



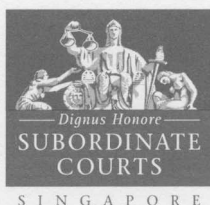
KEYNOTE ADDRESS OF
THE HONOURABLE
THE CHIEF JUSTICE
YONG PUNG HOW

REPUBLIC OF SINGAPORE

**" JUSTICE 21 @ SUBORDINATE COURTS:
ADMINISTERING JUSTICE IN THE
KNOWLEDGE SOCIETY"**

**8TH WORKPLAN SEMINAR
1999/2000**

10 APRIL 1999



**THE HONOURABLE THE CHIEF JUSTICE'S
KEYNOTE ADDRESS**

**JUSTICE 21 @ SUBORDINATE COURTS:
ADMINISTERING JUSTICE IN THE KNOWLEDGE SOCIETY**

1. In my Response at the Opening of the Legal Year on 9 January 1999, I concluded, in my review of the Subordinate Courts, that we now have a world class Subordinate Courts well positioned to enter the new millennium.

ON-GOING ACHIEVEMENTS OF THE SUBORDINATE COURTS

2. You have resolved significant systemic problems which still beset many judiciaries. You have gone beyond the problem of case backlogs and other operational inefficiencies, case management, access to justice issues, modernising justice to meet contemporary socio-economic needs, caseload and service performance measures, judicial performance standards, court governance framework, establishing *sui generis* special courts and court-based mediation, and institutionalising your reforms and changes. You have leveraged technology to advantage in both trial and administrative work processes. You have adopted scenario planning as part of your ongoing change management.

3. You have imposed upon yourselves time based events like this Workplan which requires you to review your overall direction and map new judicial and administrative policies. You have taken on an enlarged caseload with increased and transferred jurisdiction. 95 % of all cases in Singapore are dealt with in these Courts. Public confidence in your administration of justice is very high. You have, since 1992, cumulatively implemented an extensive range of judicial reforms which have substantially reshaped the justice system in Singapore. The Subordinate Courts of today have been completely transformed from your predecessor Magistrates Courts, first established 125 years ago by Ordinance V of 1873.

THE TASK AT HAND

4. The Subordinate Courts must now move further. The 21st century will see more pervasive new discontinuities and unexpected challenges. You must lead justice into this new millenium amidst these uncertainties. The task now before the Subordinate Courts is threefold: to be *primus inter pares*, the first amongst equals, in the world judiciaries; to continue to lead the community in the citizenship of the justice process; and as an organisation, to be a dynamic public institution.

THE PREVALENCE AND PRIMACY OF KNOWLEDGE

5. I have on several occasions spoken of how critical the Subordinate Courts are in the administration of justice and the Rule of Law. As you lead justice into the new millenium and meet the task head-on, I would like to focus on a reality and polity in the 21st century, of which I spoke, in broader terms, at the 1997 Sydney and 1998 Shanghai Asia-Pacific Courts Conferences, which were in fact co-convened by the Subordinate Courts. This reality is one where the emerging economy and society is one which is premised upon, and shaped by, knowledge and knowledge workers.

6. Knowledge, as embodied in human beings as "human capital" and in technology, has always been central to economic development. But only in the last few years has its relative importance been recognised, just as that importance is growing. Knowledge knows no boundaries and evolves relentlessly. That knowledge has become the key resource means that there is only a world economy. The government wants to develop Singapore into a knowledge-based economy. This move is critical for Singapore, a small city-state with limited resources, because it is no longer individual countries which are knowledge economies. The standing of a country in the world economy affects its domestic prosperity. Knowledge, nevertheless, does not only influence economic well-being. It affects families and the way society is organised. This is far more than a social change. It is a change in human

condition. Knowledge workers will give the knowledge society its character, its leadership and its social profile.

