

No. S 39

**CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))**

**AUTHORITY FOR INFO-COMMUNICATIONS TECHNOLOGY
INDUSTRY OF BRUNEI DARUSSALAM ORDER, 2001**

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**CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))**

**AUTHORITY FOR INFO-COMMUNICATIONS TECHNOLOGY
INDUSTRY OF BRUNEI DARUSSALAM ORDER, 2001**

In exercise of the power conferred by subsection (3) of section 83 of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

PART 1

PRELIMINARY

Citation, commencement and long title.

1. (1) This Order may be cited as the Authority for Info-communications Technology Industry of Brunei Darussalam Order, 2001 and shall commence on a date to be appointed by the Minister, with the approval of His Majesty and Yang Di-Pertuan, by notification in the *Gazette*.

(2) The long title of this Order is "An Order to establish and incorporate the Authority for Info-communications Technology Industry of Brunei Darussalam".

Interpretation.

2. In this Order, unless the context otherwise requires —

"appointed day" means the date of commencement of this Order;

"Authority" means the Authority for Info-communications Technology Industry of Brunei Darussalam (also known by the acronym AiTi) established under section 3;

"broadcasting service" has the same meaning as in the Broadcasting Act (Chapter 180);

"Chairman" means the Chairman of the Authority and includes any temporary Chairman of the Authority;

"Chief Executive" means the Chief Executive of the Authority appointed under section 10 and includes any temporary Chief Executive;

"debenture" includes debenture stock;

"information and communications industry" means any person who is carrying on a business or engaged in any commercial activity connected with information and communications technology;

"information and communications services" means any service involving the use of information and communications technology;

"information and communications technology" means any technology employed in collecting, storing, using or sending out information and includes that involving the use of computers or any telecommunication system;

"JTB" means the Telecommunications Department of the Government existing immediately before the commencement of this Order;

"member" means a member of the Authority;

"Minister" means the Minister responsible for telecommunication matters;

"repealed Act" means the Telecommunication Act (Chapter 54) repealed by the Telecommunications Order, 2001;

"securities", in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;

"shares" includes stock;

"subsidiary" has the same meaning as in the Companies Act (Chapter 39);

"telecommunication service" means any service for telecommunications but excludes any broadcasting service;

"telecommunication system" means any system used or intended to be used for telecommunications;

"telecommunications" means a transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by wire, radio, optical or other electro-magnetic systems whether or not such signs, signals, writing, images, sounds or intelligence have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF AUTHORITY

Establishment and incorporation of Authority for Info-communications Technology Industry of Brunei Darussalam.

3. There is hereby established a body to be known as the Authority for Info-communications Technology Industry of Brunei Darussalam or by the acronym, AiTi, which shall be a body corporate with perpetual succession and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering such other acts or things as bodies corporate may lawfully do and suffer.

Common seal.

4. (1) The Authority shall have a common seal and the seal may, from time to time, be broken, altered or made anew as the Authority thinks fit.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed.

Constitution of Authority.

5. (1) The Authority shall consist of —

- (a) a Chairman;
- (b) and not less than 3 and not more than 7 other members as the Minister may from time to time determine.

(2) The First Schedule shall have effect with respect to the Authority, its members and proceedings.

PART III

FUNCTIONS, DUTIES AND POWERS OF AUTHORITY

Functions and duties of Authority.

6. (1) It shall be the function and duty of the Authority —
- (a) promote the efficiency and international competitiveness of the information and communications industry in Brunei Darussalam;
 - (b) to ensure that telecommunication services are reasonably accessible to all people in Brunei Darussalam, and are supplied as efficiently and economically as practicable and at performance standards that reasonably meet the social, industrial and commercial needs of Brunei Darussalam;
 - (c) to promote and maintain fair and efficient market conduct and effective competition between persons engaged in commercial activities connected with telecommunication technology in Brunei Darussalam;
 - (d) to promote the effective participation of all sectors of the Brunei Darussalam information and communications industry in markets (whether in Brunei Darussalam or elsewhere);
 - (e) to act internationally as the national body representative of Brunei Darussalam in respect of information and communications technology matters;
 - (f) to advise the Government on national needs and policies in respect of all information and communications technology matters and on matters appertaining to the Authority generally;
 - (g) to further the advancement of technology and research and development relating to information and communications technology;
 - (h) to exercise licensing and regulatory functions in respect of telecommunication systems and services in Brunei Darussalam, including the establishment of standards and codes relating to equipment attached to telecommunication and radio-communication systems, and any equipment or software used as an adjunct to or in conjunction with such systems and the monitoring of and access to such equipment and software;
 - (i) to exercise licensing and regulatory functions in respect of the allocation and use of satellite orbits and the radio frequency spectrum in Brunei Darussalam for all purposes, including the establishment of standards and codes relating to any matter in connection therewith;

