

Community Mediation Centres Bill

Table of Contents

Bill No: 9/1997

Read the first time: 25th August 1997

Long Title

Enacting Formula

Part I PRELIMINARY

1 Short title and commencement

2 Interpretation

Part II COMMUNITY MEDIATION CENTRES

3 Establishment of Community Mediation Centres

4 Directors

5 Delegation by Director

6 Place of operation of Community Mediation Centres

7 Records

8 Mediators

Part III MEDIATION

9 Provision of mediation services

10 Conduct of mediation sessions

11 Disputes

12 Mediation to be voluntary

13 Settlement or agreement to be reduced to writing

14 Representation by agent

15 Referral of cases by a Magistrate

Part IV MISCELLANEOUS

16 Evaluation

17 Exoneration from liability

18 Subpoena in litigation or arbitration

19 Privilege

20 Secrecy

21 Annual report

22 Public servants

23 Power to make regulations

Explanatory Statement

Expenditure of Public Money

Table of Derivations

Community Mediation Centres Bill

Bill No. 9/1997

Read the first time on 25th August 1997.

An Act to provide for the establishment and operation of Community Mediation Centres to provide mediation services connected with certain disputes.

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

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Community Mediation Centres Act 1997 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“Community Mediation Centre” means a Community Mediation Centre established under section 3;

“Court” means the Subordinate Courts or the High Court, as the case may be;

“Director” means a person holding office or duly acting as Director of a Community Mediation Centre;

“functions” includes powers, authorities and duties;

“mediation” includes —

- (a) the undertaking of any activity for the purpose of promoting the discussion and settlement of disputes;
- (b) the bringing together of the parties to any dispute for that purpose, either at the request of one of the parties to the dispute or on the initiative of a Director; and
- (c) the follow-up of any matter the subject of any such discussion or settlement;

“mediation session” means a meeting in accordance with this Act between 2 or

more parties who are in dispute on any matter;

“mediator”, in relation to a Community Mediation Centre, means —

- (a) the Director of the Centre; or
- (b) any person for the time being appointed under section 8 as a mediator for the Centre.

(2) A reference in this Act to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) A reference in this Act to the parties to a mediation session includes a reference to the parties to a dispute in respect of which an application for a mediation session is duly made, but does not include a reference to the mediator conducting the mediation session.

(4) A reference in this Act to the conduct of a mediation session by a mediator includes a reference to the conduct of a mediation session in the presence, or under the supervision, of the mediator.

PART II

COMMUNITY MEDIATION CENTRES

Establishment of Community Mediation Centres

3. Community Mediation Centres shall be established at such premises as the Minister may, by order published in the *Gazette*, determine and shall be operated in accordance with this Act for the purpose of providing mediation services.

Directors

4. The Minister shall appoint a Director for each Community Mediation Centre and the same person may be the Director for more than one Community Mediation Centre.

Delegation by Director

5.—(1) The Director of a Community Mediation Centre may authorise any member of the staff, employee or officer of the Centre to exercise such of the Director’s functions (but excluding this power of authorisation) as the Director thinks fit, and the Director may revoke wholly or in part any such authorisation.

(2) A function which is authorised to be exercised under this section may, while the authorisation remains unrevoked, be exercised from time to time in accordance with the terms of the authorisation.

(3) An authorisation under this section may be made subject to conditions or limitations.

(4) Notwithstanding any authorisation under this section, the Director may continue to exercise all or any of the functions to which the authorisation relates.

(5) Any act or thing done in the exercise of a function by a person authorised under this section to exercise the function has the same force and effect as if it had been done by the Director.

Place of operation of Community Mediation Centres

6.—(1) The principal office of a Community Mediation Centre shall be at the premises specified in relation to the Centre in the order under section 3.

(2) The activities of a Community Mediation Centre may be conducted at its principal office or at such other places as the Director may approve from time to time.

Records

7.—(1) The Director of a Community Mediation Centre shall ensure that such records relating to the activities of the Centre are made and kept as are necessary or appropriate to enable a proper evaluation of Community Mediation Centres under section 16 to be made.

(2) The records of a Community Mediation Centre relating to any dispute before a mediator in the Centre shall be kept for a period of 3 years after the date of settlement of the dispute before the mediator, or the date of withdrawal from or termination of the mediation, as the case may be.

Mediators

8.—(1) The Minister may, on the recommendation of the Director of a Community Mediation Centre, appoint any person (other than the Director) as a mediator for the Centre and may revoke any such appointment.

(2) A mediator appointed under subsection (1) is entitled to be paid such remuneration as may be determined by the Minister and shall abide by the terms of any Code of Conduct as may be approved by the Minister.

PART III

MEDIATION