



Australian Government

Aid Program

ASEAN AUSTRALIA DEVELOPMENT COOPERATION PROGRAM
PHASE II (AADCP II)

ROADMAPPING CAPACITY BUILDING NEEDS IN CONSUMER PROTECTION IN ASEAN

Consumers International

COUNTRY REPORT: BRUNEI DARUSSALAM (FINAL)

(Revised 3 June 2011)

“The final report was prepared by the Consumers International Kuala Lumpur Office (“CIKL”), a not-for-profit company limited by guarantee, as the approved Contractor on the *Roadmapping Capacity Building Needs in Consumer Protection in ASEAN* (“Project”) under the Special Services Agreement signed by and between the ASEAN Secretariat and the CIKL on 9 August 2010. The views expressed in this report do not necessarily represent or are not necessarily endorsed by the relevant agencies in ASEAN Member States. Mention of specific entities, departments and/or government agencies do not necessarily imply endorsement of it by the relevant entities, departments, and/or government agencies of ASEAN Member States. The author of this report can be contacted at consint@ciroap.org.”

{This page is purposely left blank}

ABSTRACT

This report presents the outcomes of an assessment of the capacity building needs in Consumer Protection in Brunei Darussalam with specific focus on six selected consumer areas, contributing towards a regional framework. The research project addressed gaps in both human and institutional capacities related to specific needs for improved effectiveness and long-term sustainability in dealing with consumer issues and consumer protection areas. A general survey targeted at 19 selectively identified stakeholders including government and regulatory agencies, business sectors and non-government organization, with relevant interests and work on consumer protection and issues, was later supplemented with Key Informant Interviews involving 19 key informants and further 19 participants at a roundtable discussion. The findings suggested that there were limited exposures and activities related to consumer rights or consumer protection in Brunei. Thus, there was a relatively high level of capacity building needs required by all the relevant stakeholders, particularly technical assistance to overcome difficulties in implementing consumer protection activities and programmes due to inadequate laws and finances in relation to the absence of a principal Consumer Protection Act and programmes, as well as inadequate staff due to limited access to skilled and experienced personnel to deal with consumer protection issues, redress mechanisms, or consumer complaint handling. In addition, technical assistance and exposure to best practices in consumer protection program implementation are also required to enhance coordination among relevant stakeholders.

Keywords: Consumer protection, capacity building, complaints, redress mechanisms, best practices, Brunei Darussalam.

{This page is purposely left blank}

CONTENTS

ABSTRACT	iii
CONTENTS	v
LIST OF TABLES	vii
LIST OF FIGURES	vii
LIST OF BOXES	vii
ABBREVIATIONS	viii
ACKNOWLEDGMENT	x
EXECUTIVE SUMMARY	xi
1. INTRODUCTION	
1.1 Study Background	1
1.2 Country Background	2
1.3 Consumer Protection	3
1.3.1 General Overview	3
1.3.2 Product Safety and Labelling	3
1.3.3 Phone & Internet Services and E-Commerce	5
1.3.4 Consumer Credit and Banking	7
1.3.5 Environment	8
1.3.6 Health and Healthcare Services	11
1.3.7 Professional services	13
2. METHODOLOGY	
2.1 Scope	18
2.2 Approaches	19
2.2.1 Capacity Building Needs Assessment on Consumer Protection ... 20	
2.3 Data Collection Process	20
2.3.1 Secondary Data Collection	20
2.3.2 General Survey Questionnaire	21
2.3.3 Key Informant Interviews	22
2.3.4 Roundtable Discussion	22
2.4 Data Analysis	22
2.4.1 Secondary Data Analysis	22
2.4.2 General Survey Analysis	23
2.4.3 Capacity Building Needs Analysis	24
2.5 Profile of Stakeholders	24
2.5.1 Overview of Consumer Movement	25
2.5 Limitations	25
3. MAPPING AND SITUATIONAL ANALYSIS OF CONSUMER PROTECTION LAWS AND PROGRAMMES	
3.1 Laws and Regulations Related to Consumer Protection	26
3.1.1 Principal Consumer Protection Act	26
3.1.2 Laws on Product Safety and Labelling	26
3.1.3 Laws on Phone & Internet Services and E-Commerce	34

3.1.4	Laws on Consumer Credit and Banking	36
3.1.5	Laws on Environmental Quality and Services.....	38
3.1.6	Laws on Health and Healthcare Services	40
3.1.7	Laws on Professional Services	41
3.1.8	Other Laws Protecting Rights of Consumers.....	42
3.2	Inter-Agency Coordination.....	43
3.3	Redress Mechanisms.....	43
3.4	Consumer Protection Programmes, Initiatives and Best Practices	45
3.4.1	Programmes and Initiatives	45
3.4.2	Best Practices.....	48
3.5	Challenges related to Implementation of Consumer Protection	51
4.	NEEDS ASSESSMENT FOR CONSUMER PROTECTION	
4.1	Analysis of System, Institutional and Human Resource	
Capacity Gaps		54
4.1.1	Laws	53
4.1.2	Finances.....	53
4.1.3	Experienced and Qualified Staff.....	53
4.1.4	Number of Staff	53
4.1.5	Inter-Agency Coordination.....	55
4.2	Capacity Building Needs and Strategic Thrusts	55
4.2.1	Laws and Programmes on CP.....	56
4.2.2	Enforcement.....	56
4.2.3	Redress Mechanism.....	56
4.2.4	Implementing Agencies on CP.....	56
5.	RECOMMENDATIONS FOR CAPACITY BUILDING ON CONSUMER PROTECTION	
5.1	Capacity Building Road-map and Implementation Plan	58
5.2	Prioritisation of Strategies and Focus Areas.....	72
6.	CONCLUSION.....	83
	REFERENCES.....	84
	APPENDICES	
A.	Appendix 1: List of Stakeholders.....	88
B.	Appendix 2: Key Informant Interviews Program.....	90
C.	Appendix 3: Roundtable Discussion Program	92
D.	Appendix 4: List of Relevant Laws for Consumer Protection.....	94
E.	Appendix 5: List of Implementing Agencies for Consumer Laws.....	97
F.	Appendix 6: Consumer Law Matrix.....	98

List of Tables

Table 1.1: Deaths in Brunei Darussalam by Category (2006).....	5
Table 1.2: Health facilities in Brunei Darussalam.....	11
Table 2.1: Selected Key Consumer Areas and Issues of Focus	18
Table 2.2: Types of Statistical Analysis Used.....	23
Table 3.1: Licensing Authorities for trading businesses in Brunei Darussalam under Miscellaneous Act (Cap. 127).....	30
Table 4.1: Level of Difficulty in implementing Consumer Protection activities and programmes in Brunei Darussalam.....	55
Table 4.2: Level of Assistance required to support work on Consumer Protection.....	62
Table 5.1: National Implementation Plan for Capacity Building in Consumer Protection.....	74
Table 5.2: Recommended Priorities and Focus Areas in Consumer Protection	69

List of Figures

Figure 1.1: Municipal Solid Waste Composition of Brunei-Muara in 2005	8
--	----------

List of Boxes

Box 5.1: Environmental Policy Development and Consumer Protection.....	79
---	-----------

ABBREVIATIONS

3R	Reduce, Reuse and Recycle
AADCP II	ASEAN Australia Development Cooperation Program Phase II
ABCi	Authority for Building Control and Construction Industry
ACCP	ASEAN Committee on Consumer Protection
ACD	ASEAN Cosmetic Directive
AGC	Attorney General’s Chambers
AITI	Authority for Info-communications Technology Industry of Brunei Darussalam
AMs	ASEAN Member States
AOC	Actual Operating Context
ASEAN	Association of Southeast Asian Nations
ASEC	ASEAN Secretariat
BAB	Brunei Association of Banks
BMB	Brunei Medical Board
CAB	Consumer Association of Brunei
CAP	Consumers Association of Penang
CBD	Convention on Biological Diversity
CCPID	Competition, Consumer Protection and Intellectual Property Rights Division
CI	Consumers International
CIKL	Consumers International Kuala Lumpur
CP	Consumer Protection
CSO	Civil Society Organization
DMP	Development Master Plan
EGTAB	E-Government Technical Authority Body
FAO	Food and Agriculture Organization
FOC	Formal Operating Context
FOMCA	Federation of Malaysian Consumers Associations
FSC	Forest Stewardship Council
GAHP	Good Animal Husbandry Practice
GAP	Good Agricultural Practice
GDP	Gross Domestic Product
GHS	Globally Harmonised System
GMP	Good Manufacturing Practice
GS	General Survey

HACCP	Hazard Analysis Critical Control Point
ICD	International Classification of Diseases
ICT	Information Communication Technology
IEC	International Electro Technical Commission
IDO	Infectious Disease Order
ISIS	Institute of Strategic and International Studies
ISO	International Organization for Standardization
JASTRE	Jabatan Alam Sekitar, Taman dan Rekreasi (Department of Environment, Parks and Recreation)
JPKE	Jabatan Perancangan dan Kemajuan Ekonomi (Department of Economic Planning and Development)
KII	Key Informant Interviews
LA 21	Local Agenda 21
MIPR	Ministry of Industry and Primary Resources
MoH	Ministry of Health
MSC	Marine Stewardship Council
n.d.	Not Dated
NDP	National Development Plan
NGO	Non-government organization
NGO	Non-Governmental Organization
QP	Qualified Person
RIPAS	Raja Isteri Pengiran Anak Saleha
RTD	Roundtable Discussion
SCP	Sustainable Consumption and Production
SEACC	Southeast Asian Consumer Council
SEP	Strategic Economic Partnership
TAP	Tabung Amanah Pekerja (Employee's Trust Fund)
UBD	Universiti Brunei Darussalam
UN	United Nations
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change.
WHO	World Health Organization
WPRO	Western Pacific Regional Office
WTO	World Trade Organization

ACKNOWLEDGMENT

- ❖ Haji Zulkifli Panglima Asgar Dato Paduka Haji Abdullah
Director, Administration & Info-Communication Technology
Department of Economic Planning and Development
Brunei Darussalam
- ❖ Haji Abdul Razak bin Haji Angas
Assistant Director of Implementation
Department of Economic Planning and Development
Brunei Darussalam
- ❖ Mr. Muhamad Azim Hj Abdul Hamid
Department of Economic Planning and Development
Brunei Darussalam
- ❖ All the stakeholders, General Survey Respondents and Key Informants in
Brunei Darussalam

EXECUTIVE SUMMARY

With a rapidly expanding urbanized population, Brunei Darussalam has ever more demanding consumers. Increased affluence in the country has given birth to a more sophisticated consumer, who not only looks for value for money, but is also attracted by culture-friendly service, brand image and product design. With the increased consumer demand, market competition, and varying product and services standards and reliability, Bruneians need protection to safeguard their rights as consumers.

Provide assistance to ensuring the implementation of Consumer Protection

An important step towards consumer protection measures is having a Principal Consumer Act as well as a national consumer policy. Assistance in developing and drafting the law and implementation plan to JPKE through the support of external experts and consultations with all relevant stakeholders should be provided.

Provide adjustment and Technical Assistance to Relevant Stakeholders

A notable characteristic of Brunei Darussalam consumer protection measures is the presence of various Acts, Regulations, Orders and Programmes already in place. However, the capacities to address consumer protection using the existing laws are limited by low awareness on consumer protection issues.

Increase public awareness

Most of the stakeholders participated in this assessment claimed that they have very limited exposure and understanding of Consumer Protection. An outreach program or educational and awareness program is, therefore, necessary and important to explain to the government agencies, industry, the media and the public of the objectives, scopes and relevance of CP and to facilitate compliance and generate support for implementation. While some awareness efforts exist, they should be expanded.

Build capacity in regulatory authorities

Regulatory authorities in the six specified consumer areas still need assistance in handling consumer complaints, to further enable them to implement and enforce consumer protection. Training and capacity building should be held or coordinated at the national and regional levels and could include exchange programmes between ASEAN Member Country's regulatory authorities. Such cross visits would not only build trust and capacity among the region's competent authorities, but would also create peer pressure to improve their regulatory actions.

Encourage ASEAN collaborative efforts and protection of consumers

ASEAN cooperation in Consumer Protection needs to be intensified, particularly in information sharing, exchanges of expertise and best practices. However, there are strong needs among the stakeholders to have more exposure and understanding on the various ASEAN initiatives, platforms and Directives. Training and workshops on ASEAN standards and guidelines are required. The stakeholders in Brunei Darussalam also require more sharing of relevant experience and expertise from AMSs with established consumer protection

programmes, such as Singapore, Malaysia and Thailand. Common mechanisms and directive for the region, such as a harmonised “halal” standard is seen as a way forward towards economic integration.

Establish ASEAN regional platform for “Children as Consumers”

The stakeholders of Brunei Darussalam strongly proposed that ASEAN should consider establishing regional committee to address consumer issues related to children. Due to the aggressive marketing of products to children, or using children in product promotion and advertisement, the development of regional marketing Guidelines should be looked into. Further, special Task Force, or Working Group or Council should be established to protect the rights of children as consumers.

Advancing Consumer Protection Agenda

In order to address the issues and challenges in consumer protection implementation in Brunei Darussalam, high level of assistance are required in the following areas:

- Development and implementation of a principal consumer protection act, along with other laws that are still lacking related to competition, hazardous materials, or cyber crimes.
- Development of a national consumer policy, and a national master plan for consumer protection
- Training and exposure of staff on consumer demand side and consumer challenges in the selected consumer areas.
- Development of effective coordination mechanisms to increase participation, ownership and social responsibilities towards consumer protection among all relevant stakeholders.
- Access to experienced, skilled and qualified staff to handle specific and emerging consumer issues.
- Training and exposure on effective monitoring compliance to laws or codes of conduct
- Development of management and leadership skills in consumer protection
- Development and establishment of more civil society organisations or consumer organisations to promote and advocate on consumer protection and consumer rights.

1. INTRODUCTION

1.1. STUDY BACKGROUND

This Country Report is part of the research titled *Roadmapping Capacity Building in Consumer Protection in ASEAN* and is complemented with a Subgroup Report and a Regional Report. It is a project of the ASEAN-Australia Development Cooperation Program (AADCP) Phase II, which aims to strengthen consumer protection in the region as well as in individual ASEAN Member States (AMSs). The major output of this research is a regional capacity building roadmap on consumer protection and supporting roadmaps for each of the AMS. The roadmaps were based on the following information that were gathered and presented in this report:

- a mapping of consumer protection policies, laws and regulations in AMS
- consumer education programmes, initiatives and best practices
- capacity building needs of major stakeholders in consumer protection and recommendations

The overarching framework of the study is primarily based on the UN Guidelines on Consumer Protection (1985), which has been further espoused and reiterated by Consumers International into 8 fundamental rights as follows:

1. The right to basic needs
2. The right to safety
3. The right to information
4. The right to choose
5. The right to representation
6. The right to redress
7. The right to consumer education
8. The right to a healthy environment

The following key principles are also adhered to in the development of the national road map, contributing towards the regional framework:

- **Protection:** Consumers should be protected from unfair practices
- **Responsibility:** Transparent legislation in addition to effective consumer programmes to enable consumers to have sufficient information in order for them to exercise their responsibilities
- **Enforcement:** There should be prompt and efficient enforcement of legislation to deter breaches of the consumer protection laws by businesses
- **Change:** new and emerging consumer issues are identified so that legislation is updated and consumers have access to relevant information on these issues in order to make informed choices.
- **Competition:** free and open competition is generally beneficial for consumers and Government regulations and legislation help to ensure a fair environment in the marketplace for consumers and businesses
- **Representation:** Legitimacy for representation by non-governmental consumer organisations must be recognized such as the right to association

Consumers International Kuala Lumpur (CIKL) Office carried out the study in cooperation with its members in the AMS and partners, or appointed local focal points. In Brunei

Darussalam, the Department of Economic Planning and Development acted as the local focal point for the study.

CI is a not-for profit federation of consumer groups that serves as the only independent and authoritative global voice for consumers. Founded in 1960 and with over 220 member organisations in 115 countries, it is building a powerful international movement to help protect and empower consumers everywhere. The Kuala Lumpur office is CI's regional office for Asia Pacific and the Middle East.

Organization of Report

This report is organized into 6 Chapters. Chapter 1 provides general background on Brunei Darussalam and a general state of consumer protection in the country. Chapter 2 outlines the methods applied for data gathering that led to the outcomes and findings presented in this report. Findings of the project are presented in Chapters 3, 4 and 5. The general mapping and situational analysis on national legislation and consumer protection programmes are presented in Chapter 3. Chapter 4 covers the assessment on the capacity building needs of the various stakeholders that took part in the project, and Chapter 5 presents some recommendations and the national road-map for capacity building needs in consumer protection at the national level. Finally, Chapter 6 draws an overall conclusion of the report.

1.2. COUNTRY BACKGROUND

The majority of Bruneians are Muslim Malays, practicing the ideology of “Melayu Islam Beraja” (Malay Islamic Monarchy), which is strongly founded on Islamic principles and nationalistic ideas through the preservation of the Malay traditional culture, Islam and the monarchy.

Situated on the north western coast of Borneo Island, Brunei Darussalam spans across an area of 5,770 square kilometres with a total population of 386,511 (2007 estimate)¹ with the average population growth rate of 1.82%. The literacy rate of the population age 9 years + (2005) was 95.8% for male and 91.5% for female. The Human Development Report indicates that Brunei Darussalam enjoys high Human Development Index level of 0.894² and ranks 30 out of 159 countries in 2005.

Crude oil and natural gas have provided for the core economic revenues for Brunei Darussalam, which is the third largest oil producer in Southeast Asia producing 163,000 barrels per day. It is the fourth largest producer of liquid natural gas in the world. GDP at current prices is around B\$ 8,051.0 million and per capita GDP in 2005 was at US\$17,120.60. The average annual inflation rate is 2.7% with the unemployment rate of 4.9%.

The economy of Brunei Darussalam is open and market-oriented, and has strived towards promoting deregulation, corporatization and privatisation, with a view to increasing market competition in accordance with the domestic capacities, ASEAN and WTO³ commitments.

¹ Dr Abdul Rashid Mohammad- National Policy Status Review. Workshop on National Policies and Plans on Injury and Violence Prevention. Manila, Philippines. July 29 – 31, 2008

² http://www.photius.com/rankings/human_development_index_1975-2005.html

³ See http://www.wto.org/english/tratop_e/tpr_e/tp296_e.htm

Trade and foreign direct investment play vital roles in Brunei Darussalam, hence the country has been strongly promoted as an investment destination. Foreign investment, including up to 100% foreign equity investment, is permitted in all sectors except those involving local natural resources (particularly agriculture and fisheries) and those relating to national food security. Brunei Darussalam has intensified its participation in regional and bilateral trade agreements. It is also particularly active in the East Asia Growth Area, APEC, and the four-member Trans Pacific Strategic Economic Partnership Agreement (with Chile, New Zealand, and Singapore).

1.3. CONSUMER PROTECTION

1.3.1 General Overview

Today's sophisticated Brunei's consumers are exposed to the availability of various goods and services. Due to its open economy, consumers are also vulnerable to market trends and volatility affecting not only prices but also quality and safety standards. Thus, consumer complaints on products and services in Brunei Darussalam are no different from those of other countries. The complaints are commonly related to price increases, affordability of daily necessities, warranties and expired food items. Nonetheless, lack of public awareness and education on consumer issues contributes greatly to the slow development of consumer protection. In general, the public perceives that all products and services are controlled by the government. In Brunei Darussalam, only four groups of products are listed as controlled items:

- Cars
- Infant formulas
- Cigarettes
- Cooking Oil

The needs for consumer protection in Brunei Darussalam have claimed importance and relevance as consumer vulnerability to market forces become apparent. Currently, the Department of Economic Planning and Development (JPKE) under the Prime Minister's Office shoulders the task of protecting consumers, particularly in relation to prices of goods, through the establishment of the Price Control Division. In 2009⁴, the main consumer complaints related to goods and services were:

- Complaint on prices in general
- Complaint on increase in prices
- Complaint on warranty card
- Complaint on car related issues; including warranty and spare parts
- Complaint on mobile phones; including warranty card and battery problems

1.3.2 Product Safety and Labelling

Product safety and labelling in Brunei Darussalam mainly focuses on food and cosmetic products. Similar to other countries, information on products is generally communicated to consumers through labelling and advertising, as well public announcements through printed

⁴ Data compiled by JPKE October 2010

and electronic media, television, radios, or websites. Brunei Darussalam has relevant laws, regulations and policies with regards to:

- Prohibition on false and misleading food and cosmetic products labelling
- national standards authority/body that develops standards for product quality and safety
- product safety standards available for adoption and implementation in the manufacturing and provision of product
- standards made mandatory for product safety under Public Health (Food) Regulation (R1, Cap 182)
- code of conduct in place with regards to health and safety of consumers implemented by manufacturers/ distributors
- government taken steps to prohibit entry of products banned elsewhere into national markets
- mechanisms in place to issue warnings on unsafe products in the market
- measures to ensure that unsafe consumer products, with more developed measures for food products, are recalled from the market within a reasonable time period

However, Brunei Darussalam has yet to establish the necessary accredited products testing facilities for other consumer products such as toys, household items or electrical items. In addition, some form of mechanisms for an in-depth risk assessment of new technologies used in food (e.g. genetically engineered organisms, probiotics) or chemicals on consumer products are also yet to be established. Further, Brunei Darussalam is to establish a specific mechanism for reporting and managing information relating to product safety and labelling such as complaints, consumer injuries, food safety incidents (poisoning, allergy etc). Some relevant agencies that are important for regulating product safety and liability, particularly on food safety include Ministry of Health, Food Safety and Quality Section, Department of Health Services and the Religious Council of Brunei. The Drug Administration Section (Cosmetic Unit), Department of Pharmaceutical Services, Ministry of Health is the regulating agency responsible for regulating cosmetic products.

Product Safety and Injury

In 2006, major causes of injury and injury-related deaths in Brunei Darussalam were related to:

- Road traffic accident
- Occupational and domestic injury⁵
- Offensive bodily harm

Table 1.1 shows the general trends of casualties that might be linked to injuries or deaths arising from unsafe products or environment in 2006, with highest death cases caused by transport accidents. In 2008, transport accidents ranked 7th among the ten leading causes of deaths (3% of 1091 total deaths), with heart diseases (including acute rheumatic fever) ranked 1st at 19.3%.

⁵ related to falls, machinery-related injury/death, drowning, burns, accidental poisoning by and exposure to noxious substances, intentional self-harm.

There are notable mechanisms of data collections systems on death and injuries⁶ in Brunei Darussalam whereby data are categorized according to the WHO ICD-10 under Injury and Poisoning and External Causes. The Statistics Unit of Ministry of Health is responsible for collecting data on Death statistics from the Medical Record Departments of the four major public hospitals in Brunei Darussalam. Injury surveillance data are mainly hospital based. The Occupational Health Unit specifically deals with occupational injuries to a limited extent.⁷ Casualties related to Road Traffic Accident data are categorized into deaths, major injuries and minor injuries. Other data such as occupational injuries, domestic injuries and assault related injuries are yet to be recorded accordingly or specifically.

Table 1.1: Deaths in Brunei Darussalam by Category (2006).

External Causes of Morbidity and Mortality	Male	Female	Total
Transport Accidents	31	8	39
Falls	5	2	7
Accidental Drowning and Submersion	9	1	10
Exposure to Smoke, Fire and Flames	0	0	0
Accidental Poisoning By and Exposure To Noxious Substances	1	0	1
Intentional Self-Harm	6	4	10
Offensive bodily harm	2	1	3
Drugs, Medicaments Causing Adverse Effects In Therapeutic Use	0	0	0

Source: Statistics Unit, Brunei Darussalam

In its efforts to improve its environmental safety and quality, Brunei Darussalam has also undertaken measures to review and analyze its current chemical management system. The UNECE report suggests that several challenges are faced in dealing with both chemicals management and implementation of Globally Harmonised System of Classification and Labelling of Chemicals (GHS).⁸ First, present regulations are confined to pesticides. Second, controls on other chemicals are based on institutional measures, where a number of various agencies deal with chemicals, but need further coordination. Third, the majority of industry is small and medium size enterprises which lack capacity. Fourth, labelling awareness among stakeholders and users is low.

