
GOVERNMENT'S RESPONSE TO THE
RECOMMENDATIONS MADE BY THE
ADVISORY COUNCIL ON THE IMPACT
OF NEW MEDIA ON SOCIETY (AIMS) IN
THE REPORT "ENGAGING NEW MEDIA
- CHALLENGING OLD ASSUMPTIONS"

INTRODUCTION

1 Currently, the Government's light-touch approach that was introduced in 1996 to regulate the Internet has worked well. It has facilitated industry growth and free and easy access to information while protecting our young from harmful online content.

2 Since 1996, there have been rapid technological advancements such as the emergence of Web 2.0 technology. Coupled with the increasing adeptness of young Singaporeans in using the Internet, this technology has dramatically changed the way our people communicate as well as disseminate and exchange information.

3 These developments have made a big and significant impact on society. New technologies have created tremendous benefits and opportunities. But they have also brought about negative implications and complex challenges, for which there are no easy solutions in dealing with them.

4 Thus, in April 2007, the Government set up the Advisory Council on the Impact of New Media on Society (AIMS) to study the implications that the fast-developing new media technology would have on our society and recommend ways to the Government to manage them. AIMS is probably the first council of its kind specifically set up by government to study the impact of new media and to make recommendations to address the concerns.

5 AIMS has tapped on the experiences of other countries through study trips to the United States, Europe, the United Kingdom, Canada, Australia, China, Japan and South Korea. It has also sought views and ideas from a cross section of people through a six-week public consultation exercise.

6 AIMS has made recommendations in four key areas, namely, e-engagement, online political content, protection of minors, and intermediary immunity for online defamation.

7 Being a complex subject, it is not surprising that there were different and opposing views expressed, not just among AIMS members themselves, but also across the various groups that AIMS consulted. Where there was consensus on a recommendation, there were however different views on how the recommendation should be implemented.

8 The Government generally agrees with and accepts most of the AIMS' recommendations, although there are some differences in views on specific measures to take and the pace of implementation. The Government has accepted 17 of the 26 recommendations made by AIMS and has differing views with nine recommendations, as shown in the table below:

	AIMS' Recommendations	Government's Response	
		Accepted	Not Accepted
1.	E-Engagement		
1.1	Evaluate the capacity of the Govt. to communicate effectively online	√	
1.2	Rethink some of its current citizen engagement processes, e.g. closing the feedback loop and replying to online letters	√	
1.3	Engage voices outside of current government platforms		√
1.4	Set up a panel of young digital natives to serve as a consultative body		√
1.5	Give more space for civil servants to voice opinions		√
Sub-total		2	3
2.	Online Political Content		
2.1	Retain Class Licence Scheme	√	
2.2	<ul style="list-style-type: none"> Update scheme by removing registration requirement for individuals, bodies of persons and political parties 		√
2.3	Extend positive list for Internet Election Advertising	√	
2.4	Liberalise the Films Act in phases	√	
2.5	<ul style="list-style-type: none"> Decriminalise the making of party political films 		√
2.6	<ul style="list-style-type: none"> Target only films that mislead viewers 	√	
2.7	<ul style="list-style-type: none"> Establish an independent advisory panel to decide on party political films 	√	
2.8	Retain section 35 of Films Act	√	
2.9	<ul style="list-style-type: none"> Spell out clearly the basis of any ban 		√
2.10	<ul style="list-style-type: none"> Independent advisory panel to advise on ban 		√
2.11	<ul style="list-style-type: none"> Minister is obliged to give reasons for the ban 		√
Sub-total		6	5
3.	Protection of Minors		
3.1	Annual fund	√	
3.2	Dedicated coordinating agency	√	
3.3	Lift ban on 100 websites only when agency is satisfied that programmes are working effectively	√	
3.4	Focus on education	√	
3.5	Help parents monitor and control		√

	children's Internet usage by Government paying for Family Access Network service		
3.6	Develop research capabilities	√	
3.7	Collaborate with overseas counterparts	√	
3.8	Encourage spirit of volunteerism	√	
Sub-total		7	1
4.	Intermediary immunity for online defamation		
4.1	Provide a conducive and predictable legal environment for credible and responsible new media players to develop and flourish	√	
4.2	Enact legislation to confer limited immunity to intermediaries	√	
Sub-total		2	0
Total		17	9

