



LAWS OF MALAYSIA

REPRINT

Act 449

BERNAMA ACT 1967

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

BERNAMA ACT 1967

First enacted	1967 (Act No. 19 of 1967)
Revised	1990 (Act 449 w.e.f. 26 October 1990)

PREVIOUS REPRINT

First Reprint 2001

LAWS OF MALAYSIA**Act 449****BERNAMA ACT 1967**

ARRANGEMENT OF SECTIONS

PART I**PRELIMINARY**

Section

1. Short title and application
2. Interpretation

PART II**ESTABLISHMENT OF BERNAMA,
ITS POWERS AND OBJECTS**

3. Establishment of Bernama and its powers
- 3A. Power to enter into any arrangement for sharing of profits, *etc.*
4. Objects of Bernama

PART III**BOARD OF GOVERNORS**

5. Constitution of Board of Governors

PART IV**SUPERVISORY COUNCIL**

6. Supervisory Council
7. Members of Council
8. Inquiries by Council

PART V

GENERAL

Section

9. Appointment of officers and servants
10. General Manager
11. Powers of Board to accept grants, *etc.*
12. Powers of Board to borrow
13. Investments
14. Accounts and audit
15. Delegation by the Board
16. Subscribers
17. Income of Bernama
18. Seal of Bernama
19. Offices of Bernama
20. Language of Bernama
21. Guarantee of full service
22. (*Deleted*)
23. Protection against liability of members of Board and Council
24. Transfer into the account of Bernama moneys in the hands of Trustees

SCHEDULE

LAWS OF MALAYSIA**Act 449****BERNAMA ACT 1967**

An Act to establish and incorporate the Pertubuhan Berita Nasional Malaysia or in English the Malaysian National News Agency and to make provisions for the management and supervision thereof and other matters connected therewith.

[6 April 1967]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title and application**

1. This Act may be cited as the *Bernama Act 1967, and shall apply throughout Malaysia.

Interpretation

2. In this Act—

“news or news material” includes international, regional and national—

- (a) news;
- (b) photographs;
- (c) information;
- (d) features; and
- (e) economic, commodity and financial data,

in whatever form or manner.

*NOTES—Previously the Bernama Act 1967 [Act 449] was known as the “Pertubuhan Berita Nasional Malaysia Act 1967”.

PART II

ESTABLISHMENT OF BERNAMA,
ITS POWER AND OBJECTS**Establishment of Bernama and its powers**

3. (1) There is hereby established a body corporate by the name of “Pertubuhan Berita Nasional Malaysia” or in English “The Malaysian National News Agency” (hereinafter referred to as “Bernama”) with perpetual succession and a common seal and power to acquire and hold movable or immovable property and to dispose thereof or otherwise deal therewith.

(2) Without prejudice to the generality of the foregoing powers but, subject to the Federal Constitution and this Act, Bernama shall have and exercise all the powers that may be necessary or expedient for the attainment of its objects or any of them.

(3) Bernama may at its discretion arrange at an appropriate time for the reception through subscription, payment, exchange or other means of international, regional and other news or news material and the distribution of such news or news material to subscribers on such terms as may be arranged.

(4) *(Deleted by Act A1011).*

(5) *(Deleted by Act A1011).*

**Power to enter into any arrangement for sharing of profits,
etc.**

3A. Bernama, with the approval of the Minister and the concurrence of the Minister of Finance, may—

- (a) enter into any arrangement for sharing of profits, union of interests, co-operation or joint venture with any person or body of persons; or
- (b) establish or promote the establishment and expansion of companies under the Companies Act 1965 [Act 125].

Objects of Bernama

4. (1) The objects of Bernama shall be—

- (a) to seek for and present complete, objective and impartial news or news material on any matter of public and national interests within and outside Malaysia;
- (b) to distribute such news or news material to subscribers against payment either in the form of fees or news exchange or both; and
- (c) to report truthfully and fairly, without prejudice to public and national interest, the views of all sections of the population of Malaysia.

(2) The Board constituted under section 5 shall be responsible for carrying out the objects of Bernama as set out in subsection (1) and to formulate the general policy of Bernama.

PART III

BOARD OF GOVERNORS

Constitution of Board of Governors

5. (1) The management of Bernama shall be vested in a Board of Governors (in this Act referred to as “the Board”) which shall comprise not less than eleven nor more than thirteen members appointed by the Yang di-Pertuan Agong.

