

HOUSEWIVES' SOCIAL SECURITY BILL 2022

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A BILL

i n t i t u l e d

An Act to provide for the social security for the insured housewives in the form of certain benefits, for the improvement of health, safety, welfare and well-being of the housewives, and for matters connected therewith.

[]

ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Housewives' Social Security Act 2022.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Application

2. (1) This Act shall apply to any housewife who is a citizen or a permanent resident of Malaysia registered under section 14.

(2) This Act shall not apply to any housewife described in the First Schedule.

Interpretation

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

“child” means a child of the deceased insured housewife—

(a) who is under twenty-one years old and includes—

(i) a dependent stepchild and an illegitimate child;
and

(ii) an adopted child under any written law relating to adoption or under any custom or usage, on satisfactory proof of the adoption; and

(b) who is of any age and mentally retarded or physically incapacitated, and is incapable of supporting himself;

“domestic injury” means personal injury to an insured housewife caused by incident arising out of and in the course of managing her household including her family members and not of any industry, trade, business or profession carried on by her;

“contribution” means the sum of money payable to the Organization, by or on behalf of a housewife in accordance with this Act;

“prescribed” means prescribed by regulations made under this Act;

“permanent disablement” means any disablement of a permanent nature as a result of a domestic injury, which reduces the capacity of an insured housewife to manage household which she was capable of performing prior to or at the time of the domestic injury;

“Committee” means the Housewives’ Social Security Committee established under section 8;

“Appellate Medical Board” means the Appellate Medical Board constituted under the Employees’ Social Security (General) Regulations 1971 [*P.U. (A) 99/1971*] made under the Employees’ Social Security Act 1969 [*Act 4*];

“Government” means the Government of Malaysia;

“Director General” means the Director General of the Organization appointed under subsection 59(1) of the Employees’ Social Security Act 1969;

“Fund” means the Housewives’ Social Security Fund established under section 52;

“Board” means the Social Security Organization Board established under section 59B of the Employees’ Social Security Act 1969;

“Minister” means the Minister charged with responsibility for human resources;

“dependant” means —

(a) a child;

(b) a husband of the deceased insured housewife who shall be a citizen of Malaysia; or

(c) parents of the deceased insured housewife who shall be citizens of Malaysia;

“officers and servants of the Organization” means officers and servants of the Organization appointed under section 59L of the Employees’ Social Security Act 1969;

“Inspector” means an Inspector appointed under section 12 of the Employees’ Social Security Act 1969 and includes the Director General and every Deputy Director General;

“medical assessor” means the medical assessor appointed under the regulations made under this Act;

“Organization” has the meaning assigned to it in the Employees’ Social Security Act 1969;

“Scheme” means the Housewives’ Social Security Scheme established under section 4;

“housewife” means any female, whether married or unmarried, who manages a household, on a full time basis or not, and includes—

- (a) a wife, divorcee or widow whose marriage has been registered under any written law; or
- (b) a mother of a child or more including a single mother;

“insured housewife” means any housewife who has registered under section 14 in respect of whom contributions has been paid in accordance with this Act;

“contribution period” means a period of twelve consecutive months or any other period with effect from the time and date the contribution paid in advance by or on behalf of a housewife and ends at the time and date, as prescribed;

“coverage period” in relation to invalidity and for the purposes of section 36 means—

- (a) the period of twenty months for twelve months of contributions paid in advance in respect of the insured housewife;
- (b) the period of forty months for twenty-four months of contributions paid in advance in respect of the insured housewife; or
- (c) the period in which contributions have been paid in respect of the insured housewife for not less than two-thirds of the number of complete months comprised in the period falling between the date when contributions first being paid by her under this Act and the month immediately preceding the month in which she has submitted a notice of invalidity, provided that the total number of monthly contributions paid during the aforesaid period shall be at least twenty-four;

“Deputy Director General” means the Deputy Director General of the Organization appointed under subsection 59(2) of the Employees’ Social Security Act 1969 including those appointed in accordance with subsection 5(3);

“Tribunal” means the Housewives’ Social Security Tribunal established under section 65.

PART II

ADMINISTRATION OF HOUSEWIVES’ SOCIAL SECURITY SCHEME

Administration of Housewives’ Social Security Scheme

4. (1) There shall be a social security scheme to be known as the “Housewives’ Social Security Scheme”.

(2) The Scheme shall be administered by the Organization.

(3) For the purpose of administering the Scheme, the Organization shall vest in the Board such powers and shall impose upon the Board such duties as the Organization may determine.

Director General

5. (1) The Director General of the Organization shall be the Director General for the purposes of this Act.

(2) The Deputy Directors General of the Organization shall be the Deputy Directors General for the purposes of this Act.

(3) Notwithstanding subsection (2), the Minister may appoint one or more Deputy Directors General for the purposes of this Act.

(4) If for any period the Director General is temporarily absent from Malaysia or temporarily incapacitated through illness, or for any other reasons is unable to perform his duties, or where the office of the Director General becomes vacant, the Minister shall appoint one of the Deputy Directors General to perform the duties of the Director General during such period.

(5) The terms and conditions of service of the Deputy Directors General appointed under subsection (3) shall be determined by the Minister after consultation with the Minister of Finance.

Powers of Organization to hold properties, etc.

6. The Organization may, upon such terms and conditions as the Organization deems fit for the purposes of this Act—

- (a) enter into contracts;
- (b) acquire, purchase, take, hold and enjoy movable and immovable property of every description; and
- (c) convey, assign, surrender, yield up, charge, mortgage, demise, lease, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest vested in the Organization.

Exercise of functions and powers of Organization

7. (1) All functions including powers which may be exercised by the Organization under this Act shall be exercised by the Director General.

(2) Notwithstanding subsection (1), the Director General may, in writing, delegate any of his powers and functions subject to such terms and restrictions as he thinks fit to the Deputy Directors General, Inspector, or officers and servants of the Organization for the purposes of this Act.

PART III**COMMITTEES****Housewives' Social Security Committee**

8. (1) A committee by the name of "Housewives' Social Security Committee" is established.

(2) The functions of the Committee is to advise the Board on all matters relating to the Scheme including the contribution, benefits and on matters relating to the investment of the Fund.

- (3) The Committee shall consist of the following members:
- (a) the Chairman of the Committee who shall not be any member of the Houses of Parliament or a member of the Legislative Assembly of a State who shall be appointed by the Minister;
 - (b) the Director General;
 - (c) one member representing the Ministry responsible for human resources;
 - (d) one member representing the Ministry responsible for finance;
 - (e) one member representing the Ministry responsible for women, family and community development;
 - (f) not more than two members representing interest of housewives who shall be appointed by the Minister;
 - (g) not more than two other members with experience, knowledge and reasonable expertise on matters relating to the well-being and rehabilitation of housewives, who shall be appointed by the Minister.
- (4) The Minister may revoke the appointment of any member of the Committee appointed under paragraphs (3)(a), (f) and (g).
- (5) Any member appointed by the Minister under paragraph (3)(a), (f) or (g) may, at any time, resign as a member of the Committee by giving written notice to the Minister.
- (6) The members of the Committee shall be paid such allowances and other expenses as the Board may determine.
- (7) The member of the Committee appointed under paragraph (3)(a), (f) or (g) shall hold office on such conditions and for such terms as may be specified in his letter of appointment and is eligible for reappointment for any term as the Minister may determine.

(8) The Committee shall meet at least three times in each year.

(9) The quorum for a meeting of the Committee shall be five persons including the chairman of the meeting.

(10) The Committee may invite any person to attend any meeting of the Committee for the purpose of advising the Committee on any matter under discussion but that person shall not be entitled to vote at the meeting.

(11) Any person invited under subsection (10) may be paid such allowances as the Board may determine.

(12) Subject to this Act, the Committee may determine its own procedures.

(13) The Organization shall appoint a secretary and an assistant secretary to the Committee who shall be from amongst the officers and servants of the Organization.

Establishment of committees

9. (1) The Board may establish any committee as the Board deems necessary or expedient to advise and assist the Board in the performance of its functions and in the exercise of its powers under this Act.

(2) The Board may delegate its functions and powers to any such committee subject to such terms and restrictions as the Board considers fit.

(3) Any committee established under subsection (1)—

(a) shall be chaired by the chairman appointed by the Board;

(b) shall conform to and act in accordance with any direction given to the committee by the Board; and

(c) may determine its own procedure.

(4) The members of the committee established under subsection (1) may be appointed from amongst the members of the Board or such other persons as the Board thinks fit.

(5) The members of the committee may be paid such allowances and other expenses as the Board may determine.

(6) A member of the committee shall hold office on such conditions and for such terms as may be specified in his letter of appointment and is eligible for reappointment for any term as the Board may determine.

(7) The Board may revoke the appointment of any member of the committee.

(8) A member of a committee may, at any time, resign by giving written notice to the Chairman of the Board.

(9) The Board may, at any time, discontinue or alter the constitution of a committee.

(10) A committee shall hold its meetings at such times and places as the Chairman of the committee may determine.

(11) A committee may invite any person to attend any meeting of the committee for the purpose of advising the committee on any matter under discussion but that person shall not be entitled to vote at the meeting.

(12) Any person invited under subsection (11) may be paid such allowances as the Board may determine.

Non-eligibility for appointment as members of Housewives' Social Security Committee or committees

10. The following persons are not eligible to be appointed as or become a member of the Committee, or any committee established under section 9:

- (a) a person who has been convicted of an offence involving fraud, cheating, criminal breach of trust, criminal misappropriation of property or any offence involving dishonesty or moral turpitude and sentenced to imprisonment for a term not less than one month or a fine not less than five thousand ringgit;

- (b) a bankrupt; and
- (c) a person of unsound mind or is otherwise unable to carry out his functions.

Cessation of membership of member of Housewives' Social Security Committee or committees

11. A member of the Committee, or any committee established under section 9, shall cease to be a member if he fails to attend three consecutive meetings without leave of the Chairman of the Committee or committee, as the case may be.

Disclosure of interest

12. If any member of the Committee, or committee established under section 9, has any direct or indirect interest in any matter being considered by the Committee or committee established under section 9, as the case may be, he shall forthwith declare to the Chairman of the Committee or committee accordingly the nature and extent of his interest in the matter and the member shall not be present or take part in any discussion or decision of the Committee or committee established under section 9, as the case may be, about the matter.

PART IV

IMPLEMENTATION, REGISTRATION AND CONTRIBUTION

Implementation of Housewives' Social Security Scheme

13. (1) The Organization shall implement the Scheme to the housewives in the manner as prescribed.

(2) The Organization may carry out any programme or activity, or collaborate with any person for the purposes of—

- (a) implementation of the Scheme including for the payment of contribution under this Act; and
- (b) improvement of health, safety, welfare and well-being of any housewife.

Registration

14. Any housewife, husband or any other person may register the housewife with the Organization for the Scheme in the manner as prescribed.

Contributions

15. (1) The contributions in respect of a housewife who has registered with the Organization in accordance with section 14 shall be paid by her husband to the Organization in the manner as prescribed if the husband elects to pay the contributions in respect of his housewife.

(2) If the husband does not elect to pay such contributions or if the housewife does not have a husband, the contributions in respect of the housewife may be paid by the housewife herself to the Organization in the manner as prescribed.

(3) The contributions payable under this Act shall be paid in advance to the Organization at the rates as specified in the Third Schedule based on the amount of the presumed monthly income of the housewife insured under this Act.

(4) The contributions payable to the Organization for housewives shall be paid in advance for twelve consecutive months to fulfil the contribution period.

(5) Notwithstanding subsection (4), the contributions payable may be made in advance for the following twelve consecutive months in a manner and with effect from the time and date the contribution paid by or on behalf of a housewife and ends at the time and date, as prescribed.

(6) All contributions paid under this section shall not be refundable.

(7) The Minister may revise the rates of the contribution and the presumed monthly income after taking into consideration the sustainability of the Fund including the contribution period.

