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National Parks Board (Amendment) Bill

Bill No. 4/2019.

Read the first time on 15 January 2019.

A BILL

i n t i t u l e d

An Act to amend the National Parks Board Act (Chapter 198A of the 2012 Revised Edition) and to make consequential amendments to certain other Acts.

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

Short title and commencement

1. This Act is the National Parks Board (Amendment) Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2 of the National Parks Board Act (called in this Act the principal Act) is amended —

(a) by deleting the definition of “animal” and substituting the following definitions:

10 ““animal” includes a mammal (other than a human being), a bird, a reptile, an amphibian, a fish, a mollusc, an arthropod, and the young or egg of any animal;

15 “animal-related services” includes any of the following activities:

(a) bathing, grooming or clipping of animals;

(b) treatment, vaccination or inoculation of animals;

20 (c) providing accommodation or boarding to or training of animals;

(d) exhibiting (whether or not for sale) of animals;

25 (e) trapping, restraining or immobilising animals;

“animal-related services industry” means an industry consisting of persons carrying out any animal-related services in the course of business;”;

30 (b) by inserting, immediately after paragraph (b) of the definition of “landscape industry”, the following paragraph:

“(c) the growing and supply of flowers and ornamental plants;”;

(c) by inserting, immediately after the definition of “plant”, the following definition:

““public authority” means a body corporate established by a public Act for the purposes of a public function;”; and 5

(d) by deleting the full-stop at the end of the definition of “public park” and substituting a semi-colon, and by inserting immediately thereafter the following definitions: 10

““subdelegate” means a person to whom a delegate under section 10(2) further delegates the performance or exercise of any of the Board’s functions, duties or powers;

“transfer date” means a date specified by the Minister by order in the *Gazette* for the purposes of Part VII; 15

“veterinary establishment” means any premises or place in which veterinary medicine is practised or veterinary services are provided; 20

“veterinary medicine” means any branch or art of veterinary medicine and includes veterinary surgery;

“veterinary product” means any chemical, substance or equipment used or designed for use in the practice of veterinary medicine or the provision of veterinary services; 25

“veterinary science industry” means an industry consisting of persons carrying on business, or who engage in commercial activity, involving all or any of the following: 30

(a) the practice of veterinary medicine;

(b) the provision of veterinary services;

(c) the management of a veterinary establishment;

(d) the supply of veterinary products;

“veterinary service” means a service provided in relation to an animal in the control or the possession of a person for any of the following purposes:

(a) assessing, recording, maintaining or improving the health, welfare, comfort or wellbeing of the animal;

(b) diagnosing or treating an illness, disability, disorder or condition of the animal;

(c) examining or attending to the animal, including administering a veterinary product to or performing any surgical procedure on the animal;

(d) performing any cosmetic procedure (including surgery) on the animal;

(e) castrating or spaying of the animal;

(f) giving advice based on a diagnosis or an examination mentioned in paragraph (b) or (c) or connected with a procedure in paragraph (d) or (e), including prescribing treatment, drugs, medications or medical appliances.”.

Amendment of section 6

3. Section 6 of the principal Act is amended —

(a) by inserting, immediately after paragraph (c) of subsection (1), the following paragraphs:

- “(ca) to promote and protect the welfare, safety and health of animals, including controlling the following:
- (i) the use of animals in research, testing or teaching; 5
 - (ii) the supply of veterinary products;
 - (iii) the trapping or killing of animals in a wild state;
- (cb) to manage the animal population in Singapore; 10
- (cc) to prevent and manage threats and risks —
- (i) to animal health, animal welfare or plant health or all of them;
 - (ii) to terrestrial and aquatic environments arising from animals or plants, or pests or diseases carried by animals or plants; and 15
 - (iii) to public health and safety from animals or plants, or pests or diseases carried by animals or plants; 20
- (cd) to regulate trade in endangered species of animals and plants;
- (ce) to regulate veterinary establishments, practitioners of veterinary medicine and persons who provide veterinary services in the course of business; 25
- (cf) to cooperate and collaborate in particular with —
- (i) any public officer, public authority or Health Officer in the administration of the Infectious Diseases Act (Cap. 137); 30

(ii) the Health Sciences Authority in the administration of the Health Products Act (Cap. 122D);

5 (iii) the Director-General of Public Health and the Director-General, Food Administration in the administration of the Environmental Public Health Act (Cap. 95); and

10 (iv) the Director-General, Food Administration in the discharge of functions or powers under any written law;”;

(b) by inserting, immediately after the words “knowledge in” in subsection (1)(f), the words “veterinary medicine, animal-related services,”;

15

(c) by inserting, immediately after the words “matters relating to” in subsection (1)(h), the words “animal health and welfare, plant health, veterinary medicine, animal-related services,”;

20 (d) by inserting, immediately after the words “landscape industry” in subsection (1)(i), (j) and (k), the words “, animal-related services industry or veterinary science industry in Singapore”;

25 (e) by deleting the word “and” at the end of paragraph (k) of subsection (1), and by inserting immediately thereafter the following paragraph:

30 “(ka) to represent the Government internationally on matters that relate to animal health and welfare, plant health, wildlife trade control and biodiversity, and matters connected with the landscape industry, animal-related services industry and veterinary science industry in Singapore; and”;

(f) by inserting, immediately after the words “as the Minister may” in subsection (2), the words “, by notification in the *Gazette*,”; and

(g) by inserting, immediately after subsection (2), the following subsection: 5

“(3) Nothing in this section imposes on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.”.

Amendment of section 7

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4. Section 7(1) of the principal Act is amended by inserting, immediately after the words “under this Act”, the words “, or which is incidental or conducive to the discharge of those duties and functions,”.

Repeal and re-enactment of sections 10 and 11

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5. Sections 10 and 11 of the principal Act are repealed and the following sections substituted therefor:

“Ability to delegate, etc.

10.—(1) The Board may delegate the performance or exercise of any of its functions, duties or powers under this Act or any other Act, either generally or specially, to any of the following persons by resolution and written notice to the person or persons: 20

(a) a member of the Board;

(b) the Chief Executive, any employee of the Board or any other person performing duties in the Board; 25

(c) a committee of the Board appointed under section 9;

(d) a wholly-owned subsidiary company of the Board;

(e) a person engaged as a contractor by the Board.

(2) A delegation by the Board under subsection (1) of the performance or exercise of any of its functions, duties or powers — 30

(a) to a person in subsection (1)(a), (b) or (c) may authorise the delegate to subdelegate the performance or exercise of the function, duty or power to another member, an appropriately qualified employee of the Board or person performing duties in the Board (called in this Act a subdelegate); or

(b) to a person in subsection (1)(d) or (e) may authorise the delegate to subdelegate the performance or exercise of the function, duty or power to an appropriately qualified employee of that delegate (also called in this Act a subdelegate),

but subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate.

(3) Subsections (1) and (2) do not apply to —

(a) the power to borrow money;

(b) the power to raise or grant loans or advances to or subscribe to stocks, shares, bonds or debentures of a company or corporation; or

(c) any other function, duty or power under this Act or any other Act administered by the Board that is declared by this Act or that Act to be non-delegable.

