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## BILLS SUPPLEMENT

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**Notification No. B 25** — The Maintenance of Religious Harmony (Amendment) Bill is published for general information. It was introduced in Parliament on 2 September 2019.

# **Maintenance of Religious Harmony (Amendment) Bill**

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**Bill No. 25/2019.**

*Read the first time on 2 September 2019.*

A BILL

*i n t i t u l e d*

An Act to amend the Maintenance of Religious Harmony Act (Chapter 167A of the 2001 Revised Edition), and to make consequential and related amendments to certain other Acts to deal with religious intolerance.

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 is the Maintenance of Religious Harmony (Amendment) Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

## 5 Amendment of section 2

2. Section 2 of the Maintenance of Religious Harmony Act (called in this Act the principal Act) is amended —

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

10 ““anonymous donation”, for a religious group,  
means a donation which the religious group  
accepting the donation is (whether because the  
donation is offered anonymously or by reason  
of deception or concealment) unable to  
15 ascertain the identity of the donor giving the  
donation, but excludes the following:

(a) a donation deposited in a box,  
receptacle or other container in a  
publicly accessible location within a  
place of worship in Singapore for the  
same religion or religious  
20 denomination as the religious group;

(b) any proceeds from a collection by the  
religious group, the conduct of which  
is authorised by the House to House  
and Street Collections Act  
(Cap. 128);

25 (c) a cash donation collected during an  
act of collective worship or a  
religious ceremony or rite conducted  
30 by the religious group;

- (d) a donation which is declared not to be an anonymous donation by regulations made under section 19;

“communications activity”, in relation to any information or material, means communicating or distributing the information or material to the general public in Singapore, whether or not in the course of business, and includes doing any of the following whether or not in the course of business:

- (a) placing the information or material, or something that contains the information or material, somewhere it can be accessed by the general public in Singapore;
- (b) giving the information or material, or something that contains the information or material, to an intermediary to give to an intended recipient in the general public in Singapore;
- (c) describing to the general public in Singapore —
  - (i) how to obtain access to the information or material, or something that contains the information or material; or
  - (ii) methods that are likely to facilitate access to the information or material, or something that contains the information or material;
- (d) displaying, screening or playing the information or material, or something

that contains the information or material, so that it can be seen or heard in or from a public place in Singapore,

but does not include communicating or distributing, in the course of business, information or material produced entirely by another person and without altering the information or material or only altering the information or material to the extent to fit time, space or format constraints;

“community remedial initiative” has the meaning given by section 16H;

“competent authority”, in relation to any provision of this Act, means the competent authority appointed under section 2B to exercise powers under that provision;

“conduct”, in relation to engaging in conduct, means —

(a) an act or omission on a single occasion; or

(b) a series of acts or omissions, or both, on a number of occasions over a period of time,

such as (but not limited to) communications activity, and may include conduct occurring outside Singapore;”;

(b) by inserting, immediately after the definition of “Council”, the following definitions:

““donation”, for a religious group, means any of the following:

(a) any bequest or gift of money to the religious group or any religious

institution affiliated or associated with the religious group;

(b) any money to pay or reimburse any expenditure incurred (whether directly or indirectly) by the religious group or any religious institution affiliated or associated with the religious group; 5

(c) any money lent to the religious group or any religious institution affiliated or associated with the religious group, otherwise than on commercial terms; 10

“donation report” has the meaning given by section 16A; 15

“donor” means an individual or entity that makes a donation;

“entity” includes any of the following, whether or not a religious group or religious institution:

(a) a sole proprietorship; 20

(b) a partnership (including a limited partnership);

(c) a limited liability partnership;

(d) a corporation within the meaning given by the Companies Act (Cap. 50); 25

(e) a trustee of an express trust or other similar arrangement;

(f) an unincorporated association;

(g) a co-operative society; 30

(h) a trade union;

“foreign affiliations report” has the meaning given by section 16B;

“foreign country” means a country or territory other than Singapore, and includes part of such a country or territory;

“foreign principal” means —

(a) if an individual, an individual who is not a citizen of Singapore and is not a Singapore permanent resident; or

(b) if not an individual, an entity which —

(i) is constituted or organised under a law of a foreign country and is not registered in Singapore under any written law;

(ii) has its principal place of business in a foreign country, even if incorporated or registered under any written law; or

(iii) is the government of a foreign country or an authority of the government of a foreign country;

“general public” includes a section of the general public in Singapore;

“gift”, for a religious group, includes —

(a) a bequest or disposition by will to the religious group or any religious institution affiliated or associated with the religious group;

(b) an amount paid by a person as a contribution or entry fee or other

payment to entitle that or another person to participate or otherwise obtain any benefit from a fund-raising venture or similar function organised by the religious group or any religious institution affiliated or associated with the religious group (being an amount that forms part of the gross proceeds of the venture or function); 5 10

(c) an annual or other subscription paid to the religious group or any religious institution by a member of that group or institution or an entity for affiliation with that religious group or religious institution; and 15

(d) any other contribution of money given to the religious group or any religious institution affiliated or associated with the religious group, by a person, or in circumstances, prescribed, 20

but does not include any zakat or fitrah or any other prescribed sum of money (whether or not of a similar kind); 25

“governing body”, for a religious group, means the group of individuals (whether or not each an employee or a responsible officer or religious leader of the religious group) who —

(a) is directly involved in the management of the properties (including donations) belonging to the religious group; and 30



(b) has the capacity, on behalf (as the case may be) of the religious group, to influence the appointment of the religious leaders of the religious group or any institutions affiliated or associated with the religious group;

“information or material” means information or material in any form, and includes —

(a) oral, written, electronic or digital form; and

(b) visual, pictorial or graphic form (such as but not limited to an anthropomorphic or humanlike depiction);

“key management report” has the meaning given by section 16C;”;

(c) by inserting, immediately after the definition of “publication”, the following definitions:

““relevant donor”, for a religious group, means a person who makes a religious donation to the religious group and who, at the time the donation is accepted by the religious group —

(a) if the donor is an individual, is —

(i) not a citizen of Singapore;

(ii) not a Singapore permanent resident; and

(iii) not a resident of Singapore who is prescribed as a permissible donor; or

(b) if the donor is not an individual, is —

(i) not an entity which is registered in Singapore (even if

incorporated outside  
Singapore);

(ii) not incorporated under any  
written law; and

(iii) not a corporation sole or 5  
corporation aggregate  
established under a private Act  
for religious purposes;

“religious donation”, for a religious group,  
means a donation made to or for the benefit 10  
of the religious group, the whole or part of  
which was used or is intended to be used by  
the religious group solely or substantially —

(a) to incur expenditure for carrying out a  
religious or charitable purpose of the 15  
religious group wholly or partly in  
Singapore; or

(b) to enable the religious group to make,  
directly or indirectly, a religious  
donation; 20

*Examples of religious or charitable purpose*

(a) Religious worship, rite or ceremony  
carried out wholly or partly in  
Singapore.

(b) The provision of healthcare services 25  
wholly or partly in Singapore.

(c) The acquisition or maintenance of, or  
the construction or other building works  
relating to, a medical clinic or healthcare  
facility in Singapore. 30

(d) The acquisition or maintenance of, or  
the construction or other building works  
relating to, a school or an educational  
institution in Singapore which is used or  
to be used wholly or substantially to 35  
provide training or courses of instruction

about or according to the tenets of the religion or religious denomination of a religious group.

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- (e) The acquisition or maintenance of, or the construction or other building works relating to, a place of worship in Singapore which is used or to be used by members of a religious group.

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- (f) The acquisition or maintenance of, or the construction or other building works relating to, a place of residence for one or more ministers of the religious group whose duties consist of performing the rites or rituals of the faith or in preaching the tenets of the religion or religious denomination, or for missionaries directly engaged in spreading religious doctrine in Singapore and whose work is not in essence administrative or clerical.

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- (g) The acquisition or maintenance of, or the construction or other building works relating to, a place of residence for aged or infirm individuals mentioned above.”;

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- (d) by inserting, immediately after the word “includes” in the definition of “religious institution”, the words “the congregation, assembly of worshippers, parishioners or other group of followers who attend religious services or activities held in Singapore by or at”; and

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- (e) by deleting the full-stop at the end of the definition of “religious group” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

““religious leader” means —

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- (a) a priest, monk, pastor, mufti, imam, rabbi, elder or similar office-bearer in a religious group or religious institution; or
- (b) any other person who is in a position of authority in any religious group or religious institution in relation to the

religious practice or worship, or the tenets of the religion or religious denomination, of that group or institution,

but a person is not a religious leader by reason only that the person is a responsible officer of the religious group or a member of the governing body of the religious group; 5

“reportable donation”, for a religious group, means — 10

(a) a religious donation given by a relevant donor to and accepted by the religious group, which is of or exceeding \$10,000 on any one occasion, without aggregating any earlier donation by the same relevant donor to the same religious group; or 15

(b) an anonymous donation given to and accepted by the religious group, which is of or exceeding \$10,000; 20

“responsible officer”, for a religious group, means —

(a) where the religious group is a body corporate, the person for the time being holding the office of chairman, managing director or company secretary of, or any position analogous to any of those offices in, the religious group; 25 30

(b) where the religious group is an unincorporated body of persons, the person for the time being holding the office of president, secretary or treasurer of the governing body or a 35

committee (or an equivalent body) of,  
or any position analogous to any of  
those offices, in the body of persons;  
or

(c) where the religious group is a  
partnership (including a limited  
partnership), a partner of the  
partnership,

and includes any person carrying out the  
duties of any such office mentioned in  
paragraph (a), (b) or (c) if that office is vacant;

“restraining order” means an order made under  
section 8 or 9, as the case may be;

“Singapore permanent resident” means an  
individual who holds a valid entry permit  
under section 10 of the Immigration Act  
(Cap. 133) or a re-entry permit issued under  
section 11 of that Act.”.

### **New sections 2A and 2B**

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

#### **“Supplementary interpretative provisions for donations, etc.**

**2A.**—(1) Subject to the provisions of this Act, a donation is  
accepted by a religious group if it is received and retained by or  
on behalf of the religious group for its use and benefit.

(2) For the purposes of this Act, anything given or  
transferred —

(a) to any branch of a religious group (which may be a  
religious institution); or

(b) to any responsible officer of a religious group,  
member of the governing body of a religious group,  
or to a religious leader of a religious group, in his

capacity as such (and not solely for his own use or benefit),

is to be regarded as given or transferred to the religious group, and references to donations received by a religious group accordingly include references to donations so given or transferred.

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(3) For the purposes of this Act, any information or material in electronic or digital form which did not originate in Singapore, or the origin of which cannot be determined, is deemed to be communicated or distributed to the general public in Singapore if —

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(a) the information or material is communicated or distributed or caused to be communicated or distributed by a Singapore-connected person or the Singapore-connected person takes part in that communication or distribution; and

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(b) the information or material is accessible by persons physically present in Singapore.

(4) For the purposes of subsection (3), a Singapore-connected person means —

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(a) a citizen of Singapore;

(b) a Singapore permanent resident;

(c) a person in Singapore;

(d) an entity which is registered in Singapore (even if incorporated outside Singapore), or is incorporated under any written law; or

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(e) a corporation sole or corporation aggregate established under a private Act.

### **Competent authority**

**2B.**—(1) The Minister may appoint —

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(a) a public officer to be the competent authority for the administration of Part IV, V or VI generally; or

(b) one or more public officers to be each a competent authority responsible for the administration of a particular provision in Part IV, V or VI.

(2) A competent authority is, subject to any general or special directions of the Minister, responsible for the administration of Part IV, V, VI or VII or any provision in that Part (as the case may be) and may perform such duties as are imposed and may exercise such powers as are conferred upon the competent authority by this Act.

(3) The Minister may from time to time give a competent authority directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the competent authority by, and the duties required to be discharged by the competent authority under, this Act; and the competent authority must give effect to those directions given.”.

