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Vulnerable Adults Bill

Bill No. 20/2018.

Read the first time on 20 March 2018.

VULNERABLE ADULTS ACT 2018

(No. of 2018)

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A BILL

intituled

An Act to make provision for the safeguarding of vulnerable adults from abuse, neglect or self-neglect, to provide for matters connected with that, and to make related amendments to certain other Acts.

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

PART 1
PRELIMINARY

Short title and commencement

5 **1.** This Act is the Vulnerable Adults Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Interpretation

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

“abuse” means —

- 10 (a) physical abuse;
- (b) emotional or psychological abuse;
- (c) conduct or behaviour by an individual that in any other way controls or dominates another individual and causes the other individual to fear for his or her safety or wellbeing; or
- 15 (d) conduct or behaviour by an individual that unreasonably deprives, or threatens to unreasonably deprive, another individual of that other individual’s liberty of movement or wellbeing;

20 “allied health professional” has the meaning given by section 2 of the Allied Health Professions Act (Cap. 6B);

“assessment” means an interview and examination which includes the taking of X-rays and an individual’s blood and other body samples for testing and analysis, but does not include the administering of medical or dental treatment;

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“authorised officer” means a person appointed as an authorised officer under section 3(9);

“auxiliary police officer” means an auxiliary police officer appointed under Part IX of the Police Force Act (Cap. 235);

“coerce”, in relation to an individual, means —

- (a) to compel or force the individual to do, or refrain from doing, something; or
- (b) to cause the individual to do something without the individual’s consent;

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“court” means the Family Court, except in sections 9(4)(a), 22(4), (5) and (7), 23(2)(a) and (3), 33 and 35(7) where “court” means a court of competent jurisdiction;

“deputy” has the meaning given by section 2(1) of the Mental Capacity Act (Cap. 177A);

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“Director” means the Director of Social Welfare appointed under section 3(1) of the Children and Young Persons Act (Cap. 38);

“donee” has the meaning given by section 2(1) of the Mental Capacity Act;

“emotional or psychological abuse” means conduct or behaviour by an individual towards another individual —

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- (a) that torments, intimidates, harasses or is offensive to the other individual; or
- (b) that causes or may reasonably be expected to cause mental harm to the other individual, including thoughts of suicide or inflicting self-harm;

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Illustrations

X experiences emotional or psychological abuse in the following situations:

- (a) *X* has Parkinson’s disease and cannot walk without assistance. Her caregiver, *Y*, does not physically abuse *X* but regularly threatens to beat or harm *X*’s grandchild (a baby) whom *X* is devoted to.
- (b) *X* has dementia and lives with her adult son, *Y*. When *Y* is drunk and does not get what he wants from *X*, *Y* shouts at *X* and destroys *X*’s belongings in *X*’s presence, causing fear and distress to *X*.

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“enforcement officer” means a public officer who is appointed under section 3(5) to be an enforcement officer for the purposes of this Act;

“family member”, in relation to an individual, means —

- 5 (a) a spouse of the individual;
- (b) a child of the individual, whether or not an adopted child or a stepchild;
- (c) a parent of the individual;
- (d) a father-in-law or mother-in-law of the individual;
- 10 (e) a brother or sister of the individual;
- (f) a grandparent or grandchild of the individual; or
- (g) any other individual who, in the opinion of the court, should in the circumstances be regarded as a member of the individual’s family;

15 “fit person” means an individual whom or organisation which the court or the Director thinks is competent to provide care and protection to a vulnerable adult;

20 “manager”, in relation to a place of temporary care and protection or a place of safety, includes a director, manager or superintendent of that place, or any other individual having the management or control of that place;

“mental capacity assessor” means a person appointed by the Director under section 3(4) to assess the mental capacity of an individual under or for the purposes of this Act;

25 “neglect”, in relation to an individual, means the lack of provision to the individual of essential care (such as but not limited to food, clothing, medical aid, lodging and other necessities of life), to the extent of causing or being reasonably likely to cause personal injury or physical pain to, or injury to the mental or physical health of, the individual;

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“physical abuse” includes conduct or behaviour —

- (a) that causes, or threatens to cause, personal injury or physical pain to an individual;
- (b) that coerces, or attempts to coerce, an individual to engage in sexual activity; or
- (c) that threatens an individual with the death or injury of the individual;

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“place of safety” means any premises designated under section 19 to be a place of safety;

“place of temporary care and protection” means any premises designated under section 19 to be a place of temporary care and protection;

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“premises” includes part of any premises;

“protector” means a public officer appointed as a protector under section 3(2);

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“psychiatrist” means a medical practitioner who is registered as a psychiatrist in the Register of Specialists under the Medical Registration Act (Cap. 174);

“qualified assessor” means a person whom the Director or a protector reasonably considers qualified to conduct an assessment, and includes a mental capacity assessor;

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“registered dentist” means a person registered as a fully registered dentist under section 14(1) or (2) of the Dental Registration Act (Cap. 76);

“registered medical practitioner” means a medical practitioner registered under the Medical Registration Act;

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“registered nurse” has the meaning given by section 2 of the Nurses and Midwives Act (Cap. 209);

“relevant support person” means any of the following persons:

- (a) an approved welfare officer appointed under section 3(3);
- (b) an allied health professional;

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- (c) an auxiliary police officer assisting the Director or a protector in performing duties under this Act;
- (d) a qualified assessor;
- (e) a registered medical practitioner;
- 5 (f) a registered dentist;
- (g) a registered nurse;
- (h) a paramedic;
- (i) a psychiatrist;

10 “self-neglect”, in relation to an individual, means the failure of the individual to perform essential tasks of daily living (such as but not limited to eating, dressing and seeking medical aid) to care for himself or herself, resulting in the individual —

- (a) living in grossly unsanitary or hazardous conditions;
- (b) suffering from malnutrition or dehydration; or
- 15 (c) suffering from an untreated physical or mental illness or injury;

“vulnerable adult” means an individual who —

- (a) is 18 years of age or older; and
- (b) is, by reason of mental or physical infirmity, disability or incapacity, incapable of protecting himself or herself from abuse, neglect or self-neglect;
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“wellbeing”, in relation to an individual, means the individual’s wellbeing so far as relating to any of the following:

- (a) personal dignity;
- 25 (b) physical, mental and emotional health;
- (c) control by the individual over his or her day-to-day life (including over the day-to-day care provided by another individual and the way in which it is provided);
- 30 (d) social, domestic, family and personal relationships;

Illustrations

The wellbeing of *X* is unreasonably deprived in the following situations:

- (a) *X* is wheelchair-bound and does not lack mental capacity. *X* is prescribed medication to prevent serious deterioration of his health. *X*'s caregiver, *Y*, prevents *X* from taking the medication by hiding it in a cupboard beyond *X*'s reach. *Y*'s conduct has an adverse effect on *X*'s physical health. 5
- (b) *X* is unable to dress herself. *Y*, her caregiver, does not dress *X* after bathing her. Despite *X*'s protests, *Y* leaves her unclothed in a room with the windows open so that *X* is in full view of neighbours walking past the flat. The flat is situated along a common corridor to which members of the public have access. *X* is deprived of her personal dignity. 10
- (c) *X*'s family member, *Y*, controls all of *X*'s daily living activities (including eating, drinking, bathing, toileting and the programmes *X* watches on the television or listens to on the radio) and refuses to allow *X* to have contact with any other person or to receive visitors. *Y*'s control over *X*'s day-to-day life and social relationships has an adverse effect on *X*'s emotional health. 15
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“working day” excludes any Sunday and public holiday.

(2) In this Act, an individual or a vulnerable adult who lacks mental capacity or who is assessed to lack mental capacity is an individual or a vulnerable adult who lacks capacity or is assessed to lack capacity (as the case may be) within the meaning of section 4 of the Mental Capacity Act. 25

Administration of Act

3.—(1) The Director is, subject to the general or special directions of the Minister, responsible for the administration of this Act.

(2) The Director may appoint any public officer with suitable qualifications and experience as a protector under this Act. 30

(3) The Director may appoint a suitably qualified individual as an approved welfare officer to exercise the powers of an approved welfare officer under this Act as directed by the Director or a protector.

(4) The Director may appoint any of the following persons as a mental capacity assessor to assess whether an individual lacks mental capacity:

(a) a registered medical practitioner;

5 (b) a psychiatrist;

(c) a psychologist.

(5) The Director may appoint any public officer with suitable qualifications and experience as an enforcement officer under this Act.

10 (6) The Director must issue to each enforcement officer an identification card.

(7) Every enforcement officer whose appointment as such ceases must return to the Director the identification card issued to him or her under subsection (6).

15 (8) If asked to do so, an enforcement officer must produce his or her identification card for inspection before exercising a power under this Act.

(9) The Director may appoint any of the following persons as an authorised officer for the purposes of sections 27, 28 and 29:

20 (a) an enforcement officer;

(b) an auxiliary police officer.

(10) Any appointment under this section may be subject to such conditions or limitations as the Director may specify.

25 (11) Subject to subsection (12), the Director may delegate the exercise or performance of all or any of the powers conferred or duties imposed on the Director by or under this Act to any public officer, except the power of appointment under this section and power of delegation under this subsection; and any reference in this Act to the Director includes a reference to such a public officer.

30 (12) Any delegation under subsection (11) may be general or in a particular case and may be subject to such conditions or limitations as the Director may specify.

(13) The Director, a delegate under subsection (11), a protector, an approved welfare officer, authorised officer and enforcement officer who, in the course of his or her duty as the Director, delegate, protector, approved welfare officer, authorised officer or enforcement officer (as the case may be), is taken to be a public servant within the meaning of the Penal Code (Cap. 224) when exercising a power under this Act. 5

Principles

4.—(1) In performing any duty or exercising any power under this Act in relation to a vulnerable adult, the Director and every protector, approved welfare officer and enforcement officer must have regard to the following principles: 10

(a) the duty is being performed or the power is being exercised for the purpose of protecting the vulnerable adult from abuse, neglect and self-neglect; 15

(b) a vulnerable adult, where not lacking mental capacity, is generally best placed to decide how he or she wishes to live and whether or not to accept any assistance;

(c) if a vulnerable adult lacks mental capacity, the vulnerable adult's views (whether past or present), wishes, feelings, values and beliefs, where reasonably ascertainable, must be considered; 20

(d) regard must be had to whether the purpose for which the duty is being performed or the power is being exercised can be achieved in a way that is less restrictive of the vulnerable adult's rights and freedom of action; 25

(e) in all matters relating to the administration or application of this Act, the welfare and best interests of the vulnerable adult must be the first and paramount consideration.

(2) Every relevant support person must have regard to the principles mentioned in subsection (1) when assisting the Director or a protector in the performance or exercise of the Director's or protector's duties or powers under this Act or in any other dealing with a vulnerable adult for the purposes of this Act. 30

(3) In deciding whether to make an order under this Act in relation to —

(a) a vulnerable adult; or

(b) an individual whom the Director or protector has reason to believe is a vulnerable adult and who has experienced or is experiencing or at risk of abuse, neglect or self-neglect,

the court must have regard to the principles mentioned in subsection (1), but the court may also have regard to such other matters as the court thinks fit.

