

**CHIEF JUSTICE'S KEYNOTE ADDRESS
INTRODUCTION OF
THE SEVENTH WORKPLAN 1998/1999
SUBORDINATE COURTS**

Saturday 4 April 1998

***SUBORDINATE COURTS 21: LEADING
JUSTICE INTO THE NEW MILLENNIUM***

Overview of the Subordinate Courts: 1992-1997

1 In my keynote address to you at the last Workplan, I had challenged the Subordinate Courts to become world-class, among the best in the world by the next millennium. It seems to me that you are realising this vision.

2 My Response at the Opening of the Legal Year earlier this year took stock of the work undertaken by the Subordinate Courts from 1992 to 1997. You have no case backlogs despite the prodigious case workload, the enhanced jurisdiction and your limited staffing, budget and accommodation. You have managed and disposed of cases within the prescribed timelines. The quality of your judging and judgements has improved remarkably. You have introduced and successfully implemented 888 initiatives.

These initiatives have been made public through your annual Workplans. You have on your own initiative, unlike courts externally mandated in other jurisdictions, published Annual Reports reviewing the year's work. You have publicly committed yourselves to specific standards of performance in the Courts Charter. You have institutionalised certain critical initiatives that have enriched and broadened the administration of justice by the Subordinate Courts. You are acutely aware of and discharge the public trust that is reposed in you. You have used technology to advantage. You have established a futures planning mechanism in your administration. You have given expression to your values in the Justice Statement. Independent surveys have affirmed the quality of justice administered by the Subordinate Courts. Foreign judges and judicial administrators have commended you. Local and international public esteem for the Subordinate Courts is high.

The New Challenges for the Subordinate Courts

3 But will the Subordinate Courts continue to be among the best world class courts in the new millennium? The *raison d'être* of the Subordinate Courts is and will continue to be the administration of justice. This is immutable. Can you be counted on to administer and enhance access to justice fairly, firmly, effectively and efficiently in the new century? Can you be relied on to diligently uphold the public trust and confidence entrusted to

you? These are critical issues that must be addressed now.

4 The current regional financial turmoil demonstrates how quickly established public institutions and long standing policies, infrastructures, conventional assumptions and practices have been challenged and rendered irrelevant in short shrift. Devastating consequences have ensued. The Government has responded robustly to these changes. The Subordinate Courts can do no less. The social and economic context in which the Subordinate Courts operate is even now already rapidly changing because of the regional crisis. For example, the Courts are already dealing with an increase of illegal immigrants. It is not unreasonable to forecast that the Subordinate Courts should be ready to deal with an increase of property offences, white collar crimes, family violence, child support payments, credit card non-payments, and breaches of contract.

Establishing Differentiating Core Capabilities

5 In my Keynote Address to the Asia Pacific Courts Conference in Sydney in August 1997, I spoke of the need for judiciaries to manage and respond to change effectively. This would allow them to remain relevant in administering justice. The current regional trauma provides a timely opportunity for the Subordinate Courts to consolidate or build certain core capabilities. These capabilities should enable the Subordinate

Courts to respond and manage change more effectively and ensure our position among the top world class courts in the next millennium. The Subordinate Courts must review and entrench their core competencies and their strategic adjudication architecture. Competency traps must be avoided. The Subordinate Courts must enhance their value-based management and learning environment. In addition they must install effective control and feedback systems for monitoring judicial administration. The Subordinate Courts must see to it that all barriers to access to justice are removed. Access to justice must be affordable and efficient. Fortunately, these can all be completed in the next two years as we transit into the new millennium.

The Cumulative Impact of the 1992-1997 Reforms

6 The nine streams of reforms, deliberately implemented over the last six years from 1992 to 1997, and made public through the Subordinate Courts Workplans, have strengthened our fundamentals and infrastructure. Our judicial processes have become more streamlined. Our justice structure has been enhanced. Our organisation is now more mature. We have a better core of judges and administrators. Besides being trial judges, judges now undertake case management. Standards of justice delivery have been improved at all levels. Technology has moved from a support function to a strategic capability. There is

now a culture of managing change and futures planning. There is also a broad-based empowerment of portfolios. Community resources have been tapped to enhance the management of family and juvenile cases. These reforms have now become part of our internalised judicial management culture. As we bridge the next millennium we should know that there is no return from the nine directions to the reforms we have set for ourselves. The only way forward is to build on them. I had in my keynote address at the Sydney Conference explained the approaches we had taken. I annex these to this Address for completeness.

A Defining And Strategic Framework For The Subordinate Courts

7 In building on our achievements, it will be vital for the Subordinate Courts to remain faithful to their mission of administering justice. Further, to ensure that the Subordinate Courts remain focused in achieving this mission in the evolving environment of the next millennium, it will be necessary to establish a strategic framework. This framework, read together with the Subordinate Courts Justice Statement, should provide a reference or benchmark against which future activities should be assessed. I suggest the elements of the framework to be as follows:

- a. The public perception of the Singapore justice system

- must be one of confidence in and respect for Singapore courts and the rule of law;
- b. The justice system must maintain human dignity, uphold the rule of law, and enhance access to justice;
 - c. All persons will have ready access to justice in the Subordinate Courts, which will provide a range of effective and expeditious means of dispute resolution, without undue cost, inconvenience, or delay;
 - d. The Subordinate Courts will ensure independent, fair and equal application of the judicial process and administer justice in accordance with the law;
 - e. The Subordinate Courts will be administered in accordance with sound court governance principles which foster the efficient use of public resources and enhance performance;
 - f. Technology will be strategically employed to increase access, convenience and ease of use of Court services, and to assist the Courts in enhancing the quality of justice;
 - g. The impact of socio-economic and legal forces will be closely monitored in order that the Subordinate Courts can effectively lead and manage change amidst a rapidly changing national and global environment;
 - h. The Subordinate Courts will be adequately staffed by

the best judges and court personnel, who will be supported by continuing education and performance evaluations.

