

AGC
SINGAPORE

ATTORNEY-
GENERAL'S
CHAMBERS

ANNUAL REPORT 2010 - 2011



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The Attorney-General's Chambers has played a historical role in the development of Singapore's legal heritage, tracing its roots to 1867. Through almost a century and a half of its existence, the Attorney-General's Chambers has come to be seen as an integral stakeholder in the administration of criminal justice in our country; and as a vital player in the national effort and commitment to the preservation and promotion of the rule of law in Singapore.

In the past couple of years, which are the subject of this Report, my Chambers has continued to be involved in a number of key areas of work, much of it critical to Singapore's national interest. The Editorial Team has done an excellent job of capturing the highlights of our work during this time.

As we look back on these past years, the perceptible increase in the complexity of our work is particularly striking. This growing complexity has in turn given rise to two consequences, which I elaborate on below.

THE NEED FOR INTER-DIVISIONAL COLLABORATION

Although the manpower of the Attorney-General's Chambers is functionally organised into six professional Divisions, each focusing on particular types of work, in the present environment it is unsurprising that a significant portion of the work that we do will require the attention of officers from different Divisions. This creates significant opportunities for our officers, but also poses some challenges. The opportunity to examine issues from different analytical perspectives is an enriching experience for our officers; but it also calls for a commitment to venture beyond one's comfort zone to consider issues that may be just beyond the horizon of one's experience. By encouraging inter-Divisional collaboration, we have been able to respond to our clients' needs without diluting the development of specialised skills.

Such inter-Divisional collaboration was necessary for instance when we were called upon to advise on the legal issues relating to the inaugural Youth Olympic Games in 2010, the 2011 General and Presidential Elections, the drafting and implementation of the new Criminal Procedure Code, and key areas of law and policy development in respect of Singapore's international trade obligations,

taxation policies and policies concerning casino regulation. Cross-Divisional teams were also engaged to deal with cases before the Singapore Courts when we were required to address constitutional challenges and also to defend Singapore's judiciary in the face of contempt.

This is perhaps a reality that is ultimately to be expected since in an environment of increasing complexity, one can hardly expect that legal issues will come neatly packaged according to our corporate structure. But as a reflection of this trend, this Annual Report departs from our usual format of being divided into Chapters based on the work of the different Divisions of my Chambers. Rather, we have found it more appropriate to present our work according to the constitutional roles that are reposed in the office of the Attorney-General: namely as the Public Prosecutor and as the Chief Legal Advisor of the Government, as well as in performing other assigned duties of a legal character.

THE NEED FOR TRAINING AND DEVELOPMENT

The second direct consequence of the increased complexity of our work is the need for us, as public lawyers, to constantly engage in a concerted program of training and development so that as a vital organisation, we will remain vibrant and relevant and discharge our constitutional roles well. My officers and I are often faced with issues that are at the cutting-edge of the various areas of law that we practise in and as a result, there is a need for us continually to be prepared to address these issues, to recognise and evaluate the changes in our operating environment and to

adjust to these changes so that we can function effectively.

With this in mind, I have intensified the commitment of my Chambers to the training, development and specialisation of our officers so that we are well placed to support the Government with the highest level of legal services. This is not only something the Government is entitled to expect from us; it is indispensable in my view. I have also implemented a review of our manpower needs and have stepped up recruitment. With our resources fully harnessed and trained, I believe we will be up to meeting the challenges we can expect.

TRAINING

I have identified training as the single most important and cost-effective way by which we can upgrade our performance and I have committed to make this the hallmark of any stint that is spent by an officer at my Chambers. To this end, we rolled out a series of exciting and important training initiatives in 2010 and 2011. These were to be implemented in the context of a training roadmap that was developed for each of our officers. Fresh entrants to the profession who join us will begin with a 6-month Training Contract Programme, which was introduced to give our trainee legal officers practical and hands-on training through attachments and mentorship. Alongside this, a structured advocacy-training programme was developed and has been rolled out for our prosecutors, while a similar effort is underway for our State Counsel. We also introduced a Training Incentive Scheme to encourage upgrading and continuing education for all, including non-legally trained officers. These initiatives are to

FOREWORD BY THE ATTORNEY-GENERAL

be seen in the context of our commitment to the development of each officer so that he or she achieves a personal best. I am confident that in time, we will come to be recognised as offering the best professional training and development program for our young lawyers and indeed for the more senior ones who are committed to a career in public law.

SPECIALISATION

In addition to functional skills, we also recognise the need to nurture legal specialists in our midst. Steps have therefore been taken to ensure that our officers are armed with expertise and knowledge in specific practice areas that are strategically important to the discharge of our constitutional roles.

For instance, in the area of criminal law, the Economic Crimes & Governance Division was formed in 2010 to serve as a cohesive and specialised unit dealing with white-collar crimes. This is an area of particular significance given our national agenda to establish Singapore as one of the world's leading hubs for financial services. Also in 2010, in the area of international law, we spearheaded the Developing International Law Expertise in Singapore project, a whole-of-Government initiative to develop our indigenous talent and ability to function in this increasingly important area of law. This project seeks to develop international law expertise not only within my Chambers, but also in other Government agencies.

Further, we recognise that to effectively counsel our clients, we need to go beyond law and actually understand the underlying policy issues and concerns in complex areas,

particularly those concerning social policy. To this end, a team of legal officers from my Chambers and from other parts of the Legal Branch of the Legal Service was formed to look into social legislation issues which are likely to emerge on the horizon in the medium- to long-term so as to be ready to provide useful counsel to those who will ultimately need to develop policy responses to these issues.

RECRUITMENT

We have also endeavoured to remain vibrant as an organisation through the recruitment of some of the brightest legal minds and who also have a strong sense of public duty. The promise that we will do what we can to help every officer become the best that he or she can be, has already served us well on the recruitment front. We have also revamped our internship programme and this continues to be a key plank in our outreach efforts. I have also had the pleasure of engaging many law students directly from our local as well as from overseas universities by participating in some of our recruitment drives. The fruits of all these efforts are already beginning to show, with applications to the Legal Service to join my Chambers and also for internships reaching all time highs.

HARNESSING OF RESOURCES

In tandem with the training, specialisation and recruitment efforts that we have made, we have also dedicated resources to fully harnessing our existing resources. This has included improvements to our Knowledge Management processes, particularly through the use of information technology tools, and

the upgrading of our registry and litigation support teams. The improvements to our Knowledge Management processes have also enhanced our ability to serve as the institutional memory of many of the issues affecting the Government. These efforts have helped my officers to work more efficiently and productively but more needs to be done in this area and it is something we will continue to focus on.

In order to ensure that our work environment remains optimal, we will be moving to new premises at Upper Pickering Street at the end of 2012, where my Chambers will be housed within our own dedicated building. We have spent the last 21 years at our present location and have outgrown it. The move is therefore timely.

RECALLING OUR RICH HERITAGE

Even as we gear up to meet the challenges of a more complex work environment, we will do well to recall that these efforts are also to be seen in the context of the rich heritage of which we are part. As I noted at the outset of these remarks, those who have gone before us have played a historic role in the development of our nation. It is important that whilst we take steps to remain vibrant and relevant, we should never forget our roots.

We have launched a number of steps to reconnect with our alumni. Poignantly, the first major gathering of these distinguished former members of our organisation was held just the week after the passing of one of our most famous sons, Mr Tan Boon Teik. He was to have been our Guest of Honour on that occasion

but that was not to be. Nonetheless, it proved to be a memorable evening made the more so by the presence of Mrs Tan Boon Teik and their son, Pip Tan Seng Hin. It is connections such as these that give context, texture and richness in our journey to continue the mission that so many others before us have dedicated their professional lives to.

My colleagues and I are committed to making the Attorney-General's Chambers a cherished national institution. In this, we are building on the foundations laid by others and we will continue these efforts bit by bit. I trust the pages of this Annual Report will give you a sense of what we have been doing to this end in the most recent past.

Sundaresh Menon, S.C.
Attorney-General

IN REMEMBRANCE OF FORMER ATTORNEY-GENERAL TAN BOON TEIK



Mr Tan Boon Teik, the former Attorney-General (AG) of Singapore, passed away on 10 March 2012.

Mr Tan held office as the AG for 25 years.

Mr Tan served as the Acting AG from 1 February 1967 to 31 December 1968 and as the AG of Singapore from 1 January 1969 to 30 April 1992. He was the longest serving AG of Singapore post-independence.

Mr Tan was the AG during a crucial period of Singapore's history in the years after independence. He was one of the chief architects of the legal system of independent Singapore, and was also a mentor and friend to those who knew him.

During his tenure, Mr Tan played a pivotal role in shaping the legal landscape of Singapore and upholding the rule of law which has underpinned much of Singapore's success. The first reprint of the Constitution was prepared under Mr Tan's leadership. He also helped steer the formation of the Singapore Academy of Law, which brought together the various branches of the legal profession (including the

members of the Bench, private practitioners, Legal Service officers, and faculty members of the local law schools) under one umbrella organisation.

Another of his legacies to the Singapore legal system was the establishment of the Singapore International Arbitration Centre of which he was the founding Chairman. Mr Tan recognised the growing importance of arbitration as a means of dispute resolution and advocated Singapore's accession to the New York Convention and promoted arbitration extensively in Singapore and abroad.

Mr Tan was a man of vision and strong leadership, and laid the foundations upon which stands the Attorney-General's Chambers (AGC) today. He had a firm and uncompromising desire to make AGC a legal institution of excellence, right from off the blocks during AGC's formative years. For instance, AGC's review and clearance system – designed to ensure that the Government receives the best possible legal advice from AGC – was initiated by Mr Tan and continues as it has always been because it remains the best way to ensure exacting quality control.

Mr Tan will long be remembered by many in AGC for his critical contributions to the development of the legal landscape of Singapore, his vision and his generous sharing of his perspectives and knowledge with his officers.

IN REMEMBRANCE OF FORMER HEAD OF IAD MR SIVAKANT TIWARI



2010 saw the passing of Mr S. Tiwari, who had served as the head of the International Affairs Division (IAD) from 1995 to 2007. Whilst in AGC, Mr Tiwari had also served as the head of the Civil Division.

AGC benefited immensely from Mr Tiwari's wisdom and counsel from 1978, when he joined AGC as a Deputy Senior State Counsel, until December 2007, when he retired. He was a key figure in Singapore's negotiations

with Malaysia over several bilateral issues, the *Land Reclamation Case* before the International Tribunal for the Law of the Sea, the *Pedra Branca Case* before the International Court of Justice, trade negotiations, the Free Trade Agreement between Singapore and the United States, and the development of the United Nations Convention on the Law of the Sea (UNCLOS).

Mr Tiwari will be fondly remembered by many in AGC for the expansiveness of his mind as a legal officer and the generosity of his spirit as a colleague and friend.

CONGRATULATIONS

MR LIONEL YEE'S APPOINTMENT AS SECOND SOLICITOR-GENERAL

Mr Lionel Yee Woon Chin was appointed as the Second Solicitor-General (2SG) for an initial term of three years with effect from 1 January 2011.

Mr Yee graduated with Bachelor of Arts in Law from Downing College, the University of Cambridge, United Kingdom in 1988 on a Public Service Commission Overseas Merit Scholarship. He obtained a Master of Laws (International Legal Studies) degree from the New York University, United States in 1999 on a Lee Kuan Yew Scholarship. He was admitted as an advocate and solicitor of the Supreme Court of Singapore in 1993.

Mr Yee started his legal practice as a State Counsel in the Civil Division of AGC in May 1991. He was appointed as a State Counsel with the International Affairs Division (IAD) in July 1995. From May 1997 to August 1998, he served concurrently as the Deputy Director (Legal) in the Ministry of Law and from December 2000 to March 2001, he was attached to the Ministry of Foreign Affairs where he served as Legal Adviser to the Permanent Mission of Singapore to the United Nations in New York.



On his return to AGC, he served in the IAD and the Criminal Justice Division before his appointment as the Director-General of the International Affairs Division in July 2008.

Mr Yee is also a Board Member of the Competition Commission of Singapore and is an Arbitrator and Member of the Permanent Court of Arbitration. He was awarded the Public Administration Medal (Silver) in 2001 and the Public Administration Medal (Gold) in 2008.

