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Notification No. B 29 — The Prevention of Corruption (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 1st day of October 2002.

Prevention of Corruption (Amendment) Bill

Bill No. 29/2002.

Read the first time on 1st October 2002.

A BILL

i n t i t u l e d

An Act to amend the Prevention of Corruption Act (Chapter 241 of the 1993 Revised Edition) and to make related amendments to the Home Affairs Uniformed Services Superannuation Act (Chapter 126B of the 2002 Revised Edition) and the Pension Fund Act (Chapter 224A of the 1996 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Prevention of Corruption (Amendment) Act 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Prevention of Corruption Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “agent”, the following definition:

10 “ “CPIB officer” means a public officer in the Corrupt Practices Investigation Service (Junior) Scheme of Service or in the Corrupt Practices Investigation Service (Senior) Scheme of Service;”;

15 (b) by inserting, immediately after the definition of “gratification”, the following definitions:

“ “INVEST Fund” means the INVEST Fund established under Part III of the Home Affairs Uniformed Services Superannuation Act (Cap. 126B);

20 “member” means a member of the Scheme established under this Act;”;

(c) by inserting, immediately after the definition of “public body”, the following definitions:

25 “ “Scheme” means the Occupational Superannuation Scheme established by regulations made under section 4A;

“service” means regular service (whether part-time or full-time) as a CPIB officer;”.

New sections 4A to 4F

30 3. The principal Act is amended by inserting, immediately after section 4, the following sections:

“Establishment of Occupational Superannuation Scheme

4A.—(1) The Minister shall, by regulations, establish an Occupational Superannuation Scheme for the benefit of all CPIB officers appointed on or after 1st November 2001, who will be the members of the Scheme.

(2) The regulations made under subsection (1) shall provide for the payment of —

(a) any gratuity, allowance, superannuation or other like benefit to members of the Scheme, or to their legal personal representatives or dependants, on the death of the members in the service or on the resignation, retirement or discharge of the members from the service;

(b) any pension, gratuity, allowance, compensation or other benefit in respect of the death of or injuries received by any member of the Scheme in and which are attributable to service; and

(c) any allowance, subsidy or other benefit to such former members of the Scheme as may be prescribed after their retirement from the service.

(3) The regulations made under subsection (1) may provide for —

(a) the payment of contributions in respect of each member;

(b) the age or ages at which a member may retire or be required to retire from the service;

(c) the appointment of award officers to assess, award and pay pensions, gratuities and allowances and other like benefits under the Scheme and to otherwise administer the Scheme; and

(d) the bringing of appeals against decisions of award officers and the appointment of one or more persons to hear such appeals and review the decisions of award officers.

(4) In making regulations under subsection (1), the Minister shall also provide for —

(a) every CPIB officer who is appointed before 1st November 2001 and who, immediately before that date, is eligible

(whether on retirement or in respect of death or injury in or attributable to service) for any pension, gratuity or other allowance under the Pensions Act (Cap. 225); and

- (b) every CPIB officer who is appointed before 1st November 2001 to the service on a contract for a term and who, immediately before that date, is eligible for any gratuity or other like benefit under the contract,

an option to join the Scheme as a member and for the terms and conditions of such an option.

(5) The regulations made in relation to CPIB officers referred to in subsection (4) shall provide —

- (a) in the case of an officer referred to in subsection (4)(a), that any such officer who opts to join the Scheme shall cease to be eligible to benefits under the Pensions Act but shall remain eligible under the Scheme to benefits not less in value than the amount of any pension, gratuity or other allowance for which he would have been granted under the Pensions Act if he retired from the service, or was injured or died in service, on the date immediately before his joining the Scheme; and

- (b) in the case of an officer referred to in subsection (4)(b), that any such officer who opts to join the Scheme shall remain eligible to benefits not less in value than the amount of any gratuity or other like benefit for which he would have been granted under his contract if he had completed his term of service under the contract on the date immediately before his joining the Scheme.

