

*Attorney-General's Chambers' Annual Summaries*  
*Significant Work Highlights of 2016*

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## **CIVIL DIVISION**

The Civil Division of the Attorney-General's Chambers ("AGC") plays a vital role in protecting and advancing the Government's interests, facilitating the administration of justice and upholding the rule of law. The Division advises Government ministries and Organs of State on a broad spectrum of complex legal issues. It also represents the Government in legal proceedings, land acquisition hearings and alternative dispute resolution. In 2016, the Division represented several statutory boards in court proceedings pursuant to the Attorney-General (Additional Functions) Act 2014.

## **HIGHLIGHTS OF WORK DONE IN 2016**

### **(1) Major Cases**

#### **(a) *Ali Khan Restaurant Pte Ltd v the Attorney-General and National Environment Agency (unreported)***

The Director-General of Public Health ("DGPH") had imposed a two-week suspension on the applicant on the basis that it had violated a number of food hygiene regulations. After the applicant's unsuccessful appeal to the Minister, it applied to quash the decision of the DGPH and the Minister. AGC successfully persuaded the High Court that there was no factual or legal basis for the challenge against the decisions of the DGPH and the Minister and the application was dismissed.

#### **(b) *Attorney-General v Ting Choon Meng and another appeal [2017] 1 SLR 373***

AGC represented the Ministry of Defence in seeking the court's relief under s 15 of the Protection from Harassment Act (Cap 256A, 2015 Rev Ed). The case dealt with the novel question of whether the Government has the right to invoke s 15 for an order that there be no publication unless there is notification of the falsehood and the true facts.

See *Attorney-General v Ting Choon Meng and another appeal [2017] 1 SLR 373* at: <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/court-of-appeal-judgments/22651-attorney-general-v-ting-choon-meng-and-another-appeal> (accessed 7 March 2017)

#### **(c) *Axis Law Corporation v Intellectual Property Office of Singapore ("IPOS") [2016] 4 SLR 554***

AGC successfully resisted a judicial review application brought by Axis Law Corporation against the decision of a Principal Assistant Registrar of IPOS to refuse it leave to amend its Statement of Grounds. The High Court agreed with AGC that the applicant had failed to demonstrate any grounds for judicial review. The applicant's appeal was dismissed by the Court of Appeal.

See *Axis Law Corporation v Intellectual Property Office of Singapore [2016] 4 SLR 554* at: <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/high-court->

[judgments/18510-axis-law-corp-v-intellectual-property-office-of-singapore](#) (accessed 7 March 2017)

**(d) *Deepak Sharma v Law Society of Singapore* [2016] 4 SLR 192**

In the first case in Singapore where the court had to consider a complaint of professional misconduct in relation to solicitors over-claiming party-and-party costs, AGC made submissions to assist the court. The High Court Judge described this as “*an exceptional case which is unusual in many respects*”. The applicant, who was unsuccessful in his application for judicial review against the Law Society, has since appealed to the Court of Appeal.

See *Deepak Sharma v Law Society of Singapore* [2016] 4 SLR 192 at <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/high-court-judgments/18478-deepak-sharma-v-law-society-of-singapore> (accessed 7 March 2017)

**(e) *Khiu Chwee Choon v Attorney-General* (unreported)**

The applicant sought to compel the Commissioner of National Registration to produce copies of all documents lodged by him pursuant to the National Registration Act. However, the applicant could offer no logical reason for requiring these documents. Upon AGC’s application, the High Court struck out the applicant’s judicial review application on the basis that it disclosed no reasonable cause of action, and was unsustainable in law. The applicant was also ordered to pay costs to AGC.

**(f) *Lai Swee Lin Linda v Attorney-General* [2016] 5 SLR 476**

In the first case before the Court of Appeal regarding the application of s 74 of the Supreme Court of Judicature Act (Cap 322, 2007 Rev Ed), the Court of Appeal agreed with AGC’s submissions that the appellant was correctly designated as a “vexatious litigant” under s 74. The Court of Appeal also agreed with AGC that the appellant’s allegations against the Government and the Supreme Court were completely baseless and misconceived.

See *Lai Swee Lin Linda v Attorney-General* [2016] 5 SLR 476 at: <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/court-of-appeal-judgments/18586-lai-swee-lin-linda-v-attorney-general> (accessed 7 March 2017)

**(g) *Lee Wei Ling and another v Attorney-General* [2016] 5 SLR 902**

AGC successfully resisted an application for declarations that the plaintiffs were entitled to a copy and unfettered use of the late Mr Lee Kuan Yew’s oral history transcripts (produced as a Government project). The High Court agreed that the transcripts were protected by the Official Secrets Act (Cap 213, 2012 Rev Ed) and could be accessed, used and reproduced only with both the Government and Mr Lee’s personal permission.

See *Lee Wei Ling and another v Attorney-General* [2016] 5 SLR 902 at: <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/high-court-judgments/18610-lee-wei-ling-and-another-v-attorney-general> (accessed 7 March 2017)

**(h) *Novelty Dept Store Pte Ltd v Collector of Land Revenue* [2016] 2 SLR 766**

In a rare land acquisition appeal, AGC successfully argued that the Appeals Board’s decision to exclude as comparables (when valuing the appellant’s property) properties subject to sale-and-lease back (“**SLB**”) arrangements was correct. The Court of Appeal agreed with AGC that the appellant’s valuation by reference to a notional SLB arrangement would give it an “*unjustified windfall*”, and it could not assume the role of a seller/lessee while claiming compensation as an owner-occupier.

See *Novelty Dept Store Pte Ltd v Collector of Land Revenue* [2016] 2 SLR 766 at <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/court-of-appeal-judgments/18345-novelty-dept-store-pte-ltd-v-collector-of-land-revenue> (accessed 7 March 2017)

**(i) *Re Wordsworth, Samuel Sherratt QC* [2016] 5 SLR 179**

AGC supported Mr Wordsworth QC’s *ad hoc* admission to the Singapore Bar for an application to set aside an investor-state arbitral award (“**underlying application**”). The High Court agreed with AGC’s observation that the issues in the underlying application would predominantly be governed by public international law principles. This meant that the pool of local counsel able to conduct the underlying application was limited.

See *Re Wordsworth, Samuel Sherratt QC* [2016] 5 SLR 179 at: <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/high-court-judgments/18566-re-wordsworth-samuel-sherratt-qc> (accessed 7 March 2017)

**(j) *SGB Starkstrom Pte Ltd v Commissioner for Labour* [2016] 3 SLR 598**

AGC successfully resisted an application to quash the Commissioner’s decision that a Notice of Assessment issued under the Work Injury Compensation Act (“**WICA**”) (Cap 354, 2009 Rev Ed) was void because the injured workman’s next-of-kin had not been formally appointed as his deputy when the WICA claim was made. The Court of Appeal agreed with AGC that substantive legitimate expectation (“**SLE**”) did not arise on the facts, and questioned whether the SLE doctrine should be accepted as part of Singapore law.

See *SGB Starkstrom Pte Ltd v Commissioner for Labour* [2016] 3 SLR 598 at <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/court-of-appeal-judgments/18428-sgb-starkstrom-pte-ltd-v-commissioner-for-labour> (accessed 7 March 2017)

**(2) Other Significant Legal Work and Key Initiatives**

**(a) *Bukit Batok By-Election 2016***

For the By-Election 2016, the Division provided legal assistance by way of legal advice, training of elections officials as well as deployment on Nomination Day and Polling Day.

**(b) *Bulk Tender for the Supply of Wireless@SG Implementation Services (Internet Surfing Separation)***

With the Internet Surfing Separation policy expected to be fully implemented by mid-April 2017, disabling Internet access via Ethernet land lines, the Division drafted and vetted tender documents seeking bids for the provision of additional Wireless@SG access points at various Government agencies throughout Singapore.

***(c) Municipal Case Map for the OneService Mobile App***

The Municipal Services Office (MSO) is developing a web portal in connection with the OneService mobile application, an application which allows members of the public to submit feedback on municipal issues in Singapore. The Division advised MSO on legal issues pertaining to the publication of personal and non-personal data on the OneService mobile application and web portal.

***(d) National Trade Platform***

The Division provided legal advice on post-award issues related to the main contract for the development of the National Trade Platform, a project to replace the existing TradeNet and TradeXchange, including the vetting of agreements that Singapore Customs will be entering into with various value-added services providers and subscribers.

***(e) Rail Financing Framework***

The Division advised on the new financing framework for the Mass Rapid Transit system.

***(f) Smart Nation***

As part of the Government's Smart Nation initiative, the Ministry of Transport is in the process of testing and rolling out various forms of autonomous vehicles, including truck platoons and unmanned aerial systems. The Division continued to work closely with the Ministry of Transport, as well as entities such as the Land Transport Authority and the Civil Aviation Authority of Singapore, to advise on a broad range of legal issues that may arise from the use of autonomous vehicles in Singapore. The Division also assisted in drafting and vetting agreements relating to proposed and on-going trials at various locations throughout Singapore.

Open data sharing is also a priority area in Singapore's Smart Nation vision. The Division advised on the crafting of version 1.0 of the Singapore Open Data Licence released in 2016, which governs all open data that the Singapore Government publishes on data.gov.sg.

In addition, the Division advised on a number of transformative and citizen-centric digital governance initiatives, such as MyInfo, a digital platform launched in May 2016 that enables users to manage the use of their personal data and conduct online transactions more seamlessly and efficiently with participating organisations.

***(g) United Nations Work on International Trade Law***

In addition to representing Singapore at the deliberations of United Nations Commission on International Trade Law (UNCITRAL)'s 49<sup>th</sup> Session in New York, officers from the Division also participated in the work of three UNCITRAL Working Groups to formulate Technical

Notes on Online Dispute Resolution, a Model Law on Electronic Transferable Records and a Legislative Guide on an UNCITRAL Limited Liability Organization.



*Putting plans to paper at the annual Civil Division Strategic Planning Retreat*



*Providing updates at the Divisional meeting with legal service officers from Ministries*



*Providing training to public officers at the annual “Know the Law: Legal Principles for Every Public Officer” Seminar*

### **Key Figures for Calendar Year 2016**

**3,640** pieces of legal advice rendered

**11** attendances at Court of Appeal hearings

**152** attendances at other Court hearings

**46** attendances at Appeals Board (Land Acquisition) hearings

**16,252** pages drafted/reviewed for transactions matters



## CRIMINAL JUSTICE DIVISION

The Criminal Justice Division (“CJD”) is responsible for all prosecutions except those relating to financial, corruption and technology offences, which come under the purview of the Financial and Technology Crime Division. The Division also renders advice on criminal justice matters to Government departments and agencies, supervises ministry prosecutions and is actively involved in law reform relating to criminal matters.

### HIGHLIGHTS OF WORK DONE IN 2016

#### (1) Major Cases

##### (a) *Public Prosecutor v BAB [2017] SGCA 2*

The female accused was convicted of offences involving the sexual penetration of a minor and was convicted. Before she was sentenced, the High Court set aside the convictions because, in its view, the provision only applied to male offenders due to the use of the phrase “a part of A’s body (other than A’s penis)”. The Prosecution successfully appealed to the Court of Appeal, which held that the offence she was convicted of was gender-neutral. Specifically, it held that Parliament had intended the offence to apply to female and male offenders and the provision should be read purposively to include female offenders.