#### **Amendment of section 4**

4. Section 4(1) of the principal Act is amended by deleting the words “on orders referred to the Council by the Minister under section 11” in paragraph (b) and substituting the words “to the President on restraining orders and directions to extend given to the Council by the Minister under sections 11 and 13, respectively”.

#### **Amendment of section 8**

5. Section 8 of the principal Act is amended —

(a) by deleting the words “priest, monk, pastor, imam, elder, office-bearer or any other person who is in a position of authority in any religious group or” in subsection (1) and substituting the words “religious leader of any religious group or religious”;

(b) by deleting the words “has committed or is attempting to commit” in subsection (1) and substituting the words “has committed or is committing, or is likely to commit, or has attempted or is attempting to commit”;

- (c) by inserting, immediately after subsection (1), the following subsection:

“(1A) The Minister may make a restraining order against any religious group for the purposes specified in subsection (2A) if the Minister is of the opinion that it is necessary or expedient so as to pre-empt, prevent or reduce any foreign influence affecting the religious group which may —

(a) undermine religious tolerance between different religious groups in Singapore; and

(b) present a threat to the public peace and public order in Singapore.”;

- (d) by inserting, immediately after the words “religious group or” in subsection (2)(a) and in the section heading, the word “religious”;

- (e) by deleting paragraph (b) of subsection (2) and substituting the following paragraph:

“(b) requiring the person —

(i) to stop undertaking any communications activity involving the information or material specified or described in the order, immediately or within the period specified in the order, and absolutely or except with the prior permission of the Minister; or

(ii) to stop printing or editing, or assisting or contributing to, any publication produced by any religious group or religious institution without the prior permission of the Minister.”;

- (f) by inserting, immediately after subsection (2), the following subsections:



“(2A) A restraining order made under subsection (1A) may be made against a religious group named in the order requiring the religious group —

- (a) to not accept any anonymous donation on or after a date specified in the restraining order;
- (b) to not accept any religious donation on or after a date specified in the restraining order from a foreign principal specified in the order;
- (c) to return any religious donation received, on or after a date specified in the restraining order, from a foreign principal specified in the order;
- (d) to dispose of any anonymous donation received, on or after a date specified in the restraining order;
- (e) to ensure that on or after a date specified in the restraining order, every member of the governing body of the religious group is a citizen of Singapore; or
- (f) to remove a member of the governing body of the religious group specified in the restraining order, being an individual who is not a citizen of Singapore.

(2B) A restraining order under subsection (1A) of the effect in subsection (2A)(b) or (c) may specify the manner in which, and must specify the period within which, the religious donations concerned must be sent back to the person who made the donation or any other person appearing to be acting on the donor’s behalf.

(2C) A restraining order under subsection (1A) of the effect in subsection (2A)(d) may require —

(a) if the donation was transmitted by a person (other than the donor) and the identity of that person is apparent, that the whole donation must be returned to that person;

(b) if paragraph (a) does not apply but it is apparent that the donor has, in connection with the donation, used any facility provided by an identifiable financial institution, that the whole donation must be returned to that financial institution; or

(c) in all other cases, that the whole donation must be sent to a competent authority; and all anonymous donations so sent must be paid into the Consolidated Fund.

(2D) A restraining order under subsection (1A) of the effect in subsection (2A)(f) may also require the religious group concerned to suspend (for no longer than 24 continuous months) a member of the governing body of the religious group who is not a citizen of Singapore from the exercise of his office as a member of the governing body pending consideration being given to his removal under a restraining order under subsection (1A).”; 15

(g) by deleting the words “Any order made under this section shall be” in subsection (3) and substituting the words “Subject to section 12(2), a restraining order made under this section has effect”; and 25

(h) by deleting subsections (4), (5) and (6) and substituting the following subsections:

“(4) Before making a restraining order, the Minister is not required to give any person notice of, or consult any person on, the Minister’s intention to make that order. 30

(5) After making a restraining order, the Minister must immediately give, or cause to be given, a copy of 35

the order, and the grounds, facts and documents supporting the order, to the following:

(a) for a restraining order under subsection (1) —

(i) the religious leader of a religious group or religious institution or a member thereof against whom the order is made; and

(ii) the head or governing body of that religious group or religious institution;

(b) for a restraining order under subsection (1A) —

(i) the religious group against whom the order is made; and

(ii) the head or governing body of that religious group.

(6) A restraining order takes effect on the date a copy of it is given to the religious leader of a religious group or religious institution or a member thereof mentioned in subsection (5)(a)(i), and the religious group mentioned in subsection (5)(b)(i), respectively; and that religious leader or member of the religious group or religious institution or that religious group (as the case may be) must comply with the order.

(7) A reference in subsection (2)(b) and section 9(2) to stop undertaking any communications activity involving the information or material includes a reference to taking all reasonably practicable steps to ensure that the information or material is no longer available on or through the Internet to end users in Singapore, such as (if necessary) the removal of the information or material from an online location.”.

## Amendment of section 9

### 6. Section 9 of the principal Act is amended —

- (a) by deleting the words “has committed or is attempting to commit” in subsection (1)(b) and substituting the words “has committed or is committing, or is likely to commit, or has attempted or is attempting to commit”; 5
- (b) by deleting the word “he” in subsection (1) and substituting the words “the Minister”;
- (c) by deleting the words “or making any statement or causing any statement to be made, whether orally or in writing,” in subsection (2) and substituting the words “, or requiring the person named in the order to stop undertaking any communications activity involving information or material,”; 10
- (d) by deleting the words “Any order made under this section shall be” in subsection (3) and substituting the words “Subject to section 12(2), a restraining order made under this section has effect”; and 15
- (e) by deleting subsections (4), (5) and (6) and substituting the following subsections: 20
  - “(4) Before making an order under subsection (1), the Minister is not required to give any person notice of, or consult any person on, the Minister’s intention to make that order.
  - (5) After making an order under subsection (1) against a person, the Minister must immediately give, or cause to be given, a copy of the order, and the grounds, facts and documents supporting the order, to — 25
    - (a) that person; and 30
    - (b) the head or governing body of the religious group or religious institution named in the order.

(6) The order made under subsection (1) against a person takes effect on the date it is given to the person, who must comply with the order.”.

### **Repeal and re-enactment of section 10**

5     7. Section 10 of the principal Act is repealed and the following section substituted therefor:

#### **“Relation to other laws**

10     **10.** Except as provided in section 16F, nothing in this Act or any restraining order, direction or community remedial initiative derogates from the effect of any other written law for the time being in force.”.

### **Amendment of section 11**

8. Section 11 of the principal Act is amended —

15     (a) by deleting subsection (1) and substituting the following subsections:

“ (1) After making a restraining order, the Minister must immediately give, or cause to be given, to the Council —

20     (a) a copy of the restraining order; and  
       (b) the grounds, facts and documents supporting the restraining order.

(1A) The following persons may, in accordance with subsection (1B), make representations to the Council against a restraining order:

25     (a) the person against whom the restraining order is made;  
       (b) the head or governing body of the religious group or religious institution named in the restraining order.

30     (1B) Any representation under subsection (1A) against a restraining order must be in writing and must be made within 14 days after the restraining

order is given to the person against whom the restraining order is made.”;

- (b) by deleting the words “by the Minister prior to the making of the order” in subsection (2) and substituting the words “by the Council under subsection (1A)”;

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- (c) by inserting, immediately after subsection (3), the following subsection:

“(3A) The Council may, if it considers it necessary for its deliberations under this section, invite any other person to attend before the Council and be examined on the matter.”; and

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- (d) by deleting the words “of the receipt of the order and the necessary documents” in subsection (4) and substituting the words “after the end of the period mentioned in subsection (1B)”.

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### **Amendment of section 12**

9. Section 12(1) of the principal Act is amended by deleting the words “order made under section 8 or 9” and substituting the words “restraining order”.

### **Amendment of section 13**

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10. Section 13 of the principal Act is amended —

- (a) by deleting the words “an order made under section 8 or 9” in subsection (1) and substituting the words “a restraining order as confirmed or as varied”; and
- (b) by deleting subsection (2) and substituting the following subsections:

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“(2) Subject to subsection (3), sections 11 and 12 apply to any direction under this section to extend as if a reference in those sections to a restraining order includes a reference to a direction to extend.

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(3) The Council may recommend that a direction to extend be confirmed or cancelled only.”.

### **Amendment of section 14**

11. Section 14(2) of the principal Act is amended by deleting the words “an order made under section 8 or 9” and substituting the words “a restraining order, including an order as confirmed, varied or extended under this Part”.

### **Amendment of section 16**

12. Section 16 of the principal Act is amended —

(a) by deleting the words “an order made under this Part” in subsection (1) and substituting the words “a restraining order (including one as confirmed, varied or extended)”; and

(b) by deleting subsection (2).

### **New Parts IV and V and new Part VI heading**

13. The principal Act is amended by inserting, immediately after section 16, the following Parts and Part heading:

“PART IV

COUNTERING FOREIGN INFLUENCE: GENERAL

#### **Reporting of reportable donations**

16A.—(1) Subject to this Act, every reportable donation accepted by any religious group during each reporting period must be disclosed to a competent authority in accordance with this section.

(2) Disclosure to a competent authority of reportable donations received during a reporting period and accepted by a religious group must be in a donation report relating to the reporting period that —

(a) is in the form required by the competent authority;

(b) is given to the competent authority within the time delimited by subsection (3) and in the manner prescribed in regulations made under section 19 or, subject to those regulations, as approved by the competent authority;

(c) contains the prescribed details of every reportable donation accepted by the religious group during the reporting period, and the prescribed particulars of each donor;

(d) is signed by every responsible officer of the religious group; and

(e) is accompanied by a declaration in subsection (4) made by every responsible officer of the religious group.

(3) Subject to subsection (5), disclosure of reportable donations accepted by a religious group during a reporting period must be given to a competent authority no later than 1 April of the year following the year in which the reportable donation was accepted.

(4) The declaration required by subsection (2)(e) to accompany a donation report of a religious group must contain a statement that, to the knowledge and belief of every responsible officer of the religious group —

(a) no other reportable donation has been accepted by the religious group during the reporting period to which the donation report relates; and

(b) if the religious group is one to whom a restraining order under section 8(1A) is given, no religious donation which is prohibited by that order has been accepted by the religious group during the reporting period to which the donation report relates.

(5) Regulations made under section 19 may prescribe a longer period for the purposes of subsection (3).

(6) In this section —

“appointed day” means the date of commencement of section 13 of the Maintenance of Religious Harmony (Amendment) Act 2019;



“initial reporting period” means —

- (a) the period starting on the appointed day and ending on 31 December of the same year that appointed day falls, unless paragraph (b) applies; or
- (b) the period starting on the day the religious group is incorporated or formed (being after the appointed day), and ending on 31 December of the same year the day the religious group is incorporated or formed falls;

“reporting period” means the period of 12 months starting 1 January and ending 31 December in any year, and includes an initial reporting period.

### **Disclosure of foreign affiliations**

**16B.**—(1) Subject to this Act, every arrangement or agreement to which a religious group is party during a reporting period, being an arrangement or agreement —

- (a) which is with a foreign principal; and
- (b) under which —

- (i) the religious group is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the foreign principal or, where the foreign principal is an entity, of the governing body of the foreign principal; or
- (ii) the foreign principal is in a position to exercise, in any other way, total or substantial control over the religious group’s activities in Singapore,

must be disclosed to a competent authority in accordance with this section.

(2) Disclosure to a competent authority of every arrangement or agreement described in subsection (1) to which a religious

group is party during a reporting period must be in a foreign affiliations report relating to the reporting period that —

- (a) is in the form required by the competent authority;
- (b) is given to the competent authority within the time delimited by subsection (3) and in the manner prescribed in regulations made under section 19 or, subject to those regulations, as approved by the competent authority; 5
- (c) contains the prescribed details or description of every such arrangement or agreement with a foreign principal during the reporting period, and the identity and other prescribed particulars of the foreign principal; 10
- (d) is signed by every responsible officer of the religious group; and 15
- (e) is accompanied by a declaration in subsection (4) made by every responsible officer of the religious group.

