

## Table of Feedback from Individuals

Please note that the names of individual respondents are redacted in this document.

S/No.	Date Received	Feedback
1	5 December 2017	<p>May I know is digital streaming of movies covered under the Films Act in the proposed amendment? I see the proposed amendment mentioned including streaming for exhibitors and the licence requirement is passed on to the exhibitors, but makes no mention of digital streaming into homes. Currently, physical home video makes up an extremely small percentage of the total video that Singaporeans consume at home. If the Films Act does not include digital home video, it is not regulating the majority of the home entertainment industry.</p> <p>From our previous conversation, I understand digital home video is not covered under the current Films Act. We would like to point out the large discrepancy this has caused in the regulation of content for physical home video and digital such as Netflix and iTunes. I believe that Netflix and iTunes do not have to submit A copy, but they just have to provide rating for their titles. For physical home video, we have to submit A copy, wait for it to pass then we have to buy certificate from iMDA at 80cents per piece and must apply them to our DVD/Blu-ray according to the serial number on the certificate. I feel that this is an extremely dated system and it brings our cost up exponentially, first from the cost of buying the certificates and secondly, from manpower perspective as we have to ensure that the serial number on the certificates matches the sleeve. I suggest we can do away with the certificate and we can print the rating and consumer advice directly onto the sleeve or casing. This allows consumer to see the rating and ensure greater accuracy. As well as to bring greater consistency to how digital and physical home videos are classified.</p> <p>I suggest that A copy portion should be applied to digital partners as well as it has been quite effective in the past for physical home video. I think allowing digital home video to rate their own titles without needing to submit A copy has caused a serious lapse. For instance, under Film Classification Guidelines, any films with the word Jesus and F**k together are deemed to denigrate religion and are to be passed with cut. This does not seem to be the case for Netflix. For example, Army of One is one title that we have edited the Jesus F**k out and is classified as NC16, but is shown as R21 on Netflix without any edit. There are also numerous other movies with Jesus and F**k in them. Attached are a few screenshots from a few films with the timecode and title for your reference. <i>[screenshots redacted]</i></p> <p>It is also extremely unfair to the physical video industry that we are the only sector that has to fork out additional money for the certificates. Digital home video do not have to and neither do the film exhibitors. It is also unfair to the customers of physical video as they essentially have to pay more "tax" to watch the exact same film on physical as compared to digital or in the cinema.</p>

		<p>Another discrepancy is that Netflix can distribute titles up to R21 while physical can only distribute titles up to M18. We understand the need to protect our minors and I suggest that we can lock R21 titles in a glass shelf in the retail outlets and the staff will only pass to the customer after they had verified that the customer is above 21. If only physical home video are regulated so strictly while other sources such as digital are not, it does not make sense as physical home video makes up a very small percentage of the entire home entertainment industry.</p> <p>Another reason I would like to raise for allowing the distribution of films up to R21 is that more and more films are pushing the boundaries and under Singapore guideline, more and more films are getting rated above M18. One good example is Games of Thrones. It is the most popular series in the world as well as the most pirated. Singapore plays no small part in the piracy rate as compared to it's size as there is no way to view the uncut version in Singapore through any legal avenues. From the various reports recently, one main reason people give for turning to piracy is the inability to get legal version of the film.</p> <p>Regarding the classification guideline, we would like to voice our opinion on the phrase Jesus F**king Christ or equivalent. Under the current guideline, any shows that has the profanity f**k together with Jesus are banned with the reason that it denigrates religious. I strongly feel that the context in which the phrase is used must be taken into consideration. In western context, Jesus can be used as a swear word and in recent years, the number of movies with the word Jesus f**k has increased exponentially. Even mainstream titles such as I.T (2017) and Kingsman: The Golden Circle has it. In every movie, the context is used as a profanity, and is not scolding the religion in anyway. We hope that you can review this as it really doesnt make sense at all. In the past, it is not so common for us to encounter this in films, but recently it has become much more common as I believe it's the trend of the English language. Singapore is a small nation and we should definitely follow the trend of the English language especially by major English speaking countries such as US where the majority of the films are made.</p>
2	9 December 2017	<p>1) The proposed enhancements to IMDA's investigation and enforcement powers suggest non-police, plain-clothes agents would be given powers to carry out actions that used to require the police to carry out, this gives them too much power which can threaten the privacy and constitutional rights of individuals; the necessity to have police presence to carry out these actions should be maintained</p> <p>2) The proposed enhancements to IMDA's investigation and enforcement powers that allow IMDA agents to enter an individuals private property without a warrant would be to give IMDA too much power which can threaten the privacy and constitutional rights of individuals; there should be the necessity to have a warrant to carry out this kind of action</p> <p>3) The proposed enhancements to IMDA's investigation and enforcement powers that allow IMDA to confiscate films, equipment and materials and then to forfeit them without returning anything to the individual goes too far; if a crime is found not to be</p>

		<p>committed in a court of law, all such belongings should be returned to the individual in good condition, otherwise, films and materials found by a court of law to have broken the law could be forfeited but equipment belonging to the individual should still be returned to them in good condition given that any objectionable film, digital files or material that technically can be stored in such equipment have been removed from it</p>
3	11 December 2017	<p>MCI/IMDA must be applauded for enacting the Films Act that reflects the conservative nature of our society.</p> <p>Due to the openness of our country in which our former President Wee Kim Wee said in his opening parliamentary speech in 1989 that "Singapore is wide open to external influences.....we are also exposed to alien lifestyles and influences".</p> <p>Hence, it is important that MCI/IMDA remain vigilant against the onslaught by liberal Hollywood and so-called Arts groups in Singapore clamouring for greater "artistic expression" and "freedom of expression" that are clearly detrimental to our moral values. These include many homosexual-themed films and plays that target young children in the guise of "non-discrimination" and "inclusiveness".</p> <p>And, there is an increasingly number of such films, including Disney children films, that seek to desensitize them by cleverly masking their real motive of advancing LGBT rights by portraying a boy as a princess or having two children of the same sex kissing. (See: <a href="https://www.christianpost.com/news/disney-introduces-its-first-boy-princess-on-show-that-also-featured-first-gay-kisses-207783/">https://www.christianpost.com/news/disney-introduces-its-first-boy-princess-on-show-that-also-featured-first-gay-kisses-207783/</a>) <i>[hyperlink removed]</i></p> <p>Although the Films Act is comprehensive and seeks to protect Singapore from negative influences and values, it is vitally important that IMDA ensures the people that its selects for its Board of Censors are carefully vetted and not be infiltrated by any particular groups, such as our so-call Art groups that are constantly pushing the boundaries of accepted societal mores in the name of "artistic expression and freedom"..</p> <p>As can be seen, the Arts Engage and many of its LGBT supporters are meeting to put pressure on IMDA to loosen its grip on censorship. (see: <a href="https://docs.google.com/forms/d/e/1FAIpQLSfrLuISOPi0xKHCI1kT3xz4tBJXcoeTRRltw_ns72gHWqKerw/viewform">https://docs.google.com/forms/d/e/1FAIpQLSfrLuISOPi0xKHCI1kT3xz4tBJXcoeTRRltw_ns72gHWqKerw/viewform</a>) <i>[hyperlink removed]</i></p> <p>The attached screenshot are further proofs. <i>[screenshots redacted]</i></p> <p>We trust that MCI/IMDA will resist any pressure from such groups to ensure Singapore remain strong in its moral standing.</p>

4	12 December 2017	<p>I truly and formally protest the Films Act, which provides IMDA and Police with powers to enter premises without warrant to search for and seize unlawful films. This is a violation of privacy and constitution, which guarantees freedom of speech, therefore freedom of thought and access to information.</p> <p>This Act is truly despicable. Your agency's attempt to enforce thought and access to information will not only backfire, but will cause even more outrage if and when passed. Do not think for one second, that views and dissent can be quashed. It will always exist and your - and your administration's - best effort is to convince people otherwise.</p>
5	12 December 2017	<p>I am writing with great concern that IMDA wants to allow IMDA staff to enter a Singaporean's home without the police or a warrant to search for unclassified films.</p> <p>This is not an acceptable state of affairs and I object to this draconian "enhancement". This is my feedback to your public consultation on this matter.</p>
6	12 December 2017	<p>I am writing to register my comments on your proposed amendments to the Films Act, specifically to section 2.31(b) of to wit, that IMDA will have the right to enter and inspect any premises without warrant.</p> <p>I vehemently oppose this expansion of the IMDA's power as an abuse of power, and as a violation of judicial process, citizen rights and privacy. Even the police, the true guardians of law and order in our country, require a warrant and sufficient suspicion or evidence of possible offences to enter and ransack any premise. They cannot just do so as they wish, in the hope of finding possible evidence. What is IMDA that it is above the law?</p> <p>Furthermore, the boundaries of such a law are vague. What constitutes entering? Forceful entry if they are barred, or if the owner of the premises is not at home? Such searches are disruptive and also potentially damaging to the victims, their reputations and their personal property, if nothing incriminating is found in the end.</p> <p>I submit that this section should be struck out, or at least held to the same criteria as the police--at the least, that warrants MUST be obtained for the premise in question, to compel obedience. There needs to be reasonable suspicion before a warrant is issued, but there must at least be documentation to show the official sanction for such actions, otherwise this move would be open to abuse. Citizens should also have recourse to justice should due process not have been followed.</p>

		<p>Under no circumstances should IMDA be permitted to simply raid anywhere it likes, as it likes--without a warrant, it will be untrammelled. It is not enough to rely on the discretion and responsibility of its officers to uphold the objectivity of such an action. This objectivity and respect for persons, property and due process must be enshrined in the law.</p> <p>I also expect that the meaning and circumstances of "entering" a premise be clarified further.</p>
7	12 December 2017	<p>i refer to sections 2.30 and 2.31 of the amendments that basically state that in lieu of the police, IMDA officers, can WITHOUT WARRANT, enter, inspect or seize any films or ads for films.</p> <p>This is absolutely unacceptable in terms of the breadth and powers by mere civil servants. What if the suspected films lie in part of a set of company hard drives that also include business sensitive and business critical data? To simply empower these officers to willy nilly seize all and sundry, possibly affecting non-film related aspects of the business - without a warrant is giving them far too much unfettered power.</p> <p>As a citizen, I strenuously object to the expansion of such powers</p>
8	12 December 2017	<p>I am writing with reference to the proposed amendments to the Films Act, where IMDA has invited comments on the proposed amendments.</p> <p>In particular, I refer to Part 2, Section F, Provision 2.31 (b) (on Page 11 of the PDF). <i>[hyperlink removed]</i></p> <p>I find it deeply concerning that the IMDA is requesting for powers to conduct searches without any warrant required. This removes the need for probable cause to be established, which I imagine would give IMDA powers that only exist in police states – not a first world country like Singapore.</p> <p>On what basis is the IMDA requesting for such draconian powers? How can it completely, absolutely ensure that these powers are not abused? The simple fact is that it would be impossible to do so.</p> <p>Even without an intent to abuse this proposed power, there could very possibly be situations where operations are launched based on inaccurate tip-offs, which will at the very least result in severe inconvenience for the subjects of such warrantless raids.</p> <p>I strongly suggest that this proposed new Provision 2.31 (b) be completely excised from the amendments.</p>

9	12 December 2017	<p>I am writing with regards to the following:</p> <p><b>2.31 MCI/IMDA propose to enhance IMDA’s investigation and enforcement powers to:</b></p> <p><b>(a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</b></p> <p><b>(b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;</b></p> <p><b>(c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner; and</b></p> <p><b>(d) Provide for the composition of offences.</b></p> <p>I disagree with granting IMDA such powers. If there is just cause, IMDA should get a warrant.</p> <p>Granting these powers to IMDA makes a Singaporean feel unsafe in his own home, never mind his own country.</p>
10	12 December 2017	<p>I am in full support of the amendments to the films act. In fact, our authorities should be granted greater powers over content to ensure not just safety and security but to preserve good taste and stamp out questionable material in our good society.</p> <p>If there is nothing illegal, people should have nothing to hide and should not fear greater powers of investigation into illegal or distasteful content.</p>
11	12 December 2017	<p>I refer to your public consultation on the proposed amendments to the Films Act (FA). I refer in particular to para (F) , 2.30 and 2.31.</p> <p>Currently, the iMDA is required to work with the Police on the enforcement and investigations regarding the distribution or public exhibition of unclassified films under FA. This is a safeguard as the Police are trained to impartially investigate any offences. I believe any enforcement action(s) that the Police decide to take must also have the concurrence of the Attorney General's Chambers (AGC).</p> <p>The proposed amendments give the iMDA officers the authority to:</p> <ol style="list-style-type: none"> <li>1. Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</li> <li>2. Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;</li> </ol>

		<p>3. Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner; and</p> <p>4. Provide for the composition of offences.</p> <p>Under the proposed amendments, the IMDA assumes enormous powers as the judge, jury and executioner of any alleged offences under the FA. Do IMDA officers have the same kind of professional trainings for investigations and enforcement?</p> <p>The proposed amendments to the FA says that 'Parties aggrieved by IMDA's decisions may appeal to the Minister.' The right to appeal the Minister's decision in a Court of Law in Singapore should also be enshrined in the proposed amendments to the FA.</p>
12	12 December 2017	<p>1) There should be no text "without warrant" anywhere within the proposed bill, like for example in 2.31. All searches should be after a suitable warrant has been obtained in a suitable court that weighs proper requests against the privacy of companies or individuals. Warrant-less searches should be illegal, especially for government agencies, to safeguard privacy concerns. There needs to be proper checks and balances in this legislation and IMDA officers should not be able to break into any property under the mere suspicion of videos being present.</p> <p>2) The IMDA should remove all restrictions or adjustments to classifications related to sexuality or chosen gender of people. Specifically a same sex kiss should be treated exactly the same as a mixed girl sex, specifically a boy-boy kiss in a film should be treated exactly the same as a girl-boy kiss. The IMDA should stop discriminating against any content that is homosexual in nature, especially when similar heterosexual content does not. This specifically means any mention of sexuality or homosexuality should be removed from all guidelines and clauses.</p>
13	12 December 2017	<p>i refer to the proposed amendment.</p> <p>23A.—(1) A police officer, or a classification officer or licensing officer, may do all or any of the following for an enforcement purpose: (a) in relation to any premises (whether or not specified in a licence or the subject of a class licence) —</p> <p>(i) to enter and search, without warrant, the premises, and to search any equipment, vehicle or other thing at the premises;</p> <p>(iii) to detain any individual found within those premises until the search of the premises is complete;</p> <p>Potential abuse of power / corruption as too much empowerment is individualized. seems like the proposed amendment is empowering alot of individuals.</p> <p>eg on pretext of search without warrant / detain any individual ... this one example</p>

		<p><a href="http://www.todayonline.com/singapore/police-nsf-jailed-18-years-15-strokes-cane-teen-rape-extortion">http://www. todayonline.com/singapore/police-nsf-jailed-18-years-15-strokes-cane-teen-rape-extortion</a> [hyperlink removed]</p> <p>Recommendation  IMDA classification / licensing officer can only do so with a similar warrant issued by specific IMDA authority eg, Director of specific Operations or commissioner / deputy commissioner level staff.</p> <p>if there is no intention of individual enforcement, there is no reason why prior approval is sought in form of similar warrant. However if this eventually goes thru, hope IMDA gives sufficient education on whoever have the rights of search / detain. and how to check on authenticity of officer, by calling police or imda hotline to double check</p>
14	12 December 2017	<p>I have certain concerns to raise about the proposed amendments in the Film Act, (F)-2.31 to enhance IMDA's investigation and enforcement powers to:</p> <p>"(a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</p> <p>(b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;</p> <p>(c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner; and.. "</p> <p>There are three issues with this.</p> <p>First,</p> <p>IMDA staff do not undergo the necessary training relative to Police officers to enter and inspect premises. They are not trained to make threat assessments. They are not trained in breaching and entry. They have not gone through the necessary physical or self-defence training, and are not armed to defend themselves if the need arises, no matter how unlikely. To implement this would be placing untrained public officers in harm's way and is extremely risky.</p> <p>Second,</p>



		<p>IMDA staff are not uniformed personnel. They do not hold the same amount of authority, whether on a legal level, or on a visual level. The amount of faith and compliance the public will give to non-uniformed personnel is demonstrably less when carrying out an action which traditionally has been the domain of uniformed officers.</p> <p>Third,</p> <p>IMDA staff do not go through the same stringent security vetting that uniformed personnel in the Police force do. To empower them with unchecked authority to enter virtually any premise and request virtually any form of documents and information from any person under very loose language is to put our public at risk. One rogue IMDA staff member who slips through IMDA's recruitment process could carry out wide-scale abuse of his powers very simply by searching and entering any private premise and demanding any item he wants, which may result in financial benefit to himself. These broad powers of request and disposal are beyond the powers of a regular police officer, and is too risky to give to untrained, unvetted operatives who have not gone through the same standards of what the Police Force has.</p>
15	12 December 2017	<p>I refer to Section F, ss 2.3.0, and 2.3.1 (b) of the Proposed Amendments to the Films Act, calling for powers of arrest, and seizure to be extended to IMDA staff.</p> <p>However well intended this move may appear based on internal considerations, it is deeply troubling that an agency that is not within the realm of law enforcement should see itself fit to wield powers which in all mature societies, are only extended to police agencies.</p> <p>There are compelling reasons why only highly-trained, specialized, and dedicated individuals are permitted such powers, and not other branches of the civil service. To attempt to duplicate such training is likely to be inadequate, and more likely than not, may result in a deterioration of public faith in, and cooperation with the IMDA should incidents arise from letting poorly-trained substitutes for the police attempt to enforce the law. The division of labour is a fundamental organizing principle of economic efficiency which many governments have ignored to their ultimate peril.</p> <p>Your staff are ultimately members of the public, employed by tax dollars - and known to the communities in which they live. Should any incidents arise from permitting IMDA staff - who will always be lesser trained in law enforcement than the SPF - to arrest and seize property, you will have on your hand consequences graver than foreseen in this proposal. For reasons explained above, this will likely only be a matter of when, and not if.</p>

		Let law enforcement remain where it should be, and let the respective branches civil service stay within their specialized boundaries where they are most efficient.
16	13 December 2017	The proposed amendments are a gross violation of individual privacy and rights. Allowing officers to search one's premises without a warrant will lead to unwarranted searches and invasions of privacy. I do not know who came up with this idea because search warrants exist for a reason. If officers truly believe, and have sufficient evidence to prove so, that an individual has restricted items, getting a warrant would not be difficult. Please do not go through with this amendment. Thank you.
17	13 December 2017	<p>I refer to IMDA's proposed amendment in Para 2.31B of the Public Consultation Paper dated 4 December 2017.</p> <p>I suggest that the police should still be required to be involved in situations where there is a need to enter a premise for search and seizure. The police are publicly recognized by their uniform and the warrant card that they carry while on duty. IMDA officers who attempt to enter a premise cannot be effectively differentiated from an imposter, unlike police officers. As such, misunderstandings can occur when forced entry is attempted by a perceived imposter. This can put both IMDA officers and members of the public in danger.</p> <p>I suggest that powers for IMDA officers to enter and search should not be included in the proposed amendment.</p>
18	13 December 2017	<p>This feedback is in relation to</p> <p><b>Sections 23A and 23B, found on page 45 (line 22) to page 51 (line 2)</b>  <b>Powers of entry, search, etc., for enforcement purpose</b>  <b>23A.—(1) A police officer, or a classification officer or licensing officer, may do all or any of the following for an enforcement purpose:</b>  <b>False information and obstruction of performance of official duties 23B</b></p> <p>Based on the reading of these paragraphs, the proposed amendments (also as summarised in the summary document entitled "PROPOSED AMENDMENTS TO THE FILMS ACT") will grant classification officers and licensing officers with the same powers as a police officer in enforcing the films act.</p> <p>This will create an increase in situations where non-uniformed personnel seek to enter premises for the purposes of enforcing the law. As classification and/or licensing officers are people with whom the public is less acquainted, it is my view that an increase in</p>

		<p>such situations provides opportunities for undesirable elements in our society to dupe and scam less-educated members of public into letting them into their private homes. <b>This is not wise.</b></p> <p>The public is generally unfamiliar with how to identify a "classification officer" and a "licensing officer", whereas it is more commonly known that a policeman must carry his warrant card as identification. How is the public expected to verify a person identifying him or herself as a "classification officer" and a "licensing officer"? Is the public expected to keep track of all these different "officers" who have the right to enter their premises and the means to verify their identity? This situation can create anxiety and confusion, and potentially indirectly allow more opportunities for impersonation of public officers. The potential for abuse by impersonators is real, and given that films in today's era are generally stored on computer equipment, this creates the potential for impersonators to steal computer equipment which can contain significant amounts of personal data as well as be of high monetary value. As it is, there appears to be such activities targeting older folks and less educated folks. <b>It is not wise to create opportunities.</b></p>
19	13 December 2017	No one with any sane reasoning will allow something so egregious and invasive to be part of the law.
20	13 December 2017	<p>Having read through the proposed changes, I object to the Enhancements to IMDA's Investigation and Enforcement Powers as spelt out in Part 2.30</p> <p>The current Films Acts wherein "any Deputy or Assistant Commissioner of Police, Assistant Superintendent of Police or any Censor, Deputy or Assistant Censor or Inspector of Films" serves as a check and balance towards information that is submitted to them of a film which is unlawful/obscene/political in nature. The current enhancement wishes to do away with the check and balance, calling for an increased empowerment for IMDA Officers to enter and inspect without a warrant any premise.</p> <p>Even alleged criminal investigation sites require warrants to enter. With this enhancement, it seems to put IMDA officer above the law of the land, where they are able to empower themselves to conduct searches on site. Where there is a criminal element to the investigation done by IMDA, it cannot be divorced from their cooperation with the Police.</p> <p>Law enforcement agencies are imbued with such powers as much is expected from them in their ability to be Just and to carry out their duties responsibly. To place powers which supercedes that of the law enforcement agencies on another agency and its staff that has little day to day dealings with enforcement and when the current status quo is already publically palatable comes across as a poorly conceived plan and should not be put into the Bill.</p>

21	13 December 2017	<p>I'm writing in to object the amendment made for IMDA's officers to enter our living premises without a search warrant.</p> <p>These unpleasant movement are not welcome in our community Singapore.</p>
22	13 December 2017	<p>As a citizen of this country, I'm extremely concerned about the new proposed laws as stated in Annex F, 2.30 and 2.31.</p> <p>The move to allow the search of private homes without a warrant is extremely worrying, and extremely invasive. And while I'm sure that those in charge will claim to enforce this new law only when there is reason to believe that the house being searched has unlawful films, the matter remains that without a warrant, this is an extremely invasive move.</p> <p>Now, I'm not sure who among you recently read George Orwell's 1984 and decided that this was a good move, but last I checked, citizens in Singapore also have their rights to privacy.</p> <p>That includes presenting a warrant when searching their houses. After all, i don't see the need to get rid of having to get a warrant. If there is enough probable cause to search someone's home, there should be enough probably cause to easily get a warrant.</p>
23	13 December 2017	<p>I refer to the proposed Enhancements to IMDA's Investigation and Enforcement Powers.</p> <p>Under these proposed enhancements, I note that IMDA officer will be allowed exercise necessary enforcement and investigation powers without warrant.</p> <p>To these proposed enhancements, I strongly disagree to such powers being granted to IMDA officers.</p>
24	13 December 2017	<p>IMDA should never have the right to enter private property without a warrant. Please change that part. Thank you.</p>
25	13 December 2017	<p>IMDA should never have the right to enter private property without a warrant.</p> <p>Please change that part.</p>
26	13 December 2017	<p>No government authority should ever have the right to enter private property without a warrant. Please change that part.</p>
27	13 December 2017	<p>Below are my comments as an individual, and they are directed towards the <b><u>Proposed Enhancements to IMDA's Investigation and Enforcement Powers</u></b> in Sections 23 and 23A.</p> <p>I believe that the IMDA's enforcement powers, namely the power to enter premises without a warrant, impinge upon the idea of 'Intellectual Privacy', which in turn harms democratic ideals in Singapore.</p>

'Intellectual privacy', as coined by Professor Neil Richards *[hyperlink removed]*, is the protection from surveillance or interference when we are engaged in the processes of generating ideas - thinking, reading, and speaking with confidantes before our ideas are ready for public consumption.