See *Public Prosecutor v BAB [2017] SGCA 2* at [http://www.singaporelawwatch.sg/slw/attachments/94653/\[2017\]%20SGCA%2002.pdf](http://www.singaporelawwatch.sg/slw/attachments/94653/[2017]%20SGCA%2002.pdf) (accessed 8 March 2017).

**Woman jailed 10 years for sex abuse of girl**

She had earlier been acquitted on basis that a woman can't be guilty of penetration of minor

**Selina Lum and Janice Tai**

A 40-year-old woman was yesterday jailed for 10 years for sexual abuse of a girl, after being initially cleared of most charges by a lower court, which had ruled that a woman could not be convicted of the crime of sexual penetration of a minor.

Zunika Ahmad, a transgender individual who is biologically female but lives as a man, appeared relaxed on being sentenced. Wearing her usual court attire of a loose-fitting hooded robe, she spoke calmly to her parents and one of her two "wives" before being led away.

Although she had pleaded guilty to seven charges last December, her case took a dramatic turn in April when a High Court judge rejected her plea and acquitted her of six counts of sexual penetration of a minor. The victim was then 13. Zunika received eight months' jail on one count of sexual exploitation.

Senior Judge Kan Ting Chiu reasoned that because of the way the law was worded, only a man could be found guilty. The prosecution appealed against this decision, arguing that the provision was intended to apply to male and female offenders.

On Sept 28, the Court of Appeal agreed and ruled that Section 376A(1)(b) of the Penal Code was gender-neutral. The court also reversed the acquittal and reinstated Zunika's conviction.

Diagnosed with gender dysphoria, Zunika speaks, dresses and behaves like a man. Even the two women she "married" in Indonesia did not know their "husband" was a woman.

The victim and her siblings, who were abandoned by their mother, started going to Zunika's flat in 2011. In January 2012, Zunika kissed the victim on the cheek. Between March 2012 and December 2013, she had regular consensual sex with the girl using a sex aid. Zunika stopped the affair in December 2013. Three months later, the girl told her family, and a police report was made.

Yesterday, the prosecution sought at least eight years' jail. Second Solicitor-General Kwek Mean Luck said Zunika had abused her position of authority and exploited the girl's naivety by perpetrating a series of offences over 20 months.

Zunika's lawyer, Ms N. Sudha Nair, asked for less than three years' jail. She argued that her client had not sought out the victim for sexual gratification; it was after the girl confessed her feelings for the accused that she realised she was also developing feelings for the girl.

In sentencing Zunika to 10 years' jail, the apex court took into account as aggravating factors the number of offences and that she had abused her position of trust. But the court also considered that the offences were committed against the backdrop of a genuine romantic relationship, that Zunika was not a serial offender, and there was a low risk she would re-offend. A detailed written judgment will be released at a later date.

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**SEE HOME B2**

**SPEAK UP ABOUT ABUSE**

The sentence is fair compared to the eight months she was given on her first trial. To the other abusers who are still out there, take this case as a lesson. No matter how manipulative you are and no matter how clever you think you are, one day you will still fall, so repent now before you regret. To others who are being abused, please tell people about it no matter how much you think you 'love' somebody... please don't be as stupid as I used to be.

**THE VICTIM**, who was 13 when Zunika first started having sex with her using a sex aid

Media report concerning *Public Prosecutor v BAB* (Source: *The Straits Times*)

##### (b) *Iskandar bin Rahmat v Public Prosecutor [2017] SGCA 9*

This was the *Kovan* double murder case in which the body of the second deceased was dragged under the accused's car for over a kilometre until it became dislodged near Kovan MRT station. The accused was a police officer who decided to rob the first deceased after he read in a police report lodged by the first deceased that the latter held a large sum of cash in his safe. The offender killed the first deceased in the course of the robbery, and also the first deceased's son (the second deceased) when he happened to turn up at the scene. The offender was convicted



after trial of two counts of murder and sentenced to death. On appeal, the offender sought to adduce fresh evidence in the form of a psychiatric report to pursue the defence of diminished responsibility for the first time. The Court of Appeal commented that accused persons are expected to put their best case forward at the earliest time possible, and that the Court might reject “drip-feed applications” to adduce fresh evidence in the future. The Court, ultimately, found that the offender did not suffer from diminished responsibility and dismissed the appeal. The death sentence was upheld.

See *Iskandar bin Rahmat v Public Prosecutor* [2017] SGCA 9 at [http://www.singaporelawwatch.com.sg/slw/attachments/96223/\[2017\]%20SGCA%2009.pdf](http://www.singaporelawwatch.com.sg/slw/attachments/96223/[2017]%20SGCA%2009.pdf) (accessed 8 March 2017).



Media report concerning *Iskandar bin Rahmat v Public Prosecutor* (Source: The Straits Times)

**(c) *Public Prosecutor v Lee Sze Yong* [2016] SGHC 267**

The accused Lee Sze Yong claimed trial to a charge of kidnapping for ransom. The victim was the mother of the boss of the Sheng Shiong Group of companies, and she was held by the accused for about 11 hours before being released after a ransom of \$2 million was paid. During the trial, the prosecution adduced evidence showing that the accused had scouted a number of wealthy Singapore residents, and that he had been making plans for his kidnapping plan for a number of years. The High Court sentenced the accused to life imprisonment and 3 strokes of the cane, and the accused has appealed against both his conviction and his sentence. The appeal is currently pending.

See *Public Prosecutor v Lee Sze Yong* [2016] SGHC 267 at <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/high-court-judgments/22610-public-prosecutor-v-lee-sze-yong> (accessed 8 March 2017).



*Media report concerning Public Prosecutor v Lee Sze Yong (Source: The Straits Times)*

**(d) *Kho Jabing v Public Prosecutor* [2016] SGCA 36**

The Court of Appeal held that it had the power to re-open a concluded criminal appeal to prevent a miscarriage of justice. This power would be exercised only if there was new and compelling material that could show almost conclusively that there has been a miscarriage of justice, in the sense that the decision on conviction or sentence was demonstrably wrong. The Court of Appeal declined to exercise this power in the case of Jabing, who had been sentenced to death for committing murder.

See *Kho Jabing v Public Prosecutor* [2016] 3 SLR 135 at <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/court-of-appeal-judgments/18468-kho-jabing-v-public-prosecutor> (accessed 8 March 2017).

**(e) *Public Prosecutor v Rasheed Muhammad & Ramzan Rizwan* [2017] SGHC 29**

The two accused persons were charged with murder with common intention after they killed a fellow Pakistani over a money dispute, and disposed of his body by cutting off the legs and packing the torso and legs separately in two luggage bags. The certified cause of death was that of smothering but there was no clear evidence as to who had smothered the deceased, and both accused persons blamed each other at trial. Nevertheless, the High Court observed that the prosecution did not have to prove who exactly had smothered the deceased. Based on the evidence, including the evidence of what happened post-killing, the High Court found that both accused persons had shared an intention to kill the deceased for money, and acted in concert to

carry out that plan, resulting in the death of the deceased. They were convicted accordingly and sentenced to death.

See *Public Prosecutor v Rasheed Muhammad & Ramzan Rizwan* [2017] SGHC 29 at <http://www.supremecourt.gov.sg/docs/default-source/module-document/judgement/cc60-16-rasheed-muhammad-pdf.pdf> (accessed 8 March 2017).



*Media report concerning Public Prosecutor v Rasheed Muhammad & Ramzan Rizwan* (Source: *The New Papers*)

**(f) *Public Prosecutor v GS Engineering & Construction Corp* [2016] SGHC 276**

GS Engineering & Construction Corp was fined \$150,000 for failing to take adequate measures to ensure the health and safety of its workers at a worksite, which led to the death of two workers. As the sentence was inadequate, the Prosecution appealed the sentence. In the High Court, the Prosecution submitted that the sentencing norms in the State Courts for this offence did not adequately uphold the statutory and public policy concerns behind the Act and urged the Court to consider establishing a sentencing framework for the offence. The High Court agreed that the sentences that have been imposed for this offence have been too low and that the sentencing regime required a review. The Court also *generally* agreed with the sentencing framework that the Prosecution had proposed and on applying this framework, allowed the appeal by increasing the sentence to \$250,000.

See *Public Prosecutor v GS Engineering & Construction Corp* [2016] SGHC 276 at [http://www.singaporelawwatch.sg/slw/attachments/93729/\[2016\]%20SGHC%20276.pdf](http://www.singaporelawwatch.sg/slw/attachments/93729/[2016]%20SGHC%20276.pdf) (accessed 8 March 2017).



High Court sets benchmark by fining construction firm \$250,000 over 2 deaths

# Ensure worker safety or expect larger fines

SELINA LUM, THE STRAITS TIMES

Employers who do not take adequate steps to ensure the safety and health of their workers at the workplace can expect to face stiffer fines in the future.

The High Court has reviewed the sentencing regime for breaches of the Workplace Safety and Health Act after agreeing with prosecutors that the fines imposed in previous cases have been too low.

The prosecution had argued to double the \$150,000 fine handed down to GS Engineering & Construction last year for a 2014 accident in which two workers fell to their deaths from the seventh storey of a Fusionopolis worksite.

On Thursday, it was fined \$250,000 – the highest fine to be imposed under the Act.

Prosecutors argued the courts have not “utilised the full range of the sentences prescribed by Parliament”, which had set the maximum fine at \$500,000, and proposed the High Court establish a sentencing framework.

The Act, which replaced the Factories Act in 2006, was enacted after a review of workplace safety regulations following three high-profile worksite

accidents in 2004.

It sets a maximum fine of \$300,000 for first-time offenders and \$1 million for repeat offenders. Under the old Act, the maximum fine was \$200,000.

While Parliament sets the maximum, the courts can lay down sentencing guidelines.

Prosecutors argued most of the fines meted out so far fall below 50 per cent of the maximum.

Before GS, no firm had been fined more than \$200,000.

In a 42-page written judgment, Judicial Commissioner See Kee Oon agreed that the fines imposed so far are too low.

## DETERRENT

“For future cases, the sentencing court should bear in mind that the legislative intent for the introduction of more severe penalties was to create a more palpable deterrent effect and encourage stakeholders to take more proactive measures to minimise... accidents,” he said.

He laid down a sentencing framework which sets out possible fines, depending on the culpability of the employer and potential harm in each case.

For instance, a company which acts reflect a high level of culpability and a high potential

for harm could be fined between \$300,000 and \$500,000.

A company which acts show a low level of culpability and a low potential for harm could be fined up to \$20,000.

The fine would then be calibrated based on aggravating or mitigating factors.

In the case of GS, the judicial commissioner increased the fine to \$250,000, ruling that the potential harm was high and culpability fell within the medium to high category.

He also took into account that the company had a good safety record and took remedial steps after the accident.

A Ministry of Manpower spokesman said the Attorney-General's Chambers and the ministry had sought a deterrent sentence “in light of the seriousness of the safety failures that led to the accident”.

This year, 64 workers have died on the job. Manpower Minister Lim Swee Say had warned in August that workplace fatalities are on the rise.

The fatality rate in 2014 was 1.8 per 100,000 workers, and crept up to 1.9 last year and is projected to hit 2.2 this year.

