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Public Sector (Governance) Bill

Bill No. 45/2017.

Read the first time on 6 November 2017.

PUBLIC SECTOR (GOVERNANCE) ACT 2018

(No. of 2018)

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A BILL

i n t i t u l e d

An Act to provide for a consistent governance framework across public bodies in Singapore and to support a whole-of-government approach to the delivery of services in the Singapore public sector, and to make consequential and related amendments to certain other Acts.

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

1. This Act is the Public Sector (Governance) Act 2018 and comes
5 into operation on a date that the Minister appoints by notification in
the *Gazette*.

Interpretation

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

10 “chairperson”, in relation to a public body, means the individual
who is appointed under the constitutional Act of the public
body as the chairperson of the public body, and includes any
individual appointed under that Act to act in that capacity;

15 “chief executive”, in relation to a public body, means the
individual (however designated) who is appointed as the chief
executive officer of the public body, and includes any
individual acting in that capacity temporarily;

“comply”, in relation to a direction under Part 2, means to give
effect to the direction or to have regard to the direction, as the
context of the direction requires;

20 “constitutional Act”, in relation to a public body, means the Act
by or under which the public body is established;

“control”, in relation to information, has the meaning in
subsection (3);

25 “data sharing direction” means a direction given under section 4
on sharing of information or re-identification of anonymised
information under the control of a Singapore public sector
agency;

30 “financial year”, for a public body, means a period defined by the
constitutional Act of the public body to be the financial year
of the public body;

“function” means a function under written law and includes a
power or duty under written law;

“governing body”, for a public body, means the public body unless the constitutional Act of the public body specifies otherwise;

“Group 1 public body” means a public body specified in the First Schedule;

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“Group 1A public body” means a public body specified in Part 1 of the First Schedule;

“Group 1B public body” means a public body specified in Part 2 of the First Schedule;

“Group 1C public body” means a public body specified in Part 3 of the First Schedule;

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“Group 2 public body” means a public body specified in the Second Schedule, being a public body the main function of which is to regulate the practice and standards of a profession;

“Group 2A public body” means a public body specified in Part 1 of the Second Schedule;

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“Group 2B public body” means a public body specified in Part 2 of the Second Schedule;

“Group 3 public body” means a public body specified in the Third Schedule, being a public body the main function of which is to represent particular community interests or the volunteer movement;

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“Group 3A public body” means a public body specified in Part 1 of the Third Schedule;

“Group 3B public body” means a public body specified in Part 2 of the Third Schedule;

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“information” includes —

(a) any facts, statistics, instructions, concepts or other data in a form that is capable of being communicated, analysed or processed (whether by an individual or a computer or other automated methods); and

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(b) data sets;

“member”, in relation to a public body, means —

(a) an individual who is appointed under the constitutional Act of the public body as a member of the public body; or

(b) an individual who is appointed under the constitutional Act of the public body as a member of the governing body of the public body, where there is a governing body,

and includes an individual who is appointed under the constitutional Act of the public body to act in that capacity temporarily;

“public body” means a body corporate established by a public Act for the purposes of a public function but excludes a Town Council established under section 4 of the Town Councils Act (Cap. 329A);

“public service” means —

(a) the Singapore Armed Forces;

(b) the Singapore Civil Defence Force;

(c) the Singapore Civil Service;

(d) the Singapore Legal Service; and

(e) the Singapore Police Force;

“Public Service Commission” means the Public Service Commission established under Article 105 of the Constitution;

“responsible Minister”, in relation to a public body, means the Minister charged with the responsibility for the public body;

“share”, in relation to information under the control of a Singapore public sector agency, means to provide (or be provided with) the information;

“Singapore public sector” means the sector comprising —

(a) the public service; and

(b) all Group 1, Group 2 and Group 3 public bodies;

“Singapore public sector agency” means any of the following:

- (a) a Group 1, Group 2 or Group 3 public body;
- (b) a Ministry or department of the Government;
- (c) an Organ of State;
- (d) a public officer or a person exercising a public official function, who is declared by the Minister by order in the *Gazette* to be a Singapore public sector agency for the purposes of this Act;

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“whole-of-government” means the whole of the Singapore public sector.

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(2) In this Act, unless the context otherwise requires, an individual is an officer of a Singapore public sector agency for the time he or she is —

- (a) a public officer holding a post in a Ministry or department of the Government or an Organ of State which is that Singapore public sector agency (including a public officer on leave without pay);
- (b) an employee of a Group 1, Group 2 or Group 3 public body which is that Singapore public sector agency (including an employee on leave without pay); or
- (c) under a secondment arrangement making available temporarily to that Singapore public sector agency the service of the individual.

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(3) For the purposes of this Act, a Singapore public sector agency is taken to have control of information if —

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- (a) the Singapore public sector agency has possession or custody of the information; or
- (b) the Singapore public sector agency has the information in the possession or custody of some other person.

Purpose of Act

3. The purposes of this Act are —

- (a) to establish a consistent system of governance and accountability across public bodies in Singapore that meets high standards of accountability;
- (b) to clarify the accountability relationship between public bodies, their members, their responsible Ministers and the Government; and
- (c) to require and support a whole-of-government approach to the delivery of services in the Singapore public sector.

PART 2

DIRECTIONS

Division 1 — Directions from relevant or responsible Ministers

Directions for whole-of-government approach, etc.

4.—(1) Subject to subsection (2), the Minister may, on the recommendation of the relevant Minister (if any), give or jointly give a direction, as the case may be —

- (a) to all Singapore public sector agencies; or
- (b) to a Singapore public sector agency or a class of Singapore public sector agencies specified in the direction,

requiring the Singapore public sector agency or agencies concerned to comply with a policy of the Government (as amended from time to time, and with or without modifications) relating to all or any pertinent subject matter.

(2) A direction under subsection (1) may be made only for all or any of the following purposes:

- (a) to uphold and promote the values of the Singapore public sector;
- (b) to secure economies or efficiencies for the Singapore public sector;

(c) to improve (directly or indirectly) the efficiency or effectiveness of policies, programme management or service planning and delivery by Singapore public sector agencies (whether by carrying out data analytics work or otherwise);

5

(d) to ensure business continuity;

(e) to ensure accountable and prudent stewardship of Singapore public sector finances and resources;

(f) to manage risks to the financial position of the Government;

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(g) to support a whole-of-government approach in the discharge of the Singapore public sector agencies' functions.

(3) For the purposes of subsection (1), "pertinent subject matter" means the following:

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(a) employment, management and discipline of employees;

(b) management of official documents;

(c) financial and resource management and accountability;

(d) use or development of information technology;

(e) data governance (including personal data protection) and sharing of information under the control of a Singapore public sector agency with another Singapore public sector agency.

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(4) The "relevant Minister" for a pertinent subject matter is as follows:

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(a) for the matter in subsection (3)(a), the Minister charged with the responsibility for public sector personnel policy;

(b) for the matter in subsection (3)(b), the Minister charged with the responsibility for Government records and archives;

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(c) for the matter in subsection (3)(c), the Minister charged with the responsibility for Government finance;

(d) for the matter in subsection (3)(d), the Minister charged with the responsibility for public sector info-communications technology and related engineering;

(e) for the matter in subsection (3)(e), the Minister charged with the responsibility for public sector data governance.

Directions by responsible Minister

5.—(1) The responsible Minister for a Group 1A or Group 1B public body may give to the public body directions as to the performance by the public body of its functions.

(2) To avoid doubt, this section does not affect any requirement in the constitutional Act of a public body or other Act administered by a public body requiring the responsible Minister to consult any person specified in that Act before exercising the power under subsection (1) in relation to the public body.

Division 2 — Directions on data sharing

Authority to share

6.—(1) Where a data sharing direction is given to a Singapore public sector agency —

(a) the Singapore public sector agency and every officer of that agency; and

(b) where the Singapore public sector agency is a public body, the members of the public body,

are authorised to share the information under the control of the Singapore public sector agency with another Singapore public sector agency to the extent permitted by the data sharing direction despite any obligation as to confidentiality under the common law.

(2) However, subsection (1) does not override any obligation as to confidentiality because of legal privilege or contract.

(3) To avoid doubt, this Act is not intended to prevent or discourage the sharing of information by Singapore public sector agencies as permitted or required by or under any Act or other law (apart from this Act).

Unauthorised disclosure and improper use of information

7.—(1) If —

- (a) an individual discloses, or the individual's conduct causes disclosure of, information under the control of a Singapore public sector agency to another person (whether or not a Singapore public sector agency); 5
- (b) the disclosure is not authorised by any data sharing direction given to the Singapore public sector agency;
- (c) the individual is a relevant public official of the Singapore public sector agency at the time of the disclosure; and 10
- (d) the individual does so —
 - (i) knowing that the disclosure is not in accordance with that direction; or
 - (ii) reckless as to whether the disclosure is or is not in accordance with that direction, 15

the individual 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 2 years or to both.

(2) In proceedings for an offence under subsection (1), it is a defence for the defendant to prove, on a balance of probabilities, that the defendant disclosed, or caused the disclosure of, information under the control of a Singapore public sector agency — 20

- (a) as permitted or required by or under an Act or other law (apart from this Act); or
- (b) as authorised or required by an order of court. 25

(3) If an individual —

- (a) makes use of information under the control of the Singapore public sector agency when he or she is a relevant public official of a Singapore public sector agency or a contractor (or an employee thereof) supplying goods or services to a Singapore public sector agency; and 30

(b) obtains a gain for himself or herself as a result of that use, the individual 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 2 years or to both.

5 (4) In proceedings for an offence under subsection (3), it is a defence for the defendant to prove, on a balance of probabilities, that the information under the control of a Singapore public sector agency was, at the time of its use by the defendant, generally available information.

10 (5) In this section —

“disclose”, in relation to information, includes provide access to information;

“gain” means —

15 (a) a gain in property or a supply of services (whether temporary or permanent); or

(b) an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of remuneration;

20 “generally available information” means information that consists of readily observable matter, including information that consists of deductions, conclusions or inferences made or drawn from readily observable matter;

“relevant public official”, for a Singapore public sector agency, means —

25 (a) an officer of the Singapore public sector agency;

(b) a member of a Group 1, Group 2 or Group 3 public body which is that Singapore public sector agency, or of the governing body of such a public body; or

30 (c) the chief executive of a Group 1, Group 2 or Group 3 public body which is that Singapore public sector agency.

Unauthorised re-identification of anonymised information

8.—(1) If —

- (a) an individual takes any action to re-identify or cause re-identification of the person to whom anonymised information under the control of a Singapore public sector agency relates; 5
- (b) the re-identification is not authorised by any data sharing direction given to the Singapore public sector agency;
- (c) the individual is a relevant public official of the Singapore public sector agency at the time of taking that action; and 10
- (d) the individual does so —
 - (i) knowing that the re-identification is not authorised by that data sharing direction; or
 - (ii) reckless as to whether the re-identification is or is not authorised by that data sharing direction, 15

the individual 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 2 years or to both.

(2) In proceedings for an offence under subsection (1), it is a defence to the charge for the accused to prove, on a balance of probabilities, that — 20

- (a) the information on the identity is publicly available; or
- (b) the action to re-identify or cause re-identification is —
 - (i) permitted or required by or under an Act or other law (apart from this Act); or 25
 - (ii) authorised or required by an order of court.

(3) In this section —

“anonymised information” means any information which is in anonymised or de-identified form;

“relevant public official” has the meaning given by section 7(5). 30

Division 3 — General

Form of directions, etc.

9.—(1) A direction under section 4 or 5 to a Singapore public sector agency or a class of Singapore public sector agencies specified in the direction may —

(a) be in the form of a circular or an instruction or order addressed to —

(i) the Singapore public sector agency or every Singapore public sector agency in that class (as the case may be); and

(ii) the members of a public body which is the Singapore public sector agency in sub-paragraph (i) and its chief executive; and

(b) be amended or replaced in the same way as it may be given.

(2) A direction under section 4 or 5 does not have legislative effect.

Compliance with directions, etc.

10.—(1) Every Singapore public sector agency, or every Singapore public sector agency within the class of Singapore public sector agencies, to which a direction under section 4 or 5 is given must, in performing its functions, comply with the direction starting from the date specified in the direction.

(2) The functions of a public body under written law are to be regarded as including compliance with a direction given to it under section 4 or 5.

Limit to effect of directions

11.—(1) A direction under section 4 or 5 must not be inconsistent with this Act or any other written law.

(2) A direction under section 4 or 5 is not binding on a Singapore public sector agency to the extent (if any) to which it would impede or affect the performance of —

(a) a statutorily independent function of the Singapore public sector agency; or

- (b) a quasi-judicial function of the Singapore public sector agency or any of its officers in relation to a particular matter.

(3) This Part does not authorise any Minister to direct a Singapore public sector agency, or any member or officer of a public body, or any public officer, requiring —

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- (a) the performance or non-performance of a particular act or the bringing about of a particular result, in respect of a particular person or persons; or
- (b) the making of an employment decision relating to a particular individual.

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(4) However, subsection (3) does not prevent a Minister from giving a direction under the Government Procurement Act (Cap. 120).

(5) In this section, “employment decision” means an administrative decision relating to the employment of an individual, including —

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- (a) the appointment, promotion, transfer, remuneration or benefits of employment;
- (b) the termination of an individual’s employment; and
- (c) the taking of disciplinary action against an employee.

PART 3

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PERSONNEL MATTERS

Application of this Part

12. This Part applies to and in relation to every Group 1, every Group 2 and every Group 3 public body to the extent provided in this Part.

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Interpretation of this Part

13. In this Part, unless the context otherwise requires —

- “appoint” includes appointing a public officer under a secondment arrangement making available temporarily to a

public body the service of the public officer, but excludes promote;

“disciplinary penalty”, for a chief executive, means dismissal from the office of chief executive, reduction in grade, financial penalty, stoppage of increment or withdrawal of any employment benefit because of misconduct;

“public body” includes the governing body of a public body where the constitutional Act of the public body provides for such a governing body.

Division 1 — Chief executives

Role of chief executive

14.—(1) The chief executive of a public body is responsible to the public body —

(a) for the proper administration and management of the functions and affairs of the public body in accordance with the policy laid down by the public body and the directions given to the public body under this Act; and

(b) for ensuring delivery of services, and collaboration to achieve outcomes with other Singapore public sector agencies for the attainment of whole-of-government objectives that are communicated to the public body.

(2) The chief executive of a public body may be known by such designation as the constitutional Act of the public body prescribes or, subject to that Act, as that public body determines.

Appointment of chief executive

15.—(1) Subject to subsection (2), the chief executive of a Group 1A, Group 1B, Group 2A or Group 3 public body must be appointed by the public body, and no other.

(2) An individual must not be appointed as the chief executive of a Group 1A, Group 1B, Group 2A or Group 3 public body except —

(a) with the prior approval of the responsible Minister for the public body, in the case of a Group 1A, Group 1B, Group 2A or Group 3 public body; and

(b) with the prior concurrence of the Public Service Commission, in the case of a Group 1A or Group 1B public body.

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(3) An individual must not be appointed as the chief executive of a Group 1C public body except with the prior concurrence of the Public Service Commission.

(4) Where an individual has been appointed as the chief executive of a public body in contravention of subsection (2) or (3), the responsible Minister for the public body may issue a direction to the public body to remove the individual as its chief executive; and the public body must comply with that direction.

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Removal of chief executive

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16.—(1) Subject to subsection (2), the chief executive of a Group 1, Group 2A or Group 3 public body must not be removed from that office except —

(a) with the prior approval of the responsible Minister for the public body, in the case of a Group 1A, Group 1B, Group 2A or Group 3 public body; and

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(b) with the prior concurrence of the Public Service Commission, in the case of a Group 1 public body.

(2) Subsection (1) does not apply where —

(a) a direction is given by a responsible Minister under section 15(4); or

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(b) the Public Service Commission concurs under section 17 with a dismissal of a chief executive of a Group 1 public body.

(3) To avoid doubt, this section does not prevent a resignation of an individual as a chief executive of a public body, or the acceptance by a public body of such a resignation.

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Disciplinary control over chief executive

17.—(1) A disciplinary penalty must not be imposed by any Group 1 public body on its chief executive without the prior concurrence of the Public Service Commission with the decision of the public body to impose the disciplinary penalty.

(2) This section does not apply in relation to a chief executive of a public body who is a public officer under a secondment arrangement making available temporarily to the public body the service of the public officer.

Promotion of chief executive

18.—(1) A Group 1 public body must not promote its chief executive to a higher grade in that office without the prior concurrence of the Public Service Commission with the promotion.

(2) Where an individual has been promoted by a public body in contravention of subsection (1), the responsible Minister for the public body may give a direction to the public body to take such steps as are necessary to rectify the contravention; and the public body must comply with that direction despite any agreement or other law.

(3) This section does not apply in relation to a chief executive of a public body who is a public officer under a secondment arrangement making available temporarily to the public body the service of the public officer.

Saving for other written law

19. To avoid doubt, this Division does not affect any requirement in the Constitution for the concurrence of the President to an appointment or a removal of the chief executive of a public body in the Fifth Schedule to the Constitution.

Division 2 — Public servants

Deemed public servants

20.—(1) The following individuals of a Group 1, Group 2 or Group 3 public body are each deemed to be a public servant for the

purposes of the Penal Code (Cap. 224) in relation to his or her carrying out any function of the public body:

- (a) the chairperson and a member of the public body;
- (b) the chief executive of the public body;
- (c) an officer of the public body.

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(2) Every member of a committee which —

- (a) is formed by a Group 1A, Group 1B, Group 2 or Group 3 public body; and
- (b) is delegated to carry out any function of the public body under its constitutional Act or any other written law,

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is taken to be a public servant for the purposes of the Penal Code in relation to his or her carrying out the function of the public body.

