

A BILL

i n t i t u l e d

An Act to amend the BERNAMA Act 1967.

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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 BERNAMA (Amendment) Act 2024.

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

Amendment of section 2

2. The BERNAMA Act 1967 [*Act 780*], which is referred to as the “principal Act” in this Act, is amended in section 2—

- (a) in the national language text, in the definition of “Lembaga”, by substituting for the full stop at the end of the definition a semicolon; and

- (b) by inserting after the definition of “Board” the following definition:

‘ “media organization” means any entity carrying on activity of dissemination of news or news material through newspapers, publications, radio, television, or any other forms of mass communication, including electronic or digital platforms;’.

Amendment of section 7

3. Section 7 of the principal Act is amended—

- (a) in paragraph (2)(c), by substituting for the words “proprietors of newspapers in Malaysia who” the words “media organizations in Malaysia which”;
- (b) in subsection (4), by substituting for the words “proprietors of newspapers in Malaysia who” the words “media organizations in Malaysia which”; and
- (c) in subsection (5), by substituting for the words “proprietors of newspapers in Malaysia who” the words “media organizations in Malaysia which”.

Amendment of section 10

4. Paragraph 10(b) of the principal Act is amended by substituting for the words “newspaper, radio or television subscriber” the word “subscriber”.

Amendment of section 11

5. Paragraph 11(1)(c) of the principal Act is amended by substituting for the words “newspapers in Malaysia” the words “media organizations in Malaysia which are subscribers to BERNAMA”.

Substitution of section 21

6. The principal Act is amended by substituting for section 21 the following section:

“Subscribers

21. The following classes of subscribers are entitled to enter into arrangements to have the services of BERNAMA:

- (a) media organizations; and
- (b) any institution, body, organization, individual or any other subscribers, as may be authorized by the Board.”.

Amendment of section 25

7. Section 25 of the principal Act is amended—

- (a) in subsection (2), by substituting for the words “newspapers who” the words “media organizations which”; and
- (b) in subsection (3), by substituting for the word “newspaper” the words “media organization”.

Amendment of Schedule

8. The Schedule to the principal Act is amended—

- (a) in Part I—
 - (i) in paragraph 1—
 - (A) by substituting for subparagraph (2) the following subparagraph:

“(2) The members of the Board representing the media organizations shall hold office as representatives of their media organizations.”; and

- (B) by substituting for subparagraph (3) the following subparagraph:

“(3) Four members of the Board representing the Government of Malaysia shall be the representatives from the Ministry charged with the responsibility for communications and the Ministry charged with the responsibility for foreign affairs.”;

- (ii) by substituting for subsubparagraph 3(2)(a) the following subsubparagraph:

“(a) a member representing a media organization, such member of the Board shall vacate his office if he ceases to be associated with the media organization which he has represented, or on the media organization he has represented ceasing to be a subscriber to BERNAMA; and”;

- (iii) by substituting for subparagraph 4(1) the following subparagraph:

“(1) The following procedures shall be adopted for filling vacancies in the Board arising from any of the reasons enumerated in paragraph 3:

- (a) in the case of a member representing the media organization, the appointment for the purpose of filling any vacancy shall be made on the recommendation of the media organization whose representative has vacated his post; and

- (b) in the case of a vacancy arising through a media organization whose representative is represented on the Board ceasing to be a subscriber to BERNAMA, the remaining media organizations which are subscribers to BERNAMA shall make a recommendation to the Yang di-Pertuan Agong.”; and
- (iv) in subparagraph 5(4), by substituting for the words “proprietors of newspapers” the words “media organizations”; and
- (b) in Part II, in subparagraph 3(2), by substituting for the words “ a newspaper, radio or television subscriber” the words “a subscriber”.

EXPLANATORY STATEMENT

This Bill seeks to amend the BERNAMA Act 1967 (“Act 780”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.
3. *Clause 2* seeks to amend section 2 of Act 780 to insert the definition of “media organization” into Act 780 which is defined as any entity carrying on activity of dissemination of news or news material through newspapers, publications, radio, television, or any other forms of mass communication, including electronic or digital platforms.
4. *Clause 3* seeks to amend section 7 of Act 780 relating to the constitution of the Board of Governors of BERNAMA by substituting the references to proprietors of newspapers in Malaysia with the references to media organizations in Malaysia. This initiative aims to broaden the membership of the Board of Governors of BERNAMA and to ensure that it includes in the membership of the Board not only representatives from traditional print media, such as the newspapers, but also representatives from electronic and digital platforms media. This expansion will foster a more inclusive approach, reflecting the diverse landscape of today’s media in Malaysia.

5. *Clause 4* seeks to amend paragraph 10(b) of Act 780 relating to the functions of the Supervisory Council of BERNAMA in considering complaints alleging failure or default by BERNAMA to comply with any of the objects or principles laid down in Act 780. With this amendment, such complaints may be lodged by any subscriber to BERNAMA and not limited to its newspaper, radio or television subscriber only.

6. *Clause 5* seeks to amend paragraph 11(1)(c) of Act 780 relating to the membership of the Supervisory Council of BERNAMA. Currently, one of the members of the Supervisory Council is one representative of the newspapers in Malaysia. With this amendment, the membership of the Supervisory Council of BERNAMA will be expanded to include in the membership one representative from the media organizations in Malaysia who are subscribers to BERNAMA instead of one representative of the newspapers in Malaysia.

7. *Clause 6* seeks to substitute section 21 of Act 780 relating to subscribers to BERNAMA who are entitled to enter into arrangements to have the services of BERNAMA. With this amendment, classes of subscribers to BERNAMA are expanded to include in the classes of subscribers the media organizations, any institution, body, organization, individual or any other subscribers as may be authorized by the Board.

8. *Clause 7* seeks to amend section 25 of Act 780 on guarantee of full service by BERNAMA to its subscribers consequential to the expansion of classes of subscribers to include media organizations.

9. *Clause 8* seeks to amend the Schedule to Act 780 relating to provisions applicable to the Board of Governors of BERNAMA and the Supervisory Council of BERNAMA. This is consequential to the amendments made in *clauses 3* and *4* of the proposed Act in relation to the expansion of the membership of the Board of Governors and the Supervisory Council to the representatives of media organizations and lodging of complaints regarding BERNAMA by its subscribers. Apart from that, this *clause* also seeks to amend the provision relating to the members of the Board of Governors representing the Government of Malaysia.

FINANCIAL IMPLICATIONS

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

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