



LAWS OF MALAYSIA

REPRINT

Act 673

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT CORPORATION ACT 2007

As at 1 November 2017

**SOLID WASTE AND PUBLIC CLEANSING
MANAGEMENT CORPORATION ACT 2007**

Date of Royal Assent 29 August 2007

Date of publication in the *Gazette* 30 August 2007

LAWS OF MALAYSIA

Act 673

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT CORPORATION ACT 2007

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title, application and commencement
2. Interpretation

PART II

THE CORPORATION

3. Establishment of Corporation
4. Common seal
5. Membership of Corporation
6. Statutory declaration by members of Corporation
7. Tenure of office
8. Allowances of members of Corporation
9. Revocation of appointment and resignation
10. Vacation of office
11. Committees
12. Disclosure of interest
13. Disqualifications and termination of members of Corporation
14. Actions and proceedings of Corporation not affected by vacancy, *etc.*
15. Duties of members of Corporation
16. Meetings

PART III

FUNCTIONS OF CORPORATION

Section

17. Functions of Corporation
18. Delegation of functions of Corporation
19. Direction by Minister
20. Returns, reports, accounts and information

PART IV

PROVISIONS RELATING TO OFFICERS AND EMPLOYEES

21. Chief Executive Officer
22. Temporary exercise of functions of Chief Executive Officer
23. Appointment of officers and employees
24. Loans, scholarship, advances, *etc.*
25. Payment of retirement benefits, *etc.*
26. Corporation may adopt regulations, *etc.*

PART V

FINANCE

27. Solid Waste and Public Cleansing Management Corporation Fund
28. Expenditure to be charged on the Fund
29. Conservation of the Fund
30. Expenditure and preparation of estimates
31. Bank accounts
32. Power to borrow
33. Investment
34. Limitations on contracts
35. Financial procedure
36. Financial year
37. Accounts and reports

*Solid Waste and Public Cleansing Management
Corporation*

5

PART VI

GENERAL

Section

38. Institution of prosecution
39. Public servant
40. Public Authorities Protection Act 1948
41. Obligation of secrecy
42. Representation in civil proceedings
43. Power to employ
44. Power to establish companies
45. Things done in anticipation of the enactment of this Act

LAWS OF MALAYSIA

Act 673

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT CORPORATION ACT 2007

An Act to provide for the establishment of the Solid Waste and Public Cleansing Management Corporation with powers to administer and enforce the solid waste and public cleansing management laws and for related matters.

[1 June 2008, P.U. (B) 240/2008]

ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title, application and commencement

1. (1) This Act may be cited as the Solid Waste and Public Cleansing Management Corporation Act 2007.

(2) This Act applies to Peninsular Malaysia and the Federal Territories of Putrajaya and Labuan.

(3) 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—

“member of the Corporation” means a member of the Corporation appointed under section 5;

“committee” means a committee established by the Corporation under section 11;

“Chief Executive Officer” means the chief executive officer of the Corporation;

“Director General” has the meaning assigned to it in section 2 of the Solid Waste and Public Cleansing Management Act 2007 [Act 672];

“Fund” means the Solid Waste and Public Cleansing Management Corporation Fund established under section 27;

“Minister” means the Minister charged with the responsibility for solid waste and public cleansing management;

“Chairman” means the Chairman of the Corporation appointed under section 5;

“Corporation” means the Solid Waste and Public Cleansing Management Corporation established under section 3;

“public cleansing management services” has the meaning assigned to it in section 2 of the Solid Waste and Public Cleansing Management Act 2007;

“solid waste management services” has the meaning assigned to it in section 2 of the Solid Waste and Public Cleansing Management Act 2007;

“company” has the meaning assigned to it in section 4 of the *Companies Act 1965 [Act 125];

“solid waste and public cleansing management laws” means this Act and the Solid Waste and Public Cleansing Management Act 2007, and includes any subsidiary legislations made under those laws.

