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# LEGAL ASPECTS OF INFORMATION SECURITY

## IFS4101

WEEK 1, WELLY TANTONO, DIS, SOC, NUS



## ZOOM RULES THAT APPLY TO IFS4101

- Please make sure that your video cameras are working. You don't have to turn on your video cameras but must be prepared to do so when called. If your video camera is not working during any particular class, please let me know ahead of time by sending me an email, or a private Zoom message at the top of the class.
- All participants will be muted until called.
- The chat tool is reserved **for raising questions**. Please do not use the chat window to engage in conversations with each other or the rest of the class.
- I will stop after every slide to read the Zoom chat window to check on questions.
- When you are called, you must:
  - **Unmute yourself**
  - **Turn on your video**



# GENERAL INTRODUCTION AND HOUSEKEEPING

WEEK 1, 11 JANUARY 2022

# WHY STUDY THE LEGAL ASPECTS OF INFORMATION SECURITY?

## CYBERSECURITY HEADLINES



### Exclusive: FBI probes Russian-linked postcard sent to FireEye CEO after cybersecurity firm uncovered hack - sources

The FBI is investigating a mysterious postcard sent to the home of cybersecurity firm FireEye's chief executive days after it found initial evidence of a suspected Russian hacking operation on dozens of U.S. government agencies and private American companies.

3:39PM EST



### SolarWinds hackers linked to known Russian spying tools, investigators say

The group behind a global cyber-espionage campaign discovered last month deployed malicious computer code with links to spying tools previously used by suspected Russian hackers, researchers said on Monday.

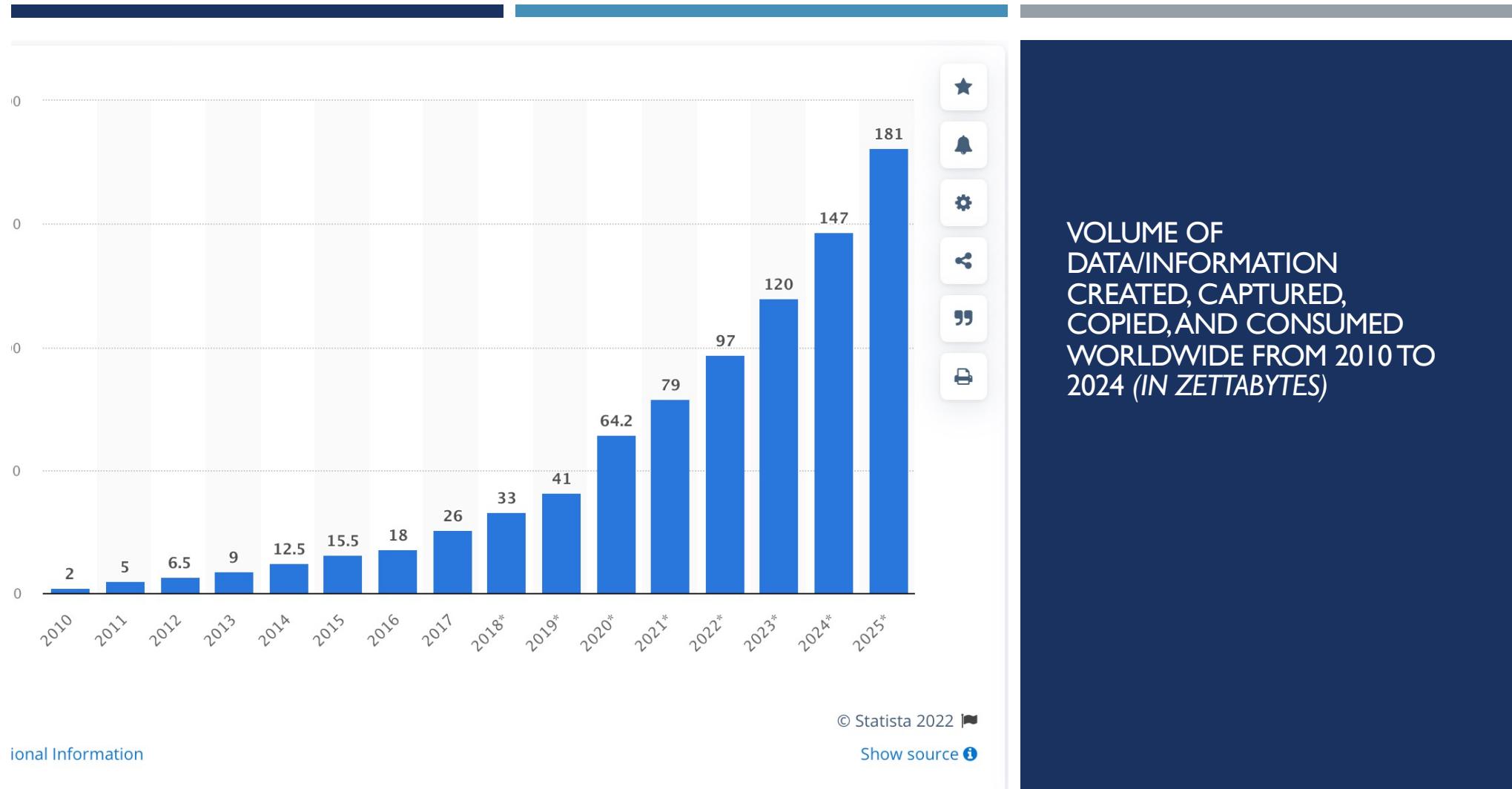
8:49AM EST



### New Zealand central bank says its data system was breached

The Reserve Bank of New Zealand said on Sunday that it was responding with urgency to a breach of one of its data systems.

