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Singapore University of Social Sciences Bill

Bill No. 24/2017.

Read the first time on 3 April 2017.

SINGAPORE UNIVERSITY OF SOCIAL SCIENCES ACT 2017

(No. of 2017)

ARRANGEMENT OF SECTIONS

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A BILL

intituled

An Act to provide for certain matters relating to the operation of a university known as the Singapore University of Social Sciences and to make consequential amendments to certain other Acts.

Whereas a company limited by guarantee has been incorporated under the Companies Act (Cap. 50) by the name “Singapore University of Social Sciences” having as its objects the establishment, operation, maintenance and promotion of a university in Singapore under the name and style “Singapore University of Social Sciences”.

And whereas it is desirable that statutory provision be made in relation to the operation of the Singapore University of Social Sciences and certain of the powers of the company.

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

Short title and commencement

1. This Act is the Singapore University of Social Sciences Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Interpretation

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

“Board” means the Board of Trustees of the university company mentioned in its constituent documents;

10 “constituent documents”, in relation to the university company, means the memorandum of association and articles of association of the university company;

15 “university company” means the company limited by guarantee incorporated under the Companies Act (Cap. 50) on 14 April 2005 under the name “SIM University”, which is renamed “Singapore University of Social Sciences” on 17 March 2017.

Function of university company

3. The function of the university company is to pursue, within the limits of the financial resources available to it, the objects provided by its constituent documents and, in particular, to confer and award
20 degrees, diplomas and certificates, including honorary degrees and other distinctions.

Accountability and evaluation

4.—(1) The university company must comply with the
25 accountability framework set out by way of an agreement in writing between the university company and the Minister or any person authorised by the Minister.

(2) The university company must evaluate the performance of its activities in accordance with such quality assurance framework as the Minister may decide.

30 (3) The university company must participate in the evaluation of its activities by such external review panel as the Minister may commission from time to time.

Directions in respect of policies on higher education in Singapore

5.—(1) The Minister may, in consultation with the university company, establish such policies on higher education in Singapore as the Minister thinks fit and may direct the university company to implement such policies. 5

(2) The university company must comply with any direction given by the Minister under subsection (1).

Appointment to Board

6.—(1) The Board consists of such number of trustees as the Minister may appoint. 10

(2) The Minister may, at any time, remove or replace any trustee, or appoint new or additional trustees to the Board.

Consent of Minister

7.—(1) The prior written consent of the Minister is required for — 15

(a) the admission of any person as a member of the university company and the removal of any such member;

(b) the disposal of the whole or substantially the whole of the university company's undertaking or property;

(c) the voluntary winding up of the university company; 20

(d) the addition, deletion or alteration of any provision of the constituent documents of the university company; and

(e) the removal of any trustee from the Board.

(2) The requirements under subsection (1) apply in addition to the requirements prescribed by the Companies Act (Cap. 50) in respect of the matters in subsection (1)(a) to (e). 25

(3) Any act done or agreement made in contravention of subsection (1) has no effect and is unenforceable at law.

Provision of funds

8.—(1) The Minister is to pay to the university company such moneys as may be provided by Parliament, from time to time, for the funding of the university company.

5 (2) All moneys paid to the university company under subsection (1) must only be applied or expended by the university company for such objects provided by its constituent documents as the Minister allows.

Access to accounts and summary of financial statements

10 9.—(1) The Minister or a person authorised by the Minister (called in this section an authorised person) is entitled, at all reasonable times, to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the university company.

15 (2) The Minister or an authorised person may require any person to furnish such information in that person's possession, or to which that person has access, as the Minister or authorised person considers necessary for ascertaining —

20 (a) whether moneys paid to the university company under section 8 were applied or expended in accordance with that section; or

(b) such other matters as the Minister or authorised person requires.

(3) The university company must —

25 (a) prepare a summary of the financial statements of the university company in such form and containing such information as the Minister may decide; and

(b) make available the summary mentioned in paragraph (a) to the public at such frequency and in such manner as the Minister may decide.

30 (4) The requirements under subsection (3) apply in addition to the requirements prescribed by the Companies Act (Cap. 50) in respect of financial statements and summaries of financial statements.

(5) Any person who fails, without reasonable excuse, to comply with any requirement of the Minister or an authorised person under subsection (2), or who otherwise hinders, obstructs or delays the Minister or an authorised person in the performance of his or her duties or in the exercise of his or her powers under this section, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

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Application of Societies Act to student bodies

10.—(1) To avoid doubt, the Societies Act (Cap. 311) applies to any student body constituted under the provisions of the constituent documents of the university company.

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(2) The Minister responsible for societies may, by order in the *Gazette*, exempt any student body mentioned in subsection (1) from all or any of the provisions of the Societies Act, subject to such conditions as may be specified in the order.

