

# JUDICIAL APPOINTMENTS COMMISSION

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# **ANNUAL REPORT 2022**









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# **CHAIRMAN'S FOREWORD**



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Bismillahirrahmanirrahim Hisalamualaikum Warahmatullahi Wabarakatuh

Alhamdulillah, praise be to Allah that the Judicial Appointments Commission's Annual Report 2022 has been successfully published. As such, I am pleased to welcome the presentation of the Judicial Appointments Commission's Annual Report for 2022. I hope that this report will be beneficial to all stakeholders including judges, judicial and legal officers, law practitioners and the public.

The Judicial Appointments Commission (the Commission) remains committed in implementing all plans to execute its functions as stated in The Judicial Appointments Commission Act [Act 695]. The Commission's Annual Report shows that in executing its statutory functions, the Commission has always upheld judicial independence and the principle of the rule of law which are crucial components in the judicial and legal system in the world, including Malaysia.

In upholding judicial independence, the competence and character of judges are crucial. In this respect, the Commission shoulders the task of selecting and recommending applicants of the highest calibre to be appointed as Superior Court judges. The Commission always ensure that the selection processes are robust and free from any bias by undertaking rigorous checks at key stages in the selection process.

The year 2022 saw several appointments and elevation to the Superior Court which include the appointment of 17 Judicial Commissioners and 17 High Court Judges, elevation of a High Court Judge to the Court of Appeal and a Judge of the Court of Appeal to the Federal Court. Congratulations!

On a bittersweet note, 2022 witnessed the retirement of 11 Superior Court judges who attained the mandatory retirement age – President of the Court of Appeal, Chief Judge of the High Court in Malaya, 2 Federal Court Judges, 4 Judges of the Court of Appeal and 3 High Court Judges. Besides that, three Judicial Commissioners have also completed their term. I wish all of them a blissful retirement.

I would like to take this opportunity to thank YBhg. Tan Sri Rohana binti Yusuf, YBhg. Tan Sri Dato' Sri Azahar bin Mohamed, YBhg. Datuk Seri Haji Mohd Zawawi bin Salleh, YBhg. Datuk Dr. Prasad Sandosham Abraham, YBhg. Datuk Stephen Chung Hian Guan and YBhg. Dato' Prof. Madya Dr. Johan Shamsuddin bin Dato' Haji Sabaruddin, former members of the Commission for their excellent service to the Commission.

Congratulations to The Hon. Dato' Mohamad Zabidin bin Mohd Diah, YABhg. Tun Md Raus bin Sharif, YBhg. Datu Haji Abdul Razak Tready and YBhg. Prof. Madya Datuk Dr. Shamrahayu binti Ab. Aziz on their appointment as new members of the Commission. Congratulations are also in order to YBhg. Tan Sri Dato' Suriyadi bin Halim Omar for the reappointment as a member of the Commission.

Lastly, I wish to place on record my appreciation to all officers and staff of the Commission led by YBrs. Encik Qalam Zainuddin bin Sani who have displayed commitment in planning, implementing and evaluating the effectiveness of the Commission's programmes.

TUN TENGKU MAIMUN BINTI TUAN MAT Chief Justice of Federal Court, Malaysia cum Chairman of Judicial Appointments Commission

# EXECUTIVE SUMMARY

# **EXECUTIVE SUMMARY**

Pursuant to section 31 of the Judicial Appointments Commission Act 2009 [Act 695], the Judicial Appointments Commission (the Commission) is required to prepare an annual report of its activities for submission to Parliament. This Judicial Appointments Commission's Annual Report 2022 is prepared pursuant to the aforementioned provision.

This report is divided into 5 main chapters :



explains the history of the Commission's establishment, its roles and the Commission's members.

MEETINGS

report on the meetings of the Commission as required by Act 695 namely the Judicial Appointments Commission Meeting and the Selection Meeting.

SELECTION AND APPOINTMENTS OF SUPERIOR COURT JUDGE expounds the process of selections and appointments of Superior Court judges at the various tiers namely Federal Court, the Court of Appeal and the High Court based on Act 695.

## JUDICIALACADEMY

5

reports on training programmes in 2022 and the publication in 2022.

# THE SECRETARIAT TO THE JUDICIAL APPOINTMENTS COMMISSION

spells out the roles and functions of the Secretariat to the Commission and includes a report on the approved financial allocation in 2022.

# **2022 EVENTS**



- 4. Challenges on Hearing Online Forum
- 5. Course on Section 302 of the Penal Code
- 6. Writing Better Judgment Workshop 2/2022
- 7. Course on Election Petition

#### PUBLICATION

Journal of the Malaysian Judiciary January 2022 Edition and July 2022 Edition

# BACKGROUND

# BACKGROUND

#### HISTORY OF ESTABLISHMENT

ROLES OF THE COMMISSION The Judicial Appointments Commission (the Commission) was established with the coming into force of the Judicial Appointments Commission Act 2009 [Act 695] on 2 February 2009. The establishment of the Commission was an initiative to empower, strengthen the Judiciary and enhance its integrity through a more transparent and fair process of application, nomination, selection, and appointment of Superior Court judges. Since its establishment, the Commission has successfully fulfilled its responsibilities as an independent judicial appointments body guided by the constitution.

The main role of the Commission is to select receive and consider applications from qualified persons to the position of Superior Court judge as provided for in section 21 of Act 695. In addition, to perform its primary function of selecting suitably qualified persons who merit appointment as a Superior Court judge, various programmes were organized by the Commission to improve the judicial system in the country including training programmes for Superior Court judges and publishing journals for the Judiciary.

