

D.R. 18/2021  
AMENDMENT IN COMMITTEE  
ANTI-SEXUAL HARASSMENT BILL

**ENGLISH LANGUAGE TEXT**

**1. Long Title**

The long title of the Bill is amended by substituting for the words “the promotion of awareness” the words “to raise awareness and to prevent the occurrence”.

**2. Clause 7**

Clause 7 of the Bill is amended—

(a) by renumbering the existing clause as subclause (1);

(b) by inserting after the renumbered subclause (1) the following subclause:

“(2) The complaint of sexual harassment made under subsection (1) shall refer to sexual harassment which occurs after the coming into operation of this Act.”; and

(c) by inserting after the new subclause (2) the following subclause:

“(3) A complaint referred to the Tribunal under this Act is subject to the Limitation Act 1953 [Act 254].”.

**3. Clause 13**

Clause 13 of the Bill is amended—

(a) in subclause (2), by inserting after the word “hearing” the words “unless, in the opinion of the Tribunal, the matter in question involves complex issues of law”;

(b) by inserting after subclause (2) the following subsection:

“(3) If one party is allowed to be represented by an advocate and solicitor under subsection (2), the other party shall also be so entitled.”;

(c) by renumbering the existing subclause (3) as subclause (4); and

(d) by renumbering the existing subclause (4) as subclause (5).

**4. Clause 25**

Paragraph 25(1)(b) of the Bill is amended by substituting for the word “activities” the words “any activity including to request any person to display any notice at any place”.

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#### EXPLANATORY STATEMENT

1. Paragraph 1 seeks to amend the long title of the Bill to explain further the purpose of enacting the Bill.
2. Paragraph 2 seeks to amend clause 7 of the Bill by renumbering the existing clause as subclause (1) and to introduce new subclause (2) into clause 7 of the Bill to empower the Tribunal to hear and determine any complaint of sexual harassment which occurs after the coming into operation of this Act, with prospective effect. Paragraph 2 also seeks to insert new subclause (3) into clause 7 of the Bill to explain further that the Limitation Act 1953 [*Act 254*] shall apply to any complaint referred to the Tribunal.
3. Paragraph 3 seeks to amend clause 13 of the Bill to allow parties of the proceeding to be represented by an advocate and solicitor if in the opinion of the Tribunal, the matter in question involves complex issues of law. If one party is allowed to be represented by an advocate and solicitor, the other party shall also be so entitled.
4. Paragraph 4 seeks to amend subparagraph 25(1)(b) of the Bill to explain further in relation to the functions and powers of the Administrator to promote any activity including to request any person to display any notice at any place relating to the prevention or awareness of sexual harassment.

# ANTI-SEXUAL HARASSMENT BILL 2021

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## ARRANGEMENT OF CLAUSES

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# A BILL

*intituled*

An Act to provide for a right of redress for any person who has been sexually harassed, the establishment of the Tribunal for Anti-Sexual Harassment, the promotion of awareness of sexual harassment, and to provide for related matters.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

## PART I

### PRELIMINARY

#### **Short title and commencement**

1. (1) This Act may be cited as the Anti-Sexual Harassment Act 2021.  
(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*, and the Minister may appoint different dates for the coming into operation of different parts or provisions of this Act.

**Interpretation**

**2.** In this Act, unless the context otherwise requires—

“award” means an award made by the Tribunal in respect of any complaint or matter referred to it or any decision or order made by it under this Act;

“prescribed” means prescribed by the Minister in the regulations made under section 26;

“sexual harassment” means any unwanted conduct of a sexual nature, in any form, whether verbal, non-verbal, visual, gestural or physical, directed at a person which is reasonably offensive or humiliating or is a threat to his well-being;

“Minister” means the Minister charged with the responsibility for women, family and community development;

“complainant” means a person who commences a proceeding before the Tribunal to have a matter dealt with by the Tribunal;

“Administrator” means the Administrator of Anti-Sexual Harassment under section 24;

“interlocutory order” means an order that—

(a) is made pursuant to a complaint of sexual harassment to the Tribunal in the course of any proceedings of the Tribunal; and

(b) is incidental to the principal object of that proceedings;

and includes any directions about the conduct of that proceedings, but does not include any partial or interim order making a final determination in respect of that proceedings;

“party” means a complainant or respondent;

“respondent” means a person against whom a proceeding is commenced by the complainant;

“Tribunal” means the Tribunal for Anti-Sexual Harassment established under section 3.

