

## Legislation

The following list of Laws passed in Malaysia is a continuation of the list contained in (2008) 34 *JMCL*

### FEDERAL ACTS

<b>Bil Akta Act No</b>	<b>Tajuk Ringkas/Short Title</b>
692	Akta Lembaga Kenaf dan Tembakau Negara 2009 National Kenaf and Tobacco Board Act 2009
693	Akta Kewangan 2009 Finance Act 2009
694	Akta Suruhanjaya Pencegahan Rasuah Malaysia 2009 Malaysian Anti-Corruption Commission Act 2009
695	Akta Suruhanjaya Pelantikan Kehakiman 2009 Judicial Appointments Commission Act 2009
696	Akta Perlindungan Saksi 2009 Witness Protection Act 2009
697	Akta Fi (Majlis Latihan Pertanian Kebangsaan) (Pengesahan) 2009 Fees (National Agriculture Training Council) (Validation) Act 2009
698	Akta Makanan Haiwan 2009 Feed Act 2009
699	Akta Identifikasi Asid Deoksiribonukleik (DNA) 2009 Deoxyribonucleic Acid (DNA) Identification Act 2009
700	Akta Suruhanjaya Integriti Agensi Penguatkuasaan 2009 Enforcement Agency Integrity Commission Act 2009
701	Akta Bank Negara Malaysia 2009 Central Bank of Malaysia Act 2009

### FEDERAL AMENDMENT ACTS

<b>Bil Akta Act No</b>	<b>Tajuk Ringkas/Short Title</b>
A1342	Akta Universiti dan Kolej Universiti (Pindaan) 2009 Universities and University Colleges (Amendment) Act 2009

- A1343 Akta Pencen (Pindaan) 2009  
Pensions (Amendment) Act 2009
- A1344 Akta Pencen Pihak-Pihak Berkuasa Berkanun dan Tempatan  
(Pindaan) 2009  
Statutory and Local Authorities Pensions (Amendment) Act 2009
- A1345 Akta Penyelarasan Pencen (Pindaan) 2009  
Pensions Adjustment (Amendment) Act 2009
- A1346 Akta Saraan Hakim (Pindaan) 2009  
Judges' Remuneration (Amendment) Act 2009
- A1347 Akta Pembekalan Tambahan (2009) 2009  
Supplementary Supply (2009) Act 2009
- A1348 Akta Perbekalan Tambahan (2008) 2009  
Supplementary Supply (2008) Act 2009
- A1349 Akta Cukai Pendapatan (Pindaan) 2009  
Income Tax (Amendment) Act 2009
- A1350 Akta Kanun Tatacara Jenayah (Pindaan) 2009  
Criminal Procedure Code (Amendment) Act 2009
- A1351 Akta Pelantar Benua (Pindaan) 2009  
Continental Shelf (Amendment) Act 2009
- A1352 Akta Institusi Pendidikan Tinggi Swasta (Pindaan) 2009  
Private Higher Educational Institutions (Amendment) Act 2009
- A1353 Akta Suruhanjaya Hak Asasi Manusia Malaysia (Pindaan) 2009  
Human Rights Commission of Malaysia (Amendment) Act 2009
- A1354 Akta Latihan Khidmat Negara (Pindaan) 2009  
National Service Training (Amendment) Act 2009
- A1355 Akta Lembaga Hasil Dalam Negeri Malaysia (Pindaan) 2009  
Inland Revenue Board of Malaysia (Amendment) Act 2009
- A1356 Akta Pengangkutan Jalan (Pindaan) 2009  
Road Transport (Amendment) Act 2009

A1357	Akta Suruhanjaya Hak Asasi Manusia Malaysia (Pindaan) (Pindaan) 2009 Human Rights Commission of Malaysia (Amendment) (Amendment) Act 2009
A1358	Akta Perbadanan Pembangunan Industri Kecil dan Sederhana (Pindaan) 2009 Small and Medium Industries Development Corporation (Amendment) Act 2009
A1359 2009	Akta Seri Pahlawan Gagah Perkasa (Elaun Kenangan) (Pindaan) 2009 Seri Pahlawan Gagah Perkasa (Remembrance Allowance) (Amendment) Act 2009
A1360	Akta Panglima Gagah Berani (Elaun Kenangan) (Pindaan) 2009 Panglima Gagah Berani (Remembrance Allowance) (Amendment) Act 2009
A1361	Akta Perbekalan 2010 Supply Act 2010
A1362	Akta Bank Kerjasama Rakyat Malaysia Berhad (Peruntukan Khas) (Pindaan) 2009 Bank Kerjasama Rakyat Malaysia Berhad (Special Provisions) (Amendment) Act 2009

