

REPORT OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

KUALA LUMPUR, WEDNESDAY, 18TH MARCH, 1953 AT 10.30 A.M.

PRESENT:

His Excellency the High Commissioner (GENERAL SIR GERALD TEMPLER,
K.C.B., K.B.E., C.M.G., D.S.O., A.D.C.) (*President*).

Ex Officio Members

The Honourable the Chief Secretary (MR. D. C. WATHERSTON, M.C.S.).
.. the Attorney-General (MR. T. V. A. BRODIE, Q.C., *acting*).
.. the Financial Secretary (MR. E. HIMSWORTH, C.M.G., M.C.S.).

State and Settlement Members

.. the President of the Council of State, Perak (TUAN HAJI
ABDUL WAHAB BIN ABDUL AZIZ, Dato Panglima Bukit
Gantang, Mentri Besar, Perak).
.. the President of the Council of State, Kedah (TUAN HAJI
MOHAMED SHERIFF BIN OSMAN, C.M.G., C.B.E., Mentri
Besar, Kedah).
.. the President of the Council of State, Perlis (RAJA HAJI
AHMAD BIN RAJA ENDUT, O.B.E., Mentri Besar, Perlis).
.. the President of the Council of State, Kelantan (NIK AHMED
KAMIL BIN HAJI MAHMUD, D.K., S.P.M.K., P.Y.G.P., C.B.E.,
Dato Seri Setia Raja, Mentri Besar, Kelantan).
.. the President of the Council of State, Trengganu (DATO
PERDANA MENTRI-DI-RAJA, KAMARUDDIN BIN HAJI IDRIS,
M.C.S., Mentri Besar, Trengganu).
.. the President of the Council of State, Johore (DATO SYED
ABDUL KADIR BIN MOHAMED, D.P.M.J., P.I.S., Mentri
Besar, Johore).
.. the President of the Council of State, Negri Sembilan (DATO
HAJI ABDUL MALEK BIN YUSUF, Mentri Besar, Negri
Sembilan).
.. the President of the Council of State, Pahang (TENGKU
MUHAMMAD IBNI AL-MARHUM SULTAN AHMAD, M.B.E.,
Tengku Panglima Perang, Mentri Besar, Pahang, *acting*).
.. the President of the Council of State, Selangor (ENCHE
OTHMAN BIN MOHAMED, M.C.S., Mentri Besar, Selangor,
acting).
.. the Representative of the Penang Settlement Council
(MR. CHEE SWEE EE, J.P.).
.. the Representative of the Malacca Settlement Council
(MR. S. SHUNMUGAM).

Official Members

.. the Member for Home Affairs (DATO ONN BIN JAAFAR, D.K.,
D.P.M.J.).
.. the Member for Economic Affairs (MR. O. A. SPENCER).

ance to regulate the fumigation of remises and articles with hydrogen cyanide; and for purposes connected with the matters aforesaid" be read a first time.

The Attorney-General: Sir, I beg to second the motion.

The Bill is read a first time.

Dr. Lee Tiang Keng: Sir, I beg to give notice that I shall move the second reading of this Bill at the next meeting of this Council.

THE QUARANTINE AND PREVENTION OF DISEASE BILL, 1953

Dr. Lee Tiang Keng: Sir, I beg your leave and the leave of Council to withdraw the Bill entitled "an Ordinance to amend and consolidate the law for preventing the introduction into and the spread within the Federation, and the transmission from the Federation, of infectious diseases".

Question put, and agreed to.

Order discharged, and Bill withdrawn.

THE MACHINERY BILL, 1953

First Reading

Mr. Davis: Sir, I beg to move that a Bill intituled "an Ordinance to amend and consolidate the law relating to the construction, installation, operation and inspection of machinery and to regulate the control and working thereof so as to ensure the safety, health and welfare of workers thereon" be read a first time.

The Attorney-General: Sir, I beg to second the motion.

The Bill is read a first time.

Mr. Davis: Sir, I beg to give notice that I shall move the second reading of this Bill at the next meeting of this Council.

THE EMPLOYMENT INFORMATION BILL, 1953

First Reading

Mr. Davis: Sir, I beg to move that a Bill intituled "an Ordinance to facilitate the collection of information regarding the terms of service and conditions of work of employed

The Attorney-General: Sir, I beg to second the motion.

The Bill is read a first time.

Mr. Davis: Sir, I beg to give notice that I shall move the second reading of this Bill at the next meeting of this Council.

THE EMPLOYMENT BILL, 1953

First Reading

Mr. Davis: Sir, I beg to move that a Bill intituled "an Ordinance to consolidate and amend the law relating to employment" be read a first time.

The Attorney-General: Sir, I beg to second the motion.

The Bill is read a first time.

Mr. Davis: Sir, I beg to give notice that I shall move the second reading of this Bill at a subsequent meeting of this Council.

