



THE OPENING OF
LEGAL YEAR
2011



High Court - Supreme Court Building, Km 1 1/2 Jalan Tutong, Bandar Seri Begawan
BA1910 Brunei Darussalam

THE OPENING
OF
LEGAL YEAR 2011

9TH MARCH 2011
4TH RABIULAKHIR 1432



HIS MAJESTY PADUKA SERI BAGINDA SULTAN HAJI HASSANAL BOLKIAH
MU'IZZADDIN WADDAULAH IBNI AL-MARHUM SULTAN HAJI OMAR 'ALI
SAIFUDDIEN SA'ADUL KHAIRI WADDIEN
SULTAN AND YANG DI-PERTUAN OF BRUNEI DARUSSALAM





THE HONOURABLE
DATO SERI PADUKA HAJI KIFRAWI BIN DATO PADUKA HAJI KIFLI
THE CHIEF JUSTICE OF BRUNEI DARUSSALAM

Foreword

Bismillahir Rahmanir Rahim

It is indeed a pleasure to once again welcome you to the ceremony marking the Opening of the Legal Year 2011, an occasion for us to renew our commitment to continuously strive to improve the quality of the delivery of services in every aspects of the Court system.



I am happy to report when the Children and Young Persons (Amendment) Order came into effect on 1st March, 2010, we responded to this challenge and needs by setting up and having in operation the Juvenile Court which is tasked with removing young offenders from penal institutions and to reintegrate these young offenders into the society.

I would like to thank the Chief Magistrate and his dedicated team for their hard work of bringing together all the relevant agencies and seeing through the implementation and execution of the Juvenile Court,

My heartiest congratulations to the Law Society for setting up the Legal Advice Clinic on 25th September, 2010, which is a significant contribution to access to justice. It provides pro-bono legal advice to certain members of the public in all branches of the law.

My appreciation goes to the officers and staff of the Judiciary for their continuing support and dedication. The success of this year's legal year is a tribute to the tireless effort of our Judicial officers and staff.

I also express my sincere appreciation and gratitude to the members of the Organizing Committee and various Government Departments in ensuring that today's arrangements run smoothly.

On behalf of the Judiciary, I thank you all for your presence today and wish you all a successful year ahead.

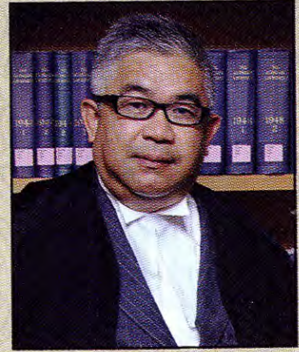
Pengiran Hajah Rostaina binti Pengiran Haji Duraman
Chief Registrar
(Chairperson of the Organising Committee)





SPEECHES
DURING THE OPENING OF
THE LEGAL YEAR 2010

بسم الله الرحمن الرحيم
السلام عليكم ورحمة الله وبركاته



Your Royal Highness Paduka Seri Pengiran Anak Puteri Hajah Muta-Wakkilah Hayatul Bolkiah, The Honourable Attorney General, The Honourable Chief Syarie Judge, President of Brunei Darussalam's Law Society, Members of the Bar, Distinguished Guests, Ladies and Gentlemen, good morning and welcome.

It's been a few months now that we said goodbye to the last year and welcomed the New Year, 2010. With Allah's blessing, we hope this new year will be a happy and prosperous year like the previous years.

1. STATISTICS

As usual the figures of the various type of cases for 2009, starting with the Magistrates' Courts, and criminal cases first. The Court in Bandar Seri Begawan had 2693 cases in 2009, that being 719 less than in 2008: for Kuala Belait the figure was 301, that is, 65 less than the previous year: Tutong Court had 98 registered in 2009, that being 19 more than in 2008: and Temburong Court had 16 criminal cases registered compared with 47 in 2008.

The figures for civil cases registered in the Magistracies were: in Bandar Seri Begawan 1594 suits were registered in 2009 as against 1533 filed in the previous year; Kuala Belait Court had 271 registered in 2009, that being 2 less than the previous year; Tutong Court had 275 registered in 2009, that is 36 more than in 2008, and in Temburong Court no civil matter was registered as in the previous three years.

The Intermediate Court had 98 civil matters registered in 2009, this being 9 less than 2008; and 14 criminal matters were registered in the past year, that being the same as in the previous year.

There were 6 civil appeals from the Magistrates' Courts to the High Court in 2009, less than 2 in 2008; and 41 criminal appeals were filed in 2009, this being 4 more than in 2008.

Coming now to the criminal cases heard in the High Court, the Court dealt with 26 cases as against 21 in 2008, and 199 civil cases were filed in the High Court in 2009 as against 192 in the previous year.

Civil appeals from the High Court and Intermediate Court to the Court of Appeal in 2009 numbered 14, that being 15 less than in 2008; and criminal appeals to the Court of Appeal in 2009 were 12 in number, the same as in the previous year.

Chamber hearings before the Senior Registrars and Registrars increased by 37 from 297 in 2008 to 334 in 2009.

There are 2 capital cases before the High Court awaiting trial both of which are drug trafficking cases. Trial dates have been given for both cases.

Lastly, the total revenue collected during 2009 amounted to B\$6,403.633.07 as compared to B\$5,719.854.65 during 2008.

The figures do not tell us the time taken for the various courts to dispose of the cases. In criminal cases, the public may want to know how long we would take to investigate a crime after a crime has been committed, and then to bring the alleged criminal to court to be charged and then the time for the court to try him leading either to his conviction or acquittal. If there is to be an appeal, how long would the appeal be heard and judgment given by the appeal court after the filing of the appeal.

In civil cases, the lawyers from the private practice are expected to prepare the clients' case efficiently. They may need information from certain Government Departments or Law Enforcement Agencies. When the case is referred to the court, the court has to be efficient. The public may want to know how long the case would be dispose of from the time the case is registered to the time when the court would give its judgment and later the enforcement of the

judgement. Again if there is to be an appeal, like in a criminal case, how long would the appeal be heard after the appeal has been filed.

As usual in a criminal case and sometimes in a civil case, medical report need to be prepared. A very important exhibit may be sent abroad to be examined by a Forensic Expert. This exercise will usually take considerable time.

I am afraid I still have to repeat what I have said before, when I was the Attorney General, to remind us every year the need to be efficient in our job. As I have said before all cases have to be disposed of within reasonable time. Justice delayed is Justice denied. The courts could only do this with the cooperation and support of the lawyers (both the Attorney General's Chambers and the Private Practice), the Police and other Law Enforcement Agencies, the Prime Minister's Office and other relevant Ministries.

