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Second Reading of the Enlistment (Amendment) Bill - Speech by Second Minister for Defence Dr Ng Eng Hen at Parliament House

03 Apr 2006



Mr Speaker, Sir, I beg to move, “That the Bill be now read a Second time.”

The Bill before this House seeks to amend the Enlistment Act to increase the maximum quantum of fines for Enlistment Act offences and to provide for the extension of Exit Permit controls to pre-enlistees aged 13 till 16½.

The Enlistment Act applies to all Singaporeans and Permanent Residents from age 16½ to age 40, or age 50 in the case of officers. The Act covers the registration and enlistment of those liable for National Service. It also covers the requirement to apply for Exit Permit or notify MINDEF when going overseas. Those who fail to comply with the provisions of the Enlistment Act are dealt with in the civil courts. On conviction, they are currently liable to face a jail sentence of up to 3 years, a fine of up to \$5,000, or both.

In line with the recent review of the SAF Act we have also reviewed the Enlistment Act to update the penalty regime. In addition, MINDEF is proposing amendments to effect changes to the exit control measures governing pre-enlistees so as to facilitate the application for biometric passports by pre-enlistees.

Review of Penalty Regime

Review of Exit Controls

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Review of Penalty Regime

Let me first deal with the penalty regime. As Minister Teo Chee Hean has said in his Ministerial Statement on 16 January this year, the case of Melvyn Tan has highlighted an inadequacy in the penalties imposed on NS defaulters, especially those who default for long periods. MINDEF has reviewed the current penalties and considered whether the 3-year maximum jail sentence is adequate, whether we should specify a mandatory jail sentence and whether the maximum fine that can be imposed is adequate.

Our conclusion is that the maximum jail sentence of 3 years is adequate, as it is longer than the current full-time National Service duration of two years. Whether or not a particular offence merits the maximum punishment of 3 years imprisonment would be a matter for the Courts to decide, based on the facts of each case. As for minimum mandatory jail sentence, we do not consider it necessary at this time, as the circumstances of the cases vary widely. However, as explained in the Ministerial Statement, MINDEF will be asking the public prosecutor to press for a jail sentence in serious cases of NS defaulters, and explain why we consider a jail sentence appropriate in a particular case. Serious cases include those who default on their full-time National Service responsibilities for two years or longer from the time they were required to register or enlist, or from the time their exit permits expired for those granted deferment, whichever is later. We believe that it is in the public interest that such NS defaulters face a jail sentence, unless there are mitigating circumstances.

I would like to provide some illustrations of what MINDEF considers to be sentences appropriate to the nature of the offence or commensurate with its gravity:

- Where the default period exceeds two years but the defaulter is young enough to serve his full-time and operationally ready NS duties in full, MINDEF will press for a short jail sentence.

- Where the defaulter has reached an age when he cannot serve his full NS in a combat vocation or fulfil his operationally ready NS obligations in full, a longer jail sentence to reflect the period of NS he has evaded may be appropriate.

- Where the defaulter has reached an age when he cannot be called up for NS at all, a jail sentence up to the maximum of three years may be appropriate.

In all instances, we expect that the Court will take into account whatever aggravating or mitigating circumstances there may be in each case to determine the appropriate sentence.

However, the maximum fine quantum has remained unchanged since Dec 1970, while salaries and wages have increased substantially over the years. It is therefore timely to update the maximum fine quantum in order to maintain the deterrent value of the fines. To this end, this amendment bill seeks to raise the maximum fine quantum provided for under the Enlistment Act from the current \$5,000 to \$10,000. This is in line with the maximum fine quantum provided for in the amended Singapore Armed Forces Act.

Review of Exit Controls

Let me now move on to the amendments pertaining to exit control, which are prompted by the impending switch to Biometric Passports.

Currently, pre-enlistees from age 11 till 16½ are issued passports that are valid for only 2 years at a time. If they require passports of extended validity, their parents will have to furnish a bond as a guarantee that they will return to fulfil their NS obligations. The bond quantum is \$75,000 or half the combined annual income of both parents, whichever is higher.

