

**Second Reading Speech by Mr Chan Chun Sing,
Minister of Education, for the Prime Minister, for
Constitution of the Republic of Singapore (Amendment) Bill
on Monday, 9 May 2022**

Introduction

1. Mr Speaker, on behalf of the Prime Minister, I beg to move that the Bill be now read a second time.

Coverage of Bill

2. Mr Speaker, the amendments proposed today to the Constitution can be grouped into two parts. The first part amends Article 45 of the Constitution relating to the disqualification criteria for a Member of Parliament (or in short, “MP”).

3. The second part amends Articles 37E and 72 of the Constitution relating to the disqualification criteria for members of the Council of Presidential Advisers (or in short, “CPA”) and the Presidential Council for Minority Rights (or in short, “PCMR”). This is to align with the amendments to the disqualification criteria for an MP in the first part.

4. These proposed amendments arose from the Elections Department’s review of our election processes and legislation after General Election in 2020 (or in short, “GE2020”). This is among other proposals such as the possible introduction of postal voting for overseas Singaporeans and special arrangement for voters residing at some nursing homes, which I had shared in this house in March this year.

Provisions in the Bill to amend the disqualification criteria for an MP

5. Let me now elaborate on the amendments under the first part.

6. Currently, under Article 45(1)(e) of the Constitution, a person is disqualified as an MP if he had been convicted by a court in Singapore or Malaysia and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000. The disqualification period is five

years from the date the person is released from custody or when the fine is imposed. During this time, the person cannot stand for election as an MP.

7. The disqualification criteria are to ensure that MPs are persons with integrity and who adhere to high standards of conduct. Clause 3 of the Bill amends the current fine quantum in Article 45(1)(e) of “not less than \$2,000” to “not less than \$10,000”. The current fine quantum of “not less than \$2,000” has not been revised since Singapore’s independence.

8. Members may ask why the fine quantum was not changed earlier and what prompted the need to change this now. As part of the review which the Elections Department (or in short, “ELD”) undertook after GE2020, ELD noted that the MP disqualification criteria have not been revised since Independence and thus initiated a review of the criteria. While there was a related amendment to the Constitution in 2002, the focus of the amendment was to deal only with the anomalous situation of a disqualified MP being able to continue sitting and voting in Parliament while his appeal was pending and did not cover the MP disqualification criteria per se.

9. ELD considered two reference points for the revised fine quantum. First, if we were to take into account inflation over the years, \$2,000 would amount to about \$8,000 today. Second, the revision took into account sentences handed down by our courts today for committing serious tax evasion and corruption offences, which are relevant to the integrity of a person.

10. Notwithstanding the proposal to update the fine quantum, Singaporeans should reasonably expect that members of this House, and those who aspire to be members of this House, must hold themselves to the highest standards.

11. Members may also ask if the imprisonment term of one year requires revision. As part of its review, ELD examined the criteria in selected Commonwealth countries such as Malaysia, New Zealand, Australia, Canada and the UK. For these countries, the imprisonment

term for MP disqualification is either at least one year or at least two years. ELD's assessment is that Singapore's imprisonment term of one year remains at an appropriate threshold and does not require further revision for now.

12. Clause 3 also extends the disqualification due to conviction by a court of law beyond Singapore and Malaysia to any foreign court. With more Singaporeans living, travelling, and conducting business in other countries, convictions by courts in other countries should be included in the disqualification criteria, since they are relevant in determining the fitness of the person for office. These overseas convictions must be for offences that would have been punishable by a court in Singapore if they had been committed locally.

13. Currently, a Singapore citizen who voluntarily acquires a foreign citizenship will be disqualified as an MP. However, Article 45(3) excludes a Commonwealth country or the Republic of Ireland from the definition of a "foreign country". This exception is historic and is no longer relevant today. Thus, Clause 3 also removes the outdated Article 45(3). An MP should be disqualified if he acquires citizenship of another country.

Provisions in the Bill to make similar changes to the disqualification criteria for members of the CPA and PCMR

14. Next, let me elaborate on the amendments under the second part. Clauses 2 and 5 of the Bill to amend Articles 37E and 72 of the Constitution make similar changes to the disqualification criteria for members of the CPA and PCMR with respect to the fine quantum and convictions by foreign courts of law. Similar to the amendments under the first part, the fine quantum criterion for disqualification from being a member of the CPA and PCMR is proposed to be revised from "not less than \$2,000" to "not less than \$10,000". For membership to PCMR, Clause 5 extends the disqualification due to a foreign conviction by a court of law in Malaysia to any foreign court.

15. Finally, Clause 6 sets out clearly that the amendments proposed today to the Constitution will apply to convictions which meet the new

proposed criteria before the amendments come into force. As the disqualification criteria are imposed to ensure fitness of persons for office, prior convictions should be recognised as disqualifying even if they happened before the date of operation of the amendments.

Conclusion

16. Mr Speaker, I beg to move.