

[Webinar] Hot Topics in Public Law

~Public Law Webinar Series~



12 November 2021, Friday
12.00pm – 1.30pm



This programme is conducted as a live webinar.



No. of Public
CPD Points:
1.5

Practice Area:
Government

Training Level:
General

About the Programme

This panel session will cover several current topics in Public Law. The first topic is the immunity of public officials and ouster clauses. Ouster clauses that seek to provide immunity to public officials in their exercise of public power raise questions about the rule of law and the role of judicial review in enforcing legal limits. Courts have traditionally been hostile towards statutory attempts to exclude or restrict their supervisory jurisdiction, though different approaches have been taken in denying ouster clauses' complete or partial effectiveness. This session examines recent jurisprudence on ouster clauses and the options available to jurists in rationalising the constitutionality of such clauses.

The second topic covers the use of emergency powers. Carl Schmitt famously said that 'the sovereign is he who calls the exception'. Regimes of exception can be said to include emergency powers, successful coups d'etat, or special laws allowing diversion from legal normality. In ancient Rome it was expressed as art - 'dictatorship'. However, whatever we call such a regime, we are faced with two difficulties: (i) when does the regime apply; and (ii) what limits can it be subjected to. This session will examine the regime of exception comparatively across several jurisdictions, attempting to provide answers to Schmitt's challenging perspective.

The third and final topic is public law litigation beyond judicial review. Recent cases have shown that what happens before and after a judicial review application is just as important, and can in fact make or break one's case. Some examples include the impact of ongoing negotiations on limitation periods (Robin Per), the need to make sufficiently detailed submissions as part of exhaustion of alternative remedies (Zero Nalpon), the need to identify the correct object of challenge (Jolovan Wham), and the possibility of court orders that order the making of a specific decision (CBB v Law Society). This session will discuss such examples and important lessons that can be gleaned on not just doctrinal matters but also the practicalities of public law within and beyond the courtroom.

Programme Outline

Time	Programme
11.30am – 12.00pm	Registrants to log on
12.00pm – 1.30pm	<p>Panel Discussion: Hot Topics in Public Law</p> <p><u>Moderator</u> Prof. Leslie Chew, SC – Dean, School of Law, Singapore University of Social Sciences Senior Consultant, RHT Law Asia LLP</p> <p><u>Panellists</u> Dinesh Dhillon – Partner, Allen & Gledhill LLP Prof. Andrew James Harding – Visiting Research Professor (Faculty of Law), National University of Singapore Prof. Benjamin Joshua Ong - Assistant Professor of Law, Yong Pung How School of Law, Singapore Management University</p>
1.30pm	End

Speakers' Profile



Prof. Leslie Chew, SC – Dean, School of Law, Singapore University of Social Sciences Senior Consultant, RHT Law Asia LLP

Leslie is the founding and current Dean of the School of Law at the Singapore University of Social Sciences. As a lawyer he practices primarily at the Commercial Bar. From time to time he has represented clients in commercial crime or white collar cases. He began his professional career in the Singapore Legal Service and was a Deputy Public Prosecutor and State Counsel with the Ministry of Defence, where he prosecuted drug offences and military offences as well as represented the Government in transactional matters including arms purchases. He was a lawyer in KhattarWong, Singapore for 25 years and was a joint Managing Partner from 1999 to 2006.

In 2007 he rejoined the Singapore Legal Service and was appointed a District Judge. He subsequently held office as a Senior District Judge heading the Civil Justice Division of the State Courts (then the Subordinate Courts) until he retired from the Singapore Legal Service in March of 2014. Upon retiring from the Singapore Legal Service, he returned to private practice, re-joining his previous firm of KhattarWong LLP. In 2020, he joined RHT Law Asia as a Senior Consultant where he is currently practicing.



Dinesh Dhillon – Partner, Allen & Gledhill LLP

Dinesh is the Co-Head of the Firm's International Arbitration Practice. He practises international arbitration and litigation.

He has acted as lead counsel in international arbitration for global multinational corporations in the telecommunications, airline, hotel, commodities, construction, manufacturing and projects industries. He has also represented sovereign states in international arbitration cases. He has represented clients in landmark cases before the Singapore courts relating to jurisdiction of arbitral tribunals, challenges to arbitration awards and attempts to resist enforcement of foreign arbitration awards.

Dinesh has represented multinational companies in cases before the Singapore International Commercial Court (SICC), Singapore High Court and Court of Appeal relating to banking, corporate, employment, entertainment, insurance, property and shareholder disputes. He has also acted for statutory boards in judicial review cases.

Dinesh is recommended for his expertise in international arbitration and commercial litigation in leading publications, such as Chambers Global and The Legal 500 Asia Pacific where he has been described as “outstanding”, a “well respected litigator” and “strong on strategy and case management”. Who's Who Legal (WWL): Arbitration 2020 published in association with Global Arbitration Review says Dinesh is regarded as “excellent, smart, easy to work with and a great orator”. WWL: Arbitration 2021 says “Dinesh is an excellent counsel – a very safe pair of hands” who is “brilliant, very articulate and understands tribunals and judiciary”. “He has a deep knowledge of the law” and “provides practical and solution-based advice and has excellent court presentation skills”.