PART 2

PROTECTION OF VULNERABLE ADULTS

Division 1 — Power to assess, enter premises and require information

Exercise of power under this Division

5. The Director or a protector may exercise any power under this Division —

(a) in relation to an individual, only if —

(i) the Director or protector has reason to believe that the individual is a vulnerable adult, and the individual has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect; or

(ii) the court has made an order under this Division authorising the Director or protector to do so; and

(b) in relation to a vulnerable adult who is the subject of any court order under section 14 or 15, only if —

(i) the Director or protector has reason to believe that the vulnerable adult has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect, and the exercise of the power is not inconsistent with any condition or direction specified in the court order; or

- (ii) the court has made an order under this Division authorising the Director or protector to do so.

Power to assess

6.—(1) The Director or a protector may do all or any of the following:

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- (a) assess an individual or a vulnerable adult;
- (b) cause an individual or a vulnerable adult to be assessed by a qualified assessor;
- (c) direct any person to produce an individual or a vulnerable adult before the Director, protector or qualified assessor, to be assessed in the manner in paragraph (a) or (b);
- (d) remove an individual or a vulnerable adult from the place where the individual or vulnerable adult is residing or staying for the purpose of an assessment in the manner in paragraph (a) or (b) —
 - (i) if the individual or vulnerable adult consents to the removal for that purpose despite that another person is preventing the individual's or vulnerable adult's removal;
 - (ii) if the individual or vulnerable adult does not consent to the removal but is assessed by a qualified assessor to lack the mental capacity to consent; or
 - (iii) in accordance with an order of the court under section 7(3).

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(2) Where a donee or deputy is appointed for the individual or vulnerable adult mentioned in subsection (1)(d)(ii), the Director, protector or qualified assessor may assess the individual or vulnerable adult under this section without the consent of the individual's or vulnerable adult's donee or deputy.

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(3) Subsection (2) applies whether the donee or deputy is appointed before, on or after the date of commencement of that subsection.

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(4) Where the individual or vulnerable adult is to be assessed at the place where the individual or vulnerable adult is residing or staying,

the Director or protector may direct any other person present to leave that place so that the individual or vulnerable adult (as the case may be) can be assessed without that other person present.

(5) The Director or protector may be accompanied by one or more relevant support persons to assist with the removal of the individual or vulnerable adult under subsection (1)(d), and may use such force as the Director or protector considers necessary to remove the individual or vulnerable adult or to prevent another person from obstructing the removal of the individual or vulnerable adult.

(6) Where an individual or vulnerable adult is removed from a place under subsection (1)(d), the Director or a protector must, as soon as practicable after the assessment of the individual or vulnerable adult, permit the individual or vulnerable adult —

(a) to return to the place;

(b) to return to the care of a family member or any other person whom the Director or protector considers competent to provide care and protection to the individual or vulnerable adult; or

(c) to return to another place, or to the care of a person, as directed by the court under section 7(4).

(7) A qualified assessor who assesses the individual or vulnerable adult under this section must submit a report of the assessment to the Director or a protector.

(8) A person —

(a) who fails, without reasonable excuse, to comply with a direction given under subsection (1)(c) or (4); or

(b) who obstructs another person from complying with the direction given under subsection (1)(c) or (4) to that other person,

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 12 months or to both.

(9) This section is subject to section 7.

Refusal of assessment

7.—(1) Where an individual or a vulnerable adult refuses to be assessed under section 6, the Director or a protector is not required to exercise any power under that section.

(2) Despite subsection (1), the Director or a protector may exercise any power under section 6 in relation to the individual or vulnerable adult —

- (a) if the Director or protector has reason to believe that the individual or vulnerable adult concerned lacks the mental capacity to refuse the assessment, and the Director or protector is satisfied that carrying out the assessment would be in the individual's or vulnerable adult's best interests; or
- (b) in accordance with an order of the court under subsection (3).

(3) Where an individual or a vulnerable adult does not lack mental capacity but refuses to be assessed under section 6 or refuses to be removed for the purpose of an assessment under that section, the court may, on an application made by the Director or a protector, make an order authorising the Director or a protector to exercise any power under section 6(1) in relation to that individual or vulnerable adult, if the court —

- (a) is satisfied, on a balance of probabilities, that the individual or vulnerable adult has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect; and
- (b) is of the view that such an order is necessary for the safety and protection of the individual or vulnerable adult.

(4) In making an order under subsection (3), the court may direct the Director or a protector to return the individual or vulnerable adult concerned to such place or to the care of such person, after the individual's or vulnerable adult's assessment, as the court thinks fit.

Power to enter premises

8.—(1) The Director or a protector may, without notice, enter at any time of the day or night any premises where an individual or a

vulnerable adult is residing or staying for the purpose of exercising a power under section 6(1)(a), (b) or (d) or 10.

(2) In exercising the power of entry under subsection (1), the Director or protector may be accompanied by —

- 5 (a) one or more relevant support persons; and
- (b) any other person whom the Director or protector reasonably considers necessary to assist the Director or protector in exercising the power.

10 (3) In exercising the power of entry under subsection (1), the Director or a protector may, with such assistance as the Director or protector considers necessary, break open any door, window, lock, fastener or any other thing.

Power to obtain information and examine records, etc.

15 **9.**—(1) This section applies to any person whom the Director or a protector has reason to believe has information about —

- (a) whether an individual is a vulnerable adult; or
- (b) whether an individual or a vulnerable adult has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect.

20 (2) The Director or a protector may direct any person in subsection (1) —

- (a) to give to the Director or protector the information in subsection (1) in writing within the time specified in the direction; or
- 25 (b) to appear before and give the information in subsection (1) to the Director or protector at the time and place specified in the direction.

(3) The Director or a protector may, at all reasonable times, examine and take copies of —

- 30 (a) any health record kept by any person in subsection (1); or

- (b) any record kept by any person in subsection (1) and compiled in connection with a social services function,

so far as the record relates to an individual whom the Director or protector has reason to believe is a vulnerable adult and has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect, or the record relates to a vulnerable adult whom the Director or protector has reason to believe has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect.

(4) A person who gives information to the Director or a protector as directed under subsection (2) or gives the Director or a protector acting under subsection (3) access to a record —

(a) is not, by virtue of doing so, to be regarded in any proceedings before a court or tribunal or in any other respect to have breached any code of professional etiquette or ethics, or to have departed from any accepted form of professional conduct; and

(b) to the extent the person has acted in good faith, incurs no civil or criminal liability in relation to the giving of the information or access to the record.

(5) If a person —

(a) fails, without reasonable excuse, to comply with a direction given to the person under subsection (2) or to give access to a record to the Director or a protector acting under subsection (3); or

(b) obstructs another person from complying with a direction given under subsection (2) to that other person,

the person 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 12 months or to both.

(6) A person —

(a) who in compliance or purported compliance with a direction given under subsection (2) gives information to the Director or a protector; and

(b) who knows that the information given is false or incorrect, 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 12 months or to both.

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Division 2 — Power to remove

Power to remove vulnerable adult

10 **10.**—(1) The Director or a protector may remove a vulnerable adult from the place where the vulnerable adult is residing or staying if the Director or protector is satisfied on reasonable grounds that the vulnerable adult has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect, and —

- (a) the vulnerable adult consents to the removal despite that another person is preventing the vulnerable adult's removal;
- 15 (b) the vulnerable adult is assessed by a mental capacity assessor to lack the mental capacity to consent; or
- (c) the vulnerable adult, where not lacking mental capacity, does not consent to the removal, but is the subject of an order of court under subsection (4).

20 (2) Where a donee or deputy is appointed for the vulnerable adult mentioned in subsection (1)(b), the Director or a protector may remove the vulnerable adult without the consent of the vulnerable adult's donee or deputy.

25 (3) Subsection (2) applies whether the donee or deputy is appointed before, on or after the date of commencement of that subsection.

(4) Where a vulnerable adult does not lack mental capacity but refuses to be removed under subsection (1), the court may, on an application made by the Director or a protector, make an order authorising the Director or a protector to remove that vulnerable adult, if the court —

- 30 (a) is satisfied, on a balance of probabilities, that the vulnerable adult has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect; and

(b) is of the view that such an order is necessary for the safety and protection of the vulnerable adult.

(5) In exercising the power under subsection (1), the Director or a protector may be accompanied by one or more relevant support persons to assist with the removal of a vulnerable adult, and may use such force as the Director or protector considers necessary to remove the vulnerable adult or to prevent another person from obstructing the removal of the vulnerable adult.

Committing vulnerable adult to place of temporary care and protection or to care of fit person

11.—(1) If a vulnerable adult is removed under section 10 from the place, the Director or a protector must —

(a) commit the vulnerable adult to a place of temporary care and protection or to the care of a fit person; and

(b) within 14 working days after the day of the removal, apply to a court under section 12 for an order under section 14 or 15, or apply for an order under subsection (2), unless the Director or protector earlier permits the vulnerable adult —

(i) to return to the place from where the vulnerable adult was removed; or

(ii) to return to the care of a family member or any other person whom the Director or protector considers competent to provide care and protection to the vulnerable adult, if the vulnerable adult has been assessed by a qualified assessor to lack the mental capacity to consent.

(2) If an application to a court cannot be made under section 12 for an order under section 14 or 15 within the time specified in subsection (1)(b), the Director or a protector must, within that specified time —

(a) apply to a court for the custody, charge and care of the vulnerable adult during the period before an application under section 12 is made and determined; and

(b) in that application, inform the court the reason for not making an application under section 12 within that specified time.

5 (3) The court, on an application made under subsection (2), may make an order for the custody, charge and care of the vulnerable adult until an application under section 12 is made and determined.

10 (4) If the Director or a protector reasonably believes that contact between the vulnerable adult removed under section 10 and another person (Z) is not in the best interests of the vulnerable adult, the Director or protector may give any of the following directions to Z:

(a) Z must not contact (by any means) the vulnerable adult during the period before a court makes an order under section 14 in relation to the vulnerable adult;

15 (b) Z may only contact the vulnerable adult under conditions or circumstances specified by the Director or protector.

20 (5) A person who fails, without reasonable excuse, to comply with a direction given to the person under subsection (4) 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 12 months or to both.

Division 3 — Court orders for protection of vulnerable adult

Application to court

25 **12.—**(1) A person in subsection (2) may apply to the court for one or more orders under section 14 or 15, in relation to a vulnerable adult, if the person has reason to believe that —

(a) the vulnerable adult has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect; and

(b) the order is, or orders are, necessary for the protection and safety of the vulnerable adult.