This protection is important because we mostly don't generate thoughts and ideas by simply working in isolation. We read materials, watch shows, and bounce off ideas with others. Many of our ideas come about from building upon others' works, and by working on them ourselves. Accordingly, we require freedom to access information.

Beyond mere access to information, we're often not ready for such very rough working-through of our ideas to see public light until we're reasonably sure they're somewhat coherent and intelligent. Sometimes, we're even shy to let others know we're reading certain thinkers or writers.

This trepidation is why we trade our half-formed notions with people we trust first, and experiment on our arguments with confidantes. Sometimes these ideas are bad and we scrap them, other times we improve on them and they become real gems.

These ideas are not limited merely to creative works or scientific ideas, but also to politics, to government, and to criticism of policies which affect our everyday life.

We require privacy to engage in these individual and social processes to develop mature ideas. The fear of being policed in our own private thoughts and speech chills democratic involvement, and is Orwellian. The knowledge that we are being observed or that our private thoughts are not safe causes us to self-censure, and enforces conformity in thought.

Freedom to explore thoughts and ideas are intrinsic to democratic self-government, but we cannot effectively debate, criticise, and vote if we're told what to think. This is why we have freedom of speech as a constitutionally-protected right in Singapore: because it is essential to a well-functioning democracy.

Accordingly, a threat to such intellectual privacy is a threat to democracy, and we should be wary of expanding powers that so threaten intellectual privacy and hence democracy.

Richards of course argues this much better, and I attach a scanned excerpt of his book here *[hyperlink removed]*, which talks about this point. It is noted that Professor Richards argues from an American point-of-view, and in Singapore, we have different notions and limits on freedom of speech and what is allowable. However, the point that privacy in the confines of one's home to read and learn what he would is intrinsic to democratic functions still endures and is applicable here.

Currently, the Films Act provides IMDA and Police with powers to enter premises without warrant to search for and seize unlawful films, but only if any Deputy or Assistant Commissioner of Police, Assistant Superintendent of Police or any Censor, Deputy or Assistant Censor or Inspector of Films, if satisfied upon written information and after such further inquiry as he thinks necessary, that any person has in his possession any obscene film or party political film, authorises it.

However, for other breaches of the Films Act, such as the distribution or public exhibition of unclassified films, such powers are vested with the Police who assist IMDA with enforcement and investigations.

The revisions to IMDA's investigative powers seeks to extend their powers to allow for their officers to enter - without warrant - for distribution or public exhibition of unclassified films.

I argue that even in its current state, the Films Act goes too far, and the revision threatens to further remove the notion of privacy and security we currently have regarding our own homes, and this may in turn restrict what we allow ourselves to read or watch.

I think this threat is inimical to the freedom of thought and speech necessary for a properly-functioning democracy, and I believe more constraints, not less, should be placed on IMDA.

Hence, I propose three possible revisions:

**(1) Require a warrant for all entry of private individuals' or entities' premises.**

The requirement of a warrant is an internationally-recognised safeguard against overreaches of power, in many different areas of law and policy. In Singapore where separation of powers vest such safeguards in the Judiciary, we should entrust our Judiciary to act as such guardians of basic constitutional rights - herein, our constitutional right to free speech.

By having a requirement of a warrant for all entry of private individuals' or entities' premises, IMDA and the police still retain the ability to enter the private individual or entity's premises if the court is satisfied that such action is called for. I believe such a move not only helps safeguard intellectual privacy and hence democracy, but also allows for greater public confidence in our public bodies. It further reflects far-sightedness of our government to safeguard individual liberties and constitutionally-protected rights against possible future rogue governments.

Concerns of lack of efficiency or timeliness should not supplant far more fundamental rights and notions which are necessary for a well-functioning democracy.

		<p><b>(2) Require that the power for all entry into premises without warrant for breaches of the Films Act be vested with the Police and not the IMDA, and that it is for the Police to assist the IMDA with enforcement and investigations.</b></p> <p>If the requirement of a warrant is too onerous a burden for IMDA and the Police, then working on the idea of separation of powers, the IMDA should not possess unilateral ability to enter premises at will.</p> <p>Rather, by having the Police act as a check and balance on this heavy power to enter premises without a warrant, we ensure a minimum safeguard for intellectual privacy.</p> <p><b>(3) Stick with the present requirement where, for breaches of the Films Act such as the distribution or public exhibition of unclassified films, such powers are vested with the Police who assist IMDA with enforcement and investigations.</b></p> <p>This builds on the above idea that a minimum safeguard should be had where there is some form of check and balance, to ensure the protection of intellectual privacy.</p> <p>Sticking with the present requirements ensures that the scope of IMDA's powers are not overly-broadened, and provides us a small first step towards the general direction of requiring greater judicial oversight where public bodies can potentially impinge on democratic ideals.</p>
28	13 December 2017	IMDA should never have the right to enter private property without a warrant. Please change that part.
29	13 December 2017	IMDA should never have the right to enter private property without a warrant. Please change that part. Thank you.
30	13 December 2017	I do not support the proposed amendments to the Films Act allowing IMDA to enter a premises without a warrant.
31	13 December 2017	<p>I am writing in response to IMDA's public consultation on proposed amendments to the Films Act.</p> <p>In particular, I would like to comment on section 23A(1)(a)(i). I am extremely concerned that this provision empowers officers to enter and search any premises "without warrant". I would like to propose that the phrase "without warrant" be removed.</p> <p>I believe that any decision to enter and search any premises should be accompanied by a warrant. I understand that in certain time-sensitive situations, such as in the event of a threat to national security, obtaining a warrant may be infeasible. However, in</p>

		<p>this case, I do not believe that the nature of the offence is sufficiently severe such as to justify entry and inspection without a warrant.</p>
32	13 December 2017	<p>I am writing to comment on the amendments proposed in the IMDA-authored document titled "Proposed Amendments to The Films Act Public Consultation", dated 4 December 2017. Specifically, I am responding to Part 2F, paragraphs 2.31(a) and 2.31(b), which respectively state:</p> <p>"2.31 (a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</p> <p>2.31 (b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;"</p> <p>I am concerned with these proposed revisions because they threaten intellectual privacy and, in turn, democracy.</p> <p>"Intellectual privacy" is the protection from surveillance or interference when we, the public, are engaged in the processes of generating ideas—thinking, reading, and speaking with confidantes before our ideas are ready for public consumption.</p> <p>This protection is important because we mostly don't generate thoughts and ideas by simply working in isolation. We read materials, watch shows, and bounce off ideas with others. Many of our ideas come about from building upon others' works, and by working on them ourselves.</p> <p>Accordingly, we require freedom to access information.</p> <p>Beyond mere access to information, we're often not ready for such preliminary drafts of our ideas to see public light until we're reasonably sure they're somewhat coherent and intelligent. Sometimes, we're even shy to let others know we're reading certain thinkers or writers.</p> <p>This trepidation is why we trade our half-formed notions with people we trust first, and experiment on our arguments with confidantes. Sometimes these ideas are bad and we scrap them, other times we improve on them and they become real gems.</p> <p>These ideas are not limited merely to creative works or scientific ideas, but also to politics, to government, and to criticism of policies that affect our everyday life.</p>



		<p>We require privacy to engage in these individual and social processes to develop mature ideas. The fear of being policed in our own private thoughts and speech chills democratic involvement, and is Orwellian. The knowledge that we are being observed or that our private thoughts are not safe causes us to self-censure, and enforces conformity in thought.</p> <p>Freedom to explore thoughts and ideas are intrinsic to democratic self-government, but we cannot effectively debate, criticise, and vote if we're told what to think.</p> <p>Accordingly, a threat to such intellectual privacy is a threat to democracy.</p> <p>The revisions to IMDA's investigative powers allows for them to go after licensees under the Films Act without need for a warrant. This means that they do not require oversight from the courts to ensure that what they're doing is proportionate to the potential offence, or if it's even desirable.</p> <p>What this means is that IMDA, traditionally a censor-board, can enter citizens' houses and seize what they think infringes on the Film Act (which extends to political matter)—all without need for judicial oversight.</p> <p>If so, then what the revision threatens to do is to remove the notion of privacy and security we currently have regarding our own homes, and this may in turn restrict what we allow ourselves to read or watch.</p> <p>I think this threat is inimical to the freedom of thought and speech necessary for a properly-functioning democracy. I urge IMDA to reconsider the enhancements to IMDA's investigation and enforcement powers, especially the powers laid out in Part 2F, 2.31(b). Such powers must be checked by judicial oversight.</p>
33	13 December 2017	<p>I strongly urge IMDA to reconsider taking over the powers of the Police in searching the premises of individuals for violation of the FA without a warrant.</p> <p>This is draconian and has no place in our country and certainly not one aspiring to be a SMART nation.</p>
34	13 December 2017	<p>I oppose the proposed amendments to the Film Act denoted (a), (b) and (c) in section 2.31 of the document released for public consultation on 4 Dec 2017, which are ostensibly (and loosely) justified on grounds of 'national security' and stemming the 'spreading of hate or foreign influence'.</p>

		<p>These might well be valid considerations (even though they have not as such been properly explicated). Even so, they would not justify the expansion of the IMDA's powers to arbitrarily search and seize private information.</p> <p>I do not propose 'alternatives', given that the mentioned amendments do not appear necessary under reasonable current assumptions about our 'security needs'.</p>
35	13 December 2017	<p>With reference to the proposed amendments to the Films Act, I have the following comments and suggestions:</p> <p><u>i) Proposed amendments 2.31 (a),(b) provide excessively broad powers to IMDA when compared to current Films Act s34 (1)</u></p> <p>Proposed amendments 2.31 (a), (b) practically allow IMDA officers to enter any premises, <b>without warrant</b>, and to search, possibly seize personal possessions or possibly conduct body searches, or conduct any other intrusive action in the name of inspection. Even under the current Films Act s34 (1), the entering of premises without warrant is only allowed if the following conditions are met: - only Deputy or Assistant Commissioner of Police etc can make the call, and he/they have to be satisfied that there is due cause to suspect that there was a breach. To enter, search and seize without warrant is a very broad power that should be used very carefully, decided upon by senior enough personnel with the appropriate expertise and authority, and for criminal acts of a certain severity. For the latter, suspected offences such as possessing unclassified or obscene film seem inappropriate to necessitate giving civilian officers from IMDA powers broader than that of the Police enforcing the current Films Act. There is also the likelihood of abuse or prank behaviour by individuals making false reports to IMDA - without the due process of getting a warrant, there is a higher chance of IMDA officers being activated to conduct searches without warrant for such false reports.</p> <p><u>ii) No indication that IMDA is equipped to fully handle enforcement and investigation in a manner that is as competent and cost effective as the Police</u></p> <p>There is no clear explanation why IMDA, instead of the Police as per the current legal framework, should be vested with the authority to enforce and investigate breaches under the Films Act. Enforcement and investigation require training, the appropriate skill sets, and experience. There is no indication that IMDA is equipped to develop and maintain a team of trained personnel capable of doing so. Even if IMDA undertakes to equip itself adequately, the next question would be if that is a prudent use of public money. Surely it would be more cost effective for the Police, given it's expertise and resources, to train and allocate personnel to deal with breaches under the Films Act.</p> <p><u>iii) Suggestions</u></p>

		<p>If IMDA persists in increasing its investigation and enforcement powers, then there has to be a rigorous framework and operating procedure so as to instill confidence in the public:</p> <p>a) Firstly, there should be proper training and examination for the IMDA personnel, including the officers actually conducting the investigation or enforcement as well as their those in the decision making position for such actions, that is as rigorous as that of the Police.</p> <p>b) For entering and inspection of premises, the conditions should be at least as stringent as the current Films Act, and these should be detailed in the proposed amendments.</p> <p>c) Also, a warrant or a legal equivalent issued by an appropriate officer, such as a Censor, Deputy or Assistant Censor or Inspector Films, should be obtained so that the affected parties know for certain that the IMDA officers are acting appropriately under the Films Act and that IMDA had deliberated and decided that there is reasonable cause to suspect a breach.</p>
36	13 December 2017	<p>I would like to provide feedback to the proposed amendments to the Films Act in my personal capacity.</p> <p>2. While it is heartening to see IMDA reviewing the regulations, I am of the view that the proposed amendments are insufficient.</p> <p>3. Some of the most popular game titles in Singapore today reaching millions of youths and minors like Clash Royale, League of Legends, DOTA 2, Mobile Legends Bang Bang, Arena of Valor, Vainglory, etc. do not currently fall under your classification as they are distributed online or via mobile app stores.</p> <p>4. Yet some of these titles have what I consider matured content and even possibly groom our minors for gambling with loot boxes and skins betting. I will be happy to provide more specifics if required.</p> <p>5. These titles should not be excluded from the classification. And the classification should look specifically at not just the sexual nature of the content but if the games are grooming our minors in the area of gambling i.e. skins betting.</p> <p>6. I hope this will be looked into urgently to protect our minors.</p>
37	13 December 2017	<p>Pls register my suggestion to remove Part F, 2.31, (b) as I strongly believe it would lead to more problems created rather than solved.</p> <p>Let these powers instead remain for those who ensure our general and national security.</p>

38	13 December 2017	<p>I am writing to comment on the amendments proposed in the IMDA-authored document titled "Proposed Amendments to The Films Act Public Consultation", dated 4 December 2017. Specifically, I am responding to Part 2F, paragraphs 2.31(a) and 2.31(b), which respectively state:</p> <p>"2.31 (a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</p> <p>2.31 (b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;"</p> <p>I am concerned with these proposed revisions because they threaten intellectual privacy and, in turn, democracy.</p> <p>"Intellectual privacy" is the protection from surveillance or interference when we, the public, are engaged in the processes of generating ideas—thinking, reading, and speaking with confidantes before our ideas are ready for public consumption.</p> <p>This protection is important because we mostly don't generate thoughts and ideas by simply working in isolation. We read materials, watch shows, and bounce off ideas with others. Many of our ideas come about from building upon others' works, and by working on them ourselves.</p> <p>Accordingly, we require freedom to access information.</p> <p>Beyond mere access to information, we're often not ready for such preliminary drafts of our ideas to see public light until we're reasonably sure they're somewhat coherent and intelligent. Sometimes, we're even shy to let others know we're reading certain thinkers or writers.</p> <p>This trepidation is why we trade our half-formed notions with people we trust first, and experiment on our arguments with confidantes. Sometimes these ideas are bad and we scrap them, other times we improve on them and they become real gems.</p> <p>These ideas are not limited merely to creative works or scientific ideas, but also to politics, to government, and to criticism of policies that affect our everyday life.</p>
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I am concerned with these proposed revisions because they threaten intellectual privacy and, in turn, democracy.

"Intellectual privacy" is the protection from surveillance or interference when we, the public, are engaged in the processes of generating ideas—thinking, reading, and speaking with confidantes before our ideas are ready for public consumption.

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		<p>What this means is that IMDA, traditionally a censor-board, can enter citizens' houses and seize what they think infringes on the Film Act (which extends to political matter)—all without need for judicial oversight.</p> <p>If so, then what the revision threatens to do is to remove the notion of privacy and security we currently have regarding our own homes, and this may in turn restrict what we allow ourselves to read or watch.</p> <p>I think this threat is inimical to the freedom of thought and speech necessary for a properly-functioning democracy. I urge IMDA to reconsider the enhancements to IMDA's investigation and enforcement powers, especially the powers laid out in Part 2F, 2.31(a) and 2.31(b). Such powers must be checked by judicial oversight.</p>
40	14 December 2017	<p>I am writing to comment on the amendments proposed in the IMDA-authored document titled "Proposed Amendments to The Films Act Public Consultation", dated 4 December 2017. Specifically, I am responding to Part 2F, paragraphs 2.31(a) and 2.31(b), which respectively state:</p> <p style="padding-left: 40px;">"2.31 (a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</p> <p style="padding-left: 40px;">2.31 (b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;"</p> <p>I am concerned with these proposed revisions because they threaten intellectual privacy and, in turn, democracy.</p> <p>"Intellectual privacy" is the protection from surveillance or interference when we, the public, are engaged in the processes of generating ideas—thinking, reading, and speaking with confidantes before our ideas are ready for public consumption.</p> <p>This protection is important because we mostly don't generate thoughts and ideas by simply working in isolation. We read materials, watch shows, and bounce off ideas with others. Many of our ideas come about from building upon others' works, and by working on them ourselves.</p> <p>Accordingly, we require freedom to access information.</p>

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If so, then what the revision threatens to do is to remove the notion of privacy and security we currently have regarding our own homes, and this may in turn restrict what we allow ourselves to read or watch.

I think this threat is inimical to the freedom of thought and speech necessary for a properly-functioning democracy. I urge IMDA to reconsider the enhancements to IMDA's investigation and enforcement powers, especially the powers laid out in Part 2F, 2.31(a) and 2.31(b). Such powers must be checked by judicial oversight.



41	14 December 2017	<p><b>2.5</b></p> <p>“Film festivals are generally targeted at niche audiences and their subject matter and depictions may be more challenging than mainstream films. Hence, IMDA will continue to classify these films directly to maintain a balance between artistic expression and the comfort level of our society.”</p> <p><b>Since it is for a <u>niche</u> audience who already know what they are getting into, why does MDA need to step in, and with ‘comfort level of our society’ as a gauge?</b></p> <p><b>Also, who determines the ‘comfort level of our society’, especially since each film to be classified is new and unseen by 99.99% the public? Public opinions also shift, and quite quickly these days. How do we know if the assessors truly represent the public?</b></p> <p><b><u>Suggestion:</u></b>  <b>Why not just have a ‘Niche/Unrated’ rating so the people who thinks rating are important can choose not to go?</b></p> <p><b>2.8</b></p> <p>“With film content assessors having classification powers, the Films Act will be amended to allow IMDA to call in any classified film or video for re-classification, and to re-classify it or revoke its previous classification.”</p> <p><b>So even after the arduous process of classification, IMDA is now allowed to freely backtrack on its decision? How does that bring confidence to filmmakers or even the public at large?</b></p> <p><b><u>Suggestion:</u></b>  <b>Once rated by IMDA, IMDA should not be able to change the rating for 60-90 days so as to not disrupt operations, which can be costly.</b></p> <p><b>2.21</b></p> <p>“In keeping with the intent of focusing our regulatory efforts on the distribution and public exhibition of films, MCI/IMDA propose to narrow the classification scope so that only films intended for distribution and public exhibition need to be classified. However, for films containing content that is against the public interest, IMDA will have the power to require any film to be submitted for classification.”</p>
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Good to see that privately consumed films need not be classified by BFC (else every one would have to keep sending Netflix shows before watching).

However, that last sentence in 2.21 doesn't make sense. If a film fest organiser brought a film into Singapore, and does not know whether it is 'against public interest', how would he know what to do, and how would IMDA know whether it is against public interest if it is as yet classified?

Suggestion:

We can randomly invite citizens aged 21 and above (limit at retirement age) to be part of the classification screening instead. Those who have previewed the show should be excluded for the next 60-90 days. The citizen-assessors can make use of the current film classification guide but ultimately recommend their personal classification for the show. This will be more reflective of public sentiment compared to a singularly nominated group who will have their collective biases.

**2.31b**

"MCI/IMDA propose to enhance IMDA's investigation and enforcement powers to: (a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions; (b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises; (c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner ; and (d) Provide for the composition of offences."

