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Short Title

Chapter 83 ... Sarawak Craft Council Ordinance, 2023

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LAWS OF SARAWAK

Chapter 83

SARAWAK CRAFT COUNCIL ORDINANCE, 2023

SARAWAK CRAFT COUNCIL ORDINANCE, 2023

Date Passed by Dewan Undangan Negeri	16th May, 2023
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SARAWAK CRAFT COUNCIL ORDINANCE, 2023

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LAWS OF SARAWAK

Chapter 83

SARAWAK CRAFT COUNCIL ORDINANCE, 2023

An Ordinance to establish the Sarawak Craft Council as an entity to be the authority in the State for the regulation and development of craft and for matters connected therewith.

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ENACTED by the Legislature of Sarawak—

PART I
PRELIMINARY**Short title and commencement**

1.—(1) This Ordinance may be cited as the Sarawak Craft Council Ordinance, 2023.

(2) This Ordinance shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint, and the Minister may appoint different dates for the coming into force of different parts or provisions of this Ordinance.

Interpretation

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

“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 Craft Council established under section 3;

“craft” includes products with aesthetic, artistic, creative, culturally attached, decorative, functional, religiously and socially symbolic that are either handmade or completed with the help of

hand tools or machinery, as long as the direct manual contribution of the craftsman remains the most substantial component of the finished product;

“craft industry” means any industry which is concerned with the production of craft;

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

“equipment” includes tools, machines, raw materials, digital hardware and software, for the design, production and promotion of craft;

“Fund” means the Sarawak Craft Council Fund established under section 17;

“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 Minister for the time being charged with the responsibility for matters relating to arts and culture;

“traditional cultural expression” shall have the same meaning assigned to it under the Sarawak Heritage Ordinance, 2019 [*Cap. 77*]; and

“traditional knowledge” shall have the same meaning assigned to it under the Sarawak Heritage Ordinance, 2019 [*Cap. 77*].

PART II SARAWAK CRAFT COUNCIL

Establishment of the Sarawak Craft Council

3.—(1) There shall be established a body corporate to be known as “the Sarawak Craft Council” with perpetual succession and a common seal and shall, by that name, be capable of—

(a) suing and being sued;

(b) acquiring, holding, owning property, both moveable and immovable and the development thereof; and

(c) carrying out such acts and having such obligations and incurring such liabilities as bodies corporate may lawfully do.

(2) The Council shall for all purposes of the Land Code [*Cap. 81 (1958 Ed.)*] be deemed a native.

Composition of the Council

4.—(1) The Council shall consist of—

(a) a Chairman;

(b) a Deputy Chairman; and

(c) not less than five and not more than nine other members, with appropriate knowledge, experience, and expertise in the development of craft and any matters connected therewith.

(2) The members referred to in section 4(1) shall be appointed by the Majlis Mesyuarat Kerajaan Negeri.

(3) The members shall hold office for a term not exceeding three years but are eligible for reappointment.

(4) Notwithstanding subsection (3), 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 discharged 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; or

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

(5) The Council may, subject to such conditions or restrictions as it thinks fit, delegate to the Chairman, any committee 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, any committee or the 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.

Remuneration, allowances, etc.

5. There shall be paid to members such remuneration, allowances and other benefits as may be determined by the Minister, with approval of the Majlis Mesyuarat Kerajaan Negeri from time to time.

Meetings of the Council

6. All meetings of the Council and the regulation of its affairs and proceedings shall be conducted in accordance with the provisions in the Schedule.

Common seal, dealings and affairs of the Council

7.—(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 signatures of its Chairman (or any other member duly authorized by resolution passed 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 authorized in writing by the Council) and the Secretary.

Functions of the Council

8.—(1) The functions of the Council shall be—

(a) to promote traditional cultural expression and traditional knowledge;

(b) to develop and stimulate the growth and maintain the standards of craft by various means, including the provision of research and advice;

(c) to guide and assist craftsmen towards the use of modern methods of production, management, marketing and digital technology;

(d) to monitor, develop and improve the quality and production of craft and maintain the standards thereof for local and foreign markets;

(e) to promote marketing and export of craft;

(f) to provide incentives, by way of awards, grants or other forms of monetary rewards, to any person or body of persons, actively involved in the promotion, perpetuation and development of craft;

(g) to promote and encourage public interest, knowledge, appreciation, understanding, enjoyment, participation and involvement in the craft industry;

(h) to advise Government on any matters connected with the development and promotion of craft;

(i) to propose strategies and policies on the development of the craft industry; and

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

Powers of the Council

9.—(1) The Council shall have power to do all things expedient or reasonably necessary for or incidental to the discharge of its functions and exercise of its powers under this Ordinance.

