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Silver Support Scheme Bill

Bill No. 24/2015.

Read the first time on 13 July 2015.

SILVER SUPPORT SCHEME ACT 2015

(No. of 2015)

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A BILL

i n t i t u l e d

An Act to provide for a social security scheme called the Silver Support Scheme and for related matters.

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

PART 1
PRELIMINARY

Short title and commencement

- 5 **1.** This Act may be cited as the Silver Support Scheme Act 2015 and comes 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 —

10 “administrator” means the Board, or any public officer or public authority appointed under section 5(4) to assist the Board in administering the Scheme;

“Board” means the Central Provident Fund Board constituted under section 3 of the Central Provident Fund Act (Cap. 36);

15 “cash grant” means any cash grant made by the Government under the Scheme;

20 “Commissioner” means the Commissioner for Silver Support appointed under section 4(1), and includes any Deputy Commissioner for Silver Support or Assistant Commissioner for Silver Support appointed under section 4(2);

“eligible individual” means an individual who is eligible to receive any benefit under the Scheme;

25 “investigator” means an officer or employee of the Board who is authorised under section 5(7) to conduct any investigation under this Act, and includes any person appointed under section 5(8) to assist the Board in conducting any investigation under this Act;

30 “means information” means any information relating to the income or assets of any individual, or of a group of individuals who comprise a household, in the possession of any Government department or public authority;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;

“public scheme” means any scheme that —

(a) is or will be established by or under any written law and administered by a public authority, or by the Government in any other manner; and

(b) is to provide financial relief, assistance or support to citizens or permanent residents of Singapore, or any part of them;

“Scheme” means the Silver Support Scheme established under section 5(1).

Purpose of Act

3. The purpose of this Act is to ensure that citizens of Singapore who are elderly, and who satisfy certain eligibility criteria, will receive financial support through a social security scheme.

Administration of Act

4.—(1) The Minister may in writing appoint a public officer to be the Commissioner for Silver Support.

(2) The Minister may in writing —

(a) appoint any public officer, or any employee of a public authority, to be a Deputy Commissioner for Silver Support; and

(b) appoint any public officer, or any employee of a public authority, to be an Assistant Commissioner for Silver Support.

(3) The Commissioner for Silver Support is responsible for the administration of this Act.

(4) Subject to the directions of the Commissioner for Silver Support, every Deputy Commissioner for Silver Support and every Assistant Commissioner for Silver Support may perform the functions and exercise the powers of the Commissioner for Silver Support.

PART 2

SILVER SUPPORT SCHEME

Establishment of Silver Support Scheme

5 **5.**—(1) There is established a social security scheme, known as the Silver Support Scheme, for the purpose of providing financial support to eligible individuals.

(2) Subject to the directions of the Commissioner for Silver Support, the Board is to administer the Scheme, and enforce this Act, on behalf of the Government.

10 (3) Subject to the provisions of this Act, where the Board administers the Scheme or enforces this Act on behalf of the Government —

15 (a) the Board is to be regarded as fulfilling the purposes of the Central Provident Fund Act (Cap. 36), and the provisions of that Act are to apply to the Board in respect of the administration of the Scheme and the enforcement of this Act; and

20 (b) the members, officers and employees of the Board, in relation to their administration of the Scheme and enforcement of this Act, are deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109), and section 20 of that Act is to apply (with such necessary modifications as may be prescribed) to them even though they are not or were not in the employment of the Government.

25 (4) The Minister may appoint any public officer, or any public authority (other than the Board), to assist the Board in administering the Scheme, for instance, by disbursing or conferring any benefit under the Scheme.

30 (5) The Minister must, as soon as practicable, cause to be published in the *Gazette* a notice of the appointment of every public officer or public authority appointed under subsection (4).

