

SINGAPORE GOVERNMENT 101

Produced by the people,
for the people

August 2017

In this booklet, we will look at the three branches of our government and how they relate to our everyday life.

Beyond asking your Member of Parliament (MP) for help with *traffic summons* at their regular Meet-the-people sessions, what are the other roles that your MP plays as an elected representative of the people?

How do our courts serve as a check on the other branches to prevent abuse of power?

What exactly does the Elected President do and why do we have non-elected MPs in Parliament?

Read on to find out!



Singapore is described as a **parliamentary representative democratic republic**. This means that the government's power lies with the people (republic). Through their vote at each election (democratic), people are able to choose the political leaders to represent them in Parliament (parliamentary representative). This contrasts with a dictatorship or a monarchy where the government's power lies instead with that political leader.

THREE BRANCHES OF GOVERNMENT

LEGISLATURE

JUDICIARY

EXECUTIVE

The Legislature has **4 functions** – making laws, controlling national expenditure and taxation, critique of national policy and scrutiny of the Cabinet made up of the Ministers, and taking care of the constituency through the Town Council.

The Legislature is made up of **Elected Members of Parliament (MPs)**, **Nominated Member of Parliament (NMP)** and the **Non-Constituency Member of Parliament (NCMP)**. As of July 2017, there are 89 Elected MPs, 3 NCMPs and 9 NMPs.

NCMPs are chosen from the **best-performing Opposition candidates** who win at least 15% of the votes in the constituencies they ran for but were not elected. NMPs are appointed by the President and a Special Select Committee comprising of the Speaker of Parliament and 7 MPs. **NMPs** are typically selected as **representative experts in their field of interest** – e.g. Education, Civil Society, Arts, Trade Unionists.

NCMPs and NMPs do not have the same powers as elected MPs in several aspects, such as certain voting rights and the management of a constituency.

”

WE ARE
SERVANTS OF
THE PEOPLE,
NOT MASTERS

“

LEGISLATURE: HOW AN MP IS EXPECTED TO SERVE THE PEOPLE

0 1

MEET THE PEOPLE SESSION

At each MPS - usually run at least once a month - residents can meet with their MP to seek assistance on different issues such as housing, healthcare and education. Residents can also use this opportunity to speak with their MP on policies and national events that they feel concerned about.

Apart from meeting the MP⁴ face-to-face at an MPS, residents can also contact their MPs over email or social media. Increasingly, more MPs have set up their own Facebook pages to connect more closely with their residents.

0 2

SPEAKING UP IN PARLIAMENT ON BILLS AND POLICIES AS A VOICE OF THE PEOPLE

Based on the opinions and views of the residents, MPs will speak on behalf of their constituencies in Parliament on different issues that affect them. This can include views on Bills that are being debated as well as government policies that may require refinement or reformulation.

Citizens can make their views and opinions known to their MPs so that they can be relayed to Parliament and discussed so that the views of the people are taken into account in developing national policy and laws.

0 3

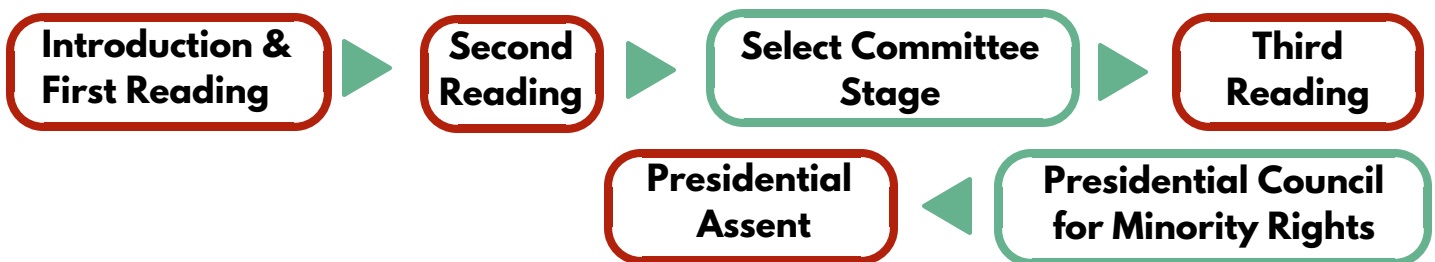
RUNNING TOWN COUNCIL

MPs are also responsible for the local day-to-day operations of their constituencies via Town Councils. This means that MPs not only are involved on a national level by representing the people in Parliament, but also on a more intimate level by being directly responsible for the different aspects of a resident's life such as transport, recreational spaces and public utilities.

LEGISLATURE: THE LEGISLATIVE PROCESS

01 **BILLS ARE PRESENTED TO PARLIAMENT FOR DEBATE**

Bills can either **amend existing laws** – which are called Acts – or **present brand new laws**. Bills are usually presented by Ministries when they want to amend laws, but **MPs can also present Bills, which are called Private Members Bills**. All upcoming Bills to be debated are listed on Parliament’s website. All transcripts are available online and anyone can spectate a sitting by registering at Parliament House.