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

(a) provide training facilities and supervise the implementation of training projects and programmes;

(b) develop, and where necessary, rehabilitate and regenerate raw materials to ensure a sustainable supply for the use of the craft industry;

(c) assist to provide plant or equipment, required by the craft industry;

(d) disseminate information to the public on the various aspects of the craft industry;

(e) conduct research towards raising the standards of the craft industry;

(f) provide incentives in any form or manner for the craft industry;

(g) establish centers, workshops, warehouses and other premises for the undertaking of research, development, reference, storage, sale and distribution of products and raw materials and any other activities necessary for the development, promotion and growth of the craft industry;

(h) carry on the business of producing, marketing, and exporting craft on a commercial basis;

(i) receive commission or payment in consideration of the services rendered by the Council;

(j) impose levies, fees or other charges in respect of facilities, services, plant, equipment, goods and raw materials provided by the Council in the performance of its functions and the exercise of its powers under this Ordinance;

(k) appoint such committees as it thinks desirable to exercise such functions as may be delegated to them by the Council or to examine and report to the Council on any matter arising out of or connected with any of its functions and powers under this Ordinance;

(l) receive gifts and donations of whatever kind or form from any lawful sources in relation to the craft industry;

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

(n) enter into contracts, joint ventures, collaborations or other arrangements with any other persons or bodies on matters relating to development and promotion of craft;

(o) subject to Section 11(1)(b) of the Statutory Bodies (Financial and Accounting Procedure), 1995 [*Cap. 15*], apply and seek loans, grants, funds and other financial assistance from the Government or other sources whether within or outside Sarawak for the purposes of this Ordinance;

(p) 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 craft;

(q) organize courses, seminars, exhibitions, demonstrations and other events for the dissemination of knowledge and information relating to the craft industry;

(r) invest any fund of the Council in any bank or other financial institutions licensed under the Financial Services Act 2013 [*Act 758*] or the Islamic Financial Services Act 2013 [*Act 759*]; and

(s) certify the authenticity of Sarawak craft for development and promotion.

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 of 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, properties and records of its activities, accounts and financial affairs, as he may require from time to time.

PART III
OFFICERS AND EMPLOYEES

Appointment of the 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.

(2) The Chief Executive Officer shall:-

(a) be the chief administrative officer of the Council;

(b) have the general control and supervision of all the other officers and employees of the Council;

(c) be the Secretary of the Council; and

(d) attend meetings of the Council but shall have no right of voting on any issue, matter or resolution before, or under consideration, by the Council.

(3) The Chief Executive Officer shall, subject to any policy or 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 or 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.—(1) 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 such agents, advisors, consultants or other persons for their services as the Council considers necessary for carrying out its functions and powers 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) other privileges and benefits which may be accorded to them; and
- (d) any other matters affecting their welfare and interests.

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

(3) Until and unless Standing Orders are made pursuant to subsection (1), the State Public Service General Orders, 1996 [*Swk. L.N. 1/96*], which are not inconsistent with the provisions of this Ordinance, shall apply, with such modifications as the Minister may direct, to all officers and employees of the Council.

Conduct 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.

Administrative centre

15. The Minister may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, set up any number of administrative centre for the efficient and effective functioning of the Council.

PART IV
FINANCIAL PROVISIONS

Financial and accounting procedure

16. The Statutory Bodies (Financial and Accounting Procedure) Ordinance, 1995 [*Cap. 15*] shall apply to the Council.

Fund of the Council

17.—(1) There shall be established a fund to be known as the Sarawak Craft Council Fund (“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) The Fund shall include monies belonging to the Sarawak Craft Council immediately before the commencement of this Ordinance.

(3) All monies including gifts, donations, contributions, fees, commissions, rentals or other levies collected by the Council or any other income or revenue obtained, received, raised, collected or earned by the Council shall forthwith be paid into such banks or other financial institutions as may from time to time be decided by the Council to the Fund which shall be controlled and administered by the Council, subject to the directions of the Majlis Mesyuarat Kerajaan Negeri.

(4) The Council shall open and maintain one or more accounts with such banks or other financial institutions in Malaysia as the Council thinks fit, and any such accounts shall be operated by such persons as may from time to time be authorized in that behalf by the Council.

Expenditure from the Fund

18. The Fund shall be used to—

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

(b) pay all remunerations, 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 agents, advisors, consultants, or other persons engaged or appointed by the Council;

(c) repay any loans, liabilities or other borrowings of the Council including interests and financial charges accrued thereon;

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

(e) monies not immediately required to be expended in the meeting of any obligation or the discharge of any function of the Council may be invested in any bank or financial institution licensed under the Financial Services Act 2013 [Act 758] or Islamic Financial Services Act 2013 [Act 759], or in such other investments or securities as may from time to time be approved by the Council.

