

**SPEECH OF THE ATTORNEY-GENERAL STEVEN CHONG, SC
AT THE OPENING OF THE LEGAL YEAR 2014**

3 JANUARY 2014

May it please Your Honours, Chief Justice, Judges of Appeal and Judges of the Supreme Court:

1 2013 marked the year that my Chambers moved out of The Adelphi and into 1 Upper Pickering Street – 1 UPS for short - which will be our home for the foreseeable future. I am happy to report that my Chambers has settled into life at our new home quite comfortably. Many would have noticed that the architectural design of 1 UPS is modelled to mimic natural landscapes such as mountain rock formations or the contoured padi fields found in Asia. It is fitting that this is where my Chambers will continue to build upon its foundations as a critical pillar upholding the rule of law, and to sow the seeds for a just, harmonious and progressive society. Last year, I referred to my predecessor Professor Walter Woon's analogy of a durian farmer. Let me assure you that I have not switched crops. Durian, given the many thorny issues of ever increasing variety of hybrids which my Chambers has to grapple with everyday, continues to be our staple crop.

Achieving consistency in diversity

2 Your Honours would recall that in my maiden address at last year's Opening of the Legal Year, I had committed to ensuring stability and continuity as a paramount priority. I have not wavered in that commitment. As a bedrock of the rule of law, AGC envisions itself as the leading 'one-stop' destination for the provision of legal services to the whole of the public sector in Singapore. In order to meet the increasing demands placed on the public sector in recent years, it is imperative for the public sector to have access to a *consistent* source of a *diverse* suite of legal

services of the highest quality. This is the key challenge that my Chambers is poised to embrace.

3 As a reflection of my commitment to achieving consistency in diversity, I now propose to take stock of the progress made since my address last year and to outline the wide-ranging plans my Chambers has for the coming year.

As Public Prosecutor

4 I begin with an update on some of the more significant areas I have traversed with my Chambers in my role as Public Prosecutor.

5 In March last year, my Chambers, in conjunction with the Criminal Bar, launched the Code of Practice for the Conduct of Criminal Proceedings. Encapsulating the collective best practices of the Prosecution and the Criminal Bar, the Code is designed to ensure a speedy and efficient trial process, and to assist the court in arriving at a just decision. It stands out as a ground-breaking joint effort by the Prosecution and the Defence, not only in its scope of coverage, but also in the collegial manner in which its gestation process was carried out. The Code sets out the best practices encompassing the whole gamut of the criminal justice process from plea bargaining, service of documents, to interviews and cross-examination of witnesses, making submissions to the court, and appeals. It is the fruit of labour of representatives from my Chambers and the Criminal Bar. These discussions were always conducted in the best traditions of the Bar with mutual respect and co-operation. It is this spirit which signals a powerful message of the joint commitment by the twin engines of the criminal justice system to raise the bar in ensuring that criminal proceedings are conducted at the highest level of professionalism. I am convinced that the Code will enhance and promote dignity in the conduct of criminal cases. In consequence, the raising of ethical and advocacy standards will engender even greater public confidence in the administration of criminal justice.

6 As part of our continuing efforts to instil and maintain public confidence in the administration of criminal justice, my Chambers and our partners have recently concluded the pilot project relating to the identification of intellectually disabled or

mentally disordered offenders using a simple screening test. This test was devised by a renowned Australian psychologist and modified to suit local circumstances. This pilot project entailed the assistance of 'Appropriate Adults' during the interviews of such offenders by the police, once they had been identified via the screening test. The Appropriate Adults are drawn from a pool of volunteers from the community who are equipped with special skills to assist these vulnerable offenders. Their role is to facilitate the communication of information between the investigation officer and the offender with intellectual disabilities. The reliability of statements taken from such offenders is therefore greatly enhanced. Collation of feedback from the pilot project is currently underway. The results of the pilot project are also being analysed by psychiatrists with the Police Psychological Services Division and the Ministry of Social and Family Development. Focus group discussions will then be conducted in order to fine-tune the scheme. Anecdotal feedback suggests that this scheme, in particular, the employment of Appropriate Adults, has been very positively received. We envisage that the scheme will be rolled out to the rest of the police land divisions and other investigative agencies in the near future.

