INAUGURAL TRIBUNALS CONFERENCE: ADVANCING ACCESS TO JUSTICE THROUGH A QUALITY TRIBUNALS SYSTEM

"The Role of Tribunals in the Delivery of Justice: Charting a Course for the Future"

Tuesday, 26 April 2022

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Supreme Court of Singapore

Fellow Judges and colleagues
Distinguished guests
Ladies and gentlemen

I. Introduction

1. A very good morning, and thank you very much for inviting me to speak to you this morning. Let me begin by noting that we now have, in this inaugural Conference, a platform for the discussion of issues pertaining to the law and practice of tribunals and the development of the tribunals system. In Singapore at least, the discourse on justice and access to justice has tended to focus somewhat disproportionately on the courts. I say "disproportionately", because

* I am deeply grateful to my law clerk, Wee Yen Jean, and my colleagues, Assistant Registrars Huang Jiahui, Tan Ee Kuan and Reuben Ong, for all their assistance in the research for and preparation of this address.

comparatively little has been said about the work of our tribunals despite the substantial role that they play in the administration of justice.

2. Indeed, the tribunals system is an *integral and indispensable* part of our justice system, and I say this for at least two reasons.

(a) First, tribunals deal with a substantial proportion of our justice system's caseload. Over the past three years, on average, the number of claims filed in the State Courts' *tribunals system* has reached nearly two-thirds of that filed in its *civil courts*.[1] In absolute terms, over *34,000* claims were heard and disposed of by the State Courts' tribunals over the last three years.[2] In short, even focusing on purely *quantitative* measures of contribution, it is clear that tribunals play a significant role in our justice system.

(b) Second, our tribunals are, quite often, the *first* and sometimes *only* point of contact that ordinary members of the public will have with the justice system. Most people will, happily, never need to have recourse to a court of law. But anyone who receives defective goods from a seller, or is wrongfully dismissed by an employer, or becomes embroiled in a long-standing dispute with her neighbour, might find themselves appearing before a tribunal. Because of the broad and diverse functions that tribunals discharge, and the

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1 From 2019 to 2021, an average of 19,239 writs of summons were filed in the Magistrates' Courts and District Courts, while an average of 11,138 claims were filed in the Small Claims Tribunals ("SCT"), Community Disputes Resolution Tribunals ("CDRT") and Employment Claims Tribunals ("ECT").

2 This comprises 11,842 cases in 2019 (10,607 in the SCT; 107 in the CDRT; and 1,128 in the ECT), 11,335 in 2020 (9,745 in the SCT; 166 in the CDRT; and 1,424 in the ECT) and 11,242 in 2021 (9,804 in the SCT; 246 in the CDRT; and 1,192 in the ECT).

> proximity of those functions to the sort of problems that people encounter in daily life, the quality of our tribunals system will inevitably feature as a significant reference point for public assessment of the quality of our justice system *as a whole*.

3. To the woman on the street, it matters not whether her complaint is dealt with by a court, a tribunal or a review board. What matters to her is that her grievance has been dealt with in a manner which is fair and just, and by means which are efficient and accessible. And since our tribunals system will quite often be the first port of call for first-time users of our justice system, it is essential that that system is able to properly meet their needs and expectations. I am therefore very pleased that a substantial portion of the conference programme has been devoted to discussing how tribunals can do better in terms of the quality and accessibility of their processes by, amongst other things, leveraging on technology, meaningfully integrating alternative dispute resolution, and ensuring the integrity of tribunal proceedings. These are important issues and will, I think, make for an interesting and useful discussion over the next two days.

4. For the purposes of my keynote address, I propose to take a slightly broader perspective, and to focus instead on the wider issues that arise in respect of the *structure* and *organisation* of the tribunals *system* as a whole. That ecosystem has thus far developed in a largely organic fashion. Tribunals have been established mostly on an *ad hoc* basis – as and when necessary to meet a particular need – and in this way, the system has gradually expanded over the years. This relatively unplanned approach to the development of our tribunals

may have worked well when the tribunals network was still relatively small and compact. But as that network matures and grows in size, we may, in time, need to confront and address important conceptual questions as to whether it needs to be coordinated and organised, and if so, how this might best be done. These are complex questions and resolving them will take time and thought. My modest aim this morning is simply to make a *start* in that process by outlining some of these challenges and the underlying issues they could give rise to.

