

Institute of Southeast Asian Studies (Amendment) Bill

Bill No. 20/2015.

Read the first time on 11 May 2015.

A BILL

intituled

An Act to amend the Institute of Southeast Asian Studies Act (Chapter 141 of the 2013 Revised Edition) and to make consequential amendments to certain other Acts.

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

Short title and commencement

1. This Act may be cited as the Institute of Southeast Asian Studies (Amendment) Act 2015 and comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of long title

2. The long title to the Institute of Southeast Asian Studies Act (referred to in this Act as the principal Act) is amended by deleting the words “Institute of Southeast Asian Studies” and substituting the words “ISEAS – Yusof Ishak Institute”.

10 Amendment of section 1

3. Section 1 of the principal Act is amended by deleting the words “Institute of Southeast Asian Studies Act” and substituting the words “ISEAS – Yusof Ishak Institute Act”.

Amendment of section 2

15 4. Section 2 of the principal Act is amended —

(a) by deleting the words “of Southeast Asian Studies” in the definition of “Board”; and

(b) by inserting, immediately after the definition of “Director”, the following definition:

20 “ “Institute” means the ISEAS – Yusof Ishak Institute established under section 3;”.

Amendment of section 3

25 5. Section 3 of the principal Act is amended by deleting the words “ “the Institute of Southeast Asian Studies” (referred to in this Act as the Institute)” and substituting the words “ “the ISEAS – Yusof Ishak Institute” ”.

Amendment of section 4

6. Section 4 of the principal Act is amended —

30 (a) by deleting the words “of Southeast Asian Studies” in subsection (1);

- (b) by deleting subsection (2) and substituting the following subsection:

“(2) The Board consists of a Chairman, a Deputy Chairman and 12 other members to be appointed by the Minister.”;

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- (c) by deleting the word “President” wherever it appears in subsection (4) (including the proviso) and substituting in each case the word “Minister”;

- (d) by deleting subsection (5) (including the proviso); and

- (e) by deleting the words “the vacancy shall be filled by the authority appointing that member” in subsection (10) and substituting the words “the Minister may appoint any person to fill the vacancy”.

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Amendment of section 6

7. Section 6(2) of the principal Act is amended by deleting the words “Eight members” and substituting the words “Five members”.

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Repeal of section 7

8. Section 7 of the principal Act is repealed.

Amendment of section 11

9. Section 11 of the principal Act is amended —

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- (a) by deleting subsection (3) and substituting the following subsection:

“(3) The financial provisions set out in the Schedule are to have effect with respect to the Institute.”; and

- (b) by deleting the words “accounts of Institute” in the section heading and substituting the words “financial provisions”.

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New section 11A

10. The principal Act is amended by inserting, immediately after section 11, the following section:

“Annual report

11A.—(1) The Institute must, as soon as practicable after the close of each financial year, submit to the Minister an annual report on the activities of the Institute during that year.

5 (2) The Minister must, as soon as practicable, cause a copy of the annual report to be presented to Parliament.”.

New sections 17 and 18 and Schedule

11. The principal Act is amended by inserting, immediately after section 16, the following sections and Schedule:

10 **“Public servants**

17. All employees of the Institute are deemed to be public servants for the purposes of the Penal Code (Cap. 224).

Protection from personal liability

15 **18.** No liability is to lie personally against any member of the Board, employee of the Institute or other person acting under the direction of the Institute who, acting in good faith and with reasonable care, does or omits to do anything in —

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

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

THE SCHEDULE

Section 11(3)

FINANCIAL PROVISIONS

25 **Accounts of Institute**

1. The Institute must keep proper accounts and records of its transactions and affairs and must do all things necessary to ensure that —

(a) all payments out of its moneys are correctly made and properly authorised; and

- (b) adequate control is maintained over the assets of, or in the custody of, the Institute and over the expenditure incurred by the Institute.

Auditor

2. The accounts of the Institute must be audited by the Auditor-General or by an auditor appointed annually by the Minister in consultation with the Auditor-General. 5

Appointment of auditor

3. A person does not qualify for appointment as an auditor under paragraph 2 unless the person is a public accountant who is registered or deemed to be registered under the Accountants Act (Cap. 2). 10

Remuneration of auditor

4. The remuneration of the auditor is to be paid out of the moneys of the Institute.

Annual financial statements

5. The Institute must, as soon as practicable after the close of the financial year, prepare and submit the financial statements in respect of that year to the auditor who must audit and report on them. 15

Duties of auditor

6. The auditor must state in the auditor's report —
- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Institute; 20
 - (b) whether proper accounting and other records have been kept, including records of all assets of, or in the custody of, the Institute whether purchased, donated or otherwise;
 - (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Institute during the financial year were in accordance with the provisions of this Act; and 25
 - (d) any other matters arising from the audit as the auditor considers necessary.

Auditor's report 30

- 7.—(1) The auditor must, as soon as practicable after the accounts have been submitted for audit, send a report of the audit to the Institute.

(2) The auditor must submit such periodical and special reports to the Minister and to the Institute as may appear to the auditor to be necessary or as the Minister or the Institute may require.

Powers of auditor

5 8.—(1) The auditor or any person authorised by the auditor is entitled at any reasonable time to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Institute.

(2) The auditor or any person authorised by the auditor may make copies of, or take extracts from, any such accounting and other records.