7 Encouraged by the resounding success of the inaugural Criminal Law Conference in 2011, my Chambers, the Singapore Academy of Law, the Law Society and the Association of Criminal Lawyers in Singapore have come together once again to organise the next Criminal Law Conference. As this will be held in two weeks' time, on the 16th and 17th of this month, allow me to take this opportunity to do a timely publicity for the conference. Aptly titled "The Evolving Face of Criminal Justice – Developments and Challenges", this year's Criminal Law Conference is aimed at tackling the complexities of modern criminal litigation in the face of globalisation and rapid developments in information technology. With topics as intriguing and relevant as "The Pathology of Crime – What Science Can (and Cannot) Teach Lawyers" and "A World Without Borders – Internet Crime", featuring distinguished speakers from the United Kingdom, Australia, Hong Kong as well as our very own homegrown criminal law practitioners, the upcoming conference will undoubtedly encourage and inspire a new generation of lawyers towards a fulfilling career in the practice of criminal law. I am confident that the conference will be a

most enriching experience for all participants, be they experienced stalwarts or young aspirants of the Criminal Bar.

8 One aspect of the criminal justice system which I singled out for mention last year was the need to improve and refine the working relationship between my Chambers and the enforcement agencies. To this end, my Chambers embarked on an initiative to embed experienced DPPs in enforcement agencies, including the Criminal Investigation Department of the Police, and the Central Narcotics Bureau. This project is still in its infancy, but our long term aim is to improve the quality of investigations and consequently to reduce the time taken to arrive at a prosecutorial decision. The DPPs stationed within the enforcement units are consulted by investigators on the potential strengths and weaknesses of a case at an early stage, so that time can be saved and resources better deployed. They are also involved in making a preliminary assessment of the evidence gathered in the first 48 hours of an arrest, to decide whether a suspect should be charged or released pending further investigations. Last year, we also stationed DPPs in the Corrupt Practices Investigation Bureau, Police land and specialised divisions, including the Central Police Division, Tanglin Police Division, and the Traffic Police. We are refining the processes and systems, and we plan to eventually roll out the embedment of DPPs to all Police Land Divisions over the next two years. The successful conduct of investigations and the quality of evidence procured upstream will unquestionably have a positive impact on the effective and efficient prosecution of cases before the courts downstream.

9 Let me re-assure the legal community and the general public that we are sensitive to the critical role an independent DPP plays in maintaining the highest standards of integrity in investigations and prosecutions. The DPPs who are stationed within the enforcement agencies report to my office, and not to the head of the investigation agency. We have put in place adequate safeguards to ensure that the roles of the prosecutor and the investigator remain separate. We have also introduced administrative arrangements to prevent a blurring of roles over time, including mandatory term limits on all embedded DPPs. I am positive that the

embedment of DPPs within investigation agencies will enhance the integrity of the process, not diminish it.

10 The embedment project is part of my Chambers' commitment to improve the criminal justice system as a whole, from the perspective of any member of the public who comes into contact with it, whether as a victim or a person who stands accused of a crime. I believe these efforts will lead to greater savings in time for all parties involved — the accused person's time spent in remand, the investigators' time spent on investigation, and, ultimately, the court's time spent on dealing with both the legal and factual issues.

11 My Chambers has made great strides to engage the wider community. We have reinforced our collaborative partnership with the Defence Bar. We have strengthened the cooperation with the enforcement agencies. We have also reached out to the community, not least through the inaugural Public Prosecution Outreach Programme, which I will address later. These reforms will enhance transparency and deepen the trust reposed in my Chambers to uphold criminal justice in Singapore.

