

SPEECH

**YANG BERTHORMAT
DATIN SERI PADUKA HAJAH HAYATI
BINTI POKSDSP HAJI MOHD SALLEH
ATTORNEY GENERAL**

OPENING OF LEGAL YEAR 2013

THURSDAY, 14 MARCH 2013

بسم الله الرحمن الرحيم

السلام عليكم ورحمة الله وبركاته

Good Morning

My Lord Honourable Chief Justice, Yang Amat Arif
Chief Syarie Judge, Honourable Judges, President
of the Brunei Darussalam Law Society, Members of
the Bar, Distinguished Guests, Ladies and
Gentlemen.

Introduction

My Lord

Alhamdulillah, with the blessings of Allah
Subhanahu Wata'ala we are all assembled here
again in this historical building, this morning, to

observe an important legal tradition and to renew our pledges of cooperation and mutual support in the efficient running of our machinery of justice and to uphold the Rule of Law for the peace, prosperity and stability of Brunei Darussalam. Indeed, we are all fortunate to be the beneficiary of the legacy of many of those before us. Our priority is to ensure continuity and to prepare the generation who will continue after us.

{My Lord, Chambers join Your Lordship and the rest of the legal fraternity to express our condolences on the passing of our former Chief Justice, Allahyarham Dato Seri Paduka Mohammed Saied. May Allah Subhanahu Wata'ala showers His Blessings upon his soul.}

Congratulations/acknowledgement

My Lord, on a happier note, Chambers wish to congratulate Puan Naimah Md Ali, on her appointment and transfer from the Prime Minister's Office to become the Solicitor General on 26th June 2012. I personally welcome her return to Chambers as I am confident that with her rich experience, invaluable dedication, humility that she has always shown that I will have a strong support towards achieving the Chambers vision and mission in providing the highest quality legal service for His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam. I am sure that the Solicitor General with the support of the other senior officers of Chambers will continue to guide and mentor the younger officers in Chambers. This is very important as they are our future!

Chambers is also pleased to announce that in 2012 we have recruited 5 new officers who had shown great potential. I am proud to say that one of them is a Syariah Law graduate from University Islam of Sultan Sharif Ali, Brunei Darussalam.

On a less happier note, Chambers witnessed a few more transfer and resignation of some of our officers. We wish to thank them for their contribution and wish them all the best in their future endeavours. As in any organization, the transfers/resignations will continue to pose challenges to Chambers aspiration and Succession Planning. However, I am humbled and grateful for the unstinting support, commitment shown by my remaining officers to overcome the challenges and continue to move positively forward. I am also confident that, given continuous mentoring, training,

exposure and recognition, there is still a big pool of talented and potential officers in Chambers that Brunei Darussalam can be proud of. In Shaa Allah.

Initiatives

My Lord

May I now mention some notable initiatives taken by Chambers. I am happy to announce that early this year Chambers had launched 3 publications.

Firstly, the Handbook on Drafting Instruction

The Handbook provides some general information about the purpose, form and content of drafting instructions and provide checklist for matters which need to be considered. The Handbook is a follow up to a guideline previously

issued by Chambers to the Ministries and departments under Your Lordship's steward.

It is hoped that the Handbook will clear the role and challenges faced by Chambers in drafting of legislation. Chambers act as initiator and facilitator to the relevant agencies in the drafting of legislation but it is important that relevant government agencies analyse and decide factors that will have effect and impact on the policies decided before drafting of the law begins in Chambers. For those who have not had the opportunity to obtain the Handbook, it is now available (foc) online in Chambers website.

As a follow up Chambers will start a series of talk to respective Ministries and departments to assist them to understand the legislative drafting

process in Brunei Darussalam. I am most grateful to the good feedback I have received from various Ministries and Departments, to this initiative.

In order to be more effective, and to save time, Chambers also hope to procure a similar system used in Singapore, the LEAPS System. LEAPS is an electronic tool to draft and publish legislation on their new versioned Legislation Database. Chambers will be sending a team from members of the BrulLaw Project Committee this year to undergo a study visit to Singapore and other establishments to do a case analysis of the LEAP system. This is as a part of the process to acquire technical details for the project for purposes of submission of the project and user requirement to EGNC for endorsement.

Second Initiative: the Criminal Case Management

In my Legal Year Speech last year, I have also mentioned of the setting up of a working committee led by a senior officer from Chambers towards a more effective management of criminal cases. On this note I am pleased to announce that Criminal Case Negotiation (CCN) project had commenced as of January 2013 and followed by the launching of CCN on 19th January 2013. The aim of CCN is to implement measures towards early case resolution and minimizing wastage of judicial time including criminal case disclosure and plea bargaining procedure. CCN is a formalization of such practices which had been used by prosecution with the cooperation of enforcement agencies as well as legal practitioners in its effort to speed up early

resolution of criminal cases. CCN will make such practices more transparent and consistent. Chambers also hoped that the formalisation of CCN is acknowledged as an effort by Chambers to assist and support the concern of Your Lordship for early disposal of cases. This initiative is also intended to support the State Judiciary department in its implementation of "Judiciary E-Case Management System" to enhance the effectiveness and productivity of case management in court. Chambers is grateful for the support from the Judiciary, enforcement agencies, Law Society and practicing criminal lawyers and I am confident that if we all continue to be united in our desire to enhance the efficiency of our criminal justice system in Brunei Darussalam, the public confidence will be enhanced.