## PART II

### TRIBUNAL FOR ANTI-SEXUAL HARASSMENT

#### Chapter 1

##### *Establishment and organization*

#### **Establishment of Tribunal**

**3.** There shall be established a tribunal to be known as the “Tribunal for Anti-Sexual Harassment”.

#### **Members, terms of office and allowances**

**4.** (1) The Tribunal shall consist of the following members who shall be appointed by the Minister:

- (a) a President and a Deputy President to be appointed from amongst the members of the Judicial and Legal Service;
- (b) not less than five other members which shall comprise of—
  - (i) persons who are members of or who have held office in the Judicial and Legal Service; or
  - (ii) persons who are admitted as advocates and solicitors under the Legal Profession Act 1976 [*Act 166*], the Advocates Ordinance of Sabah [*Sabah Cap. 2*] or the Advocates Ordinance of Sarawak [*Sarawak Cap. 110*], and who have not less than seven years’ standing; and
- (c) not less than five other members, as may be determined by the Minister, who have knowledge of or practical experience in matters relating to sexual harassment.

(2) Where the President is for any reason unable to perform his functions or during any period of vacancy in the office of the President, the Deputy President shall perform the functions of the President.

(3) The President, the Deputy President and the members of the Tribunal shall hold office for a term of three years and may be reappointed only for another term consecutively.

(4) The President, the Deputy President or the members of the Tribunal may at any time resign his office by giving three months' written notice to the Minister.

(5) The Minister may at any time revoke the appointment of members of the Tribunal appointed under paragraphs 4(1)(b) and (c), and fill any vacancy in its membership.

(6) The President and the Deputy President shall be paid such fixed allowances and other allowances as the Minister may determine.

(7) The members of the Tribunal appointed under paragraphs 4(1)(b) and (c) shall be paid a daily sitting allowance during the sitting of the Tribunal and such lodging, travelling and subsistence allowances as the Minister may determine.

### **Disqualification**

**5.** The President, the Deputy President and the members of the Tribunal appointed under subsection 4(1) shall be disqualified from being a member of the Tribunal if—

- (a) the person is adjudged bankrupt by a court of competent jurisdiction;
- (b) the person is certified by a qualified medical officer to be physically or mentally incapable of continuing office;
- (c) the Minister is of the opinion that the person has engaged in any paid office, commission or employment which conflicts with the duties of the person under this Act;
- (d) the person's conduct, whether in connection with his duties as a member of the Tribunal or otherwise, has been such as to bring discredit to the Tribunal;

- (e) the person has been convicted on, a charge in respect of—
  - (i) an offence involving fraud, dishonesty or moral turpitude;
  - (ii) an offence under any law relating to corruption; or
  - (iii) any other offence punishable with imprisonment, in itself only or in addition to or in lieu of a fine, for more than two years; or
- (f) the person absents himself from three consecutive sittings of the Tribunal without leave of the President.

**Secretary, officers and staff****6.** The Minister shall appoint—

- (a) a Secretary to the Tribunal; and
- (b) such number of other officers and staff of the Tribunal as may be necessary to carry out the functions of the Tribunal.

## Chapter 2

*Jurisdiction of Tribunal***Jurisdiction of Tribunal****7.** The Tribunal shall have jurisdiction to hear and determine any complaint of sexual harassment made by any person.**Exclusion of jurisdiction of court****8.** (1) Where a complaint of sexual harassment is lodged by any person to the Tribunal, the issues in dispute in that complaint of sexual harassment, whether as shown in the initial complaint or as emerging in the course of the hearing, shall not be the subject of proceedings between the same parties in any court unless—

- (a) the proceedings before the court were commenced before the complaint of sexual harassment was lodged with the Tribunal;

- (b) the complaint of sexual harassment involves any conduct constituting a crime under the provisions of any written law; or
- (c) the complaint of sexual harassment before the Tribunal is withdrawn or struck out.

