

# Children Development Co-Savings (Amendment) Bill

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**Bill No. 21/2006.**

*Read the first time on 8th November 2006.*

A BILL

*intituled*

An Act to amend the Children Development Co-Savings Act  
(Chapter 38A of the 2002 Revised Edition).

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 Children Development Co-Savings (Amendment) Act 2006 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Amendment of section 2

2. Section 2(1) of the Children Development Co-Savings Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the definition of “bank account”, the following definition:

“ “benefit period” means —

- 10 (a) in relation to a female employee to whom subsection (1), (1B), (1D) or (1F) of section 9 applies, such period of her absence from work under the applicable subsection as she is entitled to receive payment from her employer at her gross rate of pay; or
- 15 (b) in relation to a female employee to whom subsection (1A), (1C) or (1E) of section 9 applies, such period as she is entitled under the applicable subsection to receive payment from her employer at her gross rate of pay;”.

### Amendment of section 3

20 3. Section 3(2) of the principal Act is amended by deleting paragraph (i) and substituting the following paragraph:

- 25 “(i) the transfer of any moneys standing to the credit of a member in his bank account to his Edusave account or such other account in his name as may be prescribed, or the withdrawal of such moneys, at such time, in such manner and in such circumstances as may be prescribed;”.

### Amendment of section 9

4. Section 9 of the principal Act is amended —

- 30 (a) by deleting the words “(referred to in this Act as the benefit period)” in subsection (1) and substituting the words “of her absence from work”;
- (b) by inserting, immediately after subsection (1), the following subsections:

“(1A) Subject to subsection (3A), section 9A and any regulations made under section 20, every female employee who —

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- (a) delivers a child who is not a citizen of Singapore at the time of his birth;
  - (b) satisfies the requirements of section 9A(1A); and
  - (c) absents herself from work under section 76(1) of the Employment Act (Cap. 91),

10 shall be entitled to receive payment from her employer at her gross rate of pay —

- (i) where section 76(1)(a) of that Act applies and the child is delivered during her first or second confinement —

15 (A) if the child becomes a citizen of Singapore within the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act, for the last 4 weeks of that period; or

20 (B) if the child becomes a citizen of Singapore after the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act, for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act;

- 25 (ii) where section 76(1)(a) of that Act applies and the child is delivered during her third or fourth confinement, for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act;

- 30 (iii) where section 76(1)(b) of that Act applies and the child is delivered during her first or second confinement —

- 5 (A) if the child becomes a citizen of Singapore within the first 8 weeks of the period referred to in section 76(1)(b) of that Act, for the last 4 weeks of the period referred to in section 76(1)(b) of that Act; or
- 10 (B) if the child becomes a citizen of Singapore after the first 8 weeks of the period referred to in section 76(1)(b) of that Act, for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(b) of that Act;
- 15 (iv) where section 76(1)(b) of that Act applies and the child is delivered during her third or fourth confinement, for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(b) of that Act;
- 20 (v) where section 76(1)(c) of that Act applies and the child is delivered during her first or second confinement —
- 25 (A) if the child becomes a citizen of Singapore within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for every period referred to in section 76(1)(c)(ii) of that Act; or
- 30 (B) if the child becomes a citizen of Singapore after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the child becomes a citizen of Singapore; or
- 35 (vi) where section 76(1)(c) of that Act applies and the child is delivered during her third or fourth confinement —

(A) if the child becomes a citizen of Singapore within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for —

5 (AA) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(c)(i) of that Act; and

10 (AB) every period referred to in section 76(1)(c)(ii) of that Act; or

(B) if the child becomes a citizen of Singapore after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the child becomes a citizen of Singapore.

