

SARAWAK MULTIMEDIA AUTHORITY BILL, 2017

ARRANGEMENT OF CLAUSES

PART I

PRELIMINARY

Clause

1. Short title and commencement
2. Interpretation

PART II

ESTABLISHMENT OF THE AUTHORITY

3. Establishment of Sarawak Multimedia Authority
4. Membership of the Authority
5. Meetings of the Authority
6. Powers of the Authority, *etc.*, not affected by vacancy, *etc.*
7. Appointment of General Manager and other employees
8. Corporate seal, execution of documents, *etc.*

PART III

FUNCTIONS AND POWERS

9. Functions of the Authority
10. Powers of the Authority
11. Directions by Minister to Government departments or agencies
12. Vesting of rights, *etc.*
13. Directions by Majlis Mesyuarat Kerajaan Negeri
14. Protection from personal liability
15. Public servants

SARAWAK MULTIMEDIA AUTHORITY

PART IV
FINANCE AND ACCOUNTING PROCEDURE

Clause

16. Grants to the Authority
17. Establishment of Fund
18. Purposes of Fund
19. Investment of moneys
20. Power to borrow
21. Vesting of properties
22. Annual report
23. Account of Authority
24. Annual estimates

PART V
ENFORCEMENT AND INVESTIGATION

25. Appointment and power of authorized officer

PART VI
OFFENCES AND PENALTIES

26. Erection of structures, *etc.*
27. Obligation of secrecy
28. False statement, *etc.*
29. Failure to disclose information, *etc.*
30. Offences for non-compliance
31. Offences committed by corporations
32. Conduct of prosecution
33. Power to compound

PART VII
REGULATIONS

34. Regulations

PART VIII
MISCELLANEOUS

35. Delegation of functions and powers
36. Discipline and disciplinary procedure
37. Legal representation
38. Power to amend Schedule

PART IX
REPEAL AND SAVINGS

39. Repeal and Savings

SCHEDULE - Meetings

SARAWAK MULTIMEDIA AUTHORITY

A BILL

intituled

An Ordinance to establish the Sarawak Multimedia Authority as an entity to be the Authority in the State for communication and multimedia activities and for matters connected therewith.

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Enacted by the Legislature of Sarawak—

PART I

PRELIMINARY

Short title and commencement

1.—(1) This Ordinance may be cited as the Sarawak Multimedia Authority Ordinance, 2017.

(2) This Ordinance shall come into force on such date as the Chief Minister may by notification in the *Gazette*, appoint, and the Chief Minister may appoint different dates for the coming into force of different parts or provisions of this Ordinance.

Interpretation

2. In this Ordinance—

“Authority” means the Sarawak Multimedia Authority established under section 3;

“body corporate” means any body, corporation or authority constituted or incorporated under any State law;

“Chairman” means the Chairman of the Authority and includes any person appointed by the Chief Minister to temporarily discharge the functions and duties of the Chairman;

“communication” means any communication, whether between persons and persons, things and things, or persons and things, in the form of sound, data, text, visual images, signals or any other form or any combination of those forms;

“communication and multimedia activities” includes activities related to communication and the development of digital infrastructure, cyber security, talent development, e-commerce, research and development in digital technology, digital innovation and entrepreneurship and digital government;

“communication and multimedia technology products” includes any invention, discovery, process or system developed or any literary works or information resources produced, prepared or written from any communication and multimedia activities;

“functions” means the functions of the Authority and includes its duties;

“General Manager” means the General Manager of the Authority appointed under section 7;

“Government” means the Government of the State of Sarawak;

“member” means a member of the Authority under section 4;

“Minister” means the Chief Minister or any member of the Majlis Mesyuarat Kerajaan Negeri who has been assigned by the Chief Minister, to have the responsibilities for communication, multimedia and for matters connected therewith;

“multimedia” means a form such as text, audio, images, animations, video, interactive content, signal or data or any combination thereof;

“State Planning Authority” means the State Planning Authority as defined under the Land Code [*Cap. 81 (1958 Ed.)*].

