

# **SPEECH BY**

**THE HONOURABLE CHIEF JUSTICE**

**DATO PADUKA STEVEN CHONG**

## **OPENING OF LEGAL YEAR 2019**

**THURSDAY 10<sup>TH</sup> JANUARY, 2019**

Yang Berhormat Pehin Orang Kaya Laila Setia Bakti Diraja Dato Laila Utama Haji Awang Isa, Special Adviser to His Majesty and Minister at the Prime Minister's office

Yang Berhormat Dato Seri Setia Haji Abdul Mokti Bin Haji Mohd Daud, Minister at the Prime Minister's Office

Honourable Attorney General

Yang Amat Arif Chief Syarie Judge

Honourable Judges

President of the Law Society

Members of the Bar

Distinguished Guests

Ladies and Gentlemen

Good Morning. On behalf of the Judiciary it gives me great pleasure to welcome you all to the Opening of the Legal Year 2019.

### **Judicial Reform**

In 2007 the World Bank sponsored the publication of a book entitled "Judiciary-Led Reforms in Singapore: Framework, Strategies and Lessons". This is an extract from the foreword:

"It has become increasingly evident that an efficient and effective judicial system is necessary to promote a sustainable environment of economic and social stability and the rule of law, in which other development initiatives (including poverty reduction, education, and gender equality) can flourish. As a result, judicial reform has come to occupy a prominent place in the priorities of many developing countries as well as in the programs of multilateral lending institutions and other organisations worldwide."

This passage in the Executive Summary is worth noting:

“Singapore is widely recognized as having one of the most efficient, effective judicial systems in Asia, perhaps in the world. Yet at the outset of the 1990s, its judiciary was inefficient and inaccessible to many. It was marked by the common problems of delays, high costs, and antiquated methods. So how did a judiciary that was inward looking, cloistered, and satisfied with itself come to change so successfully and so quickly? Could any lessons derived from the experience help policy makers elsewhere to design and implement judicial modernization?”

The duty of the Judiciary is to deliver justice to all who seek justice. We acknowledge the many challenges facing the Judiciary. Incremental reforms will be undertaken to improve the quality of our justice delivery system. There is no need to reinvent the wheel. We can learn from the experiences of the more developed jurisdictions. The journey will be long and arduous but we are committed to stay the course. Standing still is not an option.

Timeliness will be our top priority and efficiency must become the norm in the administration of the courts. There must be a change in the work culture and a new mindset. Steps that have been undertaken to ensure that hearings start on time, the number of adjournments in the course of a trial are reduced, active case management is practised, and timelines for the delivery of judgments are met, will improve performance in case disposal.

In July 2018 we set a target for the delivery of judgments by Judges, Magistrates and Registrars of one month in general and not exceeding 3 months in complex cases after the close of submissions.

In the pursuit of efficiency, however, the Judiciary must find the right balance to maintain public trust and confidence in the administration of justice. As the old adage goes: justice delayed and justice hurried can cause injustice. On the one hand cases should be disposed of in a timely manner and Judges should not delay justice as the cost to defendants or litigants may be loss of liberty or property. On the other hand no one should leave the court with the grievance of having been deprived of a full and fair hearing because the Judge was impatient. It is axiomatic that justice must not only be done but seen to be done.

### **Mediation**

Mediation offers a non-confrontational and more harmonious way of resolving disputes. We have 7 Judicial Officers who are qualified mediators having received

training and accreditation from the Singapore Mediation Centre. I encourage the Bar and litigants in person to embrace mediation as a means to settle their disputes.

The benefits of mediation are considerable. First, it is much more cost-effective than most other modes of dispute resolution. Mediation is not burdened with the procedural formalities and technicalities in litigation and quicker closure can be achieved with a reduction in professional charges and opportunity costs for the parties in dispute.

Secondly, mediation allows the parties to directly participate in the resolution of their dispute and to determine the outcome.

Finally, mediation is an effective method of dispute resolution. Statistics of the Singapore Mediation Centre show that out of more than 2,300 cases that have been mediated the overall success rate is 75%. In the Supreme Court the rate of settlement for cases which proceed to mediation in recent years has ranged between 66% and 81%.

As of August 2018 we have offered all litigants the opportunity of mediation before our accredited mediators. To date, in the High Court 11 cases have been identified for mediation and one out of 3 cases mediated has been successful. In the Intermediate Court 7 cases have been identified for mediation and 2 out of 4 cases have been successfully mediated.

### **“Bench Book”**

The strict enforcement of criminal law has made Brunei Darussalam one of the safest countries in the world. But we are also mindful of the need for fairness in the administration of criminal justice.

On that note in order to maintain consistency and predictability in sentences passed by the courts the Judiciary has embarked on a project to produce a “Bench Book” containing guideline cases on a range of offences to provide assistance to Judges and Magistrates in discharging their sentencing function. I am pleased that despite their heavy workload the Magistrates and Registrars have to date completed a “Bench Book” on offences under the Penal Code, Misuse of Drugs Act, Road Traffic Act, Immigration Act, Income Tax Act and Excise Order.