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*Media report concerning Public Prosecutor v GS Engineering & Construction Corp (Source: The Straits Times)*

## (g) *Prabakaran a/l Srivijayan v Public Prosecutor and other matters [2017] SGCA 67*

The applicants, who were facing the death penalty for drug offences, filed a criminal motion urging the Court of Appeal to review its previous decisions on the basis that the law allowing the Public Prosecutor to determine whether an offender had substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities were unconstitutional. In dismissing the motions, the Court held that the Public Prosecutor’s discretion to certify that an offender had rendered substantive assistance was a pre-condition to vesting the court with alternative sentencing discretion and did not violate the constitutional principle of the separation of powers. It held, further, that the power to prescribe punishment was part of the legislative power, while the courts’ power was to exercise its sentencing discretion as conferred by statute to select the appropriate punishment. Accordingly, the legislative prescription of an executive determination as a condition precedent to the exercise of the sentencing power would not be impugned where the determination was confined to the limited question of whether an objective condition has been satisfied. In relation to the issue of remedies, the Court ruled out the use of Article 162 of the Constitution as a curative mechanism, holding that it applied only to the narrow category of laws which had been enacted but not yet brought into force at the commencement of the Constitution. Turning to the doctrine of severability, the Court held that

it had to be exercised having regard to whether Parliament would have intended that an enactment found partially in breach of the Constitution should nevertheless be given effect even after the severance and invalidity of some portions. Significantly, the Court expressed its disapproval of a ‘drip-feeding’ approach to the raising of constitutional arguments, and held that counsel who wished to make applications post-appeal would henceforth have to swear or affirm an affidavit explaining why the matters raised could not have been done so in the appeal proper.

See *Prabakaran a/l Srivijayan v Public Prosecutor and other matters* [2017] SGCA 67 at [http://www.singaporelawwatch.sg/slw/attachments/92878/\[2016\]%20SGCA%2067%20\(amedded%2016%20Dec\).pdf](http://www.singaporelawwatch.sg/slw/attachments/92878/[2016]%20SGCA%2067%20(amedded%2016%20Dec).pdf) (accessed 8 March 2017).

**(h) *Ng Jun Xian v Public Prosecutor* [2016] SGHC 286**

The accused pleaded guilty to an offence of sexual assault by penetration (for inserting his fingers into the victim’s private parts) (“digital penetration”) and attempted rape. He was sentenced to a cumulative imprisonment term of 7 years’ 2 weeks’ imprisonment with 6 strokes of the cane. Both parties appealed against the sentence imposed, with the accused seeking a sentence of reformatory training, while the Prosecution sought an increase in the imprisonment quantum. The High Court dismissed the appeal by the accused and allowed the appeal by the Prosecution, enhancing the cumulative sentence to that of 8 years’, 6 months’ and 2 weeks’ imprisonment. In so doing, the High Court observed that the sentences for offences of digital penetration should be more closely aligned to that of rape, and that the Courts should be slow to assume that the former offence is always less severe than the latter.

See *Ng Jun Xian v Public Prosecutor* [2016] SGHC 286 at <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/high-court-judgments/22637-ng-jun-xian-v-public-prosecutor> (accessed 8 March 2017).

**(i) *Micheal Anak Garing and Anor v Public Prosecutor* [2017] SGCA 9 & 11 of 2015**

Both Micheal and Tony had set out to commit robbery. That night, they attacked and robbed three persons before fatally attacking the deceased. After a joint trial, both Micheal and Tony were each convicted for one count of murder with common intention. As Micheal was the one who had slashed the deceased with the *parang* while Tony had only restrained the victim, the Court sentenced Micheal to suffer the death penalty, and Tony to life imprisonment and 24 strokes of the cane. Both Micheal and Tony appealed on their conviction and sentence while the Prosecution appealed against Tony’s sentence, that Tony should similarly suffer the death penalty. The Court of Appeal held that Micheal had attacked the deceased in a “totally savage and merciless manner as though he were attacking a hunted prey”, and upheld the death penalty imposed on him. As for Tony, they held that he did not restrain the deceased for a significant period of time and hence, was less culpable than Micheal. The Prosecution’s appeal was accordingly dismissed, and the sentence imposed on Tony by the High Court was upheld.

See *Micheal Anak Garing and Anor v Public Prosecutor* [2017] SGCA 9 & 11 of 2015 at [http://www.singaporelawwatch.sg/slw/attachments/97488/\[2017\]%20SGCA%2007.pdf](http://www.singaporelawwatch.sg/slw/attachments/97488/[2017]%20SGCA%2007.pdf) (accessed 8 March 2017).

# Sentences of Kallang slashing duo upheld

Appeal court dismisses appeals; one sentenced to death and the other to life imprisonment and 24 strokes

Selina Lim

The Court of Appeal yesterday upheld the respective sentences handed down to two Sarawakians convicted of a brutal murder in the 2010 Kallang slayings.

Michael Garing, 28, who had pleaded a 58cm-long parang, was given the death penalty, while Tony Inba, 38, was sentenced to life imprisonment and 24 strokes of the cane.

The pair were part of a gang that had gone on a late-night robbery spree in the Kallang area in May 2010, severely injuring three victims and killing a fourth.

Michael and Tony were handed different sentences based on their roles, after being convicted by the High Court in 2004 for the murder of 41-year-old construction worker Shanmugasathan Dillakurai.

The prosecution had appealed against Tony's sentence of life imprisonment and caning, arguing that he should also be sentenced to

death. Michael appealed against his conviction and sentence.

Yesterday, a three-judge appeal court — comprising Judges of Appeal Chao Hick Tin, Andrew Phang and Judith Prakash — dismissed both appeals.

The court accepted that Michael had used the parang to attack Mr Shanmugasathan, an Indian national.

The “sheer brutality” of his attack warrants the death penalty as he had shown a blatant disregard for human life, said the court.

“It seems to us that (Michael) attacked the deceased in a totally savage and merciless manner, as though he were attacking a hunted prey,” said Justice Chao, delivering the court’s decision.

In his “vicious, savage and sustained onslaught”, Michael had struck the top of the victim’s head with such force that his skull cracked. He had also slit the victim’s throat, the judge noted.

Turning to Tony, the court found that he had the common intention to inflict fatal injuries on the victim.

While there was no premeditated plan to kill Mr Shanmugasathan, Tony knew that Michael would like-



Michael Garing (left) and Tony Inba were convicted in 2004 over the violent late-night robbery spree that killed construction worker Shanmugasathan Dillakurai and wounded three others. ST FILE PHOTO

## SAVAGE ATTACK

It seems to us that (Michael) attacked the deceased in a totally savage and merciless manner, as though he were attacking a hunted prey.



JUSTICE CHAO HICK TIN, delivering the court’s decision.

ly do so, as he had seen how his accomplice had used the parang indiscriminately on the earlier three victims, said Justice Chao.

However, the court was not satisfied that Tony had held Mr Shanmugasathan long enough for Michael to inflict the fatal injuries.

The verdict was originally scheduled to be delivered last month but the court agreed to a deferment on the request of defence lawyers acting for the pair.

Mr Ramesh Tiwary and Mr Anandak Gill had wanted to interview Denzy Meluda, the final suspect, who was recently arrested in Malay-

sia and handed to Singapore police on Jan 18.

Now going by the name of Abdul Rahman Abdullah, he has been remanded in custody after being charged with murder.

However, Mr Tiwary told the court that Denzy, 25, has indicated through the police that he did not wish to be interviewed.

A fourth member of the gang, Haroon Lamsak, 23, was sentenced in 2012 to 13 years’ jail and 24 strokes of the cane for armed robbery with grievous hurt.

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Media report concerning Micheal Anak Garing and Anor v Public Prosecutor (Source: The Straits Times)

### (j) *Public Prosecutor v BLV (CC 58/2016) (Unreported)*

This case involved a father having committed sexual acts on his biological daughter who was then between 11 years old to 13 years old. The acts included penile-oral, digital-anal, and penile-anal penetration. The acts took place in their family flat. The accused’s defence was that his “deformed” penis of 25 cm girth could not have penetrated the young Victim’s anus, or mouth – he allegedly went for three penis enlargements in 2005, 2007 and 2009 in Johor Bahru. Two months after the 2009 enlargement, his penis began to harden and grow a bulbous extrusion measuring 25cm in girth, and it had allegedly continued in this state ever since 2009. The accused also claimed that his ex-wife and daughter were framing him for the charges as he had an acrimonious relationship with his ex-wife resulting from their strained sex life. In convicting the accused, the High Court found that the victim was unusually convincing. He rejected the accused’s evidence regarding his penis, as it was telling that the accused did not raise this at an earlier stage of investigations and that the medical evidence from the urologist hired by the defence did not assist the accused. The accused will be sentenced in due course.

### (k) *Public Prosecutor v Zaidah & Zaini Bin Jamari (Unreported)*

This case involved a 2-year old toddler who had died after prolonged abuse by his biological mother and her boyfriend. The accused persons had slapped the toddler, kicked him, and stomped on his chest. The abuse took place almost daily for more than a month. The toddler eventually died from a head injury. The Principal District Judge had agreed with the Prosecution’s submission for a deterrent sentence. The mother was sentenced to a total of 11 years’ imprisonment and the boyfriend was sentenced to a total of 10 years’ imprisonment and 12 strokes of the cane.



# Mum, boyfriend jailed at least 10 years each for boy's death

Their extreme violence in disciplining two-year-old leading to his death reveals senseless brutality, says judge

Seow Bei Yi

Describing their abuse of a two-year-old boy which led to his death as "senseless brutality", a judge yesterday sentenced a couple to at least a decade in jail each.

Principal District Judge Bala Reddy said the toddler's 41-year-old mother Zaidah and her boyfriend Zaini Jamari, 46, had inflicted "severe torture" in a "ruthless and senseless manner" on Mohamed Daniel Mohamad Nasser. She was sentenced to 11 years' jail and Zaini, 10 years' jail and 12 strokes of the cane.

Both cleaners showed no emotion when their sentences were read, in stark contrast to the boy's father and former caregiver, who could not contain their tears afterwards.

They believe the couple should have been given longer sentences.

Zaidah and Zaini had kicked and slapped Daniel almost every day from Oct 18 to Nov 22 last year.

The boy would be made to stand in the kitchen or living room in their Telok Blangah Crescent one-room flat with his hands on his head, wearing only a nappy. The couple also forced him to eat spoonfuls of dried chilli and stomped on his chest. An autopsy found 41 external injuries on Daniel, who died of a head injury on Nov 23.

Neither Zaidah nor Zaini said why they carried out the abuse.

The judge said: "The idea of a mother causing such grievous hurt and ill-treatment of the baby she had carried for nine months is simply incomprehensible."

He said Daniel "had been subjected to abuse and pain at the hands of the very persons who should have been his source of support, comfort and happiness". The couple's conduct in disciplining the boy "with extreme violence leading to his death reveals a senseless brutality which must be punished by a sentence of corresponding severity".

The prosecution had asked for at least nine years' jail for each of them, with nine to 12 strokes of the cane for Zaini, and nine to 12 more months' jail in lieu of caning for Zaidah, who goes by one name.

Madam Masita Hassan, 51, who cared for Daniel for most of his life after taking him in as a month-old baby through a friend, was present in court. Daniel's biological father, Mr Mohammad Nasser Abdul Gani, 42, and uncle, Mr Abdu Manaf Al-Ansari, 48, also turned up.

