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Act 653

AKADEMI SENI BUDAYA DAN WARISAN KEBANGSAAN ACT 2006

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**AKADEMI SENI BUDAYA DAN WARISAN
KEBANGSAAN ACT 2006**

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AKADEMI SENI BUDAYA DAN WARISAN KEBANGSAAN ACT 2006

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LAWS OF MALAYSIA

Act 653

AKADEMI SENI BUDAYA DAN WARISAN KEBANGSAAN ACT 2006

An Act to provide for the establishment, maintenance, and administration of the Akademi Seni Budaya dan Warisan Kebangsaan and for other matters connected therewith.

[1 August 2006, P.U. (B) 213/2006]

ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Akademi Seni Budaya dan Warisan Kebangsaan Act 2006.

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

Interpretation

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

“Akademi” means the Akademi Seni Budaya dan Warisan Kebangsaan established under section 3;

“Board” means the Board of Directors of the Akademi Seni Budaya dan Warisan Kebangsaan constituted under section 8;

“Board of Studies” means the Board of Studies of the Akademi established under section 12;

“Chairman” means the Chairman of the Board;

“Rector” means the Rector of the Akademi appointed under section 13 as the chief executive officer of the Akademi and “Deputy Rector” shall be construed accordingly;

“appointed date” means the date appointed by the Minister under subsection 1(2).

PART II

THE AKADEMI SENI BUDAYA DAN WARISAN KEBANGSAAN

Establishment of the Akademi Seni Budaya dan Warisan Kebangsaan

3. (1) There shall be established an academy to be known as the “Akademi Seni Budaya dan Warisan Kebangsaan” (hereinafter referred to as “the Akademi”).

(2) The Akademi shall be a body corporate with perpetual succession, and with full power and authority under such name—

- (a) to sue and be sued;
- (b) to have and use a common seal and from time to time to break, change, alter or make anew such seal as it shall deem fit;
- (c) to enter into contracts, to acquire, take, hold and enjoy movable and immovable property of every description, including any such property which may become vested in it by purchase, or by any exchange, grant, donation, lease, testamentary disposition or otherwise;
- (d) to convey, assign, surrender, yield up, charge, sell, mortgage, lease, exchange, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property of any description or any interest therein vested in the Akademi upon such terms as it deems fit;

- (e) to exercise, perform and discharge, in accordance with the provisions of this Act, all powers, functions and duties conferred, provided or imposed upon the Akademi by such provisions.

(3) Subject to the approval of the Minister, the Akademi may provide studies, courses and training in the fields of culture, arts and heritage which in particular may include fine art, cinematography or filming, choreography, drama, stage or cinematic acting, stage management, photography, designing, creative arts, dance, creative writing, screen play, script writing, archiving or subject pertaining to the archives, library science or subjects pertaining to library, museum subjects, television or electronic media productions, music and such other studies, course or training as the Board may decide from time to time.

Non-application of Act 30, Act 550 and Act 555

4. The Universities and University Colleges Act 1971 [Act 30], Education Act 1996 [Act 550] and Private Higher Educational Institutions Act 1996 [Act 555] shall not apply to the Akademi.

Powers of the Akademi

5. The Akademi shall, subject to the provisions of this Act, have the following powers:

- (a) to provide courses of study, to make provision for research, to hold examinations and to take such other steps as may appear necessary or desirable for education and training in the fields enumerated under subsection 3(3) or as determined by the Board and approved by the Minister from time to time;
- (b) to confer internationally recognised academic and professional qualifications or awards, diplomas, certificates and other academic distinctions upon persons who have followed courses of study approved by the Akademi and have satisfied such other requirements as may be determined by the Board;
- (c) to confer awards on persons who have contributed to the advancement or dissemination of knowledge or who have rendered distinguished public service as may be recommended by the Board, in the fields of culture, arts and heritage;

- (d) to determine and prescribe the qualifications for the purpose of admission to the courses of study and examinations of the Akademi;
- (e) to set up posts for academic and training purposes, lectureships, and other posts and offices, and to make appointments thereto;
- (f) to award recognitions, medals, prizes and other forms of distinctions or assistance in respect of the education and training provided by or in the Akademi;
- (g) to enter into contracts and to appoint such staff either local or foreign, on terms agreed by both parties as may be required for the purposes of the Akademi;
- (h) to grant loans or advances to the staff of the Akademi in pursuit of academic excellence;
- (i) to grant loans or financial assistance to deserving students on such terms and conditions as may be approved by the Board;
- (j) to conduct research and production for the effective promotion and utilization of the research findings of the Akademi;
- (k) to market and franchise the services, research findings, and products, of the Akademi;
- (l) to demand and receive such fees as may from time to time be determined by the Board, or as may be prescribed;
- (m) to do all such acts and things, whether or not incidental to the powers aforesaid, as may be requisite in order to supplement, complement, improve or fulfil the objectives of the Akademi.

Faculties, Departments or Centres

6. (1) The Akademi may establish faculties, departments or centres as may, from time to time, be determined by the Board, and such faculties, departments or centres shall bear such names as the Board may assign to them.

(2) A faculty, department or centre shall be headed by a person to be appointed by the Rector.

(3) The head of a faculty, department or centre shall be responsible to the Rector and shall perform such duties as may be assigned to him by the Rector.

Conduct of study, jointly, *etc.*, with any University, *etc.*

7. (1) The Akademi may, with the prior written approval of the Minister—

- (a) conduct any course of study jointly or in association, affiliation, collaboration or by way of franchise or otherwise, with any University, University College, higher educational institution, or professional body, or any organization, within or outside Malaysia; and
- (b) conduct any such course of study either wholly or partly within or outside Malaysia.