8 Although these elements standing alone are not new, together they provide a coherent defining framework. Synergy is necessary because the Subordinate Courts face unique challenges in being on the front lines of interpreting and adjudicating conflicts and cases arising from change.

Immediate Trends and Challenges

9 New discontinuities will arise with political, social and economic changes. I have alluded earlier to an expected rise in certain criminal activities arising from the economic and social maladies in the region. The Subordinate Courts will deal with these criminal cases swiftly and hand down appropriate sentences on the convicted offenders. The public must be protected. Accordingly, harbourers and employers of illegal immigrants and overstayers, as well as those who facilitate or encourage these immigrants to enter and unlawfully remain in Singapore, will be dealt with swiftly. They must know that upon their conviction deterrent sentences will be handed down. This sentencing approach will similarly apply to offenders who commit robberies, housebreaking, thefts of hard earned moneys, commercial frauds, drug related cases, domestic violence, rioting, child abuse and

serious juvenile offences involving violence. The expected rise in civil cases, as companies and individuals succumb to liquidity problems and become insolvent, as well as family related cases consequent upon personal and other stresses, particularly child maintenance cases and personal protection orders, will be dealt with even more expeditiously and the requisite orders or remedies given promptly. All this must be done despite the smaller budget and limited manpower and infrastructure expected in the next two years. There will be more pressure on the Subordinate Courts, but we are better placed this time to face these challenges than during previous cyclical troughs. Unproductive work habits must continue to be eliminated, while programmes with marginal benefits will be dropped. Our infrastructure and personnel are well prepared to ride all these demands.

Emerging Trends and Challenges

10 I have just outlined the more crucial and immediate changes and how they affect the Subordinate Courts. A complete list of the operational measures is appended to this Address. There are other relevant emerging trends, with consequential emerging challenges for the Subordinate Courts in their transition to the next millennium.

In Juvenile Justice

11 Demographically, the Singapore population is in transition. The cohort of young people aged 7-15 years is expected to rise in the next 7 years. The cohort will rise from 400,840 in 1998 to 465,000 in 2005. Assuming a stable juvenile crime rate, the number of juvenile offenders can therefore be expected to increase correspondingly. The IMC Report on Dysfunctional Families, Juvenile Delinquency and Drug Abuse in 1995 identified the root cause driving the young to crime as the lack of parental guidance and supervision or the alienation from parents. Our own analysis of available data shows that parenting practices are critical to behaviour patterns of the young and that positive parenting leads to stronger attachment to the family, lower likelihood of associating with negative peers, higher moral values and more positive attitudes towards authority figures. These social factors appear to be closely correlated to juvenile delinquency. Although these causal factors are beyond the domain of the Subordinate Courts, nevertheless the Juvenile Court has a part and must continue to play its role creatively, although this may increase the burden on the Court. The Juvenile Court must sustain and continually adapt the various juvenile restorative justice programmes. Anecdotal and other collaborative evidence tell that these programmes have been effective in curbing juvenile recidivism. We are told that we are the first jurisdiction in the common law world to uphold restorative justice as the principle of our juvenile justice system. There will be continuing demands for

the redefinition of juvenile crimes and for new forms of rehabilitation and punishment. The Juvenile Court must draw further upon local community resources to develop a broad menu of constructive sanctions particularly for low level offences such as shoplifting. The Juvenile Court can take the lead to place an array of community service programmes, health and therapeutic care and other social services right outside the courthouse door. This will enable the Court to order individualised as well as graduated sanctions, address the problems which led to the crime, restore the cost of crime to the victim and the community, and educate the offender and his immediate family.

In Family Justice

12 Next, divorce petitions have shown a continual upward trend since 1984. The past 5 years registered an increase of 6% and this is expected to continue to increase at not less than this rate. Already in 1997, no less than 4251 petitions were filed in the Family Court.

13 In family and matrimonial cases there is family breakdown and a dysfunctional relationship. The family justice system and process in the Subordinate Courts must then bring order, certainty and stability in such a state of affairs. To complement the parenting plan introduced in May 1997, a matrimonial property plan involving an HDB apartment will be proposed this year to

facilitate an early and effective resolution of the division of this matrimonial asset. This plan will require the parties to set out their plans for the disposition of the matrimonial property in advance. Parties will have to file their plans together with their divorce petitions. Both the HDB and the CPF Board will provide the necessary information to assist the Family Court in such determination.

14 In custody and guardianship issues, the welfare of the child is paramount. To further strengthen the parenting plan, the Family Court will, in appropriate cases, issue 'parenting orders'. These orders will differ from those issued by other jurisdictions. Elsewhere parenting orders are really custody or access orders. They confer entitlements rather than duties or responsibilities. In Singapore, parenting orders will serve the latter purpose. For a start, in appropriate cases, they will be issued to require parents given custody or access to their children to attend courses or programmes. These programmes are to educate them on their parental responsibilities and to equip them with parenting skills. In contested custody cases, we will also consider ordering the parties to attend counselling after the cases have been disposed of.

15 Under the Women's Charter, parents must support their children. Child support payments are an affirmation of this responsibility. Both the liability to support a child and the

quantum of maintenance are now required to be proved in an adversarial process. This cannot be allowed to continue. These are the normal responsibilities of parents. The Family Court will examine the various child support legislation models with a view to recommending appropriate similar legislation in Singapore. The scheme will peg the payment quantum as a percentage of the parent's earned income. This will provide much-needed certainty in maintenance claims.

16 Procedures for claiming maintenance should be as simple as possible. The Family Court will therefore also look into simplifying the procedural rules. This will also assist aged parents, above 60 years, to seek enforcement of their maintenance orders from their defaulting children. The demographic trend shows that persons aged above 60 years will increase from being 10% of the population in 1997 to 11% in year 2000 and 27% by year 2030. The population of young people, including those who would be able to support the aged, will drop. 15 to 39-year olds will drop from 34% of the population in 1997 to 32% in year 2000 and 24% by year 2030. 40 to 59-year olds will decline from 27% in year 2000 to 25 % by year 2030.

