

MEDIA DEVELOPMENT AUTHORITY OF SINGAPORE

PROPOSED AMENDMENTS TO THE PUBLIC ENTERTAINMENTS AND MEETINGS ACT

PUBLIC CONSULTATION

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PART 1: INTRODUCTION

- 1.1 The Public Entertainments and Meetings Act (“PEMA”) provides for the regulation of public entertainments and meetings. The intent is to ensure the organiser’s accountability for (a) the public order and safety when staging the event, and (b) ensuring the event is in line with community standards and does not feature content contrary to national interest, public sense of decency¹, etc.
- 1.2 The PEMA is co-administered by the Singapore Police Force (“SPF”) and the Media Development Authority (“MDA”). Specifically, MDA regulates the arts entertainment (“AE”) which is defined as a subset of public entertainment (“PE”)². Common types of AE include a stage play, a musical, a stand-up comedy act, a recital, a pop/rock concert, an art exhibition, or a dance performance. In 2013, 1,170 arts events or performances required an AE licence issued by MDA.
- 1.3 SPF regulates PE which comprises two main categories – ad hoc PE or PE provided at establishments. Common types of ad hoc PE include a fashion show or an acrobatics performance. PE at establishments include variety acts, performances of music, singing or dancing, or transmission of recorded music. Common establishments licensed for providing PE include discos, pubs, restaurants or cafés. All forms of PE, including AE, were previously under the purview of SPF, until AE was carved out as a distinct set of PE in 2002³. MDA subsequently took over the regulation of AE after its establishment in 2003.
- 1.4 Under the PEMA, any individual or organisation putting up an AE for the public is required to apply to the MDA for an event-based AE Licence. Over the past decade, MDA has progressively introduced measures to increase co-regulation with the arts practitioners. For example, a PEMA (Specified Arts Entertainment) (Exemption) Order 2005 was passed in 2005 to exempt nine specified categories of AE from AE licensing⁴,

¹ PEMA provides for the suspension or cancellation of a public entertainment licence on grounds of likelihood in causing breach of peace or injury to participants or audience; or to be contrary to public interest, to be indecent/immoral/offensive/subversive or improper in nature, etc.

² SPF focuses on regulating the public order and safety aspects of both PEs and AEs. AEs such as pop/rock concerts or when staged in outdoor venues may pose greater public order and safety concerns. MDA is the authority responsible for the regulation of AEs, including regulating the content of AEs, and imposing requirements for ensuring public order and safety, when required, under advisement of SPF.

³ Regulation of AE was transferred from SPF to the Films and Publications Department under the Ministry for Information and The Arts (“MITA”) at that time.

⁴ Examples of the nine specified categories include AE meant for children aged 12 years or below, performances of classical music, performances of traditional dance, drama, puppetry, opera, performances of

such that arts practitioners could self-regulate the content as long as they comply with a published set of conditions. The aim is to facilitate the creation of an environment which allows arts practitioners to undertake greater ownership and responsibility for their content in ensuring it meets community standards; and to be able to directly engage in dialogue with society.

1.5 MDA has undertaken a review of the PEMA, in view of the intent for further co-regulation, updating regulatory powers for MDA, and ensuring the relevance of the legislation through administrative amendments. Specifically, MDA is proposing amendments in five key areas:

- a. Implement Arts Term Licensing.** As the next step towards further co-regulation to enable arts groups to take on greater responsibility for their works, MDA intends to amend the PEMA to facilitate the implementation of a new “Arts Term Licensing” co-regulatory scheme with arts practitioners. The scheme will remove the need for arts practitioners to submit a licence application to MDA on a per-event basis subject to certain terms and conditions. Instead, they will be able to apply for a period-based licence which allows the staging of multiple events or performances within the validity period of the licence;
- b. Provide for classification of AE independent of the licence issued.** Currently, the MDA licenses the performance of an AE, and issues a classification rating for the AE, as part of the same application. However, it is also possible for an AE to be staged under a PE licence rather than an AE licence. PEMA will be amended to provide for MDA to classify any performance or event that is defined as an AE, in a process that can take place independently from licensing;
- c. Provide clearer delineation of PE licensed by SPF, and AE licensed by MDA.** To provide greater clarity to the public through clearer delineation of definitions and licensing regimes between PE and AE;
- d. Update the definition of AE to include virtual forms transmitted in real time to a venue for public exhibition.** In cognisance of media convergence and the potential for AEs staged overseas to be transmitted “live” or in real time to an audience in Singapore (i.e. “virtual” AE), the PEMA will be amended to cater for the public exhibition of a “virtual” AE, and to apply the same regulatory principle vis-a-vis “physically staged” AE;

ballroom or community dances, and display or exhibition of art objects or paintings. The exemption conditions can be found [here](#).

d. Administrative Enhancements. With the last amendment to the PEMA in 2000, there is a need to update the PEMA to enable MDA to perform its regulatory functions more effectively, such as in the areas of investigation powers, disposal powers, and composition of offences.

1.6 This consultation paper is thus structured as follows:

- a. Part 2 provides an overview on the regulation of AE; and
- b. Part 3 covers the proposed amendments to the PEMA and considerations behind these amendments.

1.7 MDA is now launching this public consultation to seek comments on the proposed amendments to the PEMA set out in Part 3 of this consultation paper.

1.8 Interested parties are invited to provide their comments to this consultation by no later than 5pm, 30 May 2014, in the manner specified in Part 4 of this paper.

PART 2: OVERVIEW ON REGULATION OF ARTS ENTERTAINMENT

- 2.1 Under the PEMA, any individual or organisation putting up an arts event or performance for the public, unless exempted⁵, is required to apply to the MDA for an event-based AE Licence. The purpose of licensing is to ensure the organiser's accountability for (a) the public order and safety when putting up such events, and (b) the compliance of the event with content regulatory measures. These include the upfront provision of the classification rating or consumer advice to allow consumers to make informed choices, and to protect the young.
- 2.2 With regard to content regulation, three fundamental principles underpin MDA's approach to regulating content, namely:
- a. To provide more choice to meet diverse interests of the community, while protecting the young through content classification;
 - b. To create an environment where arts practitioners can undertake greater responsibility for their own content through co-regulation; and
 - c. To ensure that the content regulation system is guided by community views on acceptable content, while not compromising the overarching need to uphold community values, support racial and religious harmony, and safeguard national and public interests, through consultation.

The subsequent paragraphs provide a detailed explanation on the principles and the considerations behind them.

2.3. Classification of Arts Entertainment

- 2.3.1 MDA strives to ensure that through its classification regime, the rating information provided serves to protect the young from unsuitable content, while giving adults wide and informed access to content.
- 2.3.2 For each AE licence application, MDA directly reviews relevant materials such as a script or performance set list, to assign an arts classification rating in

⁵ Specific government affiliated institutions and schools such as The Esplanade, and the Nanyang Academy for Fine Arts are exempt from AE licensing. Some community-based events and genres such as traditional/classical arts performances and those targeting children are also exempt. The full list of exemption notifications can be found at [[PEMA Related Subsidiary Legislation](#)]

accordance with an arts entertainment classification code. There are 4 categories of arts classification ratings – (i) General (“G”), (ii) Advisory, (iii) Advisory 16, (iv) Restricted 18 (“R18”). Content suitable for everyone including children will be rated “G”. Content which deals with more mature themes will be rated Advisory or above. Advisory ratings help guide parents on the suitability of the AE for their young, and are accompanied with “consumer advice” which is a brief descriptor of the content which could be of concern for e.g. “coarse language”. R18 is the only rating which carries an age restriction, i.e. organisers must ensure no persons under the age of 18 may enter the performance venue.

- 2.3.3 An Arts Entertainment Classification Code (“Classification Code”; see also 2.4.5) serves as a set of guidelines for arts content regulation by outlining the principles for arts regulation, and the considerations to be taken into account in the classification of AE. MDA undertakes regular reviews of the Classification Code, factoring in views from the public including parents, media consumers and the industry. Such reviews are not intended to unilaterally set standards for content, but to ensure that the Classification Code is in line with prevailing social sentiments (refer to section 2.5 Consultation on Regulation and Classification of Arts Entertainment for more details).
- 2.3.4 The Classification Code gives due consideration to the artistic and/or educational merit of a work. An appropriate rating is determined in context of the work’s overall theme, content and message.
- 2.3.5 In exceptional cases, an arts work will be deemed “not allowed for all ratings”. This is when its content is assessed to have exceeded the R18 rating. In general, this includes content which may undermine national interest; likely cause feelings of ill-will between different racial or religious groups or cause offence to any racial or religious group; glorify lifestyles or behaviours contrary to prevailing social norms; or be excessive and/or exploitative in its depictions.

