



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 15th August 2003 and assented to by the President on 26th August 2003:—

### **SINGAPORE WORKFORCE DEVELOPMENT AGENCY ACT 2003**

**(No. 14 of 2003)**

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**REPUBLIC OF SINGAPORE**

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**No. 14 of 2003.**

I assent.



S R NATHAN,  
*President.*  
*26th August 2003.*

An Act to establish and incorporate the Singapore Workforce Development Agency, to provide for its functions and powers, and for matters connected therewith, and to make consequential and related amendments to certain other written laws.

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

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PART I  
PRELIMINARY

**Short title and commencement**

1. This Act may be cited as the Singapore Workforce Development Agency Act 2003 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 —

“Agency” means the Singapore Workforce Development Agency established under section 3;

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

“Chairman” means the Chairman of the Agency and includes any temporary Chairman of the Agency;

“chief executive” means the chief executive of the Agency appointed under section 16 and includes any person acting in that capacity;

“Deputy Chairman” means the Deputy Chairman of the Agency and includes any temporary Deputy Chairman of the Agency;

“member” means any member of the Agency and includes any temporary member of the Agency;

“transferred agency” means any transferred agency specified in the second column of the First Schedule;

“transferring body” means any transferring body specified in the first column of the First Schedule.

**PART II****ESTABLISHMENT, INCORPORATION AND CONSTITUTION  
OF AGENCY****Establishment and incorporation of Singapore Workforce  
Development Agency**

3. There is hereby established a body to be known as the Singapore Workforce Development Agency which shall be a body corporate with perpetual succession and shall, by that name, be capable 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 a body corporate may lawfully do and suffer.

**Common seal**

4.—(1) The Agency shall have a common seal and such seal may, from time to time, be broken, changed, altered or made anew as the Agency thinks fit.

(2) All deeds and other documents requiring the seal of the Agency shall be sealed with the common seal of the Agency.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Agency for the purpose or by one member and the chief executive.

(4) The Agency may, by resolution or otherwise in writing, appoint any officer of the Agency or any other agent either generally or in any particular case to execute or sign on behalf of the Agency any agreement or other instrument not under seal in relation to any matter coming within the powers of the Agency.

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

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**Constitution of Agency**

5.—(1) The Agency shall consist of —

(a) a Chairman;

(b) a Deputy Chairman; and

(c) not less than 8 but not more than 16 other members,

all of whom shall be appointed by the Minister.

(2) The Minister may appoint the chief executive to be a member.

**Chairman may delegate functions**

6. The Chairman may in writing authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

**Term of office of members**

7.—(1) A member shall hold office on such conditions and for such term, not exceeding 3 years, as the Minister shall specify in his appointment, and may from time to time be re-appointed.

(2) Any member may at any time, by notice in writing to the Minister, resign from his office.

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

(4) If a member dies or resigns or has his appointment revoked, the Minister may appoint any person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The Agency shall pay to the Chairman, the Deputy Chairman and other members such salaries, fees and allowances as the Minister may, from time to time, determine.

**Temporary Chairman, etc.**

8. The Minister may appoint any person to be a temporary Chairman, temporary Deputy Chairman or temporary member during the temporary incapacity from illness or otherwise, or during

the temporary absence from Singapore, of the Chairman, the Deputy Chairman or any member, as the case may be.

### **Meetings and proceedings of Agency**

9.—(1) At all meetings of the Agency, 5 members shall form a quorum.

(2) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Agency and, in the absence of the Chairman and Deputy Chairman, the members present shall elect one of their number to preside.

(3) Meetings of the Agency shall be held at such times and places as the Chairman may determine.

(4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Agency, the Chairman or, in his absence, the Deputy Chairman shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Agency shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act, the Agency may regulate its own proceedings.

### **Disclosure of interest by members**

10.—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Agency shall disclose the nature of his interest at a meeting of the Agency.

(2) The disclosure by a member of his interest shall be recorded in the minutes of the Agency and that member shall not take part in any deliberation of the Agency with respect to the transaction or project.

