

A BILL

*i n t i t u l e d*

An Act to amend the Lembaga Kemajuan Wilayah Kedah Act 1981.

[ ]

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

**Short title and commencement**

1. (1) This Act may be cited as the Lembaga Kemajuan Wilayah Kedah (Amendment) Act 2017.

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

**Amendment of section 2**

2. The Lembaga Kemajuan Wilayah Kedah Act 1981 [*Act 249*], which is referred to as the “principal Act” in this Act, is amended in section 2 by substituting for the interpretation of “Minister” the following interpretation:

‘ “Minister” means the Minister charged with the responsibility for rural and regional development;’.

**Amendment of section 5****3. Section 5 of the principal Act is amended—**

(a) by substituting for subsection (1) the following subsection:

“(1) The Lembaga shall consist of the following members who shall be appointed by the Minister:

(a) a Chairman;

(b) a Deputy Chairman;

(c) a representative of the Ministry charged with the responsibility for rural and regional development;

(d) a representative of the Treasury from the Ministry of Finance;

(e) a representative of the Economic Planning Unit, Prime Minister’s Department;

(f) three representatives of the State Government;

(g) four persons who, in the Minister’s opinion, are suitable and able to contribute in exercising the function and role of the Lembaga; and

(h) the General Manager.”;

(b) in subsection (2), by substituting for the words “subsections (3) and (4)” the words “subsection (3)”;

(c) in subsection (3), by substituting for the words “, 3 and 7” the words “and 3”;

(d) by deleting subsection (4); and

(e) in subsection (5), by substituting for the word “(f)” the word “(h)”.

**New section 5A**

4. The principal Act is amended by inserting after section 5 the following section:

**“Alternate member**

**5A.** (1) The Minister may, in relation to each member appointed under paragraph 5(1)(c), (d) or (e), appoint a person to be an alternate member to attend, as an alternate to such member, meetings of the Lembaga when such member is unable to attend for any reasons.

(2) For the purpose of subsection (1), an alternate member shall be named by the member appointed under paragraph 5(1)(c), (d) or (e), with the approval of the Minister.

(3) An alternate member who attends the meetings of the Lembaga shall, for all purposes, be deemed to be a member of the Lembaga.

(4) An alternate member shall, unless he sooner resigns his office or his appointment is sooner revoked, cease to be an alternate member when the member in respect of whom he is an alternate member ceases to be a member of the Lembaga.”.

**Amendment of section 12**

5. Section 12 of the principal Act is amended by inserting after subsection (1) the following subsections:

“(1A) The Chairman shall be responsible for the supervision and control of the implementation of policies and decisions made by the Lembaga.

(1B) The Chairman may, subject to any conditions, limitations or restrictions that he thinks fit, delegate to any other member of the Lembaga or to any officer or servant of the Lembaga to carry out such powers, duties or functions vested in or imposed upon the Chairman under this Act as he so determines.”.

**Amendment of section 13****6.** Section 13 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) The Minister shall appoint a General Manager in accordance with such conditions and for such period as may be determined by the Minister.”;

(b) by substituting for subsection (2) the following subsection:

“(2) The General Manager shall be responsible for—

(a) the administration and management of the Lembaga;

(b) the planning and execution of any programme, scheme or project; and

(c) the carrying out of any decision of the Lembaga.”;

(c) in subsection (3), by substituting for the word “Chairman” the words “Minister and the Lembaga”;

(d) in subsection (5), by substituting for the words “the Lembaga or the Chairman” the words “the Minister or the Lembaga”; and

(e) by inserting after subsection (7) the following subsection:

“(7A) The General Manager may, subject to such conditions, limitations or restrictions as he thinks fit, delegate his powers, duties or functions to any officer or servant of the Lembaga to carry out such powers, duties or functions vested in or imposed on the General Manager under this Act as the General Manager may determine and such delegation—

(a) shall not preclude the General Manager from performing or exercising, at any time, any powers, duties or functions so delegated; and

(b) shall be done in the name of the Lembaga.”.

