

inter se online



in the news

Legal news headlines in August and September 2007.



in the know

Information on Academy activities for members at work and at play!



legislation update

Legislation passed or revised in August and September.



case law update

Catchword summaries of cases from the Supreme Court, organised by subject matter. Catchwords for Subordinate Courts cases coming soon!



calendar

Training calendar for October 2007.



inter se online

in the news

► At Large

- [Headlines in The Straits Times](#)
- [Headlines in The Business Times](#)
- [Headlines in Today](#)
- [Headlines in Channel NewsAsia](#)

► At Play

- [Biggest Car Rally for Academy Members](#)

► At Work

- [A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations](#)
- [Asian Mediation Association: A New Chapter for Mediation Services in Asia](#)

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in the news inter se^{online}

► At Large

- [Headlines in The Straits Times](#)
- [Headlines in The Business Times](#)
- [Headlines in Today](#)
- [Headlines in Channel NewsAsia](#)

► At Play

- [Biggest Car Rally for Academy Members](#)

► At Work

- [A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations](#)
- [Asian Mediation Association: A New Chapter for Mediation Services in Asia](#)

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in the news inter se^{online}

► At Large

- [Headlines in The Straits Times](#)
- [Headlines in The Business Times](#)
- [Headlines in Today](#)
- [Headlines in Channel NewsAsia](#)

► At Play

- [Biggest Car Rally for Academy Members](#)

► At Work

- [A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations](#)
- [Asian Mediation Association: A New Chapter for Mediation Services in Asia](#)

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in the news inter se^{online}

► At Large

- [Headlines in The Straits Times](#)
- [Headlines in The Business Times](#)
- [Headlines in Today](#)
- [Headlines in Channel NewsAsia](#)

► At Play

- [Biggest Car Rally for Academy Members](#)

► At Work

- [A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations](#)
- [Asian Mediation Association: A New Chapter for Mediation Services in Asia](#)

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inter se online

in the news

► At Large

- [Headlines in The Straits Times](#)
- [Headlines in The Business Times](#)
- [Headlines in Today](#)
- [Headlines in Channel NewsAsia](#)

► At Play

- [Biggest Car Rally for Academy Members](#)

► At Work

- [A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations](#)
- [Asian Mediation Association: A New Chapter for Mediation Services in Asia](#)

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in the news inter se^{online}

► At Large

- *Headlines in The Straits Times*
- ***Headlines in The Business Times***
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*

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inter se online in the news

► At Large

- *Headlines in The Straits Times*
- ***Headlines in The Business Times***
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC’s 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*

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in the news inter se^{online}

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- ***Headlines in Today***
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*

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inter se online

in the news

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- ***Headlines in Today***
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*

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inter se online in the news

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

Headlines in *Channel NewsAsia*

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► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*



in the news inter se^{online}

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- ***Biggest Car Rally for Academy Members***

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*

Biggest Car Rally for Academy Members

By Rebecca Sit, Senior Executive, Membership Development, Singapore Academy of Law

"And the winner of the Island Rover 2007 Car Rally is Team 368 – The Infields!"

Loud clapping and cheering filled the dinner tent as everyone turned their heads to see who they were. Two lawyers from Allen & Gledhill beamed with excitement as they made their way onto the stage to receive the top prize of a 4D/3N stay at the W Retreat and Spa in Maldives, kindly sponsored by Starwood Asia Pacific Hotels and Resorts Ltd, and Singapore Airlines.



Sixty-eight cars and 270 participants from different sectors across the legal fraternity took part in the Island Rover 2007 Car Rally held on Saturday, 18 August 2007. Each team had to try and collect the highest points by navigating an island-wide food tour and completing game stations that were set up at the food stations. The event was jointly organised by the Singapore Academy of Law ("SAL") and the Law Society of Singapore, and managed by events organiser, Wheels For Fun. The Honourable the Chief Justice Chan Sek Keong was the Guest-of-Honour for the event and the Honourable Justice Kan Ting Chiu flagged off the cars in the morning at the NUS Law Faculty at Bukit Timah Campus.



in the news inter se^{online}

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*

The Honourable Justice Lai Siu Chiu, Chairperson of the Membership and Social Committee of SAL, highlighted that it is her aim to ensure that members are given the opportunity to meet, socialise and have fun together. This event was intended to bring together different communities of the legal profession for the purpose of fostering *esprit de corps* and at the same time, contribute to charity. A total of \$5,000 was raised and donated to the Singapore After-Care Association ("SACA"), an association that provides programmes and services to help ex-offenders and their families socially, emotionally and financially.





in the news inter se^{online}

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*



Despite the wet weather, some teams took the effort to dress up their cars in the hope of winning the Best Dressed Car prize. All participants were given a goodie bag filled with shopping and dining vouchers, and treated to a sumptuous barbeque dinner with live entertainment from The Illegals (Rajah & Tann's house band). Land Rover, the main sponsor for the event, also brought in the Freelander 2 for the participants to get the first-ever experience of test-driving the vehicle in Singapore.

