

Malaysia's Anti-Fake News Act

A cog in an arsenal of anti-free speech laws and a bold promise of reforms

Abstract: Malaysia's surprising fourteenth general election result in May 2018 was widely hailed as the advent of a seismic shift for press freedom in the country. The country's draconian media control armoury was often wantonly and oppressively applied over six decades under previous rule. Key actors from that era are now presiding over bold reforms that have been promised by the new government. In keeping with its election promises, the new government sought to repeal the hastily and badly drafted *Anti-Fake News Act 2018* (AFNA). The Attorney-General Tommy Thomas wrote scathingly before the Act was passed and before taking office as the new A-G:

The draconian effect of the entire bill renders it unconstitutional... This is a disgraceful piece of legislation drafted by a desperate government determined to crush dissent and silence critics. The bill is so hastily and poorly drafted that it cannot under any circumstances be improved by amendment. Instead, it must be rejected outright. (Thomas, 2018)

The repeal effort, however, failed and the Act remains technically on the books. This article examines the Act against a backdrop of global responses to the 'fake news' phenomenon; provides an overview of Malaysia's draconian armoury of laws that impinge on freedom of expression; discusses the fading optimism for proper media regulation reform in Malaysia; and concludes that meaningful media regulation reform must go beyond repealing AFNA.

Keywords: Anti-Fake News Act, censorship, fake news, free speech, freedom of expression, law reform, Malaysia, media law, media regulation.

JOSEPH M. FERNANDEZ
Curtin University, Perth, WA

Introduction

A COALITION of somewhat unlikely partners teamed up to topple the ruling government and with it the new government became bound by lofty election promises, including those concerning the restoration of rights, freedoms and liberties. Pakatan Harapan (Alliance of Hope/PH), led by

former prime minister Dr Mahathir Mohamad, defied the odds in ousting the Barisan Nasional (National Front/BN) government, led by Najib Razak. The general response to PH's victory was predictably effusive—'historic', 'shocking', 'stunning', , 'a tsunami', dawn of a 'golden era'. Hardly anyone saw the upset coming (Tan & Preece, 2018a). The BN had ruled under one banner or another since the country secured independence from Britain in 1957. Mahathir, who previously served 22 years as prime minister, became the world's oldest prime minister at the age of 92. His nominated successor, Anwar Ibrahim, was serving a prison term at the time of the election victory, for what was widely seen as trumped up charges for sodomy. He received a royal pardon following the election victory. Academic observers and survey forecasters had generally predicted a BN win (Bernama, 2018; Tan & Preece, 2018b). Their predictions were grounded in fears of electoral malpractice, gerrymandering, voter reticence towards change and other reservations. As events turned out the power transition was initially smooth. However, fissions seem to be surfacing in the coalition's unity as the new government comes to grips with governing under a coalition made up of a motley group of political parties.

National responses to 'fake news'

The meaning of the term 'fake news', despite its rampant usage in recent years, remains unsettled. This presents a big challenge in trying to assess national responses to the phenomenon because the term itself is sometimes not directly employed when initiatives apparently directed at tackling 'fake news' are taken. Those who engage in a serious consideration of subjects in which 'fake news' features tend to concede the definitional difficulty. A current UNESCO handbook for journalists, for instance, declares that it 'avoids assuming that the term "fake news" has a straightforward or commonly understood meaning' (Ireton & Posetti, 2018, p. 7). A similar approach can be seen elsewhere, for example, in a report prepared by a European Commission grouping which expressed a preference for the term "disinformation" over "fake news" (European Commission Report, 2018c, p. 3). The term has ancient origins although it is widely associated with US President Donald Trump who frequently referred to it in his attacks on the media since the run-up to the 2016 US presidential election. On becoming president he said the 'fake news media is not my enemy, it is the enemy of the People!' (Trump, 2017). The term 'first appeared in the US in the latter part of the 19th century' (Digital, Culture, Media and Sport Committee, 2018, p. 7). Even much earlier historical origins can be traced to the days of ancient Rome when Antony met Cleopatra (Posetti & Matthews, 2018, p. 1). While the present work is concerned with Malaysia's *Anti-Fake News Act*, it is worth noting that many countries have introduced laws or are considering their responses to the 'fake news' phenomenon (Funke, 2018a). The following discussion provides a

backdrop of global regulatory responses to the phenomenon.

One count indicates that more than two dozen countries have taken steps to deal with misinformation, ranging from criminalising ‘fake news’ to promoting digital literacy (Funke & Mantzarlis, 2018). In Germany a law “counteracting hate speech and fake news on the internet”, called *Netzwerkdurchsetzungsgesetz* has been in force since 1 January 2018 (Zlotowski, 2018). Human Rights Watch viewed the law as ‘vague, overbroad, and turns private companies into overzealous censors...leaving users with no judicial oversight or right to appeal’ (Human Rights Watch, 2018). In Singapore, a parliamentary committee made 22 recommendations after a five-month inquiry, and called on the government to enact laws to check the spread of ‘fake news’ (Sim, 2018). The committee examined, among other things, the actors behind online falsehoods and these actors’ objectives, the use of digital technologies to spread online falsehoods, the impact of such falsehoods on national security, public institutions, individuals and businesses, and the difficulties in combatting the problem (Select Committee on Deliberate Online Falsehoods, 2018, p. 5). The committee preferred the term ‘falsehoods’, which it noted ‘are capable of being defined’ and which the law has historically done (*supra*, p. 117). The government accepted the recommendations in principle and said it would introduce legislative and other measures to: nurture an informed public; reinforce social cohesion and trust; promote fact-checking; disrupt online falsehoods; and deal with threats to national security and sovereignty (Ministry of Communications and Information/Ministry of Law, 2018). At the time of this writing the *Protection from Online Falsehoods and Manipulation Bill* was introduced in the Singapore Parliament. The purpose of the law, as set out in section 5, includes “to prevent the communication of false statements of fact in Singapore and to enable measures to be taken to counteract the effects of such communication”. It is beyond the scope of this work to examine this Bill. Some early reactions to the Bill suggest that the Bill would give the government sweeping new powers to “crack down on so-called ‘fake news’ and hit Facebook and other social media companies with big fines if they don’t comply with censorship orders” (Griffiths, 2019).

