

STATE OF SABAH

I assent,

TUN DATUK SERI PANGLIMA HAJI SAKARAN BIN DANDAI,
Yang di-Pertua Negeri.

24TH DECEMBER 1997.

No. 10 of 1997

An Enactment to provide for the establishment of the Sabah Council of Social Services and for matters connected therewith and incidental thereto.

ENACTED by the Legislature of the State of Sabah as follows:

Short title and commencement.

1. This Enactment may be cited as the Sabah Council of Social Services Enactment 1997 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation.

2. In this Enactment, unless the context otherwise requires –

"Assistant Minister" means the Assistant Minister for the time being charged with responsibility for welfare services;

"Board of Visitors" means a Board of Visitors appointed by the Minister under section 11;

"Committee" means the Committee of Management referred to in section 8;

"Council" means the Sabah Council of Social Services established under section 3;

"Director" means the Director of Welfare Services of Sabah;

"Deputy Director" means the Deputy Director of Welfare Services of Sabah;

"former Council" means the existing Sabah Council of Social Services established under Cabinet Paper No. 145/1967;

"Fund" means the Central Charitable Fund established under section 12;

"member organisation" means any registered society being a voluntary organisation engaged in any form of social welfare, community or humanitarian work or service whose membership is approved by the Minister;

"Minister" means the Minister for the time being charged with responsibility for welfare services;

"Permanent Secretary" means the Permanent Secretary of the Ministry for the time being charged with the responsibility for welfare services;

"registered society" means a society registered under the Societies Act 1966 [Act 335.].

Establishment of Council.

3. (1) There shall be established a council called "THE SABAH COUNCIL OF SOCIAL SERVICES" which shall be a body corporate with perpetual succession and may sue and be sued in its corporate name and perform such acts and things as a body corporate may do by law and as are necessary for, or incidental to, the carrying out of its objects under this Enactment.

(2) The Council shall have a common seal and such seal may from time to time be broken, changed, altered and made anew as the Council deems fit.

Objects of the Council.

4. The objects of the Council shall be –

(a) to co-ordinate voluntary welfare activities in the State not only as between member organisations of the Council but also with other similar organisations;

- (b) to maintain and improve standards of voluntary social works and to encourage voluntary welfare efforts in fields not fully covered by the State Government;
- (c) to assist member organisations by contributions or otherwise to promote voluntary welfare activities in the State;
- (d) to initiate, assist and organise such forms of relief and schemes or social service as may be deemed desirable by the Council;
- (e) to raise, receive, administer and distribute such funds and goods in kind as are entrusted to the Council;
- (f) to disseminate information to, and to interest in all possible ways, the members of the public in social welfare matters and to encourage participation therein;
- (g) to make such recommendations to the State Government as the Council thinks fit on matters pertaining to legislation in the field of social welfare or for the furtherance of the objects of the Council; and
- (h) to establish and manage a Headquarters for the Council, social service centres and welfare institutions in the State.

Powers of the Council.

5. (1) For the purpose of carrying out any of the objects set out in section 4 the Council may –

- (a) acquire or accept leases, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of whatsoever nature or kind and wheresoever situate in the State or elsewhere;
- (b) invest moneys on deposit in any bank or on mortgage of any lands, buildings, messuages or tenements in the State or any part of Malaysia or in or upon mortgages, debentures, stocks, funds, shares or securities or any corporation or company carrying on business in the State or elsewhere;
- (c) purchase and acquire all manners of goods and chattels whatsoever;

- (d) grant, sell, convey, assign, surrender, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages and tenements, mortgages, debentures, stocks, funds and securities, goods and chattels for the furtherance of the objects of the Council;
- (e) receive Government grants, donations or accept any gift of property, whether subject to any special trust or not;
- (f) take such steps by personal or written appeals, public meetings, or otherwise, as may from time to time be deemed expedient, for the purpose of procuring contributions to the Fund;
- (g) enter into any contract or undertake and execute any trust;
- (h) undertake business ventures for the furtherance of the objects of the Council; and
- (i) generally do such acts as it thinks fit for the purpose of achieving any of the objects of the Council.

(2) The Council may by writing, subject to such conditions or restrictions as it may impose, delegate the exercise of any of its powers or the performance of any of its functions under this Enactment to the Committee: Provided that no such delegation shall preclude the Council itself from exercising any of the functions or performing any of the functions so delegated.

Members of the Council.

6. (1) The Council shall consist of the following members:
- (a) a President, who shall be the Minister;
 - (b) a Deputy President, who shall be the Assistant Minister;
 - (c) a Secretary, who shall be the Director;
 - (d) a Treasurer, who shall be the Accountant or Administrative Officer of the Ministry of Social Services;

- (e) not more than two individual members being Malaysian citizens having professional qualifications in social work recognised by the State Government;
- (f) one accredited member from each member organisation; and
- (g) ex-officio members consisting of –
 - (i) the Permanent Secretary or his authorised representative;
 - (ii) the Director of Medical Services of Sabah or his authorised representative;
 - (iii) the Director of Education of Sabah or his authorised representative;
 - (iv) the Commissioner of Police of Sabah or his authorised representative;
 - (v) the Deputy Registrar of the High Court of Sabah or his authorised representative; and
 - (vi) the heads of such other Government Departments/Agencies or their authorised representatives as may be approved by the Council.

