

TABLE OF CONTENT

FOREWORD BY
TAN SRI ABDUL GANI
PATAIL

page

4 - 5

FOREWORD BY
DATUK IDRUS HARUN

page

7

PROSECUTION
DIVISION

page

8 - 25

INTERNATIONAL
AFFAIRS
DIVISION

page

26 - 47

DRAFTING
DIVISION

page

48 - 67

ADVISORY
DIVISION

page

68 - 93

APPELLATE &
TRIAL
DIVISION

page

94 - 119

LAW REVISION &
LAW REFORM
DIVISION

page

120 - 143

CIVIL
DIVISION

page

144 - 165

RESEARCH
DIVISION

page

166 - 177

I-CELLS

page

178 - 191

MANAGEMENT
DIVISION

page

192 - 211

ATTORNEY GENERAL'S CHAMBERS BI-ANNUAL REPORT 2010/2011



FOREWORD

by the Attorney General

I welcome the publication of this Bi-Annual Report for the period 2010 – 2011. The key objectives set out in this Bi-Annual Report represent substantial achievements and the significant commitment to the continuing development of this Department and to provide the highest standard of professional legal services to the Government, Departments and Agencies.

The years 2010 and 2011 saw much positive transformation within this Department. We formulated the AGC Strategic Transformation Program that encompasses both short-term and long-term projects. This is a move that is in line with the Government Transformation Program that calls for speed, efficiency, and integrity whilst emphasizing the importance of productivity, creativity and innovation.

As a result, a national, regional and international resource center for law and legal studies dubbed the International Center for Law and Legal Studies (I-CeLLS) was established to be the driving force in providing a strategic point of convergence for academicians, professionals, experts, legal practitioners and policy makers. It is a platform for the exchange of ideas and aims to cohesively contribute towards advancing legal studies and research in the national, regional and international arenas.

In addition to that, this Department have also taken major steps to improve our performance in keeping up with our five basic functions of providing legal advice to the Government, Departments and Agencies; drafting and reforming legislation; providing litigation services;

and prosecuting crimes. A comprehensive Performance Appraisal Scoring System (COMPASS) was established to enable a 360° peer assessment and we are at the advanced stage of implementing a comprehensive new information technology strategy with the development of systems such as the Integrated Legal Management System and the e-Federal Gazette. All these developments have and will continue to contribute to the efficiency and productivity of this Department.

The years 2010 and 2011 have also seen major legislative reform with the repeal of the Internal Security Act and the Banishment Act, the review of the Restricted Residence Act, Section 27 of the Police Act and the Printing Presses and Publication Act. New laws are being legislated as we speak to prevent subversive action, organized violence and criminal acts in order to preserve public order and security. All these new laws are being enacted under the umbrella of the Federal Constitution taking into account fundamental rights and liberties. This Department has, and will continue to be an integral part of legislative reform in this country.

I also take this opportunity to thank my colleagues for playing their part in putting hard work and dedication to the public service and the justice system. I truly value the integrity, innovation and professionalism they have reflected in their work. On that note, I assure you that this Department will continue to be committed to staff development and the well being of its employees.

Thank you.

FOREWORD

by the Solicitor General

In my foreword to the Tri-Annual Report 2007-2009 of the Attorney General's Chambers of Malaysia, I wrote about my hope that the spirit of esprit de corps shall firmly remain in the Attorney General's Chambers despite the challenges that we face. The year 2010/2011 bore witness to those challenges and I am pleased to note that we have emerged stronger and better, as a team, because of those challenges.

In line with the Government's transformation initiatives and its commitment to bring about positive changes in the country, certain laws had to be repealed, amended and reviewed. Furthermore, Malaysia is no longer in a state of emergency as the three existing Proclamation of Emergencies had been annulled in 2011. The Attorney General's Chambers, as the principal legal adviser to the Government and the body that is responsible for the drafting of all Federal legislation, plays a pivotal role in ensuring the success of these initiatives. Due to the enthusiasm, dedication and commitment of our officers in 2011 we have seen the emergence of many new laws and legal reforms, especially relating to security, which echoes the Government's sentiment and reflects the policies accordingly.

The Attorney General's Chambers have also seen the restructuring of the Research Division and the overall strengthening of other Divisions. All these were made to further enhance our ability to provide legal services of the highest quality, efficiently, fairly and equitably in accordance with the Constitution and laws. It also serves as a stepping stone to achieve our vision to be a world class public legal organisation.

In short, I must congratulate and acknowledge all the efforts put in by the officers and staff of the Attorney General's Chambers. The endless hours put into the tasks at hand have resulted in the overall success of this department. Therefore, I can only hope that we will keep up the good work and continue to work hard as well as perform to our best ability to suit our clients' needs. As the saying goes, there is no success without hard work.

Prosecution Division

The Prosecution Division is a vital organ in the criminal justice system. It is responsible for giving advice and instructions to law enforcement agencies in relation to investigations and to conduct prosecutions in court. Its decisions are always in the public domain and scrutiny and this is mainly generated through reported cases in the media and in the web.

The Prosecution Division is the largest Division in the AGC. It has 341 Deputy Public Prosecutors (DPPs) based in the headquarters and state prosecution units and nine Legal Assistants and 32 support staff in the headquarters. DPPs are also posted in

various agencies and departments. There are 286 DPPs posted to various states and districts throughout the country to conduct prosecution of the escalating number of cases and to replace police prosecuting officers in the subordinate courts.

The Division currently comprises four units in the headquarters, 14 state prosecution units and nine agencies and departments.

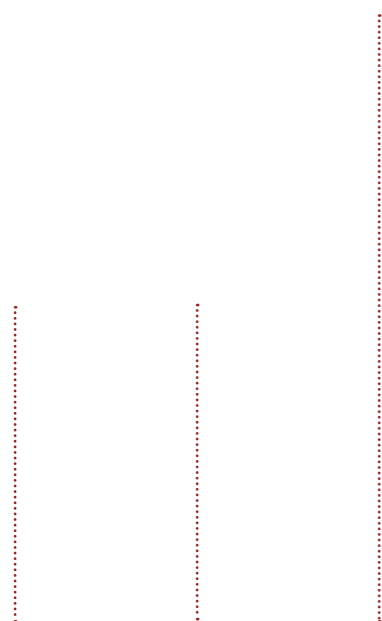
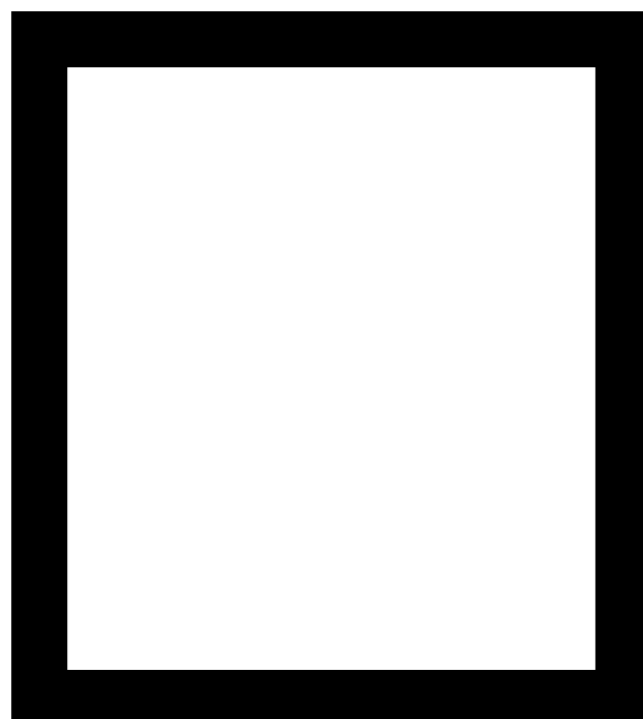
DPPs in this Unit are assigned to study investigation papers for purposes of prosecution or otherwise. Investigation papers are also perused where representations are made by counsels or complainants to review the charges or for re-investigation. Tables 1 – 4 list the movement and management of investigation papers (not including investigation papers of KPDN, KDN, SC & BNM) by this Unit in 2010 and 2011 and also the number of existing cases and newly registered cases for trials and appeals respectively.

Month	Balance brought forward	Investigation Papers (In)	Investigation Papers (Out) (Including NFA)	Cases (NFA)	Balance of Investigation Papers
January	4	109	101	6	12
February	12	64	73	10	3
March	3	122	121	22	4
April	4	88	79	10	13
May	13	71	79	8	5
June	5	85	80	6	10
July	10	106	99	8	17
August	17	61	65	6	10
September	13	68	67	5	14
October	14	72	76	12	10
November	10	64	65	7	9
December	9	71	70	7	10

TABLE 1 (2010)

Stage of the case	Existing cases	Newly registered cases	Total
Trials	69	20	89
Appeals	7	29	31

TABLE 2 (2010)



Month	Balance brought forward	Investigation Papers (In)	Investigation Papers (Out) (Including NFA)	Cases (NFA)	Balance of Investigation Papers
January	55 (Brought forward from 2010)	47	44	8	58
February	58	80	74	12	64
March	64	103	104	6	63
April	63	77	103	8	38
May	38	86	57	3	67
June	67	83	52	5	98
July	98	147	197	17	48
August	48	90	83	3	55
September	55	88	67	2	76
October	76	62	50	5	88
November	62	57	54	2	65
December	65	73	72	13	66 Brought forward to 2012)

TABLE 3 (2011)

Stage of the case	Existing cases	Newly registered cases	Total
Trials	65	18	83
Appeals	9	29	3

TABLE 4 (2011)

As illustrated in Table 5 below, from January up to December 2010, 4123 IPs containing general and sexual offences under the Penal Code and other statutes were cleared and 198 trials and appeals were conducted by this unit.

In 2011, this unit received 10,021 IPs for perusal. Out of that number, 10,029 IPs were cleared and only eight IPs were brought forward to 2012 as those IPs were received in the last week of December 2011. Table 6 shows the monthly movement of IPs for 2011. 259 trials and appeals were handled by the DPPs of this unit in 2011.

Month	Balance from last month	Number of IPs received	IPs cleared	Balance brought forward
January	8	338	317	29
February	29	272	300	1
March	1	331	328	4
April		187	190	1
May	1	315	316	0
June	0	220	218	2
July	2	195	192	5
August	5	365	368	2
September	2	201	199	4
October	4	686	685	5
November	5	662	659	8
December	8	359	351	16
TOTAL		4131	4123	

TABLE 5 (2010)

Month	Balance from last month	Number of IPs received	IPs cleared	Balance brought forward
January	16	98	101	13
February	13	258	264	7
March	7	738	739	6
April	6	496	487	15
May	15	664	659	19
June	19	1653	1668	4
July	4	1213	1211	6
August	6	1081	1040	4647
September	47	837	872	1112
October	12	1154	1153	1213
November	13	1524	1521	1516
December	16	265	274	7
TOTAL		9980	9989	

TABLE 6 (2011)

NARCOTICS UNIT

Table 7 below shows, the total number of representations received, rejected and allowed by this unit in year 2010 and 2011

Subjects Months	Representation Received		Rejected		Allowed	
	2010	2011	2010	2011	2010	2011
January	100	71	32	17	30	20
February	86	79	36	25	17	14
March	105	106	30	23	9	28
April	83	148	35	31	17	13
May	79	105	23	18	18	20
June	112	165	23	21	13	15
July	61	115	25	25	9	22
August	74	94	21	10	21	28
September	86	117	21	10	6	13
October	88	115	28	24	19	20
November	63	39	17	4	12	4
December	85	70	31	12	20	7
TOTAL	1022	1224	322	220	191	204

TABLE 7

In 2010, pursuant to section 4(1) of the Anti-Money Laundering and Anti-Terrorism Funding Act (AMLATFA) 2001, twenty-nine (29) people were collectively charged with 1,980 charges involving a total sum of RM898,005,541.19. (See Table 8). Following that, thirteen (13) cases were prosecuted by this unit. Further, twenty-six (26) civil forfeiture cases were filed under section 56(1) AMLATFA 2001 and twenty-one (21) cases were completed successfully. In 2010 alone, RM30,336,552.45 was forfeited to the Federal Government of Malaysia. Apart from monies, properties such as vehicles and houses were also forfeited by this unit.

In 2011, nineteen (19) people were collectively charged with 577 charges pursuant to the section 4(1) AMLATFA 2001 involving a total sum of RM341,444,539.29. (See Table 9). Wherein thirteen (13) criminal proceedings were conducted by this pursuant to the same charges in 2011.

Twenty three (23) civil forfeiture cases were brought under section 56(1) AMLATFA 2001. Twenty four (24) cases were successfully completed in 2011. The total amount of monies that were forfeited to the Federal Government of Malaysia was RM9,165,304.46. This figure does not include other forfeited properties.

FORFEITURE OF PROPERTIES UNIT

Quarter of Year 2010	Number of Cases	Number of Charges	Amount of money involve (RM)
First Quarter	5	74	RM46,906,234.79
Second Quarter	1	202	RM18,694,067.82
Third Quarter	2	70	RM34,537,528.29
Fourth Quarter	5	1,634	RM797,867,710.29
Total	13	1,980	RM898,005,541.19

TABLE 8

Quarter of Year 2011	Number of Cases	Number of Charges	Amount of money involve (RM)
First Quarter	6	457	RM327,566,536.81
Second Quarter	3	38	RM6,041,454.87
Third Quarter	3	81	RM7,836,547.61
Fourth Quarter	1	1	-
Total	13	577	RM341,444,539.29

TABLE 9

The following is a list of civil forfeiture cases which were completed and amount forfeited in 2011. (See Table 10 below).

NO.	CASES	AMOUNT OF MONEY FORFEITED (RM)
1.	Yeng Chin Seng Lam Chee Haur	54,593.30
2.	Koperasi Usahawan Malaysia Berhad	1,009,302.50
3.	Norsalina Binti Mohd Piah Nurtashah Binti Tajuddin	1,251,124.30
4.	Lim Tian Cheng & 2 lagi	1,328,871.09
5.	Chau Hoon Hong & 15 lagi	109,963.67
6.	Chia Ming Kuang & 3 lagi	27,198.75
7.	Norazlan Bin Nasari & 3 lagi	205,900.36
8.	Lily Chong Kui & 2 lagi	12,052.64
9.	Lee Hong Kar	44,079.43
10.	Aeso Sdn. Bhd. & 2 lagi	111,764.26
11.	Mohd Arif Bin Mokhsein & 2 lagi	1,517,668.64 (properties returned to third party)
12.	JBI Holdings Berhad	(properties forfeited were landed propreties)
13.	Teh Teck Wah	188,217.32
14.	Abdul Rauf bin Lub Abdul Rahman & 2 lagi	69,698.59
15.	Isahak@ Azmi bin Mohamed	70,000.00
16.	Tan Boon Heng	12,896.14
17.	Semangat Teknologi Gagah Sdn Bhd & 4 lagi	13,301.22
18.	James Wah Enterprise	1,493,451.96

NO.	CASES	AMOUNT OF MONEY FORFEITED (RM)
19.	T. Gagasan Enterprise	143,430.75
20.	Sheikh Muhammad Afzal & 2 lagi	91,300.00
21.	Natrah bt Othman	(properties forfeited were vehicle)
22.	Kuala Dimensi Sdn Bhd & 8 Yg Lain	(properties returned to Respondents)
23.	Koo Man Kit	58,473.94
24.	Saadiah binti Nahar	297,015.60
25.	A Siva Kumar a/l Samey @ Annasamy	(properties forfeited were vehicle)
26.	Raja Nor Asma binti Raja Harun	(properties returned to third parties)
27.	Totti Trading	1,055,000.00
TOTAL		9,165,304.46

TABLE 10

RESEARCH UNIT

In September 2011, the Prosecution Division took over from the Research Division the responsibility for preparing the Attorney General's opinion to the Pardons Board for the whole country. For the purpose of preparing the opinion, the Division is required to peruse and check the draft opinions prepared by the States before they are presented to the Attorney General for approval. Below is the total number of the Pardons Board files (according to the States) which were registered and disposed in 2011.

On 26 and 27 September 2011, the Legal Affairs Division of the Prime Minister's Department held a workshop in Pulau Langkawi for all the members of the Committees of the States Pardons Boards and prison authorities on the problems faced by various quarters with regard to Pardons Board files and sittings. Two officers represented the Attorney General's Chambers at the meeting.

STATE PROSECUTION UNIT

Collectively, there are fourteen (14) State Prosecution Units i.e. one unit in each state capital in Malaysia. Apart from conducting criminal prosecutions in the lower courts and appeals in the High Court of their respective state, the core functions of these units include perusing investigation papers, deciding whether to order the investigation officer to conduct further investigation, and to institute prosecutions or otherwise. Further, State DPPs frequently conduct meetings, lectures and trainings with the state enforcement agencies. Senior DPPs made regular visits to the State Prosecution Units and DPPs offices to peruse investigation papers and to expedite criminal hearings which needed decisions and direction.

No.	States	No. of files registered (FR)/Files disposed (FD) according to the months								TOTAL		Date of Sitting (from Sept - Dec 2011)
		September		October		November		December				
		FR	FD	FR	FD	FR	FD	FR	FD	FR	FD	
1	Sarawak	-	-	3	-	-	8	3	6	6	14	18 Nov 2011
2	Malacca	-	-	-	-	-	-	1	-	1	-	-
3	Terengganu	-	-	-	-	1	7	-	-	1	7	-
4	Pahang	-	-	-	-	-	-	-	2	-	2	14 Nov 2011
5	Kelantan	-	-	-	-	-	1	-	-	-	1	15 Sept 2011
6	Perlis	-	6	-	-	-	-	-	-	-	6	-
7	Kedah	-	1	2	-	1	-	-	2	3	3	18 Oct 2011
8	Selangor	-	4	-	7	3	-	-	1	3	12	21 Dec 2011
9	Perak	-	-	16	-	-	8	1	2	17	10	-
10	Johore	-	-	16	-	-	2	1	1	17	3	-
11	Sabah	-	-	-	9	-	7	-	-	-	16	14 Oct 2011
12	Wilayah Persekutuan	4	10	1	-	-	-	-	-	5	10	-
13	Penang	6	-	2	-	2	5	-	-	10	5	-
14	Negeri Sembilan	-	-	-	-	3	4	1	-	4	4	-
TOTAL		10	21	40	16	10	42	7	14	67	93	-

TABLE 11

Table 11 above shows figures for the registration and disposal of investigation papers in 2010 and 2011. The figures for investigation papers disposed include, among others, orders for further investigation, instructions to charge upon further perusal and 'No Further Action' (NFA).

Subjects States	Investigation Papers Brought Forward & Registered		Investigation Paper Disposed		Balance
	2010	2011	2010	2011	2012
Perlis	2,875	3,627	2,875	3,627	0
Kedah	11,274	14,149	11,164	14,074	75
Penang	20,927	18,732	18,112	11,868	6,864
Perak	21,424	24,262	17,331	17,337	6,925
Selangor	58,070	53,339	58,006	53,324	15
Kuala Lumpur	15,231	17,639	15,231	17,639	0
Negeri Sembilan	13,016	14,006	12,454	13,859	147
Malacca	12,210	14,303	12,051	14,062	241
Johore	19,738	17,061	19,572	16,944	117
Pahang	20,723	15,173	19,983	14,756	417
Terengganu	12,043	11,977	10,774	9,585	2,392
Kelantan	9,222	13,679	8,723	13,537	142
Sabah	16,265	15,420	14,938	15,149	271
Sarawak	8,760	9,758	8,536	9,717	41
Total	241,778	243,125	229,750	225,478	17,647

TABLE 12 TOTAL NUMBER OF CRIMINAL TRIALS IN HIGH COURT

Subjects States	Cases Registered		Cases Completed		Pending Completion
	2010	2011	2010	2011	2011
Perlis	8	7	6	5	2
Kedah	164	130	78	101	29
Penang	210	131	108	41	90
Perak	179	146	76	42	104
Selangor	683	562	280	165	397
Kuala Lumpur	305	177	60	27	150
Negeri Sembilan	33	35	22	7	28
Malacca	24	29	16	12	17
Johore	164	150	125	124	26
Pahang	96	85	78	63	22
Terengganu	25	42	11	15	27
Kelantan	27	52	22	19	33
Sabah	65	42	11	16	26
Sarawak	75	36	46	22	14
Total	2058	1624	939	659	965

TABLE 13 TOTAL NUMBER OF CRIMINAL TRIALS IN SESSIONS COURT

Subjects States	Cases Registered		Cases Completed		Pending Completion
	2010	2011	2010	2011	2011
Perlis	740	1081	664	984	97
Kedah	7784	6784	6425	6511	273
Penang	4488	10238	1747	6225	4013
Perak	4550	10095	296	5359	4736
Selangor	5097	10741	3819	9301	1440
Kuala Lumpur	1123	2975	571	2496	479
Negeri Sembilan	1600	1820	1188	1258	562
Malacca	53	115	44	74	41
Johore	2026	2042	1114	1896	146
Pahang	1094	1890	843	1820	70
Terengganu	441	2720	377	2615	105
Kelantan	1466	653	1009	273	380
Sabah	605	363	582	251	112
Sarawak	53	128	31	86	42
Total	31120	51645	18710	39149	12496

TABLE 14 TOTAL NUMBER OF CRIMINAL TRIALS IN MAGISTRATES' COURT

Subjects States	Cases Registered		Cases Completed		Pending Completion
	2010	2011	2010	2011	2011
Perlis	87	68	51	23	45
Kedah	452	581	162	243	338
Penang	372	456	91	260	196
Perak	425	667	144	166	501
Selangor	1,856	1,531	746	1,273	258
Kuala Lumpur	843	840	194	636	204
Negeri Sembilan	472	346	201	83	263
Malacca	131	129	119	98	31
Johore	369	408	183	187	221
Pahang	151	101	117	67	34
Terengganu	453	390	203	113	277
Kelantan	401	367	93	107	260
Sabah	455	480	107	147	333
Sarawak	883	821	205	363	458
Total	7,350	7,185	2,616	3,766	3,419

TABLE 15 TOTAL NUMBER OF CRIMINAL APPEALS IN HIGH COURT

LEGAL AND PROSECUTION DIVISION, MALAYSIAN ANTI-CORRUPTION COMMISSION (MACC)

High Court Cases

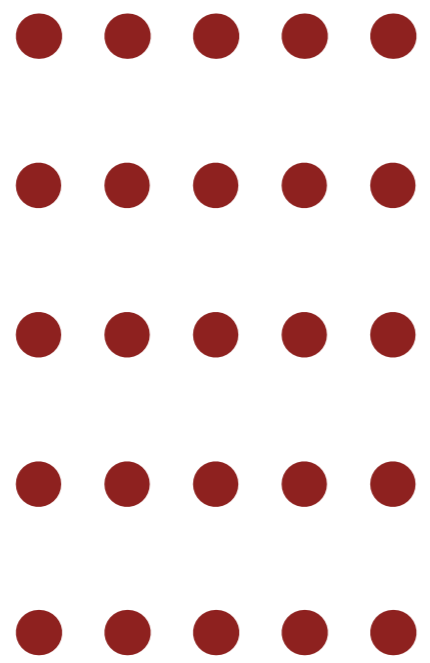
769 appeal cases were conducted by this Division in 2010. Out of this, 438 were cases that were brought forward from 2009 while 331 cases were registered in 2010. In 2010, 271 appeals concluded at the High Court and Court of Appeal. This Division was successful in 190 cases and unsuccessful in 81 cases.

645 appeal cases were conducted by this Division in 2011. 361 cases were brought forward from 2010 while 284 cases were registered in 2011. In 2011, 245 appeals were concluded at the High Court and Court of Appeal. This Division was successful in 172 cases and unsuccessful in 73 cases. In 2011, 5 forfeiture of property cases were tried at the High Court, whilst only 1 forfeiture of property case was heard at the Court of Appeal.

Subordinate Court Cases

In 2010, 811 trials were conducted. 429 cases were brought forward from 2009 and 382 cases were registered in 2010. In 2010, 435 cases were concluded. 309 cases resulted in convictions, 108 cases resulted in acquittal. 14 cases resulted in discharge not amounting to acquittal whilst 4 cases were withdrawn in 2010.

In 2011, 776 trials were conducted. 520 cases were brought forward from 2010 and 256 cases were registered in 2011. In 2011, 520 cases were concluded. 388 cases resulted in convictions whilst 114 cases resulted in discharge amounting to acquittal. 18 cases resulted in discharge not amounting to acquittal in 2011. In 2011, 776 prosecutions were handled at the subordinate courts and 13 forfeiture of property cases were handled at the subordinate courts.



Activities

MACC Prosecution Convention 2010 and 2011

The MACC Prosecution Convention 2010 was held at Hotel Bayview Pulau Langkawi, Kedah on 13 May – 16 May 2010 whilst in the year 2011, it was held at Hotel Equatorial

OTHER AGENCIES & DEPARTMENTS

MACC List of Public Interest Cases

1. Haji Basuri @ Hassan Basri bin Markum @ Haji Shafie (Perak Syaria High Court Judge)
2. Yusof bin Abu Bakar (Deputy Director General of Immigration)
3. Mohd. Firdaus bin Ramdan (Kuala Krai Magistrate)
4. Dato' Haji Azman bin Mahalan (Former Perak Exco Member)
5. Mohd Razib bin Othman (Deputy Public Prosecutor)
6. Mohd Zulkarnain bin Hussain (Deputy Public Prosecutor)
7. Dato' Mohd Saberi bin Mohd Salleh (Dean, The Faculty of Sports Science and Recreation, UiTM)
8. Ahmad Kamaruzzaman bin Abdullah (Chief Executive Officer of KESAS Sdn. Bhd.)
9. Md Zaki Fadzil bin Maon (General Manager of Guthrie Furniture Sdn. Bhd.)
10. Dato' Seri Dr. Mohamad Khir bin Toyo (Former Chief Minister of Selangor)
11. Datuk Suhaili Bin Abdul Rahman (Former Labuan MP)
12. Y.B. Mustafa Bin Salim (EXCO Lengeng)
13. Soo Sun (ex EXCO Teratai, Selangor)
14. Md. Azar Irwan Bin Mohd Arifin (Deputy Public Prosecutor)
15. Ranjit Singh (Lawyer)
16. Zambri Bin Mohd Iderus (Sime Darby Marine Manager in Business Development, Investment and International Projects)
17. Ir. Jafri Azizi Bin Abdullah (Project Manager, HICOM Engineering Sdn. Bhd.)
18. Dato' Ng Kim Heng (Businessman)
19. Ahmadi @ Ahmad Zukni Bin Johari (CEO PUNB)
20. Mohamad Aminuddin Bin Md. Zain (PUNB Secretary)

MINISTRY OF HOME AFFAIRS

OTHER AGENCIES & DEPARTMENTS

In general, the Legal Advisor's Office (the Office) of Ministry of Home Affairs function is to give advice to the Ministry and its agencies on legal matters. The Office has 3 Units which comprise the Advisory Unit, Drafting Unit and Litigation Unit. The Units handle relevant matters pertaining to the said functions respectively.

The Litigation Unit of the Office handles cases involving preventive detention filed in courts which include writ of habeas corpus, originating motions and declarations. Handling of these cases in court has become the main task of the Office because the volumes of cases are very high.

For the year of 2010 and 2011, the volume of cases handled by Litigation Unit at the Federal Court has increased from the previous three years period.

Habeas Corpus and Civil Cases

The statistics for habeas corpus and civil cases handled by the Litigation Unit are as follows:

No.	Cases	High Court		Federal Court
		2010	2011	
1.	Internal Security Act 1960	5	1	i. 87 (2010-all cases)
2.	Emergency (Public Order and Prevention of Crime) Ordinance 1969	254	271	
3.	Dangerous Drugs (Special Preventive Measures) Act 1985	142	175	ii. 108 (2011-all cases)
4.	Restricted Residence Act 1933	104	90	
5.	Drug Dependants (Treatment and Rehabilitation) Act 1983	21	14	
6.	Civil Suits	-	1	

ROYAL MALAYSIA CUSTOMS

NO.	CASES	TOTAL REGISTERED		TOTAL COMPLETED	
		2010	2011	2010	2011
1	Investigation Papers	616	726	616	726
2	Cases in the Lower Courts	43	44	22	37
3	Cases under the Dangerous Drugs Act 1952	60	54	22	32
4	Civil Cases	4	5	7	12
5	Civil and Criminal Appeal Cases	23	6	14	10
6	Contracts & Agreements	352	222	352	222
7	MOUs	11	29	11	29
8	Draft Orders	116	50	116	50

Listed above are the statistics of matters handled by this Customs Department for the period of 2010 to 2011.

MINISTRY OF DOMESTIC TRADE, CO-OPERATIVES AND CONSUMERISM

In 2010, there was an increase in the numbers of officers in the Legal Division and thus this Division was capable of handling a total of 5,216 cases. In 2011, there was a steady increase in prosecution work. The Legal Division managed to handle 9,253 cases in 2011.

Below is the number of cases handled in year 2010 and 2011 in various courts.

Year	High Court	Sessions Court	Magistrates' Court
2010	25	200	1
2011	389	572	4

LEGAL UNIT, DEPARTMENT OF ENVIRONMENT (DOE)

The main objectives and functions of the Legal Unit, Department of Environment (DOE) are giving legal advice, drafting and amending laws and regulations, vetting agreements and legal documents, issuing sanctions/consents for criminal summons cases, conducting prosecution in court and representing the Government in civil proceedings.

In 2011, the Legal Unit organized a conference for Prosecution Officers (POs) and Investigation Officers (IOs) of DOE. It was held at Hydro Hotel, Penang from 12 – 15 July 2011. The conference was attended by 80 POs and IOs.

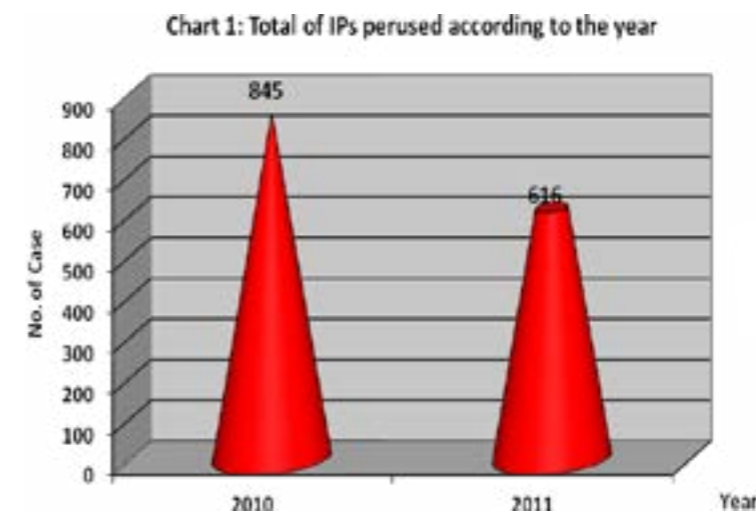
Statistics / Cases

Prosecutions were conducted by Prosecuting Officers from DOE. Only High Court cases were conducted by State DPPs'. Currently, the post of DPP cum Legal Advisor is being filled by an officer from the Attorney General's Chambers. 850 investigation papers were received by the Legal Unit in 2010. 470 cases were proceeded with charges and 188 cases were classified as NFA (No Further Action).

In 2011, the Legal Unit received 629 investigation papers. 140 cases were proceeded with charges and 113 cases were classified as NFA (No Further Action). The investigation papers are also perused where representations are made by counsels or complainants to review the charges, for re-investigation or to gather documents.

LEGAL DIVISION, DEPARTMENT OF FISHERIES, MALAYSIA

Chart 1 shows the statistics of investigation papers (IPs) perused for offences under the Fisheries Act 1985 in 2010 and 2011.



IPs	2010	2011
Compound	665	499
Court	30	17
Others	150	100

COMMUNICATIONS AND MULTIMEDIA MALAYSIA COMMISSION (SKMM)

OTHER AGENCIES & DEPARTMENTS

In 2010, SKMM dealt with 294 investigations papers out of which 35 cases were compounded and charges were preferred in 15 cases. In 2011, SKMM received 228 investigations papers. 43 cases were compounded and charges were preferred in 9 cases.

The reduction in investigation papers received in 2011 shows that the agency is enforcing the legislations strictly as listed in the Tables 16 – 21 below. The Tables show movement of investigations papers, cases charged in court and the number of existing cases for trials in 2010 and 2011 respectively.

All matters pertaining to prosecution is handled by the Deputy Public Prosecutor cum Director of Prosecution Department. This post has been filled by an officer on secondment for a term of two (2) years from the Attorney General's Chambers since 2007. Matters which concern public interest are referred to the Prosecution Division of Attorney General's Chambers for further instructions.

Month	Balance Brought Forward	Investigation Papers (In)	Investigation Papers (Out) (Including NFA)	Cases (NFA)	Balance of Investigation Papers
January	All investigation papers were referred to the Commercial Crime Unit for further instructions.				
February					
March					
April	0	18	16	6	2
May	2	20	20	3	0
June	0	35	31	7	4
July	4	59	63	24	0
August	0	38	33	22	5
September	5	15	20	12	0
October	0	24	23	11	1
November	1	45	43	35	3
December	3	40	43	31	0
Brought forward to January 2011					0

TABLE 16 (2010)

OTHER AGENCIES & DEPARTMENTS

Stage of Cases	Existing Cases	Newly registered Cas6es	Total
Mentions/Trials	15	0	15

TABLE 17 SESSIONS COURT (2010)

Cases Registered	Plead Guilty/ Conviction	Acquittal and Discharge (A&D)	Discharge not Amount to Acquittal (DNAA)	Withdrawn	Balance
15	6	0	5	4	0

TABLE 18 SESSIONS COURT (2010)

Month	Balance Brought Forward	Investigation Papers (In)	Investigation Papers (Out) (Including NFA)	Cases (NFA)	Balance of Investigation Papers
January	0	35	34	22	1
February	1	32	32	23	1
March	1	15	14	11	2
April	2	8	7	4	3
May	3	17	18	15	2
June	2	14	14	13	2
July	2	9	10	1	0
August	0	20	20	16	0
September	0	10	10	7	0
October	0	4	4	1	0
November	0	16	16	4	0
December	0	48	48	38	0
Brought forward to January 2012					0

TABLE 19 (2011)

Stage of Cases	Existing Cases	Newly registered Cases	Total
Mentions/Trials	2	0	2

TABLE 20 SESSIONS COURT (2011)

Cases Registered	Plead Guilty/ Conviction	Acquittal and Discharge (A&D)	Discharge not Amount to Acquittal (DNAA)	Withdrawn	Balance
9	4	0	3	2	0

TABLE 21 SESSIONS COURT (2011)

OTHER AGENCIES & DEPARTMENTS

LEGAL AND INVESTIGATION DIVISION, MALAYSIAN MARITIME ENFORCEMENT AGENCY

Table below shows the number of cases prosecuted by the Agency in 2010 – 2011.

Year	Magistrate Court	Session Court	High Court	Total
2010	100	38	12	150
2011	215	58	19	292

LEGAL DEPARTMENT OF THE IMMIGRATION DEPARTMENT

Law enforcement statistic for year 2010 – 2011 as illustrated below-

Legislation	Number of arrests		Number of cases prosecuted	
	2010	2011	2010	2011
Immigration Act 1963	29,214	12,706	11,269	8346
Pasport Act 1966	299	23	369	105
Immigration Regulations 1966	5392	2255	1120	627
Anti-Trafficking In Persons Act 2007	58	26	-	16

LEGAL AND PROSECUTION DIVISION, FORESTRY DEPARTMENT PENINSULAR MALAYSIA.

This division was established in 2010. This division is responsible for perusing investigation papers for forestry offences and to give advice and instructions related thereto; to conduct prosecutions and criminal trials of forestry offences in Court; to provide legal advice in respect of matters referred to by the Department; to draft or vet legal documents such as agreements and memorandum of understanding to which the department is a party to ensure that the interest of the Government is protected; and to draft and vet forestry principal legislations and subsidiary legislations.

Table : Numbers of IP received in 2010 - 2011-

Subject	Year	
	2010	2011
IPs received	65	246
IPs out	64	247

The officers in this Division did not prosecute any cases in 2010. In 2011, this Division dealt with 247 investigation papers out of which 37 cases were compounded and charges were preferred in 28 cases.



Conference 2011



INTERNATIONAL AFFAIRS DIVISION

Key Functions

IAD's primary objectives include protecting and safeguarding Malaysia's rights and interests in the international arena as well as rendering legal advice to the Government of Malaysia in accordance with the Federal Constitution and domestic laws, principles of international law, and public policy and interests

Tasked to undertake comprehensive studies of all pertinent international instruments and to determine their acceptability for Malaysia's signature, ratification, and/or accession, IAD's fundamental role is to render legal advice and opinions, ensuring that the relevant implementing Ministries and governmental agencies are prepared to meet Malaysia's legal obligations as a State Party to these international instruments.

OUR PLEDGE

The International Affairs Division is committed to the protection and advancement of Malaysia's rights and interests in the international fora, to the rendering of legal advice to the Government of Malaysia in accordance with international law and principles, and to ensuring that Malaysia's international obligations are undertaken and implemented in accordance with national laws and policies.

IAD further assists the Attorney General, as Malaysia's designated Central Authority, on all requests for mutual assistance in criminal matters made under the Mutual Assistance in Criminal Matters Act 2002. IAD is responsible for preparing all of Malaysia's outgoing requests for mutual assistance in criminal matters as well as processing and executing all incoming requests from other countries. The Division is also responsible in assisting the Ministry of Home Affairs in dealing with all extradition requests made to or by Malaysia under the Extradition Act 1992.

The International Affairs Division (IAD) was established in 2003. Since its establishment, IAD has undergone several instances of internal reorganization and at the moment, houses 74 Federal and Senior Federal Counsels and 31 staff within two floors of the Attorney General's Chambers at Precinct 4.

IAD's expanding portfolio currently comprises, among others, subject-areas in maritime law, territorial matters, human rights, international organizations, international criminal matters, mutual assistance in criminal matters, extradition, international trade and finance, international environmental law, space law, private international law and international dispute resolution. Accordingly, eight units have been set up within IAD's organizational structure according to focused areas of international law and in line

with the Attorney General's Chambers' vision of producing in-house specialists and experts.

The Division further oversees the work of legal officers who have been seconded to the Ministry of Foreign Affairs, the Ministry of International Trade and Industry (MITI), the Strategic Trade Secretariat under MITI, the Permanent Mission of Malaysia to the World Trade Organisation in Geneva, Switzerland, the National Security Council, the Malaysia-Thailand Joint Authority, the Atomic Energy Licensing Board and the National Space Agency.

Units in IAD

- 1 Maritime, Territorial Matters and Civil Aviation Unit
- 2 Human Rights and International Organizations Unit
- 3 International Criminal Matters Unit
- 4 Bilateral Trade, ASEAN and International Finance Unit
- 5 Multilateral Trade, International Arbitration and Disputes Unit
- 6 Environment, Outer Space and Private International Law Unit
- 7 Mutual Legal Assistance in Criminal Matters Unit
- 8 Extradition Unit

MARITIME, TERRITORIAL
MATTERS AND CIVIL
AVIATION UNIT

HUMAN RIGHTS AND
INTERNATIONAL
ORGANIZATIONS UNIT

We are tied to the ocean.
And when we go back to the sea, whether
it is to sail or to watch – we are going back
from whence we came.

The destiny of human rights
is in the hands of all our citizens in all our
communities.
Eleanor Roosevelt

The Maritime, Territorial Matters and Civil Aviation Unit deals with all international law issues concerning the Law of the Sea, including the matters under the purview of the 1982 United Nations Convention on the Law of the Sea and the International Maritime Organization. It also handles piracy and maritime enforcement related issues as well as merchant shipping matters. Part of the core functions of the Unit also involves the handling of all maritime and land territorial and boundary related issues, including, overlapping territorial and boundary claims between Malaysia and other States, the overlapping claims in the South China Sea and delimitation and demarcation exercises of the Malaysian frontier.

Sea and in the areas of Sebatik Island and the Kalimantan/Sabah/Sarawak Sector, the Malaysia-Brunei maritime and land boundary dispute and the land border issue between Malaysia and Thailand. Officers of the Unit are also involved in discussions and negotiations on outstanding bilateral issues with Singapore.

In addition to their legal training and expertise, officers of the Unit have also been exposed to and trained in historical and archival research work and technical chart and map reading. Apart from matters relating to the land and sea, the Unit also handles all matters concerning international aviation law involving the Government of Malaysia.

Examples of outstanding maritime and land boundary issues handled by the Unit are the Malaysia-Indonesia boundary dispute in the Sulawesi

True to its name, the Human Rights and International Organizations Unit is responsible for rendering legal advice on matters pertaining to human rights, international organizations and bioethics. The Unit is also responsible for coordinating the participation of officers in meetings of international and regional bodies such as the United Nations, the Asian-African Legal Consultative Organization (AALCO), the Association of Southeast Asian Nations (ASEAN) and the Commonwealth. This Unit constantly and consistently work towards furthering Malaysia's human rights commitments within and outside the country through, inter alia, its direct involvement in the drafting of various international and regional instruments and domestic legislation pertaining to human rights and international organizations, its involvement in the consideration and adoption of international and regional human rights instruments by Malaysia and in the conveyance to the international community of the human rights status quo in Malaysia. Further, this Unit heavily assists in Malaysia's response to the communications received from various international and domestic agencies regarding specific human rights situations in the country.

Terrorism isn't James Bond or Tom Clancy...
He walks the same roads as us. He thinks the same thoughts.
But he's got a bomb.
Michael Marshall Smith, "Blood of Angels"

That's the positive aspect of trade I suppose. The world
gets stirred up together.
Isabel Hoving, "The Dream Merchant"

The issues within the relating to the laws of war and portfolio of this Unit international humanitarian include transnational crime, law are also under the purview terrorism, corruption, anti- of the Unit. In addition, the money laundering and Unit is involved in the drafting anti-terrorism financing, of legislation required to the International Criminal enable Malaysia to implement Court, disarmament, non- its international obligations proliferation of weapons under particular conventions including weapons of mass as well as United Nations destruction (WMD) and Security Council resolutions. strategic trade. Matters

The scope of work for the and external loans. As legal Bilateral Trade, ASEAN advisers to the Government, and International Finance Unit the Unit participates in centres on issues pertaining international negotiations on to international trade and all Free Trade Agreements. finance. As such, the Unit Thus, officers of the Unit are works closely with the required to be conversant Ministry of International Trade with domestic legislation, and Industry and the Ministry regulations and policies of Finance. In particular, the relating to trade, as well as Unit provides legal advice to Malaysia's commitments the Government of Malaysia under various international on various matters and trade instruments. issues relating to regional and bilateral trade, the World Trade Organization (WTO), ASEAN, the Asia Pacific Economic Cooperation (APEC), the World Bank, the International Monetary Fund, international taxation

MULTILATERAL TRADE,
INTERNATIONAL
ARBITRATION AND DISPUTES

ENVIRONMENT, OUTER
SPACE AND PRIVATE
INTERNATIONAL LAW UNIT

At all events, arbitration is more rational, just, and humane than the resort to the sword.
Richard Cobden

I am the Lorax, and I'll yell and I'll shout for the fine things on Earth that are on their way out! ...Unless someone like you cares a whole awful lot, nothing is going to get better. It's not.
Theodor Seuss Geisel, "The Lorax"

The work portfolio of the Multilateral Trade, International Arbitration and Disputes Unit consists of the three main areas of international law as its name attributes. In this regard, matters within the purview of this Unit are focused on arbitral and other dispute resolution proceedings between the Government of Malaysia and other States or private entities. These include disputes before the International Court of Justice (ICJ), the International Centre for Settlement of Investment Disputes (ICSID), the Permanent Court of Arbitration (PCA), the World Trade Organization Dispute Settlement Body, the ad hoc international arbitration bodies and other international courts/tribunals. This Unit is primarily responsible for carrying out research on the legal issues arising from such international disputes, providing comprehensive legal advice to the Government, often in collaboration with domestic and/or international experts in their respective fields of expertise, and representing Chambers and the Government at meetings and negotiations relating to such international disputes and hearings before the relevant international courts/tribunals.

With regard to arbitration, this Unit is directly involved in cases arising from international treaties and agreements relating to trade and investment, including those arbitrations taking place within Malaysia and cases involving the interpretation and application/enforcement of the rules governing various dispute settlement bodies, such as the United Nations Commission on International Trade Law (UNCITRAL), PCA, ICSID, and Kuala Lumpur Regional Centre for Arbitration (KLRCA). This Unit also deals with matters relating to multilateral trade, particularly those under the WTO agenda. In this respect, this Unit works closely with its sister Unit, the Bilateral/ASEAN Trade and International Finance Unit, given the two Units' interconnected areas of work.

This Unit's scope of work in areas of private international law ranges from issues relating to international environmental law and space law, to private international law. Officers of this Unit advise on and participate in forums under the frameworks of various Multilateral Environmental Agreements (MEAs) including the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, to name a few. The Unit further deals in areas of private international law involving family, civil and commercial matters, and actively contributes to the work of the Hague Conference on Private International Law (HCPII), including carrying out a close study on the domestication of selected HCPII Conventions such as those relating to the taking of evidence and the legalization of foreign public documents.

MUTUAL LEGAL ASSISTANCE
IN CRIMINAL MATTERS

EXTRADITION UNIT

It is through cooperation, rather than conflict,
that your greatest successes will be derived.
Ralph Charell

There is no den in the wide world to hide a rogue.
Commit a crime and the Earth is made of glass.
Ralph Waldo Emerson

The Mutual Assistance in Criminal Matters (MLA) Unit covers a specialized area in criminal matters which primarily focuses on international cooperation among States. The Unit is responsible for making requests for mutual assistance in criminal matters to foreign States, and likewise, executing requests received from foreign States. The scope of assistance offered generally includes, among others, providing and obtaining of evidence, the making of arrangements for persons to give evidence or to assist in criminal investigations, and the recovery, forfeiture or confiscation of properties in respect of serious offences or foreign serious offences. In addition, the Unit is tasked to lead negotiations on bilateral and multilateral treaties on mutual assistance in criminal matters.

Malaysia is a Party to the multilateral Treaty on Mutual Legal Assistance in Criminal Matters among like-minded ASEAN Member Countries (MLAT). Malaysia has also concluded the Treaty on Mutual Assistance in Criminal Matters with Australia, the United States of America, the Hong Kong Special Administrative Region, the United Kingdom of Great Britain and Northern Ireland, the Republic of Korea and the Republic of India.

The Extradition Unit works closely with the Ministry of Home Affairs which is the Central Authority for extradition matters in Malaysia and several other Government enforcement agencies such as the Royal Malaysia Police and the Immigration Department. Primarily, the Unit handles outgoing and incoming extradition requests between Malaysia and foreign States.

Further, the Unit is involved in negotiating extradition treaties with other States. To date, Malaysia has executed extradition treaties with the Kingdom of Thailand, the Republic of Indonesia, Hong Kong SAR, the United States of America, Australia and the Republic of India.

In 2010 and 2011, IAD officers were part of the Malaysian delegation negotiating the delimitation exercise of the area of Pedra Branca, Middle Rocks and South Ledge pursuant to the International Court of Justice's (ICJ) decision on 23 May 2008 on the Case of the Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore), as well as discussions on the delimitation of the maritime boundaries in the Celebes Sea also pursuant to the ICJ's decision relating to the Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) on 17 December 2002.

IAD officers were also actively involved in the preparation of Malaysia and the Socialist Republic of Vietnam's joint submission on the extended continental shelf under Article 76 of the 1982 United Nations Convention on the Law of the Sea (Joint Submission) which was submitted to the Commission on the Limits of the Continental Shelf (CLCS) on 7 May 2009. In 2010 and 2011, work on the

second phase of the Joint Submission to the CLCS continued. The Joint Submission is expected to be heard before the CLCS between 2014 and 2019. In relation to this, officers from IAD serve as members of the Malaysian Continental Shelf Committee chaired by the Secretary of the National Security Council and members of the Working Group on the Continental Shelf chaired by the Director General of the National Survey and Mapping Department.

2010 and 2011 also saw the Division's involvement in the initial preparation of the joint survey and demarcation of the international land boundaries between Malaysia and Indonesia for the areas of Sebatik Island, Kalimantan Timur and Kalimantan Barat. On behalf of the Attorney General's Chambers, IAD leads a national task force composed of officers from other relevant governmental ministries and agencies to discuss the matter.

HIGHLIGHTS OF 2010 - 2011

In 2011, IAD officers formed part of the Drafting Committee headed by the Parliamentary Draftsman which was tasked to draft the Peaceful Assembly Act 2011 [Act 736]. Act 736 was passed by the House of Representatives on 29 November 2011 and subsequently by the Senate on 20 December 2011. The overall purpose of Act 736 is to allow citizens to organize and participate in assemblies peaceably and without arms, subject only to restrictions deemed necessary or expedient in the interest of the security of the Federation or any part thereof or public order, including the protection of the rights and freedoms of other persons.

The same year also saw IAD actively assisting the Ministry of Women, Family and Community Development in recommending to the Government to accede to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The Cabinet agreed for Malaysia to accede to both Optional Protocols in September 2011 and the Division continues to lend support to

the Ministry of Women, Family and Community Development in the drafting of Malaysia's instruments of accession to the Optional Protocols.

In addition to the aforementioned projects, the work that began in 2008 on the drafting of the International Organisations (Privileges and Immunities) (Amendment) Act 2011 successfully culminated in 2011. IAD was part of the Drafting Committee headed by the Legal Advisor of the Ministry of Foreign Affairs, tasked to draft this particular Act. The International Organisations (Privileges and Immunities) (Amendment) Act 2011 which came into effect on 16 September 2011 sought to amend the International Organizations (Privileges and Immunities) Act 1992 [Act 485] primarily to provide for matters relating to the privileges and immunities of the United Nations and Specialized Agencies and to allow the Minister to recognize another category of organizations, particularly if such organizations would perform functions that are beneficial to Malaysia. Certain organizations, such as organizations which are incorporated or established in Malaysia or for commercial purposes, are nevertheless excluded from this category.

Malaysia's Membership on the Human Rights Council

In 2010, this Division played a central role in the re-election of Malaysia to the Human Rights Council (HRC), in particular contributing towards the drafting of Malaysia's pledges and voluntary commitments for its candidacy to the HRC. Malaysia was successfully re-elected for a further three-year term, ending in 2013.

Malaysia's candidature signifies its deep commitment to respect and uphold the inalienable and indivisible nature of all human rights, both at international and domestic levels. Malaysia's membership on the HRC has contributed towards enriching the quality of dialogue, cooperation and action aimed at advancing the promotion and protection of human rights for all people.

The ASEAN Human Rights Declaration

The AHRD will thus reflect ASEAN's commitments in the promotion and protection of human rights, and provide a guiding document that would shape the development of human rights in the region.

