



Biro Mencegah Rasuah ditubuhkan diatas titah  
Kebawah Duli Yang Maha Mulia Paduka Seri  
Baginda Sultan dan Yang Di-Pertuan Negara  
Brunei Darussalam iaitu semasa Pembukaan  
Rasmi Persidangan Majlis Mesyuarat Negeri Kali  
Yang Ke-19, pada 21 Disember 1981.

Baginda bertitah seperti berikut:

“Beta ingin menegaskan sekali lagi bahawa adalah menjadi hasrat beta untuk mewujudkan system pentadbiran kerajaan beta yang efisien, jujur lagi amanah. Kerajaan yang efisien, jujur dan amanah hanya akan dapat diwujudkan dan dijamin hidupnya sekiranya segenap lapisan pegawai-pegawai dalam kerajaan beta dapat melaksanakan tugas dan tanggungjawab masing-masing dengan cekap, jujur dan amanah disertai dengan tulus ikhlas semata-mata kerana Allah untuk kebajikan Negara Brunei dan penduduk serta isi di dalamnya.”



# Background of ACB

On January 1, 1982, the Government of His Majesty the Sultan and Yang Di Pertuan of Brunei Darussalam had enforced the Emergency (Prevention of Corruption) Act, which was subsequently in 1984 known as the Prevention of Corruption Act (Chapter 131).

For the purpose of enforcing the said enactment, an independent body was established called the Anti-Corruption Bureau (ACB) on February 1, 1982. Under the provision of Section 3 of the Act, His Majesty the Sultan and Yang Di Pertuan of Brunei Darussalam shall appoint a Director who will be responsible for the direction and administration of the Bureau. The act also stated that the Director of ACB is not subject to any other person apart from His Majesty the Sultan and Yang Di Pertuan of Brunei Darussalam.

The Prevention of Corruption Act provides specific powers to the ACB for the purpose of investigating into complaints against corruption. The Act also provides power for ACB to investigate into certain offences under the Penal Code and offences under other written laws, provided such offences were disclosed during the course of ACB investigation into offences under the Prevention of Corruption Act.

# Titah His Majesty The Sultan of Brunei Darussalam



*.. Brunei Darussalam should retain its ingrained sense of awareness in combating corruption even to its roots. We should not be complacent in carrying out preventive measures in whatever forms...."*

**His Majesty the Sultan of Brunei Darussalam  
New Year's Titah 2008**

*"...Integrity should be the corner stone of public services. Without it, any country can collapse, or at best, lose its will (ability) to develop..."*

**His Majesty the Sultan of Brunei Darussalam  
New Year's Titah 2010**



# Anti Corruption Bureau Prime Minister's Office

## Vision:

"To Create A Corruption Free Nation"

## Mission:

"To be the lead agency in driving Brunei Darussalam  
as a country free from corruption"

"To uphold integrity and good governance  
in the public service"



## 3 Prong Strategy

INVESTIGATION

PREVENTION

EDUCATION



## **Offences under the Prevention of Corruption Act (Chapter 131)**

**It is an offence for any person [5(a)] and any agent [6(a)] to receive or solicit gratification (gifts) from any person with corrupt intentions as an inducement or reward for doing or not doing, any act in relation to his principal's affairs.**

### **Penalty:**

**A fine of \$30,000.00 and to imprisonment for 7 years.**

# Offences under the Prevention of Corruption Act (Chapter 131)

Section 6(b) states that:

Any person corruptly gives or agrees to give or offers any gratification to any agent as an inducement or reward for doing or forbearing to do, or for having done or forborne to do any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business;

**Penalty:**

**A fine of \$30,000.00 and to imprisonment for 7 years.**



## Offences under the Prevention of Corruption Act (Chapter 131)

Section 6(c) states that:

Any person knowingly gives to an agent, or if an agent knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal.