**2.31 (b) is too heavy-handed. Even for the Police, the power to search and seize without warrant is normally reserved for theft or fraud.**

Furthermore, the power includes the ability to discard any material that even contains advertisement of said film. The wording is also worrying. If the ad for the film appears on my Facebook app while I am scrolling past it, my phone will still be up for confiscation, even if I am not the originator of the ad.

This blanket enforcement power worded in 2.31 (c) also allows IMDA to destroy evidence, without regards to whether or not it actually breached any OB markers. Why is equipment, being neutral, included?

		<p>How long must the items be unclaimed before it is disposed of? How long will it be disposed? What if the filmmaker is deliberately jailed and thus unable to collect the items? And since IMDA can retract its ratings at will (2.8), what happens when the master copy is destroyed but the film goes on to win international accolades?</p> <p>On the other hand, what is to stop filmmakers from keeping a backup outside of Singapore and distribution via digital channels?</p> <p><b>Suggestion:</b>  <b>Handle the investigation like any normal investigation, with official warrants required. Issue a takedown of the ads through the media companies that are hosting it if needed. Be fair before being firm.</b></p>
42	14 December 2017	<p>I would like to comment on section (E-2), "<b>Changes to the Films Appeal Committee Composition</b>". Specifically, I would like to voice my <b>opposition</b> to the administrative change to allow the Minister to <b>determine the period of FAC members' appointments</b>, from the current fixed term of 3 years. This is because this will introduce too much flexibility and power into the Minister as he/she would be able to appoint someone to the FAC for an overly long period (for instance, 10 years), or on the other hand for an unreasonably short period (for instance, 6 months). This creates the opportunity for the Minister to shape the composition of the FAC, for instance, by appointing a member who tends to dismiss appeals to IMDA's decisions for a long term, and by appointing a member who tends to reverse IMDA's decisions for a short term. Even more dangerous, it <i>creates the impression</i> (whether rightly or wrongly so) that such a thing might happen. I strongly feel that this proposed flexibility in the term of newly appointed FAC members will erode the public trust in the FAC as an independent panel to hear appeals on IMDA's decisions. As such, I suggest that the current fixed 3-year term be kept in the Films Act.</p> <p>Secondly, I would like to <b>vehemently oppose</b> the proposed changes in section (F), "<b>Enhancements to IMDA's Investigation and Enforcement Powers</b>". I strongly oppose <b>all proposed changes in Para. 2.31</b>. The power to enter and inspect any premises without warrant, request documents and information, dispose of films, equipment, or materials that are seized, etc., should only be reserved for the Police. It is inequitable and unjust for a statutory board such as IMDA to possess the investigative and enforcement powers of the Police force. I suggest that all the proposed changes to the investigation and enforcement powers of the IMDA be removed.</p>
43	14 December 2017	<p>No doubt IMDA means well, but these means are not justified.</p> <p>It is unconscionable and unjust for IMDA staff have the power to literally break into anyone's home (without a warrant) and seize their laptop, phone or hard drives simply because they suspect that the person might have material that is in breach of the Films Act?</p>

		I had hoped that we were becoming more civilised; this unfettered power is frightening because it can be so easily abused. Surely the least IMDA can do is to obtain a warrant in order to search the home.
44	14 December 2017	<p>I do not acknowledge nor agree that the IMDA should have the authority to enter any premises without warrant nor to seize any items or materials without proof or warrant.</p> <p>Such proposals are not suited for a country which relies on merit and due diligence to achieve it's peace and harmony.</p>
45	14 December 2017	<p>I am writing to comment on the amendments proposed in the IMDA-authored document titled "Proposed Amendments to The Films Act Public Consultation", dated 4 December 2017. Specifically, I am responding to Part 2F, paragraphs 2.31(a) and 2.31(b), which respectively state:</p> <p style="padding-left: 40px;">"2.31 (a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</p> <p style="padding-left: 40px;">2.31 (b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;"</p> <p>I am concerned with these proposed revisions because they threaten intellectual privacy and, in turn, democracy.</p> <p>"Intellectual privacy" is the protection from surveillance or interference when we, the public, are engaged in the processes of generating ideas—thinking, reading, and speaking with confidantes before our ideas are ready for public consumption.</p> <p>This protection is important because we mostly don't generate thoughts and ideas by simply working in isolation. We read materials, watch shows, and bounce off ideas with others. Many of our ideas come about from building upon others' works, and by working on them ourselves.</p> <p>Accordingly, we require freedom to access information.</p> <p>Beyond mere access to information, we're often not ready for such preliminary drafts of our ideas to see public light until we're reasonably sure they're somewhat coherent and intelligent. Sometimes, we're even shy to let others know we're reading certain thinkers or writers.</p>

		<p>This trepidation is why we trade our half-formed notions with people we trust first, and experiment on our arguments with confidantes. Sometimes these ideas are bad and we scrap them, other times we improve on them and they become real gems.</p> <p>These ideas are not limited merely to creative works or scientific ideas, but also to politics, to government, and to criticism of policies that affect our everyday life.</p> <p>We require privacy to engage in these individual and social processes to develop mature ideas. The fear of being policed in our own private thoughts and speech chills democratic involvement, and is Orwellian. The knowledge that we are being observed or that our private thoughts are not safe causes us to self-censure, and enforces conformity in thought.</p> <p>Freedom to explore thoughts and ideas are intrinsic to democratic self-government, but we cannot effectively debate, criticise, and vote if we're told what to think.</p> <p>Accordingly, a threat to such intellectual privacy is a threat to democracy.</p> <p>The revisions to IMDA's investigative powers allows for them to go after licensees under the Films Act without need for a warrant. This means that they do not require oversight from the courts to ensure that what they're doing is proportionate to the potential offence, or if it's even desirable.</p> <p>What this means is that IMDA, traditionally a censor-board, can enter citizens' houses and seize what they think infringes on the Film Act (which extends to political matter)—all without need for judicial oversight.</p> <p>If so, then what the revision threatens to do is to remove the notion of privacy and security we currently have regarding our own homes, and this may in turn restrict what we allow ourselves to read or watch.</p> <p>I think this threat is inimical to the freedom of thought and speech necessary for a properly-functioning democracy. I urge IMDA to reconsider the enhancements to IMDA's investigation and enforcement powers, especially the powers laid out in Part 2F, 2.31(a) and 2.31(b). Such powers must be checked by judicial oversight.</p>
46	15 December 2017	<p>1. Concerns</p> <p>My concerns to the proposed amendments is the repeal of section 23 and addition of new section 23A, in particular:</p>

a. Proposed Section 23A (1) - lowering the seniority of the empowered police officer from that of "..Deputy or an Assistant Commissioner of Police or an Assistant Superintendent of Police.." to "..police officer.." which suggests any police officer regardless of rank

b. Proposed Section 23A (1)(a)(ii), (v) & (vi) - such powers that toes the line between "enforcement purpose" and infringement of individual's right and privacy should not be vested upon any police officer, or a classification officer or licensing officer without warrant.

## 2. Comments

Concern (1a) - Existing Films Act Section 23 and 34 states very clearly the rank of the police officer to which powers are given. The added sections does not describe this and simply states "police officer" without further definition. In many of Singapore's legislation, police officers of specific ranks are empowered by the law in accordance to the severity of the offence. Search or arrest without warrant is usually for serious crimes where life or property is of grave concern and even if necessary, should be conducted or delegated by officer of senior rank in which the current Act aptly details.

Concern (1b) - The proposed introduction of 23A (1)(a)(ii), (v) & (vi) in my opinion is unnecessary as similar powers required for enforcement/investigation are already granted under existing Act section 34 and proposed amendments under section 23. The a/m new sections also toe the line between infringement of individual's right and privacy and opens more possibilities in the case of abuse because:

i. lowering the bar in which any police officer is vested with the powers through the a/m new sections;

ii. the powers to inspect and seize is being extended to anything related to the Act or otherwise, beyond just any film, advertisement or equipment related to the production of the unlawful film

iii. the lack of safeguards for abuse such as those stated under existing section 34(1) "...if satisfied upon written information and after such further inquiry..". The definition of "enforcement purpose" where "..reasonable cause to believe that evidence of the commission of the offence can be found on those premises;" just doesn't bring the same effect of serving as a guideline for execution and the prevention of its abuse.

## 3. Recommendations

a. Preserve the definition of the ranks of police officers where related according/with reference from existing Act.

b. Removal of a/m new sections or refine with more specifics in the conditions for their execution together with previous recommendation.

IMDA's focus should be on the regulation and enforcement of unlawful films that may bring undesirable impact to the social fabric of the nation. I understand the positive intentions of the proposed changes and the efficiency it brings IMDA and it's officers.

		<p>But the a/m new sections gives overarching powers with the lack of definitions and cases to ensure rights and privacy of it's citizens &amp; residents are protected from any possible abuse while maintaining operational effectiveness for IMDA. Unlawful films or content also do not create immediate danger to any life or property hence does not require seizure without warrants. If those new sections are targeted primarily for prevention of radicalisation or anti-terrorism, those should be spelled under other anti-terrorism or related Acts instead.</p>
47	15 December 2017	<p><b>(A) Formalisation of the Co-Classification Scheme</b></p> <p>3 In many cases, films released in cinemas have different classification from films of the same title but released in physical medium (e.g. DVDs). IMDA should still take active steps the <u>classification of the re-released version</u>, otherwise there is a possibility that registered film content assessors will simply apply the same classification.</p> <p>4 MCI/IMDA should set out clearly the <u>eligibility criteria</u> to be a registered film content assessor, apart from completing the required training, as well as possibly introduce a probationary period where films co-classified by newly registered film content assessors still have to be submitted to IMDA for classification.</p> <p>5 For films which are co-classified, there should be a <u>reasonable time limit</u> where IMDA can re-classify. Beyond this time limit, IMDA will then have to seek leave from the Courts to allow re-classification.</p> <p>6 For films previously classified by IMDA, IMDA should <u>only be allowed to re-classify at an equivalent or 'lower' classification</u>, e.g a NC16 film now classified should not be allowed to be re-classified into M18 in future, under the proposed re-classification extended provisons.</p> <p><b>(B) Introduction of Video Games Class Licence</b></p> <p>7 MCI/IMDA should mandate wholesale distributors to clearly provide a copy of the issued classification certificates to retailers. <u>Retailers should not be penalised unnecessarily.</u></p> <p><b>(D) Changes to the Films Classification Scope</b></p> <p>8 IMDA should not have the power to require any film containing content that is purportedly against public interest to be submitted for classification, <u>so long as the film is not intended for distribution or public exhibition</u>. Or, in the alternate, MCI/IMDA</p>

		<p>needs to provide an avenue where individuals and private citizens can submit an appeal easily, i.e. without lengthy and overly bureaucratic procedures.</p> <p><b>(E) Amendments to Appeals against IMDA’s Decisions under the Films Act</b></p> <p>9 FAC and the Minister should be required to <u>publish publicly any judgements issued</u>, similar to the Personal Data Protection Commission.</p> <p><b>(F) Enhancements to IMDA’s Investigation and Enforcement Powers</b></p> <p>10 <u>I am gravely concerned and disturbed</u> by the proposal in paragraph 2.31 section b. MCI/IMDA should <b>NOT</b> be allowed to enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises.</p> <p>11 While other agencies such as the National Environment Agency (NEA) has such powers to enter premises without warrant, such agencies deal with matters of higher priority than that of IMDA, <u>in NEA's instance it is the issue of public health which concern human lives</u>.</p> <p>12 The right to enter premises without warrant should remain vested in the Police. <u>MCI/IMDA is overstepping its judicial authority</u> by attempting to give itself powers that should only belong to the Police, and sets a dangerous and unpalatable precedence for its citizens. In the case of the Films Act, there is <u>no immediate threat</u> to public safety, health or order, in the time taken for MCI/IMDA to procure a warrant.</p> <p>13 <u>It is an extremely dangerous step for the government to allow an increasing number of agencies to enter premises without warrant</u>. The danger in doing so is that the public will no longer be able to keep track of the agencies that are allowed to enter premises without warrant.</p>
48	15 December 2017	<p>I am writing to comment on the amendments proposed in the IMDA-authored document titled "Proposed Amendments to The Films Act Public Consultation", dated 4 December 2017. Specifically, I am responding to Part 2F, paragraphs 2.31(a) and 2.31(b), which respectively state:</p> <p style="padding-left: 40px;">"2.31 (a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</p>



2.31 (b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;"

I am concerned with these proposed revisions because they threaten intellectual privacy and, in turn, democracy.

"Intellectual privacy" is the protection from surveillance or interference when we, the public, are engaged in the processes of generating ideas—thinking, reading, and speaking with confidantes before our ideas are ready for public consumption.

This protection is important because we mostly don't generate thoughts and ideas by simply working in isolation. We read materials, watch shows, and bounce off ideas with others. Many of our ideas come about from building upon others' works, and by working on them ourselves.

Accordingly, we require freedom to access information.

Beyond mere access to information, we're often not ready for such preliminary drafts of our ideas to see public light until we're reasonably sure they're somewhat coherent and intelligent. Sometimes, we're even shy to let others know we're reading certain thinkers or writers.

This trepidation is why we trade our half-formed notions with people we trust first, and experiment on our arguments with confidantes. Sometimes these ideas are bad and we scrap them, other times we improve on them and they become real gems.

These ideas are not limited merely to creative works or scientific ideas, but also to politics, to government, and to criticism of policies that affect our everyday life.

We require privacy to engage in these individual and social processes to develop mature ideas. The fear of being policed in our own private thoughts and speech chills democratic involvement, and is Orwellian. The knowledge that we are being observed or that our private thoughts are not safe causes us to self-censure, and enforces conformity in thought.

Freedom to explore thoughts and ideas are intrinsic to democratic self-government, but we cannot effectively debate, criticise, and vote if we're told what to think.

Accordingly, a threat to such intellectual privacy is a threat to democracy.

		<p>The revisions to IMDA's investigative powers allows for them to go after licensees under the Films Act without need for a warrant. This means that they do not require oversight from the courts to ensure that what they're doing is proportionate to the potential offence, or if it's even desirable.</p> <p>What this means is that IMDA, traditionally a censor-board, can enter citizens' houses and seize what they think infringes on the Film Act (which extends to political matter)—all without need for judicial oversight.</p> <p>If so, then what the revision threatens to do is to remove the notion of privacy and security we currently have regarding our own homes, and this may in turn restrict what we allow ourselves to read or watch.</p> <p>I think this threat is inimical to the freedom of thought and speech necessary for a properly-functioning democracy. I urge IMDA to reconsider the enhancements to IMDA's investigation and enforcement powers, especially the powers laid out in Part 2F, 2.31(a) and 2.31(b). Such powers must be checked by judicial oversight.</p>
49	15 December 2017	<p><u>Question 1</u>  Para 2.23 states, “The Films Act will also be amended for appeals against IMDA’s decisions refusing classification for films that <b>undermine national security</b>... <b>Very few films</b> have been disallowed in recent years, but we need to be vigilant and have a range of levers to ensure that films with such content are not disseminated widely.”</p> <p>Can you kindly list down (i) the “few films” which have been disallowed, (ii) reasons for why they have been disallowed, and (iii) how has this benefited Singapore in terms of national security? Here is my reason for asking: Para 2.23 premises the amendments on national security. I would like to see evidence that IMDA’s current regulatory powers are indeed used for safeguarding national security.</p> <p><u>Question 2</u>  Para 2.30 states, “Today, the Films Act provides IMDA and Police with powers to enter premises without warrant to search for and seize unlawful films. However, <b>for other breaches of the Films Act, such as the distribution or public exhibition of unclassified films</b>, such powers are vested with the Police who assist IMDA with enforcement and investigations.”</p> <p>Can you elaborate on why there is a need to expand the scope of IMDA’s enforcement powers from “unlawful” films to include “unclassified” films? What is the basis for policing unclassified films if they are not unlawful? Can you list instances in the past where national security was compromised because of the absence of this legal amendment?</p>

		<p><u>Question 3</u> On para 2.30, should such a power be bestowed upon IMDA, IMDA must be held accountable for publishing information for each exercise of such power, so that the public can be assured that (i) IMDA's exercise of such powers are used on the grounds of protecting national / public interest, and (ii) the exercise of such powers is not used unfairly, intransparently and arbitrarily. This should be reflected in the legal amendment, if it's not yet so.</p> <p><u>Question 4</u> Footnote 3 consists of the phrase, "...any person has in his possession any obscene film or party political film...". Can you explain why political films are considered in the same level as obscene films? Is politics equivalent to pornography in Singapore? If so, why does the law suggest such equivalence? If not, please kindly explain why the Films Act regulates party political films in the same way as it regulates unlawful films.</p>
50	15 December 2017	<p>I refer to the Public Consultation on Proposed Amendments to the Films Act (FA) on 4 December 2017.</p> <p>This is specifically in regards to Section F of the consultation paper, where the proposal to enhance and extend IMDA's investigation and enforcement power to cover all offences of the Films Act, from the current offence regarding unlawful (i.e. obscene and/or party political) films.</p> <p>I disagree with these proposed amendments on the basis of these powers encroach beyond the benefit and concern of the society-at-large and perhaps to an extent, national security.</p> <p>A simplified argument made for the specific offence of unlawful films concerns the distasteful and/or disruptive nature of said films to society and as such, warrants the need for investigation and enforcement by IMDA and the Police, such as to enter and inspect any premises without a warrant and examine the film or any advertisement for such film in said premises. However, to extend these powers and more to cover all offences of the amended Films Act would overstep concerns of the public and would be overzealous of IMDA to do so.</p> <p>I believe that the current powers should remain as they were in regards to offence of unlawful films and not expanded to all offences as in the proposed amendments.</p>
51	15 December 2017	I oppose the proposed amendment in "Section 23A - Powers of entry, search, etc., for enforcement purpose".

		<p>IMDA should not have powers to search and possess your media materials on grounds of suspicion of illegal material, without police and/or a search warrant.</p>
52	15 December 2017	<p><b>Summary of Major Points</b></p> <p>While reading the Film Act and its subsequent amendments proposed, clarity in language is a problem. By referring to what was mentioned in our statements of interests and comments, you may find that the occurrence of asking of clarity comes out more often for the items that what we would be able to suggest.</p> <p>For most parts of our comments and questions, we would hope to see that the Film Act amendments that were proposed could ensure that there is neutrality, unbiased and fairness.</p> <p>That brings us to our thoughts on the items to be commented on for section 2. It brings forth the issues of classification and obviously censorship with regards to the issuing of licenses; regulations of films. What stands out prominently was that many description were broad-brush and generic, hence the comments to have more specificity to the Film Act amendments.</p> <p><b>Statements of Interests</b></p> <p>These are our feedback to each item that are unclear and raises questions.</p> <p><b>2.3</b> Current film classifications definitions do not reflect the criteria and clarity that is what's being used now. It would be suggested that once we have a clear definition of what each rating entails, there would be more specificity to what was referred in the amendments as well as the original Film Act itself.</p> <p><b>2.4</b> What evidence does it proof that these classifications are not biased at all?</p> <p><b>2.5 - 2.8</b> Are the film assessors mentioned pertaining to film industry, apart from the IMDA officers, that includes film professionals from the education sector and also film critiques, including journalists and writers?</p>

How are film content graded, and what criteria do they base on?

**2.9**

It is commendable that iMDA is considering to regularly reviewing whether a film needs to be re-classify base on the social and communal growth and changes. This will help future film contents that will be created / developed.

**2.14 (b)**

It is commendable that there is a check on entities / persons whose core business(es) is/are totally/somewhat unrelated to the film industry as it may address the fraud issues when it comes to raising funds or monetary acquirement to “phantom film projects”.

**2.14 (c)**

What constitutes “private exhibition”?

**2.22 - 2.23, 2.25, 2.26**

For these items, I’ve mentioned with regards to items 2.5 - 2.8, about having a diversified assessors of film classification, it would be suggested that the appeal panel appointed by the Minister / Minister Office, be as diversified to maintain neutrality and unbiased when it comes to the final decisions made.

**2.24**

Once again, it would be suggested to have more specificity in the definition of terms that affects the criteria of assessment of the classification system such as, “national security” for example as, these can be a very broad and generalising term. If you need any examples on “national security” breach that were allowed in our current scene, please feel free to contact me.

**2.27**

Would 30 days notification be in effect of letter/email dated or letter/email received? There will be latency in the time when the notification was sent and the time the person receives the notification and acknowledge said notification.

**2.31**

For this point, I believe that IMDA should work with the police hand-in-hand in the investigations with IMDA taking the lead. It should not be independent from the state prosecution. Rationale of this comment is that IMDA is not the state’s prosecution authority. Legality issue is in question here with this item.