JAN 09 2021



VOLUME OF  
DATA/INFORMATION  
CREATED, CAPTURED,  
COPIED, AND CONSUMED  
WORLDWIDE FROM 2010 TO  
2024 (IN ZETTABYTES)



**Zettabyte (1 000 000 000 000 000 000 000 Bytes)**

## MODULE OBJECTIVES



Working knowledge of the legal framework that is critical to the practice of an information security professional working in Singapore



Have the language and tools available to communicate with legal professionals to support the management of security and legal risks for your organisation

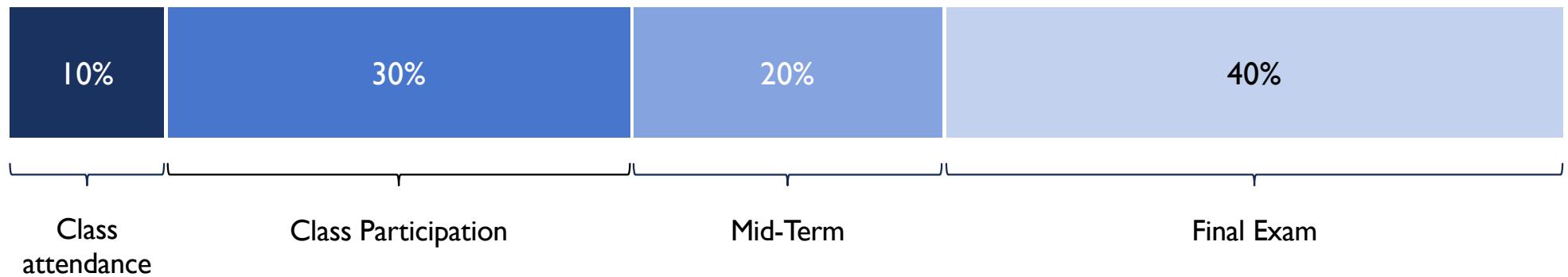


Possess the analytical skills required to balance the competing interests of a multi-stakeholder environment

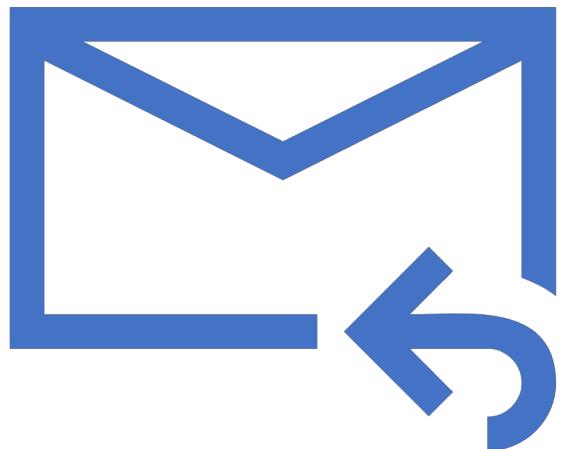
# TEACHING MODES

- We will be using the Socratic method. See [https://en.wikipedia.org/wiki/Socratic\\_method](https://en.wikipedia.org/wiki/Socratic_method).
- What is the Socratic method?
  - Uses questions to examine the values, principles and beliefs
  - Focuses on educating the person's belief (it is personal)
  - It is normal to have an environment where there is **productive discomfort**; you need to get comfortable that I may ask questions like, "Why on earth would you make such a naïve assumption?" and be comfortable explaining why I was wrong to assume you were naïve.
  - The objective of this method is to demonstrate that the world is complex and there are very few bright line tests.
- What is the best type of attitude to adopt to benefit from this teaching method?
  - Active listening and engagement **are critical**
  - **Do not regurgitate what you have read or learned.** Express them **in your own words.**
  - Don't be **obsequious to authority.** Be prepared to be a contrarian.

## EVALUATION CRITERIA / COMPOSITION OF FINAL SCORE



# COMMUNICATIONS



- In class
- LumiNUS
  - Announcements, emails
  - Files - mandatory and reference materials and uploading homework
- Email
  - [wtantono@nus.edu.sg](mailto:wtantono@nus.edu.sg)

# TENTATIVE SCHEDULE

Date	Week	Topic / Activity
11 Jan 2022	1	Introduction to the Law and the Legal Systems
18 Jan 2022	2	Framework for Governing Behaviour in Cyberspace
25 Jan 2022	3	Finding Sources of Laws and Legal Methods and Reasoning
1 Feb 2022	4	Intellectual Property and the Law of Confidence
8 Feb 2022	5	Moot Court (Practical Exercise)
15 Feb 2022	6	Homework Review; Intro to Cybercrimes
20 Feb 2022		Recess
1 Mar 2022	7	Midterm (20%)