17 Similarly, we will review and simplify the procedures in divorce petitions and ancillary matters. The vast majority of divorce petitions are uncontested. Procedural rules for divorce

cases should therefore be simplified. This will enable the Court to focus on encouraging expeditious resolution of the petitions through early intervention.

18 Another emerging trend, which the Family Court must grapple with, is the rise in the number of complaints for personal and expedited orders pursuant to domestic violence. 1306 applications were made in 1996, rising to 2019 in 1997, an increase of 55%. The Subordinate Courts, anticipating this trend have instituted the Family Protection Unit with a coherent family violence policy. The present arrangements are novel and require to be reviewed and refined constantly to meet the needs of the aggrieved as they seek redress. Often the Courts are resorted to as their last hope for protection from further abuse and the restoration of their dignity and entitlements. The recurrent, repetitive cycles of behaviours involved in family violence often are not resolved by court action alone. Individuals and families who seek redress in the Courts will face a cluster of related problems, many of which are not amenable to a solely legal solution. There is then a need for the Subordinate Courts to have more effective interfaces with family and human service agencies in dealing with individuals and families who face a cluster of both legal and social problems.

19 The Family Court will have a permanent home in the

former Ministry of Labour Building, which is located right beside the Havelock campus. Needless to say, the MOL Building will undergo comprehensive renovations and will be outfitted as befits a world-class family court. Locating the Family Court within the imposing structure of the building will, we hope, inject a measure of institutional stability into the family justice system.

In Information Technology

20 The information age has emphatically arrived and no one around the globe is unaffected by the explosion of technology. The present and future implications both for society and the legal system cannot be overstated. The information revolution is said to be outstripping society's capacity to cope, antiquating laws, transforming mores, reshuffling the economy, redefining workplaces, and testing the courts in unprecedented ways.

21 Already the sophistication of technology has moved well beyond the technical sophistication of many judges and court officers and personnel in many jurisdictions. The gap is likely to increase during the next few decades. Moreover, technology is changing public expectations for how the court and court-related organisations should provide their services. There is increasing demand and opportunity for "user-friendly" access to information, alternative work arrangements, and on-demand service delivery to remote sites.

22 Expectations that court administrations will become more active participants in emerging information networks are increasing. The opportunities for the court system to exchange information, share criminal and civil data with researchers and other justice system personnel, enhance communications with citizens and conduct business via the Internet are beginning to be earnestly investigated.

23 The Subordinate Courts must incorporate in their corporate and operational plans in the new millennium, initiatives designed to assist the judicial system in keeping pace with technology and its impact on the administration of justice.

24 In leading and managing change in the context of Trade, Technology and Tribe, it is imperative that as the Subordinate Courts transit to the next millennium, the Courts develop, without too much delay, new models and paradigms to function and conduct business in what has been called the "digital nervous system" and the "web lifestyle" which the new millennium will usher in. The next millennium will be the age of electronic and digital systems, where business matters are transacted across corporate and national boundaries seamlessly in ways that are not yet fully understood. As electronic transactions gain momentum, which will be sooner than most people or corporates expect or

have the time to prepare adequately for, judges will have to contend with complex and novel legal and evidentiary issues of data integrity, digital signatures, authentication, and non-repudiation.

25 The Government will soon legislate the Electronic Transactions Act. This Act seeks to create the legal framework to address the diverse issues arising from electronic transactions in general and electronic commerce. The novel legal issues raised by electronic commerce are those of authentication of the identity of the originator of electronic records and messages, the legal recognition of electronic signatures, the integrity of electronic records transmitted over networks, the formation and validity of electronic contracts, the legislative framework for certification authorities and digital signatures, jurisdiction and conflict of laws, intellectual property and liability of intermediaries, evidence, crime prevention and data protection and privacy. The Government has set Singapore up as an electronic commerce hub and incentives have been provided, for example, under the recently announced Approved Cyber-trader Scheme for companies that qualify.

26 As the Subordinate Courts transit into the next millennium, trial judges must be well equipped to adjudicate and determine cases in electronic commerce, both at the trial level as well as in

alternative dispute settings. Looking at other jurisdictions, cases have already reached the courts that stem from the cyberspace experience, including copyright and electronic harassment controversies, and pornography and censorship issues.

27 It would not be sufficient to deliver judgements based on analogues of present paper-based systems or rely on precedents formed in the pre-digital age. Judges without a sufficient understanding of the nuances of public-key certification and crypto-systems will be left high and dry. Nor will the work of judicial adjudication be made simpler with automation because electronic wrongdoing will be even harder to bring to justice. As micro-processors become cheap enough to be ubiquitous and information resources used as an everyday utility, the criminal-intent will discover near-perfect ways to perpetuate their criminal acts whilst leaving no obvious tell-tale customary evidence. Organised crime has more IT resources than justice and enforcement agencies. This is part of the emerging 'dark side of computing'. A first class judiciary should lose no time in upgrading its business and trial adjudication models and its human resources to deliver justice in the new digital environment.

28 In the emerging web lifestyle, the public will also expect public services to be available digitally through remote and interactive access from offices or homes. Therefore Subordinate

Courts' services and access infrastructures must be radically revamped to support the new court business models. The Courts have little choice: either plan and purposively implement technology change and provide judges and administrators with the skill sets to function effectively in this new environment or risk being stampeded into adopting hastily concocted and ill-advised technology expedients and operating modes through the pressures of public opinion.

29 We must also continue to devise plans for the strategic use of technology to modernise judicial administration practices. In the near term, we will extend ATOMS (Automated Traffic Offence Management System) to other departmental offences. For a start, we will implement an ATOMS-style system for HDB and URA parking summonses. This will allow greater convenience for the public to settle these summonses without having to come to court.

30 Other possibilities to be explored include virtual counselling and mediation, and even a virtual multi-door courthouse, where parties can obtain information and guidance as to the appropriate means of dispute resolution available to them. Virtual and remotely delivered interactive court programmes and services are not in the realm of science fiction. The technology means is becoming available and practicable through the national Singapore

One broadband network. Similarly, more and more court business will be transacted over the Internet with the availability of security and authentication technologies.