PART II
ESTABLISHMENT OF THE AUTHORITY

Establishment of Sarawak Multimedia Authority

3.—(1) There shall be established a body to be known as the “Sarawak Multimedia Authority” which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of—

- (a) suing and be sued;
- (b) acquiring, owning, holding, leasing or disposing of property, both movable and immovable; and
- (c) doing such other acts or things as bodies corporate may lawfully do.

(2) The Authority shall—

- (a) for all purposes of the Land Code [*Cap. 81 (1958 Ed.)*] be deemed a native; and
- (b) for the purposes of Part X of the Land Code [*Cap. 81 (1958 Ed.)*] be deemed a public servant.

Membership of the Authority

4.—(1) The Authority shall consist of the following members—

- (a) the Chief Minister as Chairman;
- (b) three *ex officio* members, namely:
 - (i) the State Secretary;
 - (ii) the State Attorney-General; and
 - (iii) the State Financial Secretary; and
- (c) not less than five and not more than seven other members with appropriate experience, knowledge or expertise in communication and multimedia.

(2) The members referred to in section 4(1)(c) shall be appointed by the Majlis Mesyuarat Kerajaan Negeri.

(3) Subject to this Ordinance, the appointment referred to in subsection (2) shall be for a term not exceeding three years and subject to such terms and conditions as the Majlis Mesyuarat Kerajaan Negeri may determine but shall be eligible for re-appointment:

Provided that the appointment may at any time be revoked or terminated by the Majlis Mesyuarat Kerajaan Negeri without assigning any reasons thereto.

(4) Any member of the Authority appointed under subsection (2) may resign his position by notice in writing addressed to the Chief Minister.

(5) Members of the Authority may be paid such allowances, remuneration and honorarium as may be determined by the Majlis Mesyuarat Kerajaan Negeri from time to time.

Meetings of the Authority

5. All meetings of the Authority and the regulation of its affairs and proceedings shall be conducted in accordance with the provisions of the Schedule.

Powers of the Authority, *etc.*, not affected by vacancy, *etc.*

6. The powers of the Authority under this Ordinance shall not, unless the contrary intention appears, be affected by—

(a) any vacancy in the membership thereof;

(b) the fact that it is afterwards discovered that there was any defect in the appointment or qualification of a person purporting to be a member thereof; or

(c) the fact that there was any irregularity in the convening of any meeting thereof.

Appointment of General Manager and other employees

7.—(1) The Authority shall appoint a General Manager on such terms and conditions as he may determine.

(2) The General Manager shall be responsible for the proper administration and management of the functions and affairs of the Authority in accordance with its direction, policy and decision and shall also be the Secretary to the Authority.

(3) The General Manager shall attend meetings of the Authority, but shall have no right of voting on any issue, matter or resolution before, or under consideration, by the Authority.

(4) If the General Manager is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Chairman to act in the place of the General Manager during any such period of absence from duty.

(5) The Authority may from time to time appoint such other officers, employees and agents as it thinks fit for the effective discharge of its functions and powers, on such terms and conditions as it may determine.

Corporate seal, execution of documents, etc.

8. (1) The corporate seal of the Authority shall be in the custody of the General Manager.

(2) The corporate seal of the Authority shall be authenticated by the signature of its Chairman (or any other member authorized in writing by the Authority) and the General Manager, and when so authenticated, shall be judicially and officially noticed.

(3) All documents and instruments which are not required by any written law to be executed under seal, may be executed on behalf of the Authority by the Chairman (or any other member authorized in writing by the Authority) and the General Manager.

(4) All statutory records and minutes of all meetings and proceedings of the Authority and any of its committees shall be kept and maintained by the General Manager.

PART III
FUNCTIONS AND POWERS

Functions of the Authority

9. The Authority shall have all the functions imposed on it under any State laws and, without prejudice to the generality of the foregoing, the Authority shall also have the following functions:

(a) to advise the Government on all matters concerning the State policy objectives for communications and multimedia activities to develop the State digital economy including:

- (i) the development of digital infrastructure;
- (ii) cyber security;
- (iii) talent development;
- (iv) e-commerce;
- (v) research and development in digital technology;
- (vi) digital innovation and entrepreneurship; and
- (vii) digital government.

