



ATTORNEY GENERAL'S CHAMBERS BRUNEI DARUSSALAM

AGC REPORT
2015-2017

AGC REPORT

2015-2017

A Report containing information on the Attorney General's Chambers of Brunei Darussalam and its highlights of work and activities for the period of June 2015 to June 2017



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ATTORNEY GENERAL'S FOREWORD





السلام عليكم ورحمة الله وبركاته

Warm greetings

It is with great pleasure that I present you the Attorney General's Chambers' (AGC) Biennial Report for the period June 2015-June 2017. How time flies! This Report is the third publication since I took office in August 2009. The Report showcases AGC's achievements and developments in the last 2 years. I am proud to say that at the heart of AGC are the men and women in Chambers, the lawyers, the administrative officers and the support staff who work hard as one team. Such teamwork and interdivisional collaboration was (and remains) as one of my focus from when I assumed office. I consider it most essential in order to provide the efficient service expected by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and the people of Brunei Darussalam. It is after all, our collected responsibility to discharge our duties with integrity, competence and professionalism at all times.

When I was appointed as Attorney General in August 2009, I was rather apprehensive as I had been away from Chambers for so long. I found out soon enough that I need not be, as I found myself being supported and assisted by officers who are committed and passionate about their work, be it crime, legislation, advising the Government and international law. Many potential young officers also joined the team. Their enthusiasm bears well for AGC's and the country's future.

As Attorney General and Public Prosecutor, I constantly remind myself of the roles entrusted on me and my officers as the Government's principal legal adviser and Public Prosecutor. The changing society and proliferation of social media provide platforms to a potentially vast audience to air their views in real time. AGC is not excluded from the opinion of others, be it good or bad. What is in the public interest, which we seek always to safeguard is not always similar to what interests the public. That being the case, I constantly remind myself and my officers to be vigilant and stay ahead with development of the law and the Rule of Law. With laws becoming more

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diverse and complex in nature, the ever increasing demand of our services and with the public becoming more vocal, and some judgmental we realise that there is still more that need to be done for us to remain vibrant and relevant to be able to discharge our functions effectively. The in-house Human Resource Committee, chaired by the Solicitor General, had intensified training, development and specialisation of our officers to realise our vision and mission. *Alhamdulillah*, with the support of the Prime Minister's Office we have been able to secure local and overseas courses and trainings for our officers in a cost effective way. However, in our strive for excellence we do not underestimate the importance of sharing and learning in our Share and Discussion Session (SDS) regularly conducted by AGC officers and guest speakers not only on legal issues but also on advocacy, health, work ethics and safety amongst others.

We have also recently revamped our recruitment process by recruiting the best from the top educational institutions. Internally in 2016, we have absorbed the former Research and Law Review Division to become the Legislation and Research Division.

In the area of criminal law especially with the rise in sexual cases that have caused a public outcry, we have, within the Criminal Justice Division, created specialist teams to deal and tackle these issues. As briefly mentioned in my last Report, we have also now fully implemented the Talent Management Strategy to identify the top performers. AGC has also enhanced our outreach initiatives to the public and other stakeholders with the objective to endear our roles to the public and create awareness and a better understanding of what we are entrusted to do and clear any perception that AGC is only about prosecuting cases. Besides the ongoing various nationwide outreach programmes held yearly with the public, I am happy to share that AGC has in 2016 introduced a number of publications, firstly, the Government Contracts Manual which provides details and assistance to Government Procurement Officers when undertaking contracts; secondly, a publication entitled Musings from Chambers: Chambers Decoded which describes the journeys, personal experiences and anecdotes from those who served in AGC. Jointly with Civil Service Institute, AGC organised its first inaugural Public Officers' Law Seminar for senior Government officers which received positive



response from the public sector. We hope to be able to run this Seminar on a yearly basis. The objective of the Seminar is to equip public officers with the necessary knowledge and skills to enable them to function effectively in accordance with their responsibilities under the laws.

As in the earlier Reports, space is always a constraint in a publication. Nevertheless, the Editorial team had done an excellent job to capture some of the key initiatives and developments in AGC since 2015 which I hope you find to be of value and I am most grateful to them.

My colleagues and I in AGC will continue the journey laid down by our predecessors to ensure that AGC remains efficient and relevant. We accept that there is still more to be done and there will always be more we can aspire to achieve to accomplish our vision to deliver legal services of the highest quality.

There is a saying that 'The journey; not the destination matters'. I urge everyone in AGC to continue our journey together with pride and commitment. It has been a great privilege to go through this journey with all of you and I thank each and every one of you for your support throughout.

والسلام

Datin Seri Paduka Hajah Hayati binti Pehin Orang Kaya Shahbandar
Dato Seri Paduka Haji Mohd. Salleh
Attorney General and Public Prosecutor

VISION, MISSION AND CORE VALUES



Vision

To be the Highest Quality Legal Service Provider for His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam.

Mission

Providing Legal Services to His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam.

Direction and Control of Criminal Prosecutions.

Providing Registry Services required by Law.

Core Values

Honest and Trustworthy.

Integrity.

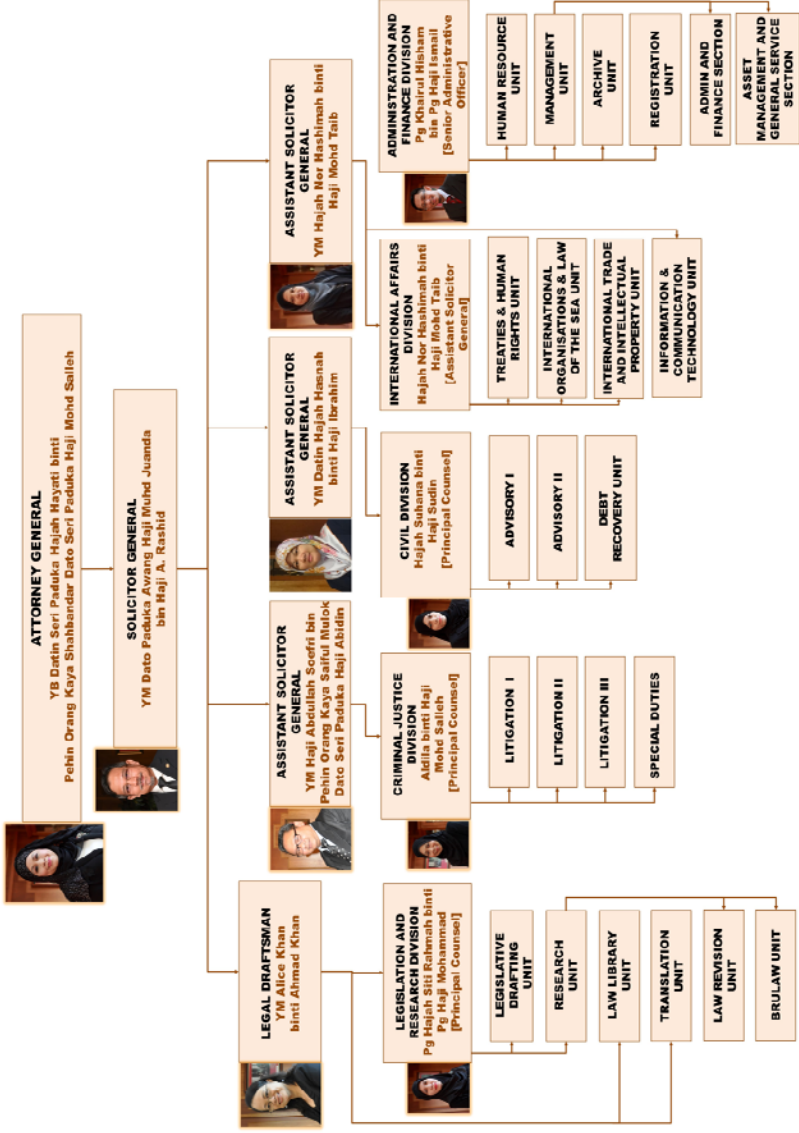
Innovative.

Just and Fair.

Professional.

Progressive.

ORGANISATIONAL STRUCTURE



DIVISIONS

CIVIL DIVISION



Mission Statement

The Attorney General through the Civil Division has a major role in its mission to provide quality legal advice and representation for Government Ministries, Departments and Agencies in Brunei Darussalam.

Division Information

The Civil Division (CD) which was previously under the supervision of YM Awg Hj Abdullah Soefri bin POKSM DSP Hj Abidin, Assistant Solicitor General, came under the supervision of YM Datin Hjh Hasnah binti Hj Ibrahim, Assistant Solicitor General, on 11 March 2017. The Division which is headed by YM Dyg Hjh Suhana binti Hj Sudin, Principal Counsel, since 1 August 2014 comprises three major units –

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- Advisory I Unit
- Advisory II Unit
- Litigation and Debt Recovery Unit (LDRU)

Over the years, the role of CD has not only evolved within the primary advisory division of AGC, but recently been extended to being appointed as members to statutory boards, Government Link Companies (GLCs), as well as Government Committees, *inter alia*, Tabung Amanah Pekerja, Jawatankuasa Khas Penswastaan, Jawatankuasa Audit, Jawatankuasa Pengarah/ Pengarah Ganti Kerajaan bagi Syarikat-Syarikat Brunei Shell Petroleum, Brunei Liquefied Natural Gas, Brunei Shell Marketing, Brunei Gas Carriers and Brunei Shell Tankers, Jawatankuasa Penilaian Tawaran Pelan Induk Penswastaan (Privatisation Master Plan), Jawatankuasa Task Force Program Khidmat Bakti Negara, Strategic Development Capital, Brunei Currency and Monetary Board etc.

In an effort to ensure effectiveness in Government procurement of goods and services, the Division is involved in vetting drafts contracts to support the workings of the Government, the public service and the nation in general. Amongst others are contracts in consultancy services, construction, procurement of IT systems, procurement of medicines, supply of rice and sugar.

In the area of finance and taxation, CD also works closely with the relevant Government Ministries in vetting Double Taxation Agreements and Bilateral Investment Treaties.

The Division has also been actively involved in providing advice and public lectures on a wide range of areas, for instance, broadcasting, patients' rights, law and ethics in nursing and midwifery practice, disciplinary proceedings, civil aviation, taxation, ports, workmen's compensation, licences, leases oil and gas, land, financial, contract management and IT contracts.

More recently, CD has been involved in projects which contribute to Brunei's National Development, for example, the establishment of the arbitration centre, construction of the Temburong bridge, Pulau Muara Besar/Hengyi

refinery, development of SMEs (creation of SME bank), construction of other infrastructure, including the issuance of Sukuk bonds.

There is also much involvement in conducting civil litigation, in particular, judicial review cases and also representing the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam in debt recovery cases.

Work Highlights

Public Officers' Law Seminar

Officers from the Division were involved in the Public Officers' Law Seminar: Understanding the Law 2016 organised by AGC held on 26 October 2016 where among the topics presented by the Division were on contract management and the numerous aspects necessitating civil litigation and the possible utilisation of recognised alternative dispute resolutions as supplementary avenues for civil redress.

Consumer Protection and Competition Law

In the area of consumer protection, the Department of Economic Planning and Development (*Jabatan Perancangan dan Kemajuan Ekonomi (JPKE)*) and CD have worked closely to ensure the implementation and protection as provided for under the Consumer Protection (Fair Trading) Order, 2011. With the amount of consumer protection queries *JPKE* is receiving after the launch of their mobile app, CD also assisted *JPKE* in expediting the process of dealing with such consumer protection queries. Such online process which provides for quick, current and accessible legal advice is in line with the Digital Government Strategy announced in 2015.

CD was also actively involved in the setting up of the Competition Commission, an independent body, mandated to promote business competition in Brunei Darussalam's economic landscape as part of the implementation of the Competition Order, 2015.

Civil Division Work Manual

In an effort to improve efficiency and productivity, the Division is actively improving processes including the publication of work manuals for ease and reference of its officers and staff. The Civil Division Work Manual was launched together with the Government Contracts Manual on 16 January 2017 by the Honourable Attorney General.

Government Contracts Manual

The Government Contracts Manual is published by CD as part of its ongoing efforts in raising awareness to instructing agencies including Government Ministries, departments and statutory boards, particularly on managing Government contracts. This Manual provides concise guidelines to Government Ministries, departments and statutory boards, including some invaluable insight to the principles that govern contracts in Brunei Darussalam and to provide assistance to Government Ministries, departments and statutory boards to take the most appropriate decisions and allocate the various issues in their projects and procurements.