(2) The approval of the Minister under subsection (1) may be made subject to such terms and conditions as the Minister may deem fit to specify.

(3) The Minister shall not give approval under subsection (1) unless he is satisfied that the Akademi has made all necessary arrangements with the University, University College, higher educational institution, or professional body, or organization concerned for the conduct of the course of study.

(4) In this section, “affiliation” includes the conduct of twinning programmes.

PART III

CONSTITUTION AND POWERS OF BOARD OF DIRECTORS

The Board of Directors

8. (1) There shall be constituted a Board of Directors of the Akademi to be known as the Board of Directors of the Akademi Seni Budaya dan Warisan Kebangsaan.

(2) The Board shall consist of the following members:

- (a) a Chairman;
- (b) the Rector;
- (c) two persons to represent the Government;
- (d) seven persons who in the opinion of the Minister possess the qualification and experience to be of assistance to the Board, and the well-being of the Akademi.

(3) The appointment of the members of the Board, except the Rector, shall be made by the Minister for a period not exceeding three years and upon expiry of such period the members of the Board shall be eligible for reappointment.

(4) The appointment of any member may at any time be revoked by the Minister without giving reasons for such revocation.

(5) The Minister may appoint any member of the Board to exercise the functions of the Chairman—

(a) if the Chairman is unable, by reason of illness, leave of absence or any other cause, to perform his functions; or

(b) during any period of vacancy in the office of the Chairman.

(6) A member appointed as the Chairman under subsection (5) shall, during the period in which he is performing the functions of the Chairman under this section, be deemed to be the Chairman.

(7) The Registrar shall be the Secretary of the Board.

(8) Five members of the Board shall form a quorum at any meeting of the Board.

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

(10) The provisions of the First Schedule shall apply to the Board.

Powers and functions of the Board

9. (1) The Board shall be the executive body of the Akademi and may exercise all the powers conferred on the Akademi, save as otherwise provided by this Act or by any subsidiary legislation made hereunder.

(2) The functions of the Board shall include the carrying on of all such activities and the doing of all such things as are necessary or advantageous and proper for the government, control and administration of the Akademi.

Delegation of powers and functions of the Board

10. The Board may, subject to such conditions, limitations or restrictions as it thinks fit, delegate to any member or any committee of its members the power and authority to exercise and carry out on its behalf such powers or functions vested in the Board under this Act as the Board may determine; and any power or function so delegated may be exercised or performed by such member or by such committee, as the case may be, in the name and on behalf of the Board, but subject to the direction and control of the Board.

Committees of the Board

11. (1) For the purpose of enabling it to exercise its powers and perform its functions, the Board may appoint such committees as it thinks necessary or desirable.

(2) A committee established under subsection (1) shall deliberate upon matters referred to it by the Board and make appropriate recommendations thereon to the Board.

(3) The chairman of a committee established under subsection (1) shall be appointed by the Board or, where the Board so directs, by the members of the committee from amongst themselves.

(4) Subject to this Act, and to any direction given by the Board, a committee established under subsection (1) may determine its own procedure.

(5) A committee established under subsection (1) shall conform to any direction or instruction given to it from time to time by the Board and the Board may, at any time, discontinue, or alter the constitution of, the committee so appointed.

(6) The provisions of the First Schedule, except paragraph 7, shall apply to a committee established under subsection (1) as they apply to the Board.

(7) In the application of the First Schedule to a committee—

(a) references to the Board shall be construed as references to the committee; and

(b) references to the Chairman shall be construed as references to the chairman of the committee.

The Board of Studies

12. (1) There shall be constituted a Board of Studies of the Akademi to advise the Board on all academic matters of the Akademi.

(2) The Board of Studies shall consist of—

- (a) the Rector as chairman;
- (b) all the Deputy Rectors;
- (c) all Heads of Faculties, Departments or Centres, as the case may be; and
- (d) three senior members of the academic staff of the Akademi appointed by the Board.

(3) The Registrar shall be the Secretary of the Board of Studies.

(4) The appointments under paragraph 2(d) shall be for a period specified in the appointment letter.

(5) The Rector may co-opt any other persons to be members of the Board of Studies or to attend the meetings of the Board of Studies, but a person co-opted shall not have the right to vote.

(6) In the absence of the Rector, a Deputy Rector shall preside at any meeting of the Board of Studies.

(7) The Board of Studies shall make recommendations to the Board on all matters relating to—

- (a) the content and organization of the courses of study provided in the Akademi;
- (b) the method of education, instructions and training conducted in the Akademi;
- (c) the educational standards in the courses of study provided in the Akademi;
- (d) the curricula and courses of study conducted in the Akademi;
- (e) the feasibility or otherwise of any proposal in respect of any curriculum or course of study conducted or to be conducted in the Akademi;
- (f) the determination of the qualifications required for admission into any course of study provided in the Akademi;

- (g) the proposals for the establishment of any new course of study to be conducted, or the discontinuance of any existing course of study conducted, in the Akademi; and
- (h) the awards of academic honours, fellowships, professional qualifications, prizes, scholarships and other academic distinctions.

(8) No resolution shall be passed by the Board relating to any matter referred to in subsection (7) unless the Board of Studies has first been given the opportunity of recording and transmitting to the Board its opinion thereon.

(9) For the purpose of enabling it to perform its functions and discharge its duties, the Board of Studies may appoint such committees or subcommittees consisting of its members as well as any persons co-opted as members under subsection (5), provided that any person co-opted shall not have the right to vote.

(10) The Board of Studies may delegate any of its functions or duties to its committees or subcommittees.

