



THE LAW SOCIETY
OF SINGAPORE

11 JULY 2008

**PRESS STATEMENT OF THE LAW SOCIETY OF SINGAPORE
IN RESPONSE TO
THE INTERNATIONAL BAR ASSOCIATION HUMAN RIGHTS INSTITUTE'S JULY 2008 REPORT**

1. The International Bar Association Human Rights Institute (IBAHRI) in its July 2008 report expressed concern that the Law Society of Singapore did not respond more fully to the draft version of their report. The Law Society could only give limited comments on the draft version of the IBAHRI report submitted to the Society as the substance of the draft report was largely on matters outside the direct knowledge or control of the Society (for instance, defamation cases by politicians). The Society was asked to comment (among other matters) on government restrictions on the Internet, and responded that this was a decision by the Government which was based on its political philosophy and which was not a matter for the Society to comment on. The Law Society will speak up only on matters within its competence and legitimate areas of interest.
2. Section 4 of the July 2008 IBAHRI report which commented on the Society was not previously submitted to the Society for its comments. The Society believes that the IBAHRI's comments on the role of the Society were based on an incomplete appreciation of the position of the Society and its relationship with the Government.
3. The Law Society, as a statutory body established by statute, only has the powers conferred upon it by the Legal Profession Act. Section 38(1)(c) of the Legal Profession Act is commonly interpreted to mean that the Law Society does not have a statutory right to comment on matters affecting legislation not submitted to it; its function in regard to law reform is to assist and advise the Government when requested to do so. However, the Government has over the past years frequently consulted the Law Society on various proposed law reforms. There were at least 30 instances in the last 3 years where the Law Society was consulted by the Government on a wide range of legal issues. A sampling of the consultations that the Law Society has been involved is appended for reference.
4. Quite apart from the state of the law, current relations between the Law Society and the Government are excellent and the Law Society has frequent exchanges and dialogues with relevant officers in the Government and the Judiciary on matters concerning the administration of justice, law reform and legal practice generally.
5. Notwithstanding that the Law Society has been active in speaking up on law reform, it would welcome an amendment to Section 38(1)(c) Legal Profession Act so as to enable the Law Society to submit proposals for law reform to the Government on its own initiative in the same way that any private citizen has a right to submit to the Government any proposal for change that he or she considers appropriate.

About the Law Society of Singapore

Established in 1967, the Law Society of Singapore is a body established under the Legal Profession Act. It carries out various statutory functions and purposes prescribed under the Legal Profession

Act, including maintaining and improving the standards of conduct and learning of the legal profession in Singapore, the facilitation of the acquisition of legal knowledge by members of the legal profession, and protecting and assisting the public in all matters ancillary or incidental to the law.

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APPENDIX

**A SAMPLING OF PUBLIC CONSULTATIONS THAT THE LAW SOCIETY OF SINGAPORE
PARTICIPATED IN
(2006 – 2008 to-date)**

Year	Consultations
2006	Monetary Authority of Singapore Public Consultation on the proposed amendments to the Securities and Futures Act and the Financial Advisers Act
2006	Intellectual Property Office of Singapore Public Consultation on the proposed amendments to the Patents Act
2006	Monetary Authority of Singapore Public Consultation on the review of the framework for nomination of beneficiaries
2007	Ministry of Community Development, Youth and Sports Public Consultation on the Draft Mental Capacity Bill
2007	Accounting and Corporate Regulatory Authority Public Consultation on Preparing and Filing of Financial Statements (XBRL)
2007	Ministry of Home Affairs Public Consultation on the proposed amendments to the Penal Code
2008	Accounting and Corporate Regulatory Authority Public Consultation on the Review of the Registration and Regulatory Regime for Foreign Companies under the Companies Act
2008	Bioethics Advisory Committee Public Consultation on the Donation of Human Eggs For Research
2008	Bioethics Advisory Committee Public Consultation on Human-Animals Combination for Biomedical Research
