

The Law Society of Singapore with the support of UK Trade & Investment Proudly Presents **THE GOVERNANCE OF CHARITIES**

**LEVEL 8 VIEWING GALLERY, SUPREME COURT BUILDING
30 March 2007 (Friday) • 4.30-8.00pm**

PROUDLY ORGANISED BY:



THE LAW SOCIETY
OF SINGAPORE

With the support of:



About this Seminar

The topic of governance is much debated. On all sides there is growing acceptance of the need for the governing bodies and trustees of charities to ensure that their charities perform well and maintain appropriate standards. Nations and states have in varying degrees differing agenda. This paper draws on initiatives originating in the United States, England under New Labour, the European Union and some of its constituent members. It also gains energy from the speaker's participation in the July 2006 Seminar organized by the Max Planck Institute at Heidelberg University on Harmonisation of Not for Profit Law in Europe and from his continuing analysis as a commentator on the role of the Charity Commission and on the provisions of the new Charities Act 2006 (November 2006). These form the basis of Picarda *Law and practice relating to Charities* 4th edn (Tottel 2008).

We have much to learn from each other (lawyers from social administrators and *vice versa*) and nation from nation. This is particularly so in regard to best practice for improving and sustaining the confidence of donors and grant givers and bettering the performance of trustees and governors in the charity sector to the benefit of the community at large. The Singaporean reaction to the National Kidney Foundation case has lessons for other jurisdictions to learn.

There are recurrent themes and common denominators in the experience of different nations. Some are afflicted by the distorting problems of social irresponsibility terrorism money-laundering and excessive bureaucratic invasions and interferences. Other jurisdictions operate against a less complicated background and social context.

The optimistic search for core vocabularies, word lists and lexicons needs to be balanced by concern for plain English and the avoidance of imprecise jargon and modish patter and newspeak. Transparency, accountability, "proportionality" and credibility require constant consideration. But common sense and a sense of proportion also enter into the equation.

Motifs which run through this study with anecdotal illustration and recommended precautionary strategies include the following:

1. Conflicts of interest and their avoidance or resolution
2. Trustees remuneration and indemnity insurance
3. Identification of breaches of trust and *ultra vires* activity
4. Compliance with accounting and reporting obligations
5. Dangers of political activity
6. Fundraising methods and hazards
7. Investment control and the earmarking of funds
8. Fiduciary duties in distribution and distribution policies
9. Funding foreign charitable endeavours
10. The future of public benefit audits
11. Voluntary and statutory codes
12. Permissible partnership and collaboration and the dangers of dancing to governmental tunes.

This seminar marks the second collaborative effort by the Law Society of Singapore and United Kingdom Trade and Investment ("UKTI") to identify opportunities for the UK to offer insights into and lessons drawn from the UK experience, especially on legal aspects in which the UK has demonstrated expertise and which have practical applications for Singapore and the region.

Programme Outline

4.30 – 4.45pm	Registrations & Refreshments
4.45 – 5.00pm	Opening Remarks by Chairperson
	Mr. Gregory Vijayendran – Partner, WongPartnership
5.00 – 5.45pm	Governance & Charities – Part 1
	Mr. Hubert Picarda QC
5.45 – 6.00pm	Networking Break
6.00 – 6.45pm	Governance & Charities – Part 2
	Mr. Hubert Picarda QC
6.45 – 7.00 pm	Networking Break
7.00 – 7.45pm	Governance & Charities – Part 3
	Mr. Hubert Picarda QC
7.45 – 8.00pm	Question & Answer Session

About the Speaker

Mr. Hubert Picarda QC

Hubert Picarda QC has been described as the doyen of charity lawyers. After many years of varied Chancery practice he was appointed Queen's Counsel in 1992 and has his own Chambers at 9 Old Square, Lincoln's Inn, London. His monumental publication "Law and Practice Relating to Charities" with a Preface by Lord Wilberforce first published in 1977 has gone through three editions and he is now working on a fourth edition to take account of the Charities Act 2006 (Nov) for publication by Tottel next year. He gave written evidence to the Joint Parliamentary Committee on the Charities Act and frequently lectures and comments on charity law. He also found time to edit the Charity Law and Practice Review for 10 years.