(3) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under subsection (2) he cannot vote or has withdrawn from the meeting.

## PART III

## FUNCTIONS, DUTIES AND POWERS OF AGENCY

**Functions and duties of Agency**

11.—(1) Subject to the provisions of this Act, the functions and duties of the Agency shall be —

- (a) to serve as the national body in the areas of adult continuing education and training, and the facilitation of employment and re-employment, and to advise and make recommendations to the Government on matters, measures and regulations connected with such areas, including the formulation of policies, and the provision of infrastructure and facilities in relation to such areas;
- (b) to promote, facilitate and assist in the development of adult continuing education and training so as to enhance the competitiveness and employability of the Singapore workforce;
- (c) to collaborate with industries and economic agencies to identify and promote the enhancement of industry-specific skills;
- (d) to promote the development, competitiveness and employability of the Singapore workforce through co-ordination with economic agencies;
- (e) to support, facilitate and assist in the re-employment of unemployed or retrenched persons through job referral, retraining, upgrading of skills and other employment facilitation efforts;
- (f) to enhance, promote and support the use and improvement of best practices in the management of human capital and workforce skills development in Singapore;
- (g) to encourage, promote and facilitate the development of the human resources industry in Singapore;
- (h) to promote, facilitate and assist in the identification, development and upgrading of skills and competencies required of the workforce to support Singapore's economy;

- (i) to support, direct, encourage and undertake research in adult continuing education and training;
  - (j) to direct, promote and facilitate the upgrading of adult continuing education and training infrastructure, and the upgrading of professional standards of adult trainers;
  - (k) to establish and implement regulatory policies, codes of practice, strategies, measures or any other requirements so as to enhance the professional standards of adult continuing education and training offered in Singapore;
  - (l) to administer programmes for adult continuing education and training;
  - (m) to undertake the promotion of lifelong learning and to create, foster and encourage public awareness and understanding of the importance of lifelong learning;
  - (n) to administer the Skills Development Fund in accordance with the Skills Development Levy Act (Cap. 306);
  - (o) to provide financial support by way of grants, loans or otherwise so as to give effect to the functions and objects of the Agency;
  - (p) to undertake, direct and support the analysis and dissemination of labour market information and trends to the public;
  - (q) to represent the Government internationally in respect of matters relating to adult continuing education and training and public employment services; and
  - (r) to carry out such other functions as are imposed upon the Agency by or under this Act or any other written law.
- (2) The Agency may undertake such other functions as the Minister may assign to the Agency and in so doing, the Agency shall be deemed to be fulfilling the purposes of this Act, and the provisions of this Act shall apply to the Agency in respect of such functions.
- (3) Nothing in this section shall be construed as imposing on the Agency, directly or indirectly, any form of duty or liability enforceable

by proceedings before any court to which it would not otherwise be subject.

### **Powers of Agency**

**12.** The Agency shall have power to do anything for the purpose of discharging its functions and duties under this Act or any other written law, or which is incidental or conducive to the discharge of those functions and duties and, in particular, may —

- (a) establish, administer and operate any scheme considered necessary or desirable for the development and upgrading of skills and expertise required of the workforce to support Singapore's economy, the development and upgrading of adult continuing education and training, and the development and promotion of employment and re-employment facilitation efforts;
- (b) promote and undertake publicity in any form on matters relating to the training, continuing education and development of the Singapore workforce;
- (c) provide information resources on matters relating to adult continuing education and training;
- (d) request information from and collaborate or co-operate with any person, whether in Singapore or elsewhere, on matters related to or connected with the development and upgrading of skills of the Singapore workforce, adult continuing education and training, employment facilitation and such other subject matter as may be necessary for the performance of the functions of the Agency;
- (e) publish or sponsor the publication of periodicals, booklets and other written materials, and produce or sponsor the production of films and other audio-visual works, on matters relating to adult learning and continuing education and training;
- (f) collect, compile, analyse, publish or disseminate by any convenient means information of a statistical nature or

otherwise concerning matters relating to the Agency's functions;

