

Civil Defence (Amendment) Bill

Bill No. 27/2010.

Read the first time on 18th October 2010.

A BILL

i n t i t u l e d

An Act to amend the Civil Defence Act (Chapter 42 of the 2001 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Civil Defence (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Civil Defence Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the word “storm” in the definition of “civil defence emergency”, the words “, hazardous materials incident”;

(b) by inserting, immediately after the definition of “disciplinary officer”, the following definition:

““emergency services” means any organisation or group of persons providing services to respond to and deal with civil defence emergencies, and includes fire-fighting services, ambulance services and the police;”;

(c) by inserting, immediately after the definition of “Fund”, the following definitions:

““hazardous material” means any substance or article set out in the Third Schedule to the Road Traffic (Expressway Traffic) Rules (Cap. 276, R 23);

“hazardous materials incident” means an actual or suspected spillage or other escape of any hazardous material the spillage or escape of which causes or may cause destruction of or damage to property or loss of life or injury or distress to persons or that in any way endangers the safety of the public in Singapore or in any part thereof;

“junior disciplinary officer”, in relation to a person charged with an offence, means an officer commanding a company or equivalent sub-unit or any other officer designated as a junior disciplinary officer by the Commissioner to deal with charges made against a member for the commission of a service offence;”;

(d) by inserting, immediately after the word “Force” in the definition of “member”, the words “, and shall include an auxiliary member”;

5 (e) by inserting, immediately before the words “warrant officer” in the definitions of “non-commissioned officer” and “serviceman”, the word “senior”;

(f) by deleting the definition of “provost officer” and substituting the following definition:

10 ““provost officer” means any member of the Force appointed by the Commissioner as a provost officer for the purposes of this Act;”;

(g) by inserting, immediately after the definition of “regulations”, the following definition:

15 ““senior disciplinary officer”, in relation to a person charged with an offence, means an officer commanding a division, battalion, training school or its equivalent or any other officer designated as a senior disciplinary officer by the Commissioner to deal with charges made against a member for the commission of a service offence;” and

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(h) by inserting, immediately before the words ““service ship”” in the definition of “service property”, the words ““service equipment”, “service facilities”,”.

Amendment of section 4

25 **3.** Section 4 of the principal Act is amended —

(a) by inserting, immediately after the words “defence and” in subsection (1)(b), the words “, if necessary,”; and

(b) by deleting paragraphs (a) to (p) of subsection (2) and substituting the following paragraphs:

30 “(a) rescue endangered persons and remove them to areas of safety;

(b) provide first-aid to casualties and for their removal for medical treatment or to areas of safety;

- (c) train and, if necessary, equip the civilian population to cope with any civil defence emergency;
- (d) assist the public authorities to undertake measures for the retrieval and, if necessary, decontamination of the dead bodies from any place affected by any civil defence emergency;
- (e) disseminate information and advice to the public;
- (f) take lawful measures to extinguish and prevent the spread of fire;
- (g) provide, maintain, control and operate prescribed warning devices;
- (h) manage all public shelters including air-raid shelters and temporary shelters;
- (i) take lawful measures for protecting life and property in case of fire;
- (j) take lawful measures to mitigate the consequences of hazardous materials incidents and for protecting life and property in such an event;
- (k) provide and maintain an adequate emergency ambulance service;
- (l) ensure effective co-ordination between the Force and other emergency services in Singapore; and
- (m) execute such other duties as may be imposed on it by this Act or any other written law.”.

Amendment of section 5

4. Section 5(3) of the principal Act is amended by deleting the words “as engineering or technical officers” in paragraph (d).

Amendment of section 6

5. Section 6 of the principal Act is amended —

- (a) by inserting, immediately after the words “Deputy Commissioners” in subsection (2), the words “, Senior Assistant Commissioners”; and

- (b) by inserting, immediately after the words “The Deputy Commissioners” in subsection (3), the words “, the Senior Assistant Commissioners”.

Repeal and re-enactment of section 12

- 5 **6.** Section 12 of the principal Act is repealed and the following section substituted therefor:

“Identity card

- 10 **12.** An identity card shall be issued to every full-time national serviceman and shall be evidence of his enlistment in the Force under this Act.”.