(b) to implement and enforce the provisions of State laws related to any communications and multimedia activities;

(c) to consider and recommend reforms to State laws relating to any communications and multimedia activities;

(d) to formulate, monitor, review strategies and standards for the development of information resources and systems for the collection, storage, transmission and dissemination thereof;

(e) to supervise and monitor communications and multimedia activities in the State;

(f) to support, direct, stimulate and facilitate research and development in communication and multimedia activities in the State;

(g) to co-ordinate, direct, monitor and assist research and development in communication and multimedia activities undertaken

by Government departments, statutory bodies, companies or corporations owned or controlled by the Government and to facilitate co-operation, communication, exchange of knowledge, ideas and information between them.

(*h*) to encourage and promote the development of the communications and multimedia industry including in the area of research and training in the State;

(*i*) to approve, monitor, review, co-ordinate and determine priorities and strategies for the implementation of communication and multimedia development plans by or amongst departments, agencies and institutions of the Government;

(*j*) to develop for the Government, the framework for information technology and information resources management and process, and the utilization of such technology;

(*k*) to promote and facilitate research and improvement in electronic network systems and processes, application and technologies associated therewith;

(*l*) to assess manpower needs in the fields of communications and multimedia, and engage in programmes for training and developing such human resources;

(*m*) to undertake exchanges and joint programmes with other national and international organizations or institutions connected with information resources and systems, communication and multimedia;

(*n*) to render assistance in any form to, and to promote cooperation and coordination amongst, persons engaged in communications and multimedia activities in the State;

(*o*) to facilitate the application and usage of systems and technologies for e-commerce by companies and business communities in the conduct of their business and the promotion of their products in the State; and

(*p*) to carry out any function as may be prescribed by State laws.

Powers of the Authority

10.—(1) The Authority shall have power to do all things that are necessary or convenient to be done for or in connection with the performance or discharge of its functions and, in particular, may—

(a) appoint committees consisting of persons who may or may not be members of the Authority, and assign or delegate to any such committees such functions and powers as it may determine;

(b) appoint any person with the requisite knowledge, expertise and experience in communication and multimedia as adviser or consultant for the Authority and may form a panel of advisers or consultants to advise or assist the Authority in the discharge of its functions;

(c) incorporate or participate in the incorporation of companies or enter into any joint ventures for the purposes of this Ordinance;

(d) approve any applications for the erection, use, maintenance or operation of any structures, communication towers on any land or building and any other incidental works, including laying of cables, for purposes of communication and multimedia activities in the State;

(e) provide guidelines relating to the use of, or research or studies carried out on communication and multimedia resources and products in the State;

(f) provide scholarships, grants, loans or other incentives for training or research related to communication and multimedia;

(g) publish or sponsor the publication of periodicals, books and other materials in relation to communication and multimedia and hold copyrights therein;

(h) provide grants, loans or advances to, or subscribe stocks, shares, bonds or debentures of companies or corporations whose principal business is related to communication and multimedia;

(i) secure, hold and be registered as owner or proprietor of any copyrights, patents or intellectual property rights over any

communication and multimedia products written, produced or prepared by the Government or its agencies or any body corporate or the Authority or any committee appointed by the Authority, or any of its officers, employees or agents;

(j) lend, lease or otherwise permit the use of any of the communication and multimedia resources and products developed or invented by or belonging to the Authority upon such terms and conditions as the Authority may impose and to determine the rate of fees, charges, levies, royalties or other dues related thereto;

(k) hold for and on behalf of the Government all rights and properties described in section 12 or which accrued to or have been acquired by the Government or upon its direction and to act as a trustee for the Government in relation thereto;

(l) receive donations or contributions from any source and raise funds by all lawful means;

(m) enter into contracts, establish trusts and generally regulate transactions of all businesses involving or connected with the Authority;

(n) issue directions or guidelines on the use of terminologies and nomenclatures relating to communication and multimedia activities in the State; and

(o) do anything incidental to or necessary for the discharge of its functions under this Ordinance.

(2) Notwithstanding subsection (1)(d), the Authority shall have the power to regulate the erection of telecommunication towers and facilities which have been erected pursuant to any approval granted by the State Planning Authority prior to the coming into force of this Ordinance, including the design and location thereof.

