

# **Community Care Endowment Fund Bill**

---

**Bill No. 24/2005.**

*Read the first time on 15th August 2005.*

## **THE COMMUNITY CARE ENDOWMENT FUND ACT 2005**

**(No. of 2005)**

### **ARRANGEMENT OF SECTIONS**

#### **PART I**

##### **PRELIMINARY**

Section

1. Short title and commencement
2. Interpretation

#### **PART II**

##### **COMMUNITY CARE ENDOWMENT FUND**

3. Establishment of Community Care Endowment Fund
4. Administration of ComCare Fund
5. Capital moneys of ComCare Fund
6. Objects and application of income of ComCare Fund
7. Supervisory Council

#### **PART III**

##### **FINANCIAL PROVISIONS**

8. Expenses
9. Financial year of ComCare Fund
10. Accounts
11. No payment unless approved by Minister
12. Appointment, powers and duties of auditor
13. Failure to furnish information to auditor
14. Presentation of annual report, financial statements and auditor's report to Parliament

PART IV

MISCELLANEOUS

Section

15. False or misleading information, etc.
  16. Offences by bodies corporate, etc.
  17. Composition of offences
  18. Regulations
  19. Termination of trust known as Community Assistance Fund and transfer of undertaking to Government
- The Schedule — Supervisory Council
-

A BILL

*i n t i t u l e d*

An Act to establish the Community Care Endowment Fund for the purposes of providing assistance to citizens and permanent residents of Singapore and their family members living in Singapore, who are in financial and other difficulties, and for matters connected therewith; and to terminate the charitable trust known as the Community Assistance Fund.

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

## PART I

## PRELIMINARY

**Short title and commencement**

5 1. This Act may be cited as the Community Care Endowment Fund Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Interpretation**

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

“appointed day” means the date of commencement of this Act;

10 “authorised officer” means any officer authorised by the Minister in writing to exercise such power or perform such function or duty under this Act as the Minister may specify therein;

“ComCare Fund” means the Community Care Endowment Fund established under section 3(1);

15 “Council” means the Supervisory Council established under section 7.

## PART II

## COMMUNITY CARE ENDOWMENT FUND

**Establishment of Community Care Endowment Fund**

20 3.—(1) There shall be established a fund to be called the Community Care Endowment Fund into which shall be paid —

(a) all capital moneys as are appropriated from time to time from the Consolidated Fund and authorised to be paid into the ComCare Fund by this Act or any other written law;

25 (b) all gifts or bequests given or made for the purposes of the ComCare Fund; and

(c) the net income from investments of capital moneys in the ComCare Fund.

(2) The ComCare Fund shall be regarded as a Government fund and as comprising public moneys for the purposes of any other written law.

(3) For the purposes of subsection (1)(c), the net income from investments of capital moneys shall be the amount ascertained by adding to, or deducting from, the income received from the investments of capital moneys any profit derived or loss sustained, as the case may be, from the realisation of such investments.

#### **Administration of ComCare Fund**

4. The Minister shall be responsible for the administration of the ComCare Fund and all moneys belonging to the Fund may be deposited in any bank and invested in any investment authorised under the Financial Procedure Act (Cap. 109).

#### **Capital moneys of ComCare Fund**

5.—(1) As from the appointed day, such sum as the Minister for Finance may determine out of moneys to be provided by Parliament shall be paid into the ComCare Fund as capital moneys.

(2) The Minister for Finance may, from time to time, after the appointed day pay into the ComCare Fund such sums of capital moneys as he may determine out of moneys to be provided by Parliament.

(3) Notwithstanding the terms of any gift or bequest, all gifts and bequests given or made for the purposes of the ComCare Fund shall be paid into the Fund as capital moneys.

(4) The capital moneys of the ComCare Fund shall not be used for any purpose other than for investment.

(5) Where at any time there is a permanent diminution of the capital moneys of the ComCare Fund, the Minister shall, before paying out any income of the Fund, make good such diminution from the income of the Fund.

#### **Objects and application of income of ComCare Fund**

6.—(1) The objects for which the income of the ComCare Fund may be applied are —

- (a) the provision of assistance to citizens and permanent residents of Singapore and their family members living in Singapore with financial or other difficulties to enable them to attain sufficient income to meet their basic needs;

- (b) the provision of assistance to address the developmental issues faced by children from families of citizens and permanent residents of Singapore living in Singapore with financial or other difficulties;
- 5 (c) the provision of assistance to citizens and permanent residents of Singapore and their family members living in Singapore with financial or other difficulties who require help to integrate into society; and
- 10 (d) the development of programmes to enhance the capacity of the community to undertake the objects set out in paragraphs (a), (b) and (c).
- (2) In carrying out the objects of the ComCare Fund, the Minister may, from time to time, authorise the income of the Fund to be paid out and expended for all or any of the following purposes:
- 15 (a) the provision of grants to be given to individuals or families through organisations;
- (b) the provision of grants to be given to organisations to carry out programmes consistent with the objects of the Fund;
- 20 (c) such other purposes consistent with the objects of the Fund, as may be prescribed.

