

بسم الله الرحمن الرحيم
السلام عليكم ورحمة الله وبركاته

Good Morning

Your Royal Highness Princess Hajah Muta Wakkilah Hayatul Bolkiah binti Kebawah Duli Yang Maha Mulia Paduka Seri Baginda Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah, 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

2. Alhamdulillah, with the blessings of Allah Subhanahu Wata'ala we are able to be present here this morning. I am grateful to my Lord for according me another privilege to address this ceremonial Opening of the

Legal Year 2012, in my capacity as the Attorney General.

3. Indeed, the year 2011 proved to be another eventful and at times, challenging year for Chambers. I am grateful and proud of my officers and staff for their commitment, integrity, perseverance and unity towards our combined efforts to provide the services entrusted upon us and not deterred by the many challenges that confronted them. We are most encouraged by those Ministries/Departments who never fails to extend their appreciation to Chambers when a task is completed especially those requested on very short notice. As most management Gurus would gladly tell us, recognition is a true motivation! On the other hand, we also appreciate feedbacks on our shortcomings and will do our best to improve.

Congratulation and Acknowledgment

4. The year 2011 also saw the retirement of two of our very senior officers, Assistant Solicitor General, Yang Mulia Pengiran Hajah Zabaidah binti Pg Haji Kamaludin, on 19 Jun 2011 and the Solicitor General, Datin Paduka Magdalene Chong, on 27 December 2011. Both officers had served in the AGC for more than 30 years. We wish to record our appreciation to both for their long and invaluable contribution and wish them both a Happy Retirement from Chambers. However, we are confident that they will continue to serve the country in one capacity or another and we wish them well in their future endeavours. On the other hand, we also appreciate feedbacks on our shortcomings and will do our best to improve.

5. Further, 2011 saw the promotion and transfer of another very senior officer, Puan Naimah binti Mohd Ali, Assistant Solicitor General as Deputy Permanent Secretary (Law and Welfare), Prime Minister's Office. We wish her all the best and hope that her appointment will enhance the existing good understanding and co-operation between Chambers and the Prime Minister's Office.

6. Alas – like other organisation, 2011 also witnessed a few more transfers/resignations of our officers. With measured pride, Chambers is indeed proud to produce a marketable and highly demanded pool of officers although it inevitably poses a continuous challenge to Chambers Succession Planning and our effort to meet the ever increasing demand and expectation on us. Nevertheless, we have to move on, undergo necessary organisational changes

when we have to and continue to strive to deliver the legal services expected of us, be it, for drafting, revising and reform of legislation, litigation, criminal prosecution and providing legal advice, as the core business. The increase of demand and complexity is not matched with corresponding increase in manpower. On a positive note, however, we are fortunate in the last year to have been able to recruit two excellent young graduates and one promising officer from MINDEF. We will enhance our recruitment efforts. In fact, we have been offering law students short attachments in our Chambers in the hope that some (if not all) will join us to serve our beloved Country after obtaining their Bar qualifications.

7. On this annual august gathering, we in Chambers wish to renew our pledge, as an important arm in the administration of justice

to assure the Bench our fullest support and co-operation in your tasks of administering justice and upholding the Rule of Law, to assist the Bench to apply the law impartially and to conduct a fair and impartial hearing, which means allowing both sides the right to speak and be heard. Justice is in the process as much as in the decision of the judge. To borrow the words of the Honourable Chief Justice Chan Sek Keong of Singapore during the opening of the Legal Year 2009 “everytime a judge steps into the courtroom, he is reminded by its aura and presence of counsel in their robes that he is there to render justice and for no other reason”. The Honourable C.J further remarked “The road to justice is paved with mutual respect and courtesy, not only between members of the Bar, but also between the bench and the Bar”. We are confident that under My Lord’s wise leadership as Chief Justice, such strong

foundation will remain present in the courts of Brunei Darussalam.

