

# INDIREG

## FINAL REPORT – ANNEX

*Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)*

Annex II – Country Tables – Singapore

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Singapore	5 IPTV services have recently been licensed and are pending commercial launch.	6 <a href="http://mio.singtel.com/miotv/channels-on-demand_on-demand_details.asp">http://mio.singtel.com/miotv/channels-on-demand_on-demand_details.asp</a> <a href="http://www.starhub.com/t">www.starhub.com/t</a> <a href="http://video.xin.msn.com/browse/catch-up-tv/v/demandtv.html">http://video.xin.msn.com/browse/catch-up-tv/v/demandtv.html</a> <a href="http://www.razortv.com.sg/site/servlet/segment/main">www.razortv.com.sg/site/servlet/segment/main</a> <a href="http://sg.wowtv.com/TemHome.aspx">http://sg.wowtv.com/TemHome.aspx</a> <a href="http://www.oneiptv.com/index.php">www.oneiptv.com/index.php</a>	7 <a href="http://www.corporate.mediacorp.sg/tv/">www.corporate.mediacorp.sg/tv/</a>
	There are no public service channels in the sense that is known in Europe or America. But all linear commercial services are owned by a wholly-owned government-owned company; some of the channels carry programming paid for by the government. Two of the channels are subsidised by the government in the sense that they carry programming for the minority language communities of Tamil and Malay but because their advertising revenue does not cover their programming costs, subsidies help partially cover the difference.		

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Singapore	Information requirements (art. 5 AVMS Directive)	Broadcasting Act	Media Development Authority of Singapore	Media Development Authority of Singapore	Media Development Authority to the extent that the programme is a PSB
	Audiovisual commercial communication,	Singapore Code of Advertising Practice, under the Media Development Authority Act	Advertising Standards Authority of Singapore + MDA as regulatory	Advertising Standards	Advertising Standards Authority of Singapore + MDA as regulatory

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	sponsorship, product placement (Art. 9 – 11 AVMS Directive)		backstop	Authority of Singapore + MDA as regulatory backstop	backstop
	Accessibility to people with a disability (Art. 7 AVMS Directive)	No requirement	N/A	N/A	N/A
	Broadcasting of major events (Art. 14 AVMS Directive)	Competition Code under the Media Development Authority Act	Media Development Authority	Media Development Authority	Media Development Authority
	Access to short news reports (Article 15 AVMS Directive)	No requirement	N/A	N/A	N/A
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	No requirement	N/A	N/A	N/A
	Hate speech (Art. 12 and 6 AVMS Directive)	Sedition Act; Code of Practice for TV under the Broadcasting Act	Media Development Authority**	Media Development Authority	Media Development Authority
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Singapore Code of Advertising Practice, under the Media Development Authority Act	Advertising Standards Authority of Singapore + MDA as regulatory backstop	Advertising Standards Authority of Singapore + MDA as regulatory backstop	Advertising Standards Authority of Singapore + MDA as regulatory backstop
	Protection of minors (Art. 27 AVMS Directive)	Broadcasting Act	Media Development Authority	Media Development Authority	Media Development Authority
	Right of reply (Art. 28 AVMS Directive)	Broadcasting Act <a href="http://www.mda.gov.sg/Documents/PDF/industry/Industry_TV_ContentGuidelines_FTATVProgCode.pdf">www.mda.gov.sg/Documents/PDF/industry/Industry_TV_ContentGuidelines_FTATVProgCode.pdf</a> <a href="http://www.mda.gov.sg/Documents/PDF/Policies/PoliciesandContentGuidelines_Radio_RadioProgCode.pdf">www.mda.gov.sg/Documents/PDF/Policies/PoliciesandContentGuidelines_Radio_RadioProgCode.pdf</a>	Media Development Authority	Media Development Authority	Media Development Authority

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	No requirement	N/A	N/A	N/A
**In theory, it should not happen because this is a wholly government-owned television. In practice, no such slip-up has occurred.					