My Lord

As a further measure towards early case resolution, I would like to humbly propose that we look into the possibility of amending the Criminal Procedure Code with the provision of pleading guilty by letter or other media and payment of fine by electronic means for suitable offences. This is being practiced in some jurisdiction. Chambers is ready to consider these with the support from the Judiciary and if My Lord welcome this proposal, may I propose for a Working Committee to be established comprising of both Chambers and the Judiciary and other relevant agencies.

Third Initiative: the Brunei Darussalam Treaty Series

Another publication which Chambers is proud to have launched this year is the Brunei Darussalam Treaty Series. The objective is to serve as a beneficial resource not only to practitioners in international law, but to policy makers, lawyers, academics and even students. Brunei Darussalam Treaty Series is a compilation of all multilateral treaties that Brunei Darussalam had ratified or acceded to. The publication is in its final stage and for the first edition Chambers hope to sell compilation of agreements on Counter Terrorism, Law of the Sea and Maritime and also Intellectual Property. As in any series of publication, the Brunei Darussalam Treaty Series will be updated and

improvised from time to time to ensure that it remains a relevant and useful resource.

At this juncture, I wish to thank Dyg Alice Khan, Legal Draftsman, Awang Hj Mohd Yusree Hj Junaidi, Assistant Solicitor General, Dyg Hjh Norhashimah Hj Mohd Taib, Assistant Solicitor General and Head of International Affairs Division and Intellectual Property and Registries Division, Dyg Aldila Hj Mohd Salleh, Principal Counsel and Head of Criminal Justice Division, Dyg Hjh Hassanah Hj Hassan and Dyg Hjh Hasnah Hassan, Deputy Senior Counsel and all other officers and staff who are instrumental in coming up with the above publications. We are also grateful to the Government Printer for their invaluable assistance.

INFORMATION TECHNOLOGY

In my speech last year, I mentioned that Chambers is in the process of procuring a legal information management system. I am happy to announce that Chambers had embarked on a customised file management application system designed to facilitate internal work process and enable users at my Chambers to conduct routine tasks more efficiently and effectively.

The first phase of this system will be to develop 3 workflow application and one function as follows –

- i) File Management Workflow – handles registration and management of correspondences throughout Chambers
- ii) Prosecution Management Workflow – handles registration and management of

investigation papers from the enforcement agencies until the case/files closed

iii) Debt Collection Management Workflow – handles registration and management of civil claims from Government agencies until claims are settled/closed

iv) Generation of Report and Statistics

The contract was signed on 16 January 2013 and is currently undergoing implementation stage. Chambers hope to use the system during the stabilisation period which is as early as mid-February 2014.

My Lord

Muzakarah/activites

In addition to the overwhelming range of matters referred to the various Divisions, I am also happy to inform that Chambers continue to hold and will continue to hold muzakarah, dialogue or forum with Ministries, departments and relevant agencies as part of Chambers outreach programme to provide a better understanding of the role of Chambers and to provide a useful forum for the various representatives from Ministries and government related agencies to mutually discuss ways to fulfill our respective roles more effectively.

The Civil Division had also organised several muzakarah (dialogue) sessions and briefings in relation to contract management and debt collection which aim to increase awareness of Ministries and department's responsibilities and legislated powers, in order to reduce the number of debt cases. Debt

collection cases have increased from 2,982 in January 2011 to 4,356 in December 2012, an increase of 42%. This can be seen as a result of Government departments becoming more proactive in pursuing money owed to them in the form of unpaid utilities bills, housing fees, municipal fees, amongst others. Through the various dialogues with the relevant Departments, it was suggested that the legislated powers be exercised by the respective departments to assist in the recovery of debt. It is also repeatedly stressed how imperative it is to be proactive and not allow the debts to accumulate. Similar advice applies in that from the health perspective "prevention is always better and cheaper than cure". We will continue to work closely with the relevant Ministries to find ways to resolve this.

My Lord

Intellectual Property

Another important milestone of which Chambers can be proud of is the development of Intellectual Property. Intellectual property protection is very important to encourage creativity and is an important driver to the economy. 2012 saw significant steps taken by Brunei Darussalam for an effective intellectual property protection such as:

1. Setting up of the Office of the Registrar of Patents, also known as PRO, under the Brunei Economic Development Board
2. Celebration of World Intellectual Property Day on 26th April organized by Chambers In cooperation with BEDB

3. National Policy Forum on creative industries organized by Ministry of Culture Youth and Sports

4. Serious efforts of the Municipal Board and other enforcement agencies in curbing the sale of pirated CDs, DVDs etc

5. Series of awareness campaigns in the forms of training, workshop or briefings, tirelessly organized by my Chambers, PRO and other agencies.