1.3.3 Phone & Internet Services and E-Commerce

Presently, Brunei Darussalam has one of the most advanced telecommunication facilities in this region with the fixed line telephone density second only to Singapore. Brunei Darussalam has an extensive network of external plant consisting of copper and fibre optic cables,

⁶ from the Ministry of Health, Land Transport Department and the Royal Brunei Police Force.

⁷ due to medical record system not being computerized yet and lack of staff

⁸ United Nations Economic Commission for Europe. Accessed on 8 November 2010 from http://www.unece.org/trans/danger/publi/ghs/implementation_e.html#Brunei%20Darussalam

completely digital exchanges with adequate international connectivity via the satellite system and the fibre optics submarine cable systems. Recent statistics from AITI show:

- 78.78% of population are internet users (AITI, 2009)
- 25.04% of households with fixed broadband (AITI, 2009)
- 26.6% of internet users using online internet purchasing in 2010 (AITI, 2010)
- 13.7% of internet users in Brunei using internet-banking in 2010 (AITI, 2010)

In general, Brunei Darussalam has put in place

- relevant laws on phone and Internet services, and E-commerce
- relevant laws prohibiting false and misleading advertisements on phone and Internet services & E-commerce
- relevant laws in place to protect consumers in relation to online transactions related to online scams, security of personal data)

The National Broadband Blueprint⁹ is designed with one of the main objectives aims at bridging the digital divide in Brunei Darussalam by ensuring the whole population of Brunei Darussalam will be provided with broadband connection at competitive prices and according to industrial standards. In the Blueprint, the e-Strategy Paper specifically highlights forward strategies to establish e-Government, e-Business, e-Society, e-Education, e-Health, e-Industry, e-Employment, e-Environment and e-Science, which are aimed to be implemented by the various stakeholders in the country towards realizing its vision of “Sophisticated Society”.

A Universal Service Provision Fund is controlled and operated by AITI for the purpose of providing service to underserved areas and underserved groups within the community.

There is a Broadcasting Act and Internet Code of Practice governing content regulation on the internet. Content which is against the public interest, national harmony or which offends against good taste or decency are disallowed. There is a Computer Misuse Act which governs securing computer material against unauthorized access or modification. However, public awareness on these laws may be lacking. The involvement of any civil society organisations or consumer representation in developing policies/laws on phone and internet services has been minimal. According to AITI, moving forward there will be a greater participation of these civil society organisations or consumer representation through public consultation or dialogue. There have been consumer education program such as Cyber Security Program targeting at schools and parents to raise awareness on protecting children in cyber space.

The four commonly received consumer complaints related to phone& internet services in Brunei Darussalam are related to main issues of accessibility and affordability such as:

- expensive internet charges
- internet speed problem
- mobile phone and quality service
- mobile phone coverage
- aspects of charges or billings
- limited internet access at home (in rural areas)

⁹ Ministry of Communications, Brunei Darussalam

- concerns on safety and security of the internet (children’s safety in relation to potentially harmful websites)¹⁰

On e-commerce, most of the users are more concern on the usage of their credit cards in terms of security, i.e. lack of confidence

1.3.4 Consumer Credit and Banking

In general, various facilities and regulations are already in place in relation to consumer credit and banking, including hire purchase, loans and credit card, money lending and pawn broking. Interest rates are regulated through the various legal instruments and self-regulatory mechanisms by banking institutions. The Government through the Ministry of Finance has published fees and charges imposed by banks in order to increase transparency and enhance public awareness. Additionally, there are measures in the Banking Order 2006 and Islamic Banking Order 2008 that restrict the sharing of credit data amongst credit providers to safeguard personal data.

Currently, there is no establishment of a specific financial debt counselling agency to support consumers in addressing financial difficulties/debts. However, various initiatives from individual banks, organisations such as the Employee’s Trust Fund (TAP) and the Brunei Association of Banks (BAB) as well as the Consumer Association of Brunei (CAB), have carried out education and awareness programmes to help consumers understand financial and credit issues, such as the dangers of pyramid schemes, and to instil a savings culture.

At present, the main sources of credits or loans for consumers in Brunei Darussalam are

- Credit Cards
- Personal Loans from Banks
- Home loan from Banks
- Loans from Government
- Car loan from Banks and Financial Institutions
- Instalment plans from Banks and Financial Institutions

There is no report of consumers obtaining loans from unlicensed money-lenders in Brunei Darussalam. Any foreign banks wanting to establish in Brunei Darussalam shall have to apply for licensing under the authority of Banking Order 2006 and Islamic Banking Order 2008). In order to ensure the rights of consumers to choose, through unlimited choices of financial products or services, through various providers, Brunei Darussalam does not seem to place any restriction to limiting entry of foreign banks in Brunei.

¹⁰ AITI has Cyber Security Awareness Programmes, aim at addressing this concerns

1.3.5 Environment

Consumers' and producers' mindsets, habits and practices in utilising products or services affect the quality of environment directly. Worldwide, there have been particular concerns on the sustainability of consumption and production of products and services, which eventually impact the demand, choices and supply. Emerging issues related to waste or wastage derived from unsustainable practices or habits of consumers have demanded special attention. In gauging the rights, responsibilities and obligations of consumers and producers to provide for healthy and safe environment, it is important to note their contribution to waste generation. As stated by Noraida Yusof (2004), e-waste is also another cause for environmental concern, which consumers' usage of electronic products contributed directly.

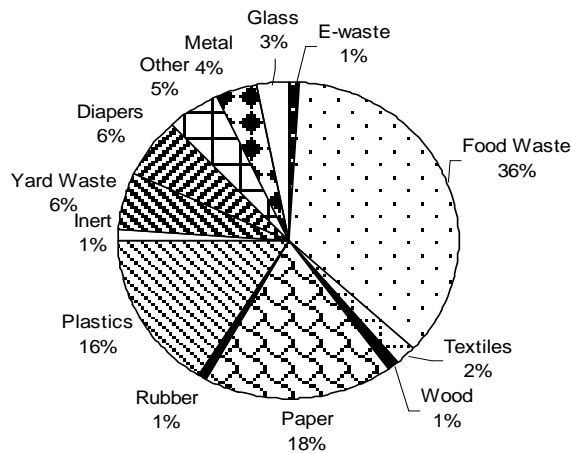
Brunei Darussalam Environmental policy and strategies are incorporated in the Five Year National Development Plans (NDP), where the Government has continued to focus on the need to protect and conserve the country's environment and natural resources. In line with its 2035 long term development goal of maintaining a clean and healthy environment, the country's successive NDP has incorporated environmental consideration as an integral component of the development process.

1.3.4.1 Waste Management

The Solid Waste Development Plan 2007 reported that Brunei Darussalam total waste generation for 2005 was about 350 tonnes per day. Whilst its per capita waste generation was 1.4kg/person/day. Figure 1.1 illustrates a breakdown on municipal solid waste¹¹ composition generated by consumers in Brunei-Muara District in 2005. Figure 1.1 suggests that the three main waste contributors were 36% formed by food or food product amounting to around 68,000 tons, followed by paper at 18% or estimated around 34,000 tons; plastics at 16% with as estimation of 30,000 tons. Similar to many other countries, the preference of consumers for convenience that comes with increased incomes also showed the presence of disposable diapers in waste, contributing 6% to the waste generation in the Brunei-Muara District in 2005, whereas e-waste, contributed 1% of waste generated in 2005 (Figure 1.1).

An integrated waste management strategy, which includes waste minimization through 3R concept (Reduce, Reuse and Recycle) has been implemented in the country. Many private companies in Brunei Darussalam have adopted the 3Rs practices and established recovery of recyclable materials and recycling activities. The people are provided with and have access to waste collection system, which include house to house waste collection services and communal wastes collection centres.

¹¹ Municipal solid waste (MSW) refers to combined household, commercial and institutional waste materials generated in a given Municipal Board Area, such as schools, and from municipal services such as landscaping and street cleaning. MSW mainly consists of food, paper, plastics, also hazardous materials such as mercury from broken thermometers, batteries, e-waste, etc. Solid Waste generally means any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

Figure 1.1: Municipal Solid Waste Composition of Brunei-Muara in 2005.¹²

Source: Mohd. Rozan Yunos *et al*, (2010).

1.3.4.2 Environmental Awareness

Achieving consumer protection through the rights of consumers to safe and healthy environment is also globally projected through the promotion of Sustainable Consumption and Production (SCP). As such, awareness building and SCP practices are important to consumer movement. In relation to environment, the areas of consumers' interests in SCP include:

- Recycling waste
- Harvesting rain-water
- Saving of energy through energy efficient products and technologies
- Reducing environmental impact through efficient public transportation

In Brunei Darussalam, the National Environment strategy focuses on enhancing civil society and private sector environmental awareness through seminars, trainings, workshops, campaign, exhibition and media promotion and activities that promote and enhance public environmental education and information, engagement and empowerment.

According to Mohd. Rozan Yunos *et al* (2010), recycling activities including stock piling of recyclables materials such as scrap metal, used paper, used computers, used plastics, used motorcar batteries or used tires are ongoing efforts by various stakeholders in Brunei Darussalam.

Environmental policy strategies and directions are incorporated in the Five Year National Development Plans (NDP), where the Government has continued to focus on the need to protect and conserve the country's environment from pollution and excessive exploitation of natural resources. The Eight National Development Plan (2001-2005), for instance, places Environment protection and conservation as the integral components of the development

¹² Based on waste survey in week of 11 April 2005, Ministry of Development 14 September 2010

process ensuring sustainable development in line with the long-term objective of maintaining a clean and healthy environment

Environmental programmes has been one area of focus by government, whereby government agency such as JASTRE or the Ministry of Development provide support to civil society organisations (working on environment) to carry out programmes, campaigns and joint-activities. However, further coordination among the environmental authority, national consumer protection authority, industry and NGOs on consumer protection remains limited.

1.3.4.3 Environmental Quality

With the exception of the transboundary haze pollution incidences affecting Brunei Darussalam air quality in 1997, the air quality in the country has generally been good over the past years. Nonetheless the air quality has been subjected to the threat of transboundary smoke haze pollution caused by forest fires in neighbouring countries. Since 1997 a network of automated air quality monitoring stations has been established and information on air quality has been made available to the public.

Ninety nine percent of the population in Brunei Darussalam has access to drinking water. While there are presently adequate water resources and more have been identified, the high per capita consumption and losses through leakage and wastage are a cause for concern.

Electrical Energy consumption is also high in the country, thus there is a need to raise public awareness to conserve energy.

In general, public awareness on sustainable production and consumption pattern need to be enhanced, including exposure to global trends on environmental labelling and initiatives such as movement in organic products, carbon or water foot printing. To date, there are various sustainable production- and consumption-related measures in place for waste management, as well as air and water quality management.

In maintaining good environmental quality standards protecting consumers against potential environmental hazards by, and at the same time, ensuring the rights of consumers to safe environment, Brunei Darussalam also integrates various mechanisms in line with the international requirements for GHS implementation in its overall chemical management system, including:

- **Pesticide management:** Food and Agriculture Organization (FAO) codes and guidelines
- **Prevention and treatment of poisoning:** World Health Organization (WHO) classification of pesticides
- **Transport of dangerous goods:** United Nations Recommendations on the Transport of Dangerous Goods
- **Stockholm Convention on Persistent Organic Pollutants.**

1.3.6 Health and Healthcare Services

Jannatul Madihah *et al* (2009) states that quality in healthcare delivery involves six main aspects including access to services, suitability to the needs, effectiveness, equity, social acceptance, and efficiency. Quality, therefore, should be taken from the perspectives of the consumers and the providers. Some of the issues surrounding quality assessment are identifying and balancing between the different perspective among the stakeholders, producing accountable framework for assessment and also finding suitable criteria for outcome assessment.

The people of Brunei Darussalam enjoy free medical and health care, provided via government hospitals, health centres and health clinics. With reference to Table 1.2, a large network of health centres and clinics located throughout the country provides primary health care services, including those for mother and child. In remote areas that are not accessible or are difficult to access by land or water, primary health care is provided by the Flying Medical Services. There were four government general hospitals, 16 health centres and 14 maternal and child health clinics and 4 of Flying Medical Services teams (Table 1.2).

Table 1.2: Health Facilities in Brunei Darussalam.

Medical care	Number
Government Hospitals	4
Private Hospitals	2
Medical Centres (Ministry of Defence)	9
Dialysis Centres	5
Dental Centres/ Clinics	19
Health services	
Health centres	16
Health / maternal and child health clinics	15
Travelling health clinics	6
Flying medical services	4
Dental Services (at):	
Hospitals	3
Health centres	9
Health / maternal and child health clinic	9
Schools	68
Mobile squad	33
Travelling (Flying Team)	4
Population to doctor ratio	706:1
Population to dentist ratio	4854:1
Population to pharmacist ratio	8844:1
Population to nurse ratio	205:1

Source: Health Information Booklet 2009, Ministry of Health.

Public Health Services is the main division in the Ministry of Health responsible for providing community-based preventive and promotive primary health care services in the country. As a result of its monitoring and surveillance activities and preventive programmes, such as immunization, the country is free from major communicable diseases.

The decentralisation programme, started in 2000, is a concerted and ongoing effort by the Ministry to provide access to primary health care for the general population throughout the country. The decentralisation has allowed primary healthcare to be further strengthened through the provision of more comprehensive services. In addition, patients with chronic illnesses can now be followed up by the primary care services. Thus, the decentralization has provided better access to care and has served as a ‘gatekeeper’ to secondary and tertiary care.

The Public Relations Unit under the Ministry of Health acts as a focal point for information dissemination to public whereby information are provided regarding public health issues, current and future health policies and programmes and development of the Ministry of Health. One of the core duties of this unit is the responsibility for receiving and managing complaints. Complaints are received from the public or internally, via printed media, correspondence, telephone or emails.

The Ministry of Health regulates the importation and use of medicinal products in Brunei Darussalam through registration of medicinal products, licensing of importers, manufacturers and wholesalers. Post Marketing Surveillance Programmes are also implemented to ensure no unsafe drugs including counterfeit & substandard medicinal products are marketed in the country. Any unsafe medicinal products are removed or recalled immediately from the market. The Ministry has also international collaboration with the ASEAN Member States and WHO in the area of medicinal products such as ASEAN Post marketing Alert System, WHO-WPRO Rapid Alert System for Reporting on Counterfeit Drugs (RAS), WHO Programme for International Drug Monitoring (WHO, Uppsala, Sweden).

Currently, there is limited knowledge or awareness on any measures to prohibit false and misleading healthcare and medical advertisements, or measures to ensure healthcare institutions comply with minimum quality and safety standards for medical equipment and facilities, or measures to ensure ethical marketing of drugs. Similarly, there is also limited avenue for coordination among health authority(s), national consumer protection authority and consumer organisations.

In general there are still complaints from consumers with regards to government and private hospital services in Brunei Darussalam.

Complaints on Government Hospitals

Similar to many countries in ASEAN, common consumer complaints related public hospital services include:

- Long wait to see doctors due to high number of patients
- Long wait to collect medicines
- Limited availability of special medical equipment (compared to private hospital facilities)
- Limited availability of parking spaces

Complaints on private hospital services

- Limited scope of services or expertise, as private hospitals specialise on particular treatments or medical fields
- Expensive
- Opening hours not suitable, as specialists or medical consultants operate at specific numbers of hours or days, which also may be due to having their consultation services or clinics offered at more than one private hospital.

There is, however, no access or no available data to official figures or details on any specific issues or complaints.

1.3.7 Professional Services

In Brunei Darussalam, through the Secondary Data Collection by JPKE,¹³ the three most commonly engaged professionals by public consumers are:

- a. Legal services (regulated by the Chief Justice in accordance with the Legal Profession Act (Cap. 132)
- b. Medical and Dental Services (regulated by Ministry of Health)
- c. Qualified Persons (QPs) for Building and Construction Industry (regulated by Ministry of Development)¹⁴

However, in this study the discussion on professional services acquired by public consumers is limited to the two most commonly sought after in the ASEAN region, namely medical (doctors) and legal (lawyers) professional services.

There are relevant laws and codes of conduct already in place to regulate medical and legal professionals, and the advertising of their services.¹⁵

1.3.6.1 Legal Services

A consumer is likely, at some point, to acquire the services of a lawyer or an advocate. It is quite common for consumers, in general, to use the services of lawyers or advocates in writing wills or detailed estate plans, or assisting in filing the legal forms required to create a business. Moyer *et al* (n.d.) describes that consumers may also render the services of lawyers or advocates in court on family matters, such as divorce or custody issues, or defence in cases they are accused of a crime or being sued.

For consumers or clients, lawyers or advocates have a duty to advise and help them understand the legal system. In doing so, consumers see that lawyers work to protect their legal rights as clients, help them solve legal problems, defend and guard them, as clients, against abuses of potential rights violators.

¹³ Data acquired through Secondary Data Collection of this project (see Sub-section 2.3.1 of this report)

¹⁴ A Professional Act on QPs is planned to be gazetted in 2011

¹⁵ Dr. Reehan Sabri. (2007). Working in Brunei (Brief Communication). Pak J Med Sci 2007 Vol. 23 No. 5 <http://pjms.com.pk/issues/octdec107/pdf/brunei.pdf>

Thus, it is seen that the services of legal professionals have a relatively direct importance for and implications on consumers. Legal professional services are particularly sought by consumers to represent their interests in the court-based system. The advancement in cross-border transactions may further necessitate consumers to render professional services in cross-border legal representation in the era of globalisation.

Before rendering legal professional services of a lawyer or an advocate, consumers are generally concerned about a number of factors such as:

- Background, qualifications and experience
- Disciplinary history
- Legal requirements for practicing law to govern their professional conducts
- Service fees (hourly, flat fee, on retainer, or contingent fee)
- Professional liability

In general, consumers also expect their hired lawyers or advocates to

- work hard to represent them
- apply good judgment and remain neutral as to not having any conflicts of interests
- perform according to their desired lawful goals
- respect the confidentiality of information provided or shared
- charge reasonable fee
- provide updates of their cases or positions
- be fair, respectful and unbiased regardless of their background (race, age, gender, national origin, or disability)

The legal services in Brunei Darussalam are regulated by the Chief Justice in accordance with the Legal Profession Act (Cap. 132). Whereas the Law Society of Brunei Darussalam was established in 2003 in accordance with the Legal Profession (Law Society of Brunei Darussalam) Order 2003 which is a subsidiary legislation under the Legal Profession Act (Cap. 132).

Among the purposes of the Law Society of Brunei Darussalam are to maintain and improve the standards of professional conduct and learning within the legal profession; to facilitate the acquisition of legal knowledge by members of the legal profession; to assist the Government and the Courts in all matters relating to the law; and to protect and assist the public in Brunei Darussalam in all matters touching or ancillary or incidental to the law.¹⁶

For the purpose of CP, however, it is important to note some concerns of consumers in relation to legal services. In other countries, for instance, some of disciplinary actions against the identified lawyers and firms include:¹⁷

¹⁶ See section 4 of the Legal Profession (Law Society of Brunei Darussalam) Order 2003

¹⁷ See examples on the Malaysian Bar Website (Summary of Orders made by the Disciplinary Board at its 157th to 161st Board Meetings). Retrieved on 17 Jan 2011.

- *“charging excessive fees and disbursements in connection with the preparation of a Sale and Purchase Agreement and a Loan Agreement.”*
- *“failing to act in the best interests of his client.”*
- *“acting in gross disregard of his client’s interests”*
- *“deceiving, committing breach of trust and acting mala-fide in relation to the preparation of loan documentation for his client”*
- *“failing to attend diligently to the work at hand despite repeated promises to the client.”*
- *“abusing his position as an advocate and solicitor in that he secured the execution of a charge by the Complainant by misrepresentation and deception”*

There were, however, no official reports, cases, data, figures or statistics on any of the above incidences in Brunei Darussalam, found during the course of this Study.

1.3.6.2 Medical and Dental Services

Apart from access to medical and dental services, CP also provides means against possible incidence of professional negligence, malpractice or unethical practices. In forming a Doctor-Patient relationship, it is necessary for both consumers and doctors to know about their duties and obligations, understanding Doctor-Patient contract and understanding Professional Negligence.¹⁸ Apart from negligence, consumers, in general, view that doctors or dentists have general duties to provide them with relevant information when they seek treatment such as:

- The necessity of the treatment.
- Other alternative modalities of a treatment.
- Risks of pursuing the treatment, including inherent complications of drugs, investigations, procedure, surgery
- Duration of the treatment.
- Prognosis of patient’s condition (no exaggeration or minimize the gravity of the situation).
- Expenses, fees and break down of charges.

The advances in e-health as another form of delivery of healthcare services would also have an impact on consumers’ rights and access to medical care. As today’s consumers become more empowered through the sharing of knowledge and information on the internet, consumers have indirectly become partners in their own health and take advantage of online processes, health portals, and doctor’s or physician’s web pages and e-mails.¹⁹ The new breed of internet-savvy consumers would expect more integrity and ethics to boost this new form of doctor-patient relationship, through increased efficiency, reliability and accuracy, as well as strengthened communication between doctors and patients.

Duties and obligations of doctors are declared in a number of national laws and international declarations and codes of ethics such as:

¹⁸ Also see Medindia. Consumer Protection Act and Medical Profession (n.d.).

¹⁹ Marion J. Ball and Jennifer Lillis. (2001). *E-health: Transforming the Physician/Patient Relationship*. The International Journal of Medical Informatics 61 (1): 1-10.

- Declaration of Geneva (Physician's Oath)²⁰
- Declaration of Helsinki - Ethical Principles for Medical Research Involving Human Subjects²¹
- International Code of Medical Ethics²²

There are also various legal instruments and programmes that have already been put in place to ensure ethical practices, including those related to advertising by doctors in Brunei Darussalam (also see Section 3.1.7.1).

In 2009, there were a total of 445 physicians and 72 dentists registered to practice in Brunei Darussalam. A comprehensive manpower development programme for the community, as well as hospital-based health personnel, is to be extended to strengthen healthcare services throughout the country, with the emphasis on the primary healthcare approach.

The Ministry of Health in its effort to provide quality health care puts high emphasis on continuous skill and professional development of its workforce, which plays a key role in delivering the services. Upgrading professionalism, skills, credibility and quality of services towards excellence is one of the strategic themes in the National Healthcare Plan (2000 – 2010). Towards this, the Ministry of Health has made a long-term plan to develop more professionals in various specialised areas so as to achieve excellence through training courses, workshops and seminars held locally and internationally.

Efforts are also being put into developing postgraduate training programmes which include sending local doctors to undergo further high specialty training overseas. This has progressed to providing trainings locally with the accreditation of RIPAS Hospital by University of Queensland, Australia; Royal College of Physicians, U.K Royal College of Surgeons, Edinburgh; Royal College of Obstetrics and Gynaecology and Royal College of Paediatrics and Child Health, London.

In the year 2000, the Ministry of Health in collaboration with the Institute of Medicine, Universiti Brunei Darussalam (UBD) and St. George's Hospital Medical School, started a part-time Postgraduate Diploma course in Primary Health Care. Since 2004, it has been run fully by the Institute of Medicine UBD. With the increase in the number of local expertise and graduates in healthcare, the Ministry has been able to expand its scope of medical services.