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(1B) Subject to subsection (3), section 9A and any regulations made under section 20, every female employee who —

20 (a) delivers a child who is not a citizen of Singapore at the time of his birth;

(b) satisfies the requirements of section 9A(1A); and

(c) is not entitled to absent herself from work under section 76(1) of the Employment Act (Cap. 91),

25 shall be entitled to absent herself from work during, and to receive payment from her employer at her gross rate of pay for —

30 (i) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 12 weeks commencing on the day of her confinement;

(ii) if the child becomes a citizen of Singapore within the period of 8 weeks commencing on the day of her confinement —

(A) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 8 weeks commencing on the day of her confinement; and

(B) one or more further periods, not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 6 months commencing on the day of her confinement; or

(iii) if the child becomes a citizen of Singapore after the period of 8 weeks commencing on the day of her confinement, one or more periods commencing on or after the day the child becomes a citizen of Singapore, not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 6 months commencing on the day of her confinement.

(1C) Subject to subsection (3A), section 9A and any regulations made under section 20, every female employee who —

(a) delivers a child but is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth;

(b) satisfies the requirements of section 9A(1B); and

(c) absents herself from work under section 76(1) of the Employment Act (Cap. 91),

shall be entitled to receive payment from her employer at her gross rate of pay —

(i) where section 76(1)(a) of that Act applies and the child is delivered during her first or second confinement —

- (A) if she becomes lawfully married to the child's natural father within the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act, for the last 4 weeks of that period; or
- 5 (B) if she becomes lawfully married to the child's natural father after the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act, for the period commencing on the day she becomes lawfully married to the child's
- 10 natural father and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act;
- (ii) where section 76(1)(a) of that Act applies and the child is delivered during her third or fourth
- 15 confinement, for the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act;
- (iii) where section 76(1)(b) of that Act applies and the child is delivered during her first or second
- 20 confinement —
- (A) if she becomes lawfully married to the child's natural father within the first 8 weeks of the period referred to in section 76(1)(b) of that Act, for the last 4 weeks of the period referred to in section 76(1)(b) of that Act; or
- 25 (B) if she becomes lawfully married to the child's natural father after the first 8 weeks of the period referred to in section 76(1)(b) of that Act, for the period commencing on the day she becomes lawfully married to the child's
- 30 natural father and ending on the last day of the period referred to in section 76(1)(b) of that Act;

- 5 (iv) where section 76(1)(b) of that Act applies and the child is delivered during her third or fourth confinement, for the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the period referred to in section 76(1)(b) of that Act;
- (v) where section 76(1)(c) of that Act applies and the child is delivered during her first or second confinement —
- 10 (A) if she becomes lawfully married to the child's natural father within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for every period referred to in section 76(1)(c)(ii) of that Act; or
- 15 (B) if she becomes lawfully married to the child's natural father after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for every period referred to in section 76(1)(c)(ii) of that Act commencing on or
- 20 after the day she becomes lawfully married to the child's natural father; or
- (vi) where section 76(1)(c) of that Act applies and the child is delivered during her third or fourth confinement —
- 25 (A) if she becomes lawfully married to the child's natural father within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for —
- 30 (AA) the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the period referred to in section 76(1)(c)(i) of that Act; and
- 35 (AB) every period referred to in section 76(1)(c)(ii) of that Act; or



(B) if she becomes lawfully married to the child's natural father after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day she becomes lawfully married to the child's natural father.

(1D) Subject to subsection (3), section 9A and any regulations made under section 20, every female employee who —

- (a) delivers a child but is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth;
- (b) satisfies the requirements of section 9A(1B); and
- (c) is not entitled to absent herself from work under section 76(1) of the Employment Act (Cap. 91),

shall be entitled to absent herself from work during, and to receive payment from her employer at her gross rate of pay for —

- (i) the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the period of 12 weeks commencing on the day of her confinement;
- (ii) if she becomes lawfully married to the child's natural father within the period of 8 weeks commencing on the day of her confinement —

(A) the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the period of 8 weeks commencing on the day of her confinement; and

(B) one or more further periods, not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the

period of 6 months commencing on the day of her confinement; or

- (iii) if she becomes lawfully married to the child's natural father after the period of 8 weeks commencing on the day of her confinement, one or more periods commencing on or after the day she becomes lawfully married to the child's natural father, not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 6 months commencing on the day of her confinement.

