

FEATURES

INTER-PROFESSIONAL GAME: BOWLING COMPETITION, 17 MAY 2015



Balai Ikhtisas Malaysia (BIM) is organizing BIM Inter-Professional Game. We would like to extend our invitation to all members to participate on this bowling competition.

Kindly circulate the attached [flyer](#) to your members and register now!!! Only for members of BIM Member-Institutions. For further inquiries, please do not hesitate to contact the Secretariat at (03-7728 7171).

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BUDGET 2016 DIALOGUE WITH MINISTRY OF FINANCE

Budget Consultation 2016 organized by Ministry of Finance will be great opportunity for BIM and all its Member-Institutions to submit their proposals and views which will be used as a basis of the Memorandum. The Budget 2016 Dialogue with the theme "**Strengthening Growth, Enhancing Inclusiveness, Ensuring Fiscal Sustainability**" which scheduled as follows:

Date/Day : 15 June 2015 (Monday)

Time : 9.30 am - 12.30 pm


Venue : Dewan Utama, Aras G, Blok Tengah, Kementerian Kewangan, Presint 2, Putrajaya.

The Memorandum need to be submitted to the Ministry of Finance before **1 June 2015 (Monday)**, therefore please submit your proposal to BIM secretariat for discussion at BOM meeting on **14 May 2015** and compilation.

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ABOUT MEMBERS

5th REGIONAL MATERIALS TECHNOLOGY CONFERENCE, 8 MAY 2015



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5TH REGIONAL MATERIALS TECHNOLOGY CONFERENCE

DATE: 8TH MAY 2015 VENUE: MERITZ HOTEL, JALAN MERBAU, 98000 MIRI, SARAWAK

THEME: MATERIALS TECHNOLOGIES FOR GLOBAL QUALITY AND SAFETY STANDARDS

IMM Miri Regional Chapter is organizing 5th Regional Materials Technology Conference (5thRMTc) in Miri as a platform for the sharing of experience and knowledge relating to issues in materials & corrosion, welding technology, inspection and asset integrity in the effort to sustain these aging facilities and to enable safe production and environment for our future generations.

Keynote Speakers

	Asset Integrity Mr. Mohd Azmi Mohd Noor Head of Asset Integrity, HSE PETRONAS		Materials Research and Teaching at Curtin University Sarawak Prof. Dr. Michael Cloke Dean of Faculty of Engineering & Science, Curtin Sarawak Campus
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IMM Miri Regional Chapter is organizing the 5th Regional Materials Conference (5RMTc) in Meritz Hotel, Miri on 8th May 2015; this is a one-day technical conference, all technical papers are from O&G industry and/or related industries such as Petrochemical, Shipbuilding, Marine..etc.

Attached herewith the said [flyer](#) and [sponsorship packages](#) for your kind reference and consideration to disseminate to your members.

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MALAYSIAN PHARMACEUTICAL SOCIETY PENANG AREA 48th MPS SEMINAR 2015

Date : 22nd - 24th May 2015

Venue : Bayview Beach Hotel, Penang

Theme : Pharmacy Practice in the New Era

22nd May 2015 (Friday)

Session 1: Current Trends in the Profession

23rd May 2015 (Saturday)

Session 2: Pharmacy Practice in the New Era

23rd May 2015 (Saturday) - Convention Dinner 2015

MPS Annual Dinner 2015

24th May 2015 (Sunday)

Session 3: New Developments in the Practice & Legislations /

48th MPS Annual General Meeting

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**LIST OF NEWLY ELECTED OFFICERS & COUNCIL MEMBERS
OF THE CHARTERED INSTITUTE OF BUILDING MALAYSIA
FOR THE TERM 2015-2017**

Office Bearers :

Sr. Ong Bok Siong, FCIOB
President

Sr. Yee Ia Howe, MCIOB
Deputy President

Mr. Wong Khin Yip, ICIOB
Vice-President Administration

Mr. Ho Chee Leong, ICIOB
Vice-President Finance

Dr. Yeow Yoon Foo, FCIOB
Immediate Past President

Council Members:

