

# **Pioneer Generation Fund Bill**

---

**Bill No. 32/2014.**

*Read the first time on 7 October 2014.*

## **PIONEER GENERATION FUND ACT 2014**

**(No. of 2014)**

### ARRANGEMENT OF SECTIONS

#### PART 1

##### PRELIMINARY

##### Section

1. Short title and commencement
2. Interpretation
3. Purpose of Act

#### PART 2

##### PIONEER GENERATION FUND

4. Establishment of Pioneer Generation Fund
5. Purposes of Fund
6. Expenses
7. Withdrawals
8. Financial year
9. Accounts
10. Financial statements and audit
11. Dissolution of Fund

#### PART 3

##### PIONEER GENERATION BENEFITS

12. Who is a Pioneer?
13. Determination to be a Pioneer
14. Reconsideration by Pioneer Generation Appeals Panel
15. Pioneer Generation Appeals Panel

Section

16. Pioneer generation benefits
17. Nature of benefits to Pioneers
18. Loss of Pioneer status

PART 4

ADMINISTRATION

19. Persons appointed to disburse financial assistance
20. Disclosure of information in aid of disbursement from Fund
21. Use of confidential information
22. Recovery of sums overpaid, etc.

PART 5

MISCELLANEOUS

23. Offences
  24. Offences by bodies corporate, etc.
  25. Composition of offences
  26. Service of documents
  27. Regulations
  28. Validation of pre-commencement decisions
-

A BILL

*intituled*

An Act to establish the Pioneer Generation Fund to provide financial and other support to Singapore's Pioneers and for matters connected therewith.

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

PART 1  
PRELIMINARY

**Short title and commencement**

1. This Act may be cited as the Pioneer Generation Fund Act 2014  
5 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 “accounting officer” means a public officer appointed under  
section 9;

“Central Provident Fund” means the Central Provident Fund  
established under the Central Provident Fund Act (Cap. 36);

“disability” means disability that —

15 (a) is attributable to intellectual, psychiatric, sensory or  
physical impairment or a combination of those  
impairments;

(b) is permanent or likely to be permanent; and

(c) results in a substantial need for continuing support in  
daily living activities;

20 “Fund” means the Pioneer Generation Fund established under  
section 4;

“health service” means an activity performed in relation to an  
individual —

25 (a) that is intended or claimed (expressly or otherwise) by  
the individual or the person performing the activity —

(i) to diagnose the individual’s illness or disability;

(ii) to treat the individual’s illness or disability, or  
suspected illness or disability; or

30 (iii) to assess, record, maintain or improve the  
individual’s health; or

(b) that is the dispensing on prescription of a drug or medicinal preparation for use or consumption by that individual;

“healthcare provider” means any organisation providing one or more health services in the course of business; 5

“member”, in relation to the Pioneer Generation Appeals Panel, includes the chairperson and deputy chairperson of that Panel;

“organisation” includes any individual, company, association or body of persons, corporate or unincorporate —

(a) formed under the law of Singapore; or 10

(b) resident, or having an office or a place of business, in Singapore;

“Pioneer” includes an individual who is determined under section 13 to be a Pioneer;

“Pioneer Generation Appeals Panel” means the body of that name established under section 15; 15

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

“public scheme” means any scheme that —

(a) is established by or under any written law and administered by a public authority or by the Government in any other manner; and 20

(b) is to provide financial relief, assistance or support to citizens of Singapore or any part of them;

“regulations” means regulations made under section 27; 25

“reimbursement arrangement” means an agreement in writing or a scheme, approved by the Minister charged with the responsibility for health, to the effect that the Government is liable (directly or indirectly) to pay a grant to a prescribed healthcare provider to reimburse the prescribed healthcare provider for the whole or part of the cost and expenses incurred by the prescribed healthcare provider for any relevant health service rendered or provided to a Pioneer; 30

“relevant health service” means a health service determined by the prescribed healthcare provider, with the approval of the Minister charged with the responsibility for health, to be a relevant health service for the purposes of this Act;

5 “verification application” means an application made under section 13(2) in relation to an individual seeking a determination from the Pioneer Generation Appeals Panel that the individual is a Pioneer for the purposes of this Act.

### **Purpose of Act**

10 **3.** The purpose of this Act is to recognise and honour the participation and sacrifice of Singapore’s Pioneers in the development of Singapore by providing to them who are now elderly and are or may be in need of financial relief, assistance or other support to meet their healthcare costs, and other costs of living in  
15 Singapore.

## **PART 2**

### **PIONEER GENERATION FUND**

#### **Establishment of Pioneer Generation Fund**

20 **4.—(1)** There is established a Government fund called the Pioneer Generation Fund comprising —

- (a) all moneys from time to time appropriated from the Consolidated Fund and authorised to be paid into the Fund by any written law;
- 25 (b) all other revenues of Singapore allocated by any written law to the Fund;
- (c) all gifts and donations given or made by any person 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.