30 (2) The following persons may apply to the court for an order under section 14 or 15 in relation to a vulnerable adult:

- (a) where the vulnerable adult is assessed by a mental capacity assessor to lack the mental capacity to consent to the application —
- (i) the Director or a protector may apply for any order under section 14(1) or 15; 5
 - (ii) an approved welfare officer or the vulnerable adult's donee or deputy (if appointed) may apply for any order under section 14(1)(e), (f), (g) or (h) or 15; or
 - (iii) a family member of the vulnerable adult may apply for any order under section 14(1)(e), (f), (g) or (h) or 15; 10
- (b) in any other case —
- (i) the Director or a protector may apply for any order under section 14(1) or 15;
 - (ii) an approved welfare officer may, with the consent of the vulnerable adult, apply for any order under section 14(1)(e), (f), (g) or (h) or 15; 15
 - (iii) the vulnerable adult may, on his or her own, apply for any order under section 14(1)(e), (f), (g) or (h) or 15; or 20
 - (iv) a family member of the vulnerable adult may, with the consent of the vulnerable adult, apply for any order under section 14(1)(e), (f), (g) or (h) or 15.

Procedure

13.—(1) An application to a court under section 7(3), 10(4), 11(2), 12, 17 or 22(4) must — 25

- (a) be made in the same manner as an application for a summons is made to a District Court or Magistrate's Court under the Criminal Procedure Code (Cap. 68); and
- (b) be dealt with — 30
 - (i) as if the application is a complaint for the purposes of the Criminal Procedure Code; but

(ii) in accordance with only such provisions of that Code, and with such provisions of any other written law, as may be prescribed by the Family Justice Rules.

5 (2) To avoid doubt, proceedings under section 7(3), 10(4), 11(2), 12, 17 or 22(4) are not to be treated as criminal proceedings.

(3) Subject to subsection (4), the court may not make any order under section 7(3), 10(4), 11(3), 14, 15 or 17 without giving the vulnerable adult an opportunity to be heard.

10 (4) No opportunity to be heard needs to be given under subsection (3) if —

(a) the vulnerable adult is assessed by a mental capacity assessor to lack the mental capacity to make decisions in relation to any application for an order under section 11(3), 14, 15 or 17 concerning the vulnerable adult; or

15 (b) the court is of the view that it is not practicable in the circumstances to do so.

(5) The court before which an application under section 7(3), 10(4), 11(2), 12, 17 or 22(4) is heard may make such order as to costs as the court thinks fit.

20 (6) A judge of the court, when determining whether to make an order under section 14(1)(b) or (j), must sit with 2 advisers from a panel of advisers nominated by the Minister.

25 (7) However, if the court cannot without adjournment be fully constituted under subsection (6) and an adjournment would be inexpedient in the interests of justice, the judge may sit with one adviser or sit alone.

(8) The functions of the advisers are to inform and advise the court in relation to —

(a) the protection and safety of a vulnerable adult; or

30 (b) the appropriateness of making an order in respect of a vulnerable adult under section 14(1)(b) or (j).

Court orders

14.—(1) If the court is satisfied, on a balance of probabilities, that the circumstances mentioned in section 12(1)(a) and (b) exist for a vulnerable adult, the court may make one or more of the following orders in relation to the vulnerable adult:

- (a) an order committing the vulnerable adult to a place of temporary care and protection, or the care of a fit person, for a period not exceeding 6 months; 5
- (b) an order committing the vulnerable adult to a place of safety or the care of a fit person for a specified period exceeding 6 months where the court is satisfied that it is in the best interests of the vulnerable adult to be so committed; 10
- (c) an order requiring a person to produce the vulnerable adult at a specified medical facility or specified dental facility for medical or dental treatment (as the case may be) that is necessary to enable committal of the vulnerable adult to a place of temporary care and protection, the care of a fit person or a place of safety; 15
- (d) an order placing the vulnerable adult under the supervision of a protector, an approved welfare officer or another person appointed by the court, for a specified period; 20
- (e) where the vulnerable adult has experienced or is experiencing abuse or likely to be abused by any person (called in this section the abuser), an order restraining the abuser from abusing or further abusing the vulnerable adult; 25
- (f) an order granting the vulnerable adult the right of exclusive occupation of the premises or a specified part of the premises in which the vulnerable adult ordinarily resides, to the exclusion of the abuser or any other person; 30
- (g) an order prohibiting a person from entering and remaining in, for a specified period, an area outside the vulnerable adult's place of residence or any other place frequented by the vulnerable adult;

(h) an order prohibiting a person from visiting or communicating with the vulnerable adult;

(i) an order requiring one or more persons, including the vulnerable adult, to attend counselling and such other programme provided by a body as directed by the court;

(j) subject to subsection (2), where the condition of the vulnerable adult's residence poses a risk to the safety or health of the vulnerable adult, an order —

(i) authorising the Director, a protector or another person to make, with such assistance as the Director, protector or other person may reasonably require, the residence a safe living environment; and

(ii) authorising the disposal by the Director, protector or other person of any article or thing in the residence, with or without the consent of the owner of that article or thing, to make the residence a safe living environment.

(2) Subject to subsection (3), the court may only make an order under subsection (1)(j) —

(a) with the consent of every owner of the residence and of the vulnerable adult; or

(b) where the owner or owners (if there is more than one owner) of the residence cannot be located after reasonable attempts to locate the owner or owners (as the case may be) have been made by the Director or a protector —

(i) with the consent of the vulnerable adult; and

(ii) after a notice by advertisement of the proposed order has been published in —

(A) an English newspaper and one other newspaper of such language as directed by the court (both of which must be in circulation in Singapore); or

(B) any other form as may be directed by the court, and the prescribed period after such publication has lapsed without any owner objecting to the proposed order.

- (3) The court may only make an order under subsection (1)(j) — 5
- (a) without the consent of the vulnerable adult —
- (i) if the vulnerable adult lacks the mental capacity to consent; or
- (ii) if the court is of the view that such an order is necessary for the protection and safety of the vulnerable adult; and 10
- (b) without the consent of an owner of the residence —
- (i) if the owner lacks the mental capacity to consent; or
- (ii) if the court is of the view that such an order is necessary for the protection and safety of the vulnerable adult. 15
- (4) For the purposes of deciding whether the circumstances mentioned in section 12(1)(a) and (b) exist in relation to a vulnerable adult, the court may —
- (a) require a person to produce the vulnerable adult before the court; 20
- (b) require a person to give information, or any other necessary assistance, to the court about the vulnerable adult's family background, general conduct, home environment, educational or vocational record, medical history and state of physical and mental health and wellbeing, to enable the court to deal with the case in the best interests of the vulnerable adult; 25
- (c) require the Director, a protector or a mental capacity assessor to conduct an assessment or investigation of all or any of the following: 30
- (i) the vulnerable adult;

(ii) any person who provides care for or lives with the vulnerable adult;

5 (d) require the person who carried out an assessment or investigation under paragraph (c) to submit a written report to the court stating the results of the assessment or the findings of the investigation, as the case may be; and

10 (e) adjourn the matter from time to time, and make any interim order the court considers appropriate, including but not limited to an order about a matter mentioned in subsection (1).

15 (5) The court may disclose to the Director or a protector any information obtained under subsection (4)(b) and any report submitted under subsection (4)(d), if the court is satisfied that the disclosure is necessary for the protection and safety of the vulnerable adult who is the subject of the information or report.

(6) The court may order the report submitted under subsection (4)(d) or a redacted version of that report be given to a person against whom an order under subsection (1) is to be made.

20 (7) The court may, in making an order under subsection (1), impose conditions or give directions as the court thinks fit for the purpose of ensuring the protection and safety of the vulnerable adult who is the subject of the order.

25 (8) The court, in making an order under subsection (1)(e), may include a provision that the abuser must not incite or assist any other person to abuse the vulnerable adult.

(9) An order made under subsection (1)(f) does not affect any title or interest that the person against whom the order is made or any other person might have in the residence other than to the extent provided for in the order.

30 (10) A person who, without reasonable excuse, fails to comply with an order made under subsection (1)(e), (f), (g) or (h) shall be guilty of an offence and shall be liable —

(a) on the first conviction in relation to an order under subsection (1)(e), (f), (g) or (h), to a fine not exceeding

\$5,000 or to imprisonment for a term not exceeding 12 months or to both; and

- (b) on a second or subsequent conviction for failing to comply with another order made under subsection (1)(e), (f), (g) or (h) (as the case may be), to a fine not exceeding \$8,000 or to imprisonment for a term not exceeding 18 months or to both.

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(11) A reference to an offence under subsection (10) includes a reference to an abetment of the offence.

(12) A person who obstructs —

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- (a) the compliance by a person with an order made under subsection (1)(a), (b), (c), (d), (i) or (j); or
- (b) any person assisting the Director, a protector or another person in the compliance with an order made under subsection (1)(a), (b), (c), (d), (i) or (j),

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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 12 months or to both.

(13) A person who —

- (a) without reasonable excuse, fails to comply with an order made by the court under subsection (4)(a), (b) or (e); or
- (b) obstructs the carrying out of an assessment or investigation ordered by the court under subsection (4)(c),

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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 12 months or to both.

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(14) In this section, “owner” —

- (a) for residence that is a lot comprised in a strata title plan under the Land Titles (Strata) Act (Cap. 158), means any person who is the registered subsidiary proprietor of the lot under that Act;
- (b) for residence that is a flat in any building in a housing estate of the Housing and Development Board, means any owner

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of the flat as defined under the Housing and Development Act (Cap. 129);

(c) for residence that is a lot in any subdivided building other than a subdivided building referred to in paragraph (a) or (b), means any person who is the registered proprietor in the land-register under the Land Titles Act (Cap. 157) of the fee simple, estate in perpetuity or leasehold estate of that lot;

(d) for residence that constitutes premises which are not subdivided, means any person who is the registered proprietor in the land-register under the Land Titles Act of the fee simple, estate in perpetuity or leasehold estate of those premises in the land-register under the Land Titles Act; and

(e) for residence that constitutes premises not falling under paragraphs (a) to (d), means the person for the time being receiving the rent of the premises, whether on the person's own account or as agent or trustee or as receiver, or who would receive the same if the premises were let to a tenant, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254) as the owner of the premises or a mortgagee in possession.

Expedited order

15.—(1) This section applies if an application is made in relation to a vulnerable adult for an order mentioned in section 14(1)(e), (f), (g) or (h), and the court is satisfied, on a balance of probabilities, that the vulnerable adult is experiencing, or is in imminent danger of, abuse, neglect or self-neglect.

(2) The court may make the order (called in this Act an expedited order) even if —

(a) the application is not served on the person against whom an order mentioned in section 14(1)(e), (f), (g) or (h) is to be made (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or

(b) where the application has been served on the respondent — the respondent does not appear at the hearing of the application.

(3) An expedited order takes effect in respect of the person to whom such order applies —

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(a) from the date on which such order is served on that person; or

(b) if the court specifies a later date on which the order is to take effect — the later date.

(4) An expedited order ceases to have effect on the earlier of the following dates:

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(a) the date that is 28 days after the date the order is made;

(b) the date the court decides the application under section 12.

(5) Despite subsection (4), the court may extend the duration of the expedited order.

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(6) The expiry of an expedited order does not prejudice the making of a further expedited order.

(7) Section 14(7), (8) and (9) applies, with the necessary modifications, in relation to an expedited order and to the making of an expedited order under this section.