- (g) specify, by notification in the *Gazette*, all the accreditation and certification marks of the Agency for use in relation to any function of the Agency, and control the use of such marks;
- (h) organise courses, seminars, workshops and conferences in furtherance of its functions and award certificates of proficiency to persons who attend such courses, seminars, workshops and conferences;
- (i) initiate and undertake or enter into contractual consultancy, research and development projects in pursuance of its functions under this Act and conduct or commission research in pursuance of its functions under this Act;
- (j) act as agent for the Government or, with the approval of the Government, for any other person in the transaction of any business with a business enterprise in respect of loans or advances granted or debentures subscribed by the Government or such other person;
- (k) with the approval of the Minister, form or participate in the formation of any company;
- (l) form or participate in any partnership or joint venture as a shareholder or partner or in any other capacity;
- (m) provide technical, consultancy or advisory services to any Government agency or to any other person or body in Singapore or elsewhere on any matter related to or connected with the functions, objects or duties of the Agency;
- (n) become a member or affiliate of any international body, the functions, objects or duties of which are similar to those of the Agency;
- (o) enter into such contracts as may be necessary or expedient for the purpose of discharging its functions or duties;

- (p) receive grants, donations or contributions from any source, or raise funds by all lawful means and apply such funds for any of its functions or duties;
- (q) charge fees or commissions for services rendered by the Agency including advisory, training, consultancy, certification and accreditation services or for the use of any facility of the Agency and recover any costs and expenses incurred;
- (r) grant loans to any officer or employee of the Agency for any purposes specifically approved by the Agency as are likely to increase the efficiency of such officer or employee;
- (s) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers and employees of the Agency and members of their families;
- (t) provide for gratuities, pensions, allowances or other benefits for officers or employees, or former officers or employees, of the Agency;
- (u) provide financial support, grant, aid or assistance to any person or organisation for all or any of the purposes of this Act or any other written law;
- (v) provide training, whether by itself or with the co-operation of other persons or bodies as the Agency thinks fit, for officers or employees of the Agency and award scholarships or otherwise pay for such training; and
- (w) do anything incidental or necessary to any of its functions, duties or powers under this Act or any other written law.

### **Directions by Minister**

**13.** The Minister may give to the Agency such directions, not inconsistent with the provisions of this Act, as he thinks fit as to the performance of its functions and the exercise of its powers by the Agency, and the Agency shall give effect to any such directions.

### **Committees**

**14.**—(1) The Agency may, from time to time, appoint, alter or discharge committees, consisting of one or more persons (whether members or not), and define or vary the terms of reference of those committees.

(2) Subject to this Act and to the control of the Agency, each committee appointed under this section may regulate its procedure in such manner as the committee thinks fit.

### **Delegation of powers**

**15.**—(1) The Agency may, from time to time, in respect of a specified matter or class of matters, by writing, delegate to any member, officer or committee of the Agency or any of its agent (including the Government) any of its powers under this Act or under any other written law, except —

- (a) the power of delegation conferred by this section; and
- (b) the power to make any subsidiary legislation.

(2) Every member, officer or committee purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation under this section shall be revocable at will, and no delegated person shall prevent the exercise of any power, function or duty by the Agency.

## **PART IV**

### **PROVISIONS RELATING TO STAFF**

#### **Appointment of chief executive and other staff**

**16.**—(1) The Agency shall, with the approval of the Minister, appoint a chief executive on such terms and conditions as the Agency may determine.

(2) The chief executive shall —

- (a) be known by such designation as the Agency may determine;

- (b) be responsible to the Agency for the proper administration and management of the functions and affairs of the Agency in accordance with the policy laid down by the Agency; and
- (c) not be removed from office without the consent of the Minister.

(3) If the chief executive is temporarily absent from Singapore, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Agency, with the approval of the Minister, to act in the place of the chief executive during any such period of absence from duty.

