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Notification No. B 20 — The Maintenance of Parents (Amendment) Bill is published for general information. It was introduced in Parliament on 9 May 2023.

Maintenance of Parents (Amendment) Bill

Bill No. 20/2023.

Read the first time on 9 May 2023.

A BILL

intituled

An Act to amend the Maintenance of Parents Act 1995.

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

Short title and commencement

1. This Act is the Maintenance of Parents (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. In the Maintenance of Parents Act 1995 (called in this Act the principal Act), in section 2 —

(a) replace the definition of “child” with —

10 ““child”, for a person, means the person’s child who is of or above 21 years of age, and includes an illegitimate child, an adopted child or a stepchild of the person;”;

(b) after the definition of “Commissioner”, insert —

““conciliation officer” means —

15 (a) where the Commissioner conducts any conciliation under this Act — the Commissioner; or

20 (b) any person designated by the Commissioner to conduct any conciliation under this Act;

“destitute person” means a destitute person, as defined in section 2(1) of the Destitute Persons Act 1989, who is admitted, or temporarily admitted, into a welfare home under that Act;

25 “mediator” means any person appointed as a mediator under section 13(12);

“protector” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018;

“record or purported record of abandonment, abuse or neglect”, for a person, means any record against or relating to the person that is prescribed to be a record or purported record of the person’s abandonment, abuse or neglect of a child of the person;”;

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(c) in the definition of “Tribunal”, replace the full-stop at the end with a semi-colon; and

(d) after the definition of “Tribunal”, insert —

““vulnerable adult” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018;

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“welfare home” has the meaning given by section 2(1) of the Destitute Persons Act 1989.”.

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Amendment of section 3

3. In the principal Act, in section 3 —

(a) in subsection (1), replace “Any” with “Subject to section 3B(1), any”;

(b) in subsection (2), replace “An” with “Subject to section 3B(1), an”;

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(c) in subsection (3), after “Any person”, insert “(except the Commissioner)”;

(d) in subsection (3), replace “review under” with “the purposes of”;

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(e) in subsection (7), after “subsection (3)”, insert “or section 3A or 3B”; and

(f) after subsection (9), insert —

“(10) The president or a deputy president of the Tribunal may dismiss an application under subsection (7), and the Tribunal may determine an appeal made under subsection (8), without informing or involving the respondent.”.

New sections 3A and 3B

4. In the principal Act, after section 3, insert —

“Claim under section 3(3) — declaration about record or purported record of abandonment, abuse or neglect of child

3A.—(1) When a claim is referred to the Commissioner under section 3(3) for the maintenance of a parent by any child of the parent, the claim must be accompanied by a declaration, in the form and manner that the Commissioner specifies, from the appropriate person mentioned in subsection (2) stating (to the best of the appropriate person’s knowledge and belief) whether the parent has any record or purported record of abandonment, abuse or neglect of the child.

(2) For the purpose of subsection (1), the appropriate person is —

(a) for a claim referred (in respect of an application to be made under section 3(1)) by the parent — the parent;

(b) for a claim referred (in respect of an application to be made under section 3(1)) on behalf of the parent —

(i) where the claim is referred by any person mentioned in section 11(1) (other than the Director-General of Social Welfare or a protector) —

(A) in the case where the parent is unable to refer the claim by reason of mental infirmity — the person who refers the claim on behalf of the parent; or

- (B) in any other case — the parent; or
- (ii) where the claim is referred by the Director-General of Social Welfare or a protector — the Director-General of Social Welfare or the protector, as the case may be; or
- (c) for a claim referred (in respect of an application to be made under section 3(2)) by an approved person or organisation mentioned in that provision — the approved person or organisation.

Record or purported record of abandonment, abuse or neglect of child — permission required for application under section 3

3B.—(1) Any person who intends to make an application under section 3 for the maintenance of a parent by a child of the parent (called in this section the intended application) must first obtain permission under this section to make the intended application if —

- (a) the declaration made under section 3A in respect of the parent states that the parent has a record or purported record of abandonment, abuse or neglect of the child;
- (b) the Commissioner notifies the person (or where the Commissioner is the person, the Commissioner ascertains) that the parent has a record or purported record of abandonment, abuse or neglect of the child; or
- (c) a conciliation officer discontinues under section 12A(2) any conciliation in respect of the child's maintenance of the parent.