(8) If the persons referred to in subsection (1) or (2) have an employer, the Organization may, on the request of such persons, instruct an employer to deduct the contributions payable under this section, in a manner as prescribed.

(9) The employer instructed under subsection (8) shall comply with the instruction.

(10) The contributions payable in respect of an insured housewife shall cease when the housewife has attained the age of fifty-five years or dies, whichever is earlier.

(11) A husband who fails to pay contribution in respect of a housewife under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(12) Notwithstanding subsection (11), if the husband is unable to pay the contribution which he elected to pay due to loss of income, or for any other reasons, the husband shall notify the Organization sixty days before the expiry of the existing contribution period in a manner as may be prescribed.

(13) An employer who fails or neglects to carry out the instruction of the Organization under subsection (9) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Continuation of coverage

16. (1) The insured housewife whom contribution has been elected to be paid by her husband shall continue to be covered under this Act until the expiry of the contribution period—

(a) if the insured housewife and the husband divorces;

(b) in the event of death of the husband; or

(c) in the event the husband is unable to pay the contribution which he elected to pay due to loss of income, or for any other reasons.

(2) Upon the expiry of the contribution period mentioned in subsection (1), the housewife shall have the option to continue to pay contribution to the Organization in accordance with subsection 15(2).

Proof of marriage

17. (1) Every housewife or husband to the housewife shall submit to the Organization proof of marriage upon registration or at any time as required by the Organization for the purposes of this Act.

(2) The Organization shall have the power to require any housewife to furnish proof of marriage and refer such information or inquiry to any authority or parties relevant to the status of marriage of the housewife.

Determination of activity relating to management of household

18. (1) The Organization may, based on any information or evidence available to the Organization, determine whether any activity carried out by any insured housewife under this Act relates to management of household.

(2) All claims for benefit in relation to domestic injury, shall be injury suffered within the contribution period and the Organization shall reject the claims if the domestic injury is not within the contribution period.

(3) All claims for benefit in relation to invalidity, shall be invalidity suffered within the coverage period and the Organization shall reject the claims if the invalidity suffered is not within the coverage period.

Power to appoint agent

19. (1) The Organization may appoint such number of agents subject to such terms and conditions to collect and receive payment of contributions on behalf of the Organization.

(2) The agent appointed under subsection (1) shall, as soon as practicable, inform the Organization of the actual time and date of the payment of the contributions made by or on behalf of the insured housewife.

(3) Any agent who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

PART V**BENEFITS****Claim for benefits**

20. (1) Every claim for benefits under this Act shall be submitted in such manner to the Organization with such evidence in support of the claim as prescribed.

(2) A claim for benefits under this Act shall be made—

- (a) in the case of domestic injury, within a period of twelve months from the date of the domestic injury; or
- (b) in the case of invalidity, within a period of twenty-four months from the date the insured housewife becomes invalid.

(3) For the purposes of claim for benefits under this Act, the incident to which the claim relates shall occur within Malaysia.

Approval of claim for benefits

21. (1) A claim for benefits under section 20 shall not be approved by the Organization unless—

- (a) in the case of domestic injury, the date of the occurrence of the domestic injury has been certified by the Organization to be within twelve months before the claim was made; or
- (b) in the case of invalidity, the date the insured housewife becomes invalid has been certified by the medical assessor or the Appellate Medical Board to be within twenty-four months from the date the claim was made.

(2) Notwithstanding subsection (1), the Organization may approve the claim if the Organization finds that there are reasonable grounds to approve the claim where the date of the occurrence of the domestic injury or the date of the housewife becomes invalid is not in accordance with subsection (1).

Benefits

22. (1) Subject to this Act, an insured housewife or their dependants, as the case may be, shall be entitled for disability benefits as follows:

- (a) medical benefit;
- (b) permanent disablement benefit;
- (c) constant attendance allowance;
- (d) survivors' pension;
- (e) funeral benefit.

(2) Subject to this Act, an insured housewife or their dependants, as the case may be, shall be entitled for invalidity benefits as follows:

- (a) morbid allowance;

- (b) constant attendance allowance;
- (c) survivors' pension;
- (d) funeral benefit.

(3) If an insured housewife suffers from end stage renal failure, the Organization may provide financial assistance at the rate as specified in the Fifth Schedule.

(4) A dependant shall not be entitled to any benefit under this Act if the Organization has reasonable grounds to believe that an insured housewife dies as a result of domestic violence committed by the dependant or any other act or omission with intent by or on behalf of the dependant, and the entitlement of that dependant shall not be transferable to any other dependant.

(5) For the purposes of subsection (4), "domestic violence" means the commission of one or more of the following acts:

- (a) causing physical injury to the insured housewife by such act which is known or ought to have been known would result in physical injury;
- (b) compelling the insured housewife by force or threat in engaging in any conduct or act, sexual or otherwise, from which the insured housewife has a right to abstain;
- (c) confining or detaining the insured housewife against the insured housewife's will;
- (d) causing psychological abuse which includes emotional injury to the insured housewife;
- (e) causing the insured housewife to suffer delusions by using any intoxicating substance or any other substance without the insured housewife's consent or if the consent is given, the consent was unlawfully obtained.

Medical benefit

23. (1) An insured housewife whose condition requires medical treatment and attendance, as a result of domestic injury, shall be entitled to receive a medical benefit.

(2) The medical benefit may be given either in the form of outpatient treatment and attendance in a hospital, dispensary, clinic or other institution or by visits to the home of the insured housewife or treatment as inpatient in a hospital or other institution.

(3) No medical benefit shall be provided to an insured housewife for invalidity under this Act unless the medical benefit has been given to the insured housewife due to a domestic injury which subsequently results in such invalidity.

Scale of medical benefit

24. (1) An insured housewife shall be entitled to receive a medical benefit only of such nature and on such scale as prescribed.

(2) An insured housewife shall not have a right to claim any medical treatment except as provided by a hospital, dispensary, clinic or other institution to which she is allotted by the Organization, or as prescribed.

(3) Nothing in this Act shall entitle an insured housewife to claim reimbursement from the Organization for any expenses incurred in respect of any medical treatment, except as prescribed.

(4) For the purposes of the medical benefit payment and reimbursement, the Organization may request from a hospital, dispensary, clinic or other institution to furnish medical record and statistical returns of any insured housewife.

Permanent disablement benefit

25. (1) Subject to this Act and as may be prescribed, an insured housewife who suffers one or more permanent disablement, as a result of one or multiple domestic injury, shall be entitled to receive a lump sum payment up to the maximum amount according to the Second Schedule.

(2) For the purposes of subsection (1), where such permanent disablement has been assessed by the medical assessor or the Appellate Medical Board, the benefit shall be payable for that contribution period.

Payment of permanent disablement benefit

26. Where the loss of ability capacity of an insured housewife to manage household due to a domestic injury has been assessed by the medical assessor or the Appellate Medical Board in accordance with the percentage as specified in the third column of the Second Schedule, an insured housewife shall receive a lump sum payment up to the maximum amount according to the fourth column of the Second Schedule.

Payment of benefit upon death of insured housewife

27. If an insured housewife has submitted a claim for permanent disablement benefits or morbid allowance under this Act and dies after her claim is approved by the Organization but before the payment of permanent disablement benefit or morbid allowance is made to her, there shall be no permanent disablement benefit or morbid allowance, whichever is relevant, payable to the beneficiary or estate of the deceased insured housewife or her dependants.

Incident while engaging in illegal act

28. (1) The Organization shall reject any claim for benefits or to cease any payment of benefit if the Organization is satisfied that an incident happened to an insured housewife while she—

(a) is travelling or preparing to commit an illegal act; or

(b) has committed, abetted or engaged in an illegal act.

(2) For the purposes of subsection (1), the Organization has the right to suspend any claim for benefits or payment of benefit up to a maximum period of six months to investigate into such activities before making any determination for the rejection.

(3) The Organization may further suspend any claim for benefits or payment of benefit if the Organization has found any fresh evidence for further investigation of such matter and to determine accordingly.

Funeral benefit

29. (1) If an insured housewife dies before she attains the age of fifty-five years, a funeral benefit of an amount as specified in the Sixth Schedule shall be paid to one of the following persons:

- (a) the widower;
- (b) the eldest surviving son or adopted son;
- (c) the eldest surviving daughter or adopted daughter; or
- (d) the parent (if there are both parents, the parents share equally the funeral benefit).

(2) Where there are no such persons as mentioned in paragraph (1)(a), (b), (c), or (d), any other person who actually incurs the expenditure of the funeral shall be paid the expenses of the funeral benefit of the deceased insured housewife or the amount as prescribed by the Minister, whichever is the lesser.

(3) For the purposes of subsection (2), the decision of the Director General or that of an officer authorized by him on the question of to whom the payment of funeral benefit shall be final.

Constant attendance allowance

30. (1) An insured housewife who is entitled to a permanent disablement benefit or morbid allowance shall also be entitled to a monthly constant attendance allowance at the rate and for the period as specified in the Seventh Schedule, if and so long as she is so severely incapacitated as to constantly require the personal attendance of another person.

(2) For the purposes of subsection (1), the payment of constant attendance allowance to an insured housewife shall cease when she attains the age of fifty-five years or dies, whichever is earlier.

(3) The existence of the degree of incapacity qualifying an insured housewife for a constant attendance allowance shall be certified by the medical assessor or the Appellate Medical Board, in such manner as prescribed.

(4) If an insured housewife is entitled to claim for monthly constant attendance allowance under this Act and under any other Act administered by the Organization, the insured housewife shall be entitled to receive only one monthly constant attendance allowance.

Morbid allowance

31. (1) Subject to this Act and as may be prescribed, an insured housewife who suffers from invalidity shall be entitled to receive morbid allowance in accordance with the Fourth Schedule after the invalidity is determined by a medical assessor or Appellate Medical Board, as the case may be, if the invalidity is certified to be suffered within the coverage period and the insured housewife has fulfilled the conditions of the coverage period.

(2) If the insured housewife is entitled for morbid allowance under this Act and invalidity pension or similar benefit under any other Act administered by the Organization for the same morbid condition, the insured housewife shall be entitled to choose only one benefit, either morbid allowance or invalidity pension or other similar benefit.

Insured housewife suffering from invalidity

32. (1) An insured housewife shall be considered as suffering from invalidity, if, by reason of a specific morbid condition of permanent nature, she is incapable of engaging in any substantial activity of a housewife.

(2) For the purposes of subsection (1)—

- (a) a morbid condition shall be deemed to be of permanent nature if it is either incurable or is not likely to be cured;
- (b) an insured housewife shall be deemed to be incapable of engaging in substantial activity of a housewife, if in consequence of the specific morbid condition of sickness

or infirmity, she is no longer capable of carrying out any of the activity of a housewife corresponding to her strength and physical ability which might reasonably be performed by her; or

- (c) in determining whether an insured housewife is suffering from invalidity, account shall be taken of any permanent improvement in the state of her invalidity which results or is expected to result from such measures of physical rehabilitation as may be offered to her by the Organization at no cost.

(3) If an insured housewife has been certified by medical assessor or Appellate Medical Board to be invalid prior to any coverage period, the insured housewife shall not be entitled to any morbid allowance.

Eligibility of insured housewife for morbid allowance

33. (1) Subject to this Act, an insured housewife suffering from invalidity as defined in section 32 shall, unless she has attained fifty-five years of age, be entitled to receive morbid allowance if the invalidity is certified by medical assessor or Appellate Medical Board to be suffered within the coverage period.

(2) If the insured housewife's invalidity has commenced earlier than the date the notice of invalidity is received by the Organization in accordance with the regulations, the date on which the notice of invalidity is received by the Organization, shall be the date of commencement of her invalidity.