In the Philippines, the idea of a ‘fake news’ law to penalise the malicious distribution of false news and other related violations was broached in June 2017 (Senate of the Philippines, 2017). The law has not materialised and the country’s president—otherwise noted for his open hostility towards the media—dismissed prospects of its passage on the grounds that it would violate the country’s constitutional protection for freedom of expression (Andolong & Guzman, 2017). In India ‘guidelines’ said to be aimed at curtailing ‘fake news’ was hastily withdrawn without explanation one day after its introduction. The Ministry of Information & Broadcasting introduced the rule through a Press Release on 2 April 2018 (2018b). The rule was withdrawn the following day through another

Press Release (Ministry of Information & Broadcasting, 2018a). The rule was formulated as follows in the first Press Release:

Noticing the increasing instances of fake news in various mediums including print and electronic media, the Government has amended the Guidelines for Accreditation of Journalists. Now on receiving any complaints of such instances of fake news, the same would get referred to the Press Council of India (PCI) if it pertains to print media & to News Broadcasters Association (NBA) if it relates to electronic media, for determination of the news item being fake or not. (Ministry of Information & Broadcasting, 2018b)

There was ‘just one problem: The circular didn’t address misinformation at all. It targeted mainstream reporters’ (Funke, 2018b). The Prime Minister Narendra Modi reportedly intervened to cancel the order (Khalid, 2018). In the European Union the European Commission adopted a report and announced that online platforms and the advertising industry had agreed on a Code of Practice to increase transparency ahead of the European elections in 2019 and increase efforts to create ‘a network of fact-checkers to strengthen capabilities to detect and debunk false narratives’ (European Commission, 2018a). The initial approach pursues the adoption of the practice code, which will be assessed after 12 months, and if the results prove unsatisfactory, the Commission may propose further actions ‘including of a regulatory nature’ (European Commission, 2018b).

In France, parliament introduced a law to prevent the spread of false information during election campaigns, by enabling parties or candidates to seek a court injunction to prevent the publication of ‘false information’ during the three months leading up to a national election and the main target, according to the Culture Minister, is stories spread by ‘fake news’ bots that are ‘manifestly false and shared in a deliberate, mass and artificial way’ (Agence France-Presse, 2018a). The law gives France’s broadcast authority power to take any network ‘controlled by, or under the influence of a foreign power’ off the air if it ‘deliberately spreads false information that could alter the integrity of the election’ (ibid.). The move is seen as Western Europe’s ‘first attempt to officially ban false material’ (Fiorentino, 2018).

In Australia, the problem of ‘fake news’, propaganda and public disinformation was one of the terms of reference in a federal Senate inquiry that examined the future of public interest journalism. The committee, however, ‘only received a limited amount of information directly addressing the role fake news and misinformation has had on democratic processes’ but it noted that the matter was viewed with seriousness overseas (Senate Select Committee on the Future of Public Interest Journalism, 2018, para 2.70). Australia has not introduced specific anti-fake news law although recently-introduced legislation was designed to address an unprecedented threat from espionage and foreign interference in Australia (Horne, 2018).

In the UK, a government committee which considered the subject in detail published an interim report in 2018 and the final report in 2019 (Digital, Culture, Media and Sport Committee, 2018 and 2019b, respectively). The very first statement in the Interim Report's 'conclusions and recommendations' section states: 'The term "fake news" is bandied about with no clear indication of what it means, or agreed definition' (Digital, Culture, Media and Sport Committee, 2018, p. 64). In its final report, the committee observed that '[w]e have always experienced propaganda and politically-aligned bias, which purports to be news' but that this activity had taken on new forms and that people are now able to give credence to information that reinforces their views, no matter how distorted or inaccurate, while dismissing content with which they do not agree as 'fake news', which creates a 'polarising effect and reduces the common ground on which reasoned debate, based on objective facts, can take place' (Digital, Culture, Media and Sport Committee, 2019b, p. 5). The committee, in noting that the spread of propaganda and politically-aligned bias is unlikely to change, said what does need to change is the enforcement of greater transparency in the digital sphere, to ensure that we know the source of what we are reading, who has paid for it and why the information has been sent to us (ibid.). A specialist government unit, called the Rapid Response Unit, was set up in April 2018 to build a rapid response social media capability to support the reclaiming of a fact-based public debate (Government Communication Service, 2018). The unit comprises specialists including analyst-editors, data scientists, and media and digital experts, and it monitors news and information engaged with online to identify emerging issues quickly, accurately and with integrity. The unit is represented as being "neither a 'rebuttal' unit, nor is it a 'fake news' unit" (ibid). It seeks to ensure that those using search terms that indicate bias are 'presented with factual information on the UK's response' (ibid). The unit is set to continue operating after the government deemed its pilot phase a success (Tobitt, 2019). At the time of this writing a further initiative was launched. A new body called the Sub-Committee on Disinformation will become Parliament's 'institutional home' for matters concerning disinformation and data privacy to bring together those seeking to examine threats to democracy (Digital, Culture, Media and Sport Committee, 2019a).

The above account shows a variety of governmental responses to the perceived 'fake news' dilemma, reflecting two extremes. At the one end lies a discernible effort to define the problem, and formulate a considered course of action through formal inquiries and consultation with stakeholders, before recommending or embarking on a regulatory course of action. At the other end lies ill-considered responses, as it happened in India. A key concern with the introduction of laws purporting to regulate 'fake news' is the potential for government overreach, and "scary" responses to the spread of misinformation and disinformation (Funke

& Mantzarlis, 2018). The ‘fake news’ phenomenon motivated governments to respond and the responses were in some cases a genuine attempt at seeking resolution and in other cases, as Reporters Without Borders put it, an excuse for the predators of press freedom to seize the opportunity ‘to muzzle the media on the pretext of fighting false information’ (2017).

Malaysia’s Anti-Fake News Act 2018

Even as countries struggle to address the ‘fake news’ problem Malaysia boldly pronounced an answer. It introduced the *Anti-Fake News Act* in April 2018. Opposition MPs at the time claimed the law was being ‘bulldozed through by the Barisan Government to clamp down on them’ before the general elections (Sivanandam et al, 2018). As one fearless journalist Clare Rewcastle-Brown, who for years doggedly pursued largescale corruption in Malaysia, said ‘[i]t was a draconian attempt at open intimidation of government critics and indeed the entire population’ (Rewcastle-Brown, 2018, p. 523). The Act was introduced notwithstanding then prime minister Najib’s previous hailing of media personnel as unsung heroes in his speech at the inaugural ‘national journalists’ day’ event (Sivanandam, 2018). Najib said the government decided that the event, labelled *Hawana*, would “acknowledge the role of journalists who have helped shape the minds of the public” (ibid). Najib’s accolade for journalists jarred against Malaysia’s notorious freedom of expression record. The country has consistently languished in global press freedom indices. For example, in 2018 it was No 145 out of 180 countries in the *Reporters Without Borders 2018 World Press Freedom Index* (Reporters Without Borders, 2018).

