

Public Consultation on the Amendments to the Maintenance of Parents Act - Operational Amendments

Amendment 5:

To prohibit legal representation at conciliation proceedings

The MPA prohibits parties from being legally represented at Tribunal proceedings to make maintenance applications as accessible as possible. However, there is no similar provision prohibiting legal representation at conciliation proceedings. Extending the same prohibition to conciliation proceedings will ensure that all proceedings under the MPA remain accessible.

Amendment 6:

To protect the confidentiality of conciliation proceedings

The MPA empowers the Commissioner to assist parties to reach an agreement by conciliation but does not expressly protect the confidentiality of such proceedings. This amendment will provide more assurance to parties and encourage the sharing of information and attempts at conciliation.

Amendment 7:

To expressly empower the Commissioner to contact respondents for the purpose of initiating conciliation using the information obtained from gazetted government agencies

The MPA empowers the Commissioner to obtain information from gazetted government agencies to identify and locate the children of a claimant. Although this is already done in practice today as the power to do so can be implied from the MPA, this amendment is to expressly empower the Commissioner to contact the said children to initiate conciliation.

Amendment 8:

To afford conciliation officers protection from personal liability in carrying out their statutory functions if they had acted in good faith and with reasonable care

Under the MPA, professional mediators who volunteer to provide an additional round of mediation when the application is filed at the Tribunal are specially appointed as “Conciliation Officers” under the MPA. Unlike Tribunal Members and the Commissioner, these mediators are neither protected from personal liability by statute nor by contract, as the MPA’s provisions only exempt Tribunal Members and the Commissioner from liability. Since these Conciliation Officers carry out a statutory function, this amendment will extend to them the same protections as that of the Commissioner and the Tribunal Members.

Amendment 9:

To clarify that the term “child” in the MPA refers to adult children who are 21 years old or above

Persons gain legal capacity only when they reach the age of majority at 21 years under the common law. This is the age where all the existing rights and obligations of an adult are assumed by a person. Minors below 21 years of age remain under parental authority and control on a wide range of matters. However, as the MPA does not expressly specify a minimum age from which a person can become subject to a maintenance claim, there have been a few cases where applications were made against minors, resulting in unnecessary distress.

To clarify the law in accordance with the intent of the MPA to permit claims to only be brought against adult children, this amendment is to expressly specify the minimum age of 21 years for the respondent child, so that any claim against minors below the age of 21 can be rejected at the outset.