(4) The Agency may, from time to time, appoint such other officers, employees, consultants or agents as it thinks fit for the effective performance of its functions.

### **Protection from personal liability**

**17.**—(1) No suit or other legal proceedings shall lie personally against any member, officer or employee of the Agency or any other person acting under the direction of the Agency for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

(2) Where the Agency provides a service to the public whereby information is supplied to the public, neither the Agency nor any of its members, officers or employees involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such members, officers or employees.

### **Public servants**

**18.** All members, officers and employees of the Agency shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

PART V  
FINANCIAL PROVISIONS

**Financial year**

19. The financial year of the Agency 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 Agency shall begin on the appointed day and end on 31st March of the succeeding year.

**Annual estimates**

20.—(1) The Agency shall, in every financial year, prepare or cause to be prepared and shall adopt annual estimates of income and expenditure of the Agency for the ensuing financial year.

(2) Supplementary estimates of expenditure may be adopted by the Agency.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Agency, be sent to the Minister.

(4) The Minister may approve or disallow any item or portion of any item shown in the estimates, and shall return the estimates as amended by him to the Agency, and the Agency shall be bound thereby.

(5) Notwithstanding any provision of this section, the Agency may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.

**All moneys recovered to be paid to Agency**

21. All moneys recovered or charges or composition fines collected under this Act shall be paid into and form part of the moneys of the Agency.

**Grants**

22. For the purpose of enabling the Agency to carry out its functions under this Act, the Minister may, from time to time, make grants to the Agency of such sums of money as the Minister may determine, out of moneys to be provided by Parliament.

**Power to borrow**

**23.** For the discharge of its functions or duties under this Act or any other written law, the Agency may, from time to time, raise loans from the Government or, with the approval of the Minister for Finance, raise loans from banks or other financial institutions (whether in Singapore or elsewhere) by —

- (a) mortgage, overdraft or otherwise;
- (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 or bonds.

**Issue of shares, etc.**

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

**Bank accounts**

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

(2) Every such account shall be operated by such person as may, from time to time, be authorised in that behalf by the Agency.

**Application of moneys**

**26.** The moneys of the Agency shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Agency and in making any payment that the Agency is authorised or required to make.

**Investment**

27. Moneys belonging to the Agency may, from time to time, be invested in such classes of funds, securities or investments as the Minister may determine.

**Accounts**

28. The Agency shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that —

- (a) all payments out of its moneys are correctly made and properly authorised; and
- (b) adequate control is maintained over the assets of, or in the custody of, the Agency and over the expenditure incurred by the Agency.

**Audit of accounts**

29.—(1) The accounts of the Agency shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General (referred to in this Act as the auditor).

(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).

(3) The Agency shall, as soon as practicable after the close of the financial year, prepare and submit the financial statements in respect of that financial year to the auditor who shall audit and report on them.

(4) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Agency;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Agency whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Agency

during the financial year were in accordance with the provisions of this Act; and

(d) such other matters arising from the audit as he considers necessary.

(5) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Agency.

(6) The auditor shall submit such periodical and special reports to the Minister and to the Agency as may appear to him to be necessary or as the Minister or the Agency may require.

### **Powers of auditor**

**30.**—(1) The auditor or any person authorised by him is entitled at any reasonable time to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Agency.

(2) The auditor or any person authorised by him may make copies of, or take extracts from, any such accounting or other records.

(3) The auditor or any person authorised by him may require any person to furnish him with such information which such person possesses or has access to as the auditor or that person authorised by him considers necessary for the purpose of the functions of the auditor under this Act.

(4) Any officer or employee of the Agency who —

(a) refuses or fails, without reasonable cause, to comply with any requirement of the auditor or any person authorised by him under subsection (3); or

(b) otherwise hinders, obstructs or delays the auditor or any person authorised by him in the performance of his duties or the exercise of his powers under this Act,

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 or part thereof during which the offence continues after conviction.