## **JOHOR DARUL TAKZIM**

<b>No Enakmen Enactment No</b>	<b>Tajuk Ringkas/Short Title</b>
A3/08	Enakmen Perbekalan Tambahan (2008) (No. 3) Supplementary Supply (2008) (No. 3) Enactment 2008
A4/08	Enakmen Perbekalan (2009) 2008 Supply (2009) Enactment 2008
A5/08	Enakmen Perbekalan Tambahan (2008) (No. 4) 2008 Supplementary Supply (2008) (No. 4) Enactment 2008
A6/09	Enakmen Perbekalan Tambahan (2009) (No. 1) 2009 Supplementary Supply (2009) (No. 1) Enactment 2009

A7/09	Enakmen Perbekalan Tambahan (2009) (No. 2) 2009 Supplementary Supply (2009) (No. 2) Enactment 2009
A8/09	Enakmen Undang-Undang Tubuh Kerajaan 1895 (Pindaan) 2009 Laws of the Constitution of 1895 (Amendment) Enactment 2009
A9/09	Enakmen (Pindaan) Anggota Pentadbiran Dan Ahli Dewan Negeri (Saraan) 2009 Members of the Administration And The Legislative Assembly (Remuneration) (Amendment) Enactment 2009
A10/09	Enakmen Perbekalan Tambahan (2009) (No. 3) 2009 Supplementary Supply (2009) (No. 3) Enactmen 2009

### **KEDAH DARUL AMAN**

<b>No Enakmen Enactment No</b>	<b>Tajuk Ringkas/Short Title</b>
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A1/09	Enakmen Peruntukan Tahun 2009 Supply Enactment 2009
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### **KELANTAN DARUL NAIM**

<b>No Enakmen Enactment No</b>	<b>Tajuk Ringkas/Short Title</b>
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2/09	Industri Berasas Kayu (Pengesahan) 2009 Wood-Based Industries Enactment (Validation) 2009
3/09	Enakmen Perhutanan Negara (Pemakaian) (Pengesahan) 2009 National Forestry Enactment (Adoption) (Validation) 2009
4/09	Enakmen Wasiat Orang Islam Kelantan 2009 Kelantan Muslim Wills Enactment
A11/08	Enakmen Perbadanan Pembangunan Ladang Rakyat Negeri Kelantan (Pindaan) 2008 Perbadanan Pembangunan Ladang Rakyat Negeri Kelantan (Amendment) Enactment 2008
A12/08	Enakmen Perbekalan Tambahan Yang Pertama (2008) Tahun 2008 First Supplementary Supply (2008) Enactment 2008

