



JAWATANKUASA PEGUAM PULAU PINANG (PENANG BAR COMMITTEE)

Your ref :

Our ref :

Date :

Circular 7/10

30-03-2010

REPORT OF BAR COUNCIL REPRESENTATIVE

1] The Bar Council had its first meeting immediately after the AGM to elect office bearers. The same office bearers from the previous term were re-elected, i.e. Ragnath Kesavan [President], Lim Chee Wee [Vice President], George Varughese [Secretary] and Tony Woon [Treasurer].

2] For the benefit of those did not attend the AGM, the following motions were presented:

[i] A Motion against the Advocates & Solicitors Disciplinary Board was defeated. Members urged the Bar Council to acknowledge some of the shortcomings of the Disciplinary Board and take serious affect to resolve them.

The amendments to the Legal Profession Act (LPA) as recommended by the Working Committee headed by Dato' V.C. George i.e. to ensure that some of the 'procedural and substantive safeguards' be present in Disciplinary Proceedings as before, and the Bar Council have been given the assurance by the Government that this will be tabled in Parliament during its sitting in March.

[ii] A Motion calling for the repeal of Rule 52[c] of the Legal Profession [Practice & Etiquette Rules] 1978 was also defeated, as this same resolution has been tabled again and again against the 'no-discount rule'. Members however cautioned the Bar Council that there is a lack of effective enforcement of the Rule and the real 'losers' are those who adhere to the Rules, rather than those who give discounts.

[iii] Motion 7-3 calling for the Bar Council to urge the Government to pay reasonable compensation to landowners affected by the erroneous decision of the Federal Court in the Adorna Properties – Boonsom Boonyanit case and matters incidental there to, was withdrawn.

- [iv] Motion 7-4 on the current status of the draft Combined Rules of Court was withdrawn.

The Bar Council explained that the Bar Council's Taskforce has sent its comments on the proposed Rules to the Judiciary with strong and clear reservations on the same. The Bar Council is currently awaiting a response from the Judiciary [see Malaysian Bar website for more details].

- [v] Motion 7-5 regarding the proposed scheme by Bank Negara to cover third party bodily injury and death claims, was unanimously passed and the house called on Bank Negara to provide full and frank disclosure on the details of the proposed scheme [see Item 4 below].

Members are encouraged to attend future AGMs as the numbers of members attending is deteriorating. This year there were only 500 odd members in attendance when the total membership of the Malaysian Bar is about 14,000.

3] Court Issues

Various Court-related issues were raised collectively with the Penang Bar Committee at a recent meeting with the CJ, CJM and the Managing Judge on the 18th of March 2010. Kindly refer to Circular CL 9/10 for more information on this.

4] Motor Insurance Claim

Bank Negara Malaysia (BNM)'s proposed New Third Party Scheme for Bodily Injury & Fatal Accident claims].

The Taskforce under the Bar Council has sent a Memorandum to BNM [see Malaysia Bar website for information] regarding this proposed scheme. Two letters were also sent seeking an appointment with BNM, but there was no response. The Memorandum has been distributed to various NGOs, Consumer Associations, journalists and political parties to seek their support in compelling BNM to give full disclosure of the proposed scheme.

A resolution was passed to that effect at the recent Malaysian Bar AGM and various press releases have been made by the President of the Malaysia Bar, requesting BNM to consult all the various stakeholders.

CASSA [Consumer's Association of Subang & Shah Alam] and other NGOs have since come onboard in taking up this issue with the Government, as there is suspicion that there is a small 'industry group' working on the scheme with only profitability in mind.

BNM recently released a press statement that they will consult the stakeholders in due course before implementing the same in the third quarter of this year [The Star, 23rd March 2010 and The Sun, 25th March 2010].

Once we obtain more details of the scheme, which now seems to be a safely guarded secret, we will call for a forum to get feedback from members.

As of now, these are the updates from me and if there are any issues from your end, kindly contact me or the Bar Committee to enable us to raise the same with the relevant authorities.

Gnasegaran Egamparam
Bar Council Representative