(3) Subject to subsection (5), disclosure of every arrangement or agreement described in subsection (1) to which a religious group is party during a reporting period must be given to a competent authority no later than 1 April of the year following the year in which the reporting period ends. 20

(4) The declaration required by subsection (2)(e) to accompany a foreign affiliations report of a religious group must contain a statement that, to the knowledge and belief of every responsible officer of the religious group, there is no other arrangement or agreement described in subsection (1) to which the religious group is party during the reporting period to which the foreign affiliations report relates. 25 30

(5) Regulations made under section 19 may prescribe a longer period for the purposes of subsection (3).

(6) In this section —

“appointed day” means the date of commencement of section 13 of the Maintenance of Religious Harmony (Amendment) Act 2019;

“arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;

“initial reporting period” means —

(a) the period starting on the appointed day and ending on 31 December of the same year that appointed day falls, unless paragraph (b) applies; or

(b) the period starting on the day the religious group is incorporated or formed (being after the appointed day), and ending on 31 December of the same year the day the religious group is incorporated or formed falls;

“reporting period” means the period of 12 months starting 1 January and ending 31 December in any year, and includes an initial reporting period.

### **Disclosure of governing body composition**

**16C.**—(1) Subject to this Act, the particulars of —

(a) every individual who —

(i) is a member of the governing body of any religious group on the appointed day; or

(ii) is or becomes (whether by appointment or election or otherwise) a member of the governing body of any religious group at any subsequent time;

(b) every individual who, for any reason, stops acting as a member of the governing body of a religious group;

(c) the constitution, memorandum or articles of association, trust deed or equivalent instrument of a religious group as in effect on the appointed day; and

(d) every change (after the appointed day) to the constitution, memorandum or articles of association, trust deed or equivalent instrument mentioned in paragraph (c), being a change affecting (directly or indirectly) the size or composition of its governing body,

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must be disclosed to a competent authority in accordance with this section.

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(2) Disclosure to a competent authority of every individual or matter described in subsection (1) must be in a key management report relating to the religious group that —

(a) is in the form required by the competent authority;

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(b) is given to the competent authority within the time delimited by subsection (3) and in the manner prescribed in regulations made under section 19 or, subject to those regulations, as approved by the competent authority;

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(c) contains —

(i) the prescribed details of the identity, nationality and other particulars of every such individual who is or becomes a member of the governing body of the religious group;

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(ii) the identity and nationality of every responsible officer of the religious group; and

(iii) the prescribed details and description of any change (on or after the appointed day) to the constitution, memorandum or articles of association, trust deed or equivalent instrument of a religious group affecting the size or composition (or both) of its governing body; and

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(d) is signed by every responsible officer of the religious group.

(3) Subject to subsection (4), disclosure of every individual or matter described in subsection (1) must be given to a competent authority —

(a) in relation to the circumstance in subsection (1)(a)(i) or (c), not later than 60 days after the appointed day, or such extended period as the competent authority may allow in any particular case; and

(b) in relation to the circumstance in subsection (1)(a)(ii), (b) or (d), no later than 30 days after —

(i) the individual is or becomes, or stops acting (as the case may be) as, a member of the governing body of the religious group; or

(ii) the change to the constitution, memorandum or articles of association, trust deed or equivalent instrument mentioned in subsection (1)(c) takes effect.

(4) Regulations made under section 19 may prescribe a longer period for the purposes of subsection (3)(a) or (b).

(5) In this section —

“appointed day” means the date of commencement of section 13 of the Maintenance of Religious Harmony (Amendment) Act 2019;

“appointment” includes re-appointment.

### **Restrictions on responsible officers’ nationality**

**16D.**—(1) This section applies to and in relation to every religious group only from a date declared by the Minister by order in the *Gazette*.

(2) Subject to this Act, a religious group in Singapore —

(a) must not appoint or re-appoint as a responsible officer of the religious group, an individual who is not a

citizen of Singapore and not a Singapore permanent resident; and

- (b) must not permit an individual who is not a citizen of Singapore and not a Singapore permanent resident to act as a responsible officer of the religious group,

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except in accordance with the approval of the Minister granted after taking into account the circumstances for the religious observance or practices of the religious group and its community bonding among the people of Singapore.

(3) Where a competent authority is satisfied that a religious group in Singapore has, in contravention of subsection (2) —

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- (a) appointed or re-appointed as a responsible officer of the religious group, an individual who is not a citizen of Singapore and not a Singapore permanent resident; or

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- (b) permitted an individual who is not a citizen of Singapore and not a Singapore permanent resident to act as a responsible officer of the religious group,

the competent authority may, by written notice to the religious group, direct the religious group to remove the responsible officer from his office or employment within the period specified in the notice, and the religious group must comply with that direction.

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(4) A competent authority is not required to give any person notice of, or consult any person on, the competent authority's intention to direct under subsection (3) a religious group to remove an individual from his office or employment.

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(5) If a religious group which is directed, or the individual required to be removed in a direction, under subsection (3) is aggrieved by the direction, the religious group or the individual (as the case may be) may, within 14 days after the notice under subsection (3) of the direction is given to the religious group or individual (as the case may be), appeal against the direction to the Minister.

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(6) Unless otherwise ordered by the Minister, the direction of the competent authority appealed against must be complied with until the determination of the appeal.

(7) The Minister's decision on an appeal is final.

(8) Subject to this Act, in the event that for any reason (such as by resignation, death or otherwise), a responsible officer of a religious group ceases to be either a citizen of Singapore or a Singapore permanent resident, the religious group must give written notice of that event to the competent authority, within 30 days after the religious group first becomes aware of that event.

(9) An order under subsection (1) cannot be revoked by another such order.

### **Nationality of religious group governing body**

**16E.**—(1) This section applies to and in relation to every religious group only from a date declared by the Minister by order in the *Gazette*.

(2) Subject to this Act, a religious group in Singapore must ensure that more than half of the total number of seats in its governing body are occupied or held by individuals who are citizens of Singapore unless the religious group is expressly allowed by the Minister to do otherwise after taking into account the circumstances for the religious observance or practices of the religious group and its community bonding among the people of Singapore.

(3) Where a competent authority is satisfied that a religious group in Singapore has, in contravention of subsection (2), permitted half or more than half of the total number of seats in its governing body to be occupied or held by individuals who are not citizens of Singapore —

- (a) the competent authority may, by written notice to the religious group, direct the religious group to remove such number of members of the governing body who

are not citizens of Singapore from their office within the period specified in the notice; and

(b) the religious group must comply with that direction.

(4) A competent authority is not required to give any person notice of, or consult any person on, the competent authority's intention to direct under subsection (3) a religious group to remove an individual from his office.

(5) If a religious group directed, or the individual required to be removed in a direction, under this section is aggrieved by the direction, the religious group or the individual (as the case may be) may, within 14 days after the notice under subsection (3) of the direction is given to the religious group or individual (as the case may be), appeal against the direction to the Minister.

(6) Unless otherwise ordered by the Minister, the direction of the competent authority appealed against must be complied with until the determination of the appeal.

(7) The Minister's decision on an appeal is final.

(8) Subject to this Act, in the event that for any reason (such as by resignation, death or otherwise), half or more than half of the total number of seats in the governing body of a religious group is occupied or held by individuals who are not citizens of Singapore, the religious group must give written notice of the event to the competent authority, within 30 days after the religious group first becomes aware of that event.

(9) An order under subsection (1) cannot be revoked by another such order.

## PART V

### SUPPLEMENTARY PROVISIONS

#### **Overriding memorandum and articles of association, etc.**

**16F.**—(1) A restraining order under section 8(1A) has effect despite the provisions of —

(a) any other written law in force; and



(b) the constitution, memorandum or articles of association, trust deed or equivalent instrument of a religious group.

(2) A requirement or notice under section 16D(2) or (3) or 16E(2) or (3) has effect despite the provisions of —

(a) any other written law in force on the date declared under sections 16D(1) and 16E(1), respectively; and

(b) the constitution, memorandum or articles of association, trust deed or equivalent instrument of a religious group.

(3) No criminal or civil liability shall be incurred by a religious group in Singapore, or any person acting on behalf of the religious group, in respect of anything done or omitted to be done with reasonable care and in good faith in the discharge or purported discharge of the obligations of the religious group under a restraining order or a requirement or notice under section 16D(2) or (3) or 16E(2) or (3).

### **Power to obtain information**

**16G.**—(1) A competent authority may by written notice require any religious group to provide, within a reasonable period specified in the notice, and in such form and manner as may be specified in the notice, all documents or all information or material (or both) which —

(a) relate to any matter which the competent authority considers necessary for any of the following purposes:

(i) to determine whether any information or material provided to a competent authority under a provision of this Act or its subsidiary legislation is correct;

(ii) to determine whether there are grounds for any direction or restraining order to be given under this Act against a religious group; and

(b) are —

- (i) within the knowledge of that religious group; or
- (ii) in the custody or under the control of the religious group.

(2) The power to require a religious group to provide any document or any information or material under subsection (1) includes the power — 5

- (a) to require that religious group, or any individual who is or was a responsible officer or agent or a member of the governing body of that religious group (as the case may be), to provide an explanation of the document or the information or material; 10
- (b) if the document or the information or material is not provided, to require that religious group or individual to state, to the best of the knowledge and belief of that religious group or individual (as the case may be), where it is; and 15
- (c) if the information or material is recorded otherwise than in legible form, to require the information or material to be made available to the competent authority in legible form. 20

(3) A competent authority is entitled without payment to keep any document or any information or material, or any copy or extract thereof, provided to the competent authority under subsection (1). 25

### **Community remedial initiative**

**16H.**—(1) Subject to this section, the Minister may offer under this section to a person (called in this section an alleged offender) an opportunity to take one or more remedial actions, participate in one or more activities, or do any other thing, to promote religious harmony in Singapore (called in this section a community remedial initiative) if, in the opinion of the Minister, the alleged offender is attempting to engage in conduct, is 30

engaging or has engaged in conduct, or is likely to engage in conduct —

(a) that causes, or the alleged offender knows is likely to incite, feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, a person or a group in Singapore, being a person or group distinguished by religion or religious belief or activity within the meaning of section 17E(6); or

(b) on the ground of religion or religious belief or activity and that the alleged offender knows is likely to insult the religion or religious belief or activity (within the meaning of section 17F(5)), or wounds the religious feelings, of another person in Singapore.

(2) However, no offer under this section may be made with respect to any engaging in conduct or attempt to engage in conduct occurring before the date of commencement of section 13 of the Maintenance of Religious Harmony (Amendment) Act 2019.

(3) A person may choose whether to enter into a community remedial initiative with the Minister.

(4) One community remedial initiative may be entered into for 2 or more different conduct or attempts to engage in conduct mentioned in subsection (1) which constitute an offence under this Act or any other written law (called in this section an alleged offence).

(5) In addition to subsection (4), a community remedial initiative in respect of an alleged offence —

(a) may be entered into before, on or after the date on which an alleged offender is charged with the alleged offence; but

(b) cannot be entered into after the commencement of the trial for that alleged offence.

(6) While a community remedial initiative in respect of an alleged offence is in force —

- (a) if the alleged offender has been charged with the alleged offence, the alleged offender is deemed to have been granted a discharge not amounting to an acquittal in relation to that alleged offence, when the community remedial initiative comes into force; and
- (b) the alleged offender cannot be prosecuted for that alleged offence under this Act or any other written law in any criminal proceedings.

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(7) If the Minister believes that an alleged offender who entered into a community remedial initiative for an alleged offence has failed to comply with the terms of that agreement, the Minister may terminate the community remedial initiative and refer the alleged offence to the Public Prosecutor.