Najib’s exaltation of journalists coincided with another of his government’s legislative body blow to journalists through the introduction of the *Anti-Fake News Act 2018*. The Act introduced fresh restrictions on freedom of speech with hefty jail terms and fines for anyone found to have spread ‘fake news’. Zaid Ibrahim, a former Malaysian Minister in charge of legal affairs said at the time of law’s introduction: ‘This law is necessary for Najib, but not the country. He needs to put fear in people, that they can go to jail if they criticise him’ (Cooper, 2018). The Act attracted a constitutional challenge from *Malaysiakini*, the country’s foremost online news platform and pioneer of independent online news delivery, itself a longstanding magnet for government wrath. The platform’s editor-in-chief and founder Steven Gan said: ‘We are not short of laws to control the media. The Act is aimed at spooking people’ (Gan, Interview, 2018). Gan’s news platform distinguished itself from the government-controlled mainstream media and endured longstanding battering from oppressive Malaysian laws impacting on freedom of speech. Four months after the Act’s introduction, Najib’s successor government attempted to repeal the Act to honour a pre-election promise but struck a hurdle. The repeal was passed by the Lower House in mid-August and

was greeted as making it ‘the first country in the world to roll back such legislation’ (Ellis-Petersen, 2018). The repeal attempt was, however, blocked by the Senate, leaving the exercise in limbo for a year as prescribed under the Federal Constitution (Ho, Tan & Kanagaraju, 2018). The Deputy Minister in the Prime Minister’s Department in his winding up speech in the Lower House stated that there were sufficient laws to deal with ‘fake news’ (Sivanandam et al, 2018). The Bill to repeal AFNA was passed in the Lower House by a narrow vote (Chima & Singh, 2018). The move was, however, blocked in the Senate on the grounds that the law was still relevant and should be improved rather than abolished (Ho, Tan & Kanagaraju, 2018). At the time of this writing, the Act remained on the books. The PH Attorney-General expressed his conundrum thus, if the police were to initiate action:

But it puts us in a difficult position because unfortunately it is still a law on the statute books. So it still forms part of the laws of Malaysia, and one has to respect our laws. Hence, an unsatisfactory position! (Ho, Tan & Kanagaraju, 2018)

Under AFNA’s section 4(1) anyone who, by any means, maliciously creates, offers, publishes or disseminates any ‘fake news’ is liable to a RM500,000 fine or to six years imprisonment or to both. On top of that the court can order the offender to apologise to the offended party and failure to obey the order attracts punishment for contempt of court. Under section 2, unless the context otherwise requires, ‘fake news’ includes any news, information, data and reports that are whole or partly false. The Act offers eight illustrations of ‘fake news’ with scenarios indicating when liability arises. Among these illustrations—none of them stand out as new phenomenon needing a special legislative response—are: *B* publishes false information from *A* not knowing the information is false (*A* is liable, *B* is not); *A* publishes fabricated information that *Z* offered bribes to obtain a business contract (*A* is liable); and if *B* publishes that information knowing it was fabricated *B* is also liable. One curious example refers to *A* publishing via social media that a food product sold by *Z*’s company contains harmful ingredients, when in fact the food product—that *once* contained harmful ingredients—is no longer available (*A* is liable). Stiff penalties face those who fail to remove material containing ‘fake news’ (section 6). The Act permits a person affected by a publication containing ‘fake news’ to seek an *ex parte* order—that is, with no opportunity for the other side to be heard at the time the order is sought—to have the publication removed (section 7(1)). While a party that is subject to the order can apply to have the order set aside (section 8(1)) such a recourse does not exist if an order obtained by the government relating to ‘fake news’ that is “prejudicial or likely to be prejudicial to public order or

national security” (section 8(3)). The above example that catches news that was *once* true but no longer is should ring alarm bells given the ‘shopping spree’ saga below.

Other events reported in the Malaysian media indicate how AFNA’s hydra-like reach might catch offenders. The first case to be investigated under the Act involved an alleged defamation of the Crown Prince of the Johor State Tunku Ismail Sultan Ibrahim (Isa, 2018). The alleged defamation occurred through the spreading of false rumours that Ismail would be treating people to a big shopping spree similar to the one he actually did earlier, where he gave unsuspecting shoppers a treat to the tune of a total RM1 million worth of shopping at a supermarket. Shortly afterwards a man was jailed under the new law. In the first case punished under the Act, a Danish national was sentenced to one week’s jail, and fined RM10,000 or in default to one month’s jail, after he pleaded guilty spreading ‘fake news’ involving his social media post and a YouTube video claiming that police were slow to respond to distress calls in an event described as the assassination of a Palestinian academic working in the country (Yatim, 2018).

Another instance, one that confirmed the critics’ fears that the Act was ‘intended to stifle free speech’ ahead of the general elections, involves the investigation of Mahathir himself, for spreading ‘fake news’ (Agence France-Presse, 2018b). In this instance, Mahathir had claimed he was the victim of a sabotage when the plane he had chartered for travel to register his candidacy in the general elections became unavailable at the last minute. Malaysia’s civil aviation authority and the charter company rejected the accusation saying a technical issue with the plane was to blame. A group said to be Najib supporters reportedly lodged the complaint under AFNA. Another instance demonstrates the Act’s utility for the political masters. The Opposition had circulated a video showing a candidate in the general elections distributing packets believed to contain cash at a residential area. The candidate, an incumbent Senator, claimed she was using her ‘allocation as a senator’ to help the underprivileged (Hilmy, 2018). She accused the Opposition of ‘trying to tarnish her name’ (ibid.). So, she was not denying that she distributed the cash. According to her: ‘This is why the Anti-Fake News law was approved, to counter all kinds of fake news *like this*’ (ibid, emphasis added). The early examples of AFNA’s actual and threatened application reinforce AFNA opponents’ concerns. Nurul Izzah, daughter of the prospective Malaysian prime minister Anwar Ibrahim, observed ‘we have a ministry of truth being created’ (Beech, 2018). The country’s foremost grouping of the legal profession, the Malaysian Bar Council said before the Act became law that it was ‘deeply troubled’ by it. Among its long list of concerns was that the provisions enable the ‘intimidation of the media and [of] honest practitioners of freedom of expression, who must now be 100 per cent correct in their reporting, postings or statements, or else stand accused of being “partially false”’ (Malaysian Bar Council, 2018).

Malaysia's armoury of draconian laws impacting on freedom of expression

Pakatan Harapan's manifesto contained promises of unprecedented breadth in so far as the removal of oppressive laws was concerned (Pakatan Harapan Manifesto). Promise 27, one of sixty promises, said Malaysia's legal system was 'frequently abused' by the country's leaders to achieve their political interests. Two groups of laws were identified: the first for outright revocation; and the second for revocation of 'draconian provisions'. The following were listed for revocation: *Sedition Act 1948*; *Prevention of Crime Act 1959*; *University and University Colleges Act 1971*; *Printing Presses and Publications Act 1984*; *National Security Council Act 2016*; and mandatory death by hanging in all Acts. The following were identified as containing draconian provisions that would be abolished: *Penal Code 1997*, especially on peaceful assembly and activities harmful to democracy; *Communications and Multimedia Act 1998*; *Security Offences (Special Measures) Act 2012 (Sosma)*, the successor to the *Internal Security Act 1960 (ISA)*; *Peaceful Assembly Act 2012*; and *Prevention of Terrorism Act 2015 (Pota)*. Promise 27 included an undertaking to revoke all clauses that prevent the Court from reviewing government decisions and laws, and the following broad commitment:

The Pakatan Harapan Government will ensure that media has the freedom to check and balance our administration. We will review all laws and regulations related to the media so that media freedom is guaranteed.