- (j) to encourage, facilitate and promote the greatest practicable use of industry self-regulation by the information and communications industry in Brunei Darussalam;
- (k) to exercise licensing and regulatory functions in respect of the installation, use and provision of undersea cables, cable frontier stations and satellite stations, receivers and transmitters in Brunei Darussalam and all equipment used in connection therewith;
- (l) to exercise regulatory functions in respect of the determination and approval of prices, tariffs, charges and the provision of telecommunication and such other related services;
- (m) to encourage, promote, facilitate, invest in and otherwise assist in the establishment, development and expansion of the information and communications industry in Brunei Darussalam, including information and communications technology manpower resources in Brunei Darussalam;
- (n) to provide facilities for the training of and do anything for the purpose of advancing the skill and knowledge of persons for any purpose connected with the information and communications industry in Brunei Darussalam;
- (o) to advise on development and implementation of information and communications technology systems and services for Government ministries, departments and agencies;
- (p) to advise on education and training in information and communications technology in Brunei Darussalam;
- (q) to establish and maintain, to the extent permitted by any law, standards and codes for the monitoring and regulation of such aspects of information and communications technology data privacy and protection as the Authority thinks fit;
- (r) to promote the use of the Internet and electronic commerce and to establish regulatory frameworks for that purpose;
- (s) to provide consultancy and advisory services concerning information and communications technology;
- (t) to promote the acceptance and use of information and communications technology in Brunei Darussalam;
- (u) to exercise any other functions and duties conferred on the Authority by or under the Telecommunications Order, 2001 or any other written law.

(2) In discharging the functions and duties imposed on it by subsection (1), the Authority shall have regard to —

- (a) efficiency and economy;
 - (b) the social, industrial and commercial needs of Brunei Darussalam for information and communications services;
 - (c) the state of and trends in the development of information and communications technology and the evolution of standards and protocols used in the information and communications industry, both in Brunei Darussalam and elsewhere;
 - (d) the convergence between broadcasting services and other services using information and communications technology, and the need to accommodate technological change;
 - (e) fostering the development and expansion of information and communications services in the world in collaboration with other countries and international organisations;
 - (f) maintaining effective competition between persons engaged in the provision of telecommunication systems and services;
 - (g) enabling persons providing information and communications services in Brunei Darussalam to compete effectively in the provision of such services outside Brunei Darussalam;
 - (h) the promotion of measures for the safety of life through telecommunications technology;
 - (i) the provision of telecommunication services at rates consistent with efficient service;
 - (j) improvements in the effective and efficient use of the radio frequency spectrum;
 - (k) the promotion of research and development in the fields of information and communications technology and, in particular, the peaceful uses of such technology; and
 - (l) collaboration with educational institutions for the promotion of technical education in the field of information and communications technology.
- (3) Nothing in this section shall be construed as —
- (a) imposing on the Authority, directly or indirectly, any form of duty or liability enforceable by proceedings before any court;
 - (b) precluding the Authority from interrupting, suspending or restricting any telecommunication services provided by the Authority; or

- (c) precluding the Authority from ensuring the provision of any special service for any person or section of the public where the special service is required.

(4) In addition to the functions and duties imposed by this section, the Authority may undertake such other functions as the Minister may assign to the Authority, and in so doing the Authority shall be deemed to be fulfilling the purposes of this Order and the provisions of this Order shall apply to the Authority in respect of such functions.

Powers of Authority.

7. (1) Subject to this Order, the Authority may carry on such activities as appear to the Authority to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions and duties under this Order or any other written law, and in particular, the Authority may exercise any of the powers specified in the Second Schedule.

(2) This section shall not be construed as limiting any power of the Authority conferred by or under any other written law.

(3) The Authority shall furnish the Minister information with respect to its property and activities in such manner and at such times as the Minister may require.

Appointment of committees and delegation of powers.

8. (1) The Authority may appoint from among its own members or other persons who are not members such number of committees as it thinks fit consisting of members or other persons or members and other persons for purposes which, in the opinion of the Authority, would be better regulated and managed by means of such committees.

