

Regulating the Media Industry

Learning Objectives

- Explain media regulation
- Discuss the issues of censorship and in setting standards in the media industry
- Explain the various statutory laws and codes of ethics that apply to the media

Role of Singapore Media

- Role of Singapore media can be summarised into the following
 - Media can contribute to national development by informing, educating and entertaining
 - Media is also a channel for public feedback (e.g. The Straits Times Forum and REACH.gov.sg) on government policies
 - Media provides an avenue for business to reach out to their customers (e.g. advertisement)

Infocomm Media Development Authority



- Infocomm Media Development Authority (IMDA)
 - Used to be known as Media Development Authority Singapore
 - Merged with IDA to form IMDA in 1 Oct 2016.
 - IMDA, a statutory board, develops and regulates the converging infocomm and media sectors, safeguarding the interests of consumers and fostering pro-enterprise regulations.

So what does the IMDA Do?*



The digital champion for Singapore — this govt agency (under the MCI) drives digital across industries (traditional and emerging). It identifies how digital can help transform these industries, while enabling the digital workforce. To transform Singapore into a Smart Nation

1. Industry developer — it develops the digital tech and media industries as engines for growth. And, fosters a data ecosystem for the digital economy.
2. Enabler — the IMDA calls itself the master-planner for connectivity, digital infrastructure and standards — preparing everyone to be digital-ready.
3. Regulator and protector — it ensures reliable telecom and broadcast networks. And, helps govern market conduct and protect consumer interests through regulation.

Principles of Censorship

1.1.2 While there is no conclusive proof of a direct link between materials (pornographic or violence) and deviant or criminal behaviour, the **possibility** of these have a detriment effect on some individuals cannot be ignored.

1.1.3 Hence, ...the committee feels that in such matters it may be better to take a **cautious approach**.

The role of censorship, then, is to help safeguard our moral values and social stability, while allowing individuals the freedom to create and express themselves.

Censorship Review Committee Report 1992

Principles of Censorship

(ii) Censorship is a restriction on personal freedoms, imposed by the government but reflecting the will of a substantial majority of the people. To be accepted as valid, it must be seen to fairly reflect widely-held sentiments.

(iii) The boundaries of censorship, being subjective, should be set through an ongoing engagement with the public.

(vi) **The Internet revolution has rendered some forms of censorship ineffective.** For example, the proliferation of film content on the Internet has made the disallowing of a film primarily a statement of disapproval rather than an effective means of preventing the film's propagation.

(vii) **Greater emphasis should be placed on education, awareness and parental empowerment.** Token gestures should be replaced by more effective tools.

Censorship Review Committee Report 2010

Principles of Censorship

July 2013 - hundreds of local bloggers turned their screens black for a day, and up to 1,000 people held a rally in Hong Lim Park, claiming a setback in freedom of speech.

- The new rules apply to any website that reports an average of at least one article per week on Singaporean news and current affairs over a period of two months, and is visited by a monthly average of 50,000 unique IP addresses from inside Singapore.
- Sites subject to the individual licenses are required to put up a “performance bond” of \$40,000, and may be required to take down within 24 hours any prohibited content.
- That means material “objectionable on the grounds of public interest, public morality, public order, public security, national harmony, or otherwise prohibited by applicable Singapore laws.”
- transition from licensing by overall class to licensing by individual, and as putting online services on the same footing as traditional media.

Regulatory Framework

- Singapore adopts Two-Prong approach :
 - Statutory Regulation (e.g. Laws)
 - Industry Self-Regulation (e.g. Codes of Conduct)

Statutory Regulation (General Legislation)

- Legislation that apply to [all mediums](#)
- **Sedition Act (Cap. 290)**
 - Creates the offence of sedition which is activities that would bring the government or the courts into hatred or contempt, to raise discontent and dissatisfaction among the citizens of Singapore.
 - Example; In 2015 Filipino nurse from Tan Tock Seng Hospital charged with making offensive comments online about Singaporeans and religion

<https://www.todayonline.com/singapore/filipino-who-made-offensive-comments-about-sporeans-and-religion-charged-under-sedition>

- **Official Secrets Act (Cap. 213)**
 - Prevent the disclosure of official documents and information (ie Govt secrets)
 - Example; 2019 - A police full-time national serviceman (NSF) accessed a computer at the operations room of the Special Operations Command (SOC), took a photo of the screen and sent it to a colleague. The image, which contained confidential information on police operations, was later forwarded to a drug abuser who messaged his friends, saying: "Stop everything tonite (sic) full

<https://www.straitsimes.com/singapore/courts-crime/ex-police-nsman-given-probation-for-breaching-official-secrets-act-and>

Statutory Regulation (General Legislation)

<https://mothership.sg/2019/08/police-report-brownface-ad/>

<https://www.straitstimes.com/singapore/police-looking-into-rap-video-by-local-youtube-star-preetipls-allegedly-containing>

<https://www.youtube.com/watch?v=jDJOPBAc-rg>

Statutory Regulation (General Legislation)

