



**MEDIA RELEASE**

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## **INDEPENDENCE OF THE MALAYSIAN BAR UNDER THREAT**

The Australian Bar Association has called upon the Malaysian Government to reconsider its proposed changes to the country's Legal Profession Act 1976 (LPA) which threatens the independence of the Bar and the rule of law in Malaysia.

"Australia and Malaysia enjoy good relations, a strong friendship and shared values. Among those shared values, is the acknowledgment that an independent legal profession is one of the essential prerequisites for the protection of human rights, the rule of law, good governance and democracy. It is for that reason that the ABA supports the ongoing independence of Malaysia's legal profession," said ABA President Patrick O'Sullivan QC.

The Government of Malaysia is proposing a number of changes to the LPA, including a provision to grant the minister in charge of legal affairs the power to appoint two members of the Bar onto the Bar Council, who will represent the government.

The Malaysian Bar is an association whose aim is "to uphold the rule of law and the cause of justice and protect the interests of the legal profession as well as the public". It is managed by a 38-member Bar Council, elected annually from among its membership.

"This proposal would effectively not only give the Attorney General the opportunity to receive reports on the deliberations and actions of this independent institution but importantly, it also provides the opportunity to influence those deliberations and actions."

"The Malaysian Bar has long been a defender of human rights and the rule of law in Malaysia. It is that very independence which has benefited the people of Malaysia for many years, however under such an arrangement, the Malaysian Bar's ability to address on controversial issues that are at odds with the government would be compromised. As a consequence, the people of Malaysia would be adversely affected," said Mr O'Sullivan QC.

The UN Basic Principles on the Role of Lawyers require governments to ensure that lawyers can perform all their professional functions without intimidation, hindrance, harassment or improper interference. The principles also state that "lawyers shall be entitled to form and join self-governing professional associations", and that "the executive body of such associations should be elected by its members and exercise its functions without external interference".

The ABA has written an open letter to the Government of Malaysia highlighting concerns that the proposed amendments could have serious ramifications on the right of lawyers to maintain the rule of law without fear or favour.

The Malaysian Government's proposed amendments to the Legal Profession Act 1976 are scheduled to be tabled in parliament in October 2016.

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