



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**SKILLSFUTURE SINGAPORE
AGENCY ACT 2016**

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SkillsFuture Singapore Agency Act 2016

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An Act to establish the SkillsFuture Singapore Agency.

[3 October 2016: Except section 71(1)(a) and (2);
4 October 2016: Section 71(1)(a) and (2)]

PART 1

PRELIMINARY

Short title

1. This Act is the SkillsFuture Singapore Agency Act 2016.

Interpretation

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

“adult education” means that part of post-secondary education and training which is directed towards the development or upgrading of skills and knowledge in relation to work in commerce or industry;

“Agency” means the SkillsFuture Singapore Agency established by section 3;

“Chairperson”, in relation to the Agency, means the member of the Agency who is appointed under section 12 as the Chairperson of the Agency, and includes any individual appointed under section 14 to act in that capacity;

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

“commerce or industry” includes any trade, manufacturing or service industry, business or other related activity;

“committee” means a committee of the Agency appointed under section 34;

“committee member” means an individual appointed to be a member of a committee;

“company” —

(a) has the meaning given by section 4(1) of the Companies Act 1967; and

(b) includes a foreign company within the meaning of that Act;

“delegate” means a person to whom the Agency under section 36(1) delegates the performance or exercise of any of its functions or powers;

“Deputy Chairperson”, in relation to the Agency, means the member of the Agency who is appointed under section 12 as the Deputy Chairperson of the Agency;

“functions”, in relation to the Agency, means functions conferred on the Agency by this Act or any other Act;

“further education” means a post-secondary education program that leads to the development of knowledge and skills that are not specific to any particular occupation;

“grant” includes a grant by way of reimbursement under a reimbursement arrangement;

“member”, in relation to the Agency, means a member of the Agency who is appointed under section 10, and includes any person appointed under section 14 to act in that capacity;

“post-secondary education” means education of persons —

(a) who are 16 years of age or older; and

(b) who are not undergoing a course of education at any of the following:

(i) a Government school;

(ii) a school registered under the Education Act 1957 and which receives a grant-in-aid or subvention extended by the Government to aided schools within the meaning of that Act;

(iii) an education institution providing education in accordance with religious beliefs and principles;

“private education” has the meaning given by the Private Education Act 2009;

“reimbursement arrangement” means a written arrangement made in respect of any adult education or further education provided to a person eligible to financial incentives, support,

grant, aid or assistance from the Agency to the effect that where —

- (a) the person so eligible receives or undergoes adult education or further education for a charge; and
- (b) the provider of the adult education or further education incurs costs and expenses in providing the education to that eligible person,

the provider of the adult education or further education is entitled, under the arrangement, to reimbursement from the Agency of the whole or part of its charges in respect of the education so provided, but in no case exceeding that person's eligibility to financial incentive, support, grant, aid or assistance (as the case may be) for that education;

“Singapore Workforce Development Agency” or “SWDA” means the Singapore Workforce Development Agency established by the Singapore Workforce Development Agency Act (Cap. 305D, 2004 Revised Edition);

“subdelegate” means a person to whom a delegate under section 36(2) further delegates the performance or exercise of any of the Agency's functions or powers;

“transfer date” means 3 October 2016;

“Workforce Singapore Agency” means the SWDA renamed as the Workforce Singapore Agency by the Singapore Workforce Development Agency (Amendment) Act 2016.

[20/2016; 5/2018; S 461/2020]

PART 2

ESTABLISHMENT, FUNCTIONS AND POWERS OF AGENCY

SkillsFuture Singapore Agency

3. A body called the SkillsFuture Singapore Agency is established by this section.

Agency is body corporate**4.—(1) The Agency —**

- (a) is a body corporate with perpetual succession;
- (b) must have a seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

(2) The Agency may use, and operate under, one or more trading names approved by the Minister.

(3) A trading name can be an abbreviation or adaptation of the Agency's corporate name, or a name other than the Agency's corporate name.

(4) The Agency must cause notice of every trading name approved under subsection (2) to be published in the *Gazette*; but failure to do so does not invalidate the approval or use of that name.

Functions of Agency**5.—(1) The Agency has the following functions:**

- (a) to plan and develop policies, programs and services that provide, or support the provision of, adult education and further education;
- (b) to promote, facilitate and assist in the identification, development and upgrading of skills and competencies for the current, emerging and future needs of the Singapore workforce;
- (c) to develop, in consultation with employers and relevant representatives of commerce or industry, models for the provision of adult education or further education for the purposes of developing skills;
- (d) to promote a national approach to the provision of adult education and further education through collaboration and cooperation between universities, public sector

- post-secondary education institutions and other providers of adult education or further education;
- (e) to provide funding for the provision of, or taking part in, adult education and further education (wherever held) that is responsive to the needs of commerce or industry or employers;
 - (f) to promote public awareness in Singapore of the importance of adult education and further education and encourage enthusiasm for lifelong learning;
 - (g) to collect, compile and analyse data about the provision of adult education or further education;
 - (h) to accredit, or facilitate accreditation by others in Singapore of, providers of or courses in adult education or further education (even if the course is developed outside Singapore);
 - (i) to facilitate the improvement of quality of courses in adult education or further education provided in Singapore, including the standard of teachers and trainers in Singapore of these courses;
 - (j) to promote or undertake research in Singapore into matters relating to adult education and further education;
 - (k) to facilitate public availability of meaningful and accurate information relating to the quality of courses in adult education or further education provided in Singapore (even if the course is developed outside Singapore);
 - (l) to provide career guidance services and facilities to assist students prepare to enter the labour market and to other people;
 - (m) to administer —
 - (i) the Private Education Act 2009 in accordance with that Act; and
 - (ii) the Skills Development Fund in accordance with the Skills Development Levy Act 1979;

- (n) to cooperate and collaborate with the Workforce Singapore Agency in the discharge of its functions under the Workforce Singapore Agency Act 2003;
- (o) to perform any other functions that may be conferred on the Agency by any other Act.