(6) Any option exercised by any CPIB officer before 1st November 2001 to join or not to join the Scheme shall be deemed to be exercised in accordance with the regulations made under subsection (1) in relation to CPIB officers referred to in subsection (4).

Benefits not as of right, etc.

4B.—(1) No member shall have an absolute right to compensation for past services or to any pension, gratuity, allowance or other benefit under the Scheme.

(2) Nothing in this Act shall limit the right of the Public Service Commission, or any of its delegates, to dismiss any CPIB officer who is a member from the service without compensation.

(3) Subject to Article 113 of the Constitution, where it is established to the satisfaction of an award officer that a member has been guilty of negligence, irregularity or misconduct, it shall be lawful for the award officer to reduce or altogether withhold the pension, gratuity, allowance or other benefit for which the member would but for this section have become eligible under the Scheme.

Non-assignability or attachment of benefits, etc.

4C.—(1) No payments, allowance or other benefit payable under the Scheme (whether on death, retirement or resignation of a member or otherwise), and no contribution by the Government made under the Scheme, and no interest thereon shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim, other than —

- (a) a debt due to the Government; or
- (b) an order of court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child (whether legitimate or not) of the member to whom the payment, allowance or other benefit has been granted.

(2) Subject to the provisions of any regulations made under section 4A, all moneys paid or payable under the Scheme on the death of a member thereof —

- (a) shall be deemed to be subject to a trust in favour of the persons entitled thereto under the will or intestacy of such deceased member;
- (b) shall not be deemed to form part of his estate or be subject to the payment of his debts; and
- (c) shall be deemed to be property passing on his death for the purposes of the Estate Duty Act (Cap. 96).

Recovery of benefits granted in ignorance of disqualifying facts

4D. It shall be a condition of the grant of every pension, gratuity, allowance or other benefit under the Scheme that the Government may recover, cancel or reduce the grant if it is shown to have been obtained by the wilful suppression of material facts or to have been granted in ignorance of facts which, had they been known before the retirement or resignation of the member, would have justified his dismissal or a reduction of his salary.

Effect of bankruptcy and conviction on Scheme benefits

4E.—(1) No contribution by the Government made under the Scheme and no interest thereon shall be subject to the debts of any member thereof, nor shall such contributions and interest pass to the Official Assignee on the bankruptcy of the member.

(2) If a member is adjudicated a bankrupt or is declared insolvent by a court of law, such contributions and interest shall be deemed to be excluded from the property of the bankrupt for the purposes of the Bankruptcy Act (Cap. 20).

(3) If, at the date of his retirement or resignation from the service, any member has been adjudged a bankrupt by judgment of a court of competent jurisdiction, whether in Singapore or elsewhere, and he has not obtained his discharge from such adjudication or declaration, it shall be lawful for an award officer to refuse to grant any pension, gratuity or other allowance which would, if not for this subsection, be granted.

(4) If any person to whom a pension or other allowance has been granted under this Act —

(a) is adjudicated a bankrupt by judgment of a court of competent jurisdiction, whether in Singapore or elsewhere; or

(b) is sentenced to death or penal servitude or any term of imprisonment, by any court of competent jurisdiction, whether in Singapore or elsewhere, for any crime or offence,

the Minister may direct that such pension or allowance shall forthwith cease, and thereupon such pension or allowance shall cease accordingly.

(5) Where, by reason of bankruptcy of a member or former member, a pension, gratuity or allowance is not granted or where a pension or allowance ceases by virtue of a direction under subsection (4)(a), it shall be lawful for the Minister to cause all or any part of the moneys to which such person would have been entitled by way of pension, gratuity or allowance, had he not become a bankrupt or sentenced for any crime or offence, as the case may be, to be paid to, or applied for the maintenance and personal support or benefit of, all or any (to the exclusion of the others) of the following persons in such proportions and manner as the Minister thinks proper:

- (a) the member or former member himself; and
- (b) his spouse, child or children.

(6) The Minister may exercise his power under subsection (5), from time to time, during the remainder of the member's or former member's life, or during such shorter period or periods, either continuous or discontinuous, as the Minister thinks fit.

