

Legislative Comment

ONLINE SAFETY (RELIEF AND ACCOUNTABILITY) BILL: FURTHER EXPERIMENTS IN BALANCING RIGHTS AND RESPONSIBILITIES

Singapore's latest legislation to address online harms, the Online Safety (Relief and Accountability) Bill, was passed in Parliament in November 2025. The legislation, which takes a complainant-centric approach, provides the Commissioner of Online Safety a broad range of powers so that timely redress can be given for reports of online harms such as image abuse, sexual harassment, doxxing, and stalking. Various torts that impose duties on administrators and platforms have also been created. Legislation of this nature invariably raises issues about whether an appropriate balance between freedom and responsibility has been struck. This Legislative Comment analyses some of the more notable provisions of the new law and in so doing, draws comparisons with some of the legislative efforts elsewhere.

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I. Context

1 Singapore has introduced various statutes in the past decade or so to regulate different facets of the online sphere.¹ These include the Online Criminal Harms Act 2023² (“OCHA”), Protection from Online Falsehoods and Manipulation Act 2019³ (“POFMA”), and Protection

1 See also Chen Siyuan, “Regulating Online Hate Speech” (2024) 38(2) *International Review of Law, Computers and Technology* 119.

2 2020 Rev Ed.

3 2020 Rev Ed.

from Harassment Act 2014⁴ (“POHA”). Statutes such as the Broadcasting Act 1994, Maintenance of Religious Harmony Act 1990,⁵ Defamation Act 1957,⁶ and Penal Code 1871,⁷ while not originally intended to regulate online activities, also have broad enough provisions that can apply in certain situations.⁸ But rapid changes in technology, coupled with how deeply integrated internet use has become in daily lives, have led to a widely held perception that there remained significant gaps in the legal framework.⁹ This is not a problem unique to Singapore; many countries have increasingly found it a challenge to regulate internet use in the age of social media and artificial intelligence (“AI”), even as recent laws aimed squarely at online harms have been passed in jurisdictions such as Australia (Online Safety Act 2021),¹⁰ the European Union (“EU”) (Digital Services Act),¹¹ and the UK (Online Safety Act 2023).¹²

2 Singapore’s latest response is the Online Safety (Relief and Accountability) Bill (“OSRA”).¹³ This Legislative Comment explains why OSRA marks a significant milestone in Singapore’s efforts to combat online harms. Before OSRA, our online safety framework focused on either reactive enforcement or preventative measures. For instance, POHA criminalises offences including harassment and stalking which cause alarm or distress.¹⁴ Simultaneously, POHA contains a statutory right of private action for complainants, empowering courts to award damages in a just and equitable manner.¹⁵ Complainants may also obtain stop publication orders, correction orders, and disabling orders against perpetrators or internet intermediaries to mitigate the spread of false statements.¹⁶ Another important regulatory tool is POFMA, which addresses the dissemination of false statements of fact online that are prejudicial to the public interest.¹⁷ Apart from criminal sanctions,

4 2020 Rev Ed.

5 2020 Rev Ed.

6 2020 Rev Ed.

7 2020 Rev Ed.

8 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

9 Ministry of Law, *Public Consultation Paper on Enhancing Online Safety* (November 2024) at pp 3–4 <<https://isomer-user-content.by.gov.sg/27/4ab5e313-5c65-464c-9cb8-64277d91dcb9/online-harms-full-public-consultation-paper.pdf>> (accessed 20 April 2026).

10 Cth.

11 Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (Digital Services Act).

12 c 50 (UK).

13 Bill No 18/2025.

14 Protection from Harassment Act 2014 (2020 Rev Ed) ss 3(1)(a), 3(1)(c) and 7(6).

15 Protection from Harassment Act 2014 (2020 Rev Ed) s 11.

16 Protection from Harassment Act 2014 (2020 Rev Ed) Pt 3, Div 2.

17 Protection from Online Falsehoods and Manipulation Act 2019 (2020 Rev Ed) s 10.

POFMA provides corrective measures, empowering Ministers to issue directions to correct, remove, or disable access to false statements.¹⁸ Unlike POHA, these directions do not require a judicial order.¹⁹

3 Under OCHA, the authorities may issue directions to remove content, disable access, or restrict accounts when it comes to online criminal harms such as scams.²⁰ OCHA adopts a preventative risk-based approach, allowing directions to be issued even when the online activity is merely preparatory to the criminal conduct.²¹ Designated online services are required to comply with codes of practice and directives that prevent such harms from arising.²² The Broadcasting Act 1994²³ adopts a similar approach. It empowers the authorities to issue codes of practices requiring online communication service providers to implement safeguards against harmful content, conduct risk assessments, and establish systems that mitigate the impact of online harms.²⁴ Providers must take reasonably practicable steps to comply with these codes, and the authorities possess enforcement powers including directions and financial penalties to ensure compliance.²⁵

II. Analysis of the Online Safety (Relief and Accountability) Bill

4 OSRA seeks to strengthen Singapore's online safety framework by providing complainants greater avenues for recourse against online harms.²⁶ In explaining the impetus behind the new legislation, MinLaw pointed to the Perceptions of Digitalisation Survey commissioned by the Ministry of Digital Development and Information ("MDDI"). There, 84% of respondents said they have encountered harmful online content such as sexual and violent material, while 33% have experienced harmful online behaviour such as cyberbullying and speech that could cause racial discord.²⁷ MinLaw added that the growing exposure to online harms has

18 Protection from Online Falsehoods and Manipulation Act 2019 (2020 Rev Ed) Pts 3–4.

19 Protection from Online Falsehoods and Manipulation Act 2019 (2020 Rev Ed) s 10(1)(b).

20 Online Criminal Harms Act 2023 (2020 Rev Ed) ss 6–7.

21 Online Criminal Harms Act 2023 (2020 Rev Ed) s 6(1)(b).

22 Online Criminal Harms Act 2023 (2020 Rev Ed) Pt 4.

23 2020 Rev Ed.