(3) If an insured housewife had submitted a notice of invalidity and the notice has been rejected by the Organization on account that the invalidity was not suffered within the coverage period and thereafter the insured housewife submits a subsequent notice of invalidity, the date of the subsequent notice of invalidity received by the Organization shall be treated, for the purposes of subsection (2), as the date on which she has submitted a notice of invalidity.

Payment of morbid allowance

34. (1) Morbid allowance shall accrue from the day a notice of invalidity is received by the Organization in accordance with the regulations and shall cease on the day following the day—

- (a) the insured housewife's invalidity ceases; or
- (b) the insured housewife attains the age of fifty-five years or dies,

whichever is earlier.

(2) The daily rate of morbid allowance shall be the amount of the monthly rate of morbid allowance paid or payable to the insured housewife, divided by the number of days in the month in which the morbid allowance accrues or the invalidity ceases or the insured housewife attains the age of fifty-five years or dies, whichever is earlier.

Rate of morbid allowance

35. (1) If an insured housewife has been certified by medical assessor or Appellate Medical Board to be invalid within any coverage period, the rate of monthly morbid allowance shall equal to fifty per cent of her presumed monthly income.

(2) For the purposes of subsection (1)—

- (a) “presumed monthly income” refers to the average presumed monthly income corresponding to the last twelve monthly contributions in respect of the insured housewife which have been paid immediately before the month in which she submits a notice of invalidity in accordance with the regulations; and
- (b) presumed monthly income to which a monthly contribution corresponds shall be as specified in the Third Schedule.

Survivors' pension

36. (1) If an insured housewife who is in receipt of morbid allowance, or if she has not attained fifty-five years of age but is within coverage period, dies or if an insured housewife dies as a result of a domestic injury suffered within the contribution period, survivors' pension at the rates specified in the Fourth Schedule shall be payable—

- (a) to the widower until he remarries, or attains the age of fifty-five years or dies, whichever is earlier:

Provided that if a widower is entitled to more than one survivors' pension under this Act and under any other Act administered by the Organization, he shall be paid only one pension, being the pension with the higher rate; and

- (b) to each child until marriage or until he attains the age of twenty-one years, whichever is earlier:

Provided that in the case of a child referred to in paragraph (b) of the definition of "child" in section 3, survivors' pension shall continue to be paid so long as he is incapable of supporting himself or until he attains the age of fifty-five years, whichever is earlier:

Provided further that the Organization may continue such pension to a child who is in receipt of education in any institution of higher education but not beyond the first degree until he completes or ceases to receive such education or until he marries, whichever is earlier.

(2) If an insured housewife who is in receipt of morbid allowance, or if an insured housewife who has not attained fifty-five years of age but is within coverage period, dies or if an insured housewife dies as a result of a domestic injury suffered within the contribution period, and does not leave a widower or a child, survivors' pension shall be payable to the insured housewife's parent until the parent attains the age of fifty-five years or dies, whichever is earlier, at the rates specified in the Fourth Schedule.

(3) The survivors' pension shall accrue from the date of the death of the insured housewife who is in receipt of morbid allowance or the insured housewife who has not attained fifty-five years of age but is within coverage period or the insured housewife who suffered domestic injury within contribution period.

Facilities for physical rehabilitation or dialysis

37. (1) An insured housewife who has been certified to suffer from invalidity or permanent disablement may be provided with facilities for physical rehabilitation, or dialysis by the Organization, subject to the maximum amount as specified in the Eighth Schedule.

(2) The facilities referred to in subsection (1) shall be of such nature and on such scale, and on such terms and conditions, as prescribed.

(3) The insured housewife under subsection (1) may, if her condition so requires, be provided and fitted with, at no cost, prosthetic, orthotic or other appropriate appliances as may be determined by the Organization and such appliances may be renewed, when necessary, at no cost.

(4) The insured housewife who has to undergo physical rehabilitation or dialysis may be paid or reimbursed, as prescribed.

Payment for travelling and other allowances

38. The insured housewife may be paid travelling and other allowances or other expenses on such scale and subject to such terms and conditions as prescribed, if—

- (a) the insured housewife is called to appear before the medical assessor, or is called to appear before the Appellate Medical Board in the event of an appeal by the Organization before the Appellate Medical Board, in connection with the determination of the question of permanent disablement or invalidity; or
- (b) the insured housewife is required by the Organization, medical assessor or the Appellate Medical Board to attend physical rehabilitation or dialysis.

Benefits not assignable or attachable

39. (1) The right to receive any benefit under this Act shall not be transferable or assignable.

(2) No benefits payable under this Act shall be liable to attachment by any decree or order of any court.

Insured housewife claiming for permanent disablement benefit or morbid allowance to observe conditions

40. An insured housewife who is claiming for permanent disablement benefit or morbid allowance shall attend and allow herself for such medical or other examination as the Organization, the medical assessors or the Appellate Medical Board may consider necessary for ratification and certification of her disability or invalidity.

Recipient of benefits to observe conditions

41. (1) An insured housewife who is claiming or in receipt of benefits—

- (a) shall remain under medical treatment at a hospital, dispensary, clinic or other institution provided under this Act and shall carry out the instructions given by a medical officer or medical attendant in charge of it;
- (b) shall not do anything which might prejudice her chances of recovery while under treatment or physical rehabilitation;
- (c) shall not leave the area in which medical treatment is provided under this Act without the permission of a medical officer as prescribed; and
- (d) shall allow herself to be examined by any duly appointed medical officer or other person authorized by the Organization in this behalf.

(2) An insured housewife who is claiming or in receipt of such benefit shall attend to the health screening or health program as instructed by the Organization which shall be provided by the Organization at no cost.

(3) Any benefit may be suspended, if an insured housewife who is claiming or in receipt of such benefit fails to comply with any of the requirements of subsection (1) or (2), and such suspension shall be for such number of days as may be determined by the Organization.

Obligation of reporting of change in condition, etc.

42. A person in receipt of any benefit under this Act shall report to the Organization as soon as possible, every event or fact which affects or is likely to affect her continued right to the benefit or the rate of the benefit.

Right of Organization to recover benefit or money

43. (1) Where any person is found guilty of an offence under section 78 or 79, the Organization shall have the right to recover all the amount of benefit or any money paid to such person under this Act by the Organization.

(2) The amount recoverable under this section may be recovered as a civil debt due to the Organization.

Insured housewife who has more than one contribution

44. An insured housewife who has contribution under this Act and under any other Act administered by the Organization, whether for the same period or not, the insured housewife or her dependant shall be entitled to receive only one benefit in respect of the same permanent disablement or invalidity.

Insured housewife who is entitled to disability and invalidity benefits

45. If an insured housewife is entitled to both disability and invalidity benefits due to the same disablement under this Act, she shall be entitled to receive only one benefit under this Act in a manner as prescribed.

PART VI

DETERMINATION, REVIEW AND APPEAL

Determination of question of invalidity or permanent disablement

46. (1) A medical assessor shall examine the claimant for benefit and determine, with available evidence to his satisfaction and in the manner as prescribed, any question—

- (a) whether the relevant accident, incident or disease has resulted in the invalidity;
- (b) whether the relevant domestic injury has resulted in permanent disablement; or
- (c) whether the extent of loss of ability capacity of an insured housewife to manage household can be assessed based on functional assessment for the purpose of disablement benefit and the extent of such loss of ability capacity.

(2) A medical assessor shall send a report of his examination and determination to the Organization in the manner as may be determined by the Organization.

Reference to medical assessor and appeal to Appellate Medical Board

47. (1) The Organization shall refer all questions of invalidity and permanent disablement to a medical assessor for determination.

(2) If the claimant for benefit or the Organization is not satisfied with the determination of a medical assessor, the claimant for benefit or the Organization may appeal, in the manner and time as prescribed, to the Appellate Medical Board.

(3) The claimant for any benefit may be called to appear before a medical assessor or, in the event of an appeal by the Organization, before the Appellate Medical Board, in connection with the determination of the question of invalidity or the question of permanent disablement, and may be paid travelling allowances, other allowances and other expenses incurred by her in connection with such appearance in such cases and on such scale and subject to such conditions as may be prescribed by the regulations.

Claimant for benefits incapable of being examined by medical assessor or the Appellate Medical Board

48. Where a claimant for benefits having submitted her claim for benefits to the Organization for determination of permanent disablement or invalidity, in accordance with this Act, is of unsound mind, becomes ill or for any other reasons is incapable of being examined by a medical assessor or the Appellate Medical Board, the Organization shall, subject to any available medical evidence to its satisfaction, refer such case to the medical assessor or the Appellate Medical Board for determination of permanent disablement or invalidity, as the case may be, as prescribed.

Review of determination by medical assessor or the Appellate Medical Board

49. (1) The Organization or claimant for benefit may apply for review any determination of invalidity or permanent disablement to a medical assessor or the Appellate Medical Board.

(2) Any determination under this Act by a medical assessor or the Appellate Medical Board may be reviewed at any time by the medical assessor or the Appellate Medical Board, if the medical assessor or the Appellate Medical Board is satisfied by fresh evidence that the determination was given in consequence of a non-disclosure or misrepresentation by an insured housewife or any other person of a material fact whether the non-disclosure or misrepresentation was or was not fraudulent.

(3) Any determination of the extent of the invalidity, or permanent disablement resulting from the relevant injury may also be reviewed by a medical assessor or the Appellate Medical Board, if the medical assessor or the Appellate Medical Board is satisfied that since the making of the determination, there has been a substantial and unforeseen aggravation of the extent of the invalidity, or permanent disablement resulting from the relevant injury.

(4) Notwithstanding subsection (3), the determination shall not be reviewed unless the medical assessor or the Appellate Medical Board is of the opinion that, having regard to the period taken

into account by the determination, substantial injustice will be done by not reviewing the determination.

(5) Except with leave of the Appellate Medical Board, the determination shall not be reviewed under subsection (3) on any application for review made less than twelve months from the date of the determination.

(6) Subject to subsection (5), a medical assessor or the Appellate Medical Board may deal with a case of review in any manner in which the medical assessor or the Appellate Medical Board could deal with it on an original reference to the medical assessor or the Appellate Medical Board.

(7) Section 47 shall apply to an application for review under this section.

Review of morbid allowance

50. Subject to this Act and the regulations, the Organization may review the payment of any morbid allowance to any housewife and as a result of such review may increase, continue, reduce or discontinue such allowance.

Suspension and cessation of morbid allowance

51. (1) The Organization may suspend the morbid allowance if and so long as the recipient—

(a) fails to appear, without good cause, when directed, before the medical assessors or any other authority for verification of the existence or the continued existence of her invalidity;

(b) refuses or neglects without good cause to comply with any directive issued to her by or on behalf of the Organization with regard to any process of physical rehabilitation which she is required to undergo at no cost; or

- (c) fails, without good cause, to submit herself to any free medical treatment including fitting of prosthetic appliances offered by the Organization for her invalidity or fails to carry out any instructions of the medical officer in whose care she is placed:

Provided that she shall not be required to undergo any operation that is capable of endangering her life or health.

(2) The Organization may cease the payment of morbid allowance if the Organization is satisfied that—

- (a) the recipient or any person in connection with the morbid allowance has fraudulently acted towards the Organization in connection with any claim which she has made or any payment which she has received;
- (b) the recipient is preparing to commit or abetting in an illegal act; or
- (c) the recipient has committed or engaged in an illegal act.

PART VII

FINANCIAL PROVISIONS

Housewives' Social Security Fund

52. (1) A fund to be known as the "Housewives' Social Security Fund" is established and shall be administered and controlled by the Organization.