WELCOMING THE NEW HEADS OF DIVISION

In April 2011, Mr Bala Reddy moved on to his new position as Chief Prosecutor of Special Projects in AGC.



On 1 August 2011, Mr Aedit Abdullah was appointed the Chief Prosecutor of the Criminal Justice Division.



On 1 July 2011, Mr Ong Hian Sun was appointed the Chief Prosecutor of the State Prosecution Division.



On 1 October 2011, Ms Mavis Chionh was appointed Chief Prosecutor of the Economic Crimes and Governance Division.



OUR MISSION, VISION AND CORE VALUES

Our Mission is to enhance the rule of law and constitutional Government in Singapore by providing sound legal advice and assistance in developing a fair and responsive legal system, furthering good public administration and protecting the interests of the State and of the people.

Our Vision is to be an essential pillar upholding the rule of law for a just, harmonious and progressive society.

Our Core Values are:

- The rule of law
- A just legal system
- Integrity and impartiality
- Competence and professionalism
- Teamwork and cooperation
- The public interest

Our Culture is focused on:

- Our people
- A learning ethos
- Teamwork
- Justice



On 12 October 2011, a fresh, modern looking corporate logo was rolled out. The new corporate logo reflects AGC's rich heritage and experience, with a modern touch.

The logo was part of AGC's several corporate identity management initiatives across various communication platforms. An inaugural greeting card design competition was also held to generate brand awareness of the new logo among staff. In addition, a revamped AGC corporate video was launched featuring in-depth Divisional segments with media highlights on some of AGC's work.



OUR ROLES

Article 35(7) of the Constitution provides:

It shall be the duty of the Attorney-General to advise the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President or the Cabinet and to discharge the functions conferred on him by or under this Constitution or any other written law.

Article 35(8) of the Constitution provides:

The Attorney-General shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for any offence.

The Attorney-General (AG) has three roles:

- (1) as the Government's Chief Legal Adviser and Counsel;
- (2) as Public Prosecutor; and
- (3) in performing other assigned duties of a legal character.

The Attorney-General's Chambers (AGC) assists the AG in his roles. AGC directs and controls criminal prosecution, provides legal services to the Government and serves as the guardian of the public interest.



ATTORNEY-GENERAL'S CHAMBERS

OUR CORPORATE STRUCTURE: AGC'S MANAGEMENT TEAM

The Attorney-General's Chambers is led by the Attorney-General, who works closely with the Solicitors-General.

THE ATTORNEY-GENERAL

The Attorney-General (AG) is the Public Prosecutor and principal legal adviser to the Government, and performs other assigned functions of a legal character. These are constitutionally-enshrined roles.

As the Public Prosecutor, the AG has the power to institute, conduct or discontinue proceedings for any offence. The AG acts independently in this role, and is not subject to the control of the Government.

As principal legal adviser to the Government, the AG has the duty, as stated in Article 35(7) of the Constitution, to "advise the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President or the Cabinet and to discharge the functions conferred on him under [the] Constitution or any written law".

All actions by or against the Government are made in the name of the AG. The AG also represents Singapore, and advances and protects her interests, in the international arena and in international disputes. The AG is responsible for drafting Singapore's laws and producing revised editions of legislation.

The AG is the guardian of charities and acts as guardian *ad litem* to adoptees. The AG also plays a part in the development of the Singapore legal services sector, particularly via his role in regulating foreign lawyers and foreign law practices in Singapore.

The present AG of Singapore is the Honourable Mr Sundaresh Menon, S.C.. He was appointed to the position on 1 October 2010.

THE SOLICITORS-GENERAL

The Solicitors-General (SGs) work closely with the AG in providing legal advice to the Government of Singapore.

Under section 11(2) of the Criminal Procedure Code 2010, the SGs may also act as the Public Prosecutor in the absence of the AG.

The Solicitor-General (SG) is Mrs Koh Juat Jong. She was appointed on 11 April 2008.

The Second Solicitor-General (2SG) is Mr Lionel Yee Woon Chin, who was appointed with effect from 1 January 2011.



Leadership Team:

First Row (from left to right) : Owi Beng Ki, SG Koh Juat Jong, AG Sundaresh Menon S.C., 2SG Lionel Yee, Bala Reddy

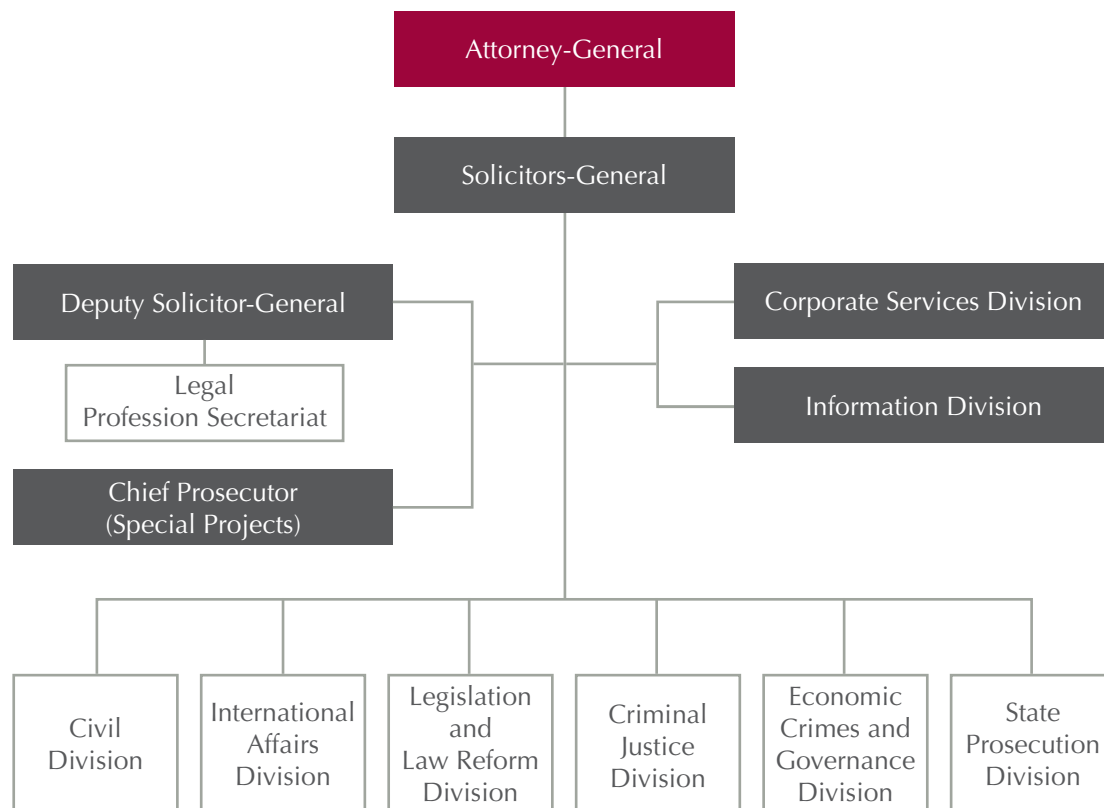
Second Row (from left to right) : Hoo Sheau Peng, Mavis Chionh, Ong Hian Sun, Aedit Abdullah, Pang Khang Chau, Tan Ken Hwee

Third Row (from left to right) : Audrey Lim, Lee Lit Cheng, Ng Cheng Thiam, Daphne Hong, Helen Yeo

Absent : Dy SG Jeffrey Chan, Charles Lim, David Chong

OUR CORPORATE STRUCTURE:

SIX LEGAL DIVISIONS AND TWO NON-LEGAL DIVISIONS



As of 31 Dec 2011, AGC was staffed by approximately 211 legally trained officers and 212 management support and executive officers.

The AG discharges his responsibilities and duties through six legal Divisions (Civil Division, International Affairs Division, Legislation and Law Reform Division, Criminal Justice Division, Economic Crimes and Governance Division, and State Prosecution Division), with the support of the Corporate Services Division and the Information Division.

A Legal Profession Secretariat also assists the AG in respect of his responsibilities under the Legal Profession Act.

OUR CORPORATE STRUCTURE:

CIVIL DIVISION



The Civil Division (CivDiv) assists in the discharge of the role of the AG as the Chief Legal Adviser to the Government by providing legal advice and representation to the Government. In rendering advice on the law in relation to the formulation and implementation of the Government's policies, CivDiv plays an essential role in upholding the rule of law and the principles of good governance in Singapore. CivDiv also works together with, and oversees the work of, legal service officers posted to the various Ministries.

SIX LEGAL DIVISIONS AND TWO NON-LEGAL DIVISIONS

INTERNATIONAL AFFAIRS DIVISION



The International Affairs Division (IAD) was established on 1 July 1995. Its mission is to advance and protect Singapore's interests through international law. IAD officers provide legal advice on all aspects of international law to the Singapore Government, and represent Singapore at bilateral and multilateral negotiations and international dispute settlement procedures, as well as at other regional and international fora such as ASEAN and the United Nations. IAD officers are also routinely involved in the drafting and negotiating of international instruments, as well as the domestic implementation of international obligations undertaken by Singapore.

In August 2011, the International Legal Cooperation Team was established to take on international and cross-border criminal law matters that were moved from the Criminal Justice Division to IAD. With the re-organisation, IAD now discharges the functions of the Central Authority of Singapore in the processing of incoming and outgoing requests for extradition and mutual legal assistance in criminal matters.

OUR CORPORATE STRUCTURE:

LEGISLATION AND LAW REFORM DIVISION



The Legislation and Law Reform Division (LLRD) is the central legislative drafting office of Singapore. LLRD translates the policies of Government Ministries and statutory boards into legislation and advises them on the legislative process and the development of legislative specifications for effective implementation of policies. In addition, LLRD ensures ready access by the public to accurate and updated legislation through regular production of revised editions of legislation and timely publication online of legislation. LLRD also undertakes law reform projects in partnership with academia and the Singapore Academy of Law. LLRD serves as the Secretariat to the Law Revision Commission.

SIX LEGAL DIVISIONS AND TWO NON-LEGAL DIVISIONS

THE CRIME CLUSTER

The Crime Cluster is the organisational extension of the AG's role as the Public Prosecutor. Officers of the Crime Cluster act as Deputy Public Prosecutors (DPPs) and Assistant Public Prosecutors (APPs) under the authority of the Public Prosecutor. Prosecutors in the Crime Cluster render advice to the Police during investigation and exercise prosecutorial discretion in making charging decisions. In addition to conducting trials, prosecutors also engage in Criminal Case Management sessions with defence counsel during the pre-trial stage where prosecutors disclose certain evidence to foster a culture of frank and open discussion between the prosecution and the defence.

In 2011, the Crime Cluster underwent a reorganisation which was implemented in various stages. A major milestone was the establishment of the Economic Crimes and Governance Division which is an addition to the existing two Divisions, namely the Criminal Justice Division and the State Prosecution Division.

The reorganisation has facilitated a better distribution of prosecutors, particularly in terms of their differing levels of seniority and experience. This has facilitated an increase in teamwork and cohesion amongst the officers and has encouraged the greater sharing of knowledge and capabilities, thereby enhancing the efficiency of Crime Cluster as a whole. In addition, a Crime Cluster Management Committee has been established to facilitate coordination, ensure consistency and maximise the efficient use of resources by the three Crime Divisions.

OUR CORPORATE STRUCTURE:

CRIMINAL JUSTICE DIVISION



The Criminal Justice Division (CJD) in the main handles all capital cases in the High Court, prosecution of drugs and other specialised crimes in the Subordinate Courts and all appeals from these cases, and supervises the prosecution by other Government departments and agencies. CJD also renders advice on criminal justice matters to Government departments and agencies, and is actively involved in international conferences, as well as law reform involving criminal matters. The Division also houses directorates providing common services to the Cluster, including Common Registry Support, Knowledge Management, Training and Technology Crime.