Dinesh is the President of The Singapore Institute of Arbitrators, Fellow of the Asian Institute of Alternative Dispute Resolution, Board member of the Law Society's Pro Bono Services Office, Treasurer of the Asia Pacific Forum of the International Bar Association and Co-Chair of the Legal & IPR Committee of The American Chamber of Commerce in Singapore (AmCham).



Prof. Andrew James Harding – Visiting Research Professor (Faculty of Law), National University of Singapore

Professor Andrew Harding is a leading scholar in the fields of Asian legal studies and comparative constitutional law. He commenced his academic career at NUS before moving to SOAS, University of London, where he became Head of the School of Law. He joined NUS from the University of Victoria, BC Canada, where he was Professor of Asia-Pacific Legal Relations and Director of the Centre for Asia-Pacific Initiatives. At NUS he held the positions of Director of the Centre for Asian Legal Studies, Director of the Asian Law Institute, and Chief Editor of the Asian Journal of Comparative Law.

Professor Harding has worked extensively on constitutional law in Malaysia and Thailand, and has made extensive contributions to scholarship in comparative law, and law and development, having published 20 books as author or editor. He is co-founding-editor of Hart Publishing's book series 'Constitutional Systems of the World', a major resource for contextual analysis of constitutional systems, and has authored the books on Malaysia and Thailand in that series (2011, 2012). His most recent books are Constitutionalism and Legal Change in Myanmar (2017), and Thai Legal History: From Traditional to Modern Law (2021).



Benjamin Joshua Ong - Assistant Professor of Law, Yong Pung How School of Law, Singapore Management University

Benjamin Joshua Ong is an Assistant Professor of Law at Singapore Management University, where he teaches Constitutional and Administrative Law to law students and is part of the team teaching the Governance Through Law in Singapore course to social science students. He holds the degrees of Bachelor of Arts (Jurisprudence) (First Class Honours) and Bachelor of Civil Law from the University of Oxford, and has been called to the Singapore Bar. His research focuses on constitutional law and administrative law in Singapore and other Commonwealth jurisdictions, with a secondary interest in criminal procedure in Singapore. He has recently written about issues such as the legality/merits distinction in Singapore, the proportionality doctrine in Malaysia, and ouster clauses in the UK. He is also part of the team responsible for major updates to the Halsbury's Laws of Singapore volumes on Constitutional Law (released in 2020) and Administrative Law (to be released later in 2021).

Admin Note to Singapore Practitioners and s36B Foreign Lawyers in relation to the Mandatory CPD Scheme:

No of Public CPD Points: 1.5
Practice Area: Government
Training Level: General

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes logging in at the start of the webinar and logging out at the conclusion of the webinar in the manner required by the organiser, and not being away from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

Note: In the course of the event, photographs/videos/interviews of participants could be taken/conducted by the Law Society or parties appointed by the Law Society for the purpose of post event publicity, either in the Law Society's official publication/website, social media platforms or any third party's publication/website/social media platforms approved by the Law Society.

Registration Fees

Membership Category	Fees (Inclusive of 7% GST and course materials)
Law Society Member	\$10.70
SCCA Member	\$19.26
Non-Member	\$21.40

To register, please visit our website at: <https://www.lawsociety.org.sg/CPD-Portal/Law-Society-Events>. For enquiries, please contact us at cpd@lawsoc.org.sg or 6530-0230.

1. Terms and Conditions

- 1.1 Registration closes on the date as stipulated on the registration page or when all seats are filled.
- 1.2 The registration fee is due and payable upon registration and must be received prior to the programme.
- 1.3 Payment must be made by the closing date stated. Registration will only be confirmed upon receipt of full payment.
- 1.4 The Law Society reserves the right to refuse to register or admit any participant, and to cancel or postpone the programme.
- 1.5 If you are unable to attend, a substitute delegate is welcomed, provided that the Law Society is notified in writing of the name and particulars of the substitute delegate at least 3 working days before the programme.

2. Cancellation and Refund of Fees

- 2.1 Allocation of seats is on a first-come-first-served basis and limited seats for each programme.
- 2.2 Participant who cancels their registration before the commencement date shall be liable to pay the percentage of the registration fee set out as follows:
 - i. 20 calendar days before commencement date: 25% of registration fee.
 - ii. 8 to 19 calendar days before commencement date: 50% of registration fee.
 - iii. 7 calendar days or less before commencement date: 100% of registration fee.
- 2.3 Participants who cancel their registration without prior payment made shall also be liable to the cancellation fee set out in 2.2. In the event that the payment for cancellation fee is not received despite multiple chasers, a tax invoice will be issued and mailed to your law practice/organisation.
- 2.4 Participant who is unable to attend the programme due to medical exigencies will be subject to a cancellation fee of 50% of registration fee.