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Singapore	Media Development Authority	<a href="http://www.mda.gov.sg">www.mda.gov.sg</a>	Formed on January 1, 2003 by the merger of Singapore Broadcasting Authority, the Films and Publications Department and the Singapore Film Commission.	3 Fusionopolis Way #16-22 Symbiosis Singapore 138633 Singapore
	Advertising Standards Authority of Singapore	<a href="http://www.case.org.sg/asasintrroduction.html">www.case.org.sg/asasintrroduction.html</a>	1973	170 Ghim Moh Road #05-01 Ulu Pandan Community Building Singapore 279621

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Singapore	Media Development Authority in consultation with the Info-Communications Development Authority	Yes	Yes Technical aspects of transmission via cable and spectrum is regulated by the Info-Communications Development Authority of Singapore	Yes	Yes (Broadcasting)	No	No
<p><b>S8 of the Broadcasting Act empowers the MDA to consider before awarding a free-to-air licence (f) spectrum</b> utilisation fees and other fees and charges as may be prescribed; <b>Frequency planning criteria 22.</b> In performing its functions under this Act, the Authority shall have regard to — (e) the demand for electromagnetic, and particularly radio frequency, <b>spectrum</b> for services other than broadcasting services; <b>Section 23 of the Broadcast Act: Re-assignment of frequencies 23.</b> —(1) The Info-communications Development Authority of Singapore shall, in consultation with the Authority, assign to the Authority specific frequencies in the electromagnetic <b>spectrum</b> and satellite orbits for the purpose of broadcasting having regard to the international allocation plans set by the International Telecommunication Union as well as national requirements. (2) The Authority may re-assign to any person the frequencies in the electromagnetic <b>spectrum</b> and satellite orbits assigned under subsection (1) in accordance with this Act.</p>							

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Singapore	Media Development Authority	“Such employees as it thinks fit” MDA Act, Sec 28(4)	283	Not specified MDA Act, Sec 39	S\$218m (€122.13m) (including industry development expenses)	FY08/09 MDA Annual Report

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Singapore	Media Development Authority	Media Development Authority Act	Media Development Authority Act
	Advertising Standards Authority of Singapore	Singapore Code of Advertising Practice	None; this is a voluntary organisation

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Singapore	Media Development Authority	It is a separate legal entity set up under law. It is called a statutory board. It reports ultimately directly to the government minister in charge of media.	Yes			Media Development Authority Act; 2009 Annual Report
	Advertising Standards Authority of	It is an association of associations	No	The Consumers Association of Singapore	It is an association of media associations; enforcement is through the media associations, with the fallback of CASE, and most recently the	<a href="http://www.case.org.sg/asas">www.case.org.sg/asas</a>

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
	Singapore	set up as an advisory body to the Consumers Association of Singapore.		(CASE)	Consumer Protection (Fair Trading) Act legislation	

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Singapore	Media Development Authority	√		Media Development Authority Act; the Minister has overriding powers.
	Advertising Standards Authority of Singapore		√	Singapore Code of Advertising Practice

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators



Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Singapore	Media Development Authority	Tick boxes	√	√	√
		Areas	Television broadcasts; films; internet content	Television broadcasts; films; internet content	
		Source	General act and specific legislation Media Development Authority Act; Films Act; Codes of Practice drawn up by the MDA	Media Development Authority Act; Films Act; Codes of Practice drawn up by the MDA	
	Advertising Standards Authority of Singapore	Areas	All forms of advertisements on all media	All forms of advertisements on all media although in practice it may be difficult to enforce in some cases of "small media" as opposed to mainstream media.	
		Source	Singapore Code of Advertising Practice	Singapore Code of Advertising Practice	

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Singapore	Media Development Authority	Quotas	√ (Applies to the two minority language channels)		√			None. Language matters are deemed sensitive so the decision to have the two minority language channels was made through administrative fiat.
		Advertising		√	√	√		Singapore Code of Advertising Practice, which is to be complied with under the Broadcasting Act.
		Protection of minors		√	√	√		Administrative guidelines given to the operator.