SIX LEGAL DIVISIONS AND TWO NON-LEGAL DIVISIONS

ECONOMIC CRIMES AND GOVERNANCE DIVISION



The Economic Crimes and Governance Division (EGD) was formed on 1 January 2011, demonstrating AGC's continuing commitment to enhancing our capability in dealing with increasingly complex financial and regulatory offences in today's globalised economy. EGD is responsible for all prosecutions, related appeals and other related proceedings (such as asset forfeiture) in respect of financial and commercial crimes and corruption cases. Further, EGD officers are trained to deal with quasi-criminal matters such as regulatory enforcement matters in the financial services sector, judicial review relating to criminal proceedings and contempt of court cases. EGD also maintains a satellite office in the Commercial Affairs Department of the Singapore Police Force, to provide legal advice and facilitate the disposition of cases.

OUR CORPORATE STRUCTURE:

STATE PROSECUTION DIVISION



The State Prosecution Division (SPD) is responsible for Subordinate Court prosecution in respect of offences against the person, property crimes, public order and community court matters, prosecution of serious sexual offences in the High Court, as well as appeals, revisions and references arising from such cases to the High Court and the Court of Appeal, and the conduct of Coroner's Inquiries.

SIX LEGAL DIVISIONS AND TWO NON-LEGAL DIVISIONS

LEGAL PROFESSION SECRETARIAT



The Legal Profession Secretariat (LPS) is responsible for registering, licensing and regulating foreign law firms and foreign lawyers/solicitors wishing to practise foreign law and permitted areas of Singapore law in Singapore. LPS discharges the responsibilities of the AG under the Legal Profession Act in respect of the Singapore legal profession and attends to matters pertaining to the development of the Singapore legal services sector at the domestic and international level where the AG has a role.

OUR CORPORATE STRUCTURE:

CORPORATE SERVICES DIVISION



The Corporate Services Division (CSD) supports the work of AGC in the areas of financial administration, personnel administration and planning, human resource development, office management, travel management, organisational excellence, business process re-engineering and corporate communications.

SIX LEGAL DIVISIONS AND TWO NON-LEGAL DIVISIONS

INFORMATION DIVISION



The Information Division (InfoDiv) comprises the Computer Information Systems Department (CISD), the Library, and the Knowledge Management Central (KM Central). The mission of InfoDiv is to assist AGC in providing effective legal services through the use of IT and the management of knowledge assets. The Information and Communications Technology (ICT) and Knowledge Management (KM) Steering Committee (ICTSC) provides leadership and direction on the overall ICT and KM goals and policies of AGC and endorses strategies and plans for ICT and KM programmes. The ICTSC is chaired by SG and comprises the senior management of all the legal divisions, the Chief Information Officer, and representatives from InfoDiv.

OUR KEY MILESTONES: AS THE GOVERNMENT'S CHIEF LEGAL ADVISER AND COUNSEL – AGC'S ADVISORY WORK

AGC is the largest legal practice in Singapore in particular areas of law such as administrative and constitutional law, legislative drafting and international law. AGC officers are well-positioned not only to tell policy-makers what the law is, but also call their attention to potential pitfalls and generate suggestions to overcome any envisaged difficulties.

2010 and 2011 were eventful years for AGC officers in terms of the diversity and complexity of advisory work rendered. AGC officers advised on an extensive breadth of issues.

ADVICE ON SPECIAL EVENTS ON THE 2010 AND 2011 CALENDARS

A series of advice by AGC officers pertained to special events on the calendar, namely the General and Presidential Elections, and the Youth Olympic Games. A team of AGC officers from across the different Divisions was put together under the direction of a senior LLRD officer to work closely with the Returning Officer, the staff of Elections Department and the Presidential Elections Committee to help ensure the smooth conduct of both the General Elections 2011 and the Presidential Elections 2011. Their work covered a broad range of responsibilities, from vetting the content of the handbooks for candidates, drafting the relevant legislation, and advising on operational and implementation issues before and during the campaign period, to working on post-election issues, including the drafting of legislation for and advising on the reconstitution of the Town

Councils and the procedure for formation of the new Cabinet and President. Arising from the Youth Olympic Games 2010, CJD officers worked with agencies to put in place standard operating procedures, guidelines and other preparatory materials for the Games, as well as for other similar special events.

ADVICE ON KEY AREAS OF LAW AND POLICY DEVELOPMENT AND IMPLEMENTATION

Officers from CivDiv and IAD rendered advice on key areas of law and policy development, including on casino regulation, regulation of the Internet and new media, and the protection of Singapore's national reserves. Officers from the CivDiv were also kept busy with an increased number of requests for advice on land acquisition matters, arising from construction plans and projects of the



ATTORNEY - GENERAL
SOLICITOR - GENERAL
PARLIAMENTARY COUNSEL

OUR KEY MILESTONES:

Government. There were also issues arising from social legislation, such as the Mental Capacity Act and the Children and Young Persons Act, on which advice was given. IAD officers were closely involved in advising the Government on a number of domestic policy reviews, including on health, intellectual property, trade and taxation measures.

Officers from LLRD continued to advise Government Ministries and statutory boards extensively on matters relating to the implementation and formulation of policies which require legislation or other means. LLRD officers also rendered advice on the interpretation of statutory instruments and on parliamentary speeches and questions. LLRD officers advised on a Private Member's Bill to amend the Maintenance of Parents Act. CJD officers gave inputs on the drafting of legislation involving criminal issues, such as the Criminal Procedure Code, the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (CDSA), and the Coroner's Bill.

ADVICE ON INVESTIGATORY AND REGULATORY MATTERS

In the criminal law arena, EGD officers rendered legal advice to various agencies, most notably MAS, on liability in respect of the pricing statement of Minibond series 9 & 10 arising from a downgrade of the credit rating of Lehman Brothers Holdings Inc. in its role as swap guarantor to the notes. EGD officers also advised MAS on regulatory actions in relation to contraventions of provisions relating to anti-

money laundering and countering financing of terrorism, including the scope of the Suspicious Transaction Reporting Officer's duty of secrecy under section 56 of the CDSA. This was in addition to advice to MAS on its enforcement actions in respect of contraventions of the Securities and Futures Act, Financial Advisers Act, Insurance Act and Business Trusts Act and the relevant subsidiary legislations.

CJD also rendered legal advice and led the review of cases affected by the use of a reagent of higher than usual concentration by the Health Sciences Authority DNA Profiling Laboratory in the last quarter of 2011. Further, following the landmark ruling of the Court of Appeal in *Muhammad Bin Kadar and Ismil bin Kadar v PP*, CJD rendered advice on the obligations of the Prosecution to disclose unused material in criminal proceedings.

ADVICE ON SINGAPORE'S BILATERAL AND MULTILATERAL TREATIES

On the international law front, IAD officers advised Government agencies on aspects of bilateral and multilateral treaties which Singapore is party to.

On 24 May 2010, the Prime Ministers of Singapore and Malaysia issued a joint statement at the end of their Leaders' Retreat ("the 24 May 2010 Joint Statement") which signified a historic breakthrough in bilateral relations between Singapore and Malaysia by resolving, among other things, the 20-year impasse over the implementation of the Points of Agreement on Malayan Railway Land in Singapore. The

AS THE GOVERNMENT'S CHIEF LEGAL ADVISER AND COUNSEL – AGC'S ADVISORY WORK

conclusion of the 24 May 2010 Joint Statement was the culmination of a negotiation process which began in 2008, with AGC officers being closely involved and advising the Government each step of the way, including a period of intense, round-the-clock negotiations in the few days leading up to the Leaders' Retreat. Following the conclusion of the 24 May 2010 Joint Statement, IAD officers continued to advise Government agencies on the relocation of the KTMB Railway Station from Tanjong Pagar to Woodlands and the return of the former railway land parcels to Singapore, which were both successfully completed on 1 July 2011. For its work in this area, AGC, as part of an inter-agency team comprising 11 other Government agencies and statutory boards, received a National Day award from the Ministry of Home Affairs. IAD officers continue to advise on and work closely with the various Ministries and agencies on issues relating to the operation of the KTMB Railway Station at Woodlands Train Checkpoint. IAD officers are currently preparing for the arbitration on the development charge payable on certain land parcels, which will be conducted under the auspices of the Permanent Court of Arbitration.

Further, IAD officers advised Government agencies on the expiry of the 1961 Water Agreement and the handover of the waterworks to Malaysia on 31 August 2011. IAD officers also advised Government agencies on various aspects of the 1962 Water Agreement which will continue to subsist until 2061. The 1962 Water Agreement is guaranteed by both the Constitution of Malaysia and the Separation Agreement, and is of fundamental importance to Singapore.

Since October 2009, an IAD officer has been based in the Singapore Permanent Mission in Geneva as the Counsellor (Legal). The position was established as part of Singapore's strategy to develop international law expertise. The Counsellor (Legal) is Singapore's point person in Geneva Mission on all dispute settlement matters and discussions at the World Trade Organisation (WTO). In 2010 and 2011, the Counsellor (Legal) provided legal advice on a series of WTO matters and in some instances, human rights matters that were discussed in the WTO and the United Nations in Geneva.



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OUR KEY MILESTONES: AS THE GOVERNMENT'S CHIEF LEGAL ADVISER AND COUNSEL – AGC'S INVOLVEMENT IN LITIGATION

AGC represents the Government in legal proceedings. In 2010 and 2011, there was a marked increase in the number of court proceedings brought against the Government. Officers from CivDiv were frequently engaged in both public law and private law litigation.

NOTABLE CASES OF PUBLIC INTEREST

The notable cases of public interest include:

In the Court of Appeal

Anwar Siraj & Norma Khoo v Attorney-General

The Court of Appeal upheld the High Court's decision to dismiss the Appellants' application seeking mandatory orders against the Police and the Subordinate Courts to compel them to explain the alleged delay in the investigations of three Magistrate's Complaints filed by the appellants and to compel the Police to "speedily complete" their investigation and disclose their investigation reports. The Court ruled that, as there was no criminal offence disclosed on the facts, there was no legal basis for judicial review.

Yong Vui Kong v Attorney-General

The Appellant was convicted of drug trafficking and sentenced to death on 14 November 2008. He filed an appeal against conviction and sentence but then withdrew the original appeal. He subsequently filed a petition for clemency but this was rejected. Thereafter, the Appellant was allowed to reopen the original appeal in order to mount a challenge on the constitutionality of the mandatory death penalty. The Court of Appeal dismissed his application after hearing full arguments on the point. The Appellant then brought fresh proceedings to challenge the legality of the clemency process under Article 22P of the Constitution as applicable to him in respect of a second clemency petition which he had yet to file but which he intended to file on precisely the same grounds as his first petition. His application was dismissed by the High Court. The Appellant's appeal to the Court of Appeal was dismissed.



OUR KEY MILESTONES:

Shadrake Alan v Attorney-General

The High Court found the Respondent, author of the book *Once a Jolly Hangman: Singapore Justice in the Dock*, guilty of contempt of court by scandalising the court. The Respondent was sentenced to 6 weeks' imprisonment and a fine of \$20,000 (in default of which he was to serve a further two weeks in prison, such further term to run consecutively to the first). He was also ordered to pay legal costs of \$55,000 to the AG. The Respondent appealed against liability

and sentence. The Court of Appeal affirmed the High Court's decision on the Respondent's liability and on sentencing. The Court of Appeal also endorsed the "real risk" test as the applicable test for liability for contempt by scandalising the court. This means that before a statement can be held to be contemptuous, it has to pose a real risk of undermining public confidence in the administration of justice.

AS THE GOVERNMENT'S CHIEF LEGAL ADVISER AND COUNSEL – AGC'S INVOLVEMENT IN LITIGATION

In the High Court

Michael Fernandez v Attorney-General

The Plaintiff filed an action in battery and negligence arising from injuries allegedly inflicted upon him during his detention under the Internal Security Act from 1964 to 1973. He also sought a declaration that the Government had breached his fundamental human rights and right to liberty guaranteed under Article 9 of the Constitution. The Plaintiff's main argument was that he was not bringing a tortious action but one founded in human rights. He acknowledged that there was no such cause of action in our present law but urged the court to develop this as a new head of claim. AGC successfully applied to strike out the Plaintiff's action.

Lai Swee Lin Linda v Attorney-General

The case centred on the Plaintiff's contractual claim for wrongful termination of her employment contract. The High Court agreed with AGC's submission that the Plaintiff was properly terminated in accordance with the terms of the employment contract.