(11) Subject to this Act, the Board of Studies may determine its own procedure.

(12) The provisions of the First Schedule, except paragraph 7, shall apply to the Board of Studies established under this section as they apply to the Board.

(13) In the application of the First Schedule to the Board of Studies—

- (a) references to the Board shall be construed as references to the Board of Studies; and
- (b) references to the Chairman shall be construed as references to the chairman of the Board of Studies.

PART IV

OFFICERS AND OTHER STAFF OF THE AKADEMI

Appointment, powers and duties of Rector and Deputy Rector

13. (1) There shall be a Rector of the Akademi who shall be appointed by the Minister.

(2) The Minister may, at any time, revoke the appointment of the Rector without assigning any reason therefor.

(3) Subject to subsection (2), the terms of office and other conditions of service of the Rector shall be determined by the Minister and shall be binding on the Akademi.

(4) The Rector shall be the chief executive, administrative and academic officer of the Akademi.

(5) It shall be the duty of the Rector to ensure that the provisions of this Act and the subsidiary legislation made under this Act are observed, and he shall have all such powers as may be necessary for this purpose.

(6) The Rector shall, subject to the provisions of this Act and the subsidiary legislation made under this Act, exercise general supervision over the arrangements for education, instruction, training, finance, administration, welfare and discipline in the Akademi, and may exercise such other powers as may be conferred upon him by this Act and any subsidiary legislation made thereunder.

(7) There shall be one or more Deputy Rectors who shall be appointed by the Minister, after consultation with the Rector.

(8) Any fit and proper person either from within or outside the Akademi may be appointed as a Deputy Rector, and the terms of office and other conditions of service of a Deputy Rector shall be determined by the Minister after consultation with the Rector.

(9) If the Rector is unable by reason of illness, leave of absence or any other cause to exercise any of the functions of his office, the Deputy Rector or, if there is more than one Deputy Rector, any one of them as may be nominated by the Minister shall exercise such functions, and in the event of the absence or disability of the Deputy Rector or all the Deputy Rectors (if there be more than one), the Minister shall make such temporary arrangements as he may think fit for the exercise of such functions.

(10) The Deputy Rector nominated under subsection (9) shall act during any period that the post of Rector is vacant.

Registrar

14. (1) The Akademi shall have a Registrar who shall be appointed by the Board on such terms and conditions of service as may be approved by the Board.

(2) The Registrar shall be the principal registry officer of the Akademi with such functions and duties as may be determined by the Board.

(3) The Registrar shall perform his functions and discharge his duties under the direction and control of the Rector.

Bursar

15. (1) The Akademi shall have a Bursar who shall be appointed by the Board on such terms and conditions of service as may be approved by the Board.

(2) The Bursar shall be the principal financial officer of the Akademi with such functions and duties as shall be assigned to him by the Board.

(3) The Bursar shall perform his functions and discharge his duties under the direction and control of the Rector.

Appointment of other staff

16. (1) The Board may appoint, on such terms and conditions of service as may be approved by the Board, such other staff including appropriate academic staff as may be necessary for carrying out the purposes of the Akademi.

(2) A member of the staff appointed under subsection (1) shall be under the general direction and control of the Rector.

PART V

PROVISIONS RELATING TO STUDENTS

Discipline of students of the Akademi

17. (1) The Rector shall have disciplinary authority over every student.

(2) The Rector shall have the power to take disciplinary action and impose any disciplinary punishment provided under the rules made under section 42.

(3) The Rector may delegate any of his disciplinary powers, duties or functions to the Deputy Rector or any member of the staff, in respect of any particular student, or any class or category of students of the Akademi.

(4) The Deputy Rector or the member of the staff to whom disciplinary powers, duties or functions under subsection (3) have been delegated shall exercise, discharge or perform them under the direction and control of the Rector who shall have the power to review, rescind or vary any decision or finding of the Deputy Rector or such member of the staff.

(5) Any student dissatisfied with the decision of—

(a) the Rector; or

(b) any person delegated with powers, duties or functions under subsection (3),

may appeal against such decision to the Minister and the Minister may, if he deems fit, reject the appeal.

(6) Where the Minister does not reject the appeal under subsection (5), he shall appoint a committee of two or more persons, from within or outside the Akademi, to consider the appeal and make its recommendations to him, and, upon receiving such recommendations, the Minister may give such decision on the appeal as he considers fit and proper.

Students' Representative Committee

18. (1) The Akademi shall have a Students' Representative Committee (the "SRC").

(2) The provisions of the Second Schedule shall apply to the SRC.

Establishment of other student bodies

19. (1) Notwithstanding section 18, it shall be lawful for not less than ten students—

(a) with the prior written approval of the Rector given after obtaining the concurrence of the Minister; and

- (b) subject to such terms and conditions as the Rector may specify,

to establish a student body consisting of students for the promotion of a specific object or interest within the Akademi.

(2) The provisions of the Second Schedule, except paragraphs 1 and 7, shall apply with such modifications as may be necessary to a student body under this section as they apply to the SRC.

Dissolution of the SRC or other student body

20. (1) The Rector may, in his absolute discretion, without assigning any reason therefor—

- (a) suspend or dissolve the SRC, or any student body established under section 19; and
- (b) give such consequential directions or instructions or take such consequential steps as may be necessary or expedient to give effect to the suspension or dissolution.

(2) The suspension or dissolution of the SRC, or a student body established under section 19—

- (a) shall take immediate effect upon the making of the decision to suspend or dissolve the same; and
- (b) shall be final.