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Act to prevail over constituent documents, etc.

11.—(1) Any provision of the constituent documents, or any regulation of the university company made under any provision of the constituent documents, that is inconsistent with any provision of this Act is, to the extent of the inconsistency, void.

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(2) Nothing in this Act is to be construed as excusing or exempting the university company from complying with any written law that, apart from this Act, would apply to the university company.

Consequential amendments to other Acts

12.—(1) The Legal Profession Act (Cap. 161, 2009 Ed.) is amended by deleting the words “SIM University” in sections 5(3)(*da*), 30(5)(*c*), 41(1A)(*a*)(*ii**a*) and 75D(1)(*c*) and substituting in each case the words “Singapore University of Social Sciences”.

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(2) Section 72 of the Private Education Act (Cap. 247A, 2011 Ed.) is amended by inserting, immediately after the words “the Singapore Institute of Technology” in paragraph (*i*), the words “, the Singapore University of Social Sciences”.

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(3) The Singapore Academy of Law Act (Cap. 294A, 1997 Ed.) is amended by deleting the words “SIM University” in sections 5(1)(f) and 16(1)(c) and substituting in each case the words “Singapore University of Social Sciences”.

5 (4) Section 5(5) of the SkillsFuture Singapore Agency Act 2016 (Act 24 of 2016) is amended by inserting, immediately after paragraph (e) of the definition of “university”, the following paragraph:

“(ea) the Singapore University of Social Sciences;”.

EXPLANATORY STATEMENT

This Bill seeks to provide for certain matters relating to the Singapore University of Social Sciences (the university company) and to make consequential amendments to certain other Acts.

The provisions of the Bill are intended —

- (a) to confer on the university company, which is renamed “Singapore University of Social Sciences”, the status of an autonomous university whose function of providing education is determined by a public Act;
- (b) to grant to the university company, which is a company limited by guarantee incorporated under the Companies Act (Cap. 50) on 14 April 2005, the right to confer and award degrees, diplomas and certificates, including honorary degrees and other distinctions;
- (c) to facilitate the provision of Government funds to the university company and ensure accountability for the use of such public funds through an accountability framework; and
- (d) to empower the Government to influence the strategic development of the university company and exercise certain controls over the management of the university company in the public interest.

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms as used in the Bill.

Clause 3 sets out the function of the university company, which includes the conferring and awarding of degrees, diplomas and certificates. The main object of the Singapore University of Social Sciences is to provide lifelong learning programmes, with a disciplinary focus in the social sciences, for adults. The Bill seeks to confer on the Singapore University of Social Sciences the same status as

the 5 existing autonomous universities in Singapore, namely, the National University of Singapore, Nanyang Technological University, Singapore Management University, Singapore University of Technology and Design, and Singapore Institute of Technology.

Clause 4 provides for the framework under which the university company is accountable to the Minister and under which its performance is evaluated. The clause also requires the university company to participate in the evaluation of its activities by an external review panel commissioned by the Minister.

Clause 5 empowers the Minister, in consultation with the university company, to establish policies on higher education in Singapore and requires the university company to implement such policies if the Minister directs it to do so.

Clause 6 provides for the appointment, removal and replacement of the trustees of the university company by the Minister.

Clause 7 sets out the matters that require the prior written consent of the Minister, and provides that any act done or agreement made without such consent is without effect and unenforceable at law.

Clause 8 provides for Parliament to give funding to the university company and requires that the moneys given may only be applied or expended by the university company for such objects provided by its constituent documents as the Minister may allow.

Clause 9 permits the Minister or a person authorised by the Minister to have access to the financial records of the university company and to require any person in possession of any requisite information to provide such information. The clause also requires the university company to make a summary of its financial statements available to the public.

Clause 10 clarifies that the Societies Act (Cap. 311) applies to any student body constituted under the provisions of the constituent documents of the university company unless otherwise exempted by the Minister responsible for societies. This will provide accountability for the funds of the students' union and its constituent bodies.

Clause 11 provides that the Bill will prevail over —

- (a) the constituent documents of the university company; and
- (b) any regulation made pursuant to the constituent documents.

The clause also makes clear that the university company is bound to comply with any other written law that would apply to it.

Clause 12 makes consequential amendments to the Legal Profession Act (Cap. 161) and the Singapore Academy of Law Act (Cap. 294A) due to the change in the former name of the university company to “Singapore University of Social

Sciences”. The clause also amends section 72(i) of the Private Education Act (Cap. 247A) to provide that the Private Education Act will not apply to the university company, and amends the definition of “university” in section 5(5) of the SkillsFuture Singapore Agency Act 2016 (Act 24 of 2016) to include the university company.

EXPENDITURE OF PUBLIC MONEY

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