PART V GENERAL PROVISIONS

Vesting of properties

19. The Majlis Mesyuarat Kerajaan Negeri may, by notification in the *Gazette*, vest in the Council any properties as may be considered necessary to enable the Council to carry out its functions and powers under this Ordinance.

Protection from personal liability

20. No member, officer or employee of the Council or any person acting under or carrying out the direction or executing or implementing the decision of the Council shall be personally liable for any act or default of the Council done in good faith and without negligence in the ordinary course of the performance of their functions or in the exercise of any powers conferred by this Ordinance.

Public servants

21. All members, officers, employees of the Council, any committee, agents, advisors or consultants acting on behalf of the Council, while performing their functions or discharging their duties under this Ordinance shall be deemed to be “public servants” within the meaning of the Penal Code [Act 574].

Legal representation

22.—(1) In respect of any civil proceedings by or against the Council—

(a) the State Attorney-General or any public officers authorized by him;

(b) an advocate appointed by the Council; or

(c) an officer of the Council duly authorized in writing by the Council ,

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

(2) For the purpose of this section “civil proceedings” include an arbitration conducted under the Arbitration Act 2005 [*Act 646*] and any proceedings where the court exercises its additional powers under section 25(2) of the Courts of Judicature Act 1964 [*Act 91*].

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, employee, any committee, agent, advisor or consultant acting on behalf 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.

Obligation of secrecy

24.—(1) Except for the purpose of this Ordinance or of any criminal proceedings under this Ordinance, no member, officer, employee, committee, agent, advisor or consultant acting on behalf of the Council shall disclose any information which has been obtained by him in the course of his duties and which has not been published in pursuance of this Ordinance.

(2) Any person who contravenes the provision of subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding three years or to both.

Rules

25.—(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 the following purposes:

(a) the management and operation of centres, warehouses and other facilities owned or managed by the Council;

(b) prescribing the procedures and criteria and any other matters connected to the certification of authenticity of the craft;

(c) prescribing the fees and charges payable under this Ordinance and its rules and the manner for collecting and disbursing such fees and charges;

(d) providing for the rules of all or any of the activities of the Council and generally the performance of the functions and the exercise of the powers of the Council under this Ordinance; and

(e) providing for such other matters as are contemplated by, or necessary for giving full effect to the provisions of this Ordinance and for their due administration.

Power of Minister to amend Schedule

26. The Minister may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, by notification in the *Gazette*, amend the Schedule.

SCHEDULE

MEETINGS

(Section 6)

Meetings

1.—(1) All meetings of the Council shall be presided over by the Chairman or in his absence, by any member appointed for that purpose by the Chairman.

(2) The quorum of any meeting of the Council shall be five including the Chairman.

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

(4) Subject to this paragraph and paragraph 2, the Council shall regulate its own procedures.

Frequency of meeting

2.—(1) Except with the written approval of the Minister, the Council shall hold at least two meetings in every calendar year.

(2) Meetings of the Council shall be called by the Chairman and notice of such meetings shall be issued and signed by the Secretary or any person specifically authorized by the Secretary.

Council may invite others to meetings

3. The Council may request any person (not being a member of the Council) to attend any meeting or deliberation of the Council for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the said meeting or deliberation.

Minutes

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

(2) Any minutes of meetings of the Council shall, if duly signed by the Chairman or by the member presiding in his absence, as the case may be, be admissible in evidence in all legal proceedings without further proof and every meeting of the Council in respect of the proceedings 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.

(3) Members are entitled to copies of such minutes but shall not, without the permission of the Chairman, transmit, distribute or permit access thereto, to any person who is not a member of the Council.

Principal office

5.—(1) The Council shall have a principal office and no change in the principal office may be made without the prior written approval of the Minister.

(2) The minutes of the Council, including all committees appointed, its common seal and all its statutory and accounting records shall be kept at the principal office.

Disclosure of interests

6. A member of the Council whether directly or indirectly, by himself or his spouse or children, having any interest in any company or undertaking with which the Council proposes to make any contract or whether directly or indirectly having any interest in any such contracts or in any matter under discussion by the Council shall disclose to the Council the fact of his interest and the nature thereof, and such disclosure shall be recorded in the minutes of the meetings of the Council and, unless specifically authorized thereto by the Chairman, such members shall take no part in any deliberation or decision of the Council relating to the contract or matter.

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