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Social Residential Homes Bill

Bill No. 6/2025.

Read the first time on 7 March 2025.

SOCIAL RESIDENTIAL HOMES ACT 2025

(No. of 2025)

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title and commencement
2. General interpretation
3. Suitability assessment
4. Purposes of Act
5. Application of Act

PART 2

LICENSING OF OPERATORS OF SOCIAL RESIDENTIAL HOMES

6. Unauthorised operation of licensable SRH
7. Application for or to renew licence
8. Grant of licence
9. Licence validity
10. Conditions of licence
11. Modification of conditions of licence
12. Licence condition on maximum capacity of licensable SRHs
13. Restriction on transfer of licence
14. Voluntary cessation of operation of licensable SRH or surrender of licence
15. Lapse of licence, etc.
16. Register of licensees

PART 3

SPECIAL DUTIES OF LICENSEES

Section

17. Appointment of key appointment holders
18. Appointment of person-in-charge of licensable SRH
19. Deployment of individuals to carry out prescribed duties or classes of duties

PART 4

APPROVAL OF KEY APPOINTMENT HOLDERS,
PERSONS-IN-CHARGE AND PERSONS PERFORMING
DUTIES IN LICENSABLE SOCIAL RESIDENTIAL HOMES

20. Application for approval
21. Grant of approval
22. Conditions of approval
23. Modification of conditions of approval

PART 5

CODES OF PRACTICE AND DIRECTIONS

24. Codes of practice for licensees
25. Directions concerning safety, health, welfare and wellbeing of residents, etc.
26. Directions when licence expires, etc.

PART 6

STEP-IN ARRANGEMENTS FOR LICENSEES

27. Step-in order
28. Duration of step-in order or expedited step-in order
29. Rules and saving provisions for step-in arrangements

PART 7

REGULATORY ACTIONS

Division 1 — Regulatory actions against licensees

30. Revocation or suspension, etc., of licence
31. Proceedings for regulatory action against licensees
32. Immediate regulatory action against licensee

*Division 2 — Regulatory actions in respect
of approval granted under section 21*

Section

- 33. Regulatory action in respect of approved individuals
- 34. Proceedings for regulatory action in respect of approval granted under section 21
- 35. Immediate suspension of approval of approved individual

PART 8

PROTECTION OF RESIDENTS

- 36. Boards of Visitors
- 37. Use of reasonable force and mechanical restraints on residents
- 38. Restriction on publication or broadcast of information relating to residents of relevant licensed SRHs
- 39. Order to remove publication or broadcast in contravention of section 38

PART 9

ENFORCEMENT

- 40. Purposes for which enforcement powers are exercisable
- 41. Powers of entry, etc., at premises
- 42. Power to obtain information from licensee, etc.
- 43. Power of examination
- 44. Application of Criminal Procedure Code 2010, etc.
- 45. Obstructing inspecting officer
- 46. Notice to attend court
- 47. Composition of offences

PART 10

APPEALS

- 48. Interpretation of this Part
- 49. Appeal to Minister
- 50. Designate may hear appeal in place of Minister

PART 11

ADMINISTRATION

- 51. Authorised officers
- 52. Compliance officers

PART 12
MISCELLANEOUS

Section

- 53. Protection of persons giving information to inspecting officer, etc.
- 54. Protection from personal liability
- 55. Offences by corporations
- 56. Offences by unincorporated associations or partnerships
- 57. Jurisdiction of courts
- 58. Service of documents
- 59. Exemption
- 60. Amendment of Schedules
- 61. Regulations

PART 13

REPEAL, CONSEQUENTIAL AND RELATED
AMENDMENTS TO OTHER ACTS
AND FINAL PROVISIONS

- 62. Amendment of Central Provident Fund Act 1953
 - 63. Amendment of Children and Young Persons Act 1993
 - 64. Amendment of Destitute Persons Act 1989
 - 65. Amendment of Early Childhood Development Centres Act 2017
 - 66. Repeal of Homes for the Aged Act 1988
 - 67. Saving and transitional provisions for adult disability homes
 - 68. Saving and transitional provisions for homes for children and young persons
 - 69. Saving and transitional provisions for sheltered homes
 - 70. Saving and transitional provisions for welfare homes
 - 71. General saving and transitional provisions
 - First Schedule — Licensable social residential homes
 - Second Schedule — Specified offences
 - Third Schedule — Saving and transitional provisions for adult disability homes
 - Fourth Schedule — Saving and transitional provisions for homes for children and young persons
 - Fifth Schedule — Saving and transitional provisions for sheltered homes
 - Sixth Schedule — Saving and transitional provisions for welfare homes
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A BILL

intituled

An Act to provide for the regulation of social residential homes and other connected or incidental matters, to repeal the Homes for the Aged Act 1988, and to make consequential and related 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 Social Residential Homes Act 2025 and comes
5 into operation on a date that the Minister appoints by notification in
the *Gazette*.

General interpretation

2.—(1) In this Act —

“approved individual” means an individual whose —

- 10 (a) appointment as a key appointment holder of a licensee;
- (b) appointment as the person-in-charge of a licensable SRH; or
- 15 (c) deployment to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —
 - (i) the operation of a licensable SRH; or
 - (ii) the management of the residents of a licensable SRH,

20 is approved under section 21;

“authorised officer”, in relation to any provision of this Act, means a public officer who is appointed under section 51 as an authorised officer;

25 “biopsychosocial intervention” means any measure that is taken in respect of an individual to provide the individual with assistance to improve the quality of the individual’s life, including, but not limited to —

- 30 (a) behavioural modification therapy which seeks to modify any behaviour of the individual which may have a negative effect on the individual’s health;

(b) counselling on matters including, but not limited to, the emotions, family, financial state and career of the individual;

(c) occupational therapy;

(d) physical therapy; and

(e) psychological therapy;

5

“broadcast” means the broadcast of sounds or visual images —

(a) by wireless telegraphy or by means of a high frequency distribution system over wire or other paths provided by a material substance, and intended for general reception;

10

(b) through the Internet or any website, web service or Internet application, whether or not intended for general reception; or

(c) through any messaging system;

15

“code of practice” means a code of practice issued or approved under section 24, and includes any code of practice as amended under that section;

“compliance officer” means an individual who is appointed under section 52 as a compliance officer;

20

“corporation” means a body corporate formed or incorporated or existing in or outside Singapore, and includes any foreign company within the meaning of the Companies Act 1967;

“director” has the meaning given by section 4(1) of the Companies Act 1967;

25

“Director-General” means the Director-General of Social Welfare and includes any person who is, for the time being, discharging the duties of the Director-General of Social Welfare;

“grant” or “granted”, for a licence, includes —

30

(a) grant or granted on renewal; or

(b) treated as granted under the Fourth or Fifth Schedule or any other provision of this Act;

“inspecting officer” means the Director-General or an authorised officer;

5 “key appointment holder”, in relation to an applicant for a licence or a licensee, means —

(a) in the case of a corporation or limited liability partnership —

10 (i) a member of the board of directors or committee or board of trustees or other governing board of the applicant or licensee, as the case may be; or

15 (ii) any other individual, by whatever name called, who has general management or supervision of the applicant’s or licensee’s business of the licensable SRH to which the application or licence (as the case may be) relates;

(b) in the case of a partnership or limited partnership —

20 (i) a partner of the applicant or licensee, as the case may be; or

25 (ii) any other individual, by whatever name called, who has general management or supervision of the applicant’s or licensee’s business of the licensable SRH to which the application or licence (as the case may be) relates;

(c) in the case of a sole proprietorship —

(i) the sole proprietor of the applicant or licensee, as the case may be; or

30 (ii) any other individual, by whatever name called, who has general management or supervision of the applicant’s or licensee’s business of the licensable SRH to which the application or licence (as the case may be) relates; or

(d) in any other case — any individual, by whatever name called, who has general management or supervision of the applicant’s or licensee’s business of the licensable SRH to which the application or licence (as the case may be) relates;

5

“licence” means a licence that is granted under this Act and is in force;

“licensable social residential home” or “licensable SRH” means a social residential home specified in the First Schedule;

“licensee” means a person to whom a licence is granted under this Act;

10

“limited liability partnership” has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“messaging system” means any system that enables the transmission of short text messages, or of any visual communication, voice communication or electronic mail —

15

(a) from a digital mobile telephone to another digital mobile telephone;

(b) from an electronic mail address to a digital mobile telephone, or the other way around;

20

(c) from an electronic mail address to another electronic mail address; or

(d) in any other manner that may be prescribed;

“modification” or “modify”, in relation to the conditions of a licence or the conditions of an approval granted under section 21, includes deleting, varying and substituting a condition, and adding a condition;

25

“operate”, in relation to any premises, means to manage and maintain, in the course of business (whether or not for profit) the premises (whether self-owned or under lease) as a licensable SRH;

30

“partner”, in relation to a limited partnership, includes a limited partner in the limited partnership;

“person-in-charge”, in relation to a licensable SRH to which a licensee’s licence relates, means an individual who —

(a) is involved in the day-to-day management of the operation of the licensable SRH but not the general management or supervision of the licensee’s business of the licensable SRH;

(b) has the capacity, on behalf of the licensee, to influence the compliance of the licensee’s employees with the requirements under this Act;

(c) has access to, and is authorised to provide, any information relating to the licensee and the operation of the licensable SRH that is required by or under this Act; and

(d) is authorised to represent the licensee for the purposes of this Act in the operation of the licensable SRH;

“premises” means a building or structure (whether permanent or temporary) or part of the building or structure, and includes any immediately adjoining space or land necessary for access to, or the enjoyment of occupants of, the building or structure;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function, but excludes a Town Council established under section 4 of the Town Councils Act 1988;

“publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including through —

(a) the Internet or any website, web service or Internet application; or

(b) any messaging system;

“regulations” means any regulations made under section 61;

“regulatory action” means —

- (a) any action that may be taken by the Director-General under Division 1 of Part 7 against a licensee; or
- (b) any action that may be taken by the Director-General under Division 2 of Part 7 in respect of an approval granted under section 21,

as the case may be;

“relevant licensed SRH” has the meaning given by section 38(1);

“social residential home” or “SRH” means any premises that are used, or intended to be used, to provide residential accommodation and any one or more of the following to individuals, with or without board:

- (a) care;
- (b) biopsychosocial intervention;
- (c) support to carry out daily activities;

“step-in operator” means a person that is appointed under section 27(4) to take over the operations, or a specified part of the operations, of a licensee;

“support to carry out daily activities”, in relation to an individual, means any supervision or assistance that is provided to the individual who is unable to take care of himself or herself (whether partially or completely) in carrying out the individual’s daily activities, including, but not limited to —

- (a) bathing or dressing the individual;
- (b) enabling the individual to meet the individual’s toileting needs; and
- (c) if the individual has any mobility issue, assisting the individual to move or walk from one place to another place;

“unincorporated association” means a society or body unincorporate which, under any written law, may sue or be sued, or hold property, in the name of an officer of the society or body duly appointed for that purpose.

5 (2) In reckoning the age of a person for the purposes of this Act —

(a) the person is taken to have attained a particular age expressed in years on the relevant anniversary of the person’s birth;

10 (b) a reference to the anniversary of the person’s birth in paragraph (a) is a reference to the day on which the anniversary occurs; and

15 (c) where a person was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of the person’s birth is taken to be 28 February in that subsequent year.

(3) For the purposes of this Act, a person (*A*) deploys an individual (*B*) to carry out a duty if *B* —

(a) is in the direct employment of, or carrying out that duty for or by arrangement with, *A*; and

20 (b) is authorised to perform that duty for and on behalf of *A*.

(4) For the purposes of this Act —

25 (a) a licensee is not regarded as being granted a licence to operate a licensable SRH during the period the licensee’s licence is suspended under section 30(2)(b) or 32(2)(a)(i); and

(b) a licensee and an approved individual to or for whom approval is granted under section 21 for the licensee to —

(i) appoint the approved individual as a key appointment holder of the licensee;

30 (ii) appoint the approved individual as the person-in-charge of the licensable SRH to which the licensee’s licence relates; or

(iii) deploy the approved individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —

(A) the operation of the licensable SRH to which the licensee's licence relates; or

(B) the management of the residents of that licensable SRH,

are not regarded as being granted approval during the period the approval is suspended under section 33(2)(b) or 35(2)(a).

Suitability assessment

3.—(1) For the purposes of assessing —

(a) whether an applicant for a licence, an intended transferee or a licensee is a suitable person to operate a licensable SRH for the purposes of sections 8(2)(a), 13(3), 15(5) and 30(1)(d);

(b) whether —

(i) a key appointment holder or an intended key appointment holder of an applicant for a licence;

(ii) a key appointment holder or an intended key appointment holder of an intended transferee; or

(iii) a key appointment holder of a licensee,

is a suitable individual to be involved in the operation of a licensable SRH for the purposes of sections 8(2)(a), 13(3), 15(5) and 30(1)(d);

(c) whether an individual is a suitable individual to be appointed as a key appointment holder of a licensee for the purposes of sections 21(2) and 33(1)(f);

(d) whether an individual is a suitable individual to be appointed as the person-in-charge of a licensable SRH for the purposes of sections 21(2) and 33(1)(f); and

- (e) whether an individual is a suitable individual to be deployed to carry out a duty mentioned in section 19(1) for the purposes of sections 21(2) and 33(1)(f),

5 the Director-General must have regard, and give any weight that the Director-General considers appropriate, to any matters that may be prescribed.

(2) For the purposes of subsection (1), different matters may be prescribed for the assessments mentioned in subsection (1)(a) to (e), respectively.

10 (3) For the purposes of subsection (1), an inspecting officer may —

(a) carry out any inquiry or investigation that the Director-General considers necessary for a proper consideration of the prescribed matters; and

15 (b) request the applicant for a licence, intended transferee, licensee or individual concerned to provide, within a specified period, any information that the Director-General requires for a proper consideration of the prescribed matters.

20 (4) Despite any other law, the Commissioner of Police or a law enforcement agency may, on the request of the Director-General, provide a report in respect of any one or more of the prescribed matters for the purposes of a suitability assessment under this Act.

25 (5) To avoid doubt, for the purpose of assessing the suitability of a person under this section, the Director-General is not confined to consideration of the prescribed matters mentioned in subsection (1), and may take into account any other matters and evidence that may be relevant.

(6) In this section —

30 “intended transferee” means an intended transferee mentioned in section 13 or a suitable person to whom a licence is to be transferred under section 15(5);

“law enforcement agency” means —

- (a) the Singapore Police Force;
- (b) the Central Narcotics Bureau;
- (c) the Corrupt Practices Investigation Bureau; or
- (d) any other authority or person charged with the duty of investigating offences or charging offenders under any written law and designated by the Minister for the purposes of this definition. 5

Purposes of Act

4. The purposes of this Act are to regulate the operation of licensable SRHs, so as to ensure — 10

- (a) the safety, welfare and wellbeing of residents of the licensable SRHs; and
- (b) continuity of the provision of —
 - (i) residential accommodation; and 15
 - (ii) care, biopsychosocial intervention or support to carry out daily activities,
 to residents of the licensable SRHs.

Application of Act

5. This Act does not apply to, or in relation to, a social residential home operated by the Government. 20

PART 2

LICENSING OF OPERATORS OF
SOCIAL RESIDENTIAL HOMES**Unauthorised operation of licensable SRH**

5 **6.—(1)** A person must not operate a licensable SRH unless the person —

 (a) is authorised to do so by a licence;

 (b) is exempt from this section; or

10 (c) is directed by the Director-General under section 26(3) to do so despite the expiry, lapse or revocation of the licence for that licensable SRH.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

15 (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; but

 (b) if the person has any previous qualifying conviction, to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) In subsection (2), “qualifying conviction” means —

20 (a) a conviction for an offence under subsection (2); or

 (b) a conviction (whether before, on or after the date of commencement of this section) for an offence under —

25 (i) section 4(1) or (4) of the Homes for the Aged Act 1988 as in force immediately before the date of commencement of this section; or

 (ii) section 62(2) of the Children and Young Persons Act 1993 as in force immediately before the date of commencement of this section.

Application for or to renew licence

30 **7.—(1)** An application for or to renew a licence must be made to the Director-General in accordance with this section.

- (2) An application for or to renew a licence must —
- (a) be made in the form and manner specified by the Director-General;
 - (b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner specified by the Director-General; and
 - (c) be accompanied by the prescribed information and any other additional information that the Director-General requires to decide on the application.
- (3) In addition, an application to renew a licence must —
- (a) be made no later than a prescribed period before the date of expiry of the licence (if prescribed) (called in this section the renewal deadline), unless otherwise allowed by the Director-General in any particular case, which must then be treated as a late renewal application; and
 - (b) if made later than the renewal deadline, be accompanied by a non-refundable late renewal application fee (if prescribed) paid in the manner specified by the Director-General.
- (4) The Director-General may refuse an application for or to renew a licence —
- (a) that is incomplete or not made in accordance with this section; or
 - (b) where an inquiry or investigation mentioned in subsection (5) in relation to the application is refused by the applicant.
- (5) Upon receiving an application for or to renew a licence, the Director-General may, without limiting section 3(3) —
- (a) carry out, or arrange to be carried out by any authorised officer, any inquiry or investigation in relation to the application that the Director-General considers necessary for a proper consideration of the application, which may include an inspection of the premises where the applicant

intends to operate the licensable SRH to be authorised by the licence; and

- (b) request that the applicant provide, within a specified period, any additional information that the Director-General requires for a proper consideration of the application.

Grant of licence

8.—(1) Subject to this section, after considering any application under section 7 for or to renew a licence, the Director-General may —

- (a) on payment of —

(i) a licence fee (if prescribed), grant the applicant a licence; or

(ii) a renewal fee (if prescribed), renew the licence; or

- (b) refuse to grant or renew the licence, as the case may be.

(2) In deciding whether an applicant should be granted a licence, or whether an applicant's licence should be renewed, and the conditions to impose or modify, the Director-General must have regard, and give any weight that the Director-General considers appropriate, to all of the following matters:

(a) whether the applicant, and every key appointment holder (including every intended key appointment holder) of the applicant, are suitable persons to operate or be involved in the operation of (as the case may be) the licensable SRH to which the application relates;

(b) whether the premises are suitable to be used as the licensable SRH to which the application relates, having regard to —

(i) the capacity of the premises to provide accommodation, facilities and equipment for the residents of the licensable SRH; and

(ii) the fire safety, public health and sanitation requirements prescribed under this Act or any other written law;

- (c) the likelihood that the applicant, in operating the licensable SRH to which the application relates, will comply with the requirements of this Act and any code of practice applicable to the licensable SRH;
- (d) the applicant's ability to operate the licensable SRH to which the application relates in a manner that ensures the safety, welfare and wellbeing of the residents of the licensable SRH; 5
- (e) whether it would be contrary to the development of the social services sector for the licence to be granted to the applicant; 10
- (f) whether it would be otherwise contrary to the public interest for the licence to be granted to the applicant.

(3) To avoid doubt, the Director-General is not confined to consideration of the matters specified in subsection (2) and may take into account any other matters and evidence that may be relevant. 15

(4) Without affecting subsection (1), the Director-General may grant a renewal of a licence with or without modifying the conditions of the licence, but section 11(2), (3) and (4) does not apply to, or in relation to, granting a renewal of a licence with modifications to the conditions of the licence. 20

(5) The Director-General may subdivide the licences that the Director-General grants under this section into classes, such as according to the type of licensable SRH that a licence authorises a licensee to operate, and may grant a licence accordingly. 25

Licence validity

9. Every licence granted under this Part is in force for the period specified in the licence —

- (a) except when the licence is suspended under section 30(2)(b) or 32(2)(a)(i); or 30
- (b) unless the licence —
 - (i) is surrendered under section 14;

- (ii) lapses under section 15; or
- (iii) is earlier revoked under section 15(6) or 30(1),

and may be renewed upon its expiry.

Conditions of licence

5 **10.**—(1) In granting a licence to any person, the Director-General may impose any condition that the Director-General considers necessary or expedient having regard to the purposes of this Act.

(2) In particular, the Director-General may impose conditions that are necessary, expedient or conducive to the attainment or furtherance
10 of the licensing objectives, such as conditions relating to —

- (a) the maximum number of residents that a licensee may admit to the licensable SRH to which the licence relates;
- (b) the operation and maintenance of the licensable SRH;
- (c) the safety and security of residents of the licensable SRH;
- 15 (d) the provision of care, biopsychosocial intervention or support to carry out daily activities to residents of the licensable SRH;
- (e) the conduct of employees, agents and contractors of the licensee;
- 20 (f) the safety and security of the licensable SRH so as to ensure the safety of persons performing duties or engaged in work at the licensable SRH; and
- (g) any requirement for the licensee to undergo (at the licensee's own cost) and pass any audit that the
25 Director-General may require to ascertain the licensee's compliance with —
 - (i) the provisions of this Act;
 - (ii) the conditions of the licence;
 - 30 (iii) the applicable codes of practice issued, approved or amended by the Director-General under section 24; and

(iv) any direction given by the Director-General under section 25 or 26.