7. This will be the demanding environment in which the Subordinate Courts will find itself. As a public institution, the Subordinate Courts must contribute, in the administration of justice and the Rule of Law, to the standing of the country, while at the same time ensuring its institutional and decisional independence to deliver justice fairly, effectively and efficiently in its daily responsibilities. Every public institution, industry and business, for its part, will need to consciously operate in these two environments, the national, regional or local setting, and in the knowledge world economy. There can therefore only be one strategic direction for the Subordinate Courts; and that is expressed in the theme of this 8th Workplan: **Justice 21 @ Subordinate Courts: Leading Justice Into the New Millennium.**

TO BE *PRIMUS INTER PARES* AMONGST THE WORLD JUDICIARIES

8. The Subordinate Courts' pole position in the administration of justice has been repeatedly attested to by internationally recognised survey research agencies. In addition, the World Bank continues to request the Subordinate Courts to share your judicial initiatives, reforms and experience with the Latin American judiciaries. Over the last five years, the Subordinate Courts have established strategic conversations and links not only with the World Bank, but

with the Australian state and federal judiciaries, the United Kingdom Lord Chancellor's office, the Circuit District Judges in the Crown and County Courts, the Judicial Studies Board, UK, the Senior Master at the Royal Courts of Justice, the Norwegian District Courts, the Shanghai intermediate judiciary, the Australian Institute of Judicial Administration, the US-based National Center for State Courts, the United Nations Asia Far East Institute, the Commonwealth Magistrates' and Judges' Association, and the Hawaii Research Center for Futures Studies and the World Futures Studies Federation.

Becoming a judicial node

9. These relationships are knowledge networks, and marketplaces through which information can be diffused and created. Our pace of learning is accelerated exponentially as we develop our skills interactively with others. This is essential to our daily struggle to test and reinforce our judicial competencies.

10. Accordingly, the Subordinate Courts must evolve into a judicial node, a centre for adjudication, judicial studies and reform. The Subordinate Courts can provide a broader dispute resolution process in civil cases with cross-border elements in its new CDRI, Court Dispute Resolution International, regime. This regime involves cross-border real time co-mediation with judges from other jurisdictions. Arrangements have been made with two Australian

judiciaries. It is intended that the regime will include American and European judges. This will enhance the quality of civil justice by providing higher judicial content, added-value and a broader judicial perspective. In addition, a video-link is being established with the Senior Master of the Queen's Bench Division in the Royal Courts of Justice in London, also, the District Judges in the County Courts, and the Family Court of Australia, in each case to discuss daily judicial issues.

11. Several judiciaries, including the Sri Lanka team sponsored by the World Bank are scheduled to come here to study, and perhaps, replicate, some of our initiatives. Our Subordinate Courts judges have been invited this year to deliver papers at the World Bank Venezuela Summit, the Wein Mediation Conference of Experts, the National Center for State Courts' CTC 6, and the Association of Family and Conciliation Courts Conference.

12. Several conferences of our own are on the longer-term horizon. As part of our role as a forum for international judicial discourse, learning and research, the Juvenile Court, with the Ministry of Community Development, will be organising an international conference on juvenile justice. The Primary Dispute Resolution Centre, too, will be busy with a Court ADR Roundtable Conference with judges from other jurisdictions. In Year 2000, we will organise a court administrator's conference in collaboration with other

judiciaries. It is timely that the Subordinate Courts establish and lead a virtual multi-jurisdictional judicial cluster – with the domain name, *e-justice.subcts.gov.sg* – to brainstorm court governance and jurisprudential issues and provide an opportunity for the diffusion of ideas. This cosmopolitan ferment created by initiatives such as these will ensure that our mindsets are not parochial, and that we grow and mine the value chains necessary to becoming *primus inter pares*.

CITIZENSHIP OF THE JUSTICE SECTOR WITHIN THE KNOWLEDGE SOCIETY

13. Becoming a judicial node, though a laudable object in itself, finds its rationale in the need for a strong judiciary in Singapore. Ours is an emerging knowledge society where the constituent public, private and people sectors have to perform their roles effectively. The Subordinate Courts is within the public sector, but your strength lies in your place as part of an independent judiciary. This independence enables the Subordinate Courts to facilitate and create an effective sphere of citizenship within the justice sector for all its participants. Each constituent needs to have a sense of ownership as a contributor in the justice community. Only then will the justice system function as a strong cohesive linchpin in a vigorous economy and civic society.