E-ENGAGEMENT

1 The Government agrees with the AIMS' principles of e-engagement¹. It agrees with AIMS that as e-engagement will take some time to develop, it would be pragmatic to take an evolutionary approach towards e-engagement. It also agrees with the principle that for e-engagement to succeed, the community at large, especially the online community, has a vital role to play, and should use the online platform to engage responsibly with the Government.

2 The Government accepts the AIMS' recommendation to take concrete steps to establish e-engagement².

Evaluate the capacity of the Government to communicate effectively online

3 The Government has adopted a three-pronged approach to develop new media capability.

4 The first is to develop an understanding and appreciation of new media through research and studies into new media issues, trends and developments. It is critical for ministries and government agencies to have a deeper understanding of new media, be familiar with various new media platforms, and understand how best to utilise them to reach out and connect with the public and stakeholders. Continuing research and horizon scanning is vital to keep up with the rapidly evolving new media landscape and technologies.

5 The second is to develop capability in using new media. The Government fully agrees with the AIMS' recommendation that we need to invest in training government personnel to engage online, and that specialist manpower resources may have to be dedicated to e-engagement.

6 The Government's capability-building initiatives include sharing of new media research findings and studies among government agencies, briefings and presentations, seminars, and training programmes.

7 The third is to experiment with the use of new media to gain real hands-on experience. Government agencies are already using a variety of new media platforms, such as blogs, podcasts, online games, YouTube, Facebook and Flickr.

¹ Engaging New Media – Challenging Old Assumptions; pp46-47.

² Engaging New Media – Challenging Old Assumptions; pp48-49.

Rethink some of its current citizen engagement processes

8 The Government continuously reviews its citizen engagement efforts and introduces new initiatives to enhance the engagement. For example, in September last year, REACH launched the new 'Talk Abuzz' webpage which features public feedback and postings of government responses to some of the feedback to better close the loop with contributors. In doing so, recognition is given to good ideas and feedback, although it may not be possible to recognise every feedback in a similar manner. REACH has also produced publications featuring feedback that had led to policy changes.

9 Going forward, REACH will continue to explore more ways to close the feedback loop. One such measure being examined is how to formally recognise well thought-out suggestions and feedback every year to encourage more Singaporeans to come forward and be engaged.

Engage voices outside of current Government platforms

10 The Government accepts the need for e-engagement. However, it also recognises the pitfalls highlighted by AIMS. Hence, it would be sensible for the Government to e-engage on platforms with an established online presence and acceptance. REACH has been established for this purpose since October 2006. Since then, it has actively launched many e-engagement initiatives.

11 The Government notes some of the observations gleaned from public feedback to AIMS. Firstly, it is not practical or feasible to respond to all blogs or forum postings. Fragmentation on the Internet has made it "challenging for governments to communicate effectively with the masses in the same way as is possible with traditional media".

12 It also notes AIMS' comment that "there was a great deal of unhelpful commentary and discussions online [although] there were also reasoned and critical discussions".

13 In addition, "not all bloggers welcomed the Government's voice on their private blogs, while others simply attack the Government for the sake of venting their frustrations".

14 The Government will require a huge amount of resources to e-engage on a multitude of online platforms. This would not be realistic or efficient. In view of these concerns, the Government has decided to channel its resources to the dedicated REACH portal for e-engagement.

15 Hence, Government agencies will:

- (i) Engage citizens on policy and national issues in public consultations and forum discussions on the REACH portal; and

(ii) Reply to online letters carried in the online letter forums of the local mainstream media. As with forum letters in printed newspapers, not every online letter would warrant a reply. Agencies would assess each online letter on its own merit and consider if a reply is necessary.