(3) The Authority may, in addition to the functions and powers provided under this Ordinance, exercise such other functions and powers as may be authorized in writing by the Majlis Mesyuarat Kerajaan Negeri.

Directions by Minister to Government departments or agencies

11. The Minister may from time to time give to Government departments or agencies, general or special directions, not inconsistent with the provisions of this Ordinance and any such direction shall become binding on such Government departments or agencies, who shall forthwith take all steps necessary or expedient to give effect thereto.

Vesting of rights etc.

12.—(1) All rights and properties in every communication and multimedia products which by virtue of any applicable intellectual property legislation subsists in favour of or belongs or accrued to or vested in the Government shall as from the date of commencement of this Ordinance be vested, without any further transfer or conveyance, in the Authority who shall hold the same as a trustee for the Government.

(2) The Authority shall, at such interval as may be determined by the direction from the Chief Minister, publish in the *Gazette* a list of all rights and properties in works which by virtue of subsection (1) have been vested in the Authority or held by the Authority as a trustee for the Government.

(3) For the purpose of this section, the rights vested shall in relation to works include rights to any communication and multimedia products and rights in respect of any application for the registration of any intellectual property rights under any written law, whether future or contingent and rights in revision or remainder.

Directions by Majlis Mesyuarat Kerajaan Negeri

13. The Majlis Mesyuarat Kerajaan Negeri may give to the Authority such directions, not inconsistent with the provisions of this Ordinance, on the discharge and exercise by the Authority of its functions and powers under this Ordinance, and the Authority shall give effect to such directions.

Protection from personal liability

14.—(1) No suit or other legal proceedings shall lie personally against any member, officer, or employee of the Authority or other person acting under the direction of the Authority for anything done in good faith or intended to be done in the execution or purported execution of the provisions of this Ordinance.

(2) The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Minister or the Authority or any officer or employee in respect of any act, neglect or default done or committed by any of them in such capacity.

Public servants

15. All members, officers and employees of the Authority shall be deemed to be public servants for the purposes of the Penal Code [*Act 574*].

PART IV**FINANCE AND ACCOUNTING PROCEDURE****Grants to the Authority**

16. For the purpose of enabling the Authority to carry out its functions and powers under this Ordinance, the Government may, from time to time, make grants to the Authority of such sums of money as it may determine.

Establishment of Fund

17.—(1) All money received, raised or earned by the Authority shall forthwith be paid into such banks or other financial institutions as may from time to time be decided by the Authority to the credit of a fund to be called the Sarawak Multimedia Authority Fund (referred to in this Ordinance as “the Fund”) which shall be controlled and administered by the Authority, subject to the directions of the Majlis Mesyuarat Kerajaan Negeri.

(2) The Authority shall open and maintain an account or accounts with such bank or other financial institutions in Malaysia as the Authority thinks fit, and any such account shall be operated by such person or persons as may from time to time be authorized in that behalf by the Authority.

Purposes of Fund

18. The money standing to the credit of the Fund shall be devoted solely to and for the following purposes:

(a) the payment of the expenses of or connected with the administration and management of the Authority;

(b) the administration, management and operation of any resource centres or facilities established or managed by the Authority for the purpose of the performance or discharge of its functions;

(c) the advancement, research and development of the communication and multimedia activities and towards implementation, operation and maintenance of the State's communication and multimedia activities and objectives;

(d) the repayment of any loans, liabilities or other borrowings of the Authority including interests and financial charges accrued thereon;

(e) the payment of all remunerations, benefits and privileges of, or accorded to members, officers and employees of the Authority and for payment of fees and other sums due to or claimed by contractors, agents, advisors and consultants engaged or appointed by the Authority;

(f) the payment of all fees and other expenses and costs relating to the registration of any intellectual property rights belonging to or vested in the Government or the Authority in Malaysia or overseas; and

(g) the payment of all expenses necessary for carrying out functions and powers of the Authority and for any other purposes under this Ordinance.

Investment of moneys

19. All moneys not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Authority may be invested in any bank or financial institution licensed under the Financial Services Act 2013 [*Act 758*] or Islamic Financial Services Act 2013 [*Act 759*], or in such other investments or securities as may from time to time be approved by the Authority.