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## PART VI

### OFFENCES

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#### *Division 1 — General*

#### **New sections 17A to 17L and new Part VII heading**

**14.** The principal Act is amended by inserting, immediately after section 17, the following sections and Part heading:

#### **“Offences by corporations**

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**17A.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his actual or apparent authority; and

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(b) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

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(a) who is —

- (i) an officer of the corporation; or
- (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and

applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

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“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

(a) any person purporting to act in any such capacity; or

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(b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“reasonable steps”, in relation to the commission of an offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:

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(a) action towards —

(i) assessing the corporation’s compliance with the provision creating the offence; and

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(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision;

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(b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the offence so far as the provision is relevant to them;

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(c) action towards ensuring that —

(i) the equipment and other resources; and

(ii) the structures, work systems and other processes,

relevant to compliance with the provision creating the offence are appropriate in all the circumstances;

(d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the offence;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

### **Offences by unincorporated associations or partnerships**

**17B.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his actual or apparent authority; and

(b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

- (i) an officer of the unincorporated association or a member of its governing body;
- (ii) a partner in the partnership; or
- (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

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(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

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shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

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(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

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(4) To avoid doubt, this section does not affect the application of —



(a) Chapters V and VA of the Penal Code; or

(b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“reasonable steps” has the meaning given by section 17A(6);

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

### **Jurisdiction of court**

**17C.**—(1) Despite the Criminal Procedure Code (Cap. 68), a District Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

(2) Where an offence under section 17E or 17F is committed by a person outside Singapore, the person may be dealt with in respect of that offence as if it had been committed in Singapore.

### **Composition of offences**

**17D.**—(1) A competent authority may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(2) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

### *Division 2 — Serious offences*

#### **Offence of urging violence on religious grounds or against religious group, etc.**

**17E.**—(1) A person commits an offence if —

- (a) the person, on the ground of religion or religious belief or activity, knowingly engages in conduct urging another person, or a group of persons, to use force or violence against a person in Singapore (called in this subsection the target person);
- (b) the person does so knowing that force or violence is likely to occur;
- (c) the person does so because of the person's belief that the target person is a member of a group (called in this subsection a target group); and
- (d) the target group is distinguished by religion or religious belief or activity, ethnicity, descent,

nationality, language, political opinion or by any other characteristic, whether or not of a similar kind.

(2) A person commits an offence if —

- (a) the person, on the ground of religion or religious belief or activity, knowingly engages in conduct urging another person, or a group of persons, to use force or violence against a group in Singapore (called in this subsection the target group);
- (b) the person does so knowing that force or violence is likely to occur; and
- (c) the target group is distinguished by religion or religious belief or activity, ethnicity, descent, nationality, language, political opinion or by any other characteristic, whether or not of a similar kind.

(3) A person commits an offence if —

- (a) the person knowingly engages in conduct urging another person, or a group of persons, to use force or violence against a person in Singapore (called in this subsection the target person);
- (b) the person does so knowing that force or violence is likely to occur;
- (c) the person does so because of the person's belief that the target person is a member of a group (called in this subsection a target group); and
- (d) the target group is distinguished by religion or religious belief or activity.

(4) A person commits an offence if —

- (a) the person knowingly engages in conduct urging another person, or a group of persons, to use force or violence against a group in Singapore (called in this subsection the target group);
- (b) the person does so knowing that force or violence is likely to occur; and

(c) the target group is distinguished by religion or religious belief or activity.

(5) For the purposes of subsection (1)(c) or (3)(c), it does not matter whether the target person in that subsection actually is a member of a target group. 5

(6) In subsection (1), (2), (3) or (4), “religious belief or activity” means —

(a) holding a religious belief or view; or

(b) engaging in religious activity.

(7) A person who is guilty of an offence under subsection (1), (2), (3) or (4) shall be liable on conviction to imprisonment for a term not exceeding 10 years or to a fine, or to both. 10

### **Offence of inciting hatred, ill-will, etc.**

**17F.**—(1) A person commits an offence if —

(a) the person knowingly engages in conduct that incites feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, a group in Singapore (called in this subsection a target group); 15

(b) the target group is distinguished by religion or religious belief or activity; 20

(c) the person does so knowing that feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, the target group is likely to occur; and

(d) the person is a religious leader when the person engages in the conduct. 25

(2) A person commits an offence if —

(a) the person knowingly engages in conduct that —

(i) insults the religion or religious belief or activity of another person in Singapore (called in this subsection a target person); or 30

(ii) wounds the religious feelings of a person in Singapore (called in this subsection a target person) who holds a religious belief or view;

(b) the target person is distinguished by religion or religious belief or activity;

(c) the person does so knowing that the religion or religious belief or activity of the target person is likely to be insulted or the religious feelings of the target person are likely to be wounded; and

(d) the person is a religious leader when the person engages in the conduct.

(3) A person commits an offence if —

(a) the person knowingly engages in conduct that incites feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, a group in Singapore (called in this subsection a target group);

(b) the target group is distinguished by religion or religious belief or activity;

(c) the person does so knowing that feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, the target group is likely to occur; and

(d) the feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, the target group would threaten the public peace or public order in Singapore or any part of Singapore.

(4) A person commits an offence if —

(a) the person knowingly engages in conduct that —

(i) insults the religion or religious belief or activity of another person in Singapore (called in this subsection a target person); or

(ii) wounds the religious feelings of a person in Singapore (called in this subsection a target person) who holds a religious belief or view;

(b) the target person is distinguished by religion or religious belief or activity;

(c) the person does so knowing that the religion or religious belief or activity of the target person is likely to be insulted or the religious feelings of the target person are likely to be wounded; and

(d) the insult or wounding mentioned in paragraph (c) (as the case may be) would threaten the public peace or public order in Singapore or any part of Singapore.

(5) In subsection (1)(b), (2), (3)(b), (4) or (10)(b), “religious belief or activity” means —

(a) holding a religious belief or view; or

(b) engaging in religious activity.

(6) A person who is guilty of an offence under subsection (1), (2), (3) or (4) shall be liable on conviction to imprisonment for a term not exceeding 5 years or to a fine, or to both.

(7) In any proceedings for an offence under subsection (1) or (2), it is a defence for the accused to prove, on a balance of probabilities, that the conduct the accused engaged in —

(a) was a domestic communication; and

(b) was in circumstances that may reasonably be taken to indicate that the parties to the communication desire it to be heard or seen only by themselves.

(8) In any proceedings for an offence under subsection (3) or (4), it is a defence for the accused to prove, on a balance of probabilities, that the accused engaged in the conduct in circumstances that may reasonably be taken to indicate that the parties to the conduct desire it to be heard or seen only by themselves.

(9) However, subsections (7) and (8) do not apply in relation to conduct in any circumstances in which the parties to the conduct ought reasonably to expect that it may be heard or seen by someone else.

(10) In any proceedings for an offence under subsection (1), (2), (3) or (4), it is also a defence for the accused to prove, on a balance of probabilities, that the accused was pointing out in good faith any matters that —

(a) are producing or have a tendency to produce feelings of enmity, hatred, ill-will or hostility between different religious groups; or

(b) are insulting the religion or religious belief or activity or wounding the religious feelings of a person or persons distinguished by religion or religious belief or activity,

in order to bring about a removal of those matters.

### **Interpretative provisions for serious offences**

**17G.**—(1) In determining whether a person commits an offence under section 17E or 17F, the person's motive for engaging in the conduct is irrelevant.

(2) In determining whether a person has committed an offence under section 17E, the following are irrelevant:

(a) whether or not the religion or religious belief or activity (as defined in section 17E), or the ethnicity, descent, nationality, language, political opinion or any other characteristic (whether or not of a similar kind) of another person or group of persons is the only or dominant ground for the conduct, so long as it is a substantial ground;

(b) whether or not the person made an assumption about the religion or religious belief or activity (as defined in section 17E), or the ethnicity, descent, nationality, language, political opinion or any other characteristic (whether or not of a similar kind), of another person or group of persons that was incorrect at the time that the offence is alleged to have taken place.

(3) In determining whether a person has committed an offence under section 17F, the following are irrelevant:

- (a) whether or not the religion or religious belief or activity (as defined in section 17F) of another person or group of persons is the only or dominant ground for the conduct, so long as it is a substantial ground;
- (b) whether or not the person made an assumption about the religion or religious belief or activity (as defined in section 17F) of another person or group of persons that was incorrect at the time that the offence is alleged to have taken place.

### *Division 3 — Other offences*

#### **Offences relating to reports**

##### **17H.—(1) Where —**

- (a) any donation report, foreign affiliations report or key management report which is required under Part IV in respect of a religious group; or
- (b) any declaration relating to any report mentioned in paragraph (a), which is required under Part IV in respect of a religious group,

is not given to a competent authority in accordance with the requirements of that Part, every responsible officer of the religious group shall be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$2,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction.

(2) Where a responsible officer of a religious group, with an intent to deceive, makes —

- (a) in a donation report, foreign affiliations report or key management report which is required to be given under Part IV in respect of the religious group —
  - (i) a statement that is false or misleading in a material particular; or



(ii) an omission of any matter or thing without which such a report is misleading in a material particular; or

(b) a false declaration required to be given under Part IV in respect of a donation report, foreign affiliations report or key management report of the religious group,

the responsible officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000.

(3) Where in a donation report, foreign affiliations report or key management report, or a declaration relating to such a report, which is required to be given under Part IV in respect of a religious group, there is —

(a) a statement that is false or misleading in a material particular; or

(b) an omission of any matter or thing without which the donation report or declaration is misleading in a material particular,

and the report or declaration is given to a competent authority, every responsible officer of the religious group shall be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000.

(4) In proceedings for an offence under subsection (1) in relation to a donation report, foreign affiliations report or key management report, or a declaration relating to any such report, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that a requirement in Part IV has been complied with in relation to the report or declaration.

(5) In proceedings for an offence under subsection (3) in relation to a donation report, foreign affiliations report or key management report, or a declaration relating to any such report,

which is required under Part IV, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that —

- (a) a statement in the report or declaration (as the case may be) was not false or misleading in a material particular; or 5
- (b) the report or declaration did not contain any omission which would have made the report or declaration misleading in a material particular. 10

(6) An offence under subsection (1) or (3) is a strict liability offence.

### **Offences relating to reportable donations**

**17I.**—(1) A person commits an offence if the person —

- (a) with intent to deceive, withholds from a religious group any material information relating to the identity of a donor of a religious donation or the amount of a religious donation to the religious group; or 15
- (b) intentionally or knowingly gives, in relation to the identity of a donor of a religious donation or the amount of a religious donation to a religious group, any information to the religious group which is false or misleading in a material particular. 20

(2) A person commits an offence if the person —

- (a) enters into; or 25
- (b) knowingly does any act in furtherance of,

any arrangement which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the making of a donation to a religious group by a person prohibited by a restraining order under section 8(1A). 30

(3) A person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding

\$10,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000.

**Offence relating to nationality of governing body members, etc.**

**17J.**—(1) A religious group commits an offence if —

- (a) by the end of the period specified in section 16D(8), the religious group fails to give the notice required under section 16D(8); and
- (b) the religious group permits an individual who is not a citizen of Singapore and not a Singapore permanent resident to act as a responsible officer of the religious group in contravention of section 16D(2).

(2) A religious group commits an offence if —

- (a) by the end of the period specified in section 16E(8), the religious group fails to give the notice required under section 16E(8); and
- (b) the religious group permits half or more than half of the total number of seats in its governing body to be occupied or held by individuals who are not citizens of Singapore in contravention of section 16E(2).

(3) A religious group who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(4) In proceedings for an offence under subsection (1) or (2) in relation to a requirement to give a notice under section 16D(8) or 16E(8), it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that the requirement has been complied with.

(5) An offence under subsection (1) or (2) is a strict liability offence.