As the Government's Chief Legal Adviser and Counsel

Civil Division

12 Last year, I shared my vision for AGC to be known for its expertise and experience in handling Government-related affairs. Presently, Civil Division is the legal representative of the Government in almost all matters. My goal is to expand this to enable the *whole* of the public sector to receive quality legal representation services. This will include not just the Ministries but also the statutory boards. To realise this vision, we will start by taking onboard judicial review cases against statutory boards, and civil penalty cases enforced by the Monetary Authority of Singapore ("MAS"). By pulling together all these cases under my Chambers, we will ensure that a whole-of-Government perspective is adopted in the conduct of litigation, and that public law principles are developed within a coherent analytical framework.

13 The move to take onboard judicial review cases against statutory boards will be done in three phases. First, we have commenced oversight of all judicial review cases, including those against statutory boards. Secondly, legislative changes will be proposed such that legal service officers (“LSOs”) will have rights of audience in such cases. Thirdly, we will progressively proceed to handle the representation work for all such cases.

14 As for the civil penalty cases enforced by MAS, the intention is for Civil Division to take on all representation work relating to Part XII of the Securities and Futures Act (“SFA”). The SFA is a key component of the legal infrastructure of the financial sector and it is crucial to develop the legal principles governing this complex and challenging area of law. Fortunately, it is an area of law in which my officers already possess a unique advantage, given that several of them have previously spent time with MAS and have acquired expertise working with MAS on the civil penalty regime. In fact, these officers have already started working with MAS in drawing up working protocols for the conduct of these cases, and are already representing MAS in such cases.

15 To take on these initiatives, we are expanding our manpower and enhancing our training efforts to equip our officers to better manage and handle these challenging areas of law.

International Affairs Division

16 Moving from the domestic to the international law front, I wish to highlight three key initiatives by my officers in the International Affairs Division (“IAD”). First, the establishment of the ‘Treaties Section’ within IAD. Secondly, the permanent post at the Singapore Mission in New York. And, thirdly, sabbaticals for officers to research, teach and publish.

17 Modelled after the Treaty Section of the United Kingdom’s Foreign and Commonwealth Office, the Treaties Section in IAD will be the Government’s central repository of information on all matters relating to treaties and international instruments and the central advisory body on the procedures, formalities and

practices relating to the conclusion of treaties. Currently, many government agencies already look to IAD for assistance on some of these matters in the course of seeking IAD's legal advice on the negotiation and drafting of treaties. The establishment of the Treaties Section will put this on a formal footing and ensure that such assistance is available comprehensively and rendered more efficiently. It is envisaged that the Treaties Section will be able to provide clear guidance to government agencies on all aspects of treaty-making. This will facilitate greater consistency in Singapore's treaty practice, promote a more coordinated and holistic approach to treaty-making across the whole of government, and provide more accessible and comprehensive information on Singapore's existing treaty obligations. This development is both timely and crucial as Singapore continues to be actively involved on the international plane by entering into many international agreements.

18 Another exciting initiative is the establishment of a permanent post at the Singapore Mission in New York. The officer stationed at the New York Mission will advise on various international law issues which may arise in the course of the work at the mission. This is in line with the strategic aim of increasing Singapore's profile and influence in the international legal sphere. We will be sending our first officer to take up this posting sometime in July this year. This is in addition to the existing permanent Legal Service Officer post at the Singapore Mission in Geneva.

19 As part of the Government's initiative for Developing International Law Expertise, IAD has proposed sabbaticals for its officers. During the year-long sabbatical, officers will be attached to the Centre for International Law at the National University of Singapore to research, teach and publish. Publication in internationally renowned journals of law and engagement with international players are in line with the Government's aim of building a pool of Singapore-based experts in international law with regional and global standing.