### **Presentation of financial statements and auditor's report to Parliament**

**31.**—(1) The Agency shall, as soon as its accounts and financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor-General is not the auditor of the Agency, 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 Agency.

(3) The Minister shall, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

## **PART VI**

### **TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES**

#### **Transfer to Agency of property, assets and liabilities**

**32.**—(1) As from the appointed day —

- (a) such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by the transferred agencies specified in the second column of item 1 in the First Schedule;
- (b) such movable and immovable property vested in the Standards, Productivity and Innovation Board established under section 3 of the Standards, Productivity and Innovation Board Act (Cap. 303A) and used or managed by the transferred agencies specified in the second column of item 2 in the First Schedule; and
- (c) all assets, interests, rights, privileges, liabilities and obligations of the transferring bodies relating to the transferred agencies,

shall be transferred to and shall vest in the Agency without further assurance, act or deed.

(2) If any question arises as to whether any particular property, or whether any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Agency under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Agency under subsection (1) shall be held by the Agency upon such tenure and subject to such terms and conditions as the President may determine.

(4) All proceedings in respect of the transferred properties by or against a transferring body which are pending on the appointed day may be continued, completed and enforced by or against the Agency.

(5) Every agreement relating to any of the transferred properties to which a transferring body was a party immediately before the appointed day, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from that day as if —

- (a) the Agency had been a party to such an agreement; and
- (b) for any reference to the transferring body there was substituted in respect of anything to be done on or after the appointed day a reference to the Agency.

### **Transfer of employees**

**33.**—(1) As from the appointed day, such persons or categories of persons who, immediately before that day, were employed by the transferring bodies and posted to the transferred agencies shall be transferred to the service of the Agency on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) If any question arises as to whether any person or category of persons has been transferred to the service of the Agency under subsection (1), a certificate under the hand of the Minister shall be

conclusive evidence that the person or category of persons was or was not so transferred.

(3) Until such time as terms and conditions of service are drawn up by the Agency, the scheme and terms and conditions of service in the transferring body from which the person was transferred under subsection (1) shall continue to apply to every person so transferred as if he were still in the employment of the transferring body.

### **Pension rights, etc., of Government employees to be preserved**

**34.—**(1) The terms and conditions to be drawn up by the Agency shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Agency under section 33 while in the employment of the transferring body.

(2) Any term or condition relating to the length of service with the Agency shall recognise the length of service of the persons so transferred while in the employment of the transferring body to be service with the Agency.

(3) Nothing in the terms and conditions of service to be drawn up by the Agency shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Agency as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) Where a person has been transferred to the service of the Agency under section 33, the Government shall be liable to pay to the Agency such portion of any pension, gratuity or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Agency.

(5) Where any person in the service of the Agency, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Agency or is discharged from such service, the Agency may grant to him or to such

other person wholly or partly dependent on him, as the Agency thinks fit, such allowance or gratuity as the Agency may determine.

### **No benefits in respect of abolition or reorganisation of office**

**35.** Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the Agency under section 33 while in the employment of the Government shall be entitled to claim any benefit under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Agency.

### **Existing contracts**

**36.** All deeds, contracts, schemes, bonds, agreements, instruments and arrangements subsisting immediately before the appointed day to which any transferring body is a party and relating to any transferred agency or to any person transferred to the service of the Agency under section 33 shall continue in force on and after that day and shall be enforceable by or against the Agency as if the Agency had been named therein or had been a party thereto instead of the transferring body.

### **Continuation and completion of disciplinary proceedings and other legal proceedings**

**37.—(1)** Where, on the appointed day, any disciplinary proceedings were pending against any employee of the transferring body transferred to the service of the Agency, the proceedings shall be carried on and completed by the Agency.

(2) Where, on the appointed day, any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or direction had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that day.

(3) Any order, ruling or direction made by a committee under this section shall be treated as an order, a ruling or a direction of the

Agency and have the same force or effect as if it had been made by the Agency pursuant to the authority vested in the Agency under this Act.

