



# **UNDANG-UNDANG MALAYSIA**

**Akta A1398**

**AKTA MAKTAB KERJASAMA (PERBADANAN)  
(PINDAAN) 2011**

Tarikh Perkenan Diraja      ...      ...      5 Ogos 2011

Tarikh penyiaran dalam *Warta*      ...      18 Ogos 2011

Hakcipta Pencetak (H)

**PERCETAKAN NASIONAL MALAYSIA BERHAD**

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada **Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik)**.

## UNDANG-UNDANG MALAYSIA

### Akta A1398

### AKTA MAKTAB KERJASAMA (PERBADANAN) (PINDAAN) 2011

Suatu Akta untuk meminda Akta Maktab Kerjasama (Perbadanan) 1968.

[ ]

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

#### **Tajuk ringkas dan permulaan kuat kuasa**

**1.** (1) Akta ini bolehlah dinamakan Akta Maktab Kerjasama (Perbadanan) (Pindaan) 2011.

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

#### **Penggantian seksyen 2**

**2.** Akta Maktab Kerjasama (Perbadanan) 1968 [*Akta 437*], yang disebut “Akta ibu” dalam Akta ini, dipinda dengan menggantikan seksyen 2 dengan seksyen yang berikut:

#### **“Interpretation**

**2.** In this Act, unless the context otherwise requires—

“Board” means the Board of the Co-operative College of Malaysia established under section 4B;

“College” means the Co-operative College of Malaysia established under section 3;

“Contributory Provident Fund” means the Contributory Provident Fund established under section 7B;

“Director General” means the Director General of the College appointed under subsection 4L(1);

“financial year” means the period from the first day of January to the thirty-first day of December in a year;

“Minister” means the Minister charged with the responsibility for co-operative development;

“Reserve Fund” means the Reserve Fund established under section 7A.”.

### **Penggantian seksyen 3**

**3.** Akta ibu dipinda dengan menggantikan seksyen 3 dengan seksyen yang berikut:

#### **“Establishment of the Co-operative College of Malaysia**

**3.** (1) A body corporate by the name of “Co-operative College of Malaysia” or, in the national language, “Maktab Koperasi Malaysia” is established.

(2) The College shall have perpetual succession and a common seal.

(3) The College may sue and be sued in its name.

(4) Subject to and for the purposes of this Act, the College may, upon such terms as it deems fit—

(a) enter into contracts;

(b) acquire, purchase, take, hold and enjoy movable and immovable property which may become vested in it by purchase, or by any exchange, grant, donation, lease, testamentary disposition or otherwise;

- (c) convey, assign, surrender, yield up, charge, sell, mortgage, lease, exchange, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property of any description or any interest therein vested in the College upon such terms as it deems fit; and
- (d) exercise, perform and discharge, in accordance with the provisions of this Act, all powers, functions and duties conferred, provided or imposed upon the College by such provisions.”.

#### **Penggantian seksyen 4**

**4.** Akta ibu dipinda dengan menggantikan seksyen 4 dengan seksyen yang berikut:

##### **“Functions of the College**

**4.** The functions of the College are as follows:

- (a) to provide a course in co-operative studies and such other courses of study and make such award of diplomas therefor as the College deems fit;
- (b) to print or publish, or assist in the printing or publication of, books on co-operatives or any subject connected therewith;
- (c) to make such rules as may be necessary to regulate the responsibilities and control of officers and staff of the College and to impose such fees payable in respect of any course of study as it deems fit;
- (d) to carry out research on co-operative matters;
- (e) to provide consultancy services;
- (f) to conduct courses in co-operative studies and such other courses of study, jointly or in association, affiliation, collaboration or otherwise, with any higher educational institution or professional body, or any organization, within or outside Malaysia; and

- (g) to advise the Minister regarding matters related to training and education for co-operative societies.”.