- A13/08 Enakmen Perbadanan Pembagunan Ladang Rakyat Negeri Kelantan (Pindaan) (No 2) 2008  
Perbadanan Pembagunan Ladang Rakyat Negeri Kelantan (Amendment) (No 2) Enactment 2008
- A14/08 Enakmen Perbekalan Tambahan Yang Kedua (2008) Tahun 2008  
Second Supplementary Supply (2008) Enactment 2008
- A15/08 Enakmen Perbekalan (2009) Tahun 2008  
Supply (2009) Enactment 2008
- A16/08 Enakmen Undang-Undang Perlembagaan Tubuh Kerajaan Kelantan (Bahagian Yang Kedua) (Pindaan) 2008  
Laws of the Constitution of Kelantan (Second Part) (Amendment) Enactment 2008
- A17/09 Enakmen Perbekalan Tambahan (2009) Tahun 2009  
Supplementary Supply (2009) Enactment 2009
- A18/09 Enakmen Pentadbiran Mahkamah Syariah (Pindaan) 2009  
Administration of the Syariah Court (Amendment) Enactment 2009
- A19/09 Enakmen Tabung Amanah Tok Kenali (Pindaan) 2009  
Tok Kenali Trust Fund (Amendment) (Enactment) 2009
- A20/09 Enakmen Undang-Undang Perlembagaan Tubuh Kerajaan Kelantan (Bahagian Yang Kedua) (Pindaan) 2009  
Laws of the Constitution of Kelantan (Second Part) (Amendment) Enactment 2009
- A21/09 Enakmen Perbekalan Tambahan Kedua (2009) Tahun 2009  
Supplementary Supply (2009) Enactment 2009
- A22/09 Enakmen Perbekalan (2010) Tahun 2009  
Supply (2010) Enactment 2009
- A23/09 Enakmen Mineral (Pindaan) 2009  
Mineral (Amendment) Enactment 2009
- A24/09 Enakmen (Saraan) Anggota-Anggota Pentadbiran dan Ahli-Ahli Dewan Negeri (Pindaan) 2009  
Members of the Administration and the Legislative Assembly (Remuneration) (Amendment) Enactment 2009

**MELAKA**

<b>No Enakmen Enactment No</b>	<b>Tajuk Ringkas/Short Title</b>
7/09	Civil List (Malacca) Enactment 1957 (Revised - 2009)
A4/09	Enakmen Ahli Pentadbiran dan Dewan Negeri (Saraan) (Pindaan) 2009 Members of the Administration and the Legislative Assembly (Remuneration) (Amendment) Enactment 2009
A5/09	Enakmen Perbekalan Tambahan 2009 Supplementary Supply Enactment 2009
A6/09	Enakmen Perbekalan (2010) Tambahan 2009 Supply Enactment (2010) 2009

**NEGERI SEMBILAN DARUL KHUSUS**

<b>No Enakmen Enactment No</b>	<b>Tajuk Ringkas/Short Title</b>
A1/09	Enakmen Perbekalan Tambahan 2008 Supplementary Supply Enactment 2008
A2/09	Enakmen Perbekalan Tambahan (No 2) 2008 Supplementary Supply (No. 2) Enactment 2008
A3/09	Enakmen Perbekalan (2009) 2008 Supply (2009) Enactment 2008
A4/09	Enakmen Pentadbiran Agama Islam (Negeri Sembilan) (Pindaan) 2009 Administration of the Religion of Islam (Negeri Sembilan) (Amendment) Enactment 2009

**PAHANG DARUL MAKMUR**

<b>No Enakmen Enactment No</b>	<b>Tajuk Ringkas/Short Title</b>
7/09	State Secretary, Pahang (Incorporation) Enactment 1959 (Revised- 2009)

A17/09 Enakmen Perbekalan Tambahan (Bil 3/2008) 2009  
Supplementary Supply (No 3/2008) Enactment 2009

### **PERAK DARUL RIDZUAN**

**No Enakmen  
Enactment No**      **Tajuk Ringkas/Short Title**

A11/09 Enakmen Air (Pindaan) 2009  
Waters (Amendment) Enactment 2009

A14/09 Enakmen Perbekalan 2010  
Supply Enactment 2010

A15/09 Enakmen Pentadbiran Agama Islam (Perak) (Pindaan) 2009  
Administration of the Religion of Islam (Perak) (Amendment)  
Enactment 2009

A16/09 Enakmen Kolej Islam Darul Ridzuan (Pindaan) 2009  
Darul Ridzuan Islamic College (Amendment) Enactment 2009

### **PERLIS INDERA KAYANGAN**

**No Enakmen  
Enactment No**      **Tajuk Ringkas/Short Title**

A19/08 Enakmen Undang-Undang Keluarga Islam (Pindaan) 2008  
Islamic Family Law (Amendment) Enactment 2008

A20/08 Enakmen Pentadbiran Agama Islam (Pindaan) 2008  
Administration of the Religion of Islam (Amendment)  
Enactment 2008