Power to borrow

20. The Authority may, from time to time for the purposes of this Ordinance, raise loans from the Government or, with the consent of the Majlis Mesyuarat Kerajaan Negeri, from any other sources.

Vesting of properties

21. Without prejudice to section 12, the Majlis Mesyuarat Kerajaan Negeri may, by notification in the *Gazette*, vest in the Authority any properties as may be considered necessary to enable the Authority to carry out its functions and powers under this Ordinance.

Annual report

22. The Authority shall, as soon as possible after the close of each financial year, submit to the Majlis Mesyuarat Kerajaan Negeri an annual report on the activities of the Authority during that financial year, and the Chief Minister cause a copy of the report to be laid before the Dewan Undangan Negeri.

Accounts of Authority

23.—(1) The Authority shall keep proper accounts and other records of its own and shall prepare in respect of each financial year a statement of its accounts in a form approved by the Majlis Mesyuarat Kerajaan Negeri.

(2) The accounts of the Authority shall be audited by a qualified auditor appointed annually by the Authority with the approval of the State Financial Authority and the auditor shall make a report on the accounts examined by him.

(3) As soon as the accounts of the Authority have been audited in accordance with subsection (2), a copy of the statement of accounts together with a copy of any report made by the auditor shall be submitted to the Majlis Mesyuarat Kerajaan Negeri, for its examination and approval, and thereafter the Chief Minister shall cause a copy thereof to be laid before the Dewan Undangan Negeri.

(4) The Statutory Bodies (Financial and Accounting Procedure) Ordinance, 1995 [*Cap. 15*], shall apply to the Authority.

Annual estimates

24. The Authority shall obtain in advance the approval of the Majlis Mesyuarat Kerajaan Negeri for its annual estimates of expenditure and for any supplementary estimates of its expenditure.

PART V

ENFORCEMENT AND INVESTIGATION

Appointment and power of authorized officer

25.—(1) The Chief Minister may in writing authorize any public officers or officers of the Authority to exercise the powers of enforcement under this Ordinance.

(2) Any such officer shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

(3) In exercising any powers of enforcement under this Ordinance, an authorized officer shall on demand produce to the person against whom he is acting the authority issued to him by the Chief Minister.

(4) An authorized officer shall have the powers to investigate any offences provided for by State laws related to communication and multimedia activities and shall also have all the powers as provided under the Criminal Procedure Code [*Act 593*] relating to arrests, searches, seizures, disposal of seized articles and investigations.

PART VI
OFFENCES AND PENALTIES

Erection of structures, etc.

26.—(1) No person shall erect, use, maintain or operate any structures for purposes of communication and multimedia activities including communications towers on any land or building in the State unless the erection, use and the maintaining or operation of such structures have been approved by the Authority.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and shall, upon conviction, be punished with a fine not exceeding one million ringgit or imprisonment for a term not exceeding ten years or to both:

Provided that nothing in this section shall affect the powers conferred on any other relevant authorities by any other written laws.

Obligation of secrecy

27.—(1) No member, officer or employee of the Authority or any person undertaking communication and multimedia activities approved by the Authority shall disclose or disseminate any information obtained by him in the course of the performance of his functions or powers or undertaking such activities unless written consent for such disclosure or dissemination has been obtained from the Authority or that such information has already been published in pursuance of this Ordinance.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and shall, upon conviction, be punished with a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding three years or to both.

False statements, etc.

28. Any person who makes any false or misleading statement, orally, in writing or in any forms whatsoever, or has reason to believe such statement is false or misleading, in connection with any matters arising under this Ordinance, commits an offence and shall, on

conviction, be liable to a fine not exceeding one hundred thousand ringgit or imprisonment for a term of not exceeding three years or to both.

Failure to disclose information, etc.

29. Any person who fails to disclose or omits to give any relevant information or evidence or documents that he knows to be relevant or has reason to believe to be relevant, in connection with any matters arising under this Ordinance, commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or imprisonment for a term not exceeding three years or to both.