Prohibition on student or students' organization, body or group associating with societies, etc., except as approved by the Minister

21. (1) No person, while he is a student, shall be a member of, or shall in any manner associate with, any society, political party, trade union or any other organization, body or group of persons—

- (a) whether or not it is established under any law;
- (b) whether it is within or outside the Akademi; and
- (c) whether it is within or outside Malaysia,

except as may be provided by or under this Act, or except as may be approved in advance in writing by the Minister.

(2) No organization, body or group of students established by, under or in accordance with this Act, shall have any affiliation, association or other dealing with, any society, political party, trade union or any other organization, body or group of persons—

- (a) whether or not it is established under any law;
- (b) whether it is within or outside the Akademi; and
- (c) whether it is within or outside Malaysia,

except as may be provided by or under this Act, or except as may be approved in advance in writing by the Minister.

(3) No person, while he is a student and no organization, body or group of students which is established by, under or in accordance with this Act, shall express or do anything which may be construed as expressing—

- (a) support, sympathy or opposition to any political party or trade union; or
- (b) support or sympathy to any unlawful organization, body or group of persons.

(4) Any person who contravenes subsection (1), (2) or (3) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Prohibition on collection of money by student or by organization, body or group of students

22. (1) No student, organization, body or group of students which is established by, under or in accordance with this Act, shall, within or outside the campus, or within or outside Malaysia—

- (a) collect or attempt to collect;
- (b) promote or attempt to promote any collection of; or
- (c) make or attempt to make any appeal orally or in writing or otherwise for,

any money or other property from any person, not being money or property due or about to fall due under or by virtue of any written law, contract or other legal obligation.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(3) The Minister may, in any particular case, in his absolute discretion, grant exemption to any person from the application of subsection (1), subject to such terms and conditions and for such period as he may, in his absolute discretion, deem fit.

(4) Without prejudice to the provisions of this Act or any other written law relating to the delegation of powers, the Minister may, by notification in the *Gazette*, delegate the exercise of his powers under subsection (3) to the Rector in respect of the collection of money within the campus from persons within the campus, subject to such conditions and restrictions as may be specified in such notification.

(5) The provisions of this section shall be in addition to and not in derogation of the provisions of any written law relating to house to house and street collections, public collections, or collection of money or sale of badges.

Criminal liability of office-bearers, *etc.*, of a students' organization, body or group

23. (1) Where any offence has been committed under this Act—

- (a) whether or not any person has been convicted in respect thereof; and
- (b) such offence has been committed or purports to have been committed in the name or on behalf of any organization, body or group of students which is established by, under or in accordance with this Act,

every office-bearer of such organization, body or group of students and every person managing or assisting in the management of such organization, body or group of students at the time of the commission of such offence shall be deemed to be guilty of such offence and shall be liable to the punishment prescribed by law, unless he establishes to the satisfaction of the court that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

(2) Any office-bearer of, or any person managing or assisting in the management of, any organization, body or group referred to in subsection (1) shall be liable to be prosecuted under this section, notwithstanding that he may not have taken part in the commission of the offence.

(3) In any prosecution under this section of an office-bearer of, or any person managing or assisting in the management of, any organization, body or group referred to in subsection (1), any document found in the possession of any office-bearer of, or person managing or assisting in the management of, such organization, body or group, or in the possession of a member of such organization, body or group shall be *prima facie* evidence of the contents thereof for the purpose of proving that anything has been done or purports to have been done by or on behalf of such organization, body or group.

Presumptions

24. In any prosecution under this Act—

- (a) it shall not be necessary for the prosecution to prove that an organization, a body or group of persons possesses a name or that it has been constituted or is usually known under a particular name;
- (b) where any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, or purporting to relate to, any organization, body or group of persons are found in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person is a member of such organization, body or group and such organization, body or group shall be presumed, until the contrary is proved, to be in existence at the time such books, accounts, writings, lists of members, seals, banners or insignia are so found; and
- (c) where any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, any organization, body or group of persons are found in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person assists in the management of such organization, body or group.

Suspension and expulsion of student charged with a criminal offence or against whom a criminal offence is proved

25. (1) Where a student is charged with a criminal offence—

- (a) he may, immediately thereupon, be suspended from being a student; and
- (b) he shall not, if so suspended under paragraph (a), pending the criminal proceedings, remain in or enter the campus of the Akademi.

(2) Where a court finds that a charge for a criminal offence is proved against a student—

- (a) the student shall, immediately thereupon, cease to be a student; and
- (b) the student shall not, immediately thereupon, remain in or enter the campus of the Akademi.

(3) A student who is detained or who is subjected to any order imposing restrictions on him under any written law relating to preventive detention or internal security—

- (a) shall, immediately thereupon, cease to be a student; and
- (b) shall not, immediately thereupon, remain in or enter the campus of the Akademi.

(4) A student who ceases to be a student under subsection (2) or (3) shall not, after the expulsion, be admitted as a student of the Akademi without the prior written approval of the Minister, and if the Minister grants such approval, the Minister may impose such terms and conditions as he may, in his absolute discretion, deem fit to impose.

(5) Any person—

- (a) who remains in or enters the campus of the Akademi in contravention of subsection (1), (2) or (3); or
- (b) who obtains admission to the Akademi in contravention of subsection (4),

commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(6) Subsections (1), (2), (3), (4) and (5) shall apply to a person notwithstanding that there may be pending in any court or before any other authority any application, petition, appeal or other proceedings by him or by any other person in respect of the criminal proceedings, the detention or the order imposing restrictions, as the case may be:

Provided that upon the determination of such application, petition, appeal or other proceedings the Minister may, in his absolute discretion, have regard to such determination and grant exemption to the student from the application of subsection (1), (2), (3), (4) or (5), as the case may be, upon such terms and conditions as he may, in his absolute discretion, deem fit to impose.

