

Goods and Services Tax Voucher Fund Bill

Bill No. 30/2012.

Read the first time on 15th October 2012.

GOODS AND SERVICES TAX VOUCHER FUND ACT 2012

(No. of 2012)

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A BILL

intituled

An Act to establish the Goods and Services Tax Voucher Fund, and for matters connected therewith.

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

1. This Act may be cited as the Goods and Services Tax Voucher
5 Fund Act 2012 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 —

10 “Fund” means the Goods and Services Tax Voucher Fund
established under section 3;

“public authority” means a body established or constituted by or
under a public Act to perform or discharge a public function.

PART II

GOODS AND SERVICES TAX VOUCHER FUND

15 **Establishment of Goods and Services Tax Voucher Fund**

3.—(1) There shall be established a fund to be called the Goods and
Services Tax Voucher Fund which shall be held, managed and
administered as a Government fund.

(2) There shall be paid into the Fund —

20 (a) all moneys from time to time appropriated from the
Consolidated Fund and authorised to be paid into the Fund
by any written law;

(b) all other revenues of Singapore allocated by any written law
to the Fund;

25 (c) all gifts and donations given or made by any person or
organisation to the Government for the purposes of the Fund;
and

30 (d) all investments out of moneys in the Fund authorised to be
made by any written law and the proceeds of any such
investment, including the net income from such investments.

(3) The Fund shall be regarded as comprising public moneys for the purposes of any other written law.

(4) For the purposes of subsection (2)(d), the net income from investments shall be the amount ascertained by adding to, or deducting from, the income received from investments of moneys in the Fund any profit derived or loss sustained, as the case may be, from the realisation of such investments.

(5) The Financial Procedure Act (Cap. 109) shall apply to the Fund to the extent that it is not inconsistent with any of the provisions of this Act.

Purposes of Fund

4.—(1) The moneys in the Fund may be withdrawn and applied for all or any of the following purposes:

- (a) to provide financial assistance (including cash grants, rebates, reliefs, subsidies and credits) under a public scheme to natural persons who are in need of relief from goods and services tax as may be prescribed;
- (b) the payment of expenses referred to in section 5;
- (c) for such other purposes as are authorised under this Act to be paid out of the Fund.

(2) The moneys in the Fund may be deposited in any bank account and invested in any investment authorised under the Financial Procedure Act (Cap. 109).

Expenses

5. Except as otherwise provided, all expenses incidental to or arising from the administration, investment and management of moneys in the Fund shall be charged upon and payable out of the Fund, including but not limited to the following expenses:

- (a) the cost of auditing the accounts of the Fund and the remuneration of the auditor;

(b) the expenses incurred by any person (other than the remuneration and allowances payable to a public officer) whom the Minister has —

(i) authorised to perform and discharge any of the functions and purposes of the Fund; or

(ii) appointed under section 8 to disburse financial assistance under a public scheme using moneys in the Fund and to do any matter connected therewith or incidental thereto.

Withdrawals

6.—(1) No moneys shall be withdrawn from the Fund unless they are charged upon the Fund or are authorised to be withdrawn or transferred under this Act.

(2) No payment shall be made out of the Fund unless the payment is approved by the Minister or a person authorised, in writing, by the Minister.

Dissolution of Fund

7. Upon dissolution of the Fund during any term of office of the Government (within the meaning of the Constitution), the balance of such moneys remaining in the Fund shall be transferred to the Consolidated Fund and be added to the reserves of the Government not accumulated by it during that term of office.

PART III

ADMINISTRATION OF FUND

Responsibility for Fund

8.—(1) The Minister shall be responsible for the management and administration of the Fund.

(2) The Minister may, by notification in the *Gazette*, appoint any public authority or other person as he thinks fit to disburse financial assistance under a public scheme using moneys in the Fund and to do any matter connected therewith or incidental thereto, and the public

authority or other person so appointed shall do so in accordance with this Act and, subject to the provisions of this Act, the Minister's directions.

(3) Where a public authority is appointed by the Minister under subsection (2) to disburse financial assistance under a public scheme using moneys in the Fund —

- (a) it shall be the function and duty of the public authority to do so in accordance with that subsection, in addition to such functions and duties imposed on it under any other written law; and
- (b) the public authority shall be deemed to be fulfilling the purposes of the relevant Act constituting that public authority, and the provisions of that Act shall apply to the public authority in respect of that function and duty.