## TENTATIVE SCHEDULE

Date	Week	Topic / Activity
8 Mar 2022	8	Cybercrimes and Computer Misuse Act
15 Mar 2022	9	Laws Regulating E-Commerce
22-29 Mar 2022	10	Legal Aspects of Electronic Recordkeeping to Maintain Integrity In Line with the Rules of Evidence
29 Mar - 5 Apr 2022	11,12	Privacy and Data Protection
13 Apr 2021	13	Cybersecurity Act and International Laws that Affect Singapore
27 Apr 2021	Exams	Final Exam (40%)



# INTRODUCTION TO THE LAW

# WHAT IS LAW?

- Oxford English Dictionary

*Body of **rules**, whether proceeding from **formal enactment or from custom**, which **a particular state or community recognizes** as binding on its members or subjects.*

# WHAT IS LAW?

- Black's Law Dictionary

A system of *principles and rules of human conduct*, being the aggregate of those commandments and principles which are either *prescribed or recognized by the governing power in an organized jural society* as its will in relation to the conduct of the members of such society, and which it undertakes to *Maintain and Sanction* and to use as the *criteria* of the actions of such members.

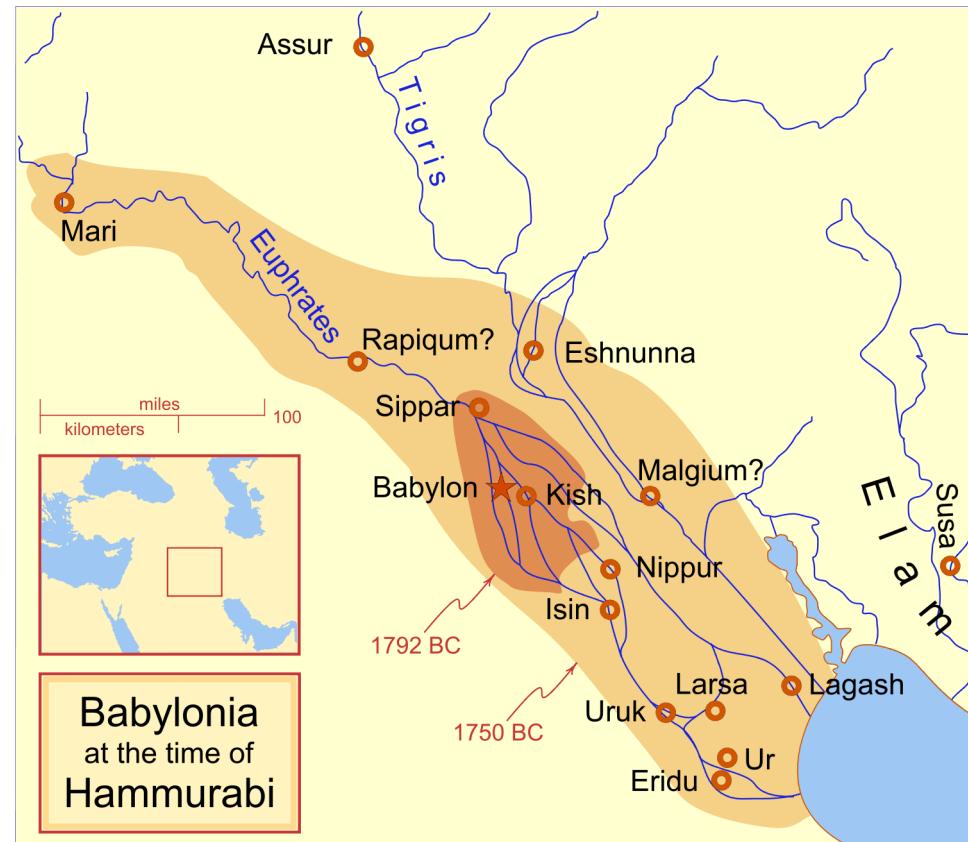


WHY DO WE  
HAVE LAWS?

# HERITAGE OF ANCIENT LAWS



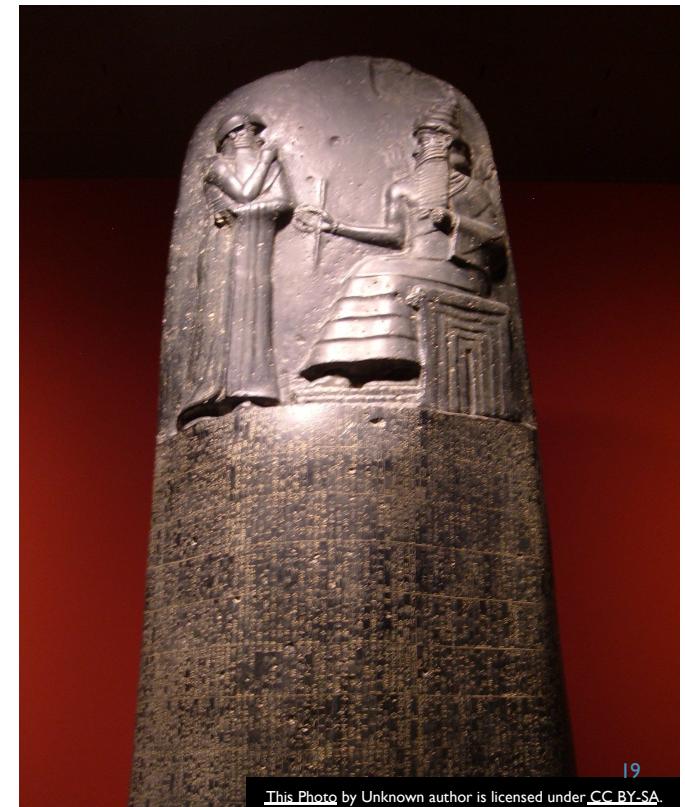
# HAMMURABI'S KINGDOM



[https://commons.wikimedia.org/wiki/File:Hammurabi%27s\\_Babylonia\\_I.svg#/media/File:Hammurabi%27s\\_Babylonia\\_I.svg](https://commons.wikimedia.org/wiki/File:Hammurabi%27s_Babylonia_I.svg#/media/File:Hammurabi%27s_Babylonia_I.svg)

