

# inter se

SINGAPORE ACADEMY OF LAW

A portrait of Lord Phillips, a man with grey hair, smiling, wearing a dark pinstripe suit, white shirt, and a patterned tie. He is standing in front of a blurred background of indoor plants and architectural columns.

## **SAL Annual Lecture 2006: Lord Phillips in Singapore**

**Chief Justice Chan  
Visits the Malaysian Courts**

**In Summary:  
SAL's Strategic Planning Retreat**



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The tragic events of 9/11 starkly remind us that the world now lives in a much more uncertain time. With this in mind, the legal profession in Singapore gathered this year, on 29 August 2006, for the 13th Singapore Academy of Law Annual Lecture delivered by The Right Honourable The Lord Phillips of Worth Matravers, Lord Chief Justice of England and Wales.

The lecture titled "Terrorism and Human Rights" highlighted the struggles facing the United Kingdom in balancing the right of a sovereign state to protect those within its territory from acts of terror, with the right of every individual to free access to and due process of the law – regardless of which side of the law an individual happens to fall. Lord Phillips illustrated, through detailed references to UK legislation and case law, how the UK courts have mediated between the Government's responses to threats to national security and the need for such responses to be sensitive to the regime of human rights law applicable in the UK.

In this issue of *Inter Se*, we feature highlights from Lord Phillips's timely and thoughtful lecture together with excerpts from an interview with Lord Phillips on other changes taking place in the UK legal sphere. In keeping with the theme of the importance of the rule of law, we also feature an interview with Professor Hikmahanto Juwana, Dean of the Faculty of Law of the University of Indonesia, a well-regarded authority on the current state and future development of Indonesian law and legal infrastructure. At the invitation of SAL's *SingaporeLaw* Committee, Prof Hikmahanto delivered a lecture on Indonesian legal development on 24 August 2006 as a Distinguished Visitor under the *SingaporeLaw* Visitors Programme.

We begin this issue however, with a message of friendship, trust and co-operation – the Honourable the Chief Justice Chan Sek Keong's first official goodwill visit to the Malaysian courts.



Serene Wee  
Director/Chief Executive Officer  
Singapore Academy of Law

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16 Dos & To-Dos



13

Post-Its



31

Laws & Orders



25 SingaporeLaw



03 Here & Now

# Contents

September – October 2006

- 01 Inter Alia**  
Our director on SAL Annual Lecture 2006

- 03 Here & Now**
- An official visit by Chief Justice Chan to the Malaysian courts
  - SAL's Strategic Planning Retreat summarised
  - A report on the 18th annual meeting of SAL's Senate

- 13 Post-Its**
- Applications for SAL's postgraduate scholarships
  - SAL congratulates National Day Awards recipients

- 15 Out of Court**  
Details on the Small Case Commercial Mediation Scheme (SCCMS)

- 16 Dos & To-Dos**
- Highlights of SAL Annual Lecture 2006 and an interview with Annual Lecture speaker, Lord Phillips
  - Members let their hair down at yet another SAL social event

- 25 SingaporeLaw**  
Professor Hikmahanto Juwana on Indonesia and the rule of law

- 27 Tech Law Watch**  
The face-off between international standards for wireless protocols from China and the United States

- 30 Hot & Wired**  
The latest functionality available on the EFS front-end

- 31 Laws & Orders**  
Some legislation published in July and August

[Cover]: Picture Communication

# OFFICIAL VISIT TO THE MALAYSIAN COURTS

By ANG CHING PIN, ASSISTANT REGISTRAR, SUPREME COURT



From left to right: Registrar Mrs Koh Juat Jong, the Honourable Justice Lee Seiu Kin, the Honourable Justice Judith Prakash, the Honourable Dato' Hashim bin Dato' Haji Yusoff, The Right Honourable Dato' Richard Malanjum, The Right Honourable Tun Dato' Sri Ahmad Fairuz bin Dato' Sheikh Abdul Halim, the Honourable the Chief Justice Chan Sek Keong, the Honourable Dato' Bentara Istana Dato' Nik Hashim bin Nik Ab Rahman, the Honourable Justice Andrew Phang Boon Leong, the Honourable Justice V K Rajah, and Chief Registrar Dato' Tengku Maimun binti Tuan Mat.

The Honourable the Chief Justice Chan Sek Keong led a delegation of Supreme Court Judges and Registrars on a three-day official goodwill visit to the Malaysian Courts from 3 to 5 September 2006. The visit took place at the invitation of The Right Honourable Tun Dato' Sri Ahmad Fairuz bin Dato' Sheikh Abdul Halim, the Chief Justice of Malaysia, who had earlier visited the Singapore Supreme Court in March 2006. This was Chief Justice Chan's first official visit in his capacity as the Chief Justice of Singapore.

Accompanying Chief Justice Chan were the Honourable Justice Andrew Phang Boon Leong, the Honourable Justice Judith Prakash, the Honourable Justice V K Rajah, the Honourable Justice Lee Seiu Kin, as well as Registrar Mrs Koh

Juat Jong, Senior Assistant Registrars Ms Audrey Lim and Mr Kwek Mean Luck, and Assistant Registrar Ms Ang Ching Pin.

The delegation received a warm welcome upon its arrival at the Kuala Lumpur International Airport on the evening of 3 September 2006 and was greeted by, amongst others, the Right Honourable Dato' Richard Malanjum, Chief Judge of the High Court in Sabah and Sarawak and the Honourable Dato' Hashim bin Dato' Haji Yusoff, Federal Court Judge. The delegation then met with The Right Honourable Tun Dato' Sri Ahmad Fairuz bin Dato' Sheikh Abdul Halim, the Chief Justice of Malaysia, and other Malaysian judges and officials at a welcome dinner hosted by the Malaysian Judiciary.



The Palace of Justice.

The next morning, on 4 September 2006, the delegation paid a courtesy call on the Malaysian Chief Justice and had a tour of the Palace of Justice at Putrajaya. Putrajaya is the new administrative centre of the Federal Government of Malaysia, which was previously based in Kuala Lumpur. The Palace of Justice was completed in 2003 and is a significant landmark in Putrajaya.

The Palace of Justice houses the Federal Court, which stands at the apex of the Malaysian Judiciary, as well as the Court of Appeal. True to its name, it is a magnificent building and a stunning sight to behold. The Islamic-inspired architecture boasts graceful arches, stately domes and majestic columns which are resplendent in form and structure. The grandeur and charm of the building are further revealed in the building's interior where intricate mosaics and granite carvings are artfully juxtaposed against gleaming marble. The regal building is a prized product of local talent and resources, and evinces the seamless interweaving of a rich cultural heritage with a strong national identity.

The Singapore delegation was given a presentation by Dato' Tengku Maimun binti Tuan Mat, the Chief Registrar of the Federal Court, on the status of case management of the Malaysian

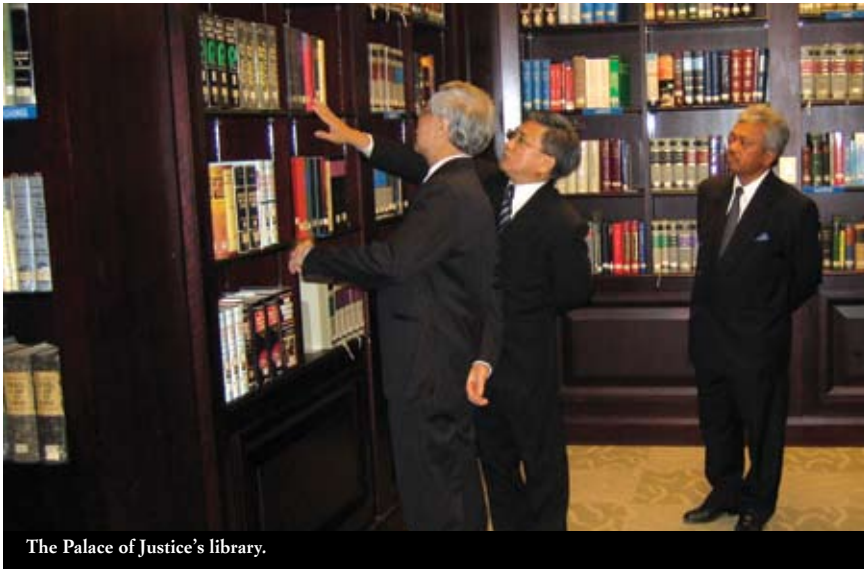


Night view of the Palace of Justice.



The Federal Court.





The Palace of Justice's library.

Courts. This was followed by the screening of a video presentation on the Malaysian Judiciary. The delegation then went on a tour of the Palace of Justice and viewed the court rooms, the Judges' offices, the gallery, the legal registry and the library.

Thereafter, the delegation proceeded to the Putrajaya lake for a lunch cruise. On board the

cruise ship, a comprehensive commentary of the various landmarks around the lake complemented the good food, hearty conversation and scenic view.

At the formal dinner hosted by the Malaysian Chief Justice and his wife, Toh Puan Datin Sri Dato' Mazni binti Mohd Noor, the Malaysian Chief Justice spoke about the warm friendship between the Singapore Bench and the Malaysian Bench and the close ties between the

two judiciaries. Chief Justice Chan responded by thanking the Malaysian Chief Justice for his gracious hospitality during the visit. He expressed an admiration for the progressive efforts of the Malaysian Judiciary as well as for the splendour of the Palace of Justice.

As another step towards fostering a closer relationship between the Singapore and Malaysian



Discussion at the Malaysian Chief Justice's Meeting Room.



The Honourable the Chief Justice Chan Sek Keong sharing a light-hearted moment with members of the Malaysian and Singapore judiciaries.

judiciaries, both the Chief Justices also explored the idea of setting up an exchange programme for the registrars of both judiciaries, for them to learn more about and from their counterparts.

The next day, on 5 September 2006, the delegation visited the Commercial Division of the High Court of Kuala Lumpur, and was received by the Honourable Dato' Vincent Ng Kim Khoay, High Court Judge and Head of the Commercial Division, as well as other members of the Kuala Lumpur High Court Bench. The Singapore delegation was brought on a tour of the High Court and shown the various facilities of the courthouse.

The delegation then met with the Honourable

Dato' Seri Mohamed Nazri bin Tan Sri Abdul Aziz, Minister in the Prime Minister's Department, at the Malaysian Parliament Building over lunch before returning to Singapore.

The visit of Chief Justice Chan and the delegation to the Malaysian Courts has drawn the Singapore and Malaysian judiciaries closer together and promoted greater exchanges and co-operation between both judiciaries. The visit marks a momentous occasion which signifies the deepening of the continuing friendship and understanding between the judiciaries of Singapore and Malaysia. The generous hospitality extended to the Singapore delegation will also be fondly remembered. ■



The Honourable the Chief Justice Chan Sek Keong presenting a gift of appreciation to The Right Honourable Tun Dato' Sri Ahmad Fairuz bin Dato' Sheikh Abdul Halim.