A21/09 Enakmen Perbekalan Tahun 2009  
Supply Enactment 2009

### **PULAU PINANG**

**No Enakmen  
Enactment No**      **Tajuk Ringkas/Short Title**

8/09 Enakmen Pinjaman Negeri Pulau Pinang (Projek Bangunan Arked  
dan Pusat Makanan Laut Batu Kawan) 2009  
State of Penang Loan (Batu Kawan Indoor Arcade and Seafood  
Centre Project) Enactment 2009

- 9/09 Enakmen Ketua Menteri Pulau Pinang (Pemerbadanan) 2009  
Chief Minister of Penang (Incorporation) Enactment 2009
- A7/09 Enakmen Pinjaman (Rancangan Untuk Membekal Air Bagi Negeri  
Pulau Pinang) (Pindaan) 2009  
Loan (Water Supply Scheme for the State of Penang)  
(Amendment) Enactment
- A8/09 Enakmen Perbekalan 2010  
Supply Enactment 2010

## SABAH

### No Enakmen Enactment No

### Tajuk Ringkas/Short Title

- 1/09 Enakmen Pihak Berkuasa Pembangunan Ekonomi dan Pelaburan  
Sabah 2009  
The Sabah Economic Development and Investment Authority  
Enactment 2009
- 2/09 Enakmen Anugerah Negeri (Pindaan) 2009  
The State Honours (Amendment) Enactment 2009
- 3/09 Enakmen Anggota Pentadbiran dan Ahli Dewan Undangan  
(Saraan) (Pindaan) 2009  
The Members of the Administration and Members of the  
Legislative Assembly (Remuneration) (Amendment) Enactment 2009
- 4/09 Enakmen Hutan (Penubuhan Hutan Simpan dan Pindaan)  
(Pindaan) 2009  
The Forests (Constitution of Forest Reserves and Amendment)  
(Amendment) Enactment 2009
- 5/09 Enakmen Perbekalan Tambahan Pertama (2009) 2009  
First Supplementary Supply (2009) Enactment 2009
- 6/09 Enakmen Perbekalan (2010) 2009  
The Supply (2010) Enactment 2009
- 7/09 Enakmen Tanah (Pindaan) 2009  
The Land (Amendment) Enactment 2009
- 8/09 Enakmen Pengambilan Tanah (Pindaan) 2009  
The Land Acquisition (Amendment) Enactment 2009



**SARAWAK****Chapter No            Short Title**

Cap 67                    Sarawak Sports Corporation Ordinance, 2009

**SARAWAK AMENDMENT ORDINANCES****Amendments        Short Title**

Cap A142                Supplementary Supply (2008) Ordinance, 2009

Cap A143                Supplementary Supply (2009) Ordinance, 2009

Cap A144                Sarawak State Library (Amendment) Ordinance 2009

Cap A145                Housing Developers (Control and Licensing) (Amendment) Ordinance, 2009

Cap A146                Supply (2010) Ordinance, 2009

**SELANGOR DARUL EHSAN****No Enakmen        Tajuk Ringkas / Short Title  
Enactment No**

2/09                    Enakmen Penghinaan Dewan (Negeri Selangor) 2009  
Contempt of the House (State of Selangor) Enactment 2009

3/09                    Enakmen Jaminan Pinjaman 1977 (Disemak - 2009)  
Loan Guarantee Enactment 1977 (Revised - 2009)

4/09                    Enakmen Perbadanan Adat Melayu dan Warisan Negeri  
Selangor 2009  
State of Selangor Malay Custom and Heritage Corporation  
Enactment 2009

5/09                    Enakmen Pinjaman (Projek Pembedungan Najis) 1982  
(Disemak - 2009)  
Loans (Sewerage Project) Enactment 1982 (Revised - 2009)

6/09                    Enakmen Pinjaman (Projek Ladang Hutan Kompensatori)  
1983 (Disemak - 2009)  
Loans (Compensatory Forest Estate Project) Enactment 1983  
(Revised - 2009)