(6) Subject to the provisions of this Act, where a public authority is appointed by the Minister under subsection (4) to assist the Board in administering the Scheme —

- (a) the functions and duties of the public authority under written law are to be regarded as including the administration of the Scheme;
 - (b) the public authority is to be regarded as fulfilling the purposes of the Act constituting the public authority, and the provisions of that Act are to apply to the public authority in respect of the administration of the Scheme; and 5
 - (c) the members, officers and employees of the public authority, in relation to their administration of the Scheme, are deemed to be public officers for the purposes of the Financial Procedure Act, and section 20 of that Act is to apply (with such necessary modifications as may be prescribed) to them even though they are not or were not in the employment of the Government. 10
- (7) The Board may authorise any officer or employee of the Board to conduct any investigation under this Act. 15
- (8) The Minister may in writing appoint any person to assist the Board in conducting any investigation under this Act.

Who is an eligible individual?

- 6.—(1) In this Act, an eligible individual is an individual who — 20
- (a) is a citizen of Singapore;
 - (b) has attained the age of 65 years; and
 - (c) satisfies all other eligibility criteria that may be prescribed.
- (2) For the purposes of subsection (1)(b) —
- (a) an individual attains the age of 65 years on the 65th anniversary of the date of that individual's birth; 25
 - (b) where an individual was born on 29 February, the 65th anniversary of the date of that individual's birth is deemed to occur on 1 March;
 - (c) where the day of the month in which an individual was born cannot be ascertained, that individual is deemed to be born on the first day of that month; and 30

- (d) where the month in which an individual was born cannot be ascertained, that individual is deemed to be born in January.

Benefits

7.—(1) An eligible individual is eligible to receive such benefits in such manner and of such amounts as may be prescribed.

(2) For the purposes of subsection (1), different benefits, different methods of disbursing or conferring benefits and different amounts of benefits may be prescribed for different classes of eligible individuals.

PART 3

ADMINISTRATION

Provision of information for administration of Act or Scheme

8.—(1) Where the Minister certifies in writing that it is necessary for an authorised person to have access to any particular class of means information in the possession of a Government department or public authority, in order to facilitate the administration or enforcement of this Act or the administration of the Scheme —

(a) the Minister charged with the responsibility for that Government department or public authority may, in addition to any other power conferred by any written law, direct that Government department or public authority to provide to the authorised person so much of the means information as is necessary for that purpose; and

(b) that Government department or public authority is to comply with the direction under paragraph (a), despite any other written law, and whether or not it is under any obligation (imposed by written law or otherwise) not to disclose such information.

(2) Where the Minister certifies in writing that it is necessary for an information recipient to have access to any particular class of confidential information (other than means information) in the possession of a Government department or public authority, in

order to facilitate the administration or enforcement of this Act or the administration of the Scheme —

(a) the Minister charged with the responsibility for that Government department or public authority may, in addition to any other power conferred by any written law, direct that Government department or public authority to provide to the information recipient so much of the confidential information as is necessary for that purpose; and 5

(b) that Government department or other public authority is to comply with the direction under paragraph (a), despite any other written law, and whether or not it is under any obligation (imposed by written law or otherwise) not to disclose such information. 10

(3) If an individual opts out, in the manner determined by the Commissioner, from the application of subsection (1) to means information about the individual, then from the time an authorised person is notified that the individual has opted out, the authorised person must not — 15

(a) access any means information about the individual obtained under that subsection; or 20

(b) use or disclose under section 9 any such means information that the authorised person had previously accessed,

except with the consent of that individual.

(4) Despite the provisions of this Act or any other written law, but subject to subsection (3) — 25

(a) a person is not guilty of an offence under any written law or of any breach of confidence, and does not incur any other civil liability, by virtue merely of the person disclosing any information in accordance with any direction under subsection (1)(a) or (2)(a); 30

(b) an authorised person (being an officer of an information recipient) is not guilty of an offence under any written law or of any breach of confidence, and does not incur any other civil liability, by virtue merely of the authorised person (acting in

good faith and with reasonable care) accessing, or disclosing to another authorised person (being an officer of the same information recipient), any means information obtained under subsection (1) in the performance of the authorised person's duties connected with the administration or enforcement of this Act or the administration of the Scheme; and

(c) an officer of an information recipient is not guilty of an offence under any written law or of any breach of confidence, and does not incur any other civil liability, by virtue merely of the officer (acting in good faith and with reasonable care) accessing, or disclosing to another officer of the same information recipient, any confidential information obtained under subsection (2) in the performance of the officer's duties connected with the administration or enforcement of this Act or the administration of the Scheme.