		<p><b>Comments and Conclusion</b></p> <p>After reading section 2 of the amendments, we hope that these Film Acts amendments are written in a way that reflects the current industry sentiments. Reason for this is because, while reading this portion of the Film Act amendments, it feels that whoever the author(s) do not fully understand the climate and environment of the current industry and years past. It needs more progressive thought processes and actions for our own film industry to thrive, not just locally, but internationally. And this is not to mean that all liberties within film industry is not governed and policed, but to give wings and strength for the future of makers of films and players of films.</p>
53	15 December 2017	<p>I am deeply concerned by the proposed amendments to the Films Act. They are vulnerable to abuse, in ways that disrespect the sanctity of our rule of law, and erodes the trust of Singaporeans in our Government.</p> <p>The proposed amendment allows entrance and inspection of any premise without warrant, to investigate a suspected breach of the act. A warrant gives our courts some ability to protect its citizens from any human errors made during a police investigation, ensuring that their power to legally break and enter is wielded only gravely and responsibly, with appropriate checks and balances. It is critical the citizens feel able to trust and rely on the police force that protects them. If the police should mistakenly force their way into someone's home, seizing their laptops/devices and searching through them, it would would gravely endanger that trust. Hence, it should only be exercised after an independent and expert review, or at least with a warrant.</p> <p>The amendment also proposes the following: IMDA may decide that a film is "against national security". These films become unable to be distributed or exhibited. The appeal against the label "against national security" can only be brought up to Minister, who will consult with the FAC (appointed by the Minister). It thus grants an unchecked power to the Minister to deny any film the right to be viewed, without explanation to the public. Nothing could stop the Minister from, hypothetically, deciding that the film Thor should be banned because he deems hammers as being "against national security". National security should be the interest and responsibility of all the nation, and thus all its citizens. If a film "undermines national security", there should be a public avenue to discuss with the nation and its citizens why this is so. It should not be a unilateral decision ultimately made by one person without consultation or stated reasoning. Thus, the appeal should go to a separate and independent board not appointed by the Minister. The result of the appeal and its justification should also be made publicly available and contestable.</p> <p>These amendments seem to be made with security foremost in mind, and while it is heartening to understand the intent, it should be balanced with the other core responsibilities of the Government; ie maintaining the public's trust. The Government should thus not act unchecked or without explanation, as that only brews suspicion, and the public may end up misjudging the Government's good intent.</p>

		<p>Furthermore, the swift suppression of any dangerous media (eg hate speech, instructions to create dangerous weapons) that the Act aims to achieve, may not even be achievable. In the Internet age, nothing is disposed of forever, no matter how swiftly one acts. Confiscation and deletion are tools that are becoming obsolete, and may in fact be counter-productive as in encourages prurient interest--banning something may only encourage people to search for it online. Instead, Singaporeans should be actively encouraged to think about media critically, and that will protect them more surely from information that is "against national security". To do so, exposure to media of all perspectives is necessary, and the Government may then take an active role in guiding discussion about said media.</p>
54	15 December 2017	<p>I believe it is inappropriate for IMDA to have the power to enter into private homes to check hard drives for materials which breach the Films Act without a warrant on the basis of mere suspicion. While I acknowledge that Singapore has one of the highest rates of piracy in the developed world, there need to be proper checks and balances in any process which would interfere with the rights and liberties of private citizens. Further, going after individuals who have simply downloaded such materials rather than those guilty of distributing them in the first place is inefficient and not a proper use of public resources, even though such end users are also in the wrong from both a moral and legal perspective.</p> <p>An alternative approach more suited to the digital age would be making greater use of preventative technologies that make it harder for such material to be distributed online. With the help of the main internet service providers, I believe such a modern approach would prove more cost-effective and successful in the long run.</p>
55	15 December 2017	<p>Even though I'm not so naive to think that Singapore has full democracy (i.e. freedom of speech), legislating this act will be a full blown indication of how undemocratic it really is. While it is easy to rationalise anything for the interest of public good, this is an overtly intrusive revision (to the existing Film Act) that will compromise our notion of privacy, and stifle any forms of ground up expression.</p> <p>I know that IMDA is a regulatory authority, but pushing this forward would compromise all of your integrity which is a waste because I see pretty good and well thought out initiatives like the 2025 plan.</p>
56	16 December 2017	<p>As a Singaporean, I do not think this should not be allowed to happen.</p>
57	16 December 2017	<p>I am fine with most of the proposed amendments to the films act. My only concern is what constitutes a 'suspicion'? I also feel that you should have some sort of 'warning' system, where you may send an email or letter to any potential suspects if you detect them violating anything. You can also see some of the other citizen's responses</p>

		here: <a href="https://www.reddit.com/r/singapore/comments/7k1zl6/this_act_will_make_it_such_that_imda_officers_can/">https://www.reddit.com/r/singapore/comments/7k1zl6/this_act_will_make_it_such_that_imda_officers_can/</a> [hyperlink removed]
58	16 December 2017	IMDA should never have the right to enter private property without a warrant. Please change that part. Thank you.
59	16 December 2017	I am a concerned singaporean and I do not support the new regulations to reduce our personal freedoms.
60	16 December 2017	<p>I am writing in response to IMDA's call for public comments on the PROPOSED AMENDMENTS TO THE FILMS ACT. I am concerned with article F in section 2 of the paper (Enhancements to IMDA's Investigation and Enforcement Powers).</p> <p>The proposed amendments, if approved, will provide IMDA officials with a disproportionate amount of power to interfere with citizens' private affairs and possessions on an arbitrary basis, enabled in part by loosely defined terms such as "unlawful films", which grants officials room for manipulation and hence abuse. Citizen subjects on the receiving end of such enforcement and investigation will be completely disadvantaged from the get-go without transparency from the authorities.</p> <p>If come to pass, the provision of increased enforcement and investigative powers to IMDA officials in the amendments will inflate the authority's powers and further repress personal liberties. The power balance will be skewed even more against the public and this is a worrying trend occurring in Singapore right now.</p> <p>This is one person's opinions but it does not stand alone. I know that whatever I have said is a shared sentiment. I implore you to allow these remarks to weigh in on your department's eventual decisions on the Film Act amendments.</p>
61	17 December 2017	<p>Please find below my recommendations for the public consultation on amendments to the Films Act.</p> <p>In general, I would advocate for a much looser degree of scrutiny and classification. While I understand the need to provide consumer advice and age restrictions in the area of sex and violence, I would suggest that adult Singaporeans are well able to make up their own minds about what they see, and it is infantilising to assume they need protection from "sensitive" political views.</p> <p>The enhancements to IMDA's Investigation and Enforcement Powers seem unnecessarily broad and sweeping; it is troubling that IMDA is already empowered to enter and search premises without a warrant -- does that mean that personal computers can be</p>



		<p>seized, with no reason given? The stipulation "request any documents and information from any person" is particularly worrying in that it is all-encompassing, with a great deal of potential for overreach.</p> <p>Further, dialect content should not be a matter for classification at all, nor should it be restricted. Films reflect the society we live in, and many dialects are spoken in Singapore on a daily basis. It makes no sense that their representation would be restricted in film.</p> <p>I believe a significant loosening of the reins would help Singapore's political and cultural maturity, and lead to a truly vibrant and creative media scene.</p>
62	17 December 2017	<p>I am registering my objection to certain new amendments to the films act, in relation to your public consultation request: <a href="https://www.imda.gov.sg/regulations-licensing-and-consultations/consultations/consultation-papers/2017/public-consultation-on-proposed-amendments-to-the-films-act">https://www.imda.gov.sg/regulations-licensing-and-consultations/consultations/consultation-papers/2017/public-consultation-on-proposed-amendments-to-the-films-act</a> <i>[hyperlink removed]</i></p> <p>As outlined in your attached proposed changes (<a href="https://www.imda.gov.sg/-/media/imda/files/inner/pcdg/consultations/consultation-paper/public-consultation-on-proposed-amendments-to-the-films-act/annex--draft-films-act-amendment-bill.pdf?la=en">https://www.imda.gov.sg/-/media/imda/files/inner/pcdg/consultations/consultation-paper/public-consultation-on-proposed-amendments-to-the-films-act/annex--draft-films-act-amendment-bill.pdf?la=en</a>) <i>[hyperlink removed]</i>, I am objecting to Clause 23A, page 45.</p> <p>Specifically, <b>the new amendments do not require police officers, or a classification officers or licensing officers to possess a warrant to enter and search premises</b> on mere suspicion of any breach of the Act.</p> <p>This is unacceptable. Public servants cannot enter private premises unless there is sufficient proof and authorisation to do so. That is, there must be a warrant. To try bypassing this requirement is draconian and outrageous.</p> <p>There is no need for further elaboration. This amendment cannot pass.</p> <p>I am certain that other members of the arts and media community will be chiming in, and we will spread awareness of this issue to the best of our capabilities.</p>
63	18 December 2017	<p>I am writing to express my unreserved opposition to the proposed changes to the Films Act. As currently exists, the Films Act already goes too far towards censorship and taking away the right of Singaporeans to decide what they want to watch.</p>

		<p>Now, in addition to this, the proposed amendments to Section 23 of the Films Act will enable officers from IMDA to enter and search my home with a warrant and confiscate my belongings, merely on suspicion that I possess material which contravenes the FA.</p> <p>These proposed amendments to the Films Act confer far too much power to IMDA officers.</p> <p>First, search and seizure warrants act as a safeguard for citizens to feel safe in their homes and secure in the rights of their private property. By doing away with the need for a warrant, the proposed amendment will endanger rather than protect the rights of citizens.</p> <p>Second, IMDA officers are not trained in policing. They possess no actual experience in managing and de-escalating what could be highly-charged and confrontational situations. Such scenarios are best handled by skilled, experienced police officers authorised with a proper warrant.</p> <p>As a concerned citizens, I unreservedly express my strongest objections to the proposed amendments to Section 23 of the Films Act.</p>
64	18 December 2017	<p>I would like to register my concern with and objection to the amendment's provision for IMDA to receive enhanced powers of entry without warrant, seizure, and detention-in-premises.</p> <p>Such powers in IMDA's hands would increase the opportunity for error or abuse, and are beyond what IMDA officers should be expected to do. Please rely on the police to do what is and should be their job, and not create loose legislation to cut corners in this way.</p> <p>In the first place I believe that these powers should be vested in the police alone and object to IMDA wielding these powers. I would like to propose that the amendment remove these powers from IMDA altogether, and require the Police to be present in all such instances to safeguard the rights of our citizens.</p>
65	18 December 2017	<p>Under the proposed amendments to Section 23 of the Films Act, officers from IMDA (Info-communications Media Development Authority) will NOT require a warrant to enter your house.</p> <p>They can confiscate any of your equipment such as your handphone, computer, video camera, etc.</p>

		<p>To enter your homes, the IMDA officer can even “break open any door or window leading to the premises.”</p> <p>And finally, if you obstruct the IMDA officer in the performance of his or her duties, you can be punished with a fine of up \$10,000 or 12 months jail.</p> <p>In our opinion, these proposed amendments to the Films Act confer far too much power to IMDA officers.</p> <p>First, search and seizure warrants act as a safeguard for citizens to feel safe in their homes and secure in the rights of their private property. By doing away with the need for a warrant, the proposed amendment will endanger rather than protect the rights of citizens.</p> <p>Second, IMDA officers are not trained in policing. They possess no actual experience in managing and de-escalating what could be highly-charged and confrontational situations. Such scenarios are best handled by skilled, experienced police officers authorized with a proper warrant.</p> <p>In conclusion, we as concerned citizens, express our objections to the proposed amendments to Section 23 of the Films Act.</p>
66	18 December 2017	<p>I read with concern on the proposed amendments to Section 23 of the Films Act.</p> <p>The amendment appears to in effect give a Classification Officer and/or Licensing Officer the power to enter without warrant and with any force necessary any premises on the basis of searching for illegal material.</p> <p>Currently, i believe even Police Officers need a warrant to enter the house to search it. How can it be, then, that these officers suddenly have more power than even current police officers?</p> <p>Further, they would have the power to take copies of any document, or material which they opine to be suspicious.</p> <p>In effect, this amendment would give unlimited powers to the said officers to enter private premises without the need to justify their prescence.</p> <p>While there is a need to update the Films Act in this modern age where piracy is rampant (as stated in the Bloomberg article and later straits times), I believe that such amendments to the Films Act oversteps the line of what is reasonable in the pursuit of reducing piracy.</p>

67	18 December 2017	<p>I read, with dismay, how the powers of search and entry - currently the domain of the police - were proposed to be given to IMDA officers.</p> <p>In an ideal world, I might feel more secure, knowing that such authority might be used to break up a child pornography ring or some other such loathsome thing.</p> <p>However, this is Singapore. I have seen how activists and dissenters have been arrested and harassed by the police. I have read about the powers of search and entry being used to target the innocent. I cannot imagine how such power, in the hands of IMDA officers, would not be used similarly.</p> <p>I am no expert at the law, and I am certain a keener eye would be better equipped to grasp the implications of these amendments. What I have mentioned is simply the most glaring issue I currently have with your proposal.</p>
68	19 December 2017	<p>How do you draw the line from privacy invasion?</p> <p>How do you warrant a sufficient "suspicion" to allow an invasion of privately owned data/material?</p> <p>Is the gov suggesting that all citizens are relinquishing personal rights to release all privately owned data/material to gov?</p> <p>Should this policy be implemented, is the gov suggesting in the future that all other privately owned data could be collected by gov at gov's will without citizen's consent?</p> <p>Will IMDA be releasing feedback from your public consultation for openness?</p> <p><u>Additional follow-on comment:</u></p> <p>Further, the "public" consultation is not publicised on news. How does IMDA deemed that there will be sufficient "public" feedback gathered on the subject-matter for a wholesome assessment?</p>
69	19 December 2017	<p>Under the proposed amendments to Section 23 of the Films Act, officers from IMDA (Info-communications Media Development Authority) will NOT require a warrant to enter your house.</p> <p>They can confiscate any of your equipment such as your handphone, computer, video camera, etc.</p>

		<p>To enter your homes, the IMDA officer can even “break open any door or window leading to the premises.”.</p> <p>And finally, if you obstruct the IMDA officer in the performance of his or her duties, you can be punished with a fine of up \$10,000 or 12 months jail.</p> <p>In my opinion, these proposed amendments to the Films Act confer far too much power to IMDA officers. It is thus unwise and even hilarious to a great extend.</p> <p>First, search and seizure warrants act as a safeguard for citizens to feel safe in their homes and secure in the rights of their private property. By doing away with the need for a warrant, the proposed amendment will endanger rather than protect the rights of citizens.</p> <p>Second, IMDA officers are not trained in policing. They possess no actual experience in managing and de-escalating what could be highly-charged and confrontational situations. Such scenarios are best handled by skilled, experienced police officers authorized with a proper warrant.</p> <p>Last but not least, how can I ensure my private data such as my bank account details, contacts, and also cooperate secrets and other sensitive and private information will be protected? Thus, I feel this is a very serious violation of personal privacy and also freedom of individual. Hence I strongly disapprove of such amendment.</p> <p>In conclusion, I as concerned citizens, express my objections to the proposed amendments to Section 23 of the Films Act.</p> <p>Please reconsider and amend this unwise and insecure act.</p>
70	19 December 2017	<p>I refer to the IMDA's current round of public consultations concerning proposed amendments to the Films Act. I read with concern Section F of the proposed amendments, titled 'Enhancements to IMDA’s Investigation and Enforcement Powers'. In my opinion, these amendments will not serve the public interest.</p> <p>Presently, with the police being required to participate in investigation and enforcement actions, citizens can expect a reasonable standard of professionalism, training and legal expertise from the police officers. Citizens will also have access to legal advice, and have the ability to file complaints to the Internal Affairs Office. Should the amendment pass, citizens have no expectation of</p>

		<p>professionalism from IMDA enforcement officers and no visible means of lodging complaints to an independent investigative body. The public must be protected from abuse of government power and unwarranted censorship.</p> <p>I also concerned about the existence of Section 33 of the Films Act, and the IMDA's wide-reaching regulatory powers. In my view, the IMDA's censorship powers stifles and continues to stifle artistic expression in Singapore, and free discussion of Singapore's politics and current affairs. I wish to propose the following:</p> <ul style="list-style-type: none"> <li>• Require the IMDA and the police to seek a warrant and justify their decisions before the court prior to embarking on search and seizures.</li> <li>• Require the IMDA and the police to continue working hand-in-hand in investigations and enforcement.</li> <li>• Investigation and enforcement actions shall be limited only to specific instances of criminal behaviour, such as breach of contract, breach of copyright and national security.</li> <li>• Limit the powers of the IMDA to censor films, and by extension all Singaporean media, solely on the grounds of national security--which does not include Singaporean politics or political parties.</li> <li>• Require the judiciary to pass sentences and levy punishments on people who breach the Films Act, instead of empowering the IMDA to impose fines and other penalties.</li> <li>• Abolish Section 33 of the Films Act, enabling filmmakers to produce, distribute and exhibit films about Singaporean politics and politicians.</li> </ul>
71	19 December 2017	<p>I would like to comment on the recently proposed amendments to Section 23 to the Films Act, dated 4 Dec 2017.</p> <p>Firstly this is an invasion of privacy. The search warrant acts as a safeguard for the citizens to feel safe and secure in the privacy of their own homes. By doing away with the need for a warrant, the proposed amendment will endanger rather than protect the rights of citizens.</p> <p>Secondly, some films are made never to be shown to the public audience. Why should such films be subjected to any scrutiny by the IMDA?</p>
72	19 December 2017	<p>I have read through the recent proposal to amend the Films Act, and have a few thoughts.</p> <p>First, I think it's good to formalize the co-classification scheme. I really value the effort to reduce the amount of time it takes to classify films so they can be released to the public quicker.</p>

		<p>Second, I appreciate the change in Section 2.16A that removes the requirement to obtain a license to make films. I think it is very in line with how modern technology has made it very easy to make films. Furthermore, in section 2.17, the proposal goes on to talk about new licensing exemptions granted for distribution and public exhibition of films carrying content that has been exempted from classification requirements. I think this is a very good move and will allow us as Singaporeans to have an easier time when it comes to showing movies to the public.</p> <p>However, in spite of the good points I have mentioned above, I must say that I strongly oppose the proposed amendment in section 2.31 that enhances IMDA's investigative and enforcement powers. I think that allowing IMDA to enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises is a breach of our freedom as Singaporeans. I think that the amendment compromises too much on our civil rights to be justified. Thus, I sincerely hope that you reconsider the amendment outlined in section 2.31.</p>
73	19 December 2017	<p><b><i>Hi there, i personally have some questions about the proposed amendments to Section 23 of the Films Act. Asking in writing so as to better understand how the possible changes.</i></b></p> <p>Technically IF i take a photo or video at a public place or public event - such as a talk...etc. IF iMDA deem the event as not suitable for our society, they have the power to take my devices? But what are the parameters for undesirable? How can a regulation be put into place if the parameters are not 1st defined? so this over-riht personal property...how do iMDA execute such right?</p> <p>How does the proposed amendments affect both local and foreigners in Singapore? We have large volume of Tourists and Expats here.</p>
74	19 December 2017	<p>I have concerns about the proposed amendments to the Film Act, specifically regarding the expanded powers of IMDA officers to search, seize, and question individuals in regards to breaches of the Film Act other than those already that have already been authorized. Such expansion of authority needs to be justified. As a rule, citizens' right to privacy should be protected and potential intrusions should be limited. The expansion to allow IMDA officers to enforce all breaches is overreaching and potentially dangerous as these officers have not undergone the same training as police officers. I and other concerned individuals would like more explanation about the rationale that justifies such an expansion of IMDA's enforcement authority.</p>
75	19 December 2017	<p>I am writing in response to the public consultation regarding the proposed amendments to the Films Act. The Proposed Amendments to the Films Act heighten an environment of fear and self-censorship that adversely affect our individual rights to</p>

privacy, speech, and expression. It is thus imperative that these amendments be spelt out more precisely and rethought with us citizens in mind.

#### **Vagueness of the Amendments' Rationale**

In (Introduction) 1.2, it is not satisfactorily explained what the imperatives are in giving the IMDA enhanced powers in taking over investigation and enforcement from the police. It simply states that these amendments are motivated by “changes in the media landscape” and “the move towards co-regulation with the industry”. The media landscape has changed significantly in numerous ways in recent years. The Proposed Bill needs to outline what specific changes in the media landscape it is responding to, and why this necessitates awarding broadened enforcement powers to the IMDA. Overall, this proposed bill suffers from a lack of clarity in its rationale, making the more heavy handed amendments such as (F) 2.31 more difficult to justify to the public, which rightfully expects accountability from its public institutions.

#### **Broadness of (F) 2.31**

In (F) 2.31, the proposed amendments grant the IMDA excessive discretionary powers at the expense of ordinary citizens. Specifically, 2.31(b) states that the IMDA can “enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises” to deal with any breaches under the Films Act. It is hard to see why all breaches under the Films Act should be investigated without the need for a search warrant since Singapore is a country which prides itself on the rule of law, and ought to see any derogation from this principle as an exception rather than the rule. In addition, under 2.31(c), what would be deemed “not suitable” before the IMDA is granted the power to dispose of such material is not specifically stated. Therefore, the power provided for by 2.31(c) could potentially be exercised in a manner which overly interferes with the individual’s ownership of his property.

#### **What Consequences Do the Amendments Entail?**

While amendment 2.31(b) might enable the IMDA to be more efficient in conducting investigations, it incurs an intolerable cost which an unclear rationale for the amendments cannot support. Broadened enforcement powers, along with the retention of a definition of an “unlawful film” which includes “party political films”, will do little to combat the culture of fear and pervasive self-censorship in Singapore. According to the current law (s 34 of the Films Act, rev ed. 1998). “Party political films” are considered “unlawful” films and are therefore possible objects of investigations under the proposed amendment F-2.31.



		<p>The proposed amendment empowers IMDA officers tasked with conducting an investigation for any offence under the Films Act to do so without requiring a warrant. Without the need to attain a warrant, IMDA officers do not even have to justify that there is some sort of probable cause as to why an individual has been singled out for investigation; its subjective opinion is unchecked by the judiciary, who are the impartial guardians of the law. As a result, if the amendments are enacted, then there would be little transparency as to the decision-making process of a statutory body that is charged with the grave responsibility of regulating the storage, production and dissemination of information in our republic – this would undoubtedly lead to greater suspicion over the exercise of potentially draconian powers, and undermine the public’s trust in its institutions. Without robust judicial oversight to balance between due process and crime control, the end of a culture of self-censorship and fear of engaging in political activism within this country will never happen.</p> <p>The proposed amendments of the Films Act go against the government’s principle of promoting the development of the Arts to attract foreign capital. The government’s commitment to promoting the arts is evident in the establishment of the internationally recognised Lasalle College of the Arts which boasts its Puttnam School of Film. Many foreign students enrol themselves in this local institution for an education in Film studies. Art, however, is a medium of expression, especially those of a political nature. An amendment such as 2.31b suggests that an IMDA officer can knock on these students’ doors anytime and investigate their films for “unlawful” content. This breeds a culture of self-censorship that is not conducive for artists to flourish in Singapore. It also defeats the purpose of the government’s investment in the local arts scene to attract foreign capital.</p> <p><b>Suggestions</b></p> <p>I strongly suggest that the amendments be drafted in a way which accord greater primacy to the democratic values of transparency and accountability, and that these amendments not confer any broad and discretionary powers to the IMDA. Specifically, any provision of the amended Films Act which allows for search and seizure without warrant should relate to an offence, the investigation of which is time-sensitive. Moreover, the Films Act should vest the power of issuing a warrant for the purpose of investigating an offence relating to the seizure of “party political” films and the arrest of those in possession thereof, in the judiciary, instead of the police (see s 34 of the Films Act, rev ed. 1998) or the IMDA.</p> <p>The proposed amendments adversely affect our individual rights to privacy, speech, expression, and do not advance any clear economic goal. I am therefore not convinced that the proposed amendments under section F should be adopted. These amendments are a step backwards for a first world, democratic republic. I urge the IMDA to rethink these amendments.</p>
76	19 December 2017	I write in regard to the public consultation on the proposed amendments to the Films Act (FA).

