

Foreign Interference (Countermeasures) Bill

Bill No. 24/2021.

Read the first time on 13 September 2021.

FOREIGN INTERFERENCE (COUNTERMEASURES) ACT 2021

(No. of 2021)

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A BILL

intituled

An Act to counteract foreign interference in the public interest, to repeal the Political Donations Act (Chapter 236 of the 2001 Revised Edition) and to make consequential and related amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1
PRELIMINARY

Short title and commencement

5 **1.** This Act is the Foreign Interference (Countermeasures) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Purposes of Act

2. The purposes of this Act are to protect the public interest by counteracting acts of foreign interference through —

- 10 (a) countermeasures aimed at such acts by electronic communications activity; and
- (b) countermeasures aimed at pre-empting or preventing the occurrence of such acts involving persons identified as at-risk because they are politically significant.

15 **General interpretation**

3.—(1) In this Act, unless the context otherwise requires —

“a point” includes a mobile or potentially mobile point, whether on land, underground, in the atmosphere, underwater or anywhere else;

20 “access”, in relation to communications activity, includes —

- (a) access that is subject to a precondition, such as the use of a password;
- (b) access by way of push technology;
- (c) access by way of a standing request;

25 “access blocking direction” means a direction described in section 33;

“account” includes —

- (a) a free account;
- (b) a prepaid account; and

(c) anything that may reasonably be regarded as the equivalent of an account;

“account restriction direction” means a direction described in section 34;

“anonymous donation” means a donation which the recipient is (whether because the donation is offered anonymously or by reason of deception or concealment) unable to ascertain the identity of the person giving the donation;

“anonymous donations directive” means a directive given under section 68;

“app” includes a computer program;

“app removal direction” means a direction given under section 37;

“applicable cap on anonymous political donations” has the meaning given by section 58(2);

“arrangement” includes a contract, an agreement, understanding or other arrangement of any kind, whether written or unwritten;

“authorised officer” means an individual who is appointed under section 107 as an authorised officer;

“benefit” includes any advantage and is not limited to property;

“bequest” includes any form of testamentary disposition;

“broadcasting service” has the meaning given by the Broadcasting Act 1994;

“candidate”, for an election, means —

(a) an individual who is nominated as a candidate at the election until the end of the 31st day after the results of the election are published; or

(b) an individual (whether or not a member of a political party) who, on or after the date of the issue of a writ for the election, is declared, by himself or herself or by others, as seeking nomination as a candidate at

that election until the end of the 31st day after the results of the election are published;

“competent authority”, in relation to any provision of this Act or the Regulations, means the competent authority appointed under section 105 to exercise powers under that provision;

“constituency” means an electoral division within the meaning given by the Parliamentary Elections Act 1954;

“deception” means an intentional or a reckless deception, whether by words or other conduct, and whether as to fact or as to law, and includes —

(a) a deception as to the present intentions of the person using the deception or any other person; and

(b) conduct with the intention of causing a computer or an electronic device to make a response that the person is not authorised to cause the computer or electronic device to make;

“directed towards a political end in Singapore” has the meaning given by section 8;

“disabling direction” means a direction described in section 31;

“disgorgement direction” means a direction described in section 38;

“disposal”, in relation to any property, means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes —

(a) the allotment of shares in a company;

(b) the creation of a trust in property;

(c) the grant or creation of any lease, mortgage, charge, servitude, licence, power, partnership or interest in property;

(d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of any debt, contract or chose in action, or of any interest in property;

(e) the exercise by a person of a special or general power of appointment of property in favour of any other person (or a hybrid of both); or

(f) any transaction entered into by any person with intent to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of any other person;

5

“donation report” means a report required to be prepared under section 62;

“donor” means a person who makes a donation;

10

“donor activity” means disbursing money or property or benefit;

“election” means —

(a) an election in a constituency under the Parliamentary Elections Act 1954 for the purpose of electing a Member of Parliament; or

15

(b) a presidential election;

“election agent”, in relation to a candidate at an election, means the individual named as his or her election agent under section 62(1) of the Parliamentary Elections Act 1954 or section 43(1) of the Presidential Elections Act 1991, as the case may be;

20

“elector”, for an election, means an individual who is entitled to vote at that election;

“electronic communications activity” and “online communications activity” have the respective meanings given by section 10;

25

“engage in conduct” means —

(a) do an act or omit to do an act —

(i) on a single occasion; or

(ii) on a number of occasions over a period of time;

30

or

(b) both do an act and omit to do an act —

(i) on a single occasion; or

(ii) on a number of occasions over a period of time;

“entity” means —

5 (a) a body corporate (including a limited liability partnership);

(b) an unincorporated association;

(c) a partnership;

(d) a body politic;

10 (e) a body of individuals who together form a body; or

(f) a person other than an individual;

“executive committee”, for an unincorporated association or a group of individuals that is not a body corporate or a partnership, means a body of individuals (however described) that governs, manages or conducts the affairs of the unincorporated association or group;

15

“for the purposes of the candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at a parliamentary election or presidential election (as the case may be) and includes prejudicing the electoral prospects of another candidate at that parliamentary election or presidential election;

20

“foreign affiliations report” has the meaning given by section 76;

25

“foreign business” has the meaning given by section 4;

“foreign country” means a country or territory other than Singapore, and includes part of such a country or territory;

“foreign government” has the meaning given by section 4;

30

“foreign government-related individual” has the meaning given by section 4;

“foreign interference” has the meaning given by section 6;

- “foreign legislature” has the meaning given by section 4;
- “foreign political organisation” has the meaning given by section 4;
- “foreign principal” has the meaning given by section 4;
- “foreign public enterprise” has the meaning given by section 4; 5
- “foreign volunteers report” has the meaning given by section 85(3);
- “foreigner” has the meaning given by section 4;
- “general election” means a general election of Members of Parliament after a dissolution of Parliament; 10
- “gift” means any of the following:
- (a) any disposal of property made by a person to another person (including by will), being a disposal made without consideration in money or money’s worth or with inadequate consideration; 15
 - (b) the provision of a service for no consideration or for inadequate consideration, other than the provision of voluntary labour or voluntary professional services to a political party by an officer or a member of the party; 20
- “Government” includes any part of the Government and an Organ of State (such as the Cabinet);
- “in the public interest” has the meaning given by section 7;
- “influence” includes affecting, directly or indirectly, in any way;
- “information or material” means information or material in any form, such as (but not limited to) — 25
- (a) oral, written, electronic or digital form; and
 - (b) visual, pictorial or graphic form (for example, an anthropomorphic or humanlike depiction),
- and includes information or material in any combination of forms; 30

“interest in property” means any estate, interest, right or power whatever, whether at law or in equity, in, under or over property;

“interference” includes influence;

5 “major political donor” means a person (not being a politically significant person) who is required by section 70 to make a donation report under that section;

“Member of Parliament” means —

10 (a) an individual who is declared under section 49(7)(a) or (7E)(a) or 49A(5) of the Parliamentary Elections Act 1954 elected as the Member of Parliament for an identified constituency, until he or she vacates his or her seat in Parliament under the provisions of the Constitution;

15 (b) an individual who —

(i) is declared elected as a non-constituency Member of Parliament under section 52 of the Parliamentary Elections Act 1954; or

20 (ii) is deemed under section 53 of that Act to be elected as a non-constituency Member in place of the non-constituency Member whose seat has been declared vacant,

25 and has subscribed before Parliament the Oath of Allegiance under Article 61 of the Constitution, until either he or she vacates his or her seat in Parliament under the provisions of the Constitution or the Parliament by resolution under section 53 of that Act declares that his or her seat has become vacant; or

(c) a nominated Member of Parliament who is appointed under the Fourth Schedule to the Constitution and has subscribed before Parliament the Oath of Allegiance under Article 61 of the Constitution, until he or she vacates his or her seat in Parliament under the provisions of the Constitution,

5

and includes a Member in the capacity of the Leader of the Opposition;

“migration benefit” has the meaning given by section 78(4);

“must-carry direction” means a direction described in section 32;

10

“nomination day” means the day of nomination at an election;

“online location” means any website, webpage, chatroom or forum, or any other thing that can be seen, heard or otherwise perceived by means of the Internet;

15

“Part 3 direction” means any direction mentioned in section 29, pursuant to an authorisation under section 20(1), 21(1) or 22(1)(b) or 23(3)(b) or (c);

“Part 4 politically significant entity” and “Part 4 politically significant person” have the respective meanings given by section 14;

20

“partnership” includes a limited partnership but not a limited liability partnership;

“permissible donor” has the meaning given by section 55;

“police officer” includes —

25

(a) a member of the Special Constabulary established under the Police Force Act 2004; and

(b) an auxiliary police officer appointed as such under Part IX of the Police Force Act 2004;

“political donations fund directive” means a directive given under section 69;

30

“political office holder” means the holder of the office of —

- (a) the Prime Minister;
- (b) a Deputy Prime Minister;
- (c) a Minister, Senior Minister or Co-ordinating Minister;
- (d) a Minister of State or Senior Minister of State;
- (e) a Parliamentary Secretary or Senior Parliamentary Secretary;
- (f) the Speaker of Parliament or a Deputy Speaker of Parliament;
- (g) a Mayor;
- (h) a Political Secretary; or
- (i) the Leader of the House;

“political party” means a body of persons, corporate or unincorporated, whose object, or one of whose objects, is the promotion of the election to Parliament of a candidate or candidates endorsed by it or an organisation of which it forms part;

“politically significant person” has the meaning given by section 14;

“polling day”, for an election, means —

- (a) for a by-election or general election, the day specified —
 - (i) under section 34 or 34A of the Parliamentary Elections Act 1954 in a notice of contested election as the date on which the poll for that by-election or general election (as the case may be) is to be taken in Singapore; or
 - (ii) under section 50C(3)(b)(ii) or 56C of the Parliamentary Elections Act 1954 as the other day that the polling day for an election is postponed to, if that section applies; or

(b) for a presidential election, the day specified —

(i) under section 16 of the Presidential Elections Act 1991 in a notice of contested election as the date on which the poll for that election is to be taken in Singapore; or

5

(ii) under section 33C(3)(b)(ii) or 36C of the Presidential Elections Act 1991 as the other day that the polling day for an election is postponed to, if that section applies;

“presidential election” means an election under the Presidential Elections Act 1991 for the purpose of electing the President;

10

“principal election agent” means —

(a) an election agent of a candidate in a group who has been appointed under section 62(5) of the Parliamentary Elections Act 1954 as the principal election agent for that group; or

15

(b) an election agent of a candidate at a presidential election who has been appointed under section 43(2A) of the Presidential Elections Act 1991 as the principal election agent;

20

“prohibited donor”, in relation to a politically significant person, has the meaning given by section 67;

“prohibited donor directive” means a directive given under section 67;

“property” includes money, and a reference to the provision of property accordingly includes the supply of goods;

25

“proprietor”, for an online location, means a person who —

(a) develops and maintains the online location;

(b) organises, manages or supervises the use of the online location;

30

(c) manages or regulates membership of, or access to, the online location; or

(d) has the authority to decide whether any information or material may be included or excluded on the online location, or where to place the information or material on the online location or otherwise exercise editorial control over the online location;

“proscribed online location” means an online location declared under section 24 or 25 to be a proscribed online location;

“public” means the general public in Singapore and includes a section of the general public in Singapore;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function, but excludes a Town Council constituted under the Town Councils Act 1988;

“Regulations” means regulations made under section 122;

“relevant entity” means any of the following persons:

(a) a partnership carrying on a business in Singapore and registered under the Business Names Registration Act 2014;

(b) a body corporate that is registered under —

(i) the Companies Act 1967; or

(ii) the Limited Liability Partnerships Act 2005;

(c) an association (whether incorporate or not) that is registered under —

(i) the Co-operative Societies Act 1979;

(ii) the Societies Act 1966; or

(iii) the Trade Unions Act 1940;

“relevant individual” means —

(a) a citizen of Singapore whether or not resident in Singapore; or

(b) an individual who is not a citizen of Singapore but is resident in Singapore;

“repealed Act” means the Political Donations Act 2000 repealed by this Act;

“reportable arrangement to which a politically significant person is party” has the meaning given by section 78;

“reportable political donation” has the meaning given by section 53; 5

“reporting period” —

(a) for reportable political donations, has the meaning given by section 62;

(b) for reportable arrangements to which a politically significant person is party, has the meaning given by section 76; or 10

(c) for a Part 4 politically significant person given a directive under section 85(2)(b), has the meaning given by that section; 15

“responsible officer”, for a politically significant person who is not an individual, means —

(a) if a partnership — a partner of the partnership;

(b) if a body corporate — the individual for the time being holding the office of chairperson, managing director or company secretary of the body corporate, or any position analogous to any of those offices in that body corporate; or 20

(c) if an unincorporated body of persons other than a partnership — 25

(i) the individual for the time being holding the office of president, secretary or treasurer of the executive committee of the unincorporated body of persons, or any position analogous to any of those offices in that body; or 30

(ii) where there is no such executive committee, the individual for the time being notified by the unincorporated body of persons to a competent authority as a responsible officer of that body of persons,

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and includes any person carrying out the duties of any such office mentioned in paragraph (a), (b) or (c)(i) if that office is vacant;

“Reviewing Tribunal” means a Reviewing Tribunal constituted by section 94;

10

“service restriction direction” means a direction described in section 35;

“Singapore aircraft” means an aircraft that is registered in Singapore under the Air Navigation Act 1966;

15

“Singapore vessel” means a vessel used in navigation by water (including an air-cushioned vehicle such as a hovercraft or a submersible craft) that is registered (provisionally or otherwise) under the Merchant Shipping Act 1995 and its registry is not closed or deemed to be closed or suspended under that Act;

20

“stop communication (end-user) direction” means a direction described in section 30;

“technical assistance direction” means a direction described in section 36;

25

“telecommunication service” has the meaning given by section 2 of the Telecommunications Act 1999;

“value”, in relation to any donation or benefit, has the meaning given by section 15;

30

“vehicle” means any means of transport, whether self-propelled or not, used on land such as a train, bicycle, motor car or personal mobility device;

“writ” means a writ of election issued under section 24 of the Parliamentary Elections Act 1954 or, in the case of a

presidential election, under section 6 of the Presidential Elections Act 1991.

(2) A reference in this Act to the results of an election being published is a reference to —

(a) for a parliamentary election, the date that either of the following is published in the *Gazette*, whichever being applicable to that election: 5

(i) the notice required by section 33(1)(b) of the Parliamentary Elections Act 1954, containing the name or names of the nominated candidate or the group of candidates declared elected; 10

(ii) the statement of the poll and the name or names of the person or persons elected as Member or Members of Parliament at that election required by section 51 of the Parliamentary Elections Act 1954 to be published; and 15

(b) for a presidential election, the date that either of the following is published in the *Gazette*, whichever being applicable to that election:

(i) the notice required by section 15(1)(b) of the Presidential Elections Act 1991, containing the name of the nominated candidate declared elected as President; 20

(ii) the statement of the poll and the name of the person elected to the office of President required by section 34 of the Presidential Elections Act 1991 to be published. 25

(3) In this Act —

“Air Navigation Act 1966” includes the Air Navigation Act (Cap. 6, 2014 Ed.) until it is revised and citable by the short title “the Air Navigation Act 1966”; 30

“Broadcasting Act 1994” includes the Broadcasting Act (Cap. 28, 2012 Ed.) until it is revised and citable by the short title “the Broadcasting Act 1994”;

“Companies Act 1967” includes the Companies Act (Cap. 50, 2006 Ed.) until it is revised and citable by the short title “the Companies Act 1967”;

5 “Co-operative Societies Act 1979” includes the Co-operative Societies Act (Cap. 62, 2009 Ed.) until it is revised and citable by the short title “the Co-operative Societies Act 1979”;

10 “Criminal Procedure Code 2010” includes the Criminal Procedure Code (Cap. 68, 2012 Ed.) until it is revised and citable by the short title “the Criminal Procedure Code 2010”;

“Foreign Recruiting Act 1875” includes the Foreign Recruiting Act (Cap. 112, 2014 Ed.) until it is revised and citable by the short title “the Foreign Recruiting Act 1875”;

15 “Internal Security Act 1960” includes the Internal Security Act (Cap. 143, 1985 Ed.) until it is revised and citable by the short title “the Internal Security Act 1960”;

“Interpretation Act 1965” includes the Interpretation Act (Cap. 1, 2002 Ed.) until it is revised and citable by the short title “the Interpretation Act 1965”;

20 “Limited Liability Partnerships Act 2005” includes the Limited Liability Partnerships Act (Cap. 163A, 2006 Ed.) until it is revised and citable by the short title “the Limited Liability Partnerships Act 2005”;

25 “Limited Partnerships Act 2008” includes the Limited Partnerships Act (Cap. 163B, 2010 Ed.) until it is revised and citable by the short title “the Limited Partnerships Act 2008”;

30 “Merchant Shipping Act 1995” includes the Merchant Shipping Act (Cap. 179, 1996 Ed.) until it is revised and citable by the short title “the Merchant Shipping Act 1995”;

“National Emblems (Control of Display) Act 1949” includes the National Emblems (Control of Display) Act (Cap. 196, 1985 Ed.) until it is revised and citable by the short title “the National Emblems (Control of Display) Act 1949”;

- “Newspaper and Printing Presses Act 1974” includes the Newspaper and Printing Presses Act (Cap. 206, 2002 Ed.) until it is revised and citable by the short title “the Newspaper and Printing Presses Act 1974”;
- “Parliament (Privileges, Immunities and Powers) Act 1962” 5
includes the Parliament (Privileges, Immunities and Powers) Act (Cap. 217, 2000 Ed.) until it is revised and citable by the short title “the Parliament (Privileges, Immunities and Powers) Act 1962”;
- “Parliamentary Elections Act 1954” includes the Parliamentary 10
Elections Act (Cap. 218, 2011 Ed.) until it is revised and citable by the short title “the Parliamentary Elections Act 1954”;
- “Penal Code 1871” includes the Penal Code (Cap. 224, 2008 Ed.) until it is revised and citable by the short title 15
“the Penal Code 1871”;
- “Police Force Act 2004” includes the Police Force Act (Cap. 235, 2006 Ed.) until it is revised and citable by the short title “the Police Force Act 2004”;
- “Political Donations Act 2000” includes the Political Donations 20
Act (Cap. 236, 2001 Ed.) until it is revised and citable by the short title “the Political Donations Act 2000”;
- “Presidential Elections Act 1991” includes the Presidential Elections Act (Cap. 240A, 2011 Ed.) until it is revised and citable by the short title “the Presidential Elections 25
Act 1991”;
- “Prevention of Corruption Act 1960” includes the Prevention of Corruption Act (Cap. 241, 1993 Ed.) until it is revised and citable by the short title “the Prevention of Corruption Act 1960”;
- “Public Order Act 2009” includes the Public Order Act (Cap. 257A, 2012 Ed.) until it is revised and citable by the short title “the Public Order Act 2009”;
- 30

“Societies Act 1966” includes the Societies Act (Cap. 311, 2014 Ed.) until it is revised and citable by the short title “the Societies Act 1966”;

5 “Supreme Court of Judicature Act 1969” includes the Supreme Court of Judicature Act (Cap. 322, 2007 Ed.) until it is revised and citable by the short title “the Supreme Court of Judicature Act 1969”;

10 “Telecommunications Act 1999” includes the Telecommunications Act (Cap. 323, 2000 Ed.) until it is revised and citable by the short title “the Telecommunications Act 1999”;

“Town Councils Act 1988” includes the Town Councils Act (Cap. 329A, 2000 Ed.) until it is revised and citable by the short title “the Town Councils Act 1988”;

15 “Trade Unions Act 1940” includes the Trade Unions Act (Cap. 333, 2004 Ed.) until it is revised and citable by the short title “the Trade Unions Act 1940”.

Meaning of “foreign principal” and associated terms

4. In this Act, unless the context otherwise requires —

20 “foreign business” means an entity —

(a) that —

(i) is constituted or organised under a law of a foreign country, even if registered under any written law; or

25 (ii) has its principal place of business in a foreign country, even if incorporated under any written law; and

(b) that is not a foreign government, a foreign public enterprise or a foreign political organisation;

30 “foreign government” means —

(a) the government of a foreign country;

- (b) an authority of the government of a foreign country;
or
- (c) a foreign local government body or a foreign regional government body;

“foreign government-related individual” means an individual who is related to a foreign principal that is a foreign government, foreign political organisation or foreign public enterprise in either or both of the following ways: 5

- (a) the individual is accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign government, foreign political organisation or foreign public enterprise; 10
- (b) the foreign government, foreign political organisation or foreign public enterprise (as the case may be) is in a position to exercise, in any other way, total or substantial control over the individual; 15

“foreign legislature” means a legislature of a foreign country;

“foreign political organisation” means — 20

- (a) a foreign political party; or
- (b) an entity that —
 - (i) is constituted or organised under a law of a foreign country; and
 - (ii) exists primarily to pursue political objectives; 25

“foreign principal” means —

- (a) a foreigner;
- (b) a foreign government;
- (c) a foreign government-related individual;
- (d) a foreign legislature; 30
- (e) a foreign political organisation;

(f) a foreign public enterprise; or

(g) a foreign business;

“foreign public enterprise” means an entity that is related in one or more of the following ways, to a foreign principal which is a foreign government or a foreign political organisation:

5

(a) if the entity is a body corporate — one or both of the following apply:

10

(i) the directors (however described) of the body corporate are accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign principal;

15

(ii) the foreign principal is in a position to exercise, in any other way, total or substantial control over the body corporate;

(b) if the entity is an unincorporated association, a partnership or body politic — either of the following applies:

20

(i) the members of the executive committee or governing board of the entity are accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign principal;

25

(ii) the foreign principal is in a position to exercise, in any other way, total or substantial control over the entity;

30

(c) if the entity is a person other than a body politic and the foreign principal is a foreign political organisation —

(i) a director, an officer or an employee of the entity, or any part of the entity, who is required

to be a member or part (however described) of that foreign political organisation; and

- (ii) that requirement is contained in a law, or in the constitution, rules or other governing documents by which the entity is constituted or according to which the entity operates;

“foreigner” means an individual who is not a citizen of Singapore.

Engaging in conduct, etc., on behalf of foreign principal

5.—(1) In this Act, unless the context otherwise requires, a person undertakes an activity or engages in conduct on behalf of a foreign principal if —

- (a) the person undertakes the activity or engages in that conduct —

- (i) under an arrangement with the foreign principal;
- (ii) in the service of the foreign principal;
- (iii) on the order or at the request of the foreign principal;
- (iv) under the control, direction or supervision of the foreign principal;
- (v) with funding from the foreign principal; or
- (vi) in collaboration with the foreign principal; and

- (b) at the time the arrangement or service is entered into, or the order, request or direction is made, or the funding, supervision or collaboration is carried out, both the person and the foreign principal knew or expected that the person would or might undertake the activity or engage in that conduct.

(2) For the purposes of subsection (1), it does not matter whether consideration is payable.

(3) Without limiting subsection (1), a person undertakes an activity or engages in conduct on behalf of a foreign principal if both the

person and the foreign principal knew or expected that the person would or might undertake that activity or engage in that conduct.

Meaning of “foreign interference”

6. In this Act, “foreign interference” —

- 5 (a) means interference that is undertaken by or on behalf of —
- (i) a foreign principal; or
- (ii) another person acting on behalf of a foreign principal; and
- 10 (b) includes any activity undertaken or conduct engaged in as part of preparing for, or planning, interference mentioned in paragraph (a).

Meaning of “in the public interest”

7. For the purposes of this Act and without limiting the generality of the expression, it is in the public interest to do anything if the doing of that thing is necessary or expedient —

- 15 (a) in the interest of the security of Singapore or any part of Singapore;
- (b) to protect public health or public finances, or to secure public safety or public tranquillity;
- 20 (c) in the interest of friendly relations of Singapore with other countries;
- (d) to prevent incitement of feelings of enmity, hatred or ill-will between different groups of people in Singapore which may endanger the public peace and public order of
- 25 Singapore;
- (e) to prevent a diminution of public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or a public authority;
- 30 or
- (f) to prevent any foreign interference directed towards a political end in Singapore.

Meaning of “directed towards a political end in Singapore”

8. For the purposes of this Act, an activity or a conduct is directed towards a political end in Singapore if a purpose of the activity or conduct (whether or not there are other purposes) is any of the following purposes or a combination of these purposes: 5

- (a) to promote the interests of a political party, or a Part 4 politically significant entity, in Singapore;
- (b) to influence, or seek to influence, the outcome of any election or national referendum under any written law;
- (c) to influence, or seek to influence, Singapore governmental decisions; 10
- (d) to influence, or seek to influence, any aspect (including the outcome) of any one or more of the following:
 - (i) proceedings in Parliament;
 - (ii) proceedings of the Presidential Council for Minority Rights; 15
 - (iii) proceedings of the Council of Presidential Advisers;
 - (iv) proceedings of the Malay Community Committee or Indian and Other Minority Communities Committee established under section 27C of the Parliamentary Elections Act 1954; 20
 - (v) proceedings of the Community Committee established under section 8E of the Presidential Elections Act 1991 or any Sub-Committee mentioned in that section; 25
 - (vi) proceedings of the Presidential Elections Committee established under Article 18 of the Constitution;
- (e) to bring about, or seek to bring about, changes of the law in the whole or a part of Singapore, or to otherwise influence, or seek to influence, the legislative process in Singapore; 30
- (f) to influence, or seek to influence, public opinion on a matter which, in Singapore, is a matter of public controversy;

(g) to influence, or seek to influence, any aspect or to promote or oppose political views, or public conduct relating to activities that have become the subject of a political debate, in Singapore.

5 **Meaning of “influencing Singapore governmental decisions”, etc.**

9.—(1) For the purposes of this Act, a person undertakes an activity or engages in conduct for the purpose of influencing or seeking to influence a Singapore governmental decision if any purpose of the
10 activity or conduct is to influence one or more of the following:

- (a) a process in respect of a Singapore governmental decision;
- (b) the public in relation to any aspect of a process mentioned in paragraph (a).

(2) For the purposes of this Act, a Singapore governmental decision
15 means an act or a policy of the Government or a public authority, such as a decision made by any of the following in the discharge of their respective functions:

- (a) the President;
- (b) the Cabinet or a committee of the Cabinet;
- 20 (c) a Minister or Ministers;
- (d) any Ministry, department or Organ of State, but not the following:
 - 25 (i) the Supreme Court or any subordinate courts in the exercise of the judicial power of Singapore vested in them by the Constitution;
 - (ii) a quasi-judicial body constituted by or under any public Act in the discharge of its function of hearing and resolving disputes or conducting mediation or conciliation under that written law;
- 30 (e) any public authority;

(f) an individual in the course of performing his or her functions in relation to a person or an agency mentioned in paragraph (a), (b), (c), (d) or (e).

(3) A reference to a Singapore governmental decision in subsection (1) or (2) includes a decision of any kind in relation to any matter (including administrative and policy matters) whether or not the decision is formal, and whether or not the decision is final.

Undertaking “electronic communications activity” or “online communications activity”

10.—(1) In this Act, a person undertakes electronic communications activity in relation to any information or material if the person communicates or distributes the information or material, or something that contains the information or material, whether or not in the course of business, on or by —

- (a) an SMS service;
- (b) an MMS service;
- (c) a social media service;
- (d) a relevant electronic service; or
- (e) an internet access service.

(2) Without limiting subsection (1), a person is also to be treated, for the purposes of this Act, as undertaking electronic communications activity in relation to any information or material (whether or not also produced by the person) if the person does any of the following, in the course of business or otherwise:

- (a) describe to the general public in Singapore how to obtain access to the information or material, or something that contains the information or material, that is provided or posted in a manner described in subsection (1);

Illustration

Setting out the name of a website, an IP address, a URL, a password or the name of a newsgroup.

(b) give the information or material, or something that contains the information or material, to an intermediary to communicate or distribute to the public;

5 (c) initiate or instigate the sending of information or material to end-users of a social media service, a relevant electronic service or an internet access service who do not voluntarily access the information or material, by means which do not need any individual to operate the systems that cause information or material to be provided on or sent using that
10 service;

(d) make known the information or material, or something containing the information or material, to the public by any other means online.

15 (3) In this Act, a person undertakes online communications activity in relation to any information or material if the person communicates or distributes the information or material, or something that contains the information or material, whether or not in the course of business, on or by —

(a) a social media service;

20 (b) a relevant electronic service; or

(c) an internet access service.

(4) However, a person does not undertake an electronic communications activity or online communications activity in relation to any information or material by reason only that —

25 (a) the person is a provider of —

(i) a social media service;

(ii) an internet access service;

(iii) a telecommunication service;

(iv) a relevant electronic service; or

30 (v) a hosting service; and

(b) the person makes available, in the course of business of providing a service mentioned in paragraph (a),

information or material produced entirely by another person —

- (i) without altering the information or material; or
- (ii) only altering the information or material to the extent to fit time, space or format constraints.

5

When is information provided, posted or removed from social media service, etc.

11.—(1) For the purposes of this Act, information or material is provided on a social media service or relevant electronic service, or provided using an internet access service, if the information or material is accessible to, or delivered to, one or more of the end-users using the service.

10

(2) For the purposes of this Act, information or material is posted on a social media service or relevant electronic service, or posted using an internet access service, by an end-user if the end-user causes the information or material to be accessible to, or delivered to, one or more other end-users using the service.

15

(3) For the purposes of this Part, information or material is removed from a social media service or relevant electronic service or an internet access service if the information or material is neither accessible to, nor delivered to, any of the end-users using the service.

20

Meaning of “publish in Singapore” and associated terms

12.—(1) For the purposes of this Act, a person publishes in Singapore any information or material if the person —

- (a) includes the information or material in a newspaper, magazine, leaflet, ticket or other document that is available, or distributed, to the public;
- (b) includes the information or material, or something that contains the information or material, on an online location or in any way that renders the information or material accessible from the Internet;

25

30

- (c) includes the information or material in a film, video, television programme or radio programme that is, or is intended to be, seen or heard by the public;
- (d) displays, screens or plays the information or material, or something that contains the information or material, so that it can be seen or heard in or from a public place in Singapore, or any vehicle, vessel, train or aircraft in Singapore, or any workplace in Singapore;
- (e) sells, hires or supplies the information or material, or something containing the information or material, to the public, or offers the information or material, or something containing the information or material, for sale or supply to, or hire by, the public; or
- (f) makes known the information or material to the public in any other manner or by any other means.

(2) Without limiting subsection (1), where information or material is made available, distributed or communicated in electronic or digital form, the information or material is to be taken to be published in Singapore if —

- (a) any person physically present in Singapore accesses or is capable of having access to the information or material;
- (b) the information or material originates in Singapore, even if none of the persons capable of having access to the information or material is physically present in Singapore; or
- (c) for information or material which did not originate in Singapore, or the origin of which cannot be determined, all of the following apply:
 - (i) the information or material is made available, displayed, distributed or communicated or caused to be made available, displayed, distributed or communicated to the public by a Singapore-connected person or the Singapore-connected person takes part in that making available, display, distribution or

communication of that information or material to the public;

(ii) the information or material is accessible by persons physically present in Singapore.

(3) For the purposes of subsection (2), a “Singapore-connected person” means — 5

(a) a citizen of Singapore;

(b) a Singapore permanent resident;

(c) a person physically present in Singapore;

(d) an entity which is registered in Singapore (even if incorporated outside Singapore), or is incorporated, under any written law; or 10

(e) a corporation sole or corporation aggregate established under a private Act.

Supplementary interpretive provisions for communications activity 15

13.—(1) In this Act, unless the context otherwise requires —

“app distribution service” means a service that enables end-users physically present in Singapore —

(a) to download an app that facilitates the posting of information or material on a social media service or a relevant electronic service; and 20

(b) where the download of the app is by means of an internet access service;

“covered information or material”, in relation to a Part 3 direction, means any information or material that — 25

(a) is or has been published in Singapore because of any online communications activity; and

(b) is —

(i) in the case of a Class 4 must-carry direction —
about a proscribed online location covered by
the Class 4 must-carry direction; or

5 (ii) in the case of any other Part 3 direction —
identified in the direction, in accordance with
Division 2 of Part 3, as the information or
material covered by the direction;

“electronic service” means —

10 (a) a service that allows end-users to access information
or material using a broadcasting service or a
telecommunication service for carrying messages or
other information or material (whether between
15 persons and persons, things and things or persons
and things); or

(b) a service that delivers information or material to
persons having equipment appropriate for receiving
that information or material, where the delivery of the
service is by a broadcasting service or
20 telecommunication service described in
paragraph (a);

“functionality”, in relation to a social media service or relevant
electronic service or an internet access service, includes —

25 (a) any feature that enables interactions of any
description between end-users of the service;

(b) any feature that enables end-users to search online
locations or databases, index search results or
otherwise retrieve information or material from the
search results; and

30 (c) any feature enabling an end-user to do anything as
follows:

(i) creating a user profile, including an anonymous
or pseudonymous profile;

- (ii) searching within the service for user-generated content or other users of the service;
- (iii) forwarding content to, or sharing content with, other users of the service;
- (iv) sharing content on any internet-based services; 5
- (v) sending direct messages to or speaking to other users of the service, or interacting with them in another way (such as by playing a game);
- (vi) expressing a view on content;

Examples

Applying a “like” or “dislike” button or other similar button. 10

Applying an emoji or symbol of any kind.

Engaging in yes/no voting.

Rating or scoring content in any way. 15

- (vii) sharing current or historic location information with other users of the service, recording a user’s movements, or identifying which other users of the service are nearby;
- (viii) following or subscribing to particular kinds of content or particular users of the service; 20
- (ix) creating lists, collections, archives or directories of content or users of the service;
- (x) tagging or labelling content present on the service; 25
- (xi) uploading content relating to goods or services;
- (xii) applying or changing settings on the service which affect the presentation of user-generated content on the service;
- (xiii) accessing other internet services through content present on the service (such as through hyperlinks); 30

“identified”, for any covered information or material under a Part 3 direction, means information or material that is identified specially, or described generally as to be identifiable, in the Part 3 direction as the covered information or material;

“internet access service” means a telecommunication service between a point in Singapore and another point in Singapore or between 2 points, one of which is in Singapore, that —

(a) enables end-users to access information or material on the Internet using that service; or

(b) delivers information or material to persons having equipment appropriate for receiving that information or material on the Internet, where the delivery of the service is by a telecommunication service described in paragraph (a),

but excludes a relevant electronic service, a social media service and any other telecommunication service excluded by the Regulations;

Illustrations

Internet Access Service Provider licensed under the Telecommunications Act 1999.

Internet reseller service, localised or non-localised.

“MMS” means an electronic service that enables the transmission of multimedia messages (such as visual or voice communication) from an end-user on a mobile telephone to another mobile telephone through a telecommunication service;

“MMS message” means a message (whether or not accompanied by any sound or images) sent using an MMS;

“point-to-multipoint service” means an electronic service which allows a person to transmit material to more than one end-user simultaneously;

“proprietor”, for an online location, means a person who —

- (a) develops and maintains the online location;
- (b) organises, manages or supervises the use of the online location;
- (c) manages or regulates membership of, or access to, the online location; or 5
- (d) has the authority to decide whether any information or material may be included or excluded on the online location, or where to place the information or material on the online location or otherwise exercise editorial control over the online location; 10

“relevant activities”, for a provider of a social media service, a relevant electronic service or an internet access service, has the meaning given by subsection (3);

“relevant electronic service” means any of the following electronic services that is supplied to the public: 15

- (a) an electronic service that enables end-users to communicate, by means of email, with other end-users;
- (b) an online instant messaging service that enables end-users to communicate with other end-users; 20
- (c) a service that enables end-users to play online games with other end-users;
- (d) a service that specialises in providing links or facilitating access to, or information about, online locations, such as (but not limited to) a search engine, directory service or web browser; 25
- (e) a point-to-multipoint service;

“SMS” means an electronic service that enables the transmission of short text messages from an end-user on a mobile telephone to another mobile telephone through a telecommunication service; 30

“SMS message” means a text message sent using an SMS;

“social media service” means —

(a) an electronic service that satisfies all the following characteristics:

5 (i) the sole or primary purpose of the service is to enable online interaction or linking between 2 or more end-users (including enabling end-users to share content for social purposes);

(ii) the service allows end-users to post information or material on the service;

10 (iii) such other characteristics as are prescribed by Regulations; or

(b) an electronic service prescribed by Regulations as a social media service,

15 but does not include a service which would otherwise be a social media service if none of the information or material on the service is accessible by, or delivered to, one or more end-users physically present in Singapore.

(2) For the purposes of this Act, if —

20 (a) a person (*H*) hosts stored information or stored material that has been posted —

(i) on a social media service;

(ii) on a relevant electronic service; or

(iii) using an internet access service; and

(b) *H* or another person provides —

25 (i) a social media service;

(ii) a relevant electronic service; or

(iii) an internet access service,

30 by which the hosted information or material is provided, the hosting of the stored information or stored material by *H* must be treated as the provision by *H* of a hosting service in relation to the social media service, relevant electronic service or internet access

service unless the hosting of stored information or stored material is integral to the provision of the social media service, relevant electronic service or internet access service.

(3) For the purposes of this Part, the relevant activities of a person who is the provider of a social media service, a relevant electronic service or an internet access service are —

(a) for a provider of a social media service — the provision of the social media service to one or more end-users who are physically present in Singapore if the service has accounts for end-users;

(b) for the provider of a relevant electronic service — the provision of the relevant electronic service to one or more end-users who are physically present in Singapore if the service has accounts for end-users; or

(c) for the provider of an internet access service —

(i) the operation by the person of any telecommunication network (including installation or plant) or facility in Singapore in connection with the provision of the internet access service; and

(ii) the provision of the internet access service with a Singapore link.

(4) In determining whether an end-user is physically present in Singapore, it is to be assumed that the end-user will not falsify or conceal the end-user's identity or location.

(5) For the purposes of this Act —

(a) an online location has a Singapore link if any information or material included or otherwise on, or any service provided from the online location, is accessible by, or delivered to, one or more end-users physically present in Singapore; and

(b) an internet access service has a Singapore link if any information or material included or otherwise provided using that service is accessible by, or delivered to, one or

more end-users of the service who are physically present in Singapore.

Meaning of “politically significant person”

14. In this Act, unless the context otherwise requires —

5 “Part 4 politically significant entity” means an entity who is designated under section 47(1) as a politically significant person;

“Part 4 politically significant person” means any of the following:

- 10 (a) a Part 4 politically significant entity;
- (b) an individual who is designated under section 48(1) as a politically significant person;

“politically significant person” means any of the following:

- 15 (a) a political party;
- (b) a candidate;
- (c) an election agent of a candidate;
- (d) a political office holder;
- (e) a Member of Parliament (whether or not a political office holder);
- 20 (f) a Part 4 politically significant person.