(5) A direction under subsection (1)(a) or (2)(a) may be given on such terms and conditions (regarding access to the information provided pursuant to the direction) as the Minister giving the direction considers appropriate.

(6) Any person who does any act in contravention of subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(7) In this section —

“authorised person” means —

(a) the Commissioner; or

(b) any other officer of an information recipient who is authorised by the Minister to have access to means information obtained under subsection (1);

“information recipient” means the Commissioner, the Board or an administrator;

“officer”, in relation to an information recipient, means —

(a) in any case where the information recipient is a Commissioner who is a public officer, the

Commissioner or any public officer acting under the direction of the Commissioner;

- (b) in any case where the information recipient is a Commissioner who is an employee of a public authority, the Commissioner or any employee of the same public authority acting under the direction of the Commissioner; 5
- (c) in any case where the information recipient is the Board, any member, officer or employee of the Board;
- (d) in any case where the information recipient is an administrator who is a public officer, the administrator and any public officer acting under the direction of the administrator; and 10
- (e) in any case where the information recipient is an administrator which is a public authority (other than the Board), any member, officer or employee of the administrator. 15

Use of information

9.—(1) This section applies to the Commissioner, the Board, an administrator, any public officer (or employee of a public authority) acting under the direction of the Commissioner, any public officer acting under the direction of an administrator (being a public officer), and any member, officer or employee of the Board or of an administrator (being a public authority other than the Board). 20

(2) The use or disclosure of means information obtained under section 8(1), or of confidential information (other than means information) obtained under section 8(2), without the consent of the individual to whom the information relates, is authorised only if the purpose of the use or disclosure is to communicate or manage the information as part of — 25

- (a) the administration or enforcement of this Act; or
- (b) the administration of the Scheme.

(3) Despite subsection (2), the Commissioner, the Board or an administrator may provide information derived from means 30

information obtained under section 8(1), or from confidential information (other than means information) obtained under section 8(2), to a public officer, a public authority or any other person or organisation, for the development or implementation of any public scheme that may be prescribed for the purposes of this subsection —

(a) only at the request of the public officer, public authority, person or organisation (as the case may be) and with the approval of the Minister; and

(b) only in the form of a report stating —

(i) whether an individual satisfies the eligibility criteria for receiving any benefit under the Scheme; and

(ii) the description and amount of each benefit that the individual is eligible to receive or has received under the Scheme up to the date on which the report is made.

(4) An approval under subsection (3)(a) may be given on such terms and conditions (regarding access to the information provided pursuant to the approval) as the Minister considers appropriate.

(5) If an individual opts out, in the manner determined by the Commissioner, from the provision of a report about the individual referred to in subsection (3)(b), then from the time the Commissioner, the Board or an administrator is notified that the individual has opted out, except with the consent of the individual, the Commissioner, the Board or the administrator (as the case may be) must not provide any such report about the individual.

(6) The Board may use to administer the Scheme so much of the means information and other confidential information obtained by the Board (whether before, on or after the date of commencement of this subsection) in the course of performing the Board's duties under the Central Provident Fund Act (Cap. 36) as the Minister approves to be used for such purpose.

(7) Any person who does any act in contravention of subsection (2), (3) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Recovery of sums overpaid, etc.

10.—(1) If any benefit under the Scheme is disbursed as a cash grant, and —

(a) the recipient —

(i) is not an eligible individual; or

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(ii) is an eligible individual, but is not eligible for that cash grant; or

(b) the amount paid is in excess of the amount the recipient is eligible to receive by way of that cash grant,

the amount paid or paid in excess (as the case may be) is recoverable from the recipient as a debt due to the Government.