(4) All proceedings or causes of action pending or existing immediately before the appointed day by or against a transferring body in respect of its transferred agency may be continued, completed and enforced by or against the Agency.

### **Misconduct or neglect of duty by employee before transfer**

**38.** The Agency may reprimand, reduce in rank, retire, dismiss or punish in some other manner any person who had, whilst he was in the employment of the transferring body, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the transferring body, and if this Act had not been enacted.

## PART VII

### MISCELLANEOUS

#### **Annual report**

**39.—**(1) The Agency shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Agency during the preceding financial year and containing such information relating to the proceedings and policy of the Agency as the Minister may, from time to time, direct.

(2) The Minister shall, as soon as practicable, cause a copy of every such report to be presented to Parliament.

#### **Symbol or representation of Agency**

**40.—**(1) The Agency shall have the exclusive right to the use of such symbol or representation as the Agency may select or devise and thereafter display or exhibit such symbol or representation in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Agency, or 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.

### **Power to obtain information and call for returns**

**41.**—(1) The Agency or any officer, employee or agent of the Agency authorised by the Agency in that behalf may by notice in writing require any person to furnish, within the time specified in the notice, any information or document that may be required by the Agency or the officer, employee or agent of the Agency, as the case may be, for the purpose of inquiring into or ascertaining —

- (a) the truth or correctness of any statement which has been made, or of any information which has been given, by a person who has applied for a grant or loan from the Agency; or
- (b) whether any grant or loan from the Agency has been properly applied by the person to whom the grant or loan has been made.

(2) The Agency or any officer, employee or agent of the Agency authorised by the Agency in that behalf shall at all times have full and free access to all lands, buildings, places, books, documents and other papers for any of the purposes of this Act and may for any such purpose inspect, make copies of or take extracts from such books, documents or papers, or take possession of any such books, documents or papers, if, in its or his opinion —

- (a) the inspection or copying of or extraction from such books, documents or papers cannot reasonably be performed without taking possession thereof;
- (b) the books, documents or papers may be interfered with or destroyed unless possession thereof is taken; or
- (c) the books, documents or papers may be required as evidence in any proceedings instituted or commenced for any of the purposes of, or in connection with, this Act.

**Penalty for obstructing Agency in carrying out its duties**

**42.** Any person who at any time hinders or obstructs the Agency or any officer, employee or agent of the Agency acting in the discharge of its or his duties under this Act 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.

**False or misleading information, statement or document**

**43.** Any person who —

- (a) provides information to the Agency or any officer or employee in connection with any function or duty of the Agency under this Act which is false or misleading in a material particular; or
- (b) obtains payment from the Agency of any grant or loan under this Act or any other written law by means of any false or misleading statement or any document that is false or misleading in any particular,

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.

**Preservation of secrecy**

**44.—(1)** Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no person who is or has been —

- (a) a member, an officer, an employee or an agent of the Agency; or
- (b) a member of a committee of the Agency,

shall disclose any information relating to the affairs of the Agency or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

(2) Any 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.

### **Corporate offenders and unincorporated associations**

**45.**—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate, the officer as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association or a member of its governing body, the officer or member as well as the association shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“officer” —

- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate or person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary and

members of the committee of the association and includes persons holding positions analogous to that of president, secretary or member of a committee;

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

### **Jurisdiction of court**

**46.** Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court and a Magistrate’s Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

### **Evidence**

**47.—**(1) Subject to subsection (3), a document or certificate purporting to be a report under the hand of the chief executive or any officer authorised by him upon any matter or thing in connection with the administration or enforcement of this Act or with an investigation carried out under this Act shall be admissible as evidence in any proceedings under this Act and shall be prima facie evidence of the facts stated therein.

(2) For the purposes of this section, a document purporting to be a certificate referred to in subsection (1) on its production by the prosecution shall, until the contrary is proved, be deemed to be such a certificate.

