

بسم الله الرحمن الرحيم
السلام عليكم ورحمة الله وبركاته

Good Morning

Your Royal Highness Princess Hajah Muta Wakkilah Hayatul Bolkiah, 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.

My Lord

I am grateful to Allah Subahanahu Wata'ala for giving me another opportunity to attend and address this auspicious occasion of the Opening of the Legal Year 2011. Apart from its tradition, the occasion affords us, the Judiciary and the Legal community to gather and to take stock and review the past year and to share our wish list and plans for the future.

Congratulations and acknowledgement

Allow me to begin by expressing my sincere gratitude to each officer and staff in Chambers for their contribution and support. May I also on behalf of Chambers congratulate Yang Berhormat Pehin Orang Kaya Laila Setia Bakti Diraja Dato Laila Utama Haji Awang Isa bin Pehin Datu Perdana Menteri Dato Laila Utama Haji Awang Ibrahim, on Yang Berhormat's appointment as Speaker of the Legislative Council on 10 February 2011. Yang Berhormat is a long standing and much respected member of the Brunei Bar and had served in the AGC from 1962 to

1968; so, it is with much pride that we greet Yang Berhormat's appointment.

I next congratulate Her Honour, Pengiran Hajah Hanani binti Pengiran Haji Metusain on Her Honour's appointment as Intermediate Court Judge and His Honour Haji Nabil Daraina bin Pehin Udana Khatib Dato Paduka Seri Setia Ustaz Haji Awang Badaruddin as Senior Magistrate. We wish each of them many fruitful and satisfying years on the bench.

The Year 2010

The year 2010 proved to be another busy year for Chambers. We launched our Program Mendekati Masyarakat (Community Outreach Programme). The main objective is to assist the public to gain better understanding of the role of Chambers and their rights and obligations under the law. The Criminal Justice Division (CJD) held 2 such Talks on the topic of "Rights and obligations of an accused person and of a victim under the criminal law".

The Civil Division also held such a Talk on "Bloggers' Rights and Responsibilities and Other Legal Issues Arising out of Use of Social Media"

This programme is in addition to the continuous dialogues (muzakarah) routinely held throughout the year between all the Divisions and the relevant Ministries and Government Departments.

The response and feedback had been encouraging and we hope to continue it this year. I am most grateful to the officers for taking on board my challenge despite their already heavy workload. This year, we intend to also reach schools on subjects such as, school bullying and mischief (especially destroying Government property) amongst others.

The Chambers also hosted a seminar titled “The Media and the Law: Exploring the Limits and Freedoms of Expression” on 24 and 25 May 2010, which gave the Chambers of Brunei Darussalam, Malaysia and Singapore the opportunity to discuss openly relationship between the media and the prosecution. The role of regulators, service providers and the impact of the new media on the society as a whole were some of the topics discussed. Following feedback from Government Ministries and Departments as well as the media, the Seminar was a success in that it paved the way for good relationship between the Government and the media.

Another notable contribution for which we had received recognition, is the E-Registry, it was reported in ‘The Doing Business Report 2011’ by World Bank, Brunei Darussalam improved its ranking from 117th in 2010 to 112th out of 183 economies. We take pride in being acknowledged as ‘largely attributed by the improvement of the E-Registry system which shortened the registration process’. The Registry is also one out of 13 Departments involved in the Business Licensing System (BLS) a project co-chaired by Ministry of Industry and Primary Resources and Ministry of Home Affairs to provide a single

online window of setting up business. The Companies Act has been amended to attract foreign investors and the Registry is working with the relevant Ministry to ensure its smooth implementation.

On the subject of Intellectual Property, I am pleased to inform that an expert mission from WIPO will be in Brunei Darussalam to assist in the modernisation of the IP system in April this year. Chambers will also be hosting the 1st ASEAN-China IP Officers Meeting and 35th ASEAN Working Group on IP Co-operation in March.

My Lord,

Debts owed to Government

I mentioned last year that Chambers is looking into the outsourcing of more than 3000 files of debt owed to Government (it has now increased to about 3500) which had been referred to Chambers, for legal action. However, I have to emphasise that legal action is a last and unpleasant resort and due diligence by the respective Departments not to allow the debts to accumulate and the responsibility of the public to pay their dues is crucial, Chambers have written to all the law firms to submit proposals for legal recourse. We have received some and will consider them before submitting them for approval by the relevant authorities.

Administration of Justice and Criminal Justice

My Lord has mentioned the Children and Young Persons (Amendment), Order 2006 in great details. I wish to commend Your

Lordship and the Juvenile Courts for the successful implementation of the provisions in the Order and take heed of Your Lordship's apt reminder, to keep the Legislation in check from time to time. My officers and DPPs have been instrumental not only in lending legal assistance to Ministry of Culture, Youth and Sports and enforcement officers but also in concluding these cases.