1. Sr. Ong Hock Tek, FCIOB
2. Mr. Gan Hock Leong, FCIOB
3. Brig. Gen. Mohd Amin Mohd Din, MCIOB
4. Sr. Teh Siew Leong, MCIOB
5. Dr. Tan Hai Chen, MCIOB
6. Mr. How Say Poh, MCIOB
7. Mr. Ng Seng Chee, ICIOB
8. Mr. Teo Poh Heng, ACIOB
9. En. Ahmad Zalane Bin Alias, ICIOB
10. Ir. Loi Yew Hua, ICIOB
11. Ms. Margaretta Kuan Lai Woh, ICIOB
12. Mr. Rave Chua Chee Hock, ICIOB
13. Mr. Kong Weng Keong, MCIOB
14. Mr. Gerald Goh Wah Yong, MCIOB

Student Representative :

1. Miss Lam Chia Yen, ICIOB

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IN THE NEWS

PROBIOTICS: MYTH OR MIRACLE?

The Star, 4 December 2014

The Market for pills and yoghurt containing friendly bacteria is worth billions of dollars, but do claims for them stack up? Can they really alter our gut flora? And are we healthier if they do? You may find the answers surprising.

The chances are, you think you are an individual. Within a few social, economic and legal constraints, you probably see yourself as pretty autonomous. The reality, however, is that you are more of an ecosystem than an individual. There are 10 times more microbial cells in your body than human ones.

In recent years, scientists have developed a greater understanding of the important roles played by the 100tn or so bugs the average person carries. After decades of focusing on how to kill bacteria with soap and antibiotics, we are coming round to a more nuanced appreciation of the symbiotic relationship we have with them. While some can make us sick, others help to break down the nutrients in our food, teach our immune systems to recognise enemies, fight off food poisoning and even produce chemicals that determine our moods.

As our knowledge of the importance of the microbes in our bodies grows, the big question is whether it is possible to give our gut flora a helping hand. In fact, it is the \$28.8bn question – the projected global value of the probiotics market for next year. The ads are certainly seductive. All that harm from takeaways, boozy nights and work stress can be put right with a daily dose of live bacteria. But do probiotics have real health benefits?

Studies have documented that people with a wide range of diseases including Parkinson's, Alzheimer's, type 2 diabetes and cardiovascular disease have different gut flora from those of healthy people, but it can be hard to tell whether this is a cause or a consequence of the illness. Microorganisms play important roles in regulating immune system responses, and can therefore affect the chances of people developing auto-immune diseases such as multiple sclerosis, inflammatory bowel disease, irritable bowel syndrome and allergies. Numerous studies, including one published last year by Swedish scientists, show that babies born by caesarean have lower levels of good bacteria and chemical imbalances in the immune system that make them more susceptible to allergies and eczema.



Probiotics: do beneficial bacteria live up to the hype?

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Advertisement

Research also suggests that healthy gut bugs can improve the effectiveness of some cancer therapies. In a study published last year, Professor Laurence Zitvogel, of the Gustave Roussy Institute in France, gave cyclophosphamide, an anti-cancer drug, to mice with skin cancer and sarcoma. The drug made the lining of the mice's small intestines porous, allowing gut bacteria to escape and encourage immature immune cells to develop into T-cells capable of attacking tumours.

Those who have had "gut-wrenching" experiences or butterflies won't be surprised to hear that there are also strong connections between the gut and the brain. Gut bacteria produce neurochemicals such as serotonin and dopamine that regulate basic psychological processes and mental states. Altering the balance between beneficial and disease-causing bacteria can change the brain chemistry of animals in ways that can make them either bolder or more anxious.

Of course, understanding that gut microbes have major influences on health does not necessarily mean we can do anything about it. "Working out potential effects involves doing large, long-term population studies, and that's expensive and difficult," says Kristian Bravin, a spokesman for the British Dietetic Association.

The best evidence to support the use of probiotics is for reducing cases of infectious diarrhoea, especially that associated with the use of antibiotics. Around 30% of patients given antibiotics get diarrhoea, with potentially serious symptoms. When scientists at the California-based Rand research organisation combined the results of 63 studies, they found people who took probiotics alongside antibiotics almost halved their risk of diarrhoea. There is also good research supporting the use of probiotics to treat ulcerative colitis and pouchitis, a complication patients can suffer following surgery.