(2) Where paragraph (1)(a) applies, the issues in dispute in the claim of sexual harassment to which those proceedings relate, whether as shown in the initial claim or emerging in the course of the hearing, shall not be the subject of proceedings between the same parties before the Tribunal unless the claim of sexual harassment before the court is withdrawn or struck out.

### **Determination of rules and procedure**

**9.** (1) The proceedings of the Tribunal shall be conducted in accordance with such procedure as may be determined by the Tribunal.

(2) The President shall cause the procedure determined under subsection (1) to be reduced into writing and published in such a manner as the President deems fit.

(3) In conducting the proceedings under subsection (1), the Tribunal shall have the powers to—

- (a) make an interlocutory order;
- (b) determine the relevancy, admissibility and weight of any evidence;
- (c) take evidence on oath or affirmation and for that purpose a member of the Tribunal may administer an oath or affirmation;
- (d) order the provision of further particulars in a statement of complaint of sexual harassment or statement of reply;
- (e) order the preservation and interim custody of any evidence for the purposes of the hearing; and

- (f) summon the parties to the proceedings or any other person to attend before the Tribunal to give evidence or to produce any document, record or other thing in his possession or otherwise to assist the Tribunal in its deliberations.

(4) A summons issued by the Tribunal under this section shall be served and enforced as if it were a summons issued by a court.

(5) The Tribunal shall determine the complaint of sexual harassment on the balance of probabilities.

### Chapter 3

#### *Conduct of proceedings*

#### **Commencement of proceedings**

**10.** Any person may lodge a complaint of sexual harassment under this Act with the Tribunal in a prescribed form together with a prescribed fee.

#### **Notice of complaint of sexual harassment**

**11.** Upon a complaint of sexual harassment being lodged under section 10, the Secretary to the Tribunal shall give a written notice in the prescribed form to the complainant and the respondent of the details of the day, time and place of the hearing.

#### **Sittings of Tribunal**

**12.** (1) Each sitting of the Tribunal shall be determined by the President and shall comprise of a panel of three members of the Tribunal as follows:

- (a) the President or the Deputy President appointed under paragraph 4(1)(a), or any other member of the Tribunal appointed under paragraph 4(1)(b), as a Chairperson; and
- (b) any other two of the members of the Tribunal appointed under paragraph 4(1)(c).

(2) The panel for each sitting of the Tribunal in subsection (1) shall comprise of at least a woman.

(3) The Tribunal may sit in one or more sittings on such day and at such time and place as the President may determine.

(4) If the Chairperson referred to in paragraph (1)(a) presiding over any proceedings in respect of a complaint of sexual harassment dies or becomes incapacitated, or is for any other reason unable to complete or dispose of the proceedings, the complaint of sexual harassment shall be heard and continued and presided over by any other Chairperson as determined by the President.

(5) If any of the members of the Tribunal referred to in paragraph (1)(b) in respect of a complaint of sexual harassment dies or becomes incapacitated, or is for any other reason unable to complete or dispose of the proceedings, the President shall appoint any other member of the Tribunal to the panel to continue the proceedings.

(6) Where the term of appointment of any Chairperson or member of the Tribunal referred to in paragraph (1)(b) expires during the pendency of any proceedings in respect of a complaint of sexual harassment, the term of his appointment shall be deemed to have been extended until the final disposal of the complaint of sexual harassment.

### **Right to appear at hearing**

**13.** (1) At the hearing of a complaint of sexual harassment, every party to the proceedings shall be entitled to attend and be heard.

(2) No party shall be represented by an advocate and solicitor at a hearing.

(3) Subject to subsections (1) and (2), a party who is a minor or any person under a disability may be represented by his next friend or guardian *ad litem*.