		<p>I wish to express my grave concern with the amendments that enhance IMDA's Investigation and Enforcement Powers.</p> <p>The proposed amendments are exceedingly broad, and of particular concern is 2.31 (b).</p> <p>One must remember that MCI/IMDA are media regulators, and not a law enforcement arm. Search and seizure of private property should, barring exceptional circumstances, remain the domain of the Police, backed up by a warrant.</p> <p>Authorizing warrantless search and seizure by MCI/IMDA officers would be a gross overreach.</p> <p>I hope MCI/IMDA will consider narrowing the scope of amendments, and remove the authority of MCI/IMDA officers to search and seize private property.</p>
77	20 December 2017	<p>The 3 main clauses for concern, which may restrict civil liberties:</p> <p><i>2.23 The Films Act will also be amended for appeals against IMDA's decisions refusing classification for films that undermine national security. These appeals will be determined by the Minister. Nevertheless, to preserve citizen representation in the appeals process, the Minister will consult the FAC for the purpose of forming an opinion on which to base his appeal decision. This amendment is in consideration that national security is at the heart of the Government's core responsibilities. It also takes into account the increasing pervasiveness of media and how different media, including film, can be used to disseminate content that could undermine our security, for instance, by spreading hate or foreign influence among Singaporeans and those who live here. Very few films have been disallowed in recent years, but we need to be vigilant and have a range of levers to ensure that films with such content are not disseminated widely.</i></p> <p>Does this amendment vest too much power on one man? Will there be sufficient transparency? Will the decisions be judged in a fair manner, without bias against individuals and organisations who do not hold similar political views?</p> <p><i>2.31 MCI/IMDA propose to enhance IMDA's investigation and enforcement powers to:</i></p> <p><i>(a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</i></p> <p><i>(b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;</i></p>

		<p><i>(c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner;</i></p> <p>The expansion of powers to IMDA, grants IMDA officers the right to break open any door or force entry. Do IMDA officers have the proper training in law and procedures to take on such police work? Will IMDA compensate in the event of damage caused for wrongful seizure?</p> <p>16. Refused classification for certain films 16.—(1) Despite anything in this Act, the Authority, the Committee of Appeal and an individual who is registered as a film content assessor must refuse classification of any film 25 that — (a) is an obscene film; (b) is a party political film; (c) is a prohibited film; (d) is against national security to be classified; or 30 (e) contains any material prescribed.</p> <p>Does this mean that any film that celebrates the anniversary of an opposition party, or delves into the history of a political party, is automatically banned? Will films about the formation of PAP and PA be considered political films?</p>
78	20 December 2017	<p>I write with concern regarding the amendment's provision for IMDA to have enhanced powers of entry without warrant, seizure, and detention-in-premises. Such powers are subject to abuse and misunderstanding by the public. It is best that these powers remain under the purview of the police, rather than vested in other government agencies such as the IMDA. To prevent abuse, the same level of governance and check and-balance should be put in place, similar to how the police needs a warrant, before action can be taken.</p>
79	20 December 2017	<p>I am concerned about the proposal to confer some of the police's powers to iMDA staff for the enforcement and investigation of breaches to the Film Act. I would like to argue that it is far more appropriate for the the police to conduct such activities instead of iMDA staff, based on two major concerns of training and accountability.</p> <p>Firstly, i am concerned that any amount of training given to iMDA staff will be inadequate and ultimately redundant. To start off, I draw upon a point raised by a petition by Jason Soo. As quoted:</p> <p>" ... IMDA officers are not trained in policing. They possess no actual experience in managing and de-escalating what could be highly-charged and confrontational situations. Such scenarios are best handled by skilled, experienced police officers authorized with a proper warrant."</p> <p>Given that the staff at iMDA are already holding current full time responsibilities, under whom would these enforcement and investigation activities fall on?</p>

If these new responsibilities were to fall on an existing department or team, any reasonable amount of training to existing iMDA staff would not actually be sufficient to deal with not only potential confrontations and escalations, but with potential legal issues of warrantless entry and seizure of documents and films from any premise, such as damage to the surroundings or even injuries of the inhabitants of the premises resulting from the search. On the other hand, the police are already trained and well-practiced on both the legal and the practical aspects of investigation and seizure of property, and therefore would be more appropriate actors as opposed to iMDA staff.

On the other hand, if a new department or team were to be formed specially to take on these new tasks, that effort looks to be wholly redundant. Firstly, the time, effort and money spent building up a new team that can match the police's expertise and skills in investigation and enforcement seems redundant given that the police are and have been taking on these roles before the proposed amendments. This money and effort could be better spent actually supporting and boosting current efforts in enforcement, or could even be used for better integration and communication. In this way, the concerns raised by the proposers of the amendment about less efficient use of the police's time might be mitigated without the potentially larger inefficiency of recreating a de-facto police force within the iMDA. The status quo of police taking on enforcement and investigation is therefore vastly preferable in terms of efficiency of resources.

Regardless of which route iMDA chooses to take should the proposed amendment go through, my second major concern is that of accountability. I am concerned that this new team (or even existing iMDA staff) would not be held as accountable to the public compared to the police. While we have well established legal and procedural frameworks to report abuses by the police should they occur, with this new amendment the situation becomes unclear with regards to iMDA staff. This raises a few important questions: Would we have the same legal recourse as we do under abuses of the law by the police, and to whom do we approach to remedy such abuses, if they do come to light? Do the laws surrounding abuses even apply to such a case, if it came down to that? These questions among others are not addressed by the proposed amendment at all. The additional complications resulting from these issues might ultimately make the effort more inefficient and costly to litigate, as opposed to the well-established status quo.

In conclusion, it is extremely alarming that the proposed amendments do not seem to fully consider the practical implementation and actual impact of such changes, and it seems that ultimately more inefficiencies and costs would result from this proposed amendment despite its contrary (and well-intentioned) intent. I urge you and iMDA to fully reconsider removing or drastically amending this section of the proposed amendments.

80	20 December 2017	<p>I'm very concern about these three (3) main clauses — 2.23, 2.31 and 16.</p> <p>My questions about the three clauses are in bold and red:</p> <p>2.23 The Films Act will also be amended for appeals against IMDA’s decisions refusing classification for films that undermine national security. These appeals will be determined by the Minister. Nevertheless, to preserve citizen representation in the appeals process, the Minister will consult the FAC for the purpose of forming an opinion on which to base his appeal decision. This amendment is in consideration that national security is at the heart of the Government’s core responsibilities. It also takes into account the increasing pervasiveness of media and how different media, including film, can be used to disseminate content that could undermine our security, for instance, by spreading hate or foreign influence among Singaporeans and those who live here. Very few films have been disallowed in recent years, but we need to be vigilant and have a range of levers to ensure that films with such content are not disseminated widely.</p> <p><b>First off, what kind of films undermine national security? Are all political films deemed a national security threat? What about those celebrating PAP's achievements? Lastly, who are the people in the FAC?</b></p> <p>2.31 MCI/IMDA propose to enhance IMDA’s investigation and enforcement powers to:</p> <ul style="list-style-type: none"> <li>(a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</li> <li>(b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;</li> <li>(c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner;</li> </ul> <p><b>Concerning 2.31(b), entering a person's home without warrant disturbs me greatly. Aren't the IMDA officers taking a role way above their pay check? Are the officers trained in law and procedure? And are they trained to de-escalate situations where emotions run high? I'm afraid that a few officers may be seriously hurt doing police work such as breaking into private homes. Lastly, if the act passes through, can it be used against IMDA officers and Ministers too, or are they immuned to it?</b></p> <p>16. Refused classification for certain films 16.—(1) Despite anything in this Act, the Authority, the Committee of Appeal and an individual who is registered as a film content assessor must refuse classification of any film 25 that — (a) is an obscene film; (b) is a party political film; (c) is a prohibited film; (d) is against national security to be classified; or 30 (e) contains any material prescribed.</p>
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		<p><b>What classifies an obscene film, a political film and a prohibited film, and a national security film?</b></p> <p>From one fellow Singaporean to another, I hope that these amended clauses can be openly discussed for the good of our country and society.</p>
81	20 December 2017	<p>A draconian piece of legislation like the Films Act has no place in any first world country, let alone one that hopes to position itself as a hub for the arts.</p> <p>- Restrictions on the making and exhibiting of "party political films" need to go. Under the current act, the wording is so broad that virtually anyone sharing any filmed material that might have a political message can be affected.</p> <p>In justifying the restrictions, MICA said then that films were "an undesirable medium for political debate in Singapore", and went on to characterise Singaporeans watching such films as incapable of reacting rationally to material that might be presented in a "sensational" manner. The explanation made no sense then, and continues to make no sense today. Singaporeans are not incapable of discernment - the law is an insult to our people's intelligence.</p> <p>- Under S.23 of the current legislation, police can enter homes to seize films and related equipment. Proposed amendments will allow IMDA officials to conduct similar raids. This is an expansion of an already excessive law. An amendment should instead narrow the definition of what constitutes an unacceptable film, and limit the right to raid premises to police possessing a warrant to do so.</p> <p>- A government minister should not be the arbiter of whether a film is "against public interest". Instead, this should be left to an independent commission.</p>
82	20 December 2017	<p>I am a Singaporean citizen writing to respectfully submit my view that these amendments proposed, if passed, will grievously impact the film and video industry in Singapore. Filmmakers have the right to due process when facing the law, and allowing IMDA officers to invade their privacy without need for a warrant (ergo, not needing any due cause for a warrant) is taking away that right. Without the safeguard of due process and a warrant, filmmakers may think twice before making their art here in Singapore, something that we all can agree is bad for Singaporean art and culture. We have slowly achieved, within (and despite) the considerable boundaries set by the rule of law and norms in Singapore, a burgeoning film culture. These amendments take those boundaries one step too far, in my humble opinion.</p> <p>I thank the IMDA for allowing for public consultation on this issue, and I trust that it will take my feedback into consideration.</p>

83	20 December 2017	<p>I refer to the proposed amendments to the Films Act, specifically Section 23. While it is commendable that laws be reviewed from time to time as to ensure their currency and relevance, the language of the amendments is worrying. Specifically, it now vests powers in IMDA where IMDA will take on the enforcement and investigation for cases of public exhibition and distribution of films without licence, without the need to involve the police or the justice system through the request of warrants.</p> <p>In this case:</p> <ol style="list-style-type: none"> <li>1. Why is there a need for the enforcement of the Films Act to be transferred to IMDA, when the Police are, as of now, already more than capable of doing this job and are able to ensure due process through the use of warrants,</li> <li>2. Why the removal of the requirement for warrants prior to a entry and search of a premises under this Act,</li> <li>3. What kind of checks and balances (legal/technical or otherwise) are there to prevent the abuse of warrantless search and seizure under this Act</li> </ol> <p>In many cases, warrantless search and seizure is only reserved for the most dangerous of crimes, such as terrorism, as it is a gross violation of privacy and freedom and can be easily abused as a form of "broken windows policing". Warrants as a legal protocol exist to ensure that such measures are deployed only when absolutely necessary to prevent loss of life or the gross violation of another person(s) rights. To use this measure for the Films Act is a dangerous precedent, and puts unnecessary strain on IMDA resources to ensure that these searches and seizures are properly conducted within the constraints of the law and civil rights. Due process and warrants exist not as a constraint on the capability of IMDA (or the government), but as a protection for the common man and civil society from the potential of an omnipotent government (or its officers) to abuse its power for various reasons unrelated to its role as a guardian of its people without consequence. Perfect and immediate enforcement of the law (as per IMDA's desire to "act quickly to secure evidence of the contraventions while minimising the chances of the suspected offender fleeing the scene"), while seemingly a ideal goal for a government, is not necessarily a good thing as it restricts innovation and freedom of expression as people become fearful of doing anything seemingly in contravention of a law, resulting in a "chilling effect" on civil discourse and media production related to social issues.</p> <p>To ensure that laws that may have an effect on civil society are properly reviewed before being passed, it is strongly recommended that parties who have a strong interest in protecting civil rights be consulted throughout the consultation process. In this case, I recommend contacting the Electronic Frontier Foundation, who have a strong track record in the discourse of media related rights (both online and offline). Their website is <a href="https://www.eff.org">https://www.eff.org</a> [hyperlink removed], and they may be contacted at the email address <a href="mailto:info@eff.org">info@eff.org</a> [hyperlink removed].</p>
84	20 December 2017	<p>Recently I came across an article in the Facebook stating that the IMDA is proposing a new bill regarding allowing police office to search any home WITHOUT warrent. If the artical is true. This is totally UNACCEPTABLE.</p>

		<p>We are a republic and not a communist country to begin with.</p> <p>The State or the authority or the government SHOULD respect the privacy of their citizens. I understood the purpose of the bill and I'm a movie lover but this bill that IMDA propose is not acceptable.</p> <p>I do believe that no body or any Singapore will agree to this bill that IMDA proposing...</p>
85	20 December 2017	<p><b>With regard to the above-mentioned public consultation, I refer to section F, subsection 2.31 of the proposed amendments to the Films Act.</b></p> <p><b>2.31 MCI/IMDA propose to enhance IMDA's investigation and enforcement powers to:</b></p> <p><b>(a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</b></p> <p><b>(b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;</b></p> <p><b>(c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner; and</b></p> <p><b>(d) Provide for the composition of offences.</b></p> <p>As a sovereign citizen, I find this amendment stands to concentrate far too much power in the hands of one agency. To invade the privacy of a citizen and deprive said citizen of property by force, without an order of court, is clearly a degree of executive power that should never be exercised save in instances of gravest danger to the state, and certainly never in the protection of the fiscal interests of private entities. Even if the matter could be contested <i>post facto</i> in a court of law, no arm of the state should ever be allowed to operate free of transparency and accountability to such a degree. After all, transparency and accountability are fundamental to the checks and balances of a state governed by rule of law. If the enforcement arm has a reason to search and seize, let it be evaluated and validated by a judge. Justice must not only be done, but be seen to be done, and the watchers must themselves be watched. That is the very essence of rule of law.</p>
86	21 December 2017	<p>I'm writing in to protest the changes to the Proposed Amendments to the Film Act. After reviewing with my writing colleagues and associates, we found these main clauses (pasted below) very disconcerting.</p> <p>The expansion of powers to IMDA, grants IMDA officers the right to break open any door or force entry. Will IMDA compensate in the event of damage caused for wrongful seizure? What is the exact criteria?</p>



You can imagine why this is currently striking a chord with media practitioners in Singapore. We are concerned that the decisions to act on these powers will be done so unfairly, without due process and without transparency. This will politicise the Film industry to such an extent, as to cause permanent damage to those that make films, regardless of their subject. And overall, these policing powers should not rest with IMDA.

We believe this needs to be discussed further with the film, TV and writing community.

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The main clauses for concern:

*2.23 The Films Act will also be amended for appeals against IMDA's decisions refusing classification for films that undermine national security. These appeals will be determined by the Minister. Nevertheless, to preserve citizen representation in the appeals process, the Minister will consult the FAC for the purpose of forming an opinion on which to base his appeal decision. This amendment is in consideration that national security is at the heart of the Government's core responsibilities. It also takes into account the increasing pervasiveness of media and how different media, including film, can be used to disseminate content that could undermine our security, for instance, by spreading hate or foreign influence among Singaporeans and those who live here. Very few films have been disallowed in recent years, but we need to be vigilant and have a range of levers to ensure that films with such content are not disseminated widely.*

Does this amendment vest too much power on one man? Will there be sufficient transparency? Will the decisions - especially with regards to political films - be judged in a fair manner, without bias against individuals and organisations who do not hold similar political views?

*2.31 MCI/IMDA propose to enhance IMDA's investigation and enforcement powers to:*

*(a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;*

*(b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;*

*(c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner;*

87	21 December 2017	<p>I am writing to comment on the amendments proposed in the IMDA-authored document titled "Proposed Amendments to The Films Act Public Consultation", dated 4 December 2017. Specifically, I am responding to Part 2F, paragraphs 2.31(a) and 2.31(b), which respectively state:</p> <p style="padding-left: 40px;">"2.31 (a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</p> <p style="padding-left: 40px;">2.31 (b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;"</p> <p>I am concerned with these proposed revisions because they threaten intellectual privacy and, in turn, democracy.</p> <p>"Intellectual privacy" is the protection from surveillance or interference when we, the public, are engaged in the processes of generating ideas—thinking, reading, and speaking with confidantes before our ideas are ready for public consumption.</p> <p>This protection is important because we mostly don't generate thoughts and ideas by simply working in isolation. We read materials, watch shows, and bounce off ideas with others. Many of our ideas come about from building upon others' works, and by working on them ourselves.</p> <p>Accordingly, we require freedom to access information.</p> <p>Beyond mere access to information, we're often not ready for such preliminary drafts of our ideas to see public light until we're reasonably sure they're somewhat coherent and intelligent. Sometimes, we're even shy to let others know we're reading certain thinkers or writers.</p> <p>This trepidation is why we trade our half-formed notions with people we trust first, and experiment on our arguments with confidantes. Sometimes these ideas are bad and we scrap them, other times we improve on them and they become real gems.</p> <p>These ideas are not limited merely to creative works or scientific ideas, but also to politics, to government, and to criticism of policies that affect our everyday life.</p>
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88	21 December 2017	<p>I'm not a filmmaker, and am primarily in post production for video content for local and overseas productions, not limited to commercial works, tv programming and perhaps in future, films. In effect I am a vendor for content creators and so have little to do with the licensing side of things.</p> <p>However it is concerting to read some of the proposed amendments proposed under this act, namely the changes to IMDA enforcement powers.</p> <p>Examining the wording to the amendments proposed (2.31b), it strikes me as being overly broad. While I appreciate that in practice IMDA is sure to exercise goodwill and restraint, I'm not comfortable with the idea that IMDA officers and employees should have the right to enter a premises without warrant, and/or to seize and dispose of items in the act of enforcement (2.31c)</p>

		<p>Speaking for myself and other industry colleagues who work on multiple projects at the same time, this could have implications on our livelihoods. Content creation is a fluid process and the enforcement against a certain project may impact work on other non-related projects. Under the current wording, IMDA does not appear to be limited to finished, classified films, materials or deliverables. Tools and other equipment are listed as well. While I'm sure this is not the intent of the revisions to the act, if passed this is a possible scenario.</p> <p>The potential impact on businesses aside, on a personal level I feel that:</p> <ul style="list-style-type: none"> <li>-IMDA needs to demonstrate that it has attempted to resolve and procure information from the content creator voluntarily and in good faith. It should also be given a prior written notice, before being allowed to enter and inspect a premise.</li> <li>-there needs to be a clearly defined list of what IMDA officers can be allowed to inspect or seize without warrant. This has to be fair and limited in scope only to what is under investigation.</li> <li>-even if it were allowed to enter and search premises without a warrant, only be fair for a police officer or an officer of the law to be present to witness that treatment has been fair and according to the letter of the law.</li> </ul> <p>As a media practitioner I deeply appreciate the efforts and support that IMDA has given to the industry in the past decades, and to myself personally as a media professional. The recent tripartite standards especially showed that IMDA cares about the development of the industry. I also believe in the necessity of film licensing, ratings and the enforcement of the above.</p> <p>In a similar vein, I believe fairness and due process is also important, and for media practitioners to maintain faith in IMDA as an agency, it cannot appear to be able to act unilaterally to enforce these rules. Currently, the wording of the proposed is too broad and wide ranging.</p>
89	21 December 2017	<p>I recently read about IMDA's proposed amendments to the Films Act.</p> <p>I wish to voice my concerns about the following:</p> <p><i>2.23 The Films Act will also be amended for appeals against IMDA's decisions refusing classification for films that undermine national security. These appeals will be determined by the Minister. Nevertheless, to preserve citizen representation in the appeals process, the Minister will consult the FAC for the purpose of forming an opinion on which to base his appeal decision. This amendment is in consideration that national security is at the heart of the Government's core responsibilities. It also</i></p>

*takes into account the increasing pervasiveness of media and how different media, including film, can be used to disseminate content that could undermine our security, for instance, by spreading hate or foreign influence among Singaporeans and those who live here. Very few films have been disallowed in recent years, but we need to be vigilant and have a range of levers to ensure that films with such content are not disseminated widely.*

I am concerned that the process of determining whether a film is refused classification is not transparent enough or the guidelines/rules concerning “undermining security” is too vague.

Will the decisions be judged in a fair manner, without bias against individuals and organisations who do not hold similar political views?

I think perhaps if films are refused classification, the reasons for it can be cited and made public.

*2.31 MCI/IMDA propose to enhance IMDA’s investigation and enforcement powers to:*

*(a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;*

*(b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;*

*(c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner;*

The expansion of powers to IMDA, grants IMDA officers the right to break open any door or force entry without an independent court warrant.

I am concerned that this gives IMDA officers too much latitude in deciding suspected breaches, and the action of entering and inspecting is an intrusion of the citizen’s right to privacy.