[20/2016]

(2) In performing the functions conferred on it by subsection (1), the Agency is to have regard to —

- (a) increasing Singapore workforce productivity and improving the international competitiveness of commerce or industry in Singapore;
- (b) current, emerging and future workforce skills needs across commerce or industry sectors in Singapore;
- (c) widening participation in learning opportunities for adults, particularly those that enhance employability of citizens and residents of Singapore; and
- (d) ensuring a system of training and workforce development in Singapore that —
 - (i) responds to the needs of commerce or industry and employers, and in which commerce or industry and employers influence the policies, priorities and delivery of adult education and further education;
 - (ii) offers high quality and accessible adult education and further education; and
 - (iii) results in those persons undergoing that education obtaining skills.

(3) In addition to the functions conferred by this section, the Agency may undertake any other functions that the Minister may assign to the Agency, by notification in the *Gazette*, and in so undertaking —

- (a) the Agency is deemed to be fulfilling the purposes of this Act; and
- (b) the provisions of this Act apply to the Agency in respect of those other functions and duties.

(4) Nothing in this section imposes on the Agency, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Agency would not otherwise be subject.

(5) In this section —

“public sector post-secondary education institution” means —

- (a) the Institute of Technical Education, Singapore established by section 3 of the Institute of Technical Education Act 1992;
- (b) the Nanyang Polytechnic established under the Nanyang Polytechnic Act 1992;
- (c) the Ngee Ann Polytechnic established under the Ngee Ann Polytechnic Act 1967;
- (d) the Republic Polytechnic established under the Republic Polytechnic Act 2002;
- (e) the Singapore Polytechnic established under the Singapore Polytechnic Act 1954;
- (f) the Temasek Polytechnic established under the Temasek Polytechnic Act 1990; or
- (g) any company that is owned (wholly or partly) by the Institute of Technical Education, Singapore or any polytechnic mentioned in paragraphs (b) to (f);

“university” means —

- (a) the Nanyang Technological University;
- (b) the National University of Singapore;
- (c) the Singapore Management University;
- (d) the Singapore University of Technology and Design;
- (e) the Singapore Institute of Technology;
- (f) the Singapore University of Social Sciences;
- (g) any other person whose function of providing university education is determined by a public Act; or

- (h) any entity that is owned (wholly or partly) or controlled by any university or person mentioned in paragraphs (a) to (g).

[30/2017]

Powers of Agency

6.—(1) Subject to this Act, the Agency has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Without limiting subsection (1), the powers of the Agency mentioned in that subsection include power —

- (a) to enter into contracts, agreements or arrangements;
- (b) to offer and conduct courses in and provide facilities for adult education or further education, and organise or sponsor seminars, workshops and conferences;
- (c) to publish or provide any information, or publish or sponsor the publication of works, relating to adult education, further education or private education;
- (d) to apply for, obtain and hold, whether on its own behalf or jointly with any other person, any intellectual property rights;
- (e) to enter into agreements or arrangements for the commercial exploitation of those intellectual property rights, whether by assignment, licensing or otherwise;
- (f) with the approval of the Minister, to join in the formation of a company, association, trust or partnership or enter into a joint venture with any person;
- (g) to be a member of a company, association, trust or partnership;
- (h) to provide financial incentives, support, grant, aid or assistance to any person;
- (i) to charge for the provision of goods or services, or the performance of work, by, or on behalf of, the Agency;

- (j) to waive the payment of fees and charges payable to the Agency;
- (k) to accept gifts, grants, bequests and devises made to the Agency, and act as trustee of money and other property vested in the Agency on trust;
- (l) to enter into agreements or arrangements with persons, authorities or organisations in Singapore or overseas for the purposes of the Agency;
- (m) to provide technical, consultancy or advisory services to the Government or any other person in Singapore or overseas on any matter related to, or connected with, adult education, further education or private education; and
- (n) to do any other thing that is necessary or convenient to be done for or in connection with, or as incidental to, the performance of its functions.

(3) To avoid doubt, subsection (1) does not limit any other power given to the Agency by any other provision in this Act or by any other Act.

Directions of Minister, etc.

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

[5/2018]

- (2) To avoid doubt, the Minister is entitled —
 - (a) to have information in the possession of the Agency; and
 - (b) where the information is in or on a document, to have, and make and retain copies of, that document.
- (3) For the purposes of subsection (2), the Minister may —
 - (a) request the Agency to provide information to the Minister;
or
 - (b) request the Agency to give the Minister access to information.
- (4) The Agency must comply with a request under subsection (3).

(5) In this section —

“document” includes any tape, disk or other device or medium on which information is recorded or stored;

“information” means information specified, or of a description specified, by the Minister that relates to the functions of the Agency.

Agency’s symbol, etc.

8.—(1) The Agency has the exclusive right to the use of one or more symbols or representations as it may select or devise (each called the Agency’s symbol or representation), and to display or exhibit those symbols or representations in connection with the Agency’s activities or affairs.

(2) A person who —

(a) uses, without the prior written permission of the Agency, a symbol or representation identical with the Agency’s symbol or representation; or

(b) uses a symbol or representation which so resembles the Agency’s symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 3

CONSTITUTION AND MEMBERSHIP OF AGENCY

Division 1 — Appointment, resignation and removal

Membership of Agency

9.—(1) The Agency consists of at least 9 and not more than 15 members.

(2) One of the members (who is not the Chairperson) may be the Chief Executive.