The event was a success and the participants certainly enjoyed the car rally. Bonds were

strengthened between different segments of the legal profession and this signals the desire of the profession to come together for more of such events in the future.

Feedback from participants

Overall, the car rally was fun and enjoyable. We got to experience new places for makan as well as places of interest!

Mimi Oh

Although we didn't win a single thing, we had loads of fun losing (as did many others) and that, essentially, was what made the entire event a success after all.

Brian Ng

Our team enjoyed the Car Rally, and it was more fun than we had honestly expected!

Tan Perng Yih

It was a very enjoyable event, and we look forward to participating every year!

Charissa Soh



in the news inter se^{online}

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*

A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations

By Vrinda Deshpande, Intern, Singapore Mediation Centre

The Singapore Mediation Centre ("SMC") celebrated its 10th anniversary on 17 August 2007. The celebration luncheon held at Four Seasons Hotel was attended by mediators, clients, members of the judiciary and supporters from both private and government-related organisations.



The highlight of the celebrations was the launch of the Asian Mediation Association ("AMA") together with five leading mediation centres in Asia. Representatives from Hong Kong Mediation Centre, Indonesian Mediation Centre, Malaysian Mediation

Centre, Philippine Mediation Centre and SMC signed the Memorandum of Understanding forming the AMA. The signing ceremony was witnessed by The Honourable the Chief Justice Chan Sek Keong and The Honourable the Attorney-General Chao Hick Tin.

In his welcome speech, the Honourable Justice Andrew Ang, Chairman of SMC, acknowledged the significant contributions of Chief Justice Chan Sek Keong and retired Chief Justice Yong Pung How. It was the





in the news inter se^{online}

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*

foresight and vision of then Attorney-General Chan Sek Keong which led to the conception of SMC. SMC was officially launched on 16 August 1997 by then Chief Justice Yong Pung How who strongly encouraged the judiciary to support mediation and the SMC. Both the Supreme Court and Subordinate Courts have been referring cases suitable for mediation to SMC since its launch in 1997.

Justice Ang went on to acknowledge his predecessors, former Justice Goh Joon Seng and Attorney-General Chao Hick Tin, for the excellent work they had done in building up SMC's reputation as Singapore's flagship mediation centre.

Justice Ang pointed out that with the increase in international trade, SMC should build up its resources and capabilities so as to be able to help resolve international disputes.

Currently, SMC has an International Panel of Mediators comprising experienced and well-known neutrals such as former President of Finland, Mr Martti Ahtisaari, Adviser and Special Envoy of the President of Indonesia, Mr Ali Alatas and Ambassador-at-Large, Professor Tommy Koh. SMC is also a founding member of the International Mediation Institute ("IMI"), a body which certifies international competency standards for mediators.



The guests were also entertained and charmed by guest speaker Professor Tommy Koh who recalled his experience as an international mediator in the Baltic Nations. In the summer of 1993, Prof Koh accepted the appointment given by then



inter se online

in the news

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*

UN Secretary-General Dr Boutros Boutros-Ghali, as his Special Envoy to Russia, and the Baltic Nations of Latvia, Lithuania and Estonia, to mediate the dispute over the Russian unilateral annexure of those nations. The mediation was successful and Prof Koh recounted episodes where he had to deal with the deep emotions of the Baltic people who had suffered in the past. He also credited success of the mediation to the timing of international efforts and movements of the time.

In his conclusion, Prof Koh highlighted the importance and potential of mediation, and encouraged SMC to expand its role to include international mediation as part of its work.

After the engrossing narrative by Prof Koh, the guests enjoyed the fine food and one another's company. An exquisite three-course Western meal was served to the accompaniment of melodious tunes by a live string quartet.



in the news inter se online

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC’s 10th Anniversary Celebrations*
- ***Asian Mediation Association: A New Chapter for Mediation Services in Asia***

Asian Mediation Association: A New Chapter for Mediation Services in Asia

By Vrinda Deshpande, Intern, Singapore Mediation Centre

Five leading mediation centres have agreed to pool their resources to promote and facilitate the use of mediation to settle disputes of businesses operating in the region. The Asian Mediation Centre (“AMA”) formed by Hong Kong Mediation Centre, Indonesian Mediation Centre, Malaysian Mediation Centre, Philippine Mediation Centre and Singapore Mediation Centre will provide a regional dispute resolution infrastructure for conflict management and dispute resolution that will support the

increasing cross-border investment and trade activities of the fast-growing Asian economies.





