

Communicable Diseases Agency Bill

Bill No. 46/2024.

Read the first time on 11 November 2024.

COMMUNICABLE DISEASES AGENCY ACT 2024

(No. of 2024)

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A BILL

intituled

An Act to establish the Communicable Diseases Agency 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:

PART 1
PRELIMINARY

Short title and commencement

1. This Act is the Communicable Diseases Agency Act 2024 and
5 comes into operation on a date that the Minister appoints by
notification in the *Gazette*.

Interpretation

2. In this Act —

10 “Agency” means the Communicable Diseases Agency
established by section 3;

“Chairperson”, in relation to the Agency, means the member of
the Agency who is appointed under section 13 as the
Chairperson of the Agency, and includes any individual
appointed under section 15 to act in that capacity;

15 “Chief Executive” means the Chief Executive of the Agency
appointed under section 33, and includes any individual
acting in that capacity;

“committee” means a committee of the Agency appointed under
section 29;

20 “committee member” means an individual appointed to be a
member of a committee;

“delegate” means a person to whom the Agency under
section 31 delegates the performance or exercise of any of
its functions or powers;

25 “Deputy Chairperson”, in relation to the Agency, means a
member of the Agency who is appointed under section 13 as a
Deputy Chairperson of the Agency;

“functions”, in relation to the Agency, means functions
conferred on the Agency by this Act or any other Act;

30 “infectious disease” means any disease —

(a) that is caused or is suspected to be caused by a
micro-organism or any agent of disease; and

(b) that is capable or is suspected to be capable of transmission by any means to human beings;

“member”, in relation to the Agency, means a member of the Agency appointed under section 11, and includes any individual appointed under section 15 to act in that capacity; 5

“officer”, in relation to the Agency, means an employee of the Agency and includes an individual under a secondment arrangement which makes available the service of the individual to the Agency;

“public body” means a body corporate established by a public Act for the purposes of a public function but excludes a Town Council established under section 4 of the Town Councils Act 1988; 10

“surveillance” means the collection, analysis and interpretation of data related to the prevention, management and control of infectious diseases. 15

PART 2

ESTABLISHMENT, FUNCTIONS AND POWERS OF AGENCY

Communicable Diseases Agency 20

3. A body called the Communicable Diseases Agency is established by this section.

Agency is body corporate

4. The Agency —

(a) is a body corporate with perpetual succession; 25

(b) may acquire, hold and dispose of real and personal property; and

(c) may sue and be sued in its corporate name.

Objective and functions of Agency

5.—(1) The objective of the Agency is to prevent, manage and control infectious diseases in Singapore.

(2) The Agency has the following functions:

- 5 (a) to advise and make recommendations to the Government on policies and strategies for the prevention, management and control of infectious diseases in Singapore;
- 10 (b) to devise, organise and implement programmes and other activities for or related to the prevention, management and control of infectious diseases in Singapore and to collaborate with any person to devise, organise and implement such programmes and activities;
- 15 (c) to conduct and facilitate research and development activities (including research and development activities within the meaning of section 3(1) of the National Research Fund Act 2006) relating to the prevention, management and control of infectious diseases in Singapore;
- 20 (d) to monitor through surveillance and detection the occurrence or prevalence of infectious diseases and the vaccination coverage in respect of those infectious diseases;
- 25 (e) to establish, manage and maintain systems for the recording and collection of information relating to infectious diseases;
- 30 (f) to promote and develop professional and technical expertise in public health for the prevention, management and control of infectious diseases in Singapore;
- (g) to oversee, coordinate and implement public health education and training activities for the prevention, management and control of infectious diseases in Singapore;

- (h) to oversee, coordinate and develop national public health functions and resources for the prevention, management and control of infectious diseases in Singapore;
- (i) to represent the Government internationally on matters related to or connected with the prevention, management and control of infectious diseases; 5
- (j) to establish standards and provide guidance for the prevention, management and control of infectious diseases in Singapore;
- (k) to oversee infectious diseases clinical services and capacities in Singapore so as to manage infectious diseases; 10
- (l) to cooperate and collaborate in particular with any public officer or other public body or Health Officer in the administration of the Infectious Diseases Act 1976; 15
- (m) to perform such other functions as may be conferred on the Agency by any other Act.

(3) In addition to the functions conferred by this section, the Agency may undertake such other functions as the Minister may assign to the Agency, by notification in the *Gazette*, and in so undertaking — 20

- (a) the Agency is deemed to be fulfilling the purposes of this Act; and
- (b) the provisions of this Act apply to the Agency in respect of those other functions. 25

(4) Nothing in this section imposes on the Agency, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Agency would not otherwise be subject.

Powers of Agency

6.—(1) The Agency has power to do all things necessary or expedient to be done for, or in connection with, the performance of its functions. 30

(2) Without limiting subsection (1), the powers of the Agency include the following:

- (a) to enter into contracts, agreements or arrangements;
- 5 (b) to acquire, develop, hold and dispose of real or personal property;
- (c) to appoint and act through agents;
- (d) to employ staff and engage consultants;
- (e) to publish or provide any information, or publish or sponsor the publication of works;
- 10 (f) to apply for, obtain and hold, whether on its own behalf or jointly with any other person, any intellectual property rights;
- (g) to enter into agreements or arrangements for the commercial exploitation of those intellectual property rights, whether by assignment, licensing or otherwise;
- 15 (h) with the approval of the Minister, to form or join in the formation of a company, association, trust or partnership or enter into a joint venture with any person;
- (i) to establish institutes for the conduct of research and development in the area of infectious diseases;
- 20 (j) to be a member of a company, association, trust or partnership;
- (k) to provide financial incentives, support, grant, aid or assistance to any person;
- 25 (l) to charge for the provision of goods or services, or the performance of work, by or on behalf of the Agency;
- (m) to waive the payment of fees and charges payable to the Agency;
- (n) to accept grants, gifts, donations or contributions from any source, or raise funds by all lawful means;
- 30 (o) to provide technical, consultancy or advisory services to the Government or any other person on any matter related

to, or connected with, the prevention, management and control of infectious diseases;

(*p*) to collect, compile, analyse and disseminate information of a statistical nature or otherwise concerning matters relating to its functions; 5

(*q*) to set up and administer systems for the recording and collection of information for the prevention, management and control of infectious diseases;

(*r*) to do any other thing that is incidental or conducive to the performance of its functions. 10

(3) To avoid doubt, subsections (1) and (2) do not limit any other power given to the Agency by any other provision in this Act or by any other Act.