Appointment of Agency members

10.—(1) Each member of the Agency is to be appointed by the Minister.

(2) Every appointment must be made by instrument in writing given to the member.

(3) The instrument must state —

(a) the term of the appointment; and

(b) the date the appointment takes effect, which must not be a date earlier than the date the instrument is received by the member.

Membership disqualification

11.—(1) In appointing members of the Agency, the Minister must have regard to whether the members of the Agency will collectively possess the appropriate knowledge, skills, and experience to assist the Agency to perform its functions effectively.

(2) However, the following individuals are disqualified to be or from being a member of the Agency:

(a) an undischarged bankrupt or an individual who has an arrangement with any of his or her creditors;

(b) a Judge or judicial officer;

(c) an individual who has been sentenced to imprisonment for a term of 6 months or more, and has not received a free pardon;

(d) an individual who is —

(i) disqualified under section 154(1) of the Companies Act 1967 from acting as a director, or taking part (whether directly or indirectly) in the management, of a company during the period of disqualification in that section;

(ii) disqualified by a court order under section 149(1), 149A(1) or 154(2) of the Companies Act 1967 from being a director or in any way (whether directly or

- indirectly) being concerned in, or taking part in, the management of a company during the period of disqualification in the court order;
- (iii) disqualified under section 58(1) of the Variable Capital Companies Act 2018 from acting as a director, or taking part (whether directly or indirectly) in the management of a VCC during the period of disqualification in that provision; or
 - (iv) disqualified by a court order under section 56(1), 57(1) or 58(2) of the Variable Capital Companies Act 2018 from being a director or in any way (whether directly or indirectly) being concerned in, or taking part in, the management of a VCC during the period of disqualification in the court order;
- (e) an individual who lacks capacity in respect of his or her duties as a member within the meaning of the Mental Capacity Act 2008, or in respect of whom an order is made under section 10 of the Mental Health (Care and Treatment) Act 2008.

[S 461/2020]

(3) In this section, “VCC” has the meaning given by section 2(1) of the Variable Capital Companies Act 2018.

[S 461/2020]

Chairperson and Deputy Chairperson

12.—(1) The Minister may, by instrument in writing, appoint —

- (a) a member (other than the Chief Executive) to be the Chairperson of the Agency for the period specified in the instrument; and
- (b) a member (other than the Chairperson of the Agency) to be the Deputy Chairperson of the Agency for the period specified in the instrument.

(2) The Chairperson or Deputy Chairperson holds office until —

- (a) his or her term of office as Chairperson or Deputy Chairperson (as the case may be) expires;

- (b) he or she ceases to hold office as a member of the Agency;
or
- (c) the Minister terminates his or her appointment as
Chairperson or Deputy Chairperson, as the case may be,

whichever first happens.

(3) The Deputy Chairperson of the Agency has and may exercise all of the functions and powers of the Chairperson in relation to a matter if —

- (a) the Chairperson is unavailable; or
- (b) the Chairperson is interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter.

[5/2018]

Premature vacancies

13.—(1) If a premature vacancy occurs in the office of any member of the Agency, the Minister may, subject to sections 9, 10 and 11, appoint an individual to fill the vacancy and hold that office for the remainder of the term for which the vacating member was appointed.

(2) In this section, “premature vacancy”, for an office, means a vacancy that occurs in that office for any reason other than the expiry of the term of office.

Acting Chairperson and members

14.—(1) The Minister may appoint an individual (other than the Chief Executive) to act temporarily as the Chairperson of the Agency during any period, or during all periods, when the Chairperson —

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

(2) The Minister may appoint an individual to act temporarily as a member of the Agency (other than the Chairperson) during any period, or during all periods, when the member —

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

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

(3) An individual is ineligible for appointment under this section to act as the Chairperson or a member of the Agency if the individual is disqualified under section 11(2) for appointment as a member of the Agency.

Removal of member

15.—(1) The Minister may, at any time and without giving any reason, remove a member of the Agency from office.

(2) Every removal under subsection (1) must be made by written notice given to the member with a copy to the Agency.

(3) The notice must state the date the removal takes effect, which must not be a date earlier than the date the member receives the notice.

Resignation from office

16.—(1) A member of the Agency may resign his or her office by written notice to the Minister (with a copy to the Agency) signed by the member.

(2) The resignation is effective when the notice in subsection (1) is received by the Minister or at any later time specified in the notice.

Validity of acts, etc.

17.—(1) Despite section 33 of the Interpretation Act 1965, the exercise of any power or performance of any function by the Agency is not affected merely because at the relevant time —

(a) there was a vacancy in the membership of the Agency, including a vacancy arising from the failure to appoint a member;

(b) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Agency; or

- (c) there was an irregularity in the Agency's decision-making procedure that does not affect the merits of the decision made.

[5/2018]

(2) The acts of an individual as a member of the Agency are not affected merely because —

- (a) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Agency; or
- (b) in the case of an individual acting in the capacity of the Chairperson, member or Chief Executive, the occasion for the individual so acting, or for his or her appointment, had not arisen or had ended.

Division 2 — Terms and conditions for members

Term of appointment

18.—(1) Subject to section 20, each member of the Agency holds office for a period of 3 years or any shorter period specified in the instrument of appointment.

- (2) A member of the Agency may be re-appointed.

Remuneration, etc.

19. The members of the Agency may be paid, out of the funds of the Agency, such salaries, fees and allowances as the Minister determines.

