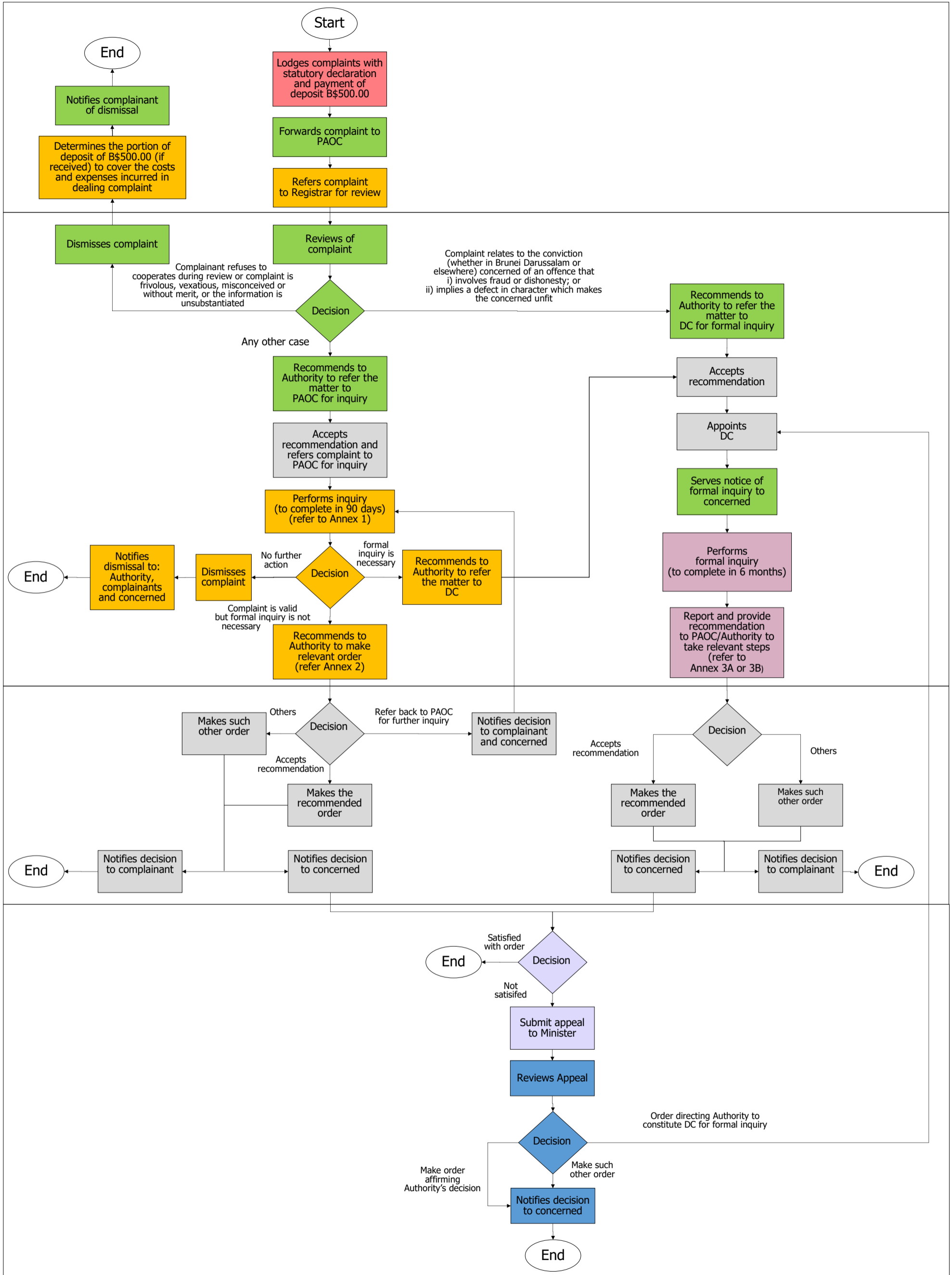


COMPLAINTS HANDLING, DECISION AND APPEAL PROCESS FLOWCHART



COMPLAINT

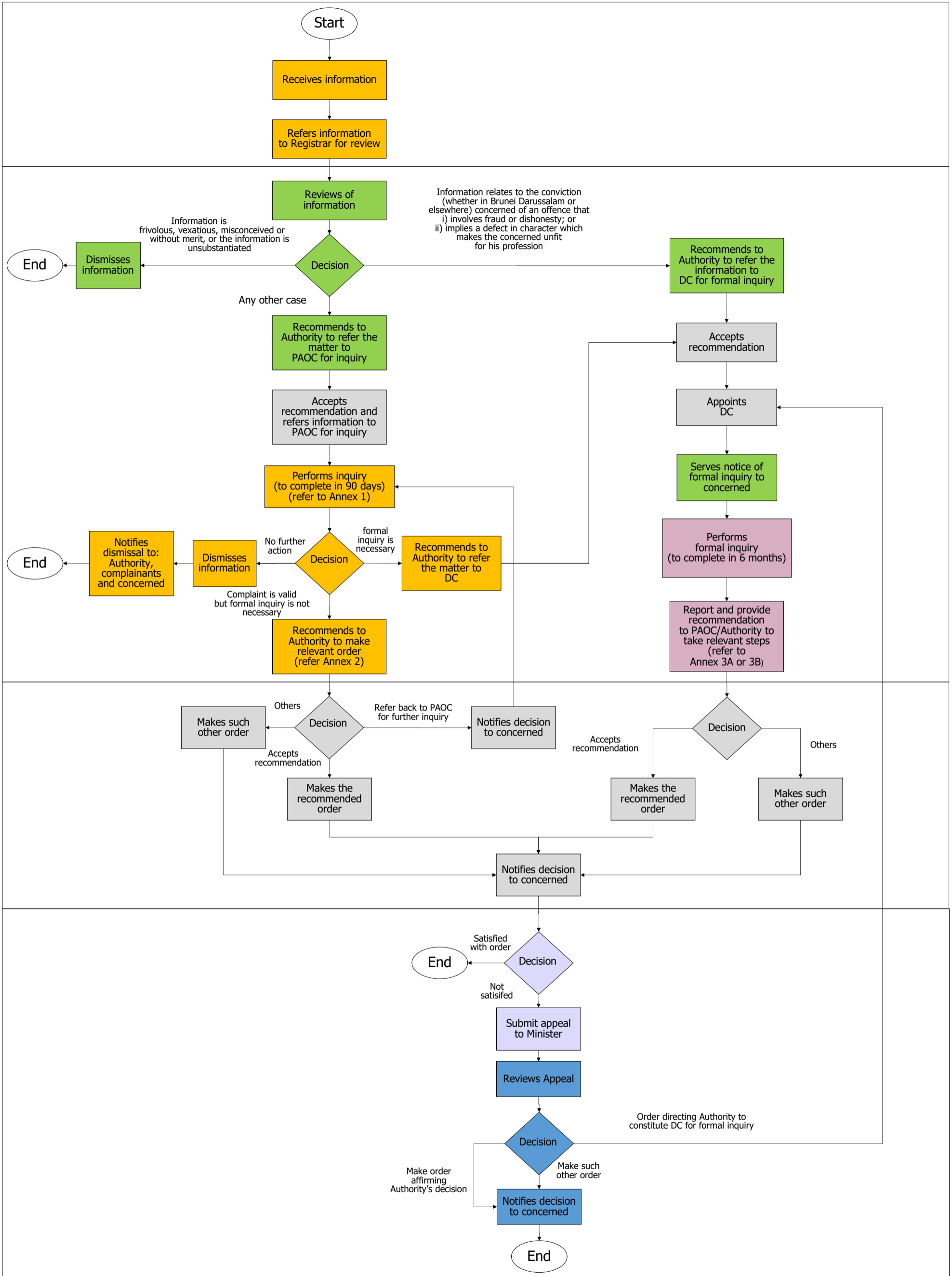
REVIEW AND INQUIRY

ORDER

APPEAL

LEGEND	
 Minister	 Registrar (Revenue Division)
 Authority	 Complainant
 Disciplinary Committee (DC)	 Concerned
 Public Accountant Oversight Committee (PAOC)	

INFORMATION HANDLING, DECISION AND APPEAL PROCESS FLOWCHART



INFORMATION
REVIEW AND INQUIRY
ORDER
APPEAL

LEGEND	
 Minister	 Public Accountant Oversight Committee (PAOC)
 Authority	 Registrar (Revenue Division)
 Disciplinary Committee (DC)	 Concerned

ANNEX 1

- 1) For the purposes of any inquiry, the Public Accountant Oversight Committee (PAOC) may:
 - a) Call upon or appoint any person the PAOC considers necessary to assist it in its inquiry;
 - b) Require any person:
 - i) To produce any book, document, paper or other record which may be related to or be connected with the subject-matter of the inquiry for inspection by the PAOC or the person appointed under paragraph (a) and for making copies thereof; or
 - ii) To give all information in relation to any such book, document, paper or other record which may be reasonably required by the PAOC or the person so appointed; and
 - c) Require any person to attend at a specified time and place and give evidence or produce any such book, document, paper or record.
- 2) Where the PAOC is of the opinion that the concerned should be called upon to answer any allegation made against him or it, the chairman of the PAOC shall serve on the concerned:
 - i) Copies of the complaint or information against him or it and any statutory declaration or affidavit that has been made in support of the complaint or information; and
 - ii) A notice inviting the concerned, within such period (not being less than 14 days) as may be specified in the notice, to give to the PAOC any written explanation or it may wish to offer.
- 3) Where in the course of its inquiry the PAOC receives any information or evidence relating to the conduct of the concerned which may give rise to further proceedings, the PAOC may, after giving notice to the concerned, decide on its own motion to inquire into that matter and report its findings to the Authority.
- 4) Where in the course of its inquiry the PAOC receives any information or evidence relating to the conduct of the concerned which discloses an offence under any written law, the PAOC shall record that information in its report to the Authority.