## **Offence of giving false information**

**17K.**—(1) A person commits an offence if —

- (a) the person gives information or material or produces a document to a competent authority;
- (b) the person does so in response to a notice given to the person under section 16G; 5
- (c) either —
  - (i) the information or material or the document is false or misleading in a material particular; or
  - (ii) the information or material omits any matter or thing without which the information or material is misleading in a material particular; and 10
- (d) the person knew that —
  - (i) the information or document is false or misleading in a material particular; or 15
  - (ii) the information omits any matter or thing without which the information is misleading in a material particular.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000. 20

(3) A person commits an offence if —

- (a) the person gives information or material or produces a document to a competent authority; 25
- (b) the person does so in response to a notice given to the person under section 16G; and
- (c) either —
  - (i) the information or material or the document is false or misleading in a material particular; or 30

- (ii) the information or material omits any matter or thing without which the information or material is misleading in a material particular.

(4) A person who is guilty of an offence under subsection (3) shall be liable on conviction to a fine not exceeding \$5,000.

(5) In proceedings for an offence under subsection (3) in relation to any information or material which is required by a notice under section 16G to be given, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that —

- (a) the information or material was not false or misleading in a material particular; or
- (b) the information or material did not contain any omission which would have made the report or declaration misleading in a material particular.

(6) The offence under subsection (3) is a strict liability offence.

### **Offence of not giving information**

**17L.**—(1) Subject to subsection (3), a person commits an offence if —

- (a) the person is required by a notice given to the person under section 16G to provide a document or information or material to a competent authority; and
- (b) the person —
  - (i) fails to provide the document or the information or material to the competent authority; or
  - (ii) alters, suppresses or destroys any document or any information or material which the person has been required by the notice to provide.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not

exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(3) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove, on a balance of probabilities, that —

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(a) the person does not possess the document or the information or material required; or

(b) the person has taken all reasonable steps available to the person to obtain the document or the information or material required and has been unable to obtain it.

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(4) The offence under subsection (1) is a strict liability offence.

(5) To avoid doubt, for the purposes of subsection (1), it is not a defence for a person to refuse or fail to provide any document or any information or material if doing so might tend to incriminate that person.

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(6) Where a person claims, before producing any document or giving any information or material that the person is required by section 16G to produce or give, that the production of the document or the giving of the information or material might tend to incriminate him —

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(a) that document or information or material;

(b) the production of that document or the provision of that information or material; or

(c) any information, document or thing obtained as a direct or an indirect consequence of the production of the document or giving of the information or material,

25

is not admissible in evidence against the person in any criminal proceedings other than proceedings for an offence under this Act or any written law in respect of the falsity of the document or the information or material.

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**15.** Section 19 of the principal Act is amended —

- (a) by deleting the words “service or” in paragraph (b);
- (b) by deleting the word “and” at the end of paragraph (b); and
- (c) by deleting the full-stop at the end of paragraph (c) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

- “(d) prescribing the procedure to be followed by the Council on receiving representations about restraining orders and when making recommendations to the President;

- (e) requiring the making, keeping and auditing of records of religious donations and anonymous donations received and accepted by religious groups, and requiring and otherwise providing for the production, examination and copying of those records;

- (f) requiring the making and keeping of records of affiliations, and the responsible officers and governing bodies of religious groups, and requiring and otherwise providing for the production, examination and copying of those records;

- (g) the creation of offences which shall be punishable with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 12 months or with both;

- (h) for any matter necessary, permitted or convenient to be prescribed for carrying out or giving effect to this Act; or

- (i) matters of a saving or transitional nature consequent on amendments to the regulations.”.

## **New sections 20 and 21**

**16.** The principal Act is amended by inserting, immediately after section 19, the following sections:

### **“Service of documents**

**20.—**(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;
- (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual’s residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual’s last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —



- (a) by giving it to any partner or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by post to, the partnership's business address;
- 5 (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

10 (4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- 15 (b) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;
- (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or
- 20 (d) by sending it by email to the last email address of the body corporate or unincorporated association.

25 (5) In addition, a document (other than a summons) permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

- (a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents;
- 30

(b) where by the exercise of reasonable diligence, the name of the addressee to whom the document is to be served cannot be ascertained, by sending an electronic communication of that document —

(i) to an Internet location address or a website associated with that addressee; or 5

(ii) to an account on social media associated with that addressee, if the account provides a mechanism for that addressee to receive electronic communications in that account; or 10

(c) by any other method authorised by regulations made under section 19 for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way. 15

(6) Service of a document takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; 20

(c) if the document is sent by post, 2 days after the day the document was posted (even if it is returned undelivered); and 25

(d) if the document is posted on a website mentioned in subsection (5)(b), at the beginning of the day after the date on which subsection (5)(b) has been complied with.

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification, may be effected only with the person's prior consent (express or implied) to service in that way. 30

(8) In this section —

“business address” means —

(a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or

(b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore;

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document’s contents;

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee;

“document” includes a notice or order permitted or required by this Act to be served but not a document to be served in proceedings in court;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

“residential address” means an individual’s usual or last known place of residence in Singapore.

### **Exemption**

**21.—**(1) The Minister may, by order in the *Gazette*, exempt any class of persons from the operation of all or any of the provisions of Part IV or the regulations made for the purpose of that Part.

(2) All orders made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.”.

### **Related amendments to Penal Code**

**17.—**(1) Section 74 of the Penal Code (Cap. 224, 2008 Ed.) is amended —

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- (a) by deleting the words “one and a half times” in subsection (1) and substituting the words “2 times”; and
- (b) by deleting paragraph (a) of subsection (2) and substituting the following paragraph:

“(a) an offence under this Code except sections 298 and 298A, and an offence which is punishable with death or imprisonment for life;”.

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(2) Chapter XV of the Penal Code is amended by deleting the words “RELIGION OR” in the Chapter heading.

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(3) Sections 295, 296 and 297 of the Penal Code are repealed.

(4) Section 298 of the Penal Code is amended by deleting the words “religious or” (including the section heading).

(5) Section 298A of the Penal Code is amended —

- (a) by deleting the words “religion or” in paragraph (a) and the section heading; and
- (b) by deleting the words “religious or” in paragraphs (a) and (b).

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### **Consequential and related amendments to other Acts**

**18.—**(1) The First Schedule to the Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended —

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- (a) by deleting the words “RELIGION OR” in the heading of Chapter XV;
- (b) by deleting the items relating to sections 295, 296 and 297;
- (c) by deleting the item relating to section 298 and substituting the following item:

30

“

298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person or causing any matter however represented to be seen or heard by that person, with intention to wound his racial feelings	Shall not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
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”; and

(d) by deleting the words “religion or” under the second column in the item relating to section 298A.

(2) The Fourth Schedule to the Criminal Procedure Code is amended —

(a) by deleting the words “religion or” in the heading of Chapter XV of Part I;

(b) by deleting the words “religious or” in the third and fourth columns of item 19 of Part I; and

(c) by inserting, immediately after Part III, the following Part:

“PART IV

OFFENCE UNDER MAINTENANCE OF  
RELIGIOUS HARMONY ACT

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>Explanatory Note</i>
57.	17F(2) or (4)	Knowingly engaging in conduct that insults the religion or religious belief or activity, or wounds the religious feelings, of another person	Compoundable by the person whose religion or religious belief or activity is insulted or whose religious feeling is wounded

”.

(3) The Second Schedule to the Mutual Assistance in Criminal Matters Act (Cap. 190A, 2001 Ed.) is amended —

- (a) by inserting, immediately after item 111, the following heading and items:

“

<b>Maintenance of Religious Harmony Act (Cap. 167A)</b>	
111A. Section 17E(1), (2), (3) or (4)	Urging violence on religious grounds or against religious group, etc.
111B. Section 17F(1), (2), (3) or (4)	Inciting hatred, ill-will, etc.

”;

- (b) by deleting the words “religious or” in the second column of item 211; and

- (c) by deleting the words “religion or” in the second column of item 212.

(4) The Second Schedule to the Registration of Criminals Act (Cap. 268, 1985 Ed.) is amended —

- (a) by deleting the words “religion or” in the item relating to “Section 298A” in Part IA; and

- (b) by inserting, immediately after the item relating to “Immigration Act” in Part II, the following item:

“Cap. 167A Maintenance of Religious Harmony Act ... Sections 17E, 17F and 17G.”.

### **Saving and transitional provision**

**19.—**(1) Sections 5, 6, 8 and 9 do not apply to or in relation to —

- (a) any restraining order made before the date of commencement of sections 5 and 6; and

(b) any proceedings relating to or following a notice of intention to make a restraining order given under sections 8(4) and 9(4) of the principal Act before the date of commencement of sections 5 and 6,

5 and the principal Act as in force immediately before the date of commencement of sections 5 and 6, respectively, continue in force with respect to those restraining orders and proceedings as if this Act were not enacted.

10 (2) Despite section 18(2), item 19 of Part I of the Fourth Schedule to the Criminal Procedure Code as in force immediately before the date of commencement of section 18(2) continues to apply with respect to any offence under section 298 of the Penal Code committed before that date.

15 (3) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Maintenance of Religious Harmony Act (Cap. 167A) for the following main purposes:

- (a) to improve the process for the making of restraining orders so that these may be made and take effect more quickly without modifying the role of the Presidential Council for Religious Harmony (called the PCRH);
- (b) to provide for additional restraining orders to be applied to religious groups so as to pre-empt, prevent or reduce any foreign influence affecting the religious groups which may undermine religious tolerance between different religious groups in Singapore and present a threat to the public peace and public order in Singapore;
- (c) to introduce requirements for religious groups in the areas of donations, the nationality of their responsible officers and the composition of their governing bodies so as to contribute to keeping

the affairs of religious groups and inter-religious relations in Singapore free from harmful foreign influence;

(d) to consolidate offences involving religious vilification.

The Bill also makes consequential and related amendments to the Penal Code (Cap. 224), the Criminal Procedure Code (Cap. 68), the Mutual Assistance in Criminal Matters Act (Cap. 190A) and the Registration of Criminals Act (Cap. 268).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to introduce several new definitions to support the amendments in the subsequent clauses. These are “donation”, “religious donation” and “relevant donor”.

A key definition is that of “donation”. This has been defined to refer only to donations in terms of money, and not money’s worth. Hence, a donation of land or religious art, jewellery or books is not treated as a donation. Volunteer services by professionals, floral arrangements or free musical performances are also not regarded as donations even though for the benefit of a religious group. A pledge of moneys or royalties is also not a donation until the money is received. A cheque would, however, be a donation covered by the Bill.

A “donation” to a religious group is defined as any bequest or gift of money to the religious group or any religious institution affiliated or associated with the religious group, any money to pay or reimburse any expenditure incurred (whether directly or indirectly) by the religious group or any religious institution affiliated or associated with the religious group, or any money lent to the religious group or any religious institution affiliated or associated with the religious group otherwise than on commercial terms.

Expressly excluded from the definition of “gift” are zakat and fitrah, which are regulated under the Administration of Muslim Law Act (Cap. 3). The Minister may, by regulations made under section 19, exclude other sums of money.

Not all donations to a religious group are subject to controls under the amendments in the Bill. Only religious donations and anonymous donations are subject to control.

An “anonymous donation”, for a religious group, is defined to mean a donation which the religious group accepting the donation is (whether because the donation is offered anonymously or by reason of deception or concealment) unable to ascertain the identity of the donor giving the donation. However, excluded from the definition are a donation deposited in a box, receptacle or other container in a publicly accessible location within a place of worship in Singapore for the same religion or religious denomination as the religious group, and any proceeds from a collection by the religious group, the conduct of which is authorised by the House to House and Street Collections Act (Cap. 128).



Also excluded from the definition of “anonymous donation” are cash donations collected during an act of collective worship or a religious ceremony or rite conducted by the religious group. A pledge of a share of a person’s salary is not a cash donation which is excluded for this purpose. The Minister may by regulations declare other types of otherwise anonymous donations from being treated as such and exclude these from the scope of the amendments in the Bill.

The term “religious donation” is defined to mean a donation made to or for the benefit of the religious group, the whole or part of which was used or is intended to be used by the religious group solely or substantially for carrying out a religious or charitable purpose of the religious group wholly or partly in Singapore, or to enable the religious group to make, directly or indirectly, a religious donation or to incur expenditure for carrying out any of its religious or charitable purposes wholly or partly in Singapore. The Bill provides a number of examples of what would be a religious or charitable purpose.

