

# Amendments to Communications and Multimedia Act, MCMC Act tabled in Parliament

By [Hana Naz Harun](#), [Qistina Sallehuddin](#) - December 2, 2024 @ 5:21pm



Communications Minister Fahmi Fadzil. - BERNAMA FILEPIC

KUALA LUMPUR: The Communications Ministry has tabled two bills for first reading in Parliament.

The bills, presented by minister Fahmi Fadzil, were to [amend](#) the Communications and Multimedia Act and the Malaysian Communications and Multimedia Commission (MCMC) Act.

The second reading would also be made in this Parliamentary sitting.

Fahmi had previously said the amendments to the Communications and Multimedia Act would pave the way for social media companies to be more proactive and accountable for online harms occurring on their platforms.

The amendments would focus on three key areas, namely industry development, network security, and social media and licensing.

The amendments seek to improve Section 233 of the Act, which touched on improper use of network facilities or services.

Under the amendment to paragraph 233(1)(a), a person who uses network services to knowingly create, solicit or transmit obscene, false, threatening or grossly offensive communications with the intent to annoy, abuse, harass or commit an offence involving fraud or dishonesty against others could be held liable.

The ministry is also seeking to introduce a new subsection (3) into the same section to provide for a different and higher punishment if the offence under Section 233(1)(a) has been committed against children under 18.

According to the bill, "obscene" content may include those that cause a feeling of disgust due to lewd portrayal, including but not limited to child sexual grooming, sexual degradation, portrayal of sex or pornography, rape and others.

"Indecent" content may include those that are profane in nature, improper against generally accepted behaviour, customary laws and culture, and "false" content may include content or information which are untrue, confusing, incomplete or fabrication of non-existent matters.

Contents that portray private parts based on art, information or science, which are not gross, such as sex education or anatomy, would not be deemed as obscene or indecent.

Meanwhile, "grossly offensive content may include contents that contain expletives and profane in nature that may offend many people, including crude references, hate speech and violence.

Among other expected changes to the bill would include increasing penalties for various offences to RM1 million, and an increased jail sentence of 10 years.

These include offences for a total of 14 sections under the act, including Section 53 on non-compliance with a direction of the MCMC.

This section stipulates that a person who fails to comply with a direction of the MCMC has committed an offence and be liable to a fine not exceeding RM1 million, or to imprisonment not exceeding 10 years or both.

Prior to this amendment, the fine was set at RM300,000 while imprisonment was at a maximum of three years. The amendments also seek to introduce new Sections 73A and 73B.

Section 73A would allow the MCMC to conduct an audit on any licensee or any person providing services related to the communications and multimedia industry, while Section 73B would allow MCMC to require any licensee to appoint an independent audit.

Section 99, meanwhile, would be amended to empower the MCMC to impose a financial penalty for failure to comply with any of its directions.

Amendments to the MCMC Act, meanwhile, seek to make changes to the composition of the Commission, and expand its functions, with an aim to improve its governance and operations.

Among others, Section 16 would be amended to include a new paragraph which would empower the MCMC to set standards related to industry development and safety.