Amendment of section 15

- 7.** Section 15 of the principal Act is amended by deleting the words “substitution or” in paragraph (c) and substituting the words “substitution of”.

- 15 **Repeal and re-enactment of section 16**

- 8.** Section 16 of the principal Act is repealed and the following section substituted therefor:

“Certain persons to remain subject to Act

- 20 **16.** Subject to section 73, a person who has ceased to be a member may, in respect of a service offence committed within 6 months before he ceased to be a member, be dealt with as though he were still a member, if and only if he is charged with the offence not later than 3 years from the date of the commission of the offence.”.

Amendment of section 19

- 25 **9.** Section 19 of the principal Act is amended —

- (a) by deleting the words “Subject to subsection (2) and except” in subsection (1) and substituting the word “Except”;
- (b) by deleting the words “6 months” in subsection (1) and substituting the words “3 years”; and
- 30 (c) by deleting subsection (2).

New section 37A

10. The principal Act is amended by inserting, immediately after section 37, the following section:

“Causing irrecoverable loss of service property

5 **37A.**—(1) Any person who wilfully causes the irrecoverable loss of any service property shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years or any other punishment authorised by this Act.

10 (2) Any person who, by any negligent act or omission, causes the irrecoverable loss of any service property shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.”.

Amendment of section 41

15 **11.** Section 41 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“ (2) For the purposes of this section, “service document” means —

(a) any document which is the property of the Force; or

(b) any document submitted to the Force for any purpose whatsoever,

20 and shall include any such document in the form of an electronic record, and a reference to signing of a service document shall be deemed to include the application of an electronic signature to an electronic record.”.

Amendment of section 48

25 **12.** Section 48 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“ (3) It shall be a defence for any person charged with an offence under this section to prove that his absence was a result of circumstances over which he had no control.”.

Amendment of section 72

13. Section 72(2) of the principal Act is amended by inserting, immediately before the words “a warrant officer”, the words “a senior warrant officer or”.

Amendment of section 75

14. Section 75 of the principal Act is amended —

- (a) by deleting “\$100” in subsections (1)(b) and (3) and substituting in each case “\$300”;
- (b) by deleting “\$300” in subsection (1)(b) and substituting “\$1,000”; and
- (c) by inserting, immediately after the word “suffered” in subsection (3), the words “bodily injury,”.

Amendment of section 81

15. Section 81(1) of the principal Act is amended by deleting the words “an officer or officers” and substituting the words “one or more public officer”.

Repeal of section 82

16. Section 82 of the principal Act is repealed.

Amendment of section 84

17. Section 84(2) of the principal Act is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) if the fine exceeds \$100 but does not exceed \$300, detention for a period not exceeding 30 days; and”.

Amendment of section 89

18. Section 89(2) of the principal Act is amended by deleting “\$2” and substituting “\$5”.

Amendment of section 92

19. Section 92(1) of the principal Act is amended by deleting the word “Government” and substituting the word “government”.

Deletion and substitution of heading to Part XII

20. The heading to Part XII of the principal Act is deleted and the following heading substituted therefor:

“STATE OF CIVIL DEFENCE EMERGENCY”.

Amendment of section 102

21. Section 102(3) of the principal Act is amended by inserting, immediately after the words “from the time the”, the words “state of”.

New Part XIII A

22. The principal Act is amended by inserting, immediately after section 105, the following Part:

“PART XIII A

SERVICE OUTSIDE SINGAPORE

Minister may send members of Force outside Singapore

105A.—(1) Subject to subsections (3) and (7), the Minister may —

- (a) on a request in that behalf being made by, or with the consent of, a government of a territory outside Singapore;
- (b) on a request in that behalf being made by a United Nations agency; or
- (c) in connection with any agreement or arrangement with a government of a territory outside Singapore,

order such number of members of the Force as to him seems expedient to proceed outside Singapore to carry out duties to respond to and deal with a civil defence emergency taking place in such territory.

(2) In making an order under subsection (1), the Minister shall specify the purposes for which the members of the Force are to carry out duties outside Singapore or in any territory outside Singapore.

(3) The Minister shall not make an order under subsection (1) unless he is satisfied that adequate provisions have been or will immediately be made in the territory outside Singapore for the proper

carrying out of duties by members of the Force in that territory, which may include provisions —

- 5 (a) that all members of the Force serving in that territory under the provisions of this Part shall remain under the orders of their own commanding officers; or
- (b) that all members of the Force serving in that territory under the provisions of this Part shall be conferred with the powers, duties and privileges of members of the equivalent civil defence force in that territory.