24 Broadcasting Act 1994 (2020 Rev Ed) s 45L.

25 Broadcasting Act 1994 (2020 Rev Ed) ss 45M–45N.

26 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

27 Ministry of Law, "Proposed New Law to Empower Victims of Online Harms to Seek Timely Relief and Obtain Redress", press release (15 October 2025) at para 4 <<https://www.mlaw.gov.sg/proposed-new-law-to-empower-victims-of-online-harms-to-seek-timely-relief-and-obtain-redress/>> (accessed 15 April 2026).

translated into “deeper psychological impacts” and “distorted online participation and discourse”.²⁸ Specifically, when affected individuals exit from public life or choose to stay offline, “proper discourse in the community becomes weaker ... [the result is] a divided society, and a weakening of ... social fabric and collective trust”.²⁹ At the same time, MinLaw emphasised that OSRA is not supposed to stifle speech but will instead facilitate freedom of expression and association, in that it will “contribute to a safer and more conducive online public square, where Singaporeans can actively participate in civil discourse without causing undue harm to others”.³⁰ In this connection, the preamble of OSRA states that the law is primarily designed to “provide persons affected by online harmful activity with timely redress”, “improve and promote online safety”, “deter and prevent online harmful activity”, and “promote accountability and responsible and reasonable conduct in the online environment”. These purposes correspond to the three main features of OSRA.

5 Firstly, OSRA establishes the Online Safety Commission (“OSC”), a “dedicated agency to administer a statutory mechanism that will enable victims to seek timely remedies” for certain harms.³¹ The OSC, working together with the Infocomm Media Development Authority, will support the Commissioner of Online Safety (“Commissioner”). Secondly, OSRA lists 13 online harmful activities, ranging from intimate image abuse to online instigation of disproportionate harm; in furtherance of this, OSRA sets out nine torts to “provide a clear legal basis for victims of online harms to hold those responsible for such harms accountable”.³² Thirdly, OSRA gives the OSC powers to better ensure that “communicators of online harms, who are often emboldened by online anonymity to commit harms with impunity, can be better identified and

28 Ministry of Law, “Proposed New Law to Empower Victims of Online Harms to Seek Timely Relief and Obtain Redress”, press release (15 October 2025) at para 5 <<https://www.mlaw.gov.sg/proposed-new-law-to-empower-victims-of-online-harms-to-seek-timely-relief-and-obtain-redress/>> (accessed 15 April 2026).

29 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

30 Ministry of Law, “Proposed New Law to Empower Victims of Online Harms to Seek Timely Relief and Obtain Redress”, press release (15 October 2025) at para 7 <<https://www.mlaw.gov.sg/proposed-new-law-to-empower-victims-of-online-harms-to-seek-timely-relief-and-obtain-redress/>> (accessed 15 April 2026).

31 Ministry of Law, “Proposed New Law to Empower Victims of Online Harms to Seek Timely Relief and Obtain Redress”, press release (15 October 2025) at para 8 <<https://www.mlaw.gov.sg/proposed-new-law-to-empower-victims-of-online-harms-to-seek-timely-relief-and-obtain-redress/>> (accessed 15 April 2026).

32 Ministry of Law, “Proposed New Law to Empower Victims of Online Harms to Seek Timely Relief and Obtain Redress”, press release (15 October 2025) at paras 8 and 14 <<https://www.mlaw.gov.sg/proposed-new-law-to-empower-victims-of-online-harms-to-seek-timely-relief-and-obtain-redress/>> (accessed 15 April 2026).

held accountable”.³³ Non-compliance with the Commissioner’s directions, whether by individual users or platforms, is criminalised.³⁴ With respect to relief available to individuals, civil remedies, including damages, are possible.³⁵ OSRA is fairly substantial and was almost five years in the making, so this comment will only analyse the more notable provisions.

A. *Harms versus torts*

6 As aforementioned, OSRA lists 13 activities as online harms. These are: online harassment, doxxing, non-consensual disclosure of private information, online stalking, intimate image abuse, image-based child abuse, online impersonation, inauthentic material abuse, publication of false material, publication of statement harmful to reputation, online instigation of disproportionate harm, incitement of enmity, and incitement of violence. The government has explained that because the establishment of the OSC is a monumental task, only five harms will be brought into force for a start: intimate image abuse, image-based child abuse, online harassment (including sexual harassment), doxxing, and online stalking.

7 While online safety legislations in other jurisdictions address a similar range of online harms, the scope of harms prescribed under OSRA is more specifically targeted. One example is online instigation of disproportionate harm, which targets conduct that incites the public to act against a person in response to that person’s alleged speech or conduct, thereby increasing the risk of harm to that person.³⁶ This provision addresses “mob behaviour” or cancellation campaigns, where an individual mobilises others to collectively target and “pile on” another person.³⁷ In contrast, this harm is not expressly addressed under UK’s Online Safety Act 2023, which adopts a narrower focus on communications that incite hatred or bullying.³⁸

8 Another example is inauthentic material abuse, which addresses the communication of digitally altered or generated material resulting in

33 Ministry of Law, “Proposed New Law to Empower Victims of Online Harms to Seek Timely Relief and Obtain Redress”, press release (15 October 2025) at para 18 <<https://www.mlaw.gov.sg/proposed-new-law-to-empower-victims-of-online-harms-to-seek-timely-relief-and-obtain-redress/>> (accessed 15 April 2026).

34 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) Pt 8.

35 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) Pt 13.

36 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 19.