(4) The Agency may exercise its powers inside or outside Singapore. 15

Directions of Minister, etc.

7.—(1) The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018.

(2) To avoid doubt, the Minister is entitled —

(*a*) to have information in the possession of the Agency; and 20

(*b*) where the information is in or on a document, to have, and make and retain copies of, that document.

(3) For the purposes of subsection (2), the Minister may request the Agency —

(*a*) to provide information to the Minister; or 25

(*b*) to give the Minister access to information.

(4) The Agency must comply with a request under subsection (3).

(5) In this section —

“document” includes any tape, disc or other device or medium on which information is recorded or stored; 30

“information” means information specified, or of a description specified, by the Minister that relates to the functions of the Agency.

Agency’s symbol, etc.

5 **8.**—(1) The Agency has the exclusive right to the use of one or more symbols or representations as the Agency may select or devise (each called in this section the Agency’s symbol or representation), and to display or exhibit those symbols or representations in connection with the Agency’s activities or affairs.

10 (2) A person who —

 (a) uses, without the prior written permission of the Agency, a symbol or representation identical to the Agency’s symbol or representation; or

15 (b) uses a symbol or representation that so resembles the Agency’s symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

20 Use of name, etc., of Agency

9.—(1) The Agency may conduct its operations under its full name or under the acronym CDA.

 (2) A person other than the Agency must not —

25 (a) use in connection with a business, trade, profession or occupation;

 (b) use as the name, or as part of the name, of any firm, body corporate or institution; or

 (c) use in relation to —

 (i) services or products; or

- (ii) the promotion, by any means, of the supply of services or products,

the name of the Agency or the acronym CDA, or a name or acronym so closely resembling the name of the Agency or the acronym CDA, as to be likely to be mistaken for it. 5

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 3 10

CONSTITUTION AND MEMBERSHIP OF AGENCY

Division 1 — Appointment, resignation and removal

Membership of Agency

10.—(1) The Agency consists of at least 7 and not more than 15 members. 15

(2) One of the members (who is not the Chairperson) may be the Chief Executive.

Appointment of Agency members

11.—(1) Each member of the Agency is to be appointed by the Minister. 20

(2) Every appointment must be made by instrument in writing given to the member.

(3) The instrument must state —

(a) the term of the appointment; and

(b) the date the appointment takes effect, which must not be a date earlier than the date the instrument is received by the member. 25

Membership disqualification

12.—(1) In appointing members of the Agency, the Minister must have regard to whether the members of the Agency will collectively 30

possess the appropriate knowledge, skills and experience to assist the Agency to perform its functions effectively.

(2) However, the following individuals are disqualified from being a member of the Agency:

- 5 (a) an undischarged bankrupt or an individual who has an arrangement with any of his or her creditors;
- (b) a Judge or judicial officer;
- (c) an individual who has been sentenced to imprisonment for a term of 6 months or more, and has not received a free
10 pardon;
- (d) an individual who is —
 - (i) disqualified under section 154(1) of the Companies Act 1967 from acting as a director, or taking part
15 (whether directly or indirectly) in the management, of a company during the period of disqualification in that provision;
 - (ii) disqualified from being a director or in any way (whether directly or indirectly) being concerned in, or taking part in, the management of a company by a court order under section 149(1), 149A(1) or 154(2) of the Companies Act 1967 during the period of disqualification in the court order;
 - (iii) disqualified under section 58(1) of the Variable Capital Companies Act 2018 from acting as a director, or taking part (whether directly or
20 indirectly) in the management of a VCC during the period of disqualification in that provision; or
 - (iv) disqualified by a court order under section 56(1), 57(1) or 58(2) of the Variable Capital Companies Act 2018 from being a director or in any way
25 (whether directly or indirectly) being concerned in, or taking part in, the management of a VCC during the period of disqualification in the court order;
 - 30 the period of disqualification in the court order;

- (e) an individual who lacks capacity in respect of his or her duties as a member within the meaning of the Mental Capacity Act 2008, or in respect of whom an order is made under section 10 of the Mental Health (Care and Treatment) Act 2008. 5

(3) In this section, “VCC” has the meaning given by section 2(1) of the Variable Capital Companies Act 2018.

Chairperson and Deputy Chairperson

13.—(1) The Minister may, by instrument in writing, appoint —

- (a) a member (other than the Chief Executive) to be the Chairperson of the Agency for the period specified in the instrument; and 10
- (b) one or more members (other than the Chairperson) to be a Deputy Chairperson of the Agency for the period specified in the instrument. 15

(2) The Chairperson or a Deputy Chairperson holds office until whichever of the following first happens:

- (a) his or her term of office as Chairperson or Deputy Chairperson (as the case may be) expires;
- (b) he or she ceases to hold office as a member of the Agency; 20
- (c) the Minister terminates the appointment as Chairperson or Deputy Chairperson, as the case may be.

(3) A Deputy Chairperson has and may exercise all of the functions and powers of the Chairperson in relation to a matter if —

- (a) the Chairperson is unavailable; or 25
- (b) the Chairperson is interested in the matter (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018).

Premature vacancies

14.—(1) If a premature vacancy occurs in the office of any member of the Agency, the Minister may, subject to sections 10, 11 and 12, 30

appoint an individual to fill the vacancy and hold that office for the remainder of the term for which the vacating member was appointed.

