



SPEECH BY
YANG BERTHORMAT
DATO SERI PADUKA AWANG HAJI AHMAD
BIN PEHIN ORANG KAYA LAILA SETIA BAKTI DI-
RAJA DATO LAILA UTAMA HAJI AWANG ISA
ATTORNEY GENERAL
ON THE OPENING OF THE LEGAL YEAR
THURSDAY, 1st FEBRUARY 2024

My Lord Chief Justice Dato Seri Paduka Steven Chong,

Yang Berhormat Pehin Orang Kaya Laila Setia Bakti Di-Raja Dato Laila Utama Haji Awang Isa bin Pehin Datu Perdana Manteri Dato Laila Utama Haji Awang Ibrahim, Special Adviser to His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and Minister in the Prime Minister's Office,

Yang Berhormat Pehin Datu Lailaraja Major General (Rtd) Dato Paduka Seri Haji Awang Halbi bin Haji Mohd Yussof, Minister at the Prime Minister's Office and Minister of Defence II,

Yang Berhormat Chief Syar'ie Judge (*Pehin Orang Kaya Paduka Seri Utama Dato Paduka Seri Setia Haji Awang Salim bin Haji Besar*),

Honourable Justices

(My Learned Friend) President of the Law Society,

(Excellencies/Members of the Diplomatic Corp)

Members of the Bar,

Distinguished Guests,

Ladies and Gentlemen,

INTRODUCTION

My Lord,

1. It gives me great pleasure to be able to address Your Lordship on this important day in the legal calendar – the Opening of the 2024 Legal Year. Firstly, allow me to extend my heart-felt appreciation to the Judiciary for a warm welcome on this special occasion.

CAPACITY BUILDING AND COLLABORATION

2. As we stand on the threshold of a new year, it is natural to look back and acknowledge both triumphs and challenges, gain insights into lessons learnt and growth achieved. In my address last year, I called our attention to the Rule of Law and the AGC's ongoing plans of collaboration and engagement in the pursuit of impartial justice, fair processes, equal treatment and accountability.

3. In line with the theme of collaboration and engagement, my Chambers participated in many international conferences such as the 13th ASEAN-China Prosecutors-General Conference, the ASEAN-Japan Special Meeting of Justice Ministers commemorating 40 years of ASEAN-Japan relations, and the inaugural Interface Session between the Justice Ministers of ASEAN and the G7. These were key milestones in building trust and enhancing cooperation in the field of law and justice in the region and beyond.

4. Within Brunei, we were active in various programs and events. Highlights include the successful hosting of the 1st ASEAN Ministers/Attorney General's Meeting of the Central Authorities on Mutual Legal Assistance in Criminal Matters. We also had the honor of welcoming a legislative drafting consultant, a former Parliamentary Draftsman from the Singapore AGC, whose expertise was gladly received.
5. Our outreach efforts of training and lectures to relevant stakeholders continued apace in 2023 particularly in the area of law enforcement and prosecution. One notable outcome was the Public Prosecutor's success in the Court of Appeal whereby an acquittal for the offence of aggravated outraging modesty by a person in a position of trust was reversed.
6. One initiative for the Criminal Justice Division that I am especially anticipating this year is the escalating of our relationship with the Attorney-General's Chambers of

Singapore. We will be sending a number of officers to Singapore to not only undergo a Basic Prosecutor's Course but also for extended work attachments within the Singapore Attorney-General's Chambers. This is an invaluable opportunity for counsel to gain first-hand experience learning from and working alongside their experienced counterparts in Singapore.

7. I would like to take this moment to express my sincere gratitude to Your Lordship and the Law Society for extending invitations to my Chambers to participate in events and talks organised by the Judiciary and the Law Society; as well as our external partners for making these valuable learning opportunities possible.

PEACE AND STABILITY

My Lord,

8. The AGC continues to be guided by our vision of Excellence in Legal Service to uphold the Rule of Law

and safeguard Brunei's interests. The AGC plays a pivotal role in supporting the Government with its efforts to ensure peace and stability, as well as social security for our people. In addition to advising the Government on the proper implementation of the law, it is crucial to ensure fair governance and accountability for all administrative bodies. It is incumbent on us to guide regulatory authorities and enforcement agencies with the proper interpretation of the law, and the adoption of good governance in conformity with the laws, regulations and policies.

9. Our duty and authority as custodians of the Rule of Law has been clearly expressed in His Majesty's Titah during an unscheduled visit to an enforcement agency in 2022 where His Majesty stated: "*... sekiranya betul berlaku jenayah, maka pada ketika itu, memang menjadi hak dan kewajipan bagi pihak berkuasa untuk menangani dengan undang-undang untuk memutuskan salah atau tidak*".