After the sentencing, Mr Nasser broke down outside the courtroom. He had not known about Zaidah's

pregnancy when they divorced and found out about Daniel only before he went to jail for drug-related offences. He vowed to turn over a new leaf and care for the boy, but could not find Zaidah after his release.

"It's not enough," said Mr Nasser, who never saw his son alive. "Until now, my heart hurts. They go to prison and will come out. Will my son be able to get up from his grave?"

On June 23, Zaidah and Zaini were each convicted of one count of voluntarily causing grievous hurt to Daniel, and three counts of ill-treating him. Zaidah, who has five other children, admitted to 26 other charges of abusing the boy, and Zaini, 38 other counts.

Last October, they moved into the rental flat with Daniel and their one-year-old daughter. Ms Pusparwati Abdul Razat, 51, Zaidah's friend, rented the flat. Her niece, 15, also lived there at the time.

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Zaidah (above) and Zaini had inflicted "severe torture" in a "ruthless and senseless manner" on Daniel. Zaidah received 11 years' jail while Zaini got 10 years and 12 strokes of the cane.



Media report concerning Public Prosecutor v Zaidah & Zaini Bin Jamari (Source: The Straits Times)

## (2) Major Inquiry: Coroner's Inquiry into the Death of Benjamin Lim Jun Hui

The deceased was a 14-year-old boy who had been interviewed by the police in his school, and subsequently brought back to Ang Mo Kio police station, to assist in investigations into a reported case of outrage of modesty involving an 11-year-old girl. Within two hours of leaving the police station with his mother and sister, the deceased fell to his death from the bedroom window of his flat in a deliberate act of suicide. The State Coroner found that the police and school had acted in accordance with their processes, with active steps taken to handle the deceased and investigations sensitively. The State Coroner further made several suggestions on how best to deal with young suspects – these were considered by a multi-agency review committee on the handling of young suspects, leading to the subsequent introduction of the Appropriate Adult Scheme for Young Suspects.

## (3) Key Initiatives

### (a) Specialization of the CJD

The CJD re-organised itself into specialised groups focusing on different types of offences. Specialisation provided benefits for both the organisation and the individual prosecutor. From an organisational perspective, specialisation improves knowledge management and enables complex work that requires in-depth knowledge to be more efficiently handled by a core group of prosecutors with minimal getting-up time. From an individual perspective, prosecutors can develop expertise for career progression. Personal interests and aptitude can also be aligned with the organisation's requirement.

### (b) Digitization of Investigation Papers

In line with the objective of ensuring that every case is dealt with efficiently and expeditiously, CJD had initiated the concept of digitizing investigation papers. From 2016, each police division would have an on-site scanning facility where investigation papers will be scanned and sent electronically to CJD for a prosecutor to assess the case. Not only does this initiative

completely cut-out the time taken for investigation papers to be couriered between AGC and the various police divisions, it would also allow a Prosecutor to have sight of the investigation papers on-the-go.

### **Key Figures for Calendar Year 2016**

**43,993** investigation paper submissions

**338** requests for advice

**5,635** plead guilty Mentions conducted in the State Courts

**538** criminal trials conducted in the State Courts

**116** Coroner's Inquiries

**14,576** pre-trial conferences in the State Court

**379** contested High Court Hearings conducted

**31** Court of Appeal matters conducted

## **FINANCIAL AND TECHNOLOGY CRIME DIVISION**

The Financial and Technology Crime Division (“FTCD”) specialises in prosecuting commercial, corruption, cybercrime and casino regulatory offences. FTCD also handles civil penalty cases for market misconduct under the Securities and Futures Act.

### **HIGHLIGHTS OF WORK DONE IN 2016**

#### **(1) Major Cases Handled by the General Commercial Crimes Directorate**

##### **(a) *Public Prosecutor v Mohammad Afiq bin Ishak & Another* (DAC-931214-2016 & ors)**

The two offenders were the first to be prosecuted in connection to the DHL/police impersonation scam that was prevalent in mid-2016. They were Malaysians who were recruited as runners and sent to Singapore to extract proceeds of the scam credited into their bank accounts. They were jailed for 18 and 20 months respectively, even though they did not successfully manage to withdraw any money. This is a significant increase from sentences in past money-mule cases.

##### **(b) *Public Prosecutor v Koh Chek Seng* (DAC-914371-2016 & ors)**

The offender, together with 2 friends, scammed 182 car buyers of their deposits amounting to \$6.1 million. The trio began operations in April 2014, using Volks Auto Pte Ltd, window-dressed to look like a *bona fide* parallel car importer, offering attractive discounts on popular models. Despite collecting deposits, no orders were placed for the actual cars “sold” to customers. The group fled Singapore in December 2014 with the Company’s bank accounts emptied out. The offender returned in 2015 after spending all his money. No money was recovered. The offender was sentenced to 10 years’ imprisonment, and his 2 accomplices are still at large.

##### **(c) *Public Prosecutor v Teoh Eng Cheng* (DAC-918374-2016 & ors)**

The offender provided home-repair works but sought to cheat elderly residents in the HDB heartlands. He sent his workers to pose as contractors authorised by HDB and Town Councils to offer renovation works. The offender was sentenced to 4 months’ imprisonment for cheating the elderly victims of a total of \$1,050.

#### **(2) Major Cases Handled by the Corruption Directorate**

##### **(a) *Public Prosecutor v Tan Mong Seng and Others* (DAC-901145-2016 & ors)**

Several senior executives from ST Marine Pte Ltd paid bribes to representatives of their customers in order to secure business for the company. They masked these bribes as ‘entertainment expenses’. More than \$24.9 million was paid out from 2000 to 2011. Six executives have pleaded guilty so far, including a former CEO/President who was sentenced to 10 months’ imprisonment and \$100,000 fine.

##### **(b) *Koh Yong Chiah v Public Prosecutor* [2016] SGHC 253**

The former principal of River Valley High School and Jurong Junior College awarded contracts to his lover. When questioned about these contracts, he provided false information to his Cluster Superintendent. This prevented MOE from intervening, such that he *continued* to act

as the Final Approving Authority for further contracts. These contracts were awarded over 7 years, and involved some \$3.2 million. He was sentenced to four weeks' imprisonment.

See *Koh Yong Chiah v Public Prosecutor* [2016] SGHC 253 at <http://bit.ly/2kK1NMM> (accessed 22 February 2017).

### **(3) Major Cases Handled by the Financial and Securities Offences Directorate**

#### **(a) *Yang Yin v Public Prosecutor* (MA 9238/2016)**

An elderly widow invited a former tour guide to stay with her and entrusted him with her money and other financial assets. He betrayed her trust and was charged with taking \$1.1 million, under the pretext that he had used the money to buy paintings for her. He was sentenced to 9 years' imprisonment for two charges of Criminal Breach of Trust. This result, on appeal to the High Court, relied on the need for our courts to develop new precedents to deal with abuse of vulnerable, elderly victims. The offender *also* falsified documents to create the appearance that a sham company he had set up was a successful and profitable business, and made false declarations to the Immigration and Checkpoints Authority in order to obtain Permanent Residency status for himself and a Long Term Visit Pass for his wife. He was sentenced to 26 months' imprisonment for these other offences.

#### **(b) *Soh Guan Cheow Anthony v Public Prosecutor* [2017] 3 SLR 147**

The offender was convicted of 39 charges involving insider trading, market rigging, making a sham take-over offer, and making false reports to the Singapore Exchange and the Securities Industries Council. This was the first prosecution involving the making of a sham take-over. The offender was sentenced to 11 years' imprisonment on appeal.

See *Soh Guan Cheow Anthony v Public Prosecutor* [2017] 3 SLR 147 at <http://bit.ly/2makF4E> (accessed 22 February 2017).

#### **(c) *Public Prosecutor v Rahmat Bin Mohd* (DAC-928554-2015 & ors)**

The offender was the chief assistant of the mastermind in this complex and extensive motor insurance fraud syndicate. Not only did he recruit phantom drivers and passengers, he was personally involved in the staging of 21 traffic accidents. As a result, \$1.1 million worth of fraudulent insurance claims were submitted, and insurers were deceived into disbursing over \$215,000. He was sentenced to 74 months' imprisonment, which was the highest sentence for a motor insurance fraud offender to date.

#### **(d) *Massive Money-Laundering Investigations Relating to IMDB Fund Flows through Singapore***

FTCD officers, working closely with the Commercial Affairs Department (CAD) and the Monetary Authority of Singapore (MAS), were involved in the largest money-laundering investigations in Singapore involving various banks and politically-exposed persons. Regulatory action was taken against banks, with some merchant bank licences being withdrawn. Four individuals were charged and convicted in a series of related prosecutions.

### **(4) Major Cases Handled by the Technology Crime Unit**

#### **(a) *Public Prosecutor v Ai Takagi & Yang Kaiheng* (MAC-903124-2015 & ors)**

A website “The Real Singapore” obtained advertising revenue by sensationalising exaggerated and falsified “news” articles. The husband and wife team faced multiple sedition charges for publishing falsehoods which stoked xenophobic fears. The husband and wife were sentenced to 10 and 8 months’ imprisonment respectively, the highest sentences meted out to date for sedition offences in Singapore.

**(b) *Public Prosecutor v Lim Jun Quan (DAC-932733-2015 & ors)***

By hacking into numerous websites, the offender obtained databases containing email addresses and passwords. The offender was able to obtain credit card information from these email accounts to make online payment totalling \$33,000. He was charged for 174 offences under the Computer Misuse and Cybersecurity Act and the Penal Code, and was sentenced to 28 months’ imprisonment.

**(c) *Public Prosecutor v Lai Zhi Heng (MAC-909121-2015 & ors)***

This was the first prosecution for the offence of Unlawful Stalking under Section 7 of the Protection from Harassment Act. The offender committed various serious acts of harassment, including publicly displaying nude photographs of the young victim over more than two years. He was sentenced to six months’ imprisonment, setting the tone for future cases of this nature.

**(5) Other Legal Work and Initiatives**

**(a) *Continuing Training for White-collar Investigators***

FTCD prosecutors have been involved in training and sharing of emerging case law with investigators and prosecutors, both from Singapore and elsewhere.

**(b) *Specialist Career Tracks***

FTCD is developing specialist career tracks for prosecutors in FTCD.

**(c) *Use of IT in Handling Electronic Evidence***

FTCD has incorporated IT in processing voluminous evidence in complex financial crimes, including increased use of e-Investigation Papers, and e-Discovery and forensic examination software.

**(d) *Intellectual Property Rights and IRAS cases***

FTCD has recently taken over the oversight of prosecutions under the Trade Marks Act and the Copyright Act. In addition, FTCD prosecutors are working closely with prosecutors from IRAS in cases involving the systematic perpetration of fraud involving the Productivity and Innovation Credit Scheme.

**Key Figures for Calendar Year 2016**

**1,262** number of criminal cases concluded

**45** number of advice pieces rendered

**30** number of other hearings concluded (including criminal motions, criminal revisions, criminal references and originating summonses)

**16** number of inquiries concluded (including disposal inquiries, COIs and committal hearings)

**48** number of appeals concluded

**5,211** number of IP submissions



## INTERNATIONAL AFFAIRS DIVISION

The mission of the International Affairs Division (“IAD”) is to advance and protect Singapore’s interests through international law. It advises the Government on all aspects of international law and represents Singapore at international negotiations and dispute settlement matters. It is also the Central Authority of Singapore for handling requests for mutual legal assistance (“MLA”) and extradition.