Throughout 2011, IAD officers as representatives of the Attorney General's Chambers had participated actively in the Drafting Group tasked to formulate the AHRD under the general and specific directions of the AICHR and with the support of the ASEAN Secretariat. AICHR is to submit a first draft of the AHRD before the ASEAN Foreign Ministers' Meeting (AMM) in July 2012 for adoption by the ASEAN Leaders at the 21st ASEAN Summit in Phnom Penh in November 2012.

The work of the ASEAN Intergovernmental Commission on Human Rights (AICHR) in developing an ASEAN Human Rights Declaration (AHRD) commenced in 2011. In drafting the AHRD, the AICHR would take into account various international human rights instruments including, inter alia, the Universal Declaration of Human Rights, Vienna Declaration and Programme of Action, and the General Assembly Declaration on the Right to Development. The AICHR has also taken into consideration the principles set out in the ASEAN Charter and the ASEAN Community Blueprint documents. The AICHR's vision is to produce a draft AHRD which would build upon the universally agreed corpus of human rights, reflecting additionally the unique regional particularities of ASEAN and elucidating the envisioned balance between the ASEAN peoples' rights and duties.

Safety and Security

In 2010, IAD also played an active role in the drafting of the amendments to the then Anti-Trafficking in Persons Act 2007 [Act 670] to include Anti-Smuggling of Migrants in its title and provisions. With the coming into force of the Anti-Trafficking in Persons (Amendment) Act 2010 [Act A1385] on 15 November 2010, Act 670 became known as the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, incorporating offences relating to the smuggling of migrants prescribed in the newly inserted Part IIIA of the Act. The newly prescribed offences include the offence of smuggling of migrants (section 26A), aggravated offence of smuggling of migrants (section 26B), offence in relation to smuggled migrant in transit (section 26C), offence of profiting from the offence of smuggling of migrants (section 26D) and offence relating to fraudulent travel or identity documents (section 26E).

IAD also played a key role in the drafting of the Strategic Trade Act 2010 [Act 708] which came into force on 1 January 2010 and became fully enforceable on 1 April 2011. This Act provides

the primary legislative framework for Malaysia's export control regime which regulates the export, transit, transshipment and brokering of military items and dual-use items as well as unlisted items that risk being unlawfully diverted for use in restricted and prohibited activities such as in the production of weapons of mass destruction.

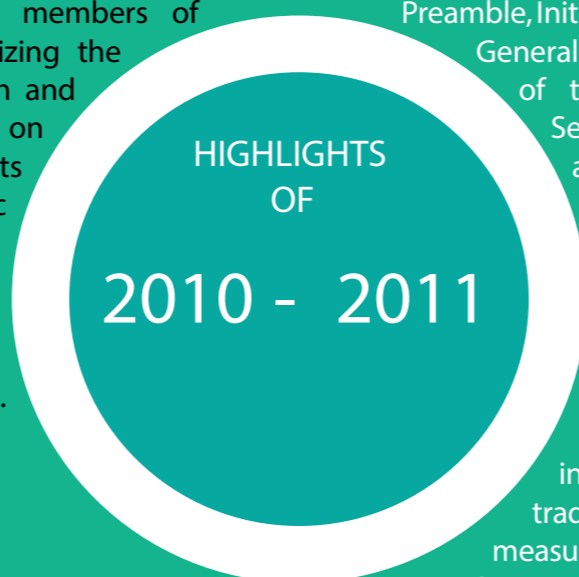
To ensure the smooth implementation of this new Act, a Cooperation Task Force headed by the Controller of the Strategic Trade whose functions are enshrined in section 6 of the Act, was formed. IAD officers are members of the said Task Force. In recognizing the importance of industry outreach and the dissemination of information on the Act to the public, IAD played its part by organizing the Strategic Trade Act 2010 Forum: "Proactive Deterrence against Proliferation of Weapons of Mass Destruction" from 2 to 3 March 2011 at the Attorney General's Chambers.

Liberalisation of the Service Sector

The Services Liberalisation Task Force (SLTF) was established pursuant to the Prime Minister's announcement on 22 May 2009 regarding the Government's plans to liberalise the services sector. Throughout 2010, IAD had been an active contributor to the Task Force, whose mandate was to review the existing domestic legislation governing affected service providers, and to identify the legislative gaps hindering the liberalisation of those service providers. As a result, laws containing such limitations were proposed to be amended.

Further, since 2011, IAD has represented the Attorney-General's Chambers as a permanent

member of the Malaysian Services Development Council (MSDC) under the chairmanship of the Minister of International Trade and Industry. With regard to the liberalisation of legal services, particularly in terms of market access to foreign legal practitioners and firms, IAD has been tasked to work closely with the Malaysian Bar Council in reviewing the Legal Profession Act 1976 [Act 166]. Pursuant to the review, IAD officers had been assigned to assist in the drafting of amendments to the Legal Profession Act 1976. Discussions on the amendments were substantially concluded in 2011.



Trade Agreements and Negotiations

In 2010, IAD was actively involved in several rounds of negotiations on the Malaysia-Australia Free Trade Agreement (MAFTA) which is still ongoing, the Malaysia-Chile Free Trade Agreement (MCFTA) which was concluded in May 2010 and the Malaysia-India Comprehensive Economic Cooperation Agreement (MICECA) which was concluded on 24 September 2010. IAD officers attending those Free Trade Agreement (FTA) negotiations represented Malaysia in the respective Working Groups on Legal and Institutional Issues (WGLII), which negotiated on the General Chapters under the FTAs namely on the Preamble, Initial and Final Provisions, Transparency, General Exceptions, Administration of the Agreement and the Dispute Settlement Mechanism. The WGLII also oversaw the development of the FTA negotiations on the whole.

Officers were also tasked to address any other legal issues arising from other Working Groups namely those covering matters relating to goods, services, investments, technical barriers to trade, sanitary and phytosanitary measures, customs and rules of origin vis-à-vis Malaysia's laws, rules, regulations and national policies. Additionally, IAD officers rendered advice on emerging issues such as intellectual property rights, telecommunications, government procurements, e-commerce and competition policies which have become part and parcel of modern and comprehensive FTAs.

The year 2010 also marked Malaysia's decision to pursue new FTAs with its foreign counterparts. Hence, IAD was tasked to participate in negotiations on the Trans-Pacific Partnership (TPP) Agreement, Malaysia-European Union Free Trade Agreement (MEUFTA) and the Malaysia-Turkey Free Trade Agreement (MTFTA).

In 2011, IAD continued to engage in negotiations on the TPP Agreement, the Malaysia-European Union Free Trade Agreement (MEUFTA), the Malaysia-Australia Free Trade Agreement (MAFTA) and the Malaysia-Turkey Free Trade Agreement (MTFTA).

Other than the aforementioned bilateral and multilateral FTA negotiations, IAD continued to remain active in regional FTA negotiations among ASEAN Member States. Throughout 2010 and 2011, IAD provided continuous advice on issues relating to the ASEAN trade agreements and participated in various ASEAN negotiations. These regional negotiations concerned both intra-ASEAN agreements as well as agreements between ASEAN and its dialogue partners. Negotiations on an FTA at the ASEAN level based on a single undertaking had proved to be challenging due to the large number of ASEAN Member Countries and dialogue partners, and their conflicting economic, social and political interests. Differences in the negotiating parties' historical backgrounds further added to the already complex negotiations. IAD observes that achieving consensus among ASEAN Member States is a challenge in itself, as it does not have to achieve the same with dialogue partners such as India, Japan, Korea and China.

The Climate Change Challenge

Since 2009, IAD has been closely following the developments relating to the climate change negotiations under the framework of the United Nations Framework Convention on Climate Change (UNFCCC). In 2011, IAD officers attended a series of negotiations held in Bangkok, Bonn and Panama City respectively prior to the 17th Conference of Parties to the UNFCCC and the 7th Meeting of Parties to the Kyoto Protocol (COP17/MOP7) in Durban, South Africa. In Durban, Malaysia witnessed the initiation of further negotiations for a new global climate deal to be concluded in 2015. Indeed, the process now known as the Durban Platform has been criticized for seeking to conclude a loose climate deal in place of the existing Kyoto Protocol. Notwithstanding the political barriers plaguing the process, IAD continues to follow developments in the global climate change forum with great interest.

IAD takes pride in successfully representing the Attorney General's Chambers in the negotiations leading to the conclusion of a number of MLA and Extradition related instruments in the years 2010 and 2011. Malaysia and India signed their Extradition Treaty in New Delhi on 20 January 2010. A further significant advancement of cooperation between Malaysia and foreign States in the MLA regime, that is the Malaysia-United Kingdom MLA treaty, was signed on 21 July 2010 and following suit, Malaysia signed its MLA treaty with the Republic of Korea on 10 December 2010. Thereafter, a ratification ceremony was held for the Malaysia-United Kingdom MLA treaty on 16 December 2011.

Also worth noting is the Advance Workshop on "Review of the Extradition Act 1992 [Act 479]" organized by the Division in cooperation with the Attorney-General's Department of Australia from 26 to 28 July 2010. The workshop was attended by representatives from the Attorney General's Chambers, the Palace of

Justice, the Ministry of Home Affairs, the Ministry of Foreign Affairs and the Royal Malaysia Police.

In 2010 and 2011, IAD completed 21 incoming mutual assistance in criminal matters requests and 17 outgoing mutual assistance in criminal matters requests.



The Asian-African Legal Consultative Organization (AALCO), originally known as the Asian Legal Consultative Committee (ALCC) was constituted on 15 November 1956 as a tangible outcome of the historic Bandung Conference held in Indonesia in April 1955. There are currently 47 member countries comprising almost all the major States from the Asian and African continents. In 2008, Professor Dr. Rahmat Mohamad of Malaysia was appointed as AALCO's Secretary-General for a four-year term.

The Putrajaya Declaration on Revitalizing and Strengthening of AALCO was adopted during AALCO's 48th Annual Session in Putrajaya in 2009. The Honourable Attorney General in his capacity as the President of the 48th Session expressed the view that the revitalization effort was an achievable task and could be accomplished only with the full commitment of and equal sharing of responsibility by all the Member States. Among the proposals made by the Honourable Attorney General in the efforts to rejuvenate the Organization were to encourage further in-depth and open debates among AALCO Member States on the issues of international law; to keep abreast with the developments

in international law and in the UN and other international organizations; to expand the functions and influence of AALCO; to enhance training and capacity building; and to fully utilize the expertise among legal jurists from AALCO Member States.

As part of this initiative, in 2010, the Secretary General initiated the creation of the AALCO Eminent Persons Group (EPG) that comprises eminent international law practitioners and jurists from the Asian-African region. The core mission of the EPG is to assist and guide AALCO Member States in addressing challenges arising in international law and the international legal order, with the hope that AALCO may regain its prominence as a regional body to resolve issues of concern. IAD officers actively participate in AALCO forums including the EPG sessions, often times accompanying the Honourable Attorney General or Solicitor General as the Head of the Malaysian delegation.

Other AALCO-led initiatives hosted by the Attorney General's Chambers included the Round Table Meeting of Legal Experts on the Rome Statute of the International Criminal Court held on 30 and 31 March 2010 and the Workshop on Trafficking in Persons, Smuggling of Migrants and International Co-operation held in November 2010. It is worth noting that at the conclusion of the latter Workshop, it was proposed that work

should begin on the elaboration of an international instrument on international cooperation, particularly towards formalizing mutual legal assistance channels amongst AALCO Member States.

In line with AALCO's renewed vigour, during his 2011 address at AALCO's 50th Annual Session in Colombo, Sri Lanka, the Honourable Attorney General expressed his confidence in AALCO Member States to undertake necessary action to protect the interests and viability of AALCO in carrying out the mandate set out in the Putrajaya Declaration. He reiterated that it was of utmost importance that Member States should enhance their co-operation measures and stand united to safeguard their collective interests at the international fora.

Information at Your Fingertips - IAD Information Database

The Division in collaboration with the Information Technology Section of the Attorney General's Chambers successfully established a centralized database which enables access by IAD officers and staff to various categories of documents.

The first system launched was the International Affairs Division Sharepoint System (IADSS) in January 2010 – an online repository providing for the uploading and exchange of documents. This was followed by the launch of the International Affairs Knowledge Repository System (IADKRY) – an online database housing Background Papers, Speaking Notes (Nota Ikhtisar), reports of meeting and other relevant papers prepared by IAD officers in the course of their work, in particular, for purposes of their participation in regional and international

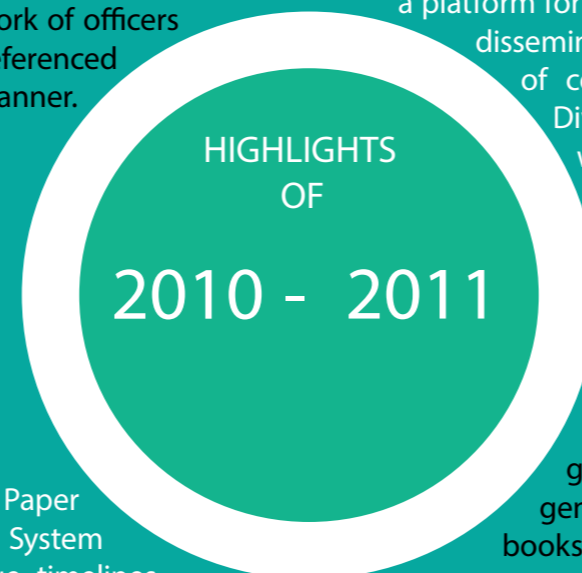
meetings and negotiations. The International Affairs Legal Opinion Database (ILLIAD) was thereafter launched on 3 May 2010, allowing limited access to legal opinions prepared by the Division.

The IAD information database serves as a central knowledge repository which provides access to voluminous precedents in the form of legal opinions and other documents under the core work of the Division. Convenient access to such documents has facilitated the day-to-day work of officers of producing quality and well-referenced opinions and essays in a timely manner.

Position Paper Information Management System (PPIMS) and Cabinet Paper Information Management System (CPIMS)

The Position Paper Information Management System (PPIMS) launched on 1 January 2010 was designed specifically to manage work and timelines in IAD's handling of applications for approval to travel abroad for official duties. In that regard, the PPIMS has been created as a tracking system for the management of Position Papers by Legal Advisers from the States, Ministries, departments, agencies and for memos to the Attorney General to obtain approval to travel abroad for official duties. This system was also designed to automatically generate, collate and maintain the relevant statistics based on a monthly or annual cycle for purposes of internal records.

Likewise, the Cabinet Paper Information Management System (CPIMS) was created to manage timelines in dealing with Cabinet Memorandums from Ministries. The system tracks the preparation of Opinions (Ulasan) and memos to the Attorney General on Cabinet Memorandums and Cabinet Nota Makluman forwarded for the Attorney General Chambers' opinion and response.



While IAD recognizes the importance of formalized learning and training programmes which contribute greatly towards professional growth of its officers, the Division also emphasizes on the importance of on-the-job learning and knowledge sharing. In this connection, IAD has organized numerous "brown bag sessions" among officers within the respective Units or at the inter-Unit level. IAD's "brown bag talks" have provided a platform for knowledge sharing and information dissemination as regards current legal issues of concern involving the work of the Division. The "brown bag sessions", which are usually conducted briefly in an open and casual setting, have

In line with the objective of promoting better informed government institutions and public in general, in 2006, IAD began publishing books on a number of key areas related to international law, including human rights, trade and international crime. Over the years, IAD has published twelve titles and have sold more than 300 copies of the various titles. The Division has produced two new publications in the year 2010 namely the Compilation of Malaysia's Strategic Trade Legislation (STA Compilation) and the Negotiating Investment Guarantee Agreements booklet (IGA Booklet).

Brown Bag Sessions

become a useful tool not only as part of IAD officers' continuous legal training, but also to facilitate interpersonal engagement among colleagues from the different Units at both the senior and junior levels.

Between 2010 and 2011, more than ten "brown bag sessions" have been conducted and have touched on topics such as the ASEAN Human Rights Declaration, Peaceful Assembly Act, Biological Weapons Convention and Maritime Delimitation.

IAD Publications

A valuable all-inclusive legislative reference book on the regulation of Strategic Trade activities in Malaysia, the STA Compilation saw popular sales among regulatory and industry stakeholders. To date, over 100 copies of the STA Compilation have been sold.

The IGA Booklet was published as a guide to legal advisers and government/policy stakeholders partaking in negotiations on investment guarantee agreements or bilateral investment treaties. The IGA Booklet is only available for internal and inter-agency circulation.

ISO Certification

In pursuance of its vision to position itself as the leading body of experts in international law at both the domestic and international levels, IAD successfully acquired certification to the latest internationally recognized quality management system standards namely the MS ISO 9001:2008 from CI International Certification Sdn. Bhd. on 16 December 2011. IAD's assessors, CI International, operates under Certification International (UK) Ltd. (CIUK) in Swindon, United Kingdom.

The Division's MS ISO 9001:2008 certification was awarded based on the core business and supporting processes of the Division. IAD's core processes which attained ISO certification were the

provision of legal opinions, vetting of international legal instruments, handling of international disputes, handling of mutual assistance in criminal matters requests and handling of extradition requests. IAD's ISO certification is the result of the Division's firm commitment in protecting Malaysia's rights and interests in the international fora and rendering legal advice to the Government of Malaysia in accordance with international law and principles, and national laws and policies.

IAD and the Community

Since 2008, IAD pioneered an annual special community service project in the form of the Human Rights Awareness Programme (HARAP). Amongst the many aims of HARAP is the provision of a real life learning platform to IAD officers on the needs of the less fortunate and as a give-back to the community. With the understanding that awareness is most effectively created and expressively appreciated through direct experience, HARAP has become an inspirational and humbling journey for many in the IAD family.

HARAP 2010 was a community service project based in Kampung Tanjung Batu, a fishermen's village off the coast of Lumut, Perak whilst HARAP 2011 took the IAD officers to the highlands of Kampung Sungai Ubi, an Orang Asli village at the foothills of Cameron Highlands, Pahang. Both HARAP 2010 and 2011 were successful not only as community outreach initiatives but also for fostering civic consciousness and social awareness amongst IAD officers.



>>> IAD Conference 2011, Cameron Highlands, Pahang (IAD Human Rights Awareness Programme (HaRAP) at the Orang Asli Settlement)

IAD Goes Green

In recent years, IAD has become increasingly conscious of the impact it makes on the environment. While recycling, paper rationing and paperless meetings have become commonplace at the Division, IAD had gone a step further by engaging the Malaysian Green Technology Corporation (GreenTech Malaysia) between October and November 2011 to conduct a Green Awareness Programme and a cross-sectoral energy audit comprising of a green practices survey among IAD officers and staff and a detailed technical audit on the IAD workplace.

The purpose of the programme and energy audit was two-fold, namely to ascertain the patterns and levels of energy consumption at IAD occupied floors (Levels 7 and 8) of the Attorney General's Chambers' Precinct 4 building, and to identify opportunities and cost-effective measures to reduce energy use in the performance of functions intended for the office environment. The IAD energy audit became the pilot project for an overall organizational strategy on environmentally sustainable practices by the Attorney General's Chambers. The audit constituted the first step towards creating

awareness within the Attorney General's Chambers organization and developing green and sustainable practices in the Chambers work environment.

GreenTech Malaysia's initial audit findings were presented during the IAD Conference on 10 November 2011 in Cameron Highlands. Green practices in areas such as water consumption, electricity usage and wastes reduction were recommended to be further enhanced and optimized, while other areas particularly in relation to office culture/physical comfort levels, paper usage, environment illumination/lighting and temperature/air quality were found to be acceptable or satisfactory. GreenTech Malaysia predicted that specific measures in ensuring energy efficiency at the the Attorney General's Chambers' building may contribute to a further 9% in energy savings.

In identifying daily practices which require further and greener improvements, IAD has pledged to forge ahead with its sustainable efforts at the workplace including the creation of recycling corners at the IAD occupied floors.

2010 / 2011
BILLS AND
AMENDING
LAWS

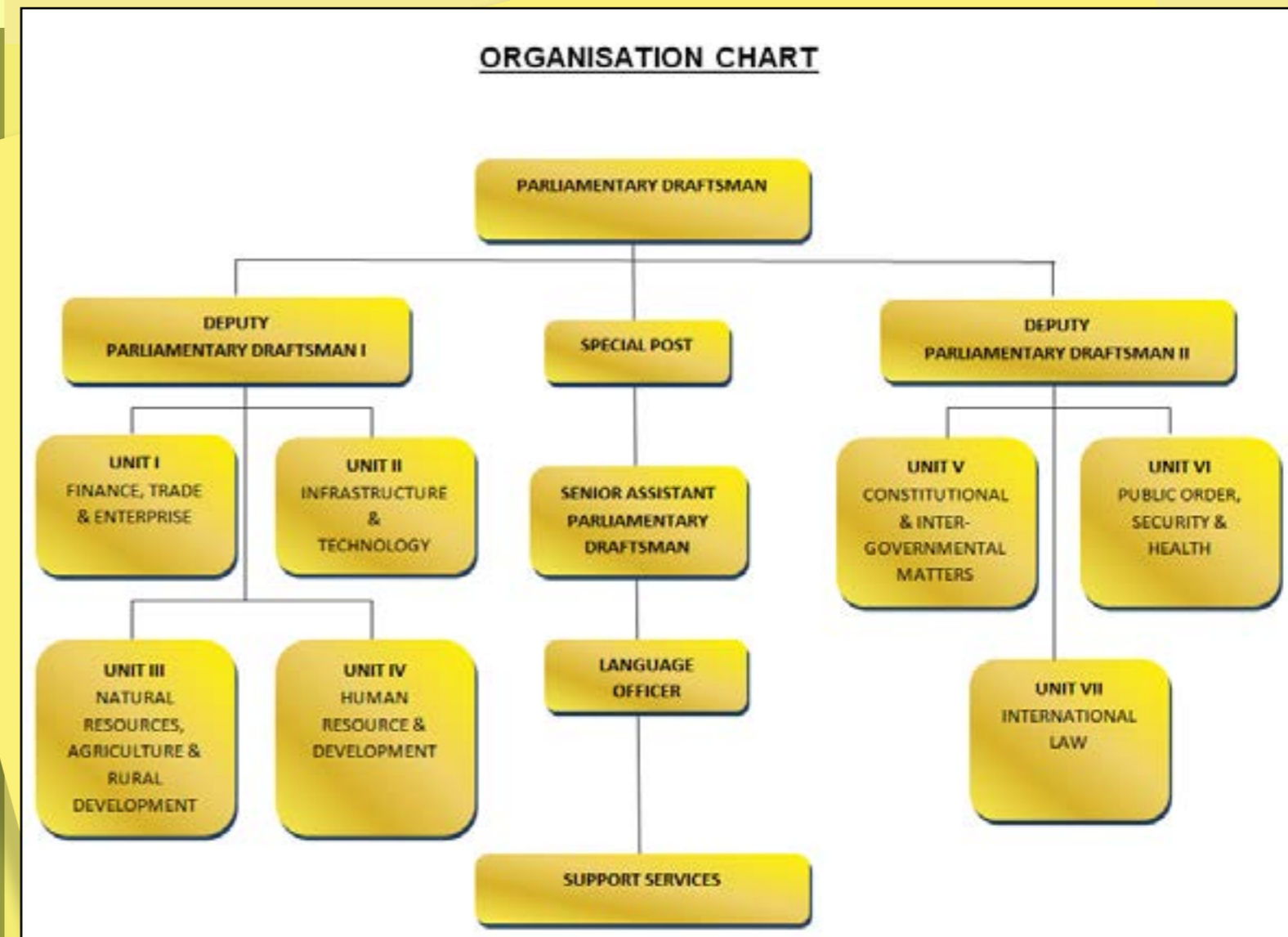
No.	Title
1.	Merchant Shipping (Amendment and Extension) Bill 2010
2.	Merchant Shipping (Oil Pollution) (Amendment) Bill 2010
3.	Criminal Procedure Code (Amendment) Bill 2011
4.	Evidence (Amendment) Bill 2011 providing for the admission of evidence from foreign countries
5.	Malaysian Industrial Development Authority (Incorporation) (Amendment) Bill 2011
6.	Promotion of Investments (Amendment) Bill 2011
7.	Amendments to the Atomic Energy Licensing Act 1984 [Act 304]
8.	Amendments to the Industrial Co-ordination Act 1975 [Act 156]
9.	Amendments to the Malaysian Maritime Enforcement Agency Act 2004 [Act 633]
10.	Amendments to the Mutual Assistance in Criminal Matters Act 2002 [Act 621]
11.	Amendments to the Mutual Assistance in Criminal Matters Regulations 2003 [P.U.(A) 194/2003]
12.	Amendments to the Fees (National Planetarium) Order 1997 [P.U.(A) 461/1997]
13.	Review of the Extradition Act 1992 [Act 479]
14.	Antarctic Bill
15.	Apostille Bill
16.	Biological Weapons Convention Bill
17.	Comprehensive Nuclear-Test-Ban Treaty Bill
18.	International Crimes Bill
19.	International Transfer of Prisoners Bill
20.	Maritime Security Bill
21.	Outer Space Bill

The main functions of the Drafting Division is to draft legislation that is consistent with the Federal Constitution, written laws and the nation's international obligations. The Division comprises 7 Units, namely, the Finance, Trade and Enterprise Unit, the Infrastructure and Technology Unit, the Natural Resources, Agriculture and Rural Development Unit, the Human Resource and Development Unit, the Constitutional and Intergovernmental Matters Unit, the Public Order, Security and Health Unit and the International Law Unit.

The Division's mission is to provide legislative drafting of the highest standard to the Government and to be responsive to the Government's priorities. Through its Client's Charter, the Division undertakes to ensure that the drafting of all legislation is completed within an agreed period and that the legislation drafted is of the highest quality, constitutionally and legally sound and error-free in every aspect. Principal legislation drafted by the Division and passed by Parliament set out the Government's policies and are in accordance with the principles of good corporate governance.

In translating the Government's policies into legislation, the Division plays a crucial role to ensure that legislation is drafted accurately, comprehensively and concisely. This is achieved through its team of skilled, experienced and highly trained drafting officers. Skilled legislative drafting contributes to the desired combination of a good and effective piece of legislation. In addition, the Division also focuses on utilizing its in-house pool of senior drafting officers to train other legal officers as well as officers from other government agencies in legislative drafting. Through this form of knowledge sharing, the Division ensures that a broad spectrum of officers is exposed to the theory and principles of legislative drafting.

Legislation is drafted in both the national and English languages pursuant to section 6 of the National Language Act 1963/67. Hence, it is very important that a drafting officer possesses an excellent command of both of these languages. This is in furtherance of the Division's objective of ensuring that both the national and the English language texts of all legislation are accurate, in accordance with legislative syntax and comply with grammatical norms. The Division is further enhanced through its restructuring exercise with the addition of a new Unit to its present organizational set-up. The Unit will oversee the drafting of all legislation concerning matters relating to International law and Syariah law. At the same time, drafting officers are attached to several Ministries so as to undertake the drafting of all legislation under the purview of these Ministries. These efforts will in turn ensure that the legislation would not only reflect the policies, objectives and aspirations of the Ministries but also comply with the principles of legislative drafting.



Drafting Division

LIST OF BILLS TABLED IN PARLIAMENT IN 2010

1. Educational Institutions (Discipline)(Amendment) Bill 2010
2. Supplementary Supply (2009) Bill 2010
3. Supplementary Supply (2010) Bill 2010
4. Strategic Trade Bill 2010
5. Whistleblower Protection Bill 2010
6. Competition Commission Bill 2010
7. Competition Bill 2010
8. Suruhanjaya Pengangkutan Awam Darat Bill 2010
9. Railways (Amendment) Bill 2010
10. Tourism Vehicles Licensing (Amendment) Bill 2010
11. Commercial Vehicles Licensing Board (Amendment) Bill 2010
12. Land Public Transport Bill 2010
13. Direct Sales (Amendment) Bill 2010
14. Stamp (Amendment) Bill 2010
15. Road Transport (Amendment) Bill 2010
16. Wildlife Conservation Bill 2010
17. Criminal Procedure Code (Amendment) Bill 2010
18. Hire-Purchase (Amendment) Bill 2010
19. Consumer Protection (Amendment) Bill 2010
20. Judicial Appointments Commission (Amendment) Bill 2010
21. Subordinate Courts (Amendment) Bill 2010
22. Anti-Trafficking In Persons (Amendment) Bill 2010
23. Children and Young Persons (Employment)(Amendment) Bill 2010
24. Malaysia Deposit Insurance Corporation Bill 2010
25. Employment (Amendment) Bill 2010
26. Perbadanan Stadium Malaysia Bill 2010
27. Malaysian Timber Industry Board (Incorporation)(Amendment) Bill 2010
28. Moneylenders (Amendment) Bill 2010
29. Price Control and Anti-Profitteering Bill 2010
30. Valuers, Appraisers and Estate Agents (Amendment) Bill 2010
31. Fees (Malaysian Meteorological Department)(Validation) Bill 2010
32. Bank Simpanan Nasional (Amendment) Bill 2010
33. National Visual Arts Development Board Bill 2010
34. Food Analysts Bill 2010
35. Road Transport (Amendment) Bill 2010
36. Supply Bill 2011
37. Finance (No. 2) Bill 2010
38. Merchant Shipping (Amendment and Extension) Bill 2010
39. Merchant Shipping (Oil Pollution)(Amendment) Bill 2010
40. International Islamic Liquidity Management Corporation 2010
41. Agensi Inovasi Malaysia Bill 2010
42. Arbitration (Amendment) Bill 2010
43. Sustainable Energy Development Authority Bill 2010
44. Malaysia Quarantine and Inspection Services Bill 2010 (MAQIS)
45. Kampong Bharu Development Corporation Bill 2010
46. Copyright (Amendment) Bill 2010
47. Renewable Energy Bill 2010
48. Co-operative College (Incorporation) Bill 2010

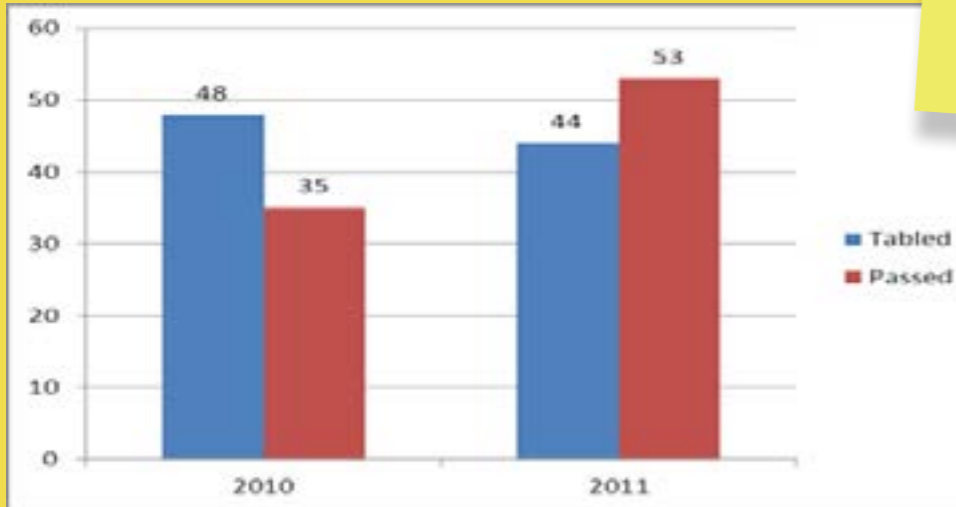
In 2010, 35 Bills were passed by Parliament. Out of that number, 4 Bills were tabled for First Reading in 2010 but their Second and Third Readings were postponed to the next Parliament Session due to policy directions. The Bills were the Valuers, Appraisers and Estate Agents (Amendment) Bill 2010, the Food Analysts Bill 2010, the Copyright (Amendment) Bill 2010 and the Co-operative College (Incorporation) Bill 2010. Another 6 Bills were tabled for First Reading in December 2010 but due to the high number of Bills debated at the close of the Parliament Session in 2010, their Second and Third Readings were postponed to the First Meeting of Parliament in 2011. The Bills were the Merchant Shipping (Amendment and Extension) Bill 2010, the Merchant Shipping (Oil Pollution) (Amendment) Bill 2010, the Arbitration (Amendment) Bill 2010, the Sustainable Energy Development Authority Bill 2010, the Malaysia Quarantine and Inspection Services Bill 2010 (MAQIS) and the Renewable Energy Bill 2010. Meanwhile, in 2010, 3 Bills were withdrawn due to policy directions, and they were the Road Transport (Amendment) Bill 2010, the Employment (Amendment) Bill 2010 and the Kampong Bharu Development Corporation Bill 2010.

1. Veterans Bill 2011
2. Promotion of Investments (Amendment) Bill 2011
3. National Sports Institute Bill 2011
4. Kootu Funds (Prohibition)(Amendment) Bill 2011
5. Judges' Remuneration (Amendment) Bill 2011
6. Supplementary Supply (2010) Bill 2011
7. Malaysian Industrial Development Authority (Incorporation)(Amendment) Bill 2011
8. International Organizations (Privileges and Immunities)(Amendment) Bill 2011
9. Medical Device Bill 2011
10. Lembaga Pembangunan Industri Pembinaan Malaysia (Amendment) Bill 2011
11. Supplementary Supply (2011) Bill 2011
12. Medical Device Authority Bill 2011
13. Limited Liability Partnership Bill 2011
14. Petroleum (Income Tax)(Amendment) Bill 2011
15. Employment (Amendment) Bill 2011
16. Trade Descriptions Bill 2011
17. National Wages Consultative Council Bill 2011
18. Securities Commission (Amendment) Bill 2011
19. Capital Markets and Services (Amendment) Bill 2011
20. Money Services Business Bill 2011
21. Federal Agricultural Marketing Authority (Amendment) Bill 2011
22. Lembaga Kemajuan Ikan Malaysia (Amendment) Bill 2011
23. Fisheries (Amendment) Bill 2011
24. Domestic Violence (Amendment) Bill 2011
25. Kampong Bharu Development Corporation Bill 2011
26. Postal Services Bill 2011
27. Restricted Residence (Repeal) Bill 2011
28. Banishment (Repeal) Bill 2011
29. Supply Bill 2012
30. Finance (No. 2) Bill 2011
31. Inland Revenue Board of Malaysia (Amendment) Bill 2011
32. Pensions (Amendment) Bill 2011
33. Statutory and Local Authorities Pensions (Amendment) Bill 2011
34. Pensions Adjustment (Amendment) Bill 2011
35. Judges' Remuneration (Amendment)(No. 2) Bill 2011
36. Housing Development (Control and Licensing)(Amendment) Bill 2011
37. Standards of Malaysia (Amendment) Bill 2011
38. Perumahan Rakyat 1Malaysia Bill 2011
39. Criminal Procedure Code (Amendment) Act 2010 (Amendment) Bill 2011
40. Criminal Procedure Code (Amendment) Bill 2011
41. Evidence (Amendment) Bill 2011
42. Peaceful Assembly Bill 2011
43. Police (Amendment) Bill 2011
44. Construction Industry Payment and Adjudication Bill 2011

LIST OF BILLS TABLED IN PARLIAMENT IN 2011

In 2011, 53 Bills were passed by Parliament, including 10 Bills that were tabled for First Reading in 2010. The Construction Industry Payment and Adjudication Bill 2011 which was tabled for its First Reading in December 2011, was postponed to the First Meeting of Parliament in 2012 for its Second and Third Readings. The 10 Bills that were tabled for First Reading in 2010 and passed by Parliament in 2011 were the Valuers, Appraisers and Estate Agents (Amendment) Bill 2010, the Food Analysts Bill 2010, the Copyright (Amendment) Bill 2010, the Co-operative College (Incorporation) Bill 2010, the Merchant Shipping (Amendment and Extension) Bill 2010, the Merchant Shipping (Oil Pollution) (Amendment) Bill 2010, the Arbitration (Amendment) Bill 2010, the Sustainable Energy Development Authority Bill 2010, the Malaysia Quarantine and Inspection Services Bill 2010 (MAQIS) and the Renewable Energy Bill 2010. The Kampong Bharu Development Corporation Bill 2011 was re-introduced to Parliament in 2011 after it was withdrawn during the 2010 Parliament Session due to policy directions. The Bill was passed by the House of Representatives on 5 October 2011 and subsequently by the Senate on 7 December 2011. The Royal Assent was given on 25 December 2011.

Comparison of Bills Tabled and Passed in Parliament in 2010 and 2011



In 2010, it was noted that several Bills which attracted public interest took center stage as Government policies were put to test. For instance, the Competition Bill 2010 and the Price Control and Anti-Profiteering Bill 2010 were introduced to change the way business was conducted in Malaysia. The Competition Bill 2010 seeks to have control over monopolies and help develop a healthy business environment in the country. It prohibits anti-competitive agreements between enterprises and abuse by dominant industry players. The Bill would be enforced by the Malaysian Competition Commission as established under the Competition Commission Bill 2010.

the new law, small renewable energy producers will be able to sell their clean energy to electricity utility companies such as Tenaga Nasional Berhad (TNB) at premium prices and it will be mandatory for the electricity utility companies to purchase electricity generated from renewable sources.

Another Government initiative was reflected in the introduction of Bills to address the current deterioration in land public transport, namely the Suruhanjaya Pengangkutan Awam Darat Bill 2010 and the Land Public Transport Bill 2010. The Land Public Transport Bill 2010 seeks to rationalize the whole land public transport sector and brings the regulation of most aspects of public transport in the country under a single authority, namely the Land Public Transport Commission, to be established under the Suruhanjaya Pengangkutan Awam Darat Bill 2010.

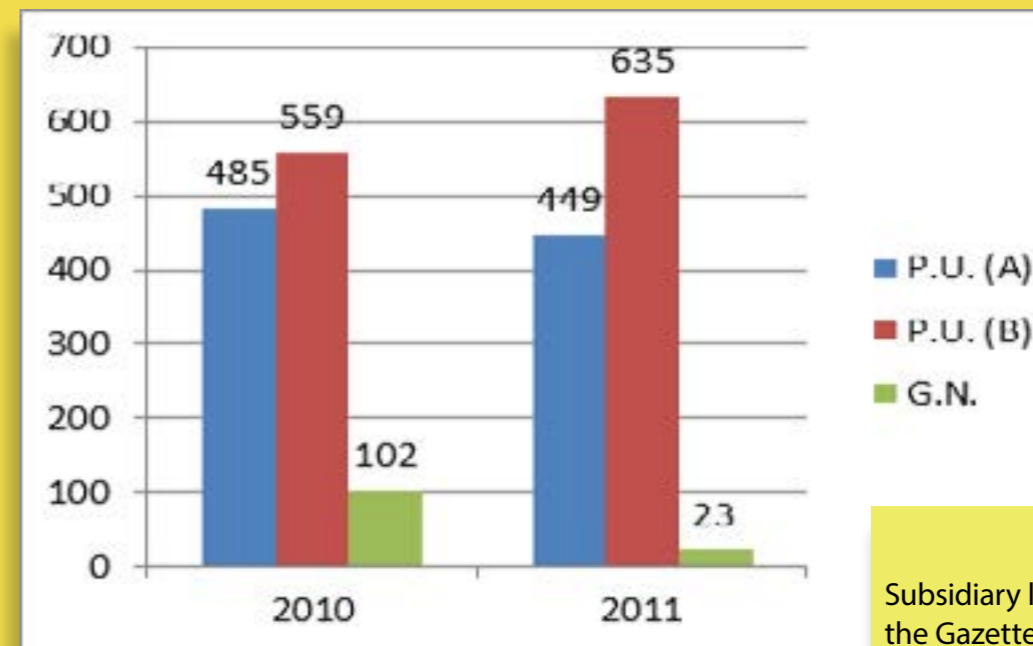
Statistically, there was an increase of 51% in the number of Bills passed by Parliament in the year 2011 compared to the number of Bills passed by Parliament in the year 2010. This may be attributed to a number of factors. Firstly, there was a significant number of Bills (i.e. 10

Bills) tabled for First Reading during the Parliament Session in 2010 but was postponed to the Session in 2011 for their Second and Third Readings. Further, in the year 2011, a number of Bills were introduced pursuant to the motion to lift three emergency proclamations issued by the Yang di-Pertuan Agong, namely the one issued on 14 September 1966 for the purpose of resolving the political disputes in Sarawak, on 15 May 1969 following the 'May 13' racial riot and on 8 November 1977 following political disputes in Kelantan. The Bills were the Peaceful Assembly Bill 2011 which aims to address assemblies organized by citizens, and the Police (Amendment) Bill 2011 which repeals section 27 of the Police Act 1967 which provided for the requirement of a licence to hold an assembly. Prior to that, the Government also took steps to repeal two restrictive laws which were rarely used in the present days, namely the Restricted Residence Act 1933 and the Banishment Act 1959, by tabling the Restricted Residence (Repeal) Bill 2011 and the Banishment (Repeal) Bill 2011 in Parliament for approval.

In 2010, a total of 1,146 subsidiary legislation were published. 485 subsidiary legislation were published in Legislative Supplement A [P.U. (A)], which included Proclamations, orders, rules, regulations and by-laws. 559 subsidiary legislation were published in Legislative Supplement B [P.U. (B)] while a total of 102 subsidiary legislation were published in Gazette Notification (G.N.).

In 2011, a total of 1,107 subsidiary legislation were published. 449 subsidiary legislation were published in Legislative Supplement A [P.U. (A)], which included Proclamations, orders, rules, regulations and by-laws. 635 subsidiary legislation were published in Legislative Supplement B [P.U. (B)] while a total of 23 subsidiary legislation were published in Gazette Notification (G.N.).

Since the official launching of the Federal e-Gazette on 26 April 2011, online publication of subsidiary legislation under P.U. (A) and P.U. (B) was made directly by the e-Federal Gazette Unit under the Drafting Division, without engaging the national printers, the Percetakan Nasional Malaysia Berhad (PNMB). Meanwhile, online publication of subsidiary legislation under G.N. was still made by the PNMB. In conjunction with the official launch of the e-Federal Gazette also, the Ministries were informed that all publications of subsidiary legislation under the G.N. may be made direct to the PNMB without having to go through the Drafting Division, hence the significant drop in the total number of subsidiary legislation published by the Drafting Division in G.N. in 2011.



Subsidiary legislation published in the Gazette in 2010 and 2011

The main objective of this Bill is to provide integrated services relating to quarantine, inspection and enforcement at the entry points, quarantine stations and quarantine premises and certification for import and export of plants, animals, carcasses, fish, agricultural produce, soils and microorganisms and includes inspection of and enforcement relating to food.

These services are also provided for under relevant existing written laws namely the Animals Act 1953 [Act 647], the Plant Quarantine Act 1976 [Act 167], the Lembaga Kemajuan Ikan Malaysia Act [Act 49], the Food Act 1983 [Act 281], the Federal Agricultural Marketing Authority Act 1965 [Act 141] and the Fisheries Act 1985 [Act 317]. Therefore, the Bill has to be read together with all the relevant existing written laws.

However, in the event of any inconsistency between this Bill and any of the relevant

written laws, excluding the Food Act 1983, this Bill shall prevail.

Apart from providing integrated services at entry points, the Bill aims to circumvent, among others, intricate documentation, repetitive inspection and inefficient utilization of infrastructure and manpower.

The Bill was passed without any amendment by the House of Representatives on 13 Jun 2011 and by the Senate on 4 July 2011. The Act came into operation in Peninsular Malaysia and the Federal Territory of Labuan on 1 January 2012.

The Peaceful Assembly Bill 2011 is one of the efforts initiated by the Government to undertake the transformation of the existing legal framework in relation to the constitutional rights of citizens to assemble.

The overall purpose of the Bill is to allow citizens to organize assemblies and participate in assemblies peaceably and without arms subject only to restrictions deemed necessary or expedient in the interest of the security of the Federation or any part thereof or public order, including the protection of the rights and freedoms of other persons. The expression “rights and freedoms of other persons” refers to the right to peaceful enjoyment of one’s possession, the right to freedom of movement, the right to enjoy the natural environment and the right to carry on business.

During the debate in the House of Representatives, several amendments were made in order to address some of the concerns of the public. The amendments, among others, included:

- to reduce the period for submission of notification of assembly from the organizer to the police, from 30 days to 10 days;
- to reduce the period in which the police are

required to inform the details of the assemblies to be held to persons who have interests, from 48 hours to 24 hours;

- to reduce the period for an appeal by the organizer aggrieved by the imposition of restrictions and conditions on an assembly to the Minister to be made, from 4 days to 48 hours after being informed of the restrictions and conditions; and
- to reduce the period given to the Minister to give his decision on the appeal received under sub-clause 16(1), from 6 days to 48 hours from the receipt of the appeal.

The Bill was passed by the House of Representatives on 29 November 2011, and subsequently by the Senate on 20 December 2011. Together with the Bill, the Police (Amendment) Bill 2011 which repeals section 27 of the Police Act 1967 on the requirement of license to hold an assembly was also passed.

One of the focuses under the National Key Result Areas (NKRA) is to improve land public transport. Therefore, the YAB Prime Minister in his 2010 Budget Speech announced the establishment of the Suruhanjaya Pengangkutan Awam Darat as the sole authority to regulate land public transport in Malaysia. The Government envisaged that the establishment of SPAD would assist the Government to set up an efficient and effective land public transport system in Malaysia.

In order to achieve such objective, the drafting of the Suruhanjaya Pengangkutan Awam Darat Bill 2010 ("SPAD Bill") and the Land Public Transport Bill 2010 ("LPT Bill") therefore commenced.

The SPAD Bill was principally drafted to establish the Suruhanjaya Pengangkutan Awam Darat ("SPAD") with powers to regulate land public transport and to enforce the land public transport laws towards achieving a safe, reliable, responsive, accessible, efficient, planned, integrated, affordable, competitive and sustainable land public transport. For the purpose of establishing SPAD, consequential amendments were made to the Road Transport Act 1987, the Commercial Vehicles Licensing Board Act 1987, the Railways Act 1991 and the Tourism Vehicles Licensing Act 1999.

The LPT Bill, on the other hand, was drafted to form the primary Act dealing with the regulation of land public transport services in Peninsular Malaysia, which includes regulating the issuance of operator's licenses and approvals under

the Bill, integration and co-ordination of land public transport and land public transport services, the safe carriage of passengers, their luggage and goods by land public transport, and matters relating to consumer standards as stipulated under the Bill.

The SPAD Bill and the LPT Bill were passed in Parliament on 5 May 2010. The SPAD Act came into operation on 3 June 2010 while the LPT Act came into operation on 31 January 2011.

The Wildlife Conservation Bill 2010 aims to provide for the protection and conservation of wildlife and for matters connected therewith. "Wildlife" is defined to mean "any species of wild animal or wild bird, whether totally protected or protected, vertebrate or invertebrate, live or dead, mature or immature and whether or not may be tamed or bred in captivity". "Protected wildlife" means any wildlife specified in the First Schedule to the Bill which includes barking deer, common palm civet, wild boar, bear, Malayan flying fox, horned tree lizard, king cobra, peat swarm toad, Malayan flying frog, Malay tiger, Andean wolf, lion, Afghan fox and puma while "totally protected wildlife" means any wildlife specified in the Second Schedule which includes wild yak, snow leopard, cheetah, Tibetan sheep, marsh deer, Asiatic lion, jaguar, volcano rabbit, Sumatran rhinoceros and Javan rhinoceros.

To achieve its aim, the Bill provides for among others –

(a) the requirement for licence to regulate activities such as the hunting or keeping of any protected wildlife, the taking or keeping of any part or derivative of any protected wildlife, the collecting of birds' nests, the carrying on of the taxidermy business and the export or re-export of any protected wildlife or any part or derivative of any protected wildlife;

(b) the requirement for permit to operate a zoo, to operate a commercial captive breeding, to operate a circus or wildlife exhibition, the carrying out or study on any protected wildlife, and where the zoo, commercial captive breeding,

circus or wildlife exhibition operation involves any totally protected wildlife a special permit is required; and

(c) the requirement for special permit to hunt or keep totally protected wildlife or take or keep any part or derivative of any totally protected wildlife, to import, export or re-export any totally protected wildlife or any part or derivative of any totally protected wildlife, to hunt any protected wildlife during the close season, to carry on research or study on any totally protected wildlife, to use any totally protected wildlife for his zoo, circus or wildlife exhibition operation or commercial captive breeding.

In addition, the Bill prohibits all persons from keeping, selling, purchasing, importing or exporting of any controlled species specified in the Fifth Schedule to the Bill which include red fox, European red deer, small Indian mongoose, rock pigeon and brown tree snake.

The Bill applies to Peninsular Malaysia and the Federal Territory of Labuan. However the Bill does not apply to any wildlife falling within List II of the Ninth Schedule of the Federal Constitution and the Fisheries Act 1985 [Act 317].

The Bill received the Royal Assent on 21 October 2012, published in the gazette on 4 November 2012 and came into operation on 28 December 2010.

The Government's initiative to develop the 110-year-old Kampong Bharu was revealed through the introduction of the Kampong Bharu Development Corporation Bill 2010 in the Parliament. It was the Government's intention to transform the urban village that sits in the midst of the city of Kuala Lumpur, into a potentially high-value commercial and residential area that stands equal to the other property in its neighborhood.

After a long series of public engagement as well as consultation with interested parties, especially the land owners and the heirs to the land in Kampong Bharu, the Bill was finally tabled for First Reading by the Minister of the Federal Territories and Urban Well-being in the House of Representatives on 14 December 2010.

The objective of the Bill was to establish the Kampong Bharu Development Corporation that is presided by a Chairman who shall be appointed by the Prime Minister, and who shall be Malay within the meaning assigned to it under Article 160 of the Federal Constitution.

The Corporation acts as the principal co-coordinating body in relation to the development, redevelopment and improvement of the Kampong Bharu development area. The Corporation also shoulders the responsibility to implement policies, directions, and strategies in relation to the same. Nevertheless, the

Corporation acts on the advise of the Advisory Council established under the Bill, especially on matters relating to the interest of the Malays in Kampong Bharu. The Advisory Council consists of members who represent the Kampong Bharu community, including the non-governmental organization which has substantial interest in the Kampong Bharu development.

However, owing to a series of amendments proposed to the Bill, the Cabinet, in its meeting on 7 September 2011, agreed to withdraw the Bill and make necessary amendments based on what had transmitted since the introduction of the Bill in Parliament.

Subsequently, the Bill was withdrawn on 3 October 2011 to give way to a new Bill, which incorporated all the views and proposed amendments by parties concerned. The new Bill, the Kampong Bharu Development Corporation Bill 2011 was tabled for First Reading on 3 October 2011. The Bill was passed by the House of Representatives on 5 October 2011 after a division of votes was called to decide on the Bill. 72 Members of Parliament supported the Bill while 28 had opposed to the proposed second reading. Another division of votes was called during the debate in the Senate on 7 December 2011 but the Bill was eventually passed as only 8 out of 46 members opposed to the passing of the Bill.

