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Info-communications Media Development Authority Bill

Bill No. 21/2016.

Read the first time on 11 July 2016.

INFO-COMMUNICATIONS MEDIA DEVELOPMENT AUTHORITY ACT 2016

(No. of 2016)

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A BILL

intituled

An Act to establish the Info-communications Media Development Authority, to make provision for competition and consumer protection in the media industry, to repeal the Info-communications Development Authority of Singapore Act (Chapter 137A of the 2000 Revised Edition) and the Media Development Authority of Singapore Act (Chapter 172 of the 2003 Revised Edition), and to make consequential and related amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1
PRELIMINARY

Short title and commencement

1. This Act is the Info-communications Media Development Authority Act 2016 and comes into operation on a date that the Minister appoints by notification in the *Gazette*. 5

Interpretation

2. In this Act, unless the context otherwise requires —

“auditor”, in relation to the Authority, means the Auditor-General or such other auditor appointed by the Minister under section 55(1); 10

“Authority” means the Info-communications Media Development Authority established by section 3;

“broadcasting licence” has the same meaning as in section 2(1) of the Broadcasting Act (Cap. 28); 15

“broadcasting service” has the same meaning as in section 2(1) of the Broadcasting Act;

“Chairperson”, in relation to the Authority, means the member of the Authority who is appointed under section 13(1)(a) as the Chairperson of the Authority, and includes any individual acting in that capacity; 20

“Chief Executive”, in relation to the Authority, means the Chief Executive of the Authority appointed under section 40(2), and includes any individual acting in that capacity;

“code of practice” means a code of practice or standard of performance issued under section 61; 25

“committee”, in relation to the Authority, means a committee of the Authority appointed under section 36;

“committee member” means a member of a committee of the Authority appointed under section 36; 30

“delegate”, in relation to the Authority, means a person to whom the Authority, under section 38(1), delegates any of its functions or powers;

5 “Deputy Chairperson”, in relation to the Authority, means the member of the Authority who is appointed under section 13(1)(b) as the Deputy Chairperson of the Authority;

“document” includes any device or medium on which information is recorded or stored;

“employee”, in relation to the Authority, means —

10 (a) in the case of section 6(2)(r) and Part 9, an individual who is employed by the Authority under a contract of service; or

(b) in any other case, an individual who is employed by the Authority under a contract of service or who is
15 otherwise engaged to perform duties in the Authority;

“essential resource” means any apparatus, accessory, system, service, information or other resource of any kind that is —

(a) used or intended to be used in connection with the provision of any media service; and

20 (b) specified by the Authority, by notification in the *Gazette*, to be an essential resource;

“function”, in relation to the Authority, means a function conferred on the Authority by this Act or any other Act;

25 “information and communications service” means any service involving the use of information and communications technology;

“information and communications system” means any system used or intended to be used for information and communications technology;

30 “information and communications technology” means any technology employed in the collection, storage, use or transmission of information, and includes a technology that

involves the use of a computer or a telecommunication system;

“information, communications and media industry” means an industry comprising persons who carry on any business or engage in any commercial activity in connection with one or more, or any part, or any combination, of the following:

(a) an information and communications service;

(b) a media service;

(c) an information and communications system;

(d) an information and communications technology;

“inspecting officer” means an individual who is appointed as an inspecting officer under section 42;

“media” means —

(a) a film as defined in section 2(1) of the Films Act (Cap. 107);

(b) a newspaper;

(c) a broadcasting service;

(d) a publication as defined in section 2 of the Undesirable Publications Act (Cap. 338); or

(e) such other medium of communication of information, entertainment or other matter to the public (or a section of the public) as the Minister may, by order in the *Gazette*, specify,

and “media industry” and “media service” have corresponding meanings;

“member”, in relation to the Authority, means a member of the Authority appointed under section 11, and includes a temporary member appointed under section 15(2);

“newspaper” has the same meaning as in section 2(1) of the Newspaper and Printing Presses Act (Cap. 206);

“newspaper company” has the same meaning as in section 2(1) of the Newspaper and Printing Presses Act;

“power”, in relation to the Authority, means a power given to the Authority by this Act or any other Act;

“proprietor”, in relation to a newspaper, has the same meaning as in section 2(1) of the Newspaper and Printing Presses Act;

5 “regulated person” means —

(a) in the case of section 65, a newspaper company; or

(b) in any other case, the holder of a broadcasting licence or the proprietor of a newspaper,

10 that is specified by the Minister, by notification in the *Gazette*, to be a regulated person;

“telecommunication service” has the same meaning as in section 2 of the Telecommunications Act (Cap. 323);

“telecommunication system” has the same meaning as in section 2 of the Telecommunications Act;

15 “telecommunications” has the same meaning as in section 2 of the Telecommunications Act.

PART 2

ESTABLISHMENT, FUNCTIONS AND POWERS OF AUTHORITY

20 **Info-communications Media Development Authority**

3. A body called the Info-communications Media Development Authority is established by this section.

Authority is body corporate

4. The Authority —

25 (a) is a body corporate with perpetual succession;

(b) may acquire, hold and dispose of real and personal property;
and

(c) may sue and be sued in its corporate name.

Functions of Authority

5.—(1) The Authority has the following functions:

- (a) to promote the efficiency, competitiveness (including internationally) and development of the information, communications and media industry in Singapore; 5
- (b) to promote and maintain fair and efficient market conduct and effective competition between persons engaged in commercial activities in connection with media services or telecommunication systems and services in Singapore or, in the absence of a competitive market, to prevent the misuse of monopoly or market power; 10
- (c) to regulate the provision and use of telecommunication systems, and equipment and software in connection with such systems, and telecommunication services, in Singapore, including by — 15
 - (i) ensuring that telecommunication services are reasonably accessible to all persons in Singapore, and are supplied as efficiently and economically as practicable and at performance standards that reasonably meet the social, industrial and commercial needs of Singapore; and 20
 - (ii) determining or approving prices, tariffs and charges for the provision of telecommunication systems and services;
- (d) to regulate the provision and use of media services, and equipment and facilities used in connection with media services, in Singapore, including by — 25
 - (i) facilitating the provision of an adequate range of media services that serves the interests of the general public;
 - (ii) ensuring that media services are provided at a high standard in all respects, particularly in respect of the quality, balance and range of subject matter of their content; and 30

- (iii) ensuring that the content of media services is not against public interest, public order or national harmony, and does not offend against good taste or decency;
- 5 (e) to promote the use of the Internet and electronic commerce in Singapore and to establish regulatory frameworks for that purpose;
- (f) to regulate and manage domain names of Internet websites in Singapore;
- 10 (g) to promote the use of information and communications technology in Singapore and, where necessary, to collaborate with the Government Technology Agency (established by section 3 of the Government Technology Agency Act 2016) in respect of that;
- 15 (h) to promote, where suitable, self-regulation in the information, communications and media industry in Singapore;
- (i) to advise the Government on matters relating to the information, communications and media industry and the functions of the Authority;
- 20 (j) to represent Singapore and advance Singapore's interest internationally in matters relating to the information, communications and media industry;
- (k) to promote research and development into technological matters relating to the information, communications and media industry;
- 25 (l) to promote and set standards for the training, and the upgrading of the competencies, of persons for the purposes of the information, communications and media industry in Singapore;
- 30 (m) to provide consultancy services in or outside Singapore relating to the information, communications and media industry;

(n) to perform such other functions as may be conferred on the Authority by any other Act.

(2) In performing the functions conferred on the Authority by subsection (1), the Authority is to have regard to —

(a) efficiency and economy; 5

(b) the social, industrial and commercial needs of Singapore for information and communications services and media services; and

(c) the convergence of information and communications services and media services, and the need to accommodate technological changes, in and outside Singapore. 10

(3) The Authority may also undertake such other functions as the Minister may, by notification in the *Gazette*, assign to the Authority, and in so undertaking —

(a) the Authority is deemed to be fulfilling the purposes of this Act; and 15

(b) the provisions of this Act apply to the Authority in respect of those other functions.

(4) Nothing in this section imposes on the Authority, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Authority would not otherwise be subject. 20

Powers of Authority

6.—(1) Subject to this Act, the Authority has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions. 25

(2) Without limiting the generality of subsection (1), the powers of the Authority mentioned in that subsection include power —

(a) to issue or approve, and monitor the compliance with, codes of practice, standards of performance and advisory guidelines on any matter relating to the functions of the Authority; 30

- (b) to control and regulate the management and allocation of numbering plans and schemes for telecommunication systems and services;
- 5 (c) to construct, install, maintain, repair, operate and supply any installation, plant, system or equipment, or any building relating to that, for telecommunications or broadcasting purposes;
- 10 (d) to engage (on its own or with another person) in the manufacture or sale, whether in or outside Singapore, of any equipment for telecommunications or broadcasting purposes;
- (e) to provide all forms of information and communications systems and services;
- 15 (f) to determine such rates, charges and fees, or their apportionment, as between the Authority and telecommunications authorities outside Singapore, as the Authority considers appropriate;
- (g) to charge for the provision of goods or services, or the performance of work, by or on behalf of the Authority;
- 20 (h) to waive or refund the whole or part of any fee or charges payable or paid to the Authority under this Act or any other Act administered by the Authority;
- 25 (i) to collaborate with other organisations (in or outside Singapore) for the purposes of promoting information and communications services and media services;
- (j) to conduct or commission research on the effect of media content, or public opinion or community attitudes on issues relating to media content;
- 30 (k) to conduct research and investigations necessary for the development of information and communications services and media services in Singapore;
- (l) to organise, provide for or collaborate with any person on training programmes, assessments and certifications of, and

scholarships for, persons in relation to the information, communications and media industry;

- (m) to become a member or an affiliate of an international body that has functions similar to those of the Authority;
- (n) to enter into agreements and arrangements; 5
- (o) to form or participate in the formation of a body corporate, unincorporated association or trust, or enter into a joint venture with any person;
- (p) to carry out such works or activities as the Authority considers to be necessary, advantageous or convenient, with a view to making the best use of the Authority's assets; 10
- (q) to accept grants, gifts, donations or contributions from any source, or raise funds by all lawful means;
- (r) to grant loans to, or guarantee the loans of, the employees of the Authority; 15
- (s) to provide financial support, grant, aid or assistance to any person in connection with any function of the Authority; and
- (t) to do any other thing that is necessary or convenient to be done for or in connection with, or as incidental to, the performance of its functions. 20

(3) To avoid doubt, subsection (1) does not limit any other power given to the Authority by any other provision in this Act or by any other Act.

Powers of Authority in relation to proposals for privatisation

7.—(1) Where the Minister proposes to transfer any property or function of the Authority to another body corporate (called in this section the transferee), the Authority has the power to do anything which, in the opinion of the Authority, is appropriate for the purpose of — 25

- (a) facilitating the implementation of the Minister's proposal; 30
- (b) facilitating the implementation of, or securing a modification of, any related proposal of the Minister;

(c) promoting, in relation to the Minister’s proposal or related proposal, the interest of the transferee; or

(d) promoting, in relation to the Minister’s proposal or related proposal, the interest of a body corporate that may become, under the Minister’s proposal or related proposal, a member of the same group as the transferee.

(2) To avoid doubt, subsection (1) does not limit any other power given to the Authority by any other provision in this Act or by any other Act.

(3) For the purposes of subsection (1)(d), a body corporate is a member of the same group as the transferee if —

(a) the body corporate is a holding company or subsidiary of the transferee; or

(b) the body corporate is another subsidiary of the transferee’s holding company.

(4) In this section —

“holding company” and “subsidiary” have the same meanings as in section 5 of the Companies Act (Cap. 50);

“related proposal” means a proposal of the Minister that relates to the Minister’s proposal to transfer a property or function of the Authority to the transferee, and includes a proposal relating to or connected with —

(a) any property, right or liability of the Authority that would be affected by the proposed transfer, or that is proposed to be transferred to the transferee;

(b) the performance, whether before or after the transfer, of a function of the Authority that is proposed to be transferred to the transferee; or

(c) the formation, flotation, control, finances, or officers or employees, of the transferee or of any other body corporate that may become, under the Minister’s proposal or related proposal, a member of the same group as the transferee.

Directions of Minister, etc.

8.—(1) The Minister may give to the Authority directions on the performance by the Authority of its functions; and the Authority must give effect to all such directions.

(2) To avoid doubt, the Minister is entitled —

- (a) to information in the possession of the Authority; and
- (b) where the information is in or on a document, to have, and make and retain copies of, that document.

(3) For the purposes of this section, the Minister may request the Authority —

- (a) to furnish information to the Minister; or
- (b) to give the Minister access to information.

(4) The Authority must comply with a request under subsection (3).

(5) In this section, “information” means information specified, or of a description specified, by the Minister that relates to the Authority’s functions, and includes a document.

Authority’s symbols, etc.

9.—(1) The Authority has the exclusive right to the use of one or more symbols or representations as it may select or devise (each called in this section the Authority’s symbol or representation), and to display or exhibit those symbols or representations in connection with the Authority’s activities or affairs.

(2) A person who —

- (a) uses, without the prior written permission of the Authority, a symbol or representation that is identical with the Authority’s symbol or representation; or
- (b) uses a symbol or representation that so resembles the Authority’s symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 3

CONSTITUTION AND MEMBERSHIP OF AUTHORITY

*Division 1 — Appointment, resignation and removal***Membership of Authority**

5 **10.**—(1) The Authority consists of at least 6 and not more than 20 members.