31 In the Small Claims Tribunals, we will implement measures to allow a respondent to admit a claim through an automated telephone system at any time before the consultation or hearing. A system of 'virtual consultation' will also be operational. Telephone and video link-ups will enable the parties to participate in consultations and hearings more conveniently from a regional centre of their choice.

In Administration and Justice Delivery

32 A challenging trend is the expected increase in the population of those with secondary, upper secondary and university qualifications. Those with secondary qualifications increased from 26 % in 1990 to 28% in 1995. The percentage of the population with upper secondary and university education increased from 11% and 5% to 16% and 7% respectively. This upward trend should continue. It will provide a larger and better base of manpower for the Subordinate Courts. The Subordinate Courts will however be serving an increasingly inquiring and better-educated public with high expectations of transparent and quality justice. They may tend to be more litigious in enforcing their perception of their rights and seek judicial reviews of

administrative actions affecting them. The Subordinate Courts will be challenged to maintain the rule of law in an era of multiple value sets. These increasingly sophisticated users will not be satisfied with mere expedition and timeliness of case disposition but will scrutinise the judicial process and procedures, standards of service, the basis of the Courts' decisions and the impact of judicial decisions on the social fabric and the economy. There may well arise a tension between the Subordinate Courts exercising merely traditional adjudicative roles and the Courts adopting a therapeutic justice model, ensuring that necessary services are provided by service agencies as prescribed or ordered by the Courts. The Subordinate Courts must continue to set the pace in managing these new demands. Their legitimacy and authority must remain. Deference and respect for the Courts must stay, but such public regard must be continually earned. Judicial independence must be unmoved. But along with judicial independence, must be recognition of public accountability.

33T Public accountability requires the justice system to maintain a balance between institutional conservatism and pragmatic flexibility to manage contemporary demands. There should be an ongoing process of information, education and dialogue.

34 The Subordinate Courts must begin to put into place a service chain which recognises that there is a direct and strong

relationship between court user satisfaction; the value of services delivered to the court user; the use and accessibility of services; and employee capability, satisfaction, loyalty and productivity. Central to this service chain is the court user value equation, that the value of services delivered to the user is equivalent to the results created for him as well as the quality of the processes used to deliver the results. Underlying this service chain is that justice is ubiquitous and must be seen to be done. Adhering to this fundamental principle will ensure the relevancy of the services that the Subordinate Courts can and will provide in the new millennium. Responsiveness to consumer needs and expectations is already becoming the acid test of consumer confidence in the private sector. The Subordinate Courts can do no less.

35 Accordingly a Courts Charter II that embodies enhanced values and more stringent service quality standards must begin to take shape.

36 In reaching out to the community, the Subordinate Courts have already been charting new horizons in many areas. For example, we have successfully mobilised community resources and expertise in coping with the increasing stresses felt by the Courts because of manpower, budgetary and space constraints. By tapping community resources, we have not shied away from a degree of openness in discussing our day-to-day workings and

policy objectives. Greater transparency in our processes fosters greater public understanding and confidence in our work.

37 In the years ahead, the Subordinate Courts will continue to intensify their efforts to communicate with the community. We will examine the viability of establishing multidisciplinary committees and community-wide task forces under our auspices, and advisory committees as feedback mechanisms and sounding boards in the administrative and non-judicial areas of our duties. We should consciously seek to involve the public actively as constituents of the justice system. Such co-operation and comity can only result in a better quality judicial administration.

Strategic Partnerships and Networking

38 The Subordinate Courts need not however wait for such feedback. The strategic partnerships the Courts have forged with leading judiciaries will be broadened to enable the Courts to keep abreast with innovative reforms in justice systems and processes elsewhere. The Subordinate Courts will expand their network of local and foreign experts in subjects that come within their cognisance.

In Civil Justice

39 One of the reforms I have noted is the emerging trend in some developed court jurisdictions to adopt a more

comprehensive and all-embracing dispute management scheme in preference to the present alternative dispute resolution (ADR) mechanisms. ADR is essentially a delay or backlog reduction measure. But backlogs are happily no longer the situation in the Subordinate Courts. Costly and conflict-based adversarial litigation should only be a last resort. After all, the expense of litigation itself can often be a real bar to access to justice. By and large the members of the Bar here, to their credit, see the value of their civil disputes being settled early without adjudication. Against this background, in my recent Response at the Opening of the Legal Year, I mentioned the establishment of a multi-door courthouse infrastructure that will pair a dispute within the jurisdiction of the Subordinate Courts with an appropriate solution forum. This will be implemented initially as a pilot project. When established, it will be the first such multi-door courthouse in the Commonwealth and the Asia - Pacific region, and among only a handful in the world. The multi-door courthouse seeks to achieve the following:

- a. Increase public awareness of dispute resolution processes;
- b. Assist the public in locating suitable dispute resolution processes within the variegated justice system;
- c. Increase co-ordination among dispute resolution

programmes in the Family and Juvenile Courts, the Court Mediation Centre, the Small Claims Tribunals, the Court Counselling Unit, the Family Protection Unit, the Registry Criminal Mediation and the Community Mediation Centres and the Family Service Centres;

- d. Offer a menu of high quality dispute resolution programmes to the public and members of the Bar;
- e. Assist the parties in selecting the most suitable dispute resolution mechanisms.

40 A basic tenet of the multi-door courthouse model is diagnostic screening and the subsequent channelling of cases entering or already filed in the court system. Screening may be categorical, individualised, or a combination of the two. Case typing will form the basis for establishing screening mechanisms. Categorical screening may be by case type, dispute resolution type, age of case, amount of claim, or other common factors. In individualised screening, each case is individually diagnosed for needs and appropriate dispute resolution referral. A combination of categorical and individual screening may be best in particular cases. For example, family cases may be screened for potential or actual violence to determine the appropriateness of a combination of dispute resolution processes. This will enhance the Subordinate Courts' present justice delivery system by both

broadening effective access to civil justice and through adopting a service-oriented triaging system with a finer granularity.