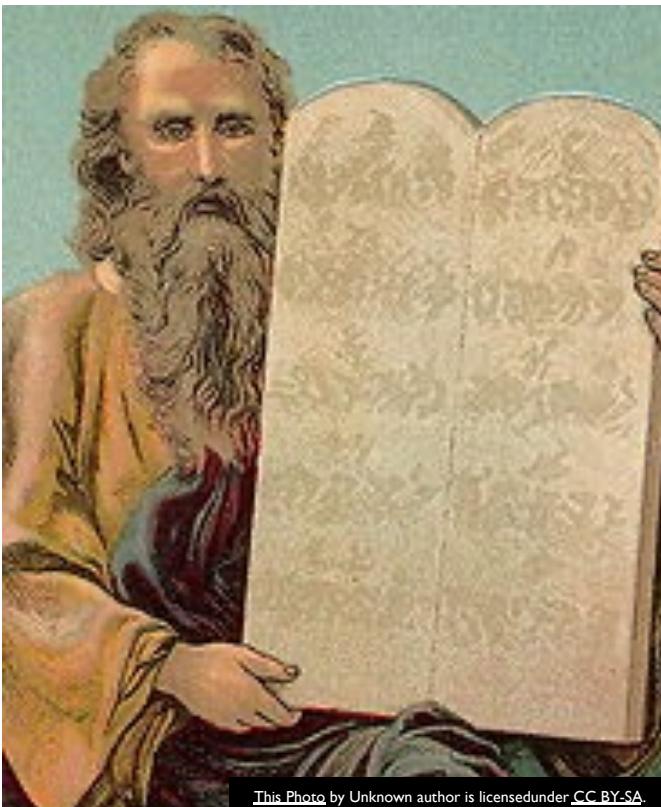
# CODE OF HAMMURABI

- Laws from the end of the first Babylonian dynasty (1792-1750 BCE)
- Extant code set in stone. Stone recording of the decisions made by King Hammurabi in settling disputes among his people were placed in villages and towns to give the people notice.
- Purpose was to create a "fair, orderly society"
- Purpose was to bridge the differences between the social customs of each group that existed in the Babylonian empire
- Pioneered the concept of "innocent until proven guilty"
- Introduced the concept of scaled / proportional punishments, economic provisions (prices, tariffs, trade and commerce), family relationships (marriage and divorce), criminal law (assault and theft) and civil law (slavery, debt)



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# RELIGIOUS INFLUENCE



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- Mosaic laws from the Bible

- Ten Commandments:

1. I am the Lord thy God
2. Thou shalt not take the name of the Lord thy God in vain
3. Honour the sabbath
4. Honour thy father and thy mother
5. Thou shalt not kill
6. Thou shalt not commit adultery
7. Thou shalt not steal
8. Thou shalt not commit false witness against thy neighbour
9. Thou shalt not covet thy neighbour' wife
10. Thou shalt not covet thy neighbour's goods

# HISTORY OF THE LAWS OF WESTERN CIVILIZATION (I/2)

- Ancient Greek laws
  - Greek governance by full democracy : citizens would create the laws; each citizen had rights and responsibilities
  - Characterized by its focus on working out rules based on natural laws, reason and logic, and the use of rhetorics to bolster one's position / argument before the mass juries
  - Less concerned with application of legal standards or ensuring precedent / equal application across cases
- Roman laws and, in particular the *Corpus Juris Civilis* (528-529 CE)
  - Used as the basis for Byzantine laws for over 900 years, heavily influencing the laws of the modern continental European states
  - As the historian J. H. Rosser notes:

The *Corpus Juris Civilis* not only preserved Roman law but provided the basis of law for emerging European nations. Its influence on western civilization is probably greater than any other book, except, of course, the Bible.<sup>1</sup>
  - 4 principles: right of equal treatment; innocent until proven guilty; burden of proof lies with the accuser; unreasonable laws may be set aside

21

<sup>1</sup> Cartwright, Mark. "Corpus Juris Civilis." *Ancient History Encyclopedia*. Ancient History Encyclopedia, 24 Apr 2018. Web. 27 Dec 2020.