The Honourable Dato' Seri Mohamed Nazri bin Tan Sri Abdul Aziz and the Honourable the Chief Justice Chan Sek Keong.



# LOOKING BEYOND TOMORROW: AN OVERVIEW OF THE SAL STRATEGIC PLANNING RETREAT 2005

By **SRIRAM CHAKRAVARTHI**, ASSISTANT DIRECTOR, SAL

In December 2005, the Singapore Academy of Law ("SAL") engaged in a strategic planning retreat to re-define its priorities and focus. This article provides a summary of SAL's strategic planning initiative and the results of the planning process.

## THE STRATEGIC PLANNING CONTEXT

The last comprehensive planning initiative within SAL took place in 2001. Since that time, SAL has seen its work revolve around the Singapore Law Reports, LawNet, law reform, legal education, legal heritage and most recently, the international promotion of Singapore law.

While these are growing areas of SAL's work in fulfilling its statutory obligations, a need was felt to re-assess the continued relevance of SAL's work for the legal profession and, more importantly, to construct a framework that would steer SAL's course for the next five years.

A Strategic Planning Committee headed by the Honourable Justice V K Rajah was therefore tasked by the President, SAL with overseeing and facilitating a retreat for the purposes of:

- (a) developing a future plan (2006-2009) with appropriate recommendations for adoption by the SAL Executive Committee;
- (b) identifying, reviewing and discussing the various SAL committees' accomplishments and disappointments to date; and

- (c) reviewing the effectiveness of SAL's functions and internal work processes and make suggestions for improvements, if any.

## THE STRATEGIC PLANNING RETREAT

The strategic planning retreat ("the Retreat") was held at Grand Copthorne Waterfront Hotel, Singapore on 2 and 3 December 2005. The Retreat was attended by approximately 50 participants comprising judges, legal practitioners, academics, in-house counsel, law school students as well as representatives from the SAL Senate and Executive Committee. Members of the Strategic Planning Committee and an executive team from the SAL secretariat helmed the proceedings.

The Retreat was divided into four half-day sessions.

## Session I: Trends affecting the legal profession

In the run-up leading to the retreat, interviews were conducted with 32 members of the legal profession to gather their views on the driving forces and trends that would change the landscape of legal practice and work in Singapore. Concerns expressed by the law societies and bar associations in the United States, United Kingdom and Australia were also considered.

### Trends identified that could affect the practice and development of law in Singapore

Trend 1	Outflow of legal talent from Singapore law firms and Singapore
Trend 2	Increasing need for continuing legal education
Trend 3	Growth of alternative dispute resolution
Trend 4	The changing client profile
Trend 5	Increased competitive pressures on lawyers
Trend 6	Fragmentation of the legal profession
Trend 7	Regionalisation of law firms

Trend 8	Erosion of standing and cohesiveness of the legal profession
Trend 9	Development of an autochthonous legal system.

At the Retreat, participants were asked to identify the most critical trends, whether these trends were projected in the right direction, the potential responses to these trends, and whether the responses fell within the ambit of SAL or other bodies of the legal community such as the Law Society of Singapore or the Ministry of Law. Two trends were highlighted by the participants as being of particular concern – the increasing fragmentation of the legal profession in Singapore and the eroding stature of the legal profession. Participants were of the view that SAL must ensure that these trends are carefully appraised and addressed.

To improve the general standing of the legal community, participants were of the view that SAL could help facilitate *pro bono* work by the legal profession, drawing on the resources of law students, the law faculties, the legal service, practitioners and in-house counsel.

## Sessions II and III: Setting long-term directions for SAL committees

Sessions II and III dealt with the work output of

various SAL committees and participants outlined suggestions as well as specific recommendations to further enhance the work of these committees.

The discussions covered the work output of the following committees:

- (a) Committee on Legal Education and Studies;
- (b) Board of Legal Education;
- (c) LawNet Management Committee;
- (d) Law Reporting and Publications;
- (e) Law Reform Committee;
- (f) Professional Affairs Committee;
- (g) Membership and Social Committee;
- (h) Legal Heritage Committee; and
- (i) Singapore Mediation Centre.

Based on the trends identified in Session I, in-depth discussions focussed on the following areas of concern for the legal community in the next five years, namely, legal education, IT infrastructure and knowledge management, building up local jurisprudence, research and law reform, the standing of the profession and forging a sense of community.

A sampling of goals identified by the committees	
Publications Committee	To undertake a strategic review of the various publications of SAL and to consider if existing publications should be revamped or consolidated, and to study the need for new publications.
Committee on Legal Education and Studies	To organise round-table discussions, workshops, seminars, conferences, meetings, debates, lectures and training courses for the members of SAL and to continue to work with different agencies providing legal education to avoid duplication and clash of events dates.
Law Reform Committee	To institute a mechanism of active surveillance over law reform developments in relevant foreign jurisdictions and to co-opt academics, lawyers with specialist skills and in-house counsel to contribute and provide input to areas of research.
Membership and Social Committee	<ul style="list-style-type: none"> <li>- To engage different groupings such as corporate counsel, practitioners, academics and foreign lawyers in membership events.</li> <li>- To organise a charity fund-raising event in support of a local charity.</li> </ul>
Professional Affairs Committee	Goals include publishing a book on professional advocacy standards aimed at enhancing the quality of the litigation Bar, setting up a sub-committee to look into establishing and maintaining dialogue with different professional groupings, completing the Enhancement of Professional Values project and continuing the series of expert lunch-time talks.

Council of Law Reporting	To look into plans to increase subscriptions to the current Singapore Law Reports (“SLR”) series in conjunction with a marketing plan for the SLR Reissue series.
LawNet Management Committee	To focus on developing the new LawNet portal, and the treaties database and conveyancing module on Legal Workbench. Long-term plans include growing the subscriber base for the Legal Workbench and adding to the local and regional content of LawNet.
Legal Heritage Committee	To continue work on the oral history project and consider the feasibility of producing publications or organising events to renew interest in local legal heritage (particularly, general and oral legal history).
International Promotion of Singapore Law Committee	<ul style="list-style-type: none"> <li>- To focus on local publicity and awareness creation of <i>SingaporeLaw</i> and to work with country teams in their overseas marketing efforts.</li> <li>- To review current initiatives and to evaluate the possibility of expanding the coverage of <i>SingaporeLaw</i>'s marketing efforts to other countries/cities.</li> </ul>
Singapore Mediation Centre	<ul style="list-style-type: none"> <li>- To actively promote SMC abroad and increase the visibility of SMC in the region.</li> <li>- To build SMC's reputation as a leading alternative dispute resolution service provider and skills trainer.</li> </ul>

## Session IV: Re-aligning structures and partnerships

Session IV dealt with the structure and composition of SAL committees. Participants at this session discussed putting in place a renewal process to inject fresh perspectives into SAL committees, and the need for the chairpersons of the committees to monitor the pulse of the changes in business and social environment, and to foresee new challenges facing the legal community.

### Post-Retreat consultations

Following the Retreat, a Strategic Planning Interim Report (“the Interim Report”) containing summary proposals and broad feedback received at the Retreat was prepared and circulated to SAL Senate members and the chairpersons of SAL committees, in January 2006. Senate members and the chairpersons of SAL committees were requested to respond to the recommendations made in the Interim Report. The Interim Report elicited 17 responses.

In February and March 2006, the SAL Strategic Planning Committee held a series of consultative sessions with key stakeholders who had participated in the strategic planning process as interviewees or as retreat participants.

The feedback received from the Senate members, chairpersons of SAL committees and from participants in the consultative sessions was most encouraging. Senate members welcomed the strategic planning

exercise as a step in the right direction and the chairpersons of SAL committees expressed their broad support for the recommendations in the Interim Report to re-invigorate the work of the committees.

### SAL STRATEGIC PLANNING FINAL REPORT

On the basis of the feedback received, the Strategic Planning Committee drafted its Final Report (“the Final Report”), which was presented to the SAL Executive Committee as well as the SAL Senate in June and August 2006 respectively. Both the SAL Executive Committee and the SAL Senate have since accepted the Final Report unanimously.

### Intended future outcomes

On a general level, the Strategic Planning Committee has recommended that SAL should initiate steps over the next few years, to co-ordinate efforts in the legal sector to meet:

- (a) the increasing need for continuing and focussed legal education;
- (b) the need to work with and co-ordinate the efforts of law firms and lawyers with regional aspirations;
- (c) the need to foster the development of an autochthonous legal system; and
- (d) the need to enhance and cement Singapore's status as a legal hub.

The Strategic Planning Committee has been quick to assert that its recommendations are



refinements rather than a total recasting of SAL's original vision and mission. The Committee has also stressed that the wide-ranging issues facing the legal profession cannot be totally resolved by SAL. Effective resolution will require the collective effort of all institutional participants in the legal profession.

### **Two important focus areas**

Two areas identified for SAL's focussed activities in the future are the needs of law firms wanting to expand into the region and the development of an autochthonous legal system.

#### **Law firms wanting to expand into the region**

Some Singapore law firms have started making in-roads into the region. Going forward, the regionalisation drive is likely to intensify. The volume of cross-border deals will continue to grow and corporate clients will increasingly need cross-border legal expertise. Having overseas offices or branches will enable such firms to offer their clients integrated, one-stop legal services.

The expansion into the wider markets of the region can offer a way out for local law firms constrained by the small size of the Singapore market. Such market limitations affect their ability to compete with the international firms in terms of wages, with consequent impact on retention of talent. The question, however, is how the regionalisation effort can be better carried out.

SAL hopes to effectively address this question by working with and co-ordinating the efforts of law firms with regional aspirations.

#### **Development of an autochthonous legal system**

The last decade or so has seen a growing confidence within the judiciary, the Bar and academia in promoting a pragmatic development of the common law. It is now recognised that the common law as expounded in the UK, Australia and/or Canada may not always dovetail with local circumstances. This growing willingness to re-examine common law principles from time to time will, in turn, lead to a more distinctive Singapore jurisprudence. The increasing "Europeanisation" of the English common law is a further impetus for this particular development.

While significant progress has been made, in

the last decade, in publishing legal literature (both in the form of treatises and articles), more can be done. SAL can play a central co-ordinating role in ensuring the plugging of gaps in legal literature and ensuring adequate academic coverage of key Singapore cases, both locally and internationally.

Singapore law is gradually being recognised in the region and steps taken to promote Singapore law internationally should be enhanced to ensure a greater regional understanding of the key attributes of Singapore law. If this effort succeeds, the greater usage of Singapore law could help cement Singapore's role as a key legal hub. Steps can also be taken to establish Singapore as a regional hub for continuing legal education.

SAL will play a greater co-ordinating role in the development and expounding of legal jurisprudence in Singapore. It can play a facilitative role in promoting Singapore as a regional legal hub.

