

Ms Lee Ee Jia
Director (Media Policy)
Infocomm Media Development Authority
(Attention: Ms Tee Yock Sian)
Email: consultation@imda.gov.sg

30 December 2017

Re: Petition on Sections 23, 34 of the Films Act 2017

Dear Ms Lee,

On behalf of 750 individuals, I am submitting a petition against Section 23 of the proposed amendments to the Film Act, as well as Section 34 of the existing Film Act. The issue relates to the abolishment of the usual practice of search and seizure warrants to be issued before IMDA officers are authorized to enter the homes of citizens and confiscate any equipment as they see fit.

Please see the petition for more details. The list of 750 names is attached at the end of the petition.

Sincerely,



Jason Soo
Filmmaker
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Petition on Sections 23 and 34 of the Films Act 2017

The proposed amendments to the Films Act (Section 23) confer far too much power to IMDA officers. They also fail to protect the rights of citizens, which is the one of the fundamental purposes of any legislation.

Our four main points are these:

First, search and seizure warrants are essential safeguards against any potential abuse of power. The case for eliminating safeguards such as warrants can only be justified when there is a risk of imminent danger or physical injury. None of the offences covered under the Films Act poses such a risk. Therefore, if IMDA wishes to enhance its investigation and enforcement powers, this must not be done at the expense of citizens to feel safe in their homes and secure in the rights of their property.

Second, the confiscation of equipment raises two important and often overlooked issues:

One, handphones, computers and storage devices contain confidential information unrelated to the alleged offence. These may include sensitive information that can put vulnerable people at risk in the event of a leak. How can IMDA guarantee that the privacy of such sensitive data is protected?

Two, equipment such as computers and video cameras are often used for work purposes. They may be quite costly. Professional video cameras for example, can cost up to the equivalent of half a year's salary or more. If we then use the recent history of police investigations as a gauge of what is likely to happen, we find that investigations can last anything from six months to one year, which means that the owner is deprived of these equipment for that entire period. In such a case, confiscation becomes a severe punitive action that endangers the livelihood of citizens. Hence, not only is there an urgent need to scrutinize current police procedures surrounding the confiscation of property, there is also a need for legislation that protects the citizen from being unduly punished through such confiscation, especially when he or she has not yet been found guilty nor even charged.

Third, the extension of police powers to IMDA is part of a worrying trend that needs to be re-examined. As more and more public agencies assume the powers of police, citizens risk becoming terrorized by the very laws that purport to protect them.

Fourth, the public consultation has brought our attention to a shocking aspect of the existing Films Act. Under Section 34, in regard to so-called “obscene” and “party political” films, IMDA officers are already authorized to enter homes and confiscate equipment without any warrant¹. We have already stressed the importance of safeguards such as warrants in our first point above. There are two further issues here. One, there is no public consensus on what is considered obscene or party political; their definitions can be highly subjective. More crucially, we lack any truly independent public institution that has the power to determine what is obscene or party political. Hence, there is an obvious conflict of interest when the power to decide what is obscene or party political is made not by a community-appointed institution, but by officials who are appointed only if ultimately approved by the single person of the Minister.

In conclusion, we as concerned individuals, express our deepest objections to the proposed amendments to Section 23 of the Films Act. We also call for a repeal of Section 34 of the existing Films Act.

[SIGNATORIES REDACTED]

¹ <https://sso.agc.gov.sg/Act/FA1981#pr34-> (Retrieved 26 December, 2017).