5. I propose to structure my address in three parts:

(a) In the first, I offer a brief sketch of the tribunals landscape and highlight its tremendous diversity.

(b) Second, I outline some of the challenges that the diversity inherent in the tribunals network might pose to its coherence as a system.

(c) Finally, I conclude by offering some suggestions as to how the tension between coherence and specificity might be resolved by pursuing a degree of coordination and rationalisation of the system.

II. Surveying the landscape: the diversity and specificity of the tribunals network

6. Let me begin with a brief sketch of the tribunals landscape. I think its defining feature is its sheer diversity. The word “tribunal” is a name for many things, and tribunals go by many names – they might be labelled “boards”, “committees”, “commissions”, or even “courts”, as in the case of the Industrial

Arbitration Court.[3] Some tribunals are part of the Judiciary, such as the Small Claims Tribunals, the Employment Claims Tribunals, and the Community Disputes Resolution Tribunals,[4] all of which, as you heard from the Presiding Judge, are in fact *courts* within the State Courts.[5] Others, like the Copyright Tribunal[6] and the Strata Titles Boards,[7] are established under the auspices of a government ministry, and do not form part of the Judiciary, though there will typically be an avenue to seek judicial oversight of their decisions.[8]

7. There are adjudicative tribunals, like the ones just mentioned, which resolve certain types of civil disputes between private parties.

8. There is also a wide array of administrative tribunals, which decide appeals against decisions made by the executive branch of the Government. For example, the Land Acquisition Appeals Board hears appeals against

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3 See s 3 of the Industrial Relations Act 1960 (2020 Rev Ed). The Industrial Arbitration Court is constituted by its President as well as panel members from an "employer panel" and "employee panel", which comprise panellists from the public and private sectors as well as the trade unions.

4 See ss 14 and 17 of the Community Disputes Resolution Act 2015 (2020 Rev Ed).

5 See s 3(1) of the State Courts Act 1970 (2020 Rev Ed). See also the Small Claims Tribunals Act 1984 (2020 Rev Ed) and the Employment Claims Act 2016 (2020 Rev Ed).

6 See ss 479 and 485 of the Copyright Act 2021 (Act 22 of 2021).

7 See s 89 of the Building Maintenance and Strata Management Act 2004 (2020 Rev Ed).

8 See, *eg*, s 35 of the Property Tax Act 1960 (2020 Rev Ed), which allows dissatisfied owners to appeal to the General Division of the High Court from a decision of the Valuation Review Board (s 35(1)), and allows the Chief Assessor or the Comptroller of Property Tax to appeal to the General Division of the High Court from a decision of the Valuation Review Board on any question of law or of mixed law and fact (s 35(3)). See also s 98 of the Building Maintenance and Strata Management Act 2004 (which allows for appeals to the General Division of the High Court on questions of law) and s 494 of the Copyright Act 2021 (which allows Copyright Tribunals to refer questions of law for the opinion of the General Division of the High Court).

compensation awards made when land is compulsorily acquired,[9] and the Income Tax Board of Review hears appeals against tax assessments made by the revenue authority.[10] There is typically a right of appeal to the court against the decisions of these administrative tribunals.[11]

9. And then, there are regulatory tribunals that hear and investigate complaints and other disciplinary matters in relation to regulated professionals. These include disciplinary tribunals and committees with jurisdiction over regulated legal practitioners,[12] medical practitioners,[13] and allied health professionals.[14]

10. It is evident that the adjudicative landscape covered by tribunals is very diverse. That diversity makes the search for a single, comprehensive definition of a "tribunal" a somewhat elusive goal. But what can perhaps be said is that, at their core, tribunals are in the business of delivering justice, in that they provide an avenue for an individual or entity aggrieved by the acts or omissions of another to seek redress and remedy, or for the enforcement of regulatory standards in accordance with the requirements of due process.

