



# Legal Advisory Civil Division

Public Officers' Law Seminar :  
Understanding the Law  
26<sup>th</sup> and 27<sup>th</sup> October 2016

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Principal Counsel*

[www.agc.gov.bn](http://www.agc.gov.bn)



# Attorney General and his functions Art 81 Constitution of Negara Brunei Darussalam

(1) There shall be an Attorney General who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan by notification published in the *Gazette*.

(2) The Attorney General shall advise on all legal matters connected with the affairs of Brunei Darussalam referred to him by His Majesty the Sultan and Yang Di-Pertuan or by the Government.





# Attorney General and his functions Art 81 Constitution of Negara Brunei Darussalam

(3) The Attorney General shall have power exercisable at his discretion to institute, conduct or discontinue any proceedings for an offence other than —

(a) proceedings before a Syariah Court, subject to the provisions of any written law to the contrary; or

(b) proceedings before a Court Martial, subject to the provisions of any written law to the contrary.

(4) In the exercise of this power, the Attorney General shall not be subject to the direction or control of any person or authority.



# Civil Division





## Attorney General's Chambers' vision and mission

“To maintain and uphold the rule of law for the country's stability and prosperity”

## Civil Division Mission Statement

“To Provide Quality Legal Advice and Representation for Government Ministries Department and Agencies”



## Civil Division Core Services

Providing Advisory Services including Drafting of Contracts, MoUs, Statutory Interpretation to the Government

Providing litigation support services for all claims initiated by the Government

Handling all appearance in court, arbitration etc in civil matters on behalf of the Government