37 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

38 Online Safety Act 2023 (c 50) (UK) ss 16 and 62.

a false or misleading depiction of a victim's words, actions, or conduct.³⁹ Parliament intended for this provision to combat the proliferation of deepfakes used to cause harm to others.⁴⁰ In comparison, this harm does not fall squarely within New Zealand's Harmful Digital Communications Act 2015. Although New Zealand's statute criminalises the "posting of intimate visual recording without consent", it does not expressly extend to digitally altered images.⁴¹ This gap – explained by the fact that the statute was enacted well before the proliferation of deepfake technology – has sparked legislative efforts in New Zealand to expand the definition of "intimate image abuse" to include "images or videos that are manipulated by AI without consent".⁴²

9 OSRA's introduction of a wide yet targeted range of online harms is consistent with Parliament's goal of strengthening Singapore's online safety regime to address emerging online threats.⁴³ In addition to the direct harm suffered by victims, Parliament acknowledged the growing indirect effects of online harms, including self-censorship, and reduced internet use by individuals seeking to protect themselves and their families.⁴⁴ If left unaddressed, these trends may risk further deterioration of the online environment. The extensive range of harms covered under OSRA therefore represents a welcome step in safeguarding the online space, deterring harmful conduct, and setting clearer norms for responsible online behaviour.⁴⁵

10 OSRA also creates various torts in three different parts. Part 10, which pertains to actions against individuals, lists intimate image abuse, image-based child abuse, online impersonation, inauthentic material abuse, online instigation of disproportionate harm, and incitement of violence. Parts 11 and 12 pertain to administrators and online service providers respectively and will be elaborated in the next section, but a quick comparison between Pt 3 and Pt 10 of OSRA would show that not all activities listed as online harms translate into actionable torts under the statute. This is because the listed online harms correspond to

39 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 16.

40 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

41 Harmful Digital Communications Act 2015 (NZ) s 22A.

42 "Attempt to Close Deepfake Porn Loophole", *INews* (23 October 2025) <<https://www.1news.co.nz/2025/10/23/attempt-to-close-deepfake-porn-loophole-to-go-before-parliament/>> (accessed 15 April 2026).

43 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Sharael Taha, Member of Parliament, Pasir Ris-Changi GRC).

44 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Dr Choo Pei Ling, Member of Parliament, Chua Chu Kang GRC).

45 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Josephine Teo, Minister for Digital Development and Information).

the activities reportable to the OSC, while the listed torts correspond to the actions that can be brought before a court. Specifically:

(a) Harassment, doxxing, and stalking “will continue to be dealt with under POHA for communicators, but the new statutory duties for these harms will extend to administrators and platforms under [OSRA], since POHA does not cover them”.⁴⁶

(b) False material, statements harmful to reputation, and non-consensual disclosure of private information are not actionable torts under OSRA as these harms were “well-covered” by other existing laws.⁴⁷

(c) As regards incitement of enmity, “it is unwise to encourage such matters – which can be potentially explosive, emotive and divisive – to be dealt with litigiously, in a courtroom and so it will be dealt with by the OSC”.⁴⁸

11 OSRA’s introduction of a statutory tort regime is a novel enhancement of Singapore’s online safety framework. The online safety regimes in Australia, UK, and New Zealand do not provide a statutory right to bring civil proceedings against the perpetrators of online harms. Instead, these regimes rely on criminal penalties for online harms and non-compliance with regulatory notices.⁴⁹ By introducing a right of private action against perpetrators of online harms, OSRA enables complainants to seek civil remedies for harms under Pt 10 that were previously unavailable. This aligns with Parliament’s intent to build a more “robust support ecosystem for victims”,⁵⁰ by empowering complainants to seek accountability directly and obtain appropriate compensation for the harm suffered.⁵¹ This civil route, which relies on the complainant to take action, is unlike the criminal route in a few material respects: (a) any decision to prosecute is subject to the discretion of the prosecutor; (b) prosecution is longer and more drawn-out; (c) criminal proceedings deploy a higher standard of proof; and (d) criminal proceedings do not

46 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

47 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

48 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

49 Online Safety Act 2023 (c 50) (UK) Pts 10–11; Online Safety Act 2021 (Cth) Pt 4; Harmful Digital Communications Act 2015 (NZ) ss 21–22.

50 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

51 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Dr Choo Pei Ling, Member of Parliament, Chua Chu Kang GRC).

offer the same types of relief, since the policy objective is different from civil proceedings.

12 Among the harms listed in Pt 3, questions were raised as to whether some harms were defined too broadly or could be abused. For instance, the definitions of online harassment (cl 9) and non-consensual disclosure of private information (cl 11) do not, respectively, recognise the long-standing exceptions under the common law in the form of fair comment and public interest. However, it was clarified in Parliament that these exceptions are not necessarily ruled out as factors for consideration; as will be seen, the Commissioner is to use the twin touchstones of reasonableness and the circumstances of each case in making many decisions under OSRA.⁵² The concept of reasonableness features too in many of the definitions of harm, be it doxxing, online stalking, intimate image abuse, inauthentic material abuse, or publication of false material – in that, at bottom, the inquiry is whether a reasonable person would consider, in the circumstances of a case, whether a particular act is likely to cause the harm in question.

B. Duties imposed on administrators and platforms

13 As alluded to earlier, Pts 11–12 of OSRA impose duties on administrators and online service providers respectively. For the former, cl 90(1) provides that a person must not develop, maintain, or administer an online location in a manner that facilitates online harmful activities; knowledge of likelihood of such activities being conducted suffices for a violation. Whether a person has contravened cl 90(1) also depends on factors such as the purpose of the online location, nature and content of materials communicated at the location, and the moderation policies and practices applied at the location.⁵³

14 If a complainant sends an administrator of an online location a written notice sufficiently identifying the activity, the administrator has a duty to, within a reasonable time, take reasonable care to assess whether the activity has occurred and if so, take reasonable steps to address the activity.⁵⁴ In determining the steps that are reasonable for an administrator to take, relevant factors include the extent to which the activity is likely to persist, the past conduct of the person who conducted the activity, and the impact on any person who may be affected by the

52 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

53 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 90(2).