(4) A subdelegate to whom a function, duty or power of the Board is subdelegated under this section is not authorised to further delegate that function, duty or power to anyone else.

(5) A delegation or subdelegation in accordance with this Act is not affected by any change in the membership of the Board or of any committee or by any change in the Chief Executive or any employee.

(6) A delegate (or subdelegate) who purports to perform a function or duty or exercise a power under delegation (or subdelegation) —

(a) is taken to do so in accordance with the terms of a delegation (or subdelegation) under this section, unless the contrary is shown; and

(b) must produce evidence of his authority to do so, if reasonably requested to do so.

(7) In this section —

(a) a reference to a wholly-owned subsidiary company of the Board includes a company limited by guarantee the sole member of which is the Board; and 5

(b) a reference to a person performing duties in the Board includes a person performing duties in the Board under a contract, or under an arrangement making available temporarily to the Board the services of public officers (or secondment). 10

Protection from personal liability

11. No liability shall lie against any member, any committee member, the Chief Executive or any employee, delegate or subdelegate of the Board, or any other person acting under the direction of the Board, for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in — 15

(a) the exercise or purported exercise of any power under this Act; or 20

(b) the performance or purported performance of any function under this Act.”.

New section 14

6. The principal Act is amended by inserting, immediately after section 13, the following section: 25

“Public servants

14. Without affecting sections 20 and 21 of the Public Sector (Governance) Act 2018 (Act 5 of 2018), every subdelegate of the Board —

(a) is taken to be a public servant for the purposes of the Penal Code (Cap. 224) in relation to the subdelegate’s performance or exercise of the Board’s functions, 30

duties or powers under this Act or any other written law; and

(b) is, in relation to the administration, assessment, collection or enforcement of payment of —

5 (i) any financial penalty imposed under any written law administered by the Board; or

(ii) any composition sum collected under this Act or any other written law administered by the Board,

10 taken to be a public officer for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to each of the subdelegates even though the subdelegate is not or was not in the employment of the Government.”.

15 **New Part VII**

7. The principal Act is amended by inserting, immediately after section 22, the following Part:

“PART VII

TRANSFER OF AVA VETERINARY UNDERTAKINGS

20 **Interpretation of this Part**

23. In this Part, unless the context otherwise requires —

25 “Agri-Food and Veterinary Authority” or “AVA” means the Agri-Food and Veterinary Authority established by section 3 of the Agri-Food and Veterinary Authority Act (Cap. 5);

30 “asset”, in relation to the transferor, means property of any kind (whether tangible or intangible, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether actual or contingent) of the transferor on the eve of the transfer date and includes, without limitation, any —

(a) legal or equitable interest in real or personal property;

(b) chose in action;

(c) security;

(d) money;

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(e) intellectual property;

(f) infrastructure, plant and equipment;

(g) records and information (including data) in any form; and

(h) right;

10

“AVA veterinary undertaking” means the departments of the transferor as follows:

(a) the Community Animal Management Group;

(b) the Corporate Development Group 2;

(c) the Industry and Biosecurity Management Group;

15

(d) the office of the Director-General, Agri-Food and Veterinary Services;

(e) the Plant Science and Health Group;

(f) the Professional and Scientific Services Group;

20

(g) the Wildlife Management Group;

“liability”, in relation to the transferor, means any liability, duty or obligation (whether actual or contingent, liquidated or unliquidated, and whether owed alone or jointly, or jointly and severally, with any other person) of the transferor on the eve of the transfer date;

25

“records”, in relation to the transferor, means registers, papers, documents, minutes, receipts, books of account and other records, however compiled, recorded or stored, of that transferor existing on the eve of the transfer date;

30

“right”, in relation to the transferor, means any right, power, privilege or immunity of the transferor on the eve of the transfer date;

“transferor” means the Agri-Food and Veterinary Authority;

“transferring employee” means an employee of the transferor who, on the eve of the transfer date, is deployed in the AVA veterinary undertaking.

Transfer of undertaking to Board

24.—(1) On the transfer date, all assets and liabilities of the transferor that relate to the functions of the AVA veterinary undertaking are transferred to the Board.

(2) When any assets or liabilities are transferred under subsection (1), the following provisions have effect:

(a) the assets of the transferor that are the subject of the transfer vest in the Board by virtue of this section and without the need for any further conveyance, transfer, assignment or assurance;

(b) the liabilities of the transferor that are the subject of the transfer become by virtue of this section the liabilities of the Board;

(c) all legal or other proceedings relating to those assets or liabilities that are started before the transfer date by or against the transferor or a predecessor of the transferor and pending immediately before that date are taken to be proceedings pending by or against the Board;

(d) any legal or other proceedings relating to those assets or liabilities which could have been started immediately before the transfer date by or against the transferor or a predecessor of the transferor may be started by or against the Board;

(e) a judgment or order of a court or other tribunal obtained before the transfer date by or against the

transferor or a predecessor of the transferor relating to those assets or liabilities may be enforced by or against the Board;

- (f) any document relating to legal or other proceedings relating to those assets or liabilities that has been served on or by the transferor or a predecessor of the transferor before the transfer date is taken, where appropriate, to have been served on or by the Board; 5
 - (g) any act, matter or thing done or omitted to be done before the transfer date in relation to those assets or liabilities by, to or in respect of the transferor or a predecessor of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Board; 10 15
 - (h) a reference in any written law, in any instrument made under any Act, in any contract, agreement, arrangement or undertaking, or in any document of any kind to the transferor or a predecessor of the transferor, to the extent to which the reference relates to those assets or liabilities, is taken to be, or includes, a reference to the Board; 20
 - (i) a reference in any written law, in any instrument made under any Act, in any contract, agreement, arrangement or undertaking, or in any document of any kind to an officer of the transferor, as regards anything falling to be done or capable of being done on or after the transfer date and to the extent to which the reference relates to those assets or liabilities, is taken to be, or includes, a reference to an officer of the Board whom the Board appoints for that purpose. 25 30
- (3) In particular —
- (a) all security deposits deposited with the transferor in relation to any asset or liability transferred under subsection (1) and not forfeited before the transfer date; and 35

(b) the benefits of all indemnities, guarantees or warranties given to the transferor in relation to any asset or liability transferred under subsection (1) and not discharged before that date,

5 are, without further assurance, transferred and deemed deposited with or given to the Board.

(4) The operation of this section does not —

10 (a) constitute a breach of, or default under, an Act or other law, or otherwise a civil wrong or criminal wrong;

(b) constitute a breach of duty of confidence (whether arising by contract, in equity, by custom, or in any other way);

15 (c) constitute a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities or the disclosure of any information;

20 (d) terminate an agreement or obligation, or fulfil any condition that allows a person to terminate any agreement or obligation, or give rise to any right or remedy in respect of any agreement or obligation;

(e) cause any contract or other instrument to be void or otherwise unenforceable;

(f) frustrate any contract;

25 (g) release a surety or other obligor or obligee wholly or in part from an obligation; or

(h) constitute an event of breach of, or default under, any contract or other instrument.

30 (5) No attornment to the Board by a lessee from the transferor is required for the purpose of this section.

