ACT, 1960 AMENDMENT TO THE SCHEDULE

Dato' Y. T. Lee: Mr President, Sir, I beg to move the following motion standing in my name—

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

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

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

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

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

Sir, I think this explanation is already very clear to Members.

Dato' Dr Cheah Toon Lok: Tuan Yang di-Pertua, saya menyokong usul ini.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, tujuan usul ini ia-lah untuk membenarkan bayaran elaun perjalanan sa-banyak \$150 sa-bulan kepada Ahli² Parlimen kechuali mereka² yang di-lantek sa-bagai Menteri², Menteri² Muda, Setia-usaha² Parlimen dan

Setia-usaha² Politik bagi menggantikan satu daripada dua pas keretapi yang di-berikan kepada mereka itu sekarang ini.

Tujuan memberi pas² keretapi itu ia-lah supaya membolehkan dan menyenangkan Yang Berhormat Ahli² Parlimen menjalankan tugas² mereka sebagai Ahli Parlimen. Akan tetapi ada-lah di-dapati bahawa Ahli² Parlimen tidak dapat menggunakan pas² ini bagi semua perjalanan² mereka dan kebanyakan urusan² mereka sa-bagai Ahli Parlimen, seperti menghadziri Meshuarat Pembangunan Luar Bandar dan Majlis Pembukaan Ranchangan², terpaksa di-laksanakan dengan menggunakan kenderaan terutama-nya motor. Pada masa ini Ahli² Parlimen tidak di-bayar perbelanjaan perjalanan² itu kerana Undang² Parlimen (Members' Remuneration) Act 1960, hanya membolehkan Ahli² Parlimen menuntut perbelanjaan kerana menghadziri Meshuarat² Parlimen atau Jawatan-kua²-nya sahaja. Oleh hal yang demikian ada-lah di-fikirkan menasabah jika mereka di-bayar elaun perjalanan sa-banyak \$150 sa-bulan dan di-tarek balek satu daripada pas keretapi mereka itu—pas B sekarang ini. Jadi pas yang di-beri kepada mereka itu di-samping elaun perjalanan sa-banyak \$150 ada-lah di-hadkan bagi kegunaan mereka sendiri sahaja, ia-itu pas itu tidak-lah boleh di-gunakan oleh orang lain.

Tambahan perbelanjaan kerana bayaran elaun ini tidak-lah berapa banyak, kerana satu daripada pas keretapi mereka itu di-tarek balek. Di-bawah peratoran sekarang ini pas B-lah yang banyak memakan belanja.

Elaun perjalanan tidak-lah di-bayar kepada Ahli² yang menjadi Menteri², Menteri² Muda, Setia-usaha² Parlimen dan Ahli² Politik atau Political Secretary. Oleh kerana itu mereka terus berhak mendapat dua pas keretapi. Akan tetapi penggunaan pas keretapi ini ada-lah di-hadkan bagi kegunaan-nya sendiri dan isteri-nya atau pun sa-orang yang mengiringi-nya. Pas ini tidak boleh di-gunakan untuk sa-orang yang berjalan di-bawah kebenaran Ahli Yang Berhormat, seperti yang ada pada hari ini.

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

Tuan Yang di-Pertua, sekian sahaja penerangan daripada saya.

Tuan Abdul Samad bin Osman: Tuan Yang di-Pertua, baharu² ini saya dengar Dewan Ra'ayat bila dia ber-bahath perkara ini dia bahath sa-bagai Ahli itu ma'ana-nya Ahli Dewan Ra'ayat. Oleh sebab itu, saya minta penjelasan daripada Yang Berhormat Menteri, ada-kah Ahli ini termasuk semua Ahli Dewan Senate.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, jika di-katakan Ahli Parlimen, termasuk-lah Ahli Dewan Negara.

Dato' Dr Cheah Toon Lok: Mr President, Sir, may I ask for a matter of clarification in regard to Section 6 (2)—Travel by Sea or Air. I wonder whether it includes travel by car, because it is stated here definitely as "travel by Sea or Air", and Members, who travel by car to Parliament, may not be able to recover expenses of such travel. I wish to ask whether it includes, under this Section, travel by car to meetings of Parliament?

Dato' J. E. S. Crawford: Mr President, Sir, in supporting this motion, there is one point I wish to raise. The withdrawal of pass "B" is because I think, it has been used by many, many people in the past by a letter of authority. I think this wholly could have been covered by the withdrawal of that right to give a letter of authority. However, at the moment, as it stands, Sir, Members of Parliament of both Houses, Dewan Ra'ayat and Dewan Negara, are in a different category to those of the State Assembly. Our wives no longer have a pass unless we happen to be Ministers, Political Secretaries, or Assistant Ministers. In the Assemblies in the State, a Member's wife is recognised and she is still given a free railway pass, Sir. I personally would rather wish "A" and "B" passes still to stand, Sir—"A" only personal to the Member of Parliament and "B" personal to his wife only. At the moment, I do not think the \$150 covers up the

withdrawal of the privilege to wives which State Assembly Members still enjoy.

Thank you, Sir.

Tuan Abdul Samad bin Osman:

Tuan Yang di-Pertua, saya mendengar ucapan Dato' Crawford itu, saya pun bangun sokong. Tetapi saya.

Mr President: Ahli Yang Berhormat itu tadi bukan-kah sudah bangun berchakap.

Tuan Abdul Samad bin Osman: No, just now I asked for clarification (*Laughter*).

Tuan Yang di-Pertua, saya bersetuju dengan paragraph 5 ini, saya tidak ada apa². Chuma paragraph 6 (1) ia-itu "Other Members shall be supplied with one free railway pass for their own personal use". Satu sahaja saya bersetuju, tarek balek pas B itu, kerana pas B itu, kerap kali-nya diberi bukan kepada isteri, tetapi diberi kepada kawan²-nya sakalian itu yang memakan belanja banyak. Tetapi saya sokong-lah sa-bagai Dato' Crawford kata itu, tinggal pas A satu itu, apa-kah salah-nya kalau di-buboh pas A itu untuk kegunaan laki isteri—Mr and Mrs—kerana apa, dengan itu saya perchaya bahawa Kerajaan tidak rugi banyak duit. Kerana fasal sendiri, barangkali sa-tahun sa-kali sahaja isteri saya mari. Berapa duit sahaja—bukan selalu. Jadi ma'ana-nya orang itu boleh bawa pas itu dia bawa isteri dia, baharu isteri boleh dudok, kalau tidak dia sahaja. Kalau lain orang, tidak boleh. Jadi kerana apa saya ingat itu patut, kalau macham Dato' Crawford itu kata, kalau kita buang pas itu ma'ana-nya kita buang satu keutamaan yang di-beri kepada isteri kita. Kaum ibu kita sekarang berkeriau² di-sana sini minta kerjasama, minta gaji sama bagi laki² dan perempuan. Kemudian juga, dalam Dewan Ra'ayat pun mereka ada sama, dalam Dewan Negara pun ada sama. Jadi sekarang kita hendak buang pula. Jadi, kita patut-lah ingat, kalau buang ini ada-lah satu perkara yang kurang elok-

lah kepada kaum ibu yang patut kita beri keutamaan-nya itu, kita tarek balek. Di-mana² dunia pun segala M.P. yang di-beri Pas ini semua, isteri-nya di-beri bagitu juga.

Sebab itu, saya chadangkan yang satu pas yang tinggal itu patut-lah di-endorse for Mr and Mrs untuk kegunaan suami dan isteri. Kalau Member ini isteri bagi untuk suami sama. Kalau tidak terok-lah mereka. Dan saya sokong-lah penoh akan ucapan Dato' Crawford. Dan saya chadangkan bahawa Clause itu, satu teket itu hendak-lah di-endorsekan dengan dua, ia-itu suami dan isteri sahaja.

Dato' Athi Nahappan: Mr President, Sir, while welcoming these amendments to the privileges accorded to the Members of Parliament I should like to endorse my support of my fellow Senators who have expressed their views in regard to the privilege to be extended to the wives of Members of Parliament. I am somewhat disappointed in the sense that there was always a case that our monetary allowance should be increased quite independently of other privileges, and this was asked for from time to time, and it was indicated that it was not prudent to increase the monetary allowance during the course of confrontation and that it might be considered when things improved in terms of our internal conditions. But now it would appear that the allowance of \$150 that is given is a kind of barter treatment (*Laughter*). It is supposed to be in place of the "B" pass given to the Members of Parliament. The Government has decided to withdraw the "B" pass and, in substitution therefor, this \$150 is given, and correspondingly the Honourable Minister has just now stated that the privileged gentlemen, who are referred to in paragraph 6, namely, the Ministers, the Assistant Ministers, the Parliamentary Secretaries and the Political Secretaries, would not be getting this \$150 and for that reason they would be allowed to retain their "B" pass with one deletion, namely the "B" pass which allowed persons to travel on the authority of members: less that privilege, the "B" pass is to be retained by the categories of persons

mentioned in paragraph 6. But what perturbs me is that these Honourable gentlemen should have the most pleasant and pleasurable company of their wives when such company is denied to the other Members of Parliament (*Applause*). After all, no one is going to say that the wife is coming on Parliamentary business. If the Minister, if the Political Secretary, if the Parliamentary Secretary, wants the privilege of the company of his wife in coming to the Federal Capital, or in the course of his parliamentary business in travelling to other parts, this privilege without discrimination should be accorded to Members of Parliament as well (*Applause*). I can understand about other persons being excluded, but, to exclude a wife, I should like to inform the Honourable gentleman there that I think this is a discrimination that is not fair at all—I am not suggesting by way of implication that by the withdrawal of this that the other Members of Parliament should seek company elsewhere (*Laughter*). Therefore, I agree that whether it is in one pass, or whether it is in two passes, the Members of Parliament should have the privilege of the company of their wives, and the wives should be included.

About two weeks ago, I happened to pass through India, and I was having a discussion with a Member of Parliament, and he did tell me that he and his wife could travel first class to any part of India. Even in a poor country, which is having foreign exchange troubles much more than we have, this privilege has not been withdrawn, and I think the Assistant Minister will agree with me that our conditions are more favourable to continue extending this privilege.

The “B” Pass, which allowed the Members to authorise others to go on parliamentary business, admittedly, has been quite an embarrassing one to Members of Parliament themselves. In fact, many of us were often finding difficulty in exercising that privilege, and I do not think any Honourable Member would feel sorry that it is being withdrawn, because certainly a

ground for embarrassment is removed and to that extent we welcome that; but as for the wife, I say, she must accompany the husband (*Applause*).

Tan Sri Haji Mohamed Noah bin Omar: Tuan Yang di-Pertua, saya sokong-lah sa-kuat²-nya atas fasal apa yang di-chakapkan oleh saudara saya baru² ini.

Sa-lain daripada itu, ada satu perkara yang saya hendak tanya kepada Menteri yang berkenaan. Sa-tahu saya Yang di-Pertua Dewan Negara, dan Yang di-Pertua Dewan Ra'ayat ada dua pas juga, sebab saya ingat dahulu pun sa-masa saya menjadi Speaker, saya dapat dua pas juga tetapi kenapa tidak di-tarek juga pas ini daripada Yang di-Pertua Dewan Negara, Dewan Ra'ayat; hanya-lah yang di-beri-nya kepada Menteri², Menteri² Muda, Setia-usaha² Parlimen dan Setia-usaha² Politik, tetapi dua ini yang nampak-nya macham sa-olah sifat-nya macham Ahli² kebanyakan juga, macham Ahli² Parlimen, di-tarek juga. Ada-kah begitu kehendak-nya? Kalau begitu saya tidak sokong-lah. Sa-patut-nya sabagai ketua kita Dewan Negara, Yang di-Pertua kita patut-lah dia ada “A” dan “B”. Taraf dia kalau kita tahu lebih tinggi daripada Menteri² yang ada, tolak-lah Perdana Menteri dan Timbalan-nya dan juga demikian juga Yang di-Pertua Dewan Ra'ayat.

Dato' Sheikh Abu Bakar bin Yahya: Yang Berhormat Dato' Yang di-Pertua, saya sangat-lah bersetuju seperti lafadz yang telah di-butirkan oleh Yang Berhormat² di-sabelah sana itu tadi ia itu patut-lah pas² yang telah di-tarek itu di-gantikan dengan “A” Pas, tetapi hendak-lah mengikut sa-bagaimana kata Yang Berhormat tadi, pas bagi suami dan isteri, tetapi pada fikiran saya juga, Yang Berhormat Dato' Yang di-Pertua, suami dan isteri itu ada-lah jika kita benarkan—Government membenarkan ada-lah sedikit merbahaya-nya kerana jika kita benarkan demikian itu, hendak-lah di-chatitkan di-dalam pas itu isteri yang benar (*Ketawa*) in other words, Sir, legal wife, kalau tidak, Yang Berhormat Dato' Yang di-Pertua,

akan menjadi complication kemudian daripada masa yang akan datang. Terima kasih.

Tuan Lim Hee Hong: Dato' President, Sir, I am at a loss to understand what is the motive of the Government, or the Cabinet, in deciding to withdraw the second pass. I do not know the reason. Is it due to abuse?

Firstly, I think to get an allowance of \$150 is economically not beneficial. I do not think that my wife travels more than once in three months, but I would rather have the privilege of having a pass for the wife than to have \$150, although I should save probably \$100 a month. Thank you, Sir.

Dato' Foo See Moi: Mr President, Sir, I would like to ask for a little clarification. I would like to ask the Minister whether the withdrawal of the second pass will make any difference at all in reducing the expenditure of the Government because, as I understand, the Railway belongs to the Government. The wives of Members, or any other persons authorised by Members, from now on, will not have the privilege of travelling free by Railway. I do not see that it makes any differences at all because, if any expenditure is incurred, the Government has to pay to the Railways. It is just taking money from one pocket and putting it in another.

Tuan Chan Keong Hon: Mr President, Sir, it is amusing to hear so many remarks about the withdrawal of the "B" Pass, and I would also like to support the proposal by my Honourable friend, Tuan Athi Nahappan, that the wife should be given the privilege to go with the husband under Pass "A". However, there arises one suspicion—how can we check whether the wife is really accompanying the Honourable Member? I do not mean our Malay Members, because, according to their religion, they are entitled to have more than one wife, but in the case of non-Malays, I am sure no one can have more than one under the law. Therefore, it is quite uncertain for us to include this privilege unless Members themselves do not abuse it. I do

not imply anyone here, but there is a possibility, as we know the withdrawal of "B" pass is to check abuse which had taken place so often before.

Nik Hassan bin Haji Nik Yahya: Dato' Yang di-Pertua, saya nampak kita telah berbinchang panjang berkenaan dengan usul ini. Pada saya, saya nampak tidak ada sebab isteri Ahli Yang Berhormat kita ini dibenarkan berjalan bersama Ahli Yang Berhormat, kerana isteri ini telah pun masuk dalam undang² memberi keutamaan tentang perbuatan dan sebagainya. Jadi, walau sa-kira-nya keutamaan² lain itu boleh di-beri kepada isteri, kenapa Kerajaan tidak dapat memberi keutamaan dalam perjalanan, mithal-nya kalau sa-kira-nya Parlimen ini mengadakan satu jamuan yang besar yang terpaksa di-jemput isteri sa-kali dengan Ahli Parlimen, maka kalau kita hendak bawa isteri, taroh isteri Nombor 3, Ahli Parlimen dudok Nombor 1. Ini gaduh besar antara Ahli Parlimen dengan isteri dia. Jadi, saya rasa ini tidak elok-lah satu sekatan yang di-beri kepada isteri ini. Pada hal-nya apabila kita menimbang di atas keutamaan Ahli Parlimen, isteri pun di-masokkan sama di-dalam hak² keutamaan yang lain².

Jadi, saya rasa baik-lah Dewan ini chuba memberi nasehat kepada Dewan Ra'ayat supaya Dewan Ra'ayat itu menimbang balek usul yang telah di-luluskan itu supaya dapat Ahli Dewan Ra'ayat yang lebeh ramai ahli-nya itu menimbang dengan lebeh chermat lagi di-atas usul yang telah di-luluskan itu supaya isteri² termasuk-lah Ahli Dewan Ra'ayat sendiri akan berhak keutamaan-nya sama sa-bagaimana isteri Ahli Dewan Negara ini. Jadi, itu-lah sahaja saya sokong chadangan daripada Enche' Samad yang telah pun di-sokong oleh Dato' Athi Nahappan kita, itu-lah sahaja.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, ada beberapa pertanyaan yang telah di-buat oleh Ahli² Yang Berhormat tadi dan saya suka-lah menjawab-nya satu dua perkara yang saya rasa molek juga dijawab, ia-itu satu pertanyaan berkenaan dengan perjalanan dengan

kereta—motor car. Ini tidak ada disentuh oleh kerana perjalanan dengan motor car itu ada-lah di-benarkan dalam undang² yang asal ia-itu Travel by Road, bab yang ke-tujuh dalam Schedule di-mana ada di-sebut dia berhak mendapat mileage bagi perjalanan dengan jalan motor car seperti biasa sekarang.

Ada yang menchadangkan supaya isteri juga di-beri privilege ini, akan tetapi perkara ini telah di-kajikan dengan sa-dalam²-nya dan sa-masak²-nya dan di-dapati ia-itu wang yang sa-banyak \$150 yang kita bagi ini untuk menggantikan Pas B tidak dapat-kah di-pinda dan tidak dapat-lah kita menerima ia-itu rayuan daripada Ahli² Dewan Negara ini supaya di-bawa, di-benarkan isteri² dan di-bagi satu pas yang lain kepada isteri. Memang-lah isteri itu ada dapat satu pas kepada Menteri² tetapi perbedzaan-nya lain, ia-itu Wakil² Ra'ayat jikalau dia kasa-ka-sini, kita hendak dia buat kerja dan saya rasa tidak mustahak bagi mereka itu membawa isteri-nya dan kerana jikalau kita memberi keadaan yang lama terus berjalan ini akan menambahkan perbelanjaan yang ada sekarang.

Jadi, lagi satu dalam perhitungan kita perbelanjaan di-antara mengurangkan pas ia-itu di-tarek balek Pas "B" ini ada-lah sama lebih kurang dengan perbelanjaan yang kita bagi \$150 itu pada tiap² Wakil Ra'ayat. Tadi ada sa-orang Ahli Yang Berhormat yang mengatakan bayaran kepada keretapi ada-lah sa-rupa juga ambil daripada poket kanan masuk poket kiri. Ini pada masa sekarang ini boleh jadi bagitu, akan tetapi dia itu ada kira² lain. Dan sa-bagaimana dalam satu meshuarat Dewan Senate—Dewan Negara ini pada minggu yang lepas, ada sa-orang Ahli Yang bertanya chadangan supaya keretapi ini di-jadikan satu corporation. Jadi, perkara itu belum di-selesaikan. Jadi, jikalau ada satu² perubahan, jadi tidak payah-lah lagi kita adakan pindaan.

Ada juga pertanyaan yang mengatakan ia-itu patut-lah Tuan Yang di-Pertua sendiri dapat privilege yang sama, tetapi dalam perkara ini, kerja

Menteri² dan Ahli², Setia-usaha² Politik dan Setia-usaha² Parlimen ada-lah berlainan daripada Tuan Yang di-Pertua sendiri. Menteri², Setia-usaha² Politik dan Setia-usaha² Parlimen dia terpaksa pergi dan meninjau seluruh Malaysia ini, menjalankan tugas. Inilah sebab-nya dia berkehendakkan pas dan privilege yang seperti biasa dan di-fikirkan memadai-lah jikalau Tuan Yang di-Pertua bagi Dewan ini hanya mengadakan pas dan elaun sa-bagai Wakil² Parlimen dan Ahli² Dewan Negara yang lain itu.