In Criminal Justice

41 A core obligation of the Subordinate Courts is to place the highest priority in providing a criminal justice system in Singapore of the highest quality, deserving of public confidence. The criminal justice system embodies and secures the rule of law and protects the public. There are facets of the criminal justice system which fall outside the Subordinate Courts' remit including the causes of crime, police effectiveness, prosecution policies and the management and treatment programmes of convicted offenders. On our part we must ensure a strong and effective criminal justice system. The risks of the innocent being convicted, and of the guilty being acquitted, must be as low as human fallibility allows. Any member of the public who becomes involved in the system of criminal justice in the Courts, whether as victim, defendant, or witness should be treated fairly, reasonably and without discrimination. Our sentences and sentencing philosophy must be clear, predictable and coherent, and correctly balance the tension between the need to ensure the security and wellbeing of the community and the need to give expression to the interests of the individual. The Subordinate Courts must be determined to impose effective deterrent and severe punishments on offenders who commit crimes of particular

concern to the public, as well as dangerous and chronic offenders.

42 Several emerging trends require the Subordinate Courts to consistently move in this overall direction. The openness of our economy means that we cannot insulate ourselves from regional crime trends. The range of crimes is becoming increasingly broad and complex. New opportunities offered by our modern age for enterprise as well as rising affluence have created new dimensions for crime. As a hub, Singapore attracts some seven million visitors a year. There is a large presence of foreign workers and foreign maids in Singapore. Elsewhere in other jurisdictions, there is an increasing call for alternatives to incarceration, prison reforms arising from prison overpopulation¹, reforms to the criminal justice process to prevent miscarriages of justice², strategies on crime prevention³ and the imposition of three strikes legislation. We must continually anticipate these trends and review our sentences and sentencing philosophy and the other aspects of our criminal justice to prevent any dent to our criminal justice system. This is particularly so in Singapore as the

¹ Prison Disturbances, April 1990, Report of an Inquiry by the Rt. Hon Lord Justice Woolf and His Honour Judge Stephen Tumim;

² The Royal Commission on Criminal Justice Report, Chairman: Viscount Runciman of Doxford, Presented to Parliament by The Secretary Of State for The Home Department by Command of Her Majesty July 1993.

³ Protecting the Public: The Government's Strategy on Crime in England and Wales- Presented to Parliament by The Secretary Of State for The Home Department by Command of Her Majesty, March 1996

effects of most crimes are amplified given our geography and compact size.

43 Further, given Singapore's interdependence with other countries, we must be aware of long range global issues, which may impact us. A recent 1997 study⁴ by 200 experts from 50 countries identified several issues which the Subordinate Courts must be aware of. Organised crime groups are becoming global enterprises. The severity of religious, ethnic and racial conflict is increasing. Uneven distribution of wealth among nations brings threatening consequences. Globalisation is rapidly evolving requiring an improved legal framework. I mentioned in the Sydney Conference that the world is moving into a new geopolitical order. It bears reiteration that, on a national level, all these issues and trends pose new threats and challenges to a country's social and public institutions, including the judiciary.

CONCLUSION

44 I have, in this morning's Address, covered considerable ground. In the present circumstances of the regional economy, the Subordinate Courts need to deal expeditiously and effectively with the increased cases that can be expected. The court

⁴ 1997 State of the Future: Implications for Actions Today by the American Council for the United Nations University, The Millennium Project in collaboration with the Smithsonian

infrastructure and systems presently in place are robust and therefore we should be able to see through the situation with relative equanimity. However, judges and court administrators alike will have to work even more diligently because of the extra caseload. Concomitantly, in respect of the diverse justice models, which have evolved in recent years, we shall have to continually and sensitively fine-tune our services and programmes and be even more innovative in meeting the needs of our various constituents. Topping everything, we must also set our hearts and minds steadfastly on the challenges in the coming millennium with a clear vision and strong sense of purpose. With fundamentally sound systems and having heavily invested in developing our human resources, we can be quietly confident that our judicial administration will remain amongst the foremost of world-class justice systems.

45 History teaches us that the future is always uncertain; discontinuities cannot be foreseen. We must therefore inculcate and internalise a court culture that endures and welcomes continuous change. We must anticipate change; we must plan for the unexpected. We must execute change skilfully. We must drive the change process; we cannot wait for change to knock at our doors. The strategic imperatives of change as the new millennium dawns must engage us thoroughly in all ways, if we

are to fulfil our obligations in ensuring the continued wellbeing of our nation state, Singapore. I would like both judges and court administrators to join me in giving our best and more as we transit into the next millennium. The prospect is exciting and exhilarating to those who see change and uncertainty as opportunities to be seized. I am confident that you will succeed.

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Appendix A

NINE APPROACHES TO REFORMS: AN OVERVIEW OF THE SINGAPORE EXPERIENCE AND SIGNIFICANT REFORMS

I. Restructuring from within

- 1991 • Commencement of backlog clearing.
- 1992 • Reduction of the number of Judges of the High Court required for the trial of a capital offence from two Judges to a single Judge, while increasing the number of defence counsel from one to two for each accused. This frees up valuable judicial resources to hear other cases. In addition, Judicial Commissioners, who exercise the same powers and enjoy like immunities as Judges of the High Court, are appointed periodically to help ease the overbearing caseload.
- 1993 • Backlog problem resolved in Supreme Court and the Subordinate Courts.
 - Establishment of a single permanent Court of Appeal exercising appellate jurisdiction in both civil and criminal matters.
 - Coming into operation of the amendments to the *Supreme Court of Judicature Act* (Cap 322) which empower the Chief Justice "where he considers it necessary or expedient to improve efficiency in the administration of justice and to provide for more speedy disposal of proceedings" to "by order direct such class or classes or description of proceedings as may be specified in the order" to be transferred from the High Court to the District Court and vice versa.
 - Coming into operation of the amendments to the *Subordinate Courts Act* (Cap 321) which increased the civil jurisdictional limits of the District Courts and the Magistrate's Courts in terms of the monetary values of claims, and expanded the list of matters which may be dealt with by the District Courts.
- 1994 • Abolition of appeals to the Judicial Committee of the Privy Council.
 - Practice Statement on judicial precedents was issued.
- 1995 • Establishment of the Family Court (which is a District Court).
- 1996 • Coming into operation of the Rules of Court 1996 which merges the rules of civil procedure in the Supreme Court with those of the Subordinate Courts.
 - Coming into operation of the *Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District*

Court) Order 1996, pursuant to which matrimonial proceedings of the *Women's Charter* (Cap 353) and proceedings under the *Guardianship of Infants Act* (Cap 122) which were commenced on or after 1 April 1996 were transferred to the District Court to be dealt with by the Family Court.