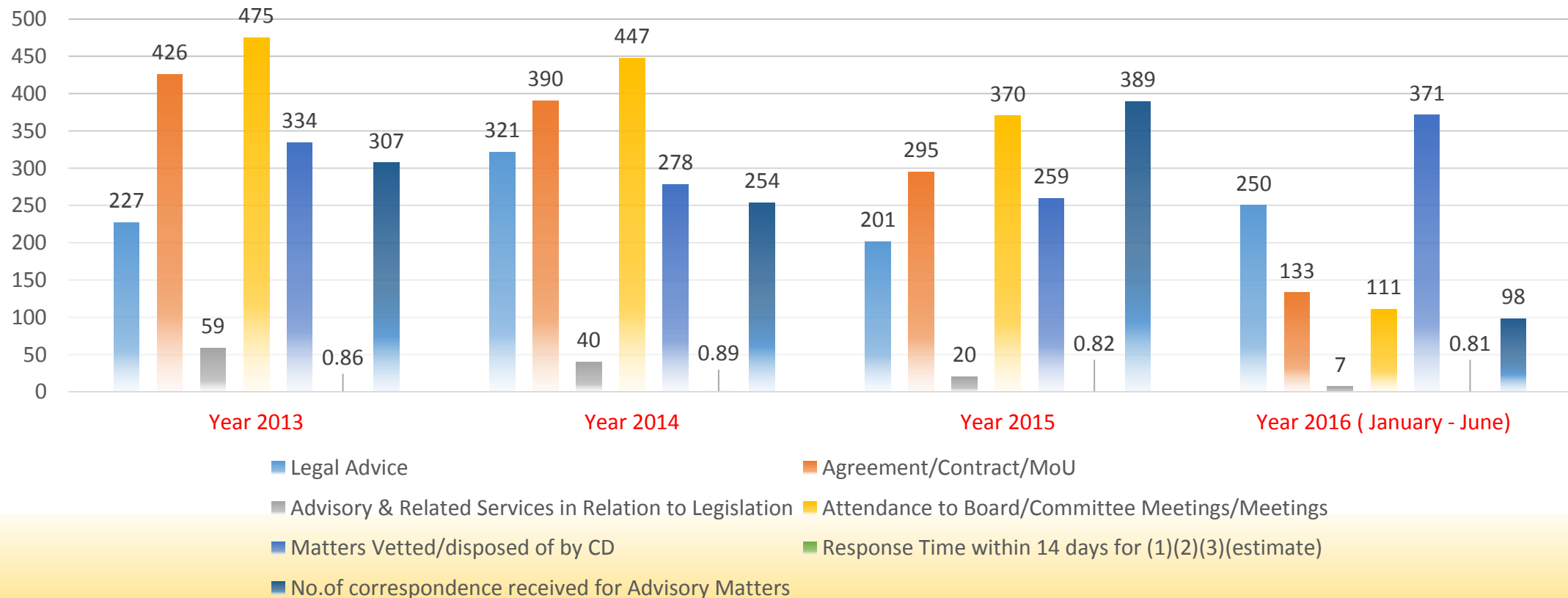


# LEGAL ADVISORY STATISTICS FROM 2013- JUNE 2016

BIL	MATTERS	2013	2014	2015	2016
1	Legal Advice ( received /ongoing)	227	321	201	525
2	Agreement / Contract / Memorandum of Understanding (received / ongoing)	426	390	295	367
3	Advisory and related services in relation to legislation ( received / ongoing )	59	40	20	11
4	Attendance to Board / Committee Meetings / Meetings (by title)	475	447	370	244
5	Matters Vetted / disposed of by Civil Division for (1), (2), (3)	334	278	259	641
6	Response Time within 14 days for (1),(2),(3) (estimate)	86.09%	89.61%	82.17%	81%
7	No. of correspondence received for Advisory Matters ( for information)	307	254	389	223



# ADVISORY ( CHART ) FROM 2013 – JUNE 2016





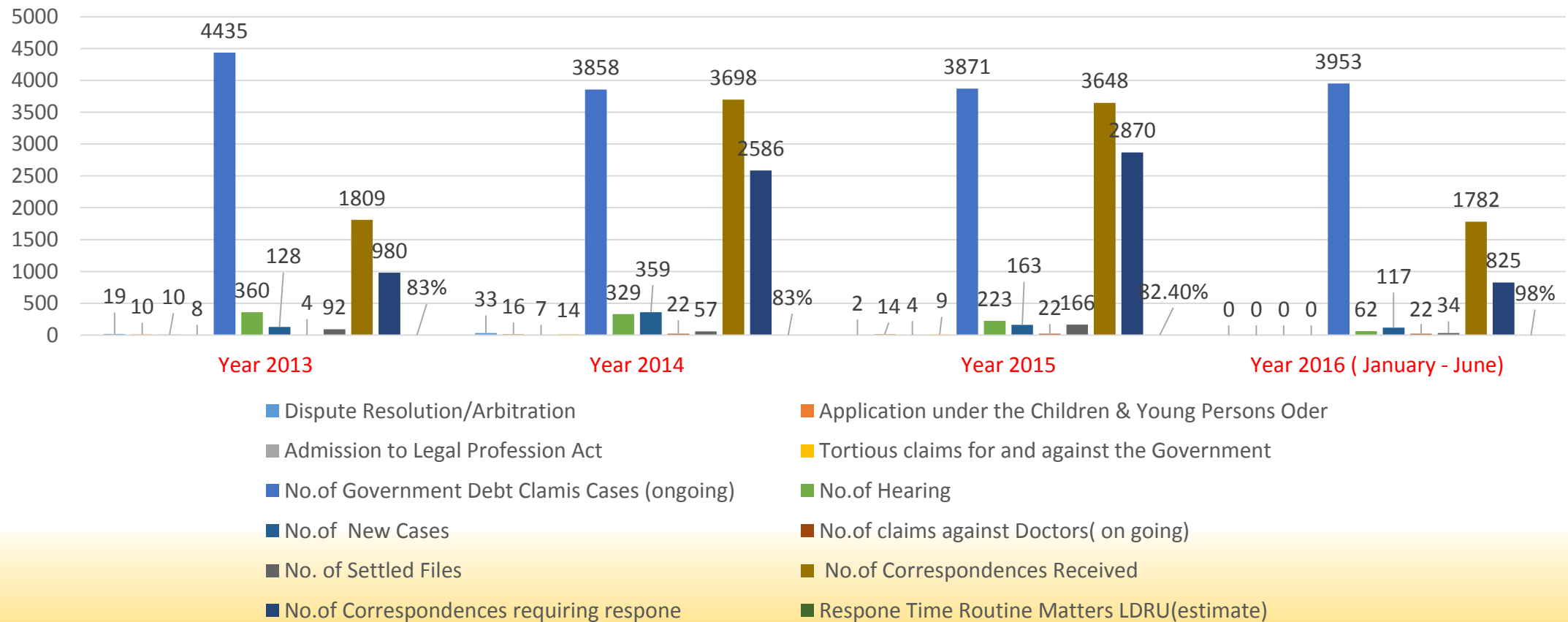


# LITIGATION AND DISPUTE RESOLUTION FROM 2013 – JUNE 2016

BIL	MATTERS	2013	2014	2015	2016
1	Dispute Resolution/ Arbitration	19	33	2	Nil
2	Application under the Children & Young Persons Order	10	16	14	Nil
3	Admission to Legal Profession Act	10	7	4	Nil
4	Tortious claims for and against the Government	8	14	9	Nil
5	No. of Government Debt Claims Cases(ongoing) Amount Recovered (Debt & Costs)	4435	3858	3871	3953
6	No. of Hearing	360	329	223	62
7	No. of New Cases	128	359	163	117
8	No. of claims against Doctors (ongoing)	4	22	22	22
9	No. of Settled Files	92	57	166	34
10	No. of Correspondences Received	1809	3698	3648	1782
11	No. of Correspondences requiring response	980	2586	2870	825
12	Response Time Routine Matters LDRU (estimate)	83%	83%	82.40%	98%