From age 16½ till enlistment, the exit control is tighter. Passport validity is restricted to only 1 year at a time and those going overseas for 3 months or longer will have to apply for Exit Permits under the Enlistment Act. They are also required to furnish a bond of the same quantum as applicable to those below 16½ – \$75,000 or half the combined annual income of both parents, whichever is higher.

In view of the introduction of the biometric passport later this year, MINDEF has reviewed the exit control regime for pre-enlistees. One of the features of the biometric passport is that its validity period is encoded in its chip in the passport, and in accordance with international requirements, cannot be changed once it is issued. Thus, unlike the current passports, the biometric passport cannot be extended by stamping and would have to be replaced on expiry.

What this means is that if we continue with the current passport control regime of restricted validity of 1 or 2 years, pre-enlistees will have to apply for new passports every 1 to 2 years at some cost and inconvenience to them.

To reduce costs for pre-enlistees, MINDEF has decided to allow pre-enlistees to have passports of the normal full validity period. However, as exit controls are still necessary to deter potential NS defaulters and to serve as a strong psychological reminder of their NS obligation, MINDEF will require pre-enlistees aged 13 to 16½ to apply for Exit Permits if they intend to be away from Singapore for 3 months or more. Those who require Exit Permits of 2 years or more will be required to furnish a bond. This is similar to the current

arrangement where a bond is required if the pre-enlistee requires a passport validity of more than 2 years. There will be no change to the Exit Permit and bonding requirements for pre-enlistees aged 16½ till enlistment.

As Exit Permits are required only for long trips of 3 months or more, the majority of pre-enlistees will not be affected by this. In fact, the majority of pre-enlistees will benefit from the new exit control regime, as they will be relieved of passport controls, and given the full passport validity of 5 years.

Currently, pre-enlistees from age 11 till 16½ are not covered under the Enlistment Act. Therefore, to effect the changes that I have just mentioned, pre-enlistees aged 13 to 16½ have to be brought under the ambit of the Enlistment Act. They will however not be subject to other provisions in the Enlistment Act. The penalty regime for Exit Permit offences for those aged 13 to 16½ will be only a fine of up to \$2,000, with no custodial sentences. They will however be subject to heavier penalties should they continue to be in breach of the Enlistment Act after that age.

We also recognise that some young pre-enlistees may not be sufficiently mature to understand their obligations under the Enlistment Act, or that their parents or guardians may have been instrumental in making decisions affecting such pre-enlistees which resulted in contravention of the Enlistment Act. We will thus be introducing a new offence in the Enlistment Act under which parents and guardians can be made liable for the Exit Permit offences of their children or wards of ages 13 to 16½ so that the penalty can be imposed on their parents or guardians when the circumstances warrant it. The penalty regime for the offence will also be a fine of up to \$2,000.

Key Aspects of Enlistment (Amendment) Bill

Sir, I would like now to highlight key aspects of the Bill.

Clauses 2 and 4 propose to increase the maximum fines that may be imposed by the court for Enlistment Act offences from \$5,000 to \$10,000. The higher maximum fine will allow for an appropriate level of punishment to be meted out based on the seriousness of the offence committed.

Clause 3 proposes to extend the requirement for Exit Permit to pre-enlistees aged 13 to 16½. A pre-enlistee who contravenes this requirement shall be liable on conviction, to a penalty of a fine not exceeding \$2,000. Clause 3 also makes each parent, guardian or person having custody of a pre-enlistee aged 13 to 16½ accountable for the pre-enlistee's Exit Permit

offence. Those found guilty of the offence shall be liable on conviction to a fine not exceeding \$2,000.

Conclusion

The amendments of the Enlistment Act will ensure that the penalty regime for NS defaulters remains effective. It will also allow MINDEF to effect changes to the Exit Permit requirements governing pre-enlistees, so that they would not be inconvenienced when the biometric passport is introduced. Together, these measures will help to deter potential NS defaulters and ensure that those who default on their National Service responsibilities are adequately punished under the law.

Sir, I beg to move.

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