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(2) If any individual (whether or not an eligible individual) obtains any cash grant or other benefit under the Scheme —

(a) by knowingly or recklessly making any false or misleading statement; or

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(b) by producing or furnishing, or causing to be produced or furnished, any document which the individual knows, or ought reasonably to know, is false in a material particular,

the amount of the cash grant or other benefit so obtained is recoverable from the individual as a debt due to the Government.

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(3) An administrator may recover on behalf of the Government the amount due to the Government under subsection (1) or (2), by set-off or otherwise, from —

(a) any cash grant or other benefit which the recipient in subsection (1) or individual in subsection (2) (as the case may be) is eligible to receive under the Scheme; and

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(b) any other sum that is payable to that recipient or individual by the administrator.

PART 4

MISCELLANEOUS

Obtaining benefit through false or misleading statements, etc.

11.—(1) A person —

5 (a) who —

 (i) knowingly or recklessly makes any false or misleading statement; or

 (ii) produces or furnishes, or causes to be produced or furnished, any document which the person knows, or ought reasonably to know, is false in a material particular; and

10 (b) who, with the intention of dishonestly inducing another person to accept the statement or document as genuine, dishonestly obtains any cash grant or other benefit under the Scheme,

15 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

20 (2) Subsection (1) is without prejudice to any right of recovery under section 10.

Recovery of cash grant, etc., upon conviction

12. Where —

 (a) a person has received any cash grant or other benefit under the Scheme; and

25 (b) the person is convicted of an offence under this Act in connection with the cash grant or other benefit,

30 the court before which the conviction is had may, in addition to imposing any penalty prescribed for the offence, order that the person pay to an administrator the amount certified by the administrator to be recoverable from the person, as at the date of the conviction, in respect of the cash grant or other benefit.

Certificate on amount of cash grant, etc.

13. In any proceedings before any court, tribunal or authority (including any proceedings for the recovery of any cash grant or other benefit under the Scheme), a certificate purporting to be issued by an administrator certifying —

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(a) the amount of any cash grant or other benefit under the Scheme received by any person as at any date; or

(b) the amount recoverable from any person as at any date in respect of any cash grant or other benefit under the Scheme received by that person,

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is prima facie evidence that the amount so stated was received by that person or is recoverable from that person (as the case may be) as at that date.

Power to obtain information

14.—(1) The Commissioner may, for the purpose of reviewing the administration of the Scheme or the disbursement or conferment of any benefit under the Scheme, or an investigator may, for the purpose of conducting any investigation under this Act —

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(a) by notice in writing require any person to attend at such reasonable time and at such place as may be specified by the Commissioner or investigator (as the case may be) to answer any question or to provide a signed statement in writing concerning the disbursement or conferment of any benefit under the Scheme;

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(b) require any person —

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(i) to furnish any information within the person's knowledge; or

(ii) to produce for inspection any document or record in the person's possession,

that the Commissioner or investigator (as the case may be) believes on reasonable grounds to be connected with the disbursement or conferment of any benefit under the Scheme; and

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(c) retain the original of any document or record that the Commissioner or investigator (as the case may be) believes on reasonable grounds to be connected with the disbursement or conferment of any benefit under the Scheme, or make or cause to be made, without payment, copies of or extracts from that document or record.

(2) Where any document or record required by the Commissioner or an investigator is kept in electronic form, then —

(a) the power of the Commissioner or investigator (as the case may be) to require that document or record to be produced for inspection under subsection (1)(b)(ii) includes the power to require that document or record to be produced for inspection in legible form; and

(b) subsection (1)(c) applies to any copy of that document or record so made available.

(3) Any copy of or extract from any document or record made under subsection (1)(c) and certified as such by the Commissioner or an investigator is admissible as evidence in any proceedings under this Act.