(4) Where a party who is a minor or any person under a disability is represented by his next friend or guardian *ad litem*, the Tribunal may impose such conditions as the Tribunal considers necessary to ensure that the other party to the proceedings is not substantially disadvantaged.

**Hearings to be closed**

**14.** All hearings before the Tribunal shall be closed to the public.

**Tribunal may act in absence of party**

**15.** The Tribunal may hear and determine a complaint of sexual harassment before it notwithstanding the absence of any party to the proceedings if it is proved to the satisfaction of the Tribunal that a notice of the hearing has been duly served on the absent party.

**Negotiation for settlement**

**16.** (1) The Tribunal may, as regards to every complaint of sexual harassment within its jurisdiction and with agreement of the parties, assess whether, in all the circumstances, it is appropriate for the Tribunal to assist the parties to negotiate an agreed settlement in relation to the complaint of sexual harassment.

(2) Without limiting the generality of subsection (1), in making an assessment the Tribunal shall have regard to any factors that, in the opinion of the Tribunal, are likely to impair the ability of either or both of the parties to negotiate an agreed settlement.

(3) Where the parties reach an agreed settlement, the Tribunal shall approve and record the agreed settlement and the agreed settlement shall then take effect as if it is an award of the Tribunal.

(4) The Tribunal shall proceed to determine the complaint of sexual harassment if—

(a) it appears to the Tribunal that it would not be appropriate for the Tribunal to assist the parties to negotiate an agreed settlement in relation to the complaint of sexual harassment; or

(b) the parties are unable to reach an agreed settlement in relation to the complaint of sexual harassment.

**Reference to Judge of High Court on question of law**

**17.** (1) Before the Tribunal makes an award under section 19, the Tribunal may, in its discretion, refer to a Judge of the High Court a question of law—

- (a) which arose in the course of the proceedings;
- (b) which, in the opinion of the Tribunal, is of sufficient importance to merit such reference; and
- (c) the determination of which by the Tribunal raises, in the opinion of the Tribunal, sufficient doubt to merit such reference.

(2) If the Tribunal refers any question of law under subsection (1) for the decision of a Judge of the High Court, the Tribunal shall make its award in conformity with such decision.

(3) For the purposes of reference to the High Court on any question of law, a Federal Counsel authorized by the Attorney General may appear on behalf of the Tribunal in any proceedings before a Judge of the High Court.

**Procedure where no provision is made**

**18.** Where no provision is made relating to procedures of the Tribunal, subject to this Act and any regulations made under this Act, the Tribunal shall adopt such procedure as the Tribunal thinks fit.

## Chapter 4

*Award and order of Tribunal***Award of Tribunal**

**19.** (1) The Tribunal shall make its award without delay and, where practicable, within sixty days from the first day the hearing before the Tribunal commences.

(2) The Tribunal shall state in writing reasons for the award or dismissal of the complaint of sexual harassment together with any finding of facts that the Tribunal has noted or recommendations that the Tribunal has made in those proceedings.

**Order**

**20.** (1) In making an award under section 19, the Tribunal may make any one or more of the following orders:

- (a) an order for the respondent to issue a statement of apology to the complainant as specified in the order;
- (b) if the complaint related to any act of sexual harassment which was carried out in public, an order for the respondent to publish a statement of apology to the complainant in any manner as specified in the order;
- (c) an order for the respondent to pay any compensation or damages not exceeding two hundred and fifty thousand ringgit for any loss or damage suffered by the complainant in respect of the act of sexual harassment; or
- (d) an order for the parties to attend any programme as the Tribunal thinks necessary.

(2) The Tribunal may make such ancillary or consequential orders or relief as may be necessary to give effect to any order made by the Tribunal.

(3) The Tribunal may dismiss a complaint of sexual harassment which the Tribunal considers to be frivolous or vexatious.