<https://www.straitstimes.com/singapore/why-brochez-was-not-charged-under-official-secrets-act-in-2016>

Statutory Regulation (Specific Legislation) – Film

R21

- **Films Act (Cap. 107)**

- Relating to the possession, importation, making, distribution and exhibition of films
- New Classification + Consumer Advice:
 - **G or General** - Suitable for everyone
 - **PG or Parental Guidance** - Scenes may not be suitable for children.
 - **PG13 or Parental Guidance 13** - Suitable for persons aged 13 and above but parental guidance is advised for children below 13.
 - **NC16 or No Children under 16 years old** - Programmes rated 16 could possibly contain more graphic images and they may explore more mature themes such as gangsterism and drug abuse.
 - M18 or Mature 18, for persons 18 years old and above** - Programmes rated 18 could possibly contain more graphic images and they may explore more mature themes such as prostitution and homosexuality.
 - **R21 or Restricted 21** - restricted to persons 21 years old and above.

Recent changes to Films Act including extending IMDA's powers to enter, search and seize evidence without a warrant for "serious offences", such as those involving films prohibited on public interest grounds and unlicensed public exhibition

<https://www.channelnewsasia.com/news/singapore/changes-to-films-act-extending-imda-powers-10063334>

Statutory Regulation (Specific Legislation) – Film

- On location Filming
 - Within private or commercial buildings, permission from owners of the properties is required
 - Hospitals - name of the healthcare institution is shown in the closing credits of the film as a form of acknowledgment – Rule 9(2), Private Hospital and Medical Clinics (Advertisement) Regulations 2019
 - Within public areas, no permission required as long as there is no intrusion of private property and keep off roads.

Statutory Regulation (Specific Legislation) – Print

- **Newspaper and Printing Presses Act (Cap. 206)**
 - The licensing of newspaper companies and for matters connected.
- **Undesirable Publications Act (Cap. 338)**
 - Prevents importation, distribution, reproduction of undesirable publication that are obscene or objectionable (eg: horror, crime, cruelty, violence, sex, drug consumption, matters involving race & religion).
E.g. MCI's ban of 3 books for having extremist religious views :
<https://www.channelnewsasia.com/news/singapore/3-books-banned-in-singapore-for-having-extremist-religious-views-10950106>

Industry Self Regulation

- IMDA (and industry self-regulatory bodies e.g. ASAS for the advertising industry) maintains a light-touch approach towards content regulation, working closely with the public and the industry on media content and standards
- Codes of conduct
 - Singapore Code of Advertising Practice
 - Content Guidelines for Imported Publications
 - Internet Code of Practice

Industry Self Regulation

Codes of Conduct

- Advertising Standards Authority of Singapore

<https://asas.org.sg/About>

– Singapore Code of Advertising Practice

- Advert should have the hallmarks of legality, honesty, decency and truthfulness
- Should conform to fair competition generally accepted in business
- Should formulate fair business practices

NB: code of practice to be updated with race guidelines & guidelines for advertising in the digital space like on social media.

<https://www.straitstimes.com/politics/upcoming-ad-guideline-to-recommend-that-marketers-pay-special-attention-to-race-ethnicity>



Advertising Standards
Authority of Singapore
- an advisory council
under CASE

Industry Self Regulation Codes of Conduct

<https://www.straitstimes.com/singapore/advertising-authority-looking-into-whether-huawei-breached-guidelines-in-smartphone>

Industry Self Regulation

Codes of Conduct

- IMDA
 - **Content Guidelines for Imported Publications (2016):** Restricted Publications Scheme
 - Retailers must not sell lifestyle magazines with adult-interest or mature content to the young.
 - Such publications must be shrink-wrapped with consumer advice “Unsuitable For The Young”
 - Placed at high shelves or at locations not easily accessible to the young.
 - Not allowed if will erode the core moral values of society including but not limited to the promotion of permissive and alternative lifestyles.

Industry Self Regulation

Codes of Conduct

- IMDA's

- Internet Code of Practice***

- Purpose is to ensure broadcasting service must not include anything which is against public interest or order, national harmony or which offends against good taste or decency.
- Internet service/content providers shall use best efforts to ensure that prohibited material is not broadcast via the Internet to users in Singapore (e.g. by denying access to sites notified to him by IMDA as containing prohibited material).
- Prohibited material is material that is objectionable on the grounds of public interest, public morality, public order, public security, national harmony, or is prohibited by Singapore laws.

Industry Self Regulation Codes of Conduct

<https://www.channelnewsasia.com/news/singapore/imda-orders-states-times-review-take-down-pm-lee-1mdb-10912554>

(see '*statetimesreview.com*')

Conclusion

- Industry self regulation is preferred
- Greater emphasis on education and personal responsibility
- The concept of “Public Good” overwhelming “Individual Interest/rights” is constantly a main feature in media regulation.



Takeaways from today?

1. x

2. x

3. x

4. x

5. x

Tutorial – 31st October

Debate in Class

END OF LECTURE