16 This is a start, and the Government will increasingly adapt to the use of new media as it gains experience over time. As AIMS noted, e-engagement will take some time to develop, and the Government would learn valuable lessons along the way that would help it develop its online engagement.

Set up a panel of young digital natives to serve as a consultative body

17 AIMS has recommended the setting up of a youth panel to serve as a consultative body for the Government on new media and cyber safety matters. The Government would seek the views of a broad cross-section of Internet users, including young digital natives, in its regular consultations with the public on such matters. It would be more beneficial to tap on a larger and more representative pool of people as new media has an impact on almost every individual as well as industry stakeholders. On cyber safety, parents, teachers and the community each play an important role in promoting cyber wellness among our young.

Giving more space for civil servants to voice opinions

18 The current position of requiring civil servants to seek their Permanent Secretary's permission before giving their personal views on their work, organisation and the government in public has merits. To do their work effectively, staff need access to official and privileged information. Use of such information should be safeguarded.

19 Unlike members of the public who may need public channels for feedback, civil servants already have many internal channels to make their views known. To add value to a policy or contribute to the process of policy making, staff can offer their comments directly to the ministry or department concerned. Officers are also often expected to work in collaboration with officers from other ministries and agencies. In addition, they are already using internal mass channels such as the Staff Suggestion Scheme and Cut-Waste Panel to share their feedback and suggestions.

20 Once a policy is decided, civil servants have a duty to implement the policy. Allowing civil servants to publicly express their private views on government policy would compromise the performance of their duty by undermining discipline and trust within the civil service.

21 The Government, therefore, will not amend the Instruction Manual to allow civil servants to express their personal opinions on government policy.

22 Currently, civil servants are already allowed to participate in any media to share personal experiences on their hobbies, etc. that are not related to work if they do so responsibly in their own time and personal capacity.

23 The current civil service rules regarding communicating their personal views in public are not different from what many big organisations such as MNCs or other governments would require of their staff.

ONLINE POLITICAL CONTENT

The Films Act – Party Political Films

1 The Government accepts the AIMS' proposal to take a phased approach in liberalising the Films Act.

2 It notes the public feedback that there are those who are concerned about the negative side-effects of politically motivated and misleading films, and do not want to see the law repealed immediately. A phased approach was also supported by the Law Society of Singapore.

3 The pervasiveness of new media has enabled anyone to produce a video clip and pass it around on the Internet. The Government recognises that this is how our people communicate and engage one another online. Hence, it is appropriate to liberalise the restrictions on party political films.

Certain party political films will be allowed, and during election period

4 As a first step under the phased approach, the Government will amend the Films Act to allow for certain types of party political films. Films that are factual and objective, and do not dramatise and/or present a distorted picture will be allowed under the amended Films Act. These will include factual documentaries and footages, recordings of actual events, and biographies or autobiographies.

5 Political parties and their candidates will be able to use films allowed under the amended Films Act for their Internet election advertising during an election. This will include films about themselves, their campaign activities and election manifestos.

6 Since the Government is only disallowing what would be dramatised, sensationalistic and emotive party political films which will do harm to rational and objective political debate, there is strong reason to maintain the sanction against the making of such party political films.

Independent advisory panel to be set up

7 The Government also accepts the AIMS' recommendation to set up an independent advisory panel which will make up of citizens of high standing and who are non-partisan. The role of this panel is to advise the Board of Film Censors whether films are party political films and if they can be allowed under the amended Films Act.

8 The advisory panel will be chaired by Mr Richard Magnus, retired Senior District Judge and Chairman of the Casino Regulatory Authority.

9 The Government will have to study the impact of the changes carefully before it could consider whether section 33 should be repealed in the longer run.

Section 35 of the Films Act

10 The Government accepts the AIMS' recommendation to retain section 35 of the Films Act. As AIMS has rightly pointed out, section 35 is needed to deal with harmful videos such as the "Fitna" video.