**Criminal penalty for failure to comply with award**

**21.** (1) Any person who fails to comply with an award made by the Tribunal under section 19 within thirty days from the date on which the award was made, commits an offence and shall, on conviction, be liable to any of the following:

- (a) in the case where any compensation or damages is ordered by the Tribunal, a fine which is two times the total amount of the compensation or damages, or to imprisonment for a term not exceeding two years, or to both; or
- (b) in the case where no compensation or damages is ordered by the Tribunal, a fine not exceeding ten thousand ringgit, or to imprisonment for a term not exceeding two years, or to both.

(2) In the case of a continuing offence, the person shall, in addition to the penalties specified under subsection (1), be liable to a fine not exceeding one thousand ringgit for each day or part of a day during which the offence continues after the conviction.

### **Award of Tribunal to be final**

**22.** (1) An award made under subsection 16(3) or section 19 shall—

- (a) subject to section 23, be final and binding on all parties to the proceedings; and
- (b) be deemed to be an order of a court and be enforced accordingly by any party to the proceedings.

(2) For the purposes of paragraph (1)(b), the Secretary to the Tribunal shall send a copy of the award made by the Tribunal to the court having jurisdiction in the place to which the award relates or in the place where the award was made and the court shall cause the copy of the award to be recorded.

### **Challenging award on ground of serious irregularity**

**23.** (1) Any party to the proceedings of the Tribunal may, upon notice to the other party and to the Tribunal, apply to the High Court challenging an award in the proceedings only on the ground of serious irregularity affecting the award.

(2) If there is shown to be serious irregularity affecting the award, the High Court may—

- (a) remit the award to the Tribunal, in whole or in part, for reconsideration; or
- (b) set aside the award in whole or in part.

(3) For the purposes of this section, “serious irregularity” means an irregularity of one or more of the following kinds which the High Court considers has caused substantial injustice to the applicant:

- (a) failure of the Tribunal to deal with all the relevant issues that were put to it; or
- (b) uncertainty or ambiguity as to the effect of the award.

## PART III

## ADMINISTRATOR OF ANTI-SEXUAL HARASSMENT

**Administrator**

**24.** The Secretary General of the Ministry responsible for women, family and community development shall be the Administrator of Anti-Sexual Harassment.

**Functions and powers of Administrator**

**25.** (1) The Administrator shall have the following functions:

- (a) to formulate policy or issue guidelines relating to the prevention or awareness of sexual harassment;
- (b) to promote activities relating to the prevention or awareness of sexual harassment;
- (c) to administer any matter relating to the prevention or awareness of sexual harassment; and
- (d) to carry out any other functions for the betterment and proper implementation of this Act.

(2) The Administrator shall have all such powers as may be necessary for, or in connection with, or incidental to, the performance of its functions under this Act.

## PART IV

## GENERAL

**Power to make regulations**

**26.** (1) The Minister may make such regulations as may be necessary or expedient in respect of the Tribunal.

(2) Without prejudice to the generality of subsection (1), the regulations may be made for—

- (a) prescribing the forms to be used in proceedings under this Act;

- (b) prescribing and imposing fees and providing for the manner for collecting and disbursing such fees; and
- (c) prescribing any other matters for the better carrying out of the provisions of this Act.

### **Special provision for police report under any written laws**

**27.** Notwithstanding a complaint of sexual harassment being made under this Act, a complainant, or any other person shall not be precluded from lodging a police report for any offence relating to sexual harassment under any written laws.

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### **EXPLANATORY STATEMENT**

This Bill (“the proposed Act”) seeks to provide for a right of redress for any person who have been sexually harassed, the establishment of the Tribunal for Anti-Sexual Harassment, the promotion of awareness of sexual harassment, and to provide for related matters.

#### **PART I**

2. Part I of the proposed Act deals with preliminary matters.
3. *Clause 1* contains the short title and seeks to empower the Minister to appoint a date for the commencement of the proposed Act.
4. *Clause 2* contains the definitions of certain words and expressions used in the proposed Act.

#### **PART II**

5. Part II of the proposed Act contains four chapters relating to the establishment of the Tribunal for Anti-Sexual Harassment (“Tribunal”), jurisdiction of the Tribunal, conduct of proceedings of the Tribunal and award and order of the Tribunal.