Disclosure of information

9.—(1) Where the Minister, under his hand, certifies that it is necessary for a public authority or person appointed under section 8(2) (referred to in this section as a recipient organisation) to have access to any confidential information in the possession of another public authority, in order to disburse financial assistance under a public scheme using moneys in the Fund —

- (a) the Minister charged with the responsibility for that other public authority may, in addition to any other power conferred by any written law, direct that other public authority to provide so much of the confidential information to the recipient organisation as is necessary for that purpose; and
- (b) that other public authority shall comply with the direction under paragraph (a), whether or not it is under any obligation (imposed by written law or otherwise) not to disclose such information.

(2) Notwithstanding the provisions of this Act or any other written law —

- (a) no person shall be guilty of an offence under any written law or of any breach of confidence or incur any other civil

liability, by virtue merely of his disclosing any information in accordance with any direction under subsection (1); and

(b) no officer of a recipient organisation shall be guilty of an offence under any written law or incur any liability, criminal or civil, by virtue merely of his accessing, or disclosing to another officer of that recipient organisation, any confidential information referred to in subsection (1) in the performance of his duties connected with disbursing financial assistance under a public scheme using moneys in the Fund.

(3) Nothing in this section shall apply to any document, information, return and assessment to which section 6 of the Income Tax Act (Cap. 134) applies.

Confidentiality of information

10.—(1) If a public authority or person appointed under section 8(2) in the course of exercising any function or performing any duty under this Act is in possession of or obtains confidential information pursuant to a direction under section 9(1), the public authority or person shall not disclose the information to any other person unless the disclosure —

(a) is made with the written consent of the person to whom the information relates; or

(b) is for the purpose of the administration or enforcement of this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Recovery of sums overpaid, etc.

11. Where any amount of money in the Fund is withdrawn and paid —

(a) to a person as financial assistance under a public scheme and the person is not eligible under the public scheme to any

financial assistance or is eligible for financial assistance of a lower amount;

- (b) for any expenses referred to in section 5, without authorisation or in excess of authorisation;
- (c) to a public authority or person appointed by the Minister under section 8(2) to disburse financial assistance under a public scheme using moneys in the Fund, without authorisation or in excess of authorisation; or
- (d) for such other purposes which are not authorised or in excess of authorisation under this Act,

the amount that has been paid or paid in excess, as the case may be, shall be recoverable as a debt due to the Government.

Financial year

12. The financial year of the 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 commencement of this Act and end on 31st March of the succeeding year.

Accounts

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

Financial statements and audit

14.—(1) The Minister shall, as soon as practicable after the close of each financial year, cause to be prepared and submitted financial statements and accounts of the Fund in respect of the financial year to the Auditor-General who shall audit or cause an audit of the statements and accounts and report on them.

(2) As soon as the accounts of the Fund and the financial statements have been audited, a copy of the audited financial statements, together with a copy of any report made by the Auditor-General, shall be submitted to the Minister.

5 (3) Where the Auditor-General is not the auditor of the Fund, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General.

Presentation of financial statements and auditor's report to Parliament

10 **15.** The Minister shall as soon as practicable cause a copy of the audited financial statements of the Fund and the auditor's report to be presented to Parliament.

PART IV MISCELLANEOUS

15 **Offences**

16. Any person who, in relation to any application (whether by the person or on behalf of another) to a public authority or person appointed under section 8(2) for any financial assistance from the Fund or for the purpose of obtaining any financial assistance from the
20 Fund —

(a) knowingly or recklessly makes any false statement; or

(b) produces or furnishes or causes or knowingly allows to be produced or furnished any document which he knows to be false in a material particular,

25 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Offences by bodies corporate, etc.

30 **17.—(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,

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. 5

(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 — 10

(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. 15

(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 20

(b) to be attributable to any neglect on the part of such an officer or a 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. 25

(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 30

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 such 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

18.—(1) Any public officer authorised by the Minister 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 the lower of the following sums:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) a sum of \$1,000.

