



DOES IT REALLY MATTER WHO OUR NEXT PRESIDENT IS?

An explainer on the limits of the President's powers and the role of the unelected Council of Presidential Advisors (CPA)



MUCH ADO ABOUT NOTHING

“The Elected President possesses substantial powers in certain matters, but **remains a titular chief executive in many others**... Most of the President’s powers are also ‘negative’ powers... to refuse to give his assent to key issues and appointments in the public service.”

Prof Kevin YL Tan and Prof Thio Li-Ann, *Constitutional and Administrative Law in Singapore*

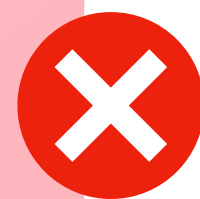
Limits to Powers of the Elected Presidency

Discretionary Powers

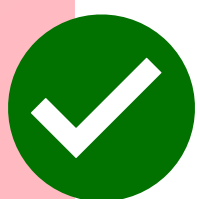
Non-Discretionary Powers



If President’s decision conflicts with CPA’s recommendation, Parliament may overrule President’s decision



President must exercise these powers as Cabinet directs



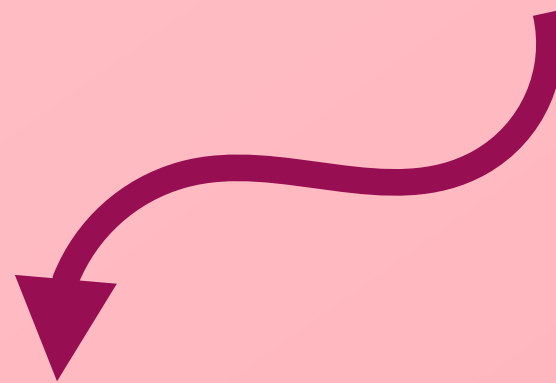
President has full discretion in very limited situations (e.g. to appoint PM)



President has no role in making government policy

THE PRESIDENT'S DUTY TO CONSULT THE CPA IN EXERCISING DISCRETIONARY POWERS

As part of the 2016 amendments to the Constitution, a new Article 37IA was introduced which **requires the President to consult the CPA before exercising most of his discretionary powers.** This includes his power to refuse to give assent on key issues and appointments in the public service.



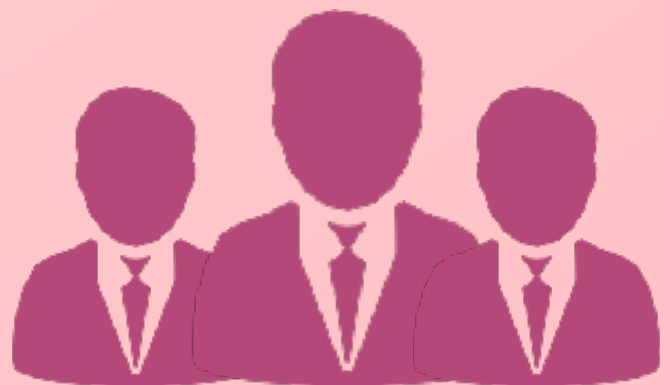
If the President acts contrary to the CPA's recommendation in exercising these powers, Parliament may overrule the President with a two-third (66%) majority.

Given that the the People's Action Party (PAP) enjoys a 89% majority in Parliament, they can **easily override any of the President's decisions that conflicts with the CPA's recommendation.**

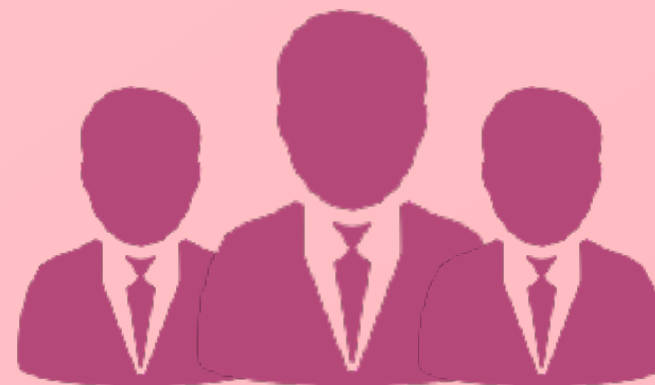


WHO'S ON THE CPA?

The CPA comprises 8 members:



3 appointed at the
**discretion of the
President**



3 appointed by the President,
upon **nomination by the Prime
Minister**



1 appointed by the
President, upon
**nomination by the
Chief Justice**



1 appointed by the
President, upon **nomination
by the Chairman, Public
Service Commission (PSC)**

CPA proceedings are private. The CPA may ask public officers to furnish information. Should any public officer appear before the CPA, the officer is prohibited from disclosing the discussions.

This raises the question: Who is really running the show, the Elected President or the CPA?

THE PRESIDENT'S NON-DISCRETIONARY POWERS

▶ In the exercise of the President's other constitutional functions, he **must** act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet.



i For example, the President has no personal discretion in exercising his power to grant a pardon or clemency. He may do so only if Cabinet advises him to do so.

▶ The President also has no constitutional role in the making or implementation of government policies, which are solely under the direction and control of the Cabinet.

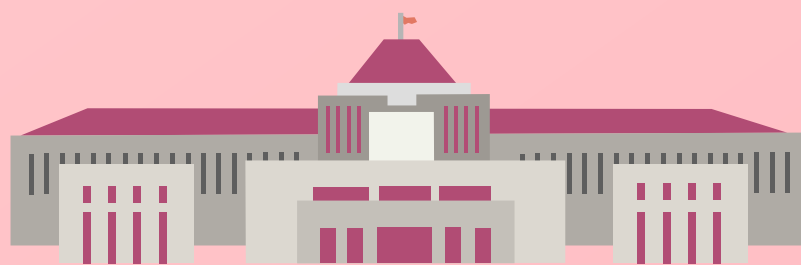
SO, WHAT CAN THE PRESIDENT DO INDEPENDENTLY?



Appoint the Prime Minister



Appoint the President's personal staff



Withhold consent to a request to dissolve Parliament



Give concurrence for CPIB investigations if the Prime Minister has refused to consent



Cancel, vary or confirm a restraining order made under the Maintenance of Religious Harmony Act



The President also performs the traditional ceremonial function as the country's head of state, representing Singapore at ceremonies domestically and internationally.

FOOD FOR THOUGHT

1. Do you think that the outcome of this Presidential Election will make any difference to how Singapore is governed in the coming years?
2. What traits would set a presidential candidate apart in terms of how he would exercise his discretionary powers?
3. Is it time to revert to an appointed, rather than an elected, president?
4. How will your understanding of the President's powers influence how you exercise your vote?