

A BILL

i n t i t u l e d

An Act to amend the Malaysian Communications and Multimedia Commission Act 1998.

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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 Malaysian Communications and Multimedia Commission (Amendment) Act 2026.

(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 3

2. The Malaysian Communications and Multimedia Commission Act 1998 [*Act 589*], which is referred to as the “principal Act” in this Act, is amended in section 3—

(a) in the definition of “Chairman”, by substituting for the words “paragraph 6(a)” the words “paragraph 6(1)(a)”;
and

(b) by inserting after the definition of “communications and multimedia laws” the following definition:

‘ “communications system” has the meaning assigned to it in the Communications and Multimedia Act 1998 [Act 588];’.

Substitution of section 6

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

“Membership of Commission

6. (1) The Commission shall consist of the following members who shall be appointed by the Minister:

- (a) a Chairman, who shall not be a member of a House of Parliament or any Legislative Assembly;
- (b) three members representing the Federal Government, whereby one of the members shall be the Secretary General of the Ministry charged with the responsibility for communications and multimedia who shall be an *ex-officio* member; and
- (c) not less than two but not more than seven other members who have experience and knowledge in matters relating to communications and multimedia, finance, engineering, commerce, law, economics, public administration, competition, consumer protection, social science or any other suitable qualification as the Minister may determine.

(2) The members of the Commission shall not be an employee of the Commission, except for the Chairman who is also the chief executive officer under section 20.”.

Substitution of section 10

4. The principal Act is amended by substituting for section 10 the following section:

“Tenure of office

10. (1) The tenure of office—

(a) of the Chairman appointed under paragraph 6(1)(a) shall be for a term of two years and such Chairman shall be eligible for reappointment for the same term, but shall not hold office for more than five terms either continuously or otherwise; and

(b) of a member appointed under paragraph 6(1)(b) or (c), other than an *ex-officio* member, shall be for a term of two years and such member shall be eligible for reappointment for the same term, but shall not hold office for more than five terms either continuously or otherwise.

(2) Notwithstanding subsection (1), a person appointed as the Chairman under paragraph 6(1)(a) or as any member under paragraph 6(1)(b) or (c), except for an *ex-officio* member, who has completed the tenure of his office of five terms specified in paragraph (1)(a) or (b) either continuously or otherwise sometimes one and sometimes another, shall be eligible for appointment to the other office under paragraph 6(1)(a), (b) or (c) and shall hold the office for the same term specified in paragraph (1)(a) or (b), as the case maybe.”.

Amendment of section 13

5. Section 13 of the principal Act is amended by substituting for paragraph (f) the following paragraph:

“(f) in the case of the Chairman—

(i) if he absents himself from a meeting of the Commission without leave of the Minister; or

- (ii) if he is elected or appointed as a member of a House of Parliament or any Legislative Assembly;”.

New section 14A

6. The principal Act is amended by inserting after section 14 the following section:

“Cessation of appointment of Chairman

14A. In the event that the Chairman is, for any reason, absent from duty or from Malaysia or unable to perform the duties of his office for six consecutive months without leave of the Minister, the Minister shall appoint another person to be the Chairman in accordance with this Act and upon such appointment, the previous Chairman shall cease to be a member of the Commission.”.

Amendment of section 16

7. Subsection 16(1) of the principal Act is amended—

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

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

“(ia) to develop and regulate standards on infrastructure and platforms that will promote interoperability, trust and spur growth of the communications and multimedia industry and the broader Malaysian economy;

(ib) to develop and regulate standards concerning safety, security protection, integrity and reliability of information assets, communications networks and services provided over the communications networks;

- (ic) to review or audit any of the information which a licensee or any other person providing services related to communications system is required to furnish to the Commission;
- (id) to audit or cause to be audited activities of any licensee or any other person providing services related to communications system determined by the Commission; and”.

Amendment of section 17

8. Subsection 17(1) of the principal Act is amended—

- (a) in paragraph (c), by substituting for the word “and” the word “or”; and
- (b) in paragraph (d), by substituting for the words “chief executive” the words “chief executive officer”.

Amendment of section 18

9. Section 18 of the principal Act is amended by inserting after subsection (2) the following subsections:

“(3) Every direction given by the Minister shall be registered by the Commission as soon as practicable.