Meaning of “value” in relation to donations and benefits

15.—(1) For the purposes of this Act, the value of any donation or benefit which is a gift to a person is the market value of the property in question.

25 (2) For the purposes of this Act, where any donation or benefit, being money or property, is transferred to a person for a consideration which is less than the value of the money or market value of the property, the value of the donation or benefit is the difference between —

(a) the value of the money, or the market value of the property, in question; and

(b) the consideration provided by or on behalf of the person.

(3) For the purposes of this Act, the value of any donation or benefit which is either —

(a) any money lent to a person otherwise than on commercial terms; or

(b) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person),

is the amount that is the difference between the actual cost (if any) to the person and the cost that would have been incurred by the person had the loan been made, or the property, services or facilities been provided, on commercial terms.

(4) The value of any donation, being the provision of any sponsorship in relation to a person is the value in monetary terms of the benefit conferred by the sponsorship in question on the person, and any such value conferred on the sponsor must be disregarded.

(5) In this section, “market value”, in relation to any property, means the price which that property might reasonably be expected to fetch on a sale in the open market.

(6) A reference in this Act to the giving or transfer of any donation or other property to a person includes a reference to its being so given or transferred either directly or indirectly through any third person.

(7) Subject to the provisions of this Act, a donation or other property is accepted by a person if it is received and retained by the person for the person’s use or benefit.

Determining purpose of an activity

16. In this Act, the purpose of an activity or a conduct may be determined by having regard to any one or more of the following:

(a) the intention of any person on whose behalf the activity is undertaken or the conduct is engaged in, as the case may be;

- (b) the intention or belief of the person undertaking the activity or engaging in the conduct or that person's belief (if any) about the intention of any person in paragraph (a) on whose behalf the activity is undertaken or the conduct is engaged in;
- (c) all of the circumstances in which the activity is undertaken or the conduct is engaged in.

PART 2

FOREIGN INTERFERENCE BY ELECTRONIC COMMUNICATIONS ACTIVITY

Clandestine foreign interference by electronic communications activity

17.—(1) A person (*Y*) commits an offence if —

- (a) *Y* undertakes electronic communications activity that results in or involves publishing in Singapore any information or material;
- (b) *Y* undertakes the electronic communications activity on behalf of —
- (i) a foreign principal; or
 - (ii) another person acting on behalf of a foreign principal;
- (c) *Y* knows or has reason to believe that the electronic communications activity, or the information or material published in Singapore —
- (i) is or is likely to be prejudicial to the security of Singapore or any part of Singapore;
 - (ii) is or is likely to be prejudicial to public health, public safety, public tranquillity or public finances;
 - (iii) is or is likely to be prejudicial to the friendly relations of Singapore with other countries;

- (iv) incites or is likely to incite feelings of enmity, hatred or ill-will between different groups of people in Singapore which may endanger the public peace and public order of Singapore;
 - (v) diminishes or is likely to diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or public authority; or 5
 - (vi) is or is likely to be directed towards a political end in Singapore; and 10
- (d) any part of —
- (i) *Y*'s undertaking on behalf of a person mentioned in paragraph (b); or
 - (ii) *Y*'s electronic communications activity, 15
is covert or involves deception.
- (2) For the purposes of subsection (1) —
- (a) *Y* does not need to have in mind a particular foreign country or foreign principal; and
 - (b) *Y* may have in mind more than one foreign country or foreign principal. 20
- (3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —
- (a) if the person is an individual, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 7 years or to both; or 25
 - (b) in any other case, to a fine not exceeding \$500,000.

Clandestine foreign interference of target using electronic communications activity

18.—(1) A person (*Z*) commits an offence if —

5 (*a*) *Z* undertakes electronic communications activity that results in or involves publishing in Singapore information or material;

 (*b*) *Z* undertakes the electronic communications activity on behalf of —

 (*i*) a foreign principal; or

10 (*ii*) another person acting on behalf of a foreign principal;

 (*c*) *Z* intends that the electronic communications activity, or the information or material published in Singapore, will influence another person (called in this section the targeted person) to undertake activity, or engage in conduct, in Singapore that —

 (*i*) is or is likely to be prejudicial to the security of Singapore or any part of Singapore;

20 (*ii*) is or is likely to be prejudicial to public health, public safety, public tranquillity or public finances;

 (*iii*) is or is likely to be prejudicial to the friendly relations of Singapore with other countries;

25 (*iv*) incites or is likely to incite feelings of enmity, hatred or ill-will between different groups of people in Singapore which may endanger the public peace and public order of Singapore;

30 (*v*) diminishes or is likely to diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or public authority; or

 (*vi*) is or is likely to be directed towards a political end in Singapore; and

- (d) *Z* conceals from, or fails to disclose to, the targeted person the circumstance mentioned in paragraph (b).
- (2) For the purposes of subsection (1) —
- (a) *Z* does not need to have in mind a particular foreign country or foreign principal; and 5
- (b) *Z* may have in mind more than one foreign country or foreign principal.
- (3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —
- (a) if the person is an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 14 years or to both; or 10
- (b) in any other case, to a fine not exceeding \$1 million.

Preparing for or planning an offence under section 17 or 18

- 19.—**(1) A person commits an offence if — 15
- (a) the person engages in conduct; and
- (b) the person does so with the intention of preparing for, or planning, the commission of an offence under section 17 or 18.
- (2) Subsection (1) applies — 20
- (a) whether or not an offence under section 17 or 18 is committed;
- (b) whether or not the person engages in the conduct in preparation for, or planning, a specific offence under section 17 or 18; and 25
- (c) whether or not the person engages in the conduct in preparation for, or planning, more than one such offence.
- (3) Section 38 of the Interpretation Act 1965 and section 511 of the Penal Code 1871 do not apply in relation to an offence under section 17 or 18. 30

(4) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) where the offence involves an intention of preparing for, or planning, the commission of an offence under section 17 —

(i) if the person is an individual, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 5 years or to both; or

(ii) in any other case, to a fine not exceeding \$300,000; and

(b) where the offence involves an intention of preparing for, or planning, the commission of an offence under section 18 —

(i) if the person is an individual, to a fine not exceeding \$60,000 or to imprisonment for a term not exceeding 9 years or to both; or

(ii) in any other case, to a fine not exceeding \$600,000.

PART 3

DIRECTIONS AGAINST HARMFUL FOREIGN ONLINE COMMUNICATIONS ACTIVITY

Division 1 — Ministerial powers

Authorisation by Minister for direction to be given

20.—(1) The Minister may authorise the competent authority to give one or more Part 3 directions as specified by the Minister in the authorisation where, in the opinion of the Minister —

(a) there is undertaking of online communications activity, or online communications activity has been undertaken —

(i) wholly or partly in Singapore;

(ii) wholly or partly on a Singapore aircraft or Singapore vessel, whether the aircraft or vessel is in or outside Singapore at the time of the conduct; or

- (iii) wholly outside Singapore;
- (b) the online communications activity is or has been undertaken, or is suspected of being or having been undertaken, by or on behalf of a foreign principal;
- (c) the online communications activity results in any information or material being published in Singapore; and
- (d) it is in the public interest to authorise the giving of that or those Part 3 direction or directions, after having regard to the circumstances of the case.

(2) When authorised by the Minister under subsection (1), the competent authority must immediately give the Part 3 direction or directions specified in the authorisation.

(3) However, if any information or material was published in Singapore before the date of commencement of this section, subsection (1) does not apply to the information or material unless the information or material remains published in Singapore on or after that date.

Authorisation by Minister for anticipatory direction

21.—(1) The Minister may authorise the competent authority to give an anticipatory direction where the Minister —

- (a) suspects or has reason to believe that a person is engaging in conduct —
 - (i) wholly or partly in Singapore;
 - (ii) wholly or partly on a Singapore aircraft or Singapore vessel, whether the aircraft or vessel is in or outside Singapore at the time of the conduct; or
 - (iii) wholly outside Singapore,
 with the intention of preparing for, or planning to undertake, online communications activity by or on behalf of a foreign principal;

(b) has reason to believe that, as a result of that online communications activity, information or material is likely to be published in Singapore; and

(c) is of the opinion that it is in the public interest to authorise the giving of the anticipatory direction, after having regard to the circumstances of the case.

(2) When authorised by the Minister under subsection (1), the competent authority must immediately give the anticipatory direction specified in the authorisation.

(3) However, if any information or material was published in Singapore before the date of commencement of this section, subsection (1) does not apply to the information or material unless the information or material remains published in Singapore on or after that date.

(4) In this section, an anticipatory direction is any of the following:

(a) a technical assistance direction;

(b) an account restriction direction.

Self-initiated cancellation or variation of authorisation

22.—(1) The Minister may at any time, on his or her own initiative —

(a) cancel any authorisation made under section 20(1), 21(1) or 23(3)(b) or (c); or

(b) substitute any authorisation made under section 20(1), 21(1) or 23(3)(b) or (c) with another authorisation that the Minister might have made under section 20 or 21.

(2) Section 21(2) applies to a decision made under subsection (1)(b).

(3) Where the Minister makes a decision under subsection (1)(a), the competent authority must give written notice of the cancellation of the authorisation to every person who had been given a Part 3 direction pursuant to that cancelled authorisation.

Reconsideration by Minister of authorisation

23.—(1) Where any Part 3 direction is given by the competent authority pursuant to an authorisation under section 20(1), 21(1) or 22(1)(b), the person to whom the direction is given may apply to the Minister for reconsideration of the authorisation and any of the Part 3 directions specified in that authorisation. 5

(2) An application under subsection (1) by a person to whom a Part 3 direction is given must be made —

- (a) in a prescribed manner; and
- (b) before the expiry of the time specified in the Part 3 direction, being a time not later than the 30th day after the direction was given. 10

(3) Upon receiving an application under subsection (1) for reconsideration, the Minister may —

- (a) wholly cancel the authorisation under section 20(1), 21(1) or 22(1)(b), and every Part 3 direction specified in the authorisation, if the Minister is of the opinion that it is not in the public interest that the authorisation and such direction continue; 15
- (b) substitute the authorisation under section 20(1), 21(1) or 22(1)(b), which is the subject of the application (called the initial authorisation), with another authorisation that the Minister might have made under section 20 or 21; or 20
- (c) affirm the initial authorisation and every Part 3 direction specified in the initial authorisation. 25

(4) Sections 20 and 21 apply in the making of a decision under subsection (3).

(5) When a substitute authorisation is made by the Minister under subsection (3)(b), the competent authority must immediately give the Part 3 direction or directions specified in the substitute authorisation in the same manner required under sections 20 and 21. 30

(6) When an initial authorisation is cancelled by the Minister under subsection (3)(a) or affirmed under subsection (3)(c), or a substitute

authorisation is made under subsection (3)(b), the Minister must give notice (as the case may be) of —

- (a) the cancellation or affirmation (as the case may be) to every person given a Part 3 direction under the initial authorisation; or
- (b) the making of a substitute authorisation to the person who applied for reconsideration of the initial authorisation.

Proscribed online location — declaration

24.—(1) The Minister may declare an online location with a Singapore link as a proscribed online location if a Part 3 direction (except a technical assistance direction or an app removal direction) is given in relation to any information or material included or otherwise on, or any service provided from, the online location.

(2) A declaration under this section ceases to have effect on a date specified, or worked out by a formula specified, in the declaration, which must not in any case be more than 2 years in total after the making of the declaration.

(3) Once a declaration is made and before the date it comes into effect, the competent authority must —

- (a) publish a notice of the making of the declaration in a manner as will secure adequate publicity for the fact of making of the declaration —
 - (i) stating that a declaration has been made under this section; and
 - (ii) setting out the URL, domain name, or any other unique identifier of the online location, to which the declaration relates; and
- (b) make reasonable efforts to give a copy of the declaration to the proprietor of the proscribed online location.

(4) However, failure to publish a notice under subsection (3) in respect of any declaration does not invalidate the declaration.

Self-initiated revocation or variation of declaration

25.—(1) The Minister may at any time, on his or her own initiative —

- (a) revoke any declaration made under section 24(1); or
- (b) substitute any declaration made under section 24(1) or 26(3)(b) or (c) with another declaration that the Minister might have made under section 24.

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(2) Section 24(3) and (6) applies to a decision made under this section.

Reconsideration by Minister of declaration of proscribed online location

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26.—(1) After an online location with a Singapore link is declared under section 24 or 25(1)(b) as a proscribed online location, any proprietor of that online location may apply to the Minister for a reconsideration of the declaration.

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(2) An application under subsection (1) by a proprietor of an online location must be made —

- (a) in a prescribed manner; and
- (b) not later than the 30th day after the declaration takes effect.

(3) Upon receiving an application under subsection (1), the Minister may —

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- (a) wholly revoke the declaration under section 24 or 25(1)(b);
- (b) substitute the declaration under section 24 or 25(1)(b) which is the subject of the application (called the initial declaration), with another declaration for a shorter period that the Minister might have made under section 24; or
- (c) affirm the initial declaration.

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(4) Section 24 applies in the making of a decision under subsection (3).

(5) When an initial declaration is revoked by the Minister under subsection (3)(a) or affirmed under subsection (3)(c), or a substitute

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declaration is made under subsection (3)(b), the Minister must give notice (as the case may be) of —

(a) the revocation or affirmation (as the case may be) to every proprietor of the online location in question; or

5 (b) the making of a substitute declaration to the person who applied for reconsideration of the initial declaration.

(6) When a declaration is revoked by the Minister under subsection (3)(a), the competent authority must cause the giving of notice of the revocation —

10 (a) in the same manner in which the notice of the making of the declaration was first given; or

(b) in a manner as will secure adequate publicity or notice to the proprietor (or both) for the fact of the revocation.

15 (7) When an initial declaration is affirmed under subsection (3)(c), the competent authority must cause the giving of notice of the affirmation —

(a) in the same manner in which the notice of the making of the initial declaration was first given; or

20 (b) in a manner as will secure adequate publicity or notice to the proprietor (or both) for the fact of the affirmation.

(8) However, failure to publish a notice under subsection (6) or (7) in respect of any declaration does not invalidate the revocation of the declaration or the initial declaration affirmed.

Public notice of revocation of declaration

25 **27.—**(1) Where a declaration under section 24, 25(1)(b) or 26(3)(b) or (c) is revoked under this Act, the competent authority must give notice of the revocation —

(a) in the same manner in which the notice of the making of the declaration was first given; or

30 (b) in a manner as will secure adequate publicity or notice to the proprietor (or both) for the fact of the revocation.

(2) However, failure to publish a notice under subsection (1) in respect of any declaration does not invalidate the revocation of the declaration.

Authorisation regardless of offence

- 28.** To avoid doubt, sections 20, 21, 22, 23, 24, 25 and 26 apply — 5
- (a) whether or not an offence under section 17, 18, 19, 39 or 40 is committed;
 - (b) whether or not a person engages in the conduct in preparation for, or planning, a specific offence under section 17, 18, 19, 39 or 40; and 10
 - (c) whether or not a person engages in the conduct in preparation for, or planning, more than one such offence.

Division 2 — Part 3 directions

Types of Part 3 directions

29. The Part 3 directions and the persons to whom they may be given are in the table below: 15

<i>Item</i>	<i>Direction</i>	<i>Recipient may be</i>	
1.	Stop communication (end-user) direction	A particular person, or particular end-user of a social media service or relevant electronic service or an internet access service.	20
2.	Disabling direction	A provider of a social media service. A provider of a relevant electronic service.	
3.	Class 1 must-carry direction	A particular person, or particular end-user to whom a stop communication (end-user) direction is given.	25

<i>Item</i>	<i>Direction</i>	<i>Recipient may be</i>
5		Any other particular person, or particular end-user of a social media service or relevant electronic service or an internet access service.
	4. Class 2 must-carry direction	A provider of a social media service. A provider of a relevant electronic service.
10	5. Class 3 must-carry direction	A provider of a social media service. A provider of a relevant electronic service.
15		A provider of a telecommunication service who holds a licence under section 5 of the Telecommunications Act 1999.
20		A person who is authorised by a permit under section 21 of the Newspaper and Printing Presses Act 1974 to publish (for sale or otherwise) a newspaper in Singapore.
25		A person who is authorised by a licence under section 8 of the Broadcasting Act 1994 to provide a licensable broadcasting service in or from Singapore.
30		A provider of a prescribed service that is likely to bring the giving of a Class 3 must-carry direction to the attention of the public.
	6. Class 4 must-carry direction	A proprietor of a proscribed online location.

<i>Item</i>	<i>Direction</i>	<i>Recipient may be</i>	
7.	Remedial must-carry direction	A person to whom a Class 2 must-carry direction or a Class 3 must-carry direction is given and who has failed to comply with the direction in a rectifiable way.	5
8.	Class 1 access blocking direction	A provider of an internet access service.	
9.	Class 2 access blocking direction	A provider of an internet access service by means of which information or material on the proscribed online location continues to be published in Singapore.	10
		A provider of a social media service or a relevant electronic service by means of which one or more end-users in Singapore have used or are using the same to access information or material on the proscribed online location.	15
10.	Account restriction direction	A provider of a social media service.	
		A provider of a relevant electronic service.	
11.	Service restriction direction	A provider of a social media service.	25
		A provider of a relevant electronic service.	
		A provider of an internet access service with a Singapore link.	30
12.	Technical assistance direction	A provider of a social media service. A provider of a relevant electronic service.	

<i>Item</i>	<i>Direction</i>	<i>Recipient may be</i>
		A provider of an internet access service with a Singapore link.
		A provider of a hosting service.
5		A provider of an app distribution service.
		A proprietor of an online location.
	13. App removal direction	A provider of an app distribution service.
10	14. Disgorgement direction	A citizen of Singapore, whether or not resident in Singapore and whether or not a Part 4 politically significant person.
15		An individual who is not a citizen of Singapore but is resident in Singapore.
20		A partnership carrying on a business in Singapore and registered under the Business Names Registration Act 2014.
25		A body corporate that is registered under the Companies Act 1967 or the Limited Liability Partnerships Act 2005.
		An association (whether incorporate or not) that is registered under the Co-operative Societies Act 1979, the Societies Act 1966 or the Trade Unions Act 1940.

Stop communication (end-user) direction — content

30. A stop communication (end-user) direction may require the particular person or particular end-user to whom it is given to do one or more of the following within the time specified in the direction:

- (a) to take all reasonable steps to ensure the removal, from the social media service, relevant electronic service or internet access service (as the case may be) of covered information or material identified in the direction that —
 - (i) the person or end-user provided or posted on the social media service or relevant electronic service or using the internet access service; and
 - (ii) is published in Singapore;
- (b) to stop undertaking online communications activity to further publish in Singapore the following:
 - (i) the covered information or material identified in the direction;
 - (ii) any information or material that is similar to the information or material in sub-paragraph (i).

Disabling direction — content

31. A disabling direction may require a person who is the provider of a social media service, or a relevant electronic service, by means of which covered information or material identified in the direction is or has been published in Singapore, to take all reasonable steps, in relation to all or any of the person's relevant activities, to disable access by end-users in Singapore to all or any of the following:

- (a) that covered information or material provided on or by that social media service or relevant electronic service;
- (b) any other identical copies of that covered information or material provided on or by that social media service or relevant electronic service, where this requirement is expressed in the direction.

Must-carry directions — content

32.—(1) A must-carry direction may be a Class 1, Class 2, Class 3 or Class 4 must-carry direction, or a remedial must-carry direction.

(2) A must-carry direction may require a person to whom it is given to take all reasonable steps, to do all or any of the following within and during the time specified in the direction, to publish, post, display or include a mandatory message —

(a) about the covered information or material identified in the direction;

(b) in the manner prescribed by Regulations; and

(c) in a conspicuous manner as specified in the direction.

(3) In this section, “mandatory message” means a message or statement of the text set out, or effect described, in a must-carry direction.

(4) The covered information or material in a Class 1 must-carry direction is any of the following information or material which is identified in the direction:

(a) if the Class 1 must-carry direction is given to a particular person or end-user to whom a stop communication (end-user) direction is given —

(i) any covered information or material identified in the stop communication (end-user) direction; and

(ii) any information or material similar to the information or material mentioned in sub-paragraph (i), which is or has been posted or provided by the end-user on a social media service or relevant electronic service or using an internet access service;

(b) if the Class 1 must-carry direction is given to any other particular person — any information or material which is or has been posted or provided by the person on a social media service or relevant electronic service or using an internet access service.

(5) The covered information or material in a Class 2 must-carry direction is any of the following information or material which is identified in the direction:

- (a) any information or material which is or has been posted or provided on a social media service or relevant electronic service or using an internet access service provided by the person given the Class 2 must-carry direction; 5
- (b) an identical copy of any information or material mentioned in paragraph (a) which is or may be accessed by an end-user by means of a social media service or relevant electronic service or an internet access service provided by the person given the Class 2 must-carry direction. 10

(6) The covered information or material in —

- (a) a Class 3 must-carry direction is information or material which is identified in the direction and any other information or material which is similar thereto; or 15
- (b) a Class 4 must-carry direction is information or material about a proscribed online location.

(7) The covered information or material in a remedial must-carry direction is covered information or material identified in a Class 2 must-carry direction or Class 3 must-carry direction which has not been complied with, and any other information or material which is similar thereto. 20

(8) For the purposes of sections 17 and 18 of the Broadcasting Act 1994, every Class 3 must-carry direction given to a person who is authorised by a licence under section 8 of the Broadcasting Act 1994, to provide a licensable broadcasting service in or from Singapore — 25

- (a) is deemed to be a programme provided by the Government through the Info-communications Media Development Authority and required by that Authority to be broadcast under the person's licence; and 30
- (b) must be broadcast without charge to or subsidy from the Info-communications Media Development Authority or the Government.

Access blocking direction — content and preconditions

33.—(1) An access blocking direction may be a Class 1 access blocking direction or a Class 2 access blocking direction.

(2) An access blocking direction may require a provider of an internet access service to whom the direction is given to take all reasonable steps, within or during the time specified in the direction, to disable access, using the internet access service, by every end-user in Singapore to the covered information or material in the direction and provided on or by a social media service or relevant electronic service or on a proscribed online location, as the case may be.

(3) A Class 1 access blocking direction may be given to a provider of an internet access service by means of which covered information or material continues to be published in Singapore, but only where all the following special preconditions are met:

- (a) a person is given any Part 3 direction (except a technical assistance direction);
- (b) the Part 3 direction in paragraph (a) is not cancelled;
- (c) the covered information or material in that Part 3 direction in paragraph (a) continues to be published in Singapore after that non-compliance;
- (d) one or more end-users in Singapore have used or are using the internet access service of that provider to access the covered information or material.

(4) A Class 2 access blocking direction must relate to a proscribed online location only and may be given to —

- (a) a provider of an internet access service by means of which information or material on the proscribed online location continues to be published in Singapore; or
- (b) a provider of a social media service or a relevant electronic service by means of which one or more end-users in Singapore have used or are using the same to access information or material on the proscribed online location,

but only where the Minister is of the opinion that all the following special preconditions are met:

- (c) either —
- (i) paid content included on the proscribed online location is published in Singapore after a prescribed period starting the date the declaration is made under section 24, 25 or 26 with respect to that online location; or 5
 - (ii) a Class 4 must-carry direction relating to the proscribed online location is not complied with;
- (d) the declaration under section 24, 25 or 26 is not revoked;
- (e) one or more end-users in Singapore have used or are using the social media service, relevant electronic service or internet access service (as the case may be) of that provider to access information or material on that proscribed online location. 10

Account restriction direction — content 15

34. An account restriction direction may require the provider of a social media service or relevant electronic service to take all reasonable steps, within the time specified in the direction, to terminate or suspend any functionality of the social media service or relevant electronic service (as the case may be) that — 20

- (a) enables interactions of any description between end-users of the service, or sending direct messages to or speaking to other end-users of the service, or interacting with them in another way, either —
 - (i) generally in relation to end-users physically present in Singapore; or 25
 - (ii) in relation to any other particular end-user physically present in Singapore; and
- (b) is provided to one or more particular accounts specified in the direction. 30

Service restriction direction — content

5 **35.**—(1) A service restriction direction may require a provider of a social media service or relevant electronic service or an internet access service to whom it is given to take all reasonable steps to do one or more of the following within the time specified in the direction, in relation to all or any of the provider’s relevant activities:

10 (a) to stop or delay delivery of or access to messages or information or material transmitted or accessible to end-users physically present in Singapore who use or may use the social media service, relevant electronic service or internet access service, as the case may be;

15 (b) to restrict access to messages or information or material transmitted or accessible to end-users physically present in Singapore who use or may use the social media service, relevant electronic service or internet access service, as the case may be;

20 (c) to alter any functionality of the social media service, relevant electronic service or internet access service (as the case may be) provided to end-users physically present in Singapore who use or may use the service;

(d) to suspend or curtail the supply or provision of the service.

25 (2) A service restriction direction may require the doing of any thing in subsection (1)(a), (b), (c) or (d) with respect to the provision of a social media service or relevant electronic service or an internet access service —

(a) to any area in Singapore; or

(b) to one or more groups of end-users who use or may use the service,

30 but cannot be expressed to apply to the supply or provision of the service to a particular person.

Technical assistance direction — content

36. A technical assistance direction may require a person to whom the direction is given to do one or more of the following within the

time specified in the direction, in relation to all or any of the person's relevant activities:

- (a) to provide information about whether any account maintained by the person for a customer is that for a foreigner; 5
- (b) to provide technical information or other information about the person's relevant activity as specified in the direction;
- (c) to take any other step directed towards ensuring that the person is capable of giving help to the competent authority which the competent authority requires in the public interest. 10

App removal direction — content and preconditions

37.—(1) An app removal direction may require a person to whom the direction is given to —

- (a) stop enabling end-users of the app distribution service and physically present in Singapore to download, using that service, a particular app that is specified in the direction; and 15
 - (b) notify the competent authority that the person has stopped enabling such end-users to download that app. 20
- (2) The special preconditions for an app removal direction are —
- (a) either —
 - (i) a Part 3 direction (except a technical assistance direction or another app removal direction) has been given at least once relating to particular covered information or material of the same or similar kind; 25
 - or
 - (ii) any type of Part 3 direction (except a technical assistance direction or another app removal direction) has been given relating to covered information or material of the same or similar kind; 30
 - (b) none of the Part 3 directions in paragraph (a) has been cancelled; and

(c) one or more end-users in Singapore are using or may use the app to access the covered information or material.

(3) This Part does not authorise the giving of any app removal direction to a provider of an app distribution service if no end-user of the service who is physically present in Singapore could download an app using that service.

Disgorgement direction — content

38.—(1) A disgorgement direction may require a person to whom the direction is given to do either of the following, within the time specified in the direction, with respect to covered information or material published in Singapore by or on behalf of that person by the undertaking of any online communications activity:

(a) to take all reasonable steps to send back, or pay an equivalent amount of, every defined property accepted by the person —

(i) to the foreign principal who supplied or transferred the property; or

(ii) to any other person appearing to be acting on behalf of the foreign principal in sub-paragraph (i);

(b) to take all reasonable steps to surrender to the competent authority the defined property mentioned in paragraph (a) or an equivalent amount of the value of the defined property.

(2) Any amount collected by the competent authority under subsection (1)(b) must be paid into the Consolidated Fund.

(3) In this section, a defined property supplied or transferred to a person includes any benefit, the whole or any part of which is made to or offered —

(a) by or on behalf of a foreign principal; and

(b) with a view to, or otherwise in connection with, the person undertaking any online communications activity to publish or enable the publishing in Singapore of any information or material.

(4) For the purposes of this section, any property is treated as accepted by a person to whom a disgorgement direction is given with respect to covered information or material published in Singapore by or on behalf of that person by the undertaking of any online communications activity if — 5

- (a) any part of the property has been received by the person; and
- (b) the whole or part of the property was used, or is intended to be used, by the person to meet any expenditure in connection with the person undertaking any online communications activity to publish or enable the publishing in Singapore of the information or material. 10

*Division 3 — Special provisions for
proscribed online location*

Operating proscribed online location 15

39.—(1) A person commits an offence if —

- (a) the person is a proprietor of a proscribed online location, whether or not in the course of business; and
- (b) the person invites, solicits or otherwise procures the giving of any benefit — 20
 - (i) for, or purportedly for, meeting any expenditure to operate the proscribed online location; or
 - (ii) in exchange, or purportedly in exchange, for services provided on or from the proscribed online location.

Illustrations 25

Offering advertising space on the proscribed online location for a price.

Receiving any consideration for the sale of advertising space on the proscribed online location.

Collecting subscriptions for access to any part of the online location.

Inviting donations to support the online location. 30

(2) Subsection (1) extends to a person who engages in any conduct described in that subsection outside Singapore.

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 4 years or to both; or

(b) in any other case, to a fine not exceeding \$500,000.

(4) However, where a court convicts any person of an offence under subsection (1), the court must, in addition to imposing on that person the punishment in subsection (3), order the person to pay as a penalty, within the time specified by the court, a sum equal to the amount of any benefit received in the commission of the offence or the amount that in the court's opinion is the value of that benefit; and any such penalty is recoverable as a fine.

(5) Where a person is charged with an offence under subsection (1), it is a defence for the person charged to prove, on a balance of probabilities, that the person did not know, and could not with reasonable diligence have ascertained, that the online location was a proscribed online location and had a Singapore link.

(6) For the purposes of subsection (5), a person could not, with reasonable diligence, have ascertained that an online location of which the person is proprietor has a Singapore link, if the person had —

(a) required every end-user accessing the online location to provide his or her personal particulars and those particulars suggested that the end-user was not physically present in Singapore;

(b) required end-users to enter into contracts that were subject to an express condition that the end-user was not to access the online location for any service if the end-user was physically present in Singapore;

(c) informed prospective end-users that Singapore law prohibits the provision of access, or any service on or from, the online location to end-users who are physically present in Singapore; and

- (d) taken such other measures as far as reasonably practicable to ensure that the online location did not, or could not reasonably have, a Singapore link.

(7) However, it is not a defence to a charge for an offence under this section that the accused is subject to any duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with this section or restricts the person in such compliance.

(8) For the purposes of this Division, an online location has a Singapore link if any information or material included or otherwise on, or any service provided from the online location, is accessible by, or delivered to, one or more end-users physically present in Singapore.

Providing support to proscribed online location

40.—(1) A person commits an offence if —

- (a) the person, whether in or outside Singapore, expends or applies any property knowing or having reason to believe that the expenditure or application supports, helps or promotes the publishing in Singapore of any information or material on an online location;
- (b) the person knows or ought reasonably to know that the online location is a proscribed online location; and
- (c) the person knows or has reason to believe that the information or material published in Singapore on that online location —
 - (i) is or is likely to be prejudicial to the security of Singapore or any part of Singapore;
 - (ii) is or is likely to be prejudicial to public health, public safety, public tranquillity or public finances;
 - (iii) is or is likely to be prejudicial to the friendly relations of Singapore with other countries;
 - (iv) incites or is likely to incite feelings of enmity, hatred or ill-will between different groups of people in

Singapore which may endanger the public peace and public order of Singapore;

(v) diminishes or is likely to diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or public authority; or

(vi) is or is likely to be directed towards a political end in Singapore.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 years or to both; or

(b) in any other case, to a fine not exceeding \$500,000.

(3) However, subsection (1) does not apply to a service provider or a digital advertising intermediary which gives any consideration for the purpose of communicating any paid content in Singapore on the declared online location.

(4) In this section, “property” means money and all other property, movable or immovable, including things in action and other intangible or incorporeal property.

Advertising dealings concerning proscribed online location

41.—(1) A person commits an offence if —

(a) the person has an advertising dealing with a proprietor of an online location;

(b) the online location becomes a proscribed online location with a Singapore link; and

(c) the person does not take measures or enough measures to ensure that any information or material included or otherwise on, or any service provided from, the online location because of the advertising dealing, is —

- (i) not accessible by, or not delivered to, one or more end-users physically present in Singapore after the online location becomes a proscribed online location; and
 - (ii) not promoted or published in Singapore. 5
- (2) A person commits an offence if —
 - (a) the person has an advertising dealing with anyone —
 - (i) that facilitates the access by, or delivery to, one or more end-users physically present in Singapore; or
 - (ii) that promotes or gives publicity to, one or more end-users physically present in Singapore, 10
any information or material included or otherwise on, or any service provided from, an online location; and
 - (b) the online location is a proscribed online location with a Singapore link. 15
- (3) Subsections (1) and (2) extend to a person who engages in any conduct described in that subsection outside Singapore.
- (4) A person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction —
 - (a) if the person is an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; or 20
 - (b) in any other case, to a fine not exceeding \$500,000.
- (5) Where a person is charged with an offence under subsection (1), it is a defence for the person charged to prove, on a balance of probabilities, that the person — 25
 - (a) did not know, and could not with reasonable diligence have ascertained, that the online location was a proscribed online location and had a Singapore link; and
 - (b) took the prescribed steps to ensure that any information or material included or otherwise on, or any service provided from, the online location because of the accused's 30

advertising dealing, is not accessible by, or not delivered to, one or more end-users physically present in Singapore after the online location becomes a proscribed online location.

5 (6) However, in any proceeding for an offence under subsection (1) or (2), it is not a defence for the accused to show that —

(a) the accused did the act in question at the direction of another person; or

10 (b) the information or material was accessible by, or delivered to, one or more end-users physically present in Singapore through an automated process without the accused choosing where the information or material or service is communicated or delivered, except as an automatic response to the request of a person.

15 (7) It is also not a defence to a charge for an offence under this section that the accused is subject to any duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with this section or restricts the person in such compliance.

20 (8) In this section, an advertising dealing means an arrangement under which a party to the arrangement agrees to publish, in the course of business, information or material in exchange for valuable consideration.

25 *Division 4 — Supplementary provisions
on Part 3 directions*

Content and effect of directions — general

42.—(1) A Part 3 direction may be given to the person or persons mentioned respectively for the direction individually or as a class.

(2) A Part 3 direction is binding on —

30 (a) the person to whom it is addressed; and

(b) if applicable, the personal representatives, successors, and assignees of the person to whom it is addressed to the same extent as it applies to that person.

(3) In authorising or giving a Part 3 direction, it is not necessary for the Minister or a competent authority to give any person who may be affected by the direction a chance to be heard before the direction is authorised to be given or given.

(4) A Part 3 direction must —

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(a) where it relates to information or material, so far as is reasonably practicable, identify the information or material in a way that is sufficient to enable the person given the direction to comply with the direction;

(b) state whether the person to whom it is given must do all or any of the following, whichever being applicable:

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(i) advise the competent authority within a time specified in the direction of the details of the manner in which the person proposes to comply with the direction;

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(ii) keep information about the matters that are the subject of the direction for a time specified in the direction;

(iii) regularly notify within the times specified in the direction the competent authority about the steps being taken towards compliance with the direction;

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(iv) give written notice to the competent authority when the person has complied with the direction; and

(c) state that it is an offence under this Act to fail to comply with the direction.

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(5) A Part 3 direction continues in force until the earlier of the following occurs:

(a) the expiry date (if any) stated in the direction is reached;

(b) the Minister cancels the authorisation containing the direction under section 22(1)(a) or 23(3)(a) or the direction under subsection (6);

30

(c) the direction is cancelled on appeal under Part 8.

(6) If satisfied that a Part 3 direction has been complied with —

- (a) the Minister must cancel the Part 3 direction; and
- (b) the competent authority must give written notice of the cancellation —

5 (i) in the same manner in which the Part 3 direction was first given; or

 (ii) if sub-paragraph (i) is not practicable, in a manner as will secure adequate notice to the person given the direction (or both) for the fact of the cancellation.

10 (7) Subsection (6) does not prevent a further Part 3 direction being authorised to be given in the same terms as a Part 3 direction that has expired.

Service of Part 3 directions

15 **43.**—(1) A Part 3 direction that is addressed to a person is sufficiently served if it is —

 (a) delivered personally to the person by a competent authority; or

 (b) served in the manner prescribed in section 121 or in any other appropriate manner.

20 (2) A Part 3 direction that is addressed to a class of persons is sufficiently served if it is —

 (a) served on each of the persons in the class in accordance with subsection (1); or

 (b) published both —

25 (i) in a daily newspaper circulating in Singapore or in any other news media that, in the opinion of the competent authority, will be most likely to bring the direction to the attention of the persons who belong to the class; and

30 (ii) on the competent authority's official website.

(3) A Part 3 direction that is addressed to a public authority is sufficiently served if it is served on the chief executive (however described) of the public authority in accordance with subsection (1).

(4) A Part 3 direction that is served —

- (a) in accordance with subsection (1) takes effect when it is served; 5
- (b) in accordance with subsection (2)(a) takes effect when it is served on all the persons in the class in question; and
- (c) in accordance with subsection (2)(b) takes effect at the beginning of the day after the date on which subsection (2)(b) has been complied with. 10

Publicity regarding non-compliance with directions

44.—(1) If the Minister is satisfied that a provider of a social media service, a relevant electronic service or an internet access service does not comply with a Part 3 direction, the Minister may direct a competent authority — 15

- (a) to prepare a statement to that effect; and
- (b) to publish the statement on the official website of the competent authority.

(2) If — 20

- (a) a competent authority has prepared a statement under subsection (1) in relation to a provider of a social media service, a relevant electronic service or an internet access service;
- (b) the statement has been published on the official website of the competent authority; and 25
- (c) the Minister is satisfied that the provider of that service complies with that Part 3 direction,

the competent authority must remove the statement from that official website. 30

(3) Statements published under this section are protected by absolute privilege.

Offence of non-compliance with directions

45.—(1) A person commits an offence if the person —

(a) is given a Part 3 direction; and

(b) without reasonable excuse, fails to comply with the direction whether in or outside Singapore.

(2) A person who is guilty of an offence under subsection (1) involving a stop communication (end-user) direction, a Class 1 must-carry direction, a disgorgement direction, or a technical assistance direction given to a proprietor of an online location, shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both; or

(b) in any other case, to a fine not exceeding \$500,000.

(3) A person who is guilty of an offence under subsection (1) involving a Class 2 or Class 3 must-carry direction, a disabling direction, or a service restriction direction, or a technical assistance direction given to a person (except a proprietor of an online location), shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction; or

(b) in any other case, to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

(4) A person who is guilty of an offence under subsection (1) involving a Class 4 must-carry direction shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 4 years or to both; and

(b) in any other case, to a fine not exceeding \$500,000.