(3) The Director-General may, under subsection (2), impose —

- (a) conditions generally applicable to all licences;
- (b) conditions applicable to a particular class of licence; or
- (c) conditions specially applicable to a particular licence.

5

Modification of conditions of licence

11.—(1) Subject to this section, it is lawful for the Director-General to modify the conditions of a licence without compensating the licensee concerned.

10

(2) Before modifying any condition of a licence, the Director-General must, unless subsection (5) applies, give written notice to the licensee holding the licence —

- (a) stating that the Director-General proposes to make the modification in the manner specified in the written notice; and
- (b) specifying the period (being at least 7 days after the date of service of the written notice on the licensee) within which the licensee may make written representations to the Director-General with respect to the proposed modification.

15

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(3) Upon receiving any written representation mentioned in subsection (2)(b), the Director-General must consider that written representation and may —

- (a) reject the written representation;
- (b) amend the proposed modification of any condition of the licence in any manner that the Director-General thinks fit having regard to the written representation; or
- (c) withdraw the proposed modification.

25

(4) Where —

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- (a) the Director-General rejects any written representation under subsection (3)(a);

(b) the Director-General amends the proposed modification of any condition of the licence under subsection (3)(b); or

(c) no written representation is received by the Director-General within the period specified in the written notice under subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn,

the Director-General must issue a written direction to the licensee requiring the licensee, within the period specified by the Director-General, to give effect to the modification as specified in the written notice under subsection (2) or as amended by the Director-General under subsection (3)(b), as the case may be.

(5) However, where the Director-General considers that it is impracticable or undesirable to give written notice under subsection (2) before modifying the conditions of a particular licence, in the circumstances of the particular case because of danger or risk to —

(a) the security and good order within the licensable SRH; or

(b) the safety of the residents of the licensable SRH,

the Director-General may, without compensating the licensee concerned, and by giving written notice to that licensee, modify the conditions of the particular licence with immediate effect.

Licence condition on maximum capacity of licensable SRHs

12.—(1) This section applies if, in granting a licence, the Director-General specifies the maximum number of residents that a licensee may admit to the licensable SRH to which the licence relates (called in this section the maximum capacity), as a condition imposed under section 10.

(2) The licensee may apply to the Director-General for the Director-General's consent for a variation of the maximum capacity of the licensable SRH.

(3) An application for the Director-General's consent under subsection (2) must be made in writing by the licensee.

(4) After considering the matters that may be prescribed (if any), the Director-General may —

- (a) subject to subsection (5), give consent for the variation of the maximum capacity of the licensable SRH; or
- (b) refuse (without compensation) to give consent for the variation. 5

(5) Any consent under subsection (4)(a) may be given subject to compliance with any conditions that the Director-General thinks fit to impose, which may include conditions modifying, or requiring or otherwise providing for modifications to, the conditions of the licence, but section 11(2), (3) and (4) does not apply to, or in relation to, these modifications to the conditions of the licence. 10

Restriction on transfer of licence

13.—(1) A licence, and any rights, benefits or privileges under the licence, are not transferable or assignable to any other person unless the Director-General consents in writing to the transfer or assignment. 15

(2) An application for the Director-General's consent under subsection (1) must be made jointly in writing by —

- (a) the licensee; and 20
- (b) the intended transferee,

no later than a prescribed time, being a time before the licence expires.

(3) After considering the matters mentioned in section 8(2) and any other matters that may be prescribed, the Director-General may — 25

- (a) subject to subsection (4), give consent under subsection (1) for the transfer or assignment; or
- (b) refuse (without compensation) to give consent for the transfer or assignment.

(4) Any consent under subsection (1) may be given subject to compliance with any conditions that the Director-General thinks fit to impose, which may include conditions modifying, or requiring or otherwise providing for modifications to, the conditions of the licence, but section 11(2), (3) and (4) does not apply to, or in relation to, these modifications to the conditions of the licence.

(5) A transfer or an assignment, or a purported transfer or assignment, of a licence, or of any rights, benefits or privileges under the licence, is void and of no effect —

- (a) if the licence is not capable of transfer or assignment;
- (b) if the transfer or assignment, or purported transfer or assignment, contravenes a condition of the licence; or
- (c) if there has, before the transfer or assignment or purported transfer or assignment, been a contravention of a condition imposed under subsection (4).

(6) In this section, “intended transferee”, for a licence, means the person to whom the licence, or any rights, benefits or privileges under the licence, is intended to be transferred or assigned.

Voluntary cessation of operation of licensable SRH or surrender of licence

14.—(1) A licensee must not, without giving the Director-General prior written notice —

- (a) wholly and permanently stop operating the licensable SRH to which the licence relates, except upon the lapsing of the licence; or
- (b) for any reason surrender the licence.

(2) A written notice under subsection (1) must be given to the Director-General no later than the prescribed time before either of the following dates, whichever is applicable:

- (a) the date on which the licensee is to wholly and permanently stop operating the licensable SRH to which the licence relates;

(b) the date on which the licensee intends to surrender the licence.

(3) No part of any licence fee, renewal fee or other fee may be refunded to the licensee upon the cessation of the operation of a licensable SRH or surrender of a licence under this section. 5

Lapse of licence, etc.

15.—(1) Where a licensee is not an individual, a licence for a licensable SRH lapses on the date the licensee ceases to exist, unless the licence had expired or was earlier revoked under section 30(1).

(2) Where a licensee who is an individual dies, the licensable SRH continues to be licensed under this Act for the remaining term of the licence unless the licence — 10

(a) lapses under subsection (4); or

(b) is earlier revoked under subsection (6) or section 30(1).

(3) Where a licensee (who is an individual) dies, every key appointment holder of the deceased licensee must ensure that within 21 days after the licensee's death, the Director-General is notified of the death. 15

(4) If the Director-General is not notified of the licensee's death within 21 days after the death (whether or not by a key appointment holder of the deceased licensee), the licence lapses and the licensable SRH ceases to be licensed under this Act upon the expiry of that period. 20

(5) If the Director-General is notified of the licensee's death within 21 days after the death (whether or not by a key appointment holder of the deceased licensee under subsection (3)), the Director-General may, after considering the prescribed matters in section 8(2) and any other matters that may be prescribed, either by way of endorsement on the licence or otherwise in writing, transfer the licence to a suitable person, and upon such transfer, that person becomes the licensee of the licensable SRH for the remaining term of the licence. 25 30

(6) If the licence is not transferred in accordance with subsection (5) within 3 months after the licensee's death, the

Director-General may revoke the licence and upon the revocation, the licensable SRH ceases to be licensed under this Act.

(7) The revocation of the licence under subsection (6) must be published in the *Gazette*.

- 5 (8) This section does not affect or diminish any right of any person who is beneficially entitled under a will or by intestate succession to receive any benefits in respect of the licensable SRH to which the licence relates.

Register of licensees

- 10 **16.** The Director-General must cause to be kept and maintained a register of licensees in the form and manner, and containing the information, that the Director-General thinks fit.

PART 3

SPECIAL DUTIES OF LICENSEES

15 **Appointment of key appointment holders**

- 17.—(1) Subject to subsections (3) and (4), a licensee must ensure that, at all times when the licensee is operating a licensable SRH under the authority of a licence, a prescribed minimum number of key appointment holders is appointed by the licensee to manage and supervise the business of the licensable SRH.
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(2) A licensee must not allow an individual to act as the licensee's key appointment holder except with the prior approval of the Director-General granted under section 21.

- (3) Where the Director-General has (under section 33(1)) cancelled the approval granted under section 21 in respect of the licensee's appointment of the individual as the licensee's key appointment holder (called in this section the section 21 approval), the licensee must not allow the individual to continue to act as the licensee's key appointment holder.
- 25

- (4) Where the Director-General has (under section 33(2)(b)(i) or 35(1)) suspended the section 21 approval, the licensee must not allow the individual to continue to act as the licensee's key
- 30

appointment holder for the period during which the section 21 approval is suspended.

(5) A licensee who fails to comply with subsection (2), (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

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Appointment of person-in-charge of licensable SRH

18.—(1) Subject to subsections (4) and (5), a licensee must ensure that, at all times when the licensee is operating a licensable SRH under the authority of a licence, an individual is appointed by the licensee as the person-in-charge of the licensable SRH.

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(2) To avoid doubt, for every licensable SRH, there can only be one (and only one) person-in-charge for that licensable SRH.

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(3) A licensee must not allow an individual to act as the person-in-charge of the licensable SRH to which the licensee's licence relates except with the prior approval of the Director-General granted under section 21.

(4) Where the Director-General has (under section 33(1)) cancelled the approval granted under section 21 in respect of the licensee's appointment of the individual as the person-in-charge of the licensable SRH to which the licensee's licence relates (called in this section the section 21 approval), the licensee must not allow the individual to continue to act as the person-in-charge of the licensable SRH.

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(5) Where the Director-General has (under section 33(2)(b)(ii) or 35(1)) suspended the section 21 approval, the licensee must not allow the individual to continue to act as the person-in-charge of the licensable SRH to which the licensee's licence relates for the period during which the section 21 approval is suspended.

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(6) A licensee who fails to comply with subsection (3), (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding

12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Deployment of individuals to carry out prescribed duties or classes of duties

5 **19.**—(1) A licensee must not deploy an individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —

10 (a) the operation of the licensable SRH to which the licensee’s licence relates; or

(b) the management of the residents of that licensable SRH, unless the deployment is with the prior approval of the Director-General granted under section 21.

15 (2) Where the Director-General has (under section 33(1)) cancelled the approval granted under section 21 in respect of the licensee’s deployment of an individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —

(a) the operation of the licensable SRH to which the licensee’s licence relates; or

20 (b) the management of the residents of that licensable SRH, the licensee must not allow the individual to continue to be deployed to carry out that duty.

25 (3) Where the Director-General has (under section 33(2)(b)(iii) or 35(1)) suspended the approval granted under section 21 in respect of the licensee’s deployment of an individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —

(a) the operation of the licensable SRH to which the licensee’s licence relates; or

(b) the management of the residents of that licensable SRH, the licensee must not allow the individual to continue to be deployed to carry out that duty for the period during which the approval is suspended.

(4) The Minister may, by regulations, exclude any individual or class of individuals from the application of this section, subject to any condition that the Minister thinks fit. 5

(5) A licensee who fails to comply with subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction. 10

PART 4

APPROVAL OF KEY APPOINTMENT HOLDERS, PERSONS-IN-CHARGE AND PERSONS PERFORMING DUTIES IN LICENSABLE SOCIAL RESIDENTIAL HOMES 15

Application for approval

20.—(1) An application for approval for a licensee to appoint an individual as a key appointment holder of the licensee must be made jointly by the licensee and the individual in accordance with this section. 20

(2) An application for approval for a licensee to appoint an individual as the person-in-charge of the licensable SRH to which the licensee's licence relates must be made jointly by the licensee and the individual in accordance with this section. 25

(3) An application for approval for a licensee to deploy an individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —

(a) the operation of the licensable SRH to which the licensee's licence relates; or 30

(b) the management of the residents of that licensable SRH, must be made jointly by the licensee and the individual in accordance with this section.

(4) An application under subsection (1), (2) or (3) must be made to the Director-General in the form and manner specified by the Director-General and be accompanied by —

(a) a non-refundable application fee (if prescribed) paid in the manner specified by the Director-General; and

(b) any information that the Director-General requires to decide on the application.

(5) The Director-General may refuse an application under subsection (1), (2) or (3) that is incomplete or not made in accordance with this section.

Grant of approval

21.—(1) After considering an application for approval under section 20 for a licensee to —

(a) appoint an individual as a key appointment holder of the licensee;

(b) appoint an individual as the person-in-charge of the licensable SRH to which the licensee's licence relates; or

(c) deploy an individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —

(i) the operation of the licensable SRH to which the licensee's licence relates; or

(ii) the management of the residents of that licensable SRH,

the Director-General may —

(d) on payment of a fee (if prescribed), grant the approval; or

(e) refuse to grant the approval.

(2) The Director-General must not grant approval for a licensee to —

- (a) appoint an individual as a key appointment holder of the licensee;
- (b) appoint an individual as the person-in-charge of the licensable SRH to which the licensee's licence relates; or 5
- (c) deploy an individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —
 - (i) the operation of the licensable SRH to which the licensee's licence relates; or 10
 - (ii) the management of the residents of that licensable SRH,

if the Director-General is satisfied that the individual is not a suitable person to be so appointed or so deployed. 15

Conditions of approval

22.—(1) In granting any approval under section 21, the Director-General may impose any condition on the licensee or approved individual, or both, that the Director-General considers necessary or expedient having regard to the purposes of this Act. 20

(2) The Director-General may impose different conditions in respect of —

- (a) different classes of licensees or licensees under different circumstances; or
- (b) different classes of approved individuals or approved individuals under different circumstances. 25

(3) In particular, an approval granted under section 21 in respect of an individual may include conditions restricting the individual from —

- (a) having unsupervised direct access to any resident of the licensable SRH; or 30

- (b) handling financial matters and moneys relating to the operation of the licensable SRH.

Modification of conditions of approval

23.—(1) Subject to this section, it is lawful for the Director-General to modify the conditions of an approval without compensating the licensee and approved individual concerned.

(2) Before modifying any condition of an approval, the Director-General must, unless subsection (5) applies, give written notice to the licensee and approved individual, respectively —

(a) stating that the Director-General proposes to make the modification in the manner specified in the written notice; and

(b) specifying the period (being at least 7 days after the date of service of the written notice on the licensee and approved individual or, where the written notices are served on the licensee and approved individual on different dates, the later of those dates) within which written representations may be made to the Director-General with respect to the proposed modification.

(3) Upon receiving any written representation mentioned in subsection (2)(b), the Director-General must consider that written representation and may —

(a) reject the written representation;

(b) amend the proposed modification of any condition of the approval in any manner that the Director-General thinks fit having regard to the written representation; or

(c) withdraw the proposed modification.

(4) Where —

(a) the Director-General rejects any written representation under subsection (3)(a);

(b) the Director-General amends the proposed modification of any condition of the approval under subsection (3)(b); or

- (c) no written representation is received by the Director-General within the period specified in the written notice under subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn,

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the Director-General must issue a written direction to the licensee or approved individual or both, requiring the licensee or approved individual or both, within the period specified by the Director-General, to give effect to the modification as specified in the written notice under subsection (2) or as amended by the Director-General under subsection (3)(b), as the case may be.

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(5) However, where the Director-General considers that it is impracticable or undesirable to give written notice under subsection (2) before modifying the conditions of a particular approval, in the circumstances of the particular case because of danger or risk to —

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- (a) the security and good order within the licensable SRH; or
 (b) the safety of the residents of the licensable SRH,

the Director-General may, without compensating the licensee and approved individual concerned, and by giving written notice to that licensee and approved individual, modify the conditions of the particular approval with immediate effect.

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PART 5

CODES OF PRACTICE AND DIRECTIONS

Codes of practice for licensees

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24.—(1) The Director-General may —

- (a) issue one or more codes of practice applicable to all licensees or the licensees of one or more specified classes of licences;
- (b) approve as a code of practice applicable to all licensees or the licensees of one or more specified classes of licences any document prepared by a person other than the

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Director-General, as in force at a particular time or as amended from time to time, if the Director-General considers the document suitable for this purpose; and

- (c) amend or revoke any code of practice issued under paragraph (a) or approved under paragraph (b),

with respect to all or any of the matters mentioned in subsection (2).

(2) The matters for the purposes of subsection (1) are —

(a) the conduct of licensees;

(b) the measures necessary for licensees to deal with any outbreak of infectious disease, plague, epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any other public emergency; and

(c) for licensees —

(i) the management, administration and operation of licensable SRHs;

(ii) the provision of services and facilities at licensable SRHs;

(iii) the quality of any aspect of the services and facilities provided at licensable SRHs; and

(iv) the safety and security of residents of, and persons who are engaged in any work at, licensable SRHs.

(3) A code of practice may, in particular, specify the duties and obligations of any licensee in relation to the operation of any licensable SRH to which the licence relates.

(4) If any provision in any code of practice is inconsistent with any provision of this Act, the provision, to the extent of the inconsistency —

(a) is to have effect subject to this Act; or

(b) having regard to this Act, is not to have effect.

(5) Where any code of practice is issued, approved, amended or revoked by the Director-General under subsection (1), the Director-General must —

- (a) publish a notice of the issue, approval, amendment or revocation (as the case may be) of the code of practice in any manner that will secure adequate publicity for such issue, approval, amendment or revocation;
- (b) specify in the notice mentioned in paragraph (a), the date of issue, approval, amendment or revocation, as the case may be; and
- (c) ensure that, so long as the code of practice remains in force, copies of that code of practice are available for inspection, free of charge, by licensees to whom the code of practice applies.

(6) No issued or approved code of practice, no amendment to any issued or approved code of practice, and no revocation of any issued or approved code of practice, has any force or effect until the notice mentioned in subsection (5) is published in accordance with that subsection.

(7) A code of practice issued or approved under this section does not have any legislative effect.

(8) Subject to subsection (9), every licensee must comply with the relevant codes of practice applicable to the licensee.

(9) The Director-General may, either generally or for any period that the Director-General may specify, waive the application of any code of practice or any part of a code of practice issued or approved under this section to any licensee.

(10) Any contravention or failure to comply by a licensee with any code of practice applicable to the licensee does not of itself render the licensee liable to criminal proceedings, but the contravention or failure may, in any proceedings (criminal or otherwise under this Act) in connection with an offence under this Act, be relied on by any party to those proceedings as tending to establish or negate any liability which is in question in those proceedings.

Directions concerning safety, health, welfare and wellbeing of residents, etc.

25.—(1) The Director-General may give a direction to a licensee or an approved individual if the Director-General —

5 (a) has reasonable grounds to believe that there are circumstances that may endanger, or are likely to endanger, the safety, health, welfare or wellbeing of the residents of or other individuals at a licensable SRH;

10 (b) considers it necessary or expedient for the purpose of protecting the safety, health, welfare or wellbeing of the residents of a licensable SRH; or

15 (c) considers it necessary or expedient to ensure continuity of the provision of residential accommodation and the provision of care, biopsychosocial intervention or support to carry out daily activities to residents of a licensable SRH.

(2) Subject to subsection (3), any direction given under subsection (1) —

20 (a) may, either generally or for any period that the Director-General may specify, require the licensee or approved individual concerned (according to the circumstances of the case) to do, or to refrain from doing, anything specified in the direction or of a description specified in the direction;

25 (b) takes effect from the date mentioned in subsection (9); and

 (c) may be varied or revoked at any time by the Director-General.

30 (3) A direction given under subsection (1) is not to have effect if the direction requires the licensee or approved individual concerned to do, or to refrain from doing, anything that the licensee or approved individual is already required to do, or to refrain from doing —

 (a) where the direction applies to the licensee —

 (i) under any provision of this Act;

- (ii) under a condition imposed under section 10 or 22;
- (iii) under a provision of a code of practice applicable to the licensee under section 24; or
- (iv) under a prior direction given under section 11(4), 23(4), 26(3) or 27(4)(e); or

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(b) where the direction applies to the approved individual —

- (i) under any provision of this Act;
- (ii) under a condition imposed under section 22; or
- (iii) under a prior direction given under section 23(4) or 26(3).

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(4) To avoid doubt, a direction may, under the circumstances mentioned in subsection (1)(a), require a licensee to stop the operation of a licensable SRH or any part of the operation of a licensable SRH until the Director-General is satisfied that those circumstances no longer exist.

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(5) Before giving a direction under subsection (1) to a licensee or an approved individual, the Director-General must, unless subsection (8) applies, give written notice to the licensee or approved individual —

- (a) stating that the Director-General intends to give a direction to the licensee or approved individual under this section and the nature of the direction; and
- (b) specifying the period (being at least 7 days after the date of service of the written notice on the licensee or approved individual) within which written representations may be made to the Director-General with respect to the proposed direction.

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(6) The Director-General may decide to give or not to give, or to modify, the direction as the Director-General considers appropriate —

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- (a) after considering any written representation made to the Director-General pursuant to the written notice mentioned in subsection (5); or

(b) after the period specified in the written notice under subsection (5)(b) lapses, where no written representation is made or any written representation made is subsequently withdrawn.

5 (7) The Director-General must serve on the licensee or approved individual concerned a written notice of the Director-General's decision under subsection (6).

(8) However, where the Director-General considers that it is impracticable or undesirable to give written notice under subsection (5) before giving the direction under subsection (1), in the circumstances of the particular case because of danger or risk to —

(a) the security and good order within the licensable SRH; or

(b) the safety or health of the residents of the licensable SRH,

15 the Director-General may give the direction to the licensee or approved individual concerned without having to give the written notice.

