

A BILL

i n t i t u l e d

An Act to amend the National Skills Development Act 2006.

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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 National Skills Development (Amendment) Act 2025.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of section 2

2. The National Skills Development Act 2006 [*Act 652*], which is referred to as the “principal Act” in this Act, is amended in section 2—

- (a) by substituting for the definition of “curriculum” the following definition:

“ ‘curriculum’ means the content of an organized training programme conducted by a skills training provider based on the Standards indicating the activities to be undertaken, the time allotted to each activity, and their sequence;”;

- (b) by substituting for the definition of “accreditation” the following definition:

“ ‘accreditation’ means a procedure by which the Director General evaluates and approves a skills training programme based on the Standards;”;

- (c) in the definition of “accredited programme”, by substituting for the words “training programme” the words “skills training programme”; and

- (d) in the definition of “Certificate”, by inserting after the words “skills qualification” the words “or skills recognition”.

Amendment of section 5

3. Subsection 5(1) of the principal Act is amended—

- (a) in paragraph (c)—

- (i) by substituting for the word “nine” the word “twelve”;

- (ii) in subparagraph (i), by substituting for the words “Economic Planning Unit in the Prime Minister’s Department” the words “Ministry responsible for economy”;

(iii) by deleting the word “and” at the end of subparagraph (viii);

(iv) by deleting the word “and” at the end of subparagraph (ix); and

(v) by inserting after subparagraph (ix) the following subparagraphs:

“(x) one is a member representing the Ministry responsible for women, family and community development;

(xi) one is a member representing the Ministry responsible for rural and regional development; and

(xii) one is a member representing the Ministry responsible for investment, trade and industry; and”;

(b) in paragraph (d)—

(i) by substituting for the word “ten” the word “eleven”;

(ii) by deleting the word “and” at the end of subparagraph (iii);

(iii) by substituting for the full stop at the end of subparagraph (iv) the words “; and”; and

(iv) by inserting after subparagraph (iv) the following subparagraph:

“(v) one is a member representing the Malaysia Board of Technologists.”.

Amendment of section 17**4.** Section 17 of the principal Act is amended—

(a) in subsection (2)—

- (i) in paragraph (a), by deleting the word “and” at the end of the paragraph;
- (ii) in paragraph (b), by substituting for the full stop at the end of the paragraph the words “; and”; and
- (iii) by inserting after paragraph (b) the following paragraph:

“(c) the granting of recognition to any other training programmes under section 36A.”; and

(b) in subsection (5), in the national language text, by substituting for the words “Penolong Kanan Pengarah” the words “Penolong Pengarah Kanan”.

Amendment of section 24**5.** Section 24 of the principal Act is amended—

- (a) in subsection (1), by substituting for the words “its training programme” the words “its skills training programme”;
- (b) in subsection (5), by inserting after the words “or any officer of the department responsible for skills development” the words “or any other person appointed by the Director General”; and

(c) by inserting after subsection (5) the following subsection:

“(6) A skills training provider shall be disqualified from applying for the accreditation of a skills training programme under subsection (1) if the skills training provider has an existing accredited programme in respect of which the certificate of accreditation has been suspended or revoked by the Director General under section 29 or 32, as the case may be, and a period of one year from the effective date of such suspension or revocation has not lapsed.”.

Amendment of section 25

6. Paragraph 25(1)(a) of the principal Act is amended by substituting for the words “three years” the words “not more than six years”.

Amendment of section 27

7. Paragraph 27(2)(a) of the principal Act is amended by substituting for the words “three years” the words “not more than six years”.

Amendment of section 29

8. Section 29 of the principal Act is amended by inserting after subsection (2) the following subsections:

“(3) Upon receipt of the written notice under subsection (2), the skills training provider may make written representations to the Director General within thirty days from the date of the receipt of the notice, stating the reasons why the certificate of accreditation in respect of the accredited programme should not be suspended or revoked.

(4) After the expiry of the period of thirty days specified in subsection (3) or after considering any written representations made, the Director General may—

- (a) issue a warning and give directions to the skills training provider for the skills training provider to rectify, to the satisfaction of the Director General, the matter in respect of which the proposed suspension or revocation relates; or
- (b) proceed with the proposed action to suspend or revoke the certificate of accreditation.