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9 See s 19 of the Land Acquisition Act 1966 (2020 Rev Ed).

10 See s 78 of the Income Tax Act 1947 (2020 Rev Ed).

11 See, *eg*, s 29 of the Land Acquisition Act 1966 (which provides that appeals may be made from any decision of the Appeals Board (Land Acquisition) on any question of law to the Court of Appeal in cases where the award of the Board exceeds $5,000) and s 81 of the Income Tax Act 1947 (which provides that appeals may be made from any decision of the Income Tax Board of Review on any question of law or of mixed law and fact to the General Division of the High Court in cases where the amount of tax determined by the Board exceeds $200).

12 See s 90 of the Legal Profession Act 1966 (2020 Rev Ed).

13 See s 50 of the Medical Registration Act 1997 (2020 Rev Ed).

14 See s 50 of the Allied Health Professions Act 2011 (2020 Rev Ed).

11. What then sets our tribunals apart from our courts? Or, to put it differently, what can tribunals do that our courts typically do not? In my view, at least part of the answer lies in the *specialist* roles that tribunals play, which *complements* the more generalist role of the courts. Unlike the courts, which deal with a wide range of matters and disputes, tribunals are typically established to serve particular needs within specific contexts, and this means that their composition, processes and powers, amongst other things, can be specifically tailored to suit those needs. In short, their unique potential lies in their capacity for *specialisation*. Let me briefly outline three aspects.

12. First, tribunals can leverage on *specialised expertise*. While some courts can also do this to a perhaps more limited extent, through the establishment of specialised lists, tribunals typically can go much further, and even enable the appointment of subject-matter experts – even those who may not be legally trained – to sit on their panels. For example, the Strata Titles Boards and Land Acquisition Appeals Board comprise architects and engineers as well as lawyers,[15] and the Income Tax Board of Review counts several accountants and other tax specialists amongst its members.[16] In a similar vein, regulatory tribunals also typically include practising professionals in the fields they regulate. Thus, disciplinary tribunals constituted under the Medical Registration Act, for example,

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[15] Singapore Government Directory, "Strata Titles Boards" <https://www.sgdi.gov.sg/ministries/mnd/departments/stb>; Singapore Government Directory, "Appeals Board (Land Acquisition)" <https://www.sgdi.gov.sg/ministries/minlaw/departments/appeals-board-(land-acquisition)>.

[16] Singapore Government Directory, "Income Tax Board of Review" <https://www.sgdi.gov.sg/en/ministries/MOF/departments/itbr>.

must include at least two registered medical practitioners of at least ten years' standing.[17] This unique capacity for leveraging on deep, specialised expertise makes tribunals particularly well-suited to dealing with niche issues which may require either technical knowledge or practical experience specifically relevant to a given field.[18]

13. Second, tribunals operate within a framework of *specialised rules and procedures*. Again, this flexibility allows tribunals to customise their procedure to fit their specific needs.

14. One feature common across several statutes governing the operation of adjudicative tribunals is the express provision that proceedings are to be conducted in a more *informal* manner with simplified procedures.[19] Indeed, in some tribunals, such as the Small Claims Tribunals, the parties to the proceedings must present their own case, and cannot engage lawyers to do so on their behalf.[20] This ensures that costs are kept to a minimum and minimises the risk that a litigant will be disadvantaged simply because he or she cannot

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17 See s 50(1)(*b*) of the Medical Registration Act 1997.

18 In the context of land acquisition, the Court of Appeal has noted that: "[t]he question of the proper method of land valuation involves detailed analyses of market trends, comparisons between different types of land and their locality and a whole host of other complex variables which … are more suited to be resolved by experts in the field itself" than by judges: *Tiessen Trading Pte Ltd v Collector of Land Revenue* [2000] 2 SLR(R) 71 at [24].

19 See s 22(1) of the Small Claims Tribunals Act 1984; s 20(1) of the Employment Claims Act 2016; and s 12 of the Community Disputes Resolution Tribunals Rules 2015. For instance, the Copyright Act 2021, which establishes the Copyright Tribunal, provides that the tribunal should conduct proceedings "*with as little formality, and with as much expedition, as the requirements of [the] Act and a proper consideration of the matters before the Tribunal permit*": see s 498(1) of the Copyright Act 2021.