While the media will often cover highlights of parliamentary proceedings, there is no requirement that the recordings be televised or made publicly available.

In practice, Bills do not typically go through the Committee Stage or the Presidential council for Minority Rights. In 2016, none of the Bills were tabled to a Select Committee before they were passed. Since it was set up, the PCMR has not rejected a Bill for a “differentiating measure”, where the law differentiates between people based on race, language or religion.

02 **A BILL BECOMES A LAW (AN ACT/AMENDMENT TO AN ACT)**

03 **AN ACT COMES INTO FORCE**

Citizens are notified of new acts through a **Commencement Notification in the Government Gazette** which is published daily and available to the public for 5 days. Access after 5 days and access to archives dating back to 1999 is limited to paying subscribers. **Acts in force are listed on Singapore Statutes Online.**

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The judiciary's **primary function** is to **interpret the law that the legislature has enacted** because language can be construed differently under different contexts or for different purposes.



For example, section 84 of the Penal Code states that that 'Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law'. However, it is unclear what 'unsoundness of mind' encompasses - does it include subnormal intellect or is only limited to mental illnesses?

The interpretation process involves **referring to different sources of law**, which includes not only **the Acts of Parliament** that the legislature has enacted but also **regulations created by ministries** as well as **rulings of previous court cases** which set precedents for subsequent similar cases.

SUPREME COURT

CONSTITUTIONAL TRIBUNAL

COURT OF APPEAL

HIGH COURT

STATE COURTS

DISTRICT COURT

MAGISTRATES COURT

CORONER'S COURT

JUVENILE COURT

SMALL CLAIMS TRIBUNALS

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Another function of the judiciary is in **checking the exercises of legislative and executive power**. The courts can review laws passed by Parliament and **decide if they are constitutional** – that is to say, whether they are supported by the Singapore constitution – when challenges are mounted against laws. Laws decided to be unconstitutional will be struck down.

However, since Singapore gained independence, no law has been voided for being unconstitutional. This includes constitutional challenges against the Mandatory Death Penalty, the Prevention of Corruption Act, Section 377A of the Penal Code and the Public Order Act.

WHY IS THE CONSTITUTION IMPORTANT?

The Singapore political system is founded on the principle of **constitutional supremacy**. What this means is that the Constitution is the **most fundamental and powerful law that governs every aspect of the country**. Therefore, any law inconsistent with the Constitution can be struck down.

The Constitution has also been described as “**power-defining and power-limiting**” – this means that it empowers each branch of government by setting out the scope of power that each branch has and what it can do.

The Constitution also provides for various fundamental liberties, or what is now popularly understood as human rights, to protect the individual citizen from the tyranny of the state. However, these rights are not absolute. They are often qualified by public interests such as the maintenance of public order, public morality, and national security.

A controversial aspect of the Singapore Constitution is how flexible to change it has been. Since it was first drafted, it has undergone at least 46 amendments with the most recent taking place in 2016 to alter various aspects of the Elected Presidency. While it is more difficult to amend the Constitution than ordinary statutes - requiring a $\frac{2}{3}$ supermajority in parliament instead of 50% - this has practically not been a real obstacle to constitutional amendments given that Singapore has been governed by a single political party that has dominated Parliament.

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The Cabinet consists of the Prime Minister and Ministers, with the number of Ministers decided by the government.

Taken from the Prime Minister's Office Website: <http://www.pmo.gov.sg/the-cabinet>

The executive branch is made up of the **Elected President (EP)** and the **Cabinet**. The EP appoints the PM, who is selected from the elected MPs as the leader who commands the confidence of the majority of MPs. The EP also appoints Ministers into Cabinet, on the advice of the PM.

This branch executes the law that the legislature has enacted, through devising policies and regulations to ensure that the laws are implemented effectively. Ministers can implement subsidiary legislation as well without requiring Parliament's approval.

As part of the Executive branch, the President plays three different roles: **ceremonial, custodial, and executive**. The ceremonial role of the President is similar to that of the Queen in England and refers to the **symbolic unifying role that he or she plays in acting as the embodiment of the nation**. This also includes **the power to dissolve Parliament and to appoint the Prime Minister**. The custodial role of the President refers to the powers to veto the use of the country's reserves. Lastly, the executive role refers to the powers to appoint key civil service and judicial officers.

OUR POLITICAL SYSTEM IS GOVERNED BY 2 KEY PRINCIPLES

01 SEPARATION OF POWERS

The core idea is to prevent the accumulation of unbridled power within a small group. This principle is realised by a system of checks and balances between branches of government.

