

**D.R. 31/98**

**Naskhah Sahih—Bahasa Kebangsaan**

**RANG UNDANG-UNDANG**

*bernama*

Suatu Akta untuk meminda Akta Lembaga Pemasaran Pertanian Persekutuan 1965.

[ ]

**DIPERBUAT** oleh Parlimen Malaysia seperti yang berikut:

**Tajuk ringkas dan permulaan kuat kuasa**

1. (1) Akta ini bolehlah dinamakan Akta Lembaga Pemasaran Pertanian Persekutuan (Pindaan) 1998.

(2) Akta ini hendaklah mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

**Pindaan seksyen 6**

2. Akta Lembaga Pemasaran Pertanian Persekutuan 1965 [*Akta 141*], yang disebut "Akta ibu" dalam Akta ini, dipinda dalam seksyen 6—

(a) dalam subseksyen (3), dengan menggantikan perkataan "Disciplinary Committee in respect of the Director General" dengan perkataan "disciplinary authority in respect of the Director General shall be the Disciplinary Committee which";

- (b) dengan menggantikan subseksyen (8) dan (9) dengan subseksyen yang berikut:

"(8) A decision of the Disciplinary Committee established under subsection (1) shall be appealable to the Disciplinary Appeal Board established under section 6A.

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

- (c) dengan memasukkan selepas subseksyen (9) subseksyen yang berikut:

"(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."

### **Seksyen baru 6A dan 6B**

3. Akta ibu dipinda dengan memasukkan selepas seksyen 6 seksyen yang berikut:

“Establishment of Disciplinary Appeal Board. 6A. (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 6, 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.

Termination  
in the public  
interest.

6e. (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 a 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."

**Pindaan seksyen 124**

## 4. Seksyen 12A Akta ibu dipinda—

- (a) dengan menggantikan subseksyen (4) dengan subseksyen yang berikut:

"(4) The disciplinary regulations made under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an opportunity to 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."; dan

- (b) dengan memasukkan selepas subseksyen (4) subseksyen yang berikut:

"(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 Director General."

HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Akta Lembaga Pemasaran Pertanian Persekutuan 1965 ("Akta 141").

2. *Fasal 1* bertujuan untuk mengadakan peruntukan bagi perkara permulaan.
3. *Fasal 2* bertujuan untuk meminda seksyen 6 Akta 141 untuk mengadakan peruntukan mengenai rayuan kepada Lembaga Rayuan Tata tertib atau Menteri terhadap keputusan Jawatankuasa Tata tertib.
4. *Fasal 3* bertujuan untuk memasukkan seksyen baru 6A ke dalam Akta 141 untuk mengadakan peruntukan mengenai penubuhan Lembaga Rayuan Tata tertib. *Fasal 3* juga bertujuan untuk memasukkan seksyen baru 6B untuk mengadakan peruntukan bagi penamatan perkhidmatan pegawai atau pengkhidmat Lembaga demi kepentingan awam.
5. *Fasal 4* bertujuan untuk meminda seksyen 12A Akta 141 bagi memperuntukkan bahawa dalam hal keadaan tertentu peluang untuk membuat representasi tidak perlu diberikan.

*IMPLIKASI KEWANGAN*

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan.

[PN(U<sup>2</sup>)1935]