

19 January 2022

PROPOSED AMENDMENTS TO PREVENTION AND CONTROL OF INFECTIOUS DISEASES ACT 342 – Unreasonable Fines for Non-Compliance

This is a joint statement by the following associations:

- Building Management Association of Malaysia (BMAM)
- Bumiputra Retailers Organisation (BRO)
- Industries Unite
- Malaysia REIT Managers Association (MRMA)
- Malaysia Retail Chain Association (MRCA)
- Malaysia Retailers Association (MRA)
- Malaysian Association of Theme Park and Family Attractions (MATFA)
- Persatuan Pengurusan Kompleks Malaysia (PPK) – Malaysia Shopping Malls Association
- Real Estate and Housing Developers Association (REHDA)

We collectively express our extreme relief with the withholding of the Bill for further review before re-tabling in the next Parliament session.

We are in unison that a comprehensive review must be conducted to make the amendments relevant, practical and realistic.

Firstly, we state that these proposed amendments have caught all parties by surprise as no consultation whatsoever have been conducted with the stakeholders prior to the drafting of the Bill.

To date after the withholding of the Bill for further review, no consultations have still yet been forthcoming.

We, therefore, suggest that these amendments be thoroughly studied through consultations with all stakeholders under the Good Regulatory Practice Regulations and the requisite and due process of Regulatory Impact Assessment be conducted thoroughly. We, thus, propose that this Bill be withdrawn to conduct this requisite process.

We further express that with the changing covid situation and with further understanding of this pandemic through data and science, we believe many of the proposed amendments are irrelevant and unnecessary and will hinder the nation's economic recovery after the devastating impact on the lives and livelihood of every citizen without exception.

Furthermore, almost all our population have been fully vaccinated and many have already received their booster shots. Evidence and studies have proven that covid virus is spread predominantly via aerosol and thus, many of the precautionary SOPs can be discarded such as temperature taking and social distancing where masks are worn.

In principle, any regulations must be based on equity and fairness and must be practical and unambiguous. The people must not be put in undue fear and face hefty penalties due to impractical impositions, subjective interpretations and beyond the authority and control to implement or impose by a private entity on the people, leading to the private entity being severely penalised. One can only be responsible for the actions of others if one has the authority to do so. Persuasion to comply is not an authoritative means and one cannot be penalised for non-compliance by the person.

Good regulations must be perceived by the public as necessary, fair and reasonable, and for the good of the community and the nation. Draconian and abusive regulations will cause a political backlash and create a hate and rebellious citizenry. We need the public to buy-in and uphold the regulations deemed good for the society. One good example is the 99% compliance of wearing masks which the public at large appreciate and readily comply.

The totally over-kill and draconian proposed penalties will not only put undue fear in the people, leading to dampened enthusiasm to go about their daily lives, injure the viability of business leading to failures and bankruptcies and economic disaster of our beloved nation.

Hefty fines encourage abuse and corruption and will spur underground activities and protection rackets.

We, therefore, appeal for this Bill to be withdrawn and the requisite process of Regulatory Impact Assessment be immediately conducted with the view of drafting fair, conducive and genuinely necessary amendments that are effective and meet the objectives of preventing and controlling any spread of infectious disease, and not only in response to the covid pandemic which is already on the downward decline.

Thank you.