### HIGHLIGHTS OF WORK DONE IN 2016

#### (1) Negotiations and Participation at the International Fora

##### (a) *Economic and Related International Agreements*

###### i. *Engagements at the World Trade Organization (“WTO”)*

IAD was actively engaged in Singapore’s seventh Trade Policy Review before the WTO General Council in July 2016. This is a periodic review of Singapore’s national trade policies and practices, and is a WTO mechanism that seeks to facilitate the smooth functioning of the multilateral trading system.



*The Singapore delegation at the Trade Policy Review*

An IAD officer represented Singapore for the negotiations for the Mechanism for Developing, Documenting, and Sharing Practices and Procedures in the Conduct of WTO Disputes, which was endorsed by Singapore and 16 other WTO Members in July 2016.

An IAD officer also spoke at the Asian Society of International Law Regional Conference on Asian third party participation in the WTO dispute settlement system.

ii. *Singapore-Australia Free Trade Agreement (“SAFTA”)*

IAD supported the negotiations and conclusion of the third review of the SAFTA and an agreement on defence cooperation in October 2016. These agreements form part of the broader Comprehensive Strategic Partnership between Singapore and Australia.

iii. *Trans-Pacific Partnership Agreement (“TPP”)*

IAD supported the negotiations and conclusion of the TPP, a trade agreement amongst 12 Asia-Pacific economies, which was signed on 4 February 2016 by the ministers in charge of trade from these countries



*The Singapore delegation at the Trans-Pacific Partnership Agreement*

iv. *Regional Comprehensive Economic Partnership (“RCEP”)*

IAD actively advised on and participated in the negotiations of the RCEP (including as Chair of one of the negotiating working groups). The RCEP is a free trade agreement between the ten ASEAN member states and the six countries which have existing FTAs with ASEAN – Australia, China, India, Japan, Republic of Korea and New Zealand.

v. *Other Economic Agreements*

IAD provided support for on-going negotiations of other free trade agreements, such as the Sri Lanka-Singapore Free Trade Agreement, ASEAN-Hong Kong Free Trade Agreement, ASEAN-Japan Comprehensive Economic Partnership, as well as reviews and upgrades of the existing Japan-Singapore Economic Partnership Agreement and China-Singapore Free Trade Agreement. IAD was also involved in negotiating various bilateral investment treaties, including with Rwanda, Kenya, Nigeria and Mozambique, all of which were signed in 2016.

**(b) *Human Rights***

i. *Universal Periodic Review (“UPR”) and Reporting under International Human Rights Instruments*

IAD was closely involved in the preparation for Singapore’s second UPR before the UN Human Rights Council in January 2016. IAD also advised on and supported the drafting of Singapore’s initial report to the UN Committee for the Convention on the Rights of Persons with Disabilities submitted in June 2016.

ii. *Other Human Rights Work*

IAD also supported the Government in its engagements with international and regional human rights bodies including the UN Human Rights Council, the Third Committee of the UN General Assembly, the ASEAN Intergovernmental Commission on Human Rights and the UN special rapporteurs, by providing legal advice on, amongst others, resolutions issued by the human rights bodies.

**(c) *Law of the Sea Matters***

IAD participated in the Preparatory Committee to negotiate an internationally legally binding instrument on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

IAD also attended the annual meeting of the International Seabed Authority (ISA). An IAD officer was also elected to the Legal and Technical Commission of the ISA for a term of 5 years.

**(d) *Environmental Law***

IAD participated in the 17<sup>th</sup> Conference of Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

**(e) *Criminal Justice***

*i. Mutual Evaluation Conducted by the Financial Action Task Force (“FATF”) and the Asia-Pacific Group (“APG”) on Money Laundering*

In 2015-2016, Singapore underwent its 4<sup>th</sup> round of mutual evaluation by FATF, an inter-governmental body that develops policies to combat money laundering and terrorism financing. IAD was the lead agency for the international cooperation component of the mutual evaluation, and contributed significantly to Singapore’s “Substantially Effective” rating for that component. IAD maintains a regular presence at all FATF and its regional APG plenary meetings and continues to monitor developments in these fora. IAD is currently involved in a review of its work processes to further improve its performance following this mutual evaluation.

*ii. Country Engagements*

IAD attended the 3<sup>rd</sup> round of the US-Singapore Law Enforcement Homeland Security and Strategic Cooperation Dialogue.

IAD engaged AGC’s international counterparts to improve coordination and cooperation on mutual legal assistance matters. In particular, the Division hosted counterparts from the US, UK, France, Netherlands, Switzerland and India for case discussions in Singapore.

IAD also attended various workshops on international cooperation, and presented on Singapore’s mutual legal assistance and extradition regimes to a wide international audience in Austria and South Korea.

*iii. Mutual Legal Assistance (“MLA”) and Extradition Matters*

As the Central Authority of Singapore, IAD managed numerous MLA requests from domestic enforcement agencies seeking assistance from other jurisdictions, as well as from foreign enforcement agencies through the Central Authorities in their countries. IAD also acted to secure the extradition of fugitives to countries where they faced prosecution, including two individuals connected with the “Fat Leonard” cases in the US concerning large scale corruption and bribery of US officials, and an individual wanted for extortion and attempted murder charges in India.

**(f) *Other areas of participation in the UN***

An IAD officer has served as a member of the advisory committee for the UN’s Programme of Assistance in the teaching, study, dissemination and wider appreciation of international law since 1 January 2016.

The officer also completed her term as Vice-Chairperson of the Sixth Committee bureau of the UN General Assembly (“UNGA”) for the 70<sup>th</sup> Session of the UNGA. This was the first time Singapore had an officer on the Sixth Committee bureau, which considers legal questions in the UNGA.

Two IAD officers attended the 71<sup>st</sup> Session of the UNGA. The Director-General also participated in the International Law Week held during UNGA, and held a series of engagements with various experts and delegates.



*An IAD officer (extreme left) at the UN*

***(g) Negotiations at the Association of Southeast Asian Nations (“ASEAN”)***

IAD led Singapore’s delegation at the Southeast Asia Nuclear-Weapon-Free Zone (“SEANWFZ”) Commission Executive Committee (EXCOM) Working Group meeting. IAD also provided legal support for the SEANWFZ Executive Committee and SEANWFZ Commission meetings. The SEANWFZ treaty is a nuclear weapons moratorium treaty between ASEAN member states which entered into force in 1997.

IAD also supported various other negotiations at ASEAN, including ASEAN Senior Law Officials Meeting and the ASEAN Law Ministers Meeting.



**(h) Other Bilateral Matters**

IAD was extensively involved in the negotiations for the Kuala Lumpur-Singapore High Speed Rail Agreement, which was signed by Singapore and Malaysia on 13 December 2016. This railway is expected to reduce the travel time between the two cities to 90 minutes.



*The signing of the HSR bilateral agreement*

IAD is currently closely involved in the negotiations and drafting of a bilateral agreement on the Rapid Transit System Link project linking Woodlands and Johor Bahru by rail. When completed, this railway will improve connectivity and reduce congestion at the border crossings of Malaysia and Singapore.

**(i) Developing International Law Expertise (“DILE”) initiatives**

*i. Public International Law Seminar*

IAD invited Mr John Augustin, Director of Legal Affairs and External Relations Bureau from the ICAO to speak on the evolution of the ICAO’s response to international aviation security challenges and to share his thoughts on the various legal tools and regulatory framework developed by the ICAO over the years to battle acts of unlawful interference against international civil aviation.

*ii. International Law Association (“ILA”) Singapore Branch*

IAD officers continued to provide Secretariat support to the Singapore Branch of the ILA, with some officers serving in the Council.



iii. *Dialogues and Talks*

IAD organised various talks in 2016, including one by Dr Ludwig Weber from the ICAO on the settlement of disputes in the field of civil aviation, as well as a dialogue session with Ambassador Ong Keng Yong covering topics such as the role played by the ASEAN Economic Community (AEC) in building regional stability and the impact of the AEC on Singapore.



*Dialogue session with Ambassador Ong*

iv. *Asset Recovery Guide*

IAD published a practitioner's guide to asset recovery, aimed at providing guidance to requesting States on the drafting of MLA requests for asset recovery to Singapore. The compendium of information contains prepared checklists of information and documentation required under Singapore's Mutual Assistance in Criminal Matters Act for requests relating to asset recovery, and provides practical tips on drafting such MLA requests.

v. *Moots*

IAD served as the national administrator for the Singapore National Rounds of the Philip C. Jessup International Law Moot Court Competition.

### **Key Figures for Calendar Year 2016**

**4,110** pieces of advice rendered

**1,126** mutual legal assistance and extradition matters

**1,753** attendances at international negotiations and meetings

**12.5** attendances at meetings /hearings related to international disputes

## LEGISLATION DIVISION

The Legislation Division (“**LEGIS**”) is Singapore’s central law drafting office and the keeper of the Singapore statute book. It provides law drafting and legislative advisory services to all Government departments, Organs of State and more than 60 statutory boards (including Town Councils). LEGIS also provides free online access to current and historical versions of Singapore legislation through the Singapore Statutes Online website.

### HIGHLIGHTS OF WORK DONE IN 2016

#### (1) Law Drafting

##### (a) Bills

In 2016, 40 Bills were drafted for introduction in Parliament. The marked increase of over 40% from 2015 was due, in part, to Bills held over from 2015 post-General Election. A total of 445 drafts (22,297 pages) were produced for these Bills, reflecting an increasing intensity in the pace of work.

Some of the major Government Bills drafted and introduced in 2016 were:

##### *i Active Mobility Act 2017*

The Active Mobility Act aims to regulate the increasingly pervasive use of electric scooters, electric bicycles and personal mobility devices to address conflicts between the motorised and non-motorised uses of public space.

See a news report on the *Active Mobility Act* at <http://bit.ly/2jyViZv> (accessed on 17 February 2017).

##### *ii Administration of Justice (Protection) Act 2016*

The Administration of Justice (Protection) Act consolidates the law of contempt of court for the protection of the administration of justice, specifies the defences to the contempt of court and sets out the punishment that may be meted by the courts for such contempt.

See a news report on the *Administration of Justice (Protection) Act* at <http://bit.ly/29A2VsY> (accessed on 16 February 2017).

iii *Employment Claims Act 2016*

The Employment Claims Act establishes the Employment Claims Tribunal with the aim of allowing more affordable and expeditious resolution of salary-related disputes between workers and employers.

See a news report on the *Employment Claims Act* at <http://bit.ly/2mEHih6> (accessed on 18 February 2017).

iv *Amendments to the Constitution of the Republic of Singapore*

The amendments to the Constitution of the Republic of Singapore provide for a Presidential election to be reserved for a community if no person belonging to that community has held the office of President for any of the 5 most recent Presidential terms, and to give effect to other recommendations in the White Paper on the Review of Specific Aspects of the Elected Presidency (Cmd. 7 of 2016), presented to Parliament on 15 September 2016.

See a news report on these amendments at <http://bit.ly/2IUCyaM> (accessed on 18 February 2017)

v *Amendments to the Consumer Protection (Fair Trading) Act*

The amendments to the Consumer Protection (Fair Trading) Act (Cap. 52A, 2009 Rev Ed) strengthen the measures that may be taken against errant retailers which engage in unfair practices, and confers investigative and enforcement powers to SPRING Singapore to take action against such retailers.