Vacation of office

20.—(1) A member of the Agency ceases to hold office if he or she —

- (a) dies;
- (b) is adjudicated a bankrupt or makes an arrangement with any of his or her creditors;
- (c) becomes otherwise disqualified from being a member under section 11(2);

- (d) is removed from office in accordance with section 15;
- (e) resigns in accordance with section 16;
- (f) fails without reasonable cause to disclose any interest required under the Public Sector (Governance) Act 2018 and a notice is given under that Act to the Minister about that default;
- (g) fails to attend 3 consecutive meetings of the Agency without the approval of the Agency; or
- (h) is not re-appointed when his or her term of office expires.
[5/2018]

(2) A member is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.

Division 3 — [Repealed by Act 5 of 2018]

21. to 25. *[Repealed by Act 5 of 2018]*

PART 4

DECISION-MAKING BY AGENCY

Division 1 — Meetings

Procedure generally

26. Except as otherwise provided under this Act or any other Act, the members of the Agency must regulate their own procedure.

Notice of meetings

27.—(1) The Agency is to hold such meetings as are necessary for performing its functions.

(2) The Chairperson must appoint the times and places of the meetings of the Agency, and cause notice of those meetings to each member not present when the appointment is made.

28. *[Repealed by Act 5 of 2018]*

Quorum

29.—(1) The quorum is the number that is one-third the number of members.

(2) No business may be transacted at a meeting of the Agency if a quorum is not present.

Presiding at meetings

30.—(1) At a meeting of the Agency, the following person presides:

- (a) if there is a Chairperson and he or she is present and is not interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter — the Chairperson;
- (b) if there is no Chairperson, or the Chairperson is not present or is interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter, and the Deputy Chairperson who is not so interested in the matter is present — the Deputy Chairperson;
- (c) in any other case, the member elected from among themselves to preside.

[5/2018]

(2) A person mentioned in subsection (1)(b) or (c) may exercise all the powers and functions of the Chairperson for the purposes of the meeting.

Voting at meetings

31.—(1) Each member has one vote.

(2) In addition to his or her general vote, the member presiding at a meeting has, in the case of an equality of votes, a casting vote.

(3) A resolution of the Agency is passed if it is agreed by all members present without dissent, or if a majority of the members who are entitled to vote on the matter cast votes in favour of it.

(4) A member present at a meeting of the Agency is presumed to have agreed to, and to have voted in favour of, a resolution of the

Agency unless he or she expressly dissents from or votes against the resolution at the meeting.

32. [*Repealed by Act 5 of 2018*]

Execution of documents

33.—(1) The Agency must have a seal.

(2) The seal of the Agency is to be kept and used as authorised by the Agency.

(3) A document is duly executed by the Agency if —

(a) the seal of the Agency is affixed to the document in the presence of one of its members who must sign the document to attest that the seal was so affixed, and the document is signed —

(i) by any 2 members generally or specially authorised by the Agency for the purpose; or

(ii) by one member and the Chief Executive; or

(b) it is signed on behalf of the Agency by a person or persons authorised to do so by the Agency and in accordance with the terms of that authorisation.

(4) A document purporting to be executed in accordance with this section must be presumed to be duly executed until the contrary is shown.

(5) All courts, judges and persons acting judicially must take judicial notice of the imprint of the seal of the Agency appearing on a document.

(6) When a document is produced bearing a seal purporting to be the seal of the Agency, it must be presumed that the seal is the seal of the Agency until the contrary is shown.

Division 2 — Committees and delegation

Appointment of committees

34.—(1) The Agency may, by resolution, appoint any number of committees that it thinks fit for purposes which, in the opinion of the

Agency, would be better regulated and managed by means of those committees.

(2) A committee appointed under this section may consist of any number of individuals that the Agency thinks fit, and may include individuals who are not members of the Agency.

(3) Without limiting subsection (1), the Agency may appoint committees —

(a) to advise the Agency on any matters relating to the Agency's functions and powers that are referred to the committee by the Agency; or

(b) to perform or exercise any of the Agency's functions and powers that are delegated to the committee, if the committee includes at least one member of the Agency.

(4) An individual may not be appointed as a member of a committee unless, before appointment, he or she discloses to the Agency the details of any interest (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) the individual may have if he or she were a member of that committee.

[5/2018]

Proceedings of committees

35.—(1) Section 17 applies to a committee, and to committee members or individuals purporting to be committee members, with the necessary modifications.

(2) Subject to this Act, the Public Sector (Governance) Act 2018 and any restrictions by a resolution under section 34(1), a committee may regulate its own proceedings and business as it thinks fit.

[5/2018]

Ability to delegate

36.—(1) The Agency may delegate the performance or exercise of any of its functions or powers, either generally or specially, to any of the following persons by resolution and written notice to the person or persons:

(a) a member of the Agency;

- (b) the Chief Executive, any employee of the Agency or any other person performing duties in the Agency;
- (c) a committee;
- (d) a wholly-owned subsidiary company of the Agency;
- (e) a person engaged as a contractor by the Agency.

(2) A delegation by the Agency under subsection (1) of the performance or exercise of any of its functions or powers —

- (a) to a person in subsection (1)(a), (b) or (c) may authorise the delegate to subdelegate the performance or exercise of the function or power to another member, an appropriately qualified employee of the Agency or person performing duties in the Agency (called in this Act a subdelegate); or
- (b) to a person in subsection (1)(d) or (e) may authorise the delegate to subdelegate the performance or exercise of the function or power to an appropriately qualified employee of that delegate (also called in this Act a subdelegate),

but subject to the same restrictions, and with the same effect, as if the subdelegate is the delegate.

(3) Subsections (1) and (2) do not apply to any power under this Act or any other Act administered by the Agency that is declared by that Act to be non-delegable.

(4) Subject to section 34(3)(b), a delegation or subdelegation in accordance with this Act is not affected by any change in the membership of the Agency or of any committee or by any change in the Chief Executive or employee.