Deemed public officers

21.—(1) Every individual mentioned in section 20 is taken to be a public officer for the purposes of the Financial Procedure Act (Cap. 109) in relation to —

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- (a) his or her administration, assessment, collection or enforcement of payment of any fee, tax, charge, financial penalty or other sum of money which is imposed or collected under the constitutional Act of the public body or any other written law administered by the public body and —

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- (i) is collected by the public body as an agent of the Government under the constitutional Act or that other written law; or

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- (ii) is payable or required by the constitutional Act or other written law to be paid into the Consolidated Fund or other Government Fund;

- (b) his or her disbursing, on behalf of the Government, under the constitutional Act of the public body or any other written law administered by the public body, any financial

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assistance or other benefits using moneys withdrawn from the Consolidated Fund or other Government Fund; or

- (c) his or her administration and management of any contract entered into or managed by the public body on behalf of the Government,

and section 20 of the Financial Procedure Act applies to each of these individuals even though they are not or were not in the employment of the Government.

(2) Every member and officer of a Group 1 public body with a function of acting as an agent of the Government is, in relation to his or her entering into contracts on behalf of the Government in the performance of that function, taken to be a public officer for the purposes of the Government Contracts Act (Cap. 118).

PART 4

GOVERNANCE

Application of this Part

22. This Part applies to and in relation to every Group 1, every Group 2 and every Group 3 public body.

Division 1 — Disclosure of conflict of interests

Interpretation of “relevant matter”, “associate”, etc.

23.—(1) In this Division, “relevant matter”, for a public body, means —

(a) the public body’s performance of its functions or exercise of its powers under written law; or

(b) an arrangement or agreement, or a contract, made or entered into, or proposed to be made or entered into, by the public body.

(2) A member of a public body is interested in a relevant matter relating to the public body if —

- (a) the member, or an associate of the member, may derive a direct or indirect financial benefit from the relevant matter;
- (b) the member, or an associate of the member, may have a direct or indirect financial interest in a person to whom the relevant matter relates; or
- (c) the member, or an associate of the member, is otherwise directly or indirectly interested in the matter.

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(3) However, a member of a public body is not interested, directly or indirectly, in a relevant matter relating to the public body —

- (a) only because of an interest in a question about the level of remuneration, allowances or expenses to be set for members of the public body;
- (b) only because of an interest that the member, or an associate of the member, shares in common with the general public or a substantial section of the public;
- (c) only because the member, or an associate of the member, has an interest in payment or reimbursement of membership fees for, or expenses related to membership in, a body with predominantly charitable objects;
- (d) only because he or she has past or current involvement in the relevant sector, industry or practice;
- (e) only because the member, or an associate of the member, is a customer of any service provided or goods supplied by the public body to the public generally or a section of the public in the performance of its functions or exercise of its powers under written law;
- (f) only because the member is a director or chief executive officer of a wholly-owned subsidiary corporation of the public body and the relevant matter is with or for the benefit of or done on behalf of that wholly-owned subsidiary corporation;
- (g) where the member is appointed to represent —
 - (i) the Government or a holder of a public office; or

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(ii) a community or special interest group in accordance with the constitutional Act of the public body,

only because the relevant matter is with or for the benefit of or done on behalf of the Government or that public office or that community or group, as the case may be; or

(h) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act or another written law administered by the public body in respect of that relevant matter.

(4) In this Division, a person is an associate of another if —

(a) they are spouses or siblings or a parent and child or they are in a similar close family relationship;

(b) they are in partnership;

(c) one is a company and the other is a director or manager of the company;

(d) one is a private company within the meaning of the Companies Act (Cap. 50) and the other is a shareholder in the company; or

(e) a chain of relationships can be traced between them under one or more of the above paragraphs.

(5) In this section, a person is a wholly-owned subsidiary corporation of a public body if none of the members of the corporation is a person other than —

(a) the public body;

(b) a nominee of the public body;

(c) a subsidiary of the public body being a subsidiary none of the members of which is a person other than that public body or a nominee of that public body; or

(d) a nominee of a subsidiary mentioned in paragraph (c), and “subsidiary” has the same meaning as in the Companies Act.

(6) In this Division, unless the context otherwise requires, “public body” includes the governing body of a public body where the constitutional Act of the public body provides for such a governing body.

Obligation to disclose interest

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24.—(1) A member of a public body who is interested in a relevant matter relating to the public body must disclose details of the interest in accordance with section 25 as soon as practicable after the member becomes aware that he or she is interested.

(2) A general notice of an interest —

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(a) in a relevant matter relating to the public body; or

(b) in a relevant matter that may in future relate to the public body,

that is disclosed in accordance with section 25 is a standing disclosure of that interest for the purposes of this section.

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(3) However, a standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.

(4) To avoid doubt, this section is in addition to, and not in derogation of, the operation of any rule of law restricting a member of a public body from having any interest in arrangements, agreements or contracts of the public body or from holding offices or possessing interests in conflict with his or her duties as such a member.

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To whom and what to disclose

25.—(1) A member of a public body who is interested in a relevant matter relating to the public body must disclose details of the interest —

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(a) in the case of the chairperson —

(i) to the chief executive and all other members of the public body; and

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(ii) to the responsible Minister for the public body; or

(b) in the case of any other member —

- (i) to the chairperson of the public body;
- (ii) if there is no chairperson or the chairperson is interested, to a deputy chairperson of the public body; or
- (iii) if there is neither a chairperson nor deputy chairperson or if the chairperson and every deputy chairperson are interested, to the responsible Minister for the public body.

(2) The details that must be disclosed under this section are —

- (a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or
- (b) the nature and extent of the interest (if the monetary value cannot be quantified).

(3) The chief executive of a public body must ensure that every disclosure under this section —

- (a) is recorded in a register of interests kept by the public body; and
- (b) is brought to the attention of the member presiding at a meeting of the public body that relates to the relevant matter.

Consequences of being interested in relevant matter

26. A member of a public body who is interested in a relevant matter relating to the public body —

- (a) must not vote or take part in any discussion or decision of the public body or any committee relating to the matter, or otherwise participate in any activity of the public body that relates to the matter;
- (b) must withdraw from any meeting of the public body or committee during the consideration or discussion relating to the matter if the member presiding at the meeting so requests;

- (c) must not sign any document relating to the entry into a transaction or the initiation of the matter; and
- (d) must be disregarded for the purpose of forming a quorum for that part of a meeting of the public body or a committee during which a discussion or decision relating to the matter occurs or is made.

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Consequences of failure to disclose interest

27.—(1) A public body must notify its responsible Minister of a failure to comply with section 25 or 26, and of the matters affected, as soon as practicable after becoming aware of the failure.

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(2) However, the exercise of any power or performance of any function of a public body by the public body is not affected merely because at the relevant time —

- (a) a member failed to disclose his or her interest in a relevant matter (within the meaning of this Division); or
- (b) the public body failed to give notice under this section.

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Application to committees of public bodies

28.—(1) This section applies where a public body is permitted by its constitutional Act to appoint committees from among its members or other individuals —

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- (a) to advise the public body on any matters relating to the public body's functions that are referred to the committee by the public body; or
- (b) to perform or exercise any of the public body's functions that are delegated to the committee.

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(2) An individual may not be appointed as a member of such a committee of a public body unless, before appointment, he or she discloses to the public body the details of any interest the individual has at that time, or is likely to have, in matters relating to the committee if he or she were a member of that committee.

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(3) Sections 23 to 27 apply to such a committee and the committee's members subject to the following modifications:

- (a) the reference in those sections to a relevant matter is a reference to a relevant matter (within the meaning of section 23) regulated or managed by the committee;
- 5 (b) the reference in those sections to a member of the public body is a reference to a committee member;
- (c) the reference in section 25 to disclosing details of an interest in a relevant matter to the responsible Minister for the public body is a reference to disclosing those details to the public body;
- 10 (d) the reference in section 26 to a discussion, decision, activity or meeting of the public body is a reference to a discussion, decision, activity or meeting of the committee;
- (e) the reference in section 27 to the public body reporting to the responsible Minister is a reference to the committee reporting to the public body.
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Division 2 — Decision-making by public bodies

Procedure generally

29. The members of a public body must regulate their own procedure in accordance with —

- 20 (a) this Act; and
- (b) any other specific requirements prescribed by any other Act not inconsistent with this Act.

Method of holding meetings

30.—(1) A meeting of the public body may be held —

- 25 (a) by a quorum of the members, being assembled together at the time and place appointed for the meeting; or
- (b) by means of audio, audio and visual, or electronic communication provided that —
 - 30 (i) the public body resolves that the meeting, or that all its meetings, may be held by such means;

- (ii) all of the members who wish to participate at the meeting have access to the technology needed to participate in the meeting; and
- (iii) a quorum of members can simultaneously communicate with each other throughout the meeting.

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(2) For the purposes of this Part, a member of a public body participating in a meeting as permitted under subsection (1)(b)(i) is taken to be present at the meeting of the public body.

Decision-making without meeting

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31.—(1) If —

- (a) a public body resolves that this section applies to any particular matter or all its matters;
- (b) all of the members of the public body for the time being are sent (whether by post, delivery or electronic communication) a document setting out a resolution about the matter or matters; and
- (c) a majority of those members who are entitled to vote on the matter sign or approve in writing a document containing a statement that they are in favour of a resolution in the terms set out in the document,

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a resolution in those terms is taken to be passed at a meeting of the public body as if it were held on the day that the last member required for the majority signs or approves the document.

(2) The resolution may consist of several documents each containing the same wording of the resolution and statement in favour, and each signed in writing by one or more members of a public body.

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(3) For the purpose of the approval of a resolution under this section, the chairperson and each member of the public body have the same voting rights as they have as prescribed in or under its constitutional Act at a meeting of the public body.

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(4) A resolution approved under this section must be recorded in the minutes of the meetings of the public body after the resolution is approved.

Delegation of functions

5 **32.—**(1) Where a public body is permitted by its constitutional Act or other written law to delegate the performance of any of the public body's functions (whether under this Act or other written law), unless in such Act it is otherwise expressly provided, the power to delegate does not extend to that power to delegate.

10 (2) A delegation of functions of a public body under this section —

(a) does not affect or prevent the performance of any function by the public body; and

(b) is not affected by any change in the membership of the public body or of any committee, or by any change in the
15 chief executive or employee of the public body.

PART 5

FINANCIAL ADMINISTRATION

Application of this Part

33.—(1) This Part applies to and in relation to —

20 (a) every Group 1 public body to the extent provided in this Part;

(b) every Group 2 public body; and

(c) every Group 3B public body.

(2) To avoid doubt, this Part does not affect —

25 (a) any power of the President under the Constitution in relation to any annual estimates or supplementary estimates of a Group 1 public body which is specified in the Fifth Schedule to the Constitution;

30 (b) any power of the responsible Minister for a public body under the constitutional Act of the public body to approve

any annual estimates or supplementary estimates of a public body or any part of those estimates; or

(c) any specific requirement in or under a constitutional Act of a public body that delimits the time by, or form in, which —

- (i) the annual estimates or supplementary estimates of the public body must be prepared or given to a responsible Minister of the public body; 5
- (ii) the annual financial statements must be prepared for audit; or
- (iii) the audited financial statements must be sent to the responsible Minister. 10

Annual estimates

34.—(1) A public body or its governing body must, in every financial year of the public body, prepare or cause to be prepared, and must adopt a statement containing annual estimates of its revenue and expenditure for the following financial year. 15

(2) A copy of the statement of annual estimates mentioned in subsection (1) must, upon their adoption by the public body or its governing body (as the case may be), be sent as soon as possible to the responsible Minister for the public body. 20

Supplementary estimates

35.—(1) A public body or its governing body may, during its financial year, prepare or cause to be prepared, and may adopt, a statement containing supplementary estimates of its revenue and expenditure for that financial year. 25

(2) A copy of the statement of supplementary estimates mentioned in subsection (1) must, upon their adoption by the public body or its governing body (as the case may be), be sent as soon as possible to the responsible Minister for the public body.

Financial accounts and records

36. A public body must —

(a) keep proper accounts and records of its transactions and affairs and in accordance with the requirements of written law; and

(b) do all things necessary to ensure that —

(i) all payments out of its moneys are correctly made and properly authorised; and

(ii) adequate control is maintained over the property and assets of, or in the custody of, the public body and over the expenditure incurred by the public body.

Auditor of public body

37.—(1) The accounts of a public body must be audited by —

(a) the Auditor-General; or

(b) another auditor appointed annually by the responsible Minister for the public body in consultation with the Auditor-General.

(2) A person is not qualified for appointment as an auditor under subsection (1)(b) unless the person is a public accountant who is registered or deemed to be registered under the Accountants Act (Cap. 2).

(3) The remuneration of the auditor of a public body appointed under subsection (1) must be paid out of the funds of the public body unless otherwise provided in the constitutional Act of the public body.

(4) This section does not apply to or in relation to a Group 1B public body.

Powers of auditor

38.—(1) A public body must, as soon as practicable after the close of each financial year but not later than the time (if any) delimited in its constitutional Act, prepare and submit the financial statements in respect of that year to the auditor of the public body, who must audit and report on them.

(2) For the purpose of auditing and reporting on the financial statements submitted under subsection (1), the auditor of the public body, or a person authorised by the auditor for that purpose (called in this section an authorised person), is entitled at all reasonable times —

- (a) to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the public body; 5
- (b) to make copies of or take extracts from any of those accounting and other records; and
- (c) to require any person to furnish the auditor or authorised person 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 the auditor's functions under this Act. 10

(3) A person — 15

- (a) who fails, without any reasonable cause, to comply with any requirement of the auditor of the public body or an authorised person under subsection (2); or
- (b) who otherwise hinders, obstructs or delays the auditor or the authorised person in the performance of his or her functions or the exercise of his or her powers, 20

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) This section does not apply to or in relation to a Group 1B public body. 25

Auditor's report

39.—(1) The report of the auditor of a public body about the financial statements submitted under section 38(1) must state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the public body; 30
- (b) whether proper accounting and other records have been kept, including records of all assets of the public body whether purchased, donated or otherwise;

(c) whether the receipts, expenditure, investment of moneys, and the acquisition and disposal of assets, by the public body during the financial year have been in accordance with this Act, the constitutional Act of the public body and the requirements of any other written law applicable to moneys of or managed by the public body; and

(d) such other matters arising from the audit as the auditor considers should be reported.

(2) The auditor of a public body must, as soon as practicable after the accounts have been submitted to the auditor for audit, send a report of the audit to the public body.

(3) The auditor of a public body may at any other time report to the responsible Minister for the public body through the public body upon any matter arising out of the performance of an audit under this Act.

(4) This section does not apply to or in relation to a Group 1B public body.

Audited annual financial statements

40.—(1) A public body (except a Group 1B or Group 1C public body) must, as soon as its accounts and financial statements have been audited in accordance with the provisions of this Act, send to the responsible Minister for the public body a copy of the audited financial statements, signed by the chairperson of the public body, together with a copy of the auditor's report under section 39(1).

(2) Where the auditor of a public body is not the Auditor-General, the auditor must forward a copy of the audited financial statements and any report made by the auditor under section 39(1) to the Auditor-General at the same time they are submitted to the public body.

(3) The responsible Minister for a public body must, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report mentioned in subsection (1) to be presented to Parliament.

(4) Subsections (2) and (3) do not apply to or in relation to a Group 1B public body.

Annual and other reports of public body

41.—(1) A public body must, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to its responsible Minister a report dealing generally with the activities of the public body during the preceding financial year and containing such information relating to the proceedings and policy of the public body as the responsible Minister may, from time to time, direct. 5

(2) The responsible Minister for a public body must, as soon as practicable, cause to be presented to Parliament a copy of every report under subsection (1) received from the public body. 10

(3) Subsection (2) does not apply to or in relation to a Group 1B public body.

PART 6

GENERAL PROVISIONS

Amendment of Schedules

42.—(1) The Minister may, by order in the *Gazette*, add, delete or replace any public body in any of the Schedules. 15

(2) However, nothing in subsection (1) authorises adding the Monetary Authority of Singapore to any of the Schedules.

Regulations

43.—(1) The Minister may make regulations for the purposes of this Act. 20

(2) Regulations under subsection (1) may, in particular —

(a) prescribe the procedure for a public body to obtain the concurrence of the Public Service Commission for any appointment or promotion of, or a disciplinary penalty to be imposed on, a chief executive of a public body; 25

(b) make different provisions for different public bodies or different purposes; and

(c) prescribe anything required or allowed to be prescribed for the purposes of this Act. 30

Presentation to Parliament

44. All subsidiary legislation made under this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

PART 7

5 CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS

Related amendment to Interpretation Act

45. The Interpretation Act (Cap. 1, 2002 Ed.) is amended by inserting, immediately after section 35, the following section:

10 **“Subsidiary legislation by statutory body, etc.**

35A.—(1) Where a statutory body is permitted by any written law to delegate the performance of any of the statutory body’s functions or the exercise of any of the statutory body’s powers, that power to delegate does not extend to the power to make any subsidiary legislation.

(2) Where any Act confers upon a statutory body power to make subsidiary legislation, it is sufficient, unless in such Act it is otherwise provided, if the exercise of that power by the statutory body is signified under the hand of —

20 (a) the chairperson of the statutory body; or

(b) a member of the statutory body duly authorised by that body to do so in place of the chairperson.”.

Amendments to Accounting and Corporate Regulatory Authority Act

25 **46.** The Accounting and Corporate Regulatory Authority Act (Cap. 2A, 2005 Ed.) is amended —

(a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

30 “ “Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;

- (b) by deleting subsection (1) of section 8 and substituting the following subsection:

“(1) The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;

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- (c) by deleting the words “, except the power of delegation conferred by this section and the power to make subsidiary legislation under this Act or such other written law” in section 9(2);

- (d) by repealing section 10 and substituting the following section:

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“Chief Executive, officers and employees, etc.

10.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

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(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

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(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

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- (e) by repealing section 21 and substituting the following section:

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“Financial year

21. The financial year of the Authority begins on 1 April of each year and ends on 31 March of the succeeding year.”;

(f) by deleting paragraph (iii) of section 34(1) and substituting the following paragraphs:

“(iii) in compliance with the requirement of any court or as required or allowed by the provisions of any written law;

(iiia) with the prior authorisation from the Authority to do so;”;

(g) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 12(7) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”; and

(h) by repealing sections 9(4), 12, 16(1), (2) and (3) and 29, paragraph 10 of the First Schedule, and the Third Schedule.

