

SPEECH BY THE MINISTER OF DEFENCE ON
THE SECOND READING OF THE EMERGENCY
REGULATIONS (INDEMNITY) BILL AT THE
DEWAN RAKYAT ON 23RD JUNE, 1960

I beg to move that a Bill instituted an Act to indemnify public officers and other persons in respect of acts done under the Emergency Regulations Ordinance, 1948, and to provide for certain other matters arising out of the cessor of such Ordinance pursuant to the provision of Article 163 of the Constitution be read a second time.

This Bill, as its **name—the** Emergency Regulations (Indemnity) Act **implies**, has a direct relation to the ending of the Emergency on 31st July in that it provides for indemnity and other matters pursuant to the cancellation of the Emergency Regulations Ordinance.

Although at this moment the Government has no knowledge of any case or incident where a claim might be made, it is a normal procedure in circumstances such as these to provide that acts ordered or done by officers should not be subject to subsequent legal proceedings and that such **officers—be** protected. Clause 3 of the Bill provides such indemnity provided the act of the person was done in good faith and in a reasonable belief that it was necessary for the purpose **intended**.

Of course, it is necessary that should an officer be liable financially in any way he should not be exempted because of the provisions of Clause 3. Accordingly liability to be surcharged under the Financial Procedure Ordinance is excluded under sub-clause (2).

Clauses 4 and 5 of the Bill are connected with the provisions of Clause 3 and, in particular, provide that no legal proceedings shall be instituted in any court on an allegation that the act complained of was not done in good faith without the sanction of the Attorney-General in the case of an officer employed in

connection with the affairs of the Federation Government or the State Legal Officer in the case of a State Officer.

Clause 6 is the most important clause of the Bill. As a result of injuries received during the Emergency a number of people are entitle to compensation or injury allowances under the Emergency Regulations mentioned in the Schedule of the Bill. There can clearly be no question of stopping such compensation or allowances when the Emergency declared at an end, and Clause 6 of the Bill provides for their continuation.

Rules under Clause 10 can also be made providing for certain matter relating to the payment of any awards, gratuities or allowances and the removal of any hardship or inconvenience occasioned by the repeat of the Emergency Regulations.

It will obviously not be possible to do requisition all property immediately and Clause 7 authorises the Minister to continue requisition on the same terms and conditions as those obtaining on the appointed day.

Clause 8 of the Bill provides for the validity of sentences and orders made under the Emergency Regulations. There may be some doubt when the provision under which the sentence or order was made is cancelled, whether the sentence or order is valid. This clause will eliminate the possibility of such doubt.

Section 9 repeats the provisions contained in the present Emergency Regulation 54A under which gratuities to workmen injured or to the dependents of workmen killed by acts of terrorism are set off against workmen's compensation.

Clause 10 provides *inter-alia* for the appointment by the Yang di-Pertuan Agong of an administrator to carry into effect the provisions of the Act. The powers and duties of the administrator may be prescribed by the order made by the Yang di-Pertuan Agong.

Sir, this is a very necessary Bill in connection with the ending of the Emergency and the cessor of the Emergency Regulations Ordinance.