(2) In this section, “premature vacancy”, for an office, means a vacancy that occurs in that office by virtue of section 21(1) or for any reason other than the expiry of the term of office.

Acting Chairperson and members

15.—(1) The Minister may appoint an individual (other than the Chief Executive) to act temporarily as the Chairperson during any period, or during all periods, when the Chairperson —

- 10 (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.

(2) The Minister may appoint an individual to act temporarily as a member of the Agency (other than the Chairperson) during any period, or during all periods, when the member —

- 15 (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.

(3) An individual is ineligible for appointment under this section to act as the Chairperson or a member of the Agency if the individual is disqualified under section 12(2) for appointment as a member.

Removal of member

16.—(1) The Minister may, at any time and without giving any reason, remove a member of the Agency from office.

25 (2) Every removal under subsection (1) must be made by written notice given to the member with a copy to the Agency.

(3) The notice must state the date the removal takes effect, which must not be a date earlier than the date the notice is received by the member.

Resignation from office

17.—(1) A member of the Agency may resign his or her office by written notice to the Minister (with a copy to the Agency) signed by the member.

(2) The resignation is effective when the notice in subsection (1) is received by the Minister or at any later time specified in the notice. 5

Validity of acts, etc.

18.—(1) Despite section 33 of the Interpretation Act 1965, the exercise of any power or performance of any function of the Agency by the Agency is not affected merely because at the relevant time — 10

(a) there was a vacancy in the membership of the Agency, including a vacancy arising from the failure to appoint a member;

(b) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Agency; or 15

(c) there was an irregularity in the Agency's decision-making procedure that does not affect the merits of the decision made.

(2) The acts of an individual as a member of the Agency are not affected merely because — 20

(a) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Agency; or

(b) in the case of an individual acting in the capacity of the Chairperson, a member or the Chief Executive, the occasion for the individual so acting, or for his or her appointment, had not arisen or had ended. 25

*Division 2 — Terms and conditions for members***Term of appointment**

5 19.—(1) Subject to section 21, each member of the Agency holds office for a period of 3 years or any shorter period specified in the instrument of appointment.

(2) A member of the Agency may be re-appointed.

Remuneration, etc.

10 20. The members of the Agency may be paid, out of the funds of the Agency, such salaries, fees and allowances as the Minister determines.

Vacation of office

21.—(1) A member of the Agency ceases to hold office if he or she —

15 (a) dies;

(b) is adjudicated a bankrupt or makes an arrangement with any of his or her creditors;

(c) becomes otherwise disqualified from being a member under section 12(2);

(d) is removed from office in accordance with section 16;

20 (e) resigns in accordance with section 17;

(f) fails, without reasonable cause, to disclose any interest required under Division 1 of Part 4 of the Public Sector (Governance) Act 2018 and a notice is given under that Act to the Minister about that default;

25 (g) fails to attend 3 consecutive meetings of the Agency without the approval of the Agency; or

(h) is not re-appointed when his or her term of office expires.

30 (2) A member of the Agency is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.

Other terms and conditions

22. The Minister may specify other terms and conditions of appointment of a member in the instrument of appointment.

PART 4

DECISION-MAKING BY AGENCY

5

Division 1 — Meetings

Procedure generally

23. Subject to this Act and the Public Sector (Governance) Act 2018, the members of the Agency may regulate their own proceedings and business.

10

Notice of meetings

24.—(1) The Agency must hold such meetings as are necessary for the performance of its functions.

(2) The Chairperson must appoint the times and places of the meetings of the Agency, and cause notice of those meetings to be given to each member, including those not present when the appointment is made.

15

(3) The meetings of the Agency must be held in accordance with the provisions of this Act and Part 4 of the Public Sector (Governance) Act 2018.

20

Quorum

25.—(1) The quorum for a meeting of the Agency is the higher of the following:

(a) one-third of the number of members;

(b) 3 members.

25

(2) No business may be transacted at a meeting of the Agency if a quorum is not present.

Presiding at meetings

26.—(1) At a meeting of the Agency, the following person presides:

5 (a) if there is a Chairperson and he or she is present and is not interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter — the Chairperson;

10 (b) if there is no Chairperson, or the Chairperson is not present or is interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter, and a Deputy Chairperson who is not so interested in the matter is present — the Deputy Chairperson;

 (c) in any other case — the member elected from among the members present at the meeting to preside.

15 (2) The person specified in subsection (1)(b) or (c) may perform the functions and exercise the powers of the Chairperson for the purposes of the meeting.

Voting at meetings

27.—(1) Each member of the Agency has one vote.

20 (2) In addition to his or her general vote, the person presiding at a meeting has, in the case of an equality of votes at the meeting, a casting vote.

25 (3) A resolution of the Agency is passed if it is agreed by all members present without dissent, or if a majority of the members who are entitled to vote on the matter cast votes in favour of it.

30 (4) A member present at a meeting of the Agency is presumed to have agreed to, and to have voted in favour of, a resolution of the Agency unless he or she expressly dissents from or votes against the resolution at the meeting or is prevented from voting by section 26 of the Public Sector (Governance) Act 2018.

Execution of documents

28.—(1) The Agency must have a seal.

(2) The seal of the Agency is to be kept and used as authorised by the Agency.

(3) A document is duly executed by the Agency if —

(a) the seal of the Agency is affixed to the document in the presence of one of its members who must sign the document to attest that the seal was so affixed, and the document is signed —

(i) by any 2 members generally or specially authorised by the Agency for the purpose; or

(ii) by one member and the Chief Executive; or

(b) the document is signed on behalf of the Agency by a person or persons authorised to do so by the Agency and in accordance with the terms of that authorisation.

(4) A document purporting to be executed in accordance with this section is presumed to be duly executed until the contrary is shown.

(5) All courts, judges and persons acting judicially must take judicial notice of the imprint of the seal of the Agency appearing on a document.

(6) When a document is produced bearing a seal purporting to be the seal of the Agency, it must be presumed that the seal is the seal of the Agency until the contrary is shown.