11 Although section 35 empowers the Minister to prohibit a film, the decision to prohibit a film has to be exercised judiciously.

12 AIMS has also recommended that the independent advisory panel for party political films advises the Minister before a film is banned under section 35 and that the section be amended to require the Minister to give reasons for the ban. Films that may be banned under section 35 will not be party political films. Hence, there is no need to consult the advisory panel which the Government will set up for the sole purpose of determining party political films.

Extend positive list for Internet Election Advertising

13 The Government accepts the AIMS' recommendation to extend the positive list for Internet election advertising. It will allow election candidates and their political parties and agents to use podcasts, vodcasts, blogs and other new media tools for Internet election advertising. Examples include producing podcasts or vodcasts on election manifestos, election rally speeches, the party's press conferences and constituency tours to promote the election candidates.

14 Going beyond political parties and election candidates and agents, the Government will also allow individuals to participate in Internet election advertising. Individuals can participate by blogging or posting election materials. However, there should be some safeguards to try to maintain accountability and responsibility. The Government is studying how this could be done so that any safeguards introduced would still allow the people to participate freely and responsibly in Internet election advertising.

15 As AIMS pointed out, restrictions on Internet election advertising are not unique to Singapore. Countries like Japan, South Korea, Australia and Canada have varying degrees of restrictions on Internet election advertising. They all share a common fundamental objective, that is, to ensure the proper and fair conduct of election. Each country will have to develop its own model to suit its own environment and circumstances.

Remove registration requirement for individuals, bodies of persons and political parties

16 AIMS has recommended the removal of the registration requirement for political parties as well as individuals and bodies of persons who provide any programme for propagation, promotion or discussion of political or religious

issues relating to Singapore through Internet websites. AIMS argued that the removal of registration will allow people to participate freely.

17 The Government will retain the registration requirement for websites of political parties as well as for individuals or bodies of persons who provide any programme for the propagation, promotion or discussion of political or religious issues on the Internet. This is to maintain a higher level of responsibility and accountability of those behind such websites, as some members of the public had also advocated, and to remind them of the need to be responsible in such matters of public discourse.

18 The Government's light-touch approach has allowed for a free flow of information on the Internet. Netizens are already participating robustly and freely in cyberspace. Diverse views and critical comments on the Government and its policies are prevalent online. Political parties which have registered their websites continue to discuss national policies and issues freely and critically on their websites.

19 Far from discouraging socio-political discourse on the Internet, the light-touch regulation, coupled with the registration requirement, has enabled political parties and individuals to engage in lively discussions on politics and current affairs on new media platforms.

Retain the Class Licence Scheme

20 AIMS has acknowledged the benefits of the Class Licence Scheme as a light-touch regulatory policy and recommended that it be retained. The Government accepts this recommendation.

21 The Government had recognised the need to adopt a light-touch approach to deal with the Internet when it introduced the Class Licence Scheme in 1996. The light-touch policy has facilitated industry development and the free flow of information while protecting our young from harmful and undesirable content.

22 Under the light touch approach, Internet Content Providers are first given a warning or take-down notice by the Media Development Authority to take down any offensive content. They would usually comply and there would be no prosecution. This is an appropriate measure against the less serious offenders.

23 Abolishing the Class Licence Scheme would remove this less severe option. All errant content providers would then have to face prosecution under other laws like the Sedition Act or the Penal Code. This may not be desirable.

Update the Class Licence Scheme

24 AIMS has proposed that the Class Licence Scheme be reviewed and updated as it had existed since 1996.

25 During the period 2005-2006, the National Internet Advisory Committee (NIAC) had done a comprehensive review of the Class Licence Scheme to ensure that it remains relevant. The NIAC found that on the whole, the scheme remains robust and is relevant enough to deal with emerging technological trends. The Government will review the Class Licence Scheme in due course.