(1E) Subject to subsection (3A), section 9A and any regulations made under section 20, every female employee who —

- (a) delivers a child who is not a citizen of Singapore at the time of his birth;
- (b) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth;
- (c) satisfies the requirements of section 9A(1C); and
- (d) absents herself from work under section 76(1) of the Employment Act (Cap. 91),

shall be entitled to receive payment from her employer at her gross rate of pay —

- (i) where section 76(1)(a) of that Act applies and the child is delivered during her first or second confinement —
- (A) if the relevant event occurs within the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act, for the last 4 weeks of that period; or
- (B) if the relevant event occurs after the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act, for the period commencing on the day the relevant event occurs and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act;

- 5 (ii) where section 76(1)(a) of that Act applies and the child is delivered during her third or fourth confinement, for the period commencing on the day the relevant event occurs and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act;
- (iii) where section 76(1)(b) of that Act applies and the child is delivered during her first or second confinement —
- 10 (A) if the relevant event occurs within the first 8 weeks of the period referred to in section 76(1)(b) of that Act, for the last 4 weeks of the period referred to in section 76(1)(b) of that Act; or
- 15 (B) if the relevant event occurs after the first 8 weeks of the period referred to in section 76(1)(b) of that Act, for the period commencing on the day the relevant event occurs and ending on the last day of the period referred to in section 76(1)(b) of that Act;
- 20 (iv) where section 76(1)(b) of that Act applies and the child is delivered during her third or fourth confinement, for the period commencing on the day the relevant event occurs and ending on the last day of the period referred to in section 76(1)(b) of that Act;
- 25 (v) where section 76(1)(c) of that Act applies and the child is delivered during her first or second confinement —
- 30 (A) if the relevant event occurs within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for every period referred to in section 76(1)(c)(ii) of that Act; or
- 35 (B) if the relevant event occurs after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the relevant event occurs; or

(vi) where section 76(1)(c) of that Act applies and the child is delivered during her third or fourth confinement —

5 (A) if the relevant event occurs within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for —

10 (AA) the period commencing on the day the relevant event occurs and ending on the last day of the period referred to in section 76(1)(c)(i) of that Act; and

(AB) every period referred to in section 76(1)(c)(ii) of that Act; or

15 (B) if the relevant event occurs after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act, for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the relevant event occurs.

20 (1F) Subject to subsection (3), section 9A and any regulations made under section 20, every female employee who —

(a) delivers a child who is not a citizen of Singapore at the time of his birth;

25 (b) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth;

(c) satisfies the requirements of section 9A(1C); and

(d) is not entitled to absent herself from work under section 76(1) of the Employment Act (Cap. 91),

30 shall be entitled to absent herself from work during, and to receive payment from her employer at her gross rate of pay for —

(i) the period commencing on the day the relevant event occurs and ending on the last day of the period of 12 weeks commencing on the day of her confinement;

(ii) if the relevant event occurs within the period of 8 weeks commencing on the day of her confinement —

(A) the period commencing on the day the relevant event occurs and ending on the last day of the period of 8 weeks commencing on the day of her confinement; and

(B) one or more further periods, not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 6 months commencing on the day of her confinement; or

(iii) if the relevant event occurs after the period of 8 weeks commencing on the day of her confinement, one or more periods commencing on or after the day the relevant event occurs, not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 6 months commencing on the day of her confinement.”;

(c) by deleting the words “subsection (1)(c)(ii)” in subsection (3) and substituting the words “subsection (1)(c)(ii), (1B)(ii)(B) or (iii), (1D)(ii)(B) or (iii) or (1F)(ii)(B) or (iii)”;

(d) by inserting, immediately after subsection (3), the following subsection:

“(3A) For the avoidance of doubt, where the employment of a female employee is terminated (whether by resignation or dismissal, upon the completion of her contract of service, or for any other reason) before she has exercised, wholly or partly, her entitlement to absent herself from work during a period referred to in section 76(1)(c)(ii) of the Employment Act (Cap. 91), she shall forfeit her entitlement (or the balance thereof) to receive payment from her employer at her gross rate of pay under subsection (1A)(v) or (vi)(A)(AB) or (B), (1C)(v) or (vi)(A)(AB) or (B) or (1E)(v) or (vi)(A)(AB) or (B) upon the termination of her employment.”;

(e) by inserting, immediately after subsection (4), the following subsections:

“(4A) Subject to subsection (5), section 9A and any regulations made under section 20, every self-employed woman who —

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- (a) delivers a child who is not a citizen of Singapore at the time of his birth;
  - (b) satisfies the requirements of section 9A(1A);
  - (c) ceases to be actively engaged in her trade, business, profession or vocation —
    - 10 (i) during the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 12 weeks commencing on the day of her confinement;
    - (ii) if the child becomes a citizen of Singapore within the period of 8 weeks commencing on the day of her confinement, during —
      - 15 (A) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 8 weeks commencing on the day of her confinement; and
      - 20 (B) one or more further periods, not exceeding 24 days in the aggregate, which shall be within the period of 6 months commencing on the day of her confinement; or
    - 25 (iii) if the child becomes a citizen of Singapore after the period of 8 weeks commencing on the day of her confinement, during one or more periods commencing on or after the day the child becomes a citizen of Singapore, not exceeding
      - 30 24 days in the aggregate, which shall be within the period of 6 months commencing on the day of her confinement; and
  - (d) has lost any income by reason of her ceasing to be actively engaged in such trade, business, profession or vocation,
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shall be entitled to claim from the Government the income she would otherwise have derived from her trade, business, profession or vocation had she continued to be actively engaged in such trade, business, profession or vocation during such period referred to in subsection (5) as may be applicable.

(4B) Subject to subsection (5), section 9A and any regulations made under section 20, every self-employed woman who —

(a) delivers a child but is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth;

(b) satisfies the requirements of section 9A(1B);

(c) ceases to be actively engaged in her trade, business, profession or vocation —

(i) during the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the period of 12 weeks commencing on the day of her confinement;

(ii) if she becomes lawfully married to the child's natural father within the period of 8 weeks commencing on the day of her confinement, during —

(A) the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the period of 8 weeks commencing on the day of her confinement; and

(B) one or more further periods, not exceeding 24 days in the aggregate, which shall be within the period of 6 months commencing on the day of her confinement; or

(iii) if she becomes lawfully married to the child's natural father after the period of 8 weeks commencing on the day of her confinement,

during one or more periods commencing on or after the day she becomes lawfully married to the child's natural father, not exceeding 24 days in the aggregate, which shall be within the period of 6 months commencing on the day of her confinement; and

(d) has lost any income by reason of her ceasing to be actively engaged in such trade, business, profession or vocation,

shall be entitled to claim from the Government the income she would otherwise have derived from her trade, business, profession or vocation had she continued to be actively engaged in such trade, business, profession or vocation during such period referred to in subsection (5) as may be applicable.

(4C) Subject to subsection (5), section 9A and any regulations made under section 20, every self-employed woman who —

(a) delivers a child who is not a citizen of Singapore at the time of his birth;

(b) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth;

(c) satisfies the requirements of section 9A(1C);

(d) ceases to be actively engaged in her trade, business, profession or vocation —

(i) during the period commencing on the day the relevant event occurs and ending on the last day of the period of 12 weeks commencing on the day of her confinement;

(ii) if the relevant event occurs within the period of 8 weeks commencing on the day of her confinement, during —

(A) the period commencing on the day the relevant event occurs and ending on the last day of the period of 8 weeks



commencing on the day of her confinement; and

(B) one or more further periods, not exceeding 24 days in the aggregate, which shall be within the period of 6 months commencing on the day of her confinement; or

(iii) if the relevant event occurs after the period of 8 weeks commencing on the day of her confinement, during one or more periods commencing on or after the day the relevant event occurs, not exceeding 24 days in the aggregate, which shall be within the period of 6 months commencing on the day of her confinement; and

(e) has lost any income by reason of her ceasing to be actively engaged in such trade, business, profession or vocation,

shall be entitled to claim from the Government the income she would otherwise have derived from her trade, business, profession or vocation had she continued to be actively engaged in such trade, business, profession or vocation during such period referred to in subsection (5) as may be applicable.”; and

(f) by deleting subsection (5) and substituting the following subsections:

“(5) A self-employed woman shall be entitled to receive payment from the Government —