Ada juga Wakil² Ra'ayat dan wakil² daripada Senate ia-itu Dewan Negara ini yang sunggoh² merayu supaya isteri mereka itu dapat di-bawa bersama². Tetapi ada juga yang menchadangkan supaya di-tentukan isteri yang mana—isteri yang satu, atau yang kedua, yang sah yang tidak sah. Jadi, saya rasa, ini susah sedikit bagi orang keretapi ini hendak tahu yang mana yang sah. Surat Kahwin tidak bawa sama. Jadi, mana tahu yang mana yang sah dan yang tidak sah. Jadi, perkara ini saya fikir tidak dapat-lah di-terima oleh Kerajaan, kerana sa-bagaimana saya katakan tadi kalau-lah di-beri privilege yang sa-umpama ini perbelanjaan Kerajaan pada masa sekarang ini tidak dapat-lah mengizinkan.

Sa-orang Ahli Yang Berhormat tadi telah mengatakan pada pendapat-nya ia-itu ada telah di-nyatakan kepada satu masa dahulu, ia-itu apabila confrontation ini tamat, elaun bagi Ahli² Parlimen harus di-timbangkan sa-mula, tetapi itu hanya di-timbangkan sa-mula untuk keadaan masa, jika masa dan keadaan kewangan mengizinkan harus-lah kita naikkan, tetapi timbang sa-mula ini sama ada di-naikkan atau pun di-turunkan, nasib baik kita tidak turunkan, Tuan Yang di-Pertua. Kita biarkan wang itu sa-banyak itu juga, bahkan kita tambah \$150 ganti teket keretapi "B" itu. Sakian-lah sahaja.

Tuan Amaluddin bin Darus: Tuan Yang di-Pertua, saya bangun tidak berniat untuk membangkang usul ini, tetapi hanya untuk menambahkan lagi apa yang telah saya dengar beberapa pembicara² sa-belum saya tadi dalam menyokong usul ini, dengan

memberi perhatian terhadap dua perkara ia-itu seperti yang di-majukan oleh Yang Berhormat Tan Sri Haji Mohamed Noah tentang perhatian terhadap taraf Yang di-Pertua Dewan Negara dan Yang di-Pertua Dewan Ra'ayat, dan yang kedua kapada apa yang di-harapkan oleh sa-bahagian besar yang berchakap dari Ahli² Dewan ini ia-itu hak bagi sa-orang isteri bersama² suami-nya mendapat kehormatan seperti yang di-amalkan oleh mana² negeri yang bertamaddun.

Saya tidak ingin, Tuan Yang di-Pertua, untuk memberi banyak alasan, kerana alasan² yang telah di-kemukakan tadi sudah chukup dan saya tidak pula berchadang untuk menentang usul ini supaya di-lewatkan, tetapi apa yang saya harapkan supaya perkara yang di-bangkitkan oleh Ahli² Dewan ini di-bawa kembali kapada Privilege Committee dan terus kapada Kabinet supaya di-timbangan kembali.

Ada pun berkenaan dengan kewangan, Tuan Yang di-Pertua, saya tidak mahu membuat telahan² panjang dalam perkara tambahan elaun \$150 yang di-katakan elaun perjalanan yang bagaimana sa-kali pun ada-lah menguntongkan Kerajaan, kerana jumlah yang di-bayar oleh Kerajaan atau Jabatan Parlimen pada tiap² tahun kerana ada-nya Pas "B" itu telah jauh melebihi daripada apa yang di-chadangkan untuk di-bayar \$150 kapada pass perjalanan. Pada hakikat-nya, Tuan Yang di-Pertua, ada-nya Pas "B" memang-lah biasa di-amalkan, erti-nya sa-orang Member of Parlimen berhak memberi authority kapada sa-saorang yang di-fikirkan menasabah bagi menjalankan sa-suatu tugas mengenai Parlimen untuk memungut documents mithal-nya yang perlu dan penting supaya dapat di-kemukakan dalam Parlimen bagi kepentingan ra'ayat dan negara. Akan tetapi, tidak-lah satu perkara yang tersembunyi pula bagi kita di-negeri kita ini ada amalan² salah guna yang menyebabkan timbul sungutan² Ahli² Dewan Ra'ayat sendiri pun yang mengatakan dia sampai tidak dapat tidor, pagi² lagi sudah ada orang mengetok pintu kerana hendak pas keretapi—itu membuktikan, erti-nya ada penggunaan² yang di-luar daripada perkara

yang di-kehendaki bagi kepentingan negara dan ra'ayat negeri ini. Yang demikian sementara kita adakan civic course bagi semua ra'ayat negeri ini termasuk Anggota Parlimen elok benar di-tarek balek Pas "B" itu, tetapi saya ulangi sa-kali lagi bahawa patut Privilege Committee di-beri peluang menimbangan tentang hak isteri menggunakan pas ini bersama², erti-nya suami dan isteri atau isteri dan suami bagi tiap² Member dan juga di-kaji sa-mula hak Yang di-Pertua Dewan Negara dan isteri-nya dan hak Yang di-Pertua Dewan Ra'ayat dan isteri-nya.

Tan Sri G. Shelley: Mr President, Sir, I support the amendment to the motion before the House. This amendment comes in the form of a motion and, by coincidence only, it follows the same wording as the motion moved in the House of Representatives. But there is no reason why the Senate should toe the line with the House of Representatives. That is their motion and this is our own motion (*Applause*). There is a precedent to this: when Members of the Lower House gave themselves an increase in their allowance, we did not follow suit; they got an increased allowance, but we got a lesser allowance. So, I do not see any objection to this House standing on its own feet and moving this amendment to the motion that is before the House. I support the amendment to amend the motion.

Tuan Abdul Samad bin Osman: Tuan Yang di-Pertua, saya suka menjelaskan bahawa saya telah membawa pindaan dalam usul ini yang berbunyi: "Ia-itu satu pas yang tinggal itu di-chatitkan nama untuk kegunaan suami dan isteri."

Dato' Athi Nahappan: Sir, I beg to second the amendment.

Dato' Dr Cheah Toon Lok: Mr President, Sir, with your kind permission, may I speak again, because I was asking for a clarification just now (*Laughter*).

Now, I am speaking from a different point of view. We say that Malaysia is an independent country; we say that

we are a free country, and we say that everyone is equal irrespective of race, colour, creed or sex; but here, in this very House, we are going to discriminate between a man and a woman. Where is that equality propounded by our Constitution? Where do our womenfolks stand? Are we going to put them in a lower status than men in this country when we are supposed to be a civilised nation? Are we, in fact, a civilised nation to treat our womenfolks in that way? When we want them, we invite them to functions; when we do not want them, we kick them out of functions. Are we a civilised nation? Even our President in this House and the Speaker in the Lower House have not got the right to bring their wives by rail. It is the social inequality of treatment that we object to. It is not because we want the pass or we want the \$150—it is not and that is besides the point. The principle stands very clear: that there is no social equality and that principle of equality must be upheld by any civilised nation. A nation that does not respect its womenfolks is uncivilised, and on that point of view, I wish to support this amendment that has been moved and oppose the motion that is presented to this House.

Tan Sri Haji Mohamed Noah bin Omar: Tuan Yang di-Pertua, untuk penjelasan sahaja. Saya ada membawa satu pindaan tadi dan pindaan saya itu sudah di-sokong orang ramai, patut-nya kalau ada dua pindaan, pindaan yang akhir itu kita undi dahulu. Pindaan saya bagini: pada Fasal 5. Ahli² dalam breket itu sa-lain daripada, saya tambah kalimah-nya: “Yang di-Pertua Dewan Negara dan Yang di-Pertua Dewan Ra’ayat,” kemudian baharu datang Menteri², Menteri² Muda dan lain²-nya. Itu saya punya pindaan dan pindaan ini sudah di-sokong.

Mr President: Mengikut Standing Order 31 pindaan² hendak-lah di-buat dengan tulisan.

Tan Sri Haji Mohamed Noah bin Omar: Tetapi, Tuan Yang di-Pertua boleh membenarkan dengan tidak payah di-buat dengan surat; lagi dengan sebab pendek pindaan itu.

Mr President: Saya minta dua² sa-kali di-tulis.

Dato’ J. E. S. Crawford: Dato’ President, Sir, I do not intend to give another speech on what is going on, but I wish purely to ask for a clarification from the Honourable Minister. He stated, as far as I could understand him, that it is all right about the mileage allowance—it was in the Section which he read out—but I think that Sections 5 and 6 of the old Parliament (Members’ Remuneration) Act have been repealed and the new ones inserted therefor. So, I do not think mileage allowance for travel by car is permitted now.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, sa-ratus lima puluh ringgit yang di-berikan ini adalah untuk menggantikan Pass “B” itu, dan tidak ada perbedzaan di-antara tentang mileage.

Mr President: Pindaan yang pertama boleh-kah tolong tuliskan?

Dato’ Y. T. Lee: May I move that we have a recess of 10 minutes.

Dato’ Dr Cheah Toon Lok: Sir, I beg to second the motion.

Mr President: The sitting is suspended for 10 minutes.

Sitting suspended at 10.05 a.m.

Sitting resumed at 10.30 a.m.

(Mr President in the Chair)

Debate resumed.

Mr President: Sambongan perbahathan atas usul di-hadapan Majlis ini, ia-itu Yang Berhormat Tan Sri Haji Mohamed Noah telah mengemukakan pindaan—saya minta dia mengemukakan.

Tan Sri Haji Mohamed Noah: Tuan Yang di-Pertua, saya kemukakan satu pindaan di-atas usul yang ada di-hadapan Majlis ini, dan pindaan yang bertulis telah saya serahkan kepada Yang di-Pertua Majlis sendiri. Saya harap dapat Tuan Yang di-Pertua sendiri membachakan pindaan itu kepada Majlis ini.

Tuan Saidon bin Kechut: Tuan Yang di-Pertua saya menyokong.

Tuan Abdul Samad bin Osman: Tuan Yang di-Pertua, saya kemukakan satu pindaan lagi di-atas usul yang ada di-hadapan Majlis ini—pindaan itu berbunyi seperti berikut (dalam bahasa Inggeris):

"In item 6 (1) delete the words, "other members shall be supplied with one free railway pass (first class including sleeper) for their own personal use", and insert the words "other members shall be supplied with one free railway pass each (first class including sleeper) for own personal use and for the use of his wife".

Dato' Athi Nahappan: Tuan Yang di-Pertua, saya menyokong.

Mr President: Ahli² Yang Berhormat, soal di-hadapan Persidangan Majlis Meshuarat ini ia-lah pindaan daripada Yang Berhormat Tan Sri Haji Mohamed Noah supaya usul yang asal itu di-pinda seperti berikut (dalam bahasa Inggeris):

"(1) In item 5, between the words "than" and "Ministers" in the first line, insert the words "President of the Senate, Speaker of the House of Representatives." In item 6 (1) immediately before the word "Members" in the first line insert the words "President of the Senate, Speaker of the House of Representatives".;

dan pindaan yang kedua di-kemukan oleh Tuan Abdul Samad bin Osman supaya usul yang asal di-pinda seperti (dalam bahasa Inggeris):

(2) In item 6 (1) delete the words "other members shall be supplied with one free railway pass (first class including sleeper) for their own personal use.", and insert instead the words, "other members shall be supplied with one free railway pass each (first class including sleeper) for his own personal use and for the use of his wife."

terbuka bagi di-bahath oleh Ahli² Yang Berhormat.

Dato' J. E. S. Crawford: Mr President, Sir, may I suggest that the motion be withdrawn and the Minister be asked to convey the feeling of this House to the Government rather than alter the motion which has already been proposed by Dato' Y. T. Lee and seconded by myself, which is the same as passed by the Lower House. I think it is the proper procedure, Sir, if this House does not make any amendment to that motion but asks the Minister to

draw the attention of the Government to the feeling of this House, thereby obtaining the alteration required. Thank you, Sir.

Tan Sri Haji Mohamed Noah: Tuan Yang di-Pertua, saya chuma hendak menerangkan ia-itu Yang Berhormat yang baharu berchakap ini tidak membahathkan pindaan yang ada di-hadapan Majlis ini. Sekarang kita dalam masa membahathkan pindaan yang saya bawa—tidak lain daripada itu yang boleh di-perchakapkan.

Dato' Sheikh Abu Bakar: Mr President, Sir, before we debate the amendment to the motion, I would like to be informed whether the President of the Senate and the Speaker of the House of Representatives fall under the Members' Remuneration Act, 1960. So far as my knowledge goes, the President of the Senate and also the Speaker of the House of Representatives fall under a different Act altogether. Therefore, if you want to amend the motion, then is it not necessary for us to say that there should be a different motion altogether and not under this motion? I would like an answer to that, Sir.

Dato' Athi Nahappan: On a point of clarification and subject to any correction that the Minister may want to make, so far as this motion is concerned, it comes under the Parliament (Members' Remuneration) Act, 1960, and it comes by way of an alteration to be made to the Schedule to that Act. This Act provides for privileges to be accorded to the Members. In so far as the privileges are concerned, the privileges should also extend to the Honourable Mr President as well as the Honourable Mr Speaker concerned, though their appointments come under the Constitution. So far as I know, there is no separate Act touching upon the question of the appointment of the Honourable Mr President or the Honourable Mr Speaker of the respective Houses but, in so far as the privileges are concerned, I can only think of this Act and under this Act only privileges of this nature can be considered; and the Honourable Mr President as well as the Honourable Mr Speaker form part of the respective Houses. As such,

I do not think that there are any separate Acts touching upon the Honourable Mr President as well as the Honourable Mr Speaker.

Dato' Sheikh Abu Bakar: What I would like to be informed, Sir, is whether our grounds are proper. Otherwise, if we allow this motion to be passed, then it must be sent back to the House of Representatives, which will take another two or three months to meet.

Dato' E. E. C. Thuraisingham: Mr President, Sir, on the question raised by my Honourable friend Dato' Sheikh Abu Bakar, I do not think the amendment proposed by Tan Sri Haji Mohamed Noah is offensive because Ministers, who are also appointed under the Constitution, are mentioned in this very Schedule which my friend wishes to amend.

Tuan Yeoh Kian Teik: Mr President, Sir, in supporting the Honourable Dato' Sheikh Abu Bakar, I would like to add to what he has said. Ministers and Assistant Ministers are elected members of the House—they are not appointed members.

Dato' Dr Cheah Toon Lok: Mr President, Sir, may I draw the attention of this House to Section 57 of the Constitution? It reads as follows:

"The House of Representatives shall from time to time choose one of its members to be Yang di-Pertua Dewan Ra'ayat (Speaker) and one to be Deputy Speaker, and shall transact no business while the office of Speaker is vacant other than the election of a Speaker."

Therefore, he is a member of the House before he could be elected. Therefore it comes under this Act.

Dato' J. E. S. Crawford: On a point of clarification, Sir, I think the Honourable Dato' Doctor is out of date, because the Speaker is not a Member of the House. The Honourable Mr Speaker is not an elected member of the House now, Sir. It is an amended amendment to the Constitution.

Mr President: But the President is a Member of the Senate!

Dato' J. E. S. Crawford: I mentioned about Mr Speaker, but you, Mr President, Sir, are a Member! (*Laughter*).

Dato' Dr Cheah Toon Lok: Sir, as a matter of clarification, I want to see that amendment.

Mr President: You support the amendment?

Dato' Dr Cheah Toon Lok: I want to have proof of the amendment to the Constitution.

Dato' J. E. S. Crawford: May I ask the Honourable Member, Sir, to think of the Constituency that the Dato' Bendahara, the Honourable Mr Speaker, stands for, because I do not think he will think of it. Therefore, Dato' Bendahara is not an elected Member of the Dewan Ra'ayat.

Mr President: Jika tidak ada Ahli² yang lain hendak berchakap saya akan kemukakan pindaan yang di-kemukakan oleh Yang Berhormat Tan Sri Haji Mohamed Noah: pindaan itu berbunyi demikian (dalam bahasa Inggeris):

In item 5, between the words "than" and "Ministers" in the first line, insert the words "President of the Senate, Speaker of the House of Representatives".

In item 6 (1), immediately before the word "Members" in the first line insert the words "President of the Senate, Speaker of the House of Representatives."

Amendment put, and agreed to. (*Applause*)

Mr President: Ada-lah satu lagi pindaan yang di-kemukakan oleh Yang Berhormat Tuan Abdul Samad bin Osman yang berbunyi demikian (dalam bahasa Inggeris):

In item 6 (1), delete the words "Other members shall be supplied with one free railway pass (first class including sleeper) for their own personal use." and insert instead the words "Other members shall be supplied with one free railway pass each (first class including sleeper) for his own personal use and for the use of his wife."

Dato' J. E. S. Crawford: Mr President, Sir, I rise once again to suggest that this amendment be withdrawn and the Minister be asked to take the feelings of the House to the Government and, I think, it should be solved that way rather than altering the form of the motion already made. Thank you.

Mr President: Jika tidak ada Ahli Yang Berhormat yang hendak berchakap saya akan kemukakan pindaan Enche' Abdul Samad bin Osman dan di-sokong oleh Dato' Athi Nahappan.

Tuan Abdul Samad bin Osman: Tuan Yang di-Pertua, saya telah berbath dengan kawan saya ini. Jadi kami suka-lah untuk menjagakan meruah Menteri² itu, pendek-nya, kami suka-lah diri-nya ini kalau sa-kira-nya, d'a perchaya barang itu mereka akan bawa balek ka-Dewan Ra'ayat menimbang sa-mula atas perkara itu pun kami terima.

Mr President: Ada-kah awak hendak menarek balek?

Tan Sri Haji Mohamed Noah: Saya suka hendak ambil tahu bagaimana kedudukan yang membawa pindaan ini. Dia sudah membawa satu pindaan atas usul yang ada di-hadapan kita. Sekarang dia berchakap dia bersetuju mengshorkan pindaan lain. Ada-kah dia hendak menarek pindaan dia yang ada itu? Pada hal pindaan itu atas nama dia sendiri.

Mr President: Itu-lah saya hendak bertanya pada dia ada-kah dia hendak menarek balek pindaan ini. Hendak tarek balek pindaan ini atau tidak? Enche' Samad t'dak menarek balek?

Tuan Abdul Samad bin Osman: Tidak.

Mr President: Sekarang saya kemukakan ia-itu pindaan ini yang telah saya bachakan tadi supaya di-persetujukan dan di-luluskan oleh Majlis Persidangan Meshuarat ini.

Amendment put, and agreed to.

Mr President: Sekarang kita berbalek kapada perbahathan usul yang mula² yang telah di-pinda ada-kah Ahli² yang lain hendak berchakap lagi? Saya akan kemukakan ia-itu usul yang asal yang telah di-pinda dengan dua pindaan yang di-kemukakan oleh Yang Berhormat Tan Sri Haji Mohd. Noah, yang kedua di-kemukakan oleh Tuan Abdul Samad Osman supaya di-luluskan bagaimana yang telah di-pinda.

Amended motion put, and agreed to.

Resolved,

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

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

Travelling Allowance: Members (other than President of the Senate, Speaker of the House of Representatives, Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries) shall be paid a sum of one hundred and fifty dollars per mensem.

(1) *Travel by Rail:* President of the Senate, Speaker of the House of Representatives, Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries shall be supplied with two free railway passes (first class including sleeper) one for use by the Member and the other for use by the wife or husband of the Member or by any person accompanying the Member. Other members shall be supplied with one free railway pass each (first class including sleeper) for his own personal use and for the use of his wife.