2.4. Co-regulation of Arts Entertainment

- 2.4.1 Inherent tension exists between artistic freedom, and the need to regulate AE for the public, due to the wider community interests at stake. Such a situation is compounded by the fact that the public is increasingly heterogeneous, and vocal about their views.
- 2.4.2 MDA currently undertakes the role of having to strike a delicate balance between the interests and concerns of the arts practitioners and those of

varied consumer groups. For example, a performance which depicts strong content such as simulated rape scenes could be misunderstood or be distressing to a younger audience. In this case, requirements could be asked of organisers to only admit audiences of a minimum age.

2.4.3 To encourage arts practitioners to have more direct channels of communications with their potential audience, and to facilitate an environment of shared responsibility, MDA is exploring how to bring about greater co-regulation of AE. Arts practitioners can regulate their own content to ensure it meets community standards, and be able to directly engage in dialogue with society. MDA is mindful however, that in reviewing our regulatory approach, we should be moving together with, rather than ahead of society. While we want to increase content choices for adults, we have to first ensure that society is generally comfortable with the direction and pace of the changes.

2.4.4 Over the past decade, MDA has progressively introduced measures to increase co-regulation with the arts practitioners. A number of these measures originate from the recommendations on arts regulation from the Censorship Review Committees (“CRC”) convened by the Minister for Information, Communications and the Arts⁶ in 2002-2003 and 2009-2010⁷. Significantly, CRC recommendations from 2003 led to a **PEMA (Specified Arts Entertainment) (Exemption) Order 2005** to exempt nine specified categories of AE from licensing⁸. This had the effect of arts practitioners co-regulating with MDA based on a published set of conditions for content falling within the exempted categories.

2.4.5 In 2008, MDA developed the **Arts Entertainment Classification Code** for other genres of AE that are not exempt, and disseminated it to all the active arts / theatre groups in Singapore. The code has since been made publicly available, and formed part of the licensing conditions for AE. This facilitated greater

⁶ The Ministry of Information, Communications and the Arts underwent a restructure and was renamed the Ministry of Communications and Information in July 2012.

⁷ Following the last CRC Report of 2010 and ahead of Arts Term Licensing, MDA had embarked on implementing other CRC recommendations or addressing issues raised in the report such as (i) introducing the PG13 advisory rating for films; (ii) mandated that Internet Access Service Providers under MDA’s Internet Class Licence offer optional Internet filtering services to subscribers of fixed residential or mobile Internet access subscriptions; (iii) piloted an industry co-regulation scheme with the film industry to allow industry co-classification of video titles up to PG13 rating; (iv) convened a Media Convergence Review Panel to look into updating MDA’s content regulatory framework for the future media landscape.

⁸ Examples of the nine specified categories include AE meant for children aged 12 years or below, performances of classical music, performances of traditional dance, drama, puppetry, opera, performances of ballroom or community dances, and display or exhibition of art objects or paintings. The exemption conditions can be found [here](#).

understanding of community standards and shared responsibility for arts performances and events.

2.4.6 The new **Arts Term Licensing** is another major step towards advancing co-regulation with the arts industry in general. Part 3 will cover more details on the Scheme.

2.4.7 The importance of a regular review of AE categories exempt from licensing is affirmed by the CRC. MDA will be undertaking such a review, with the aim of further enhancing co-regulation, by the last quarter of 2014.

2.5. Consultation on Regulation and Classification of Arts Entertainment

2.5.1 MDA regularly involves and consults the community to ensure that the Classification Code is in line with community values and views on acceptable content. This is done mainly through (i) the commissioning of regular surveys on a sample of respondents representative of the Singapore population, including parents and media consumers; (ii) active consultation with the Arts Consultative Panel (“ACP”) which is a citizen advisory committee comprising individuals representing a broad cross section of society.

2.5.2 Regular surveys are commissioned to ascertain the prevailing views of the community on content regulation and classification. Views are sought on content areas such as the use of coarse language, sexual depictions, etc. These findings serve to guide and inform reviews on classification and content standards⁹, especially when there are indications that societal sentiments and general trends have shifted over time.

2.5.3 The ACP assists MDA in evaluating AEs and makes recommendations in terms of their suitability for public viewing, and any classification rating which may be required. It also provides advice and feedback on MDA’s Classification Code, and content standards for regulating the content of AE. ACP members are volunteers serving two-year terms. They hail from various sectors including the arts and media, education, legal, youth and community services, and are of different age groups and races.

2.5.4 Additionally, as mentioned under para 2.4.4, MDA’s content regulatory standards and policies are guided by recommendations made by the CRCs

⁹ Content standards refer to the community’s views on tolerable levels of use/depiction of content areas such as coarse language, sex, nudity, violence, alternative lifestyles, etc.

which are convened periodically by the Ministry of Communications and Information.

2.5.5 Where there are significant changes to policies or processes being proposed, MDA will seek views from industry to understand any anticipated implementation issues to aid refinement. This industry consultation is also important in informing process changes - even as MDA has a role in content regulation, it also seeks to minimise the inconvenience to industry with the regulatory process.

PART 3: PROPOSED AMENDMENTS TO THE PEMA

3.1. The proposed amendments to PEMA fall into five areas:

- a. Facilitate the implementation of a new “Arts Term Licensing” co-regulatory scheme with arts practitioners;
- b. Provide for classification of AE independent of the licence issued;
- c. Provide clearer delineation of PE licensed by SPF, and AE licensed by MDA;
- d. Update definition of AE to include virtual forms transmitted in real time to a venue for public exhibition; and
- e. Administrative amendments to enable MDA to perform its regulatory functions more effectively.

3.2 Amendments to Facilitate Implementation of Arts Term Licensing Scheme

Overview of Arts Term Licensing Scheme

3.2.1 MDA is introducing a period-based “Term Licensing” scheme for all arts groups and individuals staging AE. This will be a move by MDA away from licensing all arts events or performances on a per-event basis. Under the scheme, arts practitioners are empowered to co-regulate with MDA by “self-classifying” their works based on the same Classification Code that is issued by MDA¹⁰. Term Licences will be valid for one year, with the term licence period subject to review in future.

3.2.2 To facilitate “self-classification”, Term Licensees need to ensure trained individuals are appointed to carry out classification work. MDA will conduct training¹¹ on MDA’s Classification Code to ensure consistency in application of the content guidelines, and interested individuals may apply to MDA to receive training. Trained individuals recognised as being able to carry out arts classification competently will be registered by MDA as Content Assessors

¹⁰ The use of the same Classification Code is to ensure consistency in standards for content regulation. It is not the intention to simultaneously introduce any relaxation or tightening of current content regulatory standards alongside the introduction of Arts Term Licensing.

¹¹ MDA does not have intention to impose any fees for training currently.

("CAs"). MDA will make available a register of CAs on its website for public viewing, as well as provide a means for interested parties to verify the validity of a CA's registration status.

- 3.2.3 CAs will determine and supply classification ratings and consumer advice to the Term Licensees, based on relevant performance materials which the Term Licensees are responsible for providing so that classification can take place. Term Licensees will then be responsible for ensuring that the performance is staged as classified by the CA and adhering to measures that safeguard consumer interests such as display of appropriate classification ratings, and imposing age checks.
- 3.2.4 Arts groups have the option to appoint CAs from within their organisations, or tap on external CAs who may undertake classification work on a freelance-basis. MDA is offering the option to appoint freelance CAs in consideration that some arts groups may face resource limitations and be unable to appoint in-house CAs.
- 3.2.5 MDA is putting in place a two-tiered structure for Term Licensing (refer to the Table 1 below) to allow wide-scale participation from as many arts groups and individuals as possible, where arts practitioners can undertake greater responsibility in self-regulating their content.

Table 1: Structure of the Arts Term Licensing Scheme

Tier 1	Tier 2
All arts groups/individuals will be eligible to apply for Tier 1 term licensing. This licensing will enable arts practitioners to self-classify performances for the “G” rating, which refers to performances which are deemed suitable for general audiences, including children.	Arts groups/individuals who apply for Tier 2 term licensing will be assessed based on their volume of work ¹² and good track record ¹³ . This licensing will enable arts practitioners to self-classify performances for all categories of performances: the G rating, as well as those with an Advisory, Advisory 16, and R18 rating.
Unscripted ¹⁴ performances; performances touching on race, religion, and politics ¹⁵ ; and performances requiring a rating above “G” will continue to be classified / licensed on a per event basis through application to MDA.	Outdoor ¹⁶ performances requiring a rating above “G”, and unscripted performances will continue to be classified / licensed on a per event basis through application to MDA.

3.2.6 On average, MDA licenses about 1,200 arts performances annually, of which approximately 93% are classified under the G rating, 5% under the Advisory

¹² Has put up at least 5 licensed productions / performances over a period of 3 years to allow for monitoring of track record.

