

December 2007



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in the news

Legal news headlines in October and November 2007.



in the know

Information on Academy activities for members at work and at play!



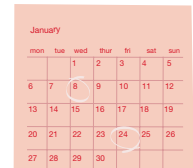
legislation update

Legislation passed or revised in October and November.



case law update

Catchword summaries of cases from the Supreme Court, organised by subject matter.



calendar

Trainings and workshops calendar from December 2007.



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- *Launch of Lives in the Law – A Festschrift in Honour of Peter Ellinger, Koh Kheng Lian and Tan Sook Yee*
- *IBA Young Lawyers Outreach Event for ADR Professionals*
- *SAL Expert Series: The Advocate and Solicitor and His Client*

Headlines in The Straits Times

Chua Hian Hou, "Online campaign to repeal gay sex law picks up", *The Straits Times* (9 October 2007)

Yeoh Lian Chuan, "Stamp duty on property deals", *The Straits Times Forum* (9 October 2007)

Selina Lum, "Teacher wants Law Society to deal with ex-lawyer first", *The Straits Times* (10 October 2007)

Lee Su Shyan, "Allen & Gledhill heads for Malaysia in first foreign foray", *The Straits Times* (11 October 2007)

Karen Tan, "HIV law aims to deter irresponsible sex conduct", *The Straits Times Forum* (11 October 2007)

Chin Li Fen, "Stamp duty: 'Objective' market value used", *The Straits Times Forum* (11 October 2007)

Harry Yip Kuan, "Give minority owners exchange option" [*En bloc* law should be amended to give minority owners option of asking for one-for-one exchange], *The Straits Times Forum* (12 October 2007)

Ben Nadarajan, "Glenn Knight takes on first case – defending Yong's wife", *The Straits Times* (12 October 2007)

K C Vijayan, "Global law meeting will tackle heavy issues" [Issues to be discussed at IBA conference include technology, intellectual property and cultural differences across legislatures, ranging from anti-money laundering to workplace discrimination], *The Straits Times* (12 October 2007)

Chua Hian Hou, "NMP to submit Parliamentary Petition to repeal gay sex law", *The Straits Times* (12 October 2007)



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- *IBA Young Lawyers Outreach Event for ADR Professionals*
- *SAL Expert Series: The Advocate and Solicitor and His Client*

Radha Basu, "Non-discrimination of women" [CEDAW expressed concern over lack of specific local laws against gender discrimination], *The Straits Times* (12 October 2007)

Selina Lum, "Teacher's \$80,000 legal bill saga comes to an amicable end", *The Straits Times* (13 October 2007)

"No plans to change banking secrecy laws: MAS", *The Straits Times* (14 October 2007)

K C Vijayan, "Global law meet draws record 4,000", *The Straits Times* (15 October 2007)

Nicholas Fang, "International arbitration" [Prof Jayakumar: S'pore "well-placed to play major role"], *The Straits Times* (15 October 2007)

Goh Chin Lian, "Judicial system highly rated, thanks to reforms", *The Straits Times* (15 October 2007)

Li Xueying, "Rule of law key to S'pore stability, growth: MM Lee", *The Straits Times* (15 October 2007)

"Stars lend name to plea for change" [Local celebrities appear in online rap video to support repeal of s 337A], *The Straits Times* (15 October 2007)

Lee U-Wen, "Why Singapore is ICC body's choice pick", *The Straits Times* (15 October 2007)

"Why Singapore is what it is" [MM Lee's keynote address at opening of IBA's annual conference], *The Straits Times* (15 October 2007)

K C Vijayan, "Culture is serious issue for lawyers, says CJ" [Lawyers should be more culturally sensitive with increasing cross-border transactions], *The Straits Times* (16 October 2007)



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- *IBA Young Lawyers Outreach Event for ADR Professionals*
- *SAL Expert Series: The Advocate and Solicitor and His Client*

Goh Chin Lian, "Here's how women lawyers can fight bias" [IBA delegate urges women lawyers to overcome "fear of the sneer of the peer" and press for non-discriminating practices], *The Straits Times* (16 October 2007)

Selina Lum, "Internet portals' legal wrangles debated" [IBA delegates discuss how law can keep up with legal issues arising from Internet's "explosive growth"], *The Straits Times* (16 October 2007)

Lim Poh Suan, "Removing section 377A threatens family unit", *The Straits Times* (16 October 2007)

K C Vijayan, "Four legal hotshots here make it to list of top arbitrators in Asia", *The Straits Times* (17 October 2007)

Khushwant Singh, "International Bar Association conference" [Discussion on worldwide shortage of lawyers], *The Straits Times* (17 October 2007)

Keith Lin, "NMP files petition to House on gay sex law", *The Straits Times* (17 October 2007)

Khushwant Singh, "'Practical' master law degree" [New Master of Laws in International Professional Legal Practice offered by IBA and College of Law of England and Wales; see www.college-of-law.co.uk for details], *The Straits Times* (17 October 2007)

Cheong Suk-Wai, "That cultural flat-footedness can cost plenty" [Lawyers should be more culturally sensitive in dealings], *The Straits Times* (17 October 2007)



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- *IBA Young Lawyers Outreach Event for ADR Professionals*
- *SAL Expert Series: The Advocate and Solicitor and His Client*

K C Vijayan, "Delegates all agree: Rule of law critical for investor confidence", *The Straits Times* (18 October 2007)

Chong Chee Kin, "Law Society moves to get Rasif struck off the rolls", *The Straits Times* (18 October 2007)

Leonard Lim, "Mediation for sports disputes comes to S'pore", *The Straits Times* (18 October 2007)

Teh Joo Lin, "New law to tighten second-hand goods trade to kick in on Dec 1" [New Secondhand Goods Dealers Act to curb sale of stolen property], *The Straits Times* (18 October 2007)

Tan Yen Ling, "Should section 377a be repealed?", *The Straits Times* (18 October 2007)

Goh Chin Lian, "DPM to Chee: Don't turn IBA meet into theatre on S'pore politics", *The Straits Times* (19 October 2007)

K C Vijayan, "Legal eagles recall old days to mark Law Society's 40th year", *The Straits Times* (19 October 2007)

K C Vijayan, "More action sought against fake goods globally", *The Straits Times* (19 October 2007)

Li Xueying, "S'pore has laws to tackle dirty foreign funds" [It must, however, ensure that rules are "followed religiously" on the ground], *The Straits Times* (19 October 2007)

"Top ratings for justice system here", *The Straits Times* (19 October 2007)

Wang Meng Meng, "Triathlon" [Mediation between triathlete Gino Ng and Triathlon Association of Singapore ("TAS") fails], *The Straits Times* (19 October 2007)

"A free society needs rules to thrive and prosper" [Keynote address by Prof Jayakumar at IBA conference's symposium on rule of law], *The Straits Times* (20 October 2007)



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- *SAL Expert Series: The Advocate and Solicitor and His Client*

Chong Chee Kin, "Advances in rule of law in S-E Asia", *The Straits Times* (20 October 2007)

Goh Chin Lian, "Chee tried to turn forum into 'theatre of politics', says Jaya", *The Straits Times* (20 October 2007)

Boaz Nazar, "Fallacy to talk of 'gay' discrimination", *The Straits Times* (20 October 2007)

Salma Khalik, "Fewer suits filed against public hospitals", *The Straits Times* (20 October 2007)

Keith Lin, "Myanmar, Penal Code up for debate" [Myanmar issues and petition to repeal gay sex law to be discussed in Parliament], *The Straits Times* (20 October 2007)

"'Prayer' to change a sex law", *The Straits Times* (20 October 2007)

Lee Siew Hua, "Respect for rule of law vital for Singapore: Jaya", *The Straits Times* (20 October 2007)

Lim Soon Hock, "Sexual orientation/preferences are not 'rights'", *The Straits Times* (20 October 2007)

Wang Meng Meng, "Triathlon" [TAS-Gino Ng dispute resolved], *The Straits Times* (20 October 2007)

Lee Siew Hua, "We don't need outside interference, says Sylvia Lim" [Singapore capable of dealing with own rule of law issues], *The Straits Times* (20 October 2007)

Ang Kim Lan, "How to legally care for mentally incapable person" [Q&A on enduring power of attorney], *The Straits Times* (21 October 2007)



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Ben Nadarajan and Carolyn Quek, "The price of justice in \$" [Article on rising legal costs], *The Straits Times* (21 October 2007)

"M'sia's Anwar faces jail threat for protecting source", *The Straits Times* (22 October 2007)

Selina Lum, "Changes to the Penal Code" [MPs generally in support of amendments except for heated debate over s 377A and issue of "marital rape"], *The Straits Times* (23 October 2007)

Jeremy Au Yong, "Chemical Weapons Act still terror-proof", *The Straits Times* (23 October 2007)

Keith Lin, "Decriminalising gay sex" [Views of four MPs on s 377A], *The Straits Times* (23 October 2007)