(2) The Fund shall consist of—

- (a) contributions by or on behalf of a housewife;
- (b) rents, interests, dividends and any other incomes derived from the assets of the Fund;
- (c) sums accruing to the Fund under this Act including the repayment of benefits;

- (d) moneys borrowed by the Organization under this Act;
- (e) fees;
- (f) moneys derived as income from the investment by the Organization under this Act;
- (g) moneys received by the Organization by way of grants, donations and gifts for the purposes of this Act;
- (h) moneys derived from the sale, disposal, lease or hire of, or any other dealing with, any property, mortgage, charge or debenture transferred to, vested in or acquired by the Organization;
- (i) other moneys and properties which may, in any manner, become payable to or vested in the Organization in respect of the performance of its functions and the exercise of its powers;
- (j) any costs paid to or recovered by the Organization in any settlement of action or proceedings, civil or criminal; and
- (k) all other moneys and properties lawfully received by the Organization.

Expenditure to be charged on Fund

53. The Fund shall be expended for the following purposes:

- (a) the payment of benefits and provision of medical treatment and attendance to insured housewives or to their dependants;
- (b) the establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical services including any other ancillary services for the benefit of insured housewives;
- (c) the payment to the Government, local authority or any private body or individual for the costs of medical treatment and attendance, facilities for physical rehabilitation or dialysis provided to insured housewives;

- (d) the payment to the Government, local authority or any private body or individual for the costs of renting or purchasing any building and equipment in relation to medical treatment, facilities for physical rehabilitation or dialysis;
- (e) the payment of expenses or costs incurred by the Organization in relation to the Tribunals, Appellate Medical Boards, medical assessors and agents for the purposes of this Act;
- (f) the payment of expenses or moneys required to satisfy any judgment, decision or award by any court or tribunal against the Organization, the Chairman of the Board or the Committee or committees, Director General, Deputy Directors General, any of the members of the Board or committees, Inspector, and officers and servants of the Organization in respect of any act, neglect or default done or committed in the performance of the functions or the exercise of the powers of the Organization;
- (g) the payment of allowances and other expenses to the members of the Board, the Committee and committees;
- (h) the payment of legal fees and other charges for instituting or defending any civil or criminal proceedings arising out of any action taken under this Act or any regulations made under this Act;
- (i) the defrayment of expenditure on measures for the improvement of the health, safety, welfare and well-being of insured housewives or dependants or any housewife and for the rehabilitation of insured housewives who have been disabled or injured;
- (j) the repayment of moneys borrowed under this Act and the interest or profit due on the borrowed moneys;
- (k) the establishment or taking over of a company under this Act and its maintenance; and
- (l) the payment of other expenses and expenditure as may be permitted by this Act or any regulations made under this Act, or incurred in the performance of the functions or the exercise of the powers of the Organization.

Expenditure on administration

54. (1) Notwithstanding section 53, expenditure may be incurred by the Organization out of the Fund up to such amount as the Minister may authorize as prescribed, for any one year, for carrying on the administration of the Scheme for the following purposes:

- (a) paying for salaries, bonus, leave and transfer expenses, travelling and compensatory allowances, gratuities and compassionate allowances, contribution to the benefit fund, welfare and recreation of the officers and servants of the Organization including the granting of loans and advances, and expenditure in respect of offices and payment of other services provided under this Act or any regulations made under this Act;
- (b) paying for fees and other remunerations to any auditor, actuary, agent, technical adviser, banker, stockbroker, surveyor, consultant or any other persons engaged to carry into effect the purposes of this Act; and
- (c) purchasing or hiring equipment, machinery and any other things including renting of any building or premise in the performance of its functions and in the exercise of its powers under this Act or any regulations made under this Act.

(2) The Board may, subject to such conditions, limitations or restrictions as the Board thinks fit, delegate to the Chairman of the Board, Director General, Deputy Directors General, any of the members of the Board, the Committee or committees, Inspector, or officers and servants of the Organization, the authority to sanction expenditure from the Fund or any other moneys vested in and under the control of the Board up to such limit as the Board may determine.

Power to accept grants, donations, etc.

55. (1) The Organization may accept grants, donations and gifts or bequests made to or in favour of the Fund.

(2) The Organization may expand the grants, donations and gifts or bequests for the purposes of corporate social responsibility related to the health, safety, welfare and well-being of housewives.

Power to invest

56. (1) For the purposes of this section—

“debentures” includes debenture stock, bond, note or other securities or obligations of a company, whether constituting a charge on the assets of the company or not and also includes the right to subscribe for any debenture;

“shares” means the paid-up shares whether fully paid or not in the share capital of a company and includes stocks and rights to subscribe for any stock or shares.

(2) The moneys in the Fund shall, in so far as the moneys are not immediately required to be expended by the Organization under this Act or any regulations made under this Act, be invested subject to such terms and conditions as determined by the Minister after consultation with the Minister of Finance as follows:

- (a) in investments or securities authorized for the investment of trust funds by any written law;
- (b) in investment in shares and debentures in any public company the prices of which are quoted or sought to be quoted on the stock exchange established in Malaysia; and
- (c) in such other investments or securities as the Board may decide based on the recommendation by the Committee.

(3) The investments made under subsection (2) may be varied, transposed or realized from time to time.

(4) The Minister may at any time, after consultation with the Minister of Finance, direct the vacation in part or in whole, or prohibit investment, in any security.

(5) The power to invest under subsection (2) shall vest on the Committee, subject to such directions as may be issued by the Board.

(6) The Organization shall, with the approval of the Board and after consultation with the Minister of Finance, determine the procedure for investment of the Fund including its transfer

or realization, the bank in which the Fund may be deposited, the raising and repayment of loans and the financial control and procedures.

Power to borrow

57. (1) The Organization may, with the consent of the Minister and Minister of Finance, borrow any money required by the Organization for meeting any of its obligations or performing any of its functions at such rate of interest and for such period and upon such terms and conditions as to the time and method of repayment and otherwise as the Minister may approve, except for the purposes of payment of benefit under this Act.

(2) No moneys from any fund administered by the Organization under any other written law may be utilized for the purpose of borrowing under subsection (1).

Annual estimates

58. (1) The Organization shall in each year prepare a budget showing the probable receipts and the estimate of the expenditure of the Organization for the ensuing year containing such adequate particulars as the Minister may determine for the discharge of the liabilities incurred by the Organization and for the maintenance of a working balance under this Act.

(2) The budget shall be submitted for the approval of the Minister before such date as he may fix.

Accounts and reports

59. The Organization shall cause proper accounts of the Fund and proper records of its activities to be kept and shall, as soon as practicable after the end of each financial year, cause to be prepared for that financial year—

(a) a statement of accounts of the Organization which shall include a balance sheet and an account of income and expenditure; and

(b) a report of the works and activities of the Organization.

Audit

60. (1) The accounts of the Organization shall be audited annually by the Auditor General.

(2) The Auditor General or any person authorized by him shall at all reasonable times have access to the books, accounts and other documents of the Organization and may, for the purposes of an audit, require any explanation and information from, or examine, any officer and servant of the Organization.

(3) The Board shall forward to the Minister a copy of the auditor's report and any observations together with an audited copy of the accounts of the Organization.

(4) The Minister may direct the Board to send a copy of the auditor's report and any statement of accounts to any Government department and such statement of accounts to the Auditor General as necessary.

Annual report

61. The Board shall submit to the Minister the annual report of the works and activities of the Organization before 30 June the following year unless otherwise extended by the Minister.

Annual report and audited accounts to be laid

62. The Board shall cause the annual report and the audited accounts of the Organization to be laid before each House of Parliament.

Valuation of assets and liabilities

63. (1) The Board shall, in every five years, cause an actuarial review to be carried out on the implementation of the Scheme under this Act, involving a valuation of the assets and liabilities of the Organization, and such report shall be submitted to the Minister.

(2) Notwithstanding subsection (1), the Minister may direct that such actuarial review and the valuation of the assets and liabilities to be made at any other time as he considers necessary.

Imposition of surcharge

64. (1) Any person who is or was in the employment of the Organization may be surcharged if it appears to the Board that the person—

- (a) is or was responsible for any improper payment of moneys from the Fund or for any payment of such moneys which is not duly vouched;
- (b) is or was responsible for any deficiency in, or for the destruction of, any moneys, securities, stores or other properties of the Organization;
- (c) being or having been an accounting officer, fails or has failed to keep proper accounts or records; or
- (d) has failed to make any payment, or is or was responsible for any delay in the payment of money from the Fund to any person to whom such payment is due under any contract, agreement or arrangement entered into between that person and the Organization.

(2) The Board shall, before a person is surcharged under subsection (1), serve on him a notice in writing calling on him to show cause why he should not be surcharged.

(3) If a satisfactory explanation is not received within thirty days from the date of service of the notice under subsection (2), the Board may—

- (a) in the case of paragraphs (1)(a) and (b), surcharge against the person, a sum not exceeding the amount not collected, or of the improper payment made, or of the deficiency in the value of, or loss of, the moneys, securities, stores or other properties of the Organization; and
- (b) in the case of paragraphs (1)(c) and (d), surcharge against the person such sum as the Board thinks fit.

(4) The Board shall cause the Director General to be notified of any surcharge made under subsection (1) and the Director General shall thereupon notify the person surcharged.

(5) Notwithstanding subsections (3) and (4), the Board may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and the Board shall cause the Director General to be notified of the withdrawal and the Director General shall thereupon notify the person surcharged.

(6) The amount of any surcharge made under subsection (3) and not withdrawn under subsection (5) shall be a civil debt due to the Organization from the person surcharged and may be sued for and recovered in any court at the suit of the Organization and may also if the Board so directs be recovered by deduction—

(a) from the salary of the person surcharged; or

(b) from the pension of the person surcharged,

by equal monthly instalments not exceeding one-fourth of the total monthly salary or pension of that person, as the case may be.

PART VIII

THE HOUSEWIVES' SOCIAL SECURITY TRIBUNAL

Housewives' Social Security Tribunal

65. (1) The Minister shall, by notification in the *Gazette*, constitute a Housewives' Social Security Tribunal for such State or area, as may be specified in the notification.

(2) The Tribunal shall be presided by a Chairman appointed by the Minister upon such terms and conditions as the Minister may determine.

(3) A person is qualified for an appointment as a Chairman under subsection (2) if—

(a) he is a citizen; and

- (b) for the ten years preceding his appointment, he has been—
- (i) a member of the judicial and legal service of the Federation;
 - (ii) an advocate and solicitor within the meaning of the Legal Profession Act 1976 [*Act 166*];
 - (iii) an advocate within the meaning of the Advocates Ordinance of Sabah [*Sabah Cap. 2*]; or
 - (iv) an advocate within the meaning of the Advocates Ordinance of Sarawak [*Sarawak Cap. 110*].

Matters to be decided by Tribunal

66. (1) The Tribunal shall have the power to decide in respect of any question, dispute, claim or appeal referred to the Tribunal by any person relating to the following matters:

- (a) whether any person is a housewife, dependant or insured housewife within the meaning of this Act;
- (b) whether any accident or incident caused any injury to the insured housewife within the meaning of this Act;
- (c) whether any accident, incident or disease suffered by any insured housewife is a domestic injury within the contribution period;
- (d) the rate of contribution paid in advance and payment of contribution of any insured housewife for the purposes of this Act;
- (e) the right or eligibility of any insured housewife to any benefit including the amount and the duration of such benefit;
- (f) any direction or instruction issued by the Organization, under this Act or any regulations made under this Act;

- (g) any claim by the Organization against any person to recover any benefit which has been paid out not in accordance with this Act;
- (h) any other matter which is in dispute between an insured housewife, dependant or any person and the Organization in respect of coverage, contributions, benefits or other money payable or recoverable under this Act or any regulations made under this Act; or
- (i) any other matters required to be or which may be decided by the Tribunal under this Act or any regulations made under this Act.

(2) If in any proceedings before the Tribunal, a question of permanent disablement or invalidity, injury or disease arises and the determination by a medical assessor or the Appellate Medical Board has not been obtained although it is necessary for the decision of the claim or question before the Tribunal, the Tribunal shall direct the Organization to submit the question of permanent disablement or invalidity, injury or disease for determination by a medical assessor or the Appellate Medical Board and may proceed to decide on any other question, dispute, claim or appeal before the Tribunal and decide on the question of permanent disablement or invalidity, injury or disease in accordance with the determination of medical assessor or the Appellate Medical Board, as the case may be.