¹³ Good track record is defined as submitting timely licence application with complete information, providing necessary advisories in publicity materials and adhering to stipulated licensing conditions. They may also have demonstrated responsibility in taking into account community sentiments by being responsive to feedback received on content produced.

¹⁴ MDA will continue to classify unscripted performances as these require closer monitoring due to possibly higher levels of spontaneity and interactivity with audiences who then have greater potential to turn disorderly.

¹⁵ MDA will continue to classify performances which touch on race, religion and politics as such content is more contentious where the treatment has to take into account prevailing social sentiments.

¹⁶ MDA will continue to classify outdoor performances, as these might require closer monitoring because members of the public who have not made the choice to attend the performance might unwittingly be exposed to the content.

rating and 2% under the R18 rating. If all eligible active arts groups were to apply for term licensing, then about 90% of the AEs which are G-rated can potentially be self-classified.

3.2.7 Term Licensing is an opt-in scheme and is not compulsory. MDA will formally notify and invite arts groups and individuals to participate in the Arts Term Licensing scheme, after the PEMA is amended. MDA has already held industry dialogues on Term Licensing with current AE licensees from Apr to Jun 2013. Prior to the official launch of Term Licensing, MDA will carry out a pilot test of the scheme. Arts groups or individuals can choose between the two different licensing modes, and continue to take up event-based licensing if it is deemed more suitable for their needs. Table 2 below summarises the key differences between the two licensing modes.

Table 2: Key Differences between Event-based Licensing and Term Licensing

Event-based Arts Licensing	Arts Term Licensing
Valid for one event	Valid for a specified time period for the staging of multiple events
Submit relevant event / performance materials to MDA 40 days prior to date of first event / performance	Deposit relevant event / performance materials with MDA 20 working days prior to date of first event / performance
Licence fee of \$5 to 10 per day depending on genre	Licence fee waived
MDA issues arts classification rating	Licensee's appointed CA self-classifies events / performances based on MDA's Classification Code

Need for Compliance Framework

3.2.8 In designing a co-regulatory framework with industry, MDA needs to ensure arts classification ratings remain consistent for consumers, and the interests of different segments of society continue to be safeguarded. This requires a compliance framework with clear lines of accountability, as we work alongside the arts groups and individuals to help them build their capability to self-classify works. Examples of the term licensee's responsibilities include:

- a. Ensuring a registered CA carries out the classification work;
- b. Furnishing all relevant information to the CA to carry out classification;
- c. Ensuring that the AE and its related exhibits are within the content guidelines for the classification rating determined by the CA;
- d. Verifying and ensuring the appropriate classification rating and consumer advice is reflected at ticket sales and performance venues; and
- e. Carrying out age verification for R18 performances;

The CA will be responsible for performing classification in accordance with the Classification Code, while possessing valid status as a CA.

3.2.9 To cater for situations where misclassifications¹⁷ could occur, and for there to be a mechanism to respond to these instances, a compliance framework and penalty system will need to be in place. However, this does not rule out the possibility of genuine mistakes and oversights and that any difference in opinion on a particular rating could be clarified between MDA and term licensee through discussions. Accordingly, the penalty framework would have a graduated approach where minor breaches may result in a warning or be associated with a correspondingly lower level of penalty.

3.2.10 The current set of intended Term Licence conditions and obligations of Content Assessors for Arts Term Licensing are available at **Annex A** for reference. These are subject to finalisation, and MDA continues to have discretion to vary the details of the Term Licensing scheme outlined in this consultation paper.

Proposed amendments to the PEMA

Amendments to Current Provisions

3.2.11 To facilitate the implementation of a period-based Term Licensing scheme, key amendments will be required to provisions pertaining to section 3 Licence

¹⁷ Referring in particular to situations when a lower classification rating than what is appropriate is instead assigned.

Types, section 5 Licence Application, section 8 Contents of licence, section 10 Conditions, section 11 Security, and section 13 Refusal of licence.

- 3.2.12 Section 19 Penalties will be amended to include provisions that address scenarios of CAs failing to comply with their terms of registration, or individuals falsely holding themselves out as registered CAs.

New Provisions Pertaining to Content Classification and Duties of Term Licensees and Content Assessors

- 3.2.13 New provisions will be introduced to address content classification of AE. Currently, there are no explicit provisions addressing content classification as the AE Licensing Officer classifies arts content as part of the arts licensing process. The Licensing Officer for AE will also be empowered to issue codes for the classification of the content of AE from time to time, or to direct that classification of an AE be amended as determined.

- 3.2.14 New provisions pertaining to CAs will be introduced to address (i) Registration of CA; (ii) Conditions of registration as CA; (iii) Cancellation of registration of CA; (iii) Register of registered CAs; (iv) Appeal by CA against decisions of the Licensing Officer to the Minister. New provisions will also spell out the duties of Term Licensees.

3.3 Provide for Classification of Arts Entertainment Independent of Licence Issued

- 3.3.1 An AE is defined as a form of PE. Hence, today, the scope of the PE licence covers the staging of an AE. In practice, an establishment already licensed to offer PE can potentially include an AE component in its offerings of PE, without additional licensing required from MDA. Similarly, an organiser putting up a performance which combines an AE with a PE will require only a PE licence.

- 3.3.2 Thus far, MDA has worked with SPF through operational tie-ups to introduce conditions within the PE licences to regulate the content of such performances or events where required, as MDA can only issue a classification as part of its own licensing process. There is thus an inconsistency in classification requirements depending on whether the venue or event has a PE licence.

- 3.3.3 The proposal is to enhance MDA's content classification regime to ensure clear and consistent treatment of AE provided under any licensing regime, including the PE licensing regime. PEMA will be amended to explicitly provide for MDA

to classify any performance or event that is defined as an AE, in a process that can take place independently from licensing.

Proposed amendments to the PEMA

3.3.4 PEMA will state that no licensee shall provide any AE under his licence unless the content of the AE has been classified by the AE Licensing Officer or a registered Content Assessor.

3.4 Provide Clearer Delineation of PE licensed by SPF, AE licensed by MDA

3.4.1 PEMA in its current form does not explicitly demarcate two different licensing regimes for PE and AE. This is a legacy issue from 2002, when the carving out of AE as a distinct set of PE was effected through delineating the various forms of PE (which include AE) in a Schedule to the Act, while preserving the general references to “PE” within the main Act. Such a delineation may seem less than ideal in terms of clarity to the public on what each individual licensing regime fully entails. Hence this review of PEMA will clarify the scope and application of specific provisions in the Act as pertaining to PE or AE.

3.4.2 A clearer definition of PE versus AE is also being proposed. As shown in Table 3 below, “any variety act, performance of music, singing, dancing” is considered PE as well as AE. What determines the type of licence required is the duration of the performance i.e. a PE licence for a performance exceeding 3 months, or an AE licence for a performance under 3 months.

Table 3: Schedule definitions of PE and AE

Limb (a) of definition of PE	Limb (a) of definition of AE
any variety act, performance of music, singing, dancing, gymnastics, acrobatics and legerdemain, demonstration, display or parade (other than ad hoc performances);	any play, opera, pantomime, puppet-show, ad hoc performance or tableaux *ad hoc performance means any variety act or performance of music, singing or dancing which is provided on one or more occasions within a period not exceeding 3 months

- 3.4.3 To remove overlaps, licensing based on duration, and address need for classification of content performed under a PE licence, MDA proposes to demarcate based on content type rather than duration, to be in line with how PE is currently differentiated from AE. It is hence proposed that the differentiation based on “ad hoc” versus “non-ad-hoc” be removed, and to insert within the main definition of AE: “any variety act, performance of music, singing or dancing”.
- 3.4.4 These proposed definitional changes are intended to remove ambiguity and overlaps. In terms of implementation, the intent is to maintain status quo so that SPF continues to license “any variety act, performance of music, singing or dancing” within PE-licensed establishments, while MDA continues to license “any variety act, performance of music, singing or dancing” taking place outside PE establishments.
- 3.4.5 Taken together with the proposed amendments under section 3.3, this means that MDA may in future provide classification ratings to “any variety act, performance of music, singing or dancing” provided under a PE licence within establishments. This is desirable for consumer protection. For e.g. previously, it may have been possible to provide an AE, which would normally require an Advisory 16 rating, at a family restaurant issued with a PE licence, without formal classification requirements such as display of classification rating and consumer advice. With the proposed amendments, any performance or event defined as an AE, unless exempted, shall be classified in the same way regardless of venue.
- 3.4.6 To help MDA focus on regulating only specific types of “variety act, performance of music, singing or dancing” which may pose content concerns, MDA will concurrently explore and consult industry on appropriate classification exemptions, to be enacted together with the main Act, in order not to introduce unnecessary regulation in cases where it is not required.