Transferring secondments and employees to Board

25.—(1) On the transfer date, every transferring employee —

- (a) stops being an employee of the transferor; and
- (b) is each transferred to the service, and becomes an employee, of the Board on terms no less favourable than those enjoyed by the employee on the eve of the transfer date. 5

(2) The transfer of a transferring employee to the Board —

- (a) does not interrupt continuity of service;
- (b) does not constitute a retrenchment or redundancy; and 10
- (c) does not entitle any employee so transferred to any payment or other benefit merely because he stops being employed by the transferor.

(3) A certificate purporting to be signed by the Minister certifying that an individual named in the certificate was, with effect from the transfer date, employed by virtue of this section by the Board, is admissible in evidence in any proceedings as evidence of the matters stated in it. 15

(4) Nothing in this section prevents —

- (a) any of the terms and conditions of employment of an individual transferred under this section from being altered by or under any law, award or agreement with effect from any time after the transfer date; and 20
- (b) an individual transferred under this section from resigning from the Board at any time after the transfer date, in accordance with the terms and conditions of his employment then applicable. 25

(5) To avoid doubt, section 18A of the Employment Act (Cap. 91) does not apply to the transfer under this Part of any transferring employee to the Board. 30

(6) On the transfer date, every public officer or employee of any other public authority whose services are made available (or

is seconded) to any department in the AVA veterinary undertaking pursuant to an agreement or arrangement that —

(a) is between the Government or that other public authority and the Agri-Food and Veterinary Authority; and

(b) is in force on the eve of the transfer date, continues on secondment to the Board.

General preservation of employment terms

26.—(1) The service with the transferor of an employee transferred under section 25 (called in this section a transferred employee) must be regarded for all purposes as having been continuous with the service of the employee with the Board immediately before the transfer date.

(2) On the transfer date —

(a) a transferred employee retains all accrued rights as if employment with the Board were a continuation of employment with the transferor;

(b) the liabilities of the transferor relating to the transferred employee's accrued rights to leave and superannuation become the liabilities of the Board; and

(c) a reference to the transferor in the contract of employment that had effect in relation to the transferred employee immediately before the transfer date is taken to be, or includes, a reference to the Board.

(3) For any conduct of a transferred employee when he was employed by the transferor which would have rendered the employee liable to be reprimanded, reduced in rank, retired, dismissed or punished by the transferor, the Board may —

(a) start any disciplinary proceedings against the employee;

(b) carry on and complete any disciplinary proceedings started by the transferor against the transferred employee if those proceedings are pending on the eve of the transfer date; and

(c) reprimand, reduce in rank, retire, dismiss or otherwise punish a transferred employee, as if the employee were not transferred. 5

(4) Where, on the eve of the transfer date, any matter about the conduct of a transferred employee during his employment with the transferor — 10

(a) was in the course of being heard or investigated by a committee of the transferor acting under due authority; or

(b) had been heard or investigated by a committee of the transferor acting under due authority but no order, ruling or direction had been made, 15

that committee must complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that date, and that order, ruling or direction is to be regarded as an order, ruling or direction of the Board. 20

(5) Until such time as conditions of employment are drawn up by the Board for a transferred employee, the transferred employee is to be regarded as being employed by the Board on the same conditions of his employment with the transferor on the eve of the transfer date. 25

(6) Any condition of employment relating to the length of service with the Board must recognise the length of service of the employees so transferred while in the employment of the transferor (including any previous service of the employee taken to be service with the transferor) to be service with the Board. 30

(7) Nothing in section 25(6) —

(a) breaks the continuity of service of the public officer or employee of another public authority whose

secondment continues with the Board because of that provision; or

- 5 (b) affects any rights, powers or immunities that such a public officer or an employee of a public authority has, or the extent to which such a public officer or an employee (as the case may be) is subject to obligations or liabilities in relation to discipline, by virtue of holding the office or position to which the officer or employee is seconded.

10 **Transfer of records**

26A. On the transfer date, every record, or part of any record, of the transferor that relates to —

- (a) any asset or liability transferred to the Board under section 24; or

15 (b) any transferring employee,
becomes the record of the Board.

Confirmation of undertaking transferred

26B.—(1) If any dispute arises —

- 20 (a) as to whether an asset or a liability or a record is transferred under section 24 or 26A; or

- (b) as to whether any, or any part of any, contract or document relates to an asset or a liability, or a record, transferred under section 24 or 26A,

25 the Minister for Finance may determine the matter and is to provide the concerned parties with written notice of that determination.

(2) The determination of the Minister for Finance under subsection (1) is final and binding on the transferor and the Board.”.

Amendment of Second Schedule

8. The Second Schedule to the principal Act is amended —

(a) by inserting, immediately after the words “under this Act” in paragraph 3, the words “or any other written law which the Board is charged with the responsibility to administer”;

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(b) by deleting paragraph 8B and substituting the following paragraph:

“8B. To establish, manage and administer any accreditation or certification scheme or a register, for any purpose relating to any function of the Board, including specifying, by notification in the *Gazette*, accreditation marks and certification marks of the Board and controlling the use of those accreditation marks or certification marks.”;

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(c) by deleting paragraph 11 and substituting the following paragraph:

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“11. With the approval of the Minister, to join in the formation of a company, association, trust or partnership or enter into a joint venture with any person.”; and

(d) by deleting paragraph 13 and substituting the following paragraphs:

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“13. To apply for, obtain and hold, whether on its own behalf or jointly with any other person, any intellectual property rights.

14. To enter into agreements or arrangements for the commercial exploitation of those intellectual property rights, whether by assignment, licensing or otherwise.

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15. To participate in international, regional and bilateral negotiations on matters that relate to animal health and welfare, plant health, wildlife trade control and biodiversity, and to any matters connected with the landscape industry, animal-related services industry and veterinary science industry.

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16. To engage in research, technology development studies or technical cooperation projects.”.

Amendments to Animals and Birds Act

9. The Animals and Birds Act (Cap. 7, 2002 Ed.) is amended —

(a) by deleting the definition of “Authority” in section 2(1);

35

(b) by inserting, immediately after the definition of “bird” in section 2(1), the following definition:

““Board” means the National Parks Board established by the repealed National Parks Act (Cap. 198A, 1991 Ed.) as in force before 1 July 1996 and continued by section 3 of the National Parks Board Act (Cap. 198A);”;

(c) by deleting the words “Agri-Food and Veterinary Services” in the definition of “Director-General” in section 2(1) and substituting the words “Animal Health and Welfare”;

(d) by repealing section 3 and substituting the following section:

“Appointment of Director-General and authorised officers

3.—(1) The Board is responsible for the administration of this Act, and to that end, the Board must appoint an officer of the Board to be the Director-General, Animal Health and Welfare.

(2) The Director-General may, subject to the directions of the Board, appoint any of the following persons to be an authorised officer for the purpose of assisting the Director-General in administering and carrying out the provisions of this Act or any other written law which confers powers on the Director-General:

- (a) an employee of the Board;
- (b) an employee of another statutory authority;
- (c) a public officer;
- (d) an auxiliary police officer appointed under the Police Force Act (Cap. 235).