Division 2 — Committees and delegation

Appointment of committees

29.—(1) The Agency may, by resolution, appoint any number of committees that the Agency thinks fit for purposes which, in the opinion of the Agency, would be better regulated and managed by means of those committees.

(2) A committee appointed under this section may consist of any number of individuals that the Agency thinks fit, and may include individuals who are not members of the Agency.

(3) Without limiting subsection (1), the Agency may appoint committees —

(a) to advise the Agency on any matters relating to the Agency's functions and powers that are referred to the committee by the Agency; or

(b) to perform or exercise any of the Agency's functions and powers that are delegated to the committee, if the committee includes at least one member of the Agency.

(4) An individual may not be appointed as a member of a committee unless, before appointment, he or she discloses to the Agency the details of any interest (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) the individual may have if he or she were a member of that committee.

Proceedings of committees

30.—(1) Section 18 applies to a committee, and to committee members or individuals purporting to be committee members, with the necessary modifications.

(2) Subject to this Act and the Public Sector (Governance) Act 2018, a committee may regulate its own proceedings and business.

Ability to delegate

31.—(1) The Agency may delegate any of its functions or powers, either generally or specially and subject to any conditions or restrictions that it thinks fit, to any of the following persons:

(a) a member of the Agency;

(b) the Chief Executive or an officer of the Agency;

(c) a committee of the Agency that includes at least one member of the Agency;

(d) a company that is incorporated in Singapore and is a subsidiary of the Agency.

(2) A delegation under subsection (1) must be by resolution and written notice given to the delegate.

(3) Subsection (1) does not apply to any function or power under this Act or any other Act that is declared by this Act or that other Act to be non-delegable.

(4) A delegation in accordance with this section is not affected —

(a) by any change in the membership of a committee (where the delegate is the committee), so long as the committee includes at least one member of the Agency; or 5

(b) by any change in the individual appointed as the Chief Executive or holding any specified office in the Agency (where the delegate is the Chief Executive or the holder of the specified office). 10

(5) For the purposes of subsection (1)(d), a company is a subsidiary of the Agency if —

(a) the Agency is the sole member of that company; or

(b) the Agency, as a member of that company, holds more than half of the voting power in that company. 15

Validity of delegate's acts, etc.

32. A delegate who purports to perform a function or exercise a power under delegation —

(a) is taken to do so in accordance with the terms of the delegation under section 31, unless the contrary is shown; and 20

(b) must produce evidence of the delegation, if reasonably requested to do so.

PART 5

25

PERSONNEL MATTERS

Appointment of Chief Executive

33.—(1) There must be a Chief Executive of the Agency, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

30

(2) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

- 5 (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.

Officers, etc.

10 **34.** The Agency may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as the Agency may determine, such other officers, consultants and agents as may be necessary for the effective performance of its functions.

Preservation of secrecy

15 **35.—**(1) A member, an officer, an agent or a delegate of the Agency, the Chief Executive or a committee member, who has information in his or her capacity as such that would not otherwise be available to him or her, must not disclose that information to any person except —

- 20 (a) in the performance of the Agency’s functions;
- (b) with the prior authorisation from the Agency to do so;
- (c) for the purposes of any proceedings for an offence under this Act, or any report of those proceedings;
- (d) as required by an order of court;
- 25 (e) in complying with the requirements in this Act for a member of the Agency or a committee member to disclose an interest; or
- (f) as required or allowed by this Act or any other Act.

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

Protection from personal liability

36. No liability shall lie against any member of the Agency, any committee member, the Chief Executive or any officer or delegate of the Agency, or any other person acting under the direction of the Agency, for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in —

- (a) the performance or purported performance of any function under this Act; or
- (b) the exercise or purported exercise of any power under this Act.

PART 6

FINANCIAL PROVISIONS

Financial year

37. The financial year of the Agency begins on 1 April of each year and ends on 31 March of the succeeding year except that the first financial year of the Agency begins on the date of commencement of this Act and ends on 31 March of the succeeding year.

Revenue and property of Agency

38. The funds and property of the Agency include —

- (a) all moneys paid to the Agency by way of grants, subsidies, donations, gifts and contributions for the purposes of the Agency;
- (b) all moneys paid to, and all other moneys and property lawfully received by, the Agency for the purposes of the Agency;
- (c) all fees and charges payable to the Agency under this Act or any other Act administered by the Agency;
- (d) all moneys, dividends, royalties, interest or income received from any transaction made pursuant to the powers of the Agency under this Act or any other Act administered by the Agency;

- (e) all moneys borrowed by the Agency under this Act; and
- (f) all accumulations of income derived from any property or money mentioned in paragraphs (a) to (e).

Bank accounts

5 **39.**—(1) The Agency must open and maintain one or more accounts with such bank or banks as the Agency thinks fit.

(2) Every such account may only be operated by a person who is authorised to do so by the Agency.

Financial accounts and records

10 **40.** The Agency must —

(a) keep proper accounts and records of its transactions and affairs; and

(b) do all things necessary to ensure that —

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

(ii) adequate control is maintained over the property and assets of, or in the custody of, the Agency and over the expenditure incurred by the Agency.

Power of investment

20 **41.** The Agency may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

Issue of shares, etc.

42. As a consequence of —

25 (a) the vesting of any property, rights or liabilities in the Agency under this Act; or

- (b) any capital injection or other investment by the Government in the Agency in accordance with any other written law,

the Agency must issue such shares or other securities to the Minister charged with the responsibility for finance as that Minister may direct. 5

Borrowing power

43.—(1) The Agency cannot raise loans for the performance of its functions under this Act or any other Act administered by the Agency except in accordance with this section. 10

(2) Subject to subsection (3), the Agency may raise loans by —

- (a) mortgage, overdraft or other means, with or without security;

- (b) charge, whether legal or equitable, on any property vested in the Agency or on any other revenue receivable by the Agency under this Act or any other written law; or 15

- (c) the creation and issue of debentures, bonds or any other instrument as the Minister may approve.