# LITIGATION AND DISPUTE RESOLUTION ( CHART ) FROM 2013 - JUNE 2016





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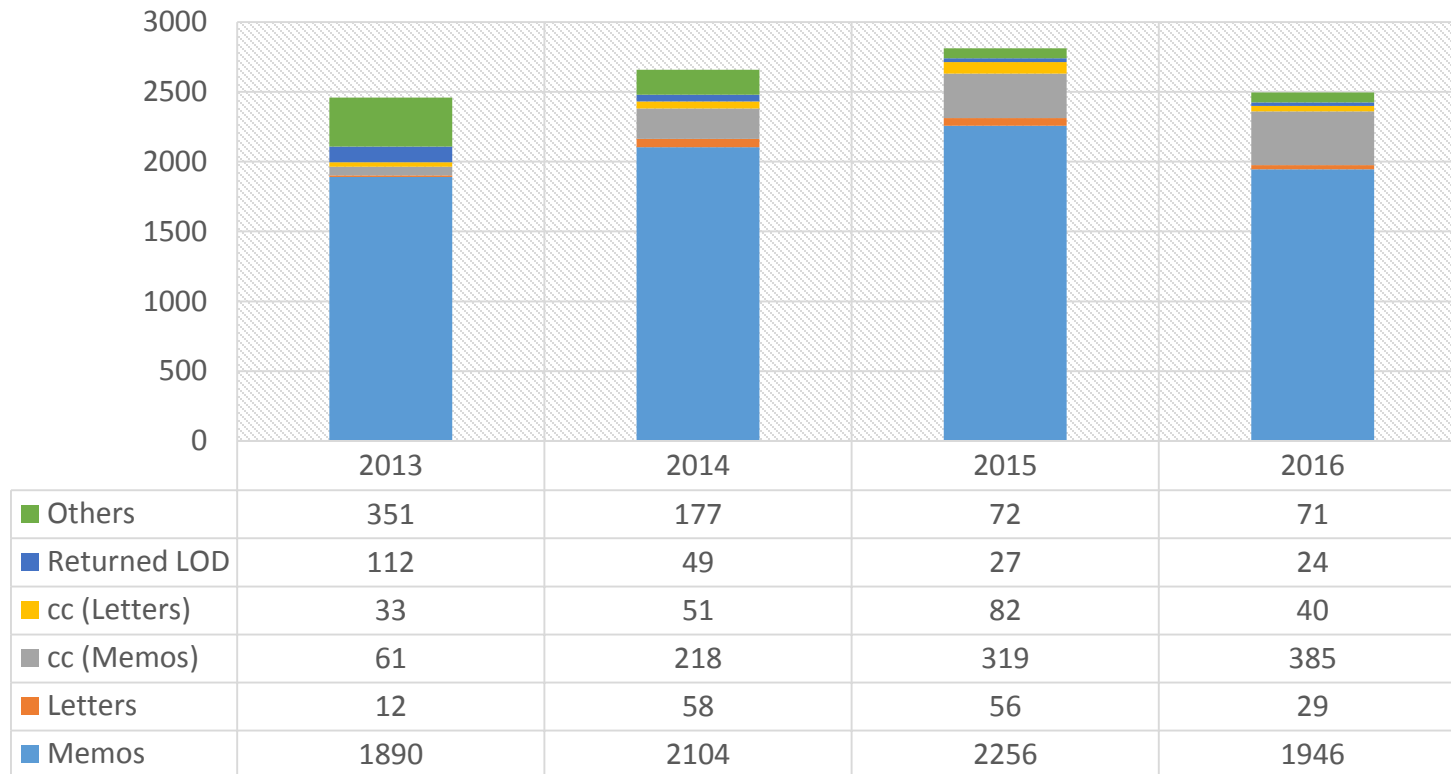
<b>CLIENTS</b>	<b>CASES</b>
<b>Municipal Boards</b>	Municipal Rates, Building/Stall Rents
<b>Ministry of Finance (MOF) (Treasury)</b>	Recovery Matters; Car/House Loan/ Overpaid Salary, Bonus, Allowance, Accidents with Government Vehicle
<b>Telecom (MOF)</b>	Telecom Bills
<b>Public Work Department (PWD)</b>	Damage / Lost of Government Property
<b>Hospital (Ministry of Health)</b>	Ward Bills
<b>Radio Television Brunei (RTB)</b>	Advertisement   Rental of Building
<b>Ministry of Education</b>	Scholarship Claims
<b>MISCELLANEOUS (MISC.)</b>	
<b>Department Electrical Services</b>	Electricity Bills
<b>Ministry of Welfare Youth &amp; Sport</b>	Rental of Building
<b>Ministry of Industry &amp; Primary Resource</b>	Rental of Building, Loan schemes
<b>Economic Planning and Development</b>	Finance Scheme
<b>Others</b>	Miscellaneous Cases, e.g. Recovery of Balance of Advances.