Continuing Professional Development

CD officers have attended a number of courses to continuously develop expertise and knowledge in AGC's practice areas. Opportunities to continue education and learning are also encouraged. Such learning experiences and exposure to officers are also obtained by going for learning trips, international meetings and attending several attachments.

Local

- AGC Negotiations Skills Training (4 to 5 August 2015)
- Medical Error and Patient Safety Liability (11 to 12 August 2015)
- Executive Development Programme for Senior Officers (7 September to 4 December 2015)
- Symposium Riba (5 September 2015)

- Brunei-Singapore Youth Leadership Exchange Programme 2015 (5 to 10 October 2015)
- Ease of Doing Business: Resolving Insolvency Workshop (4 November 2015)
- Training for the Attorney General's Chambers on Judiciary Case Management System (5 and 7 November 2015)
- Dialogue on Judiciary Case Management System Usage and Change Management (19 November 2015)
- Symposium on Islamic Governance Functionality and Relevance in a Modern Negara (21 November 2015)
- The 3Ms Service Delivery Culture (Mentality/Mindset/Mindfulness) Programme (10 December 2015)
- Establishment of Commercial Court (8 December 2015)
- Evaluation of Civil Service Performance Appraisal (10 December 2015)
- Secured Transactions and Collateral Registry Workshop (17 March 2016)
- HSSE Construction Conference (23 to 24 August 2016)
- Commercial Law Programme (6 September 2016)
- Understanding Important Contract Clauses on IT, Construction, Fleet Management, Health and Food and Contract Risk Management (8 September 2016)
- Secured Transactions Order, 2016 and Collateral Registration System Workshop (20 September 2016)
- Opportunity Framing Workshop to Review the Function of IBTE to support ICF through RTO Collaboration (28 September 2016)
- Consultancy Agreements in the Construction Industry (6 October and 21 November 2016)
- 8th Brunei-Malaysia-Singapore Leadership Development Programme (7 to 18 November 2016)
- CEO Summit: Leading Brunei's Future: The Innovation Economy (10 May 2017)

Abroad

- International Conference on Enforcement of Civil Case Judgment in the Context of Dynamic Regional Economic Integration (26 to 29 July 2015, Bangkok, Thailand)
- Public Officers' Law Seminar (29 July 2015, Singapore)
- ASEAN-USPTO Workshop on Consumer Protection, Unfair Competition and Protection of Trade Secrets (27 and 28 August 2015, Singapore)
- Dispute Resolutions and Contracts: Dealing with Breach, Termination and Alternatives Dispute Resolutions (14 and 15 September 2015, Kuala Lumpur, Malaysia)
- 7th Event of the Attorney General's Chambers of Brunei Darussalam, Malaysia and Singapore (27 to 30 September 2015, Singapore)
- Dispute Resolutions Systems (26 to 30 October 2015, Singapore)
- 10th Technical and Commercial Small Working Group and Joint Unitisations Working Group Meetings Brunei Darussalam – Malaysia (14 and 15 December 2015, Kuala Lumpur, Malaysia)
- 4th ASEAN Chief Justice Meeting and 38th Governing Council ASEAN Law Association Meeting (31 March to 2 April 2016, Ho Chi Minh City, Vietnam)
- Know the Law 2016: Legal Principles for every Public Officer Seminar (24 May 2016, Singapore)
- ASEAN Justice Young Blood Programme (11 to 15 July 2016, Bangkok, Thailand)
- ASEAN-USPTO Workshop on Using Intellectual Property to Protect and Promote Traditional Arts and Crafts (6 to 8 September 2016, Bangkok, Thailand)
- Sub-Regional Workshop on Copyright Awareness and Capacity Building for ASEAN Countries (6 to 8 September 2016, Kuala Lumpur, Malaysia)
- Dispute Resolution Systems Course (24 to 28 October 2016, Singapore)
- Singapore International Arbitration Academy (2 to 8 November 2016, Singapore)
- 8th Brunei-Malaysia-Singapore Leadership Development Programme (11 to 14 November 2016, Singapore)

- 8th Brunei-Malaysia-Singapore Leadership Development Programme (16 to 18 November 2016, Malaysia)
- Know the Law 2017: Legal Principles For Every Public Officer Seminar (24 May 2017, Singapore)

CRIMINAL JUSTICE DIVISION



Mission Statement

It is the mission of the Criminal Justice Division to maintain a competent and impartial prosecution service for Brunei Darussalam to help safeguard a fair criminal system for the public including both victims and defendants.

Division Information

The Criminal Justice Division (CJD) consists of three Litigation Units and one Special Duties Unit where apart from conducting criminal prosecutions and criminal appeals and working closely with law enforcement agencies in the process of investigation of criminal cases, it also provides advisory services on issues pertaining to criminal law; the appointment of its officers as members of various national committees who are tasked with dealing with national security issues; conducting seminars, talks, dialogues and awareness programmes and roadshows to relevant stakeholders.

Work Highlights

Reviewing and amending diverse areas of laws

- Prevention of Corruption Act (Amendment) Order, 2015

On 28 September 2015, AGC announced the introduction of new corruption laws to address abuse of power and misconduct in public office. The new laws allow legal action to be taken against civil servants who fail to carry out their duties to a “high ethical standard”. New offences have been included in the legislation, criminalising the use of public funds for private purposes; giving undue preferential treatment; misuse of information acquired during the course of duty; and allowing private interests to come into conflict with public duties.

The amendments cover any board, commissioners, committee or other bodies and include 22 specified organisations ranging from government financial institutions to oil and gas organisations, corporations as well as educational institutions such as the Autoriti Monetari Brunei Darussalam, the Brunei Economic Development Board, Brunei Shell Joint Ventures, Royal Brunei Airlines, Tabung Amanah Pekerja, Telekom Brunei Berhad as well as Universiti Brunei Darussalam and also the Islamic Religious Council.

- Criminal Procedure Code (Amendment) Order, 2016

The Criminal Procedure Code (Amendment) Order, 2016 was given assent by His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam on 13 February 2016 and included amendments to existing provisions such as outstanding offences as well as the power of the Courts to postpone and adjourn proceedings. In addition, new provisions are included which govern the surrender and return of travel documents, the Public Prosecutor’s right to address on sentence as well as victim impact statements for certain offences.

Preparation on ratification and accession to international conventions and agreements

AGC through CJD represented Brunei Darussalam in the drafting of the ASEAN Convention on Trafficking in Persons, Especially Women and Children (ACTIP). The Convention was signed by Heads of ASEAN Member States at the 27th ASEAN Summit on 21 November 2015 held in Kuala Lumpur.



Prosecution Work

- Culpable Homicide

Death for Filipino man in Kg Rimba murder

Syazwan Sodikin
BANDAR SERI BEGAWAN

THE High Court has sentenced a Filipino man to death by hanging after it found him guilty of murder.

In 2013, Cyril Navarro Tagapan, 31, was charged with the murder of Abdullah Hj Hamid on August 1, 2012.

"In our judgment, the event bears all the hallmarks of a brutal murder and the defendant is convicted of the charge accordingly," the High Court judges said. "The sentence we are obliged to pass is death and we order that it be in accordance to section 239 of the Criminal Procedure Code." The said section states: "When any person is sentenced to death the sentence shall direct that he be hanged by the neck till he is dead, but shall not state the place where, nor the time when, the sentence is to be carried out."

Tagapan claimed trial on the charge of murder of Abdullah Hj Hamid on grounds that it was self-defence and an accident. He, however, pleaded guilty to the other charges of intention to burn down the decedent's house and two counts of theft.

The prosecution argued that the defendant intended to kill when he used a knife to inflict the injuries on the neck of Abdullah.

In their judgment, panel judges Justice Dato Paduka Steven Chong and Justice Dato Paduka Hamed Aris, said the court was satisfied beyond reasonable doubt that Tagapan, in using a knife with considerable force to inflict three deep cuts on Abdullah's neck, clearly intended to cause death.

The court accepted the pathologist's findings that the pattern of these injuries shows they were caused in a systematic manner and not haphazardly. The court said that the cut to the main blood vessels of Abdullah's neck would have bled profusely rendering him unconscious and death would have occurred "within a matter of minutes".

It further accepted that the cause of death was shock and haemorrhage following multiple cut injuries, and that Tagapan did not have, during examination upon arrest, recent scars on his body indicative of any defence injuries.

"Having seen and heard the defendant testify and balancing our observation of his demeanour against the evidence in totality, our conclusion is that the defendant was not a truthful witness," said the judges.

They rejected a narrative given by the defendant of how he "accidentally and unintentionally stabbed" Abdullah's neck in self-defence.

They cited evidence from the pathologist's report that these fatal injuries to the neck could not have been inflicted as described by Tagapan as the doctor said that the injuries were parallel to each other and had been in "a systematic manner and not haphazardly."

"We believe that [Tagapan] having overpowered (Abdullah) either by physical force or by threatening him with a knife he armed himself with, first tied up (Abdullah) with shoelaces to render him defenceless before inflicting the fatal injuries on the neck of the deceased," said the judges.

"Tagapan's story of self-defence and accident in the face of a knife attack by Abdullah was undermined by the evidence that the latter suffered deep cuts on his left hand, indicating that he was the one who was attempting to defend himself from being knifed by Tagapan, the judges said.

The Brunei Times
03 July 2015

The sentence was upheld in the Court of Appeal.

- Corruption

Borneo Bulletin, Thursday 17 September 2015

Homepage

AT THE COURTS WITH FADLEY FAISAL

Surveyor-General, Malaysian jailed four years for graft

THE Surveyor-General of Brunei Darussalam and a Malaysian businessman, who were found guilty of corruption and graft, were each ordered by the Bandar Seri Begawan Magistrate's Court yesterday to serve four years' jail, which came into immediate effect.

The now former public figure was also ordered to pay back \$7,479.31 to the government, being the amount he had received in gratifications, within three weeks or serve an additional two months' jail in default.

Chief Magistrate Haji Abdullah Soefri bin Pehin Dato Haji Abdin passed his sentences yesterday after finding Deputy Public Prosecutor Aldila binti Haji Mohd Salleh proved elements on each of the 40 charges against both defendants to be beyond reasonable doubt.

The court also heard mitigation from defence counsel Ahmad Basuni Abas, who represented Surveyor-General Haji Mohd Jamil bin Haji Mohd Ali and defence counsel Shazalee Haji Mohd Salleh, who represented

businessman Puah Heng Yew, last Saturday. The trial which spanned about three years saw 15 witnesses testifying for the prosecution whilst in their defense, Haji Mohd Jamil and Puah provided four witnesses.

Haji Mohd Jamil had accepted a total of \$7,479.31 in gratifications as inducement or reward from Puah Heng Yew, who ran Selective Powertech Consulting company, for applying to the State Tender Board to vary the specifications in respect of the supply, delivery, installation, development, testing, commissioning and maintenance of the E-Map project and submitting SPC's progress payment claims to the Ministry of Development with regard to the same.

The gratifications, which were accepted by Haji Mohd Jamil from Puah, are payments for registration, installation and monthly service charges of e-Speed at Haji Mohd Jamil's residence; payments for the repairs and servicing of Haji Mohd Jamil's cars, six return airplane tickets to Kuala Lumpur, Malaysia; and payment of Haji Mohd Jamil's mobile

phone bills.

All the offences were committed in 2007 and 2008. The Anti-Corruption Bureau yesterday issued a statement regarding the case.

The statement said that Selective Powertech Consulting company, with Puah as its Manager, was selected in 2007 as primary contractor for the \$9,526,593.8 E-Map project led by Haji Mohd Jamil, who was then the Surveyor-General, as its Project Director.

The E-Map project is one of the many under the National Development Plan under the Ministry of Development, that was being carried out by three government departments, namely the Survey Department, the Land Department and the Department of Town and Country Planning.

The Anti-Corruption Bureau investigations also revealed that the variation on the specifications had contributed to the failure of the E-Map project where Selective Powertech Consulting company had been paid \$4,378,624.48.

Customs officer jailed for 30 months over bribes

A FEMALE customs officer was sentenced to 30 months' imprisonment after she was convicted of accepting bribes by the Magistrate's Court, Bandar Seri Begawan. The sentence took effect yesterday.

The court also ordered the defendant to pay a fine of \$1,800 within a month, failing which she will face an additional two months' imprisonment.

