

**MINISTRY OF LAW COMMITTEE OF SUPPLY 2016**

**PARLIAMENT, 6 APRIL 2016**

**RESPONSE BY**

**SENIOR MINISTER OF STATE FOR LAW, MS INDRANEE RAJAH SC**

Mr Chairman,

1. I thank members for supporting MinLaw's work, and for their cuts.

**I. Legal aid and awareness**

2. Dr Tan Wu Meng and Asst Prof Mahdev Mohan spoke about access to justice.
3. Access to justice is critical to the rule of law. My Ministry works with the Judiciary, the Law Society and other stakeholders to enhance access to justice, particularly for lower-income and vulnerable Singaporeans.
4. The Legal Aid Bureau provides legal aid and advice on civil matters such as divorce, estate matters or personal injury. Applicants must satisfy a means and merits test.
5. The Primary Justice Project launched by the State Courts, the Law Society and the Community Justice Centre provides basic legal

services at a fixed low cost, with a view to resolving disputes amicably and expeditiously.

6. Since 2015, MinLaw has also provided funding support for the Criminal Legal Aid Scheme (“CLAS”) run by the Law Society.

- In 2015, the scheme benefited 2,433 accused persons, of which 1,324 received full legal representation or legal services not involving court attendance.
- This is a significant increase from 2014, where only 431 accused persons received full legal representation.
- Persons facing capital charges are also ensured legal representation under the Legal Assistance Scheme for Capital Offences (“LASCO”).

7. The needy can also receive free basic legal advice at legal clinics.

These include :

- the Community Legal Clinics network run by the Law Society;
- the Community Justice Centre at the State Courts; and
- other legal clinics at Community Centres or run by voluntary welfare organisations, charities and religious organisations.

8. We have been promoting a strong *pro bono* culture within the legal fraternity.

- Since 2015, Singapore lawyers are required to disclose the number of hours spent in each preceding year on *pro bono* work.
- This will enable a more holistic appraisal of the *pro bono* landscape.

## II. Developing effective legal structures to promote Community Justice

9. I turn now to community justice.

10. MinLaw has put in place affordable and effective mechanisms for resolving community disputes while preserving community bonds.

These include:

- the Community Disputes Resolution Tribunal (“CDRT”);
- the Protection from Harassment Act (“POHA”); and
- the Small Claims Tribunals.

11. Mr Patrick Tay talked about these initiatives.

12. The CDRT was established on 1 October 2015, about 6 months ago.

- It provides an avenue to resolve community disputes, including through court-ordered mediation.

- As at 31 January 2016, 32 claims were filed. They typically involve complaints about excessive noise, littering, obstruction or interference with movable property.
- Out of 13 claims referred by the CDRT to mediation, 4 were successfully settled. 5 are pending mediation.
- In total, 11 claims have been disposed of, and 21 remain pending.
- These are early results but they are positive.
- Victims may enforce CDRT orders by applying for Special Directions upon default. As at 31 March 2016, no applications have been filed.

13. The POHA took effect on 15 November 2014.

- As at 31 January 2016, 171 applications for Protection Orders were filed, including by victims of online, sexual, workplace and debt collection-related harassment.
- In total, 54 Protection Orders and 45 Expedited Protection Orders were granted.
- Some of these were granted by consent. A number of applications were also withdrawn. This suggests that some disputes are being resolved amicably.

- 799 Magistrate’s Complaints have also been lodged under the Act.
14. Mr Tay asked if the claim limits of the Small Claims Tribunals would be increased.
- This is being reviewed by my Ministry and the State Courts as part of the review of the Small Claims Tribunals Act.
15. MinLaw will continue to monitor these community justice platforms to ensure efficient and affordable resolution of community disputes.

### **III. Ensuring a sufficient pipeline of quality legal talent**

16. Mr Dennis Tan asked about the implications of the UniSIM Law School (“ULS”) graduates entering the market.
17. The ULS intake will be relatively small: 60 in the first batch and around 75 students in steady state. It will thus not have a significant implication in terms of overall numbers. Moreover, its first batch of students will graduate in or around 2020, by which time the current situation should have resolved itself.
18. However, what ULS will do is to provide a steady pipeline of family and criminal lawyers, areas in which there is an impending shortage if nothing is done.