Amendments to Administration of Muslim Law Act

47. The Administration of Muslim Law Act (Cap. 3, 2009 Ed.) is amended —

(a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Majlis, and includes any individual acting in that capacity;”;

(b) by repealing section 7A and substituting the following section:

“Chief Executive

7A.—(1) There must be a Chief Executive of the Majlis, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Majlis may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

- (a) is absent from duty or Singapore; or 5
- (b) is, for any reason, unable to perform the duties of the office.”;
- (c) by inserting, immediately after the words “expressly authorised” in section 27(2), the words “or allowed by the provisions of any written law”; 10
- (d) by inserting, immediately after the words “subject to the provisions of this Act” in section 29(1), the words “and the Public Sector (Governance) Act 2018”; and
- (e) by repealing sections 26(4) and 28.

Amendments to Agency for Science, Technology and Research Act

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48. The Agency for Science, Technology and Research Act (Cap. 5A, 2002 Ed.) is amended —

- (a) by deleting the definition of “chief executive officer” in section 2 and substituting the following definition: 20
 - ““chief executive officer” means the chief executive of the Agency, and includes any individual acting in that capacity;”;
- (b) by deleting the words “, except the power of delegation conferred by this paragraph” in section 7(1)(a); 25
- (c) by repealing section 14 and substituting the following section:

“Financial year

14. The financial year of the Agency begins on 1 April of each year and ends on 31 March of the succeeding year.”;

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- (d) by deleting subsection (1) of section 15 and substituting the following subsection:

“ (1) The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (e) by repealing section 16 and substituting the following section:

“Chief executive officer, other officers and employees, etc.

16.—(1) There must be a chief executive officer of the Agency, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive officer during any period, or during all periods, when the chief executive officer —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (f) by deleting the words “any court or under” in section 19(1) and substituting the words “any court or where required or allowed by”;

- (g) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14(8) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”; and

- (h) by repealing sections 13 and 18, paragraph 12 of the First Schedule, and the Second Schedule.

Amendments to Agri-Food and Veterinary Authority Act

49. The Agri-Food and Veterinary Authority Act (Cap. 5, 2012 Ed.) is amended —

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- (a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;

10

- (b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 9(7), the words “and the Public Sector (Governance) Act 2018”;

- (c) by deleting subsection (2) of section 11 and substituting the following subsection:

15

“(2) The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (d) by inserting, immediately after the words “Subject to this Act” in section 13(2), the words “, the Public Sector (Governance) Act 2018”;

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- (e) by deleting the words “, and no delegated person shall prevent the exercise of any power, function or duty by the Authority” in section 14(3);

- (f) by repealing section 15 and substituting the following section:

25

“Chief Executive, officers and employees, etc.

15.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

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(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(g) by repealing section 19 and substituting the following section:

“Minister’s approval of estimates

19.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Authority, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Authority, and the Authority is bound by the Minister’s decision.

(4) However, the Authority may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.”;

(h) by deleting the words “any court or under” in section 44(1) and substituting the words “any court or where required or allowed by”; and

- (i) by repealing sections 10, 17, 26, 27, 28, 29 and 37.

Amendments to Architects Act

50. The Architects Act (Cap. 12, 2000 Ed.) is amended —

- (a) by deleting the definition of “Registrar” in section 2 and substituting the following definition:

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“ “Registrar” means the Registrar of the Board, and includes any individual acting in that capacity;”;

- (b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 4F(4), the words “and the Public Sector (Governance) Act 2018”;

10

- (c) by deleting subsection (1) of section 9 and substituting the following subsections:

“(1) There must be a chief executive of the Board called the Registrar of the Board, whose appointment and removal must be in accordance with the Public Sector (Governance) Act 2018.

15

(1A) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Registrar during any period, or during all periods, when the Registrar —

20

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.”;

- (d) by deleting the words “The Registrar shall” in section 9(2) and substituting the words “In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must”; and

25

- (e) by repealing sections 4F(1A) and (1B), 4G, 7(6) and 32(5) and (6).

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Amendments to Building and Construction Authority Act

51. The Building and Construction Authority Act (Cap. 30A, 2012 Ed.) is amended —

(a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 7(7), the words “and the Public Sector (Governance) Act 2018”;

(c) by deleting subsection (2) of section 9 and substituting the following subsection:

“(2) The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(d) by inserting, immediately after the words “and any regulations made thereunder” in section 11(2), the words “, the Public Sector (Governance) Act 2018”;

(e) by deleting the words “except the power of delegation conferred by this subsection and the power to make subsidiary legislation conferred by this Act or any other written law” in section 12(1);

(f) by deleting the words “, and no such delegation shall prevent the exercise of any power, function or duty by the Authority” in section 12(3);

(g) by repealing section 13 and substituting the following section:

“Chief Executive, officers and employees, etc.

13.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(h) by repealing section 17 and substituting the following section:

“Minister’s approval of estimates

17.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Authority, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Authority, and the Authority is bound by the Minister’s decision.”;

(i) by inserting, immediately after the words “committees of the Authority” in section 35(a), the words “, to the extent not inconsistent with the Public Sector (Governance) Act 2018”; and

(j) by repealing sections 8, 15, 21, 22, 23, 24 and 32.

Amendments to Casino Control Act

52. The Casino Control Act (Cap. 33A, 2007 Ed.) is amended —

(a) by deleting the definition of “Chief Executive” in section 2(1) and substituting the following definition:

““Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;

(b) by deleting the words “section 13(5)” in the definition of “inspector” in section 2(1) and substituting the words “section 13(3)”;

(c) by repealing section 11 and substituting the following section:

“Directions by Minister

11. The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(d) by deleting subsections (1) to (5) of section 13 and substituting the following subsections:

“(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants, inspectors and

agents as may be necessary for the effective performance of its functions.”;

- (e) by deleting the words “any court or under” in section 190(1) and substituting the words “any court or where required or allowed by”;
- (f) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14(8) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”; and
- (g) by repealing sections 12(4), 27, 28, 29, 30 and 31, and paragraph 12 of the First Schedule.

Amendments to Central Provident Fund Act

53. The Central Provident Fund Act (Cap. 36, 2013 Ed.) is amended —

- (a) by inserting, immediately after the definition of “Board” in section 2(1), the following definition:
 - ““chief executive officer” means the chief executive of the Board, and includes any individual acting in that capacity;”;

- (b) by deleting subsection (6) of section 3 and substituting the following subsection:

“(6) The Board has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions, duties or activities under this Act or any other written law, and may by instrument in writing delegate to any person all or any of those powers.”;

- (c) by deleting subsections (1), (1A), (2) and (3) of section 4A and substituting the following subsections:

“(1) There must be a chief executive officer of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public

Sector (Governance) Act 2018, and Article 22A of the Constitution.

(2) The Board may, subject to the Public Sector (Governance) Act 2018 and Article 22A of the Constitution, appoint an individual to act temporarily as the chief executive officer during any period, or during all periods, when the chief executive officer —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(d) by inserting, immediately after section 5C, the following section:

“Directions by Minister

5D. The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(e) by deleting the words “as provided for in the Second Schedule shall” in section 10(1);

(f) by deleting paragraph 4 of the Second Schedule and substituting the following paragraph:

“4. The auditor of the Board must submit such periodical and special reports to the Minister and to the Board as may appear to the auditor to be necessary or as the Minister or the Board may require.”;

(g) by inserting, immediately after the words “audited financial statements” in paragraph 6(3) of the Second Schedule, the words “of the Board”; and

- (h) by repealing paragraphs 1, 2, 3, 5, 6(1) and (2) and 8 of the Second Schedule.

Amendments to Civil Aviation Authority of Singapore Act

54. The Civil Aviation Authority of Singapore Act (Cap. 41, 2014 Ed.) is amended —

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- (a) by repealing section 9 and substituting the following section:

“Directions by Minister

9. The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;

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- (b) by deleting the words “, except the power of delegation conferred by this section and the power to make any subsidiary legislation” in section 10(2);

- (c) by repealing section 11 and substituting the following section:

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“Chief Executive, officers and employees, etc.

11.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

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(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

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(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be

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necessary for the effective performance of its functions.”;

(d) by deleting the words “any court or under” in section 14(1) and substituting the words “any court or where required or allowed by”;

(e) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 17 of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

(f) by deleting the words “or by any contravention of paragraph 12 by any member” in paragraph 18 of the First Schedule; and

(g) by repealing sections 10(4), 12, 21, 22 and 23, paragraphs 12 and 15 of the First Schedule, and the Third Schedule.

Amendments to Civil Service College Act

55. The Civil Service College Act (Cap. 45, 2002 Ed.) is amended —

(a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the College, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 9(7), the words “and the Public Sector (Governance) Act 2018”;

(c) by inserting, immediately after the words “Subject to the provisions of this Act” in section 11(2), the words “and the Public Sector (Governance) Act 2018”;

(d) by deleting subsection (2) of section 13 and substituting the following subsection:

“(2) The Minister may give to the College any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (e) by repealing section 15 and substituting the following section:

5

“Chief Executive, officers and employees, etc.

15.—(1) There must be a Chief Executive of the College, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

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(2) The College may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

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(b) is, for any reason, unable to perform the duties of the office.

(3) The College may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

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- (f) by deleting the words “any court or under” in section 40(1) and substituting the words “any court or where required or allowed by”; and

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- (g) by repealing sections 10, 12(3), 17, 19(1), (2) and (3), 26, 27, 28, 29 and 37.

Amendments to Competition Act

56. The Competition Act (Cap. 50B, 2006 Ed.) is amended —

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- (a) by deleting the definition of “Chief Executive” in section 2(1) and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Commission, and includes any individual acting in that capacity;”;

(b) by repealing section 8 and substituting the following section:

“Directions by Minister

8. The Minister may give to the Commission any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(c) by deleting the words “make regulations, prescribe or levy dues and rates and borrow money and the power of delegation conferred by this subsection” in section 9(2) and (3) and substituting in each case the words “prescribe or levy dues and rates and borrow money”;

(d) by repealing section 10 and substituting the following section:

“Chief Executive, officers and employees, etc.

10.—(1) There must be a Chief Executive of the Commission, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Commission may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Commission may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents

as may be necessary for the effective performance of its functions.”;

- (e) by repealing section 12 and substituting the following section:

“Minister’s approval of estimates

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12.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Commission, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

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(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Commission, and the Commission is bound by the Minister’s decision.

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(4) However, the Commission may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.”;

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- (f) by deleting the word “permitted” in section 89(1)(ii) and substituting the word “allowed”;

- (g) by deleting the words “members, officers and employees of the Commission, all” in section 91;

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- (h) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 16(2) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

- (i) by inserting the word “or” at the end of paragraph 17(b) of the First Schedule;

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- (j) by deleting the word “; or” at the end of paragraph 17(c) of the First Schedule and substituting a full-stop;

(*k*) by deleting sub-paragraph (*d*) of paragraph 17 of the First Schedule; and

(*l*) by repealing sections 9(4), 20, 21(1) to (5), 22, 23 and 31, and paragraph 11 of the First Schedule.

5 **Amendments to Defence Science and Technology Agency Act**

57. The Defence Science and Technology Agency Act (Cap. 75A, 2001 Ed.) is amended —

(*a*) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

10 “ “Chief Executive” means the Chief Executive of the Agency, and includes any individual acting in that capacity;”;

(*b*) by deleting subsection (1) of section 8 and substituting the following subsection:

15 “(1) The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(*c*) by repealing section 10 and substituting the following section:

20 **“Chief Executive**

10.—(1) There must be a Chief Executive of the Agency, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

25 (2) The Commission may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

30 (*a*) is absent from duty or Singapore; or

(*b*) is, for any reason, unable to perform the duties of the office.”;

- (d) by deleting subsection (1) of section 11 and substituting the following subsection:

“(1) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

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- (e) by repealing section 17 and substituting the following section:

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“Minister’s approval of estimates

17.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Agency, be sent without delay to the Minister.

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(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Agency, and the Agency is bound by the Minister’s decision.”;

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- (f) by repealing section 30 and substituting the following section:

“Presenting annual report to committee

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30. The Minister must cause a copy of every annual report on the activities of the Agency to be presented to a committee appointed by the Prime Minister.”;

- (g) by deleting the words “any court or under” in section 32(1) and substituting the words “any court or where required or allowed by”;

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- (h) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 12(6) of the

First Schedule, the words “and the Public Sector (Governance) Act 2018”;

- (i) by deleting the words “section 30(2)” in paragraph 10(2) of the Second Schedule and substituting the words “section 30”; and
- (j) by repealing sections 9(4) and 13, and paragraph 2 of the Second Schedule.

Amendments to Dental Registration Act

58. The Dental Registration Act (Cap. 76, 2009 Ed.) is amended —

- (a) by deleting the words “The Registrar shall” in section 13(1) and substituting the words “In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must”; and
- (b) by repealing sections 11(4) and 54(5).

Amendments to Economic Development Board Act

59. The Economic Development Board Act (Cap. 85, 2012 Ed.) is amended —

- (a) by deleting the definition of “chief executive officer” in section 2 and substituting the following definition:

“ “chief executive officer” means the chief executive of the Board, and includes any individual acting in that capacity;”;

- (b) by deleting subsections (1) and (2) of section 7 and substituting the following subsection:

“(1) The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (c) by repealing section 8 and substituting the following section:

“Chief executive officer

8.—(1) There must be a chief executive officer of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

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(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive officer during any period, or during all periods, when the chief executive officer —

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(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.”;

(d) by deleting paragraph (a) of section 9 and substituting the following paragraph:

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“(a) subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions; and”;

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(e) by deleting the words “, except the power of delegation conferred by this section and the power to make subsidiary legislation under this Act or such other written law” in section 12(2);

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(f) by deleting paragraph (iii) of section 27B(1) and substituting the following paragraphs:

“(iii) in compliance with the requirement of any court or as required or allowed under the provisions of any written law;

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(iiia) with the prior authorisation from the Board to do so; or”;

(g) by inserting, immediately after the words “to be followed thereat” in section 29(1)(a), the words “, to the extent not inconsistent with the Public Sector (Governance) Act 2018”;

5 (h) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 6(5) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”; and

10 (i) by repealing sections 12(4), 15, 24, 24A and 25, paragraph 7 of the First Schedule, and the Second Schedule.

Amendments to Energy Market Authority of Singapore Act

60. The Energy Market Authority of Singapore Act (Cap. 92B, 2002 Ed.) is amended —

15 (a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;

20 (b) by deleting subsection (1) of section 8 and substituting the following subsection:

“ (1) The Minister may, after consulting the Authority, give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(c) by deleting the words “Without prejudice to the generality of” in section 8(2) and substituting the words “In addition to the power mentioned in”;

30 (d) by repealing section 9 and substituting the following section:

“Chief Executive, officers and employees, etc.

9.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline

and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(e) by repealing section 18 and substituting the following section:

“Financial year

18. The financial year of the Authority begins on 1 April of each year and ends on 31 March of the succeeding year.”;

(f) by deleting the words “any court or under” in section 28(1) and substituting the words “any court or where required or allowed by”;

(g) by deleting the words “or, in the case of a compoundable offence under paragraph 10 of the Third Schedule, a sum not exceeding \$500” in section 30(1);

(h) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14(2) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

(i) by deleting the words “make regulations,” in paragraph 15(2) and (3) of the First Schedule; and

- (j) by repealing sections 10, 14(1), (2) and (3) and 19, paragraphs 9 and 15(4) of the First Schedule, and the Third Schedule.

Amendments to Estate Agents Act

5 **61.** The Estate Agents Act (Cap. 95A, 2011 Ed.) is amended —

- (a) by deleting the definition of “Executive Director” in section 3(1) and substituting the following definition:

““Executive Director” means the chief executive of the Council called the Executive Director, and includes any individual acting in that capacity;”;

- (b) by deleting paragraph (a) of section 8(1) and substituting the following paragraph:

“(a) a chairperson called the President;”;

- (c) by repealing section 11 and substituting the following section:

“Directions by Minister

11. The Minister may give to the Council any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (d) by deleting the words “, except the power to make subsidiary legislation and the power of delegation conferred by this subsection” in section 12(5);

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

“Executive Director, officers and employees, etc.

13.—(1) There must be an Executive Director of the Council, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Council may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act

temporarily as the Executive Director during any period, or during all periods, when the Executive Director —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office. 5

(3) The Council may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”; 10

(f) by deleting the words “any court or under” in section 14(1) and substituting the words “any court or where required or allowed by”; 15

(g) by repealing section 18 and substituting the following section:

“Minister’s approval of estimates

18.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Council, be sent without delay to the Minister. 20

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates. 25

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Council, and the Council is bound by the Minister’s decision.

(4) However, the Council may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.”; 30

(h) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 15(2) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

(i) by inserting the word “or” at the end of paragraph 17(b) of the First Schedule;

(j) by deleting the word “; or” at the end of paragraph 17(c) of the First Schedule and substituting a full-stop;

(k) by deleting sub-paragraph (d) of paragraph 17 of the First Schedule; and

(l) by repealing sections 12(7), 16, 26 and 27, paragraphs 12 and 16 of the First Schedule, and the Second Schedule.

Related amendment to Fire Safety Act

62. Section 8E(1) of the Fire Safety Act (Cap. 109A, 2000 Ed.) is amended by deleting the words “a Division I, II or III public officer” in paragraph (a) and substituting the words “a public officer (except an operations support officer at grade III, IV or V or other public officer at equivalent grade)”.

Related amendment to Government Contracts Act

63. Section 2 of the Government Contracts Act (Cap. 118, 2013 Ed.) is amended by inserting, immediately after subsection (2), the following subsection:

“(3) For the purposes of this section, an individual who is an employee of a statutory body under a secondment arrangement making available temporarily to the Government the service of the individual is deemed to be a public officer during that secondment.”.