20 See s 23(3) of the Small Claims Tribunals Act 1984.

afford to engage a lawyer, which are particular concerns when adjudicating small claims, given their lower value.[21]

15. Another related procedural feature of tribunal justice is that tribunals are often not bound by the strict rules of evidence and procedure that would otherwise apply in a court of law, and may inform themselves on any matter in any manner that they think fit.[22] Some adjudicative tribunals adopt a tribunal-led approach, where the tribunal identifies the relevant issues and takes steps to ensure that the parties adduce the relevant evidence in the proceedings. This is so with the Small Claims Tribunals and the Employment Claims Tribunals, for example, which are also empowered to inquire into any matter which they consider relevant to the claim, even if that has not been raised by one of the parties. In addition, they may, on their own initiative, seek other evidence and make other investigations as they deem fit.[23]

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[21] For example, when the Small Claims Tribunals Bill was introduced in 1984, it was thought that the informality of these tribunals and their simplified procedures "should enable any layman to present his own case", and would help to minimise the "inhibiting factors" that might deter laymen from bringing their genuine grievances to the court: *Singapore Parliamentary Debates, Official Report* (24 August 1984) vol 44 at cols 2002 and 2018 (Prof S Jayakumar, Minister for Labour, Second Minister for Law and Second Minister for Home Affairs).

[22] See, *eg*, s 21(1) of the Employment Claims Act 2016; s 28(1) of the Small Claims Tribunals Act 1984; s 23(1) of the Community Disputes Resolution Act 2015; s 491(1) of the Copyright Act 2021; s 51(4) of the Medical Registration Act 1997; and s 18(1) of the Building Maintenance and Strata Management (Strata Titles Boards) Regulations 2005.

[23] See ss 20 and 21 of the Employment Claims Act 2016; ss 22 and 28 of the Small Claims Tribunals Act 1984. See also *Ng Eng Ghee and others v Mamata Kapildev Dave and others (Horizon Partners Pte Ltd, intervener) and another appeal* [2009] 3 SLR(R) 109 ("*Ng Eng Ghee*") at [173]–[175] and [199], in the context of proceedings before the Strata Titles Boards. In *Ng Eng Ghee*, the Court of Appeal held that the Strata Titles Board had "misconceived" its statutory role "by restricting itself to playing the traditional role of a court of law … determining private disputes in an adversarial setting". The Court emphasised that the Board ought to have played a proactive, *inquisitorial* role in determining the application for the collective sale of a condominium where objections had been filed, by seeking out the relevant facts. In the *Ng Eng Ghee* case, that meant that the Board should have summoned a particular witness

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16. The relative informality and simplicity of their procedures enable these adjudicative tribunals to conduct their proceedings in a manner that is more streamlined, cheaper, more expeditious and typically less exhaustive than that which applies in the courts. Now, this is not to say that simplified procedures are not available in the courts; the simplified process for civil trials available in the Magistrates' Courts, the District Courts and specialist courts like the Protection from Harassment Court are examples of this. But the fundamentally adversarial nature of our court proceedings inevitably places certain limits on how those proceedings are to be managed and conducted. In adversarial proceedings, justice between the parties is thought to be best achieved by allowing *lawyers* to "put the weights into the scales" of justice, before the judge "at the end decides which way the balance tilts".[24] But there may be situations in which justice is better served by adopting an investigative, judge-led approach – such as where there is a significant structural imbalance of information or resources between the parties, as might be the case in employment or consumer disputes.

17. The third aspect of specialisation that I wish to highlight is that tribunals exercise *specialised powers and jurisdiction*, which allows them to perform certain functions that the courts typically do not. Take, for example, a review of the *merits* of executive action. That would generally fall outside the scope of the

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when it became aware of certain circumstances, instead of declining to issue a subpoena on technical grounds.