Initiatives by Chambers

8. This year I would like to highlight two important initiatives. They are Information Communication Technology (ICT) and human Intellectual Capital. My Lord has also mentioned these two crucial matters in relation to the Judiciary. I fully concur that use of ICT can improve work processes and operation efficiency. An innovative information management system will definitely improve the pace of work processes of each Division.

9. My recent visit to AGC Singapore to observe the Legislation Editing and Authentic Publishing System (LEAPS) and the Electronic Legal Management System (ELMS) was very inspiring.

10. LEAPS is an electronic tool to draft and publish legislation on their new versioned Legislation Database. Typesetting errors are minimised and the database will be updated quickly and accurately. The system also enables the publication of updates in real time thereby ensuring that users have access to the most current version of the law at all times.

11. ELMS is a legal management system enabling the creation, assignment and tracking of work sent to the Chambers in an integrated online system. Heads of Divisions can check, receive, assign and track all legal advises electronically. It also allows for direct work assignments to legal officers by circulating draft advice for views and comments within the division or selected officer(s). The turnaround time for

responding to request for advice is astounding.

12. My Chambers is in the process of procuring similar systems. Improving the capabilities of the drafting of legislation, providing legal advice and the conduct of prosecution are within the strategic objectives of the Attorney General's Chambers.

13. We have submitted our project proposals, the RKN project Request Forms and the EGNC Executive Reports which are necessary parts of the process to secure budget funding to the Prime Minister's Office. Both JPKE and EGNC have also looked into these submissions and I am informed that we are waiting for project endorsements and that the availability of the budget will be made known in the Financial Year

2012/2013. I remain hopeful that these projects will receive the funding and the support that we need.

14. Humans are however still vital. In this respect, building up of expertise in all areas of law is a long term project and we are committed to it fully and a training 'road map' which includes attachment stints with our counterparts in Singapore, UK and Hongkong and leading law firms or Chambers, commercial companies such as BSP, here and abroad, and in regional and international organization such as ASEAN, WTO, etc. has been planned by the Human Resource Committee. We will also continue our in-house training by inviting local and foreign experts in various areas including advocacy training in addition to participating in key conferences, seminars and workshops. The Human Resource Committee will

continue to plan a structured program to meet the aspiration of the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam to develop its human capital and to create a highly professional public sector in line with Brunei Vision 2035.

15. In this regard, Chambers is pleased to report that in 2011, 4 officers graduated in Masters of Law, and 8 officers are currently doing in-service training abroad in various areas of law.

16. At this juncture, I wish to convey our deep appreciation to the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam for allocating a more generous budget. We also fully support Your Lordship's efforts in improving case-management and mediation and hope that we all can co-ordinate our joint efforts

towards a more efficient administration of justice. Such concerted effort is crucial to enhance the public confidence in the administration of justice. I have spoken last year that Chambers is looking into possibility of enacting legislations towards more effective management of criminal cases. On closer evaluation of the challenges faced in other jurisdiction and the different requirements and implementation capability of our system, I have found it necessary to form a working committee in the near future to be led by a senior officer from Chambers. I will be asking for representation from the courts, enforcement agencies, the Law Society and private lawyers in criminal practice. The Working Committee will be tasked to discuss and recommend framework for legislation and implementation measures towards early case resolution and minimizing wastage of judicial time including criminal

case disclosure procedures and plea-bargaining protocol and to hold consultations with relevant stakeholders to refine the recommendations for approval. I seek my Lordship's support and the others in this important initiative.

The future:

17. Before I conclude, allow me to briefly share some of our main tasks and plans for the future.

Syariah Penal Code Order and SYariah CPC

18. In support of His Majesty the Sultan and Yang Di-Pertuan's aspiration to see the Syariah Penal Code Order (Kanun Hukuman Jenayah Syariah) and the Syariah Court Criminal Procedure Code Order (Kanun Peraturan Jenayah Syariah) to be passed, my officers have been attending regular

meetings of the Islamic Religious Council and the Jawatankuasa Mensesuaikan Undang-Undang Menurut Kehendak Ugama Islam to provide the necessary legal assistance and on legislative drafting. Our support is of course, subject to guidance provided by the Islamic Religious Council and the experts in Syariah laws.

