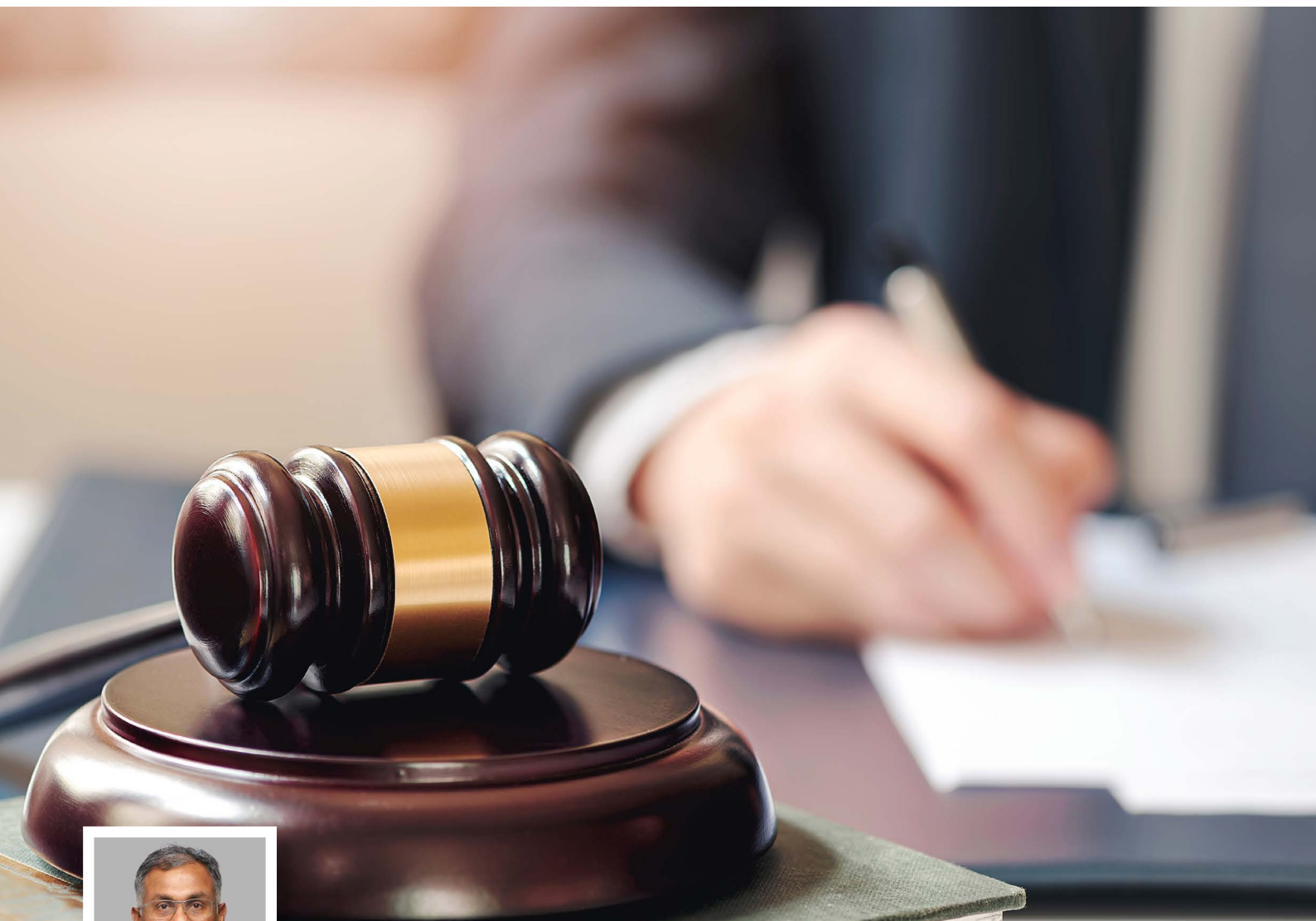




BY

MR MURALI PILLAI SC

MINISTER OF STATE, MINISTRY OF LAW & MINISTRY OF TRANSPORT



A NOTE FROM MINISTER OF STATE FOR LAW, MR MURALI PILLAI SC, ON SAFEGUARDING THE ADMINISTRATION OF JUSTICE IN SINGAPORE

A trusted, effective and accessible justice system is the cornerstone of the Rule of Law in Singapore. As we strive to advance our legal system and expand access to justice, we must ensure that our courts remain a forum for resolving genuine disputes.

The abuse of court processes is a challenge that is not unique to Singapore. It is a global concern with significant repercussions. Such abuse can erode the authority of our courts, impede the swift delivery of justice, and impose undue financial and emotional strain on those facing baseless claims.

To safeguard this, the Ministry of Law (MinLaw) works closely with the Judiciary to improve court processes while also addressing potential misuse and abuse of the court's processes.

Safeguarding the Administration of Justice

Parliament passed amendments to the Administration of Justice (Protection) Act in November 2024, fortifying our defences against the egregious abuse of court processes. The amendments will be brought into force on 28 January 2025. Following the amendments, the types of egregious abuse of process which amount to

contempt are now clearly listed in the statute. They include deceiving the court, filing baseless claims for an improper purpose or launching multiple baseless court proceedings. These amendments unequivocally affirm our stance: flagrant and egregious abuse of court processes amounts to contempt of court and will not be tolerated.

We have listened to the concerns raised by the legal community during our engagements regarding the potential impact of the amendments on lawyers, particularly in difficult cases where the merits of the case may be unclear. We acknowledge and appreciate the feedback.

The amendments have been carefully crafted to balance between two key priorities: the need to protect the right of litigants to ventilate genuine disputes and the public interest in preventing the egregious misuse of our court's processes. The amendments are clarificatory and do not lower the existing threshold for contempt of court. The approach we have taken ensures that the amendments will not cover the typical case of a civil matter that is struck out for the sole reason that it has no merit. Such cases can continue to be adequately dealt with by striking out and costs orders.

Thus, for legal practitioners, those who continue to exercise reasonable care and act in good faith for their clients need not be concerned about inadvertently crossing the threshold for contempt, which has not been lowered. I made this clear during the Parliamentary debates on the amendments, when I explained how the standard of what a lawyer knew or ought to have known is contextual and requires the court to examine carefully the factual matrix of each case, including taking into account the practical challenges faced by lawyers (e.g. advising on urgent applications under time constraints) (see paragraphs 35 to 40 of the Administration of Justice (Protection) (Amendment) Bill 2024 Second Reading opening speech: <https://go.gov.sg/aojpa-speech>).

Continued Partnership

On behalf of MinLaw, I would like to thank all those who took the time to participate in our dialogues and shared your suggestions and feedback. We look forward to your continued partnership as we continue our work towards upkeeping and strengthening the Rule of Law in Singapore.

Regards,
Murali

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