(7) When a person to whom a pension or allowance has not been granted or whose pension or allowance has ceased under this section obtains a full and proper discharge from his bankruptcy, his pension or allowance shall be restored to him with effect from the date of such discharge.

(8) For the purposes of subsection (5), moneys applied for the discharge of the debts of the member or former member, as the case may be, shall be regarded as applied for his benefit.

(9) Notwithstanding subsection (4), any pension or allowance that has ceased by virtue of a direction under subsection (4)(b) shall be restored with retrospective effect in the case of a person who, after conviction, at any time receives a free pardon.

(10) Where a pension or allowance ceases by virtue of a direction under subsection (4)(b), it shall be lawful for the Minister to cause all or any part of moneys to which the person would have been entitled by way of pension or allowance to be paid to or applied for the benefit of his spouse, child or children, or after the expiration of his sentence, also for the benefit of himself, in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy provided in subsection (5).

Scheme to be met out of INVEST Fund

4F.—(1) There shall be paid into the INVEST Fund —

(a) such sums appropriated from the Consolidated Fund and authorised to be paid into the INVEST Fund by or under any written law to enable that Fund to meet its liabilities under this Act; and

(b) such sum from the Pension Fund established by the Pension Fund Act (Cap. 224A) as the Minister for Finance may determine as the value of that part of the Pension Fund relating to all those CPIB officers referred to in section 4A(4)(a) who exercise an option in favour of joining the Scheme in accordance with the regulations under section 4A.

(2) The INVEST Fund comprising moneys referred to in subsection (1) shall be applied to meet the following purposes only:

(a) the payment of any pension, gratuity, allowance, compensation or other like benefit granted under the Scheme; and

(b) such other expenses relating to the granting of any pension, gratuity, allowance, compensation or other like benefit under the Scheme and expressly provided by regulations made under this Act to be met from the INVEST Fund.

(3) The moneys referred to in subsection (1) shall be paid into the INVEST Fund as capital money, and shall not be used to make payment of any dividend under the Scheme.”.

Miscellaneous amendments

4. The principal Act is amended —

(a) by inserting, immediately above section 1, the following heading:

“PART I

PRELIMINARY”;

(b) by inserting, immediately below section 2, the following heading:

“PART II

APPOINTMENT OF STAFF AND
PERSONNEL MATTERS”;

5 (c) by inserting, immediately above section 5, the following heading:

“PART III

OFFENCES AND PENALTIES”;

(d) by inserting, immediately below section 14, the following heading:

10 “PART IV

POWERS OF ARREST AND INVESTIGATION”;

(e) by inserting, immediately below section 22, the following heading:

“PART V

15 EVIDENCE”;

(f) by inserting, immediately below section 25, the following heading:

“PART VI

MISCELLANEOUS”.

20 **Related amendments to Home Affairs Uniformed Services
Superannuation Act**

5. The Home Affairs Uniformed Services Superannuation Act (Cap. 126B) is amended —

- (a) by inserting, immediately after the definition of “prison officer” in section 2, the following definition:

“ “Scheme” means the Occupational Superannuation Scheme established under the Prevention of Corruption Act (Cap. 241) for the benefit of officers in the Corrupt Practices Investigation Schemes of Service;”;

- (b) by deleting paragraph (e) of section 3(1) and substituting the following paragraph:

“(e) all intelligence officers who are appointed on or after the commencement of the regulations, including those who were members immediately before becoming intelligence officers,”;

- (c) by inserting, immediately after subsection (2) of section 12, the following subsection:

“(2A) The moneys referred to in subsections (1)(a) and (b) and (2) shall be paid into the INVEST Fund as capital money, and shall not be used to make payment of any dividend under the INVEST Plan.”;

- (d) by deleting the words “, but shall be administered separately from all other Government funds” in section 12(3);

- (e) by repealing section 13 and substituting the following section:

“Purposes of Fund

13.—(1) Subject to subsection (2) and section 4F(2) of the Prevention of Corruption Act (Cap. 241), the moneys in the Fund shall only be withdrawn and applied to meet any one or more of the following purposes:

(a) the payment of any pension, gratuity, allowance, compensation or other like benefit granted under the INVEST Plan or the Scheme;

(b) all expenses incidental to or arising from the administration, investment and management of moneys in the Fund; and

- (c) such other expenses relating to the granting of any pension, gratuity, allowance, compensation or other like benefit under the INVEST Plan or the Scheme, as the case may be, and expressly provided by written law to be met out of the Fund.