## HISTORY OF THE LAWS OF WESTERN CIVILIZATION (2/2)

- The *Magna Carta Libertatum* (The Great Charter, 1215 BCE)
  - Royal charter of rights agreed by King John of England to make peace between the unpopular king and the rebel barons.
  - Introduced the concept of the king being subject to the laws: "No one, not even the king, is above the law."
  - Grants all English subjects the right to justice and a fair trial
  - Heavily influenced the American Bill of Rights and the Universal Declaration of Human Rights

*"[T]he greatest constitutional document of all times – the foundation of the freedom of the individual against the arbitrary authority of the despot"* - Lord Denning
  - Beginning of the decoupling of Western laws and rules from the kings / leaders of the countries – securalization of the laws

## HISTORY OF THE LAWS OF EAST ASIAN CIVILIZATION (I/2)

- The laws of the East Asian civilizations were mainly based on China's systems
  - The interplay was largely between the Confucianists and the Legalists
  - Qin dynasty – proponent of Legalism
    - The promulgation of extensive legal codes to govern the behaviour of its citizenry which is enforced through severe, uniform punishments to ensure compliance with state policy
  - Han dynasty – proponent of Confucianism
    - Legally recognized the Confucian norms of filial piety by enforcing moral duties toward family and extra-familial members

## HISTORY OF THE LAWS OF EAST ASIAN CIVILIZATION (2/2)

- Culminated in the Tang Code which employed a legalist bureaucratic apparatus to enforce Confucian norms ~637 CE
  - Established an efficient, minimalist political model that governments followed until the early twentieth century
  - Comprised of terms, security, office, domestic matters, stables, impeachment and promotion, thievery and robbery, contest and litigation, deceit and falsehood, miscellaneous, arrest and escape, judgment and imprisonment
    - Equality before law never officially accepted as a legal principal
    - No combination of religious powers into laws – laws are secular
- Qing dynasty rewrote laws based on the Japanese model of German law

## WHAT ARE THE CHARACTERISTICS?

- Expressing the **collective will** of the members within the community / state to organise and regulate each other's behaviours
  - Laws to protect people (harm principle) even from themselves (parental principle)
  - Laws to protect societal norms (moralities)
  - Laws to promote policies (discriminate to reward, alter or discourage existing behaviour and/or markets)
  - Laws to protect governments (statist principle)



10 MINUTE BREAK



# CLASSIFICATION OF THE LAWS

# CHARACTERISTICS OF MODERN LAW

- What
  - Principles or rules
- Where
  - Enactment or custom / norms
- By whom
  - Governing power / state / community
- Why
  - Different laws for different purposes
  - Different laws describe same rules at different levels of detail
- How exercised
  - Criteria to evaluate actions of its members, and/or
  - Undertakes to maintain and sanction

## WHAT ARE THE DIFFERENT TYPES OF LAWS?

- Expressing the **collective will** of the members within the community / state to organise and regulate each other's behaviours
  - Laws to protect people (harm principle) even from themselves (parental principle)
  - Laws to protect societal norms (moralities)
  - Laws to promote policies (discriminate to reward, alter or discourage existing behaviour and/or markets)
  - Laws to protect governments (statist principle)

## TYPES OF LAWS

- Laws that define the role, powers, and structure of different entities within a state
  - Constitutional law
- Laws that guarantee its citizens certain basic rights – rights to express oneself, to move around, to practice religion
  - Constitutional law
- Laws that govern the conduct of state entities and processes they must follow to ensure fairness
  - Administrative law
- Laws that protect against physical and non-physical harm to persons and property
  - Tort law
- Laws that ensure that private agreements are upheld
  - Contract law; Electronic Transactions Act

## TYPES OF LAWS

- Laws that enforce order and safeguard security and stability in society
  - Criminal law (e.g., Penal Code, Computer Misuse Act, Cybersecurity Act, Prevention of Harassment Act)
- Laws that encourage the development of innovation and creativity by punishing those who copy without giving due compensation
  - Intellectual property law (e.g., Patents Act, Copyright Act)
- Laws that govern the ownership, buying, selling, renting of properties including ensuring property remains in productive use
  - Real property law (e.g., Land Titles Act, Land Titles Strata Act)
- Laws or rules used to determine the truth of assertions stated in a dispute / to prove issues
  - Evidence law (Evidence Act)
- Laws that safeguard the privacy, confidence and secrecy of individuals and transactions
  - Banking Act, Personal Data Protection Act

## THREE WAYS OF CATEGORISING LAWS

- By type of punishment/remedy
  - The type of law; legal disciplines have specialisation
- By jurisdiction
  - 'scope of laws' - hierarchy of laws
- By form / system
  - By the country and origin of the laws in those jurisdictions
  - E.g., Hong Kong is one jurisdiction, but it has two legal systems

## CLASSIFICATION OF LAWS BY TYPE OF PUNISHMENT/REMEDY

- Criminal Law
  - Laws dealing with conduct considered harmful to social order
  - Enforced by power / state / community (prosecution)
  - Guilty party punished with fines, corporal punishment, imprisonment, death
- Civil law
  - Laws dealing with disputes between parties and/or organizations
  - Enforced by aggrieved party through the sanction of power / state / community (lawsuit / legal action)
  - Legal remedies awarded: monetary award (damages, account of profits), injunctions (orders), costs (legal fees)