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

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

Regulations

19.—(1) The Minister may make regulations for carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), such regulations may —

(a) provide for matters relating to the use of the moneys from the Fund and for all matters connected therewith and incidental thereto, including natural persons or classes of natural persons eligible for financial assistance under a public scheme, and

the amount, manner of and the terms and conditions for providing such financial assistance;

(b) provide for such information, evidence and documents as may be required for carrying out the purposes and provisions of this Act; 5

(c) prescribe that any act or omission in contravention of any regulations shall be an offence punishable with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 12 months or with both; and

(d) prescribe anything which may be prescribed under this Act. 10

EXPLANATORY STATEMENT

This Bill seeks to establish a new Government fund to be called the Goods and Services Tax Voucher Fund (the Fund) to provide financial assistance under a public scheme to natural persons in need of relief from goods and services tax, and for matters connected therewith.

PART I

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

PART II

GOODS AND SERVICES TAX VOUCHER FUND

Clause 3 establishes the new Government fund called the Goods and Services Tax Voucher Fund. Its source of revenue comprises mainly moneys appropriated from the Consolidated Fund.

Clause 4 sets out the purposes to which moneys in the Fund may be applied to. Briefly, the purpose of the Fund is to provide financial assistance under a public scheme to natural persons who are in need of relief from goods and services tax.

Clause 5 provides that the expenses in administering the Fund are charged upon and payable out of the Fund.

Clause 6 deals with withdrawals and payments from the Fund and the necessary authorisation therefore.

Clause 7 requires that the balance of moneys remaining in the Fund upon dissolution of the Fund will be transferred to the Consolidated Fund and be added to the reserves of the Government.

PART III

ADMINISTRATION OF FUND

Clause 8 places the general responsibility for the management and administration of the Fund on the Minister. The Minister may appoint any public authority or other person to disburse financial assistance under a public scheme using moneys in the Fund in accordance with the Bill.

Clause 9 provides that where the Minister certifies under his hand that it is necessary for a public authority or person who is appointed under clause 8(2) to disburse financial assistance under a public scheme using moneys in the Fund to have access to any confidential information in the possession of another public authority, the Minister charged with the responsibility for that other public authority may direct that other public authority to provide the information requested and that other public authority must comply with the direction. A person or an officer of a public authority directed by the Minister charged with the responsibility for that public authority to provide confidential information for the purpose of disbursing financial assistance will not be guilty of an offence or incur any civil liability by virtue of his merely carrying out this purpose. However, the clause does not apply to any document, information, return and assessment to which section 6 of the Income Tax Act (Cap. 134) applies.

Clause 10 restricts the disclosure of confidential information in the possession of or obtained by a public authority or person appointed under section 8(2) in the course of exercising any function or performing any duty under the Bill, unless it is made with the written consent of the person to whom the information relates or is for the purpose of the administration or enforcement of this Act. Where the person to whom the information relates consents to the disclosure of the confidential information, that public authority or person appointed under section 8(2) will be able to disclose the confidential information for any purpose to which the consent is given. A contravention of the clause will be an offence.

Clause 11 provides that any moneys that are withdrawn from the Fund and are paid to a person not eligible for financial assistance, paid without authorisation, etc., will be recoverable as a debt due to the Government.

Clause 12 prescribes the financial year of the Fund.

Clause 13 relates to the keeping of accounts of the Fund.

Clause 14 requires annual financial statements and accounts of the Fund to be prepared and provides for their audit by the Auditor-General.

Clause 15 requires the Minister to cause a copy of the audited financial statements of the Fund and the auditor's report to be presented to Parliament.

PART IV MISCELLANEOUS

Clause 16 makes it an offence, in certain circumstances, for a person to knowingly or recklessly make any false statement, or to produce or furnish, or to knowingly allow to be produced or furnished any document which he knows to be false in a material particular, in relation to any application for financial assistance from the Fund or for the purpose of obtaining financial assistance from the Fund.

Clause 17 deals with offenders which are corporations or unincorporated associations.

Clause 18 empowers any public officer authorised by the Minister to compound an offence prescribed by regulations to be compoundable. This may be done by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one half of the amount of the maximum fine that is prescribed for the offence or a sum of \$1,000, whichever is the lower.

Clause 19 empowers the Minister to make regulations for the carrying out of the purposes and provisions of the Bill.

EXPENDITURE OF PUBLIC MONEY

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