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The Parameters of Legal Regulation in Singapore

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The Parameters of Legal Regulation in Singapore

This paper shall attempt to give the reader a general overview and understanding of media regulation and ethics in Singapore.

The first part of the paper will be a brief account of the constitutional and legal history of Singapore. This will have the function of giving the reader a form of referential context for the rest of the issues that will be covered. Following this will be a consideration of the right of speech and expression as provided for in the Singapore Constitution, and how such a right is qualified. The reasons for such qualification will then be considered, followed by an examination of the methods and means of media regulation. The latter will form the most substantial part of this paper. Next, the role of the various groups and organisations responsible for promoting the maintenance of media ethics will be looked at. The paper will conclude with a brief discussion of the Singapore government’s ambition to cultivate an atmosphere of cultural vibrance and economic dynamism while at the same time preserving social stability and upholding moral values.

Constitutional and Legal History

On the 6th of February 1819, a treaty was concluded by the then Sultan of Johore (a sultanate of Malaya) and Sir Stamford Raffles of the British East India Company as to the establishment of a trading port on the island of Singapore. This date is accepted by historians as when the official history of Singapore began. The year 1826 saw the issuance of the Second Charter of Justice by the British Crown which effectively gave Singapore a fledgling legal infrastructure, and this Charter also enabled English law to form part of the laws of Singapore. Singapore was governed administratively by the Indian Colonial Office until 1867.

Singapore was under direct British rule from 1867 until 1946, except for the years 1942 – 1945, when she was occupied by the Japanese. In 1958, after a series of constitutional talks with the British government, it was decided that Singapore would be a self-governing Colony. Singapore merged with the Federation of Malaya in 1963 to form the Federation of Malaysia. However, this union was not meant to be lasting one as Singapore separated from the Federation in 1965 due to differences between the Singapore state government and the Malaysian Federal government.

Singapore thus gained her independence in this manner.

Thus, as a result of the various systems of administrative government, modern Singapore law can trace its sources to English and Indian laws, and those passed by the various colonial legislatures. From her colonial masters, Singapore adopted the Westminster model of government – the Executive, made up of the Prime Minister and the Cabinet; the Legislature, which comprises the President and Parliament; and the Judiciary, which would be all judges of the Supreme and Subordinate Courts. These three organs of government owe their existence to the Singapore Constitution, which is the highest and most important law in the land. It is in accordance with the principles established in the Constitution that all laws in Singapore are passed. It is the laws in respect of the basic principle or right of freedom of speech and expression that this paper will attempt to examine.

Freedom of Speech and Expression

The freedom of speech and expression is regarded universally as a basic human right. The need for such freedom of expression can be rationalised in this manner: it is one of the hallmarks of a
democratic and progressive society, as it facilitates the exchange of information, opinions and ideas. This then leads to creativity and innovation, with the result that such a society becomes increasingly sophisticated in all its aspects.

It is therefore not surprising that this right has been enshrined in the constitutions of many countries as it is regarded as an essential building block of democracy and individual freedom. One of the more famous examples of such constitutional protection would be the American First Amendment that declares that “Congress shall make no law...abridging the freedom of speech or the press”.

In the case of Singapore, Article 14(1)(a) of the Singapore Constitution grants the right to “freedom of speech and expression”. Article 14 was modelled on the equivalent provision in the Indian Constitution. Article 14(1) and (2) are reproduced below:

“14. – (1) Subject to clause (2) –

(a) every citizen of Singapore has the right to freedom of speech and expression...

(2) Parliament may by law impose -

(a) on the rights conferred by clause (1) (a), such restrictions as it considers necessary or expedient in the interest or security of Singapore or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or to provide against contempt of court, defamation or incitement to any offence...”

A reading of the foregoing demonstrates quite clearly that this right of freedom of expression is qualified from the outset. This is an indication that the Singapore government may wish to impress upon citizens that such a right carries with it several social and ethical responsibilities in respect of the exercise of such right. An examination of the qualifications in Article 14(2)(a) show that these responsibilities can be considered to be just as vital as or even more significant in terms of creating a harmonious and civilised society than this individual right of self-expression. Although this duality of rights and responsibilities is a universal phenomenon, the Singapore provision seems to have been drafted with the intention of reflecting the Asian tradition of considering society or the nation before the individual.

Qualification of the Right – Statutory regulation vs Self-regulation

There are three main methods of regulating speech and expression in Singapore, namely the imposition of penalties, licensing and censorship. Each method will be considered in turn as well as its relevant legislative provisions.