K C Vijayan, "Ex-Law Society president joins legal heavyweight", *The Straits Times* (23 October 2007)

Yeo Ghim Lay, "Laws don't always reflect moral position: Hri Kumar" [Discussion on s 377A], *The Straits Times* (23 October 2007)

"Mr Siew Kum Hong" [On s 377A], *The Straits Times* (23 October 2007)

Peh Shing Huei, "Petition to repeal gay sex law sparks heated debate", *The Straits Times* (23 October 2007)

Natalie Soh, "Rape: Call for full removal of marital immunity", *The Straits Times* (23 October 2007)

"Speech by Professor Thio Li-Ann" [On s 377A], *The Straits Times* (23 October 2007)



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- *SAL Expert Series: The Advocate and Solicitor and His Client*

Lim Wei Chean, "Tougher stance urged on child sex, 'grooming'", *The Straits Times* (23 October 2007)

Elina Lum and Lim Wei Chean, "Upping of jail sentences: Caution urged" [Accused individuals may feel pressure to plead guilty once maximum jail time increases], *The Straits Times* (23 October 2007)

Chua Mui Hoong, "When the Govt chooses to follow, not lead" [Parliamentary debate on s 377A], *The Straits Times* (23 October 2007)

"Laws on religious conversion under review" [Malaysia to review laws relating to religious conversion for Muslims], *The Straits Times* (24 October 2007)

Keith Lin, "Let's convince the majority to do what is fair: Charles Chong" [Call for updates

to s 377A to better reflect realities on the ground], *The Straits Times* (24 October 2007)

Li Xueying, "Let's move on, says NMP after 377A plea is rejected", *The Straits Times* (24 October 2007)

Lim Wei Chean, "Men have modesty too, so make laws gender neutral", *The Straits Times* (24 October 2007)

Jeremy Au Yong, "New terrorism law supports cross-border approach" [New Terrorism (Suppression of Bombings) Act gives effect to International Convention for the Suppression of Terrorist Bombings], *The Straits Times* (24 October 2007)

Selina Lum, "No 'trigger happy' bid to up penalties" [Assoc Prof Ho: Government's approach in revising Penal Code a balanced one], *The Straits Times* (24 October 2007)



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- *IBA Young Lawyers Outreach Event for ADR Professionals*
- *SAL Expert Series: The Advocate and Solicitor and His Client*

Natalie Soh, "Rape: Marital immunity stays, with exceptions", *The Straits Times* (24 October 2007)

Lim Wei Chean, "Some call for stricter 'sex predator' laws" [MPs proposed for age of offenders to be lowered], *The Straits Times* (24 October 2007)

"Why we should leave section 377A alone: PM", *The Straits Times* (24 October 2007)

Patrick Tan Siong Kuan, "Failed bid to repeal section 377A", *The Straits Times* (25 October 2007)

Azimin Saini, "NMP Thio's comments were inappropriate" [Letter referring to NMP Thio's parliamentary speech on s 377A], *The Straits Times* (25 October 2007)

Tan Seow Hon, "Public debate: Giving voice to the religious" [Article on relevance of

moral values endorsed by religious persons in public decision-making], *The Straits Times* (25 October 2007)

Jenica Chua Chor Ping, "'Visibly distraught'? Prof was fiery and passionate" [Letter referring to Prof Thio's parliamentary speech on s 377A], *The Straits Times* (25 October 2007)

Wong Suan Yin, "Discrimination enshrined in law" [On s 377A], *The Straits Times* (27 October 2007)

Carolyn Hong, "Extension of CJ's tenure held up by judge-fixing scandal" [Six-month extension of Malaysian Chief Justice yet to be approved], *The Straits Times* (27 October 2007)

Shefali Rekhi, "ASEAN Charter to turn region into community", *The Straits Times* (28 October 2007)



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- *IBA Young Lawyers Outreach Event for ADR Professionals*
- *SAL Expert Series: The Advocate and Solicitor and His Client*

Carolyn Hong, "Perak ruler – a former Chief Justice – calls for judicial reforms", *The Straits Times* (30 October 2007)

"Lawyers deny judicial reforms will turn off foreign investors" [Article on Malaysian lawyers' response to recent judge-fixing allegation], *The Straits Times* (31 October 2007)

Carolyn Hong, "Malaysia's CJ retires; successor not named", *The Straits Times* (1 November 2007)

K C Vijayan, "New book lauds three pioneers in teaching law" [*Lives in the Law* celebrates contributions of three retired NUS dons], *The Straits Times* (31 October 2007)

"Controversial video shown at law meet" [Alleged judge-fixing clip shown at annual Malaysian Law Conference], *The Straits Times* (2 November 2007)

Carolyn Hong, "Malaysian judiciary's woes: KL to move 'fast' to fill Chief Justice post", *The Straits Times* (2 November 2007)

Leslie Lopez, "The talk in Kuala Lumpur: KL cops and judiciary getting a bad name", *The Straits Times* (3 November 2007)

"M'sia draws up law to protect whistleblowers", *The Straits Times* (5 November 2007)



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- *IBA Young Lawyers Outreach Event for ADR Professionals*
- *SAL Expert Series: The Advocate and Solicitor and His Client*

Headlines in *The Business Times*

Michelle Quah, "A&G ties up with top M'sian law firm", *The Business Times* (11 October 2007)

Wee Li-En, "Allen & Gledhill tops in financial law market", *The Business Times* (12 October 2007)

Lynette Khoo, "Legal system can't rest on its laurels: MM Lee", *The Business Times* (15 October 2007)

Lynette Khoo, "S'pore set to leverage on growth in international arbitration", *The Business Times* (15 October 2007)

Wee Li-En, "ICDR and SIAC open office in Singapore", *The Business Times* (18 October 2007)

Wee Li-En, "Interests of the community take precedence: Jayakumar" [Greater emphasis attached to community interests in rule of law balance], *The Business Times* (20 October 2007)

Oh Boon Ping, "Gay sex law will not be strictly enforced", *The Business Times* (24 October 2007)

Wee Li-En, "Major law firms express interest in going public", *The Business Times* (30 October 2007)

S Jayasankaran, "M'sian Chief Justice's term unlikely to be extended", *The Business Times* (1 November 2007)

Siow Li Sen, "MAS comfort for guarantors in face of bank secrecy laws" [Guarantors have right to be informed of liabilities despite differing industry practices], *The Business Times* (2 November 2007)

Wee Li-En, "Lawyers put on business hats at top firms", *The Business Times* (6 November 2007)

"NUS, NYU in dual degree programme", *The Business Times* (6 November 2007)



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- *IBA Young Lawyers Outreach Event for ADR Professionals*
- *SAL Expert Series: The Advocate and Solicitor and His Client*

Headlines in Today

Leong Wee Keat, "Rogue lawyer faces the axe", *Today* (9 October 2007)

Nazry Bahrawi, "Give state-picked panel a chance" [UMNO Youth leader: Judge-fixing probe team must be given "a chance to do its job"], *Today* (10 October 2007)

Jasmine Yin, "Top law firms in pact to serve ASEAN business needs", *Today* (11 October 2007)

Loh Chee Kong, "What price, this success?" [Questions on Singapore's democracy put to MM Lee during dialogue at IBA conference], *Today* (15 October 2007)

Ron Chong Ker Chuen, "Leave gay law unchanged", *Today* (16 October 2007)

Huang Qiao Ying, "Protect kids from violent outsiders" [Writer recommends that personal protection orders be extended to protect against threats from non-family members], *Today* (16 October 2007)

Thomas Koshy, "Leaving behind those legal blues" [Article discussing whether Court of Appeal in motor claims dispute should have directed for inquiry into lawyer's conduct], *Today* (17 October 2007)

Loh Chee Kong, "The worldwide battle for young legal eagles" ["Pay is not enough" to retain young lawyers], *Today* (17 October 2007)

Loh Chee Kong, "Greasing palms: Business as usual?" [Lawyers face dilemma when dealing with corruption], *Today* (18 October 2007)





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- *Headlines in The Straits Times*
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- *IBA Young Lawyers Outreach Event for ADR Professionals*
- *SAL Expert Series: The Advocate and Solicitor and His Client*

Cubby Leong, "Should it have gone this far?" [Article highlighting need for proper mediation and arbitration between athletes and National Sports Association], *Today* (18 October 2007)

"Fear of the law makes victims cough up cash" [New scam by con artists impersonating Supreme Court staff], *Today* (19 October 2007)

Bala S Rajaratnam, "Mediate, don't waste funds", *Today* (19 October 2007)

"New law to deter those who steal metal to sell as scrap", *Today* (19 October 2007)

Sheralyn Tay, "Docs learn to avert patient disputes" [Medical Protection Society launched Risk Consulting Service and Educational Services for better doctor-patient communication], *Today* (20 October 2007)

Nicholas Tan, "More bewildered than enlightened" [Letter in response to "Keep377A.com vs Repeal377A.com"], *Today* (20 October 2007)

Loh Chee Kong, "Rule of law and freedom: Do they mix?", *Today* (20 October 2007)

"Badawi to lawyers: Don't scare off investors", *Today* (31 October 2007)



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Launch of *Lives in the Law – A Festschrift in Honour of Peter Ellinger, Koh Kheng Lian and Tan Sook Yee*



The National University of Singapore (“NUS”) Faculty of Law and Academy Publishing, with the support of a donation by law firm Rajah and Tann, have published a *Festschrift* entitled *Lives in the Law*. It honours the lives and work of three illustrious professors of law – Emeritus Professor Peter Ellinger, Emeritus Professor Koh Kheng Lian and Professor Tan Sook Yee. All three honourees are pioneers in the teaching of law at NUS.