- 1997 • Further increase in the monetary jurisdiction of the District Courts.

II. Rethinking the role of the judge

- 1992 • Concept of individual and group management of civil cases was first introduced.
- 1993 • The Subordinate Courts' Workplan for 1993/1994 sought to develop and institutionalise an extended case management system in which the courts will monitor and control the progress of cases from filing to disposition.
- Concept of individual and group management of cases was extended to cover criminal cases (Group Management of Cases Scheme). Each group manager was tasked to manage a court calendar.
- 1994 • The courts are empowered, through a refinement of the rules of court (in particular, through the insertion of Order 3A of the *Rules of the Subordinate Courts* (Cap 321)), on their own motion, to review the progress of an action from the time of its commencement, and to impose appropriate sanctions whenever it appears that the parties are not conducting their litigation expeditiously.
- A strict policy against adjournment of trials was imposed. Strict adherence to trial dates was strongly urged on parties and counsels.
 - A "customised" approach whereby a specific registrar will be assigned to manage each interlocutory application from the time of its first hearing until its eventual disposition for better management of such application was contemplated.
- 1995 • During the Opening of the Legal Year, The Honourable the Chief Justice urged trial judges to be less tolerant and less accommodating in instances of misuse of the legal process, eg. counsel conducting unduly long cross-examinations.
- 1996 • Differentiated Case Management was implemented on a pilot basis and went into full operation. Under this concept, time standards for the disposition of a case are set with reference to factors such as the number and complexity of issues involved, and different cases are assigned different management tracks based on the time-line concept of caseflow management.

III. Redefining justice models

- 1995 • A Communitarian Model of Juvenile Justice was proposed. It represents a holistic approach which requires the close involvement of the community, and a departure from the traditional methods of punishment and incarceration.
- 1996 • An integrative approach is taken in respect of juvenile justice. Some innovative programmes include:
 1. Peer Group Advisors' Scheme
 2. Family Care Conferencing
 3. Youth Family Care Programmes
 4. Boot Camp

These programmes aim at re-integrating the juvenile delinquents into society through rehabilitating and reforming them.
- 1997 • Four Justice Models are introduced and enshrined in the Justice Statement (which was formalised during the 1997/1998 Subordinate Courts' Workplan Presentation). They are:
 1. Criminal Justice - Protecting the public
 2. Juvenile Justice - Restorative justice
 3. Civil Justice - Effective and fair dispute resolution
 4. Family Justice - Protecting family obligations

These justice models serve as a useful guide in the formulation of judicial policies in the relevant areas.

IV. Refining service standards

- 1991 • Night Courts were launched and made operational on a daily basis (excluding weekends) to enable minor offences to be heard after office hours.
- 1994 • Information leaflets were published and distributed free of charge to inform the public about court procedures and advise how the public may avail themselves of court services.
 - Electronic searches of court records are made available to help legal practitioners and the public to check on whether writs of summons and writs of executions have been issued by the courts.
 - JUSTNET Autopoint kiosks were implemented. The multimedia information kiosks allow members of the public to view a wide array of court and legal information (including weekly schedules of court hearings and court procedures) at the touch of a computer screen.
- 1995 • To provide improved service to the public, the Family Court was designed to include mediation rooms, a waiting area for parties, and a children's playroom where a female supervisor is stationed.

- 1996 • Mediation for maintenance and spousal violence disputes was introduced in the evenings for the convenience of litigants who have day-time jobs. These sessions are additional to those held during office hours.
- The Small Claims Tribunals were regionalised to provide for physical convenience and accessibility to the parties. A regional north branch was opened, and plans are under way for other branches to be opened in other localities.
- 1997 • The Joint Courts Charter was launched, which articulates the service standards that the public can expect of the courts.

Over the years, the waiting period for hearings have been cut down significantly, representing an overall improvement in court service in keeping with the principles of expedition and timeliness, both of which are essential in a responsive justice system.

V. Redeploying community resources

- 1995 • Psychiatrists and social workers are involved in the Juvenile Court as counsellors and advisers. Nine voluntary organisations are involved in the Family Conferencing programme.
- 1997 • Lawyers are involved as mediators in the consultation stage in the Small Claims Tribunals, as part of a pool of volunteer mediators forming the Court Support Group.
- Doctors are involved in the Family Court Clinic to provide medical assistance and reporting, as well as hospital referral services in domestic violence cases. In addition, volunteers from the various social organisations offer counselling and emergency telephone help-line services in family-related matters. Some of them are marriage therapists. The Family Court and the Juvenile Court have been working closely with these community organisations.

VI. Re-engineering through info-technology

- 1990 • Launch of LawNet, which provides a single statutes database for the legal profession.
- 1992 • Launch of new LawNet services. From a single legal research service, LawNet had been expanded into a comprehensive network of computer services for the legal sector by 1997, comprising the six modules of Legal Research, Litigation, Conveyancing, Corporate Law, Intellectual Property and Integrated Law Office. This covers all the major areas of legal practice.