1. Imposition of Penalties

This would be the most straightforward method of regulating speech and expression as it is a powerful method of controlling the publication of information. Prohibitions in the form of statute laws impose heavy penalties if certain types of information are communicated or published. Such information would have the tendency to cause unrest and social disorder, and therefore the imposition of penalties is justified on the basis that this acts as a deterrent to their disclosure or publication.
The most relevant pieces of legislation that concern this method of regulation would be the Internal Security Act ("ISA"), the Official Secrets Act ("OSA") and the Sedition Act ("SA"). The general scope of each of the statutes is considered as well as the offences that have been created under them.

**Internal Security Act**

"Whereas action has been taken by a substantial body of persons to cause a substantial number of citizens to fear organised violence against persons and property:

And Whereas action has been taken and threatened by a substantial body of persons which is prejudicial to the security of Malaya"

This is part of the preamble to the Internal Security Act that spells out the reasons for its enactment. The Act provides, among other things, that the government has the right to prohibit publications that compromise national interest, public order and security, and those which have a subversive tendency. The provisions relating to media concern the control of publications and public entertainment:

**Special Powers Relating to Subversive Publications**

**Section 20** of the ISA provides that where it appears to the Minister charged with the responsibility for printing presses and publications that any document or publication

- contains any incitement to violence;
- counsels disobedience to the law or to any lawful order;
- is calculated or is likely to lead to a breach of the peace, or to promote feelings of hostility between different races or classes of the population; or
- is prejudicial to the national interest, public order or security of Singapore,

he may by order published in the Gazette prohibit either absolutely or subject to such conditions as may be prescribed therein the printing, publication, sale, issue, circulation or possession of such document or publication.

**Sections 22 – 24** provide that a number of acts done in contravention of Section 20 will be constituted as criminal offences for the purposes of the ISA. These acts include printing, publishing, possessing, and importing documents or publications that are prohibited under Section 20. Such offences carry a penalty of a fine or imprisonment, or both.

**Section 25** makes it an offence to post or distribute any placard or circular or document that contains any incitement to violence; counsels disobedience to the law or to any lawful order, or is likely to lead to any breach of the peace.

**Section 26** makes it an offence to disseminate by word of mouth or in writing any newspaper, document, periodical, book, etc, or by any other means, false reports or statements likely to cause public alarm.

**Section 27** lists a few separate offences in respect of subversive documents. It is an offence to be possession or control of any subversive document, and further, under **Section 27(2)**, if certain persons come into receipt of such a document, it will be an offence for those persons not to surrender such documents to the police.
“Subversive document” is defined in Section 27(3). Generally, it is any document that has a tendency to excite violence against persons or property, or is prejudicial to national security or public order.

Control of Entertainments and Exhibitions

Under Section 30, the Minister has the power to require the promoters and the proprietor of the entertainment premises to furnish to him the following information:

- particulars of the promoters and the interests represented by them;
- particulars of the participants and the interests represented by them;
- purposes to which the profits from the entertainment/exhibition have been or will be applied to, and
- any other information as the Minister may direct.

Under Section 31, the Minister may impose conditions relating to the holding of the exhibition. Further, he is also empowered under Section 33 to impose a total prohibition on the entertainment/exhibition if he is of the opinion that such entertainment/exhibition will be detrimental to the national interest, or if there has been refusal or failure to furnish such information as required, or if there has been a breach of any conditions imposed.

Official Secrets Act

This Act creates offences for the disclosure or dissemination of official documents or information. Section 5 of the OSA makes it an offence for a person to communicate any information that have the nature of official secrets. Apart from disclosing such information, if a person unlawfully retains in his possession information of this nature, or fails to take reasonable care of or endangers the safety or secrecy of the same, such acts would be considered offences under the OSA. An “official secret” is any secret relating to any public service, or to a Government secret. Information does not have to be classified as ‘secret’ to attract the protection of the OSA.

Sedition Act

This Act creates offences in respect of seditious activity. The definition of “seditious tendency” in the Act includes a tendency to bring the government or the courts into hatred or contempt, to raise discontent and disaffection among the citizens of Singapore, or to create hostility between different races and classes of people in Singapore. Section 4 of the SA makes it an offence to make, prepare or conspire to do any act that has a seditious tendency. Section 9 creates an offence in respect of publishing seditious newspapers and Section 10 empowers the courts to prohibit the circulation of seditious publications.