**Penalty:**

**A fine of \$30,000.00 and to  
imprisonment for 7 years.**

# Offences under the Prevention of Corruption Act (Chapter 131)

## Section 12

Being or having been a public officer in possession of unexplained property, maintains a standard of living disproportionate to his present or past emoluments

### **Penalty:**

**A fine of \$30,000.00 and to imprisonment for 7 years.**



Under the PCA Public Bodies includes:

1. Royal Brunei Airlines Berhad.
2. Brunei Shell Petroleum Company Berhad.
3. Brunei Shell Marketing Company Berhad.
4. Brunei LNG Berhad.
5. Brunei Coldgas Berhad.



## Section 34

### Making False Report

Misleads the Director, Deputy Director or any officer of the Bureau

**Penalty: A fine of \$20,000.00 and to imprisonment for one year.**



**Giving or fabricating false evidence with  
intent to procure conviction of offence  
punishable with imprisonment.  
S. 195 Penal Code**

Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause any person to be convicted of an offence which by this Code is not capital, but punishable with imprisonment for a term of 7 years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

## **Cases of Giving False Information to ACB**

Although the Prevention of Corruption Act accords the protection of identity to informers who lodge corruption complaints with the Bureau, that protection is removed once the court suspects a person to be willfully providing false information in the complaint.

Anyone caught willfully submitting false information on corrupt practices to the Bureau or any public servant will be taken to task and prosecuted.

# INTEGRITY

Public expect Public Officials to serve the public interest with fairness and to manage public resources properly.

Fair and reliable public services and decision making leads to public trust and create level playing field for business and economic growth.



# Do's and Don'ts for Public Officers

## A list of "Dos" for Public Officers:

- ✓ Report any corrupt offers.
- ✓ Confine your relationship with members of the public who have official dealings with you to an official basis to avoid allegation of favouritism.
- ✓ Declare your interest in the business of any companies on account of yourself/family. Disqualify yourself from supervising the projects involved.
- ✓ Treat all persons you have official dealings with equally and fairly without fear or favour.
- ✓ Acquaint yourself with the provisions of the Prevention of Corruption Act and the policies and instructions of the department governing the conduct of officers.
- ✓ Consult your superiors if in doubt of the propriety of anything you wish to do.
- ✓ Always be loyal to and have the best interest of the department at heart.

## **A list of "Don'ts" for Public Officers :**

- ✗** Do not accept any reward from any member of the public for doing anything which is your duty to do.
- ✗** Do not accept reward from anyone for forbearing to do an act, which is your duty to do.
- ✗** Do not accept any reward to show or forbear to show favour to anyone in the course of your duty.
- ✗** Do not accept any reward to show or forbear to show disfavour to anyone in the course of your duty.
- ✗** Do not intentionally make any erroneous or incorrect statement or entry in official documents.

- ✘ Do not accept invitation to meals or entertainment from anyone you have official dealings with to prevent allegation of favoritism by their competitors.
- ✘ Do not accept gift or present from anyone you have official dealings with for any reason or on any occasion or festival.
- ✘ Do not extend invitation to anyone you have official dealings with to attend functions organized by you.
- ✘ Do not undertake any paid part-time employment or commercial enterprise without the written approval of the authorities.
- ✘ Do not accept any fee from anyone for professional services rendered to him/her in connection with your official duties.
- ✘ Do not accept remuneration or compensation from any contractor for working beyond your official time to supervise the project in hand.
- ✘ Do not invest in the business of anyone you have official dealings with.
- ✘ Do not accept any offer or share in the business or sub-contract from anyone you have official dealings with.
- ✘ Do not accept any commission or kickback from contractors on account of anyone providing service or goods.