#### CONSTITUTION OF THE COMMISSION

The Commission consists of 9 members including the Chairman. The membership of the Commission is based on the provisions set forth under section 5 of Act 695. 4 members are appointed based on tenure in the Judiciary in accordance with the provisions of subsections 5 (1) (a), (b), (c) and (d) of Act 695, while 5 members are appointed by the Prime Minister pursuant to the provisions of subsections 5 (1) (e) and (f) of the Act 695. They consist of a Federal Court Judge and 4 eminent persons who are not members of the Executive or other Public Services. These Commissioners are appointed by the Prime Minister after consultation with the Bar Council of Malaysia, the Sabah Law Association, the Advocates Association of Sarawak and the Attorney General of the Federation.

# **APPOINTMENT BY TENURE**



The Rt. Hon. Tun Tengku Maimun binti Tuan Mat Chief Justice of Malaysia the Federal Court



The Rt. Hon. Tan Sri Rohana binti Yusuf President of the Court of Appeal (until 8 November 2022)



The Rt. Hon. Tan Sri Dato' Sri Azahar bin Mohamed Chief Judge of the High Court in Malaya (until 26 October 2022)



The Rt. Hon. Tan Sri Datuk Amar Abang Iskandar bin Abang Hashim Chief Judge of the High Court in Sabah and Sarawak

# **APPOINTMENT BY THE PRIME MINISTER**



The Hon. Dato' Mohamad Zabidin bin Mohd Diah Federal Court Judge (effective 16 July 2022)



YABhg. Tun Md Raus bin Sharif Retired Chief Justice of Malaysia (effective 4 September 2022)



YBhg. Datu Haji Abdul Razak Tready Retired State Attorney General of Sarawak (effective 4 September 2022)



YBhg. Tan Sri Datuk Suriyadi bin Halim Omar Retired Federal Court Judge (effective 4 September 2020)



YBhg. Profesor Madya Datuk Dr. Shamrahayu binti Ab. Aziz Lecturer of the Faculty of Law, Universiti Islam Antarabangsa Malaysia (effective 4 September 2022)

# APPRECIATION



YBhg. Tan Sri Rohana binti Yusuf Retired President of the Court of Appeal



YBhg. Datuk Dr. Prasad Sandosham Abraham Retired Federal Court Judge



YBhg. Tan Sri Dato' Sri Azahar bin Mohamed Retired Chief Judge of the High Court in Malaya



YBhg. Datuk Stephen Chung Hian Guan Retired Judge of the Court of Appeal



YBhg. Datuk Seri Haji Mohd Zawawi bin Salleh Retired Federal Court Judge



YBhg. Dato' Prof. Madya Dr. Johan Shamsuddin bin Dato' Haji Sabaruddin Dean, Faculty of Law, University of Malaya



The Commission places on record its utmost gratitude to YBhg.Tan Sri Rohana binti Yusuf (from 5 December 2019 until 8 November 2022), YBhg.Tan Sri Dato' Sri Azahar bin Mohamed (from 8 August 2019 until 26 October 2022) YBhg. Datuk Seri Haji Mohd Zawawi bin Salleh (from 30 August 2019 until 15 July 2022) YBhg. Datuk Dr. Prasad Sandosham Abraham (from 4 September 2020 until 3 September 2022), YBhg. Datuk Stephen Chung Hian Guan (from 4 September 2020 until 3 September 2022) and YBhg. Dato' Prof. Madya Dr. Johan Shamsuddin bin Dato' Haji Sabaruddin (from 4 September 2020 - 3 September 2022) for their contributions and services as members of the Commission.

# MEETINGS

# **MEETINGS**

#### JUDICIAL APPOINTMENTS COMMISSION'S MEETINGS

Subsection 13(1) of Act 695 provides for the Commission to hold a Commission Meeting at least once every month. However, only 10 meetings were held in 2022 due to the minimum quorum requirement based on Act 695.

## Table 1: Meetings of the Judicial Appointments Commission for the Year 2022

<u>Date</u>	Venue
21.01.2022	Kota Kinabalu, Sabah
23.02.2022	Online
24.03.2022	Putrajaya
28.04.2022	Online
26.05.2022	Online
22.06.2022	Dungun, Terengganu
28.07.2022	Putrajaya and Online
25.08.2022	Putrajaya and Online
22.09.2022	Putrajaya and Online
18.10.2022	Putrajaya

## **SELECTION MEETINGS**

In 2022, the Commission held 6 Selection Meetings. The candidates who were considered for selection were Judicial Commissioners, High Court Judges, Judges of the Court of Appeal as well as Judicial and Legal Officers and Legal Practitioners for the selection of Judicial Commissioners.

<u>Date</u>	<u>Venue</u>
21.01.2022	Kota Kinabalu, Sabah
24.03.2022	Putrajaya
28.04.2022	Online
22.06.2022	Dungun, Terengganu
28.07.2022	Putrajaya and Online
18.10.2022	Putrajaya

# Table 2 : Selection Meetings for the Year 2022

# PROGRAMME IN CONJUCTION WITH THE JUDICIAL APPOINTMENTS COMMISSION'S MEETING

## Opening of the Legal Year in Sabah and Sarawak 2022

As all members of the Commission were in attendance at the Opening of the Legal Year in Sabah and Sarawak 2022 on 21 January 2022, the Commission Meeting No. 1 Year 2022 was held in Kota Kinabalu, Sabah.









## Briefing on Case Disposal Performance and Statistics of Terengganu Courts

In conjunction with the Judicial Appointments Commission Meeting No. 6/2022 held on the 22 June 2022 in Dungun, Terengganu, a briefing on the performance and statistics reports of Terengganu courts was held on 23 June 2022 at Dungun Magistrate Court, Dungun, Terengganu



Members of the Commission have also visited Kenyir Elephant Conservation Village (KECV) on 23 June 2022 to know about the conservation of elephants effort specifically in Terengganu and Malaysia in general.