As the Act and the amendments in the Bill draw a distinction between religious leaders and non-religious leaders, clause 2 defines “religious leader” to mean a priest, monk, pastor, mufti, imam, rabbi, elder or similar office-bearer in a religious group or religious institution. It also includes any other person who is in a position of authority in any religious group or religious institution in relation to the religious practice or worship, or the tenets of the religion or religious denomination of that group or institution. The latter could include a lay leader or preacher of a religious group or religious institution so long as the person holds a position of authority in relation to the religious practice, worship or tenets of the religion or religious denomination of that group or institution.

However, a person is not automatically a religious leader just because the person is a responsible officer of the religious group or a member of the governing body of the religious group. For example, if the responsible officer or governing body member is not holding any of the offices mentioned in the definition or any position of authority in those matters, but merely serves as a treasurer or serves regularly as a member of the choir or a musician at worship ceremonies, the responsible officer or governing body member is not a religious leader.

The Bill contains amendments capable of applying to conduct occurring outside Singapore. The expression “engaging in conduct” is used in the context of the new offences and the community remedial initiative in the new section 16H. This is defined to mean an act or omission on a single occasion as well as a series of acts or omissions, or both, on a number of occasions over a period of time, and may include conduct occurring outside Singapore. Communications activity is expressly described as engaging in conduct.

Finally, an important definition of a term used in the amendments in the Bill relating to restraining orders and offences, is the expression “communications activity”. “Communications activity” is defined by an amendment in clause 2 to refer to communicating or distributing the information or material to the general

public or a section of the general public in Singapore, whether or not in the course of business. The definition expressly includes doing any of the following, whether or not in the course of business:

- (a) placing the information or material, or something that contains the information or material, somewhere it can be accessed by another in the general public or a section of the general public in Singapore;
- (b) giving the information or material, or something that contains the information or material, to an intermediary to give to an intended recipient in the general public or a section of the general public in Singapore;
- (c) describing to the general public or a section of the general public in Singapore how to obtain access, or methods that are likely to facilitate access, to the information or material, or something that contains the information or material (for example, setting out the name of a website, a URL, a password or the name of a newsgroup);
- (d) displaying, screening or playing the information or material, or something that contains the information or material, so that it can be seen or heard in or from a public place in Singapore.

The definition therefore covers modes of communication in the digital and traditional environments. As defined, private speech does not become communications activity just because it occurs in a public place. Also not regarded as undertaking communications activity is an intermediary which communicates or distributes in the course of business information or material produced entirely by another and without altering the substance of the information or material.

Clause 3 introduces 2 new sections. First, the new section 2A contains provisions required to support the amendments relating to donations to religious groups in clause 13, as well as to deal specially with communications activity involving information or material in electronic or digital form.

The new section 2A provides that anything given or transferred to any branch of a religious group (which may be a religious institution) will be treated as given or transferred to the religious group under the Act as amended by the Bill.

Likewise, anything given or transferred to any responsible officer of a religious group, member of the governing body of a religious group, or to a religious leader of a religious group in his or her capacity as such will be treated as given or transferred to the religious group.

However, where the donation is given or transferred to a responsible officer, member of the governing body or religious leader in that capacity but is solely for his or her own use or benefit, the donation will not be treated as received by the religious group.

Under the new section 2A, a donation is accepted by a religious group if it is received and retained by the religious group for its use and benefit.

The new section 2A(3) and (4) then goes on to deal with the situation where the information or material in electronic or digital form does not originate in Singapore or the origin of which cannot be determined. The provision deems that the information or material will still be treated as communicated or distributed to the general public in Singapore if the information or material is communicated or distributed or caused to be communicated or distributed by a Singapore-connected person or the Singapore-connected person takes part in that communication or distribution, and the information or material is accessible by persons physically present in Singapore.

Next, the new section 2B provides for the appointment by the Minister of a public officer as a competent authority. There can be different competent authorities for different provisions of the Act.

Clause 4 amends section 4 in connection with the functions and proceedings of the PCRH, to clarify that the PCRH makes recommendations to the President with regard to restraining orders.

Clause 5 amends section 8, relating to restraining orders against religious leaders or a member of a religious group or religious institution.

The circumstances under which a restraining order may be made are modified. Today, the Minister may make a restraining order against a religious leader or a member of a religious group or religious institution where the Minister is satisfied that that person has committed or is attempting to commit certain acts. The amendments expand this to include the circumstance where the Minister is satisfied that the religious leader or member of a religious group or religious institution (as the case may be) is committing, has committed or is likely to commit, or has attempted or is attempting to commit any of those acts.

Section 8 is also amended to empower the making of restraining orders against religious groups so as to counter foreign influence over the affairs of religious groups. A restraining order under the new section 8(1A) can be made by the Minister if the Minister is of the opinion that it is necessary or expedient so as to pre-empt, prevent or reduce any foreign influence affecting the religious group which may undermine religious tolerance between different religious groups in Singapore, and present a threat to the public peace and public order in Singapore.

The clause also amends section 8(2) to expand on the content of any restraining order against a religious leader or a member of a religious group or religious institution, having regard to modes of communication today. A restraining order can require the religious leader, or member of a religious group or religious institution, against whom the order is made to stop undertaking any communications activity involving the information or material specified or described in the order, immediately or within the period specified in the order, and

absolutely or except with the prior permission of the Minister. This is defined to include taking all reasonably practicable steps to ensure that the information or material is no longer available on or through the Internet to end users in Singapore, such as (if necessary) the removal of the information or material from an online location.

Today, a restraining order can require the religious leader or member of a religious group or religious institution to stop printing or editing, or assisting or contributing to, any publication produced by any religious group without the prior permission of the Minister. The amendment expands the power to include a publication produced by any religious institution.

Where the restraining order is made against a religious group under the new section 8(1A), the restraining order can require the religious group to not accept any anonymous donation, to not accept any religious donation from a foreign principal specified in the order, to return any religious donation received, on or after a date specified in the order, from a foreign principal specified in the order, or to dispose of any anonymous donation received, on or after a date specified in the order. The restraining order may specify the manner in which, and has to set out the period within which, the religious donations concerned must be sent back to the person who made the donation or any other person appearing to be acting on the donor's behalf.

If a restraining order under the new section 8(1A) requires an anonymous donation to be disposed of, then where the donation was transmitted by a person (other than the donor) and the identity of that person is apparent, the whole donation must be returned to that person. Where it is apparent that the donor has, in connection with the donation, used any facility provided by an identifiable financial institution, the whole donation must then be returned to that financial institution. In all other cases, the whole donation must be sent to a competent authority. All anonymous donations sent to a competent authority must then be paid into the Consolidated Fund.

A restraining order under the new section 8(1A) can also pertain to the composition of the governing body of a religious group. The order may require the religious group to ensure that on or after a date specified in the order, every member of the governing body of the religious group is a citizen of Singapore or require the religious group to remove a member of the governing body of the religious group specified in the order, being an individual who is not a citizen of Singapore. The restraining order can also suspend (not exceeding 24 continuous months) a member of the governing body of the religious group who is not a citizen of Singapore from the exercise of his or her office as a member of the governing body pending his or her removal under the restraining order.

A restraining order under the new section 8(1A) can only apply after the requirements in the new sections 16D and 16E are triggered. The amendments

here may therefore be brought into force on a separate date from the other amendments to section 8.

Clause 5 also changes the process for making a restraining order to enable action to be taken quickly to address tensions between religious groups, stop subversive activities or the carrying out of activities to promote a political cause while or under the guise of propagating or practising any religious belief, etc.

Under the amendments, the Minister is not required to give any person notice, or consult any person, before making any restraining order under section 8(1) or (1A). Under present law, before making a restraining order, the Minister has to give the person against whom the order is proposed to be made and the head or governing body of the religious group or institution notice of the Minister's intention to make the order, and give them 14 days to make written representations to the Minister.

Under the amendments, the Minister is required after making a restraining order under section 8(1) or (1A) against a religious leader of any religious group or religious institution or a member thereof, or a religious group (as the case may be), to immediately give, or cause to be given, a copy of the order, and the grounds, facts and documents supporting the order, to the religious leader or member or the religious group against whom the order is made, and the head or governing body of that religious group or religious institution.

The clause further amends section 8 to provide that a restraining order made by the Minister under section 8(1) or (1A) against a religious leader of a religious group or religious institution or a member thereof, or a religious group, takes effect on the date it is given to the religious leader or member or religious group, as the case may be.

Finally, section 8(3) is amended to make it clear that a restraining order, which takes effect immediately once made, stays in force for a period specified in the order (the maximum length of which is unchanged at 2 years) unless the restraining order fails to be confirmed by the President. Under section 12(1), the President is provided 30 days upon receiving the PCRH's recommendations, to decide whether to confirm the restraining order on the advice of the Cabinet. The President's discretion to deviate from the Cabinet's advice is retained where the PCRH's recommendation differs from that of the Cabinet.

Clause 6 amends section 9, which deals with restraining orders against any person who is inciting, instigating or encouraging any religious group or religious institution or any religious leader or member against whom a restraining order can be made under section 8(1), to commit certain acts for which a restraining order may issue (called third parties).

The process for making a restraining order under section 9 against third parties is similarly amended as in section 8.

Likewise, section 9(3) is amended to make it clear that a restraining order made under section 9(1), which takes effect immediately once made, stays in force for a period specified in the order (the maximum length of which is unchanged at 2 years) unless the restraining order fails to be confirmed by the President. Under section 12(1), the President is provided 30 days upon receiving the PCRH's recommendations, to decide whether to confirm the restraining order on the advice of the Cabinet. The President's discretion to deviate from the Cabinet's advice is retained where the PCRH's recommendation differs from that of the Cabinet.

Clause 7 repeals section 10 of the Act because it is made redundant by the new process contained in the amendments in clause 5 to section 8 and in clause 8 to section 11. In its place is a new section 10 which makes clear that the expanded powers to make restraining orders, the issuance of a community remedial initiative and the competent authority's directions do not (except as provided in the new section 16F) affect any other written law which may apply to situations covered by the Act. For example, the Internal Security Act (Cap. 143) has powers to deal with insurgent activities and religious groups are often societies, which are also regulated under the Societies Act (Cap. 311).

Clause 8 amends section 11 to set out a new process of what happens after a restraining order made by the Minister under section 8(1) or (1A) or 9(1) (as amended) is referred to the PCRH.

The amendments provide that the Minister must, after making a restraining order under section 8(1) or (1A) or 9(1), immediately give or cause to be given, to the PCRH a copy of the order and the grounds, facts and documents supporting the order.

The person against whom the restraining order is made, and the head or governing body of the religious group or religious institution named in the restraining order, is entitled to make representations to the PCRH against the restraining order. The time delimited for representations to be made to the PCRH is 14 days after the restraining order is given to the person against whom the restraining order is made.

An amendment is made to section 11(2) to reflect the change in clauses 5 and 6, under which the Minister does not need to give a person an opportunity to make representations before the Minister makes a restraining order.

Section 11 is also amended to allow the PCRH, if it considers it necessary for its deliberations, to invite any person to attend before the PCRH and be examined on the matter. The PCRH today is already allowed to call on the person against whom a restraining order is made to attend before the PCRH to be orally examined at its meeting.

Finally, section 11(4) is amended so that the period the PCRH must arrive at a decision to recommend to the President is extended to 30 days after the time for

making representations to the PCRH lapses, and not 30 days from the time the restraining order is given to the person against whom the restraining order is made.

Clause 9 amends section 12 by changing the cross-references in the provision as a consequence of the amendments in clauses 5 and 6. Under section 12(1), the President is still provided 30 days upon receiving the PCRH's recommendations, to decide whether to confirm a restraining order on the advice of the Cabinet. The President's discretion to deviate from the Cabinet's advice is retained where the PCRH's recommendation differs from that of the Cabinet.