- Fresh graduates from local universities and overseas scheduled universities (“OSUs”) generally choose not to practise in the areas of criminal and family law.
- There is a high attrition rate amongst those who do, due to the stresses and emotional demands.
- The current oversupply thus does not meet this very real need. The ULS programme, however, is designed to do so. It will in fact help the smaller law firms who are short of lawyers.
- Whilst the ULS law degree will qualify its graduates for general practice, it is expected that they will practise family and criminal law. Its entire design from admission and selection criteria and curriculum are geared to encourage this outcome. ULS is targeted at mature individuals with relevant work experience, who would be better placed to decide at the outset if they want to practise in these areas.

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19. Mr Tan also asked about MinLaw’s position on external law degrees and degrees from non-scheduled universities.
20. The Government’s position is that we must have high standards and a high quality of education for the practice of Singapore law. This is

because the practice of law has widespread impact – it affects the lives of people, society and the economy.

21. External law degree holders and non-OSU graduates who wish to practice can now seek admission to the Singapore Bar via the ULS J.D. programme. The Fourth Committee had suggested that one should look at the conversion programme to allow them to practise. After much consideration, the Steering Committee for the third law school felt that the J.D. programme would be a better route to practise for these people, rather than the conversion programme. This is because ULS is a specialist law school. Its *raison d'etre* is to produce good family and criminal lawyers. So the content and the curriculum are designed specifically with Singapore law in mind. It is not just a matter of converting something that you learn overseas. The content will focus on things such as the Women's Charter, Penal Code, Criminal Procedure Code, Misuse of Drugs Act and Criminal Law Temporary Provisions Act, all of which will not be taught by overseas universities.

Moreover, it has a unique practice-oriented approach which is embedded in the curriculum. They will have to learn things like the judge-led approach which is part of our family law reforms. So when you take all of these together, we felt that the J.D. programme would be better in terms of producing family and criminal lawyers of high

quality. Although the J.D. will take longer than a conversion course, we felt that they would be better in terms of outcome.

22. With respect to NUS and SMU, criminal and family law modules are taught there. We cannot compel the graduates to take up practice in these areas, but we can and do encourage them to do so. And there are *pro bono* schemes in those universities to expose them to these areas including, for example, the Innocence Project.

#### **IV. Singapore's Design and Intellectual Property Regime**

23. Mr Christopher de Souza asked about developments in the designs and intellectual property regimes.

24. IP gives businesses a competitive edge in today's innovation-driven globalised economy.

- The 2013 IP Hub Master Plan aims to develop Singapore as a gateway for businesses to protect and use their innovations worldwide.

- We have done well in our efforts to achieve this goal.

- The Intellectual Property Office of Singapore's ("IPOS") search and examination unit is the only unit in Southeast Asia appointed as an



international searching authority under the World Intellectual Property Organisation's Patent Cooperation Treaty.

- IPOS also has arrangements with other patent offices, to allow businesses to rely on IPOS' search and examination reports in other countries.

25. My Ministry and IPOS have recently completed a review of the registered designs regime.

- We will expand the scope of protection for designs in view of technological advances and modern business practices.
- For example, virtual designs, artisanal or handcrafted design items, and colours will be protectable. These and other recommendations were positively received in the 2014 and 2015 public consultations. They will support the Design 2025 Masterplan in promoting the creative and innovative use of design as a source of growth and productivity.

#### V. **Targeted assistance in land acquisition cases**

26. Mr Desmond Choo asked whether *ex gratia* support could be provided to workers in deserving circumstances in connection with land acquisition.

27. Like Mr Choo, the Government is sympathetic and will provide assistance to retrenched workers. However it is important not to conflate what are two separate issues:

- first, compensation for land; and
- second support for retrenched workers

28. The Land Acquisition Act compensates property owners by paying market value for land which is acquired.

29. We should continue to maintain that principle.

- Introducing other elements will distort what is essentially compensation for the market value of the land.

30. Nevertheless, there is assistance for retrenched workers. This takes the form of:

- Encouraging employers and unions to make provisions in collective agreements for retrenched workers, or in the case of non-unionised employees, to follow best practices in redundancy situations;
- Helping workers to retrain, re-skill and remain employable through SkillsFuture;

- Providing job-matching assistance through JobsBank, e2i and WDA, amongst others;
- Budget 2016 also devotes significant attention to how retrenched workers can be helped under the section “Supporting Our People Through Change.”
- I understand the Minister for Manpower will be speaking on how to support retrenched workers.

## **VI. Conclusion**

31. Mr Chairman, the Ministry of Law will continue to take steps to grow the legal industry, promote the use of Singapore law, enhance access to justice and strengthen the rule of law in Singapore.

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