In a criminal case investigation has to be done thoroughly and efficiently. The lawyers from both Attorney General's Chambers and the private practice have to prepare their cases properly before the cases are referred to the courts. The lawyers (from the Attorney General's Chambers, the Private Practice and the court) have to be given proper training and given the right tools to do their work efficiently.

2. THE RIGHT TOOLS

Talking about the right tools, my focus is the tools for the Judiciary. Like the Attorney General's Chambers, we need better research facilities such as the Lexis and the Law Net. We need to appoint more Registrars and Magistrates and Judges. Apart from the increasing bankruptcy works, the Registrars and Magistrates have to deal with additional work in the near future such as the Juvenile Court cases and the small claims tribunal cases. The increasing number of Judicial Officers means we need proper court building.

I understand there is already a plan to renovate the present High Court Building. As I have said before, we need a Robing room for our lawyers. It is also high time that our Court Canteen be repaired and opened its business again. The Court Canteen not only would serve the members of the public who come to the court but also to our lawyers who need to be refreshed like other

normal human beings. They also need good toilets like other normal human beings. The toilets in the court building need to be repaired. Ideally a future Robing Room for the lawyers should also have toilets.

There should also be separate toilets for members of the public. There is already a plan to link by an overhead bridge the three buildings, the High Court Building, the new building, the Law and Courts Building and the Attorney General's Chambers (The Law Building). This would make the buildings easily and conveniently accessible by lawyers and staff from Attorney General's Chambers, the Private Practice and also our officers and staff of the Judiciary. I hope this overhead bridge will be completed this year.

3. BRUNEI DARUSSALAM LAWS ON LINE (www.AGC.Gov.bn/)

I am very grateful to the Honourable Attorney General and her officers for still maintaining our Brunei Laws on line. I am sure the Brunei Laws on line is a very useful research tool not only for our lawyers and law students but also to members of the public who want to know our Constitution, other important laws and our latest new Laws.

4. BANKRUPTCY WORK

As regards the Bankruptcy cases dealt by the court, it is high time we need to look into our bankruptcy law. I know that there is already draft amendment to the Bankruptcy Act. Amending the law is generally easy but the implementation or enforcement of the laws are usually difficult. We need the expertise and manpower to implement new ideas in the proposed amendment to the current Bankruptcy Act.

Currently, the Registrars who are also the Deputy Official Receivers have to deal with bankruptcy matters, unlike Registrars in Singapore and Malaysia. In Singapore and Malaysia, they have separate Bankruptcy Office, as big as our Attorney General's Chambers. A proper Bankruptcy Office usually has their own lawyers and accountants.

5. MORE LAWYERS

As I have said before, we still need more lawyers and I have been informed that the number of Bruneian graduates who are qualified in law are decreasing in number. I hope the relevant authorities do realize that Brunei Darussalam still need more lawyers not only to work in the courts, the Attorney General's Chambers, the Private Practice but also in the relevant Ministries.

The future Law graduates should not only be knowledgeable in law but also other areas of studies such as economics and finance, accountancy, business studies, politics and international relations etc. to name a few.

6. CONCLUSION

I am grateful to the Chief Registrar and the officers and staff of the Judiciary for the preparations they have made for this ceremony.

My thanks also go to the Commissioner of Police and the Royal Brunei Police Force for the guard of honour which I was privileged to inspect this morning.

I should not forget the Prisons Department for their assistance in holding the prisoners awaiting plea and trial, in safe custody.

Finally, on behalf of the Judiciary, I must express my appreciation to all of you who have found time to attend this annual occasion. I think it signifies that there remains a deep interest in our judicial system which I believe has served Brunei Darussalam well and will continue to do so in the future.

I shall now call upon the Honourable Attorney General to address this gathering, and she will be followed by the President of the Law Society.

At the conclusion of all the speeches and thanksgiving prayers, would you please proceed to the ground floor for refreshments.

Chief Justice

Dato Seri Paduka Haji Kifrawi bin
Dato Paduka Haji Kifli

The Hon. The Attorney General
Datin Paduka Hajah Hayati binti POKSDSP
Haji Mohd. Salleh



Your Royal Highness Princess Hajah Muta-Wakkilah Hayatul Bolkiah, My Lord Honourable Chief Justice, Yang Amat Arif Chief Syariah Judge, Honourable Judges, President of the Brunei Darussalam Law Society, Members of the Bar, Distinguished Guests, Ladies and Gentlemen.

We are grateful to Allah, the Almighty for his blessings in making it possible for us to meet here again, today, on the occasion of the Opening of the Legal Year 2010 to renew our pledges to uphold the independence of the judiciary and to maintain and uphold the rule of law for the peace, prosperity and stability of Brunei Darussalam.

It is indeed a privilege and honour for me to address Your Lordship as the first Bruneian to be appointed as Chief Justice of Brunei Darussalam. Your Lordship's appointment is indeed an important milestone in the history of the Judiciary and Brunei Darussalam and a big step forward towards realizing His Majesty's laudable vision in His Majesty's titah during the opening of the Supreme Court Building in 1984, that, in the long term, it is His Majesty's wish that all legal and judicial appointments should be filled by qualified and suitable citizens of Brunei Darussalam.

Having said that, it is also quite unnerving for me, as I stand here, in the sense that, having had the honour to sit alongside Your Lordship's predecessors and your brother Judges on that bench for many years, without having to say a word, I am now tasked with a speech. May I also, be so bold in saying that although the view from down here is not exactly that bad, I do hope that, in due course, there will be a suitable 'sister Judge' to take my place to accompany Your Lordship and the other brother Judges on that bench.

May I also inject a personal note. I also wish to thank Your Lordship for your advise and guidance during our private 'handover' discussions and all the officers and staff in Chambers for their amazing support, which had helped to make the 7 months and 12 days and a few hours and minutes, since I took office with my new and wider responsibilities, much easier.

My Lord, may I now move to the more formal part of my address.

2009 has been a very busy and memorable year for Chambers. We commemorated our Golden Jubilee, 50 years Anniversary of the establishment of Attorney General's Chambers with many activities (which was initiated by Your Lordship in your capacity as AG then), commencing with Majlis Doa Kesyukuran (Recital of prayer with Maghrib and Isyak prayers) on the 28th September 2009 at the Law and Courts Building, followed by the opening / launching of corporate video and exhibition graced by Her Royal Highness Princess Hajah Muta-Wakkilah Hayatul Bolkihah. Other activities included the 50th Anniversary Dinner, family day cum cleaning campaign and sports competitions. All the activities had hopefully strengthened the bond of friendship and teamwork between the officers and staff of Chambers. We have also successfully hosted the 4th Meeting of Senior Officials on the Treaty on Mutual Legal Assistance in Criminal Matter from 3rd to 4th November, 2009 and ASEAN Law Association (ALA) Governing Council Meeting from 9th to 12th April, 2009. I sincerely wish to record my gratitude to all the Organising Committee members, officers and support staff of Chambers for their hard work towards making all the activities and the meetings a great success.

