

6 November 2017, Monday ✦ 2.00pm – 3.30pm

Lee Sheridan Conference Room, Eu Tong Sen Building, Level 1, NUS (Bukit Timah Campus)

The Evolution of Judicial Power and Judicial Independence in Malaysia

Speaker: Emeritus Professor Hoong Phun (HP) Lee, Monash University

Chairperson: Assistant Professor Jaclyn L. Neo, NUS Law

ABSTRACT

From the time of the proclamation of the Merdeka Constitution, the Malayan, then later Malaysian, judiciary had established itself as a much respected institution performing its judicial role in a highly independent fashion. Ever since the dismissal of Lord President Tun Salleh Abas from the apex Malaysian judicial office in 1988, the Malaysian judiciary has been struggling to regain public trust in its independence, impartiality and integrity. In that same year a constitutional amendment was effected which sought to undermine the vesting of the judicial power in the courts. The judiciary's journey to redemption has been an uneven one, and at times, of a Sisyphean nature. On 20 April 2017, the Federal Court of Malaysia delivered a unanimous decision in a case called *Semenyih* [2017] 5 CLJ 526. That decision has been hailed as a landmark decision, emphasising a strong determination by the apex court to preserve the role of the judiciary as a vital part of the governance system in Malaysia. The case invoked in support of its decision the controversial 'Basic Structure' doctrine created by the Indian Supreme Court. In this seminar I will explore the significance of *Semenyih* and project its potential for further immunising the judicial power from encroachments.

ABOUT THE SPEAKER



Emeritus Professor Hoong Phun (HP) Lee, who graduated from the University of Singapore (LLB 1972), held the Sir John Latham Chair of Law at Monash University from 1995 to 2014, where he had also served as the Deputy Dean and Acting Dean. He was formerly the Chairman, International Humanitarian Law Advisory Committee of the Australian Red Cross Victoria, and the Vice-Chairman of the Australian Press Council. Professor Lee's many publications include *Constitutional Conflicts in Contemporary Malaysia* (2nd ed. Oxford UP 2017), *The Australian Judiciary* (2nd ed. Cambridge UP 2013) and *Judiciaries in Comparative Perspective* (Cambridge UP 2011) and, as co-editor with Professor Marilyn Pittard, *Asia-Pacific Judiciaries: Independence, Impartiality and Integrity* (Cambridge UP forthcoming). He is on a number of advisory boards of prestigious law journals. He was awarded the Australian Press Council Medal in 2011. In 2015, he was appointed Emeritus Professor of Law at Monash University.

REGISTRATION

There is no registration fee for this seminar but seats are limited.

Light refreshment will be provided on a first-come, first-served basis.

Closing Date: **2 November 2017, Thursday**

For enquiries, please contact Alexandria at cals@nus.edu.sg

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