(9) A direction given to a licensee or an approved individual under subsection (1) takes effect from —

20 (a) the date on which the written notice under subsection (7) is served, or any later date that the written notice may specify; or

(b) in a case where subsection (8) applies, the date on which the direction is given by the Director-General to the licensee or approved individual or any later date that the direction may specify.

(10) Every licensee or approved individual must comply with every direction given under this section to the licensee or approved individual (as the case may be) as soon as the direction takes effect.

30 (11) A licensee or an approved individual who fails to comply with a direction given under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding

\$1,000 for every day or part of a day during which the offence continues after conviction.

Directions when licence expires, etc.

26.—(1) This section applies where any of the following, each called in this section a relevant event, occurs:

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(a) a licence expires, or is expiring, but no application to renew the licence is made before the renewal deadline mentioned in section 7(3);

(b) a licence is transferred under section 13;

(c) a licensee ceases to operate the licensable SRH specified in the licence or surrenders the licence, or gives written notice under section 14 of the cessation of the operation of the licensable SRH or surrender of the licence;

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(d) a licensee (who is an individual) dies but the licence has not been revoked under section 15(6) or 30(1) or has not lapsed under section 15(4);

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(e) a licence lapses under section 15;

(f) a licensee is given a direction under section 25 to cease the operation of a licensable SRH or any part of a licensable SRH;

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(g) a licensee is given written notice of the revocation, suspension or shortening of the term, of the licence under section 30.

(2) The purposes of this section are —

(a) to secure the orderly cessation of the licensee's operation of a licensable SRH with minimal disruption to the residents of the licensable SRH; and

25

(b) where the residents of the licensable SRH are also provided with care, biopsychosocial intervention or support to carry out daily activities, to ensure continuity of the provision of care, biopsychosocial intervention or support to carry out daily activities to the residents.

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(3) The Director-General may, for the purposes of this section, give directions to one or more of the following persons:

(a) the licensee;

(b) a key appointment holder of the licensee;

5 (c) if there is no key appointment holder of the licensee who is able to comply with the directions, any person who was a key appointment holder of the licensee in the period of 6 months immediately preceding the date of the relevant event mentioned in subsection (1).

10 (4) Without limiting subsection (3), the Director-General may give all or any of the following directions under that subsection:

(a) that the licensee must appoint one or more key appointment holders mentioned in subsection (3)(b) or former key appointment holders mentioned in
15 subsection (3)(c) to do either or both of the following:

(i) oversee the orderly transfer of the residents to another licensable SRH;

(ii) advise the licensee on the operation of the licensable SRH mentioned in subsection (2);

20 (b) that the licensee must provide the Director-General with any assistance that the Director-General may specify with respect to alternative arrangements for the residents relating to their residential accommodation and whichever of the following the licensee provides to the
25 residents:

(i) care;

(ii) biopsychosocial intervention;

(iii) support to carry out daily activities;

30 (c) any other direction that the Director-General thinks is necessary to ensure the orderly cessation of the licensee's operation of the affected licensable SRH so as to cause minimal disruption to the residents, which may include a direction for the continued operation of the affected

licensable SRH for any period that the Director-General may specify.

(5) A direction given under subsection (3) takes effect from the date it is served on the person to whom it is addressed, or on any later date that the direction may specify. 5

(6) A person to whom a direction is given under subsection (3) must comply with the direction as soon as it takes effect.

(7) A person who, without reasonable excuse —

(a) fails to comply with a direction given under subsection (3);
or 10

(b) fails to comply with a direction given under subsection (3) within the period specified by the Director-General,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction. 15

(8) In this section, “licensee” includes a person who has ceased to hold a licence.

PART 6 20

STEP-IN ARRANGEMENTS FOR LICENSEES

Step-in order

27.—(1) The Minister may make an order under this section (called in this Part a step-in order) if —

(a) the licence of a licensee is suspended, revoked or surrendered; 25

(b) a licensee —

(i) is, or is likely to be, declared a bankrupt;

(ii) has gone, or is likely to go, into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or 30

(iii) is, or is likely to be, placed under the judicial management of a judicial manager under any written law relating to the insolvency of companies;

5 (c) a licensee is contravening or not complying with any provision of this Act;

(d) a licensee is operating the licensable SRH to which the licensee's licence relates in a manner that is detrimental, or is likely to be detrimental, to the safety, welfare or wellbeing of the residents of the licensable SRH; or

10 (e) the Minister considers that it is in the public interest to do so,

and the Director-General has given the Minister a written opinion that it is necessary to take over the operation, or any part of the operation, of the licensable SRH to ensure the safety, welfare or wellbeing of the residents of the licensable SRH.

15 (2) Before a step-in order is made under subsection (1), but subject to subsection (3), the Minister must give the licensee concerned a reasonable opportunity to make written representations in respect of the proposed step-in order.

20 (3) Where the Minister is of the opinion that it is necessary to make a step-in order on an expedited basis (called in this Part an expedited step-in order) in order to protect the safety, welfare or wellbeing of the residents of the licensable SRH, the Minister may make an expedited step-in order, which takes effect on the date the order is served on the licensee.

(4) A step-in order or an expedited step-in order —

(a) may order the licensee —

30 (i) to revoke the appointment of all or any of the licensee's key appointment holders, and appoint another individual or other individuals as the licensee's key appointment holder or holders for the period specified in that order;

(ii) to revoke the appointment of the person-in-charge of the licensable SRH, and appoint another individual

- as the licensable SRH's person-in-charge for the period specified in that order;
- (iii) to transfer the residents of the licensable SRH to the care of another licensee for the period specified in that order; 5
 - (iv) to appoint another licensee to operate the licensable SRH for the period specified in that order; and
 - (v) to appoint a person to advise the licensee on the proper conduct of the licensee's business or the operation of the licensable SRH; 10
- (b) may authorise the Director-General —
- (i) to directly take over, or appoint a step-in operator to take over, the operation, or a specified part of the operation, of the licensable SRH; and
 - (ii) to do any of the things mentioned in paragraph (a); 15
- (c) may specify that —
- (i) the step-in operator has the functions and powers in relation to the operation of the licensable SRH that are specified in that order;
 - (ii) the licensee is to stop operating the licensable SRH on and from a specified date; 20
 - (iii) the step-in operator must have access to, and take control or management of, the premises or other assets and other property (including intellectual property), licences and employees used or required by the licensee for the purpose of operating the licensable SRH; and 25
 - (iv) the Director-General must have access to, and be able to make copies of or take extracts from, any document or record in the possession or under the control of the licensee for the purpose of that order; 30

(d) where an order mentioned in paragraph (a)(iii) or (iv) is made, may specify, in addition to any matter that may be specified under paragraph (c), that —

5 (i) the licensee must notify the Director-General of the identity of the other licensee mentioned in paragraph (a)(iii) or (iv); and

10 (ii) the other licensee must have access to, and be able to make copies of or take extracts from, any document or record in the possession or under the control of the firstmentioned licensee for the purpose of that order; and

(e) may contain ancillary directions —

15 (i) about how the costs of, and revenue generated from, operating the licensable SRH are to be dealt with;

20 (ii) that may fix the remuneration and expenses to be paid by the licensee concerned to any person appointed under paragraph (a)(v) to advise the licensee on the proper conduct of the licensee's business or the operation of the licensable SRH;

(iii) specifying the period for which the step-in order or expedited step-in order applies; and

(iv) specifying any other conditions that may apply.

(5) The Minister's decision under subsection (1) or (3), or both, is final.

25 (6) A step-in order or an expedited step-in order operates to the exclusion of rights that are inconsistent with the step-in order or expedited step-in order, as the case may be.

(7) Subject to subsections (8) and (9), the licensee —

30 (a) must facilitate the handover of the operation of the licensable SRH to the step-in operator as specified in the step-in order or expedited step-in order, as the case may be;

(b) must not obstruct the step-in operator's access to the property of the licensee or the step-in operator's exercise of

the step-in operator's responsibilities under this section;
and

- (c) must comply with reasonable directions given by the step-in operator in the step-in operator's exercise of the step-in operator's responsibilities under this section. 5

(8) Where a step-in order or an expedited step-in order mentioned in subsection (4)(a)(iii) is made, the licensee must facilitate the transfer of the residents of the licensable SRH to the care of the other licensee mentioned in that provision.

(9) Where a step-in order or an expedited step-in order mentioned in subsection (4)(a)(iv) is made, the licensee — 10

- (a) must facilitate the operation of the licensable SRH by the other licensee mentioned in that provision; and

- (b) must not obstruct that other licensee's access to and use of the property of the firstmentioned licensee for the purpose of operating the licensable SRH. 15

(10) A licensee who fails to comply with subsection (7), (8) or (9) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction. 20

Duration of step-in order or expedited step-in order

28.—(1) The Minister may revoke a step-in order or an expedited step-in order at any time. 25

(2) The Minister may, at any time, revoke the appointment of a step-in operator in relation to the operation, or a specified part of the operation, of a licensable SRH —

- (a) if the Minister is satisfied that —

- (i) the reasons for the appointment have ceased to exist; 30
or

- (ii) it is no longer necessary for the protection of the residents of the licensable SRH in respect of which

the step-in order or expedited step-in order was made; or

(b) on any other ground,

5 and upon the revocation, the step-in operator ceases to be in control of that operation or the specified part of that operation.

Rules and saving provisions for step-in arrangements

10 **29.**—(1) The Minister may make rules to give effect to this Part, including making provisions for applying, omitting or modifying provisions of any written law relating to the insolvency of companies (if applicable) where a step-in order or an expedited step-in order is made.

(2) Nothing effected or to be effected by, or done under, this Part —

15 (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong;

20 (b) is to be regarded as placing any person in breach of, or as constituting a default under, any Act or other law or obligation or any provision in any agreement, arrangement or understanding including, but not limited to, any provision or obligation prohibiting, restricting or regulating the assignment, transfer, sale or disposal of any property or the disclosure of any information;

25 (c) is to be regarded as fulfilling any condition that allows a person to exercise a power, right or remedy in respect of, or to terminate, any agreement or obligation;

30 (d) is to be regarded as giving rise to any remedy for a party to any contract or instrument, or as causing or permitting the termination of any contract or instrument, because of a change in the beneficial or legal ownership of any property;

(e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable, or as frustrating any contract; or

- (f) releases any surety or other obligor wholly or in part from any obligation.

PART 7

REGULATORY ACTIONS

Division 1 — Regulatory actions against licensees

5

Revocation or suspension, etc., of licence

30.—(1) Subject to section 31, if the Director-General is satisfied that —

- (a) a licensee is contravening or not complying with, or has contravened or failed to comply with — 10
- (i) any condition of the licensee’s licence;
 - (ii) any provision of this Act, the contravention of which is not an offence under this Act;
 - (iii) any provision of a code of practice applicable to the licensee; or 15
 - (iv) a confirmed interim order under section 32;
- (b) the licensee does not, or has ceased to, operate the licensable SRH authorised by the licence for the prescribed period;
- (c) the licensee or a key appointment holder of the licensee is 20 convicted of any of the following offences committed during the term of the licence:
- (i) any offence under this Act;
 - (ii) an offence specified in the First Schedule to the Registration of Criminals Act 1949; 25
 - (iii) an offence, whether in Singapore or elsewhere, involving dishonesty or the conviction for which involved a finding that the licensee or key appointment holder had acted dishonestly;
 - (iv) any prescribed offence; 30

- (d) the licensee or a key appointment holder of the licensee is no longer a suitable person to be granted a licence having regard to the matters mentioned in section 8(2), or to be involved in the operation of the licensable SRH authorised by the licence;
- (e) the licensee fails to operate the licensable SRH in a manner that ensures the safety, welfare and wellbeing of the residents of the licensable SRH;
- (f) the licence has been obtained by fraud or misrepresentation;
- (g) the licensee —
- (i) is, or is likely to be, declared a bankrupt;
 - (ii) has gone, or is likely to go, into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or
 - (iii) has made any assignment to, or composition with, its creditors or if a corporation, a limited liability partnership or an unregistered company is unable to pay its debts;
- (h) the premises at which the licensable SRH is operated are no longer safe or suitable for use as a licensable SRH; or
- (i) the public interest so requires,

the Director-General may revoke (without compensation) the licensee's licence.

(2) However, the Director-General may, in lieu of revoking a licensee's licence under subsection (1), do any one or more of the following (without compensation):

- (a) shorten (for not longer than the prescribed period) the term of the licence;
- (b) suspend the licence for a period that the Director-General thinks fit;
- (c) modify any condition of the licence, and section 11(2), (3) and (4) is disapplied.

(3) In taking any regulatory action under this section in relation to the conviction of a licensee or any person for a criminal offence, the Director-General may accept the licensee's or person's conviction as final.

(4) For the purposes of subsection (1)(g)(iii) —

(a) a corporation is unable to pay its debts if it is deemed to be so unable under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018;

(b) a limited liability partnership is unable to pay its debts if it is deemed to be so unable under paragraph 3(2) of the Fifth Schedule to the Limited Liability Partnerships Act 2005; and

(c) an unregistered company (other than a corporation mentioned in paragraph (a) or a limited liability partnership mentioned in paragraph (b)) is unable to pay its debts if it is deemed to be so unable under section 246(2) of the Insolvency, Restructuring and Dissolution Act 2018.

(5) In this section, “unregistered company” has the meaning given by section 245(1) of the Insolvency, Restructuring and Dissolution Act 2018.

Proceedings for regulatory action against licensees

31.—(1) Before exercising any power under section 30(1) or (2), the Director-General must give written notice to the licensee concerned —

(a) stating that the Director-General intends to take regulatory action under section 30;

(b) specifying the type of regulatory action mentioned in section 30(1) or (2) that the Director-General proposes to take, and each instance of contravention or non-compliance that is the subject of the proposed regulatory action; and

(c) specifying the period (being at least 7 days after the date of service of the written notice on the licensee) within which

written representations may be made to the Director-General with respect to the proposed regulatory action.

(2) The Director-General may decide to take the appropriate regulatory action mentioned in section 30(1) or (2) —

(a) after considering any written representation made to the Director-General pursuant to the written notice mentioned in subsection (1); or

(b) after the period specified in the written notice under subsection (1)(c) lapses, where no written representation is made or any written representation made is subsequently withdrawn.

(3) Where the Director-General has made any decision under subsection (2) against any licensee, the Director-General must serve on the licensee a written notice of the decision.

(4) Subject to Part 10, a decision to revoke a licence under section 30(1), or to impose a regulatory action mentioned in section 30(2), which is specified in the written notice served under subsection (3), takes effect from the date on which that written notice is served, or on any later date that may be specified in the written notice.

(5) Any revocation or suspension of any licence under section 30 with respect to a licensee does not affect —

(a) the enforcement by any person of any right or claim against the licensee; or

(b) the enforcement by the licensee of any right or claim against any person.

Immediate regulatory action against licensee

32.—(1) Despite section 31, the Director-General may make an interim order against a licensee where —

(a) the licensee is charged for or convicted of any of the following offences committed during the term of the licence:

- (i) any offence under this Act;
 - (ii) an offence specified in the First Schedule to the Registration of Criminals Act 1949;
 - (iii) an offence, whether in Singapore or elsewhere, involving dishonesty or the conviction for which involved a finding that the licensee had acted dishonestly; 5
 - (iv) an offence specified in the Second Schedule, and the Director-General is of the opinion that it is undesirable in the public interest for the licensee to continue to operate a licensable SRH; or 10
- (b) the licensee is contravening or not complying with, or has contravened or failed to comply with —
- (i) any condition of the licensee’s licence;
 - (ii) any provision of this Act, the contravention of which is not an offence under this Act; or 15
 - (iii) any provision of a code of practice applicable to the licensee,
- and the Director-General —
- (iv) has reasonable grounds to believe that there is, as a result, a serious and imminent threat or risk to the safety of the residents of the licensable SRH operated by the licensee; and 20
 - (v) is satisfied that it is impracticable in the circumstances of the particular case for the Director-General to complete any regulatory action in accordance with section 31 to address the default mentioned in sub-paragraph (i), (ii) or (iii) because of the threat or risk mentioned in sub-paragraph (iv). 25
- (2) An interim order made under subsection (1) — 30
- (a) may —
 - (i) suspend the licence; or

(ii) where subsection (1)(b) applies, require the licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, anything specified in the interim order or of a description specified in the interim order, for or in respect of any matter necessary or desirable to rectify any contravention or non-compliance mentioned in that provision or that constitutes the ground for this regulatory action; and

(b) may be cancelled at any time by the Director-General.

(3) An interim order made under subsection (1) takes effect at any time, being the earliest practicable time, that is determined by or under that interim order and continues in force until either of the following occurs, unless earlier confirmed under subsection (5):

(a) the expiry date (if any) stated in the interim order is reached, which must not exceed 90 days;

(b) the Director-General cancels the interim order before the expiry date.

(4) Before confirming any interim order made under subsection (1), the Director-General must give written notice to the licensee concerned —

(a) stating that the Director-General intends to confirm the interim order; and

(b) specifying the period (being at least 7 days after the date of service of the written notice on the licensee) within which written representations may be made to the Director-General with respect to the proposed confirmation.

(5) The Director-General may decide to confirm or not to confirm the interim order (with or without modification) as the Director-General considers appropriate —

(a) after considering any written representation made to the Director-General pursuant to the written notice in subsection (4); or

(b) after the period specified in the written notice under subsection (4)(b) lapses, where no written representation is made or any written representation made is subsequently withdrawn.

(6) The Director-General must serve on the licensee concerned a written notice of the Director-General's decision under subsection (5). 5

(7) Every licensee must comply with every interim order given under this section to the licensee as soon as the interim order takes effect. 10

*Division 2 — Regulatory actions in respect
of approval granted under section 21*

Regulatory action in respect of approved individuals

33.—(1) Subject to section 34, the Director-General may cancel (without compensation) an approval granted under section 21 for a licensee to — 15

(a) appoint an approved individual as a key appointment holder of the licensee;

(b) appoint an approved individual as the person-in-charge of the licensable SRH to which the licensee's licence relates; or 20

(c) deploy an approved individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —

(i) the operation of the licensable SRH to which the licensee's licence relates; or 25

(ii) the management of the residents of that licensable SRH,

on any of the following grounds:

(d) the licensee or approved individual is contravening or not complying with, or has contravened or failed to comply with — 30

- (i) any condition of the approval;
 - (ii) any provision of this Act, the contravention of which is not an offence under this Act; or
 - (iii) a confirmed interim order under section 35;
- 5 (e) the licensee or approved individual is convicted of any of the following offences committed during the term of the licence:
- (i) any offence under this Act;
 - 10 (ii) an offence specified in the First Schedule to the Registration of Criminals Act 1949;
 - (iii) an offence, whether in Singapore or elsewhere, involving dishonesty or the conviction for which involved a finding that the licensee or approved individual had acted dishonestly;
 - 15 (iv) any prescribed offence;
- (f) the approved individual is no longer a suitable person —
- (i) in the case of paragraph (a) — to be appointed as a key appointment holder of the licensee;
 - 20 (ii) in the case of paragraph (b) — to be appointed as the person-in-charge of the licensable SRH to which the licensee's licence relates; or
 - (iii) in the case of paragraph (c) — to carry out the prescribed duty or duty mentioned in that paragraph;
- 25 (g) the approval has been obtained by fraud or misrepresentation;
- (h) the public interest so requires.
- (2) However, the Director-General may, in lieu of cancelling the approval, do either or both of the following (without compensation):
- (a) modify any condition of the approval;
 - 30 (b) suspend the approval for not more than 6 months in respect of the approved individual —

- (i) being appointed as a licensee's key appointment holder;
 - (ii) being appointed as a licensable SRH's person-in-charge; or
 - (iii) being deployed to carry out a prescribed duty or a duty mentioned in subsection (1)(c),
- as the case may be.

(3) In taking any regulatory action under this section in relation to the conviction of an individual for a criminal offence, the Director-General may accept the individual's conviction as final.

Proceedings for regulatory action in respect of approval granted under section 21

34.—(1) Before exercising any power under section 33(1) or (2), the Director-General must give written notice to the licensee and approved individual concerned —

- (a) stating that the Director-General intends to take regulatory action under section 33;
- (b) specifying the type of regulatory action mentioned in section 33(1) or (2) that the Director-General proposes to take, and each instance of contravention or non-compliance that is the subject of the proposed regulatory action; and
- (c) specifying the period (being at least 7 days after the date of service of the written notice on the licensee and approved individual or, where the written notices are served on the licensee and approved individual on different dates, the later of those dates) within which written representations may be made to the Director-General with respect to the proposed regulatory action.

(2) The Director-General may decide to take the appropriate regulatory action mentioned in section 33(1) or (2) —

(a) after considering any written representation made to the Director-General pursuant to the written notice mentioned in subsection (1); or

5 (b) after the period specified in the written notice under subsection (1)(c) lapses, where no written representation is made or any written representation made is subsequently withdrawn.