See a news report on these amendments at <http://bit.ly/2lt0Zbu> (accessed on 16 February 2017).

**(b) *Subsidiary Legislation***

Significant subsidiary legislation included subsidiary legislation to migrate the regulation of therapeutic products, licensing of retail pharmacies, oral dental gums, advertising practices and clinical trials under the Medicines Act (Cap. 176, 1985 Rev Ed) to the Health Products Act (Cap. 122D, 2008 Rev Ed).

See a news report on the subsidiary legislation under the Health Products Act at <http://bit.ly/2IUvj2G> (accessed on 18 February 2017).



*Legislation Division officers and staff after completing a presentation copy of a Bill for introduction in Parliament*

## **(2) Legislative Advisory Services**

A total of 1,889 pieces of advice were rendered by LEGIS in 2016, the highest number since 2013. This growing demand for legislative advisory services alongside its law drafting services reflects the expanding role that law drafters have to play in the link between good policy and good laws.

## **(3) In-house Publication**

In 2016, 2,015 drafts and 12,103 pages of subsidiary legislation were published. The page layout and typography of 57.1% of the pages of subsidiary legislation published was prepared in-house by LEGIS. This is part of the initiative of LEGIS taking over these functions from the Government Printer, so as to better deliver on complex and time sensitive subsidiary legislation.

## **(4) Plains Laws Understandable by Singaporeans (PLUS) Project**

On the Plain Laws Understandable by Singaporeans (PLUS) project, LEGIS launched and completed the Singapore Statutes Online (“SSO”) Research Study 2016. The feedback from users of SSO website provided valuable information for the new design and features for the revamped SSO website, to be launched in May 2017.

There was a steady increase in the number of visits and users to SSO in 2016. 2016 saw an estimated 12% increase in the number of visits to SSO over that in 2015, totaling 4,813,619 and an estimated 35% increase in the number of users, totaling 2,344,028.

99.3% of subsidiary legislation was also updated, published and verified on AGC's Versioned Legislation Database within its KPI of 3 working days.

**(5) Collaboration with Other Agencies**

**(a) *Training of Public Officers***

As part of LEGIS' continuous engagement of its external stakeholders, LEGIS conducted two runs of the Law Making and Policy Course and Legislative Drafting Course and one run of the Law Making and Policy Course Post-Course Workshop, in partnership with the Civil Service College. Participants included public sector officers from Ministries and statutory boards, as well as law drafters from Brunei, Malaysia, Vietnam and Myanmar.

**(b) *Hosting of Foreign Delegates***

In collaboration with other government agencies such as the Ministry of Law, LEGIS hosted foreign delegates to share with them the law-making process in Singapore and LEGIS' role in such process. Delegates included those from the Ministry of Justice of the Lao People's Democratic Republic, the Supreme Legislation Committee of the Government of Dubai, United Arab Emirates, the Office of the National Assembly of Vietnam and the Thailand Office of the Council of the State.

**(c) *Networking and Information Exchange with LEGIS' Foreign Counterparts***

Chief Legislative Counsel, together with law editing and publication staff from LEGIS, attended the annual Australasian Parliamentary Counsel's Committee IT Forum Meeting 2016 in Brisbane, Australia, from 20 to 22 July 2016. The Forum provided opportunities for general information exchange and discussion of business and technology topics of interest to legislative drafting offices.





*Chief Legislative Counsel with Northern Territory Parliamentary Counsel, Ms Sandra Markman (sitting) and Australian Capital Territory Parliamentary Counsel, Ms Sandra Georges (standing)*



*Legislation Division staff with delegates from Northern Territory, New South Wales and Tasmania*



### **Key Figures for Calendar Year 2016**

**1,889** pieces of legal advice rendered

**40** published Bills

**22,297** pages of draft of Bills

**735** published subsidiary legislation

**12,103** pages of draft of subsidiary legislation

**57.1%** of pages of subsidiary legislation published in-house

**4,813,619** visits to SSO

**2,344,028** users of SSO

## **CORPORATE SERVICES DIVISION**

The Corporate Services Division (CSD) provides business support services for the entire Attorney-General's Chambers (AGC). This includes the management and development of human resources, finance and IT equipment/systems; internal outreach and internal/external corporate communications; office administration and facilities management; travel management and other shared services. CSD also supports top management in the organisation of incoming and outgoing international relations visits.

### **HIGHLIGHTS OF WORK DONE IN 2016**

#### **(1) Human Resources Department**

The Human Resources Department includes the HR Policy and Management Unit and the HR Development Unit, and takes care of all aspects of HR operations, policy, training and development of non-legal Executives in AGC. We work closely with the Legal Service Commission on the administrative aspects of Legal Service Officers on-boarding through to their out-posting.

Key projects during the year include:

##### ***(a) 360 degree Feedback***

As part of our Leadership Development efforts, AGC embarked on a 360 degree feedback exercise to gather feedback for the development of our Heads of Divisions.

##### ***(b) Employee Handbook***

The Employee Handbook was published electronically and made accessible for all staff through the intranet. The Handbook consolidates AGC and whole of government HR policies and guidelines for easy access and reference. E-forms for selected HR applications were also piloted, to improve efficiency.

##### ***(c) Succession Planning Framework***

A Succession Planning and Talent Management Framework for Executive roles was also put in place to provide a structured approach to our talent management.

##### ***(d) Guidebook on Appraisal Discussions***

A guidebook on how to carry out effective conversations at appraisal discussions, with a complementing workshop, was launched for all AGC officers and their supervisors to provide training to enhance the performance management process.

#### **(2) Finance Department**

The Finance Department includes the Financial Management Unit ("FMU") and the Procurement Unit. FMU is in charge of the annual budget submissions, regular monitoring of budget utilisation by Divisions, and all financial operations matters in the administration of fees collected and expenditure paid on behalf of AGC. The Procurement Unit works closely

with the Divisions to provide timely and accurate procurement advice to meet AGC's procurement needs.

In 2016, FMU worked with all the respective Divisions to achieve a baseline budget utilisation of more than 99% for the second year in a row. The Procurement Unit supported key invitations to tender and invitations for quotation covering areas such as business process reengineering and AGC wide corporate events.

**(3) Office Management Unit and Shared Services Unit (with effect from 1 January 2017),**  
*[previously known as Corporate Services and Operations (CS&Ops)]*

CS&Ops takes care of all aspects of office administration and facilities management for AGC.

Key projects completed during the period include:

- (a) Heritage projects: AGC Time Capsule and Heritage Plaques
- (b) Mission, Vision & Values Wall Art
- (c) ISO re-certification for Corporate Services Division
- (d) Installation of additional Automated External Defibrillators (AEDs) and training of staff

During the year, CS&Ops also managed central purchasing, travel requests and central mail services for AGC.

**(4) Computer Information Systems Department**

**(a) *Internet Surfing Separation***

In the lead up to the Whole-of-Government Internet Surfing Separation in May 2017, the Computer Information Systems Department ("CISD") embarked on the following projects to ensure minimal disruption to officers' daily work.

- i* Issuance of Internet Surfing Notebooks equipped with productivity software
- ii* Upgrading of AGC Wireless LAN network
- iii* Replication of Singapore Law Report ("SLR") and Unreported Judgments ("URJ") from LawNet to a repository within Government Enterprise Network ("GEN")

To minimise the inconvenience of having to switch between work computers and Internet surfing notebooks, CISD embarked on a project to replicate and reproduce the SLR and URJ in a new system set-up within the GEN, to facilitate research.

- iv* Migration of Visitor Management System into GEN

## **(5) Media and Communications Unit**

### **(a) Media Relations**

MCU managed routine media requests and a number of high profile cases which required intense media support.

### **(b) Stakeholder Engagement**

MCU organised several events with external stakeholders to enhance ties and build better understanding of AGC's work.

### **(c) Quality Service Management**

As the Quality Service Manager, MCU continued to respond and channel in a timely fashion largely case-related external feedback and queries in 2016.

### **(d) Internal Communications and Outreach**

MCU continued to produce regular internal communications materials for staff to plug into the activities and developments at AGC as well as AGC collaterals for staff.

### **(e) Online Communications**

MCU is the content owners for both the AGC Intranet and Internet. In this role MCU has embarked on an AGC website refresh to align with current online trends on responsive design and user-friendly layout, design and content. The new website is anticipated to go live in the middle of 2017.

## **(6) International Outreach**

The Attorney-General's Chambers ("AGC") is committed to strengthening its international outreach. By visiting our counterparts and attending international conferences, AGC cultivates bilateral ties while growing as an organisation through these learning opportunities.

### **(a) Overseas Visits**

#### *i LegalTech New York 2016*

In January 2016, then-Solicitor-General Lionel Yee, SC led a delegation to attend the LegalTech New York 2016, which is a conference and trade show for technology adopted by law practitioners around the world.

#### *ii 21<sup>st</sup> International Association of Prosecutors ("IAP") Annual Conference. Dublin, Ireland*

In September 2016, former Deputy Attorney-General Tan Siong Thye, SC led a delegation to attend the 21<sup>st</sup> IAP Annual Conference in Dublin, Ireland. The theme of this year's conference was "The Prosecutor and the Investigator". Apart from attending said conference, the delegation met the Attorney General Assistant of Dubai, Mr Yousuf Hassan Al Mutawa, the District Attorney of New York, Mr

Cyrus Vance, and had a study meeting with the Office of the Director of Public Prosecutions (“DPP”) of Ireland, which was hosted by the DPP, Ms Claire Loftus.

*iii AGC Study Trip to Israel*

In October 2016, then-Solicitor-General Lionel Yee, SC led a study visit to Tel Aviv and Jerusalem, where he met the Minister for Justice, Ms Ayelet Shaked, and the State Attorney Mr Shai Nitzan among other senior officials from the State Attorney’s Office.

*iv 10<sup>th</sup> China-ASEAN Prosecutors-General Conference. Vientiane, Lao PDR*

In November 2016, former Deputy Attorney-General Tan Siong Thye, SC led a delegation to attend the 10<sup>th</sup> China-ASEAN Prosecutors-General Conference in Vientiane, where he met the Prosecutor-General of Lao PDR, Mr Khamsane Souvong, and other counterparts from ASEAN member countries, Hong Kong and Macau.

***(b) Hosting Visiting Delegations***

AGC hosted several courtesy calls and study visits from international organisations and foreign government agencies in 2016. Apart from establishing and renewing relations with foreign counterparts, these visits also served as platforms for fruitful discussions on legal issues of the day.

*i. Courtesy Calls*

In 2016, the Attorney-General hosted courtesy calls from:

- The Attorney General of Namibia, Mr Sackeus Edward Shanghala
- The Minister for Legal Affairs at the President’s Office of the Maldives, Ms Azima Shukoor
- The Commissioner of the Independent Commission Against Corruption of Hong Kong, Mr Simon Peh
- The Ambassador of Indonesia to Singapore, Mr I Gede Ngurah Swajaya
- The Attorney General of Zambia, Mr Likando Kalaluka
- The Chairman of the Corruption Eradication Commission of Indonesia, Mr Agus Rahardjo
- Then-Treasurer of the Honourable Society of the Inner Temple, His Honour Judge Donald Cryan
- Union Chief Justice of Myanmar, Judge Htun Htun Oo
- The Lord Chief Justice of England and Wales, The Right Honourable The Lord Thomas of Cwmgiedd
- Judge of the Court of Appeal of England and Wales and then-Treasurer of the Honourable Society of the Middle Temple, The Right Honourable Lord Justice Christopher Clarke



- Secretary General of the International Centre for Settlement of Investment Disputes, Ms Meg Kinnear; and
- Union Attorney General of Myanmar, Mr. Tun Tun Oo.