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

BILLS

THE KIDNAPPING (AMENDMENT) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled "An Act to amend the Kidnapping Act, 1961" be now read a second time.

Dato' J. E. S. Crawford: Sir, I beg to second the motion.

Dato' Y. T. Lee: Mr President, Sir, the Kidnapping Act was enacted in 1961 and since its introduction, it has been effective in discouraging the crime of kidnapping for ransom. However, from experience it has been found necessary to amend the Principal Act, as provided hereunder, in order to further facilitate detection and suppression of the offence of kidnapping. There is no provision whereby a vehicle used in the commission of the offence of kidnapping for ransom may be seized and forfeited. This is considered essential in the suppression of kidnapping and, by Clause 2, it is intended to insert a new section, 3 (a), in the Principal Act.

Clause 3 seeks to provide statutory presumptions requiring the Court to accept the finding of money or property or any proceeds thereof, which has been delivered as ransom, in the possession of a person, as presumptive evidence that such person had knowledge that such money or property was delivered as ransom.

One further change introduced by Clause 4 of the Bill is that it is proposed to authorise a Police officer to intercept any communication which is likely to contain any information relating to the payment of ransom and for such information to be admissible as evidence.

Tuan Amaluddin bin Darus: Tuan Yang di-Pertua, usul yang di-hadapan kita sekarang ini ia-lah mengenai pencholekan atau kidnapping yang dengan kali ini, kalau tidak salah ingatan saya, telah dua kali menghadapi pindaan. Saya sukachita hendak menyatakan, Tuan Yang di-Pertua, saya menyokong Rang Undang² ini mengenai butir² pindaan yang di-chadangkan oleh pehak Kerajaan, kerana saya perchaya kita, bagaimana pun dalam membuat undang² ini, terpaksa belajar daripada pengalaman. Oleh kerana pindaan yang lalu telah di-buat hanya menentukan dua perkara, maka timbul beberapa masaalah seperti orang² yang di-cholek telah terpaksa di-bayar oleh pehak keluarga, mithal-nya, di-luar pengetahuan orang yang kena cholek sendiri dan ini tidak ada dalam pindaan yang lalu. Bagitu juga tidak ada pindaan mengenai kenderaan² yang di-gunakan oleh pehak pencholek boleh di-rampas dan sa-bagai-nya, maka sebab itu-lah saya menyatakan saya menyokong kerana hasil daripada pengalaman kita yang lalu patut pindaan² yang seperti ini di-kemukakan dan di-jadikan undang².

Tetapi dalam masaalah ini, Tuan Yang di-Pertua, saya meminta izin untuk memperkatakan satu perkara yang mengenai masaalah kidnapping atau pencholekan yang maseh terus berlaku di-dalam tanah ayer kita ini, ia-itu saya perchaya Kementerian Keselamatan Dalam Negeri akan sa-pendapat dengan saya bahawa sa-siapa

yang gemar atau suka melakukan kegiatan pencholekan terhadap orang² kaya bagi mendapat ransom atau wang tebusan tidak lain daripada mereka yang terkumpul dari gulongan² yang berkeliaran dalam negeri kita ini. Oleh kerana itu, Tuan Yang di-Pertua, soal yang pertama yang kita hadapi tidaklah sa-kadar mengadakan undang² yang seperti ini yang kita telah faham apabila kita membuat pindaan pada masa yang lalu ia-itu sa-siapa yang di-cholek dan membayar ransom dia boleh di-hukum. Akan tetapi, bila di-bawa kamahkamah dia mengatakan without my knowledge—di-luar pengetahuan saya—dan terpaksa pula kita membawa pindaan yang seperti ini pula. Jadi soal yang besar dan penting bagi negara lebeh daripada undang² ini sendiri ialah menghadapi kongsi² gelap atau pun gangsters.

Tuan Yang di-Pertua, saya perchaya semenjak sa-belum merdeka, negeri kita ini mempunyai badan penchegah terhadap gangsters yang sudah ada dalam negeri ini sejak ratusan tahun yang lalu dan sa-hingga sekarang ini kegiatan² mencheгах samsing² atau gangster ini, kalau keadaan maseh berlaku seperti sekarang ini, belum-lah dapat kita menerima bahawa kegiatan² itu telah dapat di-cheгах, atau dikurangkan malah kita dapat mengatakan dia itu bertambah subur dan bertambah merebak dalam negeri kita ini.

Oleh yang demikian, saya sukachita hendak menarek perhatian Dewan kita ini kapada masaalah yang terdapat dalam negara kita dari beberapa perkara yang Kerajaan patut bertanggungjawab untok memelihara keadaan yang burok dalam negeri ini dengan mencheгах, bukan mencheгах sa-chara langsung seperti yang sedang di-usahkan sekarang ini, mencheгах samsing² mengadakan kawalan² terhadap samsing², tetapi puncha² yang menyebabkan ada-nya samsing², puncha² yang mendapat pelajaran kapada gulongan yang menjadi samsing² dan gangsters dan puncha² yang menjadi tempat² persembunyan, tempat² hiburan, tempat² kesenangan bagi gulongan² yang

di-katakan samsing² ini patut sama diambil berat dan di-chegah oleh Kerajaan bagi meniadakan gulongan² samsing ini dengan banyak dan dengan sendiri-nya meniadakan criminal—kejahatan jenayah—saperti kidnapping dan sa-bagai-nya dalam negara kita ini.

Bagitu-lah harapan ra'ayat negeri ini, mengharapakan Kerajaan bertindak menchegeh segala puncha², segala lubang² yang boleh mendatangkan kejahatan, kerana kita perchaya dan Kerajaan tentu-lah sedar dalam perkara ini, sebab beberapa report atau Kertas Puteh yang pernah di-keluarkan oleh Kerajaan membayangkan betapa hebat-nya perjuangan ini dan dalam-nya banyak menchatitkan tentang kegiatan² samsing ini berlaku di-tempat² tari-menari, berlaku di-rumah² urut, berlaku di-tempat² berjudi dan sa-bagai-nya, maka di-sini-lah merupakan sarang² bagi gulongan² yang tidak mendapat pendidekan ini untuk memuaskan nafsu mereka itu dengan berjudi, dengan berurut, dengan menngurut, tari-menari, minuman² keras dan bagitu dan bagini dan di-samping itu pula memberi perlindungan atau di-minta memberi perlindungan dengan terpaksa oleh orang² yang mengelolakan perjudian, orang² yang mengelola tari-menari, orang² yang mengelola beberapa rupa kejahatan² yang merosakkan masharakat dalam negeri ini bagi keselamatan mereka, mereka meminta perlindungan gulongan samsing² ini, erti-nya membiak dan menghidupkan samsing² ini ia-lah oleh ada-nya kegiatan² yang tidak terkawal, tetapi kalau di-kawal pun dengan di-beri lesen, jadi di-sabalek itu pula terjadi segala angkara murka di-dalam negara kita ini.

Tentu-lah seluroh ra'ayat negeri ini mengharapakan keamanan yang sa-benar²-nya dalam negeri kita ini, tetapi chara berfikir yang di-tunjokkan oleh Perdana Menteri kita sa-bagai Ketua Kerajaan tidak menunjokkan kapada satu perubahan yang kita harap²kan kerana saperti apa yang telah di-jawab oleh Perdana Menteri kita dalam Dewan Ra'ayat baharu² ini kapada pertanyaan yang di-kemukakan oleh Yang Berhormat dari Batu

mengenai statement Perdana Menteri kita dalam majallah Reader's Digest, beliau menyebutkan bahawa itu adalah satu perkara "human activities", satu kegembiraan manusia, satu kegembiraan manusia yang patut juga orang lain ambil share.

Jadi, itu-lah benda² yang menyebabkan timbul kejahatan dan samsing dan itu-lah tempat² yang subur bagi kejahatan² ini menyebabkan ada-nya kidnapping kerana orang² itu mahu menchari wang dan bahagi²kan wang kemudian boleh berpuas hati dan memuaskan nafsu di-dalam negara kita yang penoh dengan segala aneka ragam yang memalukan kita kapada dunia luar apa-tah lagi mengingatkan Perdana Menteri kita sa-orang yang tua mengeluarkan perkataan² yang saperti budak² yang terlalu muda.

Jadi, Tuan Yang di-Pertua, saya harap Kerajaan mengambil perhatian dalam soal ini kerana untuk menchegeh kidnapping tidak-lah sahaja undang² ini, tetapi segala sumber² yang membawa ra'ayat kapada puncha kejahatan hendak-lah ikut di-chegah sama, baharu-lah kita dapat menguasai keadaan untuk kepentingan, keamanan dan keselamatan negara kita ini.

Tuan Yeoh Kian Teik: Mr President, Sir, I think every law abiding citizen will support any move by the Government to curb the incidence of crime and particularly kidnapping in this country. Therefore any move by the Government to such an end will have the support of all law abiding citizens. However, in its efforts to curb crime, I also believe that the Government should consider also the interests of the law abiding and respectable people of this country and should not put them to any inconvenience or hardship, which the new sub-section to Section 4 (1) may very well cause. The new sub-section reads as follows:

"For the purpose of sub-section (1), a person found to be in possession of any money or property or any proceeds thereof which has at any time....."

I repeat "at any time"—"been delivered as ransom shall, unless the contrary is proved, be deemed to have knowledge that such money or other property was delivered as such ransom".

What is the position under this new sub-section if I receive, say, \$100 in a \$100 note which was delivered five, ten or even twenty years ago as ransom? Then, it is up to me to prove that I have no knowledge that that money was paid in ransom, and I may be subjected to all the inconvenience, hardship and expense of having to prove my innocence. In that respect, I believe the Government should consider some other expedient than placing the onus of proof on the innocent recipient of any proceeds of any kidnapping case. Mr President, Sir, in other respects, I fully support the Bill.

Mr President: Any reply on behalf of the Government?

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, saya ucapkan banyak terima kasih di-atas sokongan yang telah di-beri oleh Ahli² Yang Berhormat Dewan ini. Satu masalaah yang di-bangkitkan oleh Ahli Yang Berhormat yang baharu berchakap tadi berkenaan dengan sa-kira-nya satu orang itu dengan tidak mengetahui ia-itu wang yang telah di-beri sa-bagai "ransom", atau penebusan terletak di-atas diri dia untuk menerangkan ia-itu dia tidak mengetahui sa-benar-nya wang itu ada-lah telah di-beri untuk tebusan, tetapi jikalau orang itu tidak bersalah, saya fikir tidak-lah menjadi satu perkara yang amat sulit untuk dia menerangkan, ia-itu Kerajaan tentu-lah ada bertimbang rasa tentang dalam perkara ini apabila menerima penerangan.

Dato' Dr Cheah Toon Lok: Mr President, Sir, I think the explanation is not satisfactory. I agree with the Honourable Senator Yeoh Kian Teik that as a result of this Enactment being passed, the words "at any time" may cause a person, who is found to have transferred a ransom to a kidnapper, 10 or 20 years later to be subjected to intimidation, and sometimes to the threat that unless he pays up the money he will be reported to the Government and be tried under the Prevention of Crimes Ordinance. Under the Prevention of Crimes Ordinance, as it stands today, the legal adviser representing the accused is not entitled

to question any witness brought up by the Police or the Prosecution. So, that is only one-sided justice, and this man may be subjected to corruption. Cases have occurred in which a person may be asked to pay \$10,000, \$20,000 or \$30,000; if he pays the money, then no case will be taken up against him; and if he does not pay, a case will be taken up against him. That has been found in many cases to be true. So, I think these words "at any time" should be amended to "at the time when the crime was committed"—not at any time—because if it goes on to such a long period, if the man becomes a millionaire later on, then he may be intimidated, viz, "If you do not pay half a million dollars to me. I will report you on what you have done so, so long ago". I think that is quite correct.

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 4:

Dato' Dr Cheah Toon Lok: May I suggest that Section 3 (2) be referred back for consideration?

Mr Chairman: You cannot propose an amendment without giving 24 hours notice!

Dato' Dr Cheah Toon Lok: May I make a suggestion, asking the Government to look into this matter—only a suggestion, not an amendment—and take note of the suggestion offered by the Honourable Senator Yeoh Kian Teik, in regard to the words "at any time?"

Question put, and agreed to.

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

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

THE PRISONS (AMENDMENT) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled "An Act to amend the Prisons Ordinance, 1952" be now read a second time.

Dato' Dr Cheah Toon Lok: Sir, I beg to second the motion.

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

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 3 inclusive ordered to stand part of the Bill.

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

THE PREVENTION OF CORRUPTION (AMENDMENT) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Prevention of Corruption Act, 1961" be now read a second time.

Dato' Dr Cheah Toon Lok: Sir, I beg to second the motion.

Dato' Y. T. Lee: Mr President, Sir, in order to provide for the more effectual prevention of corruption, the Government has constantly kept under review the existing set-up of the Anti-Corruption Agency as well as the existing relevant legislation. Consequently, it is decided that the Agency be reorganised providing, amongst other things, an increase by nearly 200 per cent of officers to staff the Agency. The reorganisation process is now underway. In the light of difficulties experienced both by the Legal and Police Departments connected with investigation and prosecution of corruption cases, it has also been found necessary to provide certain amendments to the existing legislation, namely, the Prevention of Corruption Act, 1961; and hence the Prevention of Corruption (Amendment) Bill which is now before this House.

The reasons for providing the amendments are already indicated in the Explanatory Statement in the Bill itself, but I would like to take this opportunity to stress a little bit more as to why the amendments are necessary.

Taking, first, Section 23 of the existing legislation, the Prevention of Corruption Act, 1961, this section provides for special powers of investigation given to a Police officer of or above the rank of Assistant Superintendent on the authority of the Public Prosecutor. These special powers are limited in scope, in that they relate only to the investigation by the Police officer so authorised into any bank account, share account, or purchase account of any person whom the Public Prosecutor considers has committed an

offence under the Act or under any prescribed offence. It is to be noted that the Public Prosecutor can only authorise these limited special powers when a written report has been made at a Police Station and when the Police have investigated and the Public Prosecutor has considered, from the evidence produced in the investigation papers, that an offence has been committed.

The new Section 23, which is in Clause 4 of the Bill, now provides the Public Prosecutor with general powers to authorise a senior Police officer to investigate into any allegation of corruption or when he is satisfied that there are reasonable grounds for suspecting that a corrupt offence has been committed by any person, even though no written report has been made at a Police station. This special authority given to the Public Prosecutor is, in fact, in addition to the authority of the Police to investigate as provided under the Criminal Procedure Code. I am sure Honourable Members of this House will agree that this is a great improvement on the existing legislation in that it provides a more effective and a wider measure to curb corrupt practices.

Again, Section 3 of the existing legislation limits the punishment of corruption to those who corruptly solicit, or receive, or corruptly give, or offer any gratification as an inducement to, or reward for, or on account of any member, officer or servant of a public body doing or forbearing to do, anything in respect of any matter or transaction in which the said public body is concerned.

It is now proposed to enlarge the scope by providing for the punishment of all those who are involved in corruption irrespective of whether the transaction was made on account of any person or any member, officer, or servant of a public body; hence Clause 2 of the Bill.

It is also proposed that the legal obligation to make a report of corruption or a promise of gratification be extended to Members of Parliament or

Members of a State Legislative Assembly. The present law limits this legal obligation to public officers only. Since the present legislation also covers offences relating to Members of Parliament or State Legislative Assembly, it is felt that the amendment is necessary; hence Clause 3 of the Bill, extending the legal obligation.

Lastly, Section 25 of the existing legislation gives the Public Prosecutor the power in the course of any investigation or proceedings into, or relating to, an offence under the Act or any prescribed offence by any person in the service of any public body to require such person to furnish information as is required in the list.

Clause 5 of the Bill extends the power of the Public Prosecutor to obtain information from any person in the course of investigation. With these amendments to the present law, it is expected that the difficulties experienced by the Legal and Police Departments connected with investigation and prosecution of corruption cases in the past, would be overcome and that the new law would be a more effective piece of legislation to prevent corruption.

Dato' Sheikh Abu Bakar: Honourable Dato' President, Sir, may I comment on this? I welcome the introduction of this Bill into this Honourable House by the Ministry concerned. However, Sir, I would humbly say, as I have always said in this Honourable House, that the submission of this Bill into this House was a little bit late—but, as I say again, it is better late than never.

The offence of corruption, or illegal gratification, as you call it legally, is a new kind of offence. It is, I think, about ninety years ago, or more, since we adopted the Indian Penal Code, and then the illegal gratification became an offence. But, Sir, still this offence of corruption continues in most of the countries in this world.

In the Lower House, Sir, a few days back, when this Bill was debated upon, the Honourable Members of the Alliance, as well as that of the

Opposition, praised the Bill, and I heartily agree with them. I would also concur on the fact, as they have stated down below, that in most cases, as we all know, only the small fish are caught in the net and prosecuted, but the big ones went merrily off. I would take the liberty, Sir, to suggest here, if I may, that in certain cases when the offence of corruption is established but cannot be proved satisfactorily in court, then the individual concerned in question should be divested of all his powers and positions in the service before he does serious damages to the administration. If I am not mistaken, Sir, this procedure has been taken and adopted by certain countries in the vicinity of Malaysia, and I believe that the procedure has been welcomed by the general public.

Finally, Sir, I praise our law officers who framed this Bill, especially section 4 of the Bill which empowers the Police Department to scrutinise the bank balance of any officer falling under suspicion, and I sincerely hope that we do not treat this Bill simply as a piece of paper without adequately dealing with those people who knowingly, and without any reason, flouted the law, Sir. Thank you.

Tuan Amaluddin bin Darus: Tuan Yang di-Pertua, saya bangun untuk menyatakan sokongan saya kepada Rang Undang² yang sedang di-bahathkan di-hadapan kita ini, akan tetapi pada dasar-nya ingin juga saya menyebutkan sa-patah dua berkenaan dengan maksud Kerajaan untuk menchegeh berlaku-nya rasuah dalam negara kita ini.

Sa-panjang yang dapat saya ingat, telah lama jabatan atau Bahagian Menchegeh Rasuah ini di-adakan dan sa-sudah merdeka jabatan ini di-kemaskan lagi dengan di-pinjamkan sa-orang pegawai dari luar negeri bagi mengetuai jabatan ini bawah Jabatan Kementerian Perdana Menteri, tetapi malang-nya pegawai yang mengetuai jabatan ini kemudian-nya berhenti dan kita telah menggantikan dengan sa-orang anak negeri dan tidak lama kemudian anak negeri ini juga telah

berhenti kemudian di-beri jawatan sa-bagai Setia-usaha Tetap Kementerian Dalam Negeri dan Keselamatan, dan khabar-nya daripada jawatan ini pun beliau akan berhenti juga.

Tuan Yang di-Pertua, tidak ada siapa pun yang tidak mengatakan bahawa rasuah ada-lah satu perbuatan yang paling buruk oleh kerana perbuatan ini di-lakukan oleh pegawai² Kerajaan yang telah di-bayar gaji-nya oleh ra'ayat bagi menjalankan khidmat kapada orang ramai, kemudian mereka mengambil kesempatan daripada jawatan mereka itu untuk mendapat tambahan² dan kadang² untuk mendapat sa-suatu saperti itu, mereka telah melakukan beberapa kesilapan, atau penyelewengan daripada dasar dan polisi Kerajaan sendiri. Pendek kata, rasuah boleh berlaku dalam zaman merdeka ini bukan sahaja pegawai² Kerajaan, boleh sampai kapada perengkat Ahli² Yang Berhormat, dan boleh sampai kapada perengkat Yang Berhormat² tinggi dan Yang Amat Berhormat.

