

National Council of Social Service (Inquiry Proceedings) Regulations

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NATIONAL COUNCIL OF SOCIAL SERVICE ACT (CHAPTER 195A, SECTION 37)

NATIONAL COUNCIL OF SOCIAL SERVICE (INQUIRY PROCEEDINGS) REGULATIONS

[31st January 2001]

Citation

1. These Regulations may be cited as the National Council of Social Service (Inquiry Proceedings) Regulations.

Definition

2. For the purposes of these Regulations, “Council member” means an organisation granted full or associate membership of the Council under section 15(2) or (3) of the Act.

Complaints or information to be dealt with under these Regulations

3. Where the Board receives any complaint or information which discloses that a Council member —

- (a) has failed to comply with any standard or guideline established by the Council under section 10(d) of the Act;
- (b) has been convicted of an offence involving fraud or dishonesty;
- (c) is guilty of improper or dishonourable conduct which makes the Council member unfit to provide or be involved in the provision of the social service;
- (d) has used or practised any deception, fraud or misrepresentation to promote or procure the nomination or election of any Board member, or procure any decision of the Board or the Council;
- (e) has mismanaged or misapplied any of its funds or properties; or
- (f) has conducted itself in a manner prejudicial to the good name or interests of the Council or any Council member,

the Board shall deal with such complaint or information in accordance with these Regulations.

Board may inquire into or dismiss complaint

4.—(1) Where the Board is satisfied that any complaint or information received by it

concerning any Council member discloses a prima facie case for an inquiry, the Board may —

- (a) itself inquire into the complaint or information received; or
- (b) refer the complaint or information received to an Inquiry Committee which shall inquire into the complaint or information on behalf of the Board.

(2) Where the Board is satisfied that any complaint or information received by it concerning any Council member does not disclose a prima facie case for an inquiry, the Board shall dismiss the complaint or disregard the information received.

(3) In order to satisfy itself that any complaint or information received concerning a Council member discloses a prima facie case for an inquiry, the Board may direct the Chief Executive Officer to conduct a preliminary investigation into the complaint or information received.

(4) For the purpose of conducting a preliminary investigation under paragraph (3), the Chief Executive Officer may require either or both the complainant and the Council member against whom the complaint is made or in respect of whom the information relates —

- (a) to produce such document for the inspection of the Chief Executive Officer; or
- (b) to furnish such information to the Chief Executive Officer in such form (including a statutory declaration) as he may require.

(5) Where any complaint or information received by the Board arises from the conviction of a Council member for a criminal offence, the Board shall accept the conviction as final and conclusive.

Inquiry Panel

5.—(1) For the purpose of enabling an Inquiry Committee referred to in regulation 4(1)(b) to be constituted, the Board shall appoint an Inquiry Panel comprising persons who do not have any direct interest in the Council or its members.

(2) A member of the Inquiry Panel shall be appointed for a term of 2 years and shall be eligible for re-appointment.

Procedure of Inquiry Committee

6.—(1) An Inquiry Committee referred to in regulation 4(1)(b) shall consist of the following persons, all of whom shall be appointed by the President:

- (a) an office bearer of a Council member that is not associated with the Council member under inquiry; and