

# RUKUN TETANGGA BILL 2012

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## A BILL

*i n t i t u l e d*

An Act to make provisions relating to Rukun Tetangga and Voluntary Patrolling Scheme and for connected 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 Rukun Tetangga Act 2012.
- (2) This Act comes into operation on 22 June 2012.

**Interpretation**

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

“Rukun Tetangga Area Committee” means the Rukun Tetangga Area Committee appointed under section 7;

“Rukun Tetangga Coordinating and Advisory Committee” means the Rukun Tetangga Coordinating and Advisory Committee established under section 14;

“Area” means the Rukun Tetangga Area designated by the Director General under section 5;

“Director General” means the Director General of Rukun Tetangga appointed under subsection 3(1);

“employer” means a person or body of persons, whether corporate or unincorporate, who hires or engages the services of a person or persons for wages or salary under a contract of employment, and includes the Government of Malaysia, State Governments and any statutory or local authority;

“Minister” means the Minister charged with the responsibility for Rukun Tetangga;

“employee” means a person who is a citizen and is hired or engaged by an employer for wages or salary, whether or not falling within the definition in the Employment Act 1955 [Act 265], Sabah Labour Ordinance [Cap. 67] or Sarawak Labour Ordinance [Cap. 76], and includes any person holding any office in any public service and statutory or local authority;

“resident” means any person who ordinarily resides in an Area and includes a person who has been residing continuously in an Area for a period exceeding thirty days;

“Director” means the Director of Rukun Tetangga and includes Director General of Rukun Tetangga, Deputy Director General of Rukun Tetangga, Deputy Director of Rukun Tetangga and Assistant Director of Rukun Tetangga appointed by the Minister under subsection 3(2);

“Area Centre” means any premises provided by the Director General under section 6;

“Voluntary Patrolling Scheme” means a scheme approved by the Director General under section 15.

PART II

RUKUN TETANGGA

**Appointment of Director General of Rukun Tetangga and other officers**

3. (1) The Minister shall appoint a public servant to be the Director General of Rukun Tetangga.

(2) The Minister may appoint from the members of the public service, such number of Deputies Director General of Rukun Tetangga, Directors of Rukun Tetangga, Deputy Directors of Rukun Tetangga, Assistant Directors of Rukun Tetangga and any other officers as he may consider necessary or expedient to assist the Director General in the performance of his duties under this Act.

(3) A person appointed under subsection (2) shall be subject to the direction and control of the Director General.

**Power to delegate**

4. (1) A Director may, in writing, delegate any of his powers assigned to him under this Act to any officer appointed under subsection 3(2).

(2) A delegation made under subsection (1) shall be subject to any limitation as prescribed by a Director in the instrument of delegation.

(3) A delegation under this section shall not preclude a Director himself from exercising at any time any of the powers so delegated.

**Designation of Rukun Tetangga Area**

5. The Director General may, by notice publicised in such manner as he deems fit, designate any area to be a Rukun Tetangga Area.

**Area Centre**

6. The Director General may provide any premises as he deems fit as an Area Centre for the use of a Rukun Tetangga Area Committee.

**Appointment of Rukun Tetangga Area Committee**

7. (1) A Director shall, within thirty days from the date of the designation of an Area under section 5 or within such longer period as prescribed by the Director General, appoint in respect of the Area a Rukun Tetangga Area Committee which shall consist of such number of persons comprising residents, persons who have interest in the Area and other persons, as may be approved by the Director.

(2) A Director shall, after consultation with the members of the Rukun Tetangga Area Committee, appoint from amongst the members of the Rukun Tetangga Area Committee—

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) a Secretary;
- (d) an Assistant Secretary; and
- (e) a Treasurer.

(3) A person shall be disqualified from being appointed as a member of the Rukun Tetangga Area Committee if—

- (a) he has not attained the age of eighteen years;
- (b) he is an undischarged bankrupt;
- (c) he has been convicted of an offence and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand ringgit or to both;
- (d) he is not a citizen or a permanent resident; and
- (e) he is of unsound mind or is otherwise incapable of performing his duties.

(4) A member of the Rukun Tetangga Area Committee shall hold office for a term not exceeding two years and shall be eligible for reappointment upon expiry of his term of office, but shall not be appointed for more than three consecutive terms unless with the approval of the Director General.