(2) For the purposes of subsection (1)(d), the net income from investments is 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.

(3) The Fund is to be regarded as comprising public moneys for the purposes of any other written law, and the Financial Procedure Act (Cap. 109) applies to the Fund to the extent that it is not inconsistent with any of the provisions of this Act.

### **Purposes of Fund**

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

- (a) to provide financial assistance to Pioneers in accordance with section 16(1) and grants by way of reimbursement in accordance with section 16(2);
- (b) to fund all or any part of the cost of any prescribed public scheme but only to the extent that Pioneers are eligible to participate in or receive benefits under that public scheme;
- (c) to meet the payment of expenses referred to in section 6, and any terms of appointment of a public authority and organisation under section 19(1)(b) and (c), respectively;
- (d) 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**

6.—(1) Unless otherwise directed by the Minister, all costs, expenses and charges incurred in relation to making any investment of moneys in the Fund are to be charged upon and payable out of the Fund.

(2) All other expenses incidental to or arising from the administration and management of moneys in the Fund are to be charged upon and payable out of the Fund, including but not limited to the following:

(a) the cost of auditing the accounts of the Fund, and the remuneration of the auditor if he or she is not the Auditor-General;

(b) the expenses incurred by any public authority or person whom the Minister has appointed under Part 4 to disburse financial assistance using moneys in the Fund in carrying out their duties under that appointment and doing any thing incidental to or in connection with, the purposes of that appointment.

(3) However, no remuneration or allowances payable to a public officer may be met out of moneys in the Fund.

### **Withdrawals**

7.—(1) Moneys cannot be withdrawn from the Fund unless they are charged upon the Fund or are authorised to be withdrawn or transferred under this Act.

(2) Despite section 13 of the Financial Procedure Act (Cap. 109), payment is to be made out of the Fund only if the payment is approved by the Minister or an accounting officer authorised, in writing, by the Minister.

### **Financial year**

8.—(1) The financial year of the Fund begins on 1 April of each year and ends on 31 March of the succeeding year.

(2) However, the first financial year of the Fund begins on the date of commencement of this Part and ends on 31 March of the succeeding year.

### **Accounts**

9.—(1) The Minister is to designate one or more public officers to be accounting officers of the Fund.

(2) Every accounting officer of the Fund must —

(a) cause to be kept proper accounts and records of all transactions and affairs relating to the Fund, or the



transactions and affairs of the part of the Fund that the accounting officer is in charge of, as the case may be;

(b) do all things necessary to ensure that payments out of the Fund and the disbursement of those funds are properly authorised and correctly made; and 5

(c) ensure that adequate control is maintained over the assets and receipts of the Fund, or the assets and receipts of the part of the Fund that the accounting officer is in charge of, as the case may be.

(3) A public officer designated under subsection (1) is also an accounting officer of the Fund for the purposes of the Financial Procedure Act (Cap. 109). 10

### **Financial statements and audit**

**10.**—(1) The Minister must, 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 is to audit or cause an audit of the statements and accounts and report on them. 15

(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, must be submitted to the Minister. 20

(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 must be forwarded to the Auditor-General. 25

(4) The Minister must 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.

### **Dissolution of Fund**

**11.** 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 are to be transferred to the 30

Consolidated Fund and be added to the reserves of the Government not accumulated by it during that term of office.

### PART 3

#### PIONEER GENERATION BENEFITS

##### 5 **Who is a Pioneer?**

12.—(1) In this Act, a Pioneer is a citizen of Singapore —

(a) whose birthday is 31 December 1949 or earlier; and

(b) who was a citizen of Singapore on 31 December 1986 and has been a citizen of Singapore since that date.

10 (2) In addition, any other citizen of Singapore may be determined under section 13 to be a Pioneer for the purposes of this Act provided that the citizen's birthday is 31 December 1949 or earlier.

##### **Determination to be a Pioneer**

15 13.—(1) For the purpose of determining whether a citizen of Singapore referred to in section 12(2) is a Pioneer for the purposes of this Act, the Pioneer Generation Appeals Panel is to have regard to, and give such weight as the Panel considers appropriate to, all of such matters as are prescribed by regulations.

20 (2) A citizen of Singapore referred to in section 12(2) may not be determined to be a Pioneer for the purposes of this Act unless a verification application is made, by or on behalf of the citizen, to the Pioneer Generation Appeals Panel in the prescribed manner.

(3) A verification application may be made —

(a) by the individual who wants to be determined to be a Pioneer;

25 (b) with the approval of the individual, by another person on behalf of that individual; or

30 (c) where the individual is unable, by reason of physical or mental incapacity, to approve a person to make the verification application, by a donee under a lasting power of attorney executed by the individual but only to the extent permitted by the Mental Capacity Act (Cap. 177A).