Aleni binti Abdullah, a Customs Officer with the Royal Customs and Excise Department, was convicted of nine offences under Section 6(a) of the Prevention of Corruption Act (Chapter 13) and nine offences under Section 153(b) of the Excise Order 2006.

Investigations conducted by the Anti-Corruption Bureau (ACB) revealed that on February 11 to May 15, 2011, the defendant

did corruptly obtain gratification on 12 occasions from a Bruneian national in the form of loan deduction of \$200 owed by the defendant to the Bruneian national, the ACB said in a statement.

The gratifications were accepted as inducement or reward for forbearing to take action against the Bruneian national for committing an offence under the Excise Order 2006 relating to cigarette smuggling offences, the ACB said.

The ACB said that Aleni pleaded not guilty to a total of 12 charges under Section 6(a) of the Prevention of Corruption Act (Chapter 13) and 12 charges under Section 153(b) of the Excise Order 2006 on March 27, 2014. The prosecution had withdrawn four charges, while the court acquitted the defendant of two charges. **BB - 12 - 16**

- Drug Trafficking

A 26-year old Malaysian man, Awg Muhammad Mustaqim Mustofa bin Abdullah, was convicted and sentenced to death by hanging after a month-long trial for possession of cannabis for the purpose of trafficking under section 3A of the Misuse of Drugs Act (Chapter 27).

The Narcotics Control Bureau arrested the defendant who was driving a green BMW in the vicinity of the parking lot near B-Mobile at Bangunan Haji Abdul Malik dan Anak-Anak at Kg Petani in Tutong. On inspecting the defendant's vehicle, the Narcotics Control Bureau officers discovered two bags of cannabis. Subsequent investigations at his house in Kg Jerudong by the Narcotics Control Bureau revealed that the defendant possessed one



clear plastic packet containing cannabis inside a safe in his bedroom. It is the largest drug bust by the Bureau to date, with the seizure being over 6 kilograms of cannabis.

The defendant, who was represented by Defence Counsel YM Awg Ridzlan bin Hj Ibrahim, admitted in Court that he and another person purchased the cannabis in Kuala Lumpur, Malaysia, on 5 May 2014 for BND\$7,500. They then smuggled the cannabis into Brunei Darussalam *via* Miri by concealing the drugs in crisps bags. He then kept the drugs at his house in Kg Jerudong until 7 May 2014, at which point he gathered all of the drugs in his house and brought them in his BMW car as he feared that his house was about to be raided.

This led to the Court's conclusion that the defendant was in control of the cannabis in his possession. The Court also rejected the defendant's claim that he intended to dispose the cannabis in the jungle, especially given the fact that he had already spent BND\$7,500 for purchase of the cannabis and was involved in the cross-border smuggling of the drug.

- Child trafficking

This is the first case of child trafficking in Brunei Darussalam. All the defendants were Thai nationals. They were charged for offences under the Trafficking and Smuggling of Persons Order, 2004 (TSPO 2004) as well as for offences under the Women and Girls Protection Act (Chapter 120). All 3 defendants pleaded guilty before the Intermediate Court.

The first defendant pleaded guilty to one charge of child trafficking under the TSPO 2004 and one charge of knowingly living in part on the earnings of prostitution under section 5(1)(a) of the Women and Girls Protection Act. For the charge of child trafficking, she was sentenced to 4 years and a fine of \$20,000 in default of which she would serve 20 months imprisonment. *In lieu* of whipping, she was sentenced to a fine of \$10,000 in default of which she would serve 10 months imprisonment. For the charge under the Women and Girls Protection Act, she was sentenced to one year imprisonment. The sentences were ordered to run concurrently. If the fines were unpaid, the in default sentences would be consecutive to the imprisonment term.

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The second defendant was sentenced to 4 years imprisonment and 3 strokes and a fine of \$10,000 in default of which he would serve 10 months imprisonment for profiting from the exploitation of a trafficked person under section 6(b) of the TSPO 2004. He was sentenced to one year imprisonment and one stroke of the cane for an offence under section 3(1)(a) of the Women and Girls Protection Act. The sentences were to run concurrently with the strokes to be cumulative.

The third defendant was sentenced to 4 years imprisonment and 5 strokes and a fine of \$20,000 in default of which he would serve 20 months imprisonment for the offence of child trafficking under section 5 of the TSPO 2004.

The victim's customer, a Malaysian national was charged under section 294B of the Penal Code (Chapter 22) for obtaining sexual services from her and was fined \$2,500.

- Human Smuggling

A married couple, Clydeelyn H Zacal, a Filipina, and Francis Viban Bayong, a Cameroonian man, were sentenced by the High Court on 1 June 2017 on charges of human smuggling and involvement in prostitution activities contrary to the Trafficking and Smuggling of Persons Order, 2004 and the Women and Girls Protection Act (Chapter 120).

Clydeelyn was sentenced to 7 years and 6 months' jail and ordered to settle a fine of \$15,000, or serve 3 months imprisonment in default of payment whilst Francis was ordered to serve 5 years and 4 months' jail and given one stroke of the cane and a fine of \$5,000, or serve one month's jail in default of payment. He was also given a fine of \$500 for driving without a licence. He will have to serve one month's jail if he defaults on payment of the fine. The duo's crimes were uncovered when two Filipinas were arrested for not possessing passports on 19 March 2014 during a raid conducted by the Department of Immigration and National Registration.

In sentencing the defendants, Justice Dato Paduka Hairol Arni bin Hj Abdul Majid found the fact that both defendants are first offenders was of limited effect and stated that the offences of trafficking in persons and smuggling are viewed by the Government of Brunei Darussalam as very serious and this was reflected in the penalties attached to such offences under the law. He also took into account the aggravating features of the case being that the smuggling offences and hiring out the smuggled persons as prostitutes were committed repeatedly as well.

• Money Laundering

Money launderer jailed for first time in Brunei

63-year-old gets 3 years' imprisonment for running fake investment scheme, hiding money abroad

1 FAMILY FAMIL 1

A 63-YEAR-OLD Bruneian man became the first individual to be convicted and sentenced for money laundering in the country. Prerant Hussin bin Prerant Sulaiman was sentenced to jail for three years after he pleaded guilty before the Magistrate's Court to 20 charges of money laundering and 17 charges of cheating.

The defendant also admitted to 38 additional charges of money laundering that has been taken into consideration for the purpose of sentencing.

The officers of the Advisory General's Chambers and Investigations by the Commercial Crime Investigation Division of the Royal Brunei Police Force in the case is testament to the continual commitment of Brunei authorities in pursuing financial

CHARITY SCAM

- The defendant collected a total of RM45,588 from several victims
- He told victims the investment scheme is a charitable programme
- The collected money was transferred to a person in the Philippines

criminally and preventing money laundering through Brunei's financial system.

According to the statement of facts presented by DPP Faridah binti Pidin (Dato) Haj Sahali, the defendant cheated a large number of individuals between February 2015 and October 2016 by offering them a fake investment scheme.

In one incident, the defendant met up with

of his victims at a local food court and told him that he would have to pay a minimum amount of B\$500 and he would in turn be rewarded with a monthly profit of B\$3000 for lifetime.

The victim then proceeded to invest and handed the defendant the cash, believing what the defendant said to be true.

The court heard that as the victim's contribution was below the amount, he met the defendant the next day to hand over the defendant two gold bracelets and three gold rings to make up the amount.

The defendant then advised the victim that since the two gold bracelets and three gold rings were assessed to be about B\$6000, he would be rewarded with a monthly profit of B\$6000 for lifetime.

(Continue To Page 4)

Money launderer jailed for first time in Brunei

(From Page One)

In a separate case, the defendant along with a co-accuse met another victim at a restaurant in the Airport Mall and informed him that he would have to pay B\$6,200 as payment to participate as a full member of the investment scheme and he would be rewarded with a Mercedes Benz S200 car, B\$200,000 in cash, B\$10,000 in cash every month for lifetime, a house valued at B\$400,000, a Rolex watch, a trip to perform Haj pilgrimage, a VIP Global Card purportedly allowing the holder to withdraw up to B\$500,000 from any ATM and any global location and cash of B\$10,000 every month for 10 years.

Believing the defendant, the victim handed over the money to him.

The defendant also enticed some of the victims to 'invest' their money by informing the victims that the investment scheme is a charitable programme known as Thana Pelabaran Anjal Jariah or Anjal Jariah.

The suspect was arrested on February 12, 2017 following a large number of complaints lodged by the victims at different local police stations stating that they had not received the rewards promised by the defendant.

Investigations conducted by the Commercial Crime Investigation Division of the Royal Brunei Police Force revealed that the defendant collected a total of RM45,588 from several victims.

The court further heard that the defendant committed money laundering when he transferred the amount he collected to another person in the Philippines, through Western

Union. The defendant also admitted in the court that he had lied in his initial police statements in which he stated he had returned the money to the Philippines for medical expenses and buying goods, when in fact, he had done so to hide the money which were proceeds of crime.

The defendant also admitted to destroying all the receipts by tearing and burning them.

Some of the money was recovered.

While sentencing the defendant, who was not represented by a counsel, Justice Magistrate Haj Mahd Duanan bin Pidin (Dato) Haj Sahali stated that the defendant facilitated the transfer of the proceeds of crime by wiring the money abroad.

Pg Hussin bin Pg Sulaiman, the first person in the country to be convicted for money laundering, would spend an additional 2 years in prison after the Brunei High Court increased his sentence to 5 years after the Deputy Public Prosecutor appealed arguing that the sentence was too lenient. The Honourable High Court Judge Dato Paduka Steven Chong in increasing the sentence of Pg Hussin bin Pg Sulaiman agreed with the prosecution as the lead Judge took into consideration the number of victims cheated, the commission of the offences over a long period of time and the substantial financial losses suffered by the victims. He thus ordered that the total sentence for the cheating offences be increased from 2 years to 3 years and the sentence for the money laundering offences be increased from one year to 2 years imprisonment.

- Child Abuse

In January 2016, a three-minute video showing a man physically abusing a 4-year-old child was circulated through Brunei social media. The man and the child's mother, who had filmed the abusive act were arrested and swiftly charged in Court for offences under section 28(1)(a) of the Children and Young Persons Act (Chapter 219). They were sentenced to 8 months imprisonment. The man was also imposed a sentence of one stroke.

Page 8 Homepage Borneo Bulletin, Saturday 25 February 2017

Man gets 13 years' jail for causing death of niece, hurting other

| HAKIM HAYAT |

A 20-YEAR-OLD man was sentenced to 13 years' imprisonment and eight strokes of the cane by the High Court for causing the death of his three-year-old niece (Miss X) and for causing hurt to his six-year-old niece (Miss Y).

In August 2016, the defendant, whose name cannot be disclosed to protect the identity of the minors, pleaded guilty to the charges in relation to Miss X.

The first was a charge of culpable homicide not amounting to murder under section 304(2) of the Penal Code, Chapter 22, which carries the maximum penalty of 15 years imprisonment. The second was a charge of assaulting a child under his care under section 28(1) of the Children and Young Person Act, Chapter 219, which carries the maximum penalty of a fine not exceeding \$20,000, or 10 years imprisonment with up to 10 whippings.

The defendant claimed trial and pleaded not guilty to the charge of voluntarily causing hurt to Miss Y with a heated substance, an offence which comes under section 324 of the Penal Code, Chapter 22, which carries the maximum penalty of seven years' imprisonment and whipping. The charge of assaulting Miss Y while under his care also comes under section 28(1) of the Children and Young Person Act, Chapter 219.

The defendant admitted that on the morning of August 17, 2016, he was alone at home caring for Miss X and his infant child while his wife and other family members were out. After instructing his niece to get dressed after her shower, he went into one of the bedrooms to find her still undressed and climbing a table to look outside a window.

Losing his temper, he threw her onto a bed and punched her on her stomach. Miss X began to cry in pain and resisted the defendant's attempts to dress her, which only infuriated him further. He then slapped Miss X twice and threw her onto the back of a sofa. She then fell onto the floor, hitting the back of her head. As she continued to cry and beg her uncle to stop hurting her, the defendant stood over her and began to kick her on her body three times until she finally stopped crying.

The defendant admitted that throughout the assault, Miss X was crying while holding her stomach and had also told him she was in pain and begged him to stop but the defendant continued to assault Miss X until she stopped crying as she was already weak.