(2) One of the members (who is not the Chairperson or Deputy Chairperson) may be the Chief Executive.

Appointment of members of Authority

10 **11.**—(1) Each member is to be appointed by the Minister.

(2) Every appointment must be made by instrument in writing given to the member.

(3) The instrument must state —

(a) the term of the appointment; and

15 (b) the date the appointment takes effect (which must not be earlier than the date on which the member receives the instrument).

Membership disqualification

20 **12.**—(1) In appointing members, the Minister must have regard to whether the members will collectively possess the appropriate knowledge, skills and experience to assist the Authority to perform its functions effectively.

(2) The following individuals are disqualified to be or from being a member:

25 (a) a Judge or judicial officer;

(b) an undischarged bankrupt;

(c) an individual who has been sentenced to imprisonment for a term of 6 months or more, and has not received a free pardon;

(d) an individual who is —

(i) disqualified under section 154(1) of the Companies Act (Cap. 50) from acting as a director, or taking part (directly or indirectly) in the management, of a company during the period of disqualification in that section; or

5

(ii) disqualified by a court order (under section 149(1), 149A(1) or 154(2) of the Companies Act) from being a director or in any way (directly or indirectly) being concerned in, or taking part in, the management of a company during the period of disqualification in the court order;

10

(e) an individual who lacks capacity in respect of his or her duties as a member within the meaning of the Mental Capacity Act (Cap. 177A), or in respect of whom an order is made under section 10 of the Mental Health (Care and Treatment) Act (Cap. 178A).

15

Chairperson and Deputy Chairperson

13.—(1) The Minister may, by instrument in writing, appoint —

(a) a member to be the Chairperson of the Authority for the period specified in the instrument; and

20

(b) a member (other than the Chairperson) to be the Deputy Chairperson of the Authority for the period specified in the instrument.

(2) A member who is appointed as the Chief Executive is not eligible for an appointment under subsection (1).

25

(3) The Chairperson or Deputy Chairperson holds office until —

(a) his or her term of office as Chairperson or Deputy Chairperson (as the case may be) expires;

(b) he or she ceases to hold office as a member; or

30

(c) the Minister terminates his or her appointment as Chairperson or Deputy Chairperson (as the case may be),

whichever first happens.

(4) The Deputy Chairperson has and may perform all the functions and exercise all the powers of the Chairperson in relation to a matter if —

- 5 (a) the Chairperson is unavailable; or
- (b) the Chairperson is interested (within the meaning of section 23) in the matter.

Premature vacancies

10 **14.**—(1) If a premature vacancy occurs in the office of a member, the Minister may, subject to sections 10 and 12, appoint an individual to fill the vacancy and hold that office for the remainder of the term for which the vacating member was appointed.

(2) Section 11 applies to an appointment under subsection (1).

15 (3) In this section, “premature vacancy”, for an office, means a vacancy that occurs in that office for any reason other than the expiry of the term of office.

Temporary Chairperson and members

20 **15.**—(1) The Minister may appoint an individual (other than the Chief Executive) to act temporarily as the Chairperson of the Authority during any period, or during all periods, when the Chairperson —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

25 (2) The Minister may appoint an individual to act temporarily as a member of the Authority (other than the Chairperson) during any period, or during all periods, when the member —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

30 (3) An individual is ineligible for appointment under this section to act as the Chairperson or a member if the individual is disqualified under section 12(2) for appointment as a member of the Authority.

Removal of member

16.—(1) The Minister may, at any time and without giving any reason, remove a member from office.

(2) Every removal under subsection (1) must be made by written notice to the member. 5

(3) The notice must state the date the removal takes effect (which must not be earlier than the date on which the member receives the notice).

Resignation from office

17.—(1) A member may resign his or her office by written notice to the Minister. 10

(2) The resignation is effective —

(a) on the expiry of one month after the date on which the Minister receives the notice; or

(b) on any later date specified in the notice. 15

Validity of acts, etc.

18.—(1) The performance of any function, or the exercise of any power, of the Authority by the Authority is not affected merely because at the relevant time —

(a) there was a vacancy in the membership of the Authority, including a vacancy arising from the failure to appoint a member; 20

(b) there was some defect or irregularity existing in the appointment or continuance in office of an individual purporting to be a member; 25

(c) a member failed to disclose his or her interest in a relevant matter (within the meaning of Division 3);

(d) the Authority failed to report to the Minister under section 27; or

(e) there was an irregularity in the Authority’s decision-making procedure (but only if the irregularity did not affect the merits of the decision made).

5 (2) The acts of an individual as a member of the Authority are not affected merely because there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member.

Division 2 — Terms and conditions for members

Term of appointment

10 **19.**—(1) The term of appointment of a member must not exceed 3 years.

(2) A member may be re-appointed.

Remuneration, etc.

15 **20.** The members are to be paid, out of the funds of the Authority, such salaries, fees and allowances as the Minister may, from time to time, determine.

Vacation of office

21.—(1) A member ceases to hold office if he or she —

- (a) dies;
- 20 (b) is adjudicated a bankrupt;
- (c) becomes disqualified from being a member under section 12(2);
- (d) is removed from office in accordance with section 16;
- (e) resigns in accordance with section 17;
- 25 (f) fails, without reasonable cause, to disclose any interest required to be disclosed under Division 3, and the Authority reports to the Minister, under section 27, of the member’s failure to do so;
- 30 (g) fails to attend 3 consecutive meetings of the Authority (without the approval of the Authority); or

(h) is not re-appointed when his or her term of office expires.

(2) A member is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.

Other terms and conditions

5

22. The Minister may specify other terms and conditions of appointment of a member in the instrument of appointment.

Division 3 — Disclosure of members' interests

Interpretation of this Division

23.—(1) In this Division, “relevant matter” means a matter that relates to, or may in the future relate to — 10

(a) the performance of a function, or the exercise of a power, of the Authority; or

(b) an arrangement or an agreement made or entered into, or proposed to be made or entered into, by or on behalf of the Authority. 15

(2) A member is interested in a relevant matter if —

(a) the member, or an associate of the member, may derive a financial benefit from the relevant matter;

(b) the member, or an associate of the member, may have a financial interest in a person to whom the relevant matter relates; or 20

(c) the member, or an associate of the member, is otherwise, directly or indirectly, interested in the relevant matter.

(3) However, a member is not interested in a relevant matter — 25

(a) only because of an interest in a question about the level of salaries, fees, allowances or expenses to be set for members;

(b) only because of an interest that the member, or an associate of the member, shares in common with the general public or a substantial section of the public; 30

- (c) only because the member, or an associate of the member, has an interest in the payment or reimbursement of membership fees for, or expenses related to membership in, a body with predominantly charitable objects;
- 5 (d) only because the member has past or current involvement in the relevant sector, industry or practice; or
- (e) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act or
- 10 another Act administered by the Authority.
- (4) In this Division, a person is an associate of another if —
- (a) they are spouses, siblings, a parent and child, or in a similar close family relationship;
- (b) they are in partnership;
- 15 (c) one is a body corporate and the other is a director or manager of, or holds an analogous position in, the body corporate;
- (d) one is a private company within the meaning of section 4(1) of the Companies Act (Cap. 50) and the other is a shareholder in the company; or
- 20 (e) a chain of relationships can be traced between them under one or more of paragraphs (a) to (d).

Obligation to disclose interest

24.—(1) A member who is interested in a relevant matter must disclose details of the interest in accordance with section 25 as soon as practicable after the member becomes aware that he or she is interested in that matter.

25

(2) A general notice of an interest in a relevant matter that is disclosed in accordance with section 25 is a standing disclosure of that interest for the purposes of this section.

30 (3) However, a standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.

(4) To avoid doubt, this section is in addition to, and not in derogation of, the operation of any rule of law restricting or prohibiting a member from having any interest in the Authority's arrangements or agreements or from holding offices or possessing interests in conflict with his or her duties as a member. 5

To whom and what to disclose

25.—(1) A member who is interested in a relevant matter must disclose details of the interest —

(a) in the case of the Chairperson, to the Chief Executive, all other members and the Minister; or 10

(b) in the case of any other member, to the Chief Executive and —

(i) to the Chairperson;

(ii) if there is no Chairperson or if the Chairperson is interested in the matter, to the Deputy Chairperson; or 15

(iii) if there is neither a Chairperson nor Deputy Chairperson, or if both the Chairperson and Deputy Chairperson are interested in the matter, to the Minister.

(2) The details that must be disclosed under subsection (1) are — 20

(a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or

(b) the nature and extent of the interest (if the monetary value cannot be quantified).

(3) The Chief Executive must ensure that every interest of a member in a relevant matter — 25

(a) is recorded in a register of interests kept by the Authority; and

(b) is brought to the attention of the person who presides, under section 32, at a meeting of the Authority that relates to the relevant matter. 30

Consequences of being interested in relevant matter

26. A member who is interested in a relevant matter —

- 5 (a) must not vote or take part in any discussion or decision of the Authority relating to the relevant matter, or otherwise participate in any activity of the Authority that relates to the relevant matter;
- 10 (b) must withdraw from a meeting of the Authority during any discussion or the consideration of any decision relating to the relevant matter if the person presiding at the meeting under section 32 so requests;
- (c) must not sign any document relating to the entry into a transaction or the initiation of the relevant matter; and
- 15 (d) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the Authority during which a discussion or decision relating to the relevant matter occurs or is made.

Consequences of failure to disclose interest

20 **27.—**(1) The Authority must report to the Minister of any failure to comply with section 25 or 26, and of the acts affected, as soon as practicable after becoming aware of the failure.

(2) The Authority's report under subsection (1) of a member's failure to comply with section 25 or 26 must state whether that failure was due to any reasonable cause.

PART 4

DECISION-MAKING BY AUTHORITY

Division 1 — Meetings

Procedure generally

28. Except as otherwise provided under this Act or any other Act, the members may regulate their own procedure.

Notice of meetings

29.—(1) The Authority is to hold such meetings as are necessary for performing its functions.

(2) The Chairperson must appoint the times and places of the meetings of the Authority, and cause notice of those meetings to be given to each member not present when the appointment is made.

(3) If the Chairperson receives a written request, signed by 4 or more members, that a meeting of the Authority be convened for a purpose specified in the request, the Chairperson must, within 7 days after receiving the request, convene a meeting for that purpose.

Method of holding meetings

30.—(1) A meeting of the Authority may be held —

(a) by a quorum of members, being assembled together at the time and place appointed for the meeting; or

(b) by means of audio, audio and visual, or electronic communication but only if —

(i) all of the members who wish to participate in the meeting have access to the technology needed to participate in the meeting; and

(ii) a quorum of members are able to simultaneously communicate with each other throughout the meeting.

(2) For the purposes of this Act, a member participating in a meeting as permitted under subsection (1)(b)(i) is taken to be present at the meeting.

Quorum

31.—(1) The quorum for a meeting of the Authority is the higher of the following:

(a) one-third of the number of members;

(b) 3 members.

(2) No business may be transacted at a meeting of the Authority if a quorum is not present.

Presiding at meetings

32.—(1) At a meeting of the Authority, the following person presides:

5 (a) if there is a Chairperson and he or she is present and is not interested (within the meaning of section 23) in the matter — the Chairperson;

10 (b) if there is no Chairperson, or the Chairperson is not present or is interested (within the meaning of section 23) in the matter, and there is a Deputy Chairperson who is present and is not interested (within the meaning of section 23) in the matter — the Deputy Chairperson;

 (c) in any other case, the member elected, from among the members present at the meeting, to preside.

15 (2) The person specified in subsection (1)(b) or (c) may perform the functions and exercise the powers of the Chairperson for the purposes of the meeting.

 (3) In this section, a reference to a meeting of the Authority includes the process for, and the adoption of, a decision by the members of the Authority under section 34.

Voting at meetings

20 **33.**—(1) Each member has one vote.

 (2) In addition to his or her general vote, the person presiding at a meeting has, in the case of an equality of votes at the meeting, a casting vote.

25 (3) A decision is adopted by the Authority at a meeting if it is agreed to by all members present at the meeting without dissent or if a majority of the votes cast on it are in favour of it.

30 (4) A member present at a meeting of the Authority is presumed to have agreed to, and to have cast a vote in favour of, a decision of the Authority unless he or she expressly dissents from or votes against the decision at the meeting.

Decisions in writing

34.—(1) The members may, in place of the procedure described in section 33, adopt a decision by assenting to the decision in writing if —

- (a) all the members are given (whether by post, personal delivery or electronic communication) the terms of the decision to be made; and 5
- (b) a majority of those members who are entitled to vote on the matter sign or approve a document containing the terms of the decision to be made and a statement that they are in favour of those terms. 10

(2) The decision is deemed to have been adopted at a meeting of the Authority on the date on which the document containing the terms of the decision to be made is signed or approved by the last member required to form the majority of members in favour of the decision. 15

(3) The adoption of the decision by the Authority may consist of several documents containing the same terms of the decision to be made, each signed or approved by one or more members.

(4) For the purposes of this section, a member has the same voting rights as he or she would have under section 33(1) and (2) had a meeting been held on the matter. 20

Execution of documents

35.—(1) The Authority must have a seal.