(5) A person who is guilty of an offence under subsection (1) involving an access blocking direction or app removal direction shall be liable on conviction to a fine not exceeding \$20,000 for every day or part of a day the person, without reasonable excuse, fails to comply with the direction but not exceeding in total \$500,000. 5

(6) It is not a defence to a charge under subsection (1) that — 10

(a) the person is subject to a duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with any part of a direction under this Part or restricts the person in such compliance; or 15

(b) the person has made an application under section 23 or 26, or an appeal under section 92, regarding the authorisation in which the giving of the direction is specified.

(7) Without limiting the meaning of “reasonable excuse”, it is a defence to a charge under subsection (3) involving any Part 3 direction given to an accused that is one of the following: 20

(a) a provider of a social media service;

(b) a provider of a relevant electronic service;

(c) a provider of an internet access service with a Singapore link; 25

(d) a provider of a hosting service;

(e) a proprietor of an online location;

(f) a provider of an app distribution service,

if the accused proves, on a balance of probabilities, that —

(g) it was not reasonably practicable to do more than what was in fact done to comply with the Part 3 direction; or 30

- (h) there was no better practicable means than was in fact used to comply with the Part 3 direction.

Non-disclosure of technical assistance directions

46.—(1) A person commits an offence if —

- 5 (a) the person discloses information without the prior approval of the competent authority;
- (b) the person is or was —
- (i) a person to whom a technical assistance direction under this Part is given; or
- 10 (ii) an employee or a contractor of a person to whom a technical assistance direction under this Part is given; and
- (c) the information is —
- (i) information contained in, derived or obtained in accordance with the technical assistance direction; or
- 15 (ii) information about acts done or omissions taking place in accordance with the direction.

(2) A person who is guilty of an offence under subsection (1) involving a technical assistance direction shall be liable on conviction —

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- (a) where the person is a proprietor of an online location —
- (i) if an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both; or
- 25 (ii) in any other case, to a fine not exceeding \$500,000; or
- (b) in any other case —
- (i) if an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; or
- 30 (ii) in any other case, to a fine not exceeding \$1 million.

PART 4

DESIGNATING POLITICALLY SIGNIFICANT PERSONS

Designating non-individual

47.—(1) The competent authority may designate a relevant entity to be a Part 4 politically significant entity if — 5

(a) the activities of the relevant entity are directed in part towards a political end in Singapore within the meaning of section 8; and

(b) in the competent authority’s opinion it is in the public interest that countermeasures in Part 5 or 6 ought to be applied in relation to that relevant entity. 10

(2) In deciding whether a relevant entity should be designated (or continue to be designated) a Part 4 politically significant entity under subsection (1), or a relevant entity’s designation as a Part 4 politically significant entity should be cancelled under subsection (3), the competent authority must have regard to, and give such weight as the competent authority considers appropriate to, such matters and evidence as may be relevant, including the giving of a disgorgement direction against the person or any associates of the person. 15

(3) A designation may be cancelled at any time by the competent authority in writing; and the competent authority must cause the giving of notice of the cancellation — 20

(a) in the same manner in which the notice of the designation order was first given; or

(b) if paragraph (a) is not practicable, in a manner as will secure adequate notice to the person designated of the fact of the cancellation. 25

(4) The competent authority may exercise the power under subsection (1) or (3) in relation to a relevant entity —

(a) on the application of the relevant entity; or 30

(b) on the competent authority’s own volition.

(5) For the purposes of subsection (2), an individual or a person (A) is an associate of a relevant entity if —

- (a) *A* is a related corporation of the relevant entity;
- (b) *A* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of the directors of the relevant entity;
- 5
- (c) the relevant entity is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;
- 10
- (d) *A* is a person who is accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of the directors of the relevant entity;
- 15
- (e) the relevant entity is a person who is accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*; or
- 20
- (f) *A* is related to the relevant entity in such other manner as may be prescribed by Regulations.

Designating individual as politically significant person

48.—(1) The competent authority may designate a relevant individual to be a politically significant person if —

- 25
- (a) any of the following circumstances exists:
- (i) the relevant individual is a member of a foreign legislature or a foreign political organisation;
- (ii) the activities of the relevant individual (whether alone or in collaboration or under any arrangement with another individual) are directed in part towards a political end in Singapore within the meaning of section 8; and
- 30

(b) in the competent authority's opinion, it is in the public interest that countermeasures in Part 5 or 6 ought to be applied in relation to that relevant individual.

(2) In deciding whether a relevant individual should be designated (or continue to be designated) a politically significant person under subsection (1), or a relevant individual's designation as a politically significant person should be cancelled under subsection (3), the competent authority must have regard to, and give such weight as the competent authority considers appropriate to, such matters and evidence as may be relevant, including the giving of a disgorgement direction against the individual or any associates of the individual. 5 10

(3) A designation may be cancelled at any time by the competent authority in writing; and the competent authority must cause the giving of notice of the cancellation —

(a) in the same manner in which the notice of the designation order was first given; or 15

(b) if paragraph (a) is not practicable, in a manner as will secure adequate notice to the individual designated of the fact of the cancellation.

(4) The competent authority may exercise the power under subsection (1) or (3) in relation to a relevant individual — 20

(a) on the application of the relevant individual; or

(b) on the competent authority's own volition.

(5) For the purposes of subsection (2), an individual or a person (*A*) is an associate of a relevant individual if — 25

(a) *A* is a related corporation of the relevant individual;

(b) *A* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of the relevant individual; 30

(c) the relevant person is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the

directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;

- (d) *A* is a person who is accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of the relevant individual;
- (e) the relevant individual is a person who is accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of *A*; or
- (f) *A* is related to the relevant individual in such other manner as may be prescribed by Regulations.

Opportunity to be heard before designation, etc.

49.—(1) Before the competent authority, on its own volition, designates a relevant entity or relevant individual under section 47(1) or 48(1), the competent authority must, unless the competent authority considers it not practicable or desirable to do so in any particular case —

- (a) give notice of the competent authority's intention to do so to the entity or individual concerned; and
- (b) give that entity or individual (as the case may be) 14 days after the date of the notice (or such longer time as the competent authority may specify in the notice) to make representations on the proposed designation.

(2) Once a designation is made under section 47(1) or 48(1), the competent authority must, without delay, give notice of the designation as follows:

- (a) to the relevant entity or relevant individual who is designated;
- (b) to any other person who, in the competent authority's opinion, ought to have notice of the designation.

(3) A designation under section 47(1) or 48(1) of a relevant entity or relevant individual as a politically significant person has effect during the period —

- (a) starting when notice of the designation is given to the person concerned under subsection (2), or at any later time specified in the notice of designation where so specified; and
- (b) ending when the designation is cancelled under section 47(3) or 48(3).

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PART 5

10

COUNTERMEASURES FOR DONOR ACTIVITIES

Division 1 — General

Application according to capacity

50.—(1) Without limiting section 2, this Part establishes a transparent system for donations for political purposes by creating certainty about who is making a political donation and by requiring the donor to be properly identified.

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(2) To avoid doubt —

- (a) an individual may at any one time be 2 or more of the following:
 - (i) a candidate;
 - (ii) a Member of Parliament;
 - (iii) a political office holder,
 and this Part may impose duties or liabilities on the individual accordingly;
- (b) this Part may at any one time impose the same duty or liability on 2 or more individuals or persons, whether in the same capacity or in different capacities; and
- (c) a duty or liability imposed by this Part on any person is not diminished or affected by the fact that it is imposed on one

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or more other persons, whether in the same capacity or in different capacities.

Meaning of “political donation”

5 **51.**—(1) In this Act, “political donation”, in relation to a candidate at an election or the election agent of a candidate, means any of the following which is made to or for the benefit of a candidate (whether before or after he or she becomes a candidate) with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election, or prejudicing the electoral prospects of
10 another candidate at that election:

- (a) any gift of money or other property to the candidate or the candidate’s election agent;
- (b) any money spent (otherwise than by the candidate as permitted by any other written law) in paying any expenses incurred, directly or indirectly, by the candidate or by his or her election agent or any person authorised by the candidate’s election agent;
- (c) any money lent to the candidate or the candidate’s election agent otherwise than on commercial terms;
- 20 (d) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person) to the candidate or the candidate’s election agent;
- (e) the provision of any sponsorship in relation to the
25 candidate;
- (f) any voluntary labour or voluntary professional services carried out.

(2) In this Act, “political donation”, in relation to a political party, means any of the following made to or for the benefit of the political
30 party:

- (a) any gift of money or other property to the political party;

- (b) any money spent (otherwise than by the political party or a person acting on its behalf) in paying any expenses incurred, directly or indirectly, by the political party;
 - (c) any money lent to the political party otherwise than on commercial terms; 5
 - (d) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the political party (including the services of any person);
 - (e) the provision of any sponsorship in relation to the political party; 10
 - (f) any subscription or other fee paid for affiliation to, or membership of, the political party;
 - (g) any voluntary labour or voluntary professional services carried out.
- (3) In this Act, “political donation”, in relation to a politically significant person who is a political office holder, means — 15
- (a) any gift of money or other property;
 - (b) any money spent (otherwise than by the political office holder as permitted by any other written law) in paying any expenses incurred, directly or indirectly, by the political office holder; 20
 - (c) any money lent to the political office holder otherwise than on commercial terms;
 - (d) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person) to the political office holder; 25
 - (e) the provision of any sponsorship in relation to the political office holder; or
 - (f) any voluntary labour or voluntary professional services, made to or carried out for the benefit of the political office holder, the whole or part of which was lawfully used or is intended to be lawfully used by the political office holder solely or substantially for a purpose related to the duties of the political office holder. 30

(4) In this Act, “political donation”, in relation to a politically significant person who is a Member of Parliament (whether or not also a political office holder), means —

(a) any gift of money or other property;

5 (b) any money spent in paying any expenses incurred, directly or indirectly, by the Member of Parliament;

(c) any money lent to the Member of Parliament otherwise than on commercial terms;

10 (d) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person) to the Member of Parliament;

(e) the provision of any sponsorship in relation to the Member of Parliament; or

(f) any voluntary labour or voluntary professional services,
15 made to or carried out for the benefit of the Member of Parliament, the whole or part of which was lawfully used or is intended to be lawfully used by the Member of Parliament solely or substantially for a purpose related to his or her duties as a Member of Parliament.

20 (5) In this Act, “political donation”, in relation to a Part 4 politically significant person, means —

(a) any gift of money or other property;

(b) any money lent to the Part 4 politically significant person otherwise than on commercial terms; or

25 (c) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person),

made to or carried out for the benefit of the Part 4 politically significant person, the whole or part of which was used or is intended to be used by the Part 4 politically significant person —

30 (d) to enable the person to make, directly or indirectly, a political donation to another politically significant person;

(e) to incur or defray expenditure for undertaking the person's activities directed in whole or in part towards a political end in Singapore; or

(f) to reimburse the person for making a political donation mentioned in paragraph (d) or incurring or defraying expenditure mentioned in paragraph (e). 5

(6) For the purposes of subsection (4), the duties of a Member of Parliament are his or her activities that relate —

(a) to the promotion of or opposition to any Bill, resolution, matter or thing submitted or intended to be submitted for the consideration of Parliament or any committee of Parliament; 10

(b) to supporting or serving individuals registered as an elector for, or resident in, the constituency that the Member of Parliament is elected in; 15

(c) to his or her party political duties; or

(d) directly to his or her role as a Member of Parliament,

but do not include the duties of a Member of Parliament as a member of a Town Council or as a political office holder.

(7) For the purposes of subsection (4), the duties of a political office holder are his or her activities that relate — 20

(a) to the individual's role as a holder of that political office; or

(b) where the political office holder is also a Member of Parliament, that relate predominantly to the individual's role as the holder of that political office. 25

What is not a political donation

52.—(1) Despite section 51, the following are not political donations:

(a) any lawful transmission by a licensed broadcaster, free of charge, of a party political broadcast required under a condition of its licence; 30

(b) any postage-free election communications provided to candidates pursuant to any written law;

(c) any grant or subsidy provided by the Government or a public authority to a politically significant person for the benefit of that person in his or her personal capacity;

(d) the provision by an individual who is a citizen of Singapore of —

(i) the individual's own services; or

(ii) the incidental or ancillary use of vehicles or equipment under the individual's control,

which the individual provides voluntarily and free of charge (even if they fall within the course of his or her normal work);

(e) any interest accruing to a politically significant person in respect of any political donation which is dealt with by the politically significant person (as the case may be) in accordance with section 60(2).

(2) In the case of a candidate, the following are also not donations:

(a) any money or other property, or any services or facilities, provided out of public moneys for the personal security of the candidate;

(b) where the candidate is a political office holder, any remuneration or allowances paid to the candidate in his or her capacity as such.

(3) In the case of a Member of Parliament or a political office holder, the following are also not donations:

(a) any money or other property, or any services or facilities, provided out of public moneys for the personal security of the Member of Parliament or a political office holder;

(b) any remuneration or allowances paid to the Member of Parliament or a political office holder in his or her capacity as such;

- (c) any gift given to the Member of Parliament or a political office holder in his or her capacity as such, in the course of a visit or an event hosted by a foreign State and which is immediately surrendered to the Government.

(4) In subsection (1), a licensed broadcaster is a person who is licensed under the Broadcasting Act 1994 to provide broadcasting services.

Meaning of “reportable political donation”

53.—(1) In this Act, a “reportable political donation” is —

- (a) in the case of disclosure under section 62 by a politically significant person — a political donation of or exceeding \$10,000 (or a higher amount prescribed by Regulations in substitution) made to or for the benefit of that politically significant person; or

- (b) in the case of disclosure under section 70 by a major political donor — a political donation of or exceeding \$10,000 (or a higher amount prescribed by Regulations in substitution) made to or for the benefit of a politically significant person.

(2) A political donation of less than an amount specified in subsection (1)(a) or (b) made by a person (called a donor) to a politically significant person must be treated as a reportable political donation of the politically significant person if —

- (a) that political donation made by the donor in a reporting period to the politically significant person; and

- (b) another earlier, separate political donation made by that donor to the same politically significant person within the same reporting period,

would, if aggregated, constitute a reportable political donation under subsection (1)(a) or (b), as the case may be.

When is political donation accepted

54.—(1) Subject to subsections (2) and (3), a political donation is accepted —

(a) by a candidate if it is received and retained by the candidate, or his or her election agent, for the purposes of the candidate's election;

5 (b) by an election agent of a candidate if it is received and retained by the election agent for the purposes of the candidate's election; or

(c) by any other politically significant person if it is received and retained by the politically significant person for the use and benefit of the politically significant person.

10 (2) For the purposes of this Act, a political donation received by a politically significant person is treated as having been accepted by the person unless —

15 (a) the steps referred to in section 60(2)(a) or (b), whichever is applicable, have been taken within the time limited by that section; and

(b) a record can be produced of the receipt of the donation and —

(i) of the required steps being taken in relation to the donation as mentioned in section 60(2)(a); or

20 (ii) of the return of the donation, or the equivalent amount, as mentioned in section 60(2)(b).

(3) Without limiting section 15, for the purposes of this Act, anything given or transferred to —

25 (a) any branch of a political party or Part 4 politically significant entity; or

(b) any officer, member or agent of a political party or a Part 4 politically significant entity in his or her capacity as such (and not for his or her political activities or his or her own use or benefit),

30 must be regarded as given or transferred to that political party or Part 4 politically significant entity (as the case may be), and references to donations received by a political party or Part 4 politically significant entity accordingly include references to donations so given or transferred.

Other definitions for Part 5

55.—(1) In this Part, unless the context otherwise requires —

“early initial election” means the first election after the date this Part comes into force where the writ for the election is issued not more than 12 months after that date;

5

“permissible donor” means —

(a) an individual who is a citizen of Singapore and is at least 21 years of age;

(b) in relation to a donation in the form of a bequest, an individual who was, at death, a citizen of Singapore and at least 21 years of age;

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(c) a Singapore entity which carries on business wholly or mainly in Singapore and is not prohibited by written law or its own constitution from donating or contributing for a purpose that is directed towards a political end in Singapore;

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(d) in relation to a donation in the form of voluntary labour, an individual who is a citizen of Singapore when performing that labour;

(e) in relation to a candidate, the political party the candidate is standing for at an election; or

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(f) in relation to a political party, a candidate at an election who stands or who stood for that party;

“post-election period”, for an election, means a period —

(a) starting —

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(i) the date the declaration is made by the candidate under section 65 before nomination day at that election; or

(ii) the date which is 2 clear days before nomination day at that election if no declaration mentioned in sub-paragraph (i) is earlier made; and

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(b) ending on (and including) the 31st day after the results of the election are published;

“pre-election period”, for an election, means a period of 12 months preceding —

5 (a) the date a declaration is made by the candidate under section 65 before nomination day at that election; or

(b) a date which is 2 clear days before nomination day at that election if no declaration mentioned in paragraph (a) is earlier made;

10 “provision of sponsorship”, in relation to a candidate, political party, Member of Parliament or political office holder, means the transfer of any money or other property to the candidate, political party, Member of Parliament or political office holder —

15 (a) for the benefit of the candidate, political party, Member of Parliament or political office holder (as the case may be); and

(b) the purpose (or one of the purposes) of the transfer is, or must, having regard to all the circumstances, reasonably be assumed to be —

25 (i) to help the candidate, political party, Member of Parliament or political office holder (as the case may be) with meeting, or to meet, to any extent any prescribed expenses incurred or to be incurred by or on behalf of the candidate, political party, Member of Parliament or political office holder; or

(ii) to secure that to any extent the prescribed expenses in sub-paragraph (i) are not so incurred;

30 “Singapore entity” means —

(a) a Singapore-controlled corporation;

(b) a Singapore-controlled partnership; or

(c) a Singapore-controlled unincorporated association;

“Singapore-controlled corporation” means a company incorporated in Singapore, the majority of whose directors and members are citizens of Singapore or, in the case of any member being another company, where that other company is incorporated in Singapore and the majority of whose directors and members are citizens of Singapore, and where that other company has a member who is a company which in turn has a member who is a company and so on, where each of those member companies is incorporated in Singapore and the majority of whose directors and members are citizens of Singapore;

“Singapore-controlled partnership” means —

(a) a firm registered under the Business Names Registration Act 2014 in Singapore, the majority of whose partners are citizens of Singapore or one or more Singapore entities; or

(b) a limited partnership registered under the Limited Partnerships Act 2008 in Singapore;

“Singapore-controlled unincorporated association” means an unincorporated association that —

(a) is formed in Singapore under any written law;

(b) has an executive committee, the majority of whose members are citizens of Singapore; and

(c) has a majority of members who are citizens of Singapore or Singapore entities.

(2) Where a political donation is made to any politically significant person by paying an amount into any account held by the politically significant person with a financial institution, then for the purposes of this Part, the political donation must be treated as having been received by the politically significant person at the time when the person is notified by the financial institution in the usual way of the payment into the account.

(3) Where a political donation confers an enduring benefit on any politically significant person during the whole or part of a relevant reporting period, the amount that must be recorded in any donation report required to be prepared under this Part is so much of the total value of the political donation (as determined in accordance with section 15) as accrues during the whole or part of that relevant reporting period to which the donation report relates.

Division 2 — Restrictions on accepting political donations

Political donations from impermissible donors, etc.

10 **56.** Subject to this Act, a politically significant person must not accept any political donation if it is offered by a person (called in this section the donor) who, at the time of its acceptance by the politically significant person, the politically significant person knows —

15 (a) in the case of any politically significant person who is not a Part 4 politically significant person, is not a permissible donor; or

(b) in the case of a Part 4 politically significant person, is a prohibited donor in relation to the Part 4 politically significant person because of a prohibited donor directive.

20 **Anonymous donations**

57. Subject to this Act, each of the following politically significant persons must not accept any political donation that is an anonymous donation:

25 (a) a politically significant person excluding a Part 4 politically significant person;

(b) a Part 4 politically significant person who is given an anonymous donations directive.

Applicable cap on anonymous political donations

30 **58.—(1)** Despite section 57, a politically significant person may accept —

(a) during the initial relevant period for that politically significant person; and

- (b) during each subsequent relevant period for that politically significant person,

anonymous political donations which in total are less than the applicable cap on anonymous political donations for that politically significant person.

5

(2) The applicable cap on anonymous political donations is as follows:

- (a) in the case of a political party, candidate or an election agent — \$5,000 (or a higher amount prescribed by Regulations in substitution);

10

- (b) in the case of a political office holder — \$5,000 (or a higher amount prescribed by Regulations in substitution);

- (c) in the case of a Member of Parliament who is not a political office holder — \$5,000 (or a higher amount prescribed by Regulations in substitution);

15

- (d) in the case of a Part 4 politically significant person given an anonymous donations directive — \$5,000 (or a higher amount prescribed by Regulations in substitution).

(3) In this section —

“appointed day” means the date of commencement of this section;

20

“initial relevant period”, for a politically significant person, means —

- (a) for a candidate at an early initial election or such a candidate’s election agent, the period —

25

(i) starting on a date 12 months preceding —

- (A) the date a declaration is made by the candidate under section 65 before nomination day at that early initial election; or

30

- (B) a date which is 2 clear days before nomination day at that early initial

election if no declaration mentioned in sub-paragraph (A) is earlier made; and

(ii) ending on (and including) the last day of the post-election period of the early initial election,

5 even though this section may not have been in force during any part of the period;

(b) for a candidate at the first election after the appointed day (other than an early initial election) or such a candidate's election agent, the period —

10 (i) starting on a date 12 months preceding —

(A) the date a declaration is made by the candidate under section 65 before nomination day at that election; or

15 (B) a date which is 2 clear days before nomination day at that election if no declaration mentioned in sub-paragraph (A) is earlier made; and

(ii) ending on (and including) the last day of the post-election period of that election;

20 (c) for a political party —

(i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or

25 (ii) the period starting on the day the political party is constituted on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts;

(d) for a political office holder or a Member of Parliament (whether or not a political office holder) —

30 (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or

- (ii) the period starting on the day the person first becomes a political office holder or a Member of Parliament (as the case may be) on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts; 5
 - (e) for a Part 4 politically significant entity —
 - (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or 10
 - (ii) the period starting on the day the entity first becomes a politically significant entity on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts; or 15
 - (f) for an individual who is designated under section 48(1) as a politically significant person —
 - (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or 20
 - (ii) the period starting on the day the person is first designated a politically significant person on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts; 25
- “relevant period” means —
- (a) for a candidate at an election or such a candidate’s election agent, the period —
 - (i) starting on the first day of the pre-election period of the election; and 30
 - (ii) ending on (and including) the last day of the post-election period of the election; or

(b) for any other politically significant person, the period of 12 months starting 1 January and ending 31 December in any year,

and includes an initial relevant period.

5 **Return of anonymous political donations**

59.—(1) Subject to this Act, where an anonymous political donation is offered to a politically significant person, and sections 56 and 57 prohibit the politically significant person from accepting (whether wholly or in part) that donation, the following requirements must be complied with:

(a) if the donation was transmitted by a person (other than the donor) and the identity of that person is apparent, the whole donation must be returned to that person;

(b) if paragraph (a) does not apply but it is apparent that the donor has, in connection with the donation, used any facility provided by an identifiable financial institution, the whole donation must be returned to that financial institution;

(c) in all other cases, the whole donation must be sent to the competent authority.

(2) Any amount collected by the competent authority under subsection (1)(c) must be paid into the Consolidated Fund.

Return of political donations

60.—(1) Where a political donation is received by a politically significant person and it is not immediately decided that the politically significant person should (for whatever reason) refuse the political donation, all reasonable steps must be taken without delay by or on behalf of the politically significant person to verify or, so far as the following is not apparent, ascertain —

(a) the identity of the donor;

(b) whether the donor is —

(i) a permissible donor; or

(ii) a prohibited donor in relation to the politically significant person; and

(c) if the donor is a permissible donor and not a prohibited donor, all such details in respect of the donor as are required by the Regulations to be given in respect of a donor of a reportable political donation. 5

(2) If a politically significant person receives a donation which the politically significant person is prohibited from accepting by virtue of section 56, 57 or 58, or which the politically significant person has decided the politically significant person should for any reason refuse, then within the grace period — 10

(a) in the case of an anonymous political donation, the requirements of section 59 must be complied with in respect of the whole donation; or

(b) in any other case, the political donation must be sent back, or a payment of an equivalent amount must be sent, to — 15

(i) the person who made the donation; or

(ii) any other person appearing to be acting on behalf of the person in sub-paragraph (i).

(3) In subsection (2), the “grace period”, in relation to a politically significant person who or which has received a political donation, means a period of 30 days starting the date when the donation is so received by the politically significant person. 20

(4) If —

(a) a politically significant person receives a donation which the politically significant person is prohibited from accepting by virtue of section 56, 57 or 58; 25

(b) at the end of the grace period applicable to that donation, subsection (2)(a) and (b) is not complied with; and

(c) the politically significant person knows or is reckless as to whether the politically significant person is prohibited from accepting the donation by virtue of section 56, 57 or 58,

5 then the following applies:

(d) in the case of a donation accepted by a political party or Part 4 politically significant entity —

(i) the political party and the responsible officers of the political party in question; or

10 (ii) the Part 4 politically significant entity and the responsible officers of the Part 4 politically significant entity,

(whichever is applicable) shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction;

15 (e) in the case of a donation accepted in respect of a candidate at an election —

(i) the candidate and the candidate's election agent in question; or

25 (ii) the candidate at a presidential election and the candidate's principal election agent in question,

(whichever is applicable) shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction;

30 (f) in any other case, the politically significant person shall be guilty of an offence and shall be liable on conviction to a

fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction.

5

(5) In determining whether a Member of Parliament (whether or not a political office holder) commits an offence under subsection (4), the donor's motive for offering the political donation is irrelevant.

(6) To avoid doubt, this section does not affect section 35(2) of the Parliament (Privileges, Immunities and Powers) Act 1962 and section 11(b) of the Prevention of Corruption Act 1960.

10

Forfeiture of prohibited political donations, etc.

61.—(1) Where —

(a) any donation is made to a politically significant person;

(b) the donation is one which the politically significant person is prohibited from accepting by virtue of section 56, 57 or 58; and

15

(c) the politically significant person has accepted the donation, the Public Prosecutor may apply to a District Court for an order of forfeiture by the politically significant person of an amount equal to the value of the donation.

20

(2) Where, on an application by the Public Prosecutor under subsection (1), the District Court makes an order of forfeiture or refuses the application, the politically significant person concerned or the Public Prosecutor (as the case may be) may, before the end of the period of 30 days starting the date of the order or refusal to order, appeal to the Appellate Division of the High Court.

25

(3) An appeal under subsection (2) must be by way of a rehearing; and the Appellate Division of the High Court hearing the appeal may make such order as it considers appropriate.

30

(4) The standard of proof in proceedings under this section is that applicable to civil proceedings.

(5) An order may be made under this section whether or not proceedings are brought against any person for an offence connected with the donation.

5 (6) Any amount forfeited by an order under this section must be paid into the Consolidated Fund.

(7) Where an appeal is made under subsection (2), subsection (6) does not apply before the appeal is determined or otherwise disposed of.

10 (8) Where any amount forfeited by an order of the District Court under subsection (1) or an order of the Appellate Division of the High Court under subsection (3) where there is an appeal, is not paid in compliance with the terms of the order, the District Court or Appellate Division of the High Court (as the case may be) may, on the application of the Public Prosecutor, issue a warrant for the levy of
15 the amount forfeited against any property belonging to the politically significant person concerned.

(9) Such a warrant may be executed in the same manner as a warrant for the levy of the amount of a fine under section 319(1)(b)(iii) of the Criminal Procedure Code 2010.

20 (10) Where any amount recovered under any warrant issued under subsection (8) is in excess of the amount forfeited under this section, the balance must be returned to the politically significant person concerned.

25 (11) Without limiting the Supreme Court of Judicature Act 1969 and any other written law conferring power on the Rules Committee constituted under section 80(3) of that Act, the Rules Committee may make Rules of Court —

- (a) with respect to applications or appeals to any court under this section;
- 30 (b) for the giving of notice of such applications or appeals to persons affected; and
- (c) generally with respect to the procedure of proceedings under this section before any court.

*Division 3 — Reporting and accounting
of political donations*

Disclosing reportable political donations

62.—(1) Subject to this Act, every reportable political donation received and accepted during each reporting period by or on behalf of any politically significant person must be disclosed to a competent authority in accordance with this Division. 5

(2) Disclosure to a competent authority of reportable political donations received and accepted during a reporting period by or on behalf of a politically significant person must be in a donation report relating to the reporting period that — 10

- (a) is in the form required by the competent authority;
- (b) is given to the competent authority within the time delimited by section 63 and in the manner prescribed in Regulations or, subject to those Regulations, as approved by the competent authority; 15
- (c) contains the prescribed details of every reportable political donation received and accepted during the reporting period by or on behalf of the politically significant person, and the prescribed particulars of each donor; 20
- (d) is signed by the person who is required by section 64 to be responsible for the disclosure of reportable political donations received and accepted by or on behalf of the politically significant person; and
- (e) is accompanied by a declaration in section 65 made by the person who is required by section 64 to be responsible for the disclosure of reportable political donations received and accepted by or on behalf of the politically significant person. 25

(3) In this section — 30
 “appointed day” means the date of commencement of this section;

“initial pre-election period”, for a candidate at the first election after the appointed day or such a candidate’s election agent, means —

(a) in the case of an early initial election, the period of 12 months preceding —

(i) the date a declaration is made by the candidate under section 65 before nomination day at that early initial election; or

(ii) the day which is 2 clear days before nomination day at that early initial election if no declaration mentioned in sub-paragraph (i) is earlier made,

even though this section may not have been in force during any part of the period; or

(b) the period of 12 months preceding —

(i) the date a declaration is made by the candidate under section 65 before nomination day at that early initial election; or

(ii) the day which is 2 clear days before nomination day at that early initial election if no declaration mentioned in sub-paragraph (i) is earlier made;

“initial reporting period”, for a politically significant person, means —

(a) for a candidate at the first election after the appointed day or such a candidate’s election agent, the following:

(i) the initial pre-election period of the election;

(ii) the post-election period of that election;

(b) for a candidate at an election other than an election in paragraph (a), the following:

(i) the pre-election period of the election;

(ii) the post-election period of that election;

- (c) for a political party —
- (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
 - (ii) the period starting on the day the political party is constituted on or after the appointed day, and ending on (and including) 31 December of the year in which the period starts; 5
- (d) for a political office holder or a Member of Parliament (whether or not a political office holder) — 10
- (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
 - (ii) the period starting on the day the person first becomes a politically significant person on or after the appointed day, and ending on (and including) 31 December of the year in which the period starts; 15
- (e) for a Part 4 politically significant entity — 20
- (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
 - (ii) the period starting on the day the entity first becomes a politically significant entity on or after the appointed day, and ending on (and including) 31 December of the year in which the period starts; or 25
- (f) for an individual who is designated under section 48(1) as a politically significant person — 30
- (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or

- (ii) the period starting on the day the person is first designated a politically significant person on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts;

“reporting period” means —

- (a) for a candidate at an election or such a candidate’s election agent, the following periods:

(i) the pre-election period of the election;

(ii) the post-election period of the election; or

- (b) for any other politically significant person, the period of 12 months starting 1 January and ending 31 December in any year,

and includes an initial reporting period.

When disclosure of reportable political donations to be made

63.—(1) Subject to this Act, disclosure of reportable political donations received and accepted by or on behalf of a politically significant person must be given to a competent authority as follows:

(a) for a disclosure of reportable political donations received and accepted during the pre-election period for that election, no later than 2 clear days before nomination day of that election;

(b) for a disclosure of reportable political donations received and accepted during the post-election period for that election, no later than the 31st day after the results of the election are published;

(c) for a disclosure of reportable political donations received and accepted by a politically significant person within a year, no later than 31 January in the following year;

(d) otherwise, no later than 31 January in the year following the year in which the political donation was received.

(2) Regulations may prescribe a longer period for the purposes of subsection (1)(c) or (d).

(3) Upon receiving a donation report and declaration in compliance with the requirements of subsection (1) from a candidate at an election in relation to a pre-election period for the election, the competent authority must issue to the candidate concerned, not later than the eve of the nomination day at the election, a political donation certificate stating that the candidate has complied with subsection (1).

(4) A political donation certificate issued under subsection (3) is, for the purposes of any written law, conclusive as to the facts it certifies.

Who is responsible for disclosing reportable political donations

64. Subject to this Act, the person who is responsible for making a disclosure of reportable political donations as required by section 62 is —

- (a) for reportable political donations received and accepted by a political party — every responsible officer of the political party;
- (b) for reportable political donations received and accepted by or on behalf of a candidate at an election — an election agent of the candidate;
- (c) for reportable political donations received and accepted by or on behalf of an election agent of a candidate — the election agent;
- (d) for reportable political donations received and accepted by or on behalf of a political office holder who is not a Member of Parliament — the political office holder;
- (e) for reportable political donations received and accepted by or on behalf of a Member of Parliament (whether or not a political office holder) — the Member of Parliament;
- (f) for reportable political donations received and accepted by or on behalf of a Part 4 politically significant entity — every responsible officer of the Part 4 politically significant entity; or

- (g) for reportable political donations received and accepted by or on behalf of an individual who is designated under section 48(1) as a politically significant person — that individual.

5 **Accompanying declaration to donation report**

65.—(1) Subject to this Act, every donation report required by section 62 in relation to a politically significant person must be accompanied by a declaration —

- 10 (a) made by every person who is, under section 64, responsible for making disclosure of reportable political donations received and accepted by the politically significant person in the reporting period to which the donation report relates; and

(b) containing the statements described in subsection (2).

- 15 (2) The declaration which must accompany a donation report for a Part 4 politically significant person must contain a statement stating, to the best of the knowledge and belief of every person who is, under section 64, responsible for making disclosure of reportable political donations for the Part 4 politically significant person —

- 20 (a) if no prohibited donor directive, anonymous donations directive or political donations fund directive has been given under section 67, 68 or 69 for the reporting period to which the report relates, that during that reporting period no other reportable political donations have been accepted by the Part 4 politically significant person;

- 25 (b) if a prohibited donor directive has been given for the reporting period to which the report relates, that during that reporting period —

- 30 (i) no political donation from a prohibited donor in relation to the Part 4 politically significant entity has been so accepted by the Part 4 politically significant person; and

- (ii) no other reportable political donations have been accepted by the Part 4 politically significant person;

(c) if an anonymous donations directive has been given for the reporting period to which the report relates, that during that reporting period —

(i) no anonymous political donation in excess of the applicable cap on anonymous political donations in section 58(2)(d) has been accepted by the Part 4 politically significant person; and

5

(ii) no other reportable political donations have been accepted by the Part 4 politically significant person; or

10

(d) if a political donations fund directive has been given for the reporting period to which the report relates, that during that reporting period —

(i) all political donations in cash which are accepted by the Part 4 politically significant person during the reporting period to which the donation report relates have been paid into a political donations fund; and

15

(ii) no other reportable political donations have been accepted by that Part 4 politically significant person.

(3) The declaration which must accompany a donation report for any other politically significant person must contain a statement stating, to the best of the knowledge and belief of every person who is, under section 64, responsible for making disclosure of reportable political donations for the politically significant person, that —

20

(a) all political donations recorded in the donation report as having been accepted by the politically significant person in the reporting period to which the donation report relates are from permissible donors;

25

(b) all political donations in cash which are accepted by the politically significant person during the reporting period to which the donation report relates have been paid into a political donations fund; and

30

(c) during the reporting period to which the donation report relates —

- (i) no other reportable political donations have been accepted by the politically significant person;
- (ii) no anonymous political donation in excess of the applicable cap on anonymous political donations has been accepted by the politically significant person; and
- (iii) no political donation from a prohibited donor in relation to the politically significant person has been so accepted by the politically significant person.

Separate accounts for political donations (political donations fund)

66.—(1) Subject to this Act, a politically significant person who is —

- (a) a political party;
- (b) a candidate;
- (c) an election agent of a candidate;
- (d) a political office holder;
- (e) a Member of Parliament (whether or not a political office holder); or
- (f) a Part 4 politically significant person given a political donations fund directive,

must each establish and maintain, with an authorised deposit-taking institution in an account denominated in Singapore dollars, and in accordance with the Regulations, a political donations fund, until any terminal event mentioned in subsection (4) first happens.

(2) If a politically significant person mentioned in subsection (1) holds more than one capacity at the same time, a separate political donations fund need not be established and maintained for each capacity.

(3) A politically significant person mentioned in subsection (1) must pay the following moneys into its political donations fund, and no other moneys:

- (a) all moneys received by it as political donations on or after the date of commencement of this section;
 - (b) the proceeds of the investment or disposal of any political donation of property that is acquired (whether before, on or after that date) as an asset of the account of the politically significant person. 5
- (4) For the purposes of subsection (1), a terminal event —
- (a) means the date the person ceases to be a politically significant person; and
 - (b) in the case of a Part 4 politically significant person, includes the date where the political donations fund directive given to the Part 4 politically significant person ceases to have effect in relation to that politically significant person. 10
- (5) Upon the happening of a terminal event, the politically significant person's political donation fund or funds may be closed without further approval from the competent authority. 15
- (6) A politically significant person commits an offence if the person, without reasonable excuse, contravenes subsection (1) or (3).
- (7) A politically significant person who is guilty of an offence for contravening subsection (3) shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction. 20

*Division 4 — Stepped up countermeasures
for Part 4 politically significant persons*

25

Prohibited donor directive

67.—(1) A competent authority may give a directive to a Part 4 politically significant person requiring the Part 4 politically significant person to do all or any of the following: 30

- (a) to not accept any political donation from a citizen of Singapore who is below 21 years of age;

(b) to not accept any political donation from a foreign individual, foreign business, foreign political organisation or foreign public enterprise specified in the directive;

5 (c) to return any political donation received, on or after a date specified in the direction from a foreign individual, foreign business, foreign political organisation or foreign public enterprise specified in the directive.

10 (2) A foreign individual, foreign business, foreign political organisation or foreign public enterprise which is specified in a directive given under this section to a Part 4 politically significant person is, for the purposes of this Act, a prohibited donor in relation to that Part 4 politically significant person.

15 (3) A directive under this section may specify the manner in which, and must specify the period within which, the political donations concerned must be returned.

Anonymous donations directive

20 **68.** A competent authority may give a directive to a Part 4 politically significant person to require the Part 4 politically significant person to not accept any anonymous donation in excess of the applicable cap for anonymous donations mentioned in section 58(2)(d).