(3) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon the Director-General by any provision of this Act or any other written law (except the power of delegation conferred by this subsection) to an authorised officer; and any reference in the provision of this Act or other written law to the Director-General includes a reference to such an authorised officer.

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(4) Any delegation under subsection (3) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Board may specify.

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(5) The Director-General may, for any reason that appears to him to be sufficient, at any time revoke a person's appointment as an authorised officer.

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(6) A person mentioned in subsection (2)(d) who is appointed as an authorised officer does not, by virtue only of the appointment, become an employee or agent of the Board.”;

20

(e) by deleting the words “the Minister” in section 4 and substituting the words “the Board”;

(f) by inserting, immediately after subsection (2) of section 8, the following subsections:

“(2A) In deciding whether to grant a licence for the import of any animal or bird intended for human consumption or production of primary produce, the Director-General may make inquiries and investigations that are reasonable and appropriate in the circumstances so as to be satisfied as to the experience and resources of the applicant in providing a secure and reliable supply in Singapore of the animals or birds of acceptable quality for human consumption or production of primary produce, as the case may be.

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(2B) Without limiting subsection (2A), the inquiries and investigations may include whether an applicant for a licence for the import of any animal or bird intended for human consumption or production of primary produce has a procurement plan stating —

(a) the risks (including assessments of such risks) of any disruption occurring to the import of the animal or bird from the markets from which the animal or bird is to be procured; and

(b) any plan of action (including preventive strategies) for the purpose of —

(i) ensuring, so far as is reasonably practicable, that the applicant can still provide a secure and reliable supply in Singapore of the animal or bird of acceptable quality; or

(ii) otherwise reducing or mitigating the effect of any disruption to the supply of the animal or bird from any such market from which the animal or bird is to be procured.

(2C) The Director-General may grant a licence subject to such conditions as the Director-General thinks fit, including but not limited to the conditions necessary or related to ensuring a secure and reliable supply in Singapore of any animals or birds intended for human consumption or production of primary produce, as the case may be.”;

(g) by inserting, immediately after section 60, the following section:

“Giving false information

60A. A person —

(a) who intentionally alters, suppresses or destroys any document or information which the person has been required by or under section 52A to produce or furnish; or 5

(b) who, in producing or furnishing any document or information required by or under section 52A, makes any statement which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular, 10
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shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.”;

(h) by deleting the word “Authority” in section 62(1)(b)(iii) and substituting the words “Director-General, Food Administration”; 20

(i) by deleting the word “Authority” wherever it appears in the following provisions and substituting in each case the word “Board”: 25

Sections 69(1), 72(2) and 78;

(j) by inserting, immediately after subsection (2) of section 69, the following subsection:

“(3) All composition sums collected under this section must be paid into the Consolidated Fund.”; 30

(k) by repealing section 70 and substituting the following section:

“Fees, etc., payable to Board

70. All fees, charges and moneys collected under this Act or any rules made thereunder (except composition sums) must be paid to the Board.”; and

(l) by inserting, immediately after the words “and their products” in section 80(2)(l), the words “, including prescribing the records that must be kept by licensees and the provision of returns and other information by licensees to the Director-General with respect to the animals or birds or their products which are the subject of activity authorised by the licence”.

Amendments to Control of Plants Act

10. The Control of Plants Act (Cap. 57A, 2000 Ed.) is amended —

(a) by deleting the definition of “Authority” in section 2 and substituting the following definition:

““Board” means the National Parks Board established by the repealed National Parks Act (Cap. 198A, 1991 Ed.) as in force before 1 July 1996 and continued by section 3 of the National Parks Board Act (Cap. 198A);”;

(b) by deleting the definition of “Director-General” in section 2 and substituting the following definition:

““Director-General” means the Director-General, Plant Health appointed under section 3(1);”;

(c) by deleting subsections (1) and (2) of section 3 and substituting the following subsections:

“(1) The Board is responsible for the administration of this Act and any rules made thereunder, and to that end, the Board must appoint an officer of the Board to be the Director-General, Plant Health.

(2) The Director-General may, subject to the directions of the Board, appoint any of the following persons to be an authorised officer for the purpose of assisting the Director-General in administering and carrying out the provisions of this Act or any rules made thereunder: 5

(a) an employee of the Board;

(b) an employee of another statutory authority;

(c) a public officer;

(d) an auxiliary police officer appointed under the Police Force Act (Cap. 235).”; 10

(d) by deleting subsection (4) of section 3 and substituting the following subsections:

“(4) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon the Director-General by any provision of this Act or any rules made thereunder (except the power of delegation conferred by this subsection) to an authorised officer; and any reference in the provision of this Act or any rules made thereunder to the Director-General includes a reference to such an authorised officer. 15 20

(5) Any delegation under subsection (4) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Board may specify. 25

(6) The Director-General may, for any reason that appears to him to be sufficient, at any time revoke a person’s appointment as an authorised officer.

(7) A person mentioned in subsection (2)(d) who is appointed as an authorised officer does not, by virtue only of the appointment, become an employee or agent of the Board.”; 30

(e) by deleting the word “Authority” wherever it appears in the following provisions and substituting in each case the word “Board”:

Sections 6, 15(2) (definition of “Director-General”),
20(2), 21(4), 42(1), (3) and (4) and 47(3);

(f) by inserting, immediately after subsection (1) of section 7, the following subsections:

“(1A) In deciding whether to grant a licence for the import of any fresh fruit or vegetable, the Director-General may make inquiries and investigations that are reasonable and appropriate in the circumstances so as to be satisfied as to the experience and resources of the applicant in providing a secure and reliable supply in Singapore of the fresh fruit or vegetable, as the case may be.

(1B) Without limiting subsection (1A), those inquiries and investigations may include whether the applicant for a licence to import any fresh fruit or vegetable has a procurement plan stating —

(a) the risks (including assessments of such risks) of any disruption occurring to the import of the fresh fruit or vegetable from the markets from which the fresh fruit or vegetable is to be procured; and

(b) any plan of action (including preventive strategies) for the purpose of —

(i) ensuring, so far as is reasonably practicable, that the applicant can still provide a secure and reliable supply in Singapore of the fresh fruit or vegetable of acceptable quality; or

(ii) otherwise reducing or mitigating the effect of any disruption to the supply of the fresh fruit or vegetable from

any such market from which the fresh fruit or vegetable is to be procured.”;

- (g) by inserting, immediately after subsection (2) of section 31, the following subsection:

“(2A) Without limiting subsection (2), the Director-General may grant a licence under section 7 or 10 subject to such conditions as the Director-General thinks fit, including but not limited to the conditions necessary or related to ensuring a secure and reliable supply in Singapore of any fresh fruits or vegetables.”;

- (h) by deleting the word “or” at the end of section 37(1)(d);

- (i) by deleting the full-stop at the end of paragraph (e) of section 37(1) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(f) by written order require any person in Singapore whom the authorised officer has reason to believe to be acquainted with any fact or circumstance relevant to that purpose to attend before the authorised officer to answer any question (to the best of that person’s knowledge, information and belief) and to furnish any document or information.”;

- (j) by inserting, immediately after subsection (1) of section 37, the following subsections:

“(1A) The person mentioned in subsection (1)(f) is bound to state truly the facts and circumstances with which the person is acquainted concerning the case except only that the person may decline to make, with regard to any fact or circumstance, a statement which would have a tendency to expose the person to a criminal charge or to penalty or forfeiture.

