

OPENING OF THE LEGAL YEAR 2018

*Speech by Attorney-General, Mr Lucien Wong, S.C.
Monday, 8 January 2018
Supreme Court Building, Level Basement 2, Auditorium*

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

Introduction

1 2017 was indeed a momentous year for the Attorney-General's Chambers (or AGC). It marked our 150th anniversary from the time Sir Thomas Braddell first took office as Attorney-General of the Straits Settlements in 1867. The leadership team at AGC has been humbled by the opportunity and privilege to lead AGC through such an important milestone in its history.

2 AGC occupies an important place in Singapore's legal system. We all know that AGC has two key functions:

(a) First, as Public Prosecutor.

(b) Second, we are also the Government's chief legal advisor.

Our work impacts Singapore and Singaporeans. They are (after all) our ultimate clients.

3 AGC has played an instrumental role in building the foundations to Singapore's legal system, especially since independence. For this, I must thank the former Attorney-General, V K Rajah SC, and his predecessors, some of whom are seated here this morning, for their efforts have collectively helped to mould the organisation into the premier legal institution that it is

today. Previous AGs have, on earlier occasions, described our work using the analogy of planting durian trees. It is apt for me to continue this imagery by stating that AGC, and Singapore in general, is reaping generous harvests from the seeds that each of the previous AGs have sown during their respective tenures (I dare say, of the “*Mao Shan Wang*” variety). I am fortunate to inherit a strong organisation, staffed with officers who embody a culture rooted in the pursuit of justice and excellence, and an unwavering commitment to public service.

4 Even as we celebrate our long and storied history, we need to plan ahead and advance with the times. AGC did not reach where it is today by standing still. All of us risk facing an unpleasant “Kodak” moment if we were to do so. We need to strategise and start sowing the seeds for the benefit of the next, and successive, generations. While we do not know what lies in store in the future, we will certainly need to keep thinking ahead to strengthen and empower the AGC of tomorrow.

5 As we gather this morning to mark the Opening of the Legal Year, it is fitting for me to speak about the steps that AGC is taking to future-proof the organisation. This is so that we can continue to remain a relevant and trusted institution in securing the rule of law in Singapore for the next 150 years and beyond. There are two main elements to this effort:

- (a) First, we will continue to strengthen the organisation, building up the capabilities and competencies that our officers will need to be equipped with to meet the challenges of the future.
- (b) Second, we will look outwards and take bold steps to deepen and expand our networks and connections with our stakeholders, the legal community, and the wider public.

First, strengthening AGC from within

6 AGC has excellent officers among its ranks. I have worked with many of them throughout the past year, and have been deeply impressed by their dedication and commitment to public service. I can state with confidence that the quality of work that AGC officers produce is just as good as what top lawyers in the private sector produce. I can certainly testify to this from my decades in private practice. This is no mean feat, given the diversity of issues that AGC has to deal with. Our officers have been able to produce quality work across varied fields of law because they have fully committed themselves to mastering their calling for the public interest.

7 I am privileged to inherit the challenge of improving what is already a first-class organisation. As a profession, we have always stressed the importance of continuous learning and development. Many of us here will also recall Your Honour's timely reminder this time last year that "*dramatic developments [in technology] will force us to rethink entire areas of practice*". AGC, like the rest of the profession, needs to start thinking about how we can train and equip our lawyers and executives to be ready for the future of legal practice.

8 AGC will focus strongly on continuous training and development. One of my roles as Attorney-General is to bring the best out of our excellent officers, now and in the future, and to develop them to the best of their abilities. With this in mind, we have substantially strengthened the AGC Academy ("Academy"), which is our in-house division dedicated towards continuous learning and development within the organisation. The Academy is now staffed by a team of full-time legal service officers and executives, working together to develop a complete suite of programmes for AGC officers at all levels. The Academy's focus is to develop the professional skills and leadership abilities of our officers in a structured manner.