[24] *Jones v National Coal Board* [1957] 2 QB 55 at 63 (*per* Denning LJ); quoted in *Re Shankar Alan s/o Anant Kulkarni* [2007] 1 SLR(R) 85 at [108].

courts' powers of judicial review,[25] which tend to focus on the *legality* of executive decisions or acts. But certain types of administrative tribunals, on the other hand, are not so constrained and can undertake a review of the merits. The specialised jurisdiction that administrative tribunals wield goes hand-in-hand with the specialised *expertise* they possess, which makes them well-suited to examine the merits of technical and often multi-factorial determinations. For example, in the context of land acquisition, the Land Acquisition Appeals Board may consider the *adequacy* of compensation awards made,[26] an exercise which may involve analyses of market trends, comparisons between different types of land and their localities, and a host of other complex variables which are more suited to be resolved by experts in the field, rather than by lawyers.[27]

18. A similar point may be made in relation to the regulatory tribunals, which exercise disciplinary functions in respect of certain self-regulating professions – such as the medical profession, which is regulated through, amongst other things, disciplinary tribunals set up under the auspices of the Singapore Medical Council. While medical professionals must of course adhere to the laws governing society and medical practice, they are also held to the profession's own professional and

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25 Except of course in cases involving *Wednesbury* irrationality: see *SGB Starkstrom Pte Ltd v Commissioner for Labour* [2016] 3 SLR 598 at [56]–[61].

26 Although the statute prescribes particular matters that must and must not be taken into consideration. See ss 19(1), 25(3), 33 and 34 of the Land Acquisition Act 1966; see also, *eg*, *Fadlon binte Ali Bahajaj v Collector of Land Revenue* [2004] SGAB 2 and *McDonald's Restaurants Pte Ltd v Collector of Land Revenue* [2006] SGAB 2, in which the respective Appeals Boards held that the appellants had not succeeded in showing that the awards were inadequate.

27 Although the Court of Appeal may vary or annul the award determined by the Board, appeals may only be made to the Court of Appeal on questions of *law*, and only in cases where the award determined by the Board exceeds $5,000: see s 29 of the Land Acquisition Act 1966.

ethical standards. Therefore, whilst the medical profession is of course subject to external societal regulation, it is also self-regulating to some degree so that regard can be had to the specialised knowledge or aspects of medical practice when determining professional and ethical matters.[28] Specialised tribunals help to fulfil the policy objective of allowing such professionals to regulate themselves according to the prevailing good practices and standards within their profession.

III. Navigating choppy waters: practical and juridical challenges

19. Let me pause to take stock of what we have covered thus far. We have seen that the tribunals landscape is very diverse, and that that diversity is largely a product of the piecemeal way in which the tribunals system has grown, as tribunals have typically been established to deal with specific needs. We have also seen how that diversity reflects one of the tribunals system's greatest strengths – the capacity for *specialisation*, which enables tribunals to play a particular role – a specialist role – that complements that of the more generalist courts.

20. That said, diversity does also present its own challenges. And this brings me to the second part of my address, on the challenges that diversity poses to the efficiency and coherence of the tribunals system. I shall touch on three of these challenges.

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[28] Singapore Medical Council, *Ethical Code and Ethical Guidelines* (2016 Edition) at p 7. An earlier edition of the Guidelines was quoted by the Singapore Medical Council Disciplinary Committee in *In the Matter of Dr Lim Mey Lee Susan* [2012] SMCDC 7 at [4.5.4].

21. The first is the practical challenge that diversity poses to *efficiency*. The short point is that individual tribunals – each serving a relatively small and disparate constituency, and managed through its own institutional setup – may lack the economies of scale that a single, unified system would enjoy. This has obvious consequences for administrative efficiency if, for example, basic administrative functions such as secretarial and technical support or document filing had to be duplicated across tribunals. But it can also pose more serious problems to innovation and reform, for if stakeholder interests are diffused across separate tribunals, there may not be a sufficiently strong driving force to examine the case for reform. Without centralised direction, change that could yield tremendous benefits in the aggregate might end up not being pursued because its benefits are not seen to be sufficiently significant by any individual component part.