### **Accomplishment of outcomes**

To achieve the objectives set out in the Final Report, the Strategic Planning Committee, after examining the work output and practices of the various SAL committees, has outlined suggestions as well as made specific recommendations that include laying out detailed committee work-plans, realigning the work of some committees and providing greater resources for committee work. To streamline and to reinvigorate the structure and composition of SAL committees, suggestions have also been made to modify present administrative practices.

#### **Restructuring of committees**

From Senate Year 2006/2007, each term of office for committees shall be:

- (a) three years for the chairperson; and
- (b) two years for members.

The maximum number of terms of office for any person shall be:

- (a) two terms for the chairperson; and
- (b) three terms for members.

Each person may therefore serve a limit of six years, although the SAL Senate has the discretion to lift this limit in certain committees where replacements cannot be found for any particular positions.\*

### Measurement and evaluation of success and failures

A pragmatic framework for future planning, measurement and evaluation of committee work-plans has also been drawn up. The framework includes the following key proposals:

- (a) President, SAL is to appoint the committee chairperson at the end of each committee term.
- (b) Committee chairpersons are to present yearly committee work-plans at each annual meeting of the Senate.
- (c) The Senate is to approve the committee work-plans for the new Senate year and confirm the chairpersons and members of the committees, at the annual meeting of the Senate.
- (d) The SAL secretariat is to work with committee chairpersons to produce implementation plans once the work-plans are approved, and seek additional resources from the President/ Executive Committee if the annual budget and secretariat manpower resources are not sufficient to support the new initiatives.

It has been suggested that for all committee work-plans, a good planning horizon should be three years for purposes of the Senate approval. This has been suggested with the view that if SAL

committees are encouraged to look beyond the immediate year, it will enable them to think and plan on a more effective basis.

### Road to implementation

The Final Report also recommended that an implementation committee should be set up with the specific mandate of working to bring the Retreat's suggested initiatives to fruition. SAL's Executive Committee has implemented this recommendation by constituting, in July 2006, the SAL Strategic Planning Implementation Committee. The implementation committee is headed by the Honourable Justice V K Rajah.

### A NOTE OF THANKS

The Retreat was a major success, thanks to the tireless contributions of members of the Strategic Planning Committee, interviewees and Retreat participants, and Senate and Executive Committee members who gave two days of their time and came to the brain-storming table prepared not only to make big plans, but also to roll up their sleeves and take on the "heavy lifting" of implementation that will see SAL's strategic initiatives through to accomplishment. To everyone, thank you for your time, commitment and effort.■

### Strategic Planning Retreat 2005 – Chronology of Events

Sep'05	President, SAL requests SAL to conduct a strategic planning exercise for 2006-2009.
Oct'05	Formation of Strategic Planning Committee headed by the Honourable Justice V K Rajah.
Nov'05	Interviews with leading legal professionals conducted as part of the planning process. Circulation of Trends paper to retreat participants.
Dec'05	Strategic Planning Retreat held on 2 and 3 December.
Jan'06	Interim Report submitted to President, SAL.
Feb'06	Interim Report circulated for feedback from Senate members and chairpersons of SAL committees. Thank-you sessions organised for interview and retreat participants.
Mar'06	Collation of feedback received and further consultations with partner organisations (Law Society, NUS Law Faculty, foreign law firms, corporate counsel <i>etc</i> ).
Apr'06	Final Report presented to President, SAL.
May'06	Final Report sent to SAL Executive Committee for approval.
Jun'06	SAL Executive Committee approves the Final Report and appoints an Implementation Committee headed by the Honourable Justice V K Rajah.
Aug'06	SAL Senate approves the SAL Strategic Planning Final Report.

\* For the purposes of counting six continuous years, a person who serves in the capacity of a member of a committee should be considered as serving in a different capacity if he or she subsequently serves as chairperson of that same committee.

# 18TH ANNUAL MEETING OF THE SENATE

By DAVID QUARK, ASSISTANT DIRECTOR, SAL

**T**he 18th Annual Meeting of the Senate of the Singapore Academy of Law (“SAL”) was held on 17 August 2006 at the Supreme Court Conference Room. This was the first meeting of the Senate presided over by the Honourable the Chief Justice Chan Sek Keong in his capacity as the President of SAL. Vice-Presidents Attorney-General Chao Hick Tin, Mr Philip Jeyaretnam SC and Professor Tan Cheng Han SC were present, along with 23 other Senate members. The proceedings were minuted by Senate Secretary, SAL’s director and chief executive officer, Ms Serene Wee. Also in attendance at the meeting were SAL’s Honorary Secretaries and management team.

Among the items on the agenda was the Senate’s consideration of the three-year work-plans submitted by SAL’s various committees. This was the first time that committees have had to draw up work-plans for the work to be undertaken in the coming Senate year and for work to be done in the longer term. Many work-plans were noted to be “ambitious”, and indeed, the work-plans attracted lively discussion at the meeting.

In the course of discussing the Publications Committee work-plan, the President informed the meeting that SAL had commissioned Professor Jeffrey Pinsler to write a book on professional ethics. This would be done in the format of the US Restatement of the Law and, when published, would be available to students of the Postgraduate Practical Law Course. When the work-plan drawn up by the Council of Law Reporting was considered, the President informed the Senate that SAL had entered into an agreement with the UK Incorporated Council of Law Reporting for the Weekly Law Reports to be made available to subscribers of LawNet.

The Senate approved the Singapore Academy of Law (Amendment) Rules 2006 (S 498/2006) to change the composition of SAL’s Executive

Committee to include the chairpersons of all committees appointed by the Senate under the Singapore Academy of Law Rules (Cap 294A, R 1, 2002 Rev Ed). In addition, all committee chairpersons can now co-opt non-voting members into their committees. The Senate also approved the Singapore Academy of Law (Stakeholding) (Amendment) Rules 2006 for, amongst other things, SAL to act as stakeholder under the Housing and Development Board Design-Build-and-Sale Scheme.

The Senate then proceeded to appoint the auditor for SAL under s 22 of the Singapore Academy of Law Act (Cap 294A, 1997 Rev Ed). The Vice-Presidents of the Senate, members of the Executive Committee, and the chairpersons and members of SAL’s various committees were also appointed.

## THE SENATE

(as at 3 October 2006)

### By Virtue of the SAL Act

1. Chief Justice Chan Sek Keong (President)
2. Attorney-General Chao Hick Tin (Vice-President)
3. Mr Philip Jeyaretnam SC (Vice-President)
4. Professor Tan Cheng Han SC (Vice-President)
5. Justice Andrew Phang Boon Leong (Vice-President)
6. Justice Kan Ting Chiu
7. Justice Lai Siu Chiu
8. Justice Judith Prakash
9. Justice Tan Lee Meng
10. Justice Choo Han Teck
11. Justice Belinda Ang Saw Ean
12. Justice Woo Bih Li
13. Justice Tay Yong Kwang
14. Justice V K Rajah
15. Justice Andrew Ang



**THE SENATE (continued)**

16. Justice Lee Seiu Kin
17. Solicitor-General Chan Seng Onn
18. Second Solicitor-General Walter Woon  
Cheong Ming
19. Judicial Commissioner Sundaresh Menon
20. Mr Goh Joon Seng
21. Mr Joseph Grimberg SC
22. Mr Giam Chin Toon SC
23. Mr George Lim Teong Jin
24. Dr Philip N Pillai
25. Professor Tan Yock Lin
26. Associate Professor Dora Neo Swee Suan
27. Ms Malathi Das
28. Mr Yap Teong Liang

**Appointed by the SAL Senate**

Ms Serene Wee (Senate Secretary)

**THE EXECUTIVE COMMITTEE**

(as at 3 October 2006)

**Appointed by the SAL Senate**

1. Chief Justice Chan Sek Keong (President)
2. Attorney-General Chao Hick Tin  
(Vice-President)
3. Justice Andrew Phang Boon Leong  
(Vice-President)
4. Mr Philip Jeyaretnam SC (Vice-President)
5. Professor Tan Cheng Han SC  
(Vice-President)
6. Justice Kan Ting Chiu
7. Justice Lai Siu Chiu
8. Justice Judith Prakash
9. Justice Tan Lee Meng
10. Justice V K Rajah
11. Justice Lee Seiu Kin
12. Mr Joseph Grimberg SC

**Assigned by President, SAL**

Ms Serene Wee

# SINGAPORE ACADEMY OF LAW POSTGRADUATE SCHOLARSHIPS: NYU@NUS DUAL GRADUATE DEGREE PROGRAMME IN SINGAPORE 2007/2008

**CLOSING DATE EXTENDED TO 29 DECEMBER 2006!**

The Singapore Academy of Law is offering scholarships for postgraduate studies in law for the NYU@NUS Dual Graduate Degree Programme in Singapore. This programme will allow SAL scholarship awardees to earn a Masters of Law (LLM) from both the National University of Singapore (NUS) and New York University (NYU).

Applicants must:

- be members of the Singapore Academy of Law;
- be below 40 years of age as at January 2006;
- possess at least a Second Upper honours degree in Law; and

- at the time of the award, not have been awarded any other scholarship for the course for which this application is made.

For more details, please call Sheeba Said at 6332 4006. Application forms may be downloaded from the SAL website [www.sal.org.sg](http://www.sal.org.sg) or obtained from:

**Singapore Academy of Law**

1 Supreme Court Lane, Level 4  
Singapore 178879

The closing date for the submission of applications is **4.00pm on Friday, 29 December 2006.**

# NATIONAL DAY AWARDS 2006

**T**he National Day Awards are given out each year to recognise various forms of merit and service to Singapore. *Inter Se* congratulates the following individuals who were honoured with awards:

The Honourable Attorney-General Chao Hick Tin, BBM	Chairman, Internal Security Act Advisory Board	The Public Service Star (Bar)
Mr Goh Joon Seng, PBM	Chairman, Presidential Council for Religious Harmony	The Public Service Star
Mr Jeffrey Chan Wah Teck	Principal Senior State Counsel, Civil Division, Attorney-General's Chambers	The Public Administration Medal (Gold)
Professor Tan Cheng Han SC	Dean, Faculty of Law, National University of Singapore	The Public Administration Medal (Silver)
Mr Marvin Bay Boon Teck	District Judge, Subordinate Courts	The Public Administration Medal (Bronze)
Ms Lee Li Choon	Director, Trade Marks/Legal Counsel, Intellectual Property Office of Singapore	The Commendation Medal
Mr Chan Wang Ho	Senior Assistant Official Assignee/ Official Receiver & Public Trustee, Insolvency & Public Trustee's Office	The Commendation Medal
Mr Paul Chi Pin Shyang	Deputy Director (Legal), Legal Unit, Ministry of Home Affairs	The Commendation Medal
Ms Toh Wee San	Senior Assistant Registrar, RCB & Senior Assistant Registrar, Public Accountants, Accounting & Corporate Regulating Authority	The Commendation Medal
Professor Jeffrey Dan Pinsler	Member, Criminal Law Advisory Committee (Hearing)	The Public Service Medal

*Inter Se* would also like to congratulate the Honourable Justice Tay Yong Kwang on being awarded the Long Service Award, and all other members of the Singapore Academy of Law who have received awards this year.■

# NEW MEDIATION SCHEME FOR SMALL CASES: FASTER AND MORE COST EFFECTIVE DISPUTE RESOLUTION FOR CLAIMS OF UP TO \$30,000

By FOO KIM LENG, MANAGER, CORPORATE COMMUNICATIONS, SAL

The Small Case Commercial Mediation Scheme ("SCCMS") was officially launched by the Singapore Mediation Centre ("SMC") on 18 August 2006, at its ninth birthday celebration. At the event, the Honourable Justice Andrew Ang, Chairman of the Singapore Mediation Centre, said that SCCMS will provide a cost effective alternative for those who would like to use mediation as a first step in resolving their disputes but do not find it viable to do so because their claims are small.