(2) Members of the Council referred to in paragraph (e) of subsection (1) shall be appointed by the Minister for a period of two years and may be reappointed, whereas the accredited members referred to in paragraph (f) of subsection (1) shall be elected by member organisations to serve for two years.

(3) Where any casual vacancy of the Council arises, the appropriate authority in question shall appoint a member to fill the vacancy.

Meetings of the Council.

7. (1) The Council shall meet at least once in every three months or more often as is considered necessary.

(2) At least fourteen days' notice in writing shall be given to members.

(3) One-third of the members of the Council present and entitled to vote at such meeting shall constitute a quorum.

(4) Every member of the Council present shall be entitled to one vote.

(5) The President shall chair all the meetings of the Council. In the absence of the President, the Deputy President shall become the Chairman of such meeting. In the absence of the President and the Deputy President, the members present shall elect one of their number to be Chairman of that meeting.

(6) Decisions of the Council shall be taken by the votes of the majority of the members present and voting thereon and in the event of an equality of votes the Chairman of the meeting shall be entitled to a second or casting vote.

Committee of Management.

8. (1) The management of the affairs of the Council shall be vested in a Committee of Management which shall consist of -

- (a) a Chairman, who shall be the Director;
- (b) a Deputy Chairman, who shall be the Deputy Director;
- (c) a Secretary, who shall have no voting right;
- (d) a representative nominated by the individual members;
- (e) seven representatives nominated by member organisations; and
- (f) a representative nominated by the ex-officio members.

(2) The member referred to in paragraph (c) of subsection (1) shall be an employee of the Council appointed by the Minister who may at any time revoke such appointment.

(3) The members referred to in paragraphs (d), (e) and (f) of subsection (1) shall be Malaysian citizens and shall hold office for one year unless sooner resign.

(4) The Committee shall meet at least once in every three months and fourteen days' notice in writing thereof shall be given to all members.

(5) The Committee shall be responsible for the carrying out of the functions and administration of the affairs and business of the Council.

(6) At any meeting of the Committee one-third of the total membership of the Committee shall constitute a quorum.

(7) The Chairman shall chair all meetings of the Committee. In the absence of the Chairman, the Deputy Chairman shall become the Chairman of such meeting. In the absence of the Chairman and Deputy Chairman, the members present shall elect one of their number to be the Chairman of that meeting.

(8) Decisions of the Committee shall be taken by the votes of the majority of the members present and voting thereon and in the event of an equality of votes the Chairman of the meeting shall be entitled to a second or casting vote.

(9) Any member of the Committee who absents himself from three consecutive meetings, either without satisfactory explanation or without leave of the Committee, shall *ipso facto* cease to be a member thereof.

(10) Where any vacancy arises in the Committee, the appropriate authority in question shall appoint a member to fill the vacancy.

Administration of the Council.

9. (1) The Director shall be responsible for the day-to-day administration and management of the affairs of the Council and to perform such duties and exercise such powers as may be entrusted or delegated by the Committee.

(2) The Committee may with the approval of the State Government appoint such other officers and servants as it may consider necessary for the efficient conduct of the affairs of the Council.

(3) The Director, other officers and servants of the Council shall be responsible to the Committee.

(4) The officers and servants of the Council shall hold office for such period, or periods, receive such salaries and allowances, enjoy such privileges, be entitled to such benefits and subject to such conditions of service as may be determined by the Committee.

Power to appoint committees.

10. (1) The Council or the Committee may, for any general or special purpose, appoint such committees as it thinks desirable.

(2) A committee may consist of such number of persons as may be determined by the Council or Committee, as the case may be, and may consist of persons who are not members of the Council.

(3) A committee may invite to any of its meetings any person who can in its opinion contribute to its deliberations but such person shall have no right to vote at the meeting.

(4) The quorum for the meeting of a committee shall be not less than half the number of its membership and decision shall be taken by the votes of a majority of the members present and voting thereon and in the event of an equality of votes the person chairing the meeting shall have a second or casting vote.

(5) The Council may make rules to regulate the procedure of committees.

Power to appoint Board of Visitors.

11. The Minister may appoint a Board of Visitors for a period not exceeding three years for all or any of the welfare institutions established and managed by the Council to carry out such duties and perform such functions as may be prescribed, and may at any time revoke such appointment without assigning any reason therefor.

Central Charitable Fund.