Proposed amendments to the PEMA

- 3.4.7 Proposed amendments include:
- a. remove references to “ad hoc performances”
 - b. include within the main definition of AE, “any variety act, performance of music, singing or dancing”

c. introduce a new definition for “public entertainment establishments”

3.4.8 For greater clarity to the public that SPF is the licensing authority for PE and the Minister for Home Affairs is the Minister charged with the responsibility for PEs, while MDA is the licensing authority for AE and the Minister for Communications and Information is the Minister charged with responsibility for AEs, relevant definitions under Section 2 Interpretation and Section 4 Appointment of Officers, Section 16 Exemption, and Section 23 Rules within the PEMA will be amended. For all other provisions, amendments will be made where relevant to reference the “appropriate Licensing Officer” or “appropriate Minister”.

3.5 Update the definition of AE to include virtual forms transmitted in real time to a venue for public exhibition.

3.5.1 MDA recognises the need for its content regulatory approach to evolve alongside the trend of media convergence, where consumers are increasingly able to access the same content across different platforms.

3.5.2 MDA’s current licensing and content regulatory regime for AE applies to what is physically staged for e.g. a physically staged theatrical play or pop concert. New content distribution modes are arising from advancement in technologies which allow the “live” delivery of audio-visual (“AV”) content through streaming¹⁸ over the Internet or other transmission methods. This means that physically staged AEs which are translated to AV content through camera capture can be easily delivered in real time to a different physical locale for public exhibition.

3.5.3 MDA has noted increasing demands from industry players to exhibit “live” content, especially pop or rock concerts which are staged overseas. MDA had earlier supported these needs by licensing cinemas (since September 2011) to install and operate satellite dishes to receive non-traditional cinematic content which includes “live” concerts, musicals or sports events for exhibition within cinema premises. To date, 7 licences had been issued for the screening of 10 “live” concerts, all of which could have fallen within the definition of a virtual “performance of singing” under an AE.

¹⁸ “Streaming” is the delivery of media content over the Internet using data compression and this process allows the user to start playing the material as it downloads. “Live” streamed data can be any data that is delivered from a server to a host where the data represents information that is delivered in real time and this could be video, audio, graphics, slide shows, web tours, combination of these, or any other real time application.

3.5.4 MDA has the intention to expand the definition of an “AE” to include AEs that are virtually presented through real time transmission¹⁹ to a venue accessible by the public. From a regulatory perspective and intent to safeguard consumer interests, this is to avoid any disparity issues should virtual AEs become increasingly common. Organisers of such virtual AEs will be held accountable for fulfilling the same licensing and content regulatory obligations that apply for physically staged AEs.

3.5.5 From a pro-enterprise perspective, organisers of AEs will not be restricted by physical boundaries and experience greater regulatory certainty when they explore new and different business models or ways of presenting performances. For e.g. AEs which are normally licensable by MDA²⁰ could be transmitted to alternative venues to expand seating. Performances could be set in small studios and transmitted to a larger viewing hall to reduce staging costs. The business cost for presenting a virtual “live” concert is also foreseeably lower than having to bring a foreign artiste and concert production team into Singapore.

3.5.6 As a principle, the same regulatory requirements should apply to AEs regardless of the delivery method or platform.

Proposed amendments to the PEMA

3.5.7 To amend the definition of AE within The Schedule to the PEMA to capture “virtual” AEs transmitted in real time to a venue for public exhibition.

3.6 Administrative Amendments

3.6.1 With the last amendment to the PEMA in 2000, there is a need to update the PEMA to enable MDA to perform its regulatory functions more effectively, such as in the areas of investigation powers, disposal powers, and composition of offences. The details of each proposed area of amendment can be found in subsequent paragraphs.

¹⁹ The concept of “real time transmission” will apply regardless of minor technical delays for e.g. buffering.

²⁰ These refer to AEs physically staged in Singapore.

Proposed amendments to the PEMA

- 3.6.2 Powers of Investigation – Currently, the Police carry out investigations pertaining to all offences under the PEMA. The PEMA will be amended for MDA to be equipped with powers to carry out its own investigations on potential breaches pertaining to AEs under the PEMA, as the rightful licensing and classification authority for AEs. A likely scenario would be for MDA to apply such powers to request information / documents from, or meet and question individuals who may have organised an AE without a valid licence.
- 3.6.3 Increase Composition Sum – Under the current Section 21 Composition of Offences, the Licensing Officer “may in his discretion compound any offence under the PEMA which is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000”. What this means is that a person suspected of having committed a compoundable offence under the PEMA has the option to pay a composition sum instead of facing prosecution in Court. In order to reduce the number of offences pertaining to AE which may require prosecution in court, and to install a more flexible system for determining and imposing penalties, the maximum sum which may be offered during composition will be increased from \$1,000 to \$5,000²¹. This will facilitate expansion of the range of offences²² which can be prescribed as compoundable.
- 3.6.4 Disposal Powers – A new provision will be inserted to allow MDA to dispose of documents or articles seized during investigations.

²¹ Under Section 19, the maximum fine which may be imposed by the Courts is \$10,000.

²² Breach of licence conditions or provisions of the PEMA constitutes an offence.

PART 4: INVITATION TO COMMENT

4.1 MDA would like to seek comments from members of the public on the proposed changes to the PEMA as set out in Part 3 and the draft PEMA provisions in **Annex B**. Respondents should clearly identify the sections and provisions on which they are commenting. Where appropriate, respondents are encouraged to suggest changes to the proposed provisions. The proposals should be accompanied by reasons for the changes.

4.2 Submission by organisations of the written comments should be in the following format:

- I. Cover Page;
- II. Table of Contents;
- III. Summary of major points;
- IV. Statement of interest;
- V. Comments; and
- VI. Conclusion.

All comments from organisations must be submitted in softcopy (in Microsoft Word format compatible with Microsoft Office Version 2003).

4.3 MDA welcomes submissions from individuals in email format.

4.4 This consultation closes on 30 May 2014 and comments should be submitted to MDA on or before 5pm of that date. Parties submitting comments should include their personal or company particulars, their correspondence address, contact number and email address. Organisations should include their particulars on the cover page of their comments. All comments should be addressed to:

Ms Lee Ee Jia
Director (Policy)
Media Development Authority of Singapore
(Attention: Ms Grace Leong)
Email: policy_consultations@mda.gov.sg

4.4 MDA reserves the right to make public all or parts of any written comment and to disclose the identity of the source. Commenting parties may request confidential treatment for any part of the comment that the commenting party believes to be proprietary, confidential or commercially sensitive. Any such information should be

clearly marked and placed in a separate annex. If the MDA grants the request for confidential treatment, it will consider, but it will not publicly disclose, the information. If MDA rejects the request for confidential treatment, it will return the information to the commenting party and will not consider the information as part of its review. As far as possible, commenting parties should limit any request for confidential treatment of information submitted. MDA will not accept any comment that requests for confidential treatment of all or a substantial part of the comment.

LICENSING CONDITIONS FOR ARTS ENTERTAINMENT TERM LICENSEES

The Licensee shall:

1. Appoint at least 1 person to serve as a registered Content Assessor to classify arts entertainment on behalf of the Licensee;
2. Adhere to the requirements of the tier of the Term Licence as follows:

Tier 1

- Submit: (i) arts entertainment of a racial, religious or political nature; and (ii) unscripted arts entertainment to the Licensing Officer for classification and licensing. Such content shall be excluded from the Term Licensing Scheme;

Tier 2

- Submit: (i) unscripted arts entertainment; and (ii) outdoor arts entertainment above a General rating to the Licensing Officer for classification and licensing. Such content shall be excluded from the Term Licensing Scheme;
 - Ensure that appropriate rating and consumer advice for “Advisory”, “Advisory 16” and “R18”-rated arts entertainment are clearly displayed on all publicity materials and at the ticketing platforms and the arts entertainment venue;
3. Provide the Licensing Officer with a six-month forecast of arts entertainment production/event plans and synopses, and to update these six-month forecasts on a quarterly basis. Updates should include but are not limited to changes to schedule, key personnel and/or venue;
 4. Deposit relevant documents for the arts entertainment such as scripts for plays and set lists and programmes for concerts and events with the Licensing Officer at least **20 working days** prior to the first staging of the arts entertainment. Changes, limited to minor revisions, are to be updated at least **10 working days** before the first staging of the arts entertainment;
 5. Check and verify that the ratings issued by the Content Assessor are in accordance with the Arts Entertainment Classification Code. Where a misclassification is suspected, the Licensee shall ensure that the inappropriately classified performance is not staged and/or rectify the misclassification immediately. For this purpose, the

Licensee may seek the Licensing Officer's guidance on the follow up action to be taken;

6. If so directed by the Licensing Officer in writing, take such action as the Licensing Officer considers necessary in order to comply with the provisions of the Arts Entertainment Classification Code and/or this Licence. Directions issued by the Licensing Officer may include issuing a revised rating for the arts entertainment as notified by the Licensing Officer, in extreme circumstances, issuing a direction prohibiting the provision of the arts entertainment;
7. Take responsibility in following up on public complaints and any possible breach of classification guidelines as set out in the Arts Entertainment Classification Code;
8. Comply with any additional conditions stipulated by the Licensing Officer and/or the Police in accordance with Section 10 of the Public Entertainments & Meetings Act.
9. Comply with other relevant laws including the Sedition Act and the Penal Code.

