



PARLIAMENTARY DEBATES

DEWAN NEGARA (SENATE)

OFFICIAL REPORT

(SECOND SESSION OF THE SECOND DEWAN NEGARA)

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MALAYSIA

DEWAN NEGARA (SENATE)

Official Report

Vol. II

Second Session of the Second Dewan Negara

No. 8

Saturday, 18th December, 1965

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

PRESENT :

The Honourable Mr President, DATO' HAJI ABDUL RAHMAN BIN MOHAMED YASSIN, S.P.M.J., P.I.S., J.P. (Johore)

.. ENCHE' A. ARUNASALAM, A.M.N. (Appointed).

.. ENCHE' ABDUL RAHMAN BIN AHMAD (Perlis).

.. ENCHE' 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).

.. CHE' AISHAH BINTI HAJI ABDUL GHANI (Appointed).

.. CHE' BIBI AISHA BINTI HAMID DON, A.M.N. (Appointed).

.. ENCHE' AMALUDDIN BIN DARUS (Kelantan).

.. DATU JOSEPH AUGUSTINE ANGIAN ANDULAG, P.D.K. (Sabah)

.. ENCHE' AWANG DAUD MATUSIN (Appointed).

.. DATU TUANKU BUJANG BIN TUANKU HAJI OTHMAN (Sarawak).

.. ENCHE' CHAN KEONG HON (Appointed).

.. ENCHE' CHAN KWONG-HON, J.M.N., S.M.S., J.P. (Selangor).

.. ENCHE' CHEAH SENG KHIM, J.P. (Penang).

.. 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).

.. ENCHE' D. S. DORAI RAJ, A.M.N., P.J.K. (Appointed).

.. DATO' FOO SEE MOI, D.P.M.K., J.P. (Appointed).

.. ENCHE' GAN TECK YEOW, J.M.N. (Appointed).

.. ENCHE' GOH CHEK KIN, P.J.K. (Trengganu).

.. ENCHE' HOH CHEE CHEONG, A.M.N., J.P. (Pahang).

.. ENCHE' C. D. ISMAIL, J.M.N., J.P. (Appointed).

.. ENCHE' ANDREW JIKA LANDAU (Appointed).

.. ENCHE' KOH KIM LENG (Melaka).

.. DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negri Sembilan)

.. DATO' Y. T. LEE, D.P.M.S., J.M.N., P.J.K., J.P. (Appointed).

.. ENCHE' LIM HEE HONG, J.M.N., J.P. (Appointed).

.. ENCHE' LIM JOO KONG, J.P. (Kedah).

.. ENCHE' MOHAMED ADIB BIN OMAR, P.J.K. (Trengganu).

.. DATU PENGIRAN MOHAMED DIGADONG GALPAM, P.D.K. (Sabah)

- The Honourable DATO' HAJI MOHAMED NOAH BIN OMAR, P.M.N., S.P.M.J., D.P.M.B., P.I.S., J.P. (Appointed).
- .. TUAN HAJI MOHAMED SAAID BIN HAJI ABU BAKAR (Appointed).
- .. ENCHE' S. P. S. NATHAN (Appointed).
- .. NIK HASSAN BIN HAJI NIK YAHYA, J.M.N. (Appointed).
- .. TEMENGGONG OYONG LAWAI JAU (Sarawak).
- .. TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Appointed).
- .. ENCHE' SAIDON BIN KECHUT, A.M.N. (Appointed).
- .. DATO' SHEIKH ABU BAKAR BIN YAHYA AL-HAJ, D.P.M.J., P.I.S., J.P. (Johore).
- .. DATO' 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).
- .. ENCHE' WILLIAM TAN (Appointed).
- .. DATO' T. H. TAN, P.M.N. (Appointed).
- .. DATO' E. E. C. THURASINGHAM, D.P.M.J., J.P. (Appointed).
- .. ENCHE' S. O. K. UBaidULLA, J.M.N. (Appointed).
- .. DATO' WAN IBRAHIM BIN WAN TANJONG, J.M.N., P.J.K., Orang Kaya Indera Maharaja Purba Jelai (Pahang).
- .. ENCHE' YAHYA BIN AHMAD, P.J.K. (Negri Sembilan).
- .. ENCHE' YAHYA BIN HAJI AHMAD (Perak).

ABSENT :

- The Honourable the Minister without Portfolio, DATO' ONG YOKE LIN, P.M.N. (Appointed).
- .. ENCHE' HONG KIM SUI (Appointed).
- .. ENCHE' KHOO TECK PUAT (Appointed).
- .. ENCHE' ATHI NAHAPPAN (Appointed).
- .. RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).
- .. WAN MUSTAPHA BIN HAJI WAN ALI, S.M.K. (Kelantan).
- .. ENCHE' YEOH KIAN TEIK (Perak).

IN ATTENDANCE :

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

- The Honourable the Minister of Information and Broadcasting,
ENCHE' SENU BIN ABDUL RAHMAN (Kubang Pasu Barat).
- „ the Minister of Agriculture and Co-operatives,
TUAN HAJI MOHAMED GHAZALI BIN HAJI JAWI (Ulu Perak).
- „ the Minister of Lands and Mines, ENCHE' ABDUL-RAHMAN
BIN YA'KUB (Sarawak).
- „ the Assistant Minister of Finance, DR NG KAM POH, J.P.
(Telok Anson).

PRAYERS

(Mr President *in the Chair*)

ADMINISTRATION OF OATHS

The following Members took and subscribed the Oath, or made and subscribed the Affirmation required by Law:

Enche' Chan Keong-Hon (Appointed).

Tuan Syed Darus bin Syed Hashim (Perlis)

Tuan Haji Ahmad bin Haji Abdul Manap (Melaka)

Datu Tuanku Bujang bin Tuanku Haji Othman (Sarawak)

Enche' Chan Kwong Hon (Selangor)

Datu Joseph Augustin Angian Andulag (Sabah)

ANNOUNCEMENTS BY MR PRESIDENT

LEAVE TO THE HONOURABLE DATO' ONG YOKE LIN, P.M.N., AND THE HONOURABLE RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY

Mr President: Ahli² Yang Berhormat, saya ingin memberitahu kepada Dewan ini, bahawa menurut kuasa yang telah di-beri kepada saya, saya telah mengizinkan Yang Berhormat Dato' Ong Yoke Lin dan Yang Berhormat Raja Rastam Shahrome, atas permintaan mereka kedua sendiri, berchuti daripada menghadiri Meshuarat Dewan Negara ini sa-lama enam bulan mulai daripada 9 haribulan Oktober, 1965 bagi Yang Berhormat Dato' Ong Yoke Lin, dan mulai daripada 17 haribulan Nobember, 1965 bagi Yang Berhormat Raja Rastam Shahrome. Demikian-lah saya ma'alumkan.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Ahli² Yang Berhomat, ada-lah saya menyatakan kepada Dewan ini, bahawa saya telah menerima satu perutusan daripada Dewan Ra'ayat. Sekarang saya jemput-lah Setiausaha Dewan Negara membachakan Perutusan itu.

(Whereupon the Clerk reads the following Message)

“Mr President,

The House of Representatives has passed the following Bills—

- (1) to amend the written laws relating to the remuneration of Ministers, Assistant Ministers and Parliamentary Secretaries;
- (2) to amend the Turnover Tax Act, 1965;
- (3) to amend further the laws relating to income tax of Sabah, Sarawak and the States of Malaya;
- (4) to amend the Excise Act, 1961;
- (5) to amend the Development Fund Ordinance, 1958;
- (6) to create common tariffs for Malaysia and to provide for matters incidental thereto;
- (7) to amend the Insurance Act, 1963;
- (8) to ractify and give legal sanction to the provisions of the Convention on the Settlement of Investment Disputes;
- (9) to repeal the Laws of the States of Kedah, Negri Sembilan, Pahang, Perak, Perlis, Selangor and Trengganu relating to suits against the Ruling Houses of those States;

- (10) to establish a corporate body by the name of the Majlis Amanah Ra'ayat and for the purposes connected therewith;
- (11) to amend the Prevention of Crime Ordinance, 1959;
- (12) to consolidate the laws relating to the possession and production of travel documents by persons entering or leaving, or travelling within, the Federation and to provide for matters connected therewith;
- (13) to amend the Immigration Ordinance, 1959;
- (14) to amend the Divorce Ordinance, 1952, of the States of Malaya;
- (15) to amend the Penal Code;
- (16) to provide for the reconstitution of the Rubber Research Institute of Malaya and for matters incidental thereto;
- (17) to amend the Pineapple Industry Ordinance, 1957, and the Pineapple Industry (Amendment) Act, 1964;
- (18) to establish the Malaysian Timber Export Industry Board for the purpose of regulating and improving the timber export industry and to provide for matters connected therewith;
- (19) to repeal certain legislation relating to Mui Tsai;
- (20) to amend the Employment Ordinance, 1955;
- (21) to amend the Co-operative Societies Ordinance, 1948;
- (22) to incorporate the National Land Rehabilitation and Consolidation Authority to be charged with the responsibility for the rehabilitation and development of any areas within the States of Malaya;
- (23) to apply sums out of the Consolidated Fund for additional expenditure for the service of the year 1965 and to appropriate such sums for certain purposes;
- (24) to apply a sum out of the Consolidated Fund to the services

of the year 1966 and to appropriate that sum and such other sums as have been authorised to be issued for the service of that year;

- (25) to provide for the appointment of places of safety for the purposes of the Laws in forces in different parts of the States of Malaya for the Protection of Women and Girls;
- (26) to amend and consolidate the law relating to the registration of societies;
- (27) to amend the Road Traffic Ordinance, 1958;
- (28) to amend the Merchant Shipping Ordinance, 1952, in order to give legal effect to an International Convention for the Safety of Life at Sea signed in London on 17th June, 1964, and to International Regulations for Preventing Collisions at sea, 1960 and to enable Malaysian vessels exclusively employed in the fishing industry to be exempted from the provisions of Part III of the Ordinance;
- (29) to establish a body corporate to be called the National Productivity Council and to provide for matters connected therewith.

(sd.) Dato' Chik Mohamed Yusof bin Sheikh Abdul Rahman
(*Mr Speaker*)

15th December, 1965."

BUSINESS OF THE SENATE

Dato' T. H. Tan: Mr President, Sir, I beg to give notice that I will move the second and third readings of the following Bills at this meeting of the Senate:

The Supply Bill, 1966.

The Ministers, Assistant Ministers and Parliamentary Secretaries (Remunerations) (Amendment) Bill.

The Turnover Tax (Amendment) Bill.

The Income Tax Laws (Malaysia) (Amendment) (No. 2) Bill.

The Excise (Amendment) Bill.

The Supplementary Supply (No. 2) Bill.

The Development Fund (Amendment) Bill.

The Customs (Malaysian Common Tariffs) Bill.

The Insurance (Amendment) Bill.

The Convention on the Settlement of Investment Disputes Bill.

The Federal Statute Law Revision (Suits against the Ruling Houses) Bill.

The Majlis Amanah Ra'ayat Bill.

The Prevention of Crime (Amendment) Bill.

The Passports Bill.

The Immigration (Amendment) (No. 2) Bill.

The Divorce (Amendment) Bill.

The Penal Code (Amendment) (No. 2) Bill.

The Rubber Research Institute of Malaya Bill.

The Malaysian Timber Export Industry Board (Incorporation) Bill.

The Pineapple Industry (Amendment) Bill.

The Women and Girls (Appointment of Places of Safety) Bill.

The Mui Tsai (Repeat) Bill.

The Employment (Amendment) Bill.

The Co-operative Societies (Amendment) Bill.

The National Land Rehabilitation and Consolidation Authority (Incorporation) Bill.

The Societies Bill.

The Merchant Shipping (Amendment) Bill.

The Road Traffic (Amendment) Bill.

The National Productivity Council (Incorporation) Bill.

Mr President: So be it.

ORAL ANSWERS TO QUESTIONS

HOUSING LOAN TO TEACHERS IN SARAWAK

1. Enche' William Tan asks the Minister of Education to state why teachers from Government schools who

obtain loan for building homes are charged 3% interest but those from Aided Schools are charged 9%.

The Minister of Information and Broadcasting (Enche' Senu bin Abdul Rahman): Mr President, Sir, teachers in Government Service in Sarawak are eligible for low interest loans under the Sarawak Scheme of Service. Teachers in Aided Schools are not subject to this Scheme of Service. The Grant Code makes no provision for loan assistance for Aided School teachers, who are not subject to posting in the same way as Government School teachers.

Enche' William Tan: Mr President, Sir, can the Honourable Minister kindly tell me why there is such discrimination in treatment between aided and un-aided school teachers?

Enche' Senu bin Abdul Rahman: Well, that is the law at present. Nothing can be done about it now.

Enche' Abdul Samad bin Osman: Just now I heard from the Honourable Minister that Aided School teachers are not subject to posting in the same way as Government school teachers. Cannot Aided School teachers in Sarawak be posted to other schools?

Enche' Senu bin Abdul Rahman: At the moment they cannot.

Dato' Haji Mohamed Noah bin Omar: Cannot the law be amended in order to make these Aided School teachers eligible for such an allowance?

Enche' Senu bin Abdul Rahman: This is to be considered by the Minister. Thank you.

ALLEVIATION OF CONDITION OF UNFORTUNATE PEOPLE IN THE FEDERAL CAPITAL (KUALA LUMPUR)

2. Enche' William Tan asks the Minister for Welfare Services to state what actions are being taken to alleviate the condition of unfortunate people including child-beggars in the Federal Capital of Kuala Lumpur.

The Minister for Welfare Services (Tuan Haji Abdul Hamid Khan): Sir, I do not quite know to whom the "unfortunate people" the Honourable Member refers to, but if the Honourable Member is referring to beggars and vagrants, then I would say that appropriate action has been taken to provide for the care and rehabilitation of such people in accordance with the provisions of the Vagrants Act, 1965. A committee comprising representatives of Police and the Ministry has been formed to deal specifically with mendicity and vagrancy. This committee has been entrusted with the task of reviewing the problems of vagrancy in the Federal Capital and take appropriate action to deal with them. Since the coming into force of the Act, 187 adult beggars and vagrants were arrested, of whom 34 have been received into the Homes specifically established for the purpose of the Act. The others were either bound over or cautioned and discharged. In addition to this, another 28 adult beggars and vagrants were received into the Homes on a voluntary basis.

Beggars who have been received into the Homes will be given such training in order to reclaim them to a state of self-respect, economic independence and satisfying social conditions. Among other things, they will be taught a trade suitable to their capabilities and wherever possible they will be found employment on discharge. Those who are physically incapable of earning a livelihood will be given custodial care.

In regard to child beggars requiring care and protection, they will be received into the Children's Homes under the provisions of the Children and Young Persons Ordinance. Altogether 28 children were caught begging and of this one child has been received into the Children's Home as in need of care and protection. The remainder were cautioned and discharged. Children so received will be given care, training, education and such other facilities until they are ultimately rehabilitated.

Enche' William Tan: Mr President, Sir, I thank the Honourable Minister for his rather elaborate statement, but if the Federal Capital, Kuala Lumpur, is going to cater for tourist trade, I am afraid we have got to put a stop to this nuisance. Well, I would like to cite one example. It was just last night that I saw one fellow sleeping on the five-foot-way of Bukit Bintang Road, near Malaysia Hotel, and. . . .

Mr President: You are discussing the reply, which you should not!

Enche' William Tan: I wonder whether the Honourable Minister is aware of this.

Tuan Haji Abdul Hamid Khan: Sir, as I said in my speech in reply to the Honourable Member, every possible care had been taken to see that these people are taken care of. As I said, a total of 366 persons had been arrested and placed in the various Homes and Police action had been taken, and action will continue to be taken to see that these people do not become pests.

Enche' Lim Hee Hong: As far as I know, Sir, some of these beggars do not want to be taken care of. As far as my knowledge goes, they are making a trade out of it.

Mr President: That is not a supplementary question!

Enche' Abdul Samad bin Osman: Sir, in the State of Kedah, and also in my place at Sungei Patani, adult beggars of over sixty (not child beggars) are still roaming the streets begging, but no action has been taken so far. What action and when that action will be taken by the Ministry?

Tuan Haji Abdul Hamid Khan: As I said earlier, Sir, action is being taken within the law. Unless a beggar can be proved to be a nuisance, then he cannot be arrested by the police. The police must have evidence according to the law that that person is acting as a nuisance. If he just sits in the five-foot-way, lifts his hand up without pestering anybody, he cannot

be arrested; and if he were arrested, he could say, "well, I just sat there resting and thanking God that I have got a good view to see around me", or something of that kind. As I said, every precaution and every action has been taken and we will continue to do so.

Enche' Abdul Samad bin Osman: The Honourable Minister has stated just now "sitting on the five-foot-way"—may I ask him whether this is one obstruction, a nuisance, or not. Sitting on the five-foot-way is an obstruction to traffic! (*Laughter*).

Tuan Haji Abdul Hamid Khan: If it comes under the law of obstruction, then the Police will charge the man for obstruction, but not if he were to just sit somewhere where he is not an obstruction. Quite a number of people sit on the five-foot way or stand there also, and probably the Honourable Member has had occasion during rain to stand on the five-foot-way for shelter (*Laughter*).

Enche' Abdul Samad bin Osman: In regard to the word "nuisance", who is going to charge a person for being a nuisance? Is it going to be a Magistrate, or the Police, or the Minister himself?

Tuan Haji Abdul Hamid Khan: Well, the Police must be satisfied that they have a case before they bring it to Court, and it is for the judge to decide.

Enche' S. O. K. Ubaidulla: Sir, does the figure of arrest which he gave represent only Kuala Lumpur or whole of Malaya?

Tuan Haji Abdul Hamid Khan: Whole of Malaya.

Enche' William Tan: Sir, may I ask the Honourable Minister whether he deems a man sleeping on the five-foot-way as an obstruction?

Tuan Haji Abdul Hamid Khan: "Nuisance" is one thing and "obstruction" is another. If the Honourable Member is asking whether that obstruction causes hindrance to the

public, that is for the Police to say as they are the people who can best judge and they are the people who implement the law.

Dato' J. E. S. Crawford: Sir, on a point of clarification—I think the Minister answered that the figure he gave was for the whole of Malaya. It is somewhat astonishing, Sir, because the question here specifically refers to the Capital only, i.e. Kuala Lumpur.

Tuan Haji Abdul Hamid Khan: We have not got figures by individual towns, but what we have are of these people who have been arrested. If the Honourable Member is interested, then he could put up a separate question and then we will be able to reply.

Dato' Dr Cheah Toon Lok: Our Honourable Minister has stated that "obstruction" is not a "nuisance". But according to law, obstruction is a public nuisance. Is it correct or not that obstruction is a public nuisance.

Tuan Haji Abdul Hamid Khan: It depends, Sir, if it is obstruction and if it becomes a nuisance to the public, then it is a public nuisance.

Dato' Haji Mohamed Noah: I am not quite clear on this definition of "begging". It seems according to the definition given by the Minister, that unless a beggar is a nuisance then he cannot be arrested. Now, if a man is begging without causing nuisance, can he be arrested or not?

Tuan Haji Abdul Hamid Khan: Well, according to the law, if he solicits and he just comes round to the Honourable Member and says, "Can you please give me something?", well, if the Honourable Member wishes to give him something, then there is a mutual agreement between the two (*Laughter*). Then, Sir, the Honourable Member surely does not want the man to be charged because he wants to give him something for charity. But if a person proves to be a nuisance and if he keeps on tugging at the Honourable Member's coat, and then the Honourable Member does not like

it, then that is a nuisance. As I said, the people who are to implement the law are the Police, and they are the people who can judge best as to when an action is a nuisance or not.

Dato' Wan Ibrahim bin Wan Tanjong: Dato' Yang di-Pertua, saya suka menambah satu soal lagi. Oleh kerana banyak anak² yang di-bawah umur 15 tahun di-bawa oleh peminta² sedekah, sama ada buta atau tepok, apa-kah langkah Kerajaan supaya ini tidak menjadi sa-orang yang bersusah payah meminta sedekah?

Tuan Haji Abdul Hamid Khan: Anak² ini boleh kita tempatkan dalam rumah² di-mana ada di-tempatkan anak², di-mana tidak ada orang yang menjaga-nya di-tempatkan di-Children's Homes.

Dato' Sheikh Abu Bakar bin Yahya: Apa-kah langkah² yang Kerajaan akan ambil atas anak² yang sentiasa di-bawa oleh peminta² sedekah sama ada buta, tepok dan sa-bagai-nya, supaya anak² ini tidak menjadi bertabi'at peminta sedekah.

Tuan Haji Abdul Hamid Khan: Jikalau peminta sedekah itu di-tangkap atau di-masokkan dalam rumah tahanan, jadi anak² ini boleh-lah di-ambil oleh Kerajaan di-tempatkan ka-rumah budak².

Enche' Yahya bin Haji Ahmad: Tuan Yang di-Pertua, baik-lah kalau peminta² sedekah membawa anak²-nya, orang² yang minta sedekah itu ada keluarga dengan memintalah dia menanggung keluarga-nya. Kalau di-tangkap, bagaimana pula keluarga-nya yang di-rumah. Apakah satu langkah yang Kerajaan buat supaya orang² yang meminta sedekah ini yang tanggung-jawab-nya ada, kalau dia di-tangkap, bagaimana keluarga-nya di-rumah? Biasa-nya banyak di-tempat² yang kita pernah lihat di-kampung² datang-nya dia itu buta bawa anak²-nya, tiba² di-tangkap. Bagaimana pula isteri di-rumah? Apakah langkah yang patut Kerajaan ambil dalam perkara ini?

Tuan Haji Abdul Hamid Khan: Jikalau dia ada tanggungan umpamanya isteri, jadi dia itu boleh-lah ditimbangkan di-bawah orang² menganggor atau pun orang² yang tidak ada satu mata pencharian. Dia boleh memohon kepada Pejabat Kebajikan Masharakat untuk di-bantu.

Enche' D. S. Dorairaj: Sir, begging is a crime, and all beggars should be arrested. Well, I feel a different way. People who give them money should be arrested first (*Laughter*). People think that by giving beggars money, they can wipe out their sins.

Mr President: This is becoming a discussion now!

Enche' D. S. Dorairaj: So, Mr President, Sir, I feel some people are making beggary as a business. It is very hard for any Government to get rid of beggars. In certain countries I know that they make it a rule that begging is a crime but even then beggars are there; and though they put up so many homes, nobody lives there. I think our Government is also having the same experience, taking them to Homes but nobody wants to remain there.

Mr President: You are out of order, please sit down!

Enche' William Tan: Mr President, Sir, may I point out to the Honourable Minister that one of the worst forms of nuisance is the *jaga keretas* in public parks. Would the Police consider them as beggars who are imposing themselves upon others?

Tuan Haji Abdul Hamid Khan: The *jaga keretas* could be taken in under the Minor Offences Ordinance.

ESTABLISHMENT OF EYE BANK FOR CORNEAL GRAFTING

3. Enche' William Tan asks the Minister of Health to state when Government intends to introduce legislation to authorise the removal of eyes from the dead and depositing them in

any Eye Bank for corneal grafting for the blind.

The Assistant Minister of Finance (Dr Ng Kam Poh): Mr President, Sir, a Bill on corneal grafting is being drafted and is now nearing its final stage for consideration by the Government.

Dato' Haji Mohamed Noah: Sir, have religious bodies been consulted when drafting this Bill—especially the Muslims?

Dr Ng Kam Poh: Mr President, Sir, the religious bodies will, of course, be consulted concerning this corneal grafting. Where grafting will be done, of course, consent must be given by the relatives of the person concerned.