(2) The application for permission must be made to the Tribunal and must be dealt with and disposed of under this section without informing or involving the child, except where —

(a) the child was involved in any conciliation (for the maintenance of the parent) that is discontinued under section 12A(2); and

5 (b) the child informs the conciliation officer or the Commissioner that the child wishes, or is willing, to participate in the proceedings on the application for permission.

10 (3) After the application for permission is made to the Tribunal, the president or a deputy president of the Tribunal may —

(a) grant permission for the intended application to be made; or

(b) refer the application to the Tribunal for decision.

15 (4) If the application is referred to the Tribunal under subsection (3)(b), the Tribunal may grant permission for the intended application to be made or refuse such permission.

20 (5) The members of the Tribunal required to form a quorum under section 13(5) (for the hearing and determination of the application for permission) may include the president or deputy president of the Tribunal who referred the application to the Tribunal under subsection (3)(b).

(6) Subject to subsection (2), section 14 applies to the Tribunal’s hearing and determination of the application for permission.

25 (7) Permission may be granted under this section for the intended application to be made if there is a good arguable case that —

(a) the parent did not abandon, abuse or neglect the child; or

30 (b) the child should maintain the parent on just and equitable grounds.”.

Amendment of section 4

5. In the principal Act, in section 4, replace “applicant” with “respondent’s parent,”.

Amendment of section 5

6. In the principal Act, in section 5 —

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- (a) in subsection (1), after “order”, insert “against a respondent in respect of the respondent’s parent”;
- (b) in subsections (1), (2)(a), (b), (c) and (f) and (4), replace “the applicant” wherever it appears with “the parent”;
- (c) in subsection (2), delete “for the benefit of an applicant”;
- (d) in subsection (2)(b), replace “an applicant” with “the parent”; and
- (e) in subsection (7), replace “conciliation officer” with “mediator”.

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Amendment of section 6

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7. In the principal Act, in section 6 —

- (a) in the section heading, after “**maintenance**”, insert “, **give directions, etc.**”;
- (b) in subsection (1), after “order”, insert “made against a respondent in respect of the respondent’s parent”; and
- (c) after subsection (4), insert —

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“(5) The Tribunal may, in awarding maintenance, also give directions for all or any of the purposes specified in subsection (6), if the Tribunal is of the opinion that this would —

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- (a) reduce the need for the respondent to apply for a variation or rescission of the maintenance order; or
- (b) otherwise promote the respondent’s compliance with the maintenance order.

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(6) The purposes mentioned in subsection (5) are —

(a) the exercise of financial responsibility by the parent or the respondent;

(b) the management or resolution of conflicts (whether actual or potential) between —

(i) the parent (or the applicant) and the respondent; or

(ii) where there is more than one respondent — the respondents; and

(c) any other purpose that may be prescribed.

(7) The management or resolution of conflicts mentioned in subsection (6)(b) includes, without limiting that provision, matters relating to —

(a) the respondent's access to the parent; and

(b) the shielding of the respondent (or any of the respondent's immediate family members) from any act by the parent (or the applicant), or another respondent, that may cause or is likely to cause the firstmentioned respondent (or his or her immediate family member) physical injury or suffering or emotional harm.

(8) The Tribunal may, in awarding maintenance, order that the payment of the maintenance (or any part of the maintenance) is subject to compliance by the parent (or the applicant) with any direction given by the Tribunal under subsection (5), and may make any other order necessary for, or incidental to, the proper carrying into effect of the firstmentioned order.

(9) Where the applicant is the parent, a reference to the applicant in subsection (6)(b)(i), (7)(b) or (8) includes a reference to a related person.

