

MALAYSIAN AVIATION COMMISSION ACT 2015

MALAYSIAN AVIATION COMMISSION (CODE OF CONDUCT)  
REGULATIONS 2018

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ARRANGEMENT OF REGULATIONS

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## MALAYSIAN AVIATION COMMISSION ACT 2015

## MALAYSIAN AVIATION COMMISSION (CODE OF CONDUCT) REGULATIONS 2018

IN exercise of the powers conferred by section 15 and paragraph 98(2)(d) of the Malaysian Aviation Commission Act 2015 [Act 771], the Commission makes the following regulations:

## PART I

## PRELIMINARY

**Citation**

1. These regulations may be cited as the **Malaysian Aviation Commission (Code of Conduct) Regulations 2018**.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“member” means—

- (a) a member of the Commission appointed under subsection 5(1) of the Act;
- (b) an alternate member of the Commission appointed under subsection 6(1) of the Act; and
- (c) a member of a committee established under subsection 12(1) or 71(1) of the Act;

“a member of his family”, in relation to a member, includes—

- (a) his spouse;
- (b) his parent including a parent of his spouse;
- (c) his child including an adopted child or stepchild;
- (d) his brother or sister including a brother or sister of his spouse; and
- (e) a spouse of his child, brother or sister;

“Committee” means the Audit and Risk Committee established under subsection 12(1) of the Act;

“associate”, in relation to a member, means—

- (a) a person who is a nominee or an employee of the member;

- (b) a firm of which the member or any nominee of his is a partner;
- (c) a partner of the member;
- (d) a trustee of a trust under which the member or a member of his family is a beneficiary; or
- (e) any corporation within the meaning of the Companies Act 2017 [Act 777], of which or in which the member or any nominee of his or a member of his family is a director or has a substantial shareholding;

“gratification” means—

- (a) money, donation, gift, loan, fee, reward, valuable security, property or interest in property, being property of any description whether movable or immovable, financial benefit, or any other similar advantage;
- (b) any office, dignity, employment, contract of employment or services, and agreement to give employment or render services in any capacity;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage;
- (e) any forbearance to demand any money or money’s worth or valuable thing;
- (f) any other service or favour of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty; and
- (g) any offer, undertaking or promise, whether conditional or unconditional, of any gratification within the meaning of any of the preceding paragraphs (a) to (f).

## PART II

### DUTY TO OBSERVE CODE OF CONDUCT

#### **Duty to observe code of conduct**

3. (1) A member shall observe the code of conduct as prescribed in these Regulations.

(2) Any alleged breach of the code of conduct as prescribed in these Regulations shall be referred to the Disciplinary Panel in accordance with section 16 of the Act.

## PART III

## CODE OF CONDUCT

**Upholding integrity and independence of the Commission**

4. (1) A member shall act with integrity and put public interest ahead of his personal interest in order to gain public trust and confidence in the Commission.

(2) A member shall exercise his functions under the Act independently and objectively, and free from any external influence.

(3) A member shall exercise any discretion conferred on him by the Act in a *bona fide* manner.

**Ensuring accountability and transparency of the Commission**

5. (1) A member shall act with accountability and shall withstand public scrutiny for any of his decisions in the course of performance of his functions under the Act.

(2) A member shall be transparent in making decisions, interacting with any of the Commission's stakeholders and in taking any other actions in the course of performance of his functions under the Act.

(3) In a situation where a member has doubt about the acceptability of a particular action in the course of performance of his functions under the Act, he shall, before taking the action—

(a) in the case of the Executive Chairman, immediately refer the matter to the chairman of the Committee; and

(b) in the case of other members, immediately refer the matter to the Executive Chairman.

**Avoiding conflict of interest**

6. (1) A member shall not advance his personal interest at the expense of the Commission.

(2) A member shall avoid any conflict of interest in the course of performance of his functions under the Act.

(3) A member shall refrain from being engaged in any financial or business dealing, either by himself or on behalf of a member of his family or his associate, which may interfere with the proper performance of his functions under the Act.

**Prohibition of soliciting and accepting gratification**

7. A member shall not by himself, or in conjunction with any other persons solicit or receive any gratification—

- (a) from any provider of aviation services, whether or not it is in the course of performance of his functions under the Act; and
- (b) from any other persons in the course of performance of his functions under the Act.

**Prohibition of providing gift**

8. (1) Subject to subregulation (2), a member shall not provide any gift—

- (a) to any provider of aviation services, whether or not it is in the course of performance of his functions under the Act; and
- (b) to any other persons in the course of performance of his functions under the Act.

(2) Notwithstanding subregulation (1), there shall be no breach of the code of conduct if the gift bears the official logo of the Commission and is provided for the following purposes:

- (a) as a souvenir or mark of courtesy to any person during any official visit of the Commission; and
- (b) as a token of appreciation to any person as part of or in conjunction with any official function, event or celebration of the Commission.

**Use of asset, facility, service, etc., of the Commission**

9. (1) No member shall use any asset, facility, service or other resources of the Commission except for the purposes of the performance of his functions under the Act and unless authorized by the Commission.

(2) A member shall use and manage any asset, facility, service or other resources of the Commission effectively, efficiently and economically so as to avoid any adverse effect to the reputation of the Commission.

(3) A member shall take the necessary steps to prevent any misuse of, loss or damage to any asset, facility, service or other resources of the Commission.

(4) A member shall not, without the prior written consent of the Commission—

- (a) use any asset, facility, service or other resources of the Commission for private purposes or personal benefit; or
- (b) lend, give away or otherwise dispose of such asset, facility, service or other resources of the Commission.

(5) A member shall return all assets, facilities and other resources of the Commission provided to him within two weeks upon cessation of his tenure of office, or at any other time as determined by the Commission.

### Use of information

10. A member shall not use any information obtained by him in the course of performance of his functions under the Act for his personal benefit, or for the benefit of a member of his family or his associate.

Made 7 May 2018

[MAVCOM/RDU/COC/2017; PN(PU2)735/II]

GENERAL TAN SRI DATO' SRI ABDULLAH BIN AHMAD (R)  
*Executive Chairman*  
*Malaysian Aviation Commission*

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

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DICETAK OLEH  
PERCETAKAN NASIONAL MALAYSIA BERHAD,  
KUALA LUMPUR  
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA  
WJW010917 08-05-2018