Amendments to Government Technology Agency Act 2016

64. The Government Technology Agency Act 2016 (Act 23 of 2016) is amended —

(a) by deleting the definition of “auditor” in section 2;

- (b) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Agency, and includes any individual acting in that capacity;”;

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- (c) by deleting subsection (1) of section 8 and substituting the following subsection:

“(1) The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018.”;

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- (d) by deleting the words “of section 23” in section 13(4)(b) and substituting the words “given by Part 4 of the Public Sector (Governance) Act 2018”;

- (e) by inserting the word “or” at the end of section 18(1)(b);

- (f) by deleting the words “Division 3, and the Agency reports to the Minister, under section 27,” in section 21(1)(f) and substituting the words “the Public Sector (Governance) Act 2018 and the Agency reports to the Minister under that Act”;

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- (g) by deleting the words “of section 23” wherever they appear in section 32(1)(a) and (b) and substituting in each case the words “given by Part 4 of the Public Sector (Governance) Act 2018”;

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- (h) by deleting the words “(within the meaning of section 23, as modified by section 37(3))” in section 36(4) and substituting the words “(within the meaning given by Part 4 of the Public Sector (Governance) Act 2018)”;

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- (i) by inserting, immediately after the words “Subject to this Act” in section 37(1), the words “, the Public Sector (Governance) Act 2018”;

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- (j) by repealing sections 40 and 41 and substituting the following section:

“Chief Executive, officers and employees, etc.

40.—(1) There must be a Chief Executive of the Agency, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”; and

(k) by repealing sections 18(1)(c) and (d), 30, 32(3), 34, 37(3), 38(3)(a) and (b) and (4)(a) and (b), 42, 49, 50, 54, 55, 56, 57 and 58, and Division 3 of Part 3.

Amendments to Health Promotion Board Act

65. The Health Promotion Board Act (Cap. 122B, 2002 Ed.) is amended —

(a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Board, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 9(7), the words “and the Public Sector (Governance) Act 2018”;

- (c) by deleting subsection (2) of section 11 and substituting the following subsection:

“(2) The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

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- (d) by inserting, immediately after the words “Subject to this Act” in section 13(2), the words “and the Public Sector (Governance) Act 2018”;

- (e) by repealing section 15 and substituting the following section:

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“Chief Executive, officers and employees, etc.

15.—(1) There must be a Chief Executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

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(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

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(b) is, for any reason, unable to perform the duties of the office.

(3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

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- (f) by repealing section 19 and substituting the following section:

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“Minister’s approval of estimates

19.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must,

upon their adoption by the Board, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Board, and the Board is bound by the Minister's decision.

(4) However, the Board may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.”;

(g) by deleting the words “any court or under” in section 39(1) and substituting the words “any court or where required or allowed by”; and

(h) by repealing sections 10, 14(3), 17, 26, 27, 28, 29 and 37.

Amendments to Health Sciences Authority Act

66. The Health Sciences Authority Act (Cap. 122C, 2002 Ed.) is amended —

(a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 9(7), the words “and the Public Sector (Governance) Act 2018”;

(c) by deleting subsection (2) of section 11 and substituting the following subsection:

“(2) The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (d) by inserting, immediately after the words “Subject to this Act” in section 13(2), the words “and the Public Sector (Governance) Act 2018”;
- (e) by repealing section 15 and substituting the following section:

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“Chief Executive, officers and employees, etc.

15.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

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(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

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(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

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- (f) by deleting the words “any court or under” in section 39(1) and substituting the words “any court or where required or allowed by”; and

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- (g) by repealing sections 10, 14(3), 17, 19(1), (2) and (3), 26, 27, 28, 29 and 37.

Amendments to Housing and Development Act

67. The Housing and Development Act (Cap. 129, 2004 Ed.) is amended —

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- (a) by deleting the definition of “Chief Executive Officer” in section 2(1) and substituting the following definition:

““Chief Executive Officer” means the Chief Executive Officer of the Board, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 12(2), the words “and the Public Sector (Governance) Act 2018”;

(c) by deleting subsection (1) of section 18 and substituting the following subsection:

“(1) The Minister may, after consulting the Board, give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(d) by inserting, immediately after the words “with the approval of the Minister,” in section 28, the words “and subject to the Public Sector (Governance) Act 2018.”;

(e) by deleting the words “except the power —” and paragraphs (a), (b) and (c) of section 29(2) and substituting the words “except the power to borrow money.”;

(f) by repealing section 38 and substituting the following section:

“Chief Executive Officer

38.—(1) There must be a Chief Executive Officer of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018 and Article 22A of the Constitution.

(2) The Board may, subject to the Public Sector (Governance) Act 2018 and Article 22A of the Constitution, appoint an individual to act temporarily as the Chief Executive Officer during any period, or during all periods, when the Chief Executive Officer —

(a) is absent from duty or Singapore; or

- (b) is, for any reason, unable to perform the duties of the office.”;
- (g) by deleting the words “in accordance with the provisions of this Act” in section 73(1);
- (h) by deleting subsections (2) and (3) of section 73 and substituting the following subsection:
 - “(2) The auditor may at any other time report to the Minister and the President upon any matter arising out of the performance of his audit.”; and
- (i) by repealing sections 8, 29(3)(b) and (c) and (5), 45, 71(1) and (4) to (9), 72 and 74.

Amendments to Info-communications Media Development Authority Act 2016

- 68.** The Info-communications Media Development Authority Act 2016 (Act 22 of 2016) is amended —
- (a) by deleting the definition of “auditor” in section 2;
 - (b) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:
 - “ “Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;
 - (c) by deleting subsection (1) of section 8 and substituting the following subsection:
 - “(1) The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;
 - (d) by deleting the words “of section 23” in section 13(4)(b) and substituting the words “given by Part 4 of the Public Sector (Governance) Act 2018”;
 - (e) by inserting the word “or” at the end of section 18(1)(b);
 - (f) by deleting the words “Division 3, and the Authority reports to the Minister, under section 27,” in

section 21(1)(f) and substituting the words “the Public Sector (Governance) Act 2018 and the Authority reports to the Minister under that Act”;

- (g) by deleting the words “of section 23” wherever they appear in section 32(1)(a) and (b) and substituting in each case the words “given by Part 4 of the Public Sector (Governance) Act 2018”;
- (h) by deleting the words “(within the meaning of section 23, as modified by section 37(3))” in section 36(4) and substituting the words “(within the meaning given by Part 4 of the Public Sector (Governance) Act 2018)”;
- (i) by inserting, immediately after the words “Subject to this Act” in section 37(1), the words “, the Public Sector (Governance) Act 2018”;
- (j) by repealing sections 40 and 41 and substituting the following section:

“Chief Executive, officers and employees, etc.

40.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”; and

- (k) by repealing sections 18(1)(c) and (d), 30, 32(3), 34, 37(3), 38(3)(a) and (b) and (4)(b), 43, 50, 51, 55, 56, 57, 58 and 59, and Division 3 of Part 3.

Amendments to Inland Revenue Authority of Singapore Act

69. The Inland Revenue Authority of Singapore Act (Cap. 138A, 2012 Ed.) is amended — 5

- (a) by inserting, immediately after section 7, the following section:

“Directions by Minister

7A. The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”; 10

- (b) by deleting the words “, except the power of delegation conferred by this section” in section 8(2);

- (c) by repealing section 9 and substituting the following section: 15

“Chief executive officer, officers and employees, etc.

9.—(1) There must be a chief executive officer of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018. 20

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive officer during any period, or during all periods, when the chief executive officer — 25

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office. 30

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such

terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (d) by repealing section 17 and substituting the following section:

“Financial year

17. The financial year of the Authority begins on 1 April of each year and ends on 31 March of the succeeding year.”;

- (e) by deleting the words “any court or under” in section 27(1) and substituting the words “any court or where required or allowed by”;
- (f) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14 of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;
- (g) by deleting the words “or by any contravention of paragraph 10 by any member” in paragraph 15 of the First Schedule; and
- (h) by repealing sections 8(3), 11 and 29, paragraph 10 of the First Schedule, and the Second Schedule.

Amendments to Intellectual Property Office of Singapore Act

70. The Intellectual Property Office of Singapore Act (Cap. 140, 2002 Ed.) is amended —

- (a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Office, and includes any individual acting in that capacity;”;

- (b) by deleting subsection (1) of section 8 and substituting the following subsection:

“(1) The Minister may give to the Office any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (c) by deleting the words “, except the power of delegation conferred by this section” in section 9(2);
- (d) by repealing section 10 and substituting the following section:

“Chief Executive, officers and employees, etc.

10.—(1) There must be a Chief Executive of the Office, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Office may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

- (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.

(3) The Office may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (e) by repealing section 16 and substituting the following section:

“Minister’s approval of estimates

16.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Office, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Office, and the Office is bound by the Minister's decision.”;

(f) by repealing section 20 and substituting the following section:

“Financial year

20. The financial year of the Office begins on 1 April of each year and ends on 31 March of the succeeding year.”;

(g) by deleting the words “any court or under” in section 36(1) and substituting the words “any court or where required or allowed by”;

(h) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14(7) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”; and

(i) by repealing sections 9(3), 12 and 28, paragraph 12 of the First Schedule, and the Second Schedule.

Amendments to ISEAS — Yusof Ishak Institute Act

71. The ISEAS — Yusof Ishak Institute Act (Cap. 141, 2013 Ed.) is amended —

(a) by deleting the definition of “Director” in section 2 and substituting the following definition:

“ “Director” means the Director of the Institute, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after section 5, the following section:

“Directions by Minister

5A. The Minister may give to the Institute any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(c) by deleting the words “and financial provisions” in the section heading of section 11; 5

(d) by deleting subsection (1) of section 12 and substituting the following subsection:

“(1) There must be a chief executive of the Institute called the Director, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.”; 10

(e) by inserting, immediately after subsection (2) of section 12, the following subsections:

“(3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Director during any period, or during all periods, when the Director — 15

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office. 20

(4) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”; and 25

(f) by repealing sections 11(3), 11A and 17, and the Schedule.

Amendments to Institute of Technical Education Act

72. The Institute of Technical Education Act (Cap. 141A, 1993 Ed.) is amended — 30

- (a) by deleting the definition of “Chief Executive Officer” in section 2 and substituting the following definition:

““Chief Executive Officer” means the Chief Executive Officer of the Institute, and includes any individual acting in that capacity;”;

- (b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 11(6), the words “and the Public Sector (Governance) Act 2018”;

- (c) by deleting subsection (1) of section 14 and substituting the following subsection:

“(1) The Minister may, after consulting the Board, give to the Institute any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (d) by repealing sections 22 and 23 and substituting the following sections:

“Chief Executive Officer

22.—(1) There must be a Chief Executive Officer of the Institute, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive Officer during any period, or during all periods, when the Chief Executive Officer —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

Employment of staff

23. The Institute may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other

officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”; and

(e) by repealing sections 12, 15(4), 25, 30, 31, 32, 33 and 34.

Amendments to International Enterprise Singapore Board Act

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73. The International Enterprise Singapore Board Act (Cap. 143B, 2002 Ed.) is amended —

(a) by deleting the definition of “chief executive officer” in section 2 and substituting the following definition:

““chief executive officer” means the chief executive of the Board, and includes any individual acting in that capacity;”;

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(b) by deleting subsection (1) of section 7 and substituting the following subsection:

“(1) The Minister may, after consultation with the Board, give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

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(c) by deleting the words “Without prejudice to” in section 7(2) and substituting the words “In addition to the power mentioned in”;

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(d) by repealing section 8 and substituting the following section:

“Chief executive officer, officers and employees, etc.

8.—(1) There must be a chief executive officer of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

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(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive officer during any period, or during all periods, when the chief executive officer —

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(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(e) by repealing section 12 and substituting the following section:

“Minister’s approval of estimates

12.—(1) A copy of all annual estimates of revenue and expenditure of the Board and supplementary estimates must, upon their adoption by the Board, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Board, and the Board is bound by the Minister’s decision.”;

(f) by repealing section 17 and substituting the following section:

“Financial year

17. The financial year of the Board begins on 1 April of each year and ends on 31 March of the succeeding year.”;

(g) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 10(5) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

- (h) by deleting the words “the Chairman, the Deputy Chairman or a member has contravened paragraph 11 or that” in paragraph 12 of the First Schedule;
- (i) by deleting the words “or to make regulations” in paragraph 14(2) of the First Schedule; 5
- (j) by deleting the words “or the power to make regulations” in paragraph 14(4) of the First Schedule; and
- (k) by repealing sections 10 and 18, paragraphs 11 and 14(6) of the First Schedule, and the Second Schedule.

Amendments to Jurong Town Corporation Act

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74. The Jurong Town Corporation Act (Cap. 150, 1998 Ed.) is amended —

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

““chief executive officer” means the chief executive of the Corporation, and includes any individual acting in that capacity;”;

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- (b) by deleting subsection (1) of section 6 and substituting the following subsection:

“(1) The Minister may give to the Corporation any direction under section 5 of the Public Sector (Governance) Act 2018.”;

20

- (c) by repealing section 7 and substituting the following section:

“Chief executive officer, officers and employees, etc.

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7.—(1) There must be a chief executive officer of the Corporation, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018 and Article 22A of the Constitution.

30

(2) The Corporation may, subject to the Public Sector (Governance) Act 2018 and Article 22A of the Constitution, appoint an individual to act temporarily as the chief executive officer during any period, or during all periods, when the chief executive officer —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Corporation may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(d) by deleting the words “referred to in subsection (3)” in section 21(4);

(e) by inserting, immediately after the words “and the procedure to be followed thereat” in section 32(1)(a), the words “, to the extent not inconsistent with the Public Sector (Governance) Act 2018”; and

(f) by repealing sections 8(4), 10, 19, 20, 21(2) and (3) and 22.

Amendments to Land Surveyors Act

75. The Land Surveyors Act (Cap. 156, 2012 Ed.) is amended —

(a) by deleting the definition of “Registrar” in section 2 and substituting the following definition:

““Registrar” means the Registrar of the Board, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 5(5), the words “and the Public Sector (Governance) Act 2018”;

- (c) by deleting subsection (1) of section 8 and substituting the following subsections:

“(1) There must be a chief executive of the Board called the Registrar of the Board, whose appointment and removal must be in accordance with the Public Sector (Governance) Act 2018.

(1A) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Registrar during any period, or during all periods, when the Registrar —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.”;

- (d) by deleting the words “The Registrar shall” in section 8(2) and substituting the words “In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must”;

- (e) by inserting, immediately after subsection (4) of section 8, the following subsection:

“(5) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”; and

- (f) by repealing section 33(5).

Amendments to Land Transport Authority of Singapore Act

76. The Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended —

- (a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;

- (b) by inserting, immediately after section 7, the following section:

“Directions by Minister

7A. The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (c) by deleting the words “, except the power of delegation conferred by this section” in section 8(2);

- (d) by repealing section 9 and substituting the following section:

“Chief Executive, officers and employees, etc.

9.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (e) by inserting, immediately after the words “the members of the Authority” in section 13(1)(a), the words “and the remuneration of the auditor of the Authority”;

- (f) by repealing section 18 and substituting the following section:

“Financial year

18. The financial year of the Authority begins on 1 April of each year and ends on 31 March of the succeeding year.”;

- (g) by deleting the words “any court or under” in section 41(1) and substituting the words “any court or where required or allowed by”; 5
- (h) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14 of the First Schedule, the words “and the Public Sector (Governance) Act 2018”; 10
- (i) by deleting the words “or by any contravention of paragraph 10 by any member” in paragraph 15 of the First Schedule; and
- (j) by repealing sections 8(3), 11 and 43, paragraph 10 of the First Schedule, and the Third Schedule. 15

Amendments to Maritime and Port Authority of Singapore Act

77. The Maritime and Port Authority of Singapore Act (Cap. 170A, 1997 Ed.) is amended —

- (a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition: 20
 - “ “Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;
- (b) by deleting subsection (1) of section 9 and substituting the following subsection: 25
 - “(1) The Minister may, after consultation with a person to whom this section applies, give —
 - (a) if the person is the Authority, to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018; 30
 - or

(b) if the person is a public licensee, any directions as the Minister thinks fit as to the exercise by that licensee of his functions under this Act.”;

5 (c) by deleting the words “Without prejudice to the generality of” in section 9(2) and substituting the words “In addition to the power mentioned in”;

(d) by deleting the words “make regulations,” in section 12(2) and (3);

10 (e) by repealing section 14 and substituting the following section:

“Chief Executive

15 **14.—**(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.”;

25 (f) by deleting the words “from time to time” in section 17 and substituting the words “subject to the Public Sector (Governance) Act 2018”;

(g) by repealing section 26 and substituting the following section:

“Financial year

30 **26.** The financial year of the Authority begins on 1 January of each year and ends on 31 December of the same year.”;

- (h) by deleting the words “any court or under” in section 98(1) and substituting the words “any court or where required or allowed by”;
- (i) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14 of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;
- (j) by deleting the words “or by any contravention of paragraph 10 by any member” in paragraph 15 of the First Schedule; and
- (k) by repealing sections 11, 12(4), 19 and 23(1), (2) and (3), paragraph 10 of the First Schedule, and the Third Schedule.

Amendments to Medical Registration Act

78. The Medical Registration Act (Cap. 174, 2014 Ed.) is amended —

- (a) by deleting the words “The Registrar shall” in section 19(1) and substituting the words “In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must”; and
- (b) by repealing sections 11(4) and 60(5).

Amendments to Nanyang Polytechnic Act

79. The Nanyang Polytechnic Act (Cap. 191A, 1993 Ed.) is amended —

- (a) by inserting, immediately after the definition of “Polytechnic” in section 2, the following definition:
 - ““Principal” means the Principal of the Polytechnic, and includes any individual acting in that capacity;”;
- (b) by inserting, immediately after the words “of this Act” in sections 6(3) and 8(3), the words “, the Public Sector (Governance) Act 2018”;

- (c) by inserting, immediately after subsection (1) of section 2 of the Schedule, the following subsection:

“(1A) The appointment, removal, discipline and promotion of the Principal must be in accordance with the Public Sector (Governance) Act 2018.”;

- (d) by repealing section 4 of the Schedule and substituting the following section:

“Other officers and employees, etc.