(10) In this section —

“immediate family member”, for a respondent, means —

(a) the respondent’s spouse, child or parent (including a step-parent); or 5

(b) any other family member of the respondent who resides with the respondent;

“related person”, for an applicant, means —

(a) a person mentioned in section 11 who made the application for maintenance on behalf of the applicant; or 10

(b) a person in whose care the applicant resides.”.

Amendment of section 7

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8. In the principal Act, in section 7(1) —

(a) before “expires”, insert “made against a respondent in respect of the respondent’s parent”; and

(b) in paragraphs (a) and (b), replace “applicant” with “parent”. 20

Amendment of section 8

9. In the principal Act, in section 8 —

(a) replace the section heading with —

“Variation or rescission of maintenance orders, directions, etc.”;

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(b) in subsection (1), replace “, whether secured or unsecured” with “(whether secured or unsecured), in respect of a parent, or any direction given under section 6(5) or order made under section 6(8)”;

(c) in subsection (1)(a), after “order”, insert “or direction (as the case may be)”; 30

(d) in subsection (1), after paragraph (a), insert —

“(aa) without limiting paragraph (a), where the parent has a record or purported record of abandonment, abuse or neglect of the respondent but this was not considered by or made available to the Tribunal at the time of making of the maintenance order;”;

(e) in subsection (1)(b), replace “applicant” with “parent”;

(f) in subsection (2), replace “of a maintenance order” with “or rescission of a maintenance order, a direction given under section 6(5) or an order made under section 6(8),”;

(g) in subsection (2)(c), insert “or” at the end;

(h) in subsection (2), delete paragraph (d);

(i) in subsection (4), replace “conciliation officer” with “mediator”; and

(j) after subsection (4), insert —

“(5) The president or a deputy president of the Tribunal may dismiss any application made under subsection (2) if he or she is of the opinion that the application is frivolous or vexatious, and give the reasons for the dismissal.

(6) Any person who is aggrieved by a decision made under subsection (5) may, within 14 days after the decision, appeal in writing to the Tribunal.

(7) The president or deputy president of the Tribunal (as the case may be) who made the decision under subsection (5) that is under appeal must not participate in the proceedings or determination of the appeal.

(8) The president or a deputy president of the Tribunal may dismiss an application under subsection (5), and the Tribunal may determine an appeal made under subsection (6), without informing or involving the respondent.

(9) To avoid doubt, a reference to a maintenance order in this section includes a reference to a maintenance order made under section 5(3) with the consent of the applicant and respondent.”.

Amendment of section 11

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10. In the principal Act, in section 11 —

- (a) in the section heading, replace “**applicants**” with “**parents**”;
- (b) in subsection (1), replace “an applicant” with “a parent”;
- (c) in subsection (1), replace “an application may be made on the applicant’s” with “the application may be made on the parent’s”; 10
- (d) in subsection (1), replace paragraph (a) with —
 - “(a) any family member of the parent;”;
- (e) in subsection (1), in paragraphs (b) and (c), replace “applicant” with “parent”; 15
- (f) in subsection (2), replace “an applicant mentioned in that subsection” with “the parent”;
- (g) in subsection (2), replace “applicant’s” with “parent’s”; and 20
- (h) delete subsection (3).

Amendment of section 12

11. In the principal Act, in section 12 —

- (a) in subsection (2), replace “an applicant” with “a parent”;
- (b) in subsection (2), replace “the applicant” wherever it appears with “the parent”; 25
- (c) delete subsection (3);
- (d) in subsection (4), replace “person” wherever it appears with “parent”;
- (e) in subsection (4), replace “person’s” with “parent’s”; 30

(f) in subsection (5), replace “Where a claim of a parent has been referred to the Commissioner under section 3(3), the Commissioner must review the claim and” with “Subject to section 12A, where a claim in respect of a parent is referred to the Commissioner under section 3(3), or before the Commissioner makes an application under section 3(1) on behalf of the parent, the Commissioner”;

(g) in subsection (5)(b), replace “and his or her children” with “(or, where the claim is referred by an approved person or organisation, the approved person or organisation) and the parent’s children”;

(h) in subsection (7), delete “, and any failure by the person to appear as required may be taken into consideration by the Tribunal when hearing and determining the relevant application for maintenance, in the manner that seems proper to the Tribunal”; and

(i) after subsection (7), insert —

“(7A) If a person does not attend any session of conciliation for a claim as required under subsection (7), the Tribunal may (when determining an application made under section 3 in respect of the claim) take that into account in deciding whether to —

(a) give a direction under section 6(5); or

(b) order costs under section 20(1)(a).”.