Mediation is a voluntary process in which a third party (called the mediator) facilitates negotiations between the disputing parties with a view to resolving their differences privately and amicably. SCCMS was developed to complement the existing mediation services provided by SMC by providing a neutral forum for smaller commercial cases where claims are under \$30,000.

Before they can use SCCMS, all parties to the

dispute should be willing and ready to mediate. SCCMS will not be offered to matters relating to neighbourhood and community disputes as these would be referred for mediation at the Community Mediation Centres.

SMC will run weekly Mediation Advisory Clinics to help disputants ascertain whether their case is suitable for mediation. If the case proceeds to mediation, the mediation fees will only be \$25 per party (see below for details). This is substantially less than SMC's existing mediation fees which start from \$900 per party, per day for claims of up to \$250,000 and includes an administrative charge of \$250 payable by each party.

By providing this service at subsidised rates, SMC hopes to increase public awareness of the benefits of mediation. In time to come, these rates will be reviewed to make the service more commercially viable.

## **SMALL CASE COMMERCIAL MEDIATION SCHEME (SCCMS)**

### **Operating Hours**

*Weekly Mediation Advisory Clinic*

1st, 2nd and 3rd Tuesdays of the month | 4.30pm – 6.30pm

*Mediation (by appointment only)*

Every 4th Saturday of the month | 9.00am – 1.00pm

### **Cost**

Fee payable if mediation proceeds: \$25 per party

### **Location**

Mediation Advisory Clinics and mediation sessions will be held at the Singapore Mediation Centre located at 1 Supreme Court Lane, Level 4, Singapore 178879.

For more information, please call 6332 4366 or e-mail enquiries@mediation.com.sg. ■



# "TERRORISM AND HUMAN RIGHTS" THE SINGAPORE ACADEMY OF LAW ANNUAL LECTURE 2006 BY THE RIGHT HONOURABLE THE LORD PHILLIPS OF WORTH MATRAVERS, LORD CHIEF JUSTICE OF ENGLAND AND WALES

By MELANIE CHNG AND HARIKUMAR SUKUMAR PILLAY (LECTURE HIGHLIGHTS) AND  
MOHAMED FAIZAL (INTERVIEW), JUSTICES' LAW CLERKS, SUPREME COURT

The Right Honourable The Lord Phillips of Worth Matravers, Lord Chief Justice of England and Wales, delivered the 13th Singapore Academy of Law Annual Lecture ("the Lecture") this year. The Lecture, which was held on Tuesday, 29 August 2006, at the Supreme Court Auditorium, was delivered to some 572 audience members. Lord Phillips spoke on "Terrorism and Human Rights", focussing on the United Kingdom's complex history of legislation related to the fight against global terrorism and judicial reaction to such legislation. The first part of this article will summarise the key points made by Lord Phillips during the Lecture. Lord Phillips also graciously agreed to an interview with *Inter Se* and excerpts from this interview are featured in the second part of this article.

## THE LECTURE

Lord Phillips began the Lecture by explaining how the incorporation in UK domestic law of the European Convention on Human Rights ("the Convention") and the expansionist approach of the European Court at Strasbourg to the interpretation of the Convention had made it increasingly difficult for legislative and executive action to be taken to protect UK national security. Lord Phillips highlighted how the decision of the Strasbourg Court on the interpretation and application of Arts 3 and 5 of the Convention in *Chahal v United Kingdom* (1996) 23 EHRR 413 had raised two important challenges. First, what was the UK Government to do with aliens who were a security risk but who could not be deported because they risked being subjected to torture, or to inhumane or degrading treatment in their home country? Second, how could the UK Government

cater to an alien's right to challenge his detention according to a fair procedure without disclosing to the alien the information that gave rise to the security risk for which he was being detained?

The UK Government moved to address the second challenge by creating the Special Immigration Appeals Committee ("the SIAC"). Where applicants for admission to the UK are refused permission to enter or ordered to be deported in the interest of national security, a right of appeal to the SIAC is available and the matter is heard according to procedural rules designed to ensure that there is no disclosure of material that would be damaging to the national interest. The setting up of the SIAC, however, came at a time when the passing of the UK Human Rights Act 1998 (c 42) ("the Human Rights Act") further complicated matters. The Act enabled terrorist suspects to challenge anti-terrorism legislation on human rights grounds in UK courts.



Lord Phillips delivering his lecture on "Terrorism and Human Rights".

One of the key legislative developments in the UK, in the aftermath of 9/11, was the Anti-terrorism, Crime and Security Act 2001 (c 24) ("2001 Act"). The 2001 Act was passed based on an Order made in November 2001 derogating from Art 5(1) of the Convention in respect of foreigners in the UK suspected of terrorist activities and posing a threat to the national security of the UK. The controversial s 23 of the 2001 Act provided for the deportation or indefinite detention of an alien who was suspected of terrorist activity and whose presence in the UK was reasonably believed to be a risk to national security. However, the 2001 Act also gave the alien the right to appeal to the SIAC against the derogation and against his certification by the Home Secretary under Part 4 of the 2001 Act as a suspected terrorist and a risk to the national security of the UK. As part of this discussion, Lord Phillips highlighted the case of *A v Secretary of State for the Home Department* [2004] UKHL 56, in which the House of Lords had held that s 23 of the 2001 Act was incompatible with the Convention. In Lord Phillips's view, this judgment, which was "one of the most dramatic to have been given in

[his] time in the law", had dealt a "severe blow to the Government's anti-terrorism strategy". Though the UK Government could, in theory, have ignored the effect of this judgment, its erstwhile respect for judicial decisions on incompatibility led to the beginning of a new chapter in UK legislative history through the repeal of the 2001 Act and the consequent enactment of the current Prevention of Terrorism Act 2005 (c 2) ("PTA 2005").

The PTA 2005 allows the Secretary of State to impose restrictions on terrorist suspects by subjecting them to curfews, electronic tagging, limiting their freedoms of association and access to electronic communication, coupled with obligations to report to the police. In particular, the PTA 2005 makes provision for two types of control order. The "non-derogating" control order does not derogate from Convention rights. It may be imposed by the Secretary of State where he reasonably suspects someone of terrorism-related activity and considers it necessary to impose the order to prevent him from continuing such activity. The "derogating" control order imposes restrictions that amount to deprivation of liberty and may only



be made by the court after a derogation order by the Government has been made. The court, in making such an order, has to be satisfied that the individual against whom the order is to be made has been involved in terrorism and that the order is necessary by way of response. Again, there is an avenue for appeal, governed by procedural rules similar to those of the SIAC, provided by the PTA 2005. The principle of judicial review is also applicable to the process.

Despite the inclusion of such safeguards, the European Commissioner for Human Rights (“the Commissioner”), during a visit to London, questioned whether the PTA 2005 was compatible with Convention obligations. A month after the Commissioner’s visit, the London bombings took place and Lord Phillips suspects that the events of 7 July 2005 “persuaded most people in the UK that special measures to deal with terrorists were a necessity”. Nonetheless, challenges against the PTA 2005 continued to be made.

As an example, Lord Phillips highlighted the

case where a non-derogating control order was made against one MB. MB initiated judicial review proceedings seeking a declaration that the PTA 2005 was incompatible with the Convention on the ground that it did not provide for a procedure for challenging the imposition of the order that was fair. At first instance, the appeal was allowed and the PTA 2005 was declared incompatible with the Convention. On further appeal by the Secretary of State, the first instance decision was overturned by a court of three judges comprising Lord Phillips himself and the next two most senior judges. It was held that the judge at first instance had erred because he could and should have considered whether the control order was justified on the basis of the evidence at the date of the hearing instead of concluding that the court’s only role was the limited role of considering whether the Secretary of State’s original decision had been flawed. An aspect of great concern was that the use of closed material meant that MB did not know the nature of the case against him. However, Lord Phillips and his coram were of the view that where the precautions against terrorism were concerned, the Secretary of State ought to be permitted to avoid disclosing secret material. The Court of Appeal refused appeal to the House of Lords, but MB has petitioned the House of Lords for leave to appeal and this application is pending.

A little over a week after hearing the MB appeal, Lord Phillips heard a second appeal, on control orders, that was adverse to the Secretary of State. The non-derogating control orders made were draconian and, at first instance, were deemed to cause deprivation of liberty contrary to Art 5 of the Convention. The court of first instance quashed the orders and the Secretary of State appealed against the decision. This appeal was rejected. The Home Secretary then imposed new, slightly less draconian, control orders. At the same time, the controlled persons made a fresh challenge against the new orders.

Lord Phillips framed the challenges posed by such cases as follows: “Is there an alternative solution to the imposition of restrictions on liberty based on mere suspicion and on evidence that the suspect is not permitted to see?” Lord Phillips noted that many who opposed the current regime





Chief Justice Chan Sek Keong (right) and Justice Tan Lee Meng, Chairman of the Annual Lecture Organising Committee (left) with Lord Phillips, proceeding to the reception held after the Lecture.

maintained that detention could not be justified unless it could be proved that the detainee had been indulging in terrorist activity and, even then, the terrorist should be subjected to the due process of the law. Lord Phillips pointed out that such a solution fails to consider that evidence of such activity may be the product of covert surveillance (possibly an infringement of the Convention's right to privacy) which the security services may not be able to disclose.

On the issue of the admissibility of evidence obtained through torture, Lord Phillips made reference to a decision by the House of Lords in *A v Secretary of State for the Home Department* [2005] UKHL 71. There, the House of Lords unanimously held that evidence obtained by torture was inadmissible. A critical issue in that regard was whether the burden was on the detainee to establish that the evidence had been obtained by torture in order to get it excluded, or whether the SIAC was bound to

exclude evidence unless satisfied that it had not been obtained by torture. On this issue, the House of Lords was split 4-3 in favour of admitting the evidence unless satisfied that, on balance of probability, it had been obtained by torture. Lord Phillips noted that this was a significant victory for the security services in circumstances where the Human Rights Act has "unquestionably circumscribed both the legislative and executive

action that would otherwise have been the response to the outbreak of global terrorism that we have seen over the last decade".

