

TRITE LAW SAVE A TREE

Wood pulp is the most common material in paper-making. The impact of logging to provide the raw material for wood pulp is an area of fierce and intense global debate. Many of us do not realise the effect of preparing a thirty-page submission with hundreds of pages of Authorities; thereafter quadruplicate the same, contribute to the onslaught of our rain forest. We unknowingly become a malefactor of global warming. We can do our part to save the earth by accepting and agreeing to certain issues as trite law; without reproduction of the time tested authorities in Court, to avoid generating more than our fair share of carbon footprints.¹

The phrase ‘trite law’ had been widely used in Judgments delivered and written by His Lordship Dato’ Vincent Ng.² His Lordship in *Non-Metallic Mineral Product Manufacturing Union v Ketua Pengarah Kesatuan Sekerja* [1996] 3 CLJ 614 stressed that ‘it is unnecessary to regurgitate, rediscuss or re-expound trite law, which makes for tedious reading, especially nowadays, when the time of a legal practitioner or Judge - on the threshold of the next millennium - is of the utmost essence.’³

In *PECD Construction Sdn Bhd v Freehold Point Sdn Bhd* [2008] 3 CLJ 215,⁴ when delivering the judgment in His Lordship’s capacity as a High Court Judge, His Lordship Dato’ Vincent Ng stated on what His Lordship felt as trite law on the sale of goods without the need to refer to any authorities. By observing how the decision was delivered by His Lordship, one can conclude that His Lordship has always been ready and prepared to accept certain issues as trite law though authorities were not reproduced before His Lordship. We should, in the name of conservation, encourage the practice of accepting some common issues as *res* when it is trite without burdening the Court to plough through tons of authorities just to prove a point which is well settled. This will definitely save much Court’s time; and definitely promote an environmentally friendly litigation practice.

Best wishes for your journey through Mother Earth, leave nothing but footprints (non carbon), take nothing but pictures.

¹ www.carbonfootprint.com

² *Inter alia* can be found in the following cases and many more: [2005] 5 CLJ 274; [2003] 3 CLJ 112; [2003] 8 CLJ 403; [2007] 1 CLJ 175; [2005] 8 CLJ 559; [2008] 7 CLJ 525; [2003] 2 CLJ 520; [2003] 3 CLJ 112; [2005] 3 CLJ 654; [2001] 4 CLJ 280; [1997] 2 CLJ Supp 18; [1998] 1 CLJ 916; [1998] 4 CLJ 209; [2003] 8 CLJ 403; [2001] 2 CLJ 596; [2007] 9 CLJ 400; [2008] 7 CLJ 87; [2005] 5 CLJ 274; [2004] 2 CLJ 877; [2006] 8 CLJ 345; [1994] 2 CLJ 85; [1995] 1 CLJ 655; [1996] 4 CLJ 355; and [2000] 5 CLJ 424.

³ *Non-Metallic Mineral Product Manufacturing Union v Ketua Pengarah Kesatuan Sekerja* [1996] 3 CLJ 614 at page 621 paragraph b-d

⁴ A matter argued by Alex Chang & Co.

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