4. The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (e) by inserting, immediately after the words “Subject to the provisions of this Constitution” in section 9(8) of the Schedule, the words “and the Public Sector (Governance) Act 2018”; and

- (f) by repealing sections 9A, 14, 15, 16, 17 and 18, and section 16 of the Schedule.

Amendments to National Arts Council Act

80. The National Arts Council Act (Cap. 193A, 2014 Ed.) is amended —

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

“ “Chief Executive” means the Chief Executive of the Council, and includes any individual acting in that capacity;”;

- (b) by deleting subsection (1) of section 9 and substituting the following subsection:

“(1) The Minister may give to the Council any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (c) by repealing sections 10 and 11 and substituting the following sections:

“Chief Executive

10.—(1) There must be a Chief Executive of the Council, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Council may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

Other officers and employees, etc.

11. The Council may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (d) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 12(7) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

- (e) by deleting paragraph 9 of the Second Schedule and substituting the following paragraph:

“When audited financial statements must be given to Minister

9. The Council must send the audited annual financial statements of the Council, signed by the Chairman, to the Minister no later than 30 November in each year, together with a copy of any report made by the auditor of the Council.”; and

- (f) by repealing section 8, paragraphs 10 and 12A of the First Schedule, and paragraphs 2 to 8 and 10 of the Second Schedule.

Amendments to National Council of Social Service Act

5 **81.** The National Council of Social Service Act (Cap. 195A, 2001 Ed.) is amended —

- (a) by inserting, immediately after the words “section 22(1)” in the definition of “Chief Executive Officer” in section 2, the words “and includes any individual acting in that capacity”;

- 10 (b) by inserting, immediately after the words “proceedings thereat shall” in section 6(2), the words “, to the extent not inconsistent with the Public Sector (Governance) Act 2018,”;

- 15 (c) by deleting subsection (1) of section 7 and substituting the following subsection:

“ (1) Division 1 of Part 4 of the Public Sector (Governance) Act 2018 extends to an official representative of a Council member as if a reference in that Division to a member of a public body includes a reference to such an official representative.”;

- 20 (d) by repealing sections 22 and 23 and substituting the following sections:

“Chief Executive Officer

25 **22.**—(1) There must be a Chief Executive Officer of the Council, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

30 (2) The Council may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive Officer during any period, or during all periods, when the Chief Executive Officer —

- (a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

Appointment of staff

23. The Council may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(e) by repealing section 34 and substituting the following section:

“When audited financial statements must be given to Minister

34. The Council must send the audited annual financial statements of the Council, signed by the President, to the Minister no later than 30 September in each year, together with a copy of any report made by the auditor of the Council.”;

(f) by inserting, immediately after subsection (2) of section 37, the following subsection:

“(3) Regulations made under this section in relation to the procedure for the meetings of the Council and the Board must conform to the requirements of the Public Sector (Governance) Act 2018.”; and

(g) by repealing sections 7(2), 14(4), 25, 27, 29, 30, 31, 32, 33 and 35.

Amendments to National Environment Agency Act

82. The National Environment Agency Act (Cap. 195, 2003 Ed.) is amended —

(a) by deleting the definition of “chief executive” in section 2 and substituting the following definition:

“ “chief executive” means the chief executive of the Agency, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 9(7), the words “and the Public Sector (Governance) Act 2018”;

(c) by repealing section 13 and substituting the following section:

“Directions by Minister

13. The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(d) by inserting, immediately after the words “Subject to the provisions of this Act” in section 14(2), the words “and the Public Sector (Governance) Act 2018”;

(e) by deleting the word “, except —” and paragraphs (a) and (b) of section 15(1) and substituting a full-stop;

(f) by repealing section 16 and substituting the following section:

“Chief executive, officers and employees, etc.

16.—(1) There must be a chief executive of the Agency, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive during any period, or during all periods, when the chief executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such

terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (g) by deleting subsections (1), (2) and (3) of section 20 and substituting the following subsections:

“(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Agency, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Agency, and the Agency is bound by the Minister’s decision.”;

- (h) by deleting the words “any court or under” in section 47(1) and substituting the words “any court or where required or allowed by”; and

- (i) by repealing sections 10, 15(3), 18, 28, 29, 30, 31 and 39.

Amendments to National Heritage Board Act

83. The National Heritage Board Act (Cap. 196A, 2014 Ed.) is amended —

- (a) by deleting the words “except the power of delegation under this subsection and the power to make any subsidiary legislation under this Act” in section 8(2) and (3);

- (b) by deleting subsection (1) of section 10 and substituting the following subsection:

“(1) The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (c) by repealing sections 28 and 29 and substituting the following sections:

“Chief executive officer

28.—(1) There must be a chief executive officer of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive officer during any period, or during all periods, when the chief executive officer —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

Appointment of staff

29. The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (d) by repealing section 36 and substituting the following section:

“Financial year

36. The financial year of the Board begins on 1 April of each year and ends on 31 March of the succeeding year.”;

- (e) by deleting the words “any court, or under” in section 47A(1) and substituting the words “any court or where required or allowed by”;

- (f) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 12(7) of the

First Schedule, the words “and the Public Sector (Governance) Act 2018”; and

- (g) by repealing sections 8(4), 9 and 30, paragraph 10 of the First Schedule, and the Second Schedule.

Amendments to National Library Board Act

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84. The National Library Board Act (Cap. 197, 2014 Ed.) is amended —

- (a) by deleting the words “, except the power of delegation conferred by this section” in section 9(2);

- (b) by deleting subsection (1) of section 14 and substituting the following subsection:

10

“(1) The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (c) by repealing sections 15 and 16 and substituting the following sections:

15

“Chief executive officer

15.—(1) There must be a chief executive officer of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

20

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive officer during any period, or during all periods, when the chief executive officer —

25

- (a) is absent from duty or Singapore; or

- (b) is, for any reason, unable to perform the duties of the office.

Appointment of staff

30

16. The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such

terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (d) by repealing section 24 and substituting the following section:

“Financial year

24. The financial year of the Board begins on 1 April of each year and ends on 31 March of the succeeding year.”;

- (e) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 12(7) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

- (f) by deleting the words “or by any contravention of paragraph 10 by any member” in paragraph 13 of the First Schedule; and

- (g) by repealing sections 9(3), 13 and 17, paragraph 10 of the First Schedule, and the Second Schedule.

Amendments to National Parks Board Act

85. The National Parks Board Act (Cap. 198A, 2012 Ed.) is amended —

- (a) by deleting subsection (1) of section 8 and substituting the following subsection:

“(1) The Minister may, after consulting the Board, give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

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

“Chief Executive, officers and employees, etc.

13.—(1) There must be a Chief Executive of the Board, whose appointment, removal, discipline and

promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Board may appoint, subject to the Public Sector (Governance) Act 2018, an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(c) by repealing sections 18 and 19 and substituting the following sections:

“Minister’s approval of estimates

18.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Board, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Board, and the Board is bound by the Minister’s decision.

Financial year

19. The financial year of the Board begins on 1 April of each year and ends on 31 March of the succeeding year.”;

(d) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14 of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

5 (e) by deleting the words “or by any contravention of paragraph 10 by any member” in paragraph 15 of the First Schedule; and

(f) by repealing sections 10(5), 12 and 14, paragraph 10 of the First Schedule, and the Third Schedule.

10 **Amendments to Ngee Ann Polytechnic Act**

86. The Ngee Ann Polytechnic Act (Cap. 207, 1985 Ed.) is amended —

(a) by deleting the definition of “Principal” in section 2 and substituting the following definition:

15 “ “Principal” means the Principal of the Polytechnic, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in sections 12(8) and 17(3), the words “and the Public Sector (Governance) Act 2018”;

20

(c) by inserting, immediately after subsection (1) of section 19, the following subsection:

25 “(1A) The appointment, removal, discipline and promotion of the Principal must be in accordance with the Public Sector (Governance) Act 2018.”;

(d) by repealing section 19A and substituting the following section:

“Other officers and employees, etc.

30 **19A.** The Council may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be

necessary for the effective performance of its functions.”;

- (e) by inserting, immediately after the words “proceedings of the Council” in section 24(2)(c), the words “, to the extent not inconsistent with the Public Sector (Governance) Act 2018”; and

5

- (f) by repealing sections 18 and 21, and the Schedule.

Amendments to Nurses and Midwives Act

87. The Nurses and Midwives Act (Cap. 209, 2012 Ed.) is amended —

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- (a) by deleting the definition of “Registrar” in section 2 and substituting the following definition:

“ “Registrar” means the Registrar of the Board, and includes any individual acting in that capacity;”;

15

- (b) by inserting, immediately after the words “Subject to this Act” in section 7(3), the words “and the Public Sector (Governance) Act 2018”;

- (c) by repealing section 12 and substituting the following section:

20

“Registrar

12.—(1) There must be a chief executive of the Board called the Registrar of the Board, whose appointment and removal must be in accordance with the Public Sector (Governance) Act 2018.

25

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Registrar during any period, or during all periods, when the Registrar —

- (a) is absent from duty or Singapore; or

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- (b) is, for any reason, unable to perform the duties of the office.”;

(d) by deleting the words “The Registrar shall” in section 13(1) and substituting the words “In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must”; and

(e) by repealing sections 10(5) and 42(5).

Amendments to People’s Association Act

88. The People’s Association Act (Cap. 227, 2012 Ed.) is amended —

(a) by deleting subsection (1) of section 7 and substituting the following subsection:

“(1) Division 1 of Part 4 of the Public Sector (Governance) Act 2018 applies as if —

(a) a reference in that Division to a member of a public body includes a reference to a member of the Board; and

(b) a reference in that Division to a meeting of a public body includes a reference to a meeting of the Board.”;

(b) by deleting the words “of this Act” in section 14(12) and substituting the words “of the Public Sector (Governance) Act 2018”;

(c) by inserting, immediately after section 15, the following section:

“Chief Executive

16.—(1) The Association may, subject to the Public Sector (Governance) Act 2018, appoint an individual to be a Chief Executive of the Association, or to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(2) The appointment, removal, discipline and promotion of the Chief Executive of the Association must be in accordance with the Public Sector (Governance) Act 2018.”; and

(d) by repealing sections 12 and 14(2) to (11).

5

Amendments to Pharmacists Registration Act

89. The Pharmacists Registration Act (Cap. 230, 2008 Ed.) is amended —

(a) by inserting, immediately after the words “Subject to the provisions of this Act” in section 9(5), the words “and the Public Sector (Governance) Act 2018”;

10

(b) by deleting the words “The Registrar shall” in section 15(1) and substituting the words “In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must”; and

15

(c) by repealing sections 11(2) and (5), 12, 13 and 63(5).

Related amendment to Police Force Act

90. Section 65A(1) of the Police Force Act (Cap. 235, 2006 Ed.) is amended by deleting the words “a Division I, II or III public officer” in paragraph (a) and substituting the words “a public officer (except an operations support officer at grade III, IV or V or other public officer at equivalent grade)”.

20

Amendments to Professional Engineers Act

91. The Professional Engineers Act (Cap. 253, 1992 Ed.) is amended —

25

(a) by deleting the definition of “Registrar” in section 2 and substituting the following definition:

“ “Registrar” means the Registrar of the Board, and includes any individual acting in that capacity;”;

30

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 4E(4), the words “and the Public Sector (Governance) Act 2018”;

(c) by deleting subsection (1) of section 9 and substituting the following subsections:

“(1) There must be a chief executive of the Board called the Registrar of the Board, whose appointment and removal must be in accordance with the Public Sector (Governance) Act 2018.

(1A) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Registrar during any period, or during all periods, when the Registrar —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.”;

(d) by deleting the words “The Registrar shall” in section 9(2) and substituting the words “In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must”; and

(e) by repealing section 32(4), (6) and (7).

Related amendments to Public Service Commission and Legal Service Commission Act

92. The Public Service Commission and Legal Service Commission Act (Cap. 259, 2014 Ed.) is amended —

(a) by deleting the words “, acting in his discretion,” in section 3; and

(b) by deleting the words “acting in his discretion” in section 4(1).

Amendments to Public Transport Council Act

93. The Public Transport Council Act (Cap. 259B, 2012 Ed.) is amended —

- (a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Council, and includes any individual acting in that capacity;”;

5

- (b) by repealing section 5A and substituting the following section:

“Directions by Minister

5A. The Minister may give to the Council any direction under section 5 of the Public Sector (Governance) Act 2018.”;

10

- (c) by repealing section 5C and substituting the following section:

“Chief Executive, officers and employees, etc.

5C.—(1) There must be a Chief Executive of the Council, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

15

(2) The Council may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

20

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

25

(3) The Council may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

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(*d*) by deleting the words “any court or under” in section 5D(1) and substituting the words “any court or where required or allowed by”;

(*e*) by repealing section 11 and substituting the following section:

“Financial year

11. The financial year of the Council begins on 1 April of each year and ends on 31 March of the succeeding year.”;

(*f*) by inserting, immediately after the words “procedure of the Council” in section 28(2)(*d*), the words “, to the extent not inconsistent with the Public Sector (Governance) Act 2018”;

(*g*) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 8(6) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”; and

(*h*) by repealing sections 5B(3)(*a*) and (*b*) and (5), 7 and 25, and the Second Schedule.

Amendments to Public Utilities Act

94. The Public Utilities Act (Cap. 261, 2002 Ed.) is amended —

(*a*) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Board, and includes any individual acting in that capacity;”;

(*b*) by deleting subsection (1) of section 8 and substituting the following subsection:

“(1) The Minister may, after consultation with the Board, give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (c) by deleting the words “Without prejudice to the generality of” in section 8(2) and substituting the words “In addition to the power mentioned in”;
- (d) by repealing section 10 and substituting the following section:

5

“Chief Executive, officers and employees, etc.

10.—(1) There must be a Chief Executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

10

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

15

(b) is, for any reason, unable to perform the duties of the office.

(3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

20

- (e) by deleting the words “or, in the case of a compoundable offence under paragraph 10 of the Third Schedule, a sum not exceeding \$500” in section 59(1);
- (f) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14(2) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;
- (g) by deleting the words “make regulations,” in paragraph 15(2) and (3) of the First Schedule; and

25

30

- (h) by repealing sections 11, 15(1), (2) and (3) and 18, paragraphs 9 and 15(4) of the First Schedule, and paragraphs 2(1) and 3 to 13 of the Third Schedule.

Amendments to Republic Polytechnic Act

5 **95.** The Republic Polytechnic Act (Cap. 270, 2003 Ed.) is amended —

- (a) by deleting the definition of “Principal” in section 2 and substituting the following definition:

10 ““Principal” means the Principal of the Polytechnic, and includes any individual acting in that capacity;”;

- (b) by inserting, immediately after the words “of this Act” in section 6(3), the words “, the Public Sector (Governance) Act 2018”;

- 15 (c) by inserting, immediately after the words “Subject to the provisions of this Act” in section 8(3), the words “, the Public Sector (Governance) Act 2018”;

- (d) by inserting, immediately after subsection (1) of section 2 of the Schedule, the following subsection:

20 “(1A) The appointment, removal, discipline and promotion of the Principal must be in accordance with the Public Sector (Governance) Act 2018.”;

- (e) by repealing section 4 of the Schedule and substituting the following section:

25 **“Other officers and employees, etc.**

4. The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- 30 (f) by inserting, immediately after the words “Subject to the provisions of this Constitution” in section 9(8) of the Schedule, the words “and the Public Sector (Governance) Act 2018”; and

- (g) by repealing sections 9A, 16, 17, 18, 19 and 20, and section 16(1) of the Schedule.

Amendments to Science Centre Act

96. The Science Centre Act (Cap. 286, 2013 Ed.) is amended —

- (a) by inserting, immediately after the definition of “Chairman” in section 2, the following definition: 5

““chief executive” means the chief executive of the Board, and includes any individual acting in that capacity;”;

- (b) by repealing section 7 and substituting the following section: 10

“Chief executive, officers and employees, etc.

7.—(1) There must be a chief executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018. 15

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive during any period, or during all periods, when the chief executive — 20

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”; 25

- (c) by deleting subsection (1) of section 9 and substituting the following subsection: 30

“(1) The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(d) by deleting the words “(other than the power to delegate conferred by this section)” in section 10(2);

(e) by repealing section 18 and substituting the following section:

“Minister’s approval of estimates

18.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Board, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Board, and the Board is bound by the Minister’s decision.”;

(f) by inserting, immediately after the words “to be followed” in section 20(1)(a), the words “, to the extent not inconsistent with the Public Sector (Governance) Act 2018”; and

(g) by repealing sections 8, 10(3), 16 and 17.

Amendments to Sentosa Development Corporation Act

97. The Sentosa Development Corporation Act (Cap. 291, 1998 Ed.) is amended —

(a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Corporation, and includes any individual acting in that capacity;”;

- (b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 5(9), the words “and the Public Sector (Governance) Act 2018”;
- (c) by repealing sections 7 and 8 and substituting the following sections:

5

“Staff and employees

7. The Corporation may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.

10

Chief Executive

8.—(1) There must be a Chief Executive of the Corporation, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

15

(2) The Corporation may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

20

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.”;

25

- (d) by inserting, immediately after section 10A, the following section:

“Directions by Minister

10B. The Minister may give to the Corporation any direction under section 5 of the Public Sector (Governance) Act 2018.”; and

30

- (e) by repealing sections 6, 15, 16, 17 and 19(4).

Amendments to Singapore Corporation of Rehabilitative Enterprises Act

98. The Singapore Corporation of Rehabilitative Enterprises Act (Cap. 298, 1985 Ed.) is amended —

- 5 (a) by deleting the definition of “chief executive officer” in section 2 and substituting the following definition:

 ““chief executive officer” means the chief executive of the Corporation, and includes any individual acting in that capacity;”;

- 10 (b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 6(7), the words “and the Public Sector (Governance) Act 2018”;

- (c) by deleting subsection (1) of section 9 and substituting the following subsection:

- 15 “(1) The Minister may give to the Corporation any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (d) by repealing sections 18 and 19 and substituting the following sections:

20 **“Chief executive officer**

18.—(1) There must be a chief executive officer of the Corporation, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

- 25 (2) The Corporation may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive officer during any period, or during all periods, when the chief executive officer —

- 30 (a) is absent from duty or Singapore; or

- (b) is, for any reason, unable to perform the duties of the office.