When it comes to mundane colds and respiratory infections, the evidence is mixed. A German study published in 2006 did find probiotics shortened the average duration of cold symptoms from nine to seven days and reduced their severity, but had no effect on incidence. However, a Cochrane review, combining the results of 10 studies, found those given probiotics were 8% less likely to get colds, but that probiotics had little effect on symptom severity.

There is little convincing evidence to support the many other health claims made for probiotics, such as helping with weight loss, lowering blood pressure and cholesterol, and preventing or alleviating skin conditions, urinary tract infections, anxiety and depression.

The idea behind probiotics is to increase levels of beneficial bacteria, but another approach is to help those already there. That is what prebiotic supplementation is for. Prebiotics are non-

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digestible carbohydrates that provide food for friendly bacteria. Food sources include beans, garlic, onions and leeks, but they are also added as supplements to food, and increasingly to formula milk for babies. Last year, a large study found no evidence that putting prebiotics in baby formula prevents babies getting asthma or hives, but did find some evidence that they could reduce the chances of developing eczema.

Hundreds of applications to make health claims for probiotic products have been rejected by the European Food Standards Authority in recent years on the grounds of lack of conclusive evidence, though some scientists believe this is more to do with faults in the claims process than lack of evidence. Others are sceptical that probiotic products containing a few million live bacteria can even survive exposure to gastric acid in the stomach.

“If someone is buying a probiotic,” says Bravin, “I’d say go for good-quality live yoghurts, consume them every day, and select those that contains several different species of bacteria. And ideally it should be something with a prebiotic as well.”

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WORLD BANK CUTS 2015 MALAYSIA GDP FORECAST

The Star, 18 December 2014

PUTRAJAYA: The World Bank has cut its 2015 growth forecast for Malaysia's economy to 4.7% from an earlier estimate of 4.9% on expectations of slower export growth and investments in the oil and gas industry as well as moderate private consumption next year.

The intergovernmental financial organisation, however, has maintained its expectations of a 5.7% gross domestic product (GDP) growth for Malaysia for 2014.



Zachau: 'At present, the single most important challenge for Malaysia is managing the downside risk arising from declining global crude oil prices.'

According to the World Bank, Malaysia's export growth would likely slow to 4.1% next year, from the estimated 5.4% this year. Investment in oil and gas was also expected to slow in 2015 amid declining global oil prices, while private consumption in Malaysia was expected to moderate as consumers adjust to higher prices when the goods and services tax kicks in in April and credit moderates further.

"As a result of these factors and the high base in 2014, the forecast for GDP growth in 2015 has been revised to 4.7%," World Bank said in its report.

Minister in the Prime Minister's Department Datuk Seri Abdul Wahid Omar, however, said World Bank's 2015 GDP growth target for Malaysia was simply "too conservative".

"We will still stick to our GDP growth target of 5% to 6% for 2015," Wahid said in his official address in conjunction with the launch of the World Bank report.

Wahid noted that given the uncertainties surrounding the global economy, Malaysia's GDP next year might come in at the lower end of the official target range.

According to Zachau, the critical risk for Malaysia right now is on the external side.

"Overall, the world economic outlook is not greatly positive," he said.

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“At present, the single most important challenge for Malaysia is managing the downside risk arising from declining global crude oil prices,” Zachau pointed out.

While the World Bank acknowledged that lower commodity prices would put pressure on Malaysia’s fiscal and current accounts, the bank at the moment still believed that Malaysia would be on track to cut its 2015 fiscal deficit to 3% of GDP as targeted and that the country’s current account would remain in a surplus position, albeit at a lower level than in 2014.

The World Bank had projected Malaysia’s current account surplus to GDP ratio would narrow to 3.1% in 2015 from 4.2% this year.

“Low oil prices have helped Malaysia in the short term, as savings from the elimination of fuel subsidies would likely outweigh the potential medium-term decline in revenue from oil,” Zachau said.

“However, if oil prices were to fall further and stay low longer, there would undoubtedly be negative risks to Malaysia’s current and fiscal accounts,” he noted, adding that oil prices lower than US\$60 per barrel would already pose some negative effect on Malaysia.

