



PRESS RELEASE

DEPARTMENT OF ECONOMIC PLANNING AND DEVELOPMENT

MINISTRY OF FINANCE AND ECONOMY

**ASEAN Competition Interface Workshop on Construction Sector
Fostered Relationship between the Competition and Construction
Officials**

Date: 31 October 2018

1. Cooperation between construction and competition officials is crucial to identify and stamp out illegal [anti-competitive] conduct. Competition itself cannot be expected to thrive without the existence of a strong, efficient and capable competition regulator, working together with construction officials to detect and stop these undesirable practices. This was highlighted by Ms Leah Mottram, Acting High Commissioner of Australia to Brunei Darussalam in her closing remarks concluding a two-day ASEAN Competition Interface Workshop on Construction Sector.
2. Facilitated by competition experts from the Australian Competition and Consumer Commission (ACCC) and the University of Melbourne, the workshop offered enriching insights on the recent development of the construction sector in Southeast Asia and the key drivers of construction demand across Southeast Asia, and discussed why economies are more susceptible to anti-competitive practices during infrastructure growth period.
3. Over the two days workshop, participants from competition agencies and construction regulators from all 10 ASEAN countries learnt on the harmful effects of cartels and the conditions that may support cartelistic behavior and

the reason why construction sector is more prone to cartels. Bid rigging was specifically focused, highlighting the responsibilities of procurement officials to lookout for anti-collusion tender clauses and related practical issues to detect bid rigging.

4. Practical case studies were demonstrated by the experts and the ASEAN Member States and exchanged views on key challenges in addressing competition issues in construction sector. Other aspects highlighted were the role of advocacy tools and complementarity of competition and regulatory instruments.
5. The workshop also heard from official of the ASEAN Secretariat on the work of the ASEAN Experts Group on Competition to strengthen the regional cooperation on competition in ASEAN under the goal of ASEAN Competition Action Plan 2025.
6. The participants applauded that the workshop had offered avenue for networking and simultaneously foster regional cooperation by exploring complementarity of competition and regulatory instruments and how construction regulators and competition authorities can work together towards a level playing field within the sector.
7. The workshop, attended by more than 50 officials from competition authorities and construction sector regulators, was organized by the Department of Economic Planning and Development, Ministry of Finance and Economy, through the Department of Competition and Consumer Affairs in collaboration with the Australian Competition and Consumer Commission (ACCC) and ASEAN Secretariat, under the support of ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) through the Competition Law Implementation Program (CLIP).
8. The workshop was held at the Rizqun International Hotel, Gadong, Bandar Seri Begawan from 30 to 31 October 2018.



SIARAN MEDIA
JABATAN PERANCANGAN DAN KEMAJUAN EKONOMI
KEMENTERIAN KEWANGAN DAN EKONOMI

**Bengkel Hubungkait Persaingan ASEAN mengenai Sektor Pembinaan
Membentuk Hubungan Kerjasama di antara Pegawai Persaingan dan
Pembinaan**

Tarikh: 31 Oktober 2018

1. Kerjasama di antara pegawai-pegawai pembinaan dan persaingan adalah sangat penting bagi mengesan dan menghalang amalan [anti-persaingan] yang menyalahi undang-undang persaingan. Persaingan dengan sendirinya tidak boleh dijangka untuk berkembang tanpa kehadiran penguatkuasa persaingan yang cekap dan berkebolehan, dengan kerjasama pegawai selia pembinaan untuk mengesan dan mencegah amalan anti-persaingan yang tidak diingini. Ini ditekankan oleh Ms Leah Mottram, Pemangku Pesuruhjaya Tinggi Australia ke Brunei Darussalam dalam ucapan penutupnya, mengakhiri Bengkel dua hari ASEAN mengenai Hubungkait Persaingan dengan Sektor Pembinaan.
2. Dijalankan oleh pakar-pakar persaingan daripada *Australian Competition and Consumer Commission (ACCC)* dan Melbourne Universiti, bengkel memberikan pendedahan kepada perkembangan terkini di dalam sektor pembinaan di Asia Tenggara dan pemacu utama permintaan pembinaan di rantau ini. Juga dibincangkan adalah sebab kenapa bidang ekonomi ini mudah terdedah kepada amalan anti-persaingan semasa tempoh pertumbuhan infrastuktur.

3. Dalam tempoh dua hari bengkel, peserta-peserta daripada autoriti persaingan dan pengawal selia sektor dari kesepuluh negara-negara ASEAN belajar mengenai impak bahaya kartel dan keadaan-keadaan yang boleh mendorong kepada kelakuan kartel dan sebab mengapa sektor pembinaan lebih cenderung kepada kartel. Kartel tipuan bidaan menjadi fokus utama bengkel, menekankan mengenai tanggungjawab pegawai perolehan untuk memerhatikan fasal tender yang bersifat anti-persaingan serta isu-isu praktikal bagi mengesan tipuan bidaan.
4. Beberapa kajian kes juga dikongsikan oleh pakar-pakar persaingan dan ahli-ahli Negara ASEAN serta pertukaran pendapat mengenai cabaran-cabaran utama dalam menangani isu persaingan di sektor pembinaan. Antara aspek lain yang disentuh adalah mengenai peranan pemberigaan dan kesalinggenapan instrumen oleh penguatkuasa dan pengawal selia.
5. Bengkel turut mendengarkan perkongsian daripada wakil Sekretariat ASEAN mengenai kerja-kerja *ASEAN Experts Group on Competition* dalam mengukuhkan kerjasama serantau persaingan di ASEAN di bawah matlamat *ASEAN Competition Action Plan 2025*.
6. Semasa penutup, peserta memuji bengkel telah menawarkan peluang rangkaian bagi peserta-peserta dan pada masa yang sama memupuk kerjasama serantau dalam sama-sama meneroka kesalinggenapan persaingan dan instrumen pengawalseliaan. Bengkel turut meninjau bagaimana autoriti persaingan dan pengawalselia sektor dapat berkerjasama dalam memastikan tahap persaingan yang setara di dalam sektor permbinaan.
7. Bengkel, yang dihadiri oleh lebih daripada 50 pegawai-pegawai daripada penguatkuasa persaingan dan pengawal selia sektor pembinaan, telah dianjurkan oleh Jabatan Perancangan dan Kemajuan Ekonomi, Kementerian Kewangan dan Ekonomi, melalui Jabatan Persaingan dan Hal Ehwal Pengguna dengan kerjasama *Australian Competition and Consumer*

Commission (ACCC) dan Sekretariat ASEAN, di bawah sokongan ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) melalui Competition Law Implementation Program (CLIP).

8. Bengkel diadakan di Rizqun International Hotel, Gadong, Bandar Seri Begawan daripada 30 hingga 31 Oktober 2018.