COMMENTARY ON SELECTED BILLS PASSED BY PARLIAMENT IN 2010 AND 2011

The Criminal Code (Amendment) Bill 2010 (2010 Bill) sought to amend the Criminal Procedure Code with the aim, among others, to overcome the backlog of cases pending in the criminal courts and to promote the expeditious disposal of criminal cases.

To achieve its aim, the 2010 Bill provides for among others:

- the commencement of a pre-trial conference between an advocate representing the accused and the Public Prosecutor, within 30 days from the date the accused was charged in court or any reasonable time before the commencement of the case management, on among others identifying the factual and legal issues, narrowing the issues of contention, clarifying each party's position and discussing any plea bargaining, and reaching any possible agreement thereto. All matters agreed upon in the pre-trial conference by the advocate and the prosecutor shall be reduced into writing and signed by the accused, the advocate and the Public Prosecutor;
- the commencement of a case management process by the Court within 60 days from the date the accused was charged among others to take into consideration all matters that have been considered and agreed by the accused and his advocate and the Public Prosecutor during the pre-trial conference; where no pre-trial conference has been held on the ground that the accused is unrepresented, discuss with the accused and the Public Prosecutor any matter which would have been considered under section 172A of the Criminal Procedure Code; to assist an accused who is unrepresented to appoint an advocate to represent the accused; to determine the duration of the trial and to give directions on any other matter as will promote a fair and expeditious trial;
- the commencement of the trial not later than 90 days from the date the accused was charged;
- plea bargaining on the sentence or the charge for the offence that the accused is charged with;

- that the trial of an accused who is discharged by the Court and is recharged be reinstated and be continued as if there had been no discharge order given;
- that evidence in support of an alibi may be adduced by an accused at any time during the trial subject to the accused having given a notice of the alibi to the Public Prosecutor and the Public Prosecutor is given reasonable time to investigate the alibi; and
- that before the Court passes sentence, the Court shall call upon the victim of the offence or a member of the victim's family, if any, to make a statement on the impact of the offence committed against the victim or his family.

Subsequently, the Criminal Code (Amendment) Act 2010 (Amendment) Bill 2011 (2011 Bill) sought to fine tune the 2010 Bill with a few amendments providing for among others;

- that a pre-trial conference would be held only if the accused claims to be tried;
- that a failure for the case management or the trial to commence within 60 days and 90 days respectively from the date the accused was charged shall not render the charge or prosecution against the accused as defective or invalid, or be considered as a ground for appeal, review or revision;
- that a Court shall only call upon the making of a victim's impact statement if requested by the victim of the offence or the victim's family, and where the victim or a member of the victim's family is unable to attend the proceedings, the Court has a discretion to admit a written statement of the victim or a member of the victim's family.

The 2010 Bill was passed by Parliament in 2010, received the Royal Assent on 2 June 2010, published in the Gazette on 10 June 2010 and came into operation on 1 June 2012, while the 2011 Bill was passed by Parliament in 2011, received the Royal Assent on 2 February 2012, published in the Gazette as Criminal Code (Amendment) Act 2010 (Amendment) Bill 2012 and came into operation on 1 June 2012.

THE E-FEDERAL GAZETTE

The concept of the e-Federal Gazette was initially proposed by the Hon. Chief Secretary to the Government, Tan Sri Mohd Sidek bin Haji Hassan. The central idea of the e-Federal Gazette is to enhance the Government's delivery system in respect of the publication of the laws of Malaysia.

In January 2008, the Drafting Division with the co-operation of the Percetakan Nasional Malaysia Berhad (PNMB) initiated steps towards setting up and implementing the e-Federal Gazette. The objective is to expedite the publication of the laws of Malaysia by publishing the laws of Malaysia online to provide Ministries, agencies, institutions and other bodies as well as members of the public free, quick and convenient access to the laws of Malaysia at the e-Federal Gazette Portal at www.federalgazette.agc.gov.my.

The launching of the e-Federal Gazette Portal was officiated by the Minister in the Prime Minister's Department, YB Dato' Seri Nazri Abdul Aziz, on 26 April 2011. The event was held at the Dewan Tan Sri Abdul Kadir Yusof, Attorney General's Chambers. Invited guests include the Director-General of Public Service Malaysia, YBhg. Dato' Sri Abu Bakar bin Haji Abdullah, Members of Parliament, Heads of Division of the Attorney General's Chambers and Legal Advisers to the Ministries.

The implementation of the e-Federal Gazette project was carried out in phases, with the First Phase being the publication of all subsidiary legislation under the Legislative Supplement A [P.U. (A)] and Legislative Supplement B [P.U. (B)] starting from 26 April 2012. From then onwards, all subsidiary legislation under P.U. (A) and P.U. (B) approved by the Drafting Division would be uploaded to the Portal by the e-Federal Gazette Unit of the Drafting Division.

The Second Phase of the project involved the uploading of all Acts of Parliament that was passed after 26 April 2011. Therefore, starting from 2 June 2011 the e-Federal Gazette Unit began uploading all Acts of Parliament that

have been passed after 26 April 2011 and have received the Royal Assent. The Third Phase of the project which involves the uploading of all Acts of Parliament from Act 1 to the most recent Act to the Portal is still undergoing construction and will be launched as soon as it is ready.

To ensure effective implementation of the project, close co-operation with PNMB, the Information Technology Section of the Attorney General's Chambers (ITS) and the Law Revision and Law Reform Division (LRRD) is vital. Therefore meetings were held from time to time with PNMB, ITS and LRRD to brain storm for new ideas as well as to gather the necessary inputs for the better implementation of the project.

Despite the implementation of e-Federal Gazette, PNMB still remains as the Government Printer that is responsible for the printing of both the principal and subsidiary legislation. Printing of the laws are still done by PNMB as section 61 of the Interpretation Acts 1948 and 1967 stipulates that only printed copies of the Gazette or State Gazette purporting to be published by authority and printed by the Government Printer shall be admitted in evidence in legal proceedings as prima facie evidence of the terms of any written law published therein and of any appointment notified or other matter or thing stated therein.



ISO CERTIFICATION: MS ISO 9001:2000 and MS ISO 9001:2008

In 2006, the Drafting Division's Quality Management System was certified as conforming to the MS ISO 9001:2000 standard for the work scope incorporating the drafting of principal and subsidiary legislation. The Division undertook further action to enhance the delivery of quality service through the continuous review of its work procedures that are reflective of an efficient delivery system. Thereafter, the Division was certified as operating a Quality Management System that conforms with MS ISO 9001:2008 on 30 November 2009. The certification is valid for the period from 30 November 2009 to 29 November 2012.

Activities 2010-2011

On 3rd May 2011, Puan Hajjah Noresah Baharom, was appointed as a Language Officer to the Drafting Division. An expert in the bahasa kebangsaan

(national language), she had held numerous posts during her tenure of more than 30 years at the Dewan Bahasa dan Pustaka, including that of the Director of the Language Department. During that period, she was responsible for compiling and editing various publications on topics relating to the national language, including being the Chief Editor for Kamus Dewan Edisi Ketiga (1994) and Kamus Dewan Edisi Keempat (2005). Apart from that, she was also Vice President of the Persatuan Penterjemah Malaysia from 2005 to 2009.

Puan Hajjah Noresah's areas of expertise include lexicography, terminology and translation. Hence, her appointment to the Drafting Division was significant in enhancing the ability of officers in the Division to draft laws in dual language in line with section 6 of the

LANGUAGE COURSES : ENGLISH COURSES

In 2010, the Drafting Division had engaged the expert assistance of the British Council to organize an English language course known as "English for Business Communication Skills", in order to enhance the English language skills of the Division's officers. The course was attended by 40 officers consisting of mostly grade L41 and L44 officers. For a more effective learning session, the officers were divided into 2 groups based on their placement test results, with each group consisting of 20 officers. A tutor from the British Council was assigned to

teach each group. The course provided for 30 hours of learning time divided into 15 sessions for each group. The sessions were conducted on Friday every week for duration of 2 hours per session. The classes began in April 2010 and ended in August 2010.

In 2011, the Drafting Division organized a more advanced English course, also in collaboration with the British Council, known as the "Customised Business English Course (Written English)" which focused more on the development of written English skills among the

LANGUAGE COURSES : KURSUS PENATARAN BAHASA MELAYU

National Language Acts 1963/67 which requires among others that all Bills to be introduced in Parliament, and all Acts of Parliament and subsidiary legislation issued by the Federal Government shall be in the national language and the English language.

As part of her duties in this Division, Puan Hajjah Noresah introduced the course on the national language known as "Kursus Penataran Bahasa Melayu" on 26 May 2011. The course which is still ongoing at the time of the writing this report, is currently conducted by her on alternate Friday for 2 hours per session. The syllabus was formulated with the aim of not only to strengthen language skills, but also to find solutions to language problems arising from drafting work, as and when encountered by officers.

Apart from the course, officers and staff were also at liberty to consult Puan Hajjah Noresah from time to time in relation to their day-to-day work involving the usage of the national language, in particular on problems relating to translation and terminology.

COURSES

In 2010, as part of the in-house training programme, the Drafting Division conducted seven knowledge sharing sessions for its officers including video presentation, panel discussion and lectures by fellow officers. The seven knowledge sharing sessions conducted covered the following topics:

1. Kursus Tatabahasa: Sesi Pembelajaran Bahasa Melayu Tayangan VCD Bahasa Melayu Dewan Bahasa dan Pustaka;
2. Topics on "Rudiments of Legal Opinion Writing" and "Articles 122B & 161E: Appointment of Judges";
3. Tanda Bacaan dalam Perundangan;
4. Panel Discussion On The Employee's Rights To Holidays Under Section 60D(1) Employment Act 1955;
5. Usul Parlimen;
6. Factors to be considered before drafting; and
7. A topic on "Whether the Minister could exercise the power of exemption under section 34A of Act 244 in relation to the appointments of David Teo and Ahmad Idham as members of FINAS".

Apart from that, the Drafting Division also organized two 'profit-generating' courses held at the Dewan Tan Sri Abdul Kadir Yusof, Attorney General's Chambers.

The 'profit-generating' courses were opened for participation from Ministries, agencies, law firms and legal departments of organizations. The "Workshop on Drafting of Subsidiary Legislation" was held from 5 to 7 May 2010, which consisted of lectures, discussions and practical exercises, on the drafting of subsidiary legislation, given and conducted by senior officers of the Drafting Division. To ensure the effectiveness of the workshop, the number of participants was limited to 38.

Due to the overwhelming response of the workshop, a second similar workshop was conducted from 14 to 16 June 2010. The second workshop was attended by 38 officers from various Ministries and agencies. From the two workshops conducted, it could be surmised that there is an increase in demand from legal advisers and legal officers in Ministries, agencies and organizations, for practical and hands-on training on legislative drafting. The Drafting Division, being the authority for approving principal and subsidiary legislation issued by the Federal Government, would be the most

appropriate body to provide the legal expertise required in the teaching of legislative drafting. Hence besides making money, the Division also sought to impart the much needed skills and knowledge in legislative drafting to officers from the Ministries,



agencies and organizations with the hope that the quality of their legislative drafting as a whole would improve.

To wrap up the year 2010, the Drafting Division collaborated with the Judicial and Legal Training Institute (ILKAP) to organize the "Drafting Financial Provisions course" held at ILKAP from 27 September to 1 October 2010 to provide training in the drafting of financial provisions for officers from the other Divisions of the Attorney General's Chambers, Ministries and agencies.

The Seminars were conducted at the Dewan Tan Sri Abdul Kadir Yusof, Attorney General's Chambers on 27 April 2011, 28 April 2011 and 3 May 2011 respectively. The Drafting Division officers responsible for drafting the Acts gave lectures on the drafting of the Acts and discussed the problems they encountered during the drafting process, while representatives from the relevant Ministries lectured on the policy aspects involved in the formulation of the Acts. The Seminars aimed to among others explain to the stakeholders, the relevant industries and the public the new laws including their implementations.

There were 123 participants for the "Seminar Akta Pemuliharaan Hidupan Liar 2010" (Seminar on the Wildlife Conservation Act 2010), 83 participants for the "Seminar Akta Agensi Inovasi Malaysia 2010" (Seminar on the Agensi Inovasi Malaysia Act 2010) and 53 participants for the "Seminar Akta Kawalan Harga dan Anti Pencatutan 2011" (Seminar on the Price Control and Anti-Profitteering Act 2011).

Nearing the end of the first half of year 2011, the Drafting Division organized yet another 'profit-generating' course called the "Legislative Drafting Course". The course was held at the Dewan Tan

Sri Abdul Kadir Yusof, Attorney General's Chambers from 23 to 25 May 2011. The course was attended by 58 officers from the Ministries, agencies and organizations. During the course, senior officers from the Drafting Division shared their expertise and experience with the participants who were all too eager to hear and learn from the people who actually drafted the Acts themselves. The course was crafted to provide the participants with intensive training on legislative drafting. In this regard, the modules for the course were formulated with the aim of teaching the participants the A-to-Z of legislative drafting via lectures, tutorials and practical exercises.

To conclude the year 2011, the Drafting Division organized two other courses which were opened for participation only to officers of the Attorney General's Chambers. The courses were "Bengkel Penulisan Dokumen Rasmi, Surat, Memo dan E-mel" from 1 to 3 November 2011 and the "Federal Constitution Course" from 12-14 December 2011.

In 2011, the Drafting Division organized 'profit-generating' seminars to explain three Acts of Parliament which were passed in 2010 as follows:

1. Wildlife Conservation Act 2010 [Act 716];
2. Agensi Inovasi Malaysia Act 2010 [Act 718]; and
3. Price Control and Anti-Profitteering Act 2011 [Act 723].



INTERNATIONAL COURSES, CONFERENCES AND FORUMS ATTENDED BY OFFICERS FROM THE DRAFTING DIVISION

In 2011, officers from the Drafting Division attended international courses, conferences and forums as follows

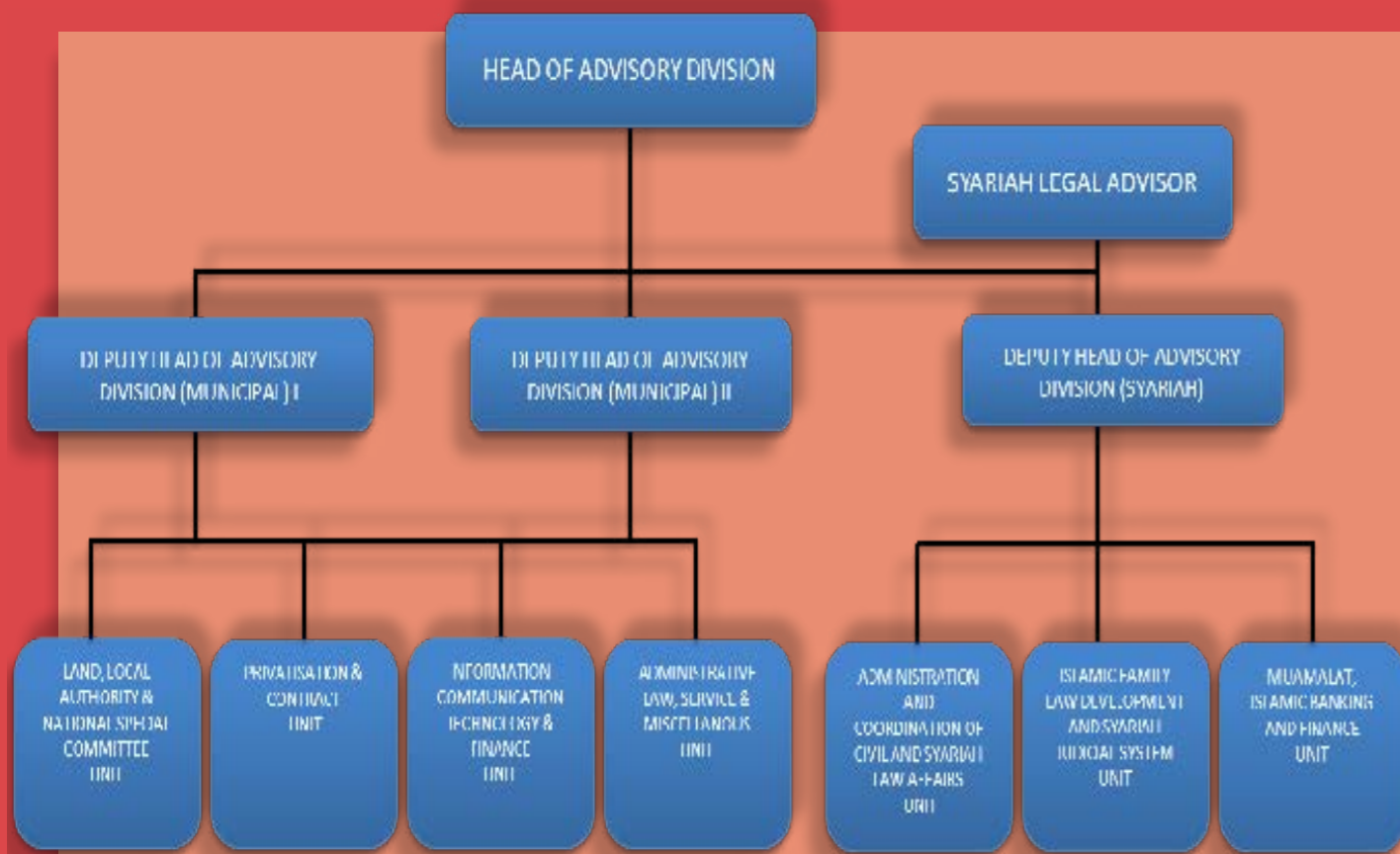
No.	Name of Course/Conference/Forum	Venue	Date	Officer
1.	2011 Conference of the Commonwealth Association of Legislative Counsel (CALC) Legislative Drafting: A Developing Discipline	Hyderabad, India	9 -11 February	<ul style="list-style-type: none"> YBhg. Dato' Engku Nor Faizah Engku Atek Puan Mahazan Mat Taib
2.	Course on Translating Policy Into Legislation	RIPA International, London, United Kingdom	27 June – 8 July	<ul style="list-style-type: none"> Puan Ida Hanani Abd Karim Puan Siti Illyana Mohd. Nawi
3.	2011 Asian Region Conference – Drafting in the Asian Country: Challenges and Possibilities	Colombo, Sri Lanka	28 – 30 September	<ul style="list-style-type: none"> Cik Junaidah Abdul Rahman Puan Chan Seong Gnoh Puan Nik Rosmilawati Nik Yusoff
4.	First Asian Forum of Legislative Information Affair	Incheon, Korea	9 – 11 November	<ul style="list-style-type: none"> YBhg. Dato' Engku Nor Faizah Engku Atek Puan Farhatun Abdull Samat
5.	Course on Legislative Drafting	Singapore	8 – 9 December	<ul style="list-style-type: none"> Encik Ismail Baharom Encik Mohd Syafiq Mustaza

MEETING OF THE DRAFTING DIVISION

A special meeting of the Drafting Division called the “Mesyuarat Khas Bahagian Gubalan” was held from 9 to 12 March 2011 at Ancasa Hotel, Port Dickson. During the meeting, a dialogue session with the Head of Division, YBhg. Dato' Engku Nor Faizah Engku Atek was held to provide a platform for officers to exchange ideas and to give inputs on matters relating to their daily work as well as the administration of the office. Other programmes organized include a session conducted by Unit Heads Cik Normazli Abdul Rahim and Encik Rushan Lutfi Mohamed called “Terapi Minda, Pengubat Jiwa” and a knowledge sharing session where officers divided into their respective Units competed against one another to answer questions on legislative drafting.

A second meeting of the Drafting Division called the “Mesyuarat Kedua Bahagian Gubalan 2011” was held at the Four Points by Sheraton Hotel, Kuching from 2 to 4 December 2011. One of the programmes held was a session entitled “ISO Alert” where officers were told the history of the ISO certifications granted to the Drafting Division and representatives of the various committees under the Drafting Division ISO Committee gave briefings on their functions and works to the officers. Another programme was the tabling of the paper entitled “Perancangan Strategik Bahagian Gubalan” prepared by senior officers of the Drafting Division to facilitate a brainstorming

session on the strategic planning for the Drafting Division in year 2012. During this meeting, as part of the community service programme, officers from the Drafting Division divided themselves into two groups. One group visited the “Rumah Kanak-kanak” (orphanage) and the other group visited the “Rumah Seri Kenangan” (old folks home) in Kuching. Officers who visited the “Rumah Seri Kenangan” took time to sit and chat with the old folks and listen to their life stories, before adjourning to the main hall for a karaoke and dance session with the old folks. At the same time, officers that visited “Rumah Kanak-kanak” conducted games for the children, played with them and engaged them in other entertaining activities. Before departing, the officers presented gifts to the old folks and children as a token of love from the whole of the Drafting Division. The officers from the Drafting Division have learned so much from the visits to the two homes, which in a way truly opened their eyes to the sad reality that there are still segments of our society who are less fortunate, and who are broken, abandoned and are forced to live their daily lives separated from those that they love be it their mothers, fathers, husbands or children. Their sad faces and tears would surely leave a lasting impression in the minds of the officers and be a reminder to them not to take their own lives and loved ones for granted, but to always be thankful for the things they have and to value their lives and appreciate their loved ones more.



As regards the nature of work of the Division in 2010 to 2011, it was no different from the previous years and the Division is committed in its objectives in providing quality and professional legal advice to the Government in accordance with the Federal Constitution and the laws of Malaysia.

On 15 January 2010, the Syariah Section which was part of the Advisory Division since its inception on 1 June 2003 until 11 May 2008, revisits as part of the Division. In addition, as of May 2010, the Division is under the helm of a new Head of Division i.e. YBhg. Dato' Khadijah

binti Idris in replacement of YBhg. Datuk Hanipah binti Farikullah who was elevated as a Judicial Commissioner.

Apart from that, in April 2010, the Division also saw the re-appointment of Tan Sri Sheikh Ghazali bin Haji Abdul Rahman as the Syariah Legal Advisor.

The Division's commitment in achieving its objectives is further complemented by the legal officers of the Division who are seconded to the Federal Ministries, departments, agencies and the States Legal Advisors. The posting

of legal officers at various Federal Ministries, departments, agencies and the States with the intention to decentralize the legal advisory function of the Division facilitate the Division's objectives in rendering legal advice in a timely and efficient manner to the relevant stakeholders.

Throughout 2010 to 2011 the Division has dealt with many complex and controversial issues. In general 2010 to 2011 proves to be another challenging times for the Division but all in all, the Division under the helm of the new management strives to further improve in its delivery service in line with the Government's motto of People First Performance Now and the Government's Transformation Programme.

ADVISORY DIVISION

**MUNICIPAL SECTION:
LAND, LOCAL AUTHORITIES
AND NATIONAL SPECIAL
COMMITTEE UNIT**

PROJECT

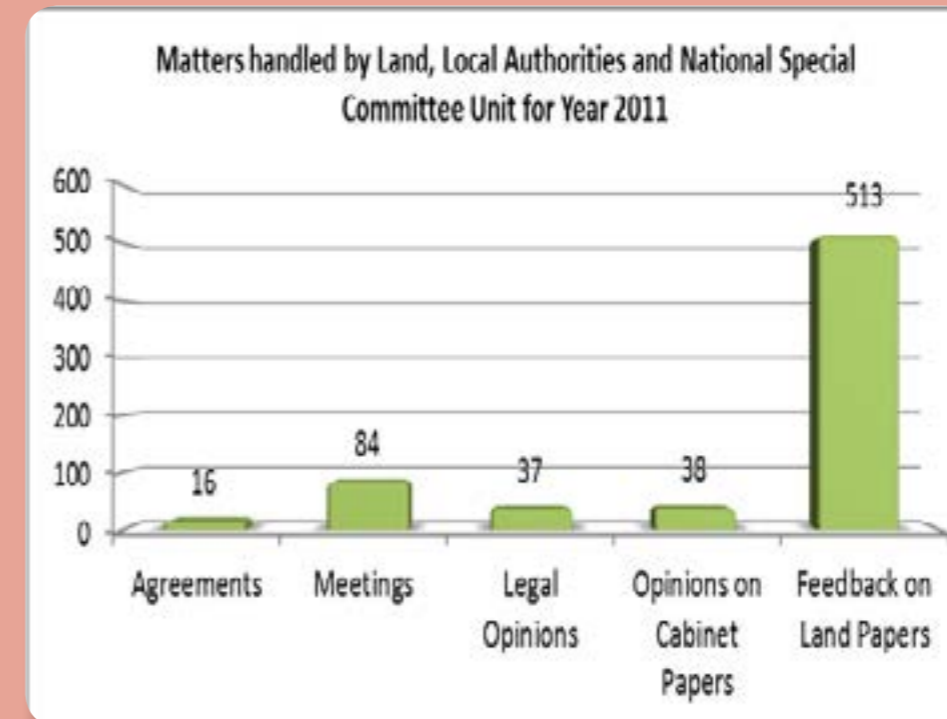
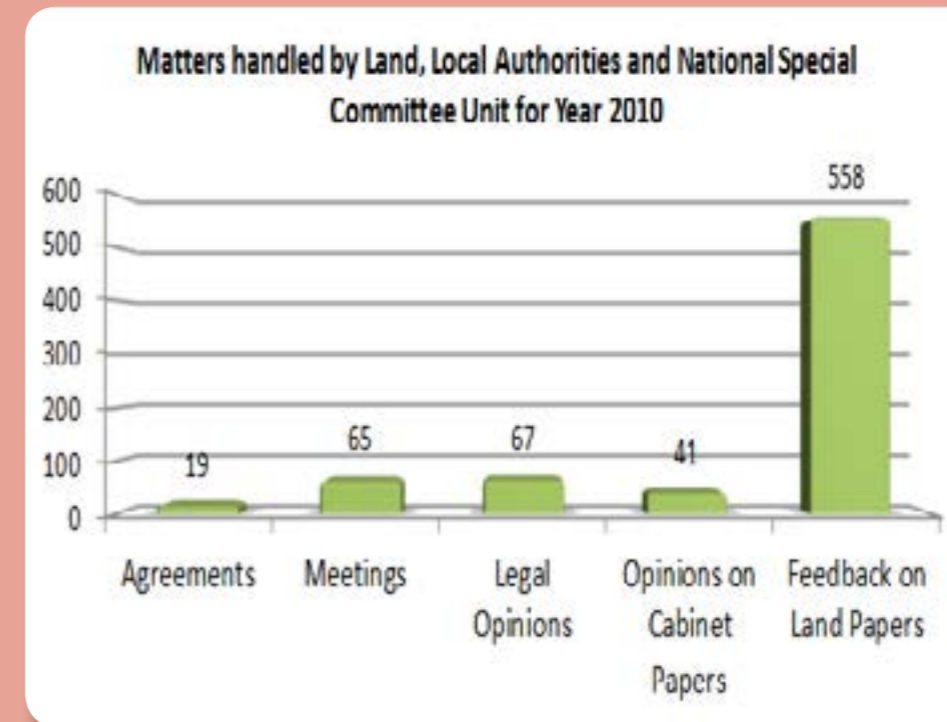
For the year 2010 to 2011, this Unit has been actively involved in Bandar Malaysia project relating to the sale and purchase agreement of Federal Government's lands in Sungai Besi, Development Agreements, Relocation Agreements and other ancillary agreements regarding the development and the relocation, among others of the Royal Malaysian Air Force to a new base in Sendayan and the Royal Malaysian Police's Air Unit to Subang.

This Unit was also involved in providing legal advice for the implementation of the My Rapid Transit (MRT) project which includes vetting and finalising the project development and management agreement with the Privatisation and Contract Management Unit. The Unit was assigned to specifically deal with the legal issues pertaining to land matters particularly under National Land Code 1965, Land Acquisition Act 1960 [Act 486], Railway Protection Zone Regulation 1998 [P.U. (A) 367/1998], issues related to underground land and proposed solution to other related land issues for the MRT project.

In addition, the Unit on its own initiative had drafted and circulated templates of various agreements such as sale and purchase agreement, tenancy agreement and lease agreement for easy reference and guideline to the legal officers in the ministries.

Another highlight for the Unit was the involvement in the drafting of the Kampong Bharu Development Corporation Act 2011, review of the Land Rules of Wilayah Persekutuan Kuala Lumpur, PR1MA Act 2011 and amendments to the Strata Title Act 1985.

The general overview on the distribution of the nature of work handled by this Unit for 2010 and 2011 are reproduced in the Charts below:



COURSES

With the intention of raising the awareness on land development in Malaysia among the public, on April 2010, this Unit had organised the Course on Malaysian Land Law and Recent Issues. The course was attended by 180 participants from various Government department and private sectors. This course focused on the topic of land alienation, land reclamation, equitable rights under land law, renewal of leases and Federal Court's decision on section 340 of the National Land Code.

This Unit had also organised a course on Legal and Practical Issues on Land Development in Malaysia from 13 to 14 July 2011. Among the topics discussed during the Course are Mass rapid transit: Issues and challenges, MRT construction: striking the balance between development and environment, development of underground land and Gated and guarded community, guarded neighbourhood.

Apart from organising courses, the officers from this Unit were given the opportunity to widen their knowledge and experience by attending various courses among others –

- Bengkel Penyelarasan Pindaan Akta Hakmilik Strata 1985 (Pindaan 2011);
- Tunku Najihah Syariah and Law Lecture 2011 - The Law, the Federal Constitution and Malaysia's Developmental State by Professor Andrew James Harding, Professor of Law, University of Victoria, Canada; and
- Course on Federal and State Relations (Federalism) in Malaysia.

MUNICIPAL SECTION
: ADMINISTRATIVE
LAW, SERVICES AND
MISCELLANEOUS UNIT

In line with its functions to provide legal advice to Federal Ministries and Departments on matters relating to administrative law, services and any other matters not related to the Federal Constitution, land, local government, privatization, contract, information technology and finance and nature of work, the Unit continuously strive in its effort to further improve the quality of the legal advice given.

PROJECT

For the year 2010 to 2011, among the advice given by the Unit are as follows:

- Cadangan Penubuhan Yayasan Bantuan Guaman Kebangsaan (YBGK);
- Memohon Nasihat Terhadap Penerbitan Bertajuk "Malaysian Maverick : Mahathir Mohamad In Turbulent Times" - oleh Barry Wain;
- Dasar Kemudahan Bekerja Dari Rumah Bagi Pegawai Perkhidmatan Awam Malaysia;
- Opsyen Skim Saraan Baru Perkhidmatan Awam (SBPA);
- Draf Pekeliling Perkhidmatan Mengenai Dasar Dan Prosedur Penempatan Pegawai Di Bawah Penempatan Silang (Cross Fertilization Programme); and
- Ulasan Bagi Kerjasama JPA-Talent Corporation Berkenaan Penyediaan Pasaran Pekerjaan Yang Lebih Fleksibel Kepada Graduan Tajaan JPA.

COURSES

Throughout the year 2010 and 2011, this Unit had also undertaken a number of activities and programmes in addition to its normal scope of work. In May 2010, a Symposium Pengendalian Tindakan Tatatertib dan Surcaj terhadap Pegawai Awam dan Pegawai Badan Berkanun was conducted where it was attended by legal advisors from the Attorney General's Chambers, relevant Ministries and Departments, and officers from Ministries, State Governments, Statutory Bodies (including Higher Education Institutions) and Local Authorities. The course was organized to give exposure to the participants on the procedures in relation to disciplinary action and surcharge, to enable the participants to draft an effective charge and to update the participants on the recent development on disciplinary matters and surcharge.

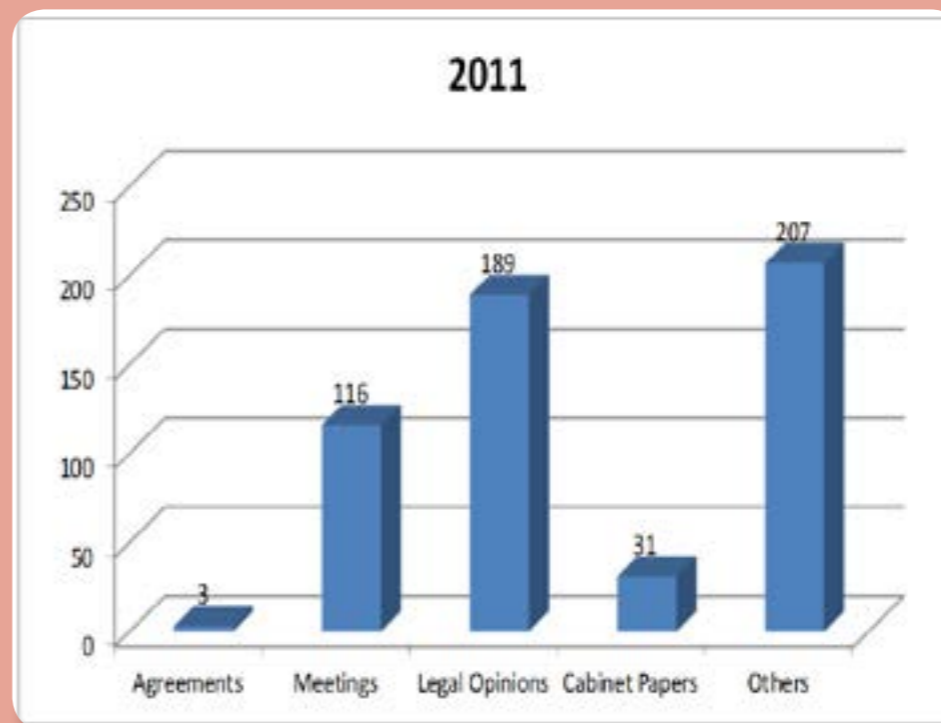
Another course conducted by this Unit was the Kursus Penyediaan Pandangan Undang-Undang held on the 19th of April 2010 at Dewan Tan Sri Abdul Kadir Yusof, Jabatan Peguam Negara. The theme of the workshop focused on "Legal Opinion Writing" and "Interpretation of Statutes". The workshop was intended to enhance the skills and expertise of the legal officers of Attorney General's Chambers relating to legal opinion writing. Among the objectives of the

workshop are to enable the participants to prepare good and structured legal opinions based on relevant laws and analytical reasoning and also to give better understanding on the principles of interpretation of statutes.

Apart from that, officers in this Unit were also involved in giving in-house lectures and were also invited as speakers to deliver lectures outside the Attorney General's Chambers which include as follows –

- lecture on "Perlembagaan Persekutuan" for Modul Keselamatan dan Pertahanan Negara Kursus Diploma Pengurusan Awam Bil.1/2011 INTAN;
- lecture for Bengkel Prosedur Tatatertib;
- briefing to students visiting Attorney General's Chambers such as students from Universiti Teknologi Mara (UiTM), Kulliyah of Laws, International Islamic University Malaysia (IIUM), Zaid Ibrahim & Co and delegates from Universiti Utara Malaysia (UUM); and
- briefing on the functions of the Unit for the Program Latihan Untuk Pegawai Undang-Undang Baru.

The following chart shows an overview of the number of the core activities and workload of this Unit for the year 2010 and 2011:



This Unit is directly involved in the implementation of privatization projects from the inception to its conclusion. This Unit also represents the Attorney General's Chambers as a permanent member of the Public Private Partnership Committee set up at the Public Private Partnership Unit ("3PU"), Prime Minister's Department to plan, monitor and evaluate the progress of a privatized project.

Projects

The role of this Unit in the Private Partnership Committee at its inception is to ensure that a proposed privatization project can be implemented by the Government or its agencies including statutory bodies in accordance with the laws. Examples of statutory bodies are such as Port Klang Authority, Dewan Bandaraya Kuala Lumpur and Railways Asset Corporation. In the course of negotiations of the privatization agreement with the concession company, this Unit is actively involved in ensuring that the terms of the privatization agreement are in order and protects the Government's and the public interests.

In 2011, an administrative reorganization exercise was undertaken pursuant to 3PU's request to expedite the negotiation and finalization of privatization contracts in view of the overwhelming number of privatization projects undertaken by the Government through 3PU. Pursuant to this exercise, 4 officers were administratively transferred to 3PU and as a consequence, the scope of work for this Unit and 3PU was streamlined as follows:

The Privatization and Contract Management Unit –

- preparation of legal opinion and Ulasan Jabatan Peguam Negara for Cabinet Paper on privatization projects;
- remain to be in charge on solid waste disposal facilities privatization projects;
- involvement in water services industry restructuring projects;
- providing legal advice on post privatization issues and conventional contracts; and
- vetting and finalizing privatization/PFI/conventional contracts.

Legal Section at 3PU –

- involvement in privatization projects from the inception to its conclusion except preparation of legal opinion and Ulasan Jabatan Peguam Negara for Cabinet Paper on privatization projects.

Among the projects handled by this Unit in 2010 was the collaboration between the Government and Academic Medical Centre Sdn. Bhd. pursuant to the establishment of Universiti Perdana which offers medical curriculum from Johns Hopkins University School of Medicine and Royal College of Surgeons, Ireland. In this collaboration, the Government undertakes to send Government's sponsored students to Universiti Perdana based on a take-off arrangement.

There are also projects that are co-handled with other Units of the Advisory Division. An example of such project is the Klang Valley My Rapid Transit project ("KV-MRT"). The KV-MRT project which kicked off in 2010 is a project undertaken by the Government to implement a three-line Mass Rapid Transit System in Klang Valley/Kuala Lumpur. Pursuant to that, a Project Delivery Management Agreement ("PDMA MRT") between the Government and MRT Corporation was vetted and finalized by this Unit together with the Land, Local Authority & National Special Committee Unit in 2011 (the "Land Unit"). Further, a special task force committee headed by the Head of Advisory Division comprising of officers from this Unit, officers from the Land Unit as well as legal advisers of the relevant ministries was established to comb through issues arising from the KV-MRT Project such as land acquisition issues, drafting of MRT Act or suggesting amendments to existing laws to further facilitate the KV-MRT Project and etc. Though the KV-MRT is a public private partnership driven project, the involvement from the Land Unit was necessary to tackle various land related issues in implementing

the KV-MRT Project.

Besides that, throughout 2010 and 2011, this Unit was also involved in the privatization of solid waste and public cleansing services, water services restructuring projects for the states of Johore and Perlis, the Penang Bridge Second Link project and High Performance Green Building project.

A total of 53 agreements vetted and approved by this Unit were executed in 2010 and 2011. The agreements amongst others are High Performance Green Building privatization agreement, 5 concession agreements for UiTM Campus, Academic Medical Centre – Universiti Perdana Collaborative Agreement, supplemental agreements for 5 highway concession agreements due to the restructuring of PLUS Expressway Berhad and various supplemental agreements for highway privatization projects and water services restructuring projects.

As mentioned above, this Unit is also involved in dealing with issues arising from post-privatization projects. The post-privatization issues that were forwarded to this Unit for legal advice are such as extension of concession, the restructuring of concession companies, the changes in shareholding structures of concession companies, the interpretation of the scope of concession, the restructuring and review of tolls for highways and many other privatization implementation issues. as well as legal advisers of the relevant ministries was established to comb through issues arising from the KV-MRT Project such as land acquisition issues, drafting of MRT Act or suggesting amendments to existing laws to further facilitate the KV-MRT Project and etc. Though the KV-MRT is a public private partnership driven project, the involvement from the Land Unit was necessary to tackle various land related issues in implementing the KV-MRT Project.

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Special Project

In 2010, a committee comprising of officers from this Unit together with the legal and technical officers from the Ministry of Works was established to review several Public Works Department's ("PWD") Standard Contracts of 2007. This Committee was headed by the Deputy Head of Municipal (I) of Advisory Division. The PWD Standard Contracts which were reviewed are as follows –

PWD Form 203	Standard Form of Contract to Be Used Where Drawings and Specifications Form Part of the Contract
PWD Form 203A	Standard Form of Contract to Be Used Where Bill of Quantities Form Part of the Contract
PWD DB	Standard Form Design and Build Contract
PWD Form 203N	Standard Form of Contract for Nominated Sub-Contractor
PWD Form 203P	Standard Form of Contract for Nominated Suppliers

This project was undertaken to provide for better construction contracts which uphold the Government's interest. It was also done to further mitigate recurring construction issues such as delay in completion of projects, shoddy work by the contractors and post construction problems. The reviewed PWD Standard Contracts was recently launched by the Ministry of Works in 2011.

Upon realizing that the standard provisions in the Government contracts need to be improvised and better enhanced to ensure the Government's interest is always protected and not compromised, in 2011, this Unit undertook the exercise of revising the Garis Panduan Untuk Perjanjian Kerajaan of 2003.

This exercise was also undertaken to keep the standard provisions in the Government's contracts abreast with the latest decisions by the courts with regards to contractual issues. For example, the standard termination clause was amended to explicitly limit the compensation to be paid by the Government in the event contract is terminated. This is in lieu of the decision in *Malayan Banking Bhd. v. Basarudin bin Ahmad Khan* [2007] 1 MLJ

613 where it was held that the common law right of a person could not be taken away without express or implied term in the contract. This exercise is still ongoing and is at the finalization stage.

Courses

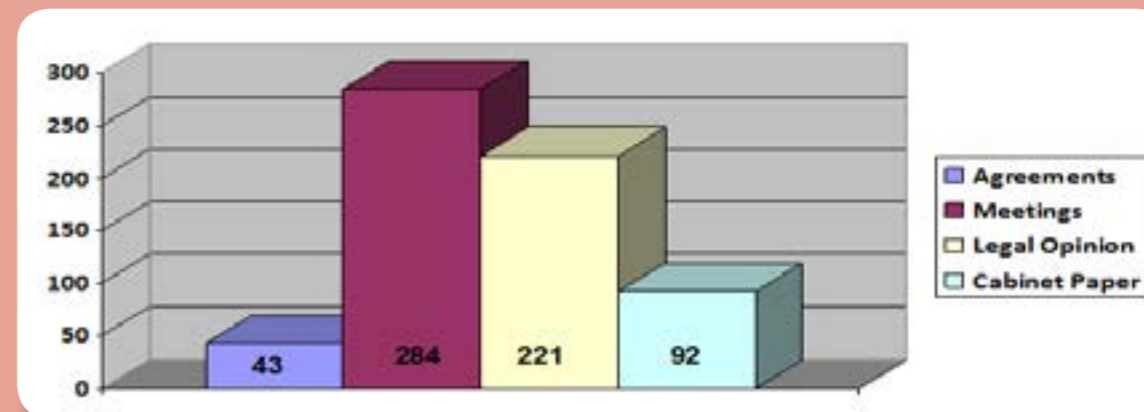
Other than the substantive work carried out by this Unit as explained above, this Unit also conduct courses relating to privatization and contractual matters.

In December 2010, a course on Implementation of Private Financing Initiative was conducted where it was attended by legal advisors from various Government ministries and agencies. The course aimed to assist legal advisors to acquire a better understanding and enhance their knowledge on the implementation issues relating to Private Financing Initiative projects as there are post privatization projects issues handled at ministry or agency level.

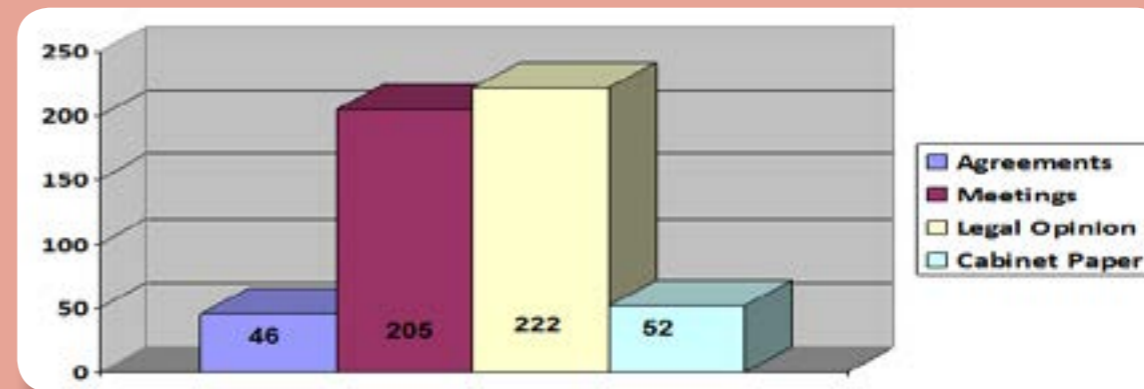
Other courses conducted by this Unit were two (2) series of Bengkel Bimbingan Kontrak Kerajaan held in November and December of 2011 with a purpose to among others enhance the understanding of legal officers in handling Government contracts and to better understand the terms and conditions of Government's contracts.

Officers from this Unit have also been invited to give lectures on Government Contracts for courses conducted by institution such as the Judicial and Legal Training Institute (ILKAP).

The following chart demonstrates the workload and nature of jobs carried out by this Unit in 2010 and 2011:



2010



2011

MUNICIPAL SECTION
: THE INFORMATION
TECHNOLOGY AND
FINANCE UNIT

This Unit deals with cyber related matters, information and communications technology (ICT), finance, intellectual property rights and competition law.

The key function of this Unit is to provide legal advice for the above matters to Ministries, Departments and agencies. This Unit also prepares opinion and commentaries to the Memorandum to the Cabinet and provide legal opinion regarding drafting of Bills and subsidiary legislation. Another core function of this Unit is vetting and finalising agreements for ICT projects to be implemented by Ministries, Departments and agencies including Public Private Partnership Projects under the purview of the Public Private Partnership Unit of the Prime Minister's Department.

Projects

Apart from the above, officers in this Unit also attend various meetings and represent the Attorney General's Chambers in committees set-up by Ministries, Departments and agencies such as the National Information Technology Council (NITC), e-Sovereignty Technical Committee, Jawatankuasa Pasukan Petugas Operasi Membanteras Laman Web dan Blog Undang-Undang Negara (PPO), Open Source Software Steering Committee (JPOSS), Trustmark Steering Committee, Managed Portal Services Steering Committee (MPS) and others.

Throughout the year 2010 and 2011, this Unit has contributed significantly to the Government to enable the Government to carry out numerous public interest activities in developing the country. Officers of this Unit are committed in supporting the Government legally in major Government projects and initiatives which have great impact on the general public such as the Automated Enforcement System (AES), National Enforcement and Registration (Biometrics) System (NERS), e-Services, Citizen Registry System (CRS) and Government Integrated Radio Network (GIRN).

This Unit is also involved actively in solving legal predicaments related to post implementation of the Government projects and initiatives, public interest projects including the Port Klang Free Zone (PKFZ), the implementation of the Hospital Information System (HIS), Malaysian International Tuna Port Project, Electrified Double Track Project (Rawang-Ipoh), State Government guarantees for State Government-related companies' loan/bond/sukuk and other ICT and finance related issues in the carrying out of our daily routine.

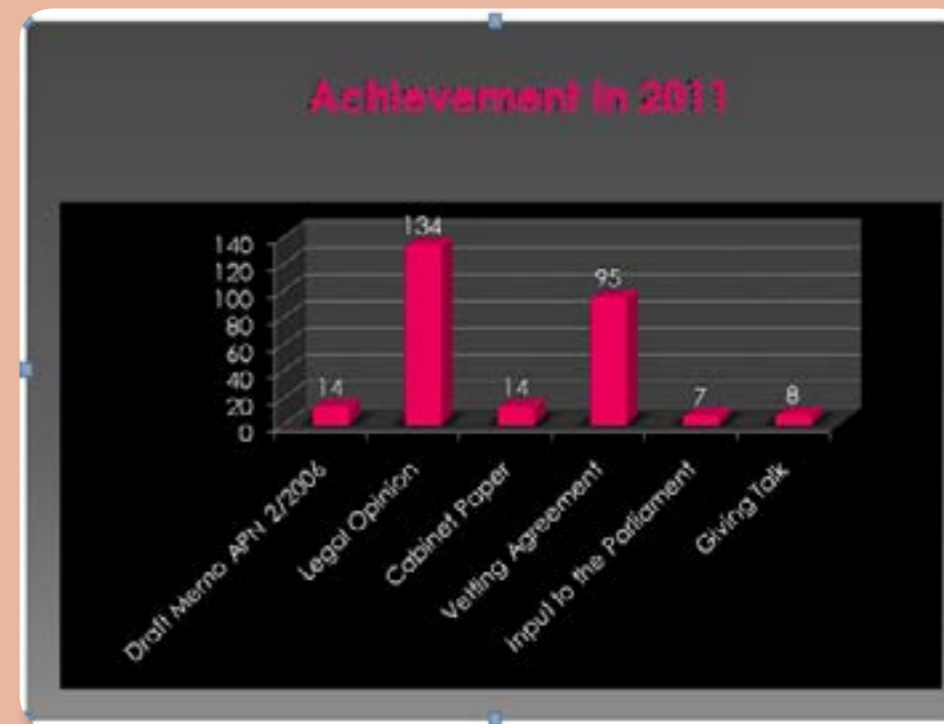
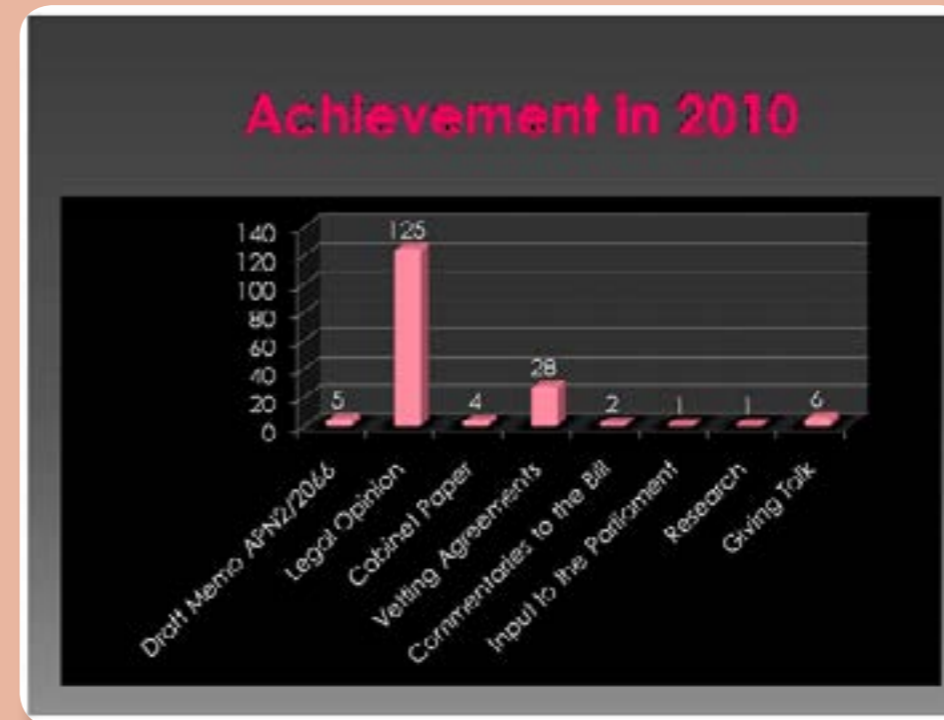
Apart from that, the officers of this Unit are also trained to handle questions arising from the interpretation and implementation of specific legislation namely the Electronic Government Activities Act 2007 (EGAA) [Act 680] and the Competition Act 2010 [Act 712].