2. Licensing

Licensing is the next method of regulation that will be discussed. The licence is a powerful method employed by governments and authorities to restrict activities that have a possible negative effect on society or certain members of society. The legislative provisions that would be relevant to this method would be the Public Entertainment Act (“PEA”), the Singapore Broadcasting Authority Act (“SBAA”) and the Newspapers and Printing Presses Act (“NPPA”):
Public Entertainment Act

This Act provides for the regulation of public entertainments by requiring organisers to apply for a licence for the holding of such entertainments. According to Section 3 of the PEA, no public entertainment shall be provided except in an approved place; and in accordance with a licence issued by the Licensing Officer. Applications for a public entertainment licence are made to the Public Entertainment Licensing Unit of the Criminal Investigations Department.

Under the PEA, "approved place" means a place that is licensed for the holding of public entertainments, and may include a building, tent, street or any other place that is approved for the purposes of the Act by the Licensing Officer. The scope of "public entertainment" is very wide and its definition in the Act is not meant to be exhaustive.

Singapore Broadcasting Authority Act

This Act had the dual function of creating the Singapore Broadcasting Authority and repealing the Broadcast and Television Act. As prescribed by the Act, one of the functions of the Authority shall be to exercise licensing and regulatory functions in respect of broadcasting service and broadcasting apparatus.

The SBAA provides that no person shall provide any licensable broadcasting service in or from Singapore without a broadcasting licence granted by the Authority. The Authority will determine the terms, conditions and duration of such broadcasting licences. Naturally, any licensee may be required to pay a fee in return of the grant of the licence.

The grant of a broadcast licence may be subject to a number of conditions which are found at Section 20(4) of the SBAA. These include conditions as to time, content and language, a requirement that the licensee provides a performance bond to secure compliance with any conditions attached to the licence, and significantly, conditions imposing controls and restrictions, directly or indirectly, on the creation, holding or disposal of shares in the licensee or its shareholders or interests in the undertaking of the licensee or any part thereof.

Further, Section 20(4) also provides that it will be the right of the Authority to make modifications to any condition of the licence during the period of the licence in the public interest.

Section 21 of the SBAA provides for the creation of broadcasting class licences for such subscription broadcasting services and other licensable broadcasting services as the Authority may specify. Section 21(4) provides that the Authority may impose a condition on a class licence requiring the licensee to comply with a Code of Practice. This has been done in relation to the various all Internet Service Providers and Internet Content providers licensed under the Singapore Broadcasting Authority (Class Licence) Notification 1996, as an attempt to regulate content.

The conditions of the class licence are fairly detailed. All Internet Service Providers (ISPs) and Internet Content Providers (ICPs) are required to register with the Authority, especially in the case of ICPs who are political or religious bodies concerned with Singapore, in the business of providing on-line newspapers, or providing an on-line forum for the discussion of political or religious issues relating to Singapore. Other conditions require the licensee to ensure that content of webpages provided by them are in line with the Code of Practice, and that nothing immoral or illegal is broadcast. Further, the licensee must ensure that any sound or film or video recordings that are going to be broadcast conform with current censorship requirements, and that
any professional services or advice offered on its service are provided by appropriately qualified persons.

This issue will be looked at in more detail at a later in relation to the censorship of the Internet.

As provided by Section 24 of the SBAA, a broadcasting licence may be suspended or cancelled if there has been a contravention of (among others) any of the conditions of its licence, any relevant Code of Practice, or any of the provisions, regulations or directions issued by the Minister or the Authority under the SBAA. Further, cancellation or suspension of a licence may be ordered if the Minister or the Authority is of the opinion that the public interest or the security of Singapore so requires.

Newspapers and Printing Presses Act

This Act regulates the print media industry in Singapore in respect of the establishment and operation of newspaper and magazine companies. Under Sections 3 and 14 of the NPPA, publishers need a permit to print and publish any newspaper, magazine or any other regularly printed publication. The regulation also extends to private organisation newsletters.

The grant of the permit is completely the discretion of the Minister who is charged with the administration of the NPPA. With regard to the printing of newspapers, the Minister may also direct that the newspaper be printed in a particular language. The permit is effective for a year and may be renewed on a yearly basis.