Around midday, Miss X was not moving thus an ambulance was called. Previously, due to the defendant's actions, Miss X got weaker, vomiting and defecating in her pants several times. She was pronounced dead upon arrival at the hospital. The

defendant informed the attending Medical Officer that he had found his niece clutching her stomach on the floor next to a washing machine but the hospital staff found the injuries on the young girl suspicious. Miss X's injuries included a split intestine and a ruptured kidney.

The cause of death was medically certified as "shock and haemorrhage from multiple internal injuries due to blunt trauma". Overall, 63 injuries were found on Miss X's body.

A police report was lodged and the Special Investigation Unit and the Women and Children Abuse Investigation Unit of the Royal Brunei Police Force (RBPF) investigated the case. Their investigations led to the eventual arrest of the defendant who admitted to assaulting Miss X out of frustration and as an act of vengeance against her parents.

It was during investigations that the RBPF also discovered injuries on the defendant's six-year-old niece Miss Y.

During trial, the prosecution's case was that sometime in July 2016, the defendant was caring for his daughter and Miss Y when his niece began to cry. He became frustrated and angry when she would not stop crying, thus he stubbed his cigarette on her leg.

Justice Pengiran Datin Paduka Hajah Roslana binti Pengiran Haji Duraman convicted the defendant after he failed to

raise a defence against the two charges.

In passing her sentence, she took into account the prosecution's sentencing submissions whereby it was submitted that the victims were vulnerable and that these were unprovoked acts. The prosecution also submitted that the defendant's actions were a breach of trust as a carer and advocated for a deterrent sentence to send a strong message in the public interest.

In relation to Miss X, the judge thus imposed a sentence of 10 years' imprisonment for the culpable homicide and seven years' imprisonment and six strokes for assaulting the three-year-old. The terms of these sentences were ordered to run concurrently.

Regarding the charges pertained to Miss Y, the High Court sentenced the defendant to three years' imprisonment and two strokes for causing hurt using a weapon and two years' imprisonment and one stroke for assaulting the six-year-old. These were also ordered to run concurrently to each other and consecutively to the former two charges, thus bringing the total sentence to 13 years and eight strokes.

Prosecuting Officer Siti Nurjannah binti Haji Kula appeared on behalf of the Public Prosecutor and called a total of eight witnesses, including two minors. The Public Prosecutor also adduced expert evidence in relation to the injuries suffered by the minors.

- Sexual grooming

9 years' jail, 6 lashes for sexual grooming offender



Mohammad Ramlan **Shahdon bin Mohammad**

| FARLEY FASAL |

A 28-YEAR-OLD local man was sentenced to nine years' jail and six lashes yesterday following his guilty plea to a total of 18 charges in court in the first case of sexual grooming of children in Brunei Darussalam.

Among the charges against Mohammad Shahdon bin Mohammad Ramlan were sodomy, sexual grooming, engaging in sexual activity in the presence of a minor, taking obscene photographs of a child as well as the distribution of obscene photographs of a child.

Deputy Public Prosecutor, Shamsuddin bin Haji Kamaluddin, revealed the facts of the case, as admitted by the defendant, which stated that the defendant had befriended a 15-year-old boy through social media and contacted him via WhatsApp while pretending to be a girl.

Conversations with the victim led to the

defendant coercing the victim to send naked photographs of himself to the defendant. The victim thought that the defendant was a girl.

The defendant then contacted the victim, pretending to be the older brother of the girl. He threatened to distribute the victim's naked photographs if the victim did not meet with him.

During the meeting, the defendant again threatened to distribute the photographs if the victim did not massage the defendant's private parts, which the victim refused. The defendant did not follow through with his threats.

The defendant continued to contact the victim, repeating his threats until the victim felt that he had no choice but to follow what the defendant demanded for fear of embarrassment if the photographs were to be distributed.

(Continue To Page 3)

- Sextortion

Man found guilty in 'sextortion' cases

| FADLEY FAISAL |

A LOCAL man was found guilty on two counts of blackmail, by the Magistrate's Court yesterday, in the country's first 'sextortion' case over the Internet.

Adie Norfaizal bin Mohammad, 28, who initially claimed trial to both offences, changed his plea to guilty, and was sentenced by Chief Magistrate Muhammad Faisal bin Pehin Dato Haji Kefli to two years of imprisonment, combined with one stroke of the cane for each offence.

The Chief Magistrate ordered for the

prison sentence to be concurrent, but the whipping to be cumulative, resulting in a total sentence of two years and two strokes of the cane.

The court also ordered for all the obscene material, and the defendant's mobile phones used in the commission of the offence, to be forfeited to the state.

The Statement of Facts tendered by Deputy Public Prosecutor (DPP) Dayangku Didi-Nuraza binti Pengiran Haji Abdul Latif, disclosed that in the first charge, involving a certain Mr X, the defendant pretended to be a female named 'Fiqah', during a five-month

association through the instant messaging application, WeChat.

The facts revealed that there were several occasions when both Mr X and the defendant, posing as 'Fiqah', exchanged nude photographs with each other through WeChat.

Sometime between April 1 and 11, 2014, 'Fiqah' threatened to upload Mr X's nude photographs on Facebook, unless he agreed to give "her" cash amounting to \$5,000, and an iPhone.

(Continue To Page 2)

Borneo Bulletin 2/2/16

Man found guilty in 'sextortion' cases

(From Page One)

Mr X feared that his reputation would be ruined, and immediately lodged a police report.

Investigations by the Royal Brunei Police Force (RBPF) subsequently revealed Fiqah's true identity.

He also admitted to searching on Google for nude photographs of women, and sending them to Mr X in exchange for his nude photographs.

Investigations also revealed the defendant uploaded Mr X's nude photographs onto his Facebook account, by the name 'Tee Lala', when his demands were not met. However, he

immediately deleted the account, along with the nude photographs.

In the second charge, 'Fiqah' admitted blackmailing one Mr Y, in December 2013.

They chatted through WeChat for about four months, during which they exchanged some nude photographs.

On April 12, 2014, at about 2am, 'Fiqah' threatened to upload Mr Y's nude photographs on Facebook unless he gave "her" cash amounting to \$3,000.

Fearing for his reputation, Mr Y immediately lodged a police report.

On the same day at about 6.30pm, Mr Y set up a meeting with 'Fiqah' on the pretext that he would be paying "her" the money after tipping off the police of the meeting. 'Fiqah' instructed him to leave the cash inside a flower pot in the vicinity of a house at STKRJ Kampong Rimba, Tungku.

Instead of leaving the money as instructed, Mr Y staved inside his car to look out for 'Fiqah'

- Forfeiture under the Criminal Asset Recovery Order, 2012

Prosecutors from CJD successfully confiscated a sum of \$4,069 in cash under section 68 of the Criminal Asset Recovery Order, 2012 following a conviction of a drug trafficker, Awg Mohd Arif bin Jawi in which the Court was satisfied that the money were proceeds of drug trafficking activities.

Prosecutors also successfully applied to forfeit over \$11,000 from one Awg Azren bin Zaini, monies which were "tainted properties" as they derived from proceeds of drug trafficking activities. The forfeiture was by way of non-conviction based forfeiture under section 83 of the Criminal Asset Recovery Order, 2012.

- Impersonation

Man indicted on five counts of cheating

AN ALLEGED impostor who had been on the police manhunt list was charged at the Bandar Magistrate's Court over the weekend, but no plea was recorded.

Mohammad Sambari bin Haji Abu Bakar was indicted on five counts of cheating an employee of a car rental company between December 2016 and January 2017.

Magistrate Pengiran Shalyzul Khalruddin bin Pengiran Haji Abdul Rahman ordered the defendant

remanded at Jerudong Prison after hearing DPP Amiriah binti Haji Ali submit that the defendant has no known permanent address.

The defendant was previously convicted on multiple charges of cheating and impersonation in 2010 and 2012, which landed him prison sentences on both occasions.

The unrepresented defendant will appear again in court this Saturday, for a further mention of the case.



RIGHT: Mohammad Sambari bin Haji Abu Bakar

6/4/17

Awg Mohammad Sambari bin Hj Abu Bakar was sentenced to 68 months imprisonment after he pleaded guilty to cheating and impersonation.

- Flags

Borneo Bulletin, Wednesday 15 March 2017

Foreigner fined for insulting national flag

| FADLEY FAISAL |

A 22-YEAR-OLD foreign national was ordered to pay a fine of \$200, or serve a week's imprisonment in default of payment, after he pleaded guilty to a charge for behaving in an insulting manner that is likely to cause a breach of peace.

Mohammad Iman Ali's offence comes under section 19 of the Minor Offences Act, Chapter 30, which carries the maximum fine of B\$500.

Magistrate Dewi Norlelawati binti Haji Abdul Hamid was informed by DPP Azmeena binti Mohiddin that Mohammad Iman Ali was publicly wearing the national flag of Brunei Darussalam around his waist, as seen in a photograph that went viral on social media.

The defendant was employed in Brunei Darussalam from November 2013 to 2016 and had returned to work in Brunei in January 2017.

On March 12, 2017, the defendant and three of his friends went to Tungku Beach to play cricket and

swim.

They realised they did not have a towel to cover themselves with, to change their clothes.

The defendant saw the national flag of Brunei Darussalam hanging on a nearby tree and decided to wrap the flag around his waist to cover himself.

It was until one of his friends saw him and told him not to use the flag in such a manner that he took it off.

However, while the defendant was wearing the flag, a member of the public took a photo of him which was then circulated and went viral on social media.

A police report was subsequently lodged at the Sengkurong Police Station which led to the defendant's arrest.

The DPP submitted to the court that the defendant's act of wearing the national flag of Brunei Darussalam in the manner that he did, was insulting and caused public outcry, concerning the lack of respect to Brunei Darussalam's national flag.

- Criminal breach of trust

12 months for misappropriating zakat

BANDAR SERI BEGAWAN

A RELIGIOUS officer was sentenced to 12 months in prison yesterday for misappropriating over \$11,000 in zakat funds.

Intermediate Court Judge Hj Nabil Daraina PDH Badaruddin further ordered 49-year-old Junaidi Hj Duraman to serve an additional nine months in prison if he fails to pay compensation within a three-month grace period for all the zakat funds he misappropriated.

In meting out the sentence, the court said they can't overlook the defendant's overall criminality as it had deprived the poor of the timely distribution of the Zakat Fitrah.

He said a public servant should have high integrity in carrying out their duty and any deviation must

be regarded as a serious matter, especially where zakat collection is concerned.

"Imposition of a fine isn't a suitable sentence in the public's interest," said the court.

The court further noted that Junaidi, who is still working for the Ministry of Religious Affairs but at a different post, has yet to make any compensation for the zakat funds since his indictment.

The court document filed by Deputy Public Prosecutor Hjh Rozaimah Hj Abd Rahman stated that Junaidi was investigated by the Anti-Corruption Bureau (ACB) after an internal probe at the Department of Islamic Religious Council (MUIB) found that the defendant never deposited the \$11,707.40 in Zakat Fitrah collected in 2010 from Kg Pandan Mosque into MUIB's bank account.

The issue came to light after the bilal of Kg Pandan Mosque lodged a complaint to MUIB in 2011 that he had not receive his fees for his work as an *amil* nearly a year after the funds were collected.

Upon being confronted by his superiors, Junaidi made up a story that the cash was stolen from his car, but he was unable to respond when asked why he did not report the matter to the police.

The matter was brought to the ACB's attention after Junaidi was not able to pay back the missing funds despite being given a grace period. It was during the ACB's investigation that Junaidi admitted to misappropriating the funds for his personal use. He had used the money to pay for car repairs, his daily expenses and paying off a Filipino loan shark.

The Brunei Times

30/6/2016

- Extradition

2016 marked a milestone year for the Mutual Legal Assistance and Extradition Secretariat at AGC as Brunei Darussalam made its first outgoing extradition request to a foreign country, other than Malaysia and Singapore. 2016 also saw the Mutual Legal Assistance and Extradition Secretariat's involvement and assistance of the Anti-Corruption Bureau in extraditing a fugitive involved in law enforcement related corruption from Malaysia.

- Credit Card Fraud

Man gets 7 years for credit card fraud

BANDAR SERI BEGAWAN

A MALAYSIAN man was sentenced to seven years and four months' imprisonment at the Intermediate Court yesterday after having pleaded guilty earlier to 12 charges of credit card fraud.

