From the Profession

Right To Practice Debate

Malaysia

Practice rights in Malaysia are causing some concern to the profession in that country, where the current system requires practitioners from West Malaysia (Malaya) to apply for ad hoc admission to appear in Sabah and Sarawak when the case at hand originated in either of those states.

In addition, the immigration department requires members from West Malaysia to be issued with work permits before appearing in Sabah courts. Lawyers appearing in matters which originated in the High Court of Malaya are not required to apply for ad hoc admission.

This matter was recently discussed at a combined meeting of the Bar Association of Sabah, the Sarawak Advocates' Association and the Bar Council Malaysia, reports *Infoline* (July 1997).

Of further concern was the matter of foreign lawyers practising in Labuan, where none of the three bar associations had disciplinary jurisdiction. The Sabah and Sarawak bar associations intended to approach the head of the East Malaysian Bar, the Attorney-General, in order to seek his approval for the Bar Council Malaysia to exercise control over foreign lawyers.

The existence of separate jurisdictions leading to the difference in practice rights in East Malaysia is based in the history of the creation of the Malaysian Federation in 1963 and is enshrined in Article 161B of the Malaysian Constitution.

Senior practitioner Lim Kean Chye, in a letter to the President of the Bar Council (*Infoline*, July 1997), expresses some of the frustration felt by lawyers who would wish to practice freely in Eastern Malaysia. Whilst noting that the eastern states may be perceived as somewhat sensitive about their rights under the Constitution, he goes on to suggest that "an attitude of mutual respect is more in keeping with current trends" and makes the point that "Borneo bashing will certainly not be of much help."

Changes To Queen's Counsel Appointment in NZ?

New Zealand

Sir Thomas Eichelbaum, New Zealand's Chief Justice, foreshadowed possible changes to the institution of Queen's Counsel in New Zealand, as he spoke at a call to the inner bar of several new silks in that country. His comments are recorded in *Law Talk* 484 from the NZLaw Society.

Sir Thomas, although approving of the formal identification of leaders in the legal profession, noted that, "If nothing changes the rank may end up likesergeants, or indeed like dinosaurs, magnificient but extinct. Some will argue that extinction is preferable to tinkering, a point of view which certainly deserves consideration."

In his speech, the NZ Chief Justice also called into question the current system of appointment determined by the Attorney-General and the Chief Justice, the criteria for the appointment, the wording of the declaration and the title of Queen's Counsel.

Victim Impact Statements in Singapore

Singapore

The Chief Justice of Singapore announced in March that the courts in that country may call for victim impact statements as part of the sentencing process, according to the *Singapore Law Gazette*, August 1997. Singapore would join Australia, Austria, Canada, Germany, Hong Kong, New Zealand and the United States in the use of this scheme.

No statute has yet been enacted to deal with the introduction of VIS, but Subordinate Courts have issued guidelines for their use.

It is suggested that while the Singaporean profession in the main welcomes the initiative, some have expressed concern at issues such as unfairness to offenders of exaggerated statements and potentiality for unrealistic expectation of victims in relation to the sentencing process.

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