3. Censorship

Singapore is a very young country by international standards whose citizens hail from very different races, creeds and cultural backgrounds. By reason of her beginnings as a trading port, she has had to deal, and continues to do so, with a multitude of international influences, some of which may not be entirely suitable or beneficial to her public in general. It is with this context in mind that the government has always maintained that censorship as means of protection of national and social interests is vital and necessary.

The races that make up Singapore's population are predominantly Asian, thus Singaporean society generally tends to be conservative in nature. In fact, Singapore has been described as being very "Victorian" in her tastes and attitudes. The role that censorship plays in Singapore is multifunctional in its aims:

- Maintenance of social cohesion and public order, and the protection of national interests
- Maintenance of harmonious relations between different races and religions
- Preservation of traditional Asian values
- Protection of the young from negative influences

Consider the following extract from the Censorship Review Committee Report 1992:

"Censorship is practised in all societies to some degree. It is a way of reconciling the concerns of different sections of the population. In Singapore, censorship plays a role in creating a balance between maintaining a morally wholesome society and becoming an economically dynamic, socially cohesive and culturally vibrant nation. It helps protect the young against undesirable influences and safeguards central values such as the sanctity of marriage, the
importance of the family, respect for one's elders, filial piety, moral integrity, and respect for and
tolerance towards different racial and religious groups.

While there is no conclusive proof of a direct link between materials which may be judged to be
pornographic or violent, and deviant and criminal behaviour, the possibility that such materials
may have a detrimental effect on some individuals cannot be ignored. Those who share this view
agree that censorship is necessary to avert the possibility of harm to both individuals and
societies. Others argue that censorship stifles self-development and the spread of knowledge.

Hence, while there is no perfect solution, the Committee feels that in such matters it may be better
to take a cautious approach... The role of censorship, then, is to help safeguard our moral values
and social stability, while allowing individuals the freedom to create and express themselves."

In Singapore, censorship is carried out by the Films and Publications Department (FPD) of the
Ministry of Information and the Arts (MITA). In censoring materials, a measure of
differentiation is employed with respect to the target audiences. Media that impacts a wide, public
audience is more stringently censored than media that impacts a narrower, private audience. This
approach would be in line with the first three aims of censorship as stated above. Bearing in
mind that the fourth aim of censorship concerns the protection of the vulnerability of the young,
materials for domestic consumption would also be vetted with a heavier hand. However, in
respect of materials that are deemed to possess artistic and/or educational merit are treated with a
lighter hand - such materials in this category includes films and live performances.

The legislative provisions that would be relevant to censorship as a method of regulation are the
Undesirable Publications Act ("UPA"), the Films Act ("FA") and once again, the Newspapers
and Printing Presses Act.

Undesirable Publications Act

This Act prevents the importation, distribution or reproduction of publications that are obscene
and objectionable. An obscene publication is defined in the Act as one that has a tendency to
deprave and corrupt. An objectionable publication is one that deals with subjects that are likely
to be injurious to the public good, or cause hatred and enmity between the various racial and
religious groups in Singapore.

Section 3 of the UPA gives the Minister the discretion to prohibit the importation, sale and
circulation of any publication, series of publication or all publications published by a person if he
is of the opinion that such publications are contrary to the public interest.

This will apply to past and subsequent issues of such publications, and those published under any
other name if such publishing is a continuation of, or in substitution for an already prohibited
publication.

Films Act

This Act is concerned with the possession, importation, making, distribution and exhibition of
films in Singapore. "Film" has been broadly defined by the FA to mean -

(a) any cinematograph film;
(b) any video recording, including a video recording that is designed for use wholly or
    principally as a game;
Section 14 of the FA provides the procedure to be followed for the submission of films for censorship. After such submission, Section 15 provides that the Board of Film Censors may make the following orders:

- approve the film for exhibition without alteration or excision
- prohibit the exhibition of the film
- approve the film for exhibition with such alteration or excision as it may require

Where any film is approved for exhibition, the Board will classify the film in such manner as it thinks fit (Section 16).

The FA creates a number of offences, particularly in respect of dealings, possession and advertising of obscene films, and in relation to the making, distribution and exhibition of “party political films”. A “party political film” means a film -

(a) which is an advertisement made by or on behalf of any political party in Singapore or any body whose objects relate wholly or mainly to politics in Singapore, or any branch of such party or body; or

(b) which is made by any person and directed towards any political end in Singapore;

Newspapers and Printing Presses Act

Apart from the Undesirable Publications Act, foreign publications are also regulated by the NPPA. If a publication is deemed to be “interfering in domestic politics”, in that it makes what may be considered by the government to be inappropriate comment or criticism of its policies, the publication will have its circulation restricted for a period of time. In recent years, major international publications like Asian Wall Street Journal, Time and The Economist have been affected in this manner.