AFNA was not addressed in the manifesto because the Act was introduced after the manifesto was released. Before the elections, however, PH promised to also repeal AFNA (Tan, T., 2018). Oddly, the manifesto omitted another frequently used oppressive law—defamation—where claims for damages run into tens of millions of dollars and were wantonly deployed against the media with crippling effect. There was also no reference to another draconian law whose impact is difficult to quantify—the *Official Secrets Act 1972 (OSA)*. The Act contains sweeping definitions of 'official secret' and reverses the burden of proof. It also provides for a minimum jail term of one year for breaches of the Act (s8). The Act's language is imprecise and it creates arbitrary powers to classify information as secret. The Act also fails to comply with standards of international law and is a major impediment to freedom of speech, expression and information:

It has consistently impeded the public's right to know, and consistently demonstrated the present government's aversion to openness and transparency. The government has time and again used this law to prevent public disclosure of matters that are of major national or local concern. (Suara Rakyat Malaysia, 2013, pp. 33–34)

Among the most egregious invocations of the OSA was the Najib government's classification of the auditor-general's report on the multi-billion dollar *1Malaysia Development Berhad* (or 1MDB) scandal as secret (Straits Times, 2018). Najib is facing criminal charges. The Malaysian Attorney-General Tommy Thomas said in his opening address at Najib's first criminal trial, this is the 'first of many kleptocracy-1MDB-linked prosecutions' (Thomas, 2019). Upon taking office Mahathir advocated retention of the OSA (Straits Times, 2018). It is beyond the scope of this work to provide a comprehensive inventory of how the Malaysian legal armoury was deployed oppressively over the years. Some examples would suffice. In 1996 *Malaysiakini's* Gan spent five days in jail and was named a prisoner of conscience by Amnesty International. He and *Malaysiakini* have faced various charges and civil defamation actions. In one instance the platform, which comprises four websites, received a take-down order involving a news item featuring a press conference where an anti-corruption crusader referred to the country's then Attorney-General as *haprak* (Malay for an insult that means a useless, good for nothing, untrustworthy person). Acting on a complaint the Malaysian Communications and Multimedia Commission ordered the removal of the article under a sweeping provision that outlaws the publication of any matter that is 'obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person' (section 233(1)). According to Gan:

When we asked which part they wanted taken down, they said 'the whole thing'. I only agreed to remove the word *haprak* and put the edited version up. Despite removing the word *haprak* from our video, both *Malaysiakini's* chief executive officer Premesh Chandran and I were charged under the *Communications and Multimedia Act 1998* and we were facing up to one year in jail. (Interview, 2018)

In Gan's view the *Communications and Multimedia Act* could not achieve the take-down result but AFNA allows for it. Gan and Chandran were acquitted in September 2018. Another example of Malaysia's attacks on freedom of expression involved prominent Malaysian cartoonist Zunar who sustained 12 years of intimidation and harassment in the form of arrest, book bans, raids on his office, and long legal battles under the previous regime (Toh, 2018). He faced 43 years in prison on sedition charges. The charges were dropped when PH came to power. His cartoons constantly featured themes of corruption and abuse of power at high levels. Over the years a long list of individuals faced action under the sedition law (Yunus, 2015). Police claimed the breach would 'threaten public order' (ibid). The most significant example of the onslaught against dissent under the previous government occurred during an exercise code-named Operation Lalang (*Operasi Lalang*—literally 'weeding operation') in October 1987, during Mahathir's prime ministership. It resulted in the arrests of 106

people including opposition politicians, academics, religious extremists, trade unionists, and activists from NGOs. Alongside this action the government revoked the publishing licences of two daily newspapers and two weeklies. The operation drew on laws such as the dreaded and now-repealed ISA referred to above, which permitted lengthy detention without trial, the printing presses law and other instruments. A former opposition MP Dr Kua Kia Soong was held for 445 days without trial and wrote that torture under the ISA is not hearsay (Kua, 2002, p. 7); and himself underwent torture for 15 months after being detained under during *Operasi Lalang* (Kua, 1999, p. xvii).

The inventory of abuse of power in Malaysia is long and distressing and literature chronicling the abuses are abundant. Mahathir presided over a considerable portion of the abuse of power during his previous reign. As Roger Tan, a senior lawyer and former law academic wrote in the aftermath of Pakatan Harapan's election victory, it is ironic that the reforms are 'being pursued at great pace by the new Prime Minister... who was also the old Prime Minister who had pursued Machiavellian policies and undermined some of the institutions during his previous rule' (Tan, R., 2018). In his view, however, Mahathir is best suited to undertake the restoration (ibid). Mahathir came to the helm this time with an early avowal to pass the baton on to Anwar, who himself suffered at Mahathir's hands and served prison time during Mahathir's and Najib's rule in prosecution actions that the current Attorney-General observed long before taking this office as being 'all about politics, and nothing but politics' (Thomas, 2012). Anwar's previous criminal records are now erased and as Anwar stated: '[T]he King accepted that my pardon was complete, unconditional, and due to a miscarriage of justice' (Hodge, 2018). More recently scepticism has arisen as to whether the prime ministerial succession from Mahathir to Anwar would occur as initially suggested (Jaipragas, 2019). If Anwar succeeds Mahathir he would, in theory, be more committed to demonstrating a greater appreciation of rights and liberties by virtue of his own bitter experiences at the hands of oppressors. As Anwar observed: 'When you are incarcerated, you realise what is the meaning and significance of freedom' (Denyer, 2018). He said: 'I am 71 years old, and I have been to hell and back and hell and back again' (Haidar, 2019). Anwar is viewed as the 'standard-bearer of Malaysia's reform movement' (Denyer, 2018). In a media interview coinciding with his release from prison Anwar reaffirmed a commitment 'to the reform agenda, beginning with the judiciary, media and the entire apparatus' (ABC News, 2018); and to 'independence of the judiciary, rule of law, free media and proper separation of powers' (Massola, 2018). These aspirations look good on paper. The real test lies in converting aspirations to reality.

The aspirations and promises Mahathir's coalition declared in entering the general elections were by any measure justified and overdue. The hopes for meaningful media reforms cannot be divorced from reforms that are needed in

other sectors, for example, in the judiciary. Anwar himself alluded to his political misfortunes and convictions as being the product of the courts being ‘stacked against us’ (Haidar, 2019). More recently a Malaysian Court of Appeal judge lodged a 63-page affidavit, described by Malaysia’s national news agency, as containing ‘explosive and detailed information in relation to numerous incidences of judicial interference within the Malaysian judiciary’ (Bernama, 2019; Affidavit, 2019). The judiciary has lodged a police report in response to the grave allegations in the affidavit (Bernama, 2019). The head of the Malaysian Bar Council called for the establishment of a royal commission to investigate the grave allegations of judicial misconduct (Varughese, 2019). An independent judiciary is the last bastion of protection and a critical vanguard of rights and freedoms and without such a bastion the media’s hopes for meaningful reforms will remain elusive.