(2) The Board shall consist of the following members, who shall be citizens, namely:

- (a) a Chairman;
- (b) representatives of the Government of Malaysia not exceeding six in number;
- (c) representatives of proprietors of newspapers in Malaysia which are subscribers to Bernama, not exceeding six in number:

Provided that the number of representatives appointed under paragraphs (b) and (c) shall be of equal proportion.

(3) The Chairman of the Board shall be appointed after consultations with the proprietors of newspapers in Malaysia which are subscribers to Bernama.

(4) Subject to subsection (5), members of the Board described in paragraph (2)(c) shall be appointed from among persons nominated by proprietors of the newspapers in Malaysia which are subscribers to Bernama.

(5) Subsection (4) shall not apply to members representing the proprietors of such newspapers in the Board constituted immediately after the commencement of this Act; and such members shall be appointed on the advice of the members representing the proprietors of the newspapers in the Working Committee for the Establishment of Bernama regard having had to the interests of all newspapers in Malaysia.

(6) The procedure for the nominations of members referred to in subsection (4) shall be that which may be decided by the Board constituted immediately after the commencement of this Act on the recommendations of the members representing the proprietors of newspapers referred to in subsection (5).

(7) Part I of the Schedule shall apply to members of the Board.

PART IV

SUPERVISORY COUNCIL

Supervisory Council

6. There shall be established a Supervisory Council charged with the following functions:

- (a) to ensure that Bernama shall at all times abide by this Act;
- (b) to consider any complaint from a newspaper, radio or television subscriber to Bernama alleging failure or default by Bernama to comply with any of the objects or principles laid down in this Act; and
- (c) to consider any matter referred to it by the Board.

Members of Council

7. (1) The Members of the Supervisory Council shall be appointed by the Yang di-Pertuan Agong and shall be as follows:

- (a) a Judge of the High Court (to be appointed in consultation with the Lord President)—who shall be the President of the Council;
- (b) one representative of the Government of Malaysia.
- (c) one representative of the newspapers in Malaysia.
- (d) the Vice-Chancellor of any one of the Universities in Malaysia; and
- (e) one other person.

(2) Part II of the Schedule shall apply to members of the Supervisory Council.

Inquiries by Council

8. (1) The Supervisory Council shall hold an inquiry into any matter before it on any complaint under paragraph 6(b) or into any matter referred to it by the Board.

(2) For the purposes of an inquiry the Supervisory Council may receive evidence orally or in writing or may require any person to give such information as may in its opinion be necessary for the purpose of making a finding upon such complaint made or matter referred to it as aforesaid.

(3) On the conclusion of an inquiry and as soon as may be possible the Supervisory Council shall deliver its findings and any such recommendations as it may deem fit to make in writing to the Board.

(4) The findings and recommendations if any of the Supervisory Council shall if so directed by the Supervisory Council be published in full by the Board.

PART V

GENERAL

Appointment of officers and servants

9. (1) The Board shall have power to appoint a General Manager, a Secretary to the Board and such other officers and servants as may be necessary for carrying out its functions under this Act.

(2) The General Manager, the Secretary to the Board and other officers and servants of the Board shall be engaged on such terms and conditions as may be prescribed by the Board.

General Manager

10. (1) The General Manager shall be the chief executive officer of Bernama responsible to the Board.

(2) All officers and servants of the Board shall be under the control of the General Manager.

Powers of Board to accept grants, etc.

11. Without prejudice to any other powers conferred upon it by virtue of this Act, the Board shall have power at its discretion to accept any contributions, grants, endowments, gifts or bequests made to or in favour of Bernama.

Powers of Board to borrow

12. The Board may, subject to the approval of the Treasury, from time to time borrow or secure the payment of any money required by it for the proper carrying out of its functions under this Act.

Investments

13. The assets of Bernama may be invested by the Board in investments for the time being authorized by law for the investment of trust funds:

Provided that the Board shall not make any investment in securities issued or registered or other properties situated outside Malaysia except with the approval of the Minister of Finance.

Accounts and audit

14. (1) The Board shall keep proper accounts and other records in respect of its operations.

(2) The accounts of Bernama shall be audited by an auditor appointed by the Board with the approval of the Minister.