Staff and employees

19. The Corporation may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

5

(e) by repealing section 26 and substituting the following section:

“Minister’s approval of estimates

10

26.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Corporation, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

15

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Corporation, and the Corporation is bound by the Minister’s decision.

20

(4) The estimates as approved by the Minister must be published in the *Gazette*.”; and

(f) by repealing sections 7, 17(4), 23, 30, 31, 32, 33 and 34.

Amendments to Singapore Examinations and Assessment Board Act

25

99. The Singapore Examinations and Assessment Board Act (Cap. 299A, 2004 Ed.) is amended —

(a) by deleting the definition of “chief executive” in section 2 and substituting the following definition:

30

“ “chief executive” means the chief executive of the Board, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 9(7), the words “and the Public Sector (Governance) Act 2018”;

(c) by repealing section 13 and substituting the following section:

“Directions by Minister

13. The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(d) by inserting, immediately after the words “Subject to this Act” in section 14(2), the words “and the Public Sector (Governance) Act 2018”;

(e) by deleting the word “, except —” and paragraphs (a) and (b) of section 15(1) and substituting a full-stop;

(f) by repealing section 16 and substituting the following section:

“Chief executive, officers and employees, etc.

16.—(1) There must be a chief executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive during any period, or during all periods, when the chief executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

- (3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”; 5
- (g) by deleting the words “any court or under” in section 41(1) and substituting the words “any court or where required or allowed by”;
- (h) by inserting, immediately after the words “committees of the Board” in section 45(2)(a), the words “, to the extent not inconsistent with the Public Sector (Governance) Act 2018”; and 10
- (i) by repealing sections 10, 15(3), 18, 20, 28, 29, 30, 31 and 39. 15

Amendments to Singapore Land Authority Act

100. The Singapore Land Authority Act (Cap. 301, 2002 Ed.) is amended —

- (a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition: 20
- “ “Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;”;
- (b) by deleting subsection (1) of section 9 and substituting the following subsection: 25
- “(1) The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;
- (c) by deleting the word “, except —” and paragraphs (a) and (b) of section 10(2) and substituting a full-stop; 30
- (d) by repealing section 11 and substituting the following section:

“Chief Executive, officers and employees, etc.

11.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(e) by repealing section 17 and substituting the following section:

“Minister’s approval of estimates

17.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Authority, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Authority, and the Authority is bound by the Minister’s decision.”;

(f) by repealing section 21 and substituting the following section:

“Financial year

21. The financial year of the Authority begins on 1 April of each year and ends on 31 March of the succeeding year.”;

- (g) by deleting the words “any court or under” in section 35(1) and substituting the words “any court or where required or allowed by”; 5
- (h) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 14(8) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”; and 10
- (i) by repealing sections 10(4), 13 and 29, paragraph 12 of the First Schedule, and the Second Schedule.

Amendments to Singapore Polytechnic Act

101. The Singapore Polytechnic Act (Cap. 303, 1985 Ed.) is amended — 15

- (a) by deleting the full-stop at the end of the definition of “Chairman” in section 2 and substituting a semi-colon, and by inserting immediately thereafter the following definition: 20

“ “Principal” means the Principal of the Singapore Polytechnic, and includes any individual acting in that capacity.”;
- (b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 9(8), the words “and the Public Sector (Governance) Act 2018”; 25
- (c) by inserting, immediately after subsection (1) of section 14, the following subsection:

“(1A) The appointment, removal, discipline and promotion of the Principal of the Polytechnic must be in accordance with the Public Sector (Governance) Act 2018.”; 30

(d) by repealing section 14A and substituting the following section:

“Other officers and employees, etc.

14A. The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”; and

(e) by repealing sections 18, 19, 20, 21 and 22.

Amendments to Singapore Sports Council Act

102. The Singapore Sports Council Act (Cap. 305, 2014 Ed.) is amended —

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

““Chief Executive Officer” means the chief executive of the Council, and includes any individual acting in that capacity;”;

(b) by inserting, immediately after the words “Subject to the provisions of this Act” in section 6(6), the words “and the Public Sector (Governance) Act 2018”;

(c) by deleting subsection (1) of section 10 and substituting the following subsection:

“(1) The Minister may give to the Council any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(d) by repealing sections 14 and 15 and substituting the following sections:

“Chief Executive Officer

14.—(1) The Chief Executive Officer is the chief executive of the Council, whose appointment, removal, discipline and promotion must be in

accordance with the Public Sector (Governance) Act 2018.

(2) The Council may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive Officer during any period, or during all periods, when the Chief Executive Officer —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

Staff and employees

15. The Council may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(e) by deleting sub-paragraphs (1) and (2) of paragraph 3 of the Schedule and substituting the following sub-paragraph:

“(1) The Council must, in every financial year of the Council, prepare or cause to be prepared, in the form approved by the Minister, and must adopt a budget containing annual estimates of its revenue and expenditure for the following financial year.”;

(f) by inserting, immediately after sub-paragraph (3) of paragraph 3 of the Schedule, the following sub-paragraphs:

“(3A) A copy of all budgets and supplementary budgets must, upon their adoption by the Council, be sent without delay to the Minister.

(3B) The Minister may approve or disallow any item or portion of any item shown in the budget or supplementary budget.

(3C) The Minister must return the budget or supplementary budget as amended under sub-paragraph (3B) to the Council, and the Council is bound by the Minister’s decision.”;

- (g) by deleting paragraph 9 of the Schedule and substituting the following paragraph:

“When audited financial statements must be given to Minister

5 9. The Council must send the audited annual financial statements of the Council, signed by the Chairman and the Chief Executive Officer, to the Minister no later than 31 October in each year, together with a copy of any report made by the auditor of the Council.”; and

- 10 (h) by repealing sections 7 and 18, and paragraphs 4, 5, 6, 7 and 8 of the Schedule.

Amendments to Singapore Totalisator Board Act

103. The Singapore Totalisator Board Act (Cap. 305A, 2012 Ed.) is amended —

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

 “ “chief executive” means the chief executive of the Board, and includes any individual acting in that capacity;”;

- 20 (b) by inserting, immediately after section 5, the following section:

“Directions by Minister

25 **5A.** The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (c) by inserting, immediately after section 6, the following section:

“Chief executive

30 **6A.—**(1) There must be a chief executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive during any period, or during all periods, when the chief executive —

(a) is absent from duty or Singapore; or 5

(b) is, for any reason, unable to perform the duties of the office.”;

(d) by inserting, immediately after the words “Subject to subsection (2)” in section 7(1), the words “and the Public Sector (Governance) Act 2018”; 10

(e) by repealing section 10 and substituting the following section:

“Financial year

10. The financial year of the Board begins on 1 April of each year and ends on 31 March of the succeeding year.”; 15

(f) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 15 of the First Schedule, the words “and the Public Sector (Governance) Act 2018”; and 20

(g) by repealing paragraph 11 of the First Schedule, and the Second Schedule.

Amendments to Singapore Tourism Board Act

104. The Singapore Tourism Board Act (Cap. 305B, 1997 Ed.) is amended — 25

(a) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:

“ “Chief Executive” means the Chief Executive of the Board, and includes any individual acting in that capacity;”;

(b) by deleting subsection (1) of section 9 and substituting the following subsection: 30

“(1) The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(c) by repealing section 10 and substituting the following section:

“Chief Executive

10.—(1) There must be a Chief Executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.”;

(d) by deleting subsection (1) of section 11 and substituting the following subsection:

“(1) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(e) by deleting the words “members, officers and employees of the Board, all committee members and all” in section 13A; and

(f) by repealing sections 13(4), 18 and 19, and the Second Schedule.

Amendments to SkillsFuture Singapore Agency Act 2016

105. The SkillsFuture Singapore Agency Act 2016 (Act 24 of 2016) is amended —

- (a) by deleting the definition of “auditor” in section 2;
- (b) by deleting the definition of “Chief Executive” in section 2 and substituting the following definition:
 - “ “Chief Executive” means the Chief Executive of the Agency, and includes any individual acting in that capacity;”;
- (c) by deleting subsection (1) of section 7 and substituting the following subsection:
 - “(1) The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018.”;
- (d) by deleting the words “of section 21” in section 12(3)(b) and substituting the words “given by Part 4 of the Public Sector (Governance) Act 2018”;
- (e) by inserting the word “or” at the end of section 17(1)(b);
- (f) by deleting the words “Division 3 and a notice is given under section 25” in section 20(1)(f) and substituting the words “the Public Sector (Governance) Act 2018 and a notice is given under that Act”;
- (g) by deleting the words “of section 21” in section 30(1)(a) and (b) and substituting in each case the words “given by Part 4 of the Public Sector (Governance) Act 2018”;
- (h) by deleting the words “(within the meaning of section 21 as modified by section 35)” in section 34(4) and substituting the words “(within the meaning given by Part 4 of the Public Sector (Governance) Act 2018)”;
- (i) by inserting, immediately after the words “Subject to this Act” in section 35(3), the words “, the Public Sector (Governance) Act 2018”;
- (j) by repealing sections 38, 39 and 40 and substituting the following sections:

“Chief Executive

5 **38.**—(1) There must be a Chief Executive of the Agency, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

10 (a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

Officers and employees

15 **39.** The Agency may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.

Delegates and subdelegates deemed to be public servants

20 **40.** Without affecting sections 20 and 21 of the Public Sector (Governance) Act 2018, every delegate and subdelegate of the Agency —

25 (a) is deemed to be a public servant for the purposes of the Penal Code (Cap. 224); and

(b) is, in relation to his or her administration, assessment, collection and enforcement of payment of —

30 (i) any financial penalty imposed under section 48 or 64 of the Private Education Act (Cap. 247A); or

- (ii) any composition sum collected under this Act or section 67 of the Private Education Act,

taken to be a public officer for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to each of these delegates and subdelegates even though he or she is not or was not in the employment of the Government.”;

- (k) by repealing section 47 and substituting the following section:

“Estimates for Skills Development Fund

47.—(1) In addition to the requirements of the Public Sector (Governance) Act 2018, the Agency must, in every financial year, prepare or cause to be prepared, and must adopt annual estimates of income and expenditure for the Skills Development Fund for the ensuing financial year in accordance with the Skills Development Levy Act (Cap. 306).

(2) Supplementary estimates for the Skills Development Fund may be adopted by the Agency where necessary.

(3) A copy of all annual estimates and supplementary estimates mentioned in subsections (1) and (2) must, upon their adoption by the Agency, be sent as soon as possible to the Minister.”;

- (l) by deleting the words “Sections 46 and 51 to 55” in section 56 and substituting the words “The provisions of Part 5 of the Public Sector (Governance) Act 2018”; and
- (m) by repealing sections 17(1)(c) and (d), 28, 32, 35(2), 36(3)(a) and (4)(a), 51, 52, 53, 54 and 55, and Division 3 of Part 3.

Amendments to Standards, Productivity and Innovation Board Act

106. The Standards, Productivity and Innovation Board Act (Cap. 303A, 2002 Ed.) is amended —

- 5 (a) by deleting the definition of “chief executive” in section 2 and substituting the following definition:

 “ “chief executive” means the chief executive of the Board, and includes any individual acting in that capacity;”;

- 10 (b) by deleting subsection (1) of section 8 and substituting the following subsection:

 “(1) The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- 15 (c) by repealing sections 12 and 13 and substituting the following sections:

“Chief executive

20 **12.**—(1) There must be a chief executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

 (2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive during any period, or during all periods, when the chief executive —

- 25 (a) is absent from duty or Singapore; or
 (b) is, for any reason, unable to perform the duties of the office.

Officers and employees

30 **13.** The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other

officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (d) by repealing section 24 and substituting the following section:

5

“Financial year

24. The financial year of the Board begins on 1 April of each year and ends on 31 March of the succeeding year.”;

- (e) by deleting the words “any court or under” in section 40(1) and substituting the words “any court or where required or allowed by”;

10

- (f) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 13(8) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

15

- (g) by deleting the words “or by any contravention of paragraph 11 by any member” in paragraph 14 of the First Schedule; and

- (h) by repealing sections 11(4), 15, 20 and 31, paragraph 11 of the First Schedule, and the Second Schedule.

20

Amendment to Statutory Bodies and Government Companies (Protection of Secrecy) Act

107. Section 3(2) of the Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319, 2004 Ed.) is amended by deleting the words “any court or under” in paragraph (b) and substituting the words “any court or where required or allowed by”.

25

Amendments to Temasek Polytechnic Act

108. The Temasek Polytechnic Act (Cap. 323A, 1991 Ed.) is amended —

30

- (a) by deleting the definition of “Principal” in section 2 and substituting the following definition:

““Principal” means the Principal of the Polytechnic, and includes any individual acting in that capacity;”;

- (b) by inserting, immediately after the words “Subject to the provisions of this Act” in sections 5(3) and 7(3), the words “, the Public Sector (Governance) Act 2018”;

- (c) by inserting, immediately after subsection (1) of section 2 of the Schedule, the following subsection:

“(1A) The appointment, removal, discipline and promotion of the Principal must be in accordance with the Public Sector (Governance) Act 2018.”;

- (d) by repealing section 4 of the Schedule and substituting the following section:

“Other officers and employees

4. The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (e) by inserting, immediately after the words “Subject to the provisions of this Constitution” in section 9(8) of the Schedule, the words “and the Public Sector (Governance) Act 2018”; and

- (f) by repealing sections 8A, 15, 16, 17, 18 and 19, and section 17 of the Schedule.

Amendments to Traditional Chinese Medicine Practitioners Act

109. The Traditional Chinese Medicine Practitioners Act (Cap. 333A, 2001 Ed.) is amended —

- (a) by deleting the definition of “Registrar” in section 2 and substituting the following definition:

“ “Registrar” means the Registrar of the Board, and includes any individual acting in that capacity;”;

- (b) by inserting, immediately after the words “Subject to this Act” in section 8(4), the words “and the Public Sector (Governance) Act 2018”;
- (c) by repealing section 11 and substituting the following section:

“Registrar

11.—(1) There must be a chief executive of the Board called the Registrar of the Board, whose appointment and removal must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Registrar during any period, or during all periods, when the Registrar —

- (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.”;

- (d) by deleting the words “The Registrar” in section 12(1) and substituting the words “In addition to duties under the Public Sector (Governance) Act 2018, the Registrar”; and
- (e) by repealing sections 10(5) and 31(5).

Amendments to Urban Redevelopment Authority Act

110. The Urban Redevelopment Authority Act (Cap. 340, 1990 Ed.) is amended —

- (a) by deleting the definition of “chief executive” in section 2 and substituting the following definition:

“ “chief executive” means the chief executive of the Authority, and includes any individual acting in that capacity;”;

(b) by deleting subsection (1) of section 12 and substituting the following subsection:

“(1) The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.”;

(c) by repealing section 18 and substituting the following section:

“Chief executive

18.—(1) There must be a chief executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive during any period, or during all periods, when the chief executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.”;

(d) by deleting subsection (1) of section 19 and substituting the following subsection:

“(1) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

(e) by deleting subsections (1), (2) and (3) of section 25 and substituting the following subsections:

“(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Authority, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Authority, and the Authority is bound by the Minister's decision.”;

(f) by inserting, immediately after the words “Subject to the provisions of this Act” in paragraph 12(7) of the First Schedule, the words “and the Public Sector (Governance) Act 2018”;

(g) by deleting paragraph 6 of the Third Schedule and substituting the following paragraph:

“6. The auditor of the Authority must, as soon as practicable but not later than 30 September every year, send the report of his audit of the financial statements in respect of the preceding financial year.”;

(h) by deleting paragraph 12 of the Third Schedule and substituting the following paragraph:

“12. The Authority must send the audited annual financial statements of the Authority, signed by the Chairman, to the Minister no later than 31 October in each year, together with a copy of any report made by the auditor of the Authority.”; and

(i) by repealing sections 14(4), 21 and 26, paragraph 10 of the First Schedule, and paragraphs 2, 3, 4, 5, 7, 8, 9, 10, 11, 13 and 14 of the Third Schedule.

Amendments to Workforce Singapore Agency Act

111. The Workforce Singapore Agency Act (Cap. 305D, 2004 Ed.) is amended —

(a) by deleting the definition of “chief executive” in section 2 and substituting the following definition:

“ “chief executive” means the chief executive of the Agency, and includes any individual acting in that capacity;”;

- (b) by deleting the words “section 10” in section 7A(3)(b) and substituting the words “section 23 of the Public Sector (Governance) Act 2018”;
- (c) by inserting, immediately after the words “Subject to the provisions of this Act” in section 9(7), the words “and the Public Sector (Governance) Act 2018”;
- (d) by repealing section 13 and substituting the following section:

“Directions by Minister

13. The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018.”;

- (e) by inserting, immediately after the words “Subject to this Act” in section 14(2), the words “and the Public Sector (Governance) Act 2018”;
- (f) by deleting the word “, except —” and paragraphs (a) and (b) of section 15(1) and substituting a full-stop;
- (g) by repealing section 16 and substituting the following section:

“Chief executive, officers and employees, etc.

16.—(1) There must be a chief executive of the Agency, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive during any period, or during all periods, when the chief executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such

terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.”;

- (h) by deleting subsections (1) to (4) of section 20 and substituting the following subsections: 5

“(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Agency, be sent without delay to the Minister. 10

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Agency, and the Agency is bound by the Minister’s decision.”; 15

- (i) by deleting the words “any court or under” in section 44(1) and substituting the words “any court or where required or allowed by”; 20

- (j) by inserting, immediately after the words “committees of the Agency” in section 49(1)(a), the words “, to the extent not inconsistent with the Public Sector (Governance) Act 2018”; and

- (k) by repealing sections 10, 15(3), 18, 28, 29, 30, 31 and 39. 25

Saving and transitional provisions

112.—(1) Any direction made or given before the date of commencement of section 5 by a responsible Minister to a public body under the constitutional Act of the public body, or other written law administered by the public body, continues in force and is to be treated, on or after that date, as if made or given under section 5. 30

(2) Section 15 does not apply to any individual who —

(a) is appointed as the chief executive of a public body before the date of commencement of that section; and

(b) is holding that office immediately before that date.