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(8) A person who, without reasonable excuse, fails to comply with an expedited order made under subsection (2) 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 12 months or to both.

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(9) A reference to an offence under subsection (8) includes a reference to an abetment of the offence.

Contempt of court

16.—(1) Subject to subsection (2), sections 14(10) and (13)(a) and 15(8) do not affect the powers of the court in relation to the punishment for a contempt of court.

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(2) Where a person is convicted of an offence under section 14(10) or (13)(a) or 15(8) in respect of any non-compliance with an order or expedited order, that non-compliance is not punishable as a contempt of court.

5 (3) A person cannot be convicted of an offence under section 14(10) or (13)(a) or 15(8) in respect of any non-compliance with an order or expedited order which has been punished as a contempt of court.

10 (4) The following persons may apply for a contempt of court in respect of the non-compliance with an order under section 14 (including the non-compliance with such an order made on an expedited basis under section 15):

(a) subject to subsection (5), the Director or a protector may apply for a contempt of court in respect of the non-compliance with an order under section 14(1)(e);

15 (b) subject to subsection (5), a family member of the vulnerable adult to whom an order under section 14(1)(e) relates may apply for a contempt of court in respect of the non-compliance with the order;

20 (c) the Director or a protector may apply for a contempt of court in respect of the non-compliance with an order under section 14(1)(i);

25 (d) the vulnerable adult to whom an order under section 14(1)(e), (f) or (g) or (4)(a), (b), (c) or (e) relates may apply for a contempt of court in respect of the non-compliance with the order.

(5) The Director, a protector or family member of the vulnerable adult concerned may only make an application mentioned in subsection (4)(a) or (b) if —

30 (a) the Director, protector or family member has obtained the consent of the vulnerable adult before making the application; or

(b) at the time the application is made, the vulnerable adult is assessed by a mental capacity assessor to lack the mental capacity to consent to the application.

(6) The Director or protector is not required to obtain the consent of the vulnerable adult concerned before making an application mentioned in subsection (4)(c).

(7) To avoid doubt —

- (a) the Director or a protector may make an application mentioned in subsection (4)(a) or (c) even if the Director or protector did not earlier apply for the order or expedited order (as the case may be) that is the subject of the application; 5
- (b) a family member may make an application mentioned in subsection (4)(b) even if the family member did not earlier apply for the order or expedited order (as the case may be) that is subject of the application; and 10
- (c) the vulnerable adult may make an application mentioned in subsection (4)(d) even if the vulnerable adult did not earlier apply for the order or expedited order (as the case may be) that is the subject of the application. 15

Supplementary provisions with respect to orders under sections 14 and 15

17.—(1) On an application by a person mentioned in subsection (2), the court may, at any time before the expiry of an order made under section 14(1) or 15, vary, suspend or revoke the order if the court is satisfied it would be in the best interests of the vulnerable adult in relation to whom the order is made. 20

(2) Subject to subsection (4), the following persons may apply to the court for a variation, suspension or revocation of any of the following orders: 25

- (a) for an order under section 14(1)(a) or (b), the Director or a protector;
- (b) for an order under section 14(1)(c) — 30
 - (i) the Director or a protector; or
 - (ii) the person against whom the order is made;

(c) for an order under section 14(1)(d) —

- (i) the Director or a protector;
- (ii) an approved welfare officer (whether or not the approved welfare officer had earlier applied for that order); or
- (iii) the vulnerable adult or any other person to whom the order relates;

(d) for an order under section 14(1)(e), (f), (g) or (h) or 15 —

- (i) the Director or a protector;
- (ii) an approved welfare officer if an approved welfare officer had earlier applied under section 12 for that order;
- (iii) the vulnerable adult to whom the order relates, or the vulnerable adult's donee or deputy (as the case may be) if the vulnerable adult lacks mental capacity;
- (iv) a family member of the vulnerable adult if that family member had earlier applied under section 12 for that order; or
- (v) the person against whom the order is made;

(e) for an order under section 14(1)(i) —

- (i) the Director or a protector; or
- (ii) the person or any of the persons to whom the order relates if the application under this section is to suspend or revoke the order;

(f) for an order under section 14(1)(j), the Director or a protector.

(3) The Director or a protector may, under subsection (2), apply for a variation, suspension or revocation of an order even if the Director or protector did not earlier apply for that order.

(4) An approved welfare officer or a family member of the vulnerable adult may apply to the court for a variation, suspension

or revocation of an order mentioned in subsection (2)(c) or (d) (as the case may be) if —

- (a) the vulnerable adult consents to the application; or
- (b) the vulnerable adult is assessed by a mental capacity assessor to lack the mental capacity to consent to the application.

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Division 4 — Administering medical or dental treatment to vulnerable adult

Administering medical or dental treatment to vulnerable adult

18.—(1) The Director or a protector may require a vulnerable adult to be produced before a registered medical practitioner or registered dentist for any necessary medical or dental treatment, as the case may be —

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- (a) before or during the vulnerable adult’s period of committal in a place of temporary care and protection or under the care of a fit person (as the case may be) under section 11(1)(a); and
- (b) during the vulnerable adult’s period of committal in a place of temporary care and protection, place of safety or under the care of a fit person (as the case may be) if the vulnerable adult is the subject of an order of court under section 14(1)(a) or (b).

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(2) Any treatment mentioned in subsection (1) may be administered to the vulnerable adult concerned only with the vulnerable adult’s consent unless —

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- (a) the vulnerable adult is assessed by a mental capacity assessor to lack the mental capacity to consent, and the registered medical practitioner or registered dentist reasonably believes that it is in the vulnerable adult’s best interests to receive the treatment; or
- (b) it is not practicable to obtain consent from the vulnerable adult, and the registered medical practitioner or registered dentist —

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- (i) reasonably believes that a medical or dental emergency (as the case may be) exists; and
- (ii) is of the view that it is in the vulnerable adult's best interests to receive the treatment.

5 (3) If a donee or deputy has been appointed for the vulnerable adult mentioned in subsection (2)(a), a registered medical practitioner or registered dentist may administer the medical or dental treatment (as the case may be) to the vulnerable adult under that subsection without the consent of the vulnerable adult's donee or deputy (as the case may be) if the registered medical practitioner or registered dentist is of the view —

- (a) that the consent cannot be obtained within a reasonable time; or
- (b) that the consent is being unreasonably withheld by the donee or deputy.

15 (4) Subsection (3) applies whether the donee or deputy is appointed before, on or after the date of commencement of that subsection.

PART 3

PLACES OF TEMPORARY CARE AND PROTECTION, PLACES OF SAFETY, FIT PERSONS AND REVIEW BOARD

Places of temporary care and protection and places of safety

19.—(1) For the purposes of this Act, the Minister may, by notification in the *Gazette*, designate any premises in Singapore as —

- (a) a place of temporary care and protection for the care and protection of vulnerable adults from abuse, neglect or self-neglect for an interim period during which assessments and investigations under this Act are carried out and longer-term care arrangements for the safety of the vulnerable adults are planned; or
- (b) a place of safety for the care and protection of vulnerable adults over the longer term.

(2) The Minister may, at any time, cancel a designation made under subsection (1) —

- (a) if the Minister is satisfied that the place of temporary care and protection or place of safety (as the case may be) is not managed in a manner to continue as one; 5
- (b) if the Minister thinks it is in the public interest to do so; or
- (c) for any other reasons as may be prescribed.

(3) Notice of the cancellation of a designation must be published in the *Gazette*.

(4) The manager of a place of temporary care and protection or a place of safety must take such security measures as are necessary to ensure the safety and protection of any vulnerable adult residing in the place of temporary care and protection or place of safety, as the case may be. 10

(5) In this section, “security measure” means — 15

- (a) any measure, equipment or procedure to carry out identification, or screening and re-screening and clearing, of any person entering a place of temporary care and protection or place of safety;
- (b) any measure or procedure to be used within a place of temporary care and protection or place of safety — 20
 - (i) to control access at the place of temporary care and protection or place of safety; or
 - (ii) to detect and deter unauthorised access into the place of temporary care and protection or place of safety by any person; and 25
- (c) any measure or procedure for responding to and investigating any incident or threat relating to the safety and protection of a vulnerable adult residing at a place of temporary care and protection or place of safety. 30

Review Board

20.—(1) The Minister may appoint any person as a member of the Review Board for such period as the Minister thinks fit.

(2) The functions of the Review Board are as follows:

5 (a) for the purposes of ensuring that a proper care plan is in place for a vulnerable adult, review cases of vulnerable adults committed to —

 (i) a place of temporary care and protection or place of safety; or

10 (ii) the care of a fit person, but only if the fit person is an organisation and the vulnerable adult was committed to the care of the organisation under an order of the court under section 14;

15 (b) advise the Director on whether a vulnerable adult who has been committed to a place of temporary care and protection or place of safety or to the care of a fit person that is an organisation may be discharged from such place or care at any time before the completion of the period of committal.

20 (3) For the purposes of carrying out the Review Board's functions under subsection (2) —

 (a) every member of the Review Board may at any time enter any place of temporary care and protection, place of safety or the premises of a fit person that is an organisation, and make such inquiry or examination as is necessary; and

25 (b) the Review Board must submit such reports as may be required by the Minister.

(4) A person who —

30 (a) refuses to allow a member of the Review Board entry to any place of temporary care and protection, place of safety or premises mentioned in subsection (3)(a); or

- (b) hinders or obstructs the member from entering the place or premises, after the member's identity is reasonably established,

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.

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(5) For the purposes of this section, a proper care plan must meet such requirements as may be specified by the Director.

Unlawful removal, etc., of vulnerable adult from place of temporary care and protection or place of safety, etc.

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21. A person who —

- (a) without lawful authority, removes a vulnerable adult from a place of temporary care and protection or place of safety to which, or the custody of the fit person to whose care, the vulnerable adult has been committed under this Act;

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- (b) knowingly assists or induces, directly or indirectly, a vulnerable adult to leave or be removed from a place of temporary care and protection or place of safety to which, or the fit person to whose care, the vulnerable adult has been committed under this Act;

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(c) knowingly —

- (i) harbours or conceals a vulnerable adult who has escaped from a place of temporary care and protection or place of safety to which, or the fit person to whose care, the vulnerable adult has been committed under this Act;

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- (ii) prevents the vulnerable adult from returning to a place of temporary care and protection or place of safety to which, or the fit person to whose care, the vulnerable adult has been committed under this Act;
- or

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- (iii) assists any other person in doing any of the acts mentioned in sub-paragraphs (i) and (ii); or

- (d) obstructs the removal or committal of a vulnerable adult to a place of temporary care and protection, place of safety or the care of a fit person carried out 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 12 months or to both.

PART 4

CONFIDENTIAL INFORMATION

Restriction on publication of information leading to identification of vulnerable adult, etc.

22.—(1) A person must not, without the Director's approval, publish or broadcast any information or picture that identifies, or is likely to lead to the identification of —

- (a) an individual who has been or is the subject of any investigation, examination, assessment or treatment under this Act relating to whether the individual is a vulnerable adult experiencing or at risk of abuse, neglect or self-neglect;
- (b) a vulnerable adult who has been committed to a place of temporary care and protection or place of safety or to the care of a fit person under this Act; or
- (c) a vulnerable adult who is the subject of an order made by a court under this Act.