- ✗ Do not accept any offer of free service (such as transport, renovation, etc) from anyone you have official dealings with.
- ✗ Do not fraternise with anyone you have official dealings with or practice favouritism.
- ✗ Do not accept overseas trip from contractors under the pretext of training or checking on products to be supplied from overseas.
- ✗ Do not conduct official meetings or negotiation with contractors at a public place or the office of the contractors unless there are reasons to do so.
- ✗ Do not visit the office or home of contractors who have official dealings with you.
- ✗ Do not obtain any loan (secured or unsecured) from contractors who have official dealings with you.
- ✗ Do not accept any offer of employment from contractors while supervising their projects.
- ✗ Do not allow contractors to pay your bills or installments.
- ✗ Do not let personal interest interfere with the discharge of your duties.
- ✗ Do not do anything to the detriment of the Government such as advising contractors to exploit any loophole in a contract with or without reward

## Lest You Don't Know...

- ☞ It is an offence to give or receive a bribe.
- ☞ It is not necessary to prove that the receiver of a bribe is in the position to carry out the required favour for the purpose of conviction.
- ☞ Any gratification received by a public officer is presumed corrupt, unless the contrary is proven.
- ☞ Public officers under investigation may be required to furnish sworn statements on their properties.
- ☞ Wealth disproportionate to income can be admitted as corroborative evidence.
- ☞ Bruneian citizens are liable for corrupt offences committed outside Brunei.

# Integrity in the Private Sector

## *Facts & Figures*

Corruption, the abuse of entrusted power for private gain, is the single greatest obstacle to economic and social development around the world. It distorts markets, stifles economic growth, debases democracy and undermines the rule of law.

- Estimates show that the cost of corruption equals more than 5% of global GDP (US \$2.6 trillion), with over US \$1 trillion paid in bribes each year.
- Corruption adds up to 10% to the total cost of doing business globally, and up to 25% to the cost of procurement contracts in developing countries.
- Moving business from a country with a low level of corruption to a country with medium or high levels of corruption is found to be equivalent to a 20% tax on foreign business.



# Why should your company Engage?

Companies are subject to extortion and some play a role in paying bribes. Accordingly, the private sector is also part of the problem and can also be part of the solution (for example, by sharing responsibility for finding ways to effectively fight corruption).

# What can your company do?

An increasing number of companies are demonstrating leadership by implementing effective anti-corruption programmes within their companies. Common features of such programmes include:

- Detailed policies on company-specific bribery issues such as kickbacks, extortion, protection money, facilitation payments, conflicts of interest, gifts and hospitality, fraud and money laundering, and political and charitable Contributions
- Management systems and procedures outlining frameworks for risk assessment, training, sanctions, whistleblowing, continuous internal self-review and external reporting Companies are increasingly engaging in sector specific or multi-industry initiatives, locally, regionally and/or globally, to share their experiences, learn from peers and, in partnership with other stakeholders, contribute to leveling the playing field.

There are a number of principles, recommendations and guidance and implementation tools available to companies. They have been developed in cooperation with companies and tested in real corporate environments.

# Code of Business Conduct

[Customer] sets high standards for conducting business ethically and in accordance with the law. We expect the same commitment from our suppliers.

This Code of Conduct for Suppliers presents basic principles for supplier conduct in dealings with [Customer]. We will consider these principles in supplier selection, and will monitor suppliers for compliance. Our suppliers also should apply these or similar principles to the suppliers they work with in providing goods and services to [Customer].

## **Expectations and Obligations for Business conduct**

- i. Conflicts of Interest
- ii. Gifts, Meals, Entertainment
- iii. Bribery and Kickbacks
- iv. Accounting and Business Records
- v. Protecting Information
- vi. Reporting Misconduct



# Code of Business Conduct

## Conflicts of Interest

Suppliers should avoid any interaction with any [Customer] employee that may conflict, or appear to conflict, with that employee acting in the best interests of [Customer]. For example, suppliers should not employ or otherwise make payments to any [Customer] employee during the course of any transaction between the supplier and [Customer] (other than pursuant to the [Customer] contract).

If a supplier employee is a family relation to any [Customer] employee, or if a supplier has any other relationship with a [Customer] employee that might represent a conflict of interest, the supplier should disclose this fact to [Customer] or ensure that the [Customer] employee does so.