*NOTE—The Companies Act 1965 [Act 125] has been repealed by the Companies Act 2016 [Act 777] w.e.f. 31 January 2017.

PART II

THE CORPORATION

Establishment of Corporation

3. (1) A body corporate by the name of “Solid Waste and Public Cleansing Management Corporation” is established.

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

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

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

(a) enter into contracts; and

(b) in respect of movable and immovable property and interest in movable and immovable property of every description—

(i) acquire, purchase and take such property and interest; and

(ii) hold, enjoy, convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer, or otherwise dispose of or deal with, such property and interest vested in the Corporation.

Common seal

4. (1) The common seal of the Corporation shall bear a device as approved by the Corporation and the seal may from time to time be broken, changed, altered and made anew as the Corporation thinks fit.

(2) Until a seal is provided by the Corporation, a stamp bearing the words “Solid Waste and Public Cleansing Management Corporation” may be used and shall be deemed to be its common seal.

(3) The common seal of the Corporation shall be kept in the custody of the Chief Executive Officer or any officer of the Corporation authorized by the Corporation and shall be authenticated by either the Chairman or by such other members of the Corporation authorized by the Chairman in writing.

(4) All deeds, documents and other instruments purporting to be sealed with the common seal and authenticated in accordance with subsection (3) shall, until the contrary is proved, be deemed to have been validly executed.

(5) Any deed, document and other instrument which is not required to be under seal may in like manner be executed by a member of the Corporation or an officer or employee of the Corporation authorized by the Corporation in that behalf.

(6) The common seal of the Corporation shall be officially and judicially noticed.

Membership of Corporation

5. The Corporation shall consist of the following members who shall be appointed by the Minister:

- (a) the Chairman;
- (b) a representative of the Ministry charged with the responsibility for solid waste and public cleansing management;
- (c) a representative of the Treasury;
- (d) a representative of the Economic Planning Unit;
- (e) a representative of the Ministry of Natural Resources and Environment;
- (f) the Chief Executive Officer; and
- (g) not more than three other members who shall have relevant knowledge and experience.

Statutory declaration by members of Corporation

6. (1) No person shall be appointed as the Chairman or a member of the Corporation under paragraph 5(g) unless before such appointment the person makes a statutory declaration as to whether he has any interest, financial or otherwise, in any undertaking involving solid waste management services and public cleansing management services.

(2) If a member of the Corporation acquires any interest, financial or otherwise, in any undertaking involving solid waste management services and public cleansing management services he shall, within thirty days after such acquisition, give notice in writing to the Minister specifying the interest acquired, and the Minister may, after taking the matter into consideration, if he thinks fit, declare that the member has vacated his office.

Tenure of office

7. (1) The Chairman and members of the Corporation appointed under paragraph 5(g) shall, unless he sooner resigns or vacates his office or his appointment is sooner revoked, hold office for a term not exceeding two years and shall be eligible for reappointment upon the expiry of his term of office, but shall not be appointed for more than three consecutive terms.

(2) This section shall not apply to the Chief Executive Officer.

Allowances of members of Corporation

8. The Chairman and members of the Corporation, other than the Chief Executive Officer, shall be paid such allowances and other expenses at such rates as the Minister may determine.

Revocation of appointment and resignation

9. (1) The Minister may at any time revoke the appointment of any member of the Corporation, other than the members appointed under paragraphs 5(b) to (f), without assigning any reason for the revocation.

(2) A member of the Corporation, other than the Chief Executive Officer, may at any time resign from his appointment by giving a written notice to the Minister.

Vacation of office

10. The office of a member of the Corporation, other than the members appointed under paragraphs 5(b) to (f), shall be vacated—

- (a) if he dies;
- (b) 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 any law relating to corruption; or
 - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (c) if his conduct, whether in connection with his duties as a member of the Corporation or otherwise, has been such as to bring discredit on the Corporation;
- (d) if he becomes a bankrupt;
- (e) if he is of unsound mind or otherwise incapable of discharging his duties;
- (f) in the case of the Chairman, if he absents himself from three consecutive meetings of the Corporation without leave of the Minister;
- (g) in the case of a member of the Corporation other than the Chairman, if he absents himself from three consecutive meetings of the Corporation without leave in writing of the Chairman;

- (h) if his appointment is revoked by the Minister; or
- (i) if his resignation is accepted by the Minister.