To support the initiatives in capacity building, the Primary Health Care Orientation and Training Centre was established in 1986, primarily to provide training courses on Primary Health Care concept for health personnel. Since then, many training programmes for Community Health Nurses have been conducted by the Centre including, refresher courses, seminars and workshops for continuing professional development to increase knowledge and

²⁰ Declaration of Geneva (1948). Adopted by the General Assembly of World Medical Association.
<http://www.cirp.org/library/ethics/geneva/>

²¹ Adopted by the 18th WMA General Assembly, Helsinki, Finland, June 1964.
<http://www.wma.net/en/30publications/10policies/b3/index.html>

²² Adopted by the Third General Assembly of the [World Medical Association](#) at London in October 1949. (World Medical Association Bulletin, vol. 1, no. 3, October 1949, pp.109, 111).

skills of nurses in the community including nurses from Outpatient Services, School Health Services and other services in the Department.

Performances of doctors are under the purview of the Brunei Medical Board (BMB). In the event of negligence, the board would thoroughly investigate the reports from relevant parties by interviews and case conference. Actions taken for negligence events are as follows:

- Verbal and non-verbal warnings
- Refresher training
- Supervision by a Senior Doctor
- Actions according to the General Orders
- Issuing Letter of Good Standing
- Cancellation of registration to BMB
- Shortening of contracts (for contract officers)

2 METHODOLOGY

2.1 SCOPE

In developing the capacity building roadmap on consumer protection for ASEAN, this research covered two main areas of consumer protection. It looked at

- consumer protection laws in the country vis-à-vis enforcement, and
- the relevant agencies' capacity building needs in carrying out the relevant laws.

The study focused mainly on the aspects of consumer protection that been specifically identified by AADCP II as being of particular relevance to the ASEAN's goal of becoming a single market (Table 2.1). As such, it has been mutually agreed that in addition to the general consumer protection measures, six key consumer areas will be specifically addressed in the project. Table 2.1 describes the 6 areas that were covered in this study.

Table 2.1: Selected Key Consumer Areas and Issues of Focus.

Key consumer areas	Specific aspects to be covered
▪ Product safety and labelling :	Consumer products including food and cosmetic products (excluding drugs and medicines)
▪ Phone & Internet services and E-commerce :	Including broadband services, online purchase, rates and charges, access, quality of services.
▪ Consumer Credit and Banking :	Banking and financial institutions providing loans; money lending, hire purchase or other financial assistance to consumers.
▪ Environment :	Policies, laws and programmes for safe and healthy environment, products or services related to water, energy and air
▪ Healthcare services :	Public and private health care services, pharmaceuticals.
▪ Professional services :	Laws related to chargeable fees and accountability with regards to legal and medical professions, consumer redress/ access

Across all consumer protection relevant laws, the study also examined these areas:

- Legal provisions that provide for consumer redress vis-à-vis the mechanisms already in place.
- Initiatives and best practices on consumer protection that are being implemented both by relevant government agencies, nongovernmental, and business organisations.

For the capacity building needs, the study covered the enforcement agencies that are principally in-charge of carrying out the provisions of the main consumer protection act and of the six major areas as listed above. Particularly, the agencies' capacity to enact, enforce and implement relevant laws was studied. The capacity building needs of nongovernmental organisations and business groups in the country were also considered.

2.2 APPROACHES

The approach in carrying out the study was hinged on the review of the Formal Operating Context (FOC) vis-à-vis the Actual Operational Context (AOC) of consumer protection in the country. The analysis and findings from this exercise served as the basis in developing the recommendations for capacity building needs in consumer protection.

The **FOC covered** the assessment of

- The national consumer laws and regulations, including those that are being drafted or are awaiting enactment,
- National consumer protection programmes and initiatives
- Key stakeholders' views and analysis

While in the **AOC** of consumer protection legislations and programmes, the following activities were carried out:

- Evaluated how well laws and programmes are actually implemented and enforced, and
- Review human and institutional capacities to draft and enforce consumer legislations and implement related programmes.

The mapping of laws and regulations in Brunei Darussalam was carried out by CIKL through the Department of Economic Planning and Development (JPKE), the Prime Minister's office throughout the month of September 2010. JPKE played the focal point functions for the Project. In Brunei Darussalam, JPKE has the monitoring of consumer related issues as one of its official functions, which has enabled JPKE to compile information related to consumer complaints and consumer trends in the country.

The approach towards constructing the roadmap on the capacity building needs in consumer protection in Brunei Darussalam was also carried out through the fundamental understanding of the current the human and institutional gaps in implementing or carrying out consumer protection activities.

Reviews of available records, databases, reports and documents related to consumer protection, including stakeholders' annual reports, were also performed. Soft and hard copies of laws, reports and publications were obtained where possible.

2.2.1 Capacity Building Needs Assessment on Consumer Protection

In order to achieve this objective, the study adopted an overall approach of the Formal and Actual Operating Contexts. The FOC involves legislation, policies and regulations that govern the responsibilities of the governments, businesses, consumers, and other stakeholder in the area of consumer protection. The FOC also includes the structures related to consumer protection. On the other hand, the AOC relates to the protection levels actually experienced by consumers, viewed from a rights-based perspective. The AOC includes governance and consumer welfare matters e.g. how enforcement mechanisms actually operate, the nature of consumer complaints/injuries and the nature of redress and compensation which consumers actually obtain.

The assessment of capacity building needs (CBN) constituted the following activities:

- **System level:** Reviewed the principal legislation and mapped other related laws covering consumer protection, institutional structures specifically for the purpose of consumer protection laws and policies that explicitly protect the rights of consumers such as Ombudsmen schemes, tribunals and industry based complaints handling systems. Private “structures” such as complaint cells in multi-national companies were not included as the motivation behind such structures is not always in the public interest.
- **Organisational level:** Identified gaps in institutional capacities such as roles and functions including monitoring and implementation of polices, laws and regulations, operation procedures, budget, number of staff, infrastructure, management and leadership,
- **Individual level:** Identified gaps in human capacities knowledge, experience, competencies, and skills.

The capacity building needs (CBN) were identified based on the existing gaps and deficiencies in the current (actual) operating context of consumer protection vis-à-vis a comprehensive protection regime at the System, Institutional and Individual levels. The gaps were then translated into the areas for capacity building that were recommended in order to attain the desired outcomes. The desired outcomes in implementing CP at the national level were benchmarked at the different states of needs and capacities for the different stakeholders and were tailored in order to harmonise CB strategies towards the desired outcomes at the regional level.

2.3 DATA COLLECTION PROCESS

The following research activities were implemented in carrying out the mapping of available records, database, reports and documents including annual reports:

- Desk research of consumer laws, programmes, initiatives and reviews.
- A general survey of national laws, programmes and implementation with national government stakeholders as well as about their issues and needs and expectations.
- Key informant interviews in relation to consumer protection implementation and about issues and gaps in national consumer laws and enforcement.
- Roundtable discussions with key stakeholders

The Study applied four data collection instruments to support and complement the accuracy and reliability of information gathered as follows:

- Instrument 1: Secondary Data Collection
- Instrument 2: General Survey Questionnaire
- Instrument 3: Key Informant Interview Questionnaire
- Instrument 4: Roundtable Discussion Program

2.3.1 Secondary Data Collection

Secondary Data Collection instrument was designed by CIKL with the main objective to generally map the status of consumer protection status in Brunei Darussalam. The data was collected by the Project focal point in Brunei Darussalam throughout the month of October 2010. Further processing and refinement were made for the purpose of final reporting.

Secondary data related to CBN and consumer protection-related matters from various agencies, ministries and organisations in all countries involved in the study were also gathered and reviewed. This includes Acts and laws; rules and regulations; codes of conduct, government policies and consumer protection programmes.

The sources of information include annual reports from the relevant agencies and any report or study related to this study, including the preliminary findings of the study conducted by CI in 2009 entitled “*The Asia Pacific Consumer Laws Analysis*” where baseline information of consumer protection and competition laws in Asia Pacific have been established.

2.3.2 General Survey

The General Survey (GS) instrument was designed by CIKL where the questionnaire was structured to map information on consumer protection laws, regulations, policies, codes of conduct, consumer protection programmes and initiatives; redress mechanisms; human and institutional gaps in the selected consumer protection areas, i.e. product safety and labelling, phone & internet services, e-commerce, consumer credit and banking, environmental issues, healthcare, and professional services. Other areas of interests expressed by the respondents were also noted to be taken up for further deliberations during KII and RTD.

The GS was distributed locally by JPKE throughout the month of October 2010. Briefing for JPKE staff on the general objectives of the Project and the General Survey was done through phones, and also in JPKE’s office in Jakarta on 8 September 2010. The stakeholders targeted for the general survey were identified by JPKE.

A general briefing with the targeted stakeholders on the methodology of the project and the purpose of the GS was conducted on October 9, 2010. The stakeholders targeted for the general survey were identified by JPKE. The Stakeholders Briefing was attended by 16 participants from various government agencies and business association.

National stakeholders targeted as respondents of the General Survey:

1. Ministry of Religious Affairs (Halal Food Control Division)
2. Ministry of Finance
3. Ministry of Home Affairs (Municipal Departments)
4. Attorney General’s Chambers
5. Energy Division, Prime Minister’s Office
6. Ministry of Health
7. Ministry of Industry and Primary Resources (Department of Agriculture and Agrifood)
8. Petroleum Unit , Prime Minister’s Office
9. Ministry of Development (Infrastructure Division, ABCi, Department of Park, Environment & Recreation)
10. Ministry of Communication
11. Ministry of Education
12. Department of Forestry, Ministry of Industry and Primary Resources
13. Department of Electrical Services, Prime Minister’s Office

2.3.3 Key Informant Interviews

In addition to the GS, interviews with Key Informants were conducted. The Key Informants were persons in senior positions within relevant organisations, involved in policy making or enforcement; or individuals who were acknowledged experts in the field. These individuals were identified in consultation with members or contacts of CIKL, in the respective countries.

The Key Informant Interviews (KII) utilised open-ended questions to probe for more detailed information based on the findings from the general survey. This includes probing into recommendations and prioritizations as well as short, medium and long-term strategies and focus areas for capacity development on consumer protection for the relevant institutions nationally and regionally.

Key Informant Interviews were conducted at the office of JPKE from October 25-27, 2010. A total of 11 interview sessions were carried out, with a total of 19 Key Informants. All appointments with the stakeholders were arranged by JPKE. The particular key informants attending to the interviews were officially assigned by their respective organisations. Some agencies such as the Ministry of Health provided four representatives who are in-charge of the different units or departments of the Ministry. *(Please see Appendix 2 for the Key Informant Interview Programme in Brunei Darussalam).*

2.3.4 Roundtable Discussion

The half-day RTD, which was the final step of the local activities for information gathering was conducted on October 28, 2010, was attended by 19 participants who were mostly the same Key Informants. *(Please see Appendix 3 for RTD Programme)*

The RTD was hosted by JPKE and chaired by Haji Abdul Razak bin Haji Angas, who is the Deputy Director and Implementation Officer, from the Department of Economic Planning and Development. Power-points presentation was used to share all relevant data from the Secondary Data, General Survey analyses and the Key Informant Interviews. The comments and feedback were consolidated throughout the 3 ½ hour process.

2.4 DATA ANALYSIS

2.4.1 Secondary Data Analysis

The review and analysis of policies and laws entailed the identification of existing consumer protection related laws, the scope of the relevant Acts such as the areas or elements covered, how the Act is implemented and regulations enforced; and how consumers seek redress under the Act. In Brunei Darussalam, due to the absence of a principal Consumer Protection Act, the enforcement of these other Acts were also examined through state actions or Ombudsmen schemes and through private action.

The process also involved reviewing of consumer protection regimes in other parts of the world where consumers enjoy a fairly higher degree of protection. Legal, structural, institutional and regulatory arrangements for consumer protection found in the European Union, Australia, United Kingdom and United States of America were examined with a view

to establish a basis for a consumer protection regime that would be appropriate for the ASEAN region.

In analyzing the other aspects of data and information collected, it was necessary to take into account the socio-economic, cultural and political characteristics of Brunei Darussalam. By drawing upon examples of good practices from the more advanced consumer protection regimes and adopting or adapting them to the requirements of the country, key components of a comprehensive consumer protection regime were identified.

2.4.2 General Survey Analysis

Six types of analysis were performed on the data from the General Survey using the 17.0 version of Statistical Package of Social Sciences (SPSS) in order to identify priority areas for capacity building and gaps in consumer protection (Table 2.2).

Table 2.2: Types of Statistical Analysis Used

Type of Analysis	SPSS analysis
Normality test of the data	Kurtosis and skewness, P-P Plot
Reliability test of the data	Cronbach alpha
Organizational profile and consumer protection measures	Frequencies
Level of difficulty in implementing consumer protection programmes and activities	Frequencies, Index
Capacity building needs and form of assistance required	Frequencies, Index
Relationship between level of difficulties and capacity building needs	Pearson correlation, T-Test

Qualitative information obtained from Key Informant Interviews and Key Informant Interviews was used to substantiate or supplement quantitative information obtained from the general survey. The open-ended Key Informant interviews and the Round Table Discussions served as a sounding board to fill in the gaps in formation, to check the validity and relevance of the capacity building needs of the AMSs.

Based on the findings from the General Survey, secondary data collection, key informant interviews and roundtable discussions at country levels, strategies and recommendations as well as a road map for strategic thrust areas for consumer protection was developed for the short, medium and long terms.

2.4.3 Capacity Building Needs Analysis

The identification of the capacity building needs was accomplished by making a systematic analysis of the information gathered through the general survey, especially with regard to difficulties expressed by respondents, and the types and forms of assistance which they needed. The information gathered from the above-mentioned analysis was used to identify weaknesses and gaps in the existing operating context for consumer protection among the stakeholders in the country.

An index was developed to measure capacity building needs, using an interval scale of 1 to 7. Level 1 is the least priority and level 7 is the highest priority. The Index level was based on the total scores (i.e. the total computed score for all items related to capacity building needs) and the mean for each area of capacity building need. The mean for the total score is called the Index for each item listed in the questionnaire.

The Index was also used to measure the level of difficulty in implementing consumer protection programmes and activities, and the preferred forms of assistance required by the stakeholders for work on consumer protection.

By making reference to a proposed framework for comprehensive consumer protection regime, it was possible to identify capacity building needs that would assist Brunei Darussalam to make the transition from the current state to the desired state of consumer protection at the national and regional levels.

2.5 PROFILE OF STAKEHOLDERS

Generally, the stakeholders were identified based on their direct and indirect involvement in consumer protection and the six main sectors that were specified including:

- The government entities (the relevant ministries, particularly with relevance to the sector specified, including consumer tribunals and courts;
- Local Authorities
- ASEAN Committee on Consumer Protection (ACCP);
- Industries/business associations;
- National non-governmental organisations (NGOs)/civil society organisations (CSOs) including consumer associations,
- Academic or think-tank institutions
- Professional bodies of relevant services

The 11 CP-related stakeholders in Brunei Darussalam that participated in this study could be categorised into four main groups:

- Government agencies
- Non-government organisations
- Private Sector or Industry-based Associations
- Academic or Research Institutions

A) Government Agencies

1. Ministry of Education (MoE) Brunei Darussalam

2. Authority for Info-communications Technology Industry of Brunei Darussalam
 3. Halal Food Control Division
 4. Department of Environment, Park and Recreation
 5. The Ministry of Health
 6. Department of Forestry, Ministry of Industry & Primary Resources
 7. Ministry of Development
 8. Price Control Division, Department of Economic Planning and Development, Prime Minister's Office
- B) *Non-government organisations*
9. Consumers Association of Brunei Darussalam
- C) *Private Sector or Industry-based Associations*
10. The Brunei Association of Banks
- D) *Academic and Research Institutions*
11. The University of Brunei Darussalam

2.5.1 Overview of Consumer Movement

Currently, the Consumers Association of Brunei Darussalam (CAB) is the only known NGO that works and advocates specifically on consumer issues. CAB has been established since February 24, 2001, and has around 300 members.²³ CAB has worked with and consulted JPKE on various issues including over-priced and substandard products.²⁴ Apart from addressing consumer issues, CAB is also committed to generate “smart consumers” among Bruneians by raising awareness of their responsibilities. One of key functions of CAB is to educate consumers on their rights.

2.6 LIMITATIONS

Due to the time constraints, some relevant stakeholders were not able to participate in the General Survey (GS), Key Informant Interviews (KII) and the Roundtable Discussion (RTD). Further, the availability of detailed materials primarily depended on the available resources and publications or reports available through internet search. Data were also mainly based on secondary compilation by the focal points and Key Informants and GS respondents, who were selected by the local focal points. However, it was also noted during the course of interviews, the participants might have limited knowledge or experience in answering some of the questions pertinent to areas beyond their scope of functions.

Complete data representation on enforcement was also critically lacking in this report due the absence of participation of enforcement unit or departments. Only small passing reference and general remarks were made by respondents or key informants, without any specific mentioned of or reference materials, cases or statistics provided.

²³ Sobrina Rosli. (2008, May 11). “Call for consumer protection Law”. Accessed on 20 February 2011 from http://www.bt.com.bn/news/2008/05/11/call_for_consumer_protection_law

²⁴ Ibid.

3 MAPPING AND SITUATIONAL ANALYSIS OF CONSUMER PROTECTION LAWS AND PROGRAMMES.

3.1 LAWS AND REGULATIONS RELATED TO CONSUMER PROTECTION

In realizing the goals and objectives of the ASEAN Economic Community Blueprint to drive towards a people-centred ASEAN Community, consumer protection is considered an essential means in its market integration agenda.²⁵

In mapping the relevant laws, this Study examines specific or general provisions that capture or provide for access, safety, quality, of products and services in relation to the 8 fundamental rights of consumers as espoused by the UN Guidelines and CIKL (see Chapter 1, Section 1.1), including the responsibilities and obligations of consumers and producers or providers. Provisions that imply authorities and their enforcement power were also examined in line with the rights for consumers to seek redress.

Numerous laws provide for consumer protection in Brunei Darussalam in relation to prices, weights and measures, unfair contract terms, travel, second hand goods, credit and banking, utilities, telecommunications, safety and quality, fees and charges etc., which are implemented by various Agencies. (*Please see Appendix 4 on List of Laws and Appendix 5 on List of Implementing Agencies*).

3.1.1 Principal Consumer Protection Act

Brunei Darussalam is currently in the process of drafting its principal Consumer Protection Act, aimed to be enacted in 2011. The Department of Economic Planning and Development is responsible for drafting the act, through various consultancy and coordination processes. As Brunei Darussalam is the midst of drafting a Consumer Protection Act, CIKL suggests that Wood's Consumer Laws Matrix (*please see Appendix 6*) may be used as reference to include specific provisions on CP in line with the UN Guidelines.

The only major update in terms of consumer protection is that Brunei Darussalam currently has a consumer protection law called "The Consumer Protection (Fair Trading) Order", 2011. The order was enforced since 1st January 2012.

3.1.1.1 Implementing Agencies

A dedicated CP-Agency is yet to be officially mandated. Currently, JPKE carries out some specific functions related to prices. JPKE also coordinates other work related to consumer protection, and acts as the ACCP focal points.

3.1.2 Laws on Product Safety and Labelling

²⁵ ASEAN Secretariat (2009).

The Food Quality Control Division was established in April 2000 with the aim of preventing and controlling food-borne diseases through a better control of food quality and food safety and at the same time, promoting public awareness. Brunei Darussalam imports more than 90% of its food requirement and processes a minimal amount of food for export and local consumption. Hence, the Public Health (Food) Act (Cap.182) and the Public Health (Food) Regulations (Cap.182, Rg 1) have been introduced to protect consumers from food that may be harmful to health, to monitor food standards in the country and to monitor the importation of food from hazardous areas.

Public Health (Food) Act (Cap 182): *“An Act to make specific provisions to regulate public health in respect of food and for matters connected therewith”*, commenced since 1st January 2001 under the Ministry of Health, outlines basic provisions related to importation, by written undertaking for prescribed food, food analyst’s certificate and offences.

Section 5 specifies that *“any person carrying on a business involving the production, importation or sale of any food, appliance or substance”* is generally required to furnish:

- (a) the composition and chemical formula of the food or substance;
- (b) the manner in which the food or substance is used or proposed to be used in the preparation of food

On imported food products, Section 6(2) states that *“Where any food which is sought to be imported is processed food in a finished form which, if sold in Brunei Darussalam, would constitute an offence relating to labelling, it may be imported for the purpose of relabelling so that it can be made to comply with this Act.”*

Section 9 (1) prohibits any form of potential harms to consumers, among others include:

- prepare, sell *or* import any food that is injurious to health, unfit for human consumption *or* is adulterated;
- label, package, prepare, sell *or* advertise any food in a manner that is false, misleading *or* deceptive
- label, package, prepare, manufacture, sell, import *or* advertise any food which does not comply with any standard that has been prescribed for such food
- sell any food which contains *more* than 50 parts of methyl alcohol, isopropyl alcohol *or* denatured alcohol in one million parts of food;

Safety of the general public in Brunei Darussalam is also ensured through the Miscellaneous License Act (Cap 127), which is *“An Act to make provision for the licensing, regulation and control of certain commercial places and activities and for purposes incidental thereto”* implemented since 1983 under the management of the Municipal Department. This Act states various provisions on general public safety measures related to businesses, retailing or trading which include *“licensing, regulating, and control of certain commercial places and activities and for incidental purposes.”*

Thus, in Brunei Darussalam, this Act places prohibition of trading without a license, particularly for businesses enlisted in the Schedule under Section 2(1)(a) such as:

- (a) Coffee shops, eating houses, boarding houses, lodging houses or other places of public resort and entertainment;
- (b) Hawkers;
- (c) Motor vehicle dealer;

- (d) Petrol station including places for storing petrol and in flammable materials;
- (e) Retail shop;
- (f) Timber store and furniture factories;
- (g) Workshop.

The Municipal Department has the role to ensure safety of the general public in Brunei Darussalam through the Miscellaneous License Act (Cap 127) by making provision to license and regulate as well as control commercial places and activities.

However, in reality the Municipal Department is responsible to play a bigger role such as the followings:

1. The Municipal Department is a major player in regulating and controlling protection for consumers' interests and activities. Its role therefore is not limited only to waste disposal aspect but also spans from production, consumption to disposal of goods and services.

These are done via the implementation of the Municipal Boards Act (Cap 57), where this Act provides the authority to all Municipal Departments in Brunei Darussalam to protect consumers interests within the municipal community particularly in areas of physical planning and development, business and industrial activities, community residential and recreational aspects as well as environmental and educational, including social and cultural sectors.

The Municipal Department may not directly involve or be the major provider of the required infrastructures, facilities and services necessary for supporting the businesses or household activities related to consumer protection matters. However, the Municipal Department plays the key role to provide relevant and effective policies as well as guidelines in enhancing consumer protection in core business activities.

One good example is the Development Master Plan (DMP) of Bandar Seri Begawan whereby the DMP serves as a document to be used as the basis and guidelines to plan and determine the direction of urban physical (for example land use policies) as well as institutional development with the aim to ensure that consumers interests, rights and activities are protected and sustainable.

The Municipal Department also plays significant role to protect consumers through the implementation of the regulations pertaining to the Building-Bylaw provisions as provided under the Municipal Boards Act (Cap 57). Via these provisions, the Municipal Department would be able to regulate the level of occupational, safety and health of consumers involving the usage of buildings and premises to house their business activities as well as others. Another key consumer area is 'building contracts', where consumers need protection from unqualified or unethical building contractors or other building services.

The Municipal Department also provides policies and guidelines on determining the location and placement of different types of land use and business activities so as to create a business-, a workplace-, as well as a living-environment consisting of user-consumer activities that are complete, complementary and compatible to each other. In this way, the Municipal

Department would be able to help enhance core business activities taking place within its jurisdiction area.

However, the statutory provisions, policies and guidelines are ensured not to overlap with provisions, policies and guidelines of other government departments and agencies. This is to avoid any redundancy or conflicts in the future implementation process. The statutory provisions, policies and guidelines are, therefore, to be consolidated, without any loopholes to ensure effective implementation is achieved.