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Singapore	Media Development Authority	Quotas	*See note below.				√ (discretionary)	
	Advertising Standards Authority of Singapore and the Media Development Authority	Advertising	√ discretionary - may be administered by both ASAS and MDA	√ ASAS does not administer any fines; only the MDA can fine.	√ discretionary - depending on the severity of the case	√ discretionary	N/A Sanctions mainly relate to the stoppage of the advertisement.	
	Media Development Authority	Protection of minors	√ discretionary	√ discretionary, S\$1000 – S\$50,000) (€580 – €29,000) for breaches of content standards, including advertising standards and rules on protection of minors  Up to \$200,000 (€116,000) or 3 years jail for operation of a broadcasting service without a valid licence.	√ discretionary - depending on the severity of the case	√ discretionary	√ discretionary	
<p>* The context is this: the MDA collects TV licence fees from anyone who owns a TV set. This fee is then used to produce local content. The fee used to be given to the TV operator MediaCorp who then produce the content themselves. These days, about 60% is outsourced; the rest is done in-house. As the content is practically free for the TV station, there is no problem with meeting the quota of local content.</p>								

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Singapore	Media Development Authority	√	√	√	√	√	√	√ (investigation after complaints)

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Singapore	Media Development Authority	√	√	√	<p>No cases</p> <p>Possible but this has never been done. Because both the TV operator and the regulator are closely linked to the government, they coordinate to ensure that there is minimal to no conflict in standards. In Singapore style, conflicts are “managed” behind the scenes. Thus far, there has been no conflict that has escalated to the level that would warrant suspension or revocation of licence.</p> <p>(Source: research of the consortium)</p> <p>According to MDA, the above statement is incorrect. It says that MDA deals with all its licensees on an impartial arms-length basis. Further the regulator is</p>	No cases

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
					independent and MediaCorp is a commercial company.	

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Singapore	Media Development Authority	Yes There are well-developed procedures to handle complaints. The most complex complaints concern the level of censorship of content. In extreme cases, complaints can be addressed by an external appeals committee that will advise the MDA on whether the content is objectionable. Otherwise, complaints are typically handled internally.	Bottom left of <a href="http://www.mda.gov.sg/Pages/Home.aspx">www.mda.gov.sg/Pages/Home.aspx</a>
	Advertising Standards Authority of Singapore	Yes Most of the complaints are handled by the ASAS Secretariat. About 20% are controversial or borderline cases that require the Council to meet to decide if the advertisement should be rejected.	<a href="http://www.case.org.sg/asas/">www.case.org.sg/asas/</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts		

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Singapore	Media Development Authority	Board	16	0	5 No obligation to act in an independent capacity	0	6 No obligation to act in an independent capacity. Industry players are nevertheless expected to be independent.	5	No	No information available	MDA Annual Report 2008/2009

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Singapore	Media Development Authority	The MDA sets out the policies for the country. But on issues concerning tastes, it usually consults the committees set up for this purpose. The Minister may override decisions recommended by the committees because the committee are the ones advising the Authority. There have been instances but these are rare.	There are advisory, consultative and appeals committees. The advisory committee typically takes a review; the consultative committee addresses a specific issue, e.g. a specific film or a specific book; the appeals committee is the final arbiter. Majority of votes of members present and voting. Chairman has casting vote where there is an equality of votes. MDA Act Sec 9(4) (it is usually decided by consensus)	No	No
	Censorship Review Committee	Sets out the standards of censorship after broad consultation with a cross section of society.	This is typically done once in 10 years although the frequency has increased to accommodate the internet. Recommendations are usually decided by consensus.	Sort of. The discussions are closed-doors. But because a large segment of industry, civil society and academics are involved, the recommendations as to whether liberalise certain standards are	There is a final report that is made publicly available.

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
				known.	

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Singapore	Media Development Authority	Chairman	No	N/A	Minister	N/A	MDA Act S.5
		Board members	No	N/A	Minister	N/A	MDA Act S.5

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Singapore	Media Development Authority	Chairman of the board	3 years	No	Yes (number of times not specified)	MDA Act S.7

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
		Board members	3 years	No	Yes (number of times not specified)	MDA Act S.7