(4) Any person who, when required by the Commissioner or an investigator under subsection (1)(b) to furnish any information or produce any document or record, refuses or fails, without reasonable excuse, to do so within the time allowed by the Commissioner or investigator (as the case may be) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Obstructing Commissioner or investigator in execution of duties

15. Any person who, without reasonable excuse, obstructs, hinders or impedes the Commissioner or an investigator in the performance or execution of a duty or anything which the Commissioner or investigator (as the case may be) is authorised, empowered or required to do under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Offences by bodies corporate, etc.

16.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

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(b) to be attributable to any neglect on the officer's part,
the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) is to apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

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(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

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(b) to be attributable to any neglect on the partner's part,
the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

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(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or a member,

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the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership as defined in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the board of management, chief executive, manager, secretary or other similar officer of the body corporate, and includes any person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee, and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

Composition of offences

17.—(1) The Board, or an officer or employee of the Board who is authorised by the Board in writing, may 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 not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$1,000.

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

(3) All sums collected under this section are to be paid into the Consolidated Fund.

Conduct of prosecutions

18. Proceedings in respect of any offence under this Act may, with the authorisation of the Public Prosecutor, be conducted by an officer or employee of the Board who is authorised by the Board in writing to conduct such proceedings.

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Protection from personal liability

19.—(1) No liability is to lie personally against any of the following individuals who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act:

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- (a) the Commissioner for Silver Support;
- (b) any Deputy Commissioner for Silver Support;
- (c) any Assistant Commissioner for Silver Support;
- (d) any public officer (or employee of a public authority) acting under the direction of the Commissioner;
- (e) any member, officer or employee of the Board;
- (f) any investigator.

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(2) Where an administrator is a public officer, no liability is to lie personally against the administrator, or any public officer acting under the direction of the administrator, who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

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(3) Where an administrator is a public authority (other than the Board), no liability is to lie personally against any member, officer or employee of the administrator who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

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(4) To avoid doubt, this section does not exclude any liability under section 20 of the Financial Procedure Act (Cap. 109) or under section 8(6) or 9(7).

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Regulations

20.—(1) The Minister may make regulations for carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) the benefits under the Scheme, including different amounts of benefits for different classes of eligible individuals;
- (b) the method and manner of disbursing or conferring each benefit under the Scheme by an administrator;
- (c) the terms and conditions for each benefit under the Scheme;
- (d) the assessment by an administrator of an individual's eligibility for any benefit under the Scheme, and of the amount of the benefit payable to the individual;
- (e) the review by the Commissioner of any assessment referred to in paragraph (d), and the time within which the application for the review must be made;
- (f) how any administrator appointed under section 5(4) may assist the Board in administering the Scheme, including different roles for different administrators or classes of administrators appointed under section 5(4);
- (g) how any investigator appointed under section 5(8) may assist the Board in conducting any investigation under this Act;
- (h) the fees to be paid for any thing or matter done or to be done under this Act in respect of which it appears to the Minister to be expedient to charge fees;
- (i) anything that is required or permitted to be prescribed under this Act.

(3) The regulations made under this section may provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$2,000 or with imprisonment for a term not exceeding 12 months or with both.

(4) All regulations made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

EXPLANATORY STATEMENT

This Bill seeks to establish a social security scheme for Singapore to be called the Silver Support Scheme (the Scheme) to ensure that citizens of Singapore who are elderly, and who satisfy certain eligibility criteria, will receive financial support through the Scheme.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

Clause 3 sets out the purpose of the Bill, which is to ensure that all citizens of Singapore who are elderly, and who satisfy certain eligibility criteria, will receive financial support through a social security scheme.

Clause 4 provides for the administration of the Bill by the Commissioner for Silver Support, who is a public officer appointed by the Minister. The Minister may also appoint any public officer, or any employee of a public authority, to be a Deputy Commissioner for Silver Support or an Assistant Commissioner for Silver Support. The Deputy Commissioners for Silver Support and Assistant Commissioners for Silver Support may perform the functions and exercise the powers of the Commissioner for Silver Support, subject to the directions of the Commissioner for Silver Support. The Bill calls the Commissioner for Silver Support, any Deputy Commissioner for Silver Support or any Assistant Commissioner for Silver Support, collectively, the Commissioner.