CHADANGAN MENGADAKAN LAGI SATU SALORAN BAGI TALIVISHEN

4. Dato' Sheikh Abu Bakar bin Yahya bertanya kepada Menteri Penerangan dan Penyiaran ada-kah Kerajaan mempunyai apa² chadangan hendak mengadakan satu saloran lagi dalam talivishen kita, dan jika ada, bila hendak di-mulakan.

The Minister of Information and Broadcasting (Enche' Senu bin Abdul Rahman): Tuan Yang di-Pertua, Kementerian saya memang ada ranchangan² hendak mengadakan satu lagi saloran dalam Talivishen Malaysia, tetapi pada masa ini Jabatan yang tersebut sedang menumpukan segala tenaga-nya untuk menambah dan meningkatkan lagi mutu ranchangan² tempatan yang sedia ada supaya chorak ranchangan² itu dapat benar² memberikan atau mencherminkan kebudayaan kita. Oleh yang demikian, ranchangan hendak mengadakan satu saloran lagi itu terpaksa-lah di-tangguhkan buat sementara waktu, perkara mengadakan satu saloran lagi itu bukan-lah satu perkara yang susah, jika ada banyak ranchangan² tempatan yang sesuai untuk di-tunjokkan, tetapi tentu-lah tidak ada guna-nya jika saloran itu di-gunakan sa-mata² untuk menunjokkan kebudayaan² asing.

TINDAKAN UNTOK MENGATASI KEKURANGAN PEGAWAI² UNDANGAN KERAJAAN

5. Dato' Sheikh Abu Bakar bertanya kepada Menteri Ke'adilan memandangkan bahawa beberapa orang pegawai perkhidmatan undangan telah meletakkan jawatan, ada-kah apa² tindakan yang Kerajaan telah jalankan atau berchadangan hendak ambil untok mengatasi kekurangan pegawai² undangan atau mengisi jawatan² kosong.

Menteri Ke'adilan (Dato' Dr Ismail): Tuan Yang di-Pertua, pada masa ini ada lapan orang pegawai Kerajaan yang telah di-beri biasiswa undangan bagi mempelajari undang² dalam Inns of Court, London, bagi mendapatkan ijazah Barrister-at-Law. Tiga daripadanya ada-lah dalam tingkatan pelajaran yang terakhir, sa-orang lagi pegawai akan berlepas ka-England dalam bulan ini dan dua orang lagi akan di-hantar pada awal tahun hadapan atas biasiswa yang tersebut. Langkah² telah juga di-ambil bagi mengadakan 10 biasiswa bagi pelajaran yang tersebut dalam tahun 1966.

Dato' Haji Mohamed Noah: Tuan Yang di-Pertua, soalan tambahan. Saya hendak bertanya, ada-kah betul bagaimana yang di-sebutkan dalam soal ini, ramai daripada pegawai² dalam perkhidmatan undangan yang telah berhenti daripada jawatan Kerajaan dan boleh-kah di-beri apa-kah sebab²-nya mereka berhenti. Ada-kah sa-tengah daripada-nya orang yang sudah mendapat scholarship daripada Kerajaan atau pun tidak?

Dato' Dr Ismail: Tuan Yang di-Pertua, saya tidak berani hendak mengatakan banyak tidak banyak, sebab apa, itu atas taksiran masing², tetapi sebab²-nya mereka itu keluar daripada jawatan Kerajaan, itu ada-lah terpulang kepada fikiran masing². Saya tidak tahu-lah fasal fikiran masing² itu, apa-kah sebab-nya dia hendak keluar daripada menjadi pegawai Kerajaan, chuma ada sangkaan² sahaja, yang dia itu tidak bersetuju dengan gaji yang di-berikan, tetapi telah di-nafikan pula ada pegawai² yang lain telah berhenti,

dia kata, bukan itu sebab-nya dia berhenti. Jadi ini perkara chuma Allah sahaja yang tahu apa sebab-nya dia berhenti.

MELEBEHKAN LAGI BIASISWA² DALAM UNDANG²

6. Dato' Sheikh Abu Bakar bertanya kepada Perdana Menteri ada-ka-h Kerajaan akan menawarkan lebeh banyak lagi biasiswa² kepada penun-tut² yang layak dan chenderong dalam lapangan Undang².

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, pemberian biasiswa Persekutuan ada-lah berdasarkan kepada keperluan Kementerian², Jabatan², akan pegawai² yang telah terlatah untuk memenohi jawatan² yang kosong. Oleh yang demikian bilangan biasiswa Persekutuan untuk pelajaran undang² ada-lah bergantung kepada bilangan jawatan yang kosong pada masa ini dan masa hadapan dalam Jabatan Perundangan dan Kehakiman.

ACTION BY THE MALAYSIAN GOVERNMENT TO NULLIFY THE ILLEGAL INDEPENDENT GOVERNMENT OF MR IAN SMITH IN RHODESIA

7. Enche' Saidon bin Kechut asks the Minister of External Affairs to state whether, as a member of the Commonwealth and the United Nations, the Malaysian Government will seriously consider using the maximum influence on the British Government to take immediate and positive action to nullify the illegal independence of Rhodesia and to depose the rebel Prime Minister Ian Smith accordingly.

Tuan Haji Abdul Hamid Khan: Sir, I would like to take this opportunity to make a comprehensive statement on Rhodesia. The Malaysian Government's position has always been that Rhodesia, being a dependent territory of Britain, is solely a British responsibility. We had acknowledged that a solution of the Rhodesian problem was one that Britain alone had to meet. When it appeared that the Smith Government of Rhodesia was

seriously contemplating taking matters into their own hands and making a unilateral declaration of independence, on 20th October, made known publicly that in the event of U.D.I.:

- (a) Malaysia would not recognise the U.D.I. or the independent state claimed to exist thereafter;
- (b) Malaysia would accord Rhodesia the treatment she has accorded the Republic of South Africa: namely, no relations of any kind including a total embargo on trade;
- (c) Malaysia would support any action resolved by the U.N. General Assembly of the Security Council; and
- (d) Malaysia would give total moral diplomatic support, and other possible forms of assistance at its disposal, to the British Government to re-assert its authority in Rhodesia.

As Honourable Members will know, on 11th November, 1965, the Smith regime in Rhodesia, acting unilaterally, seized independence. The Malaysian Government does not recognise this unilateral action nor the state the rebel regime claims to have come into being. Following from this, the Malaysian Government does not recognise passports or visas issued by the rebel regime, and any letters, parcels or communication arriving by post in this country bearing postage stamps issued by the rebel regime will be surcharged in the same manner as letters bearing no stamps. The Malaysian Government has also enforced exchange control measures against Rhodesia. As a consequence, Rhodesia has been excluded from the sterling area, and all payments to residents in Rhodesia and all financial transactions, which in any way involve Rhodesian interests, are restricted.

The Honourable Minister of Finance has also made an Order known as "The Custom Prohibition of Imports and Exports (Southern Rhodesia) Order, 1965" in respect of the States of Malaya and similar Orders in respect of Sabah and Sarawak, whereby

the importation into and exportation from Malaysia of all goods which are consigned from or to Rhodesia or to any territory administered by Rhodesia is absolutely prohibited. The provisions are Malaysia-wide and have the effect of a total trade ban with Rhodesia. Since the ill-conceived rebellion by the Smith regime, Malaysia has supported all resolutions passed by the United Nations General Assembly and Security Council. Particularly on 20th November last, Malaysia subscribed to a resolution in the Security Council which, among other things, called upon all members to sever economic ties with Rhodesia, including the imposition of an oil embargo and called upon Britain to implement all other measures to bring about an early end to this rebel regime. We are committed to supporting any action resolved by the United Nations to settle the Rhodesian crisis and in the same spirit we will, of course, carry out the provisions of any resolution so passed.

Honourable Members will have noted that in our declaration of policy on 20th October, we stated that Malaysia would give total moral and diplomatic support to other possible forms of assistance at its disposal to the British Government to re-assert its authority in Rhodesia. This stems from our belief that the Rhodesia problem is primarily a British responsibility. In this respect, we have been in communication with the British Prime Minister, and this Government continues to be seized of the Rhodesian problem. We have noted with serious misgivings the latest developments in the Rhodesian crisis and the serious repercussions that they are having in Africa and also in the rest of the world. Commonwealth solidarity, and indeed world peace, is being threatened, and when the Prime Minister of Nigeria proposed just over a week ago that there should be an emergency meeting of Commonwealth Heads of Government on or about the 10th of next month, our Prime Minister readily agreed; and indeed the Prime Minister is prepared to grasp at any other possible means to settle the crisis. The

Malaysian Government, fervently adhering to the principles of democracy and majority rule, cannot stand by and see the rights of some four million African Rhodesians flouted by a white minority of some 200,000. The Malaysian Government is not prepared to countenance rebellion. Our attitude is unequivocal. We have exerted our influence and we will continue to do so to wipe out the rebel regime of Rhodesia.

Enche' Saidon bin Kechut: Tuan Yang di-Pertua, soalan tambahan. Boleh-kah saya mengatakan, dengan munchol-nya Kerajaan Penderhakaan Ian Smith di-Rhodesia itu memang benar di-dorongkan oleh Kerajaan British, demi kepentingan British sendiri?

Tuan Haji Abdul Hamid Khan: Itu satu soalan yang lain; jadi saya tidak-lah dapat menjawab-nya.

Dato' Haji Mohamed Noah: Tuan Yang di-Pertua, soalan tambahan. Saya hendak bertanya kepada Yang Berhormat Menteri yang berkenaan. Ada-kah Kerajaan Malaysia berfikir segala tindakan yang telah di-buat oleh Kerajaan British, hingga hari ini, di-atas Kerajaan yang haram itu, chukup atau di-fikir tindakan itu tidak chukup keras?

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, sa-bagaimana saya telah terangkan dengan panjang lebar baharu sa-kejap tadi, ia-itu tujuan dan hasrat kita supaya meng-gulingkan Kerajaan Rhodesia yang haram itu. Jadi tentu-lah satu² tindakan yang di-ambil oleh satu² pehak tidak dapat menunjukkan kesan yang serta-merta. Jadi tunggu-lah dahulu. Jikalau tidak memberi kesan apa yang di-jalankan oleh Kerajaan British itu kita harus memikirkan apa chara pula.

Nik Hassan bin Haji Nik Yahya: Jadi jawapan Menteri tadi, ada suara untok mengadakan satu persidangan Commonwealth bagi merundingkan perkara Rhodesia ini. Jadi sa-takat ini belum lagi di-dengar persidangan itu di-langsungkan. Jadi ada-kah Kerajaan Malaysia ini akan menggunakan segala

pengaruh yang ada pada-nya untuk menegakkan Kerajaan British supaya persidangan itu di-adakan dengan sa-bberapa segera?

Tuan Haji Abdul Hamid Khan: Ini kita akan jalankan, jikalau di-pandang perlu.

Dato' J. E. S. Crawford: Mr President, Sir, purely on a point of clarification—The Honourable Member, asking this question has asked our Government to influence the British Government to take immediate and positive action to nullify the Rhodesian independence. Well, Sir, has not the British Government taken immediate and positive action? I think our Government will agree to that, Sir.

Tuan Haji Abdul Hamid Khan: Memang, kita bertujuan dan berhajat bagitu-lah.

Enche' Saidon bin Kechut: Ada-kah Malaysia berchadang mengikut lang-kah² negara² Asia-Africa yang lain menarek diri daripada Persatuan Commonwealth?

Tuan Haji Abdul Hamid Khan: Kita akan memandangkan keadaan. Jadi kita tidak membuat satu² dan menja'ankan satu² kerja dengan ter-buru². Kita memikirkkan.

Enche' S. O. K. Ubaidulla: May I ask the Honourable Minister whether the Government of Malaysia has received any representation from the Organisation of African Unity with regard to the question of Rhodesia?

Tuan Haji Abdul Hamid Khan: Sa-kejap tadi saya sudah beri tahu kita ada perhubungan dengan Nigerian Prime Minister—sa-kejap tadi saya sudah berchakap. Jadi jikalau ada per-kara ini maseh lagi dalam perundingan, belum tamat lagi.

Enche' S. O. K. Ubaidulla: Soal saya, ada-kah kita terima apa² utusan daripada pertubohan ini?

Tuan Haji Abdul Hamid Khan: Itu soalan lain, Tuan Yang di-Pertua.

Enche' Abdul Samad bin Osman: Tuan Yang di-Pertua, o'eh sebab

Malaysia telah bersetuju dengan Nigeria untuk mendesak Kerajaan British mengadakan meshuarat Commonwealth di-Lagos saya ingat, tidak-lah elok sa-kira-nya kalau Malaysia ini mengambil "initiative" untuk Perdana Menteri kita memberi tahu kapada Britain bahawa lebih elok di-adakan Commonwealth meeting ini di-Kuala Lumpur ini? Kerana Lagos itu satu negara dalam Africa juga, hendak membincangkan atas soal Africa juga, Rhodesia. Tidak-kah elok jikalau Perdana Menteri kita memberi tahu kapada Britain, lebih baik kita mengadakan meshuarat Commonwealth itu di-Malaysia ini.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, tempat-nya itu belum lagi di-tentukan. Jikalau kita fikir perlu tempat lain tidak mahu menerima menjadi tuan rumah dan jikalau di-persetujui pula supaya di-ada-kan perjumpaan sa-umpama itu kita suka-lah menjadi tuan rumah.

Enche' Abdul Samad bin Osman: Ma'ana-nya bi'a di-Nigeria itu jadi 'bias' kerana Rhodesia pun Africa. Saya nampak lebih elok di-Malaysia ini kerana kita Asia. Tidak-kah kita boleh memberi tahu sana, kita bersetuju?

Tuan Haji Abdul Hamid Khan: Jawapan tadi, Tuan Yang di-Pertua, jadi kalau ada di-pandang perlu kita timbangkan.

Enche' Saidon bin Kechut: Tuan Yang di-Pertua, dapat-kah saya menga-takan dengan sebab munchu'-nya Kerajaan penderhaka Ian Smith di-Rhodesia, moral Kerajaan British telah jatuh di-serata dunia. Dan anggota² kesatuan negara Commonwealth, kalau tidak berhati², anggota kesatuan dari negara Commonwealth juga akan menjadi patong permainan Kerajaan British itu.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, ini ada-lah satu perkara yang lain, jadi pandangan satu² pihak itu ada-lah tidak dapat kita hendak tentukan.

Dato' Dr Cheah Toon Lok: Mr President, Sir, as a matter of clarification, may I ask the Minister concerned

whether the oil embargo on Rhode ia announced by the Briti h Government this morning is due to the influence of the Malaysian Government or not?

Tuan Haji Abdul Hamid Khan: Jadi, ini ada-ah desakan daripada semua negeri, bukan Malaysia sahaja.

MALAYSIAN'S SUPPORT FOR AMERICA AGAINST VIETCONG IN SOUTH VIETNAM

8. Enche' Saidon bin Kechut asks the Minister of External Affairs to state whether, as a nation of the democratic bloc, Malaysia proposes to offer its full support, in whatever form possible, to the Americans who are making great sacrifices to thwart the influence of Communist Vietcong in South Vietnam.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, Malaysia memang bersimpati dengan Vietnam Selatan yang di-ancham oleh musuh komunis dari Vietnam Utara dan telah pun memberi pertolongan moral dan kebendaan kerana Malaysia maseh lagi teringat masa dharurat dahulu, apabila negeri ini juga telah di-ancham oleh komunis. Walau pun bagitu Malaysia sekarang ini sedang menghadapi konfrantasi daripada Indonesia. Dan oleh yang demikian bertugas menjaga keselamatan negeri ini dan tidak-lah boleh memberi sa-banyak² bantuan yang di-kehendaki ka-Vietnam Selatan.

Enche' Saidon bin Kechut: Pertanyaan tambahan. Benar-kah menurut laporan² ia-itu sa-tiap kali pertemporan yang ber'aku di-antara America dengan Vietkong di-Vietnam, tentera America selalu menerima puku'an terok, mendapat kerugian yang besar?

Tuan Haji Abdul Hamid Khan: Itu ada-lah soalan lain, Tuan Yang di-Pertua, (*Ketawa*).

ORDER OF BUSINESS (Motion)

THE SUPPLY BILL, 1966

Dato' T. H. Tan: Mr President. Sir, under Standing Order 13 (2), I beg to move:

That consideration by the Senate of the Supply Bill, 1966, set out on the Order Paper today as item No. 2 be postponed until Monday, 20th December, 1965.

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

Question put, and agreed to.

Resolved,

That consideration by the Senate of the Supply Bill, 1966 set out on the Order Paper today as item No. 2 be postponed until Monday, 20th December, 1965.

MOTION

THE PARLIAMENT (MEMBERS' REMUNERATION) ACT, 1960

(Amendment to Schedule)

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

That this 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—

Insert the following new items immediately after item 10 of the Schedule—

"11. *Death benefits applicable to members (other than Ministers, Assistant Ministers and Parliamentary Secretaries):*

Where death is caused by an injury sustained in an accident occurring in the course of or attributable to, the discharge of his duties as a Member of Parliament (hereinafter referred to as "an accident"), there shall be paid to his dependants or, if there are no dependants, to his legal personal representatives, the sum of sixty thousand (60,000) dollars;

Provided that where his dependants or his legal personal representatives are entitled to receive benefits similar to those provided in this item under any scheme operated by the Government of any State or under any State law, such dependants or legal personal representatives shall be entitled at their option to receive one benefit only.

12. *Permanent disablement benefits applicable to members (other than Ministers, Assistant Ministers and Parliamentary Secretaries):*

Where permanent disablement is caused by an injury sustained in an accident and such disablement occurs within twelve calendar months of the said accident, there shall be paid to him one of the following sums—

- (1) where the injury results in the loss of two or more limbs by actual separation at or above the wrist or ankle or the total and irrecoverable loss of all sight of both eyes or the loss of one limb accompanied by the loss of sight of one eye, the sum of one hundred and twenty thousand (120,000) dollars;
- (2) where the injury results in the loss of one limb by actual separation at or above the wrist or ankle or the total and irrecoverable loss of the sight of one eye, the sum of sixty thousand (60,000) dollars;
- (3) where injury results in permanent disablements other than any of those specified in (1) and (2) above—
 - (a) in the case of disablement which totally prevents him from engaging in or giving attention to any profession or occupation, the sum of one hundred and twenty thousand (120,000) dollars; or
 - (b) in the case of a disablement which partially prevents him from engaging in or giving attention to any profession or occupation, such sum as may be arrived at by multiplying the said sum of one hundred and twenty thousand (120,000) dollars with the percentage of the degree of disablement which is to be determined by a Medical Board to be appointed for the purpose by the Government;

Provided that where a member is entitled to receive benefits similar to those provided in this item under any scheme operated by the Government of any State or under any State law, such member shall be entitled at his option to receive one benefit only.

13. *Temporary disablement benefits applicable to members (other than Ministers, Assistant Ministers and Parliamentary Secretaries);*

- (1) where an injury sustained in an accident has caused temporary disablement preventing him from engaging in, or giving attention to, his normal profession or occupation, subject to paragraph (2) there shall be paid a temporary disablement benefit calculated in the manner following—
 - (a) in the case of total disablement, a sum equal to the amount which, but for the said total disablement, he

would have earned provided that such sum shall not exceed the rate of five hundred (500) dollars per week; or

- (b) in the case of partial disablement, a sum equal to two-fifths of the amount which, but for the said partial disablement, he would have earned provided that such sum shall not exceed the rate of two hundred (200) dollars per week.
- (2) The said temporary disablement benefit shall not become payable unless and until the sum mentioned in paragraph (1) has been ascertained and agreed upon; and shall not be paid for a period longer than one hundred and four (104) weeks commencing from the date of the accident in which the injury causing the said temporary disablement was sustained:

Provided that where a member is entitled to receive benefits similar to those provided in this item under any scheme operated by the Government of any State or under any State law, such member shall be entitled at his option to receive one benefit only.

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

Tuan Haji Abdul Hamid Khan: Mr President, Sir, with your permission, I wish to take this opportunity to explain the object of the resolution on the Order Paper moved by the Honourable Dato' T. H. Tan just now.

The allowances and privileges of Members of Parliament are provided for in the Schedule to the Parliament (Members' Remuneration Act) 1960, and the object of this resolution is to amend that Schedule to provide for personal accident benefits to Members of the Parliament in case they are injured, or to their dependants in case they die in an accident in the course of, or attributable to, the discharge of their duties as Members of the Parliament.

Sir, Members of Parliament have to do a lot of travelling in the performance of their duties and obligations and occasionally they have to travel by air. For these reasons it is reasonable that some benefits should be granted

to them if they suffer injuries which cause permanent or temporary disablement. Similarly, security should also be provided to their dependants in case they die in an accident. The benefits are payable only if the accident occurs in the course of, or attributable to, the discharge of duties as a Member of Parliament. This, I think, Sir, is a fair and reasonable provision. It is foreseeable that reasonable doubts may arise as to whether a certain accident occurs in the course of duties as a Member of Parliament. In such cases, the Government will give the benefit of the doubt in favour of the Member concerned. The resolution provides for different rates for different degrees of injury and disablement. Provision is also made for payment of a percentage of these amounts in the case of a permanent and partial injury, the percentage depending on the degree of disablement as determined by a medical board.

Further, provision is also made for payment of temporary benefits in the case of temporary, total, and partial disablement. There are two ways in which the Government can finance the scheme. One method is to pay an annual premium to an insurance company to cover each individual Member of the Parliament, and in the event of an accident, payment will be made by the Company concerned. However, it is the policy of the Government, and this has proved cheaper in the long run, to carry its own insurance, and this is what the Government intends to do in this case.

Mr President, Sir, that is the clarification that I would give on the subject.

Dato' Sheikh Abu Bakar: Mr President, Sir, I would like to support the motion moved by the Honourable Dato' T. H. Tan just now. Even though the compensation seems to be rather big, I hope Members of our Honourable House will not injure themselves, Sir, (*Laughter*) because if there was a death caused, what is the use of getting the money.

Another thing on which I would like to have clarification from the Honourable Minister concerned is in regard

to the word "accident" in this motion. The word "accident", in so far as I could gather, is not defined under this motion. I would seek clarification from the Honourable Minister on the point that if an accident is caused by negligence and carelessness of the Member concerned whether the Government will pay the compensation; I raise this point because in such an incident or accident, the Member concerned may be charged in Court and if he is found guilty, then he will be convicted and fined, or whatever it is, by the Court. Therefore, is it necessary for the Government to pay for his carelessness and negligence? This is important, Sir, and it is not likely for the Government to pay for the carelessness of a man, who has been convicted and fined by the Court. I would like to have a clarification, Sir.

Enche' Amaluddin bin Darus: Tuan Yang di-Pertua, usul yang di-kemukakan oleh Dato' T. H. Tan memang sangat menarek hati dan saya percaya boleh jadi dia berkait dengan Bill yang mengenai Perdana Menteri, Menteri², Menteri² Muda dan juga Parliamentary Secretaries. Boleh jadi ada perasaan iri hati daripada Member of Parliament, jadi timbul usul ini yang meminta bahagian juga sa-olah² merupakan satu insuran daripada Kerajaan sendiri kepada tiap² Ahli Yang Berhormat. Saya rasa seperti apa yang di-sebutkan oleh Dato' Sheikh Abu Bakar, sa-bentar tadi pun satu daripada beberapa masalah yang patut di-pertimbangkan oleh kerana walau bagaimana pun jaminan, tetapi tiap² satu kemalangan atau katakan-lah kematian terus yang terlibat dengan sifat yang di-katakan kemalangan, sudah tentu perkara itu akan sampai ka-dalam mahkamah, dan benar atau salah di-tentukan di-dalam mahkamah. Bagaimana Kerajaan akan membayar kepada orang yang melakukan kesalahan yang membawa kehelakan kepada diri-nya sendiri, sa-kali pun dia Member of Parliament.