My Lord,

50 years is a long time. The occasion allowed us to reflect on the past, focus on the present and to plan for the future. How much things have changed from a handful of us tucked in the cramped corridor of the old State Secretariat Building about 30 years ago.

I would take this opportunity to acknowledge the contribution of all officers and staff of AGC, past and present, in particular to the long serving officers and staff who are still with us today for their loyalty and commitment. A special mention to all our support staff, namely the translators, librarians, archives, proof reader, administrative, without whom, we would not be able to function effectively.

In the spirit of the 50th Anniversary, may I take some time to reinstate the important role of Chambers, mainly, as Legal Adviser for the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and as Public Prosecutor under the Constitution. The role remained the same over the years but the complexity and the volume has increased tremendously. As of

8th March, 2010 we have theoretically about 31 officers in the Civil Division, 29 officers in the Criminal Justice Division, 14 officers in the International Affairs Division, 10 officers in the Legislative Drafting Division and 6 officers in the Registries Division. Effectively, however, the strength is much less since we have officers who are also doing part time courses in UNISSA, some officers seconded to various Ministries and Government Departments, some on further studies and doing the Bar in the UK and Australia, and attending courses and transfers, for personal reasons and for greener pastures, although the number is still fortunately quite small.

It is our hope to continue to recruit more legally qualified officers, and thus share Your Lordship's concerns on the decrease of law graduates. Perhaps, we can work together with the Law Society and the Ministry of Education on efforts to encourage more students to study law and join the honourable profession. We also look forward to the first batch of law graduates from UNISSA to join us in the future.

CIVIL DIVISION

The Civil Division continues to play a crucial role in our capacity as legal advisor to the Government on a whole range of matters. At present, the officers of the Division also has to deal with Government debt recovery. Although, we are pleased to be able to recover more than 4 million Brunei Dollars in 2009 of debts owed, they take up a lot of the officers time which can be spent on the core business such as advisory matters, contracts vetting and drafting and on legal awareness briefings to Government Departments and the public. I am working with the Head of Civil Division to look into the possibility and practicality of outsourcing these debt recovery cases subject to the Government of His Majesty's approval. I must emphasise, however, it is important for the relevant Government agencies to exercise due diligence in collecting the amount due and not to allow them to accumulate.

CRIMINAL JUSTICE DIVISION

The workload on our prosecutors continue to increase. In 2009, 1932 investigation papers were received. We fully support Your Lordship's call for

cases to be dealt with expeditiously. Indeed, I have been working closely with the CJD on this issue. A system of designating specialized officers to deal with particular offences and better tracking of investigation papers and a review of work processes, and a regular audit amongst others, have been implemented. Two DPPs have been seconded to Anti Corruption Bureau and 1 DPP to the Royal Brunei Police Force.

We therefore support Your Lordship's call for the appointment of more judicial officers especially in the Subordinate Courts. The practice in Chambers is that all new young officers will first join CJD with the aim that they will be involved in Litigation which, I feel, is important and useful for their development, to build their confidence and advocacy skills. They will also be given continuous training. CJD will continue to work closely with the enforcement agencies such as Police, NCB, ACB, Royal Customs and Excise and Immigration in order to increase efficiency and standard of investigation. As Your Lordship would appreciate, whatever opinion one is entitled to have, eventually, it is the task of the prosecution to present the evidence in court and for the courts to decide based on the evidence presented.

Chambers also assist relevant Government agencies in regional and transnational efforts in combating transnational crimes in particular through mutual legal assistance and extradition. The AGC is the central authority for Brunei Darussalam in respect of mutual assistance in criminal matters. We are currently finalizing the draft of a new comprehensive law against terrorism to fulfil our international obligations in combating the global threat.

The Children and Young Persons (Amendment) Order came into effect on 1st March, 2010. The enforcement of this legislation means another important milestone in Brunei Darussalam, Criminal Justice system. It provides for the setting up of a Juvenile Court with the universally accepted principle that youth offenders (under 18) should be treated differently from that of adult offenders. The spirit of the Order, is to decriminalize and remove young offenders from penal institutions and to increase the Juvenile Courts intervention in the re-integration of young offenders into the society. Respecting the principle, Chambers will maintain, as had been the approach always, the "prosecution last" policy in the public interest to rehabilitate them into law abiding adults.

INTERNATIONAL AFFAIRS DIVISION

Building up international law expertise has been and will continue to be long term objective of Chambers. As Brunei Darussalam celebrated our 26th year of independence, Brunei Darussalam's international commitments have since increased tremendously. I am pleased to say that the International Affairs Division has contributed immensely in the coordination and consultation and we are grateful to the Ministry of Foreign Affairs and Trade and other Ministries and Government Departments for giving our officers the trust and the opportunity to learn from the exposure in the various international fora. We look forward to further co-operation and to enhance the competence and experience of the existing pool of experts in various areas, which Chambers is proud to have produced.

LEGISLATIVE DRAFTING AND LAW REVISION

The pace and quantity of legislation has increased significantly. As Your Lordship would appreciate, drafting is not an easy task. It requires patience and meticulous strokes of the paint brush, if I may use that term. Our concern is for 'good law' which may not be 'quick law'. We do not make policies, but take instructions on matters of policy from relevant Departments/Ministries. Under Your Lordship's initiative, guidelines on drafting procedure have been issued. We hope to improve further by issuing in due course a 'simpler manual' for the use of Ministries and Government Departments as well as for the officers in Chambers.

I have been politely warned that long speeches can numb the audience. I will therefore refrain from mentioning the legislation that have been passed or approved by His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam since the last legal year and invite those who are interested to refer to the AGC's website www.agc.gov.bn where they will be published with relevant commencement dates or contact the LDD for further information. Of particular interest to the legal profession, may be the Arbitration Order 2009 and The International Arbitration Order, 2009.

LAW REVISION

Four more orders made by His Majesty The Sultan and Yang Di-Pertuan under Article 83(3) of the Constitution of Brunei Darussalam have been revised since the Opening of the Legal Year held last year and are now referred to as 'Acts'. They will similarly be published in the same website.