(2) Also, a person must not, without the Director's approval, publish or broadcast any information or picture that identifies, or is likely to lead to the identification of —

- (a) a place of temporary care and protection or place of safety in which an individual or a vulnerable adult mentioned in subsection (1)(a), (b) or (c) is committed, or the location of such a place of temporary care and protection or place of safety; or

(b) a fit person under whose care an individual or a vulnerable adult mentioned in subsection (1)(a), (b) or (c) is placed, or the location of the premises of such a fit person.

(3) Nothing in subsection (2) prevents a place of temporary care and protection, place of safety or fit person from publishing its, his or her address in any publication, or on the website, of the place of temporary care and protection, place of safety or fit person, as the case may be.

(4) The court may, on an application made by the Director or a protector, order a person to remove the publication, or cease the broadcast, of any information or picture that is in contravention of subsection (1) or (2).

(5) The court may make an order under subsection (4) even if —

(a) the application is not served on the person against whom the order is to be made (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or

(b) where the application has been served on the respondent — the respondent does not appear at the hearing of the application,

so long as the court is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the individual or vulnerable adult concerned.

(6) If any information or picture is published or broadcast in contravention of subsection (1) or (2) —

(a) in the case of the publication of any information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher and distributor of the newspaper or periodical publication;

(b) in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication, every person who publishes or distributes it; or

(c) in the case of the broadcast of any information or picture, every person who transmits or provides the programme in which the information or picture is broadcast and every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

(7) The court may, in addition to any punishment mentioned in subsection (6), order a person to remove the publication, or cease the broadcast, of any information or picture that is in contravention of subsection (1) or (2).

(8) To avoid doubt, this section does not apply to, or in relation to the publication of a notice mentioned in section 14(2)(b)(ii).

(9) In this section —

“broadcast” means sounds or visual images —

(a) broadcast by wireless telegraphy, or by means of a high frequency distribution system over wire or other paths provided by a material substance, and intended for general reception;

(b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or

(c) broadcast through any messaging system;

“messaging system” means any system that enables the transmission of short text messages, or of any visual communication, voice communication or electronic mail —

(a) from a digital mobile telephone to another digital mobile telephone; or

(b) from an electronic mail address to a digital mobile telephone, and the other way around;

“publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including (to avoid doubt) through —

- (a) the Internet or any website, web service or Internet application; or 5
- (b) any messaging system.

Notification of information relating to individual who is, or is suspected to be, vulnerable adult

23.—(1) Any person who knows or has reason to suspect that an individual is a vulnerable adult who has experienced, or is experiencing or at risk of, abuse, neglect or self-neglect may notify any of the following persons of the facts and circumstances on which the person’s knowledge or suspicion is based: 10

- (a) the Director; 15
- (b) a protector;
- (c) any other person authorised by the Director or protector to receive such information.

(2) A person who makes a notification under subsection (1) —

- (a) must not, by virtue of doing so, be regarded in any proceedings before any court or tribunal or in any other respect to have breached any code of professional etiquette or ethics, or to have departed from any accepted form of professional conduct; and 20
- (b) insofar as the person has acted with reasonable care and in good faith, incurs no civil or criminal liability in respect of the notification or the provision of any information contained in the notification. 25

(3) Any person appearing as a witness in any proceedings in any court or tribunal or before a person authorised by law to hear evidence must not be compelled — 30

- (a) to disclose the identity of any person who has made a notification under subsection (1), or any information likely to lead to the disclosure of the identity of such a person; or
- (b) to produce any report or document, or any part of a report or document, which is likely to identify, any person who has made a notification under subsection (1).

Disclosure of information to and by Director or protector

24.—(1) Subject to subsection (2) and any express restriction imposed by or under any other written law, a body or person to whom this section applies may disclose to the Director or a protector any information received by that body or person under or for the purposes of any written law, where the disclosure is made by the body or person for the purpose of enabling or assisting the Director or the protector to perform any of the Director's or the protector's duties under this Act.

(2) Subject to subsection (3), the Director or protector may disclose to a body or person to whom this section applies any information received by the Director or protector under or for the purposes of this Act, where the disclosure is made by the Director or the protector —

- (a) for any purpose connected with the performance of any of the Director's or the protector's duties under this Act; and
- (b) for the purpose of enabling or assisting that body or person to perform any of that body's or person's duties.

(3) This section applies to the following bodies and persons:

- (a) any Government department;
- (b) any statutory body;
- (c) any police officer;
- (d) such other body or person as may be prescribed.

(4) Nothing in this section is to be construed as affecting any power of disclosure exercisable apart from this section.

Report of qualified assessor, etc., to be admissible in evidence

25. A copy of the report prepared by —

- (a) a qualified assessor under section 6(7); or
- (b) the Director or a protector who has assessed an individual or a vulnerable adult under section 6,

is admissible in any proceedings under this Act as evidence of the opinion of the qualified assessor, Director or protector (as the case may be) and of the facts upon which his or her opinion is based in relation to any matter about the individual or vulnerable adult contained in the report.

PART 5

ENFORCEMENT

Powers of entry, etc., for enforcement purpose

26.—(1) The Director or an enforcement officer may exercise all or any of the powers in this section for the purpose of —

- (a) ascertaining whether an order of court under section 14 or 15 is being complied with or has been contravened; or
- (b) investigating any offence under this Act.

(2) The Director or an enforcement officer may —

- (a) at any time of the day or night without notice, enter, inspect and search any premises if the Director or enforcement officer reasonably believes that evidence of the commission of an offence under this Act, or the non-compliance with, or a contravention of, an order of court under section 14 or 15, can be found in those premises;
- (b) photograph or film, or make a record or sketches of, any part of the premises mentioned in paragraph (a), or any person or thing at the premises;
- (c) inspect and make copies of, or take extracts from, any document or thing which is in the possession or under the control of any person for the purpose mentioned in

subsection (1) even though the prior consent of the person has not been obtained;

- 5 (d) seize any document or thing found in the premises mentioned in paragraph (a) which the Director or enforcement officer reasonably believes to be the subject matter of, or to be connected with the commission of, an offence under this Act, or the non-compliance with, or a contravention of, an order of court under section 14 or 15;
- 10 (e) issue a written notice requiring any person whom the Director or enforcement officer reasonably believes to be in possession of any document or thing relevant to the investigation of an offence under this Act, or the non-compliance with, or a contravention of, an order of court under section 14 or 15 —
- 15 (i) to produce without charge, that document or thing at the time and place stated in the notice; or
- (ii) to give the Director or enforcement officer, without charge, access to that document or thing;
- 20 (f) issue a written notice requiring any person within the limits of Singapore, who appears to be acquainted with any of the facts or circumstances of the matter under investigation, to attend before the Director or enforcement officer at the time and place stated in the notice;
- 25 (g) require any person whom the Director or enforcement officer reasonably believes to be acquainted with any of the facts or circumstances of the matter under investigation, to answer any question to the best of the person's knowledge, information and belief, immediately or at such place and time specified in writing; and
- 30 (h) take any step which appears to be necessary to preserve or prevent interference with any document or thing which the Director or enforcement officer considers to be the subject matter of, or to be connected with the commission of, an offence under this Act, or the non-compliance with, or a contravention of, an order of court under section 14 or 15.
- 35

(3) For the purposes of subsection (2)(c), (d), (e) and (h), if any document or information required by the Director or enforcement officer is kept in electronic form —

(a) the power of the Director or enforcement officer to inspect the document or obtain information includes the power to — 5

(i) access any computer or other equipment (including a mobile telephone) in which the document or material is stored; and

(ii) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to provide assistance in gaining such access; and 10

(b) the power of the Director or enforcement officer to seize such document includes the power to — 15

(i) make copies of the document in legible or electronic form; and

(ii) transfer the information from the document or material to a disc, tape or other storage device.

(4) If the Director or enforcement officer under subsection (3)(b) is unable to make copies of the document or transfer the document, the Director or enforcement officer may — 20

(a) seize the computer or other equipment (including a mobile telephone) in which the document or information is stored as evidence in proceedings for an offence under this Act; and 25

(b) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to disclose any password or access code for gaining access to the document or information held in the computer or equipment. 30

(5) If free entry or access to the premises cannot be obtained under subsection (2)(a), the Director or enforcement officer may, with such assistance as the Director or enforcement officer considers necessary,

break open any window, lock or fastener, or use any other reasonable means to gain entry or access into the premises.

5 (6) If any person fails to comply with a written notice issued to the person under subsection (2)(e) or (f), the Director or enforcement officer may report such failure to a Magistrate who may then, in the Magistrate's discretion, issue a warrant ordering the person to comply with the written notice.

10 (7) Any person examined under subsection (2)(g) is bound to state truly what the person knows of the facts and circumstances concerning matters under this Act, except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

(8) A statement made by a person examined under subsection (2)(g) must —

- 15 (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person.

20 **Equipment**

27. The Director or an authorised officer may carry or have in his or her possession or under his or her control any truncheon, handcuffs or other similar means of restraint for the purposes of executing his or her duties under this Act.

25 **Power to arrest without warrant**

28.—(1) The Director or an authorised officer may arrest, without warrant, any individual whom the Director or authorised officer reasonably suspects, is committing or has committed an offence under section 14(10) or 15(8).

30 (2) If the Director or an authorised officer has reason to believe that an individual mentioned in subsection (1) is inside any place, the

Director or authorised officer may enter that place for the purpose of arresting that individual.

(3) In making an arrest under this section, the Director or authorised officer may use handcuffs or any other similar means of restraint on an individual to prevent the individual from —

5

- (a) inflicting bodily injury to himself or herself, or others;
- (b) damaging any property;
- (c) creating any disturbance; or
- (d) escaping from custody.

(4) The Director or an authorised officer making an arrest under this section must comply with sections 68, 75 and 76 of the Criminal Procedure Code (Cap. 68) as if he or she were a police officer.

10

(5) Any individual arrested under this section must be brought to a police station or a place of custody specified by the Minister, as soon as reasonably practicable, and may, if required by the Director, a police officer or an authorised officer be released on bail, or on the individual's own bond, to appear before a Magistrate.

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(6) The individual who is brought before a Magistrate's Court under subsection (5) may —

- (a) be ordered to be detained in custody until he or she can be tried; or
- (b) if so required by the Magistrate, be released on bail, or on the individual's own bond with surety, to appear before a Magistrate's Court.

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Search of arrested persons and power to seize offensive weapons

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29.—(1) The Director or an authorised officer making an arrest under section 28 may exercise the powers under sections 78 and 79 of the Criminal Procedure Code (Cap. 68) as if he or she were a police officer.

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(2) The Director or an authorised officer searching any individual under this section must comply with section 83 of the Criminal Procedure Code.

