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The following Act was passed by Parliament on 20th March 1992 and assented to by the President on 30th March 1992:—

NATIONAL COUNCIL OF SOCIAL SERVICE ACT 1992

(No. 14 of 1992)

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REPUBLIC OF SINGAPORE

No. 14 of 1992.

I assent.



WEE KIM WEE
President.
30th March 1992.

An Act to establish the National Council of Social Service and for matters connected therewith, and to repeal the Singapore Council of Social Service Act (Chapter 299 of the 1985 Revised Edition).

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

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the National Council of Social Service Act 1992 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“appointed day” means the date of commencement of this Act;

“Board” means the Board of the Council;

“Chairman” means the Chairman of the Community Chest;

“chief executive officer” means the chief executive officer of the Council appointed under section 22(1);

“Community Chest” means the Community Chest established under section 13(1);

“Council” means the National Council of Social Service established under section 3;

“Endowment Fund” means the Endowment Fund established under section 12(1);

“General Fund” means the General Fund established under section 27(1);

“member” means any member of the Board;

“President” means the President of the Board;

“Singapore Council of Social Service” means the Singapore Council of Social Service established under the repealed Singapore Council of Social Service Act [Cap. 299] in force before the appointed day;

“Vice-President” means the Vice-President of the Board.

PART II

ESTABLISHMENT OF COUNCIL

Establishment of National Council of Social Service

3. There is hereby established a body to be known as the National Council of Social Service which shall be a body corporate with perpetual succession and a common seal and with powers to sue and be sued in its corporate name and to perform such other acts as body corporate may by law perform.

Common seal

4.—(1) The common seal of the Council shall be kept in such custody as the Board may direct.

(2) All deeds, documents and other instruments requiring the seal of the Council shall be sealed with the common seal of the Council, and the instruments to which the common seal is affixed shall be signed by the President and the chief executive officer or some other person duly authorised by the Board for the purpose.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Council affixed to any document and shall presume that it was duly affixed.

(4) Section 12 of the Registration of Deeds Act [Cap. 269] shall not apply to any instrument purporting to have been executed under subsection (2).

Board of Council

5.—(1) The management of the affairs of the Council and of its properties shall be vested in a Board which shall consist of —

- (a) a President to be appointed by the Minister;
- (b) a Vice-President to be elected from among the members of the Council at the annual general meeting of the Council;
- (c) a Honorary General Secretary to be appointed as provided in subsection (4);
- (d) a Honorary Treasurer to be appointed as provided in subsection (4);

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- (e) the Chairman;
 - (f) 5 members to be appointed by the Board from among the chairmen of the service planning and fund allocation committees appointed under section 14(2);
 - (g) 8 members to be elected from among the full members of the Council at the annual general meeting of the Council;
 - (h) two members to be elected from among the associate members of the Council at the annual general meeting of the Council;
 - (i) not more than 3 members co-opted by the Board as provided under subsection (2);
 - (j) the Director of Social Welfare or his representative; and
 - (k) the Director of Medical Services or his representative.

(2) The Board may, in its discretion, co-opt up to 3 persons to be members for a term not exceeding two years who shall not be eligible to vote on any issue at the meetings of the Council or the Board.

(3) The President shall hold office for such term not exceeding two years as the Minister thinks fit, and shall be eligible for reappointment.

(4) The Honorary General Secretary and the Honorary Treasurer shall be appointed by the President for such term not exceeding two years as the President thinks fit, and shall be eligible for reappointment except that the Honorary Treasurer shall not serve for more than two consecutive terms.

(5) If for reason of illness, leave of absence or other cause, the President is unable to exercise his powers and perform his functions under this Act or any regulations made thereunder, the Vice-President shall exercise the powers and perform the functions of the President; and if the Vice-President is unable to do so, any other member, with the approval of the Minister, shall act as President and shall exercise the powers and perform the functions of the President.

(6) The Minister may at any time revoke the appointment of the President without assigning any reason.

(7) The office of the President shall be vacated if the President —

- (a) is adjudicated a bankrupt; or
- (b) has been convicted of an offence involving dishonesty, fraud or moral turpitude.

(8) Elected members of the Board shall hold office for a term of two years and shall be eligible for reappointment but shall not serve for more than 3 consecutive terms.

Voting rights at Council and Board meetings

6.—(1) All appointed and elected members of the Board shall have the right to vote on any issue at the meetings of the Council and the Board.

(2) The Chairman, the Director of Social Welfare or his representative and the Director of Medical Services or his representative shall have the right to vote on any issue at the meetings of the Council and the Board.