PROTECTION OF MINORS

1 The Government fully supports the AIMS' position to take a long-term, holistic and coordinated approach to provide protection to minors against harmful and inappropriate content on the Internet.

2 The AIMS' holistic approach embraces a number of measures³ which are very much in line with the Government's ongoing cyber wellness initiatives. AIMS' proposed measures reinforce the Government's approach, namely, public education, industry self-regulation and light-touch regulation.

Dedicated coordinating agency, public education and funding for the protection of minors

3 The Government accepts the AIMS' recommendation to set up a dedicated coordinating agency to focus on the protection of minors against harmful online content.

4 The Government will set up an Inter-Ministry Taskforce on Cyber Wellness to coordinate national efforts and to develop strategies and programmes for cyber wellness. Adequate resources will be provided to the Taskforce which will be co-chaired by the Deputy Secretaries from the Ministry of Information, Communications and the Arts and the Ministry of Education. It will work closely with the people-private sectors and leverage on existing efforts, particularly those by the Internet and Media Advisory Committee (INMAC) and community organisations.

5 The Inter-Ministry Taskforce on Cyber Wellness will build on the good work of the previous National Internet Advisory Committee (NIAC) and the Parents Advisory Group for the Internet (PAGi). These two bodies, whose members come from the people-private sector, had done a lot of substantive work in driving cyber wellness programmes and activities.

Ban on 100 websites

6 AIMS has recommended that the dedicated agency lift the symbolic ban on 100 websites only when it is satisfied that its programmes are working effectively.

7 In considering AIMS' recommendation to retain the symbolic ban for now, the Government has taken note of the differing views from public feedback. Those who favour lifting the ban contended that the symbolism "gives parents a false sense of security because the Net-savvy can easily get around the ban". Those who support the ban argued that there is value in symbolism. They feel that "it is important for society to clearly state what desirable values are" and that "symbols serve a social function". Others feel

³ Engaging New Media – Challenging Old Assumptions; pp104-107.

that the ban could complement AIMS' other recommendations as the two are not mutually exclusive.

8 The Government sees merit in the ban as it is a symbolic statement of our society's core values. The blocking of harmful websites to protect children is not uncommon. Other countries have also developed lists of blocked sites for the protection of the young⁴.

9 Hence, the Government will review if the symbolic blocking of 100 undesirable websites should be lifted when it assesses that the culture and practice of cyber wellness is firmly entrenched. In continuing with the practice, there is no loss to anyone as the Government will continue to take a light-touch approach in dealing with online content. This light-touch approach has worked well as it protects our young from harmful online content while promoting industry development and allowing the free flow of information in Singapore.

Help parents to monitor and control their children's Internet usage

10 AIMS has proposed that the Family Access Network service be provided free to household that wish to have it, with the monthly charge to be borne by the Government and the industry.

11 The Government notes that the industry already provides various broadband packages, many of which bundle in filtering services. For example, StarHub has given feedback that the overwhelming majority of their customers who signed up for its filtering service receive it free-of-charge. Furthermore, as there is filtering software available online for free, it would be more beneficial if parents themselves were to exercise responsibility and download such software for the protection of their children. This is a better approach as resources could be more effectively channelled for cyber wellness education of children and their parents.

12 Nevertheless, MDA will continue to encourage the industry to provide the Family Access Network service and to encourage parents and others to subscribe to it. This is an optional, hassle-free network filtering service which will filter out access to many websites with undesirable content, although it should be noted that no filtering software is completely foolproof. While the Family Access Network service may cost between \$2 to \$3 per month, some Internet Service Providers offer such filtering services as part of their broadband package at no extra cost.

² The Australian Communications and Media Authority has a list of some 1,300 blocked URLs and is working on a pilot test to extend it up to 10,000 URLs. The United Kingdom has a list of 800 to 1,200 URLs. In 2003, the Council of Europe had recommended member governments to "outlaw acts of racist and xenophobic nature conducted through computer systems". This makes it illegal to distribute or publish anything online that "advocates, promotes or incites hatred (or) discrimination", prompting some governments to implement mandatory filtering of such content.

