

## **Singapore Academy of Law Annual Lecture**

**Monday, 21 September 2015**

### **Welcome Address by Chief Justice Sundaresh Menon**

1. Good evening, ladies and gentlemen and a warm welcome to the 22nd Singapore Academy of Law Annual Lecture. Our Annual Lecture this year has special significance in as much as it is held in the year in which we celebrate the 50<sup>th</sup> anniversary of our nation's independence and also the 800<sup>th</sup> anniversary of the Magna Carta. It was with these milestones in mind, milestones of great significance on the one hand to all Singaporeans, and on the other, to lawyers throughout the world, that I invited The Right Honourable The Lord Neuberger of Abbotsbury, President of the Supreme Court of the United Kingdom to deliver this evening's lecture and the Academy is greatly honoured indeed that Lord Neuberger accepted our invitation.
2. A quick review of Lord Neuberger's extra-judicial addresses will reveal his readiness to speak on issues of law and policy where the arguments for and against one view or another are finely balanced and whose resolution will not be straightforward. These are commonly subjects that are likely to evoke disagreement among reasonable people. In that light, it should be unsurprising that his topic this evening might well divide opinion but I am certain that Lord Neuberger will present the issues in a way that is bound, in the end, to enrich all of us fortunate enough to be in the audience, regardless of which side of the argument we might come out on.

3. Lord Neuberger's lecture concerns the challenges of protecting the right to receive and to disseminate information in the age of the internet. Striking the optimal balance insofar as the right to information is concerned is a difficult enough subject, without the layers of complexity that the internet adds. This is so for several reasons. First, the various participants in this space – individuals, corporations and governments – have varied and often diverging interests. Second, the values that are pitted one against the other often seem fundamental if not even absolute. It is challenging in such circumstances to assess which should prevail: confidentiality and privacy on the one hand or the right to information on the other. Third, there might even be a degree of dependence between these rights which adds to the complexity.
  
4. And then there is the internet. Speech on the internet can be anonymous, permanent and in the words of an American judge, have the ability to “resonate farther than [anything spoken] from any soapbox”.<sup>1</sup> The internet and its related technologies are accessible not only to common everyday users but also to the propagandist who seeks to spread pernicious ideologies; to whistleblowers, sophisticated hackers and journalists. It is also a space where the regulatory framework is uncertain and evolving. Should the legal response in our system be left to the judges, in which case it is likely to be piecemeal and often ineffectual given the swift ability of information technology to morph and sidestep these efforts? On the other hand, far-reaching regulations risk

---

<sup>1</sup> *Reno v American Civil Liberties Union* 521 US 844 (1997).

abrogating rights altogether. *This* is the area of law and policy that Lord Neuberger has undertaken to unpack and elucidate for our benefit.

5. In an interview for an episode of BBC Radio 4's *Law in Action* that was broadcast in March 2013<sup>2</sup>, Lord Neuberger recounted that he was an argumentative child. He would argue with his mother until she got fed up and would say to him, "Let's change sides. You take the other side." One cannot help but think that this formative experience of arguing both sides explains, at least in part, Lord Neuberger's ability to so deftly examine issues from multiple perspectives. I am certain that tonight, we will be the beneficiaries of this.
  
6. Lord Neuberger's path to the apex of the UK judiciary has not been an entirely conventional one. He began his career as a scientist having read chemistry at Oxford, before proceeding into finance, working at Rothschild for three years before deciding that his calling was elsewhere. He then took the bar and after pupillage, secured a job as a practising barrister. He went on to build a successful career taking silk in 1987. His first judicial appointment as a Recorder, came in 1990. In 1996, he was appointed High Court Judge in the Chancery Division, and was elevated to the Court of Appeal in 2004. He was appointed a Law Lord in 2007, the youngest sitting member of the court and one of the youngest ever to be so appointed.<sup>3</sup> He served as the Master of Rolls from October 2009 to September 2012 and was sworn in as President of the UK Supreme Court in October 2012.

---

<sup>2</sup> Inside the Supreme Court <<http://www.bbc.co.uk/programmes/b01r0gj8>>.

<sup>3</sup> Afua Hirsch, "David Neuberger: the human face of the law", *The Guardian* (14 February 2010)

7. Ladies and gentlemen, it gives me great pleasure to invite Lord Neuberger to deliver his lecture.