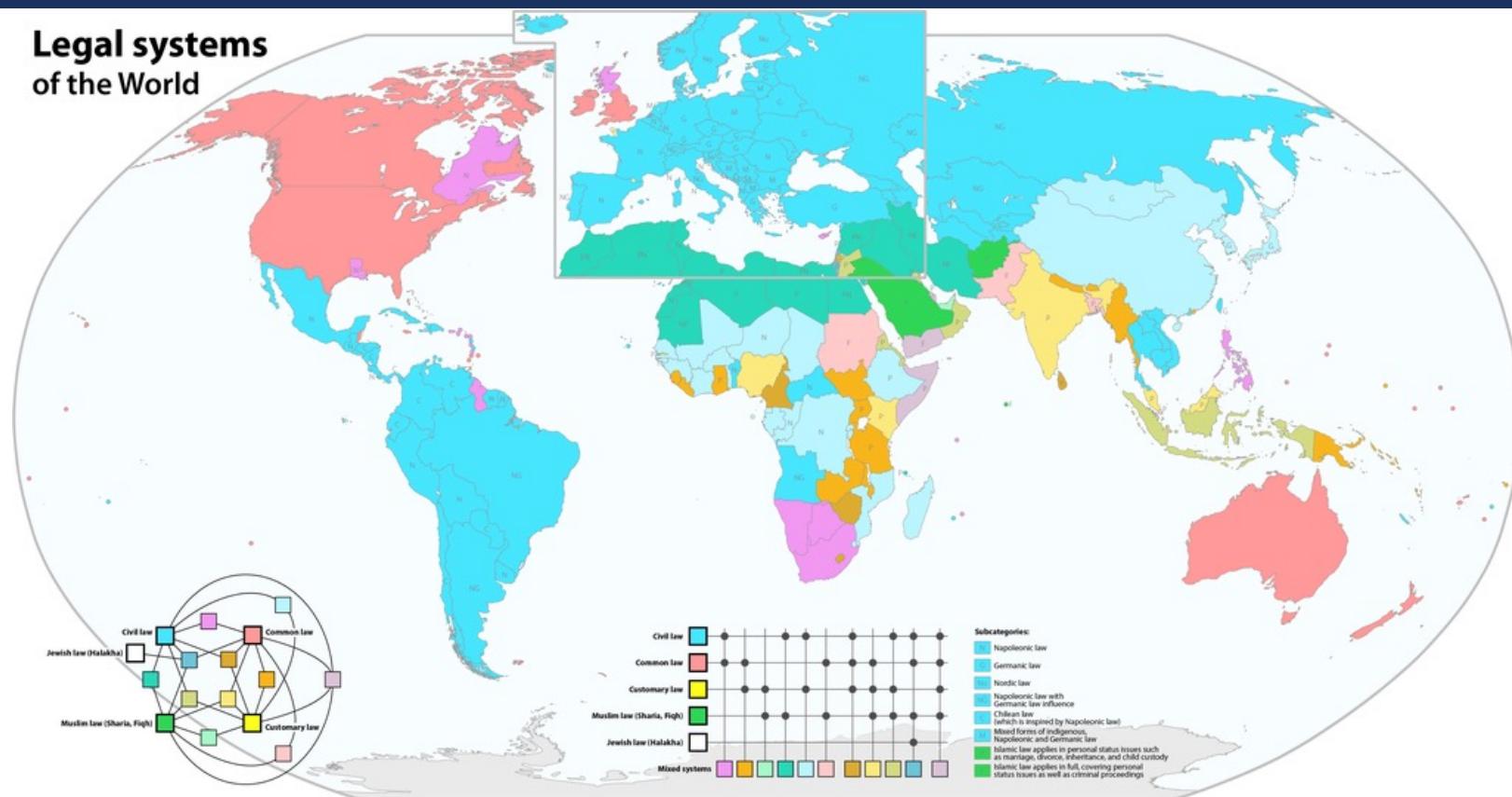
# CLASSIFICATION OF LAWS BY JURISDICTION

- Domestic Law
  - Laws made by the power / state / community to regulate its members
- Private International Law / Conflict of Laws
  - Laws designed to deal with how to manage conflicting rules between two different sets of laws
- Public International Law
  - Laws to deal with the duties and rights of each independent state / country and the duties of inter-government agencies and departments (e.g., law of the sea, international criminal law)
- International Treaties
  - Agreements between two or more independent states
  - Geneva Convention, Berne Convention, WIPO Copyright Treaty, Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

# CLASSIFICATION OF LAWS BY FORM / LEGAL SYSTEM

- Written Laws
  - Statutes / codes / regulations
  - Laws in written form
  - Enacted by Parliament / Ministries / statutory bodies
- Common Law
  - Unwritten law
  - Law exists as corpus of knowledge of society
  - Law develops through accretion e.g., cases
  - Uniquely US and Commonwealth concept

# CLASSIFICATION OF LAWS BY LEGAL SYSTEM



Maximilian Dörrbecker (Chumwa), CC BY-SA 2.5 <<https://creativecommons.org/licenses/by-sa/2.5/>>, via Wikimedia Commons

# CLASSIFICATION OF LAWS BY LEGAL SYSTEM

- Common Law
  - Collection of decisions laid down by judges, courts, tribunals after analyzing the facts before them
  - Decisions have "precedential effect" on future cases. They come to be known as "case law" - i.e., the laws formulated through the development of the cases throughout history
  - Common law systems give great weight to case law as the intellectual framework for laws, in addition to what is written
  - Uses the **adversarial system** - prosecution and defence compete against each other and the judge serves as a referee to ensure fairness to the accused and that the legal rules of procedure are followed
    - Philosophy is that the best way to get to the truth of a matter is through a competitive process to determine the facts and application of the law accurately
  - 1/3 of the world's population live in common law jurisdictions. US, England, Scotland, Australia, New Zealand, South Africa, Singapore

# CLASSIFICATION OF LAWS BY LEGAL SYSTEM

## ■ Civil Law

- Law developed through core principles codified into referable system (codes) which serve as the primary source of law
- Codes explain principles of law, rights, entitlements, basic legal mechanisms
- Originated from Roman legal system (Roman law)
- Case law given secondary status; subordinate to codes
- Uses the inquisitorial system, which uses an official inquiry to ascertain the truth through extensive investigation and examination of all evidence. The trial is conducted by the court, and the judge determines the witnesses to call and the order in which they are to be heard.
  - Philosophy is that the trained expert – the judge – has the expertise to investigate and get at the truth. The lawyers are merely passive participants assisting the judge when called upon.
- 2/3 of the world's population live in civil law jurisdictions. China, France, Germany, Japan, Spain, etc.