My Lord,

At this juncture, I would like to seize the opportunity to pay a special tribute to Mr. John Brian Wilkinson, who will end his service with the Chambers on 10th July, 2010. Brian, as the Legal Draftsman had made significant contribution to the LDD, and the drafting of numerous laws, since he first joined AGC on 24th May, 1989. He had also mentored and trained the officers under his care, as a result of which there are now capable and committed officers in the Division. On behalf of the Government of His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam, officers and staff of the Attorney General's Chambers, particularly, those in the Legislative Drafting Division, I wish to thank Brian for his significant contribution, and wish him good health and success in his future endeavours.

REGISTRY

The AG is also the Registrar of Companies, Registrar of Business Names, Registrar of Trademarks and Industrial Designs. The reason why these duties fall on the AG, would I guess, be historical. For the sake of clarification, the Registry, as the name implies, is only concerned with registration and not licensing.

The Registry of Companies received a total number of 355 companies being incorporated in 2009 and 6556 documents being filed. For Business Name 4009 were registered in 2009 with 3156 documents being filed under the Business Names Act. Hopefully, the increase in the number of businesses being registered and filed is a positive indicator of economic development. The Registry is also involved in giving briefings to Government officers, students of higher education as well as the public. The E-Registry has enhanced the efficiency of our services but we hope to do even better.

The Registry of Trademarks received 649 applications in 2009 while the Registry of Industrial Design received 31 applications. Besides dealing with new application in trademarks, the Registry also received 3636 matters related to trademark. The officers from the Registry of Trademarks and Industrial Design also organized road shows, lectures and briefing to local SMEs, Inventors, Government officials, students of higher learning institute and cooperated with right holders in enforcing their IP right. Officers also attended regional and international meetings, workshop and seminar in their efforts to enhance their expertise and knowledge as well as networking. We hope to introduce an online filing system for trademarks early next year and are currently in discussion with WIPO and USPTO to assist us with our Patent Rules and related matters.

Barrack Obama, the President of USA, said 'Innovation and creativity are drivers of economic development, producing jobs and a better standard of living'. A strong protection and enforcement of IP rights are critical components for economic growth and development. IP theft kills innovations and creativity.

I hasten to pose the question, if it is time for Brunei Darussalam to establish a lead Government agency or other suitable institution, to formulate policies akin to our national and international obligation tasked with the role to advise on and administer laws, to promote IP awareness and infrastructure to facilitate development of IP in Brunei Darussalam and serve as IP regulator and policy advisor.

In Singapore, IPOS, (Intellectual Property Offices of Singapore) is a statutory body under the Ministry of Law. Whilst in the intellectual Property Corporation of Malaysia, the acronym, MYIPO, is now corporatized, from its earlier existence under the Ministry of Domestic Trade and Consumer Affairs. In Korea, the Executive Office of the IP Strategy is under the Prime Minister's Office. These are just some models that we can consider.

The AGC is ever ready to assist. If required, with the assistance of institutions such as WIPO and USPTO, with whom Chambers have a good rapport.

My Lord,

What of the future?

We do not know what the future will bring but will remain optimistic and stand committed to strive to do better. As far as the hardware is concerned, one of which is the IT systems which we can use to increase efficiency of our work process and delivery, we are hoping to upgrade what has been successfully embarked by Your Lordship. For this purpose an IT Steering Committee, led by the Solicitor General, Datin Paduka Magdalene Chong, has been established. We also hope to launch our Strategic Planning by the end of the year and the Committee is led by the Assistant Solicitor General, Pg Hj Zabaidah. They will work in close consultation with myself. I look forward to receive their proposals. We hope that the appropriate authority will give us favourable consideration. In the meantime, we will continue to conduct manually quarterly Audits of the work process and delivery in each Division to minimise delays and encourage a proactive work attitude.

I am most grateful to all the Head of Divisions and all the officers in each Division for their sincerity in identifying the problems, their readiness to work together to finding possible solutions and their genuine pledge to strive to improve.

In terms of the software, by which I mean, our people (men & women/ or women and men), on whom we place great importance, I am grateful to His Majesty's Government, for the understanding and support to provide continuous training and exposure to our officers. I urge the officers to utilize the knowledge they gained not only to better themselves but to share with others. We hope to establish very soon, an internal Human Resource Development Committee, which will help to identify the areas of specialization required by Chambers and the Government of His Majesty The Sultan and Yang Di-Pertuan with the objective to offer potential officers in Chambers to pursue such relevant courses overseas.

We are fortunate to have recruited many well qualified young graduates who are working well under the supervision of the senior officers. We see a lot of potential in them to steer Chambers to a bright future, provided, they continue to work hard and possess the enthusiasm to continue learning. To retain talents and quality, a review of the current structure is inevitable and I wish to thank

the Prime Minister's Office for their understanding and co-operation. However remuneration aside: it is my hope that this younger generation in generation Chambers will stay because they are passionate about law as their calling and take great pride to serve their people and their country.

Before I conclude my address, to respond to Your Lordship query on the overhead bridge connecting our 3 buildings. I am pleased to report that budget has been allocated and we hope to embark soon on the tendering process. (I will reserve my response on the 'restrooms')

CONCLUSION

In conclusion, on behalf of all my colleagues in the AGC, I assure Your Lordship, your brethren Judges, Magistrates and Registrars, our fullest support and co-operation in your honourable and difficult task of dispensing justice in Brunei Darussalam. The Chambers also look forward to continue the good co-operation with the Syariah Courts, the Law Society, Royal Brunei Police Force, and all other enforcement agencies, in fulfilling our respective duties as partners in the machinery of justice, with the fortitude and integrity required of us. I wish Your Lordship, your judicial brethren and staff of the Judiciary, members of the Bar and all those present today a healthy and successful 2010.

Thank you.

The Hon. The Attorney General
Datin Paduka Hajah Hayati binti POKSDSP
Haji Mohd. Salleh

OPENING OF THE LEGAL YEAR 2010.
SPEECH BY THE PRESIDENT OF THE
LAW SOCIETY.



Your Royal Highness Paduka Seri Pengiran Anak Puteri Hajah Muta-Wakkilah Hayatul Bolkihah, My Lord Chief Justice, Honourable Justices of the Supreme Court, The Honourable Attorney General, fellow counsel and colleagues of the legal profession, distinguished guests, ladies and gentlemen, good morning.

We are thankful for the blessings of Allah Subhanahu Wata'ala for being able to come together on this occasion to mark the opening of this legal year 2010.

At the outset I wish to congratulate My Lord on your elevation as the first local-born Chief Justice and also extend congratulations to the Honourable Attorney General on her appointment, both made towards the end of last year. I have no doubt that both My Lord and the Honourable Attorney General will continue to show the same wisdom, dedication, hard work and integrity in your new positions that you have shown previously. On behalf of the members of the legal profession we truly wish you all the best and every success in your new high offices.