Miscellaneous License Act (Cap 127) regulates the use of premises for certain businesses and activities. Its primary aim is, however, not directly 'safety of general public' but more towards specific concern on the control and regulation of buildings. Table 3.1 shows the Licensing Authorities recognized under the Miscellaneous License Act (Cap 127), who generally protect the interests of consumers by ensuring that the services that are conducted, or products (especially food) made, in those premises meet certain hygiene and health standards set by the Municipal and Health authorities. The services or products offered by the listed places in Table 3.1 are commonly visited or used by consumers. In seeking redress for potential violations by operators, this Licensing Authorities and their enforcement power would become the point of interest for consumers.

This Act also includes a subsidiary legislation known as “Miscellaneous Licences Regulations” Apart from a specific provision on “*Special standards of hygiene in food establishments*”, this Act also specifically states provision for “*Fire precautions in licensed places*”. Under Section 11 (1) “*A licensee of a licensed place shall install and maintain therein, to the satisfaction of the licensing authority, such fire-fighting equipment, fire alarm, signs and such staircases and exits*”. Safety of consumers against harm from potential diseases contracted through public places is also covered under Section (15), whereby “*No licensee shall deposit or cause or permit any refuse, rubbish or filth to be deposited in or adjacent to a licensed place except in a refuse bin or other suitable receptacle used for that purpose.*”

In assuring the access of consumers to acceptable water quality, the Water Supply Act (Cap 121) enacted in January 1968, states provisions for the control and regulation of the supply of water. Specific provision implying the acceptable quality of water and safety of supplied water is stated by “*Extent to which compliance with British Standard Specification required*”. Under Section 5 (1) and (2), it is also implied that safety of consumers should be safeguarded through the quality of materials used in providing water supply, which include all pipes, fittings, other materials and any requirement for a water fitting shall comply with a British Standard Specification relates to the size, nature, materials, strength and workmanship of such fitting. This provision implies that consumers should be protected against untoward incidence, such as clogged or eroded pipes that may lead to consumer injury while using the products or services.

As far as licensing of business premises is concerned, Municipal Department could play even a more effective role by reviewing the scope of list of business premises types. In the effort to improvise and strengthen consumer protection, the Municipal Department is trying to enhance its role by introducing and implementing a STAR RATING SCHEME which involve the categorisation and classification of premises according to different categories of business activities.

One good example of the Municipal Department effort was the recently announced Classification (GRADING) of restaurants according to their level of cleanliness. This Grading committee involves officers from Municipal Department, Ministry of Health, JASTRE, private sectors representative and selected public. This step is one good effort by the Municipal Department to illustrate its seriousness in playing a key role in consumer protection. Accordingly, the scheme is proposed to extend to other types of business premises. Hence, in the future, the licensing of the business premises should be determined according to the STAR RATING classification which resulted from the performance of businesses in their provision of goods and services to consumers.

Table 3.1: Licensing Authorities for trading businesses in Brunei Darussalam under the Miscellaneous Act (Cap. 127).

Licensing Authority	Licensing Area	Premises or Business
Municipal Board	Municipal Board Area	<ul style="list-style-type: none"> • Retail shop; • Timber store and furniture factories; • Coffee shops, eating houses; • Boarding houses, or other places of public resort and entertainment; • Hawkers; • Timber store and furniture factories; • Workshop; • Municipal License (Lesen Bandaran); • Market License (Lesen Bangku/Pasar/Tamu/Gerai/Petak); • Laundry; • Salon/SPA; • Cold Storage; • Bakery; • Dairies;
The Brunei Economic Development Board (BEDB) ²⁶	All areas in Brunei Darussalam	<ul style="list-style-type: none"> • Workshop; • Motor vehicle dealer; • Petrol station including places for storing petrol and inflammable materials.
The District Licensing Board	All areas in Brunei Darussalam outside Municipal Board area	<ul style="list-style-type: none"> • Coffee shops, eating houses, • Boarding houses, or other places of public resort and entertainment; • Hawkers; • Retail shop; • Timber store and • furniture factories;

²⁶ The current licensing authority for all areas in Brunei Darussalam is the Ministry of Industry and Primary Resources (MIPR), replacing BEDB for this function.

		• Workshop.
--	--	-------------

Also with the grading of premises conducted, consumers are well informed of the level of cleanliness and hygiene, halal standards of the establishments that they patronize.

Licensing of business premises also provides consumers a means to identify the owners of business in case of a need to lodge reports against substandard condition of premises, poor hygiene standards, etc.

Cosmetic products in Brunei Darussalam are also required to conform to various legislative measures. In relation to the implementation of the ASEAN Cosmetic Directive (ACD),^{27,28} the Medicines (Cosmetic Products) Regulations 2007 is put in place with country specific requirements with due consideration for religious contexts in Brunei Darussalam (also for Indonesia and Malaysia). The Medicines (Cosmetic Products) Regulations 2007 regulates the manufacture, importation, sale and supply of cosmetic products by:

- Ensuring that all cosmetic products must be notified by responsible person/company before placing them in the local market.²⁹
- Licensing the company and the premise that carry out the manufacturing activities.

In general, all cosmetic products must comply with the requirements of this Directive and other related product safety requirements.³⁰ Under this Directive, relevant parties are also required to reporting any forms of adverse events to cosmetic products includes;

- i) Any serious events to the Authority within 15 days after first knowledge.
- ii) Fatal or life threatening events should be reported within 7 calendar days after first knowledge, followed by a full report after another 8 calendar days.
- iii) Non serious events include irritations or allergies need not be reported, but they need to be recorded internally as “complaints”.

Safety of consumers and liabilities related to motor vehicles are also of particular need in Brunei Darussalam. As described earlier in Chapter 1, transport accident has been one of the top ten causes of death in the country. The Motor Vehicles Insurance (Third Party Risks) Act (Cap. 90), which is “*An act to make provision for the protection of third parties against risks arising out of the use of motor vehicles.*” has been put in place since 1950. Section 4 (b) provides the provision that “...insures such person, persons, or classes of persons as may be specified in the policy in respect of any

²⁷ Please see

http://www.bfad.gov.ph/oldsite/ACCSQ%20COSMETIC/ASEAN%20Cosmetic%20Meeting_PDF/SUMMARY%20RECORD-%20FINAL.pdf

²⁸ Relevant to the corresponding cosmetic regulations in ASEAN, including ASEAN Cosmetic Directive (Cosmetic regulation), Article 3 of ASEAN Cosmetic Directive (Regulation on Product Safety); Annexes II,III,IV,VI,VII of ASEAN Cosmetic Directive (Regulation on Chemical or Cosmetic Ingredients); Article 6 of ASEAN Cosmetic Directive (LabellingRequirement). Retrieved from <http://www.cn.sgs.com/hardlines-cn/cosmetic-testing-service-cn.htm?selen=1>

²⁹ See Guidelines for Notification of Cosmetic Products in Brunei Darussalam – December 2007. Department of Pharmaceutical Services, Ministry of Health, Brunei Darussalam

³⁰ In compliance with ASEAN Cosmetic Good Manufacturing Practice Guidelines

liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the motor vehicle on the road.”³¹

The Telecommunication Order 2001 Section 9(1) also provides for product safety provision whereby AITI endorses the approval of equipment “*used for connection to any telecommunication system or equipment belonging to a telecommunication licensee shall be approved by the Authority before use.*” The objectives of Type Approval of Telecommunication Equipment are to protect the safety and health of telecommunication users and maintain the standards of ICT services.

A recently published public consultation paper on “Telecommunication Tower Guidelines” also provides specific measures to protect consumers from harm related to Electromagnetic Emission from radio communications equipment by ensuring service provider to comply with the “Limits of human exposure to radiofrequency (RF) fields in the frequency range 100 kHz to 300 GHz” as provided by the Ministry of Health.³²

The Public Health (Food) Act (Cap 182) also specifies the use of "Halal" expression or labels. Under Section 10 of the Act, the expressions of "*Halal*", "*Ditanggung Halal*" or "*Makanan Islam*" are to be used to indicate that that Muslims are permitted by their religion to consume such food, that -

- (a) neither is nor consist of or contains any part or matter of an animal that a Muslim is prohibited by *Hukum Syara'* to consume or that has not been slaughtered in accordance with *Hukum Syara'*;
- (b) does not contain anything which is considered to be impure according to *Hukum Syara'*;
- (c) has not been prepared, processed or manufactured using any instrument that was not free from anything impure according to *Hukum Syara'*; and
- (d) has not in the course of preparation, processing or storage been in contact with or close proximity to any food that fails to satisfy paragraphs (a), (b) or (c) or anything that is considered to be impure according to *Hukum Syara'*.

More specifically, the Halal Meat Act (Cap 183) regulates “*the supply and importation of halal meat, and related matters*” under the Ministry of Religious Affairs, Halal Food Control Division, which covers the functions of the Board for issuing Halal import permits and inspection committee, importation of Halal meat, local Halal meat; and offences relating to imported meat, sale of imported meat and local meat. The following provides for general protection of consumers in relation to “Halal” certification and labelling:

- "Certificate" means a Halal Certificate issued by the Majlis, or Slaughtering Certificate relating to the animals issued by the Director of Syariah Affairs, Ministry of Religious Affairs.
- "Halal label" includes any piece of paper, card or other material, whereupon the word "Halal" has been written, printed, stencilled, marked, painted, stamped or embossed issued by or on behalf of the Majlis, and marked or pressed on the meat and every part thereof or attached to its container, package or receptacle to denote that such meat is fit for consumption by Muslims.

³¹ Also refer to Road Traffic Act (Chapter 68) and Road Traffic Regulations 1955

³² Key Informant Interview with AITI

- “Majlis” means the Majlis Ugama Islam constituted under Section 5 of the Religious Council and Kadis Courts Act (Cap 77)

In this manner, a special Board is established to issue Halal Import Permits is formed, which consists of

- (a) Controller of Customs - Chairman;
- (b) Director of Syariah Affairs, Ministry of Religious Affairs or his representative - member;
- (c) Director of Medical representative- member; and Health Services or his representative
- (d) Director of Agriculture or his representative - member;
- (e) Secretary of the Majlis Ugama Islam or his representative

The Halal Meat Rules (Cap 183) (Sub R1) provides for:

- Quantity of halal imported meat to be verified by Agriculture Department
- Inspection of imported meat by Medical authority
- Slaughtering Certificate

Section 8(2) specifies that *“Every importer, local supplier and seller of Halal meat shall display the Halal label during the importation, transportation and sale of such meat.”*

Meanwhile under the Halal Certificate and Halal Label Order 2005, the following provides for general protection of consumers in relation to “Halal” certification and labelling for voluntary application from local food premises and offences related to Halal Certification and Halal Labelling.

- “Halal certificate” - issued by the Religious Council of Brunei for approved applicants from food premises.
 - In this Order the usage of the expressions “Halal”, “Ditanggung Halal” or “Makanan Islam” or any other expressions indicating or likely to be understood as indicating that Muslims are permitted by their religion to consume such food other than Halal Certificate is guilty of an offence as stated in Section 6 (4).
- “Halal Permit” – issued by the Religious Council of Brunei to authorize the applicants to use Halal Labels on the packages of approved food products.
 - In this Order the usage of Halal Label without a permit authorizing its use or a label with the expressions “Halal”, “Ditanggung Halal” or “Makanan Islam” or any other expressions indicating or likely to be understood as indicating that Muslims are permitted by their religion to consume such food is guilty of an offence as stated in Section 12 (3)

The Merchandise Marks Act (Cap 96) is another labelling law related to product safety and labelling, which is *“An Act relating to fraudulent marks on merchandise”* implemented since 1953.

This Act, among others, stipulates provisions for

- Trademark, property mark and other marks;
- trade descriptions;

- Forfeiture of goods; and
- Miscellaneous matters such as implied warranty, savings and liability of company

This Act also describes “*false trade description*” as *a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description*. It also criminalizes any person using a false trade and/or property mark; counterfeiting a trade mark or property mark used by another; counterfeiting a mark used by public servant; making or in possession of any instrument for counterfeiting a trade mark or property mark; importing or selling goods marked with a counterfeit trade mark or property mark; tampering property mark with the intent to cause injury; using Brunei Darussalam’s State Crest , Flag or other emblems of Brunei Darussalam; and importing or selling goods bearing a prohibited trade mark.

3.1.2.1 *Implementing Agencies*

These agencies are in charge of product safety and labelling and handle specific areas as discussed in the above Section:

- i) Ministry of Health - food quality and food safety, cosmetic products, medicines, as well as promoting public awareness
- ii) Ministry of Religious Affairs (Halal Food Control Division) - Halal products and labelling
- iii) Ministry of Development – standards, certification, accreditations
- iv) AITI – phone & internet services and E-commerce (ICT industry)
- v) Land Transport Department – motor vehicle safety
- vi) JASTRE – environmental safety and quality
- vii) Municipal Department – buildings, business- and living-environment
- viii) Department of Water Services – water quality and services
- ix) Public Works Department – road, water, drainage and sewerage, buildings

3.1.3 **Laws on Phone & Internet Services and E-Commerce**

The telecommunications regulating authority is AITI under the AITI Order, 2001 with its main functions and duties under Section 6 of AITI Order 2001 include³³

- License and regulate the telecommunications industry.
- Manage the national frequency spectrum.
- Promote development of the local ICT industry.

Thus, AITI has the power to

- To regulate rates, charges and fees levied by operators of telecommunication systems and services (AITI Order 2001, Second Schedule (section 7(1) Para 4).
- To issue or approve standards of performance and codes of practice and advisory guidelines relating to information and communications technology, or any other matter related to the functions of the Authority (AITI Order 2001, Second Schedule (section 7(1) Para 5) .

³³ Retrieved from <http://www.brunet.bn/org/bimpeaga/abru.htm>

- To control and regulate the sharing and terms of provision by telecommunication licensees of information on customers' particulars for the purpose of establishing an integrated directory (AITI Order 2001, Second Schedule (section 7(1) Para 9).

Under the Telecommunications Order 2001³⁴, "*An Order to provide for the operation and provision of telecommunication systems and services in Brunei Darussalam, and for matters connected therewith*", the relevant "code of practice" and "standard of performance" (under Section 26) are prescribed.

Section 26 of the Telecommunications Order 2001 states the provision for the Code of practice and standards of performance states in connection with —

- (a) the operation of telecommunication systems and equipment;
- (b) the provision of telecommunication services; and
- (c) the conduct of telecommunication licensees in the provision of telecommunication services.

Section 27 of Telecommunications Order 2001 states the Directions affecting telecommunication licensees, are to ensure:

- a. the reliability of the provision of any telecommunication service to the public;
- b. the technical compatibility and safety of operation of any equipment or telecommunication system;
- c. fair and efficient market conduct by telecommunication licensees;
- d. Consideration for the public interest.

Against Illegal or Unlawful Telecommunication Products or Services, Section 34 of the Telecommunications Order 2001 states the provision prohibiting:

- a. offer for sale, sell or possess for sale any telecommunication equipment; or
- b. possession of any radio-communication equipment, except and in accordance with a license granted under Section 5 of the Order.

Section 39 of the Telecommunications Order 2001 prohibits unlawful telecommunication system or service. Section 45 of Telecommunications Order 2001 prohibits the transmission of false or fabricated messages.

The Electronic Transaction Act (Cap 196), which is "*An Act to make provision for the security and use of electronic transactions and for connected purposes*" commenced in 2001. Some of its purposes include:

- i. facilitating electronic communications
- ii. facilitating electronic commerce, eliminate barriers to electronic commerce resulting from uncertainties over writing and signature requirements, and to promote the development of the legal and business infrastructure necessary to implement secure electronic commerce
- iii. minimizing the incidence of forged electronic records, intentional and unintentional alteration of records, and fraud in electronic commerce and other electronic transactions;

³⁴ the Telecommunication Act (Chapter 54) repealed by the Telecommunications Order, 2001

- iv. helping to establish uniformity of rules, regulations and standards regarding the authentication and integrity of electronic records;
- v. promoting public confidence in the integrity and reliability of electronic records and electronic commerce

Further, Section 8 of the Electronic Transaction Act (Cap 196) specifies provision on the application or use of Electronic signatures, whereby an electronic signature can *satisfy a rule of law, and that an electronic signature may be proved in various manners.*

The Act also specifies provisions on the liability of network service providers in relation to:

- Acceptance of electronic filing and issue of documents. (Section 47)
- Access to computers and data. (Section 53)

The Electronic Transactions Order 2000 provides a commercial code for electronic transactions in the country. This commercial code draws from the UNCITRAL Model Law on Electronic Commerce and the Singapore Electronic Transactions Act, itself based on the US Uniform Electronic Transactions Act. The Broadcasting (Class License) Notification, 2002 and The Internet Code of Practice Notification, 2001 are now also operative to deal with Internet Content Providers.

The Computer Misuse Act (Cap. 194) states relevant provisions on computer related offences, including unauthorized access to, modifications of, disclosure or obstruction of use on computer materials.

3.1.3.1 *Implementing Agencies*

These agencies are in charge of the phone & internet services and e-commerce and other specific areas as discussed in the above Section:

- i) Ministry of Communications
- ii) Telekom Brunei Berhad (TelBru)
- iii) Authority for Info-communications Technology Industry (AITI) of Brunei Darussalam

3.1.4 **Laws on Consumer Credit and Banking**

Under the Banking Order 2006, the Islamic Banking Order 2008 and the Finance Companies Act (Cap 89) of Brunei Darussalam, credit and finance services in the country can only be provided by license banks and finance companies. In the recent development related to increased consumer debts, the Credit Card Directive which came into effect 1st January 2010 was introduced and enforced by the Authority in order to regulate credit card debt, which amongst others, requires:

- New credit card applicants to have a Fixed Deposit account with the equivalent value to the maximum credit card limit, OR have a bank account where their monthly salary is actively credited into the account, of the card-issuing bank
- Monthly Minimum payment of 8% from the total outstanding balance on the monthly statement

The Money Lenders Act (Cap 62) specifies provisions to regulate the registration of moneylenders and to restrict the practice of changing exorbitant interest. Section 5 of the

Act states that “*The rate of interest to be charged on loans shall not exceed 15 per cent per annum if secured and 24 per cent per annum on note of hand only*”.

The Pawnbrokers Order 2002 is "an Order to regulate the business of pawnbrokers in accordance with *Hukum Syara*", which means the laws of any sects which the court considers valid. This Order carries provisions related to

- regulating the business of pawnbrokers in accordance with “Hukum syara”
- Need the approval of the Syariah High Court or Syariah Appeal Court to sell or auction the article pawned
- A fixed amount of administrative expenses and fees for safe keeping

Section 13 of the Pawnbrokers Order 2002 also states that “*The amount of the loan shall not exceed \$5,000 in respect of any article and shall be redeemable within a period of one year from the day of pawning, either in a lump sum or by instalments.*” The provision to cap the loan amount offers consumer protection against potential over-indebtedness.

The First Schedule under Section 18(1) specifies the provision for “Administrative expenses and fees for safe-keeping” which is:

- Upon any loan not exceeding \$1,000 4% of the amount of the loan
- Upon any loan not exceeding \$3,000 4~% of the amount of the loan
- Upon any loan not exceeding \$5,000 5% of the amount of the loan

The Islamic Banking Order, 2008 (S96&97) is “*An order to provide for the regulation and the licensing of Islamic banking business and for the matter connected therewith and incidental thereto*”, and under the Third Schedule Part-I, the provision specifies the purposes for which customer information may be disclosed, persons to whom information may be disclosed and the conditions.

Misleading advertisement

Finance Companies (Advertisements) Regulations (Cap. 89, R1) states that “no advertisement shall be made without previously obtaining a permit in writing from the Minister “(Regulation 3(1). Further restriction of the content of the advertisement is made under Section 6 (c) that “No advertisement shall contain anything which suggests or is calculated to suggest —(c) any attribute to which the finance company cannot genuinely lay proper claim.”

Other relevant laws related to consumer credit and banking is (*please see Appendix 2 for details*):

- Banking Order 2006- An Order to provide for the regulation and the licensing of banking business and for the matters connected therewith or incidental; procedures for the regulation and the licensing of banking business
- Finance Companies Act (Cap. 89)
- Money Laundering Order 2000
- Hire Purchase Order 2006 which regulates the form and contents of certain hire purchase agreements, the rights and duties of parties to such agreements and for matters connected

The Brunei Banking Code³⁵ is a voluntary code established by the banks in Negara Brunei Darussalam objective of providing Personal Customers with the minimum information required in relation to standards of good banking practice. The Banking Code provides assurance to consumers including:

- To ensure that all advertising and promotional materials are accurate, clear and not misleading in any form/manner.
- To provide clear and sufficient information on products and services and provide the necessary financial advice if requested.
- To inform any changes in rates, charges, terms and conditions and/or policies.
- To deal promptly with any complaints or issues in relation to any of the products or services.
- To ensure that all personal information is kept private and confidential and provide secure and reliable banking systems.
- To make the Banking Code readily accessible and provide the necessary training to staff.

3.1.4.1 Implementing Agencies

Brunei Darussalam has no central bank and the Ministry of Finance exercises most of the functions related to banking and financial institutions.

3.1.5 Laws on Environmental Quality and Services

The Municipal Boards Act (Cap 57) is “*an Act to consolidate and amend the law with regard to Municipal Boards*” commenced in January 1921. In relation to safe and healthy environment, Section 4 of the Municipal Boards Act states the duties of Municipal Board which include:

- a. the regulation and control of buildings and building operations;
- b. the laying out and maintenance of reserves for recreation and other purposes; the enclosure and care of unoccupied premises; the planting and preservation of trees and shrubs; the laying out, cleaning, watering, lighting and control of streets, canals and bridges; the removal of undue projections;
- c. the control and supervision of —
 - i. sewers, drains, sewage treatment works, sanitary fitments, latrines and dustbins;
 - ii. wells and water-tanks;
 - iii. stables and cattle-sheds and places for keeping sheep, goats, swine and poultry;
- d. the construction and maintenance of works for the treatment and/or conveyance of sewage; the laying of sewers and drains across public or private property; the maintenance and modification of sewers
- e. the establishment and regulation of markets and slaughter-houses
- f. the regulation by registration, licensing or otherwise of bakeries, dairies, laundries and street stalls; the seizure and disposal of unwholesome fish, flesh or other provisions;
- g. the removal and disposal of refuse and night soil,
- h. the control and regulation, by licensing or otherwise, and in the discretion of the Municipal Board, the prohibition of the use, erection and display of placards, posters, signboard, sky-signs and other devices;

³⁵ Brunei Association of Banks 2010

The Municipal Authority is empowered to provide certain municipal services such as refuse collection, road cleansing, etc. a number of these services have been 'privatised' to the business sector, and they are carried out by private contractors. However the Municipal Authority is responsible for ensuring that the standard of services is maintained.

The Municipal Boards Act (Cap 57) states that the Municipal Department has the duty to fulfil role (a) to (h) above. These roles illustrates the responsibilities of the Municipal Department to ensure that consumers protection is achieved via the regulation and control on building and its related activities that take place within the Municipal Board area of jurisdiction.

The Forest Act (Amendment) Order 2007, which is “*An Act relating to forests and forest produce*” in place since 1934 specifies provisions for acquisition of alienated land for inclusion in a reserved forest (Section 11), and further specifies acts prohibited in a reserved forest, including prohibition to kindle, keep or carry any fire, or leave any fire burning, whether within or without a reserved forest, in such a manner as to endanger such reserved land (Section 20). Under Section 52 (2) (b), the Act further states provision to regulate, by licensing or otherwise, or prohibit the felling, cutting, ringing, marking, lopping, tapping or injuring by fire or otherwise, of any trees or timber, the sawing, conversion or removal of timber, and the collection and removal of other forest produce. Part II of the Act on “Shifting Cultivation” was also repealed in accordance with the Subsidiary Legislation, under Section 52 to prohibit the felling of old forest on State land without permission for the purpose of shifting cultivation (Cap. 46, R 1).

