

Opening Remarks

**YANG BERTHORMAT
DATIN SERI PADUKA HAJAH HAYATI BINTI PEHIN ORANG KAYA
SHAHBANDAR DATO SERI PADUKA HAJI MOHD SALLEH**

at the

**Sixth Event of the Attorney General's Chambers of Brunei Darussalam,
Malaysia and Singapore
(TRI AGC)**

**Wednesday, 2nd October 2013
The Empire Hotel and Country Club**

The Honourable Tan Sri Abdul Gani Patail, Attorney General of Malaysia

The Honourable Mr Steven Chong, Attorney General of Singapore

The Honourable Dr. Tun Shin, Attorney General of the Union of Myanmar.

The Honourable Dato Seri Paduka Haji Kifrawi bin Dato Paduka Hj Kifli,
Chief Justice of Brunei Darussalam

Excellencies, Distinguished Guests, Ladies and Gentlemen,

Assalamualaikum warahmatullahi wabarkatuh

A very good morning to all.

On 15 March 1984 during the official opening of the new High Court Building, His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam delivered a Titah:

“Beta akan berusaha dengan tidak kendur-kendur sejauhmana yang terupaya untuk memastikan yang kuatkuasa undang-undang sentiasa terpelihara dan pentadbiran keadilan yang saksama lagi bebas senantiasanya terjaga. Insyallah, dengan cara demikian, Negara Brunei Darussalam akan terus maju dalam suasana yang aman dan harmoni untuk kebajikan yang bekekalan rakyat dan penduduknya.”

“We shall strive tirelessly as far as we can to ensure that the Rule of Law is always preserved and the fair and free administration of justice is always protected. Insyallah, in such way, Brunei Darussalam will continue to prosper in harmony for the everlasting welfare of its citizens and the people.”

Alhamdulillah, it is in that setting envisioned by His Majesty's titah that allows me with great pleasure to welcome Your Excellencies and delegations to Brunei Darussalam. The Attorney General's Chambers of Brunei Darussalam is delighted to host this special Event for the second time, after previously hosting it in 2008. We hope we can match and reciprocate the warm hospitality extended to us in Sentosa and Langkawi. On a personal note, I am indeed pleased to host this Event for the first time since I was appointed to the post of Attorney General in 2009.

We also welcome His Excellency, the Attorney General of the Union of Myanmar and delegation who are attending as observers to this Event. After the next two days, it is our hope that Your Excellency and delegation will witness the benefits, the solidarity and friendship that has been instrumental in paving the way for closer co-operation between the three Chambers.

Your Excellencies, Ladies and Gentlemen,

With this Sixth Event, we will complete two full cycles of this Event. It is therefore perhaps useful to re-visit and remind us of the original objectives, which are:

- Firstly, It serves as a valuable forum for the exchange of knowledge in laws and experiences, particularly with us sharing a common law legal system and the AG's crucial role as both the Government's chief legal adviser and the public prosecutor. Brunei Darussalam in particular, being a small jurisdiction greatly value these forums of exchange and sharing;

- Secondly, through building synergies amongst ourselves, it can help utilise and maximise our resources through exchange in trainings and placements;
- Thirdly, it provides greater opportunities and platforms for interaction so as to build upon our existing partnership links and to foster friendship and closer rapport amongst our respective Chambers.

There is no doubt in my mind that we have jointly achieved the original objectives set by our predecessors, two of whom, are present with us today. The Honourable Dato Seri Paduka Haji Kifrawi, Chief Justice of Brunei Darussalam and Tan Sri Abdul Gani Patail, Attorney General of Malaysia. We must also pay tribute to the retired Chief Justice of Singapore Mr Chan Sek Keong whom I understand initiated the Event during his tenure as AG of Singapore. The question we should perhaps ask ourselves today is 'what more can we do to further those commendable objectives?'

Your Excellencies, Ladies and Gentlemen

Over the 2 days, we will engage in our tradition of stimulating discussion and exchange on legal issues, be it in the formal setting of the presentation sessions or the more informal settings over coffee break, lunch, etc. It does not of course have to stop here! The miracle of technology will allow us to contact and consult each other immediately when the need arises.

In our own way, we have each embarked on reforms and have innovated necessary changes to the extent suitable to our own jurisdiction. I am proud to say that, albeit being a small jurisdiction, we too have launched many initiatives such as our Criminal Case Negotiation (CCN), drafting manuals, strategic plan amongst others. In our outreach programme, my officers have held continuous dialogues and discussion with Ministries, Government Departments and enforcement agencies and engage the community with our various roles. They conduct talks to schools and NGOs to create awareness on crimes, particularly those affecting women, youth and children such as cybercrimes, violence against women and children. Each of us here shares a common vision to ensure an efficient administration of justice that can enhance public confidence on us. We all recognise that we cannot do it alone. We work closely with and value the respective roles of the court, and the enforcement agencies who have also acknowledged the need to innovate, and indeed utilise similar exchanges and co-operation with their counterparts. The legal profession also plays a significant role in the administration of justice and I would strongly urge our Law Society to enhance their collaboration with their counter parts in continuing professional development initiatives and keeping abreast of legal developments.

Have we done enough? How can we do better? How can we learn more from each other? How can we enhance our collaboration? What is clear is that cross border transactions, complexity of business deals and challenging times calls for a greater need of co-operation between us.