New sections 12A, 12B and 12C

12. In the principal Act, after section 12, insert —

“Effect of record or purported record of abandonment, abuse or neglect of child on conciliation under section 12(5)(b)

12A.—(1) The Commissioner must not refer any matter (in respect of the maintenance of a parent by any child of the parent) for conciliation under section 12(5)(b) if —

- (a) the declaration made under section 3A in respect of the parent states that the parent has a record or purported record of abandonment, abuse or neglect of the child; or
- (b) the Commissioner ascertains that the parent has a record or purported record of abandonment, abuse or neglect of the child,

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unless permission is granted under section 3B for an application to be made under section 3 against the child for the maintenance of the parent.

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(2) A conciliation officer conducting any conciliation mentioned in section 12(5)(b) (in respect of the maintenance of a parent by any child of the parent) must discontinue the conciliation if the conciliation officer ascertains (whether from the child or otherwise) that the parent has a record or purported record of abandonment, abuse or neglect of the child.

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(3) Subsection (2) does not apply if, before the conciliation mentioned in that subsection commences, permission is granted under section 3B for an application to be made under section 3 against the child for the maintenance of the parent.

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(4) If permission is granted under section 3B for an application to be made under section 3 in a matter, the Commissioner may —

- (a) in the case mentioned in subsection (1) — refer the matter for conciliation under section 12(5)(b); or
- (b) in the case mentioned in subsection (2) —
 - (i) require the conciliation officer mentioned in that subsection to continue with conciliation; or
 - (ii) refer the matter for conciliation again under section 12(5)(b).

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Conciliation for destitute person

12B.—(1) This section applies when a destitute person is brought to the attention of the Commissioner, but a claim for the

maintenance of the destitute person is not referred to the Commissioner under section 3(3).

(2) The Commissioner may invite a child of the destitute person, the destitute person and any other relevant person for conciliation, and make the necessary arrangements for, or facilitate, the conciliation, for the purpose of an agreement being reached with the child as regards the maintenance of the destitute person if —

(a) the Commissioner reasonably believes that the child is able to provide maintenance for the destitute person;

(b) the Commissioner ascertains that the destitute person does not have any record or purported record of abandonment, abuse or neglect of the child; and

(c) the destitute person —

(i) meets the criteria mentioned in section 3(1); or

(ii) is below 60 years of age but meets the other criteria mentioned in section 3(1) and the Commissioner is satisfied that —

(A) the destitute person is suffering from infirmity of mind or body which prevents the destitute person from maintaining, or makes it difficult for the destitute person to maintain, himself or herself; or

(B) there exists any other special reason for the conciliation.

(3) If a person does not attend any session of conciliation mentioned in subsection (2) in respect of a destitute person, the Tribunal may (when determining an application made under section 3 in respect of the destitute person) take that into account in deciding whether to —

(a) give a direction under section 6(5); or

(b) order costs under section 20(1)(a).

Conduct of conciliation or mediation

12C.—(1) Every conciliation and every mediation under this Act must be conducted in private.

(2) Subject to subsection (3), no party to any conciliation or mediation conducted under this Act may be represented in the conciliation or mediation (as the case may be) by an advocate and solicitor of the Supreme Court.

(3) The Commissioner may, despite being an advocate and solicitor of the Supreme Court, represent a parent in any conciliation or mediation conducted under this Act.”.