Augmenting coordination and coherence in the Justice Sector

14. In this area, the Subordinate Courts are well on their way. Many programmes would not have been possible without support from various government agencies and a large group of community-minded volunteers who see it their duty to share their success with the less fortunate. For some time now, the Juvenile Court has involved volunteers in Peer Mediation, Family Conferencing, Family Care Conferencing, and the Youth Care Programme. Through the Court Support Group, volunteers serve in the Small Claims Tribunals, the Primary Dispute Resolution Centre and the Family Court. This year, the Multi-Door Courthouse of the Subordinate Courts, building upon our previous work with public organisations and the community, is attempting to facilitate and coordinate community involvement in a concerted manner. They will start with linkages to the Family Service Centres and the police.

15. The Family Court, too, has set up the Family Justice Centre, to coordinate and implement counselling programmes, legal clinics, medical facilities, and joint projects with government organisations, hospital referrals, community welfare agencies and crisis shelters. Many of these Family Justice Centre programmes are organised with the assistance of various public and private organisations, and the Court Support Group, comprising volunteer lawyers, counsellors and medical professionals.

The Family Justice Tableau: a symbol of citizenship

16. It is significant, therefore, that we will be commissioning the Family Justice Tableau later this morning, for it is a symbol, in the family justice context, of our work with the justice community. Our family justice constituents comprise the judiciary, parliament, various ministries, the Attorney-General, statutory boards, the media and professional, welfare and voluntary groups. The Family Justice Tableau contains the signatures of 150 of our constituents, and is a vivid illustration of their citizenship of the family justice system, and further, the coherence which the system thereby gains from their participation as a whole. Later this morning, I will be completing the Tableau by inserting the Chief Justice's prism. When the new Family Court building is completed, the Tableau will occupy pride of place in the building, in recognition of the significance of our constituents in the family justice system.

Failures in the knowledge society

17. In attempting to create effective citizenship of the justice process, we must recognise that there will be failures in society, for these are the presenting issues for the Subordinate Courts. There will be an increasing number of failed commercial relationships and business ventures, dysfunctional families and delinquents.

18. For failed business ventures, we want to offer fair, timely, cost-efficient and effective solutions. In the coming year, to address the needs of litigants who prefer alternative modes of dispute resolution, the Primary Dispute Resolution Centre will be offering an impressive range of new services: mediation-arbitration procedures will be offered outside of accident claims, co-mediation with technical experts will be available in complex, high-value claims, and the court dispute resolution conference will be experimented with. In respect of the civil process, a committee of judicial officers is examining ways to make the rules and procedures simpler for litigants. Litigants who choose to resolve matters at the Small Claims Tribunals will soon be able to use a third regional centre, to be sited in the western part of Singapore.

19. In the area of family violence, the Family Court will adopt a therapeutic approach. The abusers will be referred to innovative programmes to assist their rehabilitation. Appropriate cases are to be monitored with the assistance of a panel of experts, existing mandatory counselling orders are to be refined and volunteer protection officers will visit the homes of the couple to help them in their on-going relationship. At the same time, the victims of family violence are channelled to appropriate counselling programmes for empowerment purposes.

20. Where divorce is contemplated, the Family Court will commence pre-petition information sessions. This will be to ensure that parties have sufficient information to deal with and to ameliorate the trauma of the dissolution. Where marriages are irretrievably broken, the courts must act to protect children and give all involved a fresh start to life. We are looking into lessening the trauma for children in high-conflict custody cases, defined as cases where there is apparently intractable conflict between parents; where allegations of child abuse exist; where a child is apparently alienated from either or both parents; or where real issues of cultural or religious difference affect the child. In appropriate cases, court counsellors will furnish reports. Court-appointed *amici curiae* may interview children with the assistance of the court counsellor, and see parties, again with the counsellor, with a view to settlement. In some cases, post-custody order reviews will be conducted by a counsellor. The counselling unit will set up a Kids in Difficult Situations (KIDS)-Line, to provide information to children who are caught in the middle of parental conflict. A Children's Resource Centre will be established to furnish opportunities for children to share their anxieties and obtain advice.