Fading hopes for meaningful media regulation reform

The euphoria from PH’s general election victory and, in particular, hopes for meaningful relaxation of media controls has waned. It might be argued that it is in the very nature of politics and electioneering that there are always gaping chasms between election promises and the honouring of such promises. Election campaigns by their very nature produce ‘a fusion of puffery, rhetoric and credible undertakings’ and too often the latter escapes critical examination and voters discover too late that the fine print provides escape routes for the promisor (Fernandez, 2013). Pre-PH governments consistently deemed the freedom of expression protection in Article 10 of Malaysia’s Constitution dispensable. On taking office in 2009 Najib promised reforms aimed at lifting freedom-stifling laws. When he announced plans in 2011 to repeal the dreaded *Internal Security Act* and abolish annual printing licences for newspapers the media hailed the announcement in his 2011 national day speech as ‘a significant Malaysia Day present in the form of greater civil liberties and democratic reforms’ (Fernandez, 2011). As it turned out, the situation deteriorated steadily.

The current government’s record faces the danger of proceeding down a similar path. In one ominous sign during the current government’s rule, in November 2018 the PH government withdrew the moratorium, or brake, on certain restrictive laws including the Sedition Act to deal with situations that involve ‘national security, public order and race relations’ (Dzulkiify, 2018). The government’s claim that these laws would only be used in exceptional cases has attracted scepticism from those who are familiar with such justifications the previous government routinely invoked (Sreenevasan, 2018). The PH cabinet decided in 2018 to abolish the Sedition Act and to suspend prosecutions under the Act (Paddock, 2018). Instead, in the first fortnight of 2019, four persons were detained under the Act (Mering, 2019). Three of the individuals were arrested for allegedly insulting a Malaysian sultan on social media even though the alleged

breach appears not to fall under any of the limited circumstances PH claimed to have imposed on the law's use (Jayamanogaran, 2019). A recent survey by an international journalism group covering 92 Malaysian media workers indicated that a third of respondents thought the overall "media situation" has improved over the year. Notably, almost as many saw no significant improvement (International Federation of Journalists–South East Asia Journalists Unions, 2018, p. 24). In the view of the country's Youth and Sports Minister the new administration has 'enabled media freedom' (Kaur & Augustin, 2019).

PH's pledges on freedoms reforms 'appear to have been put on the backburner' (International Federation of Journalists–South East Asia Journalists Unions, 2018, p. 27). Even the PH coalition appears to be afflicted by internal political machinations. As Anwar himself observed there are fears 'that Pakatan's spirit would be eroded' (Wong, 2018); and there is 'growing disenchantment' in his party (Haidar, 2019). And as Professor James Chin, a leading commentator on Malaysian politics, observed the Mahathir administration 'faces many political challenges' (Chin, 2019). The media's reform wish list is reflected in PH's election manifesto—and it calls for the urgent abolition of restrictive laws and regulations; reform of defamation law; allowing journalists to form and join unions; the swift establishment of a Media/Press Council to oversee complaints arising from a recognised journalists' code of ethics; strong protection for whistleblowers and for investigative journalism; the introduction of freedom of information law; and tightly drawn national security laws that provide public interest exceptions (International Federation of Journalists, 2018). While moves are afoot to set up the media/press council the media has expressed concerns about the lack of consultation with journalists (International Federation of Journalists, 2019). The sceptics doubt whether Mahathir will deliver on promises pertaining to rights and freedoms when, as prime minister previously, "he sadly chose to use [state apparatus] autocratically and brutally with devastating long-term consequences" and posed 'the biggest obstacle to democratic opposition's development that Malaysia has ever seen' (Slater, 2018). Mahathir himself was previously a part of the problem (Aris, 2018); and Anwar's daughter Nurul Izzah, an elected representative in the new government, courted controversy with her view that it was not easy to work with Mahathir 'a former dictator who wreaked so much damage' (Kaur & Augustin, 2019). Early indications are that the PH government is 'struggling to live up to their campaign vows' (Denness, 2018).

Conclusion

AFNA is a small cog in a large wheel of Malaysia's laws that impinge on freedom of expression and media freedom. The prevailing arsenal of oppressive laws have long been predicated on the public interest in maintaining racial harmony, economic stability and national security. These laws have a long history of being

oppressively and arbitrarily applied against a backdrop of entrenched autocratic attitudes and official corruption. The discussion above has shown the following difficulties presented by AFNA: the Act was ill-conceived; the lawmakers rushed in headlong to pass legislation purporting to address ‘fake news’, a term itself widely recognised as being contentious; the Act was introduced without proper deliberation and without consulting key stakeholders; it was badly drafted; it is afflicted by serious questions about its constitutionality; and the early examples of the Act’s use illustrate the Act’s dubious objectives and application flaws. The Act’s passage was an opportunistic attempt at further constraining freedom of expression. A genuine quest for media regulation reform in Malaysia must grapple with the debilitating framework of existing laws, extending well beyond AFNA. In spite of its convincing general elections victory, the new government is facing challenges on various fronts including those concerning unity within the coalition. The PH election manifesto contained the promise, as set out above, to ensure ‘that media freedom is guaranteed’. Viewed in a strictly Malaysian context it was a bold promise. Viewed in the context of countries that purport to subscribe to democratic principles that promise is less remarkable. The PH government bears the onus of honouring its media control reform promises and ensuring that its declared commitment to ease up on media control does not itself turn out to be—to reluctantly use the term—‘fake news’.

References

- ABC News (2018, May 16). Anwar Ibrahim released after years in prison in ‘new dawn for Malaysia’. Retrieved from <http://www.abc.net.au/news/2018-05-16/anwar-ibrahim-released-from-prison/9767034>
- Affidavit (2019). Hamid Sultan bin Abu Backer. Affirmed on 14 February 2019. In the High Court of Malaya, Originating Summons No WA-24NCVC-97-01/2019.
- Agence France-Presse (2018a, October 10). French MPs adopt ‘fake news’ Bill. *Straits Times*. Retrieved from <https://www.straitstimes.com/world/europe/french-mps-adopt-fake-news>
- Agence France-Presse (2018b, May 4). Mahathir under investigation for spreading fake news. *The Australian*. Retrieved from <https://www.theaustralian.com.au/news/world/mahathir-under-investigation-for-spreading-fake-news/news-story/8f2959af00092066dbdf1370ba53e016>
- Andolong, I., & Guzman, C. (2017, October 4). Duterte: Law against fake news won’t be passed. CNN Philippines. Retrieved from <http://cnnphilippines.com/news/2017/10/04/Duterte-Law-against-fake-news-wont-be-passed.html>
- Aris, N.A. (2018, July 29). KJ: Mahathir was also in ‘last 60 years of BN’. *FMT News*. Retrieved from <http://www.freemalaysiatoday.com/category/nation/2018/07/29/kj-mahathir-was-also-in-last-60-years-of-bn/>
- Beech, H. (2018, April 2). As Malaysia moves to ban ‘Fake News,’ worries about who decides the truth. *The New York Times*. Retrieved from <https://www.nytimes.com/2018/04/02/world/asia/malaysia-fake-news-law.html>
- Bernama (2018, May 7). BN to romp home to GE14 victory, analysts predict. Retrieved from <https://www.thesundaily.my/archive/bn-romp-home-ge14-victory-analysts->