10 (3) The auditor or any person authorised by the auditor may require any person to furnish such information in the possession of that person or to which that person has access as the auditor or any duly authorised person considers necessary for the purposes of the auditor's functions under this Act.

Penalty for obstructing auditor

15 9. Any person who fails, without any reasonable cause, to comply with any requirement of the auditor or authorised person under paragraph 8 or who otherwise hinders, obstructs or delays the auditor or authorised person in the performance of the auditor's functions under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in
20 the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of the day during which the offence continues after conviction.

Presentation of audited financial statements and auditor's report

25 10. The Institute must, as soon as its accounts and financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman of the Board, together with a copy of the auditor's report.

Copy of auditor's report for Auditor-General

30 11. Where the Auditor-General is not appointed as the auditor, a copy of the audited financial statements and any report made by the auditor must be forwarded to the Auditor-General at the same time they are submitted to the Institute.

Presentation to Parliament

35 12. The Minister must, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report to be presented to Parliament.”.

Saving and transitional provisions

12.—(1) The change of the name of the Institute of Southeast Asian Studies to the ISEAS – Yusof Ishak Institute under this Act does not —

- (a) operate to create a new legal entity; 5
- (b) prejudice or affect the identity of the body corporate constituted by the Institute or its continuity as a body corporate;
- (c) affect the exercise of any right, or the enforcement of any obligation, by or against the Institute or any other person; or 10
- (d) render defective any legal proceedings by or against the Institute,

and any legal proceedings that might have been continued or started by or against it by its former name may be continued or started by or against it by its new name “the ISEAS – Yusof Ishak Institute”. 15

(2) Any reference in any document to the Institute of Southeast Asian Studies and to the Institute of Southeast Asian Studies Act is to be read as a reference to the ISEAS – Yusof Ishak Institute and to the ISEAS – Yusof Ishak Institute Act, respectively.

(3) Any contract, arrangement or other transaction purporting to be entered into by the ISEAS – Yusof Ishak Institute, or by any person on behalf of the ISEAS – Yusof Ishak Institute, on or after 17 August 2014 but before the commencement of section 5, binds the Institute as if it had been a party to the contract, arrangement or transaction, as the case may be. 20 25

Construction of references to Institute of Southeast Asian Studies or Institute of Southeast Asian Studies Act

13. Any reference in any subsidiary legislation to the Institute of Southeast Asian Studies and to the Institute of Southeast Asian Studies Act is to be read as a reference to the ISEAS – Yusof Ishak Institute and to the ISEAS – Yusof Ishak Institute Act, respectively. 30

Consequential amendments to other Acts

14.—(1) The Schedule to the Accounting Standards Act (Cap. 2B, 2008 Ed.) is amended —

(a) by deleting item 18; and

5 (b) by inserting, immediately after item 21, the following item:

“21A. ISEAS – Yusof Ishak Institute	ISEAS – Yusof Ishak Institute Act (Chapter 141)”.
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(2) Paragraph 6 of the First Schedule to the Central Provident Fund Act (Cap. 36, 2013 Ed.) is amended —

10 (a) by deleting item (23); and

(b) by inserting, immediately after item (26), the following item:

“(26A) ISEAS – Yusof Ishak Institute.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Institute of Southeast Asian Studies Act (Cap. 141) to rename the Institute of Southeast Asian Studies (the Institute) as the ISEAS – Yusof Ishak Institute, to vary the composition of the Board of Trustees of the Institute (the Board), and to update the Act.

The Bill also makes consequential amendments to certain other Acts.

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to reflect the new name of the Institute.

Clause 3 amends the short title to change it to the ISEAS – Yusof Ishak Institute Act.

Clause 4 amends section 2 to insert a definition of “Institute” and to reflect the Institute’s new name.

Clause 5 amends section 3 to change the name of the Institute being established by the section.

Clause 6 amends section 4 to reduce the number of Board members to 15 (including the Director of the Institute), and to provide for the Board members, other than the Director of the Institute, to be appointed by the Minister instead of the President and other organisations.

Clause 7 amends section 6(2) to reduce the quorum for a meeting of the Board from 8 members to 5 members. The new quorum is one-third of the total number of members of the Board and in line with the practice of other statutory boards.

Clause 8 repeals section 7 as it is redundant.

Clause 9 amends section 11 to provide for financial provisions in the Schedule.

Clause 10 inserts a new section 11A to require the Institute to submit to the Minister an annual report, which will then be presented to Parliament.

Clause 11 inserts a new section 17 to deem employees of the Institute as public servants for the purposes of the Penal Code (Cap. 224). This will also extend to them protection from harassment under the Protection from Harassment Act 2014 (Act 17 of 2014). The clause also inserts a new section 18 to protect employees of the Institute, members of the Board and persons acting under the direction of the Institute from personal liability for the exercise of their powers or performance of their functions and duties in good faith and with reasonable care. The clause also inserts a new Schedule about financial provisions.

Clause 12 contains saving and transitional provisions providing that the change of the Institute's name will not affect its identity, and contracts or agreements entered into before the name change.

Clause 13 provides for references to the Institute or the Act in subsidiary legislation to be changed as a consequence of the Institute's name change.

Clause 14 makes consequential amendments to the Accounting Standards Act (Cap. 2B) and the Central Provident Fund Act (Cap. 36) because of the Institute's name change.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