in the news inter se^{online}

► At Large

- *Headlines in The Straits Times*
- *Headlines in The Business Times*
- *Headlines in Today*
- *Headlines in Channel NewsAsia*

► At Play

- *Biggest Car Rally for Academy Members*

► At Work

- *A Decade of Excellence in Resolving Disputes – SMC's 10th Anniversary Celebrations*
- *Asian Mediation Association: A New Chapter for Mediation Services in Asia*



As greater cross-border trade activities mean greater possibility for cross-border disputes, AMA provides Asian businesses an avenue to resolve disputes in an amicable way so that business relationships can be maintained.

AMA aims to establish a system for members to refer disputes to other AMA members in cases where a neutral venue is required.

It will also enable its member organisations to share resources, best practices, experience and local knowledge. This will be done through joint promotional events, conferences, and research and development projects. AMA also intends to have more mediation organisations in Asia on board so that it can better achieve its objectives. AMA's Secretariat is based in Singapore at the Singapore Mediation Centre.

AMA was launched at SMC's 10th Anniversary Luncheon on 17 August 2007 and was well-covered by various local media such as *Channel NewsAsia*, *The Straits Times*, *The Business Times*, *Lianhe Zaobao* and many local radio stations.



in the know inter se^{online}

► At Play

- *Calling for Volunteer Interviewers: Be A Part of the SAL Oral History Project!*

► At Work

- *Singapore Academy of Law Postgraduate Scholarships – NYU@NUS Dual Graduate Degree Programme in Singapore 2008/2009*

Calling for Volunteer Interviewers: Be A Part of the SAL Oral History Project!

Singapore Academy of Law is reviving the Oral History project to interview individuals who were involved in Singapore's development from 1950 to the 1980s and is looking for volunteers to interview members of the judiciary as well as the legal service and academia.

Volunteers will help to capture and record valuable snippets of our legal heritage during an important period of Singapore's history. Our legal heritage is an important part of our nation's history and development, and your assistance as a volunteer will be immensely invaluable. By capturing the thoughts, impressions and experiences of those who participated in the progress of Singapore firsthand through oral interviews,

you can help preserve these memories before they are lost forever.

If you can volunteer 20 hours of your time within the period of one to two months to help as an Interviewer in this project, we would love to hear from you.

All volunteers will be given the necessary training by the Oral History Centre and will be reimbursed transport expenses.

To apply, please send your name, e-mail address, telephone number and a short description of your qualifications and current job (if applicable) to catherine_png@sal.org.sg. Do feel free to send us your queries, if any, too!

We look forward to hearing from you!



in the know inter se online

► At Play

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► At Work

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Singapore Academy of Law Postgraduate Scholarships – NYU@NUS Dual Graduate Degree Programme in Singapore 2008/2009

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 experience two educational systems and earn a Masters of Law from both the National University of Singapore and New York University.

Applicants must:

- be members of the Singapore Academy of Law;
- be below 40 years of age as at January 2007;
- 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 contact Ms Sheeba Said at 6332 4006.

Application forms may be downloaded from the SAL website at www.sal.org.sg or obtained from:

Singapore Academy of Law
1 Supreme Court Lane
Level 4
Singapore 178879

The closing date for applications has been extended to **12.30pm, 1 December 2007 (Saturday)**.



legislation update inter se^{online}

► Bills Introduced in Parliament in August

► Subsidiary Legislation Published in August and September

► Acts Brought into Operation in August and September

Bills Introduced in Parliament in August

The **Monetary Authority of Singapore (Amendment No 2) Bill** (No 30/2007) seeks to amend the Monetary Authority of Singapore Act (Cap 186) for the following main purposes:

- (a) to provide that, for the avoidance of doubt, any direction issued under s 27B of the Act (to prevent money laundering or terrorism financing) is deemed not to be subsidiary legislation;
- (b) to increase the maximum fine for an offence under ss 27A(5) and 27B(2) of the Act from \$100,000 to \$1m, and to increase the fine for a continuing offence under s 27B(2) of the Act from \$10,000 to \$100,000 for each day that the offence continues after conviction;
- (c) to make it clear that the term "financial institution", as used in ss 27A and 27B of the Act, includes any holder of a

- stored value facility under the Payment Systems (Oversight) Act (Cap 222A); and
- (d) to insert a new provision to deal with offenders which are bodies corporate or unincorporated associations.