THE MERCHANT SHIPPING (AMENDMENT) BILL, 1953

First Reading

Mr. Carey: Sir, I beg to move that a Bill intituled "an Ordinance to amend the Merchant Shipping Ordinance, 1952", be read a first time.

Mr. A. D. Farrell: Sir, I beg to second the motion.

The Bill is read a first time.

Mr. Carey: Sir, I beg to give notice that I shall move the second reading of this Bill at the next meeting of Council.

THE FEDERATION LIGHT DUES BILL, 1953

First Reading

Mr. Carey: Sir, I beg to move that a Bill intituled "an Ordinance to impose Light Dues" be read a first time.

Mr. Farrell: Sir, I beg to second the motion.

The Bill is read a first time.

Mr. Carey: Sir, I beg to give notice that I shall move the second reading of this Bill at the next meeting of Council.

Council adjourns to the 19th March,

FEDERAL LEGISLATIVE COUNCIL

KUALA LUMPUR, THURSDAY, 19TH MARCH, 1953 AT 9.30 A.M.

PRESENT:

The Honourable the Deputy High Commissioner (MR. D. C. MACGILLIVRAY, K.C.M.G., M.B.E., presides in the absence of His Excellency the High Commissioner).

Ex Officio Members

- .. the Chief Secretary (MR. D. C. WATHERSTON, M.C.S.).
- .. the Attorney-General (MR. T. V. A. BRODIE, Q.C., *acting*).
- .. the Financial Secretary (MR. E. HIMSWORTH, C.M.G., M.C.S.).

State and Settlement Members

- .. the President of the Council of State, Perak (TUAN HAJI ABDUL WAHAB BIN ABDUL AZIZ, Dato Panglima Bukit Gantang, Mentri Besar, Perak).
- .. the President of the Council of State, Kedah (TUAN HAJI MOHAMED SHERIFF BIN OSMAN, C.M.G., C.B.E., Mentri Besar, Kedah).
- .. the President of the Council of State, Perlis (RAJA HAJI AHMAD BIN RAJA ENDUT, O.B.E., Mentri Besar, Perlis).
- .. the President of the Council of State, Kelantan (NIK AHMED KAMIL BIN HAJI MAHMUD, D.K., S.P.M.K., P.Y.G.P., C.B.E., Dato Seri Setia Raja, Mentri Besar, Kelantan).
- .. the President of the Council of State, Trengganu (DATO PERDANA MENTRI-DI-RAJA, KAMARUDDIN BIN HAJI IDRIS, M.C.S., Mentri Besar, Trengganu).
- .. the President of the Council of State, Johore (DATO SYED ABDUL KADIR BIN MOHAMED, D.P.M.J., P.I.S., Mentri Besar, Johore).
- .. the President of the Council of State, Negri Sembilan (DATO HAJI ABDUL MALEK BIN YUSUF, Mentri Besar, Negri Sembilan).
- .. the President of the Council of State, Pahang (TENGKU MUHAMMAD IBNI AL-MARHUM SULTAN AHMAD, M.B.E., Tengku Panglima Perang, Mentri Besar, Pahang, *acting*).
- .. the President of the Council of State, Selangor (ENCHE OTHMAN BIN MOHAMED, M.C.S., Mentri Besar, Selangor, *acting*).
- .. the Representative of the Penang Settlement Council (MR. CHEE SWEE EE, J.P.).
- .. the Representative of the Malacca Settlement Council (MR. S. SHUNMUGAM).

Official Members

- .. the Member of Home Affairs (DATO ONN BIN JAAFAR, D.K., D.P.M.J.).
- .. the Member for Economic Affairs (MR. O. A. SPENCER).
- .. the Secretary for Defence (MR. A. H. P. HUMPHREY, O.B.E., M.C.S., *acting*).

\$1,000. I would inquire whether this makes it quite clear that such fines are not to be imposed in all cases, but are the maximum liable to be imposed. Would that be quite clear to any Court considering such a case?

The Attorney-General: Sir, all fines referred to in the Bill are the maximum—they are all maximum fines.

Mr. Davis: Sir, on the point mentioned by my Honourable friend Mr. Shelley, this Clause 17 follows generally Section 15 of the existing Enactment except that the present legislation specifies that all accidents which cause death or grievous hurt are the ones which must be reported. We have, in the wording of Clause 17, followed the new Workmen's Compensation legislation, which defines the waiting period before compensation is drawn as four days. In fact, the point Mr. Shelley is making probably exists in the present law, because I believe that one of the ways in which hurt becomes grievous hurt is when a person is incapacitated for a certain number of days. However, if Mr. Shelley wishes to make the clause more clear in Committee, I am sure he will do so.

On a point of explanation concerning Section 35—I would explain to the Council that an amendment will be moved to that Section in Committee.

Question put, and agreed to.

Bill accordingly read a second time.