(2) The seal of the Authority is to be kept and used as authorised by the Authority. 25

(3) A document is duly executed by the Authority if —

- (a) the seal of the Authority is affixed to the document in the presence of one of its members who must sign the document to attest that the seal was so affixed, and the document is signed — 30
 - (i) by any 2 members generally or specially authorised by the Authority for the purpose; or

(ii) by one member and the Chief Executive; or

(b) it is signed on behalf of the Authority by a person or persons authorised to do so by the Authority and in accordance with the terms of that authorisation.

5 (4) Where a document is to be executed under seal, the Authority may, under subsection (3)(b), authorise one or more of its employees to execute, on the Authority's behalf, the document under the Authority's seal in accordance with the terms of that authorisation.

10 (5) A document purporting to be executed in accordance with this section is presumed to be duly executed until the contrary is shown.

(6) All courts, judges and persons acting judicially must take judicial notice of the imprint of the seal of the Authority appearing on a document.

15 (7) When a document is produced bearing a seal purporting to be the seal of the Authority, it is presumed that the seal is the seal of the Authority until the contrary is shown.

Division 2 — Committees and delegation

Appointment of committees

20 **36.—**(1) The Authority may appoint such number of committees as it thinks fit for purposes which, in the opinion of the Authority, would be better regulated and managed by means of such committees.

(2) A committee appointed under this section may consist of such individuals as the Authority thinks fit, and may include individuals who are not members of the Authority.

25 (3) Without limiting the generality of subsection (1), the Authority may appoint committees —

(a) to advise the Authority on matters relating to the Authority's functions and powers that are referred to the committee by the Authority; or

30 (b) to perform any function or exercise any power of the Authority that is delegated to the committee, if the committee includes at least one member of the Authority.

(4) An individual may not be appointed as a member of a committee unless, before appointment, he or she discloses to the Authority the details of any interest (within the meaning of section 23, as modified by section 37(3)) the individual may have if he or she were a member of that committee. 5

Proceedings of committees, etc.

37.—(1) Subject to this Act and the control of the Authority, a committee appointed under section 36 may regulate its own proceedings and business.

(2) Section 18 applies to a committee and the members of the committee, with the necessary modifications. 10

(3) Sections 23 to 27 apply to a committee and the members of the committee, subject to the following modifications:

- (a) the reference in those sections to a relevant matter is a reference to a relevant matter (within the meaning of section 23) that is regulated or managed by the committee; 15
- (b) the reference in those sections to a member is a reference to a member of the committee;
- (c) the reference in section 25 to disclosing details of an interest is a reference to disclosing the details to the Authority and the Chief Executive; 20
- (d) the reference in section 26 to a discussion, decision, meeting or other activity of the Authority is a reference to a discussion, decision, meeting or other activity of the committee; 25
- (e) the reference in section 27 to the Authority reporting to the Minister is a reference to the committee reporting to the Authority.

Ability to delegate

38.—(1) The Authority may delegate any of its functions or powers, either generally or specially and subject to such conditions or restrictions as it thinks fit, to any of the following persons: 30

- (a) a member of the Authority;
- (b) the Chief Executive or an employee of the Authority;
- (c) a committee of the Authority that includes at least one member of the Authority;
- 5 (d) a company that is incorporated in Singapore and is a subsidiary of the Authority.

(2) A delegation under subsection (1) must be by written notice given to the delegate.

(3) Subsection (1) does not apply to —

- 10 (a) the power to make subsidiary legislation conferred by this Act or any other Act;
- (b) the power to delegate conferred by this section; or
- (c) any function or power under this Act or any other Act that is declared by this Act or that other Act to be non-delegable.

15 (4) A delegation in accordance with this section —

- (a) except as otherwise provided in this Act or any other Act administered by the Authority, does not affect or prevent the performance of any function or the exercise of any power by the Authority;
- 20 (b) is not affected by any change in the membership of the Authority;
- (c) is not affected by any change in the membership of a committee (where the committee is the delegate), so long as the committee includes at least one member of the Authority;
- 25 or
- (d) is not affected by any change in the individual appointed as the Chief Executive or holding any specified office in the Authority (where the delegate is the Chief Executive or the holder of the specified office).

30 (5) For the purposes of subsection (1)(d), a company is a subsidiary of the Authority if —

- (a) the Authority is the sole member of that company; or

- (b) the Authority, as a member of that company, holds more than half of the voting power in that company.

Validity of delegate’s acts, etc.

39. A delegate who purports to perform a function or exercise a power under delegation —

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- (a) is taken to do so in accordance with the terms of the delegation under section 38, unless the contrary is shown; and
- (b) must produce evidence of the delegation, if reasonably requested to do so.

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PART 5

PERSONNEL MATTERS

Appointment of Chief Executive

40.—(1) The Chief Executive —

- (a) is responsible to the Authority for the proper administration and management of the functions and affairs of the Authority in accordance with the policy laid down by the Authority; and
- (b) may be known by such designation as the Authority may determine.

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(2) The Authority must, with the approval of the Minister, appoint an individual to be the Chief Executive, and the Minister must consult the Public Service Commission before giving that approval.

(3) The Authority may remove the Chief Executive from office only with the approval of the Minister, and the Minister must consult the Public Service Commission before giving that approval.

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(4) The terms and conditions of the Chief Executive’s appointment are to be determined by the Authority.

(5) The Authority may appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

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(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

Employees

5 **41.**—(1) The Authority may, from time to time, appoint and employ such employees as may be necessary for the effective performance of its functions.

(2) The Authority may determine their remuneration and the other terms and conditions of their employment insofar as they are not determined by or under any Act or other law.

10 **Inspecting officers**

42. The Authority may appoint, by name or office, from among the Authority's employees such number of inspecting officers as may be required for the purposes of this Act.

Public servants and public officers

15 **43.** The Chief Executive, and all members, employees and delegates of the Authority, and all committee members —

(a) are deemed to be public servants for the purposes of the Penal Code (Cap. 224); and

20 (b) are, in relation to their administration, assessment, collection or enforcement of payment of composition sums under this Act or any other Act administered by the Authority, deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to these individuals even though they are not or were not in
25 the employment of the Government.

Preservation of secrecy

44.—(1) The Chief Executive, a member, an employee or a delegate of the Authority, or a committee member, who has information in his or her capacity as such that would not otherwise be available to him or
30 her, must not disclose that information to any person except —

(a) in the performance of the Authority's functions;

- (b) with the prior authorisation from the Authority to do so;
- (c) in complying with the requirements in this Act for a member of the Authority or a committee member to disclose an interest;
- (d) as required or allowed by this Act or any other Act; or
- (e) as required by an order of court.

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(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

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Protection from personal liability

45. No liability shall lie against the Chief Executive, any member, employee or delegate of the Authority, any committee member, or any other person acting under the direction of the Authority, for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in —

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- (a) the performance or purported performance of any function of the Authority; or
- (b) the exercise or purported exercise of any power of the Authority.

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PART 6

FINANCIAL PROVISIONS

Financial year

46. The financial year of the Authority begins on 1 April of each year and ends on 31 March of the succeeding year except that the first financial year of the Authority begins on the date of commencement of this Act and ends on 31 March of the succeeding year.

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Revenue and property of Authority

47.—(1) The funds and property of the Authority include —

- 5 (a) all moneys paid to the Authority by way of grants, subsidies, donations, gifts and contributions for purposes of the Authority;
- (b) all moneys paid to, and all other moneys and property lawfully received by, the Authority for purposes of the Authority;
- 10 (c) all fees, charges and other sums paid to the Authority (or an employee of the Authority or any other person acting on behalf of the Authority), under this Act or any other Act administered by the Authority, except as otherwise provided in section 48 or that other Act;
- 15 (d) all moneys, dividends, royalties, interest or income received from any transaction made under the powers of the Authority under this Act or any other Act administered by the Authority;
- (e) all moneys borrowed by the Authority under this Act; and
- 20 (f) all accumulations of income derived from any property or money referred to in paragraphs (a) to (e).

(2) The moneys of the Authority are to be applied only in payment of expenses incurred by it in the discharge of its functions, obligations and liabilities, and in making any payment that the Authority is authorised or required to make.

25 Payments into Consolidated Fund

48. All sums collected for the composition of an offence under this Act or any other Act administered by the Authority are to be paid into the Consolidated Fund.

Bank accounts

30 49.—(1) The Authority must open and maintain one or more accounts with such bank or banks as the Authority thinks fit.

(2) Every account under subsection (1) may only be operated by a person who is authorised to do so by the Authority.

Financial procedures and records

50. The Authority must —

- (a) keep proper accounts and records of its transactions and affairs; and 5
- (b) do all things necessary to ensure that —
 - (i) all payments out of its moneys are correctly made and properly authorised; and
 - (ii) adequate control is maintained over the funds and property of, or in the custody of, the Authority and over the expenditure incurred by the Authority. 10

Annual estimates

51.—(1) The Authority must, in every financial year, prepare or cause to be prepared, and adopt, annual estimates of income and expenditure of the Authority for the ensuing financial year. 15

(2) The Authority may adopt supplementary estimates of income and expenditure of the Authority where necessary.

(3) A copy of all annual estimates and supplementary estimates mentioned in this section must be sent to the Minister as soon as possible after their adoption by the Authority. 20

Power of investment

52. The Authority may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1). 25

Issue of shares, etc.

53. As a consequence of —

- (a) the vesting of any property, right or liability in the Authority under this Act; or

(b) any capital injection or other investment by the Government in the Authority in accordance with any other written law, the Authority must issue such shares or other securities to the Minister for Finance as that Minister may, from time to time, direct.

5 **Borrowing power**

54.—(1) The Authority cannot raise loans for the performance of its functions under this Act or any other Act administered by the Authority except in accordance with this section.

(2) Subject to subsection (3), the Authority may raise loans by —

- 10 (a) mortgage, overdraft or other means, with or without security;
- (b) charge, whether legal or equitable, on any property vested in the Authority or on any other revenue receivable by the Authority under this Act or any other written law; or
- 15 (c) the creation and issue of debentures or bonds, or such other instrument as the Minister may approve.

(3) The Authority may raise loans under subsection (2) —

- (a) from the Government; or
- (b) with the approval of the Minister, from another source, whether in or outside Singapore.
- 20 (4) For the purposes of this section, the power to raise loans includes the power to enter into any financial agreement or arrangement under which credit facilities are granted to the Authority for the purchase of goods or services.

Appointment of auditor

25 **55.**—(1) The accounts of the Authority are to be audited by the Auditor-General, or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person is not qualified for appointment as an auditor under subsection (1) unless the person is a public accountant who is registered or deemed to be registered under the Accountants Act (Cap. 2).

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(3) The remuneration of the auditor is to be paid out of the funds of the Authority.

Powers of auditor

56.—(1) The Authority must, as soon as practicable after the close of each financial year, prepare and submit the financial statements in respect of that year to the auditor of the Authority, who must audit and report on them. 5

(2) For the purpose of auditing and reporting on the financial statements submitted under subsection (1), the auditor of the Authority, or a person authorised by the auditor for that purpose (called in this section an authorised person), is entitled at all reasonable times — 10

(a) to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Authority; 15

(b) to make copies of or extracts from any of those accounting and other records; and

(c) to require any person to furnish the auditor or the authorised person with such information in the possession of that person, or to which that person has access, as the auditor or the authorised person considers necessary for the purposes of the auditor's functions under this Act. 20

(3) A person —

(a) who fails, without any reasonable cause, to comply with any requirement of the auditor of the Authority or an authorised person under subsection (2); or 25

(b) who otherwise obstructs, hinders or delays the auditor or the authorised person in the performance of his or her functions, or the exercise of his or her powers, under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. 30

Auditor's report

57.—(1) The auditor's report on the financial statements submitted under section 56(1) must state —

- 5 (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Authority whether purchased, donated or otherwise;
- 10 (c) whether the receipts, expenditure, investment of moneys and the acquisition and disposal of assets by the Authority during the financial year have been in accordance with this Act; and
- (d) such other matters arising from the audit as the auditor considers should be reported.

15 (2) The auditor may at any other time report to the Minister, through the Authority, on any matter arising out of the performance of an audit under this Act.

Audited annual financial statements

20 **58.**—(1) The Authority must, as soon as its accounts and financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairperson, together with a copy of the auditor's report under section 57(1).

25 (2) The Minister must, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report under section 57(1) to be presented to Parliament.

 (3) Where the auditor is not the Auditor-General, the auditor must forward to the Auditor-General a copy of the audited financial statements and of the auditor's report under section 57(1), at the same time as the auditor submits them to the Authority.

Annual and other reports of Authority

30 **59.**—(1) The Authority must, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the

Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may, from time to time, direct.

(2) The Minister must, as soon as practicable, cause a copy of every such report to be presented to Parliament. 5

PART 7

COMPETITION AND CONSUMER PROTECTION

Application of this Part

60.—(1) This Part applies to markets connected with the provision of media services. 10

(2) This Part does not affect the operation of, or the exercise of any power by any person under, any other Act.

Codes of practice, etc.

61.—(1) The Authority may issue one or more codes of practice, standards of performance and advisory guidelines for all or any of the following purposes: 15

(a) to enable and maintain fair market conduct in the media industry in Singapore;

(b) to safeguard the interests of consumers of media services and of the public generally in relation to the provision of media services; 20

(c) to provide guidance in relation to the operation or administration of any provision of this Part;

(d) generally for carrying out the purposes of this Part. 25

(2) Without limiting the generality of subsection (1), a code of practice may —

(a) specify the obligations of a person in relation to the person's business operations in the media industry; and

(b) provide for fees or charges to be paid to the Authority in relation to any application or request made to the Authority under the code of practice.