Wahid, meanwhile, stressed that Malaysia was in a better position to weather the challenges of declining oil prices compared with other oil producing countries. He highlighted the fact that the country has a well-diversified economic base and reduced its reliance on oil revenue in recent years.

“Short-term fluctuations will not affect the medium and long-term prospects of Malaysia,” he said.

While Wahid acknowledged that the rapid decline in oil prices, slowing export growth and weakening ringgit represented “added challenges” to Malaysia’s economy, he said the Government was closely monitoring the situation to ensure that the adverse impact from those challenges was minimised.

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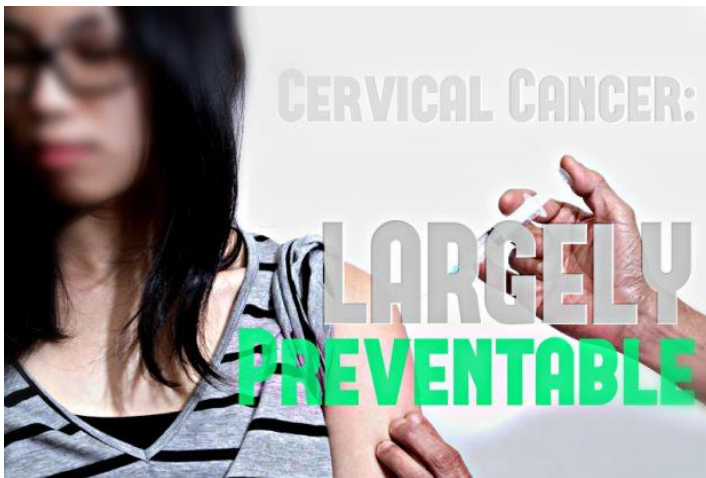
NO WOMAN SHOULD DIE FROM CERVICAL CANCER

The Star, 16 January 2015

Early detection, screening and vaccination can reduce the risk of getting the cancer by 70%. Yet, the disease remains the second most common cancer among women in Malaysia. Why?

There isn't much good news when it comes to cancer. In the case of cervical cancer, however, the prognosis is good, potentially.

Cervical cancer is not only curable if detected early, but is also largely preventable. Through regular screening tests – namely the pap smear and the HPV DNA test – and the groundbreaking HPV (human papillomavirus) vaccination (which reduces the possibility of getting the cancer by 70%), there is no reason women should die from cervical cancer.



Yet, cervical cancer remains the second most common cancer among women in Malaysia and the fourth leading cause of death in women aged between 15 and 44.

According to Globocan statistics (2012), there are about 2,145 new cases and 621 die from the disease in Malaysia every year.

According to Globocan statistics (2012), there are about 2,145 new cases and 621 die from the disease in Malaysia every year.

National Cancer Society Malaysia (NCSM) president Dr Saunthari Somasundaram believes the high incidence of cervical cancer in Malaysia is largely because of a lack of awareness among women about how preventable the disease is, as well as the importance of screening in preventing the disease from developing.

“When we talk about screening for breast cancer, for example, we are talking about catching the cancer at its early stages and treating it. The cancer is already there but it's about catching it early.

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“With cervical cancer, screening identifies abnormalities in cells before they become cancerous. A pap smear will show abnormalities which could potentially lead to cancer. When abnormalities are detected, action can immediately be taken to remove those cells and prevent the cancer from developing.

“What’s unique with cervical cancer is that we know what causes it and we have the tools to stop it from developing,” says Dr Saunthari.



The HPV Test checks for the human papillomavirus. There are 100 known types of HPV virus, of which 13 are designated high-risk and have been causally linked with cervical cancer.

The HPV vaccine, introduced in Malaysia in 2010, promises to reduce the chances of cancer even further, she points out.

“With the HPV vaccine, we can address the issue even before a person has been exposed to the risk factors associated with cervical cancer. We aren’t able to do that with any other cancer,” she says.

Dr Saunthari points out that in developed countries like the United States and Britain, cervical cancer has been reduced by 70% in the last 30 years because of good screening programmes.

“There is no reason we can’t see that kind of progress here,” she says. Malaysia was among the first countries in Asia to introduce a national HPV vaccination programme for 13-year-old girls in schools about five years ago.