Political donations fund directive

25 **69.—**(1) A competent authority may give a directive to a Part 4 politically significant person to require the Part 4 politically significant person to establish and maintain, in accordance with section 66, a political donations fund for all political donations the Part 4 politically significant person receives or accepts or both, on or after a date specified in the directive.

30 (2) A directive under this section may specify the manner in which, and must specify the period within which, the political donations fund concerned must be established and maintained.

*Division 5 — Donor obligations***Major political donor reporting**

70.—(1) Subject to this Act, a person (not being a politically significant person) who in any single year makes one or more political donations —

(a) all of which are accepted by or on behalf of any one of the following:

(i) a political party;

(ii) a Part 4 politically significant person given a prohibited donor directive; and

(b) the total value of which is not less than the threshold reporting value,

must disclose the donations to a competent authority in accordance with this section.

(2) Disclosure to a competent authority of political donations made in a single year and accepted by or on behalf of a politically significant person mentioned in subsection (1) must be in a major political donor's donation report relating to the year that —

(a) is in the form required by the competent authority;

(b) is given to the competent authority —

(i) no later than 31 January of the year following that in which the donations were made; and

(ii) in the manner prescribed in Regulations or, subject to those Regulations, as approved by the competent authority;

(c) contains the following particulars:

(i) the total value of the political donations, the year in which and date when they were made;

(ii) the name of the politically significant person to which they were made;

(iii) the full name and address of the donor and such other details in respect of the donor as are required by the

Regulations to be given in respect of a major political donor;

(*d*) is signed by the donor; and

(*e*) is accompanied by a declaration in subsection (3).

5 (3) Subject to this Act, every major political donor's donation report required by subsection (1) must be accompanied by a declaration —

10 (*a*) made by the major political donor concerned or, in the case of a major political donor that is not an individual, on behalf of the major political donor by —

(i) the individuals for the time being holding the offices of chairperson, managing director and company secretary, respectively, of the body corporate, or any positions analogous to those offices; or

15 (ii) the individuals for the time being holding the offices of president, secretary and treasurer, respectively, of the committee of an unincorporated association, or any positions analogous to those offices; and

20 (*b*) containing a statement that, to the best of the knowledge and belief of the major political donor or every person in paragraph (*a*)(i) or (ii) (as the case may be) —

25 (i) political donations whose total value was that specified in the report were made by the major political donor to the specified politically significant person during the specified year; and

(ii) no other political donations were made by the major political donor to that politically significant person during that same year.

30 (4) The threshold reporting value for the purposes of subsection (1)(*b*) is \$10,000, or a higher amount prescribed by Regulations in substitution.

(5) A major political donor who —

- (a) gives the competent authority a major political donor's donation report required by subsection (1) which does not comply with subsection (2)(a), (c), (d) or (e);
- (b) fails to give the competent authority such donation report in accordance with subsection (2)(b); or
- (c) knowingly or recklessly makes a false declaration under subsection (3),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

Directive affecting major donors

71.—(1) A competent authority may give a directive to a Part 4 politically significant entity declaring that section 70 applies to donors making political donations to that Part 4 politically significant entity.

(2) In addition to section 89, once a directive is made under this section and before the date it comes into effect, the competent authority must publish a notice of the making of the declaration in the *Gazette* and in such other manner as will secure adequate publicity for the fact of making of the declaration, stating —

- (a) that a directive has been made under this section; and
- (b) the name of the Part 4 politically significant entity to which the directive relates, and when the directive takes effect.

Duty when donating on behalf of others

72.—(1) For the purposes of this Act, where any person (called in this section the principal donor) causes an amount (called in this section the principal donation) to be received by a politically significant person by way of a political donation —

- (a) on behalf of the principal donor and one or more other persons; or

(b) on behalf of one or more other persons,

then each individual contribution by each person mentioned in paragraph (a) or (b) is taken to be a separate donation by that person.

5 (2) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the politically significant person, the politically significant person is given all such details in respect of the person treated by subsection (1) as giving the donation as is required by the Regulations to be given in respect of a donor of a reportable
10 political donation.

(3) Where a person (called in this subsection the agent) causes an amount to be received by a politically significant person by way of a donation on behalf of another person (called in this subsection the donor), the agent must ensure that, at the time the amount is received
15 by the politically significant person, the politically significant person is given all such details in respect of the donor as are required by the Regulations to be given in respect of a donor of a reportable political donation.

(4) A person who, without reasonable excuse, fails to comply with subsection (2) or (3) shall be guilty of an offence and shall be liable
20 on conviction to a fine not exceeding \$5,000.

Division 6 — Offences

Late donation reports, etc.

73.—(1) Where any donation report or declaration which is
25 required by section 62 or 65 to be given to the competent authority is not given within the time delimited under section 63, then the following persons shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every
30 day or part of a day during which the offence continues after conviction:

(a) where the donation report or declaration is required in respect of a political party or a Part 4 politically significant

entity — the responsible officers of the political party or Part 4 politically significant entity in question;

(b) where the donation report or declaration is required in respect of a candidate at an election or the candidate’s election agent — the candidate and the candidate’s election agent in question or (as the case may be) the candidate at a presidential election and the candidate’s principal election agent in question; 5

(c) where the donation report or declaration is required in respect of any other politically significant person who is not mentioned in paragraphs (a) and (b) — that person. 10

(2) If a donation report which is required by section 62 to be given to the competent authority is given to the competent authority, but the donation report does not comply with the requirements of section 62(2)(c) as regards the recording of reportable political donations in the report, then the following persons shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction: 15 20

(a) where the donation report is required in respect of a political party or Part 4 politically significant entity — the responsible officers of the political party or Part 4 politically significant entity in question;

(b) where the donation report is required in respect of a candidate at an election or the candidate’s election agent — the candidate and the candidate’s election agent in question or (as the case may be) the candidate at a presidential election and the candidate’s principal election agent in question; 25 30

(c) where the donation report is required in respect of a politically significant person not mentioned in paragraphs (a) and (b) — that politically significant person.

(3) In proceedings for an offence under subsection (1) or (2), it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence to ensure that any requirements —

- 5 (a) as regards preparation or sending of a donation report or declaration; or
- (b) as regards the information to be given in any donation report or declaration,

10 as the case may be, have been complied with in relation to the donation report or declaration.

(4) Where the court is satisfied, on an application made by the Public Prosecutor, that any failure to comply with any such requirements in relation to any political donation received by a politically significant person was attributable to an intention on the

15 part of any person to conceal the existence or true amount of the political donation, the court may order the forfeiture of an amount equal to the value of the political donation.

False or misleading donation reports and declarations

20 **74.**—(1) Where in any donation report or declaration which is required by section 62 or 65 to be given to the competent authority in relation to a politically significant person, there is —

- (a) any information or a statement that is false or misleading in a material particular; or
- 25 (b) an omission of any matter or thing without which the donation report or declaration is misleading in a material particular,

every person who is, under section 64, responsible for making disclosure of reportable political donations for the politically significant person commits an offence.

30 (2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

- (b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) A person is a repeat offender in relation to an offence under subsection (1) relating to a donation report or declaration if the person has been convicted or found guilty (whether before, on or after the date of commencement of this section) on at least one other earlier occasion of — 5

- (a) an offence under subsection (1); or

- (b) an offence under section 22(6) of the repealed Act. 10

(4) In proceedings for an offence under subsection (1) in relation to a donation report or a declaration relating to any such report, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that — 15

- (a) the information or statement in the donation report or declaration (as the case may be) was not false or misleading in a material particular; or

- (b) the donation report or declaration did not contain any omission which would have made the donation report or declaration misleading in a material particular. 20

Evasion and intentional acceptance of impermissible donations, etc.

75.—(1) Where a person enters into, or knowingly does any act in furtherance of, any arrangement which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the making of donations to a politically significant person by a donor — 25

- (a) who is not a permissible donor; or

(b) who is a prohibited donor in relation to the politically significant person,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Where a person —

(a) knowingly gives a politically significant person any information relating to the identity of a donor of a political donation, or the amount of any political donation, made to the politically significant person or to the person or body making such a donation, which is false in a material particular; or

(b) with intent to deceive, withholds from a politically significant person any material information relating to the identity of the donor of a political donation, or the amount of any political donation, made to the politically significant person,

the person shall be guilty of an offence.

(3) A person who is guilty of an offence under subsection (2) shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

(b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) A person is a repeat offender in relation to an offence under subsection (2) if the person has been convicted or found guilty (whether before, on or after the date of commencement of this section) on at least one other earlier occasion of —

(a) an offence under subsection (2); or

(b) an offence under section 23(2) of the repealed Act.

(5) Where —

(a) a politically significant person accepts any political donation from a person (called a donor) who, at the time of its acceptance by the politically significant person —

(i) is not a permissible donor; or

(ii) is a prohibited donor in relation to the politically significant person; and

(b) the politically significant person knew or ought reasonably to have known that the donor —

(i) is not a permissible donor; or

(ii) is a prohibited donor in relation to the politically significant person,

the politically significant person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

PART 6

COUNTERMEASURES FOR OTHER ACTIVITIES

Division 1 — Foreign affiliations

Disclosure of foreign affiliation

76.—(1) Subject to this Act, a politically significant person must disclose to a competent authority in accordance with this Division every reportable arrangement to which the politically significant person is party at any time during a reporting period.

(2) Disclosure to a competent authority of every reportable arrangement to which a politically significant person is party during a reporting period must be in a foreign affiliations report relating to the reporting period that —

(a) is in the form required by the competent authority;

(b) is given to the competent authority within the time delimited by section 77 and in the manner prescribed in Regulations or, subject to those Regulations, as approved by the competent authority;

5 (c) contains the prescribed details or description of every such arrangement with a foreign principal during the reporting period, and the identity and other prescribed particulars of the foreign principal;

(d) is signed by —

10 (i) the politically significant person who is an individual; or

(ii) in any other case, the person who is required by section 64 to be responsible for the disclosure of reportable political donations received and accepted by or on behalf of that politically significant person; and

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(e) is accompanied by a declaration in subsection (3) made by every person referred to in paragraph (d).

(3) The declaration required by subsection (2)(e) to accompany a foreign affiliations report of a politically significant person must contain a statement that, to the knowledge and belief of every person referred to in subsection (2)(d), there is no other reportable arrangement to which the politically significant person is party during the reporting period to which the foreign affiliations report relates.

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(4) In this section and section 77 —

“appointed day” means the date of commencement of this section;

“initial reporting period” means —

30 (a) for a candidate at the first election after the appointed day or such a candidate’s election agent —

(i) in the case of an early initial election, the period of 12 months preceding —

(A) the date a declaration is made by the candidate under subsection (2) before nomination day at that early initial election; or

(B) the day which is 2 clear days before nomination day at that early initial election if no declaration mentioned in sub-paragraph (A) is earlier made, 5

even though this section may not have been in force during any part of the period; or 10

(ii) the period of 12 months preceding —

(A) the date a declaration is made by the candidate under subsection (2) before nomination day at that early initial election; or 15

(B) the day which is 2 clear days before nomination day at that early initial election if no declaration mentioned in sub-paragraph (A) is earlier made;

(b) for a candidate at an election other than an election in paragraph (a), the pre-election period of the election; 20

(c) for an election agent of a candidate at an election, the period starting on the day the person becomes an election agent of the candidate (being after the appointed day), and ending on (and including) the 31st day after the results of that election are published; or 25

(d) for any other politically significant person —

(i) the period starting on the appointed day and ending on (and including) 31 December of the same year that appointed day falls, unless paragraph (b) applies; or 30

(ii) the period starting on the day the person becomes a politically significant person

(being after the appointed day), and ending on (and including) 31 December of the same year that day the person becomes a politically significant person falls;

5 “politically significant person”, in relation to a foreign affiliations report for any pre-election period, does not include an election agent;

“reporting period” means —

10 (a) for a candidate at an election, the pre-election period of the election;

(b) for an election agent of a candidate at an election, the period starting on the day the person becomes an election agent of the candidate (being after the appointed day), and ending on (and including) the 31st day after the results of that election are published; and

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(c) for any other politically significant person, the period of 12 months starting 1 January and ending 31 December in any year,

20 and includes an initial reporting period.

When to make foreign affiliations report

77.—(1) Subject to subsection (2), disclosure of every reportable arrangement to which a politically significant person is party during a reporting period must be given to a competent authority —

25 (a) in relation to a disclosure of arrangements or agreements to which a candidate is during the pre-election period for that election a party — no later than 2 clear days before nomination day of that election;

30 (b) in relation to a disclosure of arrangements or agreements to which an election agent of a candidate is party — no later than the 31st day after the results of that election are published; and

(c) in any other case — no later than 31 January of the year following the year in which the reporting period ends.

(2) Regulations may prescribe a longer period for the purposes of subsection (1).

What is reportable arrangement

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78.—(1) A reportable arrangement to which a politically significant person is party is an arrangement —

(a) the politically significant person enters into or has with a foreign principal; and

(b) under which the politically significant person —

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(i) undertakes an activity on behalf of the foreign principal, even if the activity is not directed towards a political end in Singapore;

(ii) is accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign principal or, where the foreign principal is an entity, of the governing body of the foreign principal, even if the act is not directed towards a political end in Singapore;

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(iii) is a member of the foreign principal, even if the membership is not directed towards a political end in Singapore; or

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(iv) has a direct association or an immediate affiliation with the foreign principal, even if the association or affiliation is not directed towards a political end in Singapore.

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(2) To avoid doubt, a politically significant person is party to a reportable arrangement under subsection (1) even if the person undertakes an activity mentioned in subsection (1)(b)(i) only once, and even if no such activity is undertaken under an arrangement mentioned in subsection (1)(a).

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(3) In addition, any of the following politically significant persons who are not entities:

(a) an individual who is designated under section 48(1) as a politically significant person;

5 (b) a candidate;

(c) an election agent of a candidate;

(d) a political office holder;

(e) a Member of Parliament (whether or not a political office holder),

10 has a reportable arrangement to which such a politically significant person is party if he or she is granted a migration benefit by or on behalf of a foreign government, even if he or she did not voluntarily claim or apply for it.

15 (4) In subsection (3), a migration benefit means any of the following that is or may be granted by or on behalf of a foreign government to an individual who is not a citizen of the foreign country of that foreign government:

(a) an honorary citizenship in that foreign country;

20 (b) a document of identity issued for travel purposes (whether or not also issued for another purpose), including a passport;

25 (c) an entitlement or a privilege or status in order to work or reside (otherwise than temporarily) in that foreign country, which is such an entitlement or a privilege or status prescribed in the Regulations.

(5) To avoid doubt, a politically significant person is party to a reportable arrangement under subsection (3) even if the person does not exercise any right or otherwise use any migration benefit mentioned in subsection (3).

30 (6) However, none of the following is a reportable arrangement within the meaning of this section:

- (a) a marriage between a politically significant person mentioned in subsection (3) and a foreigner or foreign government-related individual;
- (b) an arrangement under which the politically significant person mentioned in subsection (3) undertakes an activity on behalf of a foreigner or foreign government-related individual where —
 - (i) the politically significant person and the foreigner or foreign government-related individual —
 - (A) are members of the same family; or
 - (B) know each other personally;
 - (ii) the politically significant person undertaking the activity does so because of the relationship in sub-paragraph (i) and solely in that person's personal capacity; and
 - (iii) the activity is, or relates primarily to, representing in good faith the interests of the foreigner or foreign government-related individual in relation to matters affecting the personal welfare of the foreigner or foreign government-related individual, as the case may be;
- (c) an arrangement under which the politically significant person has a direct association or collaboration or an immediate affiliation with the foreign principal solely because of a common membership in an association or a corporation that is not a foreign principal.

Reporting involvement in foreign political organisation, etc.

79.—(1) An individual who is a citizen of Singapore (and whether or not resident in Singapore) must, within the prescribed time, give the competent authority a written declaration if the individual —

- (a) is, on the appointed day, a member of a foreign legislature or a foreign political organisation; or

(b) becomes, after the appointed day, a member of a foreign legislature or a foreign political organisation.

(2) The written declaration required by subsection (1) to be made by an individual must contain —

- 5 (a) the individual’s name and place of residence;
- (b) a description of the foreign legislature or the foreign political organisation of which the individual is a member and the nature of that membership; and
- 10 (c) other particulars relating to the individual concerned prescribed in the Regulations.

(3) In subsection (1), the prescribed time means a period prescribed in Regulations —

- (a) starting the appointed day in the case of an individual who, on that day, is a member of a legislature of a foreign country or a foreign political organisation; or
- 15 (b) starting the date the individual concerned first becomes a member of a legislature of a foreign country or a foreign political organisation.

(4) In this section —

20 “appointed day” means the date of commencement of this section;

 “member”, in relation to a foreign legislature or a foreign political organisation, includes an individual who is an honorary member but does not include any person by reason only of being —

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- (a) an employee of the foreign legislature or foreign political organisation;
- (b) a person who regularly conducts, or takes part in, any activities (in or outside Singapore) organised or sponsored by the foreign legislature or foreign political organisation;
- 30 (c) a person who regularly donates to the foreign legislature or foreign political organisation; or

- (d) a person who lobbies on behalf of the foreign legislature or foreign political organisation.

*Division 2 — Published-by requirement for
foreign-linked political matters*

Application and interpretation

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80.—(1) This Division applies only to the following persons:

- (a) a politically significant person;
- (b) a person who is not a politically significant person but is —
 - (i) authorised by a permit under section 21 of the Newspaper and Printing Presses Act 1974 to publish (for sale or otherwise) a newspaper in Singapore; or
 - (ii) authorised by a licence or class licence under the Broadcasting Act 1994 to provide a licensable broadcasting service in or from Singapore, and the broadcasting service contains at least one Singapore news programme that is likely to be published for a purpose that is directed towards a political end in Singapore.

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(2) In this Division —

“author”, for any political matter, means an individual who authored, edited, translated, illustrated, choreographed, directed the production of, or otherwise contributed to, the contents of the political matter, but for a programme which is broadcast or a performance, does not include an individual who is solely a presenter of the content of the programme or a performer of content provided by another;

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“Singapore news programme” means any programme containing any news, intelligence, report of occurrence, or any matter of public interest, about any social, economic, political, cultural, artistic, sporting, scientific or other aspect of Singapore in any language —

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- (a) whether or not it is presenter-based;

- (b) whether or not provided by a third party;
- (c) whether paid or free; and
- (d) whether or not provided at regular intervals,

but does not include a programme produced by or on behalf of the Government;

“newspaper” means a publication printed in any language and published for sale or free distribution at regular intervals or otherwise, and containing any of the following or a combination of the following:

- (a) news, intelligence or reports of occurrences or any matter of public interest, about any social, economic, political, cultural, artistic, sporting, scientific or any other aspect of Singapore in any language;
- (b) any remarks, observations or comments, in relation to such news, intelligence or reports of occurrences or to any other matter of public interest, or any matter of public interest, about any social, economic, political, cultural, artistic, sporting, scientific or any other aspect of Singapore in any language,

but does not include a publication produced by or on behalf of the Government;

“political matter” means an article or essay, a commentary, talk, performance or programme (or part of an article or essay, a commentary, talk, performance or programme) that can reasonably be regarded as intended —

- (a) to promote the interests of a politically significant person in Singapore;
- (b) to influence, or seek to influence, the outcome of any election or national referendum under any written law;
- (c) to bring about, or seek to bring about, changes of the law in the whole or a part of Singapore, or to otherwise influence, or seek to influence, the legislative process in Singapore;

- (d) to influence Singapore governmental decisions; or
- (e) to influence any aspect or to promote or oppose political views, or public conduct relating to activities that have become the subject of a political debate, in Singapore,

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even though it can reasonably be regarded as intended to achieve any other purpose as well.

Transparency directive for publishing political matters with foreign link

81.—(1) A transparency directive under this section may be given by a competent authority only to a person to whom this Division applies.

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(2) A transparency directive may require the person to whom it is given to take, so far as is reasonably practicable, all necessary measures to ensure that, for each instance of political matter with a foreign link and published in Singapore —

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(a) by a politically significant person in section 80(1)(a);

(b) in a newspaper that is —

(i) published (for sale or otherwise) in Singapore;

(ii) published by the person in section 80(1)(b)(i); and

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(iii) specified in the directive; or

(c) in a Singapore news programme included in a licensable broadcasting service that is —

(i) provided by the person in section 80(1)(b)(ii) in or from Singapore; and

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(ii) specified in the directive,

a disclosure about the political matter (whose content is prescribed by subsection (3)) is included or embedded in, or linked to, the political matter conspicuously and in the manner prescribed.

(3) For the purposes of subsection (2), the content of the disclosure about the political matter must —

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- (a) identify the author of the political matter by name or pseudonym and by nationality;
- (b) identify the foreign principal for whom or at whose direction the political matter is placed (for consideration) for publication;
- (c) include a statement that the political matter has a foreign link; and
- (d) include a statement that the disclosure is made under the Foreign Interference (Countermeasures) Act 2021.

10 **What is political matter with foreign link**

82. For the purposes of section 81, a political matter has a foreign link if —

- (a) any author of the political matter is a foreigner; or
- (b) any person for whom or at whose direction the political matter is placed (for consideration) for publication in Singapore is a foreign principal.

Division 3 — Stepped up countermeasures

Directive prohibiting foreign membership, responsible officer, etc.

20 **83.—**(1) A directive under this section may be given by a competent authority only to any Part 4 politically significant entity.

(2) A competent authority may give a directive to a Part 4 politically significant entity prohibiting the Part 4 politically significant entity —

- (a) from appointing or reappointing as a responsible officer of the Part 4 politically significant entity, an individual who is —
 - (i) a foreigner; or
 - (ii) a particular foreigner specified in the directive; or
- (b) from permitting to act as a responsible officer of the Part 4 politically significant entity, an individual who is —

- (i) a foreigner; or
- (ii) a particular foreigner specified in the directive.

(3) A competent authority may give a directive to a Part 4 politically significant entity prohibiting the Part 4 politically significant entity from accepting as a member of the Part 4 politically significant entity, an individual who is a foreigner, or a particular foreigner specified in the directive. 5

(4) A directive under subsection (2) or (3) may, in particular, direct the Part 4 politically significant entity —

(a) to suspend for a period specified in the directive, a particular foreigner from the exercise of his or her office, employment or membership (as the case may be) pending consideration being given to the foreigner’s removal (whether under this section or otherwise) from his or her office, employment or membership; or 10 15

(b) to remove, within the period specified in the directive, a particular foreigner from his or her office, employment or membership.

(5) However, a period of suspension under subsection (4)(a) must not exceed 24 months. 20

(6) For the purposes of this section, “appointing” includes appointing on an acting or a temporary basis.

Directive to end affiliation, etc., with foreign principal

84.—(1) A directive under this section may be given by a competent authority to any politically significant person. 25

(2) A directive under this section may require a politically significant person given the directive to end, within the period specified in the directive, any arrangement specified in the directive, being a reportable arrangement within the meaning of section 78.

Directive prohibiting, etc., foreign volunteers 30

85.—(1) A directive under this section may be given by a competent authority only to a Part 4 politically significant person.

(2) A competent authority may give a directive to a Part 4 politically significant person either —

5 (a) prohibiting the person from accepting, or requiring that person to stop accepting, any voluntary labour, or voluntary professional services, provided or to be provided —

(i) generally by any individual who is not a citizen of Singapore; or

10 (ii) by a particular individual specified in the directive who is not a citizen of Singapore,

to or for the benefit of the Part 4 politically significant person; or

15 (b) requiring the Part 4 politically significant person to disclose, in accordance with subsection (3), all voluntary labour, or voluntary professional services, provided during each reporting period —

(i) by an individual who is not a citizen of Singapore; and

20 (ii) to or for the benefit of the Part 4 politically significant person.

(3) Disclosure to a competent authority required under subsection (2)(b) must be in a foreign volunteers report relating to a reporting period that —

25 (a) is in the form required by the competent authority and in the manner prescribed in Regulations or, subject to those Regulations, as approved by the competent authority;

(b) is given to the competent authority no later than 31 January in the year following the year in which the voluntary labour, or voluntary professional services, was provided;

30 (c) contains the prescribed details of every voluntary labour, or voluntary professional services, provided during the reporting period to the Part 4 politically significant person by an individual who is not a citizen of Singapore, and the prescribed particulars of each such volunteer;

- (*d*) is signed by the person who is prescribed by Regulations to be responsible for making the foreign volunteers report relating to the Part 4 politically significant person; and
- (*e*) is accompanied by a declaration made by the person mentioned in paragraph (*d*) as responsible for making the foreign volunteers report relating to the Part 4 politically significant person.

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(4) Regulations may prescribe a longer period for the purposes of subsection (3)(*b*).

(5) Nothing in this section prohibits the receipt by a Part 4 politically significant person of any voluntary labour or voluntary professional services as follows:

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- (*a*) any voluntary labour or voluntary professional services of a prescribed type, being labour or services that are performed solely pursuant to a contract for service entered into or with a person providing any service to or for the benefit of a Part 4 politically significant person;
- (*b*) any voluntary labour or voluntary professional services provided to a Part 4 politically significant person by an officer or a member of the Part 4 politically significant person.

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(6) In this section —

“reporting period” means the period of 12 months starting 1 January and ending 31 December in any year, and includes a special reporting period;

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“special reporting period” means the period —

- (*a*) starting the date the directive under subsection (2) takes effect; and
- (*b*) ending on (and including) 31 December of the same year the date in paragraph (*a*) falls.

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*Division 4 — Offences***Late Part 6 reports, etc.**

5 **86.**—(1) Where any foreign affiliations report or declaration which is required by section 76 to be given to the competent authority is not so given within the time delimited under section 77, then the following persons shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction:

10 (a) where the foreign affiliations report or declaration is required in respect of a political party or a Part 4 politically significant entity — the responsible officers of the political party or politically significant entity in question;

15 (b) where the foreign affiliations report or declaration is required in respect of a candidate at an election or the candidate's election agent — the candidate and the candidate's election agent in question or (as the case may be) the candidate at a presidential election and the candidate's principal election agent in question;

20 (c) where the foreign affiliations report or declaration is required in respect of any other politically significant person — that person.

25 (2) Where any declaration which is required by section 79 to be given to the competent authority is not so given within the time delimited under section 79, then the person required to give the declaration shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction.

30 (3) Where any foreign volunteers report or declaration which is required by section 85(2)(b) to be given to the competent authority is not so given by the Part 4 politically significant person given the directive under section 85(2)(b) within the time delimited under section 85(3)(b), then the following persons shall each be guilty of an

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offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction:

(a) where the foreign volunteers report or declaration is required in respect of a Part 4 politically significant entity — the responsible officers of the Part 4 politically significant entity in question; 5

(b) where the foreign volunteers report or declaration is required in respect of an individual who is a Part 4 politically significant person — that individual. 10

(4) If a foreign affiliations report or foreign volunteers report which is required by section 76 or 85(2)(b) (as the case may be) to be given to the competent authority is given to the competent authority, but the report does not comply with the requirements of section 76(2)(c) or 85(3)(c) (whichever being applicable) as regards the recording of details or descriptions in the report, then the following persons shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction: 15

(a) where the foreign affiliations report or foreign volunteers report is required under section 76 or 85(2)(b) in respect of a political party or Part 4 politically significant entity — the responsible officers of the political party or Part 4 politically significant entity in question; 25

(b) where the foreign affiliations report or foreign volunteers report is required under section 76 or 85(2)(b) in respect of a candidate at an election or the candidate's election agent — the candidate and the candidate's election agent in question or (as the case may be) the candidate at a presidential election and the candidate's principal election agent in question; 30

(c) where the foreign affiliations report or foreign volunteers report is required under section 76 or 85(2)(b) in respect of 35

any other politically significant person — that politically significant person.

(5) In proceedings for an offence under subsection (1), (2), (3) or (4), it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence to ensure that any requirements —

(a) as regards preparation or sending of a foreign affiliations report, foreign volunteers report or declaration; or

(b) as regards the information to be given in any foreign affiliations report, foreign volunteers report or declaration,

as the case may be, have been complied with in relation to the report or declaration.

False or misleading Part 6 reports and declarations

87.—(1) Where, in any foreign affiliations report, foreign volunteers report or declaration which is required by this Part to be given to the competent authority in relation to a politically significant person, there is —

(a) any information or a statement that is false or misleading in a material particular; or

(b) an omission of any matter or thing without which the foreign affiliations report, foreign volunteers report or declaration is misleading in a material particular,

every person who is, under section 76(2)(d) or 85(3)(d) (as the case may be), responsible for making disclosure of foreign affiliations as required by section 76, or foreign volunteers as required by section 85(2)(b), for the politically significant person commits an offence.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

(b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) A person is a repeat offender in relation to an offence under subsection (1) relating to a foreign affiliations report, foreign volunteers report or declaration if the person has been convicted or found guilty (whether before, on or after the date of commencement of this section) on at least one other earlier occasion of — 5

(a) an offence under subsection (1); or

(b) an offence under section 22(6) of the repealed Act. 10

(4) Where in any declaration which is required by section 79 to be given to the competent authority there is —

(a) any information or a statement that is false or misleading in a material particular; or

(b) an omission of any matter or thing without which the declaration is misleading in a material particular, 15

the person who made the declaration shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) In proceedings for an offence under subsection (1) in relation to a foreign affiliations report, foreign volunteers report or declaration relating to such a report, or under subsection (4) in relation to a declaration required under section 79, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that — 20 25

(a) any information or statement in the report or declaration (as the case may be) was not false or misleading in a material particular; and

(b) the report or declaration did not contain any omission which would have made the report or declaration misleading in a material particular. 30

PART 7
CONDITIONS FOR STEPPED UP
COUNTERMEASURES

Circumstances where Part 5 or 6 directive may be given

5 **88.** Unless expressly provided otherwise, a competent authority may give —

- (a) a prohibited donor directive to a Part 4 politically significant person;
 - 10 (b) an anonymous donations directive to a Part 4 politically significant person;
 - (c) a political donations fund directive to a Part 4 politically significant person;
 - (d) a directive under section 71 to a Part 4 politically significant entity affecting major donors to that entity;
 - 15 (e) a transparency directive under section 81 to a person mentioned in section 80 regarding political matters published in Singapore;
 - (f) a directive under section 83 to a Part 4 politically significant entity;
 - 20 (g) a directive under section 84 to a politically significant person to end a reportable arrangement;
 - (h) a directive under section 85(2)(a) to a Part 4 politically significant person prohibiting voluntary labour or voluntary professional services; or
 - 25 (i) a directive under section 85(2)(b) to a Part 4 politically significant person requiring a foreign volunteers report regarding voluntary labour or voluntary professional services,
- only where the competent authority is satisfied —
- 30 (j) that the person to whom the directive is to be given is undertaking, has undertaken or is likely to undertake (on or

after the date of commencement of this Part) an activity on behalf of a foreign principal; and

- (k) that it is in the public interest that such a directive ought to be given, after having regard to the circumstances of the case.

5

Content and effect of directives: general

89.—(1) A directive mentioned in section 88 (each called a directive under Part 5 or 6) is binding on the person to whom it is addressed.

(2) A directive under Part 5 or 6 must be in writing.

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(3) A directive under Part 5 or 6 must state —

- (a) the things that the politically significant person is required by the competent authority to do, or to refrain from doing, as are specified in the directive or are of a description as specified in the directive;

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(b) whether the person to whom it is given must —

- (i) advise the competent authority of the details of the manner in which the person proposes to comply with the directive;
- (ii) keep information about the matters that are the subject of the directive;
- (iii) regularly notify the competent authority about the steps being taken towards compliance with the directive; or
- (iv) give written notice to the competent authority when the person has complied with the directive; and

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(c) that it is an offence under this Act to fail to comply with the directive.

(4) To avoid doubt, subsection (3) does not prevent any other relevant matter as is reasonably necessary to enable the directive to be effective being contained in a directive under Part 5 or 6.

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(5) A directive under Part 5 or 6 that is given in accordance with this Part takes effect when it is given or on a later date specified in the directive.

5 (6) A directive under Part 5 or 6 continues in force until the competent authority revokes the directive or it is cancelled on review under Part 8.

(7) A directive under Part 5 or 6 may be amended or revoked at any time by the competent authority if the competent authority is satisfied that the circumstances warrant it.

10 (8) Subsection (6) does not prevent a further directive being made under Part 5 or 6 in the same terms as a directive that has been revoked.

(9) Any person to whom a directive is given under Part 5 or 6 must comply with the directive.

15 (10) Unless otherwise ordered by the Minister, a directive of the competent authority appealed against under Part 8 must be complied with until the determination of the appeal.

(11) A directive under Part 5 or 6 has effect despite the provisions of —

20 (a) any other written law in force on the date of commencement of this Part; and

(b) the constitution, memorandum or articles of association, trust deed or equivalent instrument of a politically significant person.

25 **Process of giving directives: general**

90.—(1) A competent authority may give a politically significant person any one or more directives under Part 5 or 6.

(2) In making a directive under Part 5 or 6, it is not necessary for the competent authority to give any person who may be affected by the directive a chance to be heard before the directive is given.

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(3) Subject to section 71(2), it is not necessary to publish any directive given under Part 5 or 6 in the *Gazette*.

Offences involving directives to politically significant persons

91.—(1) Where a person to whom a directive under Part 5 or 6 is given, without reasonable excuse, contravenes the directive —

(a) the responsible officers of a political party or Part 4 politically significant entity given the directive; or 5

(b) in any other case, the person given the directive,

commits an offence.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) for a prohibited donor directive or an anonymous donations directive — 10

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

(ii) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both; 15

(b) for a political donations fund directive under section 69, to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction; 20

(c) for a directive under section 71, to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction; 25

(d) for a transparency directive under section 81, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both; 30

(e) for a directive under section 83 or 84, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or

(f) for a directive under section 85, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) A person is a repeat offender in relation to an offence under subsection (1) relating to a prohibited donor directive or an anonymous donations directive (called the current offence) if the person has been convicted or found guilty (whether before, on or after the date of commencement of this section) on at least one other earlier occasion of an offence under subsection (1) with respect to —

(a) another prohibited donor directive if the current offence involves a prohibited donor directive; or

(b) another anonymous donations directive if the current offence involves an anonymous donations directive.

PART 8

OVERSIGHT ARRANGEMENTS

Division 1 — Rights of appeal

Right of appeal against authorisation for Part 3 directions, etc.

92.—(1) Subject to subsection (2) and section 98(1), the following persons in the table below may, on payment of such fee as may be prescribed, appeal to a Reviewing Tribunal in accordance with this Part against the appealable decision specified opposite the person in the table below:

<i>Item</i>	<i>Appellant</i>	<i>Appealable decision</i>
1.	A person who is given a Part 3 direction	An authorisation by the Minister made under section 23(3)(b) or affirmed under section 23(3)(c) to the competent authority to give that Part 3 direction.

<i>Item</i>	<i>Appellant</i>	<i>Appealable decision</i>	
2.	A proprietor of a proscribed online location	A declaration by the Minister made under section 26(3)(b) or affirmed under section 26(3)(c) in relation to that online location.	5

(2) No appeal may be made under this Part to a Reviewing Tribunal by —

- (a) any person given a Part 3 direction pursuant to an authorisation by the Minister under section 20(1), 21(1) or 22(1)(b) unless the person has first applied under section 23(1) to the Minister to reconsider the authorisation; or 10
- (b) any proprietor of a proscribed online location declared under section 24(1) or 25(1)(b) unless the person has first applied under section 26(1) to the Minister to reconsider the declaration. 15

Right of appeal against competent authority's decisions

93. A person —

- (a) who is designated a Part 4 politically significant entity or politically significant person under section 47(1) or 48(1); 20
- (b) whose application to cancel the person's designation as a Part 4 politically significant entity or politically significant person under section 47(4) or 48(4) is refused; or
- (c) who is given a directive under Part 5 or 6,

may appeal to the Minister in accordance with this Part against the decision in paragraph (a), (b) or (c), as the case may be. 25

Division 2 — Reviewing Tribunals for section 92 appeals

Reviewing Tribunals — composition

94.—(1) One or more bodies each called a Reviewing Tribunal is established by this section. 30

(2) Every Reviewing Tribunal consists of 3 individuals, each of whom is appointed by the President on the advice of the Cabinet subject to subsections (3) and (4).

5 (3) An individual must not be, or be appointed, a member of any Reviewing Tribunal if he or she is not a citizen of Singapore.

(4) The chairperson of every Reviewing Tribunal must be a Supreme Court Judge.

10 (5) A member of a Reviewing Tribunal must vacate office at the end of a period of 3 years starting the day of his or her appointment, but is eligible for reappointment.

(6) A member of a Reviewing Tribunal may resign his or her office by giving notice in writing to the President.

15 (7) In the performance of his or her functions and duties under this Act, the members of a Reviewing Tribunal each have the same protection and immunity as a Judge of the High Court.

(8) The proceedings of a Reviewing Tribunal are deemed to be judicial proceedings and every member of the Reviewing Tribunal Board is deemed to be a public servant within the meaning of the Penal Code 1871.

20 **Reviewing Tribunal — remuneration and other terms**

95.—(1) The Minister may pay to the members of a Reviewing Tribunal out of moneys provided by Parliament such remuneration or allowances as the Minister may, with the approval of the President, fix.

25 (2) The remuneration and other terms of service of each member of a Reviewing Tribunal must not be altered to his or her disadvantage during his or her continuance in office as such.

Reviewing Tribunal — resources

30 **96.**—(1) All expenses of every Reviewing Tribunal are to be defrayed out of money provided by Parliament.

(2) The Minister must appoint a Secretary to the Reviewing Tribunals and such other public officers as are necessary for a Reviewing Tribunal to discharge its functions under this Act.

Reviewing Tribunal — function

97.—(1) It is the function and duty of every Reviewing Tribunal to consider and determine any appeal made under section 92 and served on the Secretary to the Reviewing Tribunals — 5

(a) by a person who is given a Part 3 direction and who may appeal against the authorisation by the Minister made under section 23(3)(b) or affirmed under section 23(3)(c) to the competent authority to give the direction; or 10

(b) by a proprietor of a proscribed online location and who may appeal against the Minister’s declaration made under section 26(3)(b) or affirmed under section 26(3)(c) in relation to that online location. 15

(2) However, a Reviewing Tribunal may summarily dismiss any appeal which it determines to be frivolous or vexatious.

(3) A Reviewing Tribunal may determine an appeal made to the Reviewing Tribunal by —

(a) dismissing the appeal and confirming the decision appealed against; or 20

(b) revoking the decision appealed against.

(4) Every Reviewing Tribunal has to carry out its work expeditiously.

