



SELANGOR BAR REPRESENTATIVE REPORT



M K Thas

During this term under review, the Selangor Bar Chairman and myself represented the Selangor Bar in the Bar Council.

I was appointed by the President to serve as the Criminal Law Committee's Deputy Chairperson.

The Bar Council involved itself in a wide range of activities and dealt in various regulatory policies pertaining to the practice of Malaysian Bar members. Some of the significant activities and issues are as follows:

A. Draft Legal Profession Act 2021

The Bar Council received the draft Amendment Bill (both in English and Bahasa Malaysia version) on 21/6/2022 and currently reviewing the same with the assistance of the relevant committees in council.

B. E-Filing System

In March 2022, members experienced glitch in the e-filing system. The problem was escalated to the Bar Council and was acted upon swiftly. Selangor State Bar members were appraised of the outcome.

C. AMLA Compliance Training Workshop for Selangor Bar

The Anti-Money Laundering and Counter Financing of Terrorism (AML/CFT) is a self compliance programme whereby under the AMLA 2001 it is a legal obligation for each reporting institution to comply with AMLA's rules and regulations. On 5th September 2022, Nationwide AMLA Compliance Training Workshop was organised by the Selangor State Bar with assistance from the Bar Council. Representatives from the State



Bar were invited to address AMLA issues within the State. The speakers who attended are certified trainers for AML/CFT - Designated Non-Financial Businesses and Professions.

The Roadshow event which was categorised into theory and practical, aims to educate and equip the Selangor Bar members with basic knowledge in AMLA compliance, so as to enable them to assimilate the AMLA compliance policies within a firm.

D. Candlelight Vigil

The Bar Council initiated a candle light vigil on 26/4/2022 to show support in view of Singapore government's aberrance in wanting to execute by hanging a Malaysian named Nagenthiran for drug trafficking offence, although he was alleged to have a low IQ. The candlelight vigil was attended by over 40 people holding makeshift candle holders with the hope that in future the Singapore government can adopt the moratorium on death penalty and executions.

E. Court-Related Issues

Court related issues were addressed in Bar Council during monthly meetings on various issues amongst other, the problem relating to the court logging off from e-review system without formal handshake by parties were taken up and solved.

F. Issues of Cost Imposed on Litigants for Interpreter Fees

Issues relating to added cost imposed on litigants for engaging Chinese or Tamil interpreter services was raised.

Interpreter services are essential for equal access to justice and therefore should be maintained and continued for as long as our country retains its present cultural and linguistic complexity. However, due to an acute shortage of Chinese and Tamil court interpreters, it becomes the litigants' responsibility to engage private interpreters at their own cost which is not cheap. The position in Selangor is alike, whereby parties are required to write to the court in advance to ask for interpreter's service. Upon non availability, members are compelled to hire private interpreters. Bar Council take this issue seriously and will be escalating this matter to the judiciary.



G. Updating the Selangor Bar Committee

Both the Chairperson and myself will bring and update serious issues discussed at the Bar Council to the Selangor Bar Committee members.

H. Walk for Judicial Independence

Bar Council's Walk for Judicial Independence on 17/06/2022, was organized by the Malaysian Bar to protest against the interference with the independence of the Judiciary and breaches of the fundamental principle of separation of powers.

The gathering was marred by heavy police presence fencing movements and stopping the peaceful procession of lawyers to hand over the Memorandum to the Deputy Minister of Law. It is to be reported that the Bar Council have filed a Writ action against PDRM for obstructing lawyers from exercising their statutory duties and committing misfeasance in public office.

I. Majlis Pelancaran Program Dana Bantuan Guaman Selangor

Bar Council together with Selangor Bar Committee signed a MOU with the Selangor State Government launching "Dana Bantuan Guaman Selangor".

Selangor Bar is entrusted to facilitate the programme by empaneling volunteer lawyers to take up the files primarily on family and employment issues for an agreed nominal fee. The objective of the collaboration between the Selangor Government and the Selangor Bar is driven with a noble objective in ensuring access to legal representation among marginal societies in Selangor.

J. Legal Profession Practical Course (LPPC)

Upon clarification on the proposal made and subsequent thereto, the Bar Council endorsed support towards the Legal Profession Practical Course (LPPC) on 15/10/2022 for the betterment of the legal profession.

The LPPC by the Common Bar Committee is a vocationally-driven mandatory pupillage programme. It will become the Malaysian Bar's common point of entry for individuals seeking admission as Advocates and Solicitors of the High Court of Malaya. The focus of the LPPC will be on the development of practical skills as the curriculum will provide practical perspective on specific components of legal practice. This will incorporate key areas of competence through daily scenarios that parallel real-life practice.