(3) The Authority may, at any time —

5 (a) vary a code of practice, including by adding anything to the code of practice, with respect to any purpose specified in subsection (1); or

(b) revoke a code of practice.

10 (4) Upon issuing a code of practice under subsection (1), or varying or revoking the code of practice under subsection (3), the Authority must —

(a) publish the code of practice, or its variation or revocation, in a manner that will secure adequate publicity for it;

15 (b) specify in the publication, the date on which the code of practice, or its variation or revocation, takes effect; and

(c) ensure that the code of practice (including any variation to it) remains available to the public for access and inspection without charge.

20 (5) The issue, variation or revocation of a code of practice does not have force or effect until it has been published in accordance with subsection (4)(a) and (b).

(6) If any provision of a code of practice is inconsistent with this Act or any other Act administered by the Authority, that provision —

(a) has effect subject to this Act or that other Act; or

25 (b) having regard to this Act or that other Act, does not have effect.

(7) Subject to subsection (8) —

(a) every regulated person must comply with a code of practice (or any part of it) applicable to that regulated person; and

30 (b) every person who owns or controls an essential resource must comply with a code of practice (or any part of it) applicable to that person.

(8) The Authority may, either generally or for such time as the Authority may specify, waive the application of any code of practice (or any part of it) to any person or class of persons.

(9) A code of practice issued under this section is deemed not to be subsidiary legislation.

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Agreements, etc., preventing, restricting or distorting competition

62.—(1) This section applies to an agreement, a decision or a concerted practice that is, or intended to be, implemented in Singapore before, on or after the date of commencement of this Part.

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(2) A regulated person must not execute or engage in any agreement, decision or concerted practice —

(a) that is of a nature specified by the Authority in a code of practice; and

(b) that has, as its object or effect, the prevention, restriction or distortion of competition in any market (or any part of it) connected to the provision of media services in Singapore.

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(3) Any agreement or decision described in subsection (2) is void.

Abuse of dominant position

63.—(1) Any conduct on the part of one or more regulated persons that —

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(a) amounts to an abuse of dominant position in any market (or any part of it) connected to the provision of media services in Singapore; and

(b) may, as a result, affect the media industry in Singapore,

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is prohibited.

(2) A regulated person is in a dominant position in a market (or any part of it) connected to the provision of media services in Singapore when, in the opinion of the Authority, that regulated person is able to act without significant competitive restraint from its competitors in that market.

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(3) For the purposes of this section, the Authority —

(a) may specify in a code of practice matters that would be relevant to the Authority’s consideration whether a regulated person is in a dominant position in a market (or any part of it) connected to the provision of media services in Singapore; and

(b) may, by notification in the *Gazette*, specify the regulated persons whom the Authority considers to have a dominant or non-dominant position in a market (or any part of it) connected to the provision of media services in Singapore.

Exemption

64.—(1) The Authority may exempt any person, agreement, decision, concerted practice or conduct from section 62(2) or 63(1).

(2) An exemption under subsection (1) —

(a) may be granted subject to such conditions as the Authority considers appropriate;

(b) has effect for such period as the Authority considers appropriate; and

(c) must be in writing and sent by the Authority to the person to whom the exemption applies.

(3) If the Authority refuses an application for an exemption from section 62(2) or 63(1), the Authority must give written notice of the refusal to the applicant.

(4) An exemption under subsection (1), unless previously revoked in accordance with the conditions of the exemption or under subsection (5), continues in force for such period as is specified in the exemption.

(5) The Authority may —

(a) extend the period for which an exemption granted under subsection (1) has effect;

(b) vary or delete any condition specified in an exemption;

(c) impose one or more additional conditions on an exemption;
or

(d) revoke an exemption.

(6) An exemption under this section need not be published in the *Gazette*.

5

Consolidations

65.—(1) A regulated person must not, without the prior written approval of the Authority, merge or consolidate with, or be taken over by —

(a) another regulated person; or

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(b) any other person carrying on any business connected to the provision of media services in Singapore.

(2) For the purposes of subsection (1), the Authority may specify in a code of practice the circumstances under which a regulated person would be considered to be merged or consolidated with, or taken over by, another regulated person or any other person.

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Authority's directions

66.—(1) The Authority may give directions to a regulated person, or the owner or controller of an essential resource, with respect to any provision of this Part or any provision of a code of practice that applies to that regulated person, owner or controller.

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(2) Where the Authority is satisfied that a regulated person, or the owner or controller of an essential resource, is infringing, likely to infringe or has infringed any provision of this Part, or any provision of any code of practice, that applies to that person, owner or controller, the Authority's directions under subsection (1) may include one or more of the following:

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(a) requiring that person, owner or controller to comply with that provision or cease infringing that provision;

(b) specifying any procedure or action to be observed or taken by that person, owner or controller;

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- (c) imposing any restriction on the activities of that person, owner or controller;
- (d) requiring that person, owner or controller to modify or terminate any agreement, decision or concerted practice;
- 5 (e) requiring that person, owner or controller to modify or cease any conduct.

(3) Where the Authority is satisfied that a regulated person, or the owner or controller of an essential resource, has infringed any provision of this Part, or any provision of a code of practice, that
 10 applies to that person, owner or controller, the Authority may, in addition to or instead of a direction described in subsection (2), require that person, owner or controller to pay a financial penalty of an amount not exceeding the higher of the following amounts:

- 15 (a) 10% of the annual turnover of that part of the business of that person, owner or controller in respect of which the infringement occurred, as ascertained from the latest audited accounts of that person, owner or controller;
- (b) \$1 million.

(4) Before giving a direction to, or imposing a financial penalty on, a
 20 regulated person, or the owner or controller of an essential resource, under this section, the Authority must, unless the Authority considers that it is not practicable or desirable to do so in any particular case, give notice to that person, owner or controller of —

- 25 (a) the Authority's intention to give the direction (including its effect) or impose the financial penalty; and
- (b) the time within which written representations may be made to the Authority with respect to the proposed direction or financial penalty.

(5) The Authority may, by written notice to a regulated person, or
 30 the owner or controller of an essential resource, give such direction or impose such financial penalty, as the Authority considers appropriate —

(a) where written representation is made by that person, owner or controller in accordance with subsection (4) — after considering that representation; or

(b) where no written representation is made — after the time delimited under subsection (4)(b) lapses. 5

(6) Subject to section 68(5), a direction or requirement to pay financial penalty under this section is to take effect at such time (after service of the notice under subsection (5)) as the Authority specifies in that notice.

(7) The Authority may, at any time, suspend or revoke a direction (or any part of it) given under this section. 10

(8) Any person who fails, without reasonable excuse, to comply with any direction given under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both. 15

(9) A reference in this section to the giving of a direction includes a reference to the varying of that direction.

Dispute resolution

67.—(1) A code of practice may provide for the resolution of any dispute between private persons (whether regulated persons or otherwise) in respect of any provision of the code of practice. 20

(2) The Authority may determine the dispute if —

(a) the code of practice provides for the Authority's determination of the dispute; and 25

(b) a party to the dispute applies to the Authority for its determination.

(3) The Authority must deal with and determine the dispute in accordance with the procedures and powers specified in the code of practice. 30

Appeals to Minister

5 **68.**—(1) Any person who is aggrieved by any act, direction or decision of the Authority under this Part or anything contained in a code of practice (collectively called in this section the Authority’s decision) may appeal to the Minister.

(2) An appeal under this section —

(a) must be in writing;

(b) must specify the grounds on which it is made; and

10 (c) must be made within 14 days after the appellant is notified of the Authority’s decision or such longer period as the Minister may allow in the appellant’s case.

(3) The Minister may require —

(a) any party to the appeal; or

15 (b) any person who is not a party to the appeal but appears to the Minister to have any information or document that is relevant to the appeal,

to provide the Minister with such information or document as the Minister may require for the purpose of considering and determining the appeal; and any person so required to provide the information or document must provide it in such manner and within such period as may be specified by the Minister.

20

(4) A Minister may reject the appeal if the appellant does not comply with subsection (2) or (3).

25 (5) The appeal does not affect the operation of the Authority’s decision or prevent the taking of any action to implement the Authority’s decision unless otherwise provided in this Part or directed by the Minister in any particular case.

30 (6) A Minister may determine the appeal by confirming, varying or reversing the Authority’s decision, and the decision of the Minister is final.

(7) The Minister may make regulations in respect of the manner in which an appeal may be made to the Minister under this section and the procedure to be adopted in hearing such appeals.

Power to disclose confidential information

69.—(1) The Authority may disclose any information obtained by the Authority under this Act for the purposes of enabling the Authority to give effect to any provision of this Part.

(2) When considering whether to disclose any information under subsection (1), the Authority must have regard to — 5

(a) the need for excluding, so far as is practicable, information the disclosure of which would in the Authority’s opinion be contrary to the public interest;

(b) the need for excluding, so far as is practicable — 10

(i) commercial information the disclosure of which would, or might, in the Authority’s opinion, significantly harm the legitimate business interests of the undertaking to which it relates; or

(ii) information relating to the private affairs of an individual the disclosure of which would, or might, in the Authority’s opinion, significantly harm the individual’s interest; and 15

(c) the extent to which the disclosure is necessary for the purposes for which the Authority is proposing to make the disclosure. 20

PART 8

ADMINISTRATION AND ENFORCEMENT

Powers of investigation

70.—(1) Subject to section 73, an inspecting officer may, for the purposes of investigating an offence under this Act or the contravention of any provision of this Act, do all or any of the following: 25

(a) require any person whom the inspecting officer reasonably believes to have committed that offence or contravention to furnish evidence of that person’s identity; 30

(b) require, by written notice, any person, whom the inspecting officer reasonably believes has —

(i) any information; or

(ii) any document in the person's custody or control,

5 that is relevant to the investigation, to furnish that information or document, within such time and manner as may be specified in the written notice;

(c) require, by written notice, any person within the limits of Singapore, who appears to be acquainted with the facts or
10 circumstances of the matter to attend before the inspecting officer;

(d) examine orally any person who appears to be acquainted with the facts or circumstances of the matter —

15 (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; or

(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.

20 (2) The power to require a person to furnish any information or document under subsection (1) includes the power —

(a) to require that person to provide an explanation of the information or document;

25 (b) if the information or document is not furnished, to require that person to state, to the best of that person's knowledge and belief, where the information or document is; and

(c) if the information is recorded otherwise than in legible form, to require that person to produce that information in legible form.

30 (3) A person examined under subsection (1)(d) is bound to state truly what the person knows of the facts and circumstances of the matter, except that the person need not say anything that might expose the person to a criminal charge or punishment.

(4) A statement made by a person examined under subsection (1)(d) must —

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted to the person in a language that the person understands; and 5
- (d) after correction (if necessary), be signed by the person.

(5) An inspecting officer may, without payment, take possession of or make copies of any document (or any part of it) furnished under subsection (1), for further investigation. 10

Power to enter premises under warrant

71.—(1) A Magistrate may, on the application of the Authority, issue a warrant in respect of any premises if the Magistrate is satisfied that there are reasonable grounds to suspect that there is on the premises, any document — 15

- (a) which has been required by an inspecting officer under section 70 to be furnished, but has not been furnished in compliance with that requirement; or
- (b) which, if required by an inspecting officer under section 70 to be furnished, will be concealed, removed, tampered with or destroyed. 20

(2) If the Magistrate is also satisfied that there are reasonable grounds to suspect that there is, on those premises, any other document that relates to any matter relevant to the investigation concerned, the Magistrate may direct that the powers exercisable under the warrant extend to that other document. 25

(3) A warrant under subsection (1) may authorise a named inspecting officer, and any other employee of the Authority whom the Authority has authorised in writing to accompany the inspecting officer — 30

- (a) to enter and search the premises specified in the warrant, using such force as is reasonably necessary for the purpose;

- (b) subject to section 73, to take possession of, make copies of, or secure against interference, any document (or any part of it) that appears to be a document referred to in subsection (1) or (2) (called in this section the relevant document);
- 5 (c) to require any person on the premises to provide an explanation of any relevant document or, where applicable, to state, to the best of that person's knowledge and belief, where the relevant document may be found; and
- (d) subject to section 73, to require any relevant document that is
10 stored in electronic form and accessible at the premises to be produced in a form that —
- (i) can be taken away; and
 - (ii) is visible and legible.
- (4) The warrant continues in force until the end of the period of one
15 month beginning on the day on which it is issued.
- (5) If the occupier of the premises is present when the inspecting officer proposes to execute the warrant, the inspecting officer must —
- (a) identify himself or herself to the owner or occupier;
 - (b) show the owner or occupier proof of the identity and
20 authorisation of the inspecting officer; and
 - (c) give the owner or occupier a copy of the warrant.
- (6) If there is no one at the premises when the inspecting officer proposes to execute the warrant, the inspecting officer must, before executing it —
- 25 (a) take such steps as are reasonable in all the circumstances to inform the occupier of the premises of the intended entry into the premises; and
- (b) where the occupier is so informed, give the occupier or the occupier's legal or other representative a reasonable
30 opportunity to be present when the warrant is executed.
- (7) If the inspecting officer is unable to inform the occupier of the premises of the intended entry into the premises, the inspecting officer

must, when executing the warrant, leave a copy of it in a prominent place on the premises.

(8) The inspecting officer must —

- (a) prepare and sign a list of all documents and other things taken under subsection (3)(b) and (d) in execution of the warrant; and
- (b) give a copy of the list to the occupier of the premises or the occupier’s legal or other representative.

