

**ADDRESS BY THE HONOURABLE ATTORNEY-GENERAL CHAO HICK TIN
AT THE WELCOME REFERENCE FOR
THE HONOURABLE THE CHIEF JUSTICE CHAN SEK KEONG**

22 APRIL 2006

May it please your honours, Chief Justice, Judge of Appeal, Judges, and Judicial Commissioner. I am honoured to be the first person to address you, Chief Justice, on your assumption of the highest judicial office of the land. The legal officers in the Attorney-General's Chambers are heartened by your very well-deserved elevation.

Introduction

1 Three months ago on 7th January, you, Chief Justice, had addressed the Bench in these premises at the same spot where I now stand. That was also the day on which the official opening of the new Supreme Court building by President Nathan took place. In retrospect, your address that day was momentous as it marked the 14th and the last time that you would speak as Attorney-General at the annual Opening of the Legal Year. I recall in that address these resolute words of yours (I quote):

"Our material circumstances may have changed very much for the better, but the quest for justice will not change. Our conception of the rule of law today may be more refined and inclusive, but the need for impartial and independent courts to dispense justice to all those who seek justice from them will remain." (unquote)

2 With your appointment on 11th April as the Republic's third Chief Justice, you will now lead us forward in our unremitting quest for justice, and ensure that justice is dispensed to whom justice is due. Your appointment to the highest judicial office of this land not only marks yet another milestone in our legal annals,

you, Chief Justice, hold the unprecedented and illustrious record of the first local law graduate who has been consecutively appointed as Judicial Commissioner, Judge, Attorney-General, and Chief Justice of this country.

Looking back

3 Historical moments such as today's Welcome Reference for you, Chief Justice, are timely for a quick reflection of where we stand. Over the past 15 years, under the firm and steady hands of your predecessor Mr Yong Pung How, Singapore has established its own unique legal identity and legal system.

4 Today, our Court of Appeal, not the English Privy Council, finally determines all our cases. Our courts are guided by our own Judicial Statement on *stare decisis*, which allows for predictable yet progressive development of our law. We no longer have the section 5 Civil Law Act conundrum on reception of English Law, thanks to your foresight in persuading the Government to enact the Application of English Law Act in 1993. Our laws have been regularly reformed and revised to ensure relevance to our time.

5 In tandem with these developments, there have been effective reforms of our Judiciary. These reforms have been wide-ranging, with far-reaching effects and necessitated a mindset change amongst the justice stakeholders. Antiquated and obsolete practices were jettisoned in favour of streamlined and updated judicial processes, strict case management, and institutionalising relevant best practices. The power of modern technology has been harnessed to facilitate in legal research and judicial proceedings. In addition, implementing of the Senior Counsel scheme to nurture a quality local Bar and initiatives like the Night Courts and other specialist courts have also served the public well. Avenues of alternative dispute resolution like mediation and arbitration provide the public with easier access to justice. These successes have brought public

trust and confidence in our judicial system, and given Singapore high international rating.

6 These positive developments have corresponded with the improving quality of our legal talent. One of the foremost considerations in regulating the supply and admission of lawyers - a move which you, Chief Justice, were instrumental in recommending - is to ensure that Singapore has a steady and ready supply of high quality lawyers that can support an increasingly globalised and sophisticated legal market. For those already in the practising Bar, exacting standards have been imposed. For those who aspire to become lawyers, you Chief Justice, then as Chairman of the Board of Legal Education, had introduced measures that would ensure that they would have acquired the necessary practical skills to become full fledged lawyers. We have also in place continuing legal education programmes and plans for specialisation in emerging areas of practice, to ensure strategically that our legal talent keep abreast with the latest legal developments.

7 Of greater importance is the quality of our higher bench, which has become increasingly prolific in their written judgments, leading to the growth and development of our own jurisprudence. The following observation in the 2005 edition of the *Asia-Pacific Legal 500* is germane: (I quote) "...expert opinion suggests that the [Singapore] bench is stronger than at any time in its history" (unquote). I should further add this. With your appointment as Chief Justice, our Court of Appeal has become one of the strongest ever.