(2) The Authority may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or to any member, officer or employee of the Authority, any of the functions or powers of the Authority under this Order or any other written law, except the power of delegation conferred by this section.

(3) No delegation under this section shall prevent the performance or exercise of any function or power by the Authority.

Power to act in relation to proposals for privatisation.

9. (1) Where the Minister is at any time proposing that any property or function of the Authority should be transferred to another body corporate, the functions of the Authority shall include the power to do anything which in the opinion of the Authority is appropriate for the purpose of—

- (a) facilitating the implementation of the proposal for the transfer; or

(b) facilitating the implementation of, or securing a modification of, any related proposals of the Minister.

(2) The proposals which are to be treated for the purposes of this section as related to a proposal of the Minister for the transfer of anything from the Authority to a body corporate shall include any proposal relating to, or to any matter connected with —

(a) any of the Authority's property, rights or liabilities which would be affected by the transfer, or any such property, rights or liabilities after their proposed transfer;

(b) the exercise, whether before or after the transfer, of any function which it is proposed to transfer to or otherwise vest in that body corporate;

(c) the establishment or formation, flotation, control, finances or officers or employees of that body corporate or of any other body corporate which is, or in pursuance of any proposal of the Minister may become, a member of the same group as that body corporate.

(3) Any power of the Authority to do anything under this section in relation to a proposal for the transfer of any property or function, or in relation to any related proposal, shall include power to do that thing with a view to promoting the interests of —

(a) any body corporate to which it is proposed to transfer the property or function; or

(b) any body corporate which is, or in pursuance of any proposal of the Minister may become a member of the same group as a body corporate to which it is proposed to transfer the property or function.

(4) The powers conferred by this section in relation to any proposal shall be without prejudice to any power conferred otherwise than by virtue of this section.

(5) For the purposes of this section, a body corporate is a member of the same group as another body corporate if it is a holding company or subsidiary of that other body corporate or if it is another subsidiary of that other body corporate's holding company; and in this subsection, "holding company" has the same meaning as in the Companies Act (Chapter 39).

PART IV

PROVISIONS RELATING TO STAFF

Appointment of Chief Executive and other employees etc.

10. (1) The Authority shall, with the approval of the Minister, appoint a Chief Executive on such terms and conditions as the Authority may determine.

(2) The Chief Executive shall —

- (a) be known by such designation as the Authority may determine;
- (b) be responsible to the Authority for the proper administration and management of the functions and affairs of the Authority in accordance with the policy laid down by the Authority; and
- (c) not be removed from office without the consent of the Minister.

(3) The Minister shall consult the Public Service Commission before granting his approval under subsection (1) or before giving his consent under paragraph (c) of subsection (2).

(4) If the Chief Executive is temporarily absent from Brunei Darussalam, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Authority to act in the place of the Chief Executive during any such period of absence from duty.

(5) The Authority may, from time to time, appoint and employ on such terms and conditions as the Authority may determine such other employees, consultants and agents as may be necessary for the effective performance of its functions.

Protection from personal liability.

11. No suit or other legal proceedings shall lie personally against any member, officer or employee of the Authority or other person acting under the direction of the Authority for anything which is in good faith done or intended to be done in the execution or purported execution of this Order.

Public servants.

12. All members, officers and employees of the Authority shall be deemed to be public servants for the purposes of the Penal Code (Chapter 22).

PART V

FINANCIAL PROVISIONS

Application of revenue.

13. (1) The revenue of the Authority for any financial year shall be applied in defraying the following charges —

- (a) the remuneration, fees and allowances of the members of the Authority;

- (b) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities of the officers, agents, employees, advisers and former employees of the Authority or its predecessors;
 - (c) working and establishment expenses and expenditure on, or provision for, the maintenance of any of the property of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue account;
 - (d) interest on any debentures issued, and on any loan raised, by the Authority;
 - (e) sums required to be paid to the Government towards repayment of any loan made by the Government to the Authority;
 - (f) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or the repayment of other borrowed money;
 - (g) such sums as may be deemed appropriate to set aside in respect of depreciation or renewal of the property of the Authority, having regard to the amount set aside out of revenue under paragraphs (c) and (f);
 - (h) the cost, or any portion thereof, of any new works, plant, vessels or appliances not being a renewal of the property of the Authority, which the Authority may determine to charge to revenue;
 - (i) such sums by way of contribution, for the purposes associated with the objects of this Order as the Authority may determine, to the public or for charities; and
 - (j) any other expenditure authorised by the Authority and properly chargeable to revenue account.
- (2) The balance of the revenue of the Authority shall be applied —
- (a) to the creation of a general reserve and such other reserves as the Authority may think fit; and
 - (b) to the payment of such dividends on shares issued by the Authority as the Authority may, after consultation with the Minister for Finance, see fit to declare.