(9) On leaving the premises after executing the warrant, the inspecting officer must, if the premises are unoccupied or the occupier of the premises is temporarily absent, leave the premises as effectively secured as the inspecting officer found them.

(10) In this section —

“occupier”, in relation to any premises specified in a warrant under subsection (1), means a person whom the inspecting officer named in the warrant reasonably believes to be the occupier of those premises;

“premises” includes any building, structure, vehicle, vessel or aircraft.

Retention and disposal of documents, etc.

72.—(1) Where any document is taken possession of by an inspecting officer under section 70(5) or 71(3), the Authority —

- (a) must ensure that the document is placed in safe custody; and
- (b) unless otherwise ordered by the Magistrate or a court, may retain, without payment, the document until the completion of the investigation or any proceedings (including proceedings on appeal) in which the document may be in evidence.

(2) Any document retained by the Authority under subsection (1) must —

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

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

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

10 (4) Nothing in this section prejudices any right to retain or dispose of any property which may exist in law apart from this section.

Information or document subject to legal privilege

73.—(1) A person is not obliged under section 70 to furnish any information or document that is subject to legal privilege.

15 (2) An inspecting officer executing a warrant under section 71 is not authorised to take possession or make copy of any document that is subject to legal privilege.

(3) For the purposes of this section, an information or a document is subject to legal privilege if —

20 (a) it is a communication made between a lawyer and a client in connection with the lawyer giving legal advice to the client;

(b) it is a communication made between 2 or more lawyers acting for a client in connection with one or more of the lawyers giving legal advice to the client;

25 (c) it is a communication made between a legal counsel acting as such and his or her employer in connection with the legal counsel giving legal advice to the employer;

(d) it is a communication made between 2 or more legal counsel acting as such for an employer in connection with one or
30 more of the legal counsel giving legal advice to the client;

(e) it is a communication made —

(i) between a client, or an employer of a legal counsel, and another person;

(ii) between a lawyer acting for a client and either the client or another person; or

(iii) between a legal counsel acting as such for his or her employer and either the employer or another person,

in connection with, and for the purposes of, any legal proceedings (including anticipated or pending legal proceedings) in which the client or employer, as the case may be, is or may be, or was or might have been, a party;

(f) it is enclosed with or referred to in any communication in paragraph (a) or (b) and is made or prepared by any person in connection with a lawyer giving advice to the lawyer's client;

(g) it is enclosed with or referred to in any communication in paragraph (c) or (d) and is made or prepared by any person in connection with a legal counsel giving advice to the employer of the legal counsel; or

(h) it is enclosed with or referred to in any communication in paragraph (e) and is made or prepared by any person in connection with, and for the purposes of, any legal proceedings described in that paragraph,

but excludes any communication that is made, prepared or held with the intention of furthering a criminal purpose.

(4) In this section —

“client”, in relation to a lawyer, includes an agent of or other person representing the client;

“employer”, in relation to a legal counsel, includes —

(a) if the employer is one of a number of corporations that are related to each other under section 6 of the Companies Act (Cap. 50), every corporation so related as if the legal counsel is also employed by each of the related corporations; and

(b) an employee or officer of the employer;

“lawyer” means an advocate and solicitor, and includes an interpreter or other person who works under the supervision of an advocate and solicitor;

5 “legal counsel” includes an interpreter or other person who works under the supervision of the legal counsel.

Offences relating to enforcement

74.—(1) A person who is —

10 (a) required to furnish the person’s identity under section 70(1)(a);

(b) issued a notice under section 70(1)(b) or (c);

(c) required to provide any explanation under section 71(3)(c) or produce any thing under section 71(3)(d),

must comply with that requirement or notice.

15 (2) Any person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

False or misleading information, statement or document, etc.

20 75.—(1) A person must not make any statement, or furnish any information or document, under this Act that the person knows to be false or misleading in any material particular.

25 (2) A person must not intentionally alter, suppress, dispose or destroy any document or information which the person is required to furnish under this Act.

(3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Penalty for obstructing or hindering Authority

76.—(1) A person must not obstruct or hinder —

- (a) the Authority or a member of the Authority; or
- (b) a committee of the Authority or a committee member; or
- (c) the Chief Executive, or an employee or delegate of the Authority,

5

in the performance of any function or the exercise of any power under this Act.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

10

Composition of offences

77.—(1) The Chief Executive, or an employee of the Authority authorised in writing by the Authority, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

15

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$2,000.

20

(2) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.

Offences by corporations

78.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

25

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

30

(b) the officer, employee or agent had that state of mind,
is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

5 (a) who is —

(i) an officer of the corporation; or

(ii) an individual who is involved in the management of
the corporation and is in a position to influence the
conduct of the corporation in relation to the
10 commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to
effect the commission of the offence;

(ii) is in any other way, whether by act or omission,
15 knowingly concerned in, or is party to, the commission
of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the
offence by the corporation (or an offence of the same
type) would be or is being committed, and failed to
20 take all reasonable steps to prevent or stop the
commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be
liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that
25 would be available to the corporation if it were charged with the
offence with which the person is charged and, in doing so, the person
bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code (Cap. 224); or

(b) the Evidence Act (Cap. 97) or any other law or practice
30 regarding the admissibility of evidence.

(5) To avoid doubt, subsection (1) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A); 5

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes — 10

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member was a director of the corporation;

“state of mind” of a person includes — 15

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships 20

79.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and 25

(b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person — 30

(a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

5 (iii) an individual who is involved in the management of the unincorporated association or partnership and who is in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the
10 offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

15 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

20 (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

25 shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

30 (3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code (Cap. 224); or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (1) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence. 5

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes — 10

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity; 15

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose. 20

Service of documents

80.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served — 25

(a) by giving it to the individual personally;

(b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address; 30

- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number given by the individual as the fax number for the service of documents; or
- (f) by sending it by email to the individual's email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other like officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or unincorporated association may be served —

- (a) by giving it to the secretary or other like officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;
- (c) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or
- (d) by sending it by email to the body corporate's or unincorporated association's email address.

- (5) Service of a document under this section takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
 - (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and 5
 - (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).
- (6) However, this section does not apply to documents to be served in proceedings in court. 10
- (7) In this section —
- “business address” means —
- (a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or
 - (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore; 15
- “email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; 20
- “residential address” means an individual’s usual or last known place of residence in Singapore.

Regulations

81. The Authority may, with the approval of the Minister, make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act. 25

PART 9

TRANSFER OF UNDERTAKINGS AND PERSONNEL
TO AUTHORITY**Interpretation of this Part**

5 **82.** In this Part, unless the context otherwise requires —

“agreement” includes an arrangement and an undertaking;

“asset”, in relation to a transferor, means property of any kind
(whether tangible or intangible, whether arising from,
accruing under, created or evidenced by or the subject of,
10 an instrument or otherwise and whether actual or contingent)
of that transferor on the eve of the transfer date and includes,
without limitation, any —

(a) legal or equitable interest in real or personal property,
whether situated in or outside Singapore;

15 (b) chose in action;

(c) money or securities;

(d) plant and equipment, whether situated in or outside
Singapore;

(e) intellectual property;

20 (f) infrastructure, whether situated in or outside Singapore;
and

(g) right;

“Info-communications Development Authority of Singapore”
means the Info-communications Development Authority of
25 Singapore established by section 3 of the
Info-communications Development Authority of Singapore
Act (Cap. 137A);

“liability”, in relation to a transferor, means any liability, debt or
obligation (whether actual or contingent, liquidated or
30 unliquidated, and whether owed alone or jointly, or jointly
and severally, with any other person) of that transferor on the
eve of the transfer date;

“MDA employee”, means an individual who, on the eve of the transfer date, is an employee of the Media Development Authority of Singapore;

“Media Development Authority of Singapore” means the Media Development Authority of Singapore established by section 3 of the Media Development Authority of Singapore Act (Cap. 172);

“Personal Data Protection Commission” means the Personal Data Protection Commission established by section 5(1) of the Personal Data Protection Act 2012 (Act 26 of 2012) in force immediately before the transfer date;

“records”, in relation to a transferor, means registers, papers, documents, minutes, receipts, books of account and other records, however compiled, recorded or stored, of that transferor existing on the eve of the transfer date;

“right”, in relation to a transferor, means any right, power, privilege or immunity of that transferor on the eve of the transfer date;

“transfer date” means the date of commencement of Part 2;

“transferor” means —

- (a) the Info-communications Development Authority of Singapore;
- (b) the Media Development Authority of Singapore; or
- (c) the Personal Data Protection Commission;

“transferring IDA employee” means an employee of the Info-communications Development Authority of Singapore who, on the eve of the transfer date, is in the Info-communications Media Development Authority Designate Wing of the Info-communications Development Authority of Singapore;

“transferring IDA function” means the functions discharged by the Info-communications Media Development Authority Designate Wing of the Info-communications Development Authority of Singapore on the eve of the transfer date.

Transfer of undertakings to Authority

83.—(1) On the transfer date —

- (a) all assets and liabilities of the Media Development Authority of Singapore;
- 5 (b) all assets and liabilities of the Info-communications Development Authority of Singapore to the extent that they relate, directly or indirectly, to the transferring IDA function;
- 10 (c) all liabilities of the Info-communications Development Authority of Singapore relating to the payment of benefits under the Pensions Act (Cap. 225) to the former employees of the Info-communications Development Authority of Singapore (or its predecessors); and
- 15 (d) all assets and liabilities of the Personal Data Protection Commission,

are transferred to the Authority.

(2) A certificate signed by the Minister certifying whether an asset or a liability specified in the certificate has been transferred to the Authority under subsection (1) is admissible in evidence in any
20 proceedings as proof of the matters stated in the certificate.

(3) When any asset or liability of a transferor is transferred to the Authority under subsection (1), the following provisions have effect:

- (a) the asset vests in the Authority without the need for any further conveyance, transfer, assignment or assurance;
- 25 (b) the liability becomes the liability of the Authority;
- (c) all legal or other proceedings relating to that asset or liability that are pending immediately before the transfer date by or against that transferor (or a predecessor of that transferor) are taken to be proceedings pending by or against the Authority;
- 30 (d) any legal or other proceedings relating to that asset or liability which could have been started immediately before the transfer date by or against that transferor (or a

predecessor of that transferor) may be started by or against the Authority;

- (e) a judgment or order of a court or other tribunal obtained before the transfer date by or against that transferor (or a predecessor of that transferor) relating to that asset or liability becomes enforceable by or against the Authority; 5
 - (f) any document in any legal or other proceedings relating to that asset or liability that has been served on or by that transferor (or a predecessor of that transferor) before the transfer date is taken, where appropriate, to have been served on or by the Authority; 10
 - (g) any act, matter or thing done or omitted to be done before the transfer date in relation to that asset or liability by, to or in respect of that transferor (or a predecessor of that transferor) is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted to be done by, to or in respect of the Authority; 15
 - (h) a reference to that transferor (or a predecessor of that transferor) in any Act, any instrument made under any Act, any agreement or any document of any kind is taken to be or includes (to the extent to which the reference relates to that asset or liability) a reference to the Authority; 20
 - (i) any agreement relating to that asset or liability and to which that transferor (or a predecessor of that transferor) is a party becomes enforceable by or against the Authority. 25
- (4) The operation of this section does not —
- (a) constitute a breach of, or default under, any Act or other law, or any agreement, or otherwise a civil wrong or criminal wrong;
 - (b) constitute a breach of duty of confidence (whether arising by contract, in equity, by custom, or in any other way); 30
 - (c) constitute a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities or the disclosure of any information;

- (d) constitute a termination of any agreement or obligation, fulfil any condition that allows a person to terminate or otherwise releases a person from any agreement or obligation, or give rise to any right or remedy in respect of any agreement or obligation; or
- (e) constitute frustration of any contract, or cause any agreement to be void or otherwise unenforceable.

(5) No attornment to the Authority by a lessee of a transferor is required.

Transfer of employees to Authority

84.—(1) On the transfer date —

- (a) every MDA employee stops being an employee of the Media Development Authority of Singapore; and
- (b) every transferring IDA employee stops being an employee of the Info-communications Development Authority of Singapore,

and is each transferred to the service, and becomes an employee, of the Authority on terms no less favourable than those enjoyed by the employee on the eve of the transfer date.

(2) A certificate signed by the Minister certifying whether an individual named in the certificate has been transferred to the service of the Authority under subsection (1) is admissible in evidence in any proceedings as proof of the matters stated in the certificate.

(3) The transfer of an employee of a transferor to the Authority under subsection (1) —

- (a) does not interrupt continuity of that employee's service;
- (b) does not constitute a retrenchment or redundancy of that employee's employment by the transferor; and
- (c) does not entitle that employee to any compensation or other payment or benefit merely because he or she stops being employed by the transferor.

(4) Nothing in this section prevents —

(a) any of the terms and conditions of employment of an individual transferred to the service of the Authority under subsection (1) from being altered by or under any law, award or agreement with effect from any time after the transfer date; and

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(b) an individual transferred to the service of the Authority under subsection (1) from resigning from such service any time after the transfer date, in accordance with the terms and conditions of his or her employment then applicable.

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(5) To avoid doubt, section 18A of the Employment Act (Cap. 91) does not apply to the transfer of any employee of a transferor to the service of the Authority under subsection (1).

General preservation of employment terms, etc.