**K. Revised Rates of Payment for Civil & Syariah of YBGK Lawyers**

As at the time of this reporting, YBGK HQ received RM1.5 million from Ministry of Finance on 6/12/2022 and able to pay off the delayed payments of YBGK lawyers. The revised rates of payment for civil and syariah matters was tabled during the Bar Council meeting held in October 2022 for approval. The Bar Council has approved the revised rates of payment and sent to YBGK HQ for consideration of the Board.

L. Settlement of Suit Filed by LexisNexis against the Malaysian Bar

Bar Council in its meeting held on 12/11/22, approved a proposed settlement offer from Lexis Nexis pursuant to that subscription agreement that was executed on 17/11/22. Lexis Nexis had then withdrawn their suit against the Malaysian Bar on 21/11/22 with no order as to costs. Bar Council circular was issued on 21/1/22 informing the general members.

M. Amendment to the Judicial Appointments Commission (JAC) Act 2009.

Amendments to the Judicial Appointments Commission (JAC) Act 2009 on 3rd December 2022 was addressed. The Law Reform and Special Areas Committee (LRSAC) has been tasked to prepare a proposal to review and amend the Judicial Appointments Commission Act 2009. For this purpose, LRSAC formed a subcommittee to analyse and review the JACA with the objective of proposing reforms to the Act. The Subcommittee had prepared a proposal entitled “Amendments to the Judicial Appointments Commission Act 2009”. This proposal is a preliminary document that has been approved by the Bar Council during its meeting on 19/02/2022. The amendment of the Judicial Appointments Commission (JAC) Act 2009 is to ensure greater independence of the judiciary.

The fundamental issue with the JAC Act is that the Prime Minister maintains considerable influence and power over the judicial appointment process. This contradicts the underlying purpose of the JAC Act, which is to uphold judicial independence. The proposed amendments include amendment to section 5 to provide a new composition to the JAC.

N. Painting of Selangor Bar Building

Selangor Bar raised concern regarding the need to paint the exterior walls of the Selangor Bar Building which looks deplorable.

Selangor Bar Committee decided to paint the exterior walls of the building.



Selangor Bar Committee have approached the Bar Council Finance Committee for fund to upkeep the maintenance of the building and to render a new paint coating of exterior walls. Bar Council had agreed on the same.

O. Assist Members Affected by Floods

The recent aggravated floods have affected many families within Malaysia. Many had to evacuate their homes and are still in recovery from its devastating effect. Some Members of the Bar residing in the flood-affected areas, particularly in Kelantan and Terengganu, were adversely impacted and had to be placed to relief centers. The Bar Council has initiated a donation drive to provide financial aid to assist affected Members.

P. Court-Assigned Counsel for Capital Punishment Cases

New rates on assigned counsels was approved and implemented effective from 21/12/22 and Bar Council circular was sent out to this effect informing members.

Q. Proposing Amendments to the Security Offences (Special Measures) Act (SOSMA) 2012

Assisted the Criminal Law Committee of the Bar Council/ Institutional and Law Reform Subcommittee under the Law Reform and Special Areas Committee in suggesting amendments to SOSMA 2012 to be submitted to the Minister of Law.

R. There were 11 Bar Council monthly meetings up to the time of this report. The attendance record for the same are as follows:-

M K THAS: 11

KOKILA VAANI: 11

S. APPRECIATION

I would like to take this opportunity to express my gratitude to all the members of the Selangor Bar for giving me the opportunity to lead and serve the State Bar in various ways. I am humbled and honoured by the trust granted in me to carry out my responsibility to safeguard the interests and welfare of the Selangor Bar members.

Not to mention, all the Council members at the Bar Council term 2022/23 who had supported the cause and plied of members which included the Selangor Bar members. Special thanks to the Selangor Bar Chairman, Ms. Kokila Vaani who had been supportive of my voice at the council meeting in echoing issues raised on behalf of



Selangor members at the Bar Council meetings. I wish to record my appreciation to the fellow committee members of the Selangor Bar Committee 2022/23 for the unwavering support. This would also include all the secretariat staff of Selangor Bar.

Considering that this is my first term as an ordinary council member, I have at all corners stood by in ensuring issues concerning the Selangor Bar members were addressed at the council level. *Last but not least, I can only thank each and every member of Selangor in having the trust in me by electing me as the Selangor Bar Representative 2022/23.*

Report submitted by,

M K Thas

Selangor Bar Representative to Bar Council 2022/2023