Amendment of section 13

13. In the principal Act, in section 13(12), replace “conciliation officers” with “mediators”.

Amendment of section 14

14. In the principal Act, in section 14 —

(a) in the section heading, replace “**claims**” with “**applications**”;

(b) in subsection (3)(b), replace “an applicant” with “the parent (as applicant)”;

(c) in subsection (7), replace paragraph (a) with —

“(a) to dismiss a frivolous or vexatious application at a preliminary stage on the basis of affidavits or other documentary evidence, and without informing or involving the respondent;”;

(d) in subsection (7)(b), replace “conciliation officer” with “mediator”.

Amendment of section 14A

15. In the principal Act, in section 14A —

(a) in subsection (1), replace “The” with “Subject to subsection (1A), the”;

(b) in subsection (1), replace “any officer of such Government agency or statutory body as the Minister may prescribe by notification in the *Gazette*” with “a prescribed officer”;

(c) after subsection (1), insert —

5 “(1A) Where any court order or written law prohibits the publication of any information (or the doing of any other act) that is likely to lead to the identification of a person —

10 (a) the Tribunal or the Commissioner may, despite that court order or written law, obtain from a prescribed officer under subsection (1) any information, record, document or article that identifies (or is likely to lead to the identification of) that person, but only for the purpose mentioned in subsection (2)(aa); and

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(b) the prescribed officer, in providing that information, record, document or article to the Tribunal or the Commissioner (as the case may be), does not contravene that court order or written law if that information, record, document or article is provided only for that purpose.”;

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(d) in subsection (2), replace “Any” with “Subject to subsection (1A), any”;

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(e) in subsection (2), after paragraph (a), insert —

30 “(aa) ascertaining whether the parent has any record or purported record of abandonment, abuse or neglect of a child of the parent;”;

(f) in subsection (3), replace paragraph (b) with —

“(b) not use the information, record, document or article except —

- (i) in the case where subsection (1A) applies — for the purpose mentioned in subsection (2)(aa); or
 - (ii) in any other case — for a purpose mentioned in subsection (2);”;
- (g) in subsection (3)(c), before “disclose”, insert “subject to subsection (4),”;
- (h) in subsection (3)(c), after sub-paragraph (i), insert —
- “(ia) where permission is required under this Act for the filing of an application under section 3 in respect of the parent to whom the information, record, document or article relates —
 - (A) to the parent, or any person mentioned in section 11 who intends to make the application on the parent’s behalf; or
 - (B) to an approved person or organisation mentioned in section 3(2) who intends to make the application;”;
- (i) in subsection (3)(c), replace sub-paragraph (ii) with —
- “(ii) with the written permission of the prescribed officer who provided the information, record, document or article, or the public authority that the prescribed officer is a public officer of at the time the information, record, document or article is provided, to the Tribunal or the Commissioner, as the case may be;”;
- (j) after subsection (3), insert —

“(4) Subject to subsection (5), a member of the Tribunal or the Commissioner must not disclose any information, record, document or article mentioned in subsection (1A), or any part of it, except —

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(a) only to —

(i) a person mentioned in subsection (3)(c)(i);

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(ii) where permission is required under this Act for the filing of an application under section 3 in respect of a parent to whom that information, record, document or article relates —

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(A) the parent, or any person mentioned in section 11 who intends to make the application on the parent’s behalf; or

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(B) an approved person or organisation mentioned in section 3(2) who intends to make the application; or

(iii) where required by a court mentioned in section 16, 17 or 18 — that court; and

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(b) only to the extent necessary to show that a parent has a record or purported record of abandonment, abuse or neglect of a child of the parent and the date of the record.