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### Received Correspondence for Action on LDRU



**\*Note that the statistic in 2016 is up to January to September**

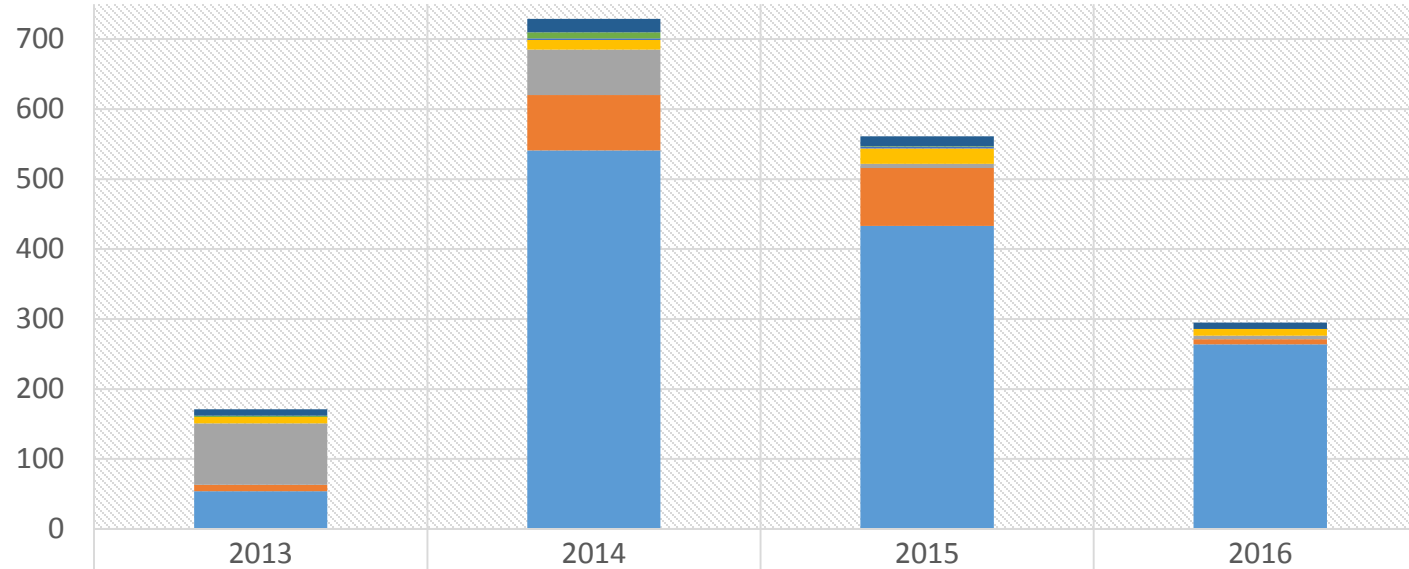
■ Memos  
 ■ Letters  
 ■ cc (Memos)  
 ■ cc (Letters)  
 ■ Returned LOD  
 ■ Others



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## Number of Letter of Demand Sent



	2013	2014	2015	2016
■ Misc	9	19	14	9
■ RTB	2	9	1	0
■ Hospital	0	2	2	0
■ PWD	9	14	22	10
■ Telecom	88	65	6	5
■ Treasury	9	79	83	7
■ Municipal	54	541	433	264