Strategic Plan

19. Chambers is pleased to report that the Strategic Plan 2012-2017 was launched on 11 October 2011 by the Minister of Finance II, The Honourable Pehin Orang Kaya Laila Setia Dato Seri Setia Awang Haji Abdul Rahman bin Haji Ibrahim.

20. We are encouraged by the speech of The Honourable Minister in acknowledging the challenges and heavy responsibilities of Chambers. We fully appreciate The

Honourable Minister's reminder that development of expertise and experience alone is not sufficient but has to be coupled with humility, discipline, integrity, professionalism, commitment and teamwork.

21. I would also take this opportunity to echo the advice of The Honourable Minister to Ministries and Departments to assist Chambers by "first analysing and affirming the policies before asking Chambers to draft the law".

22. The other aspect, if I may add is the need for Ministries/Departments to address implementation and operational issues and capabilities for enforcement because laws are only as good as its implementation. To this end, the Legislative Drafting Division has conducted and will continue to conduct briefings for Permanent Secretaries from

Ministries and other Government Departments to help them understand the process of legislative drafting and problems faced by the Draftsmen. Briefings are also conducted by other Divisions in Chambers and I am grateful to my officers for doing it in addition to their already demanding responsibilities.

Devolution of Registry

23. In my address in 2010, I suggested that in line with the practice in other countries, there should be a lead agency for the development of Intellectual Property (IP). Alhamdulillah, 2012 will see what we refer as the 'Devolution of the Registry'. This will happen in stages in line with our Strategic Plan. On 1st January 2012, with the consent of His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam, the Registry of Patents, was established under the Brunei

Economic Development Board. With effect from 17 February 2012, Brunei Darussalam is a state party to the Paris Convention for the Protection of Industrial Property. We are also now preparing to be parties to the Patent Co-operation Treaty (PCT) and the Budapest Treaty.

24. We are in consultation with World Intellectual Property Organisation (WIPO) towards the set up of an independent IP Office which will administer, manage and promote IP and to enhance the infrastructure of the IP Registry. Advice and prosecution will however remain with Chambers. On another development, the Registry of Companies and Business Names will move to the Ministry of Finance from April 2012. The ROC has been an integral part of Chambers and has been acknowledged as playing a major role in the improvement of “Doing

Business in Brunei” assessment. Those of us here who are parents would know the sad feeling when our children leave the nest (so *to speak*). However, this ‘devolution’ is necessary for the good of the country and consistent with the practice in other countries. We wish them all the best and hope that they will continue to provide their much needed service in their new ‘home’.

New Division (Research and Law Review Division)

25. 2011 also saw the establishment of the new Research and Law Review Division. The mission is to provide the sturdiest legal backbone within the AGC and the Government by providing the highest quality and infallible value-added services in legal research law review and reform effectively, professionally and expeditiously. The Division will work closely with The Law

Review Committee (Jawatankuasa Penilaian Semula Undang-Undang) at Prime Minister's Office. The Legislative Draftsman will closely monitor the development of this new Division.

Conclusion

26. My Lord, although we do not know what the future will bring, we remain optimistic and await in hope for favourable outcome of our initiatives and proposals from the relevant authorities. With hard work and 'tawakal' to Allah Subhanahu Wa'taala we will continue to strive to accomplish our vision to be the "highest quality legal services provider", InsyaAllah.

Finally, we wish our Lordship, Honourable Judges, all members of the legal community and all present a happy, healthy and successful 2012.

وبالله التوفيق والهداية ، السلام عليكم ورحمة الله وبركاته

Thank you.