The National University of Singapore (“NUS”) Faculty of Law and Academy Publishing, with the support of a donation by law firm Rajah and Tann, have published a *Festschrift* entitled

The *Festschrift* was officially launched on 30 October 2007 at a cocktail party held on the premises of Evans Lodge (the former Raffles College) by the Honourable the Chief Justice Chan Sek Keong, who also wrote the book’s foreword.

The event was graced by legal luminaries including Deputy Prime Minister and Minister for Law Professor S Jayakumar, the Attorney-General Mr Chao Hick Tin and Judges of Appeal Justice Andrew Phang and Justice V K Rajah. Also amongst the evening’s guests were Dr Thio Su Mien, Justice Tan Lee Meng and Associate Professor Chin Tet Yung – former NUS deans whose presence made the event even more special – and Professor Michael Furmston, dean of the Singapore Management University School of Law.





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Nostalgic and heart-warming speeches were given by the three honourees who shared and reflected on the highlights of their lives and career in the legal academia. Chief Justice Chan Sek Keong, Law Dean Professor Tan Cheng Han and Senior Counsel Quentin Loh also addressed the guests and reminisced about their personal experiences with each of the three honourees.

Lives in the Law is the first of its kind published in Singapore to honour distinguished members of the legal academia. In recognition of the monumental contributions of the honourees, the book's editors (Professor Michael Hor, Associate Professor Dora Neo and Associate Professor Tang Hang Wu) assembled a team of local and international legal academics who contributed essays on the subject areas that the honourees have devoted their lives to teaching and researching. Notably, the book also contains a brief but informative biography of the three honourees.

The honourees

Peter Ellinger is internationally recognised as a leading banking lawyer. In 1998, he became the first person from the faculty to be appointed Emeritus Professor by the University. His book, *Modern Banking Law*, is a leading text in the United Kingdom and the Commonwealth.

Koh Kheng Lian is Singapore's pre-eminent academic criminal lawyer whose texts on the subject remain authoritative today. More recently, she has established herself as one of the best-known environmental lawyers in Asia-Pacific. She is the first woman to be conferred an Emeritus Professorship in the history of the National University of Singapore and its predecessor institutions.

Tan Sook Yee's name is synonymous with Singapore land law. She is the author of



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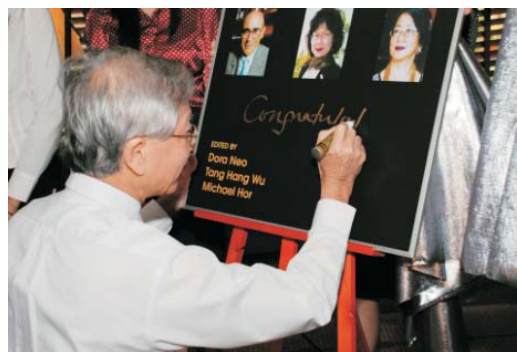
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Principles of Singapore Land Law, a book frequently cited with approval by Singapore courts. She also served a distinguished term as dean of the faculty, laying a firm foundation for the Faculty of Law in the National University of Singapore as we know it today.



Chief Justice Chan Sek Keong officially launches the *Festschrift* and marks the moment with a congratulatory note on a commemorative poster.



Lives in the Law honourees together with the team of editors. Standing (L to R): Associate Professor Tang Hang Wu, Associate Professor Dora Neo and Professor Michael Hor. Seated (L to R): Emeritus Professor Peter Ellinger, Professor Tan Sook Yee and Emeritus Professor Koh Kheng Lian.

Lives in the Law may be purchased from the Singapore Academy of Law's Academy Publishing. Please contact Ms Pauline Wong at tel: (65) 6332 0056 or e-mail: pauline_wong@sal.org.sg.





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IBA Young Lawyers Outreach Event for ADR Professionals



In conjunction with the International Bar Association (“IBA”) conference held in Singapore, the Singapore Mediation Centre (“SMC”) and the Singapore International Arbitration Centre (“SIAC”) co-hosted the IBA Young lawyers Outreach Event for ADR

Professionals on 18 October 2007 at Attica, a popular club in Clarke Quay. The event was co-organised by the IBA Mediation Committee and the International Centre for Dispute Resolution (“ICDR”) Young and International.



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The event was attended by about 40 guests including legal professionals from USA, UK, France, Germany, Switzerland, Nigeria, Malaysia and Singapore. The networking session saw guests exchanging ideas and views on the latest ADR trends while unwinding over food and drinks after a hectic conference schedule.



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- ***SAL Expert Series: The Advocate and Solicitor and His Client***

SAL Expert Series: The Advocate and Solicitor and His Client

By Lina Tong, Senior Manager, SAL and Carol Liew, Assistant Director, SAL



As part of the SAL Expert Series, the Singapore Academy of Law ("SAL"), together with co-organisers, the Law Society and the Supreme Court of Singapore, presented the seminar "The Advocate and Solicitor and His Client" on Thursday 15 November 2007. This seminar is the brainchild of the Professional Values Chapter of the SAL Professional Affairs Committee, and is the first part of a series of three seminars on ethics and the legal profession.

The last few years have seen several high profile matters involving the misappropriation of clients' moneys and notable developments in case law relating to legal ethics, thereby generating much interest in the topic. Author of the seminal book *Ethics and Professional Responsibility: A Code for the Advocate and Solicitor*, Dr Jeffrey D Pinsler, was invited to speak at the inaugural ethics seminar. The seminar was well-attended by over 200 members with the Honourable Justice V K Rajah, Judge of Appeal and Chairman of the Professional Affairs Committee, as the Guest of Honour. Mr Michael Hwang SC, Chairman of the Law Society's Ethics Committee, chaired this inaugural seminar.

Dr Pinsler opened his lecture by emphasising that he did not think that lawyers were behaving worse than before. However, there





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was now a greater awareness of how lawyers ought to conduct themselves and as such, the public may not be so forgiving in light of this new ethics consciousness. He addressed three main areas in his lecture: the issue of who is a client, how an implied retainer arises and responsibilities beyond the implied retainer; the duty to protect the client's position in the face of other competing interests; and the lawyer's "moral compass" and the spirit of the rules of ethics. Dr Pinsler cited the cases of *Law Society of Singapore v Ahmad Khalis bin Abdul Ghani* [2006] 4 SLR 308, *Law Society of Singapore v Tan Phuay Khiang* [2007] 3 SLR 477 and *Law Society of Singapore v Vardan Vasantha Lashimi* [2007] 1 SLR 240 in their various contexts, highlighting the guidance provided by the court on the conduct expected of an advocate and solicitor. Perhaps the position on the responsibility of the advocate and solicitor is best put by the court in *Tan Phuay*

Khiang in concluding that "(the) proceedings serve as a clarion call, and emphasise that the paramount duty of a solicitor is to conscientiously advance his clients' interests and to unwaveringly avoid all manner of conflicts of interest, whether potential or actual. Solicitors would also be well advised to be tirelessly proactive in ensuring that clients understand all the attendant legal risks of every transaction they enter into."

Following Dr Pinsler's presentation was a panel discussion chaired by Mr Michael Hwang SC. The other panellists were Mr T P B Menon, consultant with Wee Swee Teow & Co, Mr Ronnie Quek, partner with Allen & Gledhill and Mr Vinodh Coomaraswamy SC, partner with Shook Lin & Bok. The panel discussion gave the audience further insights on the Legal Profession Act and the Legal Profession (Professional Conduct) Rules, as each panellist shared their own interpretation and perspectives of the Act and Rules.



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Whilst there is room for further discussion and debate on the responsibilities of an advocate and solicitor and in particular how to manage litigation risks, the take-home message for every lawyer at this seminar may well be summarised and quoted from Justice Rajah's keynote address "... clients depend very heavily on lawyers ... it is therefore incumbent on every lawyer to ensure that such (legal) advice is comprehensive and – most importantly – competent. ... full disclosure of risks and the costs involved be given in all matters at the



earliest possible stage. This advice should be properly minuted. This will help minimise disputes later about what has been said."