22. The second challenge is one of *accessibility*. The prospect of navigating an uncoordinated network of tribunals might prove daunting to the uninitiated, who could face difficulties identifying and accessing the proper tribunal from which to seek recourse for a particular problem. Take, for example, a complainant with a claim against her employer. Should she go to the Ministry of Manpower's Adjudication Branch, which is responsible for adjudicating cases under various statutes, such as the Work Injury Compensation Act, the Employment of Foreign Manpower Act and the Employment Act?[29] Or is the correct forum the

[29] See Ministry of Manpower, "Legal Services Division" <https://www.mom.gov.sg/about-us/divisions-and-statutory-boards/legal-services-division>.

Employment Claims Tribunal, which has jurisdiction to hear "specified employment disputes" as defined in the Employment Claims Act 2016 and the first three Schedules of that Act?[30] The distinction between the jurisdictions of the respective institutions may perhaps be clear enough to the legally-trained eye, but to the layperson, having to navigate the fine and sometimes technical definitions and distinctions just to understand where she should go to seek recourse, this can make for a disorientating and ultimately discouraging experience. The concern is that with an expanding network of tribunals, this can, in time, begin to resemble less a *system* with a clear roadmap for navigation, and more a *forest* of overlapping jurisdictions in which users can become lost.

23. The third challenge concerns the task of rationalising the precise *nature* of the powers exercised by each tribunal, as well as the relationship between the exercise of those powers and their supervision by the courts. Tribunals serve a myriad of different functions, some of which might entail the exercise of powers that appear, for all intents and purposes, to be *judicial* or at least quasi-judicial in nature. This is certainly true of the Small Claims Tribunals, the Employment Claims Tribunals and the Community Disputes Resolution Tribunals which, as mentioned, are in fact defined by law as *courts* within the State Courts, alongside the District Courts and the Magistrates' Courts. As the tribunals network continues to expand, we will have to acknowledge the reality that some tribunals do not sit within the judiciary and for these, it may be necessary to consider the

[30] See s 12 of the Employment Claims Act 2016.

extent to which it is desirable or appropriate to provide avenues for judicial oversight.

IV. Charting a course: possible directions for future development

24. In short, the immense promise that the tribunals system holds is accompanied by some challenges that may become more pronounced as the system continues to grow and mature. At the heart of these challenges lies a seeming tension between coherence and specificity, and I suggest that these challenges might be addressed by working towards a vision of a *coordinated, networked system* of tribunals. The network of tribunals will necessarily continue to be diverse, to reflect the specialist nature of tribunal justice. But this must be balanced against other values, such as accessibility and efficiency, which may be better served by a unified and coherent system. And while the flexibility and capacity for specialisation that tribunals offer are amongst their key strengths, we should be prepared to weed out *needless* divergences or duplication within the network, whilst preserving room for the existence of *considered* and *meaningful* differences.

25. How precisely this ought to be done is a question that will surely require further study. This may include a detailed survey of the existing tribunals landscape, with a view to conceptualising and optimising a framework that will allow us to benefit from a coordinated and connected *system* of tribunals, whilst preserving the advantages that accrue from specialisations tailored to suit each tribunal's particular needs and objectives – in other words, its particular context.

A team from the State Courts is already looking into this and the results of that study will be a valuable resource as we assess the situation and consider the ways forward. The work of actualising this vision will likely need to be done in stages, but the process as a whole should, I suggest, be guided by three key values: accessibility, quality and legitimacy, being values that represent the essential ingredients for the development of a tribunals system that continues to command public trust and confidence.

26. First, *accessibility*. This is a hallmark of tribunal justice, and the point I wish to make is that as we move in the direction of greater coordination, even small adjustments can make a big difference. Let me give an example. In the early days of the COVID pandemic, our courts quickly adopted a common virtual hearing platform. This simple act of coordination provided a common foundation for the promulgation of user guides to ensure that litigants could quickly familiarise themselves with the modalities of the virtual courtroom,[31] as well as internal standard operating procedures for the hosting of remote hearings. We cannot be sure that a similar course will be taken in the context of tribunals, if different tribunals established under the auspices of different agencies were to choose to use different platforms for their hearings.