(4) However, verification applications must be made no later than the closing date specified by the Minister under subsection (5), and the Pioneer Generation Appeals Panel must reject any verification application made after that date.

(5) The Minister may specify the closing date for the purposes of subsection (4) by a notification in the *Gazette* published at least 6 months before the closing date so specified. 5

(6) On receiving a verification application under subsection (2) in respect of any individual, the Pioneer Generation Appeals Panel is to determine as soon as practicable whether or not the individual is a Pioneer. 10

(7) If the Pioneer Generation Appeals Panel determines that a citizen of Singapore referred to in section 12(2) is a Pioneer for the purposes of this Act, the Panel may, where suitable, state that the citizen of Singapore is a Pioneer with effect from a date before the date of its decision, but not a date that is earlier than when the verification application for that citizen of Singapore was received by the Panel. 15

(8) The Pioneer Generation Appeals Panel must give to the person referred to in subsection (3) who made a verification application notice of its decision under this section on the verification application. 20

### **Reconsideration by Pioneer Generation Appeals Panel**

**14.—**(1) A person who is aggrieved by a decision of the Pioneer Generation Appeals Panel under this section or section 13 of refusing to determine that a citizen of Singapore referred to in section 12(2) is a Pioneer may, at any time but no later than the closing date specified under section 13(5), apply in writing to that Panel to reconsider that decision. 25

(2) An application for reconsideration may be made by any person referred to in section 13(3) and must be made in the prescribed manner, except that the Pioneer Generation Appeals Panel must reject any application for reconsideration made after the closing date specified under section 13(5). 30

(3) On receiving an application under subsection (1) for reconsideration of its decision in respect of any citizen of Singapore

referred to in section 12(2), the Pioneer Generation Appeals Panel is to reconsider the decision, as soon as practicable, and then either —

(a) determine that the citizen of Singapore is a Pioneer with effect from a date to be specified, which may, where suitable, be a date before the date of its decision on reconsideration but not earlier than the date the verification application for that citizen of Singapore was received by the Panel under section 13; or

(b) affirm that decision.

(4) The Pioneer Generation Appeals Panel must give notice of the result of its reconsideration under this section to the person who applied under this section for that reconsideration.

### **Pioneer Generation Appeals Panel**

**15.—**(1) There is established a Pioneer Generation Appeals Panel comprising —

(a) a chairperson;

(b) a deputy chairperson; and

(c) at least 2 other individuals and not more than 8 other individuals,

all of whom are appointed by the Minister.

(2) The terms and conditions of the appointment of the members of the Pioneer Generation Appeals Panel are to be determined by the Minister.

(3) Unless otherwise provided by or under this Act, the Pioneer Generation Appeals Panel may determine the procedure to be adopted by it in considering and re-considering a verification application under sections 13(2) and 14, respectively.

### **Pioneer generation benefits**

**16.—**(1) The financial assistance to which a Pioneer is eligible under this Act is as follows:

(a) a cash grant to be credited to the Medisave account or other account of the Pioneer in the Central Provident Fund, being of

an amount prescribed for the Pioneer or the class that the Pioneer belongs;

- (b) a cash grant payable in such other manner of an amount prescribed for the Pioneer if he or she has any disability or satisfies such other conditions as may be prescribed for the grant; 5
  - (c) a subsidy of the cost of any premium of a prescribed insurance scheme covering the Pioneer (whether alone or as a member of a class) in relation to health services, up to the maximum proportion or maximum amount of that cost prescribed for the Pioneer or the class that the Pioneer belongs; 10
  - (d) a subsidy of the cost of any relevant health service rendered or provided to the Pioneer by any prescribed healthcare provider, up to the maximum proportion or maximum amount of that cost prescribed for the Pioneer. 15
- (2) If —
- (a) a reimbursement arrangement is made in respect of any relevant health service rendered or provided to a Pioneer;
  - (b) a prescribed healthcare provider referred to in subsection (1)(d) is party to or bound by that arrangement; 20
  - (c) that prescribed healthcare provider renders or provides any relevant health service to a Pioneer; and
  - (d) that prescribed healthcare provider is entitled, under the reimbursement arrangement, to reimbursement of the whole or part of the cost and expenses it incurred in respect of the relevant health service so rendered or provided, 25
- there is payable to the prescribed healthcare provider a grant by way of reimbursement (called a reimbursement grant) of its cost and expenses in rendering or providing the relevant health service to a Pioneer, up to the maximum proportion or maximum amount of those costs and expenses allowed under the reimbursement arrangement applicable to that prescribed healthcare provider. 30

(3) However, nothing in this section prevents a Pioneer from refusing any financial assistance under subsection (1).