Courses

In July 2011, in collaboration with Cyber Security Malaysia (CSM), this Unit had successfully organised a three-day seminar entitled Bridging Barriers: Legal and Technical of Cyber Crime Cases. This seminar is the first of its kind in the country combining the legal and technical aspects of Cyber Crime cases. It was aimed at creating a platform of legal and technical experts, especially those involved in handling cyber crime cases.

Renowned local and international speakers and panellists, experts in legal and technical areas of cyber security and cyber crime, were invited to give talk during this seminar. To name few, notable experts are the Head of Internet Crime Investigation Unit from Royal Malaysian Police, the Head of Prosecution Division from Attorney General's Chambers, the Federal Bureau of Investigations (FBI) representatives from Philippines and United States of America, the Federal Agent of High Tech Crime Investigations and High Tech Crime Operations of Australian Federal Police and the Chief Strategy Officer of the Malaysian Communication and Multimedia Commission. The following Charts show an overview of the core activities and workloads of this Unit for 2010 and 2011.

Achievement in 2010 and 2011-



The core functions the Unit is to provide legal opinion to the Federal Ministries and Departments on matters relating to Constitutional issues on Islam and Syariah, interaction between Syariah and Civil Law, harmonization of Syariah and Civil Law, international convention and treaties from Syariah perspective and matters relating to administration of Islam. This Unit also required preparing opinion and commentaries to the Memorandum to the Cabinet and providing legal opinion regarding drafting of Bills and subsidiary legislation. Apart from that this Unit had been entrusted to prepare and handle Court cases relating to Syariah and Islam.

Among the Unit's focal points throughout 2010 and 2011 are set out below:

Issue: Whether a non-Muslim can become a Peguam Syarie?

Victoria Jayaseele Martin v Majlis Agama Islam Wilayah Persekutuan & Anor [2011] 9 MLJ 195 in the High Court of Kuala Lumpur

In this judicial review application, the Applicant had challenged the decision of the Peguam Syarie Committee of the Islamic Religious Council of the Federal Territories (the first Respondent) for disallowing her application to become a Peguam Syarie in Wilayah Persekutuan on the ground that she is not a Muslim. The High Court held that by virtue of item 1, State List, Ninth Schedule of the Federal Constitution and the title and subsection 59(2) of the Administration of Islamic Law (Federal Territories) Act 1993 [Act 505], the Islamic Religious Council of the Federal Territories clearly has the power to impose a condition that every Peguam Syarie must be a Muslim in Rule 10 of the Peguam Syarie Rules 1993. Thus, the court ruled that the said Rule 10 did not ultra vires the Administration of Islamic Law

(Federal Territories) Act 1993 [Act 505] and Articles 8, 5 and 10 of the Federal Constitution.

Issue: Whether teaching Islamic Religion without tauliah is ultra vires the Federal Constitution?

Fathul Bari bin Mat Jahya & Nik Amirul Faiz bin Nik Md. Yusof and Majlis Agama Islam Negeri Sembilan & Others

This case involved the issue of whether subsection 53(1) of the Syariah Criminal Enactment (Negeri Sembilan) 1992 (Enactment No. 4 Year 1992) as amended by section 3 of the Syariah Criminal Enactment (Negeri Sembilan) (Amendment) 2004 (Enactment 3 Year 2004) which provides for the offence of teaching Islamic Religion without tauliah is ultra vires the Federal Constitution and amounts to precepts of Islam as stipulated in item 1, State List, Ninth Schedule of the Federal Constitution. The Federal Court unanimously is of the view that since the purpose of enacting such offence is to control the propagation and teaching of the Islamic religion, thus based on the principles of maqasid syari'yyah (objective of Syariah), maslahah (public interest), siyasah syari'yyah and ulil amri, the State Legislative Assembly of Negeri Sembilan has the power to enact such offence and the offence falls within the meaning of precepts of Islam. Therefore, such offence is not ultra vires item 1, State List, Ninth Schedule of the Federal Constitution.

Conflict of jurisdiction between the civil and Syariah Court in determining the status of a deceased person

Kaliammal a/p Sinnasamy v. Majlis Agama Islam Wilayah Persekutuan (JAWI), Pengarah Hospital Besar Kuala Lumpur & Kerajaan Malaysia's case (famously known as Moorthy's case)

In this case, since the Syariah High Court of the Federal Territories of Kuala Lumpur had already declared that the deceased is a Muslim person, the Court of Appeal unanimously held that by virtue of Article 121(1A) of the Federal Constitution, it has no powers and jurisdiction to repeal, amend or vary the Syariah High Court's Order.

SYARIAH SECTION : ADMINISTRATION AND COORDINATION OF CIVIL AND SYARIAH LAW AFFAIRS UNIT

At the Federal Court, the application for leave to appeal, on the issue of jurisdiction of the court, was also struck off.

Jurisdictional conflict in matters relating to dissolution of marriage in the case of conversion

This Unit was entrusted to study and recommend solutions on the issue of jurisdictional conflict that arises in matters relating to conversion, in particular the dissolution of marriage under section 51 of the Law Reform (Marriage and Divorce) Act 1976 [Act 164] and its ancillary reliefs. For this purpose, this Unit had prepared the proposed draft amendments to Act 164, the Administration of the Islamic Law (Federal Territories) Act 1993 [Act 505] and the Islamic Family Law (Federal Territories) Act 1984 [Act 303]. To overcome this problem it was proposed that both the converting and non-converting spouse be granted equal rights to petition for divorce and consequential amendments be made on the provisions of maintenance, custody, inheritance and division of matrimonial property. The proposed amendments had been deliberated with all the State Islamic Religious Councils for their considerations.

Whether the validity of a Fatwa can be challenged in the Civil Court

ESQ Leadership Centre Sdn Bhd v. Majlis Agama Islam Wilayah Persekutuan and Mufti Wilayah Persekutuan.

In this case this Unit had assisted the Civil Division to strike out a judicial review application to challenge the validity of a Fatwa issued by the Mufti of the Federal Territories on 17 June 2010. In his judgment, the learned High Court Judge agreed with the Respondents' submissions that by virtue of Part III of the Administration of Islamic Law (Federal Territories) Act 1993 [Act 505], Article 121(1A) of the Federal Constitution and item 1, State List, Ninth Schedule of the Federal Constitution, matters on Fatwa (the determination of Hukum Syarak) falls within the exclusive jurisdiction of the State and the Syariah Courts. Thus, the High Court has no powers

and jurisdiction to decide over the matter.

Whether section 56 and section 57 of the Central Bank of Malaysia Act 2009 ultra vires Federal Constitution

Mohd Alias bin Ibrahim v RHB Bank Bhd & Anor [2011] 3 MLJ 26

The issue in this case is whether by empowering the Syariah Advisory Council of the Central Bank to make a ruling for ascertainment of Islamic law, sections 56 and 57 of the Central Bank of Malaysia Act 2009 are ultra vires Article 121(1) of the Federal Constitution. In this case, after carefully examining the purpose of the enactment of the said sections 56 and 57, Article 121(1) and item 4(k), Federal List, Ninth Schedule of the Federal Constitution, it was held that the functions of the Syariah Advisory Council of the Central Bank did not usurp the judicial power of the High Court and thus the provisions are valid and constitutional.

Certificate of Halal Issues

To overcome the issues of halal certificate and enforcement by the relevant Federal and State agencies, this Unit had involved in the drafting of the Trade Descriptions Act and consultation with the all the States' Islamic Religious Council in 2010. For the purpose of this proposed Act, this Unit had also involved in the drafting of the Trade Descriptions (Definition of Halal) (Amendment) Order and the Trade Descriptions (Certification and Marking of Halal) (Amendment) Order.

SYARIAH SECTION :
ADMINISTRATION AND
COORDINATION OF CIVIL
AND SYARIAH LAW AFFAIRS
UNIT

Syariah Community Meeting and Sub-Committee Meeting To Discuss The Proposed Amendments On Determination and Certification Of The Islamic Religious Status Of A Person

As a continuous effort in resolving the issues relating to the conversion out from Islam, this Unit has prepared the proposed amendments to the Administration of Islamic Law (Federal Territories) Act 1993 [Act 505] on determination of the Islamic religious status of a person. The views of the Syariah Community members on the proposed amendments had been sought and collated in the Meeting held on 24th March 2011 at Dewan Tan Sri Abdul Kadir Yusof, Attorney General's Chambers.

The members of the meeting consisted of the experts in civil and Syariah laws, Muftis, Chief Registrar of Muallaf, relevant government agencies, academicians and representatives of the non-governmental organisations (NGOs). The views and comments from the members of the meeting helped the Unit to improvise the proposed amendments to Act 505. In relation to the Meeting held on 24th March 2011, a committee known as Jawatankuasa Kecil Bagi Mengkaji Cadangan Pindaan Undang-Undang Mengenai Penentuan dan Perakuan Status Agama Islam Seseorang was established to study the proposed amendments to the Act 505 on the procedures of determination of the Islamic religious status of a person from the Islamic perspectives.

The sub-committee held their meeting on 20th – 21st June 2011 at Quality Hotel, Kuala Lumpur. The sub-committee had successfully come out with the draft amendments to Act 505 on the procedures of determination and certification of the Islamic religious status of a person, the draft rules on determination and certification of the Islamic religious status of a person made under Act 505 and a concept paper on Hukum Keluar Daripada Agama Islam (Murtad) Menurut Hukum Syarak.

Conference of the Syariah Community 2011

Conference of the Syariah Community 2011 is a yearly-programme organised by Syariah Section.

The Conference was held at Kelana Beach Resort, Port Dickson, Negeri Sembilan on 12 – 15 December 2011. It was officiated by YAB Dato' Seri Utama Haji Mohamad bin Haji Hasan, the Chief Minister of Negeri Sembilan and was participated by the Syariah Community members that consist of the experts in civil and Syariah laws, Muftis, Syarie judges, relevant government agencies, academicians and representatives of the non-governmental organizations (NGOs). The objective of the conference is to seek views, comments and feedbacks from the members of the Syariah Community on the arising matters relating to administration of Islam and Syariah laws.

Among the significant issues highlighted during the Conference, are regarding to the proposal to enhance the Syariah courts and the status of Syarie judges in Malaysia, the Convention on The Rights of The Child on the Syariah perspective, the proposed amendments to the Administration of Islamic Law (Federal Territories) Act 1993 [Act 505] on the determination of the Islamic religious status of a person and problems and the proposed solution that arising from the institution of fatwa and Syariah court. A community service programme was also carried out during the Conference at Kampung Telok Pelanduk, Port Dickson, Negeri Sembilan to build up the relationship between the Syariah Community members and the local residents.

Seminar on the Harmonisation of Syariah and Civil Laws in Malaysia in Relation to the Service Convention and the Evidence Convention

This Seminar was held on 7th - 8th October 2010 in collaboration with the International Affairs Division and Civil Division. The objective of the Seminar is to discuss the possible ratification of the Service Convention and the Evidence Convention and possible revision of the related laws. In relation to that, the Round Table Discussion on the Service Convention and the Evidence Convention was held on 30th November – 1st December 2011 as a continuous discussion to the Seminar.

The Round Table Discussion was as a continuous effort to undertake studies and research pertaining to the Service Convention and the Evidence Convention since there are many issues to be considered and resolved prior to Malaysia being able to ratify the said Conventions. The said discussion group comprised of legal officers from the Attorney General's Chambers and officers from the relevant Federal and State Government agencies. It was meant as a forum to exchange ideas and views on the arising matters relating to these Conventions from the Syariah perspective.

Seminar on Islamic Law's Approaches in Malaysia to Overcome the Social Ill Problems

On 26th June 2010, this Unit had organized Seminar on Islamic Law's Approaches in Malaysia to Overcome the Social Ill Problems at Dewan Tan Sri Abdul Kadir Yusof, the Attorney General's Chambers. The Seminar was structured as a platform to discuss and share ideas on the solutions to overcome the social ill problems according to the Islamic law and the effectiveness of law in Malaysia and to provide clear understanding to the participants regarding the application of principles of Islamic law in addressing the social ills problem in Malaysia. The issues addressed during this Seminar are, among others, regarding to the principle of Maqasid Syariah as a mechanism in producing Muslim's moral values and to overcome the social ills problems in the community, the role of the mosques institution to overcome the social ills problems and the effectiveness of the Syariah Criminal Offences Enactment to overcome the social ills problems and others.

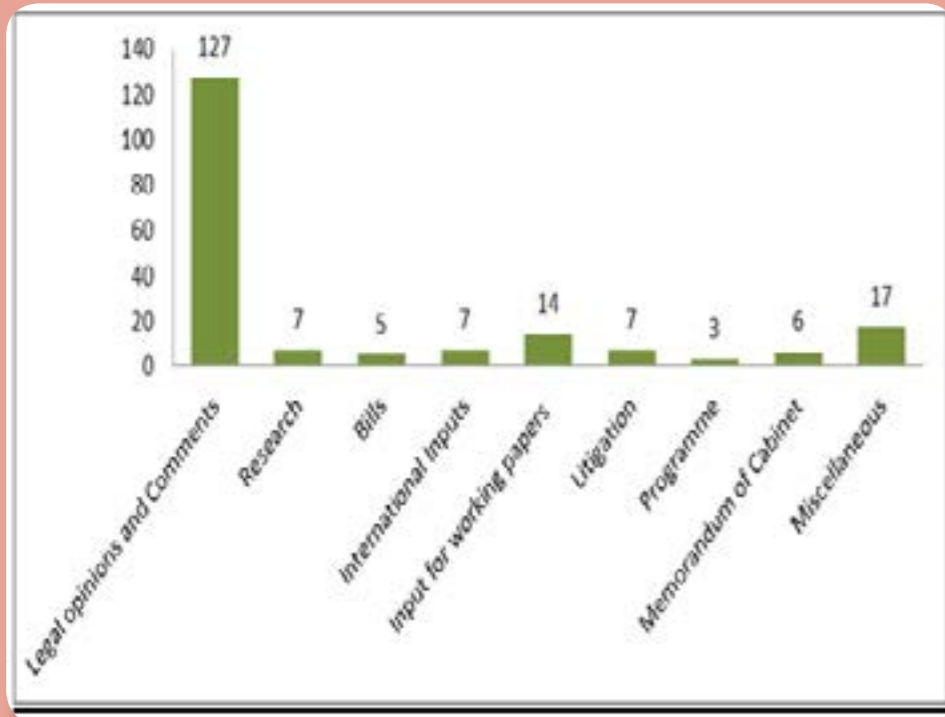
Seminar 1 Malaysia: Islamic Approach in Dealing with Religious Diversity

Seminar 1 Malaysia: Islamic Approach in Dealing with Religious Diversity was held on 21st of November 2011 at Dewan Tan Sri Abdul Kadir Yusof, the Attorney General's Chambers. The Seminar aimed to provide better understanding to the participants on the basic principles in relation to religions that are being practiced in Malaysia. Among the topics discussed during the Seminar were 'Social Justice According to Islamic Perspective and It's Relation to the 1 Malaysia Concept', 'Religious Tolerance From the Islamic Point of View', and 'Religious Freedom in Malaysia: An Appraisal'.

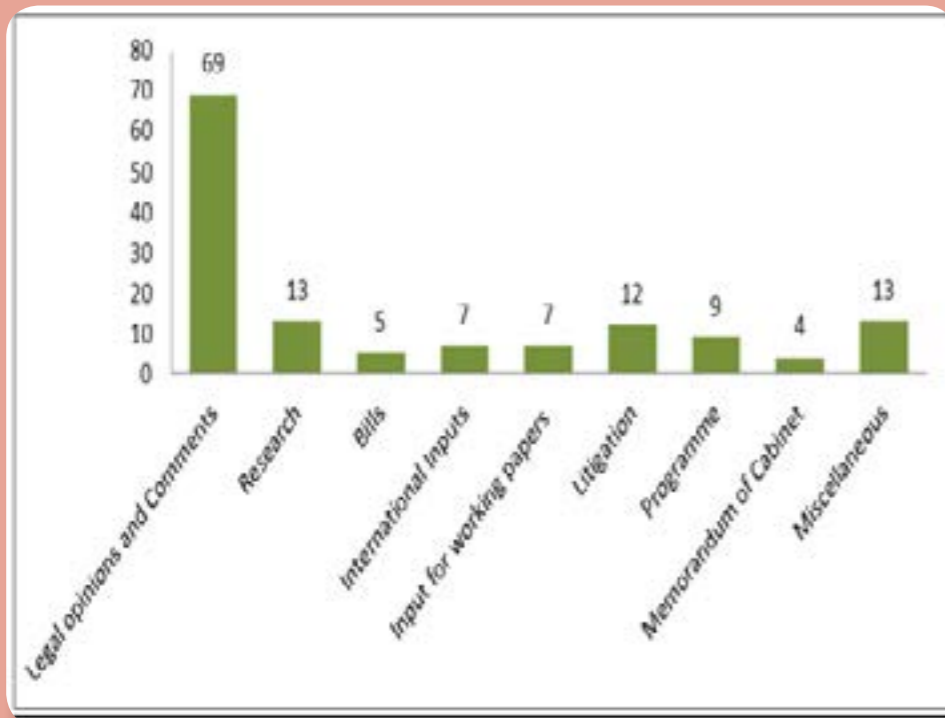
SYARIAH SECTION :
ADMINISTRATION AND
COORDINATION OF CIVIL
AND SYARIAH LAW AFFAIRS
UNIT

SYARIAH SECTION : ISLAMIC
FAMILY LAW DEVELOPMENT
AND SYARIAH JUDICIAL
SYSTEM UNIT

The following chart demonstrate the work load and nature of jobs carried out by this Unit throughout 2010 and 2011:



2010



2011

The key function of this Unit is to provide quality legal advice to Federal Ministries and Departments on matters relating to Islamic Family Law, Islamic Administration and Syariah Judicial System, Conflict between Syariah and Civil and Criminal laws/procedures, Muamalat principles and International conventions and treaties.

Among the Unit's focal points throughout 2010 and 2011 are set out below

The proposal to upgrade the Structure of Syariah Courts and the Status of Syarie judges

Unit II has initiated the concept paper on the proposal to upgrade the structure of Syariah Courts and the status of Syarie Judges. The concept paper was presented by the Attorney General of Malaysia on 14th May 2010 during the 20th Conference of Syarak and Civil Law Technical Committee at Putrajaya International Convention Centre (PICC).

The concept paper consists of the following proposals:

- to establish two new hierarchies which are Syariah Appeal Council and Syariah Middle Court;
- to restructure the existing Syariah Appeal Court;
- to upgrade the jurisdiction of Syariah High Court; and
- to upgrade the status of Syarie Judges.

The proposal is significantly crucial to enhance the Syariah judicial system with regard to the position of Syariah court and Syarie judges in

this country equivalence to civil court and judges.

Workshop on Empowerment of Women's Rights under Islamic Family Law

The workshop was held on 22 April 2010 at Tan Sri Abdul Kadir Hall, Attorney General's Chambers, Precinct 4, Putrajaya which involved 200 participants. This workshop was conducted in the form of paper presentations and two ways discussion between participants and invited speakers. The issues discussed in this workshop were as follows:

- The Rights of the Wife Arising from Dissolution of Marriage;
- The Problems and Disputes of Wife During Marriage;
- The Role and Responsibilities of the Guardian/Heirs under Islamic Family Law; and
- The Role of Family Support Authority (BSK) to support the Muslim Women.

Legal Framework for the Strategic Plan of Child Protection Policy

Attorney General Chambers has been appointed as the Steering Sub-Committee (Legal) for the Child Protection Policy (DPKK) by the Minister of Women, Family and Community Development in a meeting held on 30th Mac 2010 at Ministry of Women, Family and Community Development. The policy is to ensure the protection on every child from any act of neglect, abuse, violence and exploitation. The implementation of this policy requires the involvement and commitment of all parties including government agencies, private sector and Non Governmental Organizations (NGOs).

Due to that appointment, Syariah Section has coordinated several meetings with International

SYARIAH SECTION : ISLAMIC
FAMILY LAW DEVELOPMENT
AND SYARIAH JUDICIAL
SYSTEM UNIT

Affairs Division, Prosecution Division, Royal Malaysia Police and Social Welfare Department of Malaysia on 1st, 5th and 8th April 2010 at Syariah Section, Level 6, Block C3, Attorney General's Chambers. The meeting among others discussed the legal control and implication relating to the issue of baby dumping, ill treatment/abuse, human trafficking and child abuse. In this regard, the Legal Framework of the Child Protection Policy has been submitted to the Ministry of Women, Family and Community Development on 13th April 2010.

Research on the Implementation of Whipping Sentence in Other Countries

Syariah Section has initiatively conducted a research on the whipping sentence in Malaysia and other countries. This is due to controversial issues arising from the decision of the Syariah High Court of Pahang which has sentenced six lashes and a fine of RM5,000 to Kartika Sari Dewi Sukarno for a charge of drinking alcohol and whipping sentence which was carried out to three female and four male offenders on 9th February 2010 at the Kajang Prison for the offence of illegal sexual intercourse. The focus of the research are relating to the provisions of law on whipping sentence, the procedures and the implementation of whipping sentence towards men, women and children in the continent of Asia, Africa, Europe, America and Australasia.

Workshop on Research Methodology of Syariah and Law

Unit II has organized a Workshop on Research Methodology of Syariah Law which was held on 25th till 26th July 2011 at Training Room, Level 4, Blok C3, Attorney General's Chambers involving 22 officers of Syariah Section. The workshop was conducted by Prof. Dr. Najibah binti Mohd Zain from International Islamic University of Malaysia. Officers involved in this workshop have given an exposure on introduction to the Syariah Research Methodology and practical exercises in preparing the proposal paper and effective techniques in conducting research. In this

regard, the workshop has benefited this Unit in carrying out the research on the relation between the court case delay and the services of Syarie lawyer in the Syariah Court.

Research on the Relation between the Court Case Delay and the Services of Syarie Lawyer in the Syariah Court.

Unit II has conducted a short term research from August to October 2011 in the Syariah Court of Federal Territory of Kuala Lumpur and Selangor. This research was based on a literature review and field study which involves 300 files of Mal cases represented and not represented by Syarie Lawyer in year of 2005 until June 2011. Besides, this research was also based on interview with the Syarie judges, Syariah court clients and observation of court proceedings.

The objectives of this research are -

- to identify the status of Syarie Lawyer's services in accordance with the existing laws;
- to identify issues and problems arising from the Syarie Lawyer's services; and
- to propose relevant recommendations to improve and regulate the quality of service and professionalism of Syarie lawyers and mechanisms used to enhance the Syariah justice system as a whole.

The finding of the research and proposed recommendations was presented by YBhg. Tan Sri Sheikh Ghazali bin Haji Abdul Rahman, Syariah Legal Advisor of the Attorney General Chambers in the Syariah Law Workshop: Towards Expedient of Litigation Cases in the Syariah Court on 22 November 2011.

Syariah Law Workshop: Towards Expedient of Litigation Cases in the Syariah Court

The workshop was held on 22th November 2011 at Tan Sri Abdul Kadir Hall, Attorney General's Chambers, Precinct 4, Putrajaya which involved 85 participants

from various agencies such as Department of Syariah Judiciary Malaysia (JKSM)/States Department of Syariah Judiciary (JKSN), States Department of Islamic Affairs (JAIN/MAIN), Syarie lawyers, Legal practitioners, Academicians and Non-Governmental Organisations (NGOs).

The workshop highlighted the topics as follows:

"Proposal on Implementation of Inquisitorial System in the Syariah Court Trial as an Alternative to Effectively Expedite the Settlement of Cases";

- "The Role of Syariah Court in Settlement of Cases within Minimal Time: Problems and Challenges";
- "The Role of Syarie Lawyers in Assisting Court in Settlement of Cases within Minimal Time"; and
- Forum: "Towards Expedient of Litigation Cases in Syariah Courts: Who are Responsible?"

Apart from the aforementioned programs and researches, Unit II has actively provided inputs from the Syariah perspective to the Honorable the Attorney General of Malaysia, the Honorable the Solicitor General of Malaysia and the other Divisions of the Attorney General Chambers.

Inputs that have been given among others are as follows:

- Input from Syariah Section on the Detention and Detention Without Trial Under Internal Security Act 1960 (ISA) [Act 82] According To Hukum Syarak;
- Input from Syariah Section on the Usage of 'Ankle Bracelet' on the Accused According to Hukum Syarak;
- Input from Syariah Section Regarding Defamation Against Leaders;
- Input for Gender Focal Point "The Status and Roles of Women and Gender Equality from Syariah Perspective"; and

- Input from Syariah Section on the Proposal of Malaysia Become a Member of The Hague Convention Abolishing The Requirement of Legalization for Foreign Public Documents 1961 (Apostille Convention).

In addition, Unit II was also involved in conducting research and preparing papers for Deputy Head of Advisory Division (Syariah) and Syariah Legal Advisor of the Attorney General Chambers (PPS) which dealt with numerous issues such as the position of Islam as a Religion of the Federation, the Role of State Islamic Council, Balancing Customary and Religious Issues on Women's Rights with International Expectation and others.

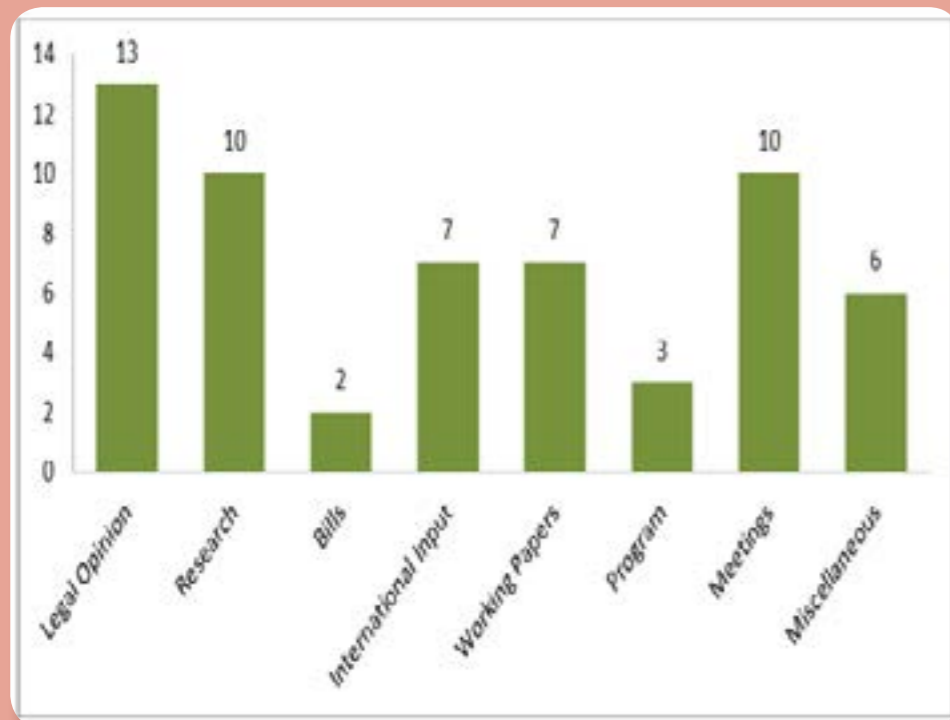
For instance, papers entitled "Peranan Majlis Agama Islam Negeri dalam Memartabatkan Sistem Perundangan dan Kehakiman Syariah di Malaysia" and "Kedaulatan Majlis Agama Islam Negeri sebagai Pihak Berkuasa Agama Islam Negeri di bawah Naungan Raja-Raja Melayu" were presented by YBhg. Tan Sri Sheikh Ghazali bin Haji Abdul Rahman, Syariah Legal Advisor of the Attorney General Chambers and Tuan Haji Mahamad Naser bin Disa (TKBP(S)) at the National Congress of States Islamic Religious Council which was held on 26 and 27 September 2011 in Dewan Merdeka, Putra World Trade Centre (PWTC), Kuala Lumpur.

Furthermore, a paper entitled "Keunggulan Undang-Undang Islam Berbanding Undang-Undang Moden" was presented by YBhg. Tan Sri Sheikh Ghazali bin Haji Abdul Rahman at the International Islamic Law Seminar, themed "Towards Implementation of Syariah Law" organized by Judiciary Department of Brunei and Prime Minister Department of Brunei at BRIDEX Jerudong International Defence Convention Centre, Brunei Darussalam on 12-14 October 2011.

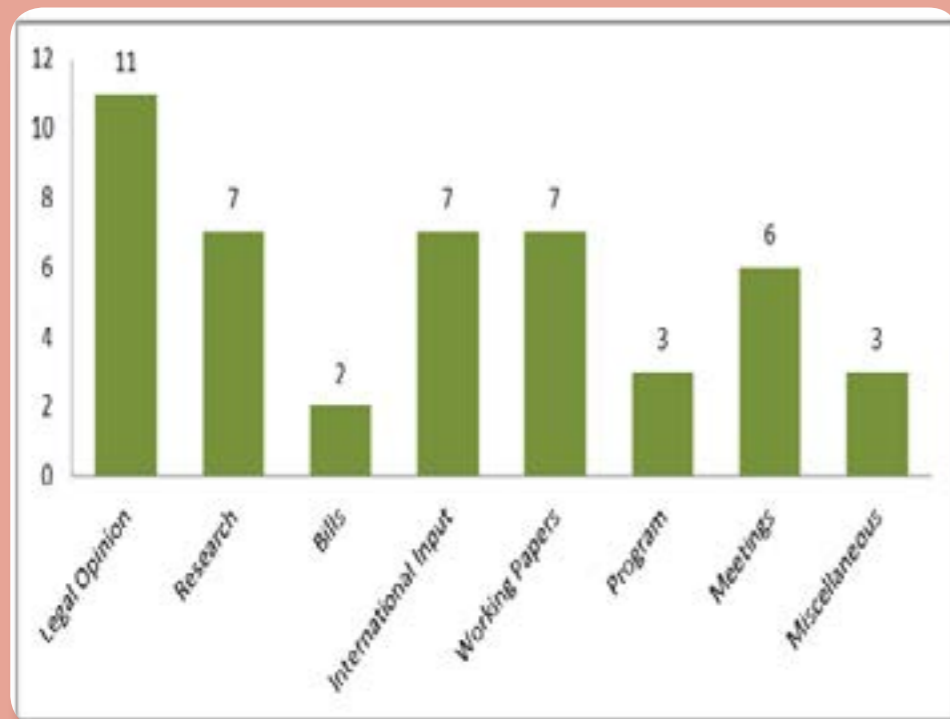
SYARIAH SECTION : ISLAMIC FAMILY LAW DEVELOPMENT AND SYARIAH JUDICIAL SYSTEM UNIT

SYARIAH SECTION : MUAMALAT, ISLAMIC BANKING AND FINANCE UNIT

The following chart demonstrates the workload and nature of jobs carried out by this Unit throughout 2010 and for 2011:



2010



2011

Islamic Banking and Finance Unit was established on 1 October 2006. This Unit is dedicated to ensure that the required legal infrastructures are in place to achieve the Government's aspirations to position Malaysia as an internationally recognised "Islamic Financial Services Centre" (MIFC). Throughout the year of 2010 and 2011, this Unit was required to conduct a research on "Hibah".

Hibah is one of means to distribute one's assets in Islamic financial planning. It is the third dimension in estate planning structure and complements faraid and wasiyyat (will). Currently, in Malaysia, hibah is provided for under Item I, State list, Ninth Schedule of the Federal Constitution whereby power is given to the states to enact laws on, among others, gifts (hibah).

Although the concept of hibah is governed by Syariah principles, at present, there is no specific legislation which codifies the Syariah principles pertaining to it and this can lead to oppression to any person involved in activities/businesses in relation to hibah and non Syariah compliant in execution of hibah. This is evidence by the number of entities offering services in relation to hibah as part of Islamic estate planning product in Malaysia.

For that reason, this Unit has taken to do the following:

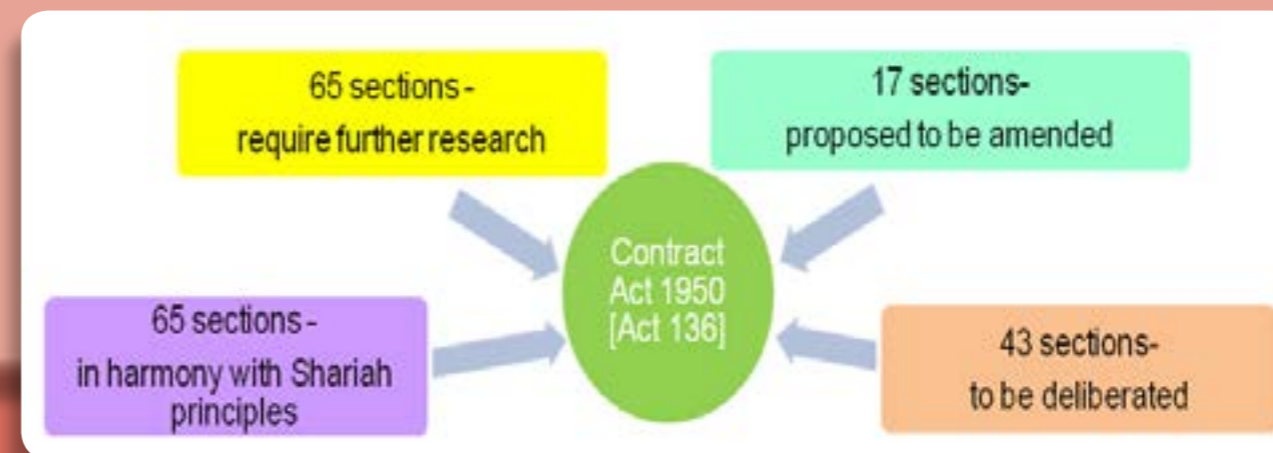
- Research done on hibah according to Syariah principles and the current practice in Malaysia;
- propose and enact a new model of law in order to codify Syariah principles pertaining to hibah; and
- organized series of workshops/seminars in which practicing lawyers, pertinent academicians and industry players took part and provided their constructive comments and deliberations on the 1st draft legislation on Hibah.

Harmonisation of Malaysian Contract Law 1950 [Act 136]

As part of the Attorney General's Chambers effort to harmonise Civil and Syariah laws in Malaysia and to ensure the implementation of contract law in this country is in accordance with the Syariah principles. Series of workshops, conferences and discussions were held among leading academicians and practitioners in civil and Syariah banking and commercial laws in Malaysia from 2008 onwards.

Provisions of Act 136 were deliberated at length and where appropriate, proposals were made to amend the existing provision to make it harmony with Syariah principles.

The finding from the series of workshops, conferences and discussions held are as follows:

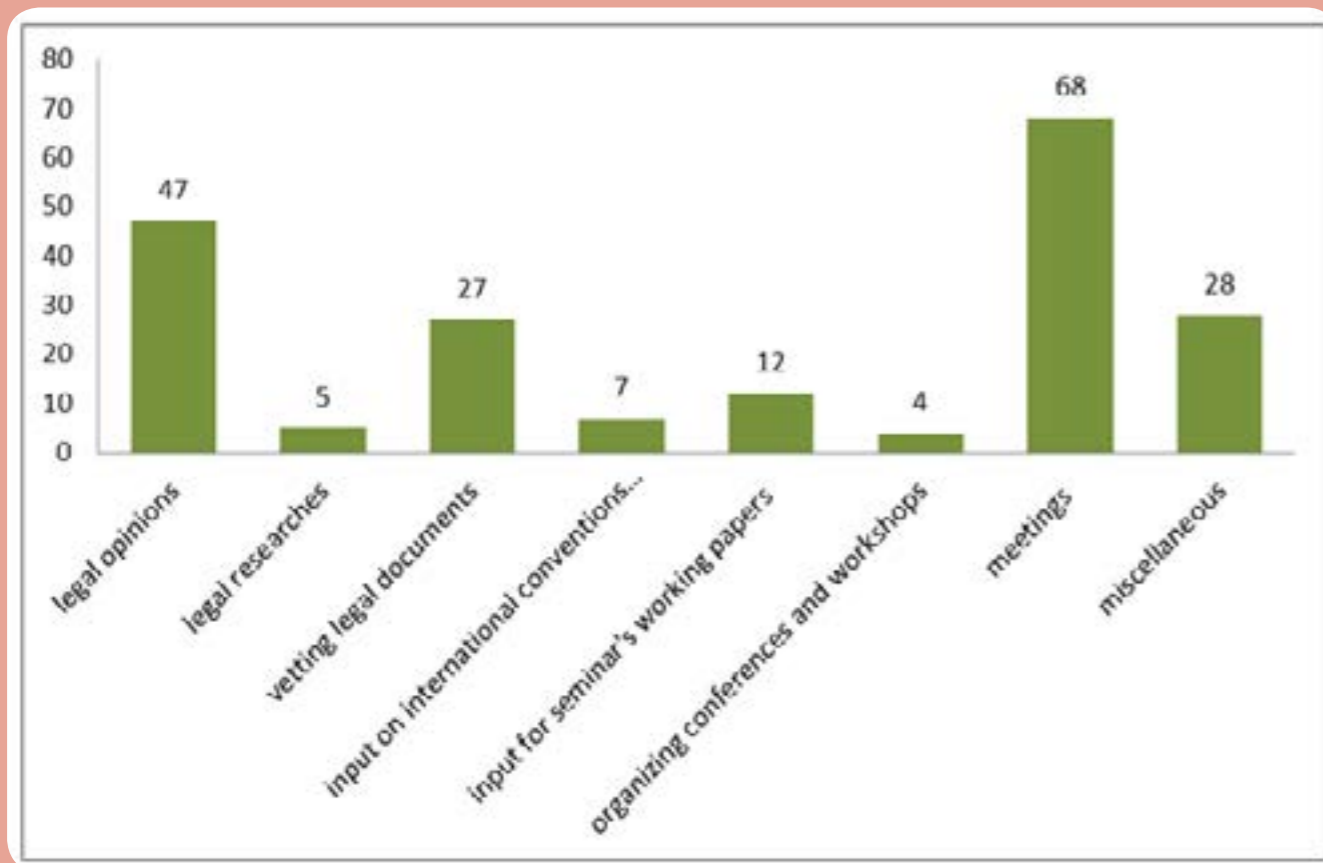


Sukuk (Islamic bonds)

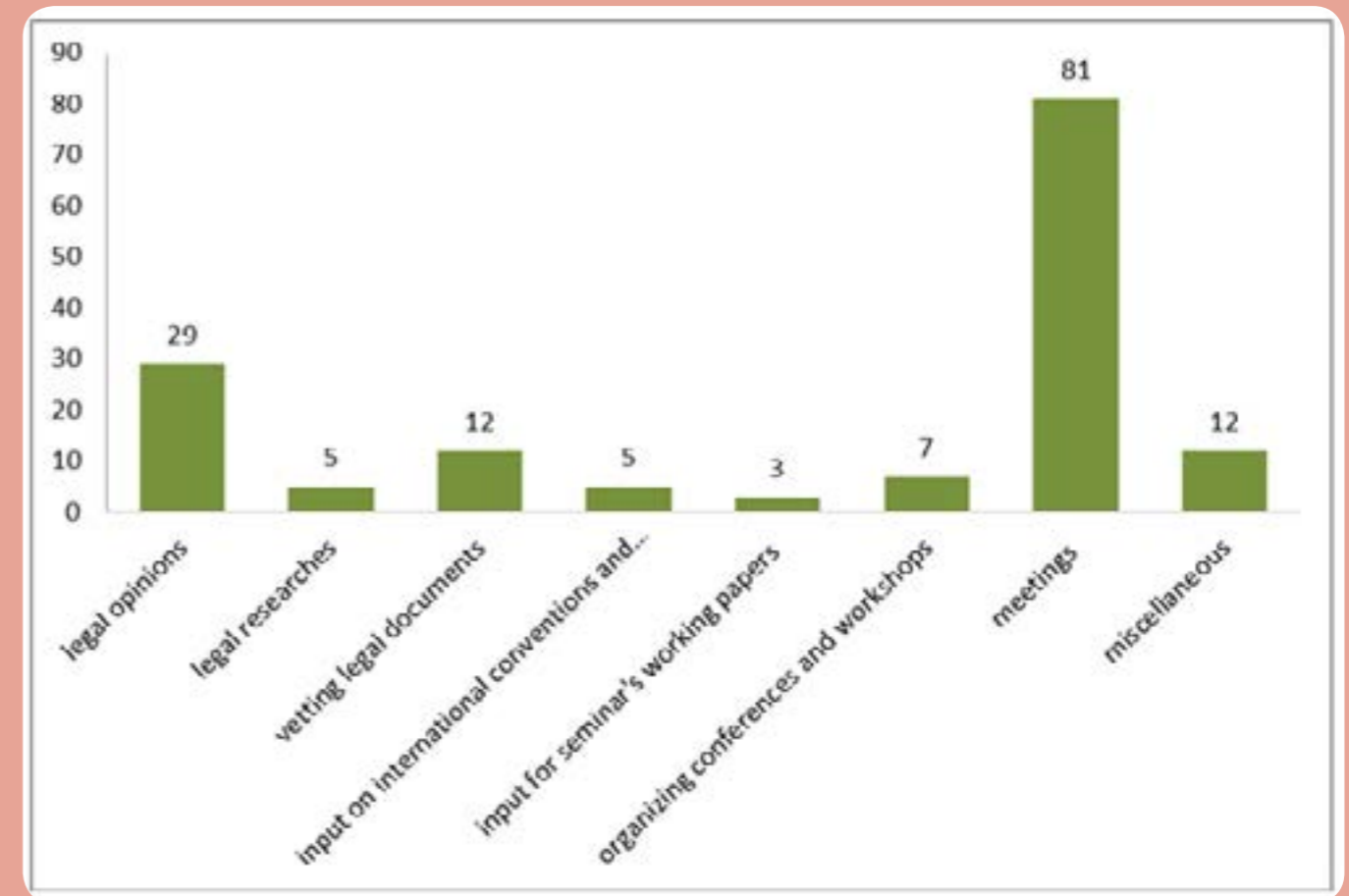
In promoting Malaysia as an International Islamic Financial Centre (MIFC), the Government of Malaysia aims to develop Malaysia into a centre for the origination, distribution and trading of sukuk to provide further impetus to the development of an increasingly vibrant and progressive bond market in Malaysia as well as in the Asian region. Hence, to achieve the above aspiration, the Government of Malaysia over the years of 2010 and 2011 had issued several sukuk with the view to raise funds for her development projects in the country.

In order to ensure that the sukuk issuance by the Government of Malaysia is in accordance with the Syariah principles, this Unit has assisted the central agencies in the vetting of sukuk's documentations namely 1 Malaysia Global Sukuk, Govco IMTN Sukuk and Wakala Global Sukuk.

The following chart demonstrates the workload of this Unit for 2010 and 2011 –



2010



2011

OTHER ACTIVITIES AND PROGRAMMES BY THE DIVISION

Although the Division is committed in delivering the best advice to the Government, the Division also realises the importance of society and in preserving the environment. Hence, during the Advisory Conference held at Cherating, Pahang in 2011, the Division with the help of the Pahang Fishery Department has embarked on a "Social Awareness and Save Our Turtle Programme". The programme includes activities such as Gotong-Royong and a visit to the Turtle Sanctuary and Information Centre. The Centre provides a safe place for protection and hatchery to the sea turtles. The programme ends with the Division handing out cash donation for the improvement of the facilities at the Centre.

The Second Advisory Conference for the year 2011 at Pulau Spring Resort, Johor Bahru was to promote social awareness among

the Advisory officers via a Social Service Programme. Therefore, a programme on social service to visit the welfare home, Rumah Seri Kenangan Johor Bahru was held with the aim to raise social awareness and understanding on the importance of caring for senior citizens. The visit was headed by the Head of Advisory Division, YBhg. Dato' Khadijah Idris. A briefing on the establishment, activities, services, facilities and also the challenges in taking care of the elderly was given by the Social Welfare Department officers.

After the briefing, YBhg. Dato' Khadijah binti Idris on behalf of the Attorney General Chambers handed over some financial contributions and basic needs such as food and toiletries for the elderly there. During the programme the officers were also given an opportunity to interact with the senior citizens.



YBhg. Dato' Khadijah binti Idris interacting with the senior citizens at the Rumah Seri Kenangan Johor Bahru



Visit to the Turtle Sanctuary and Information Centre



Conference of the Syariah Community 2011



Justice Datuk Seri Gopal Sri Ram during a presentation at the Course



Workshop on Empowerment of Women's Rights under Islamic Family Law



YBhg. Datuk Dr. Khaw Lake Tee, giving a talk during one of the Sessions of the Course

Background

The Appellate and Trial Division was established by the Public Prosecutor's Directive No. 1/2009 found in the Waran Perjawatan No. A102 Year 2008 which came into effect on the 1st of March 2008. The primary function of the Appellate and Trial Division is to conduct trials and appeals which are of public interest, high profile, sensitive and complex nature. The division also provides legal advice to various law enforcement agencies on all legal aspects to ensure adequate preparation for trials and appeals. The division is divided into 3 units namely the Trial Unit, the Appeals Unit and the Special Project Unit.

Vision & Mission

The Appellate and Trial Division envisions being the advocate for the Government in the trial and appellate process of the Malaysian justice system in all public interest, high profile, complex and sensitive cases. This mission is executed by upholding the rule of law in dispensing responsible, fair and timely justice through the trial and appellate process in the Malaysian justice system. voluptae.

APPELLATE AND TRIAL DIVISION

Objective

The Appellate and Trial Division aims to protect public interest through the delivery of the highest standards of advocacy in the conduct of trials before the High Courts and appeals before the Court of Appeal and Federal Court in adherence to the due process of law in accordance with the Federal Constitution and the laws of Malaysia.

Clients Charter

"We are committed to uphold the rule of law and to conduct all trials and appeals before the courts of Malaysia in a fair and just manner through the highest standards of advocacy in accordance with the Federal Constitution and the laws of Malaysia."

UNITS UNDER THE APPELLATE AND TRIAL DIVISION

Trial Unit

The primary function of the Trial Unit is to conduct trials of public interest, high profile, complex and sensitive in nature. Before trials are conducted, the unit peruses the investigation papers and relevant files in respect of trials of all public interest, high profile, complex and sensitive nature. Further, representations made by defence counsel in respect of cases of public interest, high profile, complex and sensitive in nature are also studied and examined by the unit. Besides conducting trials, the unit also provides legal advice to various law enforcement agencies on all legal aspects to ensure adequate preparation of cases for trials are conducted. The Trial Unit also handles various miscellaneous applications and summons in chambers originating from trials of public interest, high profile, complex and sensitive in nature. This unit also acts as an advocate

Among the high profile criminal cases conducted by the Deputy Public Prosecutors of this division are tabled in Table 1 below:

Table 1

NO.	DETAIL OF CASES
1	P v N. Pathmanabhan & 3 Others Four accused (former lawyer N.Pathmanabhan and his three farm workers) were charged under section 302 of the Penal Code for causing the death of cosmetics millionaire Datuk Sosilawati Lawiya and three other individuals two years ago at Banting on August 30th, 2010. The High Court ordered the four accused to enter their defence. The trial is fixed for continued hearing from the 3rd -31st of July 2012.
2	PP v Hanif Mohammad Ali This murder case involves a 7 year old child who was a student in a religious school in Perlis and the accused being the warden and a religious teacher of the same school. The victim was beaten and strangled by the accused when the victim was allegedly involved in stealing money. Subsequent to the actions of the accused, the victim developed seizure and fell unconscious. He died 3 days later. At the end of prosecution's case, the accused pleaded guilty to a lesser charge under 304(a) of the Penal Code. The High Court sentenced the accused to 18 years imprisonment. The prosecution has filed an appeal to the Court of Appeal.
3	Public Prosecutor v Mohamad Tasyrif Bin Tajudin The accused is a student who had posted on the facebook wall belonging to his friend concerning the bombing of Batu Caves. The accused was charged at the Petaling Jaya Sessions Court for an offence of transmitting a comment which is offensive in character with intent to annoy under Section 233(1)(a) of the Communications and Multimedia Act 1998. On the 16th of May 2011, after 5 prosecution witnesses gave evidence in court, the accused decided to plead guilty to the charge. The Sessions Court fined the accused RM 5,000 (in default 5 months imprisonment).
4	PP v Vijayrao a/l Sepermaniam & 3 others The 4 accused persons (together with Nagarajan at large) committed robbery at Kuala Lumpur International Airport (KLIA) on the 15th of September 2011. Three of the accused persons are officers from the Malaysian Anti-Corruption Commission (MACC). They were charged at the Sepang Sessions Court for abetment of robbery and cheating by impersonation. The case is fixed for continued hearing on the 13th -15th of August 2012.
5	PP v. Nor Hisham b. Osman The accused had been charged under section 233 of the Communications and Multimedia Act 1998 for improper use of network facilities by initiating the transmission of offensive comments to the official Sultan of Perak website. The accused pleaded guilty after 10 prosecution witnesses testified and was fined RM12,000 (in default 6 months imprisonment).
6	PP v. Murugan a/l Arumugam The accused is charged under section 302 of the Penal Code for causing the death of an Indonesian maid by the name Muntik Hani by abusing her. The case caused a diplomatic row between Malaysia and Indonesia and the Indonesian government issued a freeze on the sending of maids to Malaysia. The court found the accused guilty and sentenced him to death.