(3) Where the Director-General has made any decision under subsection (2), the Director-General must serve on the licensee and approved individual concerned a written notice of the decision.

(4) Subject to Part 10, a decision to —

(a) cancel under section 33(1) an approval granted under section 21 for a licensee to —

15 (i) appoint an approved individual as a key appointment holder of the licensee;

(ii) appoint an approved individual as the person-in-charge of the licensable SRH to which the licensee's licence relates; or

20 (iii) deploy an approved individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —

(A) the operation of the licensable SRH to which the licensee's licence relates; or

25 (B) the management of the residents of that licensable SRH; or

(b) impose a regulatory action mentioned in section 33(2) in respect of the approval,

30 which is specified in the written notice served under subsection (3), takes effect from the date on which that written notice is served, or on any later date that may be specified in the written notice.

(5) Any cancellation or suspension of an approval granted under section 21 for an approved individual to —

(a) be appointed as a key appointment holder of a licensee;

- (b) be appointed as the person-in-charge of a licensable SRH;
or
- (c) be deployed to carry out a prescribed duty or a duty
belonging to a prescribed class of duties in relation to —
 - (i) the operation of a licensable SRH; or 5
 - (ii) the management of the residents of a licensable SRH,
 does not affect —
- (d) the enforcement by any person of any right or claim against
the approved individual; or
- (e) the enforcement by the approved individual of any right or 10
claim against any person.

Immediate suspension of approval of approved individual

35.—(1) Despite section 34, the Director-General may make an interim order in relation to the approval granted under section 21 in respect of an approved individual where — 15

- (a) the approved individual is charged or convicted of any of
the following offences committed during the term of the
approval:
 - (i) any offence under this Act;
 - (ii) an offence specified in the First Schedule to the 20
Registration of Criminals Act 1949;
 - (iii) an offence, whether in Singapore or elsewhere,
involving dishonesty or the conviction for which
involved a finding that the approved individual had
acted dishonestly; 25
 - (iv) an offence specified in the Second Schedule,
and the Director-General is of the opinion that it is
undesirable in the public interest for the approved
individual to continue to —
 - (v) be appointed as a key appointment holder of a 30
licensee;

(vi) be appointed as the person-in-charge of a licensable SRH; or

(vii) carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —

5 (A) the operation of a licensable SRH; or

(B) the management of the residents of a licensable SRH; or

(b) the licensee or approved individual, or both, to or for whom approval is granted under section 21, is or are contravening or not complying with, or has or have contravened or failed to comply with —

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(i) any condition of the approval; or

(ii) any provision of this Act, the contravention of which is not an offence under this Act,

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and the Director-General —

(iii) has reasonable grounds to believe that there is, as a result, a serious and imminent threat or risk to the safety of the residents of the licensable SRH operated by the licensee; and

20

(iv) is satisfied that it is impracticable in the circumstances of the particular case for the Director-General to complete any regulatory action in accordance with section 34 to address the default mentioned in sub-paragraph (i) or (ii) because of the threat or risk mentioned in sub-paragraph (iii).

25

(2) An interim order made under subsection (1) —

(a) may suspend the approval granted under section 21 in respect of the approved individual; and

(b) may be cancelled at any time by the Director-General.

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(3) An interim order made under subsection (1) takes effect at any time, being the earliest practicable time, that is determined by or under that interim order and continues in force until either of the following occurs, unless earlier confirmed under subsection (5):

- (a) the expiry date (if any) stated in the interim order is reached, which must not exceed 90 days;
 - (b) the Director-General cancels the interim order before the expiry date.
- (4) Before confirming any interim order made under subsection (1), the Director-General must give written notice to the licensee and approved individual concerned — 5
- (a) stating that the Director-General intends to confirm the interim order; and
 - (b) specifying the period (being at least 7 days after the date of service of the written notice on the licensee and approved individual or, where the written notices are served on the licensee and approved individual on different dates, the later of those dates) within which written representations may be made to the Director-General with respect to the proposed confirmation. 10 15
- (5) The Director-General may decide to confirm or not to confirm the interim order (with or without modification) as the Director-General considers appropriate —
- (a) after considering any written representation made to the Director-General pursuant to the written notice in subsection (4); or 20
 - (b) after the period specified in the written notice under subsection (4)(b) lapses, where no written representation is made or any written representation made is subsequently withdrawn. 25
- (6) The Director-General must serve on the licensee and approved individual concerned a written notice of the Director-General's decision under subsection (5).
- (7) Every licensee and approved individual must comply with every interim order given under this section to the licensee and approved individual as soon as the interim order takes effect. 30

PART 8

PROTECTION OF RESIDENTS

Boards of Visitors

5 **36.**—(1) The Minister may appoint one or more Boards of Visitors consisting of such number of members as the Minister thinks fit, to perform the functions mentioned in subsection (4).

(2) The members of a Board of Visitors are appointed for the period specified by the Minister.

10 (3) An appointment under subsection (1) must be published in the *Gazette*.

(4) The functions of a Board of Visitors, in relation to a licensable SRH to which a licence relates, are as follows:

(a) to conduct a review —

15 (i) of the living conditions of the licensable SRH; and

(ii) if care, biopsychosocial intervention or support to carry out daily activities is provided to the residents of the licensable SRH, of the standard of care, biopsychosocial intervention or support to carry out daily activities so provided;

20 (b) to make any recommendation to improve the living conditions, or standard of care, biopsychosocial intervention or support to carry out daily activities provided to the residents of the licensable SRH, that the Board of Visitors considers necessary.

25 (5) For the purposes of carrying out the functions under subsection (4) —

(a) a member of a Board of Visitors may at any reasonable time of the day enter any licensable SRH and make any inquiry or examination that is necessary; and

30 (b) a Board of Visitors must submit any report to the Minister that the Minister may require.

(6) A person who —

- (a) refuses to allow a member of a Board of Visitors entry to any licensable SRH; or
- (b) hinders or obstructs the member from entering any licensable SRH after the member’s identity is reasonably established,

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shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Use of reasonable force and mechanical restraints on residents

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37.—(1) This section does not limit or affect in any way the provisions or operation of the Penal Code 1871 or any other written law relating to any matter that may be dealt with under this section.

(2) A person who carries on any duty in a licensable SRH to which a licence relates must not use force or any mechanical restraint on any resident of a licensable SRH.

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(3) Despite subsection (2), the person-in-charge of a licensable SRH or an authorised person may use force or a mechanical restraint on a resident of the licensable SRH, if —

- (a) the licensable SRH is a licensable SRH prescribed, or a licensable SRH belonging to a type of licensable SRHs prescribed, for the purposes of this subsection;
- (b) the force or mechanical restraint is used on the resident for the purpose mentioned in subsection (4) and in accordance with the prescribed manner;
- (c) where force is used on the resident, the person-in-charge of the licensable SRH or the authorised person must not use on the resident more force than is reasonable and necessary for the purpose; and
- (d) the prescribed conditions (if any) are satisfied.

20

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30

(4) The purpose mentioned in subsection (3)(b) is to stop the resident of the licensable SRH from any of the following:

- (a) inflicting personal injury to himself or herself, or to one or more other persons;
- (b) causing damage to any property;
- 5 (c) committing, or attempting or preparing to commit, an offence;
- (d) contravening, or attempting or preparing to contravene, any rules or regulations relating to the discipline of residents of the licensable SRH;
- 10 (e) absconding from a licensable SRH that is prescribed for the purposes of this paragraph.

(5) To avoid doubt, any force or mechanical restraint used by the person-in-charge of a licensable SRH or an authorised person for the purpose mentioned in subsection (4) must not also be used on the resident as punishment.

15 (6) The licensee of the licensable SRH must take reasonable measures to ensure that subsection (3) is complied with in relation to any use of force or mechanical restraint on a resident of the licensable SRH.

(7) In this section —

20 “authorised person” means an employee of the licensee of the licensable SRH who —

- (a) has completed any training that may be specified by the Director-General on the use of appropriate force and mechanical restraint on a resident of a licensable SRH for the purpose mentioned in subsection (4); and
- 25 (b) is authorised by the person-in-charge of the licensable SRH to use force or any mechanical restraint on any resident of the licensable SRH for that purpose;
- 30

“mechanical restraint” means cloth bands, handcuffs, leg braces, flexi cuffs or any other similar means of restraint that may be prescribed.

(8) For the purposes of subsection (3)(d), regulations may be made to prescribe different conditions for different types of licensable SRHs.

(9) For the purposes of subsection (7), regulations may be made to prescribe different types of mechanical restraints for different types of licensable SRHs.

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Restriction on publication or broadcast of information relating to residents of relevant licensed SRHs

38.—(1) Except with the prior approval of the Director-General, a person must not publish or broadcast any information or picture that identifies, or is likely to lead to the identification of —

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(a) any resident or former resident of a prescribed licensed SRH or a licensed SRH belonging to a prescribed type of licensable SRH (called in this section a relevant licensed SRH); or

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(b) the relevant licensed SRH at which the resident or former resident resides or resided, or the location of the relevant licensed SRH.

(2) Subsection (1) does not apply in relation to —

(a) the publication by a licensee of a relevant licensed SRH that the licensee is authorised to operate in any publication, or on the website, of the relevant licensed SRH; or

20

(b) the publication or broadcast by an individual, or with the consent of the individual, of any information or picture that identifies, or is likely to lead to the identification of, that individual as a resident or former resident of a relevant licensed SRH.

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(3) For the purposes of subsection (2)(b), if an individual is below 18 years of age, a reference to the consent of the individual is a reference to the consent of the individual's parent or guardian.

30

(4) If any information or picture is published or broadcast in contravention of subsection (1) —

- (a) in the case of the publication of any information or picture as part of a newspaper or periodical publication — every proprietor, editor, publisher and distributor of the newspaper or periodical publication;
- 5 (b) in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication — every person who publishes or distributes the information or picture; or
- (c) in the case of the broadcast of any information or picture —
- 10 (i) every person who broadcasts the information or picture;
- (ii) every person who transmits or provides the programme in which the information or picture is broadcast; and
- 15 (iii) every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 or, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

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(5) The court may, in addition to imposing any punishment mentioned in subsection (4), order a person to do any one or more of the following:

- 25 (a) remove the publication, or stop the broadcast, of any information or picture that is in contravention of subsection (1);
- (b) remove the programme in which any information or picture is broadcast in contravention of subsection (1);
- (c) delete the information or picture that is published or broadcast in contravention of subsection (1);
- 30 (d) take all reasonable steps to ensure that the information or picture that is published or broadcast in contravention of subsection (1) is no longer available on or through the Internet.

(6) In this section, “licensed SRH” means a licensable SRH to which a licence relates.

Order to remove publication or broadcast in contravention of section 38

39.—(1) A court may, on the application of any person, order a person to do any one or more of the following: 5

- (a) remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 38(1);
- (b) remove the programme in which any information or picture is broadcast in contravention of section 38(1); 10
- (c) delete the information or picture that is published or broadcast in contravention of section 38(1);
- (d) take all reasonable steps to ensure that the information or picture that is published or broadcast in contravention of section 38(1) is no longer available on or through the Internet. 15

(2) The court may make an order under subsection (1) even if —

- (a) the application is not served on the person against whom the order is to be made (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or 20
- (b) when the application has been served on the respondent — the respondent does not appear at the hearing of the application, 25

if the court is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the resident or former resident concerned, or of the residents of the relevant licensed SRH concerned.

(3) To avoid doubt, the court may make an order under subsection (1) — 30

- (a) regardless of whether the respondent or any other person has been convicted of an offence under section 38(4) in

relation to the information or picture mentioned in subsection (1); and

- (b) regardless of whether the information or picture mentioned in subsection (1) is published or broadcast before, on or after the date of commencement of this section.

PART 9

ENFORCEMENT

Purposes for which enforcement powers are exercisable

40.—(1) An inspecting officer may exercise the powers set out in this Part for all or any of the following purposes:

- (a) to detect and investigate any offence under this Act;
- (b) to determine whether there is any ground for taking any regulatory action under Part 7;
- (c) to determine whether information given to the inspecting officer under any provision of this Act is correct.

(2) A compliance officer may exercise the powers set out in this Part where specified, but subject to section 52(2) and (7) and to the limits in the written authorisation issued under section 52 in respect of the compliance officer; and any reference in this Act to a compliance officer is a reference to a compliance officer who is so authorised.

Powers of entry, etc., at premises

41.—(1) An inspecting officer may without warrant enter, at all reasonable times, and remain at any premises —

- (a) that are used as a licensable SRH; or
- (b) that the inspecting officer has reasonable grounds to believe have been or are being used as a licensable SRH without a licence.

(2) Upon entering any premises under subsection (1), the inspecting officer may do all or any of the following:

- (a) examine anything or observe any activity conducted in or on the premises;
 - (b) inspect the premises and anything in or on the premises;
 - (c) make a still or moving image or recording of the premises or any document or other thing in or on the premises; 5
 - (d) search any part of the premises;
 - (e) inspect any document found in or on the premises and take extracts from, or make copies of, the document;
 - (f) seize any document or thing found in or on the premises if, in the opinion of an inspecting officer — 10
 - (i) the inspection or copying of or extraction from the document or thing cannot reasonably be performed without taking possession;
 - (ii) the document or thing may be interfered with or destroyed unless possession is taken; or 15
 - (iii) the document or thing may be required as evidence in any criminal proceedings or regulatory action instituted or commenced under this Act;
 - (g) operate electronic equipment in or on the premises;
 - (h) take into or onto the premises any equipment and materials that an inspecting officer requires for the purpose of exercising powers in this section in relation to those premises; 20
 - (i) require any individual found in or on the premises to answer any question (to the best of that individual's knowledge, information and belief) and to provide any document or information that the inspecting officer reasonably requires for any of the purposes of section 40(1). 25
- (3) An inspecting officer is not authorised to enter any premises which are not premises mentioned in subsection (1) to exercise any power mentioned in subsection (2) except — 30
- (a) with the consent of the occupier; or

(b) under a warrant of a District Court or Magistrate’s Court.

(4) A warrant mentioned in subsection (3)(b) may be issued if a District Court or Magistrate’s Court is satisfied that it is necessary for an inspecting officer to enter any premises to exercise any power mentioned in subsection (2) for any of the purposes of section 40(1).

(5) For the purposes of subsection (2), if any information in a document or thing required by the inspecting officer is kept in electronic form —

(a) the power of the inspecting officer to inspect the document or thing includes the power to —

(i) access any computer or other equipment (including a mobile communication device) in which the information is stored; and

(ii) require any person having charge of, or otherwise concerned with the operation of, the computer or other equipment to provide assistance in gaining such access; and

(b) the power of the inspecting officer to seize the document includes the power to —

(i) make copies of the document in legible or electronic form; and

(ii) transfer the information from the document to a disk, tape or other storage device.

(6) If the inspecting officer is unable to make copies of the document or transfer the information from the document under subsection (5)(b), the inspecting officer may —

(a) seize the computer or other equipment (including a mobile communication device) in which the document or information is stored as evidence in proceedings for an offence under this Act; and

(b) require any person having charge of, or otherwise concerned with the operation of, the computer or other equipment to disclose any username, password, access code or other authentication information required for

gaining access to the document or information held in the computer or other equipment.

(7) The power of the inspecting officer under subsection (2)(g) to operate electronic equipment in or on any premises includes the power to —

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(a) use a disk, tape or other storage device that is in or on the premises and can be used with or in association with the equipment;

(b) operate electronic equipment in or on the premises to put the relevant data in documentary form and remove the documents so produced from the premises; and

10

(c) operate electronic equipment in or on the premises to transfer the relevant data to a disk, tape or other storage device that —

(i) is brought to the premises for the exercise of the power; or

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(ii) is in or on the premises and the use of which for that purpose has been agreed in writing by the occupier of the premises,

and to remove the disk, tape or other storage device from those premises.

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(8) The power of the inspecting officer to require an individual to provide any document or information under subsection (2)(i) includes the power —

(a) to require the individual to provide an explanation of the document or information;

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(b) if the document or information is not provided, to require the individual to state, to the best of the individual's knowledge, information and belief, where it is; and

(c) if the information is recorded otherwise than in legible form, to require the information to be made available to the inspecting officer in legible form.

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Power to obtain information from licensee, etc.

42.—(1) The powers in this section may be exercised only in relation to the following:

- (a) any licensee;
- 5 (b) any employee or former employee of a licensee;
- (c) any key appointment holder or former key appointment holder of a licensee;
- (d) any person-in-charge or former person-in-charge of a licensable SRH;
- 10 (e) any resident or former resident of a licensable SRH;
- (f) any individual found on any premises entered under section 41.

(2) An inspecting officer or a compliance officer may by written notice require any person mentioned in subsection (1) to provide, within a reasonable period specified in the written notice, and in any form and manner that may be specified in the written notice, all documents and all information or material which —

- (a) relate to any matter which the inspecting officer or compliance officer considers necessary for any of the purposes of section 40(1); and
- 20 (b) are —
 - (i) within the knowledge of the person; or
 - (ii) in the custody or under the control of the person.

(3) The power to require a person mentioned in subsection (1) to provide any document or any information or material under subsection (2) includes the power —

- (a) to require the person to produce or grant access to the document or the information or material;
- 30 (b) to require the person to provide an explanation of the document or the information or material;
- (c) if the document or the information or material is not produced, to require the person to state, to the best of the

person's knowledge, information and belief, where it is;
and

- (d) if the information or material is recorded otherwise than in legible form, to require the information or material to be made available to the inspecting officer or compliance officer in legible form. 5

(4) A person who, without reasonable excuse, fails to do anything required of the person by written notice under 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 12 months or to both. 10

(5) A person who —

- (a) intentionally alters, suppresses or destroys any document or any information or material which the person is, has been or may be required by a written notice under subsection (2) to provide; or 15

- (b) in providing any document or any information or material required under subsection (2), makes any statement which the person knows or has reason to believe to be false or misleading in a material particular or recklessly makes the statement, 20

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 12 months or to both.

(6) In any proceedings for an offence under subsection (4), it is a defence for the accused to prove, on a balance of probabilities, that the accused — 25

- (a) does not possess the document or the information or material required; and

- (b) has taken all reasonable steps available to the accused to obtain the document or the information or material required and has been unable to obtain that document or that information or material. 30

(7) To avoid doubt, for the purposes of subsection (4), it is a reasonable excuse for a person to refuse or fail to provide any information or material, produce any document or answer any question if doing so might tend to incriminate the person.

5 **Power of examination**

43.—(1) An inspecting officer may, for the purposes of section 40(1), do all or any of the following:

- 10 (a) require any person whom the inspecting officer reasonably believes to have committed an offence under any provision of this Act to provide evidence of that person's identity;
- (b) require, by written notice, any person, whom the inspecting officer reasonably believes has —
 - (i) any information or material; or
 - (ii) any document in the person's custody or control,
- 15 that is relevant to the investigation, to provide that information or material or that document, within the period and in any manner that may be specified in the written notice;
- (c) require, by written notice, any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter, to attend before the inspecting officer;
- 20 (d) examine orally any person who appears to be acquainted with the facts or circumstances of the matter —
 - 25 (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; or
 - (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter.
- 30

(2) A statement made by a person examined under subsection (1)(d) must —

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person. 5

(3) A person who, without reasonable excuse, fails to do anything required of the person under subsection (1) 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 12 months or to both. 10

(4) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove, on a balance of probabilities, that the accused —

- (a) does not possess the information or material or the document required; and 15
- (b) has taken all reasonable steps available to the accused to obtain the information or material or the document required and has been unable to obtain it.

(5) To avoid doubt, for the purposes of subsection (1), it is a reasonable excuse for a person to refuse or fail to provide any information, produce any document or answer any question if doing so might tend to incriminate that person. 20

Application of Criminal Procedure Code 2010, etc.

44.—(1) Sections 370, 371 and 372 of the Criminal Procedure Code 2010 apply, with the necessary modifications, when an inspecting officer seizes any thing under this Part. 25

(2) An inspecting officer or a compliance officer (as the case may be) is entitled without payment to keep for the purposes of section 40 any document or information or material, or any copy or extract thereof, provided to him or her under this Part. 30

Obstructing inspecting officer

45.—(1) If an inspecting officer is authorised under this Act to enter any premises, a person who —

5 (a) wilfully prevents the inspecting officer from entering or re-entering those premises or any part of those premises;

(b) wilfully obstructs or delays the inspecting officer from entering or re-entering those premises or any part of those premises; or

10 (c) gives an alarm or causes an alarm to be given for the purpose of —

(i) notifying anyone else of the presence of the inspecting officer; or

15 (ii) obstructing or delaying the inspecting officer from entering or re-entering those premises or any part of those premises,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

20 (2) A person who intentionally refuses to give access to, or intentionally obstructs, hinders or delays an inspecting officer in the discharge of the inspecting officer's duties under any provision of this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Notice to attend court

25 **46.—**(1) Where it appears to an inspecting officer that any person has committed an offence under this Act, the inspecting officer may serve on the person a written notice in the prescribed form requiring the person to attend the court, at the hour and on the date specified in the written notice.

