

LAWS OF BRUNEI

CHAPTER 83
PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE COMMISSION ACT

An Act to make provision for the punishment of offences in connection with the Public Service Commission, for the protection and remuneration of the members of the Commission and for other matters connected therewith

Commencement: 1st January 1962

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Public Service Commission Act.

Interpretation.

2. In this Act unless the context otherwise requires —
“Commission” means the Public Service Commission established under Part IX of the Constitution;
“Constitution” means the Constitution of Brunei Darussalam”.

PART II

PRIVILEGES AND PROTECTION

Certain communications to be privileged.

3. No persons shall in any legal proceedings be permitted or compelled to produce or disclose any communication written or oral which has taken place between the Commission or any of its members and the Government or any public officer or any communication between members of the Commission in exercise of or in connection with the exercise of its functions unless His Majesty the Sultan and Yang Di-Pertuan shall in writing consent to such production or disclosure.

Protection of members.

4. Every member of the Commission shall have such and like protection and privileges in case of any action or suit brought against him for any act done or omitted to be done by him when acting in the execution of his office as is by law given to any magistrate acting in the execution of his office.

PART III**OFFENCES****Giving false information to Commission.**

5. Any person who, in connection with an application by any person for employment or appointment in the public service or with the exercise by the Commission of any of its functions, wilfully gives to the Commission or to any member thereof or to any person or body of persons appointed by the Commission to assist in the exercise of its functions any information which is false or misleading in any material particular shall be guilty of an offence: Penalty, a fine of \$10,000 and imprisonment for 2 years.

Unauthorised publication and disclosure of information.

6. (1) No member of the Commission nor any other person shall, without the written permission of His Highness, publish or disclose to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duty as such member in respect of any matters relating to the exercise by the Commission of any of its functions, and any person who knowingly acts in contravention of the provisions of this subsection shall be guilty of an offence: Penalty, a fine of \$5,000 and imprisonment for one year.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of the provisions of this section publishes or communicates such information to any person otherwise than for the purpose of a prosecution under this Act, he shall be guilty of an offence: Penalty, a fine of \$5,000 and imprisonment for one year.

Influencing or attempting to influence Commission.

7. Every person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or any member thereof shall be guilty of an offence: Penalty, a fine of \$10,000 and imprisonment for 2 years:

Provided that nothing in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance upon formal request made by the Commission.

Members, officers and servants of the Commission deemed public servants under the Penal Code.

8. Every member, officer and servant of the Commission shall be deemed to be a public servant within the meaning of the Penal Code. (Chapter 22)

Consent of Public Prosecutor to prosecutions.

9. A prosecution under this Act shall not be instituted except by or with the consent of the Public Prosecutor.

PART IV

**REMUNERATION OF MEMBERS OF THE
PUBLIC SERVICE COMMISSION**

Remuneration.

10. (1) The remuneration of the members of the Commission shall consist of —

(a) in the case of the Chairman, a salary provided by the Legislature with the allowances and privileges specified in the Schedule hereto; and

(b) in the case of each of the other members, a salary provided by the Legislature with the allowances and privileges specified in the Schedule hereto.

- (2) The salary of each member of the Commission shall —
- (a) commence from the date of his appointment;
 - (b) accrue from day to day; and
 - (c) be payable monthly on the last day of each month, or on such other day as the Minister responsible for finance may from time to time determine.

(3) The salaries, allowances, privileges and other terms of office of members of the Commission shall not be altered to their disadvantage after their appointment.

Charge of remuneration.

11. The sum required for the remuneration payable under this Act shall be charged on the Consolidated Fund.

Provision against duplicate salary.

12. A person to whom any salary is payable under this Act or for whose salary as the holder of any other office provision is made by any other written law shall be entitled to receive only one such salary, but if he is the holder of 2 or more offices in respect of which salary is so payable in respect of those offices, the office in respect of which salary is payable to him shall be that in respect of which the highest salary is payable.

SCHEDULE

(section 10(1)(a) and (b))

**ALLOWANCES AND PRIVILEGES OF THE
MEMBERS OF THE PUBLIC SERVICE COMMISSION**

1. Allowances —

(a) Fixed Conveyance Allowance —

at such rate as may be fixed from time to time by the Minister;
and

(b) Subsistence Allowance (for Members only) —

at such rate as may be fixed from time to time by the Minister.

2. Privileges —

(a) Quarters (for Chairman only) —

Furnished quarters as for officers in Division I of the Public Service shall, if available, be provided on the same terms and rates as those applicable to such officers.

(b) Medical facilities —

The same facilities shall be provided as for officers in Division I of the Public Service.

(c) Leave (for Chairman only) —

2 months' vacation leave in respect of each complete year of resident service with the Commission may be granted by His Majesty.