**\*Note that the statistic in 2016 is up to January to September**

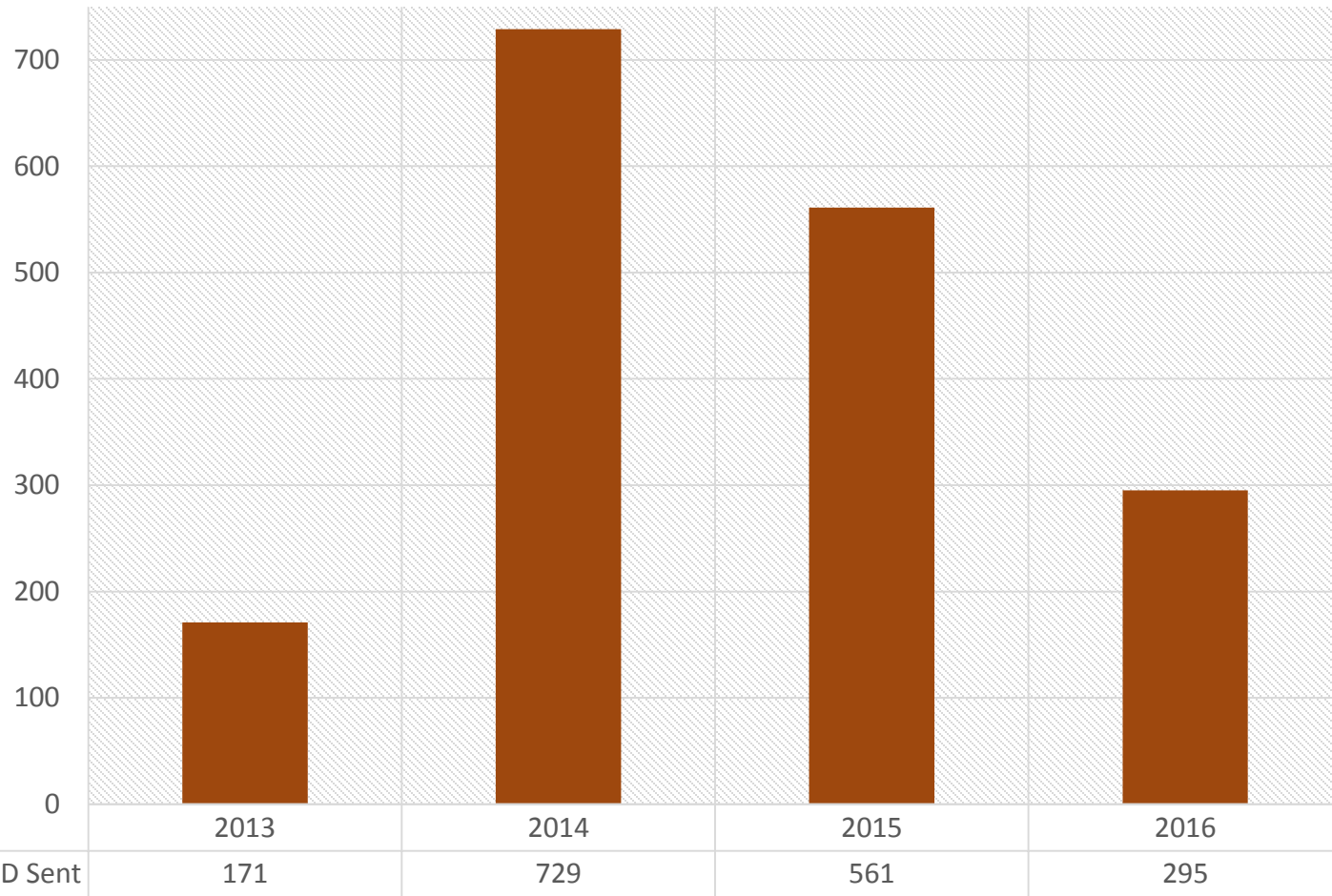




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### Annual Total Number of Letter of Demand Sent