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(5) Before disclosing any information, record, document or article, or any part of it, to a person (called in this subsection the recipient) under subsection (4), the member of the Tribunal or the Commissioner (as the case may be) must inform the recipient —

(a) that the information, record, document or article is subject to a court order or written law (as the case may be) that prohibits the publication of any information (or the doing of any other act) that is likely to lead to the identification of a person mentioned in that court order or written law; and 5

(b) where the recipient is a person mentioned in subsection (4)(a)(i) or (ii) — that the recipient must not disclose the information, record, document or article, or any part of it, or do any other act, in contravention of that court order or written law. 10

(6) Any member of the Tribunal or the Commissioner who discloses any information, record, document or article mentioned in subsection (1A), or any part of it, does not contravene the court order or written law mentioned in subsection (1A) if the disclosure is made in accordance with subsection (4). 15 20

(7) In this section —

“prescribed officer” means —

- (a) any officer of a public authority; or
- (b) any person performing or discharging a public function under a public Act, who is specified by the Minister, by notification in the *Gazette*, to be a prescribed officer; 25

“public authority” means any of the following that is specified by the Minister, by notification in the *Gazette*, to be a public authority: 30

- (a) a ministry or department of the Government; 35

- (b) an organ of State;
- (c) a body that is established or constituted by or under a public Act to perform or discharge a public function.”.

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Amendment of section 18

16. In the principal Act, in section 18 —

- (a) in subsection (2), replace “applicant, a respondent, an approved person or organisation” with “parent (as applicant), a respondent”;
- (b) in subsection (3), replace “The” with “Subject to subsection (3A), the”; and
- (c) after subsection (3), insert —

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“(3A) Where the decision of the Tribunal being appealed against under subsection (2) is the Tribunal’s refusal of permission under section 3B(4) to make an application under section 3 against a child —

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- (a) service of the appeal documents on the child is dispensed with; and
- (b) the appeal is to be heard and determined without informing or involving the child,

unless the General Division of the High Court directs otherwise.”.

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Replacement of section 20A

17. In the principal Act, replace section 20A with —

“Protection from personal liability

20A. No liability shall lie personally against the president, a deputy president or a member of the Tribunal, or the Commissioner, a mediator or a conciliation officer, for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in the discharge

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or purported discharge of his or her functions or duties under this Act.”.

Amendment of section 21

18. In the principal Act, in section 21(2) —

(a) in paragraph (a), after “applications”, insert “, appeals to the Tribunal”; and

(b) in paragraph (c), replace “claims” with “applications”.

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Saving and transitional provision

19. For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Maintenance of Parents Act 1995 (the Act) mainly to —

- (a) create additional requirements where the parent in need of maintenance has a record or purported record of abandonment, abuse or neglect of the child from whom maintenance is being sought;
- (b) empower the Tribunal for the Maintenance of Parents (the Tribunal) to give certain directions when making a maintenance order;
- (c) deal with frivolous or vexatious applications under the Act;
- (d) facilitate conciliations for the maintenance of destitute persons;
- (e) expand the power of the Tribunal and the Commissioner for the Maintenance of Parents (the Commissioner) to obtain and use information; and
- (f) exclude minors from the Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends the definition of “child” in section 2 to state that the Act only applies to a child who is of or above 21 years of age. The clause also introduces definitions of certain expressions used in the Bill.

Clause 3 amends section 3 to provide that the Tribunal may dismiss a frivolous or vexatious application, or an application that is non-compliant, without informing or involving the respondent to the application, and to make certain consequential amendments.

Clause 4 inserts new sections 3A and 3B.

The new section 3A introduces the requirement for a declaration to be made (when a claim is referred to the Commissioner under section 3(3) for the maintenance of a parent by a child (maintenance claim)) on whether the parent has any record or purported record of abandonment, abuse or neglect of the child.

The Minister will specify in subsidiary legislation as to what constitutes a record or purported record of abandonment, abuse or neglect.

The new section 3B mainly prohibits the making of an application under section 3 for the maintenance of the parent by the child if the parent has any record or purported record of abandonment, abuse or neglect of the child, unless permission is obtained (from the Tribunal, or the president or a deputy president of the Tribunal) under the new section 3B to make the application.

Clause 5 amends section 4 to make an editorial amendment.

Clause 6 amends section 5 to make certain editorial amendments.

Clause 7 amends section 6 mainly to empower the Tribunal, when making a maintenance order, to give certain directions and to order that the payment of maintenance is subject to the parent or the applicant (or, in the case where the applicant is the parent, a related person as defined in that section) complying with a direction.