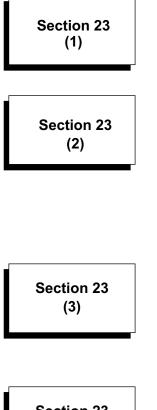
# SELECTION AND APPOINTMENTS OF SUPERIOR COURT JUDGES

# SELECTION AND APPOINTMENTS OF SUPERIOR COURT JUDGES

## **SELECTION CRITERIA**

Article 123 of the Federal Constitution and section 23 of Act 695 provide for conditions and criteria for selection of Superior Court judges. The Commission also produced a guideline on the criteria and quality of the individual to be selected as a Superior Court judge. These criteria are to ensure an individual who is chosen has personal qualities, intellectual capabilities, knowledge and the actability to resolve disputes fairly and make decisions based on facts and the laws in force at that time.

#### Table 3 : Section 23 of the Judicial Appointments Commission Act 2009 (Act 695)



A candidate is qualified for the selection if he fulfils the requirements under Article 123 of the Federal Constitution.

The Commission in selecting candidates shall take into account amongst others, the following criteria:

- (a) integrity, competency and experience;
- (b) objective, impartial, fair and good moral characters;
- (c) decisiveness, ability to make timely judgements and good legal writing skills;
- (d) industriousness and ability to manage cases well; and
- (e) physical and mental health.

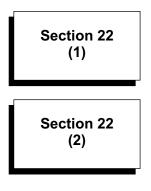
A person who is a serving judge or Judicial Commissioner must not be appointed if he has three or more pending judgements or unwritten grounds of judgements that are overdue by sixty days or more from the date they are deemed to be due.

Section 23 (4) The Commission in selecting candidates must also take into account the need to encourage diversity in the range of legal expertise and knowledge in the Judiciary.

#### **SELECTION PROCESS**

The Commission carries out the selection process as stipulated by subsection 22(2)(a) and (b) of Act 695. After a selection is made, a full report is submitted to the Prime Minister to inform him of the recommended names and the basis of selection as per section 26 of Act 695. Section 27 of Act 695 allows the Prime Minister to request 2 more names to be selected and recommended for his consideration. Section 28 of Act 695 explains the role of the Prime Minister in giving advice in accordance with Article 122B of the Federal Constitution. The process set out under Act 695 is the process of appointment preceding Article 122B(1) of the Federal Constitution.

#### Table 4 : Section 22 of the Judicial Appointments Commission Act 2009 (Act 695)



On receiving a request, the Commission must notify the members of the Commission and prepare for a selection meeting.

In a selection meeting, the Commission shall apply the selection process as prescribed by regulations made under this Act; and

- (a) select not less than three persons for each vacancy in the High Court; or
- (b) select not less than two persons for each vacancy where the vacancy is for judges of the Superior Court other than the High Court.

#### Table 5 : Article 122B(1) of the Federal Constitution

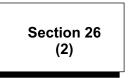


The Chief Justice of the Federal Court, the President of the Court of Appeal and the Chief Judges of the High Courts and (subject to Article 122C) the other judges of the Federal Court, of the Court of Appeal and of the High Courts shall be appointed by the Yang di-Pertuan Agong, acting on the advice of the Prime Minister, after consulting the Conference of Rulers.

## Table 6 : Section 26 of the Judicial Appointments Commission Act 2009 (Act 695)

After making its selection, the Commission shall submit to the Prime Minister a report which shall :

- (a) state who has been selected by the Commission to be recommended for the appointment to the office concerned;
- (b) state the reasons for such selection; and
- (c) contain any other information the Commission deems necessary to bring to the knowledge of the Prime Minister.



Section 26

(1)

After submitting the report, the Commission shall provide any further information as may be required by the Prime Minister.

## Table 7 : Section 27 of the Judicial Appointments Commission Act 2009 (Act 695)

Section 27

The Prime Minister may, after receiving the report under section 26, request for two more names to be selected and recommended for his consideration with respect to any vacancy to the office of the Chief Justice of the Federal Court, the President of the Court of Appeal, the Chief Judge of the High Court in Malaya, the Chief Judge of the High Court in Sabah and Sarawak, judges of the Federal Court and the Court of Appeal, and the Commission shall, as soon as may be practicable, comply with the request in accordance with the selection process as prescribed in the regulations made under this Act.

#### Table 8 : Section 28 of the Judicial Appointments Commission Act 2009 (Act 695)

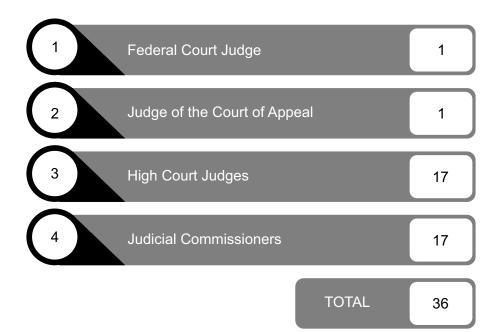
Section 28

Where the Prime Minister has accepted any of the persons recommended by the Commission, he may proceed to tender his advice in accordance with Article 122B of the Federal Constitution.

# **APPOINTMENT OF SUPERIOR COURT JUDGES**

There were several appointments at all court levels in the year 2022. The total number of judges and Judicial Commissioners appointed in 2022 is 36. The selection of judges for promotion is based on the performance, competence and personal qualities of the judges. In an effort to increase the diversity of Superior Court judges and increase confidence in the Judiciary, the Commission had selected Judicial Commissioner candidates from various areas of expertise, educational background and experience.