9 To deepen their professional skills, we have just launched a “Legal Skills Competency Framework” to ensure that all our legal officers, regardless of seniority, receive best-in-class training in areas such as advocacy, advisory work, contract drafting and also client engagement. Another focus is to cross-train our legal officers to be familiar with all our practice areas. We expect our clients’ and stakeholders’ requests to become more complex as their needs evolve. This will require our officers to be well-versed in different skillsets to provide effective advice or representation. We will continue to attach our officers to Barristers’ chambers and commercial organisations, so they can benefit from first-hand private sector experience, and gain new skills and an understanding of commercial realities. We are also looking to set up more overseas postings so our officers can gain diplomatic experience and perspectives.

10 We do not forget our non-legal executives, who form the backbone of AGC, these people will continue to receive dedicated training, using a competency framework designed specifically to develop their professional skills.

11 I also firmly believe that we need to develop our next generation of leaders from within AGC. In addition to professional skills training, the Academy will provide broader leadership and management training. It will impart the right set of leadership values to our officers and provide them with practical leadership skills at an earlier stage of their careers.

12 Our efforts in training and development will ensure that our officers remain at the forefront of the profession in their areas of expertise. But even as we improve the “software” of AGC, we are also relooking our “hardware” – more specifically, the technical infrastructure in AGC, and the closer integration and use of technology in our work.

13 Thanks to the foresight of my predecessors, AGC has been an early adopter of technology. Since 2011, our law drafters have used a custom-built application software to draft

laws and publish legislation online. This has reduced the turnaround time for producing drafts and publishing legislation online. We have revamped our online legislation database and re-launched the “Singapore Statutes Online”, which continues to offer free public access to all Singapore laws. The new website has improved navigation facilities and is mobile-device friendly. In addition, our officers involved in litigation work now use cutting-edge software to search, analyse and organise documentary evidence in a faster and more systematic manner. In the spirit of innovation, we are also experimenting with software to automate specific aspects of our contract and mutual legal assistance work.

14 At a larger level, we are working closely with the law enforcement agencies to realise our collective vision of end-to-end integration and digitisation of all criminal files. AGC already digitises many of the hard-copy investigation papers we receive, but our aim is to completely remove the need for hard-copy files. This is a long-term target that has received the support of all agencies. I am confident that it will be achieved. It is a matter of time. A truly Smart Nation cannot afford to be held back by the legacies of how things worked in the past.

15 These initiatives are just the tip of the iceberg. Technology is developing rapidly and we need to identify and take advantage of new technological opportunities to benefit AGC’s work. This includes exploring the use of assistive technology to automate our work processes, and using AI, such as machine learning techniques, to help our officers conduct document review and legal research.

Turning on next to our relationships outside AGC

16 Training and technology will help to bring the best out of our officers. However, that is only one part of the equation, and it leads me to the next part of my address – which is the need for AGC and our officers to look outwards, and form new connections and deepen existing

ones with the legal community and the broader public. The AGC of tomorrow must look beyond the confines of Chambers, for we exist to serve a much larger purpose and must not lose sight of that.

17 We have asked ourselves what else it would take for AGC to remain relevant in the long run, and we think it boils down to the element of trust. As legal advisors, we need to maintain our clients' trust in our abilities, so that we can work together effectively to achieve broader policy imperatives and national goals. As prosecutors, we need all stakeholders in the criminal justice system to trust that we will protect the public interest in a fair and objective manner, so that we can advance the rule of law together. Above all, we need the public to trust that in all that we do as an institution, we are guided by the only objective that really matters – which is the furtherance of the public interest.

18 Let me begin with our constitutional role as chief legal advisor to the Government. It is a rare privilege to be in the position to advise the Government on the most important issues of the day. Our work can and does shape the laws and policies introduced by the Government for the nation. It is our responsibility to ensure that the Government receives sound and effective legal advice and legislative drafting support, so that it can make well-informed policies and decisions on behalf of, and in the best interests of, the public. This is an immense responsibility, one which our officers do not take lightly.