(3) No civil court shall have jurisdiction to decide or deal with any question, dispute, claim or appeal referred to in subsection (1), or to adjudicate on any liability which is to be decided by the Tribunal under this Act or any regulations made under this Act.

(4) The Tribunal shall only decide on any question, dispute, claim or appeal arises under this Act or any regulations made under this Act and not under any other written law.

(5) The Tribunal and civil court shall have no jurisdiction to decide or deal with any question or dispute which, by or under this Act, is to be decided by the medical assessor or the Appellate Medical Board.

Institution of proceedings, etc.

67. (1) All proceedings before the Tribunal shall be instituted in the Tribunal established for the area where the insured housewife resides in Malaysia at the time of the question, dispute, claim or appeal arises.

(2) The Chairman of the Tribunal may, upon application made by the parties to the Tribunal, transfer any matter pending before him in a State or area to any other Tribunal in another State or area and shall give his reasons for allowing or not allowing the application for transfer.

(3) The Tribunal to which any matter or proceedings is transferred under subsection (2) shall continue to decide on the matter or proceedings as if the matter or proceedings had been originally instituted in such Tribunal.

Commencement of proceedings

68. (1) Any proceedings before the Tribunal shall be commenced by an application made within a period of three years from the date on which the cause of action arose.

(2) The application referred to in subsection (1) shall be made in such manner as may be determined by the Organization and be accompanied by a fee.

(3) For the purposes of subsection (1)—

(a) the cause of action in respect of a claim for benefits shall be deemed to arise from the date the written decision of the Organization on such claim is received by the following person:

(i) the insured housewife;

(ii) in relation to survivors' pension, the dependant of the insured housewife; or

(iii) in relation to funeral benefit, the claimant;

- (b) the cause of action in respect of any claim by the Organization for recovering benefits from an insured housewife, her dependants or any other person shall be deemed to arise from the date of the evidence of benefits have been paid due to mistake or fraud appear.

Powers of Tribunal

69. (1) The Tribunal shall have all the powers of a Sessions Court Judge for the purpose of summoning and enforcing the attendance of witnesses, the discovery and production of documents and material objects, administering oath and recording evidence.

(2) All costs incidental to any proceedings before a Tribunal shall subject to the discretion of the Tribunal.

(3) An order of the Tribunal shall be enforceable as if it was a judgment of a Sessions Court.

Representation in proceedings before Tribunal

70. Any person may, at any proceedings before the Tribunal except the appearance of the person for the purposes of his examination as a witness, appear personally or be represented by a legal practitioner, or by any person authorized in writing by the person, or where there is no authorization in writing, by any person allowed by the Tribunal to appear on behalf of the person.

Benefit not paid for non-compliance of Act or regulations

71. (1) A Tribunal shall not direct the payment of any benefit to an insured housewife or dependant, as the case may be, unless the insured housewife or dependant has made a claim for such benefit in accordance with this Act or any regulations made under this Act.

(2) Notwithstanding subsection (1), the Tribunal may direct the payment of the benefit if the Tribunal is satisfied that there was reasonable excuse for not making a claim for the benefit in compliance with this Act or any regulations made under this Act.

Reference to High Court

72. The Tribunal may submit any question of law for the decision of the High Court and shall decide the question pending before the Tribunal in accordance with such decision.

Appeal

73. (1) No appeal shall be made to the High Court against an order of the Tribunal unless it involves a question of law or a mixed question of law and fact.

(2) The appeal referred to in subsection (1) shall be made within sixty days from the date of the written order is made by the Tribunal.

Stay of payment pending appeal

74. Where the Organization has made an appeal against an order of the Tribunal, the Tribunal may, and if directed by the High Court shall, pending the decision of the appeal, withhold the order appealed against relating to the payment of any sum of money.

PART IX

ENFORCEMENT AND INVESTIGATION

Powers of enforcement, inspection and investigation

75. (1) The Director General may, in writing, direct any Inspector to exercise his powers and perform his functions conferred by the Employees' Social Security Act 1969 for carrying into effect the purposes of this Act.

(2) The Inspector shall have all the powers of a police officer of whatever rank as provided for under the Criminal Procedure Code [*Act 593*], except the power to arrest without warrant, in relation to enforcement, inspection and investigation, and such powers shall be in addition to the powers conferred by this Act and not in derogation thereof.

(3) The Inspector may examine any person if the Inspector has reasonable grounds to believe that the person has relevant information or document relating to any managing household activity.

(4) The Director General and Deputy Directors General shall have all the powers of the Inspector under this Act or any regulations made under this Act.

Power to require information and conduct inspection

76. (1) For the purpose of obtaining information as to whether any person has made payment of contributions or any other information relating to a claim of benefits under this Act, the Director General or the Inspector may, by notice in writing, require any person who he has reasonable grounds to believe that the person has any information or document, or is capable of giving any evidence, that is relevant to the payment of contributions or to the claim of benefits under this Act—

- (a) to provide such information to the Director General or the Inspector within such time as may be specified in the notice; or
- (b) to attend personally before the Director General or the Inspector and to produce for examination any book, account, record or other documents including electronic record as the Director General or the Inspector deems necessary.

(2) Where it appears to any Magistrate upon written information on oath and after such enquiry as he thinks necessary that there is reasonable grounds to believe that in any place or building there is any book, account, record or other documents including electronic record the production of which has been required under subsection (1) but has not been produced, such Magistrate may issue a warrant authorizing the Director General, the Inspector or any officer of the Organization authorized by the Director General, with or without assistance, enter the place or building, by force if necessary, and inspect the place or building, seize, take possession of and detain any book, account, record or other documents including electronic record.

(3) Any person who fails to comply with subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Obstructing, etc., Director General, Deputy Directors General or Inspector

77. Any person who—

- (a) fails to comply with any direction given by the Director General, any Deputy Directors General or Inspector while exercising his powers and performing his functions under this Act or any regulations made under this Act; or
- (b) in any way assaults, hinders or obstructs the Director General, any Deputy Directors General or Inspector while exercising his powers and performing his functions under this Act or any regulations made under this Act,

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

PART X

OFFENCES AND PENALTIES

Giving false or misleading information or document

78. Any person who—

- (a) provides or causes any person to provide any information or document to the Organization which he knows or has reason to believe is false or misleading; or
- (b) makes in writing or signs any declaration, form, report, certificate or other document required by this Act or any regulations made under this Act which is untrue or incorrect in any material particular,

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

Fraud or forgery in connection with payment of contributions or claim for benefits

79. Any person who commits or conspires to commit any act of fraud or forgery in connection with the payment of contributions or a claim for benefits commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding ten thousand ringgit or to both.

Court's order in respect of contributions or benefits due and payable to Organization

80. (1) Any person who has been found guilty of any offence under section 78 or 79 and cause any non-payment of contributions to the Organization or cause any payment under this Act to be improperly received, the court before which the person is found guilty shall order such person to pay to the Organization the amount of any contribution or payment, together with any interest credited on such amount, due and payable to the Organization.

(2) The amount of any contribution or payment referred to in subsection (1) shall be certified by an officer of the Organization authorized by the Director General to be due from such person prior to the date of such finding of guilt and the certification of the authorized officer shall be *prima facie* evidence of the amount due and payable to the Organization.

(3) Where any person has been found guilty of an offence under section 78 or 79 relating to the content of any document or report produced to the Organization, the court before which the person is found guilty may order such person to submit the required document or report within the time determined by the court.

(4) The amount of any contribution or payment referred to in subsection (1) shall be recoverable in the same manner as, and shall be appealable as if it was, an order for payment of compensation under section 426 of the Criminal Procedure Code, except where

the court directs payment of the sum of money to be made by instalments, the court shall direct that the sum of money be paid in not more than six instalments within six months.

Copy of entry to be *prima facie* evidence and production of documents

81. (1) In any legal proceedings under this Act, a copy of any entry in the accounts of the Organization duly certified by an officer of the Organization authorized by the Director General shall be *prima facie* evidence of such entry having been made and of the truth of the contents of the entry.

(2) The court may, upon application by the Public Prosecutor, require any person to produce any document which is in his possession and relevant to the case, and such documents shall be produced within the time specified by the court.

Prosecution

82. No prosecution shall be instituted for any offence under this Act or any regulations made under this Act except by or with the consent in writing of the Public Prosecutor.

Compounding of offences

83. (1) The Minister may, with the approval of the Public Prosecutor, make regulations prescribing—

- (a) any offence under this Act or any regulations made under this Act as an offence which may be compounded; and
- (b) the method and procedure for compounding such offence.

(2) The Director General or any officer of the Organization authorized in writing by the Director General may, with the consent in writing of the Public Prosecutor, at any time before a prosecution is instituted, compound any offence which may be compounded by making a written offer to the person reasonably suspected of having committed the offence upon payment to the Director General, a sum of money not exceeding fifty per centum

of the amount of the maximum fine to which the person would have been liable to if he had been convicted of the offence, within such time as may be specified in the written offer.

(3) The written offer under subsection (2) may be made at any time after the offence has been committed but before any prosecution for it has been instituted, and where the amount specified in the written offer is not paid within the time specified in the written offer, or such extended time as the Director General may grant, the prosecution for the offence may be instituted at any time after that against the person to whom the written offer was made.

(4) Where an offence has been compounded under subsection (2), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made, and the Director General, may return any book, account, record or other documents including electronic record seized in connection with the offence, subject to such terms as the Director General thinks fit.

(5) All sums of moneys received by the Director General under this section shall be paid into and form part of the Fund.

PART XI

GENERAL

Appointment of collection agent

84. The Organization may appoint such number of collection agents for the purpose of recovery of any sum due to the Organization.

Engagement of auditors, actuaries, etc.

85. The Organization may, subject to such terms and conditions, engage such auditors, actuaries, technical advisers, bankers, stockbrokers, surveyors, consultants or any other persons as the Organization deems fit to assist the Organization in the performance of its functions.

Director General, Deputy Directors General, Inspector, and officers and servants of the Organization entitled to receive salary, allowances, etc.

86. Where the Director General, Deputy Directors General, Inspector, and officers and servants of the Organization exercise his powers and perform his functions for the purposes of this Act, his salary, allowances, advances and any other payments which they shall be entitled to receive shall be paid out of the Fund.

Public servant

87. The Director General, Deputy Directors General, all members of the Board, the Committee and committees established under section 9, Inspector, and officers and servants of the Organization, while discharging their duties under this Act or any regulations made under this Act, shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

Power of Organization to establish or take over companies

88. (1) The Organization may, with the approval of the Minister and the Minister of Finance, establish or take over any company under the Companies Act 2016 [Act 777] to carry out, administer, conduct and manage any project, joint venture, privatization programme, scheme, enterprise or any other matter which has been planned or undertaken by the Organization for the purposes of the Act.

(2) The Organization may give direction to the company referred to in subsection (1) on matters relating to the administration, finance and operation of the company which are consistent with the provisions of this Act, and such company shall give effect to the direction.

Power to exempt

89. The Minister may, by order published in the *Gazette* and subject to such terms and conditions specified in the order, exempt—

(a) any housewife or husband to the housewife; or

(b) any dependant,

from any of the provisions of this Act or any regulations made under this Act.

Disposal of documents after more than three years

90. (1) The Director General may authorize any paper-based document belonging to the Organization to be copied onto an electronic medium by such means as to ensure that the exact image of that document is capable of being viewed, reproduced and copied.

(2) Where a paper-based document has been copied in accordance with subsection (1), the Director General may authorize the disposal of the paper-based document after the expiry of a period of three years from the making of such electronic copy.

(3) A copy of the paper-based document kept on an electronic medium in accordance with subsection (1) shall be admissible as evidence of any fact stated therein in accordance with section 90A of the Evidence Act 1950 [Act 56].