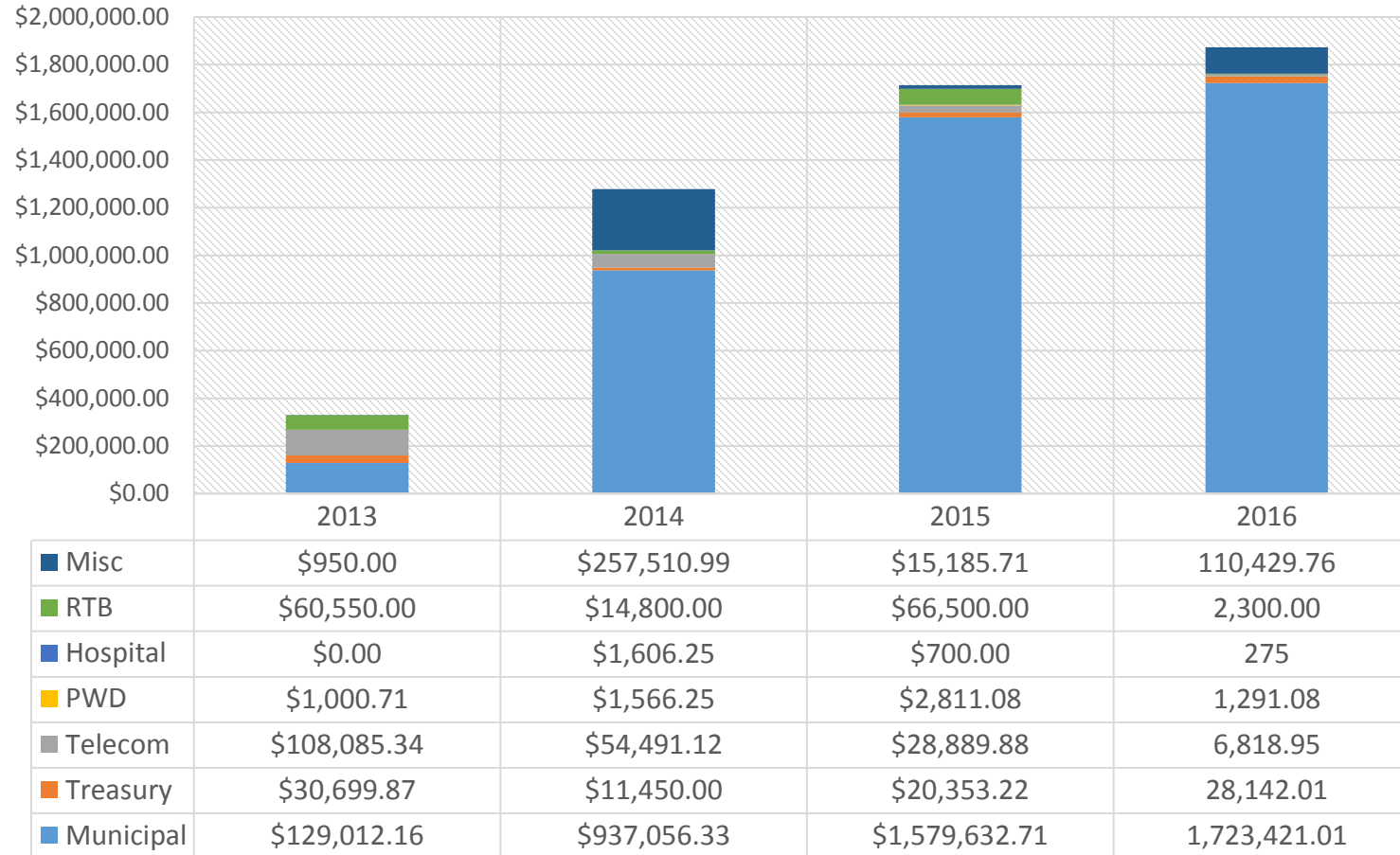
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### Amount Recovered



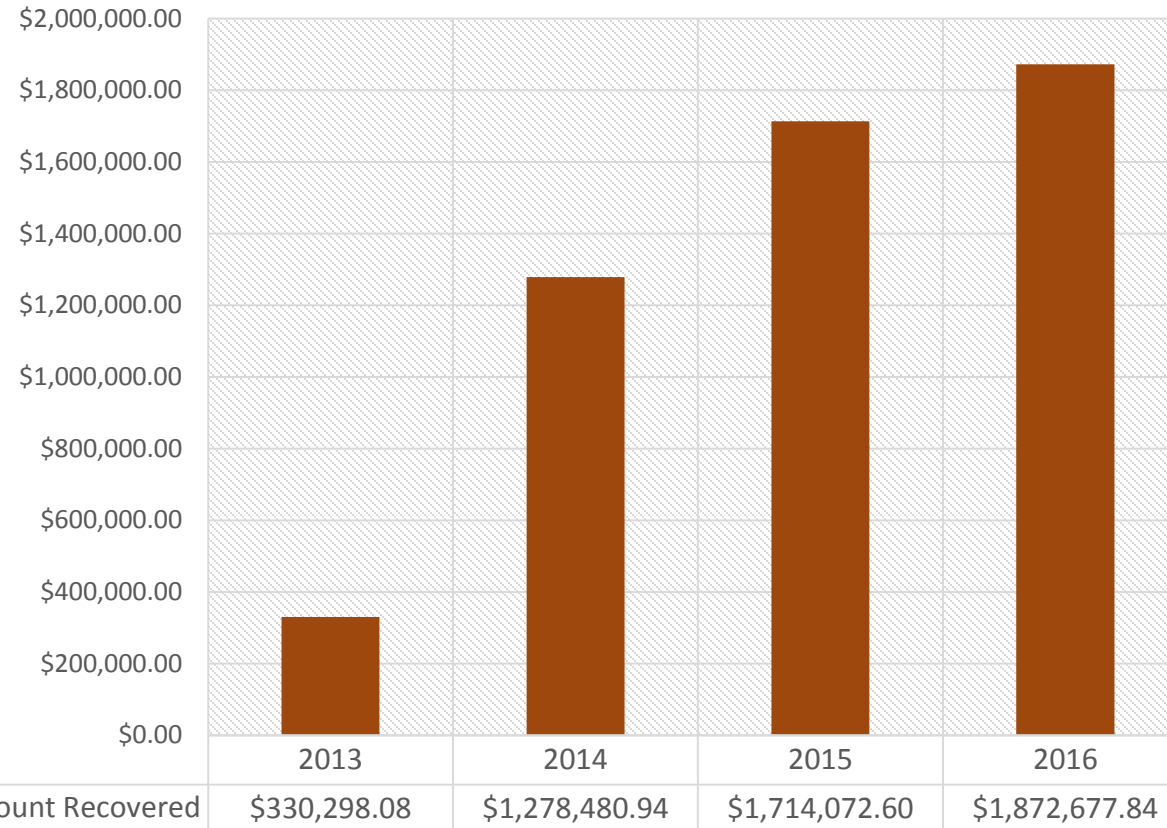
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### Annual Total Amount Recovered



