



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PUBLIC SECTOR (GOVERNANCE) ACT 2018

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Public Sector (Governance) Act 2018

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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.

[1 April 2018]

PART 1

PRELIMINARY

Short title

1. This Act is the Public Sector (Governance) Act 2018.

Interpretation

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

“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;

“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;
- “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 given by subsection (3);
- “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;
- “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;
- “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;
- “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;

“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;

“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;

“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

(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 1988;

“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;

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

(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.

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

- (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.

Purposes 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);
- (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;

(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:

- (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.

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

- (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;
- (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 1 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);
- (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
- (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,

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, any of the following:

- (a) the information under the control of the Singapore public sector agency was, at the time of its disclosure by the defendant, generally available information;
- (b) the defendant disclosed or caused the disclosure of information under the control of a Singapore public sector agency —
 - (i) as permitted or required by or under an Act or other law (apart from this Act);
 - (ii) as authorised or required by an order of court; or
 - (iii) in any other circumstances, or for any other purpose, prescribed.

[40/2020]

(3) If —

- (a) an individual makes use of information under the control of a Singapore public sector agency (*A*);
- (b) the use is not authorised by any data sharing direction given to *A*;
- (c) the individual is a relevant public official of *A* or another Singapore public sector agency at the time of the use;

- (d) the individual does so —
 - (i) knowing that the use is not in accordance with such a data sharing direction; or
 - (ii) reckless as to whether the use is or is not in accordance with such a data sharing direction; and
- (e) the individual as a result of that use —
 - (i) obtains a gain for the individual or another person;
 - (ii) causes harm to another individual; or
 - (iii) causes a loss to another person,

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.

[40/2020]

- (4) If —
 - (a) an individual makes use of information (other than personal data) under the control of a Singapore public sector agency (*A*);
 - (b) the use is not authorised by *A*;
 - (c) the individual is —
 - (i) a contractor supplying goods or services to *A* or to another Singapore public sector agency; or
 - (ii) an employee of a person who is a contractor supplying goods or services to *A* or to another Singapore public sector agency;
 - (d) the individual does so —
 - (i) knowing that the use is not authorised by *A*; or
 - (ii) reckless as to whether the use is or is not authorised by *A*; and
 - (e) the individual, as a result of that use —
 - (i) obtains a gain for the individual or another person;
 - (ii) causes harm to another individual; or

(iii) causes a loss to another person,

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.

[40/2020]

(5) In proceedings for an offence under subsection (3) or (4), it is a defence for the defendant to prove, on a balance of probabilities, any of the following:

- (a) that the information under the control of *A* that was used was, at the time of its use, generally available information;
- (b) the defendant used the information under the control of *A* —
 - (i) as permitted or required by or under an Act or other law (apart from this Act);
 - (ii) as authorised or required by an order of court; or
 - (iii) in any other circumstances, or for any other purpose, prescribed.

[40/2020]

(6) To avoid doubt, subsection (2) or (5) does not affect any obligation or limitation imposed on, or prohibition of, the disclosure or use of information under the control of a Singapore public sector agency by or under any other written law or other law.

[40/2020]

(7) In this section —

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

“gain” means —

- (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;

“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;

“harm”, in relation to an individual, means —

- (a) any physical harm; or
- (b) harassment, alarm or distress caused to the individual;

“loss” means —

- (a) a loss in property or a supply of services, whether temporary or permanent; or
- (b) a loss of an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of remuneration,

but excludes, in relation to an individual, the loss of personal data about the individual;

“personal data” has the meaning given by section 2(1) of the Personal Data Protection Act 2012;

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

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

[40/2020]

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;

- (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
- (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,

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 —

- (a) the information on the identity is publicly available;
- (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);
 - (ii) authorised or required by an order of court; or
 - (iii) in any other circumstances, or for any other purpose, prescribed; or
- (c) the accused —
 - (i) reasonably believed that the re-identification was for a specified purpose; and
 - (ii) notified either of the following agencies of the re-identification as soon as was practicable:
 - (A) the Singapore public sector agency;

(B) the Government Technology Agency.

[40/2020]

(3) To avoid doubt, subsection (2) does not affect any obligation or limitation imposed on, or prohibition of, the re-identification of anonymised information under the control of a Singapore public sector agency by or under any other written law or other law.

