

"I have not sat upon the Compensation Court for long enough for it to be appropriate for me to make comments upon possible amendment to the legislation."

*Would there be advantage in consolidation of the other Acts with which the Court is often concerned?*

"I do not think so. Judges are accustomed to dealing with claims under a variety of Acts and sometimes consolidation can lead to more difficulty than it solves."

*The immediate future of the Court is apparently a change in location, from Citra House to adjacent the Downing Centre. What is your view on the accommodation arrangements being planned at the new Court House?*

"The Court is presently engaged in extensive negotiations and discussions as to the accommodation in the John Maddison Tower. I do not think that it would be appropriate for me to comment whilst the subject is under discussion."

*Considering the praise received by your predecessor upon his retirement, what are the achievements and other highlights you would prefer people to remark upon on your retirement?*

"The question assumes that there will be achievements and highlights. I suppose there will be some, as there will also be failures and low spots. When the times comes some warm words will be much appreciated, but I would hope that the speakers will be able to refer with sincerity to a job well done."

*And at that far-off time, what do you think you would like to say to the third Chief Judge of the Compensation Court? The fourth?*

"So much has changed, and will change, that to answer this question in any meaningful way is very difficult. I expect, however, that I will adopt the old army phrase and say 'you'll be sorry'. On a more serious note, if advice is sought, it will almost certainly be to stress the fundamental importance of maintaining the independence of the Court and its Judges and its deserved reputation for disposing of large numbers of cases efficiently and with a minimum of unnecessary trauma and disturbance." □

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## Solicitor's Correspondence

(The winds of micro-economic reform are chilling - it seems that ordinary care and skill is to go unrecompensed.)

"As part of our review of this matter and as little has happened over the past several years, we request that Counsel return his brief and, if appropriate, a memorandum of fees for any outstanding services." □

## Brief Note on Overseas Criminal Law

Criminal lawyers are well experienced with the difficulty encountered in joint trials where each accused has confessed and set out their actions in a lengthy record of interview. Almost always they implicate the co-accused. Judges are required to tell juries that they may not rely upon the record of interview of the co-accused as evidence against the accused. As a matter of practicality the question must always arise whether juries are able, or do, in fact, ignore completely such material when dealing with the first accused.

In Singapore the court is entitled to take into account evidence in the confession of the co-accused when dealing with the primary accused. Section 30 of the *Singapore Evidence Act* says:

"When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession."

Until recently there was some belief in Singapore that the section only meant that the court could take into consideration the co-accused's confession and not use it as strict evidence or, indeed, base a conviction upon it. That view has been rejected by the Singapore High Court when it dismissed appeals in May of 1993. The written judgment was given in December 1993 and made available to the media in February 1994.

Three accused - Chin Seow Noi, Chin Yaw Kim and Ng Kim Heng - were jointly tried in the High Court in October 1992 and were sentenced to death. They chose to remain silent when the defence was called. Each had made confessions implicating themselves and their co-accused. The trial judge had held that s.30 of the *Evidence Act* did not allow the co-accused's confessions to be used as evidence against the accused in the same way they might be used against the co-accused i.e., against the person who made the confession. The Singapore Court of Criminal Appeal said this was incorrect. The Chief Justice, Yong Pung How, said:

"The natural interpretation of s.30 is that it allows that the conviction of an accused person to be sustained solely on the basis of a confession by his co-accused, provided of course that the evidence emanating from that confession satisfies the Court beyond reasonable doubt of the accused's guilt. And no other interpretation will emasculate s.30."

The position in Singapore now is that the co-accused's confession is evidence which may be used against the primary accused and, indeed, it must follow that an accused can be convicted on the evidence of that confession even where that may be the only evidence provided the confession is persuasive enough to convince the Court beyond reasonable doubt of the accused's guilt. □

Brian Donovan QC