### **Seksyen baru 4A hingga 4p**

**5.** Akta ibu dipinda dengan memasukkan selepas seksyen 4 seksyen yang berikut:

#### **“Powers of the College**

**4A.** The College shall, subject to the provisions of this Act, have the powers to—

- (a) confer diplomas, certificates and equivalent qualifications upon persons who have followed courses of study conducted by the College and have satisfied such other requirements as may be determined by the Board, or as may be prescribed;
- (b) institute and award scholarships, bursaries, medals, prizes and other forms of distinctions, awards or assistance in respect of the training, education and knowledge based services provided by the College;
- (c) grant loans or financial assistance to deserving students on such terms and conditions as may be approved by the Board;
- (d) market or commercialize the services, research findings and products of the College;
- (e) demand and receive such fees as may from time to time be determined by the Board or as may be prescribed;
- (f) do any thing, whether or not incidental to the powers aforesaid, which may be done for the enhancement of education, training, finance, administration, welfare and discipline in the College; and
- (g) establish or promote the establishment of companies under the Companies Act 1965 [*Act 125*] to carry on or engage in any activity which has been planned or undertaken by the College with the approval of the Minister of Finance.

## **The Board of the College**

**4B.** (1) The College shall be administered by the Board of the College which consist of the following members:

- (a) a Chairman;
- (b) the Executive Chairman of the Malaysia Co-operative Societies Commission as Deputy Chairman;
- (c) the Director General of the College;
- (d) a representative of the Treasury;
- (e) a representative of the Ministry in charge of co-operative development;
- (f) a representative of the National Co-operative Organisation of Malaysia (ANGKASA);
- (g) six persons representing the co-operative movement; and
- (h) three other persons who, in the opinion of the Minister, possess the qualification or experience in matters relating to the development, operation or well-being of the College.

(2) The members referred to in paragraphs (1)(a), (d), (e), (f), (g) and (h)—

- (a) shall be appointed by the Minister for a term not exceeding two years; and
- (b) shall be eligible for reappointment upon the expiry of his term of office.

(3) A senior officer of the College shall be appointed by the Board as Secretary to the Board but with no voting rights.

(4) A member of the Board appointed under paragraphs (1)(a), (d), (e), (f), (g) and (h) may at any time resign his office by a letter addressed to the Minister.

(5) Where a member appointed under paragraphs (1)(a), (d), (e), (f), (g) and (h) ceases to be a member of the Board, the Minister may appoint another person to fill the vacancy for the remainder of the term for which the vacating member was appointed.

(6) Subject to this Act, the Board may determine its own procedure.

### **Disqualification from being a member of the Board**

**4c.** A person shall be disqualified from being appointed or being a member of the Board—

- (a) if there has been approved against him, or he has been convicted on a charge in respect of—
  - (i) an offence involving fraud, dishonesty or moral turpitude;
  - (ii) an offence under a law relating to corruption;
  - (iii) an offence under this Act; or
  - (iv) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (b) if he becomes a bankrupt; or
- (c) if he has been found or declared to be of unsound mind or has otherwise become incapable of managing his affairs.

### **Temporary exercise of functions of Chairman**

**4d.** (1) Where the Chairman is for any reason unable to perform his functions or during any period of vacancy in the office of the Chairman, the Deputy Chairman shall perform the functions of the Chairman.

(2) Where both the Chairman and the Deputy Chairman are for any reason unable to perform the functions of the Chairman or during any period of vacancy in the offices of the Chairman and Deputy Chairman, the Minister may appoint any member of the Board to perform the functions of the Chairman.



(3) The Deputy Chairman or the member appointed under subsection (2), as the case may be, shall, during the period in which he is performing the functions of the Chairman under this section, be deemed to be the Chairman and shall have all the powers of the Chairman.

### **Vacation of office**

**4E.** The office of a member of the Board referred to in subsection 4B(1) shall become vacant—

- (a) upon the death of the member;
- (b) upon the member resigning from such office by letter addressed to the Minister; or
- (c) upon the expiration or revocation of his appointment.

### **Revocation of appointment**

**4F.** (1) The Minister may revoke the appointment of a member of the Board referred to in paragraphs (1)(a), (d), (e), (f), (g) and (h)—

- (a) if his conduct, whether in connection with his duties as a member of the Board or otherwise, has been such as to bring discredit to the Board or the College;
- (b) if he has become incapable of properly carrying out his duties as a member of the Board;
- (c) if there has been proved against him, or he has been convicted on, a charge in respect of—
  - (i) an offence involving fraud, dishonesty or moral turpitude;
  - (ii) an offence under a law relating to corruption;
  - (iii) an offence under this Act; or
  - (iv) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (d) if he becomes a bankrupt;

- (e) if he has been found or declared to be of unsound mind or has otherwise become incapable of managing his affairs; or
- (f) if he absents himself from three consecutive meetings of the Board without obtaining leave in writing from the Chairman, or in the case of the Chairman, without the leave of the Minister.