In ensuring consumers’ access to water (chargeable treated piped water supply), the Water Supply Act (Cap 121), states that the Authority may cut off supply in default of payment (Section 14), and that it shall be lawful for the Water Authority to disconnect from the waterworks the inside service to any premises (section 24) unless the consumer, within 14 days from the date of service of written notice in that behalf (which may be given in the manner provided by subsection (3) of section 8). This provision stresses the rights, responsibilities and obligations of both providers and consumers in protecting their interests and access to water.

Codes of Conduct or Guidelines

- Pollution Control Guidelines for Industrial Development in Brunei Darussalam
- Guidelines for Land Development (special focus on Environmentally sensitive areas)

Legislation in the making:³⁶

- Environmental Pollution Control Order
- Hazardous Waste Control Order
- Environmental Impact Assessment Order

To control level of air pollution, Sections 26 and 33 (A) of the Road Traffic Regulations specifies rules on the violation due to emission of very dark exhaust fumes.³⁷ Apart from

³⁶ Martinah Hj. Tamit, Environmental Planning and Management Division 28 October 2010

making emission certificates mandatory prior to obtaining annual revenue licenses, the government also started a program to train technicians to handle emission equipment, and identify the problems of vehicles associated with high emissions. Other measures are also taken include creating awareness among the public, vehicle owners and spare part dealers as well as training garage mechanics on methods of reducing vehicle emissions and monitoring ambient air quality.

Monitoring of environmental quality is also carried out by the Department of Environment, Parks and Recreation, under the Ministry of Development. Monitoring of treated water at treatment plants, storage points and end-points are also carried out daily by the Department of Water Services, Public Works Department, and the Ministry of Development.

3.1.5.1 Implementing agencies

These agencies are in charge of environmental quality and services and the specific areas as discussed in the above Section:

- i) Ministry of Development –JASTRE on environmental safety and quality
- ii) Ministry of Industry and Primary Resources
- iii) Public Works Department – water, drainage and sewerage,
- iv) Municipal Department – buildings, business- and living-environment
- v) Department of Water Services – water quality and services

3.1.6 Laws on Health and Healthcare Services

Poisons Act (Cap 114) (Chemical Import) is an Act to regulate the importation, possession, manufacture, compounding, storage, transport and sale of poisons, states general prohibition with respect to the importation and sale of poisons.

Infectious Diseases Order 2003 (S 34) requires the reporting of notifiable diseases by all (government and private) health care practitioners and clinical laboratories in Brunei Darussalam is a legal mandate under the Infectious Disease Order (IDO). The IDO allows for mandatory notification of infectious diseases of public health importance.

Medicine Order 2007 is an order to regulate the importation, registration, promotion, advertisement, clinical trial, transport, manufacture, storage, dispensing, and sale of medicinal products and cosmetic products³⁷.

New regulations under Medicine Order 2007, which are Medicines (Licensing, Standard Provisions and Fees) Regulations 2010 and Medicines (Labelling) Regulations 2010, have come into force effective July 1, 2010 to strengthen the regulatory control of medicinal products to ensure only safe, effective, and quality of medicinal products are marketed in Brunei Darussalam.

Under the Medicines (Labelling) Regulations 2010, medicinal products needs to be labelled with the name of the patient, name and address of the clinic or pharmacy where the medicinal

³⁷ Road Worthiness Inspection Standard on Exhaust emission is 20% for Petrol and diesel cars (private). In addition, private cars are prohibited from transporting hazardous materials. <http://www.land-transport.gov.bn/rules/2.htm>

product is supplied or dispensed, date of dispensing, direction of use, name of medicinal products and its strength.

The Medicines (Licensing, Standard Provisions and Fees) Regulations 2010 are the standard provisions for licensing of importers, wholesalers and manufacturers of medicinal products and registration of medicinal products where Section 10 under the Medicines Order 2007 states that only registered medicinal products are allowed to be imported by product licence holders.

3.1.6.1 Implementing agencies

Ministry of Health exercises most functions related to health and healthcare services in the country.

3.1.7 Laws on Professional Services

3.1.7.1 Medical Professionals

Doctors in Brunei Darussalam are governed under the Medical Practitioners and Dentists Act (Cap. 112). In general, *“a natural person who wishes to practice as doctors, dentists, pharmacists, nurses and midwives must register to practice with the respective Boards in Brunei Darussalam”*. Other Acts that govern other health professionals in Brunei Darussalam are:

- Nurses Registration Act (Cap. 140)
- Midwives Act (Cap. 139)
- Pharmacists Registration Order 2001

3.1.7.2. Legal Professionals

The Legal Profession Act (Cap 132) states that a natural person who wishes to supply legal services must possess one of the academic requirements set out in Section 3(1)³⁸ that would qualify for admission to practice as an advocate and solicitor in Brunei Darussalam.

Furthermore, he must also be either a Brunei national or a person to whom a residence permit has been granted under regulations made under the Immigration Act.³⁹ If a person is not a Brunei national or no residence permit has been granted to him, he can only apply for admission if (along with having the academic requirements mentioned above) he has been in active practice in any part of the United Kingdom, Singapore, Malaysia or in any other country or territory of the Commonwealth designated by the Attorney General for at least 7 years immediately preceding his application. Admission to practice is also at the Chief Justice’s discretion and he shall further take into consideration the criteria set out in Section 4 of the Legal Profession Act (Cap. 132). Other laws governing the legal profession are

- Legal Profession (Law Society of Brunei Darussalam) Order 2006

³⁸ The academic requirements are:

- i) He is a barrister-at-law of England, Northern Ireland or he must be a member of the Faculty of Advocates of Scotland; or
- ii) He is a solicitor in England, Northern Ireland or a Writer to the Signet, law agent or solicitor in Scotland; or
- iii) He has been in active practice as an advocate and solicitor in Singapore or in any part of Malaysia; or
- iv) He possesses the Certificate of Legal Practice issued by the Qualifying Board pursuant to section 5 of the Legal Profession Act 1976 of Malaysia; or
- v) He possesses a degree in law conferred by the Universiti Islam Antarabangsa in Malaysia.

³⁹ Section 3(1) of the Legal Profession (Alternative Qualifications) Rules 1999

- Legal Profession (Law Society Members of the Council Election) 2005
- Legal Profession (Practising Certificate) Rules 1987
- Advocates and Solicitors (Accounts) Rules 1987
- Legal Profession (Accountant’s Report) Rules 1987
- Advocates and Solicitors (Practice and Etiquette) Rules 1991
- Advocates and Solicitors (Remuneration) Rules 1991
- Legal Profession (Contingency Fees) Rules 1994
- Legal Profession (Alternative Qualifications) Rules 1999
- Legal Profession (Pupillage) Rules 2000

Specific provisions on standards of practice and rules of ethics of legal professionals are also covered under the Advocates and Solicitors (Practice and Etiquette) Rules 1991.⁴⁰ Rule 34 (1) of the Rules refrains *advocate from abusing confidence*, “*shall refrain from any action whereby for his personal benefit or gain he abuses or takes advantage of the confidence reposed in him by a client.*”

Confidentiality clause is also covered under Rule 41 of the Rules 1991 whereby, “*An advocate shall not communicate with a person upon any matter in respect of which to his knowledge that person is represented by another advocate, except with the latter’s consent.*”

Advertising of Advocate’s services is also specifies under Section Rule 43(1), whereby “*An advocate shall not solicit work or advertise, either directly or indirectly, whether by circular, advertisement, touts, personal communications, by inspiring newspaper comments or procuring his photograph to be published about, any case with which he has been concerned.*” Rule 44 further prohibits personal advertisement, whereby “*An advocate shall not do or cause or allow to be done anything which has as its primary motive personal advertisement in any form.*”, and prohibit touting under Rule 49, “*An advocate shall not do or allow to be done, anything for the purpose of touting, directly or indirectly.*”

3.1.7.1 *Implementing agencies*

These agencies are in charge of the Professional Services and the specific areas as discussed in the above Section:

- iv) Ministry of Health – Medical Professionals
- v) Ministry of Law – Legal Professionals

3.1.8 **Other Laws Protecting Rights of Consumers**

There are other laws, regulations or policies in place in Brunei Darussalam that are relevance to the protection of consumers with regards to goods and services. Among these are⁴¹:

- Price Control Act (Cap 142)
- Weight and Measures Act (Cap 151)
- Sale of Goods Act (Cap 170)
- Second Hand Dealers Act (Cap 65)
- Unfair Contract Terms Act (Cap 171)

⁴⁰ The Advocate and Solicitor (Practice and Etiquette) Rules 1991 stipulates provisions for acceptance of brief, conduct in court, conduct out of court,

⁴¹ *also see* Brunei Darussalam Transparency List. Brunei-Japan Economic Partnership Agreement (BJEPA): Trade in Services. June 2010. http://www.mofa.go.jp/policy/economy/fta/brunei/list_of_brunei.pdf

- Bill of Sale (Cap 70)
- Travel Agents Act (Cap 103)
- Contracts (Cap 106)
- Hire-Purchase Order 2006
- Penal Code (Cap. 22) “An Act to establish a code of criminal law” with specific provisions related to the six consumer areas covered in this Project include:

Chapter XIII

Offences Relating to Weights and Measures

Section 264. Fraudulent use of false instrument for weighing.

Section 265. Fraudulent use of false weights or measures.

Section 266. Being in possession of false weight or measure.

Section 267. Making or selling false weights or measures.

Chapter XIV

Offences affecting the Public Health, Safety, Convenience,

Section 269: Negligent act likely to spread infection of disease dangerous to life.

Section 271: Disobedience to quarantine rule.

Section 272: Adulteration of food or drink for sale.

Section 273: Sale of noxious food or drink.

Section 274: Adulteration of drugs.

Section 275: Sale of adulterated drugs.

Section 276. Sale of drug as a different drug or preparation.

Section 276A. Use of forceps, except by medical practitioner, prohibited.

Section 277. Fouling water of public spring or reservoir.

Section 277A. Offences caused by fire.

Section 278. Making atmosphere noxious to health.

3.2 INTER-AGENCY COORDINATION

Some level of inter-agency coordination among the various implementing agencies was reported through the GS, KII and RTD conducted. Some examples cited:

- 1) Technical Committee on Timber (Department of Forestry)
- 2) CAB and JPKE
- 3) Brunei Darussalam Road Safety Council- involving the following agencies (among others):
 - Ministry of Communications
 - Royal Brunei Police Force
 - Land Transport Department
 - Ministry of Education
 - Ministry of Home Affairs
 - Brunei Shell Petroleum Sdn. Bhd.
 - Brunei Malay Chamber of Commerce and Industry

3.3 REDRESS MECHANISMS

In general, consumers in Brunei Darussalam can file complaints on goods and services, and seek compensations through various channels including

- Department of Economic Planning and Development, Prime Minister's Office
- Department of Electrical Services
- Department of Water Services
- The Authority for Info-communications Technology Industry of Brunei Darussalam(AITI)
- Small Claims Tribunal
- Newspaper and public media (complaints)

The Small Claims Tribunals Order, 2006 provides for the establishment of small claims tribunal for consumer address. However, no data or details were available or provided to understand the role and activities of the Tribunal for the purpose of this study. Currently, general consumer complaints are managed by the Department of Economic Planning and Development, under the Prime Minister's Office. Complaints related to specific areas also fall under the purview of relevant agencies: e.g. Division of Energy, Water services, Authority for Info-communications Technology Industry.

Different issues related to environment are handled by different authorities, such as

- Dept of Environment, Parks & Recreation – water (river) and air quality, open burning, noise pollution, waste management,
- Dept of Public Works – water quality, damages of water pipes, low water pressure, road quality
- Municipal Board – waste collection within the municipality

Complaints can be channelled in-person or

- via Hotline numbers
- via Email or websites
- via Fax
- via Post
- via Complaints form

Currently, AITI has an official complaint form and a “Consumer Guidelines-Complaint Handling Process”⁴². The Guidelines specifies that “AITI can only commence investigation into the complaint upon receipt of a complete Complaint Form together with all necessary supporting documents”, and “will not take action on incomplete complaint forms”. The process and the amount of details required may be perceived as cumbersome, not consumer-friendly and time consuming for consumers to file a complaint. In the 8-page form⁴³ (including a guide), details required include:

- name including identification card number, address and contact information or that of authorized representative.

⁴² Complaint Handling Process-Consumer Guidelines. April 2009. Retrieved from http://www.aiti.gov.bn/media/complaint_handling_process_April_2009.pdf

⁴³ AITI Complaint form can be downloaded from http://www.aiti.gov.bn/media/complaint_form_April_2009.pdf

- Particulars of the licensee that the complaint is lodged against.
- Points in issue and a brief statement of facts.
- Copies of any other relevant supporting documents e.g. contract or other materials relating to the complaint and previous correspondence with the licensee.
- Relief or remedy being sought.

A Notification of Complaint from AITI shall be issued to the licensee, and if no response is received within a stipulated time, a directive will be issued (exercising AITI's power under Section 27 of the Telecommunication Order 2001), which will contain instruction for resolution of the complaint.

3.4 CONSUMER PROTECTION PROGRAMMES, INITIATIVES AND BEST PRACTICES

3.4.1 Programmes and Initiatives

Product Safety and Labelling

Programmes / mechanisms

- Spot check - Pick up products for checking, the expiry date
- For recall of medicinal products & cosmetic products, press release will be issued to all media
- Medicine Order – supplier need to register medicinal products prior to import and sell
- Farm Accreditation under MIPR, monitoring by Dept. Agriculture and Agrifood on pesticide usage.
- Guidelines on product certification - Formed by the Authority for Building Control and Construction Industry (ABCi) to promote safety, quality and universal standards in Brunei

In Brunei Darussalam, a Healthier Choice Logo program was initiated in 2004 by the Health Ministry. Presently, only cooking oils are covered by this program.⁴⁴ Items carrying a “Healthier Choice Symbol” (HCS) are generally lower in total fat, saturated fat, sodium and sugar. Some are also higher in dietary fibre and calcium, compared to other similar products. Principles and criteria to enhance the legibility of nutrition labelling are now included in the Codex Guide on Nutrition Labelling, and hence the Brunei's Front of Pack (FOP) labelling is established.

Consumer Credit and Banking

Consumer Education and Awareness Programmes

- Employee Trust Fund organised road show to teach consumers on financial matters
- Banks Campaigns encouraged by BAB on indebtedness and culture of savings
- government guaranteed all the deposit until end of 2010
- Anti Pyramid Scheme Programmes by CAB
- Anti Pyramid Posters Unfair Pricing by CAB

⁴⁴ <http://thestar.com.my/health/story.asp?file=/2010/10/24/health/7251290&sec=health>

- Radio & TV awareness on
 - Hire Purchase Traps
 - Pyramid Schemes

Environment

Rights of Consumer to healthy and safe environment

- promote the use of Energy-efficient products Energy week every 24th May organized by the Division of Energy
- Energy saving bulbs and Practices, TIPS on energy usage of appliances
- Publicly available Pollution Standard Indexes for consumers in Brunei Darussalam (Air Quality Announcements through TV, Radio and local papers)
- Reduce plastic use for reload cards (phone)
- rainwater harvesting promoted by government to conserve water
- Rating of public Toilets (by Tourism department)
- Promotion of reusable bags to reduce the use of plastic bags (from 2008 to present)
- Education for Sustainable Development (at Primary and Secondary schools)
- EYE (Environmental Youth Envoy) program

Healthcare Services

Health Development in Brunei Darussalam is undertaken as part of a holistic approach in the overall socio-economic development of the country with goal of improving the quality of life of the people. The Ministry of Health Brunei Darussalam continuously strives to improve its health system. The most significant initiative taken by the Ministry was to chart its strategic direction by the development of the National Health Care Plan 2000-2010 – a strategic Framework for Action.

The National Health Care Plan 2000-2010 is based on four principles in the provision of health services for all Bruneians;

- Ensuring universal access of better healthcare;
- Enabling equity of access to comprehensive healthcare services;
- Promoting partnership and public participation in the concept of co-production of efficient and effective health services for all; and
- Ensuring that the healthcare services system is sustainable within the Ministry institutional capacity and financial resources.

Strategic goals and objectives of National Health Care Plan 2000-2010

1. Promote Healthy Living
 - Reduce Prevalence of Obesity & Smoking
 - Reduce Incidence of Sexually Transmitted Infections
 - Promote Oral Health & Mental Health
2. Strengthen Primary Health Care
3. Strengthen the Management of Priority Chronic Diseases
4. Obtain New Resources for Health Service Delivery
5. Effective Management of National Health Emergencies
6. Improve Rehabilitative Care
 - Improve the quality of life in Person with Disabilities

- Advocate Self-Reliance and Independent Living of Person with Disabilities

In Brunei Darussalam, the development capacities of Person with Disabilities are given prominent importance in the National Health Care Plan 2000-2010.

Maternal and Child Health Services

Maternal and Child Health services are provided free to all pregnant mothers and children regardless of citizenship. The Maternal and Child Health (MCH) service in Brunei Darussalam which began in the early 1940's have rapidly expanded since the country gained its independence. The objectives of the services are to provide optimum health care to all children below the age of 5 years and all pregnant women throughout their antenatal and postnatal periods. Services offered include antenatal care, Post-natal care, child-health care, well women clinic and health education, treatment of minor ailments, domiciliary care and home nursing.

More than 99% of women in Brunei Darussalam receive antenatal care. Each woman makes about 8 antenatal visits during each pregnancy. Nearly 100% of deliveries in the country are attended by trained health personnel. Mothers are given postnatal care up to 6 weeks postpartum including home nursing by midwives during the early weeks of the confinement period.

Health Promotion

In recognition of the need for the promotion of positive health measures, a multidisciplinary committee has been established. The National Committee on Health Promotion aims to increase public awareness of these problems as well as develop strategies to modify the public's behaviour in favour of a healthier lifestyle through community participation and inter-sectoral collaboration. The Committee has identified seven priority areas for action, namely: nutrition; food safety; tobacco control; mental health; physical activity; health environments or settings; and women's health. These priorities are further enforced through the activities of the Health Promotion Centre which was launched in November 2008. Other health promotion activities include the 'Healthy Mukims' project involving health education campaigns in villages, the Health-Promoting School project and the Integrated Health Screening and Health Promotion programmed for civil servants.

Special preventive services for women are provided through the Well-Women Clinic which includes screening for breast and cervical cancers, hypertension, diabetes, hyperlipidaemia and anaemia. Health education including nutrition and breast feeding is routinely offered in all MCH clinics.

Health education or awareness of women's health problems is conducted through:-

- Health education including nutrition and breast feeding in all MCH clinics.
- Nationwide health campaigns in conjunction with certain annual commemorative days such as World Health Day, World Breast Feeding Week, World Diabetes Day. These campaigns include exhibition road shows to various venues in different districts, public talks, television and radio talks as well as printed articles in newspapers and newsletters.

- Dissemination of health messages through leaflets and other related publicity materials
- Annual ‘open day’ in health centres with the aim of promoting community participation in healthy life styles. Activities include health screening, health talks and quizzes, aerobics, healthy life style poster displays and dissemination of health information leaflets
- Health talks for specific target groups such as women’s group on an ad-hoc basis
- Schedule talks/activities for women organized by relevant hospital department.

Recently, on 9th October 2010, the Government of His Majesty Sultan Yang Dipertuan Negara Brunei Darussalam consented to a new scheme of service for doctors which among others aimed at improving the government’s ability to pool high-quality doctors from inside and outside of the country. This new scheme hopes to inject new spirit for them to enter various medical fields in various levels of expertise.

3.4.2 Best Practices

Identification of best practices in Consumer Protection program implementation is generally made based on the following criteria.

- i. there is continuity and replicability, and follow-up, with regular reporting and updates (each time the program is conducted)
- ii. meets the objectives and targets of the program
- iii. program is evaluated by participants
- iv. documentation of the program’s effects
- v. reaches out to target groups as expected or beyond.
- vi. program is implemented within the budget

3.4.2.1 Enforcement

Enforcement of Consumer Protection Rights in the market is necessary for consumer trust and well functioning of an economy.⁴⁵ One of the aspects of the enforcement process involves the Pursuit of legislation to help authorities to better protect consumers in areas where their enforcement power lies. In pursuing CP laws in Brunei Darussalam, it is important to address the degree of enforcement that can be appropriately carried out within the administrative boundaries. As reiterated by Dalli (2010), *“Consumer laws will only deliver value for citizens if they are properly enforced.”*⁴⁶

One of the examples on good enforcement practice that CP enforcement could emulate is from the strict enforcement on Cigarette. The enforcement against public cigarette smoking is viewed as a commendable practice to protect the health of consumers, and to provide safe and healthy environment to general public. In 2010, for instance, at least 72 people were

⁴⁵ European Consumer Protection Enforcement Day - High Level Meeting -Press Point. 22 September 2010. retrieved from <http://www.eutrio.be/european-consumer-protection-enforcement-day-high-level-meeting-press-point>.

⁴⁶ European Commissioner John Dalli in “European Consumer Protection Enforcement Day - High Level Meeting -Press Point.” 22 September 2010.

caught smoking in prohibited public areas in a day-operation, with 62 of those caught compounded B\$150 each.⁴⁷ The Ministry of Health has continued to carry out such operations and take action according to the laws set and fine anyone caught for the offence under the Order and its rules.⁴⁸ The Order states the fines are a compound of \$150 for the first offence and \$300 for the second offence. For subsequent offences, the offender will be brought to court and fined up to \$1,000 (717.6 USD) if convicted.

Another example that enforcement on CP could emulate from is the enforcement of road safety and road vehicles use. As car is one of the four classes of controlled items (consumer products) in Brunei Darussalam, special attentions are geared to ensure safety of consumer. Apart from the relevant laws, there are also four other national laws implemented against road users who:

- Fail to use safety belts can be fined not more than \$2,000 or 6 months imprisonment or both
- Use mobile phones while driving can be fined \$1,000 or 6 months imprisonment or both (29 (A) Road Act). Second offence can be fined \$2,000 or 12 months imprisonment or both
- Fail to stop at a red traffic light – Compound fine \$50
- Wrong U-turns – Compound fine \$50 Royal Brunei Police Force plays an active role in implementing these laws to the public by putting up several road blocks at various areas in Brunei Darussalam.

Apart from the laws stated above,⁴⁹ other regulations for car and on the road safety reasons are placed against

- Inappropriate modification of cars
- Failure to use child seats
- Speeding

3.4.2.2 Planning and Prevention

In efforts to minimize consumer injuries and death related to motor vehicles accidents, specific safety programmes have been implemented in Brunei Darussalam. For example, the National Road Traffic Safety Council of Brunei has introduced Brunei Priority Road Safety 5-Year Action Plan in 2004 aiming to reduce injuries, to save more lives and to increase compliance on helmet and seatbelt wearing by 2008. To date, Brunei has successfully recorded 95% compliance on helmet wearing and seat belts on all roads.

The role of media including Radio television Brunei, local newspapers and mobile phone networks are actively integrated in Road Safety Awareness Program includes plans to screen shows relating to road safety in the cinemas and public waiting areas.

⁴⁷ "72 caught for smoking in public places", The Brunei Times, 14 June 2010.

⁴⁸ Please see updates related to enforcement related to cigarette and smoking at Tobacco News <http://tobacco.org/newsfeed/country/brunei.rss>

⁴⁹ Land Transport Department of Brunei Darussalam also plays a role in ensuring all vehicles are registered. Vehicles are regularly checked for safety. Enforcement related to road safety is coordinated among Royal Brunei Police, Land Transport Department and Brunei National Road Traffic Safety Council.

In recognizing the critical impact of road safety, the National Road Safety Seminar was also conducted by the Brunei National Road Traffic Safety Council on 20th March 2007 to mark the First United Nations Global Road Safety Week. Further, Research and Development into Costs of Accidents is also nationally pursued by University Brunei Darussalam

3.4.2.3 Consumer Education and Awareness programmes

The eleven stakeholders participated in the Project highlighted a number of consumer programmes that have been successfully implemented in the country. This includes:

a) Promotion of 3R (Reduce, Reuse, Recycle) practices⁵⁰

The 3R initiative is actively promoted as one of the ways to minimize waste generation. Thus, the concept of 3R is applied in

- the new integrated solid waste management system
- secondary school to established eco club or environmental club.
- secondary schools to do separation of waste which 3 types of bins provided by local companies.
- usage of reusable bags in order to reduce plastics.
- schools and villages committee (grass-root level) through talks/lectures
- cooperation with Recycling companies to provide Recycling Bins for some of government offices.
- university through public-private Partnerships with students to conduct public awareness in 3R initiatives in primary schools.
- cooperation with supermarket operators to promote reusable shopping bags targeting at reducing plastic wastes.