(5) If the skills training provider fails to rectify the matter as required under paragraph (4)(a), the Director General may proceed to suspend or revoke the certificate of accreditation.

(6) A written notice of the decision of the Director General to suspend or revoke the certificate of accreditation shall be served to the skills training provider if the action of suspension or revocation is imposed under paragraph (4)(b) or subsection (5).

(7) The suspension or revocation of the certificate of accreditation under this section shall take effect on the date specified by the Director General in the written notice served under subsection (6).”.

Substitution of section 34

9. The principal Act is amended by substituting for section 34 the following section:

“Award of Certificate

34. (1) The Director General may award a Certificate to any person who has conformed to the Standards in respect of the following skills qualifications:

- (a) Malaysian Skills Certificate;
- (b) Malaysian Skills Diploma;

- (c) Malaysian Skills Advanced Diploma;
- (d) Malaysian Modular Skills Certificate; or
- (e) Statements of Achievement.

(2) The Director General may award a Certificate to any person who has conformed to the Standards in respect of the following skills recognitions:

- (a) Skills Expert;
- (b) Senior Skills Expert; or
- (c) Skills Consultant.”.

New Part VIIA

10. The principal Act is amended by inserting after section 36 the following part:

“PART VIIA

RECOGNITION OF OTHER TRAINING PROGRAMMES

Recognition of other training programmes

36A. (1) Notwithstanding any other provisions of this Act, the Director General may, subject to the terms and conditions as he deems appropriate, grant recognition to any other training programme not based on the Standards, conducted by any establishment, body or organization, whether established within or outside Malaysia, for the purpose of the granting of skills training loan or skills training financial assistance by the Perbadanan Tabung Pembangunan Kemahiran under the Skills Development Fund Act 2004 [*Act 640*].

(2) An application for the recognition of other training programme under subsection (1) shall be made by the establishment, body or organization conducting the training programme to the Director General in such form and manner as may be prescribed.

(3) Every application under this section shall be accompanied with such documents, information and fee as may be prescribed.

(4) At any time after receiving an application for recognition under subsection (2) and before it is determined, the Director General may by written notice require the applicant to provide additional documents and information within the period specified in the notice.

(5) Where the additional documents and information required under subsection (4) are not provided by the applicant within the specified period or any such extended period as may be allowed by the Director General, the application shall be deemed to be withdrawn and shall not be further proceeded with, but without prejudice to the right of the applicant to make a fresh application.

(6) For the purposes of recognition under this section, the Director General may establish an evaluation and recognition committee to advise and to make recommendations to the Director General on matters relating to such recognition.

(7) The Director General may, at any time, revoke the recognition given under subsection (1) if the establishment, body or organization whose training programme has been granted the recognition has failed to comply with the terms and conditions imposed under that subsection.

(8) For the purposes of this section, “Perbadanan Tabung Pembangunan Kemahiran” means the Perbadanan Tabung Pembangunan Kemahiran established under section 6 of the Skills Development Fund Act 2004.”.

Amendment of section 52

11. Section 52 of the principal Act is amended by inserting after the words “enrols trainees for” the words “or carries out”.

Amendment of section 54

12. Subsection 54(1) of the principal Act is amended by inserting after the words “in relation to a skills training provider” the words “, Certificate or accredited programme”.

Amendment of section 55

13. Subsection 55(1) of the principal Act is amended in the national language text by substituting for the words “tidak melebihi dua puluh ribu ringgit” the words “tidak kurang daripada dua puluh ribu ringgit”.

Amendment of section 57

14. Section 57 of the principal Act is amended by inserting after the words “skills training programme” the words “or for the award of a Certificate”.

Amendment of section 72

15. Subsection 72(2) of the principal Act is amended—

(a) by inserting after paragraph (b) the following paragraph:

“(ba) the procedure, manner and form of evaluation of skills recognition;” and

(b) by inserting after paragraph (c) the following paragraphs:

“(ca) the procedure, manner and form of application for skills recognition and the award of skills recognition;

(cb) the procedure, manner and form of application for recognition of other training programme;”.

EXPLANATORY STATEMENT

This Bill seeks to amend the National Skills Development Act 2006 (“Act 652”).