Going forward

8 I have provided a sketch of the excellent state of our legal and judicial system to which you, Chief Justice, and your predecessor, have significantly contributed. Going forward, there are many challenges, some pressing and others emerging, that will confront all of us. These include the proposed

restructuring of the Legal Service Commission and the introduction of a more systematic talent management system for Legal Service officers¹; the low entry and high turnover rate of young lawyers in recent years and the thinning of the criminal and family bar²; as well as the promotion of Singapore law as the preferred governing law in international commercial contracts³. I have highlighted these challenges not to belabour you now, but simply to make the point that you, Chief Justice, have the right mix of experience and the fortitude to guide us through these and other future challenges.

9 Chief Justice, if I may so boldly put it, your career progression can be said to be a manifestation of this country's meritocratic ideals, where everyone, regardless of his or her background, has an equal opportunity to rise to the highest public office of the land. From a humble beginning, you worked your way up. You were among the pioneering batch of 22 law graduates from the University of Malaya in 1961. After becoming the first local law graduate to be called to the Malayan Bar in 1962, you practised for 24 years, establishing yourself as a leading member of the Singapore Bar. In July 1986, you were appointed the first Judicial Commissioner of Singapore. Two years later, you were made a Judge of the Supreme Court. In May 1992 you were called upon to serve as Attorney-General. For a period of some 4½ years, I had the privilege of being your judicial colleague when you were on the Bench. From the sittings we had in the High Court⁴ and the Court of Appeal, I knew first-hand the first-rate quality of your legal mind and your judicial temperament. Indeed your reputation for soundness in law and your industry are legendary.

¹ See Ministerial Statement by Prof Jayakumar, DPM and Minister for Law in Parliament on 3 April 2006.

² These concerns were highlighted by the President of the Law Society in his 2006 address on The Future of the Legal Profession.

³ There is now a movement to actively promote the use of Singapore Law and the use of Singapore as the preferred venue for dispute resolution of international transactions. However, it has been observed that "Despite the region's pre-eminence as a financial centre, Singaporean law has not emerged as a competitor to English and New York law for financial transactions." John Pritchard's *Asia-Pacific Legal 500, 2006 ed* http://www.legal500.com/as500/frames/si_fr.htm

⁴ Those were still the days when capital cases were heard by two judges and/or judicial commissioners.

10 With your wealth of experience having been on both sides of the legal profession, coupled with your sterling reputation for fairness, integrity and objectivity, you will bring to the Bench you lead, a distinctive quality of independence and impartiality.

11 Chief Justice, you will now set the pace and direction for the administration of justice in Singapore. I have full confidence that you will discharge this new leadership role with great distinction. DPM Professor Jayakumar had in Parliament on 3rd April credited you for having "transformed the AG's Chambers from a relatively small office to one with an efficient team of lawyers who can handle a whole range of complex legal issues". I have been away from these Chambers for about 18 years and only returned 11 days ago to be its head. I can only say that I am deeply impressed with the remarkable transformation, made possible only with visionary leadership. Further, from the earnest tribute and effusive testimonials at the Appreciation Dinner held in your honour by the officers of the AG's Chambers which I attended a fortnight ago, it was clear to me that you have won the hearts and minds of the entire Chambers.

Conclusion

12 Finally, may I, on behalf of my Chambers and the Legal Branch, offer you, Chief Justice, our congratulations and best wishes. As the Law Officers of the State, we pledge our full support and assistance in all your endeavours and in your singular mission to "*do right to all manner of people after the laws and usages of the Republic of Singapore without fear or favour, affection or ill-will, to the best of [your] ability...*"⁵.

⁵ Adapted from the Oath of Office of Chief Justice found in the First Schedule to the Constitution of the Republic of Singapore.