Tuan Yang di-Pertua, saya merasa walau pun ada negeri² yang tertentu melakukan perkara yang seperti ini, barangkali negeri² itu telah jauh maju dan tidak seperti negeri kita yang

baharu hendak maju; yang baharu menjalankan propaganda ma'amor tetapi pengemis² maseh berkeliaran di-lbu Kota. Untok mencontoh sa-suatu yang baik kepada Ahli² Yang Berhormat dari negeri² yang telah maju, barangkali tidak tepat, sebab kita, kata saya-lah, harus sifatkan diri kita semua lebeh daripada apa yang dikatakan sa-orang politician, tetapi kita semua-nya ia-lah struggle men (orang² perjuangan) untok membena negara kita hasil daripada di-keroyok oleh penjajahan yang mengakibatkan penderitaan dan kemiskinan dan penoh kehinaan di-dalam negara kita ini. Sa-bagai orang perjuangan yang mengatakan diri-nya sedia berkhidmat untok kepentingan negara, saya rasa tidak munasabah peluang² yang saperti ini baik sa-lekas² kita chuba untok mendapatkan, pada hal ra'ayat yang kita bela maseh jauh—terlalu jauh—daripada menchapai matalamat kebahagiaan di-dalam negara-nya sendiri.

Jadi, Tuan Yang di-Pertua, dengan ini saya rasa boleh jadi menimbulkan satu keadaan dalam perjuangan politik negara kita bertambah hebat, walau pun betapa susah dan berat tanggung-jawab menjadi Ahli² Majlis Meshuarat, akan tetapi banyak orang ingin hendak menjadi Ahli² Majlis Meshuarat dan sanggup berebut² kerana peluang² dan jaminan² yang bagini baik telah di-sediakan oleh Kerajaan. Sa-benar-nya, Tuan Yang di-Pertua, di-dalam negeri kita ini telah ada sharikat² insurance nyawa yang saya perchaya anggota² Dewan ini pun ada yang memasoki insuran² itu dan mereka sudah tentu berhak mendapat kerana kematian-nya, berhak mendapat kerana kemalangan-nya, berhak pula mendapat bahagian-nya dari segi hospital, kalau sa-kira-nya dia terpaksa berada di-hospital untok sekian² minggu, sekian² ratus, dan yang demikian saya tidak nampak mengapa usul ini di-kemukakan, terutama saperti yang telah saya katakan tadi, di-sa'at ra'ayat yang kita bela, mereka itu-lah yang membayar chukai, belum mendapat apa yang patut mereka dapat. Kalau ada yang mereka dapat ia-lah suara² dari chorong radio dan surat²

khobar yang menyokong dan mendukung pemerintah yang menyuarakan lagu² yang sedap, kema'amoran, shurga dan sa-bagai-nya. Itu sahaja-lah yang di-dapati oleh ra'ayat yang kita bela.

Saya rasa sa-hingga keadaan negeri ini berubah, jurang yang memisahkan di-antara ra'ayat yang miskin dengan ra'ayat yang kaya, jurang memisahkan "have not" dengan "have" dapat kita dekatkan. Saya tidak berkata dapat di-hapuskan, sebab tidak boleh meng-hapuskan sa-kali pun dengan faham kominis, tidak boleh menghapuskan. Maka kerana itu saya rasa lebeh baik kita berfikir sa-dalam²-nya sa-belum meluluskan usul ini. Apa kata pembayar² chukai sa-kali pun sa-orang ra'ayat itu miskin, sa-kotak manchis api dia membeli, dia membayar chukai dan daripada titek peloh ra'ayat yang miskin itu-lah yang kita harap akan mendapat sa-bagai bayaran kepada Ahli² Yang Berhormat sedangkan mereka belum dapat memakan daging kambing, belum dapat makan mentega, belum dapat memakai lampu letrik, belum dapat macham² yang telah kita dapat atau yang telah kita rasa ni'mat dengan kerana kebetulan kita menjadi Ahli Yang Berhormat, kebetulan kita mempunyai kesempatan² itu dan ini.

Jadi, Tuan Yang di-Pertua, saya harap Dewan ini akan mempertimbangkan betul² perkara ini, timbangan bagi kepentingan ra'ayat kita yang hampir 10 juta, yang sa-bahagian besar daripada-nya ia-lah miskin dan menderita, yang mengharapnkan Ahli² Yang Berhormat. Anggota² Parlimen bekerja bagi muslihat kebaikan nasib mereka, tapi kita nampak-nya lebeh dahulu bekeria untok muslihat kebaikan nasib kita dan jaminan hidup kita sendiri.

Dato' G. Shellev: Mr President, Sir, I rise to support the Bill.

Mr President: This is not a Bill; it is a motion.

Dato' G. Shellev: I am sorry, Sir—the motion. I agree with the Honourable Dato' Sheikh Abu Bakar that there is some vagueness about the term "accident". To me, "accident".

means something that is done unexpectedly or something that is done unintentionally. Now, if a Member of Parliament makes an address in public and a section of the crowd does not like what he says and flings a chair at him, or certain other missiles thus injuring him, does that constitute an accident? Members of Parliament have been threatened more than once in respect of their lives for saying things that others do not like. If the threats are carried out and they are injured or killed, would they be compensated under the motion before the House?

Enche' Saidon bin Kechut: Saya juga bangun menyokong usul yang dikemukakan oleh Yang Berhormat Dato' T. H. Tan dan sa-telah saya mendengar pendapat² dan apa yang di-terangkan oleh beberapa orang Ahli² Dewan ini tadi, saya rasa di-dalam soal untuk memberikan apa yang di-katakan, bayaran² kepada Ahli² Parlimen, bagaimana yang kita semua tahu, tentu-lah dari pehak orang² yang bertanggung-jawab berpendapat sa-telah mengkaji dan meneliti Ahli² Yang Berhormat daripada Wakil² Ra'ayat—Ahli² Parlimen sekalian-nya ada-lah orang² yang betul² menjalankan segala tanggung-jawab-nya dengan sa-chara yang tepat dan jujur yang mana mereka telah berikan sokongan yang sa-kuat²-nya di-atas apa sahaja yang di-kehendaki oleh Kerajaan bagi membena satu negara Malaysia yang aman ma'amor.

Saya ingin menyatakan di-sini, di-antara pehak Kerajaan dan juga pehak Pembangkang, Ahli² Parlimen yang dua jurusan ini memang-lah, kalau di-katakan sa-pendapat atau sa-bahagian sahaja Ahli² Parlimen dari pehak Kerajaan mungkin akan mendapat keuntungan yang di-tetapkan menurut apa yang di-usulkan tadi. Tetapi bagi pehak Pembangkang, ahli² meshuarat-nya saya perchaya mendapat dua keuntungan. Kalau ahli² pehak Kerajaan dapat satu keuntungan ahli pehak Pembangkang dua keuntungan. Satu keuntungan dia tahu usul itu walau bagaimana di-tentang sa-kali pun akan tetap di-luluskan kerana dengan suara yang terbanyak

dari pehak Kerajaan. Satu lagi pehak ahli² Pembangkang bermuka² dengan ra'ayat. Apa guna di-beri layanan yang istimewa kepada Ahli Parlimen, sedangkan ra'ayat hidup dalam keadaan mengemis, hidup dalam keadaan melarat. Apa-kah dapat satu negeri pun dalam dunia ini yang benar² telah maju beratus² tahun telah menghapuskan anasir² peminta sedekah atau pun orang menderita di-dalam negeri-nya. Ini satu alasan yang tipis apa yang saya katakan tadi, keuntungan pehak Ahli Parlimen dari pehak Kerajaan hanya satu, tetapi daripada pehak Pembangkang, dua—satu untuk kepentingan mendapat layanan yang istimewa sa-bagai Ahli Parlimen dan satu lagi untuk mendapat pengaruh daripada kalangan ra'ayat yang mana apabila mereka itu membuat penerangan² nanti atau pun untuk menggunakan kesempatan dalam pilehan² raya nanti, mereka akan mengatakan, tengok-lah, wakil² tuan daripada pehak Perikatan ada-lah orang² yang mengejar kepentingan mereka tetapi melupakan kepentingan ra'ayat. Saya rasa di-dalam keadaan tanggung-jawab yang harus di-perlukan kepada semua Ahli Yang Berhormat daripada Dewan Ra'ayat dan Dewan Negara ini kita harus-lah berlaku jujur. Jangan-lah chuba saperti kura², bila terantok masok kepala dalam kulit tetapi bila nampak ada habuan di-hadapan-nya, menjulor kepala-nya di-keluarkan.

Ini satu perkara yang patut kita fikir dan saya rasa tidak ada sebab, kerana apa, sa-bagai sa-orang Ahli Parlimen yang penoh bertanggung-jawab, siang dan malam, tidak harus di-berikan layanan² untuk mereka lebeh kuat dan lebeh chergas bekerja demi kepentingan ra'ayat. Sekian.

Nik Hassan bin Haji Nik Yahya: Dato' Yang di-Pertua, saya menyokong usul yang di-bawa oleh Dato' T. H. Tan kita itu kerana ini ada-lah satu perkara yang sangat mustahak bagi Ahli² Parlimen kita apabila terkena kemalangan. Orang² yang membangkang usul ini ada-lah orang yang belum kena kemalangan lagi. Pembangkang yang membangkang usul ini belum tahu bagaimana rasa

kemalangan, bagaimana kalau biji mata-nya keluar, bagaimana kalau anggota-nya sudah jadi chapek dengan kerana kena kemalangan, di-langgar kereta. Dia tidak tahu rasa itu lagi. Ustaz Zulkiflee daripada Parti PAS telah mati tidak dapat memberi tahu kepada pembangkang PAS ini, kerana kena kemalangan itu dia terus mati, tidak dapat menerangkan rasa-nya bagaimana dahshat kemalangan itu. Jadi saya pun terkejut kerana dalam Dewan ini di-bangkang, dalam Dewan Ra'ayat ketua PAS sendiri menyokong serta memohon, meminta, supaya Kerajaan berikan walau pun tidak ada undang² berikan kepada family atau pun anak Ustaz Zulkiflee itu. Jadi saya rasa Ahli² Pembangkang daripada satu Parti ini dia tidak berunding, dia tidak berfakat yang satu mahu, yang satu tidak mahu, nanti keluar Dewan beliau bergaduh sama² sendiri. Bagi saya perkara kemalangan ini sudah menjadi perkara yang termesti kita bantu. Ra'ayat yang membayar wang hasil kepada negeri ini, walau dengan titek peloh pun, ra'ayat ini mengenali bagaimana dahshat kemalangan itu. Dia tahu menghargakan Ahli² Parlimen ini. Dia tahu menghargakan kerja² yang di-jalankan oleh Ahli² Parlimen. Kalau kerja Ahli² Parlimen ini terkena kemalangan, sudah tentu ada penghargaan daripada ra'ayat. Pemikiran ra'ayat itu tidak-lah sa-rendah bagaimana yang di-bentangkan di-Dewan ini. Ra'ayat tahu menghargakan, bukan ra'ayat yang tidak tahu menghargakan. Jadi kita rasa lepas kita merdeka ra'ayat Malaysia ini lebeh cherdek daripada Ahli Parlimen daripada Pembangkang ini dalam penghargaan kepada Ahli² Dewan, dalam harga mengenai kemalangan ini. Jadi itu-lah saya rasa ada kesilapan sadikit, kira-nya kita bangkang usul ini, kira-nya ada Ahli² Dewan yang membangkang usul yang sangat penting, yang sangat tinggi harga-nya, yang sangat baik penghargaan ra'ayat dan Kerajaan kepada orang yang berkhidmat kepada negara.

Dato' Yang di-Pertua, tadi sa-orang daripada Pembangkang ada menge-luarkan hujjah bangkangan di-atas

Rang Undang² ini dengan membawa-kan perkara lain ia-itu di-bawakan perkara chorong Radio dan sa-bagai-nya dengan mengatakan yang Kerajaan Perikatan ini berjanjikan shurga dan sa-bagai-nya. Kita belum pernah ber-janjikan shurga, yang janji shurga Parti PAS sahaja (*Tepok*). Perikatan chuma berjanji kema'amoran, kebaha-giaan, kebaikan, keadilan, ini simbol kita. Ini apa yang kita suarakan dari-pada suara kita sendiri, daripada suara Kerajaan kita, daripada suara pemim-pin kita, daripada suara parti kita dan sa-terus-nya radio dan Talivishen, ini yang di-suarakan; shurga kita tidak sebut, yang sebut shurga Parti Islam sa-Tanah Melayu yang memerintah Kelantan yang belum jumpa shurga lagi (*Tepok*).

Saya ingat Parti Pembangkang tadi tersilap, dia sebut shurga. Jadi saya terlupa, kerana lama sudah kita tidak mendengar shurga, hari ini kita men-dengar shurga. Jadi shurga ini tidak payah-lah kita sebutkan di-sini sebab tidak ada orang yang boleh memberikan shurga, shurga ini di-berikan oleh Tuhan sahaja. Shurga ini bila kita mati, kalau kita buat baik baharu dapat shurga, kalau atas dunia ini kalau mahu membawa shurga, ini bukan tempat shurga.

Jadi saya sokong usul ini dan saya harap pehak Menteri yang membawa usul ini menerangkan, menjelaskan, beberapa fasal yang patut yang di-suarakan oleh Dato' Shelly kita dan juga beberapa hal yang lain yang boleh jadi berbangkit, mithal-nya, kata Dato' Shelly tadi, apabila satu orang Ahli Parlimen, tidak kira Parti Pem-bangkang atau pun parti Kerajaan, apabila dia bersharah di-depan orang ramai, orang benchi akan dia dan dia di-tembak, mithal-nya mati atau pun di-pukul mithal-nya. Jadi ini satu perkara yang tidak siapa yang boleh kata, si-berchakap itu bekerja untuk pekerjaan Parlimen, kerana dia ber-chakap di-depan orang ramai, dia itu Ahli Parlimen dan dia menyuarakan chakapan-nya itu boleh jadi dia ber-chakap menentang Kerajaan atau pun boleh jadi dia berchakap itu

menyokong Kerajaan, boleh jadi dia berchakap itu menerangkan kerja² Parlimen atau boleh jadi dia berchakap itu tidak kena-mengena dengan kerja Parlimen. Jadi ini satu perkara yang patut mendapat penjelasan atau pun satu Ahli Parlimen mithal-nya naik motokar, dia hendak pergi tengok wayang gambar mithal-nya. Boleh jadi gambar itu gambar yang boleh memberi pengetahuan yang lebih kapada-nya untuk menjadi Ahli Parlimen. Katakan-lah cerita wayang gambar itu boleh membawakan pengetahuan, yang boleh memberi khidmat-nya kapada Parlimen. Ini pun satu masalah juga. Jadi dia kena kemalangan tengah jalan hendak pergi tengok wayang gambar, tetapi wayang gambar itu ada faedah untuk-nya bagi perkhidmatan-nya dalam Parlimen atau pun ada juga Ahli Parlimen kita ini kalau dia penting sangat umpama-nya, dia di-churi oleh orang—kidnap—mithal-nya, ada-kah orang yang kena churi itu mithal-nya juga akan mendapat layanan yang sama, di-cholek umpama-nya. Jadi ini pun satu daripada perkara yang patut di-jelaskan oleh pehak Menteri yang membawa usul ini, yang memberi sokongan kapada usul ini dan satu lagi daripada perkara yang saya rasa terbuku, yang saya rasa patut-lah saya sebutkan di-sini perkataan² yang di-keluarkan oleh Ahli² tadi berkenaan dengan pengemis.

Kerajaan kita Kerajaan yang ma'amor, bahagia, tetapi pengemis ramai. Saya hendak beri tahu kapada Ahli Dewan ini, saya sudah pergi ka-Amerika dalam tahun 1957—negeri Amerika ini negeri yang termashhor dalam dunia, kata negeri yang ma'amor yang tinggi darjat-nya—tetapi saya pergi dalam satu negeri—satu wilayah—dalam Amerika saya berjumpa dengan pengemis—peminta sedekah. Itu negeri yang ma'amor ada juga pengemis. Jadi perkara pengemis ini bagaimana Ahli Yang Berhormat tadi berkata, susah hendak hapuskan. Ada sa-tengah²-nya dia mengemis kerana dia mahu mengemis bukan kerana dia tidak ada wang untuk belanja, tidak. Mahu chari

rumah besar, boleh jadi mahu berbini lebih daripada satu, jadi dia mengemis (*Ketawa*). Itu ada. Jadi itu-lah sebab-nya menjadi kesusahan bagi Kerajaan kita. Jadi Kerajaan ma'amor, yang maju seperti Amerika di-buatkan undang² menahan daripada mengemis sa-hingga yang mengemis terpaksa mahu mengemis juga, dia jual pensil, itu tanda mengemis, itu dia tudongkan chara mengemis itu dengan menjual satu pensil atau satu manhis api, tetapi kerja-nya mengemis. Jadi dalam negeri Amerika yang begitu maju dan ma'amor, tidak ada banding dalam dunia, tetapi ada pengemis. Jadi masalah pengemis kita tutup buku-lah tidak usah bicharakan hal ini.

Itu-lah sahaja, Dato' Yang di-Pertua, di-atas sokongan saya kapada usul yang di-bawa oleh Dato' T. H. Tan. Sekian, terima kaseh.

Dato' Dr Cheah Toon Lok: Mr President, Sir, I believe the heart of the motion lies in the phrase "sustained in an accident". "Accident" is defined in the dictionary as an event happening by chance—"by chance" means unexpectedly, and it is not defined whether the accident is caused by negligence of the victim or caused by somebody else. Dato' Sheikh Abu Bakar has asked whether negligence is considered as an accident. Sir, I think it would be better if we put in another provision: we add "or by accident or in the performance of one's parliamentary duties"—e.g. in a rally you might be shot at, you might be injured, and so on. I suggest that if we add another sentence to cover everything that a parliamentarian does in a rally, in meetings, and so on, it will clear all doubts. Here the words "in an accident" do not cover the performance of a parliamentarian's duties; and if an M.P. suffers death, or injuries, such incident might not be the result of an accident, because it is a pre-meditated act by an opponent, and cannot come under that definition. Sir, I would like to have clarification on that point by the Minister.

Enche' Abdul Samad bin Osman:

Tuan Yang di-Pertua, saya bangun menyokong usul ini. Saya sokong bukan kerana wang banyak, itu tidak, ia-lah kerana faedah yang akan didapati kapada balu Ahli² Parlimen dan juga kapada anak²-nya, kerana kita sabagai Wakil di-sini kita sendiri tidak boleh dapat. Saya juga bersetuju dengan Dato' Sheikh Abu Bakar tadi meminta-lah Menteri Yang Berhormat ini mengulas lebeh panjang lagi berkenaan dengan hal accident, supaya kita dapat tahu-lah apa yang termasuk dalam accident itu.

Tuan Yang di-Pertua, dahulu apabila kita menimbangkan kenaikan elaun bagi Ahli² Dewan Ra'ayat—daripada \$500.00 sampai \$750.00—maka Dewan ini juga telah meminta kapada Kerajaan supaya di-naikkan elaun Ahli Dewan ini bersama-lah beserta dengan Dewan Ra'ayat supaya di-beri dia satu taraf. Pada masa itu jawapan Menteri Kewangan ini, dia kata, tidak dapat di-jadikan begitu oleh sebab Parlimen kita menurut Undang² sabagai Parlimen di-Britain ia-lah ada dua bangunan—House of Commons dan House of Lords. Jadi kata-nya kita ini ia-lah House of Lords, jadi kita ini macham Lords (*Ketawa*). Tetapi di-England, Lords di-sana ada dua macham Lords—satu itu Lords turun-temurun, yang kedua itu Created Lords yang di-berikan Lord. Kita di-sini chuma-nya ada Lord yang di-buat² “Created Lords” itu sa-orang berdua daripada Dato² sahaja, tetapi sa-orang Tun pun tidak ada lagi. Sa-lain daripada itu tidak ada apa-lah, ada yang datang ka-mari daripada sepak kertas pun ada, bermacham²-lah yang kebanyakannya lagi, kita ambil daripada pegawai² yang bersara dan lain².

Sungguh pun ada dalam Dewan ini orang² yang kaya, beberapa orang millionaire, atau sa-tengah millionaire, tetapi banyak-lah juga orang yang miskin, boleh di-katakan papa. Jadi saya ini salah sa-orang daripada-nya Ahli papa. Saya memandang dengan ada-nya benefit yang akan di-beri dengan sa-chara mati terkejut ini, maka kami Ahli² yang miskin ini apa-

bila kami berjalan dan keluar untuk membuat apa² kerja, jadi hati seronok sedikit-lah kerana ada jaminan, sa-kira-nya jikalau terlanggar jadi apa² kapada kami esok, maka dapat-lah wang itu di-beri kapada anak isteri kami supaya dapat-lah budak² belajar sekolah sa-hingga dapat bekerja dan juga-lah barangkali kami dengan wang itu dapat membayar motokar loan, barangkali sa-tengah boleh dapat membayar loan rumah.

Jadi oleh sebab itu-lah nampak-nya dapat juga sa-tengah dapat-lah balu ada wang sedikit esok barangkali dia pun tidak dudok lama sudah orang lain meminta, menikah orang lain, ada peluang dia re-married. Kalau tidak dengan duit itu harus-lah ramai balu kami itu hidup bujang sampai tua. Kalau kedua² Ahli wanita itu, saya berasa-lah sedikit tidak sedap hati, kerana sa-kira-nya mereka terus kena accident dan mati, suami mereka itu boleh di-katakan macham orang dapat lottery \$60,000 dengan itu harus-lah dapat mereka menikah muda (*Ketawa*). Sungguh pun begitu, saya perchaya, kedua² wakil wanita kita ini tidak merasa hendak marah-lah apa boleh buat, kalau mereka sudah mati suami hendak menikah muda, nikah-lah buat mereka. Jadi kerana itu saya perchaya-lah kedua² wakil wanita kita ini tidak akan membangkang usul ini sabagai mana Wakil PAS tadi membangkang. Tetapi sa-tahu saya kalau orang laki² membangkang usul ini, kerana usul ini ia-lah yang sa-benar²-nya macham life insurance, kalau sa-saorang laki² itu tidak mahu life insurance, saya berani berkata bahawa orang laki² itu dia mati esok dia tidak mahu beri isteri dia itu menikah orang lain dan dia suka balu-nya itu menjadi papa, jadi tidak ada orang meminta-lah, dia takut kalau isteri menjadi kaya sebab orang lain meminta. Jadi oleh sebab itu, saya bagi pehak laki² kalau siapa betul² tidak bersetuju dengan life insurance atau bagini, saya sangat-lah tidak bersetuju dengan perbuatan macham itu dan saya sa-kali lagi merayu kapada wanita kita kedua orang ini, Yang Berhormat, minta-lah jangan

membangkang usul ini, tolong sokong sama. Sekian, terima kasih.

Tuan Haji Abdul Hamid Khan:

Tuan Yang di-Pertua, saya mengucapkan berbanyak terima kasih kepada Ahli² Yang Berhormat yang telah menyokong usul ini dan bila saya datang ka-Rumah ini saya tidak sangka yang usul ini akan di-tentang oleh sa-orang sa-kali pun, kerana di-Dewan Ra'ayat tidak ada sa-orang pun yang menentang-nya termasuk semua gulongan Ahli Yang Berhormat daripada PAS.

Bagaimana telah di-terangkan oleh sa-orang Ahli di-sini ia-itu dia pun berasa hairan, kenapa fahaman di-antara sa-orang daripada PAS di-sini dengan PAS di-Dewan Ra'ayat ada berlainan. Nampak-nya perkara yang di-bangkitkan, boleh di-katakan, kebanyakan Ahli² Yang Berhormat di-sini ada-lah di-atas tafsiran accident—apa yang di-sebut kemalangan. Jadi satu² accident itu ada-lah satu perkara yang terjadi dengan tidak di-sangka² atau pun yang tidak di-harapkan atau di-beritahu lebeh dahulu. Ada Ahli Yang Berhormat yang bertanya sa-kira-nya jikalau satu kemalangan itu terjadi oleh kerana dengan kesalahan-nya sendiri, ada-kah dia itu patut di-beri wang atau bantuan ini.