(5) In relation to a Reviewing Tribunal determining an appeal under this Part, Part 3 applies as if the reference in that Part to the Minister were a reference to the Reviewing Tribunal. 25

(6) A Reviewing Tribunal’s decision under subsection (3) is final.

Procedure before Reviewing Tribunal

98.—(1) Except where a Reviewing Tribunal, having regard to all the circumstances, is satisfied that it is equitable to do so, the 30

Reviewing Tribunal must not consider or determine any appeal against —

5 (a) an authorisation by the Minister made under section 23(3)(b) or affirmed under section 23(3)(c) to the competent authority to give a Part 3 direction, if the appeal is made more than 30 days after the notice of that decision is given under section 23(6); or

10 (b) a declaration made under section 26(3)(b) or affirmed under section 26(3)(c) in relation to a proscribed online location, if the appeal is made more than 30 days after the notice of that decision is given under section 26(5).

15 (2) A Reviewing Tribunal may at any stage in the appeal proceedings, and without calling for a defence from the Minister whose authorisation or declaration is appealed against, dismiss an appeal made to or before it if the Reviewing Tribunal is satisfied that —

(a) the appellant is not a person entitled to appeal under that section;

20 (b) the bringing of the appeal is or the proceedings of the appeal are frivolous or vexatious, which may include taking into account whether the appellant has habitually and persistently, and without any reasonable ground, made vexatious appeals to the Reviewing Tribunal; or

25 (c) the appellant has, without reasonable excuse, failed to comply with the time delimited by any provision of Rules made under section 99 for the submission of any notice, document or other information in the appeal proceedings, or with any direction of the Reviewing Tribunal under those Rules.

30 (3) Subject to Rules made under section 99, every Reviewing Tribunal is entitled to determine its own procedure in relation to any appeal under section 92 made to or before the Reviewing Tribunal.

Rules for Reviewing Tribunal proceedings

99.—(1) Rules may be made by the Minister to prescribe the practice and procedure to be followed on, or in connection with, the hearing or consideration of any proceedings or appeal (including, where applicable, the mode and burden of proof and the admissibility of evidence) before a Reviewing Tribunal. 5

(2) In particular, the Rules made under subsection (1) may include —

- (a) requiring persons making an appeal to take such preliminary steps, and to make such disclosures, as may be specified in the Rules for the purpose of facilitating a determination whether the making of the appeal is frivolous or vexatious; 10
- (b) enabling or requiring a Reviewing Tribunal to hear or consider any proceedings or appeal without the person who brought the appeal having been given full particulars of the reasons for any conduct which is the subject of the proceedings or appeal; 15
- (c) the need to secure that matters which are the subject of proceedings or appeals brought before or made to a Reviewing Tribunal are properly heard and considered; 20
- (d) prescribing the circumstances and manner in which appeals in relation to the same decision, or involve the same or similar issues, may be consolidated or heard together; 25
- (e) enabling or requiring a Reviewing Tribunal to take any steps in exercise of their jurisdiction in the absence of any person (including the person bringing the proceedings or making the appeal and any legal representative of the person); 30
- (f) enabling or requiring a Reviewing Tribunal to give a summary of any evidence taken in its absence to the person by whom the proceedings were brought or (as the case may be) to the person who made the appeal;

(g) securing that the information is not disclosed to an extent, or in a manner, that is contrary to Singapore's national security, the prevention or detection of serious crime, the economic wellbeing of Singapore or the continued discharge of the functions of any of the intelligence services of Singapore; and

(h) providing for the manner in which the interests of a person who has made an appeal under section 92 are to be represented, such as for the appointment in accordance with the Rules, by such person as may be determined in accordance with the Rules, of a person to represent those interests.

(3) All Rules made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

Division 3 — Section 93 appeals

Appeals to Minister

100.—(1) An appeal against an appealable decision described in section 93 may only be made to the Minister within one month after the appellant is notified of that decision (called the first appeal period) or such longer period as the Minister may allow in exceptional circumstances before the end of the first appeal period; and the Minister must not consider or determine any appeal made by virtue of section 93 if it is made later.

(2) Every appeal under section 93 must be made in the manner prescribed or, if not prescribed, in the manner required by the Minister.

Minister's function on appeal

101.—(1) It is the function and duty of the Minister to consider and determine an appeal made to the Minister against any appealable decision mentioned in section 93.

(2) However, the Minister is not under any duty to hear, consider or determine any appeal if it appears that the bringing of the appeal is or the proceedings of the appeal are frivolous or vexatious.

(3) The Minister may determine an appeal made to him or her by —

(a) dismissing the appeal and confirming the decision appealed against; or

(b) cancelling the designation of a person as a politically significant person, or revoking a directive under Part 5 or 6 (as the case may be) or otherwise revoking the decision appealed against.

(4) In relation to the Minister determining an appeal under section 93, Parts 4, 5 and 6 apply as if the reference in those Parts to the competent authority were a reference to the Minister.

(5) The Minister's decision under subsection (3) is final.

Advisory body for section 93 appeals

102.—(1) The Minister may appoint an advisory committee comprising individuals with suitable experience to provide advice to the Minister with regard to the performance of any of his or her functions in relation to any appeal under section 93.

(2) Before making any decision under section 101 in relation to an appeal under section 93 and for the purpose of forming an opinion on which to base such decision, the Minister may consult with the advisory committee in respect of the appeal but, in making the decision, is not bound by such consultation.

Division 4 — General

Effect of appeal on decision appealed against

103. An appealable decision mentioned in section 92 or 93 takes effect despite any appeal against the decision and remains in effect until the decision is reversed on appeal.

Limited judicial review

104.—(1) Every determination, order and other decision of a Reviewing Tribunal, the Minister, or the alternate authority mentioned in section 106, made or purportedly made under this Act —

(a) is final; and

(b) is not to be challenged, appealed against, reviewed, quashed or called in question in any court, except in regard to any question relating to compliance with any procedural requirement of this Act or the Regulations or Rules governing that determination, order and other decision.

(2) A determination, an order and other decision includes a determination, an order and other decision purportedly made, proposed to be made, or required to be made, under this Act or any Regulations or Rules if there were not an excess of jurisdiction or a failure to exercise jurisdiction, in the making of the determination, order or other decision.

PART 9

ADMINISTRATION AND ENFORCEMENT

Competent authorities

105.—(1) The Minister may appoint —

(a) a public sector officer to be the competent authority for the administration of this Act and the Regulations generally; or

(b) one or more public sector officers to be each a competent authority responsible for the administration of a particular Part or provision of this Act or the Regulations generally or for a particular period.

(2) A competent authority is, subject to any general or special directions of the Minister, responsible for the administration of this Act and may perform such duties as are imposed and may exercise such powers as are conferred upon the competent authority by this Act.

(3) The Minister may from time to time give a competent authority directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the competent authority by, and the duties required to be discharged by the competent authority, under Part 4, 5, 6 or 7 and any

Regulations made for the purposes of any of those Parts; and the competent authority must give effect to all these directions given.

(4) A competent authority must act in the discharge of its functions under this Act impartially, with integrity and professionalism and in a manner that facilitates effective democracy. 5

(5) A competent authority must not exercise any power under this Act for the purpose of furthering or harming the interests of any particular political party.

Alternate arrangements during election period, etc.

106.—(1) The powers of the Minister under Part 3 cease to be exercisable by the Minister during any of the following periods: 10

- (a) an election period;
- (b) between the day a writ of election is issued under section 24 of the Parliamentary Elections Act 1954 for the purposes of a by-election and ending with the close of polling day at that by-election; 15
- (c) between the day a writ of election is issued under section 6 of the Presidential Elections Act 1991 for the purposes of a presidential election and ending with the close of polling day at that presidential election; 20
- (d) between the day an order requiring the conduct for a national referendum is issued under any written law and ending with the close of polling day at that national referendum.

(2) The powers of the Minister under Part 3 may, during the election period in subsection (1)(a) and the period in subsection (1)(b), (c) or (d), respectively, be exercised by an alternate authority appointed by the Minister before the start of that period. 25

(3) At the end of the election period in subsection (1)(a) and the period in subsection (1)(b), (c) or (d), respectively, the alternate authority appointed under subsection (2) by the Minister for that period ceases to have exercisable any powers of the Minister under Part 3. 30

(4) In this section, “election period” means the period —

(a) starting the day a writ of election is issued under section 24 of the Parliamentary Elections Act 1954 for the purposes of a general election of Members of Parliament; and

5 (b) ending with the close of polling day at that general election.

Authorised officers

10 **107.**—(1) A competent authority may, in relation to any provision of this Act or the Regulations that the competent authority is responsible to administer, appoint as authorised officers for the purposes of that provision —

(a) from among public officers; or

15 (b) from among employees of a public authority (except a Town Council) or individuals performing duties in such a public authority.

(2) A competent authority may, for any reason that appears to it to be sufficient, at any time revoke an individual’s appointment as an authorised officer.

20 (3) A competent authority may delegate the exercise of all or any of the powers conferred or duties imposed upon the competent authority by any provision of this Act or the Regulations (except the power of delegation conferred by this subsection) to an authorised officer; and any reference in the provision of this Act or the Regulations to the competent authority includes a reference to such an authorised officer.

(4) Any delegation under subsection (3) by a competent authority may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the competent authority may specify.

30 (5) A reference in subsection (1) to an individual performing duties in a public authority is a reference to —

(a) an employee of the public authority; or

- (b) a public officer performing duties in the public authority under a secondment arrangement making available temporarily to the public authority the services of public officers.

Power to obtain information

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108.—(1) A competent authority may by written notice require any person (whether in or outside Singapore) to provide, within a period or at intervals specified in the notice, and in such form and manner as may be specified in the notice, all documents or all information or material (or both), for the purposes in subsection (2), such as documents or information or material about all or any of the following:

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- (a) the membership of the person by individuals who are not citizens of Singapore;
- (b) relations with foreign principals;
- (c) the provision of voluntary labour, or voluntary professional services, to or for the benefit of the person by individuals who are not citizens of Singapore;
- (d) recurrent and capital expenditure for the administration and management of activities undertaken by the person which are directed towards a political end in Singapore.

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(2) The power in subsection (1) may be exercised only in relation —

- (a) to any matter which the competent authority considers necessary for any of the following purposes:
 - (i) to determine whether any information or material provided to a competent authority under a provision of this Act or the Regulations is correct;
 - (ii) to determine whether there are grounds for any directive to be given under this Act against any person;
 - (iii) to determine whether or not to exercise any power under section Part 4, 5 or 6; and

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(b) to documents or information or material that is —

(i) within the knowledge of the person; or

(ii) in the custody or under the control of that person.

5 (3) The power to require a person to provide any document or any information or material under subsection (1) includes the power —

10 (a) to require the person, or any individual who is or was a responsible officer or an agent or a member of a politically significant person (as the case may be), to provide an explanation of the document or the information or material;

(b) if the document or the information or material is not provided, to require that person or individual to state, to the best of the knowledge and belief of that person or individual (as the case may be), where it is; or

15 (c) if the information or material is recorded otherwise than in legible form, to require the information to be made available to the competent authority in legible form.

20 (4) A competent authority is entitled without payment to keep any document or any information or material, or any copy or extract thereof, provided to the competent authority under subsection (1).

(5) Subject to subsection (7), a person commits an offence if —

(a) the person is required by a notice given to the person under this section to provide documents or information or material to a competent authority; and

25 (b) the person —

(i) fails to provide the document or the information or material to the competent authority; or

30 (ii) alters, suppresses or destroys any document or any information or material which the person has been required by the notice to provide.

(6) A person who is guilty of an offence under subsection (5) shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every

day or part of a day during which the offence continues after conviction.

(7) In any proceedings for an offence under subsection (5), it is a defence for the accused to prove, on a balance of probabilities that —

- (a) the person does not possess the document or the information or material required; or 5
- (b) the person has taken all reasonable steps available to the person to obtain the document or the information or material required and has been unable to obtain it.

(8) To avoid doubt, for the purposes of subsection (5), it is not a defence for a person to refuse or fail to provide any document or any information or material if doing so might tend to incriminate that person. 10

(9) Where a person claims, before producing any document or giving any information or material that the person is required by this section to produce or give, that the production of the document or the giving of the information or material might tend to incriminate the person — 15

- (a) that document or information or material;
- (b) the production of the document or the provision of the information or material; or 20
- (c) any information, document or thing obtained as a direct or indirect consequence of the production of the document or giving of the information or material,

is not admissible in evidence against the person in any criminal proceedings other than proceedings for an offence under this Act or any written law in respect of the falsity of the document or the information or material. 25

(10) An offence under subsection (5) is a strict liability offence.

False or misleading information, etc.

109.—(1) A person commits an offence if —

(a) the person gives information or material or produces a document to a competent authority;

5 (b) the person does so in response to a notice given to the person under section 108;

(c) either —

(i) the information or material or the document is false or misleading in a material particular; or

10 (ii) the information or material omits any matter or thing without which the information or material is misleading in a material particular; and

(d) the person knew that —

15 (i) the information or document is false or misleading in a material particular; or

(ii) the information omits any matter or thing without which the information is misleading in a material particular.

20 (2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

25 (3) A person commits an offence if —

(a) the person gives information or material or produces a document to a competent authority;

(b) the person does so in response to a notice given to the person under section 108; and

30 (c) either —

(i) the information or material or the document is false or misleading in a material particular; or

- (ii) the information or material omits any matter or thing without which the information or material is misleading in a material particular.

(4) A person who is guilty of an offence under subsection (3) shall be liable on conviction to a fine not exceeding \$5,000. 5

(5) In proceedings for an offence under subsection (3) in relation to any information or material which is required by a notice under section 108 to be given, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that — 10

- (a) the information or material was not false or misleading in a material particular; or

- (b) the information or material did not contain any omission which would have made the information or material misleading in a material particular. 15

(6) An offence under subsection (3) is a strict liability offence.

Offences by corporations

110.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that — 20

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

- (b) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind. 25

(2) Where a corporation commits an offence under this Act, a person —

- (a) who is —

- (i) an officer of the corporation; or

- (ii) an individual involved in the management of the corporation and in a position to influence the conduct 30

of the corporation in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section also does not affect the application of —

(a) Chapters 5 and 5A of the Penal Code 1871; or

(b) any other written law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“reasonable steps”, in relation to the commission of an offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances: 5

(a) action towards —

- (i) assessing the corporation’s compliance with the provision creating the offence; and 10
- (ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision;

(b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the offence so far as the provision is relevant to them; 15

(c) action towards ensuring that — 20

- (i) the plant, equipment and other resources; and
- (ii) the structures, work systems and other processes,

relevant to compliance with the provision creating the offence are appropriate in all the circumstances; 25

(d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the offence;

“state of mind” of a person includes — 30

- (a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person's reasons for the intention, opinion, belief or purpose.

(7) Subsections (2) and (3) do not apply to any offence in Division 3 or 4 of Part 3.

5 **Offences by unincorporated associations or partnerships**

111.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

10 (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the employee or agent had that state of mind,
is evidence that the unincorporated association or partnership had that state of mind.

15 (2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

(i) an officer of the unincorporated association;

(ii) a partner in the partnership; or

20 (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the
25 offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

30 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

(iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence, 5

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear. 10

(4) To avoid doubt, this section also does not affect the application of — 15

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence. 20

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes — 25

- (a) any person holding a position analogous to that of president, secretary or member of an executive committee of the unincorporated association; and 30

- (b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“reasonable steps” has the meaning given by section 110;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- 5 (b) the person’s reasons for the intention, opinion, belief or purpose.

(7) Subsections (2) and (3) do not apply to any offence in Division 3 or 4 of Part 3.

Arrestable and non-bailable offences

10 **112.**—(1) Every offence as follows is arrestable and is non-bailable for the purposes of the Criminal Procedure Code 2010:

- (a) an offence in Part 2 or 3;
- (b) an abetment, or a conspiracy or an attempt to commit an offence mentioned in paragraph (a).

15 (2) Every offence as follows is arrestable for the purposes of the Criminal Procedure Code 2010:

- (a) an offence in Part 5, 6 or 7;
- (b) an abetment, or a conspiracy or an attempt to commit an offence mentioned in paragraph (a).

20 **Jurisdiction of courts**

113. Despite the Criminal Procedure Code 2010, a District Court or a Magistrate’s Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

Composition of offences

25 **114.**—(1) The competent authority may compound any offence under this Act or the Regulations prescribed as being a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.

(2) On payment of the composition amount under subsection (1), no further proceedings are to be taken against that person in respect of the offence. 5

(3) All sums collected under this section must be paid into the Consolidated Fund.

Extra-territorial application of offences

115.—(1) Sections 17(1), 18(1), 19(1), 45, 108(5) and 109(1) and (3) each extend to a person who undertakes electronic communications activity or engages in any conduct that constitutes an offence described in the respective section — 10

(a) wholly or partly in Singapore;

(b) wholly or partly on a Singapore aircraft or Singapore vessel, whether the aircraft or vessel is in or outside Singapore at the time of the alleged offence; or 15

(c) wholly outside Singapore and a result of that electronic communications activity or conduct (as the case may be) occurs wholly or partly in Singapore or on board a Singapore aircraft or Singapore vessel. 20

(2) For the purpose of subsection (1), where a person sends a thing or causes a thing to be sent (whether or not electronically) —

(a) from a point outside Singapore to a point in Singapore; or

(b) from a point in Singapore to a point outside Singapore, 25

that conduct is taken to have occurred partly in Singapore.

Public notice of Part 5 or 6 directives, etc.

116. Without limiting section 49, the competent authority may prepare a notice informing about any designation made under Part 4, or any directive given under Part 5 or 6, with respect to any person, and publish the notice — 30

- (a) on the official website of the competent authority; and
- (b) in such other manner as will secure adequate publicity for the fact of the making of the designation or giving of the directive.

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PART 10

MISCELLANEOUS

Interface with other laws

117.—(1) To avoid doubt, nothing in this Act —

- (a) affects a police officer's powers or duties under any other provision of this Act, the Criminal Procedure Code 2010 or other written law; or
- (b) derogates from any of the following:
 - (i) the Broadcasting Act 1994;
 - (ii) the Foreign Recruiting Act 1875;
 - (iii) the Internal Security Act 1960;
 - (iv) the National Emblems (Control of Display) Act 1949;
 - (v) the Newspaper and Printing Presses Act 1974;
 - (vi) the Parliamentary Elections Act 1954;
 - (vii) the Presidential Elections Act 1991;
 - (viii) the Protection from Online Falsehoods and Manipulation Act 2019;
 - (ix) the Penal Code 1871;
 - (x) the Public Order Act 2009;
 - (xi) the Public Order and Safety (Special Powers) Act 2018;
 - (xii) the Societies Act 1966;
 - (xiii) the Telecommunications Act 1999.

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(2) To further avoid doubt, this Act does not affect the law relating to —

- (a) the powers, privileges and immunities of any of the following:
 - (i) the Parliament; 5
 - (ii) the Members of Parliament;
 - (iii) the committees of Parliament; or
- (b) legal professional privilege.

Other causes of action not affected

118. The giving of a direction under Part 3 in relation to any information or material does not affect — 10

- (a) any power or right of any person to take any action under any other law in relation to the information or material; or
- (b) the power of the Public Prosecutor to initiate proceedings for an offence under this Act or any other law in relation to that information or material. 15

Liability for complying with directions and directives, etc.

119.—(1) No civil or criminal liability is incurred by the person or an officer, employee or agent of the person, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of the person complying with or giving effect to — 20

- (a) a direction under Part 3 given to the person; or
- (b) a directive under Part 5 or 6 given to the person.

(2) No liability shall lie against any competent authority, authorised officer or the Secretary to the Reviewing Tribunals for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of this Act when assisting a police officer. 25

Exempt activities

120.—(1) A person is exempt from this Act in relation to any activity undertaken by the person as follows:

- 5 (a) a communication made in proceedings that are a matter of public record to a committee of the Parliament or committee of Parliament, or to any body or person having jurisdiction or powers conferred under an Act;
- 10 (b) a communication made to a Member of Parliament by or on behalf of a constituent of the Member of Parliament with respect to any personal matter of the constituent;
- 15 (c) a communication made to the Government or a public authority by or on behalf of a person in direct response to a written request from the Government or a public authority for advice or comment on any Singapore governmental decision;
- (d) a communication made to the Government or a public authority by or on behalf of a person concerning —
 - 20 (i) the enforcement, interpretation or application of any Act or subsidiary legislation by the Government or a public authority with respect to the person; or
 - (ii) the implementation or administration of any programme, policy, directive or guideline by the Government or public authority with respect to the person;
- 25 (e) an activity undertaken or a conduct engaged in that relates primarily to, or is incidental to, the provision of —
 - (i) legal advice;
 - (ii) legal representation in criminal or civil inquiries, investigations or proceedings; or
 - 30 (iii) legal representation in relation to a regulatory action or an administrative process under any written law;
- (f) an activity undertaken, or a conduct engaged in, in the ordinary course of the person's practice of the vocation of a

tax agent or a liquidator or receiver, primarily or incidental to the provision of representation in relation to an administrative process involving a foreign principal, where both the following are apparent or disclosed to all other persons with whom that person is dealing with: 5

- (i) the identity of the foreign principal;
- (ii) the fact that the person is undertaking the activity on behalf of a foreign principal;
- (g) an activity undertaken, or a conduct engaged in, in the individual's capacity as a public officer, or an employee of a public authority, in the discharge of his or her duties as such; 10
- (h) an activity undertaken, or a conduct engaged in, on behalf of a foreign principal in circumstances prescribed by Regulations. 15

(2) For the purposes of subsection (1), "personal matter" means a matter that relates only to a person's personal, family or household affairs and is not related to any business or commercial activity.

(3) However, a submission made to a Member of Parliament concerning the introduction in the Parliament or the passage or amendment of a private Bill for the special benefit of a constituent of the Member of Parliament is not considered to be a personal matter of the constituent. 20

(4) For the purpose of subsection (1)(a) to (g), it is irrelevant that the activity or conduct is undertaken for any commission, payment or other reward (whether pecuniary or otherwise). 25

(5) In this section, "constituent", in relation to a Member of Parliament, means a resident of the constituency that the Member of Parliament represents, whether or not the resident is a registered voter for that constituency. 30

Service of documents

121.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- 5 (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;
- 10 (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- 15 (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner, secretary or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by post to, the partnership's business address;
- 25 (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body corporate or unincorporated association; 5
- (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or
- (d) by sending it by email to the last email address of the body corporate or unincorporated association. 10

(5) In addition, a document (other than a summons) permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

- (a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents; 15 20
- (b) where by the exercise of reasonable diligence, the name of any individual or a body of persons to whom the document is to be served, or the business address, residential address or last email address of the individual or body, cannot be ascertained, by posting it on a website maintained by the competent authority and prescribed by the Minister by notification in the *Gazette* for this purpose; or 25
- (c) by any other method authorised by the Regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way. 30

(6) Service of a document takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

5 (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent;

(c) if the document is sent by post, 2 days after the day the document was posted (even if it is returned undelivered);
10 and

(d) if the document is posted on a website mentioned in subsection (5)(b), at the beginning of the day after the date on which subsection (5)(b) has been complied with.

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification may be effected only with the person's prior consent (express or implied) to service in that way.
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(8) In this section —

“business address” means —

20 (a) in the case of an individual, the individual's usual or last known place of business in or outside Singapore;
or

(b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or
25 last known place of business in or outside Singapore;

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which
30 the addressee may access that document's contents;

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by

which the addressee may be notified that such a document has been served on the addressee;

“document” includes a notice, direction, directive or an order permitted or required by this Act to be served, but excludes any document to be served in proceedings in court; 5

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

“residential address” means an individual’s usual or last known place of residence in or outside Singapore. 10

Regulations

122.—(1) Subject to subsection (5), the Minister may make Regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act. 15

(2) Without limiting subsection (1), the Regulations may make provision for —

- (a) an electronic or internet-based system of lodgment of donation reports, foreign affiliations reports and declarations under Part 5 or 6 and the issuance of certificates under this Act; 20
- (b) requiring politically significant persons to obtain valuations from a valuer approved by a competent authority of political donations that are not gifts of money or enabling a competent authority to obtain any such valuations; 25
- (c) requiring the making, keeping and auditing of records of political donations made or received, and expenditure incurred, by politically significant persons and other persons, and requiring and otherwise providing for the production, examination and copying of those records; and 30
- (d) the purpose of providing practical guidance or certainty in respect of any one or more of the requirements of Part 3.

(3) Regulations made under this section may —

(a) create offences which may be punishable with a fine not exceeding \$5,000; and

(b) provide for such saving, transitional and other consequential provisions as the Minister considers necessary or expedient consequent on persons becoming politically significant persons or ceasing to be politically significant persons, on amendments to the Regulations or other similar matters.

(4) All Regulations made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

(5) However, where a writ is issued, no Regulations are to be made amending —

(a) the applicable cap for anonymous donations; or

(b) the minimum amount of political donation that is a reportable political donation,

until after the last day prescribed by section 74(1) of the Parliamentary Elections Act 1954 or, in the case of a presidential election, by section 56(1) of the Presidential Elections Act 1991, for the transmission of returns respecting election expenses in connection with the election or (as the case may be) presidential election.

Repeal

123. The Political Donations Act 2000 is repealed.

PART 11

AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

Amendment of Parliamentary Elections Act 1954

124.—(1) Section 2(1) of the Parliamentary Elections Act 1954 is amended by inserting, immediately after the definition of “Parliament”, the following definition:

““political donation certificate” means a political donation certificate issued under section 63(3) of the Foreign Interference (Countermeasures) Act 2021 in respect of an election;”.

(2) Section 27 of the Parliamentary Elections Act 1954 is amended — 5

(a) by deleting subsection (3) and substituting the following subsection:

“(3) Every candidate must, at the time of his or her nomination for election, deliver to the Returning Officer a political donation certificate issued to the candidate in respect of the election.”; and 10

(b) by deleting the words “subsection (3)(b)” in subsection (3A) and substituting the words “subsection (3)”. 15

(3) Section 27B(3) of the Parliamentary Elections Act 1954 is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) a political donation certificate issued to him or her in respect of the election; and”. 20

(4) Section 29(1) of the Parliamentary Elections Act 1954 is amended by deleting the words “issued by the Registrar of Political Donations”.

(5) Section 31(2) of the Parliamentary Elections Act 1954 is amended by deleting paragraph (a) and substituting the following paragraph: 25

“(a) the person is issued a political donation certificate in respect of that election;”.

(6) Section 61(1) of the Parliamentary Elections Act 1954 is amended — 30

(a) by deleting the word “or” at the end of paragraph (e), and by inserting immediately thereafter the following paragraph:

“(ea) being a candidate, knowingly makes the declaration required by section 73A falsely; or”; and

(b) by deleting the words “paragraph (f)” in paragraph (v) and substituting the words “paragraph (ea) or (f)”.

(7) The Parliamentary Elections Act 1954 is amended by inserting, immediately after section 73, the following section:

“Post-election declaration by candidates

73A.—(1) Every candidate at an election must give to the Returning Officer a declaration that is in accordance with subsection (2), not later than the 7th day after the day that the result of the election is published under section 33(1)(b) or 51, as the case may be.

(2) The declaration required by subsection (1) to be given by a candidate must be made by the candidate, be in the prescribed form, and further state that, to the best of the knowledge and belief of the candidate —

(a) no foreigner has been authorised by the candidate or his or her election agent under section 83(2) to conduct any election activity for the purpose of procuring the electoral success at that election of the candidate or the group of candidates of whom the candidate is part;

(b) the conduct of any election activity by the candidate or his or her election agent for the purpose of procuring the electoral success at that election of the candidate, or the group of candidates of whom the candidate is part, was not undertaken by the candidate or election agent pursuant to any impermissible arrangement; and

(c) the conduct of any election activity for the purpose of procuring the electoral success at that election of the candidate, or the group of candidates of whom the candidate is part, was not authorised by the candidate

or the candidate's election agent, pursuant to any impermissible arrangement.

(3) For the purposes of this section, any declaration that is required by subsection (1) to be given to the Returning Officer must not be regarded as so given unless the declaration is actually received by the Returning Officer.

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(4) Where any declaration which is required by subsection (1) to be given to the Returning Officer is not so given within the time delimited under subsection (1), the candidate shall be guilty of an illegal practice; and the provisions of this subsection are in addition to and not in derogation of section 61.

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(5) In addition, where any declaration which is required by subsection (1) to be given to the Returning Officer is not so given within the time delimited under subsection (1), the candidate must not, after the expiry of that time, sit or vote in Parliament as a Member until either —

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(a) the declaration has been given; or

(b) the date of the allowance of an authorised excuse under section 87A for failing to give the declaration.

(6) A candidate who sits or votes in contravention of subsection (5) shall be guilty of an offence and shall be liable on conviction to a penalty of \$500 for every day on which he or she so sits or votes.

20

(7) In this section —

“arrangement” includes a contract, an agreement, understanding or other arrangement of any kind, whether written or unwritten;

25

“foreign principal” has the meaning given by section 4 of the Foreign Interference (Countermeasures) Act 2021;

“foreigner” means an individual who is not a citizen of Singapore;

30

“impermissible arrangement”, in relation to a candidate or his or her election agent, means an arrangement —

(a) to which the candidate or election agent is party;
and

(b) under which the candidate or election agent (as the case may be) is accustomed or under an obligation (whether formal or informal) to engage in conduct in accordance with the directions, instructions or wishes of a foreign principal or, where the foreign principal is a corporation, of the directors of the foreign principal.”.

(8) Section 74 of the Parliamentary Elections Act 1954 is amended by deleting subsection (5) and substituting the following subsection:

“(5) For the purposes of this section, “donation” has the meaning given by the definition of “political donation” in section 51 of the Foreign Interference (Countermeasures) Act 2021, and a donation is accepted by a candidate or an election agent if it is accepted within the meaning of that Act.”.

(9) The Parliamentary Elections Act 1954 is amended by inserting, immediately after section 87, the following section:

“Authorised excuse for non-compliance with section 73A

87A.—(1) Where —

(a) any declaration which is required by section 73A(1) to be given by a candidate at an election in an electoral division to the Returning Officer is not so given within the time delimited under that section, or being given contains a false statement; and

(b) the candidate applies to an Election Judge or a Judge sitting in the General Division of the High Court and shows that the failure to give the declaration or the false statement in the declaration (as the case may be) has arisen by reason of the candidate's illness, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the candidate,

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the Judge may, after notice of the application, and on production of evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the Judge seems fit, and after giving the other candidates, the Returning Officer and any elector within the electoral division an opportunity of being heard, make such order for allowing an authorised excuse for the failure to give that declaration or for the false statement in that declaration (as the case may be) as the Judge considers just.

10

15

(2) The order under subsection (1) may make the allowance conditional upon the making of the declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the Election Judge or a Judge sitting in the General Division of the High Court (as the case may be) seems best calculated for carrying into effect the objects of this Act.

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(3) An order under subsection (1) allowing an authorised excuse relieves the candidate applying for the order from any liability or consequences under this Act in respect of the matter excused by the order.

25

(4) Where it is proved by the candidate to the Election Judge or a Judge sitting in the General Division of the High Court (as the case may be) that —

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(a) any act or omission of the candidate's election agent in relation to the conduct of election activity for the purpose of procuring the electoral success of the candidate, or the group of candidates of whom the candidate is part, was without the sanction or connivance of the candidate; and

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(b) the candidate took all reasonable steps for preventing the act or omission,

the Judge must relieve the candidate from the consequences of the act or omission on the part of the candidate's election agent.

5 (5) The date of an order under subsection (1) or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them is referred to in this Act as the date of the allowance of the excuse.”.

10 (10) Section 97 of the Parliamentary Elections Act 1954 is amended —

(a) by inserting, immediately after paragraph (a) of subsection (3), the following paragraph:

15 “(aa) at any time before the end of 21 days after the date of the publication of the result of the election in the *Gazette*, as to the declaration required by section 73A from the Member whose election is questioned;”;

20 (b) by inserting, immediately after the words “respecting election expenses” in subsection (5), the words “or make and give the declaration required by section 73A”; and

25 (c) by deleting the words “subsection (3)” in subsection (5) and substituting the words “subsection (3)(a) or the date of the publication of the results of the election in the *Gazette* mentioned in subsection (3)(aa), as the case may be”.

(11) Form 8 in the First Schedule to the Parliamentary Elections Act 1954 is amended by deleting sub-paragraph (d) and substituting the following sub-paragraph:

30 “(d) a political donation certificate issued to the nominee in respect of the election;”.

(12) Form 19 in the First Schedule to the Parliamentary Elections Act 1954 is amended —

(a) by deleting footnote 1 in Section C and substituting the following footnote:

“¹ Donations that need not be recorded in a donation report under the Foreign Interference (Countermeasures) Act 2021 where a candidate is concerned.”; 5

(b) by deleting footnote 5 in Section C and substituting the following footnote:

“⁵ The expression “donation” has the meaning given by the definition of “political donation” in section 51 of the Foreign Interference (Countermeasures) Act 2021, and “value” in relation to a donation has the meaning given by sections 15 and 51 of that Act where a candidate is concerned.”; 10

(c) by deleting footnote 4 in subsections (1) and (2) of Section D and substituting in each case the following footnote: 15

“⁴ The expression “donation” has the meaning given by the definition of “political donation” in section 51 of the Foreign Interference (Countermeasures) Act 2021, and “value” in relation to a donation has the meaning given by sections 15 and 51 of that Act where a candidate is concerned.”; and 20

(d) by deleting the words “Political Donations Act 2000” wherever they appear in Section D (except footnotes 4) and substituting in each case the words “Foreign Interference (Countermeasures) Act 2021”. 25

Amendment of Presidential Elections Act 1991

125.—(1) Section 2(1) of the Presidential Elections Act 1991 is amended by inserting, immediately after the definition of “overseas polling station”, the following definition:

““political donation certificate” means a political donation certificate issued under section 63(3) of the Foreign Interference (Countermeasures) Act 2021 in respect of an election;” 30

(2) Section 9(4) of the Presidential Elections Act 1991 is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) a political donation certificate issued to him or her in respect of that election;”.

5 (3) Section 11(1) of the Presidential Elections Act 1991 is amended by deleting the words “issued by the Registrar of Political Donations”.

(4) Section 42(1) of the Presidential Elections Act 1991 is amended —

10 (a) by deleting the word “or” at the end of paragraph (e), and by inserting immediately thereafter the following paragraph:

15 “(ea) being a candidate, knowingly makes the declaration required by section 55A falsely; or”; and

(b) by deleting the words “paragraph (f)” in paragraph (v) and substituting the words “paragraph (ea) or (f)”.

(5) The Presidential Elections Act 1991 is amended by inserting, immediately after section 55, the following section:

20 **“Post-election declaration by candidates**

25 **55A.**—(1) Every candidate at an election must give to the Returning Officer a declaration that is in accordance with subsection (2), not later than the 7th day after the day that the result of the election is published under section 15(1)(b) or 34, as the case may be.

(2) The declaration required by subsection (1) to be given by a candidate must be made by the candidate, be in the prescribed form, and further state that, to the best of the knowledge and belief of the candidate —

30 (a) no foreigner has been authorised by the candidate or his or her election agent under section 65(2) to conduct any election activity for the purpose of procuring the electoral success at that election of the candidate;

(b) the conduct of any election activity by the candidate or his or her election agent for the purpose of procuring the electoral success at that election of the candidate, was not undertaken by the candidate or election agent pursuant to any impermissible arrangement; and 5

(c) the conduct of any election activity for the purpose of procuring the electoral success at that election of the candidate, was not authorised by the candidate or his or her election agent, pursuant to any impermissible arrangement. 10

(3) For the purposes of this section, any declaration that is required by subsection (1) to be given to the Returning Officer must not be regarded as so given unless the declaration is actually received by the Returning Officer. 15

(4) Where any declaration which is required by subsection (1) to be given to the Returning Officer is not so given within the time delimited under subsection (1), the candidate shall be guilty of an illegal practice; and the provisions of this subsection are in addition to and not in derogation of section 42. 20

(5) In this section —

“arrangement” includes a contract, an agreement, understanding or other arrangement of any kind, whether written or unwritten;

“foreign principal” has the meaning given by section 4 of the Foreign Interference (Countermeasures) Act 2021; 25

“foreigner” means an individual who is not a citizen of Singapore;

“impermissible arrangement”, in relation to a candidate or his or her election agent, means an arrangement — 30

(a) to which the candidate or election agent is party; and

(b) under which the candidate or election agent (as the case may be) is accustomed or under an

obligation (whether formal or informal) to engage in conduct in accordance with the directions, instructions or wishes of a foreign principal or, where the foreign principal is a corporation, of the directors of the foreign principal.”.

(6) Section 56 of the Presidential Elections Act 1991 is amended by deleting subsection (4) and substituting the following subsection:

“(4) For the purposes of this section, “donation” has the meaning given by the definition of “political donation” in section 51 of the Foreign Interference (Countermeasures) Act 2021, and a donation is accepted by a candidate or an election agent if it is accepted within the meaning of that Act.”.

(7) The Presidential Elections Act 1991 is amended by inserting, immediately after section 69, the following section:

“Authorised excuse for non-compliance with section 55A

69A.—(1) Where —

(a) any declaration which is required by section 55A(1) to be given by a candidate at an election in an electoral division to the Returning Officer is not so given within the time delimited under that section, or being given contains a false statement; and

(b) the candidate applies to an Election Judge or a Judge sitting in the General Division of the High Court and shows that the failure to give the declaration or the false statement in the declaration (as the case may be) has arisen by reason of the candidate’s illness, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the candidate,

the Judge may, after notice of the application, and on production of evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the Judge seems fit, and after giving the other candidates, the Returning Officer and any elector within the electoral division an

opportunity of being heard, make such order for allowing an authorised excuse for the failure to give that declaration or for the false statement in that declaration (as the case may be) as the Judge considers just.

(2) The order under subsection (1) may make the allowance conditional upon the making of the declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the Election Judge or a Judge sitting in the General Division of the High Court (as the case may be) seems best calculated for carrying into effect the objects of this Act. 5 10

(3) An order under subsection (1) allowing an authorised excuse relieves the candidate applying for the order from any liability or consequences under this Act in respect of the matter excused by the order.

(4) Where it is proved by the candidate to the Election Judge or a Judge sitting in the General Division of the High Court (as the case may be) that — 15

(a) any act or omission of the candidate’s election agent in relation to the conduct of election activity for the purpose of procuring the electoral success of the candidate, or the group of candidates of whom the candidate is part, was without the sanction or connivance of the candidate; and 20

(b) the candidate took all reasonable means for preventing the act or omission, 25

the Judge must relieve the candidate from the consequences of the act or omission on the part of the candidate’s election agent.

