

A BILL

i n t i t u l e d

An Act to amend the Perbadanan Kemajuan Filem Nasional Malaysia Act 1981.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Perbadanan Kemajuan Filem Nasional Malaysia (Amendment) Act 2012.

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

Amendment of section 6

2. The Perbadanan Kemajuan Filem Nasional Malaysia Act 1981 [Act 244], which is referred to as the “principal Act” in this Act, is amended in section 6—

(a) in subsection (1)—

(i) by deleting the word “and” at the end of paragraph (e);

- (ii) in paragraph (*f*), by substituting for the full stop a semi-colon; and
- (iii) by inserting after paragraph (*f*) the following paragraphs:

“(g) to disseminate information on policies, programmes and achievements of the Government through the production of films; and

(h) to record event coverage for archive purposes.”; and

(b) in subsection (2)—

- (i) by substituting for paragraph (*a*) the following paragraph:

“(a) to co-operate with government agencies, or bodies corporate or private persons in conducting surveys and research in respect of the film industry and in carrying out feasibility studies for the development of the local film industry;”;

- (ii) in paragraph (*c*), by deleting the words “, but not itself to participate in film production, directly or indirectly”;

- (iii) by substituting for paragraph (*e*) the following paragraph:

“(e) to grant financial assistance by loans, credit facility, grants, investment or any other form of financial assistance and to participate in film production;”;

- (iv) by deleting the word “and” at the end of paragraph (*j*); and

(v) by inserting after paragraph (j) the following paragraph:

“(ja) to produce recorded event coverage for archive purposes or produce any film or records as the Government thinks necessary for the purpose of education, information, arts, culture and other matters recommended by the Perbadanan; and”.

New sections 11A and 11B

3. The principal Act is amended by inserting after section 11 the following sections:

“Employment of Government employees

11A. (1) The Government shall, on the appointed date, give option to every person who immediately before that date is in the employment or service of the Government in the National Film Department.

(2) Every person mentioned in subsection (1) who opts to serve as an employee of the Perbadanan shall be employed by the Perbadanan on terms and conditions of service not less favourable than the terms and conditions of service to which he was entitled to immediately before the appointed date.

(3) For the purpose of this section, “appointed date” means the date on which the option is given to the employees who before that date are in the employment or service of the Government in the National Film Department.

Salaries, terms and conditions of service of Government employees to be taken into account

11B. (1) The terms and conditions to be drawn by the Perbadanan shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by the persons while in the employment of the

Government before opting into the service of the Perbadanan, and any such term and condition relating to the length of service with the Perbadanan shall provide for the recognition of service with the Government by the persons making the option as service with the Perbadanan.

(2) Where any person in the service of the Perbadanan whose case does not fall within the scope of any pension or other schemes established under this section retires or dies whilst in the service of the Perbadanan or is discharged from such service, the Perbadanan may grant to him or to such other person or persons wholly or partly dependent on him, as the Perbadanan thinks fit, such allowance or gratuity as the Perbadanan may determine.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Perbadanan Kemajuan Filem Nasional Malaysia Act 1981 (“Act 244”). The amendment is proposed arising from the merging of the Perbadanan Kemajuan Filem Nasional Malaysia (Perbadanan) with the National Film Department (NFD).

2. *Clause 1* contains the short title and the power of the Minister to appoint the commencement date of the proposed Act.

3. *Clause 2* seeks to amend section 6 of Act 244. The proposed amendment introduces new functions and powers of the Perbadanan arising from the merging of the Perbadanan with NFD. The new function is to record event coverage for archives purposes while among the new powers of the Perbadanan is to grant financial assistance by loans, *etc.*; and to participate in film production. The Perbadanan also has the power to produce recorded event coverage for archive purposes or to produce films or records as the Government thinks necessary for national interest.

4. *Clause 3* seeks to introduce new sections 11A and 11B into Act 244.

Under the new section 11A, the Government is required on the appointed date, to give every person who immediately before that date was in its employment or service in NFD. The Perbadanan is required to accept into its employment all such persons who has exercised an option to serve as an employee of the Perbadanan.

The proposed new section 11B seeks to give protection of the pension rights of the employees who were previously in the employment of the Government in NFD.

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5. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

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