

Publication: The Straits Times, p A08

Date: 18 Aug 2016

Headline: NMPs explain support for Bill on contempt of court

## NMPs explain support for Bill on contempt of court

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Three Nominated MPs, who had been worried that a proposed law would curb freedom of speech, explained yesterday why they changed their views and voted for the legislation on contempt of court at Monday's parliamentary session.

A week earlier, the trio – Mr Kok Heng Leun, Mr Mahdev Mohan and Ms Kuik Shiao-Yin – had submitted to Parliament what they viewed as

vital changes for the Administration of Justice (Protection) Bill.

But yesterday, they said Law Minister K. Shanmugam's responses to their questions during the debate on the Bill allayed their fears. They pointed particularly to two clarifications he made.

One, people can continue to speak on matters of public interest as long as they do not prejudice a trial's outcome.

For instance, one can start a campaign on the death penalty even if a

trial of a capital offence is going on.

Two, if the Government comments on an issue in a case before the court, it can be challenged in court to show why it believes it is in the public interest to do so.

Said Mr Kok, a theatre group's artistic director: "It's about checks and balances, and it was confirmed that the courts can check on the Government's interpretation of public interest."

The NMPs had also been concerned that the Bill lowers the bar

on what constitutes scandalising the courts. Previously, a "real risk" of scandalising the judiciary had to be established for contempt. Now, it is just a "risk".

Mr Mohan had earlier felt the "real risk" test, established in judgments made by the Supreme Court, should be retained.

But yesterday, he said the "force of my arguments was taken away" when Mr Shanmugam told Parliament the Bill had been shown to the Supreme Court judges.

Also, Mr Shanmugam had explained that the change was a policy decision to maintain the sanctity and reputation of the courts.

"It was a thorough exchange the MPs had during the debate, and reasons were given," said Mr Mohan, a Singapore Management University (SMU) assistant professor of law.

The NMPs also said it was impor-

tant to get the clarifications they sought because the official parliamentary record, known as the Hansard, will be used by judges and lawyers to interpret the law.

Agreeing, assistant professor of law Jack Lee of SMU said: "Legislation is always going to be interpreted in a way that achieves its purpose... One of the ways to establish the purpose is to look at parliamentary speeches."

Ultimately, the trio voted in support of the Bill as the parliamentary debate clarified that discussions of matters of public interest will not be stifled. "There was no purpose in abstaining from or voting against a Bill we had wished only to amend or seek detailed clarifications," Mr Mohan said.

But the decision drew derisive remarks on social media, with Facebook user Kirsten Han saying they

"have been played... Unfortunately, the (parliamentary) clarifications don't give us very much at all".

Human rights groups also slammed the law. Amnesty International said it would impose undue restrictions on freedom of expression, while Human Rights Watch said it would suppress critical speech on the judiciary.

Ms Kuik, however, said those who still fear the new law curtails their freedom of speech should read the Bill and the Hansard to find out for themselves the law's actual purpose. "Read the original Bill and the Hansard in full. Then decide whether your fears are legitimate. But don't chill your own speech because of a misinterpretation of the Bill based on someone else's second- or third-hand account," she said.

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