

**YBM DATUK SERI TAKIYUDDIN HASSAN'S COMMONWEALTH
LAW MINISTER'S**

INTERVENTION TEXT

**MEETING OF COMMONWEALTH LAW MINISTERS ON THE LEGAL
ASPECTS OF THE COVID-19 PANDEMIC**

18 FEBRUARY 2021

Excellencies Commonwealth Ministers of Law,

Excellencies Commonwealth Senior Official Leaders,

Ladies and Gentlemen,

1. First of all, I would like to express my heartfelt gratitude to the Commonwealth Secretariat in organizing this first Virtual Meeting of Commonwealth Law Ministers. I would also like to congratulate and thank our Senior Officials for their hard work and dedication in ensuring access to justice for all Commonwealth citizens during this difficult time due to the COVID-19 pandemic.

2. Since I held the office of Minister in charge of Parliament and Law starting 11th March 2020, the main focus at that time until now is to ensure that the legal and judicial system in Malaysia continues to function efficiently during the COVID-19 pandemic. Malaysia is now experiencing the third wave of the COVID-19 outbreak that has resulted in the state of emergency being proclaimed under Article 150 (2) of the Federal Constitution, from 11th January 2021 until 1st August 2021.

Ensuring Equal Access to Justice for All

3. The pandemic poses a formidable challenge in ensuring the administration of justice does not cease to function because of the implementation of Movement Control Order. A new paradigm was set in motion by the Malaysian Judiciary to ensure progress in legal proceedings are not interrupted. In maintaining law and order during lockdown last year, the magistrate's criminal courts across the country still hear remand

and bail application as well as fresh charges, including cases related to domestic and other gender-based violence.

4. In respect of civil and commercial cases, fortunately for us, the two systems: e-Filing and e-Review, have been up and running, so our operations did not grind to a complete halt. Court proceedings are now held through online hearings. The Malaysia Judiciary and Parliament has taken immediate action to make amendments to the relevant Acts and court rules to provide power to conduct online hearings. The shift towards using technology in court processes has been gradual. The pandemic created an urgent and immediate necessity for a more radical change to ensure hearings can still proceed during this unusual time.

5. For example, on March 23rd 2020, we took a big step forward when for the first time, the Court of Appeal and later the Federal Court, conducted civil appeals by employing video conferencing techniques. A months earlier, before COVID-19 outbreak, it would have been inconceivable for both our Court of Appeal and the Federal Court to replace face-to-face hearings with hearings conducted via video conferencing.

6. As Malaysia begins to gradually ease the Movement Control Order, the reopening of courts is subject to strict health management practices to ensure the safety of judges, staffs and court users.

Upholding the Rule of Law In The Fight Against COVID-19

7. In terms of legislation, in order to mitigate the financial and economic impact of the COVID-19, the Malaysia Government has enacted the Temporary Measures for Reducing the Impact of Coronavirus Disease

2019 (COVID-19) Act 2020 (Act 829). This Act outlines series of legal reliefs for businesses and individuals to aid them in managing the impact of the COVID 19 pandemic, including inability to perform contractual obligation due to measures taken by the Government under the Prevention and Control of Infectious Disease Act 1988.

8. The Government of Malaysia took this initiative to the next level by introducing a provision on mediation in this Act, in which any disputes that arises in any of the contract categories specified in the Act may be resolved by way of mediation without going through litigation process. Hence, Malaysia established the National COVID-19 Mediation Centre to facilitate the mediation process.

9. There are two unique propositions offered by Malaysia for mediation under the National COVID-19 Mediation Centre. Firstly, mediation services are provided at a fixed and reasonable rate. Secondly and most importantly, the Malaysian Government will subsidize the mediation service cost for the middle and lower income group and the micro and small-scale enterprises.

10. On the 14 January 2021, Emergency (Essential Powers) Ordinance 2021 was gazetted to enable the government to manage the third wave of the COVID-19 outbreak more effectively. The main features of the ordinance are the powers for the government to take temporary possession of any property and demand any resources to be utilized for better managing COVID-19 pandemic, with the compensation paid by the Government.

Legal barriers to equitable access to essential medicines

11. Malaysia believe that the availability of COVID-19 vaccines has raised hopes of reducing infection rates and eventually eliminates the virus entirely. The first batch of the Pfitzer-BioNtech COVID-19 vaccine is expected to arrive in Malaysia on 21st February 2021. Under the Malaysia Immunization Program, all Malaysians and Non-Malaysians will get COVID-19 vaccines for free. However, Malaysia has not made it mandatory for the people to be vaccinated.

Conclusion

12. Finally, I would like to take this opportunity to extend my solidarity to all individuals, businesses and governments affected by the pandemic. Malaysia hope that the Commonwealth Secretariat could gather data and evidence on the impact of COVID-19 on justice systems and disseminate the results of the research to all of us. Malaysia shall cooperate in sharing the best practices related to legislative mitigation measures adopted by Malaysia.

Stay safe and stay strong. Let's fight against the global pandemic together.

Datuk Seri Takiyuddin Bin Hassan
Minister in Prime Minister's Department
(Parliament and Law)
18 February 2021