Clause 10 amends section 13, which relates to the extension of restraining orders. Under sections 8(3) and 9(3), a restraining order is in force for a period specified in the order, which in no case can exceed 2 years.

Section 13 is further amended to make clear that sections 11 and 12 apply to any direction to extend a restraining order as if a reference in those provisions to an order includes a reference to a direction to extend, but that the PCRH may recommend that a direction to extend be confirmed or cancelled only.

Clause 11 makes an amendment to section 14(2) to extend the power of the Minister to revoke restraining orders to include those made under sections 8 and 9 as well as those extended under section 13.

Clause 12 deletes section 16(2) because it is made redundant by the new section 17C introduced by clause 14. The other amendments are consequential upon the changes contained in clause 5.

Clause 13 inserts new Parts IV and V. Part IV sets out general countermeasures which apply to all religious groups to counter foreign influence over the affairs of religious groups. Part V contains provisions which are supplementary or in aid of the countermeasures in the rest of the Act.

Part IV is made up of 5 new sections, namely sections 16A to 16E.

The new section 16A requires every reportable donation accepted by any religious group during each reporting period to be disclosed to a competent authority in a donation report which must accord with the requirements under the new section.

A donation is treated as accepted by a religious group if it is received and retained by or on behalf of the religious group for its use or benefit; see the new section 2A(1) inserted by clause 3.

A "reportable donation" is defined by amendments in clause 2 to mean a religious donation given by a relevant donor to and accepted by the religious group, which is of or exceeding \$10,000 on any one occasion, without aggregating any earlier donation by the same relevant donor to the same religious group.

A "relevant donor" is defined by the amendments in clause 2 to mean a person who makes a religious donation to the religious group and who, at the time the

donation is accepted by the religious group, is neither a citizen of Singapore nor a permanent resident of Singapore, and is not a resident which the regulations will prescribe to be permissible. The latter may be long-term dependent or work pass holders.

Where the donor is not an individual but an entity, the entity is a relevant donor if it is not registered in Singapore (even if incorporated outside Singapore), or is not incorporated, under any written law of Singapore, or is not a corporation sole or corporation aggregate established under a private Act for religious purposes.

An anonymous donation given to and accepted by the religious group, which is of or exceeding \$10,000, is also a reportable donation.

The donation report is an annual document in respect of a reporting period, which is a period of 12 months corresponding to the calendar year. It has to be given to a competent authority no later than 1 April of the year following the year in which the reportable donation was accepted.

The information to be included in a donation report will be set out in regulations which the Minister is empowered to make under section 19. The information could include, in respect of each reportable donation, the identity of the donor (including his or her name, identity card number, address and nationality), the amount of the donation and the circumstances in which the donation was made.

The donation report of a religious group has to be signed by every responsible officer of the religious group and must be accompanied by a declaration made by every responsible officer of the religious group. Where a religious group accepts no religious donation which requires reporting, the responsible officers must still prepare a declaration to that effect.

The new section 16B imposes a requirement on religious groups to disclose foreign affiliations to a competent authority through an annual foreign affiliations report. Disclosure to a competent authority is required of every arrangement or agreement to which a religious group is party during a reporting period, being an arrangement or agreement which is with a foreign principal, and under which the religious group is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the foreign principal, or under which the foreign principal is in a position to exercise, in any other way, total or substantial control over the religious group's activities in Singapore.

The reporting period is a period of 12 months corresponding to the calendar year. A foreign affiliations report has to be given to a competent authority no later than 1 April of the year following the year to which the foreign affiliations report relates.

The information to be included in a foreign affiliations report will be set out in regulations which the Minister is empowered to make under section 19. A foreign



affiliations report of a religious group has to be signed by every responsible officer of the religious group and must be accompanied by a declaration made by every responsible officer of the religious group.

The new section 16C imposes a requirement on religious groups to disclose the composition of its governing body in a key management report to a competent authority.

The disclosure required is about every individual who is a member of the governing body of any religious group on the day the new section 16C comes into force, or is or becomes (whether by appointment or election or otherwise) thereafter a member of the governing body of any religious group.

A religious group is also required to give a competent authority a key management report whenever any individual, for any reason, stops acting as a member of the governing body of the religious group. The latter situation can arise due to resignation or death.

In addition, a religious group must give a competent authority information about its constitution, memorandum or articles of association, trust deed or equivalent instrument of the religious group as in effect on the day the new section 16C comes into force, and whenever there is a change thereafter to its constitution, memorandum or articles of association, trust deed or equivalent instrument, where that is a change affecting (directly or indirectly) the size or composition of its governing body.

For a key management report relating to appointments and the constitution, memorandum or articles of association, trust deed or equivalent instrument of the religious group as in effect on the day the new section 16C comes into force, the report must be given not later than 60 days after that day. In all other cases, the key management report has to be given within 30 days after the happening of the relevant event. The competent authority has the power to grant extensions on a case-by-case basis.

The information to be included in a key management report will be set out in regulations which the Minister is empowered to make under section 19. This will include details about the identity, nationality and other particulars of every such individual who is or becomes a member of the governing body of the religious group and of every responsible officer of the religious group, and details about changes to the constitution, memorandum or articles of association, trust deed or equivalent instrument of a religious group affecting the size or composition (or both) of its governing body.

Every key management report of a religious group has to be signed by every responsible officer of the religious group.

The new section 16D places a general requirement on all religious groups in Singapore prohibiting these religious groups from appointing (or re-appointing)

an individual who is not a citizen of Singapore and not a Singapore permanent resident as a responsible officer of the religious group, or from permitting an individual who is not a citizen of Singapore and not a Singapore permanent resident to act as a responsible officer of the religious group, unless the religious group does so in accordance with the approval of the Minister.

The requirement in the new section 16D does not apply when the Bill's amendments first come into force. The prohibition in the new section 16D is triggered to apply only on or after a date the Minister will specify by an order in the *Gazette*. This is to give time for religious groups to prepare for this new requirement.

Once the Minister triggers the application of section 16D by order in the *Gazette*, that order cannot be revoked. Any subsequent change to or lifting of the requirement in section 16D must be by way of an amendment to the Act or by way of an exemption under the new section 21.

Where a competent authority is satisfied that a religious group in Singapore has acted in contravention of the prohibition in the new section 16D, the competent authority is given power to direct the religious group to remove the responsible officer from his or her office or employment within the period specified in the notice, and the religious group must comply with that direction.

A competent authority is not required to give any person notice of, or consult any person on, the competent authority's intention to direct a religious group to remove an individual from his or her office or employment.

Even though the direction takes effect immediately and must be complied with once given, if a religious group which is directed, or the individual required to be removed in a direction, is aggrieved by the direction, the religious group or the individual (as the case may be) may appeal to the Minister. The appeal must, however, be made within 14 days after the competent authority's notice of the direction is given to the religious group or individual (as the case may be).

In the event that for any reason (such as by resignation, death or otherwise), a responsible officer of a religious group ceases to be either a citizen of Singapore or a Singapore permanent resident, the religious group has to give written notice of that event to the competent authority, within 30 days after the religious group first becomes aware of that event. This can include a situation of loss of Singapore citizenship or Singapore permanent resident status.

The new section 16E introduces a requirement for every religious group in Singapore to ensure that more than half of the total number of seats in its governing body are occupied or held by individuals who are citizens of Singapore unless the religious group is expressly allowed by the Minister to do otherwise.

The majority is defined in terms of the actual number of seats on the governing body and disregards vacancies.

As is the case for the new section 16D, the requirement in the new section 16E does not apply when the Bill's amendments first come into force. The prohibition in the new section 16E is triggered to apply only on or after a date the Minister will specify by an order in the *Gazette*. This is to give time for religious groups to prepare for this new requirement.

Once the Minister triggers the application of section 16E by order in the *Gazette*, that order cannot be revoked. Any subsequent change to or lifting of the requirement in section 16E must be by way of an amendment to the Act or by way of an exemption under the new section 21.

Where a competent authority is satisfied that a religious group in Singapore has, without the Minister's approval, permitted half or more than half of the total number of seats in its governing body to be occupied or held by individuals who are not citizens of Singapore, the competent authority has power to direct the religious group to remove such number of members of the governing body who are not citizens of Singapore from their office within the period specified in the notice.

A competent authority is not required to give any person notice of, or consult any person on, the competent authority's intention to direct a religious group to remove an individual from his or her office.

Even though the direction takes effect immediately and must be complied with once given, if a religious group which is directed, or the individual required to be removed in a direction, is aggrieved by the direction, the religious group or the individual (as the case may be) may appeal to the Minister. The appeal must, however, be made within 14 days after the competent authority's notice of the direction is given to the religious group or individual (as the case may be).

Finally, clause 13 inserts a new Part V, which is made up of 3 sections.

The new section 16F makes clear that a restraining order under the new section 8(1A) and the directions under the new section 16D(2) or (3) or 16E(2) or (3) have effect despite the provisions of any other written law in force and the constitution, memorandum or articles of association, trust deed or equivalent instrument of a religious group.

As there can be constitutions, trust deeds, etc., of religious groups which are inconsistent with a requirement in a restraining order under the new section 8(1A) or in a direction under the new section 16D(2) or (3) or 16E(2) or (3), or there are non-national incumbent office-holders of religious groups whose terms are current when the new section 16D or 16E is triggered, the new section 16F provides that no criminal or civil liability will be incurred by a religious group in Singapore, or any person acting on behalf of the religious group, in respect of anything done or omitted to be done with reasonable care and in good faith in the discharge or purported discharge of the obligations of the religious group under a requirement

of the restraining order or the competent authority's direction under the new section 16D or 16E.

The new section 16G confers power on a competent authority to require by notice any religious group to provide, within a reasonable period specified in the notice, a document or all information or material (or both) for enforcement purposes, where the document, information or material are within the knowledge of that religious group or in the custody or under the control of the religious group.

Enforcement purposes are to determine whether any information or material provided to a competent authority under a provision of the Act or its subsidiary legislation is correct and to determine whether there are grounds for any direction or restraining order to be given under the Act against a religious group.

The new section 16H deals with the community remedial initiative, which is aimed at more expeditiously and better addressing inter-religious tensions.

A community remedial initiative is an agreement between the Minister and an alleged offender under which the alleged offender agrees to take one or more remedial actions, participate in one or more activities, or do any other thing, to promote religious harmony in Singapore. This may include issuing a public apology or taking part in community programmes at his or her expense.

An offer of a community remedial initiative may be made by the Minister to an alleged offender. An alleged offender is a person (whether or not a religious leader), who in the opinion of the Minister, is attempting to engage in conduct, is engaging or has engaged in conduct, or is likely to engage in conduct that causes, or the alleged offender knows is likely to incite, feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, a person or a group in Singapore, or conduct on the ground of religion or religious belief or activity and that the alleged offender knows is likely to insult the religion or religious belief or activity, or is likely to wound the religious feelings, of another person (as defined for the offences in the new sections 17E and 17F).

A community remedial initiative is an agreement that may be entered into between the alleged offender and the Minister in lieu of prosecution for the alleged offence committed by that conduct. A person may choose whether to enter into a community remedial initiative with the Minister.

Under the new section 16H, the Minister is empowered to offer an alleged offender an opportunity to take one or more remedial actions, participate in one or more activities, or do any other thing, to promote religious harmony in Singapore. However, no offer can be made with respect to any conduct or attempt to engage in conduct occurring before the date of commencement of section 13 of the Maintenance of Religious Harmony (Amendment) Act 2019. The latter is necessary so as to observe the constitutional prohibition against retroactive criminal laws.

If the Minister believes that an alleged offender who entered into a community remedial initiative has failed to comply with the terms of that agreement, the Minister may terminate the community remedial initiative and refer the alleged offence to the Public Prosecutor. It is only while a community remedial initiative in respect of an alleged offence is in force that the alleged offender cannot be prosecuted for that alleged offence under the Act or any other written law in any criminal proceedings.