Tuan Yang di-Pertua, saya suka-lah menyatakan di-sini, kita membawa Bill ka-Rumah yang bertuah ini, bukan-lah untuk menggalakkan orang membunuh diri ia-itu 'We don't, it is not our intention to encourage people to commit suicide'! Jadi sudah tentu-lah kemalangan yang datang ini kemalangan yang tidak di-sangka².

Ada juga yang bertanya sa-kira-nya, bukan-lah orang itu jatuh motokar atau jatuh kapal terbang, umpama-nya dia pergi ka-Kelantan, di-mana banvak orang bermain kapak kecil. Oleh kerana dia menyokong pehak Perikatan, menyokong satu² parti yang lain dia kena kapak kecil, oleh kemalangan itu mata-nya satu tersebok—(*Ketawa*) atau pun tengkok-nya patah, jadi ini pun satu accident juga, boleh-lah sa-umpama itu Kerajaan memberi

bayaran mengikut tafsiran. Kerajaan tidak akan memberi bantuan di-atas kemalangan ini, di-atas satu² perkara yang di-sengajakan oleh Ahli² Yang Berhormat sendiri. As an act deliberately done by the Member, probably he knows that if he loses one eye, he would get so much money, then he goes to the Hospital and says, "please take off one of my eyes" or something, and he can see through glass eye costing \$4,000 or \$5,000, whereas he is going to get tens of thousands of dollars. Kejadian sa-umpama ini tentu-lah tidak akan mendapat bantuan atau ganti-rugi.

Dato' E. E. C. Thuraisingham: Siapa rugi?

Tuan Haji Hamid Khan: Ya?

Dato' E. E. C. Thuraisingham: Siapa rugi?

Tuan Haji Hamid Khan: Tidak dapat ganti-rugi jikalau dia korek mata-nya sendiri (*Ketawa*).

Jadi di-atas perkara² ma'ana accident itu ada-lah satu perkara jikalau ada was² perkara itu akan di-timbang oleh Kerajaan, ada-lah dia itu boleh di-tafsirkan sa-bagai accident atau tidak. Jadi, kita ada-lah membagi satu pandangan yang luas ia-itu untuk menimbangkan apa² bila satu² kemalangan yang berlaku. Jadi rasa saya itu sahaja-lah yang dapat saya jawab berkenaan dengan perkara² ini.

Question put, and agreed to.

Resolved,

That this 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—

Insert the following new items immediately after item 10 of the Schedule—

"11. *Death benefits applicable to members (other than Ministers, Assistant Ministers and Parliamentary Secretaries):*

Where death is caused by an injury sustained in an accident, occurring in the course of, or attributable to, the discharge of his duties as a Member of Parliament (hereinafter referred to as "an accident"), there

shall be paid to his dependants or, if there are no dependants, to his legal personal representatives, the sum of sixty thousand (60,000) dollars:

Provided that where his dependants or his legal personal representatives are entitled to receive benefits similar to those provided in this item under any scheme operated by the Government of any State or under any State law, such dependants or legal personal representatives shall be entitled at their option to receive one benefit only.

12. *Permanent disablement benefits applicable to members (other than Ministers, Assistant Ministers and Parliamentary Secretaries):*

Where permanent disablement is caused by an injury sustained in an accident and such disablement occurs within twelve calendar months of the said accident, there shall be paid to him one of the following sums—

- (1) where the injury results in the loss of two or more limbs by actual separation at or above the wrist or ankle or the total and irrecoverable loss of all sight of both eyes or the loss of one limb accompanied by the loss of sight of one eye, the sum of one hundred and twenty thousand (120,000) dollars;
- (2) where the injury results in the loss of one limb by actual separation at or above the wrist or ankle or the total and irrecoverable loss of the sight of one eye, the sum of sixty thousand (60,000) dollars;
- (3) where injury results in permanent disablements other than any of those specified in (1) and (2) above—
 - (a) in the case of a disablement which totally prevents him from engaging in or giving attention to any profession or occupation, the sum of one hundred and twenty thousand (120,000) dollars; or
 - (b) in the case of a disablement which partially prevents him from engaging in or giving attention to any profession or occupation, such sum as may be arrived at by multiplying the said sum of one hundred and twenty thousand (120,000) dollars with the

percentage of the degree of disablement which is to be determined by a Medical Board to be appointed for the purpose by the Government:

Provided that where a member is entitled to receive benefits similar to those provided in this item under any scheme operated by the Government of any State or under any State law, such member shall be entitled at his option to receive one benefit only.

13. *Temporary disablement benefits applicable to members (other than Ministers, Assistant Ministers and Parliamentary Secretaries):*

- (1) where an injury sustained in an accident has caused temporary disablement preventing him from engaging in, or giving attention to, his normal profession or occupation, subject to paragraph (2) there shall be paid a temporary disablement benefit calculated in the manner following—
 - (a) in the case of total disablement, a sum equal to the amount which, but for the said total disablement, he would have earned provided that such sum shall not exceed the rate of five hundred (500) dollars per week; or
 - (b) in the case of partial disablement, a sum equal to two-fifths of the amount which, but for the said partial disablement, he would have earned provided that such sum shall not exceed the rate of two hundred (200) dollars per week.
- (2) The said temporary disablement benefit shall not become payable unless and until the sum mentioned in paragraph (1) has been ascertained and agreed upon; and shall not be paid for a period longer than one hundred and four (104) weeks commencing from the date of the accident in which the injury causing the said temporary disablement was sustained:

Provided that where a member is entitled to receive benefits similar to those provided in this item under any scheme operated by the Government of any State or under any State law, such member shall be entitled at his option to receive one benefit only”.

BILLS

THE MINISTERS, ASSISTANT MINISTERS, AND PARLIAMENTARY SECRETARIES (REMUNERATION) (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the written laws relating to the remuneration of Ministers, Assistant Ministers and Parliamentary Secretaries" be read a second time.

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

Enche' Tan Siew Sin: Mr President, Sir, the terms and conditions of service of Ministers, Assistant Ministers and Parliamentary Secretaries are provided for in the Ministers (Remuneration) Ordinance, 1957, the Assistant Ministers Act, 1960, and the Parliamentary Secretaries (Remuneration) Act, 1965, respectively and the object of the present Bill is to amend these laws for the purpose, firstly, of providing a pension for life for a Prime Minister, when he retires, secondly, of providing medical facilities for Ministers and Assistant Ministers and, thirdly, of providing personal accident benefits for Ministers, Assistant Ministers and Parliamentary Secretaries, or their dependants, in case they die in an accident. The manner in which the various laws are to be amended is set out in the three Schedules to the present Bill.

I think Honourable Members will agree that it is desirable that a man who has reached the highest political office in the land should not have to worry about his future in the matter of financial security and that no ex-Prime Minister of this country should, when he ceases to hold public office, be put in the position of having to look for a job in order to earn a living. This is the only consideration behind the proposal to provide an ex-Prime Minister with a pension for life. Perhaps, I should also add that a pension is paid to an ex-Prime Minister of the United Kingdom and to an ex-President of the

United States of America and the practice is quite common in other democratic countries.

The Bill provides for varying rates of pension depending on the length of time a person has occupied the office of Prime Minister. The rates are \$1,000 per month for a person who has served less than three years; \$1,500 per mensem for a person who has served between three and five years; and \$2,000 per mensem for a person who has served for five years or more.

In regard to the proposal to provide facilities for Ministers, and Assistant Ministers, I should explain that similar facilities have not only been provided for Parliamentary Secretaries and Members of the Parliament but they have also been given the force of law in so far as these two categories of M.Ps are concerned. In other words, these facilities are also enjoyed by Ministers and Assistant Ministers by virtue of the fact that they are Members of the Parliament. Any payment for such purpose has hitherto been made from the appropriate vote. It is, therefore, right that the position should be regularised by law for such Members of the Government.

Mr President, Sir, I now come to the proposal to provide personal accident benefits for Ministers, Assistant Ministers and Parliamentary Secretaries. As Honourable Members are aware, these Members of the Government have to do a great deal of travelling in the performance of their duties and very often travelling by air is involved. The risk of an accident is always present, though happily remote. In addition, we are now facing Indonesian confrontation, which increases further the risk to life and limb. For these reasons, it is considered desirable that some security to dependants should be afforded in the case of death of a person who holds the office of Minister, Assistant Minister or Parliamentary Secretaries. Similarly, in the case of injury, some relief should be granted to the incumbent.

There are two ways in which the Government can finance this scheme.

The first method is to pay an annual premium to an insurance company to cover each individual and, in the event of an accident, payment will be made by the company concerned. However, it is the policy of the Government, and this has proved cheaper in the long run, to carry its own insurance, and this is what we intend to do.

The Bill provides for various rates for Ministers, Assistant Ministers and Parliamentary Secretaries. The rates for death are different from that for injuries as should be the case. The scale for benefits should death occur by accident is \$250,000 for a Minister; \$160,000 for an Assistant Minister, and \$60,000 for a Parliamentary Secretary.

The benefits payable in the event of injury, on the other hand, depend upon the degree of the injury. For the loss of two limbs, the total loss of sight or similarly permanent and total injury, Ministers will be paid \$500,000, Assistant Ministers \$320,000 and Parliamentary Secretaries \$120,000. Provision is also made for the payment of a percentage of these amounts in the case of a permanent or partial injury, the percentage depending on the degree of disablement as determined by a Medical Board. For the loss of one limb or the sight of one eye, a payment of \$250,000 will be made to Ministers \$160,000 to Assistant Ministers, and \$60,000 to Parliamentary Secretaries.

As Honourable Members are aware, a similar scheme has just been approved by this House to cover Members of Parliament who meet with an accident in the performance of Government or Parliamentary duties. An administrative arrangement will be introduced to provide a similar cover for Political Secretaries and private individuals who are called upon to carry out Government duties.

Dato' Dr Cheah Toon Lok: Mr President, Sir, this Bill, which is to be passed, is almost similar to the motion that was passed regarding Members of Parliament. I raised an issue in respect of the last motion, because in that motion the phrase "sustained in an

accident" regarding Members of Parliament is not so comprehensive as the Bill that will be passed, because in section 9 of this Bill it is stated, "Where permanent disablement is caused by an injury sustained in an accident..." but in the other one there is a limitation, i.e. "occurring in the course or attributable to the discharge...."

Enche' Tan Siew Sin: Sir, There is no section 9 in this Bill.

Dato' Dr Cheah Toon Lok: I want to amend section 9 in this Bill.

Enche' Tan Siew Sin: There is no section 9. I think you are looking at the wrong Bill.

Dato' Dr Cheah Toon Lok: In the Schedule.

Enche' Tan Siew Sin: There are three Schedules. Which Schedule are you referring to?

Dato' Dr Cheah Toon Lok: Page 3, section 9.

Enche' Tan Siew Sin: There are three Schedules—First Schedule, Second Schedule and Third Schedule. Which Schedule are you referring to?

Dato' Dr Cheah Toon Lok: Second Schedule, section 9, page 3. Because of this, I suggest that there is a limitation regarding one and no limitation regarding the other. Here, in respect of our Members of Parliament, is a limitation which says "occurring in the course or attributable to the discharge of his duties as a Member of Parliament". So, if the accident occurs when he is not discharging his duties as a Member of Parliament, then the Member is not entitled to damages according to the motion that was passed in regard to the Members of Parliament. But, here the thing is caused by an accident. An accident is an event occurring by chance. Besides, "Ministers" are receiving a broader definition in the accident. They are getting more than what the Members of Parliament are getting. But, if you want to be fair, an amendment should be introduced saying that "sustained in an accident or (the word "or")

occurring in the course or attributable to the discharge of his duties as a Minister", then it covers both—both for us and for the Ministers. As it is, there is a difference. The Ministers are covered more than we are as Members of the Parliament, because we are limited by a section saying that only in the discharge of duties when accident occurs, then we are subject to this enactment, otherwise we are not. So, I suggest that this should be altered. In the words of the Law it should be for both Member of Parliament and for Minister: therefore, add another section "sustained in an accident or occurring in the course of attributable to the discharge of his duties as a Minister". If you put like that, it will be fair for both sides.

Dato' Sheikh Abu Bakar: Mr President, Sir, before I ask for a clarification I would like to ask the Minister concerned, Sir, whether the First Schedule is amended with regard to medical facilities. I have got this amendment here, Sir, but I do not know whether this has been included by the Minister just now.

Mr President: This amendment has already been included, and passed by the Lower House.

Dato' Sheikh Abu Bakar: With regard to medical facilities, Sir, I would like to read the second part of the amendment, viz:

"Where by reason of an emergency a Minister is forced to obtain treatment (other than dental treatment) at a hospital not being a Government hospital, there shall be reimbursed to the Minister any sum paid by him to the said hospital in respect of the treatment".

I would like to ask the Honourable Minister, whether in the case of Members of Parliament, other than Ministers, they will be entitled to recover the same amount because Ministers, Assistant Ministers and Parliamentary Secretaries are also Members of Parliament.

Enche' Amaluddin bin Darus: Tuan Yang di-Pertua, di-hadapan kita ia-lah Bakal Undang² mengenai apa yang di-katakan Remuneration untuk Menteri², Menteri² Muda dan Setiausaha²

Parlimen. Saya faham, seperti yang di-terangkan di-dalam penjelasan Bill ini, bahawa banyak atau ada negeri² yang telah membuat seperti yang kita buat. Tetapi, Tuan Yang di-Pertua, sa-kali lagi saya menarek perhatian Dewan ini kepada apa yang telah saya sebutkan tadi dalam membicarakan usul Yang Berhormat Dato' T. H. Tan, saya rasa tidak seperti sa-tengah orang berpendapat sudah terlambat, tetapi saya rasa terlalu awal bagi kita membuat Undang² yang seperti ini bagi maksud memberi jaminan kepada Perdana Menteri di-satu pihak dan lain² lagi—Menteri², dan Menteri² Muda serta Setiausaha Parlimen.

Di-dalam Bill ini, telah di-tetapkan tentang membalas jasa kepada Perdana Menteri, ia-itu sesiapa yang menjadi Perdana Menteri sa-lama lima tahun, akan mendapat sekian². Sa-hingga kepada bayaran bulanan sa-bagai penchen, \$2,000 sa-bulan, kalau menjadi Perdana Menteri tiga tahun ka-atas atau tiga tahun ka-bawah, boleh mendapat sekian². Ini merupakan satu penchen atau pembayaran bersara kepada sa-orang ra'ayat negeri ini yang pada mula-nya menyatakan dia sedia berkhidmat, sedia memikul beban, memasuki parti² politik, berjuang mengikut saloran politik dan demokrasi bagi menchapai kedudukan menjadi Ahli Dewan Ra'ayat—menjadi Ahli Parlimen—dan kemudian daripada itu, dia telah terpilih menjadi Perdana Menteri. Semua-nya bermula daripada perasaan ingin berkhidmat kepada negara dan untuk khidmat itu negara telah memberi bayaran sampai \$7,000 sa-bulan, sa-lain daripada kemudahan² lain yang boleh di-dapati. Apabila beliau berkhidmat, sa-orang anggota itu berkhidmat sa-bagai Perdana Menteri, enam bulan mithal-nya kurang daripada tiga tahun, dia boleh mendapat sa-jumlah wang tiap² bulan, boleh di-ertikan sa-lama², sa-bagai bayaran bersara kepada sa-orang yang telah memberi khidmat kepada negara. Ini hanya kepada Perdana Menteri, tidak kepada Menteri², tidak kepada Member of Parliament yang lain. Pada hal sa-orang yang menjadi Perdana Menteri, dia juga Ahli Parlimen. Tidak boleh

menjadi Perdana Menteri melainkan apabila menjadi Anggota Parlimen.

Saya kadang² terfikir, barangkali pehak Kerajaan—parti yang memerintah—merasa sangat terhutang budi kepada Yang Teramat Mulia Tengku Abdul Rahman Putra Alhaj, yang di-gelar sa-bagai Bapa Kemerdekaan, Bapa Malaysia, dan bapa itu, bapa ini. Maka, ini-lah barangkali di-bawa, di-adakan Undang² akan memberi—sudah tentu-lah lebih lima tahun khidmat-nya—akan mendapat \$2,000 sa-bulan sa-bagai satu bayaran penchen di-atas khidmat sa-bagai Perdana Menteri bagi negara kita ini. Saya fikir barangkali tidak lama lagi Yang Teramat Mulia Tengku akan meletakkan jawatan. Ini-lah sebab-nya Bill ini di-bawa dengan satu chara yang teristimewa. Tentang hal pertukaran, itu tidak-lah soal, tetapi soal-nya kita akan membayar kepada sa-orang yang tadi telah saya katakan dari mula-nya telah menyatakan kesediaan berkhidmat untuk negara dan saya katakan terlalu awal untuk kita membuat yang seperti ini, kerana kita maseh jauh daripada apa yang sa-patut-nya khidmat kita beri kepada ra'ayat dan negara ini—kita maseh jauh! Oleh kerana kita maseh dalam memberi khidmat kepada ra'ayat dan negara, maka terlalu awal-lah pula kita memikirkan soal memberi bayaran bersara kepada sa-orang yang menjadi Perdana Menteri yang belum pun, dalam masa-nya, dapat membuat sesuatu khidmat yang dapat di-katakan satu khidmat yang benar² seperti yang di-harapkan oleh ra'ayat dan negara. Saya tidak menafikan siapa yang menjadi Perdana Menteri telah memberi khidmat tetapi saya katakan sa-kali lagi, biar pun berulang², khidmat yang di-beri hasil daripada kemahuan hati ingin memberi khidmat kepada negara ini. Kalau khidmat yang akan di-jadikan ukoran, Tuan Yang di-Pertua.

Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, saya minta ta'arif khidmat yang sa-benar²-nya itu, tolong huraikan.

Enche' Amaluddin bin Darus: Tuan Yang di-Pertua, khidmat susah kalau kita hendak adakan definition atau pun ta'arif, sebab tiap² orang memberi

khidmat-nya masing² dengan chara kebolehan atau kemampuan-nya atau keadaan-nya. Buroh memberi khidmat, kalau sa-kira-nya bandar.....

Nik Hassan bin Nik Yahya: Tuan Yang di-Pertua, untuk penjelasan, apa yang saya soal pagi ini khidmat yang di-beri oleh Ahli Parlimen, Perdana Menteri, yang di-katakan belum sampai di-katakan khidmat. Jadi sempadan dan had khidmat, sampai ka-mana-kah khidmat yang di-ta'arifikan oleh Ahli Yang Berhormat tadi. Bagaimana chontoh-nya khidmat yang di-kehendaki. Katakan-lah sa-orang jadi Perdana Menteri, belum chukup khidmat, bagaimana khidmat yang di-katakan chukup, bagaimana ta'arif yang di-kehendak oleh Ahli Pembangkang tadi. Bagaimana khidmat-nya yang di-katakan chukup? Tolong berikan butir² khidmat yang chukup sebab kita mengkajikan undang², jadi kalau chakap umum sahaja tidak chukup, tidak chukup apa? Apa yang di-katakan tidak chukup itu?

Enche' Amaluddin bin Darus: Tuan Yang di-Pertua, suka saya memberi faham kepada Ahli Yang Berhormat itu. Dalam soal khidmat tidak-lah dapat hendak di-tetapkan, oleh kerana dia tidak ada batas dan tidak ada hujung. Sa-lama hidup kita dapat memberi khidmat sampai kita terbaring di-tikar. Sa-orang manusia dapat memberi khidmat dengan memberi nasihat kepada orang² muda. Jadi perkara batas khidmat itu tidak menjadi soal. Apa yang saya katakan, bukan kita tidak berkhidmat, bukan Perdana Menteri kita tidak berkhidmat, tetapi kita terlalu awal memikirkan hal penchen, hal bayaran bersara, kepada siapa² atau kepada Perdana Menteri kita sedangkan nasib ra'ayat yang kita bela, yang kita perjuangkan, yang kita ingin berkhidmat kepada mereka belum sampai kepada matalamat, memang jauh daripada sampai—sambong menyambong.

Nik Hassan bin Haji Nik Yahya: (Bangun).

Enche' Amaluddin bin Darus: Tuan Yang di-Pertua, saya tidak beri jalan.

Yang demikian, Tuan Yang di-Pertua, tentu-lah akan menimbulkan sa-suatu yang saya bimbangkan. Negara kita ini ada kegiatan² kominis di-bawah tanah, ini tidak dapat dinafikan dan tentu mereka akan memasukkan jarum terus menerus di-dalam negara kita ini maseh banyak orang² miskin, orang² tani yang maseh berchorak primitive yang belum dapat berfikir jauh. Bagi orang² yang berjalan chara kominis, kegiatan² mereka menjalankan propaganda boleh menimbulkan kebencian kapada Kerajaan, kapada orang² yang tertentu dan sa-bagai ra'ayat, orang² tani yang primitive, mungkin mereka tidak dapat berfikir panjang, tidak sampai dengki dan hasad, tidak sampai untuk mengguling, untok menjatoh, untok mengachau, tetapi rasa hiba dan sedeh itu akan menjelma dalam jiwa mereka. Sebab orang² yang mereka hargakan, yang mereka pilih untok memberi khidmat kerana janji² lebeh mendahulukan kepentingan diri sendiri daripada kepentingan orang lain. Ini yang saya katakan pandangan terlalu awal. Kita memikirkan, bukan menafikan khidmat.

Terlanjor dalam perkara ini, Tuan Yang di-Pertua, saya tahu Bill ini akan di-luluskan. Kalau sa-kira-nya khidmat Perdana Menteri akan di-bayar sa-sudah tamat tempoh khidmat-nya, anggota² Parlimen juga memberi khidmat dan berhak untok di-pilih menjadi Perdana Menteri tidak pula di-tetapkan, mendapat sekian² bayaran sa-sudah dia berkhidmat sa-lama lima tahun umpama-nya, sa-kurang²-nya, dia berhak mendapat bayaran sampai mati saperti Perdana Menteri walau pun kechil. Ini, Tuan Yang di-Pertua, tentu akan menambah rumit, dan saya tidak-lah mengeshorkan yang saperti itu, chuma saya ingin Kerajaan memikirkan sa-dalam²-nya dalam mengemukakan sa-suatu untok menjaga hati manusia, ra'ayat negara kita ini sendiri.

Pihak Polis, mithal-nya, memberi khidmat menggadaikan nyawa, tentera memberi khidmat menggadaikan nyawa, dan banyak gulungan ra'ayat yang berkhidmat dan semua tidak dapat

di-elak daripada perkataan berkhidmat kapada negara ini dengan memberi nyawa. Kalau sa-kira-nya orang² yang saperti ini dapat di-perhatikan juga oleh Kerajaan ada-kah insurance peribadi mereka, tiap² orang yang membuat kerja sa-bagai berkhidmat kapada negara di-beri insurance ada pula jaminan mereka tetapi Kerajaan tidak memikirkan nasib mereka, kita lebeh dahulu memikirkan nasib orang² atas, kita melupakan kepentingan orang² bawah. Ini yang saya rasa kesal.

Jadi, Tuan Yang di-Pertua, saya minta Kerajaan yang telah menunjukkan bukti mengambil berat nasib orang² atas mengambil perhatian dan mengambil berat pula kapada nasib orang² bawah, jaminan kapada orang² bawah dan sa-bagai-nya. Jadi, Tuan Yang di-Pertua, dengan jalan itu kita akan dapat timbang rasa dan penghargaan yang tulus ikhlas daripada ra'ayat yang tahu, bahawa mereka telah memberi penghargaan kapada orang² yang betul² berkhidmat untok kepentingan mereka, yang mereka juga mendapat hasil daripada khidmat orang² yang mereka hargakan. Sekian.

