

AG's opening of The Legal Year Speech 2021

My Lord Chief Justice Dato Seri Paduka Steven Chong,

Yang Berhormat Pehin Orang Kaya Laila Setia Bakti Di-Raja Dato Laila Utama Haji Awang Isa bin Pehin Datu Perdana Manteri Dato Laila Utama Haji Awang Ibrahim, Special Adviser to His Majesty the Sultan and Yang di-Pertuan Negara Brunei Darussalam and the Minister in the Prime Minister's Office,

Yang Berhormat Dato Seri Setia Awang Haji Abdul Mokti bin Haji Mohd Daud, Minister at the Prime Minister's Office,

Yang Amat Arif Chief Syarie Judge,

Honourable Justices, Judges,

Excellencies,

(My Learned Friend) President of the Law Society,

Members of the Bar,

Distinguished Guests,

Ladies and Gentlemen,

Introduction

1. A very good morning to you all. It is my great privilege to be able to address Your Lordship for the very first time as the Attorney General on this significant occasion. (For many years I had the luxury of only listening to the speeches!) Usually, the Attorney General takes the opportunity of his (or her) opening remarks to report on things that the Chambers have done throughout the year and of key challenges that

lie ahead. However, it has only been a mere few months since my appointment and so to speak about the previous year seemed a bit disingenuous.

2. Indeed, I am sure a question on many people's minds is what the new AG must be like, someone that has come from the private sector and finds himself back in the government after so many years – and as Attorney General no less. Therefore, I have decided that rather than speaking about the previous year, perhaps it would make more sense for me to talk to you about the current state of the AGC, its future, and the direction I would hope to take the AGC during my tenure as Attorney General.

AG's and AGC's Role

3. The mantle of Attorney General is not one that I find can or should be worn lightly. The role is more than just a title, it is a constitutional role that brings with it

the responsibility of advising on all legal matters connected with the affairs of Brunei Darussalam referred to him by His Majesty the Sultan and Yang Di-Pertuan or by the Government, and in doing so, serves to protect the interests of the country and its people. It is painstaking, unrelenting and rigorous work, that needs to be of the utmost highest standard. If the AGC were a law firm, we are then servicing the country's largest and most important client. In addition to being the principal legal adviser to the Government of His Majesty, the Attorney General is also the Public Prosecutor exercising discretion and control over criminal prosecutions for all offences except proceedings before the Syariah Court or a Court Martial.

4. There are currently 8 Divisions covering a total of 47 Units in the AGC, with the vision of being the highest quality legal service provider for His Majesty and His

Majesty's Government. However, I think we ought to cast a wider net than that, as we are not just a legal service provider, but also custodians of the Rule of Law. This adds an additional layer to what we do and must be at the forefront of our minds as we go about our duties.

5. This means that: When we perform our advisory role through our Civil or International Division, we provide advice that is sound, effective and advances the country's interests; When we take on our prosecutorial role through our Criminal Justice Division, we do not set out to win at all costs, but to prosecute fairly, independently and transparently; and when we produce legislation through our Legal Drafting Division, we generate laws that are (among other things,) clear, fit for purpose and allows for sound policies to be made.

6. It is even more important that we remain aware of this in these unprecedented times, with the global pandemic and the rate at which the world is changing. On this note, it has been encouraging to see that the AGC has been able to do our part in assisting the Ministry of Health in managing this health crisis and keeping the country safe by quickly providing amendments to relevant Acts such as the Infectious Diseases Act. As we move forward it is my hope that we continue to be able to be a stalwart of the Rule of Law in whatever time or circumstance we find ourselves, and the world, in.

7. The priority, therefore, lies in firstly, ensuring that the groundwork is laid so that the AGC can function at its best. It is said that no matter how well organized, an organization is only as good as the people who live and work in it. Hence it is imperative that we ensure the right environment is in place so that our people

may hone their skills and reach their full potential. In this endeavour, despite the limitations on travel due to Covid, throughout 2020, AGC officers have had the opportunity to participate in online seminars and other programmes to enhance their professional development. We will strive to invest more in our people and generate an ecosystem where there is growth and where everyone can feel a sense of ownership over what they do so that we can deliver on our vision and mission.