A6/09	Enakmen Perbekalan Tambahan 2008 Supplementary Supply Enactment 2008
A7/09	Enakmen Perbekalan (2009) 2008 Supply (2009) Enactment 2008
A8/09	Enakmen Peruntukan Diraja (Pindaan) 2008 Civil List (Amendment) Enactment 2008
A9/09	Enakmen Perbekalan Tambahan 2009 Supplementary Supply Enactment 2009
A10/09	Enakmen Perbekalan Tambahan (No 2) 2009 Supplementary Supply (No 2) Enactment 2009
A11/09	Enakmen Perbekalan (2010) 2009 Supply (2010) Enactment 2009
A12/09	Enakmen Peruntukan Diraja (Pindaan) 2009 Civil List (Amendment) Enactment 2009
A13/09	Enakmen Selangor King George V Silver Jubilee (Pindaan) 2009 Selangor King George V Silver Jubilee (Amendment) Enactment 2009

## **TERENGGANU DARUL IMAN**

<b>No Enakmen Enactment No</b>	<b>Tajuk Ringkas / Short Title</b>
5/09	Enakmen Majlis Perbandaran Dungun 2008 Dungun Municipal Council Enactment 2008
A6/09	Enakmen Perbekalan 2009 Supply Enactment 2009
A7/09	Enakmen Perbekalan Tambahan 2008 Supplementary Supply 2008 Enactment
A8/09	Enakmen Tanah Simpan Bagi Orang-Orang Melayu (Pindaan) 2008 Malay Reservations (Amendment) Enactment 2008
A9/09	Enakmen Tanah Simpan Bagi Orang-Orang Melayu (Pindaan) (No 2) 2008 Malay Reservations (Amendment) Enactment (No 2) 2008

- A10/09            Enakmen (Elaun) Ahli Dewan Pangkuan DiRaja Terengganu 2008  
Members of the Dewan Pangkuan DiRaja Terengganu  
(Allowances) (Amendment) Enactment 2008
- A11/09            Enakmen Perbekalan Tambahan 2009  
Supplementary Supply Enactment 2009
- A12/09            Enakmen Tanah Simpanan Bagi Orang-Orang Melayu  
(Pindaan) 2009  
Malay Reservations (Amendment) Enactment 2009
- A13/09            Enakmen Tanah Simpanan Bagi Orang-Orang Melayu (Pindaan)  
(No 2) 2009  
Malay Reservations (Amendment) (No 2) Enactment 2009



## Malaysian Administrative Law at the Crossroads: *Quo Vadis?*

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### Abstract

Malaysian Administrative Law was, until 1996, thought to be based solely on common law by concerning itself mainly with challenging the decision-making process of the administrators. In the landmark case of *Tan Tek Seng* in January 1996, the Court of Appeal began to invoke the doctrine of constitutional review by breathing life and great expectations into the broad and liberal interpretation of fundamental rights in the constitution whenever they are at stake as a result of governmental actions or decisions whether legislative or executive. However, the constitutional euphoria of broad interpretation was short lived as the Federal Court swiftly and decisively struck back with vengeance in *Ng Hock Cheng*, *Sugumar Balakrishnan*, and *Kekatong* thereby throwing constitutional review into grave doubt. Constitutional review, however, made a brief comeback in 2009 in a few Federal Court cases when the judge behind the broad interpretation of the Federal Constitution was elevated to the Federal Court. But with his retirement and departure from the Bench on 16<sup>th</sup> February 2010, the development of Administrative Law again encountered problems because very few judges have come forward to push the constitutional agenda in our public law. The writer has expounded his view into the root causes of the unsatisfactory growth and development of Malaysian Administrative Law over the last fifty-one years. However, the writer remains upbeat and hopeful over the faith and future of Malaysian Administrative Law in the years ahead because of his firm belief in the rule of law and constitutionalism which will eventually triumph over time so long as the struggle to vindicate the rule of law and constitutionalism continues unabated.

### 1. Introduction

The writing of this article began before the 51<sup>st</sup> Merdeka (Independence) Day celebrations and completed in December 2008. It was written with a few objectives in mind. First, it is a survey of the developments of Malaysian Administrative Law over the last 51 years ever since 31<sup>st</sup> August 1957. Hopefully with the current state of the law known, then the roadmap for the future may well begin with determination and optimism. There is no room for pessimism in the field of public law. Public law evolves slowly and painstakingly over time particularly in developing countries and, in some countries, the developments and progress may be extremely slow and frustrating but the struggle for

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