



Good Practice

Handling of Gifts in the Public Service

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1.0 Introduction

This good practice aims to provide guidelines for public officers in handling of gifts received by public officers and their families.

2.0 Reference

This guideline is in reference to the Prevention of Corruption Act (Chapter 131); Penal Code (Chapter 22) and Regulation 12 of Public Officers (Conduct and Discipline) Regulations, Public Service Commission Act (Chapter 83).

3.0 Interpretation

For the purpose of this good practice,

3.1 'Family' means the officer's spouse(s) and children.

3.2 Gifts' include money, goods, free passages or other valuable things.

4.0 Good Practice

4.1 If the gifts are given with dishonest or corrupt intent, the gifts shall be refused and reported to Anti-Corruption Bureau.

4.2 Any person who has official dealings with the giver (including personal friends or relatives) shall refuse the gifts given. If it is not possible to refuse, he may accept but shall declare at the earliest opportunity to the Authority (refer to paragraph 4.6).

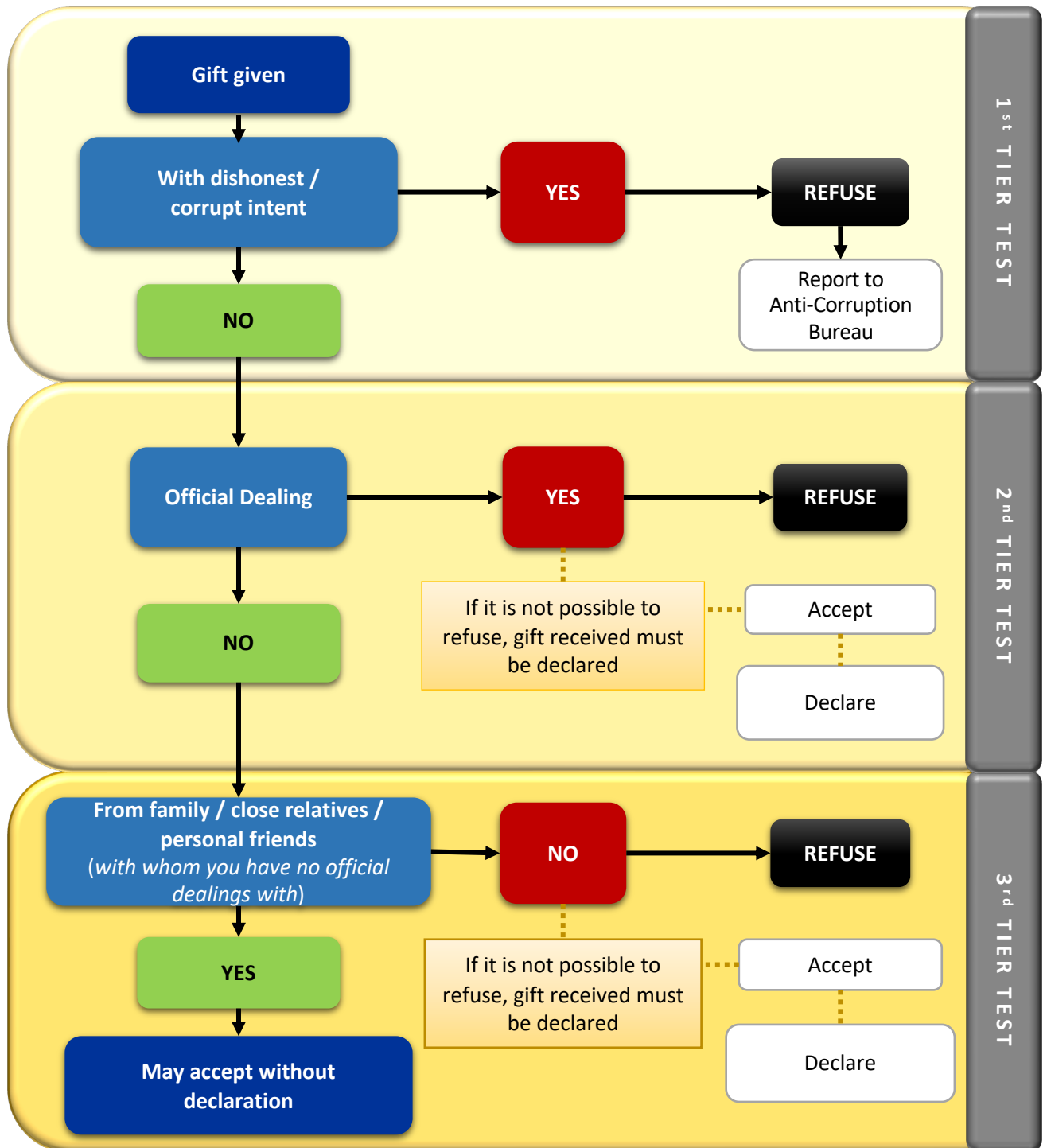
4.3 If the gifts are given by personal friends or relatives, who are not in any way connected with the public officer's official duties, such officer may accept with no declaration.

