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Singapore Institute of Technology Bill

Bill No. 7/2014.

Read the first time on 20th January 2014.

SINGAPORE INSTITUTE OF TECHNOLOGY ACT 2014

(No. 7 of 2014)

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 Institute of Technology and to make a consequential amendment to the Private Education Act (Chapter 247A of the 2011 Revised Edition).

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

And whereas it is desirable that statutory provision be made in relation to the operation of the Singapore Institute of Technology 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 may be cited as the Singapore Institute of Technology Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

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

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

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“university company” means the company limited by guarantee incorporated under the Companies Act (Cap. 50) on 15th September 2009 under the name “Singapore Institute of Technology”.

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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 degrees, diplomas and certificates, including honorary degrees and other distinctions.

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Accountability and evaluation

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

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

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

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Directions in respect of policies on higher education in Singapore

5 **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.

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

Appointment to Board

10 **6.**—(1) The Board shall consist of such number of trustees as the Minister may, in his discretion, appoint.

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

Consent of Minister

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

(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;

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

(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.

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

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

Provision of funds

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

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

Access to accounts and summary of financial statements

9.—(1) The Minister or any person authorised by him 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. 10

(2) The Minister or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the Minister or person authorised by him considers necessary for ascertaining — 15

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

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

(3) The university company shall make available to the public, at such frequency and in such manner as the Minister may determine, a summary of the financial statements of the university company which shall be in such form and contain such information as the Minister may determine. 25

(4) Any person who fails, without reasonable excuse, to comply with any requirement of the Minister or any person authorised by him under subsection (2), or who otherwise hinders, obstructs or delays the Minister or any person authorised by him in the performance of his duties or in the exercise of his powers under this section, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. 30

Application of Societies Act to student bodies

10.—(1) Notwithstanding anything to the contrary in the Societies Act (Cap. 311), the provisions of that Act shall have effect in relation to any student body constituted pursuant to the provisions of the constituent documents of the university company.

(2) The Minister responsible for societies may, by order published in the *Gazette*, exempt any student body referred to 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.

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 shall, to the extent of the inconsistency, be void.

(2) Nothing in this Act shall be construed to excuse or exempt the university company from complying with any written law that, apart from this Act, would apply to the university company.

Consequential amendment to Private Education Act

12. Section 72 of the Private Education Act (Cap. 247A) is amended by inserting, immediately after the words “the Singapore University of Technology and Design” in paragraph (i), the words “, the Singapore Institute of Technology”.

EXPLANATORY STATEMENT

This Bill seeks to make provision for certain matters relating to the Singapore Institute of Technology (referred to as the university company) and to make a consequential amendment to the Private Education Act (Cap. 247A).

The provisions of the Bill are intended —

- (a) to grant to the university company, which was established as a company limited by guarantee incorporated under the Companies Act (Cap. 50) on 15th September 2009, the right to confer and award degrees, diplomas and certificates, including honorary degrees and other distinctions;

- (b) 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
- (c) 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 Singapore Institute of Technology, whose main object is to provide industry-focused undergraduate education in Singapore, will thus have the same status as the 4 existing autonomous universities in Singapore, namely, the National University of Singapore, Nanyang Technological University, Singapore Management University, and Singapore University of Technology and Design.

Clause 4 provides for the framework under which the university company is accountable to the Minister and under which the performance of the university company 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 which 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 makes provision for Parliament to provide funding for the university company and requires that the moneys given may only be applied or expended by the university company for such of its objects provided by its constituent documents as the Minister may allow.

Clause 9 permits the Minister or a person authorised by him to have access to the financial records of the university company and to require any person in possession of information to provide him with the 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 pursuant to 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 the constituent documents of the university company and any regulation made pursuant to the constituent documents, and makes clear that the university company is bound to comply with any other written law that would apply to it.

Clause 12 amends section 72(i) of the Private Education Act to provide that that Act will not apply to the Singapore Institute of Technology.

EXPENDITURE OF PUBLIC MONEY

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