21. Failure is most obvious when individuals enter the criminal justice system. Here, the fundamental objectives of our duty as judges in meting out punishments have been deterrence, retribution and rehabilitation. For adult offenders, these purposes have traditionally resolved into fines and

imprisonment. Society is evolving, however, and a sophisticated approach is needed in imposing sentences within a coherent punishment regime. I understand that the Government will soon announce a more comprehensive approach to sentencing. Already the National Standards for Probation have been devised to ensure close monitoring of persons placed on probation.

22. In contrast, for the Juvenile Court, we have traditionally been concerned with the rehabilitation and reintegration of the juvenile back into society. These must, of course, remain our dominant motives. Young offenders are easier to rehabilitate, and they are often not fully aware of the seriousness of their callousness. This year, the Juvenile Court and the Roundtable Committee on Juvenile Delinquency will be intensifying their efforts to facilitate a plethora of restorative and community-based programmes, such as family conferencing and peer mediation. The review of probation standards, as I have mentioned, will also benefit many juvenile offenders. At the same time, there is a worrying worldwide trend of youngsters, who possess the full knowledge, understanding and reasoning capacity of adults, committing heinous crimes. In the United Kingdom, for example, there was the gruesome murder of toddler James Bulger. In the United States of America, school shootings are no longer remote possibilities for parents. The presence of dangerous offenders within the juvenile system is, at the lowest, an impediment to rehabilitation, and, at the highest, a positive hazard, to fellow young offenders. Against the

background, pursuant to my direction, the Subordinate Courts chaired an inter-agency committee to study the enhancement of the juvenile justice system. The study has since been completed.

The expanding role of a Subordinate Courts Judge in a Knowledge Society

23. At the heart of our plans for the courts is the expanding role of a Subordinate Courts judge. As an extension of our role as adjudicators we have become judge-managers, who actively control and dictate the pace of our cases. By so doing, we have cleared our backlogs and ensured timeliness. Upon this sturdy platform, we need a responsive justice system that will cope with the tremendous pace of change. Without a process that ensures that the law is meaningful to those who seek it, our role will be devalued. For the Subordinate Courts, your judges are at the forefront of the law and see it in motion on a daily basis. Recommendations must be made for law reform wherever and whenever lacunae in the law are found. The life of the law lies in its relevance, and we must be empiricists inasmuch as we are jurists. I note that your Operational Agenda contains plans for the review of the criminal, civil and family justice processes. This is a step in the right direction.

24. Through the judge-reformer, we secure a strong justice system. This, in isolation, will be insufficient, because the dispensation of quality justice is an iterative process. Case management and law reform improve our

adjudication, but new insights are secured and refined by educating others. Accordingly, the judge-reformer must also be a judge-educator. Already, judicial officers have taught at the Law Faculty in the National University of Singapore, and at various polytechnics, the Practice Law Course, schools and community programmes. This year, we will make a coordinated effort. In conjunction with Butterworths Asia, the Subordinate Courts will be producing publications on sentencing practice in the Subordinate Courts, Family Court practice, and Coroner's Court medical negligence practice. These publications concern areas of law commonly practised in the Subordinate Courts and will highlight unreported Subordinate Courts decisions and the guiding principles set by appellate courts. As there are no like publications in our locally published academic literature, these books will serve as valuable contributions to the legal and medical fraternities.

The evolving role of a Subordinate Courts court administrator in the Knowledge Society

25. By participating in legal research, we are educating the legal community. The knowledge society, however, will be populated by highly educated, highly skilled individuals who will expect to understand how they can seek redress. Court administration, too, must adapt and expand to facilitate this process, because courts belong, not to administrators or judges, but to the community at large, the people for whom they exist.