4.4 If the gifts are given by any person other than personal friends or relatives, such officer shall refuse such gifts. If it is not possible to refuse, he may accept but shall declare at the earliest opportunity to the Authority (refer to paragraph 4.6).



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4.5 Declaration of gifts received:



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- 4.6** The Authority to whom any gifts are to be handed over and declared to are as follows:

Recipient	Authority
Permanent Secretary / Deputy Permanent Secretary	Minister / Deputy Minister whom the Permanent Secretary / Deputy Permanent Secretary reports to
Head of Department	Permanent Secretary / Deputy Permanent Secretary of the Ministry which is responsible for the Department
Any Officer, Staff, personnel of a Department	Head of Department

- 4.7** The Authority should ensure that proper records of the declaration of gifts are kept and maintained in the public officer's personal file.

5.0 Offences under the Prevention of Corruption Act (Chapter 131)

It is an offence for public officers to solicit or receive gifts from any person with corrupt intention as an inducement or reward for doing or not doing, any act in relation to his principal's affairs. [Section 5 (a) and Section 6 (a)]

Penalty: A fine of \$30,000.00 and to imprisonment for 7 years.



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6.0 **Offences under the Penal Code (Chapter 22)**

6.1 It is an offence for public officers to accept or obtain any gift for doing or not doing any official act. (Sections 161)

Penalty: Imprisonment for a term which may extend to 7 years and with fine.

6.2 It is an offence for public officers to accept or obtain any valuable thing, without consideration (without payment or without payment of its actual value), from any person whom he knows to have been, or to be, or to be likely concerned in any proceeding or business transacted or about to be transacted by such public officers. (Section 165)

Penalty: Imprisonment for a term which may extend to 7 years and with fine.

7.0 **Regulation 12 of Public Officers (Conduct and Discipline) Regulations, Public Service Commission Act (Chapter 83)**

Regulation 12 (a)

Officers and their families are prohibited from receiving presents (other than gifts of personal friends or relatives) whether in the shape of money, goods, free passages or other pecuniary benefits, and from giving such presents.

Regulation 12 (b)

The receipt of presents from distinguished personages which it has not been possible to refuse without giving offence shall be reported to the Government and the presents shall be disposed of as directed.

Regulation 12 (c)

In the event of a present being received on behalf of Government or in ceremonial intercourse it shall be handed over to the Government and any return present shall be given at the expense of Government.



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Regulation 12 (d) (i)

Officers may not receive from associations or other groups or from their subordinates any token of value, but they may be permitted to receive addresses from associations or groups on the occasion of their departure on retirement provided that such addresses are not enclosed in receptacles of value.

Regulation 12 (d) (ii)

Permission may be granted by the Minister to enable spontaneous subscriptions by officers, or private uncanvassed collections from amongst themselves, for the purpose of making a presentation to a brother member of the staff on the occasion of his retirement.

Regulation 12 (e)

If the circumstances are such as to make it impracticable to refuse a present the receipt of which is prohibited by the Regulation (e.g. if no previous notice of the intention to offer a present has been given) it may be formally accepted but must be handed as soon as practicable to the Treasury and the circumstances reported to the Government*.

** Government as referred to the Authority as mentioned in paragraph 4.6*



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Note:

The content of this good practice is not a prescriptive solution but provides minimum recommendations by Anti-Corruption Bureau associated with handling of gifts.

This good practice shall not in any way be used in contradiction or to replace the Public Officers (Conduct and Discipline) Regulations, Public Service Commission Act (Chapter 83) or any applicable laws, government rules or regulations being enforced in Brunei Darussalam.