Maka, Tuan Yang di-Pertua, sa-barang langkah Kerajaan untuk menchegeh perkara rasuah ini dari menjadi² dalam negara kita sudah tentulah di-aku²kan oleh sa-siapa pun juga bukan sahaja untuk kepentingan negara kita ini, tetapi image negara kita pun akan terpelihara jika wujud keadaan yang baik dalam negara kita ini tanpa sa-barang rasuah.

Kerajaan dalam usaha-nya yang saperti ini hendak-lah menanam lagi sa-dalam²-nya akan tanggung jawab sa-tiap orang² yang berkenaan saperti pegawai² terhadap negara ini supaya khidmat mereka kapada negara merupakan khidmat yang jujur dan untuk masa yang hadapan bagi generation, atau keturunan kita masa yang akan datang dari sekolah perkara² kejujuran kapada negara ini dan berkhidmat kapada bangsa dan negara ini sudah mesti di-tanam dengan sa-baik²-nya bagi kita melihat wujud-nya satu masyarakat dan keturunan kita akan datang dalam negara kita ini keadaan yang lebeh daripada yang telah terjadi pada masa kita ini.

Saya percaya, Tuan Yang di-Pertua, rasuah ini berlaku dalam perkara² kecil, daripada pegawai² kecil, yang di-gelar dalam istilah orang² di-luar Dewan kita ini ia-lah anak² ikan bilis dan itu dapat di-tangkap dan ada pula yang tidak dapat di-tangkap. Rasuah kecil² itu banyak berlaku di-perkatakan oleh driver² teksi, di-perkatakan oleh driver² van yang membawa ikan—itu semua-nya rasuah yang kecil di-sapanjang jalan. Tetapi, rasuah yang seperti ini hanya untuk sa-chawan kopi, ini boleh di-perbaiki untuk menjaga moral dan maruah pegawai² yang berkenaan dan perkara sa-macam ini tentu-lah akan hilang lambat laun. Tetapi, bagaimana sekali pun, rasuah kecil ini sungoh pun kecil tetapi bila banyak di-kumpul² jadi besar dan menyusahkan ra'ayat serta merosakkan nama baik negara itu sendiri. Apa-tah lagi rasuah yang besar² dan terang² merupakan pengkhianatan o'leh orang besar² yang di-amanahkan oleh negara dan ini-lah yang menyebabkan runto' negara kita dan berlaku kepinchangan dalam pentadbiran negara kita o'leh kerana rasuah yang besar².

Tetapi, apabila kita mengatakan rasuah yang besar² tentu-lah kita mesti membuktikan betapa rupa dan kebenaran yang kita katakan itu dan tidak-lah mesti di-buat dengan tuduhan² sa-mata². Barangkali dalam Dewan ini juga pehak Menteri akan menjawab, seperti di-dalam Dewan Ra'ayat, ia-itu pehak Kerajaan mahu bukti.

Saya pada hari ini, Tuan Yang di-Pertua, tidak hendak menudoh tetapi memperkatakan sa-chara umum sa-suatu yang di-ketahui bersama di-dalam negara kita ini. Tetapi, apa yang telah di-buktikan oleh Ahli wakil dari Batu dalam Dewan Ra'ayat satu perkara yang terpaksa di-katakan benar, kerana beliau sudah sedia untuk bertanggung jawab dan satu perkara yang terpaksa pehak Kerajaan meng-ucapkan terima kasih, tidak-lah berarti tidak ada yang lain² pula di-dalam negara kita ini yang tidak dapat di-chari oleh sa-buah jabatan yang telah di-be'anjakan wang tiap² tahun kepada

pegawai²-nya sa-hingga terbongkar perkara² yang besar di-dalam negara kita ini.

Mithal-nya, Tuan Yang di-Pertua, di-Indonesia satu contoh waktu Sukarno maseh menjadi dewa, sa-orang Menteri yang melakukan corrupt bagi kepentingan parti-nya, kata-nya untuk e'lection telah dapat di-berkas di-zaman Kerajaan yang di-pimpin oleh Mr Borhanudin Harahap daripada Parti Islam tetapi di-dalam mahkamah Sukarno mengirim orang-nya memanggil orang yang sedang di-tudoh itu di-dalam mahkamah, kerana ada urusan penting yang hendak di-bicara di-istana-nya dan di-rundingkan dengan beliau itu, erti-nya dia chuba mengachau, mengganggu perjalanan mahkamah kerana membela orang dia. Dan akhir²-nya timbul-lah segala sa-suatu yang di-Indonesia itu—di-bongkar berbagai² kejadian yang telah umum kita ketahui. Chuma, di-Malaya kita ini—di-tanah ayer kita ini tidak di-bongkar seperti itu dan tidak-lah sampai seperti itu.

Tetapi saya harap Kerajaan boleh berlaku lebeh baik, kalau sa-kira-nya sa-barang perkara yang dapat di-ketahui, di-ambil tindakan yang tegas bagi menchari, membongkar segala sa-suatu sa-hingga perkara itu terkeluar, sa-kali pun mengenai Menteri, maka sudah tentu-lah kesan-nya sangat baik bagi memusnahkan yang kecil², di-bawah yang besar² itu. Kalau sa-kira-nya kejadian² yang besar, kalau ada berlaku, bagi pehak kita, pehak Kerajaan mengambil sikap—kata-lah seperti Sukarno, tidak mesti memanggil Ruslan Abdul Ghani, Menteri-nya itu pergi ka-Istana sa-waktu mahkamah sedang bersidang. Tetapi, dengan meminta supaya di-diam²-kan-lah perkara itu mithal-nya, maka tentu-lah akan mengechewakan perjalanan perkhidmatan Jabatan Menchegeh Rasuah ini. Dan kalau Kerajaan boleh mengambil sikap yang tegas, sa-kira-nya ada, dengan tidak memikirkan kawan, akan tetapi memikirkan kebenaran dan kepentingan negara, saya percaya negara kita ini akan bertambah² baik di-masa hadapan. Tetapi kalau dasar kena di-awangan²—kena di-mata di-pichekkan,

kena di-perut di-kempiskan, sudah tentu-lah tidak boleh di-kawal keadaan-nya.

Tuan Yang di-Pertua, satu perkara lagi yang ingin saya sentoh dalam perkara menchegeh rasuah ini, hendak-nya Kerajaan bukan sahaja saperti biasa, memberi hadiah² kepada informer, kerana saya perchaya informer² itu selalu-nya mendapat hadiah, akan tetapi saksi² patut-lah juga di-timbang-kan, di-beri hadiah² apabila mereka sanggup menjadi saksi. Biasa-nya orang² dalam negeri kita ini, saperti Kerajaan—mithal-nya pehak Polis, dalam sa-hari dua ini pun bersungut dalam Kempen Keselamatan Jalan Raya, ia-itu tidak banyak orang yang sanggup ka-hadapan untuk menjadi saksi dalam perkara² kemalangan jalan raya. Saperti itu-lah juga dalam perkara² ini pun, kerana beberapa sebab—sebab² kepentingan diri, sebab² tidak mahu menyusahkan diri, sebab² dia akan di-tengking oleh loyar dalam mahkamah mithal-nya dan sa-bagai-nya lagi, menyebabkan orang mengelakkan diri daripada menjadi saksi. Sebab itu-lah saya katakan, ada lebeh baik di-timbangan oleh Kerajaan bagi menarek dan bagi menggemarkan orang² kita ini supaya mahu menjadi saksi, hendak-lah di-beri mereka itu pula hadiah² sagu hati dalam perkara menjadi saksi ini, terutama dalam case² tertentu saperti perkara rasuah ini.

Saya perchaya sa-kira-nya ada tawaran² sagu hati kepada orang² yang menjadi saksi dan tawaran itu lumaian, sudah tentu-lah ada orang yang berani ka-hadapan untuk menjadi saksi. Kalau sa-kira-nya kurang orang menjadi saksi, beberapa tangkapan yang dapat di-buat sampai ka-mahkamah boleh jadi di-buang case, sebab itu-lah kebiasaan. Ada pun kebenaran itu apabila ada kejujoran, tetapi kalau sa-kira-nya tidak ada kejujoran, tidak ada siapa yang mahu mengaku kesalahan melainkan dia akan menggunakan segala kebijaksanaan untuk mengelakkan diri-nya daripada kesalahan. Dan hakim hanya membuat pertimbangan berdasarkan hujjah² dan keterangan² penda'awa dan saksi², yang kemudian membuat keputusan. Jadi, Tuan Yang

di-Pertua, kita tidak boleh menyalahkan hakim, tetapi keadaan yang sa-benar-nya ada-lah dalam hati manusia sendiri apabila mereka tidak jujur mereka tidak bersedia untuk mengaku bagi mewujudkan kebenaran. Oleh yang demikian perlu-lah saksi² di-beri sagu hati dan di-beri bayaran bagi menarek perhatian ra'ayat, mahu menjadi saksi² bagi menghanchorkan satu perkara yang sangat besar erti-nya dalam negara kita ini, ia-itu rasuah yang bermaharaja-lela, yang menjadi² dalam negara kita ini. Sekian.

Dato' Dr Cheah Toon Lok: Mr President, Sir, although I rise to support this Bill there are certain aspects of this Bill which must be looked into.

First, why is this Bill necessary? I think this Bill is necessary because of the make up of the Malaysian society and of the method of administration of this country. Although it is necessary to prevent corruption, yet, if this Bill comes into effect, the corruption would be worse than before. Why? The first reason is that the person who gives the money will not give evidence against the person who receives the money. So, although both of them are there, you cannot get evidence to convict. The second reason is administration. Plans that have been sent to a Department for buildings, have been delayed from one month to six years. If a building has not been built within the six months, costs would have gone up but at the time when the plans are approved, the owner has not got the money to build the building. So, it is our administration which is at fault, because we have not streamlined the administration. We have not expedited the procedure, so that a citizen will get things done easily. It is not the fault of the citizen. If he asks for inducement or gives inducement to get things done quickly, it is for the good of the State that things should be done quickly and smoothly. Nobody wants to lose money over any project—neither the Government. But you must streamline first the administration, see your fault first, before you bring in an Ordinance to make the crime worse. Now there are certain traditions in

this country. When the Prime Minister's birthday comes, gifts are being given to him throughout the country, all sorts of gifts, because he is so popular. He is our saviour—we call him, "Farther of Merdeka". If he receives those gifts, surely he has committed a crime under this Ordinance, because he received the gifts, because the Prime Minister had promised them to bring Merdeka. That was a promise under this Bill—is that corruption? As a Member of Parliament—I don't promise—I say "I will try to do this for you," but that is also a promise—we would try to do.

Some accused comes down to me saying, "Sir, as a Member of Parliament, could you ask this thing to be done for me?" Sometimes, I go to relevant Department and ask for things to be done; and on my birthday they send me two or three cases of whisky which I never drink (*Laughter*). Well I have received a gratification, but I never drink the whisky and yet I have committed a crime under this Enactment. We would receive them owing to our tradition—our Chinese, our Malay, our Indian tradition, is not to refuse gifts (*Laughter*). You cannot refuse because of tradition. If you refuse gifts, you dishonour the man. You dishonour him. You say that he is not fit to give you a gift. This is our tradition. So during our birthday, during Chinese New Year Day, presents are being given to all the Ministers, to all Members of Parliament and to all our friends.

AN HONOURABLE MEMBER: Not to me! (*Laughter*).

Dato' Dr Cheah Toon Lok: To some of them, (*Laughter*) either in small quantities or big quantities. So under this Enactment, everybody is corrupted and you cannot prosecute them because under this you cannot find witness to prosecute them. That is why this Bill will not be effective. It is only merely on paper unless you can produce a Government that is effective enough to satisfy every wish of the citizens to make this country to improve on itself, to get the administration going on

really well. Sometimes a letter is being sent to a Department asking for some clarification, and it takes about six months, or a year before he gets a reply—but the letter may be important in regard to his property. Because of the time taken, he might have lost millions of dollars. Do you think a man will not be able to give a gratification of \$100,000 to save his millions? If he does not do it, he is not a human being—it is not human nature.

So, I think the proper thing is the make-up of the society. We have got to improve our Malaysian society. We have got to have a body, a cultural or a moral body to improve the way of thinking, not to follow the Joneses. You have a car; somebody else wants a bigger car, and so on and so on. Everybody wants money, and so the root of all these evils is the desire for money. I wish Parliament to look carefully over this matter, because extortion is made worse in that if there is evidence against you, then the enforcement agency comes to you and says, "You are liable to go for five years imprisonment; if you give me \$10,000, your file would be conveniently missing". Therefore, you induce extortion and you make it worse. May I ask the Government to look over this matter carefully and to find other ways of preventing corruption instead of bringing in Members of Parliament, Members of the State Assembly and members of the public bodies, making everybody a criminal. Everybody in this House becomes a criminal if he accepts a gift on New Year's Day or on his birthday, because some body might give him a gift, saying: "He has promised to do a thing for me and he has done it". "Dato' Crawford has promised to do something for me and he has done it".—So, he becomes a criminal. I do not think it is right in that way.

I think the Government has got to consider this Bill carefully because under Clause 3, paragraph (ii) it is stated, "gift, promise or offer", and a promise by a Member of Parliament to do a thing for his constituency is also a crime, is corruption. Sir, I think

if Members of Parliament do not promise anything, they will never be elected to this House. Usually we make a promise to our constituency; we promise to instal piped water; we promise to get them lights; we promise to build up roads and bridges; we promise so many things to the voters in our constituency so that we can be voted into this House. So, if we make those promises, we are criminals under this Act. All of us, all Members of Parliament, are criminals under this Act. I think it is wise for Government to think carefully before they bring up any legislation in this House which incriminates Members of Parliament, members of the public bodies, members of the Legislative Assemblies, members of the Police and members of the Administrative Service too. You want a good Administrative Service. If you do not give them proper treatment, proper facilities, proper wages, how do you expect to have a good Administrative Service? You can never expect it. You under-pay them, under-feed them, under-house them, what do you expect? Surely, you cannot expect a good service. The Government must have a good Administrative Service and our public servants must be properly looked after. They must have proper time of work, and proper time for relaxation; and they must have proper housing, proper medical facilities to make them fit for public service. If you do not provide for all these, for ever there will be corruption in this country. I hope, Sir, the Government will look carefully into this matter when we pass this Bill, so that it does not make Members of Parliament, Members of the Legislative Assemblies and members of the public bodies to become criminals.

Dato' J. E. S. Crawford: Dato' President, Sir, I rise to support this Bill. I was quite amused at some of the remarks of the last speaker—if you do not take, you are not a criminal. I think, Sir, this Bill is probably being brought by the wrong Department. I think it should be handled by the Education Department, because what is required to stop corruption in a country is education—educate people

not to give. If people do not give, people cannot take. The people will give to get something before somebody else, so that they can get some advantage and therefore people take. So, if this could be handled in an educational fashion by the Education Department to educate people not to give, people will not be able to receive because there will be no giving, and so there will be no corruption. Thank you, Sir.

Dato' Dr Cheah Toon Lok: Sir, as a matter of clarification. I think we never give anything to the thieves, yet they come to our house to rob us.

Nik Hassan bin Haji Nik Yahya: Dato' Yang di-Pertua, saya menyokong Rang Pindaan Undang² Rasuah ini, kerana saya dapati undang² ini akan dapat mengemaskan lagi kedudukan kawalan di-atas rasuah dalam negara kita ini. Saya tidak bersetuju sama sekali dengan Yang Berhormat rakan saya, Dato' Cheah, daripada Kedah yang mana dia membayangkan kepada kita dengan undang² ini boleh membangkitkan rasuah keseluruhan-nya sehingga kepada menchemarkan nama Ahli² Parlimen kita sendiri. Saya rasa itu ada-lah satu pandangan sahaja, bukan satu perkara yang mungkin berlaku, kerana.

Dato' Dr Cheah Toon Lok: Tuan Yang di-Pertua, untuk penjelasan. Saya hendak minta kepada Yang Berhormat, ada-kah dia mengaku dan memberi daripada orang yang menyokong dia, hendak buat kerja, hendak buat itu, hendak buat itu semua, bukan-kah dia janji—promise jika jadi undang².

Nik Hassan bin Haji Nik Yahya: Saya rasa pengakuan atau pun janji² bukan kesemua-nya termasuk di-bawah undang² rasuah, kerana Dato' Cheah sendiri faham rasuah ada-lah mempunyai ma'ana yang tertentu yang kesemua pihak faham ma'ana rasuah itu. Jangan-lah pula Dato' Cheah membawakan satu bandingan, membawa satu cake—satu kueh kepada Perdana Menteri pun menjadi rasuah. Saya rasa semua pihak faham daripada kalangan polis, daripada pihak kalangan pegawai Kerajaan, juga kalangan ra'ayat dan samamangnya bagi pihak Dewan Negara

kita ini faham rasuah mempunyai ma'ana yang tertentu yang boleh merosakkan pentadbiran, merosakkan negara kita ini. Itu-lah ma'ana-nya rasuah. Rasuah yang boleh memberi gangguan kepada pentadbiran negara kita. Rasuah yang boleh menyelewengkan dasar Kerajaan untuk meletakkan orang Melayu dalam perdagangan dan perusahaan. Rasuah boleh melambatkan kerja² Kerajaan. Rasuah boleh merosakkan berbagai² perkara, perkara yang boleh menjadi faedah dan kepentingan negara kita. Ini-lah yang di-panggilkan rasuah.

Saya rasa, apabila undang² ini telah di-luluskan oleh Parlimen, maka pehak yang menjaga rasuah itu faham ma'ana rasuah yang sa-benar-nya. Jadi bagi kita di-sini ia-lah chuma membinchang, memberi pandangan, memberi gambaran, tetapi tidak harus memberi satu gambaran yang begitu hebat sa-kali sa-bagaimana Dato' Cheah memberi tadi.

Saya sokong Rang Pindaan Undang² ini, kerana sampai-lah masa-nya bagi undang² ini di-masukkan di-dalam-nya Ahli Dewan Negara, Ahli Dewan Ra'ayat, Ahli Dewan Negeri, walau pun kapada Menteri Besar tiap² negeri dalam negara kita ini, kerana ini ada-lah penga'aman. Semenjak kita merdeka 9 tahun, semenjak kita telah memerintah sendiri daripada tangan British, maka banyak pengalaman yang kita hadapi. Banyak pengalaman yang kita rasa banyak perkara yang patut kita pinda, kemaskan supaya negara kita dapat berjalan dengan baik. Jadi, saya sokong Rang Undang² Pindaan ini supaya tiap² ahli, tiap² mereka yang menjadi ahli dalam satu perbadanan atau pun satu² badan Kerajaan atau pun satu² tanggung-jawab yang ada kaitan dengan orang ramai supaya mereka ini di-ikut, di-letakkan di-bawah undang² kawalan rasuah. Kerana saya memerhatikan makin lama makin menjadi² di-dalam perkara mereka² ini melakukan pekerjaan² yang boleh di-fahamkan merosakkan pentadbiran negara kita ini.

Saya tunjukkan satu contoh sahaja, satu contoh sahaja, di-negeri Kelantan. Kerajaan Kelantan telah bersetuju

memberi pajakan 500,000 ekar tanah kapada satu Sharikat dengan tidak di-buat apa² tender, atau pun tidak di-keluarkan tawaran sa-chara terbuka kapada orang ramai. Tidak-kah ini merupakan satu kaedah yang menjunjukkan boleh di-fahamkan satu rasuah yang telah di-keluarkan di-bawah satu Kerajaan yang

Tuan Amaluddin bin Darus: Tuan Yang di-Pertua, saya minta jalan.

