

Prevention of Corruption (Amendment) Bill

Table of Contents

Bill No: 29/2002

Read the first time: 1st October 2002

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of section 2

3 New sections 4A to 4F

4 Miscellaneous amendments

**5 Related amendments to Home Affairs Uniformed Services
Superannuation Act**

6 Related amendment to Pension Fund Act

Explanatory Statement

Expenditure of Public Money

Prevention of Corruption (Amendment) Bill

Bill No. 29/2002

Read the first time on 1st October 2002.

An Act to amend the Prevention of Corruption Act (Chapter 241 of the 1993 Revised Edition) and to make related amendments to the Home Affairs Uniformed Services Superannuation Act (Chapter 126B of the 2002 Revised Edition) and the Pension Fund Act (Chapter 224A 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 Prevention of Corruption (Amendment) Act 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Prevention of Corruption Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “agent”, the following definition:

“ “CPIB officer” means a public officer in the Corrupt Practices Investigation Service (Junior) Scheme of Service or in the Corrupt Practices Investigation Service (Senior) Scheme of Service;”;

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

“ “INVEST Fund” means the INVEST Fund established under Part III of the Home Affairs Uniformed Services Superannuation Act (Cap. 126B);

“member” means a member of the Scheme established under this Act;”;

(c) by inserting, immediately after the definition of “public body”, the following definitions:

“ “Scheme” means the Occupational Superannuation Scheme established by regulations made under section 4A;

“service” means regular service (whether part-time or full-time) as a CPIB officer;”.

New sections 4A to 4F

3. The principal Act is amended by inserting, immediately after section 4, the following sections:

“Establishment of Occupational Superannuation Scheme

4A.—(1) The Minister shall, by regulations, establish an Occupational Superannuation Scheme for the benefit of all CPIB officers appointed on or after 1st November 2001, who will be the members of the Scheme.

(2) The regulations made under subsection (1) shall provide for the payment of —

- (a) any gratuity, allowance, superannuation or other like benefit to members of the Scheme, or to their legal personal representatives or dependants, on the death of the members in the service or on the resignation, retirement or discharge of the members from the service;
- (b) any pension, gratuity, allowance, compensation or other benefit in respect of the death of or injuries received by any member of the Scheme in and which are attributable to service; and
- (c) any allowance, subsidy or other benefit to such former members of the Scheme as may be prescribed after their retirement from the service.

(3) The regulations made under subsection (1) may provide for —

- (a) the payment of contributions in respect of each member;
- (b) the age or ages at which a member may retire or be required to retire from the service;
- (c) the appointment of award officers to assess, award and pay pensions, gratuities and allowances and other like benefits under the Scheme and to otherwise administer the Scheme; and
- (d) the bringing of appeals against decisions of award officers and the appointment of one or more persons to hear such appeals and review the decisions of award officers.

(4) In making regulations under subsection (1), the Minister shall also provide for —

- (a) every CPIB officer who is appointed before 1st November 2001 and who, immediately before that date, is eligible (whether on retirement or in respect of death or injury in or attributable to service) for any

pension, gratuity or other allowance under the Pensions Act (Cap. 225); and

- (b) every CPIB officer who is appointed before 1st November 2001 to the service on a contract for a term and who, immediately before that date, is eligible for any gratuity or other like benefit under the contract,

an option to join the Scheme as a member and for the terms and conditions of such an option.

(5) The regulations made in relation to CPIB officers referred to in subsection (4) shall provide —

- (a) in the case of an officer referred to in subsection (4)(a), that any such officer who opts to join the Scheme shall cease to be eligible to benefits under the Pensions Act but shall remain eligible under the Scheme to benefits not less in value than the amount of any pension, gratuity or other allowance for which he would have been granted under the Pensions Act if he retired from the service, or was injured or died in service, on the date immediately before his joining the Scheme; and
- (b) in the case of an officer referred to in subsection (4)(b), that any such officer who opts to join the Scheme shall remain eligible to benefits not less in value than the amount of any gratuity or other like benefit for which he would have been granted under his contract if he had completed his term of service under the contract on the date immediately before his joining the Scheme.

(6) Any option exercised by any CPIB officer before 1st November 2001 to join or not to join the Scheme shall be deemed to be exercised in accordance with the regulations made under subsection (1) in relation to CPIB officers referred to in subsection (4).

Benefits not as of right, etc.

4B.—(1) No member shall have an absolute right to compensation for past services or to any pension, gratuity, allowance or other benefit under the Scheme.

(2) Nothing in this Act shall limit the right of the Public Service Commission, or any of its delegates, to dismiss any CPIB officer who is a member from the service without compensation.

(3) Subject to Article 113 of the Constitution, where it is established to the satisfaction of an award officer that a member has been guilty of negligence, irregularity or misconduct, it shall be lawful for the award officer to reduce or altogether withhold the pension, gratuity, allowance or other benefit for which the member would but for this section have become eligible under the Scheme.

Non-assignability or attachment of benefits, etc.

4C.—(1) No payments, allowance or other benefit payable under the Scheme (whether on death, retirement or resignation of a member or otherwise), and no contribution by the Government made under the Scheme, and no interest thereon shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim, other than —

- (a) a debt due to the Government; or
- (b) an order of court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child (whether legitimate or not) of the member to whom the payment, allowance or other benefit has been granted.

(2) Subject to the provisions of any regulations made under section 4A, all moneys paid or payable under the Scheme on the death of a member thereof —

- (a) shall be deemed to be subject to a trust in favour of the persons entitled thereto under the will or intestacy of such deceased member;
- (b) shall not be deemed to form part of his estate or be subject to the payment of his debts; and
- (c) shall be deemed to be property passing on his death for the purposes of the Estate Duty Act (Cap. 96).

Recovery of benefits granted in ignorance of disqualifying facts

4D. It shall be a condition of the grant of every pension, gratuity, allowance or other benefit under the Scheme that the Government may recover, cancel or reduce the grant if it is shown to have been obtained by the wilful suppression of material facts or to have been granted in ignorance of facts which, had they been known before the retirement or resignation of the member, would have justified his dismissal or a reduction of his salary.

Effect of bankruptcy and conviction on Scheme benefits

4E.—(1) No contribution by the Government made under the Scheme and no