(3) A certificate referred to in subsection (1) shall not be received in evidence under that subsection unless the person charged has been given —

(a) a copy of the certificate; and

(b) notice of the intention of the prosecution to produce the certificate as evidence in the proceedings,

not less than 10 clear days before the commencement of the proceedings.

(4) Where a certificate of the chief executive or any officer authorised by him is admitted in evidence under subsection (1), the person charged may require the chief executive or such officer to be

called as a witness for the prosecution and be cross-examined as if he had given evidence of the matters stated in the certificate.

### **Composition of offences**

**48.**—(1) The chief executive or any officer authorised by him may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$2,000.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

(3) The Agency may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded and the method and procedure by which those offences may be compounded.

### **Regulations**

**49.**—(1) The Agency may, with the approval of the Minister, make regulations for all or any of the following purposes:

- (a) regulating the proceedings of the Agency or of the committees of the Agency;
- (b) prescribing the fees and charges for the purposes of this Act;
- (c) prescribing the form and duration of certificates and accreditation, certification marks for use in relation to any function of the Agency, the terms and conditions upon which and the circumstances in which —
  - (i) the certificates may be granted, suspended or cancelled; or
  - (ii) the accreditation, certification and inspection marks may be affixed, used or removed,and the fees payable in respect thereof;
- (d) prescribing any matter which is required or permitted to be prescribed by this Act, or which may be necessary or

convenient to be prescribed to give effect to the provisions of this Act.

(2) Regulations made under subsection (1) may provide that a contravention thereof shall be an offence and shall be punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

### **Consequential and related amendments to other written laws**

**50.**—(1) The provisions of the Acts specified in the first column of the Second Schedule are amended in the manner set out in the second column thereof.

(2) The Minister may, by regulations, repeal or amend any other written law which appears to him to be unnecessary having regard to the provisions of this Act.

## FIRST SCHEDULE

Sections 2 and 32(1)

### TRANSFERRING BODIES AND TRANSFERRED AGENCIES

<i>First column</i>			<i>Second column</i>	
<i>Transferring body</i>			<i>Transferred agency</i>	
1.	Government Manpower)	(Ministry of	(a)	Human Capital Development Division
			(b)	Labour Market Development Division
2.	Standards, Productivity Innovation Board	and	(a)	Skills Development Fund Secretariat
			(b)	Critical Enabling Skills Training (CREST) Secretariat
			(c)	National Skills Recognition System (NSRS) Centre.

## SECOND SCHEDULE

Section 50

## CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER WRITTEN LAWS

*First column**Second column*

(1) Standards, Productivity and Innovation Board Act  
(Chapter 303A, 2002 Ed.)

Section 6 (1)

Delete paragraph (c).

(2) Skills Development Levy Act  
(Chapter 306, 1998 Ed.)

(a) Section 2

Delete the definition of “Board” and substitute the following definition:

““Agency” means the Singapore Workforce Development Agency established under the Singapore Workforce Development Agency Act 2003;”.

(b) Sections 3 (4), 5 (2) (e) and (f), 7 (2), 8 (2) and (3) and section heading, 9 (1) to (4) and section heading, 10, 15 (1) and (2), 16 and section heading, 17 (1), 19, 20, 21 (1), (2) and (4), 22 (1), 23, 25, First Schedule (paragraphs 2, 3, 6 (1) (c) and (2) and 9 (1) and (2)) and Second Schedule (paragraph 9 and schedule heading).

Delete the word “Board” wherever it appears and substitute in each case the word “Agency”.

(c) Section 8

Delete subsection (1) and substitute the following subsection:

“(1) On the date of commencement of the

SECOND SCHEDULE — *continued*

Singapore Workforce  
Development Agency Act 2003,  
all moneys in and belonging to  
the Fund and all assets, interests,  
rights, privileges, liabilities and  
obligations relating to the Fund  
shall be transferred to and shall  
vest in the Agency without  
further assurance.”.

(d) Section 12

Delete “\$5,000” and substitute  
“\$10,000”.

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