

THIRTEENTH PARLIAMENT OF SINGAPORE

SECOND SESSION

ORDER PAPER SUPPLEMENT

Sup. No. 20

WEDNESDAY, 8 MAY 2019

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NOTICE OF AMENDMENTS TO BILL

IN COMMITTEE

**1. PROTECTION FROM ONLINE FALSEHOODS AND
MANIPULATION BILL**

[Bill No. 10/2019]

Clause 13:

Ms Anthea Ong (Nominated Member):

Ms Irene Quay Siew Ching (Nominated Member):

Assoc Prof Walter Theseira (Nominated Member):

In page 20, lines 25 and 26: to leave out “identify the subject statement in sufficient detail.”, and insert —

“—

- (a) identify the subject statement in sufficient detail;
- (b) identify the true facts and their supporting evidence, and/or the evidence demonstrating the subject statement to be false, to the extent practicable;
- (c) specify the public interest objects of the Direction; and
- (d) provide the reasons why the Direction is commensurate with and shall satisfy the public interest objects so declared.”.

Clause 17:

Ms Anthea Ong (Nominated Member):

Ms Irene Quay Siew Ching (Nominated Member):

Assoc Prof Walter Theseira (Nominated Member):

In page 23: after line 31, to insert —

“(10) In giving effect to this provision, the Minister shall do everything reasonable to ensure that appeals to the Minister are adjudicated without delay, that upon appeal to the High Court hearings shall commence as soon as practicable, and that costs to the appellant are minimised.”.

Clause 25:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 30, lines 7 and 8: to leave out “identify in sufficient detail the subject material and the subject statement.”, and insert —

“—

- (a) identify the subject statement in sufficient detail;
- (b) identify the true facts and their supporting evidence, and/or the evidence demonstrating the subject statement to be false, to the extent practicable;
- (c) specify the public interest objects of the Direction; and
- (d) provide the reasons why the Direction is commensurate with and shall satisfy the public interest objects so declared.”.

Clause 29:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 34: after line 9, to insert —

“(11) In giving effect to this provision, the Minister shall do everything reasonable to ensure that appeals to the Minister are adjudicated without delay, that upon appeal to the High Court hearings shall commence as soon as practicable, and that costs to the appellant are minimised.”.

Clause 35:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 41: after line 22, to insert —

“(9) In giving effect to this provision, the Minister shall do everything reasonable to ensure that appeals to the Minister are adjudicated without delay, that upon appeal to the High Court hearings shall commence as soon as practicable, and that costs to the appellant are minimised.”.

Clause 44:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 51: after line 12, to insert —

“(11) In giving effect to this provision, the Minister shall do everything reasonable to ensure that appeals to the Minister are adjudicated without delay, that upon appeal to the High Court hearings shall commence as soon as practicable, and that costs to the appellant are minimised.”.

New Clause A:

Assoc Prof Walter Theseira (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Ms Anthea Ong (Nominated Member):

In page 12: after line 14, to insert —

“Principles of Act

- A.** In performing any duty or exercising any power under this Act in relation to the communication of online Falsehoods, any Minister and any Competent Authority must have regard to the following principles of this Act:

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- (a) the ability of a well-informed public to critically evaluate, establish, debate and question facts, opinions, and ideas is integral to a well-functioning democracy;
 - (b) as facts can be contentious and difficult to establish, and because the advancement of knowledge often depends on contesting apparent facts, the disputation of a fact does not imply that one or more contested facts are falsehoods by that virtue alone;
 - (c) while an authority may have higher quality data or more accurate means of determining the facts, given the variety of legitimate means by which facts can be established, a statement of fact that differs from a fact established by an authority does not imply a falsehood by that virtue alone;
 - (d) non-legislative measures are the least restrictive way of addressing online Falsehoods and should be preferred to the exercise of executive powers when feasible;
 - (e) the executive powers in this Act may be regarded as, from least to most restrictive: A Correction Direction, a Targeted Correction Direction, a General Correction Direction, a Stop Communication Direction, and a Disabling Direction;
 - (f) regard must be had to whether the public interest for which the duty is being performed or the power is being exercised can be achieved in the way that is the least restrictive on the rights of the public to speak and debate freely;
 - (g) in all matters relating to the administration or application of this Act, the aim is to target material online falsehoods that are against the public interest, and not opinions, comments, critiques, satire, parody, generalisations or statements of experiences.”.