19 I envisage that the Government's requests will become more complex, as the geopolitical order shifts and technology continues to disrupt industries and the way we go about leading our lives. Many issues we encounter as legal advisors and law drafters today are novel. In some areas, we will need to work off a completely clean canvas with no precedent to rely on. To ensure that we can continue to provide sound advice to the Government and draft

effective legislation in this complex operating environment, we need to be able to put ourselves in the shoes of the agencies, to truly understand their perspectives, objectives and concerns. We are off to a strong start, as many client agencies already approach us at an early stage of their policy development, which means they see value in having our inputs from the outset. This creates a virtuous cycle: as our officers become more attuned to the niceties of policy-making, they will be empowered to provide advice that is more finely calibrated to meet our clients' needs. We will continue our regular dialogue sessions and engagement efforts with key clients to deepen these working relationships, and we will intensify our efforts at obtaining their feedback so that we can continually adapt to their needs.

20 Outside AGC, there is a larger ecosystem of public sector lawyers advising Ministries and statutory boards. While these lawyers are not strictly speaking AGC officers, our officers often interact or work with them. Presently, there is an informal network of public sector counsel. We see value in building up this network, by providing a key platform for the larger community of public sector lawyers to come together to share their deep knowledge and diverse experiences, and strengthen their networks with each other. To this end, we are planning to hold a conference in the second half of this year. This will help the public sector maintain a consistent position on legal issues which affect the public service, and foster stronger working relationships between agencies across the public sector.

21 In our capacity as Public Prosecutor, we will continue our longstanding tradition of engaging closely with our stakeholders, particularly the Bar and the Judiciary. In particular, we have a strong relationship with the Criminal Bar, with whom we hold regular dialogue sessions to exchange views on how we can improve the criminal justice system, for example, on issues relating to bail and the Appropriate Adults Scheme. We may be perceived to be on different sides in the courtroom, but we are ultimately partners in the administration of justice and have

in mind at all times a common objective – which is to ensure that the criminal justice system in Singapore remains effective, fair and robust.

22 As an institution, we are also taking active steps to engage our next generation of lawyers, who represent the future of the profession. We do this through various touch-points, from being actively involved in mooted competitions for example, to partnering law schools to give students a first-hand understanding of the criminal justice system and process. We also have comprehensive internship programmes for students to experience short stints in all our practice areas. Through these different modes of engagement, we hope the next generation of lawyers will gain a deeper and more authentic understanding of the legal issues that AGC deals with, and that this will pique their interest in pursuing a legal career in these meaningful areas of work, whether at AGC or in private practice.

23 Let me shift my attention to the wider public – what we are doing to maintain their trust in AGC. AGC can only be an effective guardian of the public interest and steward of the rule of law if we continue to command the confidence of the public as an institution. This should not be taken for granted. Misinformation can now be propagated and proliferated easily, and it shifts the contest from who makes the most sense, to who has the loudest voice. We do not intend to join the shouting game. However, I think there is ample room for AGC to contribute to the public discourse by adopting a more open approach in our communications.

24 For example, a few months back, I spoke about “*Prosecution in the Public Interest*” to explain how we exercise our prosecutorial discretion to advance the public interest. Deputy Attorney-General Hri Kumar spoke about the Public Prosecutor’s role as guardian of public interest in sentencing. My office has also released statements to explain some of our charging or sentencing decisions. For example, we recently explained why we did not pursue murder

charges against the two accused persons responsible for the tragic death of Ms Annie Ee. We are making the effort to share our institutional philosophy with a wider audience not because we hope everyone will agree with every decision that we make. Decisions that are taken in the wider public interest are not necessarily synonymous with decisions that are popularly received. Rather, we want the public to better understand the complex nature of the judgment calls that we have to make each day, and the broader policy imperatives that inform our decisions. For it is only when we articulate our rationale and the considerations that come into play that we can create the space for truly constructive discussion and debate, which we welcome. Public scrutiny will help us to more critically assess where we can do better. However, let me reiterate that we will not take short-term views or allow a vocal minority to influence our actions. In everything that we do, AGC will continue to hold fast to our guiding principles and to the rule of law, and these will guide us to do what is fair and right, for the people and the system. If we do not get it right, rest assured that we will correct it. This, in my view, is how the trust of the Singapore public is maintained.

