

A BILL

i n t i t u l e d

An Act to amend the Malaysian Maritime Enforcement Agency Act 2004.

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ENACTED by the Parliament of Malaysia as follows:

Short title

1. This Act may be cited as the Malaysian Maritime Enforcement Agency (Amendment) Act 2017.

New sections 5A, 5B, 5C and 5D

2. The Malaysian Maritime Enforcement Agency Act 2004 [Act 633], which is referred to as the “principal Act” in this Act, is amended by inserting after section 5 the following sections:

“Establishment of Malaysian Maritime Volunteer Corps

5A. There is established a body to be known as the Malaysian Maritime Volunteer Corps.

Members of the Malaysian Maritime Volunteer Corps

5B. (1) Any person may apply to be a member of the Malaysian Maritime Volunteer Corps if—

(a) he is eighteen years of age or above;

- (b) he is a Malaysian citizen;
- (c) he holds qualifications as may be determined by the Director General; and
- (d) he fulfils other requirements as may be determined by the Director General.

(2) An application to be a member of the Malaysian Maritime Volunteer Corps shall be made in the form and manner as may be determined by the Director General.

(3) The Director General may approve or refuse any person to be a member of the Malaysian Maritime Volunteer Corps.

(4) The Director General may call any member of the Malaysian Maritime Volunteer Corps to voluntarily perform any duty as may be determined by the Director General.

(5) A member of the Malaysian Maritime Volunteer Corps shall be subject to the direction, command and control of the Director General while performing any duty under subsection (4).

(6) A member of the Malaysian Maritime Volunteer Corps—

- (a) may be paid such allowances as may be determined by the Minister after consultation with the Minister of Finance; and
- (b) shall not be entitled to any remuneration.

(7) A member of the Malaysian Maritime Volunteer Corps while performing any duty under this Act shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

Establishment of Malaysian Maritime Cadet Corps

5c. The Minister may establish a body to be known as the Malaysian Maritime Cadet Corps for any area in Malaysia.

Enrolment into the Malaysian Maritime Cadet Corps

5D. (1) Any person may apply to be enrolled into the Malaysian Maritime Cadet Corps if—

(a) subject to the Education Act 1996 [*Act 550*], he is a pupil who is undergoing full-time education in any secondary school as may be determined by the Minister upon consultation with the Minister charged with the responsibility for education; or

(b) he is a student—

(i) who is registered and following a course of study or training whether full-time or part-time in any educational or training institution as may be determined by the Minister upon consultation with the Minister charged with the responsibility for such educational or training institution;

(ii) who is a Malaysian citizen; and

(iii) who is below the age of thirty years.

(2) An application to be enrolled into the Malaysian Maritime Cadet Corps shall be made in the form and manner as may be determined by the Director General.

(3) The Director General may enrol or refuse to enrol any person into the Malaysian Maritime Cadet Corps.

(4) Any person who has been enrolled into the Malaysian Maritime Cadet Corps shall not be entitled to any allowance or remuneration.”.

New section 7A

3. The principal Act is amended by inserting after section 7 the following section:

“Additional powers

7A. (1) In addition to and without affecting the existing power of the Agency under this Act, when escorting and guarding any person in custody of the Agency, an officer of

the Agency shall have all the powers of a police officer of the rank of Corporal and below and the powers of a prison officer of the rank of Sergeant and below under the Prison Act 1995 [Act 537].

(2) For the purposes of this Act—

- (a) where an order, a certificate or any other act is required to be given, issued or done by an officer in charge of a Police District under any written law, such order, certificate or act may be given, issued or done by an officer of the Agency and for such purpose, the place where the order, certificate or act was given, issued or done shall be deemed to be a Police District under his charge;
- (b) an officer of the Agency shall have all the powers conferred on an officer in charge of a police station under any written law, and for such purpose the office of such officer shall be deemed to be a police station; and
- (c) an officer of the Agency shall have all the powers of a police officer of whatever rank as provided for under the Criminal Procedure Code and the Registration of Criminals and Undesirable Persons Act 1969 [Act 7], and such powers shall be in addition to the powers provided for under this Act and not in derogation thereof, but in the event of any inconsistency or conflict between the provisions of this Act and the Criminal Procedure Code, the provisions of this Act shall prevail.”.

Amendment of section 10

4. Section 10 of the principal Act is amended by inserting after the words “officer of the Agency” the words “or any member of the Malaysian Maritime Volunteer Corps”.

Amendment of section 11

5. Section 11 of the principal Act is amended—

(a) in the national language text—

(i) by inserting after the words “pegawai Agensi” the words “dan anggota Pasukan Sukarelawan Maritim Malaysia”; and

(ii) by inserting after the word “pegawai” wherever appearing the words “atau anggota”; and

(b) in the English language text, by inserting after the words “officer of the Agency” the words “and member of the Malaysian Maritime Volunteer Corps”.

Amendment of section 18

6. Section 18 of the principal Act is amended by inserting after the words “officers of the Agency” the words “and members of the Malaysian Maritime Volunteer Corps”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Malaysian Maritime Enforcement Agency Act 2004 (“Act 633”).

2. *Clause 1* contains the short title of the proposed Act.

3. *Clause 2* seeks to introduce new sections 5A, 5B, 5C and 5D into Act 633.

The proposed new section 5A seeks to provide for the establishment of the Malaysian Maritime Volunteer Corps.

The proposed new section 5B seeks to provide for person who may become a member of the Malaysian Maritime Volunteer Corps. The new section 5B also seeks to provide that a member of the Malaysian Maritime Volunteer Corps may be called to perform any duty and such member shall be under the direction, command and control of the Director General. The new section 5B further provides that a member of the Malaysian Maritime Volunteer Corps while performing any duty under Act 633 shall be deemed as a public servant.

The proposed new section 5C seeks to provide for the establishment of the Malaysian Maritime Cadet Corps and the proposed new section 5D provides for person who may be enrolled into the Malaysian Maritime Cadet Corps.

4. *Clause 3* seeks to introduce new section 7A into Act 633 to provide that an officer of the Agency shall have all the powers of a police officer of the rank of Corporal and below and the powers of a prison officer of the rank of Sergeant and below under the Prison Act 1995 [*Act 537*] when escorting and guarding any person in custody of the Agency. Paragraph 7A(2)(b) seeks to deem the office of the Agency to be a police station for the purpose of Act 633.

5. *Clause 4* seeks to amend section 10 of Act 633 to provide for the protection of any member of the Malaysian Maritime Volunteer Corps from being taken of any action that is done or omitted to be done by him in good faith in the execution of his duties under Act 633.

6. *Clause 5* seeks to amend section 11 of Act 633 to provide that members of the Malaysian Maritime Volunteer Corps shall on demand, declare his office and produce authority card issued to him in the execution of his duties under Act 633.

7. *Clause 6* seeks to amend section 18 of Act 633 to empower the Director General to issue Standing Orders relating to the general control, training, duties and responsibilities of the members of the Malaysian Maritime Volunteer Corps.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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