(7) The Minister may, at any time, in any particular case, in his absolute discretion, grant exemption to any person from the application of subsection (1), (2), (3), (4) or (5), as the case may be, either—

- (a) unconditionally;
- (b) upon such terms and conditions; or
- (c) for such period,

as he may, in his absolute discretion, deem fit.

Board's power to suspend or expel a student from the Akademi

26. (1) The Board may—

- (a) upon representations made by the Akademi; and
- (b) after hearing the student,

if it is satisfied that it is desirable to do so in the interest of the Akademi, order in writing that any student—

- (i) be suspended from being a student for such period as the Board may specify in the order; or
- (ii) be expelled from the Akademi,

and such student shall, immediately thereupon, be so suspended or expelled, as the case may be.

(2) A student in respect of whom the Board has given an order in writing under subsection (1) may, within thirty days from the date of such order, appeal to the Minister for the revocation or variation of the order.

(3) The Minister may give such decision with regard to any appeal made under subsection (2) as it may deem fit and proper, and such decision shall be final.

(4) An order to suspend a student under subsection (1) may, from time to time, be extended for such period as the Board may specify in respect of each extension.

(5) A student—

- (a) who is suspended from being a student; or
- (b) who is expelled from the Akademi,

under subsection (1), shall not, during the suspension, or after the expulsion, as the case may be, remain in or enter the campus of the Akademi except with the prior written approval of the Board, and if the Board grants such approval, the Board may impose such conditions as it may, in its absolute discretion, deem fit to impose.

(6) A student who is expelled from the Akademi under subsection (1) shall not, after the expulsion, be admitted as a student of the Akademi without the prior written approval of the Board, and if the Board grants such approval, the Board may impose such conditions as it may, in its absolute discretion, deem fit to impose.

(7) A student—

- (a) who remains in or enters the campus of the Akademi in contravention of subsection (5); or
- (b) who obtains admission to the Akademi in contravention of subsection (6),

commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

PART VI

FINANCE

Establishment of Fund

27. (1) For the purposes of this Act a fund to be known as the Akademi Seni Budaya dan Warisan Kebangsaan Fund which shall be administered and controlled by the Board is established.

(2) The Fund shall consist of—

- (a) such sums as may be provided from time to time by Parliament;
- (b) such sums as may from time to time be lent to the Akademi by the Government;
- (c) any voluntary gift to the Akademi;
- (d) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;
- (e) any property, investment, subvention, lease, mortgage, charge or debenture acquired by or vested in the Akademi;
- (f) moneys earned or arising from any property, investment, subvention, lease, mortgage, charge acquired by or vested in the Akademi; and
- (g) all other sums or property which may in any manner become payable to or vested in the Akademi in respect of any matter incidental to its powers, functions and duties.

(3) All the moneys paid to the Akademi shall be applied or expended by the Akademi for all or any of the purposes of the Akademi in accordance with the estimates approved by the Minister.

Conservation of Fund

28. It shall be the duty of the Board and the Rector to conserve the Fund by so exercising, performing and discharging their powers, functions and duties under this Act so as to secure that the total revenues of the Akademi are, subject to any direction given by the Minister under section 33, sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital taking one year with another.

Power to invest

29. (1) The Akademi may invest in securities of the Government or such other securities as may be approved in advance in writing by the Minister of Finance such moneys of the Fund as may not be immediately required for current expenditure, with power from time to time to vary any such investment subject to the prior approval in writing by the Minister of Finance being obtained in respect of any variation resulting in any investment in securities other than Government securities.

(2) The Akademi may deposit, either in fixed deposit or in current account, any moneys for the time being uninvested with any bank in Malaysia holding a valid licence under the provisions of the Banking and Financial Institutions Act 1989 [Act 372] or the Islamic Banking Act 1983 [Act 276] and approved in advance in writing for the purpose by the Minister.

Annual estimates

30. (1) The Rector shall, not later than April in each year, lay before the Board detailed estimates of revenue and expenditure of the Akademi, including capital expenditure, for the ensuing financial year.

(2) The estimates shall contain all such details as the Board may require and shall be in such form as the Board may determine, or as may be prescribed by rules made under section 42.

(3) A copy of such estimates shall be sent to each member of the Board not less than fourteen days prior to the meeting before which the estimates are to be laid.

(4) The Board shall consider the estimates so submitted and shall sanction the same either unaltered or subject to such alteration as it thinks fit, and such alteration may include the addition, modification or the rejection of any item appearing in the estimates.

(5) The Board may before sanctioning the estimates under subsection (4) refer any item back to the Rector for his reconsideration.

(6) Such estimates as sanctioned by the Board shall be submitted to the Minister, who may disallow or alter such estimates or any portion thereof, or modify any item thereof, or add any item thereto, or reject any item therefrom.

(7) Where additional financial provision is required in any year the Board may, from time to time, during the year cause a supplementary estimate to be prepared by the Rector and submitted to it.

(8) Every such supplementary estimate shall be considered and sanctioned by the Board, and submitted to the Minister, who shall deal with it as if it were an original annual estimate.

(9) A supplementary estimate prepared under this section shall show the sources from which the additional expenditure shown in the supplementary estimate is to be met.

(10) The Akademi shall not incur expenditure otherwise than in accordance with the estimates or supplementary estimates approved by the Minister:

Provided that the Board may transfer all or any part of the moneys assigned—

- (a) to one item of annually recurrent expenditure to another item of annually recurrent expenditure; or
- (b) to one item of capital expenditure to another item of capital expenditure.