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Singapore	Media Development Authority	Chairman of the board	No requirement but at the moment, the chairman has bachelor degrees in Industrial Engineering and Economics from University of Newcastle, Australia; MBA from the University of Bradford, UK. Honorary Doctor of Letters Degree conferred by the University of Bradford and a Honorary Doctor of Engineering Degree conferred by the University of Newcastle.	No requirement but the chairman was a civil servant rising to permanent secretary	News report: Asiaone News. 2007. Tan Chin Nam to retire from Admin Service after 33 years. Nov. 12. <a href="http://www.asiaone.com/News/AsiaOne%2BNews/Singapore/Story/A1Story20071112-36052.html">www.asiaone.com/News/AsiaOne%2BNews/Singapore/Story/A1Story20071112-36052.html</a>
		Board members	The criteria are multiple. Some are selected to reflect the multiple languages used; some for women representation; some	See left column	See pp 8-10 <a href="http://www.mda.gov.sg/Documents/PDF/about_us/MDA_AR_Corporate_review_200809.pdf">http://www.mda.gov.sg/Documents/PDF/about_us/MDA_AR_Corporate_review_200809.pdf</a>

Country	Body		Qualifications	Professional expertise	Source
			for technical expertise; some for industry inputs; the Info-Comm Authority CEO is there to represent the information-communication sector There is, however, no formal list of the criteria.		

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Singapore	Media Development Authority	Chairman	Yes		No	No	No	Yes	Yes*	There is no public source.
		Board members	Yes		No	No	No	Yes	Yes*	There is no public source.
		Senior staff	Yes		The situation does not arise. The Board is part of the government.	No	No	No, apart from acting in a directorship capacity	Yes*	There is no public source.
The rules exist with respect to private companies. The Authority is a legal entity and the rules of governance of the corporate sector do apply.										



**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Singapore	Media Development Authority	Chairman	Yes		No	No	Yes	Section 10 of the MDA Act
		Board members	Yes		Yes*	No	Yes	Section 10 of the MDA Act
		Senior staff	Yes			No	Yes	
* There are internal guidelines and practice. When there are industry-sensitive information, sometimes they are not shared even with the Board of Directors.								

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Singapore	Media Development Authority	Chairman		No		MDA Act, Sec 59
		Board members		No		MDA Act, Sec 59
		Senior Staff	Yes		Yes	MDA Act, Sec 59

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Singapore	Media Development Authority	Chairman	Yes		Minister	Yes	Individual members	S.7(3) of the MDA Act
		Individual board members	Yes		Minister	"in the interest of the effective performance of the functions of the Authority under this Act, or in the public interest."		

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Singapore	Media Development Authority	2005-2009	Chairman		No		Those appointed to such positions are carefully vetted. There has never been an occasion to dismiss anyone.
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Singapore	Media Development Authority	\$125m (€70.8) Radio and TV licence fees	State funding S\$39m (€22.6m) (for industry development initiatives)	S\$130,000 (€74,000) (frequency management fees)	S\$29m (€16.4m)	\$3m (€1.7m) (fines relating to TV and radio licence fees)	N A	MDA Annual Report FY08/09 Secs 12(e) & 39, MDA Act Secs 8(f) & 20(2), Broadcasting Act

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Singapore	Media Development Authority	In theory President of Singapore approves the budget. However, this is a legal fiction. In practice, the President rubberstamps.	Yes, the budget is proposed by the MDA.	Budgets are done very conservatively in Singapore so that even supposed deficits have ended up as surpluses. So any adjustment would be in more, not less, expenditure. These additional expenditures have been in the form of grants to promote the industry.	Influence by third parties on the operating budget is almost null. However, there is some influence on the grants budget by the industry.	Art 22B Constitution of the Republic of Singapore  Secs 12(e) & 39, MDA Act Secs 8(f) & 20(2), Broadcasting Act

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Singapore	Media Development Authority	Yes	Annual by external auditors and the Auditor General	Yes Auditor General	Yes	No	Legal requirement in order for accounts to be accepted; Auditor General is normal “internal audit” of government unit. Audit Act; S.40 MDA Act.
	ASAS*	Yes	Annual	Yes Consumers Association of Singapore	Yes	No	ASAS is established as an advisory council of the Consumers Association of Singapore
*The expenditure of ASAS does not come up to S\$100,000 (€56,150). The funds are managed by the Consumers’ Association of Sin (CASE), which is the entity is audited.							