Tuan Nik Hassan bin Haji Nik Yahya: Saya tidak beri jalan, sebab saya rasa perlu saya berchakap supaya tidak mengganggu pendengaran Ahli² di-sini. Kalau begitu, saya suka hendak terangkan apabila satu² pekerjaan itu di-lakukan dengan boleh di-fahamkan perkara itu di-buat dengan chara rahsia, dengan chara senyap², dengan satu kawasan harta yang begitu besar harga-nya, ini ada-lah satu ma'ana yang boleh kita letakkan di-bawah rasuah dan patut di-siasat dan patut di-kaji. Jadi ini-lah

Mr President: Persidangan ini digantungkan sa-hingga pukul 2.15 minit.

Sitting suspended at 1.00 p.m.

Sitting resumed at 2.20 p.m.

(Mr (Deputy) President in the Chair)

THE PREVENTION OF CORRUPTION (AMENDMENT) BILL

Second Reading

Debate resumed.

Tuan Nik Hassan bin Haji Nik Yahya: Dato' Yang di-Pertua, masa kita berhenti tadi, saya sedang memberi satu contoh bagaimana satu pekerjaan yang boleh kita namakan pekerjaan yang boleh di-tafsirkan sa-bagai pekerjaan rasuah ia-itu sa-bagaimana di-Kelantan, Kerajaan di-sana mengeluarkan satu concession bagi kawasan tanah sa-luas 500,000 ekar kapada satu sharikat dengan tidak memberi atau mengeluarkan lebih dahulu tawaran² (tender) kapada ra'ayat di-seluruh negara kita ini. Jadi dengan tidak mengeluarkan tawaran² yang sa-umpama itu, berma'ana pekerjaan itu boleh merupakan satu pekerjaan yang menimbulkan shak tentang ada-nya satu

perkiraan sulit bagi mengeluarkan kawasan yang sa-bagitu luas yang harus di-letakkan di-bawah tanggungan pegawai² penchegeh rasuah untuk menyiasat, mengambil tahu, meneliti adakah berlaku apa² pekerjaan yang boleh di-letakkan di-bawah pekerjaan rasuah. Ini-lah contoh yang saya kata pekerjaan yang patut di-kawal dan patut di-letakkan di-bawah kuat-kuasa jabatan yang menjaga rasuah dan dengan ada-nya undang² ini, undang² yang dipinda yang di-masukkan Ahli Dewan Negeri, Ahli Parlimen, pegawai² yang berada di-dalam mana² badan Kerajaan itu, maka dapat-lah pegawai² penchegeh rasuah ini mengambil tindakan yang sawajar-nya manakala berlaku satu² yang sa-umpama itu. Sa-kira-nya kita tidak pindaan undang² ini, sa-kira-nya kita tidak beri kuat-kuasa yang tertentu kepada pegawai ini, maka mereka tidak dapat menjalankan pekerjaan dengan lancar dan baik. Dengan yang demikian ada baik-nya pindaan ini bagi negara kita supaya dapat kita chegahkan.

Sa-lain daripada itu, dengan Kerajaan kita kemukakan satu pindaan yang sa-umpama ini yang termasuk sa-kali Ahli Parlimen, Ahli Dewan Negeri dan seluroh kaki-tangan yang memegang satu² jawatan dalam badan Kerajaan atau pun badan sa-paroh Kerajaan itu, maka ini-lah satu bukti yang menunjukkan kejujoran Kerajaan dalam menghadapi masalah rasuah. Ini ada-lah bukti bahawa Kerajaan kita tidak mengira puak, tidak mengira siapa juga apabila mereka ini menjalankan pekerjaan dalam masalah rasuah, maka mereka mesti di-ambil tindakan mengikut undang² yang tertentu. Kalau sa-kira-nya kejujoran itu tidak ada pada pemimpin Kerajaan kita, maka sudah tentu pindaan ini tidak di-kemukakan ka-dalam Dewan ini. Tidak shak lagi kejujoran itu ada pada pemimpin Kerajaan kita sa-hingga sanggup menghadapi masalah rasuah ini dengan membuat pindaan² sa-bagaimana yang ada pada hari ini.

Saya rasa chukup-lah dalam masalah perbinchangan mengenai Rang Undang² Rasuah ini, kerana kita telah banyak mendengar perbinchangan²

yang di-jalankan di-Dewan Ra'ayat, maka hari ini kita dapat binchangkan Rang Undang² ini dalam Dewan Negara. Kita harap dengan pindaan ini pegawai² yang tertentu yang menjaga dan mengawal rasuah ini akan mengambil pekerjaan itu dan menjalankan urusan-nya dengan baik dengan mengerti keadaan tanggong-jawab-nya masing². Sekian sahaja, saya ucapkan terima kaseh.

Tuan Haji Ahmad bin Abdullah:
Dato' Yang di-Pertua, saya bangun menyokong Rang Undang² ini oleh kerana ini-lah satu Undang² yang patut sangat dan sesuai dengan keadaan negeri kita ini sa-bagai sa-buah negara yang melaongkan kapada dunia, negara yang merasmikan Islam menjadi ugama rasmi ada-lah patut sangat undang² ini di-adakan bahkan lebeh ketat daripada ini, kerana melarikan perbuatan² daripada rasuah yang membawa kapada runtohnya Kerajaan dan daripada rasuah juga-lah akan timbul segala kezaliman² satu² gulongan, atau satu² puak.

Dato' Yang di-Pertua, kita tahu perkara rasuah ini perkara yang paling burok, tidak ada siapa yang tidak tahu, negara² yang banyak negeri-nya perkara rasuah sa-bagaimana yang kita telah perhati di-negeri² lain telah menjadi satu perkara yang hebat dalam negeri mereka sendiri. Sa-belum daripada perkara ini berlaku rasuah ini atau pun rasuah bermaharaja-lela, patut-nya kita terlebeh dahulu menguatkan perkara hal-ehwal menchegeh rasuah ini daripada mula lagi, tetapi kita baharu sahaja merdeka dan keadaan keburokan itu telah pun berlaku sedikit sa-banyak, kita tidak boleh nafikan, mana dunia tidak ada rasuah, hingga ka-tanah suchi pun ada rasuah. Ini tidak hairan.

Jadi selalu kita tahu rasuah² ini orang² kechil sahaja selalu terkena atau pun tertangkap, atau pun di-ambil tindakan ka-atas-nya, tetapi ada rasuah² yang besar lagi yang kadang² kita tidak sedari perkara itu sudah jadi rasuah. Jadi, dengan Rang Undang² ini di-kemukakan bagi persetujuan Dewan kita ini ada-lah menasabah.

Baharu ini kita dengar tadi sa-orang daripada Ahli Yang Berhormat mengatakan perkara² yang berbangkit dengan kedudukan Ahli² sama ada Dewan Ra'ayat, Dewan Negara, atau Dewan Negeri, takut rosak dia punya taraf, takut rosak keadaan kedudukan-nya seperti mana yang di-ucapkan oleh Ahli Yang Berhormat daripada Kedah tadi, saya rasa perkara rasuah ini kalau hendak di-halusi banyak sangat-lah terjadi rasuah. Saya mithalkan satu orang datang minta recommendation—minta sokongan, kita pun menyokong sebagai sa-orang Wakil Ra'ayat dalam kawasan itu, sebab apa engkau mahu sokong, sebab apa engkau minta suroh aku sokong, mesti ada fasal, fasal hendak mengumpun masa hadapan, termasuk juga. Hadiah tidak boleh diterima semua sa-kali, sama ada dia ada berhajat hendak buat kerja, atau tidak ada hajat, hadiah² di-terima, kesemua-nya rasuah belaka.

Kita tahu sebab apa dalam Shara' Islam, ugama yang kita rasmikan itu, melarkan sa-kuat²-nya kerana bahaya daripada yang kecil², dia melarat-lah besar², sebab itu dia potong langsung. Pendek kata sa-saorang yang menjadi Hakim, atau pun Kadzi, atau pun pemerintah, saya mithalkan diantara sa-orang dengan sa-orang sebelum sa-saorang itu bekerja menjadi Hakim-kah, atau pun kerja² yang lain berkawan dengan baik, chukup² baik, kau sa-rupa aku, aku juga sa-rupa engkau, sakit engkau sakit aku, sakit aku sakit engkau, rumah engkau rumah aku, rumah aku rumah engkau, macham itu punya rapat-nya. Kalau sudah salah sa-orang daripada dua ini naik menjadi Hakim-kah, menjadi Kadzi-kah, atau pemerintah-kah di-bawa mari hadiah apa². Saya mithalkan kalau bawa mari telur 100 biji, dia kena beri balek harga yang sa-rupa dengan harga telur itu, kalau telur itu satu biji 10 sen, dia kena masuk dalam bakul itu \$10 bagi balek kapada orang yang memberi itu. Fasal apa? Ini ada sebab, takut ka-hadapan ini barangkali terjadi sa-suatu pergaduhan, atau pun perbicharaan ma'alum, di-potong itu takut bila terjadi satu² perkara perbicharaan dan lain² bila mata memamah, otak sudah memikirkan kebaikan,

tetapi kalau sudah di-beri balasan balek maka terputus-lah itu, sebab itu Shara' mengatakan kalau telur satu biji 10 sen, 100—\$10 kita masukkan dalam bakul \$9.50—tidak boleh; \$9.90—tidak boleh, kerana takut ka-hadapan. Maka sebab itu di-potong terus takut perkara² yang terjadi di-masa ka-hadapan dengan sendiri-nya dia akan bangkitkan corruption balek, itu-lah sebab-nya kita tidak boleh soal mengatakan takut terchemar nama kita dan sa-bagai-nya. Saya rasa ini-lah yang patut semua sa-kali untok menjaga taraf kedudukan kita supaya jangan terchemar, bukan dengan perbuatan ini takut hendak chemar pula Ahli² Yang Berhormat, atau pun wakil² sama ada Dewan Ra'ayat, Dewan Negeri dan sa-bagai-nya. Oleh itu, Dato' Yang di-Pertua, sesuai sangat bahkan kita akan memerhatikan pula dari sa-masa ka-samasa supaya dapat kita perketatkan lagi.

Sa-lain daripada itu Undang², sama ada Undang² Rasuah, sama ada Undang² Immigration, sama ada Undang² apa juga, kita boleh buat baik, kita boleh kemaskan, kita boleh serba serbi pinda dari sa-masa ka-samasa, tetapi pelaksanaan itu-lah yang di-kehendaki sangat² supaya jangan Rang tinggal Rang, tindakan tidak di-ambil dengan sa-tegas²-nya. Perkara rasuah ini adalah perkara yang amat berat, ma'alum-lah perkara yang berkaitan dengan la'anat Tuhan ini perkara besar bukan kapada orang yang menerima rasuah sahaja, bukan terkena kapada orang yang memberi rasuah, atau yang menerima rasuah, atau pun siapa juga yang berkaitan di-dalam rasuah itu—orang perantaraan, tempat tunjok dan semua-nya itu menjadi subahat. Maka dengan itu-lah ketenteraman kedudukan negara kita ini dan tidak akan menjadi kuchar kachir di-masa hadapan.

Banyak-lah Ahli² Yang Berhormat yang berchakap mengenai fasal rasuah, jadi saya menyokong kuat di-atas Rang Undang² ini supaya Rang Undang² ini akan berjalan dengan tegas-nya sa-kadar jangan perhati rasuah ini di-bawah yang kecil² sahaja, tetapi hendak-lah perhati rasuah² yang besar sa-kali, seperti mana apa yang berlaku—Palestine yang baharu² ini sudah

terbelah dua, puncha-nya itu ta' lain daripada rasuah juga sa-hingga Palestine terpechah dua. Itu sahaja satu bayangan daripada saya, terima kaseh.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, saya menguchapkan berbanyak² terima kaseh kapada Tuan Haji Ahmad Badawi yang menyokong Rang Undang² ini dan kapada mereka yang takut ia-itu jikalau satu² hadiah di-beri pada hari jadi mereka, atau pun hari ulang tahun perkahwinan dan sa-bagai-nya, itu saya alu²kan-lah chadangan Tuan Haji ini supaya diikuti, akan tetapi apa yang di-maksudkan dalam Rang Undang² ini ia-lah pemberian, atau perjanjian satu² benda yang hendak di-beri bukan-lah ada apa tujuan niat di-belakang pemberian itu. Dalam bahasa Inggeris: it is not the ordinary giving, offering or promising that becomes an offence, but it is the corruptly giving or corruptly offering that creates the offence. There must, therefore, be evidence of criminal intent—tujuan dan maksud di-belakang pemberian itu.

Jadi tentang sa-orang Ahli Yang Berhormat menchadangkan supaya saksi² di-beri sagu hati atau pembayar supaya menggalakkan ia menjadi saksi, tetapi agak saya, kalau saya ingat, semua saksi² yang di-minta oleh Mahkamah menghadziri satu² pembicharaan ada-lah di-beri tambang dia untuk kesusahan-nya itu.

Sekian sahaja-lah hendak saya chakapkan dalam perkara 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 5 inclusive ordered to stand part of the Bill.

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

THE SUPPLEMENTARY SUPPLY (1965 and 1966) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move a Bill intituled, "an Act to apply sums out of the Consolidated Funds for additional expenditure for the service of the years 1965 and 1966 and to appropriate such sums for certain purposes" be now read a second time.

Dato' Dr Cheah Toon Lok: Sir, I beg to second the motion.

The Assistant Minister of Finance (Dr Ng Kam Poh): Mr President, Sir, as has been done on a few occasions in the past, this Bill seeks authority for expenditure in regard to two separate sets of Supplementary Estimates, one for the year 1965 and the other for 1966. This method, as has been stated before, simplifies the procedure for considering two sets of Supplementary Estimates at the same meeting of the House.

Clause 2 of the Bill provides authority for additional expenditure of \$322,293 for the service of the year 1965, and this is itemised in the First Schedule to the Bill and also in the Supply Expenditure section of the Fourth Supplementary Estimates, 1965, which are tabled as Command Paper No. 20 of 1967. Of this amount, \$32,000 is for Head S. 5—Public Services Commission—to meet payment of arrears of salaries and allowances of the Commission's staff as a result of the upward revision of salary scales and rates of housing allowances of officers, clerks and typists. Head S. 19—Education Grants and Subventions—requires a sum of \$280,000 to cover the payment of statutory grants in respect of secondary schools for the year 1965, and Head S. 22—Pilgrimage—requires a sum of \$10,293 for the cost of transport and travelling allowances incurred on ten additional officers sent to Mecca with the Malaysian Medical Mission during the pilgrimage season of 1965.

The total appropriation in 1965, including the three previous supplements

and the present supplement, amounts to \$1,736.1 million, but the actual expenditure was \$1,628.8 million.

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

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

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

The reasons for requesting these additional monies have been given in some detail in the Treasury Memoranda on the two sets of Estimates which are tabled as Command Paper Nos. 21 and 23 of 1967 respectively, and it is unnecessary for me to elaborate on them.

Tuan Yeoh Kian Teik: Mr President, Sir, I see in the Bill an item—S. 46, Judicial, \$144,673. Unfortunately, the Minister in charge of this Ministry is not here. In the State of Perak I have been to various Courts and say the

condition of the Courts in Perak is shocking. You see chairs without bottoms (*Laughter*), you see tables which are patched up and yearly money is being spent on the Judicial Service. May I request the Minister in charge of this Ministry to look into this? Court houses have to be maintained and furniture has to be replaced. One cannot expect a set of furniture to last more than a life-time, and I believe some of the furniture was there even before I was born.

The other item I would like to comment on is in regard to the Ministry of Transport. The Perak Branch of the Road Transport Department is also a disgrace to the Ministry. There are various items concerned. If one wants to ring up the Registrar of Motor Vehicles, Perak, it would almost be like striking a Social Welfare lottery if one could get a call through to him the first time. On numerous occasions when I had occasion to ring him I would be very lucky if I could get in touch with him on the phone if I tried continuously for more than a few hours. There is only one phone in that very busy Department—one telephone, one line! A couple of weeks ago, I attended an inquiry before the Board at the Road Transport Department, Ipoh. Again, you find chairs without bottoms. I do not know why they are kept there. Is it merely to show that some semblance of furniture is provided? A shack is being used to conduct Government meetings. May I request the Minister, again, to look into this? After all, the Judicial Department and the Ministry of Transport are two Ministries which are not losing revenue, and I believe something should be done to correct this state of affairs.

Tuan Haji Abdul Hamid Khan:

Tuan Yang di-Pertua, saya ucapkan terima kasih kepada Ahli Yang Berhormat itu yang telah mendatangkan satu pandangan terhadap layanan yang terdapat daripada Jabatan Kenderaan ia-itu Transport Department, Registrar of Motor Vehicles, Perak dan juga beliau telah menyatakan, ia-itu di-situ alat² pun tak berapa cukup, kerusi pun tak ada tempat dudok—berlubang.

Agak-nya dia ini selalu suka membangkitkan perkara berkenaan dengan Registrar of Motor Vehicles—tadi mula saya dengar Ahli Yang Berhormat itu dia hentam Registrar of Motor Vehicles, fasal susah dapat jawab, fasal talipon; barangkali too much spanking on the bottom, I think, has torn off the chair.

Dr Ng Kam Poh: Mr President, Sir, since the Honourable Minister for the Senate has so aptly replied to the questions put forward, I do not think there is any need for me to elaborate on this debate. I hope the House will bear with me if I just shut up.

Question put, and agreed to.

Bill accordingly read a second time.

Third Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that the Bill intituled "an Act to apply sums out of the Consolidated Fund for additional expenditure for the service of the years 1965 and 1966 and to appropriate such sums for certain purposes" be read a third time and passed.

Dato' J. E. S. Crawford: Sir, I beg to second the motion.

Mr Deputy President: As this Bill is a Supply Bill, under Standing Orders No. 53, I would ask the House that it be read a third time and passed.

Question put, and agreed to.

Bill accordingly read the third time and passed.

THE CUSTOMS LAWS (MALAYSIA) (AMENDMENT) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the laws relating to Customs in Malaysia" be read a second time.

Dato' J. E. S. Crawford: Dato' Yang di-Pertua, saya menyokong.

Dr Ng Kam Poh: Mr President, Sir, under the present Customs legisla-

tion in force in West and East Malaysia, viz. the Customs Ordinance, No. 42 of 1952 of the States of Malaya, the Customs Ordinance (Cap. 33) of Sabah, and the Customs Ordinance (Cap. 26) of Sarawak, the term "Customs duty" is defined as including import duty, export duty, surtax or cess imposed under the various Customs laws and includes any royalty payable in lieu of an export duty.

The terms "import duty" and "duty" also appear in these laws, and these terms do not cover the surtax which was imposed on 19th January, 1967, in the 1967 Budget. In order that the same term, i.e. "Customs duty" may be uniformly applied in the various Customs laws, amendments to the Customs Ordinance, 1952, the Customs Ordinance (Sabah) and the Customs Ordinance (Sarawak) are necessary to provide where appropriate, for the inclusion of surtax for the purposes of revenue collection, refunds and drawback. The Bill, which is before the House, will provide for this purpose.

Dato' Dr Cheah Toon Lok: Mr President, Sir, while agreeing to this Bill, may I draw the attention of Government to this revenue producing Department? It has been stated here and in the Lower House again and again that we are short of revenue and that we have not got enough money to run this country. Yet, a revenue producing Department like this is not properly streamlined in many respects. It so happened that one day, when I was down in Penang at the Customs Office, where people are getting import permits to import goods, I found that the place, I assure you, Sir, was not only crowded but also noisy and smelly. I hope the Government will see to it that there are proper benches provided for people to sit on and also that the Department is streamlined, so that two or three hundred people standing there do not waste their time waiting to give money to Government. It is very sad that this Department, which is so important to us, is not properly looked after. May I suggest that the Minister, or

his Assistant, go to Penang one day and see how the merchants are being treated there? How are we going to get money if we do not treat our citizens properly? May I remind the Government that we should streamline this Department and that benches be provided for people, who have been there waiting for hours to get import permits—200 people at a time, standing there, shouting to get their import permits signed. Thank you, Sir.