Offences for non-compliance

30. Unless otherwise provided for under this Ordinance, any person who fails to comply with any provisions under this Ordinance commits an offence and shall, upon conviction, be liable to a fine not exceeding one hundred thousand or to imprisonment for a term not exceeding five years or to both.

Offences committed by corporations

31.—(1) Where a person charged with an offence under this Ordinance is a body corporate, every person who, at the time of the commission of such offence, is an officer of that body corporate may be charged jointly in the same proceedings with the body corporate, and where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to be guilty of the offence unless he proves that the offence has been committed without his knowledge or that he took reasonable precautions to prevent its commission, or in the case of a continuing offence, the continuation thereof.

(2) For the purpose of this section, the expression “officer” has the same meaning as assigned to it in the Companies Act 2016 [*Act 777*].

Conduct of prosecution

32. Prosecution for offences against this Ordinance or its rules may be conducted by the Public Prosecutor or any person authorized in writing by him pursuant to section 377(b) of the Criminal Procedure Code [*Act 593*].

Power to compound

33.—(1) All offences under this Ordinance or regulations made hereunder are compoundable.

(2) Any officer authorized in writing by the Authority may compound any offence punishable under this Ordinance or any regulations made under this Ordinance, by collecting from the person reasonably suspected of having committed the offence, such sum of money not exceeding one-half of the amount of the maximum fine to which that person would have been liable if he had been convicted of the offence, within such time as may be specified in the offer.

(3) Where an offer made under subsection (2) is not accepted within the time specified in the offer or within such extended period as the Authority may grant, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of the offence against the person whom the offer to compound was made.

(5) All sums of money accepted under subsection (2) shall be paid into the State Consolidated Fund.

PART VII**REGULATIONS****Regulations**

34.—(1) The Majlis Mesyuarat Kerajaan Negeri may make regulations as may be necessary or expedient for the purposes of carrying into effect the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1), the Majlis Mesyuarat Kerajaan Negeri may also make regulations for the following purposes:

(a) to regulate the development of digital infrastructure, cyber security, talent development, e-commerce, research and development in digital technology, digital innovation and entrepreneurship, and digital government in the State;

(b) to regulate the development of information resources and systems for the collection, storage, transmission and dissemination thereof in the State;

(c) to regulate the implementation of communication and multimedia development plans by or amongst departments, agencies and institutions of the Government;

(d) to regulate the application and usage of systems and technologies for e-commerce by companies and business communities in the conduct of their business and the promotion of their products in the State;

(e) to regulate the erection, usage, maintenance or operation of any structures, communication towers on any land or building and any other incidental works, including laying of cables, for purposes of communication and multimedia activities in the State;

(f) to prescribe the scale of fees relating to the use of, or research or studies carried out on communication and multimedia resources and products in the State;

(g) to prescribe such fees as may be necessary for the purposes of this Ordinance; and

(h) to prescribe offences and its penalties:

Provided that a contravention of such offences shall be punishable by a fine not exceeding five hundred thousand ringgit and with imprisonment of a term not exceeding three years or to both.

(3) For the purpose of this section, “regulate” includes the power to issue licences and permits.

PART VIII
MISCELLANEOUS

Delegation of functions and powers

35.—(1) The Authority may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, and subject to such conditions or restrictions as it deems fit, delegate to any committee appointed under section 10(1)(a), or to the General Manager or any officer of the Authority, or any company incorporated by the Authority and its subsidiaries, all or any of the functions and powers vested in the Authority by this Ordinance, (other than the power to delegate conferred by this section).

(2) Notwithstanding the delegation of functions or powers under this section, the Authority may continue to perform any of its functions or exercise any powers conferred upon it under this Ordinance.

Discipline and disciplinary procedure

36. The provisions of the Statutory Bodies (Conduct and Discipline) Ordinance, 2004 [*Cap. 57*] shall apply to the General Manager, officers and employees appointed under section 7.

Legal representation

37.—(1) In respect of any civil proceedings by or against the Authority—

(a) the State Attorney-General or any public officers authorized by him;

(b) an advocate appointed by the Authority; or

(c) an officer of the Authority duly authorized in writing by the Authority,

may appear and represent the Authority in such proceedings before any court.