(3) Meetings of the Council and the Board and proceedings thereat shall be held in the prescribed manner.

Disclosure of interest

7.—(1) If a member of the Board or a member of the Council is, directly or indirectly, interested in any contract or other matter and is present at a meeting of the Council or the Board or any committee thereof, at which the contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as practicable after it commences, disclose the fact and shall not thereafter be present during the consideration or discussion of, and shall not vote on, any question with respect to that contract or other matter.

(2) No act or proceedings of the Council or the Board shall be questioned on the ground that any of its members has contravened this section.

Validity of acts of members

8. The acts of a member shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.

Directions by Minister

9.—(1) The Minister may, after consultation with the Board, give the Council such directions as he thinks fit as to the performance of the functions of the Council under this Act; and the Council shall, as soon as practicable, give effect to all such directions.

(2) The Council shall furnish the Minister with such information or facilities for obtaining information with respect to its functions in such manner and at such times as the Minister may reasonably require.

PART III**FUNCTIONS AND POWERS OF COUNCIL****Objects of Council**

10.—(1) The objects of the Council shall be —

- (a) to provide leadership and direction to the volunteer movement and co-ordinate welfare activities not only between members of the Council but also with other organisations;
- (b) to represent members of the Council, to present their views to the Government and to communicate priorities of the Government and its views to such members;
- (c) to make such recommendations to the Government as may be consistent with the objects of the Council;
- (d) to establish minimum acceptable standards of social service provided by members of the Council and to monitor guidelines representing good practice;
- (e) to assist the Government in strategic social service planning;

- (f) to initiate, plan, develop and modify social service programmes; and if the Council considers it necessary, to operate direct social service;
- (g) to establish and maintain an updated management information system of members of the Council and their clients;
- (h) to provide consultancy and support services to social service organisations;
- (i) to encourage, co-ordinate and carry out research and evaluative studies and experimental projects necessary for the improvement and development of social service;
- (j) to raise and allocate funds to further the objects of the Council and its members; and
- (k) to liaise and co-operate with overseas and international organisations in matters relating to social service.

Powers of Council

11.—(1) For the purposes of carrying out its objects, the Council may —

- (a) acquire any property, both movable and immovable, sell, transfer or otherwise dispose of any such property upon such terms as the Board thinks fit;
- (b) invest moneys belonging to the Council in such stocks, funds, securities or investments as may be authorised by the Minister;
- (c) accept any gift or property, whether subject to any trust or not;
- (d) receive donations and contributions and raise funds by all lawful means;
- (e) open and maintain an account or accounts with any bank or banks as the Board thinks fit;
- (f) levy such rates and charges for services performed by the Council as the Board may consider expedient;

- (g) undertake and execute any trust; and
- (h) do anything incidental to any of its objects.

(2) Nothing in this section shall enable the Council to have jurisdiction or exercise any control over the internal management of its members or to take part in political or religious controversy.

(3) The Board may exercise all such powers of the Council as it thinks fit except as otherwise provided by this Act.

Establishment of Endowment Fund

12.—(1) There shall be established an Endowment Fund which shall vest in the Council and shall consist of —

- (a) all donations and gifts accepted by the Council for the Endowment Fund;
- (b) all reserves of the Council in excess of two years of its operating expenditure; and
- (c) such other moneys as the Council may determine to transfer to the Endowment Fund.

(2) Any interest, dividends and other income derived from the Endowment Fund shall be credited to the General Fund.

(3) The Endowment Fund may be applied for such purposes as may be approved by the Minister in writing.

Community Chest

13.—(1) The Council shall establish the Community Chest to raise funds on behalf of the Council.

(2) The Community Chest shall consist of a Chairman who shall be appointed by the Minister, one or more Vice-Chairmen and such other members as the Chairman, in consultation with the President, may appoint for such term as the Chairman thinks fit.

(3) The Chairman shall hold office for such term not exceeding two years as the Minister may determine and shall be eligible for reappointment.

(4) If for reason of illness, leave of absence or other cause, the Chairman is unable to exercise his powers and functions under this Act or any regulations made thereunder, one of the Vice-Chairmen shall be appointed by the President to act as Chairman and shall exercise the powers and perform the functions of the Chairman; and if all the Vice-Chairmen are unable to do so, any other member of the Community Chest, with the approval of the President, shall act as Chairman and shall exercise the powers and perform the functions of the Chairman.

(5) The Minister may at any time revoke the appointment of the Chairman without assigning any reason.

