

# **KEMUBU AGRICULTURAL DEVELOPMENT AUTHORITY (AMENDMENT)ACT 1999**

## **AMENDING ACT A1052**

*An Act to amend the Kemubu Agricultural Development Authority Act 1972.*

### **1. Short title and commencement**

(1) This Act may be cited as the **Kemubu Agricultural Development Authority (Amendment) Act 1999**.

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

### **2. Amendment of section 15A**

The Kemubu Agricultural Development Authority Act 1972 [*Act 69*], which in this Act is referred to as the "principal Act", is amended in section 15A-

(a) in subsection (3), by substituting for the words "Disciplinary Committee in respect of the Deputy Chairman" the words "disciplinary authority in respect of the Deputy Chairman shall be the Disciplinary Committee which";

(b) by substituting for subsections (8) and (9) the following subsections.

"(8) A decision of the Disciplinary Committee established under subsection (1) shall be appealable to the disciplinary Appeal Board established under section 15B.

(9) A decision of the Disciplinary Committee established under subsection (3) shall be appealable to the Minister."; and

(c) by inserting after subsection (9) the following subsections:

"(10) The Disciplinary Appeal Board or the Minister, as the case may be, may confirm, reverse or vary the decision of the Disciplinary Committee.

(11) A decision of the Disciplinary Appeal Board or the Minister under subsection (10) shall be final and conclusive."

### **3. New sections 15B and 15C**

The principal Act is amended by inserting after section 15A the following sections:

#### **15B. Establishment of Disciplinary Appeal Board**

(1) There shall be a Disciplinary Appeal Board of the Authority which shall consist of the following members:

(a) the Chairman, who shall be the chairman of the Disciplinary Appeal Board and shall have a casting vote; and

(b) three members of the Authority, not being members of the Disciplinary Committee whose decision is the subject matter of the appeal, to be appointed by the chairman of the Disciplinary Appeal Board with the approval of the Authority for the purpose of the appeal.

(2) When the Disciplinary Appeal Board considers an appeal made under section 15A, a member of the Disciplinary Committee against whose decision the appeal is made who is also a member of the Authority shall not be present or in any way participate in any proceedings relating to the appeal.

#### **15C. Termination in the public interest.**

(1) Where the Authority finds or where representations are made to the Authority that it is desirable that the service of an officer or a servant be terminated in the public interest, the Authority may call for a full report from the superior officer of the officer or servant against whom the representations are made which shall contain particulars relating to the work and conduct of the officer or servant.

(2) If, after considering the report received under subsection (1), the Authority is satisfied that, having regard to the conditions of service, the usefulness of the officer or servant, the work and conduct of the officer or servant and all the other circumstances of the case, it is desirable in the public interest so to do, the Authority may terminate the service of the officer or servant with effect from such date as the Authority shall specify.

(3) It shall be lawful for the appropriate Disciplinary Committee to recommend to the Authority that the service of an officer or a servant be terminated in the public interest notwithstanding that disciplinary proceedings have not been carried out under this Act and the Authority may so terminate the service of the officer or servant.

(4) Notwithstanding anything in this Act and any other law to the contrary, in terminating the service of an officer or a servant in the public interest under this section, the officer or servant may not be given any opportunity of being heard and an officer or a servant whose service has been terminated in the public interest under this section shall not be regarded as having been dismissed, regardless of whether the termination of service of the officer or servant involved an element of punishment or was connected with conduct in relation to his office which the Authority regards as unsatisfactory or blameworthy."

#### **4. Amendment of section 32A**

Section 32A of the principal Act is amended-

(a) by substituting for subsection (4) the following subsection:

"(4) The disciplinary regulations made under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for the person against whom disciplinary proceedings are taken to make representations against the disciplinary charge laid against him before a decision is arrived at by the Disciplinary Committee except in the following cases:

(a) where an officer or a servant of the Authority is dismissed or reduced in rank on the ground of conduct in respect of which a criminal charge has been proved against him;

(b) where the Authority, on the recommendations of the Minister charged with the responsibility for home affairs, is satisfied that in the interest of the security of Malaysia or any part thereof it is not expedient to carry out the requirements of this subsection; or

(c) where there has been made against an officer or a servant of the Authority any order of detention, supervision, restricted residence, banishment or deportation, or where there has been imposed on an officer or a servant of the Authority any form of restriction or supervision by bond or otherwise, under any law relating to the security of Malaysia or any part thereof, prevention of crime, preventive detention, restricted residence, banishment, immigration, or protection of women and girls."; and

(b) by inserting after subsection (4) the following subsections:

"(5)The disciplinary regulations made under this section shall provide for the procedure for the hearing of an appeal against the decision of the Disciplinary Committee.

(6) For the purpose of this section, "officer" includes the Deputy Chairman."