OUR KEY MILESTONES: AS THE GOVERNMENT'S CHIEF LEGAL ADVISER AND COUNSEL – AGC IN NEGOTIATIONS

On the domestic front, officers from CivDiv have been involved in attending negotiations with third parties, in particular those related to contract and finance matters. Officers from CivDiv, IAD and the Crime Cluster have also been involved in negotiations in relation to Singapore's interests at bilateral and multilateral negotiations, as well as at other regional and international fora.

NEGOTIATIONS ON ECONOMIC AND RELATED INTERNATIONAL AGREEMENTS

IAD officers participated closely in negotiations for a range of trade and investment agreements. In 2010, negotiations on two major trade agreements commenced: the proposed European Union-Singapore Free Trade Agreement (EUSFTA) and the Trans-Pacific Strategic Economic Partnership Agreement (the TPP Agreement). Singapore is the first ASEAN country with which the EU has launched bilateral FTA negotiations, and the first round of talks began in February 2010. The TPP Agreement originated as a free trade agreement between Brunei, Chile, New Zealand and Singapore in 2005, and negotiations are currently underway to expand it to include other countries such as Australia, Malaysia, Peru, the United States and Vietnam. In 2011, negotiations continued for these agreements. Recently, the WTO concluded the negotiations on the Revised

Government Procurement Agreement. The Counsellor (Legal), an IAD officer based in the Singapore Permanent Mission in Geneva, was part of the team representing Singapore during the negotiations and was instrumental in ensuring that the text adopted was consistent with Singapore's national interests. Further, Singapore concluded negotiations on a number of bilateral investment treaties. IAD officers also participated closely in negotiations for the European Union-Singapore Partnership and Cooperation Agreement, and supported various regional and bilateral air services negotiations.

IAD officers also supported Singapore's negotiations to conclude an agreement with the World Bank Group to establish the World Bank Group Office in Singapore.



OUR KEY MILESTONES:

NEGOTIATIONS ON SINGAPORE'S TERRITORIAL CONCERNS

In 2010, IAD officers helped to coordinate the ratification and entry into force of the 2009 Treaty between Indonesia and Singapore relating to the Delimitation of the Territorial Seas in the Western Part of the Strait of Singapore. In June 2011, Singapore and Indonesia began technical discussions on the maritime boundaries between the two countries in the Eastern part of the Strait of Singapore. An IAD officer heads Singapore's delegation for these technical discussions. Further, an IAD officer was Singapore's chief negotiator for the Memorandum of Understanding between Singapore and Malaysia with regard to the Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks, which was signed in November 2010. Following the signing of the Memorandum of Understanding, officials from both sides continued to work on the conduct of the Joint Hydrographic Survey, which was successfully completed in July 2011. An IAD officer was the co-chair of the Sub-Committee which oversaw the conduct and completion of the Joint Hydrographic Survey, and IAD officers also provided legal support for the Sub-Committee's meetings.

NEGOTIATIONS AT THE UNITED NATIONS AND ASEAN

At the United Nations (UN), officers from IAD represented Singapore as its lead delegate at the meetings of the Sixth Committee (the legal committee) of the 65th and 66th Sessions

of the UN General Assembly. At the 65th Session, IAD officers played a pivotal role in Singapore's introduction of two paragraphs relating to submarine cables in the UN's omnibus resolution on Oceans and the Law of the Sea. IAD officers continued to support Singapore's ongoing efforts to strengthen the legal regime on submarine cables at the 66th Session in 2011. Officers from IAD also supported Singapore's chairing of the Contact Group on Piracy off the Coast of Somalia Plenary. Further, officers from IAD and CivDiv represented Singapore by participating in and contributing to the work of the United Nations Commission on International Trade Law (UNCITRAL), in particular, the Working Groups on Procurement, which is addressing reform of the UNCITRAL model Law on Public Procurement, and the Working Group on Arbitration and Conciliation, which is working on rules of transparency for investment arbitrations.

IAD officers also continued to play an active role in Singapore's efforts to address global climate change, as part of the Singapore delegation on the UN Framework Convention on Climate Change negotiating process.

On the human rights front, IAD officers were actively involved in the presentation of Singapore's periodic reports on the implementation of the UN Convention on the Rights of the Child and the UN Convention on the Elimination of All Forms of Discrimination Against Women. An officer from IAD was also part of the Singapore delegation for Singapore's first Universal Periodic Review. In addition, officers from IAD supported negotiations for an ASEAN Human Rights Declaration.

AS THE GOVERNMENT'S CHIEF LEGAL ADVISER AND COUNSEL – AGC IN NEGOTIATIONS

On the regional front, IAD officers continued to be actively involved in norm-creation activities in ASEAN such as negotiations for the ASEAN Multilateral Agreement on the Full Liberalisation of Passenger Air Services (MAFLPAS), the ASEAN Senior Officials Meeting, and work on the ASEAN Trade In Goods Agreement (ATIGA). An officer from IAD chaired several sessions of the Meeting of Legal Experts for ATIGA, and played a key part in the conclusion of two protocols and a Memorandum of Understanding relating to the ATIGA. IAD officers were involved in negotiations on the ASEAN-India Free Trade Area. An officer from IAD was part of the Singapore delegation at the ASEAN Senior Officials' Meeting Working Group on instruments for the implementation of the ASEAN Charter, which completed its work in November. Additionally, officers from CivDiv represented Singapore in the international arena by participating in, and contributing to, the work of the ASEAN Single-Window Committee.

NEGOTIATIONS ON INTERNATIONAL CRIMINAL LAW MATTERS

On the international criminal law front, Singapore co-chaired the annual meeting of the Asia Pacific Group on Money Laundering (APG), under the auspices of the Financial Action Task Force. The meeting was held in Singapore from 12 July to 16 July 2010. Officers from CJD also attended to meetings regarding the implementation of the United Nations Convention against Transnational Organised Crime (UNTOC) and the United

Nations Convention Against Corruption (UNCAC). Further, an officer from CJD was part of a team of Governmental Experts which undertook the review of Argentina pursuant to the Implementation Review Group of the UNCAC. Also in relation to UNCAC, EGD (together with CPIB) provided officers to serve as Singapore's focal point representatives on the Stolen Asset Recovery Initiative focal points network. This network was established in December 2010 by the World Bank and Interpol pursuant to UNCAC. AGC is also actively involved in negotiations relating to intellectual property rights and technology crime.

Putting the brakes on transnational organised crime

IMELDA SAAD
imelda@mediacorp.com.sg

SINGAPORE – To prevent transnational organised criminal groups from exploiting Singapore's hub status, new laws are in the pipeline to allow the authorities to work with overseas counterparts to disrupt the operations of such groups before they sink roots here.

The Ministry of Home Affairs (MHA) is exploring the introduction of an Organised Crime Act, Minister for Home Affairs K Shanmugam revealed in Parliament yesterday.

Said Mr Shanmugam, who is also the Minister for Law: "Though we do not yet have an organised crime problem, we nevertheless need to be alert and take preemptive steps to ensure organised crime does not threaten Singapore in the future. The key is to stop foreign groups from penetrating our borders ... and growing here." The proposed Act will grant the au-

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OUR KEY MILESTONES: AS THE GOVERNMENT'S CHIEF LEGAL ADVISER AND COUNSEL – AGC AS LEGISLATIVE DRAFTSMAN

In AGC's role as legislative draftsman, LLRD officers continue to provide legislative consultancy and drafting services, reform of the law and revision of legislation, and ensure an accessible and effective statute book for Singapore.

2011 was the year of both the General Elections and the Presidential Elections. 2010 saw an upsurge in law-making activity that usually precedes a General Election. Despite the reduced law-making by Parliament in 2011 when it was dissolved for the General Elections, LLRD and other AGC officers remained heavily engaged in providing advisory and legal support, as well as in drafting subsidiary legislation.

BILLS INTRODUCED IN PARLIAMENT IN 2010 AND 2011

59 Bills (2,272 pages) were drafted and introduced in Parliament in 2010 and 2011. Some of the major Bills included:

Criminal Procedure Code 2010

The Criminal Procedure Code 2010 (CPC) provided a new framework for criminal investigations, conduct of criminal proceedings and a community-based sentencing regime. The drafting of the CPC involved extensive inter-agency work and public consultations, and involved the different divisions of the AGC, over many years. The work extended

back to 1993, when a CPC Review Committee was first established to research developments in criminal procedures across various Commonwealth jurisdictions, and was subsequently further tasked to provide a legal perspective on the possible repercussions of the proposed amendments.



OUR KEY MILESTONES:

Amendments to Constitution of the Republic of Singapore, Parliamentary Elections Act and Presidential Elections Act

Nominated Members of Parliament became a permanent feature of Parliament, the maximum number of non-constituency Members of Parliament was increased from 6 to 9, and advertising, election meetings and canvassing were prohibited on, and on the eve of, polling day.

Amendments to Employment Agencies Act, Industrial Relations Act and Retirement Age Act

Re-employment of employees between the age of 62 and 65 years was introduced.

Employment Agencies Act passed

SINGAPORE – The Employment Agencies Act was passed yesterday, with Members of Parliament welcoming the stricter framework in regulating employment agencies.

MPs Yeo Guat Kwang and Halimah Yacob and Nominated MPs Audrey Wong and Calvin Cheng highlighted the plight of foreign workers paying exorbitant agency fees to come here to work, only to find themselves short-changed on the conditions promised them.

Minister of State (Manpower) Lee Yi Shyan acknowledged that a large part of fees paid by foreign workers went to employment agencies (EAs) in their home countries. Singapore employment agencies could be receiving part of these fees but it was "difficult to police" the amount, he said.

The Government would continue to work with source country embassies and "improve the regulation" of cross border recruitment activities, he added.

Employment agencies that breach the fee caps will face a maximum fine of \$5,000 – up from \$2,000 – per worker. For subsequent offences, employment agencies will face a maximum fine of \$5,000 or six months' jail or both, where previously it was just a fine.

Replying to Ms Wong, who had asked how would the Ministry of Manpower (MOM) police this regulation, Mr Lee said MOM would conduct "proactive audits" on employment agencies and "require them to

issue receipts to the workers they place".

Transfer fees charged to foreign domestic workers (FDWs) will also be covered under the fee cap and refund mechanism, he added.

For instance, the fee that a FDW on a two-year Work Permit pays to her Singapore employment agencies is capped at two months' worth of salary, said Mr Lee.

"If she is terminated by her first employer within six months, she will receive a refund of half the fees paid," said Mr Lee. "If the EA helps arrange a transfer to a different employer, her agency fee will be capped at one month's worth of salary." The fee will be for one year of the new Work Permit duration.

On Mr Yeo's suggestion about putting in place a system to allow employment agencies to deduct the agency fees from the FDWs' monthly salaries without involving their employers, Mr Lee said MOM would "consider this suggestion separately".

As for the new Commissioner for employment agencies, Mr Lim said the Commissioner, assistants and deputies, will be public officers from MOM appointed by the Manpower Minister.

The new regulatory framework will be implemented in April. Employment agencies will be given three months to register all their personnel and up to one year to move onto the new licensing regime. By 2014, all employment agency personnel must be certified and registered. ESTHER NG

Hostage-Taking Act 2010 and United Nations Personnel Act 2011

The Hostage-Taking Act 2010 gave effect to the International Convention against the Taking of Hostages and the United Nations Personnel Act 2011 gave effect to certain provisions of the Convention on the Safety of United Nations and Associated Personnel.

Amendments to Conveyancing Act

Measures to safeguard conveyancing money belonging to solicitors' clients were introduced.

Amendments to Women's Charter

Measures were introduced to better protect women (and their dependants) against defaults on maintenance payments by former spouses.

Amendments to Telecommunications Act

These amendments fortified the regulatory framework of the Act and promote and preserve the competitiveness of the telecommunications sector.

AS THE GOVERNMENT'S CHIEF LEGAL ADVISER AND COUNSEL – AGC AS LEGISLATIVE DRAFTSMAN

SUBSIDIARY LEGISLATION PUBLISHED IN 2010 AND 2011

There were also 1,593 pieces of subsidiary legislation (7,972 pages) drafted and published in 2010 and 2011.