Legislation and Law Reform Division

20 I now turn to the work of the Legislation and Law Reform Division (“LLRD”), which has had a busy and productive year.

21 In addition to coping with the increased demands on faster turnaround time for primary Acts and subsidiary legislation, LLRD has embarked on a mission to ensure continued accessibility of the laws of Singapore for all. This is in acknowledgment of strong anecdotal evidence that laypersons, in fact, make up the majority of users who read our laws online. The Singapore Statutes Online (the contents of which are maintained by LLRD) receives about three million visits per year. Therefore, as announced in the news last year, Plain Laws Understandable by Singaporeans – PLUS for short – kicked off with an online survey to better understand the needs, preferences and expectations of stakeholders of the legislative process and users of legislation. The object of the PLUS project is to ensure that our laws remain drafted and presented in a manner which is clear, readable and easily understandable. The PLUS survey attracted about a thousand responses with some 75% representing non-lawyers including those from the public administration and regulatory groups. The feedback gathered from the survey will now be analysed to decide how best to improve and modernise the text and design of legislation. LLRD will also embark on a universal revision of existing legislation in stages to incorporate the changes in drafting styles and presentation.

22 To further enhance technological access to Singapore legislation, LLRD will direct more attention towards the design and usability of the Singapore Statutes Online database and the Versioned Legislation database which LAWNET uses. To this end, we will be embarking on two initiatives. The first is to back-capture all revised editions of Singapore Acts up to the 1985 Revised Edition and for subsidiary legislation up to the 1990 Revised Edition. Currently they only back-capture up to 1997. Providing access to the earlier revised versions of Singapore Acts and subsidiary legislation will offer valuable insights into how such legislation has evolved over time, the policy changes made to laws and the rationale for the enactment of

certain laws. The second project is to redesign the user-interface for both databases to provide a better experience for the user.

23 LLRD will also play its part in our international engagements. As a number of smaller Asian countries have approached Singapore for assistance in training legislative drafters, LLRD will take the first steps in drawing up a form of an international assistance programme which will build my Chambers' presence as a leading drafting office and to better coordinate LLRD's responses to requests by other countries for assistance in the training of legislative drafters. In addition, LLRD has also entered into mutual attachment programmes with other well-established drafting offices such as the United Kingdom and Australia.

Knowledge Management Unit

24 In order to provide such a diverse suite of legal services at a consistently high quality, it is crucial for AGC to capture and share the intellectual capital generated by our officers, past, present and future, across the divisions. To that end, I have set up a dedicated Knowledge Management Unit ("KMU") in AGC. In June last year, I appointed former Parliamentary Counsel Charles Lim, himself a repository of AGC knowledge, as our Chief Knowledge Officer. This year, the unit will roll out a new, integrated knowledge management database for the whole of AGC. This database will regularly capture all output that is of precedential value, including internal guidelines, and make it readily searchable by tagging it with legislation and topic tags to ensure accurate search and retrieval. The output will be shared not only within Divisions but also across Divisions to encourage consistency and a whole-of-AGC approach. My Chambers is currently working with the Subordinate Courts to import sentencing data from their new electronic case management system ("ICMS") and compile it centrally for AGC's reference and use. AGC's own internal materials will be added to this sentencing data for easy access by all prosecutors.

Public engagement

25 Early in my appointment as Attorney-General, I recognised that engagement with the public is pivotal to my Chambers' role in the protection of the public interest.

As the public becomes more discerning and more reliant on social media to deliver and receive information, it is no longer sufficient for my Chambers to simply maintain high standards of competency and quality in our work. There is an increasing need to engage the public in order to create better awareness of what AGC does and why we do it. To better shape this exchange of information, I have expanded the Media Relations Unit in AGC. Comprising three former journalists, with plans to increase the number this year, the Media Relations Unit will continue to play a vital role in guarding against disinformation and misinformation, especially in a digital era where the exchange of information is almost instantaneous. To that end, my Chambers has adopted more proactive steps in issuing appropriate press statements to inform and explain to the public certain decisions we have arrived at, despite not being under any general duty to do so. Since taking office, I have, with the aid of the Media Relations Unit, issued many press statements ranging from explicating the revisions to the Mandatory Death Penalty regime, to educating the public about the nature of Coroner's Inquiry proceedings, the prosecution of SMRT service leaders and clarifying the law on contempt of court.