[40/2020]

(4) In this section —

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

“Government Technology Agency” means the Government Technology Agency established by section 3 of the Government Technology Agency Act 2016;

“personal data” has the meaning given by section 2(1) of the Personal Data Protection Act 2012;

“relevant public official” has the meaning given by section 7(7);

“specified purpose” means any purpose specified in the Eleventh Schedule to the Personal Data Protection Act 2012.

[40/2020]

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 —

(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.

(4) However, subsection (3) does not prevent a Minister from giving a direction under the Government Procurement Act 1997.

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

- (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

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.

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 to 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 1, 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 1, 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 1, Group 2A or Group 3 public body; and
- (b) with the prior concurrence of the Public Service Commission, in the case of a Group 1 public body.

(3) Where an individual has been appointed as the chief executive of a public body in contravention of subsection (2), 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.

Removal of chief executive

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 1, Group 2A or Group 3 public body; and
 - (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(3); or
 - (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.

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 1871 in relation to his or her carrying out any function of the public body:

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

(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,

is taken to be a public servant for the purposes of the Penal Code 1871 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, and every member of a committee which is formed by a Group 1C public body

to carry out any of its functions, is taken to be a public officer for the purposes of the Financial Procedure Act 1966 in relation to —

- (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 —
 - (i) is collected by the public body as an agent of the Government under the constitutional Act or that other written law; or
 - (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 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 1966 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 1966.

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 the member, or an associate of the member —

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

(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
 - (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 1967 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 meaning given by the Companies Act 1967.

(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

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 —

- (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.

(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.

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 —

(a) in the case of the chairperson —

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

(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.

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.

(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.

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 —

- (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.

(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.

(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;
- (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;
- (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.

*Division 2 — Decision-making by public bodies***Procedure generally**

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

- (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 —

- (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 —
 - (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.

(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

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,

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.

(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.

(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

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.

- (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 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 —
- (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 —
- (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;
 - (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;
 - (ii) the annual financial statements must be prepared for audit; or
 - (iii) the audited financial statements must be sent to the responsible Minister.

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.

(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.

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.

(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 2004.

(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;
- (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 any information in the possession of that person, or to which that person has access, that the auditor or authorised person considers necessary for the purposes of the auditor's functions under this Act.

(3) A person —

- (a) who, without any reasonable cause, fails 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,

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.

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;
- (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) any other matters arising from the audit that 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 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) This section does 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.

(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.

(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.

(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.

(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;
- (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.

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

FINAL PROVISIONS

Saving and transitional provisions

45.—(1) Any direction made or given before 1 April 2018 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.

(2) Section 15 does not apply to any individual who —

(a) is appointed as the chief executive of a public body before 1 April 2018; and

(b) is holding that office immediately before that date.

(3) Sections 16 and 18 apply to an individual who, on 1 April 2018, 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 —

(a) any disciplinary proceedings started by a public body before 1 April 2018; 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.

(5) Part 4 does not affect —

(a) any meeting of a public body, notice of which was given before 1 April 2018 and not held or is adjourned immediately before that date, and that meeting may be continued, and everything in relation to that meeting may be done, in all respects after that date as if this Act had not been enacted; and

(b) the continued operation or validity of any order or decision of any public body made before 1 April 2018, and that order or decision is to be treated as being made under the corresponding provisions of this Act.

(6) 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 1 April 2018, continues to hold office as such as if appointed under the constitutional Act of the public body as amended by this Act.

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FIRST SCHEDULE

Sections 2 and 42

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 2004
2. Agency for Science, Technology and Research	Agency for Science, Technology and Research Act 1990
3. Building and Construction Authority	Building and Construction Authority Act 1999
4. Casino Regulatory Authority of Singapore	Casino Control Act 2006
5. Central Provident Fund Board	Central Provident Fund Act 1953
6. Civil Aviation Authority of Singapore	Civil Aviation Authority of Singapore Act 2009
7. Civil Service College	Civil Service College Act 2001
8. Competition and Consumer Commission of Singapore	Competition Act 2004
9. Council for Estate Agencies	Estate Agents Act 2010
10. Economic Development Board	Economic Development Board Act 1961
11. Energy Market Authority of Singapore	Energy Market Authority of Singapore Act 2001
12. Enterprise Singapore Board	Enterprise Singapore Board Act 2018
13. Government Technology Agency	Government Technology Agency Act 2016
14. Health Promotion Board	Health Promotion Board Act 2001
15. Health Sciences Authority	Health Sciences Authority Act 2001
16. Home Team Science and Technology Agency	Home Team Science and Technology Agency Act 2019