10 (4) The Commissioner may issue directions of a routine nature for the deployment, command, control and information of members of the Force ordered under subsection (1) to proceed outside Singapore to carry out duties outside Singapore.

15 (5) No direction under subsection (4) shall be inconsistent with subsection (3).

 (6) All members of the Force ordered under subsection (1) to proceed outside Singapore for service shall comply with every direction issued under subsection (4).

20 (7) No auxiliary member shall be liable to serve or proceed on duty outside Singapore unless he first consents to such service.

Members of Force serving outside Singapore to remain subject to this Act

25 **105B.** Subject to section 105D, a member of the Force who is temporarily attached to the forces of another territory, or otherwise serving outside Singapore, pursuant to any order made under section 105A shall not cease to be subject to this Act by reason only of his being so temporarily attached, or being outside Singapore.

Jurisdiction during overseas service

30 **105C.**—(1) Section 105D shall apply to any act done or omitted to be done outside Singapore by any member of the Force while he is serving outside Singapore pursuant to any order made under section 105A.

 (2) For the purposes of this section, a person shall be deemed to be serving outside Singapore pursuant to an order made under section

105A from the time he leaves Singapore to undertake those duties until the time he returns to Singapore.

Offences and misconduct during overseas service

5 **105D.**—(1) If any member of the Force to whom this section applies does, or omits to do, any act outside Singapore (whether or not the act or omission concerned constitutes an offence under the laws in force in the territory where it took place) that if done or omitted to be done within Singapore would constitute an offence, that act or omission is deemed to have taken place within Singapore
10 unless —

- (a) the person is subject to the criminal jurisdiction of the territory in which the act or omission took place; and
- (b) the authorities in that territory —
 - (i) are not subject to any obligation to cede jurisdiction to
15 the Singapore authorities in respect of that act or omission; and
 - (ii) are bringing criminal proceedings against the member of the Force in that territory.

20 (2) No information shall be laid against any member of the Force over whom jurisdiction is claimed by virtue of subsection (1) without the consent of the Attorney-General.

25 (3) If any member of the Force is alleged to have committed an offence in respect of which the laying of information requires the consent of the Attorney-General under subsection (2), the member concerned may be arrested and detained in custody or remanded in custody or on bail, even though the consent of the Attorney-General has not been obtained to the making of such complaint in respect of that offence, but no further proceedings shall be taken until that consent is obtained.

30 (4) If any member of the Force to whom this section applies does, or omits to do, any act outside Singapore, and that act or omission would, if it occurred in Singapore, be a disciplinary offence for the purposes of this Act —

- (a) the person may be investigated and, if appropriate,
35 proceeded against under this Act by way of disciplinary

proceedings under Part VII and punished, in the same manner as if the act or omission had occurred in Singapore; and

- 5 (b) for that purpose, this Act and the Civil Defence (Arrests, Searches, Investigation and Trial of Offences) Regulations (Rg 2) shall apply to him with any necessary modifications.”.

Amendment of section 115

23. Section 115(2) of the principal Act is amended —

- 10 (a) by deleting paragraphs (i) and (q);
- (b) by inserting, immediately before the words “to equip” in paragraph (o), the words “, if necessary,”; and
- (c) by deleting the semi-colon at the end of paragraph (p) and substituting a full-stop.

15 Saving and transitional provision

24. For a period of 2 years after the commencement of this section, the Minister may, by rules, prescribe such provisions of a savings or transitional nature consequent on the enactment of any provision of this Act as he may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Civil Defence Act (Cap. 42) for the following main purposes:

- (a) to update the functions and duties of the Singapore Civil Defence Force (the Force);
- (b) to make changes to the provisions relating to the discipline of the Force;
- (c) to provide for the service outside Singapore of members of the Force; and
- (d) to make other amendments relating to administration of the Force.

Clause 1 relates to the short title and commencement.

Clause 2(a) amends the definition of “civil defence emergency” in section 2 to include a hazardous materials incident.

Clause 2(b) amends section 2 to insert a new definition for the term “emergency services” which will be used in section 4(2)(l) (as substituted by clause 3).