### **Nature of benefits to Pioneers**

17.—(1) To avoid doubt, no Pioneer has an absolute right to any financial assistance in section 16(1), even for a period before he or she is determined to be a Pioneer under section 13 or 14.

5 (2) Any financial assistance under section 16(1) granted to a Pioneer —

(a) is not assignable or transferable, except for the purpose of satisfying a debt due from the Pioneer to the Government; and

10 (b) is not liable to be attached, sequestered or levied upon for or in respect of any debt or claim except a debt due from the Pioneer to the Government.

### **Loss of Pioneer status**

18.—(1) Despite any provision in this Part, an individual continues to be a Pioneer until —

15 (a) the individual ceases to be a citizen of Singapore at any time after the commencement of this Part;

(b) the individual is or becomes a citizen of another country at any time after the commencement of this Part, even if the individual does not cease to be a citizen of Singapore;

20 (c) the individual dies; or

(d) the individual is declared under subsection (2) to cease being a Pioneer.

(2) The Minister may by written order declare that an individual ceases to be a Pioneer for the purposes of this Act if the individual is  
25 convicted of an offence under this Act; and any declaration by the Minister under this subsection is final.

(3) Before declaring under subsection (2) that an individual ceases to be a Pioneer for the purposes of this Act, the Minister must give the individual concerned a reasonable opportunity of being heard.

30 (4) For the purposes of subsection (1)(b), an individual is not and does not become a citizen of another country by reason only of the operation of Article 139 of the Constitution.

## PART 4

## ADMINISTRATION

**Persons appointed to disburse financial assistance**

19.—(1) The Minister may, in relation to any type of financial assistance referred to in section 16(1) or (2) or benefits under a prescribed public scheme referred to in section 5(1)(b), appoint — 5

(a) any public officer (who may or may not be an accounting officer);

(b) any public authority; or

(c) any other organisation, 10

to disburse, on behalf of the Minister, the financial assistance or other benefits using moneys withdrawn from the Fund, and to do any other thing incidental to or in connection with the purpose of the appointment.

(2) After withdrawing moneys from the Fund, an accounting officer may transfer the moneys to the relevant public officer, public authority or organisation appointed under subsection (1) to disburse the moneys in the form of financial assistance or other benefits in accordance with this Act and, subject to the provisions of this Act, the Minister's directions. 15 20

(3) The appointment of a public authority or an organisation referred to in subsection (1)(b) or (c) may be on such terms as the Minister and the public authority or organisation (as the case may be) agree and if there is no agreement, on such terms as the Minister determines.

(4) The Minister must, as soon as practicable, cause to be published in the *Gazette*, a notice of the appointment of every public officer, public authority or organisation appointed under subsection (1). 25

(5) Where a public authority is appointed by the Minister under subsection (1) to disburse such financial assistance or other benefits using moneys in the Fund — 30

(a) the functions and duties of the public authority under written law are to be regarded as including disbursing that financial assistance or other benefits;

- 5 (b) the public authority is to be regarded as fulfilling the purposes of the relevant Act constituting that public authority, and the provisions of that Act are to apply to the public authority in respect of disbursing that financial assistance or other benefits; and
- 10 (c) the members, officers and employees of the public authority, in relation to their disbursement of that financial assistance or other benefits, are deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109), and section 20 of that Act is to apply (with such necessary modifications as may be prescribed) to such persons even though they are not or were not in the employment of the Government.

### **Disclosure of information in aid of disbursement from Fund**

15 **20.**—(1) Where the Minister certifies, under his hand, that it is necessary for a public officer, a public authority or an organisation appointed under section 19(1) or any other person (called a recipient organisation) to have access to any particular class of confidential information in the possession of a Government department or another public authority, in order to disburse or facilitate disbursement of any financial assistance or grant under section 16, or any benefit under a prescribed public scheme referred to in section 5(1)(b), using moneys in the Fund —

- 25 (a) the Minister charged with the responsibility for that Government department or other public authority may, in addition to any other power conferred by any written law, direct that Government department or other public authority to provide so much of the confidential information to the recipient organisation as is necessary for that purpose; and
- 30 (b) unless subsection (3) applies, that Government department or other public authority is to 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) Despite 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 the person disclosing any information in accordance with any direction under subsection (1)(a); and

(b) no officer of a recipient organisation 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 the officer accessing, or disclosing to another officer of that recipient organisation, any confidential information referred to in subsection (1) in the performance of his or her duties connected with disbursing any financial assistance or grant under section 16 or benefit under a prescribed public scheme referred to in section 5(1)(b).

(3) This Act is a public scheme for the purposes of section 6(12) of the Income Tax Act (Cap. 134); otherwise nothing in this section is to apply to or authorise disclosure of any document, information, return and assessment to which section 6 of that Act applies.