I am confident that in the years to come there will be a greater level of consistency and predictability in sentences that will be of benefit to Judges, Magistrates, Prosecutors and Defence Counsel.

### **Judiciary Website**

The Judiciary Website has recently been enhanced and offers e-Practice Directions, e-Judgments from 1987 to 2018 and e-Publications. The Website will be reviewed regularly so as to provide a useful platform for information on court matters and for research.

### **Professional development**

Judicial Officers will be better able to maintain the high standards expected of them when they are provided with the opportunity to participate in professional development programmes.

With the support of the Prime Minister's Office the Judiciary invited the Singapore Judicial College to deliver a Judgment Writing Programme in October 2018 in the Magistrate's Court. Over three days our Judicial Officers, Syariah Law Judicial Officers and Officers of the Attorney General's Chambers participated in the programme to improve judgment writing in criminal cases.

We are grateful to Dean Foo Chee Hock and his officers from the Singapore Judicial College for the excellent programme customized for our Judiciary.

### **Felicitations**

On behalf of all my colleagues I thank Dato Seri Paduka Haji Kifrawi Bin Dato Paduka Hj Kifli for his service to the Judiciary as Chief Justice and wish him many happy years of retirement. We are also grateful to Dato Seri Paduka John Barry Mortimer for his leadership of the Court of Appeal and extend our best wishes to him on his retirement.

I congratulate Dato Paduka Hairol Arni Bin Hj Abdul Majid on his appointment as Attorney General and thank him for his service and contribution to the Judiciary as High Court Judge. While we feel the void left by Dato Paduka Hairol's new appointment I am heartened in the knowledge that he will bring his dedication to upholding the rule of law, sense of what is just and fair and wealth of experience to the Attorney General's Chambers in the discharge of his duties.

In the Supreme Court the Bench has been strengthened by the appointments to the Court of Appeal of Justice Michael Burrell as President; Justice Michael Lunn, who was Vice President of the Hong Kong Court of Appeal, as Judge of Appeal; and Justice Pg

Datin Paduka Hjh Rostaina Bte Pg Hj Duraman as High Court Judge. I thank Justice Pg Datin Paduka Hjh Rostaina for her dedicated service as Chief Registrar.

We are pleased to welcome the return of Hj Abdullah Soefri Bin Pehin Orang Kaya Saiful Mulok Dato Seri Paduka Haji Abidin to the Judiciary as Chief Registrar after his service as Assistant Solicitor General. Hj Abdullah Soefri's experience in the administration of the Magistrate's Court when he was Chief Magistrate will be a valuable asset in his new office as the Judiciary seeks to meet the needs of court users with an emphasis on quality and timely delivery of services.

I am delighted with the appointment of Judge Mohammed Faisal Bin Pehin Datu Juragan Laila DiRaja Dato Seri Pahlawan Hj Kefli as full time Intermediate Court Judge. This is a timely appointment with the increase in the number of serious criminal offences tried in the Intermediate Court in recent years.

With the appointment of Pg Masni Binti Pg Hj Bahar as Chief Magistrate, the return of Acting Senior Magistrate Pg Shahyzul Bin Pg Abd Rahman after successful completion of a LLM in International Commercial Law in University College London on a Chevening Scholarship, the appointments of Magistrate Pg Hazirah Binti Pg Md Yusof and Magistrate Kamaliah Fadhilah Binti Hj Ibrahim, who were both Deputy Public Prosecutors, the Magistrate's Court is stronger.

The Bankruptcy Unit has also been strengthened with the appointments of five Deputy Official Receivers.

The Judiciary will ensure that those who are appointed to judicial office at all levels are of the highest calibre: competent, committed and of integrity.

### **Pro bono services**

I commend the Law Society for its effort in expanding pro bono services to enhance access to justice. Last year there were 11 clinics with 26 law firms volunteering their services. Advice was given on criminal, commercial, personal injury and family law matters.

A legal aid fund was launched to provide legal representation to accused persons who are juvenile offenders or who suffer from mental disabilities.

I encourage all members of the Bar to volunteer their services. In the legal profession it is of course important to have a successful practice. However, it is equally important

for lawyers, as members of a noble profession, to use their training to serve the disadvantaged and vulnerable members of our community in the public interest.

### **Conclusion**

I thank the Chief Registrar, officers and staff of the Judiciary for the preparations they have made for this Ceremony.

The support of the Prime Minister's Office, State Judiciary Department and Adat Istiadat Negara Office is also appreciated.

I am grateful to the Commissioner of Police for the Guard of Honour Parade which is not only ceremonial but reminds us of the role of the police in maintaining law and order.

Finally, on behalf of the Judiciary, I express my gratitude to you all for taking time to attend this occasion. Your presence reflects your interest in our judicial system which has contributed to the peace and prosperity enjoyed by the people under the leadership of His Majesty the Sultan and Yang Di Pertuan Negara Brunei Darussalam.

I wish you all the best for the year ahead.