(2) Notwithstanding subsection (1), the appointment of any member may at any time be revoked by the Minister without giving reasons for such revocation.

### **Board meetings**

**4G.** (1) The Board shall meet as often as may be necessary but not less than four times a year for the purpose of considering its activities.

(2) The quorum of the Board shall be seven.

(3) If on any question to be determined by the Board there is an equality of votes, the Chairman shall have a casting vote.

(4) The Board shall cause minutes of all its meetings to be maintained and kept in a proper form.

(5) Any minutes made of meetings of the Board shall, if duly signed by the Chairman, be admissible in evidence in all legal proceedings without further proof and every meeting of the Board in respect of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

### **Disclosure of interest**

**4H.** (1) A member of the Board having, directly or indirectly, by himself or his partner—

- (a) any interest in any company or undertaking with which the Board proposes to enter into a contract; or
- (b) any interest in any such contract or in any matter under discussion by the Board,

shall disclose to the Board the fact of his interest and its nature.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Board and, unless specifically authorized by the Chairman, such member shall take no part in any deliberation or decision of the Board relating to the contract or matter.

(3) No act or proceedings of the Board shall be invalidated on the ground that any member of the Board has contravened this section.

### **Board may invite others to meetings**

**4I.** (1) The Board may invite any person to attend a meeting or deliberation of the Board for the purpose of advising it on any matter under discussion but that person shall not be entitled to vote at the meeting or deliberation.

(2) A person invited under subsection (1) may be paid such allowances as the Board may determine.

### **Allowances**

**4J.** The members of the Board appointed under subsection 4B(1) and the members of any committee appointed under section 5A may be paid such allowances as the Minister may determine.

### **Validity of acts and proceedings**

**4K.** No act done or proceeding taken under this Act shall be questioned on the ground of—

- (a) a vacancy in the membership of, or a defect in the constitution of, the Board; or
- (b) an omission, a defect or an irregularity not affecting the merit of the case.

### **Appointment of the Director General**

**4L.** (1) The Minister shall appoint a Director General on such terms and conditions as the Minister may determine.

(2) The Director General shall hold office for a period of not exceeding three years and shall be eligible for reappointment.

(3) The Board shall vest in the Director General such powers and shall impose upon him such duties as the Board may determine.

### **Appointment of officers and staff**

**4M.** (1) The College may appoint, on such terms and conditions of service as may be approved by the Board, such number of Deputy Director Generals, other officers and staff, as may be necessary for carrying out the purposes of the College.

(2) The Deputy Director Generals shall be subject to the direction and control of the Director General and may perform all the duties of the Director General under this Act.

### **Branch of the College**

**4N.** (1) The Board may establish and maintain such branch or branches of the College at such place or places in Malaysia or elsewhere as the Board may consider desirable for the purpose of carrying out the provisions of this Act.

(2) The Board shall appoint in respect of a branch, a Branch Director who shall be the principal executive, administrative and academic officer of the branch, and he shall perform his functions and discharge his duties under the direction and control of the Director General.

### **Power of the Minister to give directions**

**4O.** (1) The Board shall be responsible to the Minister.

(2) The Minister may give to the Board directions of a general character consistent with the provisions of this Act, relating to the performance of the functions and the exercise of the powers of the Board.

(3) The Board shall give effect to all directions given under this section as soon as possible.

### **Common seal of the College**

**4p.** (1) The common seal of the College may from time to time be broken, changed, altered and made anew as the Board thinks fit.

(2) The common seal of the College shall be kept in the custody of the Director General and shall be used with the authority of the Board.

(3) The common seal of the College shall be affixed to all diplomas and certificates and signed by—

(a) the Director General or, in his absence, one other member of the Board authorized in writing by the Board; and

(b) any other person authorized by the Board,

and such signature shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the College.

(4) The seal of the College shall be officially and judicially noticed.

(5) Any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the College; and any such document or instrument may be executed on behalf of the College by the Director General, or by any person generally or specially authorized in writing by the Board.”.