**Amendment of section 14**

7. Subsection 14(2) of the principal Act is amended substituting for the word “Chairman” the word “Lembaga”.

**Substitution of section 16A**

8. The principal Act is amended by substituting for section 16A the following section:

**“Statutory Bodies (Discipline and Surcharge) Act 2000**

**16A.** The Statutory Bodies (Discipline and Surcharge) Act 2000 [*Act 605*] shall apply to the Lembaga.”.

**Deletion of sections 16B, 16C, 16D, 16E, 16F, 16G and 16H**

9. The principal Act is amended by deleting sections 16B, 16C, 16D, 16E, 16F, 16G and 16H.

**New section 28A**

10. The principal Act is amended by inserting after section 28 the following section:

**“Power to establish committees**

**28A.** (1) The Lembaga may establish such committees as the Lembaga considers necessary or expedient to assist the Lembaga in the performance of its functions under this Act.

(2) The Third Schedule shall apply to every committee established by the Lembaga under subsection (1).”.

**New section 32A**

11. The principal Act is amended by inserting after section 32 the following section:

**“Power to amend Schedules**

**32A.** The Lembaga may, with the approval of the Minister, amend any Schedule by order published in the *Gazette*.”.

**Deletion of sections 34 and 35**

**12.** The principal Act is amended by deleting sections 34 and 35.

**Amendment of First Schedule**

**13.** The First Schedule to the principal Act is amended—

(a) in subparagraph 4(1), by substituting for the words “once in every month” the words “once in every three months”;

(b) by inserting after subparagraph 4(2) the following subparagraph:

“(2A) Every member of the Lembaga present shall be entitled to one vote.”; and

(c) in subparagraph 6(3), by substituting for the word “Chairman” wherever appearing the words “General Manager”.

**New Third Schedule**

**14.** The principal Act is amended by inserting after the Second Schedule the following Schedule:

“THIRD SCHEDULE

[Subsection 28A(2)]

**Terms and conditions of appointment, revocation and resignation**

**1.** (1) In the exercise of its powers under this Act, the committee shall be subject to, and act in accordance with, any direction issued to the committee by the Lembaga.

(2) The Lembaga may appoint any person to be a member of any committee and elect any of its members to be the chairman of a committee.

(3) A member of the committee shall hold office for such term as specified in his letter of appointment and is eligible for reappointment.

(4) The appointment of any member of the committee may, at any time, be revoked by the Lembaga.

(5) A member of a committee may, at any time, resign his office by giving a notice in writing addressed to the Chairman of the Lembaga.

### **Meetings**

2. (1) The meetings of a committee shall be held at such times and places as the chairman of the committee may determine.

(2) A committee may invite any person who is not a member of the committee to attend any of its meetings for the purposes of advising the committee on any matter under discussion but that person shall not be entitled to vote at the meeting.

(3) Members of the committee or any person invited under subparagraph (2) may be paid such allowances and other expenses as determined by the Lembaga.

### **Procedure**

3. Subject to this Act, the committee may regulate its own procedures.”.

### **Agreement and the Lembaga Kemajuan Wilayah Kedah Act 1981 shall continue to be in force**

15. (1) Notwithstanding the deletion of sections 34 and 35 of the principal Act in section 12 of this Act, the agreement between the State and the Federal Government under section 34 of the principal Act shall continue to be in force until its expiry.

(2) Notwithstanding the expiry of the agreement referred to in subsection (1), the principal Act shall continue to remain in full force and effect as amended in this Act.

### **Saving and transitional**

16. (1) Notwithstanding the provisions of this Act, the members of the Lembaga and the members of any committee appointed or elected before the date of coming into operation of this Act shall continue to hold office until the appointments are revoked or until expiry of their terms of appointment.

(2) Any disciplinary proceedings instituted under sections 16A to 16H of the principal Act which is pending immediately before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, continue and be dealt with as if sections 16A to 16H of the principal Act had not been amended by this Act.

## EXPLANATORY STATEMENT

This Bill seeks to amend the Lembaga Kemajuan Wilayah Kedah Act 1981 (“Act 249”). The proposed amendment seeks to facilitate and expedite the administration of the Lembaga and improve service delivery. The proposed amendment is also in line with the normal practice of the Lembaga.