### **Functions and duties of Rukun Tetangga Area Committee**

**8.** A Rukun Tetangga Area Committee shall have the following functions and duties:

- (a) to carry out such activities as to enhance and strengthen neighbourliness, unity, goodwill, harmony, comfort, peace, cooperation, safety, welfare, health, economic well being and quality of life amongst the members of community;
- (b) to receive information on, to observe and to enquire, all issues pertaining to community conflict in the Area and to report such information, observation and enquiry to the Director;
- (c) to take such steps as may be necessary or desirable to enable the residents to protect themselves against any criminal activities or disasters;
- (d) to provide community mediation for the purpose of conciliation or otherwise settle any dispute or difference amongst the members of community; and
- (e) to carry out any other functions or duties as directed by the Director General from time to time.

### **Revocation of appointment and resignation**

**9.** (1) The appointment of a member of the Rukun Tetangga Area Committee under subsection 7(2) may at any time be revoked by a Director.

(2) A member of the Rukun Tetangga Area Committee appointed under subsection 7(2) may at any time resign his office by giving notice in writing to a Director.

**Revocation of designation of Rukun Tetangga Area and dissolution of Rukun Tetangga Area Committee**

**10.** (1) The Director General may, at any time, by notice publicised in such manner as he deems fit, revoke any designation of a Rukun Tetangga Area made under section 5.

(2) If the designation of a Rukun Tetangga Area has been revoked under subsection (1), the Rukun Tetangga Area Committee for such Area shall be dissolved forthwith.

**Financial allocation or assistance to Rukun Tetangga Area Committee**

**11.** The Director General may, from time to time, with the approval of the Minister and the concurrence of the Minister of Finance, provide financial allocation or assistance to a Rukun Tetangga Area Committee as it may require for carrying out any of its functions and duties under this Act, subject to such terms and conditions as determined by the Minister.

**Power to collect or receive money**

**12.** (1) A Rukun Tetangga Area Committee may collect or receive money within the Area for carrying out any of its functions and duties under this Act, provided that it has applied for and obtained the prior written approval of the Director General.

(2) A Rukun Tetangga Area Committee in collecting or receiving money under subsection (1) shall be subject to such terms and conditions imposed by the Director General.

**Bank account**

**13.** (1) All moneys received by a Rukun Tetangga Area Committee shall be deposited into a bank account under the name of the Rukun Tetangga Area Committee.

(2) A Rukun Tetangga Area Committee shall cause the accounts and records of its activities to be maintained and kept in proper form.



(3) A statement of accounts of a Rukun Tetangga Area Committee shall be examined each year by two residents appointed from amongst and by the residents in the Area.

### **Establishment of Rukun Tetangga Coordinating and Advisory Committee**

**14.** (1) The Minister may establish a committee to be known as the “Rukun Tetangga Coordinating and Advisory Committee” to coordinate and to advise a Director on all matters referred to it by a Rukun Tetangga Area Committee and to carry out such functions as may be prescribed by the Minister under this Act.

(2) The Rukun Tetangga Coordinating and Advisory Committee shall consist of the following:

- (a) a Chairman;
- (b) at least one Deputy Chairman;
- (c) a Secretary; and
- (d) at least twenty other members.

(3) The establishment of the Rukun Tetangga Coordinating and Advisory Committee under subsection (1) may at any time be revoked by the Minister.

## **PART III**

### **VOLUNTARY PATROLLING SCHEME**

#### **Application to operate a Voluntary Patrolling Scheme**

**15.** (1) The Chairman of a Rukun Tetangga Area Committee may apply to the Director General to operate a Voluntary Patrolling Scheme in the whole or part of the Area if a request is made to him by a group of not less than twenty residents of the Area of not less than eighteen years of age.

(2) If the application under subsection (1) is approved by the Director General, he shall convey the approval to the Chairman of the Rukun Tetangga Area Committee for the implementation of the Voluntary Patrolling Scheme.

### **Operation of Voluntary Patrolling Scheme**

**16.** (1) The Director General shall require the Voluntary Patrolling Scheme to be commenced by the Rukun Tetangga Area Committee within thirty days from the date of the approval under section 15 or within such longer period as may be determined by the Director General.

(2) If the operation of the Voluntary Patrolling Scheme is not commenced within the period specified under subsection (1), the approval under section 15 shall lapse.

(3) The Rukun Tetangga Area Committee shall be responsible for the Voluntary Patrolling Scheme in the Area.

### **Membership of Voluntary Patrolling Scheme**

**17.** (1) A resident in an Area or a person who has interest in the Area or a person who has been approved by a Director may apply to the Rukun Tetangga Area Committee to be a member of the Voluntary Patrolling Scheme.