These included the Mental Capacity Regulations, which provided a mechanism for effecting a lasting power of attorney; and subsidiary legislation under the Casino Control Act, which LLRD officers completed in time for the opening of the two casinos and which subsequently expanded the scope of the casino advertising control regime to include the regulation of any casino promotion that promotes the visiting of any casino or the playing of any game in any casino.

New disciplinary and regulatory frameworks were also introduced for the different industries. These included the Estate Agents (Disciplinary Proceedings) Regulations, which introduced a new disciplinary framework for estate agents; and the Consumer Protection (Consumer Goods Safety Requirements) Regulations, for regulating general consumer goods to enhance their safety.

LAW REFORM AND REVISION

In AGC's role as a law reform and revision agency, LLRD officers provided legal and secretariat support to the Steering Committee for Review of the Companies Act, which conducted focus group consultations, considered the feedback received and deliberated on recommendations to reform the Companies Act. A joint consultation was also conducted on proposed amendments to the Companies Act and the Limited Liability Partnerships Act to allow execution of documents by signature rather than seal. LLRD officers also worked closely with the Ministry of Law on the reform of the Evidence Act (hearsay, expert opinion and computer output evidence and legal professional privilege), and on the review of the International Arbitration Act and the Foreign Limitation Periods Bill. A total of 17 Acts (831 pages) and 71 pieces of subsidiary legislation (658 pages) were revised, and the subject indexes for Acts and subsidiary legislation were published, in 2010 and 2011.

Estate Agents Bill passed

MPs speak out in support of the measures aimed at making the industry more professional

ESTHER NG
esther.ng@mediacorp.com.sg

SINGAPORE – Parliament yesterday passed the Estate Agents Bill aimed at shaking up the real estate industry and making it more professional.

When the new statutory board, the Council of Estate Agents (CEA), starts operation on Oct 22 – it will have the power to set codes of practice, ethics and professional conduct to regulate the practices of estate agencies and their agents.

From Jan 1 next year, all property agents will have to be registered with the CEA. They will have to meet certain standards to continue working.

Information on all registered estate agents will also be available on a public register, including the agency they are working for. Any disciplinary action taken against them will also be published.

The Bill comes after a rising number of complaints against errant agents.

It follows a recent housing Bill passed

Seng and Cynthia Phua asked whether the CEA would prescribe the amount of commission real estate agents could charge – currently between one and two per cent – Mr Mah said: "The CEA cannot fix the commission charged because it is anti-competitive."

He added that it is "better" for commission rates to be decided by the market and to educate consumers so that they can negotiate the "best commission rates based on the level of services to be provided".

Information on all registered estate agents will also be available on a public register, including the agency they are working for. Any disciplinary action taken against them will also be published.

MP for West Coast GRC, Ms Ho Geok

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OUR KEY MILESTONES: AS PUBLIC PROSECUTOR

OPERATIONALISING THE NEW CRIMINAL PROCEDURE CODE

The new Criminal Procedure Code (CPC) came into effect on 2 January 2011. The CPC effected several significant changes to the law. Of these, the introduction of a structured Criminal Case Disclosure Procedure attracted the most discussion. This Procedure applies to scheduled offences and requires the parties to serve statements and documents on each other at the pre-trial stage. The additional workload has proven to be significant.

AGC played a major role in ensuring the smooth rolling out of the Criminal Case Disclosure Procedure. Before the CPC came into effect, a Pilot Discovery Project was undertaken in 2010 which helped familiarise prosecutors and defence counsel with the new requirements and processes.

Following the CPC's coming into effect, AGC Crime Cluster officers conducted a series of training courses and dialogue sessions on the CPC, some in collaboration with the Singapore Academy of Law. To further ensure that all stakeholders were sufficiently apprised of the new CPC provisions, AGC Crime Cluster officers drew up practice guides and, assisted by the Criminal Investigation Department, a series of Frequently Asked Questions for prosecutors and enforcement officers. AGC Crime Cluster officers also launched a CPC Hotline on 30 December 2010 to provide urgent and expeditious responses to questions from officers from AGC as well as external agencies. An annotated version of the new Criminal Procedure Code 2010 will also be published in collaboration with the Singapore Academy of Law in 2012.

New powers in Criminal Procedure Code

**Amendments call for
more 'community-based'
penalties, new pre-trial
disclosure of documents**

S RAMESH
rameshs@mediacorp.com.sg

SINGAPORE – A new Criminal Procedure Code (CPC), which is aimed at keeping up with a more mature society, will be adopted here. The proposed amendments to the CPC Bill, tabled in Parliament yesterday, call for more "community-based" penalties and guidelines for lawyers to exchange documents before a case.

Singapore's criminal justice system can no longer just rely on traditional forms of punishment like fines, jail or caning, said the Law Ministry.

The new CPC seeks to address a wider range of crimes due to anti-social behaviour, technology breaches and mental illness. The legal system was already moving in that direction, with the Community Court in 2006. However, Mr Subhas Anandan, president of the Association of Criminal Lawyers, said: "The powers given to the Community Court Judge were not sufficient."

With the amendments proposing to give the judge more powers, "the Community Court can do something meaningful for the accused person", he added.

The new community-based sentencing options are:

- Low-risk offenders might face a Short Detention Order of up to two weeks, which is less stigmatising than a jail term.

- There is also a Day Reporting Order where the offender reports for supervision, counselling and rehabilitation on a regular basis. It can range from three to 12 months.

- The third option is the Mandatory Treatment Order where the offender undergoes psychiatric treatment instead of imprisonment. This order is capped at two years.

Once the sentence is served, it is a "spent record", or cleaned off from the offender's record.

Mr Alvin Yeo, chairman of the Government Parliamentary Committee for Home Affairs and Law, and Member of Parliament for Hong Kah GRC, said: "I don't think it means that they are going to get soft on crime. What they are going to try and do is pick the right sentence for different types of offenders."

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OUR KEY MILESTONES:

JOINT EFFORTS OF PUBLIC PROSECUTORS AND THE DEFENCE BAR

During the past two years, dialogues were held among the judiciary, the prosecution, the criminal bar and our law enforcement partners in order to identify and address implementation and operational issues for the new CPC. Refinements were made to the CPC following these consultations.

Separately, AGC spearheaded dialogue and collaborative efforts between prosecutors and the defence bar. These efforts stem from the AGC's deep-seated belief that a vibrant Criminal Bar is crucial to continued public confidence in the administration of criminal justice. Arising from the dialogue and collaboration, a number of joint initiatives have been taken up.

In October 2011, the Inaugural Criminal Law Conference, an event jointly organised by AGC, the Law Society and the Association of Criminal Lawyers was held. The Conference provided a useful platform for the main stakeholders to engage in a constructive discourse on the practice of criminal law in Singapore, and brought together distinguished judges, criminal law practitioners, academics, and policy-makers from several different jurisdictions. A number of working groups consisting of prosecutors, defence counsel and academics were formed to further study and make recommendations on a number of specific issues that arose out of the Conference, including the adequacy of measures for the protection of legal professional privilege in documents obtained in the course of search

and seizure by the enforcement agencies; reviewing the criteria for eligibility for community sentencing options; consideration of measures to enhance the reliability of statements recorded by law enforcement agencies from offenders in custody; and improving and enhancing the objectivity and utility of expert witnesses in criminal proceedings to better assist the courts.

AGC officers from the Crime Cluster also actively participated in various inter-agency committees which seek to improve aspects of the criminal justice system. These include a committee to examine whether adequate measures exist within the criminal justice system to identify and assist offenders with mental disabilities in the course of the investigation process; a collaboration with the Ministry of Law and the Law Society to enhance and institutionalise pro bono efforts which build upon existing programmes; and a committee to develop a reasoned and structured framework for diversionary measures in Singapore to ensure that certain offending behaviour can be dealt with by means other than prosecution. A team of prosecutors and defence lawyers is also completing work on the joint Code of Practice for criminal cases. This will encapsulate a set of understandings and best practices designed to form a normative standard for the conduct of both prosecutors and defence counsel in criminal proceedings, including in plea negotiations, the service of documents and inspection of exhibits before trial, as well as dealings with victims and witnesses.

AS PUBLIC PROSECUTOR

MANAGEMENT OF LAY PROSECUTORS

To improve the standards of prosecution across the Government and to ensure consistency of prosecution in the enforcement agencies, the Ministry Prosecutions Directorate (MPD) was formed within the Crime Cluster in August 2011. Under the Constitution, the AG has ultimate responsibility for the conduct of all lay prosecution handled by Ministries and statutory boards. AGC adopts a two-pronged approach in monitoring and training lay prosecutors to ensure that all prosecution are properly considered, initiated and maintained. AGC manages and conducts training for lay prosecutors, with prosecutor courses, general and specific training on selected procedures and issues, as well as attachments with DPPs or APPs. The prosecutors' performances are reviewed and assessed as part of MPD's monitoring scheme. Coaching is also given where required to better the prosecutors' standards.

NOTABLE CASES OF PUBLIC INTEREST

Crime Cluster officers also handled many notable cases of public interest, including:

In the Court of Appeal

Yong Vui Kong v PP

The Appellant was convicted on a capital charge of trafficking. During the appeal, the appellant's counsel argued that the mandatory death penalty was unconstitutional since it amounted to cruel and inhuman punishment in contravention of customary international

law, and Articles 9 and 12 of the Constitution. The Court of Appeal rejected the grounds of the appeal and held that any further challenge to the constitutionality of the mandatory death penalty is now foreclosed.

Daniel Vijay & Christopher Samson v PP

During a robbery of expensive cargo, the deceased was assaulted and killed by one of the group of robbers with a baseball bat. On appeal, the question was raised whether the common intention for murder was made out since there was only a common intention to commit robbery. The Court of Appeal revisited the law on this area and held that common intention requirement will only be satisfied if the secondary offenders had intended the commitment of the criminal act undertaken by the primary offender. This is a shift from the previous position where knowledge of such an act was sufficient.

Muhammad Bin Kadar & Ismil Bin Kadar v PP; PP v Muhammad Bin Kadar & Ismil Bin Kadar

These cases concerned two brothers who, after a trial, were convicted of murder. On appeal, the Court of Appeal upheld Muhammad's conviction for murder but acquitted Ismil of all charges. The Court made pronouncements on the Prosecution's duty of disclosure in criminal proceedings, as well as Police procedures in the recording of statements and the Court's discretion to exclude procedurally flawed statements. The Prosecution sought the Court's clarification on how the judgment was to be interpreted in relation to its duty of disclosure. The Court confirmed that the Prosecution was not required to call for and scrutinise all material pertaining to the case that it was not previously aware of.

OUR KEY MILESTONES:

Mohammad Ashik bin Aris v PP

This case provided the Prosecution with a definitive ruling that the Health Sciences Authority's (HSA) urine handling and testing processes comply with the Misuse of Drugs Act (MDA). The prosecution of many drug cases relating to the consumption of controlled or specified drugs was adjourned pending the outcome of this case. The case is significant because, in the 2010 case of *PP v Lim Boon Keong*, the High Court had opined that he disagreed with the trial judge's finding that it would be sufficient for an analyst to review the urine test results as opposed to actually supervising the test process, in order for HSA to be in compliance with the requirement in the MDA for analysts to "conduct" the necessary urine tests.

In the case of *PP v Mohammad Ashik Bin Aris*, the Prosecution led extensive evidence on HSA's procedures. Both the Prosecution's and the Defence's expert witnesses agreed that HSA's urine handling and testing procedures met internationally accepted standards and best practices. The presiding judge decided that HSA's urine handling and testing processes contained several checks and safeguards which allowed the certifying analyst to check for errors in the sample preparation stages, as well as in the operation of the various instruments, hence ensuring the reliability and integrity of the urine test results. It was concluded that HSA's urine testing procedures were in full compliance with the MDA. The accused was convicted of the consumption charge accordingly. The decision was subsequently affirmed by the Court of Appeal.