I am also concerned whether IMDA officers have the proper training in law and procedures to take on such police work. And whether IMDA will provide compensation in the event of damage and/or loss of income, caused by wrongful seizure?

16. Refused classification for certain films 16.—(1) Despite anything in this Act, the Authority, the Committee of Appeal and an individual who is registered as a film content assessor must refuse classification of any film 25 that — (a) is an obscene film; (b) is

		<p>a party political film; (c) is a prohibited film; (d) is against national security to be classified; or 30 (e) contains any material prescribed.</p> <p>Does this mean that any film that celebrates the anniversary of an opposition party, or delves into the history of a political party, is automatically banned? Will films about the formation of PAP and PA be considered political films?</p> <p>I feel that in order to raise a socially-conscious and resilient society, we should encourage political participation and political awareness in citizens. I hope that any discussion of a ban or classification refused on political films can involve the public or be made public so that we can understand the reasons why and allow room for discussion. This would be more beneficial than a blanket ban with no limit on how long the ban is for.</p>
90	21 December 2017	<p>I refer to the recently proposed changes to the film act. I as well as many filmmakers feel that these changes will grant IMDA officers with far too much power.</p> <p>This will only create more barriers for an already claustrophobic film industry. If there is a need for such power in the name of national security, the SPF already has the authority. It is unnecessary to grant these powers to IMDA officers as well.</p> <p>So in short, please re-think these amendments.</p>
91	21 December 2017	<p>I speak for many Singaporeans out there to say that we are not agreeable to this.</p> <p>While you say you may have good intentions, what about those who have private videos, personal videos that may not adhere to these rules? Should you have the right to take away these personal (and I'm sure you know what I'm talking about) items away from them?</p> <p>The act of breaching and entering these homes without a warrant is also liable to cause a public nuisance not only to the person of inspection choice, but to others within the vicinity as well. How would you yourself feel if someone just enters your home, rummages through things and just leaves like that?</p> <p>My dear friends that is called an invasion of privacy.</p> <p>What about those who are less educated and may not know they have violated such rules? What are they going to do when you all come busting through the door and just taking their belongings.</p>

		<p>I don't mean to offend, I don't mean to hate on Singapore, because I love this nation! But what you're doing is absurd. Please reconsider. How would YOU feel if things like these were done to you?</p>
92	22 December 2017	<p>I am writing in the response for the call for feedback from the public on the proposed amendments to the Films Act.</p> <p>The Films Act, as it stands, is a very problematic piece of legislation which restricts freedom of expression in Singapore, particularly political expression, through regulations on “party political films”, which are very broadly defined and whose application has previously been criticised (see: <a href="https://www.theonlinecitizen.com/2015/08/18/pap-vs-sdp-which-video-is-a-party-political-film/">https://www.theonlinecitizen.com/2015/08/18/pap-vs-sdp-which-video-is-a-party-political-film/</a> [hyperlink removed]). Such a law usurps Singaporeans’ right to discern and critically evaluate political content for ourselves and accords far too much power to the government. This does not build trust between the public and the government; in fact, it could have the opposite effect of eroding trust if the public have the perception that such broad laws are being used to clamp down on the ruling political party’s opponents.</p> <p>Any proposed amendments to the Films Act that does not include the removal of such restrictions against party political films is not only incomplete, but utterly inadequate for Singapore and Singaporeans.</p> <p>I would also like to express my strong opposition to the amendment that would enhance the IMDA’s investigation and enforcement powers. The IMDA is not an enforcement agency, and IMDA officers should <i>not</i> be granted such sweeping powers to enter, search and seize property without warrant. Doing so is a draconian move that would be a breach of due process, allowing IMDA to overstep its original stated purpose and granted officers with far too much power against citizens. Such overbroad powers, without even the check and balance of needing a warrant, would have a significant chilling effect in Singapore when it comes to freedom of expression. The offence this law seeks to deal with is neither violent nor necessarily in need of urgent action—it is unclear why it cannot be addressed by trained police officers in possession of proper warrants.</p> <p>The Films Act should be amended to allow Singaporeans <i>more</i> space and opportunity to express themselves. The current proposed amendments do not create this space, and instead seek to give IMDA officers more power than is safely or strictly necessary.</p>
93	22 December 2017	<p>I write as part of the public consultation regarding proposed amendments to the current film act. I hereby state that I most object to the amendments listed out in section 23A, namely the one which would grant licensing officers unprecedented power. Licensing officers should not be allowed to trespass on personal property, with or without a warrant as they are not law enforcement officers. They should not be allowed to take video nor audio recordings without express permission of the private individual or group, nor</p>

		<p>detain people without charge; this is a gross abuse of power that should be reserved for individuals with extensive legal training and should not be utilised unless under greivous circumstances. MDA licensing officers do not fall under this category</p> <p>I repeat my objection to the entire proposed amendment of section 23A of the Film Act.</p>
94	23 December 2017	<p>I am writing to express my feedback on the proposed amendment to Section 23A of the Film Act, with particular reference to subsection <i>a</i>.</p> <p>I am particularly disturbed by and completely opposed to the proposed increase in the powers of licensing officers. It is a gross invasion of privacy for officers <b>who are not members of the police force</b> to be allowed to break into any property without warrant, and to make recordings of the property of any kind. There is also a great risk of abuse of power, and I believe that officials who are not part of law enforcement should not be given such authority.</p>
95	23 December 2017	<p>I refer to the public consultation on the proposed amendments to the Films Act dated 4 December 2017.</p> <p>On point 2.3, IMDA stated that since 2011, about 2,300 titles have been co-classified by film content assessors. While it may be more efficient to have co-classification, IMDA also has to review whether the content assessors have been accurate during the pilot trial scheme. The films that are targeted towards children and families are having more complex themes. It is even more important for content assessors to be accurate in their classification of the films. Past experience has shown that movies such as Frozen, had subliminal messages to convey the idea of a family with homosexual parents. Another movie, Disney's Coco, is based on the Mexican Day of the Dead and contains spiritual themes beyond the understanding of children.</p> <p>On point 2.6, I would like to see more safeguards in place to prevent incidences of mischief or biased judgement of content assessors when co-classifying films. IMDA should make it a requirement to have at least 3 persons recommending the co-classification to IMDA. This could be made up of the content assessor, an employee and a senior manager of the company that engages the content assessor. This is to ensure that there are checks by the company that engages the content assessor and prevents the biased judgement of an individual to have an impact on the classification of a film on a national level. While there are punitive measures to discourage mischief, these only take effect after such mischief has been committed and therefore I strongly urge IMDA to have safeguards in place to prevent this.</p> <p>References:  <a href="http://www.telegraph.co.uk/films/0/secret-not-secret-gay-disney-characters/oaken/">http://www.telegraph.co.uk/films/0/secret-not-secret-gay-disney-characters/oaken/</a> [hyperlink removed]</p>



96	23 December 2017	<p>With regards to section 2.30 and 2.31 of the proposal, I am shocked that such an amendment was even proposed to begin with.</p> <p>It would be a bane to "media development" if such an amendment is to become law. This proposal would negatively affect everyone especially since almost everyone is now equipped with camera-enabled smartphones. Instead of encouraging media development, creativity, and spurring more members of the public to be introduced to filmmaking, such an amendment would consciously deter people from creating, storing, studying, or acquiring films.</p> <p>Essentially, we are now in a social media generation where tens of thousands of local singaporeans film themselves and the intricacies of their daily lives and proceed to share these films via youtube, facebook, Instagram, and the like.</p> <p>Many of them have realised their passion for this and have been able to turn these into careers, usually as they grow up through their teens.</p> <p>I myself had to experiment and research and expose myself to various types of films before realising the potential of the industry and taking up my diploma. Several parts of my study involved delving into unclassified films etc. While I understand that distribution and public exhibition of unclassified films etc. are illegal - it is a necessity of media creation and development of new and original content to constantly push boundaries and constantly explore.</p> <p>With such an amendment, it would only stifle creativity and discourage people from producing original content out of fear of repercussions. People would be forced to question their ability within the law to showcase their new original and untested works and films to their family and friends. People would further fear approaching IMDA for development assistance since IMDA would then be more empowered to both support or criminalise the content producer with its expanded powers under such an amendment.</p> <p>I have always known the then-MDA to be FOR media development. Please do not catapult IMDA into a fear authority known for enforcement instead of development. If this part of the amendment were to go ahead, you should rename yourselves as IMA and create a separate and independent media development agency.</p> <p>On a separate note, I fully support section B of the proposal.</p>
97	23 December 2017	<p>Hi there, I'm a Singaporean filmmaker and producer and I'm writing in to voice my concern and seek clarifications regarding the proposed amendments to the Films Act. As a Singaporean and a member of the local film community, I fully understand that amendments to the Films Act has to be made due to evolving practices and current security climate. One of the more hotly debated</p>

		<p>and discussed amendment would be the enhancement of IMDA's enforcement and investigation powers (section F, 2.30). I think the question many have would be the need for policing powers like entry without valid warrants to be vested on IMDA officers who are essentially not enforcement officers, such powers blur the line between IMDA's role as a promoter and regulator of Singapore's media sector and it becoming a policing and enforcement entity. I think many of my peers including myself would like to kindly seek more clarity on the need for such a move.</p> <p>Also, the relatively short period for public consultation with regards to the amendments may be too limited for effective and constructive feedback from concerned members of the public given the type and significance of the proposed amendments.</p>
98	24 December 2017	<p>With regards to the proposed amendments to the Films Act, I would like to highlight the following areas of concern:</p> <p><b>Section F: Enhancements to IMDA's Investigation and Enforcement Powers</b></p> <p>Proposed Amendments</p> <p>2.31 MCI/IMDA propose to enhance IMDA's investigation and enforcement powers to:</p> <ul style="list-style-type: none"> <li>(a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;</li> <li>(b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;</li> <li>(c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner; and</li> <li>(d) Provide for the composition of offences.</li> </ul> <p>Beginning with Point <b>(b)</b>, as it is the most contentious, I find the proposal to expand the powers of IMDA investigation officers most Orwellian and unsettling. These powers are typically afforded to law enforcement for good reason.</p> <p>The proposed amendments seek to achieve efficiency at the expense of process. What kind of cases under the purview of IMDA are so critical that it requires similar powers as agencies tasked with apprehending criminals and terrorists?</p> <p>Of bigger concern is that it creates a slippery slope for other non-law enforcement agencies to acquire similar powers in future.</p>

		<p>Point <b>(a)</b> is troubling in that it states "any person", instead of "any person under investigation". The way it is worded gives the impression that IMDA can retrieve ANY information from ANY person, even one without a strong connection to the case being investigated.</p> <p>I'm sure this cannot be the intention, and the amendment is just poorly worded. But if it is the intention, then combined with Point (b), I'm sure it is understandable why the average Singaporean may be alarmed at this proposal.</p>
99	24 December 2017	<p>I wish to provide my feedback to the "Public Consultation on Proposed Amendments to the Films Act (FA)". While I can understand the desire behind this amendment I cannot in all good honest support it and as such wish to express that I cannot support this amendment as it stands currently and ask that this email be kept on record.</p> <p>To allow the police force permission to enter a premises without the need for a warrant is to severally restrict the rights of citizens here in Singapore and to remove entirely their fundamental right to be protected under that same law. Further, such an amendment is open to abuse with no such safe guards in place to protect honest citizens, even if such may never actually happen.</p> <p>As a citizen of Singapore I will no longer support the current government if such an amendment is passed, this is simply not the way to progress this important issue.</p>
100	25 December 2017	<p>I read the updates for submissions on the new FAC with keen interest.</p> <p>As a startup owner and serial entrepreneur, I understand the complex nature of running an enterprise - and the bolts and nuts involved, plus the need to be more efficient by streamlining processes and cutting out the bloat, which is why I can understand if FAC intends to keep its appointments and processes strictly internal.</p> <p>There is a petition by filmmaker Jason Soo that is advocating for an FAC selection process involving multiple stakeholders and a selection process:  <a href="https://docs.google.com/forms/d/e/1FAIpQLSezLdIIIivNMdDivAyNTStqwX8bJEffteJJj0p0QrGQIhxZw/viewform">https://docs.google.com/forms/d/e/1FAIpQLSezLdIIIivNMdDivAyNTStqwX8bJEffteJJj0p0QrGQIhxZw/viewform</a>  <i>[hyperlink removed]</i></p> <p>While I can understand that the process will add further checks and balances which may increase confidence in the FAC, I understand a process like this may add more work to civil servants to administer the process and may complicate an already added layer of checks.</p>

		<p>I recommend working together with the Arts Engage group [<i>hyperlink removed</i>] in an MOU, which will help make the process truly a grassroots one and foster mutually beneficial partnerships for both parties. As the de facto group for arts professionals in Singapore, they would be in the best position to ensure the FAC works together with the community in mind.</p> <p>I remain contactable for any clarifications and am acting independently of any party in my statement. I truly believe Singapore has what it takes to foster an arts scene to be proud of globally and a strong FAC-Arts Engage partnership is something that can be touted as a strong indicator of success beyond our shores.</p> <p>I am in Taipei now and people talk very highly of our country and what we have done to become more efficient and easy to do business. I'm confident the MOU will add a further layer of heartware for the community.</p>
101	27 December 2017	<p>We are a group of university students writing in to the public consultation regarding the proposed amendments to the Films Act. The Proposed Amendments pose a severe risk in cultivating an environment of fear and self-censorship that adversely affect our individual rights to privacy, speech, and expression. In drafting these regulations, it is of fundamental importance that the legislation adequately weighs the enforcement powers conferred on authorities with the rights entitled to citizens under our constitution. As young students, we fear that such a legislation sets a dangerous precedent for our futures, and puts our nation on a path towards authoritarianism. We therefore call for these amendments to be revised in order to give due consideration to our rights as citizens.</p> <p><b>Vagueness of the Amendments' Rationale</b></p> <p>1. In (Introduction) 1.2, it is not satisfactorily explained what the imperatives are in giving the IMDA enhanced powers in taking over investigation and enforcement from the police. It simply states that these amendments are motivated by "changes in the media landscape" and "the move towards co-regulation with the industry". The media landscape has changed significantly in numerous ways in recent years. The Proposed Bill fails to outline what specific changes in the media landscape it is responding to, and why this necessitates transferring the enforcement powers from the police to the IMDA, and broadening these powers. In statements to the press, IMDA has stated that the need to "act quickly to secure evidence of the contraventions while minimising the chances of the suspected offender fleeing the scene" has driven these amendments, which is again not a convincing rationale as existence legislation gives authorities ample means to do so, and goes against the liberalisation of the arts space that has greatly benefited the nation. Overall, this proposed bill suffers from a lack of clarity in its rationale, making the more heavy handed amendments such as (F) 2.31 more difficult to justify to the public, which rightfully expects accountability from public institutions.</p> <p><b>Broadness of (F) 2.31</b></p>

2. In (F) 2.31, the proposed amendments grant the IMDA excessive discretionary powers at the expense of ordinary citizens. Specifically, 2.31(b) states that the IMDA can “enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises” to deal with any breaches under the Films Act. It is hard to see why all breaches under the Films Act should be investigated without the need for a search warrant since Singapore is a country which prides itself on the rule of law, and ought to see any derogation from this principle as an exception rather than the rule. In addition, under 2.31(c), what would be deemed “not suitable” before the IMDA is granted the power to dispose of such material is not specifically stated. In the existing legislation, authorities can only dispose of material contravening sections 29, 30, 31, and 33 of the act, so it is unclear why authorities are no longer restricted in such a way. It therefore follows that the powers conferred by 2.31(c) could potentially be exercised in a manner which interferes with the individual’s ownership of his/her property.

**What Consequences Do the Amendments Entail?**

3. While amendment 2.31(b) might enable the IMDA to be more efficient in conducting investigations, it incurs an intolerable cost which is not explained by any clearly-stated rationale. Broadened enforcement powers, along with the absence of any judicial review, leaves the individual vulnerable to the powers of the state, irrespective of whether he/she is innocent or guilty.

4. The proposed amendment empowers IMDA officers tasked with conducting an investigation for any offence under the Films Act to do so without requiring a warrant. Without the need to attain a warrant, IMDA officers do not even have to justify a probable cause as to why an individual has been singled out for investigation; its subjective opinion is unchecked by the judiciary, who serve as the guardians of the law. As a result, if the amendments are enacted, there would be little transparency in the decision-making process of a statutory body charged with the responsibility of regulating the storage, production and dissemination of information in our republic – this would undoubtedly lead to greater suspicion of enforcement powers exercised in ways perceived as draconian, which would undermine the public’s trust in its institutions.

5. The proposed amendments of the Films Act go against the development of the Arts promoted by the government to attract foreign capital. The government’s commitment to promoting the arts is evident in the establishment of the internationally recognised Lasalle College of the Arts which boasts its Puttnam School of Film. Many foreign students enrol themselves in this local institution for an education in Film studies. An amendment such as 2.31b suggests that an IMDA officer can knock on these students’ doors anytime and investigate their films for “unlawful” content. This breeds a culture of self-censorship that is not conducive for artists to flourish in Singapore. It defeats the purpose of the government’s investment in the local arts scene to attract foreign capital.

**Suggestions**

		<p>6. We strongly suggest that the amendments be drafted to accord greater primacy to the democratic values of transparency and accountability, and that these amendments not confer excessive discretionary powers to the IMDA. Specifically, any provision of the amended Films Act which allows for search and seizure without warrant should relate to an offence, the investigation of which is time-sensitive. Moreover, the Films Act should vest the power of issuing a warrant for the purpose of investigating an offence relating to the seizure of “party political” films and the arrest of those in possession thereof, in the judiciary, instead of the police (see s 34 of the Films Act, rev ed. 1998) or the IMDA.</p> <p>7. The proposed amendments adversely affect our individual rights to privacy, speech, expression, and do not advance any clear economic goal. Rather, they risk pitting innocent, ordinary citizens against state machinery. We are therefore not convinced that the proposed amendments under section F are of benefit to our society. These amendments are a step backwards for a first world, democratic republic. We urge the IMDA to rethink these amendments.</p>
102	27 December 2017	<p>I am expressing my objection to the amendments that are being purposed to the Film Act, which is written in Clause 23A, page 45 of (<a href="https://www.imda.gov.sg/-/media/imda/files/inner/pcdg/consultations/consultation-paper/public-consultation-on-proposed-amendments-to-the-films-act/annex--draft-films-act-amendment-bill.pdf?la=en">https://www.imda.gov.sg/-/media/imda/files/inner/pcdg/consultations/consultation-paper/public-consultation-on-proposed-amendments-to-the-films-act/annex--draft-films-act-amendment-bill.pdf?la=en</a>). <i>[hyperlink removed]</i></p> <p>In the amendments, it states that police officers, classification officers or licensing officers do not require a warrent to enter and search premises if there is any suspicion of the act being breached.</p> <p>Three major concerns come out from this new addition to the act:-</p> <p>1) This new power for them to search private premises without a warrent goes beyond what is expected of a media regulator. The IMDA is made to classify films and passing these amendments would grant them authority over the police, which would mean that police action can be taken. Public servants can't enter private premises without proof and authorisation to do, therefore needing a warrent.</p> <p>2) Privacy and civil liberties will be breached. These new amendments will allow for devices that are keeping content that breaches the act to be confiscated, and be destroyed if finding such content. These days, content are stored on hard drives, computers and even phones, which would mean that the private information in those devices would be accessed and probably be taken into consideration.</p> <p>3) To enforce this amendment, there has to be a way that such content can be monitored. This could mean that new measures would be taken to police this, which would further breach privacy and civil liberties.</p>

		<p>I don't think I need to elaborate any further. This amendment should not pass.</p> <p>Members of the art, media and film communities are expressing high concerns and fears over these amendments, and rightfully so. I, myself, have dreams and hopes for Singapore to have a a high innovative art and film scene in the future. But if these amendments get passed, it would make it difficult for new artists to thrive and reach their full potential.</p>
103	28 December 2017	<p>1. I am writing in response to the public consultation regarding the proposed amendments to the Films Act. The Proposed Amendments to the Films Act heighten an environment of fear and self-censorship that adversely affect our individual rights to privacy, speech, and expression. In drafting these regulations, it is of fundamental importance that the legislation adequately weighs the enforcement powers conferred on authorities with the rights entitled to citizens under our constitution. As a concerned Singaporean, I fear that such a legislation sets a dangerous precedent for our nation's future, and puts our nation on a path towards authoritarianism. I therefore call for these amendments to be revised in order to give due consideration to the rights entitled to citizens under our constituion.</p> <p><b>Vagueness of the Amendments' Rationale</b></p> <p>2. In (Introduction) 1.2, it is not satisfactorily explained what the imperatives are in giving the IMDA enhanced powers in taking over investigation and enforcement from the police. It simply states that these amendments are motivated by "changes in the media landscape" and "the move towards co-regulation with the industry". The media landscape has changed significantly in numerous ways in recent years. The Proposed Bill fails to outline what specific changes in the media landscape it is responding to, and why this necessitates</p> <p>transferring the enforcement powers from the police to the IMDA, and broadening these powers. In statements to the press, IMDA has stated that the need to "act quickly to secure evidence of the contraventions while minimising the chances of the suspected offender fleeing the scene" has driven these amendments, which is again not a convincing rationale as existing legislation gives authorities ample means to do so, and goes against the liberalisation of the arts space that has greatly benefited the nation. Overall, this proposed bill suffers from a lack of clarity in its rationale, making the more heavy handed amendments such as (F) 2.31 more difficult to justify to the public, which rightfully expects accountability from public institutions.</p> <p><b>Broadness of (F) 2.31</b></p>

3. In (F) 2.31, the proposed amendments grant the IMDA excessive discretionary powers at the expense of ordinary citizens. Specifically, 2.31(b) states that the IMDA can “enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises” to deal with any breaches under the Films Act. It is hard to see why all breaches under the Films Act should be investigated without the need for a search warrant since Singapore is a country which prides itself on the rule of law, and ought to see any derogation from this principle as an exception rather than the rule. In addition, under 2.31(c), what would be deemed “not suitable” before the IMDA is granted the power to dispose of such material is not specifically stated. Therefore, the power provided for by 2.31(c) could potentially be exercised in a manner which overly interferes with the individual’s ownership of his property.