54 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 91(1)–91(3).

steps taken to address the activity.⁵⁵ OSRA “avoids the use of fixed or rigid formulas ... to allow the Court to develop the law incrementally, while at the same time, keeping the focus squarely on online safety and responsibility.”⁵⁶

15 This duty to respond reasonably applies similarly to platforms,⁵⁷ which includes not just social media platforms like Facebook and X, but also closed or encrypted messaging platforms such as WhatsApp.⁵⁸ This duty “does not require the platform to do constant surveillance and monitoring. Their liability arises only when an actor fails to act reasonably after receiving proper notice. They are not liable if, through no fault of their own, they did not receive the notice sent by the victim.”⁵⁹ Further, save for intimate image abuse, image-based child abuse, and doxxing, the first port of call for complainants is to raise a report to the platform in question; it is only if the platform fails to act within 24 hours, that the complainant should file a report on the OSC website.⁶⁰ If a complainant sends an online harm notice that is frivolous or false in a material way the complainant knew to be false, the administrator or platform as the case may be has a right of action in civil proceedings against the complainant.⁶¹

16 Those familiar with this area of law would know an intractable problem in regulating online activities is prescribing when a duty to act is triggered. The answer cannot lie solely in user-monitoring or even monitoring by moderators or community administrators; yet placing the burden on online service providers might result in opaque, even ideologically-driven censorship – to say nothing about the massive resources required to be invested in monitoring (or even pre-empting), filtering, and adjudication, as well as technical challenges in overcoming issues regarding encryption and privacy. These problems are illustrated quite strikingly in the UK, wherein the Online Safety Act 2023 imposes a statutory duty of care on certain service providers. These providers are foisted with an overarching obligation to exercise care over activities that may cause harm to users, and have to continually assess the effectiveness of those measures.⁶² Concerns have been raised over the uncertain and

55 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 91(4).

56 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

57 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 94.

58 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

59 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

60 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

61 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cll 92 and 95.

62 Online Safety Act 2023 (c 50) (UK) Pt 4.

onerous obligations it imposes.⁶³ Yet, the problem is not solved either if the responsibility lies on the government even if they have the badge of legitimacy – the court process is not always nimble or cheap, and the executive runs the risk of being perceived as acting with fiat when confronted with voluminous requests to regulate. OSRA’s approach, in requiring complainants to take the initiative, coupled with the speed the OSC is empowered to act, seems to strike the appropriate middle ground. It is in this vein that we turn next to analyse the scope of powers given to the Commissioner.

C. Powers of Commissioner

17 After receiving a report of online harm, the Commissioner may give directions under Pt 5 if the Commissioner has “reason to suspect that online harmful activity was conducted in respect of the person or the group, as the case may be”.⁶⁴ The Commissioner may conclude there is such reason to suspect solely on the basis of the report, without conducting any further investigation.⁶⁵ It was clarified in Parliament that the threshold for the issuance of directions was “modelled after the threshold set for the Police to take protective action in the Criminal Procedure Code and [OCHA]”; the more stringent “reasonable grounds to believe” threshold was considered, but “reason to suspect” was ultimately chosen so that “online harms can be stopped in a timely manner”.⁶⁶ Directions by the Commissioner may be given to any individual or entity, regardless of whether they are present or based in Singapore.⁶⁷

18 In deciding whether to give a direction or the type and scope of direction, the Commissioner may take into account factors such as the harm likely to be caused, number of persons likely to be harmed, circumstances in which the activity occurred, and reasonableness of the activity.⁶⁸ Examples of directions include removing or deleting the relevant material,⁶⁹ restraining a recipient from communicating any online material similar to the relevant material,⁷⁰ disabling access by end-

63 Markus Trengove *et al*, “A Critical Review of the Online Safety Bill” (2022) 3(8) *Patterns* 1005441 <<https://doi.org/10.1016/j.patter.2022.100544>> (accessed 15 April 2026).

64 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 26(1). *Cf* Chen Siyuan, “Stephen’s Prudent Person” (2023) 3 *Singapore Law Journal* 42.

65 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 6(2).

66 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

67 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 26(3).

68 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 27.

69 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 29–30.

70 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 31.

users in Singapore to any relevant material or relevant class of material,⁷¹ requiring a recipient to communicate in Singapore a reply notice (but this is mainly limited to the defamation-related torts),⁷² requiring a recipient to publish a notice that the recipient has been subject to directions,⁷³ restricting accounts,⁷⁴ and engagement reduction.⁷⁵

19 In many situations, the Commissioner is only able to act meaningfully if the identity of an alleged perpetrator is known. In this regard, reservations were expressed during the public consultation “about the ability of internet platforms to collect identity information of their users ... due to their own data minimisation principles and foreign laws”.⁷⁶ There were also “concerns about information misuse and privacy, including risks of doxxing, vigilante justice, and inadvertent disclosure of innocent individuals’ information”.⁷⁷ Nonetheless, under OSRA, perhaps in light of how the court mechanisms of pre-action disclosure and non-party disclosure can be costly and time-consuming,⁷⁸ the Commissioner is empowered to:

(a) “[R]equire any person to provide, in the form and manner and within the time specified in the notice, any information or document ... relating to any matter that the Commissioner may require for the purposes of [OSRA]”.⁷⁹

(b) Secure the attendance of, and orally examine, persons “acquainted with any of the facts and circumstances of matters under [OSRA]”.⁸⁰

(c) Require an online service provider to “take reasonable steps to obtain specified information” of a suspect that may identify or lead to the identification of that suspect.⁸¹

71 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 32–33.

72 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 34–35.

73 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 37.

74 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 38–39.

75 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 40.

76 REACH, “Public Consultation on Enhancing Online Safety” (6 March 2025) at para 21 <<https://www.reach.gov.sg/latest-happenings/public-consultation-pages/2024/public-consultation-on-enhancing-online-safety/>> (accessed 15 April 2026).

77 REACH, “Public Consultation on Enhancing Online Safety” (6 March 2025) at para 20 <<https://www.reach.gov.sg/latest-happenings/public-consultation-pages/2024/public-consultation-on-enhancing-online-safety/>> (accessed 15 April 2026).

78 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

79 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 49(1).

80 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 51(1).

81 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 52(1).