**\*Note that the statistic in 2016 is up to January to September**



# Why do we need Laws?

What is Law?

Why the need  
to have Laws?

What if there  
is no Law?

Can we live  
without Laws?



# LAWS

- Laws are rules that bind all people living in a community.
- [Laws](#) protect our general safety, and ensure our rights as citizens against abuses by other people.
- We have laws to help provide for our general safety for example
- Laws about food safety, Speed limits and traffic laws exist so that we drive in a safe manner.
- Licensing for doctors and nurses ensures proper training of the people who look after us, and who often have our lives in their hands.
- We also have laws that protect our rights as citizens and Laws that protect us from discrimination because of our race, gender, age, or because of a disability.





## Dictionary Definition of Law

A rule usually made by the Government that is used to order the way in which a society behaves



# Civil and Criminal Law Differences



Criminal law can be seen as a set of rules and regulations which, if broken, will result in a punishment of either loss or liberty or a fine. In a Criminal case an offender is found guilty of a criminal offence, and he/she may be sentenced by the judge.

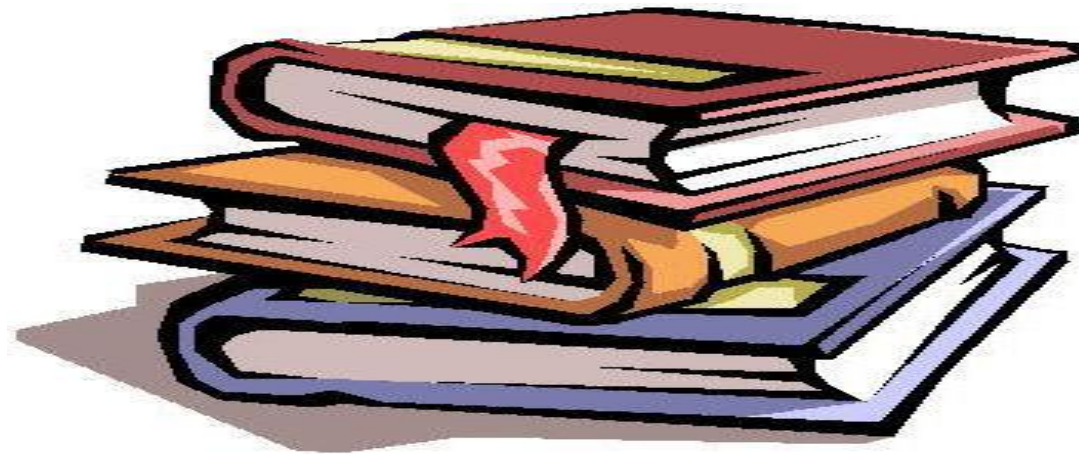


In a Civil case there is no guilty party. The aim of Civil law is not to punish a wrongdoer but to compensate the victim who has suffered by the actions of another person doing wrong.