# FEDERAL COURT JUDGE





The Hon. Dato' Mohamad Zabidin bin Mohd Diah Date of Appointment: 03.02.2022

# JUDGE OF THE COURT OF APPEAL

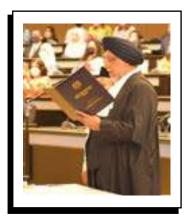




The Hon. Dato' Mohd Nazlan bin Mohd Ghazali Date of Appointment: 03.02.2022

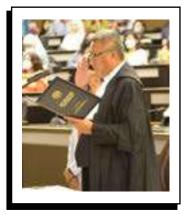


The Hon. Dato' Sri Latifah binti Haji Mohd Tahar Date of Appointment: 27.04.2022



**HIGH COURT JUDGES** 

The Hon. Dato' Amarjeet Singh a/I Serjit Singh Date of Appointment: 27.04.2022



The Hon. Datuk Duncan bin Sikodol Date of Appointment: 27.04.2022



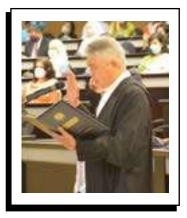
The Hon. Tuan Muniandy a/I Kannyappan Date of Appointment: 27.04.2022



The Hon. Dr. Shahnaz binti Sulaiman Date of Appointment: 27.04.2022



The Hon. Puan Evrol Mariette a/p Felix Michael Peters Date of Appointment: 27.04.2022

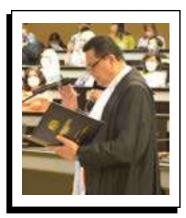


The Hon. Tuan Christopher Chin Soo Yin Date of Appointment: 27.04.2022

## **HIGH COURT JUDGES**



The Hon. Tuan Ong Chee Kwan Date of Appointment: 27.04.2022



The Hon. Tuan Mohd Radzi bin Abdul Hamid Date of Appointment: 27.04.2022



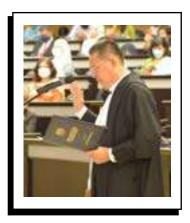
The Hon. Datuk Haji Aslam bin Zainuddin Date of Appointment: 27.04.2022



The Hon. Dato' Julie Lack Date of Appointment: 27.04.2022

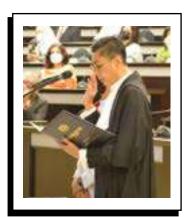


The Hon. Tuan Wong Siong Tung Date of Appointment: 27.04.2022



The Hon. Tuan Leonard David Shim Date of Appointment: 27.04.2022

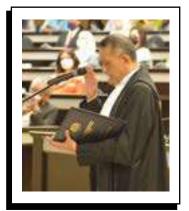
#### **HIGH COURT JUDGES**



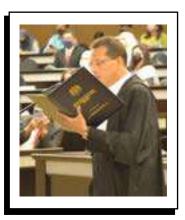
The Hon. Tuan Nadzarin bin Wok Nordin Date of Appointment: 27.04.2022



The Hon. Tuan Quay Chew Soon Date of Appointment: 27.04.2022



The Hon. Tuan Atan Mustaffa bin Yussof Ahmad Date of Appointment: 27.04.2022



The Hon. Tuan Anand Ponnudurai Date of Appointment: 27.04.2022



The Hon. Tuan Azizan bin Md. Arshad Date of Appointment: 04.02.2022

# JUDICIAL COMMISSIONERS



The Hon. Puan Narkunavathy a/p Sundareson Date of Appointment: 04.02.2022



The Hon. Puan Noor Ruwena binti Md. Nurdin Date of Appointment: 04.02.2022



The Hon. Puan Jamhirah binti Ali Date of Appointment: 04.02.2022



The Hon. Puan Rozi binti Bainon Date of Appointment: 04.02.2022



The Hon. Puan Noor Hayati binti Haji Mat Date of Appointment: 04.02.2022



The Hon. Tuan Azlan bin Sulaiman Date of Appointment: 04.02.2022

#### JUDICIAL COMMISSIONERS



The Hon. Tuan Kenneth Yong Ken Chinson St. James Date of Appointment: 04.02.2022



The Hon. Tuan Leong Wai Hong Date of Appointment: 04.02.2022



The Hon. Tuan Noor Hisham bin Ismail Date of Appointment: 04.02.2022



The Hon. Puan Roz Mawar binti Rozain Date of Appointment: 04.02.2022



The Hon. Puan Fathiyah binti Idris Date of Appointment: 30.09.2022



The Hon. Puan Wan Fadhilah Nor binti Wan Idris Date of Appointment: 30.09.2022

#### JUDICIAL COMMISSIONERS



The Hon. Puan Rofiah binti Mohamad Date of Appointment: 30.09.2022



The Hon. Puan Wong Mee Ling Date of Appointment: 30.09.2022



The Hon. Dato' Raja Ahmad Mohzanuddin Shah bin Raja Mohzan Date of Appointment: 30.09.2022



The Hon. Tuan Suria Kumar a/I Durairaj Johnson Paul Date of Appointment: 30.09.2022

# JUDICIAL ACADEMY

# JUDICIAL ACADEMY

The Judicial Academy was established on 16 December 2011 in line with the Commission's functions under subsection 21 (1)(e) and (f) of Act 695. The Judicial Academy Committee is currently made up of 7 judges and is chaired by the Chief Justice.