Power to amend Schedules

91. The Minister may, by order published in the *Gazette*, amend the Schedules.

Power to make regulations

92. (1) The Minister may make such regulations as may be expedient or necessary for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), such regulations may prescribe—

(a) all matters relating to the Committee or committees which include the procedure to be followed by such Committee or committees;

- (b) all matters relating to other expenses and expenditure as may be permitted to be expended from the Fund;
- (c) the amount of the Fund authorized to be expended for the purposes of expenditure on the administration of the Scheme;
- (d) the costs and fees payable in relation to any proceedings before the Tribunal;
- (e) the manner and procedure of any proceedings before the Tribunal;
- (f) the establishment of hospitals, dispensaries and other institutions, and the allotment of insured housewives to any such hospital, dispensary, clinic or other institutions;
- (g) all matters relating to the determination of insurability of an insured housewife and the payment of contribution;
- (h) all matters relating or incidental to the payment and collection of contributions which includes as follows:
 - (i) the manner and time of payment of contributions; and
 - (ii) the amount of payment of contributions;
- (i) all matters relating to contributions and benefits purposes which includes as follows:
 - (i) matters in respect of registration and the manner of registration;
 - (ii) the calculation and determination of eligibility of contribution and coverage period for an insured housewife;
 - (iii) the contribution including the rate of contribution paid in advance and payment of contribution paid in advance by a husband or an insured housewife;

- (iv) the rate of benefits and certification of disability, invalidity and eligibility for any benefit or facility under this Act;
- (v) the manner for assessing any cash benefit under this Act including the method of calculating cash benefit;
- (vi) the manner for assessing of the value of any benefit or facility which is not cash benefit and its reimbursement;
- (vii) the method of calculating the amount of cash benefit or travelling and other allowances payable, and the circumstances in which and the extent to which commutation of disability and invalidity benefits may be allowed and the method of calculating the commutation value;
- (viii) the conditions to be observed by an insured housewife while in receipt of any benefit under this Act including the requirement of medical examination of such person;
- (ix) the manner for adjusting the permanent disablement benefit payable in respect of one or multiple domestic injury or the conditions for the receipt of the benefit in any case where the permanent disablement benefit has been commuted into a lump sum;
- (x) the manner or determination of entitlement for benefit which the insured housewife is entitled under the Employees' Social Security Act 1969, Self-Employment Social Security Act 2017 [Act 789] and this Act;
- (xi) the manner of the appointment of, payment of allowance of and procedure for determination by, medical assessor;
- (xii) the manner of the appointment and duty of a medical officer;

- (j) all matters relating to any new programme, scheme, fee, measure or financial assistance if the Minister considers necessary to maintain well-being and welfare of an insured housewife and her dependant;
- (k) any other matters to be prescribed under this Act.

(3) Any regulations made under this Act may prescribe for any act or omission in contravention of the regulations to be an offence and may prescribe for penalties of a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or both for such offence.

(4) Notwithstanding subsections (1) and (2), the Minister may apply any regulations made under the Employees' Social Security Act 1969, Self-Employment Social Security Act 2017 and any other Act administered by the Organization for the purposes of this Act subject to such conditions and amendments which are not inconsistent with this Act.

Recommendation of Committee to review Scheme

93. (1) The Committee may, when substantial changes in the general level of earnings resulting from substantial changes in the cost of living or sustainability of the Fund, examine the situation on the basis of an actuarial valuation and with the approval of the Board, make recommendations to the Minister to adjust the Scheme in order to maintain the real value of certain cash benefit and to ensure the sustainability of the Fund.

(2) The recommendations of the Committee referred to in subsection (1)—

- (a) shall be accompanied by the actuarial report;
- (b) shall take into account the social policy of the Government;
and
- (c) may include—
 - (i) a proposal for a new rate of contribution paid in advance;

- (ii) a proposal for changes in the rates of certain cash benefit; and
- (iii) extension or deletion of types of benefits.

Organization may deal with authorized person

94. (1) In all matters pertaining to benefits under this Act, the Organization may deal directly with the insured housewife or her dependants, or an official of an institution authorized in writing by such insured housewife or her dependants, or a legal practitioner representing such insured housewife or her dependants.

(2) The Organization may refuse to entertain any representation made by any other person.

Electronic submission of documents

95. (1) Subject to subsection (2), the Organization may allow any returns, particulars, records, notice, reports, register or other documents required to be submitted or furnished under this Act or any regulations made under this Act by an electronic medium or by way of an electronic transmission.

(2) The conditions and specifications under which the returns, particulars, records, notice, reports, register or other documents referred to in subsection (1) are to be submitted or furnished shall be as determined by the Organization.

(3) The returns, particulars, records, notice, reports, register or other documents referred to in subsection (1) shall be deemed to have been submitted or furnished by a person to the Organization on the date the acknowledgement of receipt of such returns, particulars, records, notice, reports, register or other documents are transmitted electronically by the Organization to the person.

(4) The acknowledgment of receipt by the Organization, returns, particulars, records, notice, reports, register or other documents submitted or furnished pursuant to subsection (3) shall be admissible as evidence in any proceedings.

Establishment and maintenance of hospitals, etc.

96. (1) The Organization may establish and maintain such hospitals, dispensaries and other medical and surgical services as the Organization thinks fit for the benefit of an insured housewife.

(2) The Organization may enter into agreement with any Government, local authority, statutory body, person, private or individual with regard to the provisions of medical treatment and attendance for an insured housewife in any area and payment of the cost of such medical treatment and attendance.

Power to co-operate with existing institutions or promote measures for health, welfare, etc., of insured housewives

97. (1) The Organization may promote measures or co-operate with any existing institution for the improvement of the health, safety, welfare and well-being of housewives and for the rehabilitation of insured housewives who have been disabled or injured and may incur expenditure, in respect of such measures, from the Fund within such limits as prescribed.

(2) For the purposes of subsection (1), the co-operation shall not create any benefit other than provided for under this Act.

(3) The measures under subsection (1) may include the provision of artificial limbs and appliances under suitable conditions and convalescent or shelter homes.

FIRST SCHEDULE

[Subsection 2(2)]

1. Housewife who has attained the age of fifty-five years.
2. Housewife who has attained the age of fifty-four years and in respect of whom no contribution were payable under this Act before she attained the age of fifty-four years.

SECOND SCHEDULE

[Sections 25 and 26]

<i>No.</i>	<i>Description of Injury</i>	<i>Percentage of Loss of Ability of Capacity</i>	<i>Maximum Amount of Lump Sum Payment</i>
1.	Loss of both hands or amputation at higher sites	100	RM30,000
2.	Loss of a hand and a foot	100	RM30,000
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100	RM30,000
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100	RM30,000
5.	Very severe facial disfigurement	100	RM30,000
6.	Absolute deafness	100	RM30,000
<i>Amputation—upper limbs (either arm) cases</i>			
7.	Amputation through shoulder joint	90	RM27,000
8.	Amputation below shoulder with stump less than 8" from tip of acromion	80	RM24,000
9.	Amputation below 8" from tip of acromion to less than 4½" below tip of olecranon	70	RM21,000
10.	Loss of the hand or of the thumb and four fingers of one hand or amputation from 4½" below tip of olecranon	60	RM18,000
11.	Loss of thumb	30	RM9,000
12.	Loss of thumb and its metacarpal bone	40	RM12,000
13.	Loss of four fingers of one hand	50	RM15,000
14.	Loss of three fingers of one hand	30	RM9,000
15.	Loss of two fingers of one hand	20	RM6,000
16.	Loss of terminal phalanx of thumb	20	RM6,000
<i>Amputation—lower limbs cases</i>			
17.	Amputation of both feet resulting in end-bearing stumps	90	RM27,000

<i>No.</i>	<i>Description of Injury</i>	<i>Percentage of Loss of Ability Capacity</i>	<i>Maximum Amount of Lump Sum Payment</i>
18.	Amputation through both feet proximal to the metatarso-phalangeal joint	80	RM24,000
19.	Loss of all toes of both feet through the metatarso-phalangeal joint	40	RM12,000
20.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30	RM9,000
21.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20	RM6,000
22.	Amputation at hip	90	RM27,000
23.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter	80	RM24,000
24.	Amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh	70	RM21,000
25.	Amputation below middle thigh to 3½" below knee	60	RM18,000
26.	Amputation below knee with stump exceeding 3½" but not exceeding 5"	50	RM15,000
27.	Amputation below knee with stump exceeding 5"	40	RM12,000
28.	Amputation of one foot resulting in end-bearing	30	RM9,000
29.	Amputation through one foot proximal to the metatarso-phalangeal joint	30	RM9,000
30.	Loss of all toes of one foot through the metatarso-phalangeal joint	20	RM6,000
<i>Other injuries</i>			
31.	Loss of one eye, without complications, the other being normal	40	RM12,000
32.	Loss of vision of one eye without complications or disfigurement of eye-ball, the other being normal	30	RM9,000

<i>No.</i>	<i>Description of Injury</i>	<i>Percentage of Loss of Ability Capacity</i>	<i>Maximum Amount of Lump Sum Payment</i>
33.	Permanent total loss of hearing in one ear	20	RM6,000
Loss of—			
A—Fingers of right or left hand			
<i>Index finger</i>			
34.	Whole	14	RM4,200
35.	Two phalanges	11	RM3,300
36.	One phalanx	9	RM2,700
37.	Guillotine amputation of tip without loss of bone	5	RM1,500
<i>Middle finger</i>			
38.	Whole	12	RM3,600
39.	Two phalanges	9	RM2,700
40.	One phalanx	7	RM2,100
41.	Guillotine amputation of tip without loss of bone	4	RM1,200
<i>Ring or little finger</i>			
42.	Whole	7	RM2,100
43.	Two phalanges	6	RM1,800
44.	One phalanx	5	RM1,500
45.	Guillotine amputation of tip without loss of bone	2	RM600
B—Toes of right or left foot			
<i>Great toe</i>			
46.	Through metatarso-phalangeal joint	14	RM4,200
47.	Part, with some loss of bone	3	RM900
<i>Any other toe</i>			
48.	Through metatarso-phalangeal joint	3	RM900
49.	Part, with some loss of bone	1	RM300

No.	Description of Injury	Percentage of Loss of Ability Capacity	Maximum Amount of Lump Sum Payment
<i>Two toes of one foot, excluding great toe</i>			
50.	Through metatarso-phalangeal joint	5	RM1,500
51.	Part, with some loss of bone	2	RM600
<i>Three toes of one foot, excluding great toe</i>			
52.	Through metatarso-phalangeal joint	6	RM1,800
53.	Part, with some loss of bone	3	RM900
<i>Four toes of one foot, excluding great toe</i>			
54.	Through metatarso-phalangeal joint	9	RM2,700
55.	Part, with some loss of bone	3	RM900

1. For the purposes of the Act—

- (a) the maximum amount for permanent disablement benefits shall be RM30,000.00, to be paid within a contribution period; and
- (b) the loss of the function of any limb referred to in this Schedule shall be determined by the Organization and deemed to be equivalent of the loss of that limb.

2. For the purpose of determining a permanent disablement, this Schedule shall be read together with the guidelines on Impairment and Disability Assessment issued by the Organization.

THIRD SCHEDULE

[Sections 15 and 35]

RATES OF CONTRIBUTION

The rates of payment for contribution paid in advance is based on the amount of presumed monthly income for housewives and shall be calculated with reference to twelve months and paid at the following rates:

No.	Presumed Monthly Income	Contribution for Twelve Months per housewife
1.	RM600	RM120

FOURTH SCHEDULE

[Sections 31 and 36]

MORBID ALLOWANCE AND SURVIVORS' PENSION

1. Daily rate of survivors' pension shall be the amount of the monthly rate morbid allowance paid or payable to the deceased insured housewife for the month immediately preceding the month of death divided by the number of days in the month in which the pension is paid or payable.