Dr Ng Kam Poh: Mr President, Sir, I am grateful to the Honourable Senator, Dato' Dr Cheah, for pointing out certain discrepancies which arise in Penang Customs areas. Personally, Sir, I have been twice to Penang within these two years, and I have also noticed a certain degree of confusion, if you like to put it that way, in the Customs Department. However, one must not expect miracles overnight, because development has increased in Malaysia at a good pace and the lists of Customs duty items have gone up to such a degree that the streamlining of this Department will take some time. I am grateful to him for bringing up this subject, and I am sure the Ministry of Finance, in general, and the Customs Department, in particular, will take note of what the Honourable Senator said, and will try our best to improve the conditions for the public and also our officers in that Department, whereby they can work in an amiable atmosphere and also to collect money without fail. Thank you, Sir.

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.

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

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

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

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled, "an Act to make provision for the treatment for income tax purposes of contributions and repayments under the Tin Control (Buffer Stock) Regulations, 1966" be read a second time.

Dato' J. E. S. Crawford: Sir, I beg to second the motion.

Dr Ng Kam Poh: Mr President, Sir, as Honourable Senators will be aware, the Tin Control (Buffer Stock) Regulations, 1966, which are now in force, provide *inter alia*, for the payment of contributions to the Buffer Stock Fund by a person who is engaged in the working of a tin mine in West Malaysia. Such contributions are made either as a direct contribution by the miner, or by way of a deduction from the sale price of the tin ore sold by such contributor.

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

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

Where the contributor has not elected to have his contributions allowed as deductions in ascertaining his taxable income, then the refunds of his

contributions will not be liable to tax. Honourable Senators may recall in this connection that the treatment of contributions and repayments under the previous Tin Control (Buffer Stock) Regulations, 1961, were governed for income tax purposes by the Income Tax Act, 1962. The Bill before this House is designed to meet the same objective.

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 (MALAYSIA) (AMENDMENT) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend further the laws relating to income tax of Sabah, Sarawak and West Malaysia" be now read a second time.

Dato' J. E. S. Crawford: Mr President, Sir, I beg to second the motion.

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

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

The Bill empowers the Minister of Finance to make rules prescribing the outgoings and expenses in relation to

which the further deduction is to be allowed, the conditions for allowing such further deduction, and the ratio to be applied to the amount of any outgoings and expenses so allowed.

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

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

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

THE INDUSTRIAL RELATIONS BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that the Industrial Relations Bill be now read a second time.

Dato' J. E. S. Crawford: Mr President, Sir, I beg to second the motion.

Tuan Haji Abdul Hamid Khan: Mr President, Sir, the Industrial Relations Bill now before the Senate is the result of the review of the legislation and practice in the field of industrial relations throughout Malaysia.

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

The accelerated pace of industrial expansion, the increasing growth of trade union organisations and activity have focussed attention on a number of issues governing employer and employee relations which have not been effectively provided for under the voluntary system of industrial relations. These matters concern such questions as the procedure and conditions for the recognition of trade unions, the position of managerial and supervisory staff in union activity and alleged anti-trade union activities or victimisation by employers. Past experience has shown that the complete reliance on the willingness and ability of the parties themselves to settle these matters is both unsatisfactory and unwise. The experience has been that where one party or the other is in a strategic position by virtue of its organisational strength or market position, that party has depended on its own strength to press or to pursue its particular stand, irrespective of the merits or the consequences of such action.

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

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

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

The Industrial Relations Bill before this House, Sir, seeks to continue the present system of industrial relations and to consolidate the practice and law throughout Malaysia in this regard, but contains a number of provisions not only to safeguard the legitimate rights and interests of employers and workers or their trade unions but also to ensure the speedy and just settlement of industrial disputes, so that the public and national interests are not prejudiced while the parties promote their own particular interests.

Part I of the Bill, Sir sets out the definition of some of the terms used in the Bill. The definition of 'strike' on page 3 of the Bill has been, of necessity, drafted in a broad manner to include the more damaging forms of industrial actions such as a physical strike itself and 'go slow' tactics. Care has been exercised to ensure that the definition is not unduly wide, so as to make it unworkable or to take away the normal right vested in the workers either by legislation or by contract.

Part II of the Bill contains new provisions in relation generally to matters such as anti-trade union activity and victimisation. I would draw particular attention to Clause 5 of the Bill which, in sub-section (2), provides for certain existing rights of employers not to be affected. It has been necessary to provide for the matters now contained in sub-section (2) of Clause 5 as these have been found to be a source of constant conflict, especially in the more developed sectors of our economy.

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

Part III of the Bill, Sir, deals with the question of recognition of trade unions. This matter has been a source of constant problem, especially in the new and growing sectors of our economy, where trade union organisations are just beginning to establish themselves. This part of the Bill at present merely provides the basic procedure which could be followed in the determination of a claim for recognition as we believe that this would be sufficient to resolve any question that might arise concerning this question. Recognition of a trade union is the primary basis for the parties to deal with each other and it is unnecessary that disputes should be allowed to sour up the relationship between the parties at this basic step itself. Provision has, therefore, been made in Clause 8, sub-clause (4), of the Bill for all disputes concerning recognition to be referred to the Industrial Court for a decision, where the matter is not otherwise resolved.

Clause 41 (e) of the Bill also provides that there shall be no strike or lockout in respect of any dispute over the claim for recognition of a trade union of workmen.

Part IV of the Bill sets out the procedures to be followed in the submission of claim and collective bargaining and for the form and content of collective agreements. Clauses 14 and 15 of the Bill require that all collective agreements reached by the parties shall be deposited with the Industrial Court for the Court to take cognizance of such agreements, and for them to be binding on the parties in the same manner as an award of the Court. I am hopeful that this Part of the Bill will introduce an element of stability in collective bargaining and collective agreement.

Part V of the Bill deals with conciliatory efforts of the Ministry of Labour.

Part VI of the Bill contains some of the most crucial provisions of the Bill. Clause 18 sets up an Industrial Court consisting of a permanent President and three panels of independent persons, persons representing employers and persons representing workmen. In dealing with a particular trade dispute referred to the Court, however, the Court will consist of the President and a member from the three panels of independent persons and employers' and workers' representatives. Clause 20 of the Bill enables Divisions of the Court to be set up to expedite the hearing of trade disputes or to cater for the greater convenience of the parties. Clause 23 of the Bill has the operative provisions relating to references of disputes to the Industrial Court. This Clause provides that the parties to a trade dispute may jointly request the Minister to refer the trade dispute to the Court or the Minister may, of his own motion, refer that dispute to the Court under the circumstances specified in sub-section (2) of Clause 23. The proviso to sub-clause (2) of Clause 23 provides that the Minister may refer a trade dispute in a Government service to the Industrial Court only with the consent of His Majesty, if the dispute concerns a Federal service, or the Ruler or Governor of a State, where the dispute concerns purely that State. Sub-section (3) of Clause 23 contains an important provision to ensure that all existing means of settlement of a trade dispute are used to promote a settlement, before the Minister may refer that dispute to the Industrial Court.

As stated in Clause 49 of the Bill, the provisions of Part VI would apply to both the Government sector as well as the private sector. The Government is of the opinion that it would be preferable for all disputes, whether they are in the Government sector or the private sector, to be dealt with the same Industrial Court as this would promote the adoption of uniform standards and considerations and lead to the more equitable adjudication of trade disputes. It has been necessary to provide for the consent of His Majesty to be obtained as the position of the Public Services is

constitutionally different from the private sector. The Government would shortly be entering into consultations with the Staff Side of the National Whitley Council concerning the discontinuance of the Civil Services Arbitration Tribunal. Sub-Clause 3 of Clause 23, however, would ensure that the Whitley Machinery now in existence for the Public Services would continue to be used as the vehicle and medium for consultation with the staff on matters of mutual interest and for discussions to take place on terms and conditions of service. Clause 29 of the Bill provides that any award of the Court shall be final and conclusive and shall be binding on any employer or workman or his trade union who are parties to the dispute and their successors. Clause 24 of the Bill enables officials of trade unions or other organisations approved by the Minister or, with the permission of the President, legal practitioners to appear before the Court. It has been found necessary to permit legal practitioners to appear before the Court as some parties to a trade dispute before the Court may be seriously handicapped if such representation is not permitted.

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

Clause 41 of the Bill provides that there shall be no strike or lock-out where a trade dispute has been referred to the Industrial Court or where His Majesty has withheld his consent to the reference of a trade dispute in the Public Services to a Court, or in respect of any matter covered by a collective agreement taken cognizance of by the Court under Section 14 of the Bill or on any matter on which the Court has made an award.

Part VII of the Bill largely re-enacts the existing provisions of the Industrial Courts Ordinance, 1948, concerning the establishment and functioning of committees of investigations and boards of inquiry. Such provisions have been

made to cater for issues or disputes which may not be amenable to the normal forms or methods of settlement and are considered useful in the promotion of good employer-employee relations.

Part VIII of the Bill generally re-enacts the present provisions of the Trade Disputes Ordinance concerning trade disputes, strikes and lock-outs, and matters connected with these. This Clause seeks to ensure that picketing is conducted in a peaceful and orderly manner and that it is confined to the place of work and not extended to the streets and private residences, as these are likely to gravely prejudice the preservation of peace and public order. Clause 40 of the Bill requires that at least two weeks' notice is given before a strike or lock-out is declared in any of the services listed as Public Utility Services in the Schedule to the Bill.

Part IX of the Bill contains miscellaneous provisions, but I would draw particular attention to Clause 48 which excludes the provisions of Parts II, III, IV and V from being applied in the case of the Public Services as it is considered that existing procedures in this regard contained in the General Orders and the Whitley Machinery are sufficient and satisfactory for these purposes.

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

Clause 58 of the Bill repeals the various existing legislations in the field of industrial relations throughout Malaysia. It also repeals the Essential Regulations passed in 1965. The provisos to this Clause of the Bill ensure that all acts commenced or done under the various laws repealed by this Clause of the Bill continue to have the effect for all purposes.

The Schedule to the Bill contains the list of Public Utility Services, for the purposes of which giving of notices as required under Clause 40 of the Bill.

Sir, the Government considers this Bill as a fair and balanced one. The Bill has been drafted with a careful eye on not only the rights and prerogatives of employers, workers or their trade unions but also with the consideration of the growing economy of our country and our stability in mind. This Bill is not intended to be a repressive legislation on either employers or workers and we have endeavoured to be both fair and impartial in respect of both of them. I am aware, Sir, that neither the employers' nor workers' trade unions are entirely satisfied with all the provisions of this Bill. In drafting the Bill, the Ministry of Labour has had full discussions with the employers' and workers' groups of the National Joint Labour Advisory Council. The Government has earnestly and exhaustively considered the various views raised by both groups and, where possible and necessary, suitable modifications have been made to meet the desires of both groups. The draft Bill was amended in a number of instances to meet the wishes of both groups but, quite naturally, the Government could not accede to the entire wishes of either the employers or the workers. As I said earlier, Sir, the interests of the nation and the requirements of our continued growth and progress have been the predominant consideration in our minds in drafting this Bill and I can assure this House and both employers and workers that the operations of this Bill, when it becomes law, would be carefully watched and studied, so that any amendment that might prove to be necessary or desirable could be made at a later stage.

Mr (Deputy) President: Honourable Members, the Senate is suspended for 10 minutes.

Sitting suspended at 3.40 p.m.

Sitting resumed at 3.50 p.m.

(Mr (Deputy) President in the Chair)

THE INDUSTRIAL RELATIONS BILL

Second Reading

Debate resumed.

Tuan Chan Keong Hon: Mr President, Sir, the Bill now before the House should, in my opinion, receive the support of all. It is a well-balanced piece of legislation and should be acceptable to both the employers and workers. I would like to pay tribute to the architect of this Bill and all those responsible for the statesmanlike approach to a delicate question. Of course, further improvements could be made, and I shall deal with these later. There is no doubt that the Bill will bring about satisfactory working conditions to employees and will improve the industrial relationship between employees and employers.

Mr President, Sir, the new Bill is in fact replacing the out-dated existing legislation concerning industrial relation, and we will now look forward to increased efficiency and industrial productivity.

However, I would like to refer to Clause 18 (1), which empowers the Minister to appoint an Industrial Court comprising (a) a President, (b) a panel of independent persons, (c) a panel of persons representing the employers, and (d) a panel of persons representing the workers.

Under Clause 25, the President is vested with power to regulate the procedure and proceedings of the Industrial Court. Clause 29 (3) (a) specifies that "an award of the Court shall be final and conclusive, and no award shall be challenged, appealed against, reviewed, quashed or called in question in any Court of law."

In view of such over-riding power being given to the President of the Industrial Court, it is generally felt, particularly among employers, that he

should be a very responsible, impartial, and experienced person who commands the respect and confidence of both the employers and the workers. He should be appointed by the Yang di-Pertuan Agong and have the status of a High Court judge. The integrity of our Judiciary is beyond question, and I strongly feel that there could be no better person than a High Court judge to assume such an important and responsible role.

Mr President, Sir, I would also like to touch on Clause 35 (1). This Clause prohibits pupils, children who are still in school, from participating in trade disputes. This is a right direction. After all, their main thoughts should be concentrated on their studies. The minds of these young people are still immature and they can be easily influenced or led astray by some unscrupulous persons. There have been instances of such irresponsible acts in the past. We have witnessed such exploitation by some irresponsible union leaders who had made use of these innocent school children as a shield for their own gains and usually the misguided children were the victims of ugly scenes.

Finally, I wish to comment on recent press statements made by the M.T.U.C. President, who claimed that the unions had not been consulted on this Bill. This, I know, is not true. The worker's group headed by the President himself had been consulted at every stage of the discussions and were given every opportunity to raise points. On behalf of the Malayan Mining Employers' Association, I fully support this Bill, because my Association is quite satisfied with it.

Tan Sri Haji Mohamed Noah bin Omar: Mr President, Sir, I rise to support the second reading of the Bill before the House, in principle. This is a very comprehensive Bill bringing together all the relevant pieces of legislation on industrial relations in this country.

Sir, the underlining purpose of this Bill is to help in establishing the necessary co-existence and co-operation between employers and employees. Industrial peace is most vital to the

economy of a developing country like ours, and at the same time we must ensure that all members of the community shall receive a fair share of any increase in the national wealth.

Whether this Bill, when it is passed, will provide the necessary framework to achieve the proper balance in the area of industrial conflict in this country, only time will tell. We must always be prepared to amend this Act to take into account any socio-economic changes in our society.

Sir, I would like to have some clarification from the Minister in charge of this Bill with regard to Parts II to V of this Bill. These Parts do not apply to the Government Service, or to a workman employed by the Government. This is clearly stated under Clause 49 of the Bill, and I would like to ask this question, what is the necessity for this exclusion? I am not convinced by the Minister when, in introducing this Bill, he gave the reasons to exclude Parts II to V of the Bill in respect of the Government Service or workmen employed by the Government. After all, the Government, either directly or through statutory bodies, is increasingly becoming employers of industrial labour and the provisions of these Parts should be extended to the labour/employer relations prevailing in the public sector.

Sir, I would like to have an assurance from the Minister of Labour that the staff of the Industrial Court should be men, who are well-trained economists with a thorough understanding of concepts such as national income, national product, value and rate, together with suitable legal training, if possible. Sir, heavy responsibility and trust is placed in this Court, whose award shall be final and conclusive, with no further right of appeal as provided under Clause 29 (3) (a) of the Bill.

Sir, another point on which I would like to have some clarification from the Minister is in regard to Clause 24 of the Bill. This Clause restricts representations by legal practitioners. I do not understand the reasons at

all why a legal practitioner cannot represent any party in dispute before the Court unless—that is the restriction given under this Clause—the permission of the President is obtained. I would feel happier if an automatic right of being represented at the Court by legal practitioners is provided in this Bill.

Sir, lastly, as I see it in this Bill, heavy responsibility is placed on the civil servants in the Ministry of Labour. I have no doubt that the Minister may delegate some of the powers vested in him in this Bill to these top civil servants and I, therefore, would like to have also an assurance from the Minister that he would choose proper top officers in this Ministry, officers who should not only have the national interest at heart but also at all the times be fair and neutral in an industrial conflict that may occasionally arise between employers and the employees. Thank you.

Dato' Dr Cheah Toon Lok: Mr President, Sir, I wish to congratulate the Minister concerned for this very comprehensive Bill to humanise industrial relations and to bring social justice to our workers. In the Explanatory Statement, it is stated that the Bill seeks to strengthen and improve the voluntary system of industrial relations. It has been stated that this system is voluntary. By "a voluntary system", I think it means to say that the Chairman is not paid, the members of the Board are independent persons and not paid—the panel of persons representing the employers are not paid, and the panel of persons representing the workmen are not paid. That is voluntary. But this is not a voluntary system. Mr President (*Laughter*). It is a Court of law. Under certain sections of this Bill, the President is entitled to impose a fine and to impose imprisonment on the non-carrying out of certain awards or the judgment of this Court. I agree entirely with my Honourable friend, Tan Sri Haji Mohamed Noah, that the person, with all the qualifications he described just now, should be the Chairman of this Board, because trade is the life-blood of any nation. If a

country is involved in trade dispute, if there is closing down of our trade, of our plants, of our industry, the loss suffered by the Government is tremendous. Working time is wasted and all the ancillary associations or departments associated with the industry that is in dispute will be thrown out of gear. So, this is a very important Bill. May I suggest that, in order to have social justice not only for the workers but also for the employers, certain provisions must be made in that there should be a Board of Appeal to which these people could appeal. Even in respect of the greatest crimes, we have got a Board of Appeal to which the accused can appeal to, but here the judgment of the Board is final and absolute. There is no social justice in this. It is not a voluntary Board; it is a Board that imposes its sanctions directly on the worker and employer that certain things must be carried out, or else they will suffer penalties as laid down in this Bill. I think that aspect of it should be modified in such a way that there should be appeal to a higher authority; and how that appeal is to be worked out is left to the wisdom of our Minister in charge. I suggest that in order to have industrial peace in this country during our generation and to improve the conditions of trade of our country for progress, we must humanise our relations, the Government's relations, with the workers. Do not treat the worker as dirt—you want him, you call him in; you do not want him, you kick him out. Give him security. Even your provision for E.P.F. (Employees Provident Fund) does not give him security; it gives him security only up to a certain period. Why don't you make provisions for a person of over 70 or 75 years old, give him State security or something to look upon for a better life? Surely, the Government can afford to pay a man for him to live for another 10 years or 5 years? Give him a bit of social security. If you do this, then, of course, they will say that we have a wise Government, we have a good Government, we have an intelligent Government, we have a Government that appreciates social justice, and I

plead with the Minister that social justice should be done to the workers and not to impose our will on this worker by not giving him a Board of Appeal. Thank you, Sir.