PART 6

MISCELLANEOUS

5

Disposal of documents or thing

30.—(1) Any document or thing taken into possession or seized under this Act, must —

10 (a) where the document or thing is produced in any criminal trial, be dealt with in accordance with section 364 of the Criminal Procedure Code (Cap. 68); or

 (b) in any other case, be returned to the owner or reported to a Magistrate.

15 (2) Where the report of any document or thing is made to a Magistrate under subsection (1)(b), the Magistrate may order the document or thing —

 (a) to be forfeited; or

 (b) to be disposed of in such manner as the Magistrate thinks fit.

20 (3) Nothing in this section is to be taken to affect any right to retain or dispose any property which may exist in law apart from this section.

Offence of obstruction

31. A person who refuses to give access to, or obstructs, hinders or delays —

25 (a) the Director;

 (b) an enforcement officer;

 (c) an authorised officer;

- (d) a protector; or
- (e) a relevant support person,

in the discharge of his or her duties, or the exercise of his or her powers, 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 12 months or to both.

5

Offence of providing false information, etc.

32.—(1) If —

- (a) a person furnishes a document or makes a statement (whether orally, in writing or any other way) or gives information to the Director or enforcement officer;
- (b) the document, statement or information is false or misleading, or the statement or information omits any matter or thing without which the statement or information (as the case may be) is misleading;
- (c) the person knows, or ought to know, that the document is false or misleading, or that statement or information is as described in paragraph (b); and
- (d) the document is furnished, or the statement is made or the information is given, for or in connection with a question or request of the Director or enforcement officer under this Act,

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the person 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 12 months or to both.

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(2) Subsection (1) does not apply if the document, statement or information is not false or misleading in a material particular, or if the statement or information did not omit any matter or thing without which the statement or information (as the case may be) is misleading in a material particular.

30

Notice to attend court

33.—(1) Where it appears to the Director or any enforcement officer that any person has committed an offence under this Act, the Director or enforcement officer may, in his or her discretion, serve upon the person a notice in such form as may be prescribed requiring the person to attend the court, at the hour and on the date specified in the notice.

(2) The Director or enforcement officer must prepare a duplicate of the notice mentioned in subsection (1) and, if so required by a court, produce the same to the court.

(3) On an accused person appearing before a court in pursuance of such a notice, the court shall take cognizance of the offence alleged and must proceed as though the accused person were produced before the court under section 153 of the Criminal Procedure Code (Cap. 68).

(4) If a person, upon whom such a notice has been served, fails to appear before a court in accordance therewith, the court must thereupon issue a warrant for arrest of that person.

(5) Upon a person arrested in pursuance of a warrant issued under subsection (4) being produced before a court, the court must —

(a) proceed as though the person was produced under section 153 of the Criminal Procedure Code; and

(b) at the conclusion of the proceedings, call upon the person to show cause why he or she should not be punished for failing to attend in compliance with the notice served upon him or her and, if cause is not shown, may order him or her to pay such fine not exceeding \$2,000 as the court thinks fit or may commit him or her to prison for a term not exceeding 2 months.

Protection from personal liability

34.—(1) No liability shall lie personally against the Director, any authorised officer, enforcement officer, protector, relevant support person or other person acting under the direction of the Director or a protector who, acting in good faith and with reasonable care, does or omits to do anything —

(a) in the execution or purported execution of this Act; or

(b) in the discharge or purported discharge of —

- (i) any duty of the Director under this Act;
- (ii) any direction of the Director or a protector under this Act; or
- (iii) any order made by a court under this Act. 5

(2) No liability shall lie personally against any member of the Review Board who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

(3) No liability shall lie personally against any person appointed by a court or pursuant to an order of a court, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any order made by a court under this Act. 10

(4) No liability shall lie personally against any person who, acting in good faith and with reasonable care, does or omits to do anything in a place of temporary care and protection, place of safety or the premises of a fit person in the discharge or purported discharge of — 15

(a) any direction given by the Director or a protector under this Act; or

(b) any order made by a court under this Act. 20

Service of documents

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

(2) A document may be served on an individual — 25

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address; 30
- (c) by leaving it at the individual's residential address with an adult person apparently residing there, or at the individual's

business address with an adult person apparently employed there;

(*d*) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;

5 (*e*) by sending it by fax to the fax number given by the individual as the fax number for the service of documents under this Act; or

(*f*) by sending it by email to the individual's email address.

10 (3) A document may be served on a partnership (other than a limited liability partnership) —

(*a*) by giving it to any partner or other like officer of the partnership;

(*b*) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;

15 (*c*) by sending it by fax to the fax number used at the partnership's business address; or

(*d*) by sending it by email to the partnership's email address.

(4) A document may be served on a body corporate (including a limited liability partnership) or an unincorporated association —

20 (*a*) by giving it to the secretary or other like officer of the body corporate or unincorporated association or the limited liability partnership's manager;

25 (*b*) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;

(*c*) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or

30 (*d*) by sending it by email to the body corporate's or unincorporated association's email address.

(5) Service of a document on a person under this section takes effect —

- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of the transmission;
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and 5
- (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) A document may be served on a person under this Act by email only with that person's prior written consent. 10

(7) This section does not apply to documents to be served in proceedings in court.

(8) In this section —

“business address” means —

- (a) in the case of an individual, the individual's usual or last known place of business in Singapore; and 15
- (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

“email address” means the last email address given by the addressee concerned as the email address for the service of documents under this Act; 20

“residential address” means an individual's usual or last known place of residence in Singapore.

Family Justice Rules 25

36.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 (Act 27 of 2014) may make Family Justice Rules —

- (a) to regulate and prescribe the procedure and practice to be followed in respect of an application to a court under this Act; and 30

(b) to provide for any matter relating to such procedure or practice.

(2) The Family Justice Rules, may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

(3) All Family Justice Rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

Regulations

37.—(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection (1), the Minister may make regulations for any of the following:

- (a) the duties and powers of the managers of places of temporary care and protection and places of safety;
- (b) the records that are to be kept by the managers of places of temporary care and protection and places of safety, and the returns and other information to be provided to the Director with respect to such places;
- (c) the reports and information to be submitted to the Director relating to vulnerable adults residing in places of temporary care and protection and places of safety;
- (d) the constitution and procedures of the Review Board;
- (e) any matter relating to the release of any arrested person on any bail or bond under section 28(5) or (6).

PART 7

RELATED AMENDMENTS TO OTHER ACTS

Amendment of Family Justice Act 2014

38. Section 2(1) of the Family Justice Act 2014 (Act 27 of 2014) is amended by inserting, immediately after paragraph (o) of the definition of “family proceedings”, the following paragraph: 5

“(oa) any civil or quasi-criminal proceedings under the Vulnerable Adults Act 2018;”.

Amendment of Maintenance of Parents Act

39. The Maintenance of Parents Act (Cap. 167B, 1996 Ed.) is amended by renumbering section 11 as subsection (1) of that section, and by inserting immediately thereafter the following subsections: 10

“(2) Without prejudice to subsection (1), if an applicant mentioned in that subsection is a vulnerable adult in respect of whom — 15

(a) there is an order made by a court under section 14 or 15 of the Vulnerable Adults Act 2018; or

(b) the Director of Social Welfare or a protector has exercised any power under Division 1 or 2 of Part 2 of that Act, 20

the application may be made on the applicant’s behalf by the Director of Social Welfare or a protector.

(3) In this section —

“Director of Social Welfare” means the Director of Social Welfare appointed under section 3(1) of the Children and Young Persons Act (Cap. 38); 25

“protector” means a protector appointed under section 3(2) of the Vulnerable Adults Act 2018;

“vulnerable adult” has the meaning given by section 2 of the Vulnerable Adults Act 2018.”. 30

Amendment of Penal Code

40. The Penal Code (Cap. 224, 2008 Ed.) is amended —

(a) by inserting, immediately after section 74, the following section:

5 **“Enhanced penalties for offences against
vulnerable adults**

10 **74A.—**(1) This section applies where a person is convicted on or after the date of commencement of the Vulnerable Adults Act 2018 of an offence specified in subsection (3) (called in this section the offender) against a vulnerable adult.

15 (2) The court may sentence the offender to punishment not exceeding one and a half times the maximum punishment that the court could, but for this section, impose for the offence, if at the time of committing the offence the offender knew or ought reasonably to have known that the victim was a vulnerable adult.

20 (3) The offence mentioned in subsection (1) is any of the following offences:

 (a) an offence under section 304A, 323, 324, 325, 334, 335, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 354(1), 355, 357, 358, 376G, 508 or 509;

25 (b) an offence of criminal intimidation which is punishable with imprisonment for a term which may extend to 2 years, or with fine, or with both, under section 506.

30 (4) Despite anything to the contrary in the Criminal Procedure Code (Cap. 68) —

 (a) a Magistrate’s Court has jurisdiction to try the offences punishable under sections 304A(a), 338(a) and 376G, and power to impose the full punishment

provided under subsection (2) in respect of those offences; and

(b) a District Court has jurisdiction to try the offences punishable under sections 324 and 325, and power to impose the full punishment provided under subsection (2) in respect of those offences.

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(5) In this section, “vulnerable adult” has the meaning given by section 2 of the Vulnerable Adults Act 2018.”;

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(b) by deleting the words “2 years, or with fine, or with both” in section 376F(2) and substituting the words “5 years, or with fine, or with caning, or with any combination of such punishments”; and

(c) by deleting the words “10 years, or with fine, or with both” in section 376F(3) and substituting the words “20 years, and shall also be liable to a fine or to caning”.

15

Amendment of Protection from Harassment Act

41. The Protection from Harassment Act (Cap. 256A, 2015 Ed.) is amended by inserting, immediately after section 8, the following section:

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“Enhanced penalty for offence against vulnerable adult

8A.—(1) This section applies where —

(a) a person is convicted on or after the date of commencement of the Vulnerable Adults Act 2018 of an offence under section 3, 4, 5 or 7 (called in this section the offender) against a vulnerable adult; and

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(b) the offender has no prior conviction (whether before, on or after that date) of the offence under section 3, 4, 5 or 7 (as the case may be), whether or not the prior conviction is for an offence against a vulnerable adult.

30

(2) The court may sentence the offender to punishment not exceeding one and a half times the maximum punishment that the

court could, but for this section, impose for the offence, if at the time of committing the offence the offender knew or ought reasonably to have known that the victim was a vulnerable adult.

(3) In this section, “vulnerable adult” has the meaning given by section 2 of the Vulnerable Adults Act 2018.”

Amendment of Women’s Charter

42. Section 65 of the Women’s Charter (Cap. 353, 2009 Ed.) is amended —

(a) by inserting, immediately after subsection (8), the following subsections:

“(9) Subsection (10) applies to a protection order or an expedited order or an order made by virtue of subsection (5), except an order made by virtue of subsection (5)(b), if such an order relates to a vulnerable adult.

(10) Any person who wilfully contravenes an order mentioned in subsection (9) 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 12 months or to both and; in the case of a second or subsequent conviction, to a fine not exceeding \$8,000 or to imprisonment for a term not exceeding 18 months or to both.”;

(b) by inserting, immediately after the words “subsection (8)” in subsection (11), the words “or (10)”; and

(c) by inserting, immediately after subsection (11), the following subsection:

“(12) In this section, “vulnerable adult” has the meaning given by section 2 of the Vulnerable Adults Act 2018.”