Defendant Tey Tee Yen had been found guilty of multiple charges of possessing and using fake credit cards in an attempt to dupe sales assistants into handing over his purchases.

He pleaded not guilty last year after claiming he was unaware the credit cards he used were counterfeits as it was his first time using the credit cards and he was unable to differentiate between a genuine and fake card.

He travelled by flight into Brunei with the purpose of purchasing items at specific shops using the fake credit cards after being instructed by people who offered him money to pay off his debts by doing so.

The defendant pleaded for a lenient sentence when he was convicted but in handing down the sentence, Presiding Judge Hj Ab-

dullah Soefri POKSM DSP Hj Abidin said that leniency would not be applicable to the case as the defendant had claimed trial instead of pleading guilty at the first instance.

Citing a previous case, the presiding judge said that credit card fraud is an internationally-syndicated organised crime and offenders can expect a heavy deterrent sentence.

"The seriousness is even more so when it involves offenders coming in from across the national borders," he said.

The presiding judge then handed down a sentence of 30 months' imprisonment for the first five charges, another 30 months for the sixth to the ninth charges, 14 months for the 10th and 11th charges and 14 months for the last charge for a total of seven years and four months in prison.

The sentence was ordered to be served with effect retrospectively from September 23, 2016, when the defendant was first remanded.

All items seized was ordered to be forfeited to the state to be disposed.

The Brunei Times

- Medical Practitioners and Dentists Act

Permanent resident gets one year jail for practising dentistry with no licence

THURSDAY, MAY 12, 2016

BANDAR SERI BEGAWAN

A PERMANENT resident who fitted braces onto 22 patients was sentenced yesterday to serve 12 months in jail for practising dentistry without a proper licence.

During the proceedings yesterday, presiding magistrate Azrimah Hj Abd Rahman sentenced the defendant Hayimmah Bahri, 29, to two months in jail for each of the 22 counts under the Medical Practitioners and Dentists Act which she pleaded guilty to.

The court further ordered for the first six charges to be served consecutively with the remaining charges to run concurrently bringing a total of 12 months in jail. The sentence is to run with effect from the date of conviction.

Hayimmah was brought in for questioning on April 12, 2014, when police from the Commercial Crime Investigation Unit conducted a raid at her home in STKRJ Kg Tungku Gadong following a report in 2013 that a number of patients came to the Dental Services Department, Ministry of Health, to fix, open and receive treatments on braces which were fitted by a Facebook online seller by the account name "Sop Chery Chery".

The report was made because the braces have caused damage to teeth and supporting tissues. Additionally, the disinfection and sterility of the instruments used is questionable. The complainant believes that "Sop Chery Chery" was practising dentistry without a proper licence.

Police investigations revealed that Hayimmah was not a person registered as a dentist and not exempted from being so under the provisions of the Medical Practitioners and Dentists Act.

The defendant had been practising dentistry by fitting braces onto patients and giving consultation advice to patients.

According to Hayimmah, she learned how to fit braces in 2005 in Madura. However, she is not certified to practise dentistry. She started fitting braces at the end of 2012 and as she received more customers, she started to take photographs of the braces she fitted and uploaded on a Facebook account she managed.

Since she started until April 2014, she managed two different Facebook accounts: "Braces Orthodontics Brunei" and "Sop Chery Chery". Potential customers would contact her through the Facebook accounts or by text messaging her.

Prior to fitting the braces on, Hayimmah would ask potential customers to take photographs of their teeth. She would then give consultation advice as to whether they should first go to a dentist for scaling, checking their gums and pulling out their teeth if necessary. Thereafter, she would set an appointment with them for her to fit the braces at her house.

She would charge the customers depending on the structure of their teeth. The patients paid between \$150 and \$450 for each braces fitted and they were further charged between \$15 and \$30 for monthly maintenance services.

Investigations show that Hayimmah bought the equipment and tools for fitting braces from Jakarta through a Facebook account, "LN Behel Shop". She had only started using a proper dental chair in November 2013 after buying it on eBay.

The Brunei Times

- Unlawful assembly

All 10 defendants in 'Bersih' assembly fined

| FADLEY FAISAL |

ALL 10 defendants yesterday pleaded guilty to co-organising and participating in the unlawful assembly known as 'Bersih'.

Heard in two separate cases before Senior Magistrate Haji Nabil Daraina bin Pehin Dato Ustaz Haji Badaruddin, Malaysians Chong Wee Siong, 34, Victor Ng Kah Kien, 35, Goo Yee Ming, 32, Chal Ka Vui, 30, Lee Wai Yee, 31, took part in an unlawful assembly of 11 people on August 29 in the vicinity of the Jame' Asar Hassanli Bolkiah in Kampong Kiarong.

They were all fined \$300 or to serve a week's jail in default.

The defendants were represented by lawyer Shamila Subramaniam.

In the second proceeding, Choo Chor Hiang pleaded guilty to co-organising the assembly, and was fined \$2,000 or to serve two months' jail in default.

Senior Magistrate Haji Nabil Daraina highlighted that Choo should have been able to observe Brunei's laws and be more sensitive to the country's norms, in which her actions had created misconceptions to the authorities, despite having lived in Brunei most of her life.

Parents to Choo, Seyu Ah Ling and Chan Mee Eng pleaded guilty to taking part in the unlawful assembly. They were also fined \$300 or to serve a week's jail in default.

Workers of the family at their massage parlour business, who are Indonesians, Asep Mamad, 31 and Dede Irpan, 25 pleaded guilty to participating in the unlawful assembly and were also fined \$300 or a week's jail in default.

The defendants in the second proceeding were represented by lawyer Rozaiman Abdul Rahman.

Deputy Public Prosecutor Shamsuddin bin Haji Kamaluddin represented the Public Prosecutor in both cases.

The case which is handled by the Special Investigations Unit, Criminal Investigation Department of the Royal Brunei Police Force, is linked to an incident where a picture went viral on the social media application WhatsApp showing nine men and women wearing yellow shirts with the Jame' Asar Hassanli Bolkiah in the background, taking place simultaneously in the wake of a political campaign against the Prime Minister of Malaysia in August 2015.

The eleventh alleged participant was never found.

- Theft

Chinese nationals plead guilty to theft aboard RB flight

BANDAR SERI BEGAWAN

TWO Chinese nationals have pleaded guilty to stealing cash and jewellery from another passenger aboard a Royal Brunei Airlines (RB) flight from Jakarta to Bandar Seri Begawan.

Peng Jihui, 40, and Jun Qin, 28, were caught red-handed by RB flight attendants, who saw Peng rifling through a passenger's carry-on bag in the overhead compartment and later discovered the duo had stashed jewellery in the aircraft restroom.

Court documents state the defendants were en route to Hong Kong and had intended to steal

from fellow passengers aboard the flight.

While food was being served, Peng, who was seated in the rear of the plane, opened the overhead compartment and discreetly searched a black polo bag which belonged to an Indonesian woman in the same row.

He took one clear plastic bags containing gold jewellery and another containing \$7 million rupiah (around B\$743).

He then went inside the restroom and waited for Jun outside, where a flight attendant saw them whispering in hushed tones.

When the plane landed, the head stewardess asked the passen-

- Illegal fishing

38 Vietnamese boatmen fined for fishing in restricted waters

BANDAR SERI BEGAWAN

THIRTY-EIGHT Vietnamese men were each imposed a fine yesterday after pleading guilty over the charge of fishing at a restricted area in Brunei.

At the Magistrates' Court, the captains of the two boats — 42-year-old Dang Thanh Phong and 29-year-old Truong Van Dien — were each imposed a \$10,000 fine or serve 10 months in prison if fines are unpaid.

Meanwhile, their crew of 36 men were each imposed a \$1,000 fine or two months in prison for fishing in Brunei's Exclusive Economic Zone without permission.

The court yesterday ordered the men to pay the fines immediately.

On August 31 this year, the Royal Brunei Navy *KDB Darussalam* vessel sighted two foreign fishing vessels travelling suspiciously at a slow speed.

After an hour of surveillance, the *KDB Darussalam* deployed an

investigation team to survey the boat and discovered that the vessel was submerging fishing net under the water as there were ropes that were tied tightly at the end of each vessel.

Upon discovering the presence of the investigation team, the vessels proceeded to switch off their lights and then increased their speed.

Officers on board the *KDB Darussalam* was later able to board both fishing vessels and found fishing equipment and fish onboard.

The boarding Royal Brunei Navy team also discovered a working GPS device and maps of the surrounding area on board the vessels. Both masters of the vessels were aware that their respective vessel had a working GPS system when *KDB Darussalam* boarded.

Dang Thanh admitted that the two fishing vessels would travel together and drop fishing nets in the water to fish.

The Brunei Times

20/9/16



gers seated in Peng's row to stay behind, while Jun disembarked from the plane.

She asked the owner of the black polo bag to identify herself and to check if anything was missing.

After discovering the items were missing, Peng was detained aboard the aircraft while airport security detained Jun near immigration.

While Jun was being held by security, he asked them if he could use the toilet,

taking the opportunity to stash the jewellery Peng passed to him in the toilet cubicle.

The police later brought the duo in for questioning and managed to recover all the stolen items.

The defendants will be sentenced by the court on Tuesday. The Brunei Times

- Smuggling of cigarettes

Duo fined \$420k for 720 cartons of cigarettes

BANDAR SERI BEGAWAN

TWO men were imposed a total of \$420,000 in fines yesterday for possession of 720 cartons of untaxed cigarettes.

In addition to the \$210,000 fine, Indonesian national Nur Maarif Hj Mahridi, 50, was further sentenced to serve one year in jail for pleading guilty to charges of illegally re-entering Brunei after he was barred from the country and an \$800 fine for driving without a license.

Both Nur Maarif and co-accused Mohammad Azwan Hassan, 20, were ordered to pay their respective fines immediately or serve the in-default sentence of 12 months in jail for the customs offence.

During the proceedings yesterday, Azwan admitted that on February 16, he directed co-accused Nur Maarif to drive a pick-up truck to Kg. Lunjungan to meet two men from Limbang and pick up cigarettes which Nur Maarif had placed an order earlier.

Following their arrest, Nur Maarif admitted to ordering \$6,250 worth of cigarettes from the two men.

Nur Maarif further admitted that he had intended to sell the cigarettes in Brunei as he had been selling these for the past five months.

Azwan admitted that he was hired by his friend, only known as Acu, to show Nur Maarif where to pick up the cigarettes and that Acu would pay him \$30 for the job.

The excise duty for the seized cigarettes amounted to \$32,800 in total.

Nur Maarif further admitted that he was not in possession of a valid driving license or any travel documents.

Further investigation revealed that Nur Maarif was listed as a prohibited immigrant barred from entering Brunei since his conviction on December 16, 2014 for customs



offences.

Nur Maarif was removed from Brunei on July 13, 2015 after he was released from prison.

He was also informed that he was barred from entering Brunei unless he obtains a written authority from the Controller of Immigration.

However, Nur Maarif had entered Brunei from Limbang, Sarawak unlawfully without the consent of the Controller of Immigration and he has been staying at a rented house in Brunei for six months.

In their mitigation yesterday, Nur Maarif had sought for leniency in sentencing as he has children who are dependent on him in Indonesia.

"I promise I will not re-offend again," said Nur Maarif.

Meanwhile, Azwan also sought for lenient sentencing as he has a wife who is about to give birth soon and therefore it will be difficult to provide basic necessities for his dependants.

The Brunei Times

- Income Tax Offences

2 companies fined for tax offences

BANDAR SERI BEGAWAN

TWO companies were each imposed a fine after their respective company representatives pleaded guilty to failing to file in their income tax particulars for several years.

Defendant company Sitikayah Sdn Bhd was imposed a \$5,000 fine after their representative pleaded guilty to five counts of failing to submit all the required documentation for the years ended 2010, 2011, 2012, 2013 and 2014 to the Revenue Division at the Ministry of Finance after final notices were issued.

The company was given a three-month grace period to settle the fines.

Meanwhile, Hakats Sdn Bhd was imposed a \$3,000 fine after the company failed to file the tax documents over a period of several years to the Revenue Division, Ministry of Finance.

A representative of the company, who appeared before the Magistrates' Court, was ordered to pay the fines within the four-month grace period.

Hakats Sdn Bhd, admitted that they had failed to file the particu-

lars after final notices were issued to them by the Collector of Income Tax over the period of five years between 2009 and 2013.