30 (2) The inspecting officer must prepare a duplicate of the written notice mentioned in subsection (1) and, if so required by a court, produce the same to the court.

(3) On an accused person appearing before a court pursuant to the written notice, the court is to take cognisance of the offence alleged and must proceed as though the accused person were produced before the court under section 153 of the Criminal Procedure Code 2010.

(4) If a person, on whom the written notice has been served, fails to appear before a court in accordance with the written notice, the court must then issue a warrant for the arrest of that person.

(5) Upon a person arrested pursuant to a warrant issued under subsection (4) being produced before a court, the court must proceed as though the person were produced under section 153 of the Criminal Procedure Code 2010.

Composition of offences

47.—(1) The Director-General 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:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$10,000.

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

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

PART 10

APPEALS

Interpretation of this Part

48. In this Part —

“appealable decision” means any of the following decisions of the Director-General:

- (a) a decision under section 8 refusing the grant or renewal of a licence;

- (b) a decision under section 10 imposing a condition in respect of a licence;
- (c) a modification under section 11 of a condition of a licence;
- 5 (d) a refusal to give consent under section 12 to a variation of the maximum capacity of a licensable SRH;
- (e) a refusal to give consent under section 13 to a transfer or an assignment of a licence;
- 10 (f) a decision under section 21 refusing the grant of a section 21 approval;
- (g) a decision under section 22 imposing a condition in respect of a section 21 approval;
- 15 (h) a modification under section 23 of a condition of a section 21 approval;
- (i) the issue, approval or amendment of a code of practice applicable to a licensee or class of licensees under section 24, in respect of any provision in the code of practice;
- 20 (j) a direction given under section 25 or 26;
- (k) a decision under section 30(1) to revoke a licence;
- (l) a decision under section 30(2) to take regulatory action against a licensee;
- 25 (m) a confirmed interim order made under section 32 in respect of a licensee;
- (n) a decision under section 33(1) to cancel a section 21 approval;
- (o) a decision under section 33(2) to take regulatory action in respect of a section 21 approval;
- 30 (p) a confirmed interim order made under section 35 in respect of a section 21 approval;

“appellant” means the following in relation to an appealable decision:

- (a) an applicant for the grant or renewal of a licence, where the appealable decision is within paragraph (a) of the definition of “appealable decision”; 5
- (b) a licensee, where the appealable decision is within paragraph (b), (c), (d) or (i) of the definition of “appealable decision”;
- (c) the applicants for the Director-General’s consent for a transfer or an assignment of a licence under section 13, where the appealable decision is within paragraph (e) of the definition of “appealable decision”; 10
- (d) the applicants for the grant of a section 21 approval, where the appealable decision is within paragraph (f) of the definition of “appealable decision”; 15
- (e) the grantees of a section 21 approval, where the appealable decision is within paragraph (g) or (h) of the definition of “appealable decision”;
- (f) the recipient of a direction given by the Director-General under section 25 or 26, where the appealable decision is within paragraph (j) of the definition of “appealable decision”; 20
- (g) a licensee or former licensee, where the appealable decision is within paragraph (k), (l) or (m) of the definition of “appealable decision”; 25
- (h) the grantees or former grantees of a section 21 approval, where the appealable decision is within paragraph (n), (o) or (p) of the definition of “appealable decision”; 30

“maximum capacity” has the meaning given by section 12(1);

“section 21 approval” means an approval granted by the Director-General under section 21 for a licensee to —

- (a) appoint a person as a key appointment holder of the licensee;
- (b) appoint a person as the person-in-charge of the licensable SRH to which the licensee's licence relates; or
- (c) deploy an individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties in relation to —
 - (i) the operation of the licensable SRH to which the licensee's licence relates; or
 - (ii) the management of the residents of that licensable SRH.

Appeal to Minister

49.—(1) An appellant who is aggrieved by an appealable decision may appeal to the Minister against the appealable decision in accordance with this section.

(2) An appeal under this section must —

- (a) be in writing;
- (b) specify the grounds on which it is made; and
- (c) be made within the prescribed period after the date the appealable decision appealed against is given to the appellant, or any longer period that the Minister may allow in any particular case for special reasons.

(3) The Minister may reject an appeal of an appellant that fails to comply with subsection (2).

(4) After consideration of an appeal, the Minister may —

- (a) reject the appeal and confirm the appealable decision; or
- (b) allow the appeal and substitute or vary the appealable decision.

(5) The Minister's decision on an appeal is final.

(6) Every appellant must be notified of the Minister's decision under subsection (4) in writing.

(7) An appeal against an appealable decision —

(a) does not affect the operation of the appealable decision appealed against or prevent the taking of any action to implement the decision; and

(b) unless otherwise directed by the Minister, the appealable decision appealed against must be complied with until the determination of the appeal.

Designate may hear appeal in place of Minister

50.—(1) The Minister may designate any of the following office-holders in his or her Ministry to hear and determine, in the Minister's place, any appeal made under section 49:

(a) the Second Minister, if any;

(b) any Minister of State or Senior Minister of State;

(c) any Parliamentary Secretary or Senior Parliamentary Secretary.

(2) A reference to the Minister in section 49 includes a reference to a person designated under subsection (1).

PART 11

ADMINISTRATION

Authorised officers

51.—(1) The Director-General may, in relation to any provision of this Act, appoint any of the following individuals to be an authorised officer for the purposes of that provision, either generally or in a particular case:

(a) a public officer;

(b) an employee of a public authority.

(2) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon the Director-General by

any provision of this Act, to any authorised officer, subject to any conditions or limitations that the Director-General may specify; and any reference in that provision of this Act or its subsidiary legislation to the Director-General includes a reference to the authorised officer.

5 (3) However, nothing in subsection (2) authorises delegating the power of delegation conferred by that subsection.

Compliance officers

52.—(1) The Director-General may, with the general or specific approval of the Minister, appoint an individual who —

- 10 (a) is not an employee of any public authority and not a public officer;
- (b) is at least 21 years of age; and
- (c) has suitable qualifications or experience,

to be a compliance officer.

15 (2) The function and duty of a compliance officer are to assist an inspecting officer in the exercise of enforcement powers in section 42 —

- (a) when the compliance officer is in or on any premises in Singapore —
- 20 (i) that are used as a licensable SRH; or
- (ii) where a licensee has an office or keeps records that relate to any licensable SRH operated by the licensee; and
- (b) in relation to any of the following only:
- 25 (i) any licensee;
- (ii) any employee or former employee of a licensee;
- (iii) any key appointment holder or former key appointment holder of a licensee;
- 30 (iv) any person-in-charge or former person-in-charge of a licensee.

(3) The Director-General must issue to each compliance officer an identification card, which must be carried at all times by the compliance officer when exercising any power under this Act.

(4) A compliance officer whose appointment as such ceases must without delay return any identification card issued to him or her under subsection (3) to the Director-General. 5

(5) The Director-General must also issue to each compliance officer a written authorisation specifying —

(a) such of the powers specified in section 42 as are exercisable by a compliance officer, and no other powers; and 10

(b) the particular premises or description of premises in Singapore where the compliance officer may exercise all or any of those powers, provided that the premises are —

(i) used as a licensable SRH; or 15

(ii) where a licensee has an office or keeps records that relate to any licensable SRH operated by the licensee.

(6) The written authorisation of the Director-General issued to a compliance officer under subsection (5) may also do either or both of the following: 20

(a) limit when the compliance officer may exercise all or any of those powers;

(b) limit the circumstances in which the compliance officer may exercise all or any of those powers. 25

(7) To avoid doubt, the Director-General cannot authorise under this section a compliance officer —

(a) to detain or arrest any individual;

(b) to search any place or individual; or

(c) to seize any property. 30

(8) The powers that a compliance officer may be authorised under this section to exercise may be exercised only —

(a) on production of the identification card issued under subsection (3);

(b) to the extent authorised by the Director-General under subsection (5); and

5 (c) as directed (generally or specially) by an inspecting officer.

(9) A compliance officer who is authorised under subsection (5) to exercise any power expressly specified in that written authorisation as exercisable by a compliance officer is deemed to be a public servant for the purposes of the Penal Code 1871 when exercising that
10 power.

(10) To avoid doubt, a compliance officer does not cease to be acting on the direction of an inspecting officer by reason only that the inspecting officer is not present at any time.

15 (11) An individual who is appointed as a compliance officer under subsection (1) does not, by virtue only of the appointment, become an agent of the Government.

(12) The Director-General may, for any reason that appears to the Director-General to be sufficient, at any time revoke an individual's appointment as a compliance officer.

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PART 12

MISCELLANEOUS

Protection of persons giving information to inspecting officer, etc.

25 **53.**—(1) A person who knows, or has reason to suspect, that an offence under this Act has been committed may make a notification to an inspecting officer of the facts and circumstances on which the person's knowledge or suspicion is based.

(2) A person who makes a notification under subsection (1) —

30 (a) cannot, by virtue of doing so, be held in any proceedings before any court or tribunal or in any other respect to have breached any restriction on disclosure imposed by any rule of law, contract or rule of professional etiquette or ethics,

or to have departed from any accepted form of professional conduct; and

- (b) insofar as the person had acted in good faith, incurs no civil or criminal liability for making the notification or providing any information contained in the notification. 5

(3) A person appearing as a witness in any proceedings in any court or tribunal before a person authorised by law to hear evidence cannot be compelled —

- (a) to disclose the identity of any person who has made a notification under subsection (1) or any information likely to lead to the disclosure of the identity of the person; or 10

- (b) to produce any report or document (or any part of a report or document) which identifies, or is likely to identify, any person who has made a notification under subsection (1).

Protection from personal liability 15

54. No liability shall lie personally against any of the following persons who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act:

- (a) the Director-General; 20
 (b) any authorised officer;
 (c) any member of a Board of Visitors;
 (d) any other person acting under the direction of the Director-General.

Offences by corporations 25

55.—(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 —

- (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 30

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

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

5 (a) who is —

- (i) an officer of the corporation; or
- (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

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(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 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,

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

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(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 —

(a) Chapters 5 and 5A of the Penal Code 1871; or

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(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.

(6) In this section —

“corporation” includes a limited liability partnership; 5

“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; 10

“reasonable steps”, in relation to the commission of an offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances: 15

(a) action towards —

(i) assessing the corporation’s compliance with the provision creating the offence; and

(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision; 20

(b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the offence so far as the provision is relevant to them; 25

(c) action towards ensuring that —

(i) the equipment and other resources; and

(ii) the structures, work systems and other processes,

relevant to compliance with the provision creating the offence are appropriate in all the circumstances;

5 (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the offence;

“state of mind” of a person includes —

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

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

15 (7) The Minister may make rules to provide for the application of any provision of this section, with any modifications that the Minister considers appropriate, to any corporation formed or recognised under the law of a country or territory outside Singapore.

Offences by unincorporated associations or partnerships

20 **56.**—(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 —

(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

25 (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership (as the case may be) had that state of mind.

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

30 (a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

- (ii) a partner in the partnership; or
- (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

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(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,

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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.

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(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.

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(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;

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

“reasonable steps” has the meaning given by section 55(6) except that any reference to the corporation is a reference to the unincorporated association or a partnership mentioned in subsection (2);

“state of mind” has the meaning given by section 55(6).

(7) The Minister may make rules to provide for the application of any provision of this section, with any modifications that the Minister considers appropriate, to any unincorporated association or partnership formed or recognised under the law of a country or territory outside Singapore.

Jurisdiction of courts

57. Despite the Criminal Procedure Code 2010, a District Court or a Magistrate’s Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for the offence.

Service of documents

58.—(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.

(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;

- (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; 5
- (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 10
- (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 — 15

- (a) by giving it to any partner, secretary or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address; 20
- (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. 25

(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 similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager; 30

(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;

5 (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.

(5) Service of a document takes effect —

10 (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

15 (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

(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).

20 (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 —

25 “business address” means —

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

30 (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 or an order permitted or required by this Act to be served;

“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. 5

Exemption

59. The Minister may, by order in the *Gazette*, exempt any person or class of persons, or any premises or class of premises, from all or any of the provisions of this Act, either generally or in a particular case and subject to any condition that the Minister may impose. 10

Amendment of Schedules

60.—(1) The Minister may, by order in the *Gazette*, amend, add to or vary the First or Second Schedule.

(2) The Minister may, in an order under subsection (1), make any provision of a saving or transitional nature consequent on the enactment of the order that the Minister considers necessary or expedient. 15

(3) All orders made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*. 20

Regulations

61.—(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, the Minister may make regulations for any of the following: 25

- (a) the form and manner in which, and the time within which, an application for the grant or renewal of a licence or the Director-General’s approval or consent may be made under this Act; 30

- (b) the carrying out of inquiries or investigations in relation to applications for a licence or the Director-General's approval or consent under this Act;
- 5 (c) the fees to be paid in respect of an application for the grant or renewal of a licence or the Director-General's approval or consent under any provision of this Act, and of anything else done by the Director-General in connection with the administration of this Act, and the waiver, reduction or refund of fees charged;
- 10 (d) the registers to be kept for the purposes of this Act;
- (e) the duties and responsibilities of licensees;
- (f) the operation, management and supervision of, and the admission of residents to, licensable SRHs;
- 15 (g) the management and discipline of residents of licensable SRHs;
- (h) the standards of accommodation, public health and sanitation and other amenities to be provided in licensable SRHs;
- 20 (i) in respect of licensable SRHs belonging to a type of licensable SRHs that provides care, biopsychosocial intervention or support to carry out daily activities to residents of those licensable SRHs, the standards of care, biopsychosocial intervention or support to carry out daily activities to be provided to residents of those licensable SRHs;
- 25 (j) the control and supervision of activities in licensable SRHs;
- (k) the records to be kept by licensees, and the provision of returns and other information with respect to any licensable SRH, licence or other approval or consent of the Director-General;
- 30 (l) the duties and responsibilities of an approved individual in carrying out —

- (i) the approved individual's duty as a key appointment holder;
 - (ii) the approved individual's duty as the person-in-charge of a licensable SRH; or
 - (iii) a prescribed duty or a duty belonging to a prescribed class of duties in relation to —
 - (A) the operation of a licensable SRH; or
 - (B) the management of the residents of a licensable SRH;
 - (m) the safety measures and precautions to be taken in licensable SRHs;
 - (n) the constitution, functions and procedures of Boards of Visitors;
 - (o) the manner in which appeals may be made to the Minister under this Act and the procedure for those appeals;
 - (p) all matters and things required or permitted to be prescribed under or for the purposes of this Act.
- (3) Regulations made under subsection (2)(l) may make different provisions for —
- (a) approved individuals who carry out different duties or classes of duties in the operation, management and supervision of a licensable SRH; and
 - (b) approved individuals who carry out a duty or a class of duties in the operation, management and supervision of different types of licensable SRHs.
- (4) Regulations made under this section may —
- (a) apply in respect of all licences or particular classes of licences;
 - (b) apply in respect of all licensable SRHs or particular types of licensable SRHs;
 - (c) prescribe the offences under this Act that may be compounded; and

- (d) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$20,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

PART 13

REPEAL, CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

Amendment of Central Provident Fund Act 1953

62. In the Central Provident Fund Act 1953, in the Third Schedule —

- (a) delete item 19; and
(b) after item 40, insert —

“40A. Social Residential Homes Act 2025”.

Amendment of Children and Young Persons Act 1993

63. In the Children and Young Persons Act 1993 —

- (a) in the long title, delete “, to regulate homes for children and young persons”;
(b) in section 2(1), after the definition of “foster parent”, insert —

““Government home for children and young persons” means a home for children and young persons that is operated by the Government;”;

- (c) in section 2(1), replace the definition of “home for children and young persons” with —

““home for children and young persons” has the meaning given by the First Schedule to the Social Residential Homes Act 2025;”;

(d) in section 2(1), replace the definitions of “licence”, “licensed home for children and young persons” and “person-in-charge” with —

““licensed home for children and young persons” means a home for children and young persons that is licensed or deemed to be licensed as a social residential home under the Social Residential Homes Act 2025; 5

“person-in-charge” —

(a) in relation to — 10

(i) a licensed home for children and young persons; or

(ii) a juvenile rehabilitation centre, place of detention, place of safety, place of temporary care and protection or remand home that is a licensed home for children and young persons mentioned in sub-paragraph (i), 15

has the meaning given by section 2(1) of the Social Residential Homes Act 2025; 20

(b) in relation to —

(i) a home for children and young persons which is a Government home for children and young persons or is exempt from having to be licensed as a social residential home under the Social Residential Homes Act 2025; or 25 30

- (ii) a juvenile rehabilitation centre, place of detention, place of safety, place of temporary care and protection or remand home that is a home for children and young persons mentioned in sub-paragraph (i),

5

means —

- (iii) a director, manager or superintendent of that centre, place or home; or
- (iv) any other person having the management or control of that centre, place or home; or

10

- (c) in relation to a juvenile rehabilitation centre, place of detention, place of safety, place of temporary care and protection or remand home that is not a home for children and young persons, means —

15

20

- (i) a director, manager or superintendent of that centre, place or home; or
- (ii) any other person having the management or control of that centre, place or home;”;

25

- (e) in Part 3A, replace the Part heading with —

“INSPECTION OF GOVERNMENT HOMES FOR
CHILDREN AND YOUNG PERSONS AND
BOARD OF REVIEW, ETC.”;

30

- (f) delete sections 62 to 66 and 69 to 78;
- (g) in section 67, in the section heading, after “**Inspection of**”, insert “**Government**”;

(h) in section 67, replace subsection (1) with —

“(1) The Director-General and any officer authorised by the Director-General may —

(a) at any time, enter and inspect any Government home for children and young persons; 5

(b) require any person taking part in the operation or management of a Government home for children and young persons to — 10

(i) produce any record, document or other article relating to the management of the Government home for children and young persons or to any other activity in respect of the Government home for children and young persons; and 15

(ii) provide any other information relating to the management or activity mentioned in sub-paragraph (i); 20

(c) remove for further examination any record, document or other article which the Director-General or authorised officer has reason to suspect is evidence of the commission of an offence under this Act; and 25

(d) do any other thing that is necessary for the inspection of a Government home for children and young persons.”; 30

(i) in section 68(3), replace “The” with “Subject to subsection (3A), the”;

(j) in section 68(3)(a), replace “licensed home for children and young persons” with “Government home for children and young persons”;

5 (k) in section 68(3)(a), replace “the licensed home” with “the home”;

(l) in section 68(3)(b), after “admitted to a”, insert “Government home for children and young persons or”;

(m) in section 68, after subsection (3), insert —

10 “(3A) Despite subsection (3)(b), the Review Board is not required to review a case of a child or young person who is admitted to a Government home for children and young persons or licensed home for children and young persons pursuant to a probation order made under section 5 of the Probation of
15 Offenders Act 1951, with a view to ensuring that a proper care plan is in place for the child or young person, unless the Director-General is satisfied that there are exceptional circumstances requiring such a review.”;

20 (n) in section 68(4), after “at any time any”, insert “Government home for children and young persons or”;

(o) in section 94(1), replace “any home for children and young persons that is operated by or under the management or control of the Government” with “any prescribed
25 Government home for children and young persons”;

(p) in section 94(2)(a) and (b), replace “the home” with “the prescribed Government home for children and young persons”; and

30 (q) in section 94(3)(a) and (4), replace “home for children and young persons” with “prescribed Government home for children and young persons”.

Amendment of Destitute Persons Act 1989

64. In the Destitute Persons Act 1989 —

(a) in section 2(1), after the definition of “Director-General”, insert —

““key appointment holder”, in relation to a licensee, has the meaning given by section 2(1) of the Social Residential Homes Act 2025; 5

“licensee”, in relation to a welfare home, means a person who is authorised to operate the welfare home under a licence granted or deemed to be granted under the Social Residential Homes Act 2025; 10

“person-in-charge”, in relation to a welfare home, has the meaning given by section 2(1) of the Social Residential Homes Act 2025, except that — 15

(a) every reference to a licensable SRH to which a licensee’s licence relates or a licensable SRH, is a reference to the welfare home that is licensed under the Social Residential Homes Act 2025; and 20

(b) every reference to a licensee is a reference to the licensee of the welfare home;” 25

(b) in section 2(1), delete the definition of “superintendent”;

(c) in section 3(2) and (4), replace “If” with “Subject to section 7(2), if”;

(d) in section 7, replace subsections (2) and (3) with —

“(2) Despite subsection (1), the Director-General must not arrange for a person to be temporarily admitted into a welfare home or require a person to reside in a welfare home unless the operation of the 30

welfare home is authorised by a licence under the Social Residential Homes Act 2025.”;

(e) delete section 8;

(f) in section 9, delete paragraph (a);

5 (g) in section 16(b), delete “without permission of the superintendent,”;

(h) in section 16(b), after “section 5”, insert “, without the permission of the person-in-charge of the welfare home”; and

10 (i) in section 16(c), replace “the permission of the superintendent leaves a” with “the permission of the person-in-charge of a welfare home to leave the”.