EXPLANATORY STATEMENT

This Bill seeks to make provision for the safeguarding of vulnerable adults from abuse, neglect or self-neglect, and to provide for matters connected with that.

The Bill also makes related amendments to the Family Justice Act 2014 (Act 27 of 2014), the Maintenance of Parents Act (Cap. 167B), the Penal Code (Cap. 224), the Protection from Harassment Act (Cap. 256A) and the Women’s Charter (Cap. 353).

Part 1 (comprising clauses 1 to 4) introduces the fundamental concepts used in the Bill and provides for the appointment of certain persons for the purposes of administering and enforcing the Bill.

Part 2 (comprising clauses 5 to 18) contains the framework for the safeguarding of vulnerable adults from abuse, neglect or self-neglect.

Part 3 (comprising clauses 19 to 21) contains provisions relating to places of temporary care and protection, places of safety, fit persons, and the Review Board.

Part 4 (comprising clauses 22 to 25) deals with the regulatory framework relating to the restriction of information that may lead to the identification of a vulnerable adult and his or her whereabouts.

Part 5 (comprising clauses 26 to 29) confers powers of enforcement for the proper administration of the Bill.

Part 6 (comprising clauses 30 to 37) contains powers to make regulations and Family Justice Rules, and other miscellaneous provisions.

Part 7 (comprising clauses 38 to 42) sets out the provisions that make related amendments to certain other Acts.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general definition provision. It contains definitions of terms used in the Bill.

A “vulnerable adult” is defined in the clause to mean an individual who —

- (a) is 18 years of age or older; and
- (b) is, by reason of mental or physical infirmity, disability or incapacity, incapable of protecting himself or herself from abuse, neglect or self-neglect.

The terms “abuse”, “neglect” and “self-neglect” are also defined in clause 2.

Clause 3 provides that the Director of Social Welfare appointed under section 3(1) of the Children and Young Persons Act (Cap. 38) (the Director) is responsible for the administration of the Bill when enacted. The clause empowers the Director to appoint protectors, approved welfare officers, mental capacity assessors, enforcement officers and authorised officers for the purposes of the Bill.

Under the clause, the Director is required to issue to each enforcement officer an identification card which must be carried at all times by the enforcement officer when exercising powers under the Bill. That identification card issued to an enforcement officer must be returned if the enforcement officer’s appointment ends.

The clause further empowers the Director to delegate the exercise or performance of all or any of the Director’s powers or duties under the Bill to a public officer. However, the Director’s power of appointment and power of delegation under the clause cannot be delegated.

Clause 4 sets out the principles which the Director, every protector, approved welfare officer and enforcement officer must have regard to in performing any duty or exercising any power under the Bill in relation to a vulnerable adult. A relevant support person assisting the Director or a protector in the exercise of the Director’s or protector’s duties or powers under the Bill or in any other dealing with a vulnerable adult for the purposes of the Bill must also have regard to the same principles.

In addition, the clause requires the court to have regard to the same principles in deciding whether to make an order under the Bill in relation to a vulnerable adult or an individual whom the Director or a protector has reason to believe is a vulnerable adult and who has experienced or is experiencing or at risk of abuse, neglect or self-neglect. However, the court may also have regard to such other matters as the court thinks fit.

PART 2

PROTECTION OF VULNERABLE ADULTS

Clause 5 sets out the circumstances under which the Director or a protector may exercise any power under Division 1 of Part 2 in relation to an individual whom the Director or protector has reason to believe is a vulnerable adult, or a vulnerable adult who is the subject of a court order under clause 14 or 15.

Clause 6 empowers the Director or a protector to assess an individual or a vulnerable adult mentioned in clause 5, or to require the individual or vulnerable adult to be assessed by a qualified assessor. A “qualified assessor” is defined in clause 2 to mean a person whom the Director or a protector reasonably considers qualified to conduct an assessment, and includes a mental capacity assessor. The

Director can appoint a registered medical practitioner, psychiatrist or psychologist as a mental capacity assessor for the purposes of the Bill. “Assessment” is defined in clause 2 to mean an interview and examination which includes the taking of X-rays and an individual’s blood and other body samples for testing and analysis, but does not include the administering of medical or dental treatment.

The clause also empowers the Director or a protector to remove the individual or vulnerable adult from the place where the individual or vulnerable adult is residing or staying for the purpose of an assessment under certain circumstances.

Under the clause, the Director, a protector or qualified assessor may assess an individual or vulnerable adult, who lacks mental capacity, without the consent of the individual’s or vulnerable adult’s donee or deputy (where one is appointed). This is despite any power conferred on the donee or deputy under any other written law, lasting power of attorney or court order appointing the deputy.

Clause 6 is however, subject to clause 7.

Clause 7 provides that where an individual or vulnerable adult refuses to be assessed under clause 6, the Director or a protector is not required to exercise any power under clause 6. However, the Director or a protector may override an individual’s or a vulnerable adult’s refusal to be assessed under clause 6 if —

- (a) the Director or protector has reason to believe that the individual or vulnerable adult concerned lacks the mental capacity to refuse the assessment, and the Director or protector is satisfied that carrying out the assessment would be in the individual’s or vulnerable adult’s best interests; or
- (b) in accordance with an order of court under clause 7(3) authorising the Director or a protector to exercise any power under clause 6 in relation to that individual or vulnerable adult.

The court will only make an order under clause 7(3) if it is satisfied, on a balance of probabilities, that the individual or vulnerable adult concerned has experienced, or is experiencing or at risk of abuse, neglect or self-neglect, and the court is of the view that such an order is necessary for the safety and protection of the individual or vulnerable adult.

Clause 8 empowers the Director or a protector to enter the premises where an individual or a vulnerable adult is residing or staying for the purpose of exercising a power under clause 6(1)(a), (b) or (d) or 10.

Clause 9 empowers the Director or a protector to obtain information about whether an individual is a vulnerable adult, or whether an individual or a vulnerable adult has experienced, or is experiencing or at risk of abuse, neglect or self-neglect from any person.

The clause further empowers the Director or a protector to examine and take copies of health records and records kept and compiled in connection with a social services function, where such a record relates to an individual whom the Director or a protector has reason to believe is a vulnerable adult and has experienced, or is experiencing or at risk of abuse, neglect or self-neglect, or where the record relates to a vulnerable adult whom the Director or a protector has reason to believe has experienced, or is experiencing or at risk of abuse, neglect or self-neglect.

Clause 9 also confers immunity in respect of certain suits on persons who give the Director or a protector access to such information or record.

Clause 10 empowers the Director or a protector to remove a vulnerable adult from the place where the vulnerable adult is residing or staying under certain circumstances. After being so removed, the vulnerable adult will be committed to a place of temporary care and protection, or to the care of a fit person, in accordance with clause 11.

Under the clause, the Director or a protector may remove a vulnerable adult, who lacks mental capacity, without the consent of the vulnerable adult's donee or deputy (where one is appointed). This is despite any power conferred on the donee or deputy under any other written law, lasting power of attorney or court order appointing the deputy.

Clause 11 provides for matters relating to the committal of a vulnerable adult in a place of temporary care and protection, or in the care of a fit person.

Upon removal of a vulnerable adult under clause 10 from the place where the vulnerable adult is residing or staying, the Director or a protector must commit the vulnerable adult to a place of temporary care and protection or to the care of a fit person. The Director or protector is also required to apply to the court under clause 12 for an order under clause 14 or 15 within 14 working days after the removal of the vulnerable adult. If an application for such an order cannot be made within the 14-day timeline, the Director or a protector must apply for an order for the custody, charge and care of the vulnerable adult under clause 11(2). These safeguards ensure that the vulnerable adult is not arbitrarily removed from the place where he or she is residing or staying.

The clause also empowers the Director or a protector to give certain directions to a person if the Director or protector reasonably believes that contact between that person and a vulnerable adult who has been removed under clause 10, is not in the best interests of the vulnerable adult. A person who fails, without reasonable excuse, to comply with such directions given to the person, commits an offence.

Clause 12 confers locus standi on certain individuals who can apply for one or more court orders under clause 14 or 15 in relation to a vulnerable adult. However, the individuals can only make the application under the clause if they have reason to believe that —

- (a) the vulnerable adult has experienced, or is experiencing or at risk of abuse, neglect or self-neglect; and
- (b) the order is, or orders are, necessary for the protection and safety of the vulnerable adult.

Clause 13 specifies the procedure to be followed for an application for an order of court under clause 7(3), 10(4), 11(2), 12, 17 or 22(4). The clause also provides that the court cannot make any order under clause 7(3), 10(4), 11(3), 14, 15 or 17 without giving the vulnerable adult concerned an opportunity to be heard, unless the vulnerable adult has been assessed by a mental capacity assessor to lack mental capacity in relation to the making of an application for an order under clause 11(3), 14, 15 or 17 concerning the vulnerable adult, or if the court is of the view that it is not practicable to do so.

Clause 13 also provides for a judge of the court to sit with a panel of advisers nominated by the Minister, when deciding whether to make an order under clause 14(1)(b) or (j). Clause 14(1)(b) enables the court to make an order committing a vulnerable adult to a place of safety or to the care of a fit person for a specified period if certain conditions are met. Clause 14(1)(j) enables the court to make certain orders where the condition of the vulnerable adult's residence poses a risk to the safety or health of the vulnerable adult.

The advisers are to inform and advise the court in relation to the protection and safety of the vulnerable adult concerned or the appropriateness of making an order in respect of the vulnerable adult under clause 14(1)(b) or (j).

Clause 14 sets out the various orders that the court can make in relation to a vulnerable adult, and matters connected to those orders. The clause also creates offences relating to the non-compliance with certain court orders made under the clause. The court can only make the orders mentioned in clause 14 if it is satisfied, on a balance of probabilities, that —

- (a) the vulnerable adult has experienced, or is experiencing or at risk of abuse, neglect or self-neglect; and
- (b) the orders are necessary for the protection and safety of the vulnerable adult.

Clause 15 enables the court to make certain court orders mentioned in clause 14 on an expedited basis if the court is satisfied, on a balance of probabilities, that the vulnerable adult is experiencing, or is in imminent danger of, abuse, neglect or self-neglect. A person who fails to comply with an expedited order under the clause commits an offence.

Clause 16 contains the contempt of court provisions in respect of non-compliance with an order under clause 14 (including non-compliance with such an order made on an expedited basis under clause 15). The clause also confers locus standi on certain persons who can make an application for contempt of court

under the Bill. A person who has been convicted of an offence under clause 14(10) or (13)(a) or 15(8) in respect of any non-compliance with an order or expedited order cannot be punished for contempt of court.

Clause 17 provides for the variation, suspension or revocation of a court order made under clause 14 or 15.