The company was given 30 days to comply with the final notices issued to them on March 26, 2015, to submit all the required documentations.

On April 15, 2015, two representatives from the company met with Revenue Division to discuss the possibility of allowing an extension for the submissions.

Officers from the Revenue Division explained that the company would need to write in formally, requesting for an extension and providing the Revenue Division with a proposed schedule of when they can submit the returns.

However, 30 days after the date of the final notices had lapsed, the Revenue Division did not receive the letter or the required returns from the defendant company.

On July 1, 2015, the Revenue Division received a call from the director, who requested for a further three weeks to submit the letter re-

questing for an extension.

It was agreed that if no letter was received by July 25, 2015, the matter will be forwarded for legal action.

On July 25, 2015, no letter was received from the defendant company. A letter was received on October 30, 2015 from the defendant company indicating the aforementioned schedule, however, as the agreed date of July 25, 2015, had already passed, the Revenue Division did not respond to the letter.

By June 20, this year, the defendant company still had not submitted their Income Tax Returns for the years ended between 2009 and 2013.

The defendant has since failed, without any reasonable excuse, to furnish the Revenue Section, Ministry of Finance, a return of income and particulars form that is required for the purpose of ascertaining the income tax of the company as required for all companies pursuant to Section 52 of the Income Tax Act, Chapter 35.

The Brunei Times



Of late, CJD also handles failure to file income tax returns for income tax offences.

ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime

In January 2016, the ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime was launched in Jakarta, Indonesia with contributions from officers of the Division. The Handbook includes international cooperation, specifically wildlife, forestry, mutual legal assistance, anti-money laundering, and anti-corruption statutes and extradition, in addition to guidance for officials on how national and regional tools might be relevant to the investigation and prosecution of wildlife crime cases and in the processing or consideration of requests for assistance across ASEAN borders.

ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases

In April 2017, CJD provided input to the ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases. The ASEAN Handbook is a joint United Nations Office on Drugs and Crime (UNODC) and Australia-Asia Programme to Combat Trafficking in Persons (AAPTIP) publication. The Handbook provides for practitioners on the best practices that have been adopted in other ASEAN Member States and lists out the focal points and procedure should countries need to obtain for mutual legal assistance.

Crime Scene Visits

Whenever there is 'ambiguity' regarding the nature of an offence or how it was committed, a crime scene visit is always encouraged in order to assist the prosecutor conducting the case so as to enable them to comprehend and present the evidence in court.



Continuing Professional Development

Local

- In August 2015, nine trainers from CJD have been certified to teach advocacy after receiving training from the International Advocacy Training Council (IATC)
- In May 2016, five of the trainers, YM Dyg Aldila binti Hj Mohd Salleh, YM Dyg Norhayati binti Dato Paduka Hj Omar, YM Pg Suzana binti

Pg Hj Abas, YM Awg Shamshuddin bin Hj Kamaluddin and YM Dyg Karen Tan Chai Mei collaborated with Ms. Anesta Weekes Q.C, Vice Chair of the Advocacy Training Council of England and Wales, Recorder and Queens Counsel at 33 Bedford Row, London, United Kingdom and Mr Fahri Azzat of Fahri & Co. from Malaysia and Committee Member of the Malaysian Bar Council Advocacy Committee to conduct the advocacy course for 26 officers from the Criminal Justice Division. Participants were taught the "Hampel Method", an internationally renowned advocacy teaching technique.



The holding of this Course signifies AGC's commitment to provide adequate training to develop expertise amongst its officers and is the product of successful networking by AGC officers with foreign

counterparts and contacts established during various international conferences and training workshops. The Course also realises the Attorney General's Chambers Strategic Vision, which emphasises on Human Capacity Building, aimed to better enable the delivery of legal services of the highest quality to His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and to His Majesty's Government.

Abroad

- 20th International Association of Prosecutors (IAP) Conference (September 2015, Zurich, Switzerland)
- 7th Event of the Attorney General's Chambers of Brunei Darussalam, Malaysia and Singapore (27 to 30 September 2015, Singapore)

- 9th China-ASEAN Prosecutors General Conference: International Cooperation on Fugitive Repatriation and Asset Recovery (November 2015, Nanning, China)
- 21st International Association of Prosecutors (IAP) Conference (September 2016, Dublin, Ireland)
- Asia-Pacific Group on Money Laundering Annual Meeting (September 2016, San Diego, United States)
- Asset Recovery Interagency Network – Asia Pacific (ARIN-AP) Annual General Meeting (October 2016, Seoul, Korea)
- 10th China-ASEAN Prosecutors General Conference (November 2016, Vientiane, Lao PDR)
- Handling Financing Experts in Court (November 2016, Kuala Lumpur, Malaysia)
- 1st Session of the Open-Ended Intergovernmental Meeting (April 2017, Vienna, Austria)

INTERNATIONAL AFFAIRS DIVISION



Mission Statement

To deliver the highest quality legal service through the effective interpretation and application of public international law.

Division Information

In line with its mission, the International Affairs Division (IAD) continues to deal with various issues on international matters for the years 2015, 2016 and 2017. The services provided by the officers range from providing legal

opinions on international law issues, treaties, assisting in negotiations as well as attending international meetings and conferences. Several workshops have also been attended by IAD officers in order to keep abreast with the developments of the various international law issues.

The work received by the Division are assigned in accordance with the scope of work falling within the purview of the three units under the Division namely Treaties and Human Rights Unit, International Organisation and Law of the Sea Unit and International Trade and Intellectual Property Unit.

The allocation of officers in the Units does not preclude them from dealing with matters assigned to them from the other Units as well.

Work Highlights

Exchange of Letters and Notes

- IAD continues to work closely with the Legislation and Research Division on the gazetting of countries to be listed under the relevant Schedule of the Passports (Visa) (Exemption) Order for the implementation of Exchange of Notes on Visa Exemptions between Brunei Darussalam and several countries including Chile, Ecuador, Liechtenstein, Kuwait, Russia, Brazil, Uruguay and Kazakhstan
- The Division also assisted in the drafting of the Exchange of Notes between Brunei Darussalam and the People's Republic of China on the Transfer of Prisoners which is still an ongoing matter

International Agreements and Meetings

- ASEAN Senior Law Officials Meeting (ASLOM) and ASEAN Law Ministers Meeting (ALAWMM)

YB Datin Seri Paduka Hjh Hayati, Attorney General, attended the Meeting as Head of the Brunei Delegation for ALAWMM and YM Awg Hj Mohd Yusree, the then Assistant Solicitor General attended as the Head of Delegation for ASLOM which were held from 27 to 30 July 2015 in Bali, Indonesia. These

Meetings continue to deliberate through its work agenda that includes work on elevating the Treaty on Mutual Legal Assistance in Criminal Matters into an ASEAN Treaty, development of a model Extradition Treaty, strengthening judicial assistance in civil and commercial matters among ASEAN member countries and also witnessed the introduction of new proposals that include the issues of international transfer of prisoners and an ASEAN Conference on Crime Prevention and Criminal Justice.

- 38th Governing Council Meeting of the ASEAN Law Association

The meeting was held on 2 April 2016 in Ho Chi Minh City, Viet Nam which saw participation by AGC officers.

- Paris Agreement

The Division was heavily involved in the negotiations leading up to the adoption of the Paris Agreement and had worked closely with the Ministry of Development and the Department of Environment, Parks and Recreation in ensuring the obligations under the Paris Agreement are consistent with Brunei Darussalam's laws, regulations and policies. Brunei Darussalam signed the Paris Agreement on 22 April 2016 which was later ratified on 21 September 2016 and, subsequently, the Paris Agreement entered into force on 4 November 2016. By ratifying the Paris Agreement, Brunei Darussalam together with other member states agree to work to limit the rise of global temperature to well below 2 degrees Celsius, and to strive for 1.5 degrees Celsius. Brunei Darussalam is also required to adhere to all the commitments stated in the Nationally Determined Contribution (NDC) document that has been submitted to the United Nations Framework on Climate Change Convention (UNFCCC).

- Meeting of Senior Officials of Commonwealth Law Ministries (SOLM) and Meeting of Law Ministers of Small Commonwealth Jurisdictions (LMSCJ)

The theme of these meetings focused on ways member states can move towards achieving the Sustainable Development Goals (SDGs) adopted by the United Nations General Assembly in 2015, particularly SDG 16 which is to

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“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.

- Phase II implementation of the Pan Borneo Highway project

In November 2016, IAD attended a meeting between Brunei Darussalam and Malaysia headed by YB Tan Sri Dr Ali Hamsa, Chief Secretary to the Malaysia Government, at the Ministry of Foreign Affairs and Trade of Brunei Darussalam to discuss Phase II implementation of the Pan Borneo Highway project. The Meeting agreed, amongst other things, to establish a sub-committee working group to discuss the locations of customs, immigration and quarantine complex (CIQs) of the two countries.

- Trans-Pacific Partnership (TPP) Agreement

TPP Agreement continues to dominate the work of IAD, particularly, in the negotiations on two Working Groups namely, the Legal and Institutional Issues Working Group and the Intellectual Property Working Group. Most of the work under TPP involved legal scrubbing of Chapters under the Agreement as well as completing the domestic treaty-making process of the TPP in preparation for the TPP which was signed on 4 February 2016 and is expected to enter into force by February 2018.

- Brunei 2016 Human Rights Report and Brunei 2016 International Religious Freedom Report

IAD together with the Criminal Justice Division attended the bilateral meeting with the United States coordinated by the Ministry of Foreign Affairs and Trade to assist in the preparation of the annual Reports which are published by the Government of United States of America.

- 55th Annual Session of the Asian-African Legal Consultative Organisations (AALCO)

AALCO remains to be an important platform for Brunei Darussalam to keep abreast with the development in International Law as well as to contribute in the progressive development of international law. It serves as an important platform for AALCO member states to exchange views, experiences and information on matters of common concern and having legal implications from a developing and least developed states' point of view and by giving an exclusive voice to Asian and African countries.

- 6th Committee (Legal) Meetings of the 71st Session of the United Nations General Assembly (UNGA)

The theme for the 71st session's general debate was "The Sustainable Development Goals: A Universal Push to Transform Our World" where the issues discussed in the 6th Committee for its consideration during the course of its plenary meetings during the 71st session included, among others, responsibility of States for internationally wrongful acts; criminal accountability of United Nations officials and experts on mission; Model Law on Secured Transactions of the United Nations Commission on International Trade Law 2016; Notes on Organising Arbitral Proceedings of the United Nations Commission on International Trade Law; Technical Notes on Online Dispute Resolution of the United Nations Commission on International Trade Law; protection of persons in the event of disasters; consideration of prevention of transboundary harm for hazardous activities and allocation of loss in the case of such harm; the rule of law at the national and international levels; the scope and application of the principle of universal jurisdiction; the law of transboundary Aquifers; measures to eliminate international terrorism.

- 12th and 13th Meetings of the National Technical Joint Committee on Land Boundaries between Brunei Darussalam and Malaysia

As a member of the Committee, IAD attended the Meetings which was held in Terengganu, Malaysia in September 2015 and in Bandar Seri Begawan in September 2016 respectively.

- Regional Comprehensive Economic Partnership (RCEP) Agreement

The Head of Division chaired the RCEP Working Group on Legal and Institutional Issues on behalf of Brunei Darussalam.

- 83rd ASEAN Coordinating Committee on Services meeting held from 25 to 30 January 2016 in Bangkok, Thailand to discuss the 10th package for the ASEAN Framework Agreement on Services
- 34th Session of the World Intellectual Property Organization (WIPO) Standing Committee on Copyright and Related Rights (SCCR)

The 34th session was held from 1 to 5 May 2017 in Geneva, Switzerland where the Members discussed on protection of broadcasting organisations; limitations and exceptions for libraries and archives; limitations and exceptions for education and research institutions and for persons with other disabilities; analysis of copyright related to the digital environment.