It is also my first time to speak at this occasion. I am honoured and thankful to my fellow counsel and colleagues in the profession for giving me this opportunity to say a few words on their behalves today.

Whilst researching for the purpose of writing this speech, it was most helpful to be able to obtain copies of previous speeches online. I must commend My Lord's office and that of the Attorney General's in producing and maintaining

web sites containing so much useful information and direction for members of the public.

Looking at previous speeches I think that it is customary at this occasion to essentially cover two main topics. Firstly, we take the opportunity to remind ourselves of what we as lawyers are here for, to renew our pledge to work towards the efficient administration of justice and the maintenance of the rule of law. In doing so, we focus in our minds the burden of the work we undertake and the gravity of the judicial offices. Secondly, we look back and reflect on the year that has passed, and look forward to what must be done or what may come in the year ahead.

It is our good fortune that we live and work in a safe, secure and stable environment. For this we are forever grateful for the wise and benevolent leadership of the His Majesty The Sultan and Yang Di Pertuan of Brunei Darussalam.

As members of the legal profession, the Judiciary, the Attorney Generals Chambers and Enforcements Agencies, we all have a part to play in the efficient administration of justice. As the system is adversarial, it requires adjudicators of integrity, incorruptibility and independence. In this respect we practitioners in Brunei Darussalam are privileged to work under a judiciary showing all of these attributes.

I would also note that for this system to work effectively, all other parties, including the private legal profession as a whole must be healthy and robust. To this end I hope we can all work together.

We take this opportunity to renew our pledge of commitment to the rule of law and all that it entails. A proportion of practitioners do not in fact appear

in court, but never the less serve the public by drafting contracts, overseeing transactions and providing legal advice. However, it is still the maintenance of the rule of law that we all work at. So to add to the institution of an independent judiciary we are grateful for the maintenance and respect for such concepts as equality before the law, the presumption of innocence, due legal process and the adherence to and protection of rights under both the civil and criminal laws. All of these we remind ourselves are not to be taken lightly nor for granted.

Having said all of this, ultimately I believe that our aim is simply to contribute to making a better, peaceful and prosperous life for all and for generations to come.

Looking back at the past year, we said goodbye to 2 important judicial figures. My Lord's predecessor, Chief Justice Dato Seri Paduka Mohammad Saied who retired in September and the President of the Court of Appeal, Sir Noel Plunkett Power who sadly passed away in November last year. We will remember them well and are grateful to them and to their families for their contributions and years of service and dedication.

On the Law Societies front, our numbers in 2009 increased to 99 members. A new Council was elected for the years 2010 and 2011, the Council is made up of 11 elected and appointed persons, unfortunately there are still two positions on the Council that need to be filled from practitioners with less than 5 years call.

In 2009, the Law Society had some discussions on liberalization of trade services with the Attorney General's Chambers and the Ministry of Foreign Affairs and Trade. We would be happy to continue with these discussions, as they may in the long term impact the profession as a whole.

In the past year, The Law Society was asked to comment on 2 pieces of legislation, these were possible amendments to the Companies Act and to the draft Arbitration Order. We are happy to see that the new Arbitration Order has been gazetted as to coming into force.

Early this year, the Law Society had useful meetings with both Your Lordship's office and that of the Attorney General's.

In respect of the meetings with My Lord, the Law Society is happy that the information technology infrastructure for the court registries will proceed. This would be of great help to case management and allow for efficient record searches to the ultimate benefit of the public.

On a separate vein, the Law Society takes note of My Lord's reminder to ensure matters dealt with by our members are put in order in a timely manner so that justice is done and to ensure the efficient disposal of cases and use of courts time.

We support My Lords call for facilities in the Court Buildings for lawyers and members of the public. Whilst there was a robing room in the past, these have been taken over by the expansion of the judicial staff and services.

In respect of meetings with the Honourable Attorney General, we had similarly useful discussions, among other things, matters in relation to the Company and Trade Mark registries were raised and noted. The Law Society is thankful for the indication that new members from the Attorney Generals Chambers have been appointed to see to the work of the Enquiry Panel looking into complaints made against practitioners.

On the subject of complaints, there are a number of complaints made against lawyers still outstanding, I understand that The Enquiry Panel, made up of

practitioners, counsel from the Attorney Generals Chambers and lay persons is looking into these. We hope that the additional members to the panel will be able to assist in dealing with these complaints in a timely manner.

On a lighter note, last year the Law Society organized the annual legal year dinner. The timing allowed us to invite the Justices of the Court of Appeal. It was a very convivial and relaxed evening. I hope that as many members of the profession, the Judiciary and the Attorney Generals Chambers will be able to attend this year's function.

Similarly I hope that that there will be as much participation as possible in the annual tripartite sports for this year as last year.

Looking forward for 2010, the Law Society will continue in every way that it can to support the aims and aspirations of the Government of His Majesty the Sultan and Yang Di Pertuan of Brunei Darussalam.

The Continuing Legal Education Committee of the Law Society is organizing a series of lectures and talks on various legal topics and issues. Some of these topics may be of interest to practitioners only, but others, such as an upcoming talk on law and the internet may appeal to a wider audience.

Subject to obtaining suitable premises, the Law Society hopes to establish a legal advice clinic for a certain sections of the public. This aim is to provide pro-bono legal advice to members of the public in all branches of the law, with the hope of increasing access to justice.

I wish to align myself with My Lords comments on bankruptcy work and the number of lawyers.

As can be seen by the statistics, the Magistrates and Registrars take on a heavy work load in their respective court work, and do so under great time pressure. This is in addition to taking on the substantial number of bankruptcy matters. Additional resources for bankruptcy work would be of great help.

Private practice has had difficulty in attracting to and keeping young local lawyers in the profession. As I said earlier, a robust and healthy legal profession is part and parcel of the efficient administration of justice. I wish to say that legal practice is still an honorable profession, although it requires hard work and the ability to deal with substantial pressures it can never the less be edifying and personally rewarding. I urge anyone now considering a path of study to consider the law as a possibility.

I do not wish to detain my Lords guests from the refreshments any further. I Thank My Lord, the Chief Registrar and all parties involved for organizing today's ceremony. I pray that we all have a safe and productive year ahead.

Thank you.