Chairman	The Rt. Hon. Tun Tengku Maimun binti Tuan Mat Chief Justice of the Federal Court	
Members The Rt. Hon. Tan Sri Rohana binti Yusuf President of the Court of Appeal (until 8 November 2022)		
	The Rt. Hon. Tan Sri Dato' Sri Azahar bin Mohamed Chief Judge of the High Court in Malaya (until 26 October 2022)	
	The Rt. Hon. Tan Sri Datuk Amar Abang Iskandar bin Abang Hashim Chief Judge of the High Court in Sabah dan Sarawak	
	The Hon. Datuk Seri Haji Mohd Zawawi bin Salleh Federal Court Judge (until 15 July 2022)	
	The Hon. Datuk Vernon Ong Lam Kiat Federal Court Judge	
	The Hon. Datuk Nallini Pathmanathan Federal Court Judge	
Secretary	YBrs. Encik Qalam Zainuddin bin Sani Secretary of the Judicial Appointments Commission	

Table 10 : Members o	f the Judicial Academ	v Committee

2 committees were formed, namely the Training Committee and the Publications Committee, to enable the Judicial Academy to carry out its functions more effectively. The Training Committee is responsible for planning, executing, monitoring and evaluating training programmes of Superior Court judges whereas the Publications Committee is responsible for publishing journals or any other judicial publications.

### **TRAINING COMMITTEE**

Current developments in the field of law demands continuous learning. Continuous learning for the Superior Court Judges through training, programmes is a key component of a judge's career development. The main objective of implementing training programmes for judges is to improve the expertise and skills of judges in line with the current developments of domestic and foreign laws and legislation. Members of the Training Committee are as follows :

Chairman	The Hon. Datuk Seri Haji Mohd Zawawi bin Salleh Federal Court Judge (until 15 July 2022) The Hon. Datuk Vernon Ong Lam Kiat Federal Court Judge (effective 16 July 2022)
Members	The Hon. Datuk Vernon Ong Lam Kiat Federal Court Judge (until 15 July 2022) The Hon. Dato' Abdul Rahman bin Sebli Federal Court Judge The Hon. Dato' Sri Hasnah binti Dato' Mohammed Hashim Federal Court Judge The Hon. Dato' Mary Lim Thiam Suan Federal Court Judge
Secretary	YBrs. Encik Qalam Zainuddin bin Sani Secretary of the Judicial Appointments Commission

#### Table 11 : Members of the Training Committee

In 2022, the total allocation spent to finance the implementation of training programmes for Superior Court judges was RM196,348.00.

#### **TRAINING PROGRAMMES**

Training programmes organised by the Judicial Academy are based on legal developments and in line with the current needs, focusing specifically on the interpretation of substantive laws, court rules and procedures as well as skills in case management. Training programmes implemented are short term courses, seminars and workshops. The training programmes are conducted by senior judges and invited speakers. In 2022, 7 training programmes were organised, namely :

1.	Induction Programme for Judicial Commissioner 2022
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- 2. Writing Better Judgment Workshop 1/2022
- 3. Mediation Skills and Techniques Workshop via Physical and Online for the Judiciary
- 4. Challenges on Hearing Appeal Online Forum
- 5. Course on Section 302 of the Penal Code
- 6. Writing Better Judgment Workshop 2/2022
- 7. Course on Election Petition

#### 1) INDUCTION PROGRAMME FOR JUDICIAL COMMISSIONERS 2022

Induction Programme for Judicial Commissioners 2022 was held from 25 to 28 January 2022 at Conference Hall, Palace of Justice, Putrajaya. The objective of this programme is to expose the participants the scope and areas of work and best practices that must be followed when fulfilling their duties and responsibilities as Judicial Commissioners. The course was attended by 10 participants and covered 14 lecture topics related to the judicial duties of a Judicial Commissioner. There topics were :

NO	TOPICS	SPEAKERS
1.	Judges' Code of Ethics	The Rt. Hon. Tan Sri Rohana binti Yusuf President of the Court of Appeal
2.	Salient Features of the Rules of Court 2012	The Hon. Dato' Sri Hasnah binti Dato' Mohammed Hashim Federal Court Judge The Hon. Dato' Mary Lim Thiam Suan Federal Court Judge
3.	Transition to The Bench	YBhg. Tan Sri Datuk Suriyadi bin Halim Omar Member of Judicial Appointments Commission YBhg. Datuk Dr. Prasad Sandosham Abraham Member of Judicial Appointments Commission
4.	Virtual Hearing	The Hon. Datuk Wong Kian Kheong High Court Judge
5.	Joint Session with Chief Judge of Malaya & Chief Judge of Sabah and Sarawak	The Rt. Hon. Tan Sri Dato' Sri Azahar bin Mohamed Chief Judge of the High Court in Malaya The Rt. Hon. Tan Sri Dato' Abang Iskandar bin Abang Hashim Chief Judge of the High Court in Sabah and Sarawak

	NO	TOPICS	SPEAKERS
	6.	Contempt Proceedings	The Hon. Datuk Vazeer Alam bin Mydin Meera Judge of the Court of Appeal
	7.	When to Recuse	The Hon. Dato' Zabariah binti Mohd. Yusof Federal Court Judge
	8.	How to Conduct Criminal Trials i. Section 302 of the Penal Code	The Hon. Datuk Harmindar Singh Dhaliwal Federal Court Judge
		ii. Section 39B (i)(a) of the Dangerous Drugs Act 1952	The Hon. Dato' Abdul Rahman bin Sebli Federal Court Judge
	9.	How to Read Statutes	The Hon. Datuk Nor Bee binti Ariffin Judge of the Court of Appeal
_	10.	Managing Procrastination and Competing Priorities	The Hon. Datuk Seri Haji Mohd. Zawawi bin Salleh Federal Court Judge
	11.	Case Management in Civil Cases and Court - Annexed Mediation	The Hon. Datuk Vernon Ong Lam Kiat Federal Court Judge
	12.	Judgment Writing Workshop	The Hon. Datuk Vernon Ong Lam Kiat Federal Court Judge
		i. Issues Based Approach in Judgment Writing	The Hon. Datuk Vazeer Alam bin Mydin Meera Judge of the Court of Appeal
		ii. Challenges in Judgment Writing	The Hon. Dato' Lee Swee Seng Judge of the Court of Appeal