Censorship of the Internet – a special consideration

In July 1996, in accordance with its powers under the Singapore Broadcasting Authority Act, the Singapore Broadcasting Authority issued the Internet Code of Practice. The Code requires that all Internet Service Providers and Internet Content Providers holding a license issued under the Singapore Broadcasting Authority (Class Licence) Notification abide by the obligations under the Code, which relate to material that is broadcast over the Internet.

Under the Code, a licensed ISP or ICP has a duty to ensure that prohibited material is not broadcast via the Internet to Singapore subscribers. This involves blocking access (for example, via a proxy server) to sites that contain or are concerned with prohibited material when they are notified by the SBA of such sites, or taking the initiative in doing so itself. “Prohibited material” has been defined in the Code to include anything that is contrary to national security, public order and morals, racial and religious harmony, and anything that runs contrary to national laws. Specifically, if the content is pornographic or obscene, depicts extreme violence and cruelty or incites racial or religious disharmony, it would without doubt be deemed as so prohibited.
**Aspects of Self-regulation**

At the beginning of this paper, it was highlighted that Singapore’s laws are based largely on English law. Therefore, the laws relating to defamation and confidentiality are applicable in Singapore. In addition, although copyright law in Singapore is governed by the Copyright Act, the observance of copyright laws arguably turns on personal ethics and is therefore a matter of self-regulation.

**Defamation**

The law of defamation is a branch of the law that protects the reputation of a person. The concept of defamation is not a new thing, and has been universally acknowledged since ancient times. Justice Potter Stewart of the American Supreme Court has offered a definition of defamation as follows:

"The right of a man to protection of his own reputation from unjustified invasion and wrongful hurt reflects no more than our basic concept of essential dignity and worth of every human being - a concept at the root of any decent system of liberty."

Note that the law of defamation does in fact limit the constitutional right to freedom of speech and expression - a person may have the right to freedom of speech, but he or she does not have the right to defame another person.

The law recognises two types of, or causes of action for defamation: *libel* (written defamation) and *slander* (spoken defamation). There are three elements that have to be present before an action can be brought for both forms of defamation:

- The statement or words must be defamatory in nature
- These defamatory remarks referred to and concerned the plaintiff (in that the plaintiff was identified in the statement)
- Plaintiff must show that the defamatory words were published to a third party/parties

It must be highlighted that for the purposes of bringing an action for defamation, intention on the part of the originator of the defamation is irrelevant. Therefore, if all three elements are present, and in the absence of any of the available defences, an action in defamation will be successful.

**Confidentiality**

The basis of the law of confidentiality is simply this: if a person has promised that he will keep a secret, he must be held to that promise. This is another good example of the law endorsing an ethical principle. In bringing an action for a breach of confidentiality, three elements have to be present:

- The information imparted must have the necessary quality of confidence about it
- The information must have been imparted in circumstances importing an obligation of confidence
- There must be unauthorised use (or threatened use) of that information to the detriment of the owner of such information.

Originally, the law of confidence was devised with regard to the protection of aspects of intellectual property such as trade secrets and inventions. Over time, its parameters have been
pushed back and it is increasingly being used to prevent the dissemination of information by the media.

Copyright

Copyright protects the material or physical expression of ideas or information. Under the Singapore Copyright Act (“CA”), protection is accorded to the original works which are literary, dramatic, artistic or musical in nature, and to sound recordings, cinematograph films, television and sound broadcasts, cable programmes and published editions. It gives to owners of copyright the assurance that the law recognises their intellectual skill, effort and labour, and it grants them a monopolistic right to enforce their rights in respect of their creations. With regard to consumers of copyright works, the law prescribes what sort of actions will compromise, or infringe the copyright in such works. Consumers are then left with their personal ethics in the determination of their actions in respect of copyright. It must be pointed out that infringement of copyright does not give result in criminal liability, except for infringement that is committed with a commercial purpose. The CA creates offences in respect of commercial dealing in infringing articles at Section 136.

The law thus tries to strike a balance between these competing interests: the right of the author or owner to exploit the monopoly granted to it, and the right of the public to a free flow of information. As the law stands at this point in time, many are of the opinion that the current protection regime is gradually being worn down by advances in technology, which is arguably a result of the public’s demand for information. As it has always been, and maybe even more so now, the challenge to legislators is reconsideration of the current regimes from new perspectives.