Pengiran Izad-Ryan bin PLKDR Pengiran Haji Bahrin
President of Law Society



Legal Fear 2011

THE
SUPREME
COURT

Court of Appeal Judges



Justice John Barry Mortimer
President of the Court of Appeal

Judicial Commissioner of the Supreme Court and members of the COA



Justice Geoffrey
Lance Davies

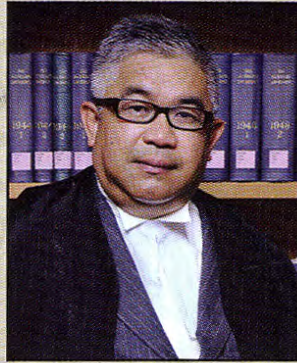


Justice Anthony Gordon
Rogers



Justice David John
Leonard

Supreme Court Judges



Chief Justice Dato Seri
Paduka Haji Kifrawi bin Dato Paduka Haji Kifli
Chief Justice of the Supreme Court

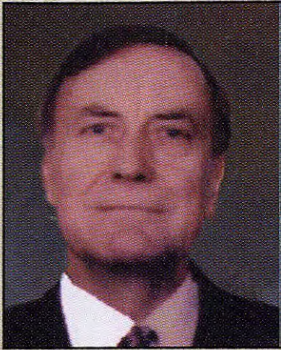


Justice Dato Paduka Steven
Chong Wan Oon
High Court Judge

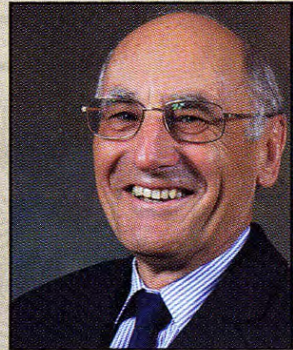


Justice Dato Paduka Hairol
Arni Haji Abdul Majid
High Court Judge

High Court Visiting Judges (Judicial Commissioners of the Supreme Court)



James Kerr Findlay
Judicial Commissioner



Nicholas John Barnett
Judicial Commissioner



Gareth John Lugar - Mawson
Judicial Commissioner

Registrars of the Supreme Court



Radin Safree bin
Radin Mas Basiuni
Deputy Chief Registrar



Pg Hajah Rostaina binti
Pg Hj Duraman
Chief Registrar



Ramzidah binti
PDKD Hj Abdul Rahman
Senior Registrar



Dk Hjh Norismayanti
binti Pg Hj Ismail
Senior Registrar



Hazarena binti
POKSJDH Hj Abu
Hurairah
Senior Registrar



Azrimah binti Hj
Abdul Rahman
Registrar



SUPREME COURT OFFICERS AND STAFF



PROBATE SECTION



BANKRUPTCY SECTION



COURT TRANSLATOR



FINANCE SECTION

THE INTERMEDIATE COURT

Judges of the Intermediate Court



Lim Siew Yen



Pg Hj Hanani binti
Pg Hj Metusain

Legal Year 2011

THE
SUBORDINATE
COURT

Magistrates of the Subordinates' Court



Muhammed Faisal bin
PDJLDDSP Hj Kefli
Senior Magistrate



Hj Abdullah Soefri bin
POKSM DSP Hj Abidin
Chief Magistrate



Pg Masni binti Pg Hj
Bahar
Senior Magistrate



Lailatul Zubaidah binti Hj
Mohd Hussain
Senior Magistrate



Hj. Nabil Daraina bin
PUKDPSSU
Hj Badaruddin
Senior Magistrate



Harnita Zelda Skinner
Magistrate



BANDAR SERI BEGAWAN MAGISTRATES' COURT OFFICERS AND STAFF



COURT INTERPRETERS

TEMBURONG, MAGISTRATE AND COURT STAFF



KUALA BELAIT, MAGISTRATE AND COURT STAFF



TUTONG, MAGISTRATE AND COURT STAFF



Legal Year 2011

THE
STATE
JUDICIARY
DEPARTMENT



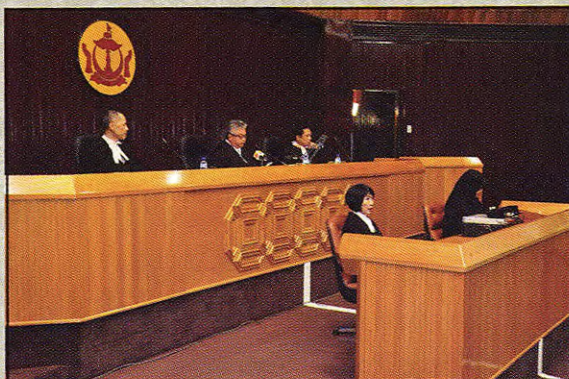
DIRECTOR, OFFICERS AND STAFF OF THE STATE JUDICIARY DEPARTMENT

Legal Year 2011

EVENTS

LEGAL YEAR 2010

16th March 2010



LAW SOCIETY ANNUAL DINNER 2010



THE OPENING OF THE 17TH PUBLIC SERVICE DAY



RUSSIAN EMBASSY DELEGATION VISITS COURTS
IN BRUNEI DARUSSALAM
29th June 2010



ANTI CORRUPTION BUREAU BRIEFING
6th August 2010



LORD JUSTICE LAWS CALLS
ON BRUNEI'S HIGH COURT JUDGE
29th September 2010



CHIEF REGISTRAR ATTENDING THE
SUPREME COURT OF SINGAPORE. LEGAL YEAR
CEREMONY JAN 2011



CHIEF JUSTICE WORKING VISIT TO JUVENILE COURT SINGAPORE



Legal Year 2011

19TH PACIFIC REGIONAL JUDICIAL CONFERENCE AND PACIFIC ASIA

JUDGES SCIENCE AND TECHNOLOGY SEMINAR GUAM



ASIA-PACIFIC COURT EXCELLENCE CONFERENCE 2010



INTERPRETER'S COURSE AT STATE JUDICIARY DEPARTMENT



ACTIVITIES

STATE JUDICIARY DEPARTMENT AIDILFITRI OCCASION



MUHAMMAD HARDY IMAN BIN MUHAMMAD UKIT CONVERSION CEREMONY



NETBALL TOURNAMENT



FOOTBALL MATCH WITH THE MIRI JUDICIARY



JUDICIARY FAMILY FUN DAY



Legal Year 2011

STATISTICS

HIGH COURT CRIMINAL CASES

	2006	2007	2008	2009	2010
CASE DEALT WITH	22	11	21	26	28

HIGH COURT CIVIL CASE

	2006	2007	2008	2009	2010
CASE DEALT WITH	174	161	192	199	195

INTERMEDIATE COURT CRIMINAL CASE

	2006	2007	2008	2009	2010
HEARD	19	21	14	14	17

INTERMEDIATE COURT CIVIL CASE

	2006	2007	2008	2009	2010
CASE DEALT WITH	193	135	107	98	114

MAGISTRATES' COURTS SUMMONS & CRIMINAL CASES

	2006	2007	2008	2009	2010
BRUNEI-MUARA	2662	3364	3412	2693	3418
BELAIT	310	321	366	301	640
TUTONG	83	144	79	98	146
TEMBURONG	6	12	47	16	26