International Conventions

IAD provided legal advice and opinion on the Conventions, including providing assistance to relevant stakeholders in relation to the accession, ratification, implementation or signing thereof –

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in September 2015
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict acceded on 17 May 2016
- In January 2016, Brunei Darussalam was reviewed by the UN Committee on the implementation of the Convention on the Rights of the Child (CRC). The issues highlighted included corporal punishment, minimum age of marriage, status of stateless children, female genital mutilation and status of children born out of wedlock
- Convention on the Rights of Persons with Disabilities (CRPD) ratified on 11 April 2016

- reviewing Chapter 85 on the privileges and immunities of international organisations pursuant to Brunei Darussalam's intentions on becoming a party to the 1947 Convention on the Privileges and Immunities of the United Nations Specialised Agencies

Memorandum of Understanding (MOUs)

MOUs continue to dominate the work of IAD –

- MoUs on cooperation between Brunei Darussalam and Kuwait, Qatar, Egypt, Malaysia, India, Russia and Korea in the areas of tourism, education and defence
- MOU between Brunei Darussalam and Thailand on Cooperation in Combating Trafficking in Persons
- to develop an MoU on the Transit of Prisoners Between Brunei Darussalam and Malaysia which aims to facilitate the movement of prisoners who are being transferred from between Sabah and Sarawak *via* the territory of Brunei Darussalam and vice versa

Arbitration workshop

In November 2016, YM Dyg Nur al-Ain attended a workshop on arbitration at the Singapore International Arbitration Academy organised by the National University Centre for International Law where she was given an Excellence in Advocacy Award by the panel of arbitrators in an Arbitration Moot.

Continuing Professional Development

Local

- 23rd Executive Development Programme for Middle Management Officers (October to November 2015)
- 7th Singapore, Malaysia and Brunei Darussalam Leadership Development Programme (LDP) (November 2015)
- 24th Executive Development Programme for Middle Management Officers (April to June 2016)

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- 24th Executive Development Programme for Senior Government Officials (EDPSGO) (August to October 2016)

Abroad

- 7th Event of the Attorney General's Chambers of Brunei Darussalam, Malaysia and Singapore (27 to 30 September 2015, Singapore)
- Study Visit to the Copyright and Intellectual Property Enforcement Directorate (16 to 18 November 2015, London, United Kingdom)
- Legal Aspects of International Financial Institutions (5 to 9 December 2016, Singapore)
- International Law of the Sea Course (5 to 9 December 2016, Singapore)
- Advanced Thematic Course on World Trade Organization (WTO) Settlement (12 to 16 June 2017, Geneva, Switzerland)
- Workshop on arbitration (2 to 8 November 2016, Singapore)

LEGISLATION AND RESEARCH DIVISION



Mission Statement

To provide legislative drafting services of the highest quality for the good governance of Brunei Darussalam and to carry out comprehensive, credible and quality legal research as guidance for policy makers to formulate effective legislation.

Division Information

The Legislative Drafting Division received numerous drafting instructions in respect of laws related to the Ease of Doing Business since 2015. As part of the ongoing effort by AGC to improve the performance and broaden the skills and expertise of officers of the Division and to manage the ever increasing expectation from the Division, the Legislative Drafting Division

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merged the Research and Law Review Division in April 2016 and is now known as the Legislation and Research Division (LRD).

The Division currently is further divided into two sections namely Legislative Drafting and Research. The Legislative Drafting Section is responsible for preparing substantive drafts for principal and subsidiary legislation whereas the Research Section is responsible, among others, for the following –

- standard draft laws, including Notifications
- research on law-related matters
- matters related to Legislative Council sessions, including the preparation of summary briefs relating to Article 83(3) Orders made by His Majesty the Sultan and Yang Di-Pertuan (*Salinan Ringkas*)
- giving presentations on the Constitution of Brunei Darussalam, Law-Making Process etc.



- matters pertaining to the Law Revision Unit and BruLaw Unit.

Both the Law Revision Unit and BruLaw Unit work closely with the Information and Technology Unit and Law Library Unit of the Attorney General's Chambers for the revision and upload of the laws of Brunei Darussalam onto the Attorney General's website. AGC maintains its good working relationship with the Government Printing Department for the publication of Government Gazettes and the *Laws of Brunei*.

Work Highlights

The Division continues to actively provide advice and assistance to Ministries, Government Departments including statutory bodies in the drafting, reviewing, amending and interpretation of laws and continues to be involved in the preparation thereof, either in collaboration with the other Divisions or Consultants engaged by the instructing Ministries, Government Departments or statutory bodies.

For the period of 2015 to 2017, the Division had assisted in the preparation of a wide range of legislation namely the Town and Country Planning Order, 2015, Insolvency Order, 2016, Secured Transactions Order, 2016, Darussalam Enterprise Order, 2016, Environmental Protection and Management Order, 2016, Maritime and Port Authority of Brunei Darussalam Order, 2017 and Electricity Order, 2017. Apart from these, AGC has also been active in preparing the subsidiary legislation and making amendments to existing laws in response to the growing need for legal changes due to the constantly evolving policies.

Continuing Professional Development

Besides legislative drafting courses, LRD officers also had the opportunity to attend courses and seminars organised by other AGC Divisions or by the Institute of Civil Service to provide a better understanding of the roles and responsibilities, including in areas of management or leadership.



In October 2016, LRD with the assistance of other Divisions, organised its first inaugural Public Officers' Law Seminar in collaboration with the Institute of Civil Service which received good and positive response from various agencies. The objective of the Seminar is to lay down an introduction of the general legal principles relevant to a public officer in

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order to promote an effective performance of his duties in the public service and within the bounds of the law and to enhance their knowledge and be aware of their legal responsibilities. This initiative will be implemented on a yearly basis.

Local

- Productivity Improvement Course (15 to 17 September 2015)
- Inciting the Leadership Course (19 to 21 October 2015)
- Facilitation Skill for Leaders Course (25 to 27 January 2016)
- Framework Agreement – Aviation Regulatory Advisory Services' Civil Aviation Authority International (CAAI) Limited, United Kingdom – Air Law Course (20 to 22 March 2017)

Abroad

- Public Officers Law Seminar (29 July to 1 August 2015, Singapore)
- 7th Event of the Attorney General's Chambers of Brunei Darussalam, Malaysia and Singapore (27 to 30 September 2015, Singapore)
- Asean Copyright Visit to the United Kingdom London (16 to 18 November 2015, London, United Kingdom)
- Know the Law 2016: Legal Principles for Every Public Officers Seminar (24 May 2016, Singapore)
- International Symposium 2016 (21 to 26 August 2016, Jakarta, Indonesia)
- Legislative Drafting Course (28 to 29 November 2016, Singapore)
- Report Regional Workshop on the Promotion of the Beijing and Marrakesh Treaties and Regional Workshop on Good Governance in the Administration of Collective Management Organizations; Lesson Learnt and Sharing of Best Practices (3 to 5 April 2017, Singapore)

ADMINISTRATION AND FINANCE DIVISION



Division Information

The Administration and Finance Division is primarily responsible for the following –

- administrative affairs that are non-legal in nature
- management of financial and Government assets
- management affairs, planning and human resource development
- management of affairs in relation to Registry as provided under the Laws of Brunei Darussalam
- management and storage of office documents

Work Highlights

AGC Talent Management Initiative

This initiative is focused on creating a more systematic and comprehensive approach in Talent Management. The Talent Management Initiative is aimed towards inculcating professionalism, productive and progressive behaviour and enhancing the level of quality, efficiency and effectiveness in delivering AGC's strategic objectives. This initiative is focused towards three critical areas which are –

- to retain experienced and top talented officers
- to attract young top talents to work in AGC
- to continuously improve our existing officers in terms of their skills, knowledge, experience and exposure

This initiative consists of seven key components that are important in addressing the critical focus areas identified, particularly in managing, planning and developing AGC's human resources. It is still in implementation stage although a number of the key components are already implemented, among others are –

- Talent Attraction through ongoing Career Talks to educational institutions, AGC Open Day focusing on career opportunities in AGC and the creation of Undergraduate Legal Students Database
- Learning and Development Planning to ensure that programmes are aligned to the AGC Strategic Plan which can support and contribute towards achieving its strategic objectives
- Systematic Rotational Development Programme which provides officers with the required exposure to further develop the on-the-job core professional expertise in a number of different legal fields

Statistics of officers and support staff under Divisions I to V as of June 2017

- Division I – 14 members
- Division II – 82 members
- Division III – 28 members
- Division IV – 51 members
- Division V – 13 members

Trainings under the provision of Human Resource Development

The budget reduction for the financial year 2016/2017 had also seen reduction in the training programmes of the AGC personnel. As a result of this, programmes are prioritised on the needs of the AGC personnel.

Financial management

- Overall, AGC's expenses for the financial year 2015/2016 was at 88.24% and at 95.93% for the financial year 2016/2017
- Revenue collection for the financial year 2016/2017 show a slight reduction of 0.37% from the revenue collection for the financial year 2015/2016

Achievements

- As of 19 December 2016, registration of bills of sale under the repealed Bills of Sale Act (Chapter 70) is taken over by the Collateral Registry, Autoriti Monetari Brunei Darussalam
- One officer has successfully completed the Brunei Top 100 Leaders Programme course organised by the Prime Minister's Office and was given a Gold Award with another officer being successfully selected for the same programme for this year
- The Division also received the Award for Excellent Public Service 2016 [*Anugerah Cemerlang Perkhidmatan Awam 2016*] in conjunction with the 23rd Civil Service Day [*Hari Perkhidmatan Awam*] for its participation in the Proposal Paper Category titled "A Systematic Talent Management Framework in the Attorney General's Chambers"



FIRST IMPRESSIONS



"From a background where I was looking at and weighing up legal evidence and arguments on both sides, it is intriguing to now be asked to look at the preparation and argument involved in the presentation of the best argument for one side"

YM Awg Hj Abdullah Soefri bin
Pehin Orang Kaya Saiful Mulok Dato Seri
Paduka Hj Abidin,
Assistant Solicitor General

"The Attorney General's Chambers, an organisation where the journey to improve and progress never ends"

YM Datin Hjh Hasnah binti
Hj Ibrahim,
Assistant Solicitor General



"AGC is a treasure trove of legal knowledge"



YM Dyg Hjh Nor Hashimah binti
Hj Mohd Taib,
Assistant Solicitor General

SUPPORT UNITS

Law Library Unit

The Law Library Unit which is headed by YM Dyg Amalina binti Hj Ramli is responsible for providing an efficient and effective legal source of information and updating the Laws of Brunei. In addition, the Law Library also coordinates and facilitates the purchase and preservation of library materials.

With a vision of becoming a strong, effective and relevant legal information and research provider, the Law Library Unit is continuously committed to provide comprehensive and effective resources, including to provide the highest quality of legislation with the latest amendments. At the same time, it also supports and develops the expertise of highly dedicated staff through trainings and workshops. To increase awareness of the value and importance of Law Library, the Law Library maintains professional collaborations with other public, special and educational libraries.

Information and Communication Technology Unit

This Unit assists AGC in the development, management and general maintenance of IT systems and IT related services in the organisation such as the AGC's network infrastructure and equipment, website, Legislation Online, the AGC Information Systems and Intranet Portal. It also assists the relevant project team in managing any IT project within AGC.

Archive Unit

This Unit acts as a centralised management system for all outgoing and incoming documents, correspondence, files and records within AGC and acts as a custodian over such matters. Its responsibilities include ensuring the smooth flow of all documents and also planning and maintaining the filing system index.

Previously located on the second floor of the Law Building, the Unit is now located in the ground floor.

Translation Unit

This Unit headed by Chief Translator, YM Dyg Hjh Siti Norani binti Hj Matusin, primarily deals with the translation of the English texts of the laws of Brunei Darussalam. Of late, the translation work has now extended to the translation of MOUs, contracts etc.

COMMITTEES

Mutual Legal Assistance and Extradition Secretariat

The Secretariat acts as the Central Authority for Brunei Darussalam in transmitting and receiving requests for mutual legal assistance in criminal matters and extradition to and from foreign countries and law enforcement agencies. It carries out its functions in accordance with the Mutual Assistance in Criminal Matters Order, 2005, the Extradition Order, 2006 and the Criminal Asset Recovery Order, 2012. The Secretariat consists of officers from the Criminal Justice Division and the International Affairs Division.

Human Resources Committee

The Committee headed by the Solicitor General is responsible in formulating, recommending, implementing and reviewing development and training policies and applications for AGC personnel. It also ensures adequate training is provided for and identifies courses which are relevant to officers and staff in the pursuit of the provision of legal services of the highest quality.

IT Steering Committee

The Committee administers and manages the IT infrastructure and other related matters, monitors the progress of ICT projects as well as procurement of ICT assets.