(5) In this section —

- (a) a reference to a wholly-owned subsidiary company of the Agency includes a company limited by guarantee the sole member of which is the Agency; and
- (b) a reference to a person performing duties in the Agency includes a person performing duties in the Agency under a contract, or under an arrangement making available

temporarily to the Agency the services of public officers (or secondment).

Power of delegate

37.—(1) A delegate (or subdelegate) who purports to perform a function or exercise a power under delegation (or subdelegation) —

- (a) is taken to be in accordance with the terms of a delegation (or subdelegation) under section 36, unless the contrary is shown; and
- (b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

(2) A subdelegate to whom a function or power of the Agency is subdelegated under section 36(2) is not authorised to further delegate that power or function to anyone else.

PART 5

PERSONNEL MATTERS

Chief Executive

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.

[5/2018]

(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.

[5/2018]

Officers and employees

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.

[5/2018]

Delegates and subdelegates deemed to be public servants

40. Without affecting sections 20 and 21 of the Public Sector (Governance) Act 2018, every delegate and subdelegate of the Agency —

- (a) is deemed to be a public servant for the purposes of the Penal Code 1871; and
- (b) is, in relation to his or her administration, assessment, collection and enforcement of payment of —
 - (i) any financial penalty imposed under section 21 or 37 of the Private Education Act 2009; or
 - (ii) any composition sum collected under this Act or section 40 of the Private Education Act 2009,

taken to be a public officer for the purposes of the Financial Procedure Act 1966; and section 20 of that Act applies to each of these delegates and subdelegates even though he or she is not or was not employed by the Government.

[5/2018]

Preservation of secrecy

41.—(1) A member, an employee, a delegate or subdelegate of the Agency, the Chief Executive or a committee member, who has information in his or her capacity as such that would not otherwise be available to him or her, must not disclose that information to any person except —

- (a) in the performance of the Agency's functions;
- (b) with the prior authorisation from the Agency to do so;
- (c) for the purposes of any proceedings for an offence under this section or section 58, or any report of those proceedings;
- (d) as required by an order of court;

- (e) in complying with the requirements in this Act for members to disclose interests; or
- (f) as required of or allowed by the Agency, the Chief Executive, the member, employee, delegate or subdelegate of the Agency or the committee member, by or under this Act or any other Act.

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

Protection from personal liability

42. No liability shall lie against any member, any committee member, the Chief Executive or any employee, delegate or subdelegate of the Agency, or other person acting under the direction of the Agency, for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in —

- (a) the exercise or purported exercise of any power under this Act; or
- (b) the performance or purported performance of any function under this Act.

PART 6

FINANCIAL PROVISIONS

Financial year

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

Revenue and property of Agency

44.—(1) The funds and property of the Agency include —

- (a) all moneys paid to the Agency by way of grants, subsidies, donations, gifts and contributions for purposes of the Agency;

- (b) all moneys paid to, and all other moneys and property lawfully received by, the Agency for purposes of the Agency;
- (c) all fees and charges payable to the Agency under this Act or any other Act administered by the Agency;
- (d) all moneys, dividends, royalties, interest or income received from any transaction made pursuant to the powers conferred on the Agency under this Act or any other Act administered by the Agency;
- (e) all moneys borrowed by the Agency under this Act;
- (f) the Skills Development Fund; and
- (g) all accumulations of income derived from any property or money mentioned in paragraphs (a) to (f).

(2) The Skills Development Fund must be managed and administered by the Agency separately from the other funds and property of the Agency.

Bank accounts

45.—(1) The Agency must open and maintain one or more accounts with such bank or banks as the Agency thinks fit.

(2) Every such account may only be operated by a person who is authorised to do so by the Agency.

Financial accounts and records

46. The Agency must —

- (a) keep proper accounts and records of its transactions and affairs; 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 funds and property and assets of, or in the custody of, the

Agency and over the expenditure incurred by the Agency.

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 1979.

[5/2018]

(2) Supplementary estimates for the Skills Development Fund may be adopted by the Agency where necessary.

[5/2018]

(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.

[5/2018]

Power of investment

48. The Agency may invest its moneys (except the Skills Development Fund) in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

Issue of shares, etc.

49. As a consequence of —

- (a) the vesting of any property, rights or liabilities in the Agency under this Act; or
- (b) any capital injection or other investment by the Government in the Agency in accordance with any other written law,

the Agency must issue such shares or other securities to the Minister for Finance as that Minister may direct.

Borrowing power

50.—(1) The Agency cannot borrow for the performance of its functions under this Act or any other Act administered by the Agency except in accordance with this section.

(2) Subject to subsection (3), the Agency may raise loans by —

- (a) mortgage, overdraft or other means, with or without security;
- (b) charge, whether legal or equitable, on any property vested in the Agency or on any other revenue receivable by the Agency under this Act or any other written law; or
- (c) the creation and issue of debentures, bonds or any other instrument as the Minister may approve.

(3) The Agency may raise loans —

- (a) from the Government; or
- (b) with the approval of the Minister, from another source, whether within or outside Singapore.

(4) For the purposes of this section, the power to raise loans includes the power to make any financial agreement whereby credit facilities are granted to the Agency for the purchase of goods, materials or things.

51. to 55. [*Repealed by Act 5 of 2018*]

Skills Development Fund to be audited separately

56. The provisions of Part 5 of the Public Sector (Governance) Act 2018 do not affect the requirements in sections 20 and 21 of, and the First Schedule to, the Skills Development Levy Act 1979 insofar as the requirements apply in relation to the Skills Development Fund.

[5/2018]

PART 7

ADMINISTRATION AND ENFORCEMENT

Powers to verify information collected or for grants, etc.