MAGISTRATES' COURTS CIVIL CASES

	2006	2007	2008	2009	2010
BRUNEI-MUARA	1926	1979	1533	1594	1641
BELAIT	104	95	273	271	327
TUTONG	5	11	239	275	250
TEMBURONG	0	0	0	0	0

JUVENILE COURTS CASES

	2010
BRUNEI-MUARA	11
BELAIT	1
TUTONG	0
TEMBURONG	0

APPEALS

CIVIL & CRIMINAL APPEAL CASES [FROM HIGH COURT TO COURT OF APPEAL]

	2006	2007	2008	2009	2010
CIVIL	17	20	29	14	16
CRIMINAL	14	17	12	12	23

CIVIL & CRIMINAL APPEAL CASES [FROM MAGISTRATES COURT TO HIGH COURT]

	2006	2007	2008	2009	2010
CIVIL	8	8	8	6	5
CRIMINAL	23	31	37	41	55

CHAMBER HEARING BEFORE SENIOR REGISTRAR & REGISTRAR

	2006	2007	2008	2009	2010
CASE DEALT WITH	554	454	297	334	278

LEGAL AID

	2006	2007	2008	2009	2010
GRANTED	0	5	2	2	1

LETTERS OF ADMINISTRATION

	2006	2007	2008	2009	2010
RECEIVED	323	321	326	367	380
ISSUED	237	277	268	300	303

PROBATE

	2006	2007	2008	2009	2010
RECEIVED	10	11	10	5	5
ISSUED	7	8	7	3	4

BANKRUPTCY

	2006	2007	2008	2009	2010
BANKRUPTCY NOTICE	387	351	523	740	751
RECEIVING ORDER	303	268	269	410	498
ADJUDICATION ORDER	114	78	7	42	36
RECISSION	29	35	25	24	18
DISCHARGE OF ADJUDICATION ORDER	0	0	46	0	1
WINDING-UP ORDERS	2	1	2	3	4

MARRIAGES AND DIVORCES

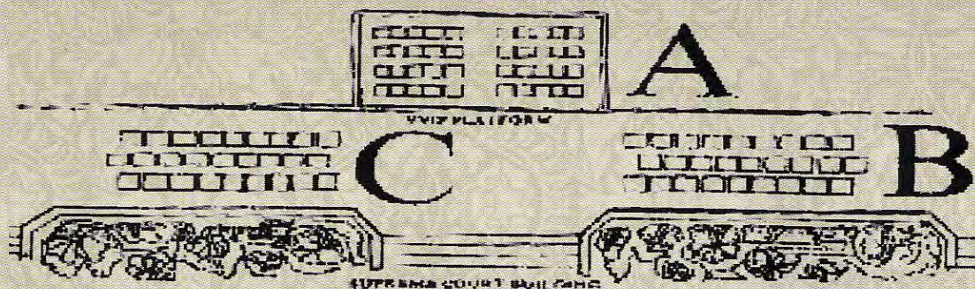
	2006	2007	2008	2009	2010
MARRIAGES	161	143	132	156	147
DIVORCE	22	21	33	16	21

THE REVENUE OF THE SUPREME COURT
BRUNEI DARUSSALAM

	2008	2009	2010
ESTATE DUTY	\$323,204.50	\$976,624.60	\$254,041.30
STAMP DUTY	\$2,021,559.89	\$2,398,019.60	\$2,232,331.07
SEARCH & REGISTRATION	\$33,760.00	\$35,360.00	\$36,660.00
CIVIL	\$1,186,456.95	\$1,199,908.54	\$1,206,300.38
CRIMINAL	\$2,144,078.64	\$1,790,258.70	\$2,327,541.25
MISC	\$10,809.67	\$2,983.02	\$6,470.31
TOTAL REVENUE	\$5,719,879.65	\$6,403,634.47	\$6,063,344.31

Legal Year 2011

SEATING PLANS

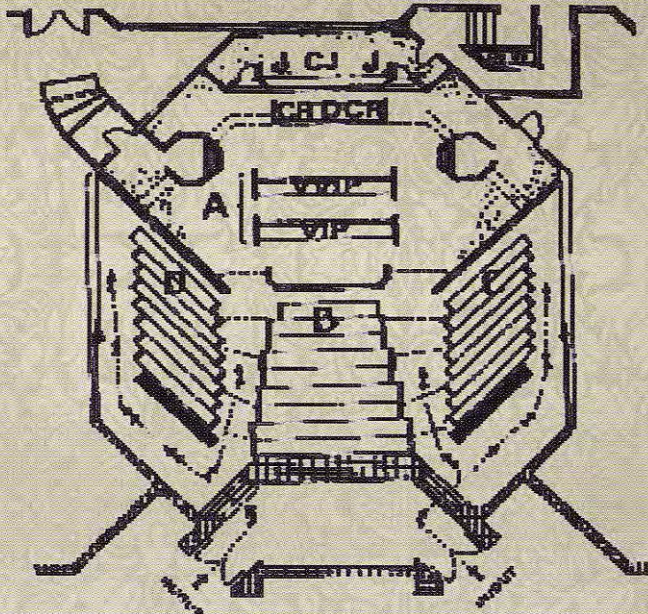


Outside The High Court Building

- A - VVIP and VIP

- B - Ambassadors / High Commissioners
 - Business Communities
 - Advocates / Legal Practitioners
 - Police and other Prosecuting Officers
 - Schools, ITB / UNISSA

- C -
 1. Permanent Secretaries
 2. Chairman EDB / UBD Vice Chancellor / ITB / UNISSA
Deputy Chairman PSC / Members of Board of Directors of Yayasan
 3. Con Sec Crown Prince
 4. Deputy Permanent Secretary
 5. Heads of Department
 6. Deputy Heads of Department
 7. Senior Government Officers
 8. Assistants Solicitor General / Legal Counsels / Legal Officers
 9. Officers of Syariah Courts