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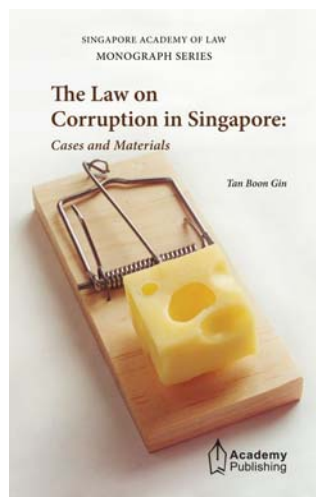
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The Law on Corruption in Singapore: Cases and Materials

By Tan Boon Gin; review by Professor Michael Hor Yew Meng



The Prevention of Corruption Act is one of the most important pieces of criminal legislation in Singapore legal history, a pillar of the foundational principle of clean government in the post-colonial period. It is also one of most "Singaporean" – bearing the marks of a fledgling Government taking

bold steps to fashion new law to deal with a formidable problem. Singapore's anti-corruption strategy was to be phenomenally successful.

While academics and social scientists ask questions about the extent to which the law played a part, and whether or not the radical exceptions to normal criminal law and process made are still required, those directly concerned with its administration – the prosecutors, the officers of the CPIB, defence counsel and the courts – have to make it work from day to day. It is the facilitation of this that Tan Boon Gin's *The Law of Corruption in Singapore* is aimed.

The work bears the mark of the author's substantial experience with corruption law and practice, both as a prosecutor and then as a District Judge. It accurately and





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efficiently distils the law as it stands, putting an admirable order on the apparent chaos of cases interpreting the statute. This task is much more difficult than it sounds. The uniqueness of the legislation meant that there was little assistance to be had from the usual suspects – the major common law jurisdictions of the world. The author had to start from scratch. The structure which the author eventually came up with is a model of clarity – particular issues and cases are discussed under the broad headings of “elements of the offence”, “evidential issues” and “ancillary matters”. I suspect this is a taxonomy which will influence the way practitioners think about corruption for years to come.

The law of corruption has produced some of the most intriguingly complex cases in the law reports; but the author somehow manages to select manageable excerpts from them, and appends insightful notes with precision and economy. The decision to write the book in a “cases and materials” style is surprising for a volume intended for

the practitioner. Such writing requires far more work for the reader who has, to an extent, to digest the primary material. I think this is a positive development, reflecting the increasing maturity and sophistication of legal practice in Singapore – the law cannot be expressed in bland textbook type propositions. I hope this experiment succeeds.

I also hope that this book finds a larger audience – that of experts from other jurisdictions wanting to learn the secret of Singapore’s success with fighting corruption. It has been a bit of an embarrassment when we are asked by others what they can read to understand the Prevention of Corruption Act – there was until now no one source we could point them to. I am thankful we now have Tan Boon Gin’s book – a convenient one-stop-shop, accessible without being simplistic.

This book is a joint publication of Academy Publishing and the Subordinate Courts of Singapore.



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European Court of First Instance Upholds EC Finding on Microsoft

By Cornie Ng

The European Court of First Instance ("ECFI") handed down its decision on 17 September 2007 upholding the European Commission's ("Commission") finding that software giant Microsoft had abused its dominant position, an infringement of Art 82 of the EC Treaty (the equivalent of s 47 of the Singapore Competition Act, Cap 50B).

Earlier on in March 2004, the Commission had found that Microsoft had abused its dominant position, by engaging in the following conduct:

- Refusing to supply competitors with and authorise the use of "interoperability information" so that competing products could be developed and distributed on the workgroup server operating systems ("OS") market.
- Tying Windows Media Player with the Windows PC OS, ie, requiring any

purchaser of Windows to also purchase Windows Media Player (as it came together as a package) such that other media player suppliers are foreclosed from entering into the media player market.

As a result of the above abuses, the Commission required Microsoft to —

- disclose specifications of its server/server communication protocols to any party wishing to develop and distribute workgroup server OS; and
- offer for sale a version of Windows without Windows Media Player.

The Commission also imposed a fine of EUR 497 million on Microsoft.

To ensure Microsoft's compliance with the directions above, a monitoring trustee was





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to be appointed by the Commission, at Microsoft's expense and from a list of persons drawn up by Microsoft, who was to have access to Microsoft's assistance, information, documents, premises or employees and to the source code of the relevant Microsoft products.

In appealing against the decision to the ECFI, Microsoft sought an annulment of the decision, or an annulment or a substantial reduction of the fine imposed on it.

Refusal to supply

In considering the appeal, the ECFI assessed the facts on the basis that a refusal by an intellectual property right holder to license to a third party the use of a product can be an abuse of a dominant position only if the following three conditions have been satisfied:

- (a) The refusal must relate to a product or service indispensable to the exercise of an activity on a neighbouring market.

- (b) The refusal must be of such a kind as to exclude any effective competition on that market.
- (c) The refusal must prevent the appearance of a new product for which there is potential consumer demand.

Even if the above conditions are all satisfied, if the refusal to grant a licence can be objectively justified, there will be no abuse.

The ECFI decided that all three conditions had been satisfied. It stated that the Commission was correct to conclude that, for competitors' work group server OSES to be marketed viably, they had to be able to interoperate with Windows domain architecture on an equal footing with Windows OS. The absence of such interoperability had the effect of reinforcing Microsoft's dominant position on the market and creating a risk of eliminating competition.

As Microsoft was not able to show any objective justification for the refusal to supply



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(ie Microsoft failed to show that the disclosure of interoperability information would have a significant negative effect on its incentives to innovate), the ECFI upheld that part of the decision concerning interoperability.

Tying

The ECFI considered that for tying to be abusive —

- the undertaking concerned must have a dominant position on the market for the tying product;
- the tying product and the tied product must be two separate products;
- consumers must not have a choice to obtain the tying product without the tied product; and
- the practice must foreclose competition.

The ECFI found that all four conditions above were satisfied. It was not disputed that Microsoft had a dominant position on the

client PC OS market and that the products were distinct when assessed by reference to consumer demand in that there was existence of separate consumer demand for media players. In consequence of the tying, consumers were unable to acquire the Windows OS without simultaneously acquiring Windows Media Player. In this respect, it did not matter that Microsoft did not charge a separate price for Windows Media Player or that consumers were not obliged to use the Windows Media Player. The tying led to a weakening of competition in the media player market as it provided a disincentive for users to use third-party media players and for OEMs to pre-install such media players on client PCs. As there was no objective justification for the tying and the remedy imposed by the Commission to offer for sale a version of Windows without Windows Media Player was proportionate, the CFI upheld that part of the decision concerning tying.





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The monitoring trustee

In the only victory for Microsoft on appeal, the ECFI annulled that part of the Commission's decision ordering Microsoft to submit a proposal for the appointment of a monitoring trustee exercising his own powers of investigation and capable of being called upon by third parties to act, as well as the decision requiring Microsoft to provide for all costs associated with the appointment of the monitoring trustee. In doing so, the ECFI found that the Commission had acted *ultra vires*.

The fine

The EUR 497 million fine was upheld by the ECFI.

Afternote: As at 23 October 2007, Microsoft had announced that it would not be appealing against and will comply with the CFI's decision.

The author of this Tech Law Update, Cornie Ng, is a Deputy Director of the Competition Commission of Singapore, and a member of the Legal Service Commission's Technology Law Core Group ("TLCG"). Formed in 2000, the TLCG aims to build up a corps of legal service officers with special knowledge in information technology, and a deeper understanding of the legal issues arising from the adoption of new technologies.



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'Tis the Season to be Giving

"Give, and it will be given to you. A good measure, pressed down, shaken together and running over, will be poured into your lap. For with the measure you use, it will be measured to you." (Luke 6:38)

- 🎁 **Help make a sick child's wish come true.** It could be a wish to see their favourite cartoon character live, to be a doctor for a day, or for a motorised wheelchair. The Make-A-Wish Foundation helps children who are battling with life-threatening illnesses fulfil their wishes. Visit www.makeawish.org.sg to find out how you or your organisation can make a difference.
- 🎁 **Bring home a different type of guest for Christmas.** Help foster a rescued animal till it finds its fur-ever home.
Rabbits: www.hrss.net | Cats: www.catwelfare.org | Dogs: www.asdsingapore.com
- 🎁 **Make a free donation at your desk!** About 24,000 people die every day from hunger or hunger-related causes but you can help to reduce that number simply by clicking the yellow "Click Here to Give – it's FREE" button at www.thehungersite.com.
- 🎁 **Sponsor a child.** For \$45 a month, you can help an impoverished child have access to clean water, nutritious food, education, healthcare and a chance to break the poverty cycle. Visit www.worldvision.org.sg/st_sponsorchild.php for more details.
- 🎁 **Send your clients personalised e-cards from Bizibody's website** (www.bizilaw.com) this festive season and they will donate 50% of the proceeds to TWC2, an organisation working to encourage greater consideration for migrant workers.
- 🎁 **Test your vocabulary and feed the needy at the same time.** For each word you get right, 10 grains of rice will be donated through the United Nations to help end world hunger. The FreeRice vocabulary test is available at www.freerice.com.