(3) The Agency may raise loans —

- (a) from the Government; or 20

- (b) with the approval of the Minister, from another source, whether within or outside Singapore.

(4) For the purposes of this section, the power to raise loans includes the power to make any financial agreement under which credit facilities are granted to the Agency for the purchase of goods, materials or things. 25

PART 7
GENERAL

Composition of offences

5 **44.**—(1) The Chief Executive, or an employee of the Agency authorised in writing by the Agency, may compound any offence under this Act that 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:

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

(b) \$2,000.

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

15 (3) All sums collected under this section must be paid into the Consolidated Fund.

Offences by corporations

45.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

20 (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind,
is evidence that the corporation had that state of mind.

25 (2) Where a corporation commits an offence under this Act, a person —

(a) who is —

(i) an officer of the corporation; or

30 (ii) an individual involved in the management of the corporation and in a position to influence the conduct

of the corporation in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence; 5
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence, 10

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly. 15

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of — 20

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence. 25

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005; 30

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

5 “state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

10 **Offences by unincorporated associations or partnerships**

46.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- 15 (a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

20 (2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —
 - 25 (i) an officer of the unincorporated association or a member of its governing body;
 - (ii) a partner in the partnership; or
 - 30 (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of a committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

5 “partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

10 (b) the person’s reasons for the intention, opinion, belief or purpose.

Service of documents

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

15 (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;

20 (b) by sending it by prepaid 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;

25 (d) by affixing a copy of the document in a conspicuous place at the individual’s residential address or business address;

(e) 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

30 (f) by sending it by email to the individual’s last email address.

(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 or other similar officer of the partnership; 5
- (b) by leaving it at, or by sending it by prepaid 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. 10

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or unincorporated association may be served —

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the manager of the limited liability partnership; 15
- (b) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office in Singapore of the body corporate or unincorporated association; 20
- (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or
- (d) by sending it by email to the last email address of the body corporate or unincorporated association. 25

(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 to whom it is sent; or 30

(c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

5 (6) However, service of any document under this Act on a person by email may be effected only with the person's prior written consent to service in that way.

(7) This section does not apply to documents to be served in proceedings in court.

(8) In this section —

10 “business address” means —

(a) in the case of an individual, the individual's usual or last known place of business in Singapore; or

15 (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;

“document” includes a notice permitted or required by this Act to be served;

20 “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;

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

Regulations

25 **48.** The Agency may, with the approval of the Minister, make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

PART 8

TRANSFER OF UNDERTAKINGS AND
PERSONNEL TO AGENCY**Interpretation of this Part**

49. In this Part — 5
- “agreement” includes an arrangement or undertaking;
- “asset”, in relation to the transferor, means property of any kind (whether tangible or intangible, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether actual or contingent) of the transferor on the eve of the transfer date and includes, without limitation, any — 10
- (a) legal or equitable interest in real or personal property, whether situated in or outside Singapore;
 - (b) chose in action; 15
 - (c) money or securities;
 - (d) plant and equipment, whether situated in or outside Singapore;
 - (e) intellectual property;
 - (f) infrastructure, whether situated in or outside Singapore; 20
 - (g) records and information (including data) in any form; and
 - (h) right;
- “Health Promotion Board” or “HPB” means the Health Promotion Board established by section 3 of the Health Promotion Board Act 2001; 25
- “liability”, in relation to the transferor, means any liability, duty or obligation (whether actual or contingent, liquidated or unliquidated, and whether owed alone or jointly, or jointly and severally, with any other person) of the transferor on the eve of the transfer date; 30

“records”, in relation to the transferor, means registers, papers, documents, minutes, receipts, books of account and other records, however compiled, recorded or stored, of the transferor existing on the eve of the transfer date;

5 “right”, in relation to the transferor, means any right, power, privilege or immunity of the transferor on the eve of the transfer date;

“transfer date” means the date of commencement of this Act;

“transferor” means one of the following, as the case may be:

10 (a) the Government;

(b) the Health Promotion Board;

“transferring HPB employee” means an employee of the Health Promotion Board who, on the eve of the transfer date, is in any of the departments of the Health Promotion Board as specified in Part 1 of the Schedule;

15 “transferring HPB functions” means the functions discharged by any of the departments of the Health Promotion Board as specified in Part 1 of the Schedule on the eve of the transfer date;

20 “transferring MOH employee” means an employee of the Government who, on the eve of the transfer date, is in any of the departments of the Ministry of Health as specified in Part 2 of the Schedule;

25 “transferring MOH functions” means the functions discharged by any of the departments of the Ministry of Health as specified in Part 2 of the Schedule on the eve of the transfer date.

Transfer of undertakings to Agency

30 **50.—**(1) On the transfer date, the following assets and liabilities are transferred to the Agency:

(a) all assets and liabilities of the Government that relate solely to the transferring MOH functions;

- (b) all assets and liabilities of the Health Promotion Board that relate solely to the transferring HPB functions.

(2) A certificate signed by the Minister certifying whether an asset or a liability specified in the certificate has been transferred to the Agency under subsection (1) is admissible in evidence in any proceedings as proof of the matters stated in the certificate. 5

(3) When any asset or liability of the transferor is transferred to the Agency under subsection (1), the following provisions have effect:

(a) the asset vests in the Agency without the need for any further conveyance, transfer, assignment or assurance; 10

(b) the liability becomes the liability of the Agency;

(c) all legal or other proceedings relating to that asset or liability that are pending immediately before the transfer date by or against the transferor (or a predecessor of the transferor) are taken to be proceedings pending by or against the Agency; 15

(d) any legal or other proceedings relating to that asset or liability which could have been started immediately before the transfer date by or against the transferor (or a predecessor of the transferor) may be started by or against the Agency; 20