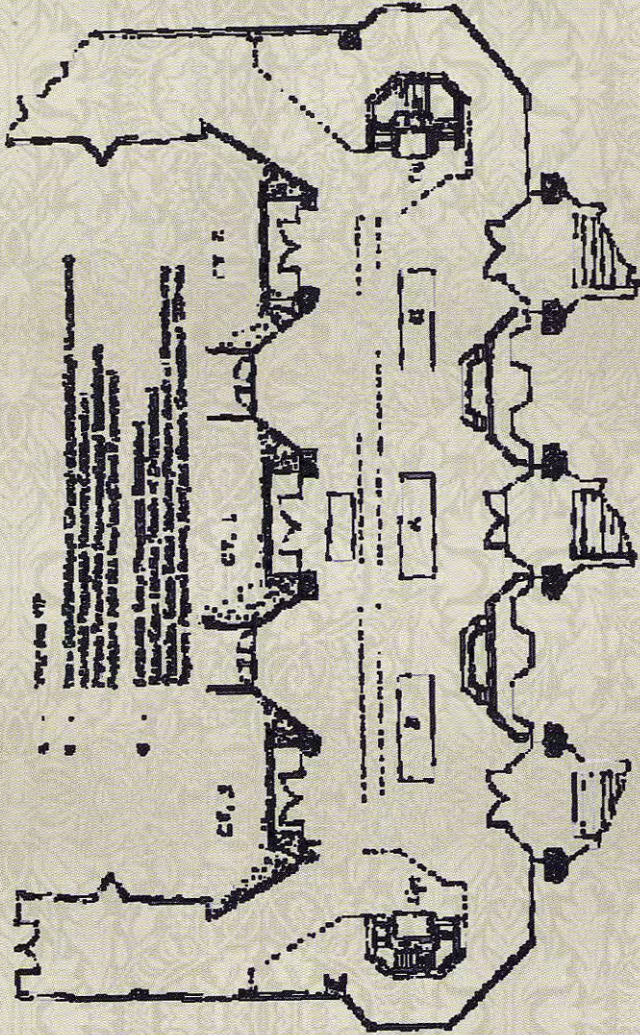
In the High Court Building

A - VVIP and VIP

B - 1. Chief Magistrate / Senior Magistrate / Magistrates and Registers of the Supreme Court / Officers of the Syariah Courts
2. Assistants Solicitor General / Legal Counsels Legal Officers
3. Advocates / Legal Practitioners

C - 1. Permanent Secretaries
2. Chairman EDB / UBD Vice Chancellor / ITB / UNISSA
Deputy Chairman PSC / Members of Board of Directors of Yayasan
3. Con Sec Crown Prince
4. Deputy Permanent Secretary
5. Heads of Department
6. Deputy Heads of Department
7. Senior Government Officers

D - 1. Ambassadors / High Commissioners
2. Police and Other Prosecuting Officers
3. Business Communities
4. Officers and Staff of Judicial Department
5. Schools



COMMITTEE MEMBERS OF THE OPENING OF THE LEGAL YEAR 2011

1. **Protocol Committee**

Adat Istiadat Department Officers
Radin Safree bin Radin Mas Basiuni
Ramzidah binti PDKD Hj. Abdul Rahman
Lailatul Zubaidah binti Haji Mohammad Hussain
Hjh Maimun binti Hj. Taja'ah
Pg Saini bin Pg Tengah
Haji Sahari bin Haji Abd Rahman
State Judiciary Department Officers and Staff

2. **Invitation and Secretariat Committee**

Pg. Hajah Rostaina binti Pg. Haji Duraman
Hjh. Mariah binti Awg. Ali
Suzanah binti Basman
Pg. Hjh. Rohaiyah binti Pg. Hj. Md. Yassin
Norhayati binti Masri
Norhayati binti Hj Idris
Noorhadina binti Abd. Aziz
Hasiah binti Abdullah
Masrina binti Bakar
Aziemah binti Zakaria

3. **Refreshments Committee**

Pg. Masni binti Pg. Haji Bahar
Pg. Hajah Rohaiyah binti Pg. Haji Md. Yassin
Hajah Fauziana binti Haji Mohamad
Siti Rafeah binti Haji Mohd Yusof
Hajah Noorazizah binti Haji Awang Ering
Siti Zaiton binti Haji Abdul Rahman
Habibah binti Haji Osman

4. **Facilities & Building Maintenance Committee**

Pg. Haji Mohd. Khairuddin bin Pg. Haji Hashim
Lim Ching
Haji Morshidi bin Haji Mokhtar
Mohd. Daud bin Haji Metussin
State Judiciary Department Officers and Staff

5. **Media Committee**
Muhammed Faisal bin PDJLDDSP Haji Kefli
Suzanah binti Haji Sulaiman
Haji Badaruddin bin Haji Abd. Karim
6. **Photography Committee**
Alizah binti Hidup
Shaliza Hani binti Ahmad Khan
7. **Finance Committee**
Haji Tamin bin Haji Lamat
Hajah Yalus binti Abdullah
Aini binti Haji Abd. Mohin
8. **Program Committee**
Pg. Hajah Rostaina binti Pg. Haji Duraman
Haji Abdullah Soefri bin POKSM DSP Haji Abidin
Radin Safiee bin Radin Mas Basiuni
Haji Metassim bin Haji Ahmad
Hajah Siti Hamidah binti Haji Abd. Rahman
Noridah Haji Matnor
Muhammad Zulfadhli bin Haji Abd. Hamid
Alizah binti Hidup
9. **Website Committee**
Radin Safiee bin Radin Mas Basiuni
Muhammad Zulfadhli bin Haji Abd. Hamid
Muhammad Hardy Iman bin Muhammad Ukir
10. **Royal Police Force Guard of Honour and JSKLL Committee**
Muhammed Faisal bin PDJLDDSP Haji Kefli
Insp. Asmah binti Haji Bakar
Insp. Pg. Symshahairul Ismar bin Pg. Haji Shahbudin
Insp. Mohd Adi Hamree bin Haji Mohd Rakawi
Sr. Insp. Pg. Haji Abd. Aziz bin Pg. Haji Muhammad
Insp. Pg. Aminul Sami bin Pg. Sarpuddin
Abdul Rahman bin Haji Kadir

ACKNOWLEDGEMENTS

PRIME MINISTER'S OFFICE

MINISTRY OF FOREIGN AFFAIRS AND TRADE

MINISTRY OF RELIGIOUS AFFAIRS

ATTORNEY GENERAL'S CHAMBERS

ADAT ISTIADAT NEGARA

ROYAL BRUNEI POLICE FORCE

RADIO AND TELEVISION BRUNEI

GOVERNMENT PRINTING DEPARTMENT

INFORMATION DEPARTMENT

STATE JUDICIARY DEPARTMENT

PUBLIC WORKS DEPARTMENT

JASTRE

ELECTRICAL SERVICES DEPARTMENT

FIRE AND RESCUE DEPARTMENT

ORGANISING COMMITTEE FOR THE OPENING OF THE
LEGAL YEAR 2011



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E-mail: supcourt@brunet.bn

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2011 Edition (March)

Printed by the Government Printing Department,
The Prime Minister's Office, Brunei Darussalam