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Angel Hair Pasta with Sliced Abalone and Avruga Roe

Serves four



Ingredients

1 packet angel hair pasta – blanched/cooked
 50 ml mirin
 30 ml canola oil
 1 tbsp Japanese mayonnaise
 1 tin abalone – sliced thinly
 4 tsp Avruga roe
 Daikon sprouts
 Dash of soy glaze
 Salt and pepper to taste

Directions

1. Cook pasta in salted water for about four minutes.
2. Cool down over running water.
3. Drain dry and marinate with mirin, canola oil and mayonnaise.
4. Roll with fork and place on plate, top with sliced abalone and spoon roe on top.
5. Garnish with sprouts and drizzle with soy glaze.

Recipe courtesy of The Academy Bistro's award-winning Executive Chef Jimmy Chok.

A selection of yuletide fare specially prepared by Jimmy will also be available for takeaway at the bistro.

Order forms are available at www.sal.org.sg/RegistrationForms/MBD/Bistro.pdf – do place your orders early for a hassle-free Christmas celebration!





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Exclusive Festive Treats for SAL members!

TOUCHE

FREE BodyFocus Body Evaluation and Sensual Rosebud Polish (Worth \$155)

Indulge in a luxurious full body scrub that rids dead skin cells, increases blood circulation, tones your skin and makes it glow with healthy radiance.

OR

FREE VideoMax Skin Analysis and Whitening Hydro Eye Fusion Therapy (Worth \$155)

Give your eyes the much needed care and pampering. This Enzyme Eye Treatment relieves fatigue and strain by erasing dark eye circles, puffiness and dryness around the eyes.

PLUS any of the following @ \$45!

Additional Bonus: Receive a complimentary TOUCHE festive bag with any purchase above.

Christmas Skin Glow (UP \$478) (Inclusive of GST)

Consists of:

- BioLight Whitening Treatment
- BioLight Neck Treatment

An advanced breakthrough treatment that is based on research on melanogenesis and source of skin surface alterations. Using patented electrostatic system technology, this whitening skin treatment aims to achieve the positive results of whitening, brightening, rejuvenation and protection of the skin.





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Christmas Body Glow (UP \$197) (Inclusive of GST)

Consists of:


- AromaSpa Body Massage
- Aromatic Ear Candling Bliss

Indulge in a luxurious full body scrub that rids dead skin cells, increases blood circulation, tones your skin with natural rose and makes it glow with healthy radiance. Rejuvenate your body and spirit with our AromaSpa full body massage and Aromatic Ear Candling Bliss. You just need to lie back and experience the relief of your tensions and restoration of your vitality under our expert hands.

Outlets

-  TOUCHE @ 390 Orchard Rd #04-02 Palais Renaissance (Opposite Hilton Hotel); tel: (65) 6738 8441

-  TOUCHE @ 27C Tanjong Pagar Rd #04-00 (Near Maxwell Food Center); tel: (65) 6221 6612

-  TOUCHE @ No 9 Tan Quee Lan Street #01-02/#02-07 TQL Suites (Opposite Bugis Junction); tel: (65) 6238 0500

Terms & Conditions

- Valid for first-time customers aged 21 years and above only.
- Strictly for Singapore citizens and PR only.
- Valid till 31 Jan 2008.
- Advance booking is required.
- Please present identity card for verification purposes.
- Not valid with other offers, services and promotions.
- Treatment(s) to be done on a single visit.
- Each customer is entitled to one festive bag only, strictly with purchase of any of the above.
- The management reserves the right to change the above conditions without prior notice.





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Enjoy 15% off Buffets at the Award-winning Oscar's at Conrad Centennial Singapore

Sumptuous Asian and international cuisine, together with traditional festive offerings to indulge your palate! To make a reservation, call (65) 6432 7481.

Terms & Conditions

- Valid from 1 Dec 2007 to 1 Jan 2008 (including Christmas Eve, Christmas Day, New Year's Eve and New Year's Day).
- SAL membership card must be presented upon ordering.
- Buffets include lunch, dinner, Uniquely Singapore Lunch (Sat) and Amazing Graze Sunday Brunch.
- Not valid in conjunction with other promotions, offers, discounts and vouchers.
- Prices are subject to 10% service charge and prevailing government taxes.





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Spa ELEMENTS

Elements Body Massage @ \$33

(60 minutes; UP \$98)

Tailored to treat the overworked body, this deep tissue massage helps to reduce stress and combat fatigue.

Diamond Dazzle Face Spa @ \$43

(90 minutes; UP \$145)

Microdermabrasion exfoliates to reduce fine lines, acne scars, pigmentation, boost collagen synthesis and aid healing.

Enjoy the following services as an add-on or on their own. Choice of one of the following:

Classic Manicure @ \$16

(30 minutes; UP \$23)

Pamper those overworked fingers to keep your hands looking great. We'll treat your cuticles, shape and polish your nails, and finish with a moisturising massage. This treatment is available only at the Cathay outlet.



Classic Pedicure @ \$24

(45 minutes; UP \$36)

For healthy beautiful feet, we'll treat your cuticles, scrub, massage, shape and polish your nails. This treatment is available only at the Cathay outlet.

Private Heated Spa Pool @ \$32 per couple

(30 minutes)

Relaxing hydrotherapy with 44 Jacuzzi jets in a private spa room. This treatment is available only at the Cathay outlet.

Bonus! Bring along a friend for your friend to enjoy the same promotion at the same price.



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-  Spa Elements @ Orchard #02-10/11/16
Orchard Hotel Shopping Arcade;
tel: (65) 6733 3772
-  Spa Elements @ The Cathay #03-19
Cathay Building (Near Dhoby Ghaut MRT); tel: (65) 6738 8008

Terms & Conditions

- Valid for SAL members above 23 years old and his/her friend who has not visited Elements in the past six months, and limited to Singaporeans and PRs only.

- Limited to one choice of treatment per member; no multiple redemptions allowed.
- Treatments are applicable to both ladies and gentlemen, and subject to availability.
- Please quote "SAL Christmas Promotion" when making appointment.
- Surcharge of \$8 is applicable for massage appointments made for weekends and public holidays.
- Please arrive 10 minutes before your appointment as treatment time will be shortened in the event of late arrival.
- Elements reserves the right to charge the customer the value of the treatment (usual price) should the redemption be repeated.
- Promotion is valid till 15 Feb 2008.



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SAL Christmas Charity Project 2007: Theatre Magic for Children

Friday, 7 December 2007, 10am–2.30pm, Supreme Court

The Singapore Academy of Law Membership and Social Committee is organising a charity event on Friday, 7 December 2007 for underprivileged children between 4 and 12 years old from the Melrose Home. These are children who require care or protection, or whose parents or family members are unable to supervise or care for them. The programme is as follows:

9.00am	Children leave Melrose Home for Singapore Repertory Theatre ("SRT")
10.00am	<i>Scrooge – The Musical</i> at SRT
11.30am	Post-show Meet the Cast at SRT
12.00pm	Children leave SRT for Supreme Court
12.15pm	Lunch and activities (interactive drama and games)
2.00pm	Distribution of gifts by Santa and Judge
2.30pm	Ends

If you would like to help fulfil the wishes of the children, please visit [www.sal.org.sg/RegistrationForms/MBD/ChristmasFlyer%20to%20members%20\(3\).pdf](http://www.sal.org.sg/RegistrationForms/MBD/ChristmasFlyer%20to%20members%20(3).pdf) for more details. We look forward to your support, and thank you in advance for helping to make the wish of every underprivileged child at our event come true!





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Waiver of Annual Subscriptions

This is a reminder to members that r 4 of the Singapore Academy of Law ("SAL") Rules (Cap 294A, R1, 2002 Rev Ed) sets out the procedures for waiver of annual subscriptions. Comprehensive details relating to the granting of waivers and the application process, as well as the relevant application form, may be found on the SAL website under the Membership section at www.sal.org.sg. For enquiries, kindly call (65) 6332 4384 or e-mail membership@sal.org.sg or fax to (65) 6333 9747.

Grounds for waiver

Members may apply for waiver of annual subscriptions under r 4 (for any period of not less than six months) if they will —

- be continuously absent from Singapore;
- not be ordinarily resident or domiciled in Singapore;

- not be in the profession of law; or
- not be gainfully employed.

A member shall be deemed "not to be in the profession of law" where he does not have in force a practising certificate and is not any of the following:

- a member of the Senate;
- a legal officer;
- a teacher in law at any university or institution of higher learning;
- a person employed to perform legal work or the duties of a lawyer by the Government, a statutory body, a corporation or an unincorporated association; or
- such other person who, in the opinion of the Executive Committee, is carrying on activities so closely connected to the law or the profession of law as to be regarded as being in the profession of law.