The **Inquiries Bill** (No 31/2007) provides for the appointment of a commission of inquiry by the President of Singapore and the appointment of a committee of inquiry by the relevant Minister, and matters relating thereto.

Under the Bill, the President may issue a commission to appoint one or more commissioners to conduct an inquiry into the conduct of officers or departments of the public service or public or local institutions and any matters for the public welfare or in the public interest.

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers



legislation update inter se online

► **Bills Introduced in Parliament in August**

► **Subsidiary Legislation Published in August and September**

► **Acts Brought into Operation in August and September**

A committee of inquiry may be appointed by any Minister in order to inquire into accidents or occurrences with serious or fatal consequences, occurrences that may endanger public safety or public health, the conduct or management of a ministry, department or statutory body falling under the responsibility of the Minister, or the conduct of any officer employed by or seconded to such ministry, department or statutory body.

The Bill also repeals the Commissions of Inquiry Act (Cap 48) and makes related amendments to the Oaths and Declarations Act (Cap 211), the Parliament (Privileges, Immunities and Powers) Act (Cap 217), the Subordinate Courts Act (Cap 321) and the Supreme Court of Judicature Act (Cap 322).

The **Land Titles (Strata) (Amendment) Bill** (No 32/2007) seeks to amend the Land Titles (Strata) Act (Cap 158) for the following main purposes:

- (a) to provide additional requirements to be met before an application for any collective sale of a development may be made to a Strata Titles Board ("Board");
- (b) to empower a Board to increase, in appropriate cases, the sale proceeds for minority owners who have filed valid objections to the Board;
- (c) to provide for the composition, constitution and proceedings of a collective sale committee for the purposes of Pt VA of the Act;
- (d) to empower a Board to disregard any technical or procedural irregularity in any application for an order for the collective sale of a development provided that such irregularity will not prejudice the interest of any person;
- (e) to enable any subsidiary proprietor who has signed a collective sale agreement to rescind his agreement to be a party to the collective sale agreement within the cooling-off period; and

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers



legislation update inter se online

► Bills Introduced in Parliament in August

► Subsidiary Legislation Published in August and September

► Acts Brought into Operation in August and September

- (f) to require the valuation report for the purposes of a collective sale of a development to be from an independent valuer reflecting the value of the development as at the date of the close of the public tender or public auction.

The Bill also makes related amendments to the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004).

The **Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Bill** (No 33/2007) seeks to amend the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap 65A) for the following main purposes:

- (a) to clarify when the duty to make suspicious transaction reports arises;
- (b) to extend the scope of the money laundering offences under the Act to

the acquisition, possession and use of proceeds of crime;

- (c) to provide for a reporting system for cross-border movements of physical currency and bearer negotiable instruments; and
- (d) to increase the penalties for various offences under the Act.

The **Building Control (Amendment) Bill** (No 34/2007) seeks to amend the Building Control Act (Cap 29) for the following main purposes:

- (a) to raise standards of work in the construction industry by licensing builders;
- (b) to regulate major geotechnical works as if these were building works for permanent buildings involving key structural elements;
- (c) to ensure adequate supervision of structural works by requiring the

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legislation update inter se online

► **Bills Introduced in Parliament in August**

► **Subsidiary Legislation Published in August and September**

► **Acts Brought into Operation in August and September**

qualified persons and the builders to have their own respective supervision teams;

- (d) to ensure that the qualified person who is appointed to supervise building works will be independent from the influence of the developer;
- (e) to require building owners and occupiers to refrain from altering their premises so as to cease to be in compliance with certain building performance requirements, such as the performance requirements for persons with disabilities; and
- (f) to raise the criminal penalties in order to be aligned with the Workplace Safety and Health Act (Cap 354A).

The Bill also makes consequential amendments to the Building and Construction Authority Act (Cap 30A) and the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004).

The **Strategic Goods (Control) Bill** (No 35/2007) seeks to amend the Strategic Goods (Control) Act (Cap 300) for the following main purposes:

- (a) to extend the application of the Act to dual-use goods and dual-use technology to be prescribed by the Minister;
- (b) to regulate the bringing in transit of prescribed strategic goods; and
- (c) to enable strategic goods and strategic goods technology to be set out in an order to be published in the *Gazette* rather than in a Schedule to the Act.