(2) A member of the Voluntary Patrolling Scheme may at any time withdraw from the Scheme by giving notice in writing addressed to the Chairman of the Rukun Tetangga Area Committee.

(3) The membership of a member of the Voluntary Patrolling Scheme may at any time be terminated by the Director.

### **Duties of Voluntary Patrolling Scheme members**

**18.** (1) Members of the Voluntary Patrolling Scheme shall have the following functions and duties:

- (a) patrol duty in the Area as determined by the Rukun Tetangga Area Committee;

- (b) guard duty at the Area Centre at any hour as may be determined by a Director; and
- (c) guard duty at any premises, places or locations in the Area as may be required by a Director.

(2) A member of the Voluntary Patrolling Scheme who is on patrol duty or guard duty shall be required to carry out his duties in groups of at least two members per group.

(3) A member of the Voluntary Patrolling Scheme shall perform patrol duty or guard duty not more than twice in a month.

### **Conduct of Voluntary Patrolling Scheme members**

**19.** A member of Voluntary Patrolling Scheme who, whilst on patrol duty or guard duty—

- (a) wilfully gives false information pertaining to any matter;
- (b) disobeys the lawful order or direction of a Director or the Rukun Tetangga Area Committee;
- (c) acts in any manner which is obscene, abusive or insulting;
- (d) uses obscene, abusive or insulting language;
- (e) acts irresponsibly such as sleeping, gambling or being under the influence of alcohol or drugs;
- (f) acts negligently; or
- (g) acts in any manner which is prejudicial to the welfare of the Area,

commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both.

### **Time-off or release of working hours**

**20.** (1) If a member of a Voluntary Patrolling Scheme is an employee of any person and he performs patrol duty or guard duty for a period of not less than two consecutive hours after midnight, such member, subject to the prior written consent of

the employer, shall be given time-off or release of working hours with salary by his employer in accordance with subsection (2), provided that the time-off or the release of working hours with salary shall not exceed four hours.

(2) The time-off or release of working hours with salary under subsection (1)—

- (a) shall be given in accordance with the actual time period of patrol duty or guard duty in the morning of the day;
- (b) shall not be carried forward to the afternoon of the day or the next following day;
- (c) shall start at the normal working hours of the employee or in accordance with any other arrangement as agreed by the employer after consultation with the Chairman of Rukun Tetangga Area Committee;
- (d) shall not be accumulated to be deemed as leave; and
- (e) shall expire if unused.

(3) Notwithstanding subsection 18(3), an employee may perform patrol duty or guard duty more than twice in a month upon request of the Chairman of the Rukun Tetangga Area Committee and with the prior written consent of the employer and in such a case the employee shall be entitled to be given time-off or release of working hours with salary in accordance with subsections (2) and (3).

### **Revocation of Voluntary Patrolling Scheme**

**21.** The Director General may, by notice publicised in such manner as he deems fit, revoke the approval for any Voluntary Patrolling Scheme under section 15.

## PART IV

### MISCELLANEOUS

### **Combination of Rukun Tetangga Area Committee activities**

**22.** (1) The Rukun Tetangga Area Committees of two or more Areas may combine their activities—

- (a) if it is deemed necessary or expedient to do so; or

- (b) if the Director directs in writing for the Rukun Tetangga Area Committees to act in combination in accordance with and to the extent specified by the Director in such direction.

(2) If the Rukun Tetangga Area Committees of two or more Areas consider that in the combination of their activities it is necessary for all or any of the Rukun Tetangga Area Committees or Voluntary Patrolling Scheme members whilst carrying out patrol duty or guard duty, to perform functions or duties within an Area or Areas other than their own respective Area, it shall be lawful for them to do so subject to the written directions given by the Director.

**Employee not to suffer loss of remuneration or any detriment**

**23.** (1) Subject to section 20, an employer shall not subject an employee to any loss of remuneration or any detriment whatsoever by reason of such employee having to perform any duties or comply with any directions under Part III.

(2) Any question as to any loss of remuneration incurred by an employee who falls within the definition under the First Schedule of the Employment Act 1955, Sabah Labour Ordinance or Sarawak Labour Ordinance or an employee not falling within the definition of that Act or that Ordinance whose wages per month exceed two thousand five hundred ringgit but do not exceed five thousand ringgit shall be decided by the Director General.