“So far, the coverage has been more than 70%, which is good. On top of that, LPPKN (the National Population and Family Development Board) has a catch-up programme for those aged 18. We have a very good programme in place and we will see the results of this in 20 years.”

The HPV vaccine has to be administered in three doses within a six month period.

For now, the Government needs to go down to the ground and educate the public on the importance of prevention.

Vaccinations are available at all government hospitals and clinics and pap smears can be done at any clinic at a very minimal cost, she says.

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What's unique with cervical cancer is that we know what causes it and we have the tools to stop it from developing,' says Dr Saunthari.

“What we need is a robust programme to raise awareness among women, girls and men on the importance of screening. Though the HPV vaccine reduces the risk of cervical cancer greatly, you need to do a smear test periodically,” she says.

Risk factors

About 99% of all cervical cancers are caused by sexual contact with a person who has been infected with HPV, a common sexually transmitted virus.

The HPV is a skin virus that is easily transmittable through sexual intercourse or genital skin-to-skin contact.

“It is important to note that it is transmittable through any form of sexual contact – there doesn't have to be intercourse for the virus to spread. You can get HPV infection through any contact with genitalia which is why using condom is not an effective preventive measure,” cautions Dr Saunthari.

The HPV, she explains, is a virus which thrives in certain environments.

“It thrives in moist, warm and dark environments and so the cervix is the perfect place, particularly the transformational zone at the opening of the cervix. Other areas that are prone to infection are the mouth and the anal area,” she says.

Most HPV infections are transient (they resolve themselves and go away within a couple of months) and carry no symptoms. Therefore, those infected are often unaware that they have the virus and are carriers.

There are over 100 strains of HPV, 15 of which can cause cervical cancer. The two main strains are HPV 16 and HPV 18 – responsible for 70% of the cases of cervical cancers.

“HPV is a very common virus. In developed countries, statistics show that two-thirds of the population have had HPV at any one point of their lives. In Asia, the estimate is about 50%. However, just because you have HPV, doesn't mean you will get cervical cancer. In most cases, the virus goes away by itself after a while. However, it is when it persists that we should check to see if there are abnormalities which could lead to cancer,” explains Dr Saunthari.

Fortunately, cervical cancer is slow growing. The latent period for the abnormal cells to develop into cancer is about 10 years.

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“If the HPV is persistent and is not resolving on its own, we know that it could potentially become cancer. These are pre-cancerous lesions but they take about 10 years before they become cancer. This is when we can do something about it and this is why regular screening is important,” she says.

Stigma surrounding cancer

Another big barrier to the prevention of cervical cancer is the stigma surrounding the disease, says Dr Saunthari.



Malaysia was among the first countries in Asia to introduce a national HPV vaccination programme for 13-year-old girls in schools in 2010. – Filepic

“Many shy away from it (screening) because you get cervical cancer from the HPV virus which is a sexually transmitted virus. Women feel embarrassed about how they would be perceived if they have HPV. But the truth is even though having multiple sexual partners increases your risk, you can be infected by HPVs even if you are currently monogamous but have had sexual contact someone who has been infected. All women who are sexually active are at risk,” she says.

Stigma aside, Dr Saunthari adds that the nature of pap smear screening also puts women off.

“Many fear pap smear screening as they feel it is invasive and uncomfortable. They are also embarrassed to go for one. But if they were aware of how important it is for the prevention of cervical cancer, this may change,” she asserts.

Public awareness programmes are crucial in getting the message across and they should also be targeted at men.

“In countries like Malaysia where men have a large sway in decision making, they should be made aware of the importance of screening and the possibility of prevention,” she says.

Whether spouses or partners are supportive or not makes a large difference in whether women come for screening, she opines.

A study conducted by gynaecology oncologist Dr Zaridah S from Hospital Tuanku Fauziah in Kangar Perlis revealed “extremely poor knowledge” about cervical cancer and HPV, leading to resistance to women getting the HPV vaccination.

According to the study, reasons for vaccine refusal included doubts about its safety and efficacy (27.4%), perceived embarrassment about receiving an STI vaccine (20.7%) and a belief that they were not at risk for HPV (20%).

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More than 90% of the 400-odd women interviewed (rural women across the country) indicated that they required more information about the vaccine. The study also indicated how unpopular pap smear screening is among the women interviewed.