(e) a judgment or order of a court or other tribunal obtained before the transfer date by or against the transferor (or a predecessor of the transferor) relating to that asset or liability becomes enforceable by or against the Agency; 25

(f) any document in any legal or other proceedings relating to that asset or liability that has been served on or by the transferor (or a predecessor of the transferor) before the transfer date is taken, where appropriate, to have been served on or by the Agency; 30

(g) any act, matter or thing done or omitted to be done before the transfer date in relation to that asset or liability by, to or in respect of the transferor (or a predecessor of the transferor) is (to the extent to which that act, matter or

thing has any force or effect) taken to have been done or omitted to be done by, to or in respect of the Agency;

5 (h) a reference to the transferor (or a predecessor of the transferor) in any Act, any instrument made under any Act, any agreement or any document of any kind is taken to be or includes (to the extent to which the reference relates to that asset or liability) a reference to the Agency;

10 (i) any agreement relating to that asset or liability and to which the transferor (or a predecessor of the transferor) is a party becomes enforceable by or against the Agency.

(4) The operation of this section does not —

(a) constitute a breach of, or default under, any Act or other law, or any agreement, or otherwise a civil wrong or criminal wrong;

15 (b) constitute a breach of any duty of confidence (whether arising by contract, in equity, by custom, or in any other way);

20 (c) constitute a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities or the disclosure of any information;

25 (d) terminate an agreement or obligation, or fulfil any condition that allows a person to terminate or otherwise releases a person from any agreement or obligation, or give rise to any right or remedy in respect of any agreement or obligation;

(e) cause any contract or other instrument to be void or otherwise unenforceable;

(f) frustrate any contract;

30 (g) release a surety or other obligor or obligee wholly or in part from an obligation; or

(h) constitute an event of breach of, or default under, any contract or other instrument.

(5) No attornment to the Agency by a lessee of the transferor is required.

Transfer of employees and secondees to Agency

51.—(1) On the transfer date, every transferring HPB employee and every transferring MOH employee — 5

(a) stops being an employee of the Health Promotion Board or the Government, as the case may be; and

(b) is each transferred to the service, and becomes an employee, of the Agency on terms no less favourable than those enjoyed by the employee on the eve of the transfer date. 10

(2) A certificate signed by the Minister certifying whether an individual named in the certificate has been transferred to the service of the Agency under subsection (1) is admissible in evidence in any proceedings as proof of the matters stated in the certificate. 15

(3) The transfer under subsection (1) of a transferring HPB employee or a transferring MOH employee (as the case may be) to the service of the Agency —

(a) does not interrupt continuity of that employee's service;

(b) does not constitute a retrenchment or redundancy of that employee's employment by the Health Promotion Board or the Government, as the case may be; and 20

(c) does not entitle that employee to any compensation or other payment or benefit merely because he or she stops being employed by the Health Promotion Board or the Government, as the case may be. 25

(4) Nothing in this section prevents —

(a) any of the terms and conditions of employment of an individual transferred to the service of the Agency under subsection (1) from being altered by or under any law, award or agreement with effect from any time after the transfer date; and 30

(b) an individual transferred to the service of the Agency under subsection (1) from resigning from that service any time after the transfer date, in accordance with the terms and conditions of his or her employment then applicable.

5 (5) To avoid doubt, section 18A of the Employment Act 1968 does not apply to the transfer under this Part of any transferring HPB employee or transferring MOH employee to the service of the Agency.

10 (6) On the transfer date, every public officer seconded to any of the departments of the transferor as specified in the Schedule under either of the following that is in force on the eve of the transfer date, continues on secondment to the Agency:

(a) an arrangement made by the Government;

15 (b) an agreement or arrangement between the Government and the Health Promotion Board.

(7) On the transfer date, every employee of a public body seconded to any of the departments of the transferor as specified in the Schedule under an agreement or arrangement between the transferor and that public body that is in force on the eve of the transfer date, continues on secondment to the Agency.

20

General preservation of employment terms, etc.

52.—(1) When a transferring HPB employee or transferring MOH employee is transferred to the service of the Agency under section 51(1) (called in this section a transferred employee), the transferred employee's service with the Agency must be regarded for all purposes as having been continuous with his or her service with the transferor immediately before the transfer date.

25

(2) On the transfer date —

30 (a) a transferred employee retains all accrued rights as if his or her employment with the Agency were a continuation of employment with the transferor;

(b) the liabilities of the transferor relating to the transferred employee's accrued rights to annual, sick, maternity or

other leave and superannuation become the liabilities of the Agency; and

- (c) a reference to the transferor in the contract of employment that had effect in relation to the transferred employee immediately before the transfer date is taken to be, or includes, a reference to the Agency. 5

(3) Until the time the Agency draws up the terms and conditions of employment for the transferred employee, the Agency is to be regarded as employing the transferred employee on the same terms and conditions of his or her employment with the transferor on the eve of the transfer date. 10

(4) Any term or condition of employment drawn up by the Agency relating to the length of service of the transferred employee with the Agency must recognise the length of service of that employee with the transferor (including any previous service of that employee taken to be service with the transferor) to be service with the Agency. 15

(5) For any conduct of the transferred employee when he or she was employed by the transferor which would have rendered that employee liable to be reprimanded, reduced in rank, retired, dismissed or punished by the transferor, the Agency may — 20

- (a) start any disciplinary proceedings against that employee;
- (b) carry on and complete any disciplinary proceedings started by the transferor against that employee if those proceedings are pending on the eve of the transfer date; and
- (c) reprimand, reduce in rank, retire, dismiss or otherwise punish that employee as if that employee were not transferred. 25

(6) Where, on the eve of the transfer date, any matter about the conduct of the transferred employee during his or her employment with the transferor concerned — 30

- (a) was in the course of being heard or investigated by a committee of the transferor acting under due authority; or

(b) had been heard or investigated, but no order, ruling or direction had been made, by that committee,

that committee must complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that date, and that order, ruling or direction is to be regarded as an order, ruling or direction of the Agency.