(d) Disclose to a complainant any identity information or contact details of a suspect.⁸² This allows a complainant to bring a claim and also to “safeguard themselves from the perpetrator, and to take proactive future measures”.⁸³

20 In Australia, the power to order the disclosure of identity information has also raised issues relating to the right to privacy and data protection.⁸⁴ Such concerns, however, must be balanced against the countervailing consideration that such anonymity and identity shielding may provide individuals with the opportunity to control and abuse others, and make it difficult to hold individuals to account.⁸⁵ OSRA seeks to strike a balance between protecting the rights of private individuals and the greater public concern in the regulation of online spaces. It was stated in Parliament that when the OSC discloses identity information, it is likely to “impose strict conditions on how the information can be used, such as limiting the use of the information to seeking protection or pursuing legal remedies. Any breach of those conditions will be a criminal offence.”⁸⁶ Moreover, if the complainant uses the information obtained to “dox the perpetrator, that could, itself, be an offence under POHA or under an online harm under [OSRA].”⁸⁷

21 Although the OSC is empowered to deal with a wider set of harms, in designing the OSC, the government drew lessons from Australia’s eSafety Commissioner.⁸⁸ The eSafety Commissioner is empowered under Australia’s Online Safety Act 2021 to investigate complaints or suspected breaches of the codes or standards. These powers include the power to summon a person to attend before the commissioner to answer questions,⁸⁹ order the provision of information

82 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 53(1).

83 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

84 Australian Government, *Statutory Review of the Online Safety Act 2021* (Issues Paper) (29 April 2024) at p 43 <<https://www.infrastructure.gov.au/department/media/publications/statutory-review-online-safety-act-2021-issues-paper>> (accessed 15 April 2026).

85 Australian Government, *Statutory Review of the Online Safety Act 2021* (Issues Paper) (29 April 2024) at p 43 <<https://www.infrastructure.gov.au/department/media/publications/statutory-review-online-safety-act-2021-issues-paper>> (accessed 15 April 2026).

86 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

87 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

88 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Josephine Teo, Minister for Digital Development and Information).

89 Online Safety Act 2021 (Cth) s 199(a).

or documents,⁹⁰ examine a person under oath or affirmation,⁹¹ and obtain identity information or contact details of an end-user of a social media service, relevant electronic service, or designated internet service where there are reasonable grounds to believe the information is relevant to the operation of the Act.⁹² In terms of enforcement, the eSafety Commissioner may issue notices and directions, including remedial directions,⁹³ link deletion notices,⁹⁴ and app removal notices.⁹⁵ These powers provide the Commissioner the ability to safeguard Australians at risk of online harm and protect them from severe online abuse. The OSC, similarly empowered, should be able to achieve the same objectives.

22 In applying its powers to investigate and enforce, the Commissioner may need to be cautious to not overly censor speech.⁹⁶ Such a responsibility is express on the wording of the UK's Online Safety Act 2023. The UK's Office of Communications ("Ofcom") – the OSA's independent regulator – has similar investigative and enforcement powers as the Commissioner. However, its range of powers is broader. Ofcom can set out steps which providers can take to fulfil their safety duties in codes of practice.⁹⁷ Ofcom is also required to take the rights of users into account when setting out these steps, ensuring that such rights are respected when providers regulate the online space.⁹⁸ While such a responsibility is not express on the wording of OSRA – which means greater reliance is placed on the goodwill of officials – the Commissioner should similarly be cautious of balancing regulating the online space and respecting the freedoms of individuals. This ensures that OSRA would not lead to a chilling effect on free speech in Singapore.

23 OSRA can also be contrasted against New Zealand's approach under the Harmful Digital Communications Act 2015, where the online sphere is policed mainly through the court system, rather than an executive agency. The independent commissioner, created by the Act, does not have the power to issue directions or orders. Rather, its purpose is simply to educate and provide assistance, encouraging voluntary take-

90 Online Safety Act 2021 (Cth) s 199(b).

91 Online Safety Act 2021 (Cth) s 200.

92 Online Safety Act 2021 (Cth) s 194.

93 Online Safety Act 2021 (Cth) s 83.

94 Online Safety Act 2021 (Cth) Pt 9, Div 5.

95 Online Safety Act 2021 (Cth) Pt 9, Div 6.

96 See generally David Tan & Jessica Teng, "Fake News, Free Speech, and Finding Constitutional Congruence" (2020) 32 SAclJ 207.

97 UK Government, "Guidance – Online Safety Act: explainer" (24 April 2025) <<https://www.gov.uk/government/publications/online-safety-act-explainer/online-safety-act-explainer>> (accessed 15 April 2026).

98 Online Safety Act 2023 (c 50) (UK) s 78.

downs, if appropriate.⁹⁹ In terms of addressing complaints of online harms, it is only able to do so through advising, negotiation, mediation, and persuasion.¹⁰⁰ If the complaint cannot be resolved through this process, then the complainant may take the matter to court.¹⁰¹ This approach, however, has been criticised for being inefficient and likely to increase the workload of the courts.¹⁰² In this regard, it may be said that OSRA strikes a better balance between utilising the court system and extrajudicial agencies to secure the online space.

24 Regarding the territorial scope of the directions under OSRA, it was stated in Parliament that the “OSC’s directions apply to all communicators, administrators or platforms, regardless of where they are based. This applies as long as the harmful content is communicated in Singapore or accessible by users in Singapore. Where Access Disabling Directions are issued to overseas platforms, the platform will be required to geo-block the content to prevent Singapore end-users from accessing it”.¹⁰³ Such an approach has similarly been adopted in Australia¹⁰⁴ and the UK,¹⁰⁵ and serves to meet OSRA’s purpose of promoting online safety for persons.¹⁰⁶ Despite OSRA’s territorial reach, the access disabling directions and orders issued by the OSC only require the blocking of harmful content to end-users in Singapore, but not on a worldwide basis.¹⁰⁷ This was an issue that Australia was confronted with in its attempts to regulate the online space. In 2024, the stabbing of Bishop Mar Mari Emmanuel in Sydney during a live-streamed church service led to *eSafety Commissioner v X Corp*.¹⁰⁸ The case centred on whether the eSafety Commissioner had the power to compel X to remove the video of the stabbing from the internet worldwide or only within Australia.¹⁰⁹ X claimed that an order for worldwide removal or blocking of the material would go beyond what was reasonable as it allowed one country to

99 Harmful Digital Communications Act 2015 (NZ) s 8.

100 Harmful Digital Communications Act 2015 (NZ) s 8(1)(c).

101 Harmful Digital Communications Act 2015 (NZ) ss 11–12.

102 Stephanie Frances Panzic, “Legislating for E-Manners” (2015) 21 *Auckland University Law Review* 225 at 236.

103 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

104 Online Safety Act 2021 (Cth) s 23.

105 UK Government, “Guidance – Online Safety Act: explainer” (24 April 2025) <<https://www.gov.uk/government/publications/online-safety-act-explainer/online-safety-act-explainer>> (accessed 15 April 2026).