2. Where an insured housewife who is in receipt of morbid allowance, or if she has not attained fifty-five years of age but is within coverage period, dies or if an insured housewife dies as a result of a domestic injury suffered within the contribution period, the daily rate of survivors' pension shall be a basic amount equivalent to fifty per cent of her presumed monthly income divided by the number of days in the month in which the pension is paid or payable.

3. Daily rate of survivors' pension shall be payable as follows:

(a) for the widower, an amount equivalent to three-fifths of the daily rate of survivors' pension; and

(b) for each child, two-fifths of the daily rate of survivors' pension:

Provided that if the total of survivors' pension distributed among the widower and child exceeds at any time the daily rate of survivors' pension, the share of each dependant shall be proportionately reduced so that the total amount payable does not exceed the daily rate of survivors' pension:

Provided further that the daily rate of survivors' pension for each child shall be three-fifths of the daily rate of survivors' pension if there is no widower or if the widower dies, and if there be more than one child, the amount payable shall be equally divided among them.

4. If an insured housewife who is in receipt of morbid allowance, or if she has not attained fifty-five years of age but is within coverage period, dies or if an insured housewife dies as a result of a domestic injury suffered within the contribution period, and does not leave a widower or child, survivors' pension shall be payable to a parent, an amount equivalent to four-tenths of the daily rate of survivors' pension, and if there are two or more parents, the amount payable shall be divided equally among them.

FIFTH SCHEDULE

[Subsection 22(3)]

FINANCIAL ASSISTANCE FOR END STAGE RENAL FAILURE

Two hundred ringgit per month until she attains the age of fifty-five years or dies, whichever is earlier.

SIXTH SCHEDULE

[Section 29]

FUNERAL BENEFIT

One-off payment of two thousand ringgit.

SEVENTH SCHEDULE

[Section 30]

CONSTANT ATTENDANCE ALLOWANCE

Two hundred and fifty ringgit per month until the housewife is certified to be no longer having the degree of incapacity qualifying her to receive the constant attendance allowance by medical assessor or the Appellate Medical Board or until the housewife has attained the age of fifty-five years or dies, whichever is earlier.

EIGHTH SCHEDULE

[Section 37]

PHYSICAL REHABILITATION AND DIALYSIS

The maximum amount to be expended on physical rehabilitation shall be fifty thousand ringgit in one contribution period and treatment for dialysis shall be two hundred ringgit per month or according to the Fees Act 1951 [*Act 209*], whichever is lower.

EXPLANATORY STATEMENT

The proposed Housewives' Social Security Act 2022 ("the proposed Act") seeks to provide for social security for the insured housewives in the form of certain benefits, for the improvement of health, safety, welfare and well-being of the housewives, and to provide for matters connected therewith.

PART I

2. Part I of the proposed Act deals with preliminary matters.
3. *Clause 1* contains the short title of the proposed Act and seeks to empower the Minister to appoint the date of coming into operation of the proposed Act.
4. *Clause 2* contains the application of the proposed Act.

5. *Clause 3* contains the definitions of certain words and expressions used in the proposed Act.

PART II

6. Part II of the proposed Act deals with the provisions relating to the administration of the Housewives' Social Security Scheme ("Scheme").

7. *Clause 4* seeks to provide that the Scheme shall be administered by the Social Security Organization ("Organization") and for the purpose of administering the Scheme, the Organization shall vest such powers in the Social Security Organization Board ("Board") and impose upon the Board such duties.

8. *Clause 5* seeks to provide that the Director General and Deputy Directors General of the Organization shall be the Director General and Deputy Directors General under the proposed Act. This *clause* also empowers the Minister to appoint one or more of the Deputy Directors General for the purposes of the proposed Act.

9. *Clause 6* seeks to empower the Organization to enter into contracts, acquire, purchase, take, hold and enjoy movable and immovable property of every description and convey, assign, surrender, yield up, charge, mortgage, demise, lease, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest vested in the Organization.

10. *Clause 7* seeks to empower the Director General to exercise all functions including powers of the Organization and the Director General may delegate his powers and functions to the Deputy Directors General, Inspector, or officers and servants of the Organization.

PART III

11. Part III of the proposed Act deals with the establishment of the Housewives' Social Security Committee ("Committee") and any other committees.

12. *Clause 8* seeks to provide for the establishment and the membership of the Committee. This *clause* also provides for the functions of the Committee which is to advise the Board on all matters relating to the Scheme, and the investment of the Housewives' Social Security Fund ("Fund").

13. *Clause 9* seeks to empower the Board to establish any committee to advise and assist the Board in the performance of its functions and in the exercise of its powers under the proposed Act.

14. *Clause 10* seeks to provide for the non-eligibility for appointment as members of the Committee or any committee established under *clause 9*.

15. *Clause 11* seeks to provide for the cessation of membership of the Committee or any committee established under *clause 9* in the event of failure to attend three consecutive meetings without leave of the Chairman of the Committee or any committee.

16. *Clause 12* seeks to provide for disclosure of interest of any member of the Committee or any committee established under *clause 9* if he has any direct or indirect interest in any matter being considered by the Committee or any committee.

PART IV

17. Part IV of the proposed Act deals with the provisions relating to the implementation, registration and contribution.

18. *Clause 13* seeks to empower the Organization to implement the Scheme to the housewives. This *clause* also empowers the Organization to carry out any programme, activity or collaborate with any person for the purposes of the implementation of the Scheme including for the payment of contribution, and the improvement of health, safety, welfare and well-being of any housewife.

19. *Clause 14* seeks to provide that a housewife may register with the Organization for the Scheme.

20. *Subclauses 15(1)* and *15(2)* seek to provide for the payment of contributions by the husband in respect of a housewife who has registered with the Organization or by the housewife herself if the husband does not elect to pay or if the housewife does not have a husband.

Subclauses 15(3) and *15(4)* seek to require the contributions shall be paid in advance for twelve consecutive months at the rates as specified in the Third Schedule to the proposed Act.

Subclauses 15(5) and *15(6)* seek to provide that the contribution may be made in advance for another twelve consecutive months and all contributions under the proposed Act shall not be refundable.

Subclause 15(7) seeks to empower the Minister to revise the rates of contributions and the presumed monthly income.

Subclause 15(8) seeks to empower the Organization to instruct an employer, of the insured housewife or of the husband of the insured housewife, upon their request, to deduct the contributions.

Subclause 15(11) seeks to provide for an offence to the husband who fails to pay contribution in respect of a housewife.

Subclause 15(12) seeks to provide that if the husband is unable to pay due to loss of income or for any other reasons, the husband shall notify the Organization sixty days before the expiry of the existing contribution period.

Subclause 15(13) seeks to provide for an offence to the employer who fails to comply with the instruction given by the Organization.

21. *Clause 16* seeks to provide for a housewife to continue to be covered under the proposed Act until the expiry of the contribution period if the marriage ends in divorce, death of the husband or the husband is unable to pay the contribution due to loss of income. This *clause* also seeks to provide the option to the housewife to continue to pay contribution upon expiry of the contribution period.

22. *Clause 17* seeks to require for the housewife or her husband to furnish proof of marriage for the purpose of registration under the proposed Act and whenever required by the Organization.

23. *Clause 18* seeks to empower the Organization to determine whether a housewife carries out activity that relates to management of household, and whether domestic injury and invalidity are suffered within the contribution period and coverage period, respectively.

24. *Clause 19* seeks to empower the Organization to appoint agents to collect and receive payment of contributions on behalf of the Organization. This *clause* also imposes a duty on the agents appointed to inform the Organization the actual time and date of the payment of the contributions made by or on behalf of the insured housewife and the failure to do so constitutes an offence.

PART V

25. Part V of the proposed Act deals with the provisions of benefits payable under the proposed Act and the entitlement of a person to the benefits.

26. *Clause 20* deals with claim for benefits provided for under the proposed Act. This *clause* also provides that a claim for domestic injury shall be made within twelve months from the date of incident and a claim for invalidity shall be made within twenty-four months from the date of the insured housewife becomes invalid.

27. *Clause 21* seeks to provide for the approval of claims for benefits made under *clause 20*.

28. *Clause 22* seeks to provide for the disability and invalidity benefits. This *clause* also seeks to provide that a dependant shall not be entitled to any benefit if the insured housewife dies as a result of domestic violence committed by the dependant and the entitlement shall not be passed on to any other dependant.

29. *Clause 23* deals with the entitlement of an insured housewife to a medical benefit as a result of domestic injury either in the form of outpatient treatment and attendance, visits to the home of the insured housewife or inpatient treatment. This *clause* also provides that medical benefit shall not be given to an insured housewife unless such medical benefit has been given to the insured housewife due to a domestic injury which subsequently results in such invalidity.

30. *Clause 24* seeks to provide for the scale of medical benefit that an insured housewife is entitled to receive or be reimbursed.

31. *Clause 25* deals with the entitlement of an insured housewife to receive a lump sum payment up to the maximum amount in accordance with the Second Schedule to the proposed Act for one or more permanent disablement, as a result of one or multiple domestic injury.

32. *Clause 26* seeks to provide that an insured housewife who has been assessed by the medical assessor or the Appellate Medical Board to have lost her ability capacity to manage household due to a domestic injury, shall be paid permanent disablement benefit in lump sum according to the injury.

33. *Clause 27* seeks to provide that no permanent disablement benefit or morbid allowance is payable to an insured housewife or her dependants if the insured housewife dies after her claim for such benefit or allowance is approved by the Organization.

34. *Clause 28* seeks to empower the Organization to reject or cease any payment for a claim for benefits if the Organization is satisfied that an incident happened while an insured housewife is travelling or preparing to commit an illegal act, or has committed or engaged in an illegal act. This *clause* also empowers the Organization to suspend any claim for benefits for a maximum period of six months to investigate into such activities before making any determination.

35. *Clause 29* seeks to provide for the entitlement of certain persons to funeral benefit in the event an insured housewife dies before she attains the age of fifty-five.

36. *Clause 30* deals with the entitlement of an insured housewife to a constant attendance allowance if and so long as she is so severely incapacitated as to constantly require the personal attendance of another person and shall cease when she attains the age of fifty-five or dies, whichever is earlier.

37. *Clause 31* deals with the entitlement of an insured housewife to morbid allowance in accordance with the Fourth Schedule to the proposed Act if the insured housewife invalidity is certified to be suffered within the coverage period.

38. *Clause 32* seeks to provide for conditions whereby an insured housewife is considered as suffering from invalidity, if she is incapable of engaging in any substantial activity of a housewife.

39. *Clause 33* seeks to require the eligibility of an insured housewife for morbid allowance.

40. *Clause 34* seeks to provide for the accrual and cessation date and the daily rate of payment of morbid allowance.

41. *Clause 35* seeks to provide that the rate of monthly morbid allowance shall be fifty per cent of the presumed monthly income.

42. *Clause 36* seeks to provide for the circumstances in which the dependant will be entitled for a survivors' pension.

43. *Clause 37* seeks to provide that the Organization may provide facilities for physical rehabilitation or dialysis to an insured housewife who has been certified to suffer from an invalidity or permanent disablement.

44. *Clause 38* seeks to provide for the circumstances in which the insured housewife may be paid travelling and other allowances or other expenses.

45. *Clause 39* seeks to provide that the right to receive benefits shall not be assignable and the benefits payable under the proposed Act shall not be liable to attachment.

46. *Clause 40* deals with the requirement of an insured housewife to claim permanent disablement benefit or morbid allowance to attend and submit herself to the necessary medical or other examinations.

47. *Clause 41* seeks to provide for the conditions to be observed by an insured housewife who is in recipient of benefit and the suspension of the benefit by the Organization if the insured housewife fails to comply with the conditions.

48. *Clause 42* deals with obligation of a person in receipt of any benefit under the proposed Act to report to the Organization every event or fact which affects or likely to affect her continued right to the benefit or the rate of the benefit.