In the High Court

PP v Koh Seah Wee & Lim Chai Meng

The accused persons were employees of the Infocomm Development Authority of Singapore who were deployed to the Singapore Land Authority (SLA). Prior to his stint in SLA, Koh was also deployed to the computer information systems department of the Supreme Court and the IT department of Intellectual Property Office of Singapore. Whilst deployed to these departments, the accused persons had deceived the respective organisations into believing that certain goods and services were to be procured through the Gebiz system when in fact the goods and services listed in the relevant procurement specifications were not genuinely required. A total of 282 fictitious contracts were awarded by SLA to 11 vendors controlled by the accused persons and their accomplices. Similar offences were committed by Koh whilst at the Supreme Court and IPOS. The accused persons pleaded guilty to charges of cheating and money laundering. Koh was sentenced to a total of 22 years' imprisonment, and Lim to a total of 15 years' imprisonment.

AS PUBLIC PROSECUTOR

In the Subordinate Courts

PP v Oliver Fricker

Swiss national Oliver Fricker had pleaded guilty to charges which arose out of an incident wherein Fricker and an accomplice had cut the fence of and gained entry to the SMRT Changi Depot, which is a protected place, and had thereafter sprayed graffiti on one of the parked trains. He was sentenced to a total of 5 months' imprisonment and 3 strokes of the cane.

Prosecution of the harbourers of State fugitive, Mas Selamat Kastari

Mas Selamat Kastari was the JI terrorist who escaped from the Whitley Road detention centre on 27 February 2008. After his re-arrest, investigations revealed that three of his relatives were involving in harbouring him and abetting his further escape from the authorities. The harbourers were prosecuted and, upon conviction, were each sentenced to imprisonment terms of between 3 and 18 months.

Major Corruption and FSO Cases

PP v Andrew Tee

In one of the largest private corruption cases to date, the accused person paid over S\$2 million in kickbacks to the manager of the local franchise of IKEA stores in Singapore, over a period of more than 6 years. On appeal by the Prosecution, the accused person's sentence was enhanced to 10 months' imprisonment.

PP v Phang Wah and 2 others (the Sunshine Empire case)

The Sunshine Empire case involved a money circulation scheme. In all, while S\$115 million was paid out to investors as returns, the remainder was expended with S\$40 million being transferred to individuals in the company as "interest-free loans" or paid out to the benefit of the accused persons. The three accused persons involved were charged and convicted with fraudulent trading under section 340 of the Companies Act, criminal breach of trust and falsification of accounts. They received sentences ranging from fines of \$60,000 to 9 years' imprisonment.

OUR KEY MILESTONES: IN PERFORMING OTHER ASSIGNED DUTIES OF A LEGAL CHARACTER

(I) AS REGULATOR OF FOREIGN LAWYERS

AGC also has a role in fostering the growth and development of the Singapore legal services sector with professional excellence, good governance and quality service. This function is performed through the Legal Profession Secretariat. The work of the Legal Profession Secretariat is supported by CivDiv, which provides the Secretariat with litigation and advisory support on matters relating to the legal profession including: (i) the licensing, registration and regulation of foreign law practices, foreign lawyers providing legal services in or from Singapore and Singapore solicitors practising Singapore law in foreign law practices; and (ii) the admission of Singapore advocates and solicitors.

DEVELOPMENT IN THE SINGAPORE LEGAL SERVICES SECTOR

The Singapore Legal Services Sector saw continued growth in 2010 and 2011.

The number of applications for admissions to the Singapore Legal Profession processed by AGC increased by 33% from 2010. Foreign law practices registered with AGC increased from 97 in March 2010 to 112 in December 2011, a 15% increase. As at 31 December 2011, there were 1,113 registered foreign lawyers in Singapore and 127 Singapore solicitors registered under section 130N of the Legal Profession Act to practise Singapore law in foreign law practices, qualifying foreign law practices and Joint Law Ventures.

There was further broadening of the legal service expertise available in Singapore to include new areas particularly in oil and gas. This was in addition to further growth in the established financial services sector. There were also new business models for foreign law practices in Singapore, such as firms where all the lawyers are seconded to work from the offices of the firm's clients.

FOREIGN PRACTITIONER CERTIFICATES

The Singapore Institute of Legal Education was established in 2011 to, among other things, administer the new Foreign Practitioner Examinations which leads to the Foreign Practitioner Certificate (FPC). Foreign lawyers who obtain the FPC will be eligible to apply for a Certificate of Registration from AGC to practise Singapore law in the permitted areas. The first batch of FPC holders is expected to be registered in 2012.

STATISTICS HIGHLIGHTS

Foreign Law Practices

As at 31 December 2011, there were 112 registered foreign law practices. 26 new licences were issued for the period 1 April 2010 to 31 December 2011, comprising 23 Foreign Law Practice licences and three Joint Law Venture licences. Five Foreign Law Practice licences were cancelled during the period.



OUR KEY MILESTONES:

REGISTRATION OF FOREIGN LAWYERS AND SOLICITORS

Total number of foreign lawyers/solicitors registered to practise foreign law

As at 31 December 2011, there were 1,113 foreign lawyers/Singapore-qualified solicitors registered under sections 130K and 130O of the Legal Profession Act to practise foreign law in Foreign Law Practices, Qualifying Foreign Law Practices and Joint Law Ventures. These comprised 1,094 foreign lawyers and 19 Singapore-qualified solicitors.

Total number of solicitors registered to practise Singapore law

As at 31 December 2011, there were 127 Singapore-qualified solicitors in Foreign Law Practices, Qualifying Foreign Law practices and Joint Law Ventures who are registered under section 130N of the Legal Profession Act to practise Singapore law in the permitted areas.

ADMISSIONS TO THE SINGAPORE BAR

For 2011, there were 409 admissions versus 308 admissions applied in 2010, a 33% increase.

Admission requirements to the Singapore Bar have been streamlined in 2011 to not only facilitate admission applications and shorten waiting time for applicants to be called, but also to make admission procedures more user-friendly. There are two major changes as follows:

- (a) Where applicants used to have to post a notice of their admission applications with the Supreme Court for a continuous period of 6 months, this has been shortened to 30 days with effect from May 2011; and
- (b) Applicants are now to post on the Supreme Court notice board their notices of admission applications concurrently with the necessary declarations regarding their suitability for admission to the Singapore Bar. Previously, they could only post these declarations after the expiry of the then notice period of 6 months.

(II) CENTRAL AUTHORITY

In addition to the regulation of foreign lawyers, AGC discharges the functions of the Central Authority of Singapore in the processing of incoming and outgoing requests for extradition and mutual legal assistance in criminal matters.

Some of the notable extradition cases and requests for mutual legal assistance were:

Balraj Naidu

Balraj Naidu was extradited to the United States for arms trafficking related offences. He was involved in a conspiracy to buy and traffic arms for the Tamil Tigers. A formal extradition request was made to Singapore, and AGC facilitated his extradition to the United States for trial. He has since been convicted and sentenced to 57 months imprisonment.

IN PERFORMING OTHER ASSIGNED DUTIES OF A LEGAL CHARACTER

Silviu Ionescu

Mr Silviu Ionescu, Former Romanian Charge d'Affaires to Singapore, was involved in a fatal hit-and-run traffic accident in Singapore. He subsequently returned to Romania, where he is now currently facing criminal proceedings for his offences. AGC officers were involved in the Coroner's Inquiry for the case, and subsequently facilitated mutual legal assistance requests made to Singapore. AGC officers undertook a working visit with Singapore's Special Envoy to Romania, to ascertain the Romanian authorities' intentions and to convey to the Romanian authorities the seriousness with which the Singapore Government viewed the matter. AGC officers also held a watching brief at all subsequent hearings in Romania.

Andrew Iskandar

Australian national Andrew Iskandar was wanted in Australia as a co-accused in the murder of the man who was allegedly having an affair with his mother. Iskandar attempted to escape to Indonesia via Singapore. On the request by Australia, Iskandar was provisionally arrested while on transit in Singapore, which was followed by a formal requisition subsequently. AGC officers processed the extradition request, and conducted the extradition hearing. Iskandar was successfully extradited to Australia to stand trial for murder.



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OUR KEY MILESTONES: OUR CORPORATE RESOURCES

The legal landscape continues to evolve, and there were significant changes to the landscape in the last two years. In particular, AGC witnessed a marked increase in the volume of legal work with added complexity, and an increase in the expectations of stakeholders.

To meet these evolving demands and challenges, AGC has, in the past two years, focussed on developing AGC's staff capability, and fortifying registry and litigation support and resource management initiatives.

MANPOWER

AGC embarked on a twin-prong approach of building up our human capital and further developing our talent. The recruitment drive was intensified to facilitate the growth of AGC, and by end March 2011, AGC's staff strength grew to 371 officers from 341 in 2010. The figures eventually increased to 423 by end December 2011.

In FY 2010, the new Extended Management Support Scheme (2008) and the AIM performance evaluation model for Division 2 officers, which were rolled out by the Public Service Division, were implemented in AGC. Further, to provide better manpower budget projection and workforce planning, the Personnel Management Unit of CSD worked with the CSD to develop a workforce and budgetary planning system. The system was commissioned in March 2011.

In tandem with the expansion in manpower resources, a review of AGC's space needs was carried out and CSD explored various options in meeting AGC's long term accommodation needs. Additional office space was leased at The Adelphi in FY 2010. In the middle of 2011, AGC identified a new office building which is currently under construction as suitable for AGC's use. The building is located at Upper Pickering Street and in close proximity to the Subordinate Courts. AGC entered into an agreement to lease this building for thirty years. AGC is expecting to move into the new office building in December 2012. Office space planning for, renovations for and managing the relocation to the new office will continue to be CSD's key activities in 2012.



OUR KEY MILESTONES:

REGISTRY AND LITIGATION SUPPORT

In the Crime Cluster, the Legal Research Assistants scheme (LRA scheme) was implemented in 2010 to address the manpower shortage in relation to prosecution work.

The first batch of LRAs was recruited in December 2010 to provide research, para-legal and administrative support to the DPPs and APPs. Their core work includes legal research, preparation of written court submissions, retrieval of relevant sentencing precedents and cases, as well as litigation and administrative support such as compilation of court documents and bundles, retrieval of case authorities and articles.

SPD also has a Litigation Support Unit (LSU) which, together with Legal Executives and Registry Staff, performs the frontline, administrative and secretarial duties which are essential to support the day-to-day operations within SPD. In particular, the LSU is responsible for research and gathering of precedents to assist the prosecutors in the discharge of their Court duties.

A Case Management Unit (CMU) was also set up in SPD to assist prosecutors in the preparation of cases for the prosecution. This was occasioned by the statutory obligation, under the new Criminal Procedure Code 2010, to disclose evidence supporting its case at the pre-trial stage.

RESOURCE MANAGEMENT

AGC recognises that easy access to legal knowledge and proper maintenance of resources is critical to ensuring that its officers are able to produce high-quality output. AGC has harnessed technology and innovation to achieve this end of ease of accessibility to up-to-date knowledge management resources.

ELMS

AGC's electronic Enterprise Legal Management System (ELMS) was implemented in 2010. ELMS is a workflow and file management system which enables all documents relating to a case or matter to be stored, internally circulated, vetted, cleared and despatched electronically. IAD was the first division in AGC to go fully paperless, with the successful transition of all of its files to AGC's electronic Enterprise Legal Management System by mid-2010. ELMS has proven to be a critical tool in AGC's retention of institutional knowledge as well as work collaboration between officers and across AGC's different Divisions.

AGC also bagged the Bronze award in both the culture and technology categories in the Knowledge-Management Excellence Awards in September 2010, for AGC's intranet portal. AGC's intranet portal is a web-based portal that provides AGC officers with access to a comprehensive suite of legal and administrative resources.

OUR CORPORATE RESOURCES



LEAP System

In 2011, LLRD assumed the function of maintaining Singapore's official legislation website when it began using the Legislation Editing and Authentic Publishing System (LEAP System) to integrate and manage the drafting and publication of legislation. The LEAP System comprises a new Electronic Drafting System and a new Versioned Legislation Database (LEAP VLDB). The LEAP System provides a new legislation drafting, publication and workflow management tool that automates certain editorial processes, produces camera-ready versions of legislation, provides content for the online publication of legislation, and provides consolidated legislation for law revision.