Lord Phillips briefly cast an eye over the anti-terrorism legislation passed by the United States in the wake of 9/11 and how the Constitutional protection of the individual from executive action has been tested as a result. Joint resolutions passed by Congress authorising the use of force by the US President to prevent future acts of international terrorism against the US, the introduction of the USA PATRIOT Act of 2001 reducing safeguards on



The Supreme Court atrium transformed into an elegant reception area after the Lecture.





From left to right: Lord Phillips, Minister Mentor Lee Kuan Yew, Mrs Lee Kuan Yew, Mrs Chan Sek Keong, Lady Phillips and Chief Justice Chan Sek Keong, after a dinner hosted by Chief Justice Chan in Lord Phillips's honour.

the use of covert surveillance by the intelligence services, the promulgation of a Military Order allowing the detaining without time limit of any non-citizen suspected of terrorist activity, and the removal of captured suspects from Afghanistan to Guantanamo Bay are some examples of dramatic steps taken by the US in the aftermath of 9/11.

Lord Phillips explained that when the strategy of using Guantanamo Bay to side-step the application of *habeas corpus* by a non-national proved successful initially (the District Court of Columbia ruled that US courts had no jurisdiction over aliens detained at Guantanamo Bay), the English Court of Appeal was faced with an application for judicial review of the proceedings by one of the detainees who was a British citizen. The English Court of Appeal held that where human rights were engaged, the English court could investigate the actions of a foreign, sovereign State.

After the English Court of Appeal's decision, the US Supreme Court decided in *Rasul v Bush* (2004) 542 US 466 and *Hamdi v Rumsfeld* (2004) 542 US 507 that the US courts could hear detainees who wished to challenge their detention, and

that detainees could not be held indefinitely at a US military prison without the assistance of a lawyer, respectively. Lord Phillips was of the view that this struck an important blow for the rule of law in the US. In decisions that have followed, the US Supreme Court has stepped in to prevent executive action that sought to oust the jurisdiction of the courts. It remains to be seen whether, and in what circumstances, indefinite detention of terrorist suspects is compatible with the US Constitution.

In concluding the Lecture, Lord Phillips expressed that he was satisfied with the state of affairs that vests the English courts with the duty to rule on whether or not legislation is compatible with the Convention and the power to strike down secondary legislation or executive action that contravenes the Convention. Lord Phillips emphasised that it was important that the Human Rights Act is viewed not merely as a safeguard for those who have fled to the UK from countries where human rights are not respected but that it is appreciated as a vital part of the foundation of the fight against terrorism.

## THE INTERVIEW

### Lord Phillips on a childhood dream ...

Lord Phillips remembers wanting to practise law from a very young age and suspects that this was an idea implanted in his head by his father. This ambition however, crystallised when, as a young boy, Lord Phillips met with Queen's Counsel, the late Walter Raeburn, who had come to visit Bryanston School where Lord Phillips was a student: "When I was in Bryanston, he [Raeburn] came to the school and asked me to sit with him as he presided as a judge in the local court. Seeing him in action helped me make up my mind to be a barrister." Lord Phillips candidly admits that the idea of being a barrister probably also appealed to an innate desire to perform.

### Lord Phillips on his Singapore experiences ...

Whatever the motivations, Lord Phillips read law at King's College, Cambridge University and was called to the Bar in 1962. Sixteen years later, in 1978, Lord Phillips took silk and has been described by Lord Denning as "a silk of first quality". That same year, Lord Phillips appeared before the Singapore courts as Queen's Counsel for one of the parties in a suit. He recalls the

experience as a humbling one which showed him the firm but fair disposition of the Singapore courts: "In my time here, I have always found the courts to apply an open mind to the issues before them and it was apparent to me, even then, that the rule of law has always been steadfastly applied in Singapore." Lord Phillips went on to note that: "The one difference I find from my time here as a barrister and when I visit the courts now is the forum in which litigation takes place. We made our arguments in functional but antiquated courts in those old days. Today, if what I see is any indication, litigation takes place in modern courts with fantastic facilities. It certainly leaves an English judge like myself in awe and highlights that we can learn a thing or two from our Singaporean counterparts!"

### Lord Phillips on the problem of youth crime in the UK ...

Turning to what makes an English judge such as Lord Phillips, I ask Lord Phillips what has been his proudest moment in his career as a judge thus far. The reply is an unequivocal: "It would be when I was appointed to the Head of the Judiciary." One of the matters at the top of Lord Phillips's



Lord and Lady Phillips at the interview with Mohamed Faizal for *Inter Se*.



list of priorities as Lord Chief Justice is reducing the prevalence of crime in the UK, especially amongst the youth. Lord Phillips notes: “It is easy to identify the problems with the system, but the key to moving forward is to identify and explore *viable* options.” In Lord Phillips’s view, the only way forward is to tackle the problems at their very core: “Many of these problems, including those of school-related problems and crime among the youth, are often the result of the breakdown of the family unit. There must, therefore, be a concerted effort to concentrate on the child’s welfare, the eradication of domestic violence and child abuse as well as the provision of education to nip the problem in the bud. I am a strong believer of keeping such youths out of prison if that is at all possible.”

Lord Phillips’s jurisprudential approach, which places significant emphasis on community sentencing, is admittedly not without its critics who see such an approach as being “soft” on crime.

Lord Phillips, however, is quick to highlight why such reservations are highly misconceived: “In the absence of statistics backing such a position, it would be misleading to conceive community punishment as a “soft” option. In fact, I’ve heard some say that it is the harder punishment as compared to imprisonment. People often forget that when you get sentenced to prison, there is no need to take the initiative; everything’s decided for you and there are no real demands on you. The same cannot be said of community sentencing.” However, Lord Phillips was quick to add: “Community sentencing is not a panacea and may not solve all the problems. We must understand that the aim of rehabilitation may not always be fulfilled by community sentencing. That said, the mere fact that it is more expensive to keep someone in prison than to impose a community sentence renders it a strong incentive to promote community-based punishment as opposed to keeping people in prison. It is definitely also an incentive of the community-based punishment system that much of it, for example, graffiti removal and house painting, benefits the community at large.”

#### **Lord Phillips on the need for a more diverse Judiciary ...**

Turning inwards to improvements that may be made to the English Judiciary itself, Lord Phillips recognises the need for diversity on the Bench. Lord Phillips is a firm supporter of having the Judicial Appointments Commission consider the need for diversity when selecting candidates for judicial appointments. When asked whether such an approach would be contrary to the entrenched principle of meritocracy that governs such appointments, Lord Phillips replied: “I don’t think it’s a question of conflict between quality and diversity at all. The Constitutional Reform Act 2005 (c 4) expressly necessitates appointments only on merit. Where one can hope to promote a more diverse Judiciary is to make it easier for the segments of the community that are not adequately represented to consider a career on the Bench. For example, we can consider increasing the number of female judicial appointees by allowing them time to tend to their children, as well as to



revert to the profession if they wish to do so. In relation to ethnic minorities, what we've done is to facilitate envisaging the Bench as within their reach as a desirable career option. To that end, we've instituted a shadowing scheme, which has been enthusiastically taken up, that allows those under the scheme to spend some time with judges and have a deeper understanding of the nuances of a judicial career."

#### **Lord Phillips on constitutional reform in the UK ...**

Lord Phillips's appointment as Lord Chief Justice comes at a time when the UK is undergoing significant constitutional and judicial reform. Changes include the creation of a Supreme Court to replace the House of Lords, as well as the reformation of the powers of the Lord Chancellor. Lord Phillips characterises such changes as being "motivated by a desire for transparency *vis-à-vis* the separation of powers". In Lord Phillips's view, the main substantive change is the creation of the Judicial Appointments Commission, as opposed to the Lord Chancellor, to appoint future members of the Bench. Lord Phillips noted: "In relation to the creation of the Supreme Court, this would ensure that the senior judges would not also be involved in legislative functions as concurrent Parliamentarians, a matter which is admittedly a fairly dramatic constitutional anomaly – an anomaly that the public has long had understandable difficulty in accepting. The difference is more in perception than anything else. In my view, it is much more important to ensure that the Law Lords be given first-class facilities in which justice can be effectively administered."

When asked whether the promulgation of such a clear divide between the legislative and judicial branches would result in the possibly undesirable effect of isolating the Judiciary from providing feedback on the development of legislation, Lord Phillips cautioned: "Quite apart from the fact that the Law Lords have little time to give any input on legislation, it has to be remembered that they don't take part, in any respect, in any matters which are political in nature, for their influence on the system should be predicated upon the work derived from their judicial appointments. In fact, I would think their sole involvement comes in the

form of committee-based work. In any event, even if they do partake in such legislation crafting, this cannot be sufficient justification for the retention of such a system ... It would be good if retired Law Lords have a significant influence in such a matter – given that they no longer sit in a judicial capacity, they would be able to provide significant guidance without inhibition."

Given Lord Phillips's position at the forefront of these changes, it is perhaps unsurprising when Lord Phillips remarks: "While I would like to be remembered for various things, including hopefully doing my part in synchronising the sentencing regime, given that the constitutional changes create a challenge in redefining and restructuring the manner in which judges interact with Parliament and the Executive, it would be nice to be remembered for having set the relationship on a sound foundation under the new constitutional regime."

#### **Lord Phillips on the difference between making a living and living ...**

Known to take a quick swim in Hampstead in the mornings and for being a fitness enthusiast who partakes in trekking and even cycling to work, Lord Phillips's advice to young lawyers just starting out in the profession is something tried and tested by Lord Phillips himself: "My advice is not easy but, if you can, do not mortgage the present for future. It is easy to spend your time working and find yourself at 35 and you've mortgaged your youth. Be careful to make sure your life is worth living." Highlighting that he has heard from numerous sources that the legal profession in Singapore is shrinking due, partly, to the long hours lawyers are subject to, Lord Phillips solemnly notes: "My advice to the employers then would be to run their firms in a manner which would ensure that their employees are able to maintain their social lives, for there is definitely no justification for making people work to the point of not allowing them to maintain a social life."