Other programmes that are intended to educate and create awareness among consumers being carried out by various stakeholders in Brunei Darussalam include:

- “Green Carnival” event, which was through the collaboration of the School of Business, Department of Technical Education, JASTRE on 30-31 October 2010.⁵¹
- Annual Community, Schools and Colleges Cleanliness Competition co-organised by JASTRE and Brunei Darussalam Women Institute

JASTRE is also actively educating and engaging young generation of Bruneians through yearly activities such as the Annual National Youth Workshop on Environment and the biennial ASEAN+3 Youth Environment Forum and facilitate and enable enhancing youth participation in regional and international environmental activities.

Consumer Education

⁵⁰ Hj Mohd Rozan Dato Paduka Hj Yunos, Hj Zakaria Hj Tarip, Hj Mohd Noor Hj Salleh. Ministry of Development Brunei Darussalam (2010). http://www.uncrd.or.jp/env/3r_02/presentations/BG2/2-2Brunei-2nd-3R-Forum.pdf

⁵¹ Majlis perasmian Green Carnival 2010 <http://www.information.gov.bn/pressroom/content/view/317/60/>

To enhance awareness and education of consumers on related issues, the Ministry of Education plays a valuable role in inculcating good and smart consumer behaviour through

- Wider utilisation of information technology in educational institutions;
- Emphasis on research and development;

The Science, Technology and Environment Partnership (STEP) Centre, established within the Ministry of Education since 1999, plays an important role in creating awareness on the needs of knowledge of Science, Technology and Environment in daily life, and improving the quality of human resources in Science, Technology and Environment for future development.⁵²

3.5 CHALLENGES RELATED TO IMPLEMENTATION OF CONSUMER PROTECTION

Major challenges to implement Consumer Protection in Brunei Darussalam include:

- 1) Absence of principal consumer protection laws
- 2) Lack of coordination among the relevant stakeholders due to the absence of a principal consumer protection coordinating agency
- 3) Poor awareness across all agencies, industries and consumers on consumers' rights and consumer protection issues
- 4) Lack of consumer organization or civil society organization advocating for consumer protection, or due to under-developed or supported consumer movement
- 5) Limited consumer protection mainstreaming activities such as R&D, data collections and trend analysis on consumer behaviour, injuries related to products and services.
- 6) Inadequate laws in relevant consumers such as Competition, Personal data protection⁵³, Electronic crimes, Regulations for Hazardous Wastes Management⁵⁴

Product labelling is very important to consumers. Labelling should communicate information to consumers for their rights to make informed choices. In Brunei Darussalam, no mandatory labelling is known for consumer products such as electrical appliances or food.^{55 56} On nutrition labelling, however, when foods are enriched or fortified with permitted vitamins or minerals, it is required to state the amount of the nutrient present in a specified quantity of the food on a nutrition information panel.⁵⁷ Several other groups of foods also require mandatory nutrition labelling, including foods for special dietary uses (for example, diabetic food, low sodium food, gluten-free food, low protein food, infant formula, formulated food, etc) and foods that make nutrition claims. The nutrition information panel should specify the amounts of protein, carbohydrates, fat and the amount of any other nutrients for which a nutrition claim is made.

⁵² <http://www.moe.edu.bn/web/moe/dept/coreedu/step>

⁵³ Information compiled by the Trade and Investment Division, UNESCAP (September 2006)
http://www.unescap.org/tid/gateway/tisgway_ecom.pdf

⁵⁴ Hj. Mohd. Zin bin Hj. Yaakub. Department of Environment, Parks and Recreation, Ministry of Development, Brunei Darussalam. For Basel Convention: Workshop 2010 of Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes. January 27-29, 2010. Yokohama, Japan.

⁵⁶ see also ICF International Prosper Center (2011).
see also ICF International Prosper Center (2011).

Consumers are also concerned about any forms of misleading information or claims on any products or services. As such, consumers look at legislative means put in place to ensure their safety, and to regulate activities of producers or manufacturers. Nutrition claims are permitted under the Brunei regulations include representations that suggest or imply that a food has a nutritive property, whether general or specific, and whether expressed affirmatively or negatively.⁵⁸ The claims may be made on energy, salt, sodium or potassium, amino acids, fatty acids and a variety of other nutrients, except for vitamins and minerals. In addition, a food label may claim the presence of a vitamin or mineral or imply the presence of a vitamin or mineral, provided the reference quantity for that food contains at least one-sixth of the daily allowance as stipulated in a reference table.

Health claims, however, are not permitted in the Brunei regulations. Instead there are specific prohibitions, for example, claims for therapeutic or prophylactic actions; or, claims that may be interpreted as advice of a medical nature; or, claims that a food will prevent, alleviate or cure any disease; or, words that imply health or improved condition may be achieved.

Other challenges to provide consumers with safe and quality environment include developing an efficient centralised sewerage system, as well as efficient and effective management of trans-boundary haze, floods, and landslides (natural and human related).

In relation to environment quality and services, main challenges include efforts to:

- Enhance legal and technical dimensions of public awareness, participation and ownership on environmental protection and conservation particularly in wastes minimization
- enhance provisions for environmental infrastructure that include industrial wastes treatment and disposal system
- leverage and harness clean and environmentally sound technology

Specific observations and challenges in CP are noted for rural consumers. Rural consumers in Brunei Darussalam are faced with a number of challenges and disadvantages such as:

- Affordability and accessibility to daily necessity items, which mainly due to high prices
- Lack of awareness and education (public perception that all products are controlled by government)
- Expired food items (processed or canned) being put on supermarket shelves
- Poor participation or involvement of rural residents to share responsibility to manage waste and sewerage disposal even though Communal Bin Systems⁵⁹ are provided.⁶⁰

Additionally, as suggested by Abdul Rashid Mohammad (2008), other challenges that may be relevant to Healthcare quality and services are in the areas of:

- Injury data surveillance (limited due to non-computerized medical record system)

⁵⁹ According to JASTRE (website), an extensive communal bin system is provided to supplement the existing house to house collection services.

⁶⁰ With reference to information shared during the RTD on 28 October 2010. Also, *please see* Centre for Strategic and Policy Studies. (2008, June 16).

- Staff capacity (shortage and difficulty in increasing and recruiting staff for data collection)
- Audit and evaluation of programmes (still rooms for improvement in order to achieve better future outcomes)

4 NEEDS ASSESSMENT FOR CONSUMER PROTECTION PROGRAMMES

4.1 ANALYSIS OF SYSTEM, INSTITUTIONAL AND HUMAN RESOURCE CAPACITY GAPS

The gaps in the capacities of relevant stakeholders in Brunei Darussalam to implement CP programmes assessed through the General Survey questionnaire. The General Survey findings also indicate that only three (27.3%) out of eleven stakeholders have a division or department or unit on consumer protection with assigned staff having mainly the technical capacity related to their areas of work, but not specifically relating them to rights of consumers. The staffing capacity among the selected stakeholders is commonly supported by full-time employment, engaging consultants, paid and unpaid advisors as well as paid fellows. However, 63.7% of the stakeholders have their work areas related to consumer redress through complaints handling, with the majority has the capacity to use English and Malay in their operation.

Main constraints in Consumer Protection

Five main constraints or difficulties in implementing CP for Brunei Darussalam were identified as related to:

- a. laws
- b. finances
- c. experienced and qualified staff in CP
- d. number of staff
- e. inter-agency coordination

4.1.1 Laws

The needs for adequate of laws primarily referred to the absence of a principal Consumer Protection Act. Also, in environment, there is a need for a principal act on hazardous materials, competition and other relevant regulations.

4.1.2 Finances

The needs for adequate finances mainly referred to the accessibility of fund, as funds for consumer protection activities would require specific lines of budgetary allocations. Due to the absence of the principal act on consumer protection, access to fund related to consumer protection activities or programmes might be limited.

4.1.3 Experienced and Qualified Staff

Since Consumer Protection is considered as a new development area in Brunei Darussalam, most agencies or stakeholders in the country have very limited exposure and experience in dealing with CP or consumer issues. To overcome this constraint, outsourcing and expert engagement are commonly sought. In addition, specific training for staff development is also constantly sought.

4.1.4 Number of staff

Inadequate number of staff is primarily due to the limited number of local residents with the required skills, experience, qualifications and expertise. As such, in many instances, relevant agencies resorted to sourcing for foreign experts or staff with CP background.

4.1.5 Inter-Agency Coordination

All the stakeholders responded to the General Survey indicated that there was very limited coordination among all the relevant stakeholders. In particular, lack of civil society organisations in programmes or initiatives undertaken by government agencies or industries is relatively obvious. Awareness among the stakeholders on each others' functions and activities are also very limited. For example, none of the stakeholders consulted in this process were aware of the roles of the Small Claims Tribunals, or cases related to consumer claims handled.

4.2 CAPACITY BUILDING NEEDS AND STRATEGIC THRUSTS

Based on the data obtained from the GS Questionnaire, majority of the stakeholders was found to have a medium level of difficulties in implementing consumer protection activities and programmes (see Table 4.1). Nonetheless, the majority of the selected stakeholders require high level of assistance for support of their consumer protection work (Table 4.2). Five main constraints were also identified as the potential areas for capacity building needs in CP in Brunei Darussalam.

Table 4.1: Level of Difficulty in implementing Consumer Protection activities and programmes in Brunei Darussalam.

	Frequency	Percentage (%)
No difficulties	3	27.3
Low level of difficulties	1	9.1
Medium level of difficulties	5	45.5
High level of difficulties	2	18.2
Total stakeholders	11	100.0

Source: Based on the General Survey on selected stakeholders.

Table 4.2: Level of Assistance required to support work on Consumer Protection.

	Frequency	Percentage (%)
No capacity building needs assistance required	2	18.2
Low level of capacity building needs assistance required	3	27.3
Medium level of capacity building needs assistance required	0	0.0
High level of capacity building needs assistance required	6	54.5
Total stakeholders	11	100.0

Source: Based on the General Survey on selected stakeholders.

Generally, the CBN of stakeholders in Brunei Darussalam could be categorized into 4 strategic thrust areas as:

- Laws and programmes on CP
- Enforcement
- Redress mechanisms
- Implementing agencies on CP

Thus, specific needs highlighted for capacity building in consumer protection from the GS were further supported and verified through Key Informant Interviews.

4.2.1 Laws and Programmes on CP

- Developing appropriate laws, policies and programmes in relevant areas of work for consumer protection
- Developing strategic plans(master plan) for consumer protection
- Implementation and evaluation of consumer protection programmes (e.g. price monitoring and market surveillance)
- Research on existing consumer protection laws to cover emerging issues
- Awareness and educational programmes
- Consumer issues impacting on women

4.2.2 Enforcement

- Enforcing laws/codes of conducts that protect consumers
- Monitoring compliance to laws/codes of conduct
- Information technology management
- Good standard development practices related to quality and safety standards
- Training enforcement staff on consumer issues (e.g. identification of fraud, counterfeit products, fair trade laws, price fixing, E-commerce etc.)

4.2.3 Redress Mechanism

- Establishing and/or managing redress mechanisms
- Information technology management for complaint handling

4.2.4 Implementing Agencies on CP

- Hiring competent personnel to Implementing consumer protection policy
- Developing management and leadership skills

4.2.4.1 ACCP focal point

JPKE, as Brunei's focal points for ACCP, plays vital role in moving the CP agenda forward in the country. Along with the ASEAN Secretariat (CCPID)

1. Enhance role of ACCP as a platform for encourage exchange of information and evaluation mechanisms
2. Continue and further enhance the capacity of ASEC to provide inputs and share information from other platforms
3. Establish Specific Platform for addressing "CHILDREN AS CONSUMERS" at domestic and regional level
 - Develop specific programmes or initiatives to address issues related to children being targeted for products or marketing or advertising (Cigarettes, toys, junk food, fast food, pornography)
 - Collaboration with experts for research on impact of products on children
 - Develop ASEAN Code of Conduct for marketing to children

4. Enhance Corporate Social Responsibility in industry through the adoption of ISO26000 in ASEAN region
5. ASEAN Youth program and exchange
6. Provide training or study visits for ACCP on
 - Mediation
 - Dispute Settlement Body (such as the Tribunal in Malaysia or Consumer Dispute Settlement Body in Indonesia)
 - Trade

4.2.4.2 Inter-agency coordination

In order to enhance inter-agency coordination to promote CP, Brunei Darussalam would need to look into:

- Establishing institutional mechanisms or a dedicated CP-Agency to implement and coordinate consumer protection agenda
- Establishing legal and institutional mechanisms for consumer representation
- Developing consumer organisations (government linked agencies, NGOs, independent)

4.2.4.3 Other stakeholders

Generally, in order to overcome the challenges in consumer protection implementation in Brunei Darussalam, all stakeholders participated in this project require assistance in the areas as mentioned in Section 4.2.1 to Section 4.2.4.

5. RECOMMENDATIONS FOR CAPACITY BUILDING ON CONSUMER PROTECTION

5.1 CAPACITY BUILDING ROAD-MAP AND IMPLEMENTATION PLAN

To further enhance the development of ASEAN Economic Community and regional market integration, effective channelling of resources and efforts for the increased capacity building needs in CP, through the ACCP focal points, is vital in order to continuously ensure tangible outcomes of consumer protection in nationally and in the ASEAN region.

With reference to the national Implementation Plan (Table 5.1), the roadmap for capacity building in consumer protection for Brunei Darussalam focuses on two main thrusts:

1. Advancing and Prioritizing Consumer Protection through JPKE
2. Promoting Consumer Protection Agenda through all relevant stakeholders

1. Advancing and Prioritizing Consumer Protection through JPKE

Strategic Objective: *Ensuring the enactment and implementation of A Principal Consumer Protection Act. Advocacy*

Action:

- i. Engage experts to help develop a principal consumer protection act and national consumer policy
- ii. Carry out inclusive consultations with all relevant stakeholders from relevant government agencies, industry and civil society organisations
- iii. Hold seminars/workshops for public awareness and exposure to consumer protection

Planning and Development

Action:

- i. Engage consultant(s) to draft CP Act and national consumer policy
- ii. Engage consultant(s) to draft Consumer Protection Master-plan
- iii. Engage experts to study mechanisms to establish centralised Consumer Protection Agency in Brunei Darussalam

Implementation

Action:

- i. Facilitate the efforts of JPKE to further enhance its capacity to build local expertise and instruments for consumer protection
- ii. Develop joint strategies on issues of related interests to JPKE with other government agencies or regulatory bodies such as the Ministry of Health, JASTRE, Department of Agriculture and Agrifood, as well business associations such as the Association of Banks, and civil society organization such as Consumer Association of Brunei Darussalam.
- iii. Enhance joint-exercise between AGC & JPKE
- iv. Support the development and engagement of civil society or consumer organisations

Enforcement

Action:

- i. Enhance collaboration with the Small Claims Tribunal

- ii. Enhance the consumer protection capacities of all relevant agencies
- iii. Enhance and support the capacities or civil society organisations to act as a watch-dog

Education and Awareness

Action

- i. Enhance capacity to conduct policy or law reviews
- ii. Enhance legal representation of consumers, through access to Legal Aid
- iii. Enhance knowledge through development of Concept Papers, Research or Impact Study or Analysis

2. Promoting Consumer Protection Agenda through all relevant stakeholders

Strategic Objectives: *Increasing Participation and Consumer Protection Ownership of all relevant entities.*

Actions

- i. Develop modalities for networking between relevant entities associated with consumer protection;
- ii. Promote research studies and scholarly publications on consumer protection development initiatives in Brunei Darussalam;
- iii. Provide support and assistance to the relevant entities working towards improving consumer protection capacities

Product safety and labelling

Action

- i. Enhance the efficiency of monitoring and enforcement of food safety and cosmetic products
- ii. Develop efficient Food testing facilities
- iii. Enhance compliance of product manufacturers and suppliers with international and regional standards for food safety programmes (GAP, GMP, Halal, GAHP, HACCP, Veterinary Inspection Logo)
- iv. Enhance training of local producers (food) are trained and certified based on international standards (GAP, GMP, HACCP, Halal) through JASTRe or Religious Affairs, and to raise awareness on Organic agriculture and organic products
- v. Establish mechanisms for testing and labelling of electrical products similar to SIRIM (Malaysia) or SPRING (Singapore) or Trust Marks, and to implement AITI – Seal/sticker for telecommunication device.
- vi. Enhance Education and Awareness programmes through Exposure visits to FOMCA / CAP / CASE
- vii. Enhance Harmonization of Halal standards and certification at ASEAN level
- viii. Develop product testing capacities on other consumer products and services including cosmetic products
- ix. Develop national standards consumer products (toys, car, phones, electrical items etc)
- x. Establish accredited testing facilities
- xi. Establish a national Standard Body
- xii. Establish computerized system for data collection on consumer injuries due to unsafe products and inadequate labelling? (egg. Electrical shocks, poisoning, defective/unsafe toys, etc)
- xiii. Develop guidelines or laws to control advertisements targeting children

- xiv. Provide exposure study visit for the Department of Agriculture and Agrifood to Federal Agriculture Marketing Authority (FAMA) Malaysia to study the role of agricultural marketing agency and the relevance of 3P Regulations on Packaging, Labelling and Grading of fresh agricultural to safeguard consumers' safety
- xv. Provide exposure study visit for the Ministry of Health to Malaysia and Indonesia to study the mechanisms for Coding and labelling of drugs and medicines

Phone, Internet Services and E-Commerce

Action

- i. Establish and enhance networking and stakeholder engagement on consumer protection and phone and Internet services & E-commerce
- ii. Review the constitution of AITI, to include consumer representation in the Authority Body.⁶¹
- iii. Develop further educational programmes on consumer protection with regards to phone and Internet services & E-commerce⁶²
- iv. Develop Leadership and management skills and knowledge including developing skilful workforce and knowledge community with regards to consumer protection

Consumer Credit and Banking

Action

- i. Develop an independent Credit Bureau
- ii. Conduct study on consumer handling mechanisms such as the Financial Mediation Bureau (FMB of Malaysia or Singapore)
- iii. Conduct study on the codes of advertising by financial institutions (many forms of advertising are allowed except those related to Credit card)
- iv. Enhance capacity of banks to provide proper counselling to consumers before issuing credits or loans
- v. Provide consumer education on financial literacy and Financial Planning

Environment

Action

- i. Conduct training on Sustainable agriculture
- ii. Conduct seminars on ASEAN Initiatives and Framework related to environment
- iii. Conduct seminars on sustainable production and consumption including the exposure to solar energy and other renewable energy alternatives, green building and green Technology

⁶¹ Currently, as published on AITI's website, the 8 Members of the Authority consist of representatives from respective government ministries, and four from corporate organisations such as Shell Petroleum Co. and HSBC. Consideration for having consumer representation through a recognised NGO would mean a step forward for consumer protection in Brunei Darussalam.

⁶² Even though AITI has already carried out some educational and awareness programmes, the obligations to educate consumer should be shared by all relevant players, not only AITI, but also ICT service providers, other ministries such as the Ministry of Education, as well as consumer organisations. Thus, CP agenda should be adopted by industry players towards realising (corporate) social responsibility.

- iv. Conduct seminars or workshop to enhance understanding on other environment initiatives such as Eco-labelling, GHG and Biosafety issues.

Healthcare services

Action

- i. Conduct seminar or workshop on Good standards development practices for healthcare services
- ii. Conduct Training on ethical marketing of drugs
- iii. Conduct study on and develop mechanisms for labelling and coding of medicines
- iv. Conduct seminar or workshop to gain exposure on genetic modified organism issue
- v. Conduct study visit to Malaysian Society for Quality Health (MSQH) to learn about the initiative
- vi. Provide exposure and study visit to the mechanisms for rating and certification of Hospitals

Professional services

Action

- i. Provide program to educate and raise awareness of medical professionals on the “Patient-for-Patient Safety” Program or the World Health Organization’s “SPEAK-UP” program to improve doctor-patient communication
- ii. Enhance the efficiency of Anti-Antibiotic Resistance program and monitor unethical marketing of drugs

Table 5.1: National Implementation Plan for Capacity Building in Consumer Protection.

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
NATIONAL CONSUMER PROTECTION POLICY	<ul style="list-style-type: none"> ▪ Brunei to develop national consumer plans. ▪ Identify competencies required. ▪ Establish policy framework to determine Brunei's approach to consumer issues 	<ul style="list-style-type: none"> ▪ Draft National Consumer policy ▪ Implement National Consumer Policy ▪ Consultations with all relevant stakeholders ▪ Educate consumers on their rights 	<ul style="list-style-type: none"> ▪ Sensitize and popularize National Consumer Policy
PRINCIPAL CONSUMER PROTECTION LAW	<ul style="list-style-type: none"> ▪ Identify the gaps in existing legal regime for Consumer Protection Nationally ▪ Draft required CP legislation ▪ Consultations with relevant stakeholders 	<ul style="list-style-type: none"> ▪ Enforcement of CPA ▪ Monitoring of CPA 	<ul style="list-style-type: none"> ▪ Monitoring of CPA
CONSUMER MASTER PLAN	<ul style="list-style-type: none"> ▪ Formulate consumer master plan. Establish national steering committees ▪ Implementation milestones identified 		

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

Table 5.1: (continued)

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
CONSUMER EDUCATION AND AWARENESS	Identify best practices	Develop formal and informal consumer education programmes	Assess effectiveness of consumer education programmes
	Develop National Consumer education Policy <ul style="list-style-type: none"> ▪ Promote establishment of consumer clubs in schools and university or colleges 	<ul style="list-style-type: none"> ▪ Integrate CP subjects in school curriculum 	
ESTABLISHING INSTITUTIONAL MECHANISMS	<ul style="list-style-type: none"> ▪ Establish National Consumer Council in Brunei. Identify functions and members 	<ul style="list-style-type: none"> ▪ Promote roles, mission and vision of the Consumer Council ▪ Establish modes of stakeholders collaboration and participations ▪ JPKE or CP Agency to establish mechanism for National Database Collection on Consumer Injuries and Consolidated national complaints 	

Table 5.1: *(continued)*

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
ENFORCEMENT AGENCIES	<ul style="list-style-type: none"> ▪ Conduct consultations with enforcement agencies 	<ul style="list-style-type: none"> ▪ Build capacity of enforcement agencies on CP issues ▪ Enhance coordination of CP Agency with enforcement agencies 	
REDRESS MECHANISMS	<ul style="list-style-type: none"> ▪ Identify gaps in existing redress mechanisms (the Small Claims Tribunal, AITI⁶³, ICT Service Providers, Banks, Retails, etc) ▪ Identify gaps in overall redress mechanisms (centralization vs. decentralization) ▪ Support development of regional redress mechanisms 	<ul style="list-style-type: none"> ▪ Establish framework for bi-lateral cross-border redress mechanisms based on best practices recommended or studied 	

⁶³ As described in Section 3.2 of this Report, the AITI’s complaint handling mechanisms may be perceived as not consumer-friendly and time consuming for consumers. Thus, may cause reluctance among consumers to file complaint and seek redress, even in cases of genuine violations. A study on some best practices in handling consumer complaints may help to enhance its redress functions.