REGISTRATION CONDITIONS FOR ARTS ENTERTAINMENT TERM LICENSING CONTENT ASSESSORS

The Content Assessor shall:

1. Fulfil the requirements of training as mandated by the Licensing Officer on the Arts Entertainment Classification Code and attend the annual refresher training sessions on the Arts Entertainment Classification Code;
2. Classify arts entertainment on behalf of the Term Licensee in accordance with the Arts Entertainment Classification Code. He/she shall carry out such classification subject to the Term Licensing tier of the Licensee;
3. If so directed by the Licensing Officer in writing, take such action as the Licensing Officer considers necessary in order to comply with the provisions of the Arts Entertainment Classification Code and/or this Registration;
4. Comply with other relevant laws including the Sedition Act and the Penal Code.

ADDITIONAL LICENSING CONDITIONS FOR ARTS ENTERTAINMENT PERTAINING TO PUBLIC SAFETY AND ORDER

1. The Licensee shall take all necessary measures to ensure that no public order incident such as fights, stampede or damage to property occurs during the arts entertainment. He shall deploy sufficient number of security personnel relative to the size and composition of the audience or the number of such personnel stipulated by the Police for crowd control duties;
2. The Licensee shall advise the performers to refrain from mingling with the audience. If the performers wish to come down from the stage to interact with the audience, this should not be more than 15 minutes for the entire arts entertainment and escorted by security personnel unless otherwise stipulated by the Police;
3. The Licensee shall ensure that the arts entertainment does not turn into a roving foot procession;
4. The Licensee shall ensure that sound amplification is toned down to a level where it would not cause annoyance to the general public. If such annoyance is caused, the Police may direct the licensee to have the volume reduced and the Licensee is required to comply with this direction;
5. The Licensee shall seek the necessary approvals from all relevant authorities including but not limited to the use of the premises;
6. The Licensee shall ensure that there should be sufficient notices put up to forewarn the public of the intended arts entertainment if held outdoors.

DRAFT PEMA PROVISIONS

PUBLIC ENTERTAINMENTS AND MEETINGS ACT

(CHAPTER 257)

(Ordinance 40 of 1958)

[Table of contents will be inserted here]

An Act to provide for the regulation of public entertainments and meetings.

[15th January 1959]

Short title

1. This Act may be cited as the Public Entertainments and Meetings Act.

Interpretation

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

["appropriate Licensing Officer means —

- (a) in the case of any arts entertainment provided or to be provided, solely or in combination with one or more art entertainments only, in any place other than a public entertainment establishment, the Arts Entertainment Licensing Officer;
- (b) in the case of any arts entertainment provided or to be provided in a public entertainment establishment, the Public Entertainment Licensing Officer;
- (c) in the case of any other public entertainment or any other combination of public entertainments provided or to be provided in any place, the Minister charged with the responsibility for public entertainments;]

["appropriate Minister" means —

- (a) in the case of any arts entertainment provided or to be provided, solely or in combination with one or more art entertainments only, in any place other than a public entertainment establishment, the Minister charged with the responsibility for the licensing of arts entertainments;

(b) in the case of any arts entertainment provided or to be provided in a public entertainment establishment, the Minister charged with the responsibility for public entertainments; and

(c) in the case of any other public entertainment or any other combination of public entertainments provided or to be provided in any place, the Minister charged with the responsibility for public entertainments;]

“approved place” means —

~~[(a) in the case of any place required to be licensed under any regulations for the control and supervision of places that may be used for public entertainment made under the provisions of any written law, a place so licensed; and]~~

(b) in any other case, a building, tent, street or place whether open or enclosed that is approved for the purposes of this Act by the Licensing Officer;

“arts entertainment” has the same meaning as in the Schedule;

“Arts Entertainments Licensing Officer” means the Licensing Officer appointed under section 4 by the Minister charged with the responsibility for the licensing of arts entertainments, and includes an Assistant Licensing Officer appointed by the Minister under that section;

“classification code” means the code issued under section 15A(1) by the Arts Entertainment Licensing Officer for the classification of the content of arts entertainments;

~~“Licensing Officer” means the officer appointed by the Minister under section 4 and includes an Assistant Licensing Officer;~~

“Licensing Officer” —

[(a) in sections 17, 17A, 17B(1), 18(1) and 21(1) means —

(i) the Arts Entertainment Licensing Officer insofar as the powers under those sections are exercised in connection with the purposes of sections 15A to 15G; and

(ii) the appropriate Licensing Officer insofar as the powers under those sections are exercised in connection with the purposes of any other provision of this Act; and]

(b) in any other provision of this Act, means the Public Entertainment Licensing Officer or the Arts Entertainment Licensing Officer, as the case may be;

“licence” means a public entertainment licence issued or renewed under this Act;

“licensee” means a person who is issued a public entertainment licence, or whose licence is renewed, under this Act;

“public entertainment” has the same meaning as in the Schedule;

“Public Entertainment Licensing Officer” means the Licensing Officer appointed under section 4 by the Minister charged with the responsibility for public entertainments, and includes an Assistant Licensing Officer appointed by the Minister under that section;

“registered content assessor” means an individual who is registered as a content assessor under section 15C(4)(a) [but does not include an individual whose registration as a content assessor is suspended under this Act];

[(2) The Schedule may, at any time, by order published in the *Gazette*, be amended, added to or varied by —

(a) the Minister charged with the responsibility for public entertainments in any case; and

(b) the Minister charged with the responsibility for the licensing of arts entertainments insofar as the amendment, addition or variation relates to arts entertainment;]

~~(2) The Minister may at any time, by order published in the *Gazette*, amend, add to or vary the Schedule.~~

(3) Any order made under subsection (2) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Prohibition

3. No public entertainment shall be provided except —

~~— (a) in an approved place; and~~

~~— (b) in accordance with a licence issued by the Licensing Officer.~~

[(a) in accordance with a public entertainment licence issued or renewed by the appropriate Licensing Officer; and

(b) where the appropriate Licensing Officer requires the public entertainment to be provided in an approved place, in that approved place.]

Appointment of officers

4. The Minister charged with the responsibility for public entertainments and the Minister charged with the responsibility for the licensing of arts entertainments may each, by notification in the *Gazette*, appoint ~~an officer to be the~~ a Licensing Officer

for the purpose of this Act and may similarly appoint such number of Assistant Licensing Officers as may be necessary.

Application for licence

~~5. Every application for a licence shall be in the prescribed form.~~

5.—(1) Any person who desires to apply for or renew a public entertainment licence shall apply to the appropriate Licensing Officer in such form and manner, and within such time, as the appropriate Licensing Officer may require.

(2) An application under subsection (1) shall be accompanied by —

- (a) such documents as the appropriate Licensing Officer may require; and
- (b) such fee as may be prescribed.

(3) For the purposes of an application under subsection (1), the appropriate Licensing Officer —

- (a) may require an applicant to satisfy such criteria and requirements as the appropriate Licensing Officer may publish on such website as may be prescribed; and
- (b) may publish different criteria and requirements for different classes of public entertainment or licence.

Applicants may be joined

6. If the appropriate Licensing Officer is satisfied that the responsibility for the observance of the conditions of a licence is intended to be shared between 2 or more persons he may require the application for the licence to be made in the names of as many such persons jointly as he thinks fit.

Additional information

7. On receipt of an application for, or to renew, a licence the appropriate Licensing Officer may require the applicant to furnish him with such additional information or document as he may require.

Contents of licence

8. Every licence issued or renewed by the appropriate Licensing Officer ~~shall be in the prescribed form and shall set out the conditions subject to which it is issued and the date on which it will expire~~ —

- (a) shall be subject to such conditions; and
- (b) shall be valid for such period, or shall expire on such date,

as may be specified in the licence.

Licence not renewable as of right

9. A licence shall not be renewable as of right.

Conditions

10.—(1) In issuing or renewing a licence the appropriate Licensing Officer may impose such conditions as he thinks fit.

(2) The appropriate Licensing Officer may at any time add to, vary or revoke any of the conditions of a licence imposed under subsection (1).

(3) In deciding whether to add to, vary or revoke any condition of a licence under subsection (2), the appropriate Licensing Officer may take into consideration the total number of demerit points awarded against the licensee under section 15 in respect of the licence.

