



LAWS OF SARAWAK

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SARAWAK ARTS COUNCIL ORDINANCE, 2008

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SARAWAK ARTS COUNCIL ORDINANCE, 2008

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LAWS OF SARAWAK**Chapter 66****SARAWAK ARTS COUNCIL ORDINANCE, 2008**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

SARAWAK ARTS COUNCIL

3. Establishment of Sarawak Arts Council
4. Composition and organization of the Council
5. Common seal, dealings and affairs of the Council
6. Functions of the Council
7. Powers of the Council
8. Delegation of powers and functions of the Council
9. Appointment of managing agent
10. Direction by Minister

PART III

OFFICERS AND EMPLOYEES

11. Appointment of Chief Executive Officer
12. Appointment of other officers, employees and other persons
13. Standing orders
14. Discipline and disciplinary procedure

PART IV
FINANCIAL PROVISIONS

15. Financial and accounting procedure
16. Fund of the Council
17. Expenditure from the Fund
18. Accounts and audit

PART V
GENERAL PROVISIONS

19. Vesting of property
20. Protection from personal liability
21. Public servants
22. Legal representation
23. Public Authorities Protection Act 1948
24. Rules

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LAWS OF SARAWAK**Chapter 66****SARAWAK ARTS COUNCIL ORDINANCE, 2008**

An Ordinance to provide for the establishment and administration of the Sarawak Arts Council and for other connected or incidental matters.

[2nd May, 2014]
(Swk. L.N. 41/2015)

Enacted by the Legislature of Sarawak—

PART I**PRELIMINARY****Short title and commencement**

1. This Ordinance may be cited as the Sarawak Arts Council Ordinance, 2008, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Ordinance—

“Chairman” means the Chairman of the Council appointed under section 4;

“Chief Executive Officer” means the person appointed under section 11, and includes any officer for the time being acting in or covering the duties of the Chief Executive Officer;

“Council” means the Sarawak Arts Council established under section 3;

“Deputy Chairman” means the Deputy Chairman of the Council appointed under section 4;

“equipment” includes chattels, costumes, curtains, drapes, furnishings, furniture, light and sound equipment, plant, stage properties and scenery suitable or convenient for the production of stage presentation or presentation of the performing arts;

“Fund” means the Sarawak Arts Council Fund established under section 16;

“Government” means the Government of the State of Sarawak;

“member” means a member of the Council, and includes the Chairman and Deputy Chairman;

“Minister” means the State Minister in the Government for the time being charged with the responsibility for matters relating to culture;

“performing arts” means any of the auditory, dramatic, musical, operatic or visual arts, and includes the art of dancing;

“the arts” includes literary, performing and visual arts.

PART II

SARAWAK ARTS COUNCIL

Establishment of Sarawak Arts Council

3.—(1) There shall be established a body to be known as the “Sarawak Arts Council”.

(2) The Council 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, which may from time to time be broken, changed, altered or made anew by the Council, as it deems fit;

(c) to acquire, take, hold, enjoy, sell, charge, lease and dispose of property, both movable and immovable; and

(d) to enter into contracts and generally to do such acts and things as a body corporate may do by law, and to exercise, perform and discharge, in accordance with the provisions of this Ordinance, all powers and functions conferred and provided to the Council by such provisions.

(3) Until a common seal is provided, a stamp bearing the inscription "Sarawak Arts Council" may be used as the common seal of the Council.

Composition and organization of the Council

4.—(1) The Council shall consist of—

(a) a Chairman;

(b) a Deputy Chairman; and

(c) not less than 5 and not more than 9 other members,

to be appointed by the Majlis Mesyuarat Kerajaan Negeri.

(2) The members of the Council shall hold office for a term not exceeding three years but are eligible for reappointment.