(3) As soon as may be after the end of each calendar year the Board shall submit to the Minister an audited account of the income and expenditure of the Board for that year together with a statement of its assets and liabilities; and the Minister shall cause the account and statement together with a copy of any observations of the auditor thereon to be laid before each House of Parliament.

Delegation by the Board

15. (1) The Board may by an instrument in writing under its common seal delegate to any person or body such of its duties as may be necessary to be performed in or outside Malaysia:

Provided that any such person or body shall have no control over the moneys of Bernama and shall act in all respects in accordance with the discretion of the Board.

(2) The Board may, from time to time, form committees to consider special questions as may be referred to them by the Board; and any such committee shall perform its functions according to directions given to it by the Board.

Subscribers

16. The following classes of subscribers shall be entitled to enter into arrangements to have the services of Bernama:

(a) newspapers operating in Malaysia; and

(b) any other newspapers, news agencies, institutions, bodies or persons and any other subscribers as may be authorized by the Board.

Income of Bernama

17. (1) The income of Bernama shall consist of subscriptions and contributions, grants, endowments, gifts or bequests as may be made to or in favour of it.

(2) The income of Bernama shall be applied solely towards the promotion of the objects of Bernama and the payment of remuneration, pension, superannuation, allowances and any provident fund scheme to any officer or servant employed or engaged under this Act or the payment of expenses incurred in pursuance of this Act; and no portion of such income shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit to any person.

Seal of Bernama

18. (1) Bernama shall have a common seal and such seal may from time to time be broken, changed, altered or made anew as it deems fit:

Provided that until a seal is provided under this section a stamp bearing the inscription “Pertubuhan Berita Nasional Malaysia” may be used as the common seal.

(2) All deeds, documents and other instruments requiring the seal of Bernama shall be sealed accordingly in the presence of two members of the Board who shall sign every such deed, document or instrument to which such seal is affixed; and such signing shall without further attestation be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of Bernama.

Offices of Bernama

19. Bernama shall have a principal office in Malaysia and may establish such other office at such place in or outside Malaysia as the Board may from time to time determine.

Language of Bernama

20. The working languages of Bernama shall be the national language and the English language.

Guarantee of full service

21. (1) Notwithstanding any arrangements which Bernama may enter into or make for the reception and distribution of international news, subscribers to Bernama shall be guaranteed the right, on request and on terms in regard to payment to be decided by the Board, to receive through Bernama the full service supplied to Bernama by any international news agency.

(2) Arrangements for news collection and distribution made by Bernama shall be without prejudice to the right of newspaper subscribers to make their own independent arrangements for news coverage by their own correspondents.

(3) In subsection (2), “correspondents” include editorial staff of a newspaper and any person who writes or supplies news for a fee either as a part-time or whole-time occupation.

22. (*Deleted by Act 478*).

Protection against liability of members of Board and Council

23. No member of the Board or of the Supervisory Council shall incur any personal liability for any loss or damage caused by any act or omission in the management or conduct of the affairs of the Board or the Council unless such loss or damage is occasioned by an intentionally wrongful act or omission on his part.

Transfer into the account of Bernama moneys in the hands of Trustees

24. Upon the commencement of this Act all moneys and other assets, if any, in the custody, control or management of any person by virtue of any authority whatsoever given to or received by such person for or on behalf of Bernama in anticipation of the promulgation of this Act together with any interest, if any, accrued thereon shall be deemed to form part of the income of Bernama and shall be transferred to and be vested in the Board.

SCHEDULE

[Sections 5 and 7]