(6) The office of the Chairman shall be vacated if the Chairman —

- (a) is adjudicated a bankrupt; or
- (b) has been convicted of an offence involving dishonesty, fraud or moral turpitude.

(7) Meetings of the Community Chest and proceedings thereat shall be held in the prescribed manner.

Appointment of committees and delegation of powers

14.—(1) The Board may appoint from among its members or from among other persons who are not members such number of committees for purposes which, in the opinion of the Board, would be better regulated and managed by means of such committees.

(2) Without prejudice to the generality of subsection (1), the Board shall appoint such number of service planning and fund allocation committees as it thinks fit whose chairmen shall be appointed by a panel comprising —

- (a) the President;
- (b) the Chairman; and
- (c) a representative of a donor organisation of the preceding year to be selected by the Board.

(3) A chairman of a committee appointed under subsection (2) shall hold office for such term not exceeding two years as the President thinks fit and shall be eligible for reappointment.

(4) The Board may, subject to such conditions or restrictions as it thinks fit to impose, delegate to any such committee or the President any of the powers, functions and duties by this Act vested in the Council, and any power, function or duty so delegated may be exercised or performed by the committee or the President, as the case may be, in the name and on behalf of the Council.

(5) The Board may, subject to such conditions or restrictions as it thinks fit to impose, delegate to any employee of the Council all or any of the powers, functions and duties by this Act vested in the Council, and any power, function or duty so delegated may be exercised or performed by the employee in the name and on behalf of the Council.

(6) The Council may continue to exercise any power conferred upon it, or perform any function or duty under this Act, notwithstanding the delegation of such power, function or duty under this section.

PART IV

MEMBERSHIP OF COUNCIL

Categories of members of Council

15.—(1) The Council shall consist of the following 3 categories of members:

- (a) full members;
- (b) associate members; and
- (c) honorary members.

(2) Any organisation whose aims and objects are consistent with those of the Council and which provides as its primary objective a bona fide direct social service which helps to meet existing needs of the community may, in the prescribed manner and in accordance with the prescribed conditions, apply to the Council to be a full member.

(3) Any organisation whose aims and objects are consistent with those of the Council and which has an active interest in social service but which does not provide a direct social service as its primary function may, in the prescribed manner and in accordance with the prescribed conditions, apply to the Council to be an associate member.

(4) Any person, firm, corporation or organisation that has rendered outstanding social service may be invited to be an honorary member of the Council for such period as the Council thinks fit.

(5) Any organisation which is a full or associate member of the Singapore Council of Social Service immediately before the appointed day shall, on and after that day, be a member of the Council and shall be given the option to remain as a full or associate member or, in the case of a full member, to change its membership to an associate member if it satisfies the requirement of an associate member under subsection (3).

Fees for membership

16.—(1) Fees for full members and associate members shall be payable annually on the first day of April and shall be such amount as the Board shall from time to time determine.

(2) Honorary members shall not be required to pay any fees for membership.

Representatives to Council

17.—(1) Every full member and associate member shall appoint a person as its official representative to act on its behalf in the Council and shall be entitled to change such representation from time to time.

(2) Any appointment or change of representation under subsection (1) shall be communicated to the Council in writing.

Rights of full members

18. Subject to the provisions of this Act and any regulations made thereunder, full members shall enjoy equal rights of membership to avail themselves of the facilities of the Council and to attend and vote at all meetings of the Council.

Rights of associate members

19.—(1) Associate members may attend the meetings of the Council but shall not vote in any of its proceedings except in electing two members to the Board from among the associate members at its annual general meeting as provided in section 5(1)(h).

(2) Associate members who are elected to be members of the Board shall have the right to vote on any issue at the meetings of the Board.

Rights of honorary members

20. Honorary members may attend the meetings of the Council but shall not vote in any of its proceedings.

Patrons of Council

21. The Council may, on the recommendation of the Board, nominate suitable persons to be the patron-in-chief and patrons of the Council.

PART V

PROVISIONS RELATING TO STAFF

Chief executive officer of Council

22.—(1) The Council shall appoint a chief executive officer on such terms and conditions as the Board may determine.

(2) The chief executive officer shall be responsible to the Board for the proper administration and management of the Council in accordance with the policy laid down by the Board.

(3) If the chief executive officer is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for other reasons temporarily unable to perform his duties, any person may be appointed by the Board to act in the place of the chief executive officer during any such period of absence from duty.