Dato' Athi Nahappan: Mr President, Sir, this Bill undoubtedly makes a major departure from the existing system of industrial relations in this country. As it has been aptly said, from the system of voluntary negotiation and conciliation, it is now being taken to the area of compulsory reference to an industrial court at the discretion of the Minister concerned. This might be attacked on the ground that it limits, restricts, the rights of trade unions, in voluntarily consenting to or refusing to taking part in any kind of compulsory form of settling trade disputes. It might be said that this is a denial or an abridgement of fundamental rights but one has to look at the situation as we have gone through here; and it has been stated that this Bill is the product of experience gained over the years, when we had almost completely a free system of a trade union movement in this country and a system of negotiation and conciliation.

The Government has taken many years to come to this conclusion of having to find the necessity of a Bill of this nature, and I do not, for a moment, doubt that the Government has got a reasonably good case in support of a Bill of this kind. We are a developing country and the national interests override all other sectional interests. It becomes a difficult task for the Government to keep the balance between competing forces and, in trying to expedite the economic development of this country, it is compelled from time to time to review the existing legislations in the light of experience gained; and whether or not popular feeling is going to go along with the Government's conclusion after a time, in that the Government is compelled to arrive at legislative measures that would ensure greater benefits to greater population—it is within that context—one has to look at this Bill. As I said, from different segments or sectoral

angles one can attack this Bill. However, from the angle of national good and national welfare, and the balanced system to keep various forces in control, so that within the umbrella of such a system as introduced in this Bill there would be a large measure of latitude, a large measure for inter-play of forces on a voluntary basis; but when it gets to a point that it is likely to affect the larger interest of the country, namely, the economy or the security of the country, or it would be expedient in the welfare of the country to seek a speedy solution, then a fair parity will have to be conceived, and will have to be resorted to, and this is what in short the Bill provides.

I am interested to note that the definition of "strike" is quite wide and includes not merely cessation of work but also any act or omission intended to or does result in limitation, or restriction, or cessation, or dilatoriness in the performance, or execution of the whole or any part of the duties connected with the employment. This would mean that within this definition, matters such as "work-to-rule" or even "go-slow"—all these—would be considered as aspects of strike, and this would enable the Minister in the national interest, to exercise his discretion to prevent a situation from getting out of hand. Any half-hearted measure would be inadequate when we are trying to seek to cover the larger group. So, a definition of this extent is dictated, if a comprehensive system is to be accepted.

Now, another interesting feature is in Clause 5, which has been rather vexed in the relationship between the employers and employees, and that is the question of who is a workman, who is an employee, and whether the extent of responsibilities shouldered creates a classification in this term, so as to allow a trade union to function within a certain sphere of employment in a particular concern—and this has created a lot of difficulties and a number of issues have cropped up because of this.

Clause 5 provides and enables the employer to impose any condition in

the contract of employment seeking to restrain the right of a person who is a party to such contract, and in Clause 5 (2) in the case of any person in a managerial position, he can be required to be out of the union and not to be a member of the union, and in the case of any employee, who is handling affairs of a confidential nature he can also be kept out of the trade union at the requirement of the employer. This, I am sure, would help to maintain greater efficiency in industrial organisations and also would help to maintain and secure discipline. Because of the lack of this provision, very often in a number of cases, where people in managerial position have taken an active part in union activities and at the same time they wanted all the benefits of their position, it created conflicting situations and conflict of loyalties in particular. If a person wants to be in a position of management, his role, of course, is quite different, and he is required to handle his responsibilities in a manner the industry can go on efficiently and in an orderly fashion; but, if he is at the same time with a force that demands certain benefits and so on, which run counter to the welfare of the organisation, he naturally finds himself in an awkward situation of being in conflict. Now, this question was not really satisfactorily handled in the years past, and as a result a number of problems cropped up, but, with this provision, it is now clear that whoever is in a management position he can be required to keep away from the trade union catering for workmen other than those in a managerial position. Again, in the case of employees in confidential capacities, whether they are workmen or managers—the first category, of course, deals with managers and the second category deals with workmen who are required to be in a position of strict confidence—in such cases it should be the prerogative of the employer, again, in the interest of the employment as a whole, that such a person should be precluded from joining a trade union. Here, it may be criticised that it is a denial of the basic right of a person from joining

a union but this has to be, of course, counterbalanced with the responsibilities that the person has to hold, in terms of the industry or the employment as a whole. I am glad that this has found its place in this Bill, and I hope that this would settle once and for all this rather vexed area in trade relations.

The other interesting innovation is dealt with in Clause 23. Clause 23 enables the Minister to refer trade disputes to the proposed Industrial Court. At the moment we have an industrial court under the old law of 1948. It has been functioning not very actively over the years, mainly because it was not often resorted to and parties went there by consent; but now, in view of the changed situation, and since confrontation the Essential Regulations were introduced specifying certain industries as of being essential and that they should continue to function uninterrupted, as a result, disputes arising out of these Essential Services were referred to the special Arbitration Tribunal that has been constituted during the time of confrontation—and it has been working rather satisfactorily; and though it came into being only a couple of years ago, it has had a series of matters referred to it and a number of issues have been very efficiently handled and tackled. This has given the country the necessary place in the hope that this system can be worked satisfactorily to all concerned, and out of the experience gained from this Arbitration Tribunal and in respect of these thirteen or so Essential Services, the whole framework has been enlarged to include all trade disputes, whether of private or public sector, to be referred to a permanent Industrial Court. This, of course, does not take away the rights of the union; the union can try to seek settlement by negotiations—and the machinery is well set out in greater detail than in the previous legislation—or by conciliation—again the procedures are well set out—and if they cannot reach agreement by process of negotiations, dialogue, then in the interests of various matters specified in Clauses 23, the Minister concerned can refer to the Court, if it is likely to

prejudice the maintenance or provision of services or supplies necessary for the life, safety or health of the community, or that such trade dispute, if commenced or continued, is likely to effect the security or the economy of the country, or that it is expedient in the public interest so to do.

So far as the private industries are concerned—I am broadly dividing private industries *vis a vis* Government services—in so far as the private services or industries are concerned, one cannot dispute that the powers given to the Minister are very wide and he can stop a strike from taking place at any stage and refer to the Industrial Court under any one of these headings, especially the last one i.e. “it is expedient in the public interest so to do.” Here, everybody would admit that the powers of the Minister are wide but, in the interest of the country, one hopes that these powers would be carefully utilised. It would certainly be a good servant but a dangerous master. And having regard to the experience that the Ministry has gone through over the years in industrial disputes, one can say quite reasonably that the Minister, in exercising discretion under this, will very cautiously employ his powers, as to whether every time a strike is likely to affect some economy or other, the important thing is whether the dimension is important, it is difficult to draw a line, as it is a matter of discretion; and if that discretion is not carefully used, then it would be a matter of great concern

Tuan Abdul Samad bin Osman: Mr President, Sir, on a point of order, please. Standing Order 11 (1) (b) says: “The Senate shall continue until 4.30 p.m.”.

Mr (Deputy) President: My time is just 28 minutes past four. So, I was waiting for another two minutes.

EXEMPTED BUSINESS

(Motion)

Dato’ Y. T. Lee: Mr President, Sir, I beg to move,

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

Dato’ J. E. S. Crawford: Mr President, Sir, I beg to second the motion.

Tuan Abdul Samad bin Osman: Sir, I think that cannot be done because I have already drawn attention the time limit—he should have moved it before the time.

AN HONOURABLE MEMBER: The time is not yet 4.30. So it can be moved.

Questioned put, and agreed to.

Resolved,

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

ADJOURNMENT *SINE DIE* (Motion)

Dato’ Y. T. Lee: Mr President, Sir, I also beg to move,

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

Dato’ J. E. S. Crawford: Mr President, Sir, I beg to second the motion.

Questioned put, and agreed to.

Resolved,

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

THE INDUSTRIAL RELATIONS BILL

Second Reading

Debate resumed.

Dato’ Athi Nahappan: In so far as the Government Service is concerned, we have an interesting situation. In fact, the Government Services unions in this country are the most sophisticated unions, and there have been a number of spectacular trade union activities from unions of Government servants. How, in the case of unions of Government servants, the Minister’s power is somewhat of a different kind. Whereas in the case of other unions he may, of his own accord, refer any trade dispute for the reasons specified to the Industrial Court, in the

case of Government Services unions such reference can only be made with the consent of the Yang di-Pertuan Agong, or the State Authority, as the case may be. This would mean that, before the matter can be referred to the Industrial Court, the consent of His Majesty will have to be obtained that it should be so referred—this is a major departure from the existing practice—and we know that the trade union movement is very active and virile so far as the Government servants are concerned, and it can be argued by people that this is a serious denial, because in the case of the other unions, either by consent they can go to the Industrial Court, or the Minister of his own accord may refer; but in the case of Government service, the Yang di-Pertuan Agong's Assent will have to be obtained, in which case it will have to come to the Cabinet and serious misgivings may be expressed.

The history of the trade union movement, insofar as our country is concerned, has been all these years following the British pattern. We have allowed Government servants in this country to function like any other unions but, unfortunately, there have been a number of episodes which seem to suggest that the time has now come that this field should not continue to enjoy the same kind of latitude that they have had in the public interests because of the fact that they are servants of the Government and the public and the nation as a whole, and that the privilege of having trade union movement itself has been accorded to them as a matter of His Majesty's pleasure and will. This is not uncommon, as in a number of other countries Government servants are not allowed to organise trade union movement, especially in the United States, which considers itself as the bastion of democracy. The Government servants there, or the servants of the administration cannot form trade union movement, and I also understand that in a number of other countries, Government servants are not allowed to establish trade union movement; but here, we have adopted the British system, we have allowed Government

servants to organise themselves as trade unions and to put up their legitimate demands and to resort to the normal machineries available in pressing their claims. However, when these organised forces tend to be parochial, tend to be narrow, in their outlook and demand only for their own welfare, regardless of the fact that it is inconsistent with the interests of the nation as a whole, then it becomes absolutely impossible for the Government to carry on.

Now, one instance is the recent teachers' strike. Everybody has always thought that the teaching profession is one of the noble professions, because of the fact that we leave our children in their care, and a high degree of the sense of public responsibility is always expected of the teachers generally in this country. I do not blame them for that—our teachers have been rendering their best—but in exercising their rights through this organised force of a trade union, recently we saw manifestations of this exercise which tend to go too far so as to create disequilibrium, if I may use the word, in matters of public interest; and despite the fact that Government thought it wise to constitute an independent commission to go into the matter and to put forward their own objective solution, the members of the trade union, particularly the teaching profession, had continued to express, not merely their concern, but continued to adopt a non-cooperative attitude—this despite the fact that a commission has been appointed under the chairmanship of a High Court Judge. Now, this is the kind of situation which, if allowed to continue, I am afraid, will get out of hand and the Government will find it absolutely impossible to run the affairs of this country, when it is too late.

So, the time now is warranting the Government to introduce a Bill of this kind even though it may be unpalatable to certain forces. However, I am confident that so far as the ordinary citizen is concerned, he will welcome this, because he can be satisfied, by this piece of legislation, that everyone gets a fair hearing and a fair solution to

problems; and insofar as the Government service is concerned—of course, if there is this special situation that the matter is allowed to go to the Industrial Court—the Government has agreed to be bound by the decision—that is the implication by the legislation—by the Industrial Court. Hitherto, that was not the case. But where the Yang di-Pertuan Agong does not give his consent for reasons specified in the legislation, then of course, the matter will not go to the Industrial Court and the matter will have to be resolved by further negotiations. I have every confidence that no sane Government will want to be unreasonable because these are public issues, and they can be argued at any forum from time to time, including the forum of national election, and if a Government continuously treats its Government servants unfairly, unreasonably, unjustly, I am sure there would be natural repercussions and the public will certainly take note of these repercussions, and no Government can afford the luxury of being consistently unreasonable—it is from that angle, even though it is no doubt an abridgement of the existing right. Having regard to the right, which the Government servants in this country have been having all these years, it is a right accorded to them at the pleasure and will of His Majesty, because they are all His Majesty's Government servants—and as I said, in a number of democratic countries, Government servants are not allowed to organise into trade unions, whereas we have allowed it and we still allow it even under this legislation. But, where the national interests dictate and the economy of the country dictate, then a built-in provision of this kind, even though restrictive as it is, is welcome to maintain the balance of our development as a whole.

This is my line of reasoning in supporting this Bill. Of course, there is the other side to the argument, but any compromise formula such as this is the only satisfactory solution within the context of our problems here.

There is only one other point which I wanted to mention, which actually has been taken out of my mouth by

my esteemed friend, the Honourable Tan Sri Haji Mohamed Noah, who has really come out in favour of the legal profession. I made a particular note of that. Labour laws are now becoming an interesting field of not merely laws but also of practice. In fact, day by day, the volume of law in this respect and the volume of practice in this respect are growing—especially ever since we constituted the Arbitration Tribunal, a number of cases have come up, and in many of these cases lawyers have appeared and they have argued the cases for parties and I would not be happy to leave it to the discretion of the President. In fact, I understand that in India, for instance, this is one of the very active fields of practice in law and a number of textbooks have come out in respect of industrial relations and trade disputes and so on. Here, our legal population is growing. Day by day we are getting new lawyers coming in. I am not saying that when lawyers come into the picture, they will complicate problems (*Laughter*), but certainly with the knowledge of law they can be expected to represent their clients' interests as best as they can, and all round this should bring forth the whole issue into proper focus, so that the Court itself will feel enabled to come to a satisfactory conclusion. Of course, the union may be represented by its own officials, the employer may likewise do so, but a trained lawyer's service certainly comes in more efficiently in marshalling facts and law and in presenting a well-shaped case, and to that extent the Industrial Court itself will have a great source of help and assistance. So, I should like to see the deletion of the words "by a legal practitioner". I am not suggesting this by way of an amendment, but I am only making this appeal to the Honourable Minister; and even if this amendment is not possible straightway, the necessary policy directions may be given, so that the President as a matter of course should accept legal representation through a qualified lawyer and not reserve it to his discretion of granting or refusing permission. That is all, Sir.

Tuan Yeoh Kian Teik: Mr President, Sir, I am speaking not as a member of the legal profession trying to implicate issues in respect of this Bill. There is one Clause of the Bill on which I would like to seek clarification from the Honourable Minister, and that is Clause 40. Clause 40 reads as follows:

“No person employed in a public utility service shall go on strike in breach of contract—

(a) without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking;”

That is fair enough—“within six weeks before striking”. But here is what does not make sense to me:

“or (b) within fourteen days of giving such notice;”

Here you say that if you want to go on strike, you have to give six weeks notice of your intention to go on strike. Then you qualify it and say you cannot go on strike within 14 days of giving such notice. And to make it more complicated, there is a further rider:

“or (c) before the expiry of the date of strike specified in any such notice as aforesaid.”

If the date of strike specified in the notice is, say, three days, then is that employee entitled to go out after three days or after fourteen days, or after six weeks? May I have the Honourable Minister's clarification on this point?

The Minister of Labour (Tuan V. Manickavasagam): Mr President, Sir, first of all, I would like to thank the Honourable Senators for having shown so much interest and for having supported the Bill. As I have said in the Lower House, this Bill is long overdue and is being presented to this House from the experience gained during the last few years. We have also gained some experience through the working of the Essential Regulations, and we have incorporated into this Bill some provisions from these Regulations.

As the Honourable Dato' Athi Nahappan very clearly stated, this Bill gives the Minister a certain amount of powers which hitherto he did not have, and probably because of that one party or the other took to a trial of strength. I hope, Sir, with this Bill the parties would get together and work

with the true spirit under the voluntary system, with the feeling that, if they themselves are not in a position to get together, they should not forget that somebody is always there to force them to get together and to accept something which they themselves could as well, in their discussions reach with a satisfactory arrangement.

Sir, coming to the details, the Honourable Senator Chan mentioned Clause 18. Except for the power to make regulations as in Clause 25, all other functions are with the Court as a whole. The points raised by him regarding the status of the President are appreciated, and are being considered by the Government. This may, perhaps, be done administratively.

Sir, the Honourable Tan Sri Haji Mohamed Noah, raised a number of points. I can assure him, that, as I said in the Lower House, I would not hesitate to come back both to the Lower House and here for any suitable modifications as necessary, bearing in mind the economy of this country, the policy of the Government to give every encouragement for workers to get organised into trade unions, and also to see that we give a very good climate for investment in this country so as to see that the growing population would have work opportunities.

Sir, he has asked us why Parts II, III and IV are not included. The reason has been explained. Government servants are already protected by the General Orders and, in fact, there is a feeling that they have too much protection, so that even disciplinary action cannot be taken at times when it is urgently needed. Well, there is the Public Services Commission and there are the other General Orders. The question of recognition does not arise. Under the existing Whitley machinery, collective bargaining will carry on and this is covered under Part IV of the present Bill. Sir, as I said, and as my Honourable colleague has said, it is the intention of the Government to continue with the provisions and procedures of the Whitley Council except, as I said at the Lower House and as my Honourable colleague

said here, to do away with the Government Arbitration Tribunal on which Government would be entering into negotiations with the Staff Side of the Whitley Council.

Sir, the Honourable Senator Tan Sri Mohamed Noah also mentioned about people with knowledge in the various fields. The Court will be constituted with the President, an independent member, a workers' representative and a representative of the employers, and the Court has powers to invite experts under Clause 26 (f) which reads—"after consultation with the Minister, call in the aid of one or more experts before the Court to give their views." So I think, Sir, that his point is fully covered.

He also mentioned about legal practitioners, and so did the Honourable Dato' Athi Nahappan. As it is, the legal practitioners can appear before the Court only with the permission of the President. This has been agreed upon at the special request of the workers' group, I feel quite sympathetic about it, because we should appreciate that there are a large number of smaller unions who may not be in a position to engage counsel, whereas the employers in that particular industry could get lawyers to appear before the Court. That is why we have given the discretion to the President; I am sure the President will not allow one side to have legal practitioners if the other side could not have legal practitioners. This is a safeguard so that the smaller unions would not feel that the whole Court is just legal-minded or that everything is being looked into from the legal angle. After all, Sir, any industrial dispute has to be seen from merits of the case, while also taking other matters into consideration. We also know of a number of trade union leaders who have appeared before the Court and have done very well for their members. Sir, I must also say here, with due respect to the legal practitioners, that from experience sometimes with legal practitioners appearing there is a tendency for the hearings in the Court to be dragged on for more than is necessary, because legal points may

be brought in. We also want to make it sure that going to Court is not expensive. I do not say that all lawyers ask for big sums, but we want to see, as I said earlier, that even the smaller unions would be in a position to take their disputes, if not settled among themselves, to the Court for redress. I can assure this House, Sir, that in the working of this Bill, if it is found that we should have a second thought, I would not hesitate to come back again to this House.

The Honourable Dato' Dr Cheah Toon Lok raised the question of appeals. The object behind the Industrial Court is to expedite the settlement of disputes with considerations of equity and good conscience. Providing for an appeal might defeat this objective. Appeals are, however, possible on legal grounds at the moment. He has also said this is not any more a voluntary system. What we are doing now with this Bill is to give the voluntary system more effect to see that disputes are settled in a more orderly manner rather than, as we have seen of late, people going into the streets.