### **Use of confidential information**

**21.**—(1) This section applies to a public officer, a public authority or an organisation appointed under section 19(1) or other person referred to in section 20(1), who or which receives information relating to an individual under section 20(1) (called confidential information), and any member or employee of that public authority, organisation or other person, as the case may be.

(2) The use or disclosure of confidential information, without the written consent of the individual to whom the information relates, is authorised only if the purpose of the use or disclosure is to communicate or manage the confidential information as part of —

(a) the funding, monitoring or evaluation (excluding the investigation into or resolution of complaints) of any health service, or of any benefit under a prescribed public scheme referred to in section 5(1)(b), provided or to be provided to Pioneers;

- (b) the provision of indemnity cover for a Pioneer in respect of health services used or to be used by the Pioneers;
- (c) the administration and enforcement of this Act;
- (d) the prevention or management of a serious threat to public health or public safety; or
- (e) the development or implementation by the Government or a public authority of any public scheme involving benefits to Pioneers.

(3) However, subsection (2) does not authorise a public officer, a public authority, an organisation or other person referred to in section 20(1), and any member or employee of that public authority, organisation or person (as the case may be), to use or disclose the confidential information for the purpose of the Government, public authority, organisation or person —

- (a) in underwriting a contract of insurance that covers a healthcare provider referred to in section 16;
- (b) in determining whether to enter into a contract of insurance that covers such a healthcare provider (whether alone or as a member of a class);
- (c) in determining whether a contract of insurance covers such a healthcare provider in relation to a particular event; or
- (d) in employing a Pioneer.

(4) Any person who contravenes subsection (2) 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.**

**22.**—(1) If any money in the Fund is paid as a cash grant or a subsidy and —

- (a) the recipient, in the case of a cash grant referred to in section 16(1)(a) or (b) —
  - (i) is not a Pioneer; or

- (ii) is a Pioneer but not eligible under this Act to that cash grant;
- (b) the recipient, in the case of a subsidy referred to in section 16(1)(c) or (d), is not eligible to the subsidy;
- (c) the amount paid is in excess of the amount the recipient is eligible to receive by way of such grant or subsidy (as the case may be) under section 16(1); or 5
- (d) the money was paid, or was credited to a Medisave account or other account of a Pioneer or other individual in the Central Provident Fund, in error, 10
- the amount paid or paid in excess, as the case may be, is recoverable from the recipient as a debt due to the Government.
- (2) Where money in the Fund is withdrawn and paid as a reimbursement grant referred to in section 16(2) and —
- (a) the recipient is not a prescribed healthcare provider; 15
- (b) the recipient is a prescribed healthcare provider but did not provide or render any relevant health service to a Pioneer in respect of which the recipient may be entitled to reimbursement under the applicable reimbursement arrangement; 20
- (c) the amount paid is in excess of the amount to which the recipient is entitled by way of reimbursement under the applicable reimbursement arrangement; or
- (d) the recipient obtained the reimbursement grant —
- (i) by knowingly or recklessly making any false or misleading statement; or 25
- (ii) by producing or furnishing, or causing to be produced or furnished, any document which the recipient knows to be false in a material particular,
- the amount that has been paid or paid in excess, as the case may be, is recoverable from the recipient as a debt due to the Government. 30

(3) If any person (whether or not a Pioneer or former Pioneer) obtains any financial assistance under section 16(1) or any benefit under a prescribed public scheme referred to in section 5(1)(b) —

(a) by knowingly or recklessly making any false or misleading statement; or

(b) by producing or furnishing, or causing to be produced or furnished, any document which the Pioneer knows to be false in a material particular,

the amount of the financial assistance or benefit so obtained is recoverable from the person as a debt due to the Government.

(4) Where money in the Fund is withdrawn and paid to anyone else without authorisation or in excess of authorisation required by or under this Act, the amount of the financial assistance, grant or benefit so obtained is recoverable from the recipient as a debt due to the Government.

## PART 5

### MISCELLANEOUS

#### Offences

**23.**—(1) If —

(a) a person furnishes a document, or makes a statement (whether orally, in writing or any other way) or gives information, to the Pioneer Generation Appeals Panel;

(b) the document, statement or information is false or misleading, or the statement or information omits any matter or thing without which the statement or information, as the case may be, is misleading;

(c) the person knows that the document is false or misleading, or that the statement or information is as described in paragraph (b); and

(d) the document is furnished in, or the statement is made or the information is given in, or in connection with, a verification

application (whether for that person or for another) to be determined a Pioneer,

the person 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. 5

(2) Subsection (1) does not apply if the document, statement or information is not false or misleading in a material particular, or if the statement or information did not omit any matter or thing without which the statement or information, as the case may be, is misleading in a material particular. 10

(3) A person —

(a) who —

(i) knowingly or recklessly makes any false or misleading statement; or

(ii) produces or furnishes, or causes to be produced or furnished, any document which the person knows to be false in a material particular; and 15