**What Consequences Do the Amendments Entail?**

4. While amendment 2.31(b) might enable the IMDA to be more efficient in conducting investigations, it incurs an intolerable cost which is not explained by any clearly-stated rationale. Broadened enforcement powers, along with the absence of any judicial review, leaves the individual vulnerable to the powers of the state, irrespective of whether he/she is innocent or guilty
5. The proposed amendment empowers IMDA officers tasked with conducting an investigation for any offence under the Films Act to do so without requiring a warrant. Without the need to attain a warrant, IMDA officers do not even have to justify that there is some sort of probable cause as to why an individual has been singled out for investigation; its subjective opinion is unchecked by the judiciary, who are meant to serve as the impartial guardians of the law. As a result, if the amendments are enacted, there would be little transparency in the decision-making process of a statutory body charged with the responsibility of regulating the storage, production and dissemination of information in our republic – this would undoubtedly lead to greater suspicion of enforcement powers exercised in ways perceived as draconian, which would undermine the public’s trust in its institutions.
6. The proposed amendments of the Films Act go against the government’s efforts to promote the development of the Arts to attract foreign capital. The government’s commitment to promoting the arts is evident in the establishment of the internationally recognised Lasalle College of the Arts which boasts its Puttnam School of Film. Many foreign students enrol themselves in this local institution for an education in Film studies. Art, however, is a medium of expression, especially those of a political nature. An amendment such as 2.31b suggests that an IMDA officer can knock on these students’ doors anytime and investigate their films for “unlawful” content. This breeds a culture of self-censorship that is not conducive for artists to flourish in Singapore. It also defeats the purpose of the government’s investment in the local arts scene to attract foreign capital.

**Suggestions**



		<p>7. I strongly suggest that the amendments be drafted in a way which accord greater primacy to the democratic values of transparency and accountability, and that these amendments not confer any broad and discretionary powers to the IMDA. Specifically, any provision of the amended Films Act which allows for search and seizure without warrant should relate to an offence, the investigation of which is time-sensitive. Moreover, the Films Act should vest the power of issuing a warrant for the purpose of investigating an offence relating to the seizure of “party political” films and the arrest of those in possession thereof, in the judiciary, instead of the police (see s 34 of the Films Act, rev ed. 1998) or the IMDA.</p> <p>8. The proposed amendments adversely affect our individual rights to privacy, speech, expression, and do not advance any clear economic goal. Rather, they risk pitting innocent, ordinary citizens against state machinery. I am therefore not convinced that the proposed amendments under section F are good for the nation. These amendments are a step backwards for a first world, democratic republic. I urge the IMDA to rethink these amendments.</p>
104	28 December 2017	<p>I am a citizen of the Republic of Singapore, a worker in the arts and cultural sphere, a consumer of media, and an occasional producer of content. The expansion of police powers through the proposed amendments to the Films Act is deeply unsettling and opens itself up to the potential of abuse. As such, I am opposed specifically to the proposed changes in Section 23 and Section 23A that confer powers of entry, search, and seizure to classification and licensing officers, and also more broadly, I am fundamentally opposed to the nature of the Films Act as a catch-all tool of policing moving-image content.</p> <p>Alternatives must be considered and pursued. A transference of responsibility can occur to empower IMDA employees within reasonable capacities, but this must be accompanied at the same time by a decriminalisation of the State's coercive content regulation regimes. IMDA officers should not inherit the search powers of the police. Instead, the law needs to be amended such that content checks (phrased in this legislation to cover too wide a broad spectrum) are not intrusive. If the target of abuse is a smaller subset of content, then the tool used address that needs to be forged finer, not cast a wider net.</p> <p>Singapore needs to move towards being a more robust, understanding, flexible, and empathetic society. The expansion of policing powers, continuing a history of instilling fear in the populace through repercussion, as opposed to the undoubtedly more difficult path of mutual education and dialogue, goes directly counter to hopes for progress, and speaks volumes about how things have not changed but may in fact even be getting worse in the sway of dominant global sociopolitical currents. Moreover, if the fostering of independent critical thought by the citizen, inclusive of that facilitated through emerging media technologies so much talked about with the Smart Nation plan and the changing economy, is something important to the elected and employed representatives of Singapore society who are shaping legislation, then space must be made more open, not closed off, in order for people to express, experiment, make mistakes, and realise fulfilling lives. Singapore must become more liveable, not less, in the future. The</p>

		<p>measure for such does not lie in how much “order” can be instituted through the legal and licensing framework. Singapore has the opportunity to become a positive example for the world.</p>
105	28 December 2017	<p>I am writing in my personal capacity as a concerned citizen when I read this article – <a href="http://www.straitstimes.com/singapore/concern-over-proposed-films-act-change">http://www.straitstimes.com/singapore/concern-over-proposed-films-act-change</a> [hyperlink removed]</p> <p>I looked at the Public Consultation paper under 2.31(b) where it states:</p> <p>"Enter and inspect, without warrant, any premises or examine any film or advertisement for a film found on the premises.</p> <p>However, when comparing to the Actual Bill under Section 23A —</p> <p>(1) A police officer, or a classification officer or licensing officer, may do all or any of the following for an enforcement purpose:</p> <p>(a) in relation to any premises (whether or not specified in a licence or the subject of a class licence) —</p> <ul style="list-style-type: none"> <li>(i) to enter and search, without warrant, the premises, and to search any equipment, vehicle or other thing at the premises;</li> <li>(ii) to photograph or film, or make audio or video recordings or make sketches of, any part of the premises or anything at the premises;</li> <li>(iii) to detain any individual found within those premises until the search of the premises is complete;</li> <li>(iv) to seize any film, advertisement for a film, equipment or material, if the officer knows or has reason to suspect that the film, advertisement, equipment or material is evidence of an offence under this Act or any of its subsidiary legislation;</li> <li>(v) to inspect and make copies of, or take extracts from, (without fee or reward) any document kept at the premises; or</li> <li>(vi) to take any document or any other thing at the premises, including asking any individual who is able to operate any equipment at the premises to do so for the purpose of enabling the police officer, classification officer or licensing officer (as the case may be) to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant;</li> </ul> <p>... so on.</p> <p>This "without warrant" portion and extraordinary range of powers given to an IMDA "classification officer or licensing officer" which sounds like a junior position, is very troubling.</p> <p>I would appreciate if the authorities consider a more considerate calibration of such powers, and this especially apparent when one compares the above to existing enforcement procedures by the Police for more heinous crimes.</p>

		Please do correct me if I am wrong.
106	29 December 2017	<p>1. I am writing with regard to the public consultation on the Proposed Amendments for the Films Act.</p> <p>2. I request that the Info-communications Media Development Authority (IMDA) withdraw the proposed amendments of the Films Act due to several substantive concerns, including the vagueness of the proposed amendments and the fact that existing laws already address areas of concern highlighted in the proposed amendments without the broad expansion in search and seizure powers the proposals envision.</p> <p>3. Going ahead with the proposed amendments in light of these issues can affect public trust in the IMDA as well as professional trust in the IMDA by local and international media professionals. This could be detrimental to Singapore's efforts to become a creative hub, particularly in film, animation, computer game design, news production, and other economically viable areas of creative production.</p> <p>4. I list these concerns in detail below:</p> <p><u>Missing Definitions for Key Terms</u></p> <p>5. Neither the proposed amendments nor the current legislation provide interpretations for the terms "public interest" and "national security" for the purposes of this legislation. They should be stated clearly, specifically, and explicitly to avoid confusion.</p> <p>6. The lack of definition for these terms leave scope for misinterpretation by the public and opens the possibility of arbitrary application of the law. Reasonable people can differ widely on what constitutes "national security" and "public interest."</p> <p>7. In comparison, "a party political film" under the current Films Act is clearly defined as:  "a film —  (a) which is an advertisement made by or on behalf of any political party in Singapore or any body whose objects relate wholly or mainly to politics in Singapore, or any branch of such party or body; or  (b) which is made by any person and directed towards any political end in Singapore;"</p> <p><u>Unclear Benefits to National Security and Public Interest</u></p>

8. Neither the amendments nor the explanations provided give a clear indication of how the amendments add to existing laws relating to national security or the public interest. Without a clearer explication of the additional benefits to national security and public interest from the amendments, the amendments seem to replicate existing laws and appear redundant.

9. Under the Sedition Act (CAP 290), persons who exhibit films, videos, and other materials are already liable for sedition if doing so has a seditious tendency:  
(a) to bring into hatred or contempt or to excite disaffection against the Government;  
(b) to excite the citizens of Singapore or the residents in Singapore to attempt to procure in Singapore, the alteration, otherwise than by lawful means, or any matter as by law established;  
(c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Singapore;  
(d) to raise discontent or disaffection amongst the citizens of Singapore or the residents in Singapore;  
(e) to promote feelings of ill-will and hostility between different races or classes of the population of Singapore.

10. The Penal Code (CAP 224) can cover other acts and intended acts of exhibiting films and other materials that may be detrimental to national security. Of particular relevance, are:  
(a) Sections 107 through 120 under “Chapter V—Abetment”;  
(a) Sections 120A (Definition of criminal conspiracy) and 120B (Punishment of criminal conspiracy) under “Chapter VA—Criminal Conspiracy”;  
(b) Sections 121 (Waging or attempting to wage war or abetting the waging of war against the Government), 121B (Offences against authority), 121C (Abetting offences under section 121A or 121B) under “Chapter VI—Offences against the State”;  
(c) Section 153 (Wantonly giving provocation, with intent to cause riot) under “Chapter VIII—Offences Relating to Unlawful Assembly”;  
(d) Sections 267C (Making, printing, etc., document containing incitement to violence etc.) and 270 (Malignant act likely to spread infection of any disease dangerous to life) under “Chapter XIV—Offences Affecting the Public Tranquility, Public Health, Safety, Convenience, Decency and Morals”;  
(e) Sections 298 (Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person) and 298A (Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony) under “Chapter XV—Offences Relating to Religion or Race”;  
(f) Sections 305 (Abetment of suicide of child or insane person), 306 (Abetment of suicide), and 307 (Attempt to murder) under “Chapter XVI—Offences Relating to the Human Body”; and,  
(g) Section 511 (Punishment for attempting to commit offences) under “Chapter XXIII—Attempts to Commit Offences.”

11. Under Section 34(1) of the existing Films Act (CAP 107):  
"Any Deputy or Assistant Commissioner of Police, Assistant Superintendent of Police or any Censor, Deputy or Assistant Censor or Inspector of Films, if satisfied upon written information and after such further inquiry as he thinks necessary that any person has in his possession any obscene film or party political film, may without warrant, with such assistance and by such force as is necessary, by night or by day, enter and search any place where he has reason to believe the film is kept, seize the film and any equipment used in the exhibition, making or reproduction of the film and take into custody any person reasonably believed to be in possession thereof." This provision addresses the need for search and seizure in relation to any obscene films, such as child pornography for example.

12. Together, these existing laws already cover what appears to be the main concerns motivating the proposed amendments to the Films Act since they are relevant to potential incitement of violence, including but not limited to terrorist acts and public unrest, through the screening of films and other materials. Consequently, the added benefit from the proposed amendments to the Films Act is at best unclear. Legislative time can be better allocated to other important public business.

*Unwarranted Expansion in Search and Seizure Powers*

13. Given that the proposed amendments do not appear to provide improvements to public interest or national security, expansions to the powers of search and seizure in laid out in paragraph 13 of the proposed amendment to the Films Act are unnecessary.

14. Specifically, paragraph 13 proposes a new Section 23A(1), which states:  
"A police officer, or a classification officer or licensing officer, may do all or any of the following for an enforcement purpose:  
(a) in relation to any premises (whether or not specified in a licence or the subject of a class licence) —  
(i) to enter and search, without warrant, the premises, and to search any equipment, vehicle or other thing at the premises;  
(ii) to photograph or film, or make audio or video recordings or make sketches of, any part of the premises or anything at the premises;  
(iii) to detain any individual found within those premises until the search of the premises is complete;  
(iv) to seize any film, advertisement for a film, equipment or material, if the officer knows or has reason to suspect that the film, advertisement, equipment or material is evidence of an offence under this Act or any of its subsidiary legislation;  
(v) to inspect and make copies of, or take extracts from, (without fee or reward) any document kept at the premises; or  
(vi) to take any document or any other thing at the premises, including asking any individual who is able to operate any equipment at the premises to do so for the purpose of enabling the police officer, classification officer or licensing officer (as the case may be)

		<p>to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant;”</p> <p>15. The expansion of warrantless search and seizure powers to non-law enforcement trained classification and licensing officers has no clear, reasonable grounds given that the proposed amendments do not substantively improve national security or the public interest. They may instead increase the potential for the misuse or even abuse of authority, particularly the possibility of disproportionate enforcement of the law. This could erode public as well as professional trust in state institutions in Singapore, such as IMDA.</p> <p><u>Conclusion</u></p> <p>16. The proposed amendments to the Films Act do not seem to add to the public interest and national security. Other laws in Singapore comprehensively address the stated motivations behind the amendments. This provides no basis for the significant expansion of state authority, including the powers of search and seizure without warrant by officials who are not professional law enforcement officers.</p> <p>17. The redundancy of the proposed amendments means that there is little reason for them to take up legislative time. IMDA should withhold these proposed amendments. Moving forward with the proposed amendments may undermine public and professional trust in IMDA and other Singapore state institutions and be counter-productive for Singapore’s efforts to develop our nation’s creative industries.</p> <p><u>Additional follow-on comment:</u></p> <p>1. I would also like to add that if “public interest” includes concerns about the administration of justice or contempt of court that may arise from the exhibition of films or other materials, the recently gazetted Administration of Justice (Protections) Act 2016 already covers such concerns.</p>
107	29 December 2017	<p>The proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" that allows IMDA officers to enter any home without warrant / police presence.</p> <p><b>This is NOT acceptable.</b></p>

108	29 December 2017	<p>I write to add my voice to the many objecting to the sweeping powers that are to be given to IMDA to enter premises without warrants in the proposed new legislation.</p> <p>The proposed amendments give IMDA officers greater powers than police officers, and this is very worrying.</p> <p>I urge IMDA/the Government to reconsider the proposals and to take into account the points made by the SG Film Community in its position paper <i>[hyperlink removed]</i>.</p>
109	29 December 2017	<p><b>1 Introduction</b></p> <p>1.1 The Films Act (Cap 107) was enacted to regulate the “possession, importation, making, distribution and exhibition of films”. The Government now proposes to pass the Films (Amendment) Act, which is the subject of this representation. We have major concerns on the following fronts:</p> <p style="padding-left: 40px;">a. <i>Widening of the Scope of Offences.</i> The new legislation significantly widens the offences of “distribution”, “exhibition” and “possession” of unauthorised or unclassified films such that, given the current ease of producing and circulating videos, makes almost the entire population of Singapore vulnerable to the Act’s operation.</p> <p style="padding-left: 40px;">b. <i>Not Updating Offences Relating to “Party Political Films”.</i> While this amendment Act undertakes a comprehensive revision of the original Films Act, it has not updated the definition and offences pertaining to “party political films” under sections 2 and 33 of the Act. Given the advances in technology and trends in social interactions and behaviour, this also opens almost the entire population of Singapore to being caught under these provisions, especially given the widening of the offences mentioned above.</p> <p style="padding-left: 40px;">c. <i>Excessive Enforcement Powers for Police and Regulators.</i> The new section 23A gives unnecessary and excessive enforcement powers to the police and to IMDA regulators given the objects of the Act and the potential harm that may result in the absence of such powers.</p> <p>1.2 We will deal with and elaborate on each of these concerns in turn.</p> <p><b>2 Widening of the Offence of “distributing”, “exhibiting” and “possession” of unauthorised or unclassified films.</b></p>

2.1 Under the current Films Act, it is an offence to *possess or exhibit or distribute or reproduce* “any film without a valid certificate” (Section 21(1)(b)). It is also an offence to import, make, reproduce, distribute or exhibit a “party political film” (Section 33). It is proposed to replace Section 21(1)(b) with a new Section 21(1) that makes it an offence for any person to *distribute or publicly exhibit* an unclassified film or to have such a film in his or her *possession* “with the intention of distributing or publicly exhibiting the film.”

2.2 The phrase “publicly exhibit” is not defined in the Act although it does provide a definition of “public place”, which refers to any place in Singapore “to which members of the public have access as of right” or where they have access by virtue of express or implied permission. The new definition of “exhibit” in Section 2(1) is now also much broader than the old definition of “exhibition”, which required some kind of projection of the said film. Under the proposed new regime, “exhibit” under the new Section 2(5) includes the situation where content “is supplied by broadcasting service, telecommunications or other electronic transmission” and “is received on a computer monitor, television screen, mobile device or similar medium equipment appropriate for receiving that content.” Furthermore, the “showing of the content by the recipient to one or more other individuals is taken to be an exhibition of a film.”

2.3 The new Section 2(6) does exempt the “private viewing alone of a film by an individual” from the meaning of “exhibit” but this is much too narrow an exemption. Any person, having on his or her mobile device, an “unclassified film” may be caught under the new law if he or she watches it along with a friend while standing in the void deck of an HDB flat or at the local coffee-shop.

2.4 Other than for commercial distributors and exhibitors of films, the implementation of these new provisions is problematic especially with the ubiquity of mobile phones, tablets and other kindred devices. Individuals on chat groups may receive “films” from any person anywhere around the world. How is the recipient supposed to know if the “film” received is or is not an “authorised” film, or for that matter, a party political film? Indeed, if the recipient of the “film” were to show it to a friend to determine if it is party political, he or she would be caught under the provision.

2.5 Today, everyone shares files through various applications such as WhatsApp, Line or WeChat, including video files, which will almost certainly qualify as “film” under the Act. The sharing is often done through sending entire files through these applications, which means that to view these files (even to ascertain what they are about), the recipient will have to download the file and open it before he or she can view it. This means that a copy of the file will automatically be saved on the recipient’s mobile device or computer. When this happens, the recipient will be “in possession” of the film; and if the recipient thought the film worth sharing with another friend, he or she would theoretically possess the film “for the purposes of exhibiting” the film.



2.6 The cumulative impact of these amendments is to make it all too easy for anyone to be prosecuted under the Act, whether for possessing, distributing or exhibiting unauthorised or unclassified films. To be sure that one is not caught and penalised under the new provisions, one must be sure (a) never to click on or download any video file received on one's mobile device; and (b) never to forward or show a video on one's mobile device to someone else. This is a serious overkill and totally disproportionate to the potential harm the new provisions appear to be aimed at arresting.

### **3. Not Updating Offences Relating to "Party Political Films"**

3.1 Section 33 of the Films Act was inserted back in 1998, long before the advent of popular video-sharing platforms such as Vimeo (created in 2004) and YouTube (2005). Speaking during the Second Reading of the Films (Amendment) Bill on 27 Feb 1998, Minister for Information and the Arts George Yeo explained that Section 33 was introduced because "political videos are an undesirable medium for political debate in Singapore" and that these videos could be "sensationalised or presented in a manner calculated to evoke emotional rather than rational reactions." At the same time, videos did not allow for "effective rebuttals" and carried the "risk that political debates on serious matters will be reduced to a contest between advertising agencies" (*Singapore Parliamentary Debates*, vol. 68, 27 Feb 1998, col. 477). The Government's objective was thus to "keep political debates in Singapore serious and not have them become like the selling of soap." Minister Yeo stated that while Section 33 would affect all political parties, it would "not affect the freedom of political debate in Singapore" as there were "already sufficient avenues for political parties to get their views, platforms and manifestos across to the public" (col 477).

3.2 It is clear that when Section 33 was introduced, it was targeted specifically at political parties who might be tempted to make, exhibit and distribute "party political films." It did not anticipate the advance of affordable technology and the popularity of video-sharing platforms that allow individuals to make videos on their own (at very little cost) and distribute them online. The first camera phones only became available in Japan and Korea in 2000, with the first video-camera phones following a few years later. Section 33 of the Films Act is now seriously out of date. Practically every "home-made" video or film would almost certainly be an "unclassified film" and accordingly render its possessor, exhibitor or distributor liable under the proposed new Section 21(1)(a)(ii). Pure possession is in itself insufficient for prosecution under this Section since it further requires that the possession be "with the intention of distributing or publicly exhibiting the film." These additional requirements are easily met because few people take videos (blowing out the candles on the birthday cake) only for their personal enjoyment and not to share with a family member (grandmother) or friend.

3.3 In addition, the definition of "party political films" in Section 2 of the Act – which remains unchanged in the proposed amendments – is so wide and vague as to make it all too easy for someone to be caught under the Act. Section 33 prohibits the

importation, reproduction, distribution and exhibition of “party political films.” Section 2(2)(a) defines a “party political film” as a film —

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

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

The meaning of “towards any political end in Singapore” is explicated in Section 2(2), which provides that such a film —

(a) contains wholly or partly any matter which, in the opinion of the Board [of Censors], is intended or likely to affect voting in any election or national referendum in Singapore; or

(b) contains wholly or partly references to or comments on any political matter which, in the opinion of the Board, are either partisan or biased ...

3.4 “Political matters” include, among other things, “a current policy of the Government or an issue of public controversy in Singapore.” The words “partisan” and “biased” are not defined and left to the sole discretionary interpretation of the Board of Censors.

3.5 Thus, reading Section 33 with the definition in Section 2, any film that even partially *refers* or *comments* on any political matter in “either partisan or biased” manner is a party political film. This effectively prevents any person from commenting on politics in Singapore or proffering any view on Government policy – on film. Thus, someone who has recorded a video of himself criticising a controversial policy such as the Population White Paper or the frequency of the breakdown of SMRT trains will *prima facie* find himself running afoul of Section 33. Technically, any criticism of government policy or action is potentially partisan or biased as it goes against the status quo. Such a prohibition runs counter to the freedom of expression under Article 14 of the Singapore Constitution and also to the intention of Parliament as stated by then Minister George Yeo.

