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The following Act was passed by Parliament on 16th August 2016 and assented to by the President on 22nd September 2016:—

REPUBLIC OF SINGAPORE

No. 20 of 2016.

I assent.

TONY TAN KENG YAM,
President.
22nd September 2016.



An Act to amend the Singapore Workforce Development Agency Act (Chapter 305D of the 2004 Revised Edition) and to make consequential amendments to certain other Acts.

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

Short title and commencement

1. This Act is the Singapore Workforce Development Agency (Amendment) Act 2016 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of long title

2. The long title to the Singapore Workforce Development Agency Act (called in this Act the principal Act) is amended by deleting the words “Singapore Workforce Development Agency” and substituting the words “Workforce Singapore Agency”.

Amendment of section 1

3. Section 1 of the principal Act is amended by deleting the words “Singapore Workforce Development Agency Act” and substituting the words “Workforce Singapore Agency Act”.

Amendment of section 2

4. Section 2 of the principal Act is amended —

- (a) by deleting the words “Singapore Workforce Development Agency” in the definition of “Agency” and substituting the words “Workforce Singapore Agency”;
- (b) by inserting, immediately after the word “means” in the definition of “Chairman”, the words “the member of the Agency who is appointed under section 7A as”; and
- (c) by inserting, immediately after the word “means” in the definition of “Deputy Chairman”, the words “the member of the Agency who is appointed under section 7A as”.

Amendment of section 3

5. Section 3 of the principal Act is amended —

- (a) by deleting the words “Singapore Workforce Development Agency” and substituting the words “Workforce Singapore Agency”;

- (b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) The Agency may perform any of its functions or carry out any of its duties under the business name of Workforce Singapore, or another business name that the Minister from time to time allows.

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

- (c) by deleting the words “Singapore Workforce Development Agency” in the section heading and substituting the words “Workforce Singapore Agency”.

Amendment of section 5

6. Section 5 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

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

(1A) Each member is to be appointed by the Minister by instrument in writing.”.

New section 7A

7. The principal Act is amended by inserting, immediately after section 7, the following section:

“Chairman and Deputy Chairman

7A.—(1) The Minister may, by instrument in writing, appoint —

- (a) a member to be the Chairman of the Agency for such period as is specified in the instrument; and
- (b) a member (other than the Chairman of the Agency) to be the Deputy Chairman of the Agency for such period as is specified in the instrument.

- (2) The Chairman or Deputy Chairman holds office until —
- (a) his term of office as Chairman or Deputy Chairman (as the case may be) expires;
 - (b) he ceases to hold office as a member of the Agency; or
 - (c) the Minister terminates his appointment as Chairman or Deputy Chairman (as the case may be),

whichever first happens.

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

- (a) the Chairman is unavailable; or
- (b) the Chairman is interested in the matter within the meaning of section 10.”.

Amendment of section 9

8. Section 9(5) of the principal Act is amended by inserting, immediately after the words “the Deputy Chairman”, the words “or member elected under subsection (2) to preside,”.

Amendment of section 11

9. Section 11(1) of the principal Act is amended —

(a) by deleting paragraphs (a) to (f) and substituting the following paragraphs:

“(a) to promote and facilitate employment and re-employment in Singapore through services and facilities that help citizens and residents of Singapore find and keep jobs;

(b) to collaborate with and support employers, relevant representatives of commerce or industry and public sector agencies in Singapore —

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- (i) to identify and promote the enhancement of industry-specific skills;
 - (ii) to enhance individuals' employability; and
 - (iii) to increase workforce productivity and improve the international competitiveness of commerce and industry;
- (c) to promote and facilitate productive employment and employee career development, including through review and reallocation of job duties and tasks among employees (commonly called job redesign);
- (d) to promote and facilitate the adoption of best practices in the management of human capital in Singapore;
- (e) to advise and make recommendations to the Government on policies, measures and laws connected with the Agency's functions under this Act or any other written law;
- (f) to cooperate and collaborate with the SkillsFuture Singapore Agency in the discharge of its functions under the SkillsFuture Singapore Agency Act 2016;";
- (b) by deleting paragraph (h) and substituting the following paragraph:
- “(h) to promote or undertake research in Singapore into matters relating to the Singapore workforce;”;
- (c) by deleting paragraphs (i) to (n); and

- (d) by deleting the words “adult continuing education and training” in paragraph (q) and substituting the words “workforce development”.

