OPENING REMARKS
BY THE HONOURABLE ATTORNEY-GENERAL
LECTURE BY SIR ANTHONY HOOPER
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Good evening the Honourable the Chief Justice, Mr Sundaresh Menon
Judges of the Supreme Court,
Friends and colleagues.

I would like to extend a warm welcome to all of you today for what I am confident will be a very insightful lecture on criminal law and the criminal justice process by the Right Honourable Sir Anthony Hooper.

Although most of us here today intuitively appreciate what a crime is and what criminal law is about, these terms elude easy definition. Indeed Prof Glanville Williams had correctly observed after an extensive study that he was unable to provide any substantive definition as to what constitutes a "crime". Instead he finally settled for a formal and somewhat circuitous definition, namely that "a crime is an act capable of being followed by criminal proceedings having a criminal outcome and a proceeding or its outcome is criminal if it has certain characteristics which mark it as criminal".[1] While it may be difficult to define what amounts to a crime, most of us would agree with another distinguished author's assertion that the primary aim of criminal law is ultimately to "prohibit behaviour that is seen as a serious wrong or that goes against a fundamental social value or institution".[2] To the extent the success of such laws can be assessed

[1] See Glanville Williams, "The Definition of a Crime" [1955] CLP 107, at 130, as cited in Andrew Ashworth, *Principles of Criminal Law* (Oxford University Press) (5th ed), at 2 – 3.
[2] See Andrew Ashworth, *Principles of Criminal Law* (Oxford University Press) (5th ed), at 3.

through the lenses of the number of cases reported and investigated, it may be fair to acknowledge that the criminal laws of Singapore have been effective in achieving that objective. By any measure, the crime rates in Singapore are amongst the lowest in the world, and every indicator suggests that it has been, and is going, even lower. In fact, the overall crime rate last year in Singapore was reported to be the lowest in two decades, and if the statistics from the first half of this year serves as any barometer, the crime rate this year is expected to be even lower.[3]

Of course, notwithstanding our low crime rate, given that criminal legal frameworks are by their nature jurisdiction-specific, one should be slow to conclude that the Singapore criminal law model should serve as a prototype for all to follow. As the former Chief Justice Chan Sek Keong once intimated, it would be an exercise in futility in attempting to compare between two different criminal justice models that operate in two different jurisdictions with a view to assessing which might be the better of the two since there "can only be more or less appropriate models, and not better or worse ones." In the final analysis, he noted that the effectiveness of a criminal legal framework is one that must be answered by reference to a model which can "effectively meet the expectations of the people it is designed to serve."[4]

This is no short order and is a goal that can only be achieved if we are committed to continually review and re-evaluate our laws and legal processes. As our society's values and beliefs morph over time, so too must our criminal laws and jurisprudential trends. Thankfully, this is an effort which all of the stakeholders, including the Government, my Chambers, the Courts and the legal profession have wholeheartedly embraced over the years. I would do no more than to highlight two such law reform efforts in recent years.

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[3] See statistics from the website of the Singapore Police Force (online), available at http://www.spf.gov.sg/stats/statsmid2012_intro.htm (last accessed: 16 November 2012).

[4] See speech of CJ Chan Sek Keong at the Golden Jubilee Celebrations 2006 (New Delhi, India), *available at* http://www2.library.smu.edu.sg/subjects/CrimeControlSpeechIndia(Final)24Nov06(4).pdf (last accessed: 16 November 2012).

The first, of course, is the watershed revision of the Criminal Procedure Code, or CPC, which came into force just under two years ago. The revised CPC introduced numerous concepts and mechanisms that were conspicuously absent in its predecessor, including a discovery regime for criminal cases and the introduction of community-based sentences in certain cases. The second is one that I suspect most of you would have read in the newspapers over the past week: as a result of a long-standing review of our laws, Parliament recently passed various revisions to the Misuse of Drugs Act and the Penal Code to afford some sentencing discretion to the Courts in some circumstances that hitherto would have necessitated the imposition of a mandatory capital punishment.

These are positive developments, but the endeavour to ensure the continued relevance of our laws in the realm of criminal law is never-ending. In that law-reform journey, while we must always be sensitive to the local circumstances, we must nonetheless be equally cognisant of developments elsewhere, for they often afford a useful insight into how common problems and difficulties faced by other countries in the area of criminal law may be addressed and perhaps resolved. Indeed, given our shared heritage, I would add that developments in England would be particularly illuminating in providing us possible solutions to some of the common challenges that both our jurisdictions may face, as well as the sort of dilemmas and developments that we can anticipate facing in future.

It is with that in mind that we are especially privileged to have Sir Anthony Hooper with us today. Some of you here are already familiar with Sir Anthony Hooper and his work. Nonetheless, let me just briefly say a few words about our guest speaker by way of introduction. He studied law at Cambridge University and after graduation, taught in both the United Kingdom and Canada and practised at the Bar of England and Wales. He took silk in 1987 and was appointed to the High Court Bench in 1995. Nine years later, he was appointed as a Lord Justice of Appeal and was also appointed to the Privy Council. He retired from the Court of Appeal earlier this year and now practises at Fulcrum Chambers.

Sir Anthony Hooper has a wealth of experience in criminal law both at the Bar as well as on the Bench. At the Bar, he prosecuted and defended many criminal cases prior to his elevation to the Bench, and, since his retirement from the Court of Appeal, has resumed his criminal law practice. On the Bench, Sir Anthony Hooper presided over numerous high-profile criminal cases including the much-publicized trial of the alleged murderers of Damilola Taylor, a 10 year old boy whose family had emigrated from Nigeria in search of a better life, and the trial of the two police officers alleged to be responsible for the 1989 Hillsborough football disaster. Having a keen academic bent, Sir Anthony Hooper has also been, and continues to be, deeply involved in criminal law scholarship over the years, having authored and edited leading academic works such as Harris' Criminal Law and Blackstone's Criminal Practice. Today's event therefore presents an excellent opportunity for us to hear from someone who not only has written extensively on the field of criminal law, but one who also has had to apply and test those principles both as an advocate and as a Judge.

On that note, it is my distinct honour and pleasure to invite Sir Anthony Hooper to deliver his lecture and to share with us the insights that he has gleaned from his vast experience in criminal law over the past 50 years.

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