

Maintenance of Parents (Amendment) Bill

Bill No. 32/2010.

Read the first time on 18th October 2010.

A BILL

intituled

An Act to amend the Maintenance of Parents Act (Chapter 167B of the 1996 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 Maintenance of Parents (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 3

2. Section 3 of the Maintenance of Parents Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after subsection (2), the following subsection:

10 “(2A) Where any person wishes to make an application under this section, whether on his own behalf or on behalf of a parent, in respect of any claim for which no application had previously been made under this section, he shall, before making the application, refer the claim to the Commissioner for review under section 12(5).”;

(b) by inserting, immediately after the word “food” in subsection (4), the words “, medical costs”; and

(c) by inserting, immediately after subsection (5), the following subsections:

20 “(6) The President or a deputy President of the Tribunal may dismiss any application made under this section, if he is of the opinion that the application is frivolous or vexatious, or if the applicant has failed to comply with subsection (2A), and give the reasons for the dismissal.

25 (7) An applicant who is aggrieved by any decision made under subsection (6) may, within 14 days of the decision, appeal in writing to the Tribunal.

30 (8) The President or deputy President, as the case may be, who made the decision under subsection (6) that is under appeal shall not participate in the proceedings or determination of the appeal.”.

Amendment of section 5

3. Section 5 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“(2A) Without prejudice to the Tribunal’s powers under the Act, the President or a deputy President of the Tribunal may, with the consent of the applicant and the respondent, make a maintenance order reflecting the terms of any agreement reached between the parties in respect of a claim, and such order shall be deemed to be a maintenance order made by the Tribunal under this Act and enforceable in accordance with its terms.”.

Amendment of section 8

4. Section 8 of the principal Act is amended —

(a) by inserting, immediately after the word “respondent” in the last line of subsection (1), the words “, or for other good cause shown to the satisfaction of the Tribunal”; and

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

“(4) The Tribunal may, before hearing an application under this section and where it considers it necessary or desirable to do so, refer the differences between the parties to a conciliation officer for mediation.”.

Amendment of section 10

5. Section 10 of the principal Act is amended by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) For the purposes of subsection (1), the District Court may adopt such measures as it deems relevant or appropriate for the enforcement of maintenance orders made under this Act.”.

Amendment of section 12

6. Section 12 of the principal Act is amended —

(a) by inserting, immediately after the words “Assistant Commissioner” in subsection (3), the words “or such other person as he thinks fit”; and

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

“(5) Where a claim of a parent has been referred to the Commissioner under section 3(2A), the Commissioner shall review the claim and may do all or any of the following:

- 5 (a) refer the parent to any relevant Government or other agency for assistance;
- (b) refer the differences between the parent and his children for conciliation;
- (c) take such other measure as he thinks fit.

10 (6) If a claim has not been settled after referral to the relevant Government or other agency or for conciliation or any other measure taken under subsection (5), an application may be made to the Tribunal under section 3.

15 (7) The Commissioner may, by notice in writing, require any person to appear at any reasonable time and at any convenient place for the purposes of conciliation under subsection (5)(b), and any failure by the person to appear as required may be taken into consideration by the Tribunal when hearing and determining the relevant application for maintenance, in such manner as to the Tribunal seems proper.

20 (8) The Commissioner may generally do all such things as may be incidental to or consequential upon the discharge of his functions or the exercise of his powers under this Act.”.

Amendment of section 13

7. Section 13 of the principal Act is amended —

- 25 (a) by inserting, immediately after the word “President” in subsection (1), the words “, up to 4 deputy Presidents,”;
- (b) by inserting, immediately after the word “President” wherever it appears in subsection (2), the words “, every deputy President”;
- 30 (c) by inserting, immediately after the word “President” in subsection (3), the words “and every deputy President”;
- (d) by inserting, immediately after subsection (3), the following subsection:

“(3A) A deputy President of the Tribunal shall have and may exercise and perform all the powers, duties and functions of the

President of the Tribunal conferred by this Act, subject to such limitations as the President may think fit to impose.”;

- (e) by inserting, immediately after the word “President” wherever it appears in subsection (4), the words “or a deputy President”;
- 5 (f) by inserting, immediately after the word “President” in subsection (5), the words “, every deputy President”;
- (g) by inserting, immediately after the word “President” wherever it appears in subsections (6), (7) and (8), the words “, a deputy President”; and
- 10 (h) by inserting, immediately after the word “President” in subsections (9) and (10), the words “, every deputy President” in each case.