Religious Activities Committee

The Committee is responsible in organising events in conjunction with Muslim religious events celebrated in Brunei Darussalam such as *Maulud Nabi Muhammad SAW*, *Isra' Mi'raj* and *Awal Tahun Hijrah* and also the bi-weekly group recitation of *Surah Yassin* and *Tahlil* or *Ratib-al-Attas*.

Welfare and Sports Fund Committee

The Committee manages and oversees the Welfare and Sports Fund in support of AGC's emphasis on the welfare of its personnel and the importance of having a balanced lifestyle. The Fund comprises nominal monthly contributions from all officers and staff of AGC and its disbursement is regulated by the Welfare and Sports Fund Rules.

Sports Committee

The Committee organises and manages all the sports activities within AGC such as the bi-annual inter-house sports activities, weekly Zumba sessions and also AGC's participation in inter-ministry sports competition, including the Annual Law Society Games organised jointly with the Law Society and Judiciary.

Editorial Committee

The Committee is represented by members from all AGC Divisions and is primarily responsible for the publication of the AGC Report, including to collect, review, draft and edit information for any other publications and to ensure that its contents are accurate, relevant, independent, impartial, comprehensive, timely and of high quality.

The Committee was also involved in the publication of Musings from Chambers: Chambers Decoded which depicted the personal journeys of the AGC senior management.

OUTREACH PROGRAMMES AND MUZAKARAH

- In October 2015, AGC jointly organised a seminar with the Royal Brunei Police Force on "Enhancing Professionalism in Prosecution and Investigations in the Administration of Justice". A total of 270 officers and personnel from various Ministries attended the seminar. The objective of the seminar is to improve the administration of justice in Brunei Darussalam by enhancing professionalism in the prosecution and investigations of criminal cases. YB Datin Seri Paduka Hjh Hayati, the Attorney General, urged both AGC and the Royal Brunei Police to continue to work together in a dynamic manner to ensure that any crime prevention strategies remain up-to-date and effective in combating crime in Brunei Darussalam and thus ensure that justice is administered fairly, impartially, effectively and efficiently.



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- Public talks on the threats of cybercrime and social media risks to over 30 secondary schools and educational institutions nationally
- Briefings on legislation relating to crimes such as trafficking in persons, asset recovery, mutual legal assistance, misconduct in public office and the criminal justice system
- Conducting workshops to enhance the quality of investigations to facilitate prosecutions
- Career talks to secondary school and college students with the aim of recruiting them to venture into the legal profession



Shedding light on criminal asset recovery

| FADLEY FAISAL |

THE Criminal Justice Division of the Attorney General's Chambers (AGC) conducted a three-day workshop on Criminal Asset Recovery at the Narcotics Control Bureau (NCB) Headquarters in Jalan Tungku, Gadong.

Fifteen officers sat in on the workshop that discussed provisions of the Criminal Asset Recovery Order 2012 and the power of investigations that can be exercised under the law.

Conducted by Hajah Surlana binti Haji Radin and Christopher Ng Ming Yew, both Deputy Senior Counsels and Deputy Public Prosecutors, the workshop focused on how NCB officers should use the additional powers conferred on them under the Criminal Asset Recovery Order 2012 in conjunction with their powers under the Misuse of Drugs Act, Chapter 27 in order to better investigate narcotics cases with financial elements involved.

Topics such as international cooperation, securing and tracing assets, asset management and drafting affidavits for forfeiture applications were also covered. Participants also engaged in discussion on various case studies in

order to apply what they had learnt over the duration of the workshop.

The workshop concluded with the presentation of certificates to the participants.

This was the third workshop conducted by the Criminal Justice Division of the AGC. Similar ones were held for the Commercial Crimes Investigation Division of the Royal Brunei Police Force and the Anti-Corruption Bureau in 2014 and 2015 respectively.

The holding of such workshops demonstrates the AGC's initiative to further educate and raise awareness on the laws of Brunei Darussalam, among law enforcement agencies that bear the task of implementing them.

The workshop was also aimed at increasing cooperation between the AGC and NCB, and to encourage greater focus on financial investigations with the aim of depriving criminals of their profits and proceeds.

The workshop also built upon the NCB's two successful criminal asset recovery applications which were granted by the High Court in 2016, as well as the establishment of the NCB Financial Investigation Unit aimed at investigating the financial dimension of cases involving drugs.



Workshop participants with coordinators from the Criminal Justice Division of the AGC



DPP Hajah Surlana binti Haji Radin presenting on Criminal Asset Recovery



- Conducting presentations on the Constitution of Brunei Darussalam, the law-making process in Brunei Darussalam and other related matters

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- UNCLOS and other relevant International Laws at the Eksemais “Sembilang” (2 June 2015)
- Roundtable Session on “Understanding International Law of the Sea” at the Sultan Haji Hassanal Bolkiah Institute of Defence and Strategic Studies (30 September 2015)
- Country Presentation: Brunei Darussalam at the Singapore Cooperation Programme Promotion of Effective Intellectual Property Protection, Singapore (17 November 2015)
- Career Talk on Legal Profession for Visiting Students from Duli Pengiran Muda Al-Muhtadee Billah College (14 January 2016)
- Career Talk on Legal Profession for Visiting Students from University Brunei Darussalam (19 January 2016)
- Brunei Copyright Law at the Journalism Workshop (21 May 2016, KB Sentral)
- Lecture on Copyright Law (21 September 2016)
- Lecture on Consumer Protection (Fair Trading) Order, 2011 and Price Control Act (Chapter 142) (29 September 2016)
- Participation in the Public Officers’ Law Seminar 2016: Understanding the Law, held at the Institute of Civil Service (October 2016)



- Lecture on Brunei Politeknik Brunei Order, 2014 (5 October 2016)
- Presentation on “Copyright Law in Brunei Darussalam” at the Ministry of Communication at their Weekly Forum Session (21 September 2016)

- National Legal Framework on the Sea at the MILOPS symposium during the Cooperation Afloat Readiness and Training 2016 (CARAT 2016) (14 to 18 November 2016)
- Lecture to the 6th Intake of Youths for the National Service Programme (Program Khidmat Bakti Negara (24 November 2016)
- Lecture on Water Supply Act (22 March 2017)

SHARE AND DISCUSS SESSIONS

This session is ongoing with the objective to provide a forum where AGC officers learn from each other through the sharing of lessons and information from the courses and trainings they attended. It has now expanded to cover non-legal issues and the speakers are also not restricted to AGC officers only.

2015

DATE	TOPIC
6 th June	Institute of Maritime Law, 6 th Singapore Short Course
13 th June	Current Law Journal (CLJ) Online Database
27 th August	Workshop Protocol on Legal Framework for ASEAN Single Window
12 th December	Update on the progress of AGC Delivery Team

2016

DATE	TOPIC
16 th January	Translating Policy to Legislation
30 th January	TPP-Legal Perspective
13 th February	Benefit Sharing Arising Out of Utilisation of Genetic Resources
27 th February	Protection of Trade Secrets: Global and ASEAN Application
12 th March	Child Protection: Where Are We Now?
9 th April	Healthy Living
23 rd April	Usaha dan Inisiatif Pengurangan dan Penjimatan Perbelanjaan PPN
21 st May	Protection of Children and Young Persons Under the Children and Young Persons Act
28 th May	Taklimat Mengenai Usaha Untuk Penjimatan dan Pengurangan Tenaga Elektrik
11 th June	Effective Response to the Phenomenon of Foreign Terrorist Fighters Situation in South East Asia

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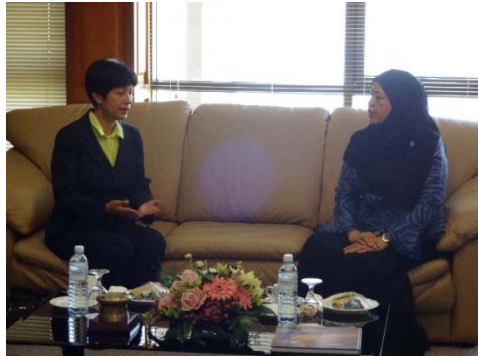
25 th June	Public Officers Law Seminar 2015-2016
23 rd July	ASEAN as a Regional International Organisation: The Legal Implications and Challenges for Brunei Darussalam
20 th August	Inisiatif Pengurangan Penggunaan Tenaga Di Bangunan-Bangunan Kerajaan Seluruh Negara
27 th August	SK 8/2016 CSDS
3 rd September	DOs and DON'Ts In Giving Presentation
17 th September	The Implementation of the Syariah Penal Code Order, 2013: New Challenge for the Religious Enforcement Department

2017

DATE	TOPIC
11 th February	Climate Change and the Long Road to Paris
25 th February	Cybercrime Investigations: How to Catch a Mouse Without a Trail
11 th March	Advertisements and Controls of Medicinal and Cosmetic Products
13 th May	Legislative Language: Overcoming Gaps and Barriers

EVENTS AND ACTIVITIES

Courtesy Calls



Religious Activities



Inter-House Biennial Sports Tournament



Mesra Ria Aidilfitri



Family Fun Day



Other AGC Events and Activities





STATE ORDERS,
DECORATIONS
AND
HONORARY
MEDALS

AGC Recipients of His Majesty the Sultan and Yang Di-Pertuan's State Orders, Decorations and Honorary Medals from June 2015-June 2017

Recipients for 2015

SMB [The Most Honourable Order of Seri Paduka Mahkota Brunei Third Class]

- YM Dyg Hjh Kasma binti Pengarah Hj Mokti

PSB [The Most Blessed Order of Setia Negara Brunei Fourth Class]

- YM Dyg Hjh Anifa Rafiza binti Hj Abd Ghani
- YM Dyg Hjh Noor Sukhairiyani binti DSLJ Hj Md Kassim

Recipients for 2016

SNB [The Most Blessed Order of Setia Negara Brunei Third Class]

- YM Dyg Alice Khan binti Ahmad Khan

PJK [Meritorious Service Medal]

- YM Awg Hj Abdullah Soefri bin Pehin Orang Kaya Saiful Mulok Dato Seri Paduka Hj Abiddin
- YM Pg Yussof bin Pg Hj Mat Salleh

PIKB [Excellent Service Medal]

- YM Pg Khairul Hisham bin Pg Hj Ismail
- YM Dyg Norhayati binti DP Hj Omar
- YM Dyg Hjh Suriana binti Hj Radin
- YM Dyg Hjh Norazamiah binti Hj Hambali
- YM Dyg Seri Atikah binti Hj Junaidi
- YM Dyg Hjh Fauziah binti Hj Sulaiman
- YM Dyg Lai Siew Hwa

AGC REPORT 2015 - 2017

- YM Dyg Hjh Harni binti Hj Asar
- YM Dyg Hjh Rossita binti Ajak
- YM Awg Mohd Ariffin bin Hj Sanif

PKL [Long Service Medal]

- YM Dyg Sulianah binti Menuddin
- YM Awg Mohd Hadri bin Halim
- YM Dyg Hjh Rosni binti Hj Ismail

Recipients for 2017

PIKB [Excellent Service Medal]

- YM Awg Christopher Ng Ming
- YM Dyg Asmah binti Majid
- YM Pg Norsuzanawati binti Pg Abas
- YM Dyg Hjh Farhanah binti POKPSRDPSS Hj Awg Suhaili

PKL [Long Service Medal]

- YM Awg Hj Abdullah Soefri bin Pehin Orang Kaya Saiful Mulok Dato Seri Paduka Hj Abidin
- YM Dyg Hjh Nor Hashimah binti Hj Mohd Taib
- YM Dyg Hjh Siti Jamilah binti Hj Lamit
- YM Dyg Hjh Norrina binti Pehin Datu Derma Sakti Dato Paduka Hj Abd Razak
- YM Dyg Siti Zaiton binti Hj Mohd Yusof
- YM Dyg Hjh Alimah binti Hj Othman

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the 1990s, the number of people in the UK who are employed in the public sector has increased from 12.6 to 15.4 million (1990-1998) (Department of Health 2000). This increase has been due to a number of factors, including the growth of the public sector, the expansion of the health service, and the increasing number of people working in the public sector.

The increase in the number of people working in the public sector has led to a number of changes in the way that the public sector is organized and managed. One of the most significant changes has been the introduction of the Health Service Act 1990, which created the National Health Service (NHS) as a single, unified organization. This act also introduced the concept of 'contracting out', which allowed the NHS to hire private contractors to provide certain services. This has led to a number of changes in the way that the NHS is organized and managed, including the introduction of a new organizational structure and the creation of a new set of rules and regulations.

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