10. The Legislative Drafting Division has advised and worked with various Ministries, departments and agencies to translate policy decisions into legislation. These have included:

- a. The National Retirement Scheme Order, 2023 together with the National Retirement Scheme Rules, 2023, which will improve the provision of social security facilities for all employees in Brunei Darussalam; and
- b. The Employment (Minimum Wage) Order, 2023 where establishing a baseline level of compensation for workers is a strong step towards ensuring social stability.

11. Further, the AGC has worked closely with Government agencies to respond to the challenge of an increasingly interconnected world where digital landscapes transcend physical borders and high-tech crimes are on the rise. Brunei is not immune to these cybersecurity

threats and has experienced several small-scale attacks from intrusions and online fraudulent activities to radicalising propaganda. The importance of robust cybersecurity measures cannot be overstated.

12. The Cybersecurity Order, 2023 is one initiative aimed at safeguarding our peace and stability in the digital domain. It is the culmination of a long running campaign by the AGC since 2013 to raise awareness on the dangers of cybercrime. This Order strengthens our ability to quickly respond to threats and facilitate investigations and prosecutions of such crimes.

13. I look forward to the establishment of additional guidelines and laws such as the Personal Protection Order and Code of Practice for Critical Information Infrastructure. Such guidelines will facilitate the implementation of the Cyber Security Order towards a safer digital environment. As our society's digital transformation accelerates, vigilance and cooperation between legal counsel and organisations is required.

14. Digital technologies have also introduced new challenges and opportunities for people to innovate. The establishment and safeguarding of strong IP frameworks demonstrate a commitment to the Rule of Law and encourages economic development. I wish to recognise the Intellectual Property Office of Brunei Darussalam (BrulPO) for their efforts and initiatives to promote inclusivity, innovation, creativity, technology and entrepreneurship. Their successful organisation of the annual World Intellectual Property Day celebration gathered almost 200 participants from various industries. The theme of “Women and IP: Accelerating Innovation and Creation” advocated for more women entrepreneurs and creatives to be part of the Intellectual Property system.

15. I also congratulate BrulPO on the signing of a memorandum of understanding with the Universiti of Brunei Darussalam. The establishment and safeguarding of strong IP frameworks demonstrate a

commitment to the Rule of Law and encourages economic development and attracts foreign investment.

AGC STRATEGIC PLAN

My Lord,

16. In keeping with the rise of technology, the AGC Strategic Plan 2021-2023 focused on human resource management and the adoption of legal technology. There has been good progress in utilising technology to enhance the efficiency of the management of the AGC. The Electronic Document Management System is scheduled to go live this year, which will enable the AGC to better manage and track the large volume of correspondence we receive.

17. The next step is to progress with the Legislative Electronic Drafting and Online System and formulate a new strategic plan to further increase the efficiency of our legal services.

PROMOTIONS

My Lord,

18. Finally, I would like to take this opportunity to share the recent promotion of Pengiran Hajah Siti Rahmah binti Pengiran Haji Mohammad on her promotion from Principal Counsel to Assistant Solicitor General, and Dayang Norismizan binti Haji Ismail from Principal Counsel to Legal Draftsman.
19. I wish them the best in their new role and hope that their success serves as inspiration for other officers to aim for career advancement.
20. Of course, I cannot fail to acknowledge the recent appointment by the Law Society of Miss Nur 'Azizah Ahmad as their new, and first, lady President. My warmest congratulations to her on this well-deserved achievement and milestone in her law career.

CONCLUDING REMARKS

My Lord,

21. As we look forward, let us embark into the new year with a sense of purpose ready to confront and overcome challenges with the determination to embrace new opportunities.

22. The AGC remains committed to the principles that underpin our legal system. We must continue to invest in the skills of our officers particularly in specialised areas. Our ability to navigate the complexities of a constantly evolving legal and social landscape depend on a comprehension of the law that goes beyond mere memorisation of statutes and case law.

23. The legal profession calls for an appreciation of the balance between the rights of the individual and societal needs, a keen awareness of the parameters of the law and a recognition of the limits of discretionary and enforcement powers. It is this understanding that

empowers us to be effective advocates, impartial arbiters and agents of positive change within our community.

24. My Lord, I shall conclude by extending my best wishes to Your Lordship, Honourable Judges, the legal fraternity and everyone a healthy, joyful and prosperous 2024.

Thank you.