8. It is testament to the quality of the officers in the AGC that a few of our officers have now moved on to greater heights and I wish to pause here to congratulate them and wish them all the best in their new positions:

a. Datin Hajah Hasnah binti Haji Ibrahim who was the Assistant Solicitor General, on her transfer as

Senior Special Duty Officer at the Ministry of Finance and Economic and as TAIB Managing Director on 3rd March 2020;

b. Dayang Hajah Nor Hashimah binti Haji Muhammed Taib, who was the Assistant Solicitor General, on her promotion as Deputy Permanent Secretary at the Prime Minister's Office on 2nd May 2020; and

c. Dayang Hajah Suhana binti Haji Sudin, who was Principal Counsel, on her promotion as Acting Director of ACB on 18th January 2020 and confirmation as Director of ACB on 3rd November 2020.

9. The second priority is fostering and maintaining good working relationships. It is a fact of life that one cannot work in a bubble; nor are we just cogs in a machine. Relationships are vital to building trust as well as ensuring that the legal system is understood

and enforced in an appropriate manner. To illustrate this, the AGC had – despite the pandemic – continued to conduct several dialogues and in-house trainings with good response with various institutions such as the Royal Brunei Police Force, Department of Scientific Services and the Anti-Corruption Bureau in relation to aspects of the legal framework in which they operate. In addition to these dialogues, the AGC have also conducted talks, workshops and seminars on a variety of issues for Government departments and agencies in relation to their work involving legal issues from debt recovery and contracts with the public to the law-making process. This is very useful work and the AGC will continue to facilitate these dialogues to build public confidence and forge stronger synergy between the AGC and the various governmental agencies.

10. The importance of the work that we do with these governmental agencies and in particular, the Royal Brunei Police Force, Anti-Corruption Bureau and the Narcotics Control Bureau in enforcing the rule of law, were of particular significance last year where we saw the conclusion of one of the CJD's most challenging and important cases – that of the prosecution against 2 members of the Judiciary for criminal breach of trust, money laundering and unexplained wealth. The outcome of this trial was the culmination of all the efforts, and I am sure, sleepless nights of not only our prosecutorial team but that of the respective teams in the NCB and RBPF.

11. In this case, the Defendants were convicted and custodial sentences of 10 years for the 1st Defendant and 5 years' imprisonment for the 2nd Defendant, were passed and restraining orders obtained against

properties that were seized in respect of these crimes. Notices of Appeal have been lodged by both the Public Prosecutor and the Defence with the appeals set to be heard in February this year subject to the COVID situation.

12. There are also serious cases of drug trafficking, murder and armed robbery which will be brought to the Courts as soon as investigations are completed. I thank the RBPF, NCB and ACB in their unrelentless hard work in, not just these cases, but in all criminal matters that are brought to the Public Prosecutor's attention. Now, the hard work begins for AGC to ensure that all these matters are brought to their ultimate conclusion based on fact, law and precedent.

13. I, of course, cannot forget the relationship between AGC and the Law Society. The Attorney General's Chambers continues to fully support the Law Society

and its initiatives such as the Legal Advice Clinic as well as taking part in its Inquiry Panel Committee when required. I hope that moving forward we can continue to have interactions with the Law Society so that we are able to keep our hand on the pulse of the local legal environment. The value that lawyers in the private sector can give us, as fellow barristers, is that of a different perspective which can inform the way in which we go about our work. Therefore, it is essential that we have more interactions and constructive dialogue with them. It is unfortunate that due to the pandemic the usual Law Society games that have previously been held amongst the judiciary, AGC and the private sector have not taken place. I hope that we can continue to do so once things settle down and restrictions have eased.

14. These are but a few areas in what is bound to be a long list of tasks that lie ahead of me. The road ahead

will, I am sure, be long and arduous albeit a worthy one that I, and my Chambers, will remain fully committed to in the coming years.

15. In addition to my commitment to my Chambers, My Lord, rest assured that myself and my Chambers shall continue to pledge our full support and cooperation to the Judiciary in its duty of upholding of the administration of justice and the rule of law.

16. I would like to take this opportunity to congratulate:

(a) Awang Haji Abdullah Soefri bin Pehin Orang Kaya Sariful Mulok Dato Seri Paduka Haji Abidin on his appointment as Judicial Commissioner of the Supreme Court;

(b) Senior Registrars Dayang Hajah Hazrena binti Pehin Orang Kaya Setia Jaya Dato Paduka Haji Abu

Hurairah and Dayang Harnita Zelda Skinner on being conferred powers to sit as Intermediate Court Judges.

17. Lastly, I extend our good wishes to Your Lordship and Your Honours, members of the legal community and everyone present for good health and every success in the coming year. Thank you.