Dato' Haji Mohamed Noah: Dato' Yang di-Pertua, saya pada mula-nya tidak hendak berchakap atas Rang Undang² yang ada di-hadapan Majlis ini yang saya sokong pada dasar-nya, tetapi apakala mendengar hujjah² yang panjang lebar yang di-datangkan oleh pihak Pembangkang sa-bagai membangkang usul Rang Undang² bagi bachean kedua ini, saya rasa terpaksa juga-lah saya bangun menerangkan sedikit sa-banyak pendapat saya atas hujjah² yang di-keluarkan oleh pihak Pembangkang baharu sa-bentar ini. Saya rasa terharu hati bila dia mengatakan Rang Undang² yang ada di-hadapan Majlis ini, sa-olah² di-buat oleh pihak Perikatan sa-mata² kerana peribadi Yang Teramat Mulia Tengku Perdana Menteri yang ada pada hari ini. Jikalau dia membacha betul² Rang Undang² ini tentu-lah nampak satu undang² yang luas yang meliputi bukan-nya kapada Perdana Menteri yang ada pada hari ini, bahkan kapada beberana orang lagi Perdana Menteri yang akan datang yang akan menjadi

Perdana Menteri. Boleh jadi harus pada satu masa saudara pembangkang kita itu pula menjadi Perdana Menteri di-dalam Malaysia kita yang akan datang ini. Ini satu tuduhan yang berat yang di-datangkan oleh pehak pembangkang bila dia mengatakan, si-polan chakap-nya sa-olah² undang² ini sengaja di-buat oleh pehak Perikatan khas kerana peribadi Yang Teramat Mulia Tengku dan di-buat ini kerana Yang Teramat Mulia Tengku itu tidak lama lagi akan bersara daripada menjadi Perdana Menteri. Ini satu tuduhan yang berat yang rasa saya tidak patut di-diamkan dengan tidak di-jawab di-dalam Dewan yang ber-bahagia ini. Hujjah² yang di-bawa-nya tidak-lah begitu tepat bila dia mengatakan Rang Undang² ini di-bawa ka-sini terlalu awal.

Saya pula mengatakan undang² ini bukan sahaja di-bawa pada masa ini terlalu awal bahkan patut lebih dahulu sudah ada undang² yang sa-umpama ini. Bila masa kita mendapat kemerdekaan patut-lah Rang Undang² umpama ini di-luluskan oleh Dewan ini supaya benda ini berjalan mengikut bagaimana perjalanan yang ada di-dalam negeri² yang demokrasi.

Di-dalam Rang Undang² ini ada mengatakan supaya di-beri penchen kepada Perdana Menteri dan mengikut hujjah yang di-bawa oleh pehak pembangkang, apa khidmat yang di-buat oleh Perdana Menteri yang boleh melayakkan diri-nya mendapat penchen itu.

Enche' Amaluddin bin Darus: Tuan Yang di-Pertua, untuk penjelasan. Saya tidak bermaksud seperti yang di-katakan oleh Yang Berhormat Dato' itu, apa kelayakan itu tidak timbol. Saya tidak menafikan khidmat, tetapi saya katakan terlalu awal, kerana sebab² yang saya terangkan panjang.

Dato' Haji Mohamed Noah: Ma'ana "terlalu awal" itu berm'a'na tidak ada hormat juga-lah. Masaalah khidmat kepada sa-suatu bangsa dan negara itu kalau kita hendak berchakap dalam Majlis ini, tentu-lah mengambil masa yang panjang—tetapi mithal-nya sa-orang di-dalam Dewan ini ada membuat khidmat, termasuklah saudara

kita daripada pehak Pembangkang ini juga dengan sebab itu dia ada di-beri beberapa kesenangan (privileges) yang dia dapat kerana khidmat dia kepada bangsa dan negara. Pada sa-orang Perdana Menteri sa-sabua negara yang negeri-nya lebih besar tentu-lah khidmat itu lebih banyak dengan sebab berat "tanggungan". Ada-lah perkhidmatan sa-saorang itu pada satu² kerja yang di-tanggong-nya itu bergantung kepada perkhidmatan dia kepada bangsa dan negara.

Saya perchaya-lah perkara yang sa-macham ini tidak boleh di-kata telah terlalu awal, kerana chuba kita tengok jikalau undang² ini di-luluskan dan di-jalankan beberapa tahun dahulu tentu-lah sa-orang daripada Ahli PAS yang telah mendapat kemalangan tidak dia tinggal begitu sahaja, melainkan waris-nya akan mendapat saguhati daripada pehak Kerajaan dengan sebab kemalangan yang menimpa-nya. Tetapi dengan tidak ada-nya undang² macham ini hanya-lah yang dapat Kerajaan katakan pada hari ini "akan di-timbangkan".

Saya rasa tiap² Ahli Yang Berhormat yang ada di-dalam Dewan yang berbahagia ini mesti menyokong satu Rang Undang² yang saya fikir patut di-luluskan dalam Majlis ini dengan sebab rasa saya jikalau tidak ada undang² yang sa-umpama ini, saya bimbang kalau² ada daripada pehak² Yang Berhormat bila di-tawarkan menjadi Menteri dan Menteri Muda atau Parliamentary Secretary, akan menolak memegang jawatan² itu. Apa akan terjadi pada sa-buah negara yang tidak ada mempunyai Menteri² yang boleh menjalankan kerja², yang sanggup hendak memikul tanggungan² yang begitu berat, khas-nya seperti Perdana Menteri. Jadi saya rasa tidak faham-lah bagaimana lojik-nya yang di-bawa oleh pehak Pembangkang atas menentang Rang Undang² yang di-hadapan Majlis ini.

Dato' T. H. Tan: Mr President, Sir, I rise to give my fullest support to the principles and to the provisions of this Bill. The payment of pension is nothing new in this country. We pay pensions to Government Servants and

we pay pensions to the Members of the Armed Forces, in recognition of their services to the Country, particularly services rendered during the best part of their lives. I think that is the least the nation can do. With regard to the provisions for the Prime Minister, we have examples, both in the United Kingdom and also in the United States, where pensions are paid to a former Prime Minister of England and a former President of the United States. My only quarrel with the provisions of this Bill is that the sum of \$2,000 seems to me so very niggardly, because after all \$2,000 at the present time is not a big sum of money. After all the sacrifices that the Prime Minister makes, after all the loads of worries and responsibilities that he carries, I think this sum could well be increased; and I sincerely hope that a day will come when an amendment to this part of the provisions will come before this House and that all Members of the Senate would heartily agree to that amendment.

I was somewhat perturbed at the statements made by the Member from P.M.I.P. His statement shows the heartlessness of some people who wish to make themselves out to be crusaders of religion. May be this heartlessness stems from the fact that no P.M.I.P. or P.A.S. Member of Parliament will ever be a Prime Minister of this country (*Applause*).

Enche' Tan Siew Sin: Mr President, Sir, it is unfortunate that the Honourable Member from the P.M.I.P. has turned this issue of providing pension for ex-Prime Ministers into a political issue. When this Measure came before the Dewan Ra'ayat, it was passed unanimously by all sections of the House, including the Honourable Members from the P.M.I.P. benches, and I am, therefore, at a loss to understand why the lone Member—I believe there is only one member in the P.M.I.P. section of this House—should suddenly protest against what is a very common-place practice. As a member of Honourable Senators have pointed out, the Measure that we are introducing in this House is not

something new, novel or revolutionary. It is an accepted practice in the old established democracies of the free world, and I am, therefore, at a loss to understand why the Honourable Member, who spoke against this, should get so hot under the collar.

In fact, when this Bill came before the Lower House, an Honourable Member from the Socialist Front actually said that we have not gone far enough. He proposed that we should not only give pensions to an ex-Prime Minister, but we should give pension to all Members of Parliament, (*Laughter*). This suggestion came from an Honourable Member from the Socialist Front. As I pointed out already, it is, I think, very undesirable—I think every fair minded person in this country would subscribe to this belief—for a person, who has wielded such enormous power, who has had great responsibilities thrust upon him in performing the office of Prime Minister of Malaysia, having to worry, in case he is not a man of substantial private means, about his economic future should he have to retire one day; and even Prime Ministers have to retire one day unless, of course, they die in harness. I should think, therefore, this principle is very non-controversial because, as I have said, it is nothing new or novel, and I am inclined to agree with the last Honourable Member who spoke that, perhaps, the P.M.I.P. people are taking a very short and narrow view in the belief that no member of that Party is ever likely to reach this high office.

Any way I am glad to see that this Measure is welcomed by every section, all Members of this House except that particular Member, and I think it is also clear that this Measure has been accepted by the whole country.

I should add, probably, a note of confidence, if I may say so, that this proposal, in fact, originally came from me in the Treasury. When I drafted this Bill and put it before the Cabinet for the first time, the Prime Minister, in fact, instructed that it should not go forward because he felt that it might be misconstrued by his political

opponents—any way it has been misconstrued by one Honourable Member of this House. However, the Cabinet felt that this not only, as the Honourable Member, Dato' Haji Mohamed Noah has pointed out, is meant for a particular person, but is meant for all the Prime Ministers who would succeed the present Prime Minister. This is not a temporary measure. It should be a permanent feature of the political life of this country, and the Cabinet, therefore, felt that this Measure should go forward, because it was not meant for any particular individual but because it was right in itself.

The Honourable Dato' Dr Cheah Toon Lok has asked why we have differentiated in our treatment between members of the Government like Ministers, Assistant Ministers and Parliamentary Secretaries on the one hand and the other M.Ps. on the other in the matter of the provision of medical facilities. I agree that there is this differentiation, but I think the Honourable Member will also appreciate that there is a difference between the Members of the Government and the M.Ps. who are backbenchers. Members of the Government are full-time officers of the Government in the sense that they are on duty 24 hours a day. To quote a little instance: it is possible, for example, for a Minister, or an Assistant Minister, or a Parliamentary Secretary to, say, take a holiday in Port Dickson, and in the course of his holiday he could be assassinated. Well, if we have this limitation that such death benefits would only be paid in the course of parliamentary duties, it is open to question whether in such a case the benefit should be paid; it is clear under any laws of equity that such a benefit should be paid. In the case of Members of Parliament who are after all only part-time members of the Government, I think the circumstances are quite different. They attend to parliamentary duties for only part of their time and, therefore, we felt that, although originally it was the intention, in so far as ordinary Members of Parliament are concerned, benefits should only be payable if death or injury were

to occur in the course of official or parliamentary work. This is a deliberate decision, but I think it is a fair one under all these circumstances. I think Dato' Dr Cheah Toon Lok also asked why we should make this differentiation not only in the matter of medical facilities, but also in the matter of payment of death benefits or injury benefits and

Dato' Dr Cheah Toon Lok: Not me—Dato' Sheikh Abu Bakar.

Dato' Sheikh Abu Bakar: My point is with regard to these medical facilities. I have said that because of an emergency, the same remarks applicable to a Minister may apply to Members of Parliament—in case of emergency, not otherwise that is my point, Sir.

Enche' Tan Siew Sin: I do not think, Mr President, Sir, that Members of Parliament are exactly in the same category as Members of the Government.

I think that although there may be cases in which Members of Parliament could justifiably be entitled to medical facilities, even though they are not in the course of duty, such contingencies are happily very remote, and I think the Ministers are in a different category, because they are full-time members of the Government; and the same thing, of course, applies to the other facility of death or injury benefits.

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 and 2 ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule—

Dato' Dr Cheah Toon Lok: Mr Chairman, Sir, after hearing the explanation of the Minister concerned, I think the Ministers should be fully

protected by law. Now, as it is in this Bill, they are not fully protected by law from the legal point of view. In every one of these death benefits, the phrase "sustained in an accident" occurs. That phrase has its limitations because "accident" is an event happening by chance. Supposing there is premeditation, which this Schedule does not cover, then the Minister concerned does not get the benefit, because premeditation is not by chance. So, I thought just now of suggesting, and I now do suggest that we work out another phrasing to cover pre-meditation, so that Ministers, if they are murdered, could be covered because they are always on duty. So, I would like to add the words "or occurring in the course of, or attributable to, the discharge of his duties as a Minister", because the Minister is on duty twenty-four hours a day. So, if you have the word "or" then it covers pre-meditation.

As it is, it does not, and it is liable to legal interpretation of "Chance" only and not pre-meditation. I do not know what is the view of the legal experts on this, but I do suggest, if we want to protect our Ministers, we must do better than having this phrase "sustained in an accident". We have got to rephrase it in such a way it covers pre-meditation. Thank you, Sir.

Enche' Tan Siew Sin: Mr Chairman, Sir, first of all, I take it that the Honourable Dato' Dr Cheah Toon Lok talks of pre-meditation. It does exclude pre-meditation on the part of the member of the Government concerned. In other words, it excludes suicide, and I agree that in the case of suicide, the dependants will not be entitled to the benefit of this payment. But, if a Minister or a member of the Government referred to in this Bill is assassinated, there is no question that his dependants would be entitled to these death benefits—there is no question at all.

Dato' Dr Cheah Toon Lok: Mr Chairman, Sir, may I ask then, therefore, the word "chance" be defined.

Enche' Tan Siew Sin: Mr Chairman, Sir, according to our legal advisers, this wording is adequate, and I think it will be safe to abide by the advice of the legal advisers.

Question put, and agreed to.

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

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

THE TURNOVER TAX (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Turnover Tax Act, 1965" be read a second time.

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

Enche' Tan Siew Sin: Mr President, Sir, in my Budget speech of 17th November, I stated that the Government had decided to convert the existing turnover tax from a multi-stage to a single stage tax with effect from 1st January, 1966, by limiting the scope of the tax to the sale of imported goods only. The purpose of this Bill is, therefore, to amend the Turnover Tax Act, 1965, in order to implement this proposal.

The various amendments proposed are contained in the Schedule to the Bill and, as these amendments appear to be somewhat complicated, I shall touch upon the salient points of this single stage tax, so that such amendments may be more easily understood. The tax will be levied on moneys receivable from the sale of goods imported into Malaysia, but where such goods are not immediately sold but are processed or manufactured in Malaysia for subsequent sale, the tax will apply only to that part of the sale proceeds which relate to the imported content of the goods; and this liability to tax also includes the imported contents of goods going into the manufacture of pioneer products.

Where goods imported into the country are subsequently exported to another country, no tax will be levied on such sales. The sales of goods manufactured in one component part of Malaysia and imported directly or indirectly, e.g. via Singapore, into another component will be exempted from tax in the hands of the importer in that other component. Proceeds from other activities, which are chargeable to turnover tax under the existing multi-stage tax, will no longer be liable to this tax from the year of assessment 1966 onwards.

Under the existing multi-stage tax, the rate of charge is $\frac{1}{2}\%$ of the taxable turnover, but under the single stage tax the rate has been increased to 2% thereon. Where any goods are manufactured or processed in Malaysia, and such manufactured goods sold consist partly of imported goods, it is necessary to determine that part of the sale moneys appropriate to the imported content of the goods, and to levy on those moneys only and not on the entire sale price.

The moneys chargeable shall be such proportion of the total sale price as the c.i.f. value (including customs and excise duty) of the imported part bears to the total cost (including such duty). In other words, if an article costs \$10.00 and the c.i.f. value of the imported part was \$5.00 then if the total sale price was \$16.00, the taxable turnover would be $\frac{5}{10}$ of 16, i.e. \$8.00

Under the multi-stage tax, a turnover of \$36,000 or less a year is exempted from tax, but since the tax is only on the moneys receivable from the sale of imported goods, and since most of these importers are generally large businesses, it is unlikely that the turnover will be less than \$36,000 a year. The exemption is therefore being repealed.

The other amendments are consequential in nature, in view of the change in the scope of the tax, and others arise from the separation of Singapore. Details of the tax can also be found in the Explanatory Statement at the end of the Bill, and I need not therefore elaborate further on them.

Dato' T. H. Tan: Mr President, Sir, as Chairman of the Chinese Chambers of Commerce, I would like to say, first of all, that the Chinese commercial community supports in principle this form of taxation. The Chinese Chambers fully realise the Government's need of finding additional revenue to cope with the enormous spending on account of the Indonesian Confrontation and on account of the Development Plans. The Chinese Chambers, however, only ask for a patient hearing of the difficulties which beset the commercial community arising from the interpretation of the provisions of this Bill. In the first place, the Chinese Chambers feel that there are good reasons for the Government to give further earnest consideration to their suggestion that it is inequitable to collect this tax on the basis of the previous year's turnover. In the first place, the merchant might well have incurred a loss in respect of his previous year's turnover.

Secondly, importers in particular often work on a margin of much less than 2%. If the basis of assessment is on previous year's turnover, then the importer has to pay tax at a rate higher than his margin of profit with the additional possibility of having incurred a loss. I believe, Sir, it is a generally accepted principle not to apply taxation with retrospective effect. Could the Government then not apply this turnover tax from 1966 onwards collecting the tax on the basis of actual import prices after the payment of duty to the Customs and after adding the generally accepted formula to provide the margin of profit? Sir, I believe it is not the intention of the Government to impose any undue hardship through taxation. Sir, I plead, on behalf of the Chinese Chambers, that patient and careful hearing be given to their representations. I say again that the Chambers are always willing to pay tax. May the Government make the process of payment as simple and as painless as possible.

Enche' S. O. K. Ubaidullah: Mr President, Sir, I would like to pay a tribute to the Honourable the Minister

of Finance. He has won the admiration of all, when in his Budget proposals he dropped, with the same boldness with which he announced the crown cork duty, capital gain tax and brought the turnover tax from $\frac{1}{2}\%$ multi-stage to 2% single stage. These tax changes reaffirm people's faith in his ever-willingness to listen to reasonable and workable suggestions. Indeed, the Honourable Minister gave such assurances, when he announced these taxes and he kept them well.

Sir, in the same spirit and hope, the commercial and manufacturing community have a few constructive suggestions to offer with regard to turnover tax. My Honourable friend, Dato' T. H. Tan, has just now put them very ably. As he has said, the trading and manufacturing community has accepted 2% turnover tax at single stage as a fair share of their national burden. What now makes one unhappy is the technique of collecting this 2% turnover tax. The good principle of taxation would be that any taxation should be equitable, easily understood and easily administered.

The proposed method of collecting 2% turnover tax on sale point is considered by and large a measure that would cause some hardship. What greatly concerns us is the basis of assessment. This is not a tax on profit, but a tax on sales and the implementation of the assessment of liability on a preceding year basis at a high rate of 2% is not equitable. As a tax on sales, we contend that this should be levied on a current-year basis. This is the only basis on which fluctuations in the rate of tax can be recovered and it is our belief that it is the intention of the Honourable Minister that the tax be passed on by an increase in the ultimate sale price. Sir, we would prefer to see this levied at the point of entry and collected by Customs on a valuation applied by the Customs in the normal way in assessing uplift to arrive at the open market value. Such a tax would, of course, only be levied on goods imported for sale and not on goods imported by non-traders for their own use, or by traders for use in

fixed assets in their trade. To differentiate is not impracticable, as has been suggested. We think it is fair to say that the Customs have built up over the years a fairly comprehensive knowledge of the trading activities of most importers and could clearly differentiate between imports for sale and other imports.

Sir, the United Chambers of Commerce have never suggested that imports not for sale should be subject to tax. Sir, if this proposal is not acceptable, then we urge that the tax be collected monthly, quarterly, or half-yearly, in arrears, on a current year basis of actual sales.

Sir, much play has been made that this would place a formidable burden on the trader in the maintenance of extra records and the possible expenses of dealing in accounts to extract figures. This is not so, as the majority of traders, on whom the burden of this tax will fall, already maintain monthly records of sales; and if the current year basis is introduced it will present no problem for them to maintain the necessary records which will allow prompt submission of their returns for assessment of turnover tax. Any adjustment for bad debts could quite easily be made annually in the return for the period ending December or even at a later date.

Sir, the adoption of this current year basis will allow collection throughout the year, and, while ensuring a steady income to the Treasury, will also allow the importer to spread his payments over the year—even with this spread, in many cases, he will be paying tax before he has in fact been paid by the buyer for the goods.

Sir, it is a more formidable job to dig into the past and extract over one year the breakdown of sales of imported goods as distinct from those of Malayan manufacture as in the past and it is highly unlikely that any differentiation between imported goods and Malaysian manufactured goods has been maintained in the trading community. This is indeed a burden and will lead to expenses which can readily be avoided if the current year basis is

accepted now. Sir, if it is considered utterly unreasonable to saddle traders and their accounts with a vast amount of extra work of compiling monthly and quarterly returns, then it is even more unreasonable to saddle them with the vast amount of work involved in research over the past years' accounts.

Finally, Sir, as Dato' T. H. Tan has made an appeal, I would like to join with him and also say that we would like to thank Mr Varty, the Comptroller-General of Income Tax, for his kindness in taking time off to explain to the commercial and manufacturing community the various points with regard to the turnover tax. The United Chambers of Commerce, which is the national body of the country, has received representations from all its constituent Chambers to appeal again to Mr Varty, the Comptroller-General of Income Tax, and through him to the Honourable Minister of Finance, to reconsider some of the points which they would like to discuss with them. I hope fervently that, as a result, a very acceptable form of levying this tax will be arrived at and the commercial community would be happy to pay the two per cent. turnover tax.

Mr President: Persidangan ini ditampohkan sa-hingga pukul 2.15 petang.

Sitting suspended at 1.00 p.m.

Sitting resumed at 2.15 p.m.

(Mr President in the Chair)

THE TURNOVER TAX (AMENDMENT) BILL

Second Reading

Debate resumed.

Dato' Y. T. Lee: Mr President, Sir, I agree wholeheartedly with what was said by my colleague Dato' T. H. Tan.

At an emergency meeting of the Selangor Chinese Chamber of Commerce held on the 17th December, 1965, the members were unanimous in their support of your 2% turnover tax at source. All of them hailed such new tax as fair and that this money is necessary for the defence of the country.

They are prepared to pay the 2% tax levied on all imported goods at the point of entry using the services of the Customs Department for collection even if they could not eventually dispose of all their imported goods and even if there might be bad debts later on.

Sir, you may say that this is not possible since you have international obligations and regulations on the collection of customs duties.

But surely Sir, a way can be found to allow easy collection of this tax at source.

The merchants are apprehensive of the method of collecting the 2% turnover tax as proposed.

For instance, some rice dealers will have to pay about \$400,000 on the 2% tax based on the importation for 1965. All these rice dealers do not make $\frac{1}{2}\%$ profit on the overall rice dealings. All rice dealers are compelled by law to purchase a certain percent of local rice in relation to their imported rice and these were purchased at a loss. Also there will be confusion of accounts between dealers and dealers.

Another illustration is of manufacture of local sauce. In the process of manufacturing, part of the raw ingredients required is imported directly, others are imported goods purchased locally and there are also those produced locally.

All these compounds are required to produce the sauce.

Before the announcement of the implementation of the single tax at source, they believe that no firms have ever recorded these charges separately for the portion of goods imported nor those purchased locally.

If the method of implementation as prescribed by the Government, is adopted—to levy tax according to the 1965 trading accounts, great difficulties may ensue.

I therefore, appeal to the Honourable the Minister of Finance that the tax as from the 1st January, 1966, be

levied at source i.e. that the tax be collected at the point of entry.