13 In the case of low-income families receiving assistance under the NeuPC Programme, the Infocomm Development Authority will explore bundling filtering services together with the broadband subscription provided to such families.

INTERMEDIARY IMMUNITY FOR ONLINE DEFAMATION

1 The Government agrees with AIMS on the need for greater legal certainty regarding the liability of online intermediaries for defamatory content published online and that this is an area which warrants further study.

2 With increasing communications taking place online, more intermediary websites will be set up in the people, private and public sectors. Enacting legislation to clarify the liability of online intermediaries will thus provide legal certainty and benefit the online intermediaries operating in these sectors.

3 As reflected in the AIMS report and the public feedback on the topic, the issue of online defamation is not straightforward and legislating clear rules concerning the liability of online intermediaries would require careful consideration.

4 Singapore is not alone in facing the challenge to formulate an appropriate legal framework to address the issue. AIMS had observed that there is no consistent or standard international approach towards the treatment of online intermediaries for defamatory content. In fact, for countries such as the United States and the United Kingdom, their approaches to the issue have been keenly debated. For example, the United States' provision of blanket civil immunity to Internet Service Providers or Bulletin Board System operators has been criticised as being too liberal. This is because operators enjoy immunity even if they have knowledge of the defamatory material and refuse to remove it. Similarly, there have been criticisms of the wording and ambit of the new legislative form of defence of innocent dissemination established in the United Kingdom. There is some debate as to whether the new provisions were intended to abolish and replace the common law defence of innocent dissemination. In formulating Singapore's approach to the issue, the Government will be studying the various international approaches to extract relevant lessons from their experiences.

5 In considering what Singapore's approach should be to address this issue, the Government will bear in mind the important consideration that defamatory content should not be freely published and distributed online, while encouraging the growth of online communications in order to establish Singapore as a credible and trusted Internet hub. The Government recognises that there are benefits to encourage responsible self moderation among online intermediaries, and will aim to ensure that any new legislation will not contradict or undermine the current laws on defamation. We will also ensure there would be no derogation/dilution of the existing immunity granted to "network service providers" under Section 10 of the Electronics Transactions Act.

6 Specifically regarding AIMS' proposal for a "take-down and put-back" regime, the Government views it as one possible approach. This will however require further deliberation, especially since no other country has legislated such an approach. The implications and the details have to be worked out and

weighed before deciding whether the “take-down and put-back” regime is an appropriate and practicable option for Singapore. These include, for instance, determining the classes of intermediaries who should be eligible for immunity and the timeframe and steps to be followed when an intermediary receives a take-down/put-back notice.

7 Going forward, the Government will study the merits and implications of the AIMS’ proposal as part of our deliberations on the subject. We will also conduct a public consultation exercise at an appropriate time to seek feedback from the public and relevant stakeholders.

CONCLUSION

1 The Government has accepted most of the AIMS' recommendations. In doing so, it has taken upon itself an active role in driving cyber wellness initiatives through the setting up of an Inter-Ministry Taskforce on Cyber Wellness.

2 The Government has also taken significant progressive steps to expand the space for socio-political discourse for our citizens. It is allowing certain types of party political films and is also allowing political parties and their election candidates and agents as well as individuals to participate in Internet election advertising. The Government is also prepared to engage Singaporeans on policy and national issues in cyberspace.

3 Where the Government takes a different position with a few recommendations, the situation is not cast in stone. It recognises that the landscape is changing due to evolving technologies, coupled with increasing new media savviness of our young citizens in particular. The Government will continue with its light-touch policy on the Internet and will continue to review and update its policy positions to stay relevant as technologies continue to evolve and new ones emerge.

4 Overall, the AIMS' recommendations that have been accepted for implementation will go towards strengthening Government-People engagement and ensuring that Singaporeans will be able to tap the full potential of new media to better our society while minimising the adverse impact.