49. *Clause 43* seeks to provide for right of the Organization to recover any benefit or money paid to a person if the person who received the benefit or money is found guilty of an offence under *clause 78* or *79* of the proposed Act.

50. *Clause 44* deals with a situation whereby an insured housewife has more than one contribution under the proposed Act and any other Act administered by the Organization, the insured housewife or her dependant are only entitled to one benefit in respect of the same permanent disablement or invalidity.

51. *Clause 45* deals with a situation whereby an insured housewife is entitled to both disability and invalidity benefits due to the same disablement under the proposed Act, the insured housewife shall be entitled to receive only one benefit under the proposed Act in a manner as prescribed.

PART VI

52. Part VI of the proposed Act deals with the determination of question of permanent disablement and invalidity by a medical assessor and provisions on review and appeal by a medical assessor and Appellate Medical Board.

53. *Clause 46* contains provisions on the questions to be determined by a medical assessor relating to permanent disablement and invalidity.

54. *Clause 47* seeks to provide that the Organization shall refer all questions of permanent disablement and invalidity to a medical assessor for determination and an appeal of the determination to the Appellate Medical Board in accordance with the regulations made under the proposed Act. This *clause* also seeks to provide that the claimant may be paid for travelling allowances and other expenses incurred in connection with such appearance before the medical assessor or Appellate Medical Board.

55. *Clause 48* deals with situation whereby a claimant for benefits is of unsound mind, becomes ill or for any other reasons is incapable of being examined by a medical assessor or Appellate Medical Board and the Organization shall, subject to any available medical evidence to its satisfaction, proceed to refer the case to the medical assessor or Appellate Medical Board for determination of question of permanent disablement or invalidity.

56. *Clause 49* seeks to provide that both the Organization and a claimant for benefits may apply for review of the determination of invalidity or permanent disablement to a medical assessor or Appellate Medical Board.

Subclause 49(2) seeks to provide that the medical assessor or the Appellate Medical Board may also review any determination under this Act if there is fresh evidence that the determination was given in consequence of a non-disclosure or misrepresentation of a material fact by an insured housewife or any other person.

Subclauses 49(3) and (5) further seeks to provide that a medical assessor may also review any determination due to substantial and unforeseen aggravation of the result of the relevant injury. However, for any application for review under this *subclause* made less than twelve months from the date of determination, the leave of Appellate Medical Board is required.

57. *Clause 50* seeks to provide that the Organization may review the payment of morbid allowance at any time.

58. *Clause 51* seeks to provide for circumstances whereby the Organization may suspend and cease the payment of morbid allowance being received by an insured housewife.

PART VII

59. Part VII of the proposed Act deals with the financial provisions.

60. *Clause 52* seeks to provide for the establishment of the Housewives' Social Security Fund to be administered and controlled by the Organization.

61. *Clause 53* seeks to provide for the expenditure to be charged on the Fund.

62. *Clause 54* seeks to provide for the expenditure on administration. This *clause* also empowers the Board to delegate to the to the Chairman of the Board, Director General, Deputy Directors General, any of the members of the

Board, the Committee or committees, Inspector, or officers and servants of the Organization, the authority to sanction expenditure from the Fund or any other moneys vested in and under the control of the Board up to such limit as the Board may determine.

63. *Clause 55* seeks to allow the Organization to accept grants, donations and gifts or bequests in favour of the Fund. This *clause* also allows the Organization to expend the grants, donations and gifts or bequests for the purposes of corporate social responsibility related to the health, safety, welfare and well-being of housewife.

64. *Clause 56* seeks to empower the Organization to invest the moneys in the Fund subject to such terms and conditions as may be determined by the Minister after consultation with the Minister of Finance.

65. *Clause 57* seeks to empower the Organization, with the consent of the Minister and Minister of Finance, to borrow any money required by the Organization for meeting any of its obligations or performing any of its functions, except for the purposes of payment of benefit. However, the power to borrow does not include borrowing moneys from any fund administered by the Organization under any other written law.

66. *Clause 58* seeks to require the Organization to prepare a budget each year showing the probable receipts and the estimate of the expenditure of the Organization for the ensuing year and the budget shall be submitted for the approval of the Minister.

67. *Clause 59* seeks to require the Organization to keep a proper accounts of the Fund and records of its activities.

68. *Clause 60* seeks to require the Organization's accounts to be audited annually by the Auditor General and the Board to forward to the Minister a copy of the auditor's report and any observations together with an audited copy of the accounts of the Organization.

69. *Clause 61* seeks to require the Board to submit to the Minister the annual report of the works and activities of the Organization before 30 June the following year unless otherwise extended by the Minister.

70. *Clause 62* seeks to require the Board to lay the annual report and the audited accounts of the Organization before each House of Parliament.

71. *Clause 63* seeks to require the Board to carry out actuarial review on the implementation of the Scheme under the proposed Act and the report shall be submitted to the Minister.

72. *Clause 64* seeks to allow the Organization to impose surcharge on any person who is or was in the employment of the Organization for certain reasons.

PART VIII

73. Part VIII of the proposed Act deals with the Housewives' Social Security Tribunal ("Tribunal").

74. *Clause 65* seeks to provide for the constitution of the Tribunal.

75. *Clause 66* seeks to provide for the matters which may be brought before, and shall be decided by, the Tribunal.

76. *Clause 67* seeks to require that all proceedings before the Tribunal shall be instituted in the Tribunal established for the area in which the insured housewife resides. This *clause* also empowers the Chairman of the Tribunal to transfer any matter pending before him in a State or area to any other Tribunal in another State or area upon application made by the parties.

77. *Clause 68* seeks to provide that any proceedings before the Tribunal shall be commenced by an application made within a period of three years from the date on which the cause of action arose.

78. *Clause 69* seeks to provide that for the purpose of summoning and enforcing the attendance of witnesses, the discovery and production of documents and material objects, administering oath and recording evidence, the Tribunal shall have all the powers of a Session Court Judge.

79. *Clause 70* seeks to allow any person to appear personally or to be represented by a legal practitioner or any person authorized in writing at any proceedings before the Tribunal, except the appearance of the person for the purposes of his examination as a witness.

80. *Clause 71* seeks to provide that the Tribunal shall not direct the payment of any benefit to an insured housewife or dependant unless the insured housewife or dependant has made a claim for such benefit in accordance with the provisions of the proposed Act or any regulations made under the proposed Act.

81. *Clause 72* seeks to empower the Tribunal to submit any question of law for the decision of the High Court.

82. *Clause 73* seeks to prohibit an appeal to the High Court against an order of the Tribunal unless it involves a question of law or a mixed question of law and fact. This *clause* also provides for the appeal to be made within sixty days from the date of the written order is made by the Tribunal.

83. *Clause 74* seeks to empower the Tribunal to withhold the order appealed against relating to the payment of any sum pending appeal in the High Court.

PART IX

84. Part IX of the proposed Act deals with the provisions relating to enforcement and investigation.

85. *Clause 75* seeks to empower the Director General to direct any Inspector to exercise his powers and perform his functions conferred by the Employees' Social Security Act 1969 for carrying into effect the purposes of the proposed Act. This *clause* also seeks to provide for the power of Inspector to examine any person if the Inspector has relevant information or document relating to any managing household activity.

86. *Clause 76* seeks to provide for the Director General's and the Inspector's power to require information and conduct inspection for the purpose of obtaining information related to the claim of benefit under the proposed Act.

87. *Clause 77* seeks to provide that any person who fails to comply with any direction given by, or in any way assaults, hinders or obstructs, the Director General, Deputy Directors General or Inspector while exercising their powers commits an offence.

PART X

88. Part X of the proposed Act deals with the provisions relating to offences and penalties.

89. *Clause 78* seeks to provide that any person who provides any information or document to the Organization which he knows or has reason to believe is false or misleading or makes in writing or signs any declaration, form, report, certificate or other document required by the proposed Act or any regulations made under the proposed Act which is untrue or incorrect in any material particular commits an offence.

90. *Clause 79* seeks to provide that any person who commits or conspires to commit any act of fraud or forgery in connection with the payment of contributions or a claim for benefits commits an offence.

91. *Clause 80* seeks to provide that any person who has been found guilty of any offence under *clause 78* or *79* and cause non-payment of contribution to the Organization or cause any improper payment under the proposed Act to be received, the court before which the insured housewife or the person is found guilty shall order such person to pay to the Organization the amount of any contribution or benefit, together with any interest credited thereon, due and payable to the Organization.

92. *Clause 81* seeks to provide that a copy of any entry in the accounts of the Organization duly certified by an authorized officer of the Organization shall be *prima facie* evidence of such entry having been made and of the truth of the contents of the entry.

93. *Clause 82* seeks to provide that no prosecution shall be instituted for any offence under the proposed Act or any regulations made under the proposed Act except by or with the consent in writing of the Public Prosecutor.

94. *Clause 83* seeks to empower the Minister with the approval of the Public Prosecutor to make regulations prescribing any offence under the proposed Act or any regulations made under the proposed Act to be compoundable as well as the method and procedure for compounding such offence. This *clause* also seeks to empower the authorized officer of the Organization to implement the compounding of such offences with the consent in writing of the Public Prosecutor.

PART XI

95. Part XI of the proposed Act contains general provisions.

96. *Clause 84* seeks to empower the Organization to appoint collection agent for the purposes of recovery of any sum due to the Organization.

97. *Clause 85* seeks to empower the Organization to engage any auditor, actuary, technical adviser, banker, stockbroker, surveyor, consultant or any other persons to assist the Organization in the performance of its functions.

98. *Clause 86* seeks to provide that the Director General, Deputy Directors General, Inspector, and officers and servants of the Organization who exercise their powers and perform their functions for the purposes of the proposed Act, shall be paid salary, allowances, advances and other payments from the Fund.

99. *Clause 87* seeks to provide that the Director General, Deputy Directors General, all members of the Board, the Committee and any committee established under *clause 9*, Inspector, and officers and servants of the Organization, while discharging their duties under the proposed Act or any regulations made under the proposed Act, shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

100. *Clause 88* seeks to empower the Organization, with the approval of the Minister and the Minister of Finance, to establish or take over any company under the Companies Act 2016 [Act 777].

101. *Clause 89* seeks to empower the Minister to exempt any housewife, husband of the housewife or any dependant from any of the provisions of the proposed Act or any regulations made under the proposed Act.

102. *Clause 90* seeks to provide that the Director General may dispose any paper-based document after the expiry of a period of three years from the making of an electronic copy of such document and the electronic copy shall be admissible as evidence of any fact stated therein in accordance with section 90A of the Evidence Act 1950 [Act 56].

103. *Clause 91* seeks to empower the Minister to amend the Schedules under the proposed Act.

104. *Clause 92* seeks to empower the Minister to make regulations under the proposed Act.

105. *Clause 93* seeks to empower the Committee to conduct an actuarial valuation if there are substantial changes in the general level of earnings resulting from substantial changes in the cost of living or sustainability of the Fund, and make recommendations to the Minister to adjust the Scheme or benefits in order to maintain the real value of certain cash benefit and to ensure the sustainability of the Fund.

106. *Clause 94* seeks to empower the Organization to deal directly with the insured housewife or her dependants, or an official of a registered institution authorized in writing by such insured housewife or her dependants, or a legal practitioner representing such insured housewife or her dependants, in relation to all matters pertaining to benefits under this proposed Act.

107. *Clause 95* seeks to empower the Organization to allow any returns, particulars, records, notice, reports, register or other documents required to be submitted or furnished by an electronic medium or by way of an electronic transmission.

108. *Clause 96* seeks to allow the Organization to establish and maintain hospitals, dispensaries and other medical and surgical services for the benefit of an insured housewife.

109. *Clause 97* seeks to allow the Organization to co-operate with any institution for the improvement of health, safety, welfare and well-being of the housewives and for the rehabilitation of insured housewives who have been disabled or injured.

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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