*Inter Se thanks The Right Honourable The Lord Phillips of Worth Matravers, Lord Chief Justice of England and Wales, for making time for this interview and wishes him the very best.■*



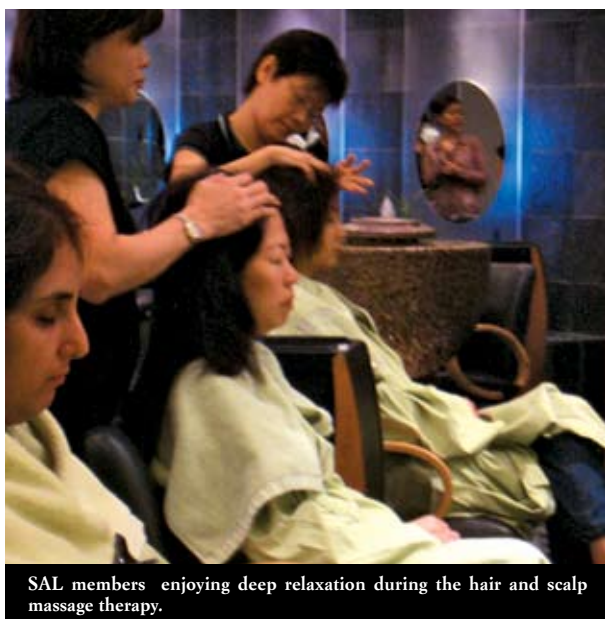
# GOOD LOOKS BEGIN WITH HEALTHY LOCKS

By SHERINA CHAN, ASSISTANT MANAGER,  
MEMBERSHIP RELATIONS AND CORPORATE COMMUNICATIONS, SAL

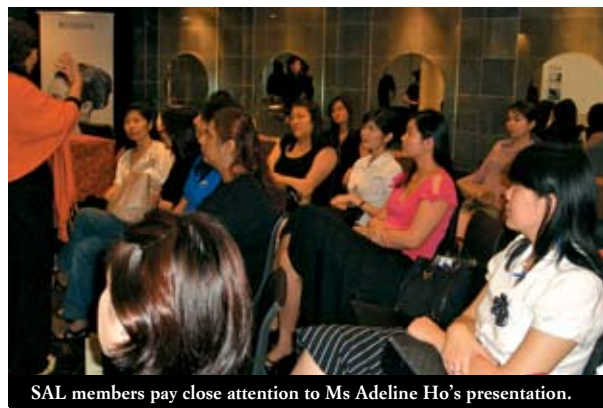
Singapore Academy of Law ("SAL") members were treated to a very special hair affair in September and October. Mahogany, a renowned hair and beauty spa, conducted complimentary hair-spa workshops for SAL members in their recently-renovated 4000 sq ft salon and day-spa facility at Winsland House.

The ambience of Mahogany's re-vamped premises is best characterised as relaxing chic – sounds from an elegant water fixture soothe the senses and crisp, white, minimalist décor suggest professionalism and harmony. The aural and visual elements of the place are complemented by the barely-there presence of aromatherapy.

The hair-spa workshop began with a presentation on common hair and scalp problems by Ms Adeline Ho from Kérastase, a professional line of hair-care products. Following a sumptuous dinner-buffet, the hair-spa workshop proceeded with individual scalp- and hair-condition evaluations for members, conducted by an elite team of hair stylists and consultants.



SAL members enjoying deep relaxation during the hair and scalp massage therapy.



SAL members pay close attention to Ms Adeline Ho's presentation.

First on the list of hair-spa therapies to be had that evening was the Pre-treatment and Hair-brushing Therapy. Ms April Loke, Marketing & Operations Director of Mahogany, explained the benefits of this therapy as follows: "Even the way our hair is brushed has its benefits. A good brushing technique helps exfoliate and cleanse our scalp. It gives our hair a healthy lustre, relaxes us and promotes better blood circulation to bring nutrients to the roots of our hair."

A hair and scalp massage was next on the list and this was followed by a hair bath and a hair-texturising treatment which ended with members having their hair styled by Mahogany's hair stylists. As an added bonus, members took home a goody bag of Kérastase products and hair-care advice based on the individual evaluations conducted earlier that evening. The hair-spa workshop was an immense success that left everyone looking good and feeling great. ■



If you have it, flaunt it (we're talking about lovely locks, of course)!

# PERSPECTIVES ON INDONESIAN LAW: PROFESSOR HIKMAHANTO JUWANA

By LINA TONG, MANAGER, INTERNATIONAL PROMOTION OF SINGAPORE LAW, SAL

The *SingaporeLaw* Committee recently invited Professor Hikmahanto Juwana, Dean of the Faculty of Law of the University of Indonesia (“UI”) to deliver a lecture on problems of law enforcement in Indonesia (with particular emphasis on the enforcement of foreign arbitral awards) as a Distinguished Visitor under the *SingaporeLaw* Visitors Programme. During his visit, Prof Hikmahanto also met up with various legal-related government agencies and educational institutions, and kindly agreed to be interviewed by *Inter Se* on the current state and future development of Indonesian law and legal infrastructure. Here are excerpts from that interview.



Professor Hikmahanto Juwana.

they create can be implemented effectively. Many assume that the laws they make will automatically be implemented. Many laws are also made by reference to law enforcement conditions in Jakarta or other bigger cities. Consequently, such laws cannot be enforced effectively in the smaller Indonesian regions.

The second problem is the influence of money. Money can buy

influence at all stages of law enforcement, ranging from the investigation of a case to the prosecution and trial stages. Money may also influence the decisions of judges, securing the release of a defendant or a reduction of a defendant’s sentence to the lightest possible one under the law. Such examples clearly illustrate that money can be used to weaken law enforcement in Indonesia.

Also, in recent years the media has become a powerful tool in influencing law enforcement. If the media is willing to place a case on its front page or mention it in big headlines, legal institutions are likely to be more responsive and quicker in handling the case. Though this may seem to be a positive pressure, we cannot assume that the case will be featured continuously in the media. When the same case disappears from news, so does law enforcement. While it is never the aim for law enforcement to be controlled by the media, we cannot deny that such fluctuating dynamism weakens the overall effectiveness of law enforcement in Indonesia.

## **What has been the single most important legal development in Indonesia in the last ten years?**

In my view, the single most important legal development is the way in which the Law, which used to be marginalised and viewed as an obstacle to revolution, has undergone a transition to become an institution to which everyone, including the government, adheres. Thus, law in Indonesia is beginning to play a more important role.

## **You discussed the subject of poor law enforcement in your lecture titled “Indonesia’s Legal Development: A Broken Wing”. What are the main problems leading to poor law enforcement in Indonesia today?**

There are a variety of problems leading to poor law enforcement in Indonesia today, of which I will highlight a few. First, the law makers do not pay sufficient attention to ensure that the laws

## **Are disputes in Indonesia more often resolved through the court system or through alternative dispute resolution?**

In the past five years, many disputes have been



Ms Serene Wee, Director and CEO of the Singapore Academy of Law, thanking Prof Hikmahanto after his lecture.

resolved through the court system. This is due to the growing awareness of law among the public. However, the court is often not used as a means to seek justice, but for other purposes such as seeking victory by defeating the opponents or to defend self honour and pride.

### **Is it easy to enforce foreign arbitral awards in Indonesia?**

It has never been easy to enforce foreign arbitral awards in Indonesia for various reasons. First, many of the judges handling enforcement of foreign arbitration awards do not have sufficient knowledge on arbitration. The next factor is that money has played a significant role in arbitration proceedings. Third, the Indonesia Arbitration and Dispute Resolution Act (Law No 30 of 1999) is not conducive for foreign arbitral awards to be enforced.

I hope the Government will acknowledge these problems and start acting to resolve them. To begin, enforcement of foreign arbitral awards should be conducted at the commercial court of the Central Jakarta Court, and the judges of the commercial court should undergo intensive and comprehensive training on arbitration law. To comply with international arbitral awards enforcement practice, the Government should also amend certain provisions in the Arbitration and Dispute Resolution Act 1999.

### **What advice would you give to foreign investors in Indonesia who wish to protect their legal interests? Is there a role that Singapore law and alternative dispute resolution can play in Indonesia-related transactions?**

Investors should bear in mind that Indonesia is

currently undergoing a transition in their legal system and this should be a key factor when considering whether to invest in Indonesia or not. Pressing the Government to produce more legislation is not the solution. However, putting this factor aside, Indonesia is still a good place to invest. Hence, to protect their interests, investors may consider resolving any commercial dispute outside Indonesia. This leads to the next question as to where such disputes should be resolved.

Over time, Indonesians are beginning to realise that settling disputes in far away places, such as Geneva or New York will not give them any added advantages. On the contrary, the cost of settling disputes in these cities is relatively high. Thus, I suggest that foreign investors may consider using Singapore as the dispute resolution platform because Indonesian parties are more familiar and comfortable with Singapore, which is near to Indonesia. The cost of dispute resolution in Singapore is also significantly lower than if resolved in Geneva or New York.

### **How would you describe your recent trip to Singapore as a Distinguished Visitor under the *SingaporeLaw* programme?**

I am now more familiar with how the Singapore legal system works, as well as the roles and responsibilities of different legal institutions in Singapore, some of which are very different from Indonesia. I have also developed wider contacts with the legal communities here, which previously have been limited only to academia. On the whole, the experience has been very enriching.

*Inter Se thanks Prof Hikmahanto for this interview and wishes him the very best. ■*



Prof Hikmahanto delivering his lecture on "Indonesia's Legal Development - A Broken Wing".

# INTERNATIONAL STANDARDS FOR WIRELESS PROTOCOLS: CHINA'S WAPI v THE UNITED STATES' WI-FI

By KWEK MEAN LUCK, SENIOR ASSISTANT REGISTRAR AND  
SENIOR DIRECTOR (LEGAL DIRECTORATE), SUPREME COURT

## CHINA'S INFRASTRUCTURE FOR DEVELOPING TECHNICAL STANDARDS

In 1978, Deng Xiao Ping started China on a path of economic reform that, amongst other things, culminated in the accession of China to the World Trade Organisation ("WTO") in December 2001. With this membership, China became subject to a range of obligations, including those contained in the WTO's Agreement on Technical Barriers to Trade, which prohibits the use of standards and compliance testing regulations to create barriers to trade.

In turn, China passed regulations with a view to meeting WTO obligations and commitments made to specific WTO members. China also set up a standards infrastructure to support standards creation.<sup>1</sup> In April 2001, a new agency, the Administration for Quality Supervision, Inspection and Quarantine ("AQSIQ"), was created through the merger of the existing State Administration for Entry-Exit Inspection and Quarantine, and the State Quality and Technical Supervision Bureau. AQSIQ created the Standards Administration of China ("SAC") and the China Regulatory Commission for Certification and Accreditation, both of which came under AQSIQ supervision.

The standards infrastructure programme was, however, far more extensive than that needed

to merely comply with trade law obligations. Ministries such as the Ministry of Information Industry adopted complex standards strategies as part of their core activities. By the beginning of 2003, China had created some 260 individual technical committees, each of which reported to the SAC, and which could be directed by the Government to undertake specific standards projects. Some 422 sub-committees were also in existence by the beginning of 2003. In all, some 27,800 technical specialists were deployed by early 2003 to the creation of standards. Industry associations also emerged at the local, regional and national levels, playing a role in the promotion of products based on Chinese standards.<sup>2</sup>

What drove this effort to create a complex standards infrastructure? China has built up an enviable manufacturing leadership position, but this was largely on the back of cheaper labour operating in foreign-owned manufacturing facilities, rather than on the basis of possessing the technical expertise to build high margin products under its own brands. In August 2004, a global accounting firm estimated that a Chinese manufacturer was required to pay between US\$15 to US\$22 in patent royalties in order to build a DVD player with a retail value as low as US\$60.<sup>3</sup> Another report estimated that 50% to 70% of the costs

<sup>1</sup> Andrew Updegrave, "The Yin and Yang of China's Trade Strategy: Deploying an Aggressive Standards Strategy under the WTO", *Consortium Standards Bulletin* (April 2005) vol IV, no 4, available on the Consortiuminfo.org website at <<http://www.consortiuminfo.org/bulletins/apr05.php#feature>> (accessed 24 September 2006).