(11) The annual and supplementary estimates shall show in separate parts, the annually recurrent expenditure and the capital expenditure of the Akademi.

Statutory Bodies (Accounts and Annual Reports) Act 1980

31. The Statutory Bodies (Accounts and Annual Reports) Act 1980 [*Act 240*] shall apply to the Akademi.

Imposition of surcharge

32. (1) A person who is or was a staff of the Akademi may be surcharged if it appears to the Board that the person—

- (a) has failed to collect moneys owing to the Akademi for the collection of which he is or was responsible;
- (b) is or was responsible for any improper payment of money from the Fund or for any payment of moneys which is not duly approved;
- (c) is or was responsible, directly or indirectly, for any deficiency in, or for the destruction of, any moneys, stamps, securities, stores or other property of the Akademi;
- (d) being or having been an accounting officer, fails or has failed to keep proper accounts or records; or

- (e) has failed to make any payment, or is or was responsible for any delay in the payment from the Akademi, of moneys to any person to whom the payment is due under any law, contract, agreement or arrangement entered into between that person and the Akademi.

(2) The Board shall, before a person is surcharged under subsection (1), serve on him a written notice calling on him to show cause why he should not be surcharged.

(3) If a satisfactory explanation is not received within thirty days from the date of service of the notice under subsection (2), the Board may—

- (a) in the case of paragraphs (1)(a), (b) and (c), surcharge against the person a sum not exceeding the amount not collected, or of the improper payment made, or of the deficiency in the value of, or loss of, the moneys, stamp, security, store or other property of the Akademi; and
- (b) in the case of paragraphs (1)(d) and (e), surcharge against the person such sum as the Board may think fit.

(4) The Board shall notify the person surcharged in respect of any surcharge made under subsection (3).

(5) Notwithstanding subsections (3) and (4), the Board 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 Board shall at once notify the person surcharged of the withdrawal.

(6) The amount of any surcharge made under subsection (3) and not withdrawn under subsection (5) shall be a debt due to the Akademi from the person surcharged and may be sued for and recovered in any court at the suit of the Akademi and may also if the Board so directs be recovered by deduction—

- (a) from the salary of the person surcharged; or
- (b) from the pension of the person surcharged,

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

(7) In any action for surcharge against the Rector, the composition of the Board for the purposes of subsections (1) to (6) shall not include the Rector.

(8) For the purposes of paragraph (1)(d), “accounting officer” includes every staff of the Akademi charged with the duty of collecting, receiving, or accounting for, or who in fact collects, receives or accounts for, any money of the Akademi, or who is charged with the duty of disbursing, or who does in fact disburse, any such money, and every staff who is charged with the receipt, custody or disposal of, or the accounting for, any money, stamp, security, store or property of the Akademi or who in fact receives, holds or disposes of such money, stamp, security, store or property.

PART VII

GENERAL

Power of Minister to give directions

33. The Minister may issue directions of a general character consistent with the provisions of this Act to the Board and the Board shall give effect to such directions.

Power of Minister to delegate

34. (1) The Minister may, subject to such conditions, limitations or restrictions as he may specify, delegate to the Board the exercise or performance of any of his powers or functions under this Act.

(2) A delegation under this section—

- (a) may be revoked at any time by the Minister; and
- (b) shall not prevent the Minister from himself exercising, discharging or performing such delegated powers, duties or functions in any case where it appears to him expedient to do so.

Convocation

35. A convocation for the conferment of academic and professional qualifications or awards, diplomas, certificates and other academic distinctions shall be held annually, or as often as the Rector may direct, on such date as may be approved by the Minister.

Public Authorities Protection Act 1948

36. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceeding against the Akademi or against the Board or any member of the Board, or against the Rector, or against any officer, member of the staff or agent of the Akademi in respect of any act, neglect or default done or committed by it or by him, as the case may be, in such capacity.

Public servants

37. All members of the Board, the Rector, the officers, members of the staff or agents of the Akademi while discharging their duties or carrying out their functions or exercising their powers shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Obligation of secrecy

38. (1) Except for the purpose of this Act or of any civil or criminal proceedings, a member of the Board, or the Rector, or an officer or a member of the staff or agent of the Akademi shall not disclose any information in respect of the Akademi.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

Civil proceedings

39. Notwithstanding the provisions of any written law to the contrary, in civil proceedings by or against the Akademi—

- (a) any person holding the appointment of a Federal Counsel and authorized by the Attorney General for the purpose; or
- (b) any officer of the Akademi authorized in that behalf by special or general directions of the Rector,

may, on behalf of the Akademi, commence, appear in and conduct such proceedings and may make and do all appearances, acts, and applications in respect of such proceedings.

Act or omission done in good faith

40. No action or suit shall be instituted or maintained in any court against—

- (a) the Board;
- (b) a member of the Board;
- (c) the Rector;
- (d) the Deputy Rector;
- (e) the Registrar;
- (f) the Bursar;
- (g) the Board of Studies;
- (h) a member of the Board of Studies;
- (i) a staff of the Akademi; and
- (j) a person authorized to act for or on behalf of any of the bodies or persons under paragraphs (a) to (i),

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

Service

41. (1) Service of any notice under this Act or any subsidiary legislation made thereunder shall be effected by registered post to the person affected thereby and shall be deemed to have been served on the day succeeding the day on which the notice would have been delivered in the ordinary course of post.

(2) Where the person to whom there has been addressed a registered letter containing any notice which may be given under this Act or any subsidiary legislation made thereunder is informed orally or in writing of the fact that there is a registered letter awaiting him at a post office, and such person refuses, neglects or fails to take delivery of such registered letter, such notice shall be deemed to have been served upon him on the date on which he is so informed.