Clause 2(c) amends section 2 —

- (a) to insert a new definition for the term “hazardous material” which will be used in the definition of “hazardous materials incident”;
- (b) to insert a new definition for the term “hazardous materials incident” which is adapted from section 3 of the Fire and Emergency Services Authority of Western Australia Act 1998. This new definition will be used in the definition of “civil defence emergency” and in section 4(2)(j) (as substituted by clause 3); and
- (c) to insert the definition of “junior disciplinary officer” (moved from section 82, which will be repealed by clause 16).

Clause 2(d) amends the definition of “member” in section 2 to clarify that it includes an auxiliary member.

Clause 2(e) amends the definitions of “non-commissioned officer” and “serviceman” in section 2 to include the rank of senior warrant officer.

Clause 2(f) amends the definition of “provost officer” in section 2 by omitting limb (b) of the current definition of “provost officer”.

Clause 2(g) amends section 2 to insert the definition of “senior disciplinary officer” (moved from section 82, which will be repealed by clause 16) with some changes.

Clause 2(h) amends the definition of “service property” in section 2 to include service equipment and service facilities.

Clause 3 updates the functions and duties of the Force in section 4.

Clause 3(a) amends section 4(1)(b) to provide that the functions of the Force include, only if necessary, the equipping of members of the public for the purposes of civil defence.

Clause 3(b) amends section 4(2) by deleting paragraphs (a) to (p) and substituting new paragraphs (a) to (m), which amendment has the effect of —

- (a) deleting the current paragraph (a) which relates to assisting the public authorities to carry out certain works;
- (b) amending the current paragraph (c) (renumbered paragraph (b)) which relates to providing first-aid to casualties and for their removal, to delete the function and duty of setting up emergency and first-aid posts and to substitute the words “for medical treatment” for the words “to hospitals”;
- (c) amending the current paragraph (d) (renumbered paragraph (c)) to provide that the function and duty includes, only if necessary, the equipping of the civilian population to cope with any civil defence emergency;

- (d) deleting the current paragraph (e) which relates to assisting the public authorities and other agencies to provide for relief of distress and for welfare generally;
- (e) amending the current paragraph (f) (renumbered paragraph (d)) to change the function and duty to that of assisting the public authorities to undertake measures for the retrieval and, if necessary, decontamination of the dead bodies from any place affected by any civil defence emergency;
- (f) amending the current paragraph (j) (renumbered paragraph (h)) to restrict the function and duty to managing only public shelters;
- (g) deleting the current paragraph (k) which relates to assisting the public authorities to carry out repairs to essential utilities and Government buildings;
- (h) deleting the current paragraph (l) which relates to controlling lighting and the distribution of fresh water and other essential supplies;
- (i) inserting a new paragraph (j) which relates to taking lawful measures to mitigate the consequences of hazardous materials incidents; and
- (j) amending the current paragraph (o) (renumbered paragraph (l)) to expand the function and duty to that of ensuring effective co-ordination between the Force and other emergency services in Singapore.

Clause 4 amends section 5(3)(d) so that the Force shall consist of, amongst others, all public officers who are serving in the Force and not merely public officers who are serving as engineering or technical officers.

Clause 5 amends section 6(2) and (3) to provide for a new rank of Senior Assistant Commissioner.

Clause 6 repeals and re-enacts section 12 to provide that an identity card shall be issued only to every full-time national serviceman. This amendment removes the requirement to issue other members of the Force with identity cards.

Clause 7 amends a typographical error in section 15(c).

Clause 8 repeals and re-enacts section 16 to lengthen the period within which a person who has ceased to be a member may be dealt with as though he were still a member for a service offence committed within 6 months before he ceased to be a member. A person who has ceased to be a member cannot be dealt with for a service offence committed more than 6 months before he ceased to be a member.

Clause 9 amends section 19(1) and deletes section 19(2) to lengthen the limitation period for the trial of any person by a disciplinary officer for a service offence (except for desertion and absence without leave) from 6 months to 3 years. Section 19(1) applies to all persons including persons who have completed full-time national service and are liable to render operationally ready national service, and operationally ready national servicemen who have not been discharged from operationally ready national service.