26. To this end, the Multi-Door Courthouse of the Subordinate Courts is working together with the Singapore Police Force, the Community Mediation Centres of the Ministry of Law, the National Council of Social Service and the People's Association in a strategic partnership to train front-line service providers, such as police officers and NCSS counter staff, to provide relevant information about the courts. An integrated pamphlet has also been written by participating agencies to disseminate information to the general public. For the indigent who come to the courts to seek assistance, a scheme, implemented jointly with the Legal Aid Bureau, will enable litigants to apply for Legal Aid, and to have their cases referred to the Legal Aid Bureau within the precincts of the Multi-Door Courthouse. Plans are in progress for the furnishing of information through a Call Centre, utilising video-conferencing and high-speed communication infrastructure, or through web-enabled services via Singapore-ONE and the Internet. General public awareness, moreover, will be heightened by an array of initiatives, such as publications, videos, the website, television and radio programmes and other types of media outreach.

27. To be fully effective, the traditional court administrator will have to evolve into the court entrepreneur, or even into the court technopreneur. Ours is a reality dominated by technological innovation. By leveraging technology to its full potential, we enhance our basic court administration role. This year, we will be extending the Automated Traffic Offences Management System to

offences under the Parking Places Act prosecuted by the Housing and Development Board and the Urban Redevelopment Authority. The system will be enhanced, furthermore, to enable persons to use the kiosks up to the scheduled date of his court appearance. In order to encourage victims of family violence to seek protection early, the Family Court is looking into video-link facilities to enable complainants to lodge complaints from remote sites. Even more fundamentally, the Subordinate Courts have begun building a broadband network infrastructure, which will be operational in September this year, using the most advanced technology, the Asynchronous Transfer Mode. Through the network's integration with the national broadband network Singapore-One, it will also enable the public to access the multimedia-rich broadband applications which the Subordinate Courts will progressively offer. These initiatives will contribute significantly to the new public sector networking service paradigms envisaged by PS-Online and the national vision of an intelligent island built upon Singapore-One. Once this system is in place this year, the Subordinate Courts will be amongst the first in the world to provide broadband network services to the courtroom and desktop at 155 megabits per second, with guaranteed quality of service.

AN EFFECTIVE PUBLIC INSTITUTION TO ADMINISTER JUSTICE IN THE KNOWLEDGE SOCIETY

28. Thus far this morning I have mapped initiatives that will ensure that we are well positioned in the new age of global knowledge. In order to do what we must at home and abroad, an organisation that is able to meet the demands of administering justice in the knowledge society is fundamental. Earlier this morning, I said that the Subordinate Courts will have to be a dynamic public institution. This dynamism must begin with intellectual muscle.

Building intellectual muscle

29. Intellectual prowess is paramount because the knowledge society will bring upon us an explosion of new philosophies, theories, discoveries, inventions and phenomena. The courts will be at the helm of this frenzied pace of progress, defining acceptable behaviour, determining the limits of legality, and cutting the ethical and moral cloth of society.

30. In order to generate and obtain maximum leverage from intellectual capital, we will have to place an emphasis on training and career-long education. Road maps, with a full complement of training plans and initiatives, have been worked out for individual officers and will be implemented in the coming year. Refresher courses on a variety of legal issues began in February,

and this year, the Subordinate Courts were privileged with the presence of seven Supreme Court Judges. Video-conference sessions with experts will be arranged, as they have been for some time. This year, we will be experimenting with computer-based training to enable officers to view these talks and sessions from their personal computers. This, combined with the impressive archive already in existence, will allow officers to learn at their own time and speed, again through their desktop computers.

31. This intellectual muscle must be prevalent throughout the organisation. The Human Resource Department is completing the training of all our non-judicial officers. Non-graduate officers are given opportunities for further training. We are also building up a core of graduate non-judicial officers. This is crucial, as the evolving role of the court administrator will bring with it the attendant necessity to assimilate and apply, at high speed, increasingly complex knowledge and concepts. Currently, we have a corps of about 47 graduate non-judicial officers, some of whom possess law degrees and various masters degrees. This, together with on-the-job learning, will ensure that our court administration is sound.