Role of interested parties in promoting ethical standards

In considering the above, the role of the Singapore Broadcasting Authority will be looked at first, followed by two of the organisations which have been set up to complement the SBA’s functions. Further, there are a number of industry players in Singapore with fairly defined functions in respect of self-regulation in that they have their own codes of practice or conduct, and it is left to individual practitioners to determine their actions with these codes as guidelines. Two such codes will be examined.

The Singapore Broadcasting Authority (SBA)

The Corporate Mission Statement of the SBA is reproduced below:

“To develop quality broadcasting and make Singapore a dynamic broadcasting hub, so as to help build a well-informed, culturally rich, socially-cohesive and economically-vibrant society”

Earlier on in this paper, the licensing and regulatory functions of the Singapore Broadcasting Authority were discussed. Apart from the these functions as prescribed by the SBAA, the Authority has certain duties ascribed to it by Section 6(2) of the SBAA:

(a) to regulate the broadcasting industry so as to achieve an adequate and comprehensive range of broadcasting services which serve the interests of the general public;
(b) to ensure that the broadcasting services provided by licensees are maintained at a high general standard in all respects and, in particular, in respect of their content, with quality, proper balance and wide range in their subject-matter, having regard both to the
broadcasting services as a whole and also to the days of the week on which, and the times of the day at which, such broadcasting services are broadcast; and
to ensure that nothing is included in the content of any broadcasting service which is against public interest or order, national harmony or which offends against good taste or decency.

The Authority’s main aim in regulating the industry is to provide to broadcasters an effective framework of guidelines for them to function in. It seeks to do this by being in close consultation with industry players and other relevant authorities in the formulation of its developmental policies. In announcing the class licence scheme for regulation of the Internet, the Authority undertook that it would be employing light-touch enforcement policies that would serve the best interests of the industry in terms of its development. By implementing the class licence scheme, it seeks to encourage minimum standards and responsible use of the Internet.

The policies are described as light-touch for the following reasons:

- the Authority does not take it upon itself to monitor Internet usage actively; it takes action only when feedback or complaints are received from interest groups and the public;
- it recognises that since the internet is such an open medium with such a high usage, it needs such feedback to develop and modify its policies where such is necessary, and
- in accordance with this, it works very closely with industry members and other interest groups.

Apart from implementation of guidelines and policies, the Authority seeks to educate the public in terms of Internet use. This is meant to augment the framework of industry self-regulation and government regulation. The Authority’s outreach to the public takes the form of organising exhibitions and talks for the general public, and working with educational and community establishments. The Authority has also worked with the existing ISPs to provide family access networks for parents to subscribe to for their children. These networks have the function of screening off objectionable sites, thus assisting parents in supervising their children’s use of the Internet.

The National Internet Advisory Committee (NIAC)

The National Internet Advisory Committee was formed in August 1996 by the Ministry of Information and the Arts to advise the Singapore Broadcasting Authority in respect of Internet regulation and industry development issues. It is constituted of a wide range of industry members, and its aims and functions are as follows:

- to provide feedback and advice on the Authority’s policies and regulatory framework;
- to advise on the Authority’s content guidelines;
- to advise on concerns raised by the public and the industry;
- to advise on the Authority’s public education initiatives;
- to advise on promotion and growth of the industry; and
- to advise on the impact of technological developments and related issues.

During its first year of service, the Committee made some recommendations based on feedback from industry members on the impact of the class licence scheme. These recommendations included further clarification of the types of prohibited material, and also a more concise stipulation in terms of the particular responsibilities of licensees.
Parents Advisory Group for the Internet (PAGI)

PAGI is a volunteer organisation that has been set up to meet the needs of parents who are concerned as to their children's use of the Internet. The aim of PAGI is empowerment on the part of parents in terms of equipping them with knowledge and skills in supervising and managing their children's use of the Internet. PAGI is supported by the Singapore Broadcasting Authority and the Internet industry in their work, and provides advice and feedback in terms of the methods and policies provided for creating a safer Internet environment for children.