Amendment of section 14

- 8. Section 14(7) of the principal Act is amended by deleting the words
15 “, hearing evidence on oath and punishment for contempt” in paragraph (g) and substituting the words “and hearing evidence on oath”.

New section 14A

- 9. The principal Act is amended by inserting, immediately after section 14, the following section:

“Information required by Tribunal or Commissioner

20 **14A.**—(1) The Tribunal or the Commissioner may, in discharging its or his functions under this Act, obtain any information, record, document or article from any officer of such Government agency or statutory body as the Minister may from time to time prescribe by
25 notification in the *Gazette*, as the Tribunal or the Commissioner, as the case may be, may consider necessary or desirable for the purposes set out in subsection (2).

(2) Any information, record, document or article obtained under subsection (1) may be used by the Tribunal or the Commissioner, as
30 the case may be, for any of the following purposes:

- (a) identifying and locating the children of the parent;

(b) assessing the veracity of or supplementing the information provided by the parent, applicant, respondent or children of the parent; and

5 (c) assessing the ability of the parent to maintain himself and each of the children of the parent to maintain him, including but not limited to their respective incomes, earning capacity, property and other financial resources, expenses and liabilities.

10 (3) Each member of the Tribunal and the Commissioner shall, in respect of any information, record, document or article obtained under subsection (1) and which has been disclosed to him —

(a) take reasonable steps to ensure that such information, record, document or article is kept confidential to the Tribunal or the Commissioner, as the case may be;

15 (b) not use the information, record, document or article for any purposes other than those stated in subsection (2); and

(c) disclose such information, record, document or article only —

20 (i) as between the Commissioner and the Tribunal and any officer of the Tribunal, or any person acting for or under the direction of the Tribunal, for the purposes stated in subsection (2);

25 (ii) with the written permission of the relevant Government agency or statutory body as the Minister may from time to time prescribe by notification in the *Gazette*, which provided such information, record, document or article to the Tribunal or the Commissioner, as the case may be;

30 (iii) when required to do so by any court or under any written law;

(iv) for the purposes of any criminal proceedings or for any other purpose the disclosure of which is required or authorised by or under any written law.”.

Amendment of section 15

35 **10.** Section 15 of the principal Act is amended —

(a) by inserting, immediately after the words “obstructs the President,” in subsection (1)(a), the words “a deputy President,”; and

5 (b) by inserting, immediately after the words “while the President,” in subsection (1)(a), the words “deputy President,”.

Amendment of section 18

10 **11.** Section 18(2) of the principal Act is amended by inserting, immediately after the words “where the Tribunal has made the order with the consent of the parties”, the words “, including a maintenance order made by the President or deputy President and deemed to be a maintenance order made by the Tribunal under section 5(2A),”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Maintenance of Parents Act (Cap. 167B) for the following main purposes:

- (a) to improve the administration and operation of the Act;
- (b) to require a person who is making a claim under the Act for the first time to refer his claim to the Commissioner for the Maintenance of Parents (the Commissioner) before making his application;
- (c) to empower the President or a deputy President of the Tribunal for the Maintenance of Parents (the Tribunal) to dismiss any application if it is frivolous or vexatious or if the applicant fails to comply with the requirement mentioned in paragraph (b);
- (d) to empower the Commissioner to deal with parents who are making claims for the first time; and
- (e) to empower the Tribunal and the Commissioner to obtain information, records, documents or articles from the prescribed authorities to be used for specified purposes.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 3 —

- (a) to require a person who is making a claim for the first time to refer his claim to the Commissioner for review before making a formal application for a maintenance order under section 3;

