

## Law Council backs Malaysian Bar Council over attacks on independence

The Law Council of Australia has thrown its support behind the Malaysian Bar Council, whose independence is currently under threat due to amendments proposed by the Malaysian Government.

Law Council of Australia President, Stuart Clark AM, has today written an [open letter](#) to Malaysia's Prime Minister, Najib Razak, to voice the Australian legal profession's serious concerns.

The Malaysian Government's suite of proposed measures will gravely undermine the independence of the Bar Council and appear to contravene the United Nation's *Basic Principles on the Role of Lawyers*.

[The Malaysian Bar Council](#) has expressed its dismay at proposed amendments to the Legal Profession Act 1976, which include:

- The appointment of two members from the Government to sit on the Council;
- A significant increase in the quorum requirement which would, in effect, paralyse the functioning of the Council by rendering it impossible to convene annual general meetings or to pass resolutions;
- The prevention of postal votes; and
- A requirement of ten or more years' experience as an Advocate and Solicitor, which would severely restrict the ability of many State Bar members to run for Council.

Mr Clark said the Law Council is deeply concerned on behalf of Malaysian lawyers and Malaysian democracy.

"The Law Council believes an independent Bar Association is an essential requirement for the protection of citizens' rights in a democratic society," Mr Clark said.

"The amendments proposed by the Malaysian Government significantly restrict the powers of the Malaysian Bar Council to conduct itself in an impartial and independent manner.

"The Malaysian Government's amendments appear to contravene both the UN's *Basic Principles on the Role of Lawyers*, as well as the International Bar Association's *International Principles on Conduct for the Legal Profession*, both of which unambiguously protect the independence of Bar Associations as a primary principle.

"The Law Council is aware of the proud and respected global standing of the Malaysian Bar Council and fear the Malaysian Government's proposed amendments will threaten that position.

"True independence strengthens the effective administration of justice as well as increasing the integrity of the legal and political systems.

"Malaysia, as a country which respects the Rule of Law, should desist from any action which could stifle the independence of the Malaysian Bar Council," Mr Clark said.

A copy of the open letter is attached and can also be accessed [here](#).

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