<sup>2</sup> Ann Weeks and Dennis Chen, "Navigating China's Standards Regime", *China Business Review* (May-June 2003) available on the China Business Review Online website at <<http://www.chinabusinessreview.com/public/0305/weeks.html>> (accessed 24 September 2006).

<sup>3</sup> Deloitte's Global Technology, Media and Telecommunications (TMT) Industry Group, "Technology Firms Risk Losing Advantage as China's Influence on Global Standards Reaches Critical Levels" (4 August 2004) available on the Deloitte Belgium website at <[http://www.deloitte.com/dtt/press\\_release/0,1014,sid%253D%2526cid%253D56235,00.html](http://www.deloitte.com/dtt/press_release/0,1014,sid%253D%2526cid%253D56235,00.html)> (accessed 24 September 2006).



incurred by a Chinese company manufacturing a personal computer were due to IBM and Microsoft as royalty payments.<sup>4</sup> Consequently, China's standards policy has been aimed at the building of products based upon standards that either do not infringe upon foreign patents, or which would in fact require foreign vendors to pay royalties to Chinese patent holders.

Have the efforts to create standards borne fruit? In 2005, more patent applications were filed in China than in the United States, with about 470,000 in China compared with 410,000 in the US.<sup>5</sup> Significantly, 80% of the patents filed in China were by Chinese nationals, not foreign companies. The sheer volume of patent applications is not, in itself, an accurate barometer of the success of China's standards programme, nor is it indicative of the level of innovation. At the very least, it reflects the growing interest in China in developing intellectual property rights and the momentum generated by China's standards strategy.

Substantial technical hurdles invariably have to be overcome before technological standards of international quality can be developed. China has already devoted its enormous resources to this task. In the post WTO-accession era however, China also has to navigate through international trade law and the processes of international organisations. This was most clearly revealed in China's efforts to establish a new encryption standard developed in China as an international standard.

## CHINA'S WAPI

In late 2003, China stunned the computer-chip industry when it announced that as of 1 June 2004, all Wireless Local Area Network ("WLAN") equipment sold in China would have to comply with a new encryption standard developed in China called Wireless LAN Authentication and Privacy

Infrastructure ("WAPI"), and that access to WAPI technology would be limited to about two dozen Chinese companies. It said that its designation of WAPI was for information technology security reasons, and that China's Broadband Wireless Internet Protocol Standards group had developed WAPI to rectify what it perceived as security flaws in the encryption ability of Wi-Fi (also known as 802.11), the WLAN protocol for wireless communications between computers, which had been developed by the Institute of Electrical and Electronic Engineers (IEEE)<sup>6</sup> in 1997, and since adopted for use by Intel and other major computer chip manufacturers in the US.

If implemented, China's policy would have forced foreign companies like Intel to obtain licences to use WAPI from one of the two dozen Chinese firms, and in the process reverse the flow of royalty payments. The industry reacted with immediate concern. Intel announced in March 2004 that it would stop shipping Wi-Fi chips to China by May of that year because the perceived benefits of accessing the Chinese market did not outweigh the company's concerns about the new policy.<sup>7</sup> The US Government responded to concerns of the industry by stepping in. The US Trade Representative Robert Zoellick, Secretary of Commerce Donald Evans and Secretary of State Colin Powell, wrote a joint letter to Chinese Vice-Premier Zeng Peiyan stating concerns about China's WAPI policy.<sup>8</sup> The US Government was particularly concerned that the licensing feature might require transfer of technology from foreign firms to Chinese competitors. It urged China to reconsider mandatory implementation of the WAPI standard, noting that the compelled investment and technology transfer "would appear to be inconsistent with China's WTO commitments".

The legal argument behind the statement by

<sup>4</sup> Sherman So, "Low-cost Chip is Made for China", *South China Morning Post* (17 February 2004).

<sup>5</sup> Meredith Hobbs, "First Global IP Forum in China Sparks Interest", *Fulton County Daily Report* (5 June 2006).

<sup>6</sup> IEEE is an international non-profit, professional organisation for the advancement of technology related to electricity, with over 360,000 members in around 175 countries.

<sup>7</sup> Eric Griffith, "Intel Tells China: No more Chips" (11 March 2004), available on the Internetnews.com website at <<http://www.internetnews.com/wireless/article.php/3324601>> (accessed 24 September 2006).

<sup>8</sup> Robert Zoellick *et al*, "Letter From Bush Administration Officials to Beijing Protesting Wi-Fi Encryption Standards" (15 March 2004) available on the BusinessWeek Online website at <[http://www.businessweek.com/magazine/content/04\\_11/b3874018.htm](http://www.businessweek.com/magazine/content/04_11/b3874018.htm)> (accessed 24 September 2006).

Besides WAPI, there are Chinese standards for industries such as digital television, video disc, home networking, radio-frequency identification, audio-video compression and 3G cellular phones. In some of these industries, companies may find it more worthwhile to work within the framework of China's standards.

the US about potential inconsistency with WTO rules may very well have proceeded on the basis of an alleged breach of Art 2.4 of the WTO's Agreement on Technical Barriers to Trade ("TBT Agreement"), which states:

Where technical regulations are required and relevant international standards exist or their completion is imminent, Members shall use them, or the relevant parts of them, as a basis for their technical regulations except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued, for instance because of fundamental climatic or geographical factors or fundamental technological problems.

For a measure to fall within Art 2.4, a "technical regulation" must have been required. This has been held to be a measure that applies to an identifiable product or group of products, lays down one or more characteristics of the product and where compliance with the product characteristic is mandatory. China's WAPI policy meets the three elements of a "technical regulation". It applies to an identifiable group of products, namely, wireless products. It sets out characteristics of those products, namely, that they must comply with the WAPI proprietary standard. It also mandates compliance with WAPI if companies wish to sell inside China.

The next question would have been whether Wi-Fi constitutes an "international standard". The test for whether a standard exists turns on whether a recognised body of the international standardisation community adopted it, not whether all parties agreed to such a standard.<sup>9</sup> China's lack of acceptance of Wi-Fi would thus not stand in the way of the US putting forth an argument that Wi-Fi is an international standard adopted by the International Standards Organisation ("ISO"). If the US succeeded in this argument, it would next have to address the potential argument of China that Wi-Fi "would be an ineffective or inappropriate means for the fulfilment of legitimate objectives".

The diplomatic and legal clash in the WTO was averted after officials from both countries met in April 2004 and China agreed to indefinitely suspend the implementation of its WAPI policy. China then changed its approach. Effort was focussed on getting ISO acceptance of WAPI, which was put up for consideration as an international standard at an ISO meeting in November 2004. In March 2006, the members of the ISO rejected WAPI as an international standard, but approved 802.11i of the Wi-Fi family as the more-secure wireless protocol. In comments attached to their votes, some ISO members expressed concerns about WAPI's incompatibility with the well-established 802.11 protocol and noted that WAPI's development process was relatively closed, with China declining to reveal the underlying encryption algorithms for WAPI.

<sup>9</sup> WTO, *Report of the Appellate Body on European Communities Trade Description of Sardines*, WTO Doc WT/DS231/AB/R (26 September 2002), <<http://docsonline.wto.org>> (accessed 24 September 2006) at paras 218 and 222.

**BEYOND WAPI**

Notwithstanding its failure at ISO, China has signalled that it is committed to continue fighting for the adoption of WAPI. The strategy going forward for WAPI may depend on how China's strategies for other standards develop. Besides WAPI, there are Chinese standards for industries such as digital television, video disc, home networking, radio-frequency identification, audio-video compression and 3G cellular phones. In

some of these industries, companies may find it more worthwhile to work within the framework of China's standards. Where they do not, working within the framework of the TBT Agreement and participation in the global standards process within organisations such as the ISO would become necessary for China. In such situations, the dynamics that arise from the convergence of technological issues, global economics and trade diplomacy would be worth further watching. ■

Mr Kwek Mean Luck is Senior Assistant Registrar and Senior Director (Legal Directorate) of the Supreme Court. He has been involved in technology law and policy as a member of the Singapore Academy of Law's Technology Law Development Group, in the conceptualisation and introduction of technology law Continuing Legal Education programmes as a member of the Singapore Academy of Law's Legal Education and Studies Committee, in the introduction of award winning e-government portals such as the Ministry of Trade and Industry's business licensing on-line portal and the revamped Supreme Court website, and the development of technology law skills for officers as Mentor of the Singapore Legal Service's Technology Law Core Group.

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# LEGISLATION WATCH

By JOYCE CHNG AND EMILY TEO, LEGISLATION DIVISION, ATTORNEY-GENERAL'S CHAMBERS

[Note: A complete and detailed list of legislation may be found online at [http://www.sal.org.sg/media\\_newsletter.html](http://www.sal.org.sg/media_newsletter.html)]

## Subsidiary Legislation published in July and August

The **Competition (Appealable Decisions) Regulations 2006** (GN No S 421/2006, wef 14 July 2006) provide that the following decisions are decisions prescribed for the purposes of s 71 of the Competition Act (Cap 50B):

- (a) a decision made under reg 5(1) or reg 5(4), reg 6(1) or reg 7 of the Competition (Transitional Provisions for Section 34 Prohibition) Regulations 2005 (GN No S 869/2005); and
- (b) a decision for or in relation to the cancellation of a block exemption in respect of an agreement.

The **Competition (Amendment) Regulations 2006** (GN No S 422/2006, wef 14 July 2006) amend the Competition Regulations 2005 (GN No S 866/2005) principally to provide for —

- (a) where the Competition Commission of Singapore (“the Commission”) proposes to make a decision for or in relation to the cancellation of a block exemption in respect of an agreement, a notice to be given to each person whom the Commission considers is or was a party to the agreement;
- (b) reasonable opportunity for a relevant person to inspect certain documents in the Commission’s file that relate to the matters referred to in the notice given to him;
- (c) reasonable opportunity for a relevant person to make oral representations if requested; and
- (d) where the Commission has made a decision for or in relation to the cancellation of a block exemption in respect of an agreement, a notice to be given to each person whom the Commission considers is or was a party to the agreement, stating the facts on which the Commission relies and the Commission’s reasons for making the decision.