Transfer of records

53. On the transfer date, every record, or part of any record, of the transferor that relates to the following becomes the record of the Agency:

- (a) any asset or liability transferred to the Agency under section 50(1);
- (b) any transferring HPB employee;
- (c) any transferring MOH employee.

PART 9

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Consequential amendments to other Acts

54.—(1) In the Accounting Standards Act 2007, in the Schedule, after item 8, insert —

“8A. Communicable Diseases Agency Communicable Diseases Agency Act 2024”.

(2) In the Attorney-General (Additional Functions) Act 2014, in the Schedule, after item 5, insert —

“5A. Communicable Diseases Agency”.

(3) In the Central Provident Fund Act 1953, in the First Schedule, in paragraph 6, after item (9), insert —

“(9A) Communicable Diseases Agency.”.

(4) In the Infectious Diseases Act 1976, in the following provisions, replace “the Board” with “the Communicable Diseases Agency”:

Section 48(2)(b)(i)

Section 49

Section 50(4)

5

Section 63(1).

(5) In the Official Secrets Act 1935, in the Schedule, after item 5, insert —

“5A. Communicable Diseases Agency”.

(6) In the Public Sector (Governance) Act 2018, in the First Schedule, in Part 1, after item 7, insert —

10

“7A. Communicable Diseases Agency Communicable Diseases Agency Act 2024”.

(7) In the Statutory Bodies and Government Companies (Protection of Secrecy) Act 1983, in the Schedule, in Part 1, after item 5, insert —

15

“5A. Communicable Diseases Agency Communicable Diseases Agency Act 2024”.

(8) In the Statutory Corporations (Contributions to Consolidated Fund) Act 1989, in the Schedule, after item 8, insert —

“8A. Communicable Diseases Agency Communicable Diseases Agency Act 2024”.

20

Saving and transitional provision

55. For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

25

THE SCHEDULE

Sections 49 and 51(6) and (7)

PART 1

DEPARTMENTS OF HEALTH PROMOTION BOARD

1. Preventive Health Programs & Rewards Division, Communicable Diseases Branch
2. Research, Evaluation and Monitoring Division, National Immunisation Registry Branch

PART 2

GOVERNMENT DEPARTMENTS

1. Communicable Diseases Policy and Preparedness Division, Ministry of Health
2. Surveillance, Epidemiology and Response Division, Ministry of Health
3. Division of the Ministry of Health called the Interim Communicable Diseases Agency

EXPLANATORY STATEMENT

This Bill seeks to establish the Communicable Diseases Agency (called the Agency) and to make consequential amendments to certain other Acts.

Part 1 introduces the terms used in various provisions of the Bill.

Part 2 establishes the Agency and sets out its functions and powers.

Part 3 deals with the constitution and membership of the Agency.

Part 4 provides for decision-making by the Agency.

Part 5 deals with personnel matters.

Part 6 sets out the financial provisions of the Agency.

Part 7 provides for enforcement powers necessary for the administration of the Bill, as well as a variety of general provisions.

Part 8 contains provisions that transfer the relevant undertakings from the Ministry of Health (MOH) and the Health Promotion Board (HPB) to the Agency.

Part 9 makes consequential amendments to other Acts.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general interpretation provision. It contains definitions of terms used in the Bill.

PART 2

ESTABLISHMENT, FUNCTIONS AND POWERS OF AGENCY

Clause 3 establishes the Communicable Diseases Agency.

Clause 4 defines the nature and legal capacity of the Agency. The Agency is a body corporate with perpetual succession, and proceedings may be taken by or against the Agency in its corporate name.

Clause 5 describes the objective and functions of the Agency.

Clause 6 provides the Agency with broad powers to do all things necessary or expedient to perform its functions.

Clause 7 provides the Minister with power to give directions of a general nature to the Agency. The clause also provides for the Minister to have access to information in the possession of the Agency.

Clause 8 confers on the Agency the exclusive right to the use of one or more symbols or representations it selects or devises and to display or exhibit those symbols or representations in connection with the Agency's activities or affairs.

Clause 9 confers on the Agency the right to conduct its operations under its corporate name in full or under the acronym CDA.

PART 3

CONSTITUTION AND MEMBERSHIP OF AGENCY

Clause 10 deals with the membership of the Agency. It is to consist of at least 7 and not more than 15 members. One of those members may be the Chief Executive.

Clause 11 provides for the appointment of members of the Agency by the Minister charged with the responsibility for the Agency.

Clause 12 provides that in appointing members of the Agency, the Minister must have regard to whether the members of the Agency will collectively possess

the appropriate knowledge, skills and experience to assist the Agency to perform its functions effectively.

However, clause 12 disqualifies certain individuals from being members of the Agency.

Clause 13 provides for the appointment of a Chairperson and Deputy Chairperson from among members appointed, and their tenure.

Clause 14 deals with a premature vacancy occurring in the office of any member of the Agency and empowers the Minister to appoint an individual to fill the vacancy and hold that office for the remainder of the term for which the vacating member was appointed.

Clause 15 provides for the appointment of an acting Chairperson and acting member to act temporarily as the Chairperson or member (as the case may be) during any period, or during all periods, when the Chairperson or member is absent from duty or Singapore, or is, for any reason, unable to perform the duties of the office.

Clause 16 provides that the Minister has power, at any time and without giving any reason, to remove a member of the Agency from office.

Clause 17 deals with resignation from office by a member of the Agency.

Clause 18 provides that the powers and functions of the Agency are not affected merely because of (among other reasons) any vacancy in the membership of the Agency, or of any defect or irregularity about the appointment of a member.

The acts of an individual as a member of the Agency are not to be affected merely because there was some defect or irregularity existing in the appointment or continuance in office of the individual or (in the case of an individual acting in the capacity of the Chairperson, a member or the Chief Executive) the occasion for the individual so acting, or for his or her appointment, had not arisen or had ended.