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- The Law on Corruption in Singapore: Cases and Materials

► Tech Law Update

- *European Court of First Instance Upholds EC Finding on Microsoft*

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- *'Tis the Season to be Giving*
- *Party-perfect Recipe: Angel Hair Pasta with Sliced Abalone and Avruga Roe*
- *Exclusive Festive Treats for SAL members!*
- *SAL Christmas Charity Project 2007: Theatre Magic for Children*

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Period of waiver

The minimum period of waiver is six months. Applications for waivers for any period less than six months will be rejected.

Time frame allowed for application for waiver

An application for waiver shall be made in writing one month prior to or during the period to which the application relates, and in any case not later than three months after the expiry of each period of six months referred to.

Waiver expiry

There is no automatic renewal or extension of waiver.

The waiver application and waiver extension can be submitted via the members' portal at www.sal.org.sg.



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SAL's 20th Anniversary Diary



Your postman will be coming soon with a letter. This letter contains details of a Member's Diary that SAL has produced just for you. Here is a sneak preview of what you can expect in the diary!



Christmas décor in this issue courtesy of N.Design Studio at www.ndesign-studio.com.





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Legislation Division, Attorney-
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Bills Introduced in Parliament in October

The **Geneva Conventions (Amendment) Bill** (No 41/2007) seeks to amend the Geneva Conventions Act (Cap 117) for the following main purposes:

- (a) to give effect to Protocol III of the Geneva Conventions;
- (b) to prohibit the unauthorised use of the red crescent emblem, the red crystal emblem and the red lion and sun emblem, in addition to the red cross emblem and the words "Red Cross" or "Geneva Cross";
- (c) to prohibit the use of any design which resembles the red crescent emblem, the red cross emblem, the red crystal emblem and the red lion and sun emblem, or the use of any words resembling the words "Red Cross" or "Geneva Cross" as to be capable of being understood as referring to the red cross emblem;
- (d) to increase the penalty for offences committed under Pt III (Prevention of abuse of red cross and other emblems) from \$1,000 to \$10,000; and
- (e) to enable the Minister to appoint one or more public officers as inspectors to investigate the commission of an offence under Pt III and provides for the powers of such inspectors in carrying out investigations relating to such an offence.

The Bill also makes consequential and miscellaneous amendments to the Singapore Red Cross Society (Incorporation) Act (Cap 304).

The **National Registry of Diseases Bill** (No 42/2007) seeks to establish the National Registry of Diseases and to provide for the compilation of information on the incidence of certain diseases for use as a basis for the





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direction of programmes for disease prevention and control. The Bill, amongst other things —

- (a) provides for the establishment and functions of the National Registry of Diseases (“the Registry”), and for the appointment of the Registrar, Deputy Registrar, Assistant Registrars and Registry officers who are to be responsible for the administration of the Registry;
- (b) imposes on the manager of a healthcare institution the duty to notify the Registrar of cases in which a person has been diagnosed with or is undergoing treatment for a reportable disease at the healthcare institution;
- (c) empowers the Registrar, with the approval of the Director of Medical Services (“the Director”), to disclose individually-identifiable information held by the Registry to any public officer or any other person for the purpose of conducting national public health

programmes concerning any reportable disease;

- (d) empowers the Registrar to disclose —
 - (i) to a medical practitioner treating any person for a reportable disease, any individually-identifiable information of a medical nature held by the Registry concerning that person; and
 - (ii) to a researcher any individually-identifiable information held by the Registry for the purpose of carrying out any medical, epidemiological or other form of public health research concerning any reportable disease; and
- (e) provides that where any personal information pertaining to persons suffering from any reportable disease had been collected by a specified entity for the purposes of a national disease registry before the date on which that disease becomes a reportable disease for the purposes of the Bill, the personal information so collected will be deemed

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to be personal information that has been collected under and for the purposes of the Bill in relation to that reportable disease.

The **Income Tax (Amendment No 2) Bill** (No 43/2007) seeks to implement the tax changes announced in the Government’s 2007 Budget Statement and to amend the Income Tax Act (Cap 134) for the following main purposes:

- (a) to provide explicitly that the Comptroller of Income Tax (“the Comptroller”) may disclose to a public officer or an officer of a statutory board for the administration of any written law or public scheme, or to a person engaged by the Government or a statutory board for the administration of such law or scheme, information relating to any person with his consent;
- (b) to enable the Comptroller to furnish information to the Government or any statutory board, for a statistical or research purpose, in a manner that does

not identify and is not reasonably capable of being used to identify the person to whom the information relates;

- (c) to provide that income derived by a special purpose vehicle under any approved Islamic debt securities arrangement entered into on or after 17 February 2006 will be deemed to be derived at the end of the arrangement by the originator of the arrangement;
- (d) to extend tax exemption to interest derived from qualifying project debt securities which are issued during the period from 1 November 2006 to 31 December 2008, to discount, prepayment fee, redemption premium and break cost from qualifying project debt securities issued during the period from 15 February 2007 to 31 December 2008, and to other prescribed income directly attributable to qualifying project debt securities issued on or after a prescribed date, subject to conditions;

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- (e) to extend, subject to conditions, tax exemption to prepayment fee, redemption premium and break cost from qualifying debt securities issued during the period from 15 February 2007 to 31 December 2008, and to other prescribed income directly attributable to qualifying debt securities issued on or after a prescribed date, derived by any non-resident person who does not have a permanent establishment in Singapore, or who carries on an operation in Singapore through such a permanent establishment but did not use funds from the operation to acquire the securities;
- (f) to extend tax exemption to prepayment fee, redemption premium and break cost from any debt securities derived on or after 15 February 2007, and to other prescribed income directly attributable to any debt securities derived on or after

a prescribed date, by any individual where such income is not derived through a partnership in Singapore or from the carrying on of a trade, business or profession;

- (g) to extend tax exemption to interest derived from money held on deposit in an approved bank in Singapore by a non-resident person (not being an individual or permanent establishment in Singapore) who carries on any operation in Singapore through a permanent establishment in Singapore, provided that the funds used by that person to make the deposit are not obtained from that operation;
- (h) to extend tax exemption to income derived by a qualifying non-resident person from any structured product (the contract for which, including any renewal or extension, takes effect during a specified period) offered by a financial institution;





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- (i) to provide for tax exemption on prescribed income derived by a trustee of a prescribed trust fund from funds managed in Singapore by a prescribed fund manager;
- (j) to provide for a tax exemption on the qualifying income of an approved law practice from the rendering of legal services in connection with any international arbitration the hearing of which is held in Singapore, subject to conditions;
- (k) to reduce the tax rate from 20% to 18% for companies, trustees (other than trustees of incapacitated persons), executors and non-resident persons who are not individuals or Hindu joint families; and
- (l) to provide tax transparency treatment to certain other income distributed by the trustee of a real estate investment trust, and to certain income distributed by the trustee of an approved sub-trust to the trustee of a real estate investment

trust (such income would be charged to tax as income of the beneficiaries of the trust and not as income of the trustee of the trust).

The Bill also makes consequential amendments to the Economic Expansion Incentives (Relief from Income Tax) Act (Cap 86).

The **Central Provident Fund (Amendment No 2) Bill** (No 44/2007) seeks to amend the Central Provident Fund Act (Cap 36) for the following main purposes:

- (a) to modify certain arrangements under the Act relating to interest;
- (b) to extend the purposes for which a retirement account is maintained;
- (c) to provide for the establishment of the Workfare Income Supplement Scheme and for matters connected there with;
- (d) to extend the MediShield Scheme to cover the payment of costs incurred by

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- an insured person for medical services received by him; and
- (e) to empower the Central Provident Fund Board to engage in the compilation of information relating to members.

The **Agency for Science, Technology and Research (Amendment) Bill** (No 45/2007) seeks to amend the Agency for Science, Technology and Research Act (Cap 5A) for the following main purposes:

- (a) to transfer the functions, powers, property, assets, interests, rights, privileges, liabilities, obligations and employees of the Standards, Productivity and Innovation Board ("SPRING") relating to its national metrology centre to the Agency for Science, Technology and Research ("A*STAR");
- (b) to provide for the continuation and completion of pending disciplinary

- proceedings, hearings and investigations in respect of employees who are transferred to A*STAR;
- (c) to explain the status of contracts and proceedings relating to the national metrology centre and the property, assets, interests, rights, privileges, liabilities, obligations and employees transferred to A*STAR; and
- (d) to empower A*STAR to take disciplinary action against any employee transferred to it for any misconduct or neglect of duty during his employment with SPRING.

The Bill also makes consequential amendments to the Health Sciences Authority Act (Cap 122C), the Standards, Productivity and Innovation Board Act (Cap 303A) and the Weights and Measures Act (Cap 349).