ANNEX 2

If the Public Accountant Oversight Committee (PAOC) is of view that the complaint or information is valid but that no formal inquiry is necessary, recommend to the Authority to:

- i) Order that the public accountant (PA), accounting corporation, accounting firm or accounting Limited Liability Partnership (LLP) be issued with a letter of advice;
- ii) Order that the PA, accounting corporation, accounting firm or accounting LLP be warned; or
- iii) Make such other order as the PAOC considers appropriate.

ANNEX 3A

Report to the Authority if Disciplinary Committee (DC) is satisfied that a public accountant (PA) —

- a) Has been convicted in Brunei Darussalam or elsewhere of any offence involving fraud, dishonesty or more turpitude;
- b) Has been convicted in Brunei Darussalam or elsewhere of any offence implying a defect in character which makes him unfit for his profession;
- c) Has been guilty of such improper or dishonourable conduct in the discharge of his professional duty or such improper or dishonourable conduct which renders him unfit to be a PA or would bring the profession of public accountancy into dispute;
- d) Has carried on by himself or by any of his employees any trade, business or calling that detracts from the profession of public accountancy or is any way incompatible with it, or is employed in any such trade, business or calling;
- e) Has, while being a director of an accounting corporation or a partner of an accounting Limited Liability Partnership (LLP), failed to take reasonable steps to prevent the accounting corporation or accounting LLP from acting in a manner which would warrant the Authority imposing any order on the accounting corporation or accounting LLP under section 58 (2) of the Accountants Act, Chapter 268;
- f) Has rendered public accountancy services as, purporting to be a director of a company which was not an accounting corporation, or a partner of a LLP which was not an accounting LLP, when the services were rendered;
- g) Has, while being a director of an accounting corporation or partner of an accounting LLP, practised public accountancy at such a time when the accounting corporation or accounting LLP was not covered by any professional indemnity insurance to the extent required by section 33 of the Accountants Act, Chapter 268; or
- h) Has, while being director of an accounting corporation, failed to comply with section 34 (4) of the Accountants Act, Chapter 268;

And recommends to PAOC/Authority to take any of the following steps:

- i) by order, cancel the registration of PA;
- ii) by order, suspend the PA from practice for such period not exceeding 2 years as may be specified in the act;
- iii) by order, impose such conditions as are necessary to restrict the practice of the PA in such manner as the Authority thinks fit for a period not exceeding 2 years;
- iv) by order, impose on the PA a penalty not exceeding \$10,000;
- v) in writing censure the PA; or
- vi) by order, require the PA to give such undertaking as the Authority thinks fit.

ANNEX 3B

Report to the Authority if Disciplinary Committee (DC) is satisfied that:

- a) An accounting corporation or any of its directors, an accounting firm or any of the partners therein, or an accounting Limited Liability Partnership (LLP) or any of the partners therein, has falsified or caused to be falsified any document, or has made or caused to be made any statement which is material and which the accounting corporation, accounting firm, accounting LLP, or director or partner (as the case may be) knows is false or does not believe to be true in relation to any document;
- b) An accounting corporation, accounting firm or accounting LLP has done or omitted to do something which, if done or omitted to be done by a public accountant, would be regarded as being improper or dishonourable conduct that would bring the profession of public accountancy into disrepute;
- c) An accounting corporation, accounting firm or accounting LLP has carried on by itself or by its employees any trade, business or calling that detracts from the profession of public accountancy or is in any way incompatible with it, or is employed in any such trade, business or calling;
- d) An accounting corporation, accounting firm or accounting LLP has rendered any public accountancy services under a name other than the name approved under section 23 of the Accountants Act, Chapter 268;
- e) An accounting corporation or accounting LLP has provided public accountancy services without being covered by professional indemnity insurance to the extent required by section 33 of the Accountants Act, Chapter 268; or
- f) An accounting corporation has contravened or failed to comply with any of the requirements for accounting corporations in section 31, 32 or 34 of the Accountants Act, Chapter 268 or in any of the rules,

And recommends to the Authority to take any of the following steps:

- i) by order, revoke the approval granted to the accounting corporation, accounting firm or accounting LLP under Part V (accounting corporation, accounting firm or accounting LLP) of the Accountants Act, Chapter 268;
- ii) by order, suspend the accounting corporation, accounting firm or accounting LLP from providing public accountancy services for such period not exceeding 2 years as may be specified in the act;
- iii) by order, impose such conditions as are necessary to restrict the provision of public accountancy services by the accounting corporation, accounting firm or accounting LLP in such manner as the Authority thinks fit for a period not exceeding 2 years;
- iv) by order, impose on the accounting corporation, accounting firm or accounting LLP a penalty not exceeding \$100,000;
- v) in writing censure the accounting corporation, accounting firm or accounting LLP; or
- vi) by order, require the accounting corporation, accounting firm or accounting LLP to give such undertaking as the Authority thinks fit.