The Press

In any society, it is undeniable that the press has a far-ranging impact upon its public. The role of the Singaporean press has been clearly defined by the government who expects it to contribute to society in terms of national development. The notion that the press should be playing the role of a watchdog in a checks-and-balances manner vis-à-vis the government has been unequivocally debunked by the government. It views this role as being unsuitable for the needs of a young Asian nation made up of a diversity of races, religions and sensitivities. The government has recommended that the press should try and define for itself a role that seeks the middle ground between watchdog and government mouthpiece, a role that involves constructive consensus instead of divisiveness. National development is still very much on the agenda of the present government, and it is anxious to ensure that the press functions responsibly in respect of informing, educating and entertaining the public. What is evident here is the endorsement of the tenet of "nation before self", in other words, putting national and social issues at the forefront rather than personal interests.

The Singapore National Union of Journalists (SNUJ)

The Singapore National Union of Journalists is a signatory to the ASEAN Journalists Code of Ethics. The ASEAN Code was drafted by the members of the Confederation of ASEAN Journalists' Code of Ethics Committee in Manila, and adopted by the 1989 Seventh Assembly of the Confederation of ASEAN Journalists.

The SNUJ has its own Code of Professional Conduct, and it has been drafted to reflect the obligations of the ASEAN Code. A reading of the SNUJ Code demonstrates the intention of striking a balance in respect of two competing needs: the need to respond to the public's right to information, and the need to disseminate such information in manner that is lawful, appropriate and professional. There are many aspects of the Code which turn on the individual journalist's personal ethics of honesty and transparency, in terms of the manner in which news is collected, to the manner in which it is reported.

Advertising Standards Authority of Singapore (ASAS)

The current Code of Practice that is administered by the Advertising Standards Authority of Singapore is based on the British Codes of Advertising and Sales Promotions. The Advertising Standards Authority of Singapore was founded in 1976 and acts as an advisory council of the Consumer's Association of Singapore. The Code has the function of providing guidelines in respect of advertisements of goods and services in any form, irregardless of medium used.

The basic principles of the Code prescribe that advertisements should have the hallmarks of legality, honesty, decency and truthfulness; be formulated with a responsibility to consumers; and should not devalue the services of or bring into disrepute the industry. If there are any complaints received by ASAS about a particular advertisement on the basis it is contravening the Code, the
advertiser will be instructed to either withdraw the advertisement or effect appropriate amendments to it.

In conclusion - some reflections

At the time of writing, Singapore has just celebrated 35 years of independence. Bearing in mind the state of the nation at the time when independence was just attained, her progress and development to the point where she is now, is frankly astounding. This of course was due to great economic foresight and nation-building drives by her leaders, and this has resulted in the instilling of national pride in her people, and international recognition of her status as a first-world economy. Singapore has managed to achieve in 35 years what some older countries are still struggling to attain.

This is the one thing that most observers and critics of Singapore tend to forget: her youth. As far as the government is concerned, Singapore is still a very young nation. In addition to that, she is a tiny nation of approximately 3.5 million people. Her people may have grown up, but the majority of the population still have memories of the time just after the Japanese occupation up until the time Singapore became independent. Those years were marked by political and social instability and insecurity, when differences threatened to destroy a fledgling people who were learning to live together. A return to that state of affairs would be unthinkable, especially since Singapore has come so far in terms of her successes. At this point in time, Singapore and her people have much more to lose than ever before.

The national attitude towards media regulation is one that regards it as a public good. The government is still regarded as the guardian of public morals, although in recent years, members of the public have had the chance to air their views and have them taken seriously, and not dismissed out of hand. This has taken the form of challenging the Films and Publications Department’s actions in respect of the censorship of certain films. More interestingly, the government has given its blessing on the establishment of a Speaker’s Corner, modelled after Speaker’s Corner in London’s Hyde Park. It was inaugurated on 1 September 2000, and the response from the public has been fairly enthusiastic. Most regard it as a major milestone in the exercise of the constitutional right of freedom of speech and expression. Although speakers have to register themselves with the police before they make their speeches, the government has publicly announced that it will not be monitoring comments made by the speakers, and that crowd control will be kept to a minimum.

The government is pragmatic enough to realise that Singaporeans do know how to make choices for themselves, and that is why there seems to be trend towards self-regulation. It has already been mentioned that there is a greater emphasis on educating the public, and this aspect will become increasingly important with regard to the government’s approach to regulation. In this respect, it has also been pointed out that the government is looking to industry and members of the public to assist them in doing so. In this respect, the basic infrastructures of regulation will remain, but there is, and will increasingly continue to be, room for self-determination and personal responsibility within those structures.

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