A strong nervous system

32. The intellectual energy, thus generated, must then be bulwarked by operational efficiency, for we are a public institution and must be accountable

for public resources. For this reason, we have always employed the best management techniques and practices. And we are constantly seeking to improve our systems and methods. Concurrent with the commissioning of the broadband ATM network, which I mentioned earlier, the Subordinate Courts are examining strategic applications and innovative service paradigms that take advantage of the capabilities of the broadband infrastructure. Dialogue sessions are in progress with leading solution providers such as IBM and Oracle on the development tools and database management platforms to deliver and support a new wave of multimedia applications. The initial suite of applications will include use of quality video-conferencing; comprehensive multimedia capabilities in courtrooms, judges' chambers and registries to facilitate trial hearing and adjudication; multicasting of multimedia content for information-sharing and collaborative workflow; server-based multimedia-rich continuing training and self-learning programmes for judicial officers and court administrators; and high resolution document imaging, data warehousing and other applications requiring massive data flow.

33. A strong nervous system is also a sensitive one. The knowledge organisation will require performance indicators that measure its performance capacity, its quantitative competence as well as its qualitative success. We are using the Balanced Scorecard – a comprehensive performance measurement approach. The BSC will provide a comprehensive framework that translates

the courts' mission and values into a coherent set of strategic objectives and performance measures against which the courts can evaluate its performance. It also enables senior management to strike a balance between financial and non-financial measures and internal and external pressures. This technique was first piloted in the Small Claims Tribunals last November and has met its objectives. In the coming year, it will be extended to the criminal, civil and family divisions.

34. Atop the Balanced Scorecard, we plan to put in place trigger mechanisms, to warn us when our objectives are in danger of not being met. Through sophisticated software, we will be able to access and view information across different databases through a single screen, which will pinpoint trouble spots. This system will also assist us in our long range plans, as it will be able to track how far along we are and our rate of progress.

35. In developing these systems, the Subordinate Courts looked to the objectives of continuous, balanced and sustainable development and the cardinal principle that any judiciary is a unique public service institution with special concerns and constituents. Our objectives cannot be insular, our bottom line cannot be profit, and our *modus operandi* cannot be releasing conveyor-belt products from the warehouse with ever-increasing speed. Our mission is quality service to constituents, fair process, timeliness, outstanding legal

analysis and achieving the correct results. Our constitutional responsibility demands no less.

An eye on the future and the will to build it

36. Beyond intellectual excellence and operational effectiveness, we need to harness the imagination of the organisation to lead and deal with change. I have mentioned the Subordinate Courts' efforts in scenario planning in earlier speeches. This is crucial, as we have to envision the future before we build it. Using our current National Scenarios, *Home Divided* and *Hotel Singapore*, two scenarios were drawn of the Subordinate Courts in Year 2020, *Whither Justice* and *Justice Beleaguered*. These two scenarios were 'trouble' scenarios based on our existing National Scenarios. A preliminary preferred scenario for the Subordinate Courts in 2020 has also been sketched. In the coming year, we intend to carry on the strategic conversation with small focus groups, to refine the preferred scenario and, within a shorter time landscape, so that the entire organisation will think, plan and act in concert with a coherent vision.

Capturing the human moment

37. This spirit of dynamism finds further expression in the high quality infrastructure we have put in place. This year will see newly refurbished Civil and Crime Registries, the Primary Dispute Resolution Centre, the Multi-Door

Courthouse and the Juvenile Court. In the longer term, we will rehouse the Family Court in the MOL Building. Plans are also in progress for a new Subordinate Courts Complex.

CONCLUSION

38. In previous years and Workplans, I spoke of achieving excellence here and abroad. The gauntlet for the Subordinate Courts now is to move beyond this, to position itself as a vibrant judicial node amongst the world judiciaries. The Operational Agenda, which the Senior District Judge will take you through, possesses the necessary ingredients for realising this vision. It entails hard work, not just for the Subordinate Courts, but also for other members of the justice fraternity, who are our partners in forging a strong justice system. It is an exciting agenda, however, and worthy of our utmost efforts. I wish you all the best in the endeavours that await you in the coming year. I need hardly add that I have every confidence in your success.