(2) For the purpose of this section “civil proceedings” include an arbitration conducted under the Arbitration Act 2005 [*Act 646*] and

any proceedings where the court exercises its additional powers under section 25(2) of the Courts of Judicature Act 1964 [*Act 91*].

Power to amend Schedule

38. The Majlis Mesyuarat Kerajaan Negeri may, by notification in the *Gazette*, amend the Schedule.

PART IX

REPEAL AND SAVINGS

Repeal and Savings

39.—(1) The Sarawak Information Technology and Resources Council Ordinance, 1999 [*Cap. 28*] (hereinafter referred to as the “repealed Ordinance”), is repealed.

(2) Notwithstanding subsection (1), all rules, orders, directions, appointments, proclamations, licences, rights, privileges or other acts or things made or done under or in accordance with the repealed Ordinance, shall continue in force until amended, revoked or replaced pursuant to this Ordinance.

(3) Any prosecution, action, suit, claim, proceeding or inquiry which has been instituted, filed, commenced or made under the repealed Ordinance and is still pending and not finally disposed of or existing immediately before the date of commencement of this Ordinance shall be continued and be determined or completed or disposed of in all respects under the provisions of the repealed Ordinance as if this Ordinance had not been enacted.

(4) On the date appointed by the Chief Minister for this Ordinance to come into force—

(a) the Sarawak Information Technology and Resources Council (hereinafter referred to as “the Council”) established under section 3(1) of the repealed Ordinance shall cease to exist and shall cease to exercise the powers and to perform the functions prescribed by the repealed Ordinance;

(b) the members of the Council or members of any committee established by it shall cease to hold office; and

(c) the properties, rights and liabilities to which the Council was entitled or subjected to shall, by virtue of this section, be transferred to and vested in the Authority without further conveyance, assignment or transfer whatsoever, to become the absolute properties, rights and liabilities of the Authority save that all intellectual property rights other than those relating to communication and multimedia activities be transferred to and vested in the Sarawak Research and Development Council.

(5) Every chose-in-action, rights and liabilities transferred by virtue of subsection (4)(c) to the Authority may, after the coming into force of this Ordinance, be sued on, recovered or enforced by the Authority in its own name and it shall not be necessary for the Council to give prior notice to the person whose rights and liabilities is affected by such transfer.

(6) Save as otherwise provided in the Ordinance—

(a) the provisions of this Ordinance shall have effect notwithstanding anything contrary contained in any agreements, undertakings or arrangements relating to communication and multimedia activities executed before or after the commencement of this Ordinance; and

(b) any provisions contained in such agreements, undertakings or arrangements shall to the extent to which it is repugnant to the provisions of this Ordinance become or be void as the case maybe.

SCHEDULE

MEETINGS

(Section 5)

Meetings

1. (1) All meetings of the Authority shall be presided over by the Chairman or in his absence, by any member appointed for that purpose by the Chairman.

(2) The quorum of any meeting of the Authority shall be five including the Chairman.

(3) If for any question to be determined by the Authority there is an equality of votes, the Chairman shall have a casting vote.

(4) Subject to subparagraphs (1), (2), (3) and paragraph 2, the Authority shall regulate its own procedures.

Frequency of meeting

2. (1) Except with the written approval of the Chief Minister, the Authority shall hold at least two meetings in every calendar year.

(2) Meetings of the Authority shall be called by the Chairman and notice of such meetings shall be issued and signed by the Secretary or any person specifically authorized by the Secretary.

Authority may invite others to meetings

3. The Authority may request any person (not being a member of the Council) to attend any meeting or deliberation of the Authority for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the said meeting or deliberation.

Minutes

4. (1) The Authority shall cause minutes of all its meetings to be maintained and kept in a proper form.

(2) Any minutes of meetings of the Authority shall, if duly signed by the Chairman or by the member presiding in his absence, as the case may be, be admissible in evidence in all legal proceedings without further proof and every meeting of the Authority in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

(3) Members are entitled to copies of such minutes but shall not, without the permission of the Chairman, transmit, distribute or permit access thereto, to any person who is not a member of the Authority.

