

30 AUGUST 2013

**ATTORNEY-GENERAL'S SPEECH
AT THE PRIZE PRESENTATION CEREMONY OF
THE AGC LAW REFORM ESSAY COMPETITION 2013**

Good evening, Dean SMU School of Law Professor Yeo Tiong Min and distinguished guests.

2. This is the second year in which the Law Reform Essay Competition is held, the purpose being for students to try their hand at analyzing the law. It presents a unique opportunity for students to propose reforms in a selected area of Singapore law. The inaugural Essay Competition last year was a collaboration between my Chambers and SMU's School of Law, whose students conceived this idea. This year, we are pleased to welcome on board the NUS Faculty of Law.

3. We invited students from both NUS and SMU to propose reforms in an area of law literally involving life and death — culpable homicide and murder, and how the definition of culpable homicide and murder in the Penal Code may be reformed, refined or improved. The definition of culpable homicide and murder in the Penal Code has long been the subject of wide discourse, debate and even criticism. Indeed this topic was raised during the second reading speech of the Penal Code (Amendment) Bill 2012, which was part of a trinity of Bills (including the Misuse of Drugs (Amendment) Bill and the Criminal

Procedure Code (Amendment) Bill, to provide a discretion to the courts to impose life imprisonment in lieu of the mandatory death penalty for the offence of murder or drug trafficking in certain circumstances. There is currently also a Committee chaired by the Senior Minister of State for Law, Ms. Indranee Rajah, and comprising leading members of the criminal justice community, that is undertaking a review of the law of homicide and the treatment of mentally disabled offenders. To this end, the Committee is looking into rationalizing the Penal Code offences of culpable homicide and murder where death results, including the punishment regime for such offences. As such, the topic for this year's Competition is indeed a "live" topic.

4. I am delighted that we have received encouraging attempts from students for this year's competition, with some even attempting to draft proposed amendments to sections 299 and 300 of the Penal Code. As this is the first time both NUS and SMU are on board, the Competition has also witnessed cross-collaboration between students from both universities. For example, the essay that was awarded the second prize was jointly authored by a student from NUS and a student from SMU. This, to me, is a very healthy development. More such cross-university collaborations should be encouraged, and I am sure the students have greatly benefited from the exchange of ideas and views in working together. In practice, you need to work together as well.

5. In the course of reviewing the essays, I have taken note of a number of interesting proposals. For instance, one essay suggested a conceptual shift

where the various tiers of homicide are understood as involving different wrongs instead of being different degrees of the same wrong to reduce overlap. Another proposed renaming culpable homicide as manslaughter with the relationship between murder and manslaughter defined by variations in the degree of the offender's mental culpability. There was also a proposal to expand the *mens rea* for murder in section 300 of the Penal Code to include "extreme indifference", a concept used in the American Model Penal Code.

6. My officers will be compiling, as in the previous year, a list of the feasible proposals for submission to the relevant Ministries for their consideration. I am sure that this will provide a great sense of satisfaction to the participants of the Competition, knowing that they are making an actual meaningful contribution to law reform.

7. Finally, my congratulations to the authors of the three prize-winning essays, and the authors of 2 essays commended by the competition judging panel. This year, I have decided to extend to all prize winners an internship with the Legislation and Law Reform Division of my Chambers as it presents an excellent opportunity for the winners to work with my team of legislative draftsmen and learn about the work that they do. I have been told that the winners of last year's competition¹ appreciated the exposure to, and the challenge of, assignments that required them to research and analyse areas of law beyond their areas of study in law school.

¹ For the 2012 competition, the internship was only offered to the authors of the essay that was awarded the first prize.

8. I would also like to thank Professor Yeo Tiong Min, Professor Simon Chesterman, Associate Professor Joel Lee, Associate Professor Warren Chik, Associate Professor Chandra Mohan and Assistant Professor Umakanth Varottil for working closely with Charles Lim, Audrey Lim, Mohamed Faizal and Melvin Shen from my Chambers to ensure the success of the competition. I believe this Competition has raised awareness of some of the work of my Chambers and will spark interest in law students to pursue a career in the public service through my Chambers.

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