Clause 14 inserts new sections 17A to 17L pertaining to offences.

The new sections 17A and 17B are standard provisions for the liability of officers of offenders who are corporations or unincorporated bodies.

The new section 17A deals with corporate offenders and for attributing criminal liability to officers of corporate entities for offences committed by their entities. Corporations like companies can be held directly liable for the conduct and can be found guilty of, and punished for, the commission of an offence. As a separate legal entity, liability for the offence is imposed on the corporation itself and is not generally attributed to its officers and employees unless there is a provision like the section. This standard provision in many laws has been redrafted here to be consistent with the modern Singapore drafting style to make it easier to read and understand.

The new section 17B deals with unincorporated entities like partnerships and associations and for attributing criminal liability to officers of unincorporated entities for offences committed by their bodies. The section also provides clarity where the offence by the unincorporated entity requires a mental element and is not a strict liability offence.

The new section 17C confers jurisdiction on a District Court to try any offence under the Bill and to impose the full punishment for any such offence.

The new section 17D provides powers of composition that may be exercised by a competent authority.

An offence which is prescribed by regulations as a compoundable offence may be compounded by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is lower.

The new sections 17E, 17F and 17G set out the more serious offences and the interpretative provisions relating to these matters. The sections do not criminalise religious hatred per se but defines the limits of acceptable behaviour so as to constitute an offence.

The new section 17E covers offences which involve knowingly urging the use of force or violence on religious grounds or against target groups or target persons in Singapore.

The offence in the new section 17E(1) and (2) deals with the offence of knowingly urging, on the ground of religion or religious belief or activity, the use of force or violence, and the target group or target person is distinguished by religion or religious belief or activity, or by ethnicity, descent, nationality, language or political opinion, or any other characteristic whether or not of a similar kind.

The target group need not be confined to persons who practise a certain religion. The target group may be made up of atheists, individuals from a specific racial community, who share a similar sexual orientation, or have a certain nationality or descent like foreign workers or new citizens.

For the offences under the new section 17E(1) or (2), so long as the use of force or violence is urged, there is no need to be concerned whether that would threaten the public peace or public order in Singapore or any part of Singapore.

The new section 17E(3) and (4) sets out offences which involve knowingly engaging in conduct urging another person, or a group of persons, to use force or violence against a target person or target group in Singapore knowing that force or violence is likely to occur. The conduct is not engaged in on the ground of religion or religious belief or activity, but the target group is distinguished only by religion or religious belief or activity (as defined).

What is “religious belief or activity” is defined to mean holding a religious belief or view or engaging in religious activity. The definition does not extend to cover atheists or persons who lack any religious belief or view.

The punishment for every offence under the new section 17E is imprisonment for a term not exceeding 10 years or a fine, or both.

The new section 17F(1) and (2) makes it an offence if a person who is a religious leader knowingly engages in conduct that incites feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, a group (a target group), or that insults the religion or religious belief or activity, or wounds the religious feelings, of another person (a target person), being a target group or target person distinguished by religion or religious belief or activity, and the religious leader does so knowing that feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, the target group is likely to occur or that the religion or religious belief or activity of the target person is likely to be insulted or the religious feelings of the target person are likely to be wounded.

A separate but similar offence is provided for under section 17F(3) and (4) where the person doing the same acts above is not a religious leader, and the feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, a target group or target person, and the insult or wounding (as the case may be), would threaten the public peace or public order in Singapore or any part of Singapore.

In the new section 17F, “religious belief or activity” is defined similarly as in the new section 17E.

An exception is where a person points out in good faith any matters that are producing or have a tendency to produce feelings of enmity, hatred, ill-will or hostility between different religious groups, or are insulting the religion or religious belief or activity or wounding the religious feelings of a person or persons distinguished by religion or religious belief or activity, in order to bring about a removal of those matters.

The offence under section 17F(3) or (4) does not extend to private conduct. That is, it is a defence if the conduct is one intended to be heard or seen only by themselves but not conduct in circumstances in which the parties to the conduct ought reasonably to expect that it may be heard or seen by someone else.

However, the defence for the offence under the new section 17F(1) or (2) involving religious leaders is narrower. Only domestic communications (such as between the accused and relatives or members of his or her household) and intended to be heard or seen only by themselves, but not in circumstances in which the parties to the communication ought reasonably to expect that it may be heard or seen by someone else, will lie outside the offence under the new section 17F(1) or (2). For example, a private conversation between a religious leader and his or her children in the presence of the domestic worker living in the same household. Another example would be a private discussion between the religious leader and friends taking place within the residence of the religious leader (which may be a common lodging like a monastery) in conditions not reasonably intended for others to see or hear.

The punishment for all offences under the new section 17F is the same. That is, imprisonment for a term not exceeding 5 years or a fine, or both.

The new section 17G is an interpretative provision for the purposes of the new offences in the new sections 17E and 17F.

The new sections 17H to 17L contain lesser offences relating to the countermeasures against foreign influence.

The new section 17H provides for the offence of a religious group not giving to a competent authority a donation report, foreign affiliations report or key management report which is required under Part IV in respect of a religious group or any declaration relating to any such report which is required under Part IV in respect of a religious group, in accordance with the requirements of that Part. If this happens, every responsible officer of the religious group is guilty of an offence and is each liable on conviction to a fine not exceeding \$2,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction.

There is also another strict liability offence where in a donation report, foreign affiliations report or key management report, or a declaration relating to such a report, which is required to be given under Part IV in respect of a religious group, there is a statement that is false or misleading in a material particular, or an omission of any matter or thing without which the donation report or declaration is misleading in a material particular, and the report or declaration is given to a competent authority. Every responsible officer of the religious group is guilty of an offence and is each liable on conviction to a fine not exceeding \$5,000.

But where a responsible officer of a religious group, with an intent to deceive, makes in a donation report, foreign affiliations report or key management report which is required to be given under Part IV in respect of the religious group a statement that is false or misleading in a material particular or an omission of any matter or thing without which the report is misleading in a material particular, or a false declaration required to be given under Part IV in respect of a donation report, foreign affiliations report or key management report of the religious group, the responsible officer is guilty of an offence and is liable on conviction to a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000.

The new section 17I sets out offences aimed generally at persons other than the responsible officers of a religious group or the group itself. The new section 17I(1) makes it an offence for a person who, with intent to deceive, withholds from a religious group any material information relating to the identity of a donor of a religious donation or the amount of a religious donation to the religious group, or intentionally or knowingly gives, in relation to the identity of a donor of a religious donation or the amount of a religious donation to a religious group, information to the religious group which is false or misleading in a material particular.

The new section 17I(2) provides for an offence where a person enters into or knowingly does any act in furtherance of any arrangement which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the making of a donation to a religious group by a person prohibited by a restraining order under the new section 8(1A).

The punishment is a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, a fine not exceeding \$20,000.

The new section 17J concerns a religious group failing to give notice to a competent authority within the time required by the new section 16D(8) and permitting an individual who is not a citizen of Singapore and not a Singapore permanent resident to act as a responsible officer of the religious group in contravention of section 16D(2).

There is also an offence if a religious group fails to give notice to a competent authority within the time required by the new section 16E(8) and the religious group permits half or more than half of the total number of seats in its governing



body to be occupied or held by individuals who are not citizens of Singapore in contravention of section 16E(2).

The punishment is a fine not exceeding \$5,000 and, in the case of a continuing offence, a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

The new section 17K sets out the offence of giving information or material or producing a document to a competent authority knowing that the information or material or the document is false or misleading in a material particular or the information or material omits any matter or thing without which the information or material is misleading in a material particular.

The punishment is a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, a fine not exceeding \$20,000.

The new section 17L makes it an offence if the person who is required by a notice given to the person under section 16G to provide a document or information or material to a competent authority does not do so. The offence is a strict liability offence.

It is also not a defence for a person to refuse or fail to provide any document or any information or material if doing so might tend to incriminate that person. However, the new section 17L acknowledges that the coercive information-gathering power should be accompanied by an appropriate protection for the informant. It provides that where a person claims, before producing any document or giving any information or material that the person is required by section 16G to produce or give, that the production of the document or the giving of the information or material might tend to incriminate him or her, that document or information or material, the fact of the production of the document or the provision of the information or material, or any information, document or thing obtained as a direct or an indirect consequence of the production of the document or giving of the information or material, is not admissible in evidence against the person in any criminal proceedings. However, the protection will not apply in proceedings for an offence under the Act or any written law in respect of the falsity of the document or the information or material.

Clause 15 amends section 19 which relates to regulation making. The power of the Minister to make regulations is expanded to deal with the new areas covered by the amendments in the preceding clauses.

The regulation-making powers in section 19 are extended to cover requiring the making, keeping and auditing of records of religious donations and anonymous donations received and accepted by religious groups, and requiring and otherwise providing for the production, examination and copying of those records. Regulations may also require the making and keeping of records of affiliations, and the responsible officers and governing bodies of religious groups, and

requiring and otherwise providing for the production, examination and copying of those records.

In addition, the Minister may make regulations to deal with the procedure by which the PCRH is to follow when it receives representations and when it makes recommendations to the President.

Clause 16 introduces 2 new sections, namely sections 20 and 21.

The new section 20 provides for the service of documents permitted or required to be served under the Act as amended by the Bill, but not documents required for proceedings in court. The latter fall within the purview of the Rules Committee under the Supreme Court of Judicature Act (Cap. 322).

The new section 20 provides for a range of methods for serving documents, with modes of service that follow the technological advances in communications. In addition to service by fax, service by email is also permissible at the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under the Act.

Service is also permitted by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents. For example, a recipient of a notice may choose to be notified by a mobile phone application that notifies the person that a notice to the person is available to be accessed on a website maintained by a competent authority.

However, service of any document on a person by email or by an electronic notice at the person's chosen means of notification may be effected only with the person's prior consent to service in that way. The consent may be given expressly or impliedly. An instance of implied consent may be by not opting out within the allowed time, such as when the sender informs the recipient of the intention to serve all notices using an electronic mode unless the recipient notifies the sender that the recipient does not agree to accepting service in that way.

Finally, there is also facility for service by any other method authorised by regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way.

The new section 20 also provides for special service arrangements for a person where by the exercise of reasonable diligence, the name of the addressee to whom the document is to be served cannot be ascertained. The provision allows the document to be served by electronic communication to an Internet location address or a website associated with that addressee, or to an account on social media associated with that addressee, if the account provides a mechanism for that addressee to receive electronic communications in that account.

The new section 21 confers an exemption power on the Minister to disapply any provision in the new Part IV or the regulations made for the purposes of that Part to any person. This has to be done by way of an order in the *Gazette*.

Clause 17 contains related amendments to the Penal Code. The first batch of amendments is to section 74 of the Penal Code to provide for enhancement of punishment for racially or religiously aggravated offences, from one and a half times to 2 times the amount of punishment to which an accused would otherwise have been liable for that offence. The list of offences which may attract the enhanced punishment is no longer a closed list in section 74 but any offence under the Penal Code except for sections 298 and 298A, and an offence which is punishable with death or imprisonment for life.

This is because clause 17 also amends sections 298 and 298A of the Penal Code to remove the religious elements in those offences. Sections 295, 296 and 297 of the Penal Code are also repealed since the new sections 17E and 17F introduced by clause 14 incorporate many of their elements.

Clause 18 contains consequential amendments to the Criminal Procedure Code, the Mutual Assistance in Criminal Matters Act and the Registration of Criminals Act.

Clause 19 is a saving and transitional provision which preserves the Act as in force before the amendments in clauses 5, 6, 8 and 9 come into force, in relation to restraining orders made before the amendments come into force.

Clause 19 further empowers the Minister to make regulations prescribing such additional provisions of a saving or transitional nature consequent on the enactment of any provision in the Bill, as the Minister may consider necessary or expedient. The Minister has power to do so only within 2 years after the date of commencement of the provision.

## EXPENDITURE OF PUBLIC MONEY

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

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