85.—(1) When an employee of a transferor is transferred to the service of the Authority under section 84(1) (called in this section a transferred employee), the transferred employee's service with the Authority must be regarded for all purposes as having been continuous with his or her service with that transferor immediately before the transfer date.

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(2) On the transfer date —

(a) a transferred employee retains all accrued rights as if his or her employment with the Authority were a continuation of employment with that transferor;

(b) the liabilities of that transferor relating to the transferred employee's accrued rights to annual, sick, maternity or other leave and superannuation become the liabilities of the Authority; and

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(c) a reference in the contract of employment that had effect in relation to the transferred employee immediately before the transfer date is taken to be, or includes, a reference to the Authority.

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(3) Until such time as the Authority draws up the terms and conditions of employment for the transferred employee, the Authority

is to be regarded as employing the transferred employee on the same terms and conditions of his or her employment with that transferor on the eve of the transfer date.

(4) Any term or condition of employment drawn up by the Authority relating to the length of service of the transferred employee with the Authority must recognise the length of service of that employee with that transferor (including any previous service of that employee taken to be service with that transferor) to be service with the Authority.

(5) For any conduct of the transferred employee when he or she was employed by that transferor which would have rendered that employee liable to be reprimanded, reduced in rank, retired, dismissed or punished by that transferor, the Authority may —

(a) start any disciplinary proceedings against that employee;

(b) carry on and complete any disciplinary proceedings started by that transferor against that employee if those proceedings are pending on the eve of the transfer date; and

(c) reprimand, reduce in rank, retire, dismiss or otherwise punish that employee as if that employee were not transferred and this Act had not been enacted.

(6) Where, on the eve of the transfer date, any matter about the conduct of the transferred employee during his or her employment with that transferor concerned —

(a) was in the course of being heard or investigated by a committee of that transferor acting under due authority; or

(b) had been heard or investigated, but no order, ruling or direction had been made, by that committee,

that committee must complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that date, and that order, ruling or direction is to be regarded as an order, ruling or direction of the Authority.

Transfer of records

86. On the transfer date, the following records become the records of the Authority:

- (a) all records of the Media Development Authority of Singapore; 5
- (b) every record, or part of a record, of the Info-communications Development Authority of Singapore that relates to —
 - (i) any asset or liability transferred to the Authority under section 83(1); or
 - (ii) any transferring IDA employee; 10
- (c) all records of the Personal Data Protection Commission.

PART 10

REPEAL, SAVING AND TRANSITIONAL PROVISIONS

Interpretation of this Part

- 87.** In this Part, unless the context otherwise requires — 15
- “Former IDA” means the Info-communications Development Authority of Singapore established by section 3 of the Info-communications Development Authority of Singapore Act (Cap. 137A);
 - “Former MDA” means the Media Development Authority of Singapore established by section 3 of the Media Development Authority of Singapore Act (Cap. 172); 20
 - “principal Act” means any Act under which the Former IDA or the Former MDA performed any function or exercised any power before the transfer date, excluding the Info-communications Development Authority of Singapore Act and the Media Development Authority of Singapore Act; 25
 - “transfer date” means the date of commencement of Part 2;
 - “transferring IDA function”, in relation to the Former IDA, has the same meaning as in section 82. 30

Application of this Part

88.—(1) This Part applies in respect of —

(a) the Former IDA in relation to the transferring IDA function;
and

5 (b) the Former MDA.

(2) This Part does not affect the operation of, or derogate from —

(a) any provision in Part 9; or

(b) section 16 of the Interpretation Act (Cap. 1).

Repeal of Info-communications Development Authority of Singapore Act

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89. The Info-communications Development Authority of Singapore Act (Cap. 137A) is repealed.

Repeal of Media Development Authority of Singapore Act

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90.—(1) The Media Development Authority of Singapore Act (Cap. 172) is repealed.

(2) Any approval, code of practice, decision, determination, direction, exemption, notice or notification that —

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(a) is issued or given by the Former MDA or the Minister under Part IV of the Media Development Authority of Singapore Act; and

(b) is in force immediately before the transfer date,

remains in force and is deemed to have been issued or given by the Authority under Part 7 of this Act, to the extent that it is not inconsistent with Part 7.

25

(3) Any reference to a provision in Part IV of the Media Development Authority of Singapore Act (called in this section a former provision) in any approval, code of practice, decision, determination, direction, exemption, notice or notification mentioned in subsection (2) is to be taken as a reference to the provision in Part 7 of this Act that is substantially the same as the former provision (called in this section the corresponding provision).

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(4) Any infringement of a former provision before the transfer date is deemed to be an infringement of the corresponding provision.

(5) Any application that is made to the Former MDA under a former provision and is pending on the transfer date is deemed to be an application made to the Authority under the corresponding provision. 5

(6) Any appeal that is made to the Minister under section 27(2) of the Media Development Authority of Singapore Act against any act, direction or decision of the Former MDA under Part IV of that Act, and is pending on the transfer date, is deemed to be, and is to be continued as, an appeal made under section 68 of this Act. 10

Saving and transitional provisions for principal Acts

91.—(1) Any approval, authorisation, code of practice (including standard of performance), decision, determination, direction, exemption, licence, guideline, notice (or other document) or order —

(a) that is issued or given by the Former IDA (in relation to the transferring IDA function) or the Former MDA under any principal Act; and 15

(b) that is in force immediately before the transfer date,

remains in force and is deemed to have been issued or given by the Authority under that principal Act, to the extent that it is not inconsistent with that principal Act (as amended by this Act). 20

(2) Any application that is made to the Former IDA (in relation to the transferring IDA function) or the Former MDA under any principal Act and is pending on the transfer date is deemed to be an application made to the Authority under that principal Act, to the extent that it is not inconsistent with that principal Act (as amended by this Act). 25

(3) Any appeal that is made to the Minister under any principal Act against any act, direction or decision of, or anything contained in any instrument or other document issued by, the Former IDA (in relation to the transferring IDA function) or the Former MDA and is pending on the transfer date is deemed to be an appeal against the Authority under that principal Act. 30

Other saving and transitional provisions

5 **92.**—(1) Every act done by or on behalf of the Former IDA (in relation to the transferring IDA function) or the Former MDA has effect as though it was done by or on behalf of the Authority, and remains in force until such time as the Authority invalidates, revokes, cancels or otherwise determines that act.

10 (2) Where anything has been started by or on behalf of the Former IDA (in relation to the transferring IDA function) or the Former MDA before the transfer date, the Authority may carry on and complete that thing on or after that date.

15 (3) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

PART 11

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS

Amendments to Broadcasting Act

20 **93.** The Broadcasting Act (Cap. 28, 2012 Ed.) is amended —

(a) by deleting the definition of “Authority” in section 2(1) and substituting the following definition:

25 “ “Authority” means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;”;

(b) by deleting the definitions of “Chairman” and “chief executive” in section 2(1) and substituting the following definition:

30 “ “Chief Executive”, in relation to the Authority, means the Chief Executive of the Authority appointed under section 40(2) of the

Info-communications Media Development Authority Act 2016, and includes any individual acting in that capacity;”;

- (c) by deleting the definition of “Info-communications Development Authority of Singapore” in section 2(1); 5
- (d) by deleting subsection (3) of section 12 and substituting the following subsection:
 - “(3) In this section, “Code of Practice” includes —
 - (a) a code of practice issued by the Authority under section 61 of the Info-communications Media Development Authority Act 2016; and 10
 - (b) a code of practice issued under section 17 of the Media Development Authority of Singapore Act (Cap. 172) before the repeal of that Act by the Info-communications Media Development Authority Act 2016.”; 15
- (e) by deleting the words “or the Info-communications Development Authority of Singapore” in section 22(f);
- (f) by repealing section 23;
- (g) by deleting the words “chief executive” in sections 52(1) and 55 and substituting in each case the words “Chief Executive”; 20
- (h) by deleting subsection (3) of section 57; and
- (i) by repealing section 67.

Amendments to Films Act

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94. The Films Act (Cap. 107, 1998 Ed.) is amended —

- (a) by inserting, immediately after the definition of “approved warehouse” in section 2(1), the following definition:
 - “ “Authority” means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;” and 30

(b) by repealing section 39A and substituting the following section:

“Payment of fees, etc.

39A. Except as otherwise provided in this Act or any other Act, all fees and other moneys collected under this Act or any subsidiary legislation made under this Act are to be paid to the Authority.”.

Amendment to Newspaper and Printing Presses Act

95. Section 43 of the Newspaper and Printing Presses Act (Cap. 206, 2002 Ed.) is repealed and the following section substituted therefor:

“Payment of fees, etc.

43.—(1) Subject to subsection (2), all fees and other moneys collected under this Act are to be paid to the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016.

(2) All sums collected under section 42 for the composition of an offence under this Act are to be paid into the Consolidated Fund.”.

Amendments to Personal Data Protection Act 2012

96. The Personal Data Protection Act 2012 (Act 26 of 2012) is amended —

(a) by deleting the words “Personal Data Protection Commission and Do Not Call Register and to provide for their” in the long title and substituting the words “Do Not Call Register and to provide for its”;

(b) by deleting the definition of “Administration Body” in section 2(1);

(c) by deleting the words “section 8(2)” in the definition of “authorised officer” in section 2(1) and substituting the

words “section 38 of the Info-communications Media Development Authority Act 2016”;

- (d) by inserting, immediately after the definition of “authorised officer” in section 2(1), the following definition:

““Authority” means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;”;

- (e) by deleting the definition of “Chairman” in section 2(1) and substituting the following definition:

““Chief Executive”, in relation to the Authority, means the Chief Executive of the Authority appointed under section 40(2) of the Info-communications Media Development Authority Act 2016, and includes any individual acting in that capacity;”;

- (f) by deleting the definition of “Commission” in section 2(1) and substituting the following definitions:

““Commission” means the person designated as the Personal Data Protection Commission under section 5 to be responsible for the administration of this Act;

““Commissioner” means the Commissioner for Personal Data Protection appointed under section 8(1)(a), and includes any Deputy Commissioner for Personal Data Protection or Assistant Commissioner for Personal Data Protection appointed under section 8(1)(b);”;

- (g) by inserting, immediately after the definition of “individual” in section 2(1), the following definition:

““inspector” means an individual appointed as an inspector under section 8(1)(b);”;

- (h) by deleting the words “the Administration Body,” in the definition of “relevant body” in section 2(1);

(i) by repealing section 5 and substituting the following section:

“Personal Data Protection Commission

5 **5.—**(1) The Info-communications Media Development Authority is designated as the Personal Data Protection Commission.

(2) The Personal Data Protection Commission is responsible for the administration of this Act.”;

(j) by deleting subsections (1) and (2) of section 8 and substituting the following subsections:

10 “(1) The Commission may appoint, by name or office, from among public officers and the employees of the Authority —

(a) the Commissioner for Personal Data Protection; and

15 (b) such number of Deputy Commissioners for Personal Data Protection, Assistant Commissioners for Personal Data Protection and inspectors, as the Commission considers necessary.

20 (2) Where any function, duty or power of the Commission under this Act is delegated to the Commissioner under section 38 of the Info-communications Media Development Authority Act 2016 —

25 (a) the Commissioner must perform that function or duty, or exercise that power, in his name;

(b) the Commission must not perform that function or duty, or exercise that power, during the period when the delegation is in force; and

30 (c) the Commission must, as soon as practicable after the delegation, publish a notice of the delegation in the *Gazette*.”;

- (k) by deleting subsection (4) of section 8;
- (l) by repealing section 9 and substituting the following section:

“Conduct of proceedings

9.—(1) An individual appointed under section 8(1) or an employee of the Authority, who is authorised in writing by the Chief Executive of the Authority for the purpose of this section, may conduct, with the authorisation of the Public Prosecutor, proceedings in respect of an offence under this Act.

(2) A legal counsel of the Commission who is an advocate and solicitor may —

(a) appear in any civil proceedings involving the performance of any function or duty, or the exercise of any power, of the Commission under any written law; and

(b) make all applications and do all acts in respect of the civil proceedings on behalf of the Commission or an authorised officer.”;

- (m) by deleting the words “sections 9 and” in section 10(1) and substituting the word “section”;

- (n) by deleting the word “Chairman” in section 41 and substituting the words “Chief Executive of the Authority”;

- (o) by deleting paragraphs (b) and (c) of section 51(3) and substituting the following paragraphs:

“(b) obstructs or hinders the Commission, an inspector or an authorised officer in the performance of any function or duty, or the exercise of any power, under this Act; or

(c) makes a statement, or furnishes any information or document, to the Commission, an inspector or an authorised officer under this Act, which the organisation or person knows, or ought reasonably to know,

to be false or misleading in any material particular.”;

(p) by deleting the words “Minister may” in section 55(4) and substituting the words “Commission may, with the approval of the Minister.”;

(q) by repealing section 57 and substituting the following section:

“Public servants and public officers

57.—(1) All individuals appointed under section 8(1) —

(a) are deemed to be public servants for the purposes of the Penal Code (Cap. 224); and

(b) are, in relation to their administration, assessment, collection or enforcement of payment of composition sums under this Act, deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to these individuals even though they are not or were not in the employment of the Government.