(a) in respect of her first or second confinement —

(i) under subsection (4), for such period of her cessation of active engagement in her trade, business, profession or vocation which is after the first 8 weeks of such cessation; or

(ii) under subsection (4A), (4B) or (4C), for a period of her cessation of active engagement in her trade, business, profession or vocation which —

(A) does not exceed 4 weeks; and

(B) is after a period of 8 weeks commencing not earlier than 28 days immediately preceding the date of that confinement, during which she ceases to be actively engaged in her trade, business, profession or vocation; and

(b) in respect of her third or fourth confinement, under subsection (4), (4A), (4B) or (4C), for the whole period of her cessation of active engagement in her trade, business, profession or vocation.

(6) In subsections (1E), (1F) and (4C), “relevant event”, in relation to a female employee or self-employed woman who —

(a) delivers a child who is not a citizen of Singapore at the time of his birth; and

(b) is not lawfully married to the child’s natural father at the time the child is conceived or at any time after the child is conceived but before the child’s birth,

means the later of the following events:

(i) the child becomes a citizen of Singapore; or

(ii) she becomes lawfully married to the child’s natural father.”.

### **Amendment of section 9A**

**5.** Section 9A of the principal Act is amended —

(a) by inserting, immediately after subsection (1), the following subsections:

“(1A) Subject to this section, a female employee shall be entitled to absent herself from work under section 9(1B) and to payment under section 9(1A) or (1B), and a self-employed woman shall be entitled to payment by the Government under section 9(4A), if —

(a) the child —

(i) is born to her on or after the date of commencement of the Children Development Co-Savings (Amendment) Act 2006;

- (ii) is not a citizen of Singapore at the time of his birth; and
  - (iii) becomes a citizen of Singapore before he attains 6 months of age;
- 5 (b) she has fewer than 4 other living children at the time of her confinement;
- (c) she —
- (i) is lawfully married to the child's natural father at the time the child is conceived; or
  - 10 (ii) becomes lawfully married to the child's natural father after the child is conceived but before the child's birth, whether or not such marriage remains subsisting at the time of the child's birth;
- (d) in the case of a female employee, she has served the employer for not less than 180 days immediately preceding the day of her confinement; and
- 15 (e) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of not less than 180 days immediately preceding the day of her confinement.
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- (1B) Subject to this section, a female employee shall be entitled to absent herself from work under section 9(1D) and to payment under section 9(1C) or (1D), and a self-employed woman shall be entitled to payment by the Government under
- 25 section 9(4B), if —
- (a) the child —
    - (i) is born to her on or after the date of commencement of the Children Development Co-Savings (Amendment) Act 2006; and
    - 30 (ii) is a citizen of Singapore at the time of his birth;
  - (b) she has fewer than 4 other living children at the time of her confinement;

(c) she —

(i) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth; and

(ii) becomes lawfully married to the child's natural father after the child's birth but before the child attains 6 months of age;

(d) in the case of a female employee, she has served the employer for not less than 180 days immediately preceding the day of her confinement; and

(e) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of not less than 180 days immediately preceding the day of her confinement.

(1C) Subject to this section, a female employee shall be entitled to absent herself from work under section 9(1F) and to payment under section 9(1E) or (1F), and a self-employed woman shall be entitled to payment by the Government under section 9(4C), if —

(a) the child —

(i) is born to her on or after the date of commencement of the Children Development Co-Savings (Amendment) Act 2006;

(ii) is not a citizen of Singapore at the time of his birth; and

(iii) becomes a citizen of Singapore before he attains 6 months of age;

(b) she has fewer than 4 other living children at the time of her confinement;