The **Pharmacists Registration Bill** (No 36/2007) seeks to repeal and re-enact the Pharmacists Registration Act (Cap 230) with the following changes:

- (a) to establish a new statutory body known as the Singapore Pharmacy Council ("Council");
- (b) to provide for a comprehensive framework for the registration of pharmacists and specialists;

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legislation update inter se online

► **Bills Introduced in Parliament in August**

► **Subsidiary Legislation Published in August and September**

► **Acts Brought into Operation in August and September**

- (c) to provide for the establishment of the Specialists Accreditation Board to deal with matters affecting or connected with the registration of specialists under the Bill;
- (d) to establish the framework for disciplinary proceedings and inquiries against pharmacists which is in line with that in the Medical Registration Act (Cap 174); and

- (e) to empower the Council to prescribe compoundable offences and to compound offences.

The Bill also makes consequential amendments to the Customs Act (Cap 70), the Medicines Act (Cap 176), the Poisons Act (Cap 234), the Private Hospitals and Medical Clinics Act (Cap 248) and the Statutory Corporations (Contributions to Consolidated Fund) Act (Cap 319A).

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legislation update inter se online

► **Bills Introduced in Parliament in August**

► **Subsidiary Legislation Published in August and September**

► **Acts Brought into Operation in August and September**

Subsidiary Legislation Published in August and September

The Minister for Law has, by the **Mutual Assistance in Criminal Matters (Lao People’s Democratic Republic) Order 2007** (GN No S 418/2007, wef 20 June 2007), declared the Lao People’s Democratic Republic as a prescribed foreign country for the purposes of Pt III of the Mutual Assistance in Criminal Matters Act (Cap 190A).

The **Extradition (Commonwealth Countries) Declaration 2007** (GN No S 425/2007, wef 15 August 2007) specifies, in the Schedule thereto, the countries that are declared to be Commonwealth countries for the purposes of Pt IV of the Extradition Act (Cap 109).

The **Singapore Academy of Law (Amendment) Rules 2007** (GN No S 435/2007, wef 21 August 2007) amends the Singapore Academy of Law Rules (Cap 294A, R 1) to remove rules relating to

the reservation of the Academy’s facilities by the Membership and Social Committee of the Academy and the usage of the Academy’s facilities by its members as following the move of the Academy to the new Supreme Court building, the facilities in that building are now managed by the Supreme Court.

The **Singapore Armed Forces (Deployment in Aid of Civilian Authorities – Protection of Key Installations) Order 2007** (GN No S 449/2007, wef 29 August 2007) provides that the Singapore Armed Forces is deployed to assist the Singapore Police Force to protect the installations at the following locations and the persons and property therein against any terrorist attack which could occur on the infrastructure or installations at any such location:

(a) all the infrastructure at Jurong Island;

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legislation update inter se^{online}

► Bills Introduced in Parliament in August

► Subsidiary Legislation Published in August and September

► Acts Brought into Operation in August and September

- (b) Sembawang Wharves;
- (c) Exxon Refinery, 18 Pioneer Road; and
- (d) Singapore Changi Airport.

The **Building Maintenance and Strata Management (Strata Titles Board) (Amendment) Regulations 2007**

(GN No S 462/2007, wef 1 September 2007) amend the Building Maintenance and Strata Management (Strata Titles Board) Regulations 2005 (GN No S 195/2005) to provide that every member of a Strata Titles Board who is mediating or arbitrating one or more disputes or matters or engaged in any direction hearing connected with the disputes or matters on any day (whether as a member of one or more Boards) shall be paid the following allowances:

- (a) President — \$600 for each day or part thereof;

- (b) Deputy President — \$500 for each day or part thereof; and
- (c) Member — \$400 for each day or part thereof.

The **Delegation of Powers (Ministry of Law) Notification 2007** (GN No S 465/2007, wef 1 September 2007) provides that the Minister for Law has deputed the Permanent Secretary, Ministry of Law, to exercise the powers of the Minister set out in ss 3(12), 9(1), (2) and (3), 22, 25 (except sub-ss (7B), (7C), (12) and (13)), 26, 28 (except sub-s (5)), 28A (except sub-s (5)), 29(1) and (2), 30 and 31 (except sub-ss (11) and (12)) of the Residential Property Act (Cap 274).

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legislation update inter se online

► Bills Introduced in Parliament in August

► Subsidiary Legislation Published in August and September

► Acts Brought into Operation in August and September

Acts Brought into Operation in August and September

Postal Services (Amendment) Act 2007 (Act 34 of 2007) (wef 24 August 2007 by GN No S 439/2007)

Commodity Trading (Amendment) Act 2007 (Act 35 of 2007) (ss 26(b) and 28(c) wef 27 August 2007 by GN No S 442/2007)

Constitution of the Republic of Singapore (Amendment) Act 2007 (Act 31 of 2007) (wef 1 September 2007 by GN No S 455/2007 except ss 2, 8, 9 and 11)