6. Accession of Brunei Darussalam to the Paris Convention on Industrial Property, to the Patent Cooperation Treaty and the Budapest Treaty.

Chambers continued to carry out its role and early this year, in collaboration with BEDB and PRO, held Regional Consultation Seminar on

Accession to Madrid Protocol. It was attended by trademark agents as well as SMEs and other local entrepreneurs and was intended to inform all stakeholders on the importance and why countries should accede to the Madrid Protocol. Based on the level of participants for both events, I feel that more needs to be done to create more awareness and to promote and protect intellectual property. At the BEDB WIPO Introductory Seminar on the Patent Treaty and the Budapest system which was held on 13th July 2012, I have urged all relevant agencies to take an active role in promoting intellectual property, whether for business development or preservation of our traditional and cultural heritage. Chambers has also encouraged and is willing to assist to coordinate with all relevant

stakeholders towards formulating a national IP strategy.

I am also happy to announce that with consent of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, with effect from 1st October 2012, the Registry of Industrial Designs had moved to BEDB. Plans to move the Registry of Trademarks to BEDB is being considered at the moment. With these developments I am hopeful that my call for the setting up of an independent Intellectual Property Office during my maiden speech as Attorney General during the Legal Year 2010 will materialize in the near future.

Development of Human capital

On the important subject of development of human capital, Chambers is constantly striving to

improve the quality of legal service we provide to Government Ministries and departments. In every area of practice, my officers also attend, contribute and benefit from training abroad. I cannot overemphasize the importance of human resource development and capacity building. Chambers have stepped up our efforts to train, mentor our officers especially the young lawyers. A training roadmap is prepared for each officer by the Human Resource Committee. In this regard my officers had been attached to our counterparts and reputed legal firms in Malaysia, Singapore and Hong Kong. Chambers will continue to send more officers not just the lawyers but also our support officers from the Translation Unit, Library, Proof Readers, Archives etc as part of our training, career progression and succession planning. I am most grateful to the

Government of His Majesty The Sultan and Yang Di-Pertuan, the Prime Minister's Office, other relevant Ministries for their whole-hearted support in this important exercise.

In-house training, sharing and discussing legal issues of common interest and the knowledge gained from the various training abroad by experts, among the officers during our Share and Discuss Sessions (SDS) will also continue. We have also conducted in-house training for our own Prosecutors, and that from the enforcement agencies, with whom we have a very good rapport.

In line with Chambers Strategic Planning to produce specialists in some identified subjects and areas of practice I am happy to announce in 2012 Chambers saw the return of 4 officers after doing

their Masters of Law in various areas. I am proud to announce that one Chambers officer, Dyg Riana Dewi Haji Aji, Deputy Senior counsel with the International Affairs Division received Best Student Prize Queen Mary, University of London. Indeed, such accomplishment brings us pride and hopefully serve as an encouragement to my other officers.

Presently, 4 officers from Chambers are currently doing their Masters of Law in the United Kingdom in various field of law and hopefully when they come back this year they will add to the pool of expertise in the areas which the Human Resource Committee had identified.

Another important initiative by Chambers is to reach out to students that are currently doing their Law course at all levels, whether at graduate, post

graduate and even at professional level by doing briefings and Open Day as well as visiting them abroad. In April 2012 when on a working visit to the various legal institutions in the United Kingdom, I met the students there who are doing their law courses. Chambers also met with the representatives from the Ministry of Education to discuss on the law subjects which Chambers are looking for in the years to come and in October 2012, Chambers held an Open Day with Law Students. With these initiatives I hope that the law students would have a general idea of what Chambers can offer and what Chambers expect from them. Chambers had also been receiving students who wish to pursue law as their profession for attachment for many years. Chambers are proud to say that some of these students do join

Chambers after they have graduated. Chambers will continue to receive attachment students as part of our recruitment strategy. Most of all, I would encourage them to serve the country in this honourable profession and lead the profession with exemplary passion and serve the country with compassion.

Acknowledgement

Last, but not least, I am very grateful to all my officers and staff for their continuous commitment, support, integrity, perseverance and unity towards our combined efforts to provide the services entrusted upon us. I am also grateful to those Ministries/departments who never fail to extend their appreciation to Chambers when a task is completed, often, at challenging time-lines.

I also take this opportunity on behalf of all my officers in Chambers to repeat our unstinting support in your task in the fair and efficient administration of justice in Brunei Darussalam.

Finally, we wish Your Lordship, Honourable Judges, all members of the legal community and all present a happy, healthy and successful 2013.

وبالله التوفيق والهداية ، السلام عليكم ورحمة الله وبركاته

Thank you.