Amendment of section 12

10. Section 12 of the principal Act is amended —

- (a) by deleting paragraphs (a) to (e) and substituting the following paragraphs:

“(a) provide, or secure the provision of, employment and related services for assisting job seekers —

- (i) to decide what jobs, having regard to their capabilities, are or will be suitable for and available to them;
- (ii) to decide what training or education is or will be required by, or available to, them in order to fit them for those jobs, and to obtain that training or education;
- (iii) to enhance their employability; and
- (iv) to otherwise find and keep a job with suitable employers;

(b) provide, or secure the provision of, assistance to employers to source and recruit employees who meet their business needs;

(c) develop and provide, or secure the provision of, and promote programmes for the purpose of cultivating progressive and productive workplaces, including enhancing job quality and job redesign;

(d) publish or provide any information, or publish or sponsor the publication of works;

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- (e) apply for, obtain and hold, whether on its own behalf or jointly with any other person, any intellectual property rights, and enter into agreements or arrangements for the commercial exploitation of those intellectual property rights, whether by assignment, licensing or otherwise;”;
- (b) by deleting paragraph (j) and substituting the following paragraph:
- “(j) promote or undertake publicity in any form;”;
- (c) by inserting, immediately after the words “any company” in paragraph (k), the words “, association or trust”;
- (d) by deleting paragraph (l) and substituting the following paragraph:
- “(l) become a member of a company, association, trust or partnership;”;
- (e) by inserting, immediately after the words “such contracts” in paragraph (o), the words “, agreements or arrangements”.

Amendment of section 18

11. The principal Act is amended by renumbering section 18 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) The members, officers and employees of the Agency are, in relation to their administration, collection and enforcement of payment of composition sums under section 48, deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to these persons even though they are not or were not in the employment of the Government.”.

Amendment of section 21

12. Section 21 of the principal Act is amended by deleting the words “or composition fines collected” and substituting the words “collected (except composition sums under section 48)”.

Amendment of section 23

13. Section 23 of the principal Act is amended —

- (a) by deleting the words “for Finance”; and
- (b) by inserting, immediately after the words “debentures or bonds” in paragraph (c), the words “or any other instrument as the Minister may approve”.

Amendment of section 30

14. Section 30(4) of the principal Act is amended by deleting the words “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”.

Repeal and re-enactment of section 41

15. Section 41 of the principal Act is repealed and the following section substituted therefor:

“Powers to verify information collected or for grants, etc.

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

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

(2) The Agency, or an officer, employee or agent of the Agency duly authorised by the Agency for the purposes of this section,

may, at any reasonable time, do any of the following, without involving any search of any property or person:

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

(3) The power to require a person to furnish any document or information under subsection (2)(c) includes the power —

- (a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the document or information;
- (b) if the document or information is not furnished, to require the person to state, to the best of the person's knowledge and belief, where it is; and

- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Agency in legible form.”.

Amendment of section 43

16. Section 43 of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (a);
- (b) by inserting, immediately after the words “from the Agency of any” in paragraph (b), the word “incentive,”;
- (c) by deleting the comma at the end of paragraph (b) and substituting the word “; or”;
- (d) by inserting, immediately after paragraph (b), the following paragraph:

“(c) intentionally alters, suppresses or destroys any document or information which the person is required by the Agency under section 41 to furnish,”; and

- (e) by renumbering that section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) To avoid doubt, it is not a defence in any proceeding for an offence under subsection (1)(a) that the accused did not obtain any incentive, grant or loan from the Agency.”.

Repeal and re-enactment of section 45 and new section 45A

17. Section 45 of the principal Act is repealed and the following sections substituted therefor:

“Offences by corporations

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

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

(b) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind.

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

(a) who is —

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

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

(b) who —

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

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

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

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

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

person bears the same burden of proof that the corporation would bear.

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

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (1) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes any person purporting to act in any such capacity;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

45A.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that

conduct within the scope of his actual or apparent authority; and

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

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

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

(a) who is —

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

(b) who —

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

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

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

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

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (1) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

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

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
- (b) any person purporting to act in any such capacity;

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

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.”.

Amendment of section 48

18. Section 48 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) The chief executive, or an employee of the Agency authorised in writing by the Agency, may compound any offence under this Act that is prescribed under subsection (3) as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$2,000.”; and

(b) by inserting, immediately after subsection (2), the following subsection:

“(2A) All sums collected under this section are to be paid into the Consolidated Fund.”.