(5) The date of an order under subsection (1) or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them is referred to in this Act as the date of the allowance of the excuse.”. 30

(8) Section 77 of the Presidential Elections Act 1991 is amended —

(a) by inserting, immediately after paragraph (a) of subsection (3), the following paragraph:

“(aa) at any time before the end of 21 days after the date of the publication of the result of the election in the *Gazette*, as to the declaration required by section 55A from the candidate whose election is questioned;”;

(b) by inserting, immediately after the words “respecting election expenses” in subsection (5), the words “or make and give the declaration required by section 55A”; and

(c) by deleting the words “subsection (3)” in subsection (5) and substituting the words “subsection (3)(a) or the date of the publication of the results of the election in the *Gazette* mentioned in subsection (3)(aa), as the case may be”.

Amendment of Societies Act 1966

126. The Societies Act 1966 is amended —

(a) by inserting, immediately before the words “includes any” in the definition of “political association” in section 2, the words “means a political party and”;

(b) by deleting the words “the national interest” in section 4(2)(d) and substituting the words “Singapore’s national security or interest”;

(c) by inserting, immediately after the words “concerning the society” in section 10(1), the words “(such as but not limited to the patron of the society and every person managing or assisting in the management, of that society in Singapore)”;

(d) by inserting, immediately after the words “in Singapore” in section 24(1)(a), the words “or against Singapore’s national security or interest”;

(e) by deleting the words “the national interest” in section 24(1)(e) and substituting the words “Singapore’s national security or interest”; and

(f) by inserting, immediately after subsection (1) of section 24, the following subsection:

“(1A) For the purpose of subsection (1)(a), a certificate issued by the Minister charged with the responsibility for internal security stating that the Minister is satisfied that the society referred to in the certificate is being used for purposes against Singapore’s national security or interest is conclusive evidence that the society is being used for such purposes.”.

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Saving and transitional provisions

127.—(1) Despite section 123, every organisation that is, immediately before the appointed day, declared, by order in the *Gazette*, as a political association under the repealed Act is deemed —

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(a) as designated, with effect from the appointed day, by the competent authority under section 47(1) as a Part 4 politically significant entity under this Act; and

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(b) to be given, with effect from the appointed day, by the competent authority a directive each under sections 67, 68 and 69, respectively.

(2) Despite section 123, section 60(4) does not apply to any political donation received by a political association before the appointed day and where the grace period mentioned in section 60(3) in respect of that donation is still current immediately before that appointed day; and Part II of the repealed Act continues to apply with respect to that donation as if this Act were not enacted.

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(3) Despite anything in Part 5, where —

(a) the financial year of a political association is not a calendar year;

(b) Part 5 applies to the political association because of subsection (1) only; and

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(c) Part 5 comes into force at any time before the end of the financial year of the political association,

sections 12 and 13 of the repealed Act continue to apply with respect to the donation report and declarations required by the repealed Act for that financial year as if this Act were not enacted.

(4) Despite section 123, sections 76 and 85 do not apply to or in relation to any political donation —

(a) comprising the provision of voluntary labour by an individual who is not a citizen of Singapore or who is below 21 years of age; and

(b) that is received during any period before that day by a politically significant person subject to the repealed Act,

and the repealed Act as in force immediately before the appointed day continues to apply as if it had not been repealed with respect to that political donation.

(5) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe other provisions of a saving or transitional nature consequent on the enactment of that provision as that Minister may consider necessary or expedient.

(6) In this section —

“appointed day” means the date of commencement of section 123;

“political association” means —

(a) a political party or an organisation which has as one of its objects or activities the promotion or procuring of the election to Parliament or to the office of President of a candidate or candidates endorsed by the organisation; or

(b) an organisation (not being a branch of any organisation) whose objects or activities relate wholly or mainly to politics in Singapore and which, immediately before the appointed day, was

declared, by order in the *Gazette*, to be a political association for the purposes of the repealed Act.

EXPLANATORY STATEMENT

This Bill seeks primarily to counteract acts of foreign interference and to reduce the risk of acts of foreign interference in the public interest.

This is because activities undertaken by foreign persons, and those acting on their behalf, can cause severe harm to Singapore's national security, compromise Singapore's military capabilities and security relationships, threaten Singapore's economic stability and undermine Singapore's political sovereignty and system of government.

The Bill therefore contains powers to deal directly against acts of foreign interference by electronic communications activities where these are detected, including online communications activities which may influence others in Singapore against the public interest.

The Bill also identifies persons who are at-risk of presenting a threat to Singapore's political sovereignty and system of government if the person's activities are influenced by foreign principals, and subjects the persons to requirements aimed at pre-empting, preventing or reducing the foreign interference of politically significant persons, ranging from periodic reporting to disclosure duties. Heavier responsibilities are placed on politically significant persons which are assessed as presenting a higher risk.

The Bill seeks to repeal the Political Donations Act (Cap. 236), and also makes consequential and related amendments to certain other Acts for the similar object.

Part 1 introduces the fundamental concepts used in the Bill.

Part 2 creates new offences aimed at dealing with acts of foreign interference by electronic communications activity, which covers emails, online communications as well as an SMS and an MMS.

Part 3 provides for pre-emptive as well as reactionary powers exercisable by the Minister to deal with online communications activity undertaken by or on behalf of a foreign principal.

Part 4 provides for the designation of individuals and entities as politically significant persons. Those designated are, together with political parties, candidates and election agents, Members of Parliament (called MPs) and political office holders, treated as politically significant persons in the Bill.

In Parts 5 and 6, a politically significant person is subject to different transparency and periodic reporting requirements aimed at detecting and excluding actions by foreign persons who intend to influence Singapore's democratic or governmental processes or to harm the security of Singapore or any part of Singapore.

Part 5 focuses on the influence of money. It sets out disclosure requirements on all politically significant persons as regards donor activities. The requirements expand those that currently apply to political parties and candidates under the Political Donations Act. There are stepped up directives on donor activities applicable specially to politically significant entities.

Part 6 contains countermeasures aimed at enhancing the Government's knowledge of the level and extent to which foreign sources may, through intermediaries acting on their behalf and without involving donations, influence the conduct of Singapore's elections, governmental and parliamentary decision-making or act against public interest. If not transparent, foreign influence may result in the prioritisation of foreign interests over domestic interests.

Part 7 contains provisions on the conditions under which and the process for making of directives under Parts 5 and 6, respectively. The conditions are similar to that for the Minister to authorise giving of directions under Part 3.

Part 8 sets out oversight arrangements over decisions of the Minister and the competent authority under Parts 3, 4, 5 and 6, respectively. The Part sets up one or more Reviewing Tribunals to which appeals may be made against the decisions of the Minister under Part 3, in lieu of the courts. This Part also provides for appeals to the Minister against decisions of the competent authority under Parts 4, 5 and 6, respectively.

Part 9 provides for the administration and enforcement of the Bill, ranging from the appointment of competent authorities and alternate authorities to the Minister during certain election periods.

Part 10 contains miscellaneous provisions ranging from the list of exempted activities to regulation-making powers. This Part also provides for the repeal of the Political Donations Act.

Part 11 contains consequential and related amendments to the Parliamentary Elections Act (Cap. 218), the Presidential Elections Act (Cap. 240A) and the Societies Act (Cap. 311).

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 sets out the purposes of the Bill. These are to protect Singapore against acts of foreign interference through 2 main approaches.

The first is through countermeasures aimed at stopping or counteracting the impact of acts of foreign interference by electronic communications activity which have taken place or are about to take place.

The second is through countermeasures aimed at pre-empting or preventing the occurrence of acts of foreign interference involving persons identified as at-risk because they are politically significant.

Clause 3 contains definitions of terms used in several Parts of the Bill.

The word “interference” is defined in clause 3(1) to include influence.

The word “influence” is defined in clause 3(1) to include affect in any way. The definition of influence is particularly relevant to the definition of “foreign interference” in clause 6, activity “directed towards a political end in Singapore” in clause 8 and the meaning of “influencing Singapore governmental decisions” in clause 9. The definition of influence is intended to cover direct and indirect influence, and is not limited to the sole or dominant influence over a process, decision or outcome. In addition to changing processes, decisions and outcomes, influence is also intended to include attempts to maintain the status quo.

The word “arrangement” is defined in clause 3(1) to include a contract, an agreement, understanding or other arrangement of any kind, whether written or unwritten. A formal contractual arrangement or a written agreement is sufficient, but not necessary, to establish that an arrangement is in place. The arrangement need not be established within Singapore.

Another term widely used in the Bill is that of “engage in conduct”. This is defined in clause 3(1) to mean an act or omission on a single occasion, or a series of acts or omissions, or both, on a number of occasions over a period of time, and includes undertaking communications activity.

The term “foreign country” is defined to cover countries other than Singapore. The definition also extends to include a colony or an overseas territory, a territory outside Singapore where a foreign country is to any extent responsible for the international relations of the territory, and a territory outside Singapore that is, to some extent self-governing, but that is not recognised as an independent sovereign state by Singapore.

The term “information or material” is defined broadly in clause 3(1) to capture the various ways in which information or materials can be communicated as

technologies and practices change over time. Clause 3(1) refers to information or materials in any form, including oral, visual, graphic, written, electronic, digital and pictorial forms. For example, newspapers, magazines, editorials, social media, fixed landlines, mobile telephones, books and publications.

The word “election” is defined in clause 3(1) to refer to a presidential election, or a parliamentary election which may be a general election or a by-election.

When election results are published is important for computing the time when a person’s capacity as a candidate stops and his or her obligations in the other capacities continue.

Under clause 3(2), the results of an election are treated as published, in the case of a parliamentary election, on the date that the notice required by section 33(1)(b) of the Parliamentary Elections Act, containing the name or names of the nominated candidate or the group of candidates declared elected as an MP or MPs, is published in the *Gazette* if the election is uncontested, or when the statement of the poll and the name or names of the person or persons elected as MPs at that election are published under section 51 of the Parliamentary Elections Act, if the election is contested. The definition is similarly defined for a presidential election.

Finally, clause 3(3) contains references to the new nomenclature for Acts, which will be in use after the universal law revision of Acts takes effect.

Clause 4 contains the definition of the key term “foreign principal” and the associated terms “foreign business”, “foreign government”, “foreign government-related individual”, “foreign legislature”, “foreign political organisation” and “foreign public enterprise”.

The Bill defines a “foreign principal” to mean a foreigner, a foreign government, a foreign government-related individual, a foreign legislature, a foreign political organisation, a foreign public enterprise or a foreign business.

A “foreigner” is defined in clause 4 to mean an individual who is not a citizen of Singapore. This includes a permanent resident of Singapore.

A “foreign government” is defined to mean the government of a foreign country or of part of a foreign country, an authority of the government of a foreign country, an authority of the government of part of a foreign country, or a foreign local government body or foreign regional government body.

The definition is intended to cover all levels of government within a foreign country. The reference to an “authority” of the government is intended to cover departments, agencies or other entities that act in the name of a foreign government. For example, the Home Office of the United Kingdom would be an authority of the government of a foreign country.

A “foreign political organisation” is defined to include a foreign political party. This definition covers political parties that are formally recognised or registered in

a foreign country or part of a foreign country. However, the definition is not intended to be limited to such registered political parties. If an organisation operates as a political organisation in a foreign country or part of a foreign country, or if a foreign country does not have a system of registration for political parties, the organisation would be captured under this definition.

A “foreign public enterprise” is defined to mean a company or any other person (other than an individual) controlled by the government of a foreign country or of part of a foreign country. This definition is intended to capture state-owned enterprises controlled by foreign countries and corporations under the control of foreign intelligence agencies.

A “foreign business” is defined to mean a person (other than an individual) that is constituted or organised under the law of a foreign country or of part of a foreign country, or has its principal place of business in a foreign country or part of a foreign country. A foreign business cannot be a foreign government, a foreign public enterprise or a foreign political organisation.

A “foreign government-related individual” is defined to mean an individual who is related to a foreign principal that is a foreign government, foreign political organisation or foreign public enterprise in a certain way. That is, the individual is accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign government, foreign political organisation or foreign public enterprise.

Alternatively, the foreign government, foreign political organisation or foreign public enterprise (as the case may be) is in a position to exercise, in any other way, total or substantial control over the individual. An example of a “foreign government-related individual” is a citizen of Singapore who is a non-resident ambassador of a foreign country.

Clause 5 defines what is meant by engaging in conduct on behalf of a foreign principal. This expression is an important concept in the Bill as it is a key element of every offence in Part 2 and a ground which must be met before a countermeasure in the Bill may be applied to any person.

According to clause 5(1), a person undertakes an activity or engages in conduct on behalf of a foreign principal if the person undertakes the activity or engages in that conduct —

- (a) under an arrangement with the foreign principal;
- (b) in the service of the foreign principal;
- (c) on the order or at the request of the foreign principal;
- (d) under the control, direction or supervision of the foreign principal;
- (e) with funding from the foreign principal; or

(f) in collaboration with the foreign principal,

and, in addition, at the time the arrangement or service is entered into, or the order, request or direction is made, both the person and the foreign principal knew or expected that the person would or might undertake the activity or engage in that conduct.

Paragraph (a) of the definition provides that a person is undertaking an activity on behalf of a foreign principal if the person undertakes the activity under an arrangement with the foreign principal. The word “arrangement” is broadly defined in clause 3(1) to include a contract, an agreement, understanding or other arrangement of any kind, whether written or unwritten.

Paragraph (b) of the definition provides that a person is undertaking an activity on behalf of a foreign principal if the person undertakes the activity in the service of the foreign principal. The term “in the service of” is not defined and may cover situations where the person’s activities fall short of being ordered, directed or requested by the foreign principal but the activities are still helping or meeting the needs of the foreign principal. The connection should be one where the foreign principal is, in some way, seeking or overseeing the activities.

Paragraph (c) of the definition provides that a person is undertaking an activity on behalf of a foreign principal if the person undertakes the activity on the order or at the request of the foreign principal. This would include a situation where the person and the foreign principal do not have an arrangement, but the foreign principal orders or requests a person to undertake particular activities.

The words “order” and “request” are not defined and take their ordinary meanings. Thus, an order would include a command or an instruction. A request would include a person asking, whether formally or informally, for someone to do something.

Paragraph (d) of the definition provides that a person is undertaking an activity on behalf of a foreign principal if the person undertakes the activity under the control, direction or supervision of the foreign principal. The expressions “under the control” and “under the direction” are not defined, and take their ordinary meanings. Thus, “under the control” would cover a person supervising the person’s activity. The expression “under the direction” would cover the management or guidance of the person’s activities by the foreign principal. Supervision is intended to cover situations where the foreign principal observes and directs the execution of the activities.

Paragraph (e) of the definition provides that a person is undertaking an activity on behalf of a foreign principal if the person undertakes the activity with funding from the foreign principal. Again, the expressions are not defined and would take on their ordinary meanings. Funding is intended to cover the provision of money or other resources that are used by the person to undertake the activity, or support the activity.

Paragraph (f) of the definition provides that a person is undertaking an activity on behalf of a foreign principal if the person undertakes the activity in collaboration with the foreign principal. Again, the expression is not defined and would take on their ordinary meanings, such as the person and the foreign principal working together to undertake the activity.

In all situations covered by the definition, a person is considered to undertake an activity on behalf of a foreign principal if both the person and the foreign principal knew or expected the person would or might undertake the activity. This definition is not intended to cover circumstances where a person undertakes an activity with no knowledge, awareness or direction from the foreign principal or where the relationship between the person's activities and the foreign principal's interests is merely coincidental.

Also, the foreign principal must have an awareness of, and some role in facilitating, the activities. A person would not be considered to be undertaking an activity on behalf of a foreign principal where the foreign principal has no knowledge or awareness of the nature of the activities in question, and it is purely coincidental that the person's actions may in some way benefit, or align with the interests of, the foreign principal.

Finally, an activity may still be undertaken or conduct may be engaged in on behalf of a foreign principal where the funding, supervision, direction, control or other oversight from the foreign principal is not the only impetus for the person undertaking the activity. For example, a person may receive money from both a foreign principal and a Singapore business to engage in lobbying activities for the purpose of political or governmental influence. The fact that the person receives funding from the Singapore business does not negate the fact that the person is acting on behalf of the foreign principal when they engage in lobbying.

Clause 6 defines the expression "foreign interference" to mean interference that is undertaken by or on behalf of either a foreign principal or another person acting on behalf of a foreign principal.

The expression also includes any activity undertaken or conduct engaged in as part of preparing for, or planning, the interference abovementioned.

Please see clause 3(1) for the definitions of "interference" and "influence".

The next 3 clauses contain definitions of the basic trigger circumstances which, if met, are grounds for countermeasures in the Bill to be applied or for a prosecution to be initiated. The trigger circumstances are defined using the phrases "in the public interest" and "directed towards a political end in Singapore".

Clause 7 defines non-exhaustively what is meant by "in the public interest". Many countermeasures in the Bill may be applied where the decision-maker (who

may be the Minister or a competent authority) assesses that it is in the public interest to do so.

Clause 7 provides that it is in the public interest to do anything if the doing of that thing is necessary or expedient —

- (a) in the interest of the security of Singapore or any part of Singapore;
- (b) to protect public health or public finances, or to secure public safety or public tranquillity;
- (c) in the interest of friendly relations of Singapore with other countries;
- (d) to prevent incitement of feelings of enmity, hatred or ill-will between different groups of people in Singapore which may endanger the public peace and public order of Singapore;
- (e) to prevent a diminution of public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or a public authority; or
- (f) to prevent any foreign interference that is directed towards a political end in Singapore.

Clauses 8 and 9 contain the linked definitions for the expressions “directed towards a political end in Singapore” and for the purpose of “influencing Singapore governmental decisions”.

Under clause 8, an activity or a conduct is directed towards a political end in Singapore if a purpose of the activity or conduct is —

- (a) to promote the interests of a political party, or a Part 4 politically significant entity (see clause 47), in Singapore;
- (b) to influence, or seek to influence, the outcome of any election or national referendum under any written law of Singapore;
- (c) to influence, or seek to influence, Singapore governmental decisions;
- (d) to influence, or seek to influence, any aspect (including the outcome) of proceedings in Parliament, or proceedings of certain bodies which are central to Singapore’s democratic processes (such as that of the Presidential Elections Committee and the Malay Community Committee or Indian and Other Minority Communities Committee established under the Parliamentary Elections Act);
- (e) to bring about, or seek to bring about, changes of the law in the whole or a part of Singapore, or to otherwise influence, or seek to influence, the legislative process in Singapore;

- (f) to influence, or seeking to influence, public opinion on a matter which, in Singapore, is a matter of public controversy; or
- (g) to influence, or seek to influence, any aspect or to promote or oppose political views, or public conduct relating to activities that have become the subject of a political debate, in Singapore.

It does not matter whether or not there are other purposes for that conduct or activity.

Clause 9 defines what is meant as “for the purpose of influencing Singapore governmental decisions”, which is a component of the expression “directed towards a political end in Singapore” in clause 8.

Under clause 9(1), a person undertakes an activity or engages in conduct for the purpose of influencing or seeking to influence a Singapore governmental decision if any purpose of the activity or conduct is to influence a process in respect of a Singapore governmental decision or the public in relation to any aspect of a process in respect of a Singapore governmental decision.

Clause 9(1) is explicit that influencing or seeking to influence a Singapore governmental decision need not be the sole, or even the dominant, purpose of the activity undertaken, before the activity or conduct is regarded as undertaken or engaged in “for the purpose of influencing Singapore governmental decisions”.

A Singapore governmental decision is an act or a policy of the Government or a public authority in relation to any matter (including administrative and policy matters), regardless of it being formal, and whether or not the decision is final.

An example of an activity for the purpose of influencing Singapore governmental decisions is influencing an MP in relation to a formal vote, such as on a Bill or on a procedural matter.

Another example would be lobbying a Minister to make a particular decision under an Act administered by that Minister.

In addition, the influence over the abovementioned processes can be direct or indirect. An example of indirect influence over a candidate’s policy is where a person (*A*) encourages the public to write to the candidate to change his or her policy position on a particular issue. The candidate himself or herself is not directly influenced by *A*, but is persuaded to change his or her policy position by the letters from the public. *A* has indirectly influenced the candidate’s policy through the actions of the wider public.

Clause 9(1)(b) also provides that an activity is taken to be “for the purpose of influencing Singapore governmental decisions” if a purpose of the activity is to influence an aspect of a process mentioned under clause 9(1)(a) by influencing the public or a section of the public, in relation to the process.

The Singapore Government consists of representatives elected by the public whose role it is to represent their constituents' interests. Regular public consultations are carried out by the Singapore public sector on policy initiatives and changes. Hence, actions undertaken by or on behalf of foreign principals to influence public opinions and actions about Singapore's policies and political processes have the potential or real foreign impact on those governmental and political processes.

However, excluded from being a Singapore governmental decision for the purpose of the definition of "for the purpose of influencing Singapore governmental decisions" are decisions made by the Supreme Court or any subordinate courts in the exercise of the judicial power of Singapore, or a quasi-judicial body constituted by or under any public Act in the discharge of its function of hearing and resolving disputes or conducting mediation or conciliation under that public Act. These bodies have proceedings that are ordinarily public and, by the very nature of their functions, must be accessible to foreigners seeking dispute resolution in Singapore.

Clause 10 defines the expression "electronic communications activity" which is a key element of the offences in Part 2, and to which the countermeasures in Part 3 relate.

The clause provides that a person undertakes electronic communications activity in relation to any information or material if the person communicates or distributes the information or material, whether or not in the course of business, or something that contains the information or material, on or by an SMS service, an MMS service, a social media service, a relevant electronic service or an internet access service.

Clause 10(2) extends the definition to cover describing to the general public in Singapore how to obtain access to the information or material, or something that contains the information or material, that is provided or posted on or by an SMS service, an MMS service, a social media service, a relevant electronic service, or an internet access service. For example, setting out the name of a website, an IP address, a URL, a password or the name of a newsgroup.

Also included in the definition of "electronic communications activity" is giving the information or material, or something that contains the information or material, to an intermediary to communicate or distribute to the public, and initiating or instigating the sending of information or material to end-users of a social media service, a relevant electronic service or an internet access service who do not voluntarily access the information or material, by means which do not need any individual to operate the systems that cause information or material to be provided on or sent using that service.

Finally, making known the information or material, or something containing the information or material, to the public by any other means online is also included in the definition of “electronic communications activity”.

There is also a narrower definition of “online communications activity”, which covers electronic communications activity other than on or by an SMS service or an MMS service. The countermeasures in Division 2 of Part 3 are available in respect of online communications activity whereas the offences in Part 2 relate to electronic communications activity, which is broader.

However, a person will not be regarded as undertaking online communications activity in relation to any information or material by reason only that the person is a provider of a social media service, an internet access service, a telecommunication service, a relevant electronic service or a hosting service, and the person makes available, in the course of business of providing such a service information or material produced entirely by another person without altering the information or material or with only altering the information or material to the extent to fit time, space or format constraints.

Clause 11(1) defines when information or material is provided on a social media service or relevant electronic service or using an internet access service. This is when the information or material is accessible to, or delivered to, one or more of the end-users using the service.

Clause 11(2) defines when information or material is posted on a social media service or relevant electronic service or using an internet access service by an end-user. This is when the end-user causes the information or material to be accessible to, or delivered to, one or more other end-users using the service.

Clause 11(3) defines what is meant when information or material is removed from a social media service or relevant electronic service or an internet access service. This is where the information or material is neither accessible to, nor delivered to, any of the end-users using the service.

The next key concept that applies throughout the Bill is that of “publish in Singapore”. Countermeasures are not available and offences are not made out if the information or material is not published in Singapore.

Clause 12 defines the term “publish in Singapore”.

Information or material in electronic or digital form is treated as published in Singapore if it is accessible from or in Singapore, that is, by a person physically present in Singapore. This includes, among other things, being able to view the material on the monitor of a computer, the printing into hard copy of material held on a computer, the downloading of material onto the computer and the copying of the material onto a floppy disk or CD.

However, clause 12 employs a legal fiction for the unusual scenario where information or material in electronic or digital form did not originate in Singapore,

or its origin cannot be determined. In such a case, the information or material is treated as published in Singapore if made available, displayed, distributed or communicated, or caused to be made available, displayed, distributed or communicated to the public by a Singapore-connected person or the Singapore-connected person takes part in that communication or distribution, and the information or material is accessible by persons physically present in Singapore.

Information or material is also deemed to be published in Singapore if the information or material originates in Singapore, even if none of the persons capable of having access to the information or material is physically present in Singapore.

A “Singapore-connected person” is defined in clause 12 to mean a citizen of Singapore, a Singapore permanent resident, a person physically present in Singapore, an entity which is registered in Singapore (even if incorporated outside Singapore), or is incorporated, under any written law, or a corporation sole or corporation aggregate established under a private Act.

Clause 13 contains supplementary interpretive provisions related to the definitions of “electronic communications activity” and “online communications activity”.

A relevant electronic service is defined by clause 13(1) to mean an email service, an online instant messaging service that enables end-users to communicate with other end-users (such as WhatsApp and WeChat), a point-to-multipoint service (such as an app with a group chat or broadcast functionality), a service that enables end-users to play online games with other end-users, or a service that specialises in providing links or facilitating access to, or information about, online locations, such as (but not limited to) a search engine, directory service or web browser.

A social media service is defined in clause 13(1) to mean an electronic service that satisfies all the following characteristics:

- (a) the sole or primary purpose of the service is to enable online linkage or interaction between 2 or more end-users (including enabling end-users to share content for social purposes);
- (b) the service allows end-users to post information or material on the service;
- (c) such other characteristics as are prescribed by Regulations.

Regulations may also be made to define any other electronic service that is not a relevant electronic service or internet access service to be a social media service. However, a service is excluded from this definition if none of the information or material on the service is accessible by, or delivered to, one or more end-users physically present in Singapore.

The countermeasures in Divisions 2 and 3 of Part 3 consist of directions to providers of various electronic services in relation to certain activities undertaken by the providers. The directions may be calibrated to apply to certain activities (called relevant activities) of the providers and not to all of their business activities.

Clause 13(3) defines what those relevant activities are with respect to the different service providers.

For instance, in the case of a provider of a social media service, the relevant activity is the provision of the social media service to one or more end-users who are physically present in Singapore if the service has accounts for end-users.

In the case of a provider of a relevant electronic service, the relevant activity is the provision of the relevant electronic service (like email or a point-to-multipoint service) to one or more end-users who are physically present in Singapore if the service has accounts for end-users.

With respect to a provider of an internet access service, the relevant activity is the operation by the person of any telecommunication network (including installation or plant) or facility in Singapore connected with the provision of the internet access service, and the provision of the internet access service with a Singapore link.

Clause 14 contains the definition of “politically significant person”. A politically significant person is a person identified by the Bill as presenting the highest risk to Singapore’s political sovereignty and national security if these persons come under the influence of a foreign principal.

Every political party, candidate and election agent, MP and political office holder is identified at-risk. A “politically significant person” is defined to mean a political party, a candidate in a presidential election, general election or by-election, an election agent of such a candidate, a political office holder, and an MP whether or not a political office holder.

By the definition of “candidate” in clause 3(1), an individual is nominated a candidate at a presidential election or parliamentary election stays as a candidate until the end of the 31st day after the results of the election are published.

An individual starts being a candidate (whether or not a member of a political party) if he or she, on or after the date of the issue of a writ for a presidential election or parliamentary election, is declared, by himself or herself or by others, as seeking nomination as a candidate at that election until the end of the 31st day after the results of the election are published.

A Member of Parliament (MP) is defined by clause 3(1) to mean an elected MP. The definition also includes a nominated Member of Parliament (NMP) and a non-constituency Member of Parliament (NCMP) who has subscribed before

Parliament the Oath of Allegiance under Article 61 of the Constitution, until he or she vacates his or her seat in Parliament.

Under the Bill, an elected MP will be treated as an MP regardless when he or she subscribes before Parliament the Oath of Allegiance under Article 61 of the Constitution, since an individual who is successfully returned at a general election or by-election is declared elected to that office when the final results of the election are published. That Parliament may not be convened until sometime later after a general election (as is the traditional practice) and that the elected MP cannot, until subscribing his or her Oath of Allegiance, discharge any of his or her duties as an MP in Parliament, is not reason to exclude the elected MP from the requirements in the Bill.

A political office holder is defined in clause 3(1) to mean the holder of any of these offices:

- (a) the Prime Minister;
- (b) a Deputy Prime Minister;
- (c) a Minister, Senior Minister or Co-ordinating Minister;
- (d) a Minister of State or Senior Minister of State;
- (e) a Parliamentary Secretary or Senior Parliamentary Secretary;
- (f) the Speaker of Parliament or a Deputy Speaker of Parliament;
- (g) a Mayor or Political Secretary;
- (h) the Leader of the House.

Not every one of these office holders are always constitutionally required to be an MP. Thus, examples of politically significant persons include a Speaker of Parliament or a Mayor or Political Secretary who is not an MP.

The list of persons identified by the Bill as a “politically significant person” is a closed list with 2 exceptions. An entity (not an individual) may be designated under clause 47(1) as a Part 4 politically significant entity if the threshold conditions in that clause are met. An individual may be designated under clause 48(1) as a politically significant person if the threshold criteria in that clause are met.

Hence, an appointed member of a Town Council or the spouse of a political office holder is not a politically significant person unless designated under clause 48.

Clause 15 contains general interpretive provisions relating to donations and benefits. The provision prescribes that the value of any donation or benefit which is a gift to a person is the market value of the property in question.

Clause 15 provides that where any donation or benefit, being money or property, is transferred to a person for a consideration which is less than the value of the money or market value of the property, the value of the donation or benefit is the difference between the value of the money, or the market value of the property, in question, and the consideration provided by or on behalf of the person.

For any donation or benefit which is either any money lent to a person otherwise than on commercial terms or the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person), the value of the donation or benefit is the amount that is the difference between the following:

- (a) the actual cost (if any) to the person;
- (b) the cost that would have been incurred by the person had the loan been made, or the property, services or facilities been provided, on commercial terms.

Clause 15 deals with the valuation of donations or benefits which take the form of loans, property, services or facilities provided on other than commercial terms. Gifts or property will be valued at their market value, that is at the price they would fetch on their sale in the open market. Where money or property is transferred to a party for a consideration less or more than the market value of the property, the value of the donation is the difference between the value of the money or the market value of the property and the consideration provided by the party. Similarly, where loans, property, services and other facilities are provided on other than commercial terms, their value will be taken to be the difference between their actual cost to the party and the cost which the party would have incurred if they had been provided on commercial terms.

Clause 15 also contains a special provision on the value of a political donation in the form of sponsorship in relation to a politically significant person.

Finally, clause 15 provides that the giving or transfer of any donation or other property to a person includes it being so given or transferred either directly or indirectly through any third person.

A donation or other property is also treated as accepted by a person if it is received and retained by the person for the person's use or benefit. This is subject to more specific definitions elsewhere in the Bill, such as in Part 5.

Clause 16 concerns the meaning of a purpose for any activity or conduct. The clause provides that the purpose of an activity or a conduct may be determined by having regard to the intention or belief of the person undertaking the activity or engaging in that conduct, the intention of any foreign principal on whose behalf the activity is undertaken or the conduct is engaged in, or all of the circumstances in which the activity is undertaken or the conduct is engaged in.

PART 2

FOREIGN INTERFERENCE BY ELECTRONIC
COMMUNICATIONS ACTIVITY

Part 2 consists of 3 clauses dealing with new offences which are acts of foreign interference by electronic communications activity.

Clause 17 creates the offence of a clandestine act of foreign interference by electronic communications activity.

A person commits an offence if the person undertakes electronic communications activity on behalf of a foreign principal or a person acting on behalf of a foreign principal (which includes being directed, funded or supervised by a foreign principal), any information or material is published in Singapore as a result, any part of the person's electronic communications activity or undertaking on behalf of the foreign principal is covert or involves deception, and the person knows or has reason to believe that the electronic communications activity, or the information or material published in Singapore —

- (a) is or is likely to be prejudicial to the security of Singapore or any part of Singapore;
- (b) is or is likely to be prejudicial to public health, public safety, public tranquillity or public finances;
- (c) is or is likely to be prejudicial to the friendly relations of Singapore with other countries;
- (d) incites or is likely to incite feelings of enmity, hatred or ill-will between different groups of people in Singapore which may endanger the public peace and public order of Singapore;
- (e) diminishes or is likely to diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or public authority; or
- (f) is or is likely to be directed towards a political end in Singapore.

The term “prejudicial” is intended to capture a broad range of intended conduct, including an intention to harm or injure Singapore's security or to cause disadvantage to the security of Singapore. The term is also intended to cover impairment or loss to security interests. The prejudice is not required to be serious or substantial but is intended to be more than a minor or trivial prejudice that has no long-lasting effect.

The word “deception” is defined in clause 3(1) to mean an intentional or reckless deception, whether by words or other conduct, and whether as to fact or as to law, and includes a deception as to the present intentions of the person using the

deception or any other person, and conduct with the intention of causing a computer or an electronic device to make a response that the person is not authorised to cause the computer or electronic device to make.

The definition of “deception” refers to a deliberate deception, as when the person knows that what he or she represents is untrue. It also covers reckless deception where the person is aware that what is represented may or may not be true. The definition extends beyond saying or not saying something and covers mere conduct too, since conduct can also imply facts which are untrue. The definition also takes into account the deception of computers, machines and electronic devices.

Deception can relate to actual or supposed facts or an existing state of affairs and as to law.

For example, wearing a particular occupational uniform representing that the wearer is employed in that occupation, personating another person with an intent to mislead or deceive through the use of bots, or an inauthentic email account or an inauthentic social media account to misrepresent the identity of the account holder or the origin of an email.

The reference to “covert” is intended to cover any conduct that is hidden or secret, or lacking transparency. For example, conduct may be covert if a person takes steps to conceal their links or communications with the foreign principal, such as deliberately moving onto encrypted communication platforms when dealing with the foreign principal, meeting in a concealed location, communicating by coded messages, or leaving communications in a concealed location for collection by the foreign principal.

The reference to conduct “involving deception” is intended to cover conduct that seeks to cause someone to accept as true or valid what is false or invalid. This would include a person telling lies or misleading a person. In the context of clause 17, this may include a person lying about their employment with a foreign government or saying that the information is not intended for passage to a foreign principal.

For example, Person *A*, acting at the direction of Country *B*, creates an inauthentic account that represents itself as a Singapore non-governmental organisation. The inauthentic account purchases advertisements on a social media service that pushes information to accounts of Singapore residents of a particular ethnic group. These advertisements promote views about members of that ethnic group in Singapore being mistreated by another ethnic group and about mounting a public demonstration highlighting this alleged mistreatment.

For another example, although Company *Y* purports to be a private local trading enterprise, in fact its activities are directed and supervised by the government of Country *Z*, which in turn uses the company as a front for its activities. Company *Y* sets up multiple online personas each representing to either

be that of a freelance journalist or an expert in the politics of Country Z, and containing commentaries that seek to sway public opinion in Singapore regarding a humanitarian crisis in Country Z which has become a subject of political debate in Singapore.

The penalty on conviction of an offence under clause 17 is, for an accused who is an individual, a fine not exceeding \$50,000 or imprisonment for a term not exceeding 7 years or both. In any other case, the penalty is a fine not exceeding \$500,000.

Clause 17 makes clear that the accused does not need to have in mind a particular foreign country or foreign principal, and the accused may have in mind more than one foreign country or foreign principal.

For example, a person's weblog may be directed by a foreign political organisation (which falls within the definition of foreign principal in clause 5) and the person may be aware of a substantial risk that the person's activities on the weblog will prejudice Singapore's relationship with one or more foreign countries but will not know, or necessarily care, which foreign country that is. Similarly, a person may intend to act for more than one foreign country by prejudicing Singapore's relationship with a particular country.

Clause 18 deals with the offence of clandestine foreign interference of a target using electronic communications activity.

To establish this offence, the prosecution will need to prove beyond a reasonable doubt that —

- (a) a person undertakes electronic communications activity;
- (b) the person undertakes the electronic communications activity on behalf of a foreign principal or a person acting on behalf of a foreign principal;
- (c) the person intends that the electronic communications activity, or the information or material published in Singapore will influence another person (called the targeted person) to undertake activity, or engage in conduct, in Singapore that —
 - (i) is or is likely to be prejudicial to the security of Singapore or any part of Singapore;
 - (ii) is or is likely to be prejudicial to public health, public safety, public tranquillity or public finances;
 - (iii) is or is likely to be prejudicial to the friendly relations of Singapore with other countries;

- (iv) incites or is likely to incite feelings of enmity, hatred or ill-will between different groups of people in Singapore which may endanger the public peace and public order of Singapore;
 - (v) diminishes or is likely to diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or public authority; or
 - (vi) is or is likely to be directed towards a political end in Singapore; and
- (d) the person conceals from, or fails to disclose to, the targeted person that the person is acting on behalf of a foreign principal or is in collaboration with or is directed, funded or supervised by a foreign principal or a person acting on behalf of a foreign principal.

Clause 18 also makes clear that the accused does not need to have in mind a particular foreign country or foreign principal, and the accused may have in mind more than one foreign country or foreign principal.

The penalty on conviction is, for an accused who is an individual, a fine not exceeding \$100,000 or imprisonment for a term not exceeding 14 years or both. In any other case, the penalty is a fine not exceeding \$1 million.

For example, Person *A* is a prominent Singapore citizen with strong connections to local politics, and is acting at the direction of Country *B* who intends to appoint Person *A* as a non-resident ambassador for Country *B*. Person *A* emails a number of MPs arguing that Singapore should adopt a policy of imposing trade bans on products originating from Country *J*, a military rival of Country *B*, and seeks a discussion on the issue. In the email and subsequent calls, Person *A* does not disclose that he is representing Country *B*'s views or is working on behalf of Country *B*. Person *A* has, for the purposes of clause 18, failed to disclose the fact that he is engaging in communications activity at the direction of a foreign principal to the targeted person, who is the MP.

For another example, although Company *Y* purports to be a private local trading enterprise, in fact its activities are directed and supervised by the government of Country *Z*, which in turn uses the company as a front for its activities. Company *Y* uses covert or deceptive means to mask its electronic communications e.g. sending anonymous text messages, creating multiple inauthentic accounts that appear to be Singapore-connected users, using bots to auto-generate or amplify content, or using disinformation-for-hire services or troll farms. Through these communications, Company *Y* puts out content addressed to influential members of trade associations, persuading them to send messages of support for the government of Country *Z* to the public social media accounts of several Ministers, arguing that Singapore should adopt a policy favourable to Country *Z*.