NO.	DETAIL OF CASES
7	<p>PP v. Dato' Seri Anwar Ibrahim</p> <p>The Opposition leader and former Deputy Prime Minister of Malaysia had been charged for the offence of sodomy of a male aide under section 377B of the Penal Code allegedly committed on the 26th of June 2008. At the end of the defence case, the court acquitted and discharged him. The prosecution has filed an appeal to the Court of Appeal.</p>
8	<p>Teoh Beng Hock (Inquest)</p> <p>The deceased, an aide to Selangor state executive council member Ean Yong Hian Wah was interrogated overnight by the state Malaysian Anti-Corruption Commission (MACC) who was probing alleged misappropriation of funds by several Pakatan Rakyat assemblymen. There was intense public outcry against the MACC after Teoh was found dead on July 16th, 2009 by a security guard on a fifth floor landing next to a tower block that houses the Selangor MACC's office at Plaza Masalam in Shah Alam. The Royal Commission of Inquiry found that Teoh Beng Hock had been driven to commit suicide by "aggressive, relentless, oppressive and unscrupulous" interrogation by three MACC officers. The commission also made some recommendations for the change of attitude of MACC officers as there were "serious weaknesses" at the Selangor MACC office.</p>
9	<p>PP v. Ahmed Othman Jamal & 6 Others</p> <p>Seven Somali pirates, including three who are underaged, were charged under s.3 of the Firearms (Increased Penalties) 1971 which carries a mandatory death penalty for shooting at Malaysian Armed Forces personnel during a planned robbery with intention to cause death or harm. The offence was allegedly committed on MISC container vessel Bunga Laurel off Oman waters between 8.10pm and 10pm on January 20th. The case is fixed for continued hearing from the 24th-28th of September 2012.</p>
10	<p>PP v. Mohammad bin Sabu</p> <p>Mohamad Sabu (Mat Sabu), a politician, was charged for criminal defamation of a group of policemen and their family members, who defended themselves against communist guerillas at the Bukit Kepong police station on Feb 23rd, 1950. The accused is alleged to have committed the offence during a speech at the Pusat Asuhan Tadika Islam Al-Fahmi, Markas Tarbiyah PAS in Padang Menora, Tasek Gelugor, between 10pm and midnight on August 21st. The case is fixed for continued hearing on the 13th, 16th and 17th of July 2012.</p>
11	<p>PP v. Raja Muhammad Faizal & 1 Other</p> <p>On August 13th, 2010, despatch rider Raja Muhammad Faizal and bank clerk Raja Muhammad Idzham were found guilty of committing mischief with fire with the intention of destroying the church at Desa Melawati in Wangsa Maju. They committed the offence at 11.50pm on January 7th, 2010, and were jailed five years by the Sessions Court.</p>
12	<p>PP v. Koperal Jenain bin Subi</p> <p>On the 16th of September 2011, Kpl Jenain Subi had been found guilty and sentenced to five years in jail for causing the death of 15-year-old Aminulrasyid Amzah in a shooting incident during a car chase between 1.10am and 2am on April 26th last year at Jalan Tarian 11/2. The court found that the situation did not warrant Kpl Jenain to open fire with his HK MP5 submachine gun.</p>

NO.	DETAIL OF CASES
13	<p>Dilipkumar a/l Ramamorty (Inquest)</p> <p>This is an inquest into the deaths of Elango, scrap worker R. Dilipkumar, 20, L.J. Santana, 36, who was deformed and visually impaired, carpenter S. Kurusamy, 49, contractor R. Pannir Selvam, 28, and crane driver S. Vadivelan, 29. They were killed at Lot 157A Kampung Kemunting in Karangan here at 10.10pm on Febuary 17th, 2009. Bukit Aman believed that the men were members of a notorious gang said to be responsible for a series of robberies in the northern region. According to the police, the suspects had opened fire on them. The inquest is fixed for continued hearing on the 18th and 19th of June 2012.</p>
14	<p>PP v. Sayed Omeid @ Gunes Ekrem</p> <p>The Australian government is applying to extradite an Iraqi businessman based here who is wanted for alleged human trafficking. The Attorney-General's Chambers had received a request from the Australian government and filed an extradition application on September 23rd. The Public Prosecutor was named as an applicant while the Iraqi businessman was named the respondent. The application for the order was based on various grounds, including the fact that the court has jurisdiction to hear the matter under Section 18 of the Extradition Act 1992. However, Sayed Omeid is disputing the identity of the person named in the warrant of arrest. The case is fixed for continued hearing.</p>

Among the high profile civil cases conducted by the Deputy Public Prosecutors of this division are tabled as Table 2 below:

Table 2

NO.	DETAIL OF CASES
1	<p>Jazimin b. Abdul Jalil v. 1. Inspector-General of Police Malaysia 2. Selangor Police Chief 3. Petaling Jaya District Police Chief 4. Government of Malaysia</p> <p>The father of murder victim Nurin Jazlin Jazimin filed a suit against the police for the circulation of his daughter's post-mortem photographs. Nurin, a Year Two pupil was abducted some 500 metres from her house in Wangsa Maju on August 20th, 2007. Her sexually ravaged body was found in a sports bag outside a shoptlot in PJS 1, Petaling Jaya 28 days later. In September 2007, pictures of Nurin's post-mortem were found in circulation on the Internet via emails. The plaintiff filed a negligence suit against the police and government over the circulation of the pictures. He sought an unspecified amount in general, exemplary and aggravated damages, interest, cost and other relief deemed fit by the court. The Inspector-General of police, Selangor police chief, Petaling Jaya district police chief and the government were named as defendants in the negligence suit. The case was settled out of court.</p>
2	<p>Jazimin b. Abdul Jalil v. 1. Datuk Khalid b. Abu Bakar 2. Inspector-General of Police Malaysia 3. Government of Malaysia</p> <p>The father of murder victim Nurin Jazlin Jazimin filed a defamation suit against the police for alleging that he had financial problems and loan shark debts and that these had led to the sexual abuse and murder of the victim. The case was settled on the 31st of January 2011 whereby the plaintiff's claim was dismissed by the court with costs.</p>
3	<p>Uthayakumar a/l Ponnusamy v. SAC II Abu Bakar Mustafa & 7 Others</p> <p>The plaintiff, the legal adviser of the Hindu Rights Action Force (HINDRAF) was arrested for publishing a seditious letter addressed to British Prime Minister Gordon Brown. The plaintiff is seeking a declaration that his arrest is illegal under Article 5 of the Federal Constitution. The plaintiff also seeks damages for illegal arrest, defamation, criminal intimidation and trespass to person. The case was settled on the 29th of July 2010 whereby part of plaintiff's claim was allowed by the court.</p>

NO.	DETAIL OF CASES
4	<p>Pengurusan Danaharta Nasional Berhad & 2 Others v. Tan Sri Dato' Tajudin Ramli (Original Suit) and Tan Sri Dato' Tajudin Ramli v. The Government of Malaysia</p> <p>Former Malaysian Airlines System Bhd (MAS) Chairman Tan Sri Tajudin Ramli has been ordered by the High Court to pay a sum of RM589.143 million plus interest to Pengurusan Danaharta Nasional Berhad and 2 of its subsidiaries in a civil case that began in 2006. The case arose after Tajuddin executed a facility agreement on July 13th, 1994 to borrow RM1.792 billion from a group of syndicated lenders to finance the purchase by him of a 32 per cent stake in Malaysia Airlines to bail out Bank Negara which had experienced losses in foreign exchange. However, from 1994 to 1998, he failed to service the original loan causing it to become a non-performing loan (NPL). Danaharta and the subsidiaries commenced action to recover the money. Tajudin had claimed that he had bought the MAS stake from the government at the behest of the then Prime Minister Tun Mahathir Mohamad and the then Finance Minister Tun Daim Zainuddin under the administration's privatisation initiatives and not in his personal capacity. Thus in June 2006, Tajudin commenced a counterclaim for a total of RM13.46 billion in relief from the Government of Malaysia, Danaharta, TELEKOM MALAYSIA BHD, Telekom Enterprise Sdn Bhd, TRI and other parties. The plaintiff's counterclaim against the Government of Malaysia was dismissed with cost of RM10,000.</p>
5	<p>Y.B. Teresa Kok v. Home Minister & 3 Others</p> <p>Seputeh MP Teresa Kok was detained under ISA because she was considered a threat to national security for inciting racial and religious tension and conflict after she was accused of petitioning a mosque to reduce the volume for azan (the call to prayer). The accusation surfaced in a September 10th, 2008 article in Utusan Malaysia entitled "Azan, Jawi, JAIS dan ba-alif ba-ya" accused Kok of petitioning a mosque to reduce the volume for azan. Kok sued the Malaysian government for her unlawful arrest and detention under the Internal Security Act. The court has fixed June 22nd, 2012 for case management.</p>
6	<p>Datuk Nik Sapeia v. 1. ASP Baharin b. Mohd Noh 2. Dato' Zulkifli b. Abdullah 3. Government of Malaysia</p> <p>Businessman Datuk Nik Sapeia Nik Yusof was charged with inflicting harm to former Prime Minister Tun Dr Mahathir Mohamad and three other persons by spraying a substance at the four individuals. The plaintiff sued the police and the Malaysian Government for having evil intentions and ruining his honour when handling the case. The businessman named Investigating Officer ASP Baharin Mohd Noh, Kelantan Police Chief Datuk Zulkifli Abdullah and the Malaysian Government as the first, second and third defendants respectively. The plaintiff claims that the three defendants had wrongly detained him and denied him of his freedom rights as provided by the Constitution. As a result of the wide dissemination of the news, the plaintiff claimed that his business suffered losses, and his reputation and credibility was tainted in the eyes of the society. The plaintiff is seeking compensation for defamation, wrongful detention, damages to reputation and self-respect. On the 20th of April 2011, the court dismissed both the plaintiff's claim and ordered the Plaintiff to pay damages RM60,000 to the Government of Malaysia.</p>

NO.	DETAIL OF CASES
7	<p>Titular Roman Catholic Archbishop of Kuala Lumpur v. 1. Home Minister 2. Government of Malaysia</p> <p>Roman Catholic Archbishop of Kuala Lumpur Tan Sri Murphy Pakiam, as publisher of the Herald, had applied to declare that the Herald is entitled to use the word "Allah" and that its use is not exclusive to Islam. He named the Home Minister and the Government as respondents in the application filed on February 16th. The High Court has declared that the Herald can use the word "Allah" in its Catholic weekly publication and that the Home Minister order banning its use was illegal, null and void. The court also ruled that the word "Allah" was not exclusive to Islam. The government then lodged an appeal to the Court of Appeal.</p>
8	<p>Selangor Government & Another v. Sagong bin Tasi and 6 Others</p> <p>The federal and Selangor governments, United Engineers (M) Bhd (UEM) and Malaysian Highway Authority (MHA) had brought the case up to the Federal Court for appeal following the Court of Appeal's decision on September 19th, 2005 extending exclusive customary rights to seven people from the Temuan tribe on 15.39 hectares of state land in Bukit Tampoi in Dengkil. The 14-year-old court case involves seven orang asli battling for their rights over a piece of land occupied by the community for over 200 years. Following the Court of Appeal's ruling, Sagong Tasi, and six of his tribesmen were entitled to compensation under the Land Acquisition Act 1960 which provided a larger sum of compensation as the court held that the seven were owners of the land by custom. The seven were initially compensated RM926,420 by the Selangor government for loss of their fruit trees, crops and houses on the land after the Shah Alam High Court declared that the state land acquired by Selangor government, United Engineers, MHA and the federal government to build the Kuala Lumpur-Nilai Highway belonged to the orang asli because it was customary and ancestral land. The Federal Court has fixed January 4th, 2010 for case management. The Temuan orang asli folk were awarded an RM6.5mil settlement in the Federal Court.</p>
9	<p>Jill Ireland Lawrence Bill v. 1. Home Ministry 2. Government of Malaysia</p> <p>Jill Ireland Lawrence Bill, a clerk has been allowed to challenge the Home Ministry's decision to seize religious materials containing the word "Allah" in eight compact discs (CDs) in her possession. She filed for judicial review following the High Court decision yesterday granting her leave to seek relief. She sought to quash the ministry's decision to confiscate the CDs and a declaration that she had the right to possess, use and import publications containing the word "Allah". Ireland had filed the application against the Home Ministry's decision to confiscate the CDs under Section 9(1) of the Printing Presses and Publications Act 1984. She had disembarked at the Low-Cost Carrier Terminal in Sepang on May 11th, 2008 upon her return from Indonesia when the CDs were confiscated from her. The titles of the CDs which were seized included Cara Menggunakan Kunci Kerajaan Allah, Cara Hidup Dalam Kerajaan Allah, Ibadah Yang Benar Dalam Kerajaan Allah and Hidup Benar Dalam Kerajaan Allah. She names the Home Minister and Government as respondents. On July 12th, 2011, the High Court had dismissed Jill Ireland's application to cross-examine Syed Hamid. An appeal was filed to the Court of Appeal whereby the court ordered both parties to submit grounds for cross-examining former Home Minister Tan Sri Syed Hamid Albar. The High Court, pending the decision of the Court of Appeal, fixed the case for case management on the 7th of June 2012.</p>

NO.	DETAIL OF CASES
10	<p>Railway Co-operation Berhad v. 1. Finance Ministry 2. Entrepreneur and Co-operatives Development Ministry 3. Malaysia Co-operative Societies Commission 4. Government of Malaysia</p> <p>The Malaysia Co-operative Societies Commission was established vide the Malaysian Co-operative Societies Commission Act 2007 [Act 665] resulting in numerous amendments to the provisions of the Co-operative Societies Act 1993 [Act 502] vide the Cooperative Societies Amendment Act 2007 [Act A1297] to make them in consonant with the provisions of the new Act 665. The Plaintiff, a registered co-operative society in Malaysia was dissatisfied with certain provisions under the new Act 665 and the amended provisions under the Act 502/A1297. The Plaintiff seeks among others a declaration that section 43(1) and section 42(2) of the Malaysian Co-operative Societies Commission Act 2007 [Act 665] is inconsistent with Article 13(2) of the Federal Constitution and therefore invalid pursuant to Article 4(1) of the Constitution. The High Court dismissed the plaintiff's claim with no order as to costs.</p>
11	<p>Malaysian Airlines System Berhad & 2 Others v. Tan Sri Tajudin Ramli & 4 Others (Original Suit) Tan Sri Tajudin Ramli & 2 Others v. 1. Malaysian Airlines System Berhad (Counterclaim) 2. 15 Others 3. Government of Malaysia</p> <p>Malaysian Airlines System Berhad (MAS) has filed a civil claim against former chairman, Tan Sri Tajudin Ramli, alleging he breached his fiduciary duties by getting the airline involved in various projects and businesses with third parties, in total disregard of the national carrier's interest. Tan Sri Tajudin, the Chairman of MAS between 1994 and February 2001, was named as the first defendant in the suit while the four co-defendants are Naluri Corp Bhd, Promet (Langkawi) Resorts SB, Kauthar Venture Capital SB and Pakatan Permai SB. The national carrier alleged that Tan Sri Tajudin had conspired with the co-defendants respectively to cause loss and damage to the company. In the suit, MAS is seeking substantial damages and/or for an account in respect of all secret profits and/or benefits and/ or to account for the misappropriation of the company's property in relation to the claims. Tan Sri Tajudin, Promet Langkawi Resorts and Kauthar Venture Capital are counter-claiming against the Government of Malaysia named as the seventeenth defendant for an order that the losses incurred in relation to Cendanasari, Colombario Star, Tanah Langkawi dan Perniagaan Jet Boeing transactions stated in the earlier civil suit be borne by the Government of Malaysia. The case is fixed for case management on the 22nd of June 2012 and hearing has been fixed on the 20th, 23rd, 27th of July 2012 and from the 27th until the 31st of August 2012.</p>

NO.	DETAIL OF CASES
12	<p>Sivarasa Rasiah & 5 Others v Che Hamzah Che Ismail & 3 Ors</p> <p>This is a civil suit action filed by the Plaintiffs for wrongful arrest and malicious prosecution against the Defendants. The Plaintiffs alleged that they were wrongly arrested when they were participating in the Walk for Human Rights which was organized by the Bar Council in 2009. The Plaintiffs were initially prosecuted and charged for participating in an unlawful assembly under s.145 of the Penal Code. At the end of the prosecution's case, the Sessions Court judge acquitted the Plaintiffs. Subsequent to that, the Plaintiffs sued the Defendants for wrongful arrest and for malicious prosecution. The case generated public interest as it involves prominent figures from the legal field. The suit is set for trial from the 30th of July until the 1st of August 2012.</p>
13	<p>Chua Tian Chang & Anor v Ketua Polis Diraja Malaysia</p> <p>The plaintiffs sued the police for wrongful arrest and detention and negligence. The plaintiffs claimed that on the 11th of December 2007 at about 10 am whilst travelling in a car en route to Parliament House, they were stopped, forcibly seized and taken into custody by the police near the Parliament House. Despite of Plaintiffs' request, the police did not inform them the grounds for the arrest. The plaintiffs were taken to the Police Headquarters in Jalan Hang Tuah and were later released on bail at about 9.00 pm. The car that the plaintiffs were travelling in was also seized by the police. The car was burned and badly damaged by persons unknown while under the custody of the police. The plaintiffs claimed that it was because of the defendants' negligence in failing to ensure the safety of the car that caused its damage. The plaintiffs' claimed loss of the car for a sum of RM28,000.00. The Defendants filed an application to strike out the plaintiffs' suit on the ground that it failed to name the correct tortfeasor involved i.e the police officers that arrested and detained them on that particular day. The defendants' application was allowed by the court on the 17th of March 2010 with costs.</p>
14	<p>M. Manoharan & Anor v Dato Seri Najib Tun Razak & 5 Ors</p> <p>This is a suit filed by lawyers M. Manoharan and P. Uthayakumar for unlawful arrest and detention under ISA. The Plaintiffs were arrested and detained under the ISA from the 13th of December 2007 until the 9th of May 2009. The plaintiffs alleged that the arrest was without lawful cause and they were detained without being properly tried before a court. Even after their release, they were served with Suspension of the Detention Order which imposed strict conditions on their movements. The plaintiffs claimed among others, damages for unlawful arrest and detention and loss of practice as advocates and solicitors. The defendants claimed that the legality of the Plaintiffs' arrest and detention have been determined by the court elsewhere. Thus the current action is res judicata. The Defendants filed an application in the High Court to strike out the Plaintiffs' claim and was allowed on the 24th of March 2011 with costs. The plaintiffs appealed to the Court of Appeal and it was dismissed with no order as to costs but on different grounds i.e. the suit was not res judicata but it was barred by s 8(c) of the ISA. The Plaintiffs filed an application for leave to appeal to the Federal Court. Their application was allowed on the 12th of October 2011. The matter is now pending hearing in the Federal Court.</p>

Appeals Unit

The primary function of the Appeals Unit is to conduct all criminal and civil appeals at the Court of Appeal and the Federal Court. To carry out this function effectively, the Appeals Unit will study all decisions of the High Court and Court of Appeal and consider whether to appeal against the said decisions. If an appeal is to be made, the unit will file the notice of appeal and the petition of appeal in the respective courts within the prescribed time under the law.

Case Reports

A total of 1005 case reports of decisions from the High Courts throughout Malaysia were received and perused in the year 2010 while in the year 2011, the number of case reports received was 773. From those figures, 246 appeals and 177 appeals to the Court of Appeal were lodged by the unit for the year 2010 and 2011 respectively.

**COURT OF
APPEAL**

Registration

In 2010 and 2011, 864 appeals and 601 appeals were registered with the Court of Appeal respectively. The number of appeals registered includes both the appeals filed by the Public Prosecutor as well as the accused.

Hearing

In 2010 and 2011, 688 appeals and 1877 appeals were scheduled for hearing respectively. From those figures, as many as 297 and 963 appeal cases were disposed off in year 2010 and 2011 respectively. In addition, there were also 5 civil appeal cases heard at the Court of Appeal in 2010.

Table of Court Hearings

Table of Court Hearings

Table 3 : Court of Appeal

Table 4 : Federal Court

MONTH	HEARING		DISPOSAL		POSTPONED	
	2010	2011	2010	2011	2010	2011
JANUARY	73	78	30	43	43	35
FEBRUARY	72	69	31	40	41	29
MARCH	55	236	24	98	31	138
APRIL	50	188	22	89	28	99
MAY	66	177	24	96	42	81
JUNE	42	134	16	81	26	53
JULY	69	180	25	91	44	89
AUGUST	69	176	31	92	38	84
SEPTEMBER	35	152	19	72	16	80
OCTOBER	57	223	28	114	29	109
NOVEMBER	84	168	42	94	42	74
DECEMBER	16	96	5	53	11	43
TOTAL	688	1877	297	963	391	914

MONTH	HEARING		DISPOSAL		POSTPONED	
	2010	2011	2010	2011	2010	2011
JANUARY	10	11	3	8	7	3
FEBRUARY	15	17	7	15	8	2
MARCH	13	24	8	13	5	11
APRIL	18	13	7	3	11	10
MAY	20	9	14	7	6	2
JUNE	20	7	12	5	8	2
JULY	18	17	8	9	10	8
AUGUST	17	7	6	3	11	4
SEPTEMBER	13	18	8	12	5	6
OCTOBER	13	18	9	14	4	4
NOVEMBER	14	29	6	23	8	6
DECEMBER	3	17	0	8	3	9
TOTAL	174	187	88	120	86	67

FEDERAL COURT

Registration

In 2010 and 2011, 87 appeals and 219 appeals were registered with the Federal Court respectively. The number of appeals registered includes both the appeals filed by the Public Prosecutor as well as the accused

Hearing

In 2010 and 2011, 174 appeals and 187 appeals were scheduled for hearing respectively. From those figures, as many as 88 and 120 appeal cases were disposed off in year 2010 and 2011 respectively.

Among some landmark decisions and interesting appeals conducted by the Deputy Public Prosecutors of this division in the Federal Court and the Court of Appeal are tabled as Table 5 below:

Table 5

NO.	BRIEF FACTS AND DECISION
1	<p>MPRJ No: 05-128-2011(J) Mohd Aiman Al Rasyid v PP</p> <p>The appellant (a child at the time of the commission of the offence) was found guilty of a trafficking charge under section 39B of the Dangerous Drugs Act 1952. He was sentenced to be detained under the pleasure of the Ruler. At the Federal Court, the argument of the appellant was that the charge ought to be substituted to a lesser charge as the appellant, being a child and due to his age would not be able to appreciate and understand the nature of the thing (the drug) he was dealing with. The Federal Court rejected this argument. The decision demonstrates that even a child can still be held responsible for his own action as he is not too young to distinguish between right and wrong.</p>
2	<p>MPRJ No: 05-263-10/2011(J) PP v Chung Sheng Wen & 3 ors v PP</p> <p>There were concurrent findings of acquittal against the respondents (Taiwanese nationals) of a trafficking charge under section 39B of the Dangerous Drugs Act 1952 involving 43,033 grams of Nimetazepam. The facts and photographs tendered showed that the premise locked from inside was a factory used for processing and manufacturing drugs. Drugs paraphernalia such as industry ovens, tableting machines, chemical substances and utensils were found in the premise. Both the courts held that there was no nexus between the respondents and the machines including other drug paraphernalia. It was also argued by the respondents at the Federal Court that since the police ambush team was armed and wearing balaclava, the conduct of the respondents in taking flight cannot be a basis of a finding of guilt. The Federal Court disagreed and ordered for the defence of the respondents on the said charge.</p>
3	<p>MPRJ No: 05-78-2010(J) Loh Kah Loon v PP</p> <p>The appellant was convicted of trafficking dangerous drugs of 115.54 grams of Methamphetamine. Counsel argued that there was doubt as to the identity of the drugs because the nett weight of the drug exhibits as found by the chemist was higher than gross weight as found by the investigating officer, a difference of 14.74 grams. Thus, the nett weight exceeds the gross weight by 14.74 grams. Since no explanation was given by the prosecution, it had created doubt as to the identity of the exhibits. Relying on two previous decisions of the Court, the conviction ought to be set aside. The Court however found that the two authorities were distinguishable on the facts. In the present case, the Court found that since there was no break in the chain of evidence regarding the exhibits, the difference in the weight alone cannot be said to have created doubt. In the final analysis, the real question is whether the exhibits recovered by the police is the same exhibits sent to and examined by the chemist and subsequently produced in court as evidence.</p>

NO.	BRIEF FACTS AND DECISION
4	<p>MP Rayuan Sivil No: 01 – 7 – 2011 (S) Insp. Yusof Hj Othman & 4 Ors v Kwan Hung Cheong</p> <p>The plaintiff and one Mr Lai suspected of committing house-trespass or house-breaking were initially on remand based on the order issued by a magistrate. They were subsequently released on police bail on the assumption that the application made by the police to that effect was allowed although no order was made by the Magistrate. A decision was made by the AGC not to proceed with the case and to withdraw the police bail. The plaintiff then made an application raising various points of law challenging the lawfulness of the police bail which also imposes other conditions since they had been released from the remand order by the magistrate and if it were unlawful, whether it infringes their personal liberty therefore giving rise to a claim in damages. The Federal Court decided that the police are empowered by the Criminal Procedure Code to release the accused on police bail while investigations were still pending even after the accused's release from the magistrate's remand order. This includes power to impose conditions to the bail. However, in this case, since the Magistrate did not make any decision on the application, the benefit must be given to the plaintiff that the application by the police was rejected. As such, the police bond and the conditions were unlawful more so when the facts showed that the police did not truly proceed with the investigations. The plaintiff was deprived of his personal liberty in contravention which gives rise to a claim in damages.</p>
5	<p>MRRJ No: J-05-149-2011 Velletoire a/l Ponnusamy v PP</p> <p>The appellant was convicted of a murder charge involving 3 of his children. The Psychiatrist found the appellant to be suffering from depression and that in a normal situation a person who killed his own children and then attempted suicide would be under psychotic depressive disorder, meaning that he has been seriously disturbed mentally. It was also argued that because of his mental state, he did not have the intention to kill his children and the conviction must be substituted to a lesser charge. The Court of Appeal disagreed and ruled that even though the appellant was in a state of depression, it did not reach the degree required by the law.</p>
6	<p>MRRJ No: B05-(174-177)- 2010 Mainthan a/l Arumugam & 3 ors v PP</p> <p>All the appellants were convicted with common intention to murder. It was argued that the learned trial judge had shown some element of biasness when he kept reminding the prosecution witness to state the truth and in allowing the witness on various occasions to refresh his memory by referring to his statement given to the police during investigation. In addition, it was argued that there was no common intention against the 4th appellant as he merely came after and not at the time the murder took place. The Court of Appeal affirmed the murder conviction against all.</p>
7	<p>MRRJ No: W09-31-2011 Hau Yuan Tyng v PP</p> <p>The appellant was convicted under section 326 and 324 of the Penal Code for causing grievous hurt on her maid. The appeal at the Court of Appeal was adjourned on the reason that the appellant was not well. On the final hearing date, the appellant was still absent and her counsel informed the court that he was not able to contact her. On the objection raised by the Public Prosecutor for any further postponement, the Court of Appeal proceeded to hear the appeal based on section 313(2) of the Criminal Procedure Code. The appeal was subsequently dismissed and a warrant of arrest and warrant of committal were issued against the appellant. Notice to show cause was also issued to the bailor. This case sets as a reminder to the appellants not to abuse the court process by applying a delay tactic to avoid the punishment of the court.</p>

NO.	BRIEF FACTS AND DECISION
8	<p>MRRJ No: B-05-358-2010 PP v. Manimaran Manickam</p> <p>The Public Prosecutor appealed against the inadequacy of the sentence imposed on the respondent for a possession charge of dangerous drugs. The respondent contended that the sentence imposed by the court was as a result of a plea bargaining between the prosecution and the defence and as such, based on this premise, the respondent agreed to plead guilty. This was disputed by the prosecution. The Court of Appeal found that nothing was recorded in the notes of proceeding to this effect except the grounds of judgment of the court which contained some reference to the plea bargaining taking place. The Court of Appeal ordered for a retrial as there was doubt as to whether the plea of guilt of the respondent was unequivocal. The Court of Appeal in addition, emphasized the need for the plea bargaining process to be done transparently and properly recorded.</p>
9	<p>MPRJ No: 05-141-2011 Malik bin Nyai v PP</p> <p>The appellant was charged for murdering his wife. A witness testified that the Respondent who is his uncle was undergoing treatment for mental illness. The High Court after hearing this evidence ordered P19 (which is the medical report of the Respondent) to be produced and marked as an exhibit. After observing P19, the High Court concluded that the appellant murdered the deceased and ordered the Respondent to be kept at Hospital Permai Johor Bahru. One of the reasons was that the defense did not challenge this evidence and had already indicated that they were only relying on the defense of unsoundness of mind. The Federal Court unanimously allowed the Appellant's appeal and ordered for a retrial. The Court found that the procedure for a basis of conviction under section 348 CPC was breached as the medical report was not sufficient for the purpose of determination under that section as it was merely intended to determine whether the Respondent is fit to stand trial and defend himself. More so, the prosecution has not proven its case yet.</p>

Other Activities of The Appeals Unit

The unit is also actively involved in giving lectures to other Deputy Public Prosecutors and prosecuting officers of various agencies in training programmes conducted internally by the the Attorney General's Chambers, the division, ILKAP and other agencies for example the Royal Malaysian Police Force and the Royal Customs and Excise Department Malaysia. Related topics that were given include preparation of written submissions at the appellate level and appellate advocacy skills. Further, the unit acts continuously to disseminate grounds of judgment of both the Court of Appeal and Federal Court to ensure that every Deputy Public Prosecutor is well informed of the current decisions and authorities on various points of law. Such updates are also readily posted and made available on the AGC's Intranet program as well as the AGC's Official Website for the purpose of knowledge sharing and to promote accountability and transparency of the department. Meetings are conducted regularly with managing judges of the Court of Appeal to discuss various administrative matters to ensure that appeal cases fixed for hearing are heard and disposed off effectively. Further, in November 2011, a meeting with the Immigration Department, Prison authorities and the Royal Malaysian Police was held to discuss the standard operating procedure with regards to criminal cases involving foreigners.

Special Project Unit

The Special Project Unit was established by the Public Prosecutor's Directive No.2/2009 which came into effect on the 12th of January 2009. The primary function of the Special Project Unit is to conduct projects namely the serving of warrants of arrest, notice of appearance of the Respondent in both criminal and civil cases in the Court of Appeal and Federal Court. To carry out this function effectively, the unit conducts search for appellants and respondents through various methods. The Special Project Unit also works closely with other Government agencies and department, organizations, private companies and even individuals having record and information about the person being sought. The unit also conducts tracing of judgment debtors owing the Government through various methods. Whence found, judgment debtor summons will be served on the debtors by the Enforcement and Execution Unit of the Civil Division. Further, the Special Project Unit conducts surveillance to collect information on residential addresses, place of work or business, hobbies of sought persons to ensure service of documents is successfully executed.

Case Reports

Registration of Files

In the year 2010, a total of 136 intelligence files were opened. Out of the figure, 7 files are related to civil matters while the other 129 files are related to criminal proceedings. 56 outstanding civil and criminal files from year 2009 had been brought forward to year 2010 to be handled by the Special Project Unit. From those files, 1 defendant in civil matters and 55 respondents in criminal cases from year 2009 were carried forward and sought after by the Attorney General's Chambers in year 2010. In the following year of 2011, a total of 406 intelligence files were opened. Out of the figure, 3 files are related to civil matters while the other 403 files are related to criminal proceedings. As much as 26 outstanding civil and criminal files from year 2010 had been brought forward to year 2011 to be handled by the Special Project Unit. From those files, 1 defendant in civil matters and 25 respondents in criminal cases from year 2010 were carried forward and sought after by the Attorney General's Chambers in year 2011.

Status Report

During the year 2010, 193 persons were sought after by the unit. From that figure, as many as 9 persons were related to civil matters while the remaining 184 persons are respondents related to criminal cases. The unit has successfully located 143 persons sought in year 2010 whereby 7 persons are defendants in civil cases and 136 are respondents in criminal matters. In the year 2011, 551 persons were sought after by the unit. From that figure, as many as 3 persons were related to civil matters while the remaining 547 persons are respondents related to criminal cases. The unit has successfully located 329 persons sought in year 2011 whereby 3 persons are defendants in civil cases and 326 are respondents in criminal matters.

Table of Intelligence Files and Statistics Year 2010 & 2011

Table 6

MONTH	INTELLIGENCE FILES		PERSONSSOUGHT	
	2010	2011	2010	2011
JANUARY	28	16	36	23
FEBRUARY	5	42	10	61
MARCH	16	96	27	118
APRIL	15	69	19	98
MAY	16	13	23	15
JUNE	12	25	15	36
JULY	15	46	19	63
AUGUST	7	19	9	23
SEPTEMBER	8	27	13	36
OCTOBER	7	22	10	42
NOVEMBER	3	17	3	19
DECEMBER	4	14	9	17
TOTAL	136	406	193	551

Other Activities of The Special Project Unit

Besides executing service of court documents, the unit had also organized a basic investigation course for all investigation officers under the Special Project Unit. The course was conducted from the 28th of February 2011 until the 4th of March 2011 at Bilik Latihan 2, Aras 4, Blok C3, Putrajaya. The objective of the course was to disseminate and teach basic investigative techniques and administrative procedures to its officers e.g. record keeping of files and information, application for assistance from various government agencies i.e. Royal Malaysian Police Force, Malaysian Anti Corruption Commission, Malaysian Communications and Multimedia Malaysia, Immigration Department, National Registration Department, telcos, etc.

Continuous Legal Education

In heeding the government's aspiration in raising the capacity for knowledge and innovation, the officers of the Appellate and Trial Division have relentlessly pursued continuous legal education to develop its human intellectual capital. Apart from the graduation of 4 officers from the division in the Masters of Law in Prosecution Programme Year 2010, which is a three year e-learning training programme conducted by the University of Wollongong, New South Wales, Australia in collaboration with the Judicial and Legal Training Institute (ILKAP) on June 4th, 2010, another two officers from the division are to follow suit in completing the programme successfully in year 2013. Among the diverse subjects taught include Studies in Transnational Crime and Transnational Criminal Law, Prosecuting International Humanitarian Law, International Law and Criminal Jurisdiction and many others. The officers are

also required to complete a self-guided project undertaken by private research and study in the last semester of the programme culminating in a 12,000 word written submission to advance legal knowledge in their chosen topic. Some of the comprehensive research essays completed by the officers' include 'Rule 137: A Power to Review' and 'Bail and Appeal'. The essays can be found in the AGC library for easy reference and dissemination of knowledge to other legal officers.

Within the division itself, there is a never ending thirst for knowledge resulting in the 'Brown Bag Sessions'. During these sessions, officers take the opportunity to share their knowledge on specific topics with their peers. These sessions have been well received and officers take the opportunity to enhance their knowledge in a relaxed and interactive atmosphere.

Activities of The Appellate and Trial Division

Although the division had only been established for less than 3 years, the division has carried out a myriad of activities in the year 2010 and 2011. Among the highlights, the Appellate and Trial Division had successfully organized and conducted two Appellate and Trial Division Conference in the year 2011 at Cheringin Hills Convention and Spa Resort, Janda Baik, Pahang from 30th of May until 1st of June 2011 and at Mutiara Hotel & Resort, Taman Negara, Pahang from 7th until 9th of December 2011. The conferences were attended by all the Deputy Public Prosecutors of the division. During the conference, the officers of the division also organized team building activities e.g. jungle trekking and water tubing to further strengthen the 'espritdecorps' amongst officers as well as to increase the awareness and appreciation of the environment.

The Appellate and Trial Division was also opportuned to organize several successful seminars i.e. the Seminar on Practical Approaches to Forensic Accounting from 14th until 15th of July 2010, Seminar on Organisational Security: The Challenges Ahead on 11th of November 2010, Appellate Advocacy from 16th until 17th of February 2011 and the International Congress of Legal Medicine 2011: Child Abuse & Neglect from 22nd until 24th of August 2011 at the Attorney General's Chambers. Officers from all divisions of the Attorney General's Chambers were invited to participate in the courses. The courses provided a learning arena for all the participants through the process of sharing experience, information and knowledge in tandem with the mass benefits resulting from the continued legal



^^ Appellate and Trial Division Conference, Cheringin Hills Convention & Spa Resort, Janda Baik, Pahang, 30th of May – 1st of June 2011

learning experience.

Pursuant to the launching



<< ^^ Seminar on Practical Approaches to Forensic Accounting, Dewan Tan Sri Abdul Kadir Yusuf, 14th -15th of July 2010

of the MS ISO 9001:2008 International Organization for Standardization Certification Project of the Appellate and Trial Division on the 24th of November 2009, the division have actively attended the relevant audit courses and conducted the required audits in order to achieve the MS ISO 9001:2008 status of standardization requirement and good governance to achieve the mission and vision of the department. The relentless effort by the division was rewarded with the MS ISO 9001:2008 Certification by CI Certification Malaysia Sdn Bhd and by UKAS Certification International on the 6th of September 2010. These awards were only made possible due to the endless collaboration and support between the officers and the staffs of the division.



Internal Audit Course for Appellate and Trial Division ISO 9001: 2008 Project conducted by Malaysia Productivity Corporation (MPC), Petaling Jaya, 24th-26th of March 2010

Summary of Other Activities and Programme For Year 2010 & 2011

Table 7

NO.	ACTIVITIES AND PROGRAMME	DATE
1.	Sayembara Seni Persembahan Antara Bahagian Sempena Majlis Jamuan Makan Malam Jabatan Peguam Negara 2010	19th March 2010
2.	Internal Audit Course ISO 9001:2008 Project conducted by Malaysia Productivity Corporation (MPC) Petaling Jaya	24th - 26th March 2010
3.	1st Stage Audit 'Adequacy Audit MS 9001:2008' by Auditor from certification International	5th May 2010
4.	Brown Bag Session on 'Google-Fu'	13th May 2010
5.	Brown Bag Session on 'Playing of Tape Recordings in Court'	24th June 2010
6.	Brown Bag Session on 'Terrorism Threat Towards National Security'	29th July 2010
7.	2nd Stage Final Audit MS 9001:2008 by Auditor from CI Certification Malaysia Sdn Bhd	12th - 13th August 2010
8.	Award of the ISO 9001: 2008 Certification to the Appellate and Trial Division by CI Certification Malaysia Sdn Bhd and by UKAS Certification International CI Certificate	6th September 2010
9.	Perhimpunan Bulanan dan Hari Inovasi Jabatan Peguam Negara, Tan Sri Abdul Kadir Yusuf Hall	27th October 2010
10.	Participation by members of the division in the Blood Donation Campaign organized by JALSOA, Tan Sri Abdul Kadir Yusuf Hall	16th December 2010
11.	Majlis Jamuan Makan "Pot-Luck" Sempena Menyambut Bulan Ramadhan	6th August 2010 & 22nd July 2011
12.	Kursus ISO 9001: 2008: Pemantauan Pengurusan, Pengukuran dan Latihan Analisis dari Perspektif Praktikal	27th July & 5th August 2011
13.	Majlis Sambutan Aidilfitri dan Jamuan Perpisahan Pegawai-Pegawai Bahagian Perbicaraan dan Rayuan	12th September 2011

More photos



^^ >> Sayembara Seni Persembahan Antara Bahagian Sempena Majlis Jamuan Makan Malam Jabatan Peguam Negara 2010, Dewan Tan Sri Abdul Kadir Yusuf, 19 Mac 2010



^^ Hari Inovasi Jabatan Peguam Negara, Tan Sri Abdul Kadir Yusuf Hall & L4G7 Lobby, 27th of October 2010.



<<< ^^ Seminar on Organisational Security: The Challenges Ahead, Tan Sri Abdul Kadir Yusuf Hall, 11th of November 2010



Early morning exercise to energise the team before the trek through the jungle.



Officers marching one by one through the jungle. Watch those steps!

JUNGLE

Appellate and Trial Division Conference, Cheringin Hills Convention & Spa Resort, Janda Baik, Pahang, 30th of May – 1st of June 2011



WATERFALL



A splashing fun time at the waterfalls after a long trek through the jungle



Group Photo Time!



RIVER

Because we could not get enough of the water, the officers took to water tubing along the river.



RESORT

LAW REVISION & LAW REFORM DIVISION

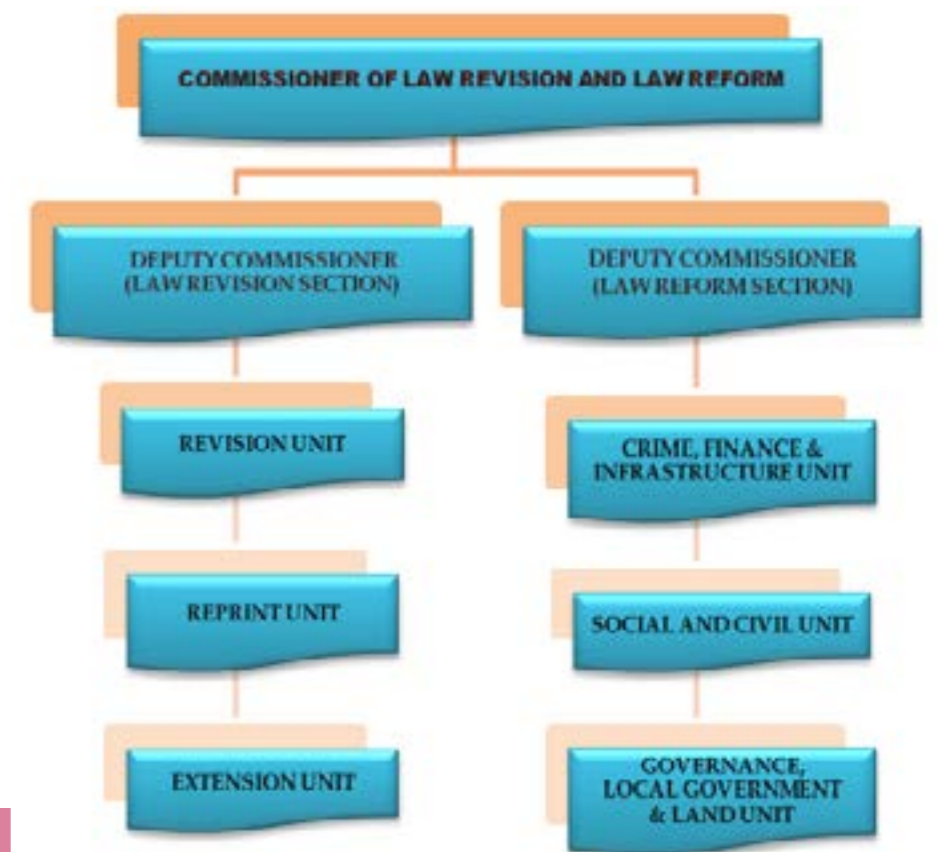
LAW REVISION & LAW REFORM DIVISION

Inspired by the Government Transformation Programme (GTP) to keep pace with current needs and to provide better service to the public, the Law Revision and Law Reform Division (LRRD) dedicated its services throughout the years of 2010 and 2011 by focusing on revision, reprint, translation, extension and reform work that matters the most to the public. Continuous improvement efforts were undertaken by LRRD towards achieving its foremost goal which is to enhance Malaysian laws for more significant relevance and improved use.

Despite the challenging situations faced by LRRD and the demand for fast and accurate output of deliverables, the considerable achievements throughout 2010 and 2011 documented in this

report have to be credited to the successful leadership of YBhg. Dato' Khadijah binti Idris (who served as the Commissioner of Law Revision and Law Reform from April 2009 until May 2010) and YBhg. Dato' Ilani binti Mohamad Ibrahim (from 2 April 2012), who continued to steer LRRD to greater heights.

Maintaining the structure of three Units in each of the two main sections of the LRRD overseen by two Deputy Commissioners of Law Revision and Law Reform respectively has undeniably laid a strong foundation for LRRD to carry out its five main core works namely revision, reprint, extension, translation and reform of laws. This has enabled LRRD to further implement its next course of action planned for the years ahead.



Organizational Structure of LRRD

Law Revision Section

Revision

One of LRRD's core functions is to revise pre-1969 laws and to compile them into the Laws of Malaysia (LOM) series. The power to revise laws is conferred upon the Commissioner of Law Revision (Commissioner) pursuant to section 3 of the Revision of Laws Act 1968 [Act 1]. Section 6 of the said Act sets out 26 revision powers which includes the power to arrange the sequence of revised laws and to give chapter, serial or other numbers, to shorten or simplify the phraseology of any law, to alter the order of the provisions in any law and to renumber the provisions of any law, as well as to divide any laws, whether consolidated or not, into parts or other divisions. This function is carried out by the Revision Unit. In revising laws, the Commissioner is not empowered to change or alter the substance of the law.

Revision of State Enactments

In 2010, the Revision Unit continued to review the drafts of revised texts of State Enactments submitted by the States' Law Revision Units. The review was intended to ensure that the revision powers were applied correctly and consistently in like situations. In all, a total of 17 drafts were submitted and reviewed. The 17 revised State Enactments are as follows:

1. Kelantan State Economic Development Corporation Enactment 1966 [Kelantan];
2. Pahang State Economic Development Corporation Enactment 1965 [Pahang];
3. Enakmen Pelantikan dan Saraan Setiausaha Politik 1981 [Melaka];
4. Appointment and Remuneration of Political Secretary Enactment 1981 [Melaka];
5. Loans (Financing Statutory Bodies) Enactment 1972 [Melaka];
6. Enakmen Wang Pinjaman (Membiayai Badan-Badan Berkanun) 1972 [Melaka];
7. Selangor State Economic Development Corporation Enactment 1964 [Selangor];
8. State Economic Development Corporation Enactment 1965 [Terengganu];
9. Rearing of Pigs Enactment 1975 [Johor];
10. Enakmen Memelihara Babi 1975 [Johor];
11. Terengganu Nationality Enactment 1952 [Terengganu];
12. Malay Reservations Enactment 1941 [Terengganu];
13. Menteri Besar (Incorporation) Enactment 1951 [Selangor];
14. Enakmen Menteri Besar (Perbadanan) 1951 [Selangor];
15. Legislative Assembly (Privileges of Officials) Enactment 1960 [Terengganu];
16. Enakmen Dewan Undangan Negeri (Keistimewaan Pegawai) 1960 [Terengganu]; and
17. Loans (Malacca Low Cost Housing Schemes) Enactment 1962 [Melaka].

Revision of Federal Laws

Besides completing the review of State Enactments, towards the end of 2010 the Revision Unit had also successfully revised two federal laws, namely the Local Authorities (Conditions of Service) Act 1964 [No. 9 of 1964] and Pensions Ordinance 1951 [Ord. No.1/1951].

wholly involved in the LRRD Special Project 2011, taking on the responsibility of revising five specific criminal legislations namely, the Criminal Procedure Code [Act 593], the Penal Code [Act 574], the Evidence Act 1950 [Act 56], the Minor Offences Act 1955 [Act 336] and the Corrosive and Explosive Substances and Offensive Weapons Act 1958 [Act 357].

During the whole of 2011, the Revision Unit was

Upcoming Projects

The coming years are no less challenging. There are still many mountains to climb. The Revision Unit will continue to revise pre-1969 federal laws to comply with its statutory obligation under section 3 of Act 1. This is by no means an easy task as some of the pre-1969 laws are obscure in nature and are of limited application to the present age. Painstaking research needs to be conducted on these laws as some of the stakeholders of these enactments are not easily identifiable and may have ceased to exist.

Reprint

The power of the Commissioner to reprint and update Malaysian laws is derived from section 3 of Act 1, and in performing this function, is guided by section 6 of Act 1, specifically paragraphs 6(1) (vii), (x), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxa) and (xxb) of Act 1. These reprint powers are similar to those of revision but not as extensive. Amongst these powers are the power to supply or alter tables of content, chronological tables, references and notes, to add or to omit from any law any provision required to be added or omitted in consequence of any amendment, to correct grammatical, typographical and similar mistakes, to alter, insert or omit punctuation marks in any law and to correct cross-references including references to the laws of other territories.

Reprint of the Federal Constitution

In 2010, LRRD undertook the task of reprinting the Federal Constitution in the national and English language. Although the Federal Constitution had been reprinted in 2006, the 2010 reprint exercise was meant to incorporate amendments to the Federal Constitution from the date of the last reprint. In addition, the 2010 reprint also included a comprehensive legislative history pertaining to the Federal Constitution, and a list of amendments and of sections amended for ease of reference.

In reprinting the Federal Constitution, extra caution was exercised to preserve the language of the Federal Constitution and its substance from being unwittingly altered. The 2010 reprints were distributed to the Attorney General's Office, Solicitor General's Office, Heads of Divisions, Deputy Heads of Divisions and the Attorney General Chambers' library and other officers of the Attorney General's Chambers (AGC).

Other Reprints

Throughout the years 2010 to 2011, LRRD responded to requests from many Government agencies, among others, the Ministry of Tourism, Amanah Raya Berhad, the Ministry of Human Resources, and the Drafting Division. Apart from that, other reprint work were also carried out on LRRD's own initiative. The list of legislation (18 Acts and 2 Regulations) reprinted is as follows:

1. Akta Darurat (Kuasa-Kuasa Perlu) 1979 [Akta 216];
2. Akta Dadah Berbahaya (Langkah-Langkah Pencegahan Khas) 1952 [Akta 316];
3. Akta Lembaga Pelesenan Kenderaan Perdagangan 1987 [Akta 334];
4. Akta Standard-Standard Minimum Perumahan dan Kemudahan Pekerja 1990 [Akta 446];
5. Akta Keretapi 1991 [Akta 463];
6. Akta Lembaga Penggalakan Perlancongan Malaysia 1992 [Akta 481];
7. Malaysia Tourism Promotion Board Act 1992 [Act 481];
8. Akta Perbadanan Amanah Raya 1995 [Akta 532];
9. Public Trust Corporation Act 1995 [Act 532];
10. Peraturan-Peraturan Perhubungan Perusahaan 2009 [P.U.(A) 356/2009];
11. Industrial Relations Regulations 2009 [P.U.(A) 356/2009];
12. Akta Hak Cipta 1987 [Akta 332];
13. Akta Perkapalan Saudagar (Pencemaran Minyak) 1994 [Akta 515];
14. Akta Pencen 1980 [Akta 227];
15. Akta Pencen Pihak-Pihak Berkuasa Badan Berkanun Dan Tempatan 1980 [Akta 239];
16. Small And Medium Enterprises Corporation Act 1995 [Act 539];
17. Akta Perbadanan Perusahaan Kecil Dan Sederhana Malaysia 1995 [Akta 539];
18. Education Act 1996 [Act 550];
19. Akta Pendidikan 1996 [Akta 550]; and
20. Akta Lembaga Minyak Sawit Malaysia 1998 [Akta 582].

Online version of the Laws of Malaysia

In October 2011, the Reprint Unit embarked on a project to update the Laws of Malaysia (LOM) and to upload the updated version online. This major exercise was initiated partly due to the non-availability of some national language texts of the laws in the 2006 reprint of the LOM series. The online version of the LOM also focuses on laws which have the national language text but had never been previously reprinted nor amended as well those laws which had been reprinted in both the national language and in English but had been amended since the last reprint exercise.

A significant part of the online version of the updated Laws of Malaysia has been uploaded on the Attorney General's Chambers' portal for public reference and general use. Although the online version is not considered to be the authentic text of the law pursuant to section 14 of Act 1, it remains a useful and convenient reference tool for officers of the AGC, members of the legal fraternity as well as the public.

Upcoming projects

The Reprint Unit is committed to update Malaysian laws in accordance with Act 1 from time to time so that the laws remain contemporaneous and current at all times. The year 2012 will see continued emphasis by the Unit on updating the online version of the reprint laws in the national and English language texts.

Extension

The Extension Unit is tasked with the responsibility of extending and/or modifying federal laws to the States of Sabah, Sarawak and Federal Territories of Kuala Lumpur, Labuan and Putrajaya. This exercise is carried out pursuant to the powers under section 74 of the Malaysia Act 1963 [No.26 of 1963], the Constitution (Amendment) (No.2) Act 1973 [Act A206], the Constitution (Amendment) (No.2) Act 1984 [Act A585] and the Constitution (Amendment) (No.2) Act 2001 [Act A1095] respectively.