### **Supervisory Council**

- 7.—(1) A Supervisory Council comprising such members as the Minister may appoint shall be established to oversee the administration and use of the moneys of the ComCare Fund.
- 25 (2) The Minister shall appoint one of the members as chairman.
- (3) The Schedule shall have effect with respect to the Council.

## **PART III**

### **FINANCIAL PROVISIONS**

#### **Expenses**

- 30 **8.** All expenses incurred in connection with the administration of the ComCare Fund, including the cost of auditing the accounts of the Fund, shall be defrayed out of the income of the Fund.

### **Financial year of ComCare Fund**

9. The financial year of the ComCare Fund shall begin on 1st April of each year and end on 31st March of the succeeding year except that the first financial year of the Fund shall begin on the date of its establishment and end on 31st March of the succeeding year.

### **Accounts**

10.—(1) The Minister shall cause to be kept proper accounts and records of all transactions and affairs relating to the ComCare Fund and shall do all things necessary to ensure that all payments out of the Fund are correctly made and properly authorised and that adequate control is maintained over the assets and receipts of the Fund.

(2) The Minister shall, as soon as practicable after the close of each financial year, cause to be prepared and submitted financial statements in respect of that year to the auditor of the ComCare Fund.

### **No payment unless approved by Minister**

11. No payment shall be made out of the ComCare Fund unless such payment is approved by the Minister or any authorised officer.

### **Appointment, powers and duties of auditor**

12.—(1) The accounts of the ComCare Fund shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is a public accountant who is registered or deemed to be registered under the Accountants Act (Cap. 2).

(3) The auditor 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 ComCare Fund and may make copies of, or extracts from, any such accounting and other records.

(4) The auditor shall in his report state —

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the ComCare Fund;

- (b) whether proper accounting and other records have been kept, including records of all assets of the ComCare Fund;
- (c) whether receipts, expenditure, and investment of moneys and the acquisition and disposal of assets on account of the ComCare Fund during the financial year were in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.
- (5) The auditor shall —
- (a) as soon as practicable after the accounts of the ComCare Fund have been submitted for audit, send a report of his audit to the Minister; and
- (b) submit such periodical and special reports to the Minister as may appear to him to be necessary or as the Minister may require.
- (6) Where the Auditor-General is not the auditor of the ComCare Fund, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General.

### **Failure to furnish information to auditor**

**13.**—(1) The auditor 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 auditor considers necessary for the purposes of his functions under this Act.

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

### **Presentation of annual report, financial statements and auditor's report to Parliament**

**14.** The Minister shall, as soon as practicable, cause an annual report in respect of the administration of the ComCare Fund during the preceding financial year to be prepared and shall present a copy of such report and of the audited financial statements and the auditor's report to Parliament.

## PART IV

## MISCELLANEOUS

**False or misleading information, etc.**

15 **15.** Any person who, for any purpose connected with this Act —

5 (a) knowingly makes any false statement to the Minister or an authorised officer or to the auditor or a person authorised by him; or

10 (b) produces or furnishes or causes or knowingly allows to be produced or furnished to the Minister or an authorised officer or to the auditor or a person authorised by him, any document which he knows to be false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

**Offences by bodies corporate, etc.**

15 **16.**—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part,

20 the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

25 (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,  
 the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership;

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

### **Composition of offences**

**17.**—(1) The Minister or any authorised officer may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of such offence.

(3) The Minister may make regulations to prescribe the offences which may be compounded.

5 **Regulations**

**18.** The Minister may make such regulations as are necessary or expedient for the purpose of carrying out the provisions of this Act, and in particular, the regulations may —

- (a) prescribe the procedure for payments out of the ComCare Fund;
- 10 (b) provide for matters relating to applications for funds, financial assistance or incentives;
- (c) prescribe the procedure of the Council; and
- (d) prescribe anything which may be prescribed under this Act.

15 **Termination of trust known as Community Assistance Fund and transfer of undertaking to Government**

**19.**—(1) On the transfer date —

- (a) the undertaking of the trust known as the Community Assistance Fund and registered under the Charities Act (Cap. 37) shall be transferred to and become, by virtue of this section and without
- 20 further assurance, the undertaking of the Government; and
- (b) any balance of moneys in the Community Assistance Fund as at that date shall be transferred to the ComCare Fund as capital moneys.