Power of Board to make rules

42. (1) The Board may make all such rules 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 may provide for all or any of the following matters, namely:

- (a) the preparation, audit, and submission to the Minister of estimates, budgets, statements and returns;
- (b) the functions and duties of the staff;
- (c) the determination of the principles governing the award of academic and professional qualifications, recognitions or awards, diplomas, certificates and other academic distinctions to be conferred by the Akademi;
- (d) the conditions of admission and welfare of students;
- (e) the discipline of the students of the Akademi, including prescribing the disciplinary offences, disciplinary punishments and the procedure for disciplinary proceedings;
- (f) the forms required for the purposes of this Act;
- (g) any matter within the powers of the Akademi under section 5 or under any other provision of this Act.

Amendment of Schedule

43. The Minister may from time to time amend the Schedule by order published in the *Gazette*.

PART VIII

TRANSITIONAL

Revocation of registration of the Akademi Seni Kebangsaan

44. The registration of the Akademi Seni Kebangsaan under section 79 of the Education Act 1996 [Act 550] is revoked.

Transfer of powers, rights, duties, etc.

45. Subject to the provisions of this Act, all powers, rights, privileges, duties, liabilities or obligations which immediately before the appointed date were those of the Akademi Seni Kebangsaan, shall, as from that date, devolve on the Akademi established by this Act.

Transfer of property

46. (1) Subject to the provisions of this Act, any land which immediately before the appointed date was held in the name of the Federal Lands Commissioner and occupied by the Akademi Seni Kebangsaan, shall on that date, by virtue of this Act be transferred to and vested in the Akademi without any conveyance, assignment or transfer whatever.

(2) Subject to the provisions of this Act, and to any direction of the Minister, all property and assets other than land which immediately before the appointed date were vested—

- (a) in the Government of Malaysia on behalf of the Akademi Seni Kebangsaan; or
- (b) in any person on behalf of or in respect of the Akademi Seni Kebangsaan;

shall, on that date, vest in the Akademi established by this Act.

(3) It is hereby declared that any property, whether movable or immovable, which, immediately before the appointed date, was used for the purposes which after that date become the purposes of the Akademi established by this Act shall, on that date, be vested in the Akademi.

Existing contracts

47. Subject to the provisions of this Act, and to any direction of the Minister, all deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the appointed date and affecting any of the property transferred under section 46 shall have full force and effect against or in favour of the Akademi established by this Act and shall be enforceable as fully and effectually as if, instead of the Akademi Seni Kebangsaan or Government of Malaysia in respect of the Akademi Seni Kebangsaan, the Akademi established by this Act had been named therein or had been a party thereto.

Continuance of civil and criminal proceedings

48. (1) Subject to the provisions of this Act, any proceedings, whether civil or criminal, or any cause of action pending or existing immediately before the appointed date by or against—

- (a) the Akademi Seni Kebangsaan;
- (b) the Government of Malaysia in respect of the Akademi Seni Kebangsaan; or
- (c) any person acting on behalf of the Akademi Seni Kebangsaan,

may be continued or instituted by or against the Akademi as it might have been by or against the same respectively as if this Act had not been enacted.

(2) Any appeal brought or any leave to appeal applied for on or after the appointed date against a decision given in any legal proceedings before that date to which the Akademi Seni Kebangsaan, the Government of Malaysia in respect of the Akademi Seni Kebangsaan or any person acting on behalf of the Akademi Seni Kebangsaan was a party, may be brought by or against the Akademi established by this Act.

Transfer of fund

49. All moneys standing in, belonging or due to be paid to, the fund of the Akademi Seni Kebangsaan or the Government of Malaysia in respect of the Akademi Seni Kebangsaan, shall on the appointed date be vested in the Akademi established by this Act, be transferred to and be deemed to be part of the Fund established under section 27 of this Act.

Continuance of officers and staff

50. (1) Every person who immediately before the appointed date was employed as an officer or staff of the Akademi Seni Kebangsaan shall, on that date, be deemed to have been employed by the Akademi established by this Act as if the said Akademi had existed prior to that date throughout the service of such officer or staff in the Akademi Seni Kebangsaan.

(2) Every person who immediately before the appointed date was employed as an officer or staff of the Akademi Seni Kebangsaan shall, on that date, be employed as an officer or staff, as the case may be, of the Akademi established by this Act upon terms and conditions of service not less favourable than the terms and conditions of service to which he was entitled immediately before the appointed date.

Students

51. All persons who immediately before the appointed date were students of the Akademi Seni Kebangsaan shall, on that date, be deemed to be students of the Akademi.

Pending disciplinary proceedings

52. All disciplinary proceedings which, immediately before the appointed date, were pending against any student of the Akademi Seni Kebangsaan may, on or after that date, be continued against the student by the appropriate authority of the Akademi under this Act.

FIRST SCHEDULE

[Section 8]

Disqualification

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

- (a) 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;
- (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.

Cessation from being a member

2. A member of the Board shall cease to be a member—
- (a) if he fails to attend three consecutive meetings of the Board without leave of the Chairman; or
 - (b) if his appointment is revoked.

Resignation

3. A member of the Board may resign at any time by giving one month's notice in writing to the Chairman.

Filling of vacancies

4. Where any person ceases to be a member of the Board by reason of any of the provisions of this Act, another person may be appointed by the Minister to fill the vacancy for the remainder of the term for which the member was appointed.

Allowance

5. Members of the Board shall be paid such allowances as the Minister may determine.

Meetings

6. (1) The Chairman shall preside over all meetings of the Board.
- (2) The Chairman and every member of the Board shall have and may exercise one vote each, but in the event of an equality of votes, the Chairman shall have and may exercise a casting vote in addition to his original vote.