Principal office

5. (1) The Authority shall have a principal office and no change in the principal office may be effected without the prior written approval of the Chief Minister.

(2) The minutes of the Authority, its common seal and all its statutory and accounting records shall be kept at the principal office.

Disclosure of interests

6. A member of the Authority whether directly or indirectly, by himself or his spouse or children, having any interest in any company or undertaking with which the Authority proposes to make any contract or whether directly or indirectly having any interest in any such contract or in any matter under discussion by the Authority shall disclose to the Authority the fact of his interest and the nature thereof, and such disclosure shall be recorded in the minutes of the meetings of the Authority and, unless specifically authorized thereto by the Chairman, such member shall take no part in any deliberation or decision of the Authority relating to the contract or matter.

EXPLANATORY STATEMENT

This Bill seeks to establish the Sarawak Multimedia Authority as an entity to be the Authority in the State for communication and multimedia activities and for matters connected therewith.

Clause 1 provides for the date of coming into force of the Ordinance. The Chief Minister may also appoint different dates for the coming into force of different parts or provisions of the Ordinance.

Clause 2 provides for the interpretation of the various terms used in the Ordinance.

Clause 3 and *4* provide for the establishment of the Sarawak Multimedia Authority and its membership.

Clauses 5 & 6 provide for matters relating to meetings of the Sarawak Multimedia Authority.

Clause 7 provides for the appointment of a General Manager and other employees.

Clause 8 provides for the corporate seal and the execution of documents by the Sarawak Multimedia Authority.

Clauses 9 and *10* provide the functions and powers of the Sarawak Multimedia Authority.

Clause 11 provides for the Minister's power to give general or special directions not inconsistent with the provisions of the Ordinance to Government departments or agencies.

Clause 12 provides for the vesting of rights and properties in the Sarawak Multimedia Authority.

SARAWAK MULTIMEDIA AUTHORITY

Clause 13 provides for the Majlis Mesyuarat Kerajaan Negeri's power to give the Sarawak Multimedia Authority directions not inconsistent with the provisions of the Ordinance on the discharge and exercise of its functions and powers.

Clauses 14 and 15 provide protection under the Public Authorities Protection Act 1948 [*Act 198*] to the members, officers, employees and persons acting under the direction of the Sarawak Multimedia Authority for all acts done in good faith in the execution or purported execution of the provisions of the Ordinance, and deeming all members, officers and employees as public servants for the purposes of the Penal Code [*Act 574*].

Clause 16 provides for power to the Government to make grants to the Sarawak Multimedia Authority for the purpose of carrying out its functions and powers under the Ordinance.

Clauses 17 and 18 provide for the establishment of the Sarawak Multimedia Authority Fund and its purposes.

Clause 19 to 24 provide for power in relation to investment of moneys, borrowings, vesting of properties, annual reports, annual estimates and accounts of the Sarawak Multimedia Authority.

Clause 25 provides for the appointment and power of authorized officer.

Clauses 26 to 30 provide for offences and penalties that may be imposed for the commission of such offences.

Clause 31 provides for offences committed by corporations.

Clause 32 provides for the conduct of prosecution.

Clause 33 provides for the compounding of offences and that all sums of money accepted from the compounding of such offences shall be paid into the State Consolidated Fund.

Clause 34 provides for the Majlis Mesyuarat Kerajaan Negeri's power to make regulations for the carrying out the provisions of the Ordinance.

Clause 35 provides for delegation of power by the Sarawak Multimedia Authority, with the approval of the Majlis Mesyuarat Kerajaan Negeri.

Clause 36 provides for the application of Statutory Bodies (Conduct and Discipline) Ordinance, 2004 [*Cap. 57*] to the General Manager, officers and employees of the Sarawak Multimedia Authority.

Clause 37 provides for legal representation for the Sarawak Multimedia Authority in respect of any civil proceedings by or against it.

Clause 38 provides for the Majlis Mesyuarat Kerajaan Negeri's power to amend the Schedule.

Clause 39 provides for the repeal of the Sarawak Information Technology and Resources Council Ordinance, 1999 [*Cap. 28*] and consequential matters relating thereto.

FINANCIAL IMPLICATIONS

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

