



**SCREENWRITERS  
ASSOCIATION  
(SINGAPORE)**

**SCREENWRITERS ASSOCIATION (SINGAPORE)**

**RESPONSE TO THE**

**INFO-COMMUNICATIONS MEDIA DEVELOPMENT AUTHORITY**

**PROPOSED AMENDMENTS TO THE FILMS ACT**

**29th DECEMBER 2017**

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### **Summary of Major Points**

SAS (Screenwriters Association [Singapore]) is highly concerned with a number of the proposed amendments to the Films Act, submitted by the IMDA (Info-communications Media Development Authority) and MCI (Ministry for Communications and Information) for public consultation on 4th December 2017.

These changes give IMDA extraordinary powers of investigation and enforcement over members of the public as well as classification of films.

- IMDA officers will now be authorized to enter the premises of a citizen without a warrant to conduct search and seizure on mere suspicion that a person is in possession of unlawful films (party political and obscene films). This includes breaking *“open any door or window leading to the premises, or remove by force any obstruction”* if necessary to obtain entry.
- Appeals against IMDA’s decision to refuse classification for films that undermine national security will be determined by one person, the Minister, as opposed to a committee

All of these actions will:

- Decrease accountability, transparency and lack of due process
- Erode public confidence and public faith in IMDA
- Increase censorship and/or self-censorship
- Decrease the chance of developing a creative space where ideas can thrive; and
- Decrease the chance of Singapore becoming a world-class centre to produce internationally-acclaimed content that will travel

Furthermore, in light of the shrinking space for public assembly, and Singapore’s low rating in the World Press Freedom Index, this is highly problematic and cause for concern of the direction in which Singapore is heading.

We propose that IMDA reconsider the amendments to the Films Act and our recommendations are in Section 3: Comments

### **Statement of Interest**

SAS, founded in 2000, is an active representative of the film and television community. We have partnered with IMDA, as well as Workforce Singapore (WSG) on writing-related educational projects. IMDA and NTUC (National Trades Union Congress) has sought our feedback on a number of industry-related issues, including the recent Tripartite Standards for the Creative, Media and Entertainment Industries. We take a keen interest in policies and issues that affect filmmakers, in particular, writers.

### **Vision Statement**

To raise the status and professionalism of screenwriters by emphasizing the importance of content development as the blueprint for TV, films and online media. In forming strategic partnerships with industry players, we will advocate best industry practices and nurture screenwriting as a profession by creating opportunities to showcase work, to upgrade skills, to collaborate and network.

The goals of the SAS also meet IMM's strategy (Infocomm Media Report 2025) to nurture the creation of more innovative and competitive Singapore content as well as bring together talents of different backgrounds to incubate and innovate original story ideas.

### **Social Media**

For more information on what we do, please refer to our website and Facebook page:

<http://screenwriters.org.sg/>

<https://www.facebook.com/ScreenwritersAssociationSG/>

## Comments

Having looked over the proposed amendments to the Films Act, our main concerns are with the following:

### **Section 24 Appeal against classification decisions Minister's decision on appeal against classification decisions**

We understand the concerns related to national security. However, banning films actually raises the profile of said films and encourages people, who normally might not watch these films, to seek them out. So essentially, banning films does more to undermine national security than to take no action at all.

Also, we are concerned with the amount of power entrusted to one individual, the Minister, to decide what constitutes "films that undermine national security". The Minister may not have the relevant training or background to properly assess the film, even with appropriate consultation with the FAC. Furthermore, with one person deciding the fate of the film, the question of objectivity, accountability and transparency comes into play. To circumvent this, we suggest that this decision be made under a committee, with individuals who have the relevant film training and come from a cross-section of society.

Film is a powerful medium and IMDA can use this to their advantage, not by banning a film, but by releasing it, accompanied by proper context, in the form of a response film. In the short 50+ years of independence, we have become a first world country, known for efficient and open business infrastructure. However, our 2017 World Press Freedom Index is now at 151 out of 180 countries.

Countries that have allowed for a free flow of ideas, such as Canada (World Press Freedom Index: 22), New Zealand (13), Germany (16) and France (39), as well as Japan (72) and South Korea (63), have a high number of international innovations and patents as well as prestigious awards, ranging from the Nobel Peace Prize to the Man Booker Prize. This ties in with the thousands of jobs created as well as billions of dollars of revenue. If Singapore hopes to develop content that can travel, we need to encourage filmmakers to break boundaries and question the world and their place in it – without fear. Furthermore, this form of classification will promote self-censorship, which is the antithesis of creativity.

We urge MCI/IMDA to maintain the original process of appeal.

### **Section 23A, Section 34 Powers of entry, search, etc., for enforcement purpose**

While not having the Police involved might seem less intimidating to the people being investigated, this expansion of powers for IMDA, together with its power as a regulatory board, as well as funder of content, makes for **potential conflict of interest**. Furthermore, this calls into question Singapore's standing in the international circle where accountability and transparency are concerned.

IMDA has stated that its officers will be adequately trained to deal with potential dangerous situations. How many months of police training will IMDA officers receive? We recommend that the police, who have the proper operational background, be granted these powers, not IMDA.

A lot of present film content is stored on personal computers, laptops, tablets as well as mobile phones, together with other personal information, related to banking, credit cards and passwords, etc. During search and seizure, will the IMDA be able to adequately ensure privacy protection of this data?

While we applaud the good intentions behind this amendment, given the shrinking spaces allowed for civil liberties in Singapore, this effort could run contrary to your intentions and be cause for more alarm.

### **Films exempt from Act 40**

(1) This Act does not apply to or in relation to any film that is made by or under the direction and control of the Government.

(2) The Minister may, by notification in the *Gazette* and subject to such conditions as the Minister thinks fit to specify in that notification, exempt from all or any of the provisions of this Act —

(a) any person or class of persons;

(b) any film or class of films; or

(c) any advertisement for films or class of such advertisements."

Does this mean the government can consider a political film celebrating the anniversary of a political party or figure to be dangerous, while condoning similar celebrations of political parties currently in power?

If such a law is going to be passed re: political films, it needs to apply to all political films equally, or none at all.

A law that seems unbalanced calls into question Singapore's standing in the international circle where accountability and transparency are concerned.

## **Conclusion**

We hope IMDA reconsiders making the amendments to the clauses highlighted above.

We are concerned that such amendments will severely set the television, film and even gaming industry back, instilling a chilling culture of fear amongst content creators and the audience.

The proposed amendments may be looked at negatively by the international film and creative community, and discourage creators from innovative artistic endeavours.

In the long term, the proposed amendments may even be detrimental to the television film and gaming industry in terms of lost creative opportunities and revenue, as international productions look to neighbouring countries with less stringent control on the media.

As script writers, content consumers and invested residents, we seek a Films Act that is transparent and accountable, one that can stand up to scrutiny on the world stage.

We call on the MCI/IMDA to address our concerns and reconsider its proposed amendments to the Films Act.



This report has been prepared by the committee of SAS:

1. President: Ng Swee San
2. Vice-President: Olivia Loh-Ing
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