Dato' Dr Cheah Toon Lok: Mr president, Sir, I rise to support this Turnover Tax (Amendment) Bill. I am proud that our democratic Government has listened to the voice of the people. After all, democracy is an acceptance of the majority will of the people, and the Government has heeded the request and the multi-stage turnover tax has been amended to a single stage tax at source. From reading this Bill, I understand that it shall come into force on the 1st day of January, 1966. I think it fair that if it shall come into force on the 1st day of January, 1966, taxation should also come into effect on that day 1st January. After all, Sir, if you want the milk, you must look at the cow and see what the cow is fed on, what type or quality of milk you can get from that cow, and whether you can look after the cow well enough. If you are a farmer, and if you want only your fruits and never take care of the trees, your trees will not be producing the type of fruits that you require; or if you are an apiarist and you only think of the honey and not of the bees, then you will not be getting the product that you want very badly. I think our Government is wise in heeding the voice of the people, and, in this instance, I think it is fair that taxation should begin on January 1st, 1966, because it will be fair to the traders, so that they could put up proper accounts to the Government in respect of their trading. The tax could be collected on a month-to-month basis, so that taxation will be very easy. The text of the speech which was given by the Minister of Finance reads:

"This tax will now be levied on the actual value of sales of imported goods other than those re-exported. In case an importer does not immediately sell such goods but processes or manufactures such goods for subsequent sale, the tax will apply only to that part the sale proceeds which relate to imported content of the goods. All other business transactions will therefore, cease to be liable to turnover tax from next year."

From this, we can see that the Finance Minister has great sympathy

for the trader—he is right to have this sympathy—because he is a democratic Minister of Finance. He says that the tax will only apply to that part of sales proceeds which relate to the content of the goods. But it must be remembered that we pay tax on importation, then we pay a tariff tax on importation, and then we pay a tax at source, i.e. a sales tax: first you pay importation tax; then you pay a tariff tax; and then again you pay a sales tax, which means that there are three taxations there. It is difficult for the businessman to pay so much at a time. So, I implore the Government and the Minister of Finance to see whether this Government could find a way to lighten the burden of the businessmen in respect of the payment of this type of taxation, because the businessman has got to pay three times—importation tax, tariff tax, and sales tax. If he could do it, I think it will be of benefit to the country in that we will have more businessmen trading, we will get more taxation, turnover would be better, and we get more money. (*Applause*). I hope that the Minister of Finance will think over this matter carefully. Thank you Sir.

Dato' J. E. S. Crawford: Mr President, Sir, in rising to support the Bill to amend the Turnover Tax Act, 1965, I must say that I am most astonished to hear what is said by many Honourable Members, who formerly—in this House—strongly urged the Honourable the Minister of Finance to change the turnover tax from a multi-stage tax at the rate of $\frac{1}{2}\%$ to a single stage tax on import at a higher rate—I believe the rate of 2% was mentioned. Now, Sir, that the Minister of Finance has introduced an amendment on the Turnover Tax Act, 1965, on the lines suggested, many Honourable Members appear to foresee as many difficulties as they did when the original Turnover Tax was introduced. Therefore, Sir, my sympathies lie with the Honourable Minister of Finance, and I have great pleasure in lending my full support to the present Amendment Bill now before the House. Thank you, Sir.

Enche' Tan Siew Sin: Mr President, Sir, the last Honourable Member, in fact, has put the point very well. As Honourable Members of this House will recall, when the original multi-stage turnover tax was proposed, nearly every Chamber in this country suggested that the Government should instead levy a single stage turnover tax at a higher rate. That is exactly what the Government has now done. Now, the same businessmen are proposing that we should do something else, and I am sure if we are to fall in with the wishes at the next Budget, they will say that this is not desirable and we should do something else instead. I think the trouble with this tax is not so much that it is inconvenient but that those businessmen do not want to pay any taxation at all. I have come to this conclusion because, otherwise, I cannot understand why they should object to the very proposal which they suggested only some time ago.

Dato' Dr Cheah Toon Lok: Mr President, Sir, it has been stated that they are willing to pay tax, and not unwilling to pay tax.

Enche' Tan Siew Sin: Mr President, Sir, it is a strange sort of willingness to object to the very proposal which you yourself proposed only a few short months ago. It is not a factor, as is suggested by one or two Honourable Members to levy tax on a current year basis, because it is obvious that if the tax is collected in 1966 there must be a standard of measurement, and the standard of measurement must be imports made in 1965, because otherwise, Honourable Members will appreciate, no tax will be payable in 1966 at all, and the Government will have to wait until 1967 before it could collect the tax. It will, therefore, be seen that it is not really practicable to levy the tax on a current year basis. This is not an import duty, it is a turnover tax, and a turnover tax can only be levied on sales. The other disadvantage of a straight import surcharge, or an import duty, is that it would be applicable to all imports,

that is to imports which are not sold—imports for example which are made and meant for the personal consumption of the importer himself. Now, the advantage of this particular tax is that it will only be levied or will only be applied to imports which are sold as well. I think that is a very big difference there, and this tax will therefore exempt those who import for their own use or for their own consumption. Also I am not sure that all the businessmen in this country want straight import surcharge. For example, a few days ago I received a deputation from the National Association of Manufacturers and they were honest enough to admit to me that opinion in their Chamber was evenly divided. Some people preferred the present measure, some people preferred a measure based on import. It will, therefore, be seen that whatever we do, there will be advantages and disadvantages, and I am sure that if the Government were to switch to the proposal which has been made in this House by a number of Honourable Members, other objections will be put forward, other disadvantages will be seen to be apparent, and then they will suggest that we should do something else instead. I therefore, suggest to Honourable Members that they should give this Measure a trial and, if there are any minor points of implementation about which they are unhappy, they can always have a chat with the Comptroller-General of Inland Revenue.

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 and 2 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

**THE INCOME TAX LAWS
(MALAYSIA) (AMENDMENT)
(No. 2) BILL**

Second Reading

Dato' T. H. Tan: 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 the States of Malaya" be now read a second time.

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

Enche' Tan Siew Sin: Mr President, Sir, the purpose of this Bill is to amend further the Income Tax Ordinance, 1947, of the States of Malaya, the Income Tax Ordinance, 1956, of Sabah and the Inland Revenue Ordinance, 1960, of Sarawak, in order to implement the proposals announced in my Budget speech of 17th November, 1965 relating to income tax.

The opportunity is also taken to make minor amendments to streamline the operation of the existing legislation. In my Budget speech, I stated that the abatement of the rates of tax in respect of the first \$50,000 of chargeable income derived in Sarawak and Sabah would be reduced from 40 per cent. to 30 per cent. with effect from 1st January, 1966, in respect of Sarawak and 1st July, 1966, in respect of Sabah. In order to give effect to this proposal, the respective income tax laws of Sabah and Sarawak have to be amended, and this has been done in paragraph 3 of the First Schedule of the Bill in respect of Sabah and in paragraph 2 of the Second Schedule in respect of Sarawak.

I also stated that, in order to encourage investment in new planting in Sabah, the existing provision relating to capital depreciation in Sabah would be amended to bring it into line with the existing provisions in the States of Malaya. In Sabah, capital expenditure incurred on new planting may be written off in ten years, whereas in the States of Malaya such capital expenditure may be written off in two years. The ten-year depreciation period in Sabah will now be reduced to two years with effect from 1st January,

1965. Paragraph 1 of the First Schedule to the Bill effects this amendment.

The opportunity is also taken in this Bill to transfer the power of exempting any person or class of persons from income tax from the Dewan Ra'ayat to the Minister of Finance. Such exemption will be made by the Minister of Finance by means of an order which will have to be laid before the Dewan Ra'ayat. The latter will have the power to revoke the order, wholly or in part, at a meeting of the Dewan Ra'ayat at which the order is laid or at its next meeting. The transfer of this power is considered reasonable as in most cases these exemptions are purely routine in nature and considerable administrative delay is experienced at the moment in waiting for the Dewan Ra'ayat to convene before any exemption can be approved. I should emphasise that if the Dewan Ra'ayat considers that any decision of the Minister should be revoked, it still has the power to do so, when the order is laid before it.

The other amendments incorporated in the Bill are minor and technical in nature and are designed to redefine Federal tax as excluding tax paid in Singapore after 1965 and to make clear the position of companies becoming resident or ceasing to be resident in the States of Malaya during the year.

Dato' Dr Cheah Toon Lok: Mr President, Sir, I rise to support this Bill. However, Sir, my intention is to encourage the growth of Sabah and Sarawak by the employment of women in the services, because Sabah and Sarawak are short of manpower/womanpower. If you have this income tax, you would tax the incomes of the wife and the husband together and the husband has got to pay more income tax on it. However, if you tax them separately and thus allow the wife to pay her own income tax and the husband to pay his own income tax, you would encourage the women to come forward to do public service and to be employed, so that Sabah would have more of the female population doing work for the good of the Government. In that way it would

encourage the Sabah people, the women folk especially, to come out and work, so that they can help the Government to function. As it is, following Malaysia, you would tax the husband and the wife together and they have got to pay more income tax on it. So, I think that in the case of Sabah and Sarawak the Government should consider whether they should have separate income tax for the wife and the husband. Thank you, Sir.

Enche' Tan Siew Sin: Mr President, Sir, I do not know what prompted the Honourable Dato' Dr Cheah Toon Lok (*Laughter*) to make this request because, if he had been attentive to what was reported in the press lately about Sabah and Sarawak, he would have noticed that the Chief Minister of Sarawak told the Budget Meeting of his State Legislative Assembly that but for Malaysia the Sarawak Government would have to tax the people of Sarawak 20 times greater than what they are paying now. I therefore, feel that the Borneo States have been extremely generously treated not only in the matter of Development Funds but also in the matter of taxation. Sir, it will be appreciated that even with this amendment the people in Sarawak and Sabah would still be paying 30% less income tax than the people of the States of Malaya.

In the matter of indirect taxation, i.e. the import duties and rates of Customs duties in the Borneo States, they have still not been fully harmonised with those in Malaya. I therefore, feel—and I am sure—that every fair minded person in this House and outside will agree that the people in the Borneo States are getting an extremely fair, if not generous deal from Malaya.

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 and 2 ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

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

THE EXCISE (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend The Excise Act, 1961" be now read a second time.

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

Enche' Tan Siew Sin: Mr President, Sir, Honourable Members will recall that in my Budget Speech of 17th November, 1965, I stated that, in order to give more freedom of action to our own tobacco growers, who are now handicapped, in that they can sell their produce to only licensed dealers, it was intended to remove such restriction, so that growers could secure the best prices possible by selling to the highest bidder. I also mentioned at that time that when the appropriate legislation has been amended to this effect, the present licence fee of \$240 per annum charged for a dealer's licence will be abolished.

The Bill before this House seeks to amend the Excise Act, 1961 accordingly, so that tobacco grown in the Federation will no longer be subject to the payment of excise duty. The manufacture of tobacco will continue to be licensed as usual and the Excise Act is amended to confer power on the Minister to impose excise duties on cigarettes manufactured in the Federation. The amendments relate in particular to Part VI of the existing Excise Act, 1961, pertaining to the collection of excise duty on tobacco and dealings in tobacco grown in the Federation.

Honourable Members will note from Clause 5 of the Bill that Part VI of the Excise Act, 1961, is to be removed *in toto*. The other amendments to the

Bill are consequential to the decision not to restrict tobacco growers in the sale of their products and the abolition of the excise hitherto imposed on home-grown tobacco and uncured leaf tobacco.

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 8 inclusive ordered to stand part of the Bill.

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

THE SUPPLEMENTARY SUPPLY (1965) (No. 2) BILL

Second Reading

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

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

Dr Ng Kam Poh: Mr President, Sir, Clause 2 of the Bill seeks authority for additional expenditure of \$35,557,365 for the service of the year 1965, and this is shown in the Schedule to the Bill and also in the supply expenditure section of the Second Supplementary Estimates of Expenditure 1965, tabled as Command Paper No. 36 of 1965. Of the sum required, as additional expenditure an amount of \$20,542,012 had been advanced from the Contingencies Fund to meet urgent expenditure and this has now to be recouped. It will be observed that out of the total sum of \$58,823,069 included in this supplement, a sum of \$23,265,704 is required to meet the cost of financing charged expenditure services which are not, of course, included in the Supplementary Supply Bill. The items of

charged expenditure are fully explained on pages 4, 5 and 6 of the Treasury Memorandum tabled as Command Paper No. 37 of 1965.

In the Supply Section of this Supplement, the biggest item of expenditure is in respect of Head S. 19, Education Grants and Subventions, under which a sum of \$12 million is required as a contribution towards recurrent expenditure in respect of the States of Malaya students studying in the University of Singapore for the years 1962-1964.

Head S. 25, Contributions to Statutory Funds, requires a supplement of \$7.8 million of which \$4.8 million is required for increasing the amount in the State Reserve Fund, so that payment could be made to certain States which were in deficit during the years 1961-1964. Another sum of \$3 million is required for increasing the amount in the Supplies Department Trading Account to \$68 million since the existing amount, has proved to be insufficient in view of the larger stock that has to be held on account of Malaysia and the prevailing security situation. With this amount, the Account's limit will be raised from \$65 million to \$68 million.

Head S. 34, Royal Malaysia Police, requires a sum of \$3.8 million of which \$1.8 million is for supplementing the Secret Service Vote and \$1.7 million for Personal Emoluments and Allowances for the Sarawak Auxiliary Constabulary, the cost of emergency works and equipment and the cost of security fencing and lighting of police stations.

Head S. 33, Ministry of Home Affairs, requires a sum of \$2.8 million, of which \$2.5 million is required for emergency regrouping in Sarawak, and \$0.2 million for providing financial assistance to fishermen affected by curfew orders.

Head S. 24, Treasury General Services, requires a sum of \$2.8 million, of which \$2.7 million is meant to cover the cost of miscellaneous services rendered by the Singapore Government on behalf of the Federal Government for the period 16th September, 1963 to 31st December, 1964.

Head S. 39, Commissioner of National Registration, requires a sum of \$1 million to supplement the existing votes under Personal Emoluments, Other Charges Annually Recurrent and Other Charges Special Expenditure as a consequence of carrying out a re-registration scheme in Sarawak and to meet the payment of arrears of salaries and allowances arising from the revision of salary scales and housing allowances for permanent and temporary clerks.

Head S. 7, Prime Minister, requires a sum of \$0.6 million to meet, among other things, the additional cost of official presentations consequent upon the overseas visits made by His Majesty, the Prime Minister and the Deputy Prime Minister, rental and maintenance charges of Rumah Persekutuan in Jesselton, expenses in connection with the birthday celebration of His Majesty, the celebration of the second anniversary of Malaysia, expenditure on the National Memorial, National Mosque, and reimbursement to the International Bank for Reconstruction and Development for expenses incurred by the Rueff Mission.

Head S. 12, Overseas Service Aid Scheme, requires a sum of \$0.5 million since the provision in the original estimate has been under-estimated. This item is recoverable from the British Government.

Head S. 14, Ministry of Commerce and Industry, requires a sum of \$0.4 million for subsidising the cost of electricity supplied to new villages for the year 1964. Three token votes are also required under this Head for the purpose of establishing a Standards Institute for Malaysia, a Trade Commissioners' Service, and for meeting expenses of Government representatives who attended the Management Meeting of the International Rubber Study Group in April/May, 1965.

Head S. 47 requires a sum of \$88,323 to supplement Sub-head "Legal expenses, fees and retainers" as the existing provision to meet the fees incurred by Government is found to be inadequate to cover the legal fees of

the then Honourable Minister of Health, Enche' Abdul Rahman bin Taib, in his case against the Honourable Enche' D. R. Seenivasagam and Enche' Abu Bakar bin Ismail.

The other items of expenditure in the second supplement, which have not been singled out by me, are relatively small in amount and these are described in the Treasury Memorandum mentioned before.

Dato' Dr Cheah Toon Lok: Mr President, Sir, it is indeed a great surprise that the Lower House gave sanction to the expenditure of \$35 million, in excess of the expenditure sanctioned by the Supply Act, 1965, because we have spent more than we have estimated. In other words, we have lost interest on the \$35 million which otherwise would be in our Treasury. At the same time, I see from Head S. 42, Radio Services, that they cannot make up their mind as to how much is required to improve our Radio Service—they have put only \$10. Now, how could we account for this? Is the Minister going to come to the House with another Bill in 1966 to ask for the sanction of the House for \$5 million for Radio Services? The Minister should make up his mind as to how much is required for the Radio Services—at least, he could put up the estimates and not put \$10, so that he need not come to the House often to ask for more money. I do not think that is properly done. I hope the Government would not be spending so much now, because after all the money comes from the taxpayers. The more you spend, the more tax you want; and then you tax us without considering whether we can afford to pay such tax or not. At least, the Government should give us a chance to say, "Now, we can pay this tax, but let us pay it in this way, or in that way", so that our people could be satisfied that they have the money to pay. If the Government does it like this, I do not know how much we are being asked to pay more. Sir, I hope that the Government will consider how to use this money properly, and I urge that the Department of Information and Radio

Services should make up its mind as to how much it is going to spend. It has put down only \$10 here. I hope the Minister could make up his mind.

Dr Ng Kam Poh: Mr President, Sir, I agree with the Honourable Dato' Dr Cheah Toon Lok that we should live within our means—I fully agree with him. However, Mr President, Sir, we sometimes meet with contingencies, which we do not foresee and, as such we sometimes have to put a token vote of \$10, the reason being that, if we have a token vote, we can spend from the Contingencies Reserve for that purpose. It is not the intention of the Government, Mr President, Sir, to waste the taxpayers' money nor to tax the taxpayers harshly, nor to levy a tax so burdensome on the taxpayers of this country that they cannot bear it and might turn communists. I can assure the Honourable Dato' Dr Cheah that we will not be so. We will never turn our country into such a state where each and everyone would want to turn communist. We have confrontation to face, and that is why, to a certain degree, higher taxation is necessary.

I have already explained why the sum of over \$35 million in excess of what was applied for in the Supply Act, 1965 is required—Sir, conditions are not of our own making. I regret that we have to come to the House each and every time to ask for supplementary supply estimates, because we find that in the running of the Government, estimates do not actually provide for the actual running expenditure of Government in that sense.

Question put, and agreed to.

Bill accordingly read a second time.

Third Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that the Supplementary Supply (1965) (No. 2) Bill, 1965 be read the third time and passed.

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

Question put, and agreed to.

Bill accordingly read the third time and passed.

THE DEVELOPMENT FUND (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Development Fund Ordinance, 1958" be read a second time.

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

Dr Ng Kam Poh: Mr President, Sir, the Development Fund Ordinance, 1958, provides, *inter alia*, that the moneys in the Development Fund should be applied only for the purposes, or any one or more thereof, specified in the First Schedule to the Ordinance. As the First Schedule stands at present, such moneys cannot be used to provide capital for a commercial undertaking in which Government may wish to acquire an interest. In this connection, Honourable Members will be aware that it has been publicly announced by Government previously that it would initiate action to establish a Bank to be known as Bank Bumiputera along the lines of the resolution of the Kongress Ekonomi Bumiputera Malaysia and that the initial capital outlay of \$5 million for this Bank would be provided by Government. Such an outlay will be regarded as Government's equity investment in the authorised capital of the Bank.

The Bank has already been registered as a Company known as Bank Bumiputera (Malaysia) Ltd, and it will operate as a commercial bank to be licensed as such under the Banking Ordinance, 1958.

In order that Government may be able to implement its policy decision to invest \$5 million in Bank Bumiputera, it is necessary that the First Schedule to the Development Fund Ordinance be amended by inserting immediately after paragraph 6 thereof a provision to the effect that the Development Fund may be used for the payment of any sum subscribed by the Government as equity investment in the authorised capital of Bank Bumiputera licensed under the Banking Ordinance, 1958.

Dato' Dr Cheah Toon Lok: Mr President, Sir, may I ask the Assistant Minister of Finance what is the meaning of "equity investment?"

Dr Ng Kam Poh: Mr President, Sir, "equity" means "fair". So equity investment means a fair investment, which we think can bring profits to the Government.

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 and 2 ordered to stand part of the Bill.

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

THE CUSTOMS (MALAYSIAN COMMON TARIFFS) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to create Common Tariffs for Malaysia and to provide for matters incidental thereto" be now read a second time.

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

Dr Ng Kam Poh: Mr President, Sir, as Honourable Members are aware, there are five different customs regions in Malaysia at present; namely, the Principal Customs area of the States of Malaya, Sabah, Sarawak, Penang and Labuan. The last two are adjuncts to their relative principal customs areas and are freeport areas. So long as these customs regions remain separate as they are at present, the free movement of goods, even of those manufactured within Malaysia, is not possible except under authority of an Exemption Order under the relevant Customs legislation in force. It still be remembered in this context that each of the component of Malaysia will retains its own Customs legislation pending the enactment of a unified Customs Ordinance to cover the whole of the Malaysia.

In these circumstances, it will be evident that it is not possible to impose, for instance, a common level of protective duty to cover all parts of Malaysia in the interest of Malaysian manufactures and industry—where such protection is required, unless the various Customs laws are invoked. This, in effect, means the issue of Customs Orders under the Malayan Customs Ordinance, 1952, the Sabah Customs Ordinance and the Sarawak Customs Ordinance, should it be decided to subject a particular commodity in Malaysia to a uniform level of tariff.

This procedure involves unnecessary paper work and can lead to confusion as the business community will have to refer to multiple Customs Orders under the respective laws in force to determine the level of common tariff in the various components of Malaysia. In the light of the increasing tempo of industrial development in this country and the growing consciousness that home-produced goods should be bought in preference to the imported article, it is clearly necessary that where such domestic products are protected by tariffs they should be able to move from one part of the country to the other with the minimum of administrative delay.

In these circumstances, the Customs (Malaysian Common Tariffs) Bill has been drawn up to provide the Minister of Finance with statutory powers to levy common tariffs in Malaysia on goods imported into Malaysia. The Bill also provides for the revocation of duties levied under the Customs laws in force in the States of Malaya, Sabah and Sarawak, when such goods become subject to a common tariff. Imported goods will thus be subject either to common tariffs after which no further duties will be imposed on them when they are moved from one part of Malaysia to another, or if no common tariffs have been imposed on such goods, they will then be subject to whatever tariffs may have been levied under the separate Customs laws in the three components of Malaysia.

Perhaps, the most forward looking feature in this Bill is the provision relating to the present free port areas of Penang and Labuan. Hitherto, the Minister of Finance could not levy duty on any goods entering Penang and Labuan without effecting an amendment to the appropriate Customs legislation. This is obviously highly unsatisfactory, as an amendment Bill takes time to be passed, and it is sometimes necessary to impose duties without any delay, and without any advance publicity, for revenue, protective or anti-smuggling purposes. The Bill before this House would render this outdated procedure unnecessary as the Minister of Finance would then be empowered to extend to Penang and Labuan any common tariffs that may be applicable to the rest of Malaysia.

Honourable Members may recall that a substantial range of domestic products were accorded additional protection with effect from 9th October, 1965 and a majority of these were allowed free movement within Malaysia. It has not been possible, however, to accord this treatment to industries in Penang and Labuan because of their free port status and their special position in the respective Customs laws of the States of Malaya and Sabah. Industries in Penang therefore may find that they have to compete in the Malaysian market on the same terms as foreign manufacturers while at the same time they will not be able to benefit from the protection accorded to similar industries in the rest of Malaysia. This is, of course, one of the disadvantages of siting industries in a free port area.

A situation may arise where it is necessary for tariffs to be imposed in Penang and Labuan despite their present free port status, and Honourable Members will note that Clause 2 (2) of the Bill will empower the Minister of Finance to extend common tariffs to Penang and Labuan. I would like to assure Honourable Members, however, particularly those from Penang, that before any such extension of tariffs

takes place, there will be consultation between the Central and State Governments concerned.

I would like to mention again at this juncture that this Bill may be only a temporary measure, as the ultimate objective of the Government is to frame a unified Customs Act for all the components of Malaysia. The first step in such an exercise would be the harmonisation of as many tariff items as is possible at this juncture, having due regard to the differing needs of the several components of this country. Until the overwhelming majority of the duties are harmonised, it is still a little early in the day to have such unified legislation, and this Bill should therefore, serve the immediate purpose for which it is framed.