Committees

11. (1) The Corporation may establish any committee as it considers necessary or expedient to assist it in the performance of its functions.

(2) The Corporation may elect any of its members to be the chairman of a committee.

(3) The Corporation may appoint any person to be a member of a committee.

(4) A member of a committee shall hold office for such term as may be specified in his letter of appointment and is eligible for reappointment.

(5) The Corporation may revoke the appointment of any member of a committee without assigning any reason for the revocation.

(6) A member of a committee may, at any time, resign by giving a notice in writing to the chairman of the committee.

(7) The Corporation may, at any time, discontinue or alter the constitution of a committee.

(8) A committee may regulate its own procedure.

(9) A committee shall be subject to, and act in accordance with, any direction given to it by the Corporation.

(10) The meetings of a committee shall be held at such times and places as the chairman of the committee may determine.

(11) A committee shall cause—

- (a) minutes of all its meetings to be maintained and kept in a proper form; and
- (b) copies of the minutes of all its meetings to be submitted to the Corporation as soon as may be practicable.

(12) A committee may invite any person to attend any of its meetings for the purpose of advising it on any matter under discussion but that person shall not be entitled to vote at the meeting.

(13) The members of a committee and any person invited under subsection (12) shall be paid such allowances and other expenses as the Corporation may determine.

Disclosure of interest

12. (1) A member of the Corporation or any committee who has or acquires a direct or indirect interest by himself, through a member of his family or his associate in relation to any matter under discussion by the Corporation or committee, as the case may be, shall disclose to the Corporation or committee, as the case may be, the fact of his interest and the nature of that interest.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Corporation or committee, as the case may be, in which the matter is discussed and, after the disclosure—

- (a) the member shall not be present or take part in any discussion or decision of the Corporation or committee, as the case may be, about the matter; and
- (b) the member shall be disregarded for the purpose of constituting a quorum of the Corporation or committee, as the case may be,

when the matter is discussed or decided upon.

(3) A member of the Corporation or committee who fails to disclose his interest as required under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(4) No act or proceedings of the Corporation or a committee shall be invalidated on the ground that any member of the Corporation or committee has contravened this section.

(5) For the purposes of subsection (1)—

“a member of his family” includes—

- (a) his spouse;
- (b) his parent (including a parent of his spouse);
- (c) his child (including an adopted child or stepchild);
- (d) his brother or sister (including a brother or sister of his spouse); and
- (e) a spouse of his child, brother or sister; and

“his associate” means—

- (a) a person who is a nominee or an employee of the member;
- (b) a firm of which the member or any nominee of his is a partner;
- (c) a partner of the member;
- (d) a trustee of a trust under which the member or a member of his family is a beneficiary; or
- (e) any corporation within the meaning of the *Companies Act 1965, of which the member or any nominee of his or a member of the member’s family is a director or has a substantial shareholding in the corporation.

Disqualification and termination of members of Corporation

13. No person shall be appointed or shall remain as a member of the Corporation if—

- (a) he is an officer of any company licensed under the Solid Waste and Public Cleansing Management Act 2007; or
- (b) he has any interest, financial or otherwise, in any undertaking involving solid waste and public cleansing management.

*NOTE—The Companies Act 1965 [Act 125] has been repealed by the Companies Act 2016 [Act 777] w.e.f. 31 January 2017.

Actions and proceedings of Corporation not affected by vacancy, etc.

14. The Corporation may act notwithstanding any vacancy in its membership and the validity of its proceedings shall not be affected by—

- (a) the absence of any member;
- (b) any defect afterwards discovered in the appointment or qualification of any member or the constitution of the Corporation;
- (c) any omission, defect or irregularity in the convening or conduct of a meeting; or
- (d) the presence or participation of a person who is not a member of the Corporation.