## CLASSIFICATION OF LAWS BY LEGAL SYSTEM

- Islamic / Sharia Law
  - Basic Islamic legal system derived from religious precepts of Islam
  - Sources of sharia law: the Koran and the Hadiths
  - Significant in Saudi Arabia, Sudan, Iran, Iraq, Afghanistan, Pakistan, Brunei, etc.
- Mixed Legal Systems
  - Laws are a mixture of common, civil, Islamic, Jewish, customary laws
  - E.g., Brunei and Pakistan (common law and sharia law); Malaysia and Singapore accept sharia law in Muslim religious affairs.

## HOW TO JUDGE IF A LAW IS "GOOD" OR "BAD"?

- A system of *principles and rules of human conduct*, being the *aggregate* of those commandments and principles which are either *prescribed or recognized by the governing power* in an *organized jural society* as its *will* in relation to the conduct of the members of such society, and which it undertakes to *Maintain and Sanction* and to use as the *criteria* of the actions of such members.

- Black's Law Dictionary

## HOW TO JUDGE IF A LAW IS "GOOD" OR "BAD"?

- Reasonable?
  - Consonant with generally accepted values, including **moral values**
- Transparent?
  - Clear, accessible, open to public scrutiny and evaluation
- Accountable?
  - Avenues for appeal and legal reform
- Certain and predictable
  - Like cases get equal treatment
- Fairness
  - There is due process; presumption of innocence; parties are heard; victims are compensated; culprits are punished
- Equality
  - Same treatment for all

# INTERPLAY BETWEEN LAWS, ETHICS AND MORALS

- Law
  - Body of rules that govern the whole society
  - Binding
  - Violation is not permissible
- Ethics
  - Moral philosophy that guides basic human conduct or groups / enterprises
  - Non-binding
  - No punishment for violation of ethics (except for bodies that adopt ethical codes such as Law Society)
- Morals
  - Personal views of what is right or wrong
  - Objective (philosophy); internalized
  - Non-binding (but may have societal reaction)
  - No punishment for violation of morals; promotion of compliance

## SINGAPORE LEGAL SYSTEM / HISTORY OF GOVERNANCE

- 1819: arrival of the British in Singapore; Singapore founded by Sir Stamford Raffles as a trading post
- 1823: Raffles introduced the first code of local laws and the first Resident (William Farquhar) administered justice, heard appeals from decisions based on the norms available
- 1823: Raffles formulated a set of local laws and regulations to govern Singapore. Ironically, the 1823 Code was likely to have been illegal
- 1826: British monarch issued the Second Charter
  - British India legislative power extended to cover Singapore
  - Singapore courts constituted to resolve commercial disputes
  - English common law became part of Singapore law
- 1855: British monarch issued the Third Charter
  - Recorder, Governor, Resident Councillor had jurisdiction over Singapore and Malacca (with Penang – the Straits Settlements)

## SINGAPORE LEGAL SYSTEM / HISTORY OF GOVERNANCE

- 1867-1942: British consolidation
  - Straits settlement courts set up
    - Supreme Court with Court of Appeal
    - District Court to hear typical cases
    - Chief justice and judges appointed
  - Lawyers subject to the control of the Supreme Court as advocates and solicitors
  - Importance of courts rose with the rise of Singapore's significance as part of the British commercial empire

## ROUTE TO LEGAL INDEPENDENCE

- 1945-1963: Singapore as Crown Colony
  - Singapore with separate Supreme Court (High Court, Court of Appeal, Court of Criminal Appeal)
- 1963 – 1965: Merger with Malaysia
  - Court systems legally merged with Malaysia but separate hearings conducted
- 1965: Independence
  - Malaysia Constitution and Malaysia (Singapore Amendment) Act 1965 resulted in the transfer of all legislative, executive powers of the Malaysian Federal government to Singapore government
  - Singapore Parliament passed the Constitution of Singapore (Amendment) Act 1965, which changed the previous State Constitution to be consonant with Singapore's independence, and reduced the threshold for amendment the constitution from 2/3 to majority (reversed in 1979)
  - Singapore Parliament was established under the Republic of Singapore Independence Act which <sup>45</sup> vested all relinquished powers into Singapore's legislative and executive branches

## POST INDEPENDENCE DEVELOPMENT

- 1969: Final separation from Malaysian courts
  - Singapore courts reconstituted
  - Privy council appeals still heard to ensure continuity and consistency in commercial decisions
- 1989-1994: Specific appeals to the Privy Council abolished (errant lawyers)
- 1989: No appeals to Privy Council on matters under the Internal Security Act
- 1994: All appeals to the Privy Council abolished; permanent Court of Appeal established
- 1990s: Backlog of thousands of court cases cleared; court processes streamlined; matters with few substantive issues handled not by judges but by registrars and quasi-judicial tribunals; use of technology; powers of Subordinate Courts (now State Courts) increased
- 2000s: Balancing efficiency with justice
- 2010s: Meeting challenges of globalization; repositioning Singapore as international arbitration centre and hub for convergence and harmonization of Asian laws



# THE SINGAPORE CONSTITUTION

## SUPREMACY OF CONSTITUTION

4. This Constitution is the supreme law of the Republic of Singapore and any law enacted by the Legislature after the commencement of this Constitution which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.