(3) For the purpose of this section, Director General means—

- (a) in respect of Peninsular Malaysia, the Director General of Labour appointed under subsection 3(1) of the Employment Act 1955;
- (b) in respect of Sabah, the Director of Labour appointed under subsection 3(1) of the Sabah Labour Ordinance; and
- (c) in respect of Sarawak, the Director of Labour appointed under subsection 3(1) of the Sarawak Labour Ordinance.

(4) Any question as to whether an employee, other than any person holding any office in any public service and statutory or local authority, has incurred any detriment shall be decided by a Director whose decision shall be final.

### **Identification card**

**24.** (1) A Director shall issue to each member of the Rukun Tetangga Area Committee and each member of the Voluntary Patrolling Scheme an identification card which shall be signed by the Director.

(2) Whenever the member of the Rukun Tetangga Area Committee or the member of the Voluntary Patrolling Scheme exercises any of the powers under this Act, he shall, on demand, produce to the person against whom the power is being exercised, the identification card issued to him under subsection (1).

### **Power to stop and inspect**

**25.** If a member of a Voluntary Patrolling Scheme while on patrol duty or guard duty has reasonable ground to believe that the safety of residents in the Area is affected, he may stop and carry out such inspection of any person, vehicle or any conveyance entering his Area.

### **Personation**

**26.** Any person who pretends to be, or falsely personates as, a person entitled to perform any function or duty or exercise any power under this Act commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both.

### **False statement**

**27.** Any person who, in giving any information for the purposes of this Act, knowingly or recklessly makes any statement which is false in a material particular commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both.

### **Protection against suit and legal proceedings**

**28.** No action, suit, prosecution or other proceeding shall lie or be brought, instituted or maintained in any court against a Director, a member of a Rukun Tetangga Area Committee, a member of the Rukun Tetangga Coordinating and Advisory Committee, a member of a Voluntary Patrolling Scheme and an officer in respect of any act, neglect or default done or committed by him in good faith or any omission by him in good faith in such capacity.

### **Public Authorities Protection Act 1948**

**29.** The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against a Director, a member of a Rukun Tetangga Area Committee, a member of the Rukun Tetangga Coordinating and Advisory Committee, a member of a Voluntary Patrolling Scheme and an officer in respect of any act, neglect or default done or committed by him in good faith or any omission by him in good faith in such capacity.

### **Power to give directions**

**30.** A Director may give any direction to the Rukun Tetangga Area Committee, consistent with the provisions of this Act, relating to the performance of the functions and duties of the Rukun Tetangga Area Committee, and the Committee shall give effect to all such directions.

### **Power to issue guidelines, circulars and directions**

**31.** The Director General may issue such guidelines, circulars or directions as may be necessary or expedient for the purpose of carrying out the provisions of this Act.

### **Power to make regulations**

**32.** The Minister may make such regulations as may be necessary or expedient for the purpose of carrying out or giving effect to the provisions of this Act.

**Savings provision**

**33.** (1) Every person who was appointed under the Essential (Rukun Tetangga) Regulations 1975 [*P.U. (A) 279/1975*] shall continue to be a Director or an officer under this Act as if he had been appointed under section 3 of this Act.

(2) All designation of Areas, appointment of Rukun Tetangga Area Committees, approval of Voluntary Patrolling Schemes and appointment of members of Voluntary Patrolling Schemes made before the commencement of this Act shall continue under this Act and be subject to the provision of this Act as if the designation, appointment and approval had been made under this Act.

**Continuance of act and action**

**34.** Any act done or action taken by the Director General or any Director prior to the commencement of this Act shall be deemed to have been done or taken, and may be accordingly continued by the Director General or Director, under this Act.

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**EXPLANATORY STATEMENT**

The proposed Rukun Tetangga Act 2012 (“the proposed Act”) seeks to make provisions relating to Rukun Tetangga Areas, Rukun Tetangga Area Committees and Voluntary Patrolling Schemes, as well as to provide for the functions and duties of the members of the Rukun Tetangga Area Committees and the Voluntary Patrolling Schemes.

**PART I**

2. Part I deals with preliminary matters.
3. *Clause 1* contains the short title and the date of commencement of the proposed Act.
4. *Clause 2* contains the definitions of certain expressions used in the proposed Act.