PART I

BOARD OF GOVERNORS

1. The Chairman and members of the Board shall hold office for a term not exceeding three years and shall be eligible for reappointment.
2. The members of the Board representing the proprietors of newspapers shall hold office as representatives of their newspapers.
3. Four members of the Board shall represent the Ministry of Information, Department of Broadcasting, the Federal Department of Information and the External Information Division who shall be appointed from their respective Departments.
4. In appointing a member of the Board the Yang di-Pertuan Agong may nominate an alternate member who when attending a Board meeting in place of the full member, shall have full voting rights.
5. (1) The office of a member of the Board shall be vacated—
 - (a) if he dies;
 - (b) if he ceases to be qualified;
 - (c) if he becomes bankrupt, lunatic or of unsound mind;
 - (d) if he absents himself from three consecutive meetings without leave of the Board, and the Board passes a resolution declaring his office vacant;
 - (e) in the event of his resignation being accepted by the Board; or
 - (f) on the occasion of his seventieth birthday.
- (2) In the case of—
 - (a) a member representing newspaper proprietor, such member of the Board shall vacate his office if he ceases to be associated with the newspaper which he has represented, or on the newspaper or newspapers he has represented ceasing publication or ceasing to be a subscriber to *Bernama*;
 - (b) any other member of the Board, he shall vacate his office if he ceases to be associated with the Government or the Government Department which he has represented.
- (3) The office of an alternate member of the Board shall be vacated on the occurrence of any of the events in paragraph (1)(a), (b), (c), (e), or (f) or of any of the events in paragraph (2)(a) or (b).

6. The following procedures shall be adopted for filling vacancies on the Board arising from any of the reasons enumerated in paragraph 5:

- (a) in the case of members representing proprietors of newspapers the appointment for the purpose of filling any vacancy shall be made on the recommendation of the proprietors of the newspaper whose representative has vacated his post; and
- (b) in the case of a vacancy arising through a newspaper whose proprietor is represented on the Board ceasing publication or ceasing to be a subscriber to *Bernama*, the proprietors of the remaining newspapers which subscribe to *Bernama* shall make a recommendation to the Yang di-Pertuan Agong.

7. The period of office of any member appointed to replace another member who has vacated his post shall be the remainder of the term of office for which the latter member was originally appointed.

8. The Board shall meet at least once in six months and in every case meet within one month of receiving a report from the Supervisory Council concerning a complaint of failure by *Bernama* to comply with any of its objects or principles.

9. The Chairman of the Board shall have power to convene a meeting of the Board whenever he deems it necessary; and a Board meeting shall be convened at the written request of not less than half the members (and for this purpose an alternate member is deemed to be a full member if he is acting in the absence of the full member).

10. A quorum for a Board meeting shall be six of which three shall be members representing the proprietors of newspapers. The decision of the Board shall be by a simple majority.

11. The Board may invite any person to attend its meetings.

12. Subject to this Act, the Board may determine its own procedure.

PART II

SUPERVISORY COUNCIL

1. The President and members of the Council shall hold office for a term not exceeding three years and shall be eligible for reappointment.

2. The term of office of a new member appointed to fill a vacancy shall be the remainder of the term of office of the other members.

3. Three members shall constitute a quorum for a meeting of the Council.

4. The Council shall meet within one month of its appointment and in addition to such meeting shall meet at least once in a year and shall appoint the Secretary of the Board as Secretary to the Council.

5. All expenses of the Council shall be met out of the funds of *Bernama*.

6. A meeting of the Council shall be convened within one month of any matter being formally referred to it by the Board of Governors or on receipt of any complaint from a newspaper, radio or television subscriber to Bernama.
7. The office of a member of the Council other than a member appointed by virtue of office shall be vacated—
- (a) if he dies;
 - (b) if he ceases to be qualified;
 - (c) if he becomes bankrupt, lunatic or of unsound mind;
 - (d) if he absents himself from three consecutive meetings without leave of the Council, and the Council passes a resolution declaring his office vacant;
 - (e) in the event of his resignation being accepted by the Council; or
 - (f) on the occasion of his seventieth birthday.
8. Subject to this Act, the Council may determine its own procedure.
-

LAWS OF MALAYSIA**Act 449****BERNAMA ACT 1967**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A513	Pertubuhan Berita Nasional Malaysia (Amendment) Act 1981	20-06-1979
Act A777	Pertubuhan Berita Nasional Malaysia (Amendment) Act 1990	31-08-1990
Act 478	Revocation of Exemption From Payment of Stamp Duties Act 1992	21-02-1992
Act A1011	Bernamea (Amendment) Act 1998	20-03-1998

LAWS OF MALAYSIA**Act 449****BERNAMA ACT 1967**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Preamble	Act A777	31-08-1990
2	Act A777	31-08-1990
3	Act A777 Act A1011	31-08-1990 20-03-1998
3A	Act A777	31-08-1990
4	Act A777	31-08-1990
7	Act A777	31-08-1990
22	Act 478	21-02-1992
Schedule	Act A513	20-06-1979

