

SPEECH

**YANG MULIA
DATO PADUKA HAJI KIFRAWI
BIN DATO PADUKA HAJI KIFLI**

OPENING OF LEGAL YEAR 2003

THURSDAY, 6 MARCH 2003

Bismillahir Rahmanir Rahim

Assalamualaikum Warahmatullahi Wabarakatuh

My Lord, Judges of the Supreme Court,

The Honourable PEHIN DATO HAJI ISA BIN PEHIN DATO HAJI IBRAHIM, (his full Malay title: 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)

Members of the Bar

Distinguished guests,

Ladies and gentlemen,

It gives me great pleasure to address Your Lordship again on this occasion. We are thankful to Allah Subhanahu Wata'ala for His blessings in making it possible for us to once again be present at this ceremony this morning to observe a very important legal tradition in Brunei Darussalam and to renew our pledges of cooperation and mutual support for the upholding of the independence of the judiciary and the rule of law.

My Lord,

New Legislation

In 2002 several new laws have been made. As usual I would like to mention several of the more notable ones.

1. Amendment to the Criminal Procedure Code

- a) The Police are now empowered to detain a suspect for more than 24 hours but not exceeding 48 hours. This new power will help the police in their investigation in criminal cases which are usually very difficult.
- b) The amendment also allows the Public Prosecutor to appeal against acquittal by the High Court.

2. Amendment to the Road Traffic Act

The new law makes many changes to the Act. One of them is to provide for a new offence of using a mobile phone while driving a motor vehicle. This offence carries for a first conviction a penalty of a fine of \$1,000 and imprisonment for 6 months or both.

The amendment also increased the punishment for driving under the influence of drinks or drugs. This offence now carries for a first conviction a penalty of a fine of \$10,000 and imprisonment for 2 years.

The punishments for a number of offences under the Act have been increased.

3. Amendment to the Legal Profession Act

The latest amendment to the act allows parties in a court case whether criminal or civil to engage a Queen's Counsel (or otherwise known as QC). Anyone who wants the best lawyers in the world and can afford to pay them should be allowed to do so; if they think they are better protected by such lawyers. I do not believe this amendment would lead to

sudden influx of QCs into this country. The majority of accused persons or litigants who can afford a lawyer would most likely prefer to engage local lawyers because they are cheaper than a QC and in many cases the local lawyers are able to protect their client's interest.

My Lord,

4. Anti-Terrorism (Financial and Other Measures) Order, 2002

As a member of the United Nations, Brunei Darussalam is bound to implement certain decisions under International Law. In this respect, I wish to highlight to Your Lordship's attention that under the United Nations Security Council Resolution 1373, Brunei Darussalam has enacted the ***Anti-Terrorism (Financial and Other Measures) Order*** in June of last year.

The main purpose of this legislation is to criminalize the direct and indirect provision of financial assistance to terrorists and also provide punishments to the hoaxes of terrorist acts. In addition, the Minister of Finance has the power to declare a person or an organization as a terrorist if he believes that the person or organisation has any connection whatsoever in any terrorist act.

5. Law Revision Exercise

As usual my Chambers has been actively engaged in revising the Laws of Brunei. Since the Opening of the Legal Year last year, a number of Acts have been revised namely the Immigration Act, Forest Act, Evidence Act, Power of Attorney Act, Common Gaming Houses Act, Fire Services Act, Labour Act, Brunei Investment Agency Act, Brunei

Nationality Act, National Registration Act, Price Control Act, Newspapers Act, Registration of Marriages Act, Territorial Waters of Brunei Act, Antiquities and Treasure Trove Act, Petroleum Mining Act, Banking Act, Prevention of Corruption Act, Arms and Explosives Act, Censorship of Films and Public Entertainments Act, Internal Security Act and Public Order Act.

My Lord,

I agree with Your Lordship's comment that amendment to this Criminal Procedure Code which allows Public Prosecutor to appeal against acquittal by the High Court does not mean that this would solve all problems faced by the prosecution and all enforcement agencies.

My Chambers continuous exercise of introducing new laws are meant to update and to ensure that our laws are modern, adequate, relevant and able to deal with all problems and requirements of this country. In making new laws my Chambers do ensure that the new laws, which usually protect public interests, are fair. My Chambers also ensure that the new laws follow proper benchmarks by studying laws of other countries so that our laws are in line with international standard. Introducing new laws do not solve all problems. We need 'people' to enforce them. We need 'people' to prosecute or defend a person who breaks them. We need 'people' to decide so that justice is done or seen to be done. These 'people' need to be continuously trained so that our machinery of justice can function efficiently.

My Lord,

Our machinery of justice is like a car; the driver of the car must be a reasonable and prudent driver. We need a

reliable workshop in case the car needs maintenance. The workshop is like our office dealing with administration. The car requires safe and properly aligned wheels and not bald tyres. The wheels are like our office equipments such as personal computers. A car needs proper petrol preferably unleaded petrol which is more expensive than diesel which produces black fumes from the exhaust pipe. I suppose this petrol is like our salary. If this car has all the right qualities and reliable parts, I am very confident it would be able to be driven safely and would reach its destination which is a place called JUSTICE.

My Lord,

Again I need to repeat what I have said before to remind all of us here that the most perfect laws on paper are useless unless they are enforced fairly, firmly and effectively. As usual I would like to express my gratitude to officers of the Royal Brunei Police Force, Royal Brunei Armed Forces, Royal Custom and Excise Department, the Immigration Department, the Anti Corruption Bureau, the Narcotics Control Bureau, the Internal Security Department and other enforcement agencies for their untiring efforts and dedication in upholding the law in sometime difficult circumstances.

My personal gratitude also goes to all my officers from the various Divisions in the Chambers namely Criminal Justice, Civil, International Law, Legislative Drafting and Registry for their efforts in shouldering their responsibilities and carrying out our mandate to maintain and uphold the rule of law.

I would also like to thank all Ministries and Departments in particular the Prime Minister's Office for all their support, help and cooperation.

May it please Your Lordship, this brings me to the end of my address.

I hope the good relations between my Chambers and the Judiciary as well as with the private practitioners will continue in the years to come. We are all responsible to uphold the integrity of our Legal System.

Lastly, I wish Your Lordship and everyone present here this morning a successful and prosperous year.