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The **Secondhand Goods Dealers Rules 2007** (GN No S 551/2007, wef 1 December 2007) provides, amongst other things —

- (a) that an applicant for a licence may elect to be issued with an ordinary licence or a temporary licence, which shall be valid for a period of one year or 30 days respectively from the date stated therein, unless revoked or suspended;
- (b) that a secondhand goods dealer shall not, without the prior approval of the Licensing Officer, change the types of secondhand goods which he deals in;
- (c) that every secondhand goods dealer shall keep in his shop records of certain particulars with respect to —
 - (i) each of the secondhand goods purchased or sold by him;
 - (ii) every person from whom he purchased or to whom he sold the secondhand goods;

- (iii) any item purchased by him that falls within the description of certain parts of the Schedule to the Secondhand Goods Dealers Act 2007 (Act 4 of 2007); and

- (iv) any pawn ticket purchased or sold by him; and

- (d) for the duties of secondhand goods dealers before purchasing or selling secondhand goods.

The **Secondhand Goods Dealers (Exemption) Order 2007** (GN No S 553/2007, wef 1 December 2007) provides for the exemption of a secondhand goods dealer from having to obtain a licence under s 4 of the Secondhand Goods Dealers Act 2007 (Act 4 of 2007) for the purpose of dealing in secondhand goods at any particular premises, Uniform Resource Locator or e-mail address if he satisfies certain conditions.



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The **Secondhand Goods Dealers (Exemption of Licensed Pawnbrokers)**

Order 2007 (GN No S 554/2007, wef 1 December 2007) provides that the provisions of the Secondhand Goods Dealers Act 2007 (Act 4 of 2007) shall not apply to a secondhand goods dealer who holds a valid licence granted under s 8(1) of the Pawnbrokers Act (Cap 222).

The **Health Products (Medical Devices) Regulations 2007** (GN No S 563/2007, wef 1 November 2007) provides, amongst other things —

- (a) that every manufacturer, importer or wholesaler of a medical device shall keep records of any supply made by him of the medical device and produce such records for inspection by the Health Sciences Authority (“the Authority”) or an enforcement officer as and when required by the Authority or enforcement officer;
- (b) that every manufacturer, importer or wholesaler of a medical device shall keep

a record of every complaint received by him pertaining to the medical device and produce such record for inspection by the Authority or an enforcement officer as and when required by the Authority or enforcement officer;

- (c) that every manufacturer, importer or wholesaler of a medical device shall, upon becoming aware of any event or other occurrence that reveals any defect in the medical device or that concerns any adverse effect arising from the use thereof, report the event or occurrence to the Authority within the specified periods; and
- (d) that every manufacturer, importer or wholesaler of a medical device shall, before carrying out the recall of a medical device, notify the Authority of the intended recall, and shall furnish to the Authority —
 - (i) a preliminary report stating the reasons for the recall within 24 hours from the commencement of the recall; and



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- (ii) a final report on the recall within 21 days from the date of commencement of the recall or such longer period as the Authority may allow.

The **Land Titles (Strata) (Notice of Rescission) Regulations 2007** (GN No S 570/2007, wef 26 October 2007) sets out the notice of rescission that may be used by a subsidiary proprietor to rescind his agreement to be a party to a collective sale agreement.

The **Monetary Authority of Singapore (Composition of Offences) Regulations 2007** (GN No S 589/2007, wef 1 November 2007) provides that any offence under the Monetary Authority of Singapore Act (Cap 186) which is punishable with a fine only may

be compounded by the Monetary Authority of Singapore in accordance with s 41A(1) of the Act.

The **Property Tax (Residential Properties) (Remission) Order 2007** (GN No S 602/2007, wef 1 January 2008) provides that subject to the provisions of the Order, there shall be allowed for the period from 1 January 2008 to 31 December 2009, a remission of an amount of \$100 of the annual property tax payable in respect of any —

- (a) owner-occupied dwelling-house to which the Property Tax (Rate for Owner-Occupied Residential Premises) Order (Cap 254, O 10) applies; and
- (b) vacant land to which the Property Tax (Residential Premises under Construction) (Remission) Order (Cap 254, O 17) applies.

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Inquiries Act 2007 (Act 43 of 2007) (wef 1 November 2007 by GN No S 560/2007)

Health Products Act 2007 (Act 15 of 2007) (wef 1 November 2007 by GN No S 562/2007 except Pt XIV)

Accounting Standards Act 2007 (Act 39 of 2007) (wef 1 November 2007 by GN No S 565/2007)

Monetary Authority of Singapore (Amendment No 2) Act 2007 (Act 42 of 2007) (wef 1 November 2007 by GN No S 588/2007)

Constitution of the Republic of Singapore (Amendment) Act 2007 (Act 31 of 2007) (Sections 2, 8, 9 and 11 wef 1 November 2007 by GN No S 592/2007)

Public Service Commission (Amendment) Act 2007 (Act 32 of 2007) (wef 1 November 2007 by GN No S 593/2007)

Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Act 2007 (Act 44 of 2007) (wef 1 November 2007 by GN No S 594/2007)





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Revision of Acts

The Law Revision Commissioners have prepared and published, in loose-leaf form, a revised edition of the following Acts, incorporating amendments up to 1 October 2007 (wef 31 October 2007 by GN No S 567/2007):

- (a) Casino Control Act (Cap 33A);
- (b) Charities Act (Cap 37); and
- (c) National Research Fund Act (Cap 201A).

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Administrative Law

Judicial review — Fettering of discretion and abrogation of responsibility — Registrar of Vehicles having statutory discretion to determine duty paid on imported cars — Adopted policy of basing duty payable on Singapore Customs' valuation — Whether Registrar entitled to adopt policy — Whether Registrar failing to consider if exceptions should be made — Whether responsibility abrogated to Customs — Rule 7(3) Road Traffic (Motor Vehicles, Registration and Licensing) Rules (Cap 276, 2004 Rev Ed)

Komoco Motors Pte Ltd v Registrar of Vehicles and another [2006] SGHC 74

Arbitration

Stay of court proceedings — Whether defendants required to file defence after applying for stay of court

proceedings — Whether defendants filing defence before hearing of stay of court proceedings application amounting to “step in the proceedings” — Other options available to defendants not being “step in the proceedings” — Section 6(1) Arbitration Act (Cap 10, 2002 Rev Ed)

Go Go Delicacy Pte Ltd v Carona Holdings Pte Ltd and others (No 2) [2007] SGHC 165

Civil Procedure

Production of documents — Objections — Admissions — Failure to object to documents in defendant's bundle of documents — Whether admission deemed — Court ordering otherwise — Order 27 r 4(1) Rules of Court (Cap 322, R 5, 2006 Rev Ed)

Bank Austria Creditanstalt AG v Go Dante Yap [2007] SGCA 44





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Interim orders — Wife applying for execution of court order pending appeal — Husband failing to hand over possession and rental proceeds of matrimonial home — Whether wife entitled to interim relief

ET v ES [2007] SGHC 152

Jurisdiction — Inherent — Court of Appeal unable to consider issue without hearing oral evidence — Whether appeal ought to be struck out and matter remitted to court below for reconsideration

Bank Austria Creditanstalt AG v Go Dante Yap [2007] SGCA 44

Stay of proceedings — Majority of defendants not party to agreement containing arbitration clause — Whether stay of proceedings could be granted and all parties compelled to arbitrate disputes

Go Go Delicacy Pte Ltd v Carona Holdings Pte Ltd and others (No 2) [2007] SGHC 165

Stay of proceedings — Plaintiff serving 48-hour notice requiring defendants to file defence after defendants applied for stay of proceedings — Whether defendants required to file defence before hearing of stay of proceedings application

Go Go Delicacy Pte Ltd v Carona Holdings Pte Ltd and others (No 2) [2007] SGHC 165

Commercial Transactions

Sale of goods — Breach of contract — Damages for breach of contract — Plaintiff purchasing capacitors from defendant and re-selling them to third-party — Components causing third party to suffer damage — Plaintiff held responsible for damages and settling third party's claim — Whether defendant liable to pay plaintiff amount paid under settlement with third party — Whether damages claimed were too remote as defendant not told of purpose for use of the capacitors

Britestone Pte Ltd v Smith & Associates Far East, Ltd [2007] SGCA 47



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Directors — Duties — Directors of plaintiff also having interest in defendant-company — Whether directors breached fiduciary duties to plaintiff and breached ss 162 and 163 Companies Act by causing plaintiff to advance moneys to defendant-company such that plaintiff suffered loss as result — Whether loan within the meaning of ss 162 and 163 Companies Act extends beyond loans in the conventional sense — Sections 157, 162, 163 Companies Act (Cap 50, 1994 Rev Ed)

Creanovate Pte Ltd and another v Firstlink Energy Pte Ltd and another appeal [2007] SGCA 45

Shares — Shares held on trust — Plaintiff sought declaration defendant was trustee for plaintiff of shares in different companies — Whether defendant held shares on trust for plaintiff — Whether plaintiff

agreed to pay premium and administrative fee — Whether there was comprehensive final settlement — Whether plaintiff decided to forego rights issues

Teck Jin (Pte) Ltd v Tan Kim Seng [2007] SGHC 151

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Choice of jurisdiction — Stay of proceedings on ground of *forum non conveniens* — No governing law clause in oral agreement — Whether Hong Kong was proper forum after separate action had been heard in Hong Kong — Circumstances where court would grant a stay