Bank accounts and application of revenue.

14. (1) The Authority shall open and maintain an account or accounts with such bank or banks as the Authority thinks fit; and every such account shall be operated upon as far as practicable by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Authority.

(2) The moneys of the Authority shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Authority and in making any payments that the Authority is authorised or required to make.

Power to borrow.

15. For the discharge of its functions or duties under this Order or any other written law, the Authority may, from time to time, raise loans from the Government or, with the approval of the Minister, raise loans from banks and other financial institutions (whether in Brunei Darussalam or elsewhere) by —

- (a) mortgage, overdraft or otherwise;
- (b) charge, whether legal or equitable, on any property vested in the Authority or on any revenue receivable by the Authority under this Order or any other written law;
- (c) or the creation and issue of debentures or bonds.

Investment.

16. The Authority may invest any of its funds available for investment in such shares, funds, securities or investments as may be authorised by the Minister.

Other financial provisions.

17. The financial provisions set out in the Third Schedule shall have effect with respect to the Authority.

PART VI

GENERAL

Powers of enforcement.

18. (1) In addition to the powers conferred on him by any written law, an officer or employee of the Authority may, on declaration of his office and production to the person against whom he is acting such identification card as the Chief Executive may direct to be carried by officers or employees of the Authority, in relation to any offence under any such written law —

- (a) require any person whom he reasonably believes to have committed an offence under any such written law to furnish evidence of the person's identity;

- (b) require any person, for the purposes of any such written law, to furnish any information or produce any book, document or copy thereof in the possession of that person, and may, without fee or reward, inspect, copy or make extracts from such book or document; and
- (c) when conducting any investigation under such written law the power to require, by order in writing, the attendance before the officer or employee of any person being within the limits of Brunei Darussalam who from the information given or otherwise appears to be acquainted with the circumstances of the case, and the person so ordered shall attend as so required.

(2) A person who —

- (a) refuses to give access to, or assaults, obstructs, hinders or delays, an officer or employee of the Authority in the discharge of his duties;
- (b) wilfully mis-states or without lawful excuse refuses to give any information or without lawful excuse refuses to produce any book, document or copy thereof required of him by an officer or employee of the Authority under subsection (1); or
- (c) fails to comply with a lawful demand of an officer or employee of the Authority in the discharge of his duties,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, to imprisonment for a term not exceeding 12 months or both.

Preservation of secrecy.

19. (1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no person who is or has been a member, an officer, an employee or an agent of the Authority or a member of a committee of the Authority shall disclose any information relating to the affairs of the Authority or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000, to imprisonment for a term not exceeding 12 months or both.

Authority's symbol.

20. (1) The Authority shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Authority, or which so resembles the Authority's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000, to imprisonment for a term not exceeding 6 months or both.

Annual report.

21. The Authority shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report on the activities of the Authority during that financial year and the Minister shall cause a copy of every such report to be presented to His Majesty the Sultan in Council.

Rules.

22. (1) The Authority may, with the approval of the Minister, make rules for carrying out the purposes and provisions of this Order.

(2) Without prejudice to the generality of subsection (1), the Authority may, with the approval of the Minister, make rules for or with respect to all or any of the following matters —

- (a) the manner of appointment, conduct and discipline and the terms and conditions of service of the employees of the Authority;
- (b) the establishment of funds for the payment of gratuities and other benefits to employees of the Authority;
- (c) the fees to be charged in respect of anything done or any services rendered by the Authority under or by virtue of this Order or any other written law.

Saving and transitional provisions.

23. (1) Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved by JTB under the repealed Act shall, so far as it is not inconsistent with the provisions of this Order and except as otherwise provided in this Order or in any other written law, continue and be deemed to have been prepared, made, granted or approved by the Authority under the corresponding provisions of this Order.

(2) Where any thing has been commenced by or on behalf of JTB under the repealed Act before the appointed day, such thing may be carried on and completed by or under the authority of the Authority under this Order.