Clause 8 amends section 7 to make certain editorial amendments.

Clause 9 amends section 8 mainly to provide for the variation or rescission of a maintenance order when the parent has a record or purported record of abandonment, abuse or neglect of the child, the variation or rescission of a direction given under the new section 6(5) and an order made under the new section 6(8), and the dismissal of a frivolous or vexatious application made under section 8(2).

Clause 10 makes certain editorial amendments to section 11.

Clause 11 amends section 12 mainly to clarify that the Tribunal may, in deciding whether to give a direction under the new section 6(5) or order costs in the matter, take into account a person’s failure to attend any conciliation session mentioned in section 12(7).

Clause 12 inserts new sections 12A, 12B and 12C.

The new section 12A mainly prohibits the referral of a maintenance claim for conciliation under section 12(5)(b), or the continuation of the conciliation, if the parent has any record or purported record of abandonment, abuse or neglect of the child, unless permission is granted under the new section 3B for an application to be made under section 3 for the maintenance of the parent by the child.

The new section 12B provides that the Commissioner may invite a destitute person, the destitute person's child and any other relevant person for conciliation, with a view to reaching an agreement with the child for the maintenance of the destitute person, if certain conditions are met. If a person does not attend any conciliation session, this may be taken into account by the Tribunal (in the event an application for maintenance of the destitute person is subsequently made), in deciding whether to give a direction under the new section 6(5) or order costs in the matter.

The new section 12C deals with the privacy of any conciliation or mediation conducted under the Act, and precludes legal representation at the conciliation or mediation.

Clause 13 amends section 13(12) to make a change in nomenclature.

Clause 14 amends section 14 mainly to enable the Tribunal to dismiss a frivolous or vexatious application without informing or involving the respondent.

Clause 15 amends section 14A to expand the categories of persons (prescribed officers) from whom the Tribunal or the Commissioner may obtain information and the purposes for which the Tribunal or the Commissioner may use the information.

The clause also enables the Tribunal or the Commissioner to obtain (despite any court order or written law prohibiting the publication of information to protect the identity of a person (protected information)) from a prescribed officer protected information but is allowed to do so only for the purpose of ascertaining whether a parent has any record or purported record of abandonment, abuse or neglect of a child of the parent. The clause correspondingly states that a prescribed officer who provides the protected information to the Tribunal or the Commissioner does not contravene the court order or written law if the protected information is provided only for that purpose.

The new section 14A(7) defines a prescribed officer.

Where the Tribunal or the Commissioner obtains any protected information, the new section 14A(4) limits further disclosure of the protected information only to certain persons and only to the extent necessary to show that a parent has a record or purported record of abandonment, abuse or neglect of a child of the parent and the date of the record.

Before making further disclosure of the protected information to a person (the recipient) under the new section 14A(4), a member of the Tribunal or the Commissioner must inform the recipient that the information is protected information and that the recipient must not disclose the information (or any part of it), or do any other act, in contravention of the court order or written law applicable to the protected information. Where the recipient is a court, the member or the Commissioner is not required to inform the court of the latter.

Where a member of the Tribunal or the Commissioner makes further disclosure of the protected information in accordance with the new section 14A(4), he or she does not contravene the court order or written law applicable to the protected information.

Clause 16 amends section 18 mainly to provide that where an appeal is made against the Tribunal's refusal of permission under the new section 3B, service of the appeal papers on the respondent is dispensed with, and the appeal must be heard and determined without informing or involving the respondent, unless the General Division of the High Court directs otherwise.

Clause 17 replaces section 20A mainly to expand the current section (on protection of the members of the Tribunal, the Commissioner, etc., from personal liability) to include mediators, conciliation officers and certain persons acting under the Commissioner's directions.

Clause 18 amends section 21(2) to enable rules to be made for regulating and prescribing the procedure for appeals to the Tribunal, and to make an editorial amendment.

Clause 19 empowers the Minister to make regulations on saving and transitional provisions for any provision in the Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