NO	TOPICS	SPEAKERS
13.	E-Court System and E-Review	Puan Hamidah binti Mohamed Deril Director of E-Court Division Office of the Chief Registrar of the Federal Court of Malaysia
		Tuan Muhammad Kamil bin Nizam Deputy Registrar Registrar's Office of the Subordinate Court of Malaya
14.	Salary, Allowance and Benefits for Judges	Puan Laila Khalidah binti Ismail Director of Management Division Office of the Chief Registrar of the Federal Court of Malaysia

#### 2) WRITING BETTER JUDGMENTS WORKSHOP 1/2022

Writing Better Judgments Workshop 1/2022 was held from 24 to 26 March 2022 at Zenith Hotel, Putrajaya. The objective of this course is to introduce the main concepts on better quality of grounds of judgment by using 5C concept; Clear, Concise, Comprehensive, Coherent and Convincing. The course was participated by 7 High Court Judges and 12 Judicial Commissioners. This course was also attended by The Rt. Hon. Tun Tengku Maimun binti Tuan Mat, the Chief Justice of the Federal Court of Malaysia.

Each participant was given a task to re-write their ground of judgment's sample based on the 5C concepts and submit it to their respective group facilitators. The participants was divided into a group of three to six members and facilitated by 3 facilitators who were Federal Court Judges and Judges of the Court of Appeal. The sessions for the programme were :

Session	Title	Facilitators
1.	Why Good Judgments Matter?	The Rt. Hon. Tan Sri Dato' Sri Azahar bin Mohamed Chief Judge of the High Court in Malaya
		The Rt. Hon. Tan Sri Dato' Abang Iskandar bin Abang Hashim Chief Judge of the High Court in Sabah and Sarawak
2.	Issues Based Approach to Judgment Writing: The Conceptual Framework	The Hon. Datuk Nallini Pathmanathan Federal Court Judge The Hon. Datuk Vazeer Alam bin Mydin Meera Judge of the Court of Appeal
3.	The First Page and Creating Headings	The Hon. Datuk Vernon Ong Lam Kiat Federal Court Judge

Session	Title	Facilitators
4.	Individual Feedback Session and Exercise on Re-writing the First Page and Creating Headings	All Facilitators
5.	The Challenges of Judgment Writing The Structural Construct of an Issues Based Judgment	The Hon. Dato' Lee Swee Seng Judge of the Court of Appeal The Hon. Datuk Vazeer Alam bin Mydin Meera Judge of the Court of Appeal
6.	The Road to Judgment	The Rt. Hon. Tan Sri Rohana binti Yusuf President of the Court of Appeal
7.	Workshop on Practical Issue Identification	All Facilitators
8.	Workshop – Review of the Re-written First Page and List of Headings	All Facilitators
9.	Issues Based Approach Judgment Writing in Criminal Cases (Section 39B of Dangerous Drugs Act 1952)	The Hon. Dato' Abdul Rahman bin Sebli Federal Court Judge The Hon. Dato' Mohamad Zabidin bin Mohd. Diah Federal Court Judge The Hon. Datuk Abdul Karim bin Abdul Jalil Judge of the Court of Appeal

Session	Title	Facilitators
10.	Managing Procrastination and Competing Priorities	The Hon. Datuk Seri Haji Mohd Zawawi bin Salleh Federal Court Judge
11.	Workshop – Review of The Re-written Submitted Judgment	All Facilitators



# 3) MEDIATION SKILLS AND TECHNIQUES WORKSHOP VIA PHYSICAL AND ONLINE FOR THE JUDICIARY

Mediation Skills and Techniques Workshop via Physical and Online for the Judiciary was held on 7 to 8 September 2022 at Asian International Arbitration Centre (AIAC), Kuala Lumpur. The objective of the workshop is to ensure members of the Judiciary are able to act as mediator with basic skills of mediation based on the right and effective techniques.

There were 24 participants consist of 13 High Court Judges and 11 Judicial Commissioners attended the workshop. The Hon. Datuk Vernon Ong Lam Kiat, Federal Court Judge cum the Chairman of the Training Committee of the Judicial Academy also attended the programme.

The 2-day worksop was officited by YBhg. Tan Sri Datuk Suriyadi bin Halim Omar, Director of the Asian International Arbitration Centre (AIAC). The speakers of the workshop were YBrs. Puan Gunavathi Subramaniam, a private legal practitioner and Part-Time Lecturer in Alternative Dispute Resolutions at Universiti Malaya; and YBrs. Encik Chia Loong Thye, Certified Adjudicator at AIAC. Topics of the lectures were Mediation Styles, Negotiation Exercise and Debrief, Negotiation Principles and Styles, The Facilitative Mediation Process Model, Mediation Demonstration and Debrief, Judicial-ledmediation, Mediator Skills, Communication Skills and Communication Barriers.



#### 4) CHALLENGES ON HEARING ONLINE FORUM

Challenges on Hearing Online Forum was held on 16 October 2022 at Shangri-la Hotel, Kuala Lumpur in conjunction with the 54th Judges' Conference 2022. The forum was coorganised with the Office of the Chief Registrar of the Federal Court. The objective of the forum was to discuss the issues and challenges on hearing cases online. Moderator for the forum was The Hon. Datuk Vernon Ong Lam Kiat, Federal Court Judge while the panellists were The Hon. Dato' Has Zanah binti Mehat, Judge of the Court of Appeal, The Hon. Datuk Ravinthran a/I N.Paramaguru, Judge of the Court of Appeal, The Hon. Dato' Abu Bakar bin Jais, Judge of the Court of Appeal dan The Hon. Datuk Nantha Balan a/I E.S. Moorthy, Judge of the Court of Appeal.