Ngee Ann Kongsı (Incorporation) (Amendment) Act 2007 (Act 37 of 2007) (wef 1 September 2007 by GN No S 456/2007)

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers



case law update inter se online

▶ **Admiralty and Shipping**

▶ **Civil Procedure**

▶ **Contract**

▶ **Criminal Law**

▶ **Criminal Procedure and Sentencing**

▶ **Evidence**

▶ **Family Law**

▶ **Land**

▶ **Road Traffic**

▶ **Tort**

Admiralty and Shipping

Carriage of goods by sea — Bareboat charterparties — Third-party shipowner providing unseaworthy barge to carrier of goods — Whether shipowner liable to indemnify carrier of goods for loss caused by unseaworthiness of barge

PT Soonlee Metalindo Perkasa v Synergy Shipping Pte Ltd (Freighter Services Pte Ltd, third party) [2007] SGHC 121

Carriage of goods by sea — Voyage charterparties — Seaworthiness — Goods falling overboard during voyage — Whether barge unseaworthy — Whether loss of goods caused by unseaworthiness of barge

PT Soonlee Metalindo Perkasa v Synergy Shipping Pte Ltd (Freighter Services Pte Ltd, third party) [2007] SGHC 121

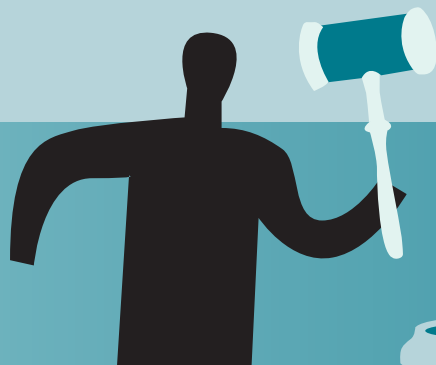
Limitation of liabilities — Bill of lading endorsing “shipped on deck at shipper’s risk” and containing limitation clause — Whether clauses in bill of lading incorporated into contract of carriage — Whether clauses sufficient to exclude or limit carrier of goods’ liability

PT Soonlee Metalindo Perkasa v Synergy Shipping Pte Ltd (Freighter Services Pte Ltd, third party) [2007] SGHC 121

Civil Procedure

Pleadings — Striking out — Principles to be applied in a striking out application — Whether it was too late in the proceedings to order striking out

Orient Centre Investments and another v Societe Generale [2007] SGCA 24



case law update inter se^{online}

▶ Admiralty and Shipping

▶ Civil Procedure

▶ **Contract**

▶ Criminal Law

▶ Criminal Procedure and Sentencing

▶ Evidence

▶ Family Law

▶ Land

▶ Road Traffic

▶ Tort

Contract

Contractual terms — Express and implied terms — Contract of carriage — Whether any implied or express term that carrier of goods would only use its own barge to carry goods

PT Soonlee Metalindo Perkasa v Synergy Shipping Pte Ltd (Freighter Services Pte Ltd, third party) [2007] SGHC 121

Contractual terms — Rules of construction — Architect hired by contractor signed deed of indemnity with developer — Whether clauses in deed impose additional duties on architect beyond his statutory duties as qualified person under the Building Control Act (Cap 29, 1999 Rev Ed)

Sunny Metal & Engineering Pte Ltd v Ng Khim Ming Eric [2007] SGCA 36

Contractual terms — Warranties and representations — Whether the express terms in the relevant documents were binding on the parties, hence negating the appellants' allegations against the respondent

Orient Centre Investments and another v Societe Generale [2007] SGCA 24

Remedies — Damages — Causation — Distinction between causation and remoteness — Distinction between causation in fact and causation in law — Applicable test to determine causation in fact in contract — Whether different tests of causation in fact apply in contract and tort

Sunny Metal & Engineering Pte Ltd v Ng Khim Ming Eric [2007] SGCA 36



case law update inter se^{online}

▶ Admiralty and Shipping

▶ Civil Procedure

▶ Contract

▶ Criminal Law

▶ Criminal Procedure and Sentencing

▶ Evidence

▶ Family Law

▶ Land

▶ Road Traffic

▶ Tort

Criminal Law

Complicity — Common Intention — Severe head injuries inflicted on victim causing death — Whether fatal injuries inflicted in furtherance of common intention to rob — Section 34 Penal Code (Cap 224, 1985 Rev Ed)

PP v Kamal bin Kupli and others [2007] SGHC 98

Criminal Procedure and Sentencing

Sentencing — Principles — Judicial discretion — Prerogative to correct sentences of sentencing judge — Regard to previous sentencing precedents — Unique facts and circumstances of each case