He has been instructed by very many of the leading London and provincial firms and has numbered among a multitude of clients: Royal National Lifeboat Institution, Cancer Research, Macmillan Nurses, British Heart Foundation, Great Ormond Street Hospital, many Oxford and Cambridge Colleges, The Moonies, The Scientologists, Buckfast Abbey, Jewish National Fund War on Want CAFOD and numerous independent schools and recreational charities and grant giving foundations (Wellcome, Wolfson, Clore, Garfield Weston). He has also acted as commissary adviser to the Archbishop of Canterbury in medical student appeals at King's College London. He was President of the Charity Law Association from its foundation in 1992 handing over the presidency to Lord Justice Mummery in 2005. He has appeared in many of the leading charity cases at first instance in the Court of Appeal and twice in the House of Lords concerning dismissed university academics and judicial review.

At international level he has appeared on four occasions in the Grand Court of the Cayman Islands and has advised on appeals to High Court of Australia and the Supreme Court of Canada and has frequently advised Hong Kong's Secretary for Justice (the successor to the Attorney General for Hong Kong). He has lectured at Cayman Island Law School and in 2001 delivered the WA Lee Equity Lecture in Brisbane Queensland on the Quatercentenary of the Charities Act 1601 and in July 2006 at Heidelberg for the Max Planck Institute.

About the Chairperson

Mr Gregory Vijayendran – Partner, WongPartnership

Gregory Vijayendran is a partner in the Litigation and Dispute Resolution Department in WongPartnership. Gregory has had a long-standing direct involvement in various Voluntary Welfare Organizations for close to 15 years including being a founding member and Vice President of the Children's Cancer Foundation (then known as Working in Aid of Leukaemic Kids) from 1992-1995 and presently serving as President of Club Rainbow (Singapore) and Executive Advisor to We-Sharecare Children's and Youth's Society. In 2006, he was appointed as a Board Member of the Social Service Training Institute. Over the years, he has given legal and practical advice on the start-up of new volunteer initiatives and VWOs and has also given talks for the Law Society and NCSS on charity governance.

REGISTRATION FORM

Name (Dr/Mr/Mrs/Miss/Mdm): _____

Name and Address of Law Firm/Law Corporation/Organisation: _____

Date of Admission: _____ Number of years in Practice: _____

AAS No: _____ NRIC/Passport No: _____
(Law Society Members) (Law Society Associate Members & Non Law Society Members)

Position in Law Firm/Law Corporation/Organisation: _____

Tel number: _____ Fax number: _____ Email: _____

(A valid email address is required for confirmation of registration.)

Please circle as appropriate.

All prices are inclusive of 5% GST.

	NORMAL RATES
Law Society Members, SCCA Members, NUS Law Faculty/Students, and Employees of local law practices	S\$105.00
Others	S\$136.50

Law Society Member ☐

Employee of Singapore law practice ☐

SCCA Member ☐

NUS Law Faculty ☐

NUS Law Students ☐

Non-member ☐

Mode of payment: GIRO DDA ☐

Credit Card ☐

Cheque ☐

(Only for law practices with GIRO accounts with the Law Society)

Credit Card Details:

Credit card: Mastercard/Visa No. _____ Card Expiry Date: _____ (MM/YY)

Cardholder's Name: _____ Signature: _____

Kindly note that an administration charge of 3% is applicable for payments made via credit card.

Cheque Details:

Cheque payments should be made payable to "The Law Society of Singapore" & arrive at our office with the completed registration form on or before the closing date, **Friday, 23 March 2007**.

The Training & CPD Department
The Law Society of Singapore
39 South Bridge Road (S) 058673

For further enquiries, please contact
The Training & CPD Department at
Tel: (65) 6557 2747 Fax: (65) 6557 2751
E-mail: cpd@lawsoc.org.sg
CPD Portal: www.lawsociety.org.sg/CPD
Website: www.lawsociety.org.sg

REGISTRATION, REFUND & CANCELLATION POLICY

1. Registrations will be confirmed upon receipt of full payment accompanied by a duly completed registration form.
2. The Organisers reserve the right to refuse to register or admit any participant, and to cancel or postpone the course.
3. Equivalent substitute delegates are welcomed, subject to the Organisers being notified at least 2 working days before the course of the details of the substitute delegate.
4. The Organisers reserve the right to impose a cancellation fee in the event any registrant wishes to withdraw from the course after registrations close.
5. The Organisers will not entertain any request for a refund of fees before course commencement. However a confirmed registrant who has paid in full the course fees but does not turn up for the course will be entitled to collect a set of the materials provided.