Saving and transitional provisions

19.—(1) The change in the corporate name of the body corporate from the Singapore Workforce Development Agency to the Workforce Singapore Agency on the date of commencement of this Act (called in this section the appointed day) does not operate —

(a) to create a new legal entity;

(b) to prejudice or affect the identity of the body corporate or its continuity as a body corporate;

(c) to affect the property of, or the exercise of any right or the enforcement of any obligation by or against, the body corporate in relation to the retained undertaking; or

(d) to render defective any legal proceedings by or against the body corporate in relation to the retained undertaking,

and any legal proceedings in relation to the retained undertaking that might have been continued or started by or against the body corporate in its former corporate name of Singapore Workforce Development Agency may be continued or started by or against it by its new corporate name “Workforce Singapore Agency”.

(2) Upon the appointed day, any court ruling, order or judgment in favour of or against the body corporate by its former corporate name and relating to the retained undertaking may be enforced by or against the body corporate by its new name “Workforce Singapore Agency”.

(3) Every agreement relating to the retained undertaking to which the body corporate by its former corporate name was a party immediately before the appointed day (whether or not of such nature that the rights and liabilities under the agreement may be assigned) has effect as from that day as if —

- (a) the body corporate called the Workforce Singapore Agency was a party to such an agreement instead; and
- (b) for any reference to the body corporate by its former corporate name, there were substituted in respect of anything to be done on or after that date a reference to the Workforce Singapore Agency.

(4) Every individual who, immediately before the appointed day, is a member, the Chairman or the Deputy Chairman of the Singapore Workforce Development Agency continues to hold that office as if appointed under the principal Act as amended by this Act; and their respective appointments (unless earlier terminated) expire on the date they would have expired if this Act had not been enacted.

(5) For a period of 2 years after the appointed day, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of this Act as the Minister may consider necessary or expedient.

(6) In this section, “retained undertaking” means so much of the undertaking of the Singapore Workforce Development Agency that, on the eve of the appointed day, is not comprised in the departments transferred to the SkillsFuture Singapore Agency under Part 8 of the SkillsFuture Singapore Agency Act 2016.

Consequential amendments to other Acts

20.—(1) Item 50 of the Schedule to the Accounting Standards Act (Cap. 2B, 2008 Ed.) is deleted and the following item substituted therefor:

“50. Workforce Singapore Agency Workforce Singapore Agency Act (Chapter 305D)”.

(2) Paragraph 6 of the First Schedule to the Central Provident Fund Act (Cap. 36, 2013 Ed.) is amended by deleting item (65) and substituting the following item:

“(65) Workforce Singapore Agency.”.

(3) Section 5 of the Institute of Technical Education Act (Cap. 141A, 1993 Ed.) is amended by deleting the words “Singapore Workforce Development Agency established by section 3 of the Singapore Workforce Development Agency Act” in paragraph (e) and substituting the words “Workforce Singapore Agency established by section 3 of the Workforce Singapore Agency Act”.

(4) Item 27 of the Schedule to the Official Secrets Act (Cap. 213, 2012 Ed.) is deleted and the following item substituted therefor:

“27. Workforce Singapore Agency”.

(5) The SkillsFuture Singapore Agency Act 2016 is amended —

(a) by deleting the full-stop at the end of the definition of “transfer date” in section 2 and substituting a semi-colon, and by inserting immediately thereafter the following definition:

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

(b) by deleting the words “Singapore Workforce Development Agency” wherever they appear in section 5(1)(n) and

substituting in each case the words “Workforce Singapore Agency”.

(6) Section 6(1) of the Standards, Productivity and Innovation Board Act (Cap. 303A, 2002 Ed.) is amended by deleting the words “Singapore Workforce Development Agency established by section 3 of the Singapore Workforce Development Agency Act” in paragraph (*ia*) and substituting the words “Workforce Singapore Agency established by section 3 of the Workforce Singapore Agency Act”.

(7) Item 24 of Part I of the Schedule to the Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319, 2004 Ed.) is deleted and the following item substituted therefor:

“24. Workforce Singapore Agency Workforce Singapore Agency Act (Chapter 305D)”.

(8) Item 40 of the Schedule to the Statutory Corporations (Contributions to Consolidated Fund) Act (Cap. 319A, 2004 Ed.) is deleted and the following item substituted therefor:

“40. Workforce Singapore Agency Workforce Singapore Agency Act (Chapter 305D)”.