Clause 18 allows the Director or a protector to require a vulnerable adult to be produced before a registered medical practitioner or registered dentist for any necessary medical or dental treatment (as the case may be) under certain circumstances. Any medical or dental treatment is to be administered to the vulnerable adult only with the consent of the vulnerable adult. However, medical or dental treatment may be administered without the consent of a vulnerable adult if —

- (a) the vulnerable adult is assessed by a mental capacity assessor to lack the mental capacity to consent, and the registered medical practitioner or registered dentist reasonably believes that it is in the vulnerable adult's best interests to receive the medical or dental treatment; or
- (b) it is not practicable to obtain consent from the vulnerable adult, and the registered medical practitioner or registered dentist reasonably believes that a medical or dental emergency (as the case may be) exists; and the registered medical practitioner or registered dentist is of the view that it is in the vulnerable adult's best interests to receive the medical or dental treatment, as the case may be.

For example, medical treatment may be administered without the consent of a vulnerable adult who is unconscious if the vulnerable adult requires urgent medical treatment to save his or her life.

Where a donee or deputy (as the case may be) has been appointed for a vulnerable adult who lacks mental capacity, a registered medical practitioner or registered dentist may administer medical or dental treatment (as the case may be) to the vulnerable adult without the consent of the vulnerable adult's donee or deputy if the registered medical practitioner or registered dentist is of the view —

- (a) that such consent cannot be obtained within a reasonable time; or
- (b) that such consent is being unreasonably withheld by the deputy or donee, as the case may be.

For example, a registered medical practitioner may administer medical treatment without the consent of the vulnerable adult's donee or deputy (as the case may be) if the donee or deputy is not contactable, or if the donee or deputy has been abusing the vulnerable adult and the donee or deputy does not wish to consent to the vulnerable adult receiving the medical or dental treatment, as the case may be.

A registered medical practitioner or registered dentist may administer medical or dental treatment (as the case may be) to a vulnerable adult without the donee's or deputy's consent, despite any power conferred on the deputy or donee under any other written law, lasting power of attorney or court order appointing the deputy.

PART 3

PLACES OF TEMPORARY CARE AND PROTECTION, PLACES OF SAFETY, FIT PERSONS AND REVIEW BOARD

Clause 19(1) empowers the Minister, by notification in the *Gazette*, to designate any premises in Singapore as —

- (a) a place of temporary care and protection for the care and protection of vulnerable adults from abuse, neglect or self-neglect for an interim period; or
- (b) a place of safety for the care and protection of vulnerable adults over the longer term.

Clause 19(2) empowers the Minister to cancel the designation under certain circumstances.

Clause 19(4) empowers the manager of a place of temporary care and protection or a place of safety to take certain security measures to ensure the safety and protection of any vulnerable adult residing in the place of temporary care and protection or place of safety.

Clause 20 provides for matters relating to the Review Board which comprises members appointed by the Minister. The Review Board will review the cases of vulnerable adults who have been committed to a place of temporary care and protection or place of safety, or to the care of a fit person under clause 14. The Review Board will also advise the Director on the suitability of discharging a vulnerable adult from a place of temporary care and protection or place of safety, or the care of a fit person, before the completion of the vulnerable adult's period of committal.

Clause 21 is an offence provision relating to the unlawful removal or escape of a vulnerable adult from a place of temporary care and protection, place of safety, or the custody of a fit person to whose care, the vulnerable adult has been committed.

PART 4

CONFIDENTIAL INFORMATION

Clause 22 seeks to protect the identity and whereabouts of an individual who is or is suspected to be a vulnerable adult. The clause imposes certain restrictions on the publication or broadcasting of certain confidential information concerning the identity and whereabouts of such an individual or a vulnerable adult.

Under the clause, the court, on an application made by the Director or a protector, may order a person to remove the publication, or cease the broadcast, of any information or picture, that identifies or is likely to lead to the identification of an individual who is or is suspected to be a vulnerable adult, and the whereabouts of that individual or vulnerable adult. The clause further enables the court to make the order in addition to any punishment for an offence under the clause.

A person who fails to comply with the court order commits a contempt of court, which is punishable under the Administration of Justice (Protection) Act 2016 (Act 19 of 2016).

Clause 23 is a whistle-blowing provision. It is intended to encourage a person who knows or has reason to suspect that an individual is a vulnerable adult who has experienced or is experiencing or at risk of abuse, neglect or self-neglect, to provide information about that individual to the Director, a protector or any other person authorised by the Director to receive such information.

The clause also protects a person who provides the information from incurring certain liabilities.

Clause 24 is a disclosure provision. The clause allows a body or person to disclose information to the Director or a protector for the purpose of enabling or assisting the Director or protector to perform any of the Director's or the protector's duties under the Bill.

The clause further provides that the Director or a protector may disclose to a body or person information the Director or protector has received for certain purposes.

Clause 25 relates to the admissibility of a report prepared by a qualified assessor under clause 6(7) or by the Director or a protector who has assessed an individual or vulnerable adult under clause 6, as evidence in any proceedings under the Bill. The clause allows a copy of such a report to be admitted as evidence in any proceedings under the Bill as evidence of the opinion of the qualified assessor, the Director, or a protector (as the case may be) and the facts upon which his or her opinion is based in relation to any individual or vulnerable adult contained in the report.

PART 5

ENFORCEMENT

Part 5 contains references to an "authorised officer". Under clause 3(9), an enforcement officer or auxiliary police officer may be appointed by the Director as an authorised officer for the purposes of clauses 27, 28 and 29.

The Director may appoint as an enforcement officer any public officer with suitable qualifications and experience to properly exercise the powers of an enforcement officer under the Bill under clause 3(5).

Clause 26 confers various enforcement powers on the Director or an enforcement officer for the purpose of —

- (a) ascertaining whether a court order under clause 14 or 15 is being complied with, or has been contravened; or
- (b) investigating any offence under the Bill.

Clause 27 allows the Director or an authorised officer to carry or have in his or her possession or under his or her control certain equipment that is necessary for executing his or her duties under the Bill.

Clause 28 allows the Director or an authorised officer to arrest, without warrant, any individual whom the enforcement officer reasonably suspects, is committing or has committed an offence under clause 14(10) or 15(8). If the Director or an authorised officer has reason to believe that an individual who is to be arrested is inside any place, the Director or authorised officer may enter that place for the purpose of arresting the individual.

Also, the clause —

- (a) sets out circumstances under, and purposes for which, the Director or an authorised officer may use handcuffs or other similar means of restraint on an individual;
- (b) requires the Director or an authorised officer to comply with sections 68, 75 and 76 of the Criminal Procedure Code (Cap. 68) as if he or she were a police officer, when effecting an arrest under the Bill. Section 68 of the Criminal Procedure Code requires a person arrested not to be detained more than 48 hours. Section 75 of the Criminal Procedure Code provides how to effect an arrest, and section 76 of the Criminal Procedure Code states that an arrested person must not be restrained more than is necessary to prevent the person's escape;
- (c) requires an individual arrested under the clause to be brought to a police station or a place of custody specified by the Minister as soon as reasonably practicable;
- (d) allows an arrested individual to be released on bail, or on the individual's own bond, to appear before a Magistrate; and
- (e) provides that an individual brought before a Magistrate's Court may be ordered to be detained in custody until the individual can be tried, or if so required by the Magistrate, be released on bail, or on the individual's own bond with surety, to appear before a Magistrate's Court.

Matters relating to bail and bond for the purposes of clause 28(5) and (6) are to be prescribed in regulations made under clause 36.

Clause 29 empowers the Director or an authorised officer to search an arrested individual, and to seize any offensive weapon found on the individual. As a safeguard, the Director or an authorised officer searching any woman under the clause must comply with section 83 of the Criminal Procedure Code. Section 83 of the Criminal Procedure Code provides that whenever it is necessary to cause a woman to be searched, the search is to be made by another woman with strict regard to decency.

PART 6

MISCELLANEOUS

Clause 30 provides for the disposal of documents or things that have been taken into possession by an enforcement officer under the Bill.

Clause 31 is an offence of refusing to give access to, or obstructing, hindering or delaying the Director, an authorised officer, an enforcement officer, a protector or a relevant support person in the discharge of his or her duties, or the exercise of his or her powers under the Bill.

Clause 32 is an offence for a person furnishing a document, or making a statement (whether orally, in writing or any other way) or giving information, to the Director or an enforcement officer, being a document, statement or information that is false, misleading, or that omits any matter or thing without which the statement or information (as the case may be) is misleading and the person knows, or ought reasonably to know, that the document is false or misleading, or that the statement or information is as described.

Clause 33 empowers the Director or an enforcement officer to serve a notice to attend court on persons who have committed an offence under the Bill.

Clause 34 confers immunity from civil and criminal liability on the following persons in certain circumstances:

- (a) the Director, any authorised officer, enforcement officer, protector, relevant support officer and any other person acting under the direction of the Director or a protector;
- (b) any member of the Review Board;
- (c) any person appointed by a court or pursuant to a court order under the Bill;
- (d) any person in a place of temporary care and protection, place of safety or a fit person's premises, discharging or purportedly discharging any

direction given by the Director or a protector under the Bill or any court order given under the Bill.

Clause 35 provides for the mode of service of any document required to be served on a person under the Bill. Documents to be served in proceedings in court cannot be served using methods of service provided under the clause. The service of court documents like summonses are intended to be regulated by the Rules of Court or other written laws.

Clause 36 allows the Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 (Act 27 of 2014) to make Family Justice Rules for the purposes of regulating, and prescribing the procedure and practice to be followed in respect of an application for an order of court under the Bill, and to provide for any matter relating to such procedure or practice.

Clause 37 empowers the Minister to make regulations necessary or convenient to be prescribed for carrying out or giving effect to the Bill. The Minister can make regulations for matters such as the duties and powers of the managers of places of temporary care and protection and places of safety, and the constitution and procedures of the Review Board.

PART 7

RELATED AMENDMENTS TO OTHER ACTS

Clause 38 amends the definition of “family proceedings” in section 2(1) of the Family Justice Act 2014 to include any civil or quasi-criminal proceedings under the Bill when enacted.

Clause 39 amends section 11 of the Maintenance of Parents Act to allow certain individuals to make an application under that Act on behalf of an applicant who is a vulnerable adult as defined under clause 2 when enacted.

Clause 40 inserts a new section 74A in the Penal Code. The clause enhances the penalties for certain offences under the Penal Code which are committed against an individual who is a vulnerable adult. The term “vulnerable adult” is to have the meaning given by clause 2 when enacted.

The clause also confers jurisdiction on a Magistrate’s Court and a District Court to try certain offences under the Penal Code, and to impose the full punishment for such offences.

Clause 41 inserts a new section 8A in the Protection from Harassment Act to enhance the penalties for certain offences under that Act which are committed against an individual who is a vulnerable adult. The term “vulnerable adult” is to have the meaning given by clause 2 when enacted.

Clause 42 inserts new subsections (9) and (10) in section 65 of the Women’s Charter. The clause seeks to enhance the penalties for the contravention of certain

orders made under section 65 of the Women's Charter if those orders relate to a vulnerable adult. The term "vulnerable adult" is to have the meaning given by clause 2 when enacted.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