PART II

5. Part II of the proposed Act contains, among others, provisions relating to the designation of Rukun Tetangga Areas, appointment of Director General of Rukun Tetangga and other officers, Rukun Tetangga Area Committees and the establishment of Rukun Tetangga Coordinating and Advisory Committee.
6. *Clause 3* provides for the appointment of the Director General, Deputy Director General, Director, Assistant Director and other officers.
7. *Clause 4* allows a Director to delegate his powers.
8. *Clauses 5* and *6* seek to provide for the designation of Rukun Tetangga Areas and Area Centres by the Director General.
9. *Clause 7* sets out the appointment of Rukun Tetangga Area Committees, persons disqualified to be a member of Rukun Tetangga Area Committee and tenure of office of members of the Rukun Tetangga Area Committee.
10. *Clause 8* deals with the functions and duties of Rukun Tetangga Area Committees.
11. *Clauses 9* and *10* provide for the revocation of appointment and resignation of members, and dissolution, of Rukun Tetangga Area Committees, and revocation of the designation of Rukun Tetangga Areas.
12. *Clause 11* allows the Director General, with the approval of the Minister and the concurrence of the Minister of Finance, to provide financial allocation or assistance to a Rukun Tetangga Area Committee for the purpose of carrying out its functions and duties under the proposed Act.
13. *Clauses 12* and *13* seek to provide for the collection and receipt of moneys by a Rukun Tetangga Area Committee. All moneys shall be deposited into a bank account under its name. It also requires a Rukun Tetangga Area Committee to keep proper accounts and records of its activities and the statement of accounts to be examined each year.
14. *Clause 14* sets out the establishment of the Rukun Tetangga Coordinating and Advisory Committee with functions as prescribed by the Minister.

PART III

15. Part III deals with the operation of Voluntary Patrolling Schemes and related matters.
16. *Clause 15* provides for the application to operate a Voluntary Patrolling Scheme. The Director General shall convey the approval of the application to operate a Voluntary Patrolling Scheme to the Chairman of the Rukun Tetangga Area Committee.

17. *Clause 16* deals with the commencement of operation of a Voluntary Patrolling Scheme.

18. *Clauses 17, 18 and 19* provide for application to be members of a Voluntary Patrolling Scheme, and the duties and conduct of Voluntary Patrolling Scheme members.

19. *Clause 20* deals with the time-off or release of working hours with salary in respect of a person who performs patrol duty or guard duty for a period of not less than two consecutive hours after midnight, subject to the prior written consent by the employer. The time-off or release of working hours with salary shall be given by the employer in accordance with the actual time period the patrol duty or guard duty is performed and shall not exceed four hours.

20. *Clause 21* provides for the revocation of Voluntary Patrolling Schemes by the Director General.

#### PART IV

21. Part IV contains miscellaneous provisions.

22. *Clause 22* deals with the combination of activities of Rukun Tetangga Area Committees.

23. *Clause 23* seeks to provide for the protection of an employee from any loss of remuneration or any detriment by reason of the employee performing duties or complying with any directions under Part III of the proposed Act.

24. *Clause 24* requires members of a Rukun Tetangga Area Committee and members of a Voluntary Patrolling Scheme to produce his identification card upon request.

25. *Clause 25* empowers a member of a Voluntary Patrolling Scheme to stop and carry out inspection on persons, vehicle or conveyance while carrying out patrol duty and guard duty.

26. *Clause 26* provides for the offence for personation and its penalty.

27. *Clause 27* provides for the offence of giving false statement and its penalty.

28. *Clause 28* seeks to provide for the protection of the Directors, members of the Rukun Tetangga Area Committees, members of the Voluntary Patrolling Schemes, members of the Rukun Tetangga Coordinating and Advisory Committee and officers in respect of any act, neglect, default or omission done or omitted by them in good faith.

29. *Clause 29* confers the protection afforded in the Public Authorities Protection Act 1948 [Act 198] to any action, suit, proceedings or prosecution against the Directors, members of the Rukun Tetangga Area Committees, members of the Voluntary Patrolling Schemes, members of the Rukun Tetangga Coordinating and Advisory Committee and officers in respect of any act, neglect, default or omission done or omitted by them in good faith.

30. *Clause 30* empowers the Director to give directions.
31. *Clause 31* seeks to empower the Director General to issue guidelines, circulars and directions.
32. *Clause 32* empowers the Minister to make regulations under the proposed Act.
33. *Clauses 33 and 34* provide for savings and continuance of acts and actions.

*FINANCIAL IMPLICATIONS*

This Bill will not involve the Government in any extra financial expenditure.

[PN(U<sup>2</sup>)2843]