(4) The appropriate Licensing Officer shall, before proceeding to add to, vary or revoke any condition of a licence under subsection (2), give the licensee —

(a) notice in writing of his intention to do so; and

(b) an opportunity to be heard, within such time as may be specified in the notice, as to why the condition should not be added to, varied or revoked.

(5) Any person who is aggrieved by the decision of the appropriate Licensing Officer under this section may appeal in writing to the appropriate Minister, within 14 days of after being notified of the decision of the Licensing Officer, appeal in writing to the Minister whose decision shall be final or such extended period as the Minister may allow in any particular case.

Security

11.—(1) In respect of such classes of public entertainment as the appropriate Minister may from time to time prescribe by notification in the *Gazette* and subject to such limits as may be thereby prescribed, the appropriate Licensing Officer may, before issuing a licence, require —

(a) the applicant; or

(b) if there are 2 or more applicants, each applicant named by the Licensing Officer for the purpose,

to give security in such form and manner as the appropriate Licensing Officer may determine that the provisions of this Act and the conditions of the licence issued will be duly observed.

(2) Where a licensee has been awarded such number of demerit points as may be prescribed under section 15(1), the **appropriate** Licensing Officer may require a licensee to give security in such form **and manner** as the **appropriate** Licensing Officer may determine that the provisions of this Act and the conditions of the licence issued will be duly observed.

(3) Where any applicant is required under subsection (1), or any licensee is required under subsection (2), to enter into a bond, the **appropriate** Licensing Officer may require not more than 2 sureties to enter into the bond with the applicant or the licensee, as the case may be.

(4) Any security given under subsection (1) or (2) shall be liable to forfeiture in whole or in part at the discretion of the **appropriate** Licensing Officer —

(a) on the **suspension or** cancellation of the licence;

(b) where the licensee has been awarded such number of demerit points as may be prescribed under section 15(1); or

(c) where the **appropriate** Licensing Officer is satisfied that the public entertainment has been carried out in contravention of this Act.

(5) The **appropriate** Licensing Officer shall, before proceeding under subsection (4), give the licensee —

(a) notice in writing of his intention to do so; and

(b) an opportunity to be heard, within such time as may be specified in the notice, as to why the security should not be forfeited.

(6) Any person who is aggrieved by the decision of the **appropriate** Licensing Officer under subsection (4) may **appeal in writing to the appropriate Minister**, within 14 days ~~of~~**after** being notified of the decision ~~of the Licensing Officer, appeal in writing to the Minister whose decision shall be final~~ or such extended period as the **Minister may allow in any particular case**.

Licence to be displayed

12. At all times while the public entertainment described in a licence is being provided the licence shall, where the public entertainment is held in a building or tent, be prominently displayed at the building or tent and in all other cases the licence shall be kept in the possession of the licensee.

Refusal of licence

13.—(1) The **appropriate** Licensing Officer may, in his discretion, refuse to issue or renew any licence.

(1A) The **appropriate** Licensing Officer shall, before refusing an application to renew a licence, give the applicant a written notice of his intention to do so and an opportunity to submit reasons, within such period specified in that notice, as to why the application should not be refused.

(2) The **appropriate** Licensing Officer shall, if so required by the applicant or the licensee, as the case may be, furnish the applicant or the licensee within 7 days of being so required with the grounds of ~~such the~~ refusal to issue or renew a licence in writing.

(3) Any applicant or licensee who is aggrieved by the refusal of the **appropriate** Licensing Officer to issue or renew a licence may appeal in writing to the **appropriate Minister**; within 14 days ~~of after~~ the furnishing to him of the grounds of the refusal; ~~appeal in writing to the Minister whose decision shall be final~~ or such extended period as the Minister may allow in any particular case.

(4) Where the **appropriate** Minister decides to grant the appeal for the issue or renewal of a licence, he may impose such conditions as he thinks fit.

Suspension or cancellation of licence

14.—(1) The **appropriate** Licensing Officer may, in his discretion, suspend or cancel a licence, as the case may be, if he is satisfied that the public entertainment for which it was issued —

- (a) has been the cause or is likely to be the cause of a breach of the peace;
- (b) has been or is likely to be wholly or in part of an indecent, immoral, offensive, subversive or improper nature;
- (c) has caused or is likely to cause unnecessary suffering or any injury to any person or animal taking part in it, or to any member of the audience; ~~or~~
- (d) has been provided or is likely to be provided otherwise than in accordance with **[any provision of this Act or]** the conditions of the licence or is contrary to the public interest; ~~or~~
- [(e) has been or is likely to be provided in contravention of a direction issued by the Art Entertainment Licensing Officer under section 15C(1)].**

(2) The **appropriate** Licensing Officer may, in his discretion, suspend or cancel a licence, as the case may be, if he is satisfied that the licensee is not a fit and proper person to hold such licence.

(3) [In the case of a licence in respect of which the appropriate Minister has made rules under section 15(1), ~~the~~] appropriate Licensing Officer shall not suspend or cancel [a—the] licence under subsection (1)(d) on the ground that the public entertainment for which it was issued has been provided otherwise than in accordance with the conditions of the licence unless the licensee has accumulated such number of demerit points as may be prescribed under section 15(1).

(3A) Before suspending or cancelling a licence, the appropriate Licensing Officer shall[, unless he considers it not practicable or desirable to do so in the circumstances of the case,] give the licensee a written notice of his intention to do so and an opportunity to submit reasons, within such period specified in that notice, as to why licence should not be suspended or cancelled.

(4) The appropriate Licensing Officer shall, if so required by the licensee, furnish the licensee within 7 days of being so required with the grounds in writing of the suspension or cancellation of his licence.

(5) Any person aggrieved by the suspension or cancellation of his licence by the appropriate Licensing Officer may appeal in writing to the appropriate Minister; within 14 days ~~of~~ after the furnishing to him of the grounds of the suspension or cancellation or such extended period as the Minister may allow in any particular case; ~~appeal in writing to the Minister whose decision shall be final.~~

(6) Where the appropriate Minister decides to restore a licence, he may impose such conditions as he thinks fit.

Demerit points

15.—(1) The appropriate Minister may, for the purposes of sections 10, 11 and 14(3), make rules to establish a system of awarding demerit points against a licensee for the commission of an offence under section 19(1)(c).

(2) For the purposes of this section, demerit points may be awarded against a licensee notwithstanding that the licensee has accepted an offer by the appropriate Licensing Officer to compound the offence concerned.

(3) Where a licence is cancelled under section 14, every demerit point awarded against the licensee in respect of the licence shall be cancelled.

Classification of content of arts entertainment

15A.—(1) The Arts Entertainment Licensing Officer may issue, from time to time, such code for the classification of the content of arts entertainments as he thinks fit.

(2) No person shall classify the content of an arts entertainment provided or to be provided under a licence except —

- (a) the Arts Entertainment Licensing Officer; or
- (b) where the Arts Entertainment Licensing Officer requires the content to be classified by a registered content assessor, the registered content assessor.

(3) Any person authorised under subsection (2) to classify the content of an arts entertainment shall classify the content in accordance with the classification code.

(4) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[(5) Any person who —

- (a) classifies the content of an arts entertainment contrary to the classification code; and
- (b) knows or ought reasonably to know that, or is reckless as to whether, the classification is contrary to the classification code,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.]

Duties of licensee providing arts entertainment

15B.—(1) No licensee shall provide any arts entertainment under his licence unless the content of the arts entertainment has been classified —

- (a) in the case where the Arts Entertainment Licensing Officer requires the content to be classified by a registered content assessor and does not direct the amendment of the classification under section 15C(1), by the registered content assessor; and
- (b) in any other case, by the Arts Entertainment Licensing Officer.

(2) No licensee shall provide any arts entertainment under his licence which is contrary to the classification of the content of the arts entertainment —

- (a) in the case where the Arts Entertainment Licensing Officer requires the content to be classified by a registered content assessor and does not direct the amendment of the classification under section 15C(1), by the registered content assessor; and
- (b) in any other case, by the Arts Entertainment Licensing Officer

(3) Where the Arts Entertainment Licensing Officer requires that the content of an arts entertainment to be provided under a licence be classified by a registered content assessor, the licensee —

- (a) shall appoint a registered content assessor;
- (b) shall [confirm] whether the registered content assessor's classification of the content is in accordance with the classification code; and
- (c) shall ensure that the Arts Entertainment Licensing Officer is notified, within such time before the arts entertainment is provided as the Arts Entertainment Licensing Officer may specify, of the classification by the registered content assessor and the [confirmation] of the classification by the licensee.

(4) A licensee shall furnish the Arts Entertainment Licensing Officer or a registered content assessor all relevant information and documents that the Arts Entertainment Licensing Officer or the registered content assessor, as the case may be, requires for the purpose of determining the classification of the content of an arts entertainment.