PART 2

SILVER SUPPORT SCHEME

Clause 5 establishes the Silver Support Scheme, which is a social security scheme for providing financial support to eligible individuals. The Central Provident Fund Board (the Board) is to administer the Scheme, and enforce the Bill, on behalf of the Government, in accordance with the directions of the Commissioner for Silver Support. The Board may authorise any officer or employee of the Board to conduct any investigation under the Bill. The Minister may also appoint any public officer, or any public authority (other than the Board),

to assist the Board in administering the Scheme, for instance, by disbursing or conferring any benefit under the Scheme, and appoint any person to assist the Board in conducting any investigation under the Bill. The Bill calls the Board, or any public officer or public authority appointed by the Minister to assist the Board in administering the Scheme, collectively, an administrator. The Bill also calls an officer or employee of the Board who is authorised by the Board to conduct any investigation under the Bill, or a person appointed by the Minister to assist the Board in conducting an investigation under the Bill, collectively, an investigator.

Clause 6 describes who an eligible individual is for the purposes of the Bill. An eligible individual is a citizen of Singapore who has attained the age of 65 years and who satisfies all other eligibility criteria that may be prescribed by regulations made under clause 20. The clause also provides for certain matters relevant to determining whether a person has attained the age of 65 years, for instance, where the month, or the day of the month, in which an individual was born cannot be ascertained.

Clause 7 provides for the benefits which an eligible individual is eligible to receive, the manner in which those benefits will be disbursed or conferred, and the amounts of those benefits to be prescribed by regulations made under clause 20. The clause also clarifies that different benefits, different methods of disbursing or conferring benefits and different amounts of benefits may be prescribed for different classes of eligible individuals.

PART 3

ADMINISTRATION

Clause 8 provides that where the Minister certifies that —

- (a) it is necessary for the Commissioner or any of certain other persons authorised by the Minister for the purpose (collectively called in the clause an authorised person) to have access to any particular class of means information in the possession of a Government department or public authority to facilitate the administration or enforcement of the Bill or the administration of the Scheme; or
- (b) it is necessary for the Commissioner, the Board or an administrator to have access to any particular class of confidential information (other than means information) in the possession of a Government department or public authority to facilitate the administration or enforcement of the Bill or the administration of the Scheme,

the Minister charged with the responsibility for that Government department or public authority may direct that Government department or public authority to provide the information, and that Government department or public authority must comply with the direction.

A person working in that Government department or public authority will not be guilty of an offence or of breach of confidence, and will not incur any civil liability, by virtue only of disclosing information in accordance with the direction of the Minister charged with the responsibility for that Government department or public authority to provide the information.

However, if an individual opts out from the provision of means information about that individual, then from the time an authorised person is notified of the opting out, the authorised person must not (without the consent of that individual) access, use or disclose any means information about that individual that is obtained under clause 8(1). A contravention of this restriction will be an offence.

Clause 9 restricts the use and disclosure (by the Commissioner, the Board, an administrator, any public officer (or employee of a public authority) acting under the direction of the Commissioner, any public officer acting under the direction of an administrator (being a public officer), and any member, officer or employee of the Board or an administrator (being a public authority other than the Board)) of means information and other confidential information obtained under clause 8. Such means information and other confidential information, in its original form, can be used or disclosed (without the consent of the individual to whom the information relates) only for the purposes of the administration or enforcement of the Bill, or the administration of the Scheme. A contravention of this restriction will be an offence.