With regards on the matter of protection of women, the Islamic Family Law (Amendment), Order and the Married Women Act (Amendment), Order came into effect on 26th June 2010. The Orders are aimed to deal with domestic violence, or "dharar Syar'ie" among family members in Muslim and non-Muslim families respectively. Towards understanding the underlying provision of these Orders, Chambers has continuously made them known to the public through various means with the collaboration of the Department of Community Development, Royal Brunei Police Force, the Syariah Affairs Department and Islamic Legal Unit of the Ministry of Religious Affairs and the Ministry of Health and the relevant enforcement agencies.

In addition, the Criminal Justice Division is also currently looking into provisions affecting children and young persons that have developed in other jurisdictions, such as sexual grooming and child pornography.

My Lord has also narrated the statistics on criminal cases that had come before the courts. There are of course numerous other files, either

with the Royal Brunei Police Force and other enforcement agencies, for investigations or further investigations as directed by DPPs or with CJD for scrutiny and consideration before bringing them to the courts. We took serious note of Your Lordship's call to expedite cases in Your Lordship's speech last year and with excellent co-operation from the Courts, we have cleared the back log as much as possible. However, the cases continue to increase especially with 'multiple' defendants who had been granted separate trial. This being the case, My Lord, increasing judicial officers and prosecutors alone may not offer the only effective solution. For that reason, I believe that, it is worthwhile to look into the recent changes in the Criminal Procedure Code in our neighbouring countries. The notable ones are the structured Criminal Disclosure Procedure which applied to scheduled offences and requires parties to serve statements and documents on each other at the pre-trial stage. The other is the Criminal Case Management System (CCMS) which was described by The Honorable Attorney General of Singapore in his recent Opening of Legal Year Address, as something which has fostered a culture of frank discussion between prosecutions and defence. Conducted in the absence of the judiciary officers, defence and prosecutors meet to discuss the merits of their cases and narrow down the issues of contention and reach agreement on plea bargains. The Honourable Attorney General of Singapore has quoted that out of 1483 cases that were processed through CCMS between March 2009 and October 2010 – 88% were resolved without the need for full trial.

My Lord,

I believe that such a system, and indeed any change that have served so well in jurisdiction with much bigger case-loads, is worth looking into and I hope to bring the senior officers from Criminal Justice Division to see first hand how it work. I will also have a dialogue with the Law Society in particular criminal lawyers (*I don't mean that literally*) and investigation officers to brainstorm and get their feedback. This is crucial because for the system to work, it will need full and genuine commitment of prosecutors, defence lawyers and the investigations officers. However, I am confident, my Lord, that the prosecution and defence lawyers and the investigations officers in Brunei Darussalam like their counterparts in other jurisdiction are capable and ever ready to meet any challenge to embrace 'change' and to work together towards the improvement of the administration of justice.

My Lord,

The year 2010 also witnessed a long list of legislation and amendments including the Islamic Family Law (Amendment) Order, 2010, Married Women Act (Amendment) Order, 2010, Money Laundering (Amendment) Order, 2010, Halal Meat (Amendment) Order, 2010 amongst others and various financial legislation notably the Income Tax (Amendment) Order, Authority Monetary Brunei Darussalam Order, 2010. As a result of the Deposit Protection Order, consequential amendments were also made to the Islamic Banking Order and The Finance Companies Act. The Legislative Drafting

Division also continues the Attorney General's efforts with the Law Revision under Article 83(3) of the Constitution of Brunei Darussalam and at least 9 more Orders made by His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam were revised in 2010. All these are published in the Attorney General's Chambers website. At this juncture I wish to thank the Information Technology (IT) team for working hard to make this possible.

Law Society

My Lord

I join my Lord in commending the Law Society for their effort in organizing the free Legal Advice Clinic and the Seminar on 'Ethics'. 'Ethics' is indeed the core and trademark of our honourable profession, which should never be compromised and this is much more important on lawyers who represent their clients. I hope that such laudable efforts would be continued to a higher level. The other aspect that I would strongly recommend is international outreach and networking expanding regional and international connections, such as through ALA, LAWASIA to name a few. Although Brunei Darussalam has a small Bar, it should not be an excuse for their voices not to be heard in the various legal fora especially with the emerging economies in Asia and the ASEAN Community. I find it rather unfortunate that Brunei Darussalam, Law Society is often not represented in such fora. As our Lordship is aware, we have been bringing on Government expense one private practitioner to relevant ALA meetings. The objective is to give them opportunity to network, and keep up with the latest development and

then to share with the other members of the legal fraternity in Brunei Darussalam. Continuing legal education is something that I hope the Law Society will take up more proactively; as it should not be left to the Government alone.