57.—(1) The powers under this section may be exercised only for the purpose of inquiring into or ascertaining —

- (a) the truth or correctness of any statement made, or of any information given, by a person who applies or has applied for an incentive, a grant or a loan from the Agency out of moneys not in the Skills Development Fund; or
- (b) whether any incentive, grant or loan from the Agency out of moneys not in the Skills Development Fund has been properly applied by the person to whom the incentive, grant or loan is given.

(2) The Agency, or an employee or agent of the Agency duly authorised by the Agency for the purposes of this section, may, at any reasonable time, do any of the following, without involving any search of any property or person:

- (a) enter any premises;
- (b) photograph or film, or make audio recordings or make sketches of, any part of the premises or anything at the premises;
- (c) require any person to provide or grant access to, without charge, any document or information reasonably required for any purpose mentioned in subsection (1);
- (d) inspect and make copies of or take extracts from any such document;
- (e) take possession of such a document if, in the opinion of the Agency or the Agency's employee or agent —
 - (i) the inspection or copying of or extraction from the document cannot reasonably be performed without taking possession;
 - (ii) the document may be interfered with or destroyed unless possession is taken; or

- (iii) the document may be required as evidence in any proceedings instituted or commenced for any of the purposes of, or in connection with, this Act;
 - (f) require any person to complete and deliver any return specified within the time specified in the notice.
- (3) The power to require a person to provide any document or information under subsection (2)(c) includes the power —
- (a) to require the person, or any person who is or was an officer or employee of that person, to explain the document or information;
 - (b) if the document or information is not provided, to require the person to state, to the best of the person's knowledge and belief, where it is; and
 - (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Agency in legible form.

False or misleading information, statement or document, etc.

58.—(1) A person must not —

- (a) in relation to the person's application, or in support of an application by another, for any incentive, grant or loan from the Agency out of moneys not in the Skills Development Fund, make, or authorise the making of, a statement that the person knows to be false or misleading in any material particular;
 - (b) in providing any information or any document required by the Agency under section 57, provide any information or document that the person knows to be false or misleading in any material particular; or
 - (c) intentionally alter, suppress or destroy any document or information which the person is required by the Agency under section 57 to provide.
- (2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) To avoid doubt, it is not a defence in any proceeding for an offence under subsection (2) for contravening subsection (1)(a) that the accused did not obtain any incentive, grant or loan from the Agency out of moneys not in the Skills Development Fund.

Penalty for obstructing Agency in carrying out its functions

59.—(1) A person must not obstruct or hinder a member or an employee or agent or a delegate of the Agency who is exercising any power or discharging any duty under this Act.

(2) A person who contravenes subsection (1) 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 6 months or to both.

Composition of offences

60.—(1) The Chief Executive, or an employee of the Agency authorised in writing by the Agency, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$2,000.

(2) On payment of the sum of money mentioned in subsection (1), no further proceedings are to be taken against that person in respect of the offence.

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

Offences by corporations

61.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

(i) an officer of the corporation, or a member of the corporation if the affairs of the corporation are managed by its members; or

(ii) an individual who is involved in the management of the corporation and is in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

- (4) To avoid doubt, this section does not affect the application of —
- (a) Chapters 5 and 5A of the Penal Code 1871; or
 - (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.
- (5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.
- (6) In this section —
- “corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;
 - “officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes any person purporting to act in any such capacity;
 - “state of mind” of a person includes —
 - (a) the knowledge, intention, opinion, belief or purpose of the person; and
 - (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

62.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

- (i) an officer of the unincorporated association or a member of its governing body;
- (ii) a partner in the partnership; or
- (iii) an individual who is involved in the management of the unincorporated association or partnership and who is in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters 5 and 5A of the Penal Code 1871; or

(b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

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

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

Service of documents

63.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

(a) by giving it to the individual personally;

(b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;

- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) may be served —

- (a) by giving it to the body corporate's secretary or other similar officer, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's registered office or principal office in Singapore;
- (c) by sending it by fax to the fax number used at the body corporate's registered office or principal office in Singapore; or

- (d) by sending it by email to the body corporate's last email address.
- (5) Service of a document under subsection (1) takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
 - (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and
 - (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).
- (6) In this section, “document” includes a notice or an order permitted or required by this Act to be served.
- (7) However, this section does not apply to documents to be served in proceedings in court.
- (8) In this section —
- “business address” means —
- (a) in the case of an individual, the individual's usual or last known place of business in Singapore; or
 - (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;
- “last email address” means —
- (a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or
 - (b) the last email address of the addressee concerned known to the person giving or serving the document;
- “residential address” means an individual's usual or last known place of residence in Singapore.

Regulations

64. The Agency may, with the approval of the Minister, make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

PART 8**TRANSFER OF UNDERTAKINGS TO AGENCY****Interpretation of this Part**

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

“asset”, in relation to a transferor, means property of any kind (whether tangible or intangible, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether actual or contingent) of the transferor on the eve of the transfer date and includes, without limitation, any —

- (a) legal or equitable interest in real or personal property, whether situated in Singapore or elsewhere;
- (b) chose in action;
- (c) money or securities;
- (d) plant and equipment, whether situated in Singapore or elsewhere;
- (e) intellectual property;
- (f) infrastructure, whether situated in Singapore or elsewhere;
- (g) records; and
- (h) right;

“Council for Private Education” or “CPE” means the Council for Private Education established under section 3 of the Private Education Act 2009 as in force before 4 October 2016;

“liability”, in relation to a transferor, means any liability, duty or obligation (whether actual or contingent, liquidated or unliquidated, and whether owed alone or jointly or jointly and severally with any other person) of the transferor on the eve of the transfer date;

“private education function” means any function of the Council for Private Education under the Private Education Act 2009 as in force before 4 October 2016;

“records”, in relation to a transferor, means registers, papers, documents, minutes, receipts, books of account and other record, however compiled, recorded or stored, of that transferor existing on the eve of the transfer date;

“right”, in relation to a transferor, means any right, power, privilege or immunity of the transferor on the eve of the transfer date;

“transferor” means —

- (a) the Council for Private Education; or
- (b) the Singapore Workforce Development Agency;

“transferring SWDA employee” means an employee of the Singapore Workforce Development Agency who, on the eve of the transfer date, is in any of the following departments of that Agency:

- (a) the Institute of Adult Learning;
- (b) the Skills Development Group;
- (c) the Training Partners Group;
- (d) the Business Technology Group;
- (e) the Corporate Group (SkillsFuture);
- (f) the Integrated Business Services Division;
- (g) the Shared Services Management Division.