predict-KUARCH545937

- Bernama (2019, February 15). Police report lodged over allegations in Hamid's affidavit. Published in *New Straits Times*. Retrieved from <https://www.nst.com.my/news/crime-courts/2019/02/460583/police-report-lodged-over-allegations-hamids-affidavit>
- Chima, R. J. S., & Singh, A.K. (2018, September 20). Malaysia's dangerous 'fake news' law is still on the books. It must be repealed. *AccessNow*. Retrieved from <https://www.accessnow.org/malaysias-dangerous-fake-news-law-is-still-on-the-books-it-must-be-repealed/>
- Chin, J. (2019, March). 'New' Malaysia: Four key challenges in the near term. Paper. Lowy Institute. Retrieved from <https://www.loyyinstitute.org/publications/new-malaysia-four-key-challenges-near-term>
- Cooper, A. (2018, April 13). Malaysian fake news law may silence corruption reporting. Organised Crime and Corruption Reporting Project. Retrieved from <https://www.oc-crp.org/en/27-ccwatch/cc-watch-briefs/7930-malaysian-fake-news-law-may-silence-corruption-reporting>
- Denness, A. (2018, November 9). What has become of Dr Mahathir's promised reforms? *Malaysia Today*. Retrieved from <https://www.malaysia-today.net/2018/11/08/what-has-become-of-dr-mahathirs-promised-reforms/>
- Denyer, S. (2018, May 16). Malaysian reformist Anwar Ibrahim released from prison, granted royal pardon. *The Washington Post*. Retrieved from https://www.washingtonpost.com/world/asia_pacific/malaysian-reformist-anwar-ibrahim-released-from-prison-granted-royal-pardon/2018/05/16/8ac27b78-5917-11e8-9889-07bcc1327f4b_story.html?utm_term=.aabac5c36c00
- Digital, Culture, Media and Sport Committee (2018, July 24). Disinformation and 'fake news': Interim Report. House of Commons. HC 363. Retrieved from <https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/363/363.pdf>
- Digital, Culture, Media and Sport Committee (2019a, April 2). DCMS Committee launches Sub-Committee to continue Parliamentary scrutiny of threats posed by 'disinformation'. House of Commons. Retrieved from <https://www.parliament.uk/business/committees/committees-a-z/commons-select/digital-culture-media-and-sport-committee/news/sub-committee-launch-report-published-17-19/>
- Digital, Culture, Media and Sport Committee (2019b, February 18). Disinformation and 'fake news': Final Report. House of Commons. HC 1791. Retrieved from <https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/1791/1791.pdf>
- Dzulkify, D. (2018, 3 December). Gobind: Sedition Act, Poca, Pota, Sosma will only be used when public order is under threat. *The Malay Mail*. Retrieved from <https://www.malaymail.com/s/1699474/gobind-sedition-act-poca-pota-sosma-will-only-be-used-when-public-order-is>
- Ellis-Petersen, H. (2018, August 17). Malaysia scraps 'fake news' law used to stifle free speech. *The Guardian* (UK). Retrieved from <https://www.theguardian.com/world/2018/aug/17/malaysia-scraps-fake-news-law-used-to-stifle-free-speech>
- European Commission (2018a, December 5). Report on the implementation of the Communication 'Tackling online disinformation: a European approach'. [Media Release.] Retrieved from <https://ec.europa.eu/digital-single-market/en/news/report-implementation-communication-tackling-online-disinformation-european-approach>
- European Commission (2018b, December 5). Tackling online disinformation: a European approach. [Report.] Com(2018) 794 Final. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/report-implementation-communication-tackling-online-disinformation-european-approach>

- European Commission (2018c, March). A multi-dimensional approach to disinformation: Report of the Independent High Level Group on Fake News and Online Disinformation. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/final-report-high-level-expert-group-fake-news-and-online-disinformation>
- Fernandez, J.M. (2011, September 20). Beware of states bearing freedom gifts. *The Australian*, p 9. <http://www.theaustralian.com.au/news/world/beware-of-states-bearing-freedom-gifts/story-e6frg6ux-1226141167175>
- Fernandez, J.M. (2013, August 12). What is an election promise when ‘promise’ bears different meanings? *The Conversation*. Retrieved from <https://theconversation.com/what-is-an-election-promise-when-promise-bears-different-meanings-16946>
- Fiorentino, M.R. (2018, November 22). France passes controversial ‘fake news’ law. *Euro News*. Retrieved from <https://www.euronews.com/2018/11/22/france-passes-controversial-fake-news-law>
- Funke, D. (2018a, October 31). A guide to anti-misinformation actions around the world. *Poynter*. Retrieved from <https://www.poynter.org/news/guide-anti-misinformation-actions-around-world>
- Funke, D. (2018b, April 10). India issued fake news guidelines to the press. Then it reversed them. *Poynter*. Retrieved from <https://www.poynter.org/news/india-issued-fake-news-guidelines-press-then-it-reversed-them>
- Funke, D., & Mantzarlis. (2018, August 2). Here’s how the UK plans to tackle fake news. *Poynter*. Retrieved from <https://www.poynter.org/news/heres-how-uk-plans-tackle-fake-news>
- Gan, S. (2018, April 24). Petaling Jaya, Malaysia. Interview with Author.
- Government Communication Service. (2018, July 19). Alex Aiken introduces the Rapid Response Unit. *Government Communication Service (UK) News*. Retrieved from <https://gcs.civilservice.gov.uk/news/alex-aiken-introduces-the-rapid-response-unit/>
- Griffiths, J. (2019, April 3). Singapore’s ‘fake news’ bill is bad news for Facebook. CNN. Retrieved from <https://edition.cnn.com/2019/04/02/asia/singapore-fake-news-intl/index.html?fbclid=IwAR2UW7DiQFhyi8haS1tV-PwJhd19gZsiTmhAdtAWJFtjPWE-RqJsGWX96pY>
- Haidar, S. (2019, January 9). I have been to hell and back and again, hell and back: Anwar Ibrahim. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/i-have-been-to-hell-and-back-and-again-hell-and-back-anwar-ibrahim/article25952454.ece>
- Hilmy, I. (2018, April 25). ‘Nothing wrong with handouts.’ *The Sun* (via Pressreader). Retrieved from <https://www.pressreader.com/malaysia/the-sun-malaysia/20180425/281758449895115>
- Ho, K.T., Tan, C.C., & Kanagaraju, S. (2018, September 20). I will never charge anyone for political reasons – AG. *The Edge Financial Daily*. Retrieved from <http://www.theedgemarkets.com/article/i-will-never-charge-anyone-political-reasons-%E2%80%94-ag>
- Hodge, A. (2018, May 17). Anwar Ibrahim’s swipe at Canberra over ‘muted’ response to oppression. *The Australian*. Retrieved from <https://www.theaustralian.com.au/news/world/anwar-ibrahims-swipe-at-canberra-over-muted-response-to-oppression/news-story/44d47f484807b0c1926362f1355ec3b6>
- Horne, N. (2018, December 5). Foreign Influence Transparency Scheme Legislation Amendment Bill 2018. Parliamentary Library Flagpost. Retrieved from https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2018/December/Foreign_Influence_Transparency_Scheme_Legislation_Amendment_Bill_2018