Appointment of staff

23. The Council may —

- (a) appoint such number of employees on such terms as to remuneration or otherwise as the Board may determine and may terminate their services or exercise disciplinary control over them in accordance with their terms of services; and

- (b) engage or remunerate for their services such persons as the Board considers necessary for carrying out the functions and duties of the Council.

PART VI

TRANSFER OF ASSETS AND LIABILITIES

Transfer of assets and liabilities

24. As from the appointed day, all moneys belonging to the Singapore Council of Social Service Fund established under the Singapore Council of Social Service Act [Cap. 299] in force before that day and all property, movable and immovable, assets, rights and interests vested in the Singapore Council of Social Service immediately before that day, and all outstanding debts, liabilities and obligations incurred by the Singapore Council of Social Service in connection therewith shall be transferred to and shall vest in the Council without further assurance.

Existing agreement, etc

25. All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the appointed day, affecting any of the property, rights, interests, liabilities and obligations transferred to or vested in the Council under section 24 shall continue in force on and after that day and shall be enforceable by or against the Council as if, instead of the Singapore Council of Social Service or any person acting on its behalf, the Council had been named therein or had been a party thereto.

Pending legal proceedings

26. Any proceedings or cause of action pending or existing immediately before the appointed day by or against the Singapore Council of Social Service or any person acting on its behalf may be continued and shall be enforced by or against the Council.

PART VII
FINANCIAL PROVISIONS

General Fund

27.—(1) The Council shall establish a General Fund.

(2) All moneys received or raised by the Council shall be paid into the General Fund.

(3) All expenses incurred by the Council in carrying out the purposes of this Act shall be met from the General Fund.

Estimates

28.—(1) The Board shall in every year cause to be prepared and adopted annual estimates of income and expenditure of the Council for the ensuing year.

(2) Supplementary estimates may be adopted by the Board.

Financial year

29. The financial year of the Council shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Council shall begin on the date of its establishment and shall end on 31st March 1993.

Accounts

30. The Council shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Council and over the expenditure incurred by the Council.

Financial statements

31. The Council shall, as soon as practicable but not later than 30th June in each year, prepare and submit financial statements in respect of the preceding financial year to the auditor who shall audit and report on them.

Appointment of auditor

32.—(1) The accounts of the Council shall be audited by an auditor appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act [Cap. 50].

Remuneration of auditor

33. The remuneration of the auditor shall be paid out of the funds of the Council.

Powers of auditor

34. The auditor or any person authorised by him shall be entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Council and may make copies of, or extracts from, any such accounting and other records.

Duties of auditor

35.—(1) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Council;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Council whether purchased, donated or otherwise;
- (c) whether receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Council during the financial year have been in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.

(2) The auditor shall send a report of his audit to the Minister through the Council not later than 31st August in each year.

(3) The auditor may at any other time report to the Minister through the Council upon any matter arising out of the performance of his audit.

Failure to furnish information to auditor

36.—(1) The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor or authorised person considers necessary for the purposes of his functions under this Act.

(2) Any person who fails without reasonable excuse to comply with any requirement of the auditor or any authorised person or who otherwise hinders, obstructs or delays the auditor or the authorised person in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Presentation of financial statements and auditor's report to Parliament

37.—(1) As soon as the financial statements have been audited in accordance with the provisions of this Act but not later than 30th September in each year, the Council shall send to the Minister a copy of the audited financial statements, signed by the President, together with a copy of any report made by the auditor.

(2) A copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Council.

(3) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report to be presented to Parliament.

Annual report

38. The Council shall as soon as practicable cause to be prepared and transmitted to the Minister a report dealing generally with the

activities of the Council during the preceding financial year and the Minister shall cause a copy of every such report to be presented to Parliament.

PART VIII
MISCELLANEOUS

Protection from personal liability

39. No suit or other legal proceedings shall lie against any member of the Board or any employee of the Council or other person acting under the directions of the Council or the Board for anything which is in good faith done or intended to be done by him in the execution or purported execution of this Act.

Regulations

40.—(1) The Council may, with the approval of the Minister, make such regulations as are necessary for carrying into effect the provisions of this Act.

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

- (a) the procedure for applying for membership in the Council, the rights, conditions, fees, obligations and termination of such membership;
- (b) the procedure and quorum for general meetings of the Council and for the election of the members of the Board;
- (c) the procedure and quorum for the meetings of the Board and the Community Chest; and
- (d) the returns to be submitted to the Council by its members of their annual reports, audited accounts and such information as the Council may require for carrying out its objects.

Repeal

41. The Singapore Council of Social Service Act [Cap. 299] is repealed.
