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The following Act was passed by Parliament on 25th July 2001 and assented to by the President on 30th July 2001:—

THE CIVIL SERVICE COLLEGE ACT 2001

(No. 29 of 2001)

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REPUBLIC OF SINGAPORE

No. 29 of 2001.

I assent.



S R NATHAN,
President.
30th July 2001.

An Act to establish the Civil Service College, to provide for its functions and powers, and for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Civil Service College Act 2001 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“appointed day” means the date of commencement of this Act;

“Board” means the Board of Governors of the College established under section 5;

“Chairman” means the Chairman of the Board appointed under section 5 (2) and includes a temporary Chairman appointed under section 8;

“Chief Executive” means the Chief Executive of the College appointed under section 15 and includes any person acting in that capacity;

“College” means the Civil Service College established under section 3;

“incorporated departments” means the departments of the Prime Minister’s Office formerly known as the Civil Service College and the Personnel Guidance Unit;

“member” means a member of the Board and includes the Chairman;

“officers in the public sector” means public officers and officers and employees of any public body;

“public body” means any body, board or authority established by or under any written law to perform or discharge any public function;

“public sector” means the Government and any public body.

PART II**ESTABLISHMENT, INCORPORATION
AND CONSTITUTION OF
CIVIL SERVICE COLLEGE****Establishment and incorporation of Civil Service College**

3. There is hereby established a body to be known as the Civil Service College which shall be a body corporate with perpetual

succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing, or disposing of property, both movable and immovable; and
- (c) doing and suffering all such other acts or things as a body corporate may lawfully do and suffer.

Common seal

4.—(1) The College shall have a common seal and such seal may from time to time be broken, changed, altered or made anew as the College thinks fit.

(2) All deeds and other documents requiring the seal of the College shall be sealed with the common seal of the College.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Board for the purpose or by one member and the Chief Executive.

(4) The Board may, by resolution or otherwise in writing, appoint an officer of the College or any other agent either generally or in any particular case to execute or sign on behalf of the College any agreement or other instrument not under seal in relation to any matter coming within the powers of the College.

(5) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the College affixed to any document and shall presume that it was duly affixed.

Board of Governors

5.—(1) There shall be a Board of Governors of the College which shall be the executive body of the College and may exercise all the powers conferred on the College under this Act.

(2) The Board shall consist of —

- (a) a Chairman; and
- (b) not less than 5 but not more than 15 other members,

all of whom shall be appointed by the Minister.

(3) The Minister may appoint the Chief Executive to be a member of the Board.

Chairman may delegate functions

6. The Chairman may in writing authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

Term of office of members

7.—(1) A member shall hold office on such conditions and for such term as the Minister shall specify in the appointment.

(2) Any member may resign from his office at any time by giving not less than one month's notice in writing to the Minister.

(3) The Minister may at any time revoke the appointment of any member as he considers necessary in the interest of the effective performance of the functions of the College under this Act, or in the public interest.

(4) If a member dies or resigns or has his appointment revoked, the Minister may appoint any person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The College shall pay to the Chairman and other members, out of the funds of the College, such salaries, fees and allowances as the Minister may, from time to time, determine.

Temporary Chairman

8. If the Chairman is absent from Singapore, or for any other reason unable to discharge his functions, the Minister may appoint one of the members to act as a temporary Chairman.

Meetings and proceedings of Board

9.—(1) At all meetings of the Board, 4 members shall form a quorum.

(2) The Chairman shall preside at all meetings of the Board and, in his absence, the members present shall elect one of their number to preside.

(3) Meetings of the Board shall be held at such times and places as the Chairman may determine.

(4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Board, the Chairman or, in his absence, the member presiding at the meeting shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act, the Board may regulate its own proceedings.

Disclosure of interest by members

10.—(1) A member who is, directly or indirectly, interested in a transaction or project made, or proposed to be made, by the Board or any other matter which is before any meeting of the Board, shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Board and, after the disclosure, that member —

- (a) shall not take part in any deliberation or discussion of, and shall not vote on any question with respect to, that contract or other matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or discussion or vote, as the case may be.

(3) No act or proceedings of the Board shall be questioned on the ground that a member has contravened this section.

(4) For the purposes of this section, an interest of a spouse, parent, son or an adopted son, or daughter or an adopted daughter, of a member shall be treated as an interest of the member.