### **Penggantian seksyen 5**

**6.** Akta ibu dipinda dengan menggantikan seksyen 5 dengan seksyen yang berikut:

#### **“Study Committee**

**5.** (1) For the purpose of carrying out its functions under paragraph 4(a), the Board shall appoint a Study Committee which shall make recommendations to the Board on the appropriate syllabus required in respect of any course of

study, the manner in which examinations for the award of any diploma in respect of any course of study may be conducted, and on any other matter relating to any course of study as the College may refer to the Study Committee.

(2) The Study Committee shall include the following persons:

- (a) the Director General who shall be the Chairman of the Study Committee;
- (b) the Deputy Director General;
- (c) a representative from the Malaysian Co-operative Societies Commission; and
- (d) two representatives from any higher educational institutions.

(3) A senior officer of the College shall be appointed as the Secretary to the Study Committee.

(4) Subject to any directions given by the College, the Study Committee shall determine its own procedure.

(5) The Chairman of the Study Committee may invite any other person to attend the meetings of the Study Committee to advise on matters relating to any course of study as the Study Committee thinks fit.”.

### **Seksyen baru 5A**

7. Akta ibu dipinda dengan memasukkan selepas seksyen 5 seksyen yang berikut:

#### **“Power of the Board to establish other committees**

**5A.** The Board may establish any committee as it deems fit and subject to any directions by the Board, a committee so appointed shall determine its own procedure.”.

**Seksyen baru 7A dan 7B**

**8.** Akta ibu dipinda dengan memasukkan selepas seksyen 7 seksyen yang berikut:

**“Reserve Fund**

**7A.** (1) The College may establish and manage a Reserve Fund.

(2) Subject to subsection (3), the payment into and out of the Reserve Fund shall be determined by the Board.

(3) The Reserve Fund shall not be applied otherwise than for the purposes of the College.

**Contributory Provident Fund**

**7B.** The College may, with the approval of the Minister and the concurrence of the Treasury, establish and manage a Contributory Provident Fund for the Director General appointed under section 4L and officers and staff appointed under section 4M.”.

**Seksyen baru 8A**

**9.** Akta ibu dipinda dengan memasukkan selepas seksyen 8 seksyen yang berikut:

**“Gifts**

**8A.** (1) The Board may, on behalf of the College, accept by way of grant, gift, testamentary disposition, subvention, legacy or otherwise, any property and money in aid of finances of the College on such conditions as the Board may determine.

(2) Any property or money accepted by the College under subsection (1) shall, subject to the terms and conditions on which the property or money is given and accepted, be applied by the Board for all or any of the purposes of the College in accordance with this Act.

(3) A register shall be kept of all properties and moneys accepted by the Board under subsection (1), including the names of the donors and any special conditions on which the properties and moneys may have been given.

(4) All properties and moneys given and accepted for any specific purposes shall be applied and administered in accordance with the purposes for which the properties and moneys may be given and accepted and shall be separately accounted for.”.

### **Pindaan seksyen 10**

**10.** Seksyen 10 Akta ibu dipinda dengan menggantikan perkataan “Council”, di mana-mana jua terdapat, dengan perkataan “Board”.

### **Pindaan seksyen 11**

**11.** Seksyen 11 Akta ibu dipinda dengan menggantikan perkataan “Council”, di mana-mana jua terdapat, dengan perkataan “Board”.

### **Pindaan seksyen 12**

**12.** Seksyen 12 Akta ibu dipinda dalam subseksyen (1) dengan menggantikan perkataan “Council”, di mana-mana jua terdapat, dengan perkataan “Board”.

### **Seksyen baru 12A hingga 12G**

**13.** Akta ibu dipinda dengan memasukkan selepas seksyen 12 seksyen yang berikut:

#### **“Public Authorities Protection Act 1948**

**12A.** The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the College or against the Board, any member of the Board, any member of a committee, or any officer, staff



or agent of the College in respect of any act, neglect or default done by it or by him, as the case may be, in such capacity.

### **Public servants**

**12B.** Every member of the Board, or any officer, staff or agent of the College, while discharging his duties under this Act as such member, officer, staff or agent, shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

### **Obligation of secrecy**

**12c.** (1) Except for the purposes of this Act or any civil or any criminal proceedings under any written law, a member of the Board, or any officer, staff or agent of the College, any member of a committee, or any person invited to attend any meetings of the Board or any committee, shall not disclose any information which has been obtained by him in the course of his duties and which is not published in pursuance of this Act.