27. In time, we might also consider if accessibility would be enhanced by pursuing deeper and more substantive forms of coordination between tribunals,

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[31] See, for example, the Singapore Courts' "Guide to virtual court sessions": <https://www.judiciary.gov.sg/attending-court/virtual-court-sessions>. While each court has promulgated its own user guide, the relevant steps and requirements are broadly similar and consistent.

such as, for example, the possibility of bringing related groups of tribunals under a single, streamlined umbrella entity. This could include elements aimed at presenting a more coherent user experience, such as by developing common terminology for processes and personnel,[32] or a simplified set of standardised 'model' rules, such that tribunals retain specialist rules where necessary for the discharge of their functions, but otherwise operate using a broadly consistent basic procedure.[33]

28. The second of the three guiding values is *quality*, which encompasses considerations of economy, effectiveness and efficiency. For instance, we might consider how coordination and consolidation could help to unlock economies of scale in various operational and administrative functions, ranging from document filing to the management of hearing premises. An example of useful consolidation in the former sense is the Community Justice and Tribunals System (or "CJTS") adopted by the Small Claims Tribunals, the Employment Claims Tribunals, the Community Disputes Resolution Tribunals, and the Protection from Harassment Court. The CJTS provides a common online platform which allows parties to get pre-filing assessments, file and manage their cases in any of these tribunals, and even attempt negotiation or mediation.[34]

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[32] See Department of Constitutional Affairs, *Transforming Public Services: Complaints, Redress and Tribunals* (July 2004) ("*Transforming Public Services*") at para 6.26.

[33] *Transforming Public Services* at para 7.3.

[34] See the State Courts, "Community Justice and Tribunals System (CJTS)" <https://www.judiciary.gov.sg/services/cjts>.

29. The meaningful consolidation of related tribunals could also facilitate the development of a systematic and coherent framework for training and career development for tribunal members and administrators,[35] and thereby lay foundations for the development of a modern system of tribunals able to deliver and operationalise the new approaches to dispute resolution that we have adopted, and will continue to adopt, elsewhere in the courts.[36] This will contribute to the overall quality of tribunal justice and will help ensure that our tribunals remain well equipped to meet the evolving needs that they exist to serve.

30. The final guiding value is the need to ensure the continued *legitimacy* of the tribunals system. To maintain public confidence in our tribunals, the system must continue to be independent and capable of providing a fair and impartial process. As the network grows in scale and diversity, it may be worth studying whether it is beneficial to consolidate our tribunals in a central set-up. Such an approach has found support in jurisdictions such as the United Kingdom and New Zealand.[37] Another approach, and one which is already largely embedded in our

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35 *Transforming Public Services* at paras 6.40-6.41 and 6.72.

36 See Chief Justice Sundaresh Menon, "Response by Chief Justice Sundaresh Menon, Opening of the Legal Year 2022" (10 January 2022) at para 25, stating that one of the Judiciary's priorities will be to "enhance, deepen and broaden the judicial skill set", and, at para 27, to operationalise "bespoke models of justice having regard to the contours of different classes of dispute".

37 In the UK, the work of the consolidated Courts & Tribunals Service is overseen by a Board headed by an independent chair working with executive, non-executive and judicial members: see Gov.UK, "HM Courts & Tribunals Service – About us <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about> and Gov.UK, "HM Courts & Tribunals Service – Our governance" <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/our-governance>.

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legal system, is to continue to secure avenues for judicial oversight over the tribunals network. At present, these avenues operate in a way that reflects the diversity of the tribunals themselves. Some tribunals allow for appeals to the General Division of the High Court,[38] others directly to the Court of Appeal,[39] and yet others have a procedure for the referral of questions of law to the court.[40] It may well be that in time to come, consideration could be given to the establishment of a unified and coherent approach to *appellate* review for related groups of tribunals.[41] Further, in the absence or inapplicability of any statutory appeal procedure, the courts' *supervisory* jurisdiction over tribunals remains in place.[42]

In New Zealand, the Law Commission has recommended that most of New Zealand's tribunals should be integrated within a unified tribunal framework administered by the Ministry of Justice: see New Zealand Law Commission, *Delivering Justice for All: A Vision for New Zealand Courts and Tribunals* (March 2004) at pp 284–285.