Amendment of Early Childhood Development Centres Act 2017

15 **65.** In the Early Childhood Development Centres Act 2017, in the Schedule, in item 5, replace “Children and Young Persons Act 1993” with “Social Residential Homes Act 2025”.

Repeal of Homes for the Aged Act 1988

66. Repeal the Homes for the Aged Act 1988.

20 Saving and transitional provisions for adult disability homes

67. The Third Schedule has effect in relation to any adult disability home as defined in the First Schedule that was in operation immediately before the date of commencement of section 6.

25 Saving and transitional provisions for homes for children and young persons

68. The Fourth Schedule has effect in relation to any home for children and young persons as defined in the First Schedule that was in operation immediately before the date of commencement of section 6.

Saving and transitional provisions for sheltered homes

69. The Fifth Schedule has effect in relation to any sheltered home as defined in the First Schedule that was in operation immediately before the date of commencement of section 6.

Saving and transitional provisions for welfare homes

5

70. The Sixth Schedule has effect in relation to any welfare home as defined in the First Schedule that was in operation immediately before the date of commencement of section 6.

General saving and transitional provisions

71.—(1) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe any additional provisions of a saving or transitional nature consequent on the enactment of that provision that the Minister may consider necessary or expedient.

10

(2) To avoid doubt, nothing in this Part affects section 16 of the Interpretation Act 1965.

15

FIRST SCHEDULE

Sections 2 and 60(1)

LICENSABLE SOCIAL RESIDENTIAL HOMES

1. For the purposes of the definition of “licensable social residential home” or “licensable SRH” in section 2(1), “licensable social residential home” or “licensable SRH” means any of the following:

20

(a) an adult disability home;

(b) a home for children and young persons;

(c) a sheltered home;

25

(d) a welfare home.

2. In this Schedule —

“adult disability home” means any premises that provide residential accommodation, care, biopsychosocial intervention, and support to carry out daily activities to any individual who —

30

(a) is 18 years of age or older at the time of the individual’s admission to the premises as a resident; and

FIRST SCHEDULE — *continued*

(b) has autism or any intellectual, physical or sensory disability or any combination of those disabilities,

5 but does not include any premises used for the provision of a community hospital service or a nursing home service;

“boarding school” means a school that provides accommodation and board for pupils during term time;

“child” has the meaning given by section 2(1) of the Children and Young Persons Act 1993;

10 “community hospital service” has the meaning given by the First Schedule to the Healthcare Services Act 2020;

“elderly person” means an individual who is 60 years of age or older;

15 “home for children and young persons” means any premises that provide residential accommodation with board and care to any child or young person for the purposes of his or her protection or rehabilitation or both, but does not include a boarding school that is registered or exempt from registration under the Education Act 1957 or the Private Education Act 2009;

20 “nursing home service” has the meaning given by the First Schedule to the Healthcare Services Act 2020;

“sheltered home” means any premises that provide residential accommodation, care and support to carry out daily activities to elderly persons, but does not include —

25 (a) any premises used for the provision of a community hospital service or a nursing home service; or

(b) an adult disability home;

“welfare home” has the meaning given by section 2(1) of the Destitute Persons Act 1989;

30 “young person” means a person who is 14 years of age or older but below 21 years of age.

SECOND SCHEDULE

Sections 32(1)(a)(iv), 35(1)(a)(iv) and
60(1)

SPECIFIED OFFENCES

<i>Offences</i>	<i>Description</i>	
Penal Code 1871		5
1. Section 334	Voluntarily causing hurt on provocation	
2. Section 357	Assault or criminal force in attempting wrongfully to confine a person	
3. Section 358	Assaulting or using criminal force on grave and sudden provocation	10
4. Section 377BA	Word or gesture intended to insult modesty of any person	
Protection from Harassment Act 2014		15
1. Section 3	Intentionally causing harassment, alarm or distress	
2. Section 4	Harassment, alarm or distress	
3. Section 5	Fear, provocation or facilitation of violence	
4. Section 7	Unlawful stalking	20

THIRD SCHEDULE

Section 67

SAVING AND TRANSITIONAL PROVISIONS FOR
ADULT DISABILITY HOMES

5 1. In this Schedule, “appointed day” means the date of commencement of section 6.

2.—(1) Despite anything in this Act, a person who —

(a) immediately before the appointed day, was operating an adult disability home; and

10 (b) on or after the appointed day, would be required under section 6 to be authorised to operate the adult disability home by a licence,

may continue operating the adult disability home on or after the appointed day —

(c) until the expiry of 6 months after the appointed day; or

15 (d) if, before the expiry of the 6-month period after the appointed day, the person has applied under section 7 for a licence to operate the adult disability home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).

20 (2) For the purposes of sub-paragraph (1)(d), the period is a period ending on the earlier of the following dates:

(a) the date on which the Director-General grants a licence under section 8 to the person;

(b) the date that the application for a licence is finally refused by the Director-General under section 8 or withdrawn.

25 3.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was acting as a key appointment holder of the person mentioned in paragraph 2(1) (called in this Schedule the operator), may continue to act as such on or after the appointed day —

(a) until the expiry of 6 months after the appointed day; or

30 (b) if, before the expiry of the 6-month period after the appointed day, the operator has applied under section 7 for a licence to operate the adult disability home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).

THIRD SCHEDULE — *continued*

- (2) For the purposes of sub-paragraph (1)(b), the period is —
 - (a) a period ending on the date that the operator’s application for a licence is finally refused by the Director-General under section 8 or withdrawn; or 5
 - (b) where the Director-General grants a licence under section 8 to the operator —
 - (i) 6 months after the licence is granted to the operator (now also the licensee); or
 - (ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to appoint the individual as a key appointment holder of the licensee, the period that ends on the earlier of the following dates: 10
 - (A) the date on which the Director-General grants the approval under section 21; 15
 - (B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

- 4.—(1) Despite anything in this Act, an individual who, immediately before the appointed day, was acting as the person-in-charge of the adult disability home mentioned in paragraph 2(1), may continue to act as such on or after the appointed day — 20
 - (a) until the expiry of 6 months after the appointed day; or
 - (b) if, before the expiry of the 6-month period after the appointed day, the operator has applied under section 7 for a licence to operate the adult disability home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2). 25

- (2) For the purposes of sub-paragraph (1)(b), the period is — 30
 - (a) a period ending on the date that the operator’s application for a licence is finally refused by the Director-General under section 8 or withdrawn; or
 - (b) where the Director-General grants a licence under section 8 to the operator — 35
 - (i) 6 months after the licence is granted to the operator (now also the licensee); or

THIRD SCHEDULE — *continued*

(ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to appoint the individual as the person-in-charge of the adult disability home, the period that ends on the earlier of the following dates:

(A) the date on which the Director-General grants the approval under section 21;

(B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

5.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was deployed by the operator to carry out a prescribed duty or a duty belonging to a prescribed class of duties mentioned in section 19(1) in relation to —

(a) the operation of the adult disability home mentioned in paragraph 2(1);
or

(b) the management of the residents of that adult disability home,

may continue to be so deployed on or after the appointed day —

(c) until the expiry of 6 months after the appointed day; or

(d) if, before the expiry of the 6-month period after the appointed day, the operator has applied under section 7 for a licence to operate the adult disability home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).

(2) For the purposes of sub-paragraph (1)(d), the period is —

(a) a period ending on the date that the operator's application for a licence is finally refused by the Director-General under section 8 or withdrawn; or

(b) where the Director-General grants a licence under section 8 to the operator —

(i) 6 months after the licence is granted to the operator (now also the licensee); or

(ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to deploy the individual to carry out a duty mentioned

THIRD SCHEDULE — *continued*

in sub-paragraph (1) — the period that ends on the earlier of the following dates:

- (A) the date on which the Director-General grants the approval under section 21; 5
- (B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

FOURTH SCHEDULE

Sections 2(1) and 68 10

SAVING AND TRANSITIONAL PROVISIONS FOR HOMES FOR CHILDREN AND YOUNG PERSONS

PART 1

DEFINITION

1. In this Schedule, “appointed day” means the date of commencement of section 6. 15

PART 2

SAVING AND TRANSITIONAL PROVISIONS FOR OPERATION OF EXISTING HOMES FOR CHILDREN AND YOUNG PERSONS, ETC. 20

1.—(1) Where immediately before the appointed day —

- (a) a person was operating a home for children and young persons under a licence granted under the Children and Young Persons Act 1993 as in force immediately before the appointed day (called in this Schedule the old CYP Act); and 25

(b) the licence was not revoked or suspended under the old CYP Act, the licence continues in force, so far as not inconsistent with the provisions of this Act, as if it were a licence granted under this Act to operate the home for children and young persons for the period mentioned in sub-paragraph (2).

(2) For the purposes of sub-paragraph (1), the period is — 30

- (a) a period ending on the earliest of the following dates:
 - (i) the date the licence is surrendered under section 14;
 - (ii) the date the licence is revoked or lapses under section 15;

FOURTH SCHEDULE — *continued*

(iii) the date the licence is revoked under section 30;

(iv) the date of expiry of 6 months after the appointed day; or

(b) if none of the events mentioned in sub-paragraph (a)(i), (ii) and (iii) occurs before the expiry of the 6-month period after the appointed day and within that period, the person has applied under section 7 for a new licence to operate the home for children and young persons and the application has not been granted, refused or withdrawn on or before that date — the further period mentioned in sub-paragraph (3).

(3) For the purposes of sub-paragraph (2)(b), the further period is a period ending on the earlier of the following dates:

(a) the date on which the Director-General grants a new licence under section 8 to the person;

(b) the date that the application for a licence is finally refused by the Director-General under section 8 or withdrawn.

2.—(1) Where —

(a) before the appointed day, an application is made to the Director-General under section 63 of the old CYP Act for or to renew a licence to operate a home for children and young persons; and

(b) immediately before the appointed day, the application is pending before the Director-General,

then on or after the appointed day, the application is treated as an application made under section 7.

(2) Any thing that has been started by the Director-General in connection with an application mentioned in sub-paragraph (1) may be carried on and completed by the Director-General under the corresponding provisions in Part 2 of this Act.

3. Where —

(a) before the appointed day, the person mentioned in paragraph 1(1) of this Part (called in this Schedule the licensee) and the person to whom the licensee desires to transfer the licensee's licence (called in this Part the intended transferee) had made a written application to the Director-General under section 66 of the old CYP Act for the transfer of the licence to the intended transferee; and

(b) immediately before the appointed day, the application is pending before the Director-General,

then on or after the appointed day, the application is treated as an application made by the licensee and the intended transferee to the Director-General under

FOURTH SCHEDULE — *continued*

section 13 for the Director-General’s consent to the transfer of the licence, and any rights, benefits or privileges under the licence, to the intended transferee.

PART 3

SAVING AND TRANSITIONAL PROVISIONS FOR
REGULATORY ACTION UNDER OLD CYP ACT AGAINST
OPERATORS OF EXISTING HOMES FOR
CHILDREN AND YOUNG PERSONS, ETC.

5

1. Where —

- (a) before the date of commencement of section 63 (called in this Part the section 63 start date), the Director-General had given a direction under section 69(1) of the old CYP Act to the licensee; and
- (b) as at the section 63 start date, the period of time within which the direction must have been complied with has not expired,

10

then on or after that date, the direction continues in force as if it had been given by the Director-General to the licensee under section 25.

15

2. Where —

- (a) before the section 63 start date, the Director-General had given a written notice under section 70(1) of the old CYP Act to require the licensee to furnish any information within a period specified in the written notice; and
- (b) as at the section 63 start date, the period specified in the written notice has not expired,

20

then on or after that date, the written notice is treated as a written notice given by the Director-General to the licensee under section 42 requiring the licensee to provide that information within that period.

25

3.—(1) Where —

- (a) before the section 63 start date, the Director-General had given notice under section 73(2) of the old CYP Act to the licensee of the Director-General’s intent to take any action under section 73 of that Act in respect of the licensee; and
- (b) the Director-General has not made a decision in respect of the matter before that date,

30

the Director-General may continue to make a decision in respect of the taking of the action under section 73 of the old CYP Act as if section 63 had not been enacted.

35

FOURTH SCHEDULE — *continued*

(2) Subject to sub-paragraph (3), where the Director-General has taken or made a decision to take an action against the licensee —

(a) in accordance with section 73 of the old CYP Act before the section 63 start date; or

(b) in accordance with sub-paragraph (1) on or after the section 63 start date,

then —

(c) the ground on which the Director-General has taken or made the decision to take an action against the licensee is treated as a ground on which an action may be taken against the licensee under section 30; and

(d) the action continues in force as if it had been taken under that provision.

(3) Where the Director-General suspends the licence granted under the old CYP Act to the licensee —

(a) in accordance with section 73 of the old CYP Act before the section 63 start date; or

(b) in accordance with sub-paragraph (1) on or after the section 63 start date,

then the suspension of the licence is treated as a suspension imposed under section 30(2) for the period determined by the Director-General.

4. Where —

(a) before the section 63 start date, the Minister had, under section 75 of the old CYP Act, ordered the licensee to discharge the children or young persons residing in a home for children and young persons or transfer those children or young persons to another home for children and young persons specified in the order; and

(b) as at the section 63 start date, the licensee has not commenced or completed the discharge or transfer of the children or young persons,

then on or after that date, the order is treated as a direction given by the Director-General to the operator under section 26.

5. Where, on or after the section 63 start date, the Director-General discovers or is informed of any breach or alleged breach of a licence condition of the licensee that occurred or is alleged to have occurred before that date, the Director-General may commence an investigation and take regulatory action in respect of the breach or alleged breach under this Act, and for this purpose the breach or alleged breach

FOURTH SCHEDULE — *continued*

is treated as a breach or an alleged breach of a licence condition by the licensee under this Act.

6. Where —

- (a) an appeal has been made to the Minister under section 76 of the old CYP Act before the section 63 start date; and 5
- (b) the appeal has not been dealt with or disposed of immediately before that date,

the appeal may be dealt with or disposed of under the old CYP Act as if this Act had not been enacted. 10

7. To avoid doubt, the provisions of this Part apply to a licensee who is granted a new licence (as mentioned in paragraph 1(3)(a) of Part 2) as they apply to a licensee who is deemed to be granted a licence under this Act (as mentioned in paragraph 1(1) of Part 2).

PART 4 15

SAVING AND TRANSITIONAL PROVISIONS FOR
APPOINTMENT OF KEY APPOINTMENT HOLDERS AND
PERSONS-IN-CHARGE AND DEPLOYMENT OF INDIVIDUALS

1.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was acting as a key appointment holder of the licensee, may continue to act as such on or after the appointed day — 20

- (a) until the expiry of 6 months after the appointed day; or
- (b) if, before the expiry of the 6-month period after the appointed day, the licensee has applied under section 7 for a new licence to operate the home for children and young persons and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2). 25

(2) For the purposes of sub-paragraph (1)(b), the period is —

- (a) a period ending on the date that the licensee's application for a new licence is finally refused by the Director-General under section 8 or withdrawn; or 30
- (b) where the Director-General grants a new licence under section 8 to the licensee —
 - (i) 6 months after the new licence is granted to the licensee; or

FOURTH SCHEDULE — *continued*

(ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to appoint the individual as a key appointment holder of the licensee, the period that ends on the earlier of the following dates:

(A) the date on which the Director-General grants the approval under section 21;

(B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

2.—(1) Despite anything in this Act, an individual who, immediately before the appointed day, was acting as the person-in-charge of the home for children and young persons mentioned in paragraph 1(1) of Part 2, may continue to act as such on or after the appointed day —

(a) until the expiry of 6 months after the appointed day; or

(b) if, before the expiry of the 6-month period after the appointed day, the licensee has applied under section 7 for a new licence to operate the home for children and young persons and the application has not been granted, refused or withdrawn on or before that date, for the period mentioned in sub-paragraph (2).

(2) For the purposes of sub-paragraph (1)(b), the period is —

(a) a period ending on the date that the licensee's application for a new licence is finally refused by the Director-General under section 8 or withdrawn; or

(b) where the Director-General grants a new licence under section 8 to the licensee —

(i) 6 months after the new licence is granted to the licensee; or

(ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to appoint the individual as the person-in-charge of the home for children and young persons, the period that ends on the earlier of the following dates:

(A) the date on which the Director-General grants the approval under section 21;

(B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

FOURTH SCHEDULE — *continued*

3.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was deployed by the licensee to carry out a prescribed duty or a duty belonging to a prescribed class of duties mentioned in section 19(1) in relation to —

5

(a) the operation of the home for children and young persons mentioned in paragraph 1(1) of Part 2; or

(b) the management of the residents of that home for children and young persons,

may continue to be so deployed on or after the appointed day —

10

(c) until the expiry of 6 months after the appointed day; or

(d) if, before the expiry of the 6-month period after the appointed day, the licensee has applied under section 7 for a new licence to operate the home for children and young persons and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).

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(2) For the purposes of sub-paragraph (1)(d), the period is —

(a) a period ending on the date that the licensee's application for a new licence is finally refused by the Director-General under section 8 or withdrawn; or

20

(b) where the Director-General grants a new licence under section 8 to the licensee —

(i) 6 months after the new licence is granted to the licensee; or

(ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to deploy the individual to carry out a duty mentioned in sub-paragraph (1) — the period that ends on the earlier of the following dates:

25

(A) the date on which the Director-General grants the approval under section 21;

30

(B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

FIFTH SCHEDULE

Sections 2(1) and 69

SAVING AND TRANSITIONAL PROVISIONS FOR
SHELTERED HOMES

PART 1

DEFINITION

1. In this Schedule, “appointed day” means the date of commencement of section 6.

PART 2

SAVING AND TRANSITIONAL PROVISIONS FOR
EXISTING SHELTERED HOMES THAT ARE
ALSO HOMES FOR THE AGED

*Division 1 — Saving and transitional provisions for
operation of existing sheltered homes that are
also homes for the aged*

1.—(1) Where immediately before the appointed day —

(a) a person was operating a sheltered home as a home for the aged under a licence granted under the Homes for the Aged Act 1988 as in force immediately before the appointed day (called in this Schedule the repealed HFA Act); and

(b) the licence was not revoked or suspended under the repealed HFA Act, the licence continues in force, so far as not inconsistent with the provisions of this Act, as if it were a licence granted under this Act to operate the sheltered home for the period mentioned in sub-paragraph (2).

(2) For the purposes of sub-paragraph (1), the period is —

(a) a period ending on the earliest of the following dates:

(i) the date the licence is surrendered under section 14;

(ii) the date the licence is revoked or lapses under section 15;

(iii) the date the licence is revoked under section 30;

(iv) the date of expiry of 6 months after the appointed day; or

FIFTH SCHEDULE — *continued*

(b) if none of the events mentioned in sub-paragraph (a)(i), (ii) and (iii) occurs before the expiry of the 6-month period after the appointed day and within that period, the person has applied under section 7 for a new licence to operate the sheltered home and the application has not been granted, refused or withdrawn on or before that date — the further period mentioned in sub-paragraph (3). 5

(3) For the purposes of sub-paragraph (2)(b), the further period is a period ending on the earlier of the following dates:

(a) the date on which the Director-General grants a new licence under section 8 to the person; 10

(b) the date that the application for a licence is finally refused by the Director-General under section 8 or withdrawn.

2.—(1) Where —

(a) before the appointed day, an application is made to the Director-General under section 4 of the repealed HFA Act for or to renew a licence to operate a sheltered home as a home for the aged; and 15

(b) immediately before the appointed day, the application is pending before the Director-General,

then on or after the appointed day, the application is treated as an application made under section 7. 20

(2) Any thing that has been started by the Director-General in connection with an application mentioned in sub-paragraph (1) may be carried on and completed by the Director-General under the corresponding provisions in Part 2 of this Act.

3. Where — 25

(a) before the appointed day, the person mentioned in paragraph 1(1) of this Part (called in this Schedule the licensee) and the person to whom the licensee desires to transfer the licensee's licence (called in this Part the intended transferee) had made a written application to the Director-General under section 10 of the repealed HFA Act for the transfer of the licence to the intended transferee; and 30

(b) immediately before the appointed day, the application is pending before the Director-General,

then on or after the appointed day, the application is treated as an application made by the licensee and the intended transferee to the Director-General under section 13 for the Director-General's consent to the transfer of the licence, and any rights, benefits or privileges under the licence, to the intended transferee. 35

FIFTH SCHEDULE — *continued**Division 2 — Saving and transitional provisions for regulatory action under repealed HFA Act against operators of existing sheltered homes that are also homes for the aged*

5 4.—(1) Where —

(a) before the date of commencement of section 66 (called in this Division the section 66 start date), the Director-General had given notice under section 6(2) of the repealed HFA Act to the licensee of the Director-General's intent to take any action under section 6 of that Act in respect of the licensee; and

10

(b) the Director-General has not made a decision in respect of the matter before that date,

the Director-General may continue to make a decision in respect of the taking of the action under section 6 of the repealed HFA Act as if section 66 had not been enacted.