(3) Notwithstanding subsection (2), the appointment of a member shall cease—

(a) upon his death;

(b) if he has been adjudged a bankrupt by a court of competent jurisdiction;

(c) if his appointment is revoked by the Majlis Mesyuarat Kerajaan Negeri;

(d) if because of health or unsoundness of mind, he is unable to effectively discharge his duties as a member;

(e) if he absents himself for three consecutive meetings of the Council without the approval of the Chairman;

(f) if he has been convicted of any offence under any law relating to fraud, dishonesty or corruption; and

(g) if he resigns by a letter addressed to the Minister.

(4) The Council may, with the approval of the Minister, appoint a Secretary who shall have the duties and functions as may be assigned to him from time to time by the Council or prescribed under this Ordinance.

(5) There shall be paid to members of the Council and the Secretary such remuneration, allowances and other benefits as the Minister may determine from time to time.

Common seal, dealings and affairs of the Council

5.—(1) The common seal of the Council shall be in the custody of the Secretary.

(2) The common seal of the Council shall be authenticated by the signature of its Chairman or any other member specially authorized by the Council and the Secretary, and when so authenticated, such common seal shall be judicially and officially noticed.

(3) All documents and instruments which are not required by any written law to be executed under seal, to which the Council is a party, may be signed on behalf of the Council by the Chairman or any other member and the Secretary.

(4) All statutory records and minutes of all meetings and proceedings of the Council shall be kept and maintained by the Secretary.

(5) Meetings of the Council shall be held at such times and places as the Chairman may appoint, provided that the Council shall meet not less than four times in each year.

(6) The Council shall regulate and determine its own procedure at any meeting or other proceedings, subject to such directions as may be issued from time to time by the Minister, or any rules to be made under section 24.

Functions of the Council

6. The functions of the Council shall be—

(a) to promote, sponsor and encourage the development and presentation of, and education and research in, the arts;

(b) to organize and promote artistic activities in Sarawak, including conditions conducive to the advancement of such artistic activities;

(c) to promote and encourage public interest, knowledge, appreciation, understanding, enjoyment, participation and involvement in the arts;

(d) to provide, support and sponsor premises, venues and equipment for the learning, practising and presentation of the arts;

(e) to encourage, support and assist in the establishment and development of arts organizations by any individual person or body or organization;

(f) to provide, organize and conduct course of studies, research, lectures, seminars and other forms of training and education in the fields of arts and culture either on its own or jointly or in collaboration with any other organization, professional body or educational institution in Malaysia or overseas;

(g) to provide, and encourage the provision of, opportunities for persons to practise the arts and to receive training in the arts and arts administration;

(h) to provide and promote incentives for, and recognition of, achievement in the practice of the arts;

(i) to establish and maintain arts facilities including performing arts centres, galleries, theatres, concert halls and rehearsal facilities, and other facilities and amenities connected therewith;

(j) to promote the arts of Sarawak to other parts of Malaysia and overseas through artistic exchange programmes, exhibitions and other activities;

(k) to advise the Government, either on its own motion or upon request made to it by the Minister, on matters connected with the promotion of the arts or otherwise related to the performance of its functions; and

(l) to do all such matters and things as may be incidental to or consequential upon the exercise of its powers under this Ordinance.

Powers of the Council

7.—(1) The Council may do all things that are necessary for or incidental to the purpose of discharging its functions and exercise of its powers under this Ordinance.

(2) Without prejudice to the generality of subsection (1), the Council may—

(a) commission any play, script, composition, choreography or other artistic work;

(b) engage any consultant, professional or expert person as advisers or appoint an agent;

(c) appoint committees consisting of persons who may or may not be members of the Council and delegate or assign to such committees such powers, duties and responsibilities as the Council may determine;

(d) receive gifts and donations of whatever kind or form from any lawful sources;

(e) provide grants, contributions, loans, scholarships or other assistance to its officers and employees or any other persons or organizations for purposes of study, research, training or exposure in connection with the arts, subject to such terms and conditions as the Council may impose;

(f) enter into contracts, joint ventures, collaborations or other arrangements with any other person or body on matters relating to the arts, including the management and maintenance of performing arts centres, galleries, theatres, concert halls and other arts facilities;

(g) with the approval of the Minister, raise loans from the Government or other sources;

(h) provide or undertake publicity in any form relating to its activities and programmes;

(i) print, publish, reproduce and circulate any book, pamphlet, magazine, music, play, script or other written materials including video and audio material and information relating to the arts;

(j) participate in or hold courses, seminars, exhibitions, demonstrations and other similar events for the dissemination of knowledge and information relating to the arts; and

(k) charge fees, commissions or rental for any goods, services or facilities provided by the Council.