(c) she —

(i) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth; and

- (ii) becomes lawfully married to the child's natural father after the child's birth but before the child attains 6 months of age;
- (d) in the case of a female employee, she has served the employer for not less than 180 days immediately preceding the day of her confinement; and
- (e) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of not less than 180 days immediately preceding the day of her confinement.”;
- (b) by deleting the words “Subsection (1)(b)” in subsection (2) and substituting the words “Subsections (1)(b), (1A)(b), (1B)(b) and (1C)(b)”;
- (c) by inserting, immediately after subsection (3), the following subsection:
- “(3A) Notwithstanding anything in the Employment Act (Cap. 91), no female employee shall be entitled to receive payment under section 76 of that Act in respect of any period of her absence from work under section 76(1) of that Act for which she is entitled to receive payment under section 9(1A), (1C) or (1E).”;
- (d) by deleting paragraphs (a) and (b) of subsection (4) and substituting the following paragraphs:
- “(a) in respect of her first or second confinement, the amount of payment she shall be entitled to receive from her employer —
- (i) under section 9(1) for the period of her absence from work after the first 8 weeks of such absence;
- (ii) under subsection (1A), (1C) or (1E) of section 9 for such period of her absence from work under section 76(1) of the Employment Act (Cap. 91) after the first 8 weeks of absence as she is entitled to receive payment under that subsection;
- or

(iii) under section 9(1B), (1D) or (1F) —

(A) for the whole period of her absence from work, if that period does not exceed 4 weeks; or

5 (B) if that period exceeds 4 weeks, for a period of 4 weeks of her absence from work,

shall not exceed \$10,000; and

(b) in respect of her third or fourth confinement, the amount of payment she shall be entitled to receive from her employer —

10 (i) under section 9(1), (1B), (1D) or (1F) for the whole period of her absence from work; or

(ii) under subsection (1A), (1C) or (1E) of section 9 for such period of her absence from work under section 76(1) of the Employment Act (Cap. 91) as she is entitled to receive payment under that subsection,

15 shall not exceed \$30,000.”; and

(e) by deleting subsection (5) and substituting the following subsection:

20 “(5) Where a self-employed woman ceases to be actively engaged in her trade, business, profession or vocation during the whole or part of any period referred to in section 9(4), (4A), (4B) or (4C) —

25 (a) in respect of her first or second confinement, the amount of payment she shall be entitled to receive from the Government for the period referred to in section 9(5)(a)(i) or (ii) shall not exceed \$10,000; and

30 (b) in respect of her third or fourth confinement, the amount of payment she shall be entitled to receive from the Government for the period referred to in section 9(5)(b) shall not exceed \$30,000.”.

## **Amendment of section 10**

**6.** Section 10 of the principal Act is amended —

(a) by deleting the words “section 9(1)” in subsection (1) and substituting the words “section 9(1), (1A), (1B), (1C), (1D), (1E) or (1F)”;

(b) by deleting sub-paragraph (i) of subsection (1)(a) and substituting the following sub-paragraph:

“(i) the amount paid to the employee —

(A) under section 9(1) for the period of her absence from work referred to in section 9A(4)(a)(i);

(B) under section 9(1A), (1C) or (1E) for the period of her absence from work referred to in section 9A(4)(a)(ii); or

(C) under section 9(1B), (1D) or (1F) for the period of her absence from work referred to in section 9A(4)(a)(iii)(A) or (B), as the case may be; and”;

and

(c) by deleting sub-paragraph (i) of subsection (1)(b) and substituting the following sub-paragraph:

“(i) the amount paid to the employee —

(A) under section 9(1), (1B), (1D) or (1F) for the period of her absence from work referred to in section 9A(4)(b)(i); or

(B) under section 9(1A), (1C) or (1E) for the period of her absence from work referred to in section 9A(4)(b)(ii); and”.

## **Amendment of section 12A**

**7.** Section 12A of the principal Act is amended —

(a) by inserting, immediately after the words “1st August 2004” in subsection (1)(a), the words “but before the date of commencement of the Children Development Co-Savings (Amendment) Act 2006”;

(b) by inserting, immediately after subsection (1), the following subsections:

“(1A) Subject to subsections (2) and (3), where —

- 5 (a) on or after 10th March 2005, a female employee applies to adopt a child in accordance with any written law relating to the adopting of children;
- (b) either —
- 10 (i) the child is a citizen of Singapore at the time the application is made and the court has made an order appointing the Director of Social Welfare as guardian in adoption of the child; or
- (ii) the child is not a citizen of Singapore at the time the application is made and a dependant’s pass has been issued in respect of the child;
- 15 (c) at the time the Director of Social Welfare is appointed as guardian in adoption of the child or the dependant’s pass is issued in respect of the child, as the case may be —
- (i) the child is below 6 months of age; and
- 20 (ii) the employee —
- (A) is married, widowed or divorced; and
- (B) has fewer than 4 other living children;
- (d) during the period commencing on the day the Director of Social Welfare is appointed as guardian in adoption of the child or the dependant’s pass is issued in respect of the child, as the case may be, and ending on the day before the child attains 6 months of age, the employee —
- 25 (i) is granted leave by her employer; and
- 30 (ii) absents herself from work by taking such leave, for one or more periods, not exceeding 24 days in the aggregate; and



- (e) the employee has received payment from her employer at her gross rate of pay during such period or periods of absence,

the employer shall be entitled to be reimbursed by the Government, in accordance with any regulations made under section 20, for —

- (A) the amount of such payment; and

- (B) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of such payment which is not recoverable from the employee's wages.

(1B) Subsection (1) shall not apply in any case where subsection (1A) applies.”;

- (c) by inserting, immediately after the words “subsection (1)(d)” in subsection (2), the words “or (1A)(d)”;

- (d) by inserting, immediately after the words “subsection (1)” in subsection (3), the words “or (1A)”;

- (e) by inserting, immediately after subsection (3), the following subsection:

“(3A) Where —

- (a) the Government has reimbursed an employer for any payment made by the employer to a female employee under subsection (1A); and

- (b) the child referred to in subsection (1A)(a) whom that employee has applied to adopt —

- (i) is not adopted by that employee within one year from the date the Director of Social Welfare is appointed as guardian in adoption of the child or a dependant's pass is issued in respect of the child, as the case may be; or

- (ii) is not a citizen of Singapore by birth and does not become a citizen of Singapore within 6 months from the date he is adopted by that employee,

the Government may recover that payment from that employee as a civil debt.”;

(f) by inserting, immediately after the words “1st August 2004” in subsection (4)(a), the words “but before the date of commencement of the Children Development Co-Savings (Amendment) Act 2006”;

(g) by inserting, immediately after subsection (4), the following subsections:

“(4A) Subject to subsection (5), where —

(a) on or after 10th March 2005, a self-employed woman applies to adopt a child in accordance with any written law relating to the adopting of children;

(b) either —

(i) the child is a citizen of Singapore at the time the application is made and the court has made an order appointing the Director of Social Welfare as guardian in adoption of the child; or

(ii) the child is not a citizen of Singapore at the time the application is made and a dependant’s pass has been issued in respect of the child;

(c) at the time the Director of Social Welfare is appointed as guardian in adoption of the child or the dependant’s pass is issued in respect of the child, as the case may be —

(i) the child is below 6 months of age; and

(ii) the self-employed woman —

(A) is married, widowed or divorced; and

(B) has fewer than 4 other living children;

(d) during the period commencing on the day the Director of Social Welfare is appointed as guardian in adoption of the child or the dependant’s pass is issued in respect of the child, as the case may be, and ending on the day before the child attains 6 months of age, the self-employed woman ceases to be actively engaged

in her trade, business, profession or vocation for one or more periods, not exceeding 24 days in the aggregate; and

- 5 (e) the self-employed woman has lost any income by reason of her ceasing to be actively engaged in her trade, business, profession or vocation during such period or periods,

10 the self-employed woman shall be entitled to claim from the Government, in accordance with any regulations made under section 20, the income she would otherwise have derived from her trade, business, profession or vocation had she continued to be actively engaged in such trade, business, profession or vocation during the period or periods referred to in paragraph (d).

15 (4B) Subsection (4) shall not apply in any case where subsection (4A) applies.”;

- (h) by inserting, immediately after the words “subsection (4)” in subsection (5), the words “or (4A)”;

- 20 (i) by inserting, immediately after subsection (5), the following subsections:

“(6) Where —

- (a) any payment has been made by the Government to a self-employed woman under subsection (4A); and

- 25 (b) the child referred to in subsection (4A)(a) whom that self-employed woman has applied to adopt —

- (i) is not adopted by that self-employed woman within one year from the date the Director of Social Welfare is appointed as guardian in adoption of the child or a dependant’s pass is issued in respect of the child, as the case may be; or

- 30 (ii) is not a citizen of Singapore by birth and does not become a citizen of Singapore within 6 months from the date he is adopted by that self-employed woman,
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the Government may recover that payment from that self-employed woman as a civil debt.