FIRST SCHEDULE
(section 5(2))

CONSTITUTION AND PROCEEDINGS OF AUTHORITY

Appointment of Chairman and members.



~~(1) The Authority shall consist of~~

~~(a) a Chairman;~~

~~(b) the Chief Executive; and~~

~~(c) such other members, not being less than 2 or more than 6, as the Minister may from time to time determine.~~

~~(2) The Chairman and other members of the Authority shall be appointed by the Minister.~~

Tenure of office of members of Authority.

2. A member of the Authority shall hold office on such conditions and for such term, not exceeding 3 years, as the Minister may determine and shall be eligible for reappointment.

Temporary members.

3. The Minister may appoint any person to be a temporary member of the Authority during the temporary incapacity from illness or otherwise, or during the temporary absence from Brunei Darussalam of any member.

Temporary Chairman.

4. The Minister may appoint any member of the Authority to be a temporary Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Brunei Darussalam, of the Chairman.

Revocation of appointment.

5. If at any time it appears to the Minister that removal from office of all or any of the members of the Authority is necessary in the interests of the effective and economical performance of the functions of the Authority under this Order, or in the public interest, the Minister may remove from office all or so many of those members of the Authority as he considers necessary in such interests.

Resignation.

6. A member of the Authority may resign his office at any time by giving not less than one month's notice to the Minister.

Chairman may delegate function.

7. The Chairman may, in writing, authorise any member of the Authority to exercise any power or perform any function conferred on the Chairman under this Order.

Vacation of office.

8. The seat of a member of the Authority shall become vacant —

- (a) on his death;
- (b) if he, without sufficient cause (the sufficiency thereof to be decided by the Authority) fails to attend 3 consecutive meetings of the Authority;
- (c) if he becomes in any manner disqualified for membership of the Authority;
- (d) if he resigns his seat; or
- (e) if his appointment is revoked.

Filling of vacancies.

9. If a vacancy occurs in the membership of the Authority, the Minister may, subject to paragraph 1, appoint any person to fill the vacancy and the person so appointed shall hold office for so long as the member in whose place he is appointed would have held office.

Disqualification from membership.

10. No person shall be eligible to be appointed or to remain a member of the Authority if he —

- (a) is an undischarged bankrupt or has made any arrangement with his creditors;
- (b) is incapacitated by physical or mental illness; or
- (c) is otherwise unable or unfit to discharge the functions of a member.

Disclosure of interest by members.

11. (1) Subject to sub-paragraph (2), if a member of the Authority has a pecuniary interest, direct or indirect, in any contract, proposed contract or other matter which is before any meeting of the Authority, he shall at that meeting declare the nature of his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to, that contract or other matter, and if the Chairman or the person presiding at that meeting so directs, he shall withdraw from the meeting during the consideration or discussion.

(2) For the purposes of sub-paragraph (1), a general notice given to the members of the Authority by a member to the effect that he is an officer or member of a specified corporation or a member of a specified firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that corporation or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made if it specifies the nature and extent of his interest in the specified corporation or firm and his interest is not different in nature or greater in extent than the nature and extent so specified in the general notice at the time any contract is so made, but no such notice shall be of effect unless either it is given at a meeting of the Authority or the member takes reasonable steps to ensure that it is brought up and read at the next meeting of the Authority after it is given.

(3) For the purposes of this paragraph, a pecuniary interest of a spouse, parent, son or an adopted son, or daughter or an adopted daughter, of a member shall be treated as a pecuniary interest of the member.

(4) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that, under this paragraph, he cannot vote or has withdrawn from the meeting.

Sealing of documents.

12. (1) All deeds, documents and other instruments requiring the seal of the Authority shall be sealed with the common seal of the Authority in the presence of any 2 officers of the Authority duly authorised by the Authority to act in that behalf and shall be signed by those officers and such signing shall be sufficient evidence that the common seal of the Authority has been duly and properly affixed and that the seal is the lawful common seal of the Authority.

(2) The Authority may by resolution or otherwise appoint an officer or employee of the Authority or any other agent, either generally or in a particular case, to execute or sign on behalf of the Authority any agreement or other instrument not under seal in relation to any matter coming within the powers of the Authority.

Salaries, fees and allowances payable to members of Authority.

13. There shall be paid to the members of the Authority, out of the funds of the Authority, such salaries, fees and allowances as the Minister may from time to time determine.

Quorum.