Delegation of powers and functions of the Council

8. The Council may, subject to such conditions or restrictions as it thinks fit, delegate to the Chairman or any committee or the Secretary or the Chief Executive Officer, the power and authority to exercise and carry out on its behalf such powers or functions vested in the Council under this Ordinance as the Council may determine, and any power or function so delegated may be exercised or performed by the Chairman, committee or Secretary or Chief Executive Officer, as the case may be, in the name and on behalf of the Council, but subject to the direction and control of the Council.

Appointment of managing agent

9.—(1) Without prejudice to section 7, the Council may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, appoint any person or company (in this section described as a “managing agent”)—

(a) to manage or maintain any performing arts centres, galleries, theatres, concert halls or other arts facilities owned by or vested in the Council; or

(b) to undertake the provision of services in connection with the arts to the Council.

(2) The appointment of a managing agent shall be regulated by an agreement between the Council and the person or company to be appointed under subsection (1), which shall set out the duties and responsibilities of the managing agent and the terms, conditions and duration of the appointment.

Direction by Minister

10.—(1) The Minister may give to the Council such directions not inconsistent with the provisions of this Ordinance as he thinks fit as to the exercise and performance by the Council of its functions under this Ordinance and the Council shall give effect to any such directions.

(2) The Council shall furnish the Minister such information, property and records of its activities, accounts and financial affairs, as he may require from time to time.

PART III**OFFICERS AND EMPLOYEES****Appointment of Chief Executive Officer**

11.—(1) The Council may, with the approval of the Minister, appoint a fit and proper person on such terms and conditions as it may determine, to be the Chief Executive Officer of the Council.

(2) The Chief Executive Officer shall be chief administrative officer of the Council, and shall have the general control and supervision of all the other officers and employees of the Council.

(3) The Chief Executive Officer shall, subject any policy or to the direction of the Council in relation to the execution of functions vested in the Council by this Ordinance, be responsible for the administration and management of the affairs of the Council and to carry out such other duties and responsibilities as the Council or the Minister may from time to time assign to him.

(4) If the Chief Executive Officer is temporarily absent from Sarawak or temporarily incapacitated by reason of illness or for other sufficient reasons temporarily unable to perform his duties, any other officer may be appointed by the Minister to act in the place of the Chief Executive Officer or to cover the duties of the post during any such period of absence from duty.

Appointment of other officers, employees and other persons

12. The Council may—

(a) appoint such number of other officers and employees on such terms as to remuneration or otherwise as the Council may determine and may terminate their service or exercise disciplinary control over them in accordance with their terms of service, and subject to the provisions of this Ordinance; and

(b) engage and remunerate for their services such advisors or other persons as the Council considers necessary for carrying out its functions and duties under this Ordinance.

Standing orders

13.—(1) The Council may make standing orders for the following matters relating to its officers and employees:

(a) their terms and conditions of service;

(b) their pensions or other superannuation benefits of their employment;

(c) their conduct and discipline;

(d) other privileges and benefits which may be accorded to them; and

(e) any other matters affecting their welfare and interests.

(2) For the purpose of this section, “officers” shall include the Chief Executive Officer of the Council.

Discipline and disciplinary procedure

14 The provisions of the Statutory Bodies (Conduct and Discipline) Ordinance, 2004 [*Cap. 57*] shall apply to the Chief Executive Officer and other officers and employees of the Council.