Dr Saunthari estimates that only 38% of Malaysian women have ever done a pap smear – and most of those do it because they are required to by their gynaecologists for post-reproductive reasons.

New guidelines

With the ongoing research in the field, Dr Saunthari is confident that screening and testing processes will be less invasive and more accessible in the future.

The World Health Organisation's new guidelines for prevention and screening of cervical cancer released at the World Cancer Congress late last year are already indicative of progress in the area.

“With regards to the HPV vaccine, girls aged between nine and 13 are now only required to have two doses of the HPV vaccine instead of three.

“Studies in the past 12 years since the vaccine was introduced show that girls at that age don't need three doses because they have such good antibody response to the vaccine. However, those over 15 still have to adhere to the present three-dose schedule,” explains Dr Saunthari adding that this will not only make it easier to administer the vaccine but also reduce costs. Additionally, if a woman's pap smear test does not indicate any abnormalities, she would not be required to be screened again for at least five years.

“Presently, national guidelines encourage women to get a pap smear done within two years from the time she becomes sexually active. An annual pap smear is then recommended for the subsequent three years and if the results are normal, it can be done every three years or so. With the new guidelines, women don't have to be screened so often,” she says.

She also highlights new testing methods which aren't as invasive as the pap smear.

“In high-resource countries, the pap smear is no longer the number one screening tool. There is now HPV DNA testing which is considerably less invasive. There is also the possibility of doing self tests – where a woman can take a swab herself and send it to a lab for the results. These are all less intimidating and more accessible, provided there are enough labs to do the testing. At present, the self tests are not available in Malaysia although the HPV DNA testing is,” she says.

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LAW MAKERS OR LAW FINDERS ?

The Star, 5 February 2015

The three branches of government have many points of contact but their overall relationship is one of check and balance.

AT a recent law seminar a participant posed the interesting question whether “judicial activism” was a violation of the constitutional doctrine of “separation of powers”?

No simple answer is possible because the term “separation of powers” has a multiplicity of meanings. Moreover, there is no unanimity about the role of judges at the heart of the legal system.

In performing their myriad tasks (and there is no agreed list of these), judges do not merely interpret and apply pre-existing laws. They also contribute building blocks to the ever-expanding horizons of the legal system.

Judicial activism: In interpreting the law, a judge often rejects the literal or grammatical meaning of a word or phrase. Instead he adds moral colours to the legal canvass. He interprets the law holistically. He looks behind the law to its purposes and beyond the law to its consequences, Like the conductor of a philharmonic orchestra, he gives his own interpretation to the text before him. He may thereby be praised (or condemned) as a liberal and activist judge.

Alternatively a judge may passively give effect to the “will of the Original Founders”. Like a mid-wife he may merely deliver what is pre-existing in the formal text. He may be regarded as a “strict constructionist”.

Separation of powers: One meaning of this doctrine is that the three primary organs of the state (legislature, executive and judiciary) are institutionally separate from each other. They share neither powers nor personnel. They do not interfere with each other.

The other meaning of separation of powers is that while the three branches may have many points of contact, all in all the legal system is so designed that neither organ totally controls the others and their overall relationship is one of check and balance. The Constitution of Malaysia adopts this check and balance approach.

Constitutional supremacy: In a country with a supreme constitution, judges have a sacred duty to preserve, protect and defend the Basic Law. Under Articles 4(1), 162(6) and 128, the courts have the power to review the constitutionality of legislative and executive actions by reference to constitutional norms.

Interpreting the static clauses of the constitution is an extremely delicate and dynamic task. Questions of “constitutionality” are fraught with political, moral and policy considerations as

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was clearly demonstrated in the recent, courageous, human rights case involving the plight of cross-dressers in Negri Sembilan.

Pre-Merdeka laws: Article 162(6) of the Malaysian Constitution allows judges to “modify” pre-Merdeka laws to make them fall in line with the post-1957 legal system. Modification and harmonisation are, without doubt, legislative tasks that have been assigned to the judiciary.

Definition of law: Article 160(2) states that the term “Law” includes legislation, common law and custom to the extent recognised. This definition is inclusive and not exclusive. It leaves the door open to the adoption of equity, justice, morality, religion and international law into the majestic network of our law.