The Legislature enacts laws and checks the Executive by debating policies and legislation in Parliament. The Judiciary checks the Legislature and Executive through judicial review (the striking down of legislation or executive action that is not in line with the law). The Elected President, part of the Executive, has the power to veto budgets and transactions that draw from past governmental reserves.

Non-elected NMPs are allowed to give their opinion during parliamentary debates with limited voting rights. This is to encourage the representation of minority voices and promote robust debate. However, some have criticised this for entrenching the ruling party's dominance by placating popular demands for more diversity in governance without giving up its powers since these non-elected MPs do not have the same voting rights as elected MPs.

02 REPRESENTATIVE DEMOCRACY

General elections take place around once every 5 years, during which Parliament would be dissolved and political candidates can run in either Group Representative Constituencies (GRCs) – with a team of candidates made up of at least one person from a racial minority – or Single-Member Constituencies (SMCs).

The group or candidate with the highest vote percentage wins the electoral seat in a “first-past-the-post” system and becomes a Member of Parliament. For instance, in the 2015 General Elections, the Workers’ Party (WP) won the Aljunied GRC with a vote share of 51% while the People’s Action Party (PAP) had 49% of the votes; the WP candidates were elected as Members of Parliament representing that constituency. What this implies is representation is not proportionate - though votes were nearly split down the middle, the whole group of WP candidates will represent Aljunied rather than half of the WP candidates and half of the PAP candidates. Because the WP was the “first past the post”, the entire group was elected.

The political party that wins the most number of electoral seats will form the government of the day and the candidate who has the most confidence of their party members will be appointed as the Prime Minister by the President. Since independence, the PAP has formed every government.

Apart from Members of Parliament, a Presidential Election also takes place around once every 6 years for the Elected Presidency. The institution of the Elected President is unlike any other in the world, as it was created by the PAP in the 1990s. Singapore’s elected president has some executive powers, unlike most other Heads of State who perform ceremonial roles without any executive powers. In order for them to properly balance the power of a democratically elected Parliament - that represents the will of the people - it is necessary for them to have the backing of the people. As such, Presidents in Singapore must be elected.

WHAT DOES THIS MEAN FOR A CITIZEN LIKE ME?

01

HAVE YOUR VOICE HEARD

Find out when your Member of Parliament organises their **Meet-the-People session** and head down to speak with them about your concerns and thoughts on policies, Bills and events happening in the country.

Another way to have your voice heard is to participate in national conversations – not only through social media but also mainstream media. You can submit forum letters to share your thoughts and opinions on issues to contribute to a more engaged and vibrant society.

02

PARLIAMENTARY PETITION

Public petitions may be submitted to Parliament to be discussed. This can be tabled by a Member of Parliament, who is not a signatory to the Petition, on behalf of the signatories. Such petitions serve to reflect the views of the public for Parliament to consider, whether in relation to a pending Bill or other national policies and matters.

Examples of past petitions that have been submitted to Parliament include a petition against the closure of the Sungei Road “Thieves” market, the repeal and retainment of S377A of the Penal Code as well as a petition calling for a delay to the passage of the Administration of Justice (Protection) Bill.

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03

JUDICIAL REVIEW

Individual citizens can bring the Government to court over the constitutionality of laws and executive action. A successful case will involve the striking down of these laws or government action as unconstitutional or beyond the powers conferred on that government actor.

However, unlike some other countries with more generous rules on judicial review, Singapore adopts what has been described as a “green-light” approach where the courts are significantly more deferential to the legislature and executive. This means that it is much harder to succeed in cases against the government because its actions and decisions are protected by presumptions of constitutionality and legality.

In addition, not everyone has the right to sue the government. Before the actual trial over whether the government’s actions are legitimate, the court must first decide whether the individual suing has standing. This means that the plaintiff must have a real legal interest in the issue, where they are personally affected by the law or government policy in question, or where they have suffered special damage over and beyond the ordinary citizen.

For instance, in the constitutional challenge of S377A of the Penal Code, the court decided that the plaintiffs had standing because they identified as homosexual men and were directly affected by a law that criminalised their sexual behaviour. On what constitutes special damage, examples include a person who is affected by the Prime Minister’s decision on whether to call for a by-election in her constituency as well as a person who is unable to run for the Presidential Elections despite having publicly announced that he planned to prior to the constitutional amendments to the Elected Presidency.

FIN

These are only three examples of how we can participate in the democratic society we live in. There are also many other ways, such as being involved with civil society organisations to advocate for different causes and issues that you care for, as well as participating in different community events like rallies at Hong Lim Park.

You can find a more detailed plain text version of this publication (with footnotes) on our website - www.cape.sg

Stay tuned for the next installment of this series as we explore other ways of becoming active citizens in Singapore!



CAPE stands for Community for Advocacy and Political Education.

We are a community that examines local affairs relating to civil society, and provides avenues for Singaporeans to contribute constructively. Together, we can contribute to a Singapore that is more informed and involved.

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