PART IV

FINANCIAL PROVISIONS

Financial and accounting procedure

15. The provisions of the Statutory Bodies (Accounting and Financial Procedure) Ordinance, 1995 [*Cap. 15*] shall apply to the Council in the management of its financial affairs and in the management and maintenance of its financial and accounting records and procedures.

Fund of the Council

16.—(1) There shall be established a fund to be known as the Sarawak Arts Council Fund (in this Part called “the Fund”) which shall be under the control of the Council and shall be managed and maintained in accordance with the provisions of this Part.

(2) There shall be paid into the Fund the following:

(a) any grant provided or loans and advances made to the Council by the Government of Malaysia or of Sarawak;

(b) such sums as may be appropriated from time to time for the purpose of the Council by the Dewan Undangan Negeri;

(c) any donations, gifts or contributions from whatever lawful sources given to the Council; and

(d) all fees, commissions, rentals or other levies collected by the Council or any other income or revenue obtained by the Council in connection with the exercise of its powers and discharge of its functions under this Ordinance.

(3) The Council may open and maintain an account or accounts with any licensed bank or other financial institutions as the Council may think fit.

(4) The Council may from time to time invest any funds of the Council in any bank or other financial institutions licensed under the Banking and Financial Institutions Act 1989 [Act 372] or the Islamic Banking Act 1983 [Act 276].

Expenditure from the Fund

17. The moneys from the Fund shall be used—

(a) to pay for expenses for carrying out all activities of the Council and generally for carrying into effect the provisions of this Ordinance;

(b) to pay all remuneration, benefits and privileges of, or accorded to members, officers and employees of the Council and for payment of fees and other sums due to or claimed by consultants, professional advisors, agents, contractors or other persons engaged or appointed by the Council;

(c) to pay any loan raised by the Council; and

(d) to pay for any other expenses lawfully incurred in the discharge or performance of its functions or the exercise of its powers under this Ordinance.

Accounts and audit

18.—(1) The Council shall keep or cause to be kept proper accounts and other records in respect of its activities and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Council shall be audited annually by the Auditor General or such auditor or auditors as may be appointed by the Council with the approval of the Minister.

PART V
GENERAL PROVISIONS

Vesting of property

19. The Majlis Mesyuarat Kerajaan Negeri may, by notification in the *Gazette*, vest in the Council any State land or other property of the Government as may be considered necessary to enable the Council to carry out its functions under this Ordinance.

Protection from personal liability

20. No action, suit, prosecution or other legal proceedings shall be brought or instituted personally against any member, officer or employee of the Council for any act done or intended to be done, or for statement made, in good faith in pursuance or the execution or purported execution of this Ordinance.

Public servants

21. All members, officers and employees of the Council while discharging their duties as such members, officers and employees shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Legal representation

22. In respect of any civil proceedings by or against the Council or its members or staff—

- (a) the State Attorney-General or any State Legal Officer authorized by him; or
- (b) an advocate appointed by the Council; or
- (c) an officer of the Council duly authorized in writing by the Chief Executive Officer,

may appear and represent the Council in such proceedings before any court.

Public Authorities Protection Act 1948

23. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit or proceeding against the Council or against any member, officer or employee of the Council in respect of any act, neglect or default done or committed by the Council or such person, as the case may be, in such capacity.

Rules

24.—(1) The Majlis Mesyuarat Kerajaan Negeri may make rules as may be expedient or necessary for carrying out of the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1), rules may be made for all or any of the following matters:

(a) regulating procedures of meetings and other proceedings of the Council or its committees;

(b) imposing fees and other charges payable for the use or rental of equipment or other facilities of the Council or for services rendered by the Council and its officers;

(c) the management and operation of performing arts centres and other facilities owned or managed by the Council; and

(d) such other purposes which may be considered necessary for the exercise of the powers and the performance of the functions of the Council under this Ordinance.

LAWS OF SARAWAK

Chapter 66

SARAWAK ARTS COUNCIL ORDINANCE, 2008

LIST OF AMENDMENTS

Amending Law

Short Title

In force from

-Nil-

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