PP v Lee Meng Soon [2007] SGHC 129

Evidence

Proof of evidence — Confessions — Statements of co-accused persons —

Whether statements of co-accused persons are confessions for the purpose of s 30 Evidence Act — Section 30 Evidence Act (Cap 97, 1997 Rev Ed)

PP v Kamal bin Kupli and others [2007] SGHC 98

Family Law

Custody — Access — Care and control — Welfare of child as paramount consideration

NK v NL [2007] SGCA 35

Maintenance — Child — Child studying in Australian university — Maintenance order requiring husband to provide supplementary credit card to child — Whether credit limit on supplementary credit card should be reduced

TC v TD [2007] SGHC 130



case law update

inter se online

▶ Admiralty and Shipping

▶ Civil Procedure

▶ Contract

▶ Criminal Law

▶ Criminal Procedure and Sentencing

▶ Evidence

▶ Family Law

▶ Land

▶ Road Traffic

▶ Tort

Maintenance — Wife — Husband alleging decrease in salary — Whether material change in circumstances warranting variation of maintenance order

TC v TD [2007] SGHC 130

Maintenance — Wife — Need to achieve financial preservation so far as practicable and reasonable — Women's Charter (Cap 353, 1997 Rev Ed) ss 114(1), 114(2)

NK v NL [2007] SGCA 35

Matrimonial assets — Division — Methodology for division — Basic principles — Role of direct contributions — Role of indirect contributions — Duty of full and frank disclosure — Women's Charter (Cap 353, 1997 Rev Ed) ss 112(1), 112(2), 112(10)

NK v NL [2007] SGCA 35

Matrimonial assets — Division — Order of division relating to assets at specific date — Whether operative date should be date of decree *nisi* or date of decree absolute — Whether the court's ruling that "decree of divorce" included a decree *nisi* should apply — Section 112(1) Women's Charter (Cap 353, 1997 Rev Ed)

Yap Hwee May Kathryn v Geh Thien Ee Martin and another [2007] SGHC 108

Land

Sale of land — Contract — Conflict between term in earlier agreement and term in sale and purchase agreement — Whether earlier agreement should be used to interpret the sale and purchase agreement — Whether the two agreements could run concurrently — Whether earlier agreement subsumed in sale and purchase agreement

Lim Cheng Liang and another v 33 Boat Quay Pte Ltd and another [2007] SGHC 125



case law update

inter se

online

▶ Admiralty and Shipping

▶ Civil Procedure

▶ Contract

▶ Criminal Law

▶ Criminal Procedure and Sentencing

▶ Evidence

▶ Family Law

▶ Land

▶ Road Traffic

▶ Tort

Strata titles — Collective sales — Whether resulting shortfall to CPF accounts constituting “allowable deduction” — Section 84A(8)(a) Land Titles (Strata) Act (Cap 158, 1999 Rev Ed)

Yeo Loo Keng and another v Tan Yew Lee Kevin and others [2007] SGHC 92

Strata titles — Collective sales — Whether collective sale proceeds sufficient to redeem CPF charge on property — Section 84A(8)(b) Land Titles (Strata) Act (Cap 158, 1999 Rev Ed)

Yeo Loo Keng and another v Tan Yew Lee Kevin and others [2007] SGHC 92

Strata titles — Strata Titles Board — Appeal to High Court on Board’s decision — Whether Board in error of law — Section 98 Building Maintenance and Strata Management Act 2004 (Act 47 of 2004)

Yeo Loo Keng and another v Tan Yew Lee Kevin and others [2007] SGHC 92

Road Traffic

Offences — Drink driving — Sentencing — First-time offender — Whether fine only or imprisonment — Level of alcohol in breath or blood — Degree of control of vehicle — Section 67(1) Road Traffic Act (Cap 276, 2004 Rev Ed)

PP v Lee Meng Soon [2007] SGHC 129

Offences — Drink driving — Driver involved in road accident failing to render assistance — Sentencing — First-time offender — Whether fine only or imprisonment — Whether driver reasonably contemplated extent of damage — Degree of injury suffered — Degree of alcohol consumption — Hit and run — Whether deterrent sentence effective in stemming hit-and-run cases — Section 84(3) Road Traffic Act (Cap 276, 2004 Rev Ed)

PP v Lee Meng Soon [2007] SGHC 129



case law update inter se online

▶ **Admiralty and Shipping**

▶ **Civil Procedure**

▶ **Contract**

▶ **Criminal Law**

▶ **Criminal Procedure and Sentencing**

▶ **Evidence**

▶ **Family Law**

▶ **Land**

▶ **Road Traffic**

▶ **Tort**

Tort

Defences — Whether plaintiff should have mitigated losses — Whether defence of *force majeure* available — Whether precautions taken and whether sufficient