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(2) Subject to sub-paragraph (3), where the Director-General has taken or made a decision to take an action against the licensee —

(a) in accordance with section 6 of the repealed HFA Act before the section 66 start date; or

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(b) in accordance with sub-paragraph (1) on or after the section 66 start date,

then —

(c) the ground on which the Director-General has taken or made the decision to take an action against the licensee is treated as a ground on which an action may be taken against the licensee under section 30; and

25

(d) the action continues in force as if it had been taken under that provision.

(3) Where the Director-General suspends the licence granted under the repealed HFA Act to the licensee —

30

(a) in accordance with section 6 of the repealed HFA Act before the section 66 start date; or

(b) in accordance with sub-paragraph (1) on or after the section 66 start date,

35

then the suspension of the licence is treated as a suspension imposed under section 30(2) for the period determined by the Director-General.

FIFTH SCHEDULE — *continued*

5. Where —

(a) before the section 66 start date, the Director-General had given a notice to the licensee under section 15 of the repealed HFA Act to direct the licensee to stop using, install or replace any apparatus, appliance, equipment or instrument in the sheltered home within a period specified in the notice; and

(b) as at the section 66 start date, the period specified in the notice has not expired,

then on or after that date, the direction continues in force as if it had been given by the Director-General to the licensee under section 25.

6. Where —

(a) before the section 66 start date, the Director-General required the licensee to provide any information under section 16(1) of the repealed HFA Act within a period specified by the Director-General; and

(b) as at the section 66 start date, the period specified by the Director-General has not expired,

then on or after that date, the requirement is treated as a requirement under section 42 for the licensee to provide that information within that period.

7. Where, on or after the section 66 start date, the Director-General discovers or is informed of any breach or alleged breach of a licence condition of the licensee that occurred or is alleged to have occurred before that date, the Director-General may commence an investigation and take regulatory action in respect of the breach or alleged breach under this Act, and for this purpose the breach or alleged breach is treated as a breach or an alleged breach of a licence condition by the licensee under this Act.

8. Where —

(a) an appeal has been made to the Minister under section 7 of the repealed HFA Act before the section 66 start date; and

(b) the appeal has not been dealt with or disposed of immediately before that date,

the appeal may be dealt with or disposed of under the repealed HFA Act as if section 66 had not been enacted.

9. To avoid doubt, the provisions of this Division apply to a licensee who is granted a new licence (as mentioned in paragraph 1(3)(a) of this Part) as they apply to a licensee who is deemed to be granted a licence under this Act (as mentioned in paragraph 1(1) of this Part).

FIFTH SCHEDULE — *continued*

*Division 3 — Saving and transitional provisions for
appointment of key appointment holders and persons-in-charge and
deployment of individuals in relation to existing sheltered homes that are
also homes for the aged*

10.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was acting as a key appointment holder of the licensee, may continue to act as such on or after the appointed day —

(a) until the expiry of 6 months after the appointed day; or

(b) if, before the expiry of the 6-month period after the appointed day, the licensee has applied under section 7 for a new licence to operate the sheltered home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).

(2) For the purposes of sub-paragraph (1)(b), the period is —

(a) a period ending on the date that the licensee's application for a new licence is finally refused by the Director-General under section 8 or withdrawn; or

(b) where the Director-General grants a new licence under section 8 to the licensee —

(i) 6 months after the new licence is granted to the licensee; or

(ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to appoint the individual as a key appointment holder of the licensee — the period that ends on the earlier of the following dates:

(A) the date on which the Director-General grants the approval under section 21;

(B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

11.—(1) Despite anything in this Act, an individual who, immediately before the appointed day, was acting as the person-in-charge of the sheltered home mentioned in paragraph 1(1) of this Part, may continue to act as such on or after the appointed day —

(a) until the expiry of 6 months after the appointed day; or

FIFTH SCHEDULE — *continued*

- (b) if, before the expiry of the 6-month period after the appointed day, the licensee has applied under section 7 for a new licence to operate the sheltered home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2). 5
- (2) For the purposes of sub-paragraph (1)(b), the period is —
- (a) a period ending on the date that the licensee’s application for a new licence is finally refused by the Director-General under section 8 or withdrawn; or 10
- (b) where the Director-General grants a new licence under section 8 to the licensee —
- (i) 6 months after the new licence is granted to the licensee; or
- (ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to appoint the individual as the person-in-charge of the sheltered home, the period that ends on the earlier of the following dates: 15
- (A) the date on which the Director-General grants the approval under section 21; 20
- (B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.
- 12.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was deployed by the licensee to carry out a prescribed duty or a duty belonging to a prescribed class of duties mentioned in section 19(1) in relation to — 25
- (a) the operation of the sheltered home mentioned in paragraph 1(1) of this Part; or
- (b) the management of the residents of that sheltered home, 30
- may continue to be so deployed on or after the appointed day —
- (c) until the expiry of 6 months after the appointed day; or
- (d) if, before the expiry of the 6-month period after the appointed day, the licensee has applied under section 7 for a new licence to operate the sheltered home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2). 35

FIFTH SCHEDULE — *continued*

(2) For the purposes of sub-paragraph (1)(d), the period is —

(a) a period ending on the date that the licensee's application for a new licence is finally refused by the Director-General under section 8 or withdrawn; or

(b) where the Director-General grants a new licence under section 8 to the licensee —

(i) 6 months after the new licence is granted to the licensee; or

(ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to deploy the individual to carry out a duty mentioned in sub-paragraph (1) — the period that ends on the earlier of the following dates:

(A) the date on which the Director-General grants the approval under section 21;

(B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

PART 3

SAVING AND TRANSITIONAL PROVISIONS FOR
EXISTING SHELTERED HOMES THAT ARE
NOT HOMES FOR THE AGED

1.—(1) Despite anything in this Act, a person who —

(a) immediately before the appointed day, was operating a sheltered home that is not also a home for the aged within the meaning of section 2 of the repealed HFA Act; and

(b) on or after the appointed day, would be required under section 6 to be authorised to operate the sheltered home by a licence,

may continue operating the sheltered home on or after the appointed day —

(c) until the expiry of 6 months after the appointed day; or

(d) if, before the expiry of the 6-month period after the appointed day, the person has applied under section 7 for a licence to operate the sheltered home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).

FIFTH SCHEDULE — *continued*

(2) For the purposes of sub-paragraph (1)(d), the period is a period ending on the earlier of the following dates:

- (a) the date on which the Director-General grants a licence under section 8 to the person; 5
- (b) the date that the application for a licence is finally refused by the Director-General under section 8 or withdrawn.

2.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was acting as a key appointment holder of the person mentioned in paragraph 1(1) of this Part (called in this Schedule the operator), 10 may continue to act as such on or after the appointed day —

- (a) until the expiry of 6 months after the appointed day; or
- (b) if, before the expiry of the 6-month period after the appointed day, the operator has applied under section 7 for a licence to operate the sheltered home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2). 15

(2) For the purposes of sub-paragraph (1)(b), the period is —

- (a) a period ending on the date that the operator's application for a licence is finally refused by the Director-General under section 8 or withdrawn; or 20

- (b) where the Director-General grants a licence under section 8 to the operator —

- (i) 6 months after the licence is granted to the operator (now also the licensee); or 25

- (ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to appoint the individual as a key appointment holder of the licensee — the period that ends on the earlier of the following dates: 30

(A) the date on which the Director-General grants the approval under section 21;

(B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn. 35

FIFTH SCHEDULE — *continued*

3.—(1) Despite anything in this Act, an individual who, immediately before the appointed day, was acting as the person-in-charge of the sheltered home mentioned in paragraph 1(1) of this Part, may continue to act as such on or after the appointed day —

(a) until the expiry of 6 months after the appointed day; or

(b) if, before the expiry of the 6-month period after the appointed day, the operator has applied under section 7 for a licence to operate the sheltered home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).

(2) For the purposes of sub-paragraph (1)(b), the period is —

(a) a period ending on the date that the operator's application for a licence is finally refused by the Director-General under section 8 or withdrawn; or

(b) where the Director-General grants a licence under section 8 to the operator —

(i) 6 months after the licence is granted to the operator (now also the licensee); or

(ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to appoint the individual as the person-in-charge of the sheltered home, the period that ends on the earlier of the following dates:

(A) the date on which the Director-General grants the approval under section 21;

(B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

4.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was deployed by the operator to carry out a prescribed duty or a duty belonging to a prescribed class of duties mentioned in section 19(1) in relation to —

(a) the operation of the sheltered home mentioned in paragraph 1(1) of this Part; or

FIFTH SCHEDULE — *continued*

- (b) the management of the residents of that sheltered home,
may continue to be so deployed on or after the appointed day —
- (c) until the expiry of 6 months after the appointed day; or
- (d) if, before the expiry of the 6-month period after the appointed day, the operator has applied under section 7 for a licence to operate the sheltered home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2). 5
- (2) For the purposes of sub-paragraph (1)(d), the period is — 10
- (a) a period ending on the date that the operator's application for a licence is finally refused by the Director-General under section 8 or withdrawn; or
- (b) where the Director-General grants a licence under section 8 to the operator — 15
- (i) 6 months after the licence is granted to the operator (now also the licensee); or
- (ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to deploy the individual to carry out a duty mentioned in sub-paragraph (1) — the period that ends on the earlier of the following dates: 20
- (A) the date on which the Director-General grants the approval under section 21;
- (B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn. 25

SIXTH SCHEDULE

Section 70

SAVING AND TRANSITIONAL PROVISIONS FOR
WELFARE HOMES

5 1. In this Schedule, “appointed day” means the date of commencement of section 6.

2.—(1) Despite anything in this Act, a person who —

(a) immediately before the appointed day, was operating a welfare home; and

10 (b) on or after the appointed day, would be required under section 6 to be authorised to operate the welfare home by a licence,

may continue operating the welfare home on or after the appointed day —

(c) until the expiry of 6 months after the appointed day; or

15 (d) if, before the expiry of the 6-month period after the appointed day, the person has applied under section 7 for a licence to operate the welfare home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).

(2) For the purposes of sub-paragraph (1)(d), the period is a period ending on the earlier of the following dates:

20 (a) the date on which the Director-General grants a licence under section 8 to the person;

(b) the date that the application for a licence is finally refused by the Director-General under section 8 or withdrawn.

25 3.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was acting as a key appointment holder of the person mentioned in paragraph 2(1) (called in this Schedule the operator), may continue to act as such on or after the appointed day —

(a) until the expiry of 6 months after the appointed day; or

30 (b) if, before the expiry of the 6-month period after the appointed day, the operator has applied under section 7 for a licence to operate the welfare home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).

SIXTH SCHEDULE — *continued*

- (2) For the purposes of sub-paragraph (1)(b), the period is —
- (a) a period ending on the date that the operator's application for a licence is finally refused by the Director-General under section 8 or withdrawn; or 5
 - (b) where the Director-General grants a licence under section 8 to the operator —
 - (i) 6 months after the licence is granted to the operator (now also the licensee); or
 - (ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to appoint the individual as a key appointment holder of the licensee — the period that ends on the earlier of the following dates: 10
 - (A) the date on which the Director-General grants the approval under section 21; 15
 - (B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.
- 4.—(1) Despite anything in this Act, an individual who, immediately before the appointed day, was acting as the person-in-charge of the welfare home mentioned in paragraph 2(1), may continue to act as such on or after the appointed day — 20
- (a) until the expiry of 6 months after the appointed day; or
 - (b) if, before the expiry of the 6-month period after the appointed day, the operator has applied under section 7 for a licence to operate the welfare home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2). 25
- (2) For the purposes of sub-paragraph (1)(b), the period is —
- (a) a period ending on the date that the operator's application for a licence is finally refused by the Director-General under section 8 or withdrawn; or 30
 - (b) where the Director-General grants a licence under section 8 to the operator —
 - (i) 6 months after the licence is granted to the operator (now also the licensee); or 35
 - (ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the

SIXTH SCHEDULE — *continued*

licensee to appoint the individual as the person-in-charge of the welfare home, the period that ends on the earlier of the following dates:

- 5 (A) the date on which the Director-General grants the approval under section 21;
- (B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.

10 5.—(1) Despite anything in this Act, every individual who, immediately before the appointed day, was deployed by the operator to carry out a prescribed duty or a duty belonging to a prescribed class of duties mentioned in section 19(1) in relation to —

- (a) the operation of the welfare home mentioned in paragraph 2(1); or
- 15 (b) the management of the residents of that welfare home,
- may continue to be so deployed on or after the appointed day —
- (c) until the expiry of 6 months after the appointed day; or
- (d) if, before the expiry of the 6-month period after the appointed day, the operator has applied under section 7 for a licence to operate the welfare home and the application has not been granted, refused or withdrawn on or before that date — for the period mentioned in sub-paragraph (2).
- 20

(2) For the purposes of sub-paragraph (1)(d), the period is —

- (a) a period ending on the date that the operator's application for a licence is finally refused by the Director-General under section 8 or withdrawn; or
- 25 (b) where the Director-General grants a licence under section 8 to the operator —
- (i) 6 months after the licence is granted to the operator (now also the licensee); or
- 30 (ii) if, within the period mentioned in sub-paragraph (i), an application is made under section 20 for approval for the licensee to deploy the individual to carry out a duty mentioned in sub-paragraph (1) — the period that ends on the earlier of the following dates:
- 35 (A) the date on which the Director-General grants the approval under section 21;

SIXTH SCHEDULE — *continued*

- (B) the date on which the application for approval is finally refused by the Director-General under section 21 or withdrawn.
-

EXPLANATORY STATEMENT

This Bill seeks to —

- (a) introduce a licensing regime for the regulation of social residential homes that consolidates the regulation framework for the operation of homes for children and young persons and sheltered homes (which are currently regulated under the Children and Young Persons Act 1993 and the Homes for the Aged Act 1988 respectively), and will also enable the regulation of adult disability homes, welfare homes and other social residential homes (SRHs);
- (b) introduce new measures to safeguard the safety, welfare and wellbeing of residents of SRHs;
- (c) impose governance requirements on operators of SRHs, including requirements for key appointment holders of these operators; and
- (d) enhance the regulatory powers in relation to operators of SRHs, including allowing intervention in the case of a failing operator in order to stabilise operations and ensure that continued residential accommodation is provided for the residents.

The Bill also repeals the Homes for the Aged Act 1988, and makes consequential and related amendments to the Central Provident Fund Act 1953, Children and Young Persons Act 1993, Destitute Persons Act 1989 and Early Childhood Development Centres Act 2017.

PART 1

PRELIMINARY

Part 1 introduces the fundamental concepts used in the Bill.

Clause 1 relates to the short title and commencement.

Clause 2 is a general interpretation provision. It contains definitions of terms used in various Parts of the Bill, including the key definitions of “social residential home” or “SRH” and “licensable social residential home” or “licensable SRH”.

The term “licensable social residential home” or “licensable SRH” refers to the SRHs specified in the First Schedule. These include the homes for children and young persons, which will no longer be licensed under the Children and Young Persons Act 1993, and sheltered homes, which will no longer be licensed as homes for the aged under the Homes for the Aged Act 1988, but instead will be licensed under the Bill.

Clause 3 requires the Director-General of Social Welfare (Director-General) to have regard, and give any weight that the Director-General considers appropriate, to the prescribed matters when assessing whether a person is a suitable person to —

- (a) operate a licensable SRH;
- (b) be involved in the operation of a licensable SRH as a licensee or a key appointment holder;
- (c) be appointed as a key appointment holder;
- (d) be appointed as the person-in-charge of a licensable SRH; or
- (e) be deployed to carry out certain duties in respect of a licensable SRH.

Clause 4 sets out the purposes of the Bill.

Clause 5 provides that the Bill does not apply to, or in relation to, an SRH operated by the Government.

PART 2

LICENSING OF OPERATORS OF SOCIAL RESIDENTIAL HOMES

Part 2 provides for the licensing of operators of SRHs.

Clause 6 prohibits a person from operating a licensable SRH unless the person is authorised to do so by a licence granted under the Bill for that licensable SRH, is exempt from holding such a licence or is directed by the Director-General under clause 26(3) to do so despite the expiry, lapse or revocation of the licence for that licensable SRH. Otherwise, the person commits an offence.

Clause 7 provides for applications for or to renew a licence under the Bill. Such an application must be made to the Director-General. The Director-General may carry out any inquiries and investigations that are necessary for a proper consideration of the application. The Director-General may refuse an application that is incomplete or not made in accordance with the clause.

Clause 8 provides for the grant or renewal of a licence by the Director-General. In deciding whether to grant or renew a licence, the Director-General must have regard, and give any weight that the Director-General considers appropriate, to certain matters, including whether the applicant and every intended key

appointment holder of the applicant are suitable persons to operate or be involved in operating the licensable SRH to which the application relates, and whether the premises are suitable to be used as the licensable SRH to which the application relates.

The clause further provides that the Director-General may renew a licence with or without adding to, deleting, varying or substituting (referred to as modifying) the conditions of the licence. However, clause 11(2), (3) and (4) does not apply to or in relation to the renewal of a licence with modifications to the conditions of the licence.

Clause 9 deals with the duration of a licence. The clause also provides that a licence may be renewed upon its expiry.

Clause 10 provides that in granting or renewing a licence, the Director-General may impose any conditions that the Director-General considers necessary or expedient having regard to the purposes of the Bill.

Clause 11 empowers the Director-General to modify the conditions of a licence after observing the process described in the clause.

Clause 12 applies if, in granting a licence, the Director-General specifies the maximum number of residents that a licensee may admit to the licensable SRH to which the licence relates (maximum capacity), as a condition imposed under clause 10. Under clause 12, a licensee may apply to the Director-General for consent for a variation of the maximum capacity of the licensable SRH. The Director-General's consent may be given subject to compliance with any conditions that the Director-General thinks fit to impose, which may include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence. However, clause 11(2), (3) and (4) does not apply to or in relation to these modifications.

Clause 13 provides that a licence, and any rights, benefits or privileges under the licence, are not transferable or assignable to any other person unless the Director-General consents in writing to the transfer or assignment. The Director-General's consent may be given subject to compliance with any conditions that the Director-General thinks fit to impose, which may include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence. However, clause 11(2), (3) and (4) does not apply to or in relation to these modifications.

Clause 14 requires a licensee to give the Director-General prior written notice before —

- (a) wholly and permanently stopping the operation of the licensable SRH to which the licence relates, except upon the lapsing of the licence; or
- (b) surrendering the licence for any reason.

Clause 15 sets out when a licence lapses. It also provides for the transfer, revocation or lapse of a licence in the case where the licensee who is an individual dies.

Clause 16 provides for the keeping and maintaining of a register of licensees in the form and manner, and containing the information, that the Director-General thinks fit.

PART 3

SPECIAL DUTIES OF LICENSEES

Clause 17 requires a licensee to ensure that, at all times when the licensee is operating a licensable SRH, a prescribed minimum number of key appointment holders is appointed by the licensee to manage and supervise the business of the licensable SRH.

The clause also prohibits a licensee from allowing an individual to act or continue to act as the licensee's key appointment holder if —

- (a) the Director-General has not granted approval for the licensee to appoint the individual as the licensee's key appointment holder; or
- (b) where the Director-General has previously granted the approval mentioned in paragraph (a), the Director-General has cancelled or suspended the approval.

Clause 18 requires a licensee to ensure that, at all times when the licensee is operating a licensable SRH, an individual is appointed by the licensee as the person-in-charge of the licensable SRH. There can only be one person-in-charge of a licensable SRH at any time.

The clause also prohibits a licensee from allowing an individual to act or continue to act as the person-in-charge of the licensable SRH if —

- (a) the Director-General has not granted approval for the licensee to appoint the individual as the person-in-charge of the licensable SRH; or
- (b) where the Director-General has previously granted the approval mentioned in paragraph (a), the Director-General has cancelled or suspended the approval.

Clause 19 prohibits a licensee from deploying or continuing to deploy an individual to carry out a prescribed duty or a duty belonging to a prescribed class of duties (relevant duty) in relation to —

- (a) the operation of the licensable SRH to which the licensee's licence relates; or

- (b) the management of the residents of that licensable SRH,
- if —
- (c) the Director-General has not granted approval for the licensee to deploy the individual to carry out that duty; or
- (d) where the Director-General has previously granted the approval mentioned in paragraph (c), the Director-General has cancelled or suspended the approval.