Alternatively, Company *Y* creates multiple inauthentic accounts on social media each representing that to either be a freelance journalist or an expert in the politics of Country *Z*. These accounts are used to send commentaries purporting to be that of a journalist or an expert to the editors of online news websites popular in Singapore, pitching commentaries arguing that Singapore should adopt a policy favourable to Country *Z*. Some of these news websites publish those commentaries. In those emails, there is no disclosure that the sender is representing Country *Z*'s views or is working on behalf of Country *Z*.

Another example would be where Person *A* accepts payment from an agent of Country *B* to interfere in Singapore's elections by identifying specific individuals who are predisposed to standing for office. Country *B*'s undisclosed objective is to diminish the electoral prospects of certain candidates at an upcoming election. Person *A* acts on the directions of Country *B* to contact these individuals via email to strongly persuade them to stand for election in specific constituencies, and provides them with advice on political positions to take while campaigning so as to influence voters' choices away from certain candidates. In his emails and subsequent contact with the group, Person *A* does not disclose that he is working on behalf of Country *B*. Person *A* has, for the purposes of clause 18, failed to disclose the fact that he is engaging in communications activity at the direction of a foreign principal to the targeted person, who are the specific individuals.

Clause 19 creates the offence of preparing for or planning the commission of an offence under clause 17 or 18. Under clause 19, a person commits an offence if the person engages in conduct, and the person does so with the intention of preparing for, or planning, the commission of an offence under clause 17 or 18.

The terms "preparing" and "planning" are not defined and are intended to take their ordinary meanings. The term "preparing" could include acts to conceive, formulate, make ready, arrange, and assemble an idea, plan, thing, or person for an offence under clause 17 or 18. The term "planning" could include acts to organise, arrange, design, draft, or setup an idea, plan, thing, or person for an offence under clause 17 or 18.

These acts of preparing or planning are not confined to undertaking electronic communications activity itself, but can cover other forms of conduct so long as it is, and done with the intention of, in preparing for, or planning, the commission of an offence under clause 17 or 18.

Clause 19 is intended to capture behaviour at the planning stage, rather than the more advanced stage at which an offence of attempt could otherwise apply.

Hence, clause 19(3) specifies that section 38 of the Interpretation Act (Cap. 1) and section 511 of the Penal Code (Cap. 224) (attempt) do not apply to an offence under clause 19. These sections extend criminal responsibility for all offences under any written law and operates to automatically provide for attempting to commit an offence. Clause 19(3) has to limit the automatic application of those

sections in relation to the offence of attempt. This is appropriate because the offence is already directed at conduct that is preparatory in nature.

It is immaterial whether or not an offence under clause 17 or 18 is committed, and whether or not the accused engages in the conduct in preparation for, or planning, a specific offence under clause 17 or 18 or for more than one such offence.

The penalty on conviction is, where the offence involves an intention of preparing for, or planning, the commission of an offence under clause 17, for an accused who is an individual, a fine not exceeding \$30,000 or imprisonment for a term not exceeding 5 years or both. In any other case, the penalty is a fine not exceeding \$300,000.

The penalty on conviction is, where the offence involves an intention of preparing for, or planning, the commission of an offence under clause 18, for an accused who is an individual, a fine not exceeding \$60,000 or imprisonment for a term not exceeding 9 years or both. In any other case, the penalty is a fine not exceeding \$600,000.

PART 3

DIRECTIONS AGAINST HARMFUL FOREIGN ONLINE COMMUNICATIONS ACTIVITY

This Part consists of 4 Divisions containing countermeasures to deal with acts of foreign interference by online communications activity.

Division 1 — Ministerial powers

Division 1 consists of clauses 20 to 28.

Clause 20 confers power on the Minister to authorise a competent authority to give one or more directions in Part 3 with regard to online communications activities.

The Minister may do so where, in the opinion of the Minister, there is online communications activity taking place, or online communications activity has taken place wholly or partly in Singapore (including a Singapore aircraft or Singapore vessel) or wholly outside Singapore, and that the online communications activity is or was undertaken, or is suspected of being or having been undertaken, by or on behalf of a foreign principal, the online communications activity results in any information or material being published in Singapore, and in the opinion of the Minister, it is in the public interest to authorise the giving of one or more Part 3 directions.

When authorised by the Minister, the competent authority has to immediately give the Part 3 direction or directions specified in the authorisation.

Every direction must relate to information or material identified in the direction. However, as the information or material may predate the Bill, the authorisation cannot be made under clause 20 unless the information or material remains published in Singapore on or after the date the clause comes into force.

An example of a situation where clause 20 could apply is where an intelligence agency of the government of a foreign country works through a Singapore public relations firm to selectively highlight stories of underprivileged individuals from a minority race, to give the impression that the Government's treatment of minority races is unfair, and cause feelings of outrage and hatred that may endanger public peace. The Singapore firm uses various means, such as employment of disinformation-for-hire services, troll farms, advertisements, to propagate these stories online, funded by the foreign intelligence agency.

In this example, the Minister may hold an opinion that it is in the public interest to authorise a Part 3 direction to be given to the Singapore firm because its online communications activities have a tendency to incite ill-will between races.

Another example of a situation where clause 20 could apply is where the government of a foreign country pays a Singapore non-governmental organisation \$5,000 to write an open online letter to the Minister for Manpower and to organise an online petition to protest the basic salary and other employment terms for domestic workers from that foreign country, and drawing comparisons to differential treatment for foreign workers from other countries. The non-governmental organisation also acts on the direction of the foreign government to further publicise the responses to the online petition using bots and inauthentic accounts. The activities of the Singapore non-governmental organisation fall within the definition in clause 5 of what constitutes engaging in conduct on behalf of foreign principal. That is, the Singapore non-governmental organisation is communicating on behalf of a foreign government. The payment from the foreign country to the Singapore non-governmental organisation is funding from the foreign government and the Singapore non-governmental organisation's activities are therefore undertaken on behalf of the foreign government.

In this example, the Minister responsible for the Bill may hold an opinion that it is in the public interest to authorise a Part 3 direction to be given to the Singapore non-governmental organisation because its online communications activities have a tendency to diminish public confidence in the performance of the duty or function of the Manpower Ministry or to be prejudicial to the friendly relations of Singapore with other countries or both.

Clause 21 confers power on the Minister to authorise a competent authority to give an anticipatory direction.

The Minister may do so where the Minister suspects or has reason to believe that a person is engaging in conduct wholly or partly in Singapore, wholly or

partly on a Singapore aircraft or Singapore vessel or wholly outside Singapore, with the intention of preparing for, or planning to undertake, online communications activity by or on behalf of a foreign principal, and that as a result of that conduct, information or material is likely to be published in Singapore, and the Minister is of the opinion that it is in the public interest that an anticipatory direction ought to be given.

An anticipatory direction is either a technical assistance direction (see clause 36) or an account restriction direction (see clause 34).

Once the Minister makes an authorisation, the competent authority has immediately to give the anticipatory direction specified in the authorisation.

Every anticipatory direction under clause 21 must relate to information or material identified in the direction. However, as the information or material may predate the Bill, the authorisation cannot be made under clause 21 unless the information or material remains published in Singapore on or after that date the clause comes into force.

Clause 22 empowers the Minister, on his or her own initiative, to cancel any authorisation made under clause 20(1) or 21(1) or under clause 23(3)(b) or (c) on reconsideration.

The Minister is also empowered at any time on his or her own initiative, to substitute any authorisation made under clause 20(1) or 21(1) or under clause 23(3)(b) or (c) on reconsideration, with another authorisation that the Minister might have made under clause 20 or 21.

Clause 23 is a facility allowing a person to whom a Part 3 direction is given to apply to the Minister for reconsideration of the authorisation and any of the Part 3 directions specified in that authorisation. The application has to be made not later than the 30th day after the direction was given.

The Minister, on receiving an application for reconsideration, may wholly cancel the authorisation, if the Minister is of the opinion that it is not in the public interest that the authorisation and such direction continue. Alternatively, the Minister may affirm the initial authorisation and every Part 3 direction specified therein, or substitute the initial authorisation under clause 20(1), 21(1) or 22(1)(b) with another authorisation that the Minister might have made under clause 20 or 21.

Clause 24 contains the last countermeasure by the Minister to deal with harmful foreign online communications activity. The Minister is empowered to declare an online location with a Singapore link as a proscribed online location if a direction described in Division 3 (other than a technical assistance direction or an app removal direction) is given in relation to any information or material included or otherwise on, or any service provided from, the online location.

A proscribed online location declaration ceases to have effect on a date specified, or worked out by a formula specified, in the declaration, which cannot in any case be more than 2 years after the making of the declaration.

Clause 25 provides the Minister with similar powers as in clause 22 regarding a proscribed online location.

Clause 26 provides a similar reconsideration facility regarding a declaration of a proscribed online location.

Clause 27 requires public notice to be given of any revocation of a declaration of a proscribed online location.

Clause 28 makes clear that the powers in clauses 20, 21, 22, 23, 24, 25 and 26, respectively, are exercisable whether or not an offence under clause 17, 18, 19, 39 or 40 is committed.

Division 2 — Part 3 directions

Division 2 consists of 10 clauses setting out the various types of directions which a competent authority may be required by the Minister's authorisation to give.

Each clause in Division 2 sets out any special preconditions which must be met before a direction can be authorised to be given and what the direction can require the person given the direction to do or not do.

Clause 29 consolidates and lists all the directions which a competent authority may be required by the Minister's authorisation under clause 20, 21, 22 or 23 to give.

A direction under Part 3 may require a person to whom it is given to stop undertaking the online communications activity, to take all reasonable steps to ensure that others who are agents of the person stop engaging in the online communications activity described or discontinue and not resume engaging in that online communications activity, to provide information about any foreign principal on whose behalf the person is undertaking online communications activity, and to take any other step directed towards ensuring that the person is capable of giving help to the competent authority.

Clause 30 provides for a stop communication (end-user) direction, which may be given to a particular person who, in the opinion of the Minister, is communicating or distributing, or has communicated or distributed, information or material online to the public (and not by an SMS service or an MMS service).

A stop communication (end-user) direction may also be given to a particular end-user of a social media service or relevant electronic service or an internet access service (as the case may be) who, in the opinion of the Minister is or has posted information or material on the service and the information or material is

provided on that social media service, relevant electronic service or internet access service, or is undertaking or has undertaken communications activity using that social media service, relevant electronic service or internet access service (as the case may be) to publish information or material in Singapore.

A stop communication (end-user) direction relating to any information or material may require the particular person or end-user to whom it is given to take all reasonable steps to ensure the removal, within the time specified in the direction, from the social media service, relevant electronic service or internet access service (as the case may be) of the same or similar information or material the person or end-user provided or posted, and to stop undertaking online communications activity to further publish in Singapore the information or material.

Clause 31 provides for a disabling direction relating to any information or material, which may be given to a provider of a social media service or provider of a relevant electronic service by means of which the information or material is or has been published in Singapore.

A disabling direction may require a person to whom it is given to take all reasonable steps, in relation to all or any of the person's relevant activities, to disable access by end-users in Singapore to the particular information or material (and all identical copies) provided on or by that social media service or relevant electronic service.

The relevant activities consist of the business of providing a social media service or relevant electronic service. This allows the direction to be more focused on a specific part of the business of a provider of a social media service or relevant electronic service, instead of applying the requirement to all aspects of their business.

Clause 32 deals with must-carry directions, of which there are 4 classes, and a remedial must-carry direction.

All of them contain a requirement that the person given a direction must publish, post, display or include conspicuously, a mandatory message set out, or of the effect described, in the direction. The requirement must be with respect to information or material identified in the direction and, if prescribed, identical copies of that information or material in the case of Class 2 must-carry directions and other information or material that is similar in the case of other must-carry directions.

A Class 1 must-carry direction relating to any information or material may be given to a person or an end-user to whom a stop communication (end-user) direction is or may be given with respect to the same or similar information or material. It may also be given to a particular end-user of a social media service or relevant electronic service or an internet access service (as the case may be) who, in the opinion of the Minister is or has posted the information or material on the

service and the information or material is provided on that social media service or relevant electronic service or internet access service, or is undertaking or has undertaken online communications activity using that social media service or relevant electronic service or internet access service (as the case may be) to publish the information or material in Singapore.

A Class 2 must-carry direction relating to any information or material may be given to a provider of a social media service or relevant electronic service by means of which the information or material is or has been published in Singapore.

A Class 3 must-carry direction relating to any information or material may be given to a provider of a social media service or a relevant electronic service. It may also be given to a provider of a telecommunication service who holds a licence under section 5 of the Telecommunications Act (Cap. 323), a person who is authorised by a permit under section 21 of the Newspaper and Printing Presses Act (Cap. 206) to publish (for sale or otherwise) a newspaper in Singapore, a person who is authorised by a licence under section 8 of the Broadcasting Act (Cap. 28) to provide a licensable broadcasting service in or from Singapore, and any other person prescribed by Regulations where the person provides a service that, in the opinion of the Minister, is most likely to bring the giving of a Class 3 must-carry direction to the attention of the public.

A Class 4 must-carry direction relates only to a proscribed online location and may be given to the proprietor of the proscribed online location only.

A remedial must-carry direction relating to any information or material may be given to a person who is given a Class 2 or Class 3 must-carry direction relating to that same information or material and has failed to comply with the direction but, in the opinion of the Minister, the non-compliance is rectifiable.

Clause 33 deals with an access blocking direction, of which there are 2 classes.

A Class 1 access blocking direction relating to any information or material may be given to a provider of an internet access service by means of which the information or material continues to be published in Singapore, and only where —

- (a) a person to whom any direction under the Division (except a technical assistance direction) is given;
- (b) the direction in paragraph (a) is not cancelled;
- (c) the information and material which are the subject of that direction in paragraph (a) continue to be published in Singapore after that non-compliance; and
- (d) the Minister is satisfied that one or more end-users in Singapore have used or are using the internet access service of that provider to access the information or material.

A Class 2 access blocking direction must relate to a proscribed online location only and may be given to a provider of an internet access service by means of which information or material on the proscribed online location continues to be published in Singapore, or a provider of a social media service or a relevant electronic service by means of which one or more end-users in Singapore have used or are using the same to access information or material on the proscribed online location. This is to be given where paid content included on the proscribed online location is published in Singapore after a prescribed period starting the date the declaration is made under clause 24, 25 or 26 with respect to that online location and the Minister is satisfied that one or more end-users in Singapore have used or are using the internet access service to access the information or material, or where a Class 4 must-carry direction relating to the proscribed online location is not complied with.

Clause 34 deals with an account restriction direction, which may be given to a provider of a social media service or a relevant electronic service.

An account restriction direction may require the provider of a social media service or relevant electronic service to take all reasonable steps, within the time specified in the direction, such as to terminate or suspend the provision of the social media service or relevant electronic service (as the case may be) to one or more particular accounts specified in the direction, either generally in relation to end-users physically present in Singapore or in relation to any other particular end-user physically present in Singapore.

Clause 35 provides for a service restriction direction. This direction may be given to a provider of a social media service, a relevant electronic service or an internet access service. It may require any of these providers to take all reasonable steps to do one or more of the following within the time specified in the direction, in relation to all or any of the provider's relevant activities:

- (a) to stop or delay delivery of access to messages or information or material transmitted or accessible to end-users physically present in Singapore who use or may use the service;
- (b) to restrict access to messages or information or material transmitted or accessible to end-users physically present in Singapore who use or may use the service;
- (c) to alter any functionality of the social media service, relevant electronic service or internet access service (as the case may be) provided to end-users physically present in Singapore who use or may use the service;
- (d) to suspend or curtail the supply or provision of the service.

However, a service restriction direction must relate to a social media service, relevant electronic service or an internet access service with a Singapore link and

cannot be expressed to apply to the supply or provision of the service to a particular person.

Clause 36 deals with a technical assistance direction. This direction may be given to a provider of a social media service, a relevant electronic service, an app distribution service or an internet access service with a Singapore link, a provider of a hosting service or a proprietor of an online location.

A technical assistance direction may require the person to whom the direction is given to do one or more of the following within the time specified in the direction, in relation to all or any of the person's relevant activities:

- (a) to provide information about whether any account maintained by the person for a customer is that for a foreigner;
- (b) to provide technical information or other information about the person's relevant activity as specified in the direction;
- (c) to take any other step directed towards ensuring that the person is capable of giving help to the competent authority which the competent authority requires in the public interest.

Clause 37 deals with an app removal direction. This is a direction which may be given only to a provider of an app distribution service and where certain special preconditions are met.

The direction is to prevent online app stores from being a conduit to information or material published in Singapore by or on behalf of a foreign principal and which is against the public interest.

For example, an app removal direction may require the provider of an app distribution service to stop enabling end-users in Singapore to download a particular app that facilitates posting of information or material originated by or on behalf of a foreign principal and which is against public interest.

Clause 38 deals with a disgorgement direction. This direction may be given to a person (as listed in clause 29) with respect to particular information or material that is specified in the direction, being information or material published by or on behalf of that person.

A disgorgement direction may require a person to whom the direction is given to do either of the following within the time specified in the direction, in relation to every defined property made by a foreign principal to the person for the purpose of enabling or otherwise in connection with publishing in Singapore the information or material specified in the direction:

- (a) to take all reasonable steps to send back, or pay an equivalent amount of, the defined property to the foreign principal who supplied or transferred the property or to any other person appearing to be acting on behalf of the foreign principal;

- (b) to take all reasonable steps to surrender the defined property or equivalent amount of the value of the defined property to the competent authority.

The defined property may be any gift of money, funding or other property, any money lent to the person, or the provision of any property, services or facilities (including the services of any person), made to or carried out for the benefit of the person, the whole or part of which was used or is intended to be used by the person to incur or defray expenditure for the purpose of enabling or otherwise in connection with publishing in Singapore the information or material specified in the direction.

*Division 3 — Special provisions for
proscribed online location*

Clause 39 makes it an offence for a proprietor of a proscribed online location with a Singapore link, whether or not in the course of business to solicit, receive or agree to receive any material benefit as an inducement or a reward for operating a proscribed online location.

It is a defence to a charge under clause 39 that the person did not know and had no reason to believe that the online location is proscribed.

Clause 40 makes it an offence for a person to expend or apply property knowing it supports, helps or promotes the communication in Singapore of information or material on a proscribed online location.

Clause 41 requires a person to take reasonable steps to ensure that any information or material included or otherwise on, or any service provided from, the online location because of an advertising dealing the person has with a proprietor of a proscribed online location, is not accessible by, or not delivered to, one or more end-users physically present in Singapore after the online location becomes a proscribed online location and is not promoted or published in Singapore.

Clause 41 also prohibits a person with an advertising dealing with anyone that facilitates the access by, or delivery to, one or more end-users physically present in Singapore, or that promotes or gives publicity to, one or more end-users physically present in Singapore, any information or material included or otherwise on, or any service provided from, a proscribed online location with a Singapore link.

*Division 4 — Supplementary provisions
on Part 3 directions*

Division 4 contains general provisions on how a competent authority may give directions under Part 3.

Clause 42 sets out what is contained in a direction that the competent authority must give, and to whom the direction may be given.

The direction may be given to a particular person who, in the opinion of the Minister is undertaking or has undertaken online communications activity mentioned in clause 20. Such a direction may also be given to a person who is aiding or facilitating (by voluntary services or otherwise) the online communications activity mentioned in clause 20 or is promoting or instigating any such online communications activity, or is raising funds or providing sponsorship or financial assistance for any such online communications activity.

The Minister and a competent authority is not required, when authorising or giving a direction under Part 3, to give any person who may be affected by the direction a chance to be heard before the direction is authorised to be given or given.

Clause 43 provides for the service of directions under Part 3. The provision supplements clause 121.

Clause 44 enables a competent authority to publicise non-compliance with a direction under Part 3, on the Minister's direction. The Minister may give such a direction if the Minister is satisfied that a provider of a social media service, a relevant electronic service or an internet access service does not comply with a direction under this Part. The public statement of non-compliance must be published on the official website of the competent authority.

Statements published under clause 44 are protected by absolute privilege.

Clause 45 provides for the offence of failing to comply with a direction under Part 3 without reasonable excuse. The punishment varies depending on the type of direction involved.

It is not a defence to a charge for an offence under this clause that the person is subject to a duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with any part of a direction under Part 3 or restricts the person in such compliance. It is also not a defence that the person has appealed under the Bill against the direction.

For an accused of an offence under this clause, which is a provider of a social media service, a relevant electronic service, an internet access service with a Singapore link, a hosting service or an app distribution service, or a proprietor of an online location, the accused also has a defence if the accused proves, on a

balance of probabilities, either that it was not reasonably practicable to do more than what was in fact done to comply with the Part 3 direction, or that there was no better practicable means than was in fact used to comply with the Part 3 direction.

Clause 46 makes it an offence for a person to disclose the information contained in or derived from a technical assistance direction, etc., without the approval of a competent authority.

PART 4

DESIGNATING POLITICALLY SIGNIFICANT PERSONS

A politically active organisation may be designated as a Part 4 politically significant entity.

Clause 47 empowers a competent authority to designate a relevant entity to be a Part 4 politically significant entity if the activities of the relevant entity are directed in part towards a political end in Singapore within the meaning of clause 8, and in the competent authority's opinion, it is necessary or expedient that countermeasures in Part 5 or 6 ought to be applied in relation to that relevant entity to avoid foreign interference in the public interest.

A relevant entity is defined in clause 3(1) to mean —

- (a) a partnership carrying on a business in Singapore and registered under the Business Names Registration Act 2014 (Act 29 of 2014);
- (b) a body corporate that is registered under the Companies Act (Cap. 50) or the Limited Liability Partnerships Act (Cap. 163A); or
- (c) an association (whether incorporate or not) that is registered under the Co-operative Societies Act (Cap. 62), the Societies Act or the Trade Unions Act (Cap. 333).

A relevant entity may apply to be designated a Part 4 politically significant entity.

A designation of a relevant entity as a Part 4 politically significant entity may be cancelled at any time by the competent authority in writing; and the competent authority must cause the giving of notice of the cancellation in the same manner in which the notice of the designation order was first given.

Clause 48 empowers a competent authority to designate a relevant individual to be a politically significant person if either the relevant individual is a member of a foreign legislature or a foreign political organisation or the activities of the relevant individual (whether alone or in collaboration or under any arrangement with another individual) are directed in part towards a political end in Singapore within the meaning of clause 8, and in the competent authority's opinion, it is

necessary or expedient that countermeasures in Part 5 or 6 ought to be applied in relation to that relevant individual in the public interest.

A “relevant individual” is defined in clause 3(1) to mean a citizen of Singapore (whether or not resident in Singapore) or an individual who is not a citizen of Singapore but is resident in Singapore.

A relevant individual may apply to be so designated.

In deciding whether a relevant individual should be designated (or continue to be designated) a politically significant person, or a relevant individual’s designation as a politically significant person should be cancelled, the competent authority must have regard to, and give such weight as the competent authority considers appropriate to, Singapore’s security and the likelihood or extent of community bonding and social cohesion among the people of Singapore being threatened or undermined by the activities of the relevant individual in Singapore.

However, the competent authority is not confined to consideration of those matters specified and may take into account such other matters and evidence as may be relevant.

A designation may be cancelled at any time by the competent authority in writing; and the competent authority must cause the giving of notice of the cancellation in the same manner in which the notice of the designation order was first given.

Clause 49 requires that a competent authority, before designating a relevant entity or relevant individual under clause 47(1) or 48(1) on the competent authority’s own volition, give notice of the competent authority’s intention to do so to the entity or individual concerned and give that entity or individual 14 days after the date of the notice (or a longer time specified in the notice) to make representations on the proposed designation.

The competent authority may dispense with the due process if the competent authority considers it not practicable or desirable to do so in any particular case.

Notice of the decision to designate must be given to the relevant entity or relevant individual who is designated, and to any other person who, in the competent authority’s opinion, ought to have notice of the designation.

A designation has effect during the period starting when notice of the designation is given to the person concerned or at any later time specified in the notice of designation where so specified. The designation ceases to have effect when the designation is cancelled under clause 47(3) or 48(3) or by the Minister where an appeal is made against the designation.

PART 5

COUNTERMEASURES FOR DONOR ACTIVITIES

This Part consists of 6 Divisions that focus on establishing a transparent system for donations for political purposes, which creates certainty about who is making a political donation and by requiring the donor to be properly identified.

The Part places restrictions on and requires the reporting by politically significant persons of political donations received and accepted.

Division 1 contains preliminary provisions that explain how the Part applies to different politically significant persons and defines a number of the key terms used in the Part.

Clause 50 makes it clear that Part 5 can apply to different capacities held by a single individual. For example, an elected MP may also be a Minister.

Clause 51 defines what a “political donation” is in relation to the different classes of politically significant persons. The definition has to be read together with terms defined in clause 15.

For example, clause 51 defines a “political donation” as a variety of property transfers (called donations) for certain purposes. These cover gifts of money or other property (including money or property transferred for consideration which is less than its value), subscription and affiliation fees, money spent to meet expenses of a politically significant person, loans, property, services and other facilities provided other than on commercial terms, and the provision of any sponsorship.

A political donation, in relation to a candidate at an election or the election agent of a candidate, is then defined to mean any donation which is made to or for the benefit of a candidate (whether before or after he or she becomes a candidate) with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election, or prejudicing the electoral prospects of another candidate at that election.

A political donation in relation to a political party means a donation which is made to or for the benefit of the political party.

A political donation in relation to a politically significant person who is a political office holder means any donation which is made to or carried out for the benefit of the political office holder, the whole or part of which was lawfully used or is intended to be lawfully used by the political office holder solely or substantially for a purpose related to the duties of the political office holder.

A political donation in relation to a politically significant person who is an MP (whether or not also a political office holder) means any donation which is made to or carried out for the benefit of the MP, the whole or part of which was lawfully

used or is intended to be lawfully used by the MP solely or substantially for a purpose related to his or her duties as an MP.

The duties of an MP are defined as his or her activities that relate to the promotion of or opposition to any Bill, resolution, matter or thing submitted or intended to be submitted for the consideration of Parliament or any committee of Parliament, his or her supporting or serving individuals registered as an elector for, or resident in, the constituency that the MP is elected in, his or her party political duties, or directly to his or her role as an MP. However, the duties of an MP do not include the duties of an MP as a member of a Town Council or as a political office holder.

The definition of political donation in relation to an MP is included in the Bill even though section 35 of the Parliament (Privileges, Immunities and Powers) Act (Cap. 217) makes it an offence for a person to offer, or demand or accept, any fee, gift, compensation, profit, reward, loan, consideration or other advantage to the Speaker or any MP or officer of Parliament for or in respect of the promotion of or opposition to any Bill, resolution, matter or thing submitted or intended to be submitted for the consideration of Parliament or any committee or otherwise with a view to influencing him or her in his or her capacity as Speaker, MP or officer of Parliament.

This is because the Bill will restrict or prohibit and require disclosure of donations which are for duties of the MP which lie beyond the scope of section 35 of the Parliament (Privileges, Immunities and Powers) Act.

Likewise, the definition is included despite section 11(b) of the Prevention of Corruption Act (Cap. 241) which makes it an offence for an MP to solicit or accept any gratification as an inducement or a reward for his or her doing or forbearing to do any act in his or her capacity as such an MP.

Finally, a political donation in relation to a Part 4 politically significant person, means a donation that is either a gift of money or other property, money lent to the Part 4 politically significant person otherwise than on commercial terms, or the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person), made to or carried out for the benefit of the Part 4 politically significant person, the whole or part of which was used or is intended to be used by the Part 4 politically significant person for certain purposes. Those purposes are —

- (a) to enable the person to make, directly or indirectly, a political donation to another politically significant person;
- (b) to incur or defray expenditure for undertaking the person's activities directed in whole or in part towards a political end in Singapore; or

- (c) to reimburse the person for making a political donation in paragraph (a) or incurring or defraying expenditure mentioned in paragraph (b).

Clause 52 specifies certain payments to a politically significant person, which are disregarded as political donations for the purposes of the Bill.

These excluded payments are the notional benefit to political parties of airtime during lawful party political broadcasts, postage-free election communications authorised by written law and the provision by a citizen of his or her own services free of charge. It is not intended that a volunteer citizen should be regarded as making a donation if, in his or her own time, he or she contributes professional services (such as accountancy) within his or her personal sphere of expertise.

However, services provided by an individual who is nevertheless paid by his or her employer while providing those services would not be an excluded donation but count as a donation by the employer.

Clause 53 defines “reportable political donation” with respect to politically significant persons as recipients and to major donors. Part 5 requires the periodic reporting of all reportable political donations to a competent authority.

In the case of reporting by a politically significant person, a political donation of or exceeding \$10,000 made to or for the benefit of that politically significant person, is a reportable political donation.

In the case of reporting by a major political donor, a political donation of or exceeding \$10,000 (or a higher amount prescribed by Regulations in substitution) made to or for the benefit of a politically significant person, is a reportable donation.

However, where a political donation of less than \$10,000 is made by a person (called a donor) to a politically significant person, that must still be treated as a reportable political donation of the politically significant person if that political donation made by the donor in a reporting period to the politically significant person when added with any other earlier, separate political donation made by that donor to the same politically significant person within the same reporting period, is \$10,000 or higher.

Regulations may be made under clause 122 to raise the amount of what is a reportable political donation.

Clause 54 deals with when a political donation is treated as accepted. The provision prescribes the circumstances in which a political donation is deemed to be received or accepted by a candidate, an election agent or a politically significant person. For instance, a political donation is to be regarded as having been accepted if it has been retained for the use and benefit of the candidate or a political party.

Clause 55 contains interpretive provisions on terms used in the different provisions in Part 5.

An important term defined by clause 55 is that of “permissible donor”, which means either a citizen of Singapore who is at least 21 years of age or a company incorporated in Singapore and doing business wholly or mainly in Singapore, the majority of whose directors and members are citizens of Singapore or such a company, and so on. Unincorporated associations like societies and trade unions are therefore not permissible donors.

Division 2 imposes baseline restrictions on acceptance of political donations by politically significant persons, so as to prohibit foreign donations and anonymous donations beyond a certain amount, and subject politically significant persons to reporting requirements in respect of political donations above a certain amount. Division 2 contains 6 clauses relating to restrictions on receiving and accepting of political donations.

Clauses 56 and 57 provide that a politically significant person may accept a political donation only from a permissible donor and where the identity of the donor is known. The latter requirement is intended to cover not only cases where a donation is made anonymously but also where an identity has been given but is clearly fictional (and it is therefore impossible to establish that the donor is a permissible donor).

Clause 58 however, allows a politically significant person to accept anonymous donations of less than \$5,000 in any one relevant period, which is usually a calendar year. This serves as the applicable cap for anonymous donations but the Regulations may change that applicable cap in the future.

Clause 59 deals specifically with the return of anonymous donations. Where it is not possible to establish the identity of the donor, clause 59 requires the donation either to be returned to the person who transmitted it (if known) or to the bank or, in the last resort, to be surrendered to the competent authority for payment into the Consolidated Fund.

Clause 60 deals with the return of political donations from impermissible donors or, if the return is not practicable, its surrender to the competent authority who must pay it into the Consolidated Fund. The clause also provides that upon receipt of a donation, it will be incumbent on the politically significant person to take all reasonable steps to identify the donor and to determine whether the donor is a permissible donor. It also allows a period of 30 days for the status of the donation to be determined and for appropriate action to be taken, after which the donation is deemed accepted.

Clause 60 further makes it an offence if a politically significant person receives a donation which the politically significant person is prohibited from accepting by virtue of clause 56, 57 or 58, and at the end of the grace period applicable to that donation, the donation is not returned and the politically significant person knows

or is reckless as to whether the politically significant person is prohibited from accepting the donation by virtue of clause 56, 57 or 58.

Clause 61 enables the Public Prosecutor to apply to a District Court to order the forfeiture of a political donation from an impermissible source which a politically significant person has accepted.

The clause also provides for appeals to the Appellate Division of the High Court against the District Court's decision.

Clause 61 further provides that any amount forfeited under these provisions has to be paid into the Consolidated Fund. Where a politically significant person is not a body corporate, forfeiture proceedings will be brought against the person in its own name and not in that of any of its members and that any amount forfeited will be paid out of the funds of the politically significant person. In the event of non-payment, a warrant for the levy of the amount forfeited may be issued by the relevant Court against the property of the politically significant person.

Division 3 deals with the periodic reporting of political donations received and accepted by politically significant persons.

Clause 62 requires a politically significant person to prepare an annual donation report in respect of each reporting period.

The donation report must record any donation of \$10,000 or more of a political donation received and accepted by a politically significant person during that relevant period and any political donation which, when added to other political donations from the same permissible source accepted during that relevant period, brings the amount up to \$10,000 or more. Where a politically significant person has received no political donations which require recording, it will be required to prepare a report to that effect.

Clause 62 in particular, requires every person who intends to be a candidate at an election or a presidential election to send to a competent authority a donation report and a declaration (in clause 65) to the effect that he or she has not received political donations from impermissible donors and has not accepted anonymous donations of \$5,000 or more, during a period of 12 months preceding his or her declaration.

Clause 62 further requires a candidate and his or her election agent to prepare a donation report within 31 days of the declaration of results at an election and send it to a competent authority. The donation report is distinct from the return respecting election expenses. The donation report will record any donation of \$10,000 or more received and accepted since the filing of the donation report and declaration by the candidate in clause 62 in relation to the pre-election period.

The information to be included in a donation report is to be set out in Regulations. This would include, in respect of each reportable political donation, the identity of the donor (including his or her name, identity card number and

address), the value of the reportable political donation and the circumstances in which that donation was made.

Clause 63 sets out by when a donation report must be given to a competent authority. In particular, for every person who intends to be a candidate at an election or a presidential election, the donation report and declaration must be made at any time after the issue of the writ and sent to a competent authority at least 2 clear days before nomination day. The competent authority may then issue a political donation certificate no later than the eve of nomination day.

Clause 64 specifies who has the responsibility of giving the donation report under clause 62 and making a declaration under clause 65.

Clause 65 requires donation reports to be accompanied by a declaration made by the responsible officers of the political party or Part 4 politically significant entity to the effect that all the donations recorded in the report are from permissible donors and that during the financial year reported on, no other recordable donations have been received and accepted and no donation from other than a permissible source has been received and accepted.

Clause 66 requires a politically significant person who is a political party, candidate, an election agent of a candidate, a political office holder or an MP (whether or not a political office holder) to each establish and maintain, with an authorised deposit-taking institution in an account denominated in Singapore dollars, and in accordance with the Regulations, a political donations fund, until they cease to be a politically significant person.

The same requirement will apply to a Part 4 politically significant person given a political donations fund directive under clause 69.

A political donations fund is to contain and account for all moneys received by the politically significant person as political donations, and the proceeds of the investment or disposal of any political donation of property that is acquired as an asset to the account of the politically significant person.

There is no need to set up a separate political donations fund for the different capacities as a politically significant person. For example, an MP who is also a Minister does not need to open and maintain 2 political donations fund for the different capacities.

Division 4 consists of 3 clauses containing stepped up countermeasures with regard to Part 4 politically significant persons. These are in the form of directives to be given by the competent authority.

Clause 67 empowers a competent authority to give a Part 4 politically significant person a directive (called a prohibited donor directive) —

- (a) to not accept any political donation from a citizen of Singapore who is below 21 years of age;

- (b) to not accept any political donation from a foreign individual, foreign business, foreign political organisation or foreign public enterprise specified in the directive; or
- (c) to return any political donation received, on or after a date specified in the direction from a foreign individual, foreign business, foreign political organisation or foreign public enterprise specified in the directive.

A prohibited donor directive may specify the manner in which, and has to specify the period within which, the political donations concerned must be returned.

Clause 68 empowers a competent authority to give a Part 4 politically significant person a directive (called an anonymous donations directive) to require that politically significant person to not accept any anonymous donation in excess of the applicable cap for anonymous donations mentioned in clause 58(2)(d).

Clause 69 empowers a competent authority to give a Part 4 politically significant person a directive requiring that politically significant person to establish and maintain, in accordance with clause 66, a political donations fund for all political donations the Part 4 politically significant person receives or accepts or both, on or after a date specified in the directive.

Division 5 imposes reporting and other obligations on certain donors.

Clause 70 is a counter-evasion provision. The clause deals with donors of multiple small political donations all of which are accepted by or on behalf of a political party or a Part 4 politically significant person who is given a prohibited donor directive under clause 67. Donors of political donations to other politically significant persons are not subject to clause 70.

Any such donor who makes multiple small donations that are not less than \$10,000 or more in aggregate in one calendar year is required to make donation reports and declarations to the competent authority. The donor is required to report rather than the political party or a Part 4 politically significant person as the latter may not have kept records of the receipt of individual donations.

Clause 71 empowers a competent authority to give a directive to a Part 4 politically significant entity declaring that clause 70 applies to donors making political donations to that Part 4 politically significant entity.

Once this directive is given to trigger the application of clause 71 to the Part 4 politically significant entity, the competent authority has to publish a notice of the making of the declaration in the *Gazette* and in such other manner as will secure adequate publicity for the fact of making of the declaration, stating that such a directive has been made and the name of the Part 4 politically significant entity to which the directive relates, and when the directive takes effect. This requirement is in addition to the general process for directives set out in clause 89.

Clause 72 provides that where a person makes a donation on behalf of one or more other persons, which is to be received by a politically significant person, the individual contribution of each will be treated as a separate donation for the purposes of the controls on donations. The recipient party will need to establish the identity of each separate donor and whether each is a permissible donor. The principal donor is under an obligation to provide information about the persons on whose behalf he or she makes the donation.

Division 6 contains offences relating to late or false donation reports and declarations.

Clause 73 creates offences of failing to prepare donation reports and declarations in accordance with the provisions of the Bill, and of not sending donation reports and declarations within the time limited. It is also an offence to make a false declaration in respect of donations except that the deponent can escape liability if the deponent can show that he or she did not know and could not reasonably have known that the declaration was false.

Clause 74 contains the more serious offence where in any donation report or declaration which is required to be given to the competent authority in relation to a politically significant person, there is any information or a statement that is false or misleading in a material particular or an omission of any matter or thing without which the donation report or declaration is misleading in a material particular. Every person who is responsible for making disclosure of reportable political donations for the politically significant person is criminally liable for this offence.

Clause 75 makes it an offence for any person knowingly to participate in an arrangement or to withhold information, or supply information, so as to evade the restrictions on donations. The bringing of criminal proceedings would not preclude the Public Prosecutor from applying for forfeiture of the donation.