(2) The Community Assistance Fund shall be terminated 14 days after

25 the transfer date.

(3) In this section —

“transfer date” means such date as the Minister may, by notification in the *Gazette*, appoint;

“undertaking” means all the lands, buildings and other property (whether movable or immovable and whether tangible or intangible) vested in the trust known as the Community Assistance Fund immediately before the transfer date and all assets, powers, rights, interests, privileges, debts, liabilities and obligations connected therewith.

(4) For the avoidance of doubt, any such reference to rights and liabilities comprised in the undertaking of the Community Assistance Fund is a reference to such rights to which the Fund is entitled or, as the case may be, such liabilities to which the Fund is subject.

## THE SCHEDULE

Section 7(3)

### SUPERVISORY COUNCIL

1.—(1) Subject to this paragraph, every member of the Council shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment.

(2) Any member of the Council may resign his office at any time by giving notice in writing to the Minister.

(3) If the Minister is satisfied that a member of the Council —

- (a) is guilty of neglect of duty or misconduct;
- (b) has become bankrupt or made an arrangement with his creditors;
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Minister may remove him from office.

2. The validity of any proceedings of the Council shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

3. The arrangements relating to meetings of the Council shall be such as the Council may determine.

4. The chairman shall preside at all meetings of the Council at which he is present and, in his absence, the members present shall elect one of their number to act as chairman of that meeting.

5. Subject to the provisions of this Act, the Council may regulate its own procedure in such manner as it thinks fit.

## EXPLANATORY STATEMENT

This Bill seeks to —

- (a) establish a new Government fund to be called the Community Care Endowment Fund (the ComCare Fund) for the purposes of providing assistance to citizens and permanent residents of Singapore and their family members living in Singapore, who are in financial and other difficulties, and for matters connected therewith; and
- (b) terminate the charitable trust known as the Community Assistance Fund and to transfer the balance of any moneys in that Fund to the ComCare Fund.

### PART I

#### PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

### PART II

#### COMMUNITY CARE ENDOWMENT FUND

Clause 3 provides for the establishment of a new Government fund known as the ComCare Fund comprising capital moneys appropriated from the Consolidated Fund, income from investments and gifts or bequests to the Fund.

Clause 4 places the responsibility for administering the ComCare Fund on the Minister.

Clause 5 provides for appropriation of moneys from the Consolidated Fund to form the capital moneys of the ComCare Fund. All gifts and bequests to the Fund are required to form part of its capital moneys. The capital moneys must be applied only for purposes of investment and any permanent diminution in the capital moneys must be made good out of the income of the Fund before the income can be paid out.

Clause 6 provides that the income of the ComCare Fund may only be used to provide payments for programmes aimed to help those facing financial and other difficulties and any other purposes authorised by the Bill.

Clause 7 (read with the Schedule) establishes a Supervisory Council to oversee the administration and use of the moneys of the ComCare Fund.

### PART III

#### FINANCIAL PROVISIONS

Clause 8 provides that the expenses incurred in administering the ComCare Fund are to be met from its income.

Clause 9 prescribes the financial year of the ComCare Fund.

Clause 10 requires proper accounts and records of all transactions and affairs relating to the ComCare Fund to be kept.

Clause 11 provides that payments may only be made out of the ComCare Fund if approved by the Minister or any authorised officer.

Clause 12 deals with the audit of the accounts and records of the ComCare Fund by the Auditor-General or any approved auditor appointed by the Minister in consultation with the Auditor-General.

Clause 13 empowers the auditor or any person authorised by him to require any person to furnish him with such information as the auditor considers necessary for the purposes of his duties under the Bill. Failure to comply with such a requirement will be an offence.

Clause 14 requires the Minister to cause an annual report in respect of the administration of the ComCare Fund to be prepared and to present to Parliament a copy of such report and of the audited financial statements and the auditor's report of the Fund.

#### PART IV

#### MISCELLANEOUS

Clause 15 makes it an offence for a person to knowingly make any false statement or furnish any document which he knows to be false in a material particular.

Clause 16 provides for offences committed by bodies corporate and provides that the directors or similar officers of such bodies corporate will also be guilty of the offence if the offence is committed by the body corporate with their consent or connivance or is attributable to any neglect on their part.

Clause 17 provides for the composition of offences under the Bill.

Clause 18 empowers the Minister to make regulations for the purposes of the Bill.

Clause 19 provides for the termination of the charitable trust known as the Community Assistance Fund, the transfer of undertaking of the Fund to the Government and the transfer of any balance of moneys in the Fund to the ComCare Fund.

The Schedule sets out certain provisions relating to the constitution and proceedings of the Supervisory Council.

#### EXPENDITURE OF PUBLIC MONEY

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

---