

(A) Introduction:

1. Chief Justice, thank you for allowing us to say a few words on this historical day. The OLY is of particular significance to the High Court in Sabah and Sarawak as in 2001 in a Sandakan, Sabah, your Lordship working together with local Bar members revived this age-old tradition of Opening of Legal Year. Since that inaugural opening, Opening of Legal Year have since become a permanent fixture of the Malaysian Judiciary's annual calendar held twice a year, one in POJ followed by another one in one of the major towns in East Malaysia. Your Lordship's foresight reflects your deep appreciation of the importance of the Judiciary which is the 3rd pillar of government and is tasked with defending the Federal Constitution of the country. The judiciary of High Court in Sabah and Sarawak stand proud today of the unprecedented fact that you are chairing today proceeding.

(B) Status of High Court of Sabah and Sarawak:

2. Let me now say a few words on the status of High Court in Sabah and Sarawak in the context of the Malaysian Judiciary. Why do we have 2 High Courts in the country? On the formation of Malaysia in

1963, Section 121(1) of the Federal Constitution created 2 High Courts of coordinate jurisdiction, namely, the High Court *in* Malaya and High Court *in* Borneo (now known as the High Court *in* Sabah and Sarawak).

3. The words “co-ordinate jurisdiction” *have* been interpreted by the Federal Court to mean that the High Court *in* Malaya and High Court *in* Sabah and Sarawak are two distinct entities in that they are completely independent of each other in that there cannot be any transfer of cases from the High Court *in* Malaya to High Court *in* Sabah and Sarawak or vice versa. Similarly, if a Judge is transferred from the High Court *in* Malaya to the High Court *in* Sabah and Sarawak to serve, he or she can only exercise judicial power only after he or she is sworn in before the Chief Judge of Sabah and Sarawak and vice versa.

4. At the juncture, I wish to express my gratitude to the Chief Justice and the President of the Court of Appeal in ensuring that appeals emanating from Sabah and Sarawak are heard by panels of Judges

consisting of at least one Judge from Sabah or Sarawak. This practice is much welcomed by the legal fraternity in Sabah and Sarawak.

If I may now, move to another area – access to justice.

(C) Access to Justice:

5. In view of the geographical make-up of Sabah and Sarawak which land mass is larger than the whole of Peninsular Malaysia, access to justice for the people in the rural areas is difficult and sometimes impossible. To overcome that, my predecessor (our present CJ) introduced the concept of Mobile Courts where we take justice to the people to ensure that the people in remote areas also may have access to justice.

6. With the mobile concept, we went and will continue to go into the deep interior of Sabah and Sarawak to conduct hearings of civil and criminal nature. Sometimes the Bus you see on the screen is the Court itself. It also sometimes acts as a circuit Court and this is obviously much more economical than a standard court building armed with permanent staff.

7. In Sabah, one of the main purposes of the mobile Court is to provide the opportunity to those who were not able to register their births with the relevant authority within the period of 42 days required by law, particularly for those who are residing in the very remote areas. Formal judicial inquiries can be carried out by a magistrate to ascertain and verify their birth certificates. Those successful applicants who have been issued with an endorsed late registration would then apply for an Identity Card from the Registration Department so as to be conferred with the regular and full privileges enjoyed by an ordinary citizen of the country. As at 31/12/2018, 87,345 cases related to birth certification have been sorted out since the inception of this mobile court services about 10 years ago. I now move to area of IT advances.

(4) IT advances.

8. In the last 10 years, the High Court in Sabah and Sarawak under the stewardship of my predecessor has transformed the Judiciary from the old, manual Court process into the modern, IT – based model which is very much appreciated and treasured by the legal fraternity in East Malaysia. It has also won recognition by winning

prestigious MSC Malaysia Asia Pacific ICT Alliance (APICTA) Awards 2008.

9. *As far back as in 2007, many hearings were conducted via video conference between the main towns with great benefit in terms of costs saving and time for all **the parties** concerned.*

10. *This **IT** transformation will not slow down, **rather it will evolve and go from strength to strength.** We will continue to innovate to meet **the** demands of the legal profession. In fact, this time next week at the Opening of Legal Year in Kota Kinabalu, we will be launching 3 new applications **of exclusive features:***
 1. *The E Review Apps.*
 2. *The E Appeal Apps.*
 3. *The Mobile Apps.*

11. ***Today,** time does not permit me to explain **how and** what these Apps will do. However, let me just say these Apps are designed with the ultimate aim of **having a more efficient legal profession and judiciary in the administration of justice through this IT transformation.***

So watch this space this time next week.

(F) KK Courts

14. *Finally, I am pleased that we have recently taken possession of a new five-storey building which houses 16 open Courts. (slide appears). There are very spacious working areas for the non-legal staff and plenty of parking spaces for lawyers and public.*
15. *This Majestic building sits on top of the hill overlooking the South China Sea and is just a few minutes-drive from the city centre of Kota Kinabalu. Next time when you fly into KK from the south, don't forget to look out the window to marvel this iconic sight.*

With this sun set view, I now conclude my speech by wishing everyone the very best in all aspects of life for 2019. Hope to see you in KK on the next Friday.