5 (3) Sections 16 and 18 apply to an individual who, on the date of commencement of the relevant section, holds the office of chief executive of a public body to which that section applies.

(4) Section 17 does not apply to any disciplinary penalty imposed as a result of —

10 (a) any disciplinary proceedings started by a public body before the date of commencement of that section; or

(b) any disciplinary proceedings by a public body for misconduct carried out before that date even if disciplinary proceedings start on or after that date.

15 (5) Part 4 does not affect —

(a) any meeting of a public body, notice of which was given before the date of commencement of that Part and not held or is adjourned immediately before that date, and that meeting may be continued, and everything in relation thereto may be done, in all respects after that date as if this Act had not been enacted; and

20 (b) the continued operation or validity of any order or decision of any public body made before the date of commencement of that Part, and that order or decision is to be treated as being made under the corresponding provisions of this Act.

25 (6) The individual who, immediately before the date of commencement of section 102(d), is the Chief Executive Director of the Singapore Sports Council continues to hold office as if the individual were appointed under the Singapore Sports Council Act as amended by that section; and any notice, order, document or decision
30 made by or on behalf of the Chief Executive Director of the Singapore Sports Council is to be treated on and after that date as made by or on behalf of the Chief Executive Officer of that Council.

(7) Every individual who is a chief executive (regardless of designation) of a public body, or an officer or employee of a public body, immediately before the respective dates of commencement of the following provisions of this Act applicable to the public body, continues to hold office as such as if appointed under the constitutional Act of the public body as amended by this Act: 5

Sections 46(d), 47(b), 48(e), 49(f), 50(c), 51(g), 52(d), 53(c), 54(c), 55(e), 56(d), 57(c) and (d), 59(c) and (d), 60(d), 61(e), 64(j), 65(e), 66(e), 67(f), 68(j), 69(c), 70(d), 71(d) and (e), 72(d), 73(d), 74(c), 75(c) and (e), 76(d), 77(e), 79(c) and (d), 80(c), 81(d), 82(f), 83(c), 84(c), 85(b), 86(c) and (d), 87(c), 91(c), 93(c), 94(d), 95(d) and (e), 96(b), 97(c), 98(d), 99(f), 100(d), 102(d), 103(c), 104(c), 105(j), 106(c), 108(c) and (d), 109(c), 110(c) and (d) and 111(g). 10

(8) For a period of 2 years after the date of commencement of any section of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that section as the Minister may consider necessary or expedient. 15

FIRST SCHEDULE

Section 2 20

GROUP 1 PUBLIC BODIES

PART 1

GROUP 1A PUBLIC BODIES

<i>Public body</i>	<i>Constitutional Act</i>	
1. Accounting and Corporate Regulatory Authority	Accounting and Corporate Regulatory Authority Act (Chapter 2A)	25
2. Agency for Science, Technology and Research	Agency for Science, Technology and Research Act (Chapter 5A)	
3. Agri-Food and Veterinary Authority of Singapore	Agri-Food and Veterinary Authority Act (Chapter 5)	30
4. Building and Construction Authority	Building and Construction Authority Act (Chapter 30A)	
5. Casino Regulatory Authority of Singapore	Casino Control Act (Chapter 33A)	

FIRST SCHEDULE — *continued*

	<i>Public body</i>	<i>Constitutional Act</i>
	6. Central Provident Fund Board	Central Provident Fund Act (Chapter 36)
5	7. Civil Aviation Authority of Singapore	Civil Aviation Authority of Singapore Act (Chapter 41)
	8. Civil Service College	Civil Service College Act (Chapter 45)
10	9. Competition Commission of Singapore	Competition Act (Chapter 50B)
	10. Council for Estate Agencies	Estate Agents Act (Chapter 95A)
	11. Economic Development Board	Economic Development Board Act (Chapter 85)
15	12. Energy Market Authority of Singapore	Energy Market Authority of Singapore Act (Chapter 92B)
	13. Government Technology Agency	Government Technology Agency Act 2016 (Act 23 of 2016)
	14. Health Promotion Board	Health Promotion Board Act (Chapter 122B)
20	15. Health Sciences Authority	Health Sciences Authority Act (Chapter 122C)
	16. Housing and Development Board	Housing and Development Act (Chapter 129)
25	17. Info-communications Media Development Authority	Info-communications Media Development Authority Act 2016 (Act 22 of 2016)
	18. Inland Revenue Authority of Singapore	Inland Revenue Authority of Singapore Act (Chapter 138A)
30	19. ISEAS — Yusof Ishak Institute	ISEAS — Yusof Ishak Institute Act (Chapter 141)
	20. Institute of Technical Education, Singapore	Institute of Technical Education Act (Chapter 141A)
	21. Intellectual Property Office of Singapore	Intellectual Property Office of Singapore Act (Chapter 140)

FIRST SCHEDULE — *continued*

	<i>Public body</i>	<i>Constitutional Act</i>	
22.	International Enterprise Singapore Board	International Enterprise Singapore Board Act (Chapter 143B)	
23.	Jurong Town Corporation	Jurong Town Corporation Act (Chapter 150)	5
24.	Land Transport Authority of Singapore	Land Transport Authority of Singapore Act (Chapter 158A)	
25.	Maritime and Port Authority of Singapore	Maritime and Port Authority of Singapore Act (Chapter 170A)	10
26.	Nanyang Polytechnic	Nanyang Polytechnic Act (Chapter 191A)	
27.	National Arts Council	National Arts Council Act (Chapter 193A)	
28.	National Environment Agency	National Environment Agency Act (Chapter 195)	15
29.	National Heritage Board	National Heritage Board Act (Chapter 196A)	
30.	National Library Board	National Library Board Act (Chapter 197)	20
31.	National Parks Board	National Parks Board Act (Chapter 198A)	
32.	Ngee Ann Polytechnic	Ngee Ann Polytechnic Act (Chapter 207)	
33.	Public Transport Council	Public Transport Council Act (Chapter 259B)	25
34.	Public Utilities Board	Public Utilities Act (Chapter 261)	
35.	Republic Polytechnic	Republic Polytechnic Act (Chapter 270)	
36.	Science Centre Board	Science Centre Act (Chapter 286)	30
37.	Sentosa Development Corporation	Sentosa Development Corporation Act (Chapter 291)	
38.	Singapore Corporation of Rehabilitative Enterprises	Singapore Corporation of Rehabilitative Enterprises Act (Chapter 298)	35

FIRST SCHEDULE — *continued*

	<i>Public body</i>	<i>Constitutional Act</i>
5	39. Singapore Examinations and Assessment Board	Singapore Examinations and Assessment Board Act (Chapter 299A)
	40. Singapore Land Authority	Singapore Land Authority Act (Chapter 301)
	41. Singapore Polytechnic	Singapore Polytechnic Act (Chapter 303)
10	42. Singapore Sports Council	Singapore Sports Council Act (Chapter 305)
	43. Singapore Totalisator Board	Singapore Totalisator Board Act (Chapter 305A)
15	44. Singapore Tourism Board	Singapore Tourism Board Act (Chapter 305B)
	45. SkillsFuture Singapore Agency	SkillsFuture Singapore Agency Act 2016 (Act 24 of 2016)
	46. Standards, Productivity and Innovation Board	Standards, Productivity and Innovation Board Act (Chapter 303A)
20	47. Temasek Polytechnic	Temasek Polytechnic Act (Chapter 323A)
	48. Urban Redevelopment Authority	Urban Redevelopment Authority Act (Chapter 340)
25	49. Workforce Singapore Agency	Workforce Singapore Agency Act (Chapter 305D)

PART 2

GROUP 1B PUBLIC BODIES

	<i>Public body</i>	<i>Constitutional Act</i>
30	1. Defence Science and Technology Agency	Defence Science and Technology Agency Act (Chapter 75A)

FIRST SCHEDULE — *continued*

PART 3

GROUP 1C PUBLIC BODIES

<i>Public body</i>	<i>Constitutional Act</i>	
1. People's Association	People's Association Act (Chapter 227)	5

SECOND SCHEDULE

Section 2

GROUP 2 PUBLIC BODIES

PART 1

10

GROUP 2A PUBLIC BODIES

<i>Public body</i>	<i>Constitutional Act</i>	
1. Board of Architects	Architects Act (Chapter 12)	
2. Land Surveyors Board	Land Surveyors Act (Chapter 156)	
3. Professional Engineers Board	Professional Engineers Act (Chapter 253)	15
4. Singapore Nursing Board	Nurses and Midwives Act (Chapter 209)	
5. Traditional Chinese Medicine Practitioners Board	Traditional Chinese Medicine Practitioners Act (Chapter 333A)	20

PART 2

GROUP 2B PUBLIC BODIES

<i>Public body</i>	<i>Constitutional Act</i>	
1. Singapore Dental Council	Dental Registration Act (Chapter 76)	25
2. Singapore Medical Council	Medical Registration Act (Chapter 174)	
3. Singapore Pharmacy Council	Pharmacists Registration Act (Chapter 230)	

THIRD SCHEDULE

Section 2

GROUP 3 PUBLIC BODIES

PART 1

5

GROUP 3A PUBLIC BODIES

Public body

Constitutional Act

- | | | |
|----|-------------------------------|---|
| 1. | Majlis Ugama Islam, Singapura | Administration of Muslim Law Act
(Chapter 3) |
|----|-------------------------------|---|

PART 2

10

GROUP 3B PUBLIC BODIES

Public body

Constitutional Act

- | | | |
|----|---------------------------------------|--|
| 1. | National Council of Social
Service | National Council of Social Service
Act (Chapter 195A) |
|----|---------------------------------------|--|

EXPLANATORY STATEMENT

This Bill seeks to provide for a consistent governance framework across the public bodies in Singapore and to support a whole-of-government approach to the delivery of services in the Singapore public sector, and to make several consequential and related amendments to the constitutional Acts of public bodies.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 introduces definitions that support the provisions in the Bill.

The key definition is that of “public body”, which is defined to mean a body corporate established by a public Act for the purposes of a public function. This reference to a legal entity separate from the Government will exclude most tribunals which are formed for dispute settlement matters and thus exercise quasi-judicial powers, and committees which are statutorily required to conduct inquiries.

The definition of “public body” expressly excludes a Town Council because of the latter’s political office-holders and which has special governance provisions in the Town Councils Act (Cap. 329A).

Public bodies have been grouped into 3 main groups and they are set out in the First, Second and Third Schedules, respectively. These are called in the Bill Group 1, Group 2 or Group 3 public body with subdivisions of groups in some cases.

The “Singapore public sector” is also defined to mean the sector comprising the public service and all public bodies in the Schedules to the Bill. The “public service” is in turn defined to refer to the corp of individuals in the service of the Government, namely the Singapore Armed Forces, the Singapore Civil Service, the Singapore Legal Service, the Singapore Police Force and the Singapore Civil Defence Force.

Clause 3 sets out the purposes of the Bill, which are to establish a consistent system of governance and accountability across public bodies in Singapore that meets high standards of accountability, to clarify the accountability relationship between the public bodies, their members, their responsible Ministers and the Government, and to require and support a whole-of-government approach to the delivery of services in the Singapore public sector.

PART 2

DIRECTIONS

This Part has 3 Divisions. Division 1 covers directions given by relevant Ministers and responsible Ministers for public sector agencies. Division 2 focuses on data sharing directions by the relevant Minister and prescribes safeguards against abuses. Division 3 contains general provisions on the effect of directions given under Part 2.

Clause 4 confers power on the Minister responsible for the Bill to give directions to all Singapore public sector agencies, or a Singapore public sector agency or a class of Singapore public sector agencies specified in the direction, requiring the agency or agencies concerned to comply with a policy of the Government (as amended from time to time, and with or without modifications).

The Minister may also make a joint direction with certain Ministers (called relevant Ministers) on the latter’s recommendation.

The directions can only relate to certain subject matter, namely, employment, management and discipline of employees, management of official documents, data governance and sharing of information under the control of a Singapore public sector agency with another Singapore public sector agency, financial and resource management and accountability, and the use or development of information technology.

The relevant Minister for employment, management and discipline of employees is the Minister charged with the responsibility for public sector personnel policy.

The relevant Minister for management of official documents is the Minister charged with the responsibility for Government records and archives.

The relevant Minister for financial and resource management and accountability is the Minister charged with the responsibility for Government finance.

The relevant Minister for the data governance and sharing of information is the Minister charged with the responsibility for public sector data governance.

The relevant Minister for the use or development of information technology is the Minister charged with the responsibility for public sector info-communications technology and related engineering.

Furthermore, the directions under clause 4 can only be given for specific purposes. These are as follows:

- (a) to uphold and promote the values of the Singapore public sector;
- (b) to secure economies or efficiencies for the Singapore public sector;
- (c) to improve (directly or indirectly) the efficiency or effectiveness of policies, programme management or service planning and delivery by Singapore public sector agencies (whether by carrying out data analytics work or otherwise);
- (d) to ensure business continuity (which would include ensuring reliability in service delivery and development of contingency plans to deal with service disruptions, deliberately caused or otherwise);
- (e) to ensure accountable and prudent stewardship of Singapore public sector finances and resources;
- (f) to manage risks to the financial position of the Government;
- (g) to support a whole-of-government approach in the discharge of the Singapore public sector agencies' functions.

Clause 5 deals with powers of the responsible Minister for a public body and applies only to a Group 1A or 1B public body. Under the clause, the responsible Minister for a Group 1A or 1B public body may give to the public body directions on the performance by the public body of its functions.

This provision is presently found in many constitutional Acts of public bodies but there are some inconsistencies. The introduction of clause 5 will help avoid duplication of laws and ensure consistency and clarity in the relationship between public bodies and their respective responsible Ministers in this area.

Clause 6 deals with the effect of a direction under clause 4 about sharing of information (called a data sharing direction in the Bill).

Where a data sharing direction is given to a Singapore public sector agency, the Singapore public sector agency and the officers and members of that agency, as the case may be, are authorised to share information under the control of the Singapore public sector agency with another Singapore public sector agency to the extent permitted and in accordance with the data sharing direction despite any obligation as to confidentiality under the common law. This is to help facilitate the expeditious sharing of data between Singapore public sector agencies.

For example, a public body or its members, its chief executive or employees, or a Ministry or its officers concerned, as the case may be, cannot rely on the common law as to confidentiality to refuse to share information under the control of the public body or Ministry with another Singapore public sector agency if the sharing of the information is for the permissible purposes specified and otherwise in accordance with the data sharing direction.

However, information that is the subject of an obligation as to confidentiality because of legal privilege or a contract is not affected by a data sharing direction.

Clause 6 also makes it clear that the Bill does not prevent or discourage the sharing of information by Singapore public sector agencies if that is permitted or required by or under any Act or other law (including common law) apart from the Bill. For example, any data sharing direction does not pre-empt the continued application of the general rule allowing for sharing of data (including information which may be subject to a contractual obligation as to confidentiality) by a public sector agency with another public sector agency in the public interest or with the consent of the data subject.

Clause 7 sets out the offence of unauthorised disclosure of or providing of access to information under the control of a Singapore public sector agency by an individual who is a member, chief executive or officer of a public body, or an officer in that agency. This is to supplement the disciplinary measures that may be taken against the individual concerned.

It is an offence if such an individual discloses or provides access, or such an individual's conduct causes disclosure of or access to, information under the control of the Singapore public sector agency to another person (whether or not a Singapore public sector agency), the disclosure or access is not in accordance with any data sharing direction, and the individual does so either knowing that the disclosure or access is not in accordance with that direction or reckless as to whether the disclosure or access is or is not in accordance with that direction.

It is however a defence if the disclosure, though not in accordance with the data sharing direction, is permitted or required by or under an Act other than the Bill or other law (including common law) apart from the Bill, or is required by an order of court.

For example, sharing may not be consistent with the permitted circumstances for sharing in a data sharing direction but it is done within the circumstances in a specific provision in another Act which authorises or mandates the sharing. Alternatively, the sharing may have been done on the basis of the common law exception of public interest. These instances of sharing are not to be unlawful.

It is also made an offence for an individual to make use of information under the control of the Singapore public sector agency when he or she is a relevant public official or contractor (or an employee thereof) of a Singapore public sector agency, and he or she obtains a gain for himself or herself as a result of that use.

It is a defence if the information under the control of a Singapore public sector agency was, at the time of its use by the defendant, generally available information.

The penalty for either offence is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both. The resignation from the Singapore public sector agency by an individual who commits the offence is immaterial. Criminal proceedings may still be instituted even after the individual responsible leaves the service of the Singapore public sector agency.

Clause 8 is a new offence regarding unauthorised re-identification of anonymised information, which is information under the control of a Singapore public sector agency in anonymised or de-identified form.

It is an offence if an individual who is a member, chief executive or employee of or a public officer in a Singapore public sector agency takes any action to re-identify or cause re-identification of the person to whom anonymised information under the control of the Singapore public sector agency relates, the re-identification is not authorised by any data sharing direction given to the Singapore public sector agency, and the individual does so either knowing that the re-identification is not authorised by that direction, or reckless as to whether the re-identification is or is not authorised by that direction.

The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both. The resignation from the Singapore public sector agency by an individual who commits the offence is immaterial. Criminal proceedings may still be instituted even after the individual responsible leaves the service of the Singapore public sector agency.

It is a defence in proceedings for an offence under clause 8 if the accused can prove, on a balance of probabilities, that the information on the identity is publicly available, or if the re-identification is authorised or required by or under an Act other than the Bill, or other law (including common law) apart from the Bill, or is required by an order of court.

Clause 9 deals with the form of a direction under clause 4 or 5, which may be in the form of a circular or an instruction or order addressed to a public body or its

members, chief executive or employees, and may be amended or replaced in the same way as it may be given.

