

# LEMBAGA PADI DAN BERAS NEGARA (AMENDMENT) ACT 1990

## ACT A763

### PREAMBLE

An Act to amend the Lembaga Padi dan Beras Negara Act 1971.

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

#### 1. Short title and commencement.

(1) This Act may be cited as the **Lembaga Padi dan Beras Negara (Amendment) Act 1990**.

(2) This Act shall come into force on such date as the Minister may, by notification in the Gazette, appoint.

#### 2. New section 17A.

The Lembaga Padi dan Beras Negara Act 1971 [Act 47], which in this Act is referred to as "the principal Act", is amended by inserting, immediately after section 17, the following new section 17A:

##### 17A. Surcharge.

(1) If it appears to the Lembaga that any person who is or was in the employment of the Lembaga-

- (a) has failed to collect any monies owing to the Lembaga for the collection of which he is responsible;
- (b) is or was responsible for any payment from the Fund of monies which ought not to have been made or for any payment of monies which is not duly vouched;
- (c) is or was responsible, directly or indirectly, for any deficiency in, or for the destruction of, any monies, stamps, securities, stores or other property of the Lembaga;
- (d) being or having been an accounting officer, fails or has failed to keep proper accounts or records;
- (e) has failed to make any payment, or is or was responsible for any delay in the payment, of monies 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 Lembaga,

the Lembaga shall serve on him a written notice calling on him to show cause why he should not be surcharged, and if a satisfactory explanation is not, within fourteen days from the date of service of the notice as aforesaid, furnished to the Lembaga with regard to the failure to collect, payment which ought not to have been made, payment not duly vouched, deficiency or destruction, or failure to keep proper accounts or records, or failure to make payment, or delay in making payment, the Lembaga may surcharge against the said person a sum not exceeding the amount of any such amount not collected, such payment, deficiency, or loss or the value of the property destroyed, as the case may be; and with regard to the failure to keep proper accounts or records, or the failure to make payment, or the delay in making payment, the Lembaga may surcharge against the said person such sum as the Lembaga may think fit.

(2) The Chairman 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.

(3) The Lembaga 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 Chairman shall at once cause the Director General to be notified of such withdrawal.

(4) The amount of any surcharge made under subsection (1) and not withdrawn under subsection (3) shall be a debt due to the Lembaga from the person against whom the surcharge is made and may be sued for and recovered in any court at the suit of the Lembaga and may also be recovered by deduction

(a) from the salary of the person surcharged if the Lembaga so directs; or

(b) from the pension of the person surcharged if the Lembaga so directs,

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

### **3. Amendment of section 32.**

Section 32 of the principal Act is amended-

(a) by deleting the word "and" appearing at the end of paragraph (c);

(b) by substituting the full stop at the end of paragraph (d) with a semicolon; and

(c) by inserting, immediately after paragraph (d), the following new paragraphs (e) and (f):

"(e) the determination of salary scales and terms and conditions of employment of the officers and servants of the Lembaga, including the provision of loans to such officers and servants; and

(f) the establishment and management of a contributory provident fund for the officers and servants of the Lembaga or for the payment of pensions, allowances or gratuities to the said officers and servants on retirement or otherwise ceasing to hold office."

### **4. New section 32A.**

The principal Act is amended by inserting, immediately after section 32, the following new section 32A:

#### **32A. Power to make disciplinary regulations.**

(1) The Lembaga may, with the approval of the Minister, make such disciplinary regulations as it deems necessary or expedient to provide for the discipline of the officers and servants of the Lembaga.

(2) The disciplinary regulations made by the Lembaga under this section may include provisions for the interdiction with reduction in salary or in other remuneration, or provisions for the suspension without salary or other remuneration, of an officer or servant of the Lembaga during the pendency of disciplinary proceedings.

(3) The disciplinary regulations made under this section shall create such disciplinary offences and provide for such disciplinary punishments as the Lembaga may deem appropriate, and the punishments so provided may extend to dismissal or reduction in rank.

(4) The disciplinary regulations made under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for representations to be made by the person against whom disciplinary proceedings are taken before a decision is arrived at by the disciplinary authority on the disciplinary charge laid against such person."

#### **5. Amendment of Schedule.**

The Schedule to the principal Act is amended-

(a) by inserting, immediately after the words "shall be" in paragraph (2) of Part 1, the words "deemed to have been"; and

(b) by inserting, immediately after paragraph 15 of Part 11, the following new paragraph 16:

#### **16. Discipline of officers and servants.**

(1) There shall be a Disciplinary Committee of the Lembaga which shall consist of two members to be elected by and from the members of the Lembaga, one of whom shall be elected chairman, and the Director General appointed under section 9 (1).

(2) The disciplinary authority in respect of every officer and servant of the Lembaga, other than the Director General, shall be the Disciplinary Committee of the Lembaga established under subparagraph (1).

(3) The Disciplinary Committee in respect of the Director General shall consist of the Secretary General of the Ministry of Agriculture as chairman and two members to be elected by and from the members of the Lembaga.

(4) The Director General shall not be a member of the Disciplinary Committee in any proceedings before it in which he is the complainant; his place shall be taken by a member to be elected by and from the members of the Lembaga.

(5) In the exercise of its disciplinary functions, the Disciplinary Committee shall have the power to impose such disciplinary punishment as may be provided for under any regulations that may be made under section 32A.

(6) The Disciplinary Committee may subject to subparagraph (7), delegate any of its disciplinary functions, powers or duties to any committee of officers or servants of the Lembaga, in respect of any particular officer or servant of the Lembaga or in respect of any class or category of officers or servants of the Lembaga, and the committee delegated with such functions, powers or duties shall carry out, exercise or discharge them under the direction and control of the Disciplinary Committee which shall have the power to review, rescind or vary any decision or finding of such committee.

(7) No delegation shall be made under subparagraph (6) so as to enable an officer or servant of the Lembaga to be a member of a committee which may exercise any disciplinary authority over an officer or servant who is superior to him in rank.

(8) Any officer or servant of the Lembaga who is dissatisfied with the decision of the Disciplinary Committee or of any committee delegated with functions, powers or duties under subparagraph (6) may, within fourteen days appeal in writing against such decision to the Lembaga which may thereupon affirm, reverse or give such directions on the matter as it deems fit and proper,

(9) The decision of the Lembaga upon such appeal shall be final."