25 At this point, I would like to highlight a key initiative which AGC will be undertaking this year in the administration of criminal justice, touching on the topic of sentencing positions. I understand the public disquiet and frustration when egregious conduct is not, to the public's mind, adequately punished. My officers have studied the issue and we will move towards placing more weight on sentencing principles than precedents when deriving the sentencing positions which we submit to the Court. The key focus is to anchor our sentencing positions based on the level of culpability and harm, which is then adjusted for any aggravating and mitigating factors. In doing so, we will give full consideration to the range of sentencing options provided for under the law, to ensure sentencing parity and proportionality. We will work towards implementing this throughout the course of the year. The public should rest assured that we will continue to refine our approach towards criminal justice, with the view to

ensuring that no misconduct goes unpunished, that all misconduct is justly punished, and that all persons are equally treated before the law.

Conclusion

26 To conclude, I have spoken at length about some of the key initiatives that my Chambers is undertaking, because it is important for the legal community and the wider public to know what AGC stands for, and what we intend to do to continue to uphold the rule of law and advance the public interest in Singapore. Through these key initiatives, AGC will remain a relevant and trusted institution for the foreseeable future.

27 On behalf of AGC and the Legal Service, I pledge the fullest support to the Judiciary in the discharge of your constitutional responsibility to administer justice.

28 May I also take this opportunity to congratulate:

- (a) Justice Andrew Phang, on his appointment as Vice-President of the Court of Appeal;
- (b) Justice Steven Chong, on his elevation to the Court of Appeal;
- (c) Justice See Kee Oon, and (two persons who I know well from my days in private practice) Justice Chua Lee Meng and Justice Kannan Ramesh, Justice Valerie Thean, Justice Hoo Sheau Peng, Justice Debbie Ong and Justice Aedit Abdullah, on their appointments as Judges of the Supreme Court; and
- (d) Justice Tan Siong Thye on his appointment as a Judge of the Supreme Court. As Deputy Attorney-General, Justice Tan brought much grace, respect and

humility to AGC. We do miss his presence, and I would like to take this opportunity to wish him the very best in his new appointment.

29 I would like to extend a very warm welcome to the four newly appointed international judges of the Singapore International Commercial Court. They are:

- (a) from Australia, former Chief Justice Robert French;
- (b) from Canada, former Chief Justice Beverley McLachlin; and
- (c) from the United Kingdom, former President of the Supreme Court Lord Neuberger and former High Court Judge Sir Jeremy Cooke.

30 Last year also saw the retirement of Justice Chao Hick Tin (himself a former Attorney-General and a long-serving officer at AGC) as a Judge of Appeal, after 50 years of distinguished public service, including nearly 30 years on the Bench. Many of us will recall the very warm words and touching stories which were shared during the Valedictory Reference held in his honour last September. On behalf of AGC, I warmly welcome Justice Chao back to the Bench, as a Senior Judge of the Supreme Court. The profession can now look forward to being the recipient of his kindness and wisdom for many years ahead. I would also like to take this opportunity to thank former Chief Justice Chan Sek Keong and Justice Kan Ting Chiu for their many years of invaluable service on the Bench. We will miss their presence in Court, and I wish them both a happy and fulfilling retirement.

31 May I also take this opportunity to wish your Honour and the Honourable Judges and Judicial Commissioners of the Supreme Court the very best for the coming year.