- Human Rights Watch (2018, February 14). Germany: Flawed social media law. Retrieved from <https://www.hrw.org/news/2018/02/14/germany-flawed-social-media-law>
- International Federation of Journalists (2018, September 30). Fighting for media reform in the 'new Malaysia'. Retrieved from <https://www.ifex.org/malaysia/2018/09/30/fight-media-freedom-malaysia/>
- International Federation of Journalists (2019, March 8). Journalists must be consulted on press council development. [Media Release.] Retrieved from https://gallery.mailchimp.com/312d2086b1b5654e5e6957dd9/files/c146c9e5-b75b-4f13-b96c-1ec8e7f7b145/190311_Malaysia.pdf
- International Federation of Journalists–South East Asia Journalists Unions. (2018, December). Underneath the Autocrats: South East Asia Media Freedom Report 2018. Retrieved from https://www.ifj.org/fileadmin/user_upload/Underneath_the_Autocrats_-_IFJ_SEAJU_2018_-_SP_HR.pdf
- Ireton, C., & Posetti, J. (Eds). (2018). *Journalism, 'fake news' & disinformation*. Paris: UNESCO Series on Journalism Education.
- Isa, I. (2018, April 14). Three legal provisions await those who publish, share fake news. *New Straits Times*. Retrieved from <https://www.nst.com.my/news/nation/2018/04/357217/three-legal-provisions-await-those-who-publish-share-fake-news>
- Jaipragas, B. (2019, January 9). Will Anwar actually succeed Mahathir as Malaysia's next prime minister? *South China Morning Post*. Retrieved from <https://www.scmp.com/week-asia/politics/article/2181422/will-anwar-actually-succeed-mahathir-malaysias-next-prime>
- Jayamanogaran, T. (2019, January 10). Deputy IGP defends Sedition Act arrests, says country's peace was in question. *Malay Mail*. Retrieved from <https://www.malaymail.com/s/1711180/deputy-igp-defends-sedition-act-arrests-says-countrys-peace-was-in-question>
- Kaur, M., & Augustin, R. (2019, March 25). Nurul Izzah under fire for interview critical of Dr M. *Free Malaysia Today News*. Retrieved from <https://www.freemalaysiatoday.com/category/nation/2019/03/25/nurul-izzah-under-fire-for-interview-calling-dr-m-a-former-dictator/>
- Khalid, S. (2018, April 4). Modi government withdraws controversial order on fake news. Al Jazeera. Retrieved from <https://www.aljazeera.com/news/2018/04/modi-government-withdraws-controversial-order-fake-news-180403123707917.html>
- Kua, K.S. (1999). *445 days under Operation Lalang: An account of the 1987 ISA detentions*. Kuala Lumpur: Oriengroup.
- Kua, K.S. (2002). *Malaysian critical issues*. Kuala Lumpur: Strategic Information Research Development.
- Malaysian Bar Council (2018, March 27). Withdraw the Anti-Fake News Bill 2018. [Press Release.] Retrieved from http://www.malaysianbar.org.my/press_statements/press_release_%7C_withdraw_the_anti_fake_news_bill_2018.html
- Massola, J. (2018, May 15). World exclusive: Anwar's first interview on the eve of freedom. *The Sydney Morning Herald*. Retrieved from <https://www.smh.com.au/world/asia/world-exclusive-anwar-s-first-interview-on-the-eve-of-freedom-20180512-p4zew1.html>
- Mering, R. (2019, January 11). Sedition Act: Malaysian Bar calls for return of moratorium, halt to investigations. *The Malay Mail*. Retrieved from <https://www.malaymail.com/news/malaysia/2019/01/11/sedition-act-malaysian-bar-calls-for-return-of-moratorium-halt-to-investiga/1711633>
- Ministry of Communications and Information/Ministry of Law (2018). Government accepts in principle Select Committee's recommendation for multi-pronged response

- to tackle deliberate online falsehoods. [Media Release.] Retrieved from <https://www.mlaw.gov.sg/content/minlaw/en/news/press-releases/Government-Accepts-In-Principle-Select-Committee-Recommendation-For-Multi-Pronged-Response-To-Tackle-Deliberate-Online-Falsehoods.html>
- Ministry of Information & Broadcasting (2018a, April 3). PIB press release regarding fake newsstands withdrawn. Press Information Bureau, Government of India. Retrieved from <http://www.pib.nic.in/PressReleaseDetail.aspx?PRID=1527401>
- Ministry of Information & Broadcasting (2018b, April 2). Guidelines for accreditation of journalists amended to regulate fake news. Press Information Bureau, Government of India. Retrieved from <http://pibarchive.nic.in/newsite/PrintRelease.aspx>
- Paddock, R.C. (2018, October 11). Malaysia to repeal death penalty and sedition law. *The New York Times*. Retrieved from <https://www.nytimes.com/2018/10/11/world/asia/malaysia-death-penalty-repeal.html>
- Pakatan Harapan Manifesto (2018). Buku harapan: Rebuilding our nation fulfilling our hopes. Retrieved from http://kempen.s3.amazonaws.com/manifesto/Manifesto_text/Manifesto_PH_EN.pdf
- Posetti, J., & Matthews, A. (2018). *A short guide to the history of 'fake news' and disinformation*. International Center for Journalists. Retrieved from https://www.icfj.org/sites/default/files/2018-07/A%20Short%20Guide%20to%20History%20of%20Fake%20News%20and%20Disinformation_ICFJ%20Final.pdf
- Reporters Without Borders (2017, March 17). Predators of press freedom use fake news as a censorship tool. [Media Release.] Retrieved from <https://rsf.org/en/news/predators-press-freedom-use-fake-news-censorship-tool>
- Reporters Without Borders (2018). World Press Freedom Index. Retrieved from <https://rsf.org/en/ranking>
- Reycastle-Brown, C. (2018). *The Sarawak report: The inside story of the IMDB exposé*. London, UK: Lost World Press.
- Select Committee on Deliberate Online Falsehoods—Causes, Consequences and Countermeasures. (2018). Main Report. Retrieved from [file:///Users/182840k/Downloads/Parl%2015%20of%202018%20\[Part%20A\]_Main%20Report.pdf](file:///Users/182840k/Downloads/Parl%2015%20of%202018%20[Part%20A]_Main%20Report.pdf)
- Senate of the Philippines (2017, June 21). Bill of the Anti-Fake News Act of 2017. SB No 1492 of 2017. Federal Bill. Retrieved from <https://www.aseanlip.com/philippines/ip/legislation/bill-of-the-antifake-news-act-of-2017/AL18286>
- Senate Select Committee on the Future of Public Interest Journalism (2018). Report. Canberra: The Senate. Retrieved from https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Future_of_Public_Interest_Journalism/PublicInterestJournalism/Report
- Sim, R. (2018, September 20). Select committee on fake news: 22 recommendations unveiled to combat online falsehoods. *The Straits Times*. Retrieved from <https://www.straitstimes.com/singapore/select-committee-on-fake-news-22-recommendations-unveiled-to-combat-online-falsehoods>
- Sivanandam, H. (2018, April 11). Anti-Fake News Act gazetted, is now in effect. *The Star Online*. Retrieved from <https://www.thestar.com.my/news/nation/2018/04/11/anti-fake-news-act-receives-royal-assent/>
- Sivanandam, H., Carvalho, M., Rahimy, R., & Shagar, L.K. (2018, August 16). Parliament passes bill to repeal Anti-Fake News law. *The Star Online*. Retrieved from <https://www.thestar.com.my/news/nation/2018/08/16/parliament-passes-bill-to-repeal-anti-fake-news-law/>
- Slater, D. (2018, May 20). Malaysia's modernisation tsunami. East Asia Forum. Retrieved from <http://www.eastasiaforum.org/2018/05/20/malysias-modernisation-tsunami/>