#### 5) COURSE ON SECTION 302 OF THE PENAL CODE

The Course on Section 302 of the Penal Code was held at DoubleTree Hotel by Hilton Putrajaya Lakeside, Putrajaya on 20 October 2022. The objective of the course was towards better understandings on section 302 of the Penal Code.

There were 9 High Court Judges and 16 Judicial Commissioners attended the course. The Hon. Datuk Vernon Ong Lam Kiat, Federal Court Judge cum the Chairman of the Training Committee of the Judicial Academy was also present. Facilitators of the course were The Hon. Dato' Abdul Rahman bin Sebli, Federal Court Judge and The Hon. Datuk Abdul Karim bin Abdul Jalil, Judge of the Court of Appeal. The Hon. Datuk Yaacob bin Haji Md. Sam and The Hon. Datuk Vazeer Alam bin Mydin Meera, Judges of the Court of Appeal were also present as observers of the course. 5 participants presented topics of discussion which were 'The Offence of Murder and the Offence of Culpable Homicide Not Amounting to Murder Under the Penal Code – Concept and Elements of the Offences', 'Section 34 and 149 of the Penal Code, Evidence of Forensic Pathologist', 'Witnesses' and 'Corroboration'.









#### 6) WRITING BETTER JUDGMENTS WORKSHOP 2/2022

Writing Better Judgments Workshop 2/2022 was held from 27 to 29 October 2022 at DoubleTree Hotel by Hilton Putrajaya Lakeside, Putrajaya. The objective of this programme is to introduce the main concepts on better quality of grounds of judgment by using 5C concept; Clear, Concise, Comprehensive, Coherent and Convincing. The course was participated by 10 High Court Judges and 8 Judicial Commissioners. This course was officiated by The Rt. Hon. Tun Tengku Maimun binti Tuan Mat, The Chief Justice of the Federal Court of Malaysia.

Each participant was given a task to re-write their ground of judgment's sample based on the 5C concepts and submit it to their respective group facilitators. The participants was divided into a group of three to six members and facilitated by 3 facilitators who were Federal Court Judges and Judges of the Court of Appeal. The sessions for the programme were :

	Session	Title	Facilitators
	1.	Why Good Judgments Matter?	The Rt. Hon. Tan Sri Datuk Amar Abang Iskandar bin Abang Hashim Chief Judge of the High Court in Sabah and Sarawak
	2.	Issues Based Approach to Judgment Writing: The Conceptual Framework	The Hon. Datuk Nallini Pathmanathan Federal Court Judge The Hon. Datuk Vazeer Alam bin Mydin Meera Judge of the Court of Appeal
	3.	The First Page and Creating Headings	The Hon. Datuk Vernon Ong Lam Kiat Federal Court Judge

Session	Title	Facilitators
4.	Individual Feedback Session and Exercise on Re-writing the First Page and Creating Headings	All Facilitators
5.	The Challenges of Judgment Writing The Structural Construct of an Issues Based Judgment	The Hon. Dato' Lee Swee Seng Judge of the Court of Appeal The Hon. Datuk Vazeer Alam bin Mydin Meera Judge of the Court of Appeal
6.	The Road to Judgment	The Rt. Hon. Tan Sri Rohana binti Yusuf President of the Court of Appeal
7.	Workshop on Practical Issue Identification	All Facilitators
8.	Workshop – Review of the Re-written First Page and List of Headings	All Facilitators
9.	Issues Based Approach Judgment Writing in Criminal Cases (Section 39B of Dangerous Drugs Act 1952)	The Hon. Dato' Abdul Rahman Sebli Federal Court Judge The Hon. Dato' Mohamad Zabidin bin Mohd. Diah Federal Court Judge The Hon. Datuk Abdul Karim bin Abdul Jalil Judge of the Court of Appeal

Session	Title	Facilitators
10.	Managing Procrastination and Competing Priorities	The Hon. Datuk Seri Haji Mohd Zawawi bin Salleh Federal Court Judge
11.	Workshop – Review of The Re-written Submitted Judgment	All Facilitators



#### 7) COURSE ON ELECTION PETITION

Course on Election Petition was held on 20 November 2022 at Palace of Justice, Putrajaya. The objective of the programme is to give comprehensive understanding about election law and procedures.

There were 36 High Court Judges and 3 Judicial Commissioners attended the course online. The opening speech was delivered by The Rt. Hon. Tun Tengku Maimun binti Tuan Mat, Chief Justice of the Federal Court. The Rt. Hon. Tan Sri Datuk Amar Abang Iskandar bin Abang Hashim, Chief Judge of the High Court in Sabah and Sarawak and The Hon Datuk Vernon Ong Lam Kiat, Federal Court Judge cum Chairman of Training Committee, Judicial Academy were also present.

This programme was also co-organised by the Office of the Chief Registrar of the Federal Court. The course consisted 3 lecture sessions and 1 sharing session. Speakers for this course were The Hon. Dato' Mohamad Zabidin bin Mohd Diah, Federal Court Judge cum acting Chief Judge of the High Court in Malaya, The Hon. Datuk Harmindar Singh Dhaliwal, Federal Court Judge and The Hon. Datuk Hajah Azizah binti Haji Nawawi, Judge of the Court of Appeal while panelists for sharing session were The Hon. Datuk Harmindar Singh Dhaliwal, Federal Court Judge, The Hon. Datuk Hanipah binti Farikullah, Judge of the Court of Appeal, The Hon. Datuk Hajah Azizah binti Haji Nawawi, Judge of the Court of Appeal, The Hon. Datuk Hajah Azizah binti Haji Nawawi, Judge of the Court of Appeal, The Hon. Datuk Hajah Azizah binti Haji Nawawi, Judge of the Court of Appeal, The Hon. Datuk Hajah Azizah binti Haji Nawawi, Judge of the Court of Appeal, The Hon. Datuk Hajah Azizah binti Haji Nawawi, Judge of the Court of Appeal, The Hon. Datuk Hajah Azizah binti Haji Nawawi, Judge of the Court of Appeal, The Hon. Datuk Hajah Azizah binti Haji Nawawi, Judge of the Court of Appeal, The Hon. Datuk Uzeer Alam bin Mydin Meera, Judge of the Court of Appeal and The Hon. Dato' Lee Heng Cheong, Judge of the Court of Appeal.