(2) All members of the Appeal Panel, and all members of an advisory committee, are deemed to be public servants for the purposes of the Penal Code.”;

(r) by inserting, immediately after paragraph (a) of section 59(7), the following paragraph:

“(aa) a person authorised or appointed by a relevant body to perform the relevant body’s functions or duties, or exercise the relevant body’s powers, under this Act or any other written law;”;

(s) by deleting the words “Minister may” in section 65(1) and (2) and substituting in each case the words “Commission may, with the approval of the Minister.”;

(t) by deleting paragraph (a) of section 65(2);

(u) by repealing section 67 and substituting the following section:

“Saving and transitional provisions

67.—(1) Every act done by or on behalf of the Former Commission before the appointed date remains valid and have effect as though it has been done by or on behalf of the Commission, until such time as the Commission invalidates, revokes, cancels or otherwise determines that act. 5

(2) Where any thing has been started by or on behalf of the Former Commission before the appointed date, the Commission may carry on and complete that thing on or after that date. 10

(3) Any approval, authorisation, decision, direction, exemption, guideline or notice (or other document) given or made by the Former Commission under this Act before the appointed date remains valid and is deemed to have been given or made by the Commission under this Act, to the extent that it is not inconsistent with this Act as amended by the Info-communications Media Development Authority Act 2016. 15 20

(4) Any application that is made to the Former Commission under this Act and is pending on the appointed date is deemed to be an application made to the Commission under this Act, to the extent that it is not inconsistent with this Act as amended by the Info-communications Media Development Authority Act 2016. 25

(5) Any appeal made before the appointed date under Part VIII in respect of any direction or decision of the Former Commission is deemed to be an appeal in respect of the direction or decision of the Commission. 30

(6) Any authorisation made by, or any certificate or other document signed by, the Chairman of the Former Commission under this Act before the appointed date 35

remains valid and is deemed to have been made or signed by the Chief Executive of the Authority under this Act.

(7) For a period of 2 years after the date of commencement of any provision of section 96 of the Info-communications Media Development Authority Act 2016, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision, as the Minister may consider necessary or expedient.

(8) This section does not affect the operation of section 16 of the Interpretation Act (Cap. 1).

(9) In this section —

“appointed date” means the date of commencement of section 96(i) of the Info-communications Media Development Authority Act 2016;

“Former Commission” means the Personal Data Protection Commission established by section 5(1) as in force immediately before the appointed date.”;

(v) by repealing section 68 and substituting the following section:

“Dissolution

68.—(1) The Former Commission is dissolved.

(2) In this section, “Former Commission” has the same meaning as in section 67(9).”;

(w) by repealing the First Schedule; and

(x) by deleting paragraph 2 of the Eighth Schedule.

Amendments to Postal Services Act

97. The Postal Services Act (Cap. 237A, 2000 Ed.) is amended —

(a) by repealing section 3 and substituting the following section:

“Postal Authority

3.—(1) The Info-communications Media Development Authority, established by section 3 of the Info-communications Media Development Authority Act 2016, is appointed as the Postal Authority. 5

(2) The Postal Authority is responsible for the administration of this Act.”;

(b) by inserting, immediately after the words “purpose of” in section 46(1), the words “conducting an investigation or”; 10

(c) by inserting, immediately after section 46, the following section:

“Power to examine, etc.

46A.—(1) An officer of the Postal Authority who is authorised by the Postal Authority for the purpose of this section (called in this section the authorised officer) may, for the purposes of investigating an offence under this Act or any regulations under this Act, do all or any of the following: 15

(a) require any person whom the authorised officer reasonably believes to have committed that offence to furnish evidence of that person’s identity; 20

(b) require, by written notice, any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter to attend before the authorised officer; 25

(c) examine orally any person who appears to be acquainted with the facts or circumstances of the matter — 30

(i) whether before or after that person or anyone else is charged with an offence in connection with the matter; or

(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.

5 (2) A person examined under subsection (1)(c) is bound to state truly what the person knows of the facts and circumstances of the matter, except that the person need not say anything that might expose the person to a criminal charge or punishment.

10 (3) A statement made by a person examined under subsection (1)(c) must —

(a) be reduced to writing;

(b) be read over to the person;

15 (c) if the person does not understand English, be interpreted to the person in a language that the person understands; and

(d) after correction (if necessary), be signed by the person.

(4) Any person who —

20 (a) fails, without reasonable excuse, to furnish the information required of that person under subsection (1)(a);

25 (b) fails, without reasonable excuse, to comply with a notice issued to that person under subsection (1)(b); or

(c) furnishes any information or makes any statement under this section which the person knows to be false or misleading in any material particular,

30 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.”; and

(d) by deleting subsection (3) of section 51.

Amendments to Remote Gambling Act 2014

98. The Remote Gambling Act 2014 (Act 34 of 2014) is amended —

(a) by inserting, immediately after the definition of “facilitate” in section 2, the following definition: 5

“ “IMDA” means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;”;

(b) by deleting the definition of “MDA” in section 2; and

(c) by deleting the word “MDA” wherever it appears in the following provisions and substituting in each case the word “IMDA”:

Sections 2 (definition of “authorised officer”), 20(1), (2), (4) and (5), 22(1) and (7) and 32(1)(c). 15

Amendment to Spam Control Act

99. Section 2 of the Spam Control Act (Cap. 311A, 2008 Ed.) is amended by deleting the definition of “Authority” and substituting the following definition: 20

“ “Authority” means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;”.

Amendments to Telecommunications Act 25

100. The Telecommunications Act (Cap. 323, 2000 Ed.) is amended —

(a) by deleting the definition of “Authority” in section 2 and substituting the following definition:

“ “Authority” means the Info-communications Media Development Authority established by 30

section 3 of the Info-communications Media Development Authority Act 2016;”;

- (b) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

5 ““Chief Executive”, in relation to the Authority, means the Chief Executive of the Authority appointed under section 40(2) of the Info-communications Media Development Authority Act 2016, and includes any
10 individual acting in that capacity;”;

- (c) by deleting the definition of “Media Development Authority of Singapore” in section 2;

(d) by deleting the words “, after consultation with the Media Development Authority of Singapore,” in sections 21(1A) and 27(1A);

15

- (e) by inserting, immediately after section 59, the following section:

“Power to examine, etc.

20 **59A.—**(1) An officer of the Authority who is authorised by the Authority for the purpose of this section (called in this section the authorised officer) may, for the purposes of investigating an offence under this Act, do all or any of the following:

25 (a) require any person whom the authorised officer reasonably believes to have committed that offence to furnish evidence of that person’s identity;

30 (b) require, by written notice, any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter to attend before the authorised officer;

(c) 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; or

5

(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.

10

(2) A person examined under subsection (1)(c) is bound to state truly what the person knows of the facts and circumstances of the matter, except that the person need not say anything that might expose the person to a criminal charge or punishment.

15

(3) A statement made by a person examined under subsection (1)(c) must —

(a) be reduced to writing;

(b) be read over to the person;

(c) if the person does not understand English, be interpreted to the person in a language that the person understands; and

20

(d) after correction (if necessary), be signed by the person.

(4) Any person who —

25

(a) fails, without reasonable excuse, to furnish the information required of that person under subsection (1)(a);

(b) fails, without reasonable excuse, to comply with a notice issued to that person under subsection (1)(b); or

30

(c) furnishes any information or makes any statement under this section which the person

knows to be false or misleading in any material particular,

shall be guilty of an offence.”;

(f) by deleting subsection (3) of section 64; and

5 (g) by deleting the word “technology” in section 69C(2)(a) and substituting the words “systems and services”.

Amendment to Undesirable Publications Act

10 **101.** Section 21 of the Undesirable Publications Act (Cap. 338, 1998 Ed.) is amended by deleting subsection (5) and substituting the following subsection:

“(5) All fees collected under this section are to be paid to the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016.”.

15 **Consequential amendments to other Acts**

102.—(1) The Schedule to the Accounting Standards Act (Cap. 2B, 2008 Ed.) is amended —

(a) by deleting item 16 and substituting the following item:

20 “16. Info-communications Media Development Authority Info-communications Media Development Authority Act 2016”; and

(b) by deleting item 26.

(2) The Schedule to the Attorney-General (Additional Functions) Act 2014 (Act 25 of 2014) is amended —

25 (a) by deleting item 5 and substituting the following item:

“5. Info-communications Media Development Authority.”; and

(b) by deleting items 10 and 20.

(3) Paragraph 6 of the First Schedule to the Central Provident Fund Act (Cap. 36, 2013 Ed.) is amended —

(a) by deleting item (21) and substituting the following item:

“(21) Info-communications Media Development Authority.”;
and

(b) by deleting item (31).

(4) The Schedule to the Official Secrets Act (Cap. 213, 2012 Ed.) is amended — 5

(a) by deleting item 14 and substituting the following item:

“14. Info-communications Media Development Authority”; and

(b) by deleting item 20.

(5) The Statistics Act (Cap. 317, 2012 Ed.) is amended — 10

(a) by deleting item 23A of the First Schedule and substituting the following item:

“23A. Information, communications and media”; and

(b) by deleting item 8 of the Second Schedule and substituting the following item: 15

“8. Research and Statistics Unit of the Info-communications Media Development Authority.”.

(6) Part I of the Schedule to the Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319, 2004 Ed.) is amended — 20

(a) by deleting item 8 and substituting the following item:

“8. Info-communications Media Development Authority	Info-communications Media Development Authority Act 2016”; and
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(b) by deleting item 16. 25

(7) The Schedule to the Statutory Corporations (Contributions to Consolidated Fund) Act (Cap. 319A, 2004 Ed.) is amended —

(a) by deleting item 17 and substituting the following item:

“17. Info-communications Media Development Authority	Info-communications Media Development Authority Act 2016”; and
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(b) by deleting item 24.

EXPLANATORY STATEMENT

This Bill seeks to establish the Info-communications Media Development Authority (the Authority), to repeal the Info-communications Development Authority of Singapore Act (Cap. 137A) and the Media Development Authority of Singapore Act (Cap. 172), and to make consequential and related amendments to certain other Acts.

Part 1 introduces the fundamental concepts used in the Bill.

Part 2 establishes the Authority and sets out its functions and powers.

Part 3 deals with the constitution of the Authority.

Part 4 provides for decision-making by the Authority.

Part 5 deals with the Authority's personnel matters.

Part 6 sets out the financial provisions for the Authority.

Part 7 deals with competition and consumer protection matters for the media industry in Singapore.

Part 8 provides for enforcement powers necessary for the administration of the Bill, and also certain general provisions.

Part 9 contains provisions that transfer the relevant undertakings and personnel of the Info-communications Development Authority of Singapore (IDA), the Media Development Authority of Singapore (MDA) and the Personal Data Protection Commission (PDPC) to the Authority.

Part 10 repeals the Info-communications Development Authority of Singapore Act and the Media Development Authority of Singapore Act, and provides for saving and transitional arrangements.

Part 11 makes consequential and related amendments to other Acts.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general definition provision. It contains definitions of terms used in several Parts of the Bill.

PART 2

ESTABLISHMENT, FUNCTIONS AND POWERS OF AUTHORITY

Clause 3 establishes the Info-communications Media Development Authority.

Clause 4 defines the nature and legal capacity of the Authority. The Authority is a body corporate with perpetual succession, and proceedings may be taken by or against the Authority in its corporate name.

Clause 5 describes the functions of the Authority.

Clause 6 provides the Authority with broad powers to do all things necessary to perform its functions.

Clause 7 provides the Authority with powers to facilitate or promote a proposal of the Minister to privatise any property or function of the Authority.

Clause 8 provides the Minister with power to give directions of a general nature to the Authority. This clause also provides for the Minister to have access to information in the possession of the Authority.

Clause 9 confers on the Authority the exclusive right to the use of one or more symbols or representations it selects or devises and to display or exhibit those symbols or representations in connection with the Authority's activities or affairs.

PART 3

CONSTITUTION AND MEMBERSHIP OF AUTHORITY

Clause 10 deals with the membership of the Authority. It is to consist of at least 6 and not more than 20 members. One of those members may be the Chief Executive. However, the Chairperson and the Deputy Chairperson of the Authority cannot be appointed as the Chief Executive.

Clause 11 provides for the appointment of the Authority's members by the Minister.

Clause 12 requires the Minister, when appointing the members, to consider whether they will collectively possess the appropriate knowledge, skills, and experience to assist the Authority to perform its functions effectively. The clause also disqualifies certain individuals from being members of the Authority.

Clause 13 provides for the appointment and tenure of a Chairperson and Deputy Chairperson from among members appointed.

Clause 14 deals with premature vacancies occurring in the office of any member of the Authority and empowers the Minister to appoint an individual to

fill the vacancy and hold that office for the remainder of the term for which the vacating member was appointed.

Clause 15 provides for the appointment of an individual to act temporarily as the Chairperson or other member of the Authority when the Chairperson or that member is absent from duty or Singapore, or is unable to perform the duties of the office.

Clause 16 gives the Minister the power to remove a member of the Authority from office. The Minister does not have to give any reason for the removal.

Clause 17 deals with resignation from office by a member of the Authority.

Clause 18 preserves the validity of any function performed, or any power exercised, by the Authority during a vacancy in the Authority's membership, or when a member's appointment was defective, a member did not disclose his or her interest in a matter relating to the Authority (relevant matter), the Authority did not report to the Minister of a member's failure to disclose his or her interest in a relevant matter, or there was a procedural irregularity in the Authority's decision-making procedure. The clause also preserves the acts of a member whose appointment is defective.

Clause 19 provides that the term of appointment of each member of the Authority must not exceed 3 years.