(2) The Fund comprising —

- (a) such sums appropriated from the Consolidated Fund and authorised to be paid into the Fund by or under any written law to meet its liabilities under the INVEST Plan or the Scheme; and

- (b) the sum referred to in section 12(2),

shall not be withdrawn and applied to meet the payment of any pension, gratuity, allowance, compensation or other like benefit granted under the Scheme, or such other expenses relating to the granting of any pension, gratuity, allowance, compensation or other like benefit under the Scheme.”;

- (f) by deleting paragraph (b) of section 16(2) and substituting the following paragraph:

“(b) in respect of any officer referred to in section 4A(4)(a) of the Prevention of Corruption Act (Cap. 241) who opts to join the Scheme under that Act.”;

- (g) by deleting paragraph (a) of section 20(1) and substituting the following paragraph :

“(a) to advise on the interest rates for the purposes of the INVEST Plan or the Scheme;”;

- (h) by inserting, immediately after subsection (2) of section 23, the following subsection:

“(2A) Notwithstanding subsection (1), where an amendment is made to the Scheme, and the amendment affects the cost of benefits payable under the Scheme or creates an initial unfunded liability, the Minister charged with the responsibility for the Scheme may, for the purposes of section 12(1)(a), appoint a person to make an examination and report on the state of the Fund.”;

- (i) by deleting the words “or (2)” in the 1st line of section 23(3) and substituting the words “, (2) or (2A)”;
- (j) by inserting, immediately after the words “the Minister” in the 3rd line of section 23(3), the words “referred to in subsection (2) or (2A), as the case may be,”;
- (k) by inserting, immediately after the words “The Minister” in section 23(4), the words “referred to in subsection (2) or (2A), as the case may be,”; and
- (l) by inserting, immediately after the words “INVEST Plan” in the following provisions, the words “or the Scheme”:

Sections 15(1) (5th line) and 16(1) (penultimate line).

Related amendment to Pension Fund Act

- 6. Section 9(3) of the Pension Fund Act (Cap. 224A) is amended by inserting, immediately after the words “established under that Act” in the last line, the words “and to all public officers who opted in favour of joining the Occupational Superannuation Scheme under the Prevention of Corruption Act (Cap. 241)”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Prevention of Corruption Act (Cap. 241) for the purpose of establishing an Occupational Superannuation Scheme (the Scheme) for public officers in the Corrupt Practices Investigation Schemes of Service, and to make related amendments to the Home Affairs Uniformed Services Superannuation Act (Cap. 126B) and the Pension Fund Act (Cap. 224A).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to introduce new definitions in connection with the Scheme. “CPIB officer” is defined to mean a public officer appointed to the Corrupt Practices Investigation Service (Junior) Scheme of Service or the Corrupt Practices Investigation Service (Senior) Scheme of Service.

Clause 3 inserts new sections 4A to 4F in connection with the Scheme.

The new section 4A empowers the Minister to make regulations establishing the Scheme providing for payments of any gratuity, allowance, superannuation or other like benefit to members of the Scheme or to their legal personal representatives or dependants on the death of the member in the service of or on the resignation,

retirement or discharge of the person from the service as a CPIB officer. The Scheme will also provide for compensation or other benefits in respect of the death of or injuries received by any member and post-retirement benefits for former members. The members of the Scheme are all CPIB officers appointed on or after 1st November 2001. The section also empowers the Minister, in making regulations, to allow CPIB officers serving on 1st November 2001 and who are eligible to benefits under the Pensions Act (Cap. 225), and for such officers who are appointed on contract, an option to convert and join the Scheme as members. The regulations, however, must provide that a converting officer must remain eligible under the Scheme to benefits not less in value than the amount of benefits for which he would have been granted under the Pensions Act or (as the case may be) his contract if he retired from the service on the date or completed his contract on the eve of his joining the Scheme, as the case may be.