[(5) Where the content of an arts entertainment to be provided under a licence is to be classified by the Arts Entertainment Licensing Officer, other than in the circumstances described in section 15C(1), the licensee shall pay the Arts Entertainment Licensing Officer such fees as may be prescribed, within such time as the Arts Entertainment Licensing Officer may require.]

[(6) A licensee shall comply with such procedures as the Arts Entertainment Licensing Officer may direct in relation to the classification of the content of the arts entertainment provided or to be provided under the licence.]

[(7) Any licensee who [confirms] a registered content assessor's classification of the content of an arts entertainment under subsection (3)(c) —

- (a) when the licensee knows or ought reasonably to know that; or
- (b) with reckless disregard as to whether,

the classification is contrary to the classification code shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.]

[(8) Any licensee who fails, without reasonable excuse, to furnish any information required by the Arts Entertainment Licensing Officer or a registered content assessor under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.]

Directions by Arts Entertainment Licensing Officer

15C.—(1) In the case where the Arts Entertainment Licensing Officer is of the opinion that an arts entertainment is being provided or will be provided under a

licence [contrary to section 15B(1) or (2) or contrary to the classification code], the Arts Entertainment Licensing Officer may direct the licensee to —

- (a) amend the classification in such manner as the Arts Entertainment Licensing Officer determines;
- [(b) remove such content from the arts entertainment as the Arts Entertainment Licensing Officer determines;] or
- (c) refrain from or cease providing the arts entertainment absolutely or for such period as the Arts Entertainment Licensing Officer determines,

and the licensee shall comply with the direction.

(2) Before issuing any direction to a licensee under subsection (1), the Arts Entertainment Licensing Officer shall, unless he considers it not practicable or desirable to do so in the circumstances of the case, give —

- (a) the licensee; and
- (b) in the case where the arts entertainment is classified by a registered content assessor and the Arts Entertainment Licensing Officer is of the opinion that the classification is contrary to the classification code, the content assessor,

a written notice of his intention to do so and an opportunity to submit reasons, within such period specified in that notice, as to why the direction should not be issued.

(3) Any person aggrieved by a direction of the Arts Entertainment Licensing Officer under subsection (1) may appeal in writing to the Minister charged with the responsibility for the licensing of arts entertainments within [14 days] after being notified of the direction or such extended period as the Minister may allow in any particular case.

Registration of content assessor

15D.—(1) Any individual who desires to be registered, or to renew his registration, as a content assessor for the purposes of section 15A shall apply to the Arts Entertainment Licensing Officer.

(2) An application under subsection (1) shall be —

- (a) made in such form and manner, together with such documents, as the Arts Entertainment Licensing Officer may require; and
- (b) accompanied by such fee as may be prescribed.

(3) The Arts Entertainment Licensing Officer may require an applicant under subsection (1) to satisfy such criteria and requirements as the Arts Entertainment Licensing Officer may publish on such website as may be prescribed.

(4) Upon considering an application received under subsection (1), the Arts Entertainment Licensing Officer may —

(a) register or renew the registration of the applicant as a content assessor for such duration as the Arts Entertainment Licensing Officer may specify; or

(b) refuse the application.

(5) The Arts Entertainment Licensing Officer shall, before refusing an application to renew a registration, give the applicant a written notice of his intention to do so and an opportunity to submit reasons, within such period specified in that notice, as to why the application should not be refused.

(6) Any person aggrieved by a decision of the Arts Entertainment Licensing Officer refusing to register him, or renew his registration, as a content assessor may appeal in writing to the Minister charged with the responsibility for the licensing of arts entertainments within [14 days] after being notified of the decision or such extended period as the Minister may allow in any particular case.

(7) Any person who, not being a registered content assessor, advertises to be or holds himself out as a registered content assessor shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[Conditions of registration as content assessor

15E.—(1) The registration of a content assessor under section 15D(4)(a) shall be subject to such conditions as the Arts Entertainment Licensing Officer may specify.

(2) The Arts Entertainment Licensing Officer may, at any time, add to the conditions, or vary or revoke any condition, of a content assessor's registration.

(3) The Arts Entertainment Licensing Officer shall, before adding any condition to, or varying or revoking any condition of, a content assessor's registration under subsection (2), give the content assessor a written notice of his intention to do so and an opportunity to submit reasons, within such period specified in that notice, as to why such condition should not be added to, varied or revoked.

(4) Any person who is aggrieved by a decision of the Arts Entertainment Licensing Officer under this section may appeal in writing to the Minister charged with the responsibility for the licensing of arts entertainments within [14 days] after being notified of the decision or such extended period as the Minister may allow in any particular case.]

Cancellation of registration of content assessor

15F.—(1) The Arts Entertainment Licensing Officer may, at any time, suspend for a period not exceeding 6 months or such longer period as may be prescribed in substitution, or cancel, the registration of a content assessor under section 15D(4)(a) if the Arts Entertainment Licensing Officer is satisfied that the content assessor —

- (a) has obtained his registration through dishonest or fraudulent means;
- (b) is convicted of any offence involving fraud or dishonesty, or any offence under this Act;
- (c) has failed to classify the content of any arts entertainment in accordance with the classification code;
- (d) has breached any condition of his registration; or
- (e) is not or has ceased to be a fit and proper person to be registered as a content assessor.

(2) The Arts Entertainment Licensing Officer shall, before suspending or cancelling the registration of a content assessor, give the content assessor a written notice of his intention to do so and an opportunity to submit reasons, within such period specified in that notice, as to why his registration should not be suspended or cancelled.

(3) Any person aggrieved by a decision of the Arts Entertainment Licensing Officer cancelling his registration as a content assessor may appeal in writing to the Minister charged with the responsibility for the licensing of arts entertainments within [14 days] after being notified of the decision or such extended period as the Minister may allow in any particular case.

Register of registered content assessors

15G.—(1) The Arts Entertainment Licensing Officer shall keep and maintain, in such form and manner as he may determine, a register of all individuals who are registered content assessors.

(2) The absence of the name of any individual from the register shall be prima facie evidence that the individual is not a registered content assessor.

(3) The Arts Entertainment Licensing Officer shall make the register available for inspection by the public without charge in such form and manner as he considers appropriate.

Appeal to Minister

15H.—(1) Any appeal to a Minister under section 10(5), 11(6), 13(3), 14(5), 15C(3), 15D(6), 15E(4) or 15F(3) against a decision or direction, as the case may be, of a Licensing Officer shall not affect the operation of the decision or direction or

prevent the taking of any action to implement the decision or direction unless otherwise provided in this Act or directed by the Minister in any particular case.

(2) Any person who makes an appeal under any of the provisions specified in subsection (1) shall, within the period specified in that provision for the making of the appeal —

(a) state the circumstances in which the appeal arises and the issues and grounds for the appeal; and

(b) submit all relevant facts, evidence and arguments in respect of the appeal.

(3) Where an appeal is made to a Minister under any of the provisions specified in subsection (1), the Minister may require the appellant, the Licensing Officer whose decision or direction is being appealed against or any person who is not a party to the appeal but appears to the Minister to have information that is relevant to the circumstances under which the appeal arises, to provide the Minister with all such information as the Minister may require for the purpose of considering and determining the appeal; and any person so required to provide such information must provide it in such manner and within such period as may be specified by the Minister.

(4) A Minister may reject an appeal made to him under any of the provisions specified in subsection (1) if the appellant fails to comply with subsection (2) or (3) in respect of that appeal.

(5) A Minister may determine an appeal made to him under any of the provisions specified in subsection (1) against a decision or direction of a Licensing Officer by —

(a) confirming, varying or reversing the decision or direction; or

(b) requiring the Licensing Officer to reconsider his decision or direction,

and the decision of the Minister shall be final.

Exemption

16.—(1) The Minister may by order published in the *Gazette* exempt [any person or class of persons, or] any public entertainment or series or class of public entertainments, from all or any of the provisions of this Act.

[(2) In this section, “Minister” means —

(a) the Minister charged with the responsibility for the licensing of arts entertainments insofar as the power under this section is exercised in connection with sections 15A to 15G; and

(b) the appropriate Minister insofar as the power under this section is exercised in connection with any other provision of this Act.]

Powers of entry and inspection

17. ~~Any~~The Licensing Officer or any police officer may enter any place where a licensed public entertainment is being provided with a view to ascertaining whether the conditions of the licence and the provisions of this Act are being complied with.

