

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

Introduction

Mr Speaker, Sir, let me first thank Members who spoke on this Bill and your support on this Bill. Let me first cover the technical clarifications. Then I will conclude with the spirit behind what we are doing.

Overseas Convictions

2. Mr Lim asked whether the updated fine quantum criterion would apply for persons convicted of offences overseas. The answer is yes. An individual who had been fined by a foreign court the equivalent of at least ten thousand Singapore dollars will be disqualified. However, it must be for an offence which would be punishable by a court in Singapore if it had been committed locally. This is an existing provision in our Constitution and is based on the principle that committing an offence abroad should have the same consequence on the eligibility to stand for elections.

Further Tightening of Disqualification Criteria in Future

3. Mr Lim, Mr Murali and Ms Lim noted that this Bill serves in the main to update the constitutional disqualification criteria. Ms Lim asked if fines should be considered at all, while Mr Lim and Mr Murali raised the possibility of further tightening the disqualification criteria in the future, so that we continue to hold our parliamentarians to the highest standards. Specifically, Mr Lim and Mr Murali suggested identifying the offences that would disqualify an individual as an MP to signal the behaviour or conduct that we want to guard against.

4. Mr Speaker, Sir, the scope of this Bill is intentionally narrow and focussed on updating the disqualification criteria. This is in keeping with the democratic ideal that the rights of individuals to participate in the political process and to stand for public office should be unfettered as far

as possible as pointed out by Mr Murali. While we need to ensure fitness of individuals to be parliamentarians, the bar cannot be so high that we undermine our parliamentary system which is founded on representative democracy. Keeping the disqualification criteria to a reasonable threshold also allows voters broad discretion to choose whom they wish to represent them.

5. Indeed, many jurisdictions disqualify elected members if they have been sentenced to an imprisonment term of one or two years and not by the type of offences. This is because there are inherent challenges in listing the specific offences and then having to frequently amend a basic document like the Constitution so that the offence list is updated. There is also the issue whether we automatically disqualify every individual convicted of a listed offence even though the actual sentence, whether fine and/or jail sentence, may be quite light. An automatic disqualification based solely on conviction without taking into account the actual sentence is not compatible with the principle of ensuring fitness for the office according to actual conduct.

6. Mr Murali noted that there will be candidates or MPs who are convicted of a heinous offence or one involving dishonesty or moral turpitude but received sentences that do not cross the constitutional disqualification threshold and therefore will not be disqualified. These disqualification criteria set out the thresholds for disqualification as MPs based on the severity of the punishment for offences committed. As the basic document, the Constitution has to establish the suitable balance for Singapore between ensuring wide representation of all sectors of our community in Parliament while ensuring the representatives' fitness for office. The constitutional ineligibility which is covered by the Bill simply sets the minimum threshold for individuals to seek office in Parliament so as to ensure basic fitness for office. No different from the need for minimum age to ensure maturity and personal competence by requiring a certain level of language command in Article 44, the Bill addresses the parliamentarian's minimum moral aptitude. Beyond the disqualification criteria, our political parties must continue to ensure that the candidates they field and MPs from their parties are persons with integrity and who adhere to high standards of conduct. Ultimately, our voters will decide, at

the ballot box, the fitness of the person seeking to represent them in Parliament.

7. Nevertheless, I would like to thank all the Members for your suggestions and we will keep them in mind in any future reviews.

Conclusion

8. So Mr Speaker, Sir, let me conclude by reiterating the intent behind this Bill. The Bill aims to update the disqualification criteria for membership for Parliament and memberships for the CPA and PCMR so that they continue to be relevant in ensuring that members are persons with integrity and who adhere to high standards of conduct. This is to safeguard and protect the standing and dignity of Parliament as well as the offices of the CPA and PCMR.

9. So Mr Speaker, Sir, if I may conclude with an exposition on the spirit behind this. As we have heard from Mr Murali, Mr Lim Biow Chuan and Ms Sylvia Lim, if we set the bar too high, then we may inadvertently rule out many people who might want to participate in the representative democratic process that we have. If we set the bar too low as Mr Murali pointed out, then it seems incongruent with what we expect of our public officers and our uniformed officers. So, in amending the Constitution today, we are adhering to the spirit behind what was set out from Independence and updating the criteria, but the spirit remains the same - to find the balancing point between setting the bar too high that we exclude too many and setting the bar too low that will not be congruent with what we expect of Parliamentarians. But having said that, whatever we agree today is but one of the levers that will apply to those who wishes to be a member of this Chamber. Besides the rules that we have, there are three other important keys if I may use the words of Mr Murali, and these three other keys are as follows. First, the standard that the respective political parties hold themselves accountable to. Second, the standards that each and every one of us holds ourselves to. And third, most importantly, the standards which our public hold us to. In order for our democracy to function properly, we need all four keys. We need the first key, the set of rules that balance the need for democratic participation with the standards

that we expect from those aspiring for public office but more critically, the other three keys – what political parties expect of the standards from their respective MPs or candidates; how our candidates and MPs hold ourselves accountable to the standards that we expect of ourselves as representatives of our people and our country; and finally, the strongest safeguard against any degradation of the standards of this House must be our electorate who ultimately elects the people into this House.

10. With that, Mr Speaker Sir, I beg to move, and I urge all Members on both sides of the House to give your fullest support to the Bill.