12. (1) For the purpose of this Enactment, there is hereby established a Central Charitable Fund to be administered and controlled by the Council –

(a) into which shall be paid –

(i) such sums as may be provided from time to time by the Legislative Assembly;

(ii) such grants as may be received from the State or Federal Government;

- (iii) all monies earned by the operation of any project, scheme or enterprise financed from the Fund;
 - (iv) such sums as may from time to time be borrowed by the Council upon terms and conditions approved by Minister of Finance for the purpose of meeting any of its obligations or discharging any of its duties;
 - (v) all monies earned or arising from any property, investment, mortgage, charge or debenture acquired by or vested in the Council; and
 - (vi) all gifts, contributions, donations and bequests from individuals, companies, foundations and other sources;
- (b) out of which shall be defrayed –
- (i) funds towards the promotion of objects and general purposes of the Council;
 - (ii) all expenditure incurred by the Council in carrying out its functions; and
 - (iii) monies for the repayment of any loan made to the Council pursuant to its power to borrow.

(2) No portion of the Fund shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to member organisations.

Borrowing Powers.

13. The Council may, upon the conditions approved by the Minister of Finance, borrow such sums as it may require for carrying out any of its functions under this Enactment.

Estimate of expenditure.

14. (1) The Council shall before the commencement of each financial year cause to be prepared and adopted the estimate of expenditure for the ensuing financial year and it shall be paid from the Fund.

(2) All funds of the Council shall be deposited with a bank approved by the Council.

(3) All cheques drawn on the account of the Council shall be signed by such member or members of the Council and such other officer or officers as may be approved by the Council.

(4) The financial year of the Council shall be from the 1st January to the 31st December.

Account and audit.

15. (1) The Council shall keep proper accounts and other records in respect of its operation and shall prepare statement of accounts in respect of each financial year.

(2) The accounts of the Council shall be audited annually by the Auditor-General or his authorised representatives.

(3) The accounts of the Council shall be audited within six months of the end of each financial year and within such period the Council shall cause a copy of the statement of accounts in such manner as the Minister may require to be transmitted to him together with a copy of any observation made by the Auditor-General or his authorised representatives.

Annual report.

16. The Council shall, not later than the 30th day of June of each year, cause to be made and transmitted to the Minister a report dealing with the activities of the Council during the preceding year and containing information relating to the proceedings and policy of the Council.

Secrecy and penalty.

17. (1) Except for the purpose of this Enactment or of any criminal proceedings, no member of the Council, the Committee and any committee thereof, and no officer or servant of the Council shall disclose any information with respect to any individual business, which has been obtained by him in the course of his duties and which is not published in pursuance of this Enactment.

(2) Any member knowingly contravening the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Penal code.

18. All members of the Council, the Committee and any committee thereof and any officer or servant of the Council shall be deemed to be a public servant within the meaning of the Penal Code [*F.M.S. Cap. 45.*].

Council to determine procedure.

19. Subject to the provisions of this Enactment, the Council may determine its own procedure.

Vacancy not to invalidate acts etc.

20. (1) No act or proceeding of the Council or the Committee or any committee thereof shall be questioned on account of any vacancy among the members, any defect in their appointment or in their qualification.

(2) Until the contrary is proved, every meeting of the Council, the Committee or any committee thereof shall be deemed to have been duly convened and held and all members present thereat shall be deemed to be duly appointed and qualified to be appointed.

Disclosure of interest.

21. If a member of the Council, of the Committee or of any committee thereof is directly or indirectly interested in any contract, proposed contract, or other matter and is present at a meeting of the Council or of the Committee or of any committee thereof, at which the contract or other matter is the subject of consideration, such member shall, at the meeting or as soon as practicable after the commencement thereof, disclose the fact, and shall not thereafter be present during the consideration or discussion of and shall not vote on any question with respect to that contract or other matter.

Execution of documents.

22. All deeds, documents or other instruments requiring the seal of the Council shall be sealed in the presence of and authenticated by the President or Deputy President and the Secretary or such other person as the Council shall from time to time appoint and such authentication shall be sufficient evidence that the said seal was duly and properly affixed and that the same is the lawful seal of the Council.

Transfer of property, liabilities, etc.

23. Upon the coming into operation of this Enactment -

- (a) all the assets and movable and immovable property of every description and all the powers, rights and privileges in connection therewith or appertaining thereto which immediately before the date of the coming into operation of this Enactment were vested in the former Council shall forthwith vest in the Council;
- (b) all liabilities and obligations of the former Council which may have existed immediately prior to the date of the coming into operation of this Enactment shall be transferred to and vest in the Council; and
- (c) every officer of the former Council shall be deemed to hold a corresponding appointment in the Council, subject to any provision that may subsequently be made.

Rules.

24. The Minister may make rules generally for carrying out the provisions of this Enactment and, without prejudice to the generality of the foregoing, such rules may make provisions –

- (a) to prescribe the forms to be used in applying for membership to the Council and the procedure for such application;
- (b) to provide for the withdrawal and cancellation of membership of any member organisation due to inactivity on its part or failure to meet the obligations of membership or for any other cause;
- (c) to prescribe the procedure for the appointment of members of the Council;

- (d) to prescribe the returns to be submitted to the Council by any member organisation including annual report, audited accounts and the names of its representatives to serve on the Council; and
- (e) to prescribe the duties and the functions of the Board of Visitors.

CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Tuesday, the 18th day of November 1997.

DATUK FRANCIS T.N. YAP,
Deputy Speaker,
State Legislative Assembly.