(1B) A statement made by any person examined under subsection (1)(f) must —

- (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.

(1C) If any person fails to attend before an authorised officer as required by an order under subsection (1)(f), the Director-General or authorised officer may report the failure to a Magistrate who may issue a warrant to secure the attendance of that person as required by the order.”;

(k) by inserting, immediately after subsection (5) of section 37, the following subsection:

“(6) A person —

- (a) who intentionally alters, suppresses or destroys any document or information which the person has been required by or under subsection (1) to furnish;
- (b) who, in furnishing any document or information required by or under subsection (1), makes any statement which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular; or
- (c) who intentionally fails to comply with a lawful demand of an authorised officer in the discharge of the duties by such an officer under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to

imprisonment for a term not exceeding 12 months or to both.”;

- (l) by repealing section 46 and substituting the following section:

“Fees, etc., payable to Board

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46. All fees, charges and moneys collected under this Act or any rules made thereunder (except composition sums) must be paid to the Board.”;

- (m) by inserting, immediately after subsection (3) of section 47, the following subsection:

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“(4) All composition sums collected under this section must be paid into the Consolidated Fund.”; and

- (n) by inserting, immediately after the words “stored or used” in section 49(2)(v), the words “, including prescribing the records that must be kept by a licensed grower or other licensee and the provision of returns and other information by licensed growers or other licensees to the Director-General with respect to fresh fruits or vegetables which are the subject of the activity authorised by the licence”.

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Amendments to Endangered Species (Import and Export) Act

11. The Endangered Species (Import and Export) Act (Cap. 92A, 2008 Ed.) is amended —

- (a) by deleting the words “public officer or officer of the Authority or of any other statutory authority appointed” in paragraph (c) of the definition of “authorised officer” in section 2(1) and substituting the words “person appointed as an authorised officer”;
- (b) by deleting the definition of “Authority” in section 2(1) and substituting the following definition:

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““Board” means the National Parks Board established by the repealed National Parks

Act (Cap. 198A, 1991 Ed.) as in force before 1 July 1996 and continued by section 3 of the National Parks Board Act (Cap. 198A);”;

5 (c) by deleting the definition of “Director-General” in section 2(1) and substituting the following definition:

““Director-General” means the Director-General, Wildlife Trade Control appointed under section 3(1);”;

10 (d) by repealing section 3 and substituting the following section:

“Appointment of Director-General and authorised officers

15 **3.—(1)** The Board is responsible for the administration of this Act, and to that end, the Board must appoint an officer of the Board to be the Director-General, Wildlife Trade Control.

20 (2) The Director-General may, subject to the directions of the Board, appoint any of the following persons to be an authorised officer for the purpose of assisting the Director-General in administering and carrying out the provisions of this Act or any other written law which confers powers on the Director-General:

- 25 (a) an employee of the Board;
- (b) an employee of another statutory authority;
- (c) a public officer who is not a police officer or an officer of customs within the meaning of the Customs Act (Cap. 70);
- 30 (d) an auxiliary police officer appointed under the Police Force Act (Cap. 235).

(3) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon the Director-General by any provision of this Act or any other written law (except the power

of delegation conferred by this subsection) to an authorised officer; and any reference in the provision of this Act or any other written law to the Director-General includes a reference to such an authorised officer.

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(4) Any delegation under subsection (3) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Board may specify.

(5) The Director-General may, for any reason that appears to him to be sufficient, at any time revoke a person's appointment as an authorised officer.

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(6) A person mentioned in subsection (2)(d) who is appointed as an authorised officer does not, by virtue only of the appointment, become an employee or agent of the Board.”;

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(e) by deleting the word “and” at the end of section 10(1)(c);

(f) by deleting the full-stop at the end of paragraph (d) of section 10(1) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

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“(e) by written order require any person in Singapore whom the Director-General or authorised officer has reason to believe to be acquainted with any fact or circumstance relevant to that purpose to attend before the Director-General or authorised officer to answer any question (to the best of that person's knowledge, information and belief) and to furnish any document or information.”;

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(g) by inserting, immediately after subsection (3) of section 10, the following subsections:

“(4) The person mentioned in subsection (1)(e) is bound to state truly the facts and circumstances with which the person is acquainted concerning the case

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except only that the person may decline to make, with regard to any fact or circumstance, a statement which would have a tendency to expose the person to a criminal charge or to penalty or forfeiture.

5 (5) A statement made by any person examined under subsection (1)(e) must —

(a) be reduced to writing;

(b) be read over to the person;

10 (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.

15 (6) If any person fails to attend before the Director-General or an authorised officer as required by an order under subsection (1)(e), the Director-General or authorised officer may report the failure to a Magistrate who may issue a warrant to secure the attendance of that person as required by the order.”;

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(h) by repealing section 22 and substituting the following section:

“Fees, etc., payable to Board

25 **22.** All fees, charges and moneys collected under this Act or any rules made thereunder (except composition sums) must be paid to the Board.”;

(i) by deleting the word “Authority” in section 23 (including the section heading) and substituting in each case the word “Board”; and

30 (j) by inserting, immediately after subsection (3) of section 25, the following subsection:

“(4) All composition sums collected under this section must be paid into the Consolidated Fund.”.

Amendments to Health Products Act

12. The Health Products Act (Cap. 122D, 2008 Ed.) is amended —

- (a) by deleting the definition of “Agri-Food and Veterinary Authority” in section 2(1);
- (b) by inserting, immediately after the definition of “Minister” in section 2(1), the following definition: 5

““National Parks Board” means the National Parks Board established by the repealed National Parks Act (Cap. 198A, 1991 Ed.) as in force before 1 July 1996 and continued by section 3 of the National Parks Board Act (Cap. 198A);”;

- (c) by deleting the words “Agri-Food and Veterinary Authority” in the following provisions and substituting in each case the words “National Parks Board”:

Sections 73(2)(e), 74 and 75(b) and (d); and

- (d) by deleting the words “Chief Executive of the Agri-Food and Veterinary Authority” in section 75(c) and substituting the words “Director-General, Animal Health and Welfare appointed under the Animals and Birds Act (Cap. 7)”.

Amendments to Medicines Act

13. The Medicines Act (Cap. 176, 1985 Ed.) is amended —

- (a) by deleting paragraph (b) of section 4(1) and substituting the following paragraph:

“(b) the Director-General, Animal Health and Welfare appointed under section 3(1) of the Animals and Birds Act (Cap. 7) in respect of any function to be performed under this Act exclusively in relation to veterinary medicinal products and animals.”; and

- (b) by deleting paragraph (b) of section 72A and substituting the following paragraph:

“(b) in the case where the licensing authority is the Director-General, Animal Health and Welfare, to the National Parks Board established by the repealed National Parks Act (Cap. 198A, 1991 Ed.) as in force before 1 July 1996 and continued by section 3 of the National Parks Board Act (Cap. 198A).”.