26 As part of our efforts in reaching out to the public, my Chambers implemented the inaugural Public Prosecution Outreach Programme. Over two weeks in October last year, my prosecutors and staff visited 28 schools, reaching out to more than 7,000 students by delivering presentations on the role of the Public Prosecutor in the administration of criminal justice. An exhibition was held at the National Library over two days to showcase the work that we do in the pursuit of criminal justice. In addition, there were also one-day attachments to AGC for 75 students from 25 schools, held over three days. The feedback from the participants, some of which were left on the Facebook page specially set up for the programme, has indeed been very encouraging. As a result of the positive response, I plan to hold the outreach programme on an annual basis as this public education needs to be carried out on a sustainable footing. Finally, to demonstrate the point that we are active members of the wider community who seek to strengthen the criminal justice system, a few of my officers and I took to the stage to help raise funds for the Yellow Ribbon Fund at the recent SAL Charity Concert in celebration of SAL's 25th Anniversary. It was a hugely

rewarding experience for us notwithstanding our very limited talent in public musical performance. Hopefully we will only be required to perform every 25 years.

Conclusion

27 Your Honours, in these challenging times, greater demands have been made for increased efficiency, enhanced transparency and deeper engagement with the public. In moving forward with the initiatives that I have just outlined, I have not lost sight of the legacy left by those before me. AGC would not be what it is today without the outstanding leadership and deep convictions of the past Attorneys-General. To honour the contributions of two of our longest-serving Attorneys-General, my Chambers has named our Courtesy Call Room the Tan Boon Teik Room, and our library fittingly the Chan Sek Keong Library. This was marked by the official opening ceremony held in September last year. This gesture serves as an inspiring reminder to future generations of AGC officers of the dedication of these eminent champions of the rule of law to the service of the public. If the design of 1 UPS conjures images of padi fields in Asia, then my officers should be reminded that the Chambers was indeed shaped by the vision, mission and commitment of its past leaders. We reap what they have sowed, and the harvest is indeed plenty. While the workers may be few, with our steadfast commitment to the rule of law, I am confident that we will gain much ground with our bold strides forward in the furtherance of the administration of justice in Singapore.

28 It remains for me to close with some good wishes. First, I extend my best wishes to Justice Tan Lee Meng and Justice Lai Siu Chiu on their retirement. I have known Justice Tan throughout my entire career first as his student at NUS, second as counsel before him and finally as his colleague on the Bench. In the case of Justice Lai, she was a formidable opponent at the Bar and a very robust judge on the Bench. They have both left their mark during their long and very distinguished careers on the Bench. Second, may I take this opportunity to congratulate Justice Vinodh Coomaraswamy on his appointment as a High Court Judge and the five new Judicial Commissioners Mr Lionel Yee, Mr George Wei, Mr Tan Siong Thye, Mr Edmund Leow and, just yesterday, my friend Mr Lee Kim Shin. They will undoubtedly

add diversity, quality and intellectual capital to the Bench. Finally, I would like to congratulate my friend, Mr Lok Vi Ming SC on his re-election as the President of the Law Society, certainly one of the most demanding jobs in the profession. He served his first term with conviction and integrity, and will surely lead the profession in facing the challenges which lie in the year ahead. Speaking of challenges, last year, he rather ambitiously announced in his maiden address of his somewhat audacious plan to snatch the AG's Challenge Cup from the defending champions. We all know what happened at last year's match. I wish him better luck this year. My officers sincerely hope that the Defence Bar will give us a better workout on the field this year.

29 On behalf of my colleagues in AGC and the Legal Service, I take this opportunity to pledge our unstinting support for and commitment to the fair and efficient administration of justice in Singapore. I extend our good wishes to your Honour the Chief Justice, Judges and members of the legal community, for good health and every success in the coming year.

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