International Affairs

In your 'legal year' speech in 2009 as Attorney General, you informed us of the need to address the issue of progressive liberalization of legal services, towards achieving an ASEAN Economic Community by 2015. I am pleased to inform you the IAD will lead the hosting of the ASEAN Law Forum on 13th to 14th April. We are hoping to invite legal experts from the ASEAN Members States, the Judiciary, members of the legal profession, academics and the relevant Government agencies. It is my hope that the speakers that we have invited would give us valuable insight into the issues and concerns related to the progressive liberalization of the services sector in particular the legal sector. I strongly urge the Legal fraternity to actively participate in the Forum.

Human Capital Development and Capacity Building.

We are grateful to His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam, for recognising and supporting the need for continuous training of officers in Chambers. In order to achieve, our vision towards specialisation and expertise in our journey towards excellence and the WAWASAN 2035 for Brunei Darussalam to 'produce educated and highly skilled people', the need for continuous training,

attachment and exposure cannot be undermined. The legal landscape will continue to change and our legal service needs to keep abreast of the developments and we need good and able minds with expertise to advise, prosecute and adjudicate. Amongst new areas of expertise required are environment, trade, maritime and cyber laws. Chambers have also invited our own senior officers and various experts from outside to deliver lectures and hold dialogues on various topics during our SDS (Share and Discuss Session) and will continue to do so. On our part, the HRD Committee in Chambers has identified the areas of expertise required and the potential officers will be carefully selected to pursue those courses and/or undergo attachment with established and reknown experts overseas. It is my fervent hope that the Prime Minister's Office will allocate a kinder budget for this purpose, not only to the legal officers but also the enforcement officers, in particular those involved in investigations. This is crucial because crimes will become more and more sophisticated and transnational in nature. We must therefore be prepared even before they reach our shores and pose a threat to the safety and security of Brunei Darussalam 'the Abode of Peace'.

Strategic Transformation Initiatives

I am pleased to share that Chambers also hope to launch the 5yr Strategic Planning (2011 to 2015) in the near future. The restructure of the Divisions have in fact been implemented towards our vision for specialization and, personal career growth of our officers. Revision of

scheme of service is also in its final drafting stage. I am indeed grateful to the relevant Working Committee for their hard work and perseverance and to all my officers and staff for their support including those “dissenting voices/whispers” which has helped me to see it from various angles and the Prime Minister’s Office and Public Services Department, for their much needed guidance and support.

As a Marksman would suggest, ‘AIM FOR THE BULL’S EYE, SO THAT, EVEN IF YOU MISS; YOU WILL STILL BE ON TARGET’ (*I have not tried it tho*) sceptics aside, that is the target we aim for.

My Lord.

Still on the topic of capacity building and specialisation, we are pleased to share that two officers had returned to Chambers with LLM and 6 others are in the UK pursuing their Bar and LLM in various fields such as, criminology and public International Law. Four officers are also pursuing the Diploma of Syariah and Islamic law, and legal Practice in UNISSA on part-time basis. We are on our way towards ‘specialisation’. We still have a long way to go but we are positive that we will get there.

My Lord,

The journey to excellence must never end and I place strong faith on the officers in Chambers including those seconded to Ministries and Government Departments who had shown great potential, and the young officers who have just joined us. To carry on the journey to the

future, they must be trained continuously to be confident, competent, proactive and with strong desire to learn whatever they can, as we, the older generation who had treaded on that long arduous journey, can testify to, success does not come overnight.

Recruitment

On the point of recruitment of young graduates, whilst I have no qualms whatsoever, to carry on the tradition of a 'cross-over' of officers from Chambers to Judiciary and, vice versa, as it is after all for the good of the country, I would urge Your Lordship to also consider the possibility of recruiting young law graduates with excellent academic credentials and to groom them to become judicial officers in the Courts, who eventually in future will become those good, competent people with the right judicial temperament and other values such as independence, fairness, humility, patience, that My Lord and other experienced judicial officers possessed. An excellent product of that exercise, if I may humbly mention is, the Honourable Justice Steven Chong himself.

Conclusion

Administration of Justice is never a 'one man show' but comes from teamwork, not only within AGC but with others such as, the Judiciary, Royal Brunei Police Force and other enforcement agencies, and other relevant Departments and Ministries and the BAR. We should be proud to form part of the machinery of justice and our mutual co-operation must be strengthened. It is an honourable but an onerous and

heavy responsibility. Whatever different perspective we have, however much we argued and differ professionally, it is our joint role, to assist in the administration of justice, with the ethics, professionalism, fairness, integrity, humility and competency expected of us. Above that, is our conscience for which we will remain answerable to the people and Allah the Almighty.

Outcome of any effort may not be immediate. But, fruits to be borne for the future depend on the seeds sowed today. We hope to produce generations after us who will be able to be the beneficiary of the end product, and to bring Brunei Darussalam to greater heights. InsyaAllah.

May I conclude, by wishing my Lord, your brethren judges in the judiciary, the Syariah Courts, the legal fraternity and those here today, a healthy and successful 2011.

وبالله التوفيق والهداية ، السلام عليكم ورحمة الله وبركاته

Thank you.