Amendments to Parks and Trees Act

10 **14.** Section 4 of the Parks and Trees Act (Cap. 216, 2006 Ed.) is amended —

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

15 “(1) The Board is responsible for the administration of this Act, and to that end, the Board must appoint an officer of the Board to be the Commissioner of Parks and Recreation.”;

(b) by deleting the words “the Minister” in subsection (2) and substituting the words “the Board”;

20 (c) by deleting subsections (3) and (4) and substituting the following subsections:

25 “(3) The Commissioner may, subject to the directions of the Board, appoint any of the following persons to be an authorised officer for the purpose of assisting the Commissioner in administering and carrying out the provisions of this Act or any other written law which confers powers on the Commissioner:

(a) an employee of the Board;

30 (b) an employee of another statutory authority;

(c) a public officer;

(d) an auxiliary police officer appointed under the Police Force Act (Cap. 235).

(4) The Commissioner may delegate the exercise of all or any of the powers conferred or duties imposed upon the Commissioner by any provision of this Act or any other written law (except the power of delegation conferred by this subsection) to an authorised officer; and any reference in the provision of this Act or any other written law to the Commissioner includes a reference to such an authorised officer.

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(4A) Any delegation under subsection (4) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Board may specify.”; and

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(d) by deleting the words “subsection (3)” in subsection (9) and substituting the words “subsection (3)(d)”.

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Amendment to Statutory Bodies and Government Companies (Protection of Secrecy) Act

15. Part I of the Schedule to the Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319, 2004 Ed.) is amended by inserting, immediately after item 18, the following item:

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“18A. National Parks Board National Parks Board Act
(Chapter 198A)”.

Amendments to Wild Animals and Birds Act

16. The Wild Animals and Birds Act (Cap. 351, 2000 Ed.) is amended —

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(a) by deleting the definitions of “Authority” and “Director-General” in section 2 and substituting the following definitions:

““Board” means the National Parks Board established by the repealed National Parks Act (Cap. 198A, 1991 Ed.) as in force before 1 July 1996 and continued by section 3 of the National Parks Board Act (Cap. 198A);

30

“Director-General” means the Director-General, Wildlife Management appointed under section 4(1);”;

(b) by repealing section 4 and substituting the following section:

“Appointment of Director-General and authorised officers

4.—(1) The Board is responsible for the administration of this Act, and to that end, the Board must appoint an officer of the Board to be the Director-General, Wildlife Management.

(2) The Director-General may, subject to the directions of the Board, appoint any of the following persons to be an authorised officer for the purpose of assisting the Director-General in administering and carrying out the provisions of this Act or any other written law which confers powers on the Director-General:

- (a) an employee of the Board;
- (b) an employee of another statutory authority;
- (c) a public officer;
- (d) an auxiliary police officer appointed under the Police Force Act (Cap. 235).

(3) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon the Director-General by any provision of this Act or any other written law (except the power of delegation conferred by this subsection) to an authorised officer; and any reference in the provision of this Act or any other written law to the Director-General includes a reference to such an authorised officer.

(4) Any delegation under subsection (3) may be general or in a particular case and may be subject to

such conditions or limitations as set out in this Act or as the Board may specify.

(5) The Director-General may, for any reason that appears to him to be sufficient, at any time revoke a person's appointment as an authorised officer. 5

(6) A person mentioned in subsection (2)(d) who is appointed as an authorised officer does not, by virtue only of the appointment, become an employee or agent of the Board.”;

(c) by inserting, immediately after subsection (2) of section 12, the following subsections: 10

“(3) Any person who, without reasonable excuse —

(a) refuses or fails to comply with a request of a police officer, an officer of customs or an authorised officer under this section for the person's name and residence in Singapore; 15
or

(b) in response to the request, gives a name that is false in a material particular, or gives an address other than the person's full and correct residential address, 20

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) A police officer, an officer of customs or an authorised officer making an arrest under subsection (1) must not restrain the person arrested more than is necessary to prevent the person's escape. 25

(5) A person arrested under this section may be detained until his name and address are correctly ascertained except that a person so arrested must not be detained longer than is permitted by written law and is necessary for bringing him before a court unless the order of a court for his detention is obtained.”; 30

(d) by inserting, immediately after section 12, the following sections:

“Powers of examination

5 **12A.**—(1) For the purpose of investigating any offence under this Act, the Director-General or an authorised officer may —

 (a) examine orally any person supposed to be acquainted with the facts and circumstances of the case; and

10 (b) by written order require any person within the limits of Singapore, who appears to be acquainted with the facts and circumstances of the case, to attend before the Director-General or authorised officer.

15 (2) The person mentioned in subsection (1)(a) is bound to state truly the facts and circumstances with which the person is acquainted concerning the case except only that the person may decline to make, with regard to any fact or circumstance, a statement which would have a tendency to expose the person to a criminal charge or to penalty or forfeiture.

20 (3) A statement made by any person examined under this section must —

25 (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

30 (d) after correction (if necessary), be signed by the person.

 (4) If any person fails to attend before the Director-General or an authorised officer as required by an order under subsection (1)(b), the

Director-General or authorised officer may report the failure to a Magistrate who may issue a warrant to secure the attendance of that person as required by the order.

Powers to require information about contraventions

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12B.—(1) Where it appears to the Director-General or an authorised officer that there may have been a contravention of any provision of this Act, the Director-General or authorised officer may serve an information notice to require any person who appears to him to be acquainted with the circumstances of the case to furnish the Director-General or authorised officer (as the case may be), within such time as may be specified in the notice, with information relating to that case in the possession or within the knowledge of that person.

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(2) An information notice under subsection (1) must be complied with by giving the required information in writing to the Director-General or authorised officer, as the case may be.

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(3) Any person who fails to comply with any information notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

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(4) It is a defence for a person charged with an offence under subsection (3) to prove, on a balance of probabilities, that the person did not know and could not with reasonable diligence have ascertained, the information required in the information notice.

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(5) If any person —

- (a) makes any statement purporting to comply with a requirement of an information notice which the person knows to be false or misleading in a material particular; or

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(b) recklessly makes such a statement which is false or misleading in a material particular,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.”; and

(e) by repealing section 14 and substituting the following section:

“Fees, etc., payable to Board

14. All fees, charges and moneys collected under this Act or any order made thereunder (except composition sums) must be paid to the Board.”.

Saving and transitional provision

17.—(1) Every individual who —

(a) immediately before the date of commencement of section 9, holds office as the Director-General, Agri-Food and Veterinary Services is, starting that date, deemed to be appointed as the Director-General, Animal Health and Welfare under the Animals and Birds Act as amended by that section;

(b) immediately before the date of commencement of section 10, holds office as the Director-General, Agri-Food and Veterinary Services is, starting that date, deemed to be appointed as the Director-General, Plant Health under the Control of Plants Act as amended by that section;

(c) immediately before the date of commencement of section 11, holds office as the Director-General, Agri-Food and Veterinary Services is, starting that date, deemed to be appointed as the Director-General, Wildlife Trade Control under the Endangered Species (Import and Export) Act as amended by that section; and

(d) immediately before the date of commencement of section 16, holds office as the Director-General, Agri-Food and Veterinary Services is, starting that date, deemed to be appointed as the Director-General, Wildlife Management under the Wild Animals and Birds Act as amended by that section, 5

and their respective appointments expire on the date the original appointment as Director-General, Agri-Food and Veterinary Services would have expired if this Act had not been enacted.