Duties of members of Corporation

15. (1) A member of the Corporation shall, at all times, act honestly and in the best interest of the Corporation and use reasonable diligence in the discharge of the duties of his office.

(2) A member of the Corporation or any other person who has been a member of the Corporation shall not—

- (a) make improper use of any information acquired by virtue of his position as a member of the Corporation to gain, directly or indirectly, an advantage for himself or for any other person; or;
- (b) do, say or publish anything which may be detrimental to the interest of the Corporation.

Meetings

16. (1) The Corporation shall meet as often as may be required but not less than four times a year.

(2) The Chairman shall preside at all meetings of the Corporation and in his absence, the members present shall elect a chairman amongst them and the person so elected shall preside and have all the powers of the Chairman.

(3) The Chairman and four other members present at a meeting of the Corporation shall constitute a quorum.

(4) The decision of the Corporation shall be adopted by a simple majority of the votes of the members present and voting.

(5) In the case of an equality of votes the Chairman shall have a casting vote.

(6) A resolution in writing, signed by all members for the time being entitled to receive notice of a meeting of the Corporation, shall be as valid and effectual as if it had been passed at a meeting of the Corporation duly convened and held and any such resolution may consist of several documents in like form, each signed by one or more members.

(7) Nothing in this section shall prevent the Chairman from authorizing a member to use live video, television links or other appropriate communication or multimedia facilities to participate in any meeting of the Corporation.

PART III

FUNCTIONS OF CORPORATION

Functions of Corporation

17. (1) The Corporation shall have all the functions imposed on it under the solid waste and public cleansing management laws and shall also have the following functions:

- (a) to recommend policies, plans and strategies including schemes in respect of solid waste management services and public cleansing management services to the Federal Government;
- (b) to implement such policies, plans and strategies including schemes as decided by the Federal Government;

- (c) to implement measures as decided by the Federal Government for the improvement of any existing solid waste management services and public cleansing management services;
- (d) to recommend the standards, specifications and codes of practice relating to any aspect of solid waste management services and public cleansing management services to the Federal Government;
- (e) to monitor compliance with the standards, specifications and codes of practice relating to any aspect of solid waste management services and public cleansing management services as set by the Federal Government;
- (f) to implement and enforce the solid waste and public cleansing management laws and to recommend reform to such laws to the Federal Government;
- (g) to ensure that the functions and obligations of any person carrying out solid waste management services or public cleansing management services are properly carried out;
- (h) to increase concerted efforts towards improving the operational efficiency of the solid waste management services and public cleansing management services;
- (i) to implement measures to promote public participation and to improve public awareness on solid waste management services and public cleansing management services;
- (j) to formulate and implement human resource development and funding and cooperation programmes for the proper and effective performance of the functions of the Corporation;
- (k) to cooperate with any corporate body or government agency for the purpose of performing the functions of the Corporation;
- (l) to utilize all movable and immovable property of the Corporation in such manner as the Corporation may think expedient including the raising of loan by charging such property;

- (m) to encourage, promote, facilitate and stimulate the growth of the solid waste management services and public cleansing management services by various means including arranging for the conduct of researches, assessments, studies and advisory services;
- (n) to maintain and improve the standard and level of the solid waste management services and public cleansing management services;
- (o) to establish institutions, centres and workshops for the undertaking of research and other activities necessary for or related to the development of the solid waste management services and public cleansing management services;
- (p) to determine and impose fees, charges or other payment for services rendered by the Corporation; and
- (q) to carry out any other functions conferred upon it under the solid waste and public cleansing management laws.

(2) The Corporation shall have all such powers as may be necessary for, or in connection with, or incidental to, the performance of its functions under this Act.

Delegation of functions of Corporation

18. (1) The Corporation may, in writing, delegate any of the functions imposed or conferred on it by the solid waste and public cleansing management laws to—

- (a) the Chairman;
- (b) a member of the Corporation; or
- (c) a committee.