Your Excellencies, Ladies and Gentlemen,

Those factors persuaded us to choose the theme for this year's Event which is "**Overcoming Challenges with Innovative Solutions**". Indeed, being innovative is one of the core values stated in the AGC Brunei Darussalam's Strategic Plan. Innovation is the key to growth and to solving big challenges. Innovation is how you get a little better each day. We proposed this theme in this age where we are feeling the effects of globalisation and increased telecommunications, and thus the law needs to be more dynamic than ever. It needs to keep evolving rapidly to keep up with developments happening around us. Taking our time to deliberate on what to do, unfortunately is now considered a luxury when compared to the speed of developments of many different areas of law. Time, almost always is of the essence. To name a few, in recent years, we have seen developments in the area of transnational crime, climate change, trade and economic development and the movement towards an ASEAN Community by 2015. I am sure all of us are impacted in one way or another and have been prompted to seriously think and act on the best approach within our legislative framework and limited resources, whilst protecting our national interest. Our innovativeness and co-operation becomes more crucial, so is our commitment to uphold the rule of law, for the safety and security of our country and people.

We all appreciate that, innovation here does not only involve technology. Of course, that is one aspect of it, especially with the advance of technology we are enjoying now which itself also presents us with new challenges. I am therefore pleased to note that the wide range of topics in the sessions laid out for today, range from environmental law, sustainable management of natural resources and biodiversity, civil liability of public authorities, new age crime, investor state disputes and overcoming legislative drafting challenges. I look forward to hear each

other's experiences on how 'innovative' we have been in tackling these challenges and also suggestions as to how we can do better and how to move forward or even better, always one step ahead.

Your Excellencies, Ladies and Gentlemen,

In our common vision towards greater efficiency and competency, I note that all our Chambers have not undermined the 'human factor'. Similarly, we recognise that the challenges bring along the need to train and prepare our officers especially the younger generation, to face the challenges which will become more complex in the future. In Brunei Darussalam, we feel fortunate that His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam has always emphasised the importance of human resource development and training and I am indeed grateful for the opportunities given to the officers in Chambers.

In this respect, I would also like to take this opportunity to express my heartfelt gratitude to the Attorney General's Chambers of Malaysia and Singapore for hosting a number of study visits, seminars, workshops and attachment programmes for our officers in the recent years. We deeply value these types of networking and training to help improve the quality of our work and we look forward to more offers of such programmes. I am also pleased to mention that the AGC of Brunei Darussalam will be organising a workshop on Digital Evidence and Legislation Drafting in the near future. No doubt, my officers will be inviting participation from our counterparts from Malaysia and Singapore.

Ladies and Gentlemen,

To commemorate this special Event, I am pleased to announce that we have published the first Tri AGC publication which contains, papers that have been presented in past Events. At this juncture, I would like to give a special mention to my predecessor, The Honourable Dato Seri Paduka Hj Kifrawi, the Chief Justice of Brunei Darussalam for initiating this publications when he was the AG. Not only is this is a way of paying tribute to all the paper writers, it also serves to help preserve those legal knowledge, not for just us to benefit from reading them now but also for our future generation of lawyers. Some of the contents may need to be updated with the passing of time and new development. But, they still remain as useful references. I congratulate the Editorial Committee for their hard work and patience and express my appreciation to all the paper contributors from all three Chambers.

Ladies and Gentlemen,

Besides discussing serious legal issues, you will be happy to know that the Organising Committee has also organised some team games and sports. As the old proverb says, all work and no play makes Jack a dull boy! (I should add 'Jill' and 'girl'). In the evening we will all enjoy gala dinner with a 'vintage' theme, where we will step into the yesteryears, and enjoy the many performances planned, which I hope will come from all delegations and not just Brunei Darussalam. For tomorrow, I hope you will enjoy the cultural visit we have arranged to Kampung Sungai Matan, and take the time to soak in local Bruneian culture before you leave for your respective homes (I hope, 'soak' would not be taken literally, because Brunei Darussalam has been experiencing heavy rain lately, so, it may be a good idea for Organising Committee to bring some umbrellas just in case). It is my sincere hope that all members of delegations will utilise this Event to renew old friendships, create new ones and expand

the valuable network system we have established amongst ourselves over the years.

Last but not least, I would like to take this opportunity to express my deepest appreciation to the Co-Chairperson of the Organising Committee, Puan Naimah binti Md Ali and Mdm Alice Khan and to each member of the Organising Committee (that actually means almost the whole of Brunei AGC) and others concerned for the relentless work they have put into the preparations of this Event. I can assure you that they have put their heart and soul into the preparation of this Event (not just to please their AG) but with genuine happiness to welcome all of you, who are not just colleagues but also our friends. Thank you also to our distinguished guests for your attendance. I must also thank the Royal Brunei Police Force, the media, the Government Printing Department the relevant Embassies and others who have assisted us. I wish you all a fruitful meeting and a memorable stay in Brunei Darussalam and may the friendship and close ties between our chambers continue to flourish for our mutual benefits. Distance may separate us but let the bond of friendship and mutual trust and co-operation that has long been established guide us.

وبالله التوفيق والهداية ، السلام عليكم ورحمة الله وبركاته

Thank you.