

# **SPEECH BY**

**THE HONOURABLE CHIEF JUSTICE**

**DATO SERI PADUKA STEVEN CHONG**

## **OPENING OF LEGAL YEAR 2020**

**THURSDAY 16<sup>TH</sup> JANUARY, 2020**

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 Justices, Judges,

President of the Law Society,

Members of the Bar,

Distinguished Guests,

Ladies and Gentlemen,

Good Morning. On behalf of the Judiciary, I am delighted to welcome you to the Opening of Legal Year 2020. I am grateful to the Registrar of the Supreme Court of Singapore, Ms Teh Hwee Hwee, and our guests from Hong Kong and Malaysia representing their respective professional associations for taking time and making the effort to travel to Brunei Darussalam to be with us this morning.

## **Appointments**

Let me begin with a brief summary of the changes to the Bench over the past year. We saw the appointment of two new Judicial Commissioners, Justice Edward Timothy Starbuck Woolley who joined us in September 2019 and Justice Kannan Ramesh in October 2019. Collectively, they will add considerably to the strength and diversity of the Bench. Both Justice Woolley and Justice Ramesh bring a wealth of experience from their many years of successful practice and from their distinguished

careers as jurists in Hong Kong and Singapore, respectively. Their appointments will surely enhance the standing of the High Court Bench.

I also welcome the appointment of Registrar Nur Eleana binti Dato Seri Paduka Hj Hairol Arni and Magistrate Mohammad Marzuqi bin Sabtu to the Judiciary in April 2019, who were previously Deputy Public Prosecutor and Legal Counsel, respectively, at the Attorney General's Chambers. These additions to the Bench, both local and international, have brought together a blend of diverse talents and backgrounds and I am heartened that we have in place a strong team of judges and judicial officers to lead us forward in contributing to the work of the Judiciary.

At this juncture, I would like to take this opportunity to bid farewell to outgoing officers and staff of the Supreme Court. On behalf of the Judiciary, I would like to wish them success in their future endeavours and thank them for their hard work, dedication and valuable contribution to our organization. We are immensely grateful for your many years of service and you will certainly be missed.

### **Key developments in the Courts**

I will now turn to review the key developments in our courts over the preceding year.

### **Delivery of judgments**

In my 2019 Legal Year speech, I spoke about timeliness being our top priority and how steps have been taken to ensure that timelines for the delivery of judgment are met. I emphasized the importance of improving performance in case disposal and the target set for the delivery of judgments by judges and judicial officers of 1 month for cases in general and not exceeding 3 months for more complex cases after the close of submissions.

I am pleased to report that our statistics have shown that from 1 January to 27 October 2019, 94% of judgments in the Intermediate Court and 87% of judgments in the Magistrates Court were delivered between a period of less than 1 month to 3 months.

I am encouraged to see that there has been a change in attitudes towards the monitoring of cases, with an emphasis on statistics in relation to clearance rates and waiting periods, and the adoption of a more robust approach towards case management. I wish to underscore that whilst we must continue to strive for the timely and efficient disposal of cases, we must also enhance the quality of our work. Even as we look to reduce delays, more time should be spent on the substance and merits of a dispute as opposed to procedural matters. Though the Judiciary bears the primary responsibility for the judicial system, other stakeholders also have an interest in the system and have a significant role to play in advancing it. In order to achieve our targets, we continue to seek the support of the Attorney General's Chambers and the Bar in meeting the needs and expectations of the public we serve.

## **Mediation**

Moving onto the topic of mediation, the Judiciary remains committed to the use of mediation and it is hoped that with consistent support from the Bar, our initiatives in encouraging mediation will take firm root. Whilst the mediation process remains voluntary in our jurisdiction, we have seen a healthy increase in the number of cases being mediated before our accredited mediators where in 2019, a total of 14 cases have been referred for mediation in the High Court with 2 out of 3 cases having been successfully mediated.

In August 2019, we saw Brunei Darussalam together with 45 countries including the United States, China, India, South Korea, Malaysia, and Singapore sign the United

Nations Convention on International Settlement Agreements Resulting from Mediation. Not only does it highlight the prominence of mediation as a method of dispute resolution globally but as a signatory, it underlines the commitment made by Brunei Darussalam on the use of mediation in settling international commercial disputes.

Whilst the benefits of mediation are well known, I must re-emphasize that mediation is a more cost efficient and harmonious form of dispute resolution than litigation and our statistics have also evidenced a growing momentum in favour of mediation by parties. Ultimately, our vision is to see mediation feature prominently in the landscape of our justice system and for it to be integrated into the dispute resolution process. In the field of mediation, the Judiciary will continue to take steps to equip itself to better meet the challenges and demands of today and to remain ahead of the curve for tomorrow.

### **International Front**

Looking beyond the domestic sphere, the Judiciary continues to develop and strengthen its judicial networks internationally.

In September 2019, we held a forum on the ‘Modernisation of Case Management’ where the Right Honourable Lord Justice Gross, Lead Judge for International Relations from the Judiciary of England and Wales was the keynote speaker and panelist. It was the second forum that was organized by our Supreme Court and supported by the British High Commission in Brunei Darussalam with the participation of a senior member of the Judiciary of England and Wales. I was very much encouraged by the attendance at the forum of all members of the legal fraternity and it is hoped that it will foster the development of ideas and best practices in the area of case management for the advancement of our respective judicial systems. I am

optimistic that with our continued efforts, we will forge a strong and valuable relationship with the Judiciary of England and Wales as dialogues and exchanges such as these are the bedrock of bilateral cooperation.