FIRST SCHEDULE — *continued*

<i>Public body</i>	<i>Constitutional Act</i>
17. Housing and Development Board	Housing and Development Act 1959
18. Info-communications Media Development Authority	Info-communications Media Development Authority Act 2016
19. Inland Revenue Authority of Singapore	Inland Revenue Authority of Singapore Act 1992
20. Institute of Technical Education, Singapore	Institute of Technical Education Act 1992
21. Intellectual Property Office of Singapore	Intellectual Property Office of Singapore Act 2001
22. ISEAS — Yusof Ishak Institute	ISEAS — Yusof Ishak Institute Act 1968
23. Jurong Town Corporation	Jurong Town Corporation Act 1968
24. Land Transport Authority of Singapore	Land Transport Authority of Singapore Act 1995
25. Maritime and Port Authority of Singapore	Maritime and Port Authority of Singapore Act 1996
26. Nanyang Polytechnic	Nanyang Polytechnic Act 1992
27. National Arts Council	National Arts Council Act 1991
28. National Environment Agency	National Environment Agency Act 2002
29. National Heritage Board	National Heritage Board Act 1993
30. National Library Board	National Library Board Act 1995
31. National Parks Board	National Parks Board Act 1996
32. Ngee Ann Polytechnic	Ngee Ann Polytechnic Act 1967
33. Public Transport Council	Public Transport Council Act 1987
34. Public Utilities Board	Public Utilities Act 2001
35. Republic Polytechnic	Republic Polytechnic Act 2002
36. Science Centre Board	Science Centre Act 1970
37. Sentosa Development Corporation	Sentosa Development Corporation Act 1972

FIRST SCHEDULE — *continued*

<i>Public body</i>	<i>Constitutional Act</i>
38. Singapore Corporation of Rehabilitative Enterprises	Singapore Corporation of Rehabilitative Enterprises Act 1975
39. Singapore Examinations and Assessment Board	Singapore Examinations and Assessment Board Act 2003
40. Singapore Food Agency	Singapore Food Agency Act 2019
41. Singapore Land Authority	Singapore Land Authority Act 2001
42. Singapore Polytechnic	Singapore Polytechnic Act 1954
43. Singapore Sports Council	Singapore Sports Council Act 1973
44. Singapore Totalisator Board	Singapore Totalisator Board Act 1987
45. Singapore Tourism Board	Singapore Tourism Board Act 1963
46. SkillsFuture Singapore Agency	SkillsFuture Singapore Agency Act 2016
47. Temasek Polytechnic	Temasek Polytechnic Act 1990
48. Urban Redevelopment Authority	Urban Redevelopment Authority Act 1989
49. Workforce Singapore Agency	Workforce Singapore Agency Act 2003

PART 2

GROUP 1B PUBLIC BODIES

<i>Public body</i>	<i>Constitutional Act</i>
1. Defence Science and Technology Agency	Defence Science and Technology Agency Act 2000

PART 3

GROUP 1C PUBLIC BODIES

<i>Public body</i>	<i>Constitutional Act</i>
1. People's Association	People's Association Act 1960

[10/2018; 11/2019; 21/2019]

SECOND SCHEDULE

Sections 2 and 42

GROUP 2 PUBLIC BODIES

PART 1

GROUP 2A PUBLIC BODIES

<i>Public body</i>	<i>Constitutional Act</i>
1. Board of Architects	Architects Act 1991
2. Land Surveyors Board	Land Surveyors Act 1991
3. Professional Engineers Board	Professional Engineers Act 1991
4. Singapore Nursing Board	Nurses and Midwives Act 1999
5. Traditional Chinese Medicine Practitioners Board	Traditional Chinese Medicine Practitioners Act 2000