(2) Despite sections 9, 10, 11 and 16, every licence, permit, approval or authorisation that — 10

(a) is granted, before the date of commencement of section 9, 10, 11 or 16 by the Director-General, Agri-Food and Veterinary Services under the Animals and Birds Act, the Control of Plants Act, the Endangered Species (Import and Export) Act or the Wild Animals and Birds Act, as the case may be; and 15

(b) is in force immediately before the respective dates of commencement of sections 9, 10, 11 and 16,

is, so far as it is not inconsistent with the provisions of those Acts as amended by this Act, to continue as if, and is deemed to be, a licence, permit, approval or authorisation granted by — 20

(c) the Director-General, Animal Health and Welfare under the Animals and Birds Act, as amended by this Act;

(d) the Director-General, Plant Health under the Control of Plants Act, as amended by this Act; 25

(e) the Director-General, Wildlife Trade Control under the Endangered Species (Import and Export) Act, as amended by this Act; or

(f) the Director-General, Wildlife Management under the Wild Animals and Birds Act, as amended by this Act, 30

as the case may be.

(3) However, every licence, permit, approval or authorisation mentioned in subsection (2) lapses on the date it would have if this

Act had not been enacted, unless the licence, permit, approval or authorisation is earlier revoked or cancelled.

(4) Where —

5 (a) an application or any other document is lodged for approval under the Animals and Birds Act, the Control of Plants Act, the Endangered Species (Import and Export) Act or the Wild Animals and Birds Act before the date of commencement of section 9, 10, 11 or 16, as the case may be; and

10 (b) the application or other document was not approved by the Director-General, Agri-Food and Veterinary Services before the date of commencement of section 9, 10, 11 or 16, as the case may be,

15 the application or other document is, where applicable, deemed to be an application or a document lodged for approval with —

(c) the Director-General, Animal Health and Welfare under the Animals and Birds Act, as amended by this Act;

(d) the Director-General, Plant Health under the Control of Plants Act, as amended by this Act;

20 (e) the Director-General, Wildlife Trade Control under the Endangered Species (Import and Export) Act, as amended by this Act; or

(f) the Director-General, Wildlife Management under the Wild Animals and Birds Act, as amended by this Act,

25 as the case may be.

(5) Anything that has been started by the Director-General, Agri-Food and Veterinary Services in connection with an application or a document under subsection (4) may be carried on and completed (as the case may be), by —

30 (a) the Director-General, Animal Health and Welfare under the corresponding provisions of the Animals and Birds Act, as amended by this Act;

- (b) the Director-General, Plant Health under the corresponding provisions of the Control of Plants Act, as amended by this Act;
 - (c) the Director-General, Wildlife Trade Control under the corresponding provisions of the Endangered Species (Import and Export) Act, as amended by this Act; or 5
 - (d) the Director-General, Wildlife Management under the corresponding provisions of the Wild Animals and Birds Act, as amended by this Act.
- (6) Every direction, notice, order or requirement that — 10
- (a) is issued or given, before the date of commencement of section 9, 10, 11 or 16, by the Director-General, Agri-Food and Veterinary Services under the Animals and Birds Act, the Control of Plants Act, the Endangered Species (Import and Export) Act or the Wild Animals and Birds Act, as the case may be; and 15
 - (b) is in force immediately before the date of commencement of section 9, 10, 11 or 16, as the case may be,
- is, so far as it is not inconsistent with the provisions of the Animals and Birds Act, the Control of Plants Act, the Endangered Species (Import and Export) Act or the Wild Animals and Birds Act, as respectively amended by this Act, to continue as if — 20
- (c) the Director-General, Animal Health and Welfare issued or gave the direction, notice, order or requirement under the Animals and Birds Act, as amended by this Act; 25
 - (d) the Director-General, Plant Health issued or gave the direction, notice, order or requirement under the Control of Plants Act, as amended by this Act;
 - (e) the Director-General, Wildlife Trade Control issued or gave the direction, notice, order or requirement under the Endangered Species (Import and Export) Act, as amended by this Act; or 30

(f) the Director-General, Wildlife Management issued or gave the direction, notice, order or requirement under the Wild Animals and Birds Act, as amended by this Act,

as the case may be.

5 (7) Where an appeal has been made to the Minister —

(a) under the Animals and Birds Act, the Control of Plants Act or the Wild Animals and Birds Act before the date of commencement of section 9, 10 or 16 (as the case may be) against any notice, order or decision of the
10 Director-General, Agri-Food and Veterinary Services made under any of those Acts; and

(b) the appeal has not been dealt with or disposed of immediately before the applicable date of commencement,

15 the appeal may continue to be dealt with in accordance with the Animals and Birds Act, the Control of Plants Act or the Wild Animals and Birds Act (as the case may be) as if this Act had not been enacted.

(8) Despite section 12, every approval, authorisation, appointment or decision that —

20 (a) is made, before the date of commencement of section 12 by the Chief Executive of the Agri-Food and Veterinary Authority under or in connection with Part XIV of the Health Products Act; and

(b) is in force on that date,

25 is, so far as it is not inconsistent with the provisions of the Health Products Act as amended by this Act, to continue as if, and is deemed to be, an approval, authorisation, appointment or a decision made by the Director-General, Animal Health and Welfare under Part XIV of the Health Products Act, as amended by this Act.

30 (9) Where any period of time specified in any provision in the Animals and Birds Act, the Control of Plants Act, the Endangered Species (Import and Export) Act, the Health Products Act or the Wild Animals and Birds Act which is amended by this Act is current immediately before the date of commencement of section 9, 10, 11,

12 or 16 (as the case may be), any period of time so specified and current is treated, for the purposes of those provisions as amended —

- (a) as running from the date or event from which it was running immediately before the applicable date of commencement; and
- (b) as expiring (subject to any provision for its extension) whenever it would have expired if this Act had not been enacted.

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(10) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional 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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(11) Nothing in this section affects section 16 of the Interpretation Act (Cap. 1).

15

EXPLANATORY STATEMENT

This Bill seeks to amend the National Parks Board Act (Cap. 198A) —

- (a) to provide for the transfer of certain functions and undertakings of the Agri-Food and Veterinary Authority (called the AVA) to the National Parks Board;
- (b) to make consequential amendments to certain other Acts because of this transfer and new functions; and
- (c) to make amendments of a housekeeping nature to improve the administration of the National Parks Board and enforcement capacity of its officers under different Acts which it administers.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to introduce definitions which are relevant to the new functions to be taken over by the National Parks Board from the AVA, pursuant to the new Part VII inserted by clause 7.

Clause 3 amends section 6 to set out the new functions of the National Parks Board.

The first is to promote and protect the welfare, safety and health of animals, including controlling the use of animals in research, testing and teaching, the supply of veterinary products, and the trapping or killing of animals in a wild state.

Other new functions are to manage the animal population in Singapore, and to regulate trade in endangered species of animals and plants.