The Commissioner, the Board or an administrator may provide information derived from such means information and other confidential information, but only in the form of a report stating whether an individual satisfies the eligibility criteria for receiving any benefit under the Scheme, and the description and amount of each benefit that the individual is eligible to receive or has received up to the date on which the report is made. Such a report may be provided to a public officer, a public authority or any other person or organisation for the development or implementation of any public scheme that may be prescribed by regulations made under clause 20, but only at the request of that public officer, public authority, person or organisation, and only with the approval of the Minister. If an individual opts out from the provision of such a report about the individual, then from the time the Commissioner, the Board or an administrator is notified of the opting out, the Commissioner, the Board or the administrator must not (without the consent of that individual) provide any such report about that individual. A contravention of any of these restrictions will be an offence.

The clause also allows the Board to use to administer the Scheme certain means information and other confidential information obtained by the Board under the Central Provident Fund Act (Cap. 36) that the Minister approves to be used for this purpose.

Clause 10 provides that where any amount under the Scheme is paid to an individual who is not entitled to that amount, or is obtained by an individual

through the making of a false or misleading statement or the production or furnishing of a document that is false in a material particular, that amount is recoverable as a debt due to the Government, and may be recovered by an administrator on behalf of the Government from any sum payable to that individual under the Scheme or by the administrator.

PART 4

MISCELLANEOUS

Clause 11 makes it an offence for a person to do both of the following:

- (a) knowingly or recklessly make any false or misleading statement; or produce or furnish, or cause to be produced or furnished, a document which the person knows, or ought reasonably to know, is false in a material particular; and
- (b) with the intention of dishonestly inducing another person to accept the statement or document as genuine, dishonestly obtain any benefit under the Scheme.

Clause 12 empowers a court, before which a person is convicted of an offence under the Bill in connection with a benefit under the Scheme, to order the person to pay to an administrator the amount certified by the administrator to be recoverable from the person in respect of the benefit.

Clause 13 provides for a certificate purporting to be issued by an administrator, and certifying the amount of any benefit under the Scheme received by any person as at any date, or the amount recoverable from any person as at any date in respect of any benefit under the Scheme received by that person, to be prima facie evidence of the matters certified, in any proceedings before any court, tribunal or authority.

Clause 14 empowers the Commissioner to obtain certain information, documents and records for the purposes of reviewing the administration of the Scheme or the disbursement or conferment of any benefit under the Scheme. The clause also empowers an investigator to obtain the same information, documents and records for the purpose of conducting any investigation under the Bill. The clause also makes it an offence for a person to refuse or fail, without reasonable excuse, to provide any information, document or record required by the Commissioner or an investigator within the time allowed.

Clause 15 makes it an offence for a person, without reasonable excuse, to obstruct, hinder or impede the Commissioner or an investigator in the performance or execution of a duty or anything which the Commissioner or investigator is authorised, empowered or required to do under the Bill.

Clause 16 deals with offenders which are corporations or unincorporated associations.

Clause 17 empowers the Board, or an officer or employee of the Board who is authorised by the Board in writing, to compound an offence prescribed by regulations made under clause 20 to be compoundable. This may be done by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one half of the amount of the maximum fine that is prescribed for the offence or a sum of \$1,000, whichever is the lower. All composition sums collected are to be paid into the Consolidated Fund.

Clause 18 enables proceedings in respect of any offence under the Bill to be conducted by an officer or employee of the Board who is authorised by the Board in writing to conduct such proceedings.

Clause 19 provides all of the following individuals with protection from personal liability when acting in good faith and with reasonable care in the execution or purported execution of the Bill:

- (a) the Commissioner for Silver Support;
- (b) any Deputy Commissioner for Silver Support;
- (c) any Assistant Commissioner for Silver Support;
- (d) any public officer (or employee of a public authority) acting under the direction of the Commissioner;
- (e) any member, officer or employee of the Board;
- (f) any investigator;
- (g) any administrator who is a public officer, or any public officer acting under the direction of the administrator;
- (h) any member, officer or employee of an administrator which is a public authority (other than the Board).

However, clause 19 does not exclude any liability under section 20 of the Financial Procedure Act (Cap. 109) or under clause 8(6) or 9(7).

Clause 20 empowers the Minister to make regulations for carrying out the purposes and provisions of the Bill.

EXPENDITURE OF PUBLIC MONEY

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