Mr President, Sir, as I said, I would like to thank the Honourable Dato' Athi Nahappan for having given a very clear picture of this Bill; he has understood the purpose and the provisions of the Bill; and he has analysed some of the major issues that we face today. He has asked on the definition of "strike". Sir, the definition of strike now definitely include "go slow". If anybody is trying to do "go slow", then, he had it. But if someone does work accordingly to the rules that he has signed for or he has accepted, there is nothing wrong about it. The difficulty is that under the guise of of working to rule, they go slow—then this Bill covers such actions. If a person has to do so much of work a day and he does less, then that is definitely going slow; or if he fails to do certain work that he has agreed to do within the terms of the contract, then that becomes an offence under this Bill

Sir, the Honourable Dato' also dwelt at length about Public Service unions. Sir, I have already stated in the Lower House that our Public Service from the lowest ranks in the Industrial and Manual group to the highest level in the Civil Service deserves credit and our praise, for the excellent work that they have done in carrying out Government's programmes of national and rural development. Sir, to further increase our economic growth, we need the dedication and continued good service of the public servants. At the same time, Sir, our public servants should bear in mind that the Government is doing all it can out of available resources to ensure that they get as fair a deal as possible. They should not let themselves to be drawn into a trial of strength with the Government. Sir, I have already explained the necessity for this particular clause which brings in His Majesty and which gives certain powers to His Majesty. I find it necessary to reiterate here that the Public Service is in a vastly different position from the rest of the industry as no Government can concede to all demands of staff unions for the sake of popularity. Sir, I concede that wages and salaries have to be fair and reasonable, but we have to ensure that the country is not held to ransom by irresponsible leaders of some staff unions, who would choose to ignore the repercussions of their activities.

Sir, the Government views the increasing militancy of staff unions with concern and will not hesitate to take such steps as are necessary to safeguard the smooth and efficient operation of the Public Service. The Bill before the House, Sir, may not in fact have sufficient provisions for these but, as I said, if necessary, we will review it.

Sir, the Honourable Senator Yeoh Kian Teik asked for an explanation on Clause 40. Sir, this Clause means just this: if in a public utility service it is intended that there should be an industrial action, it should be given at least two weeks' notice and the notice should not exceed six weeks, because they cannot give two weeks' notice now and go on strike after ten weeks. It is the same with lock-outs, because it is

intended for the parties to know that there is intention of industrial action within that period, so that they could be prepared, and that is why we have this special safeguard in the case of the public utility services.

Tuan Yeoh Kian Teik: Mr President, Sir, may I interject for a moment? Clause 40 (1) (a) states clearly:

"without giving to the employer notice of strike as hereinafter provided, within six weeks before striking.

That means the person cannot go on strike *within* six weeks. It is not *exceeding* six weeks.

Tuan V. Manickavasagam: Sir, it is like this. If a person wants to go on strike, he must first give two weeks' notice of his intention to go on strike and that strike should not take place *after* six weeks—it must be *within* six weeks. That is the explanation, Sir.

Tuan Yeoh Kian Teik: Mr President, Sir, with respect, I still cannot understand it (*Laughter*).

Tuan V. Manickavasagam: Sir, I am not a legal man.

Tuan Yeoh Kian Teik: Clause 40 (1) says:

"No person employed in a public utility service shall go on strike."
within six weeks before striking without giving to the employer such notice.

Tuan V. Manickavasagam: Sir, in fact we have dealt with this Clause for a very long time and, as I said, in any public utility service if a lock-out or a strike takes place, two weeks' notice must be given of the intention to go on strike or on a lock-out, and that should be *within* six weeks and not *after* this period of six weeks.

Dato' J. E. S. Crawford: Mr President, Sir, on a point of clarification, for the Honourable Member's benefit, the wording here is:

"without giving notice to the employer notice of strike, *as hereinafter provided*. . ."

Tuan Yeoh Kian Teik: Mr President, Sir, I would like to thank Dato' Crawford. But that provision is covered under Clause 40 (3). It does not refer to Clause 41 (b); it stated in Clause

40 (3). However, I see the Minister's point. But I am not quite so happy with the wording of that Clause.

Tuan V. Manickavasagam: Sir, I think I have explained the various points raised by Honourable Members, and I would like once again to thank the Honourable Members for the support that they have given for this Bill.

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 58 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 EMPLOYMENT (AMENDMENT) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Employment Ordinance, 1955" be now read a second time.

Dato' J. E. S. Crawford: Mr President, Sir, I beg to second the motion.

Tuan V. Manickavasagam: Mr President, Sir, Clause 2 of the Bill amends sub-section (2) of section 61 of the Employment Ordinance. At present employers are required under the Employment Ordinance to preserve their labour registers for only 12 months after the recording thereof. Section 17 (2) of the Employees Provident Fund Ordinance provides that proceedings for the summary recovery of civil debts of any contributions may be instituted at any time within three years from the date when the contributions become due. The amendment in Clause 2, therefore, would facilitate the enforcement of the Employees Provident Fund Ordinance by officers of

the Ministry of Labour by requiring employers to preserve their registers for three years.

Clause 3 of the Bill corrects a printer's error.

Clause 4 of the Bill amends section 85 (2) of the Ordinance to give the Commissioner of Labour and his officers the right to appear and represent a labourer not only in proceedings instituted under the Ordinance before a Sessions Court or a First Class Magistrate but also in proceedings arising out of the Ordinance, such as in judgment debtor summons cases which arise out of the orders made by Labour Officers in Labour Courts in such matters as wages and maternity allowances.

Clause 5 of the Bill amends section 86 of the Ordinance. This section, as it stands at present, gives the impression that an employer or worker, having instituted proceedings for any breach or non-performance of a contract of service in a Labour Court, under section 69 of the Ordinance may not commence civil proceedings in a Court of law. The intention, however, is that the employer or worker should have the alternative, if he so wishes, to bring a civil suit in a Court even though his case might be pending in the Labour Court. The proposed amendment would therefore, provide the alternative and save unnecessary duplication of work for both the officers of the Ministry and the law courts by requiring the complainant to withdraw the proceedings instituted by him in the Labour Court before he commences proceedings in a Court of Law.

Clause 6 of the Bill amends section 97 (1) of the Ordinance to bring it in line with the corresponding provisions of the Employees Provident Fund Ordinance. Officers of the Ministry have encountered some difficulty in their enforcement work in places of employment with less than five labourers. The proposed amendment in the Bill would facilitate the enforcement of both the Employment Ordinance and the Employees Provident Fund Ordinance.

Clause 7 of the Bill repeals the Employment (Amendment) Act, 1961, which has not been brought into force as the provisions of that amendment Act relating to payment of overtime work are unenforceable. Suitable amendments in this regard are now being discussed in the National Joint Labour Advisory Council.

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 7 inclusive ordered to stand part of the Bill.

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

THE TRADE UNIONS (AMENDMENT) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Trade Unions Ordinance, 1959" be now read a second time.

Dato' J. E. S. Crawford: Mr President, Sir, I beg to second the motion.

Tuan V. Manickavasagam: Mr President, Sir, this Bill seeks to amend three of the terms used in the Trade Unions Ordinance so as to bring them into line with the definitions used in the Industrial Relations Bill which this House discussed just now. It is necessary that the terms used in both these laws should be identical as the Trade Unions Ordinance requires certain procedures to be gone into before a strike. The explanations of these definitions have already been given during the debate on the Industrial Relations Bill, Sir, and I need not take up the time of this House.

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 2 ordered to stand part of the Bill.

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

THE FOREIGN REPRESENTATIVES (PRIVILEGES AND IMMUNITIES) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled "an Act to enable certain privileges and immunities to be conferred on the basis of reciprocity of treatment on representatives of foreign countries being representatives who are other than those accredited as diplomatic and consular representatives" be now read a second time.

Dato' J. E. S. Crawford: Tuan Yang di-Pertua, saya menyokong usul ini.

Dato' Y. T. Lee: Sir, on the 3rd April, 1967, Malaysia and the Soviet Union concluded a Trade Agreement. Under the terms of this Agreement, it was agreed that when the Union of Soviet Socialist Republics establish a trade representation in Kuala Lumpur, the Trade Representative and his Deputies shall enjoy all the immunities and privileges accorded to members of a diplomatic mission and when Malaysia establishes a trade mission in Moscow, the Russian Government will also accord immunities and privileges to our Trade Representative and his two Deputies. In international relations today, there are other types of representatives who are neither diplomatic nor consular. These types of representatives are designated by different names according to the practice of the countries concerned. By mutual agreement, privileges and immunities may be accorded to these representatives. At the moment, Malaysian laws do not provide for conferment of privileges and immunities on representatives other than diplomatic and consular agents. It is necessary, therefore, to pass a new law, or a new Act of Parliament, conferring on His Majesty the Yang di-Pertuan Agong the power to accord

privileges and immunities on foreign representatives other than diplomats and consuls in order to be able to give effect to the terms of the Trade Agreement between Malaysia and the Soviet Union and, if desired, to future trade and other agreements that may be concluded between Malaysia and other countries which have no diplomatic or consular representation in Malaysia.

Dato' Dr Cheah Toon Lok: Mr President, Sir, although I agree with the Government on this Bill, there are certain factors regarding this Bill which should be considered by Government. First and foremost, Clause 4 of this Bill says that "for the purpose of this Act 'representative' means a representative other than diplomatic and consular representatives" that is not a definition at all of a representative. We do not limit the number of representatives in this country. I must say that we have no C.I.A. here. We are not yet developed in such a way that we have a good intelligence service. Representatives of all sorts and of all types may be coming to this country. We may not have enough people to represent us in that country, or we may not have enough men to represent us in other countries. Therefore, I suggest that if there is going to be a representation, there should be a limitation to the number of people, who are represented here. If we send 10 persons to another Capital, they are entitled to send only 10 to our country. Suppose when we send 10, they send 100, 200, or 300 representatives (*Laughter*) into this country, what are you going to do? Sir, there must be some sort of reciprocity in this matter, and I suggest that the Government should look into this matter so that there should be a limitation to the number of representatives from other countries who are not diplomatic or consular representatives. Thank you, Sir.

Tuan Gan Teck Yeow: Mr President, Sir, in supporting this Bill, I would like to make clear to the Honourable Dato' Dr Cheah Toon Lok that our country is a very small country, we are fighting for survival, and we are not big enough to look into other's affairs before our own for our survival.

I would like to tell this House that our rubber production during the year 1960, that was when the Americans started to release their stockpile, amounted to 708,000 tons and the estimated production in 1967 is 985,000 tons—an increase of about 40 per cent. Our return for such increased production in 1967 in value compared with 1960 in spite of the increase of about 40 per cent, will be about 30 per cent less or 28 per cent less, to be more correct. Our export duty, in spite of 40 per cent increase in our output, would be only about 30 per cent of what the Government collected during the year 1960. We all along have been living under fear of this synthetic rubber propaganda. We have always been told that there is a world surplus of natural rubber, and we have got to curtail our production, restrict our production. Mr President, Sir, I would like to give the correct figures to this House. Since 1959/60, the total world stock of natural rubber, commercial stock, plus stockpile, in 1966, was less by 554,000 tons (*Interruption*).

AN HONOURABLE MEMBER: Sir, the Honourable Member is irrelevant!

Tuan Gan Teck Yeow: Mr President, Sir, I would like to explain to the House the necessity and importance—and it is relevant to this Bill. The world's synthetic rubber stock in the same period went up by 342,500 tons. Now, our country produced about 80 per cent or more of high grade rubber and out of the total output of this country at this moment, 40 over per cent goes to communist countries and about 30 odd per cent goes to the Eastern European bloc.

So, Mr President, Sir, in supporting this Bill I would like to tell this House how important it is for us to look for our own survival before we can really stand up to anything else. We must look to the benefit of our own country first, because we are too small. Thank you.

Dato' Dr Cheah Toon Lok: Mr President, Sir, may I ask for a clarification in this matter? Does the last speaker

think that it is better for us to be slaves rather than to be free men, provided we get the money only?

Tuan Gan Teck Yeow: Mr President, Sir, I think we have a good Government, and our Government is capable of looking after the security of the country—and that they are no fools, and I would like to say (*Laughter*) this: to live to be a slave is better than not even having a chance to be a slave (*Laughter*).

Tuan Nik Hassan bin Haji Nik Yahya: Dato' Yang di-Pertua, saya menyokong Rang Undang² ini kerana ini ada-lah satu daripada Undang² yang, kira-nya kita luluskan, akan memberi kuasa kepada Kerajaan kita, dapat berhubung dengan mana² Kerajaan yang kita tidak mempunyai hubungan biasa sa-bagaimana biasa yang kita telah ada hubungan itu. Jadi, saya nampak Dato' Cheah bimbang kalau² wakil yang datang ka-negeri kita ini dengan ramai-nya boleh jadi ada orang² yang tidak di-ingini. Saya nampak perkara itu tidak akan berbangkit. Apa yang kita mahu hari ini ia-lah kita dapat menerima wakil² daripada negeri yang belum ada hubungan diplomatic yang boleh datang ka-sini untuk kita berhubung dalam perniagaan. Dan negeri itu juga mengakui wakil kita kasana umpama-nya, sa-belum kita adakan hubungan diplomatic. Jadi, tidak ada-lah satu benda yang menghalang kita boleh berhubung sa-belum-nya kita adakan hubungan diplomatic itu.

Jadi, saya rasa tidak-lah perkara ini menjadi kesulitan sa-kira-nya kita benarkan Kerajaan kita mengadakan, memberikan kemudahan, atau pun keutamaan kepada wakil² itu supaya negeri mereka pun dapat memberi keutamaan, atau pun layanan yang istimewa kepada wakil Kerajaan kita ka-negeri mereka. Dan kita boleh tarek hak² keutamaan itu sa-kira-nya mereka menarek balek hak keutamaan yang di-beri kapada kita. Jadi, saya nampak undang² ini tidak-lah begitu sangat besar untuk meluaskan lagi perhubungan kita, patut-lah kita luluskan. Itu-lah sahaja, saya menyokong Rang Undang² ini.

Dato' J. E. S. Crawford: Mr President, Sir, in rising to support the Bill and also my colleague, Senator Gan Teck Yeow of the Rubber Industry, I would like to quote from the Explanatory Statement which says, "A recent example of this type of representation is to be found in the provisions of the Trade Agreement between Malaysia and Russia, where it is provided that both Malaysia and Russia agree to give Trade Representatives of either country certain privileges and immunities." That is why this Bill is so important, because we hope that the trade would mostly be in respect of rubber. Thank you, Sir.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, rasa saya kesulitan yang di-pandang oleh Yang Berhormat Dato' Dr Cheah Toon Lok itu telah pun di-jawab oleh beberapa orang Ahli Yang Berhormat di-sini, ia-itu berkenaan dengan Clause 4, dimana beliau ini nampak-nya tidak begitu faham di-atas tujuan perkataan "representatives" itu. Pada masa sekarang ini, hanya Diplomatic Privilege di-berikan kapada Diplomat dan Consular Representatives sahaja. Oleh kerana itu, oleh kerana sekarang ini, umpama-nya di-negeri Russia di-mana kita mengetahui di-dalam hubungan yang ada dalam Bill ini, kita ada satu perjanjian trade, atau perniagaan diantara dua negeri ini dan wakil² daripada negeri Russia dan negeri kita pun ada di-tempatkan di-tempat masing² dan telah di-persetujui supaya mereka ini di-beri hak² keistimewaan sa-bagaimana di-beri kapada diplomats dan Consular Representatives. Pada masa dahulu belum ada hak² ini bagi orang² sa-umpama ini. Ini-lah sebab tujuan-nya Bill ini.

Dato' Dr Cheah Toon Lok: Mr President, Sir, as a matter of clarification, may I ask the Honourable Minister whether the Government thinks of limiting the number of Trade Commissioners before we have got political Commissioners in this country?

Tuan Haji Abdul Hamid Khan: Jikalau ada mustahak-nya ini kita akan timbangkan perkara ini. Pada masa

sekarang ini belum lagi ada chita² sampama itu.

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 TRANSFER OF FUNCTIONS (REGISTRAR-GENERAL OF SARAWAK) BILL

Second Reading

Dato' Y. T. Lee: Mr President, Sir, I beg to move that a Bill intituled "an Act to make provision for the exercise of the powers and functions and the performance of the duties of the Registrar-General of Sarawak under certain federal laws in force in that State" be now read a second time.

Dato' J. E. S. Crawford: Sir, I beg to second the motion.

Dato' Y. T. Lee: Sir, in moving the second reading of this Bill, I would remind Honourable Members that the Bill bearing the same title, except as to the date, was passed by this House on the 26th November and became law on the 21st January, 1965 as Act No. 5 of 1965—I will call it the 1965 Act.

The post of Registrar-General of Sarawak was created in September, 1962, in order to provide for the performance, by a single officer in charge of one central Department, of miscellaneous functions in respect of Immigration, National Registration, Registration of Births and Deaths and Registration of Trade Unions and Societies. At that time the miscellaneous statutory functions under Sarawak laws, dealing with the administration of estates, bankruptcy, patents, business names, hire purchase and money-lenders were performed by the Registrar

of the Supreme Court, and these continued to be performed after Malaysia Day by the Registrar of the High-Court in Kuching.

In 1964, following discussions between the Ministry of Justice and the Chief Justice of the High Court in Borneo, it was decided to relieve the Registrar of the High Court of these functions and to transfer them to the Registrar-General. This was the object and effect of the 1965 Act. In the meantime, however, a decision was taken elsewhere to abolish the post of Registrar-General as such and to make provision for the salary of the officer performing the duties of Registrar-General under another Head. This officer was shown in the 1965 Sarawak Federal Estimates in Head S. 39, Sub-head 1, Item (99), as Assistant Commissioner of National Registration. The officer occupying that post continued to perform the statutory functions of Registrar-General and still does so. He is, however, about to go on long leave, and it is not proposed to replace him in so far as his duties as Registrar-General are concerned. It is proposed, instead, to distribute his functions under the six Ordinances mentioned in the Schedule to the 1965 Act among officers to be appointed for the purposes of each of these Ordinances by the appropriate Federal Minister responsible for the matter to which the Ordinance relates. This is thought to be administratively more convenient than concentrating so many various functions in the hands of one officer.

When the decision was taken to appoint a Registrar-General for Sarawak, the administration was under the overall executive control of the Governor-in-Council through the Chief Secretary. There was no ministerial system. It is considered that under the Federal ministerial system, the Statutory functions under each Ordinance should be performed by an officer responsible to the appropriate Minister. I want to make it clear that it is not intended that the Minister should create a few duty posts by appointment or promotion. That is a matter for the appropriate Service Commission.

All that is proposed is that the responsible Minister should have the authority to nominate the officer, whose duty it will be to perform any statutory functions in respect of matters within his portfolio. The statutory appointment will confer the necessary statutory powers upon the officer so appointed. As a matter of drafting technique, it is considered preferable, instead of repealing and replacing the 1965 Act, or complicating it with a further schedule of amendments, to provide simply that the functions conferred by it upon the Registrar-General may be performed by anyone appointed by the Minister for that purpose. In other words, the object of this Bill is to make the 1965 Act work without the Registrar-General.

Dato' Dr Cheah Toon Lok: Mr President, Sir, on a point of clarification—I have heard just now the mover of this Bill state that the Minister concerned could nominate. I would like to know whether it is a matter of delegation of powers or nomination. If he says “nominate” then it does not amount to delegation of powers, but if it is a “delegation of powers”, then it is not “nomination”.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, “nominate” iaitu dia memilih satu orang untuk menjalankan kerja² yang di-tetapkan bagi Registrar-General dahulu, kerja-nya itu

di-pilehkan, di-tentukan satu² orang yang tertentu, bukan delegate dia punya power—tidak. Jadi, dia bagi kuasa kepada orang itu menjalankan kerja itu.

Dato' Dr Cheah Toon Lok: Mr President, Sir, from the explanation of the Minister, I think what he means is nomination and delegation of powers—both together?

Mr (Deputy) President: Do you want your question to be recorded, so that you can ask the Minister concerned, should you like to do so?

Dato' Dr Cheah Toon Lok: (indicates assent:)

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*)

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

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

Mr (Deputy) President: Honourable Members, the Senate is now adjourned *sine die*.

Adjourned at 5.30 p.m.