Transfer of undertakings to Agency

66.—(1) On the transfer date, the following assets and liabilities are transferred to the Agency:

- (a) all assets and liabilities of the Council for Private Education;
- (b) those assets and liabilities of the Singapore Workforce Development Agency that relate solely or mainly to the functions of the following departments of that Agency:
 - (i) the Institute of Adult Learning;
 - (ii) the Skills Development Group;
 - (iii) the Training Partners Group;
 - (iv) the Business Technology Group;
 - (v) the Corporate Group (SkillsFuture);
 - (vi) the Integrated Business Services Division;
 - (vii) the Shared Services Management Division.

(2) When any assets or liabilities are transferred under subsection (1), the following provisions have effect:

- (a) the assets of the transferor that are the subject of the transfer vest in the Agency by virtue of this section and without the need for any further conveyance, transfer, assignment or assurance;
- (b) the liabilities of the transferor that are the subject of the transfer become by virtue of this section the liabilities of the Agency;
- (c) all legal or other proceedings relating to those assets or liabilities that are started before the transfer date by or against the transferor or a predecessor of the transferor and pending immediately before that date are taken to be proceedings pending by or against the Agency;
- (d) any legal or other proceedings relating to those assets or liabilities which could have been started immediately before the transfer date by or against the transferor or a

predecessor of the transferor may be started by or against the Agency;

- (e) a judgment or order of a court or other tribunal obtained before the transfer date by or against the transferor or a predecessor of the transferor relating to those assets or liabilities may be enforced by or against the Agency;
 - (f) any document relating to legal or other proceedings relating to those assets or liabilities that has been served on or by a transferor or a predecessor of the transferor before the transfer date is taken, where appropriate, to have been served on or by the Agency;
 - (g) any act, matter or thing done or omitted to be done before the transfer date in relation to those assets or liabilities by, to or in respect of the transferor or a predecessor of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Agency;
 - (h) a reference in any written law, in any instrument made under any Act, in any contract, agreement, arrangement or undertaking, or in any document of any kind to the transferor or a predecessor of the transferor, to the extent to which the reference relates to those assets or liabilities, is taken to be, or include, a reference to the Agency.
- (3) The operation of this section does not —
- (a) constitute a breach of, or default under, any Act or other law or otherwise a civil wrong or criminal wrong;
 - (b) constitute a breach of duty of confidence (whether arising by contract, in equity, by custom, or in any other way);
 - (c) constitute a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities or the disclosure of any information;
 - (d) terminate an agreement or fulfil any condition that allows a person to terminate any agreement or obligation, or gives

rise to any right or remedy in respect of any agreement or obligation;

- (e) cause any contract or instrument to be void or otherwise unenforceable;
- (f) frustrate any contract or releasing any surety or other obligor wholly or in part from any obligation;
- (g) release a surety or other obligee wholly or in part from an obligation; or
- (h) constitute an event of breach of, or default under, any contract or other instrument.

(4) No attornment to the Agency by a lessee from a transferor is required.

Transferring secondments and SWDA employees to Agency

67.—(1) On the transfer date, every transferring SWDA employee —

- (a) stops being an employee of the Singapore Workforce Development Agency; and
- (b) is each transferred to the service, and becomes an employee, of the Agency on terms no less favourable than those enjoyed by the employee on the eve of the transfer date.

(2) The transfer of a transferring SWDA employee to the Agency —

- (a) does not interrupt continuity of service;
- (b) does not constitute a retrenchment or redundancy; and
- (c) does not entitle any employee so transferred to any payment or other benefit merely because he or she stops being employed by the Singapore Workforce Development Agency.

(3) A certificate purporting to be signed by the Minister certifying that an individual named in the certificate was, with effect from the transfer date, employed by virtue of this section by the Agency, is

admissible in evidence in any proceedings as evidence of the matters stated in it.

(4) Nothing in this section prevents —

- (a) any of the terms and conditions of employment of an individual transferred under this section from being altered by or under any law, award or agreement with effect from any time after the transfer date; and
- (b) an individual transferred under this section from resigning from the Agency at any time after the transfer date, in accordance with the terms and conditions of his or her employment then applicable.

(5) To avoid doubt, section 18A of the Employment Act 1968 does not apply to the transfer under this Part of any SWDA employee to the Agency.

(6) On the transfer date, every public officer whose services are made available (or is seconded) to the Council of Private Education under an agreement or arrangement that —

- (a) is between the Government and the Council for Private Education; and
- (b) is in force on the eve of the transfer date,

continues on secondment to the Agency.

General preservation of employment terms

68.—(1) The service with the Agency of an SWDA employee transferred under section 67 (called in this section a transferred employee) must be regarded for all purposes as having been continuous with the service of the employee with the Singapore Workforce Development Agency immediately before the transfer date.