This open-endedness enabled Justice Zaleha Yusof in the case of Noorfadilla Ahmad Saikin (2012) to grant a remedy to a trainee teacher who was dismissed due to her pregnancy. The non-discrimination clause of international law’s CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) was read into Malaysia’s public law.

Law’s functioning: When the declared law leads to unjust or undesirable results or raises issues of public policy or public interest, judges around the world try to find ways of adding moral colours or public policy shades to the legal canvas. One could note, for instance, the “public interest” interpretation of Article 5(3) of the Federal Constitution in *Ooi Ah Phua v Officer Incharge Kedah/Perlis* (1975) in which the constitutional right “to consult and be defended by a legal practitioner of his choice” was judicially interpreted to come alive only after police have completed their investigation.

This was surely a “creative decision” – but not on the side of human rights but on the side of police powers.

Statutory interpretation: The interpretation or construction of a statute is a work of art, not science. As Justice Holmes pointed out: “A word is not a crystal, transparent and unchanged. It is the skin of a living thought and may vary greatly in colour and content according to the circumstances and the time in which it is used. It is for the judge to give meaning to what they legislature has said.”

Liberal interpretation: Though our judicial tradition is largely one of strict construction, there is no dearth of scintillatingly liberal decisions that extend the horizons of human rights and impose accountability on the executive. For instance in several cases like *Tan Tek Seng* (1996) Justice Gopal Sri Ram linked issues of natural justice and unreasonableness with Article 5’s promise of due process and Article 8’s guarantee of equal treatment.

Justice Datuk Mohd Hishamudin Yunus once read the ISA subject to Article 5(3)’s right to consult with a legal practitioner on the principle that all constitutional safeguards remain operative unless explicitly set aside by security legislation. He also In rejected the infallibility of the Minister’s subjective discretion in preventive detention cases and courageously tested detention orders by reference to the doctrine of irrationality.

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The terms “life” and “liberty” in Article 5 are being interpreted broadly by some judges to encompass many implied rights. Likewise, Article 8 (on equality) is being read as a generic article to require fair processes as well as fair results. The principle of proportionality is being linked to the equality clause.

In contrast with *PP v Pung Chen Choon* (1994) the Federal Court held in *Sivarasa Rasiah* (2010) that any legislative restriction on human rights must be reasonable and rational. The court and not Parliament is the ultimate judge of what is reasonable.

In *Sivarasa* (2010), *Lee Kwan Woh* (2009) and *Shamim Reza Abdul Samad* (2009) the Federal Court held that fundamental rights provisions must be generously interpreted. A prismatic approach to interpretation must be adopted. Provisions that limit a guaranteed right must be read restrictively. The court recognised implied, enumerated and non-textual human rights.

In sum, there is no doubt about it that appellate judges wield a momentous power to develop the law and to deliver justice.

The declaratory theory that judges play a mere passive role is not supported by much evidence.

According to Justice Richard Melanjum in *Kok Wah Kuan*, the theory of separation of powers (by which he meant check and balance) is an essential pillar of our Constitution. This theory does not reduce judges to automatons. Courts are not servile agents of Parliament and are not required to perform mechanically any command or bidding of federal law. It is their crucial duty to dispense justice according to law”.

> Shad Saleem Faruqi is Emeritus Professor of Law at UiTM. The views expressed here are entirely the writer's own.

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THE DOS AND DON'TS OF PRODUCING VIDEO CONTENT

The Star, 5 February 2015

The Content Code guideline is designed to help the industry self-regulate.

What do sex, gambling, excessive violence, foul language, and children playing with fireworks have in common? These are all images or elements that you are not supposed to include if you are producing content for television, cinema, or even a simple YouTube video, according to the Malaysian Communications And Multimedia Content Code.

“The Content Code is a document that lists out the do’s and don’ts of making and distributing content,” said chairman of the Communications and Multimedia Content Forum (CMCF) of Malaysia Ahmad Izham Omar.

The definition of “content”, according to Section 6 of Malaysia’s Communications and Multimedia Act 1998, or CMA ‘98 is this: “Sound, text, still picture, moving picture, audio-visual or tactile representation, which can be created, manipulated, stored, retrieved or communicated.”