Committee

Council resolves itself into Committee.

Clause 17 (1): Insert the words "or is likely to be prevented" after the word "prevented" in line 4.

Clause 35 (1): Substitute the brackets and figure "(3)" for the brackets and figure "(4)" in line 3.

The remainder of the Bill is agreed to without amendment.

Council resumes.

Mr. Davis: Sir, I beg to report that the Bill intituled the Machinery Ordinance, 1953, has been considered in Committee and agreed to with amendments.

Third Reading

Mr. Davis: I accordingly beg to move that the Bill be read a third time and passed.

The Attorney-General: Sir, I beg to second the motion.

Question put, and agreed to.

Bill, as amended, accordingly read a third time and passed.

THE MERCHANT SHIPPING (AMENDMENT) BILL, 1953

Second Reading

Mr. Carey: Sir, I beg to move that a Bill intituled "an Ordinance to amend the Merchant Shipping Ordinance, 1952," be read a second time.

Sir, during the preparation of the mass of subsidiary legislation required under the Merchant Shipping Ordinance, certain defects in the Ordinance came to light; as will be seen from the Objects and Reasons, they are not serious ones, and they involve no new principles. Two are in the nature of clerical errors (Honourable Members will remember, perhaps, that this Ordinance occupied no less than 283 pages of the *Gazette*). One concerns drafting, and two are to give proper authority for continuing in force certain fees and fares fixed under the legislation repealed by the Ordinance. The Merchant Shipping Ordinance came into force on March 1st, with the exception of Part XIII, and if this Bill is passed, it is intended to bring Part XIII, and the subsidiary legislation thereunder, into force as soon as possible.

Sir, I beg to move.

Mr. Farrell: Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time.

Committee

Council resolves itself into Committee.

Insert a new Clause 7 as follows:

"Amendment of Fourteenth Schedule.

7. The Fourteenth Schedule of the principal Ordinance is hereby amended by adding thereto the following items:

- | | | |
|------------------------------------|------------------------------|-------------|
| (a) Kedah Enactment No. 47 | Government Wharves Enactment | The whole. |
| (b) Perlis Enactment No. 8 of 1937 | Harbours Enactment, 1937 | The whole." |

The remainder of the Bill is agreed to without amendment.

Council resumes.

Mr. Carey: Sir, I beg to report that the Bill intituled "an Ordinance to amend the Merchant Shipping Ordinance, 1952," has been considered in Committee and agreed to with amendment.

Third Reading

Mr. Carey: Accordingly, Sir, I beg to move that the Bill be read a third time and passed.

Mr. Farrell: Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a third time and passed.

THE EXCISE ENACTMENT (APPLICATION TO TRENGGANU) BILL, 1953

Second Reading

The Financial Secretary: Sir, I rise to move a Bill intituled "an Ordinance to extend the application of the Excise Enactment of the Federated Malay States to the State of Trengganu," be read a second time.

This is an ordinary Bill and has been brought to this Council at the request of the Government of Trengganu. The Objects and Reasons are self-explanatory and I do not think Honourable Members will want me to expand upon them.

Sir, I beg to move.

The Mentri Besar, Trengganu: Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time.

Committee

Council resolves itself into Committee.

The Bill is agreed to without amendment.

Council resumes.

The Financial Secretary: Sir, I beg to report that the Bill has been considered in Committee and agreed to without amendment.

Third Reading

The Financial Secretary: Sir, I beg to move that the Bill be now read a third time and passed.

The Mentri Besar, Trengganu: Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a third time and passed.

THE REGISTRATION OF BIRTHS AND DEATHS ENACTMENT (TRENGGANU) (AMENDMENT) BILL, 1953

Second Reading

Dato Onn: Sir, I beg to move that a Bill intituled "an Ordinance to amend the Registration of Births and Deaths Enactment of the State of Trengganu" be read a second time.

This Bill is before this Council at the expressed wish of the Government of Trengganu. The existing law in Trengganu regarding the Registration of Births and Deaths is inadequate to meet present requirements and the Government of that State has requested its amendment.

Clause 3 of the Bill seeks to amend the present law by adding thereto certain sections of the Registration of Births and Deaths Enactment of the Federated Malay States, to be suitably modified. Thus Clause 3 embodies new sections to the State legislation numbered 7A to 7F. 7A provides for the Deputy Registrar to have a post registration made in all matters of births and deaths in case of any omission to report or furnish information; 7B imposes a duty on police officers, penghulus and other headmen to obtain information of every birth and death occurring in their respective areas or mukims; 7C imposes a duty on medical practitioners to sign death certificates and to deliver them to the Deputy Registrar; 7D imposes a duty on the Magistrate holding a death enquiry to forward a copy of his finding to the Deputy Registrar; 7E provides for the authority of the Public Prosecutor or a Registrar before a prosecution is instituted; and 7F provides for the correction of errors in the register.