Clause 19 provides that unless earlier vacated, each member of the Agency holds office for a period of 3 years or any shorter period specified in the instrument of appointment.

Clause 20 provides that the members of the Agency may be paid, out of the funds of the Agency, such salaries, fees and allowances as the Minister from time to time determines.

Clause 21 outlines the circumstances in which the office of a member becomes vacant.

Clause 22 clarifies that the Minister may specify other terms and conditions of appointment of a member in the instrument of appointment.

PART 4

DECISION-MAKING BY AGENCY

Clause 23 allows the Agency to regulate its own procedure, subject to the Bill and the Public Sector (Governance) Act 2018.

Clause 24 requires notices of meetings of the Agency to be given to all members.

Clause 25 prescribes the quorum to be one-third of the number of members or 3 members, whichever is higher.

Clause 26 provides for presiding at meetings.

Clause 27 specifies the process of voting at an Agency meeting. A member present at a meeting of the Agency is presumed to have agreed to, and to have voted in favour of, a resolution of the Agency unless he or she expressly dissents from or votes against the resolution at the meeting or is prevented from voting under section 26 of the Public Sector (Governance) Act 2018. Abstentions are thus impermissible.

Clause 28 provides the process for execution of documents by the Agency.

Clause 29 empowers the Agency, by resolution, to appoint any number of committees that it thinks fit for purposes which, in the opinion of the Agency, would be better regulated and managed by means of those committees.

Clause 30 allows a committee of the Agency to regulate its own procedure, subject to the Bill and the Public Sector (Governance) Act 2018.

Clause 31 allows the Agency to delegate some of its functions or powers, either generally or specially, by resolution and written notice, to a member of the Agency, the Chief Executive or any officer of the Agency, a committee or a subsidiary company of the Agency.

Clause 32 provides for the validity of acts of the delegate.

PART 5

PERSONNEL MATTERS

Clause 33 relates to the appointment of the Chief Executive of the Agency, which is also governed by Division 1 of Part 3 of the Public Sector (Governance) Act 2018. The Agency must appoint the Chief Executive with the prior approval of the Minister and the prior concurrence of the Public Service Commission.

Clause 34 provides for the Agency to appoint and employ officers, consultants and agents.

Clause 35 imposes on the members and delegates of the Agency, the Chief Executive, officers, agents and committee members of the Agency (collectively

called personnel of the Agency), the duty to preserve secrecy in relation to information obtained in that capacity.

Clause 36 protects personnel of the Agency, and any other person acting under the direction of the Agency, from personal liability for anything done in good faith and with reasonable care in the performance of the functions or exercise of the powers under the Bill.

PART 6

FINANCIAL PROVISIONS

Clause 37 prescribes the financial year of the Agency.

Clause 38 sets out the revenue and property of the Agency.

Clause 39 requires the Agency to open and maintain one or more bank accounts to be operated only by persons duly authorised by the Agency.

Clause 40 requires the Agency to keep proper accounts and records of its transactions and affairs, and to do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised, and that adequate control is maintained over the property and assets of, or in the custody of, the Agency and over the expenditure incurred by the Agency.

Clause 41 confers on the Agency the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

Clause 42 requires the Agency to issue shares to the Minister charged with the responsibility for finance where required, as a consequence of the vesting of any property, rights or liabilities in the Agency under the Bill or any capital injection or other investment by the Government in the Agency.

Clause 43 sets out the borrowing powers of the Agency.

PART 7

GENERAL

Clause 44 provides the power to compound offences that are prescribed as compoundable offences.

Clauses 45 and 46 are standard provisions regarding the liability of officers of corporations, unincorporated associations and partnerships which have committed an offence under the Bill.

Clause 47 deals with the service of documents as required or permitted under the Bill.

Clause 48 empowers the Agency, with the Minister's approval, to make regulations prescribing matters that are required or permitted by the Bill or are necessary or convenient to be prescribed for giving effect to the Bill.

PART 8

TRANSFER OF UNDERTAKINGS AND PERSONNEL TO AGENCY

Clause 49 contains definitions used for the purposes of Part 8.

Clause 50 provides for the transfer, on the transfer date (which is the date of commencement of the Bill), to the Agency of all assets and liabilities of the Government relating solely to the functions discharged by the specified MOH departments, and all assets and liabilities of the HPB relating solely to the functions discharged by the specified HPB departments.

Clause 50 also contains saving and transitional provisions, the general purpose of which is to put the Agency in the same legal position as the Government and HPB, from which assets or liabilities are transferred.

Clause 50 further declares that the transfer does not —

- (a) constitute a breach of, or default under, any Act or other law;
- (b) constitute a breach of, or default under, any contract or other instrument;
- (c) constitute a breach of any duty of confidence;
- (d) constitute a civil or criminal wrong;
- (e) terminate an agreement or obligation;
- (f) fulfil any condition that allows a person to terminate an agreement or obligation;
- (g) give rise to any other right or remedy; or
- (h) release a surety or other obligor or obligee wholly or in part from an obligation.

Clause 51 provides for the transfer of Government and HPB employees (a list of which is set out in the Schedule) to the employment of the Agency on the transfer date. The clause declares that the transfer does not interrupt continuity of service or constitute a retrenchment or redundancy and does not entitle any employee so transferred to any payment or other benefit. The clause also provides for civil servants and public body employees who are seconded to the Government or HPB to continue on secondment to the Agency.

Clause 52 declares that the transfer of employees does not affect remuneration, leave rights or continuity of service.

Clause 53 provides for the transfer of records from the Government and HPB to the Agency.

PART 9

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Clause 54 contains consequential amendments to other Acts on account of the formation of the Agency.

Clause 55 empowers the Minister charged with the responsibility for the Agency to make regulations prescribing such provisions of a saving or transitional nature consequent on the enactment of any provision in the Bill, as the Minister may consider necessary or expedient. The Minister has power to make such regulations only within 2 years after the date of commencement of the provision.

EXPENDITURE OF PUBLIC MONEY

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