PART 6

COUNTERMEASURES FOR OTHER ACTIVITIES

Part 6 consists of 4 Divisions setting out countermeasures aimed at activities that are not donor activities but may involve a foreign principal.

The main objective of the countermeasures in Part 6 is to enhance Government knowledge of the level and extent to which foreign sources may, through intermediaries acting on their behalf, influence the conduct of Singapore's elections, governmental and parliamentary decision-making, and the creation and implementation of laws and policies. Part 6 also confers powers to require persons to end affiliations with foreign principals.

While the countermeasures in Part 6 may restrict the freedom of association, they are aimed at protecting Singapore's security and at ensuring informed opinion. This is because hidden or concealed foreign influence on a political or

governmental process in Singapore can advance the interests of a foreign principal to the detriment of Singapore's security and political sovereignty.

Division 1 contains 4 clauses dealing with foreign affiliations.

Clause 76 requires every politically significant person to disclose information about the nature of the person's relationship with a foreign principal and activities undertaken pursuant to that relationship (both at the initial point and on an ongoing basis for the duration of the relationship). This is referred to as a reportable arrangement.

Clause 77 requires the disclosure to be given by a certain time. For most politically significant persons, that must be done no later than 31 January of the year following the year in which the reporting period ends. However, for a candidate, that must be done no later than 2 clear days before nomination day of that election and for an election agent of a candidate, no later than the 31st day after the results of that election are published.

A reportable arrangement to which a politically significant person is party is defined in clause 78 as an arrangement the politically significant person enters into or has with a foreign principal, and under which the politically significant person —

- (a) undertakes an activity on behalf of the foreign principal, even if the activity is not directed towards a political end in Singapore;
- (b) is accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign principal or, where the foreign principal is an entity, of the governing body of the foreign principal, even if the act is not directed towards a political end in Singapore;
- (c) is a member of the foreign principal, even if the membership is not directed towards a political end in Singapore; or
- (d) has a direct association or an immediate affiliation with the foreign principal, even if the association or affiliation is not directed towards a political end in Singapore.

For example, being an employee of a foreign principal would be a reportable arrangement.

In addition, a politically significant individual *viz.* an individual who is designated under clause 48(1) as a politically significant person, a candidate, an election agent of a candidate, a political office holder or an MP, is treated by clause 78 as having a reportable arrangement if he or she is granted a migration benefit by or on behalf of a foreign government, even if he or she did not voluntarily claim or apply for it.

A migration benefit is defined to be any of the following that is or may be granted only to an individual who is not a citizen of the foreign country of that foreign government:

- (a) an honorary citizenship in the foreign country of the foreign government;
- (b) a document of identity issued for travel purposes (whether or not also issued for another purpose), such as a passport;
- (c) an entitlement, a privilege or status in order to work or reside (otherwise than temporarily) in that foreign country, which is such an entitlement or a privilege or status prescribed in the Regulations made under clause 122.

However, a marriage and personal arrangements are declared by clause 78 as not reportable. An affiliation due to a common membership in an association or a corporation that is not a foreign principal is also not reportable.

For example, an NMP who runs a consultancy practice with another partner, enters into a contract with the government of Country X. The consultancy firm is contracted to lobby the Minister for Health to promote breastfeeding in Singapore and to discourage the sale of infant milk formula. This is a reportable arrangement for the NMP. The firm's activities in lobbying are also undertaken on behalf of the foreign government.

Clause 79 applies to every citizen of Singapore who is or becomes a member of a foreign legislature or a foreign political organisation, or a member of a foreign legislature or a foreign political organisation.

On or after a day specified by the Minister by order in the *Gazette*, the citizen to which clause 79 applies has to give a written declaration to the competent authority describing the foreign legislature or the foreign political organisation of which the individual is a member and the nature of that membership and other particulars about that relationship which are to be set out in Regulations.

A citizen to which clause 79 applies commits an offence if the citizen, without reasonable excuse, fails to comply with the clause. The penalty on conviction is a fine not exceeding \$5,000.

Included in the declaration requirement is honorary membership in a foreign legislature or a foreign political organisation, but excluded from declaration is membership by reason only of being an employee of the foreign legislature or foreign political organisation or regular conduct, or taking part in, any activities (in or outside Singapore) organised or sponsored by the foreign legislature or foreign political organisation, regular donations to the foreign legislature or foreign political organisation, or lobbying on behalf of the foreign legislature or foreign political organisation.

Division 2 contains 3 clauses which impose a requirement to include certain information about political matter which is published in Singapore where the political matter has foreign link.

Clause 80 sets out the scope of the Division's application and defines the key expressions used. Division 2 of Part 6 applies only to any of the following persons:

- (a) a politically significant person;
- (b) a person who is authorised by a permit under section 21 of the Newspaper and Printing Presses Act to publish (for sale or otherwise) a newspaper in Singapore;
- (c) a person who is authorised by a licence or class licence under the Broadcasting Act to provide a licensable broadcasting service in or from Singapore, and the broadcasting service contains at least one Singapore news programme that is likely to be published for a purpose that is directed towards a political end in Singapore.

“Political matter” is defined in clause 80 to mean an article or essay, a commentary, talk, performance or programme (or part of an article or essay, a commentary, talk, performance or programme) that can reasonably be regarded as intended —

- (a) to promote the interests of any politically significant person in Singapore;
- (b) to influence, or seek to influence, the outcome of any election or national referendum under any written law;
- (c) to bring about, or seek to bring about, changes of the law in the whole or a part of Singapore or to otherwise influence, or seek to influence, the legislative process in Singapore;
- (d) to influence Singapore governmental decisions; or
- (e) to influence any aspect or to promote or oppose political views, or public conduct relating to activities that have become the subject of a political debate, in Singapore.

It is irrelevant that the article or essay, commentary, talk, performance or programme (or part of an article or essay, a commentary, talk, performance or programme) can reasonably be regarded as intended to achieve any other purpose as well.

Clause 81 empowers the competent authority to give a person to which Division 2 of Part 6 applies a transparency directive.

A transparency directive may require the person to whom it is given to take, so far as is reasonably practicable, necessary measures to ensure that for every political matter published or to be published or contained in a newspaper or news

programme that the person directed is carrying on, identifying particulars relating to the author of the political matter and every person for whom or at whose direction the political matter is placed (for consideration) for publication, if that person is a foreign principal, is included or embedded in, or linked to, the political matter conspicuously. How to include, embed, etc., and what those identifying particulars are, will be prescribed by Regulations.

Clause 82 indicates when a political matter has a foreign link. This is if any author of the political matter is a foreigner, or any person for whom or at whose direction the political matter is placed (for consideration) for publication in Singapore is a foreign principal.

Division 3 contains a series of stepped up countermeasures to deal with activities other than donor activities.

Clause 83 is about a directive that may be given by a competent authority to any Part 4 politically significant entity that bans the Part 4 politically significant entity either from appointing or reappointing (even on an acting or a temporary basis) as a responsible officer of the Part 4 politically significant entity, an individual who is a foreigner, or a particular foreigner specified in the directive, or from permitting an individual who is a foreigner, or a particular foreigner specified in the directive, to act as a responsible officer of the Part 4 politically significant entity.

Clause 84 is about a directive that a competent authority may give to any politically significant person, requiring the politically significant person to end any arrangement specified in the directive, being a reportable arrangement in clause 78, within the period specified in the directive.

Clause 85 is about a directive that a competent authority may give to a Part 4 politically significant person prohibiting the Part 4 politically significant person from accepting, or requiring that person to stop accepting, any voluntary labour, or voluntary professional services, provided or to be provided to or for the benefit of the Part 4 politically significant person. The prohibition can relate to voluntary labour or voluntary professional services generally by any individual who is not a citizen of Singapore, or by a particular individual specified in the directive who is not a citizen of Singapore.

The competent authority has an alternative, under clause 85(2)(b), to give a directive requiring a Part 4 politically significant person to disclose all voluntary labour, or voluntary professional services, provided during each reporting period by an individual who is not a citizen of Singapore to or for the benefit of the Part 4 politically significant person. This directive will be in lieu of a directive with prohibition effect.

Clause 86 prescribes the offence of late giving to the competent authority of any foreign affiliations report or declaration which is required by clause 76. The penalty on conviction is a fine not exceeding \$5,000 and, in the case of a

continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction. The persons who may be found criminally liable are each the responsible officers of the political party or Part 4 politically significant entity in question, the candidate and the candidate's election agent in question or (as the case may be) the candidate at a presidential election and the candidate's principal election agent in question or other politically significant person, where in default.

There is also a similar offence involving late giving to the competent authority of any foreign volunteers report or declaration which is required by clause 85(2)(b) to be given to the competent authority.

Clause 86(4) provides for the offence of giving a foreign affiliations report or foreign volunteers report that does not comply with the requirements of clause 76(2)(c) or 85(2)(c) (whichever being applicable) as regards the recording of details or descriptions in the report. The penalty and persons who may be found criminally liable are the same as above.

A defence is provided for the accused in proceedings for an offence under clause 86. The accused has to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence to ensure that any requirements as regards preparation or sending of a foreign affiliations report, foreign volunteers report or declaration, or as regards the information to be given in any foreign affiliations report, foreign volunteers report or declaration, as the case may be, have been complied with in relation to the report or declaration.

Clause 87 provides for the more serious offence of false or misleading reports and declarations required under Part 6. The punishment on conviction is a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both, but where the person convicted is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

Reference is made to a previous conviction of an offence under section 22(6) of the Political Donations Act, for the purpose of determining whether the person is a repeat offender.

PART 7

CONDITIONS FOR STEPPED UP COUNTERMEASURES

Part 7 sets out provisions that apply to the various directives in Part 5 (on donor activities) and Part 6 (on other activities).

Clause 88 sets out the circumstances under which a directive under Part 5 or 6 may be given. These directives are —

- (a) for Part 5, the prohibited donor directive (clause 67), the anonymous donations directive (clause 68), the directive to maintain a political

donations fund (clause 69), the directive regarding major donors (clause 71), all of which may be made only against Part 4 politically significant persons; and

- (b) for Part 6, the directives under clauses 81, 83, 84 and 85 regarding foreign membership, responsible officers and volunteers to end or disclose foreign affiliations.

A competent authority cannot give any of these directives to a person unless the competent authority is first satisfied that the person is undertaking, has undertaken or is likely to undertake (on or after the date of commencement of Part 7) an activity on behalf of a foreign principal.

Next, the competent authority has to be satisfied of one or 2 things *viz.* that the person to whom the directive is to be given is undertaking, has undertaken or is likely to undertake an activity on behalf of a foreign principal, and that it is in the public interest that such a directive ought to be given, after having regard to the circumstances of the case.

Clause 89 deals with the content and effect of directives generally. These are in addition to the special requirements in clause 71, where applicable. Clause 89 provides that a directive under Part 5 or 6 takes effect when it is given or on a later date specified in the directive, and continues in force until the competent authority revokes the directive or it is cancelled on appeal under Part 8.

Even though the directive takes effect immediately and must be complied with once given, if the person directed is aggrieved by the directive, the person may appeal to the Minister under Part 8.

Finally, clause 89 makes clear that a directive under Part 5 or 6 has effect despite the provisions of any other written law in force and the constitution, memorandum or articles of association, trust deed or equivalent instrument. For example, there can be constitutions, trust deeds, etc., of persons which are inconsistent with a requirement in a directive under clause 83 or 84.

Clause 90 provides for the process that must be followed when giving a directive under Part 5 or 6.

Clause 91 provides that non-compliance with a directive is an offence. Where the person given a directive is a political party or a Part 4 politically significant entity, the responsible officers of the political party or Part 4 politically significant entity given the directive will be criminally liable. In all other cases, it is the person who is given the directive.

The penalty depends on what directive is contravened or not complied with.

PART 8

OVERSIGHT ARRANGEMENTS

Part 8 sets out oversight arrangements regarding a number of decisions under the Bill. The Part has 4 Divisions.

Division 1 sets out the rights of appeal and who are eligible appellants.

Clause 92 provides for a right of appeal against the Minister's authorisations to a competent authority to give a direction under Part 3 or declaration of proscribed online locations. These are not the initial decisions. The right accrues only if the appellant had applied for the Minister's reconsideration under clause 23 or 26, respectively.

Clause 93 provides for a right of appeal to the Minister against certain decisions of a competent authority.

Division 2 deals with the Reviewing Tribunals, which serve as alternative appellate bodies to the courts against the authorisations of the Minister or declarations of proscribed online locations under Part 3.

Clause 94 establishes one or more Reviewing Tribunals, each consisting of 3 individuals appointed by the President on the advice of the Cabinet. The chairperson of every Reviewing Tribunal must be a Supreme Court Judge. An individual cannot be appointed or remain a member of a Reviewing Tribunal if he or she is not a citizen of Singapore. Each member holds office for 3 years, subject to reappointment.

Clause 94 also provides that in the performance of his or her functions and duties under the Bill, the members of a Reviewing Tribunal each have the same protection and immunity as a Judge of the High Court.

To ensure independent decision-making by members of a Reviewing Tribunal, clause 95 states that the remuneration and other terms of service of each member of a Reviewing Tribunal must not be altered to his or her disadvantage during his or her continuance in office.

Clause 96 deals with resources for a Reviewing Tribunal. It provides that the expenses of a Reviewing Tribunal must be defrayed out of money provided by Parliament. It also requires the Minister to provide every Reviewing Tribunal with such number of public officers as are necessary for it to discharge its functions under the Bill.

Clause 97 describes the function of a Reviewing Tribunal, which is to consider and determine any appeal made to the Reviewing Tribunal against an authorisation by the Minister to the competent authority to give a direction under Part 3 or the Minister's declaration of a proscribed online location.

A Reviewing Tribunal can make one or 2 types of determinations or orders on such an appeal: dismiss the appeal and confirm the authorisation or declaration of a proscribed online location appealed against, or revoke the authorisation or declaration appealed against. A Reviewing Tribunal's decision is final, which means there is no further appeal.

Clause 98 provides that a Reviewing Tribunal must not consider or determine any appeal if not made within a prescribed time. A Reviewing Tribunal may waive this time bar if it thinks equitable to do so.

A Reviewing Tribunal is also not obliged to hear appeals that are vexatious appeals.

Clause 99 empowers the Minister to make Rules, to be published in the *Gazette*, that deal with the practice and procedure to be followed on, or in connection with, the hearing or consideration of any proceedings or appeal before a Reviewing Tribunal. The Rules may cover the mode and burden of proof and the admissibility of evidence.

As the nature of the subject matter will often pertain to matters of national security and the evidence upon which the Minister or competent authority relies on in coming to the decision appealed against stem from intelligence operations, the Rules may also —

- (a) enable or require a Reviewing Tribunal to hear or consider any proceedings or appeal without the appellant bringing the appeal having been given full particulars of the reasons for any conduct which is the subject of the proceedings or appeal;
- (b) enable or require a Reviewing Tribunal to give a summary of any evidence taken in its absence to the person by whom the proceedings were brought or, as the case may be, to the person who made the appeal; and
- (c) provide for the manner in which the interests of an appellant are to be represented, such as for the appointment in accordance with the Rules, by such person as may be determined in accordance with the Rules, of a person to represent those interests.

Division 3 contains 3 clauses which deal with appeals against the competent authority's decisions mentioned in clause 93.

Clause 100 provides that an appeal against a competent authority's decision described in clause 93 may only be made to the Minister within one month after the appellant is notified of that decision. A longer period may be allowed by the Minister in exceptional circumstances.

Clause 101 describes the Minister's function and duty to hear appeals when one is filed against the decisions of the competent authority mentioned in clause 93.

However, the Minister is not under any duty to hear, consider or determine any appeal if it appears to it that the bringing of the appeal is or the proceedings of the appeal are frivolous or vexatious.

Clause 102 provides for an advisory body with whom the Minister may consult before deciding on appeals under clause 93.

The Minister's decision on appeal is final. The Minister may determine an appeal made to him or her by either dismissing the appeal and confirming the decision appealed against, or by cancelling the designation of a person as a politically significant person, or revoking a directive under Part 5 or 6 (as the case may be) or otherwise revoking the decision appealed against. The Minister cannot vary the decision appealed against.

Division 4 contains 2 clauses that are of general application to appeals under Part 8.

Clause 103 provides that a decision that is appealed against takes effect despite any appeal against the decision, which remains in effect until the decision is reversed on appeal.

Clause 104 seeks to restrict the circumstances in which a determination or an order after considering an appeal can be reviewed by the courts. These would be the decisions of a Reviewing Tribunal on appeals against the Minister's authorisations under Part 3, and the decisions of the Minister on appeals against certain decisions of a competent authority, or his or her alternate authority in clause 106.

Judicial review is also restricted with respect to a determination, an order or other decision which would have been a determination, an order or other decision if there were not a failure to exercise jurisdiction or an excess of jurisdiction in the making of the determination, order or decision.

Clause 104 therefore provides that a determination, an order or other decision of a Reviewing Tribunal under Part 8 or the Minister or his or her alternate authority in clause 106 is final and conclusive, and may not be challenged, appealed against, reviewed, quashed or called in question in any court, and is not subject to prohibition, mandamus, injunction, declaration or certiorari in any court on any account, except for non-adherence to any procedural requirement to make that determination, order or decision.

Clause 104 does not actually prevent all determinations, order or other decisions of a Reviewing Tribunal or the Minister from being subject to judicial review; the Legislature is unable to wholly remove the High Court's constitutionally entrenched original jurisdiction under Article 93 of the Constitution of the Republic of Singapore.

PART 9

ADMINISTRATION AND ENFORCEMENT

Part 9 provides for the machinery for the administration of the Bill and the powers of enforcement to implement the Bill.

Clause 105 provides for the appointment by the Minister of a competent authority. A different competent authority may be appointed for different provisions in the Bill and for different times.

Under the Bill, the competent authority has various powers, including to issue various directions against harmful foreign communications activity or to declare an online location as a proscribed online location, under the instruction of the Minister, and to give directions (under the instruction of the Minister) to a person served with a direction to take measures to remedy any non-compliance with directions.

A competent authority also has power to designate persons as politically significant persons under Part 4 and to give different directives under Parts 5 and 6. The Minister is allowed to give a competent authority directions as to the exercise of the powers and discretions conferred on the competent authority under Parts 4, 5 and 6 but the Minister's directions can only be of a general character, and not be inconsistent with the provisions of the Bill.

The Bill further provides that a competent authority must not exercise any power under this Act for the purpose of furthering or harming the interests of any particular political party. A competent authority is required to act in the discharge of its functions under the Bill impartially, with integrity and professionalism and in a manner that facilitates effective democracy.

Clause 106 provides for the suspension of the Minister's powers under Part 3 during certain periods:

- (a) an election period;
- (b) between the day a writ of election is issued under section 24 of the Parliamentary Elections Act for the purposes of a by-election and ending with the close of polling day at that by-election;
- (c) between the day a writ of election is issued under section 6 of the Presidential Elections Act for the purposes of a presidential election and ending with the close of polling day at that presidential election;
- (d) between the day an order requiring the conduct for a national referendum is issued under any written law and ending with the close of polling at that national referendum.

The Minister has to appoint an alternate authority to exercise his or her powers during these periods. No such appointment may be made during any of these periods.

Clause 107 provides for the appointment of authorised officers for the administration of the Bill, and for the competent authority to delegate the powers to an authorised officer to exercise, but further sub-delegation is impermissible.

Clause 108 confers power on a competent authority to require by notice any person to provide, within a reasonable period specified in the notice, a document or all information or material (or both) for enforcement purposes, where the document, information or material is within the knowledge of that person or in the custody or under the control of the person. The requirement by notice may be given to persons outside Singapore.

Enforcement purposes are to determine whether any information or material provided to a competent authority under a provision of the Bill or the Regulations is correct and to determine whether there are grounds for any Part 5 or 6 directive to be given under the Bill.

Clause 109 makes it an offence if the person who is required by a notice given to the person under clause 108 to provide a document or information or material to a competent authority does not do so. The offence is a strict liability offence.

It is also not a defence for a person to refuse or fail to provide any document or any information or material if doing so might tend to incriminate that person.

However, clause 109 acknowledges that the coercive information-gathering power should be accompanied by an appropriate protection for the informant. It provides that where a person claims, before producing any document or giving any information or material that the person is required by clause 108 to produce or give, that the production of the document or the giving of the information or material might tend to incriminate him or her, that document or information or material, the fact of the production of the document or the provision of the information or material, or any information, document or thing obtained as a direct or an indirect consequence of the production of the document or giving of the information or material, is not admissible in evidence against the person in any criminal proceedings. That said, the protection will not apply in proceedings for an offence under the Bill or any written law in respect of the falsity of the document or the information or material.

Clauses 110 and 111 are standard provisions dealing with the criminal liability of officers of offenders who are corporations or unincorporated bodies.

Clause 110 deals with corporate offenders and for attributing criminal liability to officers of corporate entities for offences committed by their entities. Corporations like companies can be held directly liable for the conduct and can be found guilty of, and punished for, the commission of an offence. As a separate

legal entity, liability for the offence is imposed on the corporation itself and is not generally attributed to its officers and employees unless there is a provision like the clause.

Clause 111 deals with unincorporated entities like partnerships and associations and for attributing criminal liability to officers of unincorporated entities for offences committed by their bodies. The clause also provides clarity where the offence by the unincorporated entity requires a mental element and is not a strict liability offence.

However, clauses 110(2) and 111(2) do not attribute criminal liability to officers and employees of corporations or unincorporated associations who commit any offence in Division 3 or 4 of Part 3 (concerning Part 3 directions and proscribed online locations).

Clauses 110 and 111 do not displace the offences of abetment and criminal conspiracy in the Penal Code.

Clause 112 provides that every offence in Part 3 is arrestable and is non-bailable, including an abetment, or a conspiracy or an attempt to commit such an offence. The other offences in the Bill (but not the Regulations) are arrestable.

Clause 113 displaces the jurisdictional limits in the Criminal Procedure Code (Cap. 68) and provides that a District Court or a Magistrate's Court has jurisdiction to try any offence under the Bill, and has power to impose the full punishment for any such offence.

Clause 114 provides for powers of composition of offences that the Minister prescribed by Regulations to be compoundable.

Clause 115 provides that certain offences in the Bill have extraterritorial operation and apply both within and outside Singapore. The effect of clause 115 is that these certain offences in the Bill apply to persons and conduct occurring, outside Singapore.

This is necessary to cover, at a minimum, a situation where a person makes an arrangement with a foreign principal outside of Singapore where the purpose of the arrangement is for the person to undertake prohibited activities within Singapore pursuant to that arrangement.

Clause 116 empowers the competent authority to publish a public notice informing about any designation made under Part 4, or any directive given under Part 5 or 6, with respect to any person.

PART 10

MISCELLANEOUS

Clause 117 makes clear the interface of the Bill with other Acts, which deal with similar subject matter, such as the Internal Security Act (Cap. 143), the Broadcasting Act, the Newspaper and Printing Presses Act, the Telecommunications Act and the Protection from Online Falsehoods and Manipulation Act 2019 (Act 18 of 2019), and the Public Order Act (Cap. 257A). The provisions in the Parliamentary Elections Act and the Presidential Elections Act prohibiting foreigners conducting election activity are not affected by the Bill.

Clause 118 preserves legal rights in connection with information or material published in Singapore. The clause provides that the giving of a direction under Part 3 in relation to any information or material does not affect any power or right of any person to take any action under any other law in relation to the information or material, or the power of the Public Prosecutor to initiate proceedings for an offence under the Bill or any other law in relation to that information or material.

The information or material may have seditious tendency or may be false and libellous.

Clause 119 provides that no civil or criminal liability is incurred by the person or an officer, employee or agent of the person, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of complying with or giving effect to a direction under Part 3 or a directive under Part 5 or 6.

For example, there may be non-national incumbent office holders of directed persons whose terms are current when a directive under clause 83 is given and triggered in effect. Clause 119 provides that no civil or criminal liability will be incurred by the person directed in respect of anything done or omitted to be done with reasonable care and in good faith in the discharge or purported discharge of the obligations of the religious group under a requirement of the directive to terminate the office holder's appointment.

Clause 119 also deals with the liability of persons administering the Bill. It provides that no liability shall lie against any competent authority or authorised officer for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of the Bill when assisting a police officer.

Clause 120 sets out the persons who are exempt from the Bill in relation to certain activity undertaken by the person, even if the person is a foreigner or is doing so on behalf of a foreign principal. These are activities in which any foreign influence would be visible or is a part of professional duties.

Exempt is a communication by anyone made in proceedings that are a matter of public record to a committee of the Parliament or committee of Parliament, or to any body or person having jurisdiction or powers conferred under an Act. For example, a petition or representation made to the Public Petitions Committee of Parliament or a Select Committee of Parliament.

Also exempted is a communication made to an MP by or on behalf of a constituent of the MP with respect to any personal matter of the constituent.

As public consultations are commonly carried out by public sector agencies before modifying or introducing new policies, also exempt is a communication made to the Government or a public authority by or on behalf of a person in direct response to a written request from the Government or a public authority for advice or comment on any Singapore governmental decision.

A communication made to the Government or a public authority by or on behalf of a person concerning the enforcement, interpretation or application of any Act or subsidiary legislation by the Government or a public authority with respect to the person, or the implementation or administration of any program, policy, directive or guideline by the Government or public authority with respect to the person, is also exempt.

The conduct or a communication that relates primarily to, or is incidental to, the provision of legal advice, legal representation in criminal or civil inquiries, investigations or proceedings, or legal representation in relation to a regulatory action or an administrative process under any written law, is also exempt.

The Minister has power to expand the list of exempt persons and their activities by Regulations made under clause 122.

Clause 121 deals with the service of documents permitted or required by the Bill to be served on a person. However, clause 121 does not deal with service of court documents like summonses, as these are regulated by the Rules of Court or other written laws.

Modern modes of service are introduced for the service of documents. These follow the technological advances in communications.

Service by fax is provided for. Service by email is also permissible at the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under the Bill. The addresses for service also need not be within Singapore.

Service is also permitted by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents. For example, a recipient of a notice may choose to be notified by a mobile phone application that notifies the person that a notice to

the person is available to be accessed on a website maintained by a competent authority.

However, service of any document on a person by email or by an electronic notice at the person's chosen means of notification may be effected only with the person's prior consent to service in that way. The consent may be given expressly or impliedly. An instance of implied consent may be by not opting out within the allowed time, such as when the sender informs the recipient of the intention to serve all notices using an electronic mode unless the recipient notifies the sender that the recipient does not agree to accepting service that way.

Finally, there is also facility for service by any other method authorised by the Regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way.

Clause 121 also provides for special service arrangements for a person whereby the exercise of reasonable diligence, the name of the person to whom the document is to be served, or the business address, residential address or last email address of the person, cannot be ascertained. The document may be served by posting it on a website maintained by a competent authority and prescribed by the Minister by notification in the *Gazette* for this purpose.

Clause 122 confers on the Minister the power to make regulations to give effect to the Bill. Clause 122 requires all subsidiary legislation made under the Bill to be presented to Parliament as soon as possible after publication in the *Gazette*.

Clause 122 also provides that the maximum sum allowed for anonymous donations and the minimum sum for reportable donations cannot be varied in the period between the issue of a writ and the filing of returns respecting election expenses for any election.

Clause 123 repeals the Political Donations Act.

PART 11

AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

Part 11 contains amendments to other Acts, and saving and transitional provisions connected with the Bill.

Clause 124 amends the Parliamentary Elections Act to introduce a requirement for candidates to give the Returning Officer, after the final election results are publicised, a declaration as to no foreign influence, and to make amendments as a consequence of the repeal of the Political Donations Act by the Bill.

The requirement for a post-election declaration is set out in amendments in clause 124(7), which introduces a new section 73A to the Parliamentary Elections Act.

Under the new section 73A, every candidate at an election must give to the Returning Officer a declaration not later than the 7th day after the day that the final result of the election is published in the *Gazette*, being either under section 33(1)(b) for uncontested elections or section 51 for elections that go to the poll.

This new section 73A declaration has to be made by the candidate, be in a form prescribed by regulations or in an official website specified by the regulations. The declaration may be in these terms:

“I recognise that Singaporean politics is a matter only for Singaporeans to decide and should be free from foreign influence. I did not cause or encourage any foreign influence in my campaign, and I had taken all practicable measures to ensure that my campaign did not benefit from foreign influence.”.

The declaration has also to state that, to the best of the knowledge and belief of the candidate, no foreigner has been authorised by the candidate or his or her election agent to conduct any election activity for the purpose of procuring the electoral success at that election of the candidate or the group of candidates of whom the candidate is part.

The declaration has also to state that, to the best of the knowledge and belief of the candidate, the conduct of any election activity for the purpose of procuring the electoral success at that election of the candidate, or the group of candidates of whom the candidate is part, was not undertaken pursuant to any impermissible arrangement nor authorised by the candidate or the candidate’s election agent, pursuant to any impermissible arrangement.

An impermissible arrangement is defined to mean an arrangement (which may be a contract, an agreement or understanding) whether written or unwritten, to which a candidate or an election agent is party and under which the candidate or election agent (as the case may be) is accustomed or under an obligation (whether formal or informal) to engage in conduct in accordance with the directions, instructions or wishes of a foreign principal or, where the foreign principal is a corporation, of the directors of the foreign principal.

A late giving of a section 73A declaration is an illegal practice. An illegal practice is an offence punishable under section 79 of the Parliamentary Elections Act by a District Court with a fine not exceeding \$2,000. A person who is convicted of an illegal practice is also disqualified, for a period of 3 years from the date of his or her conviction, from being registered as an elector and from voting at any general election or by-election, and from being elected as the President or an MP.

In addition, where a section 73A declaration is not so given to the Returning Officer by the 7th day after the election results are published, the candidate cannot sit or vote in Parliament as an MP until either the section 73A declaration has been given or the candidate applies to court and obtains the allowance of an authorised

excuse under the new section 87A for failing to give the declaration. A candidate who sits or votes in contravention of this prohibition commits an offence, which is punishable with a fine of \$500 for every day on which he or she so sits or votes.

Clause 124(9) introduces a new section 87A which enables a candidate who is late in giving a section 73A declaration, or has given a section 73A declaration containing a false statement, to apply to the Election Judge or a Judge sitting in the General Division of the High Court for an allowance of an authorised excuse for the failure to give that declaration or for the false statement in that declaration, as the case may be.

To obtain such an order, the candidate in default has to show in his or her application that the failure to give the declaration or the false statement in the declaration (as the case may be) has arisen by reason of the candidate's illness, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the candidate.

The Election Judge or Judge sitting in the General Division of the High Court may make an order for allowing an authorised excuse only after being satisfied of the good faith of the candidate's application and after giving the other candidates, the Returning Officer and any elector within the electoral division an opportunity of being heard.

The new section 87A is akin to the process in section 88 of the Parliamentary Elections Act of allowing an election agent and a candidate who default in transmitting their returns respecting election expenses under section 74 of that Act.

As a consequence of the new section 87A, section 97 of the Parliamentary Elections Act, which deals with the time bar for an application to void election results, is also amended to provide for a specific time bar for the illegal practice of late or non-filing of a section 73A declaration and for the postponement of when time begins to run if there is an order of an authorised excuse for late or non-filing of the section 73A declaration. Instead of time beginning to run from the date the final election results are published, the time will begin from the last date of the allowance of excuse. The time bar for applying to void election results on the ground of late or non-filing of the section 73A declaration is 21 days after the date of the publication of the result of the election in the *Gazette*.

However, knowingly making a false declaration is a separate matter. Section 61(1) of the Parliamentary Elections Act is amended by clause 124(6) to make it a corrupt practice if a candidate knowingly makes the declaration required by the new section 73A falsely. The punishment for this corrupt practice is a fine or imprisonment for up to 6 months or both. The punishment is similar to that of knowingly making the declaration as to election expenses required by section 74 of the Parliamentary Elections Act falsely.

In addition to that fine or imprisonment or both, a person convicted of a corrupt practice becomes disqualified, for a period of 7 years from the date of the conviction, from being registered as an elector or from voting at any general election or by-election, and from being elected as the President or an MP.

Clause 124 also makes consequential amendments to the Parliamentary Elections Act due to the repeal of the Political Donations Act.

Section 2(1) of the Parliamentary Elections Act introduces a new definition of “political donation certificate”, which is defined to refer to a political donation certificate issued under the Bill in respect of an election.

Sections 27(3), 27B(3), 29(1), 31(2) and 74(5) of, and Forms 8 and 19 in the First Schedule to, the Parliamentary Elections Act are then amended to replace the references in those provisions to a political donation certificate issued under the Political Donations Act with the new term as defined with reference to the Bill.

Clause 125 similarly amends the Presidential Elections Act to introduce a requirement for candidates to give the Returning Officer, after the final election results are publicised, a declaration as to no foreign influence, and to make amendments as a consequence of the repeal of the Political Donations Act by the Bill.

The requirement for a post-election declaration is set out in amendments in clause 125(5), which introduces a new section 55A to the Presidential Elections Act.

Under the new section 55A, every candidate at an election must give to the Returning Officer a declaration not later than the 7th day after the day that the final result of the election is published in the *Gazette*, being either under section 15(1)(b) for uncontested elections or section 34 for elections that go to the poll.

This new section 55A declaration has to be made by the candidate, be in a form prescribed by regulations or in an official website specified by the regulations. The declaration may be in these terms:

“I recognise that Singaporean politics is a matter only for Singaporeans to decide and should be free from foreign influence. I did not cause or encourage any foreign influence in my campaign, and I had taken all practicable measures to ensure that my campaign did not benefit from foreign influence.”.

The declaration has also to state that, to the best of the knowledge and belief of the candidate, no foreigner has been authorised by the candidate or his or her election agent to conduct any election activity for the purpose of procuring the electoral success at that election of the candidate.

The declaration has also to state that, to the best of the knowledge and belief of the candidate, the conduct of any election activity for the purpose of procuring the

electoral success at that election of the candidate, was not undertaken pursuant to any impermissible arrangement nor authorised by the candidate or the candidate's election agent pursuant to any impermissible arrangement.

An impermissible arrangement is defined to mean an arrangement (which may be a contract, an agreement or understanding) whether written or unwritten, to which a candidate or election agent is party and under which the candidate or election agent (as the case may be) is accustomed or under an obligation (whether formal or informal) to engage in conduct in accordance with the directions, instructions or wishes of a foreign principal or, where the foreign principal is a corporation, of the directors of the foreign principal.

A late giving of a section 55A declaration is an illegal practice. An illegal practice is an offence punishable under section 61 of the Presidential Elections Act by a District Court with a fine not exceeding \$2,000. A person who is convicted of an illegal practice is also disqualified, for a period of 3 years from the date of his or her conviction, from being registered as an elector and from voting at any general election or by-election, and from being elected as the President or an MP.

Clause 125(7) introduces a new section 69A which enables a candidate who is late in giving a section 55A declaration, or has given a section 55A declaration containing a false statement, to apply to court for an allowance of an authorised excuse for the failure to give that declaration or for the false statement in that declaration, as the case may be.

To obtain such an order, the candidate in default has to show in his or her application that the failure to give the declaration or the false statement in the declaration (as the case may be) has arisen by reason of the candidate's illness, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the candidate.

The Election Judge or Judge sitting in the General Division of the High Court may make an order for allowing an authorised excuse only after being satisfied of the good faith of the candidate's application and after giving the other candidates, the Returning Officer and any elector within the electoral division an opportunity of being heard.

The new section 69A is akin to the process in section 70 of the Presidential Elections Act of allowing an election agent and a candidate who default in transmitting their returns respecting election expenses under section 56 of that Act.

As a consequence of the new section 69A, section 77 of the Presidential Elections Act, which deals with the time bar for an application to void election results, is also amended to provide for a specific time bar for the illegal practice of late or non-filing of a section 55A declaration and for the postponement of when time begins to run if there is an order of an authorised excuse for late or non-filing of the section 55A declaration. Instead of time beginning to run from the date the

final election results are published, the time will begin from the last date of the allowance of excuse. The time bar for applying to void election results on the ground of late or non-filing of the section 55A declaration is 21 days after the date of the publication of the result of the election in the *Gazette*.

However, knowingly making a false declaration is a separate matter. Section 42(1) of the Presidential Elections Act is amended by clause 125(4) to make it a corrupt practice if a candidate knowingly makes the declaration required by the new section 55A falsely. The punishment for this corrupt practice is a fine or imprisonment for up to 6 months or both. The punishment is similar to that of knowingly making the declaration as to election expenses required by section 56 of that Act falsely.

In addition to that fine or imprisonment or both, a person convicted of a corrupt practice becomes disqualified, for a period of 7 years from the date of the conviction, from being registered as an elector or from voting at any presidential election, general election or by-election, and from being elected as the President or an MP.

Clause 125 also makes consequential amendments to the Presidential Elections Act due to the repeal of the Political Donations Act.

Section 2(1) of the Presidential Elections Act introduces a new definition of “political donation certificate”, which is defined to refer to a political donation certificate issued under the Bill in respect of an election.

Sections 9(4), 11(1) and 56(4) of the Presidential Elections Act are amended to replace the references in those provisions to a political donation certificate issued under the Political Donations Act with the new term as defined with reference to the Bill.

Clause 126 contains related amendments to the Societies Act. The first amendment to the definition of “political association” in section 2 of that Act simply makes clear that political parties are all political associations.

The expression “national interest” in sections 4(2)(d) and 24(1)(a) and (e) of the Societies Act is replaced with the expression “national security or interest” so as to be consistent with similar powers of refusal to register and dissolution found elsewhere in newer laws like the Limited Liability Partnerships Act, the Business Names Registration Act 2014 and the Companies Act.

Related to this amendment is that to section 24 of the Societies Act, which provides that a certificate issued by the Minister charged with the responsibility for internal security stating that the Minister is satisfied that the society referred to in the certificate is being used for purposes against Singapore’s national security or interest is conclusive evidence that the society is being used for such purposes.

Finally, section 10(1) of the Societies Act, which empowers the Registrar of Societies or an Assistant Registrar of Societies to require a registered society to

furnish information concerning the society, is amended to make it clear that the power extends to asking for information about patrons and any person managing or assisting in the management of that society.

Clause 127 is a saving and transitional provision, which focuses on the impact the repeal of the Political Donations Act has on pending transactions for political parties and political associations under that Act.

Clause 127 also confers power on the Minister to prescribe additional provisions of a saving or transitional nature consequent on the coming into force of different clauses in the Bill as the Minister considers necessary or expedient. The amendment may be done by regulations but within a 2-year time limit.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