Committees

11.—(1) The Board may, from time to time, appoint committees consisting of one or more persons (whether members or not) and define or vary the terms of reference of those committees.

(2) Subject to this Act and to the control of the Board, each committee appointed under this section may regulate its procedure in such manner as the committee thinks fit.

Delegation of powers

12.—(1) The Board may, from time to time, in respect of a specified matter or class of matters, by writing, delegate any of its powers to a member, a committee of the Board or an officer of the College.

(2) Every member, committee or officer purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) No delegation under this section shall prevent the exercise of any power or the performance of any function or duty by the Board.

PART III

FUNCTIONS AND POWERS OF COLLEGE

Functions, objects and duties of College

13.—(1) Subject to the provisions of this Act, the functions, objects and duties of the College shall be —

- (a) to provide training for the development of officers in the public sector;
- (b) to equip officers in the public sector with the appropriate values, workplace skills and management tools;
- (c) to promote lifelong learning amongst officers in the public sector;
- (d) to promote organisational excellence in the public sector;
- (e) to provide organisational development and consultancy services to the public sector;
- (f) to provide personnel assessment and selection services to the public sector;

- (g) to represent the Government internationally on matters related to or connected with the development of officers in the public sector and organisational excellence;
- (h) to engage in research relevant to the development of officers in the public sector and organisational excellence; and
- (i) to carry out such other functions as are imposed upon the College by or under this Act or any other written law.

(2) The Minister may give to the College such directions, not inconsistent with the provisions of this Act, as to the discharge of its functions, objects and duties and the exercise of its powers and the College shall give effect to any such directions.

(3) Nothing in this section shall be construed as imposing on the College, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

Powers of College

14.—(1) The College shall have power to do anything for the purpose of discharging its functions, objects and duties under this Act, or which is incidental or conducive to the discharge of those functions, objects or duties and, in particular, may —

- (a) establish and maintain facilities for the provision of services and conduct of activities related to or connected with the functions, objects or duties of the College;
- (b) collaborate with and assist any person in the provision and promotion of services and activities related to or connected with the functions, objects or duties of the College;
- (c) organise such courses and programmes for, and render such advice, consultancy and services to, the public sector and any other person or body in Singapore or elsewhere on any matter related to or connected with the functions, objects or duties of the College;
- (d) provide and hold tests and examinations, and grant certificates, awards and other qualifications (other than degrees), for the attainment of relevant skills, competencies and achievements;

- (e) provide financial support and assistance, including but not limited to loans, advances, grants, scholarships and aids to employees, students and any other person for all or any of the purposes of this Act;
- (f) enter into such contracts as may be necessary or expedient for the purpose of discharging the functions, objects or duties of the College;
- (g) lease, let, develop or otherwise utilise any property, movable or immovable, vested in or acquired by the College on such terms and conditions as the College thinks fit;
- (h) form or participate in the formation of any company, partnership or joint venture as a shareholder or partner or in any other capacity and to share profits;
- (i) collect, analyse, compile, publish or disseminate information of a statistical nature;
- (j) become a member or affiliate of any international body the functions, objects or duties of which are similar to those of the College;
- (k) charge fees or commissions for services rendered by the College and for the use of any of its facilities;
- (l) carry out promotional activities or publicity in any form;
- (m) receive donations, grants, gifts, subsidies or contributions from any source, and raise funds by all lawful means;
- (n) publish or sponsor the publication of works on any matter related to the functions, objects or duties of the College; and
- (o) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers or employees of the College and members of their families.

(2) The College may, in addition to the powers vested in it by subsection (1), exercise such other powers as the Minister may in writing authorise the College to exercise.

(3) This section shall not be construed as limiting any power of the College conferred by or under any other written law.

PART IV
PROVISIONS RELATING TO STAFF

Appointment of Chief Executive and other staff

15.—(1) The College shall, with the approval of the Minister, appoint a Chief Executive on such terms and conditions as the College may determine.

(2) The Chief Executive —

- (a) shall be known by such designation as the College may determine;
- (b) shall be responsible to the College for the proper administration and management of its functions and affairs in accordance with all policies laid down by the College; and
- (c) shall not be removed from office without the consent of the Minister.

(3) If the Chief Executive is temporarily absent from Singapore, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the College to act in the place of the Chief Executive during any such period of absence from duty.