5 (7) In this section, “dependant’s pass”, in relation to a child, means a dependant’s pass issued in respect of the child under regulations made under the Immigration Act (Cap. 133) to enable the child to remain, or to enter and remain, in Singapore for the purposes of adoption under the Adoption of Children Act (Cap. 4).”.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Children Development Co-Savings Act (Cap. 38A) for the following main purposes:

- (a) to enable the moneys standing to the credit of a member of the Children Development Co-Savings Scheme (the Scheme) in his bank account opened for the purposes of the Scheme to be transferred to the member’s Edusave account under the Education Endowment Scheme Act (Cap. 87A) or to such other account in the name of the member as may be prescribed by the Minister;
- (b) to extend maternity protection and benefits to any female employee, and maternity benefits to any self-employed woman, whose child is not a citizen of Singapore, or is not a legitimate child, at the time of the child’s birth, if certain requirements are satisfied; and
- (c) to provide for reimbursement by the Government —
  - (i) to any employer who has granted paid adoption leave to a female employee who has applied to adopt a child; and
  - (ii) to any self-employed woman who has applied to adopt a child and who has lost income due to her ceasing to be actively engaged in her trade, business, profession or vocation in connection with the adoption of the child.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to introduce a new definition for “benefit period” which is consequential to the insertion of the new section 9(1A), (1B), (1C), (1D), (1E) and (1F) by clause 4(b).

Clause 3 amends section 3(2)(i) to enable the Minister to make regulations providing for any moneys standing to the credit of a member of the Scheme in his bank account opened for the purposes of the Scheme to be transferred to the member’s Edusave account or to such other account in the name of the member as may be prescribed by the Minister.

Clause 4 amends section 9 to provide for —

- (a) paid maternity leave to be extended to a female employee in respect of her first, second, third or fourth confinement; and
- (b) payment by the Government of lost business income to be extended to a self-employed woman in respect of her first, second, third or fourth confinement,

notwithstanding that the child is not a citizen of Singapore, or is not a legitimate child, at the time of the child's birth, if certain requirements are satisfied.

Clause 5 amends section 9A to set out the eligibility criteria for maternity benefits and the maximum amounts that —

- (a) a female employee is entitled to be paid by her employer; and
- (b) a self-employed woman is entitled to claim from the Government,

if the child is not a citizen of Singapore, or is not a legitimate child, at the time of the child's birth.

Clause 6 amends section 10(1) to specify the part of the maternity leave period of a female employee in respect of which her employer may claim reimbursement from the Government, if the child is not a citizen of Singapore, or is not a legitimate child, at the time of the child's birth.

Clause 7 amends section 12A to provide for reimbursement by the Government —

- (a) to any employer who has granted to a married, widowed or divorced female employee paid leave in connection with her adoption of a child for one or more periods, not exceeding 24 days in the aggregate, during the period commencing on the day the Director of Social Welfare is appointed as guardian in adoption of the child (if the child is a citizen of Singapore at the time the application for adoption is made) or a dependant's pass is issued in respect of the child (if the child is not a citizen of Singapore at the time the application for adoption is made), and ending on the day before the child attains 6 months of age; and
- (b) to any married, widowed or divorced self-employed woman who has lost income due to her ceasing to be actively engaged in her trade, business, profession or vocation in connection with her adoption of a child, for one or more periods, not exceeding 24 days in the aggregate, during the period commencing on the day the Director of Social Welfare is appointed as guardian in adoption of the child (if the child is a citizen of Singapore at the time the application for adoption is made) or a dependant's pass is issued in respect of the child (if the child is not a citizen of Singapore at the time the application for adoption is made), and ending on the day before the child attains 6 months of age.

**EXPENDITURE OF PUBLIC MONEY**

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

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