- (b) to include medical costs as another factor to be considered in deciding whether a parent's income and financial resources are sufficient to maintain him;
- (c) to empower the President or a deputy President of the Tribunal to, without a sitting of the Tribunal, dismiss any application if it is frivolous or vexatious, or if the applicant has failed to comply with the requirement mentioned in paragraph (a), and give reasons for the dismissal;
- (d) to enable an aggrieved person to appeal to the Tribunal against a decision mentioned under paragraph (c); and
- (e) to clarify that the composition of the Tribunal hearing the appeal under paragraph (d) shall exclude the President or the deputy President, as the case may be, who made the decision mentioned under paragraph (c) which is being appealed.

Clause 3 amends section 5 to enable the President or a deputy President of the Tribunal, without a sitting of the Tribunal, to make a maintenance order reflecting the terms of any agreement reached between an applicant and a respondent in respect of a claim. This order shall be deemed to be a maintenance order made by a sitting of the Tribunal, and be enforceable as such. Administratively, the Commissioner will facilitate the conciliation and documentation of the agreement between the parties.

Clause 4 amends section 8 to enable the Tribunal to vary a maintenance order for any other good cause and to refer an application for variation to a conciliation officer for mediation.

Clause 5 amends section 10 to allow maintenance orders under the Act to be enforced in any manner provided under the Women's Charter (Cap. 353), as the District Court in its discretion deems relevant or appropriate.

Clause 6 amends section 12 —

- (a) to enable the Commissioner to direct other suitable persons to consult the parent and his children for the purpose of conciliation;
- (b) to enable the Commissioner to deal with any parent who is making a claim for the first time and, where he considers it necessary or desirable to do so, to refer the parent to relevant Government or other agencies for assistance, to refer the differences between the parent and children for conciliation or to take other measures as he thinks fit, and if the claim has not been settled thereafter, an application may be made to the Tribunal; and
- (c) to empower the Commissioner to require the appearance of any party to a claim for conciliation and to do things incidental to his functions.

Clause 7 amends section 13 to enable the Minister to appoint up to 4 deputy Presidents of the Tribunal, and to empower a deputy President of the Tribunal to have the same powers, duties and functions of the President of the Tribunal, subject to any limitations as the President may think fit to impose.

Clause 8 makes a technical amendment to section 14(7)(g) by removing the words “punishment for contempt”. These words are redundant as section 15 contains sufficient provision to deal with contempt of the Tribunal.

Clause 9 inserts a new section 14A to empower the Tribunal or the Commissioner to obtain information, records, documents or articles from officers of such authorities as the Minister may prescribe by notification in the *Gazette*, as the Tribunal or the Commissioner, as the case may be, may think necessary in the discharge of their functions under the Act. The information will be used to identify and locate the children of the parent, to assess the veracity of or supplement information provided to the Tribunal or the Commissioner, or to assess the ability of the parent and each of his children to maintain him. The Tribunal members and the Commissioner have an obligation to take reasonable steps to ensure that such information is kept confidential and only to be used for the purposes stated in the section. Such information may only be disclosed in certain circumstances, namely —

- (a) as between the Commissioner and the Tribunal and any officer of the Tribunal, or any person acting for or under the direction of the Tribunal, for the purposes set out in the section;
- (b) with the written permission of the authorities (as the Minister may prescribe by notification in the *Gazette*) which provided the information to the Tribunal or the Commissioner, as the case may be;
- (c) when required to do so by any court or under any written law;
- (d) for the purposes of any criminal proceedings or for any other purpose the disclosure of which is required or authorised by or under any written law.

Clause 10 makes consequential amendments to section 15(1), arising from the amendment of section 13 (by clause 7) to provide for the appointment of deputy Presidents of the Tribunal.

Clause 11 amends section 18(2) to provide that a maintenance order made by the President or a deputy President of the Tribunal reflecting the terms of any agreement reached between an applicant and a respondent in respect of a claim shall be final.

EXPENDITURE OF PUBLIC MONEY

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