(4) The College may, from time to time, appoint such other officers, employees, consultants or agents as it thinks fit for the effective performance of its functions on such terms and conditions as the College may determine.

Protection from personal liability

16. No suit or other legal proceedings shall lie personally against any officer or employee of the College, member or person acting under the direction of the College, for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

Public servants for purposes of Penal Code

17. All officers and employees (including any person seconded to the College for any period) of the College and members shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

PART V

FINANCIAL PROVISIONS

Financial year

18. The financial year of the College shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the College shall begin on the appointed day and end on 31st March of the succeeding year.

Estimates

19.—(1) The College shall, in every financial year, prepare and adopt annual estimates of income and expenditure of the College for the ensuing financial year.

(2) Supplementary estimates of expenditure may be adopted by the College.

(3) A copy of all annual estimates and supplementary estimates shall, upon their adoption by the College, be sent forthwith to the Minister.

(4) A summary of the annual estimates and supplementary estimates adopted by the College shall be published in the *Gazette*.

Funds of College

20. The funds of the College shall consist of —

- (a) all moneys transferred to the College under section 30;
- (b) all moneys received by the College by way of grants or subsidies;
- (c) all gifts, donations and contributions to the College;
- (d) all fees, charges, commissions, rents, interests, dividends and other income accruing to the College;
- (e) all moneys borrowed by the College under this Act;
- (f) all moneys recovered or collected by the College or any officer or employee thereof under this Act; and
- (g) all other moneys lawfully received by the College for the purposes of the College.

Grants-in-aid

21. For the purpose of enabling the College to carry out its functions under this Act, the Minister may, from time to time, make grants-in-aid to the College of such sums of money, as the Minister may determine, out of moneys to be provided by Parliament.

Power to borrow

22. For the discharge of its functions or duties under this Act or any other written law, the College may, from time to time, raise loans from the Government or, with the approval of the Minister for Finance, raise loans from banks or other financial institutions (whether in Singapore or elsewhere) by —

- (a) mortgage, overdraft or otherwise;
- (b) charge, whether legal or equitable, on any property vested in the College or on any other revenue receivable by the College under this Act or any other written law; or
- (c) the creation and issue of debentures or bonds.

Bank accounts

23.—(1) The College shall open and maintain one or more accounts with such bank or banks as the College thinks fit.

(2) Every such account shall be operated by such person or persons as may, from time to time, be authorised in that behalf by the College.

Application of funds

24. The funds of the College shall be applied only in payment or discharge of the expenses, obligations and liabilities of the College and in making any payment that the College is authorised or required to make.

Investments

25. The College may, with the approval of the Minister —

- (a) invest its funds in such manner as it thinks fit; and
- (b) engage in any financial activity or participate in any financial arrangement for the purpose of managing or hedging against any financial risk that arises or is likely to arise from such investment.

Accounts

26. The College shall —

- (a) keep proper accounts and records of its transactions and affairs; and
- (b) do all things necessary to ensure that all payments out of its funds are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the College and over the expenditure incurred by the College.

Audit of accounts

27.—(1) The accounts of the College shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General (referred to in this Act as the auditor).

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

(3) The College shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that financial year to the auditor who shall audit and report on them.

(4) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the College;
- (b) whether proper accounting and other records have been kept, including records of all assets of the College whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure and investment of funds and the acquisition and disposal of assets by the College during the financial year were in accordance with this Act; and
- (d) such other matters arising from the audit as he considers necessary.

(5) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the College.

(6) The auditor shall submit such periodical and special reports to the Minister and to the College as may appear to him to be necessary or as the Minister or the College may require.

Powers of auditor

28.—(1) The auditor or any person authorised by him (referred to in this section as the authorised person) is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the College.

(2) The auditor or authorised person may make copies of or extracts from any such accounting or other records.

(3) The auditor or authorised person may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor or authorised person considers necessary for the purposes of his functions under this Act.

(4) Any person who —

- (a) refuses or fails, without any reasonable cause, to allow the auditor or authorised person access to any accounting or other records of the College that is in his custody or power;
- (b) refuses or fails, without any reasonable cause, to give any information possessed by him as and when required by the auditor or authorised person; or
- (c) hinders, obstructs or delays the auditor or authorised person in the performance of his duties or the exercise of his power,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

Presentation of audited financial statements and auditor's report to Parliament

29.—(1) The College shall, as soon as its accounts and financial statements have been audited in accordance with this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor-General is not the auditor of the College, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the College.