# Index to the Laws of Brunei

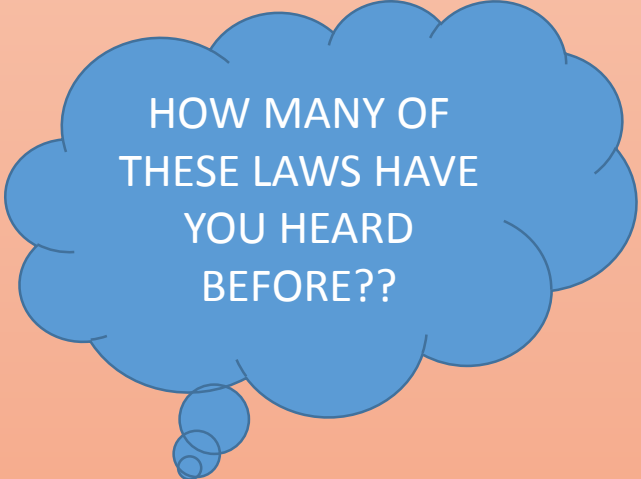
<http://www.agc.gov.bn/AGC%20Site%20Pages/INDEX%20TO%20THE%20LAWS%20OF%20BRUNEI.aspx>





# A-Z Laws examples

- Accountants Order
- Buffaloes Act
- Child Care Centre Act
- Dogs Act
- Electricity Act
- Forest Act
- Gurkha Reserve Unit Act
- Halal Meat Act



HOW MANY OF  
THESE LAWS HAVE  
YOU HEARD  
BEFORE??



# A-Z Laws examples

- KUPUSB Act
- Legal Professionals Act
- Mental Health Act
- News Paper Act
- Old Age And Disability Pensions Act
- Public Health (Food) Act
- Road Traffic Act
- Second Hand Dealers Act




WAH MACAM  
MACAM ADA!





# A-Z Laws examples

- Tobacco Order
- Undesirable Publications Act
- Veterinary Surgeons Order
- Workplace Safety and Health Order
- Yayasan Haji Hassanal Bolkiah Act

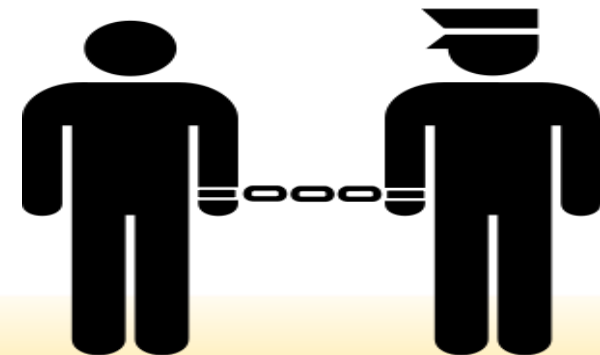
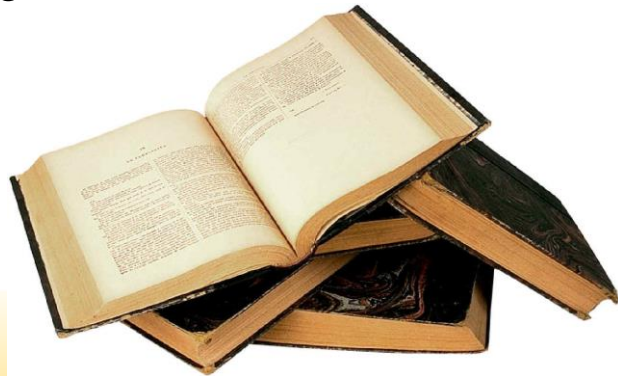


DARI A  
SAMPAI Y!  
Z NADA



# Who are the custodians of the laws?

- **Implementation and Enforcement of the Laws are on the “Owner” of the Laws**
- **Therefore it is vital for you to know the laws, know your jurisdiction, know your powers, limitations and powers of enforcement**





## KNOW “YOUR LAWS”

For example

Medical Practitioners and Dentist Act

[http://www.agc.gov.bn/AGC%20Images/LAWS/ACT\\_PDF/cap112.pdf](http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap112.pdf)

The objectives of the Act – to provide for registration of medical practitioners and dentists

Know the interpretations- medical practitioner, dentist, practice dentistry, practice surgery or medicine, Registrar

Know the Obligations- a register, Director of Medical Services, gazetting of names of practitioners, qualifications, practising certificates, prescribed forms

Penalties- criminal sanctions, disciplinary, removal from register



# KNOW YOUR LAWS

- For example
- Public Entertainment Act  
[http://www.agc.gov.bn/AGC%20Images/LAWS/ACT\\_PDF/cap181.pdf](http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap181.pdf)
- Objectives: To regulate public entertainment and for matters connected therewith
- Definition of public entertainment, exemptions, prohibitions, conditions and licensing, refusal, cancellation, fees, appointment of licensing officers
- Powers of entry and inspections, arrest, penalties



## Conclusions

- You don't need to be a qualified lawyer to understand the law, as you are the custodian and implementer
- Vital for you to know your laws "inside out" to ensure just and proper enforcement of the laws
- Welcome to refer to the AGC for legal advice on matters which concerns you eg interpretations (or misinterpretations), proposals for amendments etc





# QUESTION AND ANSWER SESSION

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**THANK YOU**

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