The main purpose of the task is to ensure uniformity of federal laws in its application throughout Malaysia. The Malaysia Act empowers the Yang di-Pertuan Agong to make modifications and extensions as appears necessary in consequence of the passing of that Act. As for the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, it is necessary to extend and/or modify federal laws to the Federal Territories to remove any difficulties in consequence of the passing of the Constitution Amendment Acts.

Extension

An extension exercise is carried out upon request from the States of Sabah, Sarawak and the Federal Territories or from ministries or agencies concerned or on LRRD's own initiative. Throughout the years 2010 to 2011, this Unit received requests from the State of Sarawak, Federal Territory of Labuan and Ministry of Federal Territories and Urban Well-being to extend certain federal laws to accommodate the needs of the relevant State and Federal Territories.

For instance, the State of Sarawak had requested

for the Innkeepers Act 1952 [Act 248] to be extended in application to it since there was no specific law for the administration of the hotel industry in that State. As a result of that, some hotels in Sarawak had applied certain provisions of Act 248 even though Act 248 has not yet been extended. In light of this, the State of Sarawak

saw the urgent need for Act 248 to be extended to provide for an avenue for the hotel industry to overcome any legal issues encountered.

The challenge faced by this Unit was to identify the Ministry responsible for Act 248 in order to refer to it matters regarding policy and

approval to enable Act 248 to be extended to the State of Sarawak. A legal opinion was prepared and referred to the Research and Advisory Divisions for their opinion. After many deliberations, the Ministry of Housing and Local Government agreed to shoulder responsibility for Act 248. Act 248 was then gazetted in 2011 under the Ministers of Federal Government (Amendment) Order 2011 [P.U. (A) 43/2011] and thereafter the extension and modification order was completed and submitted to the Ministry.

In relation to the proposal to extend the Weekly Holidays Act 1950 [Act 220] to the Federal Territory of Labuan, an extension and modification order was prepared and submitted to the Ministry of Human Resource, being the Ministry responsible for the Act.

The Ministry of Federal Territories and Urban Well-being had requested for the Limitation Act 1953 [Act 254] be extended to the Federal Territory of Labuan. The extension and modification for the Act has been finalized in 2011 and submitted to the Ministry.

Translation

Another significant task carried out by this Unit is to translate pre-1967 laws into the national language in order to uphold the status of the Malay language pursuant to Article 152 Clause (1) of the Federal Constitution. As 1 September 1967, the national language text of laws is mandated as the authoritative text unless the Yang di-Pertuan Agong prescribes otherwise. This is provided under section 6 of the National Language Act 1963/67 [Act 32].

Translation work is carried out upon request from Ministries or Agencies or on LRRD's initiative. In translating any laws, reference is made to Khazanah Istilah Undang – Undang Jabatan Peguam Negara and the electronic dictionary Dewan Eja Pro Dewan Bahasa dan Pustaka besides other references for the translation of legal terminologies.

In 2010, the Unit received a request from the Ministry of Human Resources to translate amendments to the Factories and Machinery

Act 1967 [Act 139] namely the Factories and Machinery (Amendment) Act 2006 [Act A1268]. Since the translation involved technical terminologies, LRRD worked closely with the Ministry of Human Resources to solicit their views on the translated text. The translated text was later incorporated into the reprinted version of Act 139. The other laws translated in 2010 were the Exchange Control Act 1953 [Act 17], Income Tax Act 1967 [Act 53], Financial Procedure Act 1957 [Act 61] and Civil Law Act [Act 67].

Together with the rest of LRRD, 2011 saw the Unit participating on the LRRD Special Project, with this Unit focusing on the translation of the Criminal Procedure Code [Act 593]; Penal Code [Act 574]; Corrosive and Explosive Substance and Offensive Weapon Act 1955 [Act 357] and updating the translation text of the Evidence Act 1953 [Act 56].

Upcoming projects

This Unit aims for more federal laws to be extended and/or modified to the relevant States and Federal Territories to ensure the uniformity of law and its application throughout Malaysia. Although any extensions or modifications are subject to the policy decisions of the relevant Ministries and States concerned, the response so far from the parties concerned have been encouraging.

To date, a total of 114 pre-1967 laws have been translated into the national language whilst 99 pre-1967 laws are yet to be translated. LRRD has an undertaking to ensure that the translated texts which are not prescribed yet as authoritative texts will be prescribed as authoritative texts pursuant to subsection 7(1) of Act 32.

Law Reform Section

For the years 2010 to 2011, the Law Reform Section has embarked on diverse areas of law reform which entailed due consideration and comprehensive studies to be in line with the rapidly changing needs of society. Nevertheless, the priority is still on the subject matter of laws under the jurisdiction of the Prime Minister's Department and AGC. For practical and effective reasons, their reform process involves engaging the stakeholders and interested parties

including experts in the relevant fields, non-governmental organizations, representatives from other Government departments and any relevant agencies for consultation and feedback. In order to fulfill its wide-ranging mandate, the Law Reform Section is divided into three Units reflecting particular areas of specialism. Below is the summary of law reform projects undertaken by each Unit from 2010 to 2011.

Crime, Finance and Infrastructure Unit

The Need to Legislate on a Specific Law for Protection of Whistleblowers

The whistleblowers project which began in 2009 and encompassed studies into domestic and foreign legislation, culminated into a recommendation to the Government that the enactment of a specific law to protect whistleblowers is indeed necessary as a means of combating corruption as part of the many initiatives proposed under the second National Key Result Area (NKRA) earmarked in the GTP.

Three model Bills were presented to the Cabinet, each representing a different mode of implementing whistleblower protection in Malaysia. The third model was preferred by the Executive, whereupon every existing enforcement agency would be tasked with the implementation and enforcement of whistleblower protection. The Legal Affairs Division of the Prime Minister's Department (BHEUU) was tasked by Cabinet as the coordinating agency to supervise the implementation and enforcement of whistleblower protection by the enforcement agencies.

The Whistleblower Protection Bill went through the normal procedure of tabling at both Houses of Parliament between April and May 2010, before receiving Royal Assent on 2 June 2010. The

Whistleblower Protection Act was gazetted on 10 June 2012, and came into force on 15 December 2010.

As whistleblower protection is a relatively new concept in Malaysia and its implementation would affect every enforcement agency, five main enforcement agencies were chosen as the pioneer agencies for the implementation of whistleblower protection, namely the Royal Malaysian Police, Malaysian Anti-Corruption Commission, Road Transport Department, Immigration Department and Customs Department.

To facilitate the aforesaid enforcement agencies in understanding and implementing whistleblower protection, some guidelines, standard operating procedures (SOPs) and forms were developed by BHEUU with the assistance of representatives from the Crime, Finance and Infrastructure Unit as well as the five main enforcement agencies. Publicity drives to educate both the public as well as private sectors on whistleblower protection were also held, with representatives from the Crime, Finance and Infrastructure Unit being invited to give lectures at several events.

Governance, Land and Local Government Unit

A Study on Investigation and Enforcement Provisions in Legislations

This project was initiated in 2009 to study the feasibility of introducing standardized investigation and enforcement provisions for enforcement agencies. A Preliminary Issue Paper (PIP) was prepared, containing the analysis and results of studies into domestic legislation with investigation and enforcement provisions, as well as responses collected from questionnaires distributed to several identified enforcement agencies.

The recommendation made by the Crime, Finance and Infrastructure Unit in the PIP was

that it is indeed feasible to have standardized investigation and enforcement provisions to be applied by the enforcement agencies. However, subsequent to a discussion on the PIP with the then Solicitor General II in 2010, it was decided that standardizing enforcement provisions would not be a worthwhile pursuit due to the differing powers and functions of the various enforcement agencies. Standardizing investigation provisions, however, may be explored further by this Unit.

Study on the Feasibility of Enacting a Specific Law on Contempt of Court

On 7 June 2010, the Crime, Finance and Infrastructure Unit received instructions from the Attorney General to carry out a study on the feasibility of enacting a specific law on contempt of court. Pursuant to that instruction, the Unit carried out a study on the nature and sufficiency of the current legal framework on contempt of court in Malaysia as well as a comparative study of the practices in Singapore, Australia and the United Kingdom.

The approved Terms of Reference (TOR) was also submitted to the Civil Division, Appellate and Trial Division, Research Division and Prosecution Division for their input and views. In follow-up to that, a meeting was held on 22 October 2010 with representatives from the Prosecution, Appellate and Trial, Research and Civil Divisions to discuss two main issues, namely contempt against persons in authority and contempt of court.

As a result of the research, analysis and comparative study carried out, LRRD proposed for an enhancement of the existing position by enacting a specific legislation for contempt

of court rather than relying on common law principles. This new specific legislation was also proposed to provide for contemptuous acts against persons in authority, for example the giving of false evidence/statements and disobedience to an order made by an authority was to be prescribed as an act of contempt. The proposed law, if enacted may also include identifying type of acts which amount to contempt and minimal punishment for the offence of contempt of court committed at the superior courts.

An Issue Paper presenting the findings of the studies and recommendations by LRRD was prepared and submitted to the then Solicitor General II for approval and further direction.

Reform of the Aboriginal Peoples Act 1954 [Act 134]

On 7 October 2009, the Department of Orang Asli Affairs (JHEOA) had invited LRRD to take part in a special task force and assist JHEOA in transforming the existing establishment into a Federal statutory body known as the Malaysian Aboriginal Development Corporation. For this, a draft bill to legislate the proposed entity which would replace JHEOA was drafted. The draft bill canvassed various aspects of aboriginal life e.g. finance, education, culture, tradition, land etc. This resulted in a major reform to the current Aboriginal Peoples Act 1954 [Act 134].

Representatives of LRRD attended a series of meetings and seminars that were held and provided the necessary input and comments. At the end of this process, LRRD provided a written legal opinion pertaining to the proposed reform of Act 134. The legal opinion was then submitted to the Advisory Division of AGC as the rightful Division to continue assisting JHEOA in meeting the objectives of the project.

Since the Legal Advisor of the Ministry of Rural and Regional Development Malaysia (KKLW) is the principal legal advisor in this area, the role of the representative for LRRD was to assist the Legal Advisor in the following:

1. Studying the identified issues highlighted in the proposed draft bill;
2. Identifying any necessary amendments to the proposed draft bill; and
3. Providing legal opinion on the identified issues.

Review of Unrevised Pre-1969 Laws

On 24 March 2009, LRRD initiated a review on the unrevised pre-1969 laws of Malaysia. The year 1969 was set as the cut-off date as the Commissioner for Law Revision is empowered under the Revision of Laws Act 1968 [Act 1] to revise all pre-1969 laws as soon as possible. Therefore, it is in the interest of the Commissioner to determine which of the unrevised pre-1969 laws are in need of revision. The objective of the review is to determine which of the pre-1969 laws should be revised, reform outright or maintained its status quo.

In view of the multitude of possible obsolete laws involved, the study was carried out in several phases. In the first phase, 48 pieces of legislation were targeted to be given priority. The object of this study was to identify the 'dead wood' in the Malaysian statute book with regard to unrevised pre-1969 laws.

For this purpose, LRRD had circulated a questionnaire to the respective Legal Advisors of the Ministries/Departments which may be the custodian or caretakers of the 48 listed laws to give feedback on the application of such laws, whether they are still relevant in light of current developments or suitable to be repealed due to obsolescence. The option to inform LRRD of any other unrevised pre-1969 laws under their purview for the same cause was also given in the said questionnaire.

During the examination of the various laws, focus was placed on laws that are irrelevant in the present day due to being superseded by subsequent legislation and/or overtaken by developments. A prime example was the laws relating to auction; as it appeared that the Auction Enactments/Ordinances were dispersed in the laws of various States. Through this review exercise, LRRD was able to identify the best options to reform those laws, either to consolidate all the statutes or to introduce a new legislation relating to the subject matter, thus harmonizing any inconsistency or contradictory aspects of the laws.

On 7 May 2010, LRRD produced its first legal opinion on the review. The review exercise identified 33 unrevised pre-1969 laws which should be repealed and 5 pre-1969 laws which had been impliedly repealed by new laws. The remaining 10 pre-1969 laws were recommended to be retained due to specific reasons as stated by the respective ministries.

In the second phase, a second legal opinion was prepared on 14 January 2011. The paper listed 20 pre-1969 laws which in turn were divided into 3 main categories, namely laws on auction (7 laws), finance (6 laws) and miscellaneous matters (7 laws). The outcome of the review was that 4 out of the 6 laws categorized under finance are recommended to be repealed, while only one is in need of revision and the remaining one to be retained for record purposes.

As for the laws on auction, it was realized that although auction is a matter listed as federal legislative matter under the Federal Constitution, the States continued to regulate on matters related to auction as they had inherited the pre-independence auction law as respective State Enactments/Ordinances. Instead of recommending revision of these State Enactments/Ordinances on auction, LRRD through the Governance, Land and Local Government Unit was instructed to proceed with a special research to consolidate State Enactments/Ordinances on auction with the possibility of enacting a federal legislation to govern auction and its related matters.

As for the laws categorized as miscellaneous, four (4) laws were recommended to be revised, two (2) laws to be repealed and one (1) law to be retained for record purposes. The third and fourth phases of this review are to be continued in 2012 for the remaining pre-1969 laws.

Centralized Asset Management Corporation Bill 2010

This is a project to identify and analyze practical legal issues with respect to the following legislation:

1. Mutual Assistance in Criminal Matters (MACMA) Act 2002 [Act 621];
2. Anti-Money Laundering and Anti-Terrorism Financing (AMLAFA) Act 2011 [Act 613]; and
3. Central Asset Management Corporation Bill 2010.

On 10 March 2010, LRRD received instructions from the Attorney General via the Commissioner to carry out a study on practical legal issues revolving around the operation of MACMA and AMLAFA in light of a new law proposing to establish a property management body to manage all properties seized and forfeited pursuant to the two aforesaid existing Acts. One specific issue identified was with regard to the admissibility of documentary evidence.

From LRRD's preliminary discussion with the Drafting Division and Prosecution Division, it was understood that the issue of admissibility of documentary evidence was never a concern nor posed any difficulties under AMLAFA. On the contrary, AMLAFA contains a very wide and extensive provision on admissibility of

documentary evidence i.e. section 71 of the Act.

Nevertheless, it was realized that the issue of admissibility of documentary evidence is more relevant to MACMA as arising in the case of *Tan Sri Eric Chia v. PP* [2006] 2 CLJ 544. The court decision in this case remains the precedent principle regarding the admissibility of foreign documentary evidence under MACMA albeit being a two to one majority decision in favor of the Prosecution. As the court decision was not unanimous, this would mean that the dissenting judgment can be used as a supporting argument to defeat any attempt by the Prosecution to tender foreign documentary evidence obtained under MACMA. LRRD believed that this was the issue that should be seriously tackled.

On 20 July 2010, LRRD produced an Issue Paper, whereby the findings and commentaries on the issues on this subject matter were set down. These findings were referred to as guidelines in the drafting of the Centralized Asset Management Corporation Bill 2010.

Research on Section 11 of the Revision of Laws Act 1968 [Act 1]

Following research conducted by LRRD in an Issue Paper entitled "Kajian Perbandingan Semakan Semula Akta Semakan Undang-Undang 1968", LRRD was requested to focus on the issue of whether it is appropriate to amend or delete section 11 of Act 1.

Section 11 generally empowers the Commissioner to –

1. identify and select any pre-1969 law which ought to be revised; and
2. prepare a complete list of Malaysian Law Series as soon as possible,

It was suggested that a comparative study on the practice of law revision agencies

regarding obsolete laws in other countries should be conducted. As a result of this, LRRD had produced a legal opinion which laid down four (4) recommendations with regard to section 11 of Act 1 as follows:

1. To retain section 11 of Act 1 without any amendment;
2. To employ a comprehensive methodology in reviewing all pre-1969 laws;
3. To ensure that compilation efforts of pre-1969 laws is done comprehensively; and
4. To formulate a strategic planning on how the Commissioner is to enforce section 11 of Act 1.

Social and Civil

Amendment to Arbitration Act

Several major shortcomings and lacunae were realized when the Arbitration Act 2005 (Act 646) came into force on 15 March 2006 to replace the old Arbitration Act 1952. The flaws necessitated amendments to Act 646. Work on drafting the amendments to Act 646 has been ongoing since 2006. Among the main issues that arose were –

1. In the context of stay of court proceedings: whether a Malaysian court can stay a court action if the place/seat of arbitration is outside Malaysia?;
2. enforcement of international awards made in Malaysia: could an international award made in Malaysia be enforceable under the new Act?;
3. whether a Malaysian Court could grant interim measures if the seat of arbitration is outside Malaysia?; and
4. the effect of the Court of Appeal's decision in the Sri Lanka Cricket v. World Sport Nimbus Pte. Ltd (2006) 2 CLJ 316 (also known as "the Cricket Case") on past and on-going arbitration cases.

After a series of consultations with interested stakeholders such as the Bar Council, the Kuala Lumpur Regional Centre for Arbitration (KLRC), the Chartered Institute of Arbitrators (CIArb), Malaysian Institute of Arbitrators (MIA) and other Divisions of AGC, a final draft Arbitration (Amendment) Bill was finalized and submitted to the Drafting Division for approval.

Upon the Cabinet's approval, the Arbitration (Amendment) Act 2011 [Act A1395] was tabled for first reading before the House of Representatives on 14 December 2010 and was later passed on 7 April 2011. On 28 April 2011, Act A1395 was passed by the two Senates and gazetted on 2 June 2011 after it received the Royal Assent on 23 May 2011. The amendments came into operation on 1 July 2011.

Law on Mediation

Work on drafting a law on Mediation has been ongoing since 2007. Due to diverging views on the ultimate scope of the laws, a draft Bill did not materialize until LRRD met with representatives of the Registrar General Office of the Federal Court and the Bar Council for the last time on 9 August 2010 to finalize the draft Mediation Bill. The final draft Mediation Bill was updated based on the outcomes of the meeting. The draft Bill was submitted to the Drafting Division for approval at the end of 2011. Later, the Attorney General's endorsement was sought before handing over the draft Bill for further action by the Legal Affairs Division of the Prime Minister's Department. The tabling of the Mediation Bill was targeted to be at the First Meeting of the Fifth Session of Twelfth Parliament 2012.

Review of the Limitation Act 1953 [Act 254]

The review of the Limitation Act 1953 [Act 254] was triggered following the decision in the case of *Pirelli General Cable Works Ltd. v Oscar Faber & Partners (a Firm)* [1993] 1 All ER 65. The House of Lords held that the cause of action in negligence cases accrued on the date the damage came into existence and not when the damage was discovered. The decision has an impact on the limitation period for cases involving latent defects. Despite the decision, not all commonwealth jurisdictions have reacted by amending their limitation period.

The Attorney General then instructed the LRRD to review Act 254 and to make the necessary recommendations and amendments. Acting upon the Attorney General's instructions, an Issue Paper was prepared by LRRD containing its findings on the issues and areas of reform specifically to section 6 of Act 254.

The main issues for consideration are the extension of limitation period in respect of latent personal injuries and latent damage, and the provision of an overriding time limit provision to ensure that liability in such cases are not perpetual upon potential defendants.

In April 2010, LRRD first sought direction on work already done from the then Solicitor General II. LRRD was instructed to make further improvements to the draft Bill. Subsequently, LRRD had worked on further improvements to the working draft and circulated it for further comments by interested stakeholders.

In March 2011, LRRD sought further directions from the SG on the proposed amendments to Act 254. LRRD was instructed to further improve the draft Bill. LRRD is conscious of the length of time taken to complete the review. Nevertheless, in view of the diverging views and positions taken by various different stakeholders as well as concerns and reservations by the members of the Ad Hoc Committee, much time was needed to explore, analyse and study the possible alternatives to the problems that arise. The Unit is continuing with the review with the hope of providing balanced and better alternatives to cater for the needs of all interested parties.

Review on the need to legislate a specific law for senior citizen

The management of an ageing society has been identified as one of the greatest challenges in the coming decades. Older persons or senior citizens are defined by United Nations (UN) through the World Assembly on Ageing in 1982 as those who are 60 years and above. Malaysia adopted a definition of senior citizens which is similar to that of the UN which is 60 years and above. The population of senior citizens has increased progressively in Malaysia. This is as a result of increased life expectancy of the population and decreasing fertility. The increase necessitates a greater financial burden on the Government to provide

better care for senior citizens. Hence, LRRD initiated a study to look into whether there is a need to legislate on a specific law to protect the interests and welfare of senior citizens.

The PIP was prepared in 2010. Nevertheless, LRRD was of the opinion that further input from stakeholders and the public was needed. Consequently, a seminar on "Challenges Faced by the Ageing Society in Malaysia" was conducted on 26 October 2010. Further study on the matter is currently being continued by the Unit.

Review on medical and healthcare issues relating to migrant workers in Malaysia

Due to the alarming influx of illegal foreign workers in Malaysia, this trend is causing indirectly an increase in the national medical and healthcare costs. This has directly impacted on the Government's overall annual operating budget. LRRD undertook a study in 2010 on the issue of whether foreign workers should be entitled to heavily subsidised medical and healthcare benefits like the rest of Malaysians or they should be made to pay higher medical or health care costs. This Project was initiated in September 2009 and first draft of the PIP was prepared in June 2010. Up until the end of 2010, LRRD was still undergoing further research regarding the matter.

Review on bereavement under the Civil Law Act [Act 685]

Research was conducted in 2010 to study whether the amount of bereavement currently provided under the Civil Law Act is adequate. A draft PIP was produced as a consequence. However after reviewing the issues raised by the public on the limitation of the provisions in the Civil Law Act, the Unit decided to undertake a more comprehensive review of the provisions of the Civil Law Act. At the end of 2011, the Unit restructured its work programme on this matter and decided to focus on two phases of study. This restructuring is important to enable the Unit to outline its work for 2012 onwards as part of LRRD's Strategic Planning for 2012-2016. The review is to be focused mainly on the principles of assessment of and awarding damages in personal injury and fatal accidents cases. The study would determine:

1. if there is a need to amend the provisions in Act 67 relating to the statutory limitation imposed by Act 67 on the damages claimable by the Plaintiff in a personal injury action and the damages claimable by the dependants of the deceased in a fatal accident claim; and
2. the methods used in assessing damages for personal injury and fatal accidents.

Review of the Persons with Disabilities Act 2008 [Act 685]

In 2010, LRRD undertook a study on the Persons with Disabilities Act 2008 [Act 685] which came into force on 7 July 2008. The study was prompted when many negative comments were made by various non-governmental organisations (NGOs) in the media on purported gaps in Act 685. It was alleged that these omissions or gaps had substantially affected the rights/wellbeing of the persons with disabilities (PWDs) in Malaysia. For purpose of the study, a TOR was drawn up in October 2009. The main objective of the study was to consider whether the purported claims of omission or gaps in the Act were valid. In the event that such omission or gaps do exist, the Unit was to look into how those issues can be addressed and overcome. The necessary recommendations will be made, if any, to improve the Act.

However, after a preliminary study of the matters in issue, it was realized that no major review of Act 685 was necessary. In consequences thereof, it was decided that instead of an Issue Paper, a legal opinion will suffice, following which a legal opinion was prepared in November 2008 to address and explain, if any, the misconception of the purported omissions or gaps in Act 685. programme on this matter and decided to focus on two phases of study. This restructuring is important to enable the Unit to outline its work for 2012 onwards as part of LRRD's Strategic Planning for 2012-2016. The review is to be focused mainly on the principles of assessment of and awarding damages in personal injury and fatal accidents cases. The study would determine:

1. If there is a need to amend the provisions in Act 67 relating to the statutory limitation imposed by Act 67 on the damages claimable by the Plaintiff in a personal injury action and the damages claimable by the dependants of the deceased in a fatal accident claim; and
2. The methods used in assessing damages for personal injury and fatal accidents.

Special Project : Review Of five Criminal legislation

The NKRA's were introduced by the Honourable Prime Minister in 2009, to create a conducive socio-economic environment to enable Malaysia to attain a developed nation status and high-income economy with inclusive and sustainable development. In support of the continuous success of the NKRA's, the Attorney General's Chambers constantly seeks to improve laws in order to facilitate the successful implementation of initiatives under the NKRA's and ensure that all laws are current and in line with the changing needs of society.

Therefore in line with the first and second NKRA which the Attorney General's Chambers is directly linked to, in 2011 LRRD was instructed to embark on a special project to translate, revise, reprint and reform several identified legislation which are directly related to efforts to reduce crime and combat corruption. The aforementioned legislation are the Criminal Procedure Code [Act 593], Penal Code [Act 574], Evidence Act 1950 [Act 56], Minor Offences Act 1955 [Act 336] and Corrosive and Explosive Substances and Offensive Weapons Act 1958 [Act 357].

All five Acts were revised and reprinted in accordance with the Commissioner's powers of revision and reprint under Act 1. In proposing for reform, feedback from State Legal Advisers, State Heads of Prosecution and relevant enforcement agencies and stakeholders were sought, besides conducting research into similar laws of other jurisdictions, namely the United Kingdom, Singapore and India. With regard to translation however, since both the Evidence Act 1950 [Act 56] and Minor Offences Act 1955

[Act 336] have previously been translated, the translation exercise concentrated on updating the translated texts of the Evidence Act 1950 [Act 56] and Minor Offences Act 1955 [Act 336] to be in line with the current translation style and terminology. The Criminal Procedure Code [Act 593], Penal Code [Act 574] and Corrosive and Explosive Substances and Offensive Weapons Act 1958 [Act 357] on the other hand, underwent a full translation exercise as these legislation have yet to be translated despite being in force for decades.

Due to the enormity of the task at hand, the entire LRRD devoted their time and effort throughout 2011 to concentrate on this special project. Their hard work culminated in matrices detailing out the work carried out as well as a report summarizing the work done. The matrices and report have been finalized by incorporating suggestions put forth by the stakeholders and enforcement agencies as well as issues raised during discussion.

Online Database Systems

Recognizing the increasing use of information technology as a multidimensional tool and with the aim to ensure that information is readily available at one's fingertips, LRRD has taken a step forward to develop three online database systems to assist AGC officers in performing their work efficiently and effectively. These online systems are the Federal Constitution Online, Criminal Procedure Code Online and the Database of Extension and Modification Orders.

Federal Constitution Online

The Federal Constitution Online (FC Online) system was developed in 2007 with the objective of facilitating the legal work of AGC officers with a user-friendly application to get access to the provisions of the Federal Constitution, notes, amendments, cases and Parliamentary debates in a single window. With the concept of "One Click, One Window", the search process will be speedier. Beginning from end of 2010 and stretching until 2011, a dedicated

Project Team comprising of legal officers and legal assistants was set up to improve the online system by introducing enhancement such as providing the Constitution in both the national and English language, incorporating the latest amendments and its explanatory statements, recent cases and relevant literatures. LRRD aims to promote the best value-added benefits for its users relating to constitutional matters, thus assisting them in the prompt and efficient delivery of work.

Criminal Procedure Code Online

With the objective of providing a one stop information site on Criminal Procedure Code, the Criminal Procedure Code Online (CPC Online) was developed in November 2010 to gather all information relating to the Code, specifically its amending Acts and Hansard in a single database system for ease of reference.

The CPC Online also provides recent cases and relevant literature obtained from law journals and legal resources. The uploading process is still in progress as it requires comprehensive efforts to compile all related information and it is anticipated to be ready for in-house access and usage in the year 2012.

Extension Online Database

The Extension Online Database was an idea inspired by the then Commissioner in 2010. The then Commissioner was of the view that there was a need to upload all the extension and modification orders made since 1963 into a proper database system for future reference. Thus the Unit had worked closely with the Information Technology Section in

developing a website to ensure that all relevant information and data regarding extension and modification orders were uploaded into the system. This database would enable officers to access the latest updated orders since this database will be linked to the E-gazette website developed by the Drafting Division. This database however is still under construction

Achievements

Upgrading of MS ISO 9000: 2001 certification to MS ISO 9000: 2008

LRRD was presented with the MS ISO 9001:2000 certification on 22 November 2005 in conjunction with the Attorney General's Chambers' Integrity Day. LRRD is the second division in the Attorney General's Chambers to achieve the Certification for MS ISO 9001:2000.

Adhering to the vision of developing and enhancing an efficient working system and as advised by Certification International Malaysia Sdn. Bhd. (CI), LRRD had put in continuous effort to upgrade the MS ISO 9001:2000 certification to MS ISO 9000: 2008. The upgrading work was carried out by LRRD's ISO team and the MS ISO 9001:2008 documentation came into force on 1 November 2009.

On 22 June 2010, LRRD was awarded with the Certificate of Registration for MS ISO 9001:2008 certification after a surveillance audit. After the enforcement of the new certification, a second surveillance audit was held on 5 May 2010 by CI to ensure that the requirements for the new certification were properly implemented by LRRD. In 2011, the third surveillance audit was conducted on 25 and 26 May 2011 with the purpose of renewing the MS ISO 9001:2008 certification. The surveillance audit was successful and the certification of MS ISO 9001:2008 for LRRD was renewed until 3 August 2014.

In order to ensure that all quality procedures and processes determined under the MS ISO 9001:2008 were complied with, LRRD continuously carried out scheduled internal audits. In 2010, internal audits were held on 27 - 29 April 2010, 23 - 24 November 2010 and 22 December 2010 while in 2011, internal audits were held on 26 April 2011 and 27 September 2011 and 31 October 2011.

5S Competition: Excellent Office

Adapted from the Japanese organization method, 5S refers to sort, set in order, shine, standardize and sustain which are 5 methods used to organize a work space for increased efficiency and effectiveness. In line with 5S being a category assessed under the Star Rating System, a 5S Practice Committee has been established with the objective of supervising and monitoring the implementation of 5S in LRRD. Throughout the years 2010 to 2011, LRRD had managed to consistently score top marks in assessments and is proud of the full commitment, dedication and hard work of all LRRD members in maintaining this excellent performance, which we believe encourages a healthy working environment.

Conference

Heedful of the Government's call for all Government departments to minimize expenditures and maximize output, all LRRD's meetings were conducted in-house. We only ventured far

Conference at Awana Genting Highland



relationship among LRRD's members. There was also a good mixture of outdoor and indoor activities carried out during the conference.



Dialog Session at Awana Genting Highland

from home in 2011, when the officers and staff participated in LRDD's first conference at the Awana Genting Highlands Golf and Country Resort, Pahang from 10 to 12 March 2011. Also invited to participate were Legal Advisers from States, representatives from Legal Affairs Division (BHEUU) and the Companies Commission of Malaysia (CCM). The conference aimed to promote leadership and strengthen relationship among the participants for the betterment of the organization.



Team Building Awana Genting Highland

At the end of 2011, LRRD once again organized a four-day Conference from 23 to 26 November 2011 at the renowned

During this conference, LRRD took the opportunity to have an informal discussion with State legal officers and legal assistants to discuss matters and problems encountered in carrying out their work. Financial planning and management was chosen as the Conference's theme for the purpose of exposing the LRRD's members to the AGC's practice on proper utilization of Government funds. In conjunction with the Conference's theme, a talk on the importance of financial management in life and organization was delivered by a representative from the Credit Counseling and Debt Management Agency (AKPK). Apart from that, a team building programme was arranged to promote teamwork and develop a closer working

island of Penang, commonly known as "The Pearl of the Orient". The Conference mainly centered on the structuring of LRRD's 5 year strategic plan for the years 2012 - 2016. The plan is to strategize the ways in which LRRD should carry out its administrative and core functions efficiently and effectively to achieve maximum delivery of LRRD's desired output and outcome.

Serious business aside, participants also tested their adventurous spirit and endurance skills with jungle-trekking at the Teluk Bahang National Park. The jungle trekking trail led to a meromictic lake, a natural phenomenon found only in Penang and Australia. Meromictic is a condition whereby two layers of liquids of different densities, in this case, the salty seawater

and fresh clear water from rain and five small rivers, remain separated. The participants also visited the Turtle Conservation Centre. The tiring hike ended with a fascinating boat ride back to the jetty.

The LRRD Conference Programme also included a Legal and Career Clinic conducted by the LRRD's Conference participants at the Teluk Bahang Fishing Village as a way of repayment back to society by their service. Representatives from the State Legal Aid Bureau and Insolvency Department were also invited to participate to add another dimension to the programme. two layers of liquids of different densities, in this case, the salty sea water and fresh clear water from rain and five small rivers, remain separated. The participants also visited the Turtle Conservation Centre. The tiring hike ended with a fascinating boat ride back to the jetty.

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Jungle-trekking at Teluk Bahang National Park



Strategic Planning Presentation, Conference at Holiday Inn Batu Feringgi



Legal and Career Clinic at Teluk Bahang Fishing Village



Photography Session

Training

The highlights of the year 2010 and 2011 are numerous income-generating courses conducted by LRRD, namely:

1. Bengkel: Why ISO?;
2. Bengkel Pengemaskinian Undang-Undang;
3. Kursus Teori dan Teknik Terjemahan;
4. Seminar on Challenges Faced by the Ageing Society in Malaysia: The Legal Perspective;
5. Kursus Kefahaman dan Penguatkuasaan Akta Perlindungan Pemberi Maklumat 2010 [Akta 711]
6. Kursus Pengemaskinian Undang-Undang melalui Cetakan Semula dan Semakan di bawah Akta Penyemakan Undang-Undang 1968/ Enakmen Penyemakan Undang-Undang Negeri

LRRD also believes in equipping its officers with in-house courses tailored for LRRD's members in particular, besides offering officers from other Divisions a chance to enhance their knowledge outside their core competencies. The list of courses conducted throughout the years of 2010 and 2011 in furtherance of this purpose are as follows:

1. Kursus Penulisan Kertas Projek;
2. Bengkel MS ISO 9001:2008;
3. Seminar on Motivating for Effectiveness;
4. Course on Legislative Drafting for Law Revision and Law Reform;
5. Kursus Diploma Penterjemahan Profesional- Sesi Khas (Modul Undang-Undang);
6. Talk on "Changing the Law: Successful Reform" by Micheal Sayers
7. Kursus Pengurusan Fail dan Rekod; and
8. Visit to Parliament.



WHISTLEBLOWER COURSE



SEMINAR ON AGEING SOCIETY

The Commissioner YBhg. Dato' Ilani bt Mohamad Ibrahim, the Deputy Commissioner for Law Reform Puan Lee Lay Choo and the Extension Unit's Unit Head, Puan Norhayati Ahmad attended the Commonwealth Law Reform Agencies (CALRAs) Conference from 4 to 5 February 2011 and the Commonwealth Law Conference (CLC) from 5 to 9 February 2011 in Hyderabad, India. Tailored for Law Reform Agencies worldwide, CALRAs has the aim to share and exchange information about successful ways of law reform among the representatives from Commonwealth countries.

To capitalize on the introduction and implementation of the Whistleblower Protection Act 2010, in which LRRD played a pivotal role in its coming into being, a course was organized by LRRD to provide both the public and private sectors with a better

understanding on the implementation and enforcement of this Act. This course proved to be a much awaited event, as the participants who attended ranged from various organizations including the academic fraternity.

Not neglecting the older generation who played a role in the development of this nation, a Seminar entitled "the Challenges Faced by the Ageing Society in Malaysia: The Legal Perspective" was organized on the rights and needs of ageing society. Prominent speakers from the academic fraternity and National Council of Senior Citizens Malaysia (NACSCOM) were invited for a panel discussion where recommendations were put up by speakers and participants to improve the current laws and policies on the ageing society. Due to the success of this Seminar, plans for a second seminar is in the pipeline.

Interesting facts About This Division

This is the only Division in the Attorney General's Chambers with five main different core functions striving for one vision: that is to ensure Malaysian law is up to date, accurate and in tandem with current needs.

The majority of LRRD officers and legal assistants are certified translators as they hold Diplomas in Translation accredited by Institut Terjemahan dan Buku Negara (ITBM).

CIVIL DIVISION



UNITS IN CIVIL DIVISION

1. Government Contracts and Medical Negligence Unit;
2. Tort and Statutory Duties Unit;
3. Arbitration and Alternative Dispute Resolution Unit;
4. Execution and Enforcement Unit; and
5. Constitutional and Administrative Law Unit

In 2010 and 2011, the number of Civil Division is diversifying into new areas cases handled by the Civil Division of practice and adopted new system of has increased tremendously. As we management.

are heading towards globalisation and transformation, the cases brought before the Court are more challenging in nature with the emergence of new areas and issues of laws. Thus, in order to face the challenges of globalisation and transformation, the

It is the mission of the Civil Division to ensure all civil action taken by or against the Government of Malaysia are handled with utmost honesty, diligence, precision and the laws of Malaysia in order to uphold

The Government Contracts and Medical Negligence Unit was established in 2001 specializing in the conduct of cases involving laws of contracts and medical negligence. The Unit is led by one Head Unit and comprises of five Senior Federal Counsels, seven Federal Counsels and two Legal Assistants.

The scopes of work of the Unit are as follows:

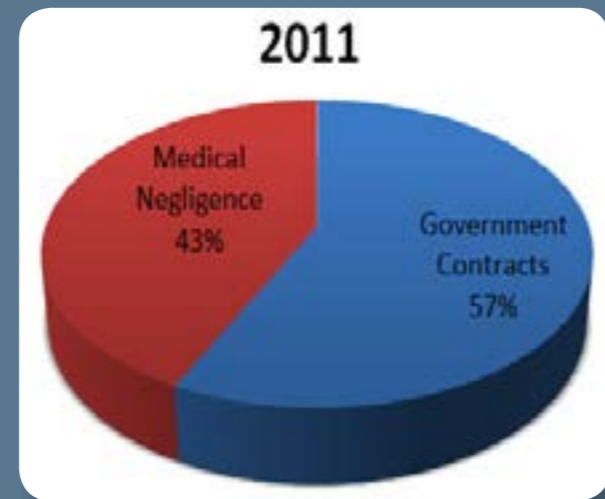
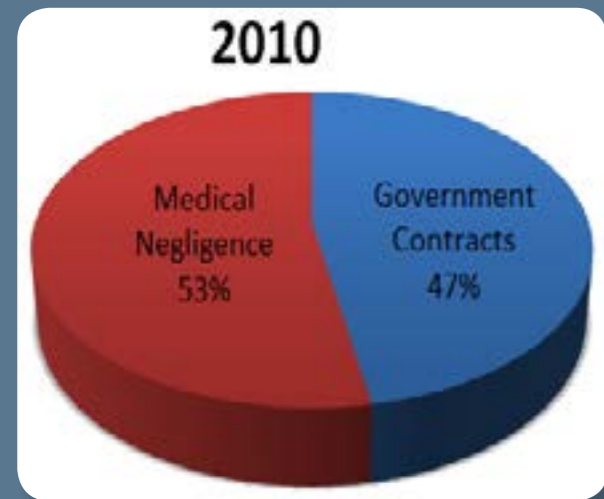
- (a) To defend Government of Malaysia in:
 - Government contract cases
 - Medical negligence cases
- (b) To initiate civil proceeding on behalf of the Government of Malaysia in cases such as:
 - Government Quarters
 - Excess payment of allowances
 - Government contract
- (c) To process applications for appointments or re-appointment as Notary Public pursuant to the Notaries Public Act 1959 [Act 115].
- (d) To cooperate with the Medical Practice Division of the Ministry of Health Malaysia for the determination of ex-gratia settlements.

PUBLIC INTEREST CASES

By nature of the Unit, there are no public interest cases handled by the Unit as all the cases handled do not involve public figures and are not reported or covered at large by the media.

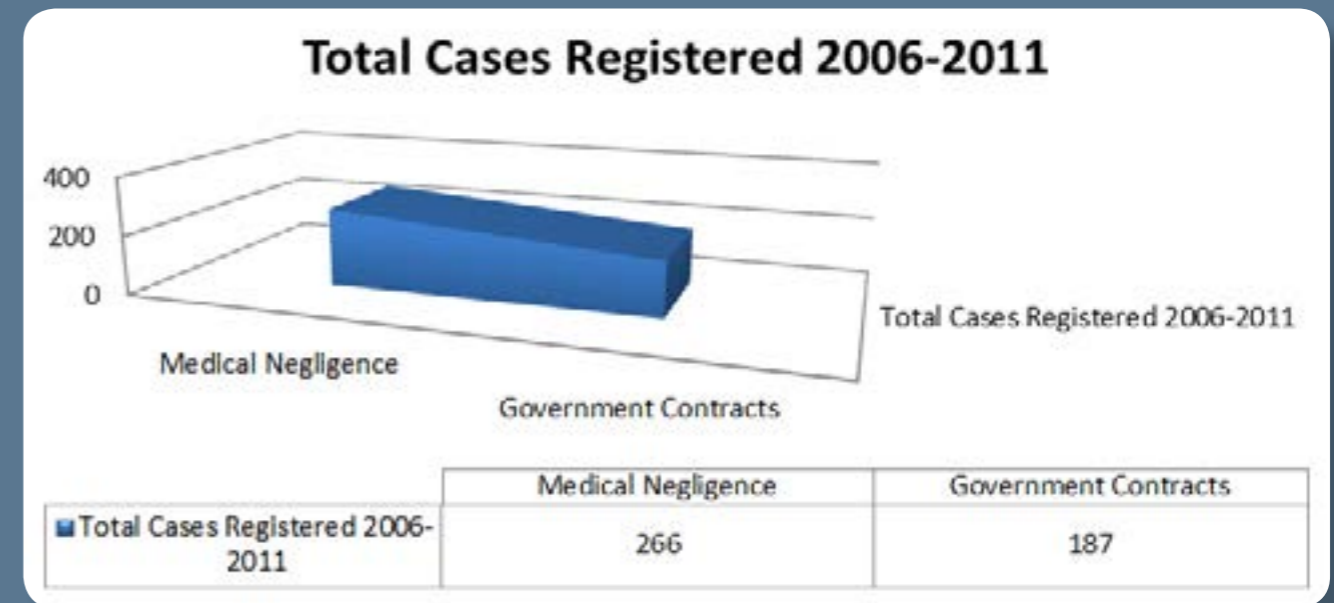
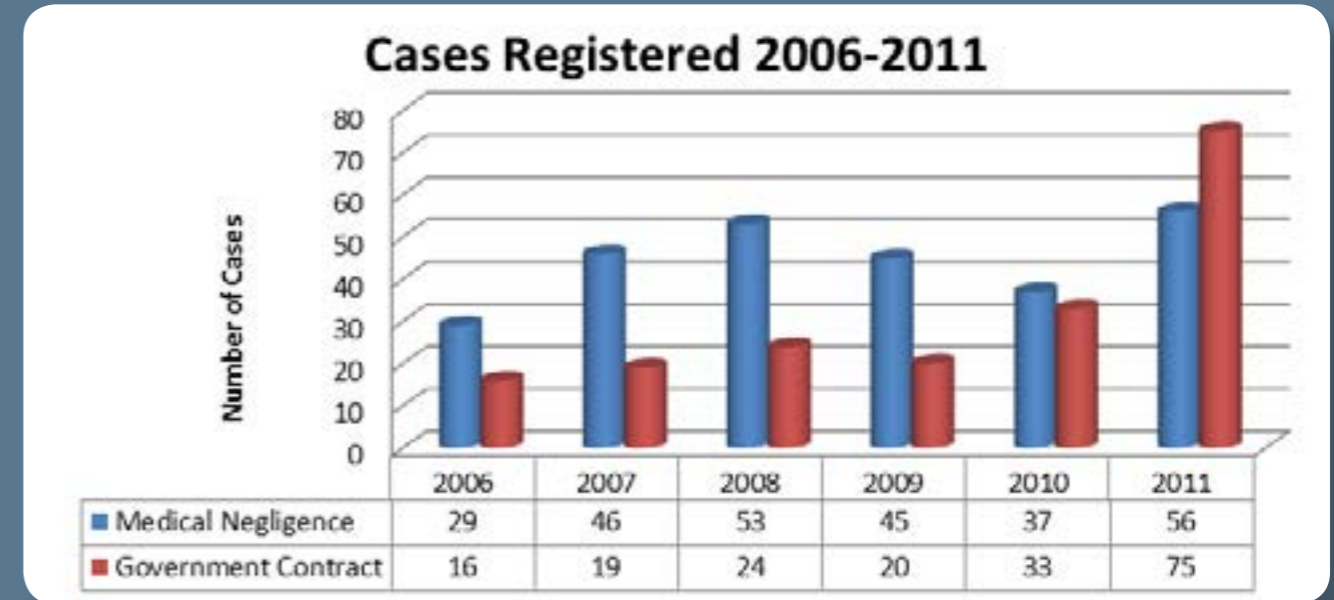
TYPES OF CASES

The following charts reflect the types of cases conducted by the Unit:



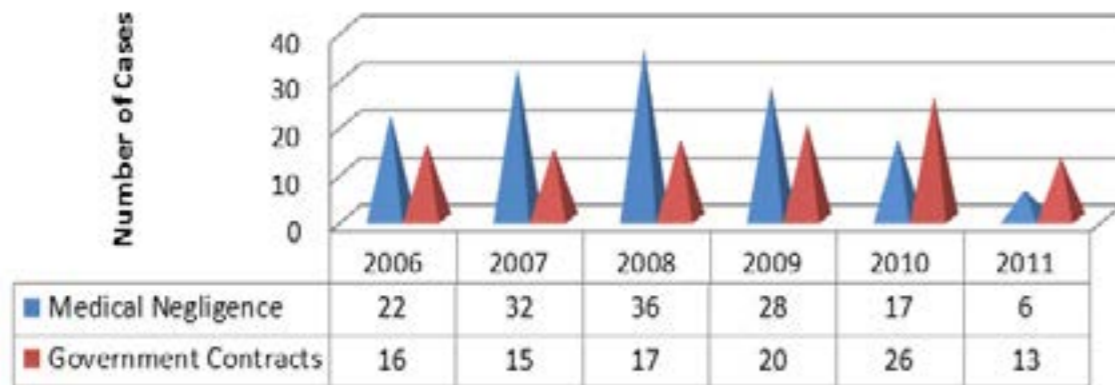
CASE STATISTICS

The charts below show the number of cases registered in the Unit from the year 2006 to 2011:

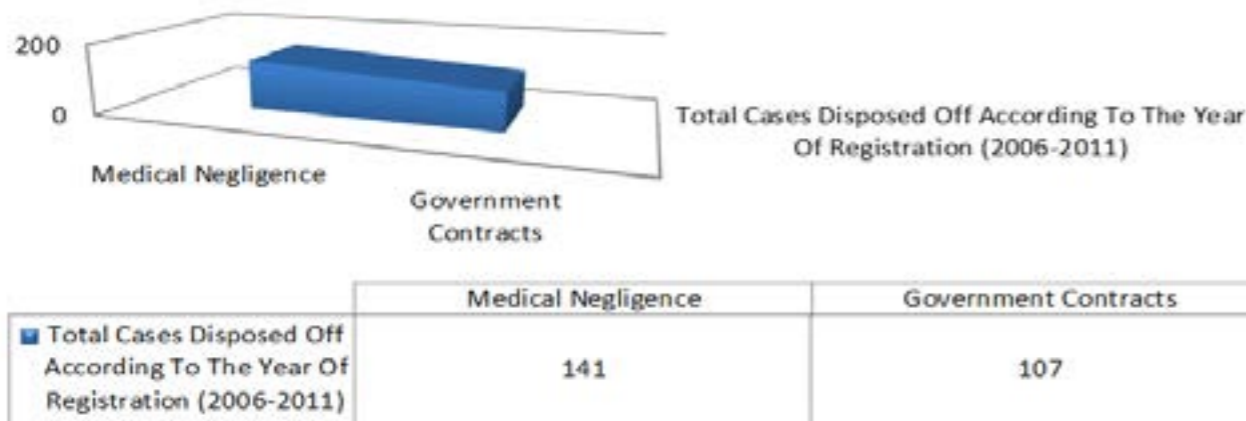


The following charts signify the number of cases disposed off by the Unit according to the year of registration from 2006-2011:

Cases Disposed Off According To The Year Of Registration



Total Cases Disposed Off According To The Year of Registration



The Tort and Statutory Duties Unit conducts tortious claims for and on behalf of the Government Malaysia. All tortious claims apart from medical negligence are handled by this Unit. The Unit ensures all tortious claims taken by or against the Government of Malaysia being handled with utmost honesty, diligence, precision and efficiency according to the Federal Constitution and the laws of Malaysia to uphold the justice. The Unit also represents the Attorney General in matters of public interest cases.

SCOPE OF WORK

The Unit comprises on 21 officers and staff defending the Government over 500 cases annually. Cases can span a wide range of issues including complex questions of governmental and qualified immunity, claims in relation to the exercise or refusal to exercise duties imposed by statute, negligence cases such as running down action, nuisance, defamation, trespass to persons and other personal injury claims against public authorities and public officers.

PERFORMANCE - Among the cases handled by the Units in 2010 and 2011 were as follow;-

COURT OF APPEAL

(CIVIL APPEAL NO: (W)-01-(IM)-459-TAHUN 2010)

- TAN SRI NORIAN MAI
- KERAJAAN MALAYSIA

... APPELANTS

-V-

SUZANA BINTI MD ARIS

...RESPONDENT

Summary: The plaintiff's husband (the victim) collapsed and died, after vomiting blood, whilst under police custody. The plaintiff sued the defendants in negligence. The High Court judge found that in all probability, the victim had died of massive pleural effusion secondary to bronchopneumonia. The judge also found that the police were negligent in failing to take reasonable care of the victim whilst he was in their custody.

The defendants then appeal to the Court of Appeal which overruled the High Court's decision on Oct 20, 2009 which found Norian and the government

negligent for failure to take reasonable care of Mohd Anuar while he was under detention at the Rawang police station lock-up for suspected drug addiction.

The judge instead said Suzana failed to show to the court how the police had acted negligently, adding that in fact police had sent Mohd Anuar for treatment at the Pusat Kesihatan Rawang twice after he vomited blood on the first occasion and complained of stomach ache on the second occasion.

On the High Court's ruling that it was not enough to just bring Mohd Anuar to see a hospital assistant for treatment, considering the seriousness of his illness, it was not for the police to decide on the appropriate medical treatment to be given since they did not have the expertise of a medical practitioner. The cause of action by Suzana in her claim was not based on negligence but on battery and assault, adding that there was no proof to her claim that her husband was assaulted or improperly handled by police.

of action by Suzana in her claim was not based on negligence but on battery and assault, adding that there was no proof to her claim that her husband was assaulted or improperly handled by police.

The panel allowed the appeals by Norian and the government to set aside the High Court's decision in holding them liable for Mohd Anuar's death and ordering them to pay RM1.4 million in damages to Suzana. The panel dismissed Suzana's appeal on the quantum of the RM1.4 million. The panel also said the deceased had severe lung infection for at least two or three months before he was detained, adding that that evidence contradicted Suzana's claim that he was in good health prior to his detention.