14. (1) The Authority shall ordinarily meet for the despatch of business at such times and places as the Chairman may from time to time appoint.

(2) At every meeting of the Authority, one half of the number of members shall constitute a quorum.

(3) A decision at a meeting of the Authority shall be adopted by a simple majority of the members present and voting except that, in the case of an equality of votes, the Chairman of the meeting shall have a casting vote.

(4) Where not less than 4 members of the Authority request the Chairman by notice in writing signed by them to convene a meeting of the Authority for any purpose specified in the notice, the Chairman shall, within 7 days from the receipt of the notice, convene a meeting for that purpose.

Vacancies.

15. The Authority may act notwithstanding any vacancy in its membership.

Procedure at meetings.

16. Subject to this Order, the Authority may make rules regulating its own procedure generally and, in particular, regarding the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes, and the opening, keeping, closing and auditing of accounts.

Appointment of committees and delegation of powers.

17. (1) The Authority may, in its discretion, appoint from among its own members or other persons who are not members of the Authority such number of committees as it thinks fit consisting of members or other persons or members and other persons for purposes which, in the opinion of the Authority, would be better regulated and managed by means of such committees.

(2) The Authority may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or the Chairman or the Chief Executive, all or any of the powers, functions and duties vested in the Authority by this Order or any other written law, and any power, function or duty so delegated may be exercised or performed by such committee or the Chairman or the Chief Executive, as the case may be, in the name and on behalf of the Authority.

(3) The Authority may, subject to such conditions or restrictions as it thinks fit, delegate to any officer or employee thereof or any other person all or any of its powers, functions and duties vested in the Authority by this Order or any other written law, and any

power, function or duty so delegated may be exercised or performed by the officer or employee or other person, as the case may be, in the name and on behalf of the Authority.

(4) The Authority may continue to exercise a power conferred upon it, or perform a function or duty under this Order or any other written law made thereunder, notwithstanding the delegation of the power, function or duty under this paragraph.

SECOND SCHEDULE
(section 7(1))

POWERS OF AUTHORITY

1. To grant licences for telecommunication purposes pursuant to the Telecommunications Order, 2001 and to supervise and enforce compliance with the provisions of such licences.
2. To give directions to any person granted a licence under the Telecommunications Order, 2001 or any regulations made thereunder.
3. To levy such charges and fees for the granting of such licences, spectrum rights, administration of spectrum registrations, equipment approvals and other services provided by the Authority as may in its opinion be appropriate.
4. To regulate rates, charges and fees levied by operators of telecommunication systems and services.
5. 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.
6. To regulate the interconnection of and access to systems of operators of telecommunication systems and services.
7. To regulate the sharing of installation or plant used for telecommunications between telecommunication licensees.
8. To control and regulate the availability, and terms of provision, by telecommunication licensees of directory and directory-enquiry services.
9. 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.
10. To control and regulate the management and allocation of numbering plans and schemes for telecommunication systems and services.
11. To control and regulate interference to telecommunications in Brunei Darussalam by radiowaves or electrical or other means.

- 12.** To control and regulate the importation of, dealing in and use of telecom-munication equipment.
- 13.** To operate every installation or plant for telecommunication purposes and all movable and immovable property used in connection therewith which is or which may be acquired by the Authority under this Order or the Telecommunications Order, 2001.
- 14.** To utilise all the property of the Authority, movable and immovable, in such manner as the Authority may think expedient including the raising of loans by mortgaging such property.
- 15.** To purchase, construct, reconstruct, install and maintain any installation or plant for telecommunication purposes.
- 16.** To sell, hire, let or otherwise supply any installation or plant for telecommunication purposes and install, repair, maintain or remove such installation or plant.
- 17.** To lease or let, with or without taking a premium, any property vested in or acquired by it or to grant easements, rights of way, temporary licences or other rights or privileges over, under, through or in respect of any land or building belonging to or vested in the Authority upon such terms and conditions as the Authority may think fit.
- 18.** To subscribe for or acquire any securities, stocks and shares of an incorporated company or other body corporate, to procure its admission to membership of an incorporated company limited by guarantee and not having a share capital, to promote the formation of an incorporated company or participate in the promotion of such company or to acquire an undertaking or part of an undertaking.
- 19.** To form or participate in the formation of any company or in any joint venture as a shareholder or partner or in any other capacity, with any firm, body corporate, society or institution for the purposes of this Order or any other written law.
- 20.** To carry out such other works or activities as may appear to the Authority to be requisite, advantageous or convenient, with a view to making the best use of any of the assets of the Authority.
- 21.** To provide electronic mail services.
- 22.** To provide all forms of information and communications technology systems and services, whether interactive or otherwise, including data processing.
- 23.** To levy such rates, charges and fees and to decide such rates or apportionment thereof as between itself and other telecommunication authorities as may in its opinion be appropriate.
- 24.** To engage in conjunction with other authorities, international agencies or organisations for the purposes of promoting telecommunication systems and services.