106 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 2(b).

107 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cll 32 and 44.

108 [2024] FCA 499.

109 Mark Smith, Mark Nolan & John Gaffey, “Online Safety and Social Media Regulation in Australia” (2024) 33(1) *Griffith Law Review* 2 at 11.

effectively control the entire internet.¹¹⁰ The court ruled in *X*'s favour.¹¹¹ Based on OSRA's text,¹¹² it is likely the OSC would adopt a similar approach to access blocking orders. This leaves open the possibility for individuals to circumvent access blocking protections through the availability of tools such as a VPN.¹¹³ Unfortunately, this appears to be a limitation of access blocking orders that Parliament has previously acknowledged in its enactment of other online safety laws.¹¹⁴ We now turn to the remedies and penalties imposed by OSRA.

D. Penalties and remedies

25 Parts 8 and 13 of OSRA regulate the penalties imposable on respondents who commit online harms. Part 8 details the penalties for the offences of providing false information and non-compliance with directions or orders, while Part 13 details the remedies for breach of a statutory duty or tort. In developing these penalties, reference to legislation such as the OCHA and the Penal Code was made.¹¹⁵ This includes in setting out the maximum penalties for non-compliance with the OSC's directions and orders.¹¹⁶ Parliament explained that reference was made as those statutes had directions similar to the OSC's. While appearing similar, there are still differences in the penalties as they were calibrated against OSRA's specific purposes and the gravity of the situations that would usually give rise to non-compliance.¹¹⁷ Under Pt 8, where a person or online service provider does not comply with a direction, the court has the discretion to impose a fine not exceeding \$20,000 or imprisonment or both.¹¹⁸ Non-compliance with an order may also lead to a fine not exceeding \$250,000.¹¹⁹ Natural persons may also be subject to enhanced penalties for these breaches in the event of a continuing offence.¹²⁰ Given that OSRA only prescribes the upper

110 *eSafety Commissioner v X Corp* [2024] FCA 499 at [39].

111 *eSafety Commissioner v X Corp* [2024] FCA 499 at [52].

112 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 32 and 44.

113 Singapore Parl Debates; Vol 95, Sitting No 107; [5 July 2023] (Yip Hon Weng, Member of Parliament, Yio Chu Kang GRC).

114 Singapore Parl Debates; Vol 95, Sitting No 107; [5 July 2023] (Yip Hon Weng, Member of Parliament, Yio Chu Kang GRC).

115 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

116 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

117 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

118 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 71.

119 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 72.

120 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 71–72.

limit of the penalty, the court has the discretion to tailor the penalty to each offender.

26 This calibrated approach is seen within Pt 13 as well. The court has the discretion to tailor the remedy where a person or online service provider commits a tort. If a person or online service provider is found liable in any civil proceedings brought under the statutory tort framework of OSRA, the court “may award any damages that the court may, having regard to all the circumstances of the case, think just and equitable”.¹²¹ These damages may be for loss of future earnings, loss of earning capacity, and account for profits.¹²² The court may order enhanced damages if the complainant made a reasonable written request to ask an individual or administrator to address the online harmful activity that is the subject of the claim, and the individual or administrator failed, without reasonable excuse, to address the activity within a reasonable time.¹²³ This calibrated approach is intended to encourage reasonable compliance as quickly as possible, such that victims are able to receive some form of redress.¹²⁴ More importantly, the enhanced damages framework is intended to compensate complainants for any additional harm suffered as a result of the non-compliance, while sending a strong message to those intending to commit online harms.¹²⁵ However, as clarified in Parliament, platforms are not subject to these enhanced penalties as the “root cause of the harm” is typically “recalcitrant communicators or administrators who create harmful websites or chatgroups”, rather than the platform itself.¹²⁶ Finally, a complainant may also obtain an interim or permanent injunction from the court. As clarified in Parliament, these injunctions “operate independently of any direction from the OSC, giving victims complementary routes to relief”.¹²⁷ Moreover, “neither is bound by the decision of each other ... The OSC seeks to act quickly and takes public interest into account in making its decisions. The Court decides any claim for statutory tort relief based on the applicable legal principles and a framework for remedies”.¹²⁸

121 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 96(1).

122 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 96(2).

123 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 98(1).

124 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 98(1).

125 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 98(1).

126 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

127 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

128 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

27 A tort under OSRA is to be treated as having taken place in Singapore if any act or omission, or any part of an act or omission that is an element of the tort was initiated or occurred in or from Singapore, is perceived by one or more persons in Singapore, or caused damage, loss, or harm suffered in Singapore.¹²⁹ This adopts a similar approach to the EU’s Digital Services Act, which applies to providers of intermediary services, irrespective of their place of establishment or residence “in so far as they provide services in the Union, as evinced by a substantial connection to the Union.”¹³⁰ Considering the global nature of online services today, regulations cannot simply be confined to the country where the intermediary operates; instead, it must be targeted at where the effects of online harms are felt, such as to reduce them. Companies who disagree with the directions and orders of the OSC may apply to have these decisions reconsidered by the Commissioner, or appeal to the Appeal Panel.¹³¹

E. Reviews and appeals

28 Complainants and recipients of directions can appeal decisions of the Commissioner. This is done by applying to the Commissioner to reconsider a decision.¹³² The application must be submitted within a prescribed period and form, and be accompanied by relevant documentation and reasons for reconsideration.¹³³ Unless an appeal is trivial, frivolous, vexatious, or not made in good faith, a reconsidered decision can be appealed to a panel, following a process similar to an application for reconsideration.¹³⁴ The panel will comprise “individuals from academia, society and industry, across different areas of expertise, and will focus on assessing whether a specified online harm had occurred and whether the reconsidered decision made by the OSC is proportionate and justifiable.”¹³⁵

29 Decisions issued by the panel are final.¹³⁶ While further appeal to the High Court is precluded,¹³⁷ the panel is vested with broad powers

129 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 101.