Table 5.1: (continued)

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
HUMAN RESOURCE DEVELOPMENT	Identify human resource needs	Develop HR Development programmes	Upgrade HR capacity to meet emerging needs
PROGRAMMES FOR CORE CONSUMER AREAS	<ul style="list-style-type: none"> ▪ Enhance capacity to develop national standards for products and services 	<ul style="list-style-type: none"> ▪ Establish accredited product testing facilities 	
CONSUMER NGO DEVELOPMENT / INDUSTRY	<ul style="list-style-type: none"> ▪ Support programmes by CAB ▪ Identify relevant emerging consumer issues ▪ Identify consumer protection practices in industry ▪ Identify programmes for CP integration in industry 	<ul style="list-style-type: none"> ▪ Support establishment of new consumer organisations for specific consumer areas ▪ Promote adoption of ISO26000 among industry players ▪ Establish consumer forum at national/district levels 	<ul style="list-style-type: none"> ▪ Full adoption of ISO26000 by all stakeholders
CONSUMER RELATED LAWS AND STATUTES	<ul style="list-style-type: none"> ▪ Identify gaps in product safety and labelling ▪ Identify gaps in health care services (hospital laws, accreditations, guidelines) <p>Identify gaps in environment policies (sustainable production and consumption, LA21)</p>	<ul style="list-style-type: none"> ▪ Drafting new relevant laws ▪ Amendments to existing laws <p>(based on recommendations in the report related to relevant areas)</p>	

Table 5.1: *(continued)*

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
PARTICIPATION IN CONSUMER PROTECTION	<ul style="list-style-type: none"> ▪ Enhance support for leadership and management development in CP ▪ Identify areas for participation for all stakeholders 		
IMPLEMENTATION OF INDUSTRY CODES OF CONDUCT	<ul style="list-style-type: none"> ▪ Establish monitoring mechanisms ▪ Support telecommunication providers to develop codes of conduct 	<ul style="list-style-type: none"> ▪ Establish mechanisms for monitoring of industrial conducts and impact 	
WOMEN AND CONSUMER PROTECTION	<ul style="list-style-type: none"> ▪ Identify areas of concern for women consumers ▪ Conduct study on impact of product safety and services on women 	<ul style="list-style-type: none"> ▪ Integrate gender dimension into consumer policies and legislations ▪ Conduct study on the impact of policies and legislation on women 	<ul style="list-style-type: none"> ▪ Consolidate women's participation at all levels

Table 5.1: *(continued)*

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
PROTECTION OF CHILDREN AS CONSUMERS	<ul style="list-style-type: none"> ▪ Identify areas of concern for children consumers ▪ Conduct study on the impact of products and services on children of Brunei 	<ul style="list-style-type: none"> ▪ Establish national guidelines on marketing to children ▪ Establish mandatory laws on product safety or services for children – toys, cigarettes, junk food, advertisement, etc) ▪ Monitor market conducts and activities (advertising and sale) 	<ul style="list-style-type: none"> ▪ Establish agency or council for Children Consumers of Brunei
ADVOCACY	<ul style="list-style-type: none"> ▪ Advocate for children protection at ASEAN level <p>Support regional study on impact of products and services on children</p>	<ul style="list-style-type: none"> ▪ Support establishment of regional guidelines on marketing to children 	
FINANCE	<ul style="list-style-type: none"> ▪ Identify plans and activities for consumer protection ▪ Identify agency or body responsible for consumer protection ▪ Establish national budget lines for consumer protection programmes 	<ul style="list-style-type: none"> ▪ Implement and evaluate plans and activities ▪ Identify areas for expansion 	

5.2 PRIORITISATION OF STRATEGIES AND FOCUS AREAS

At present, there is a strong realization for the needs of consumer protection in Brunei Darussalam due to the robust market integration and market competition domestically, regionally and internationally, as well as due to the more demanding and sophisticated consumer needs.

During the ACCP Workshop (2010), the Brunei's ACCP focal points⁶⁴ identified five immediate focus areas to be considered for capacity building on consumer protection. These five areas are (in the order of priority):

1. Establishment of a principal CP law and policy, which is to be developed concurrently in short-term basis within 2011
2. Development of Consumer Protection Master Plan, based on a 5-year work plan as a medium term priority.
3. Enhancing consumer education through seminars, road-shows and other socialization strategies through coordination and involvement of key stakeholders and agencies such as the Ministry of Education, consumer organisations and Radio Television Brunei.
4. Enhancing infrastructural development for CP, including establishment of a Price Control Council, which is already specified under the Price Control Act, along with enhancing leadership and management capacities and knowledge on CP among senior ministers; as well as emulating public-private partnership and NGO development as carried out in Malaysia.
5. Enhancing enforcement capacities of relevant regulatory agencies through centralized coordination, and improving the redress mechanisms, emulating examples of best practices such as the Consumer Claims Tribunal of Malaysia.

Based on the identified areas above, the prioritization of strategies for consumer protection in Brunei Darussalam are summarized in Table 5.2 and rated as high, medium or low based on the feedback from the respondents and key informants under studied, and was examined based on the following criteria:

- **Urgency:** this is a priority issue that needs to be addressed in the next 1-3 years, based on the suggestions received during the key informant interviews, as matters related to ongoing or current intentions and actions.

⁶⁴ Identified during the ACCP Workshop on 30 November – 1 December 2010 in Kuala Lumpur, Malaysia.

- **Potential Impact:** Addressing this critical issue will likely have a significant impact on one or more specific populations. There is also reason to believe this can successfully address consumer protection issue.
- **Actionable/Feasible:** there are opportunities for action to address the critical issue related to consumer protection. There is also room to make meaningful improvement on the issue.
- **Resources:** Resources (funds, staff, and expertise) are either readily available or likely resources can be obtained to address the critical issue. Resources may be obtainable through the state and community members to work on the issue. Or resources can be acquired elsewhere.
- **Community Readiness:** A critical issue identified as important by the community. People in the community are interested in the issue. There is community momentum to move this initiative forward.
- **Integration:** There is opportunity for collaboration. There is opportunity to build on existing initiatives. There is a tendency to duplicate efforts.

Table 5.2: Recommended Priorities and Focus Areas in Consumer Protection.

Strategies	Urgency	Potential Impact	Actionable /Feasible	Resources	Community Readiness	Integration
<i>Strategy 1:</i> Developing a Principal Consumer Protection Act and its Implementation Plan	High	high	high	medium	medium	medium
Strategy 2: Improving the institutional and regulatory framework for Consumer Protection	Medium	medium	medium	medium	medium	medium
<i>Strategy 3:</i> Promoting and building awareness on Consumer Protection to all relevant government, regulatory agencies, and policy-makers	Medium	medium	medium	medium	medium	medium
Strategy 4: Educate consumers and raise awareness on consumer rights and issues	Medium	medium	medium	medium	medium	medium
Strategy 5: Support implementation and enforcement of consumer protection programmes through strengthened infrastructure for CP	Medium	medium	medium	medium	medium	medium

From the study, specific focus areas for capacity development in selected consumer areas were identified, and recommended for some relevant stakeholders. These areas are covered below.

Product Safety and Labelling

Stakeholders:

- Ministry of Health
- Department of Agriculture and Agrifood
- Department of Economic Planning and Development, Prime Minister's Office
- Department of Electrical Services
- Consumer Association of Brunei
- Universiti Brunei Darussalam
- Ministry of Education
- Attorney General's Chambers
- Public Works Department
- Halal Food Control Division, Department of Syariah Affairs

Identified areas (in the order of importance):

1. Leadership and management development
2. Research & Development (R&D) on product safety and labelling
3. Training on
 - a. Risk Assessment
 - b. Product labelling (use of green technology and interpretation)
 - c. Development of standards and monitoring compliance
4. Impact of unsafe products on women
5. Monitoring and enforcement of laws/codes of conduct and mandatory standards on product safety and labelling
6. Development, implementation and evaluation of consumer protection policies on product safety and labelling
7. Establishment of a redress system (e.g. handling complaints on product safety and labelling)
8. Technical assistance on product safety and labelling
9. Information management system (e.g. consumer injuries, complaints)
10. Awareness and educational programmes on product safety and labelling
11. Networking and stakeholder engagement on consumer protection, product safety and labelling

Phone & Internet Services, and E-commerce

Stakeholders:

- Ministry of Communications
- Authority for Info-communications Technology Industry (AITI) of Brunei Darussalam
- DST Communications Sdn Bhd (DSTCom)
- Telekom Brunei Berhad (TelBru)
- B-Mobile Communications Sdn Bhd (B-Mobile)
- Department of Economic Planning and Development, Prime Minister's Office
- Attorney General's Chambers

Identified areas in the order of importance:

1. Networking and stakeholder engagement on consumer protection and phone and Internet services & E-commerce
2. Development, implementation and assessment of consumer protection programmes on phone and Internet services & E-commerce
3. Leadership and management development (including developing skilful workforce and knowledge community)
4. Enhancing the roles of Policy Makers in 'Policy Formulation & Direction' for ICT Industry
5. Educational programmes on consumer protection with regard to phone and Internet services & E-commerce
6. Establishment of institutional structures for consumer protection with regard to phone and Internet services & E-commerce
7. Development, implementation and assessment of consumer protection programmes on phone and Internet services & E-commerce

Consumer Credit and Banking

Stakeholders:

- Ministry of Finance
- Brunei Association of Banks
- Consumer Association of Brunei
- Department of Economic Planning and Development, Prime Minister's Office
- Attorney General's Chambers

Identified areas in the order of importance:

1. Development, implementation and evaluation of consumer protection policies on consumer credit and banking
2. Monitoring and enforcement of laws/codes of conduct and mandatory standards on consumer credit and banking
3. Good standards development practices on consumer credit and banking
4. Research & Development (R&D) on consumer credit and banking

5. Training on:
 - a. Financial literacy (e.g. managing finance and debt)
 - b. Ethical finance and banking practices
 - c. Best practices on access to consumer credit
6. Development, implementation and assessment of consumer programmes on consumer credit and banking
7. Establishment of a redress system (e.g. handling complaints) on consumer credit and banking
8. Technical assistance on consumer credit and banking
9. Information management system (e.g. complaints)
10. Awareness and educational programmes on consumer credit and banking
11. Leadership and management development
12. Networking and stakeholder engagement on consumer protection, consumer credit and banking.

Environment

Stakeholders:

- Department of Forestry, Ministry of Industry and Primary Resources
- Department of Environment, Parks and Recreation, Ministry of Development
- University Brunei Darussalam
- Ministry of Health
- Ministry of Education
- Department of Economic Planning and Development, Prime Minister's Office
- Attorney General's Chambers

Identified areas in the order of importance:

1. Development, implementation and evaluation of consumer protection policies on environment (*also please see Box 5.1*)
2. Monitoring and enforcement of laws/codes of conduct on environmental consumer services
3. Good standards development practices related to environment and consumer protection
4. Training on:
 - a. Clean development mechanisms
 - b. Environmentally preferable products and environmental labelling
 - c. Environment and health standards
5. Development, implementation and evaluation of consumer protection programmes on environment
6. Establishment of a redress system (handling complaints) on consumer protection with regard to environmental issues (e.g. helpline or hotline for reporting of environmental violations)
7. Technical assistance on environment and consumer protection
8. Establishment of institutional structures on environment and consumer protection
9. Information management system on environment and consumer protection
10. Awareness and educational programmes on environment and consumer protection
11. Environment, trade and development related to consumer protection
12. Leadership and management development in development and consumer protection
13. Networking and stakeholder engagement on environment and consumer protection
14. Research & Development (R&D) on environment and consumer protection
15. Environmentally sound technology transfer
16. Impact of environmental policies on women

Box 5.1: Environmental Policy Development and Consumer Protection

To complement the provisions of the Municipal Board Act, the Municipal Board should further construct relevant policies and effective guidelines pertaining to conservation of environmental quality as well as the provision and management of its related services. This is to further enhance the effort to regulate environmental quality and services. The Municipal Board should also form a Community-Based Taskforce for purposes of managing environmental quality and sustainability within the Municipal Board's area. The Municipal Board together with the proposed Community-Based Taskforce should draft a strategic plan under the name **Local Agenda for Sustainable Development and Community**; for short, medium and long term; with the objective to achieve sustainable community through environmental quality. The scope of this plan should be comprehensive which include strategic plans and actions as well as roadmaps from the identification, planning, production, management, education, regulation and control, as well as promoting the importance of quality environment to the community.

Further, the Municipal Department must refer to the guidelines provided under **Local Agenda 21 (LA 21)** as its basis to manage environmental quality and its related services within the municipal area. The LA 21 provides a comprehensive guide to managing environmental quality which is not limited only to waste management and pollution control but equally important also include the non-physical aspects such as to achieve sustainable community through quality environment. Through this, the protection of consumers could be optimised accordingly.

Source: As proposed by a reviewer on the current report during the stakeholders' consultation round in January 2011 coordinated by JPKE.

Healthcare

Stakeholders:

- Ministry of Health
- Department of Economic Planning and Development, Prime Minister's Office
- Attorney General's Chambers

Identified areas in the order of importance:

1. Leadership and management development
2. Good standards development practices on healthcare services

3. Development, implementation and evaluation of consumer protection policies on healthcare services
4. Development, implementation and assessment of consumer protection programmes on healthcare services
5. Networking and stakeholder engagement on healthcare services
6. Training on:
 - i. Health needs of women
 - ii. Ethical marketing of drugs
 - iii. Rational use of medicines and supplements
 - iv. Patient safety standards
7. Research & Development (R&D) on consumer protection and healthcare services
8. Monitoring and enforcement of laws/codes of conduct and mandatory standards on healthcare services
9. Establishment of a redress system on healthcare services
10. Awareness and educational programmes on healthcare services

Professional Services

Stakeholders:

- Ministry of Health
- Department of Economic Planning and Development, Prime Minister's Office
- Attorney General's Chambers
- Ministry of Development
- Ministry of Finance
- Ministry of Education
- Ministry of Industry and Primary Resources
- Ministry of Religious Affairs
- Municipal Board

Identified areas (in the order of importance):

1. Development, implementation and evaluation of consumer protection policies on professional services
2. Monitoring and enforcement of laws/codes of conduct on professional services
3. Good standards development practices on professional services
4. Research & Development (R&D) on consumer protection and professional services
5. Training on:
 - a. Consumer rights and protection related to services of legal or medical professionals
 - b. Monitoring compliance of codes of conduct and ethical practices related to the legal and medical professionals
 - c. Best practices in redress mechanisms to handle medical and legal services cases

6. Development, implementation and assessment of consumer protection programmes on professional services
7. Establishment of a redress system (e.g. handling complaints) on professional services
8. Technical assistance on consumer protection on professional services
9. Establishment of institutional structures for consumer protection on professional services
10. Educational programmes on consumer protection and professional services
11. Information management system (e.g. database management)
12. Awareness and educational programmes on professional services
13. Leadership and management development
14. Networking and stakeholder engagement on professional services

Within the scope of this study, general consumer's concerns related to sporadic and generic complaints against doctors should be taken up on board. Even though there were no official reports, cases, data, figures or statistics on any of untoward incidences found in Brunei Darussalam, consumers should be protected against the possibility of the following:

- Misdiagnosis, or not carrying out the procedure properly
- Fraud or dishonest practice (for instance in issuance of medical (sick) certificate)
- Breaches of confidentiality or trust
- Does not provide full explanation before any course of actions

Apart from the above, the relevant stakeholders and authorities, such as MoH, should also be aware of some other specific concerns of consumers, when it comes to unethical practices of doctors⁶⁵, which may include:

- Association with an unqualified and unregistered person to attend to and treat patients, and prescribe scheduled drugs
- Abuse of professional privilege and skills for producing false, misleading and improper reports
- Use of a patient's medical report in civil suit at a High Court without the consent of the patient.
- Harassment and molestation of a patient while examining a patient without the presence of a chaperone
- Disregard and neglect of professional responsibilities such as
 - ignoring patient's choice of treatment despite being informed
 - not explaining the risks or not giving prior notification or not seeking prior consent
 - failing to carry out competent and considerate inquiries post surgically

⁶⁵ Based on some examples and cases reported in other countries, such as Malaysia (*please see Malaysian Medical Council Annual Report 2008*).

Thus, some challenges in implementing CP with respect to medical services in Brunei Darussalam may include:

- Strengthening the capacity of disciplinary boards
- Establishing mechanisms to notify consumers of blacklisted or unlicensed practitioners
- Training sufficient local doctors to provide greater access to medical care

Additionally, efforts should also be enhanced to address the absence of consumer representation in the development of service standards for Medical professionals in efforts to further implement CP initiatives. Enhanced coordination and cooperation among the relevant stakeholders is also important in order to channel appropriate knowledge or awareness on any measures to protect consumers from medical negligence.

6. CONCLUSION

Brunei Darussalam is an advanced market economy with sophisticated consumer demands. The needs to put in place stronger forms of consumer protection are therefore crucial at this stage. With the aggressive advancement of trade liberalization in the region, Brunei Darussalam has to also enhance its market competitiveness and at the same time protects its consumers. The absence of a principal consumer protection act is acknowledged as one the critical gap that needs to be addressed. Apart from the inadequate laws, difficulty in getting qualified and experienced staff is also a critical area that needs to be overcome. This report has made recommendations on prioritization of strategies for implementation plan of consumer protection in the country. In advancing and prioritizing the development of Consumer Protection, ASEAN assistance, through cooperation with other AMSs with more advanced consumer protection mechanisms, is particular needed to provide advice on experts engagement to help develop and draft a principal consumer protection act and national consumer policy, and its implementation plan. As JPKE is already in the midst of drafting a Consumer Protection Act, it is also important that Brunei Darussalam be assisted to

- Carry out inclusive consultations with all relevant stakeholders industry and civil society organisations
- Have exposure to best practices in Consumer Protection Program implementation
- Raise awareness and educate the stakeholders on consumer issues related to their areas of works through sharing and exchange of information
- Have exposure to an effective mechanism that will help to establish and enhance networking and stakeholder engagement on consumer protection
- Access programmes and initiatives to train staff through seminars, workshop, internship and exposure visits.
- Integrate consumer protection modules in higher learning institutions to produce qualified and certified graduates in consumer protection
- Develop more consumer organisations not only help to educate consumers but also act as a watchdog to ensure successful implementation and enforcement of consumer protection

With the necessary assistance and prioritization strategies as described in this report, consumer protection in Brunei Darussalam may be realized through an inclusive approach, which already steered encouraging interests from the various key stakeholders. Through this, both the national and regional objectives to provide certain level of protection for consumers among AMSs could be harmonised.

REFERENCES

“72 caught for smoking in public places”. (2010, June 14). The Brunei Times. Accessed on 28 January 2011 from <http://snus-news.blogspot.com/2010/06/brunei-smoking-ban-looks-like-it-will.html>

Abdul Rashid Mohammad. (2008). Brunei Darussalam: National Policy Status Review. Presentation at the Workshop on National Policies and Plans on Injury and Violence Prevention. July 29-31, 2008. Manila, Philippines. Brunei Darussalam. Accessed on 5 November 2010 from <http://www.wpro.who.int/NR/rdonlyres/7B7992CE-766B-4866-9814-99ACF2DD1CA6/0/BRUpresentation.pdf>

ACCP Workshop. (2010). “Roadmapping Capacity Building Needs in Consumer Protection in ASEAN”. 30 Nov- 1 Dec, 2010. Kuala Lumpur, Malaysia.

ASEAN Secretariat. (2009). Roadmap for an ASEAN Community 2009-2015. Jakarta, Indonesia. ISBN 978-602-8411-04-2.
<http://www.aseansec.org/publications/RoadmapASEANCommunity.pdf>

Ball, M.J. & Lillis, J. (2001). E-health: Transforming the Physician/Patient Relationship. The International Journal of Medical Informatics 61 (1): 1-10.

Brunei Darussalam Road Safety Action Plan 2005-2010/2011-2020.
http://www.unescap.org/ttdw/common/Meetings/TIS/EGM-Roadsafety-2010/PPTs/3.Brunei_ppt.pdf

Centre for Strategic and Policy Studies Bandar Seri Begawan. (2008, June 16). *Brunei's solid waste management system*. Brunei Times. Accessed on 6 November 2010 from http://www.bt.com.bn/focus/2008/06/16/bruneis_solid_waste_management_system

Competition Regimes in the World: Brunei Darussalam. Accessed on 5 November 2010 from http://competitionregimes.com/pdf/Book/Asia_Pacific/6-Brunei.pdf

Consumers International. (2009). *The Asia Pacific Consumer Laws Analysis*. Consumers International. Kuala Lumpur, Malaysia. <http://www.ciroap.org/apcl/>

Declaration of Geneva. (1948). Adopted by the General Assembly of World Medical Association. <http://www.cirp.org/library/ethics/geneva/>

Declaration of Helsinki. (1964). Ethical Principles for Medical Research Involving Human Subjects. Adopted by the 18th WMA General Assembly. Helsinki, Finland.

<http://www.wma.net/en/30publications/10policies/b3/index.html>

Department of Environment, Parks and Recreation. (2006, October 30). *Solid Waste Management in Brunei Darussalam*. Ministry of Development.

http://www.env.go.jp/recycle/3r/en/asia/02_03-3/11.pdf

Department of Environment, Parks and Recreation. (2006, October 30). Solid Waste Management in Negara Brunei Darussalam. Accessed 15 October 2010 from

http://www.env.go.jp/recycle/3r/en/asia/02_03-3/11.pdf

ICF International Prosper Centre. 2011. Reducing Trade Barriers for Environmental Goods and Services in APEC Economies: Mapping Exercise for Energy Efficient Products. *Final Report for Asia-Pacific Economic Cooperation (APEC) Expert Group on Energy Efficiency and Conservation Energy Working Group*. Accessed on 28 Jan 2011 from

http://apec.fivevision.com/www/UploadFile/110105APEC-EE-ICF-Final-Report_rev_clean.pdf

International Code of Medical Ethics. (1949). Adopted by the Third General Assembly of the World Medical Association at London in October 1949. *World Medical Association Bulletin*, vol. 1, no. 3, October 1949: pp.109- 111

Jannatul Madihah AB, Natrah MS, Jamsiah M, Sharifa Ezat WP. Quality in Health care. *Journal of Community Health* 2009. Vol. 15 (2).

Malaysian Medical Council. (2008). Annual Report 2008. Accessed on 8 October 2010 from <http://mmc.gov.my/v1/docs/ANNUAL%20REPORT%202008.pdf>

Medindia. (n.d.) Consumer Protection Act and Medical Profession. Accessed on 3 January 2011 from

http://www.medindia.net/indian_health_act/consumer_protection_act_and_medical_profession_doctor_patient_relationship.htm#ixzz1BEcCnFjA

Ministry of Health. (2008). *Health Information Booklet 2008, Ministry of Health*.

Mohd Rozan Yunos, Zakaria Tarip & Mohd Noor Salleh. (2010, September 14). *3R (Reduce, Reuse, Recycle Concept) in Brunei Darussalam- Country Presentation*. The Second Meeting of Regional 3R Forum. Kuala Lumpur, Malaysia. 4-6 October 2010.

http://www.uncrd.or.jp/env/3r_02/presentations/BG2/2-2Brunei-2nd-3R-Forum.pdf

Mohd. Zin Yaakub. (2010). Basel Convention. Presentation at the Workshop 2010 of Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes. January 27-

29, 2010. Yokohama, Japan. Accessed on 5 November 2010 from http://www.env.go.jp/en/recycle/asian_net/reports/seventhyearwork/Session%201/S1_02_Brunei.pdf

Moyer, T.J., Pfeifer, P.E., Stratton, E.L., O'Connor, M., O'Donnell, T., Lanzinger, J.N., Cupp, R.R. and Hollon, S.C. (n.d.). *A Consumer's Practical Guide to Managing Relationship With a Lawyer*. <http://www.supremecourt.ohio.gov/publications/consumersguide.pdf>

Noraida Yusof. (2004). *A Study on Electronic Waste*. Universiti Teknologi Malaysia. Accessed on 27 January 2011 from <http://www.efka.utm.my/thesis/images/3PSM/2005/4JKAS/Part4/noraidaca020044dttppdf.pdf>

Ong, Colin & DK Siti Nurbani binte Pengiran Dato' Hj. Tengah. *Cross Border Legal Services within ASEAN under the WTO: The Law and Practice Brunei Darussalam*. Retrieved from http://www.aseanlawassociation.org/docs/w2_brunei.pdf

Reehan Sabri. (2007). *Working in Brunei (Brief Communication)*. Pak J Med Sci Vol. 23 No. 5 <http://pjms.com.pk/issues/octdec107/pdf/brunei.pdf>

Tee, E-Siong, Suryani Tamin, Rosmulyati Ilyas, Adelisa Ramos, Wei-Ling Tan, Darwin Kah-Soon Lai and Hataya Kongchuntut. 2002. *Current status of nutrition labelling and claims in the South-East Asian region: are we in harmony? Asia Pacific J Clin Nutrition 11(2): S80–S86*

United Nations Conference on Trade and Development. (2001). United Nations Guidelines on Consumer Protection as Expanded in 1999.