Court of Appeal
(Civil Appeal No: W-01-122-2007)
BORHAN HJ DAUD & ORS

APPELLANTS

-V-

ABDUL MALEK HUSSIN

RESPONDENT

Summary: A group of Special Branch officers led by the 1st appellant, a police officer, had arrested the respondent under s. 73(1) of the Internal Security Act 1960 ("the ISA"). The respondent was blindfolded and taken to the police headquarters ("IPK"). The respondent remained in police custody for 57 days thereafter. The respondent's case was his arrest and detention for 57 days was unlawful and that he was assaulted and tortured while he was in police custody. At the High Court, The learned judge made the following findings: (i) the arrest and detention of the respondent was unlawful; (ii) the respondent had proved on the balance of the probabilities that he was assaulted in the manner he described; and (iii) the respondent was unlawfully denied of his constitutional rights to see a lawyer. The High Court granted the respondent general, aggravated, and exemplary damages for unlawful arrest and detention, assault and ill-treatment as well as for oppressive, arbitrary and

unconstitutional action. The

Appellants appealed.

The Court of Appeal held that;

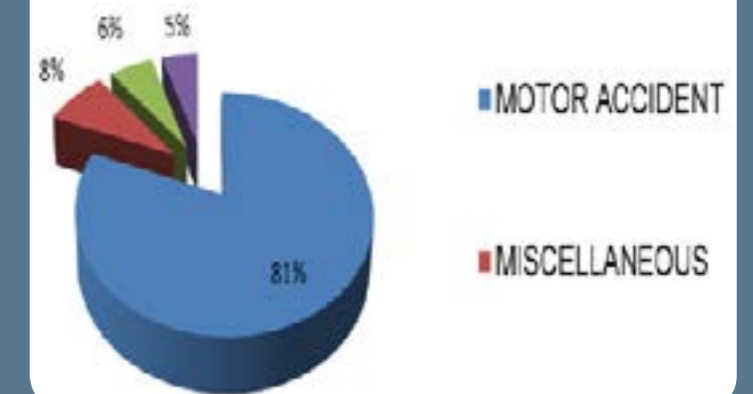
1. the arrest of the respondent was made under the ISA. It is a special law which is valid even though it contains provisions inconsistent with the provisions on fundamental liberties under the Constitution. An arrest and subsequent detention under the ISA does not require the detaining authority to disclose material evidence and sufficient particulars as to the reasons for his arrest and further detention. Even in ordinary law, it is not a requirement for the arresting authority to state the offence or charge in technical and precise language. Thus, the question of mala fide has not been substantiated.
2. the findings of fact by the learned High Court Judge that respondent had been assaulted or tortured is not supported by evidence. The findings were reverse and cannot be upheld. As liability is not established against the appellants, there is no question of awarding damages, be it exemplary, aggravated or otherwise which the respondent sought in the statement of claim.
3. Further on the issue of denial of counsel, the panel held that a violation of Art. 5(3) i.e. right to access to counsel does not make the arrest and detention mala fide.

The High Court decisions were set aside and the appellants' appeal was allowed with cost to be paid by the respondent. The respondent's leave to the Federal Court was dismissed and the Court of Appeal decision was affirmed.

NUMBER OF CASES HANDLED BY THE TORT AND STATUTORY DUTIES UNIT IN 2010-

NO	TYPE OF CASES	AMOUNT	PERCENTAGE (%)
1.	Motor Accident	528	81
2.	Road Transport Department	38	6
3.	Cases concerning the police	32	5
4.	Miscellaneous	54	8

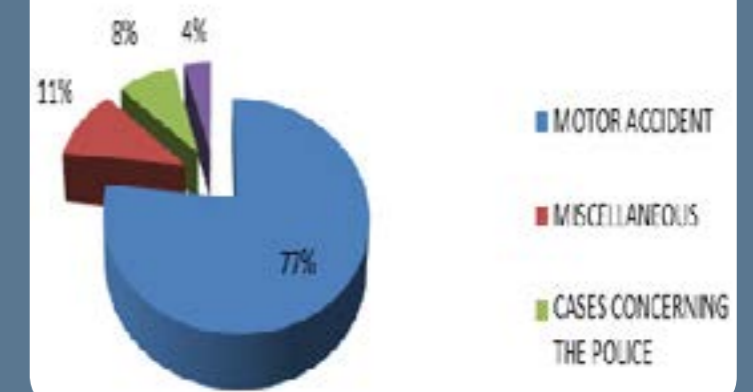
NUMBER OF CASES HANDLED BY THE TORT AND STATUTORY DUTIES UNIT IN 2010



NUMBER OF CASES HANDLED BY THE TORT AND STATUTORY DUTIES UNIT IN 2010-

NO	TYPE OF CASES	AMOUNT	PERCENTAGE (%)
1.	Motor Accident	350	77
2.	Road Transport Department	18	4
3.	Cases concerning the police	39	8
4.	Miscellaneous	49	11

TYPE OF CASES HANDLED BY THE TORT AND STATUTORY DUTIES UNIT IN 2011



This Arbitration and Disputes Resolution Unit is given the responsibility to handle cases through the process of arbitration as one of the methods to resolve disputes and contract as well as other alternative processes to resolve disputes and conflict, also known ADR. Generally, matters that are referred to this Unit relate to disputes or conflicts that arise out of Government contract/agreements that contains an Arbitration Clause. Most of the claims handled in this Unit relate to construction contracts involving substantial amounts which a party seeks to be awarded by the arbitrator.

Matters that are referred to arbitration among other things are construction contract disputes, supply and services contracts.

SCOPE OF WORK

- Giving legal advice to local authorities, engineers and quantity surveyors in Government departments; legal advisors at various Ministers, States, and Government bodies regarding arbitration;
- Bringing claims on behalf of the Government in arbitration cases; and
- Defending the Government in arbitration case.

TYPES OF CASES HANDLES IN YEAR 2010 AND 2011, as shown below-

Type of cases	Number of Cases	Percentage (%)
Constructions	7	78
Services	2	22

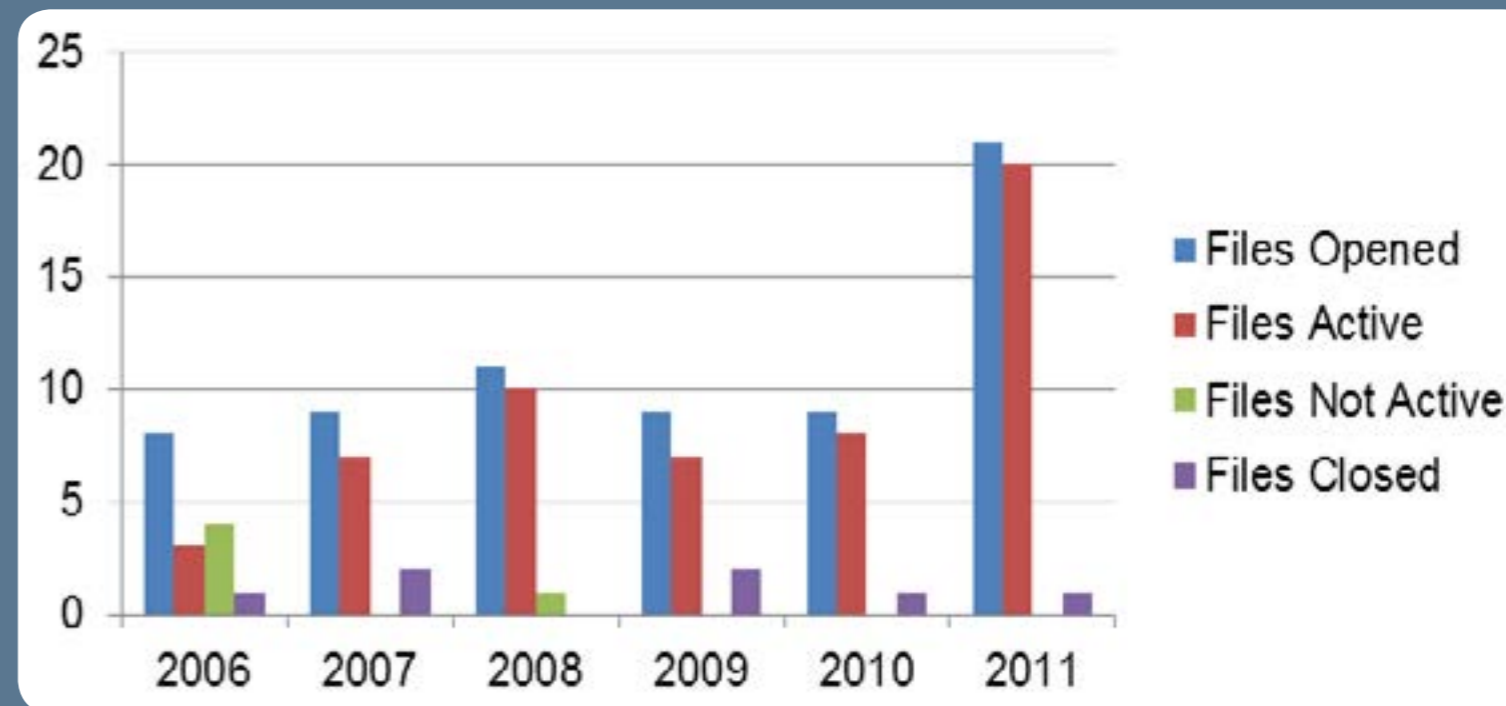
2010

Type of cases	Number of Cases	Percentage (%)
Constructions	17	81
Services	4	19

2011

CASE STATISTICS FROM YEAR 2006 UNTIL 2011-

Year	Files Opened	Files Active	Files Not Active	Files Closed as at 2011
2006	8	3	4	1
2007	9	7	-	2
2008	11	10	1	-
2009	9	7	-	2
2010	9	8	1	1
2011	21	20	-	1



The Execution & Enforcement Unit was established in July 2003. The primary objective of this Unit is to collect any cost awarded by courts and to execute any orders awarded to the Malaysia Government/ Departments. This Unit will take over all files from the Legal Unit at the Ministries, the Civil Unit at the Federal Territory Branch and the Civil Unit at the states, where costs are granted to or against the Government and cases where costs are to be taxed by the courts. It is the task of this Unit to trace and enforce judgment obtained against government scholars.

The functions of this Unit are mainly-

- To efficiently collect cost awarded by the court to the government of Malaysia; and
- To undertake civil actions against judgment debtor who fail to obey judgments obtained by the Malaysian government as the judgment creditor.

VOLUME OF FILES HANDLED FROM 2010-2011

No	Files	Amount
1.	Outstanding cases from 2010-2011	2103
2.	Files opened from 2010-2011	895
3.	Files closed from 2010-2011	120

No.	Files	Amount
1.	Files opened in 2010	344
2.	Files closed in 2010	71

No.	Files	Amount
1.	Files opened in 2011	551
2.	Files closed in 2011	49

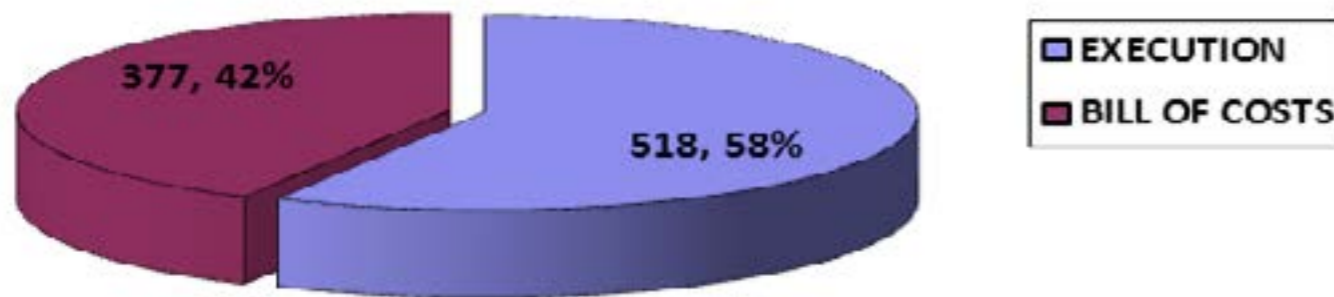
ACHIEVEMENT

Generally the achievement of this Unit is based on the successful collection of amount due to the government. Since January 2010 till December 2011, this Unit has succeeded in collecting RM 3,331,688.97. In 2010 alone this Unit has collected RM 1,590,144.12 while total collection by this Unit in 2011 is RM 1,741,544.85.

The Civil Division has also collected revenue from other areas like the registration of Public Notaries, tort cases and rental payment. In the year of 2010, this Unit has collected RM 326,860.57 and RM 265,367.00 in 2011.

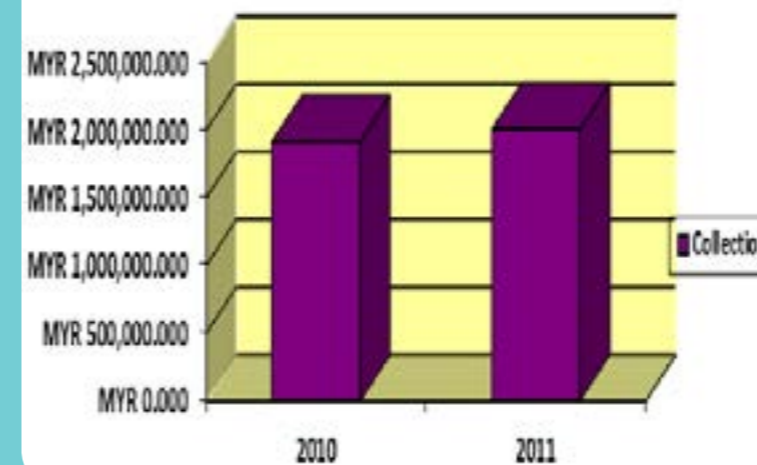
In total, the Civil Division has collected revenue amounting to RM 1,917,004.69 in 2010 and RM 2,006,911.85 in 2011.

CASES HANDLED FROM 2010-2011

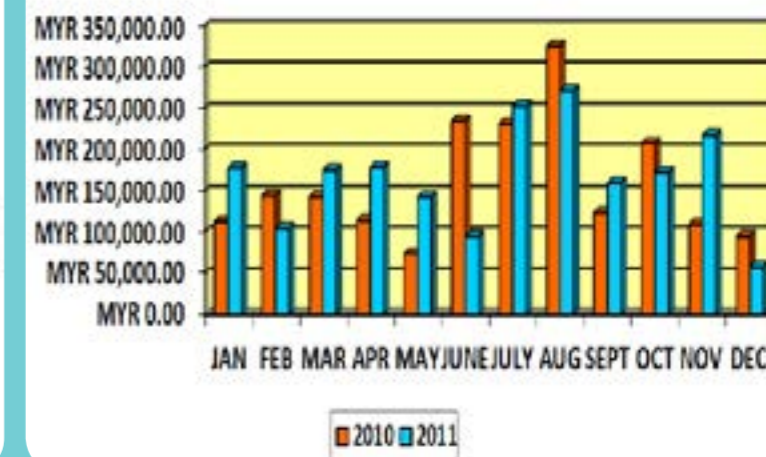


Based on the above chart, this Unit handled two major areas, namely the execution files and the bill of costs files. Until December 2011, there are 518 execution files and 377 bills of costs files handled by this Unit.

OVERALL COLLECTION BY YEAR



MONTHLY COLLECTION CHART 2010 - 2011



The Constitutional and Administrative Law Unit consist of six (6) Senior Federal Counsels, four (4) Federal Counsels and three (3) Support Staffs who deals as the name suggest with cases concerning administrative law and constitutional issues. It is to be noted that the officers at Headquarters deals with 95% of those cases.

SCOPE OF WORK

This Unit deals with litigation where constitutional issues are the subject matter of the action. In the recent year, the Unit has seen an increase in litigation pertaining to fundamental liberties specifically freedom of religion, equality, freedom of association and right to citizenship. Apart from the above, challenges to the decision of administrative bodies in the court of law also falls within the purview of this Unit. The Unit also defends decisions made by disciplinary authority, which forms quite a substantial part of litigation attended to by this Unit.

To put it concisely, this Unit handles a myriad of cases involving freedom of religion, right to citizenship, immigration law, the constitutionality of proviso concerning freezing order under the Anti Money-Laundering Act 2001 (Act 613), Election Petitions, challenges to administrative decisions made by Minister or any government department, dismissal, demotion and other administrative issues.

PUBLIC INTEREST CASES REPORTED FOR THE YEARS OF 2010 AND 2011

Throughout 2010 and 2011, this Unit was able to resolve 2,685 cases which include the following cases of public interest:

Federal Court: Civil Appeal No: 01(i)-1-2011(W)
Ahli-Ahli Suruhanjaya Yang Membentuk Suruhanjaya Siasatan Mengenai Rakaman Klip Video Yang Mengandungi Imej Seorang Yang Dikatakan Peguambela Dan Peguamcara Berbual Melalui Telefon Mengenai Urusan Pelantikan Hakim-Hakim v Tun Dato' Seri Ahmad Fairuz Bin Dato' Sheikh Abdul Halim

Summary: : The Commission was set up to conduct an inquiry on a controversial video clip depicting images of a person engaged in a telephone conversation revolving around the appointment of judges. The Commission sent its' report to the Yang di-Pertuan Agong which later was made public by the Government. The Respondents, who were aggrieved by the findings of the Commission, filed an application for leave to commence judicial review proceedings for an order of certiorari to quash the findings of the Commission, which they allege implicated them. They also alleged that the findings of the Commission were tainted due to the presence of biasness and prejudice and thus the findings were contrary to the principle of law.

The Senior Federal Counsel appearing on behalf of the Attorney General (AG) objected to the applications amongst others on the basis that there was no decision and the Respondents could not be construed as persons 'adversely affected' by the Commission's findings as required under O.53 r. 2(4) of the Rules of the High Court 1980.

Held: The High Court upheld the AG's objection, which was overruled by the Court of Appeal. However, upon appeal to the Federal Court, it was held that the finding of the Commission is not reviewable under O. 53 of the RHC.

Court of Appeal
Civil Appeal No: W-01-215-2011
Peguam Negara Malaysia v Dr Micheal Jeyakumar Devaraj

Summary: The Appellant appealed against the decision of the High Court granting leave for judicial review to the Respondent to seek for the following reliefs:

1. a writ of quowarranto against the Director General of the Implementation and Coordination Unit of the Prime Minister's Department ('the DG'), the Director of the Perak State Development Office ('the director') and the Government of Malaysia ('the Appellants');
2. orders of mandamus to compel them to specify information in respect of the disbursements of the allocation, in particular for the Sungai Siput Parliamentary Constituency ('Sungai Siput'); and
3. order of certiorari to quash the director's decision in the letter dated 12 October 2010 and consequently an order of mandamus to compel the DG and/or the director to grant the Respondent's application vide letter dated 9 July 2010 for funds from the allocation for Sungai Siput for the year 2010.

The Appellants' submissions were that:

- the notice of motion had never challenged the qualifications of the DG and/or the Director to hold public office. There was also no allegation of any flaw in their appointments;
- the Respondent has failed to fulfill the conditions contained in s. 44 of the Specific Relief Act 1950 in relation to performance of public duties; and
- mandamus is inapplicable to the Director's exercise of discretion.

Held: Appeal allowed, the order of the High Court was set aside and was substituted with an order that the notice of motion be dismissed.

Kuala Terengganu High Court
24-164-10

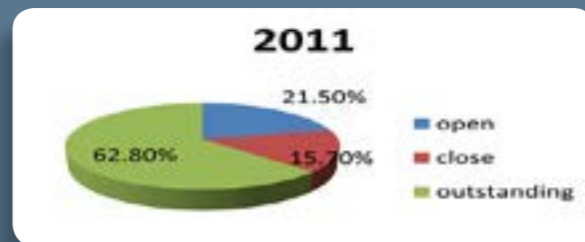
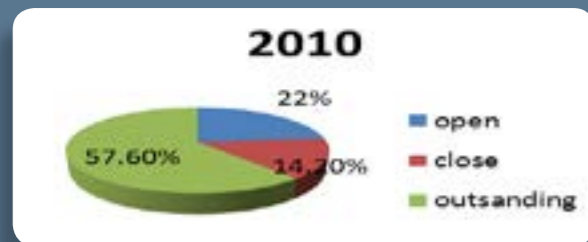
Mohd Ashraf Hafiz bin Abd Aziz v Ketua Pengarah
Jabatan Pendaftaran Negara

Summary: The Applicant who underwent a sex-change surgery filed an application for a declaration that his name and gender in his identity card be altered to indicate that he is now a woman. It was argued by the Senior Federal Counsel representing the Respondent that there is no law which allows a person to change his

gender in his identity card and that the Court must exercise its discretion sparingly to grant a declaration in this kind of case by taking into account the impact of such order to the society if it is made.

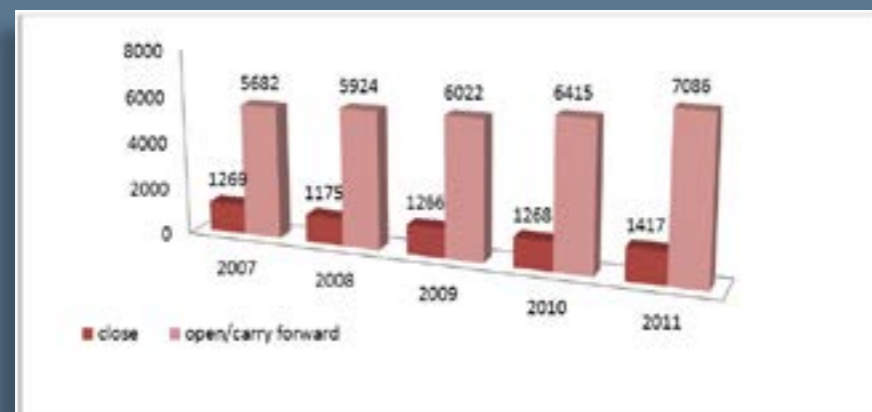
Held: The application was dismissed on the ground that the Court has no power to declare a gender change legal and that there were no provisions that allowed for a sex change.

PERCENTAGE OF CASES HANDELED BY THE CONSTITUTIONAL AND ADMINISTRATIVE LAW UNIT IN 2010 AND 2011



The above charts show the percentage of opened, closed and outstanding cases for the year of 2010 and 2011. The highest percentage is the outstanding cases amounting to 5,147 cases in 2010 which make up 57.6%. The difference between the number of opened and closed cases is minimal whereby 1,977 for cases registered and 1,268 for cases closed. In 2011 the outstanding cases is amounting to 5,669 which make up 62.8%. The difference between the number of opened and closed cases is minimal whereby 1,977 for cases registered and 1,268 for cases closed.

CASE STATISTICS FOR THE LAST FIVE YEARS (2007 UNTIL 2011)



NUMBER OF CASES ACCORDING TO THE TYPES OF CASES HANDELED BY THE CONSTITUTIONAL AND ADMINISTRATIVE LAW UNIT IN 2010 AND 2011

NO.	CODE	TYPE OF CASE	2010	2011
1.	01	Citizenship, Religion, Legitimacy	183	136
2.	02	Public Service	312	323
3.	03	Martial Court	62	70
4.	04	Government Proceeding	22	22
5.	05	Admission Petition of Advocates and Solicitors	3656	4035
6.	06	Consumer's Claim Tribunal	4	7
7.	07	House Buyer's Claim Tribunal	33	39
8.	08	Election Petition	-	-
9.	09	Ministry of Human Resource	172	192
10.	10	S.24 Government Proceeding Act	1	1
11.	11	Miscellaneous	183	265
12.	12	Child Adoption	-	2
13.	13	Syariah Matters	39	36
14.	14	Industrial Court	-	5
15.	15	Land Matters	248	230

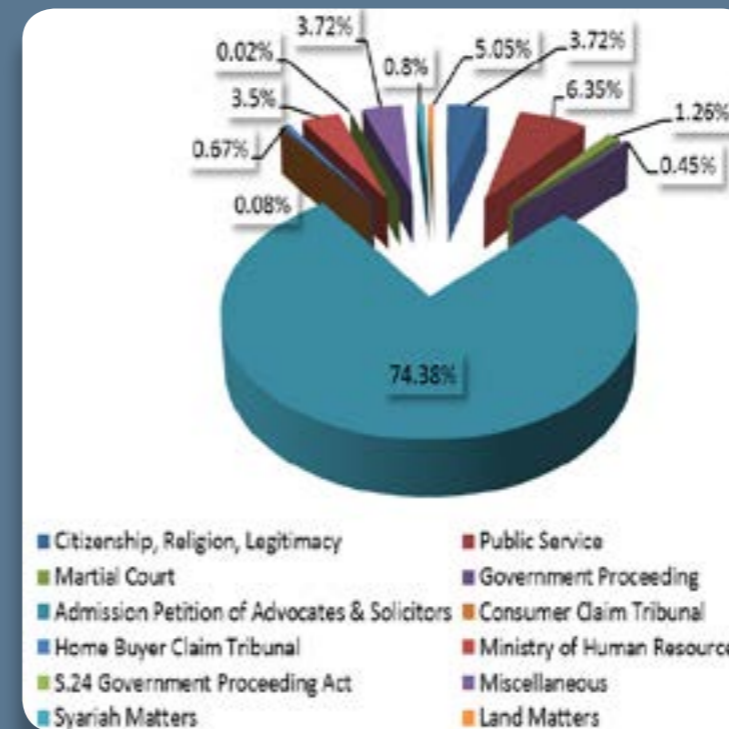


CHART SHOWING TYPES OF CASES HANDELED BY THE CONSTITUTIONAL AND ADMINISTRATIVE LAW UNIT IN 2010

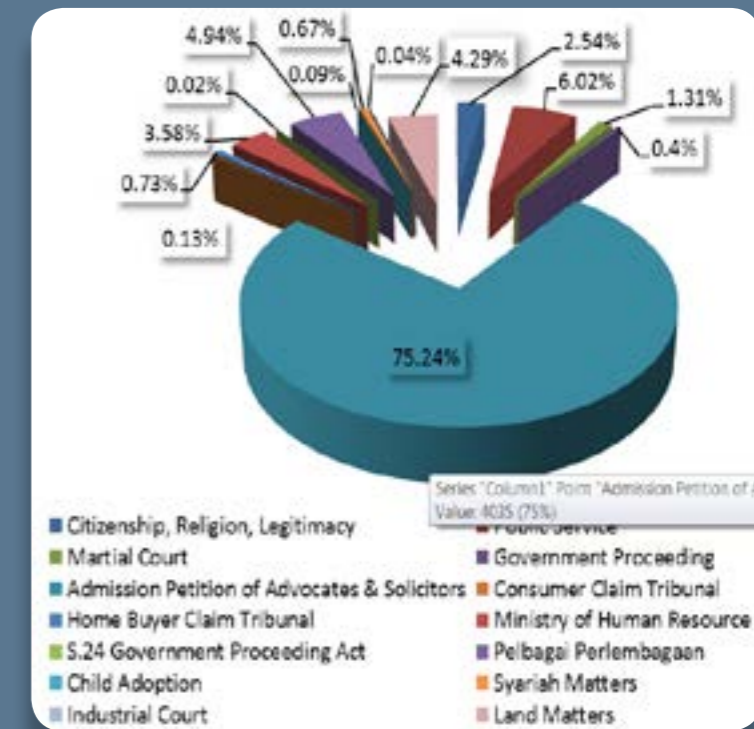


CHART SHOWING TYPES OF CASES HANDELED BY THE CONSTITUTIONAL AND ADMINISTRATIVE LAW UNIT IN 2011

The State Civil Unit represents the Federal Government and its departments or agencies in cases which are filed in the respective states. Each State Unit is headed by L54/52 Senior Federal Counsel and assisted by L48 or 41 Federal Counsel with the necessary supported staff.

The files handled in the State Civil Unit are as follows -

State	2010		2011	
	Opened/Carried Forward	Closed	Opened/Carried Forward	Closed
Johor	45	12	59	10
Melaka	62	10	80	39
Negeri Sembilan	82	32	83	31
Selangor	124	38	114	55
Wilayah Persekutuan	4586	578	6479	735
Perak	135	38	106	64
Pulau Pinang	133	37	125	50
Kedah	73	27	109	64
Kelantan	15	11	24	20
Terengganu	45	21	35	24
Pahang	110	54	66	37
Sarawak	89	13	115	33
Sabah	51	8	80	5

TRAINING AND COURSES FOR THE YEARS 2010 & 2011

No	Activities	Date	Venue
1.	Diploma in International Commercial Arbitration	8-16 October 2011	University of New South Wales, Australia
2.	Taxation of Costs, Enforcement & Execution of Judgment; In Depth Understanding of Practical Issues And Current Developments	9 - 10 June 2010	Tan Sri Abdul Kadir Yusuf Hall
3.	Seminar on Mediation - "The Navigation of Malaysian Mediation - Route to Resolution"	25 October 2010	Tan Sri Abdul Kadir Yusuf Hall
4.	Mock Trial on Motor Accident	11 & 18 February 2011	Moot Court, Level 4,
5.	Judicial Review – A Learning Experience	24 October 2011	Tan Sri Abdul Kadir Yusuf Hall
6.	Kursus Undang-Undang Tanah	18 November 2011	Tan Sri Abdul Kadir Yusuf Hall

No	Activities	Date	Venue
6.	Medico Legal Workshop on Cerebral Palsy	29 - 30 November 2011	Training Room, Level 4, Block C3
7.	Course of "Practical Approach on the Construction Law & Management"	2 December 2011	Training Room, Level 4, Block C3

DIVISION'S PRODUCT



Sistem e-Notari Awam

Laporan Permohonan Diterima

Month/Year	2010	2011	Total
January	0	8	8
February	2	11	13
March	1	25	26
April	2	12	14
May	0	11	11
June	4	9	13
July	5	5	10
August	7	15	22
September	3	7	10
October	5	5	10
November	7	9	16
December	8	5	13
Total	44	125	169

The E-notary system records number of applications to become Notaries Public applied by legal practitioners registered with the Malaysian Bar Council. The applications for appointment as Notaries Public is at ease as applicant can make its application through this system.



The Civil Division's New Cases system was created to record new cases handled by the Division. When this Division received new summons, writ summons and applications, it will instantly be uploaded in the system to enable parties of the interest or even the public to view it.

HASIL CAJIAN FAIL UPP (Dilayap Fail : 881)

Bil	No Fail Rangka	Nama Pegawai Fail	No Penerima Kcs	Pemohon	Difondan Responden
1	PNKIPAH01G7NPT.411031/2009/05	Nor Rozana Sedek Shah	71- 448- 2009		Zuhaidie M Bin-Hasan B
2	PNKIPAH01G7NPT.411021/2009/03	NOR SHAZANA RFFIK R-IAH	71- 184- 2004		Norazmi bin Salih
3	PNKIPAH01G7NPT.411041/2011/02	NOR SHAZANA	51- 120-		Nik Haidil Nik Jusop

The Integrated Legal Management System records all civil cases handled by the Civil Division. This is an intranet application accessible by the Division's officers and staffs to record and track the movement of files and letters relevant to the cases. The system also reflects the statuses of files in the Civil Division.

ACTIVITIES

File Disposal

This was a seasonal project by the Civil Division, and all Civil Division officers and staff were actively involved during its execution.

The objectives of this are –

- to overcome the problem of congestion in the file room;
- to expedite file searching and to save time and energy in searching for files; and
- to ensure the accurate statistics of number of active and non-active files are kept.

Files that are to be disposed off are files that will be destroyed after lapse of period which will be determined by the Civil Division.



Civil Division Meeting

Civil Division had its meeting on the 7 - 10 December 2011 at Bayview Beach Resort, Batu Feringhi, Penang. The object of the meeting was to plan the strategies to enhance the efficiency of the registration and management of files in the division. Series of discussions and brainstorming sessions were held to further improve and enhance the management system of the Division. A motivational talk was also given to boost positive values among the officers. There were about 85 officers who attended the meeting.



The Division's 2011 Conference was held at Permaisuri Hotel, Port Dickson, Negeri Sembilan from 11 - 13 March 2011. A dialogue session with the Head of Division and Deputy Heads of Division was conducted to provide a platform for officers to share and exchange ideas on matters of common interest as well as to raise problems relating to their daily works. Part from that, lectures and team building activities were also organised to encourage interaction and enhance teamwork among officers in the Civil Division.

ACTIVITIES

Looking Ahead

The inspection was a complete exercise pertaining to the following matters:

- the file registry (opening and closing of files);
- the docket system;
- the office and officers' court diaries;
- form for going out of office;
- movement of officers on the notice board;
- case status report;
- monthly reports;
- file administration (file cover and file contents);
- case management; and
- facilities.

The officer's concerns, staffing, training needs for the officer and supporting staff, personal computer facilities were also inquired into and noted. Overall the files and cases were well managed and the Head of Civil Division's Directions were complied. Areas of concern and that which needed to be improved were conveyed to the respective officers in a meeting at the end of each inspection.

No.	State	2011
		Dates
1.	Kuala Lumpur	3.8.2011 – 5.8.2011
2.	Negeri Sembilan	22.8.2011 – 23.8.2011
3.	Johor	12.9.2011 – 13.9.2011
4.	Kedah	12.9.2011 – 13.9.2011
5.	Perak	18.7.2011 – 19.7.2011
6.	Pulau Pinang	22.9.2011 – 23.9.2011
7.	Selangor	25.8.2011 – 26.8.2011
8.	Melaka	22.9.2011 – 23.9.2011
9.	Kelantan	26.9.2011 – 28.9.2011
10.	Terengganu	19.10.2011 – 20.10.2011

The Civil Division has its own tradition wherein officers and staff birthdays are celebrated every month. This celebration is also organised in conjunction with the celebration for officers or staff that are promoted or transferred or to celebrate lady officers who had given birth. Such celebrations are held in order to improve the relationship and working environments between staff and officers.

As the year of 2010 and 2011 can be described as challenging, the coming years will be greater. In the legal arena, we expect more constitutional issues being tried and new legal issues as well as approaches being developed. On the administrative front we hope to further improve on our delivery system and contribute meaningfully towards the National Key Results Area (NKRA).

RESEARCH Division @ RESD

RESD:

PRE - 15 SEPTEMBER 2011

The Structure

The Research Division was established through the 'Waran Penjawatan Bil. A102 Tahun 2008' effective from 1 March 2008. However, the Research Division came into operation pursuant to an Attorney General's Directive (No. 1 of 2009), wherein one section and a few units from the other divisions were also administratively relocated under the umbrella of the Research Division effective from 16 February 2009. The aforesaid section was the Syariah Section from the Advisory Division; and the units transferred were the Research, International Crimes and Supervisory Unit from the Prosecution Division; the Constitution, Cabinet, Parliament and Election Unit from Advisory Division; Training Unit from Management Division and the Public Relations Unit from Attorney General's Office. In 2010, the Research Division had 52 personnel, consisting of legal, non-legal officers and support staffs.

The Work of the Research Division

The Research Division was actively engaged in analysing issues antecedent to a written opinion on the respective subject matter through the undertaking of a comprehensive, accurate and cohesive research process. This Division also provided second opinions to other Divisions in Chambers on matters which require exhaustive research into laws and material both national and international.

Apart from that, this Division provided legal opinions on matters of conflict arising from disputes on the interpretation of both Federal and State Constitutions and election issues. It also coordinated and provided input for the Attorney General's comments on Memorandum and Cabinet Minister's Notes, provided feedback for answers to Parliamentary Questions as well as the Attorney General's opinions relating to the respective Pardons Board matters for each State.

This Division was also tasked to plan, monitor and improve selected AGC training programmes including training for newly appointed legal officers. Courses for them were organised in accordance with the needs of various Divisions in this Chambers. Apart from that, it also organised and assisted in the planning of legal conferences at international levels.

There were 5 units, each duly headed by a Senior Federal Counsel. The Constitution, Cabinet and Election Unit – Unit 1 was formerly a part of the Advisory Division. Pursuant to 'Arahan Peguam Negara Bil. 1/2009', which came into effect on 16 February 2009, the said unit was placed under this Division. This Unit was responsible to conduct research and to provide opinions regarding issues that relates to the Federal and State Constitutions in Malaysia.

Unit II of the Research Division had conducted general research into issues relating to legal drafting, Parliamentary procedures, law reform, Islamic law, as well as preparing answers to Parliamentary Questions and opinions on any other matters referred to it. This unit was formerly known as the Drafting of Laws, Parliament, Law Reform and Islamic Law Unit. However, on 14 October 2010, this unit was divided into two sub-units i.e. the Law Reform and Islamic Law Unit and the Drafting of Laws and Parliament Unit respectively led by two Heads of Unit. Subsequently, the existing two sub-units merged and became the Syariah, Parliament and Drafting of Laws Unit on the 13th of January 2011, pursuant to the 'Arahan Ketua Bahagian Penyelidikan Bil. 1/2011'.

The Civil and Criminal Litigation and Pardons Board Unit was formerly part of the Prosecution Division. Pursuant to the aforementioned 'Arahan Peguam Negara Bil. 1/2009', this Unit was administratively put under the Research Division, and was made into Unit III, undertaking Research Relating to Criminal and Civil Litigation Issues and Pardons Board.

Unit IV was established under the umbrella of this Division since February 2009. The purview of this unit was to deal with specific issues on public and private international laws. In addition to that, Unit IV provided research services to other Divisions of this Chambers in accordance with domestic and international laws and the policies of the Government.

The Special Research Unit was established through the 'Waran Perjawatan Bil. 90 Tahun 2005' effective from 1 September 2005 till 31 August 2007 and was placed under the Attorney General's Office. Upon the establishment of the Research Division, the Special Research Unit was administratively placed under the Research Division. The primary business of this unit was to provide the Attorney General's Chambers with high quality in-house research expertise in order to assist with various international and domestic legal issues. It also acted to disseminate research results as widely and as publicly as possible for the benefit of identified stakeholders, subject to policy considerations.

In addition to all the units above, the Public Relations Unit was also placed in this Division. This Unit was tasked with coordinating and assisting the formulation of the Attorney General's response to the media on current and national high profile cases, as well as looking into such issues with a view to address public complaints.

RESEARCH Division @ RESD

Events & Highlights

There were numerous achievements and/or tasks which were successfully completed by this Division prior to 15 September 2011. On 21 January 2010, during the Jawatankuasa Kreativiti dan Inovasi (JKI) meeting, Research Division was entrusted with the responsibility to coordinate and manage the documentation aspects in relation to the System Star Rating (SSR) in 2010 for this Chambers. This was an immense task since the Division had to manage and coordinate the logistics effort as per the requirements of the SSR inspection team as was set by MAMPU. Flowing from this, several meetings were conducted by this Division together with representatives from the Management Division (acting as advisor), and representatives from other Divisions. Due to the commitment, cooperation and assistance from the officers from this Division, this Chambers was then conferred with a 5 Star rating by MAMPU with a corresponding score of 92.73%.

Apart from that, this Division actively participated in the Hari Inovasi Jabatan Peguam Negara which was held on 27 October 2010 with the objective of exposing Chambers' officers to more innovative, practical, creative, and viable work methods.

In furtherance of a more organised and centralised system of work, this Division now has an internal computerized database management system which contains all completed research works. Apart from facilitating quick access to the research work conducted by this Division, this database is also accessible to officers from other Divisions in the conduct of their legal research.

In addition to that, many Book Review and Knowledge Sharing Sessions were held internally among Research Officers. These sessions were held from time to time to enhance knowledge sharing amongst officers of the Division.

This Division further organised a Course on Constitutionalism, 'The Way forward after 53 Years of Independence' on 1 - 2 December 2010. The main objective of the course was to equip civil servants, members of legal fraternity and the public with knowledge relating to the provisions of the Federal Constitution and to increase awareness on current developments and issues relating to the Federal Constitution. The course was attended by various government agencies, legal practitioners, students and members of the public who wish to keep abreast with current constitutional issues. The course was conducted by speakers who are highly experienced on the respective topic of discussion.

Apart from courses organized by the Division, this Division had also assisted other Divisions in organising courses. For example, this Division acted as the Secretariat for the International Affairs Division in conducting the Strategic Trade Act 2010 Forum, 'Proactive Deterrence against Proliferation of Weapons of Mass Destruction' at Dewan Tan Sri Abdul Kadir Yusof on 2-3 March 2011. The main objective of the forum was to provide a platform for industry players to put forward their concerns and expectations. This inevitably opened up an opportunity for the industry and regulators/enforcement agencies to exchange views and share best practices to jointly implement an effective Malaysian mechanism to counter the proliferation of Weapons of Mass Destruction. This Course was attended by representatives from government agencies, public and private varsities, corporate and other bodies. During the course, participants were given comprehensive, accurate and in depth information on the Strategic Trade Act 2010 and its implications for legitimate and illegitimate trade in strategic items.

This Division also involved in handling the Annual Events of the Attorney General's Chambers of Brunei Darussalam, Malaysia, Singapore and the Establishment of the Attorney General's Chambers Joint Committee (AGCJC) held on 11 March 2010 at this Chambers. As issues became more cross-border in nature, joint co-operation and cross-straits understanding become more important to enable each country's AGC to perform its function effectively.

In furtherance to the aforementioned meeting, this Division was also appointed as the secretariat for the Annual Event of the Attorney General's Chambers of Brunei Darussalam, Malaysia and Singapore (AEAGC). The fifth annual event of the Attorney General's Chambers of Brunei, Malaysia and Singapore was held from 3 April 2011 until 6 April 2011 at Berjaya Langkawi Resort. This meeting served as a forum to exchange knowledge in laws and experiences, particularly in areas of law generating common interest among the three countries.

The Research Division Conference was held from 21 - 24 June 2011 at Traders Hotel, Penang. This Conference was attended by 50 participants, comprising senior and junior legal officers as well as non-legal officers and support staff. The conference was aimed to increase the feeling of responsibility and accountability of the officers towards this Division, enhance cooperation between the Division's members as well as to fulfil our annual duty towards the community.

Both years 2010 and 2011 had proved to be most challenging thus far where the commitment and dedication of each and every officer was continuously tested.

RESEARCH Division @ RESD

RESD:

15 SEPTEMBER 2011 - onwards (as at end of 2011)

Present Structure of
the Research Division

A significant restructuring took place on 15 September 2011 in this Division. This process was in accordance with the Government Transformation Programme (GTP), spearheaded by PEMANDU and the Prime Minister's Department, which aimed to improve the overall performance of the Division.

The said restructuring included physical transformation in the functions as well as the working system and standard operating procedures of this Division. One of the significant changes made to this Division was the considerable reduction in the number of staff and officers in the Division - out of 51 officers and staff, 22 were transferred out to other Divisions. In addition to that, the Public Relations Unit was administratively transferred from this Division to the AG's Office.

The Attorney General's Directive No. 2/2011 dated and taking effect from 18 October 2011 had laid down guidelines for dealing with the Research Division. Under the terms of the Directive, it was specified that this Division could only deal with other Divisions at the headquarters level. This Division may only deal with State Legal Advisor Offices via the Solicitor General and was not allowed to directly deal with any Ministry, Department or government agency. This Division was expressly prohibited from attending any meetings upon the request of any Ministry, Department or government agency unless expressly allowed to by the Attorney General or the Solicitor General.

Further, the said Directive laid down issues that could be referred to this Division. Matters referred to this Division must consist of some seriousness, such as matters which threaten the sovereignty of the nation, the position of the Yang di-Pertuan Agong, the Malay Rulers, the Yang di-Pertua Negeri, the Prime Minister, the Chief Justice, the Speaker of the House of Representatives and the House of Senate and other equivalent officials, matters that are of grave implications and importance to the nation, the government or the public, controversial matters both public and private, the matter challenges the validity of any law in the country or affects the enforcement of such laws, matters arising from court challenging the validity of any law in the country, matters which adversely or significantly affects or has wider implications on the interests of the nation, the government or the public, resolving any conflict of opinion between two or more Heads of Divisions or between two or more State Legal Advisors and other matters falling outside the purview or overlapping with the jurisdictions of the other Divisions of these Chambers.

Notably, some of the subject matter dealt by this Division prior to the restructuring still remained. The said matters are those with regard to the nation's history, federal and/or state constitution, elections and anything concerning the sovereignty, image and boundaries of states.

The said Directive also provided a standard template, through which any request to research by Research Division is to be made. This ensures clarity and enables the research work to accurately correspond with the purpose for which the research is being undertaken.

The requests for research may only be made by the Head of Division or Deputy Head of Division from other Divisions. Ministry-based Legal Advisor Officers have to make the requests to research via the Head of Advisory Division and must provide the Head of Advisory Division with a preliminary opinion for vetting. Subsequent to the vetting of the said preliminary opinion, if the Head of Advisory Division is of the opinion that the subject matter requires further research and/or should be referred to the Research Division, then it may be sent to the Research Division for a second opinion.

State Legal Advisor Offices may only request for a second opinion from the Research Division via the Solicitor General and is also required to attach a preliminary opinion beforehand.

It is a necessity that all requests to research specify the deadline for the submission of the research. In the event this Division could not meet the deadline, justification must be made to the Attorney General. On the other hand, if the opinion of the Head of the Research Division differs from that of the Head of any other Division, the matter must be referred to either the Attorney General or the Solicitor General for resolution.

Last but not least, the preparation of Pardons Board opinions were removed from this Division's purview and was handed back to the Prosecution Division.

In the new structure, the previous units in the Division reorganised into five teams. This particular change is aimed to enhance the officers' team building skills apart from training them to be more cohesive.

It is of significance to note that, during this transitional period, this Division was headed by the Attorney General himself, assisted by the Solicitor General of these Chambers.

RESEARCH Division @ RESD

Portfolio of the Present Division

The works of the five teams are project-based. While the works for each unit from the previous set-up were focused on a specific subject matter, the scope of work for the newly established teams is wide-ranging and not specialized. Herein members from other teams may collaborate and work together with the team to which the project was assigned. Each team member is also advised to share and discuss the project they are embarking on with members of the other teams. This ensures equal knowledge distribution among all the officers in this Division on the current project being undertaken.

The following are the collective projects which were assigned to the teams post 15 September 2011:

TASK / ASSIGNMENT	SCOPE OF TASK / ASSIGNMENT
Research	<ul style="list-style-type: none"> Organizational structures of Lembaga Kemajuan Johor Tenggara (KEJORA) and the legislative history of KEJORA Act Gender discrimination and gender equality for purposes of the Gender Focal Point Legislative History of Sedition Act Offences relating to Race and religion in Malaysia & other countries Offences relating to Discrimination in Malaysia & other countries Status of emergency ordinances in the post-emergency era especially after the annulment of the Proclamations of Emergency Freedom of speech and expressions via media and the laws regulating the media in Malaysia as well as other countries Term of Reference of the Royal Commission Inquiries on Illegal Immigrants in Sabah Security laws Research work in preparing Parliamentary bills :- <ul style="list-style-type: none"> * Peaceful Assembly Bill 2012 * Territorial Sea Bill 2012 * Security Offences (Special Measures) Bill 2012 * Penal Code (Amendment) Bill 2012 * Criminal Procedure Code (Amendment) Bill 2012 * Evidence (Amendment) Bill 2012

TASK / ASSIGNMENT	SCOPE OF TASK / ASSIGNMENT
Assisting I-CELLs	<p>Projects :</p> <ul style="list-style-type: none"> Indigenous peoples' right to land Intellectual property rights Justice audit of the Criminal Justice System in Malaysia Decriminalization of Criminal Defamation Kidnapping <p>Secretariat work, inter alia the following:</p> <ul style="list-style-type: none"> First Session of the Lecture Session on the Indigenous Peoples' Right To Land on 3 October 2011 Closed Door Session with the EU Experts on Corporal and Capital Punishment on 14 October 2011 Justice Audit i.e. arranging for meetings with other agencies and the preparation of survey/audit Reports
Secretariat	<ul style="list-style-type: none"> Discussions with stakeholders on the post-Internal Security Act laws; Discussions on Environmental laws
Feedback	<ul style="list-style-type: none"> Parliamentary questions on issues such as federalism, bumiputra status terms of memberships of the House of Representatives etc.
Miscellaneous	<ul style="list-style-type: none"> Conducting criminal appeal cases

RESEARCH Division @ RESD

Events and Highlights

Hari Raya – Open House Celebration at the Attorney General's Chambers, 9 September 2011

Each Division was given a food booth to manage, following a State themed culinary spread. Research Division was allocated to the state of KL/Selangor. On the day of the event, the Division's booth was decorated and served "yong tau foo" to visitors. Members of this Division were rotated to manage the Division's booth. Meanwhile, other members of the Division visited other booths and sampled the delicacies on display.



Training and Courses

In further building the capacity of the Division, The Attorney General instructed the officers to undergo certain training and/or courses to inter alia boost the Division's officers' confidence, enhance their teambuilding skills as well as to polish and refine them to become more rounded officers, both in substance as well as form. Pursuant to this instruction, all annual leaves were frozen until the said courses and/or trainings were completed.

Hence, two courses and/or training sessions were arranged and made compulsory to be attended by all officers in this Division. These courses and/or training sessions were equally attended by two (2) participants each from other Divisions in this Chambers. The said courses/trainings are:-

01 Nurturing Achievements Developing Intelligent Minds (NADIM) from 17 – 19 October 2011

This was conducted by the ISKANDAR Malaysia UTM Research Centre (IMREC) in collaboration with Alamtogoly Sdn Bhd. The course included individual and group exercises to train one to achieve excellence by having a balanced IQ and EQ. At the end of the course, each participant was required to sit for an exam based on the lesson learnt throughout the three-day course. The answer sheet was marked and one copy of the result was sent to the Attorney General wherein another copy was sent to the participants for their safekeeping. The results included a certificate of participation, the scores for the exam, observation made by the trainers throughout the course as well as the explanation of their observation.



02 Grooming, Etiquette & Professionalism course from 1 – 3 November 2011

This was conducted by Mdm Rahimah binti Yeop, a highly experienced diplomat from Institute of Diplomacy and Foreign Relations (IDFR). The course concentrated on public speaking, communication skills, grooming, ethics and etiquette. At the end of the course, a practical training of fine dining was held in the Residence Hotel, Universiti Tenaga Nasional, Bangi.



RESEARCH Division @ RESD

03 SAYEMBARA : "Malaya in the 50s" Themed Dinner by the Welfare and Recreation Club at Putrajaya International Convention Centre on 16 December 2011



Research Division collaborated with I-CELLS and the AG & SG's office to participate in the competition and present a performance during the themed dinner. After meticulous practice sessions, the participating officers performed a musical sketch about a girl having flashbacks of classic scenes from P. Ramlee movies while waiting for a bus. The sketch was made more interesting by the use of period props. This performance won third place in the competition.