In October 2019, the Supreme Court of Brunei Darussalam marked a historic milestone in its relationship with the Singapore Supreme Court with the appointment of Judicial Commissioner Kannan Ramesh. Justice Ramesh holds his appointment in our Supreme Court concurrently with his appointment as a full time High Court Judge of the Supreme Court of Singapore, where he is also a judge of the Singapore International Commercial Court. With his extensive experience in dispute resolution, insolvency and restructuring and international arbitration, Justice Ramesh's appointment will enhance both international and local investors' confidence in Brunei Darussalam's ability to deal with commercial disputes. This will be in line with the country's aspiration to achieve a dynamic and sustainable economy under Wawasan Brunei 2035 and also to realise the Brunei Judiciary's vision to establish a world class judiciary and an excellent court system that strives to attain justice for the individual and society through the rule of law.

Further judicial cooperation was seen through the attachment of 3 of our Intermediate Court Judges in the Singapore Judiciary from October to November 2019. Our judges were given a unique insight into the workings of Singapore's Supreme Court and Family Justice Courts and were assigned Judge-Mentors from the High Court for the duration of their attachment. It was very much a practical learning experience for our judges which not only provided them the opportunity to learn 'Judge craft' but also foster ties and build networks between the two Judiciaries. The exposure given to our judges during their time with the Singapore Judiciary was unparalleled and we believe that when our judges are provided with the chance to participate in professional development programmes such as these, they will be better

able to maintain the high standards expected of them and our Judiciary. We thank the Singapore Judiciary in establishing the attachment programme for our judges and we look forward to advancing our co-operation with our Singaporean counterparts in the years to come.

In terms of our legal system's standing on the international front, I am also pleased to report that Brunei Darussalam has made substantive improvements for the indicators on 'Enforcing Contracts' and 'Resolving Insolvency' on the World Bank's annual Doing Business Report 2020 where we climbed in the rankings to #66 and #59, respectively. This can be attributed to the publication of reports and statistics online by the Judiciary and reforms made in improving creditor's rights when undertaking insolvency proceedings, thus contributing to the strengthening of the overall Insolvency Framework of the country. It is my hope that this drive to improve the country's business regulatory environment will continue and the Judiciary will do its utmost in support of the efforts made by the Ease of Doing Business Secretariat.

### **Guide to Media**

Another initiative that has been put forward by the Judiciary is the introduction of 'Media Guidelines'. In reporting about the Courts, media outlets and journalists play an important role in helping the public understand our work. Open justice is a fundamental principle of a fair trial and this guide has been designed to help members of the media report fairly and accurately. The Media Guidelines were written to promote transparency and the principle of open justice; facilitate fair and accurate reporting of matters before the Court; and enhance the public's understanding of the Court's function and its work.

The just determination of disputes by independent judges in public courtrooms, and the publication of the reasons for their judgments, is a cornerstone of the rule of law.

It is for the public at large to see the law and judicial process at work and I would encourage the publication of judgments in the media, especially those that would be in the public interest. Media access to the court is a way in which to improve public knowledge and transparency about the working of our courts. To my mind, this important principle helps preserve public confidence in the justice system in Brunei Darussalam.

### **Judicial Conduct Handbook**

On another note, I am pleased to announce the introduction of a Judicial Conduct and Ethics Handbook which sets out guidelines for judges and judicial officers about their conduct. It is imperative that there should be a set of standards of ethical conduct to be expected of judges and judicial officers. Chief Justice Earl Warren of the United States Supreme Court famously observed that the law floats in a sea of ethics. With the internal distribution of these guidelines, it is hoped that it will not only assist our judges and judicial officers in exercising their duties but also secure respect and support for the Judiciary. It is important to highlight that these guidelines do not act as a Code but rather provide a set of principles that reflect the court's mission and goals, particularly in respect of preserving public trust and confidence.

Our legal system is founded on the principle that the Judiciary is to faithfully discharge its duties, to do right to all manner of people in interpreting and applying the laws of Brunei Darussalam and do justice without fear or favour, affection or ill will, to the best of its ability. The Judicial Conduct and Ethics Handbook will set out standards of professional ethical conduct that judges and judicial officers must respect and honour in their duty to maintain and enhance public confidence in the legal system. The guideline is non-exhaustive as it is impossible to cover every possible situation and adopts a practical approach in providing guidance and assistance for the

proper conduct of judges and judicial officers where ethical and professional issues may arise.

The Judiciary and the guidelines, however, are only as effective as the judges and judicial officers who operate and apply it. It means these individuals must demonstrate good moral conduct through values of independence, patience, integrity, fairness and accountability. There is a well-known saying that “Trust should be guarded to the end: without trust we cannot stand”. Indeed, trust is a fundamental requirement for any institution and it is of central importance to the administration of justice and the rule of law that the public have trust and confidence in our system. We, in the Judiciary, are committed to guarding this trust.

## **Conclusion**

As I conclude, I would like to take this opportunity to thank the Chief Registrar, all officers and staff of the Judiciary for the preparations made for today. I wish to also express my gratitude to the Prime Minister’s Office, State Judiciary Department, Printing Department, Department of Adat Istiadat Negara, Department of Environment, Park and Recreation and Accident and Emergency Department of RIPAS Hospital for their continued support. I am also grateful to the Commissioner of Police for the Guard of Honour Parade which is not only a valued ceremonial tradition but reminds us of the role of the Royal Brunei Police Force as a vital component of the justice system in maintaining law and order.

Lastly, thank you all very much for your presence this morning. On behalf of the Judiciary, I wish each and every one of you a happy, healthy and fulfilling New Year. Thank you.