*Then-Attorney-General V K Rajah, SC with Mr Sackeus Edward Shanghala (Attorney General of Namibia), 26 January 2016.*



*(Left to right) Then-Attorney-General V K Rajah, SC with Ms Meg Kinnear, Secretary General of the International Centre for Settlement of Investment Disputes, Ms Danielle Yeow, Deputy Director-General and Ms Wong Li Ru, State Counsel, 7 November 2016*

*ii Study Visits*

AGC hosted study visits from several foreign government organisations in 2016, including the Office of the Council of State of Thailand, and the Central Liaison Office of Macau.

## **CAPABILITIES DEVELOPMENT (AGC ACADEMY)**

Since its establishment on 1 November 2014, the Academy has overseen the training of AGC officers and provided training for Legal Branch LSOs and MXOs. Knowledge on the law and legal/non-legal skills are also imparted through core training programmes and customised sessions.

### **HIGHLIGHTS OF WORK DONE IN 2016**

#### **(1) Training of AGC Officers**

##### **(a) *Organisation-wide Initiatives***

###### *i Primer Programme*

The on-boarding programme for new AGC officers was revamped in January 2015, with the aim of helping new officers achieve greater self-efficacy, role clarity, social integration and enculturation. In addition to orientation activities that promote bonding and sharing sessions by Divisional representatives on the work they do, the revamped programme now includes an improved buddying/mentorship system. By establishing a common set of criteria across AGC for the mentoring of new officers, the system ensures that mentors are able to assist new officers to transition smoothly into AGC.

###### *ii Pitstop*

The inaugural AGC Pitstop was held on 29 June 2016. This is a programme launched to allow AGC to check in with new officers at the 12 – 18th month mark of their time in Chambers. Participants discussed AGC’s innovation challenges, as well as how to make AGC’s strategic vision a reality. The half-day programme culminated in a chat with the “AGC Stalwarts”, who are experienced and long-serving officers who have made invaluable and immeasurable contributions to the organisation.

###### *iii Training Contract Programme*

Following a review in 2015, the Training Contract Programme was re-launched in 2016 with a renewed focus on new officers acquiring core competencies. LSOs undergoing the programme are now required to undergo longer attachments with the various legal branches to ensure a wide and varied exposure to the work of Government as a whole.

###### *iv Senior Officers’ Management Programme*

The Senior Officers’ Management Programme was the inaugural AGC thought leadership seminar organised by the Academy for LSOs in AGC at the Superscale Grade 4 level, as well as executives at the MX9 level. The Programme was positioned as a milestone course to develop participants by equipping them with strategic perspectives on the workings of AGC as an organisation, as well as the public service environment within which AGC operates. LSOs from the Legal Branch meeting the requisite level of seniority were also invited to attend.

v *Professional Development Programme*

Launched in January 2016, the AGC Professional Development Programme introduces compulsory training in law/legal skills for LSOs at milestone junctures of their career. The aim of the programme is to give all AGC officers working knowledge of key substantive law topics/legal skills that they either need to apply to their current job or may need to apply should they ever have to move to other divisions. It also aims to expose AGC officers to the work done and legal skills employed in other divisions.

vi *Middle Manager Programme for Executives*

Jointly organised with the Corporate Services Division of AGC, the AGC Middle Manager Programme was held in 2016 to target middle managers who are responsible for implementing the strategic directives of upper-level managers, as well as supervising subordinate managers and employees to ensure smooth functioning of the organisation. The aim of the programme is to hone and sharpen the advanced managerial competencies required of them. Participant went through external leadership development programmes, a learning forum and fireside chats.

vii *Talks by Distinguished Speakers and Conversations @ AGC*

In addition, regular talks were conducted by distinguished speakers under the Conversations @ AGC series, as well as on ad hoc basis. Distinguished speakers included Prof S Jayakumar, Mr Benny Lim, Justice Matthew Palmer from the New Zealand High Court, Mr Toby Landau QC, Mr Michael Brindle QC and Mr Tim Eicke QC.

**(b) *Divisional Training***

The Divisions also invested heavily in training and development to hone and sharpen the skill-sets of their officers across a range of areas. The following is a sample of training events held across the Divisions –

*i Legal Skills Training*

- Training by US Prosecuting Attorney, Ms Page Ulrey, on cases Involving Vulnerable Adult Victims.
- American Professional Society on the Abuse of Children (APSAC) Child Forensic Interview Clinics and Workshops.
- Crime Cluster Training Day – How to be Effective at Witness Interviews.
- Crime Cluster Training Week – Deep Dive & Advocacy Practice.

- Legislative Drafting courses overseas, including (1) Legislative Drafting Course by Institute of Advanced Legal Studies (UK); and (2) Legislative Drafting Conference by the Canadian Institute for the Administration of Justice.
- Raising the Bar: A Workshop on Written Advocacy in Civil Litigation.
- Practical Issues in Contract Drafting and Interpretation Workshop by Associate Professor Goh Yihan, SMU.
- Contract and Intellectual Property Issues in Public Licence.
- Data Protection Compliance Conference (attended by Legis).

*ii International Law*

- International Law Speakers Series 2016 – Lecture by Judge Tomas Heidar on recent jurisprudence of the International Tribunal for the Law of the Sea.
- Public International Law Seminar 2016 - Workshops and lecture by John Augustin, (Director, Legal Affairs and External Relations Bureau, ICAO) on the International Civil Aviation Organisation’s response to international aviation security challenges.
- Singapore International Arbitration Academy
- NUS and SMU Auditing courses
- American Society of International Law Annual Meetings

*iii Public Law*

- Recent Constitutional Law Developments in UK and Australia by Assistant Professor Jaclyn Neo, NUS.
- Public Law Conference, University of Cambridge.

*iv Conversational Skills*

- Engaging Staff Through Effective Career Conversations - To guide and equip Reporting Officers (ROs) with crucial communication and coaching skills to guide their staff through their development and career progression planning.

*v Overseas Attachments*

- AGC officers also benefited from training and development via overseas attachments. The following is a sample of institutions that AGC officers, both legal officers and executives, across the Divisions have been attached to -

- Hong Kong Department of Justice
- Five Paper Building Chambers
- Cloth Fair Chambers
- Office of the Director of Public Prosecution, New South Wales
- 39 Essex Chambers
- New York County District Attorney's Office
- Serious Fraud Office, UK
- Santa Clara District Attorney's Office.

## **(2) Public Sector Training Conducted by AGC Officers**

AGC officers also contributed to the knowledge sharing among the wider public service community by conducting training sessions over the course of 2016:

### ***(a) Legislative Drafting Course/ Law-Making and Policy Course***

In 2016, the Legislation Division of AGC organised the following courses/workshops jointly with Civil Service College (CSC) for the benefit of public sector officers involved in legislation projects:

#### ***(b) Law-Making and Policy Course [20-21 Jun and 24-25 Nov 2016]***

The Law-Making and Policy Course is held twice a year at CSC. The Course is identified as an essential training requirement for policy officers in Ministries and Statutory Boards handling Bills and significant Subsidiary Legislation projects, and supports the needs of the annual Government Bills programme. The Course focuses on the formulation of good polices and their translation into effective legislation.

#### ***(c) Law-Making and Policy Post-Course Workshop [22 Jun 2016]***

This Workshop is an advance course for policy officers who have attended the Law-Making and Policy Course, and is held once a year at CSC. It uses interactive elements such as role-play to enhance participants' skills in analysing and developing policy specifications for translation into legislation.

#### ***(d) Legislation Drafting Course [27-28 Jun and 28-29 Nov 2016]***

The Legislation Drafting Course is held twice yearly at CSC. It is targeted at legal officers and policy officers who work with drafts of proposed legislation or are interested in understanding



how legislation is drafted and interpreted. The Course is also open to law drafters in ASEAN countries with whom we have established training arrangements.

**(e) *Know the Law: Legal Principles for Every Public Officer [24 May 2016]***

Since 2001, Civil Division has been organising annually the Public Officers' Law Seminar (now known as "Know the Law" Seminar) for public officers. Junior AGC officers are encouraged to attend the seminar. The seminar aims to provide participants with an insight to the legal framework within which the public sector operates, and covers topics on constitutional and administrative law, legislation, litigation, procurement and data protection. The seminar serves as an outreach platform to educate public sector officers on potential legal issues on which they should seek legal advice.



*The Public Officers' Law Seminar (now known as "Know the Law" Seminar) aims to provide participants with an insight to the legal framework within which the public sector operates.*

**(f) *Basic Prosecutor Course [25 to 29 Jan, 22 to 25 August] and Basic Trial Advocacy Course [6 to 8 June, 17 to 19 August, 19 to 21 October]***

The Prosecution School conducts the five-day Basic Prosecutor's Course every year. The week-long training equips prosecutors with the latest thinking on the exercise of prosecutorial discretion, dealing with evidence and court procedure. Our counterparts from Brunei, Malaysia, Myanmar and Vietnam were also invited to attend this course.

To prepare prosecutors to conduct trials, the Prosecution School also conducted several runs of the two-day Basic Trial Advocacy Course in collaboration with Civil Service College for ministries prosecutors. Trainees were given hands-on training to lead evidence in Examination-in-Chief, Cross-Examination and Narrative Advocacy. A trainee's performance is video-taped and reviewed at the coaching sessions.



*The Basic Prosecutor Course equips prosecutors with the latest thinking on the exercise of prosecutorial discretion, dealing with evidence and court procedure.*

**(g) Criminal Trial Seminar [2 to 4 November]**

To keep investigators up to date with recent legislative and case law developments, the Prosecution School in collaboration with the Civil Service College, conducted this annual three-day programme. Topics covered included recent amendments to legislation, trial preparation, drafting of trial documents and giving evidence in court. The hands-on Moot Court session provided participants a better appreciation of court proceedings.



*The participants at the Criminal Trial Seminar, an annual three-day programme.*

**(h) Other Workshops and Seminars**

Speakers and moderators at various workshops and seminars organised by the Centre for international Law and government agencies eg Expert Panel on International Law and Cyberspace, Singapore International Cyber Week organized by Cyber Security Agency of Singapore.

**(i) External Training Programmes for Ministries**

*i Awareness of Litigation Exposure in Supervisory Work for MAS (25 August]*

The Awareness of Litigation Exposure in Supervisory Work training was conducted for officers for Monetary Authority of Singapore. It covered topics such as the Singapore Criminal System, Role of the Public Prosecutor, Recording of Statements, Gathering & Presenting of Evidence, and Assessment of the Sufficiency of Evidence as well as the Pre-Trial and Trial process.

