

**EMBARGOED UNTIL AFTER DELIVERY ON 6 APRIL.  
PLEASE CHECK AGAINST DELIVERY.**

**MINISTRY OF LAW COMMITTEE OF SUPPLY 2016**

**HEAD R**

**PARLIAMENT, 6 APRIL 2016**

**RESPONSE BY**

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

Madam Chairman,

1. I thank members for supporting MinLaw's work, and for their suggestions, comments and queries.
2. In my response, I will focus on how my Ministry is working to:
  - Improve access to justice;
  - Strengthen community justice; and
  - Ensure a sufficient pipeline of quality legal talent.
3. I will also address Members' queries on intellectual property ("IP") and land acquisition.

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**I. Legal aid and awareness**

4. Dr Tan Wu Meng and Asst Prof Mahdev Mohan spoke about access to justice.
5. 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.
6. 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.
7. 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.
8. 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.

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- This is a significant increase from 2014, when 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”).
9. 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.
10. We have been promoting a strong *pro bono* culture within the legal fraternity.

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- 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**

11. I turn now to community justice.

12. 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.

13. Mr Patrick Tay asked about these initiatives.

*CDRT*

14. 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.

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- 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.

*POHA*

15. 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.

16. Mr Tay asked if the claim limits of the Small Claims Tribunals would be increased.

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- This is being reviewed by my Ministry and the State Courts as part of the review of the Small Claims Tribunals Act.

17. 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**

18. Mr Dennis Tan asked about the implications of the UniSIM Law School (“ULS”) graduates entering the market.

19. 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 after 2020, by which time the current situation should have resolved itself.

20. 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 these areas.
- There is a high attrition rate amongst those who do due to the stresses and emotional demands.

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- The current oversupply thus does not meet this very real need.
- 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.

21. Mr Tan also asked about MinLaw's position on external law degrees and degrees from non-scheduled universities.

22. 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.

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23. Prior to the mid-1990s, there was no restriction on external law degree holders practising.

24. In 1993, the First Committee on the Supply of Lawyers reviewed the supply and quality of lawyers. It found that external degree courses and certain overseas universities generally did not provide the same quality

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of education as full-time law degrees offered by local and certain overseas law schools.

25. Therefore, from 1996 onwards, we restricted eligibility for practice to those from local universities or an approved list of OSUs.
26. This policy has been in place and made known for 20 years.
27. We review the OSUs periodically to maintain the quality of overseas-trained entrants to the Singapore Bar.
28. The Fourth Committee on the Supply of Lawyers reviewed the issue of external law degrees in 2013. It recommended the position should be maintained.
29. There is nevertheless a wide range of jobs other than practice for external law degree holders and graduates from non-OSUs, such as in-house legal positions, law related knowledge management and business development. They are also eligible for a wide range of non-law jobs.
  - External law degree holders and non-OSU graduates who wish to practise can now seek admission to the Singapore Bar via the J.D. programme offered by ULS.



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

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

31. 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, not just in Singapore, but around the world.

- 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.

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

32. My Ministry and IPOS have recently completed a review of the registered designs regime. The review recommendations will support

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the Design 2025 Masterplan in promoting the use of designs as a source of growth and productivity.

- 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.
- The changes will support creativity and innovation in Singapore's designs ecosystem, and allow businesses to obtain design protection in Singapore and overseas markets more easily and effectively.

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

33. Mr Desmond Choo asked whether *ex gratia* support could be provided to workers in deserving circumstances.

34. 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 :-

- compensation for land; and
- support for retrenched workers

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

36. We should continue to maintain that principle.

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

37. 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;

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- Providing job-matching assistance through JobsBank, e2i and WDA, amongst others;

- Budget 2015 also devotes significant attention to how retrenched workers can be helped under the section “Supporting Our People Through Change.”

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**VI. Conclusion**

38. Madam 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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