

Undesirable Publications (Amendment) Bill

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Bill No: 3/1998

Read the first time: 14th January 1998

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Undesirable Publications (Amendment) Bill

Bill No. 3/1998

Read the first time on 14th January 1998.

An Act to amend the Undesirable Publications Act (Chapter 338 of the 1985 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 Undesirable Publications (Amendment) Act 1998 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Undesirable Publications Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately before the definition of “periodical publication”, the following definitions:

““authorised officer” means a public officer appointed under section 13(2) by the Minister to be an authorised officer for the purposes of this Act;

“broadcast” has the same meaning as in the Copyright Act (Cap. 63) and “broadcasting” shall have a corresponding meaning;

“Chief Controller” means the Chief Controller appointed under section 13(2);

“circulation”, in relation to any publication, includes the exhibition or supply thereof;

“controller” means a public officer appointed under section 13(1) by the Minister to be a controller;

“electronic transmission” includes facsimile transmission, electronic mail or other similar means of communication but excludes broadcasting;

“exhibit”, in relation to a sound recording, means to play that sound recording but does not include the broadcasting of the sound recording;

“film” has the same meaning as in the Films Act (Cap. 107);

“importer”, in relation to any article, includes any person who, whether as owner, consignee, agent or broker, is in possession of, or is in any way entitled to the custody or control of, the article;

“objectionable” and “obscene” have the meanings given to them by sections 2A and 2B, respectively;” and

(b) by deleting the definition of “publication” and substituting the following definitions:

“ “publication” means any of the following other than a film:

- (a) any book, magazine or periodical, whether in manuscript or final form;
- (b) any sound recording;
- (c) any picture or drawing, whether made by computer-graphics or otherwise howsoever;
- (d) any photograph, photographic negative, photographic plate or photographic slide; or
- (e) any paper, model, sculpture, tape, disc, article or thing —
 - (i) that has printed or impressed upon it, any word, statement, sign or representation; or

- (ii) on which is recorded or stored for immediate or future retrieval any information that, by the use of any computer or other electronic device, is capable of being reproduced or shown as any picture, photograph, word, statement, sign or representation,

and includes a copy of any publication;

“sound recording” means any tape, disc or other recording of sounds from which the sounds may be reproduced but does not include any sound-track of a film;

“supply”, in relation to a publication, includes —

- (a) supply not only in its physical form but also by means of the electronic transmission of the contents of the publication;
- (b) supply by way of hire, exchange or loan; or
- (c) in the case of a publication comprising a tape, disc, article or thing on which is recorded or stored any information for immediate or future retrieval by the use of any computer or other electronic device, transferring or reproducing or enabling another to transfer or reproduce by electronic transmission the whole or part of the contents of the publication onto another such tape, disc, article or thing for immediate or future retrieval.”.

New sections 2A and 2B

3. The principal Act is amended by inserting, immediately after section 2, the following sections:

“Meaning of obscene

2A. For the purposes of this Act, a publication is obscene if its effect or (where the publication comprises 2 or more distinct parts or items) the effect of any one of its parts or items is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or

hear the matter contained or embodied in it.

Meaning of objectionable

2B.—(1) For the purposes of this Act, a publication is objectionable if, in the opinion of any controller, it or (where the publication comprises 2 or more distinct parts or items) any one of its parts or items describes, depicts, expresses or otherwise deals with —

- (a) matters such as sex, horror, crime, cruelty, violence or the consumption of drugs or other intoxicating substances in such a manner that the availability of the publication is likely to be injurious to the public good; or
- (b) matters of race or religion in such a manner that the availability of the publication is likely to cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups.

(2) In determining for the purposes of this Act whether or not any publication is objectionable, the following matters shall be considered:

- (a) the extent and degree to which, and the manner in which, the publication —
 - (i) describes, depicts or otherwise deals with acts of torture, the infliction of serious physical harm, sexual conduct or violence or coercion in association with sexual conduct;
 - (ii) exploits the nudity of persons or children or both;
 - (iii) promotes or encourages criminal acts or acts of terrorism;
 - (iv) represents, directly or indirectly, that members of any particular community or group are inherently inferior to other members of the public or of any other community or group;
- (b) the impact of the medium in which the publication is presented;
- (c) the character of the publication, including any merit, value or importance that the publication has in relation to literary, artistic, social, cultural, educational, scientific or other matters;
- (d) the standards of morality, decency and propriety that are generally accepted by reasonable members of the community; and