LLRD officers are now able to draft amendments to legislation by making tracked changes to downloaded versions of legislation, and by using the LEAP System to generate both draft amending legislation and consolidated

versions of the legislation as amended. This enables LEAP VLDB to be updated more quickly. The LLRD Publications Unit is able, in about 90% of the cases, to upload legislation onto LEAP VLDB within 72 hours after the legislation is published in the *Gazette* or issued as a revised edition.

With a view to ensuring the accuracy of current versions of legislation on LEAP VLDB, LLRD staff embarked on an exercise to systematically compare the current version of each piece of legislation on LEAP VLDB with the authentic printed version of that piece of legislation. Any errors in LEAP VLDB discovered through this process were corrected by the LLRD staff. As of December 2011, LLRD staff completed the verification of all current Acts on LEAP VLDB.

The LEAP System also enables the easy retrieval of Bills, Acts and subsidiary legislation that have been published in the *Gazette* or issued as revised editions, and includes a new Singapore Statutes Online website that provides current versions of Singapore Acts and subsidiary legislation to members of the public free of charge.

OUR KEY MILESTONES:

The Smart Quick Database

The Crime Cluster launched a Smart Quick Database, or "SQUID", in the second half of 2011. The Database soon expanded to include material relevant to the work of CivDiv. The one-stop reference database comprises of statutes and regulations which are commonly and regularly used for court proceedings. The SQUID builds on the idea of having a digital repository of statutes available on the go as officers going to court may download the entire database on their mobile devices for easy reference. Expansions to include other useful resources such as prosecutorial guidelines and training materials are currently being explored.

Crime Cluster Initiatives

With effect from 1 January 2011, the Crime Cluster's Resource Management Directorate managed the knowledge assets of all three Crime Divisions in order to promote greater coordination and synergy, and to ensure consistency in the exercise of prosecutorial discretion and greater uniformity in the decision-making. Further, the Crime Cluster has made available to the officers, soft copies of Records of Proceedings from the Supreme Court and the Subordinate Courts for appeals and criminal revisions, as well as created an online Training Portal for easy access to training materials, manuals, guidance materials and videos on lectures conducted in-house.

As reported cases form merely the tip of the iceberg of the sentencing landscape in Singapore, the Crime Cluster's Resource Management Directorate also embarked on the building of a Sentencing Precedent Database so as to collate sentences that have been meted out in past cases, whether reported or not, with a view to assisting DPPs in assessing the representative sentences that are typically imposed in such cases. The Crime Cluster created a common platform for the storage and retrieval of data on sentences imposed by the courts. Besides serving as a useful starting point for legal officers in the making of the necessary submissions on sentence, the platform also serves as a useful resource in assessing the prospects of a successful appeal, and in the preparation of arguments for appeals against sentence.

Legal Profession Secretariat Online Portal

The Legal Profession Secretariat completed its online portal for applications for licenses for foreign law practices and certificates of registration as foreign lawyers. The portal enables all such applications to be made online. The system is scheduled to be rolled out in 2012. From that time, all such applications must be submitted electronically.

OUR CORPORATE RESOURCES

FINANCIAL MANAGEMENT

The Financial Management Unit (FMU) of CSD supports AGC's financial operations. FMU also works in close cooperation with other units to promote the efficient and effective use of financial resources. The functions of FMU includes the administration of AGC's operating and development budget, the processing of salaries and claims, the administration of the Gebiz procurement system, the processing of payments to suppliers, the preparation of resource budget and resource accounts and the preparation of Financial Management Indicator statement.

From April to June 2011, FMU underwent three annual audits: the Audit of Financial Statements by the Auditor-General's Office, the Resource Accounts Audit by Audit Alliance and the Financial Management Indicators Audit by the Accountant-General's Department. Unqualified opinions were given for all three audits.

FMU participated in the implementation of MOF (iBudget) system during the period of April-July 2010. FMU was actively involved in the Systems Integration Testing, User Acceptance Testing and End User Training sessions. Valuable inputs were contributed that have helped to remove system bugs for the iBudget roll-out.



OUR TRAINING, DEVELOPMENT AND OUTREACH

AGC is committed to consolidating our position as the centre of excellence for legal work in all areas of public law. Part of this means encouraging each officer to become the best that he or she can be. In order for AGC officers to realise their full potential, AGC continues to emphasise the training and development of all AGC officers. This has enabled AGC to attract, retain and groom talent.

The achievement of the People Developer Standard in 2011 is recognition of AGC as a forward-looking organisation with a strong training and development culture. In FY 2010 and FY 2011 respectively, AGC achieved an average of 107 hours and 110 hours of training per staff.

Training and development in AGC involves on-the-job opportunities and mentorship, as well as formal training programmes both locally and overseas. AGC also encourages training and development through teaching others. AGC takes a long-term view to development, and has reached out to aspiring young lawyers-to-be.

AGC'S TRAINING CONTRACT PROGRAMME

To cater to the needs of trainee legal officers at AGC, AGC introduced a 6-month Training Contract Programme, during which new officers are rotated amongst the various Divisions of AGC and other departments in the Legal Service so as to gain exposure to different areas of law. The programme is designed to give the new officers practical

and hands-on training in the areas of advisory work, research, drafting, civil litigation and prosecution. Each officer is also assigned a mentor and when joining a Division for the first time, the officer undergoes an intensive induction programme in which key aspects of the work in that Division are taught.



OUR TRAINING, DEVELOPMENT AND OUTREACH

ADVOCACY TRAINING

In 2010 and 2011, AGC finalised and implemented a structured advocacy training programme for our prosecutors, with prescribed milestones and a training road map for the development of the requisite skills. This programme consists of on-the-job learning that is reinforced with formal advocacy training. The on-the-job component entails DPPs conducting prosecutions of increasing complexity at each stage of their prosecutorial career. The formal training begins with basic advocacy skills in the first year, and culminates in external advocacy training in the fifth or sixth year, including opportunities for overseas attachments with top law firms, barristers' chambers and prosecuting agencies. A similar training road map is being developed for CivDiv officers. To start the ball rolling, in November 2010, a number of eminent Queen's Counsel from the UK conducted workshops and training sessions for DPPs and officers from the CivDiv directed at raising their standards of advocacy.



SPECIALISED SKILLS AND KNOWLEDGE TRAINING

Programmes have also been introduced to arm AGC officers with specialised skills and knowledge through content-based training and exposure, so that they develop expertise and knowledge in AGC's practice areas. For instance, a team comprising AGC officers and other officers in the Government's legal branch has been formed to look into nascent social legislation issues. The team was put together with the intention of developing a group of officers with specialist legal expertise and in-depth understanding on social issues, so that AGC will be able to better support policy makers in policy reviews and law reform initiatives on social legislation matters.

Further, two new schemes were introduced under AGC's initiative for Developing International Law Expertise in Singapore. First, was a scheme under which two AGC officers undertook short-term appointments as Visiting Researchers at the Centre for International Law at the National University of Singapore (NUS) to work on academic papers for publication in law journals and presentation at major conferences. Second, was the launch of a postgraduate scholarship-cum-AGC attachment scheme to groom international law experts in other Government agencies.

CONTINUING EDUCATION AND LEARNING

AGC remains committed to providing AGC officers with relevant and ongoing training opportunities to promote continued education and learning.

In 2010, AGC introduced a series of lunch-and-tea-time talks by renowned speakers from the legal profession. This provided officers with the opportunity to accommodate learning within their work schedules, as well as with an informal platform to interact with the speakers. The AGC series of talks was built on the model used by the Crime Cluster, IAD and CivDiv for their respective in-house training sessions and talks by external speakers.

AGC also promotes continuing education and learning through its Training Incentive Scheme, which was introduced in 2010. Officers who wish to upgrade themselves by pursuing further studies are encouraged to apply for scholarships under this Scheme. For FY 2010, the training award programmes for a part-time diploma on legal studies were awarded to two officers. For FY 2011, the training award programmes for a part-time degree on legal and business management studies were awarded to three officers.

As a demonstration of AGC's commitment to continuing education that is systematic and rationalised, CSD worked on a human capital development framework in which the Training and Development Roadmap is a critical component. In the same vein, detailed long-term development planning for officers in the generic schemes of service is also underway.

LEARNING TRIPS AND ATTACHMENTS

AGC officers continued to attend and contribute to conferences and to benefit from learning trips and attachments, both locally and abroad. This provided officers with exposure and different perspectives on their role and work with AGC.

These included study trips by CivDiv officers to the Hong Kong Department of Justice and Crime Cluster officers to the United States Department of Justice. Further, CivDiv officers attended the 7th Public Sector In-House Counsel Conference and the 2nd Public Sector Litigation and Dispute Management Forum, both held in Canberra. IAD officers participated in the 2010 and 2011 sessions of the Rhodes Academy of Ocean Law and Policy, the 7th Session of The Hague Academy of International Law, as well as the 105th Annual Meeting of the American Society of International Law held in New York. LLRD officers attended the Commonwealth Association of Legislative Counsel Conference in Hyderabad, and courses on legislative drafting and the drafting financial provisions. LLRD officers also attended the Australasian Drafting Conference which provided attendees with updates on constitutional developments on ouster clauses and the exercise of judicial power.

OUR TRAINING, DEVELOPMENT AND OUTREACH

TRAINING BY AGC FOR PUBLIC SECTOR OFFICERS

AGC is committed to fostering greater awareness of legal issues and principles among officers in the public sector.

In line with this, CivDiv organised the annual “Constitutional and Administrative Law” seminar in 2010 and renamed it the “Public Officers’ Law Seminar” to reflect the expanded areas of law that are now covered in the seminar. The Division also gave presentations to public officers on “Law & Public Administration” and “The President & The Council of Presidential Advisers”.

LLRD collaborated with the Civil Service College to organise a suite of programmes for senior policy officials and legal counsel of agencies. These programmes were developed to arm public sector officers with the basics in preparing legislative specifications and managing legislative projects. For instance, an inaugural half-day session was held in 2010 for senior officials who may be involved in overseeing the preparation and development of policy specifications, drafting instructions for legislative instruments, or commenting on draft legislation. A total of four customised legislative process courses and two legislative drafting courses were also conducted.

To help public officers acquire basic knowledge of international law rules and their impact on policy formulation and implementation, IAD co-organised its 4th and 5th International Law Seminars with the Civil Service College. IAD also continued to organise the International

Law Speakers Series (ILSS), an annual event in which well-known international law experts are invited to Singapore to share their insights, expertise and views on current legal issues. The 2010 ILSS Speaker was Sir Michael Wood, a member of the United Nations International Law Commission. In 2011, the ILSS Speaker was Emeritus Professor Brigitte Stern, who delivered a lecture on good faith and legality in international investment arbitration.

OUTREACH

Aspiring lawyers-to-be

In the knowledge that it takes a long-term commitment to nurture the next generation of lawyers who will contribute to the vibrancy and distinction of Singapore’s legal landscape, AGC has also reached out to aspiring lawyers-to-be.

AGC, together with the SMU Moot Club, supported the NUS Criminal Justice Club’s organisation of the Attorney-General’s Cup, a mooting competition conceived by Professor Walter Woon as a means to increase the level of interest in and awareness of criminal law issues among students, and also as a means to raise the standard of legal arguments and submissions made on criminal law issues. In 2010, IAD initiated a collaborative project with NUS for students to undertake research on subjects before the International Law Commission, under the mentorship of IAD officers. The inputs of these students fed into national positions taken on these issues at the United Nations. This project was successfully continued in 2011. Also in 2010, there being

two universities which had registered to participate in the Philip C. Jessup International Law Moot Court Competition, IAD undertook to be the Organiser and National Administrator for Singapore’s inaugural National Round. IAD continued in its role as Organiser and National Administrator in 2011.

In addition, AGC hosted various Junior College students and law undergraduates from local and overseas Universities as part of its internship programmes in 2010 and 2011.

Public relations

Our Corporate Communications Unit of CSD also played an indispensable role in coordinating efforts to ensure swift and accurate reporting of information to our major stakeholders, as well as to both local and international media. Outreach to the public through the media included AG Sundaresh Menon, S.C.’s first interview with the local press as the Attorney-General, and the issuance of regular media briefs on high profile cases.