#### **Chapter 1**

6. *Chapter 1* contains provisions relating to the establishment and membership of the Tribunal.
7. *Clause 3* seeks to provide for the establishment of the Tribunal.

8. *Clause 4* seeks to provide for the membership of the Tribunal, terms of office of its members and the eligible allowances to be paid to the members of the Tribunal.

9. *Clause 5* seeks to provide for the provisions relating to disqualification of the President, the Deputy President and the members of the Tribunal.

10. *Clause 6* seeks to empower the Minister to appoint a Secretary to the Tribunal and such number of other officers and staff of the Tribunal as may be necessary to carry out the functions of the Tribunal.

## Chapter 2

11. *Chapter 2* contains provisions relating to the jurisdiction of the Tribunal.

12. *Clause 7* seeks to provide that the jurisdiction of the Tribunal is to hear any complaint of sexual harassment made under Part II of the proposed Act by any person.

13. *Clause 8* seeks to provide for the exclusion of jurisdiction of court where a complaint of sexual harassment is lodged by any person to the Tribunal.

14. *Clause 9* seeks to provide for the determination of rules and procedure of the Tribunal.

*Subclause 9(1)* seeks to provide that proceedings of the Tribunal shall be conducted in accordance with such procedure as may be determined by the Tribunal.

*Subclause 9(2)* seeks to provide that the President shall cause the procedure determined under *subclause 9(1)* to be reduced into writing and published in such a manner as the President deems fit.

*Subclause 9(3)* seeks to empower the Tribunal to make certain orders in conducting the proceedings, among others, to make an interlocutory order, to order the preservation and interim custody of any evidence for the purposes of the hearing and to summon the parties to the proceedings.

*Subclause 9(4)* seeks to provide that the summons issued by the Tribunal shall be served and enforced as if it were a summons issued by a court.

*Subclause 9(5)* seeks to provide that the Tribunal shall determine the complaint of sexual harassment on the balance of probabilities.

## Chapter 3

15. *Chapter 3* contains provisions relating to the conduct of proceedings of the Tribunal.

16. *Clause 10* seeks to provide that to commence a proceeding in the Tribunal, any person may lodge a complaint of sexual harassment under the proposed Act with the Tribunal in a prescribed form together with a prescribed fee.

17. *Clause 11* seeks to provide that the Secretary to the Tribunal shall give a written notice in the prescribed form to the complainant and the respondent of the details of the day, time and place of the hearing upon a complaint of sexual harassment being lodged.

18. *Clause 12* seeks to provide for the sittings of the Tribunal.

*Subclause 12(1)* seeks to provide that each sitting of the Tribunal shall be determined by the President and shall comprise of a panel of three members of the Tribunal which are the President or the Deputy President, or any other member of the Tribunal as a Chairperson and any other two of the members of the Tribunal appointed under paragraph 4(1)(c).

*Subclause 12(2)* seeks to provide that the panel of each sitting of the Tribunal shall comprise of at least a woman.

*Subclause 12(4)* seeks to provide that where the Chairperson presiding over any proceedings in respect of a complaint of sexual harassment dies or becomes incapacitated, or is for any other reason unable to complete or dispose of the proceedings, the complaint of sexual harassment shall be heard and continued and presided over by any other Chairperson as determined by the President.

*Subclause 12(5)* seeks to provide that where any of the members of the Tribunal referred to in paragraph 12(1)(b) dies or becomes incapacitated, or is for any other reason unable to complete or dispose of the proceedings, the President shall appoint any other member of the Tribunal to the panel to continue the proceedings.

*Subclause 12(6)* seeks to provide that where the term of appointment of any Chairperson or member of the Tribunal expires during the pendency of any proceedings in respect of a complaint of sexual harassment, the term of his appointment shall be deemed to have been extended until the final disposal of the complaint of sexual harassment.

19. *Clause 13* deals with the provisions relating to the right to appear at a hearing before the Tribunal.

*Subclause 13(1)* seeks to provide that every party to the proceedings shall be entitled to attend and be heard at the hearing before the Tribunal.