- 1994 • A court-of-the-future, Court Vision 21 (CTV 21), was set up, demonstrating the latest court technologies.
 - Both phases of the Judicial Administration computerisation programme were completed. With this, a comprehensive network infrastructure was put in place to support the various applications including connectivity to external systems. An Electronic Bulletin Board was set up to facilitate communication through electronic means as a step towards the paperless office environment.
- 1995 • The first Technology Court was launched. Some of the state-of-the-art features include digital recording and transcription of the proceedings and the presentation of evidence through multi-media resources. There has since been a second technology court and an electronic chambers, and development is underway to set all the courtrooms and chambers in an electronic environment.
 - The Remote Chamber Hearing System was launched, which enables members of the legal profession to have ex-parte matters heard via desktop video conferencing.
 - A Judicial Officer's Bulletin Board was created in yet another step towards a paperless court.
- 1996 • A Bail Video Link was established between a mentions court and a remand prison allowing videoconferencing between the court and the remanded accused persons and their counsels for court mentions, so that bail applications can be made without the need for the accused persons to be physically brought to court.
 - A Witness Video Link was also launched, which equipped a courtroom with video-linking facilities so that vulnerable witnesses can give evidence without their physical presence in court. This greatly reduces the trauma of vulnerable witnesses such as sexual assault or young victims.
 - The Automated Traffic Offence Management System was commissioned. The system, the first in the world, enables offenders to attend to their minor traffic offences at electronic kiosks located islandwide at popular vicinities.
 - The Technology Renaissance Courts Conference was held on 24 - 25 September 1996. The theme of the Conference was "Justice and Technology - Superhighway to the 21st Century Courts". Leading justices and technology specialists were invited to share their knowledge of IT application in the justice sector.
 - Supreme Court's Website was launched.
- 1997 • Launch of the Electronic Filing System. Under this system, law firms would be able to file their suits and submit documents through an electronic data

interchange. In addition to electronic filing, the system also envisages an electronic extract service, an electronic service of documents service, and a comprehensive electronic information service.

- A Judicial Officers' Database was launched. It comprises, among others, various working papers and compendiums in electronic form which the officers could refer to in the course of their work.
- A prototype for the Computerised Sentencing Module was developed. This system was intended to provide a user-friendly interface for judges and magistrates to view sentencing information and crime trends.
- The Subordinate Courts' Website was launched.
- The Electronic Registry System, which is an imaging and document system to facilitate document sharing, routing and storage is being developed.
- A Technology Resource Hub is in the process of being developed.
- The Integrated Criminal Justice System, which involves the sharing of information with 17 other law and enforcement agencies, is in the process of being developed.

VII. Re-setting and re-evaluating intermediate goals

- 1992 • Introduction of the Subordinate Courts' First Workplan 1992/1993. Principal focus:
1. Backlogs and delays
 2. Judicial productivity
 3. Increase in jurisdiction
- 1993 • Introduction of the Subordinate Courts' Second Workplan 1993/1994. Principal focus:
1. Case management and allocation of hearing dates
 2. Reviewing the administrative and support structure
 3. Upgrading the professionalism and competence of Judicial Officers
 4. Change in pace and workstyles
- 1994 • Introduction of the Subordinate Courts' Third Workplan 1994/1995. Principal focus:
1. Performance measurement
 2. Monitoring the setting down of cases and adherence to trial dates
 3. Management of interlocutory applications and criminal cases
 4. Review of Rules of Court
 5. Futures planning

- 1995 • Introduction of the Subordinate Courts' Fourth Workplan 1995/1996.

Principal focus:

1. Core values
2. Disposition period for cases
3. Protection of vulnerable witnesses
4. Application of video-conferencing technology
5. The Family Court
6. Communitarian model of juvenile justice

- 1996 • Introduction of the Subordinate Courts' Fifth Workplan 1996/1997.

Principal focus:

1. Expedition and timeliness
2. Developing a Singapore mediation model
3. Providing the infrastructure for a Family Court Clinic
4. Refining the sentencing process
5. Dealing with juvenile violent crimes
6. The role of parents and the community
7. Building for the future

- 1997 • Introduction of the Subordinate Courts' Sixth Workplan 1997/1998.

Principal focus:

1. A vision of a world-class Subordinate Courts
2. Use of Victim Impact Statements
3. Combining mediation with adjudication in civil litigation
4. Parenting plan
5. Working with community resources
6. Code of ethics for judges and magistrates
7. Professional development

VIII. Re-aligning the paradigm of our value system

- 1995 • The 5 timeless core values of the courts were laid down by The Honourable the Chief Justice during the Subordinate Courts' Workplan 1995/1996.

- 1997 • A strategic workplan is being developed.

- The Justice Statement was formalised at the introduction of the Subordinate Courts' Sixth Workplan 1997/1998, along with the ultimate vision for Singapore courts to be among the best in the world. It sets out the vision, mission, goals and objectives, the core values and the principles for discharge of judicial office. The Justice Statements are now displayed in prominent corners of the court premises as a constant reminder to the judges and court staff of the challenges ahead.

IX. Repositioning the courts

- 1994 • Commencement of futures planning for the 21st century.
- 1997 • Formation of the Justice Policy Group, a think-tank which advises on the formulation of pro-active judicial policies based on research and environmental scan.
- A futures seminar was organised for the Subordinate Courts Judicial Officers by court futurist Prof. James Dator.

Sources:

- Speeches and Judgments of Chief Justice Yong Pung How (1996)
- The Subordinate Courts Annual Report 1992
- The Subordinate Courts Annual Report 1993
- The Judiciary Annual Report 1994
- The Judiciary Annual Report 1995
- The Judiciary Annual Report 1996

Appendix B

SUBORDINATE COURTS SEVENTH WORKPLAN 1998/1999
OPERATIONAL MEASURES

I. WAITING PERIODS AND ACCESSIBILITY

TO MAINTAIN AND ENHANCE WAITING PERIODS

II. CRIMINAL DIVISION

1. PROTECTING THE PUBLIC

- 1.1 Crime Trends
- 1.2 Establishment of Vulnerable Witness Support Group

2. PROMOTING SENTENCING CLARITY AND CONSISTENCY

- 2.1 Guideline judgments on sentencing
- 2.2 Compilation of sentencing primer
- 2.3 SOP for immigration offences