Powers of investigation

17A.—(1) The Licensing Officer may, for the purposes of investigating an offence under this Act or a contravention of a provision of this Act, do all or any of the following:

- (a) require any person whom the Licensing Officer reasonably believes to have committed that offence or contravention to furnish evidence of that person's identity;
- (b) require any person, whom the Licensing Officer reasonably believes —
 - (i) has any information; or
 - (ii) any document or article in his possession, custody or control,relevant to the investigation, to furnish that information, or produce that document or article;
- (c) issue a written notice requiring any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter, to attend before the Licensing Officer;
- (d) examine orally any person who appears to be acquainted with the facts or circumstances of the matter —
 - (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and
 - (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter.

(2) Any person examined under this section shall be bound to state truly what he knows of the facts and circumstances of the matter, except that he need not say anything that might expose him to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section shall —

- (a) be reduced to writing;
- (b) be read over to him;
- (c) if he does not understand English, be interpreted for him in a language that he understands; and
- (d) after correction (if necessary) be signed by him.

(4) If any person fails comply with a written notice issued to him under subsection (1)(c), the Licensing Officer may report the failure to a Magistrate who may then, in his discretion, issue a warrant ordering that person to comply with the written notice.

(5) Subject to subsection (6), the Licensing Officer may take possession or make copies of any document or article produced to him under subsection (1)(b) for further investigation.

(6) Anything taken possession of by the Licensing Officer under subsection (5) —

(a) shall be placed in safe custody by the Licensing Officer; and

(b) unless ordered otherwise by the court, may be retained until the completion of the investigation or any proceedings (including proceedings on appeal) in which it may be in evidence.

(7) Any person who, without reasonable excuse, refuses to furnish any information, or produce any document or article, required of him by the Licensing Officer under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(8) In this section and section 17B, a reference to the Licensing Officer shall include a police officer.

Disposal of documents or articles

17B.—(1) Any document or article retained by the Licensing Officer under section 17A(5) shall be —

(a) where the document or article is produced in any criminal trial, be dealt with in accordance with section 364 of the Criminal Procedure Code (Cap. 68); or

(b) in any other case, be returned to the owner or, if the owner is not known, be reported to a Magistrate.

(2) Where the report of any document or article is made to a Magistrate under subsection (1)(b), the Magistrate may order the document or article to be forfeited or to be disposed of in such manner as the Magistrate thinks fit.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of any property which may exist in law apart from this section.

Powers of arrest

18.—(1) ~~Any~~The Licensing Officer or any police officer may arrest without warrant any person —

(a) whom he reasonably suspects of committing or attempting to commit, or abetting any person to commit, any offence under this Act; and

(b) who refuses to furnish his name and address or who furnishes a name and address reasonably suspected of being false or who furnishes an address outside Singapore or who is reasonably suspected of being likely to abscond.

(2) Every person so arrested shall be taken to a police station and shall thereafter be dealt with as if he had been arrested under section 65 of the Criminal Procedure Code 2010.

PenaltiesOffences

19.—(1) Any person who provides or assists in providing any public entertainment —

- (a) without a licence issued under this Act;
- (b) while the licence is suspended;
- (c) in contravention of any condition of a licence; or
- (d) in contravention of this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(2) For the purposes of ~~this section~~ subsection (1), no person shall be deemed to have provided or assisted in providing public entertainment merely by reason of his having taken part in the public entertainment provided.

(3) Any person who, being required to make any statement or furnish any information or document under this Act —

- (a) makes any statement or furnishes any information or document which is false or misleading in a material particular; and**
- (b) knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular,**

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Service of documents, etc.

20.—(1) Any notice, order or document required or authorised by this Act to be served on any person may be served —

- (a) by delivering it to the person or to some adult member or employee of his family or household at his last known place of residence;
- (b) by leaving it at his usual or last known place of residence or place of business in an envelope addressed to the person;

(c) by sending it by registered post addressed to the person at his usual or last known place of residence or place of business; or

(d) in the case of a company, partnership or body of persons —

(i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or

(ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

(2) Any notice, order or document sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person at the time when the notice, order or document, as the case may be, would in the ordinary course of post be delivered.

(3) When proving service of the notice, order or document referred to in subsection (2), it shall be sufficient to prove that the envelope containing the notice, order or document, as the case may be, was properly addressed, stamped and posted by registered post.

Composition of offences

21.—(1) The Licensing Officer may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum not exceeding ~~\$1,000~~\$5,000.

~~(2) The Minister may make rules to prescribe the offences which may be compounded under this section.~~

(3) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

(4) All sums collected under this section shall be paid into the Consolidated Fund.

Onus of proof

22. In any proceedings under this Act the onus of proving that the public or any class of the public did not have access to any public entertainment shall lie on the person alleging the fact.

Rules

23.—(1) The Minister may make rules for any of the following purposes:

(a) to prescribe the fees to be charged in respect of licences;

~~(b) to prescribe the form of applications for licences, of licences and of the books to be kept;~~

(c) to prescribe the hours during which public entertainment may be provided;

(d) generally to give effect to the provisions of this Act.

[(1A) In this section, “Minister” means —

(a) the Minister charged with the responsibility for the licensing of arts entertainments insofar as the power under this section is exercised in connection with sections 15A to 15G;

(b) the appropriate Minister insofar as the power under this section is exercised in connection with any other provision of this Act.]

(2) All rules made under this Act shall be presented to Parliament as soon as possible after publication in the *Gazette*.

THE SCHEDULE

Section 2(1)

MEANING OF PUBLIC ENTERTAINMENT

1. In this Schedule —

~~“ad hoc performance” means any variety act or performance of music, singing or dancing which is provided on one or more occasions within a period not exceeding 3 months;~~

“arts entertainment” means any of, or any combination of, the following:

- (a) any play, opera, pantomime, puppet-show~~[, ad hoc performance]~~ or tableaux;
- (b) any display of set pieces, commemorative decorations or representations of real or mythical creatures;
- (c) any exhibition of models, reading matter, pictures, photographs or of statuary or other forms of representation of human or animal figures;
- (d) any display or exhibition of other still objects or art generally; ~~or~~
- (e) any play-reading, poetry-reading or recital; ~~thing;~~
- ~~[(f) any variety act, performance of music, singing or dancing; or]~~
- ~~[(g) any display using [real-time transmission], through the internet or other form of communication network, of any item, or any combination of the items, specified in paragraphs (a) to (f).]~~

in any place to which the public or any class of the public has access whether gratuitously or otherwise;

“film” means —

- (a) any cinematograph film;
- (b) any video recording;

- (c) any record, however made, of a sequence of visual images, which is a record capable of being used as a means of showing that sequence as a moving picture; or
- (d) any other material, record or thing on which is recorded or stored for immediate or future retrieval any information that, by the use of any computer or electronic device, is capable of being reproduced or displayed as wholly or partly visual moving pictures;

“pin-table” means any table, board or other appliance operated by hand or by coin, disc, electricity or any other means which is designed to enable the operator to play a game, success in which is measured by the propulsion of one or more movable objects towards targets or goals or by the attainment of a number of points or by both;

“video recording” means any disc, magnetic tape or solid state recording device containing information by the use of which one or more series of visual images may be produced electronically and shown as a moving picture.

2. “Public entertainment” includes —

- (a) any ~~[variety act, performance of music, singing, dancing,]~~gymnastics, acrobatics and legerdemain, demonstration, display or parade~~[(other than ad hoc performances)]~~;
- (c) any circus or any exhibition of animals;
- (d) any amusement centre;
- (e) any computer games centre;
- (g) any exhibition of film, or any peep-show;
- (h) any reproduction or transmission otherwise than in association with a film, by any means other than telephony or radio telephony, of any music, song or speech;
- (i) any machine or device by the manipulation of which chances are given of obtaining prizes in money or kind;
- (j) any pin-table;
- (k) any sporting contest of any kind between any number of persons or animals, other than that organised by any registered society, trade union, company or association;
- (l) any organised competition at games of skill or chance;
- (ma) any arts entertainment; or
- (n) any combination of any of the above forms of public entertainment,

in any place to which the public or any class of the public has access whether gratuitously or otherwise.

3. “Public entertainment” does not include —

- (a) public entertainment at gatherings and celebrations officially arranged by the official representative in Singapore of any government;
- (b) public entertainment provided by or under the auspices of the Government or any department of the Government or any authority constituted under any written law relating to local government;
- (c) ceremonies, rites, services and celebrations lawfully conducted by priests or ministers of religion in premises consecrated generally or specifically for the conduct thereof where any discourse, sermon, lecture, talk or address at such ceremonies, rites, services and celebrations is only given by persons who are citizens or permanent residents of Singapore;

- (d) addresses, debates and discussions at meetings of public companies, chambers of commerce, registered trade unions, registered political associations or exempted or registered societies from which persons who are not shareholders or members, as the case may be, are excluded;
- (e) public entertainment provided by or under the auspices of any statutory board constituted by or under any written law for a public purpose; and
- (f) any lecture, talk, address, debate or discussion in any place to which the public or any class of the public has access whether gratuitously or otherwise.