Clause 10 inserts a new section 37A which makes it an offence to wilfully cause the irrecoverable loss of any service property, or to cause irrecoverable loss of any service property by any negligent act or omission.

Clause 11 deletes and substitutes the definition of “service document” in section 41(2) to provide that “service document” includes any such document in the form of an electronic record and a reference to signing of a service document shall be deemed to include the application of an electronic signature to an electronic record.

Clause 12 inserts a new section 48(3) which provides that it is a statutory defence for a person charged with being absent without leave, to prove that his absence was a result of circumstances over which he had no control.

Clause 13 amends section 72(2) to include the new rank of senior warrant officer.

Clause 14 amends section 75(1)(b) to increase the maximum fine that a disciplinary officer may award, and amends section 75(3) to provide that compensation may be ordered in respect of bodily injury occasioned by the commission of a service offence and to increase the maximum compensation amount that may be awarded by a disciplinary officer.

Clause 15 amends section 81(1) to provide that the Commissioner shall appoint one or more public officer to act as the reviewing authority. This will allow a public officer who is not an officer of the Force to serve as the reviewing authority.

Clause 16 repeals section 82. The definitions of “junior disciplinary officer” and “senior disciplinary officer” are moved to section 2.

Clause 17 amends section 84(2)(b) to increase the upper limit of the range of fine amounts and the corresponding maximum period of detention that a disciplinary officer may direct in default of payment of any fine within the range specified in section 84(2)(b).

Clause 18 amends section 89(2) to increase the minimum sum remaining after the total amount of deductions made under section 89(1) from the ordinary pay due to a member.

Clause 19 amends a typographical error in section 92(1) by substituting the word “government” for the word “Government”.

Clause 20 amends the heading of Part XII to read “State of Civil Defence Emergency” which more accurately describes the Part.

Clause 21 amends section 102(3) to clarify that a state of civil defence emergency terminates on the expiry of the seventh day from the time the state of civil defence emergency is in force.

Clause 22 inserts a new Part XIII A (sections 105A to 105D) which deals with the sending of members of the Force to serve outside Singapore. The new sections 105A to 105D are adapted from sections 56 to 59 of the Police Force Act (Cap. 235).

The new section 105A empowers the Minister, on a request being made by or with the consent of a government of a territory outside Singapore, or on a request being made by a United Nations agency, or in connection with any agreement or arrangement

with a government of a territory outside Singapore (such as the ASEAN Agreement on Disaster Management and Emergency Response (AADMER)), to order members of the Force to proceed outside Singapore to carry out duties to respond to and deal with a civil defence emergency taking place in that territory. However, auxiliary members may be deployed on overseas missions only if they consent. The Minister will not make any such order unless he is satisfied that adequate provisions have been or will immediately be made in the territory outside Singapore for the proper carrying out of duties by members of the Force in that territory. These may include having all members of the Force serving outside Singapore remain under the orders of their own commanding officers, and being conferred with the powers, duties and privileges of members of the equivalent civil defence force in that territory. The new section 105A(4) also empowers the Commissioner to issue directions of a routine nature to members of the Force on overseas duties.

The new section 105B provides that members of the Force serving outside Singapore under the Part will not cease to be subject to the Act by reason only of such overseas service.

The new sections 105C and 105D make it an offence under Singapore law for any member of the Force on an overseas mission under the Part to do or omit to do anything outside Singapore that would be an offence in Singapore if done or omitted to be done in Singapore. The exception is if the authorities in the territory where the act or omission occurred are entitled to exercise the criminal jurisdiction of that territory in respect of that act or omission, do not cede that jurisdiction to Singapore, and do in fact bring criminal proceedings against the person in that territory. The new section 105D(4) also provides that any disciplinary offence committed when serving overseas may be investigated and proceeded by way of disciplinary proceedings as if it had been committed in Singapore.

Clause 23 amends section 115(2) —

- (a) by deleting paragraphs (i) and (q) relating to regulations for the control of lighting, which amendment is related to the deletion of section 4(2)(l) by clause 3(b); and
- (b) by amending paragraph (o) such that regulations may be made to provide, if necessary, for the equipping of members of the public for the purposes of civil defence, which amendment is related to the amendment of the current section 4(2)(d) (renumbered section 4(2)(c)) by clause 3(b).

Clause 24 contains a saving and transitional provision.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