PART 4

APPROVAL OF KEY APPOINTMENT HOLDERS, PERSONS-IN-CHARGE AND PERSONS PERFORMING DUTIES IN LICENSABLE SOCIAL RESIDENTIAL HOMES

Clause 20 provides for applications for the Director-General's approval for a licensee to —

- (a) appoint an individual as the licensee's key appointment holder;
- (b) appoint an individual as the person-in-charge of the licensee's licensable SRH; and
- (c) deploy an individual to carry out a relevant duty.

An application for the Director-General's approval must be made jointly by the licensee and the individual concerned. The Director-General may refuse an application that is incomplete or not made in accordance with the clause.

Clause 21 provides that the Director-General must not grant approval for a licensee to —

- (a) appoint an individual as the licensee's key appointment holder;
- (b) appoint an individual as the person-in-charge of the licensee's licensable SRH; or
- (c) deploy an individual to carry out a relevant duty,

if the Director-General is satisfied that the individual is not a suitable person to be so appointed or so deployed.

Clause 22 empowers the Director-General, in granting any approval under clause 21, to impose any condition that the Director-General considers necessary or expedient having regard to the purposes of the Bill.

In particular, the Director-General may impose conditions restricting an individual from —

- (a) having unsupervised direct access to any resident of the licensable SRH concerned; or

- (b) handling financial matters and moneys relating to the operation of the licensable SRH concerned.

Clause 23 empowers the Director-General to modify the conditions of an approval after observing the process described in the clause.

PART 5

CODES OF PRACTICE AND DIRECTIONS

Clause 24 empowers the Director-General to issue one or more codes of practice applicable to all licensees or the licensees of one or more specified classes of licences, or to approve as a code of practice applicable to all licensees or the licensees of one or more specified classes of licences any document prepared by another person if the Director-General considers the document suitable for this purpose. The clause also sets out the matters to which a code of practice may relate. The Director-General may also amend or revoke any such code of practice issued or approved. Codes of practice do not have legislative effect.

Clause 25 empowers the Director-General to give a direction to a licensee or an individual in respect of whom approval is granted under clause 21 (approved individual), if the Director-General —

- (a) has reasonable grounds to believe that there are circumstances that may endanger, or are likely to endanger, the safety, health, welfare or wellbeing of the residents of or other individuals at a licensable SRH;
- (b) considers it necessary or expedient for the purpose of protecting the residents' safety, health, welfare or wellbeing; or
- (c) considers it necessary or expedient to ensure continuity of the provision of residential accommodation and the provision of care, biopsychosocial intervention or support to carry out daily activities to residents of a licensable SRH.

The direction may require the licensee or approved individual to do, or refrain from doing, anything specified in the direction or of a description as specified in the direction. The clause also prescribes the process that the Director-General must observe before giving the direction.

Clause 26 empowers the Director-General to issue, on the occurrence of any of the following events, directions to secure the orderly cessation of the licensee's operation of a licensable SRH with minimal disruption to the residents of the licensable SRH, and to ensure continuity of the provision of care, biopsychosocial intervention or support to carry out daily activities to the residents:

- (a) a licence expires, or is expiring, but no application to renew the licence is made before the renewal deadline mentioned in clause 7(3);

- (b) a licence is transferred under clause 13;
- (c) a licensee ceases to operate the licensable SRH specified in the licence or surrenders the licence, or gives written notice of the cessation of the operation of the licensable SRH or surrender of the licence;
- (d) a licensee (who is an individual) dies but the licence has not been revoked under clause 15(6) or 30(1) or has not lapsed under clause 15(4);
- (e) a licence lapses under clause 15;
- (f) a licensee is given a direction under clause 25 to cease the operation of a licensable SRH, or any part of the operation of a licensable SRH;
- (g) a licensee is given written notice of the revocation, suspension or shortening of the term, of the licence under clause 30.

The clause further provides that the Director-General may give directions to one or more of the following persons:

- (a) the licensee (who is defined in clause 26(8) to include a person who has ceased to hold a licence);
- (b) a key appointment holder of the licensee;
- (c) if there is no key appointment holder who is able to comply with the directions, any person who was a key appointment holder of the licensee in the period of 6 months immediately preceding the date of the relevant event mentioned in clause 26(1).

Non-compliance with a direction, or non-compliance with a direction within the period specified by the Director-General, is an offence.

PART 6

STEP-IN ARRANGEMENTS FOR LICENSEES

Part 6 provides for step-in arrangements to ensure the continuity of the operation of licensable SRHs in certain circumstances. A step-in order may be made when it is necessary to take over the operation, or any part of the operation, of the licensable SRH to ensure the safety, welfare or wellbeing of the residents of the licensable SRH. In these cases, it may not be appropriate to take regulatory action such as revoking or suspending the licensee's licence, due to the disruption caused to the operation of the licensable SRH that follows from the regulatory action.

Clause 27 sets out when a step-in order may be made. Only the Minister can make a step-in order. The Minister may make a step-in order in specified circumstances with respect to a licensee on receipt of the Director-General's written opinion that it is necessary to take over the operation, or any part of the

operation, of the licensable SRH. The specified circumstances are any of the following:

- (a) the licence of a licensee is suspended, revoked or surrendered;
- (b) a licensee —
 - (i) is, or is likely to be, declared a bankrupt;
 - (ii) has gone, or is likely to go, into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or
 - (iii) is, or is likely to be, placed under the judicial management of a judicial manager under any written law relating to the insolvency of companies;
- (c) a licensee is contravening or not complying with any provision of the Bill;
- (d) a licensee is operating the licensable SRH to which the licensee's licence relates in a manner that is detrimental, or is likely to be detrimental, to the safety, welfare or wellbeing of the residents of the licensable SRH;
- (e) the Minister considers that it is in the public interest to do so.

Before a step-in order is made, the clause provides that the Minister must give the licensee a reasonable opportunity to make written representations in respect of the proposed step-in order. However, the Minister may make a step-in order on an expedited basis (expedited step-in order) if the Minister is of the opinion that it is necessary to do so in order to protect the safety, welfare or wellbeing of the residents of the licensable SRH. An expedited step-in order takes effect on the date of service of the order on the licensee.

A step-in order or an expedited step-in order (applicable step-in order) can cover a wide range of matters to ensure the continuity of the operation of licensable SRHs. An applicable step-in order operates to the exclusion of rights that are inconsistent with the order. It can order the licensee to remove and replace any of the licensee's key appointment holders or the person-in-charge of the licensable SRH.

An applicable step-in order can authorise the Director-General to directly take over, or appoint a step-in operator to take over the operation, or a specified part of the operation, of the licensable SRH. It can specify that the step-in operator has the functions and powers in relation to the operation of the licensable SRH specified in the order, that the licensee is to stop operating the licensable SRH on and from a specified date, that the step-in operator must be given access to, and take control or management of, the premises or other assets and other property (including intellectual property), licences and employees used or required by the licensee for

the purpose of operating the licensable SRH. The applicable step-in order can also specify that the Director-General be given access to, and be able to make copies of or take extracts from, any document or record in the possession or under the control of the licensee for the purpose of the order.

The applicable step-in order can also order the licensee to transfer the residents of the licensable SRH to the care of another licensee, or appoint another licensee to operate the licensable SRH, or appoint a person to advise the licensee on the proper conduct of the licensee's business or the operation of the licensable SRH. In such cases, the order may also require the licensee to notify the Director-General of the identity of the other licensee concerned, and require that that other licensee be given access to, and be able to make copies of or take extracts from, any document or record in the possession or under the control of the firstmentioned licensee for the purpose of the order.

Finally, the applicable step-in order can contain ancillary directions pertaining to how the costs of, and revenue generated from, operating the licensable SRH are to be dealt with, and fix the remuneration and expenses to be paid by the licensee to any person appointed to advise the licensee on the proper conduct of the licensee's business or the operation of the licensable SRH.

Clause 28 allows the Minister to revoke, at any time, an applicable step-in order or the appointment of the step-in operator in relation to the operation, or specified part of the operation, of a licensable SRH.

Clause 29 empowers the Minister to make rules to support step-in arrangements.

PART 7

REGULATORY ACTIONS

Clause 30 sets out the various regulatory actions that the Director-General can take against a licensee if the Director-General is satisfied that (among other grounds) the licensee has contravened or failed to comply with any of the conditions of the licence, or any provision of the Bill applicable to the licensee.

The Director-General may, after observing the process described in clause 31, revoke a licence. In lieu of revoking the licence, the Director-General may do one or more of the following:

- (a) shorten (for not longer than the prescribed period) the term of the licence;
- (b) suspend the licence for a period that the Director-General thinks fit;
- (c) modify any condition of the licence, and clause 11(2), (3) and (4) is disappplied.

Clause 31 sets out the process which must be observed before regulatory action can be taken against a licensee.

Clause 32 provides for immediate regulatory action to be taken by the Director-General against a licensee where —

- (a) the licensee is charged for or convicted of any offence specified in the clause, and the Director-General is of the opinion that it is undesirable in the public interest for the licensee to continue to operate a licensable SRH; or
- (b) the licensee is contravening or not complying with, or has contravened or failed to comply with —
 - (i) any condition of the licensee’s licence;
 - (ii) any provision of the Bill, the contravention of which is not an offence under the Bill; or
 - (iii) any provision of a code of practice applicable to the licensee, and the Director-General —
- (iv) has reasonable grounds to believe that there is, as a result, a serious and imminent threat or risk to the safety of the residents of the licensable SRH operated by the licensee; and
- (v) is satisfied that it is impracticable in the circumstances of the particular case for the Director-General to complete any regulatory action in accordance with clause 31 to address the default mentioned in sub-paragraph (i), (ii) or (iii) because of the threat or risk mentioned in sub-paragraph (iv).

Clause 33 provides that the Director-General may, after observing the process described in clause 34, cancel the approval granted under clause 21 for a licensee to —

- (a) appoint an approved individual as a key appointment holder of the licensee;
 - (b) appoint an approved individual as the person-in-charge of the licensable SRH to which the licensee’s licence relates; or
 - (c) deploy an approved individual to carry out a relevant duty,
- on certain specified grounds.

In lieu of cancelling the approval, the Director-General can do either or both of the following:

- (a) modify any condition of the approval;

- (b) suspend the approval for not more than 6 months in respect of the approved individual concerned.

Clause 34 sets out the process which must be observed before regulatory action can be taken in respect of an approval granted under clause 21 in respect of an approved individual.

Clause 35 provides for immediate regulatory action to be taken by the Director-General in respect of an approved individual where —

- (a) the approved individual is charged for or convicted of any offence specified in that clause, and the Director-General is of the opinion that it is undesirable in the public interest for the approved individual to continue to —
 - (i) be appointed as a key appointment holder of a licensee;
 - (ii) be appointed as the person-in-charge of a licensable SRH; or
 - (iii) carry out a relevant duty; or
- (b) the licensee or approved individual, or both, to whom approval is granted under clause 21, is or are contravening or not complying with, or has or have contravened or failed to comply with —
 - (i) any condition of the approval; or
 - (ii) any provision of the Bill, the contravention of which is not an offence under the Bill,

and the Director-General —

- (iii) has reasonable grounds to believe that there is, as a result, a serious and imminent threat or risk to the safety of the residents of the licensable SRH operated by the licensee; and
- (iv) is satisfied that it is impracticable in the circumstances of the particular case for the Director-General to complete any regulatory action in accordance with clause 34 to address the default mentioned in sub-paragraph (i) or (ii) because of the threat or risk mentioned in sub-paragraph (iii).

PART 8

PROTECTION OF RESIDENTS

Clause 36 provides for the appointment of one or more Boards of Visitors consisting of members appointed by the Minister. A Board of Visitors will review the living conditions of a licensable SRH to which a licence relates, and the standard of care, biopsychosocial intervention or support to carry out daily activities provided to the residents of the licensable SRH. A Board of Visitors will

also make any recommendation to improve the living conditions, or standard of care, biopsychosocial intervention or support to carry out daily activities provided to the residents of the licensable SRH that the Board of Visitors considers necessary.

For the purpose of enabling a Board of Visitors to carry out its functions, a member of the Board of Visitors may at any reasonable time of the day enter any licensable SRH and make any inquiry or examination that is necessary. A person commits an offence if the person —

- (a) refuses to allow a member of a Board of Visitors entry to any licensable SRH; or
- (b) hinders or obstructs the member from entering any licensable SRH after the member's identity is reasonably established.

Clause 37 prohibits a person who carries on any duty in a licensable SRH to which a licence relates from using force or any mechanical restraint on any resident of a licensable SRH, unless —

- (a) the licensable SRH is a licensable SRH prescribed, or a licensable SRH belonging to a type of licensable SRHs prescribed, for the purposes of clause 37(3);
- (b) the person is the person-in-charge of the licensable SRH or an employee of the licensee of the licensable SRH who has completed training specified by the Director-General on the use of appropriate force and mechanical restraint on residents for a certain purpose, and is authorised by the licensable SRH's person-in-charge to use force or any mechanical restraint on any resident of the licensable SRH for that purpose (authorised person);
- (c) the force or mechanical restraint is used on the resident for certain purposes, including to stop the resident from inflicting personal injury to himself or herself, or to one or more other persons;
- (d) where force is used on a resident, the person-in-charge of the licensable SRH or authorised person must not use on the resident more force than is reasonable and necessary for the purpose; and
- (e) the prescribed conditions (if any) are satisfied.

Clause 38 prohibits the publication or broadcast of any information or picture that identifies, or is likely to lead to the identification of —

- (a) any resident or former resident of a prescribed licensed SRH or a licensed SRH belonging to a prescribed type of licensable SRH (relevant licensed SRH); or

- (b) a relevant licensed SRH at which a resident or former resident resides or resided, or the location of the relevant licensed SRH,

unless the specified exceptions apply.

A contravention of the prohibition is an offence. In addition to imposing any punishment upon a conviction, the court may make various take-down orders.

Clause 39 provides for the court's powers to make various take-down orders in relation to the publication or broadcast of any information or picture that is in contravention of clause 38 upon an application by any person.

The court may make a take-down order even if the application is not served on the respondent, is not served within a reasonable time, or has been served on the respondent but the respondent does not appear at the hearing of the application, if the court is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the resident or former resident concerned, or of the residents of the relevant licensed SRH concerned. The court may also make any take-down order regardless of whether the respondent or any other person has been convicted of an offence under clause 38(4) in relation to the information or picture in question.

PART 9

ENFORCEMENT

Clause 40 provides that the enforcement powers in Part 9 may be exercised by an inspecting officer for any of the following purposes:

- (a) to detect and investigate any offence under the Bill;
- (b) to determine whether there is any ground for taking any regulatory action under Part 7;
- (c) to determine whether information given to the inspecting officer under any provision of the Bill is correct.

Clause 40 also states that a compliance officer may exercise the powers set out in Part 9, subject to clause 52(2) and (7) and the limits in the written authorisation issued under clause 52 in respect of the compliance officer.

Clause 41 deals with powers of entry into premises and other powers following such entry. However, an inspecting officer is not authorised to enter any premises which are not premises that are used as a licensable SRH or are not premises that the inspecting officer has reasonable grounds to believe have been or are being used as a licensable SRH without a licence, unless the entry is made with the occupier's consent or under a warrant of a District Court or Magistrate's Court. No warrant is needed to enter and search any premises that are used as a licensable

SRH or that the inspecting officer has reasonable grounds to believe have been or are being used as a licensable SRH without a licence.

Clauses 42 and 43 confer powers to obtain information and examine individuals for the proper administration and enforcement of the Bill without affecting the privilege against self-incrimination.

Clause 44 applies sections 370, 371 and 372 of the Criminal Procedure Code 2010, with the necessary modifications, when an inspecting officer seizes anything under Part 9.

Clause 45 sets out the offences involving obstruction of an inspecting officer in the discharge of his or her duties under the Bill. For example, wilfully preventing the inspecting officer from entering or re-entering any premises or any part of those premises where authorised under the Bill, or wilfully obstructing or delaying the inspecting officer from entering or re-entering those premises or any part of those premises.

Clause 46 empowers an inspecting officer to serve a notice to attend court on persons who have committed an offence under the Bill.

Clause 47 empowers the Director-General to compound any offence under the Bill that is prescribed as a compoundable offence. The maximum composition sum that may be collected from the person reasonably suspected of having committed the compoundable offence is one half of the amount of the maximum fine that is prescribed for the offence or \$10,000, whichever is the lower.

PART 10

APPEALS

Clause 48 sets out definitions connected with appeals against decisions of the Director-General under the Bill.

Clause 49 prescribes an avenue of appeal to the Minister against appealable decisions.

Clause 50 allows the Minister to delegate the hearing of appeals to a Second Minister, Minister of State or Parliamentary Secretary in his or her Ministry.

PART 11

ADMINISTRATION

Clause 51 provides for the appointment of any public officer or any employee of a public authority as an authorised officer in relation to any provision of the Bill, for the purposes of that provision, either generally or in a particular case. The Director-General may delegate the exercise of all or any of the powers conferred

or duties imposed upon the Director-General by any provision of the Bill (except the power of delegation) to any authorised officer.

Clause 52 provides for the appointment of compliance officers by the Director-General with the approval of the Minister. These are outsourced enforcement officers assisting the Director-General in the administration of the Bill. The individuals must be at least 21 years of age and they are not public sector employees. However, they must have suitable qualifications or experience.

Each compliance officer must be issued with an identification card. That identification card must be carried at all times by the compliance officer when exercising powers under the Bill. A compliance officer whose appointment as such ceases must (without delay) return to the Director-General any identification card issued.

Compliance officers can only exercise powers expressly conferred on them under the Bill namely, powers to gather information in clause 42, and they are limited to what the Director-General specifies, such as when, and where in Singapore, and the circumstances in which a compliance officer may exercise all or any of those powers.

PART 12

MISCELLANEOUS

Clause 53 confers protection on a person who knows, or has reason to suspect, that an offence under the Bill has been committed and makes a notification to an inspecting officer of the facts and circumstances on which the person's knowledge or suspicion is based.

Under the protection conferred, the person cannot be held in any proceedings before any court or tribunal or in any other respect to have breached any restriction on disclosure imposed by any rule of law, contract or rule of professional etiquette or ethics, or to have departed from any accepted form of professional conduct, and insofar as the person had acted in good faith, and incurs no civil or criminal liability for making the notification providing any information contained in the notification. The clause also protects the identity of the person.

Clause 54 provides immunity from suits for acts or omissions of the Director-General, an authorised officer, a member of the Board of Visitors and any other person acting under the direction of the Director-General, where this is done in good faith and with reasonable care in the execution or purported execution of the Bill.

Clauses 55 and 56 are standard provisions providing for the liability of officers of offenders which are corporations or unincorporated associations or partnerships.

Clause 57 confers on a District Court and a Magistrate's Court jurisdiction to try any offence under the Bill and to punish accordingly despite any limits set under other written law like the Criminal Procedure Code 2010.

Clause 58 deals with the service of documents permitted or required by the Bill to be served on a person. The clause does not deal with service of court documents like summonses, as these are regulated by the Rules of Court or other written law.

Clause 59 empowers the Minister to exempt any person or class of persons, or any premises or class of premises, from all or any of the provisions of the Bill by order in the *Gazette*.

Clause 60 enables the Minister to amend, add to or vary the First or Second Schedule by an order in the *Gazette*. The Minister may also make provisions of a saving or transitional nature in relation to the making of such order. The clause also requires all such orders to be presented to Parliament after their publication.

Clause 61 confers on the Minister the power to make regulations for carrying out or giving effect to the Bill.

PART 13

REPEAL, CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

Clause 62 makes consequential amendments to the Central Provident Fund Act 1953.

Clause 63 makes consequential and related amendments to the Children and Young Persons Act 1993.

Clause 64 makes consequential and related amendments to the Destitute Persons Act 1989.

Clause 65 makes a consequential amendment to the Early Childhood Development Centres Act 2017.

Clause 66 repeals the Homes for the Aged Act 1988.

Clause 67 and the Third Schedule contain saving and transitional provisions in relation to existing adult disability homes.

Clause 68 and the Fourth Schedule contain saving and transitional provisions in relation to existing homes for children and young persons.

Clause 69 and the Fifth Schedule contain saving and transitional provisions in relation to existing sheltered homes.

Clause 70 and the Sixth Schedule contain saving and transitional provisions in relation to existing welfare homes.

Clause 71 empowers the Minister to prescribe additional provisions of a saving or transitional nature consequent on the coming into force of different clauses in the Bill that the Minister considers necessary or expedient. The additional saving or transitional provisions may be made by regulations only within 2 years after the date of commencement of the provisions in question.

The First Schedule sets out the list of licensable SRHs.

The Second Schedule sets out the list of offences for the purposes of clauses 32(1)(a)(iv), 35(1)(a)(iv) and 60(1).

EXPENDITURE OF PUBLIC MONEY

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