3. ALTERNATIVE SENTENCING AND COMMUNITARIAN JUSTICE

- 3.1 Alternative sentencing options
- 3.2 Enhancement of communitarian court model (for Juvenile and Family Justice)

4. CRIME REGISTRY

- 4.1 Pilot scheme for Criminal Legal Clinic
- 4.2 Written mitigation pleas
- 4.3 Development of SOP for activation of Field Magistrates
- 4.4 Monitoring and management of Magistrates' Complaints

- 4.5 Enhanced co-ordination with prosecuting and enforcement agencies and penal institutions
- 4.6 Implementation of Singapore Criminal Information Management System (SCRIMS)
- 4.7 Continuing study on Integrated Criminal Justice System (ICJS)
- 4.8 Extension of ATOMS
- 4.9 Relocation of Crime Registry

III. JUVENILE COURT

- 1. CONSOLIDATION OF JUVENILE COURT PROGRAMMES
- 2. TRAINING PROGRAMME FOR VOLUNTEERS
- 3. ACCREDITATION OF THE JUVENILE JUSTICE PROGRAMMES

IV. CIVIL DIVISION

- 1. REORGANISATION OF THE CIVIL REGISTRY
- 2. DCM FOR CLAIMS ABOVE \$100,000
- 3. STANDARD DIRECTIONS FOR ORDER 25
- 4. REVIEW OF BAILIFFS' SCHEME OF SERVICE
- 5. TAXATION CONSULTANCY STUDY
- 6. PRE-ACTION PROTOCOLS

V. COURT MEDIATION CENTRE

- 1. MAXIMISING CDR - MANDATORY CDR AND A 'PRIMARY DISPUTE RESOLUTION' PARADIGM
- 2. MULTIDOOR COURTHOUSE
- 3. VIRTUAL MEDIATION

4. EXPANDING THE ROLE OF 'MED-ARB'

VI. FAMILY COURT

1. MATRIMONIAL PROPERTY PLAN
2. PARENTING ORDERS
3. CHILD SUPPORT PAYMENTS
4. REVIEW AND SIMPLIFICATION OF PROCEDURAL RULES
5. THE FAMILY COURT WEBSITE
6. EXTENSION OF OPENING HOURS
7. VOLUNTEER MEDICAL CLINIC
8. STRATEGIC PLANNING BY THE COURT COUNSELLING UNIT
9. FAMILY COURT OPEN HOUSE AND OUTREACH PROGRAMMES
10. LINKS WITH COMMUNITY ORGANISATIONS

VII. SMALL CLAIMS TRIBUNALS

1. ADMISSION OF CLAIMS BY TELEPHONE OR IN WRITING
2. CONSULTATIONS AND HEARINGS VIA TELEPHONE, VIDEOPHONE AND OTHER ELECTRONIC MEANS
3. ENLARGING THE POWERS OF THE REGISTRARS
4. NEW REGIONAL CENTRE

VIII. JUSTICE POLICY GROUP

1. ENVIRONMENTAL SCANNING AND WEIGHTAGE ANALYSIS AND SCENARIO PLANNING

IX. COMMUNITY AWARENESS

1. PEOPLE'S ASSOCIATION LECTURE AND EXHIBITION
2. MULTI-DISCIPLINARY COMMITTEES
3. CREATION OF ADVISORY COMMITTEES
4. MULTI-DISCIPLINARY TASK FORCES
5. SUPPORTING COMMUNITY MEDIATION CENTRES
6. PUBLICATIONS
7. MEDIA GUIDELINES

X. PROFESSIONAL DEVELOPMENT OF JUDICIAL OFFICERS

1. DEVELOPMENT AND IMPLEMENTATION OF TRAINING ROAD MAPS
2. TUTOR JUDGES SCHEME
3. ANNUAL REFRESHER SEMINAR ('RECAP') SERIES
4. REVIEW OF INDUCTION PROGRAMME
5. COMPUTER-BASED TRAINING
6. CONSULTANCY WITH FOREIGN EXPERTS
7. CONSOLIDATION OF MATERIALS IN JUDICIAL OFFICERS' DATABASE

XI. ADMINISTRATION & PERSONNEL

1. PLANNING FOR NEW SUBORDINATE JUDICIARY COMPLEX
2. CLIENT SERVICES BENCHMARKS
3. COSTING AND MANAGEMENT ACCOUNTING SYSTEM
4. PERSONNEL AND HUMAN RESOURCE DEVELOPMENT - TRAINING ROAD MAPS
5. TRAINING CENTRE FOR COURT ADMINISTRATORS

6. STRATEGIC PARTNERSHIPS WITH COURT PUBLIC AFFAIRS DEPARTMENTS IN OTHER JURISDICTIONS
7. UPGRADING OF TERMS OF SERVICE FOR SUPPORT STAFF
8. EXTERNAL AUDIT OF PERFORMANCE STANDARDS
9. BALANCED SCORECARD
10. WORK OF THE RESEARCH AND STATISTICS UNIT
11. JUVENILE DELINQUENCY DATABASE

XII. COMPUTERISATION AND INFORMATION TECHNOLOGY

1. EXPLORING THE USE OF VOICE TECHNOLOGY
2. LOCAL AREA NETWORK (LAN) UPGRADE
3. YEAR 2000 COMPLIANCE
4. WINDOWS 95 AND OFFICE 97 MIGRATION
5. ENHANCEMENT OF INTRANET
6. INFORMATION TECHNOLOGY PLAN (ITP)
7. TECHNOLOGY AWARENESS PROGRAMME
8. DIGITAL LIBRARY
9. MULTIMEDIA CENTRE (INCORPORATING COMPUTER-BASED TRAINING)
10. VIRTUAL CONSULTANCY WITH FAMILY COURT AUSTRALIA
11. ELECTRONIC FILING SYSTEM (EFS)
12. ELECTRONIC MANAGEMENT OF CORRESPONDENCE (EMC)
13. CROSS-MINISTRY SYSTEMS
14. VIRTUAL COMMUNITY IN THE SUBORDINATE COURTS