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Singapore	Media Development Authority	Parliament	Yes	Annual report	S.50 MDA Act
		Government as a whole	Yes	Annual report, Auditor-General report	S.50 MDA Act
		Specific ministers (e.g. Media, finance, etc.)	Yes	Annual report and regular reports as the Minister may want	S.50 MDA Act
		Public at large	Yes	Parliamentary Questions, Feedback mechanisms	<i>No information available</i>
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Singapore	Media Development Authority	Parliament	Annual	Report of "proceedings and policy"	The 2003/4 annual report seems to mark a change. That report was the usual annual report with financial information. The annual report from 2004 onwards did not have such any financial information. Further, reports on the work done on such controversial areas as censorship is missing. In the 2009/10 annual report, the word censorship is completely absent. (source: research of the consortium) According to MDA, the full set of annual	The Minister must accept before it goes to Parliament.	No	<a href="http://www.mda.gov.sg/AboutUs/Pages/Annualreports.aspx">www.mda.gov.sg/AboutUs/Pages/Annualreports.aspx</a>
		Minister						

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
					financial reports are included in all the annual reports submitted to parliament. It explains the fact the post 2004 reports do not cover censorship by the fact that MDA was focusing on classification and co-regulation.			

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Singapore	Media Development Authority	Yes	Annual	Yes Auditor General's Office	No	No	This is done by the Singapore government of all its agencies.
	ASAS	Yes	Ad hoc	Yes Accountant General's Department	No	No	This is done in accordance with company law.

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source	
Singapore	Media Development Authority	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	N/A	
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes Provided not inconsistent with the provisions of the MDA Act.	No	No	No	Section 13 of the MDA Act	
		Before the decision of the MDA is carried out, the Minister would ensure that the decision is in line with what he and the Singapore government wants. There has never been a case where a decision of the MDA conflicts with policies of the Singapore government. To the contrary, there have been recommendations by consultative committees of the MDA that have been shot down, quite publicly, by the Minister.							
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give	Yes	Yes	N/A	N/A	N/A	MDA Act, Sec 13(1)	



Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?						

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis	
Singapore	Media Development Authority	Internal	1	Submission of written representation	Yes	Broadcasting Licensees	Sec 10(3), 19(4), Broadcasting Act	
			2	Collection of public or industry input				
			3	Deliberation and decision by MDA				
		External	1	Submission of written representation		Broadcasting Licensees Any person aggrieved by MDA's decision under Part IV of the MDA		Secs 10(4), 12(2), 19(5) and 59, Broadcasting Act Sec 27, MDA Act
			2	Collection of inputs from MDA, appeal committee (for content and advertising breaches), and relevant industry players				

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
			3	Deliberation and decision by Minister		Act	
	Advertising Standards Authority of Singapore	Internal	1	Appeal to ASAS	N/A	Aggrieved party and complainant	Practice though not in Singapore Code of Advertising Practice
		External	1	None			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Singapore	Media Development Authority			√	N/A
	Advertising Standards Authority of Singapore	√			N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Singapore	Media Development Authority	√	√	√	Licensee is aggrieved by (i) any decision of the MDA in the exercise of a discretion vested in it under the Broadcasting Act; or (ii) anything contained in a Code of Practice or direction issued by MDA.
	Advertising Standards Authority of Singapore	N/A	N/A	N/A	In both instances, the decisions often turn on judgment calls -- is this content objectionable? They therefore do not turn on issues of fact or law.

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Singapore	Media Development Authority	External: 1 Submission of written representation 2 Collection of inputs from MDA, appeal committee (for content and advertising breaches), and relevant industry players 3 Deliberation and decision by Minister	√		-
	Advertising Standards Authority of Singapore	External: No appeal possible	N/A	N/A	N/A

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Singapore	Media Development Authority	Yes	S\$1.5m (FY10) (€0.85m)	Yes	-	Yes
	Advertising Standards Authority of Singapore	No	N/A	N/A	-	No. ASAS receives inputs from agencies and bodies according to the need of the case. All relevant external bodies are therefore included for regular consultation. External specialised agencies may be consulted as a case may require so, but not on a regular basis.