Novus International Pte Ltd v Good Earth Agricultural Co Ltd [2007] SGHC 143

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Contractual terms — Conditions — Whether defendant-company's failure to fulfil





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conditions precedent under agreement with plaintiff-company amounted to total failure of consideration — Whether plaintiff entitled to refund of moneys advanced to defendant

Creanovate Pte Ltd and another v Firstlink Energy Pte Ltd and another appeal [2007] SGCA 45

Contractual terms — Dispute over dividend payouts and expenses claimed by plaintiff — Precise terms of the oral agreement via conduct of parties — Whether company intended to be incorporated as commercial vehicle to hold investment on trust for investors

Chia Koh Kee v HX Investment Pte Ltd [2007] SGHC 164

Credit and Security

Mortgage of personal property — Stocks and shares — Pledgor seeking declaration

that sale of shares was invalid, null and void — Whether mortgagee bank failed to discharge duties as pledgee — Whether pledged shares in fact sold at undervalue — Whether pledged shares sold pursuant to conspiracy or by unlawful means

Beckett Pte Ltd v Deutsche Bank AG and another [2007] SGHC 153

Criminal Procedure and Sentencing

Mitigation — Accused pleaded guilty to charge of culpable homicide not amounting to murder — Accused's only antecedent took place in 1979 — Accused starting quarrel but not inflicting the first blow — Accused turning 50 years old in six months — Appropriate sentence to be imposed

Public Prosecutor v Teo Chwee Kow [2007] SGHC 163





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Measure of damages — Tort — Conversion — Measure of damages being reasonable sum for hire during period of detention — Whether quantum of damages for period of detention measured by taking rates for individual components — Measure and quantum of damages for items lost

Erect Scaffolding Pte Ltd v Hor Kew Pte Ltd [2007] SGHC 160

Measure of damages — Tort — Plaintiffs' only children killed in road accident — Appeal against assistant registrar's award of damages — Whether claim for nervous shock should be allowed — Whether award for loss of dependency should be adjusted — Whether claim for cost of fertility treatment should be allowed

Man Mohan Singh s/o Jothirambal Singh and another v Dilveer Singh Gill s/o Shokdarchan Singh and another [2007] SGHC 149

Whether settlement reached was reasonable and could be relied on as reflecting actual loss suffered by plaintiff — Considerations to be taken into account in assessing reasonableness of settlement

Britestone Pte Ltd v Smith & Associates Far East, Ltd [2007] SGCA 47

Family Law

Custody — Care and control — Whether appropriate to vest wife with decision-making responsibility should parties fail to agree

ET v ES [2007] SGHC 152

Maintenance — Wife — Whether lump sum order appropriate

ET v ES [2007] SGHC 152

Matrimonial assets — Division — Whether income derived from non-matrimonial assets during marriage constituted matrimonial



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ET v ES [2007] SGHC 152

Matrimonial assets — Division — Whether there should be equal division of assets — Whether profits derived from sale proceeds and rental income of properties disposed of during marriage should be excluded from computation of matrimonial assets — Whether adverse inference should be drawn and its impact on division

Au Kin Chung v Ho Kit Joo [2007] SGHC 150

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Winding up — Main contractor under creditors' voluntary winding up — Management Corporation applying for leave to commence legal proceedings against main contractor — Whether application for leave should be granted

MCST Plan No 2677 v Hock Chuan Ann Construction Pte Ltd (in liquidation) [2007] SGHC 162

Land

Registration of title — Land Titles Act — Whether registered transfer and subsequent mortgage of property valid despite forgery of transferors' signatures — Whether mortgagee's solicitor so wilfully blind as to be assisting in fraud and undue influence by transferors' solicitors — Sections 46, 160 Land Titles Act (Cap 157, 2004 Rev Ed)

Malayan Banking Berhad v Sivakolunthu Thirunavukarasu and others [2007] SGHC 161

Legal Profession

Duties — Failure to exercise proper supervision over employees and other staff — Failing to exercise adequate supervision over employees — Rule 8(1) Legal Profession (Professional Conduct) Rules (Cap 161, R 1, 2000 Rev Ed)

Law Society of Singapore v Tan Chwee Wan Allan [2007] SGHC 156



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▶ **Administrative Law**

▶ **Arbitration**

▶ **Civil Procedure**

▶ **Commercial Transactions**

▶ **Companies**

▶ **Conflict of Laws**

▶ **Contract**

▶ **Credit and Security**

▶ **Criminal Procedure and Sentencing**

▶ **Damages**

▶ **Family Law**

▶ **Insolvency Law**

▶ **Land**

▶ **Legal Profession**

▶ **Limitation of Actions**

▶ **Tort**

▶ **Words and Phrases**

Show cause action — Client account — Lawyer’s secretary erroneously depositing client’s moneys into office account resulting in lawyer wrongfully withdrawing other clients’ moneys from client account — Mistake not corrected until bookkeeper raised matter at directors’ meeting several months later — Lawyer not dishonest — No client suffered any loss — Lawyer voluntarily ceased practice after he became aware of the breaches — Appropriate sentence — Sections 83(2)(b), 83(2)(j) Legal Profession Act (Cap 161, 2001 Rev Ed), rr 3, 7 Legal Profession (Solicitors’ Accounts) Rules (Cap 161, R 8, 1999 Rev Ed)

Law Society of Singapore v Tan Chwee Wan Allan [2007] SGHC 156

Limitation of Actions

When time begins to run — Action in contract and tort against architects for failure to supervise construction project and wrongful issuance of interim certificate of payment and termination

certificate — Whether time began to run from date on which cause of action accrued or date when owner had knowledge that architects were negligent in issuing termination certificate — Sections 6 and 24A(3) Limitation Act (Cap 163, 1996 Rev Ed)

Lian Kok Hong v Ow Wah Foong and another [2007] SGHC 158

Tort

Conspiracy — Company and director as co-conspirators — Company overcharged customer — Director knew of over charging — Director was moving spirit of company — Whether company had separate mind so as to conspire with own director

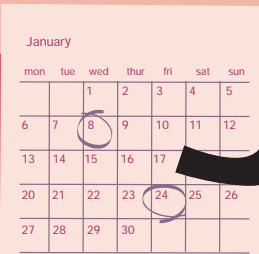
Nagase Singapore Pte Ltd v Ching Kai Huat and others [2007] SGHC 169

Words and Phrases

“Order” — Section 29A(1) Supreme Court of Judicature Act (Cap 322, 1999 Rev Ed)

Bank Austria Creditanstalt AG v Go Dante Yap [2007] SGCA 44



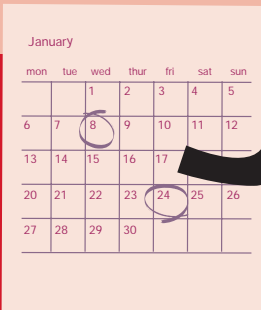


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TRAININGS AND WORKSHOPS CALENDAR FROM DECEMBER 2007

DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
18 Jan (Fri) 2.30pm–5.30pm	Equity and Corporate Insolvency	Mr Andrew Chan, Allen & Gledhill; Mr Lee Eng Beng, Rajah & Tann; Dr Wee Meng Seng and Mr Tey Tsun Hang, both of Faculty of Law, National University of Singapore	Faculty of Law, NUS and LES
12 Feb (Tue) 12.15pm–2.00pm	SAL Expert Series: Life as a Corporate Counsel	Singapore Corporate Counsel Association (SCCA)	LES
18, 19 Feb (Mon, Tue) 9.00am–5.00pm	Mediation: Strategic Conflict Management for Professionals	Mr Loong Seng Onn and Ms Carol Liew	SMC
20, 21, 22, 25 Feb (Wed, Thu, Fri, Mon) 9.00am–5.00pm	Associate Mediator Accreditation Course	Mr Loong Seng Onn and Ms Carol Liew	SMC
25 Feb (Mon) 2.30pm–5.00pm	Court Practice and Procedure (Mediation)	The Honourable Sir Gavin Lightman, Royal Courts of Justice, UK, Chancery Division	School of Law, SMU and LES





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DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
8, 9 May (Thu, Fri) 9.00am–5.00pm	Mediation: Strategic Conflict Management for Professionals	Mr Loong Seng Onn and Ms Carol Liew	SMC

Please note that all information is correct at the time of publication. While every effort is made to retain the original arrangements, changes may sometimes be necessary. Details on select events may be found on the Academy's website at www.sal.org.sg.

For enquiries and more information, please contact the respective organisers:

Professional Affairs/Membership Affairs (PAC):

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LawNet Training Centre (LTC):

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Singapore Mediation Centre (SMC):

Survinder Kaur at tel: (65) 6332 4213 or survinder_kaur@sal.org.sg

For more information on the SMC courses above, please visit www.mediation.com.sg/pdf/SMCTraining2007.pdf.