(b) who, with the intention of dishonestly inducing another person to accept the statement or document as genuine, and by reason of the other person so accepting it as genuine, dishonestly obtains any financial assistance under section 16(1)(a), (b), (c) or (d) or any benefit under a prescribed public scheme referred to in section 5(1)(b), 20

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. 25

(4) A healthcare provider —

(a) who or which —

(i) knowingly or recklessly makes any false or misleading statement; or 30

(ii) produces or furnishes, or causes to be produced or furnished, any document which the healthcare provider knows to be false in a material particular; and

(b) who or which, with the intention of dishonestly inducing another person to accept the statement or document as genuine, and by reason of the other person so accepting it as genuine, dishonestly obtains any reimbursement grant under section 16(2),

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.

(5) Subsections (3) and (4) are without prejudice to any right to recovery under section 22.

### **Offences by bodies corporate, etc.**

**24.**—(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 the officer's 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.

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

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

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

(b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or a member,

5

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

(5) In this section —

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

10

“officer” —

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

15

(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;

20

25

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

### **Composition of offences**

**25.—**(1) Any public officer authorised by the Minister may 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:

30

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

(b) \$1,000.

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

### **Service of documents**

**26.**—(1) A document that is permitted or required by this Act to be served on an individual or a person may be served as described in this section.

10 (2) A document permitted or required by this Act to be served on an individual may be served —

(a) by giving it to the individual personally;

15 (b) by sending it by pre-paid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;

(c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;

20 (d) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or

(e) by sending it by email to the last email address.

25 (3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

(a) by giving it to any partner, secretary or other like officer of the partnership;

30 (b) by leaving it at, or by sending it by pre-paid registered post to, the partnership's business address;

(c) by sending it by fax to the fax number used at the partnership's business address; or



- (d) by sending it by email to the partnership’s last email address.
- (4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —
- (a) by giving it to the secretary or other like officer of the body corporate or unincorporated association, or the limited liability partnership’s manager; 5
  - (b) by leaving it at, or by sending it by pre-paid registered post to, the body corporate’s or unincorporated association’s registered office or principal office in Singapore; 10
  - (c) by sending it by fax to the fax number used at the body corporate’s or unincorporated association’s registered office or principal office in Singapore; or
  - (d) by sending it by email to the body corporate’s or unincorporated association’s last email address. 15
- (5) Service of a document under this section takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
  - (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and 20
  - (c) if the document is sent by pre-paid registered post, 2 days after the day the document was posted (even if it is returned undelivered).
- (6) This section does not apply to documents to be served in proceedings in court. 25
- (7) In this section —
- “business address” means —
- (a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or
  - (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore; 30

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act, or the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual’s usual or last known place of residence in Singapore.

## Regulations

27.—(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), the Minister may make regulations for or with respect to all or any of the following matters:

(a) the financial assistance and grants referred to in section 16(1) and (2), respectively, including prescribing different amounts or proportions, or different maximum amounts or proportions, of financial assistance or grants for different classes of Pioneers, for different relevant health services and prescribed healthcare providers;

(b) the method and manner of disbursing the financial assistance and grants referred to in section 16(1) and (2), respectively, by persons appointed under section 19;

(c) require returns to be made to an accounting officer —

(i) by a person appointed under section 19 regarding the disbursement of financial assistance and grants referred to in section 16(1) and (2), respectively, by that person; and

(ii) by a prescribed healthcare provider eligible to a reimbursement grant under section 16(2) regarding the cost and expenses of providing any relevant health service to a Pioneer;

- (d) the fees to be paid for any thing or matter done or to be done under this Act in respect of which it appears to the Minister to be expedient to charge fees;
  - (e) the procedures of the Pioneer Generation Appeals Panel, including its decision-making procedures, the number of members required to be at meetings of the Panel, who is to preside at these meetings, what happens when votes of the members are tied and when a member is not entitled to participate in decision-making; 5
  - (f) the offences under this Act which may be compounded; 10
  - (g) anything that is required or permitted to be prescribed under this Act.
- (3) The regulations made under this section may provide —
- (a) that healthcare providers be prescribed by reference to a particular register, list or other document that is specified in the regulations, provided that the register, list or document is available for inspection (on the Internet or otherwise) by members of the public; and 15
  - (b) that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$2,500 or with imprisonment for a term not exceeding 6 months or with both. 20
- (4) All regulations made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Validation of pre-commencement decisions**

**28.—**(1) Any decision by any person purporting to be made in the name or on behalf of the Pioneer Generation Appeals Panel before its formation under section 15, has effect, and is taken always to have had effect, as if it had been made on the commencement of section 13 by the Pioneer Generation Appeals Panel under that section. 25

(2) Anything done under or for the purposes of such a decision as mentioned in subsection (1), is as valid, and is taken always to have been as valid, as it would have been if the decision had been made by the Pioneer Generation Appeals Panel under section 13. 30

(3) Any application lodged before the date of commencement of Part 3 to any person purporting to act in the name or on behalf of the Pioneer Generation Appeals Panel and in respect of which no decision as mentioned in subsection (1) is made before that date is deemed to be a verification application made under section 13(2).