Clause 20 provides for the members of the Authority to be paid, out of the funds of the Authority, remuneration and other allowances that the Minister determines.

Clause 21 outlines the circumstances in which the office of a member may become vacant.

Clause 22 clarifies that the Minister may specify other terms and conditions of appointment of a member in the instrument of appointment.

Clause 23 contains definitions of terms used in Division 3 (comprising clauses 23 to 27).

Clause 24 requires a member of the Authority who is interested in a relevant matter to disclose details of the interest as soon as practicable after the member becomes aware that he or she is interested in that matter.

Clause 25 sets out how that disclosure of interest is to be done and to whom.

Clause 26 sets out the consequences of a member being interested in a relevant matter. A member who is interested in a relevant matter cannot vote or take part in any discussion or decision of the Authority relating to the relevant matter or do any other related act. The member must also withdraw from any part of a meeting of the Authority relating to the relevant matter if the person presiding at the meeting so requests, and the member is to be disregarded for the purpose of forming a quorum for that part of the meeting.

Clause 27 requires the Authority to report to the Minister if a member of the Authority fails to disclose his or her interest in a relevant matter, and to state in the report whether the member's failure was due to any reasonable cause.

PART 4

DECISION-MAKING BY AUTHORITY

Clause 28 allows the Authority to determine its own meeting procedures to the extent they are not fixed by the Bill or other written law.

Clause 29 requires notice of meetings of the Authority to be given to its members.

Clause 30 sets out the method of holding meetings. These can be face-to-face meetings with members physically gathered at a place, or by means of audio, audio and visual, or electronic communication technology. However, if technology is used, and a face-to-face meeting is to be dispensed with, all of the members who wish to participate in the meeting must have access to the technology needed to participate in the meeting, and a quorum of members must be able to simultaneously communicate with each other throughout the meeting.

Clause 31 prescribes the quorum to be one-third of the number of members or 3 members, whichever is the higher.

Clause 32 describes the persons who are to preside at meetings of the Authority.

Clause 33 specifies the process of voting at an Authority meeting. A member present at a meeting of the Authority is presumed to have agreed to, and to have voted in favour of, a decision of the Authority unless he or she expressly dissents from or votes against the decision at the meeting. Abstentions are thus impermissible.

Clause 34 provides for decision-making through circulation of documents without a meeting. The clause provides that a decision in writing signed or otherwise approved by the majority of the members has the same effect as if it had been adopted at a meeting of the Authority.

Clause 35 provides the process for execution of documents by the Authority.

Clause 36 empowers the Authority to appoint committees for matters that would be better regulated and managed by means of such committees.

Clause 37 provides for the necessary modifications for clause 18 (on validity of acts), and clauses 23 to 27 (on disclosure of interests) to apply to the committees of the Authority, and to their members.

Clause 38 allows the Authority to delegate some of its functions or powers, either generally or specially, to a member of the Authority, the Chief Executive or any employee of the Authority (including individuals on secondment to the

Authority), a committee of the Authority, or a wholly-owned subsidiary company of the Authority.

Clause 39 provides for the validity of a delegate's acts.

PART 5

PERSONNEL MATTERS

Clause 40 provides that the Chief Executive of the Authority is to be appointed by the Authority with the approval of the Minister. The Minister must consult the Public Service Commission on a proposed appointment before approving it. The Authority may also appoint an individual to act temporarily as the Chief Executive when the Chief Executive is absent from duty or Singapore, or is, for any reason, unable to perform the duties of the office.

Clause 41 empowers the Authority to appoint and employ such employees as may be necessary for the effective performance of its functions.

Clause 42 provides for the appointment of inspecting officers from among the Authority's employees (including individuals on secondment to the Authority).

Clause 43 provides that the Chief Executive, all members, employees (including individuals on secondment to the Authority) and delegates of the Authority, and all members of the committees of the Authority, are deemed to be public servants for the purposes of the Penal Code (Cap. 224).

If any of these individuals will be involved in the administration, assessment, collection or enforcement of payment of any composition sum under the Bill or any Act administered by the Authority, that individual will also be treated as a public officer for the purposes of the Financial Procedure Act (Cap. 109), and section 20 of the Financial Procedure Act (disciplinary punishment for loss of public moneys, etc.) will apply to that individual. This is because the compositions sums have to be accounted for in the Consolidated Fund.

Clause 44 makes it an offence for the Chief Executive, a member, an employee (including an individual on secondment to the Authority) or a delegate of the Authority, or a member of a committee of the Authority, who has information in that capacity that would not otherwise be available to him or her, to disclose that information to any person (unless any of the exceptions in the clause apply).

Clause 45 provides for the protection, from liability, of any person performing the functions or exercising the powers of the Authority in good faith and with reasonable care.

PART 6

FINANCIAL PROVISIONS

Clause 46 prescribes the financial year of the Authority.

Clause 47 sets out the revenue and property of the Authority.

Clause 48 requires all sums collected for the composition of an offence under the Bill or any Act administered by the Authority to be paid into the Consolidated Fund.

Clause 49 requires the Authority to open and maintain one or more bank accounts to be operated only by persons authorised by the Authority.

Clause 50 further requires the Authority to keep proper accounts and records of its transactions and affairs, and to do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised, and that adequate control is maintained over the funds and property of, or in the custody of, the Authority, and over the expenditure incurred by the Authority.

Clause 51 concerns budgeting. The clause requires the Authority to prepare annual estimates of income and expenditure in respect of each financial year and supplementary estimates wherever necessary.

Clause 52 confers on the Authority the standard power of investment of moneys as defined in section 33A of the Interpretation Act (Cap. 1).

Clause 53 requires the Authority to issue shares to the Minister for Finance where required, as a consequence of the vesting of any property, right or liability in the Authority under the Bill or any capital injection or other investment by the Government in the Authority.

Clause 54 sets out the borrowing powers of the Authority.

Clause 55 provides that the accounts of the Authority are to be audited by the Auditor-General or another auditor who is appointed annually by the Minister in consultation with the Auditor-General.

Clause 56 outlines the standard powers of auditors of statutory boards.

Clause 57 deals with the auditor's report.

Clause 58 requires the Authority to, as soon as its accounts and financial statements have been audited, send to the Minister a copy of the audited financial statements, signed by the Chairperson, together with a copy of the auditor's report. The Minister must thereafter cause a copy of the audited statements and of the auditor's report to be presented to Parliament.

Where the auditor is not the Auditor-General, the auditor must give the Auditor-General a copy of the audited financial statements and of the auditor's report.

Clause 59 further requires the Authority to, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may, from time to time, direct. The Minister must, as soon as practicable, cause a copy of every such report to be presented to Parliament.

PART 7

COMPETITION AND CONSUMER PROTECTION

Clause 60 describes the application of this Part. This Part is concerned with competition and consumer protection matters in the media industry.

Clause 61 gives the Authority the power to issue codes of practice, standards of performance and advisory guidelines for the purposes of this Part.

Clause 62 prohibits a regulated person (defined in clause 2) from being involved in any agreement, decision or concerted practice which is of a nature specified by the Authority in a code of practice and which prevents, restricts or distorts competition (or aims to do so) in a market connected to the provision of media services in Singapore.

Clause 63 prohibits a regulated person from engaging in any conduct that constitutes an abuse of dominant position in a market connected to the provision of media services in Singapore and may, as a result, affect the media industry in Singapore.

Clause 64 gives the Authority the power to exempt persons or their agreements, decisions, practices or conduct from clause 62(2) or 63(1). The Authority is not required to publish the exemptions in the *Gazette* — this displaces the requirement in section 23(1) of the Interpretation Act for publication in the *Gazette*.

Clause 65 requires a regulated person to obtain the Authority's approval before merging or consolidating with certain persons.

Clause 66 provides the Authority with the power to give directions with respect to matters under this Part, and to impose financial penalties for contraventions.

Clause 67 deals with dispute resolutions under a code of practice issued by the Authority under clause 61.

Clause 68 provides for appeals to the Minister with respect to matters under this Part.

Clause 69 deals with the Authority's power to disclose information for the purposes of this Part and requires the Authority to have regard to certain factors when exercising this power.

PART 8

ADMINISTRATION AND ENFORCEMENT

Clause 70 gives powers to an inspecting officer to investigate offences or contraventions under the Bill.

Clause 71 allows the inspecting officer to enter premises under a Magistrate's warrant, for the purposes of the investigations.

Clause 72 deals with the safe custody and disposal of documents taken by the inspecting officer in the course of the investigations.

Clause 73 deals with information and documents subject to legal privilege. The clause protects such information and documents from being disclosed in the investigations.

Clause 74 provides for offences relating to the failure of a person to cooperate with the investigations.

Clause 75 makes it an offence for a person to furnish any false or misleading statement, information or document, or suppressing or disposing of any information or document required, under the Bill.

Clause 76 sets out the offence of obstructing or hindering the performance of any function or the exercise of any power under the Bill.

Clause 77 provides for offences under the Bill (that are prescribed to be compoundable) to be compounded.

Clause 78 deals with corporate offenders and attributes criminal liability to officers of corporate entities for offences committed by those entities. Corporations like companies can be held directly liable for, and can be found guilty of and punished for, the commission of an offence. As a separate legal entity, liability for the offence is imposed on the corporation itself and is not generally attributed to its officers and employees unless there is a provision like the clause. This standard provision in many laws has been redrafted here consistent with the modern Singapore drafting style to make it easier to read and understand. The substance and meaning of the provision is unchanged.

Clause 79 deals with unincorporated entities like partnerships and associations and attributes criminal liability to officers of unincorporated entities for offences committed by those bodies. The clause also provides clarity where the offence by the unincorporated entity requires a mental element to be established.

Clause 80 deals with the service of documents as required or allowed under the Bill.

Clause 81 gives the Authority the power to make regulations, with the approval of the Minister.

PART 9

TRANSFER OF UNDERTAKINGS AND PERSONNEL TO AUTHORITY

Clause 82 contains definitions of terms used in this Part. In particular, it describes the various undertakings to be transferred to the Authority by this Part.

Clause 83 provides for the transfer, on the transfer date (which is the operative date of Part 2), to the Authority of all assets and liabilities of the MDA, all assets and liabilities of the IDA to the extent that they relate directly or indirectly to the Info-communications Media Development Authority Designate Wing of the IDA, and all assets of the PDPC.

The clause also contains a series of saving and transitional provisions, the general purpose of which is to put the Authority in the same legal position as the entity from which assets or liabilities are transferred.

Clause 84 provides for the transfer of MDA employees, and certain employees of the IDA, to the employment of the Authority, on the transfer date. There are no PDPC employees to be transferred.

Clause 85 declares that the transfer of employees does not affect remuneration, leave rights or continuity of service and does not constitute a retrenchment or redundancy. It further declares that such a transfer is not to give rise to any right to damages or compensation.

Clause 86 provides for the transfer of records from the MDA, the IDA (to the extent that they relate to its assets, liabilities and employees being transferred) and the PDPC to the Authority.

PART 10

REPEAL, SAVING AND TRANSITIONAL PROVISIONS

Clause 87 contains definitions of terms used in this Part.

Clause 88 explains the application of this Part, which applies in respect of the MDA and the IDA (to the extent of its assets, liabilities and employees being transferred to the Authority).

Clause 89 repeals the Info-communications Development Authority of Singapore Act.

Clause 90 repeals the Media Development Authority of Singapore Act, and provides for saving and transitional arrangements for things done by or in respect of the MDA under that Act.

Clause 91 provides for saving and transitional arrangements for things done by or in respect of the MDA or the IDA under other Acts.

Clause 92 provides for additional saving and transitional arrangements and also gives the Minister the power to make regulations for this purpose.

PART 11

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS

Clause 93 amends the Broadcasting Act (Cap. 28) to replace references to the MDA in that Act with references to the Authority, and to make other changes consequential to the Authority assuming the functions of the MDA under that Act.

Clause 94 amends the Films Act (Cap. 107) to replace the reference to the MDA in that Act with the reference to the Authority.

Clause 95 amends the Newspaper and Printing Presses Act (Cap. 206) to replace the reference to the MDA in that Act with the reference to the Authority.

Clause 96 amends the Personal Data Protection Act 2012 (Act 26 of 2012) to dissolve the body of persons established as the Personal Data Protection Commission (the Former Commission), and in its place, designate the Authority as the new Personal Data Protection Commission (the new Commission). The clause makes other amendments to that Act to implement the new governance model for that Act.

The clause also amends that Act to provide for the appointment of the Commissioner for Personal Data Protection. The new Commission may delegate any of its functions, duties or powers under that Act to the Commissioner, and while that delegation is in force, the new Commission is not permitted to perform that function or duty or exercise that power.

Clause 97 amends the Postal Services Act (Cap. 237A) to designate the Authority as the Postal Authority, in place of the IDA, and to expand powers to investigate offences under that Act.

Clause 98 amends the Remote Gambling Act 2014 (Act 34 of 2014) to replace references to the MDA in that Act with references to the Authority.

Clause 99 amends the Spam Control Act (Cap. 311A) to replace the reference to the IDA in that Act with the reference to the Authority.

Clause 100 amends the Telecommunications Act (Cap. 323) to replace the reference to the IDA in that Act with the reference to the Authority, to delete references to the MDA in that Act, and to expand powers to investigate offences under that Act.

Clause 101 amends the Undesirable Publications Act (Cap. 338) to replace the reference to the MDA in that Act with the reference to the Authority.

Clause 102 makes consequential amendments to several other Acts.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