United Nations Economic Commission for Europe. Accessed date 8 November 2010. http://www.unece.org/trans/danger/publi/ghs/implementation_e.html#Brunei%20Darussalam

United Nations. (2002). Johannesburg Summit 2002: Brunei Darussalam Country Profile. Accessed on 10 November 2010 from <http://www.un.org/esa/agenda21/natinfo/wssd/brunei.pdf>

Wood., J.T.D. (1996). *What Consumer Laws Should Do: Based upon Consumer International's Eight Consumer Rights*. Baljurda Comprehensive Consulting Pty Ltd, Australia.

World Health Organization. (2004). Brunei Darussalam: Environmental Health Country Profile. Accessed on 5 November 2010 from http://www.environment-health.asia/fileupload/brunei_ehcp_19Nov2004.pdf

Websites:

http://www.aiti.gov.bn/media/complaint_handling_process_April_2009.pdf

http://www.bfad.gov.ph/oldsite/ACCSQ%20COSMETIC/ASEAN%20Cosmetic%20Meeting_PDF/SUMMARY%20RECORD-%20FINAL.pdf

<http://www.bruneiroadsafety.org.bn/>

http://www.env.gov.bn/domestic/environmental_policies.htm

<http://www.fpcc.lk/Brunei.php>

<http://www.mincom.gov.bn/>

<http://www.moe.edu.bn/web/moe/dept/coreedu/step>

http://www.photius.com/rankings/human_development_index_1975-2005.html

http://www.unescap.org/tid/gateway/tisgway_ecom.pdf

http://www.wto.org/english/tratop_e/tpr_e/tp296_e.htm

<http://www.agc.gov.bn/>

<http://www.malaysianbar.org.my/>

<http://www.mmc.gov.my/>

APPENDICES

A: Appendix 1 List of Stakeholders

Attorney General's Chambers
The Law Building
Km 1 Jalan Tutong
Bandar Seri Begawan, BA 1910
Telephone(673) 224 4872
Telefax(673) 22 31 230
E-mail: agc_info@brunet.bn

Department of Environment, Parks
and Recreation
Ministry of Development
Bandar Seri Begawan BB3510
Brunei Darussalam
Tel: +673 238 3222

Universiti Brunei Darussalam
Tungku Link, Gadong BE1410
Brunei Darussalam
Tel: +673 246 3001
Fax: +673 871 8906

Department of Economic Planning and
Development
JPKE, Blok 2A, Jalan Ong Sum Ping
Bandar Seri Begawan BA1311
Brunei Darussalam
Tel.: +673 223 3344
Fax: +673 223 0238
info@jpke.gov.bn

Ministry of Health
Commonwealth Drive,
Bandar Seri Begawan BB3910,
Negara Brunei Darussalam
Tel: +673 238 1640
Fax : +673 238 1440
prohealth@moh.gov.bn

Ministry of Education
Old Airport Road, Berakas
Brunei Darussalam BB3510
Tel: +673 238 2129
Fax + 673 238 0703

Department of Electrical Services
Prime Minister's Office
Old Airport, Berakas,
Bandar Seri Begawan BB3510
Brunei Darussalam.
Tel: +673 719 0137
Fax: +673 887 8422

Authority for Info-communications Technology
Industry (AITI) of Brunei Darussalam
Block B14, Spg. 32-5, Kg. Anggerek Desa,
Jln Berakas, Bandar Seri Begawan BB3713
Brunei Darussalam
Tel: +673 232 3232
Fax: +673 238 2446

Ministry of Finance
Ministry of Finance Building
Commonwealth Drive
Bandar Ser Begawan BB3910
Brunei Darussalam
Tel: +673 238 3962
Fax: +673 238 3954

Brunei Association of Banks
c/o United Overseas Bank Limited
Unit 10 & 11, Bangunan D'Amin Jaya, Kg
Kiarong
Bandar Seri Begawan BS8674
Negara Brunei Darussalam
Tel: 673-2225476
Fax: 673-2240792
Email: Andrew@baiduri.com

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

Department of Agriculture and Agrifood
Ministry of Industry and Primary Resources
Old Airport, Berakas BB3510
Negara Brunei Darussalam
[Tel:+6732388000](tel:+6732388000)
Fax:+6732382226
Website: www.agriculture.gov.bn

Bandar Seri Begawan Municipal Department
Jln Kumbang Pasang
BA 1512
Brunei Darussalam
Tel: +6732232423
Fax +6732229124
Website www.bandaran-bsb.gov.bn
Public relations email: info@bandaran-bsb.gov.bn
Facebook: Jabatan Bandaran BSB Brunei
Twitter: Jabatan Bandaran BSB

B: Appendix 2
Key Informants Interviews Program

	Names of Key Informants	Positions and Organisations	Contact
Session 1 25 Oct 8:30 am	Mat Rusli Bin Haji Abu Bakar	Junior Agriculture Assistant (on behalf of the Director of Agriculture and Agrifood; and Head Division of Agribusiness and District Development Department of Agriculture and Agrifood	Tel: +673 238 8000 rusli21@hotmail.com
Session 2 9:45 am	Shifa'Hussain	Finance Officer, Ministry of Finance	Tel: +673 238 4479 shifa.husaini@mof.gov.bn
	Aiman Abas	Finance Officer, Ministry of Finance	Tel: +673 238 3962 aiman.abas@mof.gov.bn
Session 3 2:00 pm	Hj. Shadoon Hj. Jamzi	President Consumer Association of Brunei	Tel: +673 885 3803 cab_darussalam2001@yahoo.com
Session 4 4:00 pm	Haji Abdul Razak bin Haji Angas	Assistant Director of Implementation Department of Economic Planning and Development	Tel: +673 238 3344 Razak.angas@jpke.gov.bn
	Muhamad Azim Hj Abdul Hamid	ACCP Focal Point Department of Economic Planning and Development	Tel.: +673 223 3344 ext 341 azim.hamid@jpke.gov.bn azim510@gmail.com
Session 5 26 Oct 9:45 am	Martinah Hj Tamit	Head of Environmental Planning and Management Division Department of Environment, Parks and Recreation (JASTRe) Ministry of Development	Tel: +673 238 3222 ext 325 H/P: +673 875 2510 alaimama@hotmail.com martinah.tamit@env.gov.bn
Session 6 8:30 am	AK Hj Liyan PG Hj Mohamad	Legal Counsel Attorney General's Chambers	Tel: +673 717 7723
	Norazlina Hj Abdul Jami	Attorney General's Chambers	Tel: +673 879 8395

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

Session 7 3:55 pm	Abdul Khalid Haji Mahmood	Head of International Affairs & Public Relation Unit, Ministry of Education	Tel: +673 238 2129 H/P: +673 872 7124 Fax: +673 238 0703 khalid.mahmood@moe.edu.bn
	Hj. Amir Hj. Mirasan	Ministry of Education	Tel: +673 882 0108
Session 8 27 Oct 8:30 am	Faisal Kamis	Special Duties Officer Ministry of Health	Tel: +673 812 8286
	Hjh Noraini Manap	Ministry of Health	Tel: +673 238 0528
	Mariam Hj Aliomar	Food Safety and Quality Control Division Department of Health Services Ministry of Health	Tel: +673 233 1109 Hjhmariam_908@hotmail.com
	Mahani Hj Muhammad	Food Safety and Quality Control Division Department of Health Services Ministry of Health	Tel: +673 233 1110 mahani209@hotmail.com
Session 9 9:45 am	Haji Amrinal Bin Haji Amir	Head of Unit Low Voltage Maintenance, Generator, Public Lighting & Depot Customer Service Section Department of Electrical Services	Tel: +673 719 0137 hjamrinal_amir@yahoo.co.uk
	Haji Kharul Jasni B. Mohd Hasan	Department of Electrical Services	Tel: +673 238 2090
Session 10 11:00 am	Anis Faudzulani Hj Dzulkiflee	Assistant Vice Chancellor (Corporate & Administration) Univ. Brunei Darussalam	Tel: +673 246 3001 ext 1200 H/P; +673 871 8906 anis.dzulkiflee@ubd.edu.bn avc.ca@ubd.edu.bn
	Wardah Hakimah Hj Sumardi		
Session 11 2:00 pm	Melissa Tithymirda binti Nikman	Manager (Interconnection, Tariff and Consumer Complaints) AITI	Tel: +673 232 3232 ext 1278 tithymirda.nikman@aiti.gov.bn
	Mohammed Hadi Bin Hj Timor	Assistant Manager (Interconnection, Tariff and Consumer Complaints) AITI	Tel: +673 2323232 ext 1206 hadi.timor@aiti.gov.bn

C: Appendix 3

ROUNDTABLE DISCUSSION PROGRAM

I. Preparation of background materials

- i. Circulate draft preliminary findings of the general survey for the relevant countries.
- ii. Circulate information obtained from the secondary data questions.

II. Agenda

- i. Presentation by facilitator on the objectives of the roundtable discussions.
- ii. Presentation by facilitator on the preliminary findings of the general survey and KII.
- iii. Q&A session.
- iv. If necessary, questions related to relevant consumer protection issues will be asked.
(Refer to the appendix)
- v. Synthesize

Background

The Project is aimed at assessing and prioritizing areas related to the needs for capacity building in consumer protection in Brunei Darussalam, and in all ASEAN Member States (AMSs) at the regional level. The road-map is planned through necessary steps, strategies and recommendations to enable Brunei Darussalam and AMSs to work towards realizing and developing effective region-wide consumer redress systems and enforcement activities in protecting consumers and their rights in ASEAN market as envisioned through the concept of “One Vision, One Identity, One Community”. In addition, the Project will support the efforts to fulfill the promises of providing ASEAN consumers with greater choice of products at competitive prices under the ASEAN Free Trade Agreement (AFTA).

Objectives:

The Roundtable Discussion is conducted with selected stakeholders in Brunei Darussalam having specific interests in Consumer Protection to:

- Share the key findings of general survey and key informant interviews
- Invite comments, inputs and recommendations from the stakeholders as a validation step, aiming at strengthening the validity, reliability and ownership of data and information collected.

ROUNDTABLE DISCUSSION PROGRAM

Time	Program
8:30 – 9:00 am	Registration
9:00 – 10:00 am	Opening Address Roadmapping Capacity Building Needs on Consumer Protection in ASEAN region <ul style="list-style-type: none"> • The Project • Methodology & Stakeholders • Analysis of Results • Findings (overall roadmap, Where? How?, focus areas, Implementation plans for capacity building) • Discussions / Q&A
10:00 – 10:30 am	Tea Break
10:30 – 11:30 am	Capacity Building Needs on Consumer Protection & Sectoral Impact in [COUNTRY] Short presentation for specific areas. Feedback and discussions from relevant stakeholders <ul style="list-style-type: none"> • Product Safety and Labelling • Consumer credit and banking • Phone & internet services, and E-commerce • Health care services • Environment • Professional services • Other emerging needs
11:30 am – 12:30 pm	The Way Forward: Conclusions and Reaffirmation of Study's Findings

D: Appendix 4
List of Relevant Laws for Consumer Protection

Product Safety and Labelling

- Halal Certificate and Halal Label Order 2005
- Halal Meat Act (Cap 183)
- Halal Meat Rules (Cap 183) (Sub R1)
- Medicines (Cosmetic Products) Regulations 2007
- Merchandise Marks Act (Cap 96)
- Miscellaneous License Act (Cap 127),
- Motor Vehicles Insurance (Third Party Risks) Act (Cap. 90)
- Municipal Boards Act (Cap 57),
- Public Health (Food) Act (Cap.182)
- Public Health (Food) Regulations (Cap.182, Rg 1)
- Religious Council and Kadis Courts Act (Cap 77)
- Telecommunication Order 2001
- Water Supply Act (Cap 121)

Phone & Internet Services and E-commerce

- Authority for Info-communications Technology Industry (AITI) Order, 2001
- Computer Misuse Act (Cap. 194)
- Electronic Transaction Act (Cap 196)
- Electronic Transactions Order 2000
- Telecommunications Order 2001

Consumer Credit and Banking

- Banking Order 2006
- Credit card Directive 2010
- Finance Companies (Advertisements) Regulations (Cap. 89, R1)
- Finance Companies Act (Cap 89)
- Hire Purchase Order 2006
- Islamic Banking Order 2008
- Money Laundering Order 2000
- Money Lenders Act (Cap 62)
- Pawnbrokers Order 2002

Environmental Quality and Services

- Forest Act (Amendment) Order 2007

- Municipal Boards Act (Cap 57)
- Road Traffic Regulations
- Water Supply Act (Cap 121)

In the process of enactment:

- Environmental Impact Assessment Order
- Environmental Pollution Control Order
- Hazardous Waste Control Order

Health and Healthcare Services

- Infectious Diseases Order 2003 (S 34)
- Medicine Order 2007
- Medicines (Labelling) Regulations 2010
- Medicines (Licensing, Standard Provisions and Fees) Regulations 2010
- Poisons Act (Cap 114) (Chemical Import)

Professional Services

- Medical Practitioners and Dentists Act (Cap. 112)
- Midwives Act (Cap. 139)
- Nurses Registration Act (Cap. 140)
- Pharmacists Registration Order 2001

- Advocates and Solicitors (Accounts) Rules 1987
- Advocates and Solicitors (Practice and Etiquette) Rules 1991
- Advocates and Solicitors (Practice and Etiquette) Rules 1991
- Advocates and Solicitors (Remuneration) Rules 1991
- Legal Profession (Accountant's Report) Rules 1987
- Legal Profession (Alternative Qualifications) Rules 1999
- Legal Profession (Contingency Fees) Rules 1994
- Legal Profession (Law Society Members of the Council Election) 2005
- Legal Profession (Law Society of Brunei Darussalam) Order 2006
- Legal Profession (Practising Certificate) Rules 1987
- Legal Profession (Pupillage) Rules 2000
- Legal Profession Act (Cap 132)

Other Laws Protecting Rights of Consumers

- Bill of Sale (Cap 70)
- Contracts (Cap 106)
- Hire-Purchase Order 2006

- Penal Code (Cap. 22)
- Price Control Act (Cap 142)
- Sale of Goods Act (Cap 170)
- Second Hand Dealers Act (Cap 65)
- Travel Agents Act (Cap 103)
- Unfair Contract Terms Act (Cap 171)
- Weight and Measures Act (Cap 151)

E: Appendix 5

List of Implementing Agencies for Consumer Laws

Product Safety and Labelling

- Ministry of Health - food quality and food safety, cosmetic products, medicines, as well as promoting public awareness
- Ministry of Religious Affairs (Halal Food Control Division) - Halal products and labelling
- Ministry of Development – standards, certification, accreditations
- AITI – phone & internet services, e-commerce
- Land Transport Department – motor vehicle safety
- JASTRE – environmental safety and quality
- Municipal Department – buildings, business- and living-environment
- Department of Water Services – water quality and services
- Public Works Department – road, water, drainage and sewerage, buildings

Phone & Internet Service and E-Commerce

- Ministry of Communications
- Telekom Brunei Berhad (TelBru)
- Authority for Info-communications Technology Industry (AITI) of Brunei Darussalam

Consumer Credit and Banking

- Ministry of Finance

Environmental Quality and Services

- Ministry of Development -JASTRE
- Ministry of Industry and Primary Resources
- Public Works Department
- Municipal Department
- Department of Water Services

Health and Healthcare Services

- Ministry of Health

Professional Services

- Ministry of Health (Medical Professionals)
- Ministry of Law (Legal Professionals)

F: Appendix 6
CONSUMER LAW MATRIX

Based upon Consumer International's Eight Consumer Rights

A	THE RIGHT TO SAFETY	YES	NO
<i>Protect consumers from products or services which are dangerous or unsafe, or whose use might cause injury to others, by:</i>			
1	establishing a general duty of safety upon suppliers		
2	banning the supply of unsafe goods;		
3	prescribing safety and information standards with which goods or services must comply;		
4	establishing procedures to examine products and services alleged to be unsafe		
5	monitoring the market place for unsafe goods and services;		
6	warning consumers of the possible risks involved in the use of certain goods or services.		
<i>Ensure that information about unsafe products and services is collected and made available to consumers, by:</i>			
7	establishing procedures to collect and disseminate information on particular goods and services identified as being unsafe		
8	establishing procedures for the notification to authorities by consumers of alleged hazardous goods and services; and		
9	requiring suppliers who become aware that their goods or services are unsafe to advertise any dangers.		
<i>Ensure that dangerous products are recalled from suppliers, by:</i>			
10	requiring any manufacturer who recalls goods for safety reasons to notify relevant authorities of the recall; .		
11	establishing procedures for the monitoring of voluntary recalls to		

	ensure they are effective;		
12	allowing relevant authorities to order a manufacturer to recall goods, and to specify how those goods are to be recalled; and		
13	giving relevant authorities power to investigate the actions of manufacturers to determine whether they have complied with laws relating to recalls		
B	THE RIGHT TO BE INFORMED	YES	NO
<i>Require all necessary information to be given to consumers about the goods and services they acquire, especially in relation to therapeutic goods and toxic products, by:</i>			
1	requiring appropriate statements and warnings to accompany toxic products;		
2	regulating the supply of therapeutic goods and toxic products to ensure information is disclosed in a manner consistent with international best practice;		
3	establishing procedures to monitor national and international developments relating to therapeutic goods and toxic products; and		
4	prescribing mandatory information standards to require particular information to be disclosed about particular goods not otherwise regulated		
5	prohibiting deceptive packaging; and		
6	requiring packages to clearly identify their contents		
7	requiring packages to clearly identify their price		
<i>Protect consumers from conduct which is false or misleading, by:</i>			
7	prohibiting conduct, in relation to the supply of goods or services to a consumer, that is misleading or deceptive, or likely to mislead or deceive, or which is unfair		
8	prohibiting representations about goods or manufacturers and suppliers		

	which are not true or which could mislead consumers; and		
9	prohibiting any particular sales or marketing practices which act to the detriment of consumers.		
10	require all necessary information to be given to consumers about food and drinks in order to enable them to make informed decisions regarding health and nutrition		
11	ensure that necessary information about goods and services is required to be accurate and comprehensible		
C	THE RIGHT TO CHOOSE	YES	NO
<i>Encourage consumers to acquire only the things they need, by:</i>			
1	establishing procedures for community and consumer education about products.		
<i>Protect consumers from anti-competitive conduct and exploitation, by:</i>			
2	ensuring manufacturers and suppliers do not abuse their powers; and		
3	giving consumers rights to obtain redress for goods which are unsafe, unsuitable, defective or of poor quality.		
4	protect consumers by ensuring effective trade measurement practices and standards are adopted and enforced.		
5	prohibit direct sales and marketing practices without appropriate 'cooling off' periods.		
D	THE RIGHT TO BE HEARD	YES	NO
<i>Ensure consumers can participate in the development of policies which affect them, including giving consumer representatives access to the media, by:</i>			
1	requiring administrative and political bodies responsible for matters affecting consumers to include members representing consumers;		
2	requiring laws and policies which affect consumers to be publicised before they are introduced to allow consumers to comment on them;		

	and		
3	establishing procedures to channel any comments or complaints made by consumers to appropriate authorities, and to monitor the response to those comments or complaints.		
4	facilitate the establishment of complaints handling systems in both the government and non-government sectors, including the involvement of consumer representatives in the process		
5	ensure consumers have standing to take action in courts and tribunals, including as third parties, to protect consumer interests.		
6	enable consumers to take collective action before courts and tribunals.		
7	enable indigent consumers to enforce their rights by providing access to legal and financial assistance		
E	THE RIGHT TO REDRESS	YES	NO
Provide consumers with cost-effective, speedy and accessible means to enforce their legal rights, by:			
1	establishing a court or tribunal, with a simple procedure, to hear consumer complaints;		
2	prescribing procedures to ensure consumers know their rights and how to enforce them, particularly in relation to disadvantaged groups		√
3	ensuring that consumers are allowed to play an equal role in the resolution of their disputes; and	√	
4	providing consumers with effective remedies and reasonable compensation if their complaints are found to be justified.	√	
5	provide consumers with a right to compensation if they are injured as a result of unsafe goods or faulty services.		
<i>Provide a mechanism through which consumers can channel their complaints and grievances to</i>			

<i>government, by:</i>			
6	establishing mechanisms to collect and register consumer complaints and grievances;		
7	prescribing procedures to investigate complaints; and		
8	prescribing procedures to monitor the number of complaints and grievances, and to report any results back to the consumer		
<i>Ensure that consumers are properly compensated for any loss suffered if their consumer rights are contravened, by:</i>			
9	ensuring any court or tribunal can provide a consumer with an appropriate remedy if it is established that the consumer's rights have been contravened.		
10	protect consumers from intimidation or harassment if they seek to enforce their rights.		
<i>Establish effective post-sale consumer protection, by:</i>			
11	implying into contracts for the supply of goods and services, non-excludable warranties governing acceptable quality, fitness for known purpose, and, in relation to services, that they are rendered with due care and skill.		
F	THE RIGHT TO CONSUMER EDUCATION	YES	NO
1	Consumer law should be written in language which can be easily understood	√	
Establish procedures which ensure consumers are informed about their consumer rights, particularly consumers with special needs, by:			
2	prescribing mechanisms to monitor consumer awareness and use of their rights; and		
3	introducing laws to protect particular groups with special needs as required		
4	set in place mechanisms to inform consumers about how to enforce		

	their rights		
5	ensure consumers are aware of their consumer responsibilities		
G	THE RIGHT TO A HEALTHY ENVIRONMENT	YES	NO
Protect consumers from pollution of the environment, by:			
1	promoting the use of products which are environmentally friendly;		
2	encouraging recycling of consumer goods; and		
3	requiring environmentally dangerous products to carry appropriate warnings and instructions for the safe use and disposal of the product		
<i>Promote the use of non-toxic products where available, by:</i>			
4	promoting consumer awareness of safer alternatives to toxic products;		
5	establishing procedures to monitor international developments and ensure products which are banned overseas do not find their way into national markets		
6	ensure the social costs of pollution are minimised.		
7	encourage the promotion of ethical and socially responsible practices by the producers and suppliers of goods and services		
H	THE RIGHT TO THE SATISFACTION OF BASIC NEEDS	YES	NO
<i>Consumer laws should promote the provision of information to consumers about products and substances which may adversely affect them, by:</i>			
1	requiring therapeutic goods to carry information about safety, efficacy, and side effects; and		
2	requiring any products containing hazardous substances to clearly list all its ingredients and to display appropriate warnings.		
3	protect consumers from unethical, unconscionable, and illegal		

	practices especially in the supply or provision of: health care; housing and accommodation; education; water; energy; financial services; employment; retirement services; children's services; insurance; investment services; and food.		
<i>Protect the privacy of consumers, by:</i>			
4	ensuring telecommunications and other communications are secure from unauthorised interference and are not used to provide or promote unsolicited commercial communications;		
5	ensuring personal information about consumers is used only for the purposes for which it is collected and with their knowledge and approval; and		
6	ensuring that consumers have the right to access, amend and correct their personal information held by government or non-government entities.		

Matrix ©John T. D. Wood, 1996