130 Regulation (EU) 2022/2065 (Digital Services Act) preamble.

131 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) Pt 7.

132 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 56–59.

133 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 58.

134 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 61–64.

135 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

136 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 63(6).

137 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

to “affirm, revoke, or vary” the OSC’s decisions,¹³⁸ enabling it to conduct a substantive review on the merits. OSRA’s approach can be contrasted with other online safety laws where the grounds on which an appeal may be decided are more tightly circumscribed. Under POFMA, the High Court may only set aside a direction if it is satisfied that: (a) the person did not communicate the subject statement in Singapore; (b) the subject statement is not a statement of fact, or is a true statement of fact; or (c) it is not technically possible to comply with the direction.¹³⁹ In comparison, OSRA does not expressly confine the grounds on which the panel may determine an appeal, thereby conferring a broader scope for review. Further, judicial review may be sought if there is dissatisfaction with the outcome of the appeal under OSRA.¹⁴⁰ Parliament chose this approach as “repeated appeals would prolong litigation and each new appeal means fresh rounds of arguments, delay and also uncertainty in dealing with harmful content, as well as renewed anxiety for those already hurt, who quite likely will have to remain engaged throughout the appeal process”.¹⁴¹ It was also pointed out that if an appeal could be made to the courts, complainants could be up against well-resourced platforms, administrators, or content creators who could protract the entire process and dissuade potential victims from coming forward.¹⁴²

30 Online safety regimes in other jurisdictions adopt varying approaches to the appeal and review of regulatory decisions. Australia’s Online Safety Act 2021 provides that notices issued by the eSafety Commission may be reviewed by the Administrative Review Tribunal (“ART”).¹⁴³ While the ART is not a judicial body, it is empowered to conduct a merits review of the eSafety Commission’s decisions.¹⁴⁴ One advantage of conducting reviews in the ART is the enhanced procedural efficiency that such tribunals offer compared to the traditional court system. The tribunal is explicitly empowered to “act with as little formality and technicality” and is “not bound by rules of evidence”.¹⁴⁵ Decisions rendered by the ART may be appealed to the federal court on a question of law.¹⁴⁶

138 Online Safety (Relief and Accountability) Bill (Bill No 18/2025) cl 64(2)(b).

139 Protection from Online Falsehoods and Manipulation Act 2019 (2020 Rev Ed) s 17(3).

140 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Rahayu Mahzam, Minister of State for Digital Development and Information).

141 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

142 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

143 Online Safety Act 2021 (Cth) s 220.

144 Administrative Review Tribunal Act 2024 (Cth) s 3.

145 Administrative Review Tribunal Act 2024 (Cth) ss 50–52.

146 Administrative Review Tribunal Act 2024 (Cth) ss 170.

31 Conversely, notices issued by the UK's OFCOM under its Online Safety Act 2023 may be appealed to the Upper Tribunal.¹⁴⁷ Although this tribunal is a superior court of record,¹⁴⁸ its review powers under the Act are limited. The tribunal may only determine appeals by applying judicial review principles, and a reassessment of OFCOM's decisions on the merits is not permitted.¹⁴⁹ The UK deliberately rejected a merits-based appeal regime under its Act to preserve administrative efficiency and avoid unnecessary delays.¹⁵⁰ This decision was informed in some part by OFCOM's prior experience regulating the Communications Act 2003,¹⁵¹ where merits appeals to the Competition Appeal Tribunal ("CAT") were permitted; this appeal process led to OFCOM defending approximately ten appeals annually, which frustrated its ability as a regulator to take timely decisions.¹⁵² Further, it imposed a disproportionate burden on the CAT, with OFCOM review cases comprising over 80% of its workload.¹⁵³ These concerns ultimately led to the withdrawal of proposed amendments for a merits-based appeal regime under the UK's Online Safety Act 2023.¹⁵⁴

32 OSRA appears to adopt a hybrid appeal and review framework that draws from both the Australian and UK models. On the one hand, OSRA preserves a merits-based review by the panel, allowing substantive reconsideration of the OSC's decisions where necessary to ensure factual and legal accuracy. On the other hand, OSRA retains the availability of judicial review by the courts, which serves as a safeguard against illegality, irrationality, and procedural impropriety.¹⁵⁵ By confining the merits-based review to the specialised panel, OSRA appears to strike a calibrated

147 Online Safety Act 2023 (c 50) (UK) ss 167–168.

148 Tribunals, Courts, and Enforcement Act 2007 (c 15) (UK) s 3(5).

149 Online Safety Act 2023 (c 50) (UK) ss 167(5)(a) and 168(5)(a).

150 United Kingdom, House of Lords, *Parliamentary Debates* (22 June 2023), vol 831 at col 400, <<https://hansard.parliament.uk/lords/2023-06-22/debates/C956350F-D70E-4409-8A4D-4ED05488C6DE/OnlineSafetyBill>> (accessed 15 April 2026) (Baroness Merron).

151 c 21 (UK).

152 United Kingdom, House of Lords, *Parliamentary Debates* (22 June 2023), vol 831 at col 400, <<https://hansard.parliament.uk/lords/2023-06-22/debates/C956350F-D70E-4409-8A4D-4ED05488C6DE/OnlineSafetyBill>> (accessed 15 April 2026) (Viscount Camrose).