---

## EXPLANATORY STATEMENT

This Bill seeks to establish a new Government fund to be called the Pioneer Generation Fund (the Fund) in recognition of and to honour individuals who contributed to the development of Singapore and who are now elderly and are or may be in need of financial relief, assistance or other support to meet their healthcare costs, and other costs of living in Singapore.

### PART 1

#### PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill. As a central feature of the benefits to Pioneers in clause 16 relates to healthcare costs, the clause contains definitions for the key terms “disability”, “health service” and “healthcare provider”.

A “healthcare provider” is any organisation providing one or more health services in the course of business. The organisation has to be formed under the law of Singapore, or is resident, or has an office or a place of business, in Singapore.

“Health service” is in turn defined to mean an activity performed in relation to an individual that is intended or claimed by the individual or the person performing the activity, to diagnose the individual’s illness or disability, to treat the individual’s illness or disability, or suspected illness or disability, or to assess, record, maintain or improve the individual’s health. A health service is also defined to include the dispensing on prescription of a drug or medicinal preparation for use or consumption by an individual.

The disability may be attributable to intellectual, psychiatric, sensory or physical impairment or a combination of those impairments. However, the disability must be permanent or likely to be permanent, and result in a substantial need for continuing support in daily living activities. Examples of support in an activity of daily living include help with walking, dressing, washing or bathing, and eating meals.

Clause 3 outlines the purpose of the Bill, which is to recognise and honour the participation and sacrifice of Singapore's Pioneers in the development of Singapore by providing to them who are now elderly and are or may be in need of financial relief, assistance or support to meet their healthcare costs, and other costs of living in Singapore.

## PART 2

### PIONEER GENERATION FUND

Clause 4 establishes a new Government fund called the Pioneer Generation Fund. Its primary source of revenue will be moneys appropriated from the Consolidated Fund.

Clause 5 sets out the purposes to which moneys in the Fund may be applied. Briefly, the purpose of the Fund includes the provision of benefits described in clause 16 to Pioneers, and the funding of all or any part of the cost of any public scheme, to be prescribed by the Minister in regulations, to the extent that Pioneers are eligible to participate in or receive benefits under that public scheme.

Clause 6 provides that the expenses in administering the Fund are charged upon and payable out of the Fund.

Clause 7 deals with withdrawals and payments from the Fund and the necessary authorisation to do so.

Clause 8 prescribes the financial year of the Fund.

Clause 9 relates to the keeping of accounts of the Fund and the appointment of accounting officers of the Fund.

Clause 10 requires annual financial statements and accounts of the Fund to be prepared and provides for their audit. It also 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.

Clause 11 requires that the balance of moneys remaining in the Fund upon dissolution of the Fund be transferred to the Consolidated Fund and be added to the past reserves of the Government.

## PART 3

### PIONEER GENERATION BENEFITS

Clause 12 defines who a Pioneer is for the purposes of the Bill. A Pioneer is defined as a citizen of Singapore whose birthday is 31 December 1949 or earlier, and who was a citizen of Singapore on 31 December 1986 and remains continuously as a citizen of Singapore.

Clause 13 provides that Pioneer status may be conferred by the Pioneer Generation Appeals Panel on an individual whose birthday is 31 December 1949 or earlier but who does not strictly meet the citizenship requirement in clause 12.

The Pioneer Generation Appeals Panel has to take into account various matters and give such weight it considers appropriate when it goes about determining whether a citizen of Singapore who does not strictly meet the citizenship requirement in clause 12 is a Pioneer. These matters are to be prescribed from time to time in regulations made by the Minister.

To seek conferment of Pioneer status, a verification application must be made to the Pioneer Generation Appeals Panel. Verification applications must be made before the closing date that the Minister will specify through a notification in the *Gazette*. The Pioneer Generation Appeals Panel has to refuse verification applications made to it after that closing date. There is no appeal against the determination of the Pioneer Generation Appeals Panel.

However, clause 14 allows the Pioneer Generation Appeals Panel to reconsider its decisions on application to it. An unsuccessful individual seeking to be a Pioneer can apply to the Panel, one or more times, to reconsider its decisions, up to the closing date specified under clause 13(5).

Clause 15 establishes the Pioneer Generation Appeals Panel and prescribes its composition and procedures in determining verification applications.