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Singapore	Media Development Authority	Because most of the decisions turn on judgment calls, the MDA has a cluster of 10 advisory committees on all types of media. <a href="http://www.mda.gov.sg/Public/Consultation/Pages/ConsultationwithCommittees.aspx">www.mda.gov.sg/Public/Consultation/Pages/ConsultationwithCommittees.aspx</a>	The relevant advisory committee must be consulted before "judgment-call" decisions are taken.	Typically a few weeks to a month for a quick turnaround because typically business is affected.	No	Yes The response is given by the regulator.	N/A These are internal guidelines developed by the MDA.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
		For industry-sensitive decisions, it is the industry that is consulted.	Relevant industry players	Typically a few weeks to a few months	No	Yes but typically these are close-door decisions.	
		For major public policy decisions, such as the standards in censorship, a Censorship Review Committee is convened every 10 years. The CRC does its own survey to assess public opinion.	Public inputs are sought for standards setting.	Up to 1 year	Yes The CRC must publish a full report.	No	
	Advertising Standards Authority of Singapore	Only in the setting of new provisions of regulations.	Industry players	2 to 3 months	No	The final decisions will incorporate the inputs but there is not report summarising the inputs.	

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Singapore	Media Development Authority	2009	≈ 52
		2008	≈ 50
		2007	≈ 54
		2006	≈ 51
		2005	≈ 50
The MDA has 10 consultative committees. These hold anywhere from 1 to 4 meetings (and sometimes more if there is a particular project) a year. Sometimes, it is a group within the committee that decides on whether the content is objectionable. Therefore, it is not possible to count the number of consultations.			

Country	Body	Year	Number of public consultations
	<p>Since 2007, there have been 3 major public consultation efforts: Mobile tv broadcasting (completed in 2007), competition (a triennial affair with a review completed in 2010) and a joint Info-Communication Development Authority review of Next Generation Interactive Media, Applications and Services that is under way.</p> <p>In 2009, the Censorship Review Committee was also set up and so coincidentally in 2010, there will be 3 reports of major consultations.</p>		

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Singapore	MDA	The major consultations have a report. Ratings for movies are published on MDA website.	The major consultation efforts are intended to arrive at decisions that could affect the direction of the industry. So there is pressure to ensure clarity. The reports are very thoroughly vetted. There is no legal requirement but it is a practice.	No	No
	ASAS	The decisions are not communicated publicly, only to industry players.	There is no legal requirement to explain the decisions but a moral pressure to do so. There are two reasons for this: ASAS being an association of associations, it is ultimately accountable to its individual members. Second, it tries to make its decisions easy to comply with and it is therefore important that they are correctly understood.	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Singapore	MDA	<p>In general, the cooperation with other bodies is not in the area of regulation but in production. So there is cooperation with ASEAN (<a href="http://www.mda.gov.sg/International/Pages/ASEAN.aspx">www.mda.gov.sg/International/Pages/ASEAN.aspx</a>), Australia, Canada, Korea and New Zealand (<a href="http://www.mda.gov.sg/International/BilCoAgreement/Pages/agreements.aspx">www.mda.gov.sg/International/BilCoAgreement/Pages/agreements.aspx</a>).</p> <p>Singapore does host the Chinese media regulators, who visit twice a year. However, they return to implement their own policies.</p> <p>There is also an annual forum of media regulators in the Asia-Pacific region.</p>	There is some cooperation when it comes to policy formation. These may be in the form of facilitating fact-finding visits.	<p>No. The MDA does not receive instructions from other bodies. The co-production agreements are to facilitate Singapore doing production work with companies from the countries in question.</p> <p>The media regulators forum meets to discuss current issues.</p>	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Singapore	MDA	<p>In general, the cooperation with other bodies is not in the area of regulation but in production. So there is cooperation with ASEAN (<a href="http://www.mda.gov.sg/International/Pages/ASEAN.aspx">www.mda.gov.sg/International/Pages/ASEAN.aspx</a>), Australia, Canada, Korea and New Zealand (<a href="http://www.mda.gov.sg/International/BilCoAgreement/Pages/agreements.aspx">www.mda.gov.sg/International/BilCoAgreement/Pages/agreements.aspx</a>).</p> <p>Singapore does host the Chinese media regulators, who visit twice a year. However, they return to implement their own policies.</p> <p>There is also an annual forum of media regulators in the Asia-Pacific region.</p>		