153 United Kingdom, House of Lords, *Parliamentary Debates* (22 June 2023), vol 831 at col 400, <<https://hansard.parliament.uk/lords/2023-06-22/debates/C956350F-D70E-4409-8A4D-4ED05488C6DE/OnlineSafetyBill>> (accessed 15 April 2026) (Viscount Camrose).

154 United Kingdom, House of Lords, *Parliamentary Debates* (22 June 2023), vol 831 at col 402, <<https://hansard.parliament.uk/lords/2023-06-22/debates/C956350F-D70E-4409-8A4D-4ED05488C6DE/OnlineSafetyBill>> (accessed 15 April 2026) (Lord Clement-Jones).

155 *Tan Seet Eng v Attorney-General* [2016] 1 SLR 779 at [12].

balance between enhancing administrative and judicial efficiency and ensuring the accuracy of the OSC's decisions.

IV. Takeaways

33 From what we have seen, the enactment of specialised legislation is essential, given that the regulatory considerations applicable to the online space differ significantly from those in the offline context. Online harms possess wide-reaching impacts for not only the immediate victim of the harmful communication, but also other individuals online. In recent years there has been a concerning trend of third-party bystanders being harmed by content circulating online.¹⁵⁶ This is the same motivating factor behind governments seeking to implement age-verifications or to completely ban social media for children.¹⁵⁷ Additionally, social norms that govern the offline world are not similarly observed in the offline sphere. Individuals are generally mindful of how they behave in the real world; they know not to threaten, harass, or insult others for fear of sanction.¹⁵⁸ These are the social norms which protect and allow us to thrive and function as a society. However, such norms are not observed in the same manner in the online space. Perpetrators are emboldened by the veil of anonymity to act with impunity and disregard established practices in the offline space.¹⁵⁹ As noted in Parliament, they experience the “Online Disinhibition Effect”, allowing them to separate their online persona from their in-person identities.¹⁶⁰ Further, the economic incentives of technology companies are in tension with society's need for a regulated virtual world. Thus far, the development of rules and norms of the internet have been largely left to the technology companies.¹⁶¹ These companies may apply different rules, largely shaped by their own interests.¹⁶² This creates a mismatch between profit motives and the need

156 Ellie Colegate, “Differentiating between Harm to Users and Third Parties in the UK's Online Safety Regulations” (2025) 16(1) *European Journal of Law and Technology* 2.

157 Fabian Koh, “Government to Discuss Age-Appropriate Content with Platforms”, *Channel NewsAsia* (25 August 2025) <<https://www.channelnewsasia.com/singapore/social-media-apps-age-children-youth-online-safety-josephine-teo-5311641>> (accessed 15 April 2026).

158 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

159 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

160 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

161 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

162 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Edwin Tong, Minister for Law).

and desire to enhance online safety, especially since it is usually the sensationalised and inflammatory content that goes viral.¹⁶³

34 Timely redress is thus the *raison d'être* of OSRA. In Parliament, the MDDI pointed out that platforms typically took five days or more to act on valid reports of online harms, and many valid reports were not even acted on to begin with; coupled with complainants being daunted by existing channels for seeking remedies and difficulties in obtaining restitution, there was a pressing need to plug the gaps in the law.¹⁶⁴ That OSRA is particularly individual-centric is perhaps most emblematically represented in the recurring use of “victim” in the legislation when referring to complainants – “victim” connotes some wrongdoing has already been done, as opposed to being allegedly done. Indeed, it should be borne in mind that the Constitution protects the freedom of speech and expression, association, and religion. While none of these are absolute and can be restricted if necessary or in the interest of national security, one would also want to guard against any legislation that unduly chills speech. During the public consultation, concerns were raised as to whether OSRA would “adopt a balanced and proportionate approach when addressing complaints ... [and] well-defined parameters and fair processes”.¹⁶⁵ The “importance of having a transparent appeals mechanism and realistic timelines for compliance” was also stressed.¹⁶⁶

35 Yet perhaps the full gamut of possible approaches to regulate online activities using just a light touch has long been exhausted. The concept of freedom of expression (and its contiguous ideas) was conceived long before the advent of the internet, social media, or AI. Ordinarily, the antidote to bad ideas is not to drive them underground, but to demonstrate superior ideas; after all, not all bad ideas are self-explanatorily bad, and the citizenry must be able to think and appraise all ideas critically. The digital age has challenged this conception. Anyone now with an internet connection can post anything instantaneously and anonymously, and there is no predicting its reach, virality, and duplication. Algorithmic facilitation of echo chambers, the near non-existence of age verification mechanisms, and the sinister penetration of AI have worsened matters.

163 Singapore Management University, *Report of the Online Harms Symposium* (February 2025) at pp 27–30.

164 Singapore Parl Debates; Vol 96, Sitting No 10; [5 November 2025] (Josephine Teo, Minister for Digital Development and Information).

165 REACH, “Public Consultation on Enhancing Online Safety” (6 March 2025) at para 6 <<https://www.reach.gov.sg/latest-happenings/public-consultation-pages/2024/public-consultation-on-enhancing-online-safety/>> (accessed 15 April 2026).

166 REACH, “Public Consultation on Enhancing Online Safety” (6 March 2025) at para 6 <<https://www.reach.gov.sg/latest-happenings/public-consultation-pages/2024/public-consultation-on-enhancing-online-safety/>> (accessed 15 April 2026).

The idea of relying primarily on individual responsibility, community standards, platform moderation, or platform-created filtering to regulate online activities seems very much a limited one now. Moreover, the premise that all speech can be remedied by counter-speech is not that applicable for certain kinds of online harms such as image abuse. While OSRA is meant to provide tangible relief and only time will tell if this objective will be adequately met, for now, with its two-prong approach (of allowing individuals to use the OSC or the courts), the clear signal sent is that people affected by online harms matter a lot – perhaps even the most, amongst all stakeholders in the digital space. As has been demonstrated in this comment, however, for the new law to be applied in a way that yields a net positive, good judgment on the part of the decision makers regarding context and reasonableness would be paramount.