# SEPARATION OF POWERS

- Westminster style parliamentary system comprising three separate branches:
  - Legislature (which comprises the President and Parliament) that makes the laws
  - Executive (which comprises Cabinet Ministers and office-holders, and is led by the Prime Minister) that administers the laws
  - Judiciary that interprets the law through the Courts.
- Tri-partite system that serves to balance the powers against each other
- Contrast with presidential system
  - Legislature and Executive are completely separate and independent (e.g., United States)
- Contrast with semi-presidential system
  - President and Prime Minister exist with cabinet responsible to the legislature although named by the president (e.g., France)

# THE EXECUTIVE

- **Executive Authority of Singapore**
  - 23.—(1) The executive authority of Singapore shall be vested in the President and exercisable subject to the provisions of this Constitution by him or by the Cabinet or any Minister authorised by the Cabinet.
- **Cabinet**
  - 24.—(1) There shall be in and for Singapore a Cabinet which shall consist of the Prime Minister and such other Ministers as may be appointed in accordance with Article 25.
- **Appointment of Prime Minister and Ministers**
  - 25.—(1) The President shall appoint as Prime Minister a Member of Parliament who in his judgment is likely to command the confidence of the majority of the Members of Parliament, and shall, acting in accordance with the advice of the Prime Minister, appoint other Ministers from among the Members of Parliament;

# THE PRESIDENCY

- Pre-1991 – appointed by cabinet
- 1991 onwards – popular election
- Limited powers:
  - Must act upon the recommendation of cabinet
  - Assent for bills passed into law in Parliament (but may withhold assent for specific bills)
  - Discretionary powers include:
    - Veto use of past reserves
    - Veto key civil service appointments
    - Appoint Council of Presidential Advisors
    - Oversee corruption investigations, internal security (Internal Security Act), religious harmony (Maintenance of Religious Harmony Act) matters

## THE ATTORNEY-GENERAL

- Article 35(7): It shall be the duty of the Attorney-General to advise the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President or the Cabinet and to discharge the functions conferred on him by or under this Constitution or any other written law.
- Responsibilities
  - Prosecute criminal cases on behalf of the state
  - Act for Singapore as its chief legal counsel in proceedings involving the Government
  - Prepares laws and regulations

# THE LEGISLATURE

- Article 38. The legislative power of Singapore shall be vested in the Legislature which shall consist of the President and Parliament
- Unicameral (i.e., consists of one chamber – contrast with UK and US), comprising:
  - Elected Members of Parliament
  - Non-Constituency Members of Parliament
  - Nominated Members of Parliament
- Draft laws (known as Bills) are tendered in Parliament for debate. There are 2 types:
  - Government bills: supported by the party with the simple majority of elected seats in Parliament
  - Private bills: sponsored by individual members



## THE LEGISLATURE – HOW LAWS ARE MADE

- Bills are introduced (First Reading) - no substantive debate
- Bills are then circulated ahead of the Second Reading; at Second Reading, debate the general merits and principles of the bill. Passes by majority vote other than constitutional amendment which requires 2/3.
- At Third Reading, the debate is over the wording of the bill, and not the policies behind it.
- If a bill passes the third reading, it goes to the Presidential Council for Minority Rights before it is tendered to the President for her assent. Bill becomes law ("Act of Parliament") when signed by the President.
- Acts of Parliament become collected into the Statutes
- Some Acts of Parliament may authorize other bodies to enact rules to supplement the laws (Primary Legislation), i.e., Regulations (Subsidiary Legislation)

# THE JUDICIARY

- Article 93. The judicial power of Singapore shall be vested in a Supreme Court and in such subordinate courts as may be provided by any written law for the time being in force.
- Head of the Judiciary is the Chief Justice
- Supreme Court consists of:
  - High court (civil and criminal matters)
  - Court of Appeal (appeals on civil and criminal appeals from the High Court, and on special points of law)
- State Courts (formerly Subordinate Courts) consists of:
  - Magistrate and District Courts
  - Specialised family, juvenile, community, coroner's courts; and
  - Small claims tribunal



## THE JUDICIARY

- Supreme Court hears more important cases / higher value (>\$250K claims; property >\$3M).
- 95% cases go to the State Courts.
- Cases are heard by judges, and most litigants are represented by lawyers. Self-representation is possible but rare.
- Civil cases vs. Criminal cases
- Hearings are before a judge (no trial by jury)
- Judicial independence

## CONCLUSION

- Laws are critical to the functioning of a civilized and modern society
  - Provide a predictable framework for resolving disputes in a way that is accepted by society
  - Express the collective will of the locale