PART 2

GROUP 2B PUBLIC BODIES

<i>Public body</i>	<i>Constitutional Act</i>
1. Singapore Dental Council	Dental Registration Act 1999
2. Singapore Medical Council	Medical Registration Act 1997
3. Singapore Pharmacy Council	Pharmacists Registration Act 2007

THIRD SCHEDULE

Sections 2 and 42

GROUP 3 PUBLIC BODIES**PART 1****GROUP 3A PUBLIC BODIES***Public body**Constitutional Act*

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| 1. Majlis Ugama Islam, Singapura | Administration of Muslim Law
Act 1966 |
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PART 2**GROUP 3B PUBLIC BODIES***Public body**Constitutional Act*

- | | |
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| 1. National Council of Social
Service | National Council of Social Service
Act 1992 |
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LEGISLATIVE HISTORY
PUBLIC SECTOR
(GOVERNANCE) ACT 2018

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 5 of 2018 — Public Sector (Governance) Act 2018

Bill	:	45/2017
First Reading	:	6 November 2017
Second Reading	:	8 January 2018
Notice of Amendments	:	8 January 2018
Third Reading	:	8 January 2018
Commencement	:	1 April 2018

2. Act 10 of 2018 — Enterprise Singapore Board Act 2018
(Amendments made by section 73 of the above Act)

Bill	:	3/2018
First Reading	:	8 January 2018
Second and Third Readings	:	5 February 2018
Commencement	:	1 April 2018 (section 73)

3. Act 11 of 2019 — Singapore Food Agency Act 2019
(Amendments made by section 66(5) of the above Act)

Bill	:	5/2019
First Reading	:	15 January 2019
Second and Third Readings	:	12 February 2019
Commencement	:	1 April 2019 (section 66(5))

4. Act 21 of 2019 — Home Team Science and Technology Agency Act 2019
(Amendments made by section 51(4) of the above Act)

Bill	:	15/2019
First Reading	:	8 July 2019
Second and Third Readings	:	6 August 2019
Commencement	:	1 December 2019 (section 51(4))

5. Act 40 of 2020 — Personal Data Protection (Amendment) Act 2020
(Amendments made by section 43 of the above Act)

Bill	:	37/2020
First Reading	:	5 October 2020
Second Reading	:	2 November 2020
Notice of Amendments	:	2 November 2020
Third Reading	:	2 November 2020
Commencement	:	1 February 2021 (section 43)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
PUBLIC SECTOR
(GOVERNANCE) ACT 2018

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	Act 5 of 2018
7—(4)	7—(3A)
(5)	(4)
(6)	(4A)
(7)	(5)
8—(3)	8—(2A)
(4)	(3)
<i>[Omitted as having had effect]</i>	45
<i>[Omitted as having had effect]</i>	46
<i>[Omitted as having had effect]</i>	47
<i>[Omitted as having had effect]</i>	48
<i>[Omitted as having had effect]</i>	49
<i>[Omitted as having had effect]</i>	50
<i>[Omitted as having had effect]</i>	51
<i>[Omitted as having had effect]</i>	52
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<i>[Omitted as having had effect]</i>	58
<i>[Omitted as having had effect]</i>	59
<i>[Omitted as having had effect]</i>	60
<i>[Omitted as having had effect]</i>	61

2020 Ed.	Act 5 of 2018
[Omitted as having had effect]	62
[Omitted as having had effect]	63
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[Omitted as having had effect]	67
[Omitted as having had effect]	68
[Omitted as having had effect]	69
[Omitted as having had effect]	70
[Omitted as having had effect]	71
[Omitted as having had effect]	72
—	73 [<i>Repealed by Act 10 of 2018</i>]
[Omitted as having had effect]	74
[Omitted as having had effect]	75
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2020 Ed.	Act 5 of 2018
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—	106 [<i>Repealed by Act 10 of 2018</i>]
[Omitted as having had effect]	107
[Omitted as having had effect]	108
[Omitted as having had effect]	109
[Omitted as having had effect]	110
[Omitted as having had effect]	111
45	112
[Omitted as spent]	(6)
(6)	(7)
[Omitted as spent]	(8)