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend the interpretation of “Minister” to make it clear that the Minister responsible for carrying out the functions under Act 249 is the Minister in charge of rural and regional development.

4. *Clause 3* seeks to amend subsection 5(1) of Act 249 in respect of the appointment of the members of the Lembaga by the Minister. This *clause* also seeks to delete subsection 5(4) of Act 249 which is no longer applicable to the General Manager.

*Clause 3* also seeks to amend subsections 5(2) and (3) as a consequence of the amendment made to subsection 5(4) of Act 249 and to amend subsection 5(5) as a consequence of the amendment made to subsection 5(1) of Act 249.

5. *Clause 4* seeks to introduce new section 5A into Act 249 to empower the Minister to appoint alternate members in relation to certain members of the Lembaga.

6. *Clause 5* seeks to introduce new subsections 12(1A) and (1B) into Act 249. The proposed new subsection 12(1A) seeks to provide the responsibility of the Chairman for the supervision and control over the implementation of policies and decisions made by the Lembaga. The proposed new subsection 12(1B) seeks to provide the delegation of powers of the Chairman to any members of the Lembaga, officers or servants of the Lembaga to exercise such powers, duties or functions of the Chairman.

7. *Clause 6* seeks to amend subsections 13(1) and (2) of Act 249 to differentiate the functions and responsibilities of the Chairman and the General Manager. This *clause* also seeks to amend subsection 13(3) of Act 249 to provide that the General Manager shall be responsible to the Minister and the Lembaga and no longer to the Chairman.

*Clause 6* also seeks to amend subsection 13(5) of Act 249 to provide that the General Manager shall perform such other or further duties as the Minister or the Lembaga may from time to time determine and to delete the requirement for the General Manager to perform such other or further duties as the Chairman from time to time direct. The proposed new subsection 13(7A) seeks to provide the delegation of powers of the General Manager to any officers or servants of the Lembaga.

8. *Clause 7* seeks to amend subsection 14(2) of Act 249 to provide that an officer in charge of each Division shall be appointed by the Lembaga with the approval of the Minister.

9. *Clause 8* seeks to substitute section 16A of Act 249 to provide that the Statutory Bodies (Discipline and Surcharge) Act 2000 [Act 605] shall apply in respect of disciplinary matters of the employees of the Lembaga.

10. *Clause 9* seeks to delete sections 16B, 16C, 16D, 16E, 16F, 16G and 16H of Act 249 as a consequence of the amendment made to section 16A of Act 249.

11. *Clause 10* seeks to introduce new section 28A into Act 249 to empower the Lembaga to establish committees to assist the Lembaga in performing its functions.

12. *Clause 11* seeks to introduce new section 32A into Act 249 to empower the Lembaga, with the approval of the Minister, to amend the Schedules to Act 249.

13. *Clause 12* seeks to delete sections 34 and 35 of Act 249 since there is no longer the necessity for the operation of Act 249 to be extended by way of agreement between the State and the Federal Governments.

14. *Clause 13* seeks to amend subparagraphs 4(1) and 6(3) of the First Schedule to Act 249. The amendment to subparagraph 4(1) seeks to reduce the number of meetings of the Lembaga from once a month to once in every three months. The amendment to subparagraph 6(3) seeks to provide that the common seal and stamp of the Lembaga shall be kept in the custody of the General Manager.

*Clause 13* also seeks to introduce new subparagraph 4(2A) to state the voting right of every member of the Lembaga present.

15. *Clause 14* seeks to introduce new Third Schedule into Act 249 to provide matters relating to the appointment, meetings and procedures of the committee established under Act 249.

16. *Clause 15* seeks to clarify that Act 249 shall continue to remain in force upon the expiry of the agreement entered into under section 34 of Act 249. This is consequential to the amendment in *clause 12* of this Bill.

17. *Clause 16* seeks to provide saving and transitional provisions.

18. Other amendments not specifically dealt with in this Explanatory Statement are minor or consequential in nature.

#### FINANCIAL IMPLICATION

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

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