OTF Aquarium Farm (formerly known as Ong's Tropical Fish Aquarium & Fresh Flowers) (a firm) v Lian Shing Construction Co Pte Ltd (Liberty Insurance Pte Ltd, Third Party) [2007] SGHC 122

Negligence — Causation — Whether works carried out by defendant substantially caused flooding — Whether deaths of arowanas caused by flooding

OTF Aquarium Farm (formerly known as Ong's Tropical Fish Aquarium & Fresh Flowers) (a firm) v Lian Shing Construction Co Pte Ltd (Liberty Insurance Pte Ltd, Third Party) [2007] SGHC 122

Negligence — Damages — Pure economic loss — Applicable test to determine imposition of duty of care — Whether architect owing duty of care to developer in respect of additional duties beyond statutory duties as qualified person under Building Control Act (Cap 29, 1999 Rev Ed)

Sunny Metal & Engineering Pte Ltd v Ng Khim Ming Eric [2007] SGCA 36

Negligence — Foreseeability of damage — Whether there was any flooding — Whether surface run-off from rainwater flowing over to farm reasonably foreseeable consequence of defendant's acts or omissions

OTF Aquarium Farm (formerly known as Ong's Tropical Fish Aquarium & Fresh Flowers) (a firm) v Lian Shing Construction Co Pte Ltd (Liberty Insurance Pte Ltd, Third Party) [2007] SGHC 122



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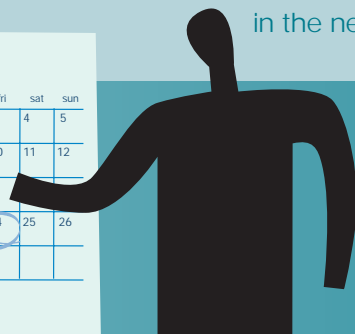
[▶ Admiralty and Shipping](#)[▶ Civil Procedure](#)[▶ Contract](#)[▶ Criminal Law](#)[▶ Criminal Procedure and Sentencing](#)[▶ Evidence](#)[▶ Family Law](#)[▶ Land](#)[▶ Road Traffic](#)[▶ Tort](#)

Nuisance — Essential factors —
Foreseeability of damage — Whether
defendant's acts resulting in nuisance by
flooding — Whether flooding reasonably
foreseeable

*OTF Aquarium Farm (formerly known as
Ong's Tropical Fish Aquarium & Fresh
Flowers) (a firm) v Lian Shing Construction
Co Pte Ltd (Liberty Insurance Pte Ltd, Third
Party) [2007] SGHC 122*

January

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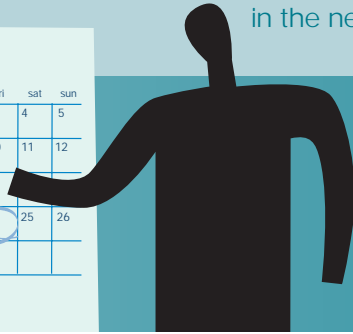
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LEGAL EDUCATION & TRAINING CALENDAR IN OCTOBER 2007

DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
2, 9, 16, 23 Oct (Tue) 9.30am–12.30pm	LawNet Portal Administrator Course	Clifford Leslie Nonis, Crimson Logic	SAL
2, 9, 16, 23 Oct (Tue) 9.30am–12.30pm	LawNet2 Portal User Course	Clifford Leslie Nonis, Crimson Logic	SAL
10 Oct (Wed) 2.30pm–6.00pm	Updates in Competition Law and Practice	Prof Ivan Png, National University of Singapore; Mr Dean Shirley, Drew & Napier LLC; and Mr Daniel Koh, Rajah & Tann	Law Society of Singapore and SAL

January

mon	tue	wed	thur	fri	sat	sun
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27	28	29	30			



calendar inter se online

Please note that all information is correct at the time of publication. While every effort is made to retain the original arrangements, changes may sometimes be necessary. Details on select events may be found on the Academy's website at <http://www.sal.org.sg/>

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

LawNet Training Centre (LTC):

Seri Adilia at tel: (65) 6332 4256 or Aida Bte Abdul Rahman at tel: (65) 6332 4382 or lrc@sal.org.sg

Legal Education and Studies (LES):

Alexis Ong at tel: (65) 6332 4149 or les@sal.org.sg

Singapore Mediation Centre (SMC):

Survinder Kaur at tel: (65) 6332 4213 or survinder_kaur@sal.org.sg

For more information on SMC courses, please visit <http://www.mediation.com.sg/pdf/SMCTraining2007.pdf>.