(3) The Minister shall, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

PART VI

TRANSFER OF PROPERTY, LIABILITIES AND EMPLOYEES

Transfer to College of property, assets and liabilities

30.—(1) As from the appointed day, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by any of the incorporated departments and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to the incorporated departments shall be transferred to and shall vest in the College without further assurance, act or deed.

(2) If any question arises as to whether any particular property, asset, interest, right, privilege, liability or obligation has been transferred to or vested in the College under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the College under subsection (1) shall be held by the College upon such tenure and subject to such terms and conditions as the President may determine.

Transfer of employees

31.—(1) As from the appointed day, such persons or categories of persons as the Minister may determine who, immediately before that day, were employed by the Government in any of the incorporated departments shall be transferred to the service of the

College on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) If any question arises as to whether any person or category of persons has been transferred to the service of the College under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the person or category of persons was or was not transferred.

(3) Until such time as terms and conditions of service are drawn up by the College, the scheme and terms and conditions of the Government shall continue to apply to every person transferred to the service of the College under subsection (1) as if he were still in the employment of the Government.

Pension rights, etc., of Government employees to be preserved

32.—(1) The terms and conditions to be drawn up by the College shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the College under section 31 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the College shall recognise the length of service of the persons so transferred while in the employment of the Government to be service with the College.

(3) Nothing in the terms and conditions to be drawn up by the College shall adversely affect the conditions that would have been applicable to persons transferred to the service of the College as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) Where a person has been transferred to the service of the College under section 31, the Government shall be liable to pay to the College such portion of any gratuity, pension or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the College.

(5) Where any person in the service of the College, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the College or is discharged from such service, the College may grant to him or to such other person or persons wholly or partly dependent on him, as the College thinks fit, such allowance or gratuity as the College may determine.

No benefits in respect of abolition or reorganisation of office

33. Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the College under section 31 shall be entitled to claim any benefit under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the College.

Existing contracts

34. All deeds, contracts, schemes, bonds, agreements, instruments and arrangements, subsisting immediately before the appointed day to which the Government is a party and relating to any of the incorporated departments or to any person transferred to the service of the College under section 31 shall continue in force on and after that day and shall be enforceable by or against the College as if the College had been named therein or had been a party thereto instead of the Government.

Continuation and completion of disciplinary and other legal proceedings

35.—(1) Where on the appointed day, any disciplinary proceedings were pending against any employee of the Government transferred to the service of the College, the proceedings shall be carried on and completed by the College.

(2) Where on the appointed day, any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or decision had been rendered thereon, the committee shall complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that day.

(3) Any order, ruling or direction made or given by a committee pursuant to this section shall be treated as an order, a ruling or a direction of the College and have the same force or effect as if it had been made or given by the College pursuant to the authority vested in the College under this Act.

(4) All proceedings or causes of action pending or existing immediately before the appointed day by or against the Government in respect of any of the incorporated departments may be continued, completed and enforced by or against the College.

Misconduct or neglect of duty by employee before transfer

36. The College may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the Government, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Government and if this Act had not been enacted.

PART VII

MISCELLANEOUS

Annual report

37.—(1) The College shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the College during that financial year.

(2) The Minister shall, as soon as practicable, cause a copy of every such report to be presented to Parliament.

Symbol or representation of College

38.—(1) The College shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the College, or which so resembles the College's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Titles of certificates and other qualifications issued by College

39.—(1) The College shall have the exclusive right in the form and presentation of its titles of certificates and other qualifications issued by the College to any person who attains the standard set by the College.

(2) Any person who issues or uses, or causes or permits the use of, titles of certificates or other qualifications identical with those of the College shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Preservation of secrecy

40.—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no person who is or has been an officer, employee or agent of the College, a member or a member of a committee of the Board shall disclose any information relating to the affairs of the College, the Board or any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Composition of offences

41.—(1) The Chief Executive or any officer authorised by him may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$500.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

Regulations

42. The College may, with the approval of the Minister, make regulations providing for or prescribing any matters which are necessary or convenient to be provided or prescribed for carrying out or giving effect to the provisions of this Act.

Savings

43. In so far as it is necessary to preserve the effect of any document issued by or relating to any of the incorporated departments, any reference in such document to any of the incorporated departments shall be construed as a reference to the College.