INTERNATIONAL CENTRE FOR LAW & LEGAL STUDIES ("I-CELLS")

I-CeLLS was launched on 8 July 2011 by its Patron, Y.A.B. Dato' Sri Mohd Najib bin Tun Abdul Razak, the Prime Minister of Malaysia. An idea conceived by the Attorney General of Malaysia, YBhg. Tan Sri Abdul Gani Patail, I-CeLLS is envisioned to become a strategic centre for law and legal studies that would bring further cohesion between the different sectors of the legal fraternity. The establishment of I-CeLLS is in line with the Government of Malaysia's Transformation Programme which aims to transform Malaysia into a developed, progressive, harmonious, and high-income nation by the year 2025. This initiative is taken by the Attorney General's Chambers ("AGC") under the AGC Strategic Transformation Programme ("AGCSTP"), which includes the establishment of I-CeLLS as one of its long-term projects.

OBJECTIVE, VISION AND MISSION

I-CeLLS is a platform for experts from various backgrounds and disciplines, including private legal practitioners, academics, government lawyers and policy makers, to interact and address different aspects of key legal issues. Apart from being an internationally renowned and prominent resource centre for law and legal studies, I-CeLLS aims to carry out high-level capacity building programmes and go beyond research and training functions available at other existing centres or institutes.

In the words of YBhg. Tan Sri Abdul Gani Patail, "[t]he Centre will be the driving force in providing a strategic point of convergence for academicians, professionals, experts, legal practitioners and policy makers to exchange ideas and cohesively contribute towards advancing legal studies and research in the national, regional and international arenas."

CORE FUNCTIONS

To fulfill its objective, vision and mission, I-CeLLS carries out the following core functions:

- (a) Legal research;
- (b) Consultancy services;
- (c) Capacity building;
- (d) Collaboration and strategic partnership; and
- (e) Publication of legal materials.

ORGANIZATIONAL STRUCTURE

Although I-CeLLS was administratively established under the AGC, I-CeLLS is independently governed by its Executive Council, which is comprised of domestically and internationally renowned legal experts from the academic, government and private practice sectors.

The governance structure of I-CeLLS underlies the independence of the Centre in order to allow it to undertake its functions objectively. The Executive Council is responsible for determining the general policy and direction of the Centre as well as appointing the Director and Associates of I-CeLLS. Drawing from the strength in the diversity of expertise and background of the Executive Council members, the Executive Council will also steer the projects carried out by I-CeLLS at the Executive Council Meetings

The members of the Executive Council are as follows:

- YBhg. Tan Sri Abdul Gani Patail, Chairman of the Executive Council (Attorney General of Malaysia);
- Professor James Crawford (University of Cambridge);
- His Excellency Ambassador Chusei Yamada (Special Assistant to the Minister of Foreign Affairs of Japan);
- Mr. Lim Chee Wee (President of the Malaysian Bar);
- YBhg. Tan Sri Dato' Cecil W.M. Abraham (Senior Partner, ZulRafique & Partners);
- Emeritus Professor Datuk Dr. Shad Saleem Faruqi (Universiti Teknologi MARA);
- Professor Dirk van Zyl Smit (University of Nottingham); and
- Professor Robert Volterra (Partner, Volterra Fietta, an internationally known public international law firm).

The day-to-day administration and operation of I-CeLLS are under the responsibility of its Director. Since its establishment, I-CeLLS has been managed by its Acting Director, YBhg. Datuk Azailiza Mohd. Ahad, with the assistance of four Associates.

PROJECTS

Since its inauguration, the projects undertaken by I-CeLLS are as follows:

- The Criminal Justice Reform Project;
- The Climate Change Initiative;
- Alternative Dispute Resolution;
- Indigenous People's Land Rights; and
- Legal Studies Relating to Patent Law and Policy in Malaysia vis-a-vis Domestic Pharmaceutical Industry.

LEGAL RESEARCH

As part of its function to conduct research and address identified legal issues, I-CeLLS has carried out in-depth research on the following projects since its inauguration:

- The Criminal Justice Reform Project; and
- The Climate Change Initiative.

Project on Criminal Justice Reform

The project on Criminal Justice Reform consists of 3 sub-projects which are carried out simultaneously and are as follows:

- The feasibility of abolishing capital and corporal punishment;
 - Decriminalization; and
 - Criminal justice audit.
- Working Group on the Feasibility of Abolishing Capital and Corporal Punishment

The main objectives of the project are as follows:

- To determine the feasibility of abolishing corporal and capital punishment in Malaysia; and
- To explore other forms of punishment as possible alternatives to capital and corporal punishment.

In order to assist in the research on the feasibility of abolishing capital and corporal punishment, the following discussions on the overview of capital punishment, the justifications for retaining and abolishing the death penalty as well as the sharing of information on any possible law reforms were held with representatives from various jurisdictions:

- Meeting with European Union experts on the abolishment of capital and corporal punishment;

The experts who had attended the session were His Excellency Lord Alf Dubs of the United Kingdom's House of Lords All-Party Parliamentary Group on the Abolition of the Death Penalty, Ms. Anne Souleliac, Head of the Human Rights Section of the Paris Bar, as well as Mr. Nicolaas Jacobus Laurentius Maria Tuijn, Court of Appeal Deputy Chief Justice from the Netherlands.

The discussion generally touched on the 3 aspects of capital punishment, namely, the morality, legality and

- Meeting with Mr. Kenneth C. Kohl, Resident Legal Advisor, United States Department of Justice; and

The meeting was given the overview of capital punishment in the United States as well as the justifications for retaining the death penalty.

- Pre-Council Meeting with the Attorney General's Chambers of Singapore and Brunei Darussalam

During the Pre-Council Meeting, representatives from each country gave a presentation on law reforms relating to the criminal justice system in general or specifically with regard to capital and corporal punishment which are being considered or implemented in their countries.

- Working Group on Decriminalization

The objective of this project is to identify and study offences in the Penal Code concerning crimes against person and economic crimes which can be decriminalized. Preliminary research has been carried out on domestic legislation, international obligations and comparative study with other jurisdiction.

- Justice Audit

I-CeLLS, together with the Governance and Justice Group ("GJG"), an international non-profit organization, are carrying out the Justice Audit together. The Justice Audit aims to map the criminal justice system as it currently functions, identify issues and key challenges and present a set of practical, achievable and process-oriented programming options, based on the compilation of hard data. This will allow I-CeLLS to look into Malaysia's current criminal justice system and make practical recommendations for the overall and comprehensive reform of the criminal justice system taking into account all of the stakeholders of the criminal justice system.

The Climate Change Initiative Project

The Climate Change Initiative aims to focus on developing a legal framework on climate change for the ASEAN region as well as the international community. Further, legal research would be undertaken in order to gather information on the ASEAN common understanding on climate change issues. Stakeholder meetings have been held with representatives from various ministries which include, inter alia, the Ministry of Natural Resources and Environment, Ministry of Energy, Green Technology and Water, Forest Research Institute Malaysia, Economic Planning Unit, Forestry Department Peninsular Malaysia and the Ministry of Foreign Affairs to discuss the challenges and issues involved with regard to the feasibility of developing a legal framework for the ASEAN region. A questionnaire was also presented and circulated at the ASEAN Senior Law Officials

CONSULTANCY SERVICES

Project on Legal Studies Relating to Patent Law and Policy in Malaysia vis-a-vis Domestic Pharmaceutical Industry

I-CeLLS has also been engaged by the Performance Management and Delivery Unit, a unit under the Prime Minister's Department which is responsible for overseeing the implementation and assessing progress of the Malaysian Economic Transformation Programme and the Government Transformation Programme, to carry out in-depth legal research on issues relating to patent policy and law in Malaysia with a view of proposing recommendations to encourage the growth of domestic pharmaceutical industry.

The research looked into the following aspects:

- Verify whether Malaysia's current practice on patent protection of pharmaceutical products is consistent with international conventions and has taken into account flexibilities available under the Agreement on Trade Related Aspects of Intellectual Property Rights ("TRIPS"); and
- Propose policy changes and specific amendments to Malaysia's Patent Act 1983 [Act 291] that will reflect Malaysia's commitment to develop the pharmaceutical industry while at the same time ensuring that the proposed new amendments are in line with Malaysia's international commitment.

Stakeholders consultation's meetings were also held with Malaysian pharmaceutical industry representatives such as the Malaysian Organisation of Pharmaceutical Industries, Pharmaceutical Association of Malaysia and National Pharmaceutical Control Bureau in order to allow the project team to understand the practical issues or challenges faced by the local pharmaceutical industry face particularly with regard to the laws and policies relating to pharmaceutical products.

CAPACITY BUILDING

Project on Indigenous Peoples' Land Rights

I-CeLLS had organized its first lecture session in October 2011. The lecture series involved the participation of the following reputable local experts:

- Emeritus Prof. Dato' Dr. Hood Haji Mohamad Salleh
Principal Fellow of the Institute of Environment and Development (LESTARI) and Director of the Academic Heritage Museum of the National University of Malaysia

- Prof. Dr. Ramy Bulan

Director of the Centre for Malaysian Indigenous Studies, University Malaya and an Associate Professor in the Faculty of Law, University Malaysia

The purpose of the session was to provide the participants with knowledge relating to:

- A social and historical perspective on the indigenous peoples' right to land; and
- Legal issues and challenges faced by the indigenous people in relation to their rights to land.

Project on Alternative Dispute Resolution

I-CeLLS, as observer, had participated in the United Nations Commission on International Trade Law 24th Session of Working Group III (Online Dispute Resolution) ("ODR") from 14 to 18 November 2011 in Vienna.

The aim of the study is to address the types of e-commerce disputes that might be resolved by an online mechanism or ODR, the appropriateness of drafting procedural rules for ODR, the possibility or desirability to maintain a single database of certified ODR providers, and the issue of enforcement of awards made through the ODR process under the relevant international conventions.

COLLABORATION AND STRATEGIC PARTNERSHIP

I-CeLLS has entered into strategic partnership and collaboration with the following institutions since its inauguration:

- Institut Kajian Perubahan Iklim ("IKPI"), Universiti Kebangsaan Malaysia;
- Kuala Lumpur Regional Centre for Arbitration ("KLRC"); and
- Asian-African Legal Consultative Organization.

Collaboration and Strategic Partnership with IKPI

IKPI was established to enhance the specialization and expertise in climate change sciences, atmospheric and oceanographic sciences. IKPI also aims to create an impact and consider methods of adaptation to climate change through research and at the same time produce high quality graduates. I-CELLS and IKPI are having ongoing discussions on organizing a workshop which covers technical issues pertaining to climate change as well as its adaptation and mitigating factors.

Collaboration and Strategic Partnership with KLRCA

The idea of having a strategic partnership between I-CELLS and KLRCA was proposed during a discussion held with Mr. Sundra Rajoo, Director of KLRCA on 14 September 2011.

I-CELLS and KLRCA hope to enjoy the following benefits from the strategic partnership:

- Training;
I-CELLS and KLRCA to organize and conduct income-generating training courses together.
- Conferences; and
I-CELLS to co-organize or participate in conferences organized by KLRCA
- Sharing of Resources.
Sharing of database and library resources.

F FORGING AHEAD

With the participation of various stakeholders from the academia, government, private practice and international organizations, I-CELLS is positioned to play a significant role as a national, regional and international leading resource centre for research and influential ideas on law.

PHOTO GALLERY

The Patron of I-CeLLS, YBhg. Dato' Sri Mohd Najib Tun Abdul Razak

01



The Chairperson of the I-CeLLS Executive Council, YBhg. Tan Sri Abdul Gani Patail

03

I - C e L L S inauguration ceremony

02



I - C e L L S Inauguration Ceremony



*International Centre For Law & Legal Studies Inauguration Ceremony
Officiated by YAB Dato' Sri Mohd Najib bin Tun Hj Abdul Razak, Prime Minister Of Malaysia
8 July 2010*

Executive Council of I-CeLLS

04

05



Executive Council Meeting

06



Meeting with European Union experts on the abolishment of capital and corporal punishment

07



H.E. Lord Alf Dubs, the All-Parliamentary Group on the Abolition of the Death Penalty, House of Lords

08



Project on Feasibility of Abolishing Capital and Corporal Punishment

Mr. Nicolaas
J a c o b u s
L a u r e n t i u s
M a r i a
T u i j n , V i c e
P r e s i d e n t ,
C o u r t o f
A p p e a l ' s

09



Representatives
from the Attorney
G e n e r a l ' s
C h a m b e r s
o f B r u n e i
D a r u s s a l a m

11

P r e - C o u n c i l
M e e t i n g w i t h t h e
A t t o r n e y G e n e r a l ' s
C h a m b e r s o f
S i n g a p o r e a n d
B r u n e i D a r u s s a l a m

10



Representatives
from the Attorney
G e n e r a l ' s
C h a m b e r s o f
S i n g a p o r e

12

Project on Legal Studies Relating to Patent Law and Policy in Malaysia vis-a-vis Domestic Pharmaceutical Industry

Meeting with the Intellectual Property Corporation of Malaysia (MyIPO)

13



14

Project on Legal Studies Relating to Patent Law and Policy in Malaysia vis-a-vis Domestic Pharmaceutical Industry

Indigenous Peoples' Land Rights Lecture Series

15



Professor Dr. Ramy Bulan, Director of the Centre for Malaysian Indigenous Studies, University Malaya and an Associate Professor in the Faculty of Law, University Malaysia United Kingdom

16



MANAGEMENT DIVISION

Recognition Awards for Year 2010 and 2011

In 2010 and 2011, the Attorney General's Chambers has obtained 11 recognition awards, namely:

- 1st Place in Non ICT Category, Prime Minister's Office's Innovation Awards Competition for the Home as an Office Concept (RSP) Project;
- 5 Star Rating for Government Sector Star Rating (SSR) Evaluation;
- The Most Active Library Implementing Promoting of Reading Programmes 2010 from the National Library of Malaysia;
- 1st Place for Putrajaya's Recycle Award - The Highest Collection Category Of Government Department;
- 2nd Place for Human Resource Innovation Award Category, Prime Minister's Office's Innovation Awards Competition for report Status System and Status of Latest Cases and Decisions;
- 2nd Place Best Portal – evaluated by Multimedia Development Corporations (MDEC) for Assessment and best Practices;
- Shortlisted as Best 3 in Finance Management Innovation Award (AIPK) for the Home as an Office Concept (RSP) Project;
- Acknowledgement Certificate in Bill Management for achieving 100% in 14 days period;
- Acknowledgement Certificate for achieving excellent HRMIS updates;
- Accountant General's Certificate for Trust Fund (Sijil Bersih); and
- Participation in Prime Minister's Office's Innovation Awards Competition for the Comprehensive Performance Appraisal Scoring System (COMPASS) and AGC Platform for e-Learning (A-PEL).

The Implementation of Asset Management and Monitoring System (SPPA)

Monitoring the condition of assets has become increasingly important over the last few years, for the reason of performance optimization. Thus, the Attorney General's Chambers has effectively implemented Asset Management and Monitoring System (SPPA) in compliance with the procedures enforced by the Ministry of Finance in early 2009. It has been developed in accordance to the control methods of the Asset and Store Management.

The system entails of 3 phases:-

- Phase 1 : Registration and Placement;
- Phase 2 : Movement/Borrowing, Maintenance and Inspection; and
- Phase 3 : Disposals and Write-Offs.

At the end of 2011, AGC has successfully implemented the Phase 1 and progressing to Phase 2. This system will be extended to the state /branch level for implementation in 2012.

The LLM in Advocacy Skills Program – Nottingham Trent University, United Kingdom

In line with the National Transformation Policy, the Attorney General's Chambers in collaboration with the Nottingham Trent Law School has designed and developed the new LLM in Advocacy Skills exclusively for officers as part of their continuing legal education.

Five Deputy Public Prosecutors and Federal Counsel namely Puan Nahra binti Dollah, Puan Samihah binti Rhazali, Puan Mazlifah binti Abdul Wahab, Puan Hanim binti Mohd Rashid and Encik Gan Peng Kun were selected for the October 2011/June 2012 intake at Nottingham Law School, Nottingham Trent University, United Kingdom. Three officers were further signed up for an autumn 2012 intake.

The personalised course comprises a variety of practical training, including role play and mock trials in Nottingham Law School's own replica courtrooms – with former High Court Judge, Sir Christopher Pitchers, acting as one of the judge on the bench. The students will also take part in sessions with Nottingham Trent University's psychology and forensic science departments to enhance their skills in cross-examining witnesses.

AGC's Course/Training for Year 2010-2011

Effective learning and continuous training have always been the Attorney's General Chambers main priority. Throughout 2010 and 2011, AGC has implemented and administered a number of significant training programmes to enhance personnel competency, skills and knowledge. The courses are divided into Operating Expenditure, One-Off, Ad-Hoc and Menjana Pendapatan as shown in Figure 1. Generation of Income.

Num.	Type of Course	2010	2011
1.	Operating Expenditure	53	44
2.	One-Off	-	5
3.	Ad-Hoc	37	31
4.	Menjana Pendapatan	-	16
Total		90	106

Figure 1: AGC's Course/Training for Year 2010-2011

Compliances of Seven Days Courses a Year – Service Circular 6/2005 Public Sector Training Policy

In compliance with Service Circular 6/2005 – Public Sector Training Policy, civil servants are required to fulfill the prerequisite of seven days training a year. Over and above this, AGC personnel have attended a range of in-house and external training sessions, as well as courses and conferences provided by various departments/agencies. Figure 2 shows a significant increase in the percentage of compliance to fulfill the prerequisite of '7 days of course a year' from 58.10% in 2010 to 80.51% in 2011.

No.	Day	2010		2011	
		Number of Personel	Percentage %	Number of Personel	Percentage %
1.	> 7 days courses	1,119	58.10%	1,483	80.51%
2.	7 days courses	238	12.36%	152	8.25 %
3.	< 7 days (1 day to 6 day courses)	548	28.45%	194	10.53%
4.	0 day	21	1.09%	13	0.71 %
Total		1,926	100%	1,842	100%

Figure 2: Compliance of Seven Days Courses a Year in 2010 and 2011

Officers Pursuing Masters and PhD Programs

In response to the constantly changing business environment, the government has embraced the idea of human capital development as being the means towards enhancing performance. Hence, in 2010 and 2011, significant numbers of officers in AGC were fully sponsored by the Government/Non-Governmental Agencies in pursuing higher education. The details are given in Figure 3.

Num.	Level of Studies	2010	2011
1.	PhD	2	2
2	Masters	8	14
Total		10	16

Figure 3: Officers Pursuing Masters and PhD Program

LLM in Prosecution Practices (University of Wollongong) Session July 2010 – June 2012

The Attorney General's Chambers with the collaboration of the University of Wollongong, Australia has established an agreement for Session July 2010 – June 2012. The program is developed to provide comprehensive and intensive prosecutorial practice to fifteen (15) officers from the Prosecutions Division and Appellate and Trials Division.

The training given to these selected officers are with a view to increase their specialisation in criminal advocacy. In addition, officers are given hands-on opportunities to develop and improve their own proficiencies in the skills required for effective representation and advocacy in criminal matters.



AGC Officers with Mr. Jeremy Robson (LLM in Advocacy Skills Session 2011/2012) – Nottingham Trent University

Putrajaya's Recycle Award

1st Place for Putrajaya's Recycle Award - The Highest Collection Category Of Government Department



1 RECRUITMENT OF CONTRACT LEGAL OFFICERS

The Attorney General's Chamber (AGC) recruits contract Legal Officers via an online recruitment system titled Contract On-Line Application System (COLAS) and through the Green Harvest Programme.

Contract On-Line Application System (COLAS):

In 2010, AGC recruited in total 213 officers to fill in Grade L41 post, through four (4) series of interviews which were conducted in two different zones, namely, central zone and north zone. Table 1 explains further detail pertaining to this as follow:

Table 1

No.	Interview Session	Date And Interview Centre	Number Of Officer
1.	1st Session	18 February 2010 Attorney General's Chambers (Central Zone)	48
2.	2nd Session	27 April 2010 Attorney General's Chambers (Central Zone)	57
3.	3rd Session	10 June 2010 Pulau Pinang State Legal Advisor Office	55
4.	4th Session	29 September 2010 Attorney General's Chambers (Central Zone)	53

In 2011, AGC recruited a further 66 Contract Legal Officers Grade L41 via COLAS. There were three (3) different interview sessions held in two zones as per the Table 2.

Table 2

No.	Interview Session	Date And Interview Centre	Number Of Officer
1.	Contract On-Line Application System (COLAS)	10 February 2011 Attorney General's Chambers (Central Zone)	26
2.	Contract On-Line Application System (COLAS)	10 June 2011 Attorney General's Chambers (East Zone)	9
3.	Green Harvest Program	20 and 21 May 2011 Attorney General's Chambers (Central Zone)	24
4.	Contract On-Line Application System (COLAS)	13 October 2011 Attorney General's Chambers (Central Zone)	7

In addition to COLAS, AGC has rolled out The Green Harvest Programme, which enables the department to collaborate with Higher Education Institutions (HEIs) in order to identify excellent law candidates with 3:00 CGPA and above from recognized universities for contract legal officers' recruitment purposes. In 2011, AGC conducted two interview sessions in the Central Zone and recruited 24 L41 grade Legal Officers on contract basis.

AGC has recruited a lesser number of contract Legal Officer Grade L41 in 2011 wherein only 66 officers were taken in, in contrast to the 213 officers taken in in 2010. This is due to the Lean Civil Service Policy, introduced by the Public Service Department.

2 RECRUITMENT OF LEGAL ASSISTANTS IN AGC

Legal Assistants play a vital role in order to enhance and expedite the functions of AGC and other ministries. The Management Division of AGC with the assistance of the Public Service Commission (SPA) manages to attract more applicants to fill in available posts. In 2010 all posts have been filled. However in 2011, there was a slight reduction as there were only 280 posts for Assistant Legal Officers that have been filled. Officers occupying 3 particular grades i.e. L29, L32 and L38 were mostly due for promotions, transferred or opted out from service (on the basis of career development). In enhancing job prospects and opportunities, AGC recognizes qualified Assistant Legal Officers to enjoy the benefit of opting into the Legal Service as Legal Officers on a contract basis in AGC. Conversely, those who seek to further studies locally or abroad are those expected to reap the benefits of this existing policy.

3 COMPREHENSIVE PERFORMANCE APPRAISAL SCORING SYSTEM (COMPASS)

The Attorney General's Chambers (AGC) is always committed to improvise the quality of delivery of legal services. To this end, AGC had conducted further research and development into methods of assessing officers' performance and competencies. Based on the findings, AGC formulated and implemented an innovative, creative and transparent dynamic evaluation system which is known as Comprehensive Performance Appraisal Scoring System (COMPASS). COMPASS is an in house system, aimed at transforming the traditional performance appraisal system of the existing officers, known as Laporan Penilaian Prestasi Tahunan (LNPT) and to enable the department to identify productive and potential officers. COMPASS is a fully on-line system which caters accessible by officers of all levels and upper management. This system was launched on October 3, 2011 which catered for approximately 1,017 AGC officers in Headquarters, cadre posts at various agencies/departments and ministries and AGC's state offices.

COMPASS operates in a two-fold manner to provide a transparent and comprehensive mechanism for performance evaluation of AGC' officers and as a platform in promoting values and ethics such as integrity, professionalism, fairness, transparency, responsibility and accountability at work among officers in AGC.

The system involves four stages of assessment as follow:

- (i) Supervisor Assessment,
- (ii) Peer Assessment,
- (iii) Subordinated Assessment; and Self-Assessment.

The four stages vary according to the criteria and weightages. Distribution of marks for each stage of assessment is designed holistically by taking into account the duties and staffing in AGC.

COMPASS is distinct from LNPT as it allows officers to evaluate their supervisors and peers, in a more comprehensive and transparent manner. Officers will know their assessment scores automatically when

the evaluation process has been completed, and this allows officers to improve the quality of work and personal skills by knowing their weaknesses through the assessment results at each evaluation stage.

COMPASS can be construed as a paradigm shift of AGC officers' (civil servants) characteristics to become more transparent, courageous, responsible, accountable and fair in making an objective evaluation. Through the COMPASS system, AGC discovered that the percentage of officers in the excellent category (score 90% - 100% rating) is smaller than the percentage of officers in the same category in the LNPT system. As such, the top management is able to earmark a number of potential officers who are eligible for promotions, candidature of scholarships for further studies (locally/abroad) and Excellent Service Award nomination.

4 Human Resource Management Information System (HRMIS)

The Government via Circular Letter No.8/2008 has introduced the application of the Human Resource Management Information System (HRMIS) which consists of various modules aimed at enhancing the Management System of the Malaysian Civil Service. In light of this, AGC has embarked into online application of HRMIS which has been implemented in Headquarters and State Offices. The Management Division has fully implemented the following modules of HRMIS:

- i) Personal Record Management Module
 - Record Management Sub-module and Asset Declaration
 - ii) Performance Management Module
 - Plan and Achievement (SKT) Sub-module
 - iii) Remuneration, Benefit and Reward Management Module
 - Leave Sub-module
 - iv) Career Management Module
 - Individual Career Planning Sub-module
 - v) Separation Module
 - System Administration Module (HRMIS & Information Technology Section which involves System Administrator)
- Currently, the Human Resource Section is in the process of embarking into other sub-modules of HRMIS as follows:
- Development Module
 - Study Programme Submodule
 - Employee Communications and Behavioral Management Module
 - Majlis Bersama Jabatan (MBJ) Sub-module

For 2011, AGC was committed to update data in all modules actively with an overall achievement of 97% in terms of HRMIS Key Performance Indicator (KPI HRMIS). For this notable achievement which had far exceeded initial projections and expectations, AGC has been awarded with a certificate of achievement.



1 Implementation of ICT Projects Under the Ninth Malaysia Plan (RMKe-9) and Tenth Malaysia Plan (RMKe-10)

The AGC Information Communications Technology (ICT) Strategic Plan (ISP) 5 year Blueprint for ICT implementation covers the period for the years 2008 to 2012. The ICT projects that have been listed in the ICT blueprint are AGC Portal, Legal Information Management, Pardon's Board File Management, Office Management, Programme Management, HRMIS, Asset and Inventory Management, Enterprise Content Management, Integrated Library Management, Knowledge Management,

• Integrated Legal Management System (ILMS)

ILMS is one of the pioneer ICT projects to be implemented based on the AGC ICT Strategic Plan in an open tender. Phase 1 of this project began in 2009 with the establishment of the Project Implementation Team headed by YBhg. Datin Azizah Nawawi. The team was responsible to do research, prepare proposal documents for MAMPU, prepare tender documents and become the Technical Committee for Tender Evaluation. On 27 October 2009, Phase 1 of the project was awarded to eNCoral Digital Solution and as a start, six (6) modules were to be developed including Investigation Paper Module, Crime Case Module, Appeal Case Module, Civil Case Module, International Case Module and Legal Research Module. With the implementation of this important project, it is hoped that AGC's efficiency in managing cases would be improved and contribute towards efforts in achieving the National Key Result Area (NKRA) target to reduce petty crimes by 20% in the year 2010. ILMS Phase 2 project was awarded to eNCoral Digital Solution and the contract period is from 8 August 2011 until 31 December 2012.

• Implementation of Knowledge Management

Knowledge Management (KM) refers to the process of collecting, organizing, sharing and analyzing knowledge residing in the organization. The project was started by collecting the organizational intellectual materials in digital format (transcripts of speeches, legal opinions, various conference and course materials, presentation slides and articles) and storing them into a database called Intranet AGC. Enhancing the knowledge management initiatives in AGC, AGC Platform for E-Learning (A-PEL) was developed and launched in May 2010 to provide the facility of online learning, sharing intellectual capital of an organization including leveraging on the combined knowledge of various experts on legal matters which are of interest to others in the organization. APEL Phase II was awarded to Content Capital Sdn Bhd and the contract period is from 12 October 2011 until 11 April 2012.

• Enhancing AGC Official Portal Content Management

This project was initiated to provide a platform for users and the public to access information in AGC. The AGC Portal was designed to meet the practical needs of the following groups: the public, government agencies, the business community and AGC personnel, through restructuring the content using web personalisation. The AGC Portal consists of corporate information, Division's profile, legal related information on cases and international, access to public online services and internal ICT applications, video and photo gallery on AGC's activities and events and provides users mechanisms through which enquiries and questions could be addressed.

In 2010, the AGC Portal was rated as a 5-Star Portal in the Malaysian Government Portal and Websites Assessment and was awarded 2nd place from 1,145 Portals that were evaluated by the Multimedia Development Corporations (MDEC) with a 90% score.

- **AGC Network and Security System for Data Centre**

This Project received the approval of the ICT Technical Committee (JTICT) MAMPU on 19 Jun 2008 whereby MAMPU decided implementation of the project would commence only after AGC had moved to the new building in Precinct 4, Putrajaya. The tender process was initiated in May 2009 for the implementation of comprehensive security measures covering network, hardware and AGC applications. The project was awarded to Imatera Digital Image Services Sdn Bhd. and the benefits of the project are as follows:

- (i) Provide comprehensive thread protection;
- (ii) Client and server protection;
- (iii) Network Infrastructure Protection;
- (iv) Traffic Normalization;
- (v) AGC application performance protection;
- (vi) Digital vaccine real time filter service
- (vii) Control of all web communications.

In 2011, Web Application Firewall and Log Management systems had been procured to protect AGC's web application and to manage server and system logs.

- **Digital Language Lab System**

The Attorney General's Chambers Digital Language Lab System was started in 23 April 2010 and was completed in July 2010. The functions of the Digital Language Lab System are to assist in the development of pronunciation and listening comprehension for its users and to facilitate language teaching and learning. AGC language labs and language teaching solutions allow teachers to choose any content they wish to use in teaching – from audio CDs and internet to teacher and student-created content.

- **Official AGC Email High Availability**

The AGC Email High Availability was started on 23 June 2010 and the project was completed on 26 October 2010. AGC Email High Availability is used to avoid unplanned downtime for a computer system through the implementation of hardware and software solutions. A high availability solution involves the elimination of single points of failure in the AGC Official Email system by duplicating or replicating components of the system so that if one fails the other is able to continue performing the role.

- **Computer Facilities**

ICT is a key driver to promote higher value-added sources of growth. STM continues to facilitate the development of ICT through various initiatives such as upgrading ICT infrastructure. Early in 2011, STM procured 14 servers, 220 desktop computers, 295 notebooks, 85 printers and 70 scanners, as most of the existing computers were acquired in 2008 and were obsolete or not suitable for current applications. Therefore, in the same year procurement of 150 unit and 10 scanners was done to replace the leased desktop computers and scanners.

- **Email Registry System**

This is an Innovation Project from the Management Division called the Email Registry System (EMS). EMS provides the solution for the AGC official email to save e-mail messages and attachments into Sharepoint. The email can be saved and indexed so that it can be viewed by others. Through this innovation the AGC official email can be saved for longer term storage thus avoiding inbox size limitations and directly increases efficiency by enabling users to access a centralized email registry thorough which information collaboration could be practiced.

- **Chambers Virtual Office (CVO)**

CVO was deployed to ready a platform to enable the user to collaborate, share, exchange, and communicate as well as conference with one another. This CVO platform, termed as the CVO Portal comprises of a portal that integrates email and document sharing which are linked to AGC's public portal and other critical Core Applications. By utilising the CVO platform, officers can now work outside the confines of their physical office space. On 24 August 2011, the project was awarded to Brilliance Information Sdn Bhd (BRINFO) with a contract period of between 18 August 2011 and 26 December 2014. It was developed on infrastructure built on the Suite of Microsoft Technology platform and HP Server Technology. It comprises of the system components and services below:

- (i) Email Messaging
- (ii) Document Collaboration
- (iii) Lync Communication
- (iv) Disaster Recovery Center

- **Implementation of ICT Projects Under In-House Development**

Adjacent to the implementation of ICT project under RMKe-9 Development Budget, most of the ICT projects in AGC have been developed by in-house ICT technical resources. ICT projects have been implemented in 2010 :-

- (i) Online Services on Application for Notary Public with e-Payment
- (ii) Integrated Daily Reporting System
- (iii) Compilation of Legal Opinion System for Advisory Division called "Khazanah Fikrah" and for Research Division – a repository system
- (iv) Online Services on Library Membership Online Application.
- (v) Compilation of Parliamentary Questions System for Drafting Division.
- (vi) Office Automation Application System such as AGC Room and Hall Booking System, Task Scheduling System and Employee Satisfaction Survey Form.
- (vii) Portal Development and Implementation.

Implementation of ICT Projects Under the Ninth Malaysia Plan (RMKe-9) and Tenth Malaysia Plan (RMKe-10)

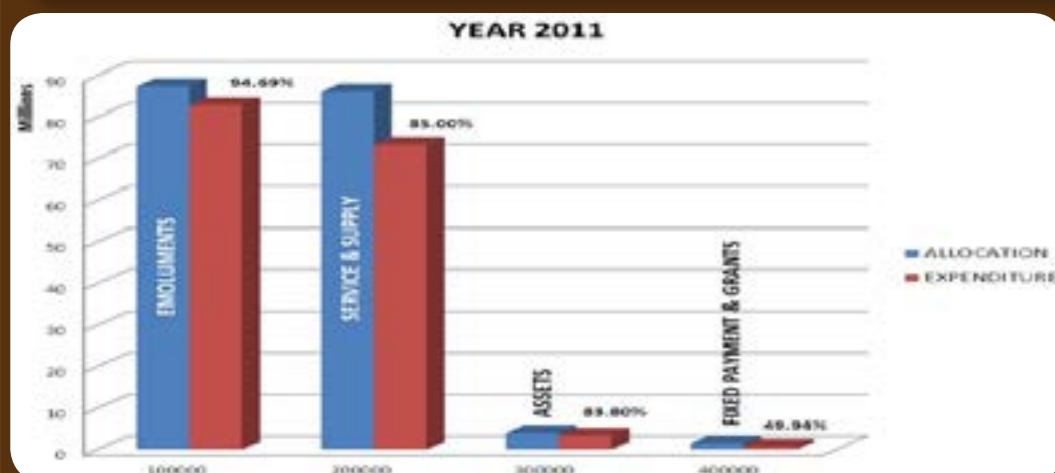
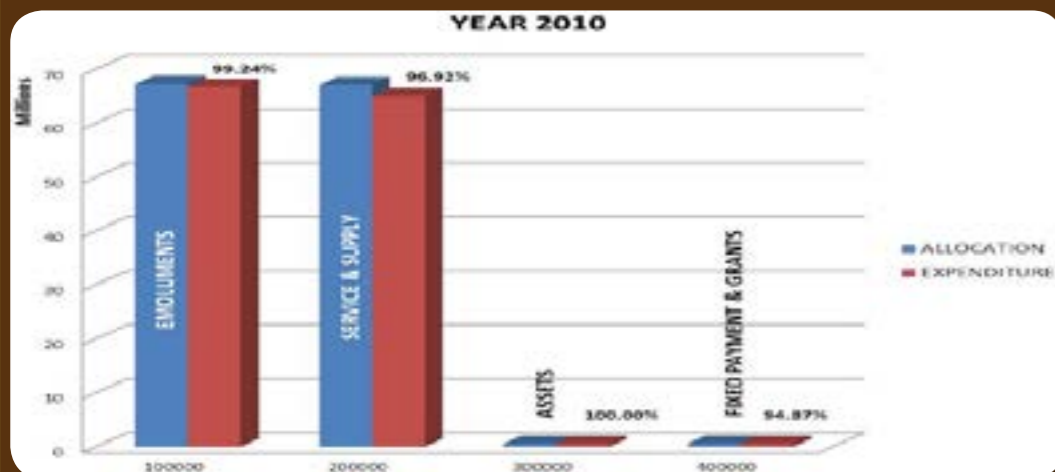
FINANCIAL OVERVIEW
ATTORNEY GENERAL'S CHAMBERS
YEAR 2010 and 2011

For the year 2010, the Treasury approved a total allocation of RM 135,548,400.00 while in year 2011, RM179,256,000.00 was approved for operating expenditure. The breakdowns of the allocations were as follows: -

	Year 2010	Year 2011
1. Emoluments	RM 67,238,913.00	RM 87,435,001.00
2. Services and Supplies	RM 67,079,267.00	RM 86,157,699.00
3. Assets	RM 959,420.00	RM 4,105,000.00
4. Fixed Payments and Grants	RM 634,800.00	RM 1,558,300.00
Total	RM 135,548,400.00	RM 179,256,000.00

Expenditure Performance

The overall expenditure by the Attorney General's Chambers (AGC) as of 31 December 2010 was RM132,938,106.71 or 98.07% from the overall allocation for 2010. The allocation for the year 2011 was RM160,240,958.77 or 89.39% from the overall allocation in the year 2011. From the initial allocation for the year 2010 and 2011, almost 50% was allocated and used as emolument and the balance was for services and supplies. The Attorney Generals Chambers achieved an estimated expenditure as shown below:



For 2012, the budget allocation for operating expenditure was increased by 6.39% to RM190,702,700.00 compared to 2011. Of this amount, a sum of RM 90,067,500.00 was allocated for emoluments (increase of 3%), RM 97,158,700.00 for services and supplies (increase of 12.77%), RM 2,800,000.00 for assets (decrease of 31.79%) and RM 676,500.00 for fixed payments and grants (decrease of 56.59%).

Outcome Based Budgeting Training Sessions

Outcome Based Budgeting (OBB) is a new budgeting system introduced by the Ministry of Finance (MOF) at the end of 2011. In order to enhance knowledge and understanding of AGC's officers on the implementation of OBB and in preparation for Budget 2013, AGC organized a series of workshop sessions pertaining to OBB through:

1. Strategic Programming Workshop (SPW) Outcome Based Budgeting (OBB) on 19 to 21 September 2011 at Hotel Avillion Admiral Cove, Port Dickson;
2. Outcome Based Budgeting Workshop Year 2011 (1st Series) on 26 to 29 September 2011 at Premier Hotel, Klang; and
3. Outcome Based Budgeting Workshop Year 2011 (2nd Series) on 10 to 13 October 2011 at the Crown Hotel, Malacca.

Departmental Budgeting System

Departmental Budgeting System (D'BUS) is a tool developed in-house which integrates with the budget preparation system. D'BUS aim is to assist and facilitate appointed representatives of a given department in the preparation of the annual budget for each Division and State Offices in AGC. This system was first introduced in 2009 and adopted in 2010 for budget preparation for the year 2011 and 2012. D'BUS has also been fully utilized in the preparation of the budget for the year 2013 by all Divisions and States Offices in Attorney General's Chambers. This system has received attention from MOF and was awarded 10th place in the National Innovation Award Nominations (AIPK) in year 2011.



DEVELOPMENT

No.	Tasks / Projects	Number of Projects/ Tasks	Expenditure	Budget Source
1.	Management of office space rental for the State Legal Advisor's Office • New office space rental	9	22,1571.36	Operating Expenditure
2.	Renovation of the State Legal Advisor's Office	16	2,081,526.27	9th MP,
TOTAL		25	2,303097.63	

Table 1. Summary of Projects / Tasks for year 2010

No.	Tasks / Projects	Number of Projects/ Tasks	Expenditure	Budget Source
1.	Management of office space rental for the State Legal Advisor's Office			
	• New office space rental	7	1,441,893.60	Operating Expenditure
	• Extension of rental period	5	1,052,556.00	Operating Expenditure
2.	Renovation of the State Legal Advisor's Office	40	3,159,816.93	NKRA
3.	Rumah Sebagai Pejabat (RSP)	4	178,791.90	NKRA
4.	ICT Projects	1	5,344,222.70	10th MP
		1	3,742,357.80	NKRA
TOTAL		58	14,919,638.93	

Table 2. Summary of Projects / Tasks for year 2011

ACHIEVEMENTS

- Home as an Office Concept (RSP)

The major highlights of AGC development was the successful implementation of the home as an office concept or Rumah Sebagai Pejabat (RSP) as a pilot project at four states namely, Kedah, Sabah, Kelantan and Johor. On top of that, the RSP managed to obtain 1st placing for non-ICT category in Prime Minister's Office Innovation Award 2011.



Kluang,
Johor

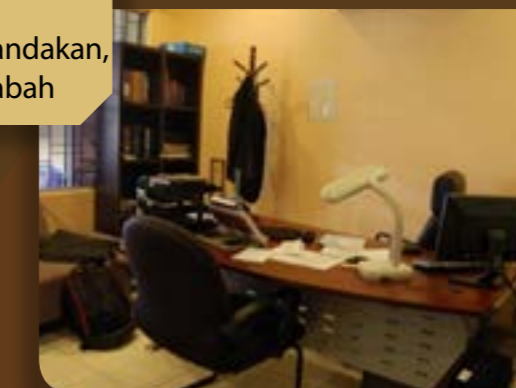


Gurun,
Kedah

RSP



Gua Musang,
Kelantan



Sandakan,
Sabah

- Award of Excellence on Finance Management Based On Accountability Index Year 2010

In conjunction with Malaysia Audit Day 2011, Attorney General's Chambers of Malaysia was conferred a four (4) star rating – An Award on the excellence on Finance Management Based on the Accountability Index for the year 2010. The award was presented by the Chief Secretary to The Government, YBhg. Tan Sri Mohd Sidek Bin Hj. Hassan on the 27 September 2011 at the National Audit Academy in Sepang, Negeri Sembilan.



AGC Platform for E-Learning (A-PEL)

The AGC Platform for E-Learning (A-PEL) was first developed in October 2009 by the Resource Centre Section with the assistance of the Information Technology Section. It was developed to encourage the sharing of knowledge among officers and staff towards building a Learning Organization in line with the Government's vision of Transformation and Innovation within the parameters of the 1Malaysia concept. It was further upgraded in January 2010 as a platform to initiate online learning to meet the information needs of AGC Headquarters and the State Legal Advisor Offices.

A-PEL has been widely used by all levels of staff and officers as it covers legal as well as non-legal topics and includes all Conference/Seminar Papers and Training Modules organized by AGC, Lecture Notes, Theses/Project Papers, Reports/Articles, Speeches, Selected Publications and a wide spectrum of information encompassing the Knowledge Heritage of AGC. To date as many as 677 documents have been uploaded to A-PEL including 69 training videos. A-PEL is equipped with an Audit Trail which logs the time (hours) spent reading and acquiring knowledge online. At 2011 A-PEL was in its 2nd Phase to enhance further the information provided to include hyperlinks, more graphics/pictures, quiz databank to test understanding, highlighted keywords, detailed usage reports and other important features. A-PEL was nominated for the BISA Prime Minister Department's Award 2010.

Award for Most Active Library Implementing Promotion of Reading Programmes 2010

AGC Abu Yusuf Yaqub Al-Khindi Library was awarded the Most Active Library Implementing Promotion of Reading Programmes for the year 2010. The award was given by Datuk Raslin Abu Bakar, the Director General of the National Library of Malaysia, based on the reports sent by Al-Khindi Library and information in the Al-Khindi Portal including active on-going reading programmes such as Knowledge Sharing, Children's Programmes, Development of AGC Platform for E-Learning (A-PEL), Community Service for children (talks and colouring sessions) in rural areas during the Management Division Annual Conference.

The award was in line too with the theme of the Seminar to transform library development and services using the latest technology to foster knowledge and create the best services for the Library User.



AGC Al-Khindi Library Knowledge Sharing Programme

The Knowledge Sharing Programme was first initiated by AGC Al-Khindi Library with the acquisition of a new building for AGC in July 2009. The Library had bigger premises incorporating the present space and started a Speaker's Corner biweekly which became popular with officers from all Divisions of AGC speaking on diverse topics ranging from polygamy to the Criminal Procedure Code to matters on health. The Speaker's Corner had the support of Tan Sri Attorney General himself and encourages AGC officers and staff to have brainstorming sessions, exchange of ideas, sharing of knowledge and be well informed.

This Programme is in line with the AGC Abu Yusuf Yaqub Al-Khindi Library's mission to "encourage and inculcate reading habits" among AGC staff and officers as outlined in the National Reading Policy. Beginning 2010, Knowledge Sharing Sessions were held at the AGC Tan Sri Abdul Kadir Yusof Hall every fortnightly on Fridays. As of December 2010 as many as 16 and 14 sessions in 2011 have been carried out have been carried out successfully.

Upgrading AGC Al-Khindi Library's Service Delivery System

To upgrade and improve information search and retrieval in AGC Abu Yusuf Yaqub Al-Khindi Library, the Library purchased a new library management system called ILMU (Integrated Library Management Utilities) in late 2009. In the year 2010 ILMU's functions of Cataloguing, Indexing and Purchasing was fully implemented more effectively to ensure upgrading of the Library's Service Delivery System to meet the information needs of legal officers.

The Al-Khindi Library Portal was launched in 2010 to include important details such as New Arrivals, Latest Newspaper Articles, Legislation Index and Announcements for reference and information. Security features were implemented through the use of the latest RFID technology to prevent loss of library books and electronic materials such as CD ROM and DVD in the collection. The new library system ILMU is user-friendly, provides fast, comprehensive and effective library services to all AGC officers and staff and upgrades the delivery systems of AGC Abu Yusuf Yaqub Al-Khindi Library. Thus knowledge is distributed and shared in line with the vision of AGC as a Learning Organization.

Legal Databases Training Programme

Abu Yusuf Yaqub Al-Khindi Library subscribes to legal databases such as Lexis Nexis, CLJLaw, Westlaw and Lawnet. All these databases are accessible from the Al-Khindi Library Portal. A bi-monthly training undertaken was formulated especially for new legal officers and assistant legal officers to increase and enhance their knowledge in effective methods of doing legal research.

The hands-on training at the Digital Library has enabled them to be more focused in research by providing the correct and latest information from the legal databases. Sessions on Information Search by Library Staff on the Al-Khindi Library's Web OPAC (On line Public Access Catalogue) and A-PEL (AGC Platform for E-Learning) as well as sessions on FC Online (Federal Constitution) were also carried out during these trainings.

For the year 2010 and 2011, six (6) Legal Databases Training sessions were successfully held with a total of 310 participants and 332 respectively from nine (9) Divisions of AGC comprising of legal officers and assistant legal officers.

Children's Reading Programme 1 Malaysia, Story Telling, Colouring and Sketching Contest, Attorney General's Chambers

A number of 1Malaysia children's reading programmes, story telling, colouring and sketching contests, were held in 2009 and annually from then on at the Tan Sri Abdul Abdul Kadir Yusof Hall AGC with the co-operation of the National Library of Malaysia.

The Children's Programme in 2010 was held on 18 June 2010 and was officiated by the Attorney General. The Programme was filled with story telling sessions with Mama Sham (Ms Samsul Kamariah) from the National Library of Malaysia. Colouring Competition for all children of AGC officers was held. There were also dancing sessions, games such as giant "Snakes & Ladders" and 129 children enjoyed the Video "Upin dan Ipin" while participating in the Colouring Competition.

As for the year of 2011, the Programme was held on 10 June 2011 and joined by 129 children dressed up as fairytale characters and animals. The activities held during the programme were storytelling session and singing with Mama Sham, dancing session, colouring and sketching competition and a screening of the Kung Fu Panda movie, Selling Books and Cartoonist Corner.

Online Database Training Sessions 2010/2011

Through the various series of Legal Databases Training, the usage of electronic legal information has increased tremendously in 2010 due to the constant searches for legal cases, references and information. This can be seen in the database usage recorded for Lexis Nexis in 2010 totalling 199,494 searches. The usage statistic increased to 353,485 searches in the year 2011.

Year	Participants	Divisions	Database/Sessions
2010	310	9	6
2011	3332	9	6



Melaka State Legal Advisor Office (14 October 2011)



Lexis Nexis Training for State Legal Advisor Offices

In the year 2011, the library has extended its services to the State Legal Advisor Offices by organizing 14 Lexis Nexis Training Sessions in State Legal Advisor Offices. The training was successfully attended by 164 Legal Officers and Assistant Legal Officers.



Al-Khindi 2U

Al-Khindi 2U is one of the programmes initiated by the library to instil reading habits, knowledge sharing and inculcate a culture of continuous education amongst the officers and staff of the AGC. This is a user-orientated programme first implemented in February 2011 with the Prosecution Division to upgrade lending services where the library goes directly to the users. This is a quick lending services whereby library users can browse through new books available in the library's collection and borrow books on the spot. Demonstrations of the library's portal and on the usage of the library's Web OPAC (On line Public Access Catalogue) and A-PEL (AGC Platform for E-Learning) were also given during the tour around the various divisions. Journal content listings and reference enquiries forms were also distributed to the officers. Al -Khindi 2U programmes were attended by Heads of Divisions and officers of AGC.

Al-Khindi 2U program had reached out to the following Divisions throughout 2011:

- i) Prosecution Division - 7 February 2011
- ii) International Division - 2 March 2011
- iii) Drafting Division - 17 March 2011
- iv) Advisory Division - 25 April 2011
- v) Appellate and Trial Division - 16 Jun 2011
- vi) Civil Division - 7 July 2011
- vii) Law and Reform Division - 21 July 2011
- viii) Management division - 27 July 2011

The Al-Khindi 2U was clearly a success with 410 books loaned out throughout the period. Info hunt questions were also given during a visit to one of the divisions which received overwhelming responses with a noticeable increase in library membership.

Community Programmes

For the year 2011 the library actively participated in two community programmes held in conjunction with two strategic conferences organised by the Management Division. For the first conference held on the 10th February 2011 and themed, Bakti Disemai Budi Dituai with the collaboration of the Port Dickson City Council and Rumah Seri Kenangan Seremban. The purpose of this programme was to promote awareness to participants of the Conference on the importance of preserving the environment and contributing to society. A gotong royong session was held at the Seri Cahaya Port Dickson Beach. The planting of twenty trees was officiated by the Director Puan Norsham Rahim, accompanied by senior officers of the Management Division.



Twenty elderly residents of Rumah Seri Kenangan Seremban were entertained and served with food and drinks held near the beach. The library staff and officers of the Management Division contributed reading materials and clothing to the elderly resident.



Prosecution Division



Drafting Division

The next community programme was held at Kampong Seri Mahkota Kuantan on the 3rd December 2011 in conjunction with the Management Division's Strategic Planning Conference held at Bukit Gambang Resort City from the 1st to 4th December 2011. This programme was held with the cooperation of YB Mohd Suhaimi bin Yusoh, ADUN

Lepar and the Management Division. About 155 Management Division officers and staff attended this community programme together with 50 villagers of Kampong Seri Mahkota headed by Tok Empat Kampong Seri Mahkota Encik Hamidi bin Haji Husin. The programmes held were painting and cleaning up the community hall, mosques, graveyards and also a KAFA school. The management Division staffs were divided into groups and cleaning up and shelving of the library books were also done with the library staff. A colouring activity for twenty



five children was also held at Desa Seri Mahkota library. The colouring contest held at the library was hoped to instil the love of books and reading. The community programme ended with a tree planting ceremony at the

mosques and prize giving to the participants of the colouring contests. Contributions of dried foods to six underprivileged families were distributed by the Director of Management Division.