- Sreenevasan, A. [Ambiga_S]. (2018, Dec 03). YB please reconsider! This is the justification the previous government used. <https://t.co/GPVATU0hka> [Tweet]. Retrieved from https://twitter.com/ambiga_s/status/1069481035459584000?s=12
- Straits Times (2018, August 27). Official Secrets Act to stay, says Malaysian PM Mahathir. Retrieved from <https://www.straitstimes.com/asia/se-asia/official-secrets-act-to-stay-says-malaysian-pm-mahathir>
- Suara Rakyat Malaysia (2013). Human Rights Report 2013: Civil and Political Rights. Suara Inisiatif: Petaling Jaya, Malaysia. Retrieved from <https://www.suaram.net/wp-content/uploads/2018/02/HR2013-lowres.pdf>
- Tan, R. (2018, May 20). The beginning of a new Malaysia. *The Star Online*. Retrieved from <https://www.thestar.com.my/opinion/columnists/with-all-due-respect/2018/05/20/the-beginning-of-a-new-malaysia-the-new-governments-priorities-should-be-to-restore-the-rule-of-law/>
- Tan, T. (2018, April 3). Dr M: Pakatan to repeal controversial laws, including fake news act. *The Star Online*. Retrieved from <https://www.thestar.com.my/news/nation/2018/04/03/dr-m-pakatan-to-repeal-controversial-laws-including-fake-news-act/>
- Tan, N., & Preece, C. (2018a, May 16). How Malaysian voters defied the odds and ousted corruption. *The Conversation*. Retrieved from <https://theconversation.com/how-malaysian-voters-defied-the-odds-and-ousted-corruption-96622>
- Tan, N., & Preece, C. (2018b, March 26). Malaysia's dire democratic crisis. *The Conversation*. Retrieved from <https://theconversation.com/malaysias-dire-democratic-crisis-93737>
- Thomas, T. (2012, January 20). Why was Anwar Ibrahim acquitted? – Tommy Thomas. *The Malaysian Bar*. Retrieved from http://www.malaysianbar.org.my/members_opinions_and_comments/why_was_anwar_ibrahim_acquitted_tommy_thomas.html
- Thomas, T. (2018, March 27). Not only draconian, anti-fake news bill is unconstitutional. Retrieved from http://www.malaysianbar.org.my/members_opinions_and_comments/not_only_draconian_anti_fake_news_bill_is_unconstitutional.html
- Thomas, T. (2019, April 3). Opening speech of AG Tommy Thomas at trial of Najib Razak. *Malay Mail*. Retrieved from <https://www.malaymail.com/news/malaysia/2019/04/03/opening-speech-of-ag-tommy-thomas-at-trial-of-najib-razak/1739387>
- Tobitt, C. (2019, February 21). Government's 'fake news unit' secures funding to continue battle against disinformation online. *Press Gazette*. Retrieved from <https://www.pressgazette.co.uk/governments-fake-news-unit-secures-funding-to-continue-battle-against-disinformation-online/>
- Toh, T. (2018 September, 23). Cartoonist Zunar on his sedition charges & fight for political reform. Retrieved from <https://www.star2.com/culture/2018/09/23/zunar-cartoonist-sapuman-book/>
- Trump, D.J. [realDonaldTrump]. (2017, February 18). The FAKE NEWS media (failing @nytimes, @NBCNews, @ABC, @CBS, @CNN) is not my enemy, it is the enemy of the American People! [Tweet]. Retrieved from <https://twitter.com/realdonaldtrump/status/832708293516632065?lang=ens>
- Varughese, G. (2019, February 16). Establish Royal Commission of Inquiry immediately to investigate grave allegations of judicial misconduct. Malaysian Bar Council Press Release. Retrieved from http://www.malaysianbar.org.my/press_statements/press_release_%7C_establish_royal_commission_of_inquiry_immediately_to_investigate_grave_allegations_of_judicial_misconduct.html
- Wong, C.W. (2018, December 18). Nurul Izzah: It's not something that was decided overnight. *The Star Online*. Retrieved from <https://www.thestar.com.my/news/nation/2018/12/18/nurul-izzah-its-not-something-that-was-decided-overnight/>

- Yatim, H. (2018, April 30). Danish man first in country to plead guilty to fake news charge. *Malaysiakini*. Retrieved from <https://www.malaysiakini.com/news/422247>
- Yunus, A. (2015, March 16). Nurul Izzah detained under Sedition Act. *The Star Online*. Retrieved from <https://www.thestar.com.my/news/nation/2015/03/16/nurul-izzah-arrested-sedition-act/>
- Zlotowski, K. (2018). German law against online hate speech and fake news, and the Commission's view. Parliamentary questions. Question for written answer P-000206-18. European Parliament. Retrieved from http://www.europarl.europa.eu/doceo/document/P-8-2018-000206_EN.html

Associate Professor Joseph M. Fernandez has taught media law at Curtin University, Western Australia, since 1999. Dr Fernandez is a former head of journalism at Curtin, and a former editor of a daily newspaper in Malaysia. He is also the Australian correspondent for the Paris-based Reporters Without Borders (RSF). He has authored media law books, book chapters and academic articles. He has degrees in law and journalism, including a PhD in defamation law. The author is grateful to the referees for their very helpful comments.
 j.fernandez@curtin.edu.au

Science Writing and Climate Change

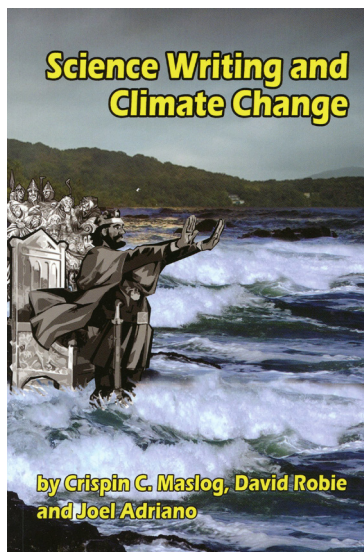
Climate change journalism, reporting science and tips for better environmental reportage in the Asia-Pacific region.

'A journalism handbook for our times.'

—*Professor Crispin Maslog*

Available online at AUT Shop:

www.autshop.ac.nz/science-writing-and-climate-change/



NZ\$15 ISBN 978-1-927184-57-8