25. To enter into all such contracts for the supply of goods or materials or for the execution of works or any other contract as may be necessary for the discharge of its duties and functions under this Order or any other written law.
26. To engage alone or in conjunction with other corporations, in the production, manufacture or sale, whether in Brunei Darussalam or elsewhere, of any appliance, apparatus or accessory used or intended to be used for telecommunication purposes.
27. To conduct or to supervise the conduct of proficiency examinations leading to certificates of competency for any person for the purpose of operating any telecommunication system and service or for the grant of a licence by the Authority.
28. To organise courses, awards, diplomas and certificates of proficiency.
29. To charge fees or commissions for services rendered.
30. To promote or undertake publicity in any form.
31. To authorise or regulate the registration, administration and management of domain names in Brunei Darussalam.
32. To grant loans to officers or employees of the Authority for such purposes specifically approved by the Authority as are likely to increase the efficiency of officers or employees.
33. To grant or guarantee loans to any officer or employee of the Authority for the purchase of a house, land or a flat or for the renovation of a house or a flat for the use or occupation of the officer or employee and his family (if any).
34. To make provision for gratuities, pensions, allowances or other benefits for employees or former employees of the Authority or its predecessors.
35. To make provision for the specialised training of any employee of the Authority and, in that connection, to offer scholarships to intending trainees or otherwise pay for the cost of the training and all expenditure incidental thereto.
36. To offer bursaries and scholarships for study at any school or institution of higher learning to members of the public and officers or employees of the Authority and members of their families.
37. To provide financial grant, aid or assistance to any person for all or any of the purposes of this Order or the Telecommunications Order, 2001.
38. To operate such agency services as the Authority may think fit and to employ such number of agents to do anything the Authority may do.
39. To receive donations and contributions from any source and raise funds by all lawful means.

40. To do anything incidental to any of its functions under this Order or any other written law.

THIRD SCHEDULE
(section 17)

FINANCIAL PROVISIONS

1. The financial year of the Authority shall begin on 1st. April of each year and end on 31st. March of the succeeding year, except that the first financial year of the Authority shall begin on the appointed day and end on 31st. March of the succeeding year.

2. The Authority shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority.

 ~~The accounts of the Authority shall be audited by the Auditor General or by an auditor appointed annually by the Minister in consultation with the Auditor General.~~

 ~~A person shall not be qualified for appointment as an auditor under paragraph 3 unless he is an authorised auditor under the Companies Act (Chapter 39).~~

5. The remuneration of the auditor shall be paid out of the funds of the Authority.

6. The Authority shall, as soon as practicable after the close of the financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them.

7. The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;
- (b) whether proper accounting and other records have been kept including records of all assets of the Authority whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Authority during the year have been in accordance with this Order; and
- (d) such other matters arising from the audit as he considers should be reported.

8. The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Authority, and shall also submit such periodical and special reports to the Authority as may appear to him to be necessary or as the Minister or the Authority may require.

- 9.** The auditor or any person authorised by him is entitled at any reasonable time to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Authority.
- 10.** The auditor or any person authorised by him may make copies of, or take extracts from, any such accounting and other records.
- 11.** The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor or any duly authorised person considers necessary for the purposes of his functions under this Order.
- 12.** Any person who fails, without any reasonable cause, to comply with any requirement of the auditor under paragraph 11 or who otherwise hinders, obstructs or delays the auditor in the performance of his functions under this Order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.
- 13.** As soon as the accounts of the Authority and the financial statements have been audited in accordance with this Order, a copy of the audited financial statements signed by the Chairman, together with a copy of any report made by the auditor, shall be submitted to the Minister.
- 14.** Where the Auditor-General is not appointed as the auditor, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Authority.
- 15.** The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report to be presented to His Majesty the Sultan in Council.

Made this 16th. day of Safar, 1422 Hijriah corresponding to the 10th. day of May, 2001 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM