



THE STATUTES OF THE REPUBLIC OF SINGAPORE

TEMASEK POLYTECHNIC ACT

(CHAPTER 323A)

(Original Enactment: Act 5 of 1990)

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Temasek Polytechnic Act

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Establishment and incorporation of Temasek Polytechnic
4. Objects and powers of Polytechnic
5. Board of Governors and Senate, their constitutions, powers and duties
6. Schools of Polytechnic
7. Committees generally
8. Officers and academic staff, their appointments, powers, duties and emoluments
- 8A. [*Repealed*]
9. Polytechnic Constitution
10. Examinations
11. Power to confer diplomas, etc.
12. Form of contracts
13. Common seal
14. Grants-in-aid
- 14A. Issue of shares, etc.
15. to 19. [*Repealed*]
20. Application of Societies Act to Students' Union
The Schedule

An Act for the establishment and incorporation of a polytechnic to be known as Temasek Polytechnic and for matters connected therewith.

[6th April 1990]

Short title

1. This Act may be cited as the Temasek Polytechnic Act.

Interpretation

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

“Board” means the Board of Governors of the Polytechnic established pursuant to this Act;

“Chairman” means the Chairman of the Board;

“officers” means the officers of the Polytechnic;

“Polytechnic” means the Temasek Polytechnic established and incorporated under this Act;

“Polytechnic Constitution” means the Constitution of the Polytechnic set out in the Schedule;

“prescribed” means prescribed by this Act, the Polytechnic Constitution or the regulations;

“Principal” means the Principal of the Polytechnic, and includes any individual acting in that capacity;

[Act 5 of 2018 wef 01/04/2018]

“registered student” means a student registered for a course or subject in the Polytechnic leading to the award of a diploma or certificate of the Polytechnic;

“Registrar” means the Registrar of the Polytechnic;

“regulations” means the regulations made under the Polytechnic Constitution;

“Senate” means the Senate of the Polytechnic established pursuant to this Act.

Establishment and incorporation of Temasek Polytechnic

3.—(1) There is hereby established a Polytechnic to be known as Temasek Polytechnic consisting of a Board of Governors, a Senate, the members of the academic staff and the officers of the Polytechnic.

(2) The Polytechnic shall be a body corporate with perpetual succession and a common seal and shall by that name be capable in law of —

(a) suing and being sued;

- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering all such other acts or things as bodies corporate may lawfully do or suffer.

Objects and powers of Polytechnic

4.—(1) The objects of the Polytechnic are —

- (a) to provide instruction and training in technology, science, commerce, arts and other subjects of learning;
- (b) to aid by research and other means the advancement of knowledge and its practical application; and
- (c) to promote the exchange of knowledge and skills with business and industry.

(2) The Polytechnic may —

- (a) provide such facilities for its students as it considers desirable;
- (b) institute lectureships and other posts and offices and make appointments thereto and employ such other staff as the Polytechnic considers necessary;
- (c) fix, demand and receive fees and other charges;
- (d) promote the formation of or acquire any interest in any undertaking; and
- (e) do all such things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

Board of Governors and Senate, their constitutions, powers and duties

5.—(1) The respective constitutions, functions, powers and duties of the Board and the Senate shall be prescribed by this Act and the Polytechnic Constitution.

(2) The Board shall, subject to the provisions of this Act and the Polytechnic Constitution, be the supreme governing body of the Polytechnic and subject to the provisions of this Act and the

Polytechnic Constitution, it shall administer the property and manage the affairs of the Polytechnic.

(3) Subject to the provisions of this Act, the Public Sector (Governance) Act 2018 and the Polytechnic Constitution and to the financial control of the Board, the Senate shall have the regulation of all matters relating to education in the Polytechnic.

[Act 5 of 2018 wef 01/04/2018]

(4) No act or resolution of the Board or the Senate shall be invalid by reason only of any vacancy in, or any want to qualification by or invalidity in the election or appointment of any member of, any such body.

Schools of Polytechnic

6.—(1) There shall be Schools of Science and Technology, Business and Design and such other schools as may be constituted by the Board on the recommendation of the Senate.

(2) There shall be a head of each School with such powers as may be conferred by the Board.

(3) The Board may, on the recommendation of the Senate, form, dissolve or reform such schools and any department, centre, unit and other sub-divisions of any school as it may from time to time consider desirable.

Committees generally

7.—(1) The Board, the Senate and the Principal respectively may establish such committees as they think fit.

(2) Unless otherwise expressly provided, any committee may consist partly of persons who are not members of the Board or the Senate or officers of the Polytechnic, as the case may be.

(3) Subject to the provisions of this Act, the Public Sector (Governance) Act 2018 and the Polytechnic Constitution, the Board, the Senate and the Principal respectively may, with or without restrictions or conditions as they think fit, delegate any of their powers and duties to any committee.

[Act 5 of 2018 wef 01/04/2018]

Officers and academic staff, their appointments, powers, duties and emoluments

8.—(1) The officers of the Polytechnic shall be the Principal, one or more Deputy Principals, the heads of the Schools, the Registrar and such other persons who are appointed by the Board as officers of the Polytechnic.

(2) The Principal, the Deputy Principals and the Registrar and other officers shall be appointed by the Board in accordance with the Polytechnic Constitution.

(3) The academic staff of the Polytechnic shall be the heads of the Schools, lecturers and such other persons as may be designated as members of the academic staff by the Polytechnic Constitution and they shall be appointed by the Board on the recommendation of the Principal.

(4) The powers and duties of the officers and members of the academic staff, the periods and conditions for and upon which they hold office and their emoluments shall be such as are prescribed by this Act, the Polytechnic Constitution and the terms of their respective appointments; but the Board may assign to any officer, and in the case of any member of the academic staff on the recommendation of the Principal, such further powers and duties as the Board may think fit.

8A. [*Repealed by Act 5 of 2018 wef 01/04/2018*]

Polytechnic Constitution

9.—(1) Subject to the provisions of this Act, the Polytechnic shall be governed in accordance with the provisions of the Polytechnic Constitution set out in the Schedule.

(2) The Minister may, after consulting the Board, make any addition or amendment to or re-enact with amendments the Polytechnic Constitution.

(3) Every such addition, amendment and re-enactment of the Polytechnic Constitution made in accordance with subsection (2) shall be published in the *Gazette* and may be published in such other manner as the Board may direct.

(4) The Interpretation Act [Cap. 1] shall apply for the purposes of the interpretation of the Polytechnic Constitution as it applies for the purposes of the interpretation of an Act, and all expressions defined in this Act shall bear the same meaning when used in the Polytechnic Constitution, unless other provision is made in the Polytechnic Constitution, or a contrary intention otherwise appears.

(5) Regulations made under the Polytechnic Constitution need not be published in the *Gazette* and shall not be deemed as subsidiary legislation.

Examinations

10. All examinations held by the Polytechnic shall be conducted in such manner as the Polytechnic Constitution and any regulations made thereunder may prescribe.

Power to confer diplomas, etc.

11. The Polytechnic shall have power —

- (a) to award diplomas and certificates and such other academic distinctions as may be specified in regulations made under the Polytechnic Constitution; and
- (b) to provide such lectures and instruction for persons who are not registered students as the Polytechnic may determine, and to grant certificates to such persons.

Form of contracts

12.—(1) Contracts on behalf of the Polytechnic may be made as follows:

- (a) a contract which, if made between private persons, would be required by law to be in writing, and if made according to law to be under seal, may be made on behalf of the Polytechnic in writing under the common seal of the Polytechnic;
- (b) a contract which, if made between private persons, would be required by law to be in writing, and signed by the parties to be charged therewith, may be made on behalf of

the Polytechnic in writing signed by any person acting under the express or implied authority of the Board; and

- (c) a contract which, if made between private persons would be valid by law, although made by parole only and not reduced into writing, may be made by parole on behalf of the Polytechnic by any person acting under the express or implied authority of the Board.

(2) A contract made according to this section shall be effectual in law and shall bind the Polytechnic and its successors and all other parties thereto.

(3) A contract made according to this section may be varied or discharged in the same manner in which it is authorised by this section to be made.

Common seal

13.—(1) The common seal of the Polytechnic may from time to time be broken, changed, altered and made anew as the Board thinks fit and shall be kept in such custody as the Board directs.

(2) The common seal of the Polytechnic shall not be used except by resolution of the Board or in such other manner as may be authorised by the Polytechnic Constitution.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Polytechnic affixed to any document and until the contrary is proved shall assume that it was duly affixed thereto.

Grants-in-aid

14.—(1) The Minister shall pay to the Polytechnic such moneys as may be provided by Parliament from time to time as grants-in-aid to the Polytechnic.

(2) All moneys paid to the Polytechnic under subsection (1) may be applied or expended by the Polytechnic for the attainment of all or any of the objects of the Polytechnic.

Issue of shares, etc.

14A. As a consequence of the vesting of any property, rights or liabilities of the Government in the Polytechnic under this Act, or of any capital injection or other investment by the Government in the Polytechnic in accordance with any written law, the Polytechnic shall issue such shares or other securities to the Minister for Finance as that Minister may from time to time direct.

[5/2002 wef 15/07/2002]

15. to 19. [Repealed by Act 5 of 2018 wef 01/04/2018]

Application of Societies Act to Students' Union

20.—(1) Notwithstanding anything to the contrary in the Societies Act [Cap. 311], the provisions of that Act shall apply to the Temasek Polytechnic Students' Union and its constituent bodies constituted by the regulations.

(2) The Minister charged with the responsibility for the registration of societies may, by order published in the *Gazette*, exempt the Temasek Polytechnic Students' Union and any of its constituent bodies from all or any of the provisions of the Societies Act subject to such conditions as may be specified in the order.

THE SCHEDULE

Section 9

CONSTITUTION OF TEMASEK POLYTECHNIC**PART I****PRELIMINARY****Interpretation**

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

“Act” means the Temasek Polytechnic Act;

“Board” means the Board of Governors of the Polytechnic;

“Chairman” means the Chairman of the Board of Governors;

“Constitution” means the Constitution of the Temasek Polytechnic;

“lecturer” means a member of the academic staff of the Polytechnic;

THE SCHEDULE — *continued*

- “Polytechnic” means the Temasek Polytechnic;
- “Principal” means the Principal of the Polytechnic;
- “registered student” means a student who is registered for a course or subject in the Polytechnic leading to the award of a diploma or certificate of the Polytechnic;
- “Registrar” means the Registrar of the Polytechnic;
- “regulations” means regulations made under this Constitution;
- “School” means the Schools of Science and Technology, Business and Design and such other schools as may be constituted by the Board on the recommendation of the Senate;
- “Senate” means the Senate of the Polytechnic.

(2) In this Constitution —

- (a) a reference to a specified section is a reference to that section of this Constitution;
- (b) a reference to a specified subsection is a reference to that subsection of the section in which the reference occurs; and
- (c) a reference to a specified paragraph is a reference to that paragraph of the subsection in which the reference occurs.

PART II

OFFICERS OF POLYTECHNIC

Appointment, powers and duties of Principal and Deputy Principals

2.—(1) The Principal shall be appointed by the Board on such terms and conditions as the Board may determine.

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

[Act 5 of 2018 wef 01/04/2018]

(2) The Principal shall be the chief executive and academic officer of the Polytechnic and shall be responsible to the Board —

- (a) for the proper administration and the academic management of the Polytechnic in accordance with the policies determined by the Board;
- (b) for the proper enforcement of regulations made under the Constitution; and

THE SCHEDULE — *continued*

(c) for the welfare and discipline of the staff and students of the Polytechnic.

(3) For the purpose of giving effect to subsection (2), the Principal shall have such powers as are necessary or proper for that purpose.

(4) The Principal shall be entitled to be present and speak at any meeting of any committee of the Polytechnic, but shall not be entitled to vote at the meeting unless he is a member thereof.

(5) A Deputy Principal shall be appointed by the Board on such terms and conditions as may be determined by the Board.

(6) A Deputy Principal shall perform such duties as may be assigned to him by the Principal.

Registrar

3.—(1) The Registrar shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) The Registrar shall —

(a) be the secretary of the Board;

(b) attend all meetings of the Board unless excused by the Chairman;

(c) maintain proper records of the meetings; and

(d) carry out such other duties as may be assigned to him by the Board.

(3) In the absence of the Registrar, the Chairman may appoint a suitable person to act as secretary for a particular meeting.

(4) The Registrar shall not, unless he is a member of the Board appointed to serve in that capacity, be entitled to vote on any question before the Board.

Other officers and employees

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

[Act 5 of 2018 wef 01/04/2018]

THE SCHEDULE — *continued*

PART III

BOARD OF GOVERNORS AND SENATE

Board of Governors

5.—(1) The Board of Governors shall consist of the following members :

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) the Principal; and
- (d) such other persons, not being less than 9 or more than 15.

(2) Every member of the Board, except the Principal, shall be appointed by the Minister and shall, unless the Minister otherwise directs, hold office for a period of 3 years from the date of his appointment and shall be eligible for reappointment.

Powers of Board

6.—(1) The Board shall administer the affairs of the Polytechnic other than those vested by the Act or this Constitution in some other authority of the Polytechnic or in an officer.

(2) Without prejudice to the generality of subsection (1), the Board shall, subject to the provisions of the Act and this Constitution, have power —

- (a) to administer and manage the finances, accounts, investments, property, business and all affairs whatsoever of the Polytechnic, and for that purpose to appoint bankers, counsel, solicitors and such officers or agents as it may be expedient to appoint;
- (b) to invest the moneys of the Polytechnic in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1);
[45/2004 wef 15/12/2004]
- (c) to purchase, grant, sell, convey, assign, surrender and yield up, exchange, partition, mortgage, demise, reassign, transfer and accept leases of real and personal property on behalf of the Polytechnic;
- (d) to provide the buildings, premises, furniture, apparatus and other means needed for the Polytechnic;
- (e) to borrow money on behalf of the Polytechnic and for that purpose to mortgage all or any part of the property of the Polytechnic, whether real or personal, or give such other security, whether upon such real or personal property or otherwise, as it thinks fit;

THE SCHEDULE — *continued*

- (f) to enter into, vary, carry out and cancel contracts on behalf of the Polytechnic;
 - (g) to publish books and other matters on behalf of the Polytechnic;
 - (h) in consultation with the Senate to review the instruction and teaching at the Polytechnic;
 - (i) to co-operate with other polytechnics and authorities for the regulation and conduct of examinations, for the examination and inspection of schools and other academic institutions, for the extension of Polytechnic teaching and for other purposes;
 - (j) to propose to the Minister additions to, or the amendment or repeal of any of the provisions of, this Constitution;
 - (k) to prescribe fees;
 - (l) to appoint officers, lecturers and other employees and to determine their duties and to fix their remuneration and the terms and conditions of their appointments;
 - (m) to appoint committees within or without Singapore to select candidates for any office to which the Board may appoint;
 - (n) to delegate any of its powers to any members of the Board or to any committee thereof or to any officer, lecturer or other employee of the Polytechnic; and
 - (o) to do all such other acts and things as may be requisite to give effect to the powers conferred on the Board by the Act or this Constitution.
- (3) The Board may by regulations provide for any of the following matters or for any of the following purposes:
- (a) the administration of the affairs of the Polytechnic;
 - (b) the appointment, promotion, conduct, disciplinary control, dismissal and termination of service of the officers, lecturers and other employees of the Polytechnic;
 - (c) the welfare, discipline, suspension and expulsion of students;
 - (d) the form of contracts;
 - (e) the publications of the Polytechnic;
 - (f) fees;
 - (g) the prescribing of anything which is by the Act or this Constitution to be prescribed by regulations made by the Board; and

THE SCHEDULE — *continued*

(h) generally all matters which by the Act or this Constitution the Board is empowered to regulate.

(4) All such regulations shall come into operation on the day on which they are made unless otherwise provided by the Board.

Vacation of office of member of Board

7.—(1) The Minister may revoke the appointment of a member of the Board, except that of the Principal, if the member becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties.

(2) A member of the Board, except the Principal, may resign from his appointment by giving written notice to the Minister.

Filling of vacancy in office of member of Board

8. If the office of a member of the Board, other than that of the Principal, is vacant, the Minister may appoint any person to fill the vacancy and the person shall be appointed for the remainder of the term of his predecessor.

Meetings of Board

9.—(1) The Chairman shall summon meetings of the Board as often as may be required.

(2) The quorum at every meeting of the Board shall be 6 members.

(3) Every decision at a meeting of the Board shall be adopted by a simple majority of the votes of the members present and voting except that, in the case of an equality of votes, the Chairman or, in his absence, the Deputy Chairman of the Board shall have a casting vote.

(4) The Chairman or, in his absence, the Deputy Chairman shall preside at a meeting of the Board.

(5) In the absence of the Chairman and the Deputy Chairman at a meeting of the Board, such member as the members present may elect shall preside at the meeting.

(6) The Board may grant leave of absence from a meeting of the Board to a member thereof.

(7) The Board shall not be precluded from holding a meeting or acting in any matter merely by reason of any vacancy in its membership.

(8) Subject to the provisions of this Constitution and the Public Sector (Governance) Act 2018, the Board may make standing orders to regulate its own procedure.

[Act 5 of 2018 wef 01/04/2018]

THE SCHEDULE — *continued***Senate**

10.—(1) The Senate shall consist of —

- (a) the Principal, who shall be chairman;
- (b) the heads of the Schools;
- (c) such number of officers of the Polytechnic to be appointed by the Board; and
- (d) such number of lecturers as may be determined by the Board to be elected by all the lecturers.

(2) The Senate shall meet at least twice in each semester of every academic year and such other times as may be necessary.

(3) The quorum of the Senate shall be the smallest number which is not less than one-quarter of the number of members for the time being.

(4) The chairman of the Senate shall be empowered to require any officer, lecturer or other employee of the Polytechnic to attend a meeting of the Senate.

(5) The Registrar shall be the secretary to the Senate and shall not, unless he is appointed as a member of the Senate, be entitled to vote on any question before the Senate.

Powers of Senate

11.—(1) Subject to the provisions of the Act and this Constitution and to the availability of the funds provided by the Board, the Senate shall have power —

- (a) to provide courses of study for the diplomas, certificates and other awards by the Polytechnic and such other courses of study as may be thought desirable, to direct and regulate the instruction and education in the Polytechnic, to stimulate the advancement of knowledge by research and publications and to direct the manner in which examinations shall be conducted;
- (b) to determine what examinations and courses of study in other polytechnics or places of learning shall be deemed equivalent to examinations and courses of study in the Polytechnic;
- (c) to advise the Board on the provision of facilities for educational and other academic matters;
- (d) to decide in accordance with this Constitution and regulations which persons have qualified for the award of diplomas, certificates and other marks of distinction;
- (e) to organise the Schools;

THE SCHEDULE — *continued*

- (f) to fix the time, mode, and conditions of competition for, and to award fellowships, scholarships, and other educational endowments and prizes in accordance with the terms thereof;
- (g) to require any student on academic grounds to terminate his studies at the Polytechnic;
- (h) to provide lectures and courses of study for persons who are not registered students;
- (i) to advise the Board on any matter which may be referred to the Senate by the Board;
- (j) to delegate any of its powers to any member of the Senate or any committee thereof or to any officer or teacher of the Polytechnic; and
- (k) to do all such other acts and things as may be requisite to give effect to the powers conferred on the Senate by the Act and this Constitution.

Regulations made by Senate

12.—(1) The Senate may by regulations provide for any of the following matters or for any of the following purposes:

- (a) the admission and registration of students;
- (b) the conditions for the award of degrees, diplomas, certificates and other marks of distinction;
- (c) courses of study and examinations;
- (d) academic dress;
- (e) the award of scholarships and other educational endowments and prizes;
- (f) the conduct of examinations;
- (g) the prescribing of anything which is by the Act or this Constitution to be prescribed by regulations made by the Senate;
- (h) the prescribing of conditions under which persons may be exempted from the provisions of any regulation made by the Senate; and
- (i) generally all matters which by the Act or this Constitution the Senate is empowered to regulate.

(2) All such regulations shall be reported to the Board and shall come into operation not earlier than one semester after the day on which they are made, unless otherwise approved by the Board.

THE SCHEDULE — *continued*

PART IV

EXAMINATIONS

Examinations

13.—(1) Examinations for diplomas, certificates and other awards shall be conducted in accordance with regulations made by the Senate.

(2) The Registrar shall discharge such duties in respect of examinations as may be delegated to him by the Senate and he may perform these duties by deputy.

PART V

FINANCIAL PROVISIONS

Financial year

14. The financial year of the Polytechnic shall begin on 1st April each year and end on 31st March of the succeeding year:

Provided that during the year in which the Polytechnic is established, its financial year shall commence from its date of incorporation and end on 31st March of the succeeding year.

Standing Finance Committee

15. The Board shall appoint a Standing Finance Committee for regulating and controlling the finances of the Polytechnic.

Preparation of estimates

16. It shall be the duty of such officers of the Polytechnic as may be directed by the Board to prepare for the consideration of the Board the estimates of income and expenditure of the Polytechnic for each financial year.

17. [*Deleted by Act 5 of 2018 wef 01/04/2018*]

Power of Board to accept gifts

18.—(1) The Board may on behalf of the Polytechnic accept by way of grant, gift, testamentary disposition or otherwise, property and moneys in aid of finances of the Polytechnic on such conditions as it may determine.

(2) Records shall be kept of all donations to the Polytechnic including the names of donors and any special conditions on which any donation may have been given.

THE SCHEDULE — *continued***Property donated for specific purposes to be separately accounted for**

19. All property, money or funds donated for any specific purpose shall be applied and administered in accordance with the purpose for which they may have been donated and shall be separately accounted for.

PART VI

STUDENT BODIES

Temasek Polytechnic Students' Union

20.—(1) There shall be a students' association to be known as the Temasek Polytechnic Students' Union which shall be constituted by regulations made by the Board and shall consist of such constituent bodies as may be prescribed by those regulations.

(2) The constitution, membership, functions and other matters relating to the Temasek Polytechnic Students' Union and each of its constituent bodies shall be so prescribed.

(3) The Polytechnic may impose and collect from the students or any class thereof such fees as it may determine for the benefit of the Temasek Polytechnic Students' Union and its constituent bodies; and such fees may be applied in such manner as the Polytechnic thinks fit for the purposes of the Union and its constituent bodies.

LEGISLATIVE HISTORY
TEMASEK POLYTECHNIC ACT
(CHAPTER 323A)

This Legislative History is provided for the convenience of users of the Temasek Polytechnic Act. It is not part of the Act.

1. Act 5 of 1990 — Temasek Polytechnic Act 1990

Date of First Reading	:	22 February 1990 (Bill No. 3/1990 published on 23 February 1990)
Date of Second and Third Readings	:	28 March 1990
Date of commencement	:	6 April 1990

2. 1991 Revised Edition — Temasek Polytechnic Act

Date of operation	:	1 March 1991
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3. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002

Date of First Reading	:	3 May 2002 (Bill No. 7/2002 published on 4 May 2002)
Date of Second and Third Readings	:	24 May 2002
Dates of commencement	:	15 July 2002

4. Act 45 of 2004 — Trustees (Amendment) Act 2004

(Consequential amendments made to Act by)

Date of First Reading	:	21 September 2004 (Bill No. 43/2004 published on 22 September 2004)
Date of Second and Third Readings	:	19 October 2004
Date of commencement	:	15 December 2004

5. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016

Date of First Reading	:	14 April 2016 (Bill No. 15/2016 published on 14 April 2016)
Date of Second and Third Readings	:	9 May 2016
Date of commencement	:	10 June 2016

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

Date of First Reading	:	6 November 2017 (Bill No. 45/2017 published on 6 November 2017)
Date of Second and Third Readings	:	8 January 2018
Date of commencement	:	1 April 2018