(4) A direction shall come into operation on the date of registration of such direction in a register or such later date as the Minister may specify in the direction.

(5) A direction shall expire on such date as the Minister may specify in the direction or, if no date is specified, the direction shall continue to be in operation until the direction is revoked.

(6) The Minister may at any time modify, vary or revoke a direction and the procedure set out in subsections (3), (4) and (5) shall apply *mutatis mutandis* in respect of any modification, variation or revocation of a direction.”.

New section 18A

10. The principal Act is amended by inserting after section 18 the following section:

“Register of direction by Minister

18A. (1) The Commission shall maintain a register, in both physical form and electronic media, of all matters which are required to be registered under section 18.

(2) Any person may, on payment of the fee, if any, imposed by the Commission—

(a) inspect the register; and

(b) make a copy of, or take extracts from, the register.

(3) If a person requests that a copy be provided in an electronic media, the Commission may provide the relevant information—

(a) by using a data processing device; or

(b) by way of electronic transmission.”.

Amendment of section 20

11. Section 20 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “**chief executive**” the words “**chief executive officer**”;

(b) in subsection (2), by substituting for the words “chief executive” the words “chief executive officer”;

(c) in subsection (3), by substituting for the words “The chief executive” the words “The chief executive officer”;

(d) in subsection (4), by substituting for the words “The chief executive” the words “The chief executive officer”;

- (e) in subsection (5), by substituting for the words “The chief executive” the words “The chief executive officer”; and
- (f) in subsection (6), by substituting for the words “chief executive” the words “chief executive officer”.

Amendment of section 21

12. Section 21 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the words “**chief executive**” the words “**chief executive officer**”; and
- (b) by substituting for the words “chief executive” wherever appearing the words “chief executive officer”.

Amendment of section 23

13. Section 23 of the principal Act is amended by substituting for the words “, with the approval of the Minister, make regulations with respect to” the word “determine”.

Amendment of section 38

14. Paragraph 38(2)(c) of the principal Act is amended—

- (a) by deleting the word “licence”; and
- (b) by inserting after the word “levies” the words “, financial penalties,”.

Amendment of section 45

15. Section 45 of the principal Act is amended by substituting for the words “five million” the words “fifty million”.

New section 53A

16. The principal Act is amended by inserting after section 53 the following section:

“Power of Commission to publish information

53A. The Commission may, where it thinks necessary or expedient in the interest of the public in such form or manner as it thinks fit, publish any information in relation to—

- (a) the grant of, lapsing, revocation or suspension of an approval, licence or exemption granted under any communications and multimedia law to any person;
- (b) the issuance of any directions, guidelines, determinations, decisions or any other legal instruments under any communications and multimedia law;
- (c) any civil action taken under any communications and multimedia law;
- (d) the compounding of any offence under any communications and multimedia law; or
- (e) any civil or criminal proceedings brought—
 - (i) under any communications or multimedia law against any person and the outcome of such proceedings, including any settlement, whether in or out of court; or
 - (ii) under any other law, whether the law of Malaysia or the law of any territory or country outside Malaysia, against any person and the outcome of such proceedings, including any settlement, whether in or out of court.”.

Saving and transitional provisions

17. (1) Any direction by the Minister given to the Commission under section 18 before the coming into operation of this Act shall, on the date of coming into operation of this Act, continue to be in force until modified, varied or revoked.

(2) The Chairman holding the office of the chief executive immediately before the coming into operation of this Act shall continue to hold such office and shall be deemed to be appointed as the chief executive officer under the principal Act as amended by this Act.

(3) Notwithstanding the provisions of this Act, the members of the Commission holding office before the coming into operation of section 3 of this Act shall continue to hold such office until the expiry of their respective terms.

EXPLANATORY STATEMENT

This Bill seeks to amend the Malaysian Communications and Multimedia Commission Act 1998 (“Act 589”). The proposed amendments seek to make changes to the composition of the Commission, to expand the functions of the Commission and to increase the monetary value of contracts which the Commission may enter into, and other related matters.

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

3. *Clause 2* seeks to amend section 3 of Act 589 to amend the existing definition of Chairman and to introduce a new definition of “communications system”.