Board may invite others to meetings

7. (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 any person so attending shall not have the right to vote at the said meeting or deliberation.
- (2) A person invited under subparagraph (1) shall be paid such allowances as the Board may determine.

Minutes

8. (1) Any minutes made of meetings of the Board shall, if duly signed, be admissible in evidence in all legal proceedings without further proof.

(2) 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

9. (1) A member of the Board having, directly or indirectly—

- (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 subparagraph (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.

Validity of acts and proceedings

10. No act done or proceedings taken under this Act shall be questioned on the ground of—

- (a) any vacancy in the membership of, or of any defect in the constitution of, the Board;
- (b) the contravention by a member of the Board of paragraph 9; or
- (c) any omission, defect or irregularity not affecting the merits of the matter.

SECOND SCHEDULE

[Sections 18 and 19]

STUDENTS' REPRESENTATIVE COMMITTEE

Election of SRC

1. In electing a Students' Representative Committee, the students of each particular field shall elect, by secret ballot conducted by the Rector, such uniform number of students studying in the respective fields to be representatives in the SRC as may be determined by the Rector; and the division of the education provided in the Akademi into various fields of study for the purposes of this paragraph shall be made by the Rector.

Office-bearers of SRC

2. The SRC shall elect from amongst its members—

- (a) a President;
- (b) a Vice-President;
- (c) a Secretary; and
- (d) a Treasurer,

who shall be its only office-bearers.

Term of office of SRC and its office-bearers

3. The members of the SRC and its office-bearers shall be elected for one year.

Decisions by majority vote

4. The SRC's decisions shall be taken by a majority vote with not less than two-thirds of the members being present and voting.

Ad hoc committees

5. The SRC may form, from time to time, with the prior written approval of the Rector, ad hoc committees from amongst its members for specific purposes or objects.

Disqualification in respect of SRC

6. (1) No student—

- (a) against whom disciplinary proceedings are pending; or
- (b) who has been found guilty of a disciplinary offence,

shall be elected or remain a member of the SRC unless authorized in writing by the Rector.

(2) A student—

- (a) who has not yet appeared for his first examination in respect of his course of studies; or
- (b) who has failed, or who did not appear for, the last examination held in respect of his course of studies,

immediately prior to any proposed election or elections to the SRC or by the SRC shall be disqualified from being elected at such election or elections.

Objects and functions of SRC

7. The objects and functions of SRC shall be—

- (a) to assist and encourage, subject to the direction of the Rector, the development of the facilities for students such as recreational facilities and the supply of meals and refreshments;
- (b) to make representations to the Rector on matters relating to the conditions in which the students live and study; and
- (c) to undertake such other activities as may be determined by the Rector from time to time.

Expenses of SRC

8. (1) The SRC shall not—

- (a) maintain any fund; or
- (b) make any collection of any money or property, from any source.

(2) Any reasonable expenses as the SRC may be authorized in advance in writing by the Rector to incur may be paid by the Akademi where reasonable written claims supported by receipts and vouchers are submitted by the SRC to, and are approved by, the Rector.

Accounts of SRC

9. (1) The Treasurer shall keep proper accounts of the SRC which shall be audited by a person appointed by the Rector.

(2) A copy of the accounts kept under subparagraph (1) shall be submitted by the SRC for approval to the Rector not later than three months after the end of each financial year, being a financial year as specified by the Rector.

Meetings of SRC

10. (1) The SRC shall hold meetings from time to time as it may deem necessary and it shall be the duty of the Secretary to keep minutes of every meeting of the SRC and such minutes shall be confirmed at a subsequent meeting.

(2) The SRC or an ad hoc committee of the SRC shall, not less than forty-eight hours before holding any meeting, give notice of the date and time of the meeting and its agenda to the Rector.

(3) Every meeting of the SRC or of an ad hoc committee of the SRC shall be held only at a place provided for the purpose of such meetings by the Rector.

(4) The Rector or his representative shall be present at each meeting of the SRC or of an ad hoc committee of the SRC, unless the Rector decides otherwise in respect of any particular meeting.

Inspection of records

11. The records of the SRC or of an ad hoc committee of the SRC shall at all times be open to inspection by the Rector or his representative.

Disputes as to elections

12. (1) If any dispute arises as to whether any member or office-bearer of the SRC or of an ad hoc committee of the SRC—

- (a) has been duly elected or appointed, as the case may be; or
- (b) is entitled to be or to remain a member or office-bearer thereof,

the dispute shall be decided by the Rector or by a person appointed by him for that purpose.

(2) The decision of the Rector or of the person appointed by him under subparagraph (1) shall be final.

Definition of “student” for the purpose of this Schedule

13. (1) For the purpose of this Schedule, “student” does not include a public officer who is following a course of study in the Akademi.

(2) A person shall cease to be a student within the meaning of this paragraph—

- (a) upon the publication of the results of the final examination of such course of study, if he passes such examination; or
 - (b) upon the publication of the results of any examination for such course of study, if he fails such examination, until he is, thereafter, registered again for that or another course of study applicable to a registered student under this paragraph.
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LAWS OF MALAYSIA**Act 653****AKADEMI SENI BUDAYA DAN WARISAN
KEBANGSAAN 2006****LIST OF AMENDMENTS**

Amending law

Short title

In force from

—NIL—

LAWS OF MALAYSIA**Act 653****AKADEMI SENI BUDAYA DAN WARISAN
KEBANGSAAN ACT 2006****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
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—NIL—