(2) Any person delegated with such function shall be bound to observe and have regard to all conditions and restrictions imposed by the Corporation and all requirements, procedures and matters specified by the Corporation.

(3) Any function delegated under this section shall be performed and exercised in the name and on behalf of the Corporation.

(4) The delegation under this section shall not preclude the Corporation from itself performing or exercising at any time any of the delegated functions.

Direction by Minister

19. (1) The Corporation shall be responsible to the Minister.

(2) The Minister may from time to time give the Corporation directions of a general character consistent with the provisions of this Act relating to the performance of the functions of the Corporation and the Corporation shall as soon as possible give effect to such directions.

Returns, reports, accounts and information

20. (1) The Corporation shall furnish to the Minister, and any party as may be specified by the Minister, such returns, reports, accounts and information with respect to its activities and finances as the Minister may from time to time require or direct.

(2) The Director General may from time to time request the Chief Executive Officer to furnish such returns, reports, accounts and information with respect to the discharge of the functions of the Corporation.

PART IV

PROVISIONS RELATING TO OFFICERS AND EMPLOYEES

Chief Executive Officer

21. (1) The Chief Executive Officer shall be appointed by the Minister, on the recommendation of the Corporation.

(2) The Chief Executive Officer shall hold office for a term not exceeding three years and shall be eligible for reappointment upon the expiry of his term of office.

(3) The Chief Executive Officer shall be deemed to be an officer or employee of the Corporation and be subject to the terms and conditions of service as may be determined by the Corporation with the approval of the Minister.

(4) The Chief Executive Officer shall enjoy such compensation and such other amenities as approved by the Minister, upon recommendation of the Corporation.

(5) The Corporation shall vest in the Chief Executive Officer such powers and impose upon him such duties as may be determined by the Corporation.

(6) The Chief Executive Officer shall be responsible for the overall administration and management of the functions and the day to day affairs of the Corporation.

(7) The Chief Executive Officer shall have general control of the officers and employees of the Corporation.

(8) The Chief Executive Officer shall perform such further duties as the Minister and the Corporation may from time to time direct.

(9) In discharging his duties, the Chief Executive Officer shall act under the general authority and direction of the Corporation.

Temporary exercise of functions of Chief Executive Officer

22. The Minister may appoint temporarily any officer of the Corporation to act as the Chief Executive Officer for the period—

(a) the office of the Chief Executive Officer is vacant;

(b) the Chief Executive Officer is absent from duty or from Malaysia; or

(c) the Chief Executive Officer is, for any reason, unable to perform the duties of his office.

Appointment of officers and employees

23. (1) The Corporation may appoint such numbers of officers and employees as are necessary for carrying on the business and affairs of the Corporation and such officers and employees shall hold office for such period, receive such salaries, allowances and benefits, and shall be subject to such terms and conditions of service as may be determined by the Corporation with the approval of the Minister.

(2) An officer or employee of the Corporation shall, at all times, act in good faith and comply with such requirements, standards, duties and code of conduct as may be determined by the Corporation.

Loans, scholarship, advances, etc.

24. The Corporation—

- (a) may provide loans, scholarships and advances to its officers and employees subject to such terms and conditions as the Corporation may determine; and
- (b) may provide donations to any person or body of persons in such amount and for such purposes as may be approved by the Minister.

Payment of retirement benefits, etc.

25. The Corporation may make arrangements for the payment to its officers and employees and their dependants of such retirement benefits, gratuities and other allowances as the Corporation may determine.

Corporation may adopt regulations, etc.

26. The Corporation may adopt with such modifications as it deems fit any regulations, rules, policies, circulars and directives enacted or issued by the Federal Government in relation to any matter under this Part.

PART V

FINANCE

Solid Waste and Public Cleansing Management Corporation Fund

27. (1) A fund to be known as the “Solid Waste and Public Cleansing Management Corporation Fund” is established and shall be administered and controlled by the Corporation.