2. *Clause 1* contains the short title and commencement of the proposed Act and empowers the Minister to appoint different dates for the coming into operation of different provisions of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 652 by substituting the definitions of “curriculum” and “accreditation” and amending certain other existing definitions used in Act 652.

4. *Clause 3* seeks to amend subsection 5(1) of Act 652 to increase the Council’s membership from nine to twelve representatives from the relevant Ministries, and from ten to eleven representatives from the non-government sector.

5. *Clause 4* seeks to amend subsection 17(2) of Act 652 to empower the Director General to grant recognition to any other training programmes under the proposed new section 36A of Act 652. This *clause* also seeks to amend subsection 17(5) in the national language text of Act 652 by correcting the reference to the Senior Assistant Director.

6. *Clause 5* seeks to amend section 24 of Act 652 in relation to the application of a skills training provider for the accreditation of its skills training programme by allowing any other person appointed by the Director General to inspect the skills training provider’s premises to verify the authenticity of the application. The amendment also seeks to provide that a skills training provider shall be disqualified from applying for the accreditation of a skills training programme under subsection 24(1) of Act 652 if the skills training provider has an existing accredited programme in respect of which the certificate of accreditation has been suspended or revoked by the Director General under section 29 or 32 of Act 652, as the case may be, and a period of one year from the effective date of such suspension or revocation has not lapsed.

7. *Clause 6* seeks to amend paragraph 25(a) of Act 652 to extend the validity period of a certificate of accreditation granted to a skills training provider in respect of its accredited programme from three years to a period of not more than six years.

8. *Clause 7* seeks to amend paragraph 27(2)(a) of Act 652 to extend the validity period of a renewed certificate of accreditation granted to a skills training provider in respect of its accredited programme from three years to a period of not more than six years.

9. *Clause 8* seeks to amend section 29 of Act 652 in relation to suspension or revocation of certificate of accreditation by allowing a skills training provider whose certificate of accreditation is proposed to be suspended or revoked by the Director General to make written representations to the Director General and by providing for the procedures for making such written representations.

10. *Clause 9* seeks to substitute section 34 of Act 652 to empower the Director General to award to any person who has conformed to the Standards, a Certificate in respect of a skills qualification, namely the “Malaysian Modular Skills Certificate”. This *clause* also seeks to empower the Director General to award to any person who has conformed to the Standards, a Certificate in respect of skills recognitions, namely Skills Expert, Senior Skills Expert and Skills Consultant.

11. *Clause 10* seeks to introduce a new Part VIIA which contains section 36A into Act 652. The proposed new section 36A provides that the Director General may, subject to terms and conditions as he deems appropriate, grant recognition to any other training programme not based on the Standards, conducted by any establishment, body or organization, whether established within or outside Malaysia, for the purpose of enabling the granting of skills training loan or skills training financial assistance by the Perbadanan Tabung Pembangunan Kemahiran under the Skills Development Fund Act 2004 [Act 640].

12. *Clause 11* seeks to amend section 52 of Act 652 to broaden the scope of offences under that section to cover any person who carries out a training programme purporting to be an accredited programme without a valid certificate of accreditation.

13. *Clause 12* seeks to amend subsection 54(1) of Act 652 to broaden the scope of offences under that section to include any false, deceptive, offensive or misleading statement in any advertisement relating to a Certificate or accredited programme.

14. *Clause 13* seeks to amend subsection 55(1) of Act 652 in the national language text to correct the reference to the penalty for the offence under that subsection.

15. *Clause 14* seeks to amend section 57 of Act 652 to broaden the scope of the offence under that section to include any person who, in making an application for the award of a Certificate under Act 652, knowingly makes a false statement, or knowingly makes a statement he does not believe to be true, or intentionally suppresses any material fact or furnishes any information which is materially misleading in relation to such application.

16. *Clause 15* seeks to amend subsection 72(2) of Act 652 relating to the power of the Minister to make regulations under Act 652 by providing that regulations may be made to prescribe the procedure, manner and form of evaluation of skills recognition; the procedure, manner and form of application for skills recognition and for the award of skills recognition; as well as the procedure, manner and form of application for the recognition of other training programmes.

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

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U2)3412]