Official visits

AGC hosted 120 official visits from local and foreign dignitaries, courtesy calls and study visits, including the inaugural hosting of the 7th China-ASEAN Prosecutors-Generals’ Conference in May 2011.



THE TIES THAT BIND US

COHESION AMONGST SERVING AGC OFFICERS

A good team is where the whole is greater than the sum of its parts. It is important to the ethos of AGC that all officers – whether they be legal officers, management support officers or management executive officers – move forward together as a team. To this end, AGC as a whole and each Division individually organised strategic planning initiatives, family days and other events throughout 2010 and 2011 to foster a positive work environment and promote cohesion across the organisation.

Strategic planning initiatives

The AGC Strategic Planning Committee was formed in the middle of FY 2011 to focus on the strategic issues, both internal and external, facing AGC, and to help in formulating a response to these issues at the AGC-wide level. The Committee organised the AGC Management Retreat in the early part of FY 2011, and the AGC Workplan Seminar. The Committee also envisioned working with a consultant to undertake a longitudinal study of the levels of staff satisfaction in AGC, and to use the results of the survey to come up with concrete plans to make AGC an even better place to work.

Apart from the above strategic planning activities, the Legal Divisions also organised their own corporate retreat programmes in 2010 and 2011 to do medium to long term planning.

Staff welfare initiatives

AGC's Staff Welfare and Healthcare Committee (SW&HC) organised activities like the annual AGC Dinner and Dance, AGC Family Day, AGC Movie Night, complimentary health screening and regular health talks. These went a long way to helping officers and staff feel able to properly balance their work and health and external commitments whilst simultaneously allowing them to be further integrated into the AGC family.

Following feedback from AGC officers, dress-down Fridays were introduced, as were various schemes to enable telecommuting and reimbursement of taxi fares when working late. AGC also introduced an annual entitlement of two-days of unrecorded parent care leave, in recognition of family responsibilities that AGC officers may have. The SW&HC also arranged for telecommunications service providers to offer to AGC officers subsidised mobile phone subscriptions, and for a discounted rate at a nearby gym for the benefit of AGC officers.

IAD, CJD and SPD maintained their long-standing traditions of celebrating the birthdays of all their legal officers and staff and of holding joint celebrations for major festivals including the Lunar New Year "Lo Hei", Hari Raya Puasa and Deepavali. In 2011, IAD and EGD organised a joint Christmas party, which featured festive cakes and a gift-exchange. In addition, the Staff Welfare Committee of SPD organised their annual SPD Barbecue in 2010 and 2011. This was another successful event on SPD's social calendar organised to increase the camaraderie in SPD.



THE TIES THAT BIND US

CJD also organised an inaugural Family Bonding Day at Labrador Park on 13 November 2010, during which time officers, staff and their families were given an opportunity to have a day of fun with food and games. LLRD held its Corporate Bonding event at Sentosa on 14 January 2011. On the day of the event, specially-prepared daypacks were distributed, and despite the wet weather, LLRD officers had a fantastic time as a group.

RECONNECTING WITH AGC'S ALUMNI AND HERITAGE

In the firm belief that an organisation becomes an institution when it is proud of its past and that pride drives its quest for excellence into the future, AGC formed a Heritage Committee to preserve our heritage and reconnect with AGC's alumni.

A series of initiatives have been launched. First, to take stock of heritage items both within and outside AGC. These would include items which are associated with persons or events of legal, historical or national importance, and items which give insight into the work and work conditions of an earlier generation of AGC officers. Second, to document AGC's oral history through our alumni so that we have a good record of the workings of AGC in its earlier days. Third, to commission a heritage book, to document and tell the AGC story and to serve as a public record of the history, development and many achievements of AGC as we approach our 150th anniversary in 2017.

In addition, at former Attorney-General, Chief Justice Chan Sek Keong's suggestion, we organised a dinner in honour of each and every one of our Attorneys-General since 1967. This historic dinner, which took place on 29 December 2010, proved to be a golden opportunity for our AG and SG, as well as each of our former Attorneys-General, to interact with each other in an informal and intimate setting.



Serving and former AGC officers at the dinner held in honour of AGC's alumni on 22 March 2012



Historic gathering of 5 Attorneys-General of Singapore

THE TIES THAT BIND US

COMMUNITY WELFARE PROJECTS

AGC believes that a key part of being a responsible institution entails being proactive about getting directly involved in the wider community and bringing AGC officers together to create positive change in society. AGC's efforts in this regard are led by the Community Welfare Committee (CWC).

CWC organised various fund-raising events and public outreach activities which brought AGC officers from the different Divisions together. In 2011, AGC responded immediately to the Singapore Red Cross's public appeal to help survivors of the Japan tsunami. Within two weeks of the fund-raising project, AGC raised S\$14,175.

CWC also collaborated with the Staff Welfare Committee to organise the hugely popular, annual Racial Harmony Day Charity Bazaar. In 2011, \$2,857 in proceeds from the sale of food and handicraft items at the Bazaar were donated to the MINDS Children's Home to meet their welfare, developmental, emotional and other needs. The MINDS Children's Home was AGC's chosen beneficiary following an AGC-wide poll.

CWC also organised various external public outreach activities. For example, in 2010, a visit to the Lee Ah Mooi Old Age Home was organised. CWC also raised \$13,286 in donations for the Home. Also in 2010, AGC officers volunteered their time to bring children from MINDS on a tour of the various artwork on display in MRT stations along the North-East Line, as well as beneficiaries of the Children's Cancer Foundation on a visit to the Singapore Art Museum to enjoy the exhibition, "Brush Strokes – Splash a Dash of Colour".

KEY FIGURES IN 2010-2011: CORPORATE AWARDS

ORGANISATIONAL EXCELLENCE

FY 2010 saw AGC achieving certifications on People Developer Standards and the Singapore Quality Class, affirming our commitment towards organisational excellence. In FY 2011, AGC not only successfully acquired the recertification of the above awards but acquired the Innovation Class award as well.

As part of an on-going effort to the implementation of quality excellence in AGC's processes, CSD has put in place documented quality management in our processes to ensure conformance to ISO standards. Scaling to new heights, AGC has successfully been certified to comply with the new revised ISO 9001:2008 quality standard in FY 2010 and FY 2011.

2010 and 2011 also saw the Innovations@AGC Committee continuing to steer innovation related activities in AGC. This involved implementing an organisation wide innovation strategy and ensuring that a culture

of innovation took root and delivered results at the divisional and organisational level. A core component of the innovation strategy was increasing staff awareness of innovation and this was achieved through various specialised training courses for both the staff and identified innovation champions in AGC.

The culmination of these activities was the annual Innovation Day which was held in conjunction with the National Day Observance Ceremony celebrations. Leading innovation projects were showcased, highlighting AGC's continued drive for institutional self-improvement. In addition, in 2011, AGC had the pleasure of having a talk given by a trainer from Everest Innovation, who recounted his own experiences with Hewlett Packard and how he managed to turn a simple idea into gold.



KEY FIGURES IN 2010-2011:

Programme / Main Areas of Work	Workload / Performance Indicators	FY2010		FY2011	
Legal Advice and Opinion (All Divisions)					
	No. of matters attended to	7257.00		7171.00	
	To respond to simple cases within 7 working days (%)	91.38%		89.02%	
	To respond to complex cases within 14 working days (%)	89.15%		87.91%	
Legislation (LLRD)*					
	To achieve accuracy in publication (%)	99.99%		99.99%	
Bills	No. of cases responded within targeted period (%)	98.10%		98.02%	
	No. of typewritten pages	11127.00		5319.00	
Subsidiary Legislation (SL)	No. of typewritten pages	8030.00		6785.00	
Revised Edition of the Acts, subject index to Acts and alphabetical list of Acts	No. of published pages	317.00		1004.00	
	No. of Acts	1.00		23.00	
Revised Edition of the SL	No. of published pages	466.00		78.00	
Law reform papers	No. of papers	7.00		3.00	
Survey of international law reform websites	No. of monthly surveys of selected websites	12.00		5.00	
Civil (CivDiv)					
Civil hearings	No. of attendances	170.50		107.50	
Routine Matters	To respond to routine matters within 7 working days (%)	89.38%		90.04%	
Recovery of money and foreign worker's levy	No. of files processed	78.00		283.00	
Tortious claims by and against the Government	No. of files processed	132.00		183.00	
Admission to the bar	No. of files processed	NA		NA	
Miscellaneous statutory functions	No. of files processed	76.00		69.00	
Land acquisition	No. of files processed	4.00		49.00	

PERFORMANCE INDICATORS

Programme / Main Areas of Work	Workload / Performance Indicators	FY2010		FY2011	
Investigation Papers (CJD+SPD)					
	To respond to cases within 7 working days (%)	70.63%		67.82%	
	No. of cases	42962.00		41915.00	
Criminal Hearings (CJD+SPD)					
Criminal cases	No. of cases	3906.00		4470.00	
Appeals	No. of cases	257.00		228.00	
Extraditions & inquiries	No. of cases	101.00		125.00	
Other hearings	No. of cases	90.00		122.00	
International Legal Transactions (IAD+CJD)					
International negotiations and meetings	No. of attendances	1582.50		1666.50	
	To satisfy requests for attendances at meetings (%)	100.00%		98.70%	
Dispute resolution / international litigation	No. of attendances	24.50		245.50	
Mutual legal assistance requests	No. of cases	407.00		544.00	
	To respond to simple cases within 7 working days (%)	92.31%		89.28%	
	To respond to complex cases within 14 working days (%)	90.25%		66.70%	
Others (All Divisions)					
Other meetings	No. of attendances	1300.00		1240.50	
Inquiries	No. of attendances	14.50		54.00	
Legal education	No. of attendances	180.50		388.00	
Visits	No. of visits	22.00		19.00	
Ad-hoc projects	No. of attendances	526.00		553.00	
Treaties database	To ensure availability of treaties databases (% of time)	100.00%		100.00%	

KEY FIGURES IN 2010-2011: FINANCIAL INDICATORS



Accounts	FY2010	FY2011
EXPENDITURE INDICATORS		
Legal Costs	432,069.06	1,194,526.19
Rental of Office premises	3,981,293.16	4,079,423.04
Maintenance Expenses	627,989.56	455,963.43
Training, Welfare and Public Relations	1,513,282.85	2,151,655.51
Training Courses, Workshops & Seminars, and Productivity Schemes	471,189.34	838,904.00
Overseas Travel	440,496.86	534,854.83
Conferences and Ceremonies	62,980.28	372,637.31
Scholarships, Fellowships & Bursaries	388,038.41	234,619.09
Awards to Staff / Social Development, Healthy Lifestyle and MFE, Staff Recreation and Welfare, and Staff Suggestions	139,806.29	158,673.29
Entertainment & Visits of VIPs and Experts	10,771.67	11,966.99
Support Services	5,407,701.12	9,507,912.55
Computer Services	3,031,836.44	4,518,921.37
Purchase of Equipment	350,377.59	2,651,934.33
Professional Services and Other Research & Development	570,597.60	773,941.16
Annual Report and Publications	459,066.43	421,014.37
Public Utilities	256,951.57	301,174.35
Telecommunications	222,708.81	243,937.56
Office Supplies	154,817.10	188,875.35
Dental and Medical Subsidy	161,238.64	171,242.94
Other Services	121,295.85	80,851.87
Advertising, Mail Delivery and Other Supplies	26,332.84	78,778.23
Transport Claims	52,478.25	77,241.02
Grants-In-Aid & Subsidies	2,546,638.58	2,583,788.95
Operating Grant to Educational Institution	2,517,300.00	2,517,300.00
Educational Transfers	29,338.58	66,488.95
Expenditure on Manpower	69,404,916.40	74,636,228.60
Direct Development	4,001,758.21	3,729,663.12
OPERATING + DEVELOPMENT EXPENDITURE	87,915,648.94	98,339,161.39

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1 COLEMAN STREET, #10-00
SINGAPORE 179803 TEL: +65 6336 1411

FAX: +65 6332 5984

EMAIL: AGC@AGC.GOV.SG

WEBSITE: WWW.AGC.GOV.SG