The National Parks Board will also assume the new function of preventing and managing threats and risks to animal health, animal welfare or plant health or all of them, or to terrestrial and aquatic environments arising from animals or plants, or pests or diseases carried by animals or plants, and threats to public health and safety from animals or plants, or pests or diseases carried by animals or plants.

For example, the National Parks Board will look into the protection of all cultivation of plants in Singapore against plant pests, loss of species diversity and loss of viability and function of ecosystems, and to manage the import, propagation and spread of invasive alien species and populations for the purpose of conservation.

The National Parks Board will also have an expanded industry development and regulation function, which regulates veterinary establishments, practitioners of veterinary medicine and persons who provide veterinary services in the course of business. This will cover veterinarians, veterinary para-professionals, animal health specialists, veterinary centres, and the use of veterinary medicines and biologics.

Finally, as part of a whole-of-government system to guard against diseases and ensure food security, the National Parks Board is conferred a particular function of cooperating and collaborating with the Director-General of Public Health and the Director-General, Food Administration in the administration of the Environmental Public Health Act (Cap. 95), the Health Sciences Authority in its administration of the Health Products Act (Cap. 122D), and any public officer, public authority or Health Officer in the administration of the Infectious Diseases Act (Cap. 137).

Other amendments in clause 3 are to specify the form in which the Minister may assign additional functions to the National Parks Board, and to make it clear that section 6 (as amended) does not impose on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

Clause 4 amends section 7(1) by providing that the National Parks Board has power to do that which is incidental or conducive to the discharge of its functions conferred by the Act.

Clause 5 replaces sections 10 and 11 (which relate to the delegation of powers and protection from personal liability).

The new section 10 enables the National Parks Board to delegate its powers to contractors and to enable subdelegation of some powers by the delegates.

The protection from liability in the new section 11 is extended to the subdelegates and makes it clear that the protection arises only for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in the exercise or purported exercise of any power under the Act or the performance or purported performance of any function under the Act.

Clause 6 inserts a new section 14 which deems the subdelegates to be public servants for the purposes of the Penal Code (Cap. 224).

The new section 14 also deems the subdelegates to be public officers for the purposes of the Financial Procedure Act (Cap. 109) in relation to the subdelegates' administration, assessment, collection or enforcement of payment of any financial penalty or composition sum which is imposed or collected under an Act administered by the National Parks Board. As these moneys are public moneys that must be accounted for in the Consolidated Fund, the new section 14 also provides for section 20 of the Financial Procedure Act to apply to each of these subdelegates even though they are not or were not in the employment of the Government. Section 20 of the Financial Procedure Act provides for disciplinary punishment for loss of public moneys, etc.

Clause 7 inserts a new Part VII containing new sections 23 to 26B that transfer to the National Parks Board the undertaking of the AVA relating to 7 departments, namely, the Community Animal Management Group, the Corporate Development Group 2, the Industry and Biosecurity Management Group, the office of the Director-General, Agri-Food and Veterinary Services, the Plant Science and Health Group, the Professional and Scientific Services Group and the Wildlife Management Group (collectively called the AVA veterinary undertaking).

The new section 23 contains definitions used for the purposes of the new Part VII. In particular, it describes the elements comprised in the undertaking to be transferred to the National Parks Board by the new Part.

The new section 24 provides for the transfer, on the transfer date (which is to be specified by the Minister by an order in the *Gazette*), to the National Parks Board of all assets and liabilities of the AVA relating to the AVA veterinary undertaking.

The new section 24 also contains a series of saving and transitional provisions, the general purpose of which is to put the National Parks Board in the same legal position as the AVA from which assets or liabilities are transferred.

The new section 24 declares that the transfer does not constitute a breach of, or default under, an Act or any other law, does not constitute a breach of, or default under, a contract, agreement, understanding or undertaking, does not constitute a breach of a duty of confidence, does not constitute a civil or criminal wrong, does not terminate an agreement or obligation, or fulfils any condition that allows a

person to terminate an agreement or obligation, or gives rise to any other right or remedy, and does not release a surety or other obligor or obligee wholly or in part from an obligation.

For example, all security deposits deposited with the AVA before the transfer date and not forfeited before that date, and the benefits of all indemnities (like insurance policies), guarantees and warranties given to the AVA before the transfer date, in relation to any asset or liability transferred under the new section 24 are, without further assurance, transferred and deemed deposited with or given to the National Parks Board.

The new section 25 provides for the transfer, on the transfer date, of AVA employees and seconded officers deployed in the AVA veterinary undertaking to the employment of or secondment with (as the case may be) the National Parks Board.

The new section 26 declares that the transfer of employees does not affect remuneration, leave rights or continuity of service and does not constitute a retrenchment or redundancy. It further declares that such a transfer is not to give rise to any right to damages or compensation.

The new section 26A provides for the transfer of records from the AVA to the National Parks Board where the records relate to any asset or liability transferred to the Board under the new section 24, or any transferring employee.

The new section 26B provides for a notice issued by the Minister for Finance to be evidence as to whether an asset or a liability is or is not a transferred asset or liability.

Clause 8 amends the Second Schedule to confer extra powers in order to support the new functions of the National Parks Board conferred by the amendments in clause 3.

Clauses 9 to 16 amend various provisions in the Animals and Birds Act (Cap. 7), the Control of Plants Act (Cap. 57A), the Endangered Species (Import and Export) Act (Cap. 92A), the Health Products Act, the Medicines Act (Cap. 176), the Parks and Trees Act (Cap. 216), the Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319) and the Wild Animals and Birds Act (Cap. 351) consequent to the transfer of functions from the AVA to the National Parks Board.

Clauses 9 and 10 also contain amendments to provisions in the Animals and Birds Act and the Control of Plants Act to empower the Director-General, Animal Health and Welfare and Director-General, Plant Health, respectively, to be satisfied, before granting a licence to import animals (which includes eggs) or birds for human consumption or production of primary produce, or to import fresh fruits and vegetables (as the case may be), that the applicant has the experience and resources to provide a secure and reliable supply in Singapore of those

animals or birds or fresh fruits and vegetables (as the case may be), and to impose licence conditions to ensure that outcome.

Power is also conferred to make rules prescribing the records that must be kept by a licensed importer or licensed grower or other licensees, and the provision of returns and other information by the licensed importers or licensed growers or other licensees with respect to animals or birds and their products, or fresh fruits or vegetables (as the case may be), which are the subject of the activity authorised by the licence. This is to enable the relevant Director-Generals to obtain current and accurate data about the level of such imports or the level of production of farms and other licensed activities.

Other amendments include requiring composition sums to be paid into the Consolidated Fund instead of the funds of the statutory board, so as to give effect to a new policy of the Ministry of Finance. Opportunity is also taken to confer powers of enforcement which the AVA officers possess, on officers of the National Parks Board and other authorised officers under the respective Acts.

Clause 17 is a saving and transitional provision mainly to deal with the renamed officers in charge of the administration of the various Acts. The clause also empowers the Minister to make regulations prescribing such provisions of a saving or transitional nature consequent on the enactment of any provision in the Bill, as the Minister may consider necessary or expedient. The Minister has power to do so only within 2 years after the date of commencement of the provision.

EXPENDITURE OF PUBLIC MONEY

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