Nik Hassan bin Haji Nik Yahya:
Dato' Yang di-Pertua, saya menyokong Rang Undang² di-hadapan kita ini, kerana banyak kesulitan² yang ditanggung oleh ahli² di-pasaran di-Sabah dan Sarawak, umpama-nya dari negeri dalam Malaysia ini. Jadi, saya harap apabila Rang Undang² ini di-luluskan, masa menentukan barang² yang hendak di-beri kebebasan dalam negara kita ini jangan-lah pula Menteri yang berkenaan itu lupakan barang² yang di-usahakan oleh anak² negeri ini, terutama sa-kali daripada perusahaan yang kecil². Saya suka mengingatkan kepada Menteri supaya mengambil perhatian kepada barang² seperti barang² perusahaan tangan yang ada di-Pantai Timor yang mana juga mustahak di-pasarkan ka-negeri² seperti Sabah dan Sarawak. Pada masa ini barang² perusahaan ini terpaksa di-tahan di-Kastam di-Sarawak atau pun di-Sabah dengan kerana terpaksa di-kehendaki kebenaran khas untuk membawa barang² itu masuk ka-negeri² itu, pada hal negeri itu ada-lah negeri dalam Malaysia kita ini juga. Jadi, saya harap dengan kelulusan Undang² ini, barang² seperti barang² perusahaan tangan, kain batek tenon, barang² perak dan sa-bagai-nya yang di-keluarkan oleh anak negeri sa-chara bersendirian, sa-chara kecil, di-Pantai Timor itu juga di-masukkan dalam senarai kebebasan barang² itu untuk

di-pasarkan di-seluruh Malaysia ini sa-lain daripada barang pengeluaran yang di-kuuarkan oleh kilang² di-dalam Tanah Melayu kita ini ia-itu kilang² yang besar.

Satu lagi, saya suka hendak bertanya kepada Menteri yang berkenaan, apabila Undang² ini berjalan, macam barang kita seperti kain batek daripada Kelantan, apabila di-hantarkan ka-Sabah atau pun Sarawak, ada-kah di-maksudkan mesti ada surat yang mengesahkan barang itu di-buat di-Tanah Melayu ini atau pun boleh di-hantar terus dengan tidak payah mengadakan surat pengesahan keluaran barang itu daripada negeri Tanah Melayu ini, atau pun macam mana-kah chara-nya hendak menentukan, sebab ada sa-tengah² barang umpama-nya yang datang daripada negeri² lain menerusi Singapore atau pun negeri² lain yang di-tujukan kepada Sabah dan Sarawak, pada hal barang itu berasal daripada negeri lain tetapi sama jenis-nya dengan barang yang di-hantar ka-Sarawak dan ka-Sabah. Bagaimana pihak kastam hendak membezakan yang barang itu berasal daripada Tanah Melayu dan terus di-hantarkan ka-Sabah dan Sarawak. Jadi apa yang saya kehendaki ia-lah supaya barang² daripada Tanah Melayu ini yang di-hantar terus ka-Sarawak dan Sabah itu di-bebaskan dan dapat di-beri kebebasan dengan tidak payah, kalau boleh, di-adakan permit khas bagi barang² itu memada-lah dengan akuan², kita katakan asal-nya barang itu di-buat di-Tanah Melayu itu—akuan daripada Kerajaan Negeri atau pun akuan daripada Chamber of Commerce, atau pun macam mana chara-nya. Jadi saya hendak minta penjelasan daripada Menteri bagaimana perkara itu hendak di-atorkan. Sekian, terima kasih.

Dato' Dr Cheah Toon Lok: Mr President, Sir, I rise to support this Bill and to say that I agree with the suggestions made by my Honourable colleague, Nik Hassan. Sir, the creation of tariff is a protection for our growing industries, but yet this protection is a double-edged sword, because there are articles manufactured outside which

are better than those manufactured in our country, and even if you levy a tariff twice the price of an article outside, people will still insist on buying the better article instead of buying the cheaper article. I have been to shops and I can see that in many shops there are enamel wares which are manufactured in Malaysia, but they do not come up to the standard of imported products. We are protecting ourselves—yes—but it is a double-edged sword. The manufacturer thinks that, as he is already protected, he need not manufacture a product which is equivalent in quality to that of an imported product—here, we are losing money and at the same time we allow importation to come in even at a higher price. I suggest that in order to remedy that defect we must have a Board of Standards, which will say to the manufacturer, “Your article is not up to this standard; we want it to be up to this standard, or your licence, and so on, will be refused.” By this we can get a better product in place of the bad product that we are producing today—and there are so many things, like tyres, enamel wares, etc., which are produced but which are not up to the quality that is internationally known. So, I suggest again to the Government that it should have a Board of Standards to examine our products to see whether they can come up to the quality of imported goods. If our own products cannot do so, then I think people will still insist, in spite of the lower price, on buying a better product, and I hope the Government will set up a Board of Standards to look into the matter of protection. Sir, this Act is to create common tariffs for Malaysia, and as tariff is a protection for our manufacturers, I hope that the Government will also see to it that for the protection afforded our manufacturers produce goods that can come up to international standard.

Dr Ng Kam Poh: Mr President, Sir, I shall reply to the Honourable Dato' Dr Cheah Toon Lok first. I believe that in my speech just now on the Second Supplementary Supply Bill, I said that a Standards Institute for

Malaysia is to be instituted. We are going to establish a Standards Institute, because goods manufactured in this country have come under a vicious campaign, as was mentioned by the Honourable Minister of Commerce and Industry in the Lower House. Sir, a vicious campaign has been going on against goods manufactured in this country, and in order to wipe out such malicious and vicious propaganda, we are going to set up a Standards Institute by which we can gauge whether product produced locally are equivalent to or if not better than the goods imported. Again, Sir, it is no use saying that the goods produced here are no good, unless we know what our locally manufactured goods are. I contend, Sir, that the Government, or the manufacturers as a whole, did not advertise enough and did not let the people know enough that there are so many various types of locally produced goods. If one would only go to one of the Trade Fairs in an around Malaysia—and there was one in Kuala Lumpur recently—one could see for oneself that the locally produced goods are of good quality. However, it takes time for the people of Malaysia to accept that what is locally made is good and comparable to, if not better than what is imported and this is because we have been under 140 years of colonialism, during which there was no manufacturing in this sector but we had to import goods from countries like Britain, United States, European countries, Australia, even China. Now is the time for our young and developing nation to manufacture our own goods and show to the world that our goods can be equal to, if not better than any type of goods imported. So, I hope Honourable Members of this Senate will feel the same as I do towards goods that are manufactured in this country.

Now, I shall reply to the Honourable Senator Nik Hassan. I agree with him that at the present moment things like *kain songket*, *kain batek*, are exported to Sabah and Sarawak, and they need a certificate of origin. Unless they do that then they will be subject to customs duty. Other things being equal,

they will be subject to customs duties for the time being for revenue purposes. But once the Malaysian Common Tariffs Act comes into force and, later on the unified Malaysian Customs Ordinance is set, then goods, as I have said before in my speech, can move freely from one component State of Malaysia to the other without tariffs. Goods manufactured in Sabah or in Sarawak can come to Malaysia without tariffs and goods manufactured in Malaya can go to Sabah and Sarawak without tariffs. That is the main object of this exercise. I hope I have satisfied the Senate in all aspects of argument. Thank you very much.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr President *in the Chair*)

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

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

THE INSURANCE (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Insurance Act, 1963" be read a second time.

Che' Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya menyokong.

The Assistant Minister of Finance (Dr Ng Kam Poh): Mr President, Sir, after two years of administration of the Insurance Act, 1963, experience has shown that a few amendments are advisable.

At present the Insurance Commissioner has no power to refuse registration of an applicant company if it complies with all the technical requirements. Clauses 2 and 3 of the Bill allow the Minister discretion to refuse registration to insurance companies on other than technical grounds.

The applicant would retain the right of appeal against the decision of the Commissioner but not against that of the Minister. The relatively small insurance market in Malaysia is already crowded with 95 insurers operating. Competition which is too intense, tends to induce a high cost factor, which is not in the best interests of the insuring public. The proposed ministerial discretion provides a flexibility of approach to varying circumstances as they arise.

In the second Schedule to the Insurance Act, 1963, a wide range of securities is authorised for insurance funds and deposits. There is insufficient degree of selection for securities permitted as statutory deposits. Clause 4 of the Bill is designed to permit a higher degree of selection of securities used as statutory deposits. Government loans, loans to statutory bodies, fixed deposits with banks or cash would be accepted automatically. Shares, debentures of companies, mortgages on land, etc., would be subjected to careful scrutiny.

The Insurance Commissioner in his Second Annual Report drew attention to the extent to which general insurers have allowed credit for premiums and the serious effect this can have on the financial stability of the Malaysian insurance funds of these companies. The extent of this credit was unknown when the Act was drafted. From the returns received during 1964 twenty-three general insurers disclosed that their States of Malaya insurance fund comprised assets of which 30% or more were outstanding or un-collected premiums. There even exceeded 98%. In the event of a winding up of the fund, these assets will be of little value as the cost of securing payment would most likely be too high. Clause 5 of the Bill aims to limit the amount of outstanding premiums and agents, balances which may be claimed as an assets of the insurance fund. Provision to phase the limitations over a period of years has been made in order to avoid undue embarrassment to the companies concerned.

An alternative method would be to legislate for payment of premium before commencement of risk allowing a bank guarantee or monthly settlement in lieu of a cash payment. The Government has not chosen this method because, given reasonable protection for policy owners, the companies should be allowed to manage their own affairs in the atmosphere of free enterprise. This system of control would entail Government inspection of company offices which is an added cost and for which trained staff would not be readily available.

Clause 6 of the Bill seeks to rectify an oversight in the Insurance Act and ensure that reports and accounts of insurance companies as a whole are available for public inspection.

Section 44 of the Insurance Act makes provision for the early payment of death claims where the proceeds of the policies do not in the aggregate exceed \$10,000. This is a usual type of provision to allow ready money to be available for the next-of-kin. However, until evidence is produced that estate duty has been paid or that the estate is exempted from duty, 10% of the claim monies must be withheld. If this 10% is not claimed within 12 months, the insurance company concerned is required to deposit the amount with the Treasury. Clause 8 of the Bill requires a certification of compliance to appear on the balance sheet.

Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, saya bertanya kepada Menteri yang berkenaan dengan perjalanan Sharikat² Insurance ini. Ada-kah Kerajaan mempunyai satu badan yang tertentu yang mengawasi di-atas perjalanan Sharikat² Insurance ini? Sebab, umpama-nya kita kata, kalau bank, bank² itu sentiasa di-awasi, di-jaga oleh Bank Negara, tetapi, Sharikat² Insurance ini ada-kah di-jaga atau di-kawal oleh satu badan yang boleh mengawal, menjaga, supaya tidak-lah sharikat ini berjalan mengikut suka hati-nya, yang boleh menyebabkan kesusahan kepada Kerajaan. Itu sahaja pertanyaan saya.

Dr Ng Kam Poh: Sir, in answer to the Honourable Senator Nik Hassan, I would like to say that the Insurance Act of 1963 is the body or measure to protect the insurees of Malaysia who wish to insure for life insurance, for general insurance and so forth. The Bill before the House is an amendment to the Insurance Act of 1963; it limits insurance companies in respect of declaring unclaimed liabilities, outstanding premiums, etc., as assets which is a dangerous practice—in the case of unpaid premiums if there are declared as assets, then you have no assets at all. This Bill is primarily aimed at preventing such an occasion arising.

Nik Hassan: Tuan Yang di-Pertua, saya suka hendak bertanya, ada-kah Kerajaan mempunyai satu badan yang tertentu untuk mengawalkan perjalanan Sharikat² Insurance ini? Bagaimana Menteri kata tadi, Undang² ini-lah yang mengawalkan. Itu saya faham. Sama juga macham bank², Undang² Bang Negara itu untuk mengawal bank yang ada ini. Tetapi, Bank Negara, dia ada pegawai²-nya yang boleh mengawasi, memeriksa, dan menjaga supaya bank itu tidak terkeluar daripada Undang² Bank itu. Jadi, sekarang saya bertanya kira-nya kita sudah ada satu undang² insurance, kemudian undang² ini siapa yang menjalankan, pegawai yang mengawasi, satu badan yang mengawasi perjalanan itu. Sebab saya bertanya itu kerana bagini, kita sudah banyak menempoh kesusahan berkenaan Sharikat Insurance ini. Berapa banyak Sharikat² ini telah di-bubarkan oleh Kerajaan dengan kerana tidak betul perjalanan-nya dan boleh di-jalankan dengan menyusahkan orang ramai dan berbagai² perkara yang berlaku yang mana terpaksa Kerajaan mengambil tindakan. Jadi, sa-lepas kita mengambil tindakan itu, tidak-lah Kerajaan memikirkan Sharikat Insurance ini satu perkara yang besar yang banyak ra'ayat yang terlibat di-dalam-nya. Kira-nya di-fikirkan begitu, tidak-kah Kerajaan berfikir patut ada satu badan yang boleh menjaga, meng-

awasi di-atas perjalanan Sharikat Insurance ini, seperti Watch Dog Committee atau apa-kah, badan yang menjaga, mengawal, supaya Sharikat² itu berjalan dengan betul. Sebab, banyak ra'ayat yang terlibat dalam sharikat ini dia boleh buat macham² perkara. Jadi, kalau kita tinggalkan sa-orang pegawai sahaja, barangkali kesalahan itu berjalan bertahun², baharu-lah hendak kita tahu hal itu.

Sa-bagaimana yang telah berlaku banyak company Insurance di-tubuhkan dengan chara haram, macham kurap sahaja dia naik. Kemudian Kerajaan tidak tahu apa yang berlaku. Aleh² Kerajaan ambil tindakan mem-bubarkan. Mengambil tindakan yang menakutkan ra'ayat umum ini dalam perkara mengambil insurance ini. Jadi daripada perkara itu berlaku, tidak-kah kita fikirkan baik kalau kita adakan satu badan mengawasi supaya jangan perkara itu berlaku. Ma'ana-nya kalau kita jaga² penyakit itu jangan-lah jadi ada-nya penyakit, jaga dahulu. Ini kalau sudah sakit, habis, baru-lah kita hendak ubat, itu satu perkara yang berat juga. Jadi pada pendapat saya, patut juga Kerajaan mengadakan satu badan, badan yang boleh mengawal, sebab ada kala-nya sharikat Insurance yang kecil² dia boleh memainkan wang orang kampung itu. Ada sa-tengah² Sharikat Insurance dia ambil wang dengan tidak mengeluarkan receipt, macham²-lah perkara yang berlaku yang mana, boleh jadi, Company itu sendiri tidak buat begitu, tetapi kaki-nya, wakil-nya yang berbuat begitu. Jadi perkara ini yang banyak terlibat ia-lah orang² kampung yang miskin dan sa-bagai-nya yang patut di-kawal oleh Kerajaan dan pengawalan itu kita buat dengan jalan undang² ini. Tetapi undang² ini tidak cukup, mesti—kita adakan satu badan, badan yang boleh menjaga mana² Insurance Company yang berjalan tidak betul barangkali badan itu boleh mengambil tindakan dengan serta merta. Jadi itu-lah maksud saya bertanya akan badan yang sa-umpama itu.

Dr Ng Kam Poh: Mr President, Sir, I understand what he means. There has been since 1963 a Division in the Ministry of Finance itu ia-lah suatu Bahagian di-dalam Kementerian Keuangan) called the Insurance Division headed by the Insurance Commissioner. He is in charge of all insurance companies throughout the whole of Malaysia. Every year insurance companies must by law produce to the Insurance Commissioner a report of all their activities throughout the year, and the Insurance Division under the charge of the Insurance Commissioner goes through all these reports. This is one of the reports which is tabled yearly in the Dewan Ra'ayat—I do not know whether it is tabled in the Dewan Negara—for the perusal of all Members of Parliament. So you see, from this, we find out the mistakes, if any, of the companies, and we amend the law accordingly to control them.

What the Honourable Senator Nik Hassan is probably afraid of was the formation of the mushroom companies, if I am not mistaken; however, this has been done away with the publication of the Insurance Act of 1963. Even there we find that there are certain loopholes, and that is why we put an amendment to this Act, so that there would not be any more loopholes left—and if we should find any more, we will still plug them. (*Laughter*).

Therefore, Sir, there is a body, a Division, the Insurance Division, in the Ministry of Finance I hope I would not need to explain any further.

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 8 inclusive ordered to stand part of the Bill.

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

THE CONVENTION ON THE SETTLEMENT OF INVESTMENT DISPUTES BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to ratify and give legal sanction to the provisions of the Convention on the Settlement of Investment Disputes" be now read a second time.

Dr Ng Kam Poh: Mr President, Sir, as Honourable Members are aware, one of the major obstacles to private foreign investment in developing countries has been the problem of the settlement of disputes between Governments and private parties. Hitherto, an investor who wished to contest the action of a Government had to invoke the diplomatic protection of his own Government or request his Government to forward his case to an international tribunal. Neither remedy has been found to be satisfactory. The absence of adequate machinery for international conciliation and arbitration has often frustrated attempts to agree on an appropriate mode of settlement of such disputes.

Hence the World Bank has suggested the establishment of an institution to be called "The Arbitration and Reconciliation Centre" as an answer to the problem. This centre would be sponsored by the Bank, but its relationship to the Bank would in no way impair its independence in the exercise of its quasi-judicial function.

The Convention on the Settlement of Investment Disputes has been sponsored by the World Bank as a means of strengthening the partnership between countries in the cause of economic development. The Convention provides for the establishment of an international centre for the settlement of investment disputes. This can be a major step towards promoting an atmosphere of mutual confidence which would stimulate a greater flow of international capital into those countries with which it contracts.

The Convention will establish an organisation which will provide both conciliation and arbitration facilities at

international level. The organisation will comprise an administrative council, a secretariat, and panels of conciliators and arbitrators. The administrative council will consist of one member from each of the contracting Governments. Each member shall have one vote. Each State designate four persons each to the panel of conciliators and the panel of arbitrators.

In accordance with Article 25 (4) of the Convention, "a Contracting Party can notify the Centre at the time of ratification, acceptance and approval of this Convention, or at any time thereafter, the class or classes of disputes which it would or would not consider submitting to the jurisdiction of the Centre." It is proposed that Malaysia should refrain from committing itself in advance to refer any particular class or classes of disputes to the Centre. In accordance with Article 26, it is proposed that this Government should insist on the exhaustion of domestic, administrative and judicial remedies as a condition of its consent.

I would like to draw the attention of Honourable Members to the fact that adherence to the agreement would not by itself, legally or morally, obligate any State to submit itself to the jurisdiction of the Centre. The use of the Centre would be entirely voluntary. Jurisdiction can be conferred on the Centre, either by a unilateral declaration of a State agreeing in advance to the submission of particular types of disputes for arbitration or conciliation by the Centre or by agreement between a State and a particular investor. In order to ensure that the Centre would not be meaningless, the Convention provides that once a State has voluntarily agreed to submit a particular class of disputes to the jurisdiction of the Centre, this agreement would be a binding international obligation.

Honourable Members may wish to note that as at 22nd October, 1965, twenty-five member countries of the World Bank, including Malaysia, has signed the Convention. The signatories include a number of Afro-Asian countries, such as, Cameroon, Central

African Republic, Dahomey, Ethiopia, Gabon, Ivory Coast, Japan, Liberia, Mauritania, Niger, Nigeria, Nepal, Sierra Leone, Somalia, Morocco, Tunisia, and Upper Volta.

It would be very much in keeping with our policy of encouraging foreign capital to invest in Malaysia for us to lend our support to this Convention. The proposed Bill will enable Malaysia to ratify and give legal sanction to the provisions of the Convention on the Settlement of Investment Disputes.

Dato' Dr Cheah Toon Lok: Mr President, Sir, from the reading of this Bill, it is stated that there should be conciliation, there should be arbitration. It mentions about the award, but it does not say anything about penalty. For instance, if a State does not agree to this conciliation, to this award, what is going to happen? Have you got another provision? What penalty could be awarded? It has never stated anything about the penalty. There is, first, the conciliation, arbitration and award, but if a State does not agree, if a manufacturer invokes the power of his State to protect him, what power have we got? As far as I know this Convention has no power to impose a penalty. There is none at all! It is a matter of conciliation only, and on arbitration award, I believe the Bill does not go far enough. There should be a caveat attached to it.

Dr Ng Kam Poh: Mr President, Sir, in reply to the Honourable Dato' Dr Cheah Toon Lok, I think I have stated in my speech that neither party will be bound by any legal means within the Centre, if they do not submit to the Centre for arbitration or conciliation. Therefore, there is no such thing as penalty or award. However, if Malaysia should agree to submit to one class of disputes to the Centre, then it is internationally an obligation for the award or penalty to be issued by the Centre—and that is what I understand. I have mentioned in my speech—and I repeat it: "In accordance with Article 26, it is proposed that this Government"—that means our Government—"should insist on the exhaustion of domestic, administrative and judicial

remedies as a condition of its consent". In other words, Sir, Malaysia, even though we pass this Bill through the Lower House and the Upper House to ratify that we agree to such a thing as a Centre do exist, we insist that the contracting parties and Malaysia must exhaust all their domestic, administrative and judicial remedies before the contracting States and us can come to an agreement to settle the class of dispute in the Centre; and if we do so, then their decision is final and the award is made, or the penalty is made, whichever way it may be. We use the question of award. If money is given it is an award and penalty is equivalent to an award in a sense. However, we have protected ourselves to such an extent that we need not go to the Centre unless we so wish. That is primarily our purpose. However, we give the investors a chance to come in here and invest and a chance for them to seek remedies if they so wish, because nobody is going to invest in your country, if he sees no way of redress, no way of pulling out the money from your country, but he just pours millions of dollars and you say, "That's that, you can go home". No contracting party, no individual, or no country, will ever do such a thing. So, this is one means by which we allow them a way of redress. I hope that is clear to all the Honourable Members, particularly to Dato' Dr Cheah Toon Lok. Thank you, Mr President, Sir.

Dato' Dr Cheah Toon Lok: Mr President, Sir, as a matter of clarification, I would like to say this. In any court of law there is, what we call, an enforcing agency, somebody to enforce the administration of that law or award. Here, there is a defect in this Bill. The defect is that there is no enforcing policy. For instance, a criminal is arrested and the judge passes a sentence. The enforcing agency, or the Police puts him in jail—the Police is the enforcing power. Now, in this, I suggest that the enforcing agency should be the court of the country concerned. For instance, if the member is Mr "A", then the court of Mr "A's" country should enforce the judgement.

because if they come to an agreement, you can have a special clause on that, so that you can enforce the award. As it is, if they do not want to agree, then it goes on forever, and there is no enforcing agency. If the court says, "Well, if you don't accept the decision of the court in which you are a citizen, then you have got to be subject to such and such a penalty". That is an enforcing agency. An enforcing agent must be here according to the law, but it is not here. So, I ask whether the Government will consider that point with its legal adviser to see whether it is suitable to have that point inside this Bill.

Dato' Sheikh Abu Bakar: May I be allowed to interrupt regarding the meanings that have been dealt with by the Member just now? With regard to the question asked by the Honourable Dato' Cheah Toon Lok just now, Sir, under section 3. I think, if I am not mistaken, it says that "an award made by an arbitrator under the Convention shall be binding and may be enforced in the same manner as if it is a decree judgement or order of the court". In other words, Sir, if I am not mistaken, when you got a decree, you have to execute it and you can execute it in court. Therefore, if a judgement is given by the arbitration and it is not fulfilled by the defeated party, then that order can be made by the court, Sir, and the court will give judgement accordingly—if I am not mistaken. It is for the Honourable Minister to answer, Sir, I think.