A direction under clause 4 or 5 does not have legislative effect. It is therefore not subsidiary legislation.

Clause 10 imposes an express obligation on every Singapore public sector agency, or every Singapore public sector agency within the class of Singapore public sector agencies, to which a direction under clause 4 or 5 is given to comply with the direction in performing its functions.

The term “comply” has been defined in clause 2 to mean to give effect to the direction or to have regard to the direction, depending on the context of the direction. It is possible that some directions are for strict compliance whereas operational efficiency may require some directions to work more as guides.

Clause 11 sets out limits to the effect of directions under clause 4 or 5. It first provides that a direction under Part 2 does not bind a Singapore public sector agency to the extent (if any) to which it would impede or affect the performance of a statutorily independent function of the agency, or a quasi-judicial function of the agency or any of its employees in relation to a particular matter.

The Minister also cannot give a direction under clause 4 or 5 to a public body, or any member or officer of a public body requiring the performance or non-performance of a particular act or the bringing about of a particular result, in respect of a particular person or persons or the making of an employment decision relating to a particular individual. This is to ensure that the public sector, like the Singapore public service, does not become politicised.

A Minister’s direction under Part 2 also must not be inconsistent with the Bill or any other written law. So, any statutory restriction against disclosure of information will still operate despite a data sharing direction under clause 4 on sharing of information under the control of a Singapore public sector agency.

For example, provisions like section 6 of the Income Tax Act (Cap. 134), section 7 of the Statistics Act (Cap. 317) and sections 128 and 128A of the Evidence Act (Cap. 97) will still have effect in restricting the sharing of information between Singapore public sector agencies, and any disclosure of information covered by such provisions must, to be lawful, still be in accordance with the requirements of those provisions.

PART 3

PERSONNEL MATTERS

Part 3 is divided into 2 Divisions. Division 1 relates to chief executives of public bodies (however titled) and Division 2 contains standard provisions on the status of members and employees of public bodies.

Clause 12 provides that Part 3 applies to and in relation to every Group 1, every Group 2 and every Group 3 public body to the extent provided in the Part.

Clause 13 defines terms to support the provisions in Part 3.

Clause 14 spells out the basic duty of every chief executive of a public body. The chief executive of a public body is responsible to the public body first, for the proper administration and management of the functions, duties and affairs of the public body in accordance with the policy laid down by the public body and directions given to the public body under the Bill, and secondly, for ensuring delivery of services and collaboration to achieve outcomes within the public body, and with other public bodies and the public service for the attainment of whole-of-government objectives that are communicated to the public body.

Clause 15 deals with the appointment of the chief executive of a public body. The clause also applies to the appointment of an individual to act temporarily as its chief executive, by reason of the definition of “chief executive” in clause 2. The clause also extends to appointing a public officer on secondment to the public body as its chief executive, which is common practice today.

A public body to which the clause applies is empowered to appoint an individual as its chief executive.

However, a Group 1A, a Group 1B, a Group 2A or a Group 3 public body may only appoint an individual as its chief executive or to act temporarily as its chief executive with the prior approval of the responsible Minister for the public body.

In the case of a Group 1 public body, the appointment of an individual as its chief executive, or to act temporarily as its chief executive, further requires the prior concurrence of the Public Service Commission.

Where an individual has been appointed by a public body in contravention of clause 15, the responsible Minister has power to issue a direction to the public body to remove the individual as its chief executive, and the public body must comply with that direction.

Clause 15 does not cover an appointment by way of a promotion in the office of chief executive.

Clause 16 provides that the removal of a chief executive of a Group 1A, 1B, 2A or 3 public body from that office will require prior approval of the responsible Minister for the public body and, in the case of a Group 1 public body, the prior concurrence of the Public Service Commission. The removal is from the office as chief executive and not from the public service, if the individual concerned is on secondment to the public body.

The restrictions in clause 16 do not apply where the appointment was in contravention of clause 15 and a direction is given by a responsible Minister under clause 15(4), or where the Public Service Commission concurs under clause 17

with a dismissal of a chief executive of a Group 1 public body because of the chief executive's misconduct.

Clause 16 does not prevent a resignation of an individual as a chief executive of a public body, or the acceptance by a public body of such a resignation.

Clause 17 deals with the disciplinary control over chief executives of a Group 1 public body. Such a public body may not impose a disciplinary penalty on its chief executive except with the prior concurrence of the Public Service Commission. Power is conferred under clause 43 on the Minister to make regulations spelling out the procedure for the Public Service Commission to give concurrence.

Clause 18 provides that a Group 1 public body must not promote its chief executive without the prior concurrence of the Public Service Commission.

However, clause 18 does not apply to a chief executive who is a public officer under a secondment arrangement making available temporarily to a public body the service of the public officer. This is because a civil servant under a secondment arrangement to serve in a public body does not stop being a civil servant by reason of the secondment but remains eligible to be considered for promotion as a civil servant even while on secondment. The jurisdiction of the promoting authority in the Civil Service (which may include the Legal Service Commission) is preserved under clause 18.

Clause 19 expressly preserves the operation of the Constitution and the discretionary veto powers of the President vis-à-vis public bodies specified in the Fifth Schedule to the Constitution.

Clause 20 is a commonly found provision in many statutes and its enactment here will help avoid duplication of laws.

Clause 20 deems certain individuals in a Group 1, 2 or 3 public body to be each a public servant for the purposes of the Penal Code (Cap. 224) in relation to his or her carrying out any function of the public body. These individuals are —

- (a) the chairperson and a member of the public body;
- (b) the chief executive of the public body; and
- (c) an officer of the public body.

A member of any committee which is formed by a Group 1A, 1B, 2 or 3 public body and is delegated any function of the public body to carry out will also be regarded as a public servant for the purposes of the Penal Code.

Clause 21 deems the individuals mentioned in clause 20 also to be public officers for the purposes of the Financial Procedure Act (Cap. 109) in relation to his or her administration, assessment, collection or enforcement of payment of any fee, tax, charge, financial penalty or other sum of money which is imposed or collected under the constitutional Act of the public body or an Act administered by the public

body, or is payable or required to be paid into the Consolidated Fund or a Government Fund.

As these moneys are public moneys that must be accounted for in the Consolidated Fund or a Government Fund, clause 21 also provides for section 20 of the Financial Procedure Act to apply to each of these persons even though they are not or were not in the employment of the Government. Section 20 of that Act provides for disciplinary punishment for loss of public moneys, etc..

Clause 21 also provides that every member and every officer of a Group 1 public body with a function of acting as an agent of the Government is, in relation to his or her entering into contracts on behalf of the Government in the performance of that function, taken to be a public officer for the purposes of the Government Contracts Act (Cap. 118).

PART 4

GOVERNANCE

Part 4 is divided into 2 Divisions. Division 1 concerns disclosure requirements for conflict of interests. Division 2 is concerned with decision-making.

Clause 22 provides that Part 4 applies to and in relation to every Group 1, every Group 2 and every Group 3 public body.

Clause 23 contains definitions relevant for the duties of members of public bodies on disclosure of interests in relevant matters of a public body.

The phrase “relevant matter”, for a public body, is defined to mean either the public body’s performance of its functions or exercise of its powers under written law, or an arrangement or agreement, or a contract, made or entered into, or proposed to be made or entered into, by the public body.

Clause 24 imposes a duty on a member of a public body who is interested in a relevant matter relating to the public body to disclose details of the interest as soon as practicable after the member becomes aware that he or she is interested.

A member of a public body is interested in a relevant matter relating to the public body if one of the following is satisfied:

- (a) the member, or an associate of the member, may derive a direct or indirect financial benefit from the relevant matter;
- (b) the member, or an associate of the member, may have a direct or indirect financial interest in a person to whom the relevant matter relates;
- (c) the member, or an associate of the member, is otherwise directly or indirectly interested in the matter.

However, clause 24 also prescribes the situations where a member of a public body is not interested, directly or indirectly, in a relevant matter relating to the public body.

These include only because of an interest in a question about the level of remuneration, allowances or expenses to be set for members, or only because of an interest that the member, or an associate of the member, shares in common with the general public or a substantial section of the public, or only because the member, or an associate of the member, has an interest in payment or reimbursement of membership fees for, or expenses related to membership in, a body with predominantly charitable objects, or only because he or she has past or current involvement in the relevant sector, industry or practice.

A member of a public body is also defined as not interested, directly or indirectly, in a relevant matter relating to the public body only because the member, or an associate of the member, is a customer of any service provided or goods supplied by the public body to the public generally or a section of the public in the performance of its functions or exercise of its powers under written law. For example, a member of the Public Utilities Board (PUB) who is a consumer of water supplied by the PUB is not by reason only of being such a consumer directly interested in a relevant matter of the PUB.

Another instance where a member of a public body is defined as not interested, directly or indirectly, in a relevant matter relating to the public body is where the member is a director or chief executive officer of a wholly-owned subsidiary of the public body and the relevant matter is with or for the benefit of or done on behalf of that wholly-owned subsidiary.

In a case where the member is appointed to represent the Government or a holder of a public office, or a community or special interest group, the member is not regarded as interested in a relevant matter relating to the public body only because the relevant matter is with or for the benefit of or done on behalf of the Government or public office or that community or group, as the case may be.

Clause 25 sets out how that disclosure of interest is to be done and to whom.

Clause 26 sets out the consequences of being interested in a relevant matter. A member of the public body who is interested in a relevant matter relating to the public body cannot vote or take part in any discussion or decision of the public body or any committee relating to the matter, or otherwise participate in any activity of the public body that relates to the matter, and must withdraw from any meeting of the public body or committee during the consideration or discussion relating to the matter if the chairperson or member presiding at the meeting so requests.

The member so interested also must not sign any document relating to the entry into a transaction or the initiation of the matter, and is to be disregarded for the purpose of forming a quorum for that part of a meeting of the public body or a

committee during which a discussion or decision relating to the matter occurs or is made.

Clause 27 sets out the consequences of failure to disclose interests.

Clause 28 provides for the necessary modifications for clauses 23 to 27 (on disclosure of interests) to apply to committees and committee members.

Clause 29 provides that a public body may determine its own meeting procedures to the extent they are not fixed by the Bill or any other Act.

Clause 30 sets out the method of holding meetings. These can be face-to-face meetings with members physically gathered at a place, or by means of audio, audio and visual, or electronic communication technology such as by telephone or video-conference. However, if technology is used, and a face-to-face meeting is to be dispensed with, all of the members who wish to participate at the meeting must have access to the technology needed to participate in the meeting, and a quorum of members must be able to simultaneously communicate with each other throughout the meeting.

Clause 31 provides for decision-making by resolutions through circulation without a meeting if a public body resolves that the clause applies. The clause provides that a resolution in writing signed or otherwise approved by the majority of the public body has the same effect as if it had been passed at a meeting of the public body.

Clause 32 deals with the extent of a power of a public body to delegate its functions. The power would not ordinarily extend to allow for sub-delegation. It also provides that a delegation of functions of a public body does not affect or prevent the performance of any function by the public body, and is not affected by any change in the membership of the public body or of any committee, or by any change in the chief executive or employee.

Clause 32 is presently found in many constitutional Acts of public bodies but there are some inconsistencies. The introduction of the clause will help avoid duplication of laws and ensure consistency and clarity in this area.

PART 5

FINANCIAL ADMINISTRATION

Clause 33 provides that Part 5 applies to and in relation to every Group 2 and 3B public body, and to every Group 1 public body to the extent provided in the Part.

Clause 33 also makes it clear that the clause does not affect any power of the President under the Constitution in relation to any annual estimates or supplementary estimates of a public body, namely those specified in the Fifth Schedule to the Constitution.

The provisions in Part 5 also do not affect any power of a responsible Minister under a constitutional Act of a public body in relation to any annual estimates or supplementary estimates of the public body. There are cases where the responsible Minister has been conferred power to disapprove estimates.

Clauses 34 and 35 concern budgeting.

Clause 34 requires a public body or its governing body to prepare and adopt annual estimates of income and expenditure in respect of each financial year in the form of a statement.

Clause 35 requires a public body or its governing body (as the case may be) to prepare and adopt supplementary estimates wherever necessary.

A copy of the statement of annual estimates and supplementary estimates, if any, must, upon their adoption by the public body or its governing body (as the case may be), be sent as soon as possible to the responsible Minister for the public body.

Clause 36 concerns the financial accounts and records of public bodies. It requires the public body to keep proper accounts and records of its transactions and affairs, and in accordance with written law such as the Accounting Standards Act (Cap. 2B).

The public body must also do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the property and assets of, or in the custody of, the public body and over the expenditure incurred by the public body.

Clause 37 provides that the accounts of a public body are to be audited by the Auditor-General or another auditor who is appointed annually by the responsible Minister in consultation with the Auditor-General.

Clause 38 outlines the standard powers of auditors of public bodies.

Clause 39 deals with the auditor's report, which must state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the public body;
- (b) whether proper accounting and other records have been kept, including records of all assets of the public body whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure, investment of moneys and the acquisition and disposal of assets by the public body during the financial year have been in accordance with the Bill; and
- (d) such other matters arising from the audit as the auditor considers should be reported.

Clause 40 requires the public body to, as soon as its accounts and financial statements have been audited, send to the responsible Minister a copy of the audited financial statements, signed by the chairperson, together with a copy of the auditor's report. The responsible Minister for a public body must, as soon as practicable, then cause a copy of the audited financial statements and of the auditor's report to be presented to Parliament.

An exception has been made for the Defence Science and Technology Agency because of the sensitive nature of their matters, which is the position today. An exception has also been made for the People's Association.

Clause 41 requires the public body to, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to its responsible Minister a report dealing generally with the activities of the public body during the preceding financial year and containing such information relating to the proceedings and policy of the public body as the responsible Minister may, from time to time, direct. The responsible Minister is required, as soon as practicable, to cause a copy of every such report to be presented to Parliament.

PART 6

GENERAL PROVISIONS

Clause 42 confers power on the Minister to add, delete or replace any public body in any of the Schedules, by order in the *Gazette*. However, the Minister is not authorised to add the Monetary Authority of Singapore into any of the Schedules.

Clause 43 empowers the Minister to make regulations for the purposes of the Bill.

Clause 44 provides that every order and regulation, being subsidiary legislation, must be presented to Parliament as soon as practicable after it is published in the *Gazette*.

PART 7

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS

Clause 45 makes a related amendment to the Interpretation Act (Cap. 1). It sets out the longstanding practice where subsidiary legislation made by a public body is signed by the chairperson.

The amendment provides that where any Act confers upon a public body power to make any subsidiary legislation, it is enough, unless in such Act it is otherwise provided, if the exercise of that power by the public body is signified under the hand of the chairperson of the public body, or a member of the public body duly authorised by the public body to do so in place of the chairperson.

The amendment in clause 45 also provides that where a public body is permitted by its constitutional Act or other written law to delegate the performance of any of the public body's functions or the exercise of any of the public body's powers, that power to delegate does not extend to the power to make any subsidiary legislation.

The amendment applies to all public bodies, such as Town Councils, and not only those in the Schedules to the Bill.

Clauses 46 onwards make consequential amendments to Acts of various public bodies deleting provisions that the standard governance and financial administration provisions contained in the Bill will replace.

Clauses 46 onwards also make an amendment to a standard secrecy provision in several Acts of public bodies which today prohibit disclosure by employees of public bodies of information controlled by the public body. The amendment provides for disclosure where allowed by law (which includes the Bill). This amendment read together with clause 6 will make it clear the standard secrecy provision does not prohibit data sharing between Singapore public sector agencies where that is permitted by the data sharing direction given to them.

Clause 107 amends section 3(2)(b) of the Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319) to facilitate the expeditious sharing of data between Singapore public sector agencies. The amendment is related to clause 6 in the same way as the standard secrecy provision in several Acts of public bodies.

Clause 62 makes a related amendment to section 8E(1)(a) of the Fire Safety Act (Cap. 109A) because public officers are no longer classified according to Divisions. Clause 87 makes a similar amendment to section 65A(1)(a) of the Police Force Act (Cap. 235).

Clause 63 makes a related amendment to the Government Contracts Act to enable employees of public bodies who are on secondment to the Government to execute binding contracts for the Government when on secondment. The Government Contracts Act presently only allows the Minister to authorise civil servants to sign contracts that are binding on the Government.

Clause 92 makes a related amendment to the Public Service Commission and Legal Service Commission Act (Cap. 259) to bring sections 3 and 4(1) of that Act (which pre-dates the Constitution) in conformity with the Constitution by removing mention of the words "acting in his discretion" in connection with the President. The powers under that Act are not within the discretionary powers of the President specified in Article 21 of the Constitution. Article 162 of the Constitution already requires laws existing on 16 September 1963 to be read with such modifications as to bring the law into conformity with the Constitution. The amendment removes what is otherwise misleading in the text of the statute book.

Clause 112 sets out saving and transitional provisions to address the application of provisions to incumbent chief executives when the provisions come into force.

Any individual who is appointed as the chief executive of a public body before the date of commencement of clause 15 and is holding that office immediately before that date will not be affected by the requirement in that clause. His or her appointment will not be invalidated because the appointment did not have the prior approval of the responsible Minister and, in the case of a Group 1 public body, the prior concurrence of the Public Service Commission.

However, the restrictions in clauses 16 and 18 against the removal of chief executives and their promotions in that office, respectively, apply to an individual who is appointed as the chief executive of a public body before the date of commencement of those clauses and is holding that office immediately before that date.

Clause 112 also provides that clause 17 does not apply to any disciplinary penalty imposed as a result of any disciplinary proceedings started by a public body before the date of commencement of clause 17, or any disciplinary proceedings by a public body for misconduct committed before that date even if disciplinary proceedings start on or after that date. This is to ensure that chief executives whose disciplinary proceedings are pending or have been disciplined before the operative date of the amendments, or whose misconduct is committed before that date, do not become exposed to any potentially enhanced discipline should the Public Service Commission refuse to concur with the punishment because of the amendments in clause 17.

Clause 112 further confers on the Minister a power to make regulations of a saving or transitional nature, in the 2 years after the date of commencement of the relevant provision in the Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
