

## **Bar: Creation of alternative group would usurp powers**

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The Bar Council has come out strongly against Minister in the Prime Minister's Department Nazri Abdul Aziz's announcement yesterday of an alternative to the Bar, saying it could usurp the functions of the council under the Legal Professions Act (LPA) 1976.

Council president Lim Chee Wee (right) in a statement said the Malaysian Bar was flabbergasted by Nazri's statement over having a proposed law academy which "can be an alternative" to the Bar, and that the Bar Council should dissolve itself.

Lim said the Malaysian Bar is opposed to this suggestion, which appears similar to the proposal that the government had mooted, and subsequently withdrawn, twice in the past.

"Regrettably, this third occurrence appears to have come about purely as a reaction. This follows the Bar's strong message, contained in the final report on the Bersih 3.0 public assembly on April 28, and the resolution adopted at its Extraordinary General Meeting on Friday, of grave concern and condemnation of the use of excessive force by the police," he said.

"The creation of any 'alternative' institution empowered to control the conduct of the legal profession would usurp the functions and powers of the Bar Council under the LPA and ignore its powers and duty to regulate its own affairs, and would be an intolerable assault on the independence of the Malaysian Bar," he said.

Lim's response came after Nazri had suggested setting up the law academy and said this will be discussed by the cabinet and the attorney-general soon. Nazri said it was high time for a new organisation, other than the Bar Council, to be formed to represent those who studied law.

Threat of independent Bar

He said Nazri's announcement gave the perception that the proposal which is being revived for the third time, is due to the government feeling threatened by an independent Bar that touched on

the abuse of power by state institutions like the police and spoke in defence of the public.

"The Bar, in doing so, is fulfilling its duty under section 42(1)(a) of the LPA, namely, 'to uphold the cause of justice . . . uninfluenced by fear and favour.'

"The Malaysian Bar welcomes any move to encourage legal excellence, promote high academic standards and encourage social interaction and discourse by all those interested in the law. But under the LPA, the council has the power to regulate its members," he said.

He said any member can set up an association of lawyers, as the federal constitution guaranteed the right to freedom of association.

Lim said such initiatives have resulted in the founding of, for example, the Malaysian Muslim Lawyers Association, Catholic Lawyers Society, and the Association of Women Lawyers.

The Bar Council president said the 36 members of the Bar Council are elected - not appointed - by its members annually, in a transparent process.

"If there is any dissatisfaction about the leadership of the Bar, its members can propose motions of no confidence against the council members, as they have done, unsuccessfully, in the past," he said.

bersih 3 rally 090512 02 tear gas near dataran merdeka  
Lim also said that on April 28, the mighty weight of the police was unleashed without restraint, as stated in its full report, onto the streets of Kuala Lumpur, where innocent participants were harmed, in contrast to Ipoh, Johor Bahru, Kuantan and Malacca where similar protests were held.

Pledging to continue to speak out for justice, Lim said the council will continue to seek justice for the affected Bersih 3.0 participants, and pointed out the need for more transparency and accountability from the country's law enforcement agencies, which continue to commit transgressions as highlighted in four previous Suhakam public inquiries.

"The Malaysian Bar urges the Government not to attack the messenger, but to act on the message

contained in the Bar's final report and the EGM resolution instead," he said.

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