Dr Ng Kam Poh: Mr President, Sir, the enforcing body, the enforcing agent, is always there. As I said, there are our domestic, our administrative, as well as our judicial remedies; they are the enforcing bodies, but the enforcement comes from the Centre. If and when we submit a particular class of disputes or a dispute between two persons—the country of Malaysia and another person—to the Centre, when that is submitted to the Centre and an arbitration is going on and an award is made, that enforcement is carried out by the Courts of law in Malaysia. Article 3 makes it quite clear about

this, Sir. But if Malaysia would not submit, or the other person would not submit, then it goes through the original courts of law. That is as simple as all that, Sir.

Dato' Dr Cheah Toon Lok: On a point of clarification, Sir, what does High Court mean? This is an international agreement. I would like to know what "High Court" means? Is it a Malaysian Court, is it a court of the country of the citizen concerned or an international court? I do not know which court is meant.

Dr Ng Kam Poh: Mr President, Sir, the High Court evidently means the High Court of Malaysia.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (SUITS AGAINST THE RULING HOUSES) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal the laws of the States of Kedah, Negri Sembilan, Pahang, Perak, Perlis, Selangor and Trengganu relating to suits against the Ruling Houses of those States" be now read a second time.

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

Dato' T. H. Tan: Sir, Article 181 (2) of the Constitution provides that no proceedings whatsoever shall be brought in any court against the Ruler of the State in his own personal capacity.

However, certain State laws restrict civil suits being brought in the State concerned against not only the Ruler but also his consort and other members of his family. These State laws are unconstitutional because they are contrary to Article 8 of the Constitution. There is no provision in the Federal Constitution which authorises the restriction or prohibition of civil proceedings against the family or consort of a Ruler of a State. The Laws protecting the consort and other members of the families of the Rulers were enacted in the States of Kedah, Negri Sembilan, Pahang, Perak, Perlis, Selangor and Trengganu. No such legislation exists in Johore and Kelantan. This Bill will remove from the various Statute Books and laws concerned so as to bring those Statute Books into line with the Federal Constitution. I must add, Mr President, Sir, that the proposals to repeal the laws protecting the consort and other members of a Ruler's family have been submitted to the Conference of Rulers and the Conference has agreed to the suggestion.

Sir, I beg to move.

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 and 2 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE MAJLIS AMANAH RA'AYAT BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that the Bill intituled "an Act to establish a corporate body by the name of the Majlis Amanah Ra'ayat and for the purposes connected therewith" be now read a second time.

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

Dato' T H. Tan: Mr President, Sir, this Bill seeks the repeal the Rural and Industrial Development Authority Ordinance, 1953, and thereby replaces the Rural and Industrial Development Authority established under that Ordinance by a new corporate body to be called the Majlis Amanah Ra'ayat.

Most of the provisions of the Ordinance are re-enacted in this Bill except that they are arranged in a different numerical order.

The establishment of Majlis Amanah Ra'ayat is provided in section 3, and it is composed of a Chairman and fourteen other members.

Section 7 makes the Chairman to be the principal officer responsible for the preparation of programmes, schemes of projects for the consideration of the Majlis Amanah Ra'ayat, and also for the issue of policy guidance and for the supervision of the implementation of decisions made by the Majlis Amanah Ra'ayat.

For the purpose of executing these decisions, section 8 empowers the Majlis Amanah Ra'ayat to set up several divisions, each division being placed under the responsibility of an executive officer to be styled as "the director". Each director is to execute and implement the decisions of the Majlis Amanah Ra'ayat pertaining to the divisions under his control and also to participate, but without the right to vote, in any meetings of the Majlis Amanah Ra'ayat, in which matters pertaining to his division are being discussed or considered. The director is also the administrative head of his division whereby other officers in the division come directly under his administrative jurisdiction.

Section 10 empowers the Majlis Amanah Ra'ayat to appoint other officers and servants. Section 12 gives power to the Majlis Amanah Ra'ayat to make rules with the approval of the Minister in respect of salaries, allowances and conditions of service of his officers and servants generally, including the power to create a contributory provident fund of its own.

Section 9 empowers the Majlis Amanah Ra'ayat to appoint Committees for the purpose of exercising functions which may be dedicated to those Committees, while Section 11 gives powers to the Majlis Amanah Ra'ayat to delegate its functions, powers or duties generally.

Apart from the changes made on the composition and organisation of the Majlis Amanah Ra'ayat vis-a-vis the Rural and Industrial Development Authority under the Ordinance, Section 6 has to promote and improve functions and duties of the Majlis Amanah Ra'ayat.

Enche' S. O. K. Ubaidulla: The Bill before us is a very important one. I am glad that after the winding up of RIDA, Government has plans to inaugurate MARA and Bank Bumi-putera. These two bodies will fulfil the functions of RIDA.

Sir, in the Lower House there was some allegation that sounded like that RIDA had failed. As far as I know, and I have had long association with RIDA, RIDA had never failed. It served well the purpose for which it was set up. But for RIDA, a lot of the Malays would have been further behind than where they are now.

Sir, some even went to the extent of calling RIDA a colonial inheritance. Though it was started in the colonial days, it was not created by the colonial Government. Indeed, the lamented beloved late Dato' 'Onn was the father of RIDA. It was his brain child. We discussed this in a small Committee before meeting this idea to the then Government. Later the baby was adopted by our Deputy Prime Minister, Tun Abdul Razak, and he nourished the baby to its boyhood. Sir, RIDA created self-consciousness among the rural people of this country, and it instilled a hope in their minds. RIDA's assistance was a success with one who had the skill and the will to better his lot. RIDA, among many other things, built shophouses, latex factories, bridges, roads and canals. RIDA taught boat building, *batek* printing, *mengkuang* weaving, book-keeping and

commercial subjects. RIDA gave new buses and routes, rehabilitated crumpling companies, and indeed there are many more functions that RIDA very usefully fulfilled and it brought success to some of the rural people—the achievements of RIDA are too numerous to mention here.

Before I conclude, Sir, I would like to make one or two observations that may be useful to its successor, MARA. Experience in RIDA has shown a lot of new aspects. I hope these things would be useful to MARA. Sir, much rests with the head of MARA. The Chairman of MARA should be one with versatile experience. He need not be a bumiputera. Sir, to say this requires a lot of courage on my part, but I do say that he can even be an expatriate. Malayanisation can never be a substitute for experience. What we need is the success of MARA and not the sentiment of having one Malay bumiputera or a Malaysian as the head of MARA. For the time being, we must have an experienced man with knowledge in all aspects of MARA's activities. Secondly, Sir, MARA officers should not be seconded officers. This was one thing that plagued the efficient working of RIDA. All seconded officers are by and large birds of passage to that Department. Thirdly, Sir, terms of service to MARA officers should be second to none. If they are given a term of service on the pull of paternalism, I am sure they will not put their heart and soul to their work. Finally, Sir, MARA should be run strictly on business lines. Perhaps, it is the intention of the Government to leave all lending policies to Bank Bumiputera. If it is so, I here stand and say MARA is a body that is destined to progress and to serve the people.

Dato' Sheikh Abu Bakar bin Yahya: Yang Berhormat Dato' Yang di-Pertua, di-sini saya bangun mengambil kesempatan juga menyokong Rang Undang-undang MARA ini. Memang-lah sa-patut-nya Kerajaan kita—Kerajaan Perikatan—beramal dengan sentiasa-nya mengambil langkah bagi memaju dan menaikkan mutu serta murtabat ra'ayat

kita daripada segala bangsa yang menduduki Persekutuan Tanah Melayu ini yang ta'at setia kepada Kerajaan kita. Sa-lain daripada mengalu-kan Rang Undag² ini, Yang Berhormat Dato' Yang di-Pertua, saya juga berpengalaman bahawasa-nya dengan ada-nya Rang Undang² in apabila di-ishtiharkan oleh Kerajaan kita, maka besar-lah harapan orang² bumiputera akan mendapat beberapa faedah yang tertentu dan yang memberi keuntungan yang besar kepada mereka itu. Undang² ini, saperti yang kita tahu, ia-lah bangkit-nya atau pun telah di-tubuhkan daripada MARA yang telah di-tubuhkan pada bulan June yang lalu dan yang di-ketua'i oleh Yang Amat Berhormat Tun Abdul Razak sendiri.

Yang Berhormat Dato' Yang di-Putera, sungguh pun jika di-amat-amati dengan sempurna-nya, nampak-lah sa-bahagian besar daripada bangsa kita—orang Melayu—pada masa ini ia-lah di-dalam keadaan yang tidak mendapat banyak kesenangan dalam segi ikhtisad dan lain² juga dan memang sudah di-ketahui oleh sekalian bangsa dalam negara kita ini, bahawasa-nya bumiputera ini sudah tentu dalam keadaan miskin dan ada-nya pula di-hadapan mereka itu sangat-lah merosot di-dalam kemiskinan itu.

Oleh sebab itu saya merasai bangga dan besar hati apabila saya melihatkan di-dalam Rang Undang² ini akan diadakan satu peruntukan wang kerana memberi pinjaman kepada bumiputera kita yang benar² berkehendakkan kemajuan mereka itu sendiri. Maka dengan ini dapat-lah mereka menjalankan segala hal ehwal yang bersangkutan dengan ikhtisad mereka supaya mendapat kesenangan dan kemajuan yang terutama-nya kepada bangsa, kepada orang² Melayu di-kampong² dan juga yang jauh² daripada bandar kita.

Saperti yang telah di-rekakan oleh RIDA, saperti yang di-sebutkan oleh Yang Berhormat Enche' Ubaidulla tadi Yang Berhormat Dato', ada-lah RIDA ini saperti yang kita tahu ia-itu "Rural Industrial and Development Authority" satu badan yang telah di-tubuhkan oleh Kerajaan yang dahulu pada masa kita

belum lagi mendapat kemerdekaan. Saya berpengalaman, sungguh pun RIDA itu memang-iah satu badan yang baik, tetapi saya dukachita juga menyatakan atoran dan peratoran yang telah di-keluarkan berkenaan dengan RIDA itu tidak sesuai dengan perjalanan kita Bangsa Melayu; hingga menjadikan tidak maju orang² yang mendudoki di-kampung² seperti yang di-kehendaki oleh RIDA itu. Yang demikian saya berharap atoran dan peratoran yang akan di-perbuat oleh badan MARA ini pada masa ka-hadapan kelak dapat-lah mempertahankan segala kechewaan² yang terjadi dahulu-nya pada masa RIDA itu ada di-dalam masa ini.

Yang pertama sa-kali saya suka menyatakan di-sini supaya MARA ini mempertahankan kejayaan yang telah tertindas kapada kapitalis. Pada hal orang bumiputera kita ini yang tertentu iktisad mereka itu di-dalam keadaan merusut.

Sa-lain daripada itu, Yang Berhormat Dato' Yang di-Pertua, saya berkata pada masa ini orang² kita, bumiputera memang-lah mereka itu telah sedar kerana iktisad itu ia-lah mesti mereka itu memperbuat-nya, supaya mendapat kesenangan pada masa ini dan juga pada masa yang akan datang. Dengan sebab itu saya merayu dan berharap kapada Kerajaan dan juga kapada ketua² yang berkenaan supaya bumiputera kita ini, terutama-nya bangsa Melayu, di-beri utama sedikit dalam pekerjaan seperti kontrek² yang di-edarkan oleh Government dan juga pejabat² dalam Government kita ini. Jika tiada di-beri pertolongan neschaya mereka itu, sa-bagai yang saya sebutkan, boleh menjadikan lebeh² merosot daripada masa sekarang. Saya merayu kapada pihak yang berkuasa, walau pun tender mereka itu terlebeh sedikit daripada yang kecil sa-kali, maka harap-lah saya, sa-bagai pihak yang berkuasa itu, memberi kontrek² itu kapada bumiputera ini.

Saya tahu, Yang Berhormat Dato' Yang di-Pertua, pada masa saya bekerja di-bawah Kerajaan, saya

mengetahui bahawasa-nya gerak-geri bangsa yang lain daripada Melayu, seperti Tionghua atau pun orang China dan juga orang India, mereka itu memang-iah sentiasa menolong bangsa kita, bangsa bumiputera atau pun orang² Melayu. Tetapi jika sa-kira-nya pihak² yang berkuasa tidak mahu dan tidak boleh mengendorkan sedikit² perjalanan iktisad di-atas orang Melayu ini, maka saya berfikir dan saya berpengalaman, MARA itu tinggal-lah dengan nama MARA sahaja. Kemaraan di-atas orang Melayu itu tidak boleh di-dapati. Yang demikian susah-lah saya berchakap dalam kehidupan bumiputera ini, seperti, Yang Berhormat Dato' sendiri pun tahu. Saya sokong dengan sa-kuat²-nya undang² MARA ini, Terima kaseh.

Mr President: Ahli² Yang Berhormat, persidangan ini di-tangguhkan hingga pada pukul 10.00 pagi hari Isnin 20hb Disember ini.

Adjourned at 4.25 p.m.

WRITTEN ANSWERS TO QUESTIONS

MINISTRY OF COMMERCE AND INDUSTRY

Companies Act

1. Dato' Sheikh Abu Bakar bin Yahya bertanya kapada Menteri Perdagangan dan Perusahaan:

- (a) bila-kah Kerajaan berchadang hendak menguat-kuasakan Companies Act yang telah di-luluskan oleh Parlimen pada meshuarat yang lepas;
- (b) apa-kah yang menyebabkan kelewatan pada menguat-kuasakan Undang² tersebut itu.

Menteri Perdagangan dan Perusahaan (Dr Lim Swee Aun): Ada-lah di-jangka bahawa Undang² Sharikat yang baharu itu akan di-kuat-kuasakan tidak berapa lama lagi.

The Minister of Commerce and Industry (Dr Lim Swee Aun): It is expected that the new Companies Act will be enforced in the near future.

MINISTRY OF EDUCATION

Housing Allowance

2. Enche' William Tan asks the Minister of Education to state whether teachers in aided schools are in receipt of housing allowances.

The Minister of Education (Enche' Mohd. Khir Johari): Under the Grant Code Regulations, 1956 made under the provision of section 29 of the (Sarawak) Education Ordinance, 1950, aided school teachers are not eligible for housing allowance. However, it is known that in some instances local authorities in Sarawak do pay rent allowance to aided school teachers out of their own funds.

Free Primary Education

3. Enche' William Tan asks the Minister of Education to state when free primary education in Sarawak will be implemented.

Enche' Mohd. Khir Johari: Free primary education will be introduced in Government and Government Aided Schools in Sarawak from the beginning of 1966.

National Language Examination

4. Enche' William Tan asks the Minister of Education to state why Sarawak citizens are allowed to sit for the National Language examination only in Perengkat One, but not Two or Three.

Enche' Mohd. Khir Johari: Sarawak citizens are allowed to sit for the National Language Examination Stages II or III and are even permitted to take this examination before passing the National Language Examination Stage I.

MINISTRY OF HEALTH

New Sarawak General Hospital

5. Enche' William Tan asks the Minister of Health to state—

- (a) when the first phase building of the new General Hospital in Kuching will be completed;
- (b) the estimated cost of equipment for this Hospital.

The Minister of Health (Enche' Bahaman bin Samsudin):

- (a) The first phase of the new Sarawak General Hospital is expected to be completed 33 months after the commencement of site-work which should be by the end of this year.
- (b) A sum of \$1,000,000 is available for the purchase of medical equipment for the new hospital.

MINISTRY OF LOCAL GOVERNMENT AND HOUSING

Squatters

6. Enche' William Tan asks the Minister for Local Government and Housing to state whether he would consider re-settling the squatters in front of the A.I.A. Building in Kuala Lumpur and converting this area into a public garden, and if so, when appropriate action will be taken.

The Minister for Local Government and Housing (Enche' Khaw Kai-Boh): The Ministry for Local Government and Housing is unable to consider re-settling these squatters as they are on private land. As the area is private land, he is further unable to consider converting it into a public garden.

PRIME MINISTER'S DEPARTMENT

Stenographers

7. Dato' Sheikh Abu Bakar bin Yahya bertanya kepada Perdana Menteri bagaimana-kah kedudukan Juru-trengkas² Bahasa Inggeris Tetap dan Sementara yang sedang berkhidmat dalam Perjawatan² Persekutuan apabila Bahasa Kebangsaan jadi Bahasa rasmi yang tunggal pada tahun 1967 kelak.

Perdana Menteri: Perlembagaan mensharatkan bahawa bagi tempoh selama 10 tahun sa-lepas Hari Merdeka, dan sa-terus-nya sa-lepas itu sa-hingga Parlimen mensharatkan sa-balek-nya, maka Bahasa Inggeris boleh di-gunakan dalam kedua-dua Dewan Parlimen, dalam Dewan Undangan tiap² Negeri, dan untuk semua perkara² rasmi yang lain.

Sa-kira-nya Parlimen dalam tahun 1967 mensharatkan penggunaan Bahasa Kebangsaan, kedudukan Jurutrengkas² Bahasa Inggeris Tetap tidak akan berubah. Mereka sedang di-galakkan untuk mendapat kelulusan Trengkas Bahasa Melayu dengan di-beri elaun ta' berpenchen jika lulus Pepereksaan Jurutrengkas Bahasa Melayu Kerajaan sa-pantas 80 p.s.m. Jurutrengkas² Bahasa Inggeris Sementara ada-lah di-kehendaki layak dalam Trengkas Bahasa Melayu dengan mendapat kelulusan Pepereksaan Trengkas Bahasa Melayu Kerajaan sa-pantas 60 p.s.m. di-dalam satu² tempoh yang di-tentukan. Kedudukan mereka akan di-kaji sa-mula sa-lepas akhir tempoh ini.

Jurutrengkas² Tetap dan Sementara itu sekarang ini ada-lah juga di-beri elaun jurutrengkas jika mereka menggunakan Trengkas Bahasa Melayu dalam kerja² pejabat mereka.

The Prime Minister: The Constitution provides that for a period of 10 years after Merdeka Day, and thereafter until Parliament otherwise provides, the English Language may be used in both Houses of Parliament, in the Legislative Assembly of every State, and for all other official purposes.

Should Parliament in 1967 provide accordingly, the position of Permanent English Language Stenographers will remain unchanged. They are now being given encouragement to qualify in Malay Stenography by being granted non-pensionable allowance for passing the 80 w.p.m. Government Malay Language Stenography Examination. Temporary English Language Stenographers are required to qualify in Malay Language Stenography by passing the 60 w.p.m. Government Malay Language Stenography Examination within a specified period. Their position will be reviewed after the expiry of this period.

Both Permanent and Temporary Stenographers are at present also granted stenography allowance if they use Malay Language Stenography in their official work.

8. Dato' Sheikh Abu Bakar bin Yahya bertanya kepada Perdana Menteri berapa-kah jumlah bilangan jurutrengkas bahasa kebangsaan yang berkhidmat dalam Perjawatan Persekutuan pada masa ini, dan berapa ramai di-antara mereka daripada bangsa Melayu.

Perdana Menteri: Bilangan Jurutrengkas² Bahasa Melayu Tetap dan Sementara dalam Perjawatan Persekutuan ia-lah 54 orang dan angka ini tidak menunjukkan jumlah mengikut bangsa. Bilangan ini akan di-tambah apabila Surohanjaya Perkhidmatan 'Awam selesai menjalankan kerja mengambil pekerja² tidak berapa lama lagi.

The Prime Minister: The number of Permanent and Temporary Malay Language Stenographers on the Federal Establishment is 54 and the figure is not classified by race. This number will be increased when the Public Services Commission has completed a recruitment exercise shortly.

MINISTRY OF WELFARE SERVICES

Regrouped Centres

9. Enche' William Tan asks the Minister for Welfare Services to state when welfare services can be provided for Regrouped Centres which have over 8,000 people, half of whom are children, along the Simanggang Road, Kuching.

The Minister of Welfare Services (Tuan Haji Abdul Hamid Khan): Provision of welfare services in the Regrouped Centres is a State responsibility and it is therefore suggested that the Honourable Member raise the matter with the Sarawak Government.

Malaysian Students in England

10. Dato' Sheikh Abu Bakar bin Yahya bertanya kepada Menteri Kebajikan 'Am:

(a) apa-kah jadi-nya suatu Penyiasatan di-atas masaalah² yang di-hadapi oleh Penuntut² Malaysia yang berada di-England pada

masa ini, yang telah di-selenggarakan oleh Enche' Colin Abraham, sa-orang Pegawai Kementerian Kebajikan 'Am; dan

- (b) boleh-kah Penyata Penyelidikan itu di-bentangkan dalam Parlimen, jika telah lengkap.

Tuan Haji Abdul Hamid Khan:

- (a) Penyasatan yang di-sebutkan oleh Yang Berhormat Ahli itu ada-lah di-jalankan oleh Enche' Colin Abraham dengan chara ber-sendirian sa-bagai memenohi sa-bahagian daripada syarat² Kursus Dasar Kemasyarakatan yang sedang di-ambil oleh-nya di-Maktab Pengajian Kemasyarakatan, di-Bandar Hague, Holland dengan Hadiah Biasiswa Kerajaan Belanda. Ada-lah di-fahamkan bahawa penyata penyasatan itu belum lagi siap.
- (b) Oleh sebab penyata itu bukan laporan rasmi, tidak-lah dapat di-bentangkan-nya dalam Parlimen.

Tuan Haji Abdul Hamid Khan:

- (a) The Survey referred to by the Honourable Member was carried out by Enche' Colin Abraham in his private capacity as part requirement of the Social Policy Course which he is undertaking at the Hague on a Fellowship awarded by the Netherlands Government. It is understood that the Report on the Survey has yet to be completed.
- (b) The Report, being unofficial will therefore, not be presented to Parliament.

PRIME MINISTER'S DEPARTMENT

11. Dato' J. A. Angian Andulag asks the Prime Minister whether he would increase the salary of Government servants in Sabah in view of the high cost of living in that State.

The Prime Minister: Civil Servants in Sabah are employees of the State Government. Any revision of salary therefore will have to be considered by that Government. In this connection it may interest the Honourable Member

to know that the State Government had already received representations from all divisions of Government Servants in Sabah for increase in salaries. These representations had already been submitted to the Salaries Commission for consideration.

MINISTRY OF EDUCATION

Posting of Teachers

12. Dato' J. A. Angian Andulag asks the Minister of Education whether he would arrange for Sabah teachers who have been trained in the National Language, in Kuala Lumpur, to be posted to national schools in the rural areas in Sabah to teach the National Language in view of the fact that students in those areas do not have adequate knowledge of the National Language.

Enche' Mohd. Khir Johari: Sabah teachers who have been trained in the National Language in Kuala Lumpur will be posted back to the Government Primary Schools from which they came, or to other Government Primary Schools in the same area, at the discretion of the Divisional Education Officers. The medium of instruction in these schools in Malay. They will be responsible for the organisation of the teaching of the Malay language in these Government Primary Schools and, at the discretion of the Education Officer, in assisting the National Language Teaching programme in schools where the medium of instruction is not Malay.

MINISTRY OF WORKS, POSTS AND TELECOMMUNICATIONS

Bridges across Sungai Bayayo

13. Dato' J. A. Angian Andulag asks the Minister of Works, Posts and Telecommunications whether Government will construct a bridge across the 170 feet wide Sungai Bayayo, Sabah, in order to assist traffic across this river in time of flood.

The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan): I understand from the State Government that it is anticipated

that this bridge will be constructed late in the development plan period. The cost will likely be high and low priority is being given on current economic grounds. Efforts will be made to effect improvements in the near future.

14. Dato' J. A. Angian Andulag asks the Minister for Local Government and Housing whether Government would consider constructing quarters for Government servants in Sabah.

The Minister for Local Government and Housing (Enche' Khaw Kai-Boh):

In so far as Federal Officers in Sabah are concerned, it is not the policy of the Federal Government to build quarters for them.

As for State Officers serving the Government of Sabah it is a matter for the State Government to consider constructing quarters for them.