*ii Preparing and Presenting Expert Testimony for HSA (10 and 13 May)*

In May 2016, the three-day biennial training programme on “Preparing and Presenting Expert Evidence” was conducted for Health Sciences Authority officers. The topics included the Role of the Expert Witness, the Trial Process, Evidence & Burden of Proof, Preparation for Trial, Evidence in Chief, Dealing with Cross Examination and Re-examination, Use of Technology in Court and Giving Evidence in Court. The programme concluded with a visit to the State Court as well as a Moot Court Training.

## **KNOWLEDGE MANAGEMENT UNIT AND LIBRARY**

The Knowledge Management Unit (“KMU”) is responsible for AGC’s organisation-wide knowledge management (“KM”) systems and processes, including the extensive collections of the Chan Sek Keong Library (“Library”). With the aim of delivering the “Right Knowledge @ the Right Time to the Right People”, KMU focuses on creating and curating cross-Divisional knowledge assets and online resources, and providing effective library resource support for AGC’s core areas of practice.

### **HIGHLIGHTS OF WORK DONE IN 2016**

#### **(1) Launch of Customised Search Engine**

In September 2016, KMU launched a new customised search engine on AGC’s intranet portal (“Portia”). The new search engine allows users to filter their searches intelligently (by topic, legislation etc) and also suggests related search terms/topics for a more comprehensive search. A browse function was also introduced for users to easily retrieve precedents by specific topics and/or legislation.

#### **(2) Growth of Cross-Divisional KM Libraries**

Since its launch in August 2015, the Cross-Divisional KM Libraries on Portia have grown with the contributions of all AGC Divisions. As of 31 December 2016, the Cross-Divisional KM Libraries managed by KMU contained more than 12,500 documents of precedential value across AGC.

#### **(3) Introduction of AGC Document Management Guidelines**

A set of AGC Document Management Guidelines was introduced in December 2016. These Guidelines promote greater consistency in the manner that documents are uploaded, named and generally managed on Portia to facilitate more accurate knowledge capture.

#### **(4) Updates to the AGC KM Newsletter**

The bi-monthly KM Newsletter published by KMU was also updated with a refreshed layout and new content in 2016, including:

##### **(a) *QuickNotes***

A compilation of two to three sentence digests of Singapore Supreme Court cases, QuickNotes complement the existing Case Updates, which feature longer digests. The combined use of QuickNotes and Case Updates enables flexibility in reporting judgments depending on their relevance to AGC’s core work.

##### **(b) *Notable Advice***

Introduced in August 2016 to highlight interesting and useful advice to AGC officers, KMU selects these from the documents we receive and tag for the Cross-Divisional KM Libraries.

**(c) *Trending (renamed Legal Lookaround in 2017)***

Started in October 2016 to feature significant legal articles or updates. KMU also started a collaboration with AGC's Futures Thinking Group ("FTG") in December 2016 to feature FTG's blog updates in the Trending column.

The Newsletter and other useful legal compilations managed by KMU are available online to AGC and Legal Branch lawyers as well as all public officers via AGC's Government Intranet site.

**(d) *New Library Content – Electronic and Non-Electronic***

To cater to the research needs of various AGC Divisions, the Library continued to expand its subscriptions to databases and online reference collections.

## **STRATEGIC PLANNING AND ORGANISATIONAL EXCELLENCE OFFICE**

The Strategic Planning and Organisational Excellence Office (“SPO”) works with the senior management and Divisions of the Attorney-General’s Chambers (“AGC”) to develop and implement strategic plans to position AGC for the future.

The tasks of the SPO are to:

- (a) Identify AGC’s external and internal strategic issues (including challenges and opportunities);
- (b) Formulate strategies and work-plans to address the same; and
- (c) Ensure the effective implementation of AGC’s plans to achieve its goals.

### **HIGHLIGHTS OF WORK DONE IN 2016**

On an annual basis, the SPO organises a leadership retreat, and works together with AGC’s different divisions in their divisional strategic planning activities. SPO also takes charge of the AGC’s annual work plan as well as regular staff and stakeholder engagement activities.

In carrying out its work, the SPO is supported by the Futures Thinking Group and the Statistics Unit:

- (a) The Futures Thinking Group identifies the trends and best practices (both within and outside Singapore) that are taken into consideration when mapping the strategic direction and development of AGC; and
- (b) The Statistics Unit is in charge of establishing a system to collate and analyse comprehensive data on AGC’s performance and workload measures. This enables strategic planning to be carried out in an informed manner based on accurate information.



## **AGC KEY STRATEGIC INITIATIVES 2016**

### **(1) Enhancing Legal Services to the Government and Public**

In 2016, the Attorney-General's Chambers ("AGC") continued to take steps to enhance and expand the scope of the legal services we provide to the public sector and the general public.

#### **(a) *Smart Nation***

As part of the Government's Smart Nation initiative, the Ministry of Transport is in the process of testing and rolling out various forms of autonomous vehicles, including truck platoons and unmanned aerial systems. AGC continues to work closely with the Ministry of Transport, as well as entities such as the Land Transport Authority and the Civil Aviation Authority of Singapore, to advise on a broad range of legal issues that may arise from the use of autonomous vehicles in Singapore. AGC also assisted in drafting and vetting agreements relating to proposed and on-going trials at various locations throughout Singapore. Open data sharing is also a priority area in Singapore's Smart Nation vision. AGC advised on the crafting of version 1.0 of the Singapore Open Data Licence released in 2016, which governs all open data that the Singapore Government publishes on data.gov.sg.

#### **(b) *Transformative and Citizen-centric Digital Governance Initiatives***

AGC collaborated with other government agencies on legal aspects on a number of transformative and citizen-centric digital governance initiatives, such as MyInfo, a digital platform launched in May 2016 that enables users to manage the use of their personal data and conduct online transactions more seamlessly and efficiently with participating organisations.

#### **(c) *Plains Laws Understandable by Singaporeans (PLUS) Project***

The Singapore Statutes Online ("SSO") Research Study 2016 has been completed. The feedback from users of the website will be taken into consideration in design and features for the revamped SSO website which is targeted to be launched in May 2017.

### **(2) Enhancing Criminal Enforcement and Prosecution**

#### **(a) *Specialisation of the CJD***

AGC's Criminal Justice Division was re-organised into specialised groups focusing on different types of offences. Specialisation provides benefits for both the organisation and the individual prosecutor. From an organisational perspective, specialisation improves knowledge management and enables complex work that requires in-depth knowledge to be more efficiently handled by a core group of prosecutors with minimal getting-up time. From an individual perspective, prosecutors can develop expertise for career progression. Personal interests and aptitude can also be aligned with the organisation's requirement.

#### **(b) *Intellectual Property Rights and IRAS Cases***

AGC has recently taken over the oversight of prosecutions under the Trade Marks Act and the Copyright Act. In addition, AGC prosecutors are working closely with prosecutors from IRAS in cases involving the systematic perpetration of fraud involving the Productivity and Innovation Credit Scheme.

### **(3) Engagement of Government and Enforcement Agencies**

In 2016, AGC continued to engage our key public sector stakeholders. Platforms for interaction with, and feedback from, such stakeholders were increased, to enable AGC to provide effective legal advice and support.

#### ***(a) Training of Prosecution and Enforcement Officers.***

AGC organised among other workshops and seminars, the Public Officers' Law Seminar (now known as "Know the Law" Seminar) Conference which aims to provide participants with an insight to the legal framework within which the public sector operates, and covers topics on constitutional and administrative law, legislation, litigation, procurement and data protection. The Seminar was attended by public sector officers of various Ministries and Statutory Boards.

#### ***(b) Dialogue sessions with Ministries and Statutory Boards.***

AGC continued to engage various Ministries and Statutory Boards on key trends and legal issues, including the Ministry of Finance, Ministry of Transport, and SPRING.

#### ***(c) Law Making and Policy Course and Legislative Drafting Course***

Two runs of the Law Making and Policy Course and Legislative Drafting Course and one run of the Law Making and Policy Course Post-Course Workshop was conducted in partnership with the Civil Service College. Participants included public sector officers from Ministries and statutory boards, as well as law drafters from Brunei, Malaysia, Vietnam and Myanmar.

### **(4) Developing our Capabilities**

#### ***(a) Revamp of AGC's innovation framework and processes.***

To ensure that fresh perspectives and solutions are continually harnessed to improve the way that the AGC works, a new Innovation Network was formed. The inaugural AGC Innovation Challenge was launched, enabling staff from across AGC to pitch their ideas directly to senior management. The Innovation Network also launched Brown Bag Lunches for staff to brainstorm and share fresh ideas, and streamlined the Staff Suggestions Scheme.

#### ***(b) Primer Programme***

The on-boarding programme for new AGC officers was revamped in January 2015, with the aim of helping new officers achieve greater self-efficacy, role clarity, social integration and enculturation. In addition to orientation activities that promote bonding and sharing sessions by Divisional representatives on the work they do, the revamped programme now includes an improved buddying/mentorship system.

#### ***(c) Pitstop***

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innovation challenges, as well as how to make AGC's strategic vision a reality. The half-day programme culminated in a chat with the "AGC Stalwarts", who are experienced and long-serving officers who have made invaluable and immeasurable contributions to the organisation.

**(d) *Training Contract Programme***

The Training Contract Programme was re-launched in 2016 with a renewed focus on new officers acquiring core competencies. LSOs undergoing the programme are now required to undergo longer attachments with the various legal branches to ensure a wide and varied exposure to the work of Government as a whole.

**(e) *Senior Officers' Management Programme***

The Senior Officers' Management Programme is an inaugural AGC thought leadership seminar organised by the Academy for LSOs in AGC at the Superscale Grade 4 level, as well as executives at the MX9 level. The Programme is positioned as a milestone course to develop participants by equipping them with strategic perspectives on the workings of AGC as an organisation, as well as the public service environment within which AGC operates.

**(f) *Professional Development Programme***

The newly launched AGC Professional Development Programme introduces compulsory training in law/legal skills for LSOs at milestone junctures of their career. The aim of the programme is to give all AGC officers working knowledge of key substantive law topics/legal skills that they either need to apply to their current job or may need to apply should they ever have to move to other divisions.

**(g) *Middle Manager Programme for Executives***

The AGC Middle Manager Programme targets middle managers who are responsible for implementing the strategic directives of upper-level managers, as well as supervising subordinate managers and employees to ensure smooth functioning of the organisation. The aim of the programme is to hone and sharpen the advanced managerial competencies required of them.

**(5) *Preparing for the Future***

**(a) *AGC-wide project to enhance our processes and IT systems***

The AGC launched an organisation-wide project to review and streamline our work processes and IT systems. This project will harness the power of technology to enable the AGC to serve the public and its stakeholders more effectively.

**(b) *Digitisation on Investigation Papers***

AGC continued to digitise its work. In line with the objective of ensuring that every case is dealt with efficiently and expeditiously, AGC has initiated the concept of digitizing investigation papers. Not only does this initiative completely cut-out the time taken for

investigation papers to be couriered between AGC and the various police divisions, it would also allow a Prosecutor to have sight of the investigation papers on-the-go.

**(c) *IT in Handling Electronic Evidence***

AGC's *Financial and Technology Crime Division* has incorporated IT in processing voluminous evidence in complex financial crimes, including increased use of e-Investigation Papers, and e-Discovery and forensic examination software.

**(d) *Succession Planning Framework***

A Succession Planning and Talent Management Framework for Executive roles was also put in place to provide a structured approach to our talent management.

----- *End* -----