(2) The Fund shall consist of—

- (a) such sums as may be provided by Parliament from time to time for the purposes of the management of solid waste and public cleansing;
- (b) all moneys derived as income from investments by the Corporation;
- (c) all moneys derived from the sale, disposal, lease or hire, or any other dealing with, any property, mortgages, charges or debentures vested in or acquired by the Corporation;
- (d) all moneys earned from consultancy and advisory services and any other services provided by the Corporation;
- (e) all other moneys and property which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its functions;
- (f) sums borrowed by the Corporation under section 32;
- (g) all moneys earned by the operation of any project, scheme or enterprise financed from the Fund;
- (h) all donations and contributions received from within or outside Malaysia; and
- (i) all other moneys lawfully received by the Corporation.

Expenditure to be charged on the Fund

28. The Fund shall be expended for the following purposes:

- (a) paying any expenditure lawfully incurred by the Corporation;
- (b) paying for the allowances and other expenses of the members of the Corporation and members of the committees and the remunerations, allowances and other expenses of the officers and employees of the Corporation, including the granting of loans and advances, superannuation allowances, retirement benefits and gratuities;
- (c) granting loans, scholarships and advances to its employees under section 24;
- (d) paying any other expenses, costs or expenditure properly incurred or accepted by the Corporation for the purpose of the management of solid waste and public cleansing, including the engagement of consultants, legal fees and costs and other charges and costs;
- (e) purchasing or hiring equipment, machinery and any other material, acquiring land and any assets, and erecting buildings and carrying out any other works and undertakings for the purpose of the management of solid waste and public cleansing;
- (f) repaying moneys borrowed under section 32 and the interest due on the borrowed moneys;
- (g) investment under section 33; and
- (h) generally, paying any expenses for the purpose of the management of solid waste and public cleansing in general and carrying into effect the provisions of the solid waste and public cleansing management laws in particular.

Conservation of the Fund

29. The Corporation has the duty to conserve the Fund by so performing its functions and exercising its powers under this Act to secure that the total revenue of the Corporation are sufficient to meet all sums properly chargeable to its revenue account including depreciation and interest on capital taking one year with another.

Expenditure and preparation of estimates

30. (1) The expenditure of the Corporation up to such amount as may be authorized by the Minister for any one year shall be defrayed out of the Fund.

(2) Before 1 September of each year, the Corporation shall submit to the Minister an estimate of its expenditure, including the expenditure for research and development programmes, for the following year in such form and containing such particulars as the Minister may direct.

(3) The Minister shall, before 1 January of the following year, notify the Corporation of the amount authorized for each description of expenditure based on the estimate prepared under subsection (2).

(4) The Corporation may at any time submit to the Minister a supplementary estimate of its expenditure for any one year and the Minister may allow the whole or any part of the additional expenditure included in the supplementary estimate.

Bank accounts

31. (1) The Corporation shall open and maintain an account or accounts with such bank or banks in Malaysia as it thinks fit, after consulting the Minister, and every such account shall be operated upon as far as practicable by cheques signed by any person as may be authorized by the Corporation for such purpose from time to time.

Power to borrow

32. The Corporation may borrow, with the approval of the Minister and the Minister of Finance at such rate of interest and for such period and upon such terms as to the time and method of repayment and such other terms as the Minister and the Minister of Finance may approve, any sums required by the Corporation for meeting any of its obligations or discharging any of its duties.

Investment

33. (1) The moneys from the Corporation Fund shall, in so far as they are not required to be expended by the Corporation under this Act, be invested in such manner as the Minister and the Minister of Finance may approve.

(2) Without prejudice to the generality of subsection (1), the Corporation may, with the approval of the Minister, acquire and develop land and properties for or in connection with the exercise of its powers and for this purpose may enter into such negotiations, arrangements or agreements as may be necessary for the effective and efficient operation of the Corporation.