4. *Clause 3* seeks to substitute section 6 of Act 589 to further clarify regarding the composition of membership of the Commission—

- (a) to provide that there shall be three members representing the Federal Government one of whom shall be the Secretary General of the Ministry that is charged with the responsibility for communications and multimedia who shall be an *ex-officio* member;

- (b) to increase the maximum number of other members from five to seven members;
- (c) to provide that the other members to be appointed shall be those who have experience and knowledge in matters relating to communications and multimedia, finance, engineering, commerce, law, economics, public administration, competition and consumer protection, social science or any other suitable qualification as the Minister may determine; and
- (d) to provide that the Commission members shall not be an employee of the Commission except for the Chairman.

5. *Clause 4* seeks to substitute section 10 of Act 589 to further clarify regarding the tenure of office of the members of the Commission. Both a Chairman who is appointed under paragraph 6(1)(a) or any other member who is appointed under paragraph 6(1)(b) or (c), as introduced under *clause 3* of the proposed Act, shall be appointed for a term of two years but shall not hold office for more than five terms either continuously or otherwise. However, this amendment also clarifies that a person appointed as a Chairman under paragraph 6(1)(a) or as any other member under paragraph 6(1)(b) or (c), except for an *ex-officio* member, who has completed the tenure of office of five terms specified in paragraph 10(1)(a) or (b) either continuously or otherwise sometimes one and sometimes another, shall be eligible to be appointed as a Chairman under paragraph 6(1)(a) or as a member of the Commission under paragraph 6(1)(b) or (c) and shall hold office for the same term specified in paragraph 10(1)(a) or (b). For example, a person who has served four terms as a member of the Commission under paragraph 6(1)(b) or (c), except for an *ex-officio* member, may be appointed as a Chairman under paragraph 6(1)(a) for up to five terms and that person can still be appointed as a member of the Commission under paragraph 6(1)(b) or (c) for the remaining one term after completing his term as Chairman.

6. *Clause 5* seeks to amend section 13 of Act 589 to provide that in the case of the Chairman, his office shall be vacated if he is elected or appointed as a member of a House of Parliament or any Legislative Assembly. This amendment is in line with the substitution of section 6 of Act 589 under *clause 3* which provides that a Chairman shall not be a member of a House of Parliament or any Legislative Assembly.

7. *Clause 6* seeks to introduce a new section 14A into Act 589 to provide for the cessation of appointment of Chairman that is where the Chairman for any reason absent from duty or from Malaysia or unable to perform the duties of his office for six consecutive months without leave of the Minister, the Minister shall appoint another person to be the Chairman in accordance with Act 589 and upon the appointment, the previous Chairman shall cease to be a member of the Commission.

8. *Clause 7* seeks to amend section 16 of Act 589 to expand the functions of the Commission.

9. *Clause 9* seeks to amend section 18 of Act 589 to provide for the requirement that every direction given by the Minister shall be registered by the Commission, the effective date and expiry date of such direction and the power of the Minister to modify, vary or revoke the direction.

10. *Clause 10* seeks to introduce a new section 18A into Act 589 to provide for matters relating to the registration of a direction by the Minister and the requirement to maintain a register in both physical form and electronic media.

11. *Clause 11* seeks to amend section 20 Act 589 to amend the term chief executive to chief executive officer.

12. *Clause 13* seeks to amend section 23 of Act 589 to provide that the Commission may determine the conditions of service of its employees. Currently, the Commission must get the approval of the Minister to make regulations with respect to the conditions of service of its employees.

13. *Clause 14* seeks to amend section 38 of Act 589 to enable financial penalties to be paid into the Fund.

14. *Clause 15* seeks to amend section 45 of Act 589 to increase the limitation on contracts which can be entered into by the Commission without the requirement for approval of the Minister and concurrence of the Minister of Finance, from not exceeding five million ringgit to not exceeding fifty million ringgit.

15. *Clause 16* seeks to introduce a new section 53A into Act 589 to empower the Commission to publish information on certain matters including on any civil or criminal proceedings undertaken by the Commission and compounds issued.

16. *Clause 18* deals with the saving and transitional provisions.

17. Other amendments not specifically dealt with in this Explanatory 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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