*Subclause 13(2)* seeks to provide that no party shall be represented by an advocate and solicitor at a hearing before the Tribunal.

*Subclauses 13(3) and (4)* seek to provide that a party who is a minor or any person under a disability may be represented by his next friend or guardian *ad litem* and the Tribunal may impose such conditions as the Tribunal considers necessary to ensure that the other party to the proceedings is not substantially disadvantaged.

20. *Clause 14* seeks to provide that all hearings before the Tribunal shall be closed to the public.

21. *Clause 15* seeks to empower the Tribunal to hear and determine the complaint of sexual harassment in absence of any party to the proceedings if it is proved to the satisfaction of the Tribunal that a notice of the hearing has been duly served on the absent party.

22. *Clause 16* seeks to allow the Tribunal to assist the parties to negotiate for an agreed settlement whenever appropriate and the agreed settlement shall then take effect as an award of the Tribunal.

23. *Clause 17* seeks to provide for the reference to a Judge of High Court on a question of law.

*Subclause 17(1)* seeks to empower the Tribunal to refer to a Judge of the High Court on a question of law.

*Subclause 17(2)* seeks to provide that the Tribunal shall make its award in conformity with the decision of a Judge of the High Court relating to the question of law.

*Subclause 17(3)* seeks to provide that a Federal Counsel authorized by the Attorney General may appear on behalf of the Tribunal in any proceedings before a Judge of the High Court.

24. *Clause 18* seeks to provide that subject to the proposed Act and any regulations made under the proposed Act, the Tribunal shall adopt such procedure as the Tribunal thinks fit where no provision is made relating to procedures of the Tribunal.

#### Chapter 4

25. *Chapter 4* contains provisions relating to award and order of the Tribunal.

26. *Clause 19* seeks to provide that the Tribunal shall make its award within sixty days from the first day hearing before the Tribunal commences and the award shall be accompanied with the reasons for the award or dismissal of the complaint of sexual harassment together with any finding of the facts that the Tribunal has noted or recommendations that the Tribunal has made in those proceedings.

27. *Subclause 20(1)* seeks to empower the Tribunal, in making an award, to make any one or more of the following orders: an order for the respondent to issue a statement of apology to the complainant, an order for the respondent to publish a statement of apology, an order for the respondent to pay compensation or damages not exceeding two hundred and fifty thousand ringgit for any loss or damage suffered by the complainant or an order for the parties to attend any programme as the Tribunal thinks necessary.

*Subclause 20(3)* seeks to provide that the Tribunal may dismiss any complaint of sexual harassment which the Tribunal considers to be frivolous or vexatious.

28. *Clause 21* seeks to provide for the criminal penalties for non-compliance of any award made by the Tribunal.

29. *Clause 22* seeks to clarify that an award made by the Tribunal shall be final, binding on all parties to the proceedings and be deemed to be an order of a court and shall be enforced accordingly by any party to the proceeding.

30. *Clause 23* seeks to provide that any party to the proceedings of the Tribunal may apply to the High Court challenging an award in the proceedings only on the ground of serious irregularity affecting the award. If there is shown to be serious irregularity affecting the award, the High Court may remit the award in whole or in part to the Tribunal for reconsideration or set aside the award in whole or in part.

### PART III

31. Part III of the proposed Act contains provisions relating to the Administrator of Anti-Sexual Harassment.

32. *Clause 24* seeks to provide that the Secretary General of the Ministry responsible for women, family and community development shall be the Administrator of Anti-Sexual Harassment.

33. *Clause 25* seeks to provide for the functions and powers of the Administrator of Anti-Sexual Harassment.

### PART IV

34. Part IV of the proposed Act contains general provisions.

35. *Clause 26* seeks to empower the Minister to make any regulations as may be necessary or expedient in respect of the Tribunal.

36. *Clause 27* seeks to clarify that notwithstanding a complaint of sexual harassment being made under this Act, a complainant, or any other person shall not be precluded from lodging a police report for any offence relating to sexual harassment under any written laws.

### *FINANCIAL IMPLICATIONS*

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