

Films (Amendment) Bill

Bill No. 5/2009.

Read the first time on 22nd January 2009.

A BILL

i n t i t u l e d

An Act to amend the Films Act (Chapter 107 of the 1998 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Films (Amendment) Act 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Films Act is amended —

- (a) by inserting, immediately after the words “any matter which” in subsection (2)(a), the words “, in the opinion of the Board,”;
- 10 (b) by deleting the words “either partisan or biased references to or comments on any political matter, including but” in subsection (2)(b) and substituting the words “references to or comments on any political matter which, in the opinion of the Board, are either partisan or biased; and “political matter” includes but is”; and
- 15 (c) by deleting subsection (3) and substituting the following subsection:
 - “ (3) Notwithstanding subsections (1) and (2), none of the following films shall be regarded for the purposes of this Act as a party political film:
 - 20 (a) a film which is made solely for the purpose of reporting of news by a broadcasting service licensed under any written law;
 - (b) a film which is made solely for the purpose of informing or educating persons on the procedures and polling times for any election or national referendum in Singapore;
 - 25 (c) a film which records live the whole or a material proportion of any performance, assembly of persons or procession that is held in accordance with the law and that does not depict any event, person or situation in a dramatic way;
 - 30 (d) a film designed to provide a record of an event or occasion that is held in accordance with the law for those who took part in the event or occasion or are connected with those who did so;

- (e) a documentary film without any animation and composed wholly of an accurate account depicting actual events, persons (deceased or otherwise) or situations, but not a film —
- 5 (i) wholly or substantially based on unscripted or “reality” type programmes; or
- (ii) that depicts those events, persons or situations in a dramatic way;
- (f) a film without animation and dramatic elements —
- 10 (i) composed wholly of a political party’s manifesto or declaration of policies or ideology on the basis of which candidates authorised by the political party to stand will seek to be elected at a parliamentary election; and
- 15 (ii) made by or on behalf of that political party; and
- (g) a film without animation and dramatic elements —
- (i) composed wholly of a candidate’s declaration of policies or ideology on the basis of which the candidate will seek to be elected at a parliamentary or presidential election; and
- 20 (ii) made by or on behalf of that candidate.”.

New section 4A

3. The Films Act is amended by inserting, immediately after section 4, the following section:

25 **“Advisory committees**

4A.—(1) The Minister may appoint one or more advisory committees to provide advice to the Board with regard to the performance of any of its functions in relation to any film.

30 (2) Before making any decision under this Act in relation to a film and for the purpose of forming an opinion on which to base such decision, the Board may consult with the relevant advisory committee in respect of the film but, in making such decision, shall not be bound by such consultation.”.

Amendment of section 26

4. Section 26 of the Films Act is amended by deleting subsection (1) and substituting the following subsection:

5 “(1) On receipt of an appeal under section 24, the Committee of Appeal may make an order —

(a) dismissing the appeal and confirming the decision of the Board; or

(b) reversing or varying the decision of the Board,

10 including making such order as it thinks fit in regard to the approval for exhibition of any film which is the subject of appeal, the excision or retention of any part of any such film, and the classification of any film.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Films Act (Cap. 107) to clarify the law relating to party political films and by liberalising the controls over such films.

Clause 1 relates to the short title and commencement.

Clause 2 re-defines what would constitute a party political film. The Board of Film Censors (the Board) will decide whether the references to or comments on any political matter in a film are either partisan or biased, or whether the matter contained in the film is intended or likely to affect voting in any parliamentary or presidential election or any national referendum.

The list of films which are excluded from being regarded as party political films under section 2(3) is also expanded. The original list in section 2(3), comprising a film which is made solely for the purpose of reporting of news, and a film which is made solely for the purpose of informing or educating persons on the procedures and polling times for any election or national referendum in Singapore, is retained. Added to the list of exclusions are the following films:

- (a) a film which records live the whole or a material proportion of any performance, assembly of persons or procession that is held in accordance with the law and that does not depict events, persons or situations in a dramatic way. This may include live-recordings using devices like videocams and cell phones of lawfully convened events such as election rallies, public speeches or processions;
- (b) a film designed to provide a record of an event or occasion that is held in accordance with the law for those who took part in the event or occasion or

are connected with those who did so. Examples of these would be anniversary celebration videos by political parties;

- (c) a documentary film made without any animation and composed wholly of an accurate account depicting actual events, persons (deceased or otherwise) or situations. This includes any film whose setting and format is purely historical and that of a non-fictional documentary or biography. However, any reality film, or a film that depicts those events, persons or situations in a dramatic way will still not come within this exclusion. A propaganda film using a documentary format will not come within this exclusion. A film the creation of which involves the manipulation of audio or visual elements during editing so as to become an inaccurate or a dramatised record of events, persons or situations will not come within this exclusion;
- (d) a film made by a political party and that is the political party's manifesto or declaration of policies or ideology on the basis of which candidates authorised to stand by the political party will seek to be elected at a parliamentary election; and
- (e) a film made by a candidate and that is the candidate's declaration of policies or ideology on the basis of which the candidate will seek to be elected at a parliamentary or presidential election.

Clause 3 inserts a new section 4A which empowers the Minister to establish one or more advisory committees to provide advice to the Board with regard to the performance of any of its functions in relation to any film. The Board may consult the relevant advisory committee before deciding but the Board is not bound to follow the advice of any of these advisory committees.

Clause 4 amends section 26 relating to appeals to the Committee of Appeal against the Board's decisions. On receipt of such an appeal, the Committee of Appeal may dismiss the appeal and confirm the decision of the Board, or vary the decision of the Board. This includes classifying or re-classifying a film, with or without excisions or further excisions of the film.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