Limitations on contracts

34. The Corporation shall not, without the approval of the Minister and the Minister of Finance, enter into any contract under which the Corporation is to pay or receive an amount exceeding ten million ringgit.

Financial procedure

35. Subject to this Act and the approval of the Minister, the Corporation shall determine its own financial procedure.

Financial year

36. The financial year of the Corporation shall begin on 1 January and end on 31 December of each year.

Accounts and reports

37. (1) The Corporation shall cause proper accounts of the Fund and proper reports of its activities to be kept and shall, as soon as possible after the end of each financial year, cause to be prepared for that financial year—

(a) a statement of accounts of the Corporation which shall include a balance sheet and an account of income and expenditure; and

(b) a statement of its activities.

(2) The Corporation shall as soon as possible send a copy of the statement of accounts certified by the auditors and a copy of the auditors' report to the Minister and the Minister shall cause such statement and report to be laid before both Houses of Parliament.

(3) The Statutory Bodies (Account and Annual Reports) Act 1980 [*Act 240*] shall apply to the Corporation.

PART IV

GENERAL

Institution of prosecution

38. No prosecution shall be instituted for any offence under this Act except by or with the consent in writing of the Public Prosecutor.

Public servant

39. The Chairman, members of the Corporation and of any committee, officers, employees and agents of the Corporation, while discharging their duties under this Act as Chairman, such members, officers, employees or agents, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Public Authorities Protection Act 1948

40. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Corporation or any member of the Corporation, a committee, an officer, employee or agent of the Corporation in respect of any act, omission, neglect or default done or committed by him in good faith in such capacity.

Obligation of secrecy

41. (1) Except for any of the purposes of this Act or for the purposes of any civil or criminal proceedings under any written law or where otherwise authorized by the Corporation—

(a) no member of the Corporation or any of its committees or any officer, employee or agent of the Corporation whether during or after his tenure of office or employment, and no person attending any meeting of the Corporation or any of its committees, shall disclose any information obtained by him in the course of his duties; and

(b) no other person who has by any means access to any information or documents relating to the affairs of the Corporation shall disclose such information or document.

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

Representation in civil proceedings

42. Notwithstanding any other written law—

(a) in any civil proceedings by or against the Corporation;
or

- (b) in any other civil proceedings in which the Corporation is required or permitted by the court to be represented, or to be heard, or is otherwise entitled to be represented or to be heard,

any person authorized by the Corporation for that purpose may, on behalf of the Corporation, institute such proceedings or appear in such proceedings and may make all appearances and applications and do all acts in respect of the proceedings on behalf of the Corporation.

Power to employ

43. The Corporation may employ and pay agents and technical advisers, including advocates and solicitors, bankers, consultants and other persons, to transact any business or to do any act required to be transacted or done in the performance of its functions or for the better carrying into effect of the purposes of this Act.

Power to establish companies

44. The Corporation may, from time to time, with the approval of the Minister and the concurrence of the Minister of Finance, establish companies by such name as the Corporation may determine to carry out and have the charge, conduct and management on behalf of the Corporation of any project, scheme or enterprise as may be determined by the Corporation in the discharge of its functions.

Things done in anticipation of the enactment of this Act

45. All things done by any person or authority on behalf of the Corporation in the preparation of and towards the proper administration of this Act, and any expenditure incurred in relation thereto, in anticipation of the enactment of this Act shall be deemed to have been authorized by this Act, and all rights acquired or obligations incurred on behalf of the Corporation from anything so done shall upon the coming into operation of this Act be deemed to be the rights and obligations of the Corporation.

LAWS OF MALAYSIA

Act 673

**SOLID WASTE AND PUBLIC CLEANSING
MANAGEMENT CORPORATION ACT 2007**

LIST OF AMENDMENTS

Amending law	Short title	In force from
--------------	-------------	---------------

– NIL –

LAWS OF MALAYSIA**Act 673****SOLID WASTE AND PUBLIC CLEANSING
MANAGEMENT CORPORATION ACT 2007**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
---------	--------------------	---------------

– NIL –