## **PUBLICATION COMMITTEE**

The writing and publishing of legal journals and other publications for the Judiciary are the initiative and ongoing efforts undertaken by the Publications Committee of the Judicial Academy to enhance the performance of the Judiciary. The publications also aim to encourage writing among members of the Judiciary as well as nurturing and cultivating lifelong learning.

Chaiman	The Hon. Datuk Nallini Pathmanathan Federal Court Judge	
Members	The Hon. Dato' Zabariah binti Mohd Yusof Federal Court Judge	
	The Hon. Dato' Lee Swee Seng Judge of the Court of Appeal	
	The Hon. Datuk Darryl Goon Siew Chye Judge of the Court of Appeal (until 22 June 2022)	
	The Hon.Dato' Mohd Nazlan bin Mohd Ghazali Judge of the Court of Appeal	
	YBrs. Encik Qalam Zainuddin bin Sani Secretary of the Judicial Appointments Commission	
	YBrs. Encik Muhammad Nazim bin Abd Rahman Deputy Secretary of the Judicial Appointments Commission	
Secretary	tary YBrs. Dr. Noradura binti Hamzah Judicial and Legal Officer	
Secretariat	Puan Syahrin binti Jeli Bohari Puan Siti Zahirah binti Zaidon Judicial and Legal Officers Office of the Chief Registrar of the Federal Court	

Table 12 : Members	of the Publication	Committee
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#### PUBLICATION OF THE JOURNAL OF THE MALAYSIAN JUDICIARY

Journal of the Malaysian Judiciary (JMJ) was published twice in 2022. First edition was published in January 2022 while second edition was published in July 2022.



#### JOURNAL OF THE MALAYSIAN JUDICIARY (JMJ)

These are the published articles for JMJ January 2022 edition:

- 1. Access to Justice and the New Normal by The Right Honourable The Chief Justice of Malaysia, Tun Tengku Maimun binti Tuan Mat
- 2. The 6th Joint Judicial Conference (Online) Brunei-Malaysia-Singapore by The Right Honourable The Chief Justice of Malaysia, Tun Tengku Maimun binti Tuan Mat
- 3. Justice in a Globalised Age by The Honourable the Chief Justice Sundaresh Menon
- 4. A Year of COVID-19: The Use of Technology and the Experience of the Kuala Lumpur Commercial Courts by Justice Dato' Ahmad Fairuz Zainol Abidin
- 5. Trying Election Petitions: A Practical Commentary by Justice Dato' Amarjeet Singh Serjit Singh
- 6. Some Problematic Aspects of Arbitration by Justice Tee Geok Hock
- 7. Synthesising Synthetics: Lessons Learnt from Collins & Aikman by Justice Kannan Ramesh
- 8. Islamic Banking and Alternative Dispute Resolution by Tan Sri Datuk Suriyadi bin Halim Omar and Nur Nadhirah Syahmi
- 9. Good Faith in Contractual Performance: Chasing a Mirage? by Dr Nurhidayah Abdullah

These are the published articles for JMJ July 2022 edition:

- 1. Sirih Pulang ke Gagang by The Rt. Hon. Tun Tengku Maimun binti Tuan Mat
- 2. The Role of the Judiciary in Advancing Human Rights through the UN Guiding Principles on Business and Human Rights (UNGP) and the 2030 Agenda for Sustainable Development Goals (SDG) by The Rt. Hon. Tan Sri Dato' Sri Azahar bin Mohamed
- 3. The International Environmental Rule of Law: The North-South Divide Sustainable Development: The Malaysian Experience by Justice Datuk Nallini Pathmanathan
- 4. Law in Literature and Literature in Law: A Study in Creativity by Justice Leong Wai Hong
- 5. Anti-Suit Injunctions in Maritime Disputes : A Trend That Threatens To Be Out of Control? by Justice Belinda Ang
- 7. The Judicial Mask: A Happy Judge? by Justice Choo Han Teck
- 8. Arbitration in Malaysia An Assessment of the Judicial Approach to the Application and Construction of Section 8, Section 37 and Section 42 of the Arbitration Act 2005 by Tan Sri Dato' Cecil Abraham
- 9. Private Judging Are We Ready? by Low Chee Keong, Low Tak Yip and Low Tak Hay

# SECRETARIAT TO THE COMMISSION

## SECRETARIAT TO THE COMMISSION

#### THE OFFICE OF THE SECRETARY OF JUDICIAL APPOINTMENTS COMMISSION

The Office of the Secretary of the Commission is led by a Secretary who is appointed by the Prime Minister under the subsection 19(1) Act 695. The Secretary of the Commission is YBrs. Encik Qalam Zainuddin bin Sani, Administrative and Diplomatic Officer, Premier Grade B. The Secretary is also assisted by a Deputy Secretary and 15 officers and staff from various grades and schemes. The Office of the Secretary of the Commission is responsible in executing and managing the Commission's functions and activities including managing the appointments of Superior Court judges and the members of Judicial Appointments Commission.

The Office of the Secretary of the Commission is also responsible in administrative and management matters related to the Commission besides responsible as secretariat to the Judicial Academy, Training Committee and Publications Committee of the Judicial Academy.





#### BUDGET

For 2022, a total of RM2,676,700.00 has been approved for all activities and expenses conducted by the Commission.