The **Housing and Development (Design-Build-and-Sell Scheme — Form of Contract) Rules 2006** (GN No S 508/2006, wef 28 August 2006) provide, amongst other things —

- (a) for an option to purchase in a prescribed form that an approved developer shall give to an intending purchaser of any flat under the Design-Build-and-Sell Scheme (“DBSS flat”);
- (b) for an agreement for the sale and purchase of a DBSS flat in a prescribed form that an approved developer shall give to a purchaser;
- (c) that an approved developer shall not make or cause to be made any amendment to any of the provisions in an option to purchase or an agreement for the sale and purchase except with the prior written approval of the Housing and Development Board (“the Board”);
- (d) that no purchaser of a DBSS flat shall assign to another all his rights, title and interest under an agreement made between him and the approved developer for the sale and purchase of the DBSS flat except with the prior written approval of the Board; and
- (e) that an approved developer shall not, without the prior written consent of the Board, seek from a purchaser of a DBSS flat, any waiver of the purchaser’s rights or any release from the performance of the approved developer’s duties and obligations under the agreement for the sale and purchase of the DBSS flat.

## Acts brought into operation in July and August

1. **Central Provident Fund (Amendment) Act 2006** (Act 15 of 2006) (wef 1 July 2006 *vide* GN No S 358/2006)
2. **Moneylenders (Amendment) Act 2006** (Act 19 of 2006) (wef 11 August 2006 *vide* GN No S 442/2006)



**3. Enlistment (Amendment) Act 2006**

(Act 14 of 2006) (wef 15 August 2006  
*vide* GN No S 461/2006)

**4. National Research Fund Act 2006**

(Act 17 of 2006) (wef 22 August 2006  
*vide* GN No S 497/2006)

**Revision of Acts**

The Law Revision Commissioners have prepared and published, in loose-leaf form, a revised edition of the following Acts, incorporating amendments up to 1 July 2006 (*wef* 31 July 2006 *vide* GN No S 429/2006):

1. CISCO (Dissolution) Act (Cap 47A)
2. Community Care Endowment Fund Act (Cap 49B)
3. Parks and Trees Act (Cap 216)
4. Trust Companies Act (Cap 336)

**Revision of Subsidiary Legislation**

The Law Revision Commissioners have published, in loose-leaf form, the August 2006 Revised Edition of Subsidiary Legislation made under the following Acts (*wef* 31 August 2006 *vide* GN No S 514/2006), incorporating all the amendments up to 1 August 2006:

- (1) Accounting and Corporate Regulatory Authority Act (Cap 2A)  
Accounting and Corporate Regulatory Authority (Composition of Offences) Rules (R 1) (S 169/2004)
- (2) Building and Construction Industry Security of Payment Act (Cap 30B)  
Building and Construction Industry Security of Payment Regulations (Rg 1) (S 2/2005)
- (3) Business Trusts Act (Cap 31A)
  - (a) Business Trusts (Summary Financial Statement) Regulations (Rg 1) (S 10/2005)
  - (b) Business Trusts Regulations (R 2) (S 11/2005)
  - (c) Business Trusts (Appeals) Regulations (Rg 3) (S 86/2006)
- (4) Competition Act (Cap 50B)
  - (a) Competition Regulations (Rg 1) (S 866/2005)

- (b) Competition (Composition of Offences) Regulations (Rg 2) (S 867/2005)
- (c) Competition (Fees) Regulations (Rg 3) (S 868/2005)
- (d) Competition (Transitional Provisions for Section 34 Prohibition) Regulations (Rg 4) (S 869/2005)
- (e) Competition (Appeals) Regulations (Rg 5) (S 129/2006)
- (f) Competition (Appealable Decisions) Regulations (Rg 6) (S 421/2006)
- (g) Competition (Block Exemption for Liner Shipping Agreements) Order (O 1) (S 420/2006)
- (5) Control of Plants Act (Cap 57A)  
Control of Plants (Import and Transshipment of Fresh Fruits and Vegetables) Rules (R 1) (S 9/99)
- (6) Diplomatic and Consular Relations Act (Cap 82A)  
Diplomatic and Consular Relations (Powers of Consular Officers) Order (O 1) (S 279/2005)
- (7) Manufacture of Optical Discs Act (Cap 170C)  
Manufacture of Optical Discs Regulations (Rg 1) (S 452/2004)
- (8) Plant Varieties Protection Act (Cap 232A)  
Plant Varieties Protection Rules (R 1) (S 368/2004)
- (9) Police Force Act (Cap 235)
  - (a) Police Regulations (Rg 1) (S 633/2004)
  - (b) Auxiliary Police Forces Regulations (Rg 2) (S 625/2004)
  - (c) Police (Special Constabulary) Regulations (Rg 3) (S 634/2004)
  - (d) Police Force (Transitional Provisions for Auxiliary Police Associations) Regulations (Rg 4) (S 281/2005)
  - (e) Police Force (Transitional Provisions for Service Offences) Regulations (Rg 5) (S 314/2005)
  - (f) Auxiliary Police Forces (N 1) (S 992/61)
  - (g) Police Force (Intelligence Officers with Police Powers) Notification (N 5) (S 627/2004)
  - (h) Powers, Privileges and Immunities of Auxiliary Police Officers (N 6) (S 626/2004)■

# LEGAL EDUCATION AND TRAINING CALENDAR FOR NOVEMBER 2006 TO DECEMBER 2006

DATE	EVENT	SPEAKERS/TRAINERS	ORGANISER(S)
10 Nov (Fri) 2.15pm–6.15pm	Gambling & The Law: Double of Nothing?	Mr Lau Kok Keng, Rajah & Tann, Mr Yap Wai Ming, Stamford Law Corporation & Mr Steve Ives, Betfair Games	SAL & LawSoc
13 Nov (Mon) 9.00am–5.00pm 11.30am–2.30pm	MS Word for Legal Professionals	CrimsonLogic	LTC
14–16 Nov (Tue–Thu) 9.00am–5.00pm	EFS Front-end Web-based Full Course	CrimsonLogic	LTC
15 Nov (Wed) 4.00pm–6.00pm	Forensics, e-Discovery and Technology	Ms Abigail Cheadle, Deloitte Singapore, Mr Hri Kumar, Drew & Napier & Mr Damien Adams, CCH Workflow Solutions in Asia.	CCH, LTC & SAL
15–17 Nov (Wed–Fri) 9.00am–5.00pm	PCDT-ICDL Certification in Database (Using MS Access)	NTUC Learning Hub	LTC*
16 Nov (Thu) 1.30pm–5.30pm	STARS eLodgment	BiziBody	LTC
17 Nov (Fri) Session 1: 9.30am–12.30pm Session 2: 2.30pm–5.30pm	EFS ROC Changes Phase 2	CrimsonLogic	LTC
20–22 Nov (Mon–Wed) 9.00am–5.00pm	Microsoft Office Specialist Certification (Powerpoint XP)	NTUC Learning Hub	LTC*
21 Nov (Tue) 9.00am–5.00pm	Wealth Management: Rising Challenges	Mr David Chong, Portcullis Group, Mr Paul Stefansson, UBS Singapore & Mr Michael Darwyne, Portcullis Institute	SAL & Portcullis Institute
23 Nov (Thu) 9.00am–5.00pm	Intereq & STARS eLodgment Workshop	CrimsonLogic / BiziBody	LTC
24 Nov (Fri) Session 1: 9.00am–12.00pm Session 2: 2.00pm–5.00pm	EFS ROC Changes	CrimsonLogic	LTC
27 Nov (Mon) 9.30am–5.30pm	LawNet Services at a Glance	CrimsonLogic	LTC
28–30 Nov (Tue–Thu) 9.00am–5.00pm	Microsoft Office Specialist Certification (Access XP)	NTUC Learning Hub	LTC*
30 Nov (Thu) 9.00am–5.00pm	EFS ROC Changes Phase 1 & 2	CrimsonLogic	LTC
1 Dec (Fri) Session 1: 9.00am–12.00pm Session 2: 2.00pm–5.00pm	EFS Phase 4B (Filing to Family Courts) (Auto-generation of Court Doc)	CrimsonLogic	LTC

\*Partnership Programme with NTUC Learning Hub

For SAL events: Please note that all information is correct at the time of printing. While every effort is made to retain the original arrangements, changes may sometimes be necessary. An updated version of this calendar is available at the following website: [http://www.sal.org.sg/events\\_calendar.htm](http://www.sal.org.sg/events_calendar.htm)

For enquiries and more information, please contact the respective organisers:

- LawNet Training Centre (LTC): Ms Helen Leong at 6332 4256 or Ms Aida Bte Abdul Rahman at 6332 4382 or e-mail [lrc@sal.org.sg](mailto:lrc@sal.org.sg)
- Singapore Academy of Law (SAL): Ms Janice See at tel: 6332 4149 or Ms Serene Ong at tel: 6332 4032 or [les@sal.org.sg](mailto:les@sal.org.sg)
- Singapore Mediation Centre (SMC): Ms Surinder Kaur at tel: (65) 6332 4213 or [surinder\\_kaur@sal.org.sg](mailto:surinder_kaur@sal.org.sg)

# FOR THE RECORD

16 November 2006	Thursday	<p><b>"Thanksgiving - Turkey Delights" at Conrad Centennial Singapore</b>  <b>Time: 7.00pm; Venue: Pool Pavilion, Level 4, Conrad Centennial Singapore</b>  <b>Cost of workshop: \$55 per person (UP: \$60)</b>  <b>Price includes a cooking workshop, a welcome drink, sampling of dishes and a buffet dinner voucher at Oscar's.</b></p>
8 December 2006	Friday	<p><b>Singapore Academy of Law Charity Project 2006 - "Spread the Warmth and Love of Christmas to Special Children"</b>  <b>Time: 2.30pm - 6.30pm; Venue: Supreme Court</b></p>
14 December 2006	Thursday	<p><b>"Christmas Cookies &amp; Treats" at Conrad Centennial Singapore</b>  <b>Time: 7.00pm; Venue: Pool Pavilion, Level 4, Conrad Centennial Singapore</b>  <b>Cost of workshop: \$55 per person (UP: \$60)</b>  <b>Price includes a cooking workshop, a welcome drink, sampling of dishes and a buffet dinner voucher at Oscar's.</b></p>

\*Please note that SAL reserves the right to make any amendments to the calendar if warranted by circumstances beyond its control.  
For inquiries on events, please contact Sherina Chan, tel: 6332 0078 or e-mail [sherina\\_chan@sal.org.sg](mailto:sherina_chan@sal.org.sg)

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- Hollywood Secrets, International Building, #01-09/10, 360 Orchard Road, Singapore 238869. Tel: 6735 3375.
- Hollywood Secrets, Scotts Shopping Centre, #03-19/22, 6 Scotts Road, Singapore 228209. Tel: 6736 3940.
- Hollywood Secrets, Far East Plaza, #03-133, 14 Scotts Road, Singapore 228213. Tel: 6734 4688.