#### **4. Excessive Power of Enforcement**

4.1 The new Section 23A gives excessive power to the police and classification and licensing officers from the IMDA to enforce the Act. The current Section 23(2) only allows a person holding the rank of Deputy Commissioner, Assistant Commissioner or Assistant

Superintendent of Police to conduct a search of premises without first obtaining a warrant. Even so, there are only two conditions when such drastic action may be taken:

(a) if he has personal knowledge of such facts as satisfy him that there are sufficient grounds for a search;

(b) if he receives information orally in such circumstances that the object of a search would in his opinion be defeated by the delay necessary for reducing the information to writing except that the name and address of the person giving the information is known to or ascertained by him before he acts upon the information.

These procedural requirements and minimal safeguards are absent in the proposed amendments (Section 22).

4.2 Under the new Section 23A, any “police officer” or “classification officer” or “licensing officer” may “enter and search without warrant, the premises and to search any equipment, vehicle or other thing at the premises” if it is done “for an enforcement purpose.” The new Section 23A(9) provides that “enforcement purpose” means the obtaining of evidence of an offence “where there is reasonable cause to believe that evidence of the commission of the offence can be found on those premises” or “investigating any offence under the Act.”

4.3 Other than entering and searching a premise or vehicle, enforcement officers are also empowered to:

(a) photograph or film, or make audio or video recordings or make sketches of, any part of the premises or anything at the premises;

(b) detain any individual found within those premises until the search of the premises is complete;

(c) seize any film, advertisement for a film, equipment or material, if the officer knows or has reason to suspect that the film, advertisement, equipment or material is evidence of an offence under this Act or any of its subsidiary legislation;

(d) inspect and make copies of, or take extracts from, (without fee or reward) any document kept at the premises; or

(e) take any document or any other thing at the premises, including asking any individual who is able to operate any equipment at the premises to do so for the purpose of enabling the enforcement officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant;

(f) require any person in Singapore who is believed to be acquainted with any facts or circumstances relevant to the carrying out of the provisions of the Act to attend before the officer to answer questions or provide information or produce documents believed to be in their possession.

4.4 The general power to enter into and search premises is currently governed by Section 32 of the Criminal Procedure Code (Cap 68), which permits the conduct of a search of a property without a search warrant only by “any police officer of or above the rank of sergeant” upon “reasonable cause” and “suspecting that any stolen property is concealed or lodged in any place and he has good grounds for believing that by reason of the delay in obtaining a search warrant such property is likely to be removed.”

4.5 Searches and seizures without warrants may be found in other statutes but in all these instances, an exception is made because of the danger that the subjects of investigation and apprehension escape or because evidence may be removed or destroyed. Such urgency does not exist in the enforcement of the Films Act. Today, most film is stored in digital form and unless the subjects of investigation destroy their computers, mobile devices and such, evidence of their wrongdoing can easily be recovered through digital forensics.

4.6 In most instances, searches without warrants are permitted by law only under exceptional circumstances. In particular:

(a) Some imminent danger or urgency exists – such as removal of stolen property while a warrant is being sought – is such that the prior obtaining of a warrant is impracticable.

(b) The presence of three key safeguards. First, only empowering the police to conduct such searches; second, requiring the decision to be made by a police officer of higher authority; and third, the requirement that the officer have bona fide grounds for such a search.

4.7 The new Section 23A of the Films Act goes against all these requirements. The power to conduct a search without a warrant is given not only to *any* police officer, but *also* to any classification officer or licensing officer. No higher authorisation is required.

4.8 The phrase “reasonable cause” under Section 23A(9) is not defined and can easily be misused by an over-zealous enforcement officer. Given this ambiguity, the odds are stacked against the victims of searches without warrants because courts in exercise of their supervisory powers are likely to apply the test of *Wednesbury* unreasonableness whereby an executive action may be quashed if it is “[s]o outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it” (Lord Diplock in *Council of Civil Service Unions v Minister for the Civil*

		<p><i>Service</i> [1985] AC 374, paraphrasing the principle of “unreasonableness” in <i>Associated Provincial Picture Houses Ltd v Wednesbury Corporation</i> [1948] 1 KB 223).</p> <p>4.9 This means that the burden shifts to the accused in proving that the officer’s belief that he or she had “reasonable cause” was so ridiculous as to have no basis or that the officer acted arbitrarily or in bad faith. This burden is extremely difficult to discharge.</p> <p><b>5. Conclusion</b></p> <p>5.1 The proposed amendments need to be studied and reconsidered.</p> <p>5.2 Based on the proposed amendments, the following hypothetical, while outrageous, would legally be condoned:</p> <p style="padding-left: 40px;">An IMDA licensing officer hears a rumour that a Minister has made a video of himself criticising a certain member of the Opposition. He also knows from newspaper reports that the Minister is leaving the country for an official visit that very evening. He decides to act. The video was certainly never submitted for classification, and could well also be a party political film. Together with five other licensing officers, he enters the Minister’s house without a warrant to conduct a search. He detains the Minister and his family for 25 hours while he and his colleagues search the Minister’s house and leaves with whole cabinets full of the Minister’s papers, all the mobile phones, computers and digital storage devices in the house. He further instructs the Minister to report to IMDA to answer questions pertaining to the seized material.</p> <p>5.3 Our laws certainly need to be reviewed and updated where necessary to align with the Smart Nation thrust. That the hypothetical in paragraph 5.2 above may be legally condoned, however, should give pause to the current bill. We urge the IMDA to work with the relevant stakeholders to draft a law that while updating our law to the digital era does not inadvertently work against the end of a Smart Nation.</p>
110	29 December 2017	<p>As a freelance media person who does everything from wedding videos to TV shows, I am alarmed at the proposed amendment to part <b>F) 2.31</b> that grants IMDA officers powers to "Enter and inspect, without warrant, any premises" that were previously the domain of the police. I understand that IMDA is perhaps trying to lessen police burden, but if it is a matter of national security, I think it would be better left to the police. Also, this would result in a slippery slope where overzealous untrained executives whose main job scope is not policing break in and enter any place. This could also raise a lot of legal questions. Can one prove that the investigation was carried out in a manner that would provide for permissible evidence, (i.e. to prove that it was not planted) or</p>

		<p>would this open a grey area for the courts to settle? How would such material seized by an untrained investigator be treated by the courts? Perhaps it is better to create a Media Division in the Police Force instead.</p> <p>Furthermore, <b>2.31 (c)</b> that states that seized materials would be disposed without returning to the owner can seriously damage our livelihoods. Suppose that a wedding videographer, in the course of filming a wedding, happens to film a unlawful protest that took place at the same park, and whose equipment is seized as evidence and subsequently disposed of, would have lost their only means of making a living, their capital (expensive equipment), as well as have to recompense the wedding couple for not being able to finish the job. This could seriously ruin lives.</p> <p>Please do not make the above amendments <b>F) 2.31</b>.</p>
111	30 December 2017	<p>The proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" that allows IMDA officers to enter any home without warrant / police presence.</p> <p>This is NOT acceptable.</p>
112	30 December 2017	<p>The proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" that allows IMDA officers to enter any home without warrant / police presence.</p> <p>This is NOT acceptable</p>
113	30 December 2017	<p>The proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" that allows IMDA officers to enter any home without warrant / police presence is unacceptable.</p>
114	30 December 2017	<p>I refer to the following section extracted from section F of Part 1 and included here for completeness - except for the footnotes [0]:</p> <p>"(F) Enhancements to IMDA's Investigation and Enforcement Powers</p> <p>2.30 Today, the Films Act provides IMDA and Police with powers to enter premises without warrant to search for and seize unlawful films. However, for other breaches of the Films Act, such as the distribution or public exhibition of</p>

unclassified films, such powers are vested with the Police who assist IMDA with enforcement and investigations. Going forward, the enforcement and investigation for breaches under the Films Act will be taken on by IMDA, and the Police will only be called on when necessary. Accordingly, the Films Act will need to be amended to empower IMDA with the necessary enforcement and investigation powers to take on this role.

#### Proposed Amendments

2.31 MCI/IMDA propose to enhance IMDA's investigation and enforcement powers to:

- (a) Request any documents and information from any person to investigate a suspected breach of the Films Act or licence conditions;
- (b) Enter and inspect, without warrant, any premises and examine any film or advertisement for a film found on the premises;
- (c) Dispose of films, equipment or materials that have been seized during enforcement and is unclaimed, forfeited or has to be disposed without returning to the owner; and
- (d) Provide for the composition of offences."

In general, the various other proposals look useful and are, I think, reasonable.

What concerns me, however, is the change as noted in paragraph 2.30 above.

As it is, there is no need for a warrant to enter a premise as was already in the law [1] (Section 23A(1)(a)(i). I note that it is only in 23A(6) that warrants are sought when 23A(1)(a)(i) fails.)

		<p>How the Film Act [2] was written (and passed) that way is something that I'd like to know. I think that it does infringe of one's rights and I feel is counter to the idea of due process and fair play.</p> <p>So, given that, I am concerned with the proposed removal of the involvement of Police officers as noted in paragraph 2.30 above.</p> <p>The consultation document does not provide detailed justifications or reasons for the proposed amendments. It would be very helpful if there were historical information as to what IMDA encountered (or was hindered as a result of) in undertaking the responsibilities as it is defined in the law that now warrants the need to remove Police officers in the list of authorized officers.</p> <p>I am concerned that the impartial oversight that the Police offers is being diminished by this proposed change. It might very well be that there were indeed no Police officers involved in previous efforts to enforce the Film Act, but that is not evident in this proposal and seems strange to write them out of it without additional information.</p> <p>[0] <a href="https://www.imda.gov.sg/-/media/imda/files/inner/pcdg/consultations/consultation-paper/public-consultation-on-proposed-amendments-to-the-films-act/films-act-public-consultation-4-dec-2017.pdf?la=en">https://www.imda.gov.sg/-/media/imda/files/inner/pcdg/consultations/consultation-paper/public-consultation-on-proposed-amendments-to-the-films-act/films-act-public-consultation-4-dec-2017.pdf?la=en</a> [hyperlink removed]  [1] <a href="https://www.imda.gov.sg/-/media/imda/files/inner/pcdg/consultations/consultation-paper/public-consultation-on-proposed-amendments-to-the-films-act/annex--draft-films-act-amendment-bill.pdf?la=en">https://www.imda.gov.sg/-/media/imda/files/inner/pcdg/consultations/consultation-paper/public-consultation-on-proposed-amendments-to-the-films-act/annex--draft-films-act-amendment-bill.pdf?la=en</a> [hyperlink removed]  [2] <a href="https://sso.agc.gov.sg/Act/FA1981#pr34-">https://sso.agc.gov.sg/Act/FA1981#pr34-</a> [hyperlink removed]</p>
115	30 December 2017	I OBJECT WHOLLY to MCI/IMDA's proposed amendments to the Film Act in section F in order to enhance IMDA's investigation and enforcement powers, that allows IMDA's officers to enter any home without warrant or police presence. The proposed changes and similar proposals is NOT ACCEPTABLE to me.
116	30 December 2017	The proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" that allows IMDA officers to enter any home without warrant / police presence is unacceptable.
117	30 December 2017	<p>I object wholly to the proposed change in "Section (F) Enhancements to IMDA's investigation and Enforcement Powers" that allows IMDA officers to enter any home without warrant / police presence.</p> <p>This is totally NOT acceptable.</p>



118	30 December 2017	The proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" that allows IMDA officers to enter any home without warrant / police presence is unacceptable.
119	30 December 2017	The proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" to allow IMDA officers to enter and search any private premise without a legal warrant is UNACCEPTABLE.  I unequivocally REJECT this proposal.
120	30 December 2017	The proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" to allow IMDA officers to enter and search any private premise without a legal warrant is UNACCEPTABLE.  I unequivocally REJECT this proposal.
121	30 December 2017	I object to the proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" that allows IMDA officers to enter any residences without warrant or police presence.  It is NOT acceptable.
122	30 December 2017	The proposed change in section "(F) Enhancements to IMDA's investigation and Enforcement Powers" that allows IMDA officers to enter any home without warrant / police presence is unacceptable.
123	30 December 2017	I am writing as a concerned citizen regarding the proposed amendments to the Films Act and IMDA's public consultation process.  <b>1. Proposed penalties in Section 21 (Annex pg 37) are applied too broadly.</b> According to the proposed amendments: <b>12.</b> Section 21 of the Films Act is amended — (a) by deleting subsection (1) and substituting the following subsections: “(1) A person commits an offence if — (a) the person — (i) distributes or publicly exhibits an unclassified film; or (ii) has in the person's possession a film that is an unclassified film, with the <b>intention</b> of distributing or publicly exhibiting the film; <b>and</b> (b) the person knows or ought reasonably to have known that, or is reckless as to whether, the film is an unclassified film.

The amendments also go on to state that anyone found guilty of an offence under these subsections are liable to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 6 months or to both.

These amendments are problematic on many counts, the first of which is making the intention of doing something illegal liable to the same penalties as having committed the offence. This is as absurd as making someone who owns a lockpick liable to the same penalties as someone who has used a lockpick to break into a house. Similarly, the addition of the term “is reckless as to” is also something that unfairly expands the range of people liable to be charged for this offence.

## **2. Greater transparency regarding rationale for penalties in Section 21.**

I also call on IMDA to give a public statement on the following questions:

- How did IMDA arrive at \$40,000 as the maximum fine under this section?
- How did IMDA arrive at 6 months as the maximum jail term under this section?
- How does the distribution or exhibition of an unclassified film merit this fine and jail term?
- What are the criteria by which IMDA determines the eventual fine and jail term for an offence under this section?
- How does the nature of any given unclassified film determine the severity of the penalty? For example, under its proposed amendments, would exhibiting a party political film be treated by IMDA as more or less severe than exhibiting a child pornography film?

## **3. Amendments permit IMDA overly broad powers of seizure.**

In Section 21 of the existing Films Act (pgs 15-16), IMDA already has substantial powers to enter any place where unclassified films are kept or about to be exhibited. As it stands, the Films Act empowers IMDA to examine the film, and only seize the film and any equipment used **“if on such examination he has reasonable grounds for believing that an offence under this section has been or is about to be committed”**. While the “reasonable grounds” is still a vague term which could be applied over-broadly, the proposed amendments to Section 23 (Annex pg 46) allows IMDA to break and enter with even more impunity, as all it needs is for the IMDA officers to **“[have] reason to suspect** that the film, advertisement, equipment or material is **evidence of an offence** under this Act or any of its subsidiary legislation”.

Furthermore, by expanding the scope of items from the existing Films Act’s “films and equipment” to “any material” or “any other thing”, the proposed amendments allow IMDA complete and total leeway to seize literally anything in the spaces they enter with very little justification – not just “film, advertisement, equipment or material”, but

- “any document or any other thing”
- “a disk, tape or other storage device that can be used or associated with the equipment”.

Moreover, IMDA does not need more than “reason to suspect” that a given object is evidence – so long as something “contains information relevant to the investigation”, it can be seized. This makes it easy for IMDA to unjustly and arbitrarily damage the livelihoods and invade the privacy of anyone whose possessions happen to be in that space.

**4. Scrap all existing and proposed conditions for forfeiture of films, advertisement, equipment or materials seized**

At first glance, the proposed section 28A may seem better than the current section 21 of the Films Act (pg 16), which states that:

(3) Any film and equipment seized under subsection (2) in respect of which any person has been convicted under this section shall be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.

However, we have already established that the proposed amendments expand the range of items IMDA is permitted to seize and require less justification upon which to do so. Furthermore, according to section 28A of the proposed amendments (Annex pg 59):

28A. (2) If —

(a) **no prosecution is instituted with regard** to any film, advertisement for a film, equipment or material which has been seized under section 23A(1); or

(b) no claim is made for that film, advertisement, equipment or material under section 23A(8), the film, advertisement, equipment or material item is deemed to be forfeited.

Both subsections of this proposed amendment should be scrapped, as they expand the government’s power to hold onto objects without being required to prove that they are clearly connected to the commission of an offence. If no prosecution is instituted with regard to the films, equipment and materials seized, it is unjust to forfeit them. Only items used in the commission of offences **after** conviction should be deemed to be forfeited.

As for 28A(2)(b), it gives too little time for people to claim seized items. The 48 hours given under section 23A(8) is too little if the people whose items have been seized are dealing with police investigations and/or have been denied access to their devices. Given that the objects seized are highly likely to include communication devices, this clause does not give people sufficient time to make arrangements to claim their seized objects. Moreover, this could lead to scenarios such as people unconnected to the offence having their important items seized and forfeited simply because they happened to be present when IMDA entered.

Furthermore, this gives IMDA the leeway to impose penalties that go far beyond the aim of preventing or penalising the distribution or public exhibition of unclassified films – it essentially allows the government to forfeit every item they can get hold of regardless

of whether an offence has been committed. The government should not have the leeway to keep or dispose of every single object owned by any person, regardless of their involvement in the offence; everyone should be left with the means to continue legal economic and personal activities

**5. Contradictions in statements.**

Something which stood out to me upon reading both the 15-page document summarising the amendments and the 92-page document was the contradictions in their statements. On page 8 of the public consultation document, it is stated:

***2.21 In keeping with the intent of focusing our regulatory efforts on the distribution and public exhibition of films, MCI/IMDA propose to narrow the classification scope so that only films intended for distribution and public exhibition need to be classified.***

However, for films containing content that is against the public interest, IMDA will have the power to require any film to be submitted for classification.

*[redacted name of individual respondent]*'s submission has already raised questions about the vagueness of terms like "public interest" and "national security", and how this might lead to arbitrary applications of the law. My questions are somewhat related:

- How does IMDA determine whether a film that is not distributed or publicly exhibited is against public interest?
- Why would a film not intended for distribution or public exhibition require classification even if it contains content that IMDA objects to?

I call upon IMDA to be consistent with its assertion that it proposes to narrow the classification scope. Films not intended for distribution or public exhibition should not be liable to being called in for classification.

**6. Appeals deemed to undermine National Security should not be determined solely by the Minister.**

I second the changes called for in Jason SOo's petition "Say YES to Film Ratings that are transparent, accountable, and fair". While I understand that it is effective and necessary to cut bureaucratic procedures in certain contexts, the classification of a film should not be treated as requiring the same level of urgency as declaring a state of emergency or defending the country against external attacks.

**7. Public consultation process should be extended and made more accessible.**

For those who want to fully engage with the process needed to

1. Read through the following documents
  - a. 15-page summary

		<ul style="list-style-type: none"> <li>b. 92-page annex</li> <li>c. 30-page existing Films Act</li> </ul> <ol style="list-style-type: none"> <li>2. Process each document</li> <li>3. Cross-reference the documents</li> <li>4. Look up legal terminology</li> <li>5. Discuss thoughts with those around them / participate in unofficial discussions</li> </ol> <p>For these proposed amendments, IMDA initially gave 11 days for the public to engage, before extending the consultation process till December 30<sup>th</sup>. It is still too short a time for people to engage with this legislation while juggling their other professional and domestic commitments. Furthermore, since many people will have made holiday plans long before the release of the proposed amendments, the short consultation period excludes many people. IMDA should also not need public pressure to extend the consultation period to a mere 26 days.</p> <p>IMDA should also go beyond the 15-page summary to provide a glossary of the addition of new terms, such as “is reckless as to” and “reason to suspect”. The 15-page summary should also reflect key changes more accurately; there was no mention of the expanded police powers.</p> <p>All these documents should also be translated into Chinese, Malay, and Tamil, so as to make them accessible to non-English-speaking Singaporeans.</p> <p><b>8. Conclusion</b></p> <p>In the light of the plethora of issues in both the amendments and the consultation process, IMDA should withhold these proposed amendments and focus on revising their consultation process.</p>
124	30 December 2017	<p>I am writing in response to the call for public feedback on the proposed amendments to the Films Act (FA). I am disappointed with some of the changes and have several questions that I would like you to post to you.</p> <p>In particular, I am concerned with the section concerning enhancements to IMDA’s investigation and enforcement powers, specifically the amendment that allows IMDA staff to enter any premises, without a warrant, on suspicion of breaches of the Films Act. Currently, IMDA staff already has the power to enter any premises, without a warrant, on suspicion of the existence of unlawful films. The proposed amendment widens that scope of enforcement to include all other breaches of the film act. This is a significant increase in power and scope that should not be given lightly.</p>

		<p>My questions are:</p> <ul style="list-style-type: none"> <li>• How do these amendments make life better or safer for the citizen of Singapore? Knowing that another group of people has the power and right to enter any homes to search for and take away our personal possessions and devices does not make me feel safer.</li> <li>• What safeguards are there to prevent any abuse of these power and authority. There is a lack of mention of any negative consequences on the part of IMDA and its staff should they not find any unlawful items and there is no mention of any definition of what constitutes an abuse of these powers.</li> <li>• What safeguards are they to prevent the partisan use of IMDA to further political goals? In recent memory, films that are considered banned have largely been considered to have certain political implications - such as "To Singapore, With Love" in 2014 and Singapore Rebel in 2005. IMDA as independent from any political party should lay out in its enforcement guideline how to avoid and prevent been used by any political and partisan parties.</li> </ul> <p>Ultimately these amendments give the IMDA far too much discretionary power in deciding what is suspicious, who might be up to no good, and what to do about it.</p> <p>I urge you to consider the above points and not to support any legislation that infringes on the privacy and freedom of our citizens.</p>
125	31 December 2017	<p>The proposed change in section "(F) Enhancements to the IMDA's investigation and enforcement powers" that allows IMDA officers to enter any home without warrant/police presence.</p> <p>THIS IS NOT ACCEPTABLE.</p>