38 Under s 98 of the Building Maintenance and Strata Management Act 2004, appeals on a point of law from an order of the Strata Titles Board may be made to the General Division of the High Court. See also s 35 of the Property Tax Act 1960 in respect of the Valuation Review Board, s 81 of the Income Tax Act 1947 in respect of the Income Tax Board of Review, and s 74 of the Competition Act 2004 in relation to the Competition Appeals Board.

39 Section 29 of the Land Acquisition Act 1966 provides that appeals may be made from any decision of the Appeals Board (Land Acquisition) on any question of law to the Court of Appeal in cases where the award of the Board exceeds $5,000.

40 A Copyright Tribunal may refer a question of law arising in any case before the Tribunal for the opinion of the General Division of the High Court: see s 494 of the Copyright Act 2021.

41 The approach taken in Australia was the creation of a superior, non-specialised tribunal empowered to independently review the merits of other tribunals' decisions – the Administrative Appeals Tribunal – whose decisions are subject only to an appeal to the Federal Court of Australia on a question of law and, thereafter, an appeal to the High Court of Australia on error of law: see See The Honourable Justice Garry Downes AM (then-President of the Administrative Appeals Tribunal), "Structure, Power and Duties of the Administrative Appeals Tribunal of Australia" (21 February 2006) and The Honourable Justice Garry Downes AM (then-President of the Administrative Appeals Tribunal), "The Administrative Appeals Tribunal: Building on 30 Years of Independent Merits Review" (paper presented at the 2006 Veterans' Law Conference) (27 July 2006).

42 The words of our High Court in the 1978 case of *Yee Yut Ee* still ring true today: "Parliament could not have intended a tribunal of limited jurisdiction to be permitted to exceed its authority

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V. Conclusion

31. The possibilities I have canvassed here are just some directions of travel that might be explored. Ultimately, deciding how our system of tribunal justice should develop will require careful and continuing reflection on how the system currently works; what specific needs it should serve; and how we might craft innovative solutions to problems, both old and new. Importantly, even as we promote consistent – and consistently high – standards across the tribunal system, care should be taken to ensure that we do not end up force-fitting functions into a single inhospitable mould, at the expense of the unique advantages that specialisation and flexibility can offer. The ideal is one of a coordinated network of parts, which speak to one another while retaining features tailored to best suit their functions and needs.

32. The late Mr Richard Magnus, a former chief district judge and senior civil servant, observed in 2004 that although little had been written on Singapore's statutory tribunals, they played an indispensable role in a modern society with increasingly complex demands and challenges, and have contributed to Singapore's high international rankings for the administration of justice.[43] Nearly two decades on, our tribunals system has grown from strength to strength, and, with the publication of the first practitioner's text on the law and practice of

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without the possibility of direct correction by a superior court", and the court's supervisory control over lower tribunals "extends not only to seeing that [they] keep within their jurisdiction but also to seeing that they observe the law": see *Re Application by Yee Yut Ee* [1977-1978] SLR(R) 490 at [20]; see also [30].

[43] Richard Magnus, "Transparent, Fair and Impartial: A Snapshot of Tribunals in Singapore" (2004) 84 *Australian Law Reform Commission Reform Journal* 33 at p 37.

tribunals just a few years ago,[44] the discourse on tribunals justice has continued to develop. But more remains to be done. In the years to come, further consideration will need to be given to how our tribunal system should evolve. This Conference, and the discussions it will surely inspire, will no doubt help to lay some of the groundwork for future developments.

33. I thank the organising team for their tremendous work in putting this event together, and I wish all the participants an engaging and fruitful conference as we devote more attention to this critical component of our justice system.

34. Thank you very much.

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[44] *Law and Practice of Tribunals in Singapore* (Bala Reddy gen ed) (Academy Publishing, 2019).