Note: It is intended that this New Clause A be inserted immediately after clause 5.

New Clause B:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 67: after line 19, to insert —

“PART 10

INDEPENDENT COUNCIL TO STRENGTHEN SOCIETY AGAINST
ONLINE FALSEHOODS

B.—(1) There is hereby established a council to be called the Independent Council Against Online Falsehoods which shall consist of

- (a) a Chairman; and
- (b) such other members as the appointing authority may determine;
- (c) where the appointing authority shall be a Select Committee of Parliament.

(2) The Constitution and Proceedings of the Council shall be determined by Schedule, provided that —

- (a) where the appointment and tenure of office of members is concerned:
 - (i) no member shall hold an office of profit under the Government;
 - (ii) no member shall be a Member of Parliament or stand as a candidate for election as a Member of Parliament;
 - (iii) no appointment of any member shall be revoked without valid cause, where such valid causes shall be limited to inability to perform the functions of the Council, dereliction of duties relating to the Council, or acts that prejudice the independent functioning of the Council;

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- (iv) the tenure of office of all members shall be at least two years on appointment and shall be automatically extended, in the case of a general election which occurs during the tenure of office of any member, to include a term of at least one year past the date of that general election.
 - (b) nothing shall be specified or required that prejudices the independent functioning of the Council.

(3) The functions of the Council are —

- (a) to evaluate the state and effects of online falsehoods communicated in Singapore, including online falsehoods not subject to Directions;
- (b) to evaluate Directions issued with respect to the type of online falsehoods addressed and the public interest causes of action, effects of Directions, appeals processes, and other matters as determined by the Council, provided that —
 - (i) no Direction shall be reviewed which is sub judice or subject to an ongoing appeal at the point of review;
 - (ii) Directions shall not be the subject of individual review except where at the discretion of the Council public confidence in the exercise of powers under the Act requires it;
 - (iii) no review of any Direction shall be admissible as evidence of any wrongdoing or liability on the part of Government.
- (c) to evaluate other measures taken by Government under this Act to address online falsehoods;
- (d) to make recommendations to the Government on the general exercise of powers under the Act in order to strengthen efficacy and public confidence;

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- (e) to liaise with the media, technology firms, and other experts to advise on public education, ground-up initiatives, and other measures to strengthen the capacity of Singaporeans to evaluate online information and resist falsehoods;
 - (f) to liaise with scientific, specialist, and technical experts to advise the Government on examining contested facts of a specialist nature;
 - (g) to undertake surveys or other arrangements to obtain public feedback on any matter relating to the functions of the Council; and
 - (h) to perform such functions as the Minister may, by order published in the Gazette, assign, provided such functions do not compromise the independence of the Panel.

(4) The Council shall be furnished with the resources to discharge its functions under this Act, and in particular, shall —

- (a) have a Secretariat appointed by the Minister subject to the concurrence of the Chairman;
- (b) be entitled to request information on the exercise of powers under this Act from any relevant Ministry, who shall be under a duty to provide that information;
- (c) have funds provided to meet any expenses incurred in carrying out its functions, provided that the funds provided during any term of Government shall not be diminished during that term except with the agreement of the Chairman.

(5) The Council shall publish for public viewing in connection with its functions —

- (a) an annual report (or more frequently as the case may be) on the activities, findings, and recommendations of the Council; and
- (b) a report of any substantive proceedings of the Council; provided that
- (c) the content of any report may be minimally redacted if at the discretion of the Council it may weaken efficacy of measures to address online Falsehoods, appear to render judgment on any particular Direction, expose market-sensitive information, or expose information subject to the Official Secrets Act.

(6) No suit or other legal proceedings shall lie personally against any Council member or other person acting under the direction of the Council for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.”.

Note: It is intended that this New Clause B be inserted immediately after clause 62.

Consequential amendment:

To renumber clauses 6 onwards and cross-references consequent on the addition of clause A.