Represented by all relevant parties of the communications and multimedia industry, the CMCF is tasked with governing content by self-regulation, and addressing content related issues disseminated by way of electronic networked medium.

Put simply, CMCF is a body that promotes self-regulation within the broadcasting industry, according to Ahmad Izham. He emphasised that the Content Code is not meant to restrict content producers, but merely to provide a guideline for them to refer to so that it makes things easier for their projects to go through.

“We try to stay away from policing the industry. What we do is provide a content code that says, ‘Here, you can do this and this, but you can’t do this’. So you can go and do whatever you want to do, as long as you don’t violate the Content Code,” he said.

How is this different from what the Censorship Board does then? According to Ahmad Izham, before the Content Code was created in 2001, there were no rules or guidelines that content creators could refer to.

“Because of that, people just did what they wanted and submitted it to the censorship board, who would then need to go through and approve every single thing that was sent to them,” he said.



Guidelines: According to Ahmad Izham, Communications and Multimedia Content Forum (CMCF) is a body that promotes self-regulation within the broadcasting industry.

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“We are trying to keep to the spirit of self-regulation – anyone can do whatever content they want, as long as they follow the content code, so they won’t have to submit every single thing they do for approval. That would lead to red tape, bureaucracy and take a long time to get done. Plus, you won’t waste money creating something that can’t be shown!”

Initiated by the Malaysian Communications And Multimedia Commission (MCMC), the CMCF is made up of members from all relevant parties, including advertisers, audio text service providers, broadcasters, content creators/distributors, Internet access service providers, and civic groups.

“The MCMC needed a body to keep them up to date on the latest from the industry. They wanted to promote self-regulation, so they needed input from all the stakeholders,” said Ahmad Izham. “We are here to inspire, not to halt. MCMC needed us to stabilise everything”

The CMCF also operates a Complaints Bureau that addresses grievances from consumers and industry members on matters relating to said content. The most common complaints revolve around violence and sexual scenes, though Ahmad Izham noted that the number of complaints had gone down in 2014, as broadcasters were more careful.

However, if any content that violates the Content Code does happen to slip pass the censors, there is an avenue for the public to make a complaint, and the CMCF has the authority to fine the offending parties.

“If they don’t abide by the Content Code and there are any complaint from the public, then we’ll have to take action,” said Ahmad Izham. “Let’s say a gambling company puts an ad on TV and it somehow goes on air. Both parties – the content producer and the broadcaster – are then running afoul of the Content Code. The Complaints Bureau then has the authority to mete out punishment.”

At the end of the day, the CMCF would rather not have to punish their peers, and encourages content producers to self-regulate themselves with the Content Code.

“We always tell people self-regulation begins with you. It’s the modern age, you are free to do whatever you want to do, but to help you regulate yourself, and here are a set of guidelines and specific rules. It’s a small book with big words, so it’s pretty easy to read!” he added with a laugh.

BIM MEMBER INSTITUTIONS

- Malaysian Pharmaceutical Society (MPS)
- Royal Institution of Surveyors Malaysia (RISM)
- The Institution of Engineers Malaysia (IEM)
- Pertubuhan Akltek Malaysia (PAM)
- Malaysian Medical Association (MMA)
- Malaysian Dental Association (MDA)
- Malaysian Institute of Planners (MIP)
- Veterinary Association Malaysia (VAM)
- Malaysian Institute of Interior Designers (MIID)
- Malaysian Society of Soil Science (MSSS)
- Malaysian Association of Social Workers (MASW)
- The Plastics & Rubber Institute of Malaysia (PRIM)
- Agricultural Institute of Malaysia (AIM)
- Institut Rimbawan Malaysia (IRIM)
- The Chartered Institute of Building Malaysia (CIOBM)
- Institute of Landscape Architects Malaysia (ILAM)
- Institute of Internal Auditors Malaysia (IIAM)
- Institut Bahan Malaysia (ICMM)
- The Chartered Institute of Logistics And Transport Malaysia (CILTM)
- International Institution of Plantation Management (IIPM)

CORPORATE AFFILIATE

- Malaysian Association of Productivity (MAP)
- Malaysian Institute of Human Resource Management