(2) Any person who contravenes 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 six months or to both.

### **Civil proceedings**

**12D.** Notwithstanding the provisions of any written law to the contrary, in any civil proceedings by or against the College or in any other proceedings in which the College is required or permitted by the court to be represented, or to be heard, or is otherwise entitled to be represented or to be heard, any person or officer of the College authorized in that behalf by special or general directions by the Director General, may on behalf of the College, institute such proceedings or appear in and conduct such proceedings and may make all appearances and applications and do all acts in respect of such proceedings on behalf of the College.

**Act or omission done in good faith**

**12E.** No action or suit shall be brought, instituted or maintained in any court against—

- (a) the Board;
- (b) a member of the Board;
- (c) the College;
- (d) any officer or staff of the College; or
- (e) any persons lawfully acting on behalf of the College,

for any act or omission done or omitted in good faith in the exercise or discharge of its or his powers or duties under this Act on a reasonable belief that it was necessary for the purpose intended to be served thereby.

**Power of Board to make rules and guidelines**

**12F.** (1) The Board may make such rules and guidelines as may be necessary for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of subsection (1), such rules and guidelines may provide for all or any of the following matters:

- (a) the functions and duties of the officers and staff;
- (b) the determination of the requirements governing the recognitions and awards of diplomas, certificates and equivalent qualifications to be conferred by the College;
- (c) the conditions and admission and welfare of the students;
- (d) the forms required for the purposes of this Act; and
- (e) any matter within the powers of the College under section 4A.

**Power of Minister to make regulations**

**12G.** The Minister may make regulations—

- (a) providing for the discipline of the students of the College, including prescribing the disciplinary offences, disciplinary punishments and the procedures for disciplinary proceedings; and
- (b) on any matters as may be expedient or necessary for the better carrying into effect of the provisions of this Act.”.

**Pemotongan Jadual**

**14.** Akta ibu dipinda dengan memotong Jadual.

**Peruntukan kecualian dan peralihan**

**15.** (1) Pertukaran nama “The Co-operative College of Malaysia” kepada “Co-operative College of Malaysia” atau pertukaran nama “Maktab Kerjasama Malaysia” kepada “Maktab Koperasi Malaysia” apabila mula berkuat kuasanya Akta ini tidak akan menyentuh apa-apa hak atau obligasi Maktab atau mencatatkan apa-apa prosiding undang-undang oleh atau terhadapnya, dan apa-apa prosiding undang-undang yang boleh diteruskan atau dimulakan oleh atau terhadapnya sebelum mula berkuat kuasanya Akta ini bolehlah diteruskan atau dimulakan di bawah nama barunya.

(2) Semua tindakan, peraturan, perintah, arahan, pemberitahuan, kelulusan, keputusan, garis panduan dan tindakan eksekutif lain yang dibuat, diberikan atau dilakukan di bawah, atau mengikut, atau menurut kuasa Akta ibu oleh Majlis sebelum bermulanya kuat kuasa Akta ini hendaklah disifatkan sebagai telah dibuat, diberikan atau dilakukan di bawah, atau mengikut, atau menurut kuasa, Akta ini oleh Lembaga, dan hendaklah terus berkuat kuasa dan berkesan sepenuhnya berhubung dengan orang yang perkara itu terpakai baginya.

(3) Semua surat ikatan, dokumen dan surat cara lain yang disempurnakan di bawah meterai perbadanan “The Co-operative College of Malaysia” atau “Maktab Kerjasama Malaysia” sebelum mula berkuat kuasanya Akta ini hendaklah terus berkuat kuasa dan berkesan sepenuhnya apabila mula berkuat kuasanya Akta ini.

(4) Mana-mana orang yang dilantik di bawah Akta ibu sebelum mula berkuat kuasanya Akta ini hendaklah terus menjadi anggota Lembaga atau mana-mana jawatankuasa, atau pegawai atau anggota kakitangan Maktab, mengikut mana-mana yang berkenaan, di bawah Akta ini seolah-olah orang itu telah dilantik di bawah peruntukan Akta ini.