# Code of Business Conduct

## Gifts, Meals, Entertainment

Suppliers should not provide any gift, meal or entertainment to a [Customer] employee in any situation in which it might influence, or appear to influence, any employee decision in relation to the supplier.

# Code of Business Conduct

## Bribery and Kickbacks

Suppliers should not engage in any form of commercial bribery or kickback scheme or otherwise offer any incentive to any [Customer] employee or [Customer] employee's family or friends in order to obtain or retain [Customer] business.

Suppliers acting on behalf of [Customer] must comply with [anti-bribery laws applicable to Customer], as well as all local laws dealing with bribery of government officials.



# Code of Business Conduct

## Bribery and Kickbacks

In connection with any transaction related to the manufacture, distribution or delivery of goods or services to [Customer], or that otherwise involves [Customer], the supplier must not transfer anything of value, directly or indirectly, to any government official, employee of a government controlled company, in order to obtain any improper benefit or advantage (e.g., in connection with regulatory permits, taxation, customs, or judicial and legislative proceedings).

Suppliers must keep a current and accurate written accounting of all payments (including any gifts, meals, entertainment or anything else of value) made on behalf of [Customer], or out of funds provided by [Customer]. Suppliers must furnish a copy of this accounting to [Customer] upon request.

# Code of Business Conduct

## Accounting and Business Records

Accurate, reliable information and records are critical to meeting [Customer's] financial, legal, and management obligations and they are necessary to fairly reflect [Customer's] transactions. Both the supplier and [Customer] must keep accurate records of all matters related to the supplier's business with [Customer.]

Suppliers are expected to promptly, completely, and accurately prepare applicable reports, vouchers, time records, reimbursement requests, and bills.

Suppliers should never delay sending an invoice or otherwise enable the shifting of a [Customer] expense to a different accounting period or cost category.

# Code of Business Conduct

## Protecting Information

Suppliers should protect the confidential information of [Customer], and act to prevent its misuse, theft, fraud, or improper disclosure. Suppliers must take all due care in handling, discussing, or transmitting sensitive or confidential information that could affect [Customer], its employees, its customers, the business community, or the general public. Disclosure of financial information could influence the actions of shareholders and potential investors and possibly violate securities laws.

Suppliers' responsibility to hold [Customer's] confidential information as confidential is a continuing obligation even after their assignment or contract with [Customer]. If a supplier believes it has been given access to [Customer's] confidential information in error, the supplier should immediately notify its contact at [Customer] and refrain from further distribution. To protect others' confidential information, a supplier similarly should not disclose to anyone at [Customer] information related to any other company if the supplier is under a contractual or legal obligation not to share the information.



# Code of Business Conduct

## Reporting Misconduct

Suppliers who believe that a [Customer] employee, or anyone acting on behalf of [Customer], has engaged in illegal or otherwise improper conduct, should report the matter to [Customer].

A supplier's relationship with [Customer] will not be affected by an honest report of potential misconduct.

# INTEGRITY

- ❖ Steadfast adherence to a strict moral or ethical code.
- ❖ adherence to moral principles; honesty.
- ❖ Honesty, principle, honour, virtue, goodness, morality, purity, righteousness, probity, rectitude, truthfulness, trustworthiness, uprightness, scrupulousness, reputability.

# <OPPOSITES OF INTEGRITY >

Corrupt;

Dishonest;

Unethical;

Deceit;

Greed;



# Collective Actions

The fight against corruption and efforts to uphold integrity needs collective actions by all. The business community positive responds and proactive actions is crucial.

It is with serious commitment and collective actions with the active commitment of business community that this effort to fight corruption can be won. Whatever the outcome will be detrimental to the success or failure of the country vision to promote local business development and sustainable economy.

The Government of His Majesty the Sultan of Brunei Darussalam will continue to intensify its effort in the fight against corruption and to uphold integrity. This fight can only be won with collective actions by everyone involved. Your actions is imminent. Therefore there is a high expectations on your proactive participations from your end.

# INTEGRITY ?

“DOING IT RIGHT ALL  
THE TIME”