Clause 16 sets out the benefits for Pioneers to be met from the Fund. First, there is a cash grant to be credited to the Medisave account (or other account) of the Pioneer in the Central Provident Fund. The cash grant is an amount that the Minister will prescribe in the regulations. Different amounts may be prescribed for different Pioneers or classes of Pioneers.

The second benefit is another type of cash grant but only if the Pioneer is disabled or can meet other qualifying criteria in the regulations. This grant is to be of an amount and paid in a manner prescribed by the regulations.

Next, there is a subsidy of the cost of any premium of a prescribed insurance scheme covering the Pioneer (whether alone or as a member of a class) in relation to health services. This refers to the subsidy for the premium for the proposed MediShield Life scheme which is to be prescribed in the regulations. Different amounts may be prescribed for different Pioneers or classes of Pioneers.

The final benefit to Pioneers is a subsidy of the cost of certain health services (called relevant health service) rendered or provided to a Pioneer by healthcare providers that the Minister will prescribe by regulations. A cap on the subsidy is also to be prescribed.

Clause 16(2) provides for a grant (called a reimbursement grant) to the prescribed healthcare providers, to reimburse them (in whole or part) of the cost and expenses of providing any relevant health service to a Pioneer. At the outset,

this refers to the cost of health services provided to Pioneers by specialist outpatient clinics, polyclinics and general practitioner clinics. The reimbursement grant is to be supported by reimbursement arrangements approved by the Minister for Health that entitle a prescribed healthcare provider to reimbursement of the whole or part of the cost and expenses it incurred in respect of the relevant health service so rendered or provided, and the maximum proportion or maximum amount of those costs and expenses to be reimbursed.

Clause 17 makes it clear that no Pioneer is entitled to the benefits in clause 16(1); a Pioneer cannot sue for them. These benefits are also declared as non-transferable to others and cannot be attached, sequestered or levied upon for or in respect of any debt or claim. The only exception is for debts due from the Pioneer to the Government, since the benefits are met from a Government fund. Clause 17 does not apply to the reimbursement grant in clause 16(2).

Clause 18 deals with the circumstances in which Pioneer status may be lost. This includes a situation where the individual ceases to be a citizen of Singapore at any time after the operative date of Part 3 of the Bill, or the individual is or becomes a citizen of another country at any time after that date; it is immaterial that the individual does not cease to be a citizen of Singapore. However, the clause makes it clear that merely being a Commonwealth citizen (which is allowed by Article 139 of the Constitution of the Republic of Singapore) is not an event that can lead to loss of Pioneer status.

Clause 18 also empowers the Minister to declare that an individual ceases to be a Pioneer if the individual is convicted of an offence under the Bill. The Minister may make such a declaration after giving the affected individual a reasonable opportunity of being heard.

## PART 4 ADMINISTRATION

Clause 19 empowers the Minister to appoint any public officer, public authority or other organisation to disburse the grants, subsidies and benefits using moneys in the Fund in accordance with the Bill.

This would cover the Agency for Integrated Care (AIC) which will help in the disbursement of financial assistance to persons with disabilities. This would also include the Central Provident Fund Board in connection with disbursement of grants to Medisave accounts and subsidies for MediShield Life premiums.

Clause 20 provides that where the Minister personally certifies that it is necessary for a public authority or an organisation which is appointed under clause 19 or other person 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 or her merely carrying out this purpose.

Clause 21 restricts the disclosure of confidential information in the possession of or obtained by a public authority, etc., or a person pursuant to clause 20. A contravention of the clause will be an offence.

Clause 22 provides that any moneys that are withdrawn from the Fund and are paid to a person not eligible to it, or paid in excess or paid without authorisation, are recoverable as a debt due to the Government.

## PART 5

### MISCELLANEOUS

Clause 23 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 to be determined a Pioneer.

Clause 23 also 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, for the purpose of obtaining financial assistance from the Fund. For example, individuals may misuse the Pioneer Generation card, a document that evidences one's Pioneer status, in obtaining benefits under the Bill such as by impersonating a Pioneer. Another instance of what this clause could cover is where healthcare providers submit false invoices to claim reimbursement for health services not provided to Pioneers.

Clause 24 deals with offenders which are corporations or unincorporated associations.

Clause 25 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 26 deals with the service of documents under the Bill.



Clause 27 empowers the Minister to make regulations for the carrying out of the purposes and provisions of the Bill.

Clause 28 is a validation provision for decisions taken by those purporting to be made in the name or on behalf of the Pioneer Generation Appeals Panel before the date of its formation. These decisions are deemed to have effect, and always to have had effect, as if they had been made on the operative date of clause 13 by the Pioneer Generation Appeals Panel under that clause. This means that an unsuccessful applicant will be entitled under clause 14 to request for reconsideration of the decision with effect from the operative date of this clause.

## EXPENDITURE OF PUBLIC MONEY

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

---