The new section 4B provides that no member of the Scheme is entitled to any compensation for past services or to any pension, gratuity, allowance or other benefit under the Scheme, and that if the award officer is satisfied that a member has been guilty of negligence, irregularity or misconduct, the award officer may reduce or altogether withhold the pension, gratuity, allowance or other benefit for which the member would but for this provision have become eligible under the Scheme. The section is subject to Article 113 of the Constitution, which requires the relevant award officer to obtain the concurrence of the Public Service Commission before reducing or withholding the benefits.

The new section 4C provides that the benefits payable under the Scheme (whether on death, retirement or resignation of a member or otherwise), and any contribution by the Government made under the Scheme and interest thereon, cannot be assigned or transferred, or be liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim, except a debt due to the Government, or an order of court for the payment of maintenance of the wife or former wife or minor child (whether legitimate or not) of the member. The section also provides that moneys paid or payable under the Scheme on the death of a member thereof shall be deemed to be subject to a trust in favour of the persons entitled thereto under the will or intestacy of such deceased member, and shall not be deemed to form part of his estate or be subject to the payment of his debts but shall be deemed to be property passing on his death for the purposes of the Estate Duty Act (Cap. 96).

The new section 4D provides that it is a condition of the grant of every pension, gratuity, allowance or other benefit under the Scheme that the Government may recover, cancel or reduce the grant if it be shown to have been obtained by the wilful suppression of material facts or to have been granted in ignorance of facts which, had they been known before the retirement or resignation of the member, would have justified his dismissal or a reduction of his salary.

The new section 4E deals with the effect of bankruptcy and conviction on benefits under the Scheme. The contributions by the Government under the Scheme will be excluded from the bankrupt member's estate. Benefits under the Scheme may be refused if the member is a bankrupt at the time of his retirement or resignation. If the member or former member becomes bankrupt after having been granted any pension or

other allowance, those payments may be directed by the Minister to cease except that the Minister has the discretion to direct payments to continue to the member or former member or to the former member's family or dependants, as the case may be, to help discharge his bankruptcy. In the event of a member being convicted after having been granted any pension or allowance under the Scheme, those payments may be directed by the Minister to cease except that the Minister has the similar discretion to direct payments to continue to the member's family or dependants as in the case of bankruptcy.

The new section 4F provides that the benefits under the Scheme are to be met from the INVEST Fund established under the Home Affairs Uniformed Services Superannuation Act (Cap. 126B). There shall also be paid into the INVEST Fund such sum from the Pension Fund established by the Pension Fund Act (Cap. 224A) as the Minister for Finance may determine as the value of that part of the Pension Fund relating to all those serving CPIB officers who convert in favour of joining the Scheme. These moneys and sums appropriated from Parliament to meet the liabilities of the Scheme are to be applied to meet the payment of benefits under the Scheme only and for expenses connected with the granting of such benefits.

Clause 4 divides the Act into different Parts with suitable headings.

Clause 5 makes related amendments to the Home Affairs Uniformed Services Superannuation Act. The first amendment to the Home Affairs Uniformed Services Superannuation Act is to enlarge the membership of the INVEST Plan under that Act to include all intelligence officers appointed on or after 1st October 2001. The other amendments are consequential to the establishment of the Scheme. These enable the transfer to the INVEST Fund of such part of the Pension Fund which the Minister for Finance determines as relating to those serving CPIB officers who opt to join the Scheme, and the application of the INVEST Fund to meet payments under the Scheme. The Act is also amended to allow the INVEST Fund to be managed and administered with other Government funds.

Clause 6 makes a related amendment to section 9(3) of the Pension Fund Act to enable the Minister for Finance to withdraw such part of the Pension Fund for transfer to the INVEST Fund which he determines as relating to those serving CPIB officers who opt to join the Scheme.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