(2) On the transfer date —

- (a) a transferred employee retains all accrued rights as if employment with the Agency were a continuation of employment with the Singapore Workforce Development Agency;

- (b) the liabilities of the Singapore Workforce Development Agency relating to the transferred employee's accrued rights to annual, sick, maternity or other leave and superannuation become the liabilities of the Agency; and
- (c) a reference to the Singapore Workforce Development Agency in the contract of employment that had effect in relation to the transferred employee immediately before the transfer date is taken to be, or includes, a reference to the Agency.

(3) For any conduct while a transferred employee was employed by the Singapore Workforce Development Agency which would have rendered the employee liable to be reprimanded, reduced in rank, retired, dismissed or punished by the Singapore Workforce Development Agency, the Agency may —

- (a) carry on and complete any disciplinary proceedings started by the Singapore Workforce Development Agency against the transferred employee if those proceedings are pending on the eve of the transfer date; and
- (b) reprimand, reduce in rank, retire, dismiss or otherwise punish a transferred employee, as if the employee were not transferred.

(4) Where, on the eve of the transfer date, any matter about the conduct of a transferred employee while employed by the Singapore Workforce Development Agency —

- (a) was in the course of being heard or investigated by a transferor's committee acting under due authority; or
- (b) had been heard or investigated by a committee of the Singapore Workforce Development Agency acting under due authority but no order, ruling or direction had been made,

that committee must complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that date, and that order, ruling or direction is to be regarded as an order, ruling or direction of the Agency.

(5) Until such time as conditions of employment are drawn up by the Agency for the transferred employees, every transferred employee is to be regarded as being employed by the Agency on the same conditions of employment applicable to the employee on the eve of the transfer date as the Singapore Workforce Development Agency.

(6) Any condition of employment relating to the length of service with the Agency must recognise the length of service of the employees so transferred while employed by the Singapore Workforce Development Agency (including any previous service of the employee taken to be service with the Singapore Workforce Development Agency) to be service with the Agency.

(7) Neither the chief executive of the CPE nor the chief executive of the SWDA is by operation of this Part transferred to the position of Chief Executive of the Agency unless the Agency appoints him or her to that position under section 38.

(8) Nothing in section 67(6) —

- (a) breaks the continuity of service of the public officer whose secondment continues with the Agency because of that provision; or
- (b) affects any rights, powers or immunities that such a public officer has, or the extent to which such a public officer is subject to obligations or liabilities in relation to discipline, by virtue of holding the office or position to which the officer is seconded.

Transfer of records

69. From the transfer date, the following records become the records of the Agency:

- (a) all records of the Council for Private Education;
- (b) every record, or part of any record, of the Singapore Workforce Development Agency that relates to —
 - (i) any assets or liabilities transferred to the Agency under section 66; or

- (ii) any transferring SWDA employee.

Confirmation of transfers

70.—(1) If any dispute arises —

- (a) as to whether an asset or a liability, or an employee or a record is transferred under section 66, 67 or 69; or
- (b) as to whether any, or any part of any, contract or document relates to an asset or a liability, or an employee or a record, transferred under section 66, 67 or 69,

the Minister for Finance may determine the matter and is to provide the concerned parties with written notice of that determination.

(2) The determination of the Minister for Finance under subsection (1) is final and binding on the transferor concerned and the Agency.

LEGISLATIVE HISTORY
SKILLSFUTURE SINGAPORE
AGENCY ACT 2016

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 24 of 2016 — SkillsFuture Singapore Agency Act 2016

Bill	:	24/2016
First Reading	:	11 July 2016
Second and Third Readings	:	16 August 2016
Commencement	:	3 October 2016 (except section 71(1)(a) and (2)) 4 October 2016 (section 71(1)(a) and (2))

**2. Act 20 of 2016 — Singapore Workforce Development Agency
(Amendment) Act 2016**

(Amendments made by section 20(5) of the above Act)

Bill	:	19/2016
First Reading	:	11 July 2016
Second and Third Readings	:	16 August 2016
Commencement	:	4 October 2016 (section 20(5))

3. Act 30 of 2017 — Singapore University of Social Sciences Act 2017
(Amendments made by section 12(4) of the above Act)

Bill	:	24/2017
First Reading	:	3 April 2017
Second and Third Readings	:	8 May 2017
Commencement	:	11 July 2017 (section 12(4))

4. Act 5 of 2018 — Public Sector (Governance) Act 2018
(Amendments made by section 105 of the above Act)

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 (section 105)

5. G.N. No. S 461/2020 — Variable Capital Companies (Consequential Amendments to Other Acts) Order 2020

Commencement : 15 June 2020

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
SKILLSFUTURE SINGAPORE
AGENCY ACT 2016

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 24 of 2016
—	35—(2) [<i>Deleted by Act 5 of 2018</i>]
35—(2)	(3)
<i>[Omitted as having had effect]</i>	71—(1)
<i>[Omitted as having had effect]</i>	(2)
<i>[Omitted as having had effect]</i>	72
<i>[Omitted as spent]</i>	73—(1)
<i>[Omitted as spent]</i>	(2)
<i>[Omitted as spent]</i>	(3)
<i>[Omitted as spent]</i>	(4)
<i>[Omitted as having had effect]</i>	74—(1)
<i>[Omitted as having had effect]</i>	(2)
<i>[Omitted as having had effect]</i>	(3)
<i>[Omitted as having had effect]</i>	75
<i>[Omitted as having had effect]</i>	76
<i>[Omitted as having had effect]</i>	77
<i>[Omitted as having had effect]</i>	78—(1)
<i>[Omitted as having had effect]</i>	(2)